

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

September 11, 2006

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 Ron Tussing called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Mayor Tussing led the Pledge of Allegiance and Councilmember Peggy Gaghen gave the Invocation.

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Stevens, Brewster, Veis, Ruegamer, Ulledalen, Boyer, Jones and Clark.

MINUTES – August 28, 2006 Approved as printed.

COURTESIES

- Councilmember Stevens introduced her friend Sue Gustafson who is visiting from CA.
- Councilmember Boyer presented the Council with a plaque presented the Blue Blazers presented at the ribbon cutting ceremony for the opening of the newest portion of Zimmerman Trail.

PROCLAMATIONS –

- September 16: Boys & Girls Clubs Day for Kids in Billings
- September: National Library Card Sign-Up Month – Get Carded at Parmly Billings Library

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek noted that the Council's new microphones have been installed and are in service this evening.
- Ms. Volek noted that Items G and N have been withdrawn. She asked the Council to separate these items and recommended acceptance of the withdrawals.
- Ms. Volek also noted that *ex parte* communication had been received on Item 8 – the Shiloh Road intersection. Copies were placed in a binder available at the back of the Council Chambers this evening.
- She also noted that a revised report and Staff recommendation for Item 8 was placed on the Councilmembers' desks this evening.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #9 and #10 ONLY. Speaker sign-in required. (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the back of the room. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)

- JOE WHITE OF 926 N. 30TH ST. spoke on Item 10 – the City Administrator contract. He said he objects to approval of the contract at this time, noting that the Council's selection procedure was not followed. The procedure had been "short circuited" and stopped in progress, with no interviews conducted.

CONSENT AGENDA:

1. A. Bid Awards:

(1) **MET Transit Purchase** of one transit bus. Recommend Gillig Corporation, \$311,496.00.

(2) **W.O. 06-13: 2006 Accessibility Ramps.** (Opened 8/15/06; delayed from 8/28/06). Recommend J & J Concrete, \$332,227.50.

(3) **2007 4-Wheel Mechanical Broom High Dump Sweeper.** (Opened 9/5/06). Recommend delaying award to 9/25/06.

B. C.O. #8, W.O. 04-13: Filter Building Expansion and Improvements, COP Construction, \$48,312.49.

C. Amendments to Agreements with Wells-Fargo:

- (1) Buy-Sell Agreement
- (2) Drive-up Bank lease.

D. Renewal of Generator Room Lease with FAA in lower level of the Terminal Building, \$72.92/month.

E. Applications relating to W.O. 04-36: Briarwood Sanitary Sewer Main Extensions:

- (1) Structure Encroachment Permit from MDT
- (2) Encroachment and Utility Occupancy Permit from MDT
- (3) Right-of-Way Permit from DNRC for utilities across State Lands

F. Declaring property as surplus property and authorizing a public auction of surplus City equipment and police recovered property on September 30, 2006.

G. Sale of 1999 Elgin street sweeper to Yellowstone County, \$15,000.00.

H. Application for Paratransit Operating Assistance Grant from MDOT and subsequent acceptance of the agreement if received, up to \$710,496.00.

I. Acknowledging receipt of petition Annex #06-13 to annex a 65-acre parcel generally located south of Rimrock Rd. between 50th and 54th Streets West and described as Tracts 1 & 2, C/S 2054 and Cynthia Park (a county park), Blue Diamond Ranch Partnership LLC, owner/petitioner, and setting a public hearing date for 9/25/06.

J. Second/final reading ordinance 06-5385 providing that the BMCC be amended by revising Sections 24-1007 through 1009 and Section 24-1011; providing

for vehicle immobilization when outstanding parking fines exceed \$50.00; updating the procedure; and increasing certain fines.

K. Second/final reading ordinance 06-5386 expanding the boundaries of Ward IV to include recently annexed property in Annex #06-11: a 36-acre parcel generally located on the west side of 46th St. W, south of Rimrock Rd. and described as: Tract 1, C/S 3273, Jim Boyer and Paul Bromenshenk, petitioners.

L. Second/final reading ordinance 06-5387 for Zone Change #787: An ordinance providing that the BMCC be amended by revising Section 27-1404 through 1406 and Section 27-1431 through 1433, adopting the revisions as an amendment to the Zoning Regulations (re: the Shiloh Corridor Overlay District) and setting a time period for the regulation to be effective.

M. Second/final reading ordinance 06-5388 for Zone Change #789: A zone change from Residential-9,600 to Neighborhood Commercial on Lots 8 & 9, Block 2 of Central Acres Subdivision, 2nd filing, located at 3525 Central Avenue, Betty Larsen, owner.

N. Preliminary Subsequent Minor Plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision, generally located south of State Highway 3 between Aireway Drive (south) and Masterson Circle (north), approximately ½ mile southwest of the airport, conditional approval of the preliminary subsequent minor plat and adoption of the findings of fact.

O. Bills and payroll.

- (1) August 4, 2006
- (2) August 11, 2006
- (3) August 18, 2006

(Action: approval or disapproval of Consent Agenda.)

Councilmember Veis separated Items G and N. Councilmember Jones separated Items C and J. Councilmember Brewster moved to approve the Consent Agenda with the exception of Items C, G, J, and N, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved to separate and lay on the table Items G and N, seconded by Councilmember Ruegamer. City Attorney Brent Brooks reminded the Council that a ¾ majority to remove and table these items indefinitely was required. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item C, seconded by Councilmember Ruegamer. Councilmember Jones had a question about a statement on page 7 of the Wells Fargo agreement. He said, "the way it is worded is, 'the seller may exercise its right of first refusal by offering to purchase the property described in Exhibit "A" for the exact dollar amount ...'; noting that "a lot of times we end up making deals where it is not necessarily not all cash or dollars" and asked, "does this tie us into not

being able to making that kind of deal if we have tax increment funding or a possible "swap of land"? Mr. Brooks said the intent of this statement is to allow Wells Fargo to match any cash or purchase offer, adding that he was not sure if a cash value could be assigned to less liquidable assets as mentioned previously. Councilmember Jones said what concerns him is "the exact dollar amount", and asked if the verbiage could be changed to articulate an alternative to "the exact dollar amount". Mr. Brooks said he could attempt to make that change and didn't think Wells Fargo and Moulton Law Firm would object. Councilmember Jones made a substitute motion to delay Item C for 2 weeks in order to change the wording in the agreement from an exact dollar amount to include alternatives for other funding options, seconded by Councilmember Clark. Councilmember Boyer asked if this delay would hinder the contract moving forward. City Administrator Tina Volek said that construction on the replacement project has already begun; there will be no final action on the current drive-thru until the new site is complete. On a voice vote, the substitute motion was unanimously approved. The item was delayed to 9/25/06.

Councilmember Brewster moved for approval of Item J, seconded by Councilmember Ruegamer. Councilmember Jones amended the motion changing the boot fee (on page 4) from \$50 to \$100, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved. On a voice vote, the motion as amended was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annex #06-12: a 14.5-acre parcel described as Tract 1 of Corrected Amendment of Tracts 1 and 3 and Remainder Tract 2 to be the Amendment of Tracts 1, 2, and 3, C/S 1648, Bell Family Trust, owner. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

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

3. PUBLIC HEARING AND RESOLUTIONS Creating Special Improvement Lighting Maintenance Districts:

- A. Res 06-18476 SILMD 290 – S. 32nd St. West;**
- B. Res 06-18477 SILMD 299 – Vintage Estates Subdivision;**
- C. Res 06- 18478 SILMD 300 – Bellville Subdivision.**

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

There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Gaghen moved for approval of SILMDs 290, 299 and 300, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND RESOLUTIONS levying and respreading assessments:

- A. Res 06-18479 SID 1365: installation of water, sanitary sewer, storm drain, and street improvements, in Lake Hills Subdivision, 25th Filing.**
- B. Res 06-18480 SID 1366: construction of a park, city water supply, concrete parking lot, and storm drain in Rimrock West Estates Subdivision, 2nd, 3rd, 4th, and 5th filings and C/S 1350.**

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

There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ronquillo moved for approval of SIDs 1365 and 1366, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND RESOLUTIONS levying and assessing original assessments:

- A. Res 06-18481 SID 1368: construction of street, curb, gutter, sanitary sewer, water improvements and storm drainage improvements to Annandale Road from Greenbrier Road to Cherry Hills Road.**
- B. Res 06-18482 SID 1370: installation of missing sidewalks, drive approaches, accessibility ramps, curb and gutter and street widening improvements and miscellaneous storm drainage improvements on Interlachen Drive between River Oaks Drive and the southern extension Skyview Drive and on Lakewood Drive from Interlachen Drive to its eastern end.**
- C. Res 06-18483 SID 1373: construction of curb, gutter and street improvements (including bike path) for South Billings Boulevard between King Avenue and Underpass Avenue.**
- D. Res 06-18484 SID 2501: miscellaneous sidewalk, curbs, and gutter improvements located in areas throughout the City.**

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

There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Clark moved for approval of SIDs 1368, 1370, 1373 and 2501, seconded by Councilmember Jones. Councilmember Stevens asked why the difference in amounts charged to the residents. Councilmember Brewster said each resident had a different charge according to the changes made. He added that the storm drain improvements were spread over the whole drainage area. Councilmember Brewster also noted that a couple of streets needed curbs and gutters so the residents on those streets were charged accordingly. On a voice vote, the motion was unanimously approved.

6. PUBLIC HEARING AND RESOLUTION 06-18485 levying and assessing original assessments for SID 3006: Tree Removal Costs. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

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

7. PUBLIC HEARING AND RESOLUTION 06-18486 setting mill levy rates for (a) the Public Safety Fund, (b) General Obligation Debt Service - Parks, and (c) General Obligation Debt Service - Streets for FY2007. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

City Administrator Tina Volek said these mill levies are being set because the City received notice from the State for the overall assessed value. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Boyer moved for approval of the Staff recommendation, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.

8. PUBLIC HEARING regarding the City Council preferences on intersection and maintenance alternatives in the Shiloh Road Corridor area. Recommendation to be made at meeting. Project Advisory Committee (PAC) recommends the roundabout alternative at arterial locations (7 or 8) as the preferred alternative. Staff recommends approval of PAC's recommended preferred alternative for Shiloh Road reconstruction. (Action: approval or disapproval of Staff recommendation.)

Public Works Director Dave Mumford said the Regional Manager of the Montana Department of Transportation (MDOT), Bruce Barrett, has asked the Council for preliminary approval of the recommended alternative in the draft of the Environmental Assessment (EA) for Shiloh Rd. He said the reason for this request is because the EA, under federal guidelines, has to have a formally-recommended alternative. Mr. Mumford said the Director of MDOT does not want to go forth on Shiloh Rd. with the recommended alternative if it does not meet the expectations of the local government. He said that would include both the City and Yellowstone County. Mr. Mumford said MDOT would like the Council to decide whether it supports or does not support the recommended alternative.

He noted that the Project Advisory Committee (PAC) reviewed several options. Mr. Mumford said after much review, the City and County Engineering Staff brought forward the 7 to 8 roundabouts on Shiloh Rd. with urban landscaping as the recommended alternative. He said full roundabouts would be spaced about every $\frac{1}{2}$ -mile on the major arterials; every $\frac{1}{4}$ -mile with $\frac{3}{4}$ -access which would be "right-in and out and left-turn in" to each of the properties; and 1/8-mile spacing would be "right-in and right-out" for multiple access points as they develop. Mr. Mumford said this plan is in conformance with the State's guidelines for access control and most national standards. He said some property owners voiced concerns regarding access. Mr. Mumford said with this plan, only the left-hand turns are eliminated and the driver wishing to make a left-hand turn could proceed to the next roundabout and execute a U-turn.

Mr. Mumford said the purpose and need of this project was to improve mobility and safety through increasing capacity and providing for pedestrian, bicyclist and transit. He said this plan meets those needs. Mr. Mumford said it is unusual for the

State to request a recommendation before the EA has been prepared. He said the State is on a "fast-track" and before it goes forward it would like approval from the Council. He said the City, County and the public will have a chance to review the EA.

Mr. Mumford said negotiations over maintenance of the completed Shiloh Rd. are still ongoing between the City, County and State. He added that maintenance issues will be resolved before construction goes forward.

Councilmember Ulledalen asked if the PAC recommendation was for roundabouts vs. traffic signals. Mr. Mumford said that was correct. He said PAC looked at both combinations and determined that with traffic progression flow, signals and roundabouts could not be mixed. He said it came down to a decision between traffic signals or roundabouts. Mr. Mumford said there is better progression from one end to the other with roundabouts. He added that with roundabouts the cars never stop, just continue to flow, which would mean less travel time. Mr. Mumford said traffic pockets, which occur with traffic signals, make access to adjacent properties difficult. He added that the roundabouts would be new to residents and visitors.

Councilmember Ulledalen said he is "uneasy" about the experimentation on a major arterial road which will be handling 30-35,000 trips a day. He asked for an example of a successful roundabout system. Mr. Mumford did not know of any immediate examples. He added that it has been done in other communities and roundabouts would provide the flow that traffic signal timing would not allow. Mr. Mumford said Shiloh Rd. is the intended north/south truck route. He said traffic would flow smoothly in both directions with the use of roundabouts.

Councilmember Gaghen asked if there is assurance from the State Department of Transportation for funding and completion of the project. Mr. Mumford said he'd be meeting with Bruce Barrett, the Regional Manager this week to talk about funding issues. He said Shiloh Rd. and Airport Rd. do have budget constraints; they are over-budget. Mr. Mumford said the two projects to be funded first will be Airport Rd. and Shiloh Rd.; they have been on the books the longest. Councilmember Gaghen asked if Airport Rd. would take precedence over Shiloh Rd. Mr. Mumford said Airport Rd. would go under construction next year with Shiloh Rd. to follow. He said the completion dates would be 2009 for Airport Rd. and 2010 for Shiloh Rd.

Councilmember Veis said his concern is that the City is deciding what alternatives will go in the EA. He said that does not reflect the EA process very well. Councilmember Veis asked why go through an EA if the City can decide the alternatives. Mr. Mumford said he has the same concerns. He said he also understands that the State does not want to make the recommendation and then have the City say that it does not want it. Councilmember Veis asked if the EA does not have a preferred alternative until the Council decides on an alternative. Mr. Mumford said the EA does have a preferred alternative: 7-8 roundabouts along the corridor with urban typical sections. Councilmember Veis asked how important access control is to the EA and does the Council have to choose the number of access points. Mr. Mumford said access control will be determined in the EA and the State will have to deal with it when buying property. Councilmember Veis asked if the number of accesses could be changed in the future. Mr. Mumford said the project will be designed and approved by the Federal Highway Administration, so the only one to change the access control is the Department of Transportation.

Councilmember Boyer asked if during the EA process there will be more meetings for discussion purposes. Michael Sanderson of Engineering Inc. said the draft EA will first go through administrative review and then put out for public review. He said there will be an official notice period and then a public hearing on the draft EA. Mr. Sanderson said they would have to record and address every individual comment that they receive during that period.

Councilmember Ulledalen said he is comfortable with the 7-8 locations, but still has concerns with the use of roundabouts. He asked if the Council supports roundabouts, is there a chance for a change to traffic signals in the future. Mr. Mumford said the Council decision will affect how the State designs Shiloh Rd. and added that MDOT would like to start moving forward while the EA is going on, if the decision is for roundabouts. He said if traffic signals are used, the State would have to wait until the EA is finalized before moving forward with the design.

Councilmember Stevens asked if the Council recommended 11 locations, just to keep the options open would it be very difficult to change. Mr. Mumford said if the Council wants 11 then it should say so as the recommended alternative.

Councilmember Boyer said there is information that roundabouts do work. Mr. Mumford said there are numerous locations where roundabouts are working. He said there are guidelines that have been changed to try and make them better and Engineering Inc. is using these guidelines. Mr. Mumford said the Federal Highway Administration is trying to move more communities to roundabouts because of the operational efficiency. Mayor Tussing asked if Billings will be setting a trend. Mr. Mumford said there are cities that have the same number of roundabouts, just not in Montana.

Councilmember Veis said the Council is making a decision that it is unqualified to make. He asked why the Council is the best place to make this decision. Mr. Mumford said this is an unusual situation, adding that he has never seen an agency ask for a recommendation at this point. He said the State wants the local government involved and not to be "surprised" by anything. Mr. Mumford said if the Council wants to change to traffic signals, the State does not want to overrule the local government.

Councilmember Ulledalen asked for a cost comparison between roundabouts and traffic signals. Mr. Mumford said operationally, the roundabout is less expensive because there is no power and/or technical parts to be maintained. He said construction costs are also usually less expensive on roundabouts than traffic signals unless the cost of right-of-way becomes an issue.

Councilmember Ruegamer asked the cost of a traffic signal at an arterial road. Mr. Mumford said the cost would depend on the number of traffic lanes, the amount of asphalt, right turns, etc. He said a "typical" traffic signal would run about \$200,000 to \$250,000. Mr. Sanderson said over the length of the corridor the roundabouts are cheaper because of the right-of-way issue. Councilmember Veis said 7 roundabouts are about \$28 Million and 7 traffic signals about \$30 Million. He said the cheapest alternatives are 7 roundabouts. Councilmember Boyer reminded the Council that construction costs change daily.

Councilmember Ulledalen asked about the damage to Shiloh Rd. by truck traffic and how the roundabouts would be affected by heavy truck traffic. Mr. Mumford said part of the design is for truck traffic. He said the roundabouts do not require the stopping

and braking which damage the road surface. Mr. Mumford said the new surface will be constructed in order to endure truck traffic.

The public hearing was opened. EKLE BARFIELD, THE FACILITY DIRECTOR OF MSU-BILLINGS said he hopes that the Council has done a lot of homework to get reciprocal agreements with the property owners. He said he supports the roundabouts and would like the Council to consider adding one at Howard Ave. Councilmember Veis asked if Mr. Barfield had considered the $\frac{3}{4}$ intersection at Howard Ave. Mr. Barfield said that would work with roundabouts, but be a "real mess" with traffic signals.

JOHN CECH, DEAN OF THE COLLEGE OF TECHNOLOGY (COT) AT 3803 CENTRAL AVE. said he strongly encouraged the Council to support the roundabouts and to consider a roundabout at the Howard Ave. location. He said the COT has grown and the outlook for future growth is fantastic which will generate additional traffic.

DUANE BENDER OF KING AVE. W. said he has driven semis all over the country and roundabouts are the biggest fiasco. He recommends the Council drive a roundabout at 8:00 a.m. anywhere in the country. He does not think the Council would approve them if they did.

CHARLIE YEGEN, P.O. BOX 959, BILLINGS, MT said he represents his family which owns property on both sides of Shiloh Rd. He said the family farm is now nearly surrounded by City and County subdivisions. Mr. Yegen asked the Council to look favorably at roundabouts and provide an adequate number to promote commerce and safety. He suggested 11 roundabouts along Shiloh Rd.

BART COSLIN, CHIEF FINANCIAL OFFICER OF FAITH CHAPEL, 517 SHILOH RD. asked the Council to consider 11 roundabouts instead of 8. Mr. Coslin said between Faith Chapel, the COT, and the fact that Billings Clinic bought 80 acres across Shiloh Rd. traffic will increase and cause heavy use of the Howard Ave. intersection. His church currently has about 2500 cars leaving its location each weekend.

Councilmember Veis asked Mr. Coslin if the $\frac{3}{4}$ intersection would meet the church's needs. Mr. Coslin said he does not believe that it would meet the traffic needs. He said he thinks it will become a "bottle-neck" area. Councilmember Veis asked what percentage would be turning left out of the parking lot. Mr. Coslin said members go both ways and he would not know how many would make a left-turn. Mayor Tussing asked if it is only the weekend services that would require the need of the roundabout. Mr. Coslin said probably six times a week there would be a lot of cars exiting the church parking lot.

Councilmember Stevens said that cars could go to the Broadwater Ave. and Shiloh Rd. roundabout and make a U-turn rather than make a left-turn out of Howard Ave. Mr. Coslin said it would still cause a "bottle-neck" if traffic has to go to the Broadwater Ave. roundabout and make a U-turn in order to go south on Shiloh Rd.

Councilmember Gaghen asked for the projection of cars exiting the church parking lot. Mr. Coslin said every time they have enlarged the facilities the congregation has grown. He said they will be increasing the worship center by 50% which will mean an increase in traffic.

CHARLIE HAMWEY OF 1010 GRAND AVE. said he supports 11 roundabouts. He said he has been on the Planning Board and a roundabout is also needed at the Montana Sapphire intersection. He said he is on the MSU-B Board and he supports the

request for a roundabout at Howard Ave. Mr. Hamwey said the roundabouts are necessary for traffic to move quickly along Shiloh Rd.

BRUCE MC INTYRE OF THE BILLINGS CHAMBER OF COMMERCE said the Chamber Board was concerned about Shiloh Rd. He said Engineering Inc. made a presentation to the Chamber and convinced them that roundabouts are the "way to go". He said he is impressed with the safety history of the roundabouts. He supports any efforts to move this process forward.

RON MOORE, CONSULTANT FOR BIG SKY ECONOMIC DEVELOPMENT AUTHORITY (BSEDA) said the primary concern of BSEDA is quick acceleration of the project. He said they want to see the completion of the project as soon as possible in order to "grab" the economic development potential. Mr. Moore said Joe McClure, the Executive Director of BSEDA, voiced his concern in making a "quick decision". Mr. McClure suggested that the Council wait to make a decision and take the time to evaluate the plan further.

HOWARD EGGBRECHT, OWNER OF SHILOH VILLAGE said he has owned Shiloh Village for 30 years. He said he's not 100% supportive of roundabouts. Mr. Eggebrecht said older people get behind truck drivers and don't know how to get off a roundabout. He added that truck drivers have trouble with roundabouts. Mr. Eggebrecht thanked the Council for the stop light at Central Rd. and Shiloh Rd.

There were no other speakers. The public hearing was closed. Councilmember Ulledalen moved for approval of the Staff recommendation, seconded by Councilmember Boyer. Councilmember Ruegamer said he has traveled roundabouts in New Zealand and they worked great. He said, "we won't know if they work unless we try them." Councilmember Ruegamer added that people adapt to changes and the Council should approve the roundabouts. He said the City is faced with balancing economic development vs. traffic flow in that area.

Councilmember Veis asked Mr. Sanderson (of Engineering Inc.) if this is "out of place in the EA process" and what exactly is MDOT looking for from the Council. He added that Engineering Inc. is the one doing the analysis and it should make comments. Mr. Sanderson said Engineering Inc. has been addressing public comment for 2 years. He said roundabouts are new in Montana, but not in the U.S. Mr. Sanderson said the EA as it stands today is completed in draft form. He said that MDOT does not need a decision from the Council; the PAC recommendation is sufficient. Mr. Sanderson said MDOT is just looking for "support" from the local government. Councilmember Veis asked why MDOT did not release the EA and then seek public comment from the City. Mr. Sanderson said MDOT is looking for some indication that the City is supporting this plan as it goes forward. He said the PAC had a strong consensus on urban-alternative roundabouts, but not on the number of them.

Mayor Tussing asked if the plan could be changed and a roundabout added at Howard Ave. if it becomes evident that one is needed with future growth. Mr. Sanderson said the access management plan becomes part of the environmental document. He said once the project is completed, a developer could request another roundabout at that location. Mr. Sanderson said for that request to be granted, it would have to be approved by the Montana Transportation Division. He added that it is not impossible, just difficult.

Councilmember Stevens said perhaps the Council should include 11 in the EA and then could decide whether or not to build all 11. Mr. Sanderson replied that the 11 roundabouts have been analyzed and all the information is available. He said that the Council needs to decide what goes into the EA, 8 or 11 roundabouts. City Administrator Tina Volek said she thought the PAC had already recommended 8 roundabouts and asked if the Council changes to 11 roundabouts would it have to go back to the PAC. Mr. Sanderson said that was correct, the PAC is just looking for support on 8 roundabouts.

Councilmember Gaghen asked what would happen to the 3 access points to be excluded from the plan. Mr. Sanderson said the recommendation from the PAC would be $\frac{3}{4}$ accesses for those 3 access points. Councilmember Veis asked if the Council recommends 11 roundabouts, do all 11 roundabouts have to be built. Mr. Sanderson said it is "possible" that 7 or 8 roundabouts could be part of the initial construction and the others built at a later date. Ms. Volek noted the constraint is funding; MDOT would not "hold" funds for the remaining 3 roundabouts.

Councilmember Ulledalen said this is a political decision and the Council is expected to "step-up to the plate" and make the decision. He said there are several groups of people being affected by this decision - the west-end residents, non-resident shoppers, and the possibility of a cross-town connector. Councilmember Ulledalen said he favors the lesser number of roundabouts. Mr. Sanderson noted that fewer roundabouts or traffic signals makes for less time traveling the route.

Mr. Mumford said traffic signals are poor at restricting some movements because of signal progression. He said that roundabouts would better allow all movements. Mr. Mumford said the 8 roundabouts would allow for moving traffic and still provide access at the major intersections. Councilmember Boyer said the "bigger vision" is to move traffic for the whole community, not just the west-end area only.

Councilmember Veis said if the Council makes the right choice, no one will remember, but if the Council makes the wrong choice people will be complaining for years. He said he supports the process and is okay supporting where the PAC is going. Councilmember Veis said he does not want to "close the door" on anything because clarity will come with time.

Councilmember Stevens said she uses Shiloh Rd. to get from the west-end and back to the Heights, but will be avoiding Shiloh Rd. because of the roundabouts. Councilmember Brewster said it is less of a political decision because of the good advice from good engineers. He said he will support this motion. Councilmember Clark said he will take the advice of the engineers and vote for the motion. Councilmember Veis said the EA is a "draft", not a "final" document. He added that this process is "unusual". Councilmember Gaghen said this is a "cart-before-the-horse" situation and will have a "big impact" on the City. Councilmember Jones said he will support the motion. He has seen the program and how the system will work even though there are a lot of "unknowns".

On a voice vote, the motion was approved. Councilmember Veis voted "no".

9. 2007 UNIFIED PLANNING WORK PROGRAM (UPWP) for the Billings Metropolitan Planning Organization. Staff recommends approval of the Draft 2007 UPWP and authorizing the Mayor to take this recommendation to the Policy

Coordinating Committee (PCC) meeting. (Action: approval or disapproval of Staff recommendation)

There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Stevens said the City would be adding a second transportation planner to the Staff and asked what duties would be required. Transportation Planner Scott Walker said the position would be a technical position which would allow the City to produce in-house models, handle subdivision work and reduce the use of the highway dept. Councilmember Stevens asked if the Shiloh Rd. Coordinator would do both jobs. Mr. Walker said it would be two separate positions; the coordinator would be a "liaison" person for the Shiloh Rd. City Administrator Tina Volek said the City partnered with BSEDA and *Celebrate Billings* to finance this position for one year. She said the position would also oversee the East End TIF, in addition to Shiloh Rd. and was approved by the Council about a year ago. Councilmember Boyer asked about the traffic technician position. Mr. Walker said that position has been in place about 10 years. He said it is a technical position that will continue to be funded and is a full-time position. Mr. Walker said the Transportation Planner will be reclassified to a Planner 3, due to management and budget responsibility. Councilmember Boyer asked how many new positions would be added. Mr. Walker said they would be adding one new position.

Councilmember Stevens asked if the trail censuses are announced ahead of time. Mr. Walker said "yes" and they usually taken in the spring of the year. Councilmember Stevens suggested that the City might be getting an "artificially high number" because of notifying the public. Councilmember Clark suggested just going out and counting some day without notification.

Mayor Tussing said the reason PCC approved this plan is because of federal funding. He said he will abstain from voting on this issue because it involves funding for his wife's position. City Attorney Brent Brooks said Mayor Tussing may continue to conduct the meeting, but should not offer an opinion one-way or the other on this item.

Councilmember Brewster asked if all the position changes and additions are in the 2007 Budget. Ms. Volek said they are not budgeted for 2007. She said Staff is still working on the "comp and class study". Councilmember Brewster asked if the Council approves this plan, would they see a budget amendment for the full-time position and then the rest included in comp and class. Ms. Volek replied, "yes".

Councilmember Clark asked the amount of federal funding involved. Mr. Walker said the total federal money involved is about \$700,000, which is matched by \$560,000 of local money. He said the "local money" is made up of the county mill of \$270,000 and City revenues from the Planning Dept. of about \$330,000.

Councilmember Veis asked Mayor Tussing if he would abstain on this issue with the PCC also. Mayor Tussing said it is his obligation to take forward Council recommendations, but would like Mr. Brooks' recommendation. Mr. Brooks said if the Mayor is "simply carrying the Council recommendation" he does not see a difficulty. Ms. Volek said the Mayor could also appoint someone to represent him at the PCC meeting.

Councilmember Ruegamer moved for approval of the Staff recommendation, seconded by Councilmember Stevens. On a voice vote, the motion was approved. Mayor Tussing abstained from voting.

10. CITY ADMINISTRATOR CONTRACT with Tina Volek. (Action: approval or disapproval of contract.)

Councilmember Brewster moved to delay consideration of Ms. Volek's contract until the September 25th meeting, seconded by Councilmember Boyer. Councilmember Brewster said they need to meet again to resolve some of the issues remaining. He said the negotiations have gone well and he is confident that the sub-committee can come to an agreement. On a voice vote, the motion was unanimously approved.

11. PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required. (Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

- JOE WHITE OF 926 N. 30TH ST. commented briefly on recent comments made by Bill Frist on C-SPAN. Mr. White also spoke on the need to clean up the South Side. There were no other speakers. The public comment period was closed.

COUNCIL INITIATIVES

Councilmember Stevens moved that any future trail censuses be conducted "stealth fully" (i.e. without advance notice to the public), seconded by Councilmember Brewster. On a voice vote, the motion was approved. Councilmembers voting "no" were: Veis, Clark, Jones and Mayor Tussing.

ADJOURN - With all business complete, the Mayor adjourned the meeting at 8:45 p.m.

THE CITY OF BILLINGS:

By: _____
Ron Tussing, _____
MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE
City Clerk