

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

MONDAY, SEPTEMBER 27, 1999

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 Mick Ohnstad.

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

MINUTES – The Minutes of the September 13th meeting were approved as amended.

PROCLAMATIONS – Mayor Tooley proclaimed the following:

1. OCTOBER: Domestic Violence Awareness Month
2. Sept 29: VFW Day

BOARD & COMMISSION REPORTS – Councilmember Johnson said the Bright N' Beautiful Board is hosting a recognition luncheon on October 20th to recognize those individuals and businesses whose efforts contributed toward keeping the community clean and beautiful.

Councilmember Kennedy said a planning session for the proposed TIFD on SID 1341 will be held this Friday, with a property owner's meeting to be held on October 7th.

ADMINISTRATOR REPORTS – **Nathan Tubergen, Acting Administrator**

Mr. Tubergen said no bids were received for the bonds listed in Items A7 and A8 below. He is requesting the council to authorize him to negotiate a sale. He noted also that corrected language on Item I regarding the downtown trolley was placed on their desks this evening.

Mr. Tubergen, as the City representative on the MMIA Board, recognized Human Resources Director Laura Marshal and Safety Officer Don Rebal for their work with making the city a safer workplace. MMIA presented the City with two safety awards at the recent Montana League of Cities Conference in Bozeman.

LATE AGENDA ADDITIONS:

1. Councilmember Kennedy moved to add the Tri-Party Agreement with Montana Dept. of Transportation, Montana Rail Link and the City of Billings for installation of railroad crossing improvements at 4th Avenue North and Moore Lane, seconded by Councilmember Elison. On a voice vote the motion was unanimously approved. The item is ADDED as Item H2.
2. Councilmember Kennedy moved to add the Mayor's appointments of Scott Chartier, Daniel J. Kenney and David Hummel, Jr, seconded by Councilmember Elison. On a voice vote, the motion was unanimously approved. The item is ADDED as Item P.

CONSENT AGENDA:

1. A. Bid Awards:

(1) **Window Cleaning services Terminal Building Area.**
(Opened 9/14/99). Recommend Sparkle Plenty, \$36,360.00 for 3-year contract.

(2) **Additions to Terminal Seating for Billings Logan International.** (Opened 9/14/99). Recommend postponing award to 10/12/99.

(3) **Refuse Compactor Bodies, Solid Waste Division.**
(Opened 9/14/99). Recommend Kois Brothers Equipment, Schedule I, \$70,629.00; McNeilus Truck & Manufacturing, Schedule II, \$92,850.00; McNeilus Truck & Manufacturing, Schedule III, \$33,350.00.

(4) **Ten New 20-cubic yard Capacity Roll-Off Containers.**
(Opened 9/14/99). Recommend Rule Steel, \$44,950.00.

(5) **One New Current Model Utility Tractor for the Street/Traffic Division.** (Opened 9/14/99). Recommend Billings ford New Holland, Inc., \$19,410.00.

(6) **One new Current Model 2000, 4-Wheel Mechanical Broom High Dump Sweeper for the Street/Traffic Division.** (Opened 9/14/99). Recommend Pioneer Equipment, \$117,318.00.

(7) **\$170,000 1999 Developer-Related Curb, Gutter & Sidewalk Program, W.O. 99-02, #3 Bonds, Series 1999B.** (Opens 9/27/99). No bids were received. ~~Recommendation to be made at meeting.~~ Recommend authorizing Finance Director to negotiate a sale.

(8) **\$78,500 Special Improvement District #1342 Bonds.**
(Opens 9/27/99). No bids were received. ~~Recommendation to be made at meeting.~~ Recommend authorizing Finance Director to negotiate a sale.

B. Engineering Agreement, Engineering, Inc., Zone 3 water main in Poly Drive west from Shiloh Road, \$12,939.00.

C. Agreement with DMG-MAXIMUS, Inc., for Cost Allocation Plan, \$9,500.00.

D. Development Agreement with St. Patrick's Co-Cathedral, re: North 31st Street vacation.

E. Commercial Ground Lease with Lynch Flying Service for aircraft tie down space, \$2,088.00.

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F. Acceptance of FAA Grant 19 to fund construction work on Taxiway "A", \$452,000. (City match: \$50,200.00)

G. Approval of Right-of-Way Agreements and Warranty Deeds, W.O. 93-13: Traffic Safety Projects; State project: STPHS 0002(78):

- (1) PARCEL 1: 97 sf in Lots 1-3, Block 4, Gooding Subdivision, Bjorn & Roberta J. Karlsen, owners, \$194.00.
- (2) PARCEL 2: 93 sf in Lot 10, Block 6, Burg Subdivision, 3rd Filing, Larry N. Carlson, owner, \$186.00.
- (3) PARCEL 3: 94 sf in Lots 1-5, Block 13, Rosedale Subdivision Amended, 19th Street Investors, owners, \$0.
- (4) PARCEL 4: 117 sf in the East 50 feet of Lot 1, Block 1, Gorham Park Subdivision, James H. Downs, owner, \$234.00.
- (5) PARCEL 5: 444 sf in the S2SW4 in T1S-R26E-S8, West Parkway Investors #515, owners, \$888.00.

G. (1) Funding Agreement with Montana Department of Transportation for railroad crossing surface improvements: 4th Avenue North and Moore Lane.

G. (2) Tri-Party Agreement with Montana Dept. of Transportation, Montana Rail Link and the City of Billings for installation of railroad crossing improvements at 4th Avenue North and Moore Lane.

I. Resolution 99-17513 calling a public hearing (on October 25, 1999) on a proposed modification of the Billings Montana Downtown Redevelopment Plan to approve certain projects as urban renewal projects. Modifications included are:

- (1) Urban Design Recommendations
- (2) Montana Avenue Sign and Awning Incentive Program
- (3) Downtown Shuttle/Trolley.
- (4) Property purchase for Youth Center expansion
- (5) Yellowstone County Courthouse
- (6) Garfield School Upgrades

J. First reading ordinance extending the boundaries of Ward II to include recently annexed property: Annex #99-04, Lots 11-20, Block 14; Lots 1-20, Block 13; Lots 1-10, Block 10; Lots 1-2, 9-10, Block 11; Lots 9-11, Block 12; Daniels Subdivision, 2nd filing along with the rights-of-way located adjacent thereto (approximately 8.466 acres) and setting a public hearing date for 10/12/99.

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K. Preliminary Minor Plat of Pine Ridge Subdivision. (Generally located at Main Street and Laurie Lane.)

L. Preliminary Minor Plat of Amended Lot 2A3, Block 1, Trillium Subdivision. (Generally located on Lampman Drive south of Monad Road).

M. Preliminary Major Plat of Millennium Market Subdivision. (Generally located on the west side of South 29th Street West, north of Overland Avenue.)

N. Revised Subdivision Improvements Agreement for Amended Lot 2B of Amended Yucca Subdivision.

O. Bills and Payroll.

P. Mayor's Appointments:

- (1) Scott Chartier, Board of Appeals. (Term expires: 9/30/2003)
- (2) Daniel J. Kenney, Board of Adjustment. (Term expires 9/30/2003)
- (3) David Hummel Jr., Planning Board. (Term expires 9/30/2001)

(Action: approval or disapproval of Consent Agenda.)

Councilmember Deisz separated Item I. Councilmember Kennedy separated Item D. Councilmember Larson separated Items A7 and A8.

Councilmember Ohnstad moved for approval of the Consent Agenda less the separated items, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

Councilmember Ohnstad moved for approval of Item A7, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

Councilmember Ohnstad moved for approval of Item A8, seconded by Councilmember Johnson. On a voice vote, the motion was unanimously approved.

Councilmember Ohnstad moved for approval of Item D, seconded by Councilmember Larson. Councilmember Kennedy thanked staff for their efforts on this agreement, noting that it will be a showcase project for the downtown area. City Attorney Brent Brooks noted that City Engineer was the primary agent in developing the agreement. On a voice vote, the motion was unanimously approved.

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Councilmember Ohnstad moved for approval of Item I, seconded by Councilmember Larson. Councilmember Deisz asked if the language for the downtown trolley project had been amended. Finance Director Nathan Tubergen said the project language had been amended and a copy was placed on the council desks this evening. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING FOR 1998-1999 PERFORMANCE REPORTS on the Community Development Block Grant and HOME Program. (Action: public hearing only.)

Community Development Director John Walsh said the City's 1998-1999 performance report is being presented for public comment. Two public hearings are required each year for the CDBG and HOME programs. The public hearing tonight is part of a 15-day public review period. Comments received during this period will be incorporated into the final report that will be submitted to HUD at the end of October.

The public hearing was opened. There were no speakers. The public hearing was closed. No other action was required tonight.

1. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #651: a zone change from Residential Multi-Family-Restricted to Community Commercial on Lot 8, Block 6, Circle Fifty Subdivision Amended, located at the northeast corner of Shiloh Road and Avenue D. Magnoon Partnership, owner; H. Thomas Llewellyn, agent. Zoning Commission has no recommendation. (VALID PROTEST). (Action: approval or disapproval of ordinance on first reading.)

Zoning Coordinator Jeff Bollman said the zone change proposed is a change to Community Commercial. The lot is a little less than 41,000 sf. The Zoning Commission split with a 2-2 vote, with one member absent, hence no recommendation from the Zoning Commission. The DRC recommended denial, based on conflicts with adopted plans of the City. One of the goals of the Comprehensive Plan is to discourage uncontrolled strip development. This zone change seems to encourage strip development. One goal from the 1993 Shiloh Road Corridor Study is to allow for appropriately located nodes of commercial development adjacent to certain adjacent neighborhoods. The Planning Department has looked at those nodes as being at the intersection of arterial streets. This property is about $\frac{1}{4}$ mile north of the intersection of

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Shiloh Road and Grand Avenue. The department feels it does not meet this goal. Rezoning this property as Community Commercial is inviting either a conflict with a commercial business located on the property and the residential area to the north or encouraging the properties further north to also rezone to Community Commercial.

Mr. Bollman noted also that a letter of protest was received from the property immediately north of the subject property. This does constitute a valid protest, requiring that 9 of the 11 councilmembers vote in favor of the zone change for it to be approved. He added also that the agent has indicated the intent to place a daycare center on the subject property. Daycare centers are allowed uses in a Residential Multi-Family Restricted zone with special review proposal.

The public hearing was opened. TOM LLEWELLYN OF 2110 OVERLAND AVENUE said the area as currently zoned has an excessive amount of multi-family zoning in it. He noted that this subdivision has had a history of financial problems for quite some time. There is an owner who has not paid taxes. He's one of the original owners. As a method of collecting all of the SID payments due, a surcharge is added on the other residents of the subdivision because of this delinquency. He said he is especially interested in cleaning up the finances of this subdivision. The lot is approximately 40,800 sf and the proposed daycare center would take up 24,000 sf leaving about 16,000 sf of land to be used. "Putting a multi-family dwelling in 16,000 sf with 5 lanes of traffic to Shiloh on one side and a daycare on the other side is the reason for not requesting a special review. My buyer can only afford so much. I can clean up the SIDs with the purchase. They can utilize the land then with a commercial use that would match with the buildings across the street," he stated.

MARK KENNEDY OF 3970 AVENUE D said he's been developing and building in this neighborhood and owns 40-50 properties there. He noted that his office building is across from the proposed daycare. Mr. Kennedy said he supported the zone change because there are a lot of kids in that neighborhood and said there was a demand for it. He also agreed that 16,000 sf of multi-family on that corner doesn't make sense.

There were no other speakers. The public hearing was closed. Councilmember Elison moved for approval of the ordinance on first reading, seconded by Councilmember Kennedy. Councilmember Elison said it was originally his intent to move for disapproval of the zone change because he believed strongly in staff's protection of the notion of nodes at intersections that do not produce uncontrolled strip development. "However, in this particular case, I tend to agree with Mr. Llewellyn that there is probably an overabundance of multi-family in this particular subdivision. I find it convincing also that the subdivision is in arrears in taxes and the surrounding land uses

are primarily Community Commercial at present," he said.

Councilmember Ohnstad noted that the protestor stated that he will be financially damaged if this lot is zoned Community Commercial. Councilmember Johnson pointed out that several Zoning Commission members stated that a daycare center would be a good use for this location and since there is no specific zoning master plan for Shiloh Road presently in place, the request should be approved. Staff pointed out that this zone change would be in direct conflict with the Shiloh Road Corridor Study, which is the only specific document that is in place to guide development on Shiloh Road, as well as the 1990 Yellowstone County Comprehensive Plan. Mr. Bollman said the Zoning Commission members were referring to the fact that in most cases they can look at a map and see what an area should be zoned. However that is not the case for Shiloh Road because such a map does not exist there.

Councilmember Larson asked what other uses would be allowed in the existing zone through special review. Mr. Bollman said only daycare centers and churches would be allowed in the existing zone classification. They could seek other lesser commercial districts however. Councilmember Larson asked what types of uses would be allowed under Community Commercial zoning. Mr. Bollman said pretty much any of the uses along Grand Avenue and 24th Street West would be allowed uses in a CC zone. Councilmember Larson asked if there was anything presented this evening that would restrict the property to a daycare if the zoning were changed to CC. Mr. Bollman said the proposal does not restrict them to a daycare use only. On a voice vote, the motion failed.

2. PUBLIC HEARING AND SPECIAL REVIEW #666: a special review to allow a day care center within an existing church in a Residential 9600 zone on Lot 1 of Christian Center Subdivision, located at 550 32nd Street West. First Assembly of God Church, owner; Gail Edward Craig, Gene Bukowski, Jim Miller and John Brady, agents. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Zoning Coordinator Jeff Bollman said this church came before the council in May to expand their existing facility. They are underway with their expansion project. One of the items overlooked at the time was the daycare issue. They are proposing to locate a daycare within the church facility. The DRC and Zoning Commission are both recommending approval of the request. Within the first special review process, all the concerns of staff were addressed.

The public hearing was opened. There were no speakers. The public hearing

was closed. Councilmember Larson moved for approval of the special review, seconded by Councilmember Elison. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND RESOLUTION ANNEXING #99-05: Tracts 2 and 3, C/S 3011, containing 105.3638 acres. Roy and Jock Clause, petitioners. Staff makes no recommendation. (Action: approval or disapproval of resolution.)

Zoning Coordinator Jeff Bollman said this site is currently zoned Agricultural Open Space in the county. It is located within the Urban Planning area, meaning that at some point there is the ability or potential to serve this property with city services. There were diverging views among various staffmembers regarding the appropriateness of annexing this property at this time. As a result, the staff has no specific recommendation. Most of the staff concerns stemmed from the size of the annexation and the concern about the ability to provide service to the site. Sewer can be extended from Hawthorne Lane to service this property. Heights Water Service is available to service this property. The concern centers around whether or not this area can handle the potential number of units that could come out of this development. Many issues are infrastructure issues, especially roads. If the annexation is approved, the issues are more appropriately dealt with in the subdivision process. He said without knowing what type of development is proposed, staff makes no recommendation. He cautioned the council that if they did annex the property, an SIA or development agreement should be a condition of annexation.

Councilmember Deisz said it was his understanding that this would be the largest annexation within the last 15-20 years and all of the other large annexations received to date have all come forward with a development plan. Mr. Bollman said that was correct.

The public hearing was opened. RICK LEUTHOLD OF ENGINEERING INC, 1001 SOUTH 24TH STREET WEST said he represents the developer. The site is the old Barry O'Leary gravel pit. This site has been before the council several times over the past few months, looking at different ways to develop the property – with Residential Manufactured Homes, Planned Development and R-7000 zoning. He noted the small strip along Wicks Lane was annexed and zoned R9600. He said they are asking that this parcel be annexed and allowed to come into the city with R9600 zoning, as the adjacent neighbors have requested in past meetings. Mr. Leuthold said it is within the Urban Planning Area, which indicates it has been considered for services. The developer recognizes that he will have some impacts to mitigate as this development goes forward. Being in the urban services boundary does not mean you are automatically annexed. "We are simply requesting that we be brought into the city so that we can pursue those city services. We are also asking to be zoned at that

particular time. Then you go through the subdivision platting process, which identifies as many issues that would come about and need to be dealt with from the impact," he said. He emphasized that Billings is growing and this 105-acre annexation may not be the largest come next year. Mr. Leuthold confirmed there is no development plan associated with this at this time, noting there is no annexation policy that requires a plan at this time. That is handled through the subdivision process, noting they will need to do a traffic accessibility study and storm improvements will need to be evaluated. These will be handled in the SIA or development agreement. The suggestion that 450 units could be built there, does not take into account streets, park dedication, etc. which typically amount to 20% of the development. That would mean that approximately 381 units could be developed under R9600 zoning. He said they are proposing to hook into the city sewer to deal with the water quality issues and recognize they will cause impacts on the area, which they are prepared to deal with. He urged the council to approve the annexation.

PETE HANSEN, NO ADDRESS GIVEN, CHAIRMAN OF THE UNITED RESIDENTS OF EAST BILLINGS HEIGHTS said they object to the annexation for the same reasons that staff is concerned and because no development plan has been included with the petition. He characterized this as misrepresentation by omission. Mr. Hansen that due to past encounters with the developer he has a suspicious mind, noting that this developer has never backed off from they say is eventual development of manufactured housing or mobile homes in this area. He said if the developer put up a 100-ft strip and a 300-ft strip along the property and come back for a zone change to R7000 or R6000 (for mobiles or multi-plexes), the only protest area would all be within their property boundary. The R9600 area that was annexed earlier this year had a notification perimeter that included residents along Bitterroot Drive and Wicks Lane.

STAN MCINTYRE OF 1425 BITTERROOT DRIVE said this property borders on the west side of his property. He said this annexation is a bad idea and urged the council to vote against the annexation.

MARK FOOS OF 1430 WICKS LANE said he protests against the development, not just as a neighbor to the property, but as a citizen of the community. He said it sounds like a bad plan, noting "you don't buy a horse without looking at the mouth; you need to look this one in the mouth real close."

HANSEN RETURNED. Mr. Hansen asked neighbors in the audience to stand in opposition. Mr. Hansen reminded the council that this is a reclaimed gravel pit that has mined down within 2 – 4 feet of bedrock. The 1990 Comprehensive Plan warns in numerous sections of concerns of pollution and runoff into the Yellowstone River and that includes places that have sewer. He noted that at a meeting with Mr. Leuthold, Mr. Clause, Mr. Clause's secretary Tamara Elliott (a candidate for council), Mr. Leuthold said one of the things they would like to develop is 16-plexes on this property. "We

have legitimate concerns for increased traffic, groundwater pollution, etc. If you look at the traffic study that was presented by members of the staff, they predicting more than double the traffic on Yellowstone River Road, Bitterroot and Wicks Lane. In this area, the existence of over 400 homes would exceed the density of the Hawthorne Park Subdivision – ½ square mile...,” he stated.

ROY CLAUSE, NO ADDRESS GIVEN, said he is one of the developers for this project. He referred to his handout of the Billings Heights Sewer Master Plan that was done in 1984. This property is included in that master plan. The plan shows that an existing line was oversized west of Hawthorne. The sewer line ends about half way between Hawthorne and Bitterroot. The pipe was oversized to accommodate development of this area. He also read excerpts of a letter from Mike Rubich (of the Public Utilities Dept) dated 3/9/1998. Mr. Rubich stated the city would be able to handle the sewage from this area and the first step would be annexation. He said this is the reason they are here tonight. Mr. Clause also referred to a letter addressed to the City Clerk dated 8/2/1999 stating they are petitioning the City for annexation. If the annexation is denied, they will request that the property be served by municipal sewer service.

There were no other speakers. The public hearing was closed. Councilmember McDermott moved for denial of the resolution, seconded by Councilmember Deisz. Councilmember McDermott said she has major concerns about the annexation due to the concerns identified by the staff and also due to the fact that no development plan has been submitted with the request. She said there are too many unanswered questions at this time.

Councilmember Elison noted that the Police Department is one of the departments that have said this annexation would create potential problems for them. The department has been the emphasis of a lot of council effort over the last few years to try to get it up to staff levels to reach the number of officers/per citizen recommended. He also compared this to what the council just faced with the proposed SID on King Avenue. He said this was an enormous project in terms of the dollars involved. He noted that many of the properties included in that district were single, residential properties that were being asked to pay large sums of money for the improvements. “What I can see happening here as I look at this, these development agreements would include things like participation in applicable PUD system development/franchise water construction, trunk sewer, lateral sewer, sanitary sewer, storm drain, curbs, gutters, streetlights, traffic signals, future improvements of Wicks Lane and Bitterroot Drive and Yellowstone River Road. I can see all of this stuff that is going to become subject to waivers of protest, so the individual property owners five years down the road will face an SID to improve the area and the property owners will have signed waivers of protest and they will be here saying ‘we cannot afford the

\$5,000 to \$10,000 to \$25,000 apiece that is going to be asked of them to improve this area. With the current areas we have with the Police Dept and areas that are developing that do not have developed infrastructure that already are annexed into the city, I just don't think we can deal with another 105 acres at this time," he stated.

Councilmember Deisz agreed with Councilmember Elison. He reminded the council that this would be a direct shift in the policy of the council in annexing parcels that are over 25-30 acres without a development plan. He also said the council keeps talking about infill development. "In this same neighborhood, within a few blocks, there are two parcels that are 20-30 acres in size that are already annexed, already ready waiting for development. One of those parcels is on the market right now. It's not that there is a shortage of developmental properties in this area," he stated. Councilmember Deisz also emphasized that the council has no information (because there is no development plan) of what effect the SIDs would have on his constituents in that neighborhood. He urged the council to consider this aspect and vote against the request. He noted also that several city departments have expressed concerns and identified problems with this annexation. "Mark (Elison) mentioned the Police Dept, but the one I find most frightening is the Traffic Division. If you look at the complexity of what they are saying. They are saying that 375 is too many properties that would be annexed, but even if we take it down 20%, we are looking at an 80% increase in the traffic on Yellowstone River Road. That count now is at 2600....," he stated. He said this is too much and urged the council to vote against the annexation.

Councilmember McDanel said that over the last 10 years, every area annexed that was larger than 30 acres either had a master plan or a subdivision plat submitted for review concurrently with the annexation request. "This is currently not part of any policy. However I believe we have established a well-defined precedent for doing that. This is a very large area of land and we need to know what the plan is for developing that piece of land so that we can truly assess the impacts of that development," he said.

Councilmember Larson said this property is eventually going to be annexed and it is appropriate for annexation. He referred to the annexation of the property that now houses the new Mormon temple and reminded the council that they originally denied the annexation because there was no development plan submitted. Over the course of the year that followed, questions got answered and the annexation was eventually approved because the council had an idea of what the impacts would be. In this case, "I have no idea of what I'm voting for," he said.

Councilmember Bradley said precedent has set a policy. The development agreement should include a greenbelt against the river and address the groundwater issues. With discussion complete, a voice vote was called. The motion (for denial) was unanimously approved.

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6. PUBLIC HEARING AND SECOND READING ORDINANCE 99-5103 extending the boundaries of Ward II to include recently annexed property: Annex. #99-03: a 5.46 acres portion of Tract 2, C/S 3011, Jock and Roy Clause petitioners. 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 Bradley moved for approval of the ordinance on second reading, seconded by Councilmember Deisz. On a voice vote, the motion was unanimously approved.

7. PUBLIC HEARING AND FINAL APPROVAL OF 1999 ANNUAL ASSESSMENTS:

- (A) RESOLUTION 99-17497 for Demolition of Dangerous Buildings
- (B) RESOLUTION 99-17498 for Encumbrances, Obstructions or Encroachments
- (C) RESOLUTION 99-17499 for Light Maintenance Districts
- (D) RESOLUTION 99-17500 for Property Safety Water Supply
- (E) RESOLUTION 99-17501 for Refuse Fee
- (F) RESOLUTION 99-17502 for Storm Sewer Fees
- (G) RESOLUTION 99-17503 for Weed Cutting/Extermination
- (H) RESOLUTION 99-17504 for Park Maintenance Districts

Staff recommends final approval of resolutions. (Action: approval or disapproval of staff recommendation.

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

8. PUBLIC HEARING AND FINAL APPROVAL OF RESOLUTIONS MAKING INITIAL ASSESSMENTS (original spreads):

- (A) RESOLUTION 99-17505 FOR: SID 9904 (W.O. 95-06): 1998 School Route Improvements.
- (B) RESOLUTION 99-17506 FOR: SID 9905 (W.O. 95-14): Lake Elmo Road Improvements, sidewalks etc
- (C) RESOLUTION 99-17507 FOR: SID 9999 (W.O. 95-14): Lake Elmo Road Improvements, alleys
- (D) RESOLUTION 99-17508 FOR: SID 1339: Southwest Park Subdivision storm drain improvements

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(E) RESOLUTION 99-17509 FOR: SID 9902 (W.O. 98-02, #1): 1998 Developer-Related Improvements.

Staff recommends final approval of resolutions. (Action: approval or disapproval of staff recommendation.)

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

**9. PUBLIC HEARING AND FINAL APPROVAL OF RESOLUTON 99-17510
respreading the assessments for SID 9903 (W.O. 95-15, #2): St. Andrew's Drive
Sidewalk Program. Staff recommends final approval of resolution. (Action: approval or disapproval of staff recommendation.)**

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

ADJOURN – With all business complete, Mayor Tooley adjourned the meeting at 8:42 p.m.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK