

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

TUESDAY, OCTOBER 12, 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 Mark Elison.

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

MINUTES – The Minutes of the September 27th meeting were approved as printed.

COURTESIES – Mayor Tooley recognized Tom Binford, A.A.E., Assistant Director of Aviation as the 1999 recipient of the Northwest Chapter of the American Association of Airport Executives "Aviation Excellence Award."

PROCLAMATIONS – Mayor Tooley proclaimed the following:

1. October 13: William J. McGill Day
2. October 20: Americorp 5th Anniversary Day

BOARD & COMMISSION REPORTS – Councilmember Kennedy gave an update on the City Administrator search. He said interviews are set up for October 14th and 15th and October 19th and 21st at the airport. He said Council had received an interview guide from the Mercer Group to assist with the process. He requested Council review the list of questions he had given them. The questions to be asked the candidates and various other items would be discussed Wednesday after the meeting with School District 2.

Councilmember Kennedy said he attended a Montana Board of Realtors "brainstorming" session in Helena for a discussion on affordable housing in Montana. The meeting was attended by realtors, city officials, builders/developers, and legislative leaders. He said there would be similar meetings in the future.

ADMINISTRATOR REPORTS – Bill McGill, Acting City Administrator

Mr. McGill said he wanted to defer Item F on the Consent Agenda to the first Council meeting in November.

CONSENT AGENDA:

A. Bid Awards:

- (1) **Additions to Terminal Seating for Billings Logan International.** (Opened 9/14/99). Delayed from 9/27/99. Recommend Peterson Quality Office, \$92,682.62.
- (2) **Police Cars.** Recommend purchasing 12 patrol cars via the State of Montana Patrol Car Bid, \$245,136.00.
- (3) **Fire Station #4 – Terry Park.** (Opened 10/5/99). Recommend postponing to 10/25/99.
- (4) **Vehicles for City of Billings.** (Opened 10/12/99). Recommend delaying award to 10/25/99.

(5) **\$170,000 1999 Developer-Related Curb, Gutter & Sidewalk Program, W.O. 99-02, #3 Bonds, Series 1999B.** (Opened 9/27/99; No bids received). Recommend negotiated sale to D. A. Davidson @ 5.666%.

(6) **\$78,500 Special Improvement District #1342 Bonds.** (Opened 9/27/99; No bids received). Recommend negotiated sale to Steve Hample, 5.6333%.

B. Change Order #1, Landfill Infrastructure Project/Facility Upgrade, Empire Sand & Gravel, \$9,235.78 and 0 days.

C. Change Order #3, W.O. 98-01, #1: 1998 Water/Sewer Replacement Project, Gray Construction, \$10,688.74, 0 days.

D. Change Order #1, W.O. 98-05: Wicks & Lake Elmo Traffic Signal, Action Electric, \$14,205.65 and 9 days.

E. Airline Operating Permit, Emery Worldwide Airlines, \$60,000/year.

F. Upgrade job classification of the Assistant Planner position to a Planner I position in the Planning Department.

G. Authorization to declare 4 paratransit vans as surplus equipment and permit Aviation/Transit Dept to sell them.

H. Authorization to expend 9-1-1 Grant Funds for the purchase of a new telephone system for the Joint City/County 9-1-1 Center, US West/Plant Equipment, Inc., \$370,263.47.

I. Release of Transfer Restrictions for development of Rimrock West Estates Subdivision, 3rd filing on Lots 1-8, Blk 9 and Lot 7, Blk 10.

J. Final bond resolution 99-17514 relating to \$78,500 Special Improvement District No. 1342 bonds, fixing the form and details and providing for the execution, delivery, and security therefore.

K. Final bond resolution 99-17515 relating to \$170,000 Special Sidewalk, Curb, Gutter and Alley Approach Bonds, Series 1999B, creating a Special Sidewalk, Curb, Gutter and Alley Approach Fund and prescribing covenants of the City for the security of the holders of the bonds.

L. Resolution of Intent 99-17516 to create Special Improvement Light Maintenance District #267: Kathy Lane and setting a public hearing date for 11/8/99.

M. Preliminary approval of resolutions respreading assessments:

- (1) RES #99-17517: SID 1191 - SW Billings sanitary sewer; (split tax code)
- (2) RES #99-17518: SID 1313 - Alley improvements in Gorham Park Sub.; (split tax code)
- (3) RES #99-17519: SID 1320 - Utility and street improvements in Henesta Drive; (split tax code)
- (4) RES #99-17520: SID 1281 - Lateral sewers in Lake Hills Sub.; (combine tax codes)
- (5) RES #99-17521: SID 5259 - Construction of SILMD 259 in NW CBD; (combine tax codes)
- (6) RES #99-17522: SID 9898 - W.O. 97-02, #3: Alley approaches in 1997 Miscellaneous Sidewalk Program; (combine tax codes)

And setting a public hearing date for 10/25/99.

N. Preliminary approval of resolution 99-17523 determining the rate of and fixing the annual assessment for Street Maintenance and setting a public hearing date for 10/25/99.

O. Preliminary Minor Plat of Hilltop Condominium. (Generally located on Hilltop Road.)

P. Bills and Payroll.

(Action: approval or disapproval of Consent Agenda.)

Councilmember McDanel separated Item D. Councilmember Johnson separated Item F. Councilmember Iverson moved for approval of the Consent Agenda except Items D and F, seconded by Councilmember Deisz. On a voice vote, the motion was unanimously approved.

Councilmember Iverson moved for approval of Item D, seconded by Councilmember Elison. Councilmember McDanel said the item was for the traffic light at the corner of Wicks Lane and Lake Elmo. He said there had been a nine-month wait for this traffic light and something definitely needs to be done to speed up the process. Councilmember Johnson said there had been several instances in the past that the City has had to wait for the traffic lights. Councilmember Deisz suggested when the projects are let for bid that a time element be included in the contract. He said the wait for this particular traffic signal has been unreasonable. He suggested getting a plant in Billings for building traffic light poles. On a voice vote, the motion was unanimously approved.

Councilmember Iverson moved to delay Item F to 11/8/99, seconded by Councilmember Deisz. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND SECOND READING ORDINANCE 99-5104 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. (George Rosenfeld and Gene Brosovich, petitioners). Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)

The public hearing was opened. REVERAND DR. DENNIS DUNN OF 305 S. 35TH AVENUE said the other districts need to possibly look at extending their boundaries also because the city is continually growing. There being no other speakers, the public hearing was closed.

Councilmember Kennedy moved for approval of the ordinance on second reading, seconded by Councilmember Deisz. Mayor Tooley pointed out that Council had recently annexed this property into the city limits and because it adjoined Ward II it was being added to that ward. Councilmember Elison asked if there was a schedule for redistricting the wards to ensure an even population within the five wards. Mayor Tooley said that the redistricting was done in conjunction with the census. On a voice vote, the motion was unanimously approved.

3. URBAN RENEWAL REVOLVING LOAN to Billings Depot Inc., for Beanery Building, \$173,000, 10-year term @ 6.0%. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Johnson moved for approval of the loan, seconded by Councilmember McDermott. Councilmember McDermott said she felt this was an appropriate request and the project would further enhance the depot block. Councilmember Deisz asked Finance Director Nathan Tubergen if the mortgage arrangement and terms were agreeable with him. Mr. Tubergen said he was asking for authorization to negotiate the terms of the loan. Councilmember Deisz made an amendment to the main motion to give Nathan Tubergen authorization to negotiate the terms of the loan on behalf of the City, seconded by Councilmember Kennedy. On a voice vote, the amendment was unanimously approved. On a voice vote, the main motion as amended was unanimously approved.

4. PROJECT COOPERATION AGREEMENT FOR THE EMERGENCY STREAMBANK PROTECTION PROJECT (Yellowstone River along Coulson Park), Department of the Army, \$1.1 Million project cost, U.S. Army Corp of Engineers to provide 65% funding; City to provide 35% match.
Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Elison moved for approval of the staff recommendation, seconded by Councilmember Johnson. Councilmember Johnson asked if there was additional information available from staff on the project. Public Works Director Kurt Corey said the project would involve riprap along the banks of the Yellowstone River from a point immediately downstream from the Montana Power facility along Coulson Park, a distance of approximately 3500 feet. He said the project plans are being developed by the Omaha District of the Corp of Engineers. The preliminary information indicates the project would involve leaving the existing bank line where it currently is and putting in large rock (riprap) along the bank, covering with topsoil, seeding and restoring trees. Councilmember Johnson asked if it was rock only and if it was along both banks. Mr. Corey said the project would include only the northerly side of the riverbank and the riprap material would be rock. He said pending receipt of the construction plans he had no way of knowing if the materials would change. Councilmember Johnson asked about the time frame of the project. Mr. Corey said the Corp of Engineers expects to let the contract for bid this fall and work on the project when river flows were commensurate with doing so. He said he did not know when the Corp planned to complete the project. On a voice vote, the motion was approved unanimously.

5. FIRST READING ORDINANCE relating to the modification of the Downtown Redevelopment Plan to approve certain projects as urban renewal projects and setting a public hearing for October 25, 1999. Projects include:

- (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

Staff recommends approval. (Action: approval or ordinance on first reading.)

Councilmember McDermott moved for approval of the ordinance on first reading, seconded by Councilmember Elison. Councilmember McDermott asked about changes with regard to the shuttle/trolley project. Finance Director Nathan Tubergen said the resolution (99-17513) did get changed according to the proposed amendments at the September 27th meeting. He said the legal advertisement was correct and the ordinance was changed but somehow showed up incorrect in the Council packet. He said that the shuttle/trolley portion of the ordinance should state that it is for capital expenditures, not for lease and operations. Mr. Tubergen said the correction would be made and distributed to Council.

Councilmember Elison said he wanted to point out that the projects are merely options for funding under urban renewal, not necessarily a commitment by the Council or the City to fund any of the particular

projects. Councilmember McDanel referred to a document prepared by Nathan Tubergen, "these funds would come from any available funds in the future. School District No. 2 has requested funds for upgrading Garfield School. Currently all of their funds have been committed for other projects, but the funding for this would be future funds, as they become available." He said it was very important that the public understand that point. On a voice vote, the motion was unanimously approved.

ADJOURN – With all business complete, Mayor Tooley adjourned the meeting at 8:00 p.m.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Colleen Schell-Berg DEPUTY CITY CLERK