

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL MONDAY JUNE 11, 2001

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, Montana. Mayor Charles F. Tooley called the meeting to order and served as the meeting's presiding officer. The Mayor led the Pledge of Allegiance and gave the Invocation.

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

**MINUTES – May 29<sup>th</sup>** Approved as corrected.

**COURTESIES.** – None.

**PROCLAMATIONS** – Mayor Tooley proclaimed June 16<sup>th</sup> as Community in a Stand Against Drugs and Violence Day.

**BOARD & COMMISSION REPORTS.** – None.

**ADMINISTRATOR REPORTS** – Dennis Taylor. – No report.

**LATE ADDITION:** Councilmember Brewster moved to add Item Z to the Consent Agenda, seconded by Councilmember McDermott. On a voice vote, the motion was unanimously approved.

### **CONSENT AGENDA:**

#### **1. A. Bid Awards:**

(1) **Replacement Electrical Vacuum Breakers for Wastewater Plants and/or Extension of 15KV Shelter Form at Water Treatment Plant.** (Opening 5/29/01). Recommend Control Technology Inc for 5 electrical vacuum breakers (\$70,000.00) and Wesco Distribution Inc for 2 electrical shelter extensions (\$152,120.00).

(2) **Landfill Tarping Machine.** (Opened 5/22/01). Recommend Tarpomatic, Inc., \$60,943.00.

(3) **W.O. 00-02, Contract No. 2: Broadwater Subdivision Improvements, Phase III.** (Opened 6/5/01). Recommend Rock Pile Inc., \$477,397.50 and 110 calendar days for Schedule A; Empire Sand & Gravel Company, \$693,490.00 and 80 calendar days for Schedule B.

(4) **\$841,000 Pooled Special Improvement District Bonds, Series 2001B** (SIDs 1346, 1348, 1350, 1352). (Opened 6/11/01). ~~Recommendation to be made at meeting.~~ Recommend DAD & Co. at 5.93% net effective interest rate.

**B. C.O. #1, SID 1344:** Sanitary sewer improvements along Hallowell Drive, Arden Avenue, Bruce Avenue and Clevenger Avenue, COP Construction, \$6,932.58 and 0 days.

**C. C.O. #3, GOBF Park Improvements:** Pioneer Park parking lot site work. Fisher Construction Co., \$1,508.00 and 0 days.

**D. C.O. #1, Contract X:** WWTP secondary pumping station rehab, Ace Electric, \$13,968.98 and 2 calendar days.

**E. C.O. #1, Contract XII:** WWTP secondary pumping station expansion, COP Construction, \$28,692.87 and 39 calendar days.

**F. C.O. #1, Contract XIII:** WTP Improvements, Pretreatment Filters, Phase I, Schedule I, COP Construction, \$51,241.13 and 0 days.

**G. Lease Agreement** with Downtown Billings Partnership for office space in Park I parking garage, \$19,845.00 for first year, increasing by CPI each year thereafter. Term: 7/1/01 – 6/30/02, with open to renew for five one-year terms thereafter.

**H. Contract** with Segal Company for health insurance consulting and actuarial services, \$35,000.00.

**I. Agreement** with Williams Communications Solutions for telephone system upgrade for Public Utilities Dept., \$86,095.99.

**J. CDBG Volunteer Demolition Program** assistance for demolition of a home at 36 Custer Avenue, Adeline Johnson, applicant, \$1,880.00 in CDBG matching funds.

**K. City-State Agreement** for MDOT Project CM 16-1(43)1: Main Street Signal Upgrades, \$0.00.

**L. Resolution 01-17707** setting the salary of the Municipal Court Judge, \$61,561.86 for FY2001 and \$63,962.77 for FY2002.

**M. Resolution 01-17708** levying and assessing residential/commercial collection, disposal and landfill fees.

**N. First reading ordinance** extending the boundaries of Ward III to include recently annexed property: C/S 866, Tract 1 and C/S 2560, Annex #01-01, Long Family Limited Partnership, petitioners, and setting a public hearing date for 6/25/01.

**O. First reading ordinance** extending the boundaries of Ward III to include recently annexed property: Lots 1-2, Block 1, Sharptail Subdivision, Annex #01-02, Kincaid Land LLC and King Resources, petitioners, and setting a public hearing date for 6/25/01.

**P. First reading ordinance** extending the boundaries of Ward IV to include recently annexed property: C/S 2374, Annex #01-05, Steven R. Fisher and Thomas Bennett, owners, and setting a public hearing date for 6/25/01.

**Q. First reading ordinance** extending the boundaries of Ward IV to include recently annexed property: Lots 9-10, Block 2, Lillis Heights Subdivision, Annex #01-06, B. & J. Uselman, owners, and setting a public hearing date for 6/25/01.

**R. First reading ordinance** extending the boundaries of Ward IV to include recently annexed property: Lots 2,3,15-17, Block 4, Lillis Heights Subdivision, Annex #01-07, D. Anspach, owner, and setting a public hearing date for 6/25/01.

**S. Confirmation of Police Officer:** Kathy Carson.

**T. Approval** of Parking Advisory Board Project prioritization.

**U. Approval** of cancellation of outstanding checks and warrants, \$10,825.16.

**V. Final Plat** of Rimrock Estates Subdivision, 4<sup>th</sup> filing.

**W. Final Plat** of Midland Subdivision, 5<sup>th</sup> Filing.

**X. Preliminary Plat** of Missions United Subdivision, generally located at Shiloh Road between Rimrock Road and Colton Boulevard.

**Y. Bills and payroll**

(Action: approval or disapproval of Consent Agenda.)

**LATE ADDITION:**

**Z. Approval** of the application to the National Park Service for an Urban Park and Recreation Recovery (UPARR) grant for Swords Park Master Plan implementation, \$715,000.00.

Councilmember Iverson separated Item A3 of the Consent Agenda. Councilmember Brewster moved for approval of the Consent Agenda excluding Item A3, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved. Councilmember Brewster moved to approve Item A3 of the Consent Agenda, seconded by Councilmember Elison. Councilmember Iverson spoke in support of the city staff's teamwork on the third phase of the Broadwater Subdivision project. There was no further discussion. On a voice vote, the motion was unanimously approved.

**REGULAR AGENDA:**

- 2. PUBLIC HEARING on FY2001-2002 preliminary municipal budget.** Adoption of budget scheduled for 6/25/01. (**Action:** public hearing only.)

City Administrator Dennis Taylor noted that city staff has previously addressed the Council on four separate occasions and offered to answer any questions after the public hearing.

The public hearing was opened. CONNIE WARDELL, 1400 POLY DRIVE, commented that she "likes what she sees". She spoke about spending the reserves and added that this was a very prudent budget and added that we are fortunate to have the management team that we have now. There were no further speakers. The public hearing was closed. Budget adoption is scheduled for 6/25/01.

- 3. PUBLIC HEARING on the adoption of new water rates to take effect on July 5, 2001.** Adoption of rates scheduled for 6/25/01. (**Action:** public hearing only.)

Public Utilities Director Carl Christensen commented on the water rate adjustments. He said the plan is to move away from a block fee schedule to a uniform rate schedule, which is more water conservation oriented. He added that the department is looking at \$25,000,000.00 in capital improvements in the next five years with 50% of these improvements in the Water Treatment Plant to handle the future growth in the area. A bond issue will finance this, he noted.

The public hearing was opened. There were no speakers. The public hearing was closed. There were two written comments received by the Public Utilities Department that spoke against the increase in rates.

- 4. PUBLIC HEARING AND RESOLUTION 01-17709 CREATING SID 1355: sanitary sewer and street improvements to Greenbriar Road.** Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)

Acting Public Works Director Brian Borgstadt introduced this item as an SID in the Lake Hills area. He commented that a representative from the consultant, Morrison Maierle, Inc., Mr. Woody Woods, was present to give information on the SID and present the staff report. He added that the written protest that was filed during the protest period was 7.5%, by one owner of three lots within this district.

Mr. Woods stated that the SID completes the utility and street improvements that are needed to finish the work for this portion of the Lake Hills Golf Course. He asked for approval and noted the bid date is scheduled for July and the start of construction in August.

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

- 5. PUBLIC HEARING AND RESOLUTION 01-17710 vacating South 31<sup>st</sup> Street between Myrtle Drive and Rosebud Drive.** Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)

Acting Public Works Director Brian Borgstadt provided location information

regarding the vacation that takes into account the SID for sanitary sewer that is in progress at this time. He added that this vacates a segment of the street that is not essential for the circulation of traffic in the neighborhood and results in decreased cost for street improvements.

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

**6. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5154 extending the boundaries of Ward V to include recently annexed properties: Annex #01-09, C/S 2991, Tract 1A, Mary Kramer, petitioner.** Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

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

**7. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5155 FOR ZONE CHANGE #678: an application to make a major change to the Harvest Subdivision Planned Unit Development Agreement to allow buildings to exceed 3,000 sf and to allow automobile and home glass repair in the Neighborhood Commercial zone on Lots 1,4-5, of Block 34, Harvest Subdivision, 4<sup>th</sup> filing, generally located on the east side of Market Lane, between Henesta and Rosebud Drives. Rodney & Doris Critelli and Rocco & Jo Hanna Critelli, owners; Harrison Faqq and Associates, agent.** Zoning Commission recommends approval. . (Action: approval or disapproval of ordinance on second reading.)

There was no staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ohnstad moved for approval of ordinance on second reading, seconded by Councilmember Johnson. Councilmember Elison asked for clarification regarding the wording of the automobile and home glass repair portion of the ordinance. He stated that the wording leaves open the impression that automobile repair can be done and he thought that was not the intention. Planning Director Ramona Mattix confirmed that the wording should be automobile glass repair. On a voice vote, the motion as clarified was unanimously approved.

**8. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5156 FOR ZONE CHANGE #681: a zone change from Residential 9,600 to Residential Professional on Tract 1A, C/S 2991, located at 2816 Central Avenue. Mary Kramer, owner; Engineering, Inc., agent.** Zoning Commission recommends approval. (Action: approval or disapproval of ordinance on second reading.)

There was no staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Johnson moved for approval of ordinance on second reading, seconded by Councilmember Iverson. Councilmember Johnson voiced his concern and asked for the clarification of future strip mall business development located on the south side of Central Avenue. Planning Director Ramona Mattix came forward to clarify that staff approved this portion because the property is suitable where it is situated. She added that all other parcels that come forward will be

discouraged from strip mall type development. On a voice vote, the motion was unanimously approved.

**9. PUBLIC HEARING AND SECOND READING ORDINANCE revising BMCC Sections 27-619 and 27-620: providing updated definitions; limiting height and number of antenna support structures in certain zoning districts; allowing a review procedure for proposed antenna support structures on government owned properties; regulating the location, construction, height and co-location requirements of antenna support structures, antennae and wireless communications facilities; requiring antennae support structure separation; and requiring certain application submittal information for wireless communications facilities; (a/k/a wireless communication facility ordinance).** Zoning Commission recommends approval. (Delayed from 5/14/01). Staff recommends denial and redrafting ordinance to include industry comments. **(Action:** approval or disapproval of staff recommendation.)

Planning Director Ramona Mattix explained that the concerns of the ham radio operators were addressed, however the broadcast community, who were previously exempt from the ordinance, was now included and the ordinance made it difficult for them to operate. Certain provisions, therefore, require review and changes need to be made. Councilmember McDanel voiced concerned about the delay and asked when the redrafted ordinance would be brought before the Council. Ms. Mattix responded that it would be approximately the end of July.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Elison moved for approval of the staff recommendation (for denial and redrafting the ordinance), seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

**ADJOURN – 7:54 p.m.**

THE CITY OF BILLINGS:

By: \_\_\_\_\_  
Charles F. Tooley MAYOR

ATTEST:

BY: \_\_\_\_\_  
Susan Shuhler, Deputy City Clerk