

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

July 14, 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 Mark Kennedy.

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

MINUTES – June 23, 2003. Approved as printed.

COURTESIES – Mayor Tooley welcomed former Councilmember Jack Johnson in the audience this evening.

PROCLAMATIONS – Mayor Tooley.

- JULY - Parks & Recreation Month

BOARD & COMMISSION REPORTS

- Greg Krueger of the Downtown Billings Partnership introduced the new members of the Board that will be taking office after the adoption of the contract on the Consent Agenda this evening.

ADMINISTRATOR REPORTS – Kristoff Bauer.

- Interim City Administrator Kristoff Bauer noted that a revised memo for Item K was handed out to the Council this evening regarding a revised recommendation on the fee to be collected on the Rocky Mountain College bond issue.
- Mr. Bauer asked that Item P3 be separated so that corrected information on the time period for the street closure associated with the Western Wheel Bar Customer Appreciation Celebration could be discussed.

CONSENT AGENDA:

1. A. **Mayor's Appointments:**

	Name	Board/Commission	Term	
			Begins	Ends
1.	Dr. Cindy Dell	Board of Ethics	08/01/03	12/31/07
2.	Andrew Rio	Human Relations Board	08/01/03	12/31/07
3.	Roy Dalrymple	Human Relations Board	08/01/03	12/31/07
4.	Thomas Grimm*	Zoning Commission	08/01/03	12/31/06

5.	Angela Cimmino	Zoning Commission	08/01/03	12/31/07
6.	Randy Bishop	Blue Ribbon Committee	07/14/03	11/30/05

* Filling the unexpired term of Mardi Madsen

B. Bid Awards:

(1) Wastewater Treatment Plant Breakers. (Opened 6/10/03). Recommend rejecting sole bid as non-responsive.

(2) 54th Street West Sanitary Sewer and Water Line Improvements. (Opened 6/10/03). Recommend COP Construction LLC, \$2,109,613.00.

(3) 2003 Water and Sewer Line Replacement Projects – Schedule II. (Opened 6/10/03). Recommend Chief Construction, \$1,988,346.00

(4) W.O. 02-14: 13th & Poly Intersection Reconstruction. (Opened 6/24/03). Recommend rejecting all bids, altering the scope of the project and rebidding the project.

(5) W.O. 03-02, #1: Miscellaneous & Developer-Related Program. (Opened 6/24/03). Recommend Rock Pile Inc., \$317,927.00.

(6) Parking Garage Door Hardware. (Opened 7/1/03.) Recommend Dale & Jax Door & Glass, Inc., \$49,370.00.

C. Airport Business Park Building and Ground Lease with the State of Montana Dept. of Natural Resources and Conservation, \$50,166.24/year adjusted annually by the CPI, term: 5 years.

D. Airport Business Park Building and Ground Lease with the State of Montana Dept. of Environmental Quality, \$41,376.00/year adjusted annually by the CPI, term: 5 years.

E. Limited Commercial Aviation Building and Ground Lease for office space for Juneau Cerise, owner of Carousel Portrait Studio, \$8,400.00/year adjusted annually by the CPI, term: 3 years.

F. Commercial Airport Terminal Building Lease with Gary Dyer for an Internet Access Kiosk in the terminal building, \$240/year, term: 1 year.

G. FY 2004 City/State Maintenance Agreement and Overlay Agreement, \$471,723 for maintenance and \$150,000 for overlay, term: 1 year.

H. Contract Amendment for Amend Park Parking Lots, HKM, Inc., \$56,525.00.

I. Operating Agreement with Downtown Billings Partnership and acceptance of the Annual Report.

J. Memorandum of Understanding with School District #2 for School Resource Officers, \$110,000 for 5 officers.

K. Resolution 03-18000 relating to Issuance of \$10,000,000 Industrial Revenue (IDR) Bonds on behalf of Rocky Mountain College and setting a public hearing for 8/11/03.

L. Resolution of Intent 03-18001 to dispose of City-owned property described as Lots 9-12 and Lots 17-18, Block 163, O.T., located on the 200 Blocks of South 26th and South 27th Streets (re: Deering Clinic) and setting a public hearing for 8/11/03.

M. Acceptance of Federal Aviation Administration Airport Improvement Program (AIP) grant funds -- \$3,301,150.00 with a 10% city match of \$366,794.00.

N. Subordination of First Time Homebuyer's Loan, John and Adene Hammond, 635 St. Johns Avenue, \$5,000.00.

O. Acceptance of a Quit Claim Deed for property located at 935 Bench Boulevard, Gene & Joy Culver, owners; for street right-of-way.

P. Approval of street closures:

- (1) Deaconess Billings Clinic Class Street Party, August 22-23, 2003, closure of N. Broadway between 3rd Avenue North and 4th Avenue North.
- (2) Big Sky State Games Triathlon, July 20, 2003, closure of several streets in the Heights.
- (3) Western Wheel Bar Customer Appreciation Celebration, August 16, 2003, closure of Minnesota Avenue between South 27th Street and S. 28th Street.
- (4) Big Sky State Games 5K Run, July 18, 2003, closure of 3rd Street West at Grand Avenue and Parkhill Drive and partial closures along Virginia Lane, 3rd Street West and Parkhill Drive.
- (5) Big Sky State Games Cycling Mountain Bike Race, July 20, 2003, closure of Black Otter Trail.
- (6) Harley Davidson 100th Year Celebration, August 22, 2003, North Broadway between 1st Avenue North and 3rd Avenue North, 2nd Avenue North between North 29th Street and Broadway, and North 29th Street between 1st Avenue North and 3rd Avenue North.

Q. Final Amended Plat of Lot 5, Studer Acreage Tracts Subdivision.

R. Final Plat of Colonial West Subdivision.

**S. ~~Labor Contract between MPEA - Billings Police Unit and City of Billings,~~
~~term: 3 years.~~**

T. Bills and Payroll.

(Action: approval or disapproval of Consent Agenda.)

Mayor Tooley separated Items K, P3 and S of the Consent Agenda. Councilmember McDermott separated Item I of the Consent Agenda. Councilmember Brown separated Item C of the Consent Agenda. Councilmember McDermott separated all of Item P of the Consent Agenda.

Councilmember Ohnstad moved for approval of the Consent Agenda with the exceptions of Items C, I, K, P, and S, seconded by Councilmember Iverson. On a voice vote, the motion was unanimously approved.

Councilmember Ohnstad moved for approval of Item C of the Consent Agenda, seconded by Councilmember Larson. Councilmember Brown asked if the rental price on this item is commensurate with commercial real estate space rental. He said he does not want to see the City in competition with the private sector. Interim City Administrator Kristoff Bauer said these rental spaces are unique and not available at other locations other than the Airport. The only exception is a small house leased to a photography business. He said prices on this item are comparable in the private sector and are market value based. On a voice vote, the motion was approved with Councilmember Brown voting "no".

Councilmember Ohnstad moved for approval of Item I of the Consent Agenda, seconded by Councilmember Larson. Councilmember McDermott said if the wording in Section #6 of the agreement remains as is, the Partnership could conceivably be able to approve 5 grants for a total of \$250,000 for one property or project without Council approval. Councilmember McDermott moved to amend Section #6 to read "\$49,999 per property or project", seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved. On a voice vote, the motion as amended was approved with Councilmember Brown voting "no".

Councilmember Ohnstad moved for approval of Item K of the Consent Agenda, seconded by Councilmember Larson. Mayor Tooley said the City of Billings wishes to support Rocky Mountain College and does not want to make a profit from the issuance of the Industrial Revenue Bonds, but he noted that it is appropriate to cover any expenses associated with this bond issuance. He said the amount would probably be less than \$2,000. Mayor Tooley amended the motion to not collect the full fee, but \$2,000 to cover any expenses incurred by the City as a special exception for Rocky Mountain College, seconded by Councilmember Gaghen. Councilmember McDermott expressed her concern that this is setting a precedent to reduce or eliminate future requests of that percentage. Mr. Bauer noted that Industrial Revenue Bonds are only available to a small segment of the community. Councilmember McDermott asked that this be considered a special exception for Rocky Mountain College or change the present policy to waive the fees. Mr. Bauer suggested that the motion include a proposed language change in the resolution to accomplish this. Mayor Tooley corrected the motion to read that the City will waive 90% of the fee required for the individual issue of this type of Revenue Bond associated with Resolution #15915, seconded by Councilmember Gaghen. Councilmember Jones asked if the \$2,000 estimate is fairly accurate. Administrative Services Director Robert Keefe said the cost estimate was \$1797.00 including 32 hours of staff time. He noted that Rocky Mountain College will be paying for the costs of the

preparation of the resolution. Mr. Bauer said Rocky Mountain College has said they will cover all "hard" costs and that only the "soft" cost of employee time would be involved and \$2,000 is a good estimate. On a voice vote for the amendment, the motion was unanimously approved. On a voice vote for the motion as amended, the motion was approved with Councilmember Brown voting "no".

Councilmember Onhstad moved for approval of Item P of the Consent Agenda, seconded by Councilmember Larson. Councilmember McDermott said she was most concerned with Item P1 – Deaconess Billings Clinic Classic Street Party Closure of North Broadway between 3rd Avenue North and 4th Avenue North. She said she received phone calls from two businesses about tent stakes being driven into the new street and wanted to be assured that no damage was being done during the erection of the tents. Parks and Recreation Director Don Kearney said there were anchors installed into the curb to allow for anchoring the tents. He said he would reconfirm that no damaged has occurred.

Councilmember Brown expressed concern for Item P2 where Wicks Lane will be blocked off for three hours on Sunday morning. He said there are a number of churches on Wicks Lane that will require assistance with the traffic flow. He asked that an arrangement be made to "unblock" Wicks Lane. Councilmember Larson said he didn't think the intent was to completely close the street. He said in other activities like this the traffic was not completely stopped and monitors were placed at street corners to stop traffic only when competitors enter the area. Mr. Bauer said the closure request is for a "partial" street closure and access to churches on Wicks Lane will be maintained during this event.

Councilmember Jones said, in regard to Item P3, the noise ordinance of the City would prevent the Western Wheel Bar Customer Appreciation Celebration Street Closure hours to go beyond 10 P.M. Councilmember Jones amended the motion to change the street closure from 6 P.M. to 10 P.M., seconded by Councilmember Larson. On a voice vote, the amendment was unanimously approved. On a voice vote for the motion as amended, the motion was unanimously approved. It was clarified that the closure will remain from 6 P.M. to 1:30 A.M., BUT the band will move inside at 10 P.M. (per the corrected memo) and in compliance with the noise ordinance.

Councilmember Onhstad moved for removal of Item S, seconded by Councilmember Iverson. On a voice vote, the motion was approved with Councilmember Kennedy voting "no".

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 03-18002 approving the Fire Department Budget Amendment for FY 2002-2003. 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 Jones moved for approval of the Staff recommendation, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION 03-18003 approving the Fire Department Budget Amendment for FY 2003-2004. 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 Larson moved for approval of the Staff recommendation, seconded by Councilmember Iverson. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #716: A zone change from Residential-6,000 to Residential Manufactured Home on Certificate of Survey 2537, Tract 1 and two adjacent parcels in Section 22, Township 1 North, Range 26 East. The subject property is generally located at 1036, 1038 & 1040 Bench Boulevard, Lee & Betsy Steffanich owners. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Planning Staff Member Juliet Spaulding said this zone change is a request to change the zoning from Residential 6,000 to Residential Manufacture Home on approximately 6 acres. The parcel is located between 1036 and 1040 Bench Boulevard. The property is now the Par-3 golf course at the Circle Inn. She said they are hoping to convert the eastern portion of the complex into a mobile home park for senior citizens. They intend to retain a small portion of the developed golf course in place.

Ms. Spaulding noted there are existing manufactured and modular homes in the area to the south and east. The Dietz Auto Wrecking Yard is to the north. She said the Zoning Commission is recommending approval with a 4-0 vote because it is consistent with the uses of adjacent properties. She noted there is a potential for a buffering conflict with the wrecking yard, however through the subdivision review process that issue could be addressed. The maximum number of lots is 27.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember McDermott moved for approval of the Zoning Commission recommendation, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #717: A zone change from Residential-6,000 & Residential-7,000 to Neighborhood Commercial on Lots 10, 11, 12 in Block 4, Valley View Acres Subdivision. The property is generally located on the northeast corner of the intersection of Lampman Drive and 24th Street West, Peter Pederson Living Trust, owner; Charlie Gamble, agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Planning Staff Member Juliet Spaulding said this zone change is a request to change the zoning from Residential 6,000 and Residential 7,000 to Neighborhood Commercial on property described as Valley View Acres Subdivision, Amended, Block 4, Lots 10, 11 & 12. The property is located at the northeast corner of the intersection of Lampman Drive and 24th Street West. The parcel size is 240 feet by 120 feet. There is an existing home on the property that would be removed to make way for the

commercial development. She noted that the surrounding area is Neighborhood Commercial, Community Commercial and Residential 7,000 zoning.

Ms. Spaulding said the Zoning Commission is recommending approval of the zone change request because it is consistent with surrounding zoning. She noted that this will promote infill development of this mostly vacant lot. There was a petition that was distributed at the Zoning Commission hearing. She said of the 10 signatures, 5 were within the 150-foot boundary of the parcel. This results in 29% of the property owners voting against it and constitutes a valid protest. This will therefore require a 2/3 majority vote of the Council.

The public hearing was opened. PETER PEDERSON, NO ADDRESS GIVEN, said he is the owner of property on 24th Street and asked for approval because all of the property from King Avenue West to Central Avenue is commercial except for this parcel. It will be a benefit for the City - creating more job opportunities and bringing in more revenue for the City. Councilmember Kennedy asked if it was essential that all three lots are changed to Neighborhood Commercial. Mr. Pederson said it would be more uniform with a "clean" line between the residential and the commercial to do so.

W. K. "PAT" DOTSON, 2324 LAMPMAN DRIVE, said he is one of the ten homeowners (or 100% living on this street) that signed a protest petition on this zone change. He asked the Council to consider their valid protest. He noted this group would not object to changing the zoning on Lot 10 fronting South 24th Street West.

LOREN OHNSTAD, 2323 LAMPMAN DRIVE, said he doesn't want a business district to be next door to his residence. He said this would lower property values. He said the petitioners of the zone change say they will be build an attractive facility, but he noted that just because it is good looking does not make it desirable. He asked the Council to deny the zone change.

CHARLIE GAMBLE, 1819 CRYSTAL DRIVE, said KW Signature Homes is the builder that is constructing primarily a retail center on the subject property. This will be held for their own investment portfolio, so they will be very careful who they lease to. He noted that Lampman Drive is a dead-end street that causes traffic to use private driveways to turn around. He said the intention is to construct a building of 7,300 square feet with 33 parking spaces and landscaping with a six foot vinyl fence to separate the residential from the commercial. He noted this is preferable to placing living units there. He asked the Council to approve the zone change request.

There were no other speakers. The public hearing was closed. Councilmember Gaghen moved for approval of the Zoning Commission recommendation, seconded by Councilmember Kennedy. Councilmember Kennedy said he has been involved with the neighborhood on prior projects. He said this type of request is difficult for smaller neighborhoods that are on dead-end streets where they receive "turnaround" traffic. He noted that there is a residence on 24th Street West, but the area is mainly commercial. He also recognized that Mr. Pederson wants to get the best value from his land and investment. He noted that the Pier 1 store is an example of this same situation. He said the business built a park near their store to compensate for building near a residential neighborhood. He said a balance must be achieved with suitable buffering. He said he sees benefits to both sides, but believes the project can be done differently for a better result.

Councilmember Brown said he is concerned about property values for the residents possibly dropping as a result of the zone change. He asked if this really does happen. Planning Director Ramona Mattix said in areas where there are light industrial or noxious uses, there is a reduction of property values, but where there is either office buildings or retail space there is generally no reduction in property values.

Councilmember Jones said the property as it currently exists is an eyesore. The owner of the property is "boxed in" and limited to what he can develop there. He said the proposal including the buffers "can work with the community".

Councilmember Gaghen said she was concerned for the neighbors. She added she would like to see additional enhancements done toward buffering the residential area from the commercial area.

Councilmember Larson said he is struggling with this item. He said the street is very unique, a short dead-end. He said he is concerned that any solution may create problems in the future. He said the zone charge could start to create some kind of buffer for the current situation. He urged the developer to address the concerns of the neighborhood.

Mr. Bauer reminded the Council that the developer may not bring this request back to the Council for another year if it is denied tonight. On a roll call vote, the motion was approved 7-3 with Councilmembers Brown, Iverson, Poppler, Ohnstad, Jones, Larson and Mayor Tooley voting "yes" and Councilmembers McDermott, Gaghen and Kennedy voting "no".

6. PUBLIC HEARING AND SPECIAL REVIEW #739: A special review to locate a beer and wine license without gaming on Lot 10 of Winemiller Subdivision. The property is generally located at 1419 Main Street, HOBS Partnership, owners. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Planning Staff Member Juliet Spaulding said this request is to locate a beer and wine license without gaming in a Highway Commercial zone. It is Lot 10 of Winemiller Subdivision located at 1419 Main Street, a Pizza Hut restaurant. The lot area is 33,000 square feet. She said the Pizza Hut has been in operation since 1978 and until 2001 has had a beer and wine license with gaming privileges. In 2001 they sold that license and have secured a beer and wine license without gaming. This request is to allow this license to be located at the site as there is no record of a special review at the time the license was acquired. She said the Zoning Commission recommended 4-0 conditional approval. The one condition is that the beer and wine consumption be limited to the 2,000 square foot existing restaurant.

Ms. Spaulding noted there are no uses in the vicinity that require the 600 foot separation. Councilmember Kennedy said the condition of approval is an unusual one and asked why it was needed. Ms. Spaulding said it was a clarification point to the property owners.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Brown moved for approval of the Zoning Commission recommendation, seconded by Councilmember Larson.

Mr. Bauer clarified the condition stating that the limitation pertains to the square footage of the building. If the petitioners want to expand the business, they must go

through another special review process. Councilmember Kennedy noted that the licensing process for expansion of businesses through the State requires stringent review and local approval and thought this condition is a duplication. Councilmember Kennedy moved to amend the motion to remove the condition “limited only to the premises”, seconded by Councilmember McDermott. Councilmember McDermott asked if this condition is standard and appears on all special reviews. Ms. Mattix said this condition appears quite often on special reviews. On a voice vote, the motion was unanimously approved. On a voice vote on the motion as amended, the motion was unanimously approved.

7. PUBLIC HEARING AND RESOLUTION OF INTENT 03-18004 to adopt the Yellowstone County/City of Billings 2003 Growth Policy. Planning Board recommends approval. (Action: approval or disapproval of Planning Board recommendation.)

Planning Staff Member Candi Beaudry said the Planning Staff is recommending adoption of the 2003 Growth Policy. She recapped the procedures that have transpired.

- In 1999 the State legislature passed SB 97 that mandated contents of a Growth Policy and required zoning ordinances and some subdivision exemptions to comply with the policy.
- In January 2000 the Planning Department began compiling background data to update the 1990 Comprehensive Plan and begin the public involvement process.
- In 2003 the County Planning Board adopted a resolution recommending adoption of the 2003 Growth Policy to the City Council and the Board of County Commissioners.
- On July 8, 2003 the County Commissioners held a public hearing on the Growth Policy. After hearing comments at their public hearing, the County Commissioners requested a list of the comments for further review.

Ms. Beaudry said the comments were grouped according to several topics that include: 1) *Affordable Housing* - increase the supply, appoint a study group to identify barriers and recommend strategies and revise zoning ordinances, 2) *Infill Development* – provide fees and development standards and restrict further industrial, storage and strip commercial zoning along the Interstate, 3) *Community Aesthetics* - implement and enforce the Public Nuisance Ordinance, eliminate oversized and billboard signs along North 27th Street, review regulations controlling development and all signage, amortize billboards along certain routes, restrict further industrial, storage and strip commercial zoning along the Interstate, set aside 1% of Capital Fund projects for public art to adopt design standards for “big box” retailers, 4) *Governing Policies* - improve consistency in governing bodies’ interpretation of laws, create a new Downtown tax increment finance district, and promote consistency in public dissemination of information on annexations, zoning and subdivision applications, 5) *Natural Environment* - use of water efficient landscaping, implement weed-free road maintenance equipment and gravel mine requirements, encourage the use of wildlife resistant landscaping, and implement subdivision regulations requiring setbacks and buffer zones to protect habitat, 6) *Open Space and Recreation* – encourage cash-in-lieu of park land to fund park improvements with the adjacent areas and consider placing an Open Space mill levy on the ballot, 7) *Transportation* – coordinate road construction and public utility projects, adjust bus schedules to serve work force, schools and MetraPark, extending bus service to

Lockwood, Airport and newly annexed areas, and alternatives to the 85th percentile method of determining speed limits.

Ms. Beaudry included comments from someone who could not physically be at the hearing. Those comments include: 1) see Open Space preserved on the West End, 2) keep country life in or near the City, and 3) prefer low-density development on the West End. She said the City/County Planning Board is recommending that the City Council approve the Resolution of Intent to Adopt the Yellowstone County and City of Billings 2003 Growth Policy. She said the Planning Staff asks that any changes approved by the Council be incorporated into the final document prior to approving the Resolution to Adopt.

Mr. Bauer noted that the staff has provided the Council with a handout that includes all of the proposed revisions that Ms. Beaudry detailed plus other revisions that have been requested in the past.

Mayor Tooley called for a break at 7:55 P.M.
The Council Meeting reconvened at 8:05 P.M.

Councilmember Kennedy noted that this is a resolution of intent to adopt the Growth Policy and not the final document. Mayor Tooley said the suggested revisions have just been received by the Council and need to be reviewed at a future Work Session. Final action on the Growth Policy will not take place until after this review. The public hearing was opened. JULIE VERZUH, 3025 FARNUM STREET, said she represents a large group of citizens that are concerned about the invasion of deer in the City. She said the Vegetation and Wildlife section is slanted toward wildlife without regard for human safety. She said there should be provisions for wildlife census. She noted groups of deer create hazards on trails and streets and to the safety of children.

JEAN NEYRINCK, 205 WYOMING AVENUE, said she is an advocate for affordable housing. She said she is concerned about the supply of affordable housing. She asked that the strategies regarding supply and the special study group be given priority. She said persons working for less than \$12.00 per hour, and retired or disabled people are the ones most affected by the lack of affordable housing. Councilmember Jones asked what is considered an affordable rent. Ms. Neyrinck said approximately 1/3 of a person's salary.

JOAN HURDLE, RESIDENT OF SOUTH BILLINGS, commended the Planning Department for their work on the Growth Policy. She noted that the public input process has been extensive and the depth of the documents is tremendous. She said there are a couple of deletions that are significant. She said the Billings League of Women Voters finds the continued sprawl to be a significant problem in Yellowstone County. She noted that three strategies to deal with sprawl have been removed - impact fees, tiered cost of services, and set-asides. She said the market is not going to provide low-income housing; the community has to find ways to do this. She said in other areas this is accomplished through census figures, where 10% of housing construction must be low-income. Ms. Hurdle said she supports the Open Space mill levy. She also would like to see the City of Billings construct streets, walkways and trails that connect with the river.

JIM HARTUNG, 620 BURLINGTON, spoke on affordable housing. He said many households cannot afford the market value of most of the homes currently being constructed. He urged the adoption of the additional objectives and strategies for affordable housing. He said he would like the City to do everything they can to find out what the barriers are to affordable housing and work toward eliminating them as well as create more affordable housing.

MINDY NELSON, 1228 AVENUE F, said she is currently the chair of the Yellowstone Valley Citizens Council. She thanked the Planning Department for their work on the Growth Policy. She asked the Council to reinstate the provision in the Growth Policy that deals with set-asides, impact fees for development, incentives to promote infill development, realistic language to eliminate signage on the Rims, and the public transportation options.

PAUL WHITING, 925 BURLINGTON, said he generally supports the Growth Policy. He asked the Council to restore recommendations that deal with excess signage control. He said he is pleased with the portion of the policy that calls for eliminating billboards on the Rims and for amortizing them along the Interstate. He proposed two solutions: 1) follow up with Lamar's offer to the City in November of 1999 regarding a specific plan for signs on the Rims, and 2) amortize signs along the Interstate as the City of Laurel is doing. He asked the Council to consider the input from the 50 focus groups and from such groups as the League of Women Voters and Yellowstone Valley Citizens Council. He again urged the Council to restore the language in the original version of the Growth Policy; reducing intrusive signage in our community.

CONNIE WARDELL, 1302 24TH STREET WEST, said she is speaking in support of affordable housing and infill development. She said she is concerned about some of the strategies that have been removed from the plan regarding infill development and affordable housing, most notably the impact fees and tiered costs. She also said she would not like to see another broad tax increment district for the Downtown area. She said the "set-asides" could be studied, but affordable housing cannot be addressed in a broad document like the growth policy; it needs a City/County committee to study the issues in depth.

LOIS DALTON, REPRESENTING BILLINGS LEAGUE OF WOMEN VOTERS, said the league asks support for the following: 1) identify and preserve Open Space areas important to the aquifer, 2) preserve existing natural drainage and maintain health of the Yellowstone aquifer, 3) preserve and improve overall water quality by discouraging conversion of farmland to subdivision development and restricting rural septic fields, and 4) encourage innovative development that preserves the aquifer.

JANICE MUNCELL, 2838 DOZER ROAD, thanked the City Planning staff for soliciting significant public input and preparing an excellent document. She said her primary concern is to reinstate the items that were removed and consider public input in the final draft of the document.

TERESA KEAVENY, 2005 CLARK, said she agrees with previous speakers about reinserting language into the document specifically with regard to affordable housing requiring a third of the new housing development set aside for low-income housing and reinserting language that will limit or remove billboards from 27th Street to

the Rims. She asked that incentives to prevent sprawl be reinstated such as impact fees. She also expressed a desire to see encouragement of the public art projects.

LASCHELLE MEIDINGER, 1018 NO. 25TH STREET, said she works for Lamar Outdoor. She spoke for Lamar when she said they would be very happy to work with City regarding signage on the Rims. She said she did not think that the City of Laurel was actively in the process of amortizing their billboards. She noted that all of the locations on the highway are sold out and there is a waiting list, which shows that businesses are using the billboards to promote their companies to travelers. She said Lamar would consider improving and rebuilding their structures. She noted that the removal of billboards will affect the travelers that use them for directions, the revenue for the advertisers, the landowners and Lamar. She asked that the City consider working with Lamar to improve and remove the signage where necessary rather than amortizing.

JOSEPH WHITE, 926 NO. 30TH STREET, said he opposes the West End Plan and any development that will "dry up" agriculture. He also said wildlife needs to be controlled within the City.

JACK JOHNSON, 2303 VIRGINIA LANE, urged the Council to adopt the 2003 Growth Policy with most of the changes. He said he does not agree with statements made by the previous speaker with reference to the signage issue. He said Lamar should not rebuild the billboards within the City, but remove them. He commended the Planning staff for the inclusion of public input into the document.

MARIAN LACKLEN, 3723 GRECIAN WAY, said she supports the adoption of the Growth Policy with the changes that the public has suggested. She said she likes the portion in the Economic Development section that requires new businesses to pay a minimum salary of \$26,700 to employees.

MARY WESTWOOD, 2808 MONTANA AVENUE, spoke in support of the Growth Policy. She said she also supports most of the comments stated this evening. She said it is a wonderful opportunity to have vision for the community that is flexible and able to grow as the times change. She urged consideration of reinstatement of items removed regarding affordable housing.

BILL COLE, 3733 TOMMY ARMOUR CIRCLE, asked the Council to give consideration to how they will cooperate with the County to review and finalize the Growth Policy document. He said the Council has three options when considering the public comment on the revisions of the policy: 1) restore some of the remedies that advocate specific ways to solve problems, such as impact fees, affordable housing issues, set-asides and billboards, 2) leave the policy as is, which says nothing and looks like the Planning Department opposes those thoughts, or 3) specifically list the possibilities as options to resolve those problems.

There were no other speakers. The public hearing was closed. Councilmember Iverson moved for approval of the Resolution of Intent for the Growth Policy and to schedule the proposed changes for further discussion at a Work Session, seconded by Councilmember Gaghen. Councilmember Larson suggested that the Council involve the County Commissioners during that proposed Work Session so that the City and County end up with the same document. Councilmember Kennedy said he would rather see the Council go through this process alone at a Work Session first before involving the County Commissioners. Councilmember Gaghen said the Council needs to assess

what has been shared this evening to identify common issues before involving the County at a later date. On a voice vote, the motion was approved with Councilmembers Larson and Brown voting “no”.

8. PUBLIC HEARING AND FIRST READING ORDINANCE revising sections of the Billings Montana City Code regarding various City Subdivision Regulations: Section 23-704: Sanitary Sewer System; Section 23-705: Water Supply System; and Section 23-710: Solid Waste Disposal. Planning Board recommends approval. (Action: approval or disapproval of Planning Board recommendation.)

Planning Staff Member Candi Beaudry said the current regulations require: 1) installation of sewer, water and solid waste systems in accordance with Montana Department of Environmental Quality standards, 2) subdivider to apply to the City to enlarge the sewer and water service area to include subdivisions, and 3) DEQ approval of sewer, water and solid waste disposal facilities for lots less than 20 acres. She said the State law requires that the City prescribe standards for sewer, water and solid waste disposal that, at a minimum, meet DEQ standards. She said the Attorney General’s opinion says the City must adopt subdivision regulations for sewer, water and solid waste disposal as stringent as DEQ standards. This means that the City must adopt the same standards for lots over 20 acres and the review must be conducted during the preliminary plat stage.

Ms. Beaudry said the proposed regulations would: 1) apply the DEQ standards for sewer, water and solid waste disposal facilities for lots greater than 20 acres. This review would be conducted by the City-County Health Department, 2) require subdivisions within 500 feet of public water and sewer systems to connect unless physically or economically impractical. This would also require an updated annexation policy, and 3) review will be conducted during the preliminary plat stage prior to final plat submittal. This is a change from the last recommendation that required the review to be prior to the preliminary plat stage.

Ms. Beaudry said the Planning Staff and Planning Board are recommending that the City Council adopt the ordinance amending the City Subdivision Regulations, Sections 23-704, 23-705 and 23-710 of the BMCC.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Kennedy moved for approval of the Planning Board recommendation, seconded by Councilmember Iverson. Councilmember McDermott noted that the Council is due to review the Annexation Policy anyway. On a voice vote, the motion was unanimously approved.

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

- MINDY NELSON, 1228 Avenue F: Ms. Nelson said she works for the post office on 27th Street and the employees there were concerned about the potential relocation of the Fire Station that is located near South Park. With the refineries in their area and the anthrax issue that occurred at their facility in the past, they feel it is important for the Fire Dept to maintain a station in close proximity.

MINUTES: 07/14/2003

Council Initiatives --NONE

ADJOURN —With all business complete, the Mayor adjourned the meeting at 9:07 P.M.

THE CITY OF BILLINGS:

By: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk