

# REGULAR MEETING OF THE BILLINGS CITY COUNCIL

## MONDAY, MARCH 8, 1999

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 members of Boy Scout Troop #6, followed by the Invocation, given by Councilmember Shirley McDermott.

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

**MINUTES – February 22<sup>nd</sup>**. The minutes were approved as printed.

**COURTESIES** – Councilmember Elison welcomed Central High School student Luke Duere, a member of the audience this evening.

**PROCLAMATIONS**: Mayor Tooley proclaimed the Week of March 8-13 as Girl Scout Week in Billings. He noted he would like the Council to vote on the Census 2000 proclamation and would like to have it added to the agenda as a separate item.

### **ADMINISTRATOR REPORTS - Mark Watson**

1. **City/County Meeting**: Mr. Watson noted that the next joint City/County meeting has been set for March 25<sup>th</sup>. Items for that agenda are being solicited at this time.
2. **Legislative Update**. Mr. Watson said HB211 involving electrical deregulation has passed the Senate and has been passed onto the Governor. This bill would allow for default providership to be considered by the City or other local governments.

Mr. Watson noted that there has also been a considerable amount of debate on the hotel/motel tax bills. There are some bills that will bring some of the hotel/motel dollars back to local government. He said City Lobbyist Janie McCall reported that she feels that people are looking at the issue in a very responsible manner in looking toward the future, but there is a heavy lobbying effort by both the Chambers of Commerce across the state and the motel industry.

Mr. Watson stated there is currently some debate on zoning matters as they pertain to protests. There is currently a bill that would change/simplify the current complex protest processes. Kerwin Jensen with the Planning Department is monitoring the bill closely.

Mr. Watson said Representative Simon from Billings has been sponsoring HB63 on building codes. Senator Sprague has been instrumental in making amendments to the bill that would make it more acceptable to everyone. The bill will now go to the

Conference Committee.

## **CONSENT AGENDA:**

**1. A. Mayor's Appointments:**

(1) **Parks & Recreation Board.** (School Board Trustee appointment) (NO ACTION TAKEN ON THIS ITEM)

**B. Bid Awards:**

(1) **Three-Year Lawn Service for Billings Logan International Airport.** (Opened 2/16/99). Recommend Daly Lawn Service, \$65,400.00 for the 3 years.

(2) **Repainting of the Air Traffic Control Tower and Parapet Walls for Billings Logan International Airport.** (Opened 2/16/99). Recommend Frontier Painting, \$22,500.00.

(3) **Castlewood & Durland Heights Subdivisions Drainage Improvements.** (Opened 3/02/99). Recommend delaying award until 3/22/99.

(4) **Carpet Replacement for Billings Logan International Airport.** (Opened 3/02/99). Recommend delaying award until 3/22/99.

(5) **Flower Bed Planting at Billings Logan International Airport.** (Opened 3/02/99). Recommend delaying award until 3/22/99.

**C. SID 1339: Southwest Park Subdivision storm drain improvements, Change Order #2, Go-Pro Construction Company, -\$7,141.55 + 7 calendar days.**

**D. Audit Contract** with KPMG Peat Marwick for FY 1998/99 and FY 1999/2000, \$84,500.00.

**E. Acceptance** of FAA grant to fund AIP#17, \$951,921.00 total construction and engineering costs; (FAA funds 90%: \$856,729 and City funds 10%: \$95,192).

**F. Amendment** to 1999 Unified Planning Work Program (UPWP) to add a contract position for Alternative Mode Coordinator, \$6,000.00.

**G. FY 1999/2000 Assessment Rates** for Special Improvement Light Maintenance Districts.

**H. Revisions** to the Billings Logan International Airport 1987 *Rules and Regulations*.

**I. Approval** of the DBA's request for street closures associated with the annual *Farmer's Market* Saturdays from 7/17/99 to 10/09/99.

**J. Approval** of the DBA's request for street closures, etc. associated with the annual *Strawberry Festival* on 6/12/99.

**K. Preliminary Major Plat** of Poly Vista Estates Subdivision, generally located at the intersection of Rimrock Road and 38<sup>th</sup> Street West.

**L. Final Plat** of Amended Lots 8 and 9, Block 32, Lake Hills Subdivision, 8<sup>th</sup> Filing.

**M. Final Plat** of Amended Lot 3A1 of Amended Lots 1a and 3A of the Amended Plat of Lot 1, Block 2, Hogan Homestead Subdivision.

**N. Bills and Payroll.**

**ADDITIONS:**

**O. Proclamation** regarding Census 2000.

**P. Final Plat** of Rimrock West Estates Subdivision, 3<sup>rd</sup> filing and C/S 2505 Amended. (Includes execution of a Warranty Deed by the City).

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

Councilmember Iverson moved to add Item O to the Consent Agenda, seconded by Councilmember Johnson. On a voice vote, the proclamation was added to the agenda.

Councilmember Iverson moved to add Item P to the Consent Agenda, seconded by Councilmember Johnson. On a voice vote, the plat was added to the agenda.

Councilmember McDermott separated Item H. Councilmember Deisz separated Items D and F. Councilmember Johnson moved for approval of the Consent Agenda except Items D, F, and H and including Items O and P, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

Councilmember Johnson moved for approval of Item D, seconded by Councilmember Larson. Councilmember Deisz asked if there had been an RFP on the Audit Contract. Finance Director Nathan Tubergen replied that there had been an RFP three years ago for audit services for a three-year period with a two-year option and two proposals were received at that time. The two-year extension was to be offered if the City could negotiate satisfactory rates for the contract. He said there was no RFP for the additional two years and he recommended approval of the two-year extension with KPMG Peat Marwick. On a voice vote the motion was unanimously approved.

Councilmember Johnson moved for approval of Item F, seconded by Councilmember Larson. Councilmember Deisz asked where the money was coming from and how long the contract would last. Scott Walker of the Planning Department said

the position was 100% federally-funded out of Planning Program dollars. He said they were asking for the Work Program amendment so they could add the \$6,000 as a work element in their Work Program. On a voice vote, the motion was unanimously approved.

Councilmember Johnson moved for approval of Item H, seconded by Councilmember Larson. Councilmember McDermott referred to Page 23, Item 25(b)(3), and asked, "how far is two miles east of the Billings Airport?" Assistant Aviation Director Tom Binford replied that two miles east is about at the Yellowstone River. Councilmember Deisz asked what the major changes were to the Airport Rules and Regulations. Tom Binford responded that there is a new environmental section that takes into account underground storage tanks and disposing of hazardous wastes. Those laws were not in place at the time of the last updates. Other major changes were related to changes in the new Aviation Security Program (terms, driving procedures, definition changes, etc.). On a voice vote, the motion was unanimously approved.

## **REGULAR AGENDA:**

**2. PUBLIC HEARING AND SECOND READING ORDINANCE 99-5083 FOR ZONE CHANGE #645: a zone change from Residential 6,000 to Community Commercial on Lots 41-48, Block 1, Houle Subdivision, generally located at the southwest corner of Broadwater Avenue and 12<sup>th</sup> Street West. KCWD Partnership, owner. Zoning Commission 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 Ohnstad moved for approval of the ordinance on second reading, seconded by Councilmember Johnson. On a voice vote, the ordinance was unanimously approved on second reading.

**3. ADOPTION OF THE BILLINGS URBAN AREA 2020 TRANSPORTATION PLAN. Public hearing held 1/25/99. Staff recommends approval of the addendum and proposed plan. (Action: recommendation to the Policy Coordinating Committee).**

(Note: Preliminary discussion was conducted during the COW session at 6:30 p.m. – prior to this meeting.)

Councilmember Elison moved for approval of the 2020 Transportation Plan with the addendum, seconded by Councilmember Larson. Councilmember Elison said he had some concerns that the plan was mostly a widening and improving of roadway plan as opposed to new concepts/ideas for dealing with transportation. He said we should move forward but revisit the plan after new and innovative ideas have been created.

Councilmember McDermott said, "I am going to vote for this also for reasons similar to those that Councilmember Elison stated. But I also want to state specifically and categorically that I fully intend to request modifications to this plan in the future. And I believe as Councilmember Johnson stated earlier that we are probably going to see some conflicts between the West End Plan and this Transportation Plan. So the requests for modifications are going to come fairly quickly I believe." Councilmember Larson said there has been much talk about planning and additional planning but no discussion on the funding aspect. He said we need to go back to comprehensive planning and determine how the West-End Plan, the Transportation Plan and the entire community can work together, taking into consideration land-use. He stated, "this is part of a process, but we have not necessarily funded the process. Many people ask why the West-End Plan stops where it does. It stops where it does because that is all the money we have." He said we should move forward with this in conjunction with everyone involved in the transportation aspects. "Transportation in Billings has only a small part to do with what happens here in Billings and a tremendous amount to do with what is happening regionally," he stated. Councilmember Deisz said he did not feel that land-use had been considered in the development of the plan and that a plan needs to be developed for all of Billings and not just the west-end. He said there is an inappropriate concentration of spending on the West-End and that the plan fails to prioritize two of five specific transportation issues (improve capacity into and out of the Heights to the downtown area, and increase mobility from Heights to west side of town). Councilmember Johnson said it is important to monitor the West-End Plan as it continues to develop to ensure that it coincides with the Transportation Plan. On a voice vote, the motion was approved. Councilmember Deisz voted "no".

**4. DISCUSSION ON CURB, GUTTER AND SIDEWALK POLICY. (POSTPONED FROM 1/25/99). Staff recommends delaying action until 4/26/99, (after adjournment of the Legislature). (Action: approval or disapproval of staff recommendation.)**

Councilmember Larson moved for approval of the staff recommendation, seconded by Councilmember Elison. On a voice vote, the motion was unanimously approved. DISCUSSION DELAYED TO 4/26/99.

**5. REPORT AND DISCUSSION ON CITY AMBULANCE STUDY. Report presented by the Ambulance Study Committee. (Action: discussion).**

Mayor Tooley thanked the committee for their review of the study. Councilmember Larson said there are a tremendous amount of issues for the City to look at before a decision is made. He said there are complex billing issues to be addressed. He said this is a regional issue and the complexity of the service area is a major concern. He said it is important to include other stakeholders in this consideration – other entities in the region,

city staff members, the county commissioners, medical community representatives etc. He said the committee really did not come up with answers, but perhaps more questions.

This is a long process he emphasized. "I think this is an all or nothing kind of thing. I don't think the current provider will stick around if we make this decision," he stated. He said telling a private provider that the city is taking over their service business, needs a lot of justification. Councilmember Elison said he believed this step is permanent and impossible to back away from. "How will you ever get an independent business to come in and take over a service the city provided? I would like to know a lot more about this before we jump in with both feet," he stated. Councilmember McDermott said she agreed with these comments and said the voters need to have a chance to vote on this to tell the council if this is really what they want the city to do. She emphasized that it's imperative to have the private sector, various businesses, the medical community, City administrative staff, fire department staff, and representatives from all the different interests get together and discuss the various issues before moving forward.

Councilmember Larson moved for the formation of a committee to provide further input into this decision, adding the committee should be made up of representatives from City Administration, Yellowstone County, Laurel City Council, Yellowstone County legislators, the medical community and the public at-large and should address the following questions: (1) can the Fire Department provide this service? (2) can the department improve on quality or price? (3) are there major issues or concerns not addressed by the fire department study? (4) is there a need for professional input in this area? (5) is there sufficient interest to pay a consultant to review the assumption of this study? and (6) does the community support this new service? Councilmember Elison seconded the motion. On a voice vote, the motion was unanimously approved.

**ADJOURN** – With all business complete, the Mayor adjourned the meeting at 8:12 p.m.

## THE CITY OF BILLINGS:

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

**ATTEST:**

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