

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

## **June 25, 2001**

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. Deputy Mayor Michael Larson called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by the Deputy Mayor, followed by the Invocation, which was given by Councilmember McDanel.

**ROLL CALL:** - Councilmembers present on roll call were: Bradley, McDermott, Brewster, McDanel, Kennedy, Iverson, Ohnstad, Johnson, Larson and Elison.

**MINUTES – June 11<sup>th</sup>** Approved as printed.

**COURTESIES** – Community Development Director John Walsh recognized LaNette Diaz for her year of service as a Volunteer in Service to America (VISTA) from the Americorp Program. Her last day will be July 20, 2001. He announced that she has accepted the position of VISTA supervisor for the State of Montana Prevention Resource Center. He also recognized Kevin Albright, a former VISTA Volunteer from last year.

**PROCLAMATIONS** – Deputy Mayor Larson proclaimed (for Mayor Tooley) June 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> as MAGIC CITY SOCCER DAYS.

**BOARD & COMMISSION REPORTS** – Councilmember Kennedy thanked the Tavern Association for their participation in the safe fireworks event that will be displayed this July 4th. He also mentioned the efforts of Y93 Radio Station and the Gazette in this event.

**ADMINISTRATOR REPORTS** – Dennis Taylor called attention to the handout to the Council on the Technical Report for School Crossing Upgrades that was requested at the last council meeting. Mr. Taylor also announced that he and Mayor Tooley would be attending the Economic Development Summit in Great Falls June 29<sup>th</sup> and 30<sup>th</sup>, hosted by the Congressional Delegation and the Governor, to work on economic development statewide. He hopes to bring some ideas from that gathering back to our community to work under the leadership of the Big Sky Economic Development Association in an effort to “grow our community”.

### **CONSENT AGENDA:**

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

- (1) **AIP 21- Taxiway “J” Relocation and Commuter Ramp Rehabilitation.** (Opened 6/12/01). Recommend Empire Sand and Gravel, \$3,534,226.40. (FAA grant funding: \$3,180,803.76; City's portion: \$353,422.64).
- (2) **Parking Lot – S. 27<sup>th</sup> Street and Minnesota Avenue.** (Opened 6/19/01). Recommend Flack N Flack Construction, \$90,620.00.

**(3) Billings Logan International Airport, ARFF Facility Wheelchair Lift Replacement and Terminal Escalator Replacement.** (Opened 6/19/01). Recommend Fisher Construction, \$269,274.00.

**(4) 2001 City of Billings Water Line Replacement Project, Bid schedules 1, 2 and 3.** (Opened 6/19/01). Recommend Gray Construction, Inc., \$572,600.65.

**(5) Central Avenue Water and Sanitary Sewer Project.** (Opened 6/19/01). Recommend COP Construction Co., \$485,181.00.

**(6) Wastewater Treatment Plant Improvements, Sludge Drying Beds, Contract XIV.** (Opened 6/19/01). Recommend Hardy Construction, \$484,900.00 for Base Bid + Alternates A-C.

**B. C.O. #1, SID 1345:** Wentworth Drive, Schedule I utilities, AME, Inc., \$516.50 and 0 days.

**C. C.O. #1, SID 1345:** Street improvements to Wentworth Drive, Schedule II, Empire Sand and Gravel, \$4,325.86 and 0 days.

**D. C.O. #2, SID 1340:** Cenex Park Subdivision, Chief Construction Specialties, Inc., \$19,181.38 and 0 days.

**E. Lease** with Corpat Inc. (dba National Car Rental) for office space in the airport terminal, \$4,181.52/year, Term: 1 year.

**F. Extension of Contract** with Guardian Security Co. for security guard services at the Library, \$12.75/hr, annual estimate approximately \$50,00.00, Term: 1 year.

**G. Contract #3** with History Associates Inc., for Phase III professional records management consulting services, \$34,008.00.

**H. Contract amendment** to BUFSAs Agreement, extending the contract renewal deadline to 10/30/01.

**I. Supplemental Amendment #1, W.O. 95-08:** Phase II Shiloh Bike/Pedestrian Underpass, Engineering, Inc., \$63,887.50.

**J. FY 2001-2002 Landfill Use Agreements:**

- (1) Bighorn County
- (2) Town Of Bridger
- (3) Carbon County
- (4) Town of Columbus
- (5) Town of Fromberg
- (6) Town of Hysham
- (7) Town of Joliet
- (8) City of Laurel
- (9) Musselshell County
- (10) City of Red Lodge

- (11) Stillwater County
- (12) Treasure County
- (13) Yellowstone County

**K. Interlocal Agreement** with Yellowstone County for local match on the Downtown Bike Connection CTEP Project, \$237,084.00.

**L. Adoption of policy:** School Zone Traffic Control Policy, Version 1999.

**M. Subordination** of First Time Home Buyer Loan, Vicky Weber, 4214 Murphy Avenue, \$4,554.92.

**N. Approval of Congressional appropriations grant application:** Grant #2001 CKWX0067: technology grant for police cars (mobile data terminals), \$898,020.00.

**O. LWCF grant applications:**

- (1) **Resolution 01-17711** for the Downtown Skate Park Project (\$75,000 grant request) and
- (2) **Resolution 01-17712** for the Descro Park Trail System (\$75,000.00 grant request).

**P. Acknowledging receipt of a petition to vacate:** South 30<sup>th</sup> Street West between King Avenue West and Cel Avenue and a portion of Cel Avenue west of South 30<sup>th</sup> Street West to the west property lines of Lot 2, Block 5 and Lot 3, Block 4, Midland Subdivision, 6<sup>th</sup> filing, United Industries Inc., petitioner, and setting a public hearing date for 7/23/01.

**Q. Resolution 01-17713** making FY 2000-2001 budget adjustments.

**R. Resolution 01-17714** providing for the receiving of bids and the letting of a contract for the construction of improvements in SID 1351 (street improvements to Vaughn Avenue), and setting a bid opening for 7/10/01.

**S. Resolution 01-17715** providing for the receiving of bids and the letting of a contract for the construction of improvements in SID 1355 (street and sanitary sewer improvements to Greenbriar Road), and setting a bid opening for 7/10/01.

**T. Resolution 01-17716** relating to \$841,000 Pooled Special Improvement District Bonds, Series 2001B, fixing the form and details and providing for the execution and delivery thereof.

**U. Preliminary plat** of the Menholt Subdivision, generally located on the south side of King Avenue West, west of the BBWA Canal.

**V. Final plat** of Missions United Subdivision.

**W. Bills and payroll.**

(Action: approval or disapproval of Consent Agenda.)

Councilmember McDermott moved for approval of the Consent Agenda, seconded by Councilmember Johnson. On a voice vote, the motion was unanimously approved.

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION 01-17717 CREATING SID 1353: water, sanitary sewer, storm drain, curb and gutter, and street improvements at 38<sup>th</sup> St. West and Grand Avenue, adjacent to Circle Fifty Subdivision and Hancock Grand Subdivision. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)**

Acting City Engineer Bill Morgan presented the staff report for SID 1353 that is located at the corner of Grand Avenue and Shiloh Road. He stated that there were no formal protests filed with the City Clerk regarding this SID. He added that this completed the public improvements within the Circle 50 Subdivision and sets the stage for the adjacent subdivision to the east called Hancock Subdivision. The street improvements will be for 38<sup>th</sup> Street West and Grand Avenue. He introduced Bob Sanderson from Engineering, Inc., who summarized the SID as the end of the last phase for the Circle 50 Subdivision and the beginning of the first phase for the Hancock Subdivision. These subdivisions will share the cost of 38<sup>th</sup> Street West, which is approximately ½ of a mile of residential street going west. The north side of Grand Avenue will be widened and the Circle 50 lots will be improved with the last phase. He stated that this is a classic example of in-fill development and fits perfectly with the West End Plan.

The public hearing was opened. CHARLES HAMWEY, 1010 GRAND AVENUE, representing the Hancock family explained that this project has been in progress for 2-1/2 years and, along with the Hancock family, hopes that the SID will be approved to get the project underway. There were no further speakers. The public hearing was closed. Councilmember Brewster moved to approve the staff recommendation, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND RESOLUTION 01-17718 authorizing the filing of a grant application and execution of a grant agreement with the Dept. of Transportation, Federal Transit Administration under the Federal Transit Act, Section 5307. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)**

There was no staff presentation. City Administrator Dennis Taylor stated that staff would be available for questions. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember McDanel moved for approval of the staff recommendation, seconded by Councilmember Johnson. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5157 extending the boundaries of Ward III to include recently annexed property: C/S 866, Tract 1**

**and C/S 2560, Annex #01-01, Long Family Limited Partnership, petitioners. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

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

**5. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5158 extending the boundaries of Ward III to include recently annexed property: Lots 1A and 2, Block 1, Sharptail Subdivision, Annex #01-02, Kincaid Land LLC and King Resources, petitioners. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

Planning Director Ramona Mattix clarified that the item should be stated as Lots 1A and 2, not 1 and 2 as previously read. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Iverson moved for the approval of the ordinance on second reading, seconded by Councilmember Elison. On a voice vote, the motion was unanimously approved.

**6. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5159 extending the boundaries of Ward IV to include recently annexed property: C/S 2374, Annex #01-05, Steven R. Fisher and Thomas Bennett, owners. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

There was no staff presentation. City Administrator Dennis Taylor said that staff is available for questions. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ohnstad moved for approval of the ordinance on second reading, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

**7. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5160 extending the boundaries of Ward IV to include recently annexed property: Lots 9-10, Block 2, Lillis Heights Subdivision, Annex #01-06, B. & J. Uselman, owners. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

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

**8. PUBLIC HEARING AND SECOND READING ORDINANCE 01-5161 extending the boundaries of Ward IV to include recently annexed property: Lots 2,3,15-17, Block 4, Lillis Heights Subdivision, Annex #01-07, D. Anspach, owner. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

There was no staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Elison moved for approval of the ordinance on second reading, seconded by Councilmember Kennedy. On a voice

vote, the motion was unanimously approved.

**9. PUBLIC HEARING AND FIRST READING ORDINANCE for Zone Change #672: a zone change from Agricultural Open Space (County) to Entryway Light Industrial on Tract 1, C/S 2560, generally located at the southeast corner of King Avenue West and Shiloh Road. Long Family Limited Partnership, owner; Engineering, Inc., agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Zoning Coordinator Jeff Bollman said this zone change is for a 70 acre parcel that is located on the southwest corner of King Avenue and Shiloh Road and was zoned Agricultural Open Space in the county, annexed at the City Council meeting on May 29<sup>th</sup>. The zone request is for Entryway Light Industrial. He added that it is currently a gravel pit that is being reclaimed and the pond is being filled in. He also stated that the proposed zone change does conform to the future land utilization map contained in the West End Plan and that the Zoning Commission has recommended approval.

The public hearing was opened. BOB SANDERSON, ENGINEERING, INC., 1001 SOUTH 24<sup>TH</sup> STREET WEST representing Joel Long and his family, summarized the process for this zone change and explained that they are utilizing materials generated from their city projects to fill the gravel pit. The schedule calls for the pond to be gone by next spring. He added that the development could start in 2002 or the spring of 2003.

JIM COONS, 2280 GRAND AVENUE, displayed a conceptual plan to show what could happen on the property and stated that it does conform to the West End Plan. There were no further speakers. The public hearing was closed. Councilmember Bradley moved to approve the Zoning Commission recommendation, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

**10. PUBLIC HEARING AND FIRST READING ORDINANCE for Zone Change #673: a zone change from Agricultural Open Space (County) to Entryway Light Industrial on Lots 1A and 2, Block 1, Sharptail Subdivision, generally located at the southwest corner of King Avenue West and Shiloh Road. King Resources Inc and Kincaid Land LLC, owners; Engineering, Inc., agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Zoning Coordinator Jeff Bollman described the location of the property and stated that it was zoned Agricultural Open Space in the county, annexed at the City Council meeting on May 29<sup>th</sup>. The zoning request is for Entryway Light Industrial. He added that it conforms with the West End Plan, as the area is designated as a commercial center. He stated that the Zoning Commission is recommending approval.

The public hearing was opened. RICH LEUTHOLD, WITH ENGINEERING, INC., 1001 SOUTH 24<sup>TH</sup> STREET WEST, representing the developers of the Montana Sapphire project spoke about the conceptual layout of subdivision. He commented that they are in the platting phase of the project and hope to begin with the first phase of temporary sanitary sewer extension to the property. He said that later this fall they plan to comply with the Public Utilities Department requirements for water and begin development at that time. He commented that the plan is intended to be like the Homestead Park in concept, which is more retail in nature. There were no further speakers. The public hearing was

closed. Councilmember McDermott moved to approve the 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**  
**#680: a zone change from Residential 7,000 to Residential Multi-Family**  
**Restricted on Lots 7-9, Block 2, Happy Hollow Subdivision, located at 215 Wicks**  
**Lane. James & Beverly Lechner, owners. Zoning Commission recommends**  
**denial. (Delayed from 5/29/01). (Action: approval or disapproval of Zoning**  
**Commission recommendation.)**

Zoning Coordinator Jeff Bollman described the zone change from Residential 7,000 to Residential Multi-Family Restricted located on three lots on the north side of Wicks Lane with the surrounding properties either zoned Residential 7,000 or Single Family Residential. He commented that Wicks Lane is a principal arterial street and is generally Multi-Family which is favorable for that use along arterial streets. The Development Review Committee recommended approval of the Zone Change and the Zoning Commission reversed that recommendation and is recommending denial because of three concerns: 1) the existing Residential 7,000 does allow for duplex development, which they felt was more appropriate for the subject property, 2) the potential for a higher traffic generated by a higher density usage, and 3) the zoning as requested was not compatible with the surrounding land uses and that the potential density was too great. Councilmember Kennedy questioned the Zoning Commission's concern of the increased traffic on Wicks Lane stating that it would seem to be the appropriate place. Mr. Bollman's response was that one of the concerns of the Zoning Commission had to do with the access off of Wicks Lane and sight visibility from the subject property. Councilmember Brewster commented that the traffic flow from the neighboring St. Bernard's Church had a far greater density than from the subject property. Mr. Bollman agreed that Wicks Lane can accommodate more traffic than what it presently carries, reiterating that it was not a concern with the DRC. However it was a concern with the Zoning Commission. Councilmember McDanel commented that he felt the impact of the increased traffic due to the proposed zone change would be negligible. Mr. Bollman replied that was a fair assumption.

The public hearing was opened. JAMES LECHNER, 215 WICKS LANE, is one the owners of the subject property and offered what he felt was a more accurate description of the property, calling attention to the neighboring structures and several landscape amenities. He commented that, including the turning lane, there are five lanes on Wicks Lane and that the lots considered in the zone change request have Billings Heights Water Service and the availability of sanitary sewer and storm sewer and all utilities. He added that there is curb and gutter and four curb cuts on Wicks Lane. He noted the incorrect method that he felt was used to determine the projected density and assured the Council that he would not be removing his home located on one of the lots to increase density to the previously implied 29 unit density. He added that the prospective units would be designed and built professionally, ultimately providing good affordable housing that will reduce the land cost per unit. Due to the time limitation, Deputy Mayor Larson called for any other speakers to come forward. There were no further speakers. Mr. Lechner was invited to continue, stating that Wicks

Lanes was designed to carry the amount of traffic that would be generated by the zoning change. He added that most neighbors in the area support his request for a rezoning, with 16 out of the 33 signing a letter of support. He commented that he was aware of only one negative comment regarding the proposed change. There were no further speakers. The public hearing was closed. Councilmember Brewster moved for disapproval of the Zoning Commission recommendation, or approval of Zone Change #680, seconded by Councilmember McDanel. Councilmember Brewster commented that he had visited with several of the neighbors in the affected area on Wicks Lane and reported that they felt this was a great idea. He added that after the installation of the traffic light at the intersection of Wicks Lane and Lake Elmo it is much easier to get out onto the street. He said that people who typically rent the kind of units that could come from the zone change are people who are without transportation and need to have the services that are available to this site. Councilmember Johnson commented that Happy Hollow Subdivision is a great place for this kind of development and stated he is highly in favor of it. Councilmember McDanel emphasized that the property does have access to and fronts onto Wicks Lane, which is designated as a principal arterial street and that generally multi-family housing along principal arterial streets is favorable as opposed to the location of commercial uses. He added that these are the guidelines that we use to "grow our community" and we need to live by them. He commented that the neighborhood does not see the same problems as the Zoning Commission and they are the one that ultimately deals with the issues raised by the Zoning Commission. On a voice vote, the motion was unanimously approved.

**12. PUBLIC HEARING AND SPECIAL REVIEW #701: a special review to allow the location of a 250 ft high cellular communications tower in a Community Commercial zone on Tract 1B1, C/S 1434 amended, located at approximately 330 Airport Road. Brian Kurth, owner. Zoning Commission recommends denial. (Delayed from 5/29/01). (Action: approval or disapproval of Zoning Commission recommendation.)**

Zoning Coordinator Jeff Bollman described the surrounding area of the special review regarding the location of a 250-foot tower located on the south side of Airport Road and stated that the proposed site plan submitted with the review focused on the southeast corner. He said that if the tower is built to the proposed height of 250 feet it would extend 63 feet higher than the existing City's 800 Megahertz tower located at the end of Swords Park. He added that the tower does not meet the existing communication regulations, being located within  $\frac{3}{4}$  of a mile of an approved 180 foot tower at 2111 4<sup>th</sup> Avenue North. He added that the tower does not meet the separation requirement for a tower from the Residential 9,600 zoning area. He said the tower, as proposed, does project into existing and proposed flight paths coming into and out of the Airport. Upon speaking with an official from the FAA, he noted that the maximum tower height at the proposed site should be no more than 200 feet. He commented that the DRC and the Zoning Commission felt that there was a legitimate safety concern with regard to the projection into the flight path and have recommended denial of the special review. To Councilmember Kennedy's question as to whether the FAA regulation supercedes our local jurisdiction, Mr. Bollman stated that the FAA height requirement would supercede the local requirement. Councilmember Brewster asked whether the City would allow co-location on the 800

Megahertz tower. Mr. Bollman felt that the City does allow that, but mentioned that the 800 Megahertz Committee and the City would need to consider that. Councilmember McDermott mentioned a phone call she received concerning the effects of the proposed tower on instrument approach landings. Airport Director Bruce Putman responded that he did not think there is an issue regarding instrument landing, however he restated that the height and the actual physical penetration into the protected Federal Service zone is a major concern.

The public hearing was opened. BRIAN KURTH, 2618 LONGFELLOW PLACE, the applicant for this special review, is asking for a disapproval of the denial by the Zoning Commission. He said that he was not aware that the height was a concern until he actually made the application. He gave several handouts to the Council and stated his responses to the four concerns that were expressed by the DRC as: 1) the one mile radius separation is met according to his Exhibit #1 diagram, 2) the request from the FAA regarding additional information needed with regard to a certified survey can be clarified by Jeff Reineking who is presently out of town, 3) the setback can easily be accomplished by moving the tower to the West 26 feet, and 4) a letter from Qwest stating a critical need for a tower in the specific area. Deputy Mayor Larson halted Mr. Kurth's testimony due to the time limitation and called for other speakers to come forward. There were no further speakers. Deputy Mayor Larson invited Mr. Kurth to complete his presentation. Mr. Kurth commented on the need for the tower in this area. Councilmember Kennedy asked about the time frame due to the unanswered question from the FAA, trying to ascertain whether Mr. Kurth could supply those answers and avoid having to reapply for another special review. Mr. Kurth felt that the answers were available as soon as he could get in touch with Mr. Reineking who is the Surveyor that performed the survey. He added that he would be willing to restrict the tower height to whatever the FAA requirements were. Mr. Kurth replied to the question of a need for another tower in the area from Councilmember McDermott by stating that this location would be the best site to cover the City. Councilmember Brewster asked whether Mr. Kurth would be open to the possibility of a delay on the special review in order to obtain the needed additional information. Mr. Kurth responded affirmatively and Councilmember Brewster stated that he would want to see the information before making a decision. City Administrator Dennis Taylor requested that Zoning Coordinator Jeff Bollman comment on information that was given in Mr. Kurth's presentation. Deputy Mayor Larson closed the public hearing as there were no further speakers. Mr. Bollman clarified that the one-mile separation concern is not with the existing tower, as identified on Mr. Kurth's exhibit number 1, located behind the Yellowstone Art Museum, but with an approved tower, not yet built, at 2111 4<sup>th</sup> Avenue North behind Quality Concrete. The proposed tower would in fact be within one mile of that approved tower. He also clarified that, regarding special reviews, there is no restriction on the applicant reapplying immediately after a denial, however there would be another application fee of \$600.00. Airport Director Bruce Putman clarified the role of the airport staff regarding this type of review. He stated that when there is a concern with respect to height penetration, the report, in the form of a comment, is forwarded to the FAA who is charged with the responsibility of the air space review, therefore it is the FAA that must address the air space issue and they are at least six weeks removed from supplying those answers. Councilmember McDanel moved for approval of the Zoning Commission recommendation for denial, seconded by Councilmember Bradley. Councilmember

Johnson commented on the over 30 phone calls he has received with regard to the aesthetics issue and said he will vote in favor of this motion. On a voice vote, the motion was approved with Councilmember Elison voting "no". Deputy Mayor Larson called for a four-minute recess at 8:47 p.m.

Deputy Mayor Larson called the meeting back to order at 8:50 p.m.

**13. PUBLIC HEARING AND FIRST READING ORDINANCE revising BMCC Sections 27-305 and 27-306: providing that the zoning tables of residential and commercial uses reflect changes in wireless communication regulations as set out in Sections 27-619 and 27-620 BMCC. Zoning Commission recommends approval. (Delayed from 5/29/01). Staff recommends disapproving the current version and redrafting for future action. (Action: approval or disapproval of Staff recommendation.)**

There was no staff presentation. City Administrator Dennis Taylor explained the conflict regarding the previous ordinance. He stated it was withdrawn and must go back through the process. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Kennedy moved for disapproval of the current version and redrafting for future action, seconded by Councilmember Elison. On a voice vote, the motion was unanimously approved.

**14. RESOLUTION 01-17719 adopting cost-of-service water rate schedule adjustments and a \$1.00 service line charge for firelines. Public hearing held 6/11/01. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)**

Councilmember Iverson moved for approval of the staff recommendation, seconded by Councilmember Johnson. Councilmember Brewster stated that he is opposed to the one rate level of the proposal as it penalizes people who have no other means of watering except through City water. He noted there exists the possibility of eliminating green space. He added he is not opposed to the rates or the structure of the rates, except for the previously stated portion and will vote against it for that reason. Councilmember Johnson favors the idea of a potential for water conservation with the rate structure and will vote in favor of the increase. With no further discussion, Deputy Mayor Larson called for a roll call vote. The motion was approved, 8 to 2. Councilmembers voting "yes" were: Bradley, McDermott, Kennedy, Iverson, Larson, Ohnstad, Johnson and Elison. Councilmembers Brewster and McDanel voted "no".

**15. RESOLUTION 01-17720 approving and adopting the final budget for FY 2001-2002. Public hearing held 6/11/01. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)**

Councilmember Ohnstad moved for approval of the staff recommendation, seconded by Councilmember Iverson. Councilmember McDanel amended the motion for approval of the budget to include \$18,000.00 from the General Fund Reserve specifically for the resurfacing of the tennis courts at Castle Rock Park, seconded by Councilmember Brewster. Councilmember Ohnstad expressed surprise regarding the amendment noting that items like this should go through the proper channels and indicated he will vote against the amendment. Councilmember McDanel commented

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that this has been discussed at several Agenda meetings and wished to bring it to completion. Councilmember Ohnstad voiced his concern about where the funds will come from and if it is enough to complete the project. City Administrator Dennis Taylor clarified that the money would come out of the reserve and would increase the annualized structural deficit. He stated, however, that we do have sufficient reserves from the budget to allow for this to occur. He added that it is a project that the Park Director had recommended for consideration but was not included in the budget this year due to a requirement to hold operation and maintenance levels to the previous year. Councilmember Kennedy commented that this is what the General Fund is created for and the Parks Department has a great need for it. Councilmember Elison recalled the mission statement of the City of Billings to deliver cost effective public services that enhance our community and quality of life and he feels there is nothing that enhances the quality of life more than our Parks and Recreation System and is in favor of this "minor adjustment".

Councilmember Johnson asked Mr. Taylor to clarify that the dollars were indeed General Fund dollars and not Contingency Funds. Mr. Taylor restated his previous comment and added that Parks Director Don Kearney advised him of the need for the playing area to be resurfaced. He said it was not included in the Capital Improvement Plan. Councilmember Elison commented that "one time deals" like this have a way of promoting community pride and in turn reaping many benefits for the City. On a voice vote, the amended motion was approved, with Councilmember Bradley voting "no". On a vote on the main motion as amended, Councilmember Elison spoke to congratulate City Administrator Taylor for the first rate job that had been done on the budget. Councilmember McDermott commented that the Capital Improvement Plan is unacceptable because of the debt load and for that reason will vote against the motion. Councilmember Johnson stated that he felt the Capital Improvement Plan is a major reason why this is a good budget and will vote in favor of the motion. On a roll call vote, the motion was approved 8 to 2. Councilmembers voting "yes" were: Brewster, Kennedy, McDanel, Larson, Iverson, Ohnstad, Johnson and Elison. Councilmembers Bradley and McDermott voted "no".

## **ADJOURN AT 9:12 P.M.**

THE CITY OF BILLINGS:

By: \_\_\_\_\_  
Michael Larson      DEPUTY MAYOR

ATTEST:

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BY: \_\_\_\_\_  
Susan Shuhler, Deputy City Clerk