

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

January 14, 2013

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 Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Crouch gave the invocation.

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, Astle, and Crouch.

**MINUTES:** December 17, 2012 - Councilmember Cimmino moved for approval, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

**COURTESIES:** None

**PROCLAMATIONS:** None

### ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items:

- Item 1A2 – Hazardous Material Tow Vehicle Bid Award. Copy of Memo from Fire Chief Dextras was sent in the January 11 Friday Packet, and a revised memo with a bid award recommendation for \$195,395 to Heiman, Inc. of South Dakota and acceptance of grant in the amount of \$41,895 from State of Montana. Copy is filed in ex-parté notebook.
- Item 1F1 – Change Order #2, Empire Parking Garage. Councilmember Astle requested that the change order be made available for public review in the ex-parté notebook.
- Weekly Legislative Report. Copy of Ed Bartlett's weekly legislative report is on Council's desk this evening and filed in the ex-parté notebook.
- City Council Subcommittee on Redistricting News Release. Copy of news release sent to the media and posted on the city webpage is on Council's desk and filed in the ex-parté notebook. The Subcommittee will have a meeting at 4:30 p.m. on Tuesday, January 15, 2013, in the City Hall Conference Room.
- Pre-budget Work Session. A meeting will be held at 4:00 p.m. on Wednesday, January 16, 2013, at the Airport Operations Center.

Ms. Volek noted all items were filed in the ex-parté notebook for public review.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item #'s: 1, 2, & 3 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute.

Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

The public comment period was opened.

- **Wayne Hirsch, Regional President for US Bank, 303 North Boradway, Billings, MT.** Thanked Pat Weber, Finance Director, and staff for choosing US Bank for the City's depository and banking services. Mr. Hirsch supported an extended contract that allowed for a re-pricing clause at the 5-year anniversary and if the re-pricing is successfully renegotiated, there would be no interruptions in service. By extending the contract from 5 years to 10 years, it allows the City to save money by not having to go through another RFP process and it eliminates the additional IT costs associated with changing financial institutions.

There were no other speakers, and the public comment period was closed.

**1. CONSENT AGENDA**

**A. Bid Awards:**

**1. 2013 4-Wheel Mechanical Broom High Dump Sweeper.** (Opened 12/11/2012) Recommend Titan Machinery, \$157,593, plus 5-year warranty for \$3,163.

**2. Fire Department HazMat Trailer Tow Vehicle.** (Opened 12/26/2012) Recommendation to be made at City Council Regular Meeting 1/14/2013.

**B. W.O. 12-47, Wastewater Treatment Plant Digester Gas Valve Replacement**

**1. W.O. 12-47 WWTP Digester Gas Valve Replacement Bid Award.** (Opened 12/18/2012) Recommend Northwest Pipe Fittings, \$53,932.

**2. Change Order #1 - W.O. 12-47 WWTP Digester Gas Valve Replacement,** Northwest Pipe Fittings, \$7,227.32.

**C. Five-Year Professional Services Contract for Architectural Services for Federally-Funded Airport Improvements Program Projects; CTA Architects and Engineers.**

**D. Professional Services Contract for W.O. 12-45 3 MG Staples Reservoir Liner; HDR Engineering, Inc.; not to exceed \$97,700.**

**E. Contract with US Bank for Depository and Banking Services; March 1, 2013 to February 28, 2023.**

**F. Empire Parking Garage**

- 1. Change Order #2 - Empire Parking Garage, Sletten Construction, \$330,000.**
- 2. Utilities Relocation Agreement with Zayo Group to relocate fiber optic lines for construction of the Empire Parking Garage, \$68,690.**
- 3. Easement with Securities Building, LLC, for trash receptacle relocation in the planned Empire Parking Garage.**

**G. Right-of-Way Easement with Atonement Lutheran Church for installation of sidewalk on Wicks Lane.**

**H. Acceptance of Donation from Ron Schultz and Marcia Bickel for a bench and memorial plaque in Mystic Park in honor of Robert and Gloria Schultz, \$1,500.**

**I. Acceptance of Donation from Yellowstone County DUI Task Force to the Police Department to purchase five new AlcoBlow handheld breath alcohol testers, \$1,495.**

**J. Acceptance of 2013 Urban and Community Forestry Program Development Grant from DNRC and Approval of the Grant Agreement.**

**K. Bills and Payroll:**

1. December 3, 2012
2. December 10, 2012
3. December 17, 2012
4. December 26, 2012

Councilmember McCall separated Consent Agenda Item A2. Councilmember Cromley separated Consent Agenda Item K1. Councilmember Cimmino separated Consent Agenda Items D, and K1, K2, K3, and K4. Councilmember McCall moved for approval of the Consent Agenda with the exception of Items A2, D, K1, K2, K3, and K4, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

Councilmember Cromley referenced Item K1, Invoices #101331, #101373, and #101632, and said he needed to abstain due to his employment.

Councilmember Cimmino referenced Item K1, Invoice #761322; Item K2, Invoice #761516; Item K3, Invoice #761694; and Item K4, Invoice #761894, and said she needed to abstain due to her employment. Councilmember Pitman moved for approval of Items K1, K2, K3, and K4, seconded by Councilmember Ronquillo. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item D, and said she needed to abstain due to her employment. Councilmember Pitman moved for approval of Item D, seconded by Councilmember Ronquillo. On a voice vote, the motion was approved 10 to 0.

Councilmember Astle moved for approval of Item A2 awarding the bid to Heiman, Inc. of South Dakota, in the amount of \$195,395, and accepting the grant for \$41,895 from the State of Montana, seconded by Councilmember Ronquillo .

City Administrator, Tina Volek, asked that the Fire Chief, Paul Dextras, speak about the grant from the State of Montana and Billings being the regional representative for HazMat services. Fire Chief Dextras explained that the Billings Fire Department is a part of a 6-section regional hazardous material team. Therefore, Billings has the obligation to assist in the immediate surrounding area and the Eastern section of the State when there is a hazardous material situation. Fire Chief Dextras gave a recent example of a semi-truck turnover near Columbus, Montana, wherein the Fire Department was dispatched for HazMat expertise. The Billings Fire Department is responsible for the HazMat training of the surrounding areas' fire department personnel. This is paid for through the grants that are funded annually. The subject vehicle will tow a hazardous material trailer that was acquired over 5 years ago. This continues to obligate the City of Billings and the Fire Department to participate in the State's Regional Hazardous Material Team concept.

Councilmember Astle asked Fire Chief Dextras for a description of this vehicle. Fire Chief Dextras responded that it is an International-type, commercial tow vehicle to tow the HazMat trailer. The vehicle is equipped with specialized compartments that are built to carry tools and equipment that are associated with this vehicle.

The motion was unanimously approved.

#### **REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #906: A zone change from Residential Multi-family-Restricted (PD-RMF-R) to Planned Development – Neighborhood Commercial (PD-NC) on a 45,950 square foot parcel of land described as Lot 2, Block 28, Harvest Subdivision, 3rd Filing, generally located at 3225 Rosebud Drive. Terry Havener, Susan Havener, Brittany Evans, Kimberly Erbacher, John Erbacher, Folmer Christensen, and Mari Christensen, owners; R. L. McComish and Sanderson Stewart, agents. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation).** Zoning Coorindator, Nicole Cromwell, gave a presentation regarding this zone change and provided maps of the existing and proposed changes to the subject property. Ms. Cromwell explained this parcel is currently zoned for multi-family or church for the planned development. The church pre-existed the zoning and that is why the allowance for the church is in the zoning. The church has been vacant for over 3 years and is now owned by Stockman Bank. Stockman Bank was approached by the McComish family to purchase the property to relocate The Pickle Barrel restaurant on 13<sup>th</sup> Street West, which closed this past summer. The current zoning does not allow for a restaurant. Therefore, a petition for a zone change was required. The traffic impact analysis initially indicated there could

possibly be an additional 1,400 trips per day. That number was an original estimate used on rule of thumb in the Planning office, but the actual numbers for this proposed use is approximately 310 trips per day.

Councilmember Astle asked about curb cuts. Ms. Cromwell responded there is a curb cut, located north of the building and was put in approximately 10 years ago and is a second access into the property. Both accesses from Rosebud Drive and 32<sup>nd</sup> Street West, service this property and those living in the condominiums nearby.

Ms. Cromwell explained that the fenced area on the property was installed after a special review was conducted that briefly converted the church to a daycare facility. The fencing will be removed if The Pickle Barrel relocates to this property.

Ms. Cromwell stated the City's Planning and Engineering staff recommended to the Zoning Commission that the zoning change not be approved based on the current traffic issues on 32<sup>nd</sup> Street West and particularly at the intersection of Rosebud Drive. The Zoning Commission considered the traffic impact report and determined the existing allowed uses for multi-family, church or daycare for up to 70 children, would have the same or even greater traffic impacts on Rosebud Drive and 32<sup>nd</sup> Street West, and the proposed reuse of the building would have more impact on the general welfare of the area than to allow the building to remain vacant and decaying. The traffic situation on 32<sup>nd</sup> Street West is an issue that the City should address in any case. The applicant is willing to assist and contribute to the resolution or problem-solving for that corridor with the City. The City does not have a project at this point. The Zoning Commission also found that the use of a restaurant is compatible with this area and provides a neighborhood service that is not currently available. Ms. Cromwell advised the Zoning Commission was recommending approval of the zone change based on the following 10 criteria.

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following goals of the Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)

The proposed zoning would permit the proposed restaurant to be located directly adjacent to the existing multi-family dwellings on the site. The surrounding neighborhood character is primarily higher density residential uses to the north and west and lower density residential uses to the east. The proposed zoning would allow the vacant building to be re-used as a neighborhood service business such as the proposed restaurant. This is consistent with the character and pattern of this area.

- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods. (Land Use Goal, page 6)

The proposed Planned Development zone change to NC could allow additional commercial uses north of Rosebud Drive. The proposed zoning is compatible with the adjacent neighborhood. While the proposed use will add traffic to the intersection with Rosebud Drive and 32nd Street West, so would all the current allowed uses for a church, a day care center, or multi-family dwellings. The proposed zoning is sensitive to and compatible with the character of the neighborhood.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building

separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety, and general welfare?

Public health, safety, and general welfare will not be compromised by the proposed zoning. The existing traffic congestion on Rosebud and 32nd Street West would be impacted by any re-use of the vacant building, regardless of the underlying zoning district. Re-use of the vacant and decaying building will benefit the general welfare of the neighborhood.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

**Transportation:** The re-use of the vacant building will have an impact on the surrounding streets. The proposed re-use under the NC zoning will have no greater impact than potential uses allowed by the current zoning. A traffic impact study was conducted, and although the City Traffic Engineer recommended denial of the zone change, resolving the existing problem at the intersection should not be shouldered by one owner.

**Water and Sewer:** The City provides water and sewer to the property.

**Schools and Parks:** There should not be any impact to schools or parks from the proposed zone change.

**Fire and Police:** The subject property is currently served by the City Public Safety Services.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

Traffic generation from a commercial site is dependent on the specific uses within the development. The site is currently developed with 15 dwelling units and has one vacant church/daycare. Re-use of the existing structure for a daycare or church will generate traffic. These uses are allowed by the current zoning. The proposed zoning of PD-NC will allow commercial re-use of the vacant structure or demolition and construction of a new commercial building. The proposed use, a restaurant, will generate an additional 75 trips through the intersection during the noon peak hour and 21 trips at the evening peak hour. The proposed use and zoning should place no greater burden at the intersection than any of the allowed uses. Residents in the area report avoiding the intersection of Rosebud Drive and 32nd Street West during peak hours (noon to 5 pm on weekdays) and having to perform "stunt" driving at other times to turn left (to head north) out of Rosebud Drive. Despite the traffic congestions, the accidents reported at this intersection are no greater than similar intersections in Billings (7 over a period of 3 years).

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The existing vacant structure can be re-used for a church or a day care. The existing building can be demolished and new multi-family dwelling units constructed. The proposed zoning would allow the re-use of the building for a neighborhood service provider such as the proposed restaurant. The existing and proposed zoning is compatible with urban growth.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for commercial uses. The property is suitable for commercial uses such as the proposed restaurant.

9. Will the new zoning conserve the value of buildings?

The new zoning does conserve the value of the vacant structure. The re-use of the building for a restaurant will require significant rehabilitation. Surrounding building values may increase if the structure is occupied. The market value effect on the adjacent residential units within the unit-owned property is not predictable.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning does encourage the most appropriate use of the land. Appropriate uses may include the existing zoned uses as well as uses allowed in the PD-NC zone such as the proposed restaurant.

Councilmember Cimmino asked when the City's Planning and Engineering staff recommended denial of the applicant's zone change request. Was it before or after the traffic impact analysis was conducted? Ms. Cromwell responded the recommendation from the Planning staff was made before the traffic impact results were provided and the City's Traffic Engineer's recommendation was afterward.

**PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign up on the clipboard located at the podium.)**

The public comment period was opened.

- **Rick Leuthold, Sanderson Stewart**, represented the McComishes in their zone change quest. The issue does not lie with The Pickle Barrel business, but rather the existing traffic issues. A full traffic analysis was conducted after the pre-application meeting to consider the impact The Pickle Barrel business would have on traffic. Mr. Leuthold referred to the traffic analysis report which compared the previous daycare business trip traffic and the proposed trip traffic for The Pickle Barrel business. The Pickle Barrel trip traffic would generate the same or fewer trips than that of the previous daycare. Today the building is vacant and generating no additional traffic. If you put any kind of business in the building, it is going to generate additional traffic. Asked the Council to approve the zoning change request and not hold the owners of The Pickle Barrel restaurant responsible for an existing traffic problem. Putting the existing vacant building to use would have a greater benefit than any detriment the increase in traffic would have on the neighborhood.

Councilmember Ronquillo stated that when The Pickle Barrel was located on 13<sup>th</sup> Street West, it too, was a busy street and the restaurant was busy. Ronquillo feels the traffic on 13<sup>th</sup> Street West is comparable to 32<sup>nd</sup> Street West.

- **Dan McComish, 3653 Harper Dr., Billings, MT**, has been trying to reopen The Pickle Barrel since it closed in May of 2012. Mr. McComish feels this location is the best he has found. He stated the signage would not be a large, bright sign. He expects the hours of business to be 10:00 a.m. to 8 p.m. He believes the neighborhood would benefit from this type of business. Food service deliveries will be made during non-peak times to help alleviate traffic congestion. He would like to expand the parking lot into the boulevard and closer to the sidewalk.

Councilmember McFadden asked if the peak traffic time for the business would differ from the peak traffic time presently at that intersection. Mr. McComish responded that the Noon hour would be a peak time and again during the dinner hours 5:00 p.m. to 6:30 p.m. Mr. McComish's observations of the current traffic flow indicated that the Noon hour traffic is light at this intersection, however, during the evening hours, traffic is naturally heavier as residents of the neighborhood return home. The restaurant is not expected to be open for breakfast and will not affect morning rush hour traffic.

Councilmember Pitman stated that should The Pickle Barrel reach 1,200 customers per day, would the McComishes consider opening one in the heights.

- **Ron Cox, 625 Chokecherry Place, Billings, MT**, lives 150 feet north of the proposed building. Due to the high traffic area, Mr. Cox understands that The Pickle Barrel would desire this location. The traffic on 32<sup>nd</sup> Street West has exploded to over 18,000 per day as measured by the Mid-November analysis to the zone change request. With traffic counted at 19,492 vehicles on November 16, 2012, which is approaching the 20,000 vehicle per day capacity of this street. These counts indicate the street is fast approaching, if not already the busiest, per traffic lane, in town. No one would deny there is an existing traffic problem. We do not need to add to it. When Mr. Cox purchased his home in 1988, the traffic was 2,500 vehicles per day. In 1998, the traffic was 6,200 vehicles per day, and spent \$45,000 on an addition that is now unusable and serves as a buffer to the traffic noise. Mr. Cox stated he could not sit on his patio and have a conversation with someone sitting right next to him. A digital sound pressure level meter consistently has ratings above 70 decibels and peaks exceeding 100 decibels. The proposed rendition of the restaurant shows people enjoying their food on a patio that faces 32<sup>nd</sup> Street West. That would be impossible. Mr. Cox protested their property tax assessment based on the loss of use of property due to the traffic noise. Mr. Cox provided Council with a copy of the ruling from Edward R. Cross, Chairman of the Yellowstone County Tax Appeal Board and quoted from it, "Based on the testimony given, this Board adjusts the land value to \$25,000 and the building value to \$90,000 because this property has been effectively condemned by the City of Billings routing highway traffic through a

residential neighborhood without installing appropriate sound barriers." Mr. Cox can appreciate Stockman Bank's eagerness to sell the property due to its limited marketability as his property is also affected. He stated it is incomprehensible for the Council to approve this proposed Zone Change against the City's Planning and Traffic Engineering Departments recommended denial of this zoning change due to the adverse traffic impacts and he supports that denial. He feels if the Council approves the Zone Change it is due to the involvement of big money lobbyists.

Mayor Hanel referred to the tax appeal board document, dated April 28, 2010, and that the information may be outdated. Mr. Cox stated that since that date the traffic situation has deteriorated even more.

- **Richard McComish, 1922 Stillmeadow Drive, Billings, MT.** He is a businessman in Billings and has been for 22 years. He has lived in Billings for 37 years and employs approximately 120 individuals. The Pickle Barrel is a family-owned franchise. Upon purchasing the franchise from the previous owner, they sought to re-open the restaurant at the 13<sup>th</sup> Street West location, however, were unsuccessful in doing so. That location was their first choice. Other locations have been looked at, but none seemed as ideal as the location on Rosebud Drive and 32<sup>nd</sup> Street West. This stand alone location is better than a strip mall. If this zone change is not approved, they will continue to look for a suitable location. Mr. McComish stated they want to go about opening this business the right way with the neighborhood in mind. He provided a copy of a letter sent to a property owner that underscores The Pickle Barrel's commitment to do everything it can to mitigate the concerns of the property owners and neighbors. The letter states The Pickle Barrel will take care of the maintenance, the parking lot, and if taxes go up in the neighborhood due to the opening of The Pickle Barrel, the owners will take care of it either through the condominium association or by paying those directly. The Pickle Barrel desires to be the best neighbor.

Councilmember McFadden asked how additional traffic into the parking lot would affect noise levels. Mr. McComish responded that slow speed traffic does not create the same decibel level that high speed traffic does. Mr. McComich does not believe the restaurant will cause additional noise problems. Typically when you stand at this location during a noon hour, there is not a lot of traffic.

Mayor Hanel refers to the copy of the letter Mr. McComish distributed and reiterated its contents, that is, The Pickle Barrel will assume responsibility for the common area, such as asphalt, maintenance and snow removal so the condominium owners do not have that burden. Mayor Hanel thanked the McComishes for their generosity.

Councilmember McCall also referred to the copy of the letter Mr. McComish distributed and inquired about the statement made in it that The Pickle Barrel would reimburse residents for any increase in property taxes they incur due to the business's development. Mr. McComish stated this offer is for the owners of the condominiums in

the immediate area nearest the proposed building. Councilmember McCall thanked Mr. McComish for the generous offer.

Councilmember Cimmino stated she spent her lunch break, the day of this meeting, at the property to personally observe the traffic in that area. Understanding The Pickle Barrel is not open at the proposed location yet, she observed only 5 vehicles make the right-hand turn at this location between 12:00 Noon and 12:30 p.m. Councilmember Cimmino commended the McComishes for doing a thorough study, covering all their bases in the proposal, and presenting their findings to the Council.

- **Tim Ludwig, 5826 Kit Lane South, Billings, MT.** Mr. Ludwig is the branch manager of the King Avenue Stockman Bank. He was representing the seller. Stockman Bank has had the property for quite some time. It is a difficult piece of property to convert under its present use. The market has been limited because of the present zoning. Mr. Ludwig acknowledged the traffic issues and solving the problems will be a careful and lengthy process. He is confident that the City will take steps to solve the problems. He is supportive of getting the property back in use. He believes a small, neighborhood, family-operated sandwich shop fits this property and its location. Mr. Ludwig asks that the Council approve the zoning change and allow the property return to a constructive, contributing piece of property.
- **Brittany Evans, 3229 Rosebud Drive, #15, Billings, MT.** Ms. Evans is a condominium owner and is opposed to opening a neighborhood sandwich shop. She is the only owner that actually resides in her condominium at this location. All of the remaining condominium owners are renting their units. She feels a restaurant will increase traffic and decrease the value of her home. She believes the restaurant will negatively affect her quality of life and her investment. Ms. Evans has tried to research how her property taxes will be affected and has been unable to get a definitive answer. She acknowledged the generous offer from the McComishes to pay any increase in her taxes, but she said should the McComishes sell their business, this arrangement to have her increased taxes paid by the business may not follow to the next owner. Further, she does not feel the zone change is conducive to what the neighborhood wants or needs. When Ms. Evans purchased her home in 2010, she was fully aware of the traffic situation. This was before 32<sup>nd</sup> Street West was fully extended from Zimmerman to I-90. Since the completion of the extension, she has witnessed a significant increase in the traffic. The Pickle Barrel would only add additional traffic. She is very disappointed the Zoning Commission approved the proposed zoning change to go before the City Council after the traffic analysis was presented. There was no recommendation for adequate solution to the traffic problem. Ms. Evans has also checked with realtors who have advised her that should she sell her home, which is located just 2 car lengths away from the proposed Pickle Barrel location, it would increase the amount of time her home would be on the market. She feels her parking lot will have increased parking pressure and would be a deterrent for potential homebuyers as well. The increased traffic in

the parking lot will pose a safety threat, too, to the children living in the neighborhood.

Councilmember Bird stated she appreciated the amount of research Ms. Evans had put into the proposed zone change and its potential effects on property owners. She asked Ms. Evans if she had researched the difference in the effects to property values if The Pickle Barrel is in the neighborhood versus having the existing vacant, dilapidated building continue to deteriorate. Ms. Evans responded the realtors she has consulted have been aware of the condition of the existing building and felt that the zoning was more of an issue. Having a restaurant and having the proposed zoning would have a greater impact on her property value. Ms. Evans contacted two individuals about property tax increases. One person told her the zoning change may add hundreds of dollars per year to her property taxes, while the other individual did not give her the same answer. So it is unknown whether there will be any increase to property taxes once The Pickle Barrel is established. Councilmember Bird asked City Administrator Volek if some assistance could be given to Ms. Evans in her efforts to learn about property tax valuation and potential increases. City Administrator Volek said she would be happy to offer assistance, but reminded the Council that the City is not the assessing agency, but the State.

Councilmember Pitman asked about Ms. Evans' statement about children playing in the front yard. He noted there is no play area anywhere around the perimeter of the properties. Ms. Evans stated that because there are children living in the condominium complex, they will play wherever an opportunity is found, even if it is not ideal. That is the parking lot and to play ball because that is what they have access to.

There were no other speakers, and the public hearing was closed.

Councilmember Pitman directed a question to Public Works Director, David Mumford, whether the intersection at Rosebud Drive and 32<sup>nd</sup> Street West would justify a traffic light. Dave Mumford responded that neither Henesta nor Rosebud Drives were located in proximity to the signal at King Avenue that would warrant a traffic light. Property owners near the strip mall, approved access to the mall from King Avenue to help them. The intersection at Henesta may require a right in, right out at some point in time. Doing that would put more pressure on Rosebud.

Councilmember McFadden stated that when The Pickle Barrel was located on 13<sup>th</sup> Street West, he worked across from them. He stated they were good, quiet neighbors and the traffic coming and going from the sandwich shop was barely noticeable.

Councilmember Astle posed a question to Public Works Director, David Mumford, as to when the 32<sup>nd</sup> Street West extension was completed. Mr. Mumford responded the 32<sup>nd</sup> Street West extension was completed in 2005 with the first round of bonds from 2002-2003. It has a design that it can be expanded to a 5-lane street if it ever needs to be. The bike trail and sidewalks are located such that the boulevard would be removed. Everything has been designed to be moved out should an expansion ever need to be done. The capacity problems are not due to the laneage, it is due to the intersections. Public Works is working on a solution to this. The CIP is being

revised right now. Meeting with vendors about how to change the traffic signals and make improvements to the intersections. That is in our top 5 areas to improve. The section of 32<sup>nd</sup> Street West going south to Gabel Road is included in the CIP, with a 2-year design and then construction would be done after that. There is a design for expansion, if it is ever necessary. The traffic on 32<sup>nd</sup> Street West, however, is not going away. When changes were made to Shiloh Road, it caused traffic to divert to 32<sup>nd</sup> Street West and some of the previous Shiloh traffic has not returned. Traffic on 24<sup>th</sup> Street West has also moved to 32<sup>nd</sup> Street West because of less congestion. He said 32<sup>nd</sup> Street West will not see less traffic, it is a main arterial and has always been recognized as such.

Councilmember Cimmino asked David Mumford if the area in question was previously referred to as the "Arlene Corridor". Mr. Mumford stated it was and explained that the Yegen Golf Course was designed for 32<sup>nd</sup> Street West to go through the golf course. It has always been designed to be a connection from Rimrock Road south to King Avenue East.

Councilmember McFadden made a motion to approve Zone Change #906 adopting the determinations of the 10 criteria from Residential Multi-family-Restricted to Planned Development – Neighborhood Commercial, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

There were no other speakers, and the public comment period was closed.

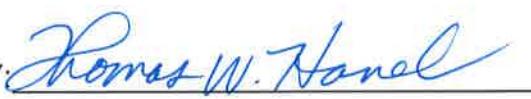
## **COUNCIL INITIATIVES**

There were no initiatives.

There was no further business, and the meeting adjourned at 7:42 p.m.

CITY OF BILLINGS



BY:   
Thomas W. Hanel, Mayor

ATTEST:

BY:   
Cari Martin, City Clerk