

REGULAR MEETING OF THE BILLINGS CITY COUNCIL MONDAY, JANUARY 25, 1999

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, given by Councilmember Mark Elison.

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

MINUTES – January 11. The minutes were approved as printed.

COURTESIES – Parks Department.

Parks Director Mike Hink presented a check to Mayor Tooley for \$40,000 from the Exchange City Golf Club as the city's share of the profits this year.

He introduced three families who have contributed greatly to the development of the Kiwanis Bike Trail system. The individuals are: Milt and Carolyn Baker; Richard and June May; and Kory and Rhonda Thompson. They have developed their back yards and maintained sections for the benefit of the bike trail system. Mr. Hink said he hoped this would inspire more individuals to do the same.

Mayor Tooley recognized Boy Scout Troop #10 in the audience this evening.

Mayor Tooley read a letter from Joe Walter, commending Councilmembers Larson and McDanel for their assistance in the efforts of the Community Crime Prevention Council.

PROCLAMATIONS – Mayor Tooley proclaimed February 4th as Girls and Women in Sports Day.

BOARD & COMMISSION REPORTS – Councilmember Johnson welcomed two West High students to the meeting this evening. Students Brooke Herzog and Katrina Hecimovic will be attending council meetings and agenda meetings to learn more about the local government processes.

ADMINISTRATOR REPORTS - Mark Watson

1. Legislative Update --Mr. Watson presented a legislative update to the council at the end of the meeting. See discussion after Item #10.

Councilmember McDermott moved to remove ITEM #10 from reconsideration this evening, seconded by Councilmember Johnson. Councilmember McDermott said she discussed the council resolution with Rep. Bohlinger and does not wish to reconsider the resolution. On a voice vote, the motion was unanimously approved. ITEM #10 was

MINUTES: 1/25/99

removed from consideration.

CONSENT AGENDA:

1. A. Change Order #1, Contract IX: Clearwell Project, Star Service, +\$11,232.42, 0 days.

B. Change Order #2, W.O. 98-04: City/County Drain Improvements, Don Kelly Construction, +\$52,200 and 28 additional calendar days.

C. Change Order #4, W.O. 95-09: 32nd Street West, Empire Sand & Gravel, -\$9,157.78, final reconciling change order.

D. Change Order #1, W.O. 98-01, Schedule I: 1998 Water and Sewer Replacement Project, Gray Construction, Inc., +\$23,795.70 and 0 days.

E. Contract Amendment #3, W.O. 94-07: Priority Signals, Marvin & Associates, +\$8,550.00.

F. Contract for Professional Services, Annual Household Hazardous Waste Collection Event, Philip Environmental, \$45,000.00.

G. Agreement with Exchange City Golf Course (ECGC) Board regarding reserve account for construction of the new Par 3 clubhouse.

H. Matching assistance from CDBG Volunteer Demolition Program for demolition at 710 S. 33rd Street, \$1,000.

I. Resolution 99-17433 authorizing the use of Council Contingency Funds for display racks at the Visitor's Center, \$850.00.

J. Postponement of discussion on Curb, Gutter and Sidewalk Repair Program. (Postponed from 11/09/98 Committee of the Whole). Postponed until 3/08/99.

K. Bills and Payroll.

(Action: approval or disapproval of Consent Agenda.)

There were no separations of the Consent Agenda. Councilmember Kennedy

MINUTES: 1/25/99

moved to approve the Consent Agenda, seconded by Councilmember Johnson. On a voice vote, the Consent Agenda was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING ON THE DRAFT Transportation Plan for the Billings Urbanized Area. (Action: public hearing only.)

Scott Walker of the Planning Department said this public hearing is the second in a series of three public hearings. The next public hearing will be before the Yellowstone County Commissioners at 9:00 a.m. tomorrow morning. He introduced Chuck Strom who gave a summary presentation of the plan to date. Mr. Strom said this is not a new plan, but an update of a plan that was originally adopted in 1961 and has been updated approximately every ten years since then. The plan was developed with considerable community input, staff input from city and county, as well as a considerable amount of technical analysis.

Mr. Strom said the plan is basically an evaluation of the transportation systems in the city -- in their current condition, as well as projections and estimates of future demand.

Alternative transportation improvements were also estimated and evaluated, which led to the development of long-range and short-range plan elements. The transportation systems evaluation looked at operating levels of service, i.e. how well the current streets and roads function, ease of mobility, i.e. how easy it is to commute around the community as well as system safety. Future deficiencies were also predicted. Population growth is what is primarily used to look out into the future. Additional growth of population and employment are projected -- both which generate additional travel demand. The projected travel demand is used to determine expected system deficiencies.

Alternative packages were developed. Issues targeted with the alternatives were improved north/south arterial continuity, improved capacity, improved mobility, improved truck access to and through the city, reduction of barriers to transportation, and improvements to the general level of service throughout the city. Through the development of these packages, projects were developed without the consideration of fiscal and monetary constraints, just based on what function best and meet the demands.

Some major projects were identified and will need to be prioritized on a cost-benefit basis. The plan elements contain not only recommendations for vehicle travel, but non-motorized elements like bicycles and pedestrian travel.

Mr. Strom said the key element of the plan is the functional classification map. It is a map that defines and designates roadway function classifications for all streets. It is worked with on a day-to-day basis by both the Planning and Engineering Departments to help guide future development -- in terms of developer-contribution for new construction as well as giving people in the community an idea of what roads in their neighborhood or

MINUTES: 1/25/99

community "will grow up to be". He emphasized that the plan is ONLY a guide. It does not "set anything in stone" or set any construction priorities or tie up any construction dollars. It is a guide to help develop those items that do address these things -- like the Capital Improvements Plan and the Transportation Improvements Plan.

Councilmember Johnson asked if the plan considers air quality. Mr. Strom said the data from Montana Department of Transportation is not ready yet, but are conducting an air quality analysis on the recommended system network now.

The public hearing was opened. BARBARA KELLY OF 2402 TERRY AVENUE asked if this plan is updated every ten years and is to address all facets of transportation, "I'd like to know how these areas are being assessed for the city, when the City of Billings has yet to develop a city-wide ADA Transition Plan to assess, evaluate, address deficiencies of and compliance to this 1990 federal law?" She said this transition plan has not been properly developed and a grievance policy developed in regard to the federal law.

RICHARD HALL OF 1040 STRAWBERRY said he is president of the Metra Board. They have a concern about safety and control of the road that connects their parking lots. The Metra property is still undergoing significant development and has already changed significantly over the years and will continue to do so. He said they are concerned about whether this plan would preclude them from having a broad range of options to utilize with the entire back area of their complex.

MARION DOZIER OF 3923 3RD AVENUE SOUTH said she is concerned about the railroad tracks and how they divide the city. She pointed out that the plan doesn't adequately address the railroad track situation. The tracks are an issue to those who travel back and forth across the downtown. The biggest problem is that the trains switch at South 29th Street. She said she is a member of the "Over, Under and Around" group that has been working on the issue of the railroad tracks. The group supported the resolution that came before the council last week regarding the railroad tracks.

JEFF ESSMANN OF 2852 COLTON BOULEVARD said his interest lies in future land use plans in and around the city --compact growth, infill development and means of transportation. Transportation has a great bearing on which areas will be developed and in what order they will be developed. Mr. Essmann said the projects listed in the 2020 plan need to be reviewed in terms of meeting the stated priorities and objectives of the plan. He suggested that many of the projects do not meet these issues, particularly mobility from the Heights to the West End and reduction of barrier impacts to transportation. The plan concentrates too much of the spending on the area between 24th Street West and Shiloh Road, noting in the first 10 years, 58% of the money is allocated to that area.

JERRY DALTON OF 2255 DARCY LANE said he would like to see a more livable, human-scale community, geared less toward automobiles is his wish for the community. He would emphasize bicycle and pedestrian friendly amenities, traffic calming devices,

MINUTES: 1/25/99

landscaping of roadways and businesses and parking areas, and planting trees along roadways. He said he didn't think the city could "pave its way out of traffic problems." He spoke briefly on the inner-belt loop, which he was not in favor of. The inner-belt loop would provide an alternative route for Heights to West End travel and eliminate congestion on Main Street for a while. He said he felt that it would encourage more trips and sprawl would happen along that route, because it would open up areas and make the trips quicker. But, eventually one is confronted with the barriers --like the Rimrocks and "guess what, we have congestion someplace else." The proposed north bypass and associated Highway 3 to Molt Road connection and the connection from the Heights across the Yellowstone River parallel the inner-belt loop.

JEFF ESSMANN RETURNED. Mr. Essmann urged the council to rank projects that do not have the possibility of developer-contributions higher on the list for taxpayer funded projects. He listed the Gabel Road Extension project, the King Avenue ditch to Shiloh, Rehberg to Shiloh, as projects that will facilitate development of millions of dollars worth of commercial property. "That golden triangle area from King Avenue to the railroad over to Shiloh could see development in the \$100 - 150 Million range. It's appropriate that the people that own that property in that area pay for the cost of the expansion." One of the priorities should be spending funds on areas of chronic and predicted chronic congestion. Projects should be reviewed on a biannual basis for re-prioritizing, based on the outcomes of completed projects.

MARION DOZIER RETURNED. She said this plan is important because it is a 20-year plan. She is concerned about the priorities, noting that the railroad tracks were #51 on a list of 52. "State Avenue took us over ten years. I'm not proposing that we look for money tomorrow for the railroad tracks. I'm saying, start the plan now, so that within 20 years, we have the funds and we know what we are going to do and we start doing it."

JERRY DALTON RETURNED. He said truck routes encourage sprawl. Mr. Dalton said the city should strive for fewer and shorter car trips, encouraging infill development within areas currently served by utilities, encouraging mixed-use development, encouraging use of MET Transit, encouraging bicycling and walking, landscaping, etc. He urged the council to keep in mind the "human scale" of any transportation project.

GLEN HLADICK OF 803 RIMROCK ROAD said he supports the use of CTEP monies for the bike trail system. Surveys have shown that the community supports bike plans and has committees developing plans and funding sources to assist with these projects and support CTEP projects. He asked the council to consider these projects and support for the funding.

The public hearing was closed. Councilmember McDermott commented that someone once said that ignoring the railroad tracks was like ignoring an 800-lb gorilla. She suggested that if downtown development is going to progress, "we have to stop ignoring the 800-lb gorilla."

MINUTES: 1/25/99

Mayor Tooley spoke briefly about the ADA Transition Plan, noting that staff is working on a comprehensive ADA compliance plan. City Administrator Mark Watson said it was discovered that that plan had not been officially ratified by the council in 1990, when the ADA came into effect. Staff is updating everything that has been done since that time, compiling it into a comprehensive format and open for public viewing some time next month or early March. It will be brought back to the council for ratification and adoption afterwards. He noted that the council has already acted on a grievance policy in December, 1998 and it is currently in effect.

Councilmember Regnier said Exposition Drive no longer exists and suggested that reference to it in the plan be corrected. That part of the street is now part of Main Street.

No action is required tonight. Final action by the council will occur in late February or early March.

3. PRESENTATION AND REPORT from Carl Walker Incorporated for the parking Structure Expansion Feasibility Analysis. Staff recommends acceptance of the report. (Action: approval or disapproval of staff recommendation.)

Finance Director Nathan Tubergen informed the council that the study is now complete. Paul Mack of the firm Carl Walker Incorporated presented the details of the study. He noted that basically the study looked at how many floors could be added to existing parking structures and at what a new parking structure would cost.

Mr. Mack said the study began in September (1998). The purpose of the study was to determine the feasibility of expanding the existing current parking garages owned by the city. Expansion could be either horizontal or vertical. Site constraints indicated that only vertical expansion could feasibly be considered in most instances, so they concentrated their study on vertical expansion. He noted that when you expand a structure vertically, the elements impacted are the foundations, footings, soil, and vertical columns that hold the structures up. Mr. Mack noted that four local firms were utilized to assist with the study -- a geotechnical firm, a structural engineering firm, an architectural firm and a general contractor that assisted with cost estimating. A 7-part study method was applied, whereby the original construction documents were reviewed, structural calculations were done, elevator installations were studied, determined how much expansion was feasible, prepared construction schedules, estimated lost revenue during construction and prepared cost estimates.

He referred specifically to a table in the Executive Summary regarding the expansion parameters. The garages were compared side-by-side in the table. Park I cannot be expanded vertically (due to soil and foundation conditions), but could possibly be expanded horizontally with additional land acquisition. Park II could be expanded vertically by 2 levels, adding about 195 spaces. About 4 months would be needed to complete the addition. Park III could be expanded by 2 levels, adding 131 spaces and take 3 months to complete. Park IV could expand by one more level, adding 161 spaces

MINUTES: 1/25/99

and take about 2 months to complete.

Mr. Mack said Park II is 20 years old and is a double helix style ramp – each revolution raises a patron by two levels. These are a little more difficult to expand vertically. Park III is only about 8 years old and the most expensive to expand. The elevators could not be expanded in the present configuration. The site is limited by congestion and construction would cause major disruption to the area. Park IV is 13 years old and fairly easy to expand. The site is easy to get to, but it is more remote than the other garages.

Mr. Mack said considering the costs and loss of revenue during construction, he recommended that these garages not be expanded and another site be found for a new garage -- for about 2/3rds of the cost per space for expanding the current garages. If this is not feasible, he recommended expanding Park IV first because of its shorter construction period and the least congested area and the least expensive to expand, followed by Park II, with Park III as the last expansion choice. Councilmember Kennedy asked about the recommendation for a new garage – if there is an optimum number of levels that would provide a 25-year life instead of an 8-year life to capacity. Mr. Mack said number of levels depends on the growth rate of the community. Around the country, it is almost universal to construct a 4-level structure that parks 500-750 cars.

Councilmember Deisz asked if a new garage is constructed, could something be built in that would make it a candidate for future expansion. Mr. Mack said there is no break off point here, it depends on the availability of land. An average parking garage around the country, with some architectural interest costs about \$8,000/sf, not including land acquisition costs. Most parking garages that are designed for expansion are designed for horizontal expansion. The difficulty in vertical expansions is with crane reaches, access to streets, shoring up structures, etc. Councilmember Elison asked about the costs of "going down" instead. Mr. Mack said the costs of going down generally cost about 1.9 times more than going up. That is due to excavation, ventilation, and fire sprinkling. Councilmember Deisz asked if any suggested sites were noted in his study. Mr. Mack said they did not do an in depth study, but three different sites were noted. The information can be obtained from Mr. Tubergen.

Councilmember Johnson moved for acceptance of the report, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

The council took a brief recess at 8:50 p.m.. The mayor called the meeting back to order at 9:00 p.m.

4. **4. REPORT ON ASSESSMENT OPTIONS for Street Maintenance District Assessments. Staff and committee recommend a revised method of assessment for SMD#2 with a cap. (Action continued from 7/27/98). (Action: approval or disapproval of staff/committee recommendation.)**

Councilmember Elison moved to postpone action until 4/26/99, seconded by Councilmember Larson. Councilmember Deisz asked why this date was selected. Councilmember Elison replied that he hoped the legislature would have taken action on a bill regarding street maintenance, so that the council would know what it had to work with.

Councilmember McDermott said given the current constraints, the committee did the most equitable job they could and proposed an equitable rate change. She said the cap on public property of \$600,000 is very problematic and would like to see other options. Councilmember Kennedy said his reasoning to approve the street maintenance fund increase was to have it stand alone, so that it gets its "report card" back from the public. On a voice vote, the motion was approved. Councilmember Regnier voted "no". CONSIDERATION WAS POSTPONED TO 4/26/99.

5. **5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #644: a city-initiated zone change from Neighborhood Commercial-Limited to Residential Professional on Lot 22A, Burnstead Subdivision Amended, located at 2125 8th Avenue North. JD Rentals, Inc., owner; Darrell Kreitzberg and Dana Davis, agents. Zoning Commission recommends approval. (Action: approval or disapproval of ordinance on first reading.)**

Zoning Coordinator Jeff Bollman said this was initiated by the Planning Board in November —on the last parcels that have the Neighborhood Commercial-Limited zoning classification. He said in June 1997 the Planning Department initiated zone changes on 3 parcels in the city that were thought to be the last remaining parcels zoned Neighborhood Commercial-Limited. The reason for doing this was that with the adoption of the Unified Zoning Code, that zoning district was eliminated. This parcel did not get transferred to the current zoning map and was inadvertently eliminated from those zone changes.

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

6. **6. PUBLIC HEARING AND FIRST READING OF ORDINANCES amending various portions of Section 27: the Unified Zoning Code. Zoning Commission recommends approval. (Action: approval or disapproval of ordinances on first reading.)**

- (A) **Ordinance Amending Section 27-306:** by eliminating beauty and barbershops (SIC 723 and 724) and Shoe Repair Shops (SIC 725) as allowed uses in the public zone; and ADDING Funeral Service and Crematories (SIC 726) as an allowed use in the Public zone.
- (B) **Ordinance Amending Section 27-306:** by eliminating Truck Stops

- (SIC 554) as an allowed use in the Central Business District.
- (C) **Ordinance Amending Section 27-405:** by making a minor language change regarding Nonconforming Uses of Structures.
 - (D) **Ordinance Amending Section 27-809:** by eliminating the requirement that all structures exceeding 3,000 SF in the South 27th Street Corridor Zoning District receive special review approval.
 - (E) **Ordinance Amending Section 27-1501:** by making a minor language change by correcting the length of the terms that City Zoning Commission members may serve.
 - (F) **Ordinance Amending Section 27-812:** by revising the signage regulations in the South 27th Street Corridor Zoning District so they are similar to those of the Medical Corridor Permit Zoning District.

Zoning Coordinator Jeff Bollman said the proposed changes are categorized as "housekeeping" amendments. Since the Unified Zoning Code was adopted last February, it was discovered that inadvertent errors occurred in the editing of that code. The code change at that time was a massive re-write of the Zoning Code. Mayor Tooley as what the change was in the terms of City Zoning Commission members. Mr. Bollman said it was inadvertently changed to a 2-year term, which does conflict with other section of the city code, so it is being changed back to a 4-year term. Councilmember Deisz asked what the thought process was behind eliminating beauty shops, barbershops and shoe repair shops from the public zone and adding funeral service and crematories in the public zone. Mr. Bollman said the error occurred simply with a lining up in the matrix. The previous code allowed funeral services and crematoriums in the public zone and it was the intent of the Unified Code to carry that same regulation over. Conversely in the previous version, beauty and barbershops were not allowed in the public zone and in the Unified Code, they were erroneously codified as being allowed. It was also the intent to carry that over.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember McDermott moved for approval of Ordinance "A" on first reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved. Councilmember McDermott moved for approval of Ordinance "B" on first reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved. Councilmember McDermott moved for approval of Ordinance "C" on first reading, seconded by Councilmember Regnier. On a voice vote, the motion was unanimously approved. Councilmember McDermott moved for approval of Ordinance "D" on first reading, seconded by Councilmember Regnier. On a voice vote, the motion was unanimously approved. Councilmember McDermott moved for approval of Ordinance "E" on first reading, seconded by Councilmember Regnier. On a voice vote, the motion was unanimously approved. Councilmember McDermott moved for approval of Ordinance "F"

MINUTES: 1/25/99

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

7. **7. PUBLIC HEARING FOR RESOLUTION 99-17430 respreading costs on SID 1337: water, sewer, storm drain and street improvements in Trillium Subdivision. Staff recommends approval. (Action: final approval or disapproval of resolution.)**

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

8. **8. PUBLIC HEARING FOR RESOLUTION 99-17431 levying and assessing initial costs for SID 9901: W.O. 94-04: additional property in the Main Street Sidewalk Program. Staff recommends approval. (Action: final approval or disapproval of resolution.)**

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

9. **9. RECONSIDERATION OF BID AWARD ON W.O. 94-07: Priority Traffic Signal Installations (13th Street West & Lewis Ave; 19th Street West & Miles Ave; Colton Blvd & Rehberg Lane). (Opened 12/15/98). Recommend Ace Electric, Inc., \$314,334.86. (Awarded on 1/11/99). (Councilmember Johnson reconsideration request). (Action: approval or disapproval of reconsideration.)**

Councilmember Johnson moved for reconsideration of the Item (#1A1 on the 1/11/99 agenda), seconded by Councilmember Regnier. Councilmember Johnson said the council has an obligation to provide the best public safety that it can, including safe school crossings for students or anyone in these areas. He said he feels these locations need to be studied further to determine the least expensive ways to accomplish the public safety at these locations. He said he believed there are more workable and less expensive ways to accommodate the safety of each of these school crossings. Councilmember Kennedy said there may be less expensive ways to address the traffic problems at these intersections than installing a traffic signal. Looking at the transportation plan, there may be areas in greater need of traffic signals than these three locations. Councilmember McDermott said she had similar doubts about the traffic signal at 13th Street West and Lewis Avenue and said she is not that familiar with the Colton Boulevard and Rehberg Lane intersection. She said she received numerous phone calls from parents and residents living around the Miles Avenue School. She asked if these are all equally important or are there intersections that do have a greater problem. Public Works Director Kurt Corey clarified that it may not be a question of which posed a greater problem. These projects were all derived from the Signal Prioritization Study, sanctioned

MINUTES: 1/25/99

by the council several years ago and were prioritized based on what was important to the council at that time. They all meet the recognized warrants for a traffic signal, based upon school crossings, so in that regard, they are equal.

Councilmember Deisz asked if the city had any obligation in this situation, since it had previously awarded the construction contract. He noted that this has come up several different times. "Are we taking care of this? Do people understand that when we take action at a council meeting, it can be brought up two weeks later and therefore it is not a done deal?" asked Councilmember Deisz. City Attorney Brent Brooks said, "anytime a contract is let, the city should remind contractors that there is a two-week time frame or the next council meeting. It may not always be a two-week time frame, for a reconsideration to occur. It should be standard practice. Now in practical terms, whether or not that's going to affect a contractor's bid award, in this case, that remains to be seen. It is something that should be considered any time that there is going to be a potential for reconsideration and obviously when a situation like this arises, you're going to at least have the potential for liability." Councilmember Deisz said that was his point. "I know that we directed staff a year ago to do this. I don't know if this is something that needs to go through the legal department and every contract you draw up from now on, you need to put that in there as a paragraph. It caught my attention and I don't think we should be under those constraints. This council should be free to take what is our obligation which is to talk about it a second time if we wish to bring it up for reconsideration," said Councilmember Deisz.

Councilmember Alison said he has frequently questioned the traffic light priority study. He noted he has received numerous calls about one of these lights -- the one at Miles Avenue and 19th Street West. He said these people feel this is the way to protect their school children and are adamant that this is what is needed there. "I would be unwilling to go against both the engineers who designed the traffic priority study and the warrants that say the light is necessary under school route programs and parents and people that are living in the area that also think it is necessary," he stated.

Councilmember McDermott said she agreed with Councilmember Alison. The calls she received from parents and residents supported the signal at Miles Avenue and 19th Street West. She noted she would be willing to place the other two signals on hold for further study, but would like to proceed with the signal at Miles Avenue and 19th Street West. On a voice vote on the reconsideration, the motion was approved. Councilmember Alison voted "no".

Councilmember Johnson moved to direct staff to review all three signals and prepare a report on alternatives to the traffic signals to come back to the council on February 8th, seconded by Councilmember Deisz. Councilmember Alison asked if it was possible to allow construction on one if the lights to proceed (without the other two), under the current contract with Ace Electric. Mr. Corey said he didn't know the answer to that question, noting it may be more of legal consideration. Mr. Brooks said a contract has not

MINUTES: 1/25/99

been signed and "negotiated", "so at this point, you are determining which of these three items of the bid award are actually going to be contracted with this particular person that offered the low bid. At this point, I don't think we are approaching any legal difficulty," he stated.

Councilmember Larson made a SUBSTITUE motion to award the 19th Street West and Miles Avenue signal and have staff review the other two signals and report back to the council on alternatives for these two signals at the February 8th meeting, seconded by Councilmember Elison. Councilmember Johnson asked to give his reasons for reviewing each of the three signals. Mayor Tooley instructed him to proceed.

Councilmember Johnson's reasons are summarized as follows:

19TH STREET WEST & LEWIS AVENUE SIGNAL:

- He would like to support it, but it is in the middle of a residential area.
- It is between two lights -- Broadwater and Central.
- It is in what is virtually a 'speed run' now according to the principal, a crosswalk guard and residents
- The theme they presented was that they wanted a light "or whatever else would help resolve the problem of school children crossing morning, noon and afternoon at 19th and Miles"
- He asked if the children could come up 1/2 block to the alley along the Memorial Garden -- open all the way to the school. They agreed, noting anything would be an improvement over current circumstances.
- They wanted something done; they don't have to have a light.

COLTON BOULEVARD & REHBERG LANE SIGNAL:

- Principal of Boulder Avenue School wrote him a letter stating that they are surprised the city would be over there, when the neighborhood is so concerned about the continued growth and traffic on 32nd Street West -- right in front of them.
- They have 10 buses a day that come to their school building with special education children and kindergarten children from Arrowhead School
- They have a 15-mph zone in front of the school and crosswalk guards that traffic do not stop for.
- They are interested in flashing yellow lights and a 15-mph zone instead.
- Traffic is disobeying stoplights, signal lights and no right turn signs. A traffic light won't make the difference they are requesting.

MINUTES: 1/25/99

13TH STREET WEST AND LEWIS AVENUE SIGNAL:

- This is a very quiet route.
- The principal was appreciative of the city offering to help with their entrances
- He believed alternatives existed for this location.

He said the council could spend fewer dollars and accomplish more in some other way. He asked the council to oppose the substitute and vote for the main motion. On a roll call vote on the substitute motion, the motion passed 5-3. Councilmembers voting "yes" were: McDermott, Regnier, Kennedy, Elison and Larson. Councilmembers Deisz, Tooley and Johnson voted "no".

~~**10. RECONSIDERATION OF RESOLUTION 99-17432:** a resolution supporting a Montana Legislature resolution to study and fund the improvement of the Downtown Railroad Crossings. (Approved 1/11/99). (Councilmember McDermott request). (Action: approval or disapproval of reconsideration). SEE NOTE ENTERED IN MINUTES UNDER ADMINISTRATOR REPORTS. Previous council action on 1/11/99 stands.~~

LEGISLATIVE REPORT. City Administrator Mark Watson said tomorrow there is a hearing on HB273, which involves the hotel/motel tax. What is being proposed is a redistribution of hotel/motel tax dollars, with a limitation on the dollars to be used by the state. It would eliminate the tourism promotion "regions" and return the dollars back to the local government for use in tourism related activities, infrastructure, etc. This could mean anywhere from \$400,000 to \$500,000 coming back to the city. He said he is asking the council's guidance on this bill -- do we support it or oppose it. Mr. Watson noted that the Chamber of Commerce opposes the bill, as does the Hotel/Motel Association. With these monies coming back to the local governments, the local government can decide which tourism related project it would fund with these dollars.

Councilmember Kennedy asked if the funds are earmarked and tied to projects or does the council decide. He said that is where it gets leery of the bill; he didn't want it to just go into the General Fund. Mr. Watson replied that the requirement is that the funds must be used for tourism promotion, tourism related infrastructure, or tourism related local government services. Councilmember Larson said great care must be taken that these dollars don't get lost in the shuffle or siphoned into General Fund expenditures. Councilmember Deisz said he had two concerns: (1) that the Chamber be given money back for tourism, especially if HB286 and HB287 that propose a 3% local option tax pass. He said they should have some and he hoped the council would not just take the \$500,000 and say 'adios'. (2) the city has for years incurred expenses with the influxes of people for various events. It costs the city money for overtime, etc. and this could provide

MINUTES: 1/25/99

a mechanism for covering some of those expenses.

Mr. Watson said the hotel/motel industry has been very distrustful of the dollars going out. This would be the first time there is an interest in returning the dollars back to the locality. Councilmember Kennedy said the distrust has been well founded and suggested that the list of tourist-related items be tightened up to show a desire to spend the money properly. By a show of hands, a consensus of the council was to support the bill.

FAREWELL: Mayor Tooley and the council bade farewell to Councilmember Regnier. Tonight's meeting will be his last meeting as his resignation from the council becomes effective. He has accepted a position with a television station in Great Falls and will be relocating. Members of the council spoke on their council experiences with Councilmember Regnier, noting his dedicated service to the community. Mayor Tooley presented him with a plaque commemorating his 7+ year term on the council.

ADJOURN – With business complete, Mayor Tooley adjourned the meeting at 9:59 p.m.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AE City Clerk