

# **REGULAR MEETING OF THE BILLINGS CITY COUNCIL**

## **FEBRUARY 11, 2002**

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

**ROLL CALL** – Councilmembers present on roll call were McDermott, Bradley, Brown, Brewster, Iverson, Kennedy, Poppler, Ohnstad, Jones and Larson.

**MINUTES – January 29, 2002.** Approved as printed.

### **COURTESIES – Fire Department re: BART; Police Dept**

- City Administrator Dennis Taylor presented Fire Chief Marv Jochems with the Administrator's Award for his efforts in coordinating the Billings Olympic Torch Run.
- Fire Chief Marv Jochems said many volunteers participated in the planning effort. He recognized some of the key individuals who partnered with the City team to organize the Olympic Torch Run: Assistant Fire Chief Paul Gerber, Tom Osbourne, Executive Director of the Congress of State Games, Karen Sanford Gall, Executive Director of Big Sky State Games, Doug Martin, Director of Development, and Stori Peterson, Sports Director of the Congress of State Games, Joe Burst and John Walsh of the City's Community Development Dept, Dan Carter of the Billings Gazette and corporate sponsors Denny Menholt Chevrolet and Coca Cola. Many organizations including the Kiwanis, First Interstate Bank and School District #2 were examples of community organizations that were recognized for their participation in this event.
- Police Chief Ron Tussing introduced Officer Joel Watson and his family. Officer Wilson has completed his first year with the department and his employment is being confirmed by the council this evening later in the agenda.

### **• PROCLAMATIONS – Mayor Tooley.** None.

### **BOARD & COMMISSION REPORTS.** None

### **ADMINISTRATOR REPORTS – Dennis Taylor.**

- Mr. Taylor introduced Assistant City Attorney Bonnie Sutherland and noted she would be the parliamentarian for the meeting this evening.

### **CONSENT AGENDA:**

1. A. **Bid Awards:**

(1) **Two Grounds Maintenance Park Tractors.** (Opened 1/22/02). Delayed from 1/29/02. Recommend Yellowstone County Implement, \$66,900.00.

(2) **Water Treatment Plant Improvements, Pretreatment, Contract XIII – Phase IIA.** (Opened 1/22/02). Delayed from 1/29/02. Recommend rejecting all bids.

(3) **IP-9 Renovation for Billings Logan International Airport.** (Opens 1/29/02). Delayed from 1/29/02. Recommend Markley Construction, \$20,376.00.

(4) **Three-Year Mowing Services for Billings Logan International Airport.** (Opens 1/29/02). Delayed from 1/29/02. Recommend 4 Seasons Lot Service, Inc., \$66,890.00.

(5) **Five-Year Uniform Rental Service for Billings Logan International Airport.** (Opens 1/29/02). Delayed from 1/29/02. Recommend delay to 2/25/02.

(6) **One New Current Model 2002 One-Ton 4x4 Extended Cab Pickup with Utility Box and Air Compressor for Public Utilities Dept.** (Opens 1/29/02). No bids received. Recommend re-evaluate bid specifications and re-advertisement.

(7) **Staples 6 MG Tank Repair.** (Opened 2/5/02). Recommend Cop Construction, \$122,698.50.

B. **C.O. #1, SID 1352, Schedule 1, Utility Improvements to Tamarisk Dr. and Burning Tree Dr., AME Inc., (increase) \$3,163.91 and 0 days.**

C. **C.O. #1, SID 1352, Schedule II, Street Improvements to Tamarisk Dr. and Burning Tree Dr, Empire Sand &Gravel, Inc., (increase) \$1,767.10 and 0 days.**

D. **C.O. #2, SID 1356, Schedule I: Utilities, COP Construction, (increase) \$482.00 and 0 days.**

E. **C.O. #1, SID 1357: sanitary sewer main on Rimrock Rd. from High Park Dr. to Rimpoint Dr., COP Construction, (increase) \$1,804.00 and 0 days.**

F. **C.O. #2, 3 & 4, Broadway Streetscape Project, JTL Group, Inc., (increase) \$534,743.75 and 103 days.**

G. **Contract with Integrated Solutions Engineering for a Wastewater Treatment Plant Control System, \$46,570.00.**

H. **Encroachment Agreement with Conoco Pipe Line Company for the bike trail that will cross over their gas pipeline, \$0.00.**

I. **Authorize calling the Water and Sanitary Sewer System Refunding Bonds, Series 1991, effective 7/1/02.**

**J. Acceptance** of the FY 2001-2002 Second Quarter Financial Report.

**K. Acknowledge receipt of petition to annex:** (#02-01), E2NE4 of Section 16, Township 1 South, Range 26 East LESS the southerly 112.48 feet and westerly 40 feet, and setting a public hearing for 2/25/02.

**L. Acknowledge receipt of petition to annex:** (#02-02, #02-03), South Hills Water and Sewer District and the Cedar Park Water District, and setting a public hearing for 2/25/02.

**M. Confirmation of Police Officer:** Joel Watson

**N. Resolution 02-17793** authorizing construction bids for SID 1353: Circle Fifty and Hancock Grand Subdivisions and setting a bid opening for 2/26/02.

**O. Ten (10) Resolutions 02-17794 THRU 02-17803 for Depository Services** authorizing establishing accounts with US Bank per the acceptance of their proposal for banking services.

**P. Resolution 02-17804 revoking Res 01-17710** (dated 6/11/01) vacating a portion of South 31<sup>st</sup> Street West between Myrtle Drive and Rosebud Drive, situated between Blocks 14 and 15 in Lampman Subdivision.

**Q. Acknowledge petition to vacate** a portion of South 31<sup>st</sup> Street West between Rosebud Drive and the alley north of Rosebud Drive, situated between Blocks 14 and 19 of Lampman Subdivision and setting a public hearing date for 2/25/02.

**R. Preliminary plat** of Deep Powder Subdivision, generally located between Lake Hills Drive and Clubhouse Way, surrounded by the Lake Hills Subdivision and Lake Hills Golf Club.

**S. Final plat** of Menholt Subdivision.

**T. Final plat** of William D. Pierce Subdivision.

**U. Final plat** of Shiloh Business Park Subdivision.

**V. Bills and payroll.**

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

Councilmember Kennedy separated Item A2. Councilmember Jones separated Item J. Councilmember Brown separated Item I. Councilmember Kennedy moved for approval of the Consent Agenda excluding Items A2, J and I, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item A2, seconded by Councilmember Bradley. Councilmember Kennedy said he sent an e-mail requesting information on why the bids were rejected, after receiving calls from bidders. Public Utilities Director Carl Christensen stated that the time schedule did not permit the low bidder to complete the project in the time frame required, therefore the decision was made to reject all bids and re-advertise the project included in another project with a restructured schedule. On a voice vote the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item I, seconded by Councilmember Bradley. Councilmember Brown asked what the rate of interest that the City has been paying on the bonds and is there any premium due to the calling. Finance Director Robert Keefe stated that there are three maturities connected with these bonds. The first bond, in the amount of \$1,190,000.00, maturing on July 1, 2003 has an interest rate of 6.5%. The second bond, in the amount of \$215,000.00, maturing on July 1, 2004 has an interest rate of 6.6%. The third bond, in the amount of \$225,000.00, maturing on July 1, 2005 has an interest rate of 6.7%. He added that all of the bonds are callable as of July 1, 2002 and there is no premium on any of them. Councilmember Kennedy asked what the savings to the taxpayers would be. Mr. Keefe said the actual savings will depend on the interest that the city would earn. Last fiscal year the city earned an average 6.28% on the city's investments, which would calculate a savings of \$5,629.00. This fiscal year the average investment earnings is 3.7%. If that rate hold over the life of the bonds, this would save the taxpayers \$64,840.00. On a voice vote, the motion was unanimously approved.

Councilmember Kennedy moved for approval of Item J, seconded by Councilmember Larson. Councilmember Jones moved to substitute a motion to delay acceptance of the Second Quarter Financial Report to February 25, 2002 City Council Meeting, seconded by Councilmember Poppler. Councilmember Larson asked if there were any consequences or time sensitive issues to delaying this action until the next meeting. City Administrator Dennis Taylor said there would be no problems delaying this item to the next meeting. Councilmember Poppler asked if a hard copy would be provided to the Councilmembers. Mr. Taylor said he would provide one. On a voice vote, the motion was approved. Councilmember Larson voted "no".

## **REGULAR AGENDA:**

**2. PUBLIC HEARING AND SECOND READING ORDINANCE 02-5184 adding Section 15-104(a) – (e), approving the interlocal agreement between the City of Laurel, the City of Billings, and Yellowstone County creating a multi-jurisdictional service district named the Yellowstone City-County Health Department.** Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. JOHN FELTON, 1614 MOROCCO DRIVE, one of the city appointees to the City/County Board of Health described the ordinance as a "housekeeping" issue. He stated that the multi-jurisdictional health district is working

well and encourages the council to approve the ordinance. There were no other speakers. The public hearing was closed. Councilmember Poppler moved for approval of the ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND RESOLUTION 02-17805 creating Park Maintenance District #4015 for Howard Heights Subdivision.** Staff recommends approval.

(Action: approval or disapproval of staff recommendation.)

Park and Recreation Director Don Kearney stated that the Park Maintenance District is being created to maintain storm water retention in the Howard Heights Subdivision. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ohnstad moved to approve the resolution, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND RESOLUTION 02-17806 expanding the Billings Urban Planning Area to include the South Hills Urban Planning study area, generally the area south of the Yellowstone River, west of the Indian Pictograph Caves, approximately ¼ mile south of Aqui Esta Subdivision, and west to where Shiloh Road would be if it crossed the river, South Hills Water and Sewer District and Cedar Park Water District property owners, petitioners.** Planning Board recommends approval. (Action: approval or disapproval of Planning Board recommendation.)

Planning Director Ramona Mattix summarized the information regarding the South Hills Urban Planning study. This document includes a transportation analysis that outlines the transportation improvements needed when this area builds up. The improvements for the most part will be paid for by the subdivision that occurs after annexation as their share of the transportation costs. The next step was the staff report that analyzed the merits of the study which was included in the handout to Mayor and Council titled "South Hills Urban Planning Study". Ms. Mattix also handed out a "Service Demand/Revenue" report compiled by the Police Department illustrating arrests and police and fire calls and the associated revenues from additional households in the area. The average number of building permits issued in the building jurisdiction for the past ten years has shown an increase of 400 families per year that require public services. She stated that annexing this property will not increase the number of families but will simply increase the areas in the city that those 400 new units can be constructed. She submitted a copy of a study from Professor Ann Adair of MSU-Billings showing that new construction pays proportionately more to cover services than existing residences, because of higher valuation and taxation. She stated that the economic impact to the region of the average number of new homes in the annexation area can be estimated to generate over \$6,000,000.00, not including the new city revenue and fees created by annexation. Ms. Mattix said that staff is recommending that annexation priority be given to designating much of the new General Fund revenue to public safety because the greatest impact of annexation falls on police and fire departments. She stated that Council can expect to see supplemental budget requests

for new police positions should annexations go forward. Staff is also recommending a Park Maintenance District be created in all annexations to insure park maintenance is not diluted by annexation.

Ms. Mattix answered questions from Council. Councilmember Iverson asked about the priority of public safety funding in connection with the General Fund. Ms. Mattix stated that staff is recommending a priority be given to public safety for the annexation due to the greater impact on police and fire departments, whereas with other departments the impact can usually be covered by fees generated by the subdivision. Councilmember Brewster asked for clarification that these are recommendations and not requests of the Council but rather a function of the budget process. Ms. Mattix confirmed the these were just recommendations at this time. Councilmember Brown asked who will be "picking up" the shortage that will occur between the General Fund revenue and expenditure.

The public hearing was opened. PHIL BOGGIO, NO ADDRESS GIVEN, said he is the head of the South Hills Water and Sewer District, noting that they are in favor of this expansion as it will allow them to annex and receive a solution to their water problem. He urged the Council to support this item.

DOUG HAGEL OF 4546 SHASTA LANE, said he is President of the Cedar Park Water Board and indicated that they also support this item. Water is an issue for them as well.

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

**5. PUBLIC HEARING AND SECOND READING ORDINANCE 02-5182  
expanding the boundaries of Ward II to include recently annexed property: an  
unplatted 27 acres in T1N-R25E-S23: SE1/4, NW1/4, (Annex 01-14), Zella Yegen  
Trust B and C, owners. Staff recommends approval. (Action: approval or**

disapproval of ordinance on second reading.)

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

**6. PUBLIC HEARING AND SECOND READING ORDINANCE 02-5183  
expanding the boundaries of Ward II to include recently annexed property (Annex  
01-20): Lots 1-4, Block 5; Lots 1-4, Block 6; Lots 1-4, Block 8; Lots 1-4, Block 9;  
Lots 1-5, Block 7; Lots 11-19, Block 10, Lots 3-8, Block 11, Daniels Subdivision,  
2<sup>nd</sup> filing; generally located along Peony and Columbine Drive, east of Hawthorne  
Lane and south of Mary Street, B & R Development, petitioners. Staff recommends**

approval. (Action: approval or disapproval of ordinance on second reading.)

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

**7. PUBLIC HEARING AND APPROVAL of the Five-Year Capital Improvement Plan for FY 2003 – 2007. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

City Administrator Dennis Taylor said that the last several months have brought several opportunities to present the recommendations for the Capital Improvement Plan in great detail. This is the second year in a row that the Council will consider the Five-Year Capital Improvement Plan that tries to spell out (from all funding sources for all programs) the capital needs of the city and the priorities and recommendations for when these needs can be constructed. The importance of the plan is to set priorities that will give guidance to both the community and the staff. The Council recommendations of what projects and the timing of projects will ultimately guide the efforts and energy of staff for implementation of the projects. Mr. Taylor stated that the City looks forward to comments from the public and stands ready to answer questions from the public and the Council.

Councilmember Larson asked what projects in the Capital Improvement Plan will require further Council votes and public hearings. He specifically asked for confirmation regarding the General Obligation Bond issues needing additional action by the Council and public hearings. Mr. Taylor said every item that is in the Capital Improvement Plan that is included in the operating budget for the next fiscal year would require an additional vote by Council to be included within the budget. In addition, General Obligation requests that are placed on the ballot, would require public hearings and specific action on two separate occasions before it would be placed before the voters. All revenue bonds would require an additional Council vote, not a vote of the general population. In summary, some will require two or three more votes by the Council, all require one more vote by the Council before inclusion into the budget for the fiscal year in which the project is slated.

Councilmember Larson assured the public that approval of the Capital Improvement Plan tonight simply meant that the projects included in the Capital Improvement Plan are moving forward in the process and are not concluded at this point. Mr. Taylor explained that items contained in the Five Year Capital Improvement Plan have been nominated by a majority of the City staff for consideration for inclusion in the operating budget in the year in that it is designated to be considered. The city administrator draws from those nominated projects and the Council finalizes them with adoption of the Capital Improvement Plan. The Capital Improvement Plan as a document, is the first step of limiting the ideas that are to be considered.

Councilmember Iverson asked if the projects are only concepts at this point. Mr. Taylor said that the proposals are subject to additional refinement. The projects in year one and two are more than a concept, as in the Library plan of \$12,000,000.00. With regard to the aquatics facilities, they will be further refined by the aquatics report that will be submitted in March. He added that most of the projects are reported to the best of staff ability at the time of inclusion and not just concepts. Councilmember Brewster asked if his understanding was correct that the Council is being asked to consider a new Library facility or a remodel. Mr. Taylor stated that the first action is to include improvements to the Library in the year one of the Plan and then to decide whether to

do new construction or renovation. He said that Council can make their intentions known tonight or reserve their recommendation for a time when the General Obligation Bond is placed before the voters. Councilmember Larson asked what the time sensitive issues are with regard to the Council's decision on the Library project and meeting the criteria that puts the issue on the ballot for this year. Mr. Taylor said Council needs to take action on the resolution by June in order to place it on the ballot for the General Election in November 2002.

The public hearing was opened. BILL SHAFFER, 824 NO. 25<sup>TH</sup> STREET, spoke regarding the Cobb Field replacement and the needs for an aquatics facility being in place before closing the Athletic Pool, as is required in the replacement plan (to make room for a parking lot for the Cobb Field facility). He said "we need a City Council that will take back control of the city, as the public works complex is being sold, a new sight selected and \$18 million dollar replacement proposed by staff with no control by our elected officials". He stated that Par 3 golf course is using cemetery land, and "perhaps this property should be kept for future cemetery expansion as they are starting to use the last space available in the cemetery now." He said he "could not find the public works complex in the five-year projection for any set time schedule". He noted that the third floor of the Library is now empty and could be used for the Library expansion and not turn the whole building into a City Hall. He added that "February 19<sup>th</sup> is set for a Cobb Field in-depth review agenda meeting and added that the review should be held before the Council votes on the Capital Improvement Plan. Mr. Shaffer said there are "no team of accountants that can follow the budget or CIP and make any sense of it" and thinks "we need a citizens review council to look at some of these things." He instructed the council "to do their job and take control of our City government. It only takes six of you to do it."

WELDON BIRDWELL, 44 YELLOWSTONE AVENUE, is a resident of downtown Billings and candidate for Montana House of Representatives in District 13 that represents the south side and downtown neighborhoods. He said he is pleased that the Council is looking ahead to the needs of the City, but cautions that the residents within those districts have little interest in seeing their tax bills rise, nor do they have the ability to pay for an increase at this time. He said there is real concern with the scope and the specifics of the plans being considered here tonight. He encourages the Council to emphasize those projects which directly benefit the children of the city, in particular, the need for a wading pool and the Athletic pool being retained. The plan for Cobb Field that removes the city pool, with an indefinite promise to replace the pool at an undetermined location, is unacceptable. He stated that the Council can determine tonight the scope and shape of the issues presented in the Capital Improvement Plan. Several residents are concerned that there has not been adequate time to consider the specifics of this plan. He encouraged the council to table the measure tonight until the affected public can have a chance to call for a review and comment on the specifics of the proposals. He added that this plan represents the desires of the planners and not the community.

DAN BERRY, 825 YELLOWSTONE AVENUE, commented on the Capital Improvement plan as a private citizen and as chair of the Parking Advisory Board. He began as chair of the Parking Advisory Board with the five items listed for funding that

the Parking Advisory Board identified last year and enthusiastically support their inclusion in the plan. Two projects have already begun, the expansion of Park Two and adding more diagonal parking. These projects are being funded with existing funds and were started prior to the five-year plan formulation. He said the Board supports the inclusion of these items in the five-year plan. As a citizen, he commends the city staff and council for the plan that is before the public tonight. He said he "whole-heartedly" supports the entire plan and said it is good for Billings and now is the time to move forward. He encouraged the Council to include all of the items in the plan for consideration and potential implementation.

SANDY GRAVES, 1175 PATRIOT STREET, asked when the Library project estimate went from \$10 million to \$12 million and commented that the \$4 million aquatics facility is fiscally irresponsible because the City of Billings does not need another outdoor aquatics facility that cannot be utilized year-round. She directed a question to Councilmember Brown regarding a Heights aquatic facility that could be built with volunteer labor. She asked "why should the Heights build their own facility when their tax dollars have gone to help build the other facilities in the city?" She feels that the Heights has been asked to put off all their projects at the expense of other city projects. She feels that the children of the Heights are deprived because they cannot participate in the activities at the city facilities that are located so far away. She added that it is time for the city to provide the Heights what the Heights has helped provide to the rest of the city.

DANNY GRAVES, 1175 PATRIOT STREET, spoke about the American Bowling Congress and the revenues that will come to City of Billings through them. He feels that it is time to take the burden off the property owners, reduce some of the property tax, and implement an "ad valorem" tax in Yellowstone County and the City of Billings at 3%. He stated that this add-value tax on the revenues brought in by the bowlers could have put a lot of money in the "coffers" for the City. This money would "make for some wonderful improvements in this city and for the police and fire services" he concluded.

DONNA DAVIS, PRESIDENT OF THE PARMLY-BILLINGS LIBRARY FOUNDATION, stated that the role of the Council regarding the Capital Improvement Plan is a visionary one. She stated that the Library has more traffic in the downtown area than any other entity. She said it takes little imagination to envision what a new facility will do for the economic, social and political well-being of the downtown area. Ms. Davis stated that it is imperative that we think about the effect of a new Library on future generations. She urged the Council to keep the Library in a priority position and to adopt the Capital Improvement Plan.

VICTORIA CECH, 2609 EMERSON PLACE, commended the city staff for the plan that has been put together and that represents a huge investment in the City's future and infrastructure. She expressed strong support for the Library project and its priority position in the Capital Improvement Plan. The Library has a key position in keeping the downtown area a vital one. Branch libraries are also a critical need as the city grows. She encouraged the Council to keep all of the options open that have been carefully worked out by City staff, including the Library in particular.

MICHAEL YAKAWICH, 206 SO. 32<sup>ND</sup> STREET, and chairman of SOUTHSIDE NEIGHBORHOOD TASK FORCE, expressed a deep concern that their input has not

been heard. Their main concern is the Highland Park wading pool that does not appear in the Capital Improvement Plan. He stated that the wading pool was closed two years ago because it did not have a filtration system and the task force simply wants their wading pool back. He read a letter from a resident at 14<sup>th</sup> South 38<sup>th</sup>, disagreeing with the closure of the wading pool at Highland Park and asking the Council to take into consideration the request for a wading pool for the children.

BEVERLY MCHUGH, 963 DIXON STREET, spoke in favor of an aquatic facility in Billings Heights. She stated this issue has been a concern for many years. She said this facility should be a priority. She asked for better public education and support from the City councilmembers so the voters won't turn this issue down as they did three years ago. She added recreational activities are needed in all parts of town and as a healthcare professional she is aware that obesity affects one in five children. This is therefore a health need as well as a community need.

KIM GILLAN, 750 JUDICIAL AVENUE, said she supports and endorses a swimming pool in the Heights. She said many citizens are disappointed that this issue won't come before the voters until 2004 and she hopes that the project will remain included in the Capital Improvement Plan and would be pleased if it could be "moved up" in priority. Councilmember Brown said "he has a plan to build a pool this spring" and wonders if Ms. Gillan would be for or against this. Ms. Gillan commented that it would depend upon the nature of the pool and its accessibility to all of the residents, liability issues and maintenance and operating costs, noting "public" access is imperative.

MIKE SCHAEER, 1109 NO. 32<sup>ND</sup> STREET, a representative of BIG SKY ECONOMIC DEVELOPMENT AUTHORITY, stated that the goal of BSEDA is to attract businesses to the region, and to improve and encourage them to stay. He stated that the Capital Improvement Plan is a key element in attracting businesses to the community. "The Capital Improvement Plan is good for business", he stated. He said that projects like the Library and Cobb Field are essential to bring businesses to the City. He read from a document produced by the Montana Department of Revenue that states Montana is rated number 40 in the nation in property tax and in industrial property tax number 42. He said that property taxes are extremely low and we can afford the Capital Improvement Plan and urged that it "get done".

JOHN CECH, 2609 EMERSON PLACE, spoke in favor of the five Capital Improvement project items. He said the Capital Improvement Plan is good for business, it is good for economic development and it is good for Billings as a community. He wished to speak in favor of the Library project and its inclusion in the Capital Improvement Plan. He said the present library is not worth renovating and a new facility should be built because libraries play a life-long role in community learning and are essential. He strongly urged the Council not to alter the Capital Improvement Plan.

JOHN HANSON, 4608 PALISADES PARK, spoke in support of the Capital Improvement Plan and specifically about "keeping the lights on in Cobb Field". He spoke on a personal level about character building and read a portion of an English paper from a ballplayer that told of the values learned, discipline and leadership from a lifetime of baseball. He said the Capital Improvement Plan is a bold plan and he supports Cobb Field, the Heights Pool, and the Library.

PETE HANSEN, 1435 WICKS LANE, spoke against "only" taxes, that only raise taxes a small amount here and there. He said the \$10 million Library, that is now \$12.5 million does not include property acquisition costs and preparation. He said a report shows the present Library is to be turned into City offices and he feels abandonment by the City in the downtown area would be a very serious matter. He added that if the present library building is unsatisfactory for the library, wouldn't it be unsatisfactory for City offices as well. As the chairman of the Heights Task Force, he commented that it time to look at the expensive projects and find another plan.

KIP GJERDE, 2504 RANCHO ROAD, is a supporter of youth sports in Billings. He feels that baseball is as much a part of Billings as the Rimrocks are and Cobb Field is where baseball "happens". After one-half century of service, Cobb Field has neared the end of its economic life and he said this project should remain in the Capital Improvement Plan.

JEFF BALLARD, 2603 HUCKLEBERRY LANE, spoke in favor of the Capital Improvement Plan and all parts of it. The three projects that pertain to youth are the Library, Cobb Field and the Aquatics facility in the Heights and should be and remain a rallying point for communities and businesses. He said the projects should go forward from a financial standpoint, generating revenues. He said the Council should pass the Capital Improvement Plan.

TERRY ZEE LEE, 2211 OAK STREET, asked to go on record as being strongly in favor of allowing a staggered year public "loan" on multiple improvements for the community, starting with the "loan" for the Public Library. She said the Mission Statement is about quality of life and that comes from pride. Pride only occurs when the residents want to live in a community that offers many great amenities. She asked the Council to allow the taxpayers to be bold and fund some or all of the projects that the community has prioritized. She also asked the Council to accept the five-year Capital Improvement Plan and give the citizens a chance to vote on needed improvements that foster community pride.

JEFF ESSMANN, 927 PARKHILL DRIVE, addressed one specific transportation element of the Capital Improvement Plan. The specific element, part of the 2003 plan, is the Arlene to Grand Avenue extension. He urged the Council to consider amending that element to complete the extension to Broadwater Avenue. The only practical method of improving the public safety at the intersection of 24<sup>th</sup> and King is to create an alternate north-south traffic route. Completion of the Arlene Street connection to Broadwater Avenue would provide that north-south route. He asked the Council to place high emphasis on ranking transportation improvement projects that solve traffic problems before other economic issues.

JIM HARTUNG, 620 BURLINGTON AVENUE and chairman of the Central/Terry Task Force, talked about the process of public input meetings. He said that because of the way the public meetings were scheduled, people that were attending the Central/Terry Task Force meetings were cut out of the process. He recommended that in the future, scheduling would take into account citizens who are active in their task forces and allow them to have access to public meetings and be heard. He supports the Library, but hopes there is sufficient information available before the voters defeat the General Obligation Bond issue. He said Cobb Field should be replaced but does

not feel the City or the citizens should fund the parking garage for the hospital or medical complex. He hoped that the projects that go forward for a General Obligation vote are better defined before large amounts of monies are committed.

SHAUNA KERR, 907 NORTH 31<sup>ST</sup> STREET, is an officer of the North Elevation Task Force, and a citizen of the area west of Cobb Field. She stated that \$9 million is too much money to spend on an area that is only one city block. She added that the proposed parking structure will create a traffic problem. She said there has not been enough time for public comment on these proposals and the Capital Improvement Plan. She said that the North Elevation Task Force has not seen plans for the Cobb Field replacement project and states that there has not been enough time to evaluate them. She urged the council to "hold off making any plans for that area" so the task force can have more time to pursue input. She also stated concerns about losing the pool.

DENIS PITMAN, 1730 BITTERROOT DRIVE, is a candidate for House District #11 in Billings Heights. He commented about the importance of the Heights pool project.

JOAN HURDLE, HOUSE DISTRICT #13 REPRESENTATIVE, commended the City for the attempts made to gather public input, however feels the process needs to be improved. She said the input process for the Capital Improvement Plan seemed to pit citizens against each other rather than focus on prioritization of projects. She was startled with the amount of money spent on an out-of-state consultant for the Park Department study. She emphasized that the people on the south side really want a wading pool at Highland Park. She also supports the Library and states that the City will have to take a hard look at public transportation to avoid the parking problems.

BOB WILSON, 2218 REMINGTON SQUARE, encouraged the Council to keep the Capital Improvement Plan in place and recognize the many man hours used to keep the facilities in place. He stated that the Library, the swimming pool and Cobb Field are needed.

MARY WESTWOOD, 2808 MONTANA AVENUE, chairman of the DOWNTOWN SKATEPARK COMMITTEE and secretary of the DOWNTOWN PROPERTY OWNERS ASSOCIATION and a member of the current DOWNTOWN PROPERTY OWNERS PROJECT COMMITTEE, said she is excited about the Capital Improvement process over the past two years. She said it is a way to bring the community together and discuss differences and find resolutions to all the needs of the community with the resources available. She spoke in support of the Skatepark which in turn supports and values the youth of the city. She submitted a letter to the council from a former skateboarder who is now a highly paid computer programmer. She said she will "keep forging ahead until the Skatepark is built" and asked for the council's support.

TOM STANISH OF 5506 BILLY CASPER DRIVE, stated that renovation of Cobb Field will give the community tremendous civic pride. He said that he and his children attend many baseball games and enjoy it immensely. He asked the Council to "look favorably" on the Cobb Field part of the Capital Improvement Plan.

CONNIE WARDELL OF 1400 POLY DRIVE, said that during her participation in Ward IV activities she received numerous comments from residents that encouraged her to support the maintenance or enhancement of the City Library. She said the Capital Improvement Plan is a good process and hopes we can be faithful in sticking to

it. She added that it "is important for the Council to take the next step in this process and adopt this plan." She urged the Council to adopt the plan as proposed.

CHRIS ERVIN OF 4411 CHICAGO ROAD, General Manager of the RIMROCK INN, congratulated everyone on a "fine plan". These are the sorts of things that spark economic turnarounds, he added. As a business person, he appreciates the business that he receives from the baseball players, and commented that the facility should be a multi-use facility, which the Capital Improvement Plan calls for. From a business operator point of view, regarding capital improvements, "replace it before it breaks" is an important axiom. This is true of both Cobb Field and the Library. He encouraged the Council to approve the Capital Improvement Plan.

MIKE TUSS OF 1046 NORTH 31<sup>ST</sup> STREET, is chairman of the NORTH ELEVATION TASK FORCE. He commended the City and the Council on the Capital Improvement Plan and considers it to be a master plan. He spoke about the great loss that will occur with the removal of Athletic Pool to make room for the planned parking improvements of Cobb Field. He said the pool is key to keeping residents in the downtown area. He questioned the usefulness of the parking lot, stating that typically there are not enough exits to parking structures to serve most athletic parks effectively. He also understands the frustration of the residents of the Heights, stating that "the Heights should have a pool and the downtown area should have a pool."

RANDY REGER OF 2708 PALM DRIVE, said that five years ago the Tradeport starting working toward bringing a bowling tournament to Billings. Many citizens were against this project. Now that it is a reality those same folks are very excited about the business those bowlers are bringing to the City. He said "we need to be bold and try some kind of plan. The City is growing and the staff have an idea and concept of what Billings is going to be and have come up with a good plan." He encouraged the Council to "go for it."

RICHARD CLARK OF 1207 25<sup>TH</sup> STREET WEST, stated that the Capital Improvement Plan is a good program. He said that "the General Obligation Bond issues should be looked at separate from the Revenue Bond issues so that the General Obligation Bonds can go before the public to be looked at." He spoke about Cobb Field, to which he has season tickets every year. He said the place is falling apart and renovation will not accomplish what is needed. He would like to see a new park built for future generations.

EMILY SHAFFER OF 824 NORTH 25<sup>TH</sup> STREET, said that "we should start with a plan and stick to it and not stick other things in place of something that is already on the plan." She asked "what should the neighborhood children do for a fairly inexpensive activity during the summertime if you close the Cobb Field/Athletic Park facility?" She requested that the Council "put off the voting for a couple more weeks so that everyone can look at the plan."

MARION DOZIER OF 3923 3<sup>RD</sup> AVENUE SOUTH spoke about the process and about the wading pool at Highland Park. She said there is a large crowd tonight signaling that there are people who care about the process; we just need a process that works. The wading pool was taken out two years ago and children in the area cannot get to the aquatic center. The \$1 million dollars for an aquatic center in South Park

won't help the children that need their wading pool back. She asked that the Council "slow down a little bit and put the wading pool in the plan."

JACK JOHNSON OF 2303 VIRGINIA LANE, spoke in favor of the five-year Capital Improvement Plan. He encouraged the Council to approve the plan because it is good for everyone's business and all citizens.

BILL COLE OF 5420 BOBBY JONES BOULEVARD, as a member of the County Planning Board, commended the city staff for the process that is before them. He spoke in favor of a large West-End Park, that is not in the Capital Improvement Plan and will not happen in the next five years but is desperately needed. The West-End needs a park such as Pioneer Park in that area to serve the needs of the residents. He also observed that there is something flawed in the funding process that pits neighborhood against neighborhood. As a City we need some sort of cost sharing approach to projects that predominately benefit a specific region of the City, such as in the Heights pool situation, he added. He offered that "the City could shoulder a portion of the costs of neighborhood projects and use this as an incentive so that neighborhoods, through SID's or private funding, can come up with a match which would leverage the city dollars and empower the individual neighborhoods to take control of their own destiny."

JEFF BRABENT, NO ADDRESS GIVEN, head coach of the Billings Scarlets, has been involved in the baseball program and coaching for the past five years. He stated that the improvements to Cobb Field are critical for the youth of this community. There are more athletes, per capita, from the Billings' program that go on to college educations through the baseball program. The baseball program is one of the elite of the West because of its strong core and the facility that supports this program is falling down. He noted there are future plans to put in a national bid to hold a regional tournament in a couple of years, with the goal of a World Series. In order to do this, the facility needs to be in better shape. He encouraged the Council to take a "good look at this and make it go for the youth of our community...and to go forth with this plan."

BOB EMERICK, NO ADDRESS GIVEN, head coach of the Billings Royals, said he stands together with the former speaker and counterpart in support of Cobb Field. He stated that baseball is not a high school sport in this State and it is important to support our youth in baseball and all other youth activities, such as the pool and the library. Supporting our youth, who are our future, ultimately makes our community better. He asked the Council to move forward with these proposals.

There were no other speakers. The public hearing was closed. Councilmember Bradley moved for approval of the staff recommendation, seconded by Councilmember Kennedy. Councilmember Larson made a substitute motion to separate the sections of projects as Section A: those that require revenue bonds and no vote of the public and Section B: those that require general obligation bonds and a vote of the public, and vote on each section individually, seconded by Councilmember Kennedy. Councilmember Larson reminded the Council of the original reason for the CIP and the need to maintain the separation of capital projects requiring revenue bonds and capital projects requiring general obligation bonds. Councilmember McDermott said she agreed somewhat and amended the substitute motion to "remove Engineering projects #04, #07, #27, #28 and #65 and the arterial street lighting project from the CIP,

seconded by Councilmember Bradley. On a voice vote, the amendment failed. On a voice vote on the substitute motion (unamended), the motion was unanimously approved.

Councilmember Larson moved for approval of Section A – those capital projects requiring revenue bonds and not requiring a vote of the public, seconded by Councilmember Bradley. Councilmember McDermott made a substitute motion to delay the entire CIP for a month to allow further review and consideration, seconded by Councilmember Bradley. Councilmember Poppler said she concurred with that motion because she didn't feel she had a full understanding of the consequences and importance of the CIP. On a roll call vote on the substitute motion (to delay for one month), the motion failed 5-6. Councilmembers voting "yes" were: McDermott, Bradley, Brown, Poppler, and Jones. Councilmembers voting "no" were: Brewster, Iverson, Tooley, Kennedy, Ohnstad and Larson.

The motion on the floor was the original motion for approval of Section A – those capital projects requiring revenue bonds and not requiring a vote of the public, and seconded by Councilmember Bradley. On a voice vote, the motion was approved. Councilmember Bradley voted "no".

Councilmember Larson moved for approval of Section B – those capital projects requiring general obligation bonds and a vote of the public, seconded by Councilmember Kennedy. Councilmember Larson urged the Council to accept these project proposals "in theory", reminding them that they would be refined as more information became available and requiring further votes of the Council and the public before they would become a reality. Councilmember Brewster made a substitute motion to delay Section B to March 11<sup>th</sup>, seconded by Councilmember Kennedy. Councilmember Kennedy noted that the Council retreat is on March 2<sup>nd</sup> and that perhaps would be a good time to discuss this matter further. Mr. Taylor noted that he would include discussions on this matter at every work session until March 11<sup>th</sup>. Councilmember Larson requested a "decision matrix" as well. On a voice vote, the substitute motion (to delay to March 11<sup>th</sup>) was unanimously approved.

**ADJOURN** – With all business complete, the Mayor adjourned the meeting at 10:53 P.M.

THE CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, City Clerk