

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

November 8, 2004

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 Vince Ruegamer.

ROLL CALL – Councilmembers present on roll call were: McDermott, Brewster, Brown, Ruegamer, Iverson, Boyer, Clark and Jones. Councilmember Gaghen was excused.

MINUTES – October 25, 2004. Approved as printed.

COURTESIES – MMIA Plaque. The City received two awards from Montana Municipal Insurance Authority this year. Safety Officer, JoLynn Yerger accepted the awards on behalf of the City for the "Lowest Modification Factor" Award for the general liability program and the "Lowest Experience Rate" Award for the workers' compensation program. Ms. Yerger said the City had a lower rate of workers' compensation claims from the previous year. She added the City management staff has kept the liability claims low by doing a good job of protecting City property, its citizens and their property. These lower factors and rates should, in turn, lower insurance premiums.

Mayor Tooley recognized Jennifer Tischer, a Rocky Mountain College journalism student, in the audience this evening.

PROCLAMATIONS – Mayor Tooley.

- November 10, 2004: Doris Swords Poppler Day

BOARD & COMMISSION REPORTS – Planning Board. Douglas Clark, President of the Planning Board said the board has 15 members, with 13 voting members and two ex-officio members. Four seats are open at this time. The two ex-officio members are the Superintendent of Schools and the School District #2 representative.

Mr. Clark said the role of the Planning Board is to recommend planning policy to the City Council, the county commissioners and the town council of Broadview. Since January 1, 2004, planning staff and the board have reviewed a total of 70 preliminary subdivision plats, holding public hearings on 22 of the plats. 99 zoning applications (81 in the City) and 10 annexation petitions have been heard by the board. The Planning department has completed the Heritage Trail Plan, the Molt Road/Highway 3 Corridor Plan, is working on a draft for modifications to the City/County subdivision regulations an update to the Transportation Plan, participating in the Shiloh Corridor Overlay Plan and the Inner Belt Loop Plan. The board also assists in the development of long-range plans and neighborhood plans. He noted the board and planning staff are currently involved in a neighborhood planning process for the Heights, Lockwood and the lower Blue Creek and Briarwood areas. A neighborhood plan for the Shepherd area has been completed.

Mr. Clark added that Subdivision Improvement Agreements (SIAs) are legal contracts between the City or county and a developer, designating the improvements for

land. He emphasized that the conditions presented in these documents "run with the land". Mr. Clark noted that these conditions often create disagreements during the land title transfer process and the board is also working to make these conditions more readily apparent to future buyers and sellers.

ADMINISTRATOR REPORTS – Kristoff Bauer.

- Mr. Bauer reminded the Council of the statue unveiling this Friday at the SkatePark.
- He reminded the Council that on Item P (temporary use regulations), altered language was provided to the Council in their Friday packet.
- In regard to Item A4, Mr. Bauer asked that the item be separated from the consent agenda for additional explanation and discussion of the alternatives.
- Finally, Mr. Bauer noted that a handout re: arterial construction fee assessment and the appeal process had been placed on the Council's desks this evening.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Item: #1 ONLY.
Speaker sign-in required. (Comments offered here are limited to 1 minute per speaker.)

- TOM ZURBUCHEN, 1747 WICKS LANE, asked the Council to "expand" the agenda this evening to include a discussion on the arterial street construction fee.
- GLEN OPPEL, NO ADDRESS GIVEN, representing the Billings' Association of Realtors, spoke on Item Q. He said they support the overlay district and urged the Council to proceed with the zone change. He also noted that the appeals process currently contained in the Medical Corridor Zone would be a good model for the appeals process in the Shiloh Overlay District. He urged the Council to consider adding this modified appeals process to the overlay district.
- TIM WOOD, NO ADDRESS GIVEN, spoke on Item J. He asked the Council's support for the item, noting that he is paying 8.5% of market value of his property in taxes and fees. According to Mr. Wood, the charges that are based on square footage have greatly increased his tax bill.

CONSENT AGENDA:

1. A. Bid Awards:

(1) **Computer System – IBM E-server I5 9406-520-7459.** (Opened 10/19/04). Recommend Integrated Information Systems, \$75,455.20.

(2) **W.O. 04-03, Contract #2: 2004 Street Maintenance.** (Opened 10/26/04). Recommend Harddrives Construction, \$97,375.00.

(3) **Concessionaire to Operate the Airport Terminal Building Advertising Concession.** (Opened 8/10/04). Recommend Epcon Sign Company, 5-year term, 78% of gross revenues to the City.

(4) **W.O. 03-06: Federal Aid No. DM 1099(35)/MDT Control No. 4936 for Swords Park Path.** (Opening delayed to 10/26/04; Action delayed from 10/25/04). Recommend C & S Construction, \$698,338.92 and 90 calendar days, (asphalt alternative).

(5) **One New Current Model 2005, 12-ft Cube Van with CCTV Inspection Equipment.** (Opened 10/26/04). Recommend Pearpoint Inc., \$129,724.94.

B. Agreement with U.S. Postal Service for vending machine at Airport screening area.

C. Agreement with Yellowstone County Sheriff's Department to provide data processing services, \$73,173.00 to the City.

D. Agreement with Lyle Johnson for acceptance and placement of the Ed Bayne public art sculpture at Cobb Field.

E. Agreement with Montana Dept. of Transportation for State Highway Traffic Safety Contract 2005-08-02-17 & 2005-13-01-17 for the Billings STEP OT grant, \$18,600.00, term: 10/1/04 to 9/30/05.

F. Acknowledging receipt of petition to Annex #04-12: the north 10-acres of an unplatted parcel in T1S-R26E-S16: NW4 aka proposed Lot 1, Block 1, Interstate Subdivision, Joseph J. and Mary E. Miller, petitioners, and setting a public hearing date for 11/22/04.

G. Approval of Quit Claim Deed to Popelka Enterprises, LLC for release of an Easement on Amend Park property described as T1S-R26E-S8: W2SE4SE4SE4 and SW4SE4SE4 and recorded in Book 798, Page 275 in the Yellowstone County Clerk and Recorder's Office.

H. Approval of Downtown Revolving Loan to Hospitality Concepts LLC, \$72,000.00 at 2.625% rate adjusted annually, to finance a portion of the purchase of the historical building located at 2923 Montana Avenue.

I. Resolution 04-18217 authorizing the acquisition, rehabilitation and financing of a project under MCA Title 90, Chapter 5, Part 1, as amended, and the issuance and sale of up to \$6,200,000 First Mortgage Housing Revenue Bonds, (Rose Park Plaza Project), consisting of a First Mortgage Housing Revenue Bond (Rose Park Plaza Project, Series 2004A Bond, AND First Mortgage Housing Revenue Bond (Rose Park Plaza Project), Series 2004B Bond, to finance the same; approving the form of documentation in connection therewith; and authorizing the execution and delivery of the bonds and documentation.

J. Resolution of Intent 04-18218 to Deannex #04-10: Tract 2A, Amended Tracts 1 & 2, C/S 741, Timothy Wood, petitioner, and setting a public hearing date for 12/13/04.

K. Resolution of Intent 04-18219 to Dispose of City property: Lots 9-12, Block 142, O.T., and setting a public hearing date for 12/13/04.

L. Resolution 04-18220 relating to \$5,200,000 General Obligation Bonds, Series 2004A; determining the form and details, authorizing the execution and delivery and levying taxes for the payment thereof.

M. Resolution 04-18221 authorizing advertisement for construction bids for SID 1370: curb, gutter, sidewalk, street improvements and storm drainage on Interlachen Dr. and Lakewood Dr.

N. Second and final reading ordinance 04-5303 for Zone Change #724: a Planned Development zone change amending the Rehberg Ranch Estates Master Plan and Planned Unit Development Agreement on Tracts 1-5, C/S 3091 and Rehberg Ranch Estates Subdivision, 1st filing.

O. Second and final reading ordinance 04-5304 for Zone Change #745: a zone change from Residential Multi-family to Controlled Industrial on a 4.75 acre parcel described as the N2 of Lot 4 in T1S-R26E-S9:SW4, located at 2069 South Billings Boulevard, on the east side of South Billings Boulevard, north of Newman School. Ralph Hanser, owner; Michael Burke, agent.

P. Second and final reading ordinance 04-5305 amending Section 27-614 BMCC, setting standards for all temporary uses in nonresidential zoning districts, eliminating performance bond requirements for certain temporary uses, extending time periods for groups of temporary uses and setting allowable advertising signs for temporary uses.

Q. Second and final reading ordinance amending BMCC by adding Section 27-1400: establishing a zoning overlay district to extend 500 feet from the center line of Shiloh Road from King Avenue West north to Rimrock Road; regulating development standards, landscaping standards, building design standards and other site development standards; and regulating sign standards for commercial, industrial and multifamily developments. (Note: Delayed to 12/13/04).

R. Preliminary Plat of Amended Lot 1, Block 1, Olive Glen Subdivision, generally located on the west side of Lake Elmo Drive between Main Street and Hilltop Road.

S. Bills and Payroll.

- (1) October 8, 2004
- (2) October 15, 2004

(Action: approval or disapproval of Consent Agenda.)

Councilmember Brewster separated Items A4, D and Q from the Consent Agenda. Councilmember Brown separated Items A3 and B from the Consent Agenda. Councilmember Jones separated Item P from the Consent Agenda. Councilmember Ruegamer separated Item J from the Consent Agenda. Councilmember Jones moved for approval of the Consent Agenda with the exception of Items A3, A4, B, D, J, P and Q, seconded by Councilmember McDermott. On a voice vote, the motion was unanimously approved.

Councilmember Jones moved for approval of Item A3 of the Consent Agenda, seconded by Councilmember McDermott. Councilmember Brown said he would like to see more information on the selling prices for all vendors. Councilmember McDermott said she served on the committee and noted that the pricing structure and types of advertising varied greatly. She said the recommended offer was the best one received. City Administrator Kristoff Bauer said the committee reviewed the pricing structure proposed by each of the respondents and selected the recommended concessionaire that was the most appropriate for the airport. On a voice vote, the motion was approved with Councilmember Brown voting "no".

Councilmember Jones moved for approval of Item A4, seconded by Councilmember Brewster. Mr. Bauer said there are two alternatives possible for the trail surfaces – concrete and asphalt. He said the full scope of the project could not be completed in concrete and still remain within the current budget. The two options are: 1) accept the lowest bid and complete the project in asphalt, or 2) reject all bids and rebid a shorter segment of the trail in concrete. Some feel concrete trails are easier to maintain and last longer whereas asphalt trails require maintenance earlier. Councilmember McDermott noted that there are certain types of soil where asphalt is a better choice and asked if that situation exists for this project. Mr. Bauer said this is a very stable and dry area with little ground movement and asphalt appears to be a good option. He added however, that capital dollars for construction are easier to generate than maintenance dollars. He reiterated that asphalt will require maintenance sooner, but the cost to construct is less. Considering original and maintenance costs makes both surfaces similar.

Councilmember McDermott made a substitute motion to accept the asphalt option, seconded by Councilmember Boyer. Councilmember Brown said there is a "tremendously longer life" with concrete than asphalt and he would support the concrete option. Public Works Director Dave Mumford said a project can get one-third more asphalt than concrete for the same cost. Mr. Bauer noted there is a third option, to delay for two weeks until the staff can find \$70,000 to complete the project in concrete. Councilmember Boyer said she supports moving forward with the asphalt bid. Councilmember Ruegamer supported rejecting the bid and rebidding the project all in concrete. Councilmember Brewster asked how the trail would be completed if the shorter segment is constructed in concrete. Mr. Mumford said it could be completed through CTEP federal funding. On a voice vote, the substitute motion (i.e. the asphalt alternative) was approved with Councilmembers Ruegamer and Brown voting "no".

Councilmember Jones moved for approval of Item B of the Consent Agenda, seconded by Councilmember McDermott. Councilmember Brown asked if the City bid this service could the City realize some revenue. Mr. Bauer said this vending machine option allows people to mail those items that do not pass security at the airport to themselves. This is a service initiated by the TSA and provided by the US Postal Service. Councilmember Brown asked if a private vendor could supply the same service. Mr. Bauer said that was possible, but that option was not considered. On a voice vote, the motion was unanimously approved.

Councilmember Jones moved for approval of Item D of the Consent Agenda, seconded by Councilmember McDermott. Councilmember Brewster said this artwork is worthwhile and a nice addition to City. Councilmember McDermott said this is a fitting tribute to Ed Bayne. Mayor Tooley asked for a description of the art acceptance policy.

Parks Department Director Don Kearney said an Art Review Committee reviews artwork that is being donated to the City. Two of the members of the committee have an art background and are experts in that field. There are interested citizens and members of the Park Board that also serve on the committee. He said this committee has the expertise to decide what projects are worthy of the City's support. On a voice vote, the motion was unanimously approved.

Councilmember Jones moved for approval of Item J of the Consent Agenda, seconded by Councilmember Ruegamer. Councilmember Ruegamer asked about the status of a policy for de-annexation. Mr. Bauer said that policy has not yet been prepared. This action would approve a resolution of intent and a public hearing for this de-annexation. Councilmember Ruegamer asked if approval of this item would set a precedent as to what the policy has to be. Mr. Bauer said the Council could establish a policy that is different that would not restrict future council's ability to make a different decision in the future. Councilmember Brewster said he hopes the City can prevail in convincing the Legislature to allow zoning to be a consideration for the arterial construction fees based on square footage because this is a real burden on owners of large lots. On a voice vote, the motion was unanimously approved.

Councilmember Jones moved for approval of Item P of the Consent Agenda, seconded by Councilmember McDermott. Councilmember Brown noted in the ordinance language there is mention of fireworks stands that are illegal in the City. He said item "D" – the fireworks stand section should be removed. Mr. Bauer noted this is a unified City/County zoning regulation and the section on fireworks pertains only to the County. Councilmember Jones amended the motion to allow banners in Group 1 and 2 uses in commercial areas, seconded by Councilmember McDermott. Councilmember Jones said the non-profit groups that sell Christmas trees use reusable banners that have cost them over \$500. They should be allowed to use those banners. Zoning Coordinator Nicole Cromwell said banner signs are allowed in the city limits if placed on a building for a maximum of 30 calendar days, no more than twice a year. They cannot be placed between fence posts or cars.

Councilmember Brown amended the motion to remove item D – fireworks stands from the ordinance. The motion died for lack of a second.

Councilmember Clark asked for clarification of Councilmember Jones' motion regarding the time limits for the banners. Councilmember Jones said they could remain as long as the Group 2 permits, which is 61 days. Councilmember Boyer asked if the motion would include restrictions on where the banners can be placed. Mr. Bauer said one of the reasons to require banners be placed against buildings is because of the concern for wind damages. The current motion does not restrict the placement of banners. He suggested the words "banner signs" be struck from paragraphs 1D and B4. If the banners were allowed for longer than 30 days, it would require a change in the general sign code. Councilmember Jones withdrew his amendment, Councilmember McDermott withdrew her second.

Councilmember Jones amended the motion to allow banners in Group 1 & 2 temporary uses under the same conditions as regular banners (30 day limit), seconded by Councilmember McDermott. Councilmember Brewster amended the motion to bring all signs into compliance with the rest of the code, seconded by Councilmember Clark. Councilmember Jones asked what the square footage limitation is for signs. Ms. Cromwell

said temporary signs are based on lineal feet of property footage or building frontage. Calculating square footage for any temporary use is nearly impossible, that is why it is separated in the temporary use code as a limitation of a set number of square feet. She said the Council could set limits that would not conflict with the existing sign code. Residential areas are limited to 30 square feet and commercial areas are limited to 100 square feet. Councilmember Brewster said he desires to bring the residential into compliance and back to the 30 square feet. On a voice vote, the amendment on consistency in the size of signs was unanimously approved. On a voice vote, the amendment to allow banners in Group 1 and 2 uses for the same period of time as allowed by the current ordinance was unanimously approved.

Councilmember Brown moved for removal of item ID. The motion died for lack of a second. On a voice vote, the motion as amended was unanimously approved.

Councilmember Jones moved for approval of Item Q of the Consent Agenda, seconded by Councilmember McDermott. Councilmember Brewster amended the motion to initiate a map change for commercially zoned properties in the City within the Shiloh Corridor Overlay District, seconded by Councilmember Jones. Councilmember Brewster said this is a reasonable exercise, taking this through the zoning process, allowing for notice and protest and puts the overlay on the zoning map. Mr. Bauer noted the memo to the Council that concerns this amendment and tries to describe what this would require of Staff to comply with the motion that has been made. He said the City does not believe the zone change process is required, but the motion actually asks for a map change with a specific process. The only concern is that this may influence processes in the future, making them more cumbersome than they are now. He said if it does not impact allowed uses, it is not a zone change. Councilmember Brown said his only concern is that the City is attempting to increase the interference of government in private property rights through an overlay rather than zoning. On a voice vote, the amendment was approved with Councilmember Brown voting "no".

Councilmember Jones requested a presentation on the appeal process in the medical corridor. Planning Director Ramona Mattix said the appeal process in the medical corridor allows for a direct appeal to the Council. There are no specific criteria for the Council to rule on the appeals, but it provides the ability of the adjoining property owners to protest the change that is requested. Councilmember Jones amended the motion to apply the same appeal process to the overlay district as in the medical corridor, seconded by Councilmember McDermott. Mr. Bauer said the appeal process in the medical corridor, especially the variance criteria in the appeal process that authorizes alterations to the requirements, may place the Council in a situation where granting an appeal to reduce the development standards would be revising the ordinance without actually going through the proper process.

City Attorney Brent Brooks said an appeal process needs criteria to judge an appeal for what is in essence a zoning variance. It is important for the Legal Staff to research the appeal process to keep the Council consistent in processing variances and to devise some criteria where it could be defined objectively. Councilmember Jones made a substitute motion to delay the decision to December 13 and asked Staff to come back to Council with a direct appeal process, seconded by Councilmember Brown. Councilmember Boyer expressed her concern that the Council will be busy with appeals and be "taken away" from business that it should be addressing. Councilmember Brewster said he would like to

review the proposal before discussion. On a voice vote, the substitute motion was unanimously approved.

Mayor Tooley called for a recess at 7:55 P.M.
Mayor Tooley reconvened the meeting at 8:05 P.M.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 04-18222 changing the street names of North Daffadil, West Daffadil and South Daffadil Drives to North Daffodil, West Daffodil and South Daffodil Drives. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

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

3. PUBLIC HEARING AND RESOLUTION 04-18223 approving the Interstate Subdivision/Miller Property Urban Planning Study and expanding the Urban Planning Area. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Planning Manager Candi Beaudry said this request to expand the Urban Planning Area is a pre-requisite to annexation. The Council must hold a public hearing and act on adopting a resolution to accept the Urban Planning Study and expand the Urban Planning Area. This 62.34-acre property is located on the southeast corner of the intersection of South Frontage Road and South Billings Boulevard and is currently being used for agricultural purposes. She said the property owners are Joseph, Norman and Mary Miller. A portion of this property is currently in the annexation process, with a zone change and subdivision procedures to follow. The north 10 acres will come before the Council as a zone change and a subdivision preliminary plat application along with the annexation.

Ms. Beaudry said the Urban Planning Study looks at several factors to determine whether the City can adequately serve the area. The northern 10 acres are proposed for a commercial truck facility and the remaining 52 acres would continue as agricultural use until it is annexed. There is sufficient access to the property that borders on two arterials. The intersection at Midland Road and South Billings Boulevard currently warrants a signal that was identified during the development of the City Administration Operations Subdivision. She said the stormwater would drain toward Riverfront Park wetlands and parkland. There is existing water and sewer service on South Billings Boulevard. This parcel is contiguous to the existing city limits and is easily served by Solid Waste, Public Safety and Parks and Recreation. She noted the commercial development would not negatively impact the school, but will add revenue.

Ms. Beaudry said the effect of urbanization on the existing environment and agriculture is a total conversion for the 10-acre parcel. This complies with the South Billings Boulevard Interchange Master Plan and 2003 Growth Policy.

She said the soils in the area do not pose any limitations. The terrain is flat and lies outside the 500-year floodplain. Conflicts with wildlife and development are anticipated,

however no historic sites have been identified by the State Historic Office. Ms. Beaudry said the general commercial and mixed land use for the entire 62 acres that is identified in the Master Plan determined that property tax revenue could be \$600,841 annually.

Ms. Beaudry said the Planning Board is recommending approval of the Urban Planning Study and expansion of the Urban Planning Area for the proposed Interstate Subdivision and Miller Property.

The public hearing was opened. DONNA FORBES, 1116 8TH STREET WEST, said she is a member of the Planning Board. She said the Miller property that borders on Riverfront Park is so important and will be annexed sooner or later. She asked the Council not to allow development of just a commercial strip there as it would not make a good entrance into Riverfront Park.

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

4. LEAGUE AMENDMENTS to 2005 Legislative Agenda. Staff recommends approval of adding the seven resolutions adopted by the MLCT. (Action: approval or disapproval of Staff recommendation.)

There was no staff report. Councilmember Brown moved for disapproval of the League amendments to the 2005 Legislative Agenda, seconded by Councilmember Clark. On a voice vote, the motion failed.

Councilmember Ruegamer moved for approval of the League amendments, seconded by Councilmember Boyer. Councilmember Brown spoke about the ways in which taxes are generated in the City. He said local government spends these revenues in ways that the citizens "do not like" through loans to businesses and special interest groups. The only way the citizens have a voice in how these tax revenues are spent is through their vote. Mr. Brown said the City Council is not an adequate representative of the voters and the Council has often approved taxes that their constituents are not in favor of. Trying to pressure state representatives to allow local government greater power to tax without a vote of the electors is a travesty, and he would not support such an action.

Councilmember Boyer said it was her understanding that these actions would come to a vote of the people, such as removing the cap on the Resort Tax. Mayor Tooley said one of the amendments for consideration is the Local Tax Option that allows local governments to have a policy body that would identify what may be good for their particular community and then propose that consideration to the citizens for a vote.

Councilmember Clark amended the motion to remove the portion of resolution #7 that pertains to league support of the Montana Public Power Authority and ownership of NorthWestern Corporation from the Legislative Agenda, seconded by Councilmember Brown. Councilmember Brewster said he would abstain from both the discussion and vote on the amendment because Northwestern Corporation is his employer. Councilmember Boyer said removing this portion would indicate our lack of support, but would not prevent its impact on the City. On a voice vote, the amendment failed. On a voice vote for the main motion, the motion failed with Councilmembers Brown, McDermott, Jones and Clark voting "no". Councilmember Brewster abstained.

5. 2004 CTEP Project Applications. Staff recommends approval of the project applications. (Action: approval or disapproval of Staff recommendation.)

There was no staff report. Mr. Bauer noted there are two recommendations – A Technical Advisory Committee (TAC) recommendation and the Planning Board and Yellowstone County Commission recommendation to consider. Councilmember Iverson moved for approval of the Staff recommendation for the Planning Board and Yellowstone County Commission recommended funding, seconded by Councilmember Boyer. Councilmember Brown said the MET Bike Locker project is very expensive. Councilmember Brewster amended the motion to move money from the Big Ditch Trail (\$135,639) and Highland School Improvements (\$40,000) to the Pompey's Pillar project, seconded by Councilmember Jones. Councilmember Brewster said the Pompey's Pillar celebration is a one-time historical event and the funding would assist in preparation for it. He also noted that the school route funding seems not to follow the prioritized list, but rather the "squeaky wheel" project.

Councilmember Boyer said Pompey's Pillar has other sources of funding, but the Highland School project is important because it is a safety issue concerning school children crossing Poly Drive. Mayor Tooley clarified that the Council's vote tonight will indicate to him how he should advocate for these projects to the Policy Coordinating Committee (PCC).

Councilmember Iverson said the original recommendation for the Pompey's Pillar project is sufficient. Councilmember Brewster said the school route funding should be "lump summed" and expended where the highest priority exists. The criteria for highest priority would be the number of children using the route and the level of risk. Mr. Bauer said the Staff could assist by adapting the process used in the Capital Improvement Projects process where the Staff would identify the criteria, hold a public comment period and evaluate and prioritize the projects based on the criteria and comments received. The projects could then be funded as funding became available.

Councilmember Brewster withdrew his amendment and Councilmember Jones withdrew his second. Councilmember Brewster amended the motion to move money from the Big Ditch Trail (\$135,169) and make a common school route fund to include this amount and the Jackson Street and Highland School amounts for a total of \$236,000 to fund prioritized school routes, seconded by Councilmember Brown. On a voice vote, the amendment was approved with Councilmember Ruegamer voting "no". On a voice vote for the main motion as amended, the motion was approved with Councilmember Ruegamer voting "no".

6. PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.

(Restricted to ONLY items not on the printed agenda; comments limited to 3 minutes per speaker.)

- JULIE MORRIS, NO ADDRESS GIVEN, said there are limited opportunities and a great need in the Billings area for Early Childhood Development programs. She presented her proposal for the Billings Community Playgroup and the use of the Zimmerman Center for the program. The Zimmerman Center was selected for its centralized location, easy access and flexible scheduling opportunities. She noted she is a trained educator and as a parent noticed the absence of these types of programs available at no charge. The program is to be funded by

grants and donations from businesses in the community and would be free to participants. She noted there is a lot of interest in the community for this program.

- ROBIN GRINSTEINER, NO ADDRESS GIVEN, said she is the director of the Billings Community Center. She spoke about the importance of mentoring and recreation opportunities for all community members, especially children. Those opportunities are important for the quality of life of the community. She said the desire is to make this program as affordable and available as possible. Ms. Grinsteiner has been working with Ms. Morris on the Community Playgroup program and urged the Council to support the program.

Council Initiatives

- **COUNCILMEMBER MCDERMOTT**: Councilmember McDermott moved to keep North Park Center and Zimmerman Center open for the rest of the school year and direct staff to bring back a proposal for funding sources, seconded by Councilmember Boyer. Councilmember Brewster said he is concerned about how this would be funded, noting that a budget amendment would need to come back to Council for approval. Mr. Bauer noted these facilities are scheduled for winterization immediately and expressed concern for mid-year plan changes when funding for services has not been authorized. He said the line item for keeping the facilities open for the school year was reduced by \$10,000 with the subsequent closing of the facilities to accommodate budget cuts. On a roll call vote, the motion failed 3-6 with Councilmembers Brewster, Brown, Ruegamer, Iverson, Jones and Mayor Tooley voting "no".
- **COUNCILMEMBER MCDERMOTT**: Councilmember McDermott reminded the Mayor and Council that a replacement member is needed for the Park Permit Policy Committee, due to the recent resignation of Councilmember Doris Poppler. Mayor Tooley asked for volunteers from the Council. Councilmember Dave Brown volunteered to serve on the committee. Mayor Tooley accepted the offer. The Mayor also noted the need to extend the deadline for the report to Council. After discussion, the consensus was to schedule the report for the March 21, 2005 Work Session and council action on March 28, 2005.
- **COUNCILMEMBER IVERSON**: Councilmember Iverson moved to ask staff to look for funds to keep the Zimmerman Center and North Park Center open, instead of closing them for the season, seconded by Councilmember Boyer. Councilmember McDermott said the community centers do not exist for the convenience of the Parks Department but for the convenience of the community. Councilmember Jones said these facilities should only remain open if they are being utilized on a continuous basis. On a roll call vote, the motion was approved 6-3 with Councilmembers McDermott, Brown, Ruegamer, Iverson, Boyer and Mayor Tooley voting "yes".

ADJOURN –With all business complete, the Mayor adjourned the meeting at 9:35

MINUTES: 11/08/04

P.M.

THE CITY OF BILLINGS:

By: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk