

# REGULAR MEETING OF THE BILLINGS CITY COUNCIL

**MONDAY, AUGUST 28, 2000**

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, Montana. Mayor Charles Tooley called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by members of Boy Scout Troop #9, followed by the Invocation, which was given by Councilmember Mark Elison.

**ROLL CALL** – Bradley, McDermott, McDanel, Tooley, Iverson, Ohnstad, Johnson, Larson, and Elison. Councilmembers Deisz and Kennedy were excused.

**MINUTES –August 14.** APPROVED AS PRINTED.

**COURTESIES** – NONE

**PROCLAMATIONS** –Mayor Tooley. NONE

**BOARD & COMMISSION REPORTS** - NONE

**ADMINISTRATOR REPORTS** – Dennis Taylor. NONE

## **CONSENT AGENDA:**

### **1. A. Bid Awards:**

- (1) **New Concourse Fan Coils for Billings Logan International Airport.** (Opened 8/8/00). Recommend rejecting all bids and re-bidding at a future date.
- (2) **Gasoline, Diesel Fuel and Lubrication Products.** (Opened 8/8/00). Recommend G.M. Petroleum for gasoline and diesel fuel and A & I Distributing for lubrication products for the next 12 months.
- (3) **Billings Parks 2000 Park Improvements.** (Opened 8/15/00). Recommend Fisher Construction Co., \$723,225.00.
- (4) **Truck Chassis, Tilt Cabs for the Solid Waste Division.** (Opened 8/15/00). Recommend Tri-State Equipment, Schedule I, \$90,700.00; Billings Truck Center, Schedule II, \$89,912.00; Tri-State Equipment, Schedule III, \$173,572.00; and Billings Truck Center, Schedule IV, \$86,183.00
- (5) **Refuse Compactors Bodies, Solid Waste Division.** (Opened 8/15/00). Recommend Kois Brothers Equipment, Schedule I, \$55,900.00; McNeilus Truck & Manufacturing, Schedule II, \$42,425.00; McNeilus Truck & Manufacturing, Schedule III, \$43,666.00; and Kois Brothers Equipment, Schedule IV, \$37,500.00
- (6) **Parmly Billings Library, 3M Self-Check Units for Libraries, Model**

MINUTES: 8/28/00

- 6210.** (Opened 8/15/00). Recommend delaying award to 9/12/00.
- (7) **NP Depot Improvement, Phase I.** (Opened 8/15/00). Eggart Engineering & Construction, \$362,615.91.
- (8) **2000 Improvements – Terminal Parking Lot for BLIA.** (Opens 8/22/00). Recommend H. L. Ostermiller Construction, \$548,079.65.
- (9) **Mail Inserting System for Public Utilities Dept.** (Opens 8/22/00). Recommend Pitney Bowes, \$87,142.00 w/trade in.

**B. Acceptance of Rimrock Land Donation** from William L. and Nancy A. Davies, N2 of Lot 11 and Lot 14A, Block 3, War Bonnet Sub., (replatted as Lot 14A-1, Block 3, War Bonnet Sub.) from Rimrocks face and talus slope.

**C. Loan Agreement and Promissory Note** with Montana Electric and Gas Alliance (MEGA), \$91,750.00 for the proposed acquisition of the utility assets of Montana Power Company.

**D. Loan to YMCA** from Downtown Revolving Loan Fund, \$250,000, 5-year term, 6% interest, for temporary financing of current improvements.

**E. First reading ordinance** extending the boundaries of Ward IV to include recently annexed property: unplatted portion of T1N-R25E-S32: NE4, Annex #00-04 and setting a public hearing date for 9/11/00.

**F. First reading ordinance** repealing BMCC Sections 6-417, 7-701 and 7-424, unnecessarily requiring bonds for electrical contractors, roofing contractors and auctioneers and setting a public hearing date for 9/11/00.

**G. Resolution of Intention 00-17596** to sell or dispose of City-owned property described as: C/S 1358, Tract 1A amended, containing 1.06 acres, and setting a public hearing date for 9/25/00. AND accepting 2.98 acres of Tract 1B from Eugene A. and Carol C. Brosovich in trade.

**H. Resolution 00-17597** requesting Montana Department of Revenue to recalculate the taxable valuation of the Downtown Redevelopment Tax Increment District and adjust the base taxable valuation pursuant to that recalculation.

**I. SID 1346: Streetscape Improvements to North Broadway:**

- (1) Resolution of Intention 00-17598 to create SID 1346 and setting a public hearing date for 9/25/00.

MINUTES: 8/28/00

- (2) Resolution of Intention 00-17599 to create PMD #4013, the associated park maintenance district and setting a public hearing date for 9/25/00.

**J. Preliminary approval of resolution 00-17600** levying and assessing the costs of SID 1335 (38<sup>th</sup>. Street West, adjacent to Parkland West), split tax code, and setting a public hearing date for 9/11/00.

**K. Preliminary approval of resolution 00-17601** levying and assessing the costs of SID 1336 (water, sewer, storm drain and street improvements in Lake Hills Sub, 23<sup>rd</sup> and 24<sup>th</sup> filings), surplus funds, and setting a public hearing date for 9/11/00.

**L. Preliminary plat** of Shiloh Point Subdivision. (Generally located west of Shiloh Road bordered by the Big Ditch on the north.)

**M. Preliminary plat** of Amended Lot 6, Block 1, Stark Subdivision. (Generally located on the north side of Wicks Lane, east of Hawthorne Lane.)

**N. Preliminary plat** of Normal Subdivision, Third Filing. (Generally located on the vacated portion of North 28<sup>th</sup> Street between 12<sup>th</sup> Avenue North and Poly Drive).

**O. Bills and Payroll.**

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

Councilmember Larson separated ITEM D. Councilmember McDermott separated ITEM 1A3. Councilmember Bradley moved for approval of the Consent Agenda EXCEPT Items 1A3 and D, seconded by Councilmember Johnson. On a voice vote, the motion was unanimously approved.

Councilmember Bradley moved for approval of Item 1A3, seconded by Councilmember Larson. Councilmember McDermott asked if the listing of projects for the contract were identical to those listed on the ballot for the G.O. bonds. Don Kearney, Parks and Recreation Director, replied that the projects that will be under contract were based on the recommendations from the Parks Board. It included all of the projects on the ballot except parking lots at Rose Park, Central Park and Veterans Park. There were not enough funds to cover that work.

Councilmember McDermott asked if there was some flexibility with how that money is spent or if it must be spent exactly as promised the voters on the ballot – with the small

MINUTES: 8/28/00

contingency fund. Mr. Kearney said there is some flexibility and is based on the Parks Board recommendations, in anticipation of a shortfall. He said their focus was to make sure that all of the playground equipment got done and any funds left over would be used for parking lots. On a voice vote, the motion was unanimously approved.

Councilmember Bradley moved for approval of Item D, seconded by Councilmember Elison. Councilmember Larson said he would be abstaining (due to a conflict of interest). On a voice vote, the motion was unanimously approved, with one abstention.

## **REGULAR AGENDA:**

**2. PUBLIC HEARING AND SECOND READING ORDINANCE 00-5128 amending BMCC Sections 23-404(c) and 23-404(e) regarding city subdivision development recommendations. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

Zoning Coordinator Jeff Bollman said the proposed amendment is fairly simple in that it changes the recommendations for a minor plat. This amendment would change that from the Planning Board to the Planning Department staff, to reflect current practices. He noted that the amendment was initiated by the Planning Board.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember McDermott moved for approval of the ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND SPECIAL REVIEW #677: a special review to allow the location of a new beer and wine license (without gaming) in a Highway Commercial zone on Lot 3-A-1-A of Amended Lot 3, Block 2, Hogan Homestead Subdivision, generally located on the east side of 24<sup>th</sup> Street West, between Grant Road and Overland Avenue. J & S Development Co., owner; Andrew Vap and Eugene Stumvoll, agents. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Zoning Coordinator Jeff Bollman said this special review is to allow the location of a new beer and wine license, that by state statute would not allow gaming to occur on the premise. The property is located on the east side of South 24<sup>th</sup> Street West, just north of the office building of Engineering Inc. Properties on the east side of 24<sup>th</sup> Street West are all zoned Highway Commercial. On the west side, the zoning is predominantly Controlled Industrial. He noted there are basically office and retail uses adjoining this property. The

proposal for this lot is for a restaurant with a new beer and wine license. Both the Development Review Committee and the Zoning Commission felt this use was appropriate for the location. The Zoning Commission recommended one condition: that landscaping along South 24<sup>th</sup> Street West and within the parking lot be consistent with the site plan dated 27 June 00, including the number of trees provided.

The public hearing was opened. EUGENE STUMVOLL OF 2029 GRAND AVENUE said he represents J & S Development Company, the current owner of the property. Dan and Linda Vap of Missoula are the prospective buyers of the parcel. Mr. Stumvoll said the Vaps are not new to the community – they currently own several Godfather Pizza places in Billings and the Great American Bagel shop on 24<sup>th</sup> Street West. He noted they started a restaurant like the one proposed in Missoula. It is a family restaurant that offers Mongolian stir-fry. He noted it has been very successful in Missoula and they are hoping to do two more of these restaurants – this one and another one in the east end of Billings at a later time. Mr. Stumvoll said they researched the area and found that this property did not violate the 600-ft separation requirement. “Being close to Shopco, Costco and across the street from the new Dos Machos restaurant, we felt this location was appropriate,” he stated.

There were no other speakers. The public hearing was closed. Councilmember McDanel moved for approval of the Zoning Commission recommendation, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND SPECIAL REVIEW #678: a special review to allow the location of an old beer and wine license (with gaming) in a Highway Commercial zone on Lot 1, Block 1, Dicono Subdivision, located at 523 Hilltop Road. Concept Development Corporation, owner; Kenneth Frazier, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Zoning Coordinator Jeff Bollman said this property is located on the north side of Hilltop Road, west of Main Street. The area is generally zoned commercial – north of Hilltop. Bench Elementary School is within the 600-ft radius area. The site is the location of an existing convenience store. The proposal is to remodel two existing service bays and two existing quick lube bays to allow for the location of the beer/wine location and to allow for on-premise consumption. There was a special review approved on the property immediately to the west (Lot 2C), where a bingo parlor currently exists. This was approved in 1997. The Zoning Commission is recommending the following conditions: (1) that this special review approval for on-premise consumption shall be limited to the area of the building labeled “remodel” on the submitted site plan dated 10/4/95, which contains approximately 2,532 sf and (2) that the 600 ft. separation requirement from any school, playground, public park, public recreation area, church or other public building be

waived.

The public hearing was opened. KEN FRAZIER OF 208 N. BROADWAY, SUITE 313 said he represents Concept Development, a corporation owned by Dick and Linda Skewis. He noted they have been residents of Billings since 1976. When they first moved here they owned and operated a number of service stations. In 1995 they purchased the Dicono Subdivision. In 1998, they built a mini-storage facility in the subdivision. Concept Development was formed in 1995, primarily to purchase and market the properties in Dicono Subdivision. The Skewis' built the Village Mart in 1995, which consists of a convenience store, a food court, a gas station, a service station, a lube station and a car wash. The convenience store already sells packaged beer and wine on premises. The owners intend to remodel only the top two service bays to expand the food court area to service existing customers and provide an additional source of income to insure they continued economic well-being. They will place some video gambling machines in that premise if this request is approved. They intend also to remodel it quite extensively to implement the proposed improvements. Mr. Frazier said it would add some jobs, as well as maintain the existing jobs in the location. Mr. Frazier ran out of the allotted amount of time and was asked to continue his remarks after everyone else has a chance to speak.

REV. DOALD HAGEMAN OF 2800 4<sup>TH</sup> AVENUE NORTH, said he is the pastor at the First United Methodist Church. He resides in the Heights and his son goes to an elementary school in the Heights. He said he would not like the council to grant a variance from the 600-ft separation requirement. "I do not think this is a bad property. I buy my gas there. But I don't think a few gaming machines in addition to the already lucrative business will guarantee his economic future," he stated.

LOUISE WARNER OF BILLINGS said she is speaking against the request. She said she did not think it was good for the communities' children and it goes against the laws that we have to protect children. She asked the council to deny the request.

ROGER OTTSTADT OF 2426 MILES AVENUE said he is concerned about this request. He said many residents in the community are concerned about gaming in Billings and feel helpless to act on it. Mr. Ottstadt said in regard to the waiver that either the City has the 600-foot separation requirement or it doesn't. He urged the Council to not approve the waiver.

DANNY GLOVER OF SOUTH 35<sup>TH</sup> STREET said the Council should not approve this request because children do go to this facility to buy lunches. It is not an appropriate place to have gaming.

KEN FRAZIER CONTINUED. Mr. Frazier reminded the Council that in 1997, they granted the waiver to the bingo parlor immediately adjacent to this property. He said the Council at that time felt the separation requirement was met at that time since there is no direct way to access the school from this site. "I think what they were getting at that time

MINUTES: 8/28/00

is the only way to access the school is from Lake Elmo or Main Street and onto Milton Road,” he said. He urged the council to approve the request and grant the waiver, since the proposal will have no adverse impacts to the residents and will add to the convenience of the residents and travelers.

There were no other speakers. The public hearing was closed. Councilmember Ohnstad moved for approval of the Zoning Commission recommendation, seconded by Councilmember Elison. Councilmember McDanel said he knows Mr. Skewis and his business in the Heights, and noted he is a strong supporter of the Heights community. “But at the same time, my record is very clear on this issue. I do not believe that these kinds of activities should take place within 600 feet of schools. We heard how far away that is, but 600 feet is less than one city block from the school. There is the exit in and out of Burger King that goes onto Milton Road. I know that children come from the school to the Burger King on a regular basis during the school year – at noon. I know that there are many children that live along Hilltop Road that ride their bicycles to Mr. Skewis’ business to buy pop and candy ... We talk about the fact that Mr. Skewis is an honorable and respectable businessman in this community; has a good reputation. Unfortunately, what happens is that we grant the permission to operate this business to the property and not to Mr. Skewis. That’s part of the problem I begin to have in situations like these,” he stated.

Councilmember Elison said he agrees that protection of children is a high priority, “but I believe that ordinance was put in place to provide a barrier. I don’t believe that a distance – a number, indicates the barrier. 600 feet across a grassy park is not the same as 600 feet across Grand Avenue or through multiple businesses and back yards... I think the 600 feet is an idealized idea of barrier, distance, separation. I don’t think that distance alone represents the proximity of a business location...,” he stated. He noted that it has been demonstrated that there is a barrier – vacant properties, business properties, the street itself and the residences. It is located in an area with other businesses of the same nature. “I would rather see businesses of this type clustered into smaller areas than distributed far and wide across the community where they happen to find a place that is 600 feet, regardless of barrier, from any school, park or public building,” he added.

Councilmember McDermott said she wants to see some areas specified to allow these licenses to come in without having to come to the Council. “I’d like parts of the Downtown Business District, because it’s considered an area where adults are primarily located, and I would prefer that we not have to see all those special reviews... I don’t think it needs to be limited to the downtown. There are areas in the City that we could exempt from this particular review. I would also like to continue the review for areas that we would like to continue to approve, but until the Council does that, I am as committed to Councilmember McDanel to vote ‘no’ when it is near a school or park,” she stated.

Councilmember Johnson said he has previously voted both ways on the 600-foot separation issue. He agreed the Council needs to find special locations for these uses. With the discussion complete, the Mayor called for a roll call vote. The motion failed 3-6. Councilmembers voting "yes" were: Ohnstad, Larson and Elison. Councilmembers voting "no" were: Bradley, McDermott, McDanel, Tooley, Iverson, and Johnson.

**5. PUBLIC HEARING AND SPECIAL REVIEW #679: a special review to allow the location of an old beer and wine license (with gaming) in the Central Business District zone on Lot 57, Block 8, O.T., located at 216 North Broadway. Angelina and Patrick Cormier, owners, GC Inc., agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation).**

Zoning Coordinator Jeff Bollman said this property is located just south of the new Casey's Golden Pheasant. In 1997, there was a special review applied for before Casey's moved that included Lots 9-10 and Lot 8 (i.e. subject property). They are two separate buildings with two different addresses. The special review was to allow an all-beverage license on these 3 lots in the two buildings. This special review was approved by the Council in 1997 and did waive the 600-ft separation requirement. Both the Zoning Commission and the DRC recommended approval with no conditions. The previous special review approval in 1997 covered the 600-ft separation waiver on the subject property.

Councilmember McDanel asked if his understanding was correct in that the special review approval in 1997 waived the 600-ft separation requirement for both properties and asked why the special review approval for the use of a beer/wine license didn't apply to both properties. Mr. Bollman said it did apply to both properties. When the previous special review was applied, for the Cormiers, who owned the liquor license intended to use their license in both buildings. The reason for the special review tonight is that the previous special review allowed the location of one liquor license on this property and the request is for a second license on the property. Currently the property is approved for one all-beverage license with 20 gaming machines. If this special review is approved, two licenses would be allowed with up to 40 gaming machines.

The public hearing was opened. DAVID WILKENS OF WRIGHT, TOLLIVER AND GUTHALS LAW FIRM said he represents GC Inc. He explained that the Cormiers own the subject property and lease it to GC Inc. The property has already been approved for an all-beverage license. In 1997, the Cormiers went through special review #617 and got permission for use of an all-beverage license on the three lots (containing two buildings). They leased it to Broadway.com, a café. When that company went out of business, they leased it to GC Inc. GC Inc owns a beer and wine license of their own and it is their intention to operate a restaurant with a food and beverage concession agreement. The



MINUTES: 8/28/00

state has approved the transfer of GC Inc.'s license to this location because the location had already been approved under SR#617. The state needs some verification that the premises are available for the license. Mr. Wilkens noted that the Zoning Commission and staff recommendation has been for approval. He said also that at the Zoning Commission meeting, the Rev. Sageman did not oppose the beer/wine license, only the gaming aspect. "We assured the Reverend and the Zoning Commission that we have no present intention of instituting gaming on the property. That's not to say that some time in the future it might be necessary for the economic survival of the business," he stated. Mr. Wilkens' time was up and was asked to continue his remarks after everyone else had a chance to speak on this item.

REV. DONALD HAGEMAN OF 2800 4<sup>TH</sup> AVENUE NORTH said he objected to granting this variance because it will be within 200 feet of their church. He said he understood that the property already had an old beer/wine license with gaming and it sounds like they want to add a second license to the same property. This will also be within 600 feet of First Congregational Church as well. Both churches have two large child care operations in their facilities. He asked if a cabaret license would be more suitable.

ROGER OFFSTADT OF 2426 MILES AVENUE said he has the same concerns about the 600-ft waiver. He is a member of the First United Methodist Church and had a child in that child care facility. "I understand that it may not have a direct impact on the child care facility, but I think the proximity alone is a concern for doubling the potential for doubling the gaming machines," he stated.

LOUISE WARNER OF 2138 WHITEWATER CIRCLE said she is a member of the First United Methodist Church. She said this winter they circulated a petition against gambling and tried to put it on the ballot this November. Statewide, not enough people signed the petition to get the issue on the ballot. She said there were about 100 people from their church that signed that petition, showing there is a lot of opposition to gambling. She asked the Council to deny the request.

DANNY GLOVER OF SOUTH 35<sup>TH</sup> STREET said he would ask the Council to disapprove this request and revoke the previous approval as well – due to the proximity of the children in the First United Methodist Church, of which he is also a member. "I do not believe that gambling should be this close to our youth, regardless of how young they are," he stated.

MR. WILKENS CONTINUED. He said a cabaret license was not a reasonable alternative because GC Inc already has a beer/wine license that it could use and could not apply for a cabaret license because they do not own, only lease the subject premises. They are precluded by law from making an application for a cabaret license. They are also expensive and cannot be transferred, making them not viable from an economic standpoint. He said GC Inc intends to establish an upscale, family-style restaurant that is

MINUTES: 8/28/00

good for everyone. "We understand that we are close to the church and have not interest in establishing a gaming area that could be a poor influence to the children in the area. Our intention is to have a family-style restaurant and try not to use gaming if it is possible.

In the long run, that is a state issue; the state is the one who grants the licensure for this area," he stated. There is already some gaming in the area and as far as he knew there has been no problems with it.

There were no other speakers. The public hearing was closed. Councilmember Iverson asked where the City is legally regarding the 600-ft separation. City Attorney Brent Brooks said the issue is not so much the 600-ft separation, but whether or not the Council wanted to see another liquor license authorized for this property along with the potential for 20 more gaming machines. He noted in terms of the 600-ft separation, it is his opinion that the Council has already ruled on that and waived it in 1997.

Councilmember Iverson moved for approval of the Zoning Commission recommendation, seconded by Councilmember Johnson. Councilmember McDanel said he recognized the 600 ft separation was no longer an issue in this case. "The issue is whether or not we are going to all the operation of two liquor licenses, gaming or no, on these three lots. The question I have is that we have already approved the operation of one liquor license that covers all three lots and now what we are getting around to is adding another liquor license to an area that we have already approved the operation of one license, while the one license isn't actually going away; it's just reducing its area to make room for the addition of a second license," he said.

Councilmember Bradley asked if the opening between the two buildings would be closed because of separate licensing and separate gambling. Mr. Wilkens replied that is not his understanding. That is an issue the state has looked into that and has ruled on it.

Councilmember Larson said if he were presented with a petition today to repeal or roll back the decision that allowed gaming in the state, he would sign it. "If I were asked to go to the ballot and vote on that, I would vote for it, even though I would recognize that the General Fund of the City would be utterly devastated as we look at how to replace \$4.5 to \$5 Million of gaming revenues from our own city, and we would somehow have to go back to the citizens of Billings and ask them to replace that money in some way, shape or form. What bothers me is that we try to present that petition, we failed to get enough signatures, we run polls in this state that 70-75% of Montanans want gaming... So we are failing to win that on a popular vote, so we are going to use our zoning law to get around that. I think that is a very dangerous thing to do. If we are actually concerned about the safety of children, you tell me why it is safer to have a cabaret license and get drunk on a cabaret license than it is to have a full liquor license. These arguments to me are ridiculous. It isn't safety of children; gaming machines in themselves are not dangerous to kids. Alcohol is a lot more dangerous to kids. To get into this type of thing and to allow ourselves to be drawn into the argument from that basis is dangerous. If we want to

restrict where these type of establishments are, the 600 ft separation is a lot closer of an argument or at least some more wisdom behind it than using every one of these zoning items to find some backdoor reason to say 'no' to gaming. It is hard to get people to tell us that they are not going to use a license given to them by the State of Montana at the most economic and advantageous manner they can use it. I don't know if we have a right to expect people won't. The cost of these gaming licenses has shot up and the cost of the liquor licenses has shot up because of the gaming element. That was one of the rationales behind the cabaret license and I was involved in talking to the Legislature about going that route... We are basically destroying the economic value of these licenses and creating a situation where those people can come back, look at us and say 'you've personally harmed me, financially harmed me.' Zoning laws should not be used as a back doorway. If we want to articulate a particular position of where we want these establishments to go, I think we need to make that clear, not just turn this into a game of chance, everytime you come up for a special review. Are we or are we not going to approve it? If we want to do this, let's do it correctly, so it's laid out; let's make it clear, not do it in a backdoor manner," he stated.

Councilmember McDanel said he agreed and added that this is not an issue of whether or not the Council will control gaming or the number of the licenses the state issues for alcohol. "What this is about is where do we want these establishments in our community and are there places for them in our community that do not directly impact our school system... In my way of thinking, locations that are not within 600 ft of a school, church or park, are acceptable for the location of those businesses... The bottom line here is we are not talking about controlling gambling... We are talking about where in our community do we want these facilities to be located. We have a pretty good track record of saying we want them in the CBD. Unfortunately, we have a pretty good track record of saying we want them everywhere they want to be. I want to change that attitude on this Council and in this community. I want to say 'where do we want them and let's locate them there and not let them be scattered all over'," he stated. On a voice vote, the motion was unanimously approved.

**6. APPROVAL OF 2001 UNIFIED PLANNING WORK PROGRAM (UPWP). Staff recommends approval. (Action: approval or disapproval of staff recommendation).**

Scott Walker of the Planning Dept said this is the annual work program. He noted it is very similar to last year's program. The Mayor will take the Council recommendation to the Policy Coordinating Committee (PCC), which meets on Wednesday afternoon.

Councilmember McDermott asked about the funding for grant writing. She asked about whether they have considered in the future, using the money to help with the half-time grant writer that John Walsh in the Community Development Dept has been approved for. Mr. Walker said he has already talked to Mr. Walsh about that.

MINUTES: 8/28/00

Councilmember McDermott asked who the members of the citizen advisory committee are. Mr. Walker replied that it is another program they have, that is utilized when issues require a variety of citizens to assist the Dept with community input. It is usually comprised of Planning Board members, representatives of the task forces, etc. Councilmember McDermott also noted that the Southwest Corridor Neighborhood Plan needs to be moved to the forefront of planning efforts. Mr. Walker said the dept. is well aware of that and it is high on the priority list of neighborhood plans. He hoped that as the staff vacancies are filled, time could be devoted to work on that plan.

Councilmember Johnson moved for approval of the staff recommendation, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

**7. RESOLUTION ANNEXING Lot 1, Block 7, Rush Subdivision, 3<sup>rd</sup> filing. (Annex 00-03). Staff recommends delaying action to 9/11/00. (Action delayed from 7/24/00). (Action: approval or disapproval of staff recommendation.**

Zoning Coordinator Jeff Bollman said the reason for the additional delay is to complete the urban planning area process. The first time that this item appeared before the Council, it was realized that the subject area is not in the urban planning area and it needs to be before the Council can take action on the annexation. The Planning Board will take action on inclusion in the urban planning area at their next meeting and this item should be ready for Council action at their September 11<sup>th</sup> meeting.

Councilmember Larson moved for approval of the staff recommendation, seconded by Councilmember Ohnstad. On a voice vote, the motion was unanimously approved. Action delayed to September 11<sup>th</sup>.

**ADJOURN –** With all business complete, the Mayor adjourned the meeting at 8:38 P.M.

THE CITY OF BILLINGS:

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

ATTEST:

MINUTES: 8/28/00

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE                      CITY CLERK