

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

MONDAY, JUNE 26, 2000

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

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

MINUTES – June 12th. The Minutes were approved as printed.

COURTESIES – Mayor Tooley commended City Clerk Marita Herold and Deputy City Clerk Colleen Schell-Berg for their recent efforts assisting a research team from the University of Michigan. The team was researching the relationship between states and local governments and commended the City Clerk's office on the quality of their archives.

PROCLAMATIONS – Mayor Tooley. Mayor Tooley proclaimed July 1st and 2nd as Magic City Soccer Days.

BOARD & COMMISSION REPORTS – Mayor Tooley – Mayor Tooley reported on his attendance at the U.S. Conference of Mayors in Seattle on June 9th – 13th. He reported on his conversation with Assistant Secretary Apgar (Housing and Urban Development) regarding Accessible Spaces application for HUD 202 funding and the Dollar HOME Program.

ADMINISTRATOR REPORTS – Dennis Taylor. Mr. Taylor reported on the outcomes of the Economic Development Summit that he attended on June 25th and 26th in Great Falls. Mr. Taylor said that Billings was well represented by various business structures. The Summit focused on how Montana can do a better job of attracting and keeping businesses, improve the state's economy and create a better wage structure. He said it was highly emphasized that more time needs to be spent on infrastructure and high speed, broad-band fiber needs to be a large part of what is considered basic infrastructure in order to compete with new economy jobs. It was emphasized that Montana needs to get a competitive and balanced tax structure. The education system needs to start being the focus in order to help business by providing skilled/knowledgeable people for Montana businesses. Partnership and collaboration between public and private businesses is how modern economic development is accomplished. He said the various speakers at the Summit emphasized that the

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inventory of the future is knowledge and as a state and as a community there needs to be a serious commitment to strategic planning. They also said there needs to be a state economic development authority that has a strong private sector representation that is empowered to react to the opportunities.

CONSENT AGENDA:

1. A. Bid Awards:

- (1) **W.O. 99-02 #2, Broadwater Subdivision Improvements, Phase II.** (Opened 6/6/2000). (Delayed from 6/12/00). Recommend Norsioux, Inc, \$544,464.55 and 150 calendar days for SCHEDULE A; Rock Pile, Inc., \$941,820.00 and 120 calendar days for SCHEDULE B.
- (2) **Replacement Electrical Vacuum Breakers for Water/Wastewater Plants.** (Opened 6/13/00). Recommend Wesco Distribution, \$211,040.00.
- (3) **2000 Water and Sewer Line Replacement Projects – Schedules 1 & 2.** (Opened 6/20/00). Recommend Western Municipal, \$1,318,638.00 for SCHEDULE I and COP Construction, \$887,543.00 for SCHEDULE II.
- (4) **AIP 18 – Overlay and Taxiway 'A' Light Rehabilitation.** (Opened 6/20/00). Recommend delaying bid award to 7/10/00.
- (5) **Computer System – AS400 9406-720-2061.** (Opened 6/20/00). Recommend delaying award to 7/10/00.

B. Change Order #1, W.O. 99-05, Kings Green Drainage Improvements, COP Construction, \$125,643.00, 24 days.

C. Change Order #2, Clearwell Project at Water Treatment Plant, Star Service, \$0.00, 21 days.

D. Engineering Agreement with Engineering Inc. for sanitary sewer extension in South 30th Street West from King Avenue West, \$10,517.

E. Professional Services Contract with Interstate Engineering for water line and storm drain replacement on North Broadway, \$60,200.

F. Memorandum of Understanding between the City of Billings and Billings School District #2, \$60,000 to be utilized to satisfy the federal COPS grant matching money requirement for three (3) School Resource Officers and associated equipment.

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G. Landfill Use Agreements for 2000/2001 Fiscal Year:

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

H. Contract Amendment between the MET Transit Division and Montana Department of Public Health and Human Services – Developmental Disabilities Division, changing the definition of unit of service, \$0.00.

I. Grant Adjustment with the Montana Board of Crime Control for the City's 1998 Juvenile Accountability Block Grant, -\$11,000

J. Approval of 2000 Air Show Special Use Operating Permit and Rims closure during Air Show.

K. Acknowledging receipt of petition requesting vacation: North 14th Street between 4th Avenue North and the railroad spur right-of-way adjacent to Blocks 21 and 22, O.T., and setting a public hearing date for 7/10/2000.

L. First reading ordinance amending the BMCC and revising sections 23-304(e) and 23-404(c), providing that the number of days to approve or reject a preliminary or minor plat be "working days" and setting a public hearing date for July 10, 2000.

M. First reading ordinance amending the BMCC and revising sections 6-205 and 6-301, providing for certain exemptions from the building code and a separate Board of Appeals for the 4-½ mile extended jurisdictional area and setting a public hearing date for July 10, 2000.

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N. Resolution 00-17584 providing for the receipt of bids and the letting of a construction contract for improvements for SID 1345: Wentworth Drive.

O. Resolution 00-17585 temporarily reducing the fees established for Building, Electrical, Plumbing and Mechanical Permits by 25% from the rates in effect for fiscal year 1998/1999.

P. Final Plat of Malia Subdivision. (Generally located on North 27th Street, south of Montana Avenue.) (Lot split).

Q. Preliminary Minor Plat of Wal-Mart Subdivision. (Generally located on the corner of Wicks Lane and Main Street.)

R. Final Plat of Forest Park Subdivision, 6th filing. (Generally located north of Grand Avenue and west of the BBWA Canal.)

S. Bills and Payroll.

(Action: approval or disapproval of Consent Agenda.)

Councilmember Larson separated Item I. Councilmember McDanel moved for approval of the Consent Agenda except Item I, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved. Councilmember McDanel moved for approval of Item I, seconded by Councilmember McDermott. Councilmember Larson abstained from voting on Item I. On a voice vote, the motion was unanimously approved, with one abstention.

REGULAR AGENDA:

2. PUBLIC HEARING AND SECOND READING ORDINANCE 00-5124 extending the boundaries of Ward V to include recently annexed property: (Annex #00-02), Tract E of C/S 1011, containing approximately 4.405 acres. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

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

3. PUBLIC HEARING AND SECOND READING ORDINANCE 00-5125 amending

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BMCC Sections 3-202 – 3-204 relating to public drinking and public display of alcoholic beverages in City parks. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading).

The public hearing was opened. KEVIN NELSON OF 1912 AVENUE B strongly urged council to vote against the ordinance. He said the Police Department does not have the resources or the manpower to enforce the existing ordinances, so having another ordinance that cannot be enforced serves no purpose. He said the ordinances for limits on loud music and loud mufflers are not currently being enforced because there is not enough manpower. He said if the citizens are expected to follow the law, then the Police Department should be expected to enforce the law. There were no other speakers. The public hearing was closed.

Councilmember McDermott moved for approval of the ordinance on second reading, seconded by Councilmember Johnson. Councilmember Elison made the amendment to delete Section 19-208(2) from the ordinance, seconded by Councilmember Larson. Councilmember Elison said he had no objection to limiting public drinking and public display of alcoholic beverages, but eliminating the use of any glass containers for any use in any city park was far too broad and impossible and unnecessary to enforce. If it is important to keep alcoholic glass containers out of the parks maybe the ordinance should read “no bottles containing alcoholic beverages or used for alcoholic beverage containment shall be allowed in public parks.” Councilmember McDanel said the section was very broadly stated, but there are issues other than alcohol involved. The entire ordinance references many activities that are not permitted in city parks. Glass containers of any sort are just one of many items not allowed. Councilmember Elison stated that we already have several ordinances regarding the use of the city parks and will lead to a time when citizens will not be allowed in the parks. Councilmember Johnson said he had some concern over exactly how “glass container” would be defined. Councilmember Larson said the current volume of codes in the city is already more than two code enforcement officers can enforce. He said this ordinance would not be actively enforced and a sign posted disallowing glass containers would not have much impact on those individuals breaking the glass containers. He said as council continues to pass these ordinances, strategies also need to be developed to have some impact on enforcement. Councilmember Johnson said it might be a good idea for the city to develop a bottle bill similar to other states, which offer a refund for glass containers. On a voice vote on the amendment, the motion failed 7 to 2. On a voice vote on the main motion, the motion was approved.

4. PUBLIC HEARING AND RESOLUTION 00-17586 authorizing the filing of a grant application and the execution of a grant agreement with the Department of Transportation, Federal Transit Administration (FTA) under the Federal Transit Act upon receipt of grant offer. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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The public hearing was opened. There were no speakers from the audience. The public hearing was closed. Councilmember Ohnstad moved for approval of the resolution, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

5. ACCEPTANCE of Downtown Billings Partnership Work Plan/Agreement, Budget Request and Annual Report. (Action: approval or disapproval.)

Greg Krueger, Interim Executive Director of the Downtown Partnership and Mark Burnham, President of the Downtown Partnership Board were available to answer questions. Councilmember Bradley asked if the partnership was willing to comply with all the design requirements for the Façade Improvements Grants Program. Mr. Krueger said the committee was comprised of Partnership board members, interested architects and property owners to establish the design parameters.

Councilmember McDermott referred to the combined financial statement and asked what the contract labor amount of \$101,341 and the other contract amount of \$21,232 comprised. Mr. Burnham said the amounts were for professional services over the course of the year (appraisals, architects, engineers) and are well within the budget approved by Council last year. Councilmember Johnson asked about the statement that for FY 2000-2001 the Downtown Billings Association (DBA) hanging flower baskets would be funded entirely by private funds. Mr. Krueger said that project costs annually approximately \$15,000. Over the past two years, the Downtown Partnership through the Tax Increment District helped DBA put the project in place. This is the first year the project has been funded entirely with private funds. Councilmember Johnson moved for acceptance of the Downtown Partnership Agreement, Work Plan, Budget Request and Annual Report, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

ADJOURN – With all business complete, Mayor Tooley adjourned the meeting at 8:27 p.m.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

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ATTEST:

BY: _____
Colleen Schell-Berg Deputy City Clerk