

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

## **April 22, 2002**

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 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 Brown.

**ROLL CALL** – Councilmembers present on roll call were: McDermott, Bradley, Brown, Iverson, Kennedy, Poppler, Ohnstad, and Jones. Councilmember Brewster was excused. Mayor Tooley indicated that Councilmember Larson may be late. NOTE: Councilmember Larson did not attend the meeting.

**MINUTES – April 8, 2002.** Approved as printed.

### **COURTESIES – Community Development Division**

- Community Development Director John Walsh noted that Billings had received an award from the Montana Board of Housing for its Affordable Housing activities.
- Mayor Tooley recognized members of Boy Scout Troops 23 and 374 in the audience.

### **PROCLAMATIONS – Mayor Tooley.**

- May 19-25 as National Public Works Week
- Month of May as Shriner – Vidalia Sweet Onion Month
- April 26 as Arbor Day
- May 11 as National Food Drive Day

### **BOARD & COMMISSION REPORTS.** NONE

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

- Mr. Taylor noted that the 3<sup>rd</sup> issue of City Link newsletter came out in today's Billings Gazette and will also come out with the Shopper on Wednesday.
- The first budget work session for the FY 03 budget will be held on Saturday, April 27 from 8 – 11 AM on the 3<sup>rd</sup> Floor of the Library.
- The City and School Board will be meeting in a joint session on Monday, April 29 at 5:30 PM in the Lincoln Center Boardroom. He noted this would be a chance for discussion on common interests between the City and the School Board.

### **CONSENT AGENDA:**

#### **1. A. Bid Awards:**

(1) **Cellular Phone Service for City of Billings.** (Opened 1/29/02).  
Recommend Verizon, \$84,701.96 for a 3-year contract.

**(2) 300-Gallon Plastic Refuse Containers.** Opened 4/9/02. Recommend Olympic Sales for \$145.50 each for containers WITHOUT lids and WasteCo Manufacturing for \$188.00 each for containers WITH lids and assembly.

**B. C.O. #3, Parking Lot Construction at 27<sup>th</sup>/Minnesota Avenue,** Flack 'N Flack Construction, \$697.01.

**C. W.O. 01-08: Poly Drive School Crossing,** Professional Services Contract with Interstate Engineering, Inc., \$24,521.00.

**D. Project Specific Agreement CM 1099(35)** with State of Montana Dept. of Transportation for the Swords Park Path.

**E. Consultant Services Agreement** with FUTURESYNC International for customer service training, \$12,550.00.

**F. Maintenance Agreement** with Qwest Government Services, Inc., for 9-1-1 telephone system, \$111,962.38 for a 5-year term.

**G. Public Bikeway/Walkway Trail Easement Agreement** with PPL – Montana for trail project from Coulson Park to Mystic Park, \$0.

**H. Acceptance of FAA Grant #22** to fund direct security costs related to September 11, 2001, \$756,263.00; no local match required.

**I. Pledged Securities** by Wells Fargo Bank and US Bank as security on Certificates of Deposit.

**J. Lake Hills Subdivision Lots:**

1. Acceptance of ownership transfer of Lot 9, Block 1, Lake Hills Subdivision, 1<sup>st</sup> filing, from Yellowstone County via Tax Deed recorded in Book 1359, Page 166.
2. **RESOLUTION 02-17823** describing the property to be sold and declaring the intent of the City to dispose of the property and setting a public hearing date for 5/13/02.

**K. Resolution 02-17824** changing the fees of the Animal Shelter to better reflect costs for services.

**L. Resolution 02-17825** reaffirming the partnership of the Billings Association of Realtors, the Billings Community Housing Resource Board (CHRB), the City of Billings and the U.S. Dept. of Housing and Urban Development for promoting fair housing.

**M. Resolution of Intention 02-17826** to Create SID 1354: Improvements to King Avenue East and Simpson Street and setting a public hearing for 5/13/02.

**N. Resolution of Intention 02-17827** to create PMD #4017: park maintenance

in Southgate Subdivision, 1<sup>st</sup> filing and setting a public hearing for 5/13/02.

**O. Acknowledging receipt of petition to annex:** #02-07 for Tract 2, C/S 3030, located in T1N-R24E-S24: SE4 and T1N-R25E-S19: SW4, Shane and Stephanie Gundlach, owners and petitioners, and setting a public hearing for 5/13/02.

**P. Acknowledging receipt of petition to annex:** #02-08 for Tract 1, C/S 828, located in T1N-R25E-S30: SW4, Aviara, Inc., owner and petitioner, and setting a public hearing for 5/13/02.

**Q. Acknowledging receipt of petition to annex:** #02-09 for Tracts 3A, 4, 5A, 6A and 7A, C/S 2465, located in T1N-R24E-S25: S2, Golden Acres Partnership, owner and petitioner, and setting a public hearing for 5/13/02.

**R. Acknowledging receipt of petition to annex:** #02-10 for Tract 6B-1 ~~and 7A~~ of Amended Tract 7, C/S 1261 and Amended Tract 6B of Amended Tract 6, C/S 1261, located in T1N-R24E-S25: NE4, Ronald and Jean Jacobson, owners and petitioners, and setting a public hearing for 5/13/02.

**S. Revised Subdivision Improvements Agreement:** Montana Sapphire Subdivision.

**T. Special Events:**

- (1) Closure of the 300 Block of North Broadway on May 1, 2002 for the Austin-Lehman Adventures at the Travel Café
- (2) Annual Memorial Day Parade on May 27, 2002
- (3) Closure of the 2800 Block of 2<sup>nd</sup> Avenue North on May 4, 2002 for Nicholas Fine Art Gallery Showing

**U. Preliminary Minor Plat** of Lot 2A of Amended Lot 2, Block 1, Schuyler Subdivision, generally located at 2601 Arnold Lane.

**V. Preliminary Plat** of Rehberg Ranch Estates, 1<sup>st</sup> Filing, generally located on the west side of Rod and Gun Club Road and north of Highway 3.

**W. Final Plat** of Hancock – Grand Subdivision.

**X. Bills and payroll.**

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

Councilmember McDermott separated Item V. Councilmember Ohnstad separated Item C. Councilmember Jones separated Item D, K and M. Councilmember McDermott moved for approval of the Consent Agenda except for Items C, D, K, M and V, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

Councilmember McDermott moved for approval of Item C, seconded by

Councilmember Bradley. Councilmember Ohnstad said this is an issue of paying \$25,000.00 for a school crossing at 11<sup>th</sup> Street. He said this is another expense that is due to the recent closing of schools, which in turn hurts established neighborhoods. Councilmember Ohnstad offered three alternatives to this expenditure: 1) the students could walk down to 13<sup>th</sup> Street and cross at the traffic light, 2) paint crossing stripes on Poly Drive and move the crossing guard from Rimrock Road and 13<sup>th</sup> Street (where the school is closed) to this location and 3) spend this \$25,000.00 to install a blinking light activated by pedestrians. Councilmember Poppler agreed with Councilmember Ohnstad that there needs to be a crossing at 11<sup>th</sup> Street and Poly Drive, but said she doesn't think it needs to be a highly engineered, \$25,000.00 project. She would rather put the \$25,000.00 toward a wading pool. On a voice vote, the motion failed. The contract was not approved.

Councilmember McDermott moved for approval of Item D, seconded by Councilmember Bradley. Councilmember Jones asked about the breakout of the funds between the bond issue and the grant monies. City Administrator Dennis Taylor said that staff was not present that could answer those questions and would do research and report back to the Council. Councilmember Jones made a substitute motion to delay Council action to May 13, 2001, seconded by Councilmember McDermott. Councilmember Ohnstad expressed concern about the time frame in delaying this item. Public Works Director Dave Mumford said breakdown of the total cost includes: 1) the grant for \$94,000.00, 2) the local match out of bonds for \$103,300.00 and 3) the contribution from CTEP federal highway dollars of \$666,666.00. Councilmember Jones withdrew his substitute motion. On a voice vote, the original motion was unanimously approved.

Councilmember McDermott moved for approval of Item K, seconded by Councilmember Bradley. Councilmember Jones asked for information concerning what the fee increases would be. Mr. Taylor said the fee increases were stated in the body of the resolution provided to the Council. He noted the amendments and the associated fees. On a voice vote, the motion was unanimously approved.

Councilmember McDermott moved for approval of Item M, seconded by Councilmember Bradley. Councilmember Jones asked where the \$6,000.00 cash contribution from the City would come from. Mr. Mumford said that it would come from Gas Tax funds. Councilmember Jones asked about the \$123,000.00 from the Public Utilities Department. Mr. Taylor said this was a budgeted amount for improvements within the Public Utilities Department. Councilmember McDermott asked what the \$58,000.00 from the Community Development Block Grant would be used for. Community Development Manager John Walsh said those funds are provided to subsidize the full cost of the residential properties along the King Avenue East project. On a voice vote, the motion was unanimously approved.

Councilmember McDermott moved for approval of Item V, seconded by Councilmember Bradley. On a voice vote, the motion was approved with Councilmember McDermott voting "no".

## **REGULAR AGENDA:**

### **2. PUBLIC HEARING for the FY 2002-03 CDBG & HOME Programs. Council action scheduled for 5/13/02. (Action: public hearing only).**

Community Development Manager John Walsh said the public hearing tonight

continues the public budget process for FY 2002-2003 of the CDBG and HOME Programs that began in January of 2002. He said the CDBG and HOME Programs are federal funds provided to the City of Billings. These funds are allocated within the Consolidated Plan Strategy to: 1) promote economic opportunities for low-income persons, 2) promote affordable housing on a city-wide basis, 3) promote preservation of the existing affordable housing supply, 4) provide activities to improve older, low-income neighborhoods, and 5) identify and address neighborhood needs of low and moderate-income neighborhoods and provide for partnerships with other agencies.

Mr. Walsh said this year there are approximately \$1 Million in Block Grant Funds and \$600,000.00 in HOME Funds available for allocation. The Block Grant program is designed for neighborhood improvement activities. This is the third year of a five-year plan. He said the Community Development Department requested applications for the funds in February and in March asked for the Task Forces input with regard to their priorities. The Community Development Board held budget hearings in April. The final step will be Council action that is scheduled for May 13, 2002. He noted the fiscal year would begin July 1, 2002.

To accomplish strategy #1, Mr. Walsh said some of the Community Development Board recommendations included allocating funds to Big Sky Economic Development Authority to provide assistance for expanding or starting businesses, a wide variety of social service agencies, and the Billings Police Department to address issues with the City Task Forces. Several of the requests received reduced funding in order to fund the Police Department request, he noted.

Strategies #2 and #3 included requests from Habitat for Humanity and several other agencies that promote affordable housing. He said several programs promoting affordable housing involve rehab loans, minor home repairs, retro rehab grants, grants for the disabled and minor repairs for the home-bound or elderly.

Mr. Walsh said Strategy #4 included neighborhood projects such as a Downtown Skate Park and several park improvement projects. He noted that an important project is the North Park wading pool. There were more applications received from the Task Forces than usual, he added.

He noted that the South Side Task Force has requested \$15,000.00 for a South Side Task Force Railroad Study to address the railroad crossing issue at 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> Streets.

Councilmember McDermott commented that she would request that the Council remove the \$25,000.00 matching funds for the Billings Police Department at the next Council meeting.

Aldo Rowe, chairman of the Community Development Board, spoke in support of the recommendations for the Block Grant and HOME funds. He said the Community Development Board recommendations are consistent with the five strategies of the Consolidated Plan for CDBG & HOME Funds and noted the Board was especially supportive of affordable housing activities. He introduced board members in the audience. He said that the funding request for the Billings Police Department reduced funds from several organizations, which was a difficult decision for the board. He stated that overall, \$150,000.00 in public service activities was allocated to nineteen projects in the following areas: 1) elderly and disabled services, 2) basic needs, 3) children's services, and 4) public service and related services. He thanked the Council for their

consideration of all the projects. Councilmember McDermott was concerned about the possibility of duplication of services with the requests from Family Services and HRDC. She noted that the requests were similar in that they will assist low-income individuals and help with rents, mortgages and utilities. She asked for cost referencing. Mr. Rowe said the strategy was to offer a wider variety of funding to accommodate the wide range of citizen requests. He added, Family Services assists with rental situations whereas HRDC assists with mortgage situations. She asked about the reduction from \$16,000.00 to \$10,000.00 for the Tumbleweed Program. Mr. Rowe said that was part of the reduction plan regarding funding the Police Department request he described earlier. Councilmember Kennedy thanked the Board for the tremendous efforts of the board that are involved in this difficult process.

The public hearing was opened. SALLY HABECK, EXECUTIVE DIRECTOR OF TUMBLEWEED RUNAWAY PROGRAM, said the Tumbleweed Program is the only community based agency in Yellowstone County that provides crisis intervention twenty-four hours a day, seven days a week at no cost to run-away and at-risk youths and their families for the past twenty-five years. She noted there has been a twenty percent increase in volume of casework for the agency. Eighty-five percent of the families served are either very low, low or moderate income with eighty-four percent of the families living in the City of Billings. Tumbleweed is a valuable resource to law enforcement providing intervention services to approximately 255 juvenile arrestees since July 1<sup>st</sup> of 2001, she added. She noted that twelve of the nineteen public service agencies that requested CDBG funds received no reductions in their requested amounts, whereas the board recommended a \$6,000.00 reduction in funding for the Tumbleweed program, the largest single reduction recommended. She thanked the Council for their consideration.

GREYE VERSTRAETE, TEMPORARY TEENS REPRESENTATIVE, said the agency operates on the south side of Billings in cooperation with south side businesses. The agency hires low-income and at-risk youths to perform the tasks related to enhancing the appearance of those south side businesses. He asked for approval of the recommended funding from the Community Development Board. He noted that without the help of this funding they would not be able to accomplish the public service projects for the low-income elderly on the south side and organizations such as the Friendship House.

CLAUDIA STEVENS, CHAIRPERSON FOR COMMUNITY HOUSING RESOURCE BOARD, said the board is requesting a \$15,000.00 funding level, over the \$10,000.00 recommendation of the Community Development Board. This would reflect the same level of funding as the last several funding cycles. She noted that the City of Billings is mandated by HUD to undertake fair housing activities to further fair housing opportunities. This is a requirement to apply for and receive CDBG and HOME funding. The Community Housing Resource Board's education and outreach program fulfills that role for the City. She added that HUD's best practice award was given to the City and the Community Housing Resource Board in 1999 and 2000 for their efforts. There has been a forty percent increase in education and training for their programs, she said. The Council will be receiving a five-year action plan as a result of the recently completed analysis of impediments to fair housing. The CHRB will be in the lead for insuring the recommendations for the plan are carried out. This will increase the

workload by forty percent yet the CDBG funding has been cut by thirty-three percent, she added. She asked the Council to enhance the recommendation to bring them close to their original request, which represents forty-eight percent of their budget. She said this would help to ensure that fair housing opportunities are fostered for all Billings' residents.

A CITIZEN WHO GAVE NO NAME, spoke in support of the request for funds for the Highland Park Wading Pool. He thanked the Community Development Board for their hard work and for their recommendation of funding for the pool project. He thanked the Council for their support and acknowledgment of the importance of this issue for the south side neighborhood and the wider community.

WHITNEY EWING, NO ADDRESS GIVEN, came before the Council to plead for the funding request for the Tumbleweed program. She said her family didn't know much about this program until they needed their services for a situation regarding her brother. She said it is an outstanding and exemplary program and it would be a shame to cut any funds from it. She said the Tumbleweed staff members are miracle workers doing so much for hundreds of kids in our community. She noted the Council needed to make sure they are nurturing the right programs as a City. She read a letter from her mother appealing to the Council to rethink the funding decision with regard to the Tumbleweed program. The letter stated that this program has been a lifesaver for both her son and herself and asked the Council to increase the funding for "one of the most important programs in existence" in this community.

MARCELLA TATARKA, 3215 HOMER DAVIS ROAD, spoke on behalf of the Tumbleweed program. She told of an incident with her daughter and a man on the Internet that tried to convince her to run away to Pennsylvania. It was due to the help of her teacher and the Tumbleweed program that she was able to resolve the situation through counseling. Her experience with getting a counseling appointment through other means was as long as a six-week wait, which was not satisfactory for an urgent situation. She said she thinks that without the help of the Tumbleweed services she would be searching for her daughter somewhere in Pennsylvania. The Tumbleweed agency is the only service of its kind in the area, she added.

DEBBIE ALLERS, CRISIS COUNSELOR AT TUMBLEWEED RUNAWAY PROGRAM, INC., has been a counselor for the past four years. She read a letter from a parent that supports the program. The letter said the Tumbleweed program became a part of her daughter's support system seven months ago. The program provided her with a support group of her peers that helped her understand and solve her problems. The letter stated the Tumbleweed counselors provided the group with activities that gave them an avenue to find enjoyment in more positive and healthy ways. Last fall her daughter was a runaway, today she is an "A" and "B" student and a responsible teen through the help of the Tumbleweed program. Ms. Allers said the Council would receive many letters in support of the Tumbleweed program.

LYNN GROSULAK, COUNSELOR AT TUMBLEWEED RUNAWAY PROGRAM, INC., read a letter from a parent that has been served by the program. The letter said this parent has concerns for the funding cuts for "this wonderful program". As a single parent she has found there are several support groups for herself but none for youths. The Tumbleweed program was recommended through her son's school and has helped with counseling sessions for her and son. Her unique financial situation does not allow

her to afford weekly sessions with a private counselor, nor qualify for mental health services free of charge. This program has been the last source of hope and has given this mother and son a "light at the end of a very dark and lonely tunnel". The letter stated that by not funding an agency such as Tumbleweed this family would fall through the system for lack of mental health help and asked the Council to reconsider the funding for the Tumbleweed program.

DAN RODRIGUEZ, COORDINATOR AND COUNSELOR AT TUMBLEWEED RUNAWAY PROGRAM, INC., supports the organization that he works for. He read from a letter from a recipient of the Tumbleweed services. The letter said they required the services of Tumbleweed in 2002 because of their rebellious and runaway daughter. They did not know what would have happened without the support and services of the Tumbleweed program. This agency enforces the love and logic discipline approach to dealing with teens and their pressures and the staff is a tremendous support to parents who have lost hope. The children of Billings need a place to go when they feel they cannot go home for whatever reason. The letter stated that if "you as leaders of Yellowstone County care about kids and their futures I beg you not to take away any of the money or resources granted to this valuable organization. Our family would not have made it though without the valuable assistance of the Tumbleweed program and their employees." Mr. Rodriguez said his family almost lost a 16 year-old family member last year. He said he stands before the Council as an employee, an uncle, and a father to ask their reconsideration for the funding for this organization. Councilmember Jones inquired about Mr. Rodriguez's position at the Tumbleweed agency. Mr. Rodriguez said he does street outreach during the weekdays and on-call with the youth assessment center as a crisis counselor on weekends, all for the Tumbleweed program.

BO SMITH, A TUMBLEWEED EMPLOYEE, said that for four years in a row money has been an issue for the Tumbleweed program. She said the agency does not squander their funds, with the staff helping to raise funds at times. This is done for one reason and that is for the kids. She said they work with the Billings Police Department responding to youths at the Youth Assessment Center, allowing the officers to return to other duties. Tumbleweed can provide temporary shelter for teens to keep them safe and allow their situation to become manageable. This agency is one of a kind, unique and does not duplicate services, she added. She would not want to make the decision on what family to turn away because of lack of funding.

EMMA KAPISCHANDA, NO ADDRESS GIVEN, has served on the Tumbleweed Board for two and one-half years. During that time she has been very impressed with the dedication and commitment of the staff despite their low salaries. This organization stretches every dollar to the limit with no "fat" in their budget, she noted. She said that 610 youths had been served in this community during the last fiscal year and during the first three quarters of this fiscal year the staff has served 725 youths, an increase of twenty percent. She asked the Council to take a good look at the funding levels, stating that Tumbleweed has taken a "tremendous hit" in the distribution of these monies. She asked the Council to reconsider the original request and provide the support that is needed to continue to provide the services. Councilmember Poppler asked if the Tumbleweed program still receives support from various service clubs, such as the Junior League. Ms. Kapischanda said "yes", their support has been invaluable in

providing a residence on the south side to house and help educate homeless teens and teens under protective services of the State.

LINDA ROBBINS, DIRECTOR OF FAMILY SERVICES, INC, said this organization was begun in 1906. The agency gives help to families that are struggling to make ends meet, and they are requesting funds to help with rents and utilities. She noted that Montana ranks 50<sup>th</sup> in poverty. The jobs that are available are low paying service jobs, and if an emergency arises these folks in those jobs "cannot make ends meet". She said last Friday seven different families requested help with their rent. The funds requested from CDBG will go directly to those families to help with their rents and utilities. She noted that Family Services and St. Vincent de Paul are the only two agencies that help with rents and utilities; HRDC helps only with mortgages. She also spoke regarding the funding for Billings Healthy Community Coalition that is a medical assistance program. Ms. Robbins said 3, 202 were helped with funds to pay for prescriptions in the year 2000 and 5,677 persons were helped in 2001.

DON KEARNEY, PARK AND RECREATION DIRECTOR FOR THE CITY OF BILLINGS, spoke on the \$50,000.00 proposal to fund the wading pool at Highland Park. He said there are two pools on the south side - one large community pool and one wading pool both in South Park. If the wading pool in Highland Park is to be replaced and then managed by the City of Billings, he asked what justification there was for not replacing the ones in Castlerock Park and Veteran's Park. He noted that the draft aquatic facilities assessment recently submitted to the City Council does not recommend building wading pools, in fact repair costs dictate phasing them out. In a survey of persons in the area of Highland Park, only 6.6% of them indicated they would use a wading pool most often. The majority of persons in the City of Billings said they would prefer using the indoor/outdoor facilities with new spray features. The assessment also recommends making significant improvements to South Park pools, including that wading pool that will be only nine blocks from Highland Park. He added that 175 free passes were issued to low-income families for use at these facilities. He noted also that the funding request is not consistent with the City of Billings' consultant's recommendation in the aquatic facilities assessment and not consistent with what users say they would want or use most often. He said this funding request is not the most prudent method for providing for the needs of the residents of the Highland Park neighborhood. He added that if however, the Council approves this request, the City of Billings would work diligently with the neighborhood to build the best wading pool possible.

MARY WESTWOOD, 2808 MONTANA AVENUE, is the Chairman of the Downtown Skate Park committee. She distributed booklets that are being passed out to donors to the Skate Park. These booklets include information about other Skate Parks and statements from local skateboarders as to the need for a local Skate Park. The benefits of the Skate Park include providing an activity for low to moderate-income youths and transforming a blighted block near the downtown area and turning it into an activity center and a "little economic development engine". She noted that skateboarders do not feel like an accepted part of the community and she would like them to have one place they feel welcome and a place for them to belong. She also added her support for the funding for the Tumbleweed Program.

TIMER MOSES, A SKATEBOARDER, NO ADDRESS GIVEN, said one of his favorite things to do is skateboard. He said skateboarders need a place where they are allowed to skate, a good place to just hang out and be with others kids.

RACHEL COX, A MEMBER OF THE TUMBLEWEED BOARD OF DIRECTORS, asked for the support of Council for the Tumbleweed program. She pointed out that Tumbleweed has counseling for kids twenty-four hours a day, seven days a week. If the funding is taken away, the kids won't get this necessary counseling or the chance in life. She asked the Council to keep the funding at the requested level.

IAN ELLIOTT, PROGRAM DIRECTOR FOR HRDC'S GROWTH THRU ART, said this organization is designed to provide arts experiences to individuals with disabilities. He thanked the CDBG staff for their work under these most challenging circumstances. He asked for support for the funding, at last year's level, on behalf of the Growth Thru Art artists, staff and volunteers that serve the needs of those with disabilities. All funds received from CDBG leverage monies from other sources.

CONNIE WARDELL, 1400 POLY DRIVE, spoke in support of the funding for the Billings Police Department. She said public safety is the number one issue raised everywhere and a police presence in our community is extremely important. Every agency listed on the CDBG and HOME Funding Activities list is important to our community, but if the community isn't safe all of those agencies have no value. She strongly urged the Council to support the funding request for the Billings Police Department. She added her support for the Skateboard Park as well. The value of having these youths off the street and having a place to go aids the Police Department.

DAVID MORALES, DIRECTOR OF CHILD AND FAMILY INTERVENTION CENTER, said the first thing he did when starting the intervention center was to gain the presence of the Tumbleweed agency at the center. According to surveys of offenders, in our present "bigger prison" mentality, we must realize that we are locking up the ten year old that couldn't get help or didn't have a place to go to escape the turmoil of their lives. He said our community is safer because of what Tumbleweed has done. Instead of looking at cuts we should be looking a ways to enhance and expand their services, he added.

BILL SHAFFER, CHAIRMAN OF THE NORTH PARK TASK FORCE, said the Community Development Board has been charged with funding many good agencies with only a limited amount of dollars. He said he wishes the City could find the money to fund all of them at the levels they requested.

LANCE HAWK, 519 AVENUE E, is a grant writer for Parents Let's Unite For Kids (PLUCK). This agency works with children and adults (up to age 21) with disabilities to give them the tools they need to transform their lives.

There were no other speakers. The public hearing was closed.

**3. PUBLIC HEARING AND RESOLUTION 02-17828 expanding the urban planning area to include the Northwest Billings Urban Planning Study area. Staff recommends approval of the study and expanding the urban planning area.**  
**(Action: approval or disapproval of staff recommendation.)**

Planning staff member Bruce McCandless said the Billings Municipal City Code requires that land be placed in the Urban Planning Area before annexation, and annexation is required before city services can be provided. The Urban Planning Area

is land that will be considered for annexation within the next 10 years. The study involved in this process assesses annexation impacts on City services and facilities.

He said the area involves 4,800 acres bounded generally by the Rims, Shiloh Road, King Avenue West and 56<sup>th</sup> Street West, with some exceptions such as north of and along Rimrock Road and the western boundary is approximately 70<sup>th</sup> Street West. He noted that north of Grand Avenue between Shiloh Road and approximately 46<sup>th</sup> Street West, the area is already in the City. There are annexation petitions for 578 acres within the study area.

Mr. McCandless said the effects on agriculture would be gradual with a current annual population growth rate of about 1 to 1-1/2%. The density would be ½ to 1-acre maximum lot size as permitted by the DEQ. City services permit denser development and may diminish the pace of land consumption for residential or commercial development. He said the effects on historical and cultural sites concern areas mostly along or near the Rims. Preservation, where possible, can be accomplished through sensitive subdivision designs, parks or space dedications. Preservation of the corridors and parts of the ditches could be coupled with stormwater management and open space/bike trail development. There are no known endangered or threatened wildlife species, however deer and mountain lions that prey on the deer may cause some wildlife/human conflicts.

He said there currently are an estimated 300 platted lots with water wells and septic systems at least 1 acres in size and 300 platted lots with central water systems and septic an average of ½ acre in size. He noted that there is no formal stormwater management, collecting instead in borrow and irrigation ditches and solid waste is collected by Browning-Ferris Industries and disposed of at the Billings Regional Landfill. Both facilities are able to provide services to existing and any new developments.

He said thirty-two acres are County parkland, 8 acres are part of the Cloverleaf Subdivision. Phipps and Sharptail Parks are nearby and there are several schools in the area that serve approximately 425 children. The Billings Fire Department provides service to the area because it is in the Billings Urban Fire Service Area. American Medical Response serves the area and the Yellowstone County Sheriffs Department provides law enforcement.

Mr. McCandless said the roadways in the area are principal arterials with two-way or four-way stop signs, however a few have warning signals and turn lanes. Traffic signals may be warranted at high accident rate intersections such as 48<sup>th</sup> Street West and Central and King Avenues. The average daily traffic ranges from 1,000 to 10,000 vehicles per day. He noted there is no public transportation available.

He said the study notes that the land within the study will continue to develop whether it remains in the County or if it is annexed to the City and extending City utilities and services will allow higher density development. Benefits of City utilities would be: 1) a more visually and socially consistent development with existing City neighborhoods, consuming less farmland, 2) City development standards rather than inferior infrastructure would apply to new development, 3) City service extensions will permit some of the "marginal" lands to be developed, and 4) City utilities may permit cluster development that could help retain open space, wildlife areas or agricultural land uses.

There are no immediate financial implications associated with adopting the Northwest Billings Urban Planning Study, he noted. Financial impacts are possible if

the planning area is expanded and lands annexed to the City. He said that it would take 40 years to reach full build-out. There will be 578 acres to consider for annexation at the May 13<sup>th</sup> Council meeting and two subdivision applications subsequent. He said City staff believes the potential long-term rewards outweigh the risks and that the NWBUPS should be approved. Councilmember Bradley asked what the plan is for protecting the historical sites that have been identified. Mr. McCandless said there are no specific plans recommended. Councilmember Bradley noted that the sites might be burial sites that would be important to the Native American population.

The public hearing was opened. JIM COURT, 3525 PRESTWICK ROAD, said he lives in Briarwood and consistently sees access for pedestrians and bicycles neglected in these studies. He asked that the Planning Department include bike paths and pedestrian walkways in their planning of this area.

CONNIE WARDELL, 1400 POLY DRIVE, said she has concerns for the stormwater drainage situation. She said the type of stormwater drainage proposed has not been planned well and doesn't work in some areas. She noted the ditches are not only historic but also valuable in that they recharge the water table. Ms. Wardell said protecting the green space is also important.

DAN WELLS, 4555 UPLAND DRIVE, said he is a resident of the West End. He spoke briefly about the need for expanded city services on the West End to further assist development. Mr. Wells also talked about the building projects he is involved in and the impact expanding the urban planning area would have on them.

RON JACOBSON, NO ADDRESS GIVEN, has an acre of land in the proposed area of expansion. He asked for support for expanding the urban planning area to include the Northwest Billings Urban Planning Study area. He noted that City services are needed.

RICK LEUTHOLD, ENGINEERING, INC., 1001 24<sup>TH</sup> STREET WEST, confirmed that primary historic sites are along Rimrock Road and there has been proposed preservation. He also noted the canals and ditches in the area are historic features and do recharge the water systems.

DENNIS BUSCHER, 3317 AVENUE F, said he purchased land in this area in 1979. He is one of the landowners asking for annexation. He noted that eighty larger homes are being proposed for this area. This proposal does include a bike path, he said.

SHANE GUNDLACH, 3433 CLEARWATER DRIVE, said the urban planning study is the first step in the process of getting permission to plan. He noted consideration of the urban planning area is a good planning process, unlike the West End Plan that was without a framework and with no way to implement.

Councilmember Poppler asked to keep in mind the need for an alternate route from the Rims to connect to this area, as Zimmerman Trail is historic and impossible to reconstruct to handle the larger flow of traffic that may be required due to future annexations.

There were no other speakers. The public hearing was closed. Councilmember Bradley moved for approval of staff recommendation, seconded by Councilmember Kennedy. Councilmember Bradley said he brought up the historical site issue because the Transportation Plan shows those sites being disturbed in the future. He said the City/County Planning Board and the Yellowstone Historic Preservation Board should

communicate on how those sites can be protected during the planning process. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND SECOND READING ORDINANCES correcting the legal descriptions on ordinances designating ward boundaries of recently annexed properties:**

- 1. ORDINANCE 02-5194: Annexation #01-14 assigned to Ward II via Ord 02-5182 on 2/11/02**
- 2. ORDINANCE 02-5195: Annexation #02-02 and 02-03 assigned to Ward I via Ord 02-5187 on 3/25/02**

**Staff recommends approval.** (Action: approval or disapproval of ordinances on second reading.)

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

**5. PUBLIC HEARING AND SECOND READING ORDINANCE 02-5196 extending the boundary of Ward I to include recently annexed property described as:**

**Annex #02-01: T1S-R26E-S16: E2NW4 less southerly 112.48 feet and westerly 40 feet, Mary E. & Norman Francis Miller ETAL petitioners.** Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Iverson 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 02-5197 FOR ZONE CHANGE #689: A zone change from Agricultural-Open Space to Planned Development with (underlying zoning of Commercial), generally located on the south side of the South Frontage Road, approximately 150' west of Mirco Circle. The property is described as the portion of T1S-R26E-S16: SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> lying south of the South Frontage Road (a more detailed description may be obtained from the Planning Department). Joseph J. Miller, owner; Sunworks, LLC, agent.**

**Zoning Commission recommends denial.** (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. MARJORIE LEE, 1108 ORCHARD LANE, is opposed to the auto auction and she said she feels as though she is banging her head against a wall. She said she thinks this decision is ruining a lot of people's lives. It would be a hardship for her to solve the problem by moving away. She said there are many other things that can go in this development. She doesn't want a car auction in her backyard. She added that she does not want to be annexed into the City either.

ROD POVSHA, 1147 ORCHARD LANE, is opposed to the auto auction. He said the people that this zone change affects have put their life savings into their homes and take pride in their neighborhood. He noted that the plans for an emergency exit on Orchard Lane and Arlington Street is not possible as it is private property. He said the

City seems to destroy one subdivision and build another. He noted this area is not in the Urban Planning Study and certainly must be considered spot zoning. He said the attorney for the group of residents opposing the zone change has dropped their case due to a conflict of interest. He said they have another alternative and he told the Council they would use it if needed.

VIRGINIA COURT, BRIARWOOD SUBDIVISION, said that most residents of the Briarwood Subdivision must travel a very narrow two-lane road to come into the downtown area. There is no place for the many children and adults or bicyclists going to the school or the park. She said there appears to be no planning for access roads to handle the development that has and is going on in the area. The action tonight would allow for another large commercial development to be built at this interchange without any planning for the access roads. She noted the major traffic areas coming from downtown, Grand Avenue and the West End all converge on Underpass Avenue and travel the Blue Creek Road, a very narrow road. She said more commercial development could only spell tragedy because access roads have not been fully addressed. She related two incidents that happened to her that prompted her to come the Council meeting tonight. She asked, "what is the price of a child's life?"

CURTIS WILKS, 1003 MIRCO CIRCLE, is opposed to the auto auction. He said it seems the rules get changed every day by the Planning Department and the Council regarding the auto auction. He said the residents have no idea where the access is going to be. He added there is confusion as to whether the development will be heavy industrial or commercial. He noted the residents need to know what is going on as it is affecting their lives.

JIM CAPSER, NO ADDRESS GIVEN, said he would answer any questions that the Council may have. Councilmember Brown asked if the auto auction would run diesel trucks and the lighting all night long? Mr. Capser said these issues have been greatly exaggerated. He said the parking lot would be lighted for security purposes, however it will be cutoff lighting to minimize any spill-over lighting for the surrounding properties. The average truck traffic runs five trucks per day during the heavy season and are rarely there at night. If they are there, they idle only during loading and unloading that is not more than forty minutes. He noted that at fifty feet away the noise would not be heard. This would be inconsequential compared to the noise of the nearby Interstate and South Billings Boulevard. Councilmember Poppler asked about the concerns regarding the access roads. Mr. Capser said there would be two accesses off of the Frontage Road that are shown on the preliminary plat. The traffic pattern would be over the overpass and a left turn onto the Frontage Road that would eventually lead to their property. He noted there would be no auto auction traffic that will interfere with the entrance to Riverfront Park. The will be no access onto Orchard Lane as required by the City, he added.

CURTIS WILKS RETURNED, adding that on the day of the auction, in addition to the diesel trucks, all of the autos for sale are started up at the same time. This would add to the air pollution problem, he noted.

JIM COURT RETURNED, 3525 PRESTWICK, noted the Zoning Commission has recommended denial and yet the Council has disregarded that recommendation. He asked, "why do we have a Zoning Commission?"

MARGE PERKINS, 1106 ORCHARD LANE, said the fumes issue has not been over-exaggerated. The cars on the freeway go by at sixty miles an hour and the fumes are not an issue, whereas the cars at the auto auction will sit and idle with the fumes coming toward the houses in the neighboring subdivision. She noted that the auction could be heard from its present site. She noted this is a residential area, and to please leave it that way.

WOODY WOODS, 2020 GRAND AVENUE, is with Morrison-Maierle. He said he has been working with Jim Capser and the Big Sky Auto Auction on development of the Miller property. He noted there is a buffer area on the entire east side of the property to mitigate the sound. He confirmed there will be no access onto Orchard Lane and there will be two accesses from the Frontage Road. Councilmember Brown asked about the air quality issue. Mr. Woods deferred to Mr. Capser, as he was not involved in that portion of the planning.

CHUCK PLATT, 610 30<sup>TH</sup> STREET WEST, said he spoke two weeks ago about the effect on property values; today he will address economic development. Allowing the auto auction to go from a leased situation to an ownership situation gives them design control of their own facility and the ability to house their facility under one roof. This will add to the tax rolls of the City. He said the type of business this is and will bring into the area is what is needed in this City. He encouraged the Council to approve the zone change.

JIM USSIN, NO ADDRESS GIVEN, said he didn't think the Council heard the opponents at the last Council meeting. He is concerned about the truck emissions - that the truck fumes would be toxic to humans and animals. He said the property values would decline drastically. He said he would take all legal avenues to stop the auto auction from coming to this area. He noted that he owns a considerable amount of property in the Agri-Center Subdivision and is concerned about the health and safety of those residents and users of Riverfront Park. Due to his attorney withdrawing from this case, he requested a 30-day delay to allow his new attorney to research this problem to everyone's satisfaction.

NORMAN MILLER, 4507 PALISADES PARK DRIVE, is a member of the family that wishes to sell property to the auto auction. He asked for the Council's support. Councilmember Poppler asked whether someone's testimony included the fact that an assessment for air quality had been done. Mr. Miller consulted Mr. Capser and they both said there was no air quality assessment done. Mr. Miller also said Norm Schoenthal, a professor at MSU-B, and staff from the Parks Department gave opinions and in both cases the answer was there would be no effect on Riverfront Park from the auto auction. He noted that his family has a vested interest in Riverfront Park and would not want to disturb that area. He added that Mr. Schoenthal prodded the Millers to negotiate with the City to purchase additional property as barriers against development. The Millers have retained a portion of the property, he added. Councilmember Bradley asked if the retained portion is on the floodplain and cannot be developed. Mr. Miller replied, "yes" and said the family is still farming this area.

There were no other speakers. The public hearing was closed. Councilmember Kennedy moved for approval of the zone change on second reading, seconded by Councilmember Iverson. On a voice vote, the motion was unanimously approved.

**7. PUBLIC HEARING AND SECOND READING ORDINANCE 02-5198 FOR  
ZONE CHANGE #690: a zone change from Agricultural-Open Space to Planned  
Development with (multiple underlying zoning districts), generally located along  
the west side of Rod and Gun Club Road, approximately one-half (1/2) mile north  
of Highway 3 and is described as Tracts 1-5 of Certificate of Survey No. 3091.  
Rehberg Ranch Estates, LLC, owner; H. Thomas Llewellyn and Engineering, Inc.,  
agents. Zoning Commission recommends denial. (Action: approval or disapproval  
of ordinance on second reading.)**

The public hearing was opened. TOM LLEWELLYN, 2110 OVERLAND, thanked the Council for their approval at the last meeting and noted with default zoning the development could sustain 2,700 living units and take away all of the open space. He said the owners prefer to have the proposed zoning and preserve the open space. Councilmember Brown asked why the Zoning Commission recommended denial. Mr. Llewellyn said he thought the Commission was inundated with so much information, with confusion between land use and platting status that their response was to deny rather than sort it out. There were no other speakers. The public hearing was closed.

Councilmember Ohnstad moved for approval of the zone change on second reading, seconded by Councilmember Iverson. Councilmember Kennedy noted he was absent from the last Council meeting and was unable to hear Joe Gerbase's comments. He asked that the rule regarding speakers be waived to allow Mr. Gerbase to speak. Councilmember Kennedy noted that other Councilmembers' comments said his testimony gave a "crystal clear picture" that resulted in a vote for approval. Councilmember Poppler concurred with Councilmember Kennedy's request. Mayor Tooley asked Joe Gerbase to come forward to add his comments.

JOE GERBASE, NO ADDRESS GIVEN, said it is important to develop the City in a circular fashion. He also noted the importance of providing City water and sewer services south of the river into the dry land that will allow high-density development down river. This will take the burden off future development in the West End and east of the Yellowstone, he added. He said the property was annexed with the County Open Agricultural zoning and the closest zoning to this in the City is the R9600, noting that R9600 zoning would allow the placement of 2,700 dwelling units. He said the owner's plan is to lessen the impact on the City with less than 50% of allowable building sites and preserving more open areas that includes protection of the trees. Councilmember Brown commented that the Inner Belt Loop would be dumping traffic from the Heights onto Zimmerman Trail. He concluded that the City would have this traffic problem whether the Rehberg Ranch Subdivision was developed or not. Mayor Tooley noted that due to a revised engineering document from the developer, there is not as much concern as was previously stated by concerned citizens at the last meeting. Traffic studies have indicated an acceptable level of service at full development. Public Works Director Dave Mumford said the developers will be addressing and mitigating the impacts on Highway 3 and Zimmerman Trail as development progresses. Mayor Tooley noted that the Council is not approving a development or any construction at this time. The developer must present a Planned Unit Development that will require Council approval. He said some of the information that is available to the Council was not available to the Zoning Commission when they reviewed the proposal. They recommended denial due to this and he said he thinks they would not do so with the

additional information that is now available. On a voice vote, the motion was approved with Councilmembers McDermott and Poppler voting "no".

**8. PUBLIC HEARING AND SPECIAL REVIEW #718: a special review to allow the location of a veterinary clinic with boarding in a Community Commercial zone on Lots 2-3, Block 1, Lake Hills Subdivision, 1<sup>st</sup> Filing, located at 1626 and 1638 Gleneagles Boulevard, Ron Hill, owner. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Planning staff member Bruce McCandless said this special review is a recommendation from the Zoning Commission to allow operation of a veterinary clinic with a boarding facility in the Lake Hills Subdivision. The surrounding zoning is Community Commercial, with R9600 to the northwest and east, R6000 to the south and Residential Multi-family to the north. He said the veterinary clinic is allowed by right in the Community Commercial zoning, however the boarding portion requires a special review. He noted the Zoning Commission recommends conditional approval with the conditions being: 1) indoor boarding only with the structure composed of permanent building materials and approved via a City building permit, 2) any outdoor exercise area must be fenced, with vinyl fencing materials, and 3) hours of operation would be limited to 8:00 a.m. to 6:00 p.m. He noted that surrounding property owners wrote letters concerning possible noise. He stated the residents felt their concerns had been resolved with the conditions for approval. Councilmember Bradley asked what type of animals would be boarded. Mr. McCandless said small animals - primarily dogs and cats.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Poppler moved for approval of the Zoning Commission recommendation, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

**9. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #693: a zone change from Residential 9600 to Planned Development with underlying zoning of single-family and duplex, on Tract 3B, C/S 2991, generally located on the north side of Monad Road, between 29<sup>th</sup> and 30<sup>th</sup> Streets West. Mary Kramer, owner; Engineering, Inc., agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Planning Department Director Ramona Mattix said there have been several other zone changes in this same area concerning the Kramer family. This is a Planned Unit Development with underlying development similar to R7000 located on Monad Road. The owner is proposing a condominium development not to exceed 56 dwelling units. She noted that should the development remain at R9600, the total number of units would be 41. It is a good place for a multi-family development and the developer has ensured setbacks and other requirements have been met, she said.

The public hearing was opened. CHARLIE GAMBLE, 1819 CRYSTAL DRIVE, said this is the third of the nine properties involved in the original Kramer property division. He said the advantage of this type of development is there is a specific knowledge of the number of units that can be constructed. There is a "footprint" that provides information on how the development will take place while providing the

developer some flexibility if market conditions change. He urged the Council to approve the zone change. There were no other speakers. The public hearing was closed. Councilmember Jones moved for approval of Zoning Commission recommendation, seconded by Councilmember McDermott. On a voice vote, the motion was unanimously approved.

**10. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**  
**#694: a zone change from Controlled Industrial to Community Commercial on Lot 12, Block 1, Gabel Subdivision, 2<sup>nd</sup> Filing, generally located on the south side of Gabel road, north and east of Hesper Road. C/J Land and Livestock LP, owner; Collaborative Design Architects, agents. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Planning Director Ramona Mattix said this zone change is located on the south side of Gabel Road across from the Transtech Center. The primary reason for the zone change is the owners want to have a mixed-use development that allows retail and office space on the ground floor and apartment and office space on the second floor. The owner has requested Community Commercial zoning that will allow this, she said.

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

**11. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**  
**#695: a zone change from Residential 7000 to Residential Professional on Lot 22, Block 1, Happy Hollow Subdivision, located at 349 Wicks Lane. U.S. Dept. of Housing & Urban Development, owner; De Ann Watson, agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Planning staff member Bruce McCandless said this is a zone change request to what is considered the lightest commercial zoning - Residential Professional. The applicant desires to have a beauty salon on this property. The property is surrounded by residential zoning with Residential Professional on the south, east and west sides of the intersection. The Zoning Commission recommended approval for these reasons: 1) the streets are high in traffic volume and not suitable for single-family residential, particularly at the intersection, 2) a 1988 land use study recommends higher density development west of Wicks, 3) the property will be screened from the adjacent residential uses on the west and north sides and 4) the zone change meets the twelve criteria for Council consideration. He noted the Zoning Commission and the Development Review Committee recommended approval of the zone change.

The public hearing was opened. LARRY WATSON, 1414 AVENUE E, said he recently purchased this property. He noted he understands this zone change will have the lowest commercial impact on the surrounding properties. He said the property has been vacant for two years and has fallen into disrepair. He said he and his wife wish to add value to the community. He noted that the only concern from surrounding residents would be for the amount of traffic that would be generated, noting that the screening should resolve this issue. There were no other speakers. The public hearing was

closed. Councilmember Bradley moved for approval of the Zoning Commission recommendation, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

**12. RESOLUTION approving the *City of Billings Annexation Policy*. Staff recommends approval. Public hearing held 4/8/02. (Action: approval or disapproval of staff recommendation.)**

Councilmember Iverson moved for approval of staff recommendation, seconded by Councilmember Kennedy. Councilmember McDermott offered a substitute motion to delay for 30 days, seconded by Councilmember Bradley. Councilmember Poppler requested that the City Attorney look at the policy and recent information on revisions before the Council addresses it. She urged the Council to delay the action. City Administrator Dennis Taylor said there is no greater risk to delaying this item than the City has had for the last few years. He noted the City Attorney's office has been involved in crafting the proposed amendments that were suggested by Councilmember McDermott at the Agenda meeting. On a voice vote for the substitute motion to delay for 30 days, the motion was unanimously approved. The annexation policy will be considered again at the May 28<sup>th</sup> meeting.

**Council Initiatives:**

Councilmember McDermott reported that she has received two complaints regarding paintball guns being used to deface and destroy property. One incident involved Mystic Park where paintball war games had led to destruction of the Park and the associated buildings on the property.

Councilmember McDermott moved to direct staff to review and research the impact of regulatory changes to limit paintball to certain areas or prohibit them from the City, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

**ADJOURN** —With all business complete, the Mayor adjourned the meeting at 10:55 P.M.

THE CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE, City Clerk