

REGULAR MEETING OF THE BILLINGS CITY COUNCIL MONDAY, MAY 8, 2000

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 Mick Ohnstad.

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

MINUTES – April 24th. The Minutes were approved as printed.

COURTESIES – City Administrator Dennis Taylor introduced Marv Jochems as the new Fire Chief.

PROCLAMATIONS –Mayor Tooley. Mayor Tooley proclaimed the following:

- National Public Works Week – May 21-May 27, 2000
- Poppy Day – May 20, 2000
- Week of Welcome to Kiev Orchestra and Chorus – May 14-May 20, 2000
- National Food Drive Day – May 13, 2000
- Emergency Medical Services Week – May 14-May 20, 2000

BOARD & COMMISSION REPORTS — There were no Board & Commission Reports.

ADMINISTRATOR REPORTS – Dennis Taylor.

- City Administrator Dennis Taylor said he had been notified by the Yellowstone County Council on Aging that the money for Item L of the Consent Agenda (\$17,575.00 shortfall) would be coming forward by the end of the week. He said the item could be deleted from the consent agenda or approved/disapproved as it is listed on the agenda.
- Mr. Taylor said that during the process of the recent Central Catholic High School issue, there was a zone change error. The zone change was not recorded in the official ordinance for the land to be classified as public land. The error will be fixed via ordinance, which will be presented for council action on May 22nd. A building permit will be issued in the meantime before the zone change is officially corrected to allow Central High School to begin construction on schedule this week.

CONSENT AGENDA:

1. A. Bid Awards:

- (1) **W.O. 95-08, Phase I: Shiloh Road & Grand Avenue Intersection Improvements.** (Opened 3/28/2000). (Delayed from 4/10/2000 & 4/24/2000). Recommend delaying award to 5/22/2000.
- (2) **W.O. 93-19, Montana Avenue Landscaping STPE 1020(12) – Billings.** (Opened 3/28/2000). (Delayed from 4/10/2000 & 4/24/2000). Recommend delaying award to 5/22/2000.
- (3) **Pumping Improvements (Contract XI).** (Opened 4/18/2000). Recommend Star Service, Schedule III: \$188,000.
- (4) **SID 1340, Water, Sanitary Sewer, Storm Drain & Street Improvements for South 27th Street West & Holman Avenue Adjacent to Cenex Park Subdivision.** (Opened 4/11/2000). (Delayed from 4/24/2000). Recommend Chief Construction, \$612,511.50.
- (5) **SID 1341, Country Manor Park Improvements and Water, Sanitary Sewer, Storm Drain and Street Improvements for Swanson Lane, Circle Fifty Subdivisions.** (Opened 4/18/2000). (Delayed from 4/24/2000). Recommend C&S Construction, Inc., Schedule I: \$179,535.77 and Gray Construction, Inc., Schedule II: \$101,499.35.
- (6) **Sale of \$1,037,000 SID 1340 Bonds.** (Opens 5/8/2000). Recommend Western Security Bank, 5.97%.
- (7) **Sale of \$564,000 Special Improvement District No. 1341 Bonds.** (Opens 5/8/2000). Recommend D.A. Davidson & Co., 6.3685%.

B. Change Order #1 Final, SID 1342 Schedule I, Utilities – East Lake Circle and West Lake Circle, Paradise Excavating, \$13,904.00, 0 days.

C. Lease between the City of Billings and the Billings Amateur Hockey League for an indoor hockey arena at Centennial Park (8 acres), \$10/year, 10-year term.

D. Rims Closure for 4th of July Fireworks: July 3 – 5.

E. Approval of Women's Run in downtown area on May 13, 2000 (8:30 a.m. – 11:30 a.m.).

F. Declaring Surplus property and authorizing sale at public auction on June 3, 2000.

G. Financial Report for the Third Quarter of FY 1999-2000.

H. Acceptance of Right-of-Way Agreement and Warranty Deed from Ray E. Michels for W.O. 95-13, School Route Sidewalk Program: A tract of land, situated in

the south ½ of the east 50 feet of the west 100 feet of Lot 9, Wolf Subdivision, in the SE1/4 of the NE1/4 of section 34, T1N, R25E, MPM, Yellowstone County, Montana. \$2,270.00.

I. Acceptance of Right-of-Way Agreement and Warranty Deed from Robert & Pauline Reaves for W.O. 99-10, Central/12th Street West Signal Upgrade: NW1/4 of Lot 8, Flanagan Subdivision. \$6,000.00.

J. Acknowledging receipt of petition to annex #00-02: Tract E of C/S 1011 Amended, situated in the S1/2 of Section 34, T1N, R25E, containing approximately 4.4 acres, Premier Development, Ltd., owner, and setting a public hearing date for 5/22/2000.

K. Resolution #00-17564 and application for Land Water Conservation Funds (LWCF) grant application for the Phase I Development of Clevenger Park Heights.

L. Resolution authorizing Council Contingency funds be transferred into Trust and Agency account to cover PRPC shortfall of \$17,575.00 for rents not paid by the Yellowstone County Council on Aging at the Community Center.

M. Preliminary Minor Plat of BN Railside Subdivision. (Generally located at 3100 1st Avenue South).

N. Preliminary Major Plat of North Slope Homes Condominium Subdivision. (Generally located at 943 Rimrock Road). (Delayed from 4/24/2000.)

O. Bills and Payroll.

(**Action:** approval or disapproval of Consent Agenda.)

Councilmember Deisz separated Items 1A(4), 1A(6) and L. Councilmember Larson separated Item C. Councilmember Kennedy moved for approval of the Consent Agenda except for Items 1A(4), 1A(6), C and L, seconded by Councilmember Johnson. On a voice vote the motion was unanimously approved. Councilmember Kennedy moved for approval of Item 1A(4), seconded by Councilmember Larson. Councilmember Deisz said he had been contacted by an individual who said the cost of the project had been increased by \$30,000-\$40,000 and he wanted to know the reason. City Engineer Brian Borgstadt said the project bid a concrete box culvert as an alternative, it was not rebid or changed, it was bid that way. He said this is a \$600,000 project; the culvert represents less than 10% of the project. He stated that concrete would provide a longer life and better service for the facility. Councilmember Deisz asked why corrugated steel was originally bid and then it was decided to use concrete. Councilmember Deisz asked if Council would be approving an "overage" on the project and if they would be asked for an additional \$30,000-\$40,000 in 60 days. Mr. Borgstadt said the project was bid one time and the bid was within the SID

budget, so the use of the concrete culvert is still within the SID budget. Councilmember Deisz asked for confirmation that there would not be an additional “overage” of \$30,000-\$40,000 on the project. Mr. Borgstadt said additional money would not be requested for contract award. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item 1A(6), seconded by Councilmember Johnson. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item C, seconded by Councilmember Ohnstad. Councilmember Larson asked if the Little League that uses the same field where the hockey arena is to be built would be given consideration for future plans of the site. PRPL Director Mike Hink said that he has already met with the Little League and will be meeting with them again along with the Hockey League to make sure the two groups are in agreement on the process. He also stated they have assured the neighborhood that a public meeting will be held to show the master plan process for Centennial Park where the neighborhood will be allowed to give input. He said at this point the neighborhood seems to be more concerned with grass, trees and how the arena will be cushioned and designed to fit with the neighborhood. Councilmember Deisz asked if the neighborhood would be able to give input on the actual location of the arena or if that had already been predetermined. Mr. Hink said the fact the arena will be in the southeast corner of the park has already been determined. Where the parking lot will be, the design of the building and how everything will fit in the acreage has not been determined. There are some concepts that the neighborhood will be able to give input. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item L, seconded by Councilmember Johnson. Mayor Tooley reminded Council that notification had been received by the Yellowstone County Council on Aging (YCCOA) that they intend to pay the \$17,575 by the end of the week but that formal action must be taken via approval or disapproval. Councilmember Kennedy recommended approval of the item so the money would be available if necessary. Councilmember Johnson said he had been notified by YCCOA that the check would be delivered Tuesday morning. Mayor Tooley said the council contingency funds could be transferred in two weeks (after Council approval) if the funds have not yet arrived. On a roll call vote, the motion failed 3 to 7. Councilmembers voting “yes” were: Elison, Bradley, and Kennedy. Councilmembers voting “no” were: Tooley, Ohnstad, Johnson, Larson, McDermott, Deisz and McDanel.

REGULAR AGENDA:

2. PUBLIC HEARING AND SECOND READING ORDINANCE #00-5117 extending the boundaries of Ward I to include recently annexed properties in Annex #00-01: Tract 1-A of C/S 984; Add and Betty Reese, owners. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. There were no speakers from the audience. The public hearing was closed. Councilmember Ohnstad moved for approval of the ordinance

on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION #00-17565 authorizing sale of city-owned property described as: Lots 1 – 19, Block 231, O.T., to Accessible Space, Inc., \$166,250.00. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Community Development Manager John Walsh said staff was recommending the City of Billings enter into an option agreement to sell city owned property on the 800 block of South 27th Street and 800 block of South 28th Street for \$2.50 per square foot (\$166,250) to Accessible Space, Inc. (ASI). He said ASI plans to build 41 to 44 units of affordable, assisted housing for elderly individuals with mobility impairments. Mr. Walsh said the option agreement gives ASI exclusive control of the property until December 31, 2000. By this time they will know whether or not their application for HUD 202 funding has been approved. The approval should be received by November 30, 2000. He said the chief points to consider are that ASI is based in St. Paul, Minnesota and is one of the leading providers of elderly assisted housing for disabled people around the country. In 1999, ASI was recognized by HUD as the affordable housing provider of the year. In 1997, ASI built the Grandview Apartments on 28th Street West in Billings. ASI has constructed similar apartment projects throughout the country and also in Missoula, Helena and Great Falls, so they have a strong presence in Montana. Mr. Walsh said the project has been reviewed by the Southside Neighborhood Task Force and they are in support of the project. He said the proposed sales price of \$2.50 per square foot is consistent with previous sales on South 27th Street.

The public hearing was opened. DR. DAVID PILTZ, said he is the Director of Organizational Development and Research for Accessible Space. He said the subject property is ideally located for the project. He said HUD's Section 202 Program allows development of housing for the elderly. If the fund reservation is approved it would mean \$2,692,731 in construction funds from HUD and \$101,520 per year for five years (renewable after 5 years) in a project rental assistance contract, which would make the units affordable for the elderly. He said he feels the project will be a strong addition to the area.

There being no other speakers, the public hearing was closed. Councilmember Johnson moved for approval of the resolution, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND RESOLUTION #00-17566 ordering in the improvements for W.O. 00-02, Contract #1: 2000 Miscellaneous and Developer-Related Improvements project. Staff recommends approval. (Action: approval or disapproval of staff recommendation).

Staff Engineer John Nowak said the project consists of two main areas: 1) miscellaneous repairs resulting from citizen complaints/reports or claims of injury and staff recommendations to repair defective work ahead of the annual overlay program, and 2) work associated with recent developments or subdivisions within the community. Concrete improvements are a requirement of building permits and if those required improvements were not completed for whatever reason, then the improvements are included in the next annual program to complete the work. Mr. Nowak said there is a variety of funding sources associated with the program. One is street maintenance funds which are used to fund curb and gutter repair within the comprehensive programs (PAVER program, overlay program). Assessments are for sidewalk repair or new sidewalk installation, new curb and gutter installation, drive approach repair, service walk repair and any miscellaneous landscaping necessary to match the improvements once installed. He said storm drain funds are also utilized to replace any defective valley gutters within the project area as well as upgrading Type I inlets to Type II inlets and any piping necessary to replace inlets. General Funds are used for tree removal, alley approach reconstructions and corner lot subsidies (residential properties on corner lots are assessed the shortest frontage or the frontage that would yield the least assessment to the property owner). CDBG funds are used within task force areas to fund corner lot subsidies instead of using the General Fund. Mr. Nowak showed some photos depicting some of the developer-related improvements to be made. He said the total estimated project costs are approximately \$325,000, less the city's contributions, for a total estimated direct assessment of \$220,000.

Councilmember Kennedy asked for clarification that if the CDBG recommendations were not passed this evening then the corner lot program would not get its \$29,500 funding. Mr. Nowak said the program assumed approval of the CDBG recommendation of \$29,500 to fund the corner lots subsidy (commonly known as the presidents streets on the south side).

The public hearing was opened. PETE JOHNSON OF 115 MONROE STREET said the curbs and gutters are horrible in that area. He said there is a lot of foot traffic with kids walking to Orchard and Riverside schools. He said the sidewalks have been there since 1914 and he would like to see some improvements made.

MAXINE OLIVER OF 121 MONROE STREET said the sidewalk in front of her property was laid in 1913. She said she has been paying property taxes for 68 years and has lived on Monroe Street most of that time. She said work is desperately needed on the sidewalks in that area. Nothing has been done for 87 years.

JOHN EISEN OF 3209 LEEANN BLVD said he was representing his church, the Messiah Lutheran Church at 2939 Colton Blvd. He said a sidewalk is proposed on the north side of the church from Rehberg to Boulder into a dead end. A new stoplight was recently constructed at Colton and Rehberg. He said they have been trying to encourage neighborhood children to use the stop light rather than cutting across Rehberg to go to Boulder Avenue School. He said they are concerned that if the sidewalk is built going down Boulder directly to Rehberg that the children will travel down the sidewalk and jet across Rehberg, ignoring the stoplight. He said they seriously feel that the children traveling to Will James Middle School will ignore the stoplight crossing all together. He stated the proposed sidewalk does not really serve any purpose and would only

encourage children to cross at Rehberg and Boulder without a stoplight because it would make a convenient shortcut. He felt this particular sidewalk would be counterproductive.

There were no other speakers from the audience. The public hearing was closed. Councilmember Larson moved for approval of the 2000 Miscellaneous and Developer-Related Improvements project, seconded by Councilmember Bradley. Councilmember Elison asked if there was a method in which staff could work with Messiah Lutheran Church to provide them with appropriate sidewalks if the new stoplight on Colton and Rehberg would be a better place for the kids to cross. City Engineer Brian Borgstadt said the stoplight is a designated and better place for the children to cross and that other alternatives could be looked at. Councilmember Elison made an amendment that the Messiah Lutheran Church be removed from the project until next year's program to allow City engineers to discuss other alternatives with the church, seconded by Councilmember Johnson. On a voice vote, the amendment was unanimously approved. On a voice vote of the main motion as amended, the motion was unanimously approved.

5. PUBLIC HEARING AND SECOND READING ORDINANCE #00-5118 creating an Emergency Medical Service (EMS) Advisory Commission. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

City Attorney Brent Brooks made the recommendation that the ordinance be revised to change the number of citizens at-large to 5 instead of 4 to allow an odd number of voting members.

The public hearing was opened. ALAN BERGEMAN, DIRECTOR OF OPERATIONS FOR AMERICAN MEDICAL RESPONSE (AMR), said he was speaking in support of the creation of the commission. He offered his assistance as well as the assistance of AMR to make the commission viable. He said he hoped the commission would work in harmony and augment the committee that has been in place since 1994, which meets monthly to discuss clinical issues, patient care issues, and what can be done to improve services provided to citizens in Billings and Yellowstone County.

There being no other speakers, the public hearing was closed. Councilmember Elison moved for approval of the ordinance on second reading (with the change to 5 at-large members), seconded by Councilmember Deisz. Councilmember McDermott commented that she hoped the commission would provide some resolution to some of the high billing charges to Billings' customers. On a voice vote, the motion was unanimously approved.

6. PUBLIC HEARING AND SECOND READING ORDINANCE #00-5119 FOR ZONE CHANGE #658: a zone change from Community Commercial to Controlled Industrial on Lots 23-24, Block 160 and Lots 1-2, Block 161 of O.T., located at 219 and 224 South 24th Street, Kent Wilson, Conrad Miller Lester Litzsinger and Earl & Theresa Dahlstrom, owners; CTA Architects Engineers, agent. Zoning Commission recommends approval. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. There being no speakers from the audience, the public hearing was closed. Councilmember Bradley moved for approval of the ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was

unanimously approved.

7. PUBLIC HEARING AND SECOND READING ORDINANCE #00-5120 amending Section 27-306 of the Unified Zoning Code by: 1) adding Dance Studios, Schools and Halls (SIC 791) as allowed uses in the Residential Professional zone and 2) adding Martial Arts Instruction (SIC 7999) as an allowed use in the Residential Professional and Neighborhood Commercial zones. Zoning Commission recommends approval without modification. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. CHRIS TIMSON OF 939 GOVERNORS BLVD said he is in favor of the amendment. He said he knows from being a martial arts student that martial arts stresses courtesy, respect and discipline. The majority of students in a typical martial arts class are kids and does not usually exceed 20 students. The classes are given at various times on different days throughout the week. Mr. Timson said this is nothing in size compared to an elementary or secondary school, which has the residential professional designation. He encouraged council to vote in favor of the amendment for those reasons.

DONNA YOUNG OF 2029 24TH STREET WEST said that martial arts has very structured classes and focuses on children and families. It promotes respect, discipline and high family values. She said it is an excellent after school activity for children. She urged Council to support the amendment.

LAURIE JAMES OF 1309 NUTTER CIRCLE urged Council's support of the amendment. She said growth is a very important fact that needed to be touched upon. With Billings growing there is an increase in families, which means more children. She said the city has a responsibility to create an atmosphere of positive influence, positive reward systems and programs for these children. She said she has been a member of Parks Martial Arts Academy for 15 years and can attest to the positive affect the academy has had on the City of Billings. Ms. James said the academy could continue to offer positive discipline programs and a positive atmosphere if they are allowed to grow.

MARK STROBIN OF 1202 SUN VALLEY ROAD said he is in favor of the amendment and the martial arts program. He said the program instills respect and leadership in children and allows children to grow up to be leaders, and respected and solid citizens in the community.

ERIC STEINGRUBER OF 2215 WOODY DRIVE said Parks Martial Arts Academy had been highly recommended to him when he moved to Billings two years ago. His five year old and two year old sons attend the academy. He said the academy is very family oriented and children of the academy are engrained with the pledge of courtesy, discipline and the respect of others. He thought neighbors in the area around the academy would find the children of the academy to be extraordinarily good examples for other children in the area.

There were no other speakers. The public hearing was closed. Councilmember McDanel moved for approval of the ordinance on second reading, seconded by Councilmember Larson. Councilmember Deisz said he had nothing against martial arts studios or dance studios but he still felt the amendment should contain some type of size restriction limiting the size of the building to 3,000-4,000 square feet. Councilmember

McDermott said she agreed that a size restriction should be included. On a voice vote, the motion was approved. Councilmembers Bradley, McDermott and Deisz voted “no”.

8. ACCEPTANCE of CDBG and HOME FY2000-2001 Action Plan AND funding and FY2000-2004 Consolidated Plan. (Public hearing held 4/24/00). CD Board recommends approval. (Action: approval or disapproval of CD Board recommendation.)

Councilmember McDermott moved for approval of the CD Board recommendation, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

9. PUBLIC HEARING for the Downtown Mixed Use Parking Development. (Action: public hearing only.) (Council action on 5/22/00).

Mayor Tooley said that there is no public hearing required for the item, but City Councilmembers felt it was important to get input from the community, as they have since the start of the Downtown Vision process. A Downtown Framework Plan was developed over several years, the Downtown Billings Partnership was created and is composed of the Downtown Property Owners, Downtown Billings Association, Downtown Parking Advisory Group and the Downtown Development Corporation. CTA has been asked to come up with alternatives for the City Council to consider for downtown revitalization. There are three proposed sites for the downtown revitalization project. He emphasized that a decision on site selection would not be made this evening but individuals would be allowed to give input on the proposed sites.

The public hearing was opened. CHARLIE YEGAN OF RURAL ROUTE 1, PARK CITY said there has been much time and effort put into this development. He said the project has tremendous potential mostly because of good communication, although a consensus had not been reached between the community, Parking Advisory Board and the property owners in terms of exactly what should be done. He said anyone in the community would say that downtown is important enough to save. The time and effort put into the revitalization process will benefit the community for generations to come. Mr. Yegan extended an invitation to the Mayor and Council to a property owners’ meeting on Wednesday, May 10 at 3:00 p.m. in room 170 at the Ponderosa Inn. Mr. Tuss with CTA Development will be at the meeting to answer specific questions.

LONNIE WHITE OF 2146 FAIRVIEW PLACE said the process for the mixed use project has been going on for quite some time and is one of the better happenings for the downtown area in years. He said he would like the City of Billings, CTA and the Downtown Billings Partnership to give consideration, if needed, to allow for extensions of due dates in the agreement between the parties regarding site selection and approval for the mixed-use development. He also recommended Council consider combining the three proposed sites into one site and identify three areas of interest and then select those projects that make sense for this particular development and downtown as a whole. He said the State of Montana is looking for 35,000-50,000 square feet of office space that would fit perfectly into proposed Site 3.

MIKE SCHERR OF 1109 NORTH 32ND STREET said he is a proponent of downtown development and revitalization. He said he believes Site 1 is the least desirable

site because: 1) the location is further disconnected from the core of downtown. Putting an office building in that part of town will move businesses and jobs further from the core of downtown, 2) the site does nothing to resolve the customer parking problem in the core of downtown, 3) Site 1 will develop on its own without subsidies from the City of Billings as the medical businesses are moving in that direction; the medical businesses have the money for buildings in that area, 4) there is no room for expansion of housing with Site 1, 5) 4th and 6th Streets run through the middle of Site 1 prohibiting easy pedestrian traffic, and 6) the people living in the area will continue to travel to the west end to eat rather than staying downtown because of the limited parking downtown.

STAN HOGGATT, NO ADDRESS GIVEN, said he is the owner of Touch of Santa Fe. He stated that Site 1 fails to address the problem of the core of downtown. He said his customers have expressed that they are primarily concerned with the lack of parking in the downtown area. They have also expressed concern over general ambiance and deterioration of the downtown. He said there are other solutions that are more practical and economical. A \$30 to \$40 million investment project for the City of Billings is a big step when other alternatives are available.

BERNIE NELSON OF 1116 MOON VALLEY ROAD said she and her husband are property owners/managers of the Hart Albin Building and the Montana National Bank Building on North 28th Street. They are concerned with keeping the revitalization of downtown Billings near the core of downtown (Broadway and 2nd Avenue North). She said Site 1 draws away the energy that has been created for the revitalization of downtown. She encouraged Council to consider the downtown core area when selecting a site for the project.

BOB ZUKLIC OF 2911 STINSON DRIVE said he would like to see the plan concentrate on the core of downtown. He said he and others his age would love to live downtown, but the extremely upscale apartments being proposed in Site 1 would be too much. He asked Council to consider the core of downtown when selecting the site.

MARY WESTWOOD OF 2808 MONTANA AVENUE said she hoped the one or two sites selected would be best for downtown as a whole. She stated that downtowns do not die, they are assassinated. "They are assassinated primarily by the failure of the public and elected officials to look at the matter in a holistic way." She said she is somewhat disappointed in the work received from the developers; she thought they would have taken a much broader look at the community. Out of three sites, they eliminated one immediately and they did not give adequate consideration to Site 3. She said she is very concerned with the traffic control issues. Pedestrians will not want to cross busy streets and closing streets would make it more difficult to get north out of downtown. The developers do not seem to be paying much attention to these serious issues. She asked Council to consider the best for all involved when deciding on a site.

CONNIE WARDELL OF 1400 POLY DRIVE said she is a member of the Downtown Property Owners Association. She referred to a February 15, 2000 report from the Property Owners Association to Council and said there was consensus of the committee that the redevelopment take place as quickly as possible on 2nd Avenue North between North 26th Street and North 31st Street and as close as possible to North Broadway between 2nd and 3rd Avenue North. She said the committee reviewed four different sites and unanimously selected as the preferred site the site that keys off the courthouse lawn

going east and south. That site was selected because it has the most parking availability as determined by an unscientific study conducted by the committee. The other reason for that site being selected was housing. The Property Owners Association felt that using the air space above the parking garage would be a beautiful way to provide high-end housing in the core of downtown because it would offer a view. Ms. Wardell said Site 1 would develop on its own without any incentives, there was already a proposal submitted for that area over a year ago. The site east of the courthouse allows the opportunity to use public dollars to begin the renovation and rehabilitation process, to bring housing and parking to that area. She asked Council to support Site 3.

DAN BERRY OF 835 YELLOWSTONE AVENUE said he is a member of the Parking Advisory Board. He said one thing the Board hears the most from downtown merchants and businesses is that people who work downtown tend to park on the street in front of someone else's business. The reason for that is often those people have nowhere else to park. He said if those workers were provided with a parking garage, they would use it. He said the Board has considered increasing the per hour parking fee as well as increasing the parking violation to encourage people to utilize other parking space. He said there is currently a waiting list of approximately 400 for parking garage space. He said it is desirable to have two parking garages worked into the plan because only one garage with 400 spaces will meet only the present need.

TODD GRAVES OF 2905 MANHATTAN DRIVE read a letter from Virginia Carlson (owner of Dude Rancher Lodge) that stated she supported the concept of major development in the area north of 4th Avenue from 28th Street and 29th Street and beyond and hoped Council would endorse that site selection. She said before any plans for development of that area are finalized she would appreciate the opportunity to be included in the project. What is currently proposed could have an adverse effect on the Dude Rancher Lodge and might not be the best development plan, but she is committed to working with the City in developing the area in a way that would be beneficial to all of Billings. Ms. Carlson said she has not been given the opportunity to give her input on the proposed development site. She feels she should be included in future planning and given the opportunity to participate in the development. She encouraged Council to approve the selection of the site but require those involved to give her an opportunity to be a participant in the project.

JERRY RAY OF 711 CENTRAL AVENUE said he has been a developer for over 40 years. He said there are buildings in downtown that could be used for assisted-living housing. He said instead of spending a fortune to get people and businesses downtown, which is not feasibly possible with the current parking situation, we need to change the conception of downtown. He said the HUD project being built on South 27th and 28th Street should be taking place in the core of downtown and other similar projects would help to revitalize downtown.

There being no other speakers from the audience, the public hearing was closed.

ADJOURN – With all business complete, Mayor Tooley adjourned the meeting at 9:05 p.m.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Colleen Schell-Berg Deputy City Clerk