

REGULAR MEETING OF THE BILLINGS CITY COUNCIL MONDAY, MARCH 12, 2001

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 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 Gary McDanel.

ROLL CALL -- Councilmembers present on roll call were: Bradley, McDermott, Brewster, McDanel, Iverson, Johnson, Larson and Elison. Councilmembers Kennedy and Ohnstad were excused.

MINUTES – February 26th. APPROVED as printed.

COURTESIES – ~~Fire Dept.~~ Mayor Tooley acknowledged former Councilmember Don Olson in the audience this evening.

PROCLAMATIONS – Mayor Tooley. None.

BOARD & COMMISSION REPORTS -- None.

ADMINISTRATOR REPORTS – Dennis Taylor.

- Mr. Taylor described the amendments to HB 124, the "Big Bill" (i.e. the entitlement bill) that are before the Legislature at this time.
- He also discussed SB213, the local option tax to be levied on visitors to our area. The hearing is scheduled for tomorrow.

CONSENT AGENDA:

1. A. Bid Awards:

(1) SID 1347 Construction. (Opened 2/20/01). Recommend Cop Construction, \$982,350.00 for Schedule I; JTL Group, Inc., \$494,311.50 for Schedule II.

(2) Competitive Procurement Offers for Transit Vehicle. (Opened 2/27/01). Recommend delaying award to 3/26/01

(3) SID 1348 Construction. (Opened 2/27/01). Recommend Paradise Excavating, Inc., \$72,380.00.

(4) N.P. Railway Passenger Station Renovation. (Opened 3/6/01). Recommend Fisher Construction, \$969,949.00 for Phases I and II.

(5) \$2,471,000 Special Improvement District No. ~~1346~~ 1347 Bonds, Series 2001A. (Opens 3/12/00). ~~Recommendation to be made at meeting.~~ Recommend Dain Rauscher Inc. at 4.482%.

(6) \$220,000 Special Sidewalk, Curb, Gutter and Alley Approach Bonds. (Opens 3/12/00). ~~Recommendation to be made at meeting.~~ Recommend Dain Rauscher Inc. at 4.485%.

B. Change Order #2, Billings Depot Parking Lot Improvements, Eggart Engineering and Construction, \$4,681.68.

C. Contract Amendment #6, 2000 Water and Sewer Sanitary Sewer Replacement Projects, HKM Engineering Inc (fka MSE-HKM, Inc.), \$64,479.00.

D. Agreement with Olsen Architecture for Condition and Market Value Analysis of City Facilities, \$50,000.00.

E. Agreement with Chris Hoiness of Hoiness LaBar Insurance Agency as City's designated Insurance Agent and Consultant, 2-year term.

F. 2001 Turnkey Agreement with Billings Mustangs and American Legion Baseball Program for the use of Cobb Field.

G. Declaring surplus property: out of warranty ballistic vests from the Police Dept., and authorizing the department to send 11 vests to the Havre, MT Police Dept.

H. Approval of applications for two continuation subgrants through the Montana Board of Crime Control for Stop Violence against Women Act Funds.

I. Approval of application for a continuation subgrant through the Montana Board of Crime Control for an Enforcement of Underage Drinking Laws grant.

J. Montana Family Practice Residency (i.e. Deering Clinic) Run/Walk, June 30, 2001, 8 a.m. to 10 a.m.

K. St. Patrick's Day Parade, March 17, 2001, 11:30 a.m. to 2:00 p.m. District 7 HRDC, sponsor.

L. Resolution of Intention 01-17680 to order in W.O. 00-02, #2: Broadwater Subdivision, Phase III improvements and setting a public hearing date for 4/9/01.

M. First reading ordinance extending the boundaries of Ward IV to include recently annexed property in Annex #01-03: Lots 9-15, Block 18, Lillis Heights Subdivision, and setting a public hearing date for 3/26/01.

N. Final plat of Amended Lot 2, Shogren Subdivision.

O. Bills and payroll.

(Action: approval or disapproval of Consent Agenda.)

Councilmember Brewster separated Item D. Councilmember Johnson moved for approval of the Consent Agenda except Item D, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

Councilmember Johnson moved for the approval of Item D, seconded by Councilmember Larson. Councilmember Brewster asked if facilities are being evaluated for property casualty insurance purposes or in preparation for what was outlined in the Capital Improvement Plan. City Administrator Dennis Taylor said to a small degree, that is one of the benefits of a study, but to a larger degree, "it allows us to look at all of our building assets as part of the coordinated infrastructure of the City. Right now each different location is managed by a different entity and sometimes in a different way. We think that we can benefit by coordinating facilities management... One of the things we wanted to do is inventory the condition of every facility we own and also create an approximate value for it – that would have value for insurance purposes, but the larger reason for doing this is so that we can manage our facilities in a city-wide coordinated way, rather than a decentralized, department way," he stated. Councilmember Brewster if the use is being evaluated as well. Don Kearney, Parks and Recreation Director, said this study is a two-part study that is being undertaken by the Capital Improvements Committee. The contract here is to create the data – i.e. square footages, structural condition, etc. which would lead to a second study that would be more specific as to the potential of the buildings and which facilities could be co-located, streamlined etc. Councilmember Johnson asked if there is a base year to compare these results with. Mr. Taylor replied there is not. The purpose of this contract is to give us that "snapshot" at this point in time, which will become the base information. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 01-07681 ANNEXING Lot 1, Block 1, Gabel Subdivision, 3rd filing, located at 1212 S. 32nd St West, Bottrell Family Investments, LLP, petitioners (Annex #01-04). Staff recommends approval of the public services report and conditional approval of the resolution annexing. (Action: approval or disapproval of staff recommendation.)

Bruce McCandless from the Planning Department said this petitioned annexation is approximately 12 acres in size and consists of level, irrigated farmland with one house and some agricultural outbuildings at the present time. The lot is part of a subdivision created in the county in 1996 and the remaining lot of that subdivision was annexed into the City in 1997. The proposed future use is for commercial or industrial use. The conditions that are recommended by the staff are: (1) a Development Agreement or a Subdivision Improvement Agreement be executed prior to development of the lot and (2) that 32nd Street West adjacent to the lot also be annexed as part of this annexation. Mr. McCandless noted there is a concurrent rezoning application that is being processed at the time that would change the zoning from Agricultural Open Zoning in the county to

Controlled Industrial in the City. He also noted that if this property were annexed, it would create another island bounded by 32nd Street West on the west, the BBWA Canal on the north and this property. That property is approximately 30 acres in size and is only partially developed and the remainder is in agricultural use at present.

The public hearing was opened. BOB SANDERSON OF ENGINEERING, INC, 1001 S. 24TH STREET WEST said this property is north of the TransTech Center which was recently purchased by the Bottrell Family last Fall. He said this is the last piece of the old Gabel Farm to be added to that project. Mr. Sanderson indicated they are in the process of preparing a subdivision application for that area. He noted that the intent is to prepare a subdivision for office buildings, added to the TransTech Park that Mr. Bottrell is envisioning for the area. They intend to preserve the interesting natural features that are currently part of the property. The property to the east that would become an island is the old H & H Lumber. It is currently in two parcels now and held by two different owners. The large agricultural area is in the process of being purchased by the Bottrell Family as well. They do intend to annex that property and add to the commercial subdivisions in the area. Mr. Sanderson said the conditions are acceptable to them, as they are preparing a Subdivision Improvements Agreement with the intent to participate in the improvements of 32nd Street West.

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

3. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5144 extending the boundaries of Ward IV to include recently annexed property in Annex #00-07, #00-08, #00-09: Lots 1-3, Block 6 of Rush Subdivision, 2nd Filing; Lots 5-6, Block 6 of Rush Subdivision, 2nd filing; Tracts 1 and 2 of Rush Acreage Tracts Subdivision; Tract 1 of C/S 2563, Tract 1 of C/S 2050 and Tract 1A1 of C/S 1876 Amended. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Elison moved for approval of the ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND SECOND READING ORDINANCE establishing residential parking permit districts. Staff recommends delaying to 4/9/01. (Delayed from 1/8/01). (Action: approval or disapproval of staff recommendation.)

Councilmember Bradley moved for approval of the staff recommendation to delay the item to April 9, seconded by Councilmember Larson. Mayor Tooley noted that it would be his intent to continue the public hearing to April 9th as well. Councilmember Johnson said he was displeased with what has happened with the ordinance in the process. "It appears that the more I read what was in the material this time and the staff reports, it has become a 'permit parking for residents' issue. That's what this is, rather than a resident parking only issue, to where students, workers stay out of the neighborhood. Residents will park in their driveways, garages, most do in these areas we were commenting on.

Yet, as I look at this, we as a council said there must be 85% more than 2/3rd majority ... in order to institute this and you must run right down town and buy up to four permits for your vehicles ... What we were offering the residents was a residential parking only, but it got turned around... I hope that I have just asked staff to look further at the issues involved and change the title and therefore the meaning of this ordinance ...," he stated.

Councilmember Elison said this ordinance has turned into a "residential permit thing" and the students and workers cannot be kept out of the neighborhood. "That's exactly what I'm opposed to. This is to say 'this is a special neighborhood; this is a privileged neighborhood ... and we're not allowed to go in there and park because it's special and belongs to those residents'. That's the kind of attitude that makes me want to kill the whole idea – of limiting the use of the right-of-way to people who happen to live in the area where that right-of-way exists," he stated. On a voice vote on the motion to delay the item to April 9th, the motion was approved. Councilmembers voting "no" were: Brewster, McDanel and Elison.

5. PUBLIC HEARING AND SPECIAL REVIEW #690: A special review to allow the location of an 88 ft. high uncamouflaged cellular antenna on a power pole in a Controlled Industrial zone on Lot 4A, Block 1 of Midland Subdivision, 1st filing, generally located at the northwest corner of King Avenue West and South 24th Street West. King Corner Partners, owner; Qwest Wireless, agent. Zoning Commission recommends conditional approval. Action delayed from 1/22/01 and 2/12/01. Applicant requests withdrawal. (Action: approval or disapproval of withdrawal request.)

Gail Kenson of the Planning Department said the applicant has requested withdrawal of the request because they have found an alternative location.

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

6. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5145 FOR ZONE CHANGE #671: a zone change from Residential-9,600 to Residential Manufactured Home on the west 212 ft of the south four acres of Lot 5 of the subdivision in Section 9, T1S-R26E; from Residential-9,600 to Residential-7,000 on the east 447.35 ft of the south four acres of Lot 5 of the subdivision in Section 9, T1S-R26E; and from Residential-6,000 to Residential-7,000 on Tracts 3 & 4 of C/S 666, located at 551 South Billings Boulevard. Duane and Vickie Bender, owners. Zoning Commission recommends approval. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Brewster moved for approval of the ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

