

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

June 23, 2003

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Charles F. Tooley called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by the Mayor, followed by the Invocation, which was given by Councilmember Jan Iverson.

ROLL CALL – Councilmembers present on roll call were: McDermott, Gaghen, Brown, Brewster, Iverson, Kennedy, Poppler, and Jones. Councilmembers Ohnstad and Larson were excused.

MINUTES – June 9, 2003. Approved as printed.

COURTESIES – NONE

PROCLAMATIONS – Mayor Tooley.

- Amateur Radio Week: June 23-29

BOARD & COMMISSION REPORTS

- Animal Control Board Member Judy Krause read a letter from the Board chairman updating the Council on the Board's activities. She said the Board is working on proposed revisions to the animal control ordinances and hopes to have final revisions to present to the Council in the next two months. She said other issues the Board has been working on are related to the new Animal Shelter building, the grand opening plans, fund raising and donation activities, the possibility of a formal volunteer program to help at the shelter and plans to educate the community on the new ordinances.
- Billings Downtown Partnership Acting Director Greg Krueger thanked outgoing President Mike Schaer who will preside over his final board meeting this Friday. He also thanked Mike Schmechel who recently retired from the board as the DBA's representative and Gene Jarussi, the Billings School District's representative for their service on the board. He noted that the Partnership's annual report, work plan and proposed agreement will be forwarded to the Council soon. He said that the "Alive After Five" activities held at the Skypoint were a great success, with record attendance. He also invited everyone to come to the Food Fair this Wednesday, June 25th from 11 AM to 2 PM.

ADMINISTRATOR REPORTS – Kristoff Bauer.

- Mr. Bauer thanked Ms. Krause for her presentation from the Animal Control Board and noted that in the future one or more board members will report to the Council at each Council Meeting.
- He noted that the Joint City/County Meeting will be held at the Gateway Restaurant at the Airport at 5:30 PM on Thursday, June 26th and encouraged the Council to attend.

He said the Growth Policy, Home Land Security funding and the Air Pollution Control Board issue will be topics on the agenda.

- Mr. Bauer noted that there were revisions to three agenda items. There was a change in the recommendations for Item 1A1, and Item 1A21 and a language change in Item J - labor contract with the Firefighters union. He said all corrections were sent to the Council in the Friday Packet.
- Mayor Tooley reminded the Council that they are invited to the Rimrock Foundation luncheon on Wednesday, June 25th. The topic will be the Misdemeanor Drug Court.

CONSENT AGENDA:

1. A. Bid Awards:

(1) Water Treatment Plant Switchgear Replacement. (Opened 5/27/03). Recommend ~~delaying award of~~ awarding Schedules A to 7/14/03 and awarding ~~Schedule B to Wesco Distribution, \$89,850.00~~ and B to Wesco Distribution, \$209,487.00.

(2) MET Transit Procurement for Transit Vehicles. (Opened 5/20/03). Recommend Gillig Corporation, \$1,681,950 for six buses plus additional buses and parts in the "option" years.

(3) 24-Hour Multi-Channel, Digital Voice Recorder. (Opened 6/03/03). Recommend Industrial Communications Inc., \$29,244.00.

(4) Sewage Treatment and Conveyance Facilities (aka Rehberg Ranch Subdivision Wastewater Treatment Facilities). (Opened 6/03/03). Recommend COP Construction LLC, \$1,298,757.60.

(5) Wastewater Treatment Plant Breakers. (Opened 6/10/03). Recommend delaying award to 7/14/03.

(6) 54th Street West Sanitary Sewer and Water Line Improvements. (Opened 6/10/03). Recommend delaying award to 7/14/03.

(7) 2003 Water Leak Restoration Project. (Opened 6/10/03). Recommend Total Asphalt Repair, Inc., \$49,669.00.

(8) 2003 Water and Sewer Line Replacement Projects – Schedules I and II. (Opened 6/10/03). Recommend Chief Construction, \$426,829.00 for Schedule I and delaying the award on Schedule II to 7/14/03.

(9) 2003 Capital Improvement Project: Alkali Creek Road to Hilltop Road Water Main Replacement. (Opened 6/10/03). Recommend COP Construction LLC, \$463,301.00.

(10) Current Model 2003 200Kw Trailer-Mounted Generator Set. (Opened 6/10/03). Recommend Cummins Rocky Mountain LLC, \$31,634.48.

(11) Exterior Painting of Logan Reservoir. (Opened 6/10/03). Recommend rejecting the low bid of DeLoughery Painting, Inc. and awarding the bid to Abhe & Svoboda, Inc., \$131,365.00.

(12) Staples Pump Station. (Opened 6/10/03). Recommend Star Service, \$2,506,424.00.

(13) Terminal Concourse Window Replacement. (Opened 6/10/03). Recommend Dale and Jax, \$103,885.00.

(14) Terminal Concourse Lighting Upgrade. (Opened 6/10/03). Recommend Yellowstone Electric, \$18,499.00.

(15) Billings Logan International Airport Fire Alarm Upgrade. (Opened 6/10/03). Recommend Yellowstone Electric, \$141,635.00.

(16) Operations Building Painting for Billings Logan International Airport. (Opened 6/10/03). Recommend Cronin Paint, \$38,500.00.

(17) Operations Building Conference and Locker Room Project. (Opened 6/10/03). Recommend Fisher Construction, \$48,710.00.

(18) Billings Logan International Airport Ramp Lighting. (Opened 6/10/03). Recommend approving Ace Electric's request to withdraw their bid and awarding the bid to Yellowstone Electric, \$84,099.00.

(19) W.O. 02-19: City Animal Shelter – Phase II: Equipment. (Opened 6/10/03). Recommend Suburban Surgical, \$87,413.50.

(20) Replacement of MET Diesel Tanks. (Opened 6/10/03). Recommend Marketing Specialties, \$87,864.38.

(21) Airport Motor Grader Re-bid. (Opened 6/17/03). ~~Recommendation to be made at meeting.~~ Recommend RDO Equipment, \$139,563.00.

B. W.O. 02-19: City Animal Shelter, C.O. #1, General Contractors, \$5,728.00.

C. W.O. 03-14: Traffic Calming for Montana Avenue – North 27th Street to North 22nd Street: Professional Services Contract with Interstate Engineering, Inc., \$10,000.00.

D. W.O. 97-12: Shiloh Drain; Professional Services Contract with Engineering, Inc., \$49,775.00.

E. Vehicle Lease Agreement with Underriner Motors for City/County Special Investigations Unit (CCSIU) for 6 vehicles, term: 7/1/03 to 6/30/04, \$18,000.00.

F. LWCF Project Grant Agreement for Downtown Billings Skatepark, \$75,000.00.

G. Lease Agreement with Associated Employers of Montana for office space in Park I, \$30,577 for first year, term: 6/1/03 to 5/31/04 with one-year option to renew.

H. Contract with Jani McCall for lobbyist services; term: 7/1/03 to 6/30/04.

I. FY 2003-2004 Landfill Use Agreements:

- (1) Bighorn County
- (2) Town of Bridger
- (3) Carbon County
- (4) Town of Columbus
- (5) Town of Fromberg
- (6) Town of Hysham
- (7) Town of Joliet

- (8) City of Laurel
- (9) Musselshell County
- (10) City of Red Lodge
- (11) Stillwater County
- (12) Treasure County
- (13) Yellowstone County Solid Waste Disposal District

J. Labor Contract between IAFF Local 521 and City of Billings, 3-year term.

K. Resolution of Intent 03-17996 to Expand Streetscape Maintenance District #4013: North Broadway Streetscape and setting a public hearing for 7/28/03.

L. Resolution 03-17997 relating to \$7,055,000 Storm Sewer Gross Revenue Refunding Bonds, Series 2003; authorizing the issuance and fixing the terms and conditions thereof and creating special funds and accounts and pledging certain revenues as security for such bonds and any additional bonds.

M. Resolution 03-17998 setting building, electrical, plumbing and mechanical permit fees and repealing Resolutions 93-16708, 99-17473, 99-17531 and 00-17585.

N. Subordination of Housing Rehabilitation Loan, Gloria Boyd, 2640 Broadwater Avenue, \$20,000.00.

O. Library Security Guard Service: adjusting the hourly rate for the second year of the 3-year contract with Guardian Security, estimated annual cost for second year is \$55,466.00.

P. Acceptance and approval of Special Operations Equipment award from the State of Montana, \$424,046.12.

Q. Final Plat of King's Green Subdivision, 3rd filing.

R. Final Plat of Rimrock West Estates Subdivision, 5th filing.

S. Bills and Payroll.

(Action: approval or disapproval of Consent Agenda.)

Councilmember McDermott separated Items 1A4, 1A11, D, K and O from the Consent Agenda. Councilmember Kennedy moved to approve the Consent Agenda with the exceptions of Items 1A4, 1A11, D, K and O, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved to approve Item 1A4 of the Consent Agenda, seconded by Councilmember Brewster. Councilmember McDermott asked why this item was not delayed along with Items A5, A6, A7 and A8 due to shortage of money in this year's budget and when would the City recoup its investment. Public Works Director Dave

Mumford said the other items mentioned were delayed to the first Council Meeting in July to take advantage of the new budget monies. This item was given priority because the City is currently hauling sewage out of the area and there was a need to get the project going as soon as possible to correct that situation. He said the return on the investment will come about when Rehberg Ranch is "built out", which would be in the next few years. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item 1A11 of the Consent Agenda, seconded by Councilmember Iverson. Councilmember McDermott said this project will require some sandblasting and she wanted to call everyone's attention to the critical criteria that the City must abide by in this type of project. She noted that heavy fines can be the consequence of not following State mandates. Mayor Tooley noted that the staff memo states there is an "additive alternate" amount of \$32,000 that is specifically "for erecting a containment system around the project to minimize the spread of dust and debris during the sandblasting operation". On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item D of the Consent Agenda, seconded by Councilmember Iverson. Councilmember McDermott noted there was a delay from 1998 on awarding this contract and asked if the \$49,775.00 was the actual bid amount in 1998. Interim City Administrator Kristoff Bauer said this is a professional services contract and not a bid. This project went through a consultant selection process that does not take into consideration price, and there was no price given at the time of selection. He said the delay was in defining the scope of work in coordination with Montana State Department of Transportation. Councilmember McDermott asked if there are time limits on these requests for proposals. Mr. Bauer replied "no". Councilmember Brown asked if the selections can be done through a bidding process. Mr. Bauer said price cannot be part of the consideration of making this decision under State law. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item K of the Consent Agenda, seconded by Councilmember Iverson. Councilmember McDermott asked if it is legal to limit the basis of the assessment on a lot size of 7,000 square feet and how are lots with less than 7,000 square feet of property assessed. Parks and Recreation Director Don Kearney said the assessments are based on total square footage of the entire lot up to 7,000 square feet. Lots less than 7,000 square feet are assessed on their actual square footage. Councilmember McDermott noted that several businesses are "getting a really great deal" and an unfair advantage, such as the Billings Gazette. She said a more equitable fee structure should be considered. Mr. Kearney said the theory behind the assessments was that each business should benefit the same regardless of lot size. Councilmember McDermott asked if this includes Skypoint. Mr. Kearney replied "no". Councilmember Jones asked how long the assessment formula based on square footage has been in practice. Mr. Kearney said it is an exception rather than the rule and somewhat uncommon. Councilmember McDermott asked that this assessment practice be reviewed for a more equitable formula. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item O of the Consent Agenda, seconded by Councilmember Brewster. Councilmember McDermott said the City should utilize the Police Department rather than private security organizations for Library security.

She also noted that this money could be better spent on camera surveillance equipment inside and outside the Library building. Councilmember Poppler asked if the City has looked into the cost of a surveillance system. Library Director Bill Cochran said most of the security system planning has been done in conjunction with the Police Department. He noted that adding monitors and cameras are a good idea, but having sworn officers on the premises is "overkill", while having no presence other than staff is inadequate. He said there are many occasions that require additional security protection for staff as well as the library patrons. On a daily, sometimes hourly, basis there are people that are inebriated. He added that using cameras has been considered, but this would require someone watching the monitors for a 110,000 square foot building and grounds. Councilmember Poppler noted that buildings with cameras usually also have security guards to respond to the persons monitoring the cameras. Mayor Tooley asked what the cost would be of a City Police presence equal to the security guard presence. Mr. Cochran said this was not calculated for the presentation this year but acknowledged that it could be far more than twice the cost of the security guard services. Councilmember McDermott said she was only suggesting that the Library call Police Officers when there is the need for their services, not a Police presence at all times.

Councilmember Kennedy said he cannot stress the importance of deterrents, such as the security guard on premises. He noted that problems in the parking garages have been abated due to the presence of the security guards. He said security is expensive, but important. Councilmember Brown asked if the Police Department must still be called in the case of inebriated persons. Mr. Cochran said the security firm is able to tell the person that they are violating the conduct policy and are able to take care of over 90% of those types of situations. He noted that there have only been a dozen times that a situation has been serious enough to warrant a Police Officer being called to issue a citation. Councilmember Iverson noted that the gentle presence of the security guards protect the patrons of the Library from incidents that can escalate into altercations. Councilmember Gaghen asked about the frequency of incidents that require action from the security service. Mr. Cochran said that after a five-year security guard presence, there are almost daily incidents that are dealt with, but this is less than prior to their active presence. These include medical emergencies, vagrants bothering patrons, persons under the influence of alcohol or drugs, assaults and suicide attempts. On a voice vote, the motion was approved with Councilmember McDermott voting "no".

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 03-17999 approving the filing of a grant application with the Department of Transportation, Federal Aviation Administration under TEA-21 of the Federal Transit Act. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Poppler moved for approval of the staff recommendation, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION annexing Lot 4, Block 2, Barry Acreage Tracts, 3rd filing. (Annex #03-04). Staff recommends approval of the public service report and the resolution annexing the property with conditions. (Action: approval or disapproval of Staff recommendation).

Planning Staff Member Juliet Spaulding said this is an annexation request under Part 46 of the Montana Code Annotated. She said the parcel is 1.58 acres (including the adjacent .6 acre right-of-way) located on the northeast corner of Bitterroot Drive and Erin Street. She noted that Cherry Creek Estates is to the east of the parcel. The current zoning is Residential 7,000 and the lot is currently vacant, with proposed residential uses. Ms. Spaulding said there were no departmental objections to the annexation, however there may be a need for future resources. There is no significant impact on City services, using existing City facilities in Bitterroot Drive and those currently being installed in Erin Street. She noted that Erin Street is being constructed to serve Cherry Creek Estates. City taxes and fees generated would not be large enough to offset the cost of City service. The utility construction cost is being paid in full by the developers. She said that this promotes urban infill development, capitalizes on existing water and sewer facilities, discourages leapfrog development and protects against incompatible uses. With regard to the Annexation Policy, it is in the sphere of influence, contains regular boundaries and would not cause a decline in City services to residents. It does not meet some criteria within the Annexation Policy because it is not 10 acres, not wholly surrounded by the City and not in a situation where existing infrastructure would threaten public health and safety.

Ms. Spaulding said the Planning Staff is recommending conditional approval with the following conditions: 1) the annex action be adjacent to the Erin Street right-of-way, and 2) that prior to development of the site the following shall occur:

a. A Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or

b. A Subdivision Improvements Agreement (SIA) and Waiver of Protest to SID and PMD shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

Councilmember Brewster asked if annexation of all of Erin Street, down to Cherry Creek Estates, will be considered in the recommendations. Ms. Spaulding said it has not been City policy to annex right-of-way off-site of the property, therefore it was not included in the recommendation. This could be discussed, she added. Councilmember Brewster said that recommendation will leave a short section of Erin Street in the County with the City on both sides. To maintain Erin Street, it should all be in the City, he said. Ms. Spaulding noted that this part of Erin Street is not a dedicated street, but an easement in the County. She said there is no annexation petition for this street portion. Councilmember Brewster asked if Cherry Creek Estates residents will use Erin Street as an access road. Ms. Spaulding said "yes", there will be a street right-of-way but not a dedicated street. She noted that Erin Street will be constructed to standards that the City is comfortable with. Councilmember Brewster asked the City Administrator if annexation of Erin Street could be a requirement of the annexation. Mr. Bauer replied "no", that the City is "limited to the petition". He said the Council has the option of denying the annexation and recommending that the owners submit an annexation

request that includes Erin Street. Councilmember Poppler said this situation is similar to a situation where a portion of Grand Avenue remained unannexed. She said the City should be consistent with its policy of not annexing islands and not leaving streets partly developed.

The public hearing was opened. TOM ZURBUCHEN, 1747 WICK LANE, said this annexation is an island, but not contiguous to the City. He said Bitterroot Drive will cause the same concerns as Erin Street with regard to the annexation. He noted he has lived on Wicks Lane since 1977 when half of it was in the City and half was in the County. His experience with Police and Sheriff dispatches was confusion over who had jurisdiction. This is the sole access to Cherry Creek Estates and that will create a lot of calls to Police and Sheriff dispatch to find out who should respond. He said it does not make sense to have that many residents confused about whom to call. He said the annexation is a good one, but the problems inherit need to be resolved, adding that this development can proceed much better in the City than in the County.

STAN MCINTIRE, 1425 BITTERROOT DRIVE, said he agrees in principle with the annexation and that it would be developed better under City control. He urged the Council to ask the developer to annex all of Erin Street to Cherry Creek Estates at the time of the parcel annexation. This would add consistency to the Annexation Policy and relieve jurisdictional problems.

There were no other speakers. The public hearing was closed. Councilmember Brewster moved to disapprove the annexation and recommended the staff negotiate with the developer to include annexation of the portion of Erin Street right-of-way to Cherry Creek Estates, seconded by Councilmember Gaghen. Councilmember Kennedy said he was concerned about the dedication issue of Erin Street, both inside and outside of Cherry Creek Estates, prior to annexation. Councilmember Brewster said the portion of Erin Street (approximately 300 feet) from the subject property to the Cherry Creek Estates is the portion that should be considered for annexation. He said this is the main access to Cherry Creek Estates and it is the obligation of the City to maintain this portion. Councilmember Poppler agreed with Councilmember Brewster and said this should be a specific policy. Mr. Bauer said the Council has the discretion to deny this annexation because there are several points in the Annexation Policy with which this request does not conform. He added that insuring the City has continuity in right-of-ways to and from annexed properties can be accomplished through discussion and policy development procedures. On a voice vote, the motion to deny the annexation was unanimously approved.

4. INTERIM TRANSPORTATION PLAN AND TRANSPORTATION IMPROVEMENT PROGRAM. Staff recommends approval. (Action: approval or disapproval of Staff recommendation).

Transportation Planner Scott Walker said the Transportation Improvement Program (TIP) consists of short range projects in the Billings area, time frames and funding amounts for federally funded projects, and shows community priorities for the projects. An approved TIP is required for Billings to receive federal funding for transportation projects. He said the Interim Plan is necessary because the federal government requires transportation plans to be updated every three years. The current plan is in a lapsed status because work on the transportation model is out of date and

taking longer than originally scheduled. The Growth Policy Transportation Element has not yet been adopted, and the planning staff has been extremely busy with other projects.

He noted the current list of major ongoing projects that are exempted from the TIP requirement through this process and can continue with the approval of the Interim Plan are: 1) Airport Road - \$6,304,000, 2) Main Street Improvements - \$3,274,456, 3) Widen old US 312 - \$2,664,900, 4) Swords Park Bike Path - \$700,000, 5) North By-Pass EIS - \$3,000,000, and 6) Five CTEP projects - \$1,289,577.

Mr. Walker said there are 10 goals for the Transportation Plan that everyone is familiar with. He said the major funding sources for the transportation projects are 1) Urban STPU funds of \$1,924,000, 2) Montana Air and Congestion Initiative (MACI) - \$672,392, and 3) Community Transportation Enhancement Program (CTEP) - \$515,000. He said the average annual federal and state funding for transportation projects in our area is estimated at \$5,616,000 a year (not including transit or airport funds).

He noted that he has developed an exempt project list and packaged all of the federal requirements to allow the City to move the projects forward. He asked the Council for their approval of the Interim Transportation Plan and Transportation Improvement Program. He said the Mayor will bring the Council recommendation to the Policy Coordinating Committee meeting on June 30, 2003. This same information will be forwarded to the County Commission and the Planning Board.

Councilmember Jones moved for approval of the staff recommendation, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

Mayor Tooley called for a short break at 7:40 P.M.

Mayor Tooley reconvened the meeting at 7:46 P.M.

5. AWARD OF CONSTRUCTION CONTRACT FOR W.O. 02-15: BILLINGS OPERATIONS CENTER. (Opened 6/10/03). Staff recommends Hardy Construction, \$9,811,000.00.

Interim City Administrator Kristoff Bauer distributed the bid results matrix. Public Works Director Dave Mumford said that the bid came in under budget. He said acceptance of the base bid and the alternatives must be in order of their appearance on the alternative list. Once an alternative is rejected, the subsequent alternatives will automatically be rejected. If the alternatives are taken out of order, the result could be a new low bidder. This is the reason they must be considered in the specified order.

Mr. Mumford said the alternatives were prioritized in the order of importance. *Alternate One* is the Interior metal wall liner panels to cover the insulation in the exterior walls. He said this was the first priority as they will provide a way for the walls to last longer and have more durability. *Alternate Two* is the Upgrade to standing seam for the metal roof panels. The base bid contains rubber grommets screws into the metal roof that will allow leakage over time. The seamless roof eliminates the screws and gaskets providing for a longer life and less maintenance. *Alternate Three* is to provide the Carports for the Police vehicles. The Police Department suggested that the original heated garages be eliminated as a cost saving measure. The carports would be lighted

and provide for a longer life of the vehicles and better condition of them for daily use. *Alternate Four* is the Façade upgrades to the Police and Administration buildings only. He said this is an esthetic issue about City pride and should be a significant consideration. *Alternate Five* is for the Electric Gates. This will allow tracking of vehicles in and out of the yards and provide for better security, restrictive access and protection of valuable City property. *Alternate Six* is for Electric Door Lock Hardware. There is costly wiring involved, but this would control access to certain parts of the building. He noted the Airport has this hardware and finds it extremely useful. *Alternate Seven* is for Concrete Aprons around the Garage and Motor Pool Overhead Doors. This will allow for longer life and could be added in the future. *Alternate Eight* is for an Attic area in the Administration building converted into usable office space or storage. This is also something that can be done in the future as the original structure will be adequate for the needs of the City now. He noted that with the total of the first six alternates and the base bid, there will be \$7,500 in contingency. He added there is also contingency money added into the Midland Road construction bid. He said any change orders the City accepts will come before the Council for approval.

Councilmember Brown asked why alternates 7 and 8 are included for a total of \$9,868,000. Mr. Mumford said they were noted and included, but added that this would be more than the budgeted amount. Therefore, it is the staff's recommendation that alternates 7 and 8 be eliminated.

Councilmember Kennedy asked if alternate five for the electric gates would function without alternate six for the electric door lock hardware. Mr. Mumford replied "yes" but added that there is a considerable cost in wiring to add the door lock hardware at a later date.

Councilmember Gaghen moved for approval of the staff recommendation, seconded by Councilmember Kennedy. Councilmember McDermott asked for confirmation that the alternates must be considered in their present order and the Council may not "pick and choose" different alternates. Mr. Bauer replied "yes".

Councilmember Jones said the first two alternates are very important. He noted that the \$7,500 contingency is extremely low. Councilmember Jones made a substitute motion to accept only alternates one and two and consider alternates three, four, five and six at a later date with a proposal and a change order, seconded by Councilmember McDermott.

Councilmember Brewster asked if the garage doors will have automatic openers rather than automatic sensors. Jim Baker, A & E Architects, the architect for the project replied "yes". Councilmember Poppler added that the carports for the officers is an important and time saving convenience.

Councilmember Kennedy said the amount of money saved by eliminating alternates three through six is 4-1/2% of the entire budget. He said all of the alternates are important. He encouraged the Council to approve alternates one through six.

On a roll call vote for the substitute motion, the motion failed 3 - 6 with Councilmembers McDermott, Brown and Jones voting "yes" and Councilmembers Gaghen, Brewster, Iverson, Kennedy, Poppler and Mayor Tooley voting "no".

Mayor Tooley asked what the cost of alternate eight would be five years from now when more office space may be needed. Mr. Baker said there are provisions in the base bid to provide for additional foundations and supports for the attic. The alternate

includes the floor supports and the floor decking, handrails and some pull-down stairways. He explained that one-third of the attic cost is included in the base bid. Mr. Bauer said it would cost more later. He added, if the Council has an interest in exploring alternate eight, this could be negotiated with the contractor at a later date as an addition change order item. On a voice vote for the original motion, the motion to accept the staff recommendation was approved with Councilmembers McDermott, Brown and Jones voting "no".

6. PRELIMINARY PLAT of Village West Subdivision. Planning Board recommends conditional approval. (Action: approval or disapproval of Planning Board recommendation.)

Planning Staff Member Bruce McCandless said this is a major subdivision located on 38th Street West between Avenues B & D. The proposed subdivision contains 41 residential lots on about 10 acres of land. It is zoned Residential 7,000 and the land is currently vacant.

He said few impacts were identified, however there are two areas where the subdivision does not conform to the local subdivision regulations. This involves street widths on the internal streets and double-frontage lots created next to 38th Street West.

The Planning Board is recommending conditional approval with the following conditions:

1. Subdivider will coordinate with the US Post Office for location of mailboxes or other delivery facilities that do not encroach upon the proposed curbside walk. *Requested by Public Works and required by the ADA*
2. Subdivider will submit the design and methods of improving the 38th Street West boulevard area before final plat approval. *Requested by Public Works*
3. Minor wording changes may be made in the final documents upon request of the Planning or Public Works Departments to clarify the documents and bring them into standard, acceptable format. The changes are not intended to alter the intent or extent of the documents. *Standard condition that permits minor changes to the final plat documents without requiring the subdivider to repeat the subdivision review and approval process.*
4. Subdivider shall comply with all applicable federal, state and local statutes, ordinances and administrative regulations during the performance and discharge of its obligations. *This condition informs the subdivider that all local and state laws and policies apply to the subdivision even if they are not specified in the documents.*

Mr. McCandless said there are two variance requests as follows: 1) A variance from Section 23-601(k) allowing a 50' local street right-of-way for the internal streets. The standard requirement is 60' for local streets. Staff supports this variance because 50' of right-of-way, plus 5' fire hydrant and street light easements on each side of the street, provides sufficient right-of-way for constructing and maintaining streets. Public health and safety are not compromised by this variance, and 2) A variance from Section 23-605(d) to allow double frontage lots. The lots that face Province Lane also have a frontage on 38th Street West. 38th is designated as a collector and it is preferable to not have driveways on the street. In addition, the Hancock – Grand Subdivision was master planned for a predominately north-south street orientation and double frontage lots are

probably unavoidable. The 38th St. frontage has a 1' no vehicular access strip except for street intersections. Staff supports the variance because there doesn't appear to be a reasonable alternative and public health and safety aren't compromised.

The findings of fact are as follows:

The Montana Subdivision and Platting Act requires that the local government assess the subdivision's effect on the primary review criteria specified in MCA 76-3-608. Likewise, subdivisions must meet the provisions of Billings Municipal Code (BMC) 23-304 (c).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [BMC 23-304 (c) (1) and MCA 76-3-608 (3) (a)]

1. Effect on agriculture

This subdivision will have little effect on agriculture and agricultural water users. The property is 10 acres in size so a relatively small amount of land will be removed from agriculture. The property was flood irrigated in the past. If the farm land to the north continues to be irrigated, a waste water ditch will have to be created north of the subject property so that the water doesn't flood this land. No other irrigation facilities are located on the property.

2. Effect on local services

- a. Utilities – Water and sanitary sewer facilities will be extended by the developer to serve this subdivision and will be connected to existing lines in Avenue B & D. Stormwater will be discharged to a storm drain in 38th Street West and Avenue B. Private utilities will be extended to this property under the companies' operating rules.
- b. Solid waste – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- c. Streets - The subdivider will construct the internal streets with the standard design of 37' back of curb to back of curb street width and sidewalk. The residential sidewalk standard is a 5' curbside. It is supposed to provide 5' of unobstructed area for pedestrians but mailboxes and other obstructions are often placed in the sidewalk. The subdivider should be required to consult with the Post Office to obtain congregate mailboxes or take other steps to avoid reducing the usable sidewalk width. The subdivider submitted a proposal for 4' boulevard sidewalks, an alternative that is allowed by the subdivision regulations. The 50' right of way plus 5' easements will allow the 4' sidewalk construction, street lighting in the future, fire hydrants and street signs without infringing on the sidewalks. The Hancock – Grand Subdivision committed to funding a portion of the cost of installing traffic signals at three nearby intersections. This subdivision will be responsible for some of those costs. 38th Street West was improved under an SID and requires no further improvements. The street width transitions

from 49' at Grand Ave. to 37' adjacent to this property and it has a boulevard sidewalk. The subdivider should indicate what improvements will be made to the boulevard and how they will be financed and maintained before he files the final plat.

- d. Emergency services – Billings Police and Fire Departments will respond to emergencies in this subdivision. The nearest fire station is Station #4, located at Parkhill and 17th, which is approximately 3 miles from this property. Police response will depend upon officer availability and location when a call for service is placed. AMR provides medical care and transport and response would probably come from the west-end station that is located on Grand Avenue at about 25th Street West.
- e. Schools – The subdivision is in School District 2. Elementary students would normally be assigned to Burlington Elementary, Will James Middle and West High School. Burlington is near or at capacity so some students may open enroll to Boulder Elementary, but that school may be nearing its capacity.
- f. Parks and Recreation – Because this is a major plat the subdivider must dedicate parkland or cash in lieu of parkland. This subdivider prefers to donate cash and this is acceptable to the PRPL Department. The cash amount should be determined by using the purchase price or an appraisal to establish the land value. The Circle Fifty Park is the one that residents are most likely to use. The subdivider will petition to create a new PMD or join the Circle Fifty Subdivision PMD to maintain the park and may use the same method to maintain the 38th St. West boulevard.
- g. MET Transit – The closest MET route serves the shopping center at Rehberg and Grand Avenue. The increasing housing density in Circle Fifty and development on this property may cause MET to eventually expand service to the area.

3. Effect on the natural environment

There should be a small effect on the natural environment. There may be minor increases in air pollution during construction and from additional vehicle traffic in the area. Erosion control during construction is required by state law. Stormwater runoff is regulated by City and state authorities. No streams, lakes or reservoirs will be altered by the subdivision.

4. Effect on wildlife and wildlife habitat

There will be a small effect on wildlife and its habitat. The land is irrigated farmland and indigenous species may periodically use the land. The Big Ditch is located north of this property and it may be a wildlife corridor. The rapidly urbanizing area is increasingly unattractive to wildlife and this subdivision will continue that trend. Montana Fish Wildlife and Parks responded to the request for comments but had no specific

comments on the subdivision. There are no known threatened or endangered species on the property.

5. Effect on the public health, safety and welfare

There are no known health or safety hazards on the property. This property is not within a mapped floodway or flood zone and should not create flooding hazards for surrounding properties. If the land north of this property is flood irrigated the waste water will need to be routed around this subdivision. If this isn't addressed the water could damage property but should not affect public health or safety.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMC 23-304 (c) (1))]

An Environmental Assessment was prepared for the subdivision. No significant adverse environmental effects were identified.

C. Does the subdivision conform to the 1990 Yellowstone County Comprehensive Plan and the Urban Area 2000 Transportation Plan? [BMC 23-304 (c) (3)]

1. Comprehensive Plan:

The subdivision meets the following goals/policies of the comprehensive plan

- a. Encourage a variety of housing types and/or styles within proposed housing developments. C-2
- b. Safe, energy efficient and sanitary housing. C-6
- c. Capitalize on existing public water supply systems. H-2
- d. Capitalize on existing public sewage systems and improve sewage systems in areas not currently served by public systems. H-4
- e. Encourage and direct urban growth to urban areas and contiguous lands to maintain a strong economy and a sound transition of agricultural land. I-3
- f. Curb urban sprawl and discourage leapfrog development. K-7

The subdivision does not meet the following goals/policies of the comprehensive plan
None

2. Urban area transportation plan

The subdivision is in the jurisdictional area of the Urban Area 2000 Transportation Plan. 38th Street West is designated as a collector and all required improvements were installed under an SID that benefited Circle Fifty and this property.

3. BikeNet Plan

The subdivision is also within the jurisdictional area of the BikeNet Plan. 38th Street West is designated as an arterial district connector between Grand and the Big Ditch. When 38th was improved a concrete path was constructed from the north side of the irrigation ditch to tie with 38th. There are no present plans to continue the path through this subdivision and further to the east.

4. West Billings Plan

The land is outside the West Billings Plan planning area.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMC 23-304 (c) (4)]

This proposed subdivision meets the requirements of the Montana Subdivision and Platting Act and the local subdivision regulations except as noted above. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [BMC 23-304 (c) (5)]

The subdivision will use City water, sanitary sewer and storm sewer services and City solid waste collection and disposal services. All services are approved and regulated by state and federal authorities.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMC 23-304 © (6)]

The property is in the Residential 7000 zoning district and the subdivision conforms to the zoning.

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) © and BMC 23-304 © (7)]

The subdivision contains public street rights of way and dedicated utility easements that provide adequate space for existing and proposed facilities.

H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMC 23-304 © (8)]

All lots will have access to a public street.

CONCLUSIONS OF FINDING OF FACT

- The overall conclusion of the Findings of Fact is that the proposed Village West Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision will impact local services and cause some increase in demand for those services. However, when the vacant parcel is developed the homeowners will pay property taxes and fees that should help to support those services. The subdivider will construct public facilities that are necessary to serve the property.

- The proposed subdivision conforms to several goals and policies of the 1990 Yellowstone County Comprehensive Plan and doesn't conflict with the Transportation or BikeNet Plans.
- The proposed subdivision complies with state and local subdivision regulations except as noted, local zoning, sanitary requirements and provides legal and physical access to each parcel.

Mr. McCandless explained that double-frontage lots are those that have public streets on both sides. This is remedied by placing no access strips on 38th Street West so that all access would be off of the side street. He added that 38th Street West is currently improved and no additional street improvement would be required. He noted that there is the possibility of a traffic signal to be placed at Grand Avenue and 38th Street West.

Councilmember Brown moved for approval of the Planning Board recommendation, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

7. PRELIMINARY PLAT of Lake Hills Subdivision, 29th Filing. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation).

Planning Staff Member Bruce McCandless said his comments will apply to both Items 7 and 8, both located in Lake Hill Golf Course. The subdivisions are being created to split the developed property from the undeveloped property. This would lower street assessments on undeveloped property. He said this is a single lot subdivision being created for the clubhouse located at 1930 Clubhouse Way and considered the 29th filing. There will be minor affects on local services and facilities. He noted that the Engineering Department has recommended that the street improvements be accomplished through a planned SID or by private contract within a set time period.

Mr. McCandless said Planning Staff is recommending conditional approval, with the conditions as follows:

1. The Subdivision Improvement Agreement will be modified to 1) specifically identify the street improvements that are required, including but not limited to pavement, curb and gutter, sidewalk, BikeNet/bike path improvements and storm drainage improvements, and 2) that an SID may be created to install these improvements but in the event that it is not created within one (1) year of the date of final plat approval the subdivider will execute a private contract to construct the necessary improvements.
Requested by Public Works and required by BMC Article 23-700.
2. Minor wording changes may be made in the final documents upon request of the Planning or Public Works Departments to clarify the documents and bring them into standard, acceptable format. The changes are not intended to alter the intent or extent of the documents.
Standard condition that permits minor changes to the final plat documents without requiring the subdivider to repeat the subdivision review and approval process.

3. Subdivider shall comply with all applicable federal, state and local statutes, ordinances and administrative regulations during the performance and discharge of its obligations.

This condition informs the subdivider that all local and state laws and policies apply to the subdivision even if they are not specified in the documents.

A variance request has been submitted for a variance from BMC Section 23-601(k) requiring a 60' (30' half R/W) local street dedication. Prior platting provided 25' half R/W and the subdivider is proposing to create a new 5' fire hydrant and street lighting easement. Public health, safety and welfare should not be adversely effected by this variance.

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [BMC 23-304 (c) (1) and MCA 76-3-608 (3) (a)]

1. Effect on agriculture and agricultural water users' facilities

This subdivision will have no effect on agriculture or agricultural water users' facilities. The property is not farmed and the agricultural water users' facilities on the property are used to irrigate the golf course. The subdivision won't change the water usage.

2. Effect on local services

- a. Utilities – Water, sewer and storm drain facilities are in place in Clubhouse Way and the building is connected to them. Storm sewer is located in Lake Hills Drive but most of the stormwater on this site runs to the east across the golf course. Installing curb and gutter would help to better handle the runoff from the street. Private utilities serve the property and didn't request additional easements.
- b. Solid waste – The City provides solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- c. Streets - Clubhouse Way is a local access street with a platted 50' right of way. The subdivider proposes to make no immediate improvements to the street but waive the right to protest creating an SID for street improvements. Waivers aren't usually accepted in the City as the primary method of securing street improvements. The Engineering Division is working with residents in the area to create a street SID. The Subdivision improvement agreement should obligate the subdivider to make standard street improvements either through an SID or private contract. Engineering proposes to allow the SID method but to put a time limit on creating the SID so that the improvements are made within one year of recording the final plat, either through the SID or private contract.
- d. Emergency services – Billings Police and Fire Departments will respond to emergencies in this subdivision. The nearest fire station is Station #6, located at St. Andrews and Wicks Lane, which is approximately ½ mile from this property. The Fire Department stated that it has no issues with the proposed subdivision. Police response will depend upon officer availability and location when a call for

service is placed. AMR provides medical care and transport and response would probably come from the main station that is located on 4th Avenue North and North 7th Street.

e. Schools – The subdivision is in School District 2. The subdivision should not affect schools because it is a commercial subdivision.

f. Parks and Recreation – There is no parkland dedication requirement because this is a commercial subdivision. The subdivision should have no effect on parks or recreation programs. When the Lake Hills Subdivision was created, in lieu of parkland dedications the Golf Club executed an agreement with the County that obligates it to continue operating as a public course. If it converts to a private course, the full parkland dedication requirement must be met.

g. MET Transit – The nearest MET bus route is on Wicks Lane. This subdivision should not impact MET service.

3. Effect on the natural environment

This subdivision should not effect the natural environment because the property is already developed.

4. Effect on wildlife and wildlife habitat

This subdivision will not affect wildlife or habitat. There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. Street improvements that regulate traffic entering and exiting the site should improve traffic safety. This property is not within a mapped floodway or flood zone and should not create flooding hazards for surrounding properties.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMC 23-304 (c) (1))]

An Environmental Assessment is not required because this is a minor plat and the first subdivision from the tract of record.

C. Does the subdivision conform to the 1990 Yellowstone County Comprehensive Plan and the Urban Area 2000 Transportation Plan? [BMC 23-304 (c) (3)]

1. Comprehensive Plan:

The subdivision meets the following goals/policies of the comprehensive plan

- a. Capitalize on existing public water supply systems. H-2
- b. Capitalize on existing public sewage systems and improve sewage systems in areas not currently served by public systems. H-4

- c. Encourage and direct urban growth to urban areas and contiguous lands to maintain a strong economy and accomplish a sound transition of agricultural land. I-3
- d. Curb urban sprawl and discourage leapfrog development. K-7
- e. Steady, incremental growth of existing area businesses is supported. B-2

The subdivision does not meet the following goals/policies of the comprehensive plan
None

2. Urban area transportation plan

The subdivision is in the jurisdictional area of the Urban Area 2000 Transportation Plan. Clubhouse Way is a local access street so the Transportation Plan doesn't address improvements to the street.

3. BikeNet Plan

The subdivision is also within the jurisdictional area of the BikeNet Plan. Clubhouse Way is a Primary District Connector. When it is improved it should include striping and signing and parking may need to be restricted.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMC 23-304 (c) (4)]

This proposed subdivision meets the requirements of the Montana Subdivision and Platting Act and the local subdivision regulations except for the noted variance. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [BMC 23-304 (c) (5)]

The subdivision and its buildings presently use City water, sewer, solid waste and stormwater services. All services are approved and regulated by state and federal authorities.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMC 23-304 © (6)]

The property is in the Public zoning district and conforms to the zoning requirements.

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) © and BMC 23-304 © (7)]

The subdivision adjoins a public street right of way that provides adequate space for utility installations. All the required utilities are already in place.

H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMC 23-304 © (8)]

The lot has access to Clubhouse Way, a dedicated public street.

CONCLUSIONS OF FINDING OF FACT

- The overall conclusion of the Findings of Fact is that the proposed Lake Hills Subdivision, 29th filing does not create any adverse impacts that warrant denial of the subdivision.
- There should be no effect on local services because the property is already developed and is using City services.
- The proposed subdivision conforms to several goals and policies of the 1990 Yellowstone County Comprehensive Plan and doesn't conflict with the Transportation or BikeNet Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, sanitary requirements and provides legal and physical access to each parcel.

Councilmember Iverson moved for approval of staff recommendation including the conditions, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

8. PRELIMINARY PLAT of Lake Hills Subdivision, 30th Filing. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation).

Planning Staff Member Bruce McCandless said this property includes the maintenance shop and is located off of St. Andrews Drive, 1/3 mile north of Wicks Lane. The lot is less than one acre in size. There are no adverse findings with the same conditions concerning the creation of an SID as the previous subdivision to "fill in the gaps" on St. Andrews Drive. The subdivision complies with zoning, the Comprehensive Plan and legal access from the lot. (See additional comments under Item 7.)

He said the Planning staff is recommending conditional approval of the plat with the following conditions:

1. The Subdivision Improvement Agreement will be modified to 1) specifically identify the street improvements that are required, including but not limited to pavement, curb and gutter, sidewalk, BikeNet/bike path improvements and storm drainage improvements, and 2) that an SID may be created to install these improvements but in the event that it is not created within one (1) year of the date of final plat approval the subdivider will execute a private contract to construct the necessary improvements. *Requested by Public Works and required by BMC Article 23-700.*
2. The lot frontage on St. Andrews Drive will be increased to 25 feet. *Required by BMC Section 23-605.*
3. Minor wording changes may be made in the final documents upon request of the Planning or Public Works Departments to clarify the documents and bring them into standard, acceptable format. The changes are not intended to alter the intent or extent of the documents. *Standard condition that permits minor changes to the final plat*

documents without requiring the subdivider to repeat the subdivision review and approval process.

4. Subdivider shall comply with all applicable federal, state and local statutes, ordinances and administrative regulations during the performance and discharge of its obligations. *This condition informs the subdivider that all local and state laws and policies apply to the subdivision even if they are not specified in the documents.*

Mr. McCandless said the findings of facts are as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [BMC 23-304 (c) (1) and MCA 76-3-608 (3) (a)]

1. Effect on agriculture and agricultural water users' facilities

This subdivision will have no effect on agriculture or agricultural water users' facilities. The property is not farmed and the agricultural water users' facilities on the property are used to irrigate the golf course. The subdivision won't change the water usage.

2. Effect on local services

- a. Utilities – Water, sewer and storm drain facilities are in place in St. Andrews Drive but the building isn't connected to them. Private utilities serve the property and didn't request additional easements. Northwestern Energy suggested that if a new driveway is constructed, they may need to relocate some of their underground facilities.
- b. Solid waste – The City provides solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- c. Streets - St. Andrews Drive is classified as a collector street and is platted with an 80' right of way. The subdivider proposes to make no immediate improvements to the street but waive the right to protest creating an SID for street improvements. Waivers aren't usually accepted in the City as the primary method of securing street improvements. Most house lots on St. Andrews have curb, gutter and sidewalk but there are gaps. The Engineering Division is working with residents in the area to create a street SID. The Subdivision improvement agreement should obligate the subdivider to complete standard street improvements either through an SID or private contract. Engineering proposes to allow the SID method but to put a time limit on creating the SID so that the improvements are made within one year of recording the final plat, either through the SID or private contract. The subdivision regulations require 25' – 50' street frontage for commercial lots. The proposed frontage is less than the requirement and it should be changed to conform to the regulations.
- d. Emergency services – Billings Police and Fire Departments will respond to emergencies in this subdivision. The nearest fire station is Station #6, located at St. Andrews and Wicks Lane, which is approximately 1/3 mile from this property.

The Fire Department stated that it has no issues with the proposed subdivision. Police response will depend upon officer availability and location when a call for service is placed. AMR provides medical care and transport and response would probably come from the main station that is located on 4th Avenue North and North 7th Street.

- e. Schools – The subdivision is in School District 2. The subdivision should not affect schools because it is a commercial subdivision.
- f. Parks and Recreation – There is no parkland dedication requirement because this is a commercial subdivision. The subdivision should have no effect on parks or recreation programs. When the Lake Hills Subdivision was created, in lieu of parkland dedications the Golf Club executed an agreement with the County that obligates it to continue operating as a public course. If it converts to a private course, the full parkland dedication requirement must be met.
- g. MET Transit – The nearest MET bus route is on Wicks Lane. This subdivision should not impact MET service.

3. Effect on the natural environment

This subdivision should not effect the natural environment because the property is already developed.

4. Effect on wildlife and wildlife habitat

This subdivision will not affect wildlife or habitat. There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. Street improvements that regulate traffic entering and exiting the site should improve traffic safety. This property is not within a mapped floodway or flood zone and should not create flooding hazards for surrounding properties.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMC 23-304 (c) (1))]

An Environmental Assessment is not required because this is a minor plat and the first subdivision from the tract of record.

C. Does the subdivision conform to the 1990 Yellowstone County Comprehensive Plan and the Urban Area 2000 Transportation Plan? [BMC 23-304 (c) (3)]

1. Comprehensive Plan:

The subdivision meets the following goals/policies of the comprehensive plan

- a. Encourage and direct urban growth to urban areas and contiguous lands to

maintain a strong economy and accomplish a sound transition of agricultural land. I-3

- b. Curb urban sprawl and discourage leapfrog development. K-7
- c. Steady, incremental growth of existing area businesses is supported. B-2

The subdivision does not meet the following goals/policies of the comprehensive plan
None

2. Urban area transportation plan

The subdivision is in the jurisdictional area of the Urban Area 2000 Transportation Plan. St. Andrews Drive is a collector street that is partially improved with standard pavement, curb, gutter and sidewalk. The Plan doesn't identify any needed improvements.

3. BikeNet Plan

The subdivision is within the jurisdictional area of the BikeNet Plan. St. Andrews is a Secondary Connector. When it is improved it should include striping and signing.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMC 23-304 (c) (4)]

This proposed subdivision meets the requirements of the Montana Subdivision and Platting Act and the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [BMC 23-304 (c) (5)]

The subdivision and its buildings don't presently use City water or sewer service. On-site systems would need DEQ approval. City water, sewer, solid waste and stormwater services are approved and regulated by state and federal authorities.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMC 23-304 © (6)]

The property is in the Public zoning district and conforms to the zoning requirements.

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) © and BMC 23-304 © (7)]

The subdivision adjoins a public street right of way that provides adequate space for utility installations. All the required utilities are already in place.

H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMC 23-304 © (8)]

The lot has access to St. Andrews Drive, a dedicated public street.

CONCLUSIONS OF FINDING OF FACT

- The overall conclusion of the Findings of Fact is that the proposed Lake Hills Subdivision, 30th filing does not create any adverse impacts that warrant denial of the subdivision.
- There should be no effect on local services because the property is already developed. If the lot is connected to water and sewer services the demands should not adversely affect service to other properties.
- The proposed subdivision conforms to several goals and policies of the 1990 Yellowstone County Comprehensive Plan and doesn't conflict with the Transportation or BikeNet Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, sanitary requirements and provides legal and physical access to each parcel.

Councilmember Kennedy moved for approval of the staff recommendation with conditions, seconded by Councilmember Iverson. On a voice vote, the motion was unanimously approved.

9. PUBLIC COMMENT. (Non-Agenda Items; comments limited to 3 minutes per speaker.)

There was no public comment.

Council Initiatives

COUNCILMEMBER JONES: Councilmember Jones suggested that any Consent Agenda items that are separated for discussion be announced or read by the City Clerk, just as the Regular Agenda items are announced individually prior to their discussion and subsequent vote. Councilmember Kennedy agreed that was a good idea and also suggested that we check with Channel Seven to see if they are still projecting the agendas on the screen as they have in the past.

ADJOURN —With all business complete, the Mayor adjourned the meeting at 8:26 P.M.

THE CITY OF BILLINGS:

By: _____
Charles F. Tooley MAYOR

ATTEST:

MINUTES: 06/23/2003

BY: _____
Susan Shuhler, Deputy City Clerk