

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

May 14, 2007

The Billings City Council met in regular session in the Council Chambers on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Ron Tussing called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Gaghen gave the invocation.

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Brewster, Veis, Ruegamer, Jones, and Clark. Councilmembers excused were: Ulledalen, Boyer, and Stevens.

MINUTES – April 23, 2007. Approved as printed.

COURTESIES – Councilmember Veis congratulated Alan Lohof, a City of Billings Firefighter, as the first graduate of the MSU-Billings Masters Degree Program in Public Administration.

PROCLAMATIONS

- May 15: National Peace Officers' Memorial Day
- May 13-19: National Police Week
- May 24: First Congregational United Church of Christ Day
- May 13-29: National Women's Health Week
- May 18: Endangered Species Day

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek announced that Bruce McCandless, Deputy City Administrator, has been appointed Assistant City Administrator. Ms. Volek noted that Mr. McCandless has 25 years experience in city government management; 11 of those years in Billings. She advised that the Deputy City Administrator position will be eliminated, and a recommendation will be made to Council during the budget process to use the funds that would have normally funded the Deputy City Administrator position for a cost of services study to help determine what fees and service cuts are necessary to balance the city budget in future years.
- Ms. Volek said the Council Agenda Review meeting would be held tomorrow evening at 5:30 p.m. followed by a work session on additional budget items at approximately 6:00 p.m. at the Police Training Center at 4140 Midland Road.
- Ms. Volek said the City Council is invited on Thursday to a tour of the Planning, Zoning, and Community Development Department as part of the third Thursday of the month tour of City Departments. The tour will begin at 1:00 p.m. and will be followed at 3:00 p.m. by a training and zoning workshop being offered to the staff and to which the council is invited to participate.
- Ms. Volek noted a couple of agenda changes. First, ITEM #3, the property owner on the agenda is shown as Krieg, K-r-i-e-g. It should be spelled K-r-e-i-g. It is spelled correctly in the agenda supporting documents. Second, the one-minute

Public Comment this evening should be on ITEM 1, which is the consent agenda, and ITEMS 5, 6, 7, none of which have a public hearing associated with them.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 5, 6, and 7

ONLY. Speaker sign-in required. (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)

The public comment period was opened.

DAVE BOVEE, 424 LEWIS AVENUE, addressed ITEM 1L, the aggressive solicitation ordinance. He stated no one in the City of Billings has the authority to determine if someone is a veteran, and no one in a municipality in the United States of America can make that determination. He stated it is reserved for a department of the Federal government. Mr. Bovee also said the “practicing medicine without a license thing” is still in the ordinance.

There were no other speakers. The public comment period was closed.

CONSENT AGENDA:

1. A. Mayor’s appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Phyllis Crawford	Housing Authority	5/14/07	12/31/07
2.	Jo Ann Lees	Housing Authority	5/14/07	12/31/08

1. Unexpired term of Erica Limberhand

B. Bid Awards:

(1) Airport Improvement Program (AIP) 32 Control Tower Demolition. (Opened 4/24/07) Recommend General Contractors, Inc., \$769,287.00.

(2) Fire Alarm Upgrades for the Airport Terminal Building. (Opened 4/24/07) Recommend Yellowstone Electric, \$48,759.00.

C. Amendment #1, W.O. 07-12, Phase II, Alkali Creek Road to Hilltop Water Main Replacement. Professional Services Contract, Morrison-Maierle, Inc., \$34,596.00.

D. Contract with WCS Telecom for long distance services.

E. W.O. 04-33: Lake Elmo Drive (Hilltop Road to Wicks Lane) Right-of-Way Acquisition:

(1) Parcel 13: Portion of Tract B, Certificate of Survey No. 280, Dan C. and Ashley A. Fuchs, \$9,400.00.

(2) Parcel 35: Portion of Lot 17, Barkley Sub., Samuel D. and Patricia L. Thomas, \$4,700.00.

(3) Parcel 57: Portion of Tract 1-B of Certificate of Survey No. 1113, Tract 1, Amended, Shelly Ma AKA Shelly Ma-Chan, \$3,850.00.

(4) Parcel 67: Portion of Lot 1, Block 4, Arrowhead Sub., Thomas C. Ricci, \$2,450.00.

(5) Parcel 68: Portion of Lot 2, Block 4, Arrowhead Sub., Gary A. and Marsha A. Ostermiller, \$2,300.00.

F. Right-of-Way Easement with Department of Natural Resources and Conservation (DNRC) for Briarwood Sanitary Sewer Main Extension.

G. Acknowledge receipt of petition to annex #07-08: approximately 4.92 acres of Tract 3, C/S 2298, generally located on the southeast corner of the intersection of Grand Avenue and 56th Street West, Benjamin Gonzales, petitioner; Hope Evangelical Church, owner, and setting a public hearing date for 5/29/07.

H. Acknowledge receipt of petition to annex #07-09: approximately 14.08 acres located on the southeast corner of the intersection of King Avenue East and Calhoun Lane east of Miller Crossing Subdivision, Miller Trois LLC, owner and petitioner, and setting a public hearing date for 5/29/07.

I. Acknowledge receipt of petition to vacate a portion of Moose Hollow Lane, Lloyd Detienne, petitioner; and setting a public hearing date for 6/11/07.

J. Acceptance of Quitclaim Deed for a portion of Tract 2, Certificate of Survey 2055, from James Pickens, \$0.00.

K. Acceptance and Approval of Donation from MDU to the South Gate Cop Shop. \$250.00 value.

L. Second/Final Reading ordinance amending Article 18-1000 and Section 18-1001 re: aggressive solicitation.

M. Second/Final Reading Ordinance #07-5409 for Zone Change #802, Gareld Krieg and Cal Kunkel, owners, Land Equity Partners, developer.

N. Second/Final Reading Ordinance #07-5410 for Zone Change #803, City of Billings, owner, Parks, Recreation, and Public Lands, agent.

O. Resolution #07-18551 temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, during the 2007 Wing Ding event to be held July 4-8, 2007.

P. Final Plat of Grand Peaks Sub.

Q. Final Plat of Ironwood Estates Sub., 4th Filing, Lot 33, Block 1

R. Bills and Payroll

- (1) April 6, 2007
- (2) April 16, 2007
- (3) April 20, 2007
- (4) March 1, 2007 – March 31, 2007 (Municipal Court)

(Action: approval or disapproval of Consent Agenda.)

Councilmember Jones separated ITEM L.

Councilmember Veis moved for approval of the Consent Agenda MINUS ITEM L, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

Councilmember Veis moved for approval of Consent Agenda ITEM L, seconded by Councilmember Gaghen.

Councilmember Jones moved to amend (2)a. of the ordinance by deleting the wording: or has posted a sign clearly indicating that solicitations are not welcome on the property. He stated (2)a. reads that if a person walks into a business where a “no solicitation” sign is posted and tries to sell something, the owner of the business can call the police and have the person arrested without giving the person the opportunity to leave the property. Mr. Jones stated there are a lot of legitimate businesses that go door to door selling items, and they should be given the opportunity to leave the property before the police are called.

Mayor Tussing asked City Attorney Brent Brooks if an ordinance could be amended on second reading without a public hearing once it had already been approved on first reading. Attorney Brooks stated it could be amended.

Councilmember Ruegamer asked City Administrator Volek who wrote the ordinance and what the ramifications would be with or without the wording. Ms. Volek advised the ordinance was written by City legal staff. City Attorney Brent Brooks stated Assistant City Attorney Bonnie Sutherland consulted with the Police Department and the Downtown Business Association representatives, and it was determined the wording could be amended out of the ordinance and revisited at a later time, if necessary.

Councilmember Gaghen asked if the wording came from the committee who worked on the issue and who received lengthy input from the private sector and the Downtown Business Association. Police Chief St. John responded the wording came from the committee and from a culmination of other ordinances of other cities. He said the ordinance is written so that if a “no solicitation” sign is posted and a solicitor steps on a property, the solicitor is subject to prosecution without being given the opportunity to leave the property. Chief St. John said he agrees with Councilmember Jones. If business owners do not want people soliciting on their property, they should ask the solicitor to leave before calling the police. He said only if the solicitor does not leave, should the police be called.

There was no further discussion. On a voice vote, the motion to amend (2)a. of the aggressive solicitation ordinance was approved. Councilmembers Ronquillo and Veis voted "no".

Councilmember Brewster addressed Attorney Brooks stating that Mr. Bovee raised a valid concern during the public comment period about how a person would be identified as a veteran, how a medical condition would be determined, and how the City would enforce the issue. Attorney Brooks replied the offenses referenced in (5)b. and (5)c. of the ordinance would be investigated by the Police Department. Witnesses would be interviewed, including the person alleged of violating the solicitation ordinance, to determine if veteran status, or any other status, had been misrepresented. Councilmember Brewster stated he did not feel the police officers would go to great lengths to investigate. Mayor Tussing asked Attorney Brooks if a person would be prosecuted unless it was certain the evidence was conclusive enough to prove the person was not a veteran or did not have a medical condition being claimed. Attorney Brooks stated if it could not be proven through evidence that a person misrepresented his/her status, that person would not be charged and prosecuted. Councilmember Brewster asked if there had to be probable cause to assume a person was falsely representing himself. Attorney Brooks said it would be highly unlikely a person would be arrested on the spot without an investigation to determine if a status had been misrepresented. Mayor Tussing stated the police are aware they are liable for false arrest if a sufficient investigation is not conducted prior to an arrest or issuance of a citation. Chief St. John advised the police would conduct an investigation and establish probable cause before making an arrest.

Councilmember Jones stated Billings would not be experiencing a problem with solicitors if people would stop donating to them. He said there are organizations in Billings that help people in need, and the citizens of this community need to donate to these organizations instead of donating to the solicitors. City Administrator Volek stated the Business Improvement District (BID) has put together a program called *Spare Change for a Real Change*. She said receptacles have been placed in stores for contributions to these organizations, and informational handouts on these organizations are available to the solicitors.

There was no further discussion. On a voice vote, the motion to amend (2)a. of ITEM 1L was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION approving and adopting budget amendments for Fiscal Year 2006/2007 for the 2002 and 2003 UHP Grants in the Police Department; for a Planning Department grant from the State Historical Preservation; and for a General Fund - Parks Loan to the Ballpark Construction Fund until bonds are sold. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

3. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annex #07-07: an approximate 150-acre parcel described as: Lots 1-5, Block 1, Western Sky Subdivision, Cal Kunkel and Gareld Krieg, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

City Administrator Tina Volek stated there was an inconsistency in the paperwork showing the spelling of Mr. Krieg's last name, and the correct spelling should be K-r-i-e-g. Ms. Volek stated she stands corrected, and the spelling she reported earlier in the meeting as K-r-e-i-g was incorrect.

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

4. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annex #07-06 for the future Cottonwood Park site: containing 42.26 acres described as: the northwest corner of Colton Boulevard and 54th Street West, City of Billings, owners. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

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

5. AGREEMENT BETWEEN YELLOWSTONE COUNTY AND THE CITY OF BILLINGS to sell and exchange parcels described as Lots 19-24, Block 60, Original Town of Billings, City of Billings, owner; and Lots 6-12, Block 60, Original Town of Billings, Yellowstone County, owner, for the purpose of construction of a MET Transit Transfer Center and possible Federal Courthouse site. (Action: approval or disapproval of Staff recommendation.)

Aviation Director Tom Binford reviewed the boundaries of the parcels to be sold and exchanged. He said the Downtown Transit Center would front North 25th Street, and the proposed Federal Courthouse would front North 26th Street. Mr. Binford advised the parcel the City would be trading for is a little larger, so the City would pay approximately \$58,000.00 for the exchange. He said the advantage of having the larger lot would be a wider area to accommodate the buses. Mr. Binford said if the agreement is approved tonight, a packet will be put together for approval by the Federal Transit Administration.

Councilmember Clark stated the City has been working on this project for a long time and asked Mr. Binford if the Transit Transfer Center was ever going to be built. Mr. Binford responded that the architects are ready and once the final site has been determined, the architects will begin the design. Mr. Binford added that Wells Fargo still needs to move from the site and into the parking garage, which should take place this August. He said the project would definitely be ready to go in the spring

Councilmember Gaghen said there had been some talk about closing North 25th Street between 2nd and 3rd Avenues North. She asked Mr. Binford if that would still happen with the proposed building facing North 25th Street. Mr. Binford replied that North 25th Street would not be closed; however, there has been some discussion about closing North 26th Street to make a government plaza. Councilmember Gaghen said there had been some concern about North 25th Street primarily because of DHL having such a great transportation need in that area.

Councilmember Clark moved for approval of the Staff recommendation, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

6. REQUEST FOR TIFD FUNDING by the Downtown Billings Partnership to construct county parking on Lots 19-24, Block 60, Original Town of Billings, with \$237,016 from 1976 Tax Increment District Funds. (Action: approval or disapproval of Staff recommendation.)

City Administrator Volek stated as part of the presentation on ITEM 5, the County would give to the City what is currently a parking lot located on the corner of 2nd Avenue North and North 25th Street. She said this proposal would pay for the construction of a temporary parking lot for County use on what was once City-owned land prior to the recently approved land exchange. Ms. Volek told the Council that Mr. Krueger of the Downtown Billings Partnership was in the audience and available to answer any questions.

Councilmember Veis asked if the money would be allocated before the sunset of the TIFD District, and Ms. Volek responded that it would be. He asked if the money needed to be spent by then, and Mr. Krueger explained the money does not have to be expended before March 2008 as long as it is encumbered and under contract. Councilmember Veis asked what would happen to the money if the plans for the lot changed during that time. Mr. Krueger said it is the intention to finalize what will take place on the lot by October of this year. He said the contract with the County states the terms must be finalized by then and advised if the plans are not finalized by October, the money would be reallocated to another project.

Councilmember Clark asked if anyone would be compensated if the new parking lot is torn out when the new government building and plaza is built. Mr. Krueger said the hope is that the TIFD would be compensated by the developer who builds the federal government plaza.

Councilmember Veis stated in looking at CTA's cost estimate, a great deal of the cost is allocated for demolition. Mr. Krueger said it would be a cost to the developer anyway, and he would be asking that the TIFD be reimbursed. He said another contract may be coming forward using TIFD dollars to assist in the development in some fashion, and those dollars would be accounted for. Councilmember Veis asked if the Transit Administration would have had to pay for the demolition costs if the plan had been left the original way. Mr. Krueger answered yes. Councilmember Veis stated that we are now paying for the demolition when we would not have had to if the original plan had been left as is. Councilmember Veis said transit dollars are matched 95-5 and TIFD dollars are not, so we would be shifting \$120,000 from a 95-5 match to a no match situation. Mr. Krueger said it could be looked at that way. Mr. Krueger said they hope to

work a deal to temporarily relocate the cars into the expanded Park II and pay on a month-to-month basis. The City would be reimbursed for that. He said in order to get the County to make the swap, they had to make certain the County's existing parking spots would be replaced, both temporarily and long term if the courthouse is built. Councilmember Veis stated there appears to be a number of things still up in the air and asked what the urgency was of completing the request tonight. City Administrator Volek said the County has not voted on this item, and it would be something they would want to see in order to approve the land swap. She said once the land swap is approved by the County, it must be taken to the FTA for approval, which will take a certain amount of time.

Councilmember Veis asked Mr. Binford about the original 80-20 match by the FTA on the previous site layout. Mr. Binford explained if the parcel was kept the way it was before, without the exchange, it would be an eligible project cost. He stated what we cannot do is keep the parcel, tear it down using federal funds, and then make the exchange because they would ask for reimbursement of the grant funds. He said what we need to do before we go on the site is make the switch to be square with the federal government on the parcel values and the land switch. Federal funds cannot be used first.

Councilmember Brewster said what we are doing is guaranteeing the County will be provided parking. Ms. Volek said this will provide the parking that the County is losing by swapping parcels. She said the replacement is being requested by the County. Councilmember Brewster asked if the TIFD would be reimbursed if the Federal Courthouse was built. Ms. Volek said the land would be purchased and the building would be built by a private developer, who would repay the County for the property and reimburse the TIFD for the funding spent on the parking lot.

Councilmember Veis stated the language in the contract does not confirm the reimbursement. He said Section 1D states that in the event GSA does move forward, it is assumed the developer selected for the project would reimburse. It does not say the developer is obligated to do so. Ms. Volek stated this is not a contract to which the City is a party. She said what Council is being asked to approve tonight is the actual expenditure of funds. Mr. Krueger commented the reason the reimbursement language is so vague is because he cannot speak on behalf of GSA. He said they are working very closely with GSA, and he has every reason to believe they, as well as the public, would have a say in how the project is managed. Councilmember Veis said there is a chance we could expend the money to build the parking lot, and when the developer comes in, the developer could decide not to reimburse us. Mr. Krueger said there would be a chance of that happening.

Councilmember Ruegamer asked if the whole project would be delayed if Council did not approve the expenditure tonight. Mr. Krueger said they are getting down to the wire, and it could very well delay the whole project. Mr. Krueger said fortunately there has been some time in which to work because of the Wells Fargo construction, but he would be very nervous if it did not pass tonight.

Councilmember Veis asked Mr. Krueger for some sense of why the Downtown Billings Partnership thinks it is essential to do this, as we are paying for something now we would not have had to pay for before. Mr. Krueger said the reason it is important right now is it will entice the development of this corner. He said if the configuration for

the transit center had been kept the way it was before, the courthouse would not have fit on this block, and we would not be talking about this tonight. He said we are talking about a private building of at least \$20 million in development, probably considerably more. Without the land swap and change of funding, the private development would not happen. Tax increment funds will be used for the purpose they were intended for and that is to stimulate private development. Mr. Krueger said what we would have ended up with on the block is a city bus center going east and west and county property on the other side. Through this process, at least half of this block will come back on the tax roles in a big way.

Councilmember Jones asked Councilmember Veis if he was talking about Letter "D" on the document as far as assuming the developer selected for the Federal building project will replace the parking and landscaping noted in 1a and 2a. Councilmember Veis said it does not say anything about reimbursing the money. Councilmember Veis stated there is no guarantee in the agreement that the City will be reimbursed. Mr. Krueger said there is a chance the City will not be reimbursed, but that is the intention of the direction of the negotiations.

Councilmember Jones asked Mr. Krueger if it would be feasible to add wording to the agreement that the City would be reimbursed and if it would be a deal stopper for the developer if the wording was added. Councilmember Jones said he does not feel reimbursement would even be addressed if the wording was not included. Councilmember Veis said if he were the developer, he would not see a lot of incentive to add the reimbursement cost to his project. Mr. Krueger said it is very hard to put a rule in the agreement on behalf of the Federal government.

Mayor Tussing stated the draft is what we are doing with the County with the land swap. It really has nothing to do with the development of a Federal Courthouse. What is contingent upon our decision tonight is that the Transit Transfer Center will be built the way we think it should be built.

Councilmember Clark asked Mr. Krueger if in the event the development does not go through for the courthouse, would the City have to pay for the finishing of the parking lot and the landscaping. Mr. Krueger stated that is the offer. He said the County will have put considerable expense into the landscaping and surfacing of the parking lot, and it is expected they would want that back. Councilmember Clark asked if the building is built, will it be in a TIFD. Mr. Krueger said it will not be in one right now but it is the intention to bring it forward to be a TIFD project. It was intentionally left out because of the process we are going through right now. Councilmember Clark said if it is put into a TIFD, the taxes would not be there for another 10 or 15 years. Mr. Krueger answered if the development happens.

Councilmember Jones moved for approval of ITEM 6, seconded by Councilmember Ruegamer. On a voice vote, the motion was approved. Councilmember Veis voted "no".

7. ALLOCATION of CDBG and HOME program funds for FY2007-2008 and approval of the FY2007-2008 Annual Action Plan. (Action: approval or disapproval of Staff recommendation.)

City Administrator Ms. Volek stated this item was the subject of a public hearing at the Council's last regular business session. The public hearing was closed at that

time. Ms. Volek said at the conclusion of the last meeting, there were indications that Councilmembers were interested in moving items around within the allocations. She said as part of the financial impact on the staff report furnished earlier for this item, the second paragraph indicates there are limitations as to what items can be moved. Ms. Volek stated Brenda Beckett, CDBG Coordinator, was available for any questions of the Council.

Mayor Tussing asked Ms. Volek if she had received the ex-parte communication from Ms. Beckett regarding the HRDC study on mobile homes. Ms. Volek stated staff did not see the ex-parte. Mayor Tussing stated he would give his packet to staff to put in the ex-parte file. City Attorney Brooks clarified that the report was a follow-up from the public hearing.

Councilmember Ruegamer moved for approval of ITEM 7, seconded by Councilmember Clark. Mayor Tussing verified with Councilmember Ruegamer that the motion was for the approval of the staff recommendations as presented. Council Ruegamer confirmed it was.

Councilmember Ruegamer commented he will support this year's recommendations and commented Council needs to look at the allocations more closely next year. He said some of the organizations need to become more self-sufficient and find other sources of revenue. Councilmember Ruegamer said the funds would have a greater impact if more money was given to fewer organizations.

Councilmember Brewster stated an idea would be to give the organizations more money the initial year and then leverage it for the following three or four years.

Councilmember Gaghen stated that a part of the role of community development dollars is to provide for needs that may not have been met but that are valuable to a community. She commented the funding is an incentive for the organizations to become more self sufficient. Councilmember Gaghen said there are quite a few organizations over the years that have weaned themselves from the CDBG allocations and have been able to find other sources of funding.

Ms. Beckett stated she agrees that giving more money to fewer organizations and leveraging money over a period of years is a good idea; but at the same time, there are very small grant applications from organizations that only require a couple thousand dollars a year to sustain their entire operation. She said recipients like the funding because it can be used for administration, and it is the most flexible funding source available. She said the argument is there for both sides.

City Administrator Volek stated the next set of applications for CDBG funds will go out in January, and she suggested setting a work session in November to discuss the policy and various alternatives.

Councilmember Jones said he agrees with Councilmember Ruegamer regarding reviewing future requests for funding more closely. He also said some of the organizations requesting funding are organizations that help people in need of assistance, so anyone handing out cash on the corner should be donating to these organizations. He encouraged people to call or get on the website to find these organizations.

Councilmember Clark said he feels there is a need for change in the allocations, and the work session in November is needed.

Mayor Tussing asked for further discussion. There was none. On a voice vote, the motion was unanimously passed.

8. PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.
(Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

MICHAEL BÜTZ, 349 FUTURE CIRCLE, stated he has been working for over a year with Councilmember Clark and Councilmember Jones, as well as City Administrator Volek, concerning needed frontage improvements to the Terra West Subdivision, 1st Filing, at 32nd Street West and Monad Road. Mr. Bütz advised that every property around the subdivision has improved frontage, and the property owners in Terra West Subdivision, 1st Filing, would like their frontage improved. He stated in addition to frontage improvements, the property owners would like to see improved traffic control in the subdivision. He stated the new roadway through the Peter Yegen Golf Course has dramatically increased traffic in the Terra West Subdivision area. Mr. Bütz requested a turning lane on 32nd Street West and a crosswalk on Monad Road to ensure the safety of the subdivision residents. He also requested adequate sidewalks on Monad Road and 32nd Street West for the children walking to school. He stated vehicles are traveling on Monad Road and 32nd Street West at speeds of 45 to 50 mph in many instances. In addition, traffic is backed up on 32nd Street West for about a mile and a half at 5:00 p.m. Monday through Friday. Mr. Bütz distributed a Power Point handout outlining the concerns of the Terra West Subdivision, 1st Filing, property owners, a petition filed with Yellowstone County indicating the residents' interests, and correspondence with the City staff.

Councilmember Brewster confirmed with Mr. Bütz that the frontage along Monad Road is where the improvements are needed and asked if the residents were planning to form a Park Maintenance District to take care of the improvements.

Mr. Bütz replied the residents are considering a subdivision development of some sort. He said there is also a park adjacent to the area that has not been taken care of, which would be too much for the residents to take on.

City Administrator Volek stated she has ordered an engineering study of a development at 32nd Street West and Monad Road in front of Terra West, which will need to be done in order to finalize the costs. She stated a public hearing will need to be held with a protest period. She stated the majority of the neighbors in the 2nd, 3rd, and 4th Filings of Terra West Subdivision have signed Waivers of Protest. She stated the City has received comments from some of the condominium owners in the 1st filing who are already paying for improvements done on the 1st filling, their condominium improvements, and for parks within the subdivision. The condominium owners have expressed concern about additional costs to them by adding another section of improvements. Ms. Volek stated staff will be looking at assigning costs to the filings that have not indicated an objection to the improvements, and a public hearing will be held later this summer. Ms. Volek said there is a process for investigating the feasibility of putting in speed bumps as one traffic calming device. She said the Police Department has been there on several occasions monitoring vehicle speeds. Ms. Volek said she will ask Public Works to look at the traffic issue. She said according to Planning Director Candi Beaudry, the area may be eligible as part of the Safe Route to School Program, and the City has a sidewalk program. Ms. Volek stated

she has not had a chance to talk to Ms. Beaudry to find out if the project completed by the church in that area required sidewalks along Monad Road. Ms. Volek advised staff is working on the issue and apologized to Mr. Bütz for the delay.

Councilmember Clark stated this issue has been worked on for a long time and some incorrect information was received concerning the condominium owners in the area. He stated the area of concern is the boulevard along Monad Road. The parcel to the east of the subdivision entrance is being worked on currently, and the parcel to the west is where the church put in grass but no sidewalk.

Councilmember Jones stated that since the new roadway opened up on 32nd Street West, traffic is unbelievable. He said vehicles were driving through the subdivision on Daystar and Energy Boulevard before 32nd Street West opened up, and now he is sure it has increased even more. Councilmember Jones stated he will direct staff in a Council Initiative to address the frontage issues.

The public hearing was closed.

Council Initiatives

RUEGAMER: MOVED to direct staff to make recommendations on the feasibility of cleaning the 6th Street West underpass and placing screens to prevent the pigeons from roosting on the underpass. APPROVED

JONES: MOVED to have staff review the traffic control on 32nd Street West near the intersection of Monad Road. APPROVED

BREWSTER: Moved to direct staff to provide the cost of increase of salaries and benefits for each year over the last 10 years to include the dollar figure and percentage of personnel costs, excluding new positions, by department as part of the budget process. Councilmember Gaghen asked to have the Montana CPI included with the information. APPROVED

ADJOURN – 7:40 p.m.

(NOTE: Additional information on any of these items is available in the City Clerk's Office)