

SPECIAL JOINT PUBLIC HEARING OF THE BILLINGS CITY COUNCIL AND COUNTY COMMISSION

June 14, 2004

The Billings City Council and the Yellowstone County Commissioners met in a special joint 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.

ROLL CALL – Councilmembers present on roll call were: Gaghen, McDermott, Brewster, Brown, Ruegamer, Iverson, Boyer, Clark and Jones. Councilmember Poppler was excused. County Commissioners present on roll call were: Reno, Kennedy, and Ostlund.

SPECIAL PUBLIC HEARING AGENDA:

1. JOINT PUBLIC HEARING AND FIRST READING ORDINANCE FOR UNIFIED ZONING REGULATIONS amending various portions of the text, adding a new section on County Zoning Compliance Permit procedures, and adding a new section on the Shiloh Corridor Overlay District. Zoning Commission recommends approval with the exception of the amended definition of family. (Action: approval or disapproval of Zoning Commission recommendation.)

Planning Director Ramona Mattix said there are eight (8) separate text amendments to the Zoning Code that are being considered. She noted the last amendment concerns the Shiloh Corridor Overlay District and would be a separate presentation. Amendment #1 is a revised definition of family. Amendment #2 creates a Residential 6,000-Restricted and Residential-7,000 Restricted single family zoning district that do not incorporate any potential for duplex or multi-family units. Amendment #3 corrects a matrix error. Amendment #4 increases the maximum allowed height for structures in residential zones. Amendment #5 revises the definition of outside storage, junk, junk vehicles and open storage. Amendment #6 streamlines requirements for fences, walls and hedges and clarifies what is meant by "commonly used" fence material. Amendment #7 develops a Zoning Compliance Permit form to be used in a County Zoning Jurisdiction only.

Commissioner Reno asked if there is a State definition of family that could be used. Ms. Mattix said there is no State definition of family. All of the municipalities were researched and the definition varies. She said "five unrelated persons" was chosen as a middle ground. Commissioner Kennedy asked how Amendment #5 would affect the County's decay ordinance. Ms. Mattix said the amendment is consistent with the decay ordinance and no changes are necessary.

Commissioner Kennedy asked Ms. Mattix to describe Amendment #7. Ms. Mattix noted the City does not issue building permits in the County and the County has no

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equivalent review process, but there is still a mutual zoning jurisdiction. During the building permit process past practice was to review the site plan to determine whether the use was consistent with zoning and met the setbacks. Currently, there is no site plan to review and no way to check whether building in this mutual zoning jurisdiction is consistent with the existing zoning. She said the Zoning Compliance Form is proposed as a mechanism to determine when proposed changes in uses or construction or alteration of structures comply with the Unified Zoning Code.

Commissioner Reno asked if there would be potential issues with the revised outside storage definition as they apply to agriculture and commercial applications. He noted an individual in construction would have containerized storage units that are a requirement in the course of their work. Ms. Mattix said the County's decay ordinance specifically exempts agriculture from this type of concern. She said the commercial storage units is another issue and uses of those units could be impacted. She suggested they could be exempted specifically. She added there is an appeal authority for the Zoning Administrator to make an interpretation of this use. Ms. Mattix said if the unit was considered open storage and used for selling items, this could impact that use.

Councilmember Boyer asked if the City's definition of family is discriminatory according to Montana Human Rights. Ms. Mattix said it was and this amendment corrects that problem.

Councilmember Brewster asked if the City would be aggressive in enforcing the amendment that includes "junk vehicles" before the Council has the opportunity to review the "car hobby vehicle" issue. Ms. Mattix replied "no".

The public hearing for the first seven amendments was opened. MAGGIE LOUGH, 15 GRAND AVENUE #2, said she is the chair of the Yellowstone Valley Citizen's Council, a grass roots organization committed to creating a healthy, livable, sustainable community. She said the YVCC supports the recommendations and pledges to work with the City and County to reach that goal.

CONNIE WARDELL, NO ADDRESS GIVEN, said she is the property manager for Coldwell Banker. She said the family definition is a change that the rental community has needed for the last five years. Fair housing laws (federal) state that landlords cannot limit according to present practice. The guidelines from HUD state the requirement is 2 residents per bedroom regardless of relationship. She noted that she follows this guideline to avoid loss of licensing as a property manager. Ms. Wardell says there are concerns with the 5 residents per bedroom and suggested that the City adopt the 2 residents per bedroom that is the HUD guideline. This would protect property managers from liability. She urged the Council to revise this amendment.

JIM HARTUNG, 620 BURLINGTON AVENUE, said these amendments are all positive changes to the Unified Zoning Regulations. He said, as secretary of the Central/Terry Task Force, the revision concerning outside storage is the most beneficial to this area, providing a clearer definition. He also commented that the fencing requirements are appropriate. Allowing the Zoning Coordinator discretion over determining the type of material to be used is a positive step, he added. Mr. Hartung urged the Council to adopt all of the amendments.

BILL MILLIGAN, 1008 BROADWATER, said there are two different definitions of open storage according to Neighborhood Commercial and Community Commercial zoning. The changes proposed for Community Commercial and Highway Commercial

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for open storage would present a problem, such as in the areas along Main Street in the Heights. He said the definition of open storage should be reviewed. He added that people with 10 acres or less in the County would not qualify as agricultural for the exemption.

There were no other speakers. The City portion of the public hearing was closed. The County portion of the public hearing was continued to 6/15/04 to the regular meeting of the Commissioners.

Mayor Tooley asked City Attorney Brent Brooks if the City should take action on the amendments at this evening's meeting. Mr. Brooks replied "yes". Councilmember Iverson moved for approval of the Staff recommendation for Amendment #1 – revised definition of family, seconded by Councilmember Ruegamer. Councilmember Clark asked if the HUD definition should be used. Ms. Mattix noted the staff recommendation of 5 was chosen to allow for a slightly larger unrelated family unit requirement. Most housing outside of the central area is three-bedrooms allowing a large number of people per unit. The Zoning Commission had concerns for the "types" of families that might live together. Councilmember Gaghen asked if there is a clear definition of bedroom. Ms. Wardell responded that a bedroom must legally have one window to exit in case of a fire and a closet. Councilmember Clark amended the motion to allow for 2 persons per bedroom definition, seconded by Councilmember Ruegamer. City Administrator Kristoff Bauer said the HUD definition is more complex than the motion that has been made. He asked if the intent of the motion was to adopt the HUD definition. Mayor Tooley said the Council should comply with the HUD regulations. He asked if the "2 people per bedroom" can fit into the HUD regulations. Ms. Wardell said the full definition of the HUD regulation includes non-discrimination according to race and religion. Councilmember Gaghen suggested that the amendment could be revised at the time of the second reading for the ordinance. Councilmember McDermott suggested the Council proceed with the HUD regulation and clarify the regulation at the second reading. On a voice vote, the amendment to the motion was approved with Councilmember Brown voting "no".

Commissioner Kennedy noted the County will review and discuss the amendments adopted by the City at their 6/15/2004 Commission meeting. They will continue the public hearing for any new information that should be considered. On a voice vote for the motion as amended, the motion was approved with Councilmember Brown voting "no".

Councilmember Boyer moved for approval of the Staff recommendation for Amendment #2 – creating Residential 6,000-Restricted and Residential 7,000-Restricted single family zoning districts that do not incorporate any potential for duplex or multi-family units, seconded by Councilmember Clark. On a voice vote, the motion was approved with Councilmember Brown voting "no".

Councilmember Clark moved for approval of the Staff recommendation for Amendment #3 – correcting errors in the residential matrix regarding duplexes in the Residential Manufactured Home zone, seconded by Councilmember Jones. On a voice vote, the motion was approved with Councilmember Brown voting "no".

Councilmember Jones moved for approval of the Staff recommendation for Amendment #4 – increasing the maximum allowed height for structures in Residential, Residential Professional and Neighborhood Commercial zones, seconded by

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Councilmember Gaghen. On a voice vote, the motion was approved with Councilmember Brown voting “no”.

Councilmember Gaghen moved for approval of the Staff recommendation for Amendment #5 – revising the definition of “outside storage of merchandise”, “junk”, “junk vehicles”, “open storage”, and “permanent storage”, seconded by Councilmember McDermott. Councilmember Brewster asked if the Council should clarify the agricultural storage classification prior to approval of this amendment. Ms. Mattix said those areas referred to by Mr. Mulligan, such as Ballantine, have no zoning and this amendment applies only where there is zoning. Anything considered agricultural would be zoned as Agricultural. She noted that most of the outlying County area is zoned Agricultural Open Space. On a voice vote, the motion was approved with Councilmember Brown voting “no”.

Councilmember McDermott moved for approval of the Staff recommendation for Amendment #6 – streamlining the requirements for fences, walls and hedges, clarifying what is meant by “commonly used” fence material and expanding materials allowed for as fencing, seconded by Councilmember Gaghen. On a voice vote, the motion was approved with Councilmember Brown voting “no”.

Councilmember Brewster moved for approval of the Staff recommendation for Amendment #7 – developing a Zoning Compliance Permit form to be used only in the County Zoning Jurisdiction, seconded by Councilmember Gaghen. Councilmember Clark said this would only be used in the County and asked if the City should take action. City Attorney Brent Brooks said the Council could take action, but the City would have no enforcement authority because it is beyond the jurisdiction of the City. County Code Enforcement Officers would have to assure compliance. Mr. Brooks recommended that the Council not vote on this amendment. He said the Council is not required to adopt any section that is exclusive to the County. Councilmember Gaghen asked if the Council should consider affirming the County’s action at the time of second reading. Mr. Brooks said that would be acceptable and assure consistency with any areas that would be considered in future annexations. Councilmember Brewster said the legislature excluded the City from this jurisdiction and he recommended the Council continue in that direction. Councilmember Brewster withdrew his motion, Councilmember Gaghen withdrew her second. No action was taken.

Zoning Coordinator Jeff Bollman said the Shiloh Corridor Overlay District was formed to address and implement the goals of the West Billings Plan and the Growth Policy. The County Zoning Commission voted to approve the area recommended by Staff including Zoo Drive. However, it is unclear whether the City Zoning Commission’s motion included Zoo Drive as well. The discussion included Zoo Drive but the motion did not reflect the discussion. He said a joint City/County Zoning Commission public hearing was held on May 10th. Mr. Bollman noted that the development and signage standards that are included in the overlay district do not alter the uses that are allowed, and single-family and duplex developments are exempt from requirements. There is relative criteria, based on a specified minimum number of points, that relates to the zoning that includes the standards that are required, a “hybrid” of the requirements of the Medical Corridor Permit Zoning District. Relative criteria categories include: site development, access, lighting, parking, landscaping and architectural design. Mr. Bollman noted that sign standards are also different in the overlay district. Existing

zoning allows a 30 foot sign consisting of 175 square feet; the proposed zoning would allow a 20 foot sign consisting of 140 square feet.

Mr. Bollman said there were concerns relating to small lots and small businesses being unfairly penalized due to landscape and building façade requirements. The site standards are proportionate to lot or building size, but all lots are required to have the same setbacks. Another concern is that many existing developments meet or exceed proposed standards. To address concerns, more discretion was given to the Zoning Coordinator regarding relative criteria and language was clarified and requirements streamlined. Councilmember Brown noted that the staff report says zoning is not being changed, but it appears to be so and he asked what the driving force is for the overlay district. Mr. Bollman said the driving force behind creating the overlay district is to implement goals and policies of the West Billings Plan and the Growth Policy, including goals for design, landscaping, lighting and signage. He said the overlay district does not affect the types of uses allowed, but it does affect the building design, the landscaping, lighting and signage. He added that most property owners in the overlay district are in favor of the requirements because this holds all properties along Shiloh Road and Zoo Drive to a higher standard and increased property value. Councilmember Brown asked if there is a public record of those people who want the Shiloh Overlay District. Mr. Bollman said the public meetings required sign in registration that could be considered a public record.

Councilmember McDermott disclosed that she has met with Randy Reger and was aware of his communication. She said the subject of his letter discusses Zoo Drive and she stated that the City should clarify the fact that Zoo Drive is included in the overlay district. Mr. Bollman said he does not have proof that Zoo Drive was included in the City Zoning Commission's motion to create the district. He said his understanding is that the Commission approved the staff recommendation and did not specifically exclude Zoo Drive. He added the Council has the authority to include or exclude Zoo Drive in its decision. Mr. Bollman said the recommendation from Staff is to include Zoo Drive.

Councilmember Clark asked who was involved in the committee process to create the proposed Shiloh Corridor Overlay District. Mr. Bollman said the committee was not appointed by the Mayor but comprised of a cross section of persons interested in developing standards on Shiloh Road. Some members were from the Planning Board as well as civic leaders interested in the project. There were meetings in the early stages of the project that included property owners and their concerns.

The public hearing was opened. RANDY REGER, PROPERTY OWNER ON ZOO DRIVE, said he submitted a packet to the Council and Commissioners regarding this issue. He has owned property from 1981 and currently has 86 acres that is agricultural. He said he has turned down several offers for this land. Mr. Reger said he has a vision of what he would like to see developed there. That vision is a huge retail center including an IMAX theater. He noted some of his offers include businesses that would not be permitted under the overlay district requirements.

ED HEWITT, 3015 10TH AVENUE NORTH, said he supports the goals and vision of the proposed overlay district. He said this is the entrance to the City, - the "front door" for everyone who visits Billings and should have a high standard. He added that

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Zoo Drive is clearly part of the corridor. He urged the Council to include Zoo Drive in the Shiloh Corridor Overlay District.

J. R. REGER, 2812 FIRST AVENUE NORTH, #506, said he is the son of a landowner in the overlay district. He said their questions and concerns were never addressed at any of the public meetings. He said the requirements of the district are "inherently insidious" because it tells the property owner who they can sell to and how the land can be developed. Mr. Reger said it is not right that people with any fiscal interest are planning this district. He urged the Council to think before approving "something dangerous like this".

KEN STEINMETZ, 3190 WEST MACDONALD DRIVE, said his family owns property on Shiloh Road – 40 acres north of the Zoo. He said he opposed the Shiloh Corridor Overlay District because it has the potential to infringe on personal property rights.

JERRY BALLCHER, NO ADDRESS GIVEN, said he is a landowner in the vicinity of the overlay district affected by the 1,000 foot zoning on either side of the road. This zoning criteria has a net effect of a zone change. He noted there is an absence of details in the proposal, such as lighting. He expressed his desire for more lighting as a security measure. He urged the Council to look carefully at the overlay district proposal. He said he is opposed to approval as the district is currently proposed.

DON BOTTRELL, ZOO DRIVE PROPERTY OWNER, said he is in the process of developing the TransTech Center. He said it was his assumption that Zoo Drive was not a part of the overlay district. He said he strongly advocates the importance of the appearance for the entrance to the City. Mr. Bottrell said he favors the control proposed in the overlay district for lighting, but there are other items that are of concern to him.

MATT BROSOVICH, NO ADDRESS GIVEN, said he is a project developer and property owner of land in the Shiloh Corridor Overlay District. He said he is in favor of the concept but has concerns about the vagueness of some requirements. He said Zoo Drive issues need to be clarified, but considers the concept correct.

PAUL WHITING, 925 BURLINGTON, said he is not a property owner in the subject area but being a property owner in the City has given him a sense on ownership about the overlay district as it is an entrance to the City. He urged the Council to include Zoo Drive and exclude the use of electronic message boards in the overlay district.

JIM HARTUNG, 620 BURLINGTON, said he attended the joint City/County public hearings for this issue. He said it would be ironic to have an entryway zoning district that does not include the Zoo Drive entryway. He said the entryway zoning should apply to all of the area so that it is inviting to residents and visitors from the interstate. He said he does not support the use of electronic message signs.

ERIC SIMONSEN, 1110 NORTH 31ST STREET, said he is an architect that was a member of the committee proposing the Shiloh Corridor Overlay District. He said the committee was interested in including Zoo Drive in the district because the recommendations were based on the entryway zoning regulations that are in effect in the City. He noted the committee was composed mainly of engineers, architects, local developers and people from the Zoning Commission, but property owners were invited. The district was considered with the attitude of attracting business. Mr. Simonsen noted that the committee compromised with the lighting requirement as a "middle of the road

stance". He asked the Council to adopt the ordinance. Councilmember Gaghen asked if the stakeholder meetings were exclusionary regarding property owners. Mr. Simonsen said the meetings were never exclusionary as there were developers attending that represented property owners. The findings of the committee were incorporated into the proposed overlay district.

KEVAN BYRAN, NO ADDRESS GIVEN, said he represents the Pierce Company that includes Pierce RV. Pierce Company owns 110 acres south of Zoo Drive with 29 of those acres developed. He said the Pierce Company is in favor of almost all of the requirements of the overlay district, but has concerns about the subdued lighting. He noted they have exceeded the minimum standards for landscaping. Mr. Byran said they want reasonable restrictions and a beautiful entrance to the City. He said he agrees with Mr. Brosovich's comments and only want a few small considerations for review. He asked that Zoo Drive be excluded tonight and brought back as soon as possible.

JOLENE RIECK, 470 CONSTITUTION AVENUE, said she is a landscape architect and is not a landowner in the subject district. She said she has reviewed the proposed design standards for Shiloh Corridor, which are a big step for Billings but are common in many other communities that she has worked in. She said the resulting development from those standards will be very rewarding. Ms. Rieck said including Zoo Drive in the overlay district would maintain cohesiveness. She noted that many businesses fly prospective new hires into Billings to avoid the "blighted" entrance from the interstate. She asked the Council to create a pleasing connection and a business incubator by including Zoo Drive in the standards of the overlay district. Ms. Rieck said "don't make this another missing opportunity for Billings" and allow for more attractive landscapes in the community.

DEBORAH REGER, 2708 PALM DRIVE, asked the Council to exclude Zoo Drive from the overlay district. She expressed her concern that this is more than an overlay district, but really a zone change. She said the City should go through the same process that is involved in a zone change, including landowners in the decision process. As a property owner, she has not received notice of the stakeholder meetings. She restated the family's vision for their property as a retail center with all the amenities to enhance the commercial enterprise with high standards for aesthetics.

JACK JOHNSON, 2303 VIRGINIA LANE, said all property owners have a stake in the Shiloh Corridor Overlay District. He said he hears the community's concerns that Zoo Drive should be included in the proposed district and the entryway to the City should be attractive. He urged the Council to approve the Shiloh Corridor Overlay Districts.

WALT GULICK, 2018 12TH STREET WEST, said the Shiloh Corridor Overlay District is the culmination of a process where much input has been received. He urged the Council to bring this to a proper conclusion and include Zoo Drive in the district as it is part of the entrance. He said the City is doing this right and he urged the Council to support the district.

JERRY THOMAS, 2010 PLAZA DRIVE, said he is employed by Bottrell Family Investment and has been involved in the development of the TransTech Center. He said the public comment speakers that own property on Zoo Drive have a distinct interest in having a high quality development in this area, understanding that Zoo Drive in a major entrance to the City. He said they support the overlay district as property

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owners and developers that have vested interests. Mr. Thomas said the developers desire to put their resources into developing a high quality interchange, but there are issues that need to be resolved. He said it is difficult to develop the area for necessary visibility with the landscape and lighting requirements. He asked the Council not to “do a blanket overlay approach” to this district. It is an access to the interchange and not a residential neighborhood. He asked the Council to work with the Staff to adjust some of the amendments.

JEFF ESSMANN, 3130 MCMASTERS ROAD, said he is not a property owner in the district. He said he served on the City/County Planning Board during the time of the adoption of the West Billings Plan. There were three key elements of that plan and number two was the adoption of a Shiloh Corridor Overlay District with a high standard of development that currently exists. He said uniformity should be key in the adoption of the district and that stakeholders’ concerns are considered when developing the district. Mr. Essmann said the public comments lead him to believe that all issues are not resolved and more meetings are appropriate.

CONNIE WARDELL, NO ADDRESS GIVEN, said she lives four miles from this district. She noted she has not been excluded from any meeting concerning Shiloh Road. She said she is not in favor of electronic signs in the overlay district and that Zoo Drive should be included in the district, as it is the entryway. Ms. Wardell said the overlay district should be done “right to begin with” and avoid the problems that occurred with the recent SID for Shiloh Road.

STEVE ZABAWA, 3703 TOMMY ARMOUR CIRCLE, said he appreciates the work of the Council to make Billings a better community. He said the City is placing the burden of development solely on the developers. Those developers have trouble staying competitive for their clients who have counterparts in other areas of the City because of the restrictive requirements. He said Zoo Drive is completely different from Shiloh Road and the requirements are too restrictive in the landscaping, setbacks, signage and lighting.

GARY HINES, 2120 HEWITT DRIVE, said he owns property on the northeast corner of Shiloh Road and Central Avenue. He said he is in favor of the overlay district and the proposed regulations. He has attended many meetings and supports the entire project.

RICK LEUTHOLD, ENGINEERING INC., 1260 SOUTH 32ND STREET WEST, said he was a member of the committee on the overlay district. He noted the overlay district was driven by City and County residents that attended the meetings and is the next step out of the West Billings Plan. It is not intended to be oppressive or place additional burden on the property owners. Many of the developers in the overlay district have already adopted many of the regulations that are included in the district. He noted the development at Pierce RV meets all of the criteria within the overlay district. It is a development criteria and not a land use issue. Mr. Leuthold noted Zoo Drive has been identified as a highly commercial area and he feels the property owners in that area desire to provide a pleasing entrance to the City. He said adoption of the overlay district is important and urged the Council to continue to move forward. In response to Councilmember Brown’s question regarding zone changes, zone change changes the allowable uses, whereas the overlay district allows the uses but provides direction for the way the building is built and landscaped.

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BILL COLE, 3733 TOMMY ARMOUR CIRCLE, said the specifics need to be addressed. He said the lighting requirements apply to the leakage of lighting at the boundaries of the property. The committee was made up of private citizens interested in providing the development community and the Planning Department with a draft to be reviewed. The Planning Department took the draft and altered it dramatically through the usual review process. When the Council and Commission adopted the West End Plan, one of the key policy goals was the creation of a community entryway corridor between I-90 and Rimrock Road. This was the public's unanimous view that Shiloh Road should be developed as an entryway with special aesthetic features found in the overlay district proposal. He said the Council now has the opportunity to take action on this five-year goal that was approved in the West Billings Plan.

JIM COLLINS, 2982 MILLICE AVENUE, said he participated in the West End Task Force meetings and became involved with the committee to draft the guidelines for this project. He said he is not a property owner on the West End or on Shiloh Road, but has participated in several developments. In a broad sense, the better quality of life established with these requirements are a selling point or "bargaining chip" for the community. He noted that many comparable communities are already doing what is being proposed in the Shiloh Corridor Overlay District. He said these proposals are not radical or extreme and encouraged the Council to consider this carefully. He added that his recollection was that Zoo Drive was considered as part of the district.

JOSEPH WHITE, 926 NORTH 30TH STREET, said he is not a property owner in this district but supports keeping a large area to protect animals. He said he supports allowing the area west of Shiloh Road to remain agricultural in nature.

JACQUE QUANBECK, 1446 NORMAN PARK DRIVE, said she has watched with great interest the development on Shiloh Road. She noted the quality of development requirements for the overlay district are very important and the inclusion of Zoo Drive is very necessary. She urged the Council to approve the overlay district including Zoo Drive.

HOWARD EGGBRECHT, 1240 BLUEGRASS DRIVE, said he is the owner of the Shiloh Mobile Park on Shiloh Road. He said he does not support the proposed overlay district and is protesting against it until he hears more about the proposal.

There were no other speakers. The City portion of the public hearing was closed. The County portion of the public hearing was continued to 6/15/04 to the regular meeting of the County Commissioners.

Councilmember McDermott asked if the property on Zoo Drive is partially city and county. Mr. Bollman confirmed that all the property around Zoo Drive is in the City.

Mayor Tooley called for a recess at 7:27 P.M.

Mayor Tooley reconvened the meeting at 7:35 P.M.

Councilmember McDermott moved for approval of the Shiloh Corridor Overlay District excluding the area (including Zoo Drive) to Rimrock Road to allow for development of criteria for that area (after meeting with property owners and stakeholders), seconded by Councilmember Boyer. Councilmember Brewster suggested the area to be reviewed should start with Hesper Road. Mayor Tooley asked

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if Councilmember McDermott would revise her motion to include Hesper Road. Councilmember Boyer (as the second) agreed. Mayor Tooley restated that the motion clarifying the excluded area is to start south of Hesper Road, including Zoo Drive. Councilmember McDermott noted that including Hesper Road could potentially include county properties and the Commissioners should be advised of this motion. Councilmember Clark suggested that a date be set for the next consideration of this item. It was determined that the first reading for the recommendations for the excluded area would be 7/12/04. On a voice vote, the motion was approved with Councilmember Brown voting "no".

ADJOURN –With all business for the special public hearing complete, the Mayor adjourned the meeting at 7:40 P.M.

THE CITY OF BILLINGS:

By: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Susan Shuhler, Deputy City Clerk