



THE CITY COMMISSION OF BOZEMAN, MONTANA

REGULAR MEETING AGENDA

Tuesday, July 8, 2025

How to Participate:

If you are interested in commenting in writing on items on the agenda please send an email to comments@bozeman.net or visit the [Public Comment Page](#) prior to 12:00 p.m. on the day of the meeting. At the direction of the City Commission, anonymous public comments are not distributed to the City Commission or staff.

Public comments will also be accepted in-person and through video conference during the appropriate agenda items but you may only comment once per item.

As always, the meeting will be recorded and streamed through the [Commission's video page](#) and available in the City on cable channel 190.

For more information please contact the City Clerks' Office at 406.582.2320.

A. Call to Order - 6:00 PM - Commission Room, City Hall, 121 North Rouse

This meeting will be held both in-person and also using an online video conferencing system. You can join this meeting:

[Via Video Conference:](#)

Click the Register link, enter the required information, and click submit.

Click Join Now to enter the meeting.

Via Phone: *This is for listening only if you cannot watch the stream, channel 190, or attend in-person*

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Access code: 933 7244 1920

B. Pledge of Allegiance and a Moment of Silence or Mindfulness

C. Changes to the Agenda

D. FYI

E. Commission Disclosures

F. Approval of Minutes

F.1 [Approval of Regular Meeting Minutes: 02-04-25 City Commission Meeting Minutes 06-03-25 City Commission Meeting Minutes 06-17-25 City Commission Meeting Minutes\(Maas\)](#)

Consider the Motion: *I move to approve the combined City Commission minutes as submitted.*

G. Consent

G.1 [Accounts Payable Claims Review and Approval](#) (Edwards)

G.2 [Authorize the City Manager to Sign a Fiscal Year 2026 Montana State University \(MSU\) Fire Service Agreement](#)(Waldo)

G.3 [Authorize the City Manager to sign Amendment 002 of a Professional Services Agreement with Steelcase for Bozeman City Hall Phase 2 Furniture and Moving Services](#)(Miller)

G.4 [A Resolution for Creation of a Special Improvement Lighting District 792 Bozeman West Apartments](#)(Hodnett)

G.5 [A Resolution for Certification of Delinquent City Assessments to the County](#) (Hodnett)

H. Public Comment on Non-agenda Items Falling Within the Purview and Jurisdiction of the Commission

This is the time to comment on any matter falling within the scope of the Bozeman City Commission. There will also be time in conjunction with each agenda item for public comment relating to that item but you may only speak once per topic. Please note, the City Commission cannot take action on any item which does not appear on the agenda. All persons addressing the City Commission shall speak in a civil and courteous manner and members of the audience shall be respectful of others. Please state your name, and state whether you are a resident of the city or a property owner within the city in an audible tone of voice for the record and limit your comments to three minutes.

Written comments can be located in the [Public Comment Repository](#).

I. Action Items

I.1 [Annexation and Zone Map Amendment Requesting Annexation and the Establishment of an Initial Zoning Designation of R-3 and R-5 on 163.98 Acres, the 5211 Baxter Lane Annexation, Application 24570](#)(Rogers)

Recommended City Commission Annexation Motion:

Having reviewed and considered the staff report, application materials, public comment, and all information presented, I hereby adopt the findings presented in the staff report for application 24570 and move to approve the 5211 Baxter Lane Annexation subject to the terms of annexation and direct staff to prepare an annexation agreement.

Recommended City Commission Zoning Motion:

Having reviewed and considered the staff report, application materials, public comment, recommendation of the Zoning Commission, and all information presented, I hereby adopt the findings presented in the staff report for application 24570 and move to approve the 5211 Baxter Lane Zone Map Amendment with contingencies of approval necessary to complete adoption of an implementing ordinance.

J. Work Session

J.1 [69th Montana Legislative Session Recap](#)(DiTommaso)

K. FYI / Discussion

L. Adjournment

City Commission meetings are open to all members of the public. If you have a disability that requires assistance, please contact our ADA Coordinator, David Arnado, at 406.582.3232.

Commission meetings are televised live on cable channel 190 and streamed live on our [Meeting Videos Page](#).

Memorandum

REPORT TO: City Commission

FROM: Alex Newby, Deputy City Clerk
Mike Maas, City Clerk
Jon Henderson, Assistant City Manager

SUBJECT: Approval of Regular Meeting Minutes:
02-04-25 City Commission Meeting Minutes
06-03-25 City Commission Meeting Minutes
06-17-25 City Commission Meeting Minutes

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Minutes

RECOMMENDATION: **Consider the Motion:** *I move to approve the combined City Commission minutes as submitted.*

STRATEGIC PLAN: 1.1 Outreach: Continue to strengthen and innovate in how we deliver information to the community and our partners.

BACKGROUND: In 2013, The Clerks' Office identified goals related to the Commission's priority of Improving Technology Utilization and Proficiency.

Improvements included:

- Live streaming broadcast of the City Commission Meeting
- Meeting efficiency
- Better access of meeting information for staff and the public
- Time savings
- Streamlined approach to citizen involvement and public comment

In addition to the City Commission, many City Boards utilize the system as well.

Beginning January 5, 2021 meetings in the Granicus platform have been closed captioned. Those captions are searchable using the advanced search option on our video view page.

Users are always welcome to contact the City Clerks' Office at 406.582.2320 or email BozemanClerksDepartment@bozeman.net for assistance.

UNRESOLVED ISSUES: None.

ALTERNATIVES: As determined by the Commission.

FISCAL EFFECTS: None.

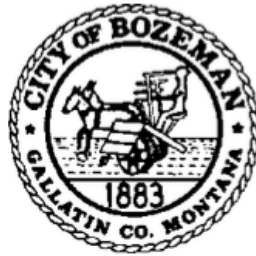
Attachments:

[02-04-25 City Commission Meeting Minutes.pdf](#)

[06-03-25 City Commission Meeting Minutes.pdf](#)

[06-17-25 City Commission Meeting Minutes.pdf](#)

Report compiled on: May 28, 2025



THE CITY COMMISSION MEETING OF BOZEMAN, MONTANA

MINUTES

February 4, 2025

Present: Terry Cunningham, Joey Morrison, Jennifer Madgic, Douglas Fischer, Emma Bode

Absent: None

Excused: None

Staff at the Dias: City Manager (CM) Chuck Winn, City Attorney (CA) Greg Sullivan, Deputy City Clerk (DCC) Alex Newby

A) 00:02:24 Call to Order - 6:00 PM - Commission Room, City Hall, 121 North Rouse

B) 00:04:23 Pledge of Allegiance and a Moment of Silence or Mindfulness

C) 00:05:08 Changes to the Agenda

D) 00:05:42 FYI

- Commissioner Bode shared that there were many people who attended the first Coffee with a Commissioner with Commissioner Bode and DM Morrison.
- CM Winn announced that today was the first day of the Odd-Even Snow removal Pilot Program.
- CM Winn announced that all City Ice Rinks are now open.

E) 00:09:36 Commission Disclosures

There were no disclosures.

F) 00:09:49 Consent

- F.1 Accounts Payable Claims Review and Approval
- F.2 Approve City of Bozeman Study Commission Budget
[Study Commission Approved Budget.xlsx](#)
- F.3 Acknowledge Receipt of Petition to Rename Elaine Road to Naughty Trout Lane and Direct Staff to Review the Petition
[Application for Street Name Change.pdf](#)
[Exhibit of Elaine Lane.pdf](#)

- F.4 Authorize the Mayor to Sign the MT Historic Preservation Certified Local Government (CLG) Grant Application.
[CLG 2025 grant application .pdf](#)
- F.5 Authorize the City Manager to sign a Percent for Art Agreement with The Designosaur for Swim Center Interior Mural
[Percent for Art Agreement - Designosaur Inc.pdf](#)
- F.6 Authorize the City Manager to sign a Percent for Art Agreement with Drift Murals for Swim Center Exterior Mural
[Percent for Art Agreement - Drift Murals Co.pdf](#)
- F.7 Authorize City Manager to Sign an Agreement for Purchase of Furniture and Related Services for the City Hall Renovation Project under Cooperative Purchasing Agreements
[City Hall Renovation Furniture and Services Purchase Agreement.pdf](#)
- F.8 Authorize the City Manager to Sign the 2024 Stormwater Annual Report Form
[2024 Stormwater Annual Report and Attachments.pdf](#)
- F.9 Authorize the City Manager to Sign a Section 5303 Planning Contract with the Montana Department of Transportation for the Purpose of Administering Subrecipient Funding for the City-Hosted Metropolitan Planning Organization
[GVMPO_FFY2025_5303_Planning_Contract.pdf](#)
- F.10 Authorize the City Manager to Sign a Memorandum of Agreement with the Montana Department of Transportation for the Riverside Sewer Force Main Project
[CityMaintenance MOA-watermain-Bozeman-Springhill-Sewermain-final.pdf](#)
- F.11 Authorize the City Manager to Sign a Utility Easement and License Agreement with Northwestern Energy for Christie Fields and Langhor Park
[Christie-Langhor_NWE-License-Agreement_with-Exhibit.pdf](#)
[OH-UG-Electric-Easement_Christie.pdf](#)
[OH-Electric-Easement-Langhor.pdf](#)
[safe_print_Waiver Valuation_Langohr Gardens_rev.pdf](#)
[safe_print_Waiver Valuation_Christie Fields.pdf](#)
- F.12 Authorize the City Manager to Sign Task Order 2023TETC-006 with Sanbell to Provide Design Services for the Oak Street and Ferguson Avenue Intersection Project
[Task Order TETC23-006_Oak and Ferguson Intersection Design.docx](#)
[Scope of Work_Task Order TETC23-006_Oak and Ferguson Design.pdf](#)
- F.13 Authorize the City Manager to Sign a Professional Services Agreement with TD and H Engineering for the College St 8th to 11th Project
[Professional Services Agreement_College St 8th to 11th_for signature.docx](#)
[Exhibit A_Scope & Fee Proposal_College St 8th to 11th.pdf](#)
- F.14 Authorize the City Manager to Sign a Professional Services Agreement with Morrison Maierle, Inc. for the Municipal Groundwater Supply Project.
[Final PSA Combined - Morrison Maierle - corrected.pdf](#)
- F.15 Authorize City Manager to Sign Amendment 2 to the Professional Services Agreement with DOWL, LLC for Bidding and Construction Phases of the Riverside Lift Station and Force Main Project
[Professional Services Agreement with DOWL.pdf](#)
[Professional Services Agreement Amendment 2 - Riverside.pdf](#)
- F.16 Authorize the City Manager to Sign Amendment 3 to Task Order 2023TETC-003 with Sanbell to Provide Bidding Assistance and Construction Administration Services for the South Willson Avenue and Garfield Street Rectangular Rapid Flashing Beacon

- [Amendment_3_to_Task_Order_TETC23-003_On_Call_Electrical_Services_for_signature.pdf](#)
- F.17 Authorize the City Manager to Sign Amendment 6 to the Professional Services Agreement for the Field Survey Term Contract with Sanbell, to Facilitate Design of Upcoming Capital Improvements Projects
[Professional Services Agreement Amendment 6 with Sanbell for Survey.pdf](#)
- 00:10:05 CM Winn introduced the Consent Agenda highlights
- 00:11:40 Public Comment on Consent
- 00:11:52 Allison Sweeney spoke in behalf of the Jandt neighborhood and communicated that her committee is excited to participate in
- 00:12:54 Daniel Carty commented in favor of forming a water supply advisory board.
- G) 00:15:38 Public Comment on Non-agenda Items Falling Within the Purview and Jurisdiction of the Commission
- 00:16:03 Allison Sweeney commented on the Snow Removal Pilot Program.
- H) 00:17:51 Action Items
- H.1 Unified Development Code (UDC) Update Supplemental Engagement Phase 1 Report
- 00:17:54 CM Winn introduced Action Item H. 1
- 00:19:14 Staff Presentation
- Community Development Director (CDD) Erin George presented What is the UDC? Why Update it? Project Timeline, 2022-2023 UDC Engagement, Phase 1 Engagement, Winter '24, Online Survey Demographics, Online Survey Results, Online Webinar, Open Houses, Meetings with Interested Groups, Key Topic Areas, Work Priorities, Housing Alternatives (SB382), Proposed Workshop Topics, Ongoing City Projects, Supplemental Engagement Plan Phase 2, Draft Review and Next Steps, Advisory Boards, UDC Workshop Dates and Locations, Questions for Commission.
- 00:40:56 Questions of Staff
- 01:24:49 Public Comment
- 01:25:05 Alison Sweeney commented on zoning and affordability.
- 01:28:33 Anja Lincke spoke on behalf of Forward Montana commented on the Community Development Board, Monday February 3rd Meeting.
- 01:31:47 Kathryn Berry spoke on behalf of Gallatin Watershed Council spoke in favor of focusing on water resources in the UDC.
- 01:33:38 Daniel Carty commented on several topics in relation to the UDC Engagement Plan.

01:37:03 Natsuki Nakamura commented on several topics related to UDC Engagement.

01:39:53 Discussion

02:41:19 Mayor Cunningham called the meeting into recess.

02:46:26 Mayor Cunningham called the meeting back into order.

H.2 02:46:30 Ordinance 2025-02 Amending Ethics Opinions and Complaint Procedures

Ex. A. Ethics Code Revisions Ord.pdf

Ex. B Board of Ethics Complaint Process flowchart.pdf

02:46:37 CM Winn introduced Action Item H. 2

02:46:52 Staff Presentation

Assistant City Attorney Jenn Giuttari presented Background and Overview of the Code of Ethics, Sec. 2.03.580 Board of Ethics, Sec, 2.03.600 Duties and Powers of the Board, Sec 2.03.620 Limitation on the Boards Power, 2.03 .630 City Attorney Opinions, 2.03.640 Procedures for Hearing Complaints, 2.03.670 Confidentiality of Board Information.

02:58:46 Questions of Staff

03:09:15 Public Comment

There was no public comment.

03:09:37 Motion to approve: *Having reviewed and considered the draft Ordinance Amending Bozeman Code of Ethics Section 2.03.580, 2.03.600 through 2.03.640, and 2.03.070, I hereby move and recommend that the City Commission approve the ordinance.*

Douglas Fischer: Motion

Emma Bode: 2nd

03:10:00 Discussion

03:11:57 Vote on the Motion to approve: *Having reviewed and considered the draft Ordinance Amending Bozeman Code of Ethics Section 2.03.580, 2.03.600 through 2.03.640, and 2.03.070, I hereby move and recommend that the City Commission approve the ordinance. **The Motion carried 5 - 0.***

Approve:

Terry Cunningham

Joey Morrison

Jennifer Madgic

Douglas Fischer

Emma Bode

Disapprove:

None

I) 03:12:10 FYI / Discussion

- Commissioner Bode asked about Water Management and what board that responsibility falls under.

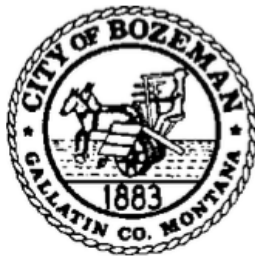
J) 03:19:24 Adjournment

Terry Cunningham
Mayor
ATTEST:

Mike Maas
City Clerk
PREPARED BY:

Alex Newby
Deputy City Clerk

Approved on: July 8, 2025



THE CITY COMMISSION MEETING OF BOZEMAN, MONTANA

MINUTES

June 3, 2025

Present: Joey Morrison, Jennifer Madgic, Douglas Fischer, Emma Bode

Absent: None

Excused: Terry Cunningham

Staff at the Dias: City Manager (CM) Chuck Winn, City Attorney (CA) Sullivan, Community Development Director (CDD) Erin George, Community Development Manager (CDM) Chris Saunders, Deputy City Clerk (DCC) Alex Newby

- A) 00:02:50 Call to Order - 6:00 PM - Commission Room, City Hall, 121 North Rouse
- B) 00:04:06 Pledge of Allegiance and a Moment of Silence or Mindfulness
- C) 00:04:55 Changes to the Agenda
- D) 00:05:05 Authorize Absence
 - D.1 Authorize the Absence of Mayor Terry Cunningham

00:05:12 Motion to authorize: *I move to authorize the absence of Mayor Cunningham.*

Jennifer Madgic: Motion

Douglas Fischer: 2nd

00:05:23 Vote on the Motion to authorize: *I move to authorize the absence of Mayor Cunningham. The Motion carried 4 - 0.*

Approve:

Joey Morrison

Jennifer Madgic

Douglas Fischer

Emma Bode

Disapprove:
None

E) 00:05:40 FYI

- Commissioner Madgic announced the Bozeman Library Summer guide is out and ready for consumption.
- CM Winn announced we two months into our year-round composting service. We are anticipating diverting over 2000 metric tons of waste from the landfill and so far the program has 1000 customers.
- CM Winn shared that Library Summer Learning programs attendance was down 40 percent last summer. That was because a lack of free lunch. This year through generous community support we have fully funded the summer lunch program!

F) 00:08:28 Commission Disclosures

There were no disclosures.

G) 00:08:37 Consent

- G.1 Accounts Payable Claims Review and Approval
- G.2 Authorize the City Manager to Sign a Gallatin County Open Lands Grant on Behalf of the Downtown Bozeman Partnership
[Grant Award Agreement_Downtown Boz Part_2025.docx](#)
- G.3 Authorize the City Manager to Sign a Professional Service Agreement with LONG Building Technologies to convert the existing Video Management software VRX to Milestone XProtect for the Public Safety Center
[PSA Long Building Technologies VRX to Milestone Conversion.pdf](#)
[Exhibit A LONG Building Technologies VRX to Milestone XProtect.pdf](#)
- G.4 Authorize the City Manager to Sign a Professional Service Agreement with LONG Building Technologies to upgrade and consolidate our existing Security Access Control Systems to the Lenel OnGuard platform
[PSA General LONG Alarm Lock integration into Lenel OnGuard.pdf](#)
[Exhibit A LONG Building Technologies Alarm Lock into Lenel OnGuard.pdf](#)
- G.5 Authorize the City Manager to Sign a Professional Services Agreement with LONG Building Technologies to upgrade and consolidate our existing Security Access Control Systems to the Lenel OnGuard platform for the Bozeman Public Safety Center.
[PSA General LONG Access Control System to Lenel OnGuard.pdf](#)
[Exhibit A LONG Building Technologies.pdf](#)
- G.6 Authorize the City Manager to Sign a Professional Services Agreement with LONG Building Technologies for Sally Port and Entry Gate RFID (Radio Frequency Identification) Readers for the Bozeman Public Safety Center
[PSA Long Building Technologies RFID Readers.pdf](#)
- G.7 Authorize the City Manager to Sign a Professional Service Agreement with Jackson Contracting Group for Bogert Pool Renovation Preconstruction Services.

- [Bogert Pool Renovation Project Jackson Contracting Group.pdf](#)
- G.8 Authorize the City Manager to sign the Software as a Service Agreement with Pani Energy for Wastewater Operational AI Coaching software services.
[Final City SaaS Agreement_Pani.docx](#)
- G.9 Authorize the City Manager to Sign a Professional Services Agreement with the Downtown Bozeman Partnership for the Administration of the Downtown Urban Renewal District for Fiscal Year 2026
[DBP-COB PSA for Management of URD District--FY2026.pdf](#)
- G.10 Authorize the City Manager to Sign a Professional Services Agreement with the Downtown Bozeman Partnership for the Administration of the Downtown Business Improvement District for Fiscal Year 2026
[DBP-COB PSA for Management of BID District--FY2026.docx](#)
- G.11 Authorize the City Manager to Sign a Professional Services Agreement and Statement of Work with AVI Systems, Inc. for Audio Visual Annual Support.
[AVI RSA 1352743 - City of Bozeman - Pro Support Contract - 5-1-2025.pdf](#)
[PSA with AVI for support contract.docx](#)
- G.12 Authorize the City Manager to sign a Professional Services Master Task Order Agreement with HDR for on-call engineering services for the City of Bozeman Water Treatment Division
[WTD_2025 OnCall_Master Professional Services Agmt_HDR.pdf](#)
- G.13 Authorize the City Manager to sign a Professional Services Master Task Order Agreement with HDR for on-call engineering services for the City of Bozeman Water Reclamation Facility
[2025_WRF Oncall_Master Professional Services Agmt_HDR.pdf](#)
- G.14 Authorize the City Manager to Sign Amendment 001 to Professional Services Master Task Order Agreement with TD&H for Engineering Services
[TD&H Engineering PSA Amendment 001 2025.05.14.pdf](#)
- G.15 Authorize the City Manager to Sign Amendment 001 to Professional Services Master Task Order Agreement with inContour for Landscaping Services
[inContour PSA Amendment 001.pdf](#)
- G.16 Authorize City Manager to Sign Amendment One to Stahly Professional Services Agreement for Bozeman Sports Park Phase 2
[PSA-Bozeman-Sports-Park-Ph-2_First-Amendment.docx](#)
[Exhibit-A_SEA_Field-7-Coordination-Proposal.pdf](#)
- G.17 Ratify the City Manager's signature on Amendment 001 of a Professional Services Agreement with Steelcase for Bozeman City Hall Phase 2 Furniture and Moving Services.
[PSA Amendment 001 City Hall Renovation \(Steelcase aka KR Office Interiors - Phase II\).pdf](#)
- G.18 A Resolution, Authorizing the City Manager to Sign Change Order 6 with Constructive Solutions, Inc. for the Downtown Alley Enhancement Pilot Project
[Alley Change Orders 6 Combined For City.pdf](#)
[_First_Am_Dwtwn_Alley_Enhance_Agmt_final-COMBINED_PDF.pdf](#)
[23564-CO-4 Combined.pdf](#)
[Resolution_XXX_May_2025_Change_Order_6-2.pdf](#)
- G.19 A Resolution Prescribing the Form and Terms of the Lease(s) and Installment Purchase Agreement and Property Schedules
[Master Lease Purchase Agreement and Schedule.v2.pdf](#)
[City of Bozeman - Sample Rate Lock Letter - 5.23.25.pdf](#)
[Resolution Approving Lease Purchase Financing.pdf](#)

CM Winn presented the Consent Highlights

00:09:47 Public Comment

There was no public comment.

00:10:17 Motion to approve: *I move items G.1 through G.19 as submitted.*

Douglas Fischer: Motion

Emma Bode: 2nd

00:10:27 Vote on the Motion to approve: *I move items G.1 through G.19 as submitted. The Motion carried 4 - 0.*

Approve:

Joey Morrison

Jennifer Madgic

Douglas Fischer

Emma Bode

Disapprove:

None

H) 00:12:05 Public Comment on Non-agenda Items Falling Within the Purview and Jurisdiction of the Commission

00:12:16 John Meyer commented on the parking lot/road near the Bridger View Subdivision, and supports the Commission being paid for fulltime work.

00:15:46 Barbara Conklin commented in opposition to the parking lot being built in the Story Mill Park.

00:20:01 Jacob Burgo commented in favor of a Tenant's Right to Counsel.

00:22:11 Mark Guyer commented in favor of Tenant's Right to Counsel.

00:23:35 Fran Hanson spoke in favor of a Tenant's Right to Counsel.

00:25:42 Alison Sweeney commented in opposition to the Growth Policy not being updated this year.

00:28:24 Anthony Smith commented in opposition to police violence in Bozeman.

00:32:15 Marcia Kaveney commented on multiple topics.

00:35:21 CM Winn addressed the Story Mill parking lot issue.

I) 00:38:36 Work Session

- I.1 Unified Development Code (UDC) Update Supplemental Engagement Phase 2 Report and Next Steps (Work Session) Continued from May 20, 2025
[UDC Supplemental Engagement CC Memo 6-3-2025.pdf](#)
00:38:59 CM Winn presented the Work Session
- 00:41:53 Discussion of Potential Topics for the June 24th Work Session on the Unified Development Code Update.
- 02:08:36 DM Morrison called the meeting into recess
- 02:17:29 DM Morrison called the meeting back into session.

- J) 03:33:20 FYI / Discussion
03:33:56 Commissioner Fischer asked the Commission to reconsider the Boutique hotel application.

Commissioner Madgic response.

Commissioner Bode response.

Staff Response: CM Winn summation.

CM Winn recognized Commissioner Madgic, Ellie Staley, Jon Henderson, Nick Ross, Shawn Kohtz and Addi Jadin for their work to make I-Ho Peace Park a reality.

- K) 03:38:28 Adjournment

Terry Cunningham
Mayor

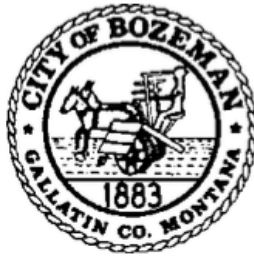
ATTEST:

Mike Maas
City Clerk

PREPARED BY:

Alex Newby
Deputy City Clerk

Approved on: July 8, 2025



THE CITY COMMISSION MEETING OF BOZEMAN, MONTANA

MINUTES

June 17, 2025

Present: Terry Cunningham, Joey Morrison, Jennifer Madgic, Douglas Fischer, Emma Bode

Absent: None

Excused: None

Staff at the Dias: City Manager (CM) Winn, City Attorney (CA) Greg Sullivan, Deputy City Clerk (DCC) Alex Newby

- A) 00:03:16 Call to Order - 6:00 PM - Commission Room, City Hall, 121 North Rouse
- B) 00:05:10 Pledge of Allegiance and a Moment of Silence or Mindfulness
- C) 00:06:01 Changes to the Agenda
- D) 00:06:10 FYI
 - Mayor Cunningham shared thoughts on political violence and civil discourse.
 - DM Morrison shared thoughts on political violence and civil discourse.
 - Commissioner Bode noted that the Pride Progress Flag at City Hall was taken down 25 days ago. The City Attorney has provided four options for the Commission to consider.
 - Commissioner Fischer shared thoughts on political violence and civil discourse.
 - CM Winn announced the June Coffee with a Commissioner in collaboration with the Gallatin Valley Interfaith Association will be Friday June 27th from 9-11 at the Hope Lutheran Church.
 - CM Winn announced the recovery of a large amount of stolen property. If you are missing property, call: 406-582-2000

- CM Winn mentioned that there was a major event downtown this weekend, over 3000 people attended, it was a very peaceful protest.

E) 00:24:25 Commission Disclosures

There were no disclosures.

F) 00:24:43 Consent

- F.1 Accounts Payable Claims Review and Approval
 - F.2 Authorize the City Manager to Sign a Task Order with Tetra Tech for Fiscal Year 2026 Operations, Maintenance, and Monitoring at the Story Mill Landfill
[BLF 2025-2026 Bzn Landfill OM Task Order 03272025](#)
 - F.3 Authorize the City Manager to Sign Task Order 1 of the Professional Services Master Task Order Agreement with the Firm of HDR Engineering, Inc. Providing for East Gallatin River Water Quality Sampling and Analysis
[TO 1 - 2025 East Gallatin River Monitoring.pdf](#)
 - F.4 Authorize the City Manager to approve a Second Amendment to the Construction Agreement with Constructive Solutions Incorporated for the Downtown Alley Enhancement Project
[PSA 2nd Amendment-CSI_Alley.pdf](#)
 - F.5 Resolution Confirming the Issuance of Warrants in Connection with Special Improvement District 778 for Local Improvements to Bogert Place
[Resolution_SID778_Warrant Authorization.pdf](#)
 - F.6 Resolution Levying a Special Assessment for Special Improvement District (SID) 778
[Final Exhibit A.pdf](#)
[RES_SID_778_Levy_of_Special_Assessment.docx](#)
- 00:25:00 Public Comment on Consent

00:25:06 Mark Campanelli commented on Bogert Creek sidewalk snow removal.

00:28:44 Motion to approve: *I move to approve Consent Items F.1 through F.6 as submitted.*

Joey Morrison: Motion

Jennifer Madgic: 2nd

00:28:51 Vote on the Motion: *I move to approve Consent Items F.1 through F.6 as submitted. **The Motion carried 5 - 0.***

Approve:

Terry Cunningham

Joey Morrison

Jennifer Madgic

Douglas Fischer

Emma Bode

Disapprove:
None

G) 00:29:05 Public Comment on Non-agenda Items Falling Within the Purview and Jurisdiction of the Commission

00:30:32 Chad Crowe spoke in favor of adopting the Pride flag as an official symbol of Bozeman.

00:33:37 Jason Baide commented in support of making the Pride flag an official flag of Bozeman.

00:35:50 Jeffery Schulte commented in favor of making the Pride flag an official flag of Bozeman.

00:37:22 Monica Marks urged the Commission to adopt the Pride flag as an official flag.

00:37:52 Stephanie Fouts urged the Commission to adopt the Pride Progress flag as an official flag of Bozeman.

00:38:34 Maris Fessenden urged the Commission to adopt the Pride flag as an official flag of Bozeman.

00:41:48 Matt Plelow commented in support of the city making the Pride flag an official flag of Bozeman.

00:43:05 Katherine Camalo commented in support of making the Pride flag an official flag of Bozeman.

00:43:43 Lauren Corty commented in support of making the Pride flag an official flag of Bozeman.

H) 00:44:33 Action Items

H.1 Provisional Adoption of a Zone Map Amendment Requesting Modifying the Zoning Map from PLI to R-3 on 1.37 Acres Plus the Adjacent Right of Way, the Vaquero Land Swap Zone Map Amendment, Application 25035

[25035 Vaquero Land Swap ZMA CC SR final.pdf](#)

[25035 Vaquero Land Swap Ord.pdf](#)

00:44:36 CM Winn introduced Action Item H.1

00:45:34 Staff Presentation

City Planner (CP) Tom Rogers presented the Vaquero Land Swap Zone Map Amendment, App. 25035, Maps of Area, Parcel History, Reasons for Vaquero Land Swap, Sec. 76-2-304, MCA Zoning Criteria of Evaluation, Recommendation.

01:05:33 County Commissioner Scott Macfarlane presented context for the Vaquero Land Swap.

01:10:15 Questions of Staff and County Commissioner

01:33:27 Applicant Presentation

Bret Megaard of Hyalite Architects Presented Further Context, Minor Subdivision 400 A, Park View Crossing Plat, Combined Plat/Zoning.

01:41:19 Public Comment

01:41:31 Katherine Camolo commented opposition to rezoning 1.4 acres in the Vaquero Land Swap.

01:44:42 Leslie Johnson commented in opposition to rezoning 1.4 acres of the Vaquero Land Swap.

01:47:56 Chris Long commented in opposition to rezoning 1.4 acres

01:49:33 Emily Krieger commented with questions about the Vaquero Land Swap.

01:52:30 Kim Coen commented in opposition to a zoning change in the Vaquero Land Swap.

01:53:37 Stephan Idlman commented in opposition to a zoning change in the Vaquero Land Swap.

01:54:10 Lisa commented in opposition to a zoning change in the Vaquero Land Swap.

01:57:56 Katie Harwell commented in opposition to the zoning change in the Vaquero Land Swap.

01:59:36 Christine Long commented in opposition to rezoning in the Vaquero Land Swap.

02:01:56 Luke spoke in opposition to a rezoning change in the Vaquero Land Swap.

02:04:27 Edon Strasburger commented in opposition to rezoning in the Vaquero Land Swap.

02:06:10 Sabrina Bajakian commented in opposition to rezoning in the Vaquero Land Swap.

02:07:19 Jonathon Barge spoke in opposition to rezoning in the Vaquero Land Swap.

02:10:00 Valen Young spoke in opposition to rezoning in the Vaquero Land Swap

02:10:50 Angelo Smarakir commented about trust in government.

02:11:50 Carol Smith spoke in opposition to rezoning in the Vaquero Land Swap.

02:14:39 Staff and Applicant Clarification

02:25:24 Motion to adopt: *Having reviewed and considered the staff report, application materials, public comment, recommendation of the Zoning Commission, and all information presented, I hereby*

adopt the findings presented in the staff report for application 25035 and move to provisionally adopt the Vaquero Land Swap Zone Map Amendment Ordinance.

Jennifer Madgic: Motion
Emma Bode: 2nd

02:26:11 Discussion

02:58:02 Vote on the Motion to adopt: *Having reviewed and considered the staff report, application materials, public comment, recommendation of the Zoning Commission, and all information presented, I hereby adopt the findings presented in the staff report for application 25035 and move to provisionally adopt the Vaquero Land Swap Zone Map Amendment Ordinance. **The Motion carried 5 - 0.***

Approve:
Terry Cunningham
Joey Morrison
Jennifer Madgic
Douglas Fischer
Emma Bode

Disapprove:
None

02:58:15 Mayor Cunningham called the meeting into recess.

03:04:54 Mayor Cunningham called the meeting back into session.

H.2 A Resolution Discontinuing, Abandoning, and Vacating the North-South Alley, Parallel to Ida Avenue, Connecting East Cottonwood Street and East Peach Street, in the Northeast of the City of Bozeman, Gallatin County, Montana

[Exhibit A_N-S Alley_Cottonwood to Peach NE Bozeman_Alley Exhibit.pdf](#)
[N-S Alley_Cottonwood to Peach NE Bozeman_vacation_Staff Report_Final w Attachments.pdf](#)

03:04:59 [Resolution_2025-XX_-_Vacation_N-S_Alley_Cottonwood_to_Peach_NE_Bozeman.docx](#)
CM Winn

03:05:29 Staff Presentation

Transportation Engineer (TE) Taylor Lonsdale Presented the Procedure for Abandonment, Petition for Abandonment, Engineering Staff Report Evaluation, Engineering Staff Report Recommendations, Recording of Abandonment, Staff Recommendations.

03:13:25 Questions of Staff

03:19:42 Public Comment
There was no Public Comment.

03:19:58 Motion to adopt: *After incorporating the information in the staff report, oral findings made by the Commission during the public hearing, information contained in the proposed Resolution, and after considering all protests and public comment, I hereby move to adopt the Resolution, Vacating and Abandoning the alley right of way, subject to satisfaction of all terms including those listed in Section 3 of the Resolution stating that the abandonment will not be recorded until a 20' wide continuous east west alley has been recorded.*

Emma Bode: Motion

Douglas Fischer: 2nd

03:20:37 Discussion

03:23:19 Vote on the Motion to adopt: *After incorporating the information in the staff report, oral findings made by the Commission during the public hearing, information contained in the proposed Resolution, and after considering all protests and public comment, I hereby move to adopt the Resolution, Vacating and Abandoning the alley right of way, subject to satisfaction of all terms including those listed in Section 3 of the Resolution stating that the abandonment will not be recorded until a 20' wide continuous east west alley has been recorded. The Motion carried 5 - 0.*

Approve:

Terry Cunningham

Joey Morrison

Jennifer Madgic

Douglas Fischer

Emma Bode

Disapprove:

None

H.3 03:23:35 A Resolution Changing the Name of Elaine Lane to Fly Fisher Run
Exhibit A_Proposed Elaine Lane to Fly Fisher Run.pdf
Final Staff Report - Elaine Lane to Fly Fisher Run Street Name Change.pdf
Exhibit B_COS 3030.pdf
Exhibit C_Minor Subdivision 394.pdf
Petition_Change the Name of Elaine Lane to Fly Fisher Run.pdf
Resolution_2025-XX_Elaine_Lane_to_Fly_Fisher_Run.docx
03:23:38 CM Winn presented Action Item H.3

03:23:55 Staff Presentation

TE Taylor Lonsdale Presented the Public Hearing to Change the Name of Elaine Lane to Fly Fisher Run, Commission Actions, Petition for Name Change, Engineering Staff Report Evaluation, Engineering Staff Report Recommendations, Staff Recommended Motion.

03:29:07 Questions of Staff

03:29:54 Public Comment

There was no public comment.

03:30:12 Motion to approve: *After incorporating the information in the staff report, oral findings made by the Commission during the public hearing, information contained in the proposed resolution, and after considering all protests and public comment, I hereby move to adopt the Resolution to change the name of Elaine Lane to Fly Fisher Run.*

Douglas Fischer: Motion

Joey Morrison: 2nd

03:30:45 Discussion

03:32:29 Vote on the Motion: *After incorporating the information in the staff report, oral findings made by the Commission during the public hearing, information contained in the proposed resolution, and after considering all protests and public comment, I hereby move to adopt the Resolution to change the name of Elaine Lane to Fly Fisher Run. The Motion carried 5 - 0.*

Approve:

Terry Cunningham

Joey Morrison

Jennifer Madgic

Douglas Fischer

Emma Bode

Disapprove:

None

I) 03:32:42 FYI / Discussion

- Mayor Cunningham asked about making the evening of July 25 a work session for the UDC.

J) 03:34:44 Adjournment

Terry Cunningham
Mayor

ATTEST:

Mike Maas
City Clerk

PREPARED BY:

Alex Newby
Deputy City Clerk

Approved on: July 8, 2025

Memorandum

REPORT TO: City Commission

FROM: Nicole Armstrong, Accounts Payable Clerk
Rhonda Edwards, Accounts Payable Clerk
Aaron Funk, City Controller
Melissa Hodnett, Finance Director

SUBJECT: Accounts Payable Claims Review and Approval

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Finance

RECOMMENDATION: The City Commission is recommended to make a motion and approve payment of claims as presented.

STRATEGIC PLAN: 7.5. Funding and Delivery of City Services: Use equitable and sustainable sources of funding for appropriate City services, and deliver them in a lean and efficient manner.

BACKGROUND: Montana Code Annotated, Section 7-6-4301 requires claims to be presented to the City Commission within one year of the date the claims accrued. Claims presented to the City Commission under this item have been reviewed and validated by the Finance Department. The Department has ensured that all goods and services have been received along with necessary authorizations and supporting documentation. Please provide approval for checks dated July 9, 2025.

UNRESOLVED ISSUES: None

ALTERNATIVES: The City Commission could decide not to approve these claims or a portion of the claims presented. This alternative is not recommended as it may result in unbudgeted late fees assessed against the City.

FISCAL EFFECTS: The total amount of the claims to be paid is presented at the bottom of the Expenditure Approval List posted on the City's website at <https://www.bozeman.net/departments/finance/purchasing>.

Report compiled on: August 21, 2024

Memorandum

REPORT TO: City Commission

FROM: Josh Waldo, Fire Chief

SUBJECT: Authorize the City Manager to Sign a Fiscal Year 2026 Montana State University (MSU) Fire Service Agreement

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Agreement - Legal

RECOMMENDATION: Authorize the City Manager to Sign a Fiscal Year 2026 Montana State University (MSU) Fire Service Agreement

STRATEGIC PLAN: 3.1 Public Safety: Support high quality public safety programs, emergency preparedness, facilities, and leadership.

BACKGROUND: Since 1984, Montana State University has provided support for firefighting personnel, operations and maintenance, and small equipment purchases at Fire Station 2. This support is in exchange for fire safety services that benefit MSU, as described in Section 2 of the agreement. This agreement is in accordance with MCA 7-11-101 "Inter-local Cooperation Act". The agreement is updated annually to reflect current personnel and operational costs.

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by Commission

FISCAL EFFECTS: The general fund will receive a payment of \$305,808.10 from MSU in November of 2025.

Attachments:

[MSU - City of Bozeman Fire Dept Agreement FY 26.pdf](#)

Report compiled on: June 17, 2025

THIS INTERLOCAL AGREEMENT is made and entered into this ____ of ____, 2025 by and between MONTANA STATE UNIVERSITY, Bozeman, Montana, hereinafter referred to as "MSU" and the CITY OF BOZEMAN, Bozeman, Montana, hereinafter referred to as "CITY".

WHEREAS, in accordance with the previously accepted recommendations, it is in the interest and the intent of MSU to provide support for the employment of additional CITY firefighting personnel so that Fire Station No. 2 can be operated on a full-time basis which will enhance the level of fire safety for MSU; and

WHEREAS, Section 7-11-101 et seq., MCA provides that one or more public entities may agree to participate in the provision of any service;

NOW, THEREFORE, the Parties agree as follows:

1. Purpose. The purpose of this agreement is to provide safety protection services in the area served by Fire Station No. 2.
2. Duration. The term of this agreement shall be from July 1, 2025 through June 30, 2026. This agreement shall expire on June 30, 2026, unless extended by mutual written agreement of the parties. This agreement may be extended by the mutual consent of both parties for one (1) year at a time.
3. Safety Services. The CITY will continue to employ sufficient personnel to operate Station No. 2 in such a manner as to provide service to its first call area on a full-time basis.

Personnel at Station No. 2 will:

- a. Provide fire protection, emergency medical, and hazardous materials response services;
 - b. Upon reasonable request of MSU, provide International Fire Code inspections and other fire prevention activities, including staff training, escape routes, drill procedures, facility and equipment recommendations, facility pre-planning tours and similar activities on campus; and
 - c. Prior to the fall opening of the MSU Residence Halls, cooperate with MSU personnel in the annual Fire Safety and Evacuation Training Seminar for all residence life personnel.
4. Payment. During the term of this agreement, MSU and the City shall contribute equally to the cost of wages, benefits and retirement contributions for those personnel operating Station No. 2, as well as toward the costs of utilities and capital improvements, as set forth in Exhibit A, attached hereto and incorporated herein by reference. Payment for MSU's FY 2026 contribution in the amount of \$305,808.10 shall be paid to the City of Bozeman by November 30, 2025

5. Renewal. To accommodate a timely renewal of this agreement, on or before April 1, 2026, the CITY shall submit to MSU a Fiscal Year 2026 OPERATIONS COST PROPOSAL for Station No. 2.
6. Termination. The parties may terminate this agreement prior to its June 30, 2026 expiration by mutual agreement in writing.
7. Indemnification. Montana State University agrees to indemnify, hold harmless and defend the CITY and its officers, agents and employees against any and all actions, suits, claims, demands, costs, judgments, expenses (including reasonable attorney's fees), and liability of any character whatsoever brought or asserted by a person, persons, property, business or any other entity, arising out of or resulting from or in connection with the performance of this agreement, provided however, that such claims, damages, losses and expenses are caused by the negligent acts, intentional tortious acts, errors or omissions of MSU, its employees, agents, or assigns.
8. Separate Legal Entity; Administration. There shall be no separate legal entity created as a consequence of this agreement. Administration of this agreement will be the responsibility of the Bozeman Fire Department.
9. Property. This agreement does not contemplate the acquisition of real or personal property.
10. Headings. The section headings contained herein are for convenience and reference and are not intended to define or limit the scope of any provision of this agreement.
11. Entire Agreement. This agreement constitutes the entire agreement between the parties. No alterations, modification or additions to this agreement shall be binding unless reduced to writing and signed by the parties. No covenant, term or addition to this agreement shall be deemed waived by either party unless such waiver shall be reduced to writing and signed by the parties.
12. Amendments. The terms and conditions of this agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto. No oral modification shall be enforceable.
13. Severability. If any portion of this agreement is declared invalid, it is the parties' intent that the remaining portions of the agreement be given effect without the invalid portion, so long as the intent and the payment for services under the agreement are not thereby affected.

14. Recordation. MSU shall file this agreement with the Gallatin County Clerk and Recorder and the Montana Secretary of State as required by M.C.A. 7-11-07. Costs of recording shall be the responsibility of MSU.

IN WITNESS WHEREOF, the parties have entered into this agreement on the date first above written.

John How,
Associate Vice President, Facilities
Management
Montana State University

Date _____

Chuck Winn,
City Manager
City of Bozeman

Date _____

EXHIBIT A

FY 2026 COST OF SERVICES

1. Wages, Benefits and Retirement

Personnel base salary/month

Battalion Chief	\$12,895.00
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Captain	\$9,022.55
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Firefighter II	\$7,129.05
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Firefighter	\$6,117.23
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(Average monthly base salary: \$8,790.96)

Total annual base salary (\$8,790.96 x 4 firefighters x 12	\$421,966.08
--	--------------

months): Benefits, Retirement contribution, Health Insurance	\$122,370.16
--	--------------

(29%)

	\$544,336.24
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Subtotal cost of wages, retirement, and benefits:

2. Building / Capital Costs

Building Maintenance

Utilities, Phones, Data, Radios, Mobile Data Terminals

<u>Subtotal Building / Capital</u>	<u>\$ 32,660.17</u>
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SUBTOTAL (wages and building/capital)	\$576,996.41
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6% administrative fee	\$34,619.78
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<u>GRAND TOTAL</u>	<u>\$611,616.19</u>
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MSU's 50% share:	\$305,808.10
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Memorandum

REPORT TO: City Commission

FROM: Shane Miller, Facilities Project Coordinator
David Arnado, Facilities Superintendent
Jon Henderson, Assistant City Manager

SUBJECT: Authorize the City Manager to sign Amendment 002 of a Professional Services Agreement with Steelcase for Bozeman City Hall Phase 2 Furniture and Moving Services

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Agreement - Vendor/Contract

RECOMMENDATION: Authorize the City Manager to sign Amendment 002 of a Professional Services Agreement with Steelcase for Bozeman City Hall Phase 2 Furniture and Moving Services.

STRATEGIC PLAN: 4.3 Strategic Infrastructure Choices: Prioritize long-term investment and maintenance for existing and new infrastructure.

BACKGROUND: The City of Bozeman is renovating City Hall to achieve the following goals: Improved safety and security through redesign of the Finance Department front counter. Additional office space for several Departments (x13 new workspaces). Increased energy efficiency through retro commissioning efforts. More efficient use of space for records storage. This will be achieved over multiple phases in 2025. As part of the City Hall Renovation project we will be decommissioning and storing legacy furniture, and disposing of furniture which has met the end of its useful life as well as several adjustments to new furniture, including but not limited to furniture within the City Manager's office as highlighted within this contract amendment.

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the City Commission.

FISCAL EFFECTS: Funds are allocated in the approved Bozeman City Hall Renovation Construction Budget. Amendment = \$6,799.06

Attachments:

[PSA Amendment 002 City Hall Renovation \(Steelcase aka KR Office Interiors - Phase II\).pdf](#)

Report compiled on: June 23, 2025



001 AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS IS A MODIFICATION TO THE PURCHASE AGREEMENT is made this day of June 23, 2025, by and between the **CITY OF BOZEMAN**, a municipal corporation organized and existing under the laws of the State of Montana, 121 North Rouse Ave., Montana 59715, hereinafter referred to as “City,” and Steelcase Inc., with a mailing address of 901 44th Street SE, Grand Rapid, MI 49508, hereinafter referred to as “Steelcase” or “Vendor.” The amount of this modification is to increase this purchase agreement by \$6,799.06 from \$376,778.21 to \$383,577.27.”

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree to amend the Agreement as follows:

1. **Payment** Section 4 of the Agreement is altered to include an additional charge for new bookcases, desk, chairs, and small conference table for City Administration in the amount of \$6,799.06. Please see Exhibit A.
2. **Agreement still valid.** All remaining terms and provisions of the Agreement remain valid.

****** END OF AGREEMENT EXCEPT FOR SIGNATURES ******

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CITY OF BOZEMAN, MONTANA

[Steelcase Inc.]

By _____
Chuck Winn, City Manager

By _____
Print Name: Megan Maguire
Title: Manager, Pricing & Contract

APPROVED AS TO FORM

By _____
Greg Sullivan, Bozeman City Attorney

EXHIBIT A**KR Office Interiors**

403 Gallatin Farmers Ave. Ste 101

Belgrade, MT 59714

PHONE: 406-585-5417

Email: megan@krofficeinteriors.com

QUOTE # B-2259**CLIENT:** City of Bozeman**CONTACT:** Chuck Winn**PHONE:****DATE:** 6/13/2025**PROJECT:** City Manager's Office

QTY	MFG	FURNITURE TAG	DESCRIPTION	LIST PRICE	EXT.LIST	YOUR PRICE	TOTAL
1	STC	CRBKS2H	Currency Bookcase - stacking; 36"W x 15"D x 38"H - Laminate: 2LAK Clear Oak	\$1,107.00	\$1,107.00	\$439.37	\$439.37
1	STC	CRLS2HD	Currency Low Storage - Two high, Cabinet; 36"W x 18"D - Laminate: 2LAK Clear Oak	\$1,433.00	\$1,433.00	\$592.89	\$592.89
1	STC	CRDSHL	Currency Desk Shell; 84"W x 30"D - Laminate: 2LAK Clear Oak	\$1,535.00	\$1,535.00	\$650.99	\$650.99
1	STC	CRLS2HD	Currency Low Storage - Two high, Cabinet; 30"W x 24"D - Laminate: 2LAK Clear Oak	\$1,266.00	\$1,266.00	\$536.91	\$536.91
1	STC	CROHSO	Currency Overhead Hutch; 54"W with tackboard - Laminate: 2LAK Clear Oak, Vertical Fabric: P464 Orchid	\$1,713.00	\$1,713.00	\$726.48	\$726.48
1	STC	CRPD2HBBF	Currency Pedestal-2 High, Box/Box/File 24"D - Laminate: 2LAK Clear Oak	\$1,272.00	\$1,272.00	\$539.46	\$539.46
1	STC	CRWDR	Currency Cabinet - Hinged Right, 12"D x 24"D x 66"H with Coat Road and fixed top shelf - Laminate: 2LAK Clear Oak	\$1,570.00	\$1,570.00	\$665.84	\$665.84
1	STC	USWS	Worksurface-straight, laminate, 54"W x 24"D - Laminate: 2LAK Clear Oak	\$440.00	\$440.00	\$129.40	\$129.40
1	STC	MGELTRQ	Migration SE Desk-rectangle, T leg Height Adjustable Desk, 58"W x 29"D - Laminate: 2LAK Clear Oak	\$1,943.00	\$1,943.00	\$739.70	\$739.70
1	STC	436AIR3D	Series 2 Chair with 3D Mesh Back	\$1,288.00	\$1,288.00	\$553.97	\$553.97
1	STC	TS4THDR42	Top-Table, Round 42" dia - Laminate: 2LAK Clear Maple	\$594.00	\$594.00	\$253.22	\$253.22
1	STC	TS4TBASE285	Base, 28" dia base x 5" dia column - Paint: 4242 Milk Smooth	\$1,081.00	\$1,081.00	\$460.83	\$460.83

SUB-TOTAL \$15,242.00 **\$6,289.06**



KR Office Interiors
 403 Gallatin Farmers Ave. Ste 101
 Belgrade, MT 59714
 PHONE: 406-585-5417
 Email: megan@krofficeinteriors.com

QUOTE # B-2259
CLIENT: City of Bozeman
CONTACT: Chuck Winn
PHONE:
DATE: 6/13/2025
PROJECT: City Manager's Office

Labor

QTY	MFG	FURNITURE TAG	DESCRIPTION	LIST PRICE	EXT.LIST	YOUR PRICE	TOTAL
1	KR	LABOR	Labor to receive, deliver, install and remove trash City Manager's New Furniture			\$510.00	\$510.00

TOTAL \$6,799.06

Pricing valid for 30 days from the date of this document.

PAYMENT TERMS & CONDITIONS ARE AS FOLLOWS:

- Due to the size of this project, if this quote is approved, the city will provide a purchase order to Steelcase, the vendor, instead of KR Office Interiors, the dealer. Once the furniture is installed, Steelcase will send an invoice for payment.
- By signing this quotation, the client agrees all finishes, materials and drawings are correct.
- Once the furniture is ordered, any changes and/or cancelations cannot be made. Furniture is not returnable or exchangeable unless defective or damaged at the time of delivery.
- Pricing of new furniture includes receiving, delivery, installation, and trash removal; it does not include removal and/or disposal of existing furniture.
- Any labor quoted is based on the stated scope of the project. If changes to the scope are requested during installation, additional fees may apply.
- Labor is based on normal business hours unless otherwise stated in the scope.
- Job site must be free and clear of all obstacles/trades and ready to receive product or additional labor and storage fees may apply.
- 30 Days of free storage are included with this quote. If installation of the furniture is delayed due to construction or at the request of the client beyond 30 days from KR Office Interiors' receipt of the furniture, additional storage fees will be applied and invoiced.
- Furniture Contracts within this quote:
 - Steelcase: NASPO MA3969
 - Fellowes: Sourcewell 091423-FELL

Please review the quote and corresponding drawings. Let us know if you would like to make any changes. If you are ready to place your order, please sign and return the quote and drawings to us by email: megan@krofficeinteriors.com

Customer Approval _____

Date _____

Memorandum

REPORT TO: City Commission

FROM: Bernie Massey, Assistant Treasurer
Laurae Clark, Treasurer
Melissa Hodnett, Finance Director

SUBJECT: A Resolution for Creation of a Special Improvement Lighting District 792 Bozeman West Apartments

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: Adopt a Resolution for Creation of a Special Improvement Lighting District 792 Bozeman West Apartments

STRATEGIC PLAN: 7.5. Funding and Delivery of City Services: Use equitable and sustainable sources of funding for appropriate City services, and deliver them in a lean and efficient manner.

BACKGROUND: The Commission did on June 10, 2025, adopt Commission Resolution No. 2025-24 Intent to Create Special Improvement Lighting District 792 Bozeman West Apartments as per MCA 7-12-4301. The property owner has been noticed of the public hearing on this date. Creating a lighting district is a requirement of final plat approval.

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the City Commission

FISCAL EFFECTS: As a result of creating this lighting district, the City will pay the associated power bills and schedule system maintenance. We will recover these costs by billing property owners each year on their City Assessment bill. It is estimated to cost \$46.33 per acre within the district or \$468.72 annually for the entire district.

Attachments:

[Resolution Creation of SILD 792.doc](#)

Report compiled on: June 17, 2025



RESOLUTION

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO LIGHTING DISTRICT NO. 792 BOZEMAN WEST APARTMENTS CREATING THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS OF MAINTENANCE AND ENERGY THEREFOR TO BENEFITED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana to wit:

Section 1

Passage of Resolution of Intention. This Commission, on June 10, 2025, adopted Resolution No. **2025-24** (the “Resolution of Intention”), pursuant to which this Commission declared its intention to create a special lighting district, designated as Special Lighting District No. **792** (Bozeman West Apartments) of the City (the “District”), under Montana Code Annotated, Title 7, Chapter 12, Part 43, as amended (the “Act”), for the purpose of financing costs of certain local improvements described generally therein (the “Improvements”) and paying costs incidental thereto, including costs associated with the creation and administration of the District.

Section 2

Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published, posted and mailed in all respects in accordance with law, and on July 8, 2025, this Commission approved the creation of the District and the making of the Improvements. The meeting of this Commission at which this resolution was adopted is the first regular meeting of the Commission following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

Section 3

Protests. Within the Protest Period, no protests were filed with the City Clerk.

Section 4

Creation of the District; Insufficiency of Protests. The District is hereby created on the terms and conditions set forth in and otherwise in accordance with, the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

Section 5

Preparation and Levying of Assessments. It shall be the duty of the City Clerk to prepare all necessary schedules and resolutions for the levying of assessments in the District necessary to finance the Improvements and present such resolution to this Commission for adoption in conformance with Section 7-12-4328, M.C.A., on or before the first Monday in October.

The City Clerk is authorized to provide notice of the resolution of assessment and schedule a public hearing therefore in conformance with Sections 7-12-4329 and 7-12-4330, M.C.A., and upon final passage of such resolution deliver it to the City Treasurer.

Section 6

Lighting District Fund Established. There is hereby created a fund to be known as the Special Lighting District No. 792 Fund (the “Fund”). All money derived from the collection of the assessments as provided in Section 5 herein and the Act shall be deposited in the Fund and used to pay costs of the Improvements.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 8th day of July, 2025.

TERENCE CUNNINGHAM
Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Bozeman, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. **XXXX** entitled: **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO LIGHTING DISTRICT 792 (BOZEMAN WEST APARTMENTS); CREATING THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS FOR MAINTENANCE AND ENERGY THEREFOR TO BENEFITED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT**, (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a meeting on July 8, 2025 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: _____
_____; voted against the same:
_____; abstained from voting thereon: _____; or
were absent: _____.

WITNESS my hand officially this 8th day of July, 2025.

MIKE MAAS

City Clerk

Memorandum

REPORT TO: City Commission

FROM: Bernie Massey, Assistant Treasurer
Laurae Clark, Treasurer
Melissa Hodnett, Finance Director

SUBJECT: A Resolution for Certification of Delinquent City Assessments to the County

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: Approve a Resolution for Certification of Delinquent City Assessments to the Gallatin County as submitted.

STRATEGIC PLAN: 7.5. Funding and Delivery of City Services: Use equitable and sustainable sources of funding for appropriate City services, and deliver them in a lean and efficient manner.

BACKGROUND: MCA 7-6-4182, 7-6-4183 and 7-6-4423. The city or town may provide by ordinance for the collection by its city treasurer or town clerk of all special assessments and taxes levied and assessed in accordance with any of the provisions of part 42 and this part in the same manner and at the same time as taxes for general, municipal, and administrative purposes are collected by the county treasurer. All of the provisions of 7-6-4423 apply to the collection of the special taxes and assessments in the same manner as the provisions apply to the collection of other city or town taxes. Delinquent special assessments must be certified to the county clerk of the county in which the city or town is situated. The county treasurer shall collect the delinquent special assessments and taxes in the same manner and at the same time that taxes for general, municipal, and administrative purposes are collected.

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the City Commission

FISCAL EFFECTS: By certifying the delinquent City Special Assessments to Gallatin County we will ensure the collection of the 2nd half amounts that were not paid by the due date of June 2, 2025. The amount we have certified and will in turn collect is \$175,125.00 as noted on Schedule "A" attached. These assessments will be placed as a lien against their property and their properties cannot be sold without bringing them current.

Attachments:

A Resolution for Certification of Delinquent 2nd half-FY
2025.docx

Report compiled on: June 18, 2025



RESOLUTION XXXX

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, DECLARING ANNUAL AND SEMI-ANNUAL SPECIAL ASSESSMENT INSTALLMENTS DUE AND PAYABLE JUNE 2, 2025, AND UNPAID AS OF THAT DATE, DELINQUENT, PURSUANT TO SECTION 7-12-4183, MONTANA CODE ANNOTATED, AND AS PROVIDED BY CHAPTERS 2.32 AND 3.04 OF THE BOZEMAN MUNICIPAL CODE, AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY THE SAME TO THE GALLATIN COUNTY TREASURER FOR COLLECTION.

WHEREAS, pursuant to Sec 2.06.670 of the Bozeman Municipal Code, the Finance Director has prepared and filed with the Commission of the City of Bozeman, attached hereto, a report entitled [Schedule "A"](#), describing the lot or parcel subject to the assessments, the name and address of persons assessed, showing all annual and semi-annual special assessments due and payable June 2, 2025, and unpaid as of that date, and the amount due thereunder, with penalty; and

WHEREAS, pursuant to Sections 7-6-4423 and 7-12-4188, M.C.A., the City Commission of the City of Bozeman deems it necessary and proper, in order to protect the interests of the residents of the City of Bozeman and the bondholders of the respective Special Improvement District bonds, to declare all annual and semi-annual special assessments due and payable by 5:00 p.m. on June 2, 2024, and unpaid as of that date, delinquent and to certify the same to the Gallatin County Treasurer for collection as other delinquent taxes, and the property and/or properties may be sold the same as other property is sold for taxes.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana, to wit:

Section 1

That all annual and semi-annual special assessments and installments of special assessments, due and payable June 2, 2024, and unpaid as of that date, as set forth in Schedule "A" hereto attached, and made a part hereof, are hereby declared delinquent.

Section 2

That the Finance Director is hereby directed to certify all annual and semi-annual special assessments and installments of special assessments delinquent, with penalty, as herein provided, and as shown by Schedule "A", to the County Treasurer of Gallatin County for collection as other delinquent taxes.

Section 3

That within ten (10) days from and after the filing of said certificate, the Finance Director shall publish in one issue of the *Bozeman Daily Chronicle*, Notice as provided by Sec 2.06.680 of the Bozeman Municipal Code.

Section 4

That the County Treasurer shall proceed with the collection of all annual and semi-annual special assessments or installments of special assessments, as set forth in Schedule "A", that the same shall be spread upon the delinquent tax list of the County of Gallatin for the Year 2024, and the same shall be collected as other delinquent taxes; and that in the case the same are paid, collection shall be made by the County Treasurer of Gallatin County, as provided by Sections 7-12-4181 and 7-12-4183, M.C.A., and that in the case the same are not paid, the whole property shall be sold as in the case of other properties sold for non-payment of taxes.

Section 5

That the Finance Director, under the direction of the City Manager, shall attend at the time and place for sale of the property for delinquent taxes, as provided by Sec 2.06.700 of the Bozeman Municipal Code.

Section 6

That a copy of Schedule "A" attached hereto and made a part hereof, shall on or before the 8th day of July 2025 be filed with the County Clerk and Recorder and the County Treasurer of Gallatin County.

Section 7

That, pursuant to Sec 2.06 of the Bozeman Municipal Code, attached hereto and made a part hereof, shall be a certificate of the Finance Director.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 8th day of July 2025.

TERENCE CUNNINGHAM
Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

CERTIFICATE OF FINANCE DIRECTOR

I, Melissa Hodnett, duly appointed Finance Director of the City of Bozeman, Montana, do hereby certify that the attached schedule marked Schedule "A" and made a part of Commission Resolution No. XXXX is a true and correct list of all annual and semi-annual delinquent special assessments and subsequent installments of special assessments due and owing the City of Bozeman as of June 2, 2025, at 5:00 p.m.

That this certification and Schedule "A" attached hereto are made pursuant to and in conformance with Sec 2.06 of the Bozeman Municipal Code of the City of Bozeman, Montana.

IN WITNESS WHEREOF, I hereunto set my hand this 8th day of July 2025.

MELISSA HODNETT
Finance Director

NOTICE

NOTICE IS HEREBY GIVEN by the Finance Director for the City of Bozeman, Montana, that she has certified to the Treasurer of Gallatin County a list of all property and of the persons assessed for delinquent taxes and assessments which will be sold at public auction by the Gallatin County Treasurer unless re-instated prior to such auction by paying all delinquent taxes, together with interest, penalties and costs incurred.

A list of all delinquent properties and persons assessed is on file and subject to public inspection in the offices of the Gallatin County Treasurer, Gallatin County Courthouse, 311 West Main Street, and the Finance Director for the City of Bozeman, 121 N Rouse Ave., Bozeman, Montana.

DATED this 9th day of July 2025.

MELISSA HODNETT
Finance Director
City of Bozeman

Legal Ad

Publish: **Saturday, July 12, 2025**

Memorandum

REPORT TO: City Commission

FROM: Tom Rogers, Senior Planner
Chris Saunders, Community Development Manager
Erin George, Director of Community Development

SUBJECT: Annexation and Zone Map Amendment Requesting Annexation and the Establishment of an Initial Zoning Designation of R-3 and R-5 on 163.98 Acres, the 5211 Baxter Lane Annexation, Application 24570

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Community Development - Legislative

RECOMMENDATION: **Recommended City Commission Annexation Motion:**
Having reviewed and considered the staff report, application materials, public comment, and all information presented, I hereby adopt the findings presented in the staff report for application 24570 and move to approve the 5211 Baxter Lane Annexation subject to the terms of annexation and direct staff to prepare an annexation agreement.

Recommended City Commission Zoning Motion:
Having reviewed and considered the staff report, application materials, public comment, recommendation of the Zoning Commission, and all information presented, I hereby adopt the findings presented in the staff report for application 24570 and move to approve the 5211 Baxter Lane Zone Map Amendment with contingencies of approval necessary to complete adoption of an implementing ordinance.

STRATEGIC PLAN: 4.2 High Quality Urban Approach: Continue to support high-quality planning, ranging from building design to neighborhood layouts, while pursuing urban approaches to issues such as multimodal transportation, infill, density, connected trails and parks, and walkable neighborhoods.

BACKGROUND: Background
The applicant and property owners seek to annex two parcels totaling 163.98 acres plus adjacent rights-of-way into the City limits and establish two initial zoning districts of R-5, Residential High Density Mixed District, and R-3, Residential Medium-Density District. The property is currently zoned "Agriculture Suburban" (A-S) within the County administered Gallatin County Bozeman Area Zoning District (the Donut).

The property is located at the northwest edge of the existing City boundary. The City's planning area extends an additional mile to the west. The

property is bounded by Cottonwood Road to the east, which is a designated Major Arterial, Baxter Lane on the south, a Minor Arterial, Cattail Street to the north, a Collector, and a future extension of Laurel Parkway to the west which is a designated Collector.

Adjacent developments include the existing neighborhood of Baxter Meadows West to the east and the under-construction Northwest Crossing subdivision to the south. Agriculturally used land abuts the property to the north, west, and a portion of the east. The Four Corner Zoning District is also to the west and designates that area as RR/A (Rural Residential & Agriculture).

The process of annexation and establishment of initial zoning does not grant development rights. Development rights are granted after further review and possible approval of a plan including processes of subdivision, site plan review, and sketch plans. These review processes require detailed data on all environmental considerations on the land. These include watercourse, agricultural water user facilities, habitat, wetlands, and more. The annexation process broadly identifies these considerations to ensure future development is informed that additional review and data is required.

The Future Land Use Map in the Bozeman Community Plan (BCP) 2020 designates the property as “Urban Neighborhood” which includes both the R-5 and R-3 districts as implementing zoning districts. Nearby municipal zoning includes R-1 and R4 to the east and REMU to the south. The subject property is within the urban planning and municipal service area for the City.

The proposed annexation would bring in additional right of way to build out sections of Baxter Lane, Cattail, Cottonwood, and Laurel Parkway upon future development additional internal local street network.

Application materials are available through the City's website. [[External Link](#)].

Community Development Board (Zoning Commission) Summary

The Community Development Board acting in their capacity as the Zoning Commission held a public hearing on June 16, 2025.

Public comment was heard at the meeting. Comments addressed environmental impacts, traffic, and delivery of city services, among others.

Board discussion focused on a variety of concerns including location of commercial activity, that the significant transportation corridors will create barriers to pedestrian movement, construction of utilities and their timing, the property falls in two drainage basins, and a perception that this annexation is not an incremental expansion of the city.

In conclusion the Commission voted (3:3) to recommend approval of the

required zoning designations. The motion failed.

A full recording of the deliberations can be viewed at the following link.
[[External Link](#)]

UNRESOLVED ISSUES: There are no identified conflicts on this application.

ALTERNATIVES:

1. Approve the application with contingencies as presented;
2. Approve the application with modifications to the recommended zoning;
3. Deny the application based on findings of non-compliance with the applicable criteria contained within the staff report; or
4. Open and continue the public hearing, with specific direction to staff or the applicant to supply additional information or to address specific items.

FISCAL EFFECTS: No unusual fiscal effects have been identified. No presently budgeted funds will be changed by this Annexation or Zone Map Amendment.

Attachments:

[24570 5211 Baxter Annex_ZMA CC.pdf](#)

Report compiled on: June 18, 2025

24570 Staff Report for the 5211 Baxter Annexation and ZMA

Public Hearings: Community Development Board (map amendment only) June 16, 2025

City Commission (Annexation and map amendment) July 8, 2025

Project Description: 5211 Baxter Lane Annexation requesting annexation of 163.98 acres and amendment of the City Zoning Map for the establishment of a zoning designation of R-5 (Residential High Density Mixed District) and R-3 (Residential Medium-Density District), Application 24570.

Project Location: Property addresses as 5211 Baxter Lane, located on the northwest corner of Baxter Lane and Cottonwood Road more particularly described as Tract 1 of Certificate of Survey 2553A, located in the Southeast Quarter of Section 33, Township One South (T1S), Range Five East (R5E), P.M.M. Gallatin County, Montana.

Recommendation: Meets standards for approval with terms of annexation and contingencies.

Recommended Zoning Commission Motion: Having reviewed and considered the staff report, application materials, public comment, and all information presented, I hereby adopt the findings presented in the staff report for application 24570 and move to recommend approval of the 5211 Baxter Lane Zone Map Amendment, with contingencies required to complete the application processing.

Recommended City Commission Annexation Motion: Having reviewed and considered the staff report, application materials, public comment, and all information presented, I hereby adopt the findings presented in the staff report for application 24570 and move to approve the 5211 Baxter Lane Annexation subject to the terms of annexation and direct staff to prepare an annexation agreement.

Recommended City Commission Zoning Motion: Having reviewed and considered the staff report, application materials, public comment, recommendation of the Zoning Commission, and all information presented, I hereby adopt the findings presented in the staff report for application 24570 and move to approve the 5211 Baxter Lane Zone Map Amendment with contingencies of approval necessary to complete adoption of an implementing ordinance.

Report Date: June 18, 2025

Staff Contact: Tom Rogers, Senior Planner

Agenda Item Type: Action - **Legislative**

EXECUTIVE SUMMARY

This report is based on the application materials submitted and public comment received to date. This report addresses both the zoning amendment for Community Development Board acting in their capacity as the Zoning Commission, as well as the annexation and the zoning amendment for the City Commission. The application materials are available on the City's website in the [laserfiche archive](#).

Unresolved Issues

There are no identified conflicts on this application.

Project Summary

The applicant and property owners seek to annex two parcels totaling 163.98 acres plus adjacent rights-of-way into the City limits and establish an initial zoning of R-5, Residential High Density Mixed District, and R-3, Residential Medium-Density District. The property is currently zoned "Agriculture Suburban" (A-S) within the County administered Gallatin County Bozeman Area Zoning District (the Donut).

The property is located at the northwest edge of the existing City boundary. The City planning area extends an additional mile to the west. The property is bounded by Harper Puckett Road to the east, which is a designated Major Arterial, Baxter Lane on the south, a Minor Arterial, Cattail Street to the north, a Collector, and a future extension of laurel parkway to the west which is a designated Collector.

Adjacent developments include the existing neighborhood of Baxter Meadows West to the east and the under-construction Northwest Crossing subdivision to the south. Ag land abuts the property to the north and west. The Four Corner Zoning District is also to the west and designates that area as RR/A (Rural Residential & Agriculture).

The process of annexation and establishment of initial zoning does not grant development rights. Development rights are granted after further review and possible approval of a plan including processes of subdivision, site plan review, and sketch plans. These review processes require detailed data be collected and reviewed on all environmental considerations on the land. These include watercourse, agricultural water user facilities, habitat, wetlands, and more. The annexation process generally identifies these considerations to ensure future development is informed additional review and data is required.

The Future Land Use Map in the Bozeman Community Plan (BCP) 2020 designates the property as "Urban Neighborhood" which includes both the R-5 and R-3 districts as

implementing zoning districts. Nearby municipal zoning includes R-1 and R-4 to the east and REMU to the south. The subject property is within the urban planning and municipal service area for the City.

The proposed annexation would bring in additional right of way to build out sections of Baxter Lane, Cattail Street, Cottonwood Road, and Laurel Parkway upon future development additional internal local street network.

In determining whether the criteria applicable to this application are met, Staff considers the entire body of plans and regulations for land development. Standards which prevent or mitigate possible negative impacts are incorporated in many locations in the municipal code but are principally in Chapter 38, Unified Development Code. References in the text of this report to Articles, Divisions, or in the form XX.XXX.XXX are to the Bozeman Municipal Code.

Community Development Board (Zoning Commission) Summary

The Community Development Board acting in their capacity as the Zoning Commission held a public hearing on June 16, 2025.

Public comment was heard at the meeting. Comments addressed environmental impacts, traffic, and delivery of city services, among others.

Board discussion focused on a variety of concerns including location of commercial activity, that the significant transportation corridors will create barriers to pedestrian movement, construction of utilities and their timing, the property falls in two drainage basins, and a perception that this annexation is not an incremental expansion of the city.

In conclusion the Commission voted (3:3) to recommend approval of the required zoning designations. The motion failed.

A full recording of the deliberations can be viewed at the following link.

https://bozeman.granicus.com/player/clip/2509?view_id=1&redirect=true

Staff provides comment on the issues raised to augment the record.

Annexation prior to completion of infrastructure is the norm, not the exception. Nearly all annexations on the edge of the city, as opposed to infill, precede construction of infrastructure to support future development. Upon development review, all necessary infrastructure needs are identified and are required to be constructed by the developer prior to occupancy of any building.

There are three examples of annexation before installation of infrastructure and spanning multiple drainage basins directly adjacent to the subject property.

The Baxter 80 Annexation. Annexation of 80 acres with R-4 and R-5 zoning. Property spans two different drainage basins and will benefit from the Gooch Hill Lift station upon construction. No city services were constructed to the site prior to annexation approval.

Baxter Annexation. A 460-acre property east and south of the subject property. No city services existed prior to annexation and through 30 years of incremental development full streets, water, sewer, parks, etc. have been constructed. Most recent developments are:

- Baxter Meadows West, Phase 3B (platted in 2006). Directly across Cottonwood Road. Part of the original Baxter Meadows Annexation which annexed 460 acres without any infrastructure installed. Through subdivision review required streets, pathways, water and sewer service, etc. were designed and constructed before a building permit for any home was issued.
- Baxter Meadows Phase 3A (platted in 2015). Directly across Cottonwood Road. Part of the original Baxter Meadows Annexation which annexed 460 acres without any infrastructure installed. Through subdivision review required streets, pathways, water and sewer service, etc. were designed and constructed before a building permit for any home was issued.

Written public comment and protests have been received on this application. All written comment can be reviewed at the following link.

<https://weblink.bozeman.net/WebLink/Browse.aspx?id=299969&dbid=0&repo=BOZEMAN>

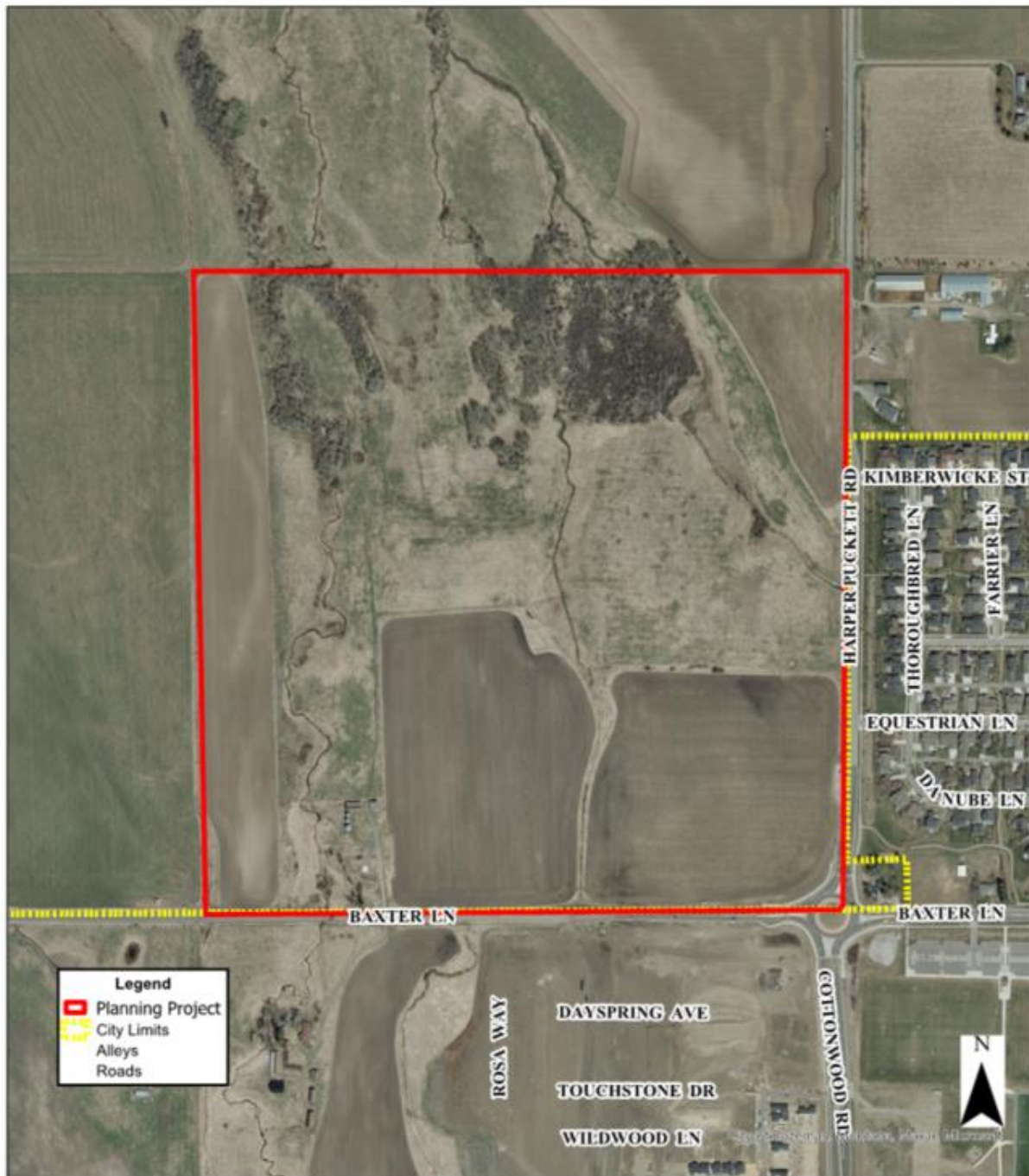
Alternatives

1. Approve the application with contingencies as presented;
2. Approve the application with modifications to the recommended zoning;
3. Deny the application based on findings of non-compliance with the applicable criteria contained within the staff report; or
4. Open and continue the public hearing, with specific direction to staff or the applicant to supply additional information or to address specific items.

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SECTION 1 - MAP SERIES:



This map was created by the
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Planning Division
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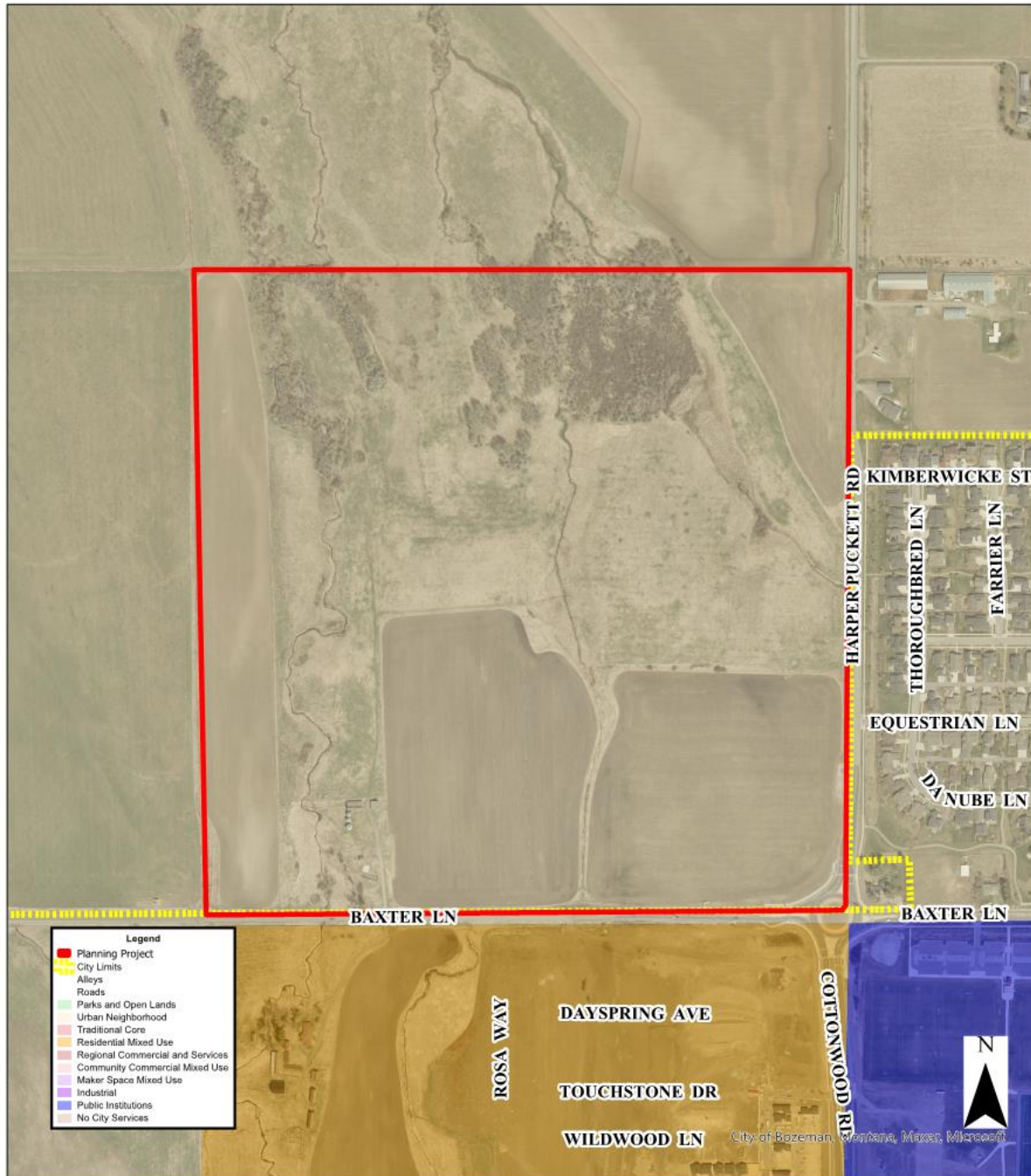
Revised: 1/16/2025

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5211 Baxter Lane
Proposed ANNEX
Application 24-570

BOZEMAN^{MT}
Planning

Map 1: Project Vicinity Map



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City of Bozeman
Planning Division
Intended for Planning purposes only.

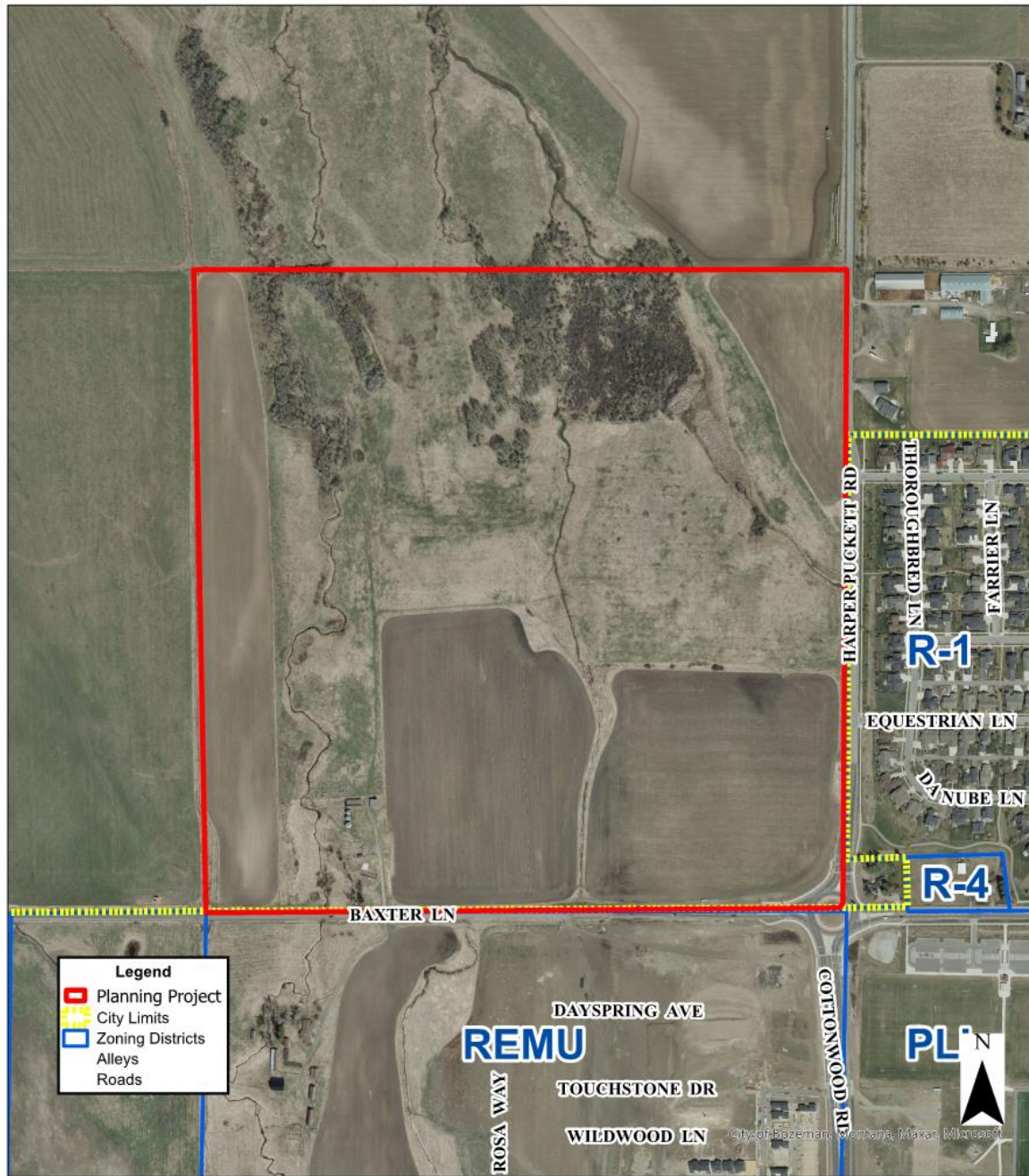
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5211 Baxter Lane
Proposed ANNEX
Application 24-570

BOZEMAN^{MT}
Planning

Map 2: Future Land Use Designation



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City of Bozeman
Planning Division
Intended for Planning purposes only.

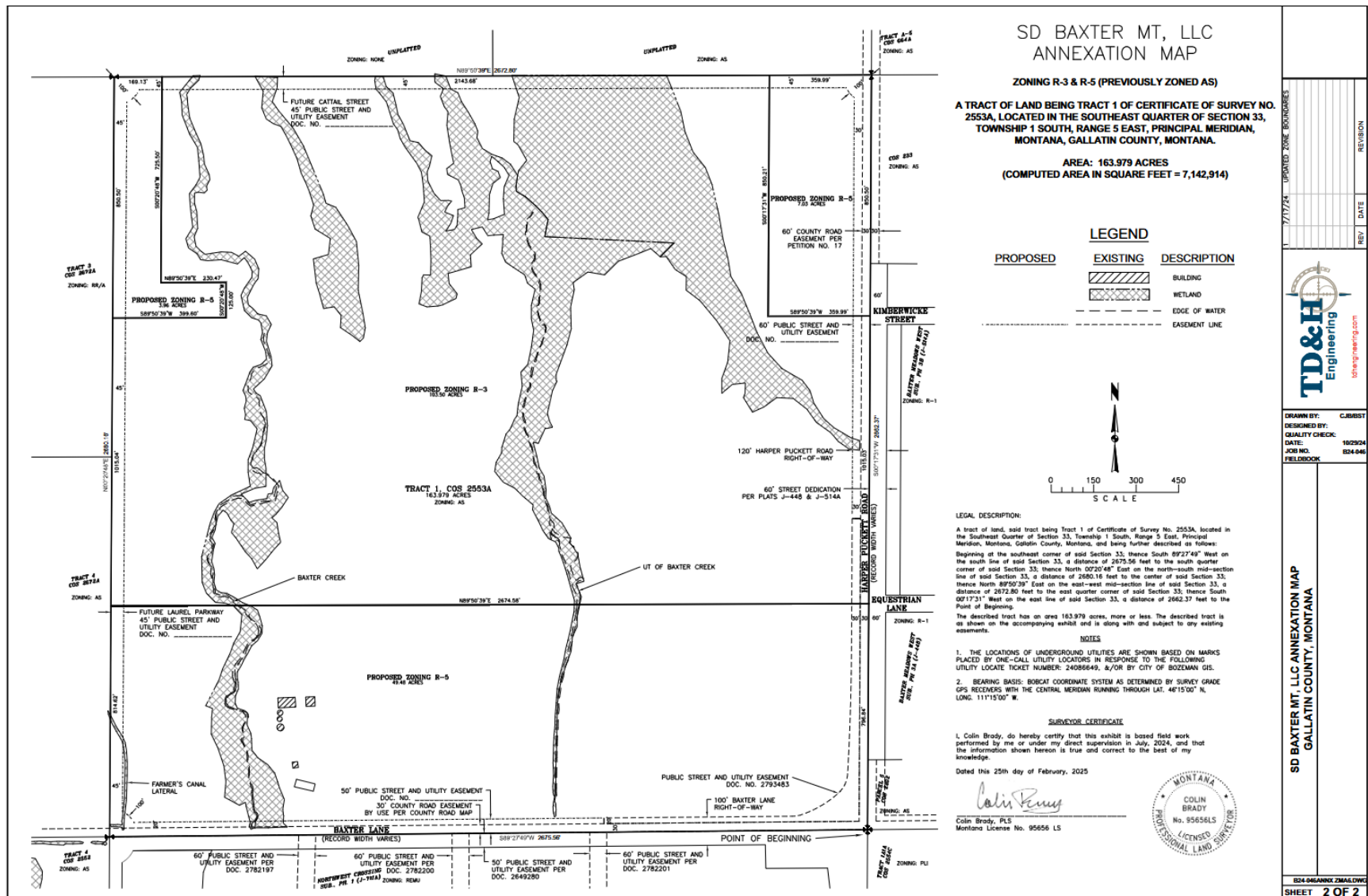
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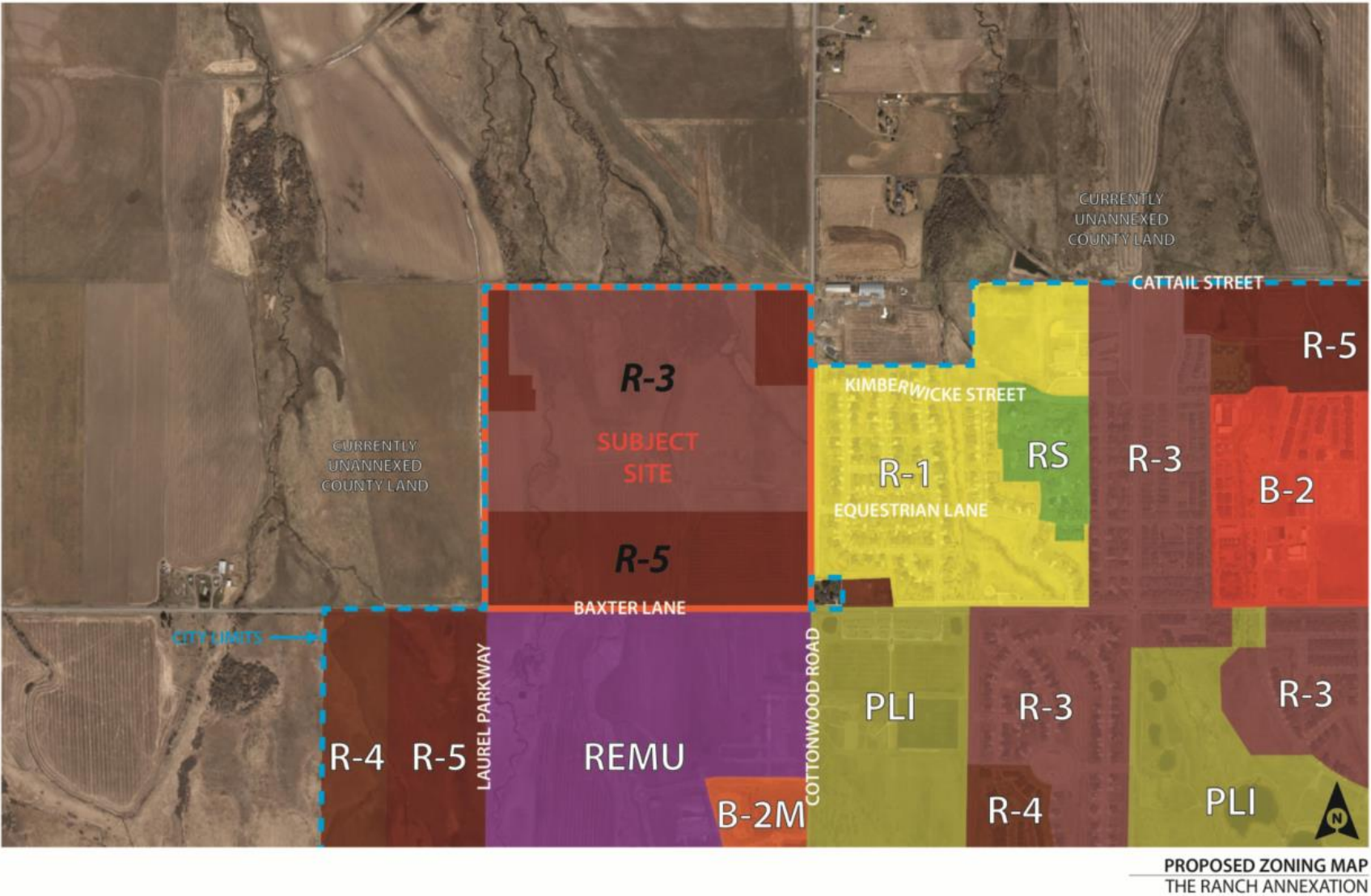
5211 Baxter Lane
Proposed ANNEX
Application 24-570

BOZEMAN MT
Planning

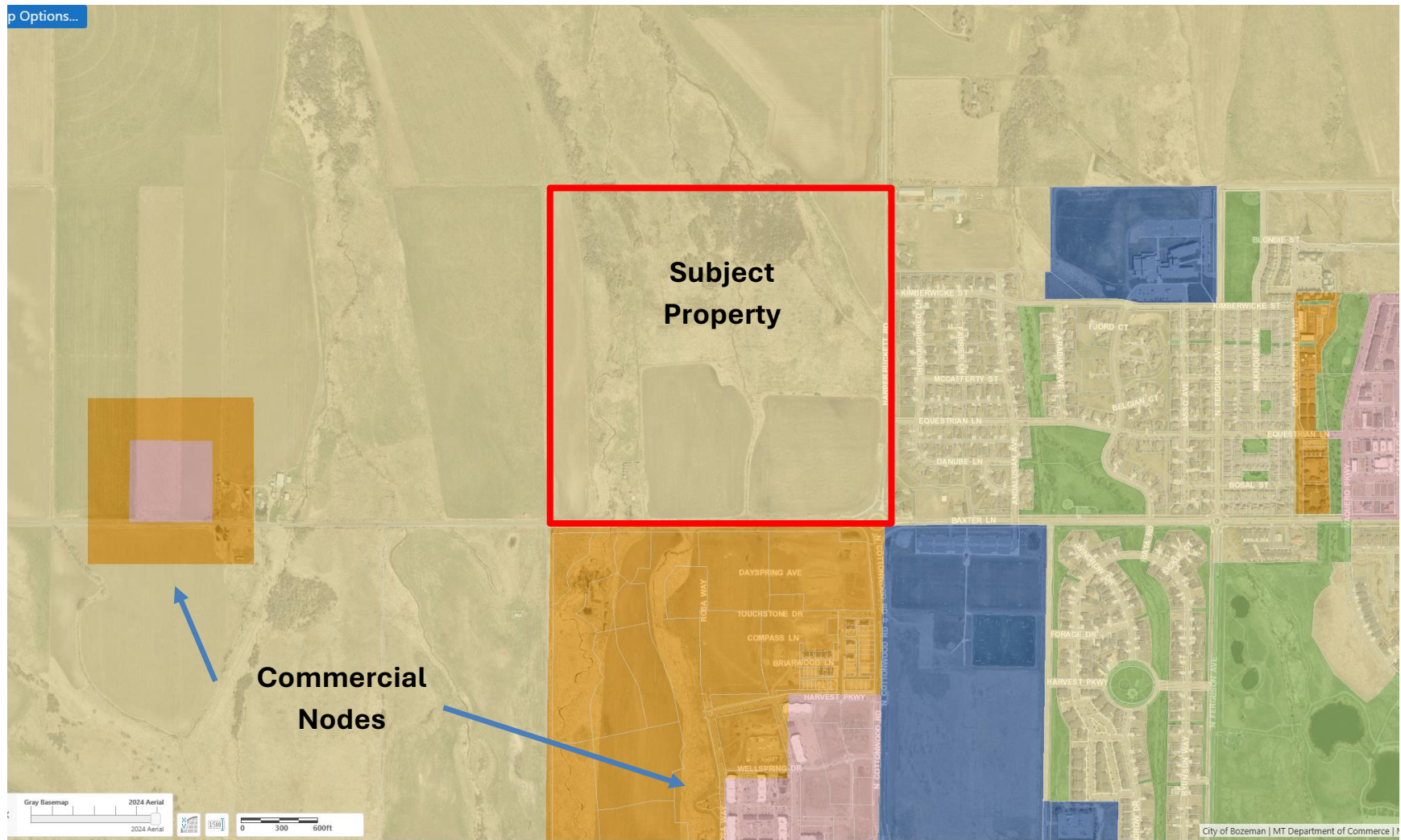
Map 3: Current Zoning Map



Map 4: Proposed Zoning for Property



Map 5: Color Proposed Zoning for Property



Map 6: Future Land Use Map Commercial Node Locations

SECTION 2 - RECOMMENDED TERMS OF ANNEXATION

The following terms of annexation are recommended to enable the application to comply with the City's Annexation Policy and the requirements of state law for the provision of services.

Recommended terms of annexation:

1. The documents and exhibits to formally annex the subject property must be identified as the "5211 Baxter Annexation".
2. An Annexation Map, titled "5211 Baxter Annexation Map" with a legal description of the property and any adjoining un-annexed rights-of-way and/or street access easements must be submitted by the applicant for use with the Annexation Agreement. The map must be supplied as a PDF for filing with the Annexation Agreement at the County Clerk & Recorder, and a digital copy for the City Engineers Office. This map must be acceptable to the Director of Public Works and City Engineers Office and must be submitted with the signed Annexation Agreement.
3. The applicant must execute all contingencies and terms of said Annexation Agreement with the City of Bozeman within 60 days of the distribution of the annexation agreement from the City to the applicant or annexation approval shall be null and void.
4. The landowners and their successors must pay all fire, street, water, and sewer impact fees at the time of connection; and for future development, as required by Chapter 2, Bozeman Municipal Code, or as amended at the time of application for any permit listed therein.
5. If they do not already exist, the applicant must execute Waivers of Right to Protest Creation of Special Improvement Districts (SIDs) for the following as part of the annexation agreement:
 - a. Street improvements to Baxter Lane from Laurel Parkway to Harper Puckett Road including lighting, signalization, paving, curb/gutter, sidewalk, shared use path and storm drainage.
 - b. Street improvements to Harper Puckett Road from Baxter Lane to Cattail Street including lighting, signalization, paving, curb/gutter, sidewalk, shared use path and storm drainage.
 - c. Street improvements to Cattail Street from Laurel Parkway to Harper Puckett Road including lighting, signalization, paving, curb/gutter, sidewalk, shared use path and storm drainage.
 - d. Street improvements to Laurel Parkway from Baxter Lane to Cattail Street including lighting, signalization, paving, curb/gutter, sidewalk, shared use path and storm drainage.

- e. Intersection improvements to Baxter Lane and Laurel Parkway including lighting, signalization/channelization, paving, curb/gutter, sidewalk, shared use path and storm drainage.
 - f. Intersection improvements to Laurel Parkway and Cattail Street including lighting, signalization/channelization, paving, curb/gutter, sidewalk, shared use path and storm drainage.
 - g. Intersection improvements to Cattail Street and Harper Puckett Road including lighting, signalization/channelization, paving, curb/gutter, sidewalk, shared use path and storm drainage.
 - h. The document filed must specify that in the event an SID is not utilized for the completion of these improvements, the developer agrees to participate in an alternate financing method for the completion of the improvements on a fair share, proportionate basis as determined by square footage of property, taxable valuation of the property, traffic contribution from the development, or a combination thereof. The applicant must provide a copy of the SID waiver in conjunction with the Annexation Agreement.
6. The Annexation Agreement must include the following notices:
- a. The Annexation Agreement must include notice that, prior to development, the applicant will be responsible for preparing a storm water master plan in conjunction with future development. The storm water master plan shall address maintenance and operations until and unless the City affirmatively assumes responsibility for maintenance and operations of stormwater facilities within the area of the annexation.
 - b. The Annexation Agreement must include notice the City will, upon annexation, make available to the Property existing City services only to the extent currently available, or as provided in the Agreement.
 - c. The Annexation Agreement must include notice that there is no right, either granted or implied, for Landowner to further develop any of the Property until it is verified by the City that the necessary municipal services are available to the property.
 - d. The Annexation Agreement must include notice that, prior to development, the applicant will be responsible for installing any facilities required to provide full municipal services to the properties in accordance with the City of Bozeman's infrastructure master plans and all City policies that may be in effect at the time of development.
 - e. The Annexation Agreement must include notice that utility easements may be required to be provided by the landowner at the time of development to ensure necessary municipal services are available to the property.

- f. The agreement must include notice that charges and assessments may be required after completion of annexation to ensure necessary municipal services are available to the property.
 - g. The Annexation Agreement must include notice that the City will assess system development and impact fees in accordance with Montana law and Chapter 2, Article 6, Division 9, Bozeman Municipal Code.
 - h. The Annexation Agreement must include notice that all future development will be subject to the City of Bozeman review procedures and submittal requirements in effect at the time of development.
 - i. All procedural terms necessary to establish the Annexation Agreement in conformance with state law and municipal practice will be included with the final Annexation Agreement.
7. The Annexation Agreement must include notice that the applicant must connect to municipal services and will be responsible for installing any facilities required to provide full municipal services to the property in accordance with city policy at the time of connection.
8. The applicant must contact the City's Engineering Department to obtain an analysis of cash-in-lieu of water rights for the proposed annexation if connection will occur immediately upon annexation. The determined amount must be paid prior to the adoption of Resolution of Annexation, if applicable.
9. City of Bozeman Resolution 5076, Policy 1 - Laurel Parkway is classified as a Collector in the Bozeman Transportation Master Plan (TMP), which has a right-of-way ROW width of 90 feet. The applicant must provide their half of the ROW along the property frontage prior to the adoption of the Resolution of Annexation. The ROW easement must be executed using the City's standard language. An easement exhibit must be included with the easement document. A City standard Public Street and Utility Easement template has been uploaded to the city documents folder in Project Docs.
10. City of Bozeman Resolution 5076, Policy 1 - Cattail Street is classified as a Collector in the Bozeman Transportation Master Plan (TMP), which has a right-of-way ROW width of 90 feet. The applicant must provide their half of the ROW along the property frontage prior to the adoption of Resolution of Annexation. The ROW must be executed using the City's standard language. A City standard Public Street and Utility Easement template has been uploaded to the city documents folder. An easement exhibit must be included with the easement document.
11. City of Bozeman Resolution 5076, Policy 1 Baxter Lane is classified as a Minor Arterial in the Bozeman Transportation Master Plan (TMP), which has a minimum right-of-way ROW width of 100 feet. The applicant must provide their half of the ROW along the property frontage prior to the adoption of Resolution of Annexation as a public street

and utility easement. The easement must be provided prior to the adoption of Resolution of Annexation.

12. City of Bozeman Resolution 5076, Policy 1, Harper Puckett Road is classified as a Principal Arterial in the Bozeman Transportation Master Plan (TMP), which has a minimum right-of-way ROW width of 120 feet. The applicant must provide their half of the ROW along the property frontage prior to the adoption of Resolution of Annexation. The ROW must be executed using the City's standard language. A City standard Public Street and Utility Easement template has been uploaded to the city documents folder. An easement exhibit must be included with the easement document.
13. All final easements provided to the City must be stamped and signed by a professional surveyor.

SECTION 3 - RECOMMENDED CONTINGENCIES OF ZONE MAP AMENDMENT

Please note that these contingencies are necessary for the City to complete the process of the proposed amendment. These contingencies only apply in the event that the related annexation request has previously been approved.

Recommended Contingencies of Approval:

1. That all documents and exhibits necessary to establish an initial municipal zoning designation shall be identified as the "5211 Baxter Annexation Zone Map Amendment." All required documents must be returned to the City within 60 days of the distribution of the annexation agreement from the City to the applicant or annexation approval shall be null and void.
2. That the Ordinance for the Zone Map Amendment shall not be finalized until the Annexation Agreement is signed by the applicant and formally approved by the City Commission. If the annexation agreement is not approved, the Zone Map Amendment application shall be null and void.
3. That the applicant must submit a Zone Amendment map, titled "5211 Baxter Annexation Zone Map Amendment". The map must be supplied as a PDF. This map must be acceptable to the City Engineer's Office and must be submitted within 60 days of the action to approve the zone map amendment. Said map shall contain a metes and bounds legal description of the perimeter of the subject property including adjacent rights-of-way or street easements, and total acreage of the property to be rezoned, unless the property to be rezoned can be entirely described by reference to existing platted properties or certificates of survey.

4. The Ordinance for the Zone Map Amendment shall not be drafted until the applicant provides an editable metes and bounds legal description prepared by a licensed Montana surveyor.

SECTION 4 – ADVISORY COMMENTS

1. BMC 38.410.070.A.1 The sanitary sewer collection system proposed with the annexation materials does not conform with the City of Bozeman Wastewater Collection Facilities Plan. The majority of the subject property is located within the Aajker Creek Sewer Drainage Basin as defined in section 5.4.2.2 Long Term Lift Station Improvements, which requires construction of the Gooch Hill Lift Station. A small portion of the subject property in the southeast corner that can flow by gravity may be serviced by the Baxter Creek Drainage Basin. The applicant is advised that the City does not allow private lift stations or sanitary sewer basin jumps.
2. BMC 38.410.070.A.1 - The majority of the subject property is located within the future Northwest Pressure Zone 2, which currently does not have any water distribution infrastructure to service the proposed annexation. Upon future development, the associated water distribution infrastructure must be in place to serve the proposed area. Based on the anticipated zoning the development must have 2 points of connection to the City's distribution system upon future development.
3. BMC 38.220, Part 1 – Submittal Materials and Requirements. Applicant is on notice that all required data and information concerning environmental review and other data from Division 38.220 Part 1 with the future development will be required.
4. BMC 38.360.280 – Agricultural Water User Facilities. Applicant is on notice that the affected Agricultural Water user Facility and water right holders must be contacted pursuant to section 38.360.280, BMC prior to development application submittals.

SECTION 5 - RECOMMENDATION AND FUTURE ACTIONS

Annexation

Having considered the criteria established for an annexation, the Development Review Committee (DRC) did not find any deficiencies that prohibit annexation at this time that could not be addressed through future development review processes and adopted City Codes.

The City Commission will hold a public meeting on the annexation on July 8, 2025. The meeting will begin at 6 p.m.

Zone Map Amendment

Having considered the criteria established for a zone map amendment, the Staff found the requested zoning meets standards for approval as submitted. The Zone Map Amendment (ZMA) is in conjunction with an annexation request. **Staff's recommendation and staff responses are predicated on approval of the annexation, application 24570.**

The Development Review Committee (DRC) considered the amendment. The DRC did not identify any infrastructure or regulatory constraints that would impede the approval of the application that cannot be addressed with adopted standards and requirements for future development.

The Community Development Board acting in their capacity as the Zoning Commission will hold a public hearing on this zone map amendment on June 16, 2025, and will forward a recommendation to the City Commission on the zone map amendment. The meeting will begin at 6 p.m. in the Commission Room at City Hall, 121 N. Rouse Ave, Bozeman, Montana.

The City Commission will hold a public meeting on the zone map amendment on July 8, 2025. The meeting will begin at 6 p.m. in the Commission Room at City Hall, 121 N. Rouse Ave, Bozeman, Montana. **The City Commission** will conduct a public hearing on the proposed Zone Map Amendment application.

SECTION 6 - ANNEXATION STAFF ANALYSIS AND FINDINGS

In considering applications for approval of the requested annexation, the advisory boards and City Commission shall consider the following:

Commission Resolution No. 5076 Criteria**Commission Resolution No. 5076 Goals**

Goal 1: The City of Bozeman encourages annexations of land contiguous to the City.

Criterion Met. The property in question is contiguous to the City limits on the eastern and southerly sides of the property for a distance of over 5,200 feet.

Goal 2: The City encourages all areas that are totally surrounded by the City to annex.

Criterion not applicable. The subject property is not wholly surrounded. Unannexed property lies to the west and north.

Goal 3: The City encourages all properties currently contracting with the City for City services such as water, sanitary sewer, and/or fire protection to annex.

Criterion not applicable. There are no structures onsite contracting for City services.

Goal 4: The City of Bozeman requires annexation of all land proposed for development lying within the existing and planned service area of the municipal water and sewer systems as depicted in their respective facility plans, any land proposed for development that proposes to utilize municipal water or sewer systems.

Criterion met. The subject property lies within the planned service area of the municipal water and sewer services. Future proposed developments will be required to utilize municipal water or sewer systems.

Goal 5: The City encourages annexations within the urban area identified on the future land use map in the current Bozeman Growth Policy.

Criterion Met. As shown in Section 1, the subject property is planned as ‘Urban Neighborhood’ and is within the urban area of the growth policy. See the discussion under Criterion A of Section 6 of the report for more information on the growth policy.

Goal 6: The City of Bozeman encourages annexations to make the City boundaries more regular rather than creating irregular extensions which leave unannexed gaps between annexed areas or islands of annexed or unannexed land.

Neutral. The proposed annexation continues expansion of city boundaries in a regular manner. However, the parcel landlocks a pocket of unannexed land which may, depending on one’s perspective create an irregular boundary.

Goal 7: The City of Bozeman encourages annexations which will enhance the existing traffic circulation system or provide for circulation systems that do not exist at the present time.

Criterion met. The property is bounded by roadways identified in the Bozeman Area Transportation Plan, 2017 Update as Collector and Arterial streets. Due to the size of the property, a quarter section, the south, east, west, and northern property boundaries are adjacent to significant transportation corridors. A future section of Cottonwood Road to the east, which is a designated Major Arterial, Baxter Lane on the south, a Minor Arterial,

Cattail Street to the north, a Collector, and a future extension of laurel parkway to the west which is a designated Collector. None of these corridors are constructed today with no timeframe for their construction in the near future. Cottonwood (or Harper Puckett) is only partially constructed to a local street standard.

With development, these corridors will be required to be constructed. Through a variety of financing tools, the full cross section for each classification of street will be realized and thus, improve traffic circulation for the city.

Terms of annexation include provisions pursuant to City of Bozeman Resolution 5076, Policy 1 to acquire necessary rights-of-way (ROW) to accommodate the development of these streets. Primary Arterials require 120 feet of right-of-way, Minor Arterials require 90 feet, and Collector streets need 90 feet. Upon development these routes must be constricted pursuant to the City's design and specifications plans. See Terms of Annexation No. 9 - 11.

Goal 8: The City prefers annexation of parcels of land larger than five (5) acres in size, but will allow annexation of smaller parcels if factors such as topographic limitations, sanitary disposal needs, fire access, maintenance of public facilities, etc., justify a smaller annexation.

Criterion met. The subject property is approximately 164 acres.

Goal 9: The City seeks to obtain water rights adequate for future development of the property with annexation.

Criterion Met. After annexation, the subject property will be bound to the provisions of [38.410.130](#) which require evaluation of water adequacy and provision of water if needed at time of development. The municipal code section requires water rights or an equivalent to be provided. Exact timing and amounts will be evaluated during development review when actual demand can be more accurately determined. There are several methods to address the requirements of 38.410.130. The annexation agreement will provide notice of this requirement, see Terms of Annexation 9. The landowner will consent to this requirement by signature on the annexation agreement.

Goal 10: The City of Bozeman encourages annexations for City provision of clean treated water and sanitary sewer.

Criterion Met. The subject property is located within the City's planned water and sewer service area. See Goal 4 above. Any future development will be required to connect to the City's systems.

Per Term of Annexation 6.d and 7, the Annexation Agreement requires notice that the applicant design extensions of services to meet the City's adopted infrastructure

standards. These include provisions for minimum water pressure and volumes, adequate sewer flows by volume, gravity flow of sewers, and other standards necessary to protect public health and safety and ensure functional utilities.

Resolution No. 5076 Policies

Policy 1: Annexations must include dedication of all easements for rights-of-way for collector and arterial streets, adjacent local streets, public water, sanitary sewer, or storm or sewer mains, and Class I public trails not within the right of way for arterial or collector streets. Annexations must also include waivers of right to protest the creation of special or improvement districts necessary to provide the essential services for future development of the City.

Criterion Met. As discussed in Section 5 Goal 7, additional right of way is being included for the Collector Street of Cattail Street and Laurel Parkway, the Principal Arterial for Harper Puckett Road, and the Minor Arterial for Baxter Lane. See Terms of Annexation 9 - 12. The internal road system will be established upon further review whether it be subdivision or site plan review.

Waivers of the right to protest creation or improvement districts are accounted for in the terms of annexation. These include street and intersection improvements identified by the Engineering Department. See term of annexation 5.

An Anchor Route (large active transportation facilities) is identified on the subject property in the recently adopted 2023 Comprehensive Parks, Recreation, and Active Transportation Plan (PRAT). Easements for Anchor Routes may be required if deemed necessary and unlikely being able to secure easements with subsequent development. Adopted development standards included setback requirements for Baxter Creek will include public easements to realize the anchor route. Therefore, no formal easement is needed at this time. In addition, there is proposed neighborhood trail that extends westward from the north extent of city boundary and a second trail adjacent to Baxter Creek on the west side of the property. Annexation does not demand easements for neighborhood trails. These types of pathways are arranged through future subdivision and site plan application processes.

Policy 2: Issues pertaining to master planning and zoning must be addressed prior to or in conjunction with the application for annexation.

Criterion Met. The subject property is planned for Urban Neighborhood. No change to the growth policy is required. The application includes a request for initial zoning of R-3 and R-5. See the zone map amendment section of this report for analysis of the zone map amendment criteria.

Policy 3: The application for annexation must be in conformance with the current Bozeman Growth Policy. If a Growth Policy Amendment is necessary to accommodate anticipated uses, the amendment process must be initiated by the property owner and completed prior to any action for approval of the application for annexation.

Criterion Met. The property is designated “Urban Neighborhood” on the future land use map. No growth policy amendment is required. See discussion under zone map amendment Criterion A.

Policy 4: Initial zoning classification of the property to be annexed will be determined by the City Commission, in compliance with the Bozeman Growth Policy and upon a recommendation of the City Zoning Commission, simultaneously with review of the annexation petition.

The Community Development Board acting in their capacity as the City Zoning Commission will be reviewing the requested zoning district designation on June 16, 2025. The Zoning Commission’s recommendation will be passed along to the City Commission for review and consideration along with the annexation request on July 1, 2025.

Policy 5: The applicant must indicate their preferred zoning classification as part of the annexation petition.

Criterion Met. The applicant has requested a zoning designation of R-3, Residential Medium-Density District and R-5, Residential High Density Mixed District. See Section 6 of this report for analysis of the requested zoning.

Policy 6: Fees for annexation processing will be established by the City Commission.

Criterion Met. The appropriate application processing and review fees accompanied the application.

Policy 7: It is the policy of the City that annexations will not be approved where unpaved county roads will be the most commonly used route to gain access to the

property unless the landowner proposes a method to provide for construction of the road to the City's street standards.

Criterion Met. The subject property is currently accessed by Baxter Lane and Harper Puckett / Cottonwood Road, both of which are paved. The annexation requires additional right-of-way to fully implement the City's transportation plan. Future development will require additional transportation infrastructure to realize the goals and policies of the city.

Policy 8: Prior to annexation of property, the City will require the property owner to acquire adequate and usable water rights, or an appropriate fee in lieu thereof, in accordance with Section 38.410.130 of the municipal code, as amended.

Criterion Met. The property owner shall provide usable water rights, or cash in-lieu of water rights thereof, in an amount to be determined by the Director of Utilities, as outlined by Section 38.410.130 of the municipal code. The calculated amount will be determined by the Director of Utilities and based on the zoning designation approved by the City Commission in conjunction with the future subdivision or site plan design which will provide much greater detail on expected demand for service. Term of Annexation 8 requires notice of this requirement to be part of the annexation agreement. Satisfaction of this requirement will occur with future development.

Policy 9: Infrastructure and emergency services for an area proposed for annexation will be reviewed for the health, safety and welfare of the public and conformance with the City's adopted facility plans. If the City determines adequate services cannot be provided to ensure public health, safety and welfare, the City may require the property owner to provide a written plan for accommodation of these services, or the City may reject the petition for annexation. Additionally, the parcel to be annexed may only be provided sanitary sewer service via the applicable drainage basin defined in the City Wastewater Collection Facilities Plan.

Criterion Met. City infrastructure and emergency services are available to the subject property. The property is located adjacent to existing urban development that is currently served by Bozeman Fire.

The Baxter Meadows development lies to the east across Cottonwood Road which installed water and sewer mains to serve their development, and the city required stubs to accommodate future development. The property to the south, Northwest Crossing, is in the process of being built and is installing utilities for their development and future development in the area.

The property is within the city's utility service planning area. An 8-inch water distribution line is installed in Cottonwood Road at the intersection of Baxter Lane. No municipal sewer service is currently installed to the property.

The Development Review Committee reviewed the application, and the Engineering Department provided the following comment related to city services.

- BMC 38.410.070.A.1 The sanitary sewer collection system proposed with the annexation materials does not conform with the City of Bozeman Wastewater Collection Facilities Plan. The majority of the subject property is located within the Aajker Creek Sewer Drainage Basin as defined in section 5.4.2.2 Long Term Lift Station Improvements, which requires construction of the Gooch Hill Lift Station. The Gooch Hill Lift Station is included in the Capital Improvement Program. A small portion of the subject property in the southeast corner that can flow by gravity may be serviced by the Baxter Creek Drainage Basin. The applicant is advised that the City does not allow private lift stations or sanitary sewer basin jumps.
- BMC 38.410.070.A.1 - The majority of the subject property is located within the future Northwest Pressure Zone 2, which currently does not have any water distribution infrastructure to service the proposed annexation. Upon future development, the associated water distribution infrastructure must be in place to serve the proposed area. Based on the anticipated zoning the development must have 2 points of connection to the City's distribution system upon future development.

Per Term of Annexation 6.a, 6.d, and 8, the Annexation Agreement required to finalize the requested annexation will require the applicant to design extensions of services to meet the City's adopted infrastructure standards. These include provisions for minimum water pressure and volumes, adequate sewer flows by volume, gravity flow of sewers, and other standards necessary to protect public health and safety and ensure functional utilities.

The Applicant provided discussion on extension of services under Annexation Policy No. 9 on page 9 of their narrative.

Policy 10: The City may require annexation of any contiguous property for which city services are requested or for which city services are currently being provided. In addition, any person, firm, or corporation receiving water or sewer service outside of the City limits is required as a condition of initiating or continuing such service, to consent to annexation of the property serviced by the City. The City Manager may enter into an agreement with a property owner for connection to the

City's sanitary sewer or water system in an emergency conditioned upon the submittal by the property owner of a petition for annexation and filing of a notice of consent to annexation with the Gallatin County Clerk and Recorder's Office. The contract for connection to city sewer and/or water must require the property owner to annex or consent to disconnection of the services. Connection for purposes of obtaining City sewer services in an emergency requires, when feasible as determined by the City, the connection to City water services.

Criterion Met. City services are not currently being provided to this property as it is vacant. Future development will be required to hook up to City services. This annexation is not a result of an emergency condition requiring connection.

Policy 11: The annexation application shall be accompanied by mapping to meet the requirements of the Director of Public Works. Where an area to be annexed can be entirely described by reference to a certificate of survey or subdivision plat on file with the Gallatin County Clerk and Recorder the mapping may be waived by the Director of Public Works.

Criterion Met. Mapping to meet the requirements of the Director of Public Works (now the Director of Transportation and Engineering) must be provided with the Annexation Agreement. Mapping requirements are addressed in Recommended Term of Annexation 2. The map must include adjacent right of way and therefore cannot be described solely by reference to platted lands.

Policy 12: The City will assess system development/ impact fees in accordance with Montana law and Chapter 2, Article 6, Division 9, Bozeman Municipal Code.

Neutral. The annexation does not require immediate payment of fees. The annexation agreement will provide notice of obligations to pay impact fees at times of triggers as required in ordinance.

Policy 13: Public notice requirements: Notice for annexation of property must be coordinated with the required notice for the zone map amendment required with all annexation. The zone map amendment notice must contain the materials required by 38.220.410, BMC.

Notices of the public hearing have been mailed, published in the Bozeman Daily Chronicle twice, and posted on the site as set forth under this policy. See Appendix A for more details.

Policy 14: Annexation agreements must be executed and returned to the City within 60 days of distribution of the annexation agreement by the City, unless another time is specifically identified by the City Commission.

Criterion Met. Suggested terms of annexation include a notice that the agreement, once prepared and provided to the applicant, must be signed, and returned within the stated period. This policy will be implemented only if the Commission acts to grant approval. If the application is denied, then no annexation agreement will be necessary.

Policy 15: When possible, the use of Part 46 annexations is preferred.

Criterion Met. This annexation is being processed under Part 46 provisions.

Policy 16: Where a road improvement district has been created, the annexation does not repeal the creation of the district. The City will not assume operations of the district until the entirety of the district has been annexed. Any funds held in trust for the district will be used to benefit the district after transfer to the City. Inclusion within a district does not lessen the obligation to participate in general city programs that address the same subject.

Neutral. No road improvement district is associated with this application.

Policy 17: The City will notify the Gallatin County Planning Department and Fire District providing service to the area of applications for annexation.

Criterion Met. The necessary agencies were notified and provided copies of the annexation application.

Policy 18: The City will require connection to and use of all City services upon development of annexed properties. The City may establish a fixed time frame for connection to municipal utilities. Upon development, unless otherwise approved by the City, septic systems must be properly abandoned and the development connected to the City sanitary sewer system. Upon development, unless otherwise approved by the City, water wells on the subject property may be used for irrigation, but any potable uses must be supplied from the City water distribution system and any wells disconnected from structures. The property owner must contact the City Water and Sewer Superintendent to verify disconnects of wells and septic systems.

Criterion Met. There are no existing septic systems or wells that will need to be abandoned. All future development will be required to connect to city services.

SECTION 7 - ZONE MAP AMENDMENT STAFF ANALYSIS AND FINDINGS

In considering applications for plan approval under this title, the advisory boards and City Commission must consider the following criteria (letters A-K). As an amendment is a legislative action, the Commission has broad latitude to determine a policy direction. The burden of proof that the application should be approved lies with the applicant.

A zone map amendment must be in accordance with the growth policy (criteria A) and be designed to secure safety from fire and other dangers (criteria B), promote public health, public safety, and general welfare (criteria C), and facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements (criteria D). Therefore, to approve a zone map amendment the Commission must find Criteria A-D are met.

In addition, the Commission must also consider criteria E-K, and may find the zone map amendment to be positive, neutral, or negative with regards to these criteria. To approve the zone map amendment, the Commission must find the positive outcomes of the amendment outweigh negative outcomes for criteria E-K.

In determining whether the criteria are met, Staff considers the entire body of plans and regulations for land development. Standards which prevent or mitigated negative impacts are incorporated throughout the entire municipal code but are principally in Chapter 38, Unified Development Code.

Section 76-2-304, MCA (Zoning) Criteria

A. Be in accordance with a growth policy.

Criterion met. The Bozeman Community Plan (BCP) 2020, Chapter 5, p. 73, in the section titled *Review Criteria for Zoning Amendments and Their Application*, discusses how the various criteria in 76-2-304 MCA are applied locally. Application of the criteria varies depending on whether an amendment is for the zoning map or for the text of Chapter 38, BMC. The first criterion for a zoning amendment is accordance with a growth policy.

Future Land Use Map

The proposed amendment is a change to the zoning map. Therefore, it is necessary to analyze compliance with the future land use map. Chapter 3 of the BCP 2020 addresses the future land use map. The introduction to that chapter discusses the importance of the chapter. Following are some excerpts.

“Future land use is the community’s fundamental building block. It is an illustration of the City’s desired outcome to accommodate the complex and diverse needs of its residents.”

“The land use map sets generalized expectations for what goes where in the community. Each category has its own descriptions. Understanding the future land use map is not possible without understanding the category descriptions.”

The area of this application is within the anticipated growth area of the City. As shown on the maps in Section 1, on the excerpt of the current future land use map, the property is designated as Urban Neighborhood. The Urban Neighborhood designation description reads:

“This category primarily includes urban density homes in a variety of types, shapes, sizes, and intensities. Large areas of any single type of housing are discouraged. In limited instances, an area may develop at a lower gross density due to site constraints and/or natural features such as floodplains or steep slopes. Complementary uses such as parks, home-based occupations, fire stations, churches, schools, and some neighborhood-serving commerce provide activity centers for community gathering and services. The Urban Neighborhood designation indicates that development is expected to occur within municipal boundaries. This may require annexation prior to development.

Applying a zoning district to specific parcels sets the required and allowed density. Higher density residential areas are encouraged to be, but are not required or restricted to, proximity to commercial mixed use areas to facilitate the provision of services and employment opportunities without requiring the use of a car.”

The correlation between the future land use map of the growth policy and the zoning districts is presented in Table 4 of the Bozeman Community Plan 2020. As shown in the following Correlation with Zoning Table excerpt, the R-3 and R-5 districts are implementing district of the Urban Neighborhood designation.

Except from BCP2020 Future Land Use Map:



In finding that this application meets criterion A, the analysis is cognizant that in many planning efforts and discussions over the decades, the Planning Board and City

Commission have considered the various elements of the question of to grow or not grow and the consequences of either approach. After considering this question, they have concluded that having growth within the physical boundaries of Bozeman results in better outcomes than not. Therefore, the BCP 2020 approaches growth as something that overall is positive but recognizes that it does not come without consequences and that the community will change over time.

Large swathes of single use zoning is generally not supported by the BCP 2020. No metric for what is considered “large” has been established. Although some zoning districts, REMU for example, require minimum areas to qualify most do not. The City’s development code does not include a requirement to mix housing types, therefore consumer preferences, developer preference, and lending practice to influence housing types. Application of multiple zoning districts on larger parcels is one method to increase the likelihood of a diversity of housing stock. The BCP 2020 includes many goals and objectives to encourage a variety of housing types and the production of missing middle housing that supports a variety of goals and policies. The allowed uses in the R-3 district include many forms of “missing middle” including duplexes, triplexes, fourplexes, and townhomes.

The location of this property is unique due its distance to existing commercial activity, employment centers, educational opportunities, and other City services because it is nearing the jump to next Commercial Node identified on the BCP 2020 proposed west of the subject property on Baxter Lane. See Map 4 in Section 1 which shows the property largely centered with three commercial nodes.

The R-3 and R-5 zoning districts correlate with the principles applied in the Bozeman Community Plan 2020. A few of the ten principles listed under Basic Planning Precepts of the Plan are supported by these districts. For example, “land use designations must respond to a broad range of factors, including infrastructure, natural, and economic constraints, other community priorities, and expectations of all affected parties concerning private development.” And “gathering places and open spaces, including parks and trails, should be in convenient locations to those they serve. Quality and function is superior to quantity alone.” The latter is achieved by the City’s adopted development code.

Goals and Policies

A zoning amendment is also evaluated against the goals and policies of the BCP 2020. Most of the goals and policies are not applicable to this application. Relevant goals and

objectives have been identified by staff. Conflict with the text of the growth policy hasn't been identified.

The Short-Term Action list on page 63 of the BCP 2020 describes 14 items to implement the growth policy. The first two relate to direct changes to the zoning map in support of listed goals and objectives. These include increasing the intensity of zoning districts in already developed areas. Beginning on page 71 of the BCP 2020 in the section titled Zoning Amendment Review, the document discusses how the city implements zoning for new areas, amendments to areas, and revisions to existing text. This section includes a discussion of when the City may initiate a zoning change to a more intensive district to increase development opportunities. This section demonstrates that the City, as a matter of policy, is supportive of more intensive zoning districts and development. It is inconsistent with this approach to zone at annexation for lower intensities than what infrastructure and planning documents will support. This policy approach does not specify any individual district but does lean towards the more intensive portion of the zoning district spectrum.

Staff generally concurs with the analysis intent provided by the applicant. Starting on page 12 of the Narrative, a series of goals and objective their application furthers are listed with supporting analysis. Staff provides additional analysis below.

Goal N-3: Promote a diverse supply of quality housing units.

As noted above the area is designated as Urban Neighborhood according to the FLUM. This category primarily includes urban density homes in a variety of types, shapes, sizes, and intensities. Large areas of any single type of housing are discouraged. Although, in limited instances, an area may develop at a lower gross density due to site constraints and/or natural features, we generally assume the most density permitted by a given zoning district. As noted on the annexation and zoning maps, there are considerable natural features that will limit impervious surfaces and placement of buildings. Without constraints it would be reasonable to assume a developed density of 18 dwelling units per net acre for both the R-3 and R-5 zones combined.

Applying a zoning district to specific parcels sets the required and allowed density. Higher density residential areas are encouraged to be, but are not required or restricted to, proximity to commercial mixed-use areas to facilitate the provision of services and employment opportunities without requiring the use of a car. Limited commercial activities are available today. There is an evolving center at the intersection of Cottonwood and West Oak, the developing node at Baxter Ln and Fowler Ave, and the planned commercial node to the east described above. The city must balance

encouraging housing development with development constraints and proximity to employment, entertainment, education, and supporting its climate action initiatives.

Detailed analysis of site conditions is a requirement of both subdivision and zoning review and will identify areas to be protected. For example, the watercourse setback along Baxter Creek will apply regardless of what municipal zoning district is placed on the property and continue the over two-mile long protected corridor in the city. Therefore, the proposed combination of R-3 and R-5 zones is appropriate for this property.

Goal DCD-1: Support urban development within the City.

The proposed zoning is occurring in conjunction with an annexation. Any future development will be required to occur at urban densities and will be within the City. If the City Commission declines the annexation, then the requested R-3 and R-5 zones will not occur. If the City does not annex then development on individual wells and septic systems outside of the city may occur.

DCD-2.2 Support higher density development along main corridors and at high visibility street corners to accommodate population growth and support businesses.

The is a quarter-section surrounded by Collector and Arterial streets as described in the Transportation Master Plan adopted in 2017. Properly designed internal circulation and the adjacent primary transportation routes are designed to accommodate urban development as proposed with this zoning application. Therefore, placement of higher density development adjacent to Harper Puckett, Baxter Lane, Cattail, and Laurel Parkway is consistent with this objective. The REMU zoning to the south makes the intersection of Cottonwood Road and Baxter Lane a high visibility street corner. Additional internal street grid will be required and constricted to further improve access in and through the site. Evaluation of the degree of required road improvements will occur with formal development review.

RC-3.2 Work with Gallatin County to keep rural areas rural and maintain a clear edge to urban development that evolves as the city expands outwards.

Gallatin County adopted the [Gallatin County/Bozeman Area Plan](#) (GCBA Plan), a neighborhood plan under their growth policy, to identify County priorities for this area of the county. Implementing zoning was updated for the new neighborhood plan and is now in place.

“The purposes of the [County] Growth Policy and the 2005 Bozeman Area Plan are to provide comprehensive, long-range guidance relative to the growth and development...”

The GCBA Plan recognizes the area is in transition. On page 1 of the GCBA Plan it says, “It is not the intent of this Plan to prematurely discourage existing agricultural operations; rather it is the intent to accommodate the needs of present agriculture while recognizing an inevitable transition to a more urban landscape.”

Gallatin County recently completed adoption of a future land use map for their growth policy. The County’s FLUM shows this property as part of the “annexation holding area” adjacent to Bozeman.

The proposed annexation and zoning of this property will extend the municipal boundary west towards a future extension of Laurel Parkway, a designated Collector street. This application for annexation follows extends previously annexed property directly to the south and southwest in 2019 and 2024 which are now being developed. The Northwest Crossing is directly to the south and the Baxter 80 Annexation is to the southwest. The municipal service area and planning area of the city extends another mile to the west.

DCD-1.11 Pursue annexations consistent with the future land use map and adopted facility plans for development at urban intensity.

The proposed zoning is consistent with the future land use map and is within the current facilities plans.

Goal RC-3: Collaborate with Gallatin County regarding annexation and development patterns adjacent to the City to provide certainty for landowners and taxpayers.

Gallatin County has been notified of the proposed annexation. The site is within the Annexation Holding Area on the County’s future land use map supporting their growth policy.

RC-3.3 Prioritize annexations that enable the incremental expansion of the City and its utilities.

The property in question is contiguous to the City limits on the east and south. It adds approximately 160 acres to the City limits that is available for urban development while maintaining a consistent city border.

RC-3.4 Encourage annexation of land adjacent to the City prior to development and encourage annexation of wholly surrounded areas.

The property is adjacent to the City and does not create any new unannexed areas surrounded by City limits. The property is seeking annexation and municipal zoning for the purpose of residential development. Annexation is happening before development.

In addition to goals and objectives, the BCP 2020 includes descriptive statements regarding what the goals and objectives seek to support and create.

There is recognition of the role that a sense of place serves in Goal N-4. Neighborhoods do have physical attributes that help them be distinctive. In this case the presence of watercourse and sensitive lands supports an opportunity to create unique areas through a well-planned subdivision or site plan.

See also RC – 3.3 response.

The proposed amendment does not alter the zoning on any adjacent property and correspondingly the character of that adjacent property. As noted in other criteria in this report, the proposed amendment is consistent with the planned development of the area as homes with an urban intensity. While the application does not further all goals of the BCP 2020, taken as a whole, the application is supportive of and in accordance with, the BCP 2020.

B. Secure safety from fire and other dangers.

Criterion Met. The property can be served by the Bozeman Fire Department. Fire protection water supply will be provided by the City of Bozeman water system. No habitable structures are on the property, only a few ag existing buildings.

The property is not within any delineated floodplain nor does it have other known natural hazards. However, there are water course, agricultural water course facilities, and associated wetlands that will be identified, analyzed, and mitigated with subsequent development applications.

Upon annexation the subject property will be provided with City emergency services including police, fire and ambulance. Future development of the property will be required to conform to all City of Bozeman public safety, building and land use requirements. The City provides emergency services to adjacent properties and no obstacles have been identified in extending service to this parcel.

Water Main Extension and Services are the responsibility of the property owner. The applicant, at its own expense, must extend and loop a City standard water distribution and sewer collection to service the subject property at the time of connection and must meet City of Bozeman Design and Construction standards.

C. Promote public health, public safety, and general welfare.

Criterion Met. See comments in Section 6, Criteria A, B and D. City development standards included in Chapter 38, Unified Development Code, building codes, and engineering standards all ensure that this criterion is met. Adequate water and sewer supply and conveyance provide for public health through clean water. Rapid and effective emergency response provides for public safety. The City's standards ensure that adequate services are provided prior to construction of homes which advances this

criterion. General welfare has been evaluated during the adoption of Chapter 38 and found to be advanced. Provision of parks, control of storm water, and other features of the City's development standards advance the general welfare. Development of future arterial and collector streets will include active transportation elements to facilitate walking, rolling, and biking. Compliance with the BCP 2020 advances the well-being of the community as a whole.

D. Facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements.

Criterion Met. This property is included in future planning areas. The City conducts extensive planning for municipal transportation, water, sewer, parks, and other facilities and services provided by the City. The adopted plans allow the City to consider existing conditions and identify enhancements needed to provide additional service needed by new development. The City implements these plans through its capital improvements program that identifies individual projects, project construction scheduling, and financing of construction.

As stated in 38.300.020.C, the designation of a zoning district does not guarantee approval of new development until the City verifies the availability of needed infrastructure. All zoning districts in Bozeman enable a wide range of uses and intensities. At time of future subdivision or site plan review the need for individual services can be more precisely determined. No subdivision or site plan is approved without demonstration of adequate capacity.

38.300.020.C, "Placement of any given zoning district on an area depicted on the zoning map indicates a judgment on the part of the city that the range of uses allowed within that district are generally acceptable in that location. It is not a guarantee of approval for any given use prior to the completion of the appropriate review procedure and compliance with all of the applicable requirements and development standards of this chapter and other applicable policies, laws and ordinances. It is also not a guarantee of immediate infrastructure availability or a commitment on the part of the city to bear the cost of extending services."

The application site is located well within the City's land use, transportation, parks, and utility planning areas. Those plans show this property as developing within the City when development is proposed. Adequacy of all these public requirements and best methods to provide service is evaluated during the subdivision and site development process. All zoning districts in Bozeman enable a range of uses and intensities. At the time of future subdivision or site plan review the need for individual services can be more precisely

determined. No subdivision or site plan is approved without demonstration of adequate capacity.

The future development of the area will require dedication and construction of streets, provision of parks, extension of water and sewer services, and placement of easements for telecommunication, electric service, and similar dry utilities. As noted in Section 6, Criterion A, multiple major transportation corridors serve the site and are planned for extension upon development. All streets in the city must meet or exceed the city's complete streets policy. Development of any urban zoning or more intensive County zoning district will require changes to the street to the degree demonstrated as necessary during review of the development. As noted above, the placement of a zoning district does not grant entitlement to construct.

The property is bounded by Cottonwood Road to the east, which is a designated Major Arterial, Baxter Lane on the south, a Minor Arterial, Cattail Street to the north, a Collector, and a future extension of laurel parkway to the west which is a designated Collector. Required ROW easements are required and a part of the terms of annexation.

The subject property is located within two identified drainage basins', the Upper Baxter Creek Sewer Basin and Aajker Creek Sewer Drainage Basin. Currently there is no physical infrastructure in the Aajker Creek Sewer Drainage Basin. Specific development standards apply to these situations and are addressed with further development review. The Engineering Department identified these issues and provided comments to the applicant that specific sanitary sewer infrastructure improvements will be reviewed with future development applications.

Additionally, the subject property is located outside of the City's current service area for municipal water. The applicant is advised a minimum of two points of service connection must be in place to satisfy City standards, and that specific water infrastructure improvements will be reviewed with future development applications pursuant to section 38.410.070.A(1), BMC.

Responsibility to make those connections lies with the developer. Review of future development will further verify adequate capacity is present and all needed connections can be provided before any construction may begin. Division 38.420 and Section 38.520.060 require dedication of parks and on-site open spaces to meet the needs of residents.

The associated annexation will partially address required compliance with City standards through the Terms of Annexation in Section 2. Dedication of right of way for arterials streets is part of the annexation process as is agreement to follow the City's development standards. With future development proposals, the applicant must

demonstrate not just possible but actual street networks and utility connections existing or to be constructed to support the intensity of development proposed. See also Section 6, Criterion F regarding transportation and Section 5, annexation Policies 8, 9, and 12. The criterion is met.

E. Reasonable provision of adequate light and air.

Criterion Met. The R-3 and R-5 zoning designations have requirements for setbacks, height, and lot coverage which provide for the reasonable provision of adequate light and air. Any future development of the property will be required to conform to City standards for setbacks, height, lot coverage, and buffering.

Minor Arterial streets require a minimum width of 100 feet and Major Arterials require 120 feet. Therefore, ROW width plus required setbacks ensure a minimum of 120 to 140 feet of separation between buildings. In this case, there is an additional 50-foot common open space on the east side of Harper Puckett effectively increasing future and existing building separation to at least 190 feet.

In addition to the zoning standards, adopted building codes contain more detailed requirements for air circulation, window placement, and building separation that further ensure the intent of this criterion is satisfied.

The site has watercourses, streams, wetlands, and riparian areas running through the property. The City requires protection of wetlands and watercourses. This requirement applies to all zoning districts. This will support additional light and air beyond what would otherwise be applicable on the site.

F. The effect on motorized and non-motorized transportation systems.

Criterion Met. The proposed zoning will allow for a higher density of uses than is currently allowed under Gallatin County zoning. As a result, under the proposed zoning, when a development is proposed, they will be responsible for their frontage improvements which will include improvements along Harper Puckett, Baxter Lane, Cattail, and Laurel Parkway in addition to internal streets required to serve development.

The City conducts routine transportation monitoring, modeling, and planning to understand existing conditions and future needs of the transportation system. The [2017 Transportation Master Plan](#) is the most recent transportation plan. Figure 2.5, Existing Major Street Network, shows Cottonwood Road as a Major Arterial, Baxter Lane on the south as a Minor Arterial, Cattail Street to the north as a Collector, and a future extension of Laurel Parkway as a designated Collector. Required ROW easements are required and a part of the terms of annexation.

The [Greater Bozeman Area Transportation Plan 2007 Update](#), Gallatin County's adopted transportation plan for this same area, shows the same street classifications on Figure 2.2 as the Bozeman Transportation Plan. These three streets will be the primary collector and arterial accesses to the site over time. Local streets will link the larger arterial and collectors.

Further capacity expansion to the transportation network is planned, such as upgrading the condition of Baxter Lane, construction of Cattail Street, and Laurel Parkway including appropriate traffic control measures as warrants dictate. These expected actions to implement the Transportation Master Plan will mitigate impact on the larger transportation network as the overall area develops. Not all these expansions will be the responsibility of individual projects. For example, the City recently completed installation of a round-about at Baxter Lane and Cottonwood Road.

Support of multi-modal transportation is limited today due to the rural character of Baxter Lane west of Cottonwood; but multi-modal services is a minimum element for all city streets. Recent expansion to Cottonwood Road and Baxter Lane east of Cottonwood Road improved active transportation connectivity to the site. Due the property's location and still under development commercial nodes there are limited destinations within walking distance and bicycle infrastructure. Capacity and connection will occur with future development of the site.

City plans acknowledge the tension created with development. Not all goals and policies are furthered immediately with a particular application. The need for housing, the logical extension of city limits, and planned future commercial and other supporting uses near the subject property outweigh negatives associated with this development. Future development of this property provides opportunity to expand the pedestrian network through installation of sidewalks such as a new East-West link to the development to the east. Bike and pedestrian travel is much more sensitive to distance than motor vehicle travel. Sidewalk installation is a minimum development standard under Chapter 38. This expands and improves the non-motorized transportation system. These links will be required with any future development under any municipal zoning district.

The City has set minimum standards applicable to development to limit block length, ensure trail and sidewalk connections, and provide streets adequate to carry traffic projected from development. These standards are not applied at the time of the ZMA but are implemented during the subdivision and site plan processes required before any construction may begin. See also Section 6, Criterion D.

The Walk Score is low with a walk score of one and a bike score of 33. Such values are to be expected in undeveloped areas which have not yet had infrastructure and urban uses installed. As noted above, both infrastructure and uses will be extended through development. These values are provided by Walk Score, a private organization which presents information on real estate and transportation through walkscore.com. The algorithm which produces these numbers is proprietary. A score is not an indication of safety or continuity of services or routes. Scores are influenced by proximity of housing, transit, and services and expected ability, as determined by the algorithm, to meet basic needs without using a car. Sites located on the edge of the community have lower scores than those in the center of the community as the area is still under development and therefore diversity of uses is less than in fully established areas. There are no adopted development standards relating to the walk score. If, as suggested by the applicant, their intent of constructing mixed-use is executed, scores will improve over time.

According to Walk Score® the walks score measures the walkability of any address based on the distance to nearby places and pedestrian friendliness.

90 – 100	Walker’s Paradise. Daily errands do not require a car.
70 – 89	Very Walkable. Most errands can be accomplished on foot.
50 – 69	Somewhat walkable. Some errands can be accomplished on foot.
25 – 49	Car-Dependent. Most errands require a car.
0 – 24	Car-Dependent. Almost all errands require a car.

Prior to occupancy or other appropriate trigger, the applicant must show all applicable transportation systems are adequate to serve the proposed development and must meet minimum City standards. The Applicant has been advised of specific code provisions that will apply with future development proposals.

G. Promotion of compatible urban growth.

Criterion Met. The Bozeman Community Plan establishes a preferred and compatible development pattern. *“The land use map sets generalized expectations for what goes where in the community... The land use categories and descriptions provide a guide for appropriate development and redevelopment locations for civic, residential, commercial, industrial, and other uses. The future land use designations are important because they aim to further the vision and goals of the City through promoting sustainability, citizen and visitor safety, and a high quality of life that will shape Bozeman’s future.”* (Community Plan P. 51)

Individuals may have widely varying opinions about what constitutes compatibility. To address this wide variation of viewpoint, Compatible development and Compatible land use are defined in [Article 38.700](#) BMC to establish a common reference for consideration of this criterion and application of development standards. They are defined as:

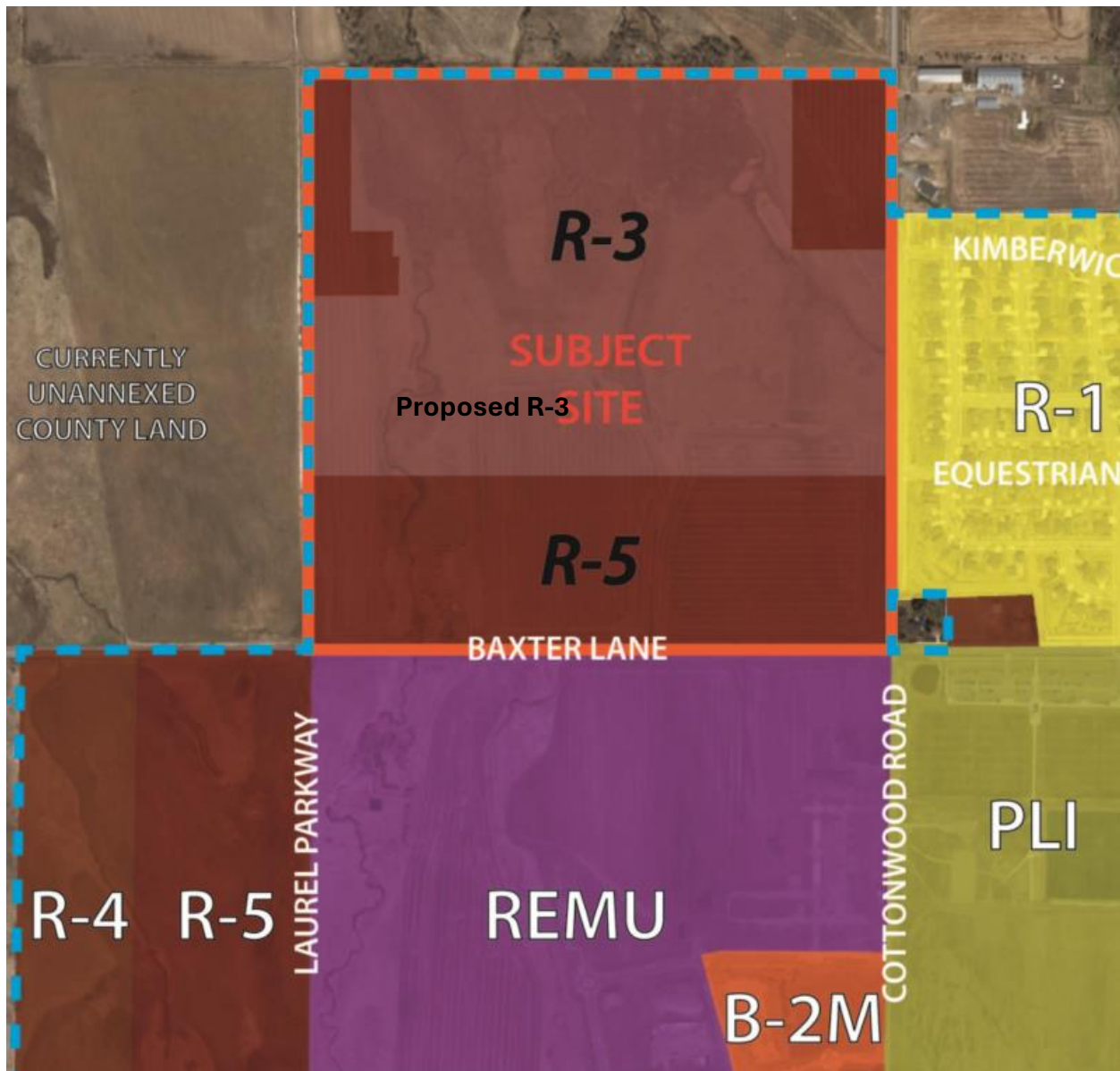
“Compatible development. The use of land and the construction and use of structures which is in harmony with adjoining development, existing neighborhoods, and the goals and objectives of the city's adopted growth policy. Elements of compatible development include, but are not limited to, variety of architectural design; rhythm of architectural elements; scale; intensity; materials; building siting; lot and building size; hours of operation; and integration with existing community systems including water and sewer services, natural elements in the area, motorized and non-motorized transportation, and open spaces and parks. Compatible development does not require uniformity or monotony of architectural or site design, density or use.

Compatible land use. A land use which may by virtue of the characteristics of its discernible outward effects exist in harmony with an adjoining land use of differing character. Effects often measured to determine compatibility include, but are not limited to, noise, odor, light and the presence of physical hazards such as combustible or explosive materials.”

As noted in the definition of Compatible development, there are many elements that contributed to compatibility. The final sentence of the definition deserves emphasis “Compatible development does not require uniformity or monotony of architectural or site design, density or use.” Compatible development can be different than what is already in place. The City has adopted a variety of standards to implement compatibility.

The proposed R-3 and R-5 districts are residential in character. The allowed uses for residential districts are set in [38.310.030](#). Table 38.310.030.A - Permitted general and group residential uses in residential zoning districts, shows permitted uses in the R-3 and R-5 districts and Table 38.310.030.B details permitted accessory and non-residential uses in residential zoning districts.

Adjacent zoning includes R-1, R-4, R-5, and REMU. REMU allows more intense development pattern than the other residential zones. Multi-household structures are adjacent to the property to the south. The application proposes locating the R-5 zone next to the REMU to the south and a combination of R-3 and R-5 on the east adjacent to the existing R-1. See existing and proposed zoning map below.



Existing and proposed zoning map

The form and intensity standards for residential districts are in [38.320.030](#). The existing Baxter Meadows subdivision (zoned R-S, R-1, R-3, R-4, R-5, and B-2) has developed between 5 – 28 living units per acre. According to City code the required minimum density for the R-1 through R-3 districts is 5, R-4 is 8 dwelling per net acre, and R-5 is 8 dwelling per gross acre. All of these densities are consistent with nearby areas.

The more intensive development elements allowed in the R-5 district is subject to additional development standards established in [Article 38.500](#), Project Design, of the municipal code. These standards address both site and building design to enable

differing uses and scales of development to meet the definition of compatible in the municipal code and presented above. Section 38.500.010. – Purpose states:

“This article (38.5) implements the Bozeman's growth policy. Overall, this article:

- A. Provides clear objectives for those embarking on the planning and design of development projects in Bozeman;*
- B. Preserves and protects the public health, safety, and welfare of the citizens of Bozeman;*
- C. Ensures that new commercial and multi-household development is of high quality and beneficially contributes to Bozeman's character;*
- D. Ensures that new developments within existing neighborhoods are compatible with, and enhance the character of Bozeman's neighborhoods;*
- E. Promotes an increase in walking and bicycling throughout the City;*
- F. Enhances the livability of Bozeman's residential developments;*
- G. Maintains and enhances property values within Bozeman.”*

The intent of the R-3 district, 38.300.100.D, BMC, *“...is to provide for the development of one- to five-household residential structures near service facilities within the city. This purpose is accomplished by:*

- 1. Providing for minimum lot sizes in developed areas consistent with the established development patterns while providing greater flexibility for clustering lots and mixing housing types in newly developed areas.*
- 2. Providing for a variety of housing types, including single household dwellings, two to four household dwellings, and townhouses to serve the varied needs of households of different size, age and character, while reducing the adverse effect of non-residential uses.*

Use of this zone is appropriate for areas with good access to parks, community services and/or transit.

The intent of the R-5 district, 38.300.100.F, BMC, *“is to provide for high-density residential development through a variety of compatible housing types and residentially supportive commercial uses in a geographically compact, walkable area to serve the varying needs of the community's residents. These purposes are accomplished by:*

- 1. Providing for a mixture of housing types, including single and multi-household dwellings to serve the varying needs of the community's residents.*

2. *Allowing offices and small-scale retail and restaurants as secondary uses provided special standards are met.*

Use of this zone is appropriate for areas adjacent to mixed-use districts and/or served by transit to accommodate a higher density of residents in close proximity to jobs and services.”

The proposed amendment is associated with an annexation creating an incremental increase in the size of the City. As discussed in Section 6, Criterion A above, both the City’s and County’s growth policies expect this area to transition from rural to urban development. The unannexed areas adjacent to this property are agricultural.

The City Commission has adopted standards to control development impacts and support compatibility. The following excerpt from the BCP 2020, page 75 describes the City’s approach.

“What combination of uses under what conditions can work well together? There is a wide range of possible answers for each community to consider. Some communities take a highly prescriptive worst-case view and try to restrain all possible points of perceived conflict. This tends to create a very homogenous community with little interest or scope for creativity. Bozeman takes a different approach. The worst case scenario is recognized as unlikely, but possible. Development standards deal with the majority of cases, while restraining extraordinary problems.

The City creates standards under items 1 through 3; when one district is adjacent to another and is consistent with the growth policy, any physical conflicts will be minimal, if present at all. The City’s zoning policy encourages continued development of mixed uses. ... The City uses the broad scope of its development standards to enable differing uses to be successful near each other. This shows on the zoning map where districts providing a wide diversity of uses are intermixed.”

This proposal amends the zoning map and not the text. Therefore, no element of this amendment modifies the standards of any zoning district. The character of the districts as created by those standards remains intact.

As noted above, the City Commission has latitude in considering the geographical extents of a zoning district. Application of any municipal zoning district to the subject property will alter the existing agricultural character of the subject property. It is not expected that zoning freeze the character of an area in perpetuity. Rather, it provides a structured method to consider changes to the character.

The BCP 2020 includes several objectives applicable to this criteria. These are:

N-1.11 Enable a gradual and predictable increase in density in developed areas over time.

N-1.2 Increase required minimum densities in residential districts.

N-3.5 Strongly discourage private covenants that restrict housing diversity or are contrary to City land development policies or climate action plan goals.

Application of any municipal zoning district to the subject property and subsequent development will alter the existing character of the subject property; which is fallow historic agricultural land immediately adjacent to a rapidly developing area of the City. Likewise, development under any municipal zoning district will be visually different from adjacent unannexed property. This is true even if both are used for similar types of housing due to the differences between municipal and county zoning.

Zoning doesn't freeze the character of an area in perpetuity. Rather, it provides a structured method to consider changes to the character. The BCP 2020 notes,

"...when considering an amendment to the zoning map both the actual and possible built environment are evaluated. If the amendment is accompanying an annexation request there is often a substantial change in use that will occur. In this case, the Commission must look at what the growth policy recommends for the area, as there is less built context to provide guidance."

Staff concludes that although the R-3 and R-5 is less and more intense than some surrounding zoning, it is compatible urban growth as called for in the growth policy. See also discussion for Section 6, Criteria A & H.

H. Character of the district.

Criterion Met. Section 76-2-302, MCA says "...legislative body may divide the municipality into districts of the *number, shape, and area* as are considered best suited to carry out the purposes [promoting health, safety, morals, or the general welfare of the community] of this part." Emphasis added.

This proposal amends the zoning map and not the text. Therefore, no element of this amendment modifies the standards of any zoning district. The character of the districts as created by those standards remains unaltered. Even though the criterion is most applicable to text amendments it still must be applied to consideration of zoning map amendments. The requested zoning meets the requirements of this criterion because, although different, it is compatible with surrounding zoning, existing roads and a park will provide a buffer between future development on this parcel and existing residential and agricultural uses, and promotes urban growth as called for in the BCP 2020. The

proposed amendment only applies to the Applicant's property and does not change what is or is not allowed on adjacent property.

As noted above, the City Commission has discretion within the limits of the State established criteria in considering the location and geographical extents of a zoning district. Implementation of zoning must also be in accordance with the adopted growth policy. As noted in Section 6, Criterion A, the City policy calls for a diverse and densifying land use pattern. See discussion in Section 6, Criterion A.

The BCP 2020 includes several objectives applicable to this criteria. These are:

N-1.11 Enable a gradual and predictable increase in density in developed areas over time.

N-1.2 Increase required minimum densities in residential districts.

N-3.5 Strongly discourage private covenants that restrict housing diversity or are contrary to City land development policies or climate action plan goals.

Application of any municipal zoning district to the subject property and subsequent development will alter the existing character of the subject property; which is a rural. Likewise, development under any municipal zoning district will be visually different from adjacent unannexed property. This is true even if both are used for similar types of housing due to the differences between municipal and county zoning. Similarly, development will likely be different from other annexed properties. For example, property to the south is zoned REMU and is planned to develop with a variety of urban scale residential development.

Zoning doesn't freeze the character of an area in perpetuity. Rather, it provides a structured method to consider changes to the character. The BCP 2020 notes,

"...when considering an amendment to the zoning map both the actual and possible built environment are evaluated. If the amendment is accompanying an annexation request, there is often a substantial change in use that will occur. In this case, the Commission must look at what the growth policy recommends for the area, as there is less built context to provide guidance."

See Section 6, Criterion A above for discussion about the application and growth policy and anticipated change to the character of the area.

The City has defined compatible development as:

"The use of land and the construction and use of structures which is in harmony with adjoining development, existing neighborhoods, and the goals and objectives of the city's adopted growth policy. Elements of compatible development include,

but are not limited to, variety of architectural design; rhythm of architectural elements; scale; intensity; materials; building siting; lot and building size; hours of operation; and integration with existing community systems including water and sewer services, natural elements in the area, motorized and non-motorized transportation, and open spaces and parks. Compatible development does not require uniformity or monotony of architectural or site design, density or use.”

As noted above, the City Commission has latitude in considering the geographical extents of a zoning district. To date, the City of Bozeman has not defined a specific area outside of the area itself to be rezoned for consideration of this criterion. A review of the existing uses within a quarter mile radius of the amendment site shows a variety of zoning districts. Including:

- Un-zoned areas to the north used as ag land.
- R-1, which allows a variety of housing types of primarily single unit detached homes.
- R-4, a high-density residential development through a variety of housing types within the city with associated service functions.
- R-5, a residential mixed-use high-density district is to provide for high-density residential development through a variety of compatible housing types and residentially supportive commercial uses in a geographically compact, walkable area to serve the varying needs of the community's residents.
- REMU, which is mixed-use in character and provides options for a variety of housing, employment, retail and neighborhood service opportunities within a new or existing neighborhood.
- Agricultural Suburban (A-S) is a county zoning district focused on low density residential and preservation of agricultural operation until it transitions to urban development. See discussion under Section 6, Criterion A above.

Page 77 of the BCP 2020 describing review of zoning map amendments states “When evaluating compliance with criteria, it is appropriate to consider all the options allowed by the requested district and not only what the present applicant describes as their intentions.” When evaluating compatibility between zoning districts, Staff considers the full range of allowable uses, not only what is built now or proposed by a specific project.

The maps in Section 1, municipally zoned areas in the immediate vicinity are both low and high range of zoning district intensity. This is consistent with the City’s previous and current growth policy and infrastructure planning. The character of the larger area is in

the process of changing with multiple large and intense developments now under construction or in review, namely, Northwest Crossing.

Half of the area adjacent to the site is agricultural and the other half has already transitioned from rural to urban, as described in Section 6, Criterion A. Therefore, the character is not fully defined and is suitable to add additional uses. All of the uses allowed under the R-3 and R-5 districts are allowed in the adjacent REMU zone. The City, as shown by an examination of the zoning map and authorized uses in all zoning districts, strives to encourage a diverse development pattern and avoid large areas of single use development. This is further supported by the statement in the description of the Urban Neighborhood future land use category, "Large areas of any single type of housing are discouraged." No size is specified for what is a large area. Therefore, when considering the character of an area it is expected that there will be diversity of development types. This diversity is also shown on the zoning maps in Section 1.

Development within the City is more land efficient than rural or suburban development in unannexed areas. Urban intensity development whether more intensive apartment style development or more typical medium density residential is much more land efficient than rural/suburban development. Suburban development consumes 135 times the amount of land and the rural consumes 594 times the amount of land per home than urban development. Development within the City also provides for a wide range of housing types to meet a wide range of housing needs. Development within the City lessens likelihood of conversion of agricultural and open spaces to other uses but does convert uses on some land with annexation. The City expects urban development within the municipal boundary.

Table 4 of the BCP 2020, see Section 6, Criterion A above, identifies the implementing zoning districts of the Urban Neighborhood future land use category. That category allows for zoning districts that authorize a wide range of possible future development. There are no zoning districts which are limited to only one type of development. All zoning districts implementing the Urban Neighborhood category provide for a range of housing types, institutions, and commercial activities. The expansiveness and intensity allowed varies between districts. As noted in this report, the BCP 2020 calls for evaluation of the entire range of uses in zoning districts when evaluating criteria for zoning amendments.

The R-3 and R-5 zoning districts and the adjacent R-1, R-4, R-5, and REMU zoning districts are residential in nature and are more similar than different in uses and standards. Development in R-3/5 is more intensive than that allowed in the R-1 district, such as a limited apartment buildings (structures that host up to eight dwellings units) and apartment building. These are subject to the standards of Article 38.5. [Article 38.5](#)

which imposes a variety of standards on site and building design to mitigate potential impacts on adjacent properties.

Evaluation of this situation is guided by the growth policy. On page 76 of the BCP 2020 under discussion of application of this zoning criteria is saying:

“Second, when considering an amendment to the zoning map both the actual and possible built environment are evaluated. If the amendment is accompanying an annexation request, there is often a substantial change in use that will occur. In this case, the Commission must look at what the growth policy recommends for the area, as there is less built context to provide guidance.”

The City has adopted many standards to identify and avoid or mitigate demonstrable negative impacts of development. These will support the ability of future development in R-3 and R-5 to be compatible with adjacent development and uphold the residential character in an area where R-3 or R-5 is applied even if the intensity between districts is different. The following excerpt from the BCP 2020, page 75 describes the City’s adopted approach.

“What combination of uses under what conditions can work well together? There is a wide range of possible answers for each community to consider. Some communities take a highly prescriptive worst-case view and try to restrain all possible points of perceived conflict. This tends to create a very homogenous community with little interest or scope for creativity. Bozeman takes a different approach. The worst-case scenario is recognized as unlikely, but possible. Development standards deal with the majority of cases, while restraining extraordinary problems.

The City creates standards under items 1 through 3; when one district is adjacent to another and is consistent with the growth policy, any physical conflicts will be minimal, if present at all. The City’s zoning policy encourages continued development of mixed uses. ... The City uses the broad scope of its development standards to enable differing uses to be successful near each other. This shows on the zoning map where districts providing a wide diversity of uses are intermixed.”

The standards adopted by the City prevent physically dangerous spillover effects. An example is the capture, treatment and discharge controls from additional storm water runoff as additional impervious surfaces are built. Required setbacks from property lines, landscaping requirements, protection of wetlands and watercourses, and similar site and building standards address character and compatibility. These and other

standards carry out the intent and purpose of the City's land development standards in Chapter 38 of the municipal code.

Sec. 38.100.040. - Intent and purpose of chapter.

- A. The intent of this unified development chapter is to protect the public health, safety and general welfare; to recognize and balance the various rights and responsibilities relating to land ownership, use, and development identified in the United States and State of Montana constitutions, and statutory and common law; to implement the city's adopted growth policy; and to meet the requirements of state law.

Zoning does not prohibit change but provides a structure within which change can occur. Such changes include modifications to both the text and zoning map. Such amendments are authorized in the zoning enabling act for municipalities. Landowners have both property rights and responsibilities. The City has adopted development standards to ensure that responsibilities are met while landowners exercise their property rights. The City has not chosen, and is not required, to adopt standards for all issues. For example, standards have not been adopted regarding preservation of view sheds or extra separation of buildings from unannexed property.

Finally, Theme 7 of the BCP 2020 includes this statement:

“RC-3.2 Work with Gallatin County to keep rural areas rural and maintain a clear edge to urban development that evolves as the City expands outwards.”

This objective describes the situation now under review. The City is expanding outwards by annexation. Gallatin County has identified this area as a growth area in its land use planning documents. There will be a distinct edge between the A-S, R-3, and R-5 zoning districts with different intensity of residential uses. Staff concludes that R-3 and R-5 are not significantly or detrimental from or to the surrounding zoning is compatible urban growth called for in the growth policy. See also discussion for Section 6, Criteria A, G, and F.

I. Peculiar suitability for particular uses.

Neutral. The proposed amendment does not modify the existing standards of the R-3 or R-5 districts. Therefore, the impact of the amendment is limited to this application site. The property is generally flat with a fall to the northwest and a steep slope in the NE corner. Watercourses and ag ditch cross the property from south to north. Groundwater in the area is shallow and potentially at hazard from onsite sewage treatment. The property is within the City's planning area for land use and utility extensions and the County's annexation holding area. There is frontage on Baxter Lane, an arterial street,

and Harper Puckett, which is an arterial street. Municipal utilities and emergency services can be extended to the area.

These features are not unusual for properties adjacent to the City. The described features support annexation and development within the City. There are not sufficient distinctive characteristics of the property to make a positive or negative findings for this criterion specific to an individual zoning district.

J. Conserving the value of buildings.

Neutral. The proposed amendment does not modify the existing standards of the R-3 or R-5 districts. R-3/5 zoning are residential in nature and allow a variety of housing types as long as the minimum density standards are met. The immediate Future Land Use and zoning surrounding the property is residential in nature.

Future development is not known at this juncture and will emerge with future development applications. The permitted uses must conform to the adopted zoning. Adjacent rights-of-way separate this property from adjacent property and will act as a buffer to the existing developments. The location of amenities that may increase the value of buildings such as parks, open space, trails, and value-added assets is undermined.

Existing structures on the site are small agricultural buildings. Any new structures at the site will be required to meet setback and other protective requirements set forth in the Bozeman Municipal Code. Compliance will alleviate potential negative impacts to the value of surrounding buildings and properties. As described in earlier criteria, the proposed zoning is compatible with existing buildings on adjacent properties and does not create any new situations not in compliance with municipal code.

K. Encourage the most appropriate use of land throughout the jurisdictional area.

Criterion Met. The proposed R-3 and R-5 zoning designation will encourage the most appropriate use of land as the property is adjacent to both residential and commercial uses. There is access to the city's services, including streets, thus the site is able to support a higher intensity of uses as allowed within the R-3 and R-5 zoning districts. Furthermore, the proposed R-3 and R-5 zoning designations are generally consistent with the BCP 2020 future land use map designation of "Urban Neighborhood".

PROTEST NOTICE FOR ZONING AMENDMENTS

IN THE CASE OF WRITTEN PROTEST AGAINST SUCH CHANGES SIGNED BY THE OWNERS OF 25% OR MORE OF THE AREA OF THE LOTS WITHIN THE AMENDMENT AREA OR THOSE LOTS OR UNITS WITHIN 150 FEET FROM A LOT INCLUDED IN A PROPOSED CHANGE, THE

AMENDMENT SHALL NOT BECOME EFFECTIVE EXCEPT BY THE FAVORABLE VOTE OF TWO-THIRDS OF THE PRESENT AND VOTING MEMBERS OF THE CITY COMMISSION.

The City will accept written protests from property owners against the proposal described in this report until the close of the public hearing before the City Commission. Pursuant to 76-2-305, MCA, a protest may only be submitted by the owner(s) of real property within the area affected by the proposal or by owner(s) of real property that lie within 150 feet of an area affected by the proposal. The protest must be in writing and must be signed by **all** owners of the real property. In addition, a sufficient protest must: (i) contain a description of the action protested sufficient to identify the action against which the protest is lodged; and (ii) contain a statement of the protestor's qualifications (including listing all owners of the property and the physical address), to protest the action against which the protest is lodged, including ownership of property affected by the action. Signers are encouraged to print their names after their signatures. A person may in writing withdraw a previously filed protest at any time prior to final action by the City Commission. **Protests must be delivered to the Bozeman City Clerk, 121 North Rouse Ave., PO Box 1230, Bozeman, MT 59771-1230.**

APPENDIX A - NOTICING AND PUBLIC COMMENT

Notice was published in the Bozeman Daily Chronicle on May 31 and June 7, 2025. The notice was posted on site and notices mailed by the applicant as required by [38.220](#) and the required confirmation provided to the Planning Office. Notice was provided at least 15 and not more than 45 days prior to any public hearing.

Public comment has been received on this application and is available at the following link.

<https://weblink.bozeman.net/WebLink/Browse.aspx?id=299969&dbid=0&repo=BOZEMAN>

APPENDIX B - OWNER INFORMATION AND REVIEWING STAFF

Owner: SD Baxter MT, LLC, 2639 Professional Circle, Suite 101, Naples, FL 34119

Applicant: Intrinsik Architecture, 106 E Babcock, Suite 1A, Bozeman, MT 59901

Representative: Intrinsik Architecture, 106 E Babcock, Suite 1A, Bozeman, MT 59901

Report By: Tom Rogers, Senior Planner, Community Development Department

FISCAL EFFECTS

No unusual fiscal effects have been identified. No presently budgeted funds will be changed by this Annexation or Zone Map Amendment.

ATTACHMENTS

The full application and file of record can be viewed at the Community Development Department at 20 E. Olive Street, Bozeman, MT 59715.

<https://weblink.bozeman.net/WebLink/Browse.aspx?id=294392&dbid=0&repo=BOZEMAN>

Memorandum

REPORT TO: City Commission

FROM: Jesse DiTommaso, Economic Development Coordinator
Brit Fontenot, Economic Development Director

SUBJECT: 69th Montana Legislative Session Recap

MEETING DATE: July 8, 2025

AGENDA ITEM TYPE: Plan/Report/Study

RECOMMENDATION: None

STRATEGIC PLAN: 1.3 Public Agencies Collaboration: Foster successful collaboration with other public agencies and build on these successes.

BACKGROUND:

The 2025 Montana Legislative Session convened from January 6 through April 30, 2025. During the session, 1,769 bills were introduced, and 884 were passed by the Legislature.

City staff from all departments engaged in the process by reviewing legislation and providing input—either through formal testimony or coordination with Central House Strategies—on bills that could affect City operations or adopted plans.

As bill drafts became available, staff evaluated them for departmental relevance. A legislative core team met weekly to identify and prioritize key legislation.

This work session will highlight the priority bills tracked throughout the session and outline how they are expected to impact City operations.

UNRESOLVED ISSUES: None.

ALTERNATIVES: As recommended by the Commission.

FISCAL EFFECTS: None.

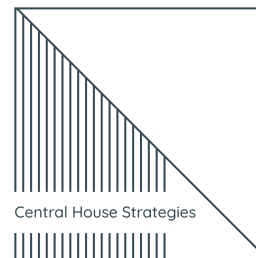
Attachments:

[Bozeman post-session report 5.16.2025 FINAL.pdf](#)

Report compiled on: June 18, 2025

2025 Montana Legislature Post-session Report

Prepared by Central House Strategies



Legislative Landscape

The 69th Legislative Session was controlled by republican majorities in both chambers and Governor Greg Gianforte. Over 50 bill drafts were filed that targeted local land use regulations and local government budget authority.

The rhetoric around property tax relief largely targeted local government spending as the culprit rather than changing circumstances in the state and policies that have shifted property tax burden away from industrial and commercial and on to residential properties. Although current state law caps the growth of local government revenue authority to the rate of inflation, the increasing costs of building and maintaining basic infrastructure and providing essential city services far outpaces these state-imposed limitations.

Land use bills sought to preempt local zoning authority and restrict local government's ability to manage the infrastructure and financial impacts of new development.

Economic development efforts were also targeted through several tax increment finance bills introduced early in the session. These bills sought to limit the return of the increment to local taxing jurisdictions, changing requirements for advisory boards, and public hearings regarding TIF districts.

Legislation and Outcomes

The City of Bozeman prioritized bill tracking and lobbying efforts through two main criteria: Impact on existing operations and impact on implementing adopted plans. Bills were further categorized and prioritized during weekly meetings to discuss lobbying and committee hearing strategy. This summary highlights several of the most impactful bills that passed this session. A full list of bills with status and effective date is at the end of this summary.

- [HB 20](#): Require voted levies to be in dollars rather than mills and subjects voted levies to the requirements of 15-10-420 (Brewster)
 - **Impact:** Subjects the city's voted levies to 15-10-420 and limits the ability to keep up with rising year over year staffing costs of providing public safety services and any city operations funded through voted levies.
 - **Outcome:** Amendments exempt school district levies from 15-10-420. Amendments to subject voted levies to inflation failed and language was reverted back to subjecting voted levies to 15-10-420. Annual revenue growth from voted levies will slow and the city will have to change the way that ballot language is crafted for future voted levies and anticipate rising year over year costs in setting the dollar amount levied.
- [SB 117](#): Revise government entity limitations on property tax increases (D. Zolnikov)
 - **Impact:** Authorizes local governments to create and contribute to a "large taxpayer reserve account" meant to mitigate impacts to a city's tax base if a large contributor goes

- out of business or no longer provides a significant contribution to a city's taxable value. Changes 15-10-420 to raise the inflationary rate from ½ the rate of inflation to full inflation up to a 4% cap and reduces the contribution of newly taxable from 100% to 75% for residential properties, and 40% of most other classes and TIF.
 - **Outcome:** The main factor limiting the ability of local governments to increase their budgets to meet increasing demand and costs of providing services will no longer be the rate of inflation, but the ability to fully include newly taxable value that is added to the tax base from new development in a given year.
- [HB 492](#): Revise municipal zoning laws related to parking requirements (K. Zolnikov)
 - **Impact:** Would have drastically limited the ability for a local government to require parking to be built for a number of different types of development and a ban on any parking requirements for residential units under 1200 square feet. Would result in no on-site ADA accessible spaces for some residential developments.
 - **Outcome:** Amendments were added to reduce the severity of the bill by striking the requirement for local governments to reimburse developers for on-site parking, and allowing cities to require no more than one half parking space for residential units under 1200 square feet. The passage of this bill impacts the parking incentives outlined in the city's Affordable Housing Ordinance.
- [SB 243](#): Amend zoning regulations to allow taller buildings (Boldman)
 - **Impact:** Would prevent cities from restricting building height in commercial zones.
 - **Outcome:** Amended to prevent cities from limiting building height to a height less than 60' in commercial areas. This has little impact in Bozeman given present code that outlines 4 stories which is approximately 60' in commercial developments in Bozeman's downtown and commercial areas.
- [SB 33](#): State buildings subject to state building code review (Hertz)
 - **Impact:** Transfers responsibility of plan review, permitting, inspection, and code enforcement of any state-owned or operated buildings in from the local review authority to the state Department of Labor & Industry.
 - **Outcome:** The City of Bozeman will no longer have review, permitting, inspection or code enforcement authority on MSU's campus or any other state owned or operated buildings in city limits.
- [HB 394](#): Revise local government public notice and resolution requirements
 - **Impact:** Changes MCA 7-1-4127(7)(a) to clarify business days instead of calendar days and specify the first notice must be published 15 business days out and the second, 5 business days before the hearing or action to be taken. Applies to noticing for resolutions and hearings for assessments, preliminary budget hearings, growth policy hearings and zoning and subdivision hearings that refer to 7-1-4127.
 - **Outcome:** Creates more clarity for the public and for clerks administering public noticing requirements. Some noticing periods may become longer.
- Water policy/nutrient standards: Together, Bozeman supported these three bills to provide clarity around nutrient standards set by state and federal rules.

- [HB 664](#) **Repeal numeric nutrient standards (Mercer)**. Directs DEQ to repeal and amend current standards to set achievable discharge thresholds for nitrogen and phosphorus while maintaining and improving water quality in surface waters.
- [HB 736](#) **Provide nutrient pollutant loading offsets (S. Fitzpatrick)**. Provides a predictable tool for offset planning and provides flexibility for discharges to comply with discharge permit limits.
- [HB 685](#) **Feasibility allowance for nondegradation policy (S. Fitzpatrick)**. Changes terminology from “nondegradation” to “feasibility allowance.”
- **Property taxes:** The final vehicle for property tax relief this session came down to the combined passage of HB 231 and SB 542 in the final day of session. The following is an overview of the relief provided by this package.

2025 changes: \$400 rebates for owner-occupied primary residences - similar application process to the Governor’s rebates. The application process will be noticed in June 2025 and the application will be open August 15th - October 1st, 2025.

Automatically implements tiered residential rates for ALL residences (regardless of whether they’re a second home or short term rental) with an increase in rates for homes valued over \$1.5m.

- **Ag** rate drops from 2.16% to **2.05%**
- **Commercial** is assessed at 1.4% for the value below \$400k and 1.89% for the value above \$400k
- **Residential** is subject to a tiered rate structure based on assessed market value:
 - First \$400k of market value is **0.76%**
 - \$400k-\$1.5 million is **1.1%**
 - Over \$1.5 million is **2.2%**
 - The maximum rate for **multifamily dwelling units** with a market value of **greater than \$2 million is 1.89% if the dwelling units are leased at 150% or less of the county fair market rent** (by county as defined by HUD). The property owner must certify lease rates to the department of revenue.

2026 and beyond: Homestead + long term rental reduced rate for primary residences and long term rentals below 4x median (\$1.4m). Application process will be noticed by October 30th, 2025 for the application window that opens between Dec 1st, 2025 and March 1st, 2026.

- **Ag** stays at **2.05%**
- **Commercial** is assessed at **1.5%** for the value less than 6x median (currently \$2.1m) market value and **1.9%** for any value over 6x median market value
- **Residential** is subject to a tiered rate structure based on statewide median value:
 - Value less than or equal to statewide median value (currently \$356k) **0.76%**
 - Value between median and 2x median (\$356k up to \$713k) **0.9%**
 - Value between 2x median and 4x median (\$713K up to \$1.4 million) **1.1%**
 - Value of 4x median and greater (\$1.4 million) is **1.9%**
 - The tax rate for a **rental multifamily dwelling unit** described in subsection (1)(b)(iv) that qualifies for the rental property reduced tax rate is **1.1%**.

Next steps:

1. Track the ranking and assignment of study bills to interim committees
2. Monitor and engage in interim committee meetings
3. Monitor and engage in rulemaking and implementation of new legislation around municipal budget, property tax relief, land use/zoning bills, and water quality/quantity.
4. Continue to strengthen relationships with the Bozeman delegation through 1-1 meetings, site visits, facility tours, invitations to city events