

# REGULAR MEETING OF THE BILLINGS CITY COUNCIL MONDAY, NOVEMBER 27, 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 Mayor Tooley, followed by the Invocation, which was given by Councilmember Mark Elison.

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

**MINUTES – November 13.** Approved as printed.

**COURTESIES** -- Mayor Tooley said a few words in remembrance of Councilmember Michael Deisz who passed away on November 18<sup>th</sup>.

**PROCLAMATIONS –Mayor Tooley.** Mayor Tooley proclaimed December 2, 2000 as Landmarks Day.

**BOARD & COMMISSION REPORTS.** – None.

**ADMINISTRATOR REPORTS – Dennis Taylor.** Mr. Taylor said there would be an Open House in memory of John “JR” Madden on Wednesday, November 29, 2000 from 11:00 a.m. to 1:00 p.m. (with a dedication at 12:00 noon) in the Information Technology Department. Mr. Taylor reminded Council of the High Speed Internet Summit (Economic Development Advisory Group) being held on Friday, December 1, 2000 from 9:00 a.m. to 3:00 p.m. at MSU-Billings.

## **CONSENT AGENDA:**

1. A. **Bid Awards:**
  - (1) **MET Transit Division Facility Renovation.** (Opened 10/31/00). Delayed from 11/13/00. Recommend Hardy Construction, \$150,100.00.
  - (2) **W.O. 95-08 Phase I, Shiloh/Grand Intersection.** (Opened 11/14/00). Recommend Eggart Engineering & Construction, \$575,095.40.
  - (3) **Fan Coil Replacement in Terminal Concourses at Billings Logan**

**International Airport.** (Opened 11/14/00). Recommend Accent Air Conditioning, \$19,819.00.

(4) **Combination Hydraulic Sewer Jet Cleaner and Manhole Vacuum System (Truck Mounted) for Public Utilities Department.** (Opened 11/21/00). Recommend delaying to 12/11/00.

(5) **Legal Advertising for 2001 Calendar Year.** (Opened 11/22/00). Recommend delaying to 12/11/00.

**B. Change Order #1, W.O. 00-01, 2000 Replacement Project, Schedule I,** Western Municipal, \$17,396.18 decrease and 0 days.

**C. Change Order #1, Long-Term Parking Lot Expansion for Billings Logan International Airport,** Ostermiller Construction, \$29,363.70 increase and 0 days.

**D. Change Order #2, Access Control System Airport Improvement Project (AIP 17),** Yellowstone Electric, \$803.48 decrease and 0 days.

**E. Change Order #2, GOBF Park Improvements Projects,** Fisher Construction, \$3,761.00 increase and 0 days.

**F. Amendment** to outdoor lighting agreement between Montana Power Company and Billings Logan International Airport, \$435.80/month increase for 7 years.

**G. Agreement** with Amend Park Development Council (APDC) to allow pursuit of grant sources for the development of Amend Park, that require long-term agreements as a prerequisite to be eligible for funding, current grant request if \$300,000 for completion of the concession stand/pavilion. term: 10 years with option to renew for additional 10-year terms.

**H. Approval** of Consultant Services Agreement with LSC Transportation Consultants, Inc., term: 5 years.

**I. Agreement** with Montana Department of Transportation, Traffic Safety Bureau, Occupant Protection Grant for Police Department, \$12,000. Term: 10/01/2000 – 9/30/2001.

**J. Acceptance** of non-binding recommendation from the Local Law Enforcement Block Grant Advisory Board for grant fund expenditures. (\$120,163 grant monies; \$12,016 City match from Drug Forfeiture Fund).

**K. Declaring Surplus Equipment:** fire apparatus from Fire Department, Units #4060, #4061, #4062.

**L. Setting a Public Hearing for January 8, 2001** for adoption of the REVISED Wastewater Lateral and Trunk Construction Fees, REVISED Water Main

Construction Fee, and ADOPTION of a new Water Transmission Construction Fee.

**M. Preliminary Minor Plat** of Aspens Condominium Subdivision (generally located on south side of Broadwater Avenue and on the north side of Terry Avenue between 35<sup>th</sup> and 36<sup>th</sup> Streets West).

**N. Bills and Payroll.**

(Action: approval or disapproval of Consent Agenda.)

**Late Addition:**

**O. Approval of Release of Transfer Restrictions** for portions of Gabel Subdivision, 2<sup>nd</sup> filing, and Escrow Agreement guaranteeing public improvements for Phase III of Gabel Subdivision, 2<sup>nd</sup> filing.

Councilmember Iverson moved to add Item O to the Consent Agenda, seconded by Councilmember Larson. On a voice vote, the motion was approved. Councilmember Elison separated Item M. Councilmember Bradley separated Item O. Councilmember Iverson moved for approval of the Consent Agenda EXCEPT Items M and O, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

Councilmember Iverson moved for approval of Item M, seconded by Councilmember Johnson. Councilmember Elison made an amendment to modify the Subdivision Improvements Agreement (Page 2, Item (5)) to INCLUDE curb and gutter on the south side of Terry Avenue. Councilmember Elison said he had met with property owners in the area and there were concerns about increased traffic in the neighborhood, the density of the development and most importantly storm water retention and runoff. He said the storm sewer is on the south side of Terry Avenue, which would not serve much of a purpose if there were no curb and gutter on the south side of Terry Avenue. Councilmember Elison said with the position of the storm sewer intake and the concerns of the neighbors on the south side of Terry Avenue, he felt it was appropriate to require curb and gutter on that side of the street as well. On a voice vote, the amended motion was unanimously approved.

Councilmember Iverson moved for approval of Item O, seconded by Councilmember Larson. Councilmember Bradley said he thought the City had participated in the infrastructure costs of the lot and he wanted to know how the City would take benefit of that. City Administrator Dennis Taylor said the City's participation was \$400,000 and the escrow documents place the obligation on the successor/owner to ensure the reimbursement to the City occurs at the time of the transaction. On a voice vote, the motion was unanimously approved.

**REGULAR AGENDA:**

**2. FIRST READING ORDINANCE amending BMCC Sections 24-604 through 24-609: requiring all individuals under the age of sixteen to wear protective bicycle helmets while operating bicycles in the City limits; requiring all bicycle rental businesses to provide protective helmets; requiring all bicycle helmets sold to be conspicuously labeled, establishing a protective helmet bank and setting a public hearing date for December 11, 2000. Staff recommends approval. (Action: approval or disapproval or ordinance on first reading.)**

Assistant City Administrator Bill McGill presented a staff report. He said the ordinance was a policy initiative submitted by Councilmember Ohnstad and supported by Councilmembers McDermott and Iverson. The intent of the ordinance is 1) to encourage bicycle safety education and 2) require the wearing of a helmet by individuals age 16 and under and also to require shops that rent bicycles to provide a helmet for those individuals renting bicycles. Mr. McGill said the Police Department has reviewed the ordinance and are concerned with the time issue, in terms of enforcement of the ordinance. Mr. McGill said staff researched examples of similar laws in Upper Arlington, Ohio whose intention was to partner with area schools to encourage bicycle safety.

Councilmember Ohnstad moved for approval of the ordinance on first reading, seconded by Councilmember Iverson. Councilmember Ohnstad said the ordinance is more about teaching life skills and responsibility to young people. He said he expected to see emergency room doctors, school principals, and anyone else who has witnessed the devastating effects of bicycle injuries at the public hearing. He stated that it was important to do something to help kids become aware, much like seat belt laws have made people aware to buckle up when driving their car. The ordinance would require parents to be responsible for making their kids wear helmets and he thinks it is important to get the awareness out that a helmet is important when riding a bicycle. Councilmember Elison said it might be difficult to cause the parent to be responsible for the child after they are out of the parent's sight. He said he generally does not like to pass laws requiring people to protect themselves. He stated that he would vote in favor of the ordinance on first reading in order to hear from the public at the public hearing. Councilmember Larson said it made no sense to pass laws that everyone knows the Police Department doesn't have staffing or time to enforce. He said this ordinance would be another that prohibits certain behavior that people would continue to witness everyday. "We are going to see kids riding all over town without helmets. The police will not stop them. The odds of that occurring are very slender. What sort of atmosphere do we create about what we mean about a law," he asked. On a voice vote, the motion was approved. Councilmember Larson voted "no".

**ADJOURN** – With all business complete, Mayor Tooley adjourned the meeting at 7:52 p.m.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_

Charles F. Tooley

MAYOR

ATTEST:

BY: \_\_\_\_\_  
Colleen Schell-Berg DEPUTY CITY CLERK