

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

July 9, 2001

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

ROLL CALL – Councilmembers present on roll call were: Bradley, McDermott, Brewster, McDanel, Kennedy, Iverson, Ohnstad, Larson, Elison. Councilmember Johnson was excused.

MINUTES – June 25th Approved as submitted.

COURTESIES – Mayor Tooley gave a report on the status of Councilmember Jack Johnson who is recovering from heart surgery

PROCLAMATIONS – None

BOARD & COMMISSION REPORTS - Councilmember Ohnstad commented on the newspaper article regarding our Sister City Rapid City. He noted Gazette reporter Ed Kemmick's description of his stroll through the downtown area and his ride on the new bike trail as "the most natural thing in the world". He spoke about many of the highlights that were mentioned in the article. He commented that a strong, vibrant downtown and an extensive well maintained park system are more than frills; they are what attracts new residents and businesses to a community. He stated that the City needs the same kind of effort with regard to the Yellowstone River, The Rims and the Downtown area. He encouraged the Council to begin a public effort to match the renewal that is going on in many other cities before the cost is prohibitive, and thereby improving the quality of life in the process. He stated that the City of Billings should not to be "left in the dust".

ADMINISTRATOR REPORTS – City Administrator Dennis Taylor spoke regarding a call he received from Alec Hansen from the Montana League of Cities and Towns. He stated that Mr. Hansen has convened a meeting with energy experts in Helena on July 24th regarding House Bill 645, which allows for energy pooling. This comes from Presidential and Gubernatorial requests to reduce the consumption of energy. He stated that we will conservatively spend approximately \$250,000 more this fiscal year in energy costs than last year if we aren't proactive regarding energy costs. House Bill 645 will allow the City to save 10% through reduction in the rate we are charged by Montana Power and with the savings from conservation can be sold back to be used for other energy needs in the State. He encouraged any Councilmember, especially Councilmember Ohnstad, as the regional representative of the Montana League of Cities and Towns, to be a part of the delegation that will attend from the City of Billings.

CONSENT AGENDA:

1. A. Bid Awards:

(1) **Billings Logan International Airport, Baggage Belt Reconfiguration.** (Opened 6/26/01). Recommend General Contractors Construction, \$314,914.63.

(2) **T-Hangar Taxi Lane Construction for Billings Logan International Airport.** (Opened 6/26/01). Recommend rejecting the sole bid as non-responsive and rebidding at a later date.

B. C.O. #4, GOBF Park Improvements Project: Fisher Construction, \$8,078.00 and 0 days.

C. Agreements with MDOT:

- (1) 2001/02 City/State Contract Maintenance Agreement – Overlay
- (2) 2001/02 City/State Agreement: Highway System Maintenance

D. Vehicle Lease Agreement with Selover Buick for six vehicles for the City/County Special Investigations Unit (CCSIU), \$18,000, Term: 7/1/01 to 6/30/02.

E. Development Agreement with Heights Baptist Church for property located at the corner of Garnet Avenue and Hilltop Road, \$0.

F. Downtown Billings Partnership Operating Agreement for FY 02, \$277,500.00 and Tax Increment Financing (TIF) Project Budget.

G. Memorandum of Understanding with School District #2 for School Resource Officer Program, \$110,000.00, Term: 7/1/01 – 6/30/02.

H. Waiver of Deed Restriction Agreement with Concern, Inc. d/b/a Big Sky Apartments on Lots 1-24, Block 283 O.T., for a rental rehabilitation project.

I. Ratification of Grant Agreement with the State Historic Preservation Office for a walking tour brochure on the historic buildings in the downtown area, \$1000.00.

J. Street closure (south two lanes of Montana Avenue between N. 29th Street and 2nd Avenue North) for BikeNet “Ales for Trails” event on September 8, 2001.

K. Street closure (N. 23rd St between Montana Avenue and 1st Avenue North) for Depot Days on July 28, 2001.

L. Allocation of Tax Increment Financing Funds to Cultural Arts Partnership, \$10,000.00.

M. Acknowledging receipt of petition to annex Tract 1 and 3C of amended Tract 3, C/S 1834; (#01-10), Charles Zimmerman, Jr., ETAL, petitioner, and setting a public hearing date for 7/23/01.

N. Acknowledging receipt of petition to annex Blocks 17-19, Yellowstone Club Estates, 5th filing, (#01-11), Charles Zimmerman, Jr., ETAL, petitioner, and setting a public hearing date for 7/23/01.

O. Preliminary Plat of Terra West Subdivision, 4th filing. (Generally located north of Monad Road).

P. Preliminary Minor Plat of Amended Lot 1, Block 2, Vandegenacht Subdivision, 2nd filing. (Generally located on the east side of Main Street between Lake Elmo Road and Hilltop Road).

Q. Preliminary Minor Plat of Amended Lot 1, Block 3, Circle 50 Subdivision, a Unit Ownership. (Generally located at Avenue C and Country Manor Boulevard, north of Grand Avenue and east of Shiloh Road).

R. Preliminary Plat of Harrick Subdivision. (Generally located on Carbon Street, south of Lampman Drive.)

S. Bills and payroll.

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

Councilmember McDermott separated Items 1B, F, H, and L of the Consent Agenda. Councilmember Larson moved for approval of the Consent Agenda excluding Items 1B, F, H, and L, seconded by Councilmember Elison. On a voice vote the motion was unanimously approved.

Councilmember Larson moved for approval of Item 1B, seconded by Councilmember Elison. Councilmember McDermott requested a copy of the cost of the various Parks Department improvements. City Administrator Dennis Taylor noted he would provide them to her and added that a tour of those facilities will be available to Councilmembers. On a voice vote the motion was unanimously approved.

Councilmember Larson moved for approval of Item F, seconded by Councilmember Elison. Councilmember McDermott requested verification that the approval for this item does not include the \$462,000.00 for the Lincoln Center renovations. Art Scibelli from the Downtown Billings Partnership responded with information regarding the renovations and verified that the \$462,000.00 are funds that are accrued from previous fiscal years and is completely separate from the \$277,500.00 that is being requested. On a voice vote the motion was unanimously approved. Councilmember Larson moved for approval of Item H, seconded by Councilmember Elison. Councilmember McDermott questioned whether the change in the policy regarding rental rehabilitation stated in Item H is a permanent change or an exception to the policy. Community Development HOME Coordinator Joe Burst explained that this is an exception to the policy due to the fact that this is a HUD-assisted

property and normal procedures regarding liens cannot occur. On a voice vote the motion was unanimously approved.

Councilmember Larson moved for approval of Item L, seconded by Councilmember Elison. Councilmember McDermott asked what the \$10,000.00 allocation would be used for. Art Scibelli, Executive Director of the Downtown Billings Partnership responded that he requested amount is for hiring a Cultural Arts Coordinator. On a voice vote the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND SECOND READING ORDINANCE #01-5162 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 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 ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND SECOND READING ORDINANCE #01-5163 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 ordinance on second reading.)

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

4. PUBLIC HEARING AND SECOND READING ORDINANCE #01-5164 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. (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 McDermott moved for approval of ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

ADJOURN – With all business complete, the Mayor adjourned the meeting at 7:50 P.M.

THE CITY OF BILLINGS:

By: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Susan Shuhler, Deputy City Clerk