

**REGULAR MEETING OF THE BILLINGS CITY COUNCIL**  
**November 8, 2010**

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 Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Boy Scout Troop 27 led the Pledge of Allegiance, and Councilmember Cimmino gave the invocation.

**ROLL CALL** – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle, Clark

**MINUTES:** October 25, 2010, approved as presented

**COURTESIES**

- Boy Scout Troops 18, 27, and 28 were introduced. Scout leaders advised that the scouts were attending the meeting to work on merit badges.
- Mayor Hanel announced that the turkey drive for the Billings Food Bank would begin at 6 a.m. the next morning.

**PROCLAMATIONS** – None

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek referenced Item 4, Staff and Library Board recommendations for the Downtown Library Facility, and said an email to Mayor and Council dated 11/7/10, from John and Victoria Cech, in support of the proposed plan to tear down the current library building and construct a new, efficient, cost-effective facility on the present site was in the ex-parte notebook for public review.
- Ms. Volek advised that due to Municipal Court Judge Mary Jane Knisely's recent election as District Court Judge, the process to select her replacement needed to begin soon. She reviewed the minimum requirements for the position and suggested advertising starting November 11, with an application deadline of December 10, interviews the week of December 13, and a Council vote at the December 20 meeting. City Attorney Brent Brooks offered to provide an information sheet which detailed the requirements of the position. Ms. Volek said a Council Initiative regarding the process could be made during that portion of the meeting.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1, #3, and #4 ONLY. Speaker sign-in required.** (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. Please sign up on the clipboard located at the podium.)

The public comment period was opened.

- **Bruce Whittenberg, 4607 Arapahoe Lookout**, expressed his appreciation for the \$2 million donation to the library. He urged the Council to move forward with the design and construction of a new library on the block of the current facility, and to work with adjacent property owners to acquire the property needed for the facility.

- **Dr. Cathy Grott, 1225 Juniper**, expressed her support for a new library. She spoke of a library in Columbus, Indiana, that was an architectural icon and the hub of the community. She urged the Council to support the recommendations of the Library Board.
- **Daniel Dostal, 3021 Stinson**, advised that he was a member of the Yellowstone Valley Citizens Council that had formed a Green Library Task Force to put together ideas for an energy efficient building. He said the YVCC agreed a new library building should be built on one of the adjacent lots, but was concerned that the existing building had value, and should be considered for other uses, such as library storage. He said an architectural friend had estimated its value at about \$2.5 million.
- **Tom Binon, 127 Antelope Trail**, said it was a pleasure to work with Councilmembers Clark and McCall, along with Planning and Community Services Director Candi Beaudry and others on the Library Committee to reach consensus on a site for a new library. He said he felt it would serve the community well for many decades to come.
- **Lyn McKinney, 1001 Babcock**, spoke about the services provided to the community by the current library and expressed her support of a new library. She urged the Council's acceptance of the \$2 million donation and the other recommendations of the Library Board.
- **Joe White, Billings**, stated he thought the proposed site for a new library was a terrible location. *The remainder of Mr. White's testimony was inaudible.*
- **Shari Nault, 732 Burlington**, urged the Council to support building a library, a legacy building. She said she did not think there was any question about the need for a library due to the fact that the current library offered over 500 programs each year and checked out over a million items.
- **Gerald Kessler, 237 Avenue B**, said that as a teacher and counselor, libraries and books had been a big part of his life. He said it was obvious that a new library was needed, especially when compared to Bozeman and Missoula. He added that a viable library would be a tremendous boost to the downtown.

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

## 1. CONSENT AGENDA

- Amendment #1** to the Airport Business Park Building and Ground Lease with the Yellowstone County Museum Foundation, for a net addition of 208.05 square feet to the Lease and a revised total of 1202.50 square feet of leased space in the lower level of IP-9.
- Amendment #3**, Limited Commercial Aviation Building and Ground Lease with Alpine Aviation, Inc., DBA Alpine Air, to add 1,023 square feet to the leasehold and increase its annual rental by \$1,802.42 for the first year, with annual rental amount adjusted each year according to the Consumer Price Index for All Urban Consumers (CPI-U) for the previous twelve months.
- Approval** of Billings Industrial Revitalization District requests for three (3) projects in the East Billings Urban Renewal District for (1) a Zoning Overlay for the EBURD, \$49,000; (2) funds toward preparation of the North Park Children's Center Feasibility Study, \$500; and (3) funds toward public improvements resulting from the Taylor Car Wash development on 6th Avenue North, \$3,972.50.

#### **D. Byron Nelson Park Master Plan**

1. **Acceptance of Donation** from Yellowstone Country Club Homes Association to fund the Byron Nelson Park Master Plan; \$25,350.
2. **Approval of Contract** with Land Design, Inc. of Billings for creation of a Master Plan for Byron Nelson Park funded by donation of \$25,350 from Yellowstone Country Club Homes Association.

**E. Acceptance of Donation** from CHS, Inc. Laurel Refinery for the Incident Command System Training Center, \$3,000.

#### **F. Bills and Payroll:**

1. October 8, 2010
2. October 15, 2010

Councilmember Pitman separated Item 1F2. Councilmember McCall moved for approval of the Consent Agenda with the exception of Item 1F2, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

Councilmember McCall moved for approval of Item 1F2, seconded by Councilmember Ronquillo. Councilmember Pitman asked about the October 15 payment of \$41,514.06 to Sanderson Stewart for the Inner Belt Loop. Ms. Volek explained that in the absence of Mr. Mumford, she guessed it was for design and engineering for the path of the Inner Belt Loop. Councilmember Pitman asked Ms. Volek to get back to him on that item when she knew for certain. Councilmember Cimmino advised that she would recuse herself from the vote on that item due to Invoice #737939 submitted from her employer. On a voice vote, the motion was approved 10-0.

#### **REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE amending the boundaries of Ward I to exclude Tract 2A, C/S 2544, in the Briarwood PUD, (Annexation #10-03). Staff recommends approval. (Action: approval or disapproval of staff recommendation).** Ms. Volek advised that staff did not have a presentation, but was available to answer questions.

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

Councilmember Astle moved for approval of Item 2, seconded by Councilmember Gaghen. Councilmember Astle explained for the benefit of the public that the item had been reviewed by Council previously and amounted to rough terrain in the Briarwood area that was included in the City and was not serviceable by the City, so it was being returned to the County. On a voice vote, the motion was unanimously approved.

**3. AMENDMENT #1 OF THE 2010-2014 TRANSPORTATION IMPROVEMENT PROGRAM for modification of federal funding for the Bench Boulevard North project. Staff recommends forwarding a recommendation of approval to the Policy Coordinating Committee. (Action: approval or disapproval of staff recommendation).** Transportation Planner Scott Walker explained that it was necessary to amend the Transportation Improvement Program from time to time due to changes in costs associated with certain projects. He explained that the subject amendment was necessary because even though the Bench Boulevard North project was in the document, the construction costs were not included. He said

the cost was a little more than \$3.3 million, and the STP-Urban funding category was used. Mr. Walker referred to a handout distributed prior to the meeting that contained additional changes made by Montana Department of Transportation.

Mr. Walker reviewed the updates that were related to the 6<sup>th</sup> Avenue North/Bench Connection Project, and the Bench Boulevard North Project. He advised that Councilmember Ulledalen would take the Council's recommendation to the Policy Coordinating Committee's meeting the next week.

Councilmember Gaghen asked Mr. Walker to explain the Policy Coordinating Committee process for the benefit of the public. Mr. Walker reviewed the makeup of the PCC, and explained that members brought recommendations from the group they represented, and each member had a vote. He said after the vote, it became a point of record and was transferred to the Montana Department of Transportation to be programmed with the state documents. He said that a notice to proceed would be sent to the City after that. He noted that they hoped the Bench/6<sup>th</sup> portion would start next year.

Councilmember Ulledalen asked if they had all the money for the project. Mr. Walker advised that as of that day, Bench/6<sup>th</sup> Phase I was bought and paid for, however Bench North ran into money the City did not currently have, but \$2.5 million in federal funding would be received for 2012 which should cover that shortfall.

Councilmember Ulledalen stated that the Council recently approved a contract for design of the tunnel under Bench Boulevard, but he did not think they had a good explanation of how it came about. Mr. Walker explained it was part of the project that was recently added to provide safe access from the north area of MetraPark to the County shop area. Councilmember Ulledalen asked if the addition of that project threatened the funding in any way since it was not part of the initial discussion. Mr. Walker advised that it did not, and the best he could say was that it was absorbed from the current funding, and through some of the amendments, they were able to move funds from project to project to be able to fund the entire Bench/6<sup>th</sup> Connection. Ms. Volek explained that she thought the Engineering Department was primarily involved in those discussions and the County had indicated its desire for the tunnel during discussions about dedication of right-of-way. Councilmember McCall asked if the tunnel would be used by only the County or made available to the public. Mr. Walker said he believed it would be available to the public and would be critical to MetraPark staff movement within the grounds of the facility.

Councilmember Pitman confirmed that \$90,000 was authorized for design at the last meeting. Ms. Volek said it was correct that the City was absorbing the cost of the engineering and the County was providing the balance of the local match, and the remainder by the State.

Councilmember Ronquillo stated that the tunnels spooked him because they were long and dark. He said it worried him due to the people that wandered in and out of the City and he did not see that many people would utilize that tunnel. He pointed out that the projected cost of it was \$2 million. Mr. Walker said he thought the estimates were closer to \$500,000. Councilmember Ronquillo said it was stated during the meeting he attended that it was 145 feet long and would cost \$2 million.

Councilmember Ulledalen asked if that in any way connected the CTEP funded trails through MetraPark or the Earl Guss Park side. He said if it had been discussed, they could have killed two birds with one stone that could have benefitted the Metra employees and the entire community. Mr. Walker said he agreed with Councilmember Ulledalen and could broach the discussion with the PCC. Councilmember Ulledalen asked if Mr. Walker was saying that the tunnel funding was in the project and proceeding with it did not jeopardize getting the project done so that additional funds would not be requested in a year or so. Mr. Walker stated that he hoped that was correct.

Mayor Hanel asked Ms. Volek to address the need for easements and negotiations with the County. Ms. Volek explained that when City staff approached the County Commissioners

regarding right-of-way, the discussion of the connection between parking and the county shops came up. She said the City's only share in the project was the contract approved for design. Councilmember Ulledalen said he went to look at the area and felt it should have been discussed with the County.

Councilmember Cimmino asked about the update that indicated an additional cost of \$1 million for utility costs. Mr. Walker said he could not answer that because the information received only indicated the increase in utility costs.

Councilmember Cimmino asked about presentations to the Planning Board. Mr. Walker advised that the TIP had gone to the Planning Board once already and would be presented again the next day. He said that when the PCC approved the final document, he would provide copies of it and it would be available on the website.

Councilmember Cimmino moved for approval of the 2010-2014 TIP Amendment #1, and to forward a recommendation to the Policy Coordinating Committee through the Council's designee, Councilmember Ulledalen, seconded by Councilmember Astle. Councilmember Ulledalen asked if anyone had questions or issues they wanted brought up to the PCC. Councilmember Ronquillo stated that he would like the Council to see the rest of the plan for the tunnel. Councilmember McFadden asked if the plans could be published on the website. Ms. Volek advised that either the County or MDT had the plans, but she could try to get t or direct people to the County or State website if the plan was on their site. Councilmember Ulledalen said the question he would take to the meeting was how it would tie in with everything else that was being done and if there was a way to tie it into the trail system.

On a voice vote, the motion for Item 3 was unanimously approved.

**4. APPROVAL OF RECOMMENDATIONS OF STAFF AND THE PARMLY BILLINGS LIBRARY BOARD FOR THE DOWNTOWN LIBRARY FACILITY: (1) Preferred site being the entire block between 28th and 29th Streets and between the old 5th Avenue North and 6th Avenue North; with an alternative, but less desirable site, being the property the library currently utilizes, plus the two lots immediately north of the library building owned by Stockman Bank; (2) Acceptance of the \$2,000,000 donation to the Billings Library Foundation for its capital campaign, including donor's two stipulations that a new library building is built and the building be of architectural significance; and (3) Direction to staff to work with the owners of the properties adjacent to the library building to assemble the land necessary for the preferred site. (Action: approval or disapproval of Staff and Parmly Billings Library Board recommendations.)**

Library Director Bill Cochran stated that since Trustee Bernard Rose provided a detailed presentation at the October 18 work session, he would provide brief remarks and updates. He said the Council was asked to approve three recommendations from the Library Board regarding the site, the acceptance of the donation, and the direction to staff to work with property owners to assemble the desired property. He explained that approval of the recommendations was not binding in the sense that other factors such as contracts, memoranda of understanding, or bond resolutions would be presented for Council approval for each item before the project was finalized. He said their approval, however, would provide guidance to staff to proceed with planning and would also recognize the efforts of the hundreds of people that had participated in the process during the past year, would embrace the offers of Billings Clinic and Stockman Bank to exchange land, and would accept the largest donation a City project had ever received.

Mr. Cochran advised that since the work session, he had met with Bill Coffey of Stockman Bank who authorized him to report that he was willing, in fact considered it a hand-shake deal, for the exchange of land north of the Library to 6<sup>th</sup> Street. He explained that the bank was in the process of purchasing that land from the Billings Clinic and would exchange it for the land in the Library south parking lot, square foot for square foot. Mr. Cochran advised that Billings Clinic executives and City staff had reviewed the Billings Clinic proposal for land

exchange on the rest of the block near the Library in exchange for right-of-way within the Billings Clinic campus. He said that during the series of meetings, no obstacles were identified that could not be easily resolved. He said the parties involved in that exchange would work with the Billings Fire Department and other public safety agencies on long-range planning to ensure that emergency response services were maintained.

Mr. Cochran advised that the lead donor was ready to select and hire an architect to get the project started, as part of the Library Foundation's anticipated \$5 million capital campaign goal. He added that Montana State University-Bozeman's School of Architecture Design Center was ready to assist.

Mr. Cochran reviewed the Library Board's recommendations and advised that staff recommended approval of them.

Councilmember Clark asked what would happen if the design was paid for and then a bond issue did not pass. Mr. Cochran advised that the donor was willing to stand the risk to get the project designed. Councilmember Pitman asked if that included destruction of the current building. Mr. Cochran explained that the donor did not make a stipulation about the existing building, just that a new library was built. He said the late-breaking opportunities to assemble the entire block provided more options, but there needed to be someone engaged to determine what was possible.

Councilmember Ulledalen asked if Mr. Cochran knew how much it would cost to move the signals on North 27<sup>th</sup> Street if the land swap was completed with Billings Clinic. Mr. Cochran advised that Public Works Department was involved in the discussions, but did not have a final decision about the appropriate signal pattern, although all the parties believed it could be signaled appropriately. Ms. Volek pointed out that Montana Department of Transportation controlled North 27<sup>th</sup>, so any changes would require their approval.

Councilmember Cimmino asked about traffic from Dehler Park. Mr. Cochran said there was an extensive group of people involved in the discussions about all the issues and the group determined there was not an issue that could not be resolved.

Councilmember Cimmino asked Mr. Cochran to elaborate on the handshake deal Mr. Coffey of Stockman Bank referred to. Mr. Cochran explained that Mr. Coffey stood ready to make the exchange. Mr. Cochran said the sale agreement for the property south of the Library, included options that the City could re-acquire the land if it was needed for parking, expansion of the library, or if the City wanted to exercise an option on the land Stockman purchased north of the Library. He added that Stockman Bank was willing to work with that complex real estate agreement and Mr. Coffey had stated that the bank was enthusiastic about the exchange of land because it supported a new library.

Councilmember Cimmino asked who communicated with the anonymous donor in terms of the contingency of the donation. Mr. Cochran advised that the Library Foundation was working with the donor.

Councilmember McCall said she had a question for Mr. Cochran, but would also like to hear from Mr. Duncan of Billings Clinic. She confirmed that the generous donor's instructions were to build from the ground up. Mr. Cochran said it was clear that a new building was the stipulation of the donor.

Councilmember Ulledalen asked if it was known what the LEED certification would add to the cost. Mr. Cochran said he learned at a recent conference that many organizations were incorporating sustainability within construction projects, but not necessarily seeking the LEED certification because of the added expense. He noted that the donor had not indicated that as a stipulation of the gift.

Councilmember McFadden asked if it was possible that the name of the library would change. Mr. Cochran reviewed the history of the name and how the name was determined. He said there were no plans to change the name unless a generous donor interested in naming rights stepped forward.

Councilmember Pitman asked if the donation was cash or in-kind. Mr. Cochran said the donor was ready to hire and pay for an architect. Ms. Volek pointed out that the donor did not intend to design the facility, but was prepared to pay for the design services.

Councilmember Ulledalen stated that early in the Dehler Park project, the community was surveyed to determine what level it would support. He said it worked well for Dehler and might be something to consider for the library so something was not planned that could not be sold to the public. Mr. Cochran stated that the combination of private cash and public funding would determine what was built.

Mayor Hanel commended Mr. Cochran for his 20 plus years as Library Director. He noted that he often heard compliments about Mr. Cochran.

Mayor Hanel invited Mr. Duncan of Billings Clinic to address the Council. Councilmember McCall advised that she did not have any questions, but wanted Mr. Duncan to comment on the process. Mr. Duncan spoke about meetings that had been held and said the parties involved were working to make the land exchange happen. He said the Clinic did not usually sell property, but it supported a new library.

Councilmember Gaghen advised that due to the significance of the item, she would make separate motions for each of the recommendations of the Library Board. Councilmember Gaghen moved for approval of the Library Board's site recommendation, seconded by Councilmember Ronquillo. Councilmember Ruegamer stated that he wanted the Library, but had to be realistic and Billings could not always have the best of everything in the state. He said Billings could not necessarily have a better library than Bozeman or Missoula because it did not have the money. He commented that the committee was told to think outside the box, but people did not want to change, so he was not surprised that the location did not change. He said the Council had a long presentation at its last work session and never heard if people were polled about their willingness to pay for a new library. He said the Council would be left with the charge to find a middle point that voters would support, so it was a mistake that the question was not on the poll. He noted that it failed in 2002 and if it failed again, it would be 10 or 20 years before it could be presented again, and the library could not wait that long. Councilmember Ruegamer referred to the land exchange and said he felt it was a good idea, but wanted to know how much it would cost the City to trade land, and if it cost more than buying more land, the City should buy more land instead. He said he hoped the committee would have some of those answers before it came back to the Council, that he would like more specifics and less fluff. He stated that the Council would be faced with whether it was put on the ballot and he did not want to put something on that might fail, but it was the voting public's right to make the judgment. He said he was torn about that and it was a decision the committee would help the Council make.

Councilmember Astle stated that he believed it failed in 2002 because an exact plan was not known and people could not get a straight answer from any of the Council at that time. He said he would vote for it, but suggested that clear and specific information be presented to the public.

Councilmember Gaghen stated that having watched the process, she knew that the people were dedicated and were approaching it in a businesslike way. She said they would have something as quantifiable as possible before presenting anything to the public. She noted that there was a different sense from what was available in 2002.

Councilmember McCall stated that she and Councilmember Clark served on the facility committee and explained the rigorous process utilized in the site selection. She advised that the rating process and the poll both favored the current location.

Councilmember Ulledalen said he felt if there was one library, it needed to be downtown. He said he wanted to see it done and a new library was needed. He said he wanted to make sure it was packaged properly to get the support of the community to get a bond issue passed.

Mayor Hanel spoke about the importance of the library in the community. He said he would support the motion. He noted that if the project did not move forward now, it would cost more in five to seven years. He stated that he felt the seed money of \$2 million dollars would result in other generous contributions.

Councilmember Clark said that after having served on the committee and having reviewed the possible sites, everything seemed to go back to the current location. He stated that the opportunity to acquire the other property helped it all fit together and he would support it.

On a voice vote, the motion regarding the site selection was unanimously approved.

Councilmember Gaghen moved for approval of the \$2 million donation to the Library Foundation for a new library building of architectural significance, seconded by Councilmember Clark. Councilmember Pitman commented that they needed to be careful with the donation. He said it made him nervous if conditions were put on donations and he would watch that part of it carefully. On a voice vote, the motion was unanimously approved.

Councilmember Gaghen moved to direct staff to work with adjacent property owners to secure the land needed to implement the Library Board's site recommendation, seconded by Councilmember Ronquillo. Councilmember Cimmino asked for a legal description of the land. Councilmember Gaghen stated she could not provide a legal description other than what was indicated in the staff recommendation, which she would. Councilmember Cimmino stated that there were three entities involved and she felt it was helpful if the motion was more specific. Ms. Volek pointed out that the item description on the agenda included specifics. Councilmember Cimmino asked if that could be included in the motion. Councilmember Ulledalen said he wanted to make sure that flexibility was allowed and he did not want anything too specific identified now in case something came up that was not included. Councilmember McCall said she agreed with Councilmember Ulledalen and that flexibility was needed. She said when it was all said and done, the specifics would be in place. Councilmember McFadden said he agreed also and felt they needed to leave as many options as possible.

On a voice vote, the motion to direct staff to work with adjacent property owners to secure the entire block between 28th and 29th Streets and between the old 5th Avenue North and 6th Avenue North; with an alternative, but less desirable site, being the property the library currently utilizes, plus the two lots immediately north of the library building owned by Stockman Bank was unanimously approved.

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

- **Tom Zurbuchen, 1747 Wicks Lane**, asked the Council not to delay the Inner Belt Loop. He said the reasons Dave Mumford gave on October 18 were frivolous. He said Mr. Mumford said the bond rates were too high and he did not think a \$12 million bond could be sold, yet the Council had a special session October 4 to accept a bond rate of 4.18 on a \$6.5 million bond, that the Council was pleased with. Mr. Zurbuchen said he looked at the costs and that Mr. Mumford said over half the arterial street would be tied up with the Inner Belt Loop, which would be \$1.5 million in payments, which meant an interest rate of about 9% on a \$12,000 bond for a 20 year span. He said nobody would sell him municipal bonds for more than 4%. He said another excuse was that Mr. Mumford's staff was tired, but he had not seen overtime payments. He said Mr. Mumford wanted federal money direct, but he wanted to know how that affected the Inner Belt Loop. He mentioned that the design was done and they were ready to buy right-of-way, which could not be done until the design was done, so Mr. Mumford's staff was done with the Inner Belt Loop and it was ready to go. He said staff could work to get federal



appropriations. Mr. Zurbuchen asked what getting direct federal appropriation had to do with that because it was said that federal appropriations were not going to be used for the road so local control could be maintained, which was impossible with federal appropriations. He referred to Zimmerman Trail alignment and said on May 6, they met with Debi Meling, Travis Harris, and Dave Mumford, and were assured that it would take one year for the alignment, but here it was October 18 and Mr. Mumford said two years were needed to figure it out. He said all the excuses were flabby.

Councilmember Ronquillo stated that there would probably be a changing of the guards January 1, and stimulus money would probably not be available, and what had been given might have to be paid back. He said he understood Mr. Mumford's idea about trying to go into the new year to find money. He said federal money might not be desirable, but it was probably needed to get that road build. Councilmember Ronquillo agreed that it could cost more five years from now if it was delayed, but he stood behind Mr. Mumford for taking a cautious approach. He said a new president would be elected in 2012 and the country could turn around. He said they needed to look ahead and that was what he felt Mr. Mumford was doing.

Mr. Zurbuchen stated that stimulus money could not be paid back with arterial street fee funds.

Councilmember Ulledalen commented that they were still assessing whether a tunnel project would be pursued, or if the rebuild of the existing alignment of Zimmerman would be done. He said he felt the City would look real stupid if it went ahead without addressing that problem. Councilmember Ulledalen pointed out that there were four other wards in the City that also had transportation and public works issues. He said he felt they needed to step back and take a time out because they had been going at break-neck speed for at least the six years that he had been on the Council and he felt what Mr. Mumford was doing was reasonable. He said a lot of money had gone to the Heights and it might be time for others to stand up and try to get the projects done in the other parts of the City. He said he backed staff. He said they had not talked about derailing the project, but dialed back the most optimistic date established for starting the project, and were still within the zone of what was discussed for moving forward with the project.

Mr. Zurbuchen stated that staff was gung ho at the May 6 meeting that the Zimmerman Trail alignment would be known in one year. He said they discussed the fact that the State would require a roundabout, which could not be done with a tunnel.

- **Tom Binon, 127 Antelope Trail**, said he was Chairman of the Heights Alternative Routes and Traffic Committee and read a statement about the Inner Belt Loop. He said the project had been on the books for decades and he was disappointed with the possibility of a two-year delay. He spoke about congestion that occurred as a result of the June tornado. He said the Heights was one-third of Billings and it came to a dead standstill with the tornado. He reported that a petition was being circulated against delay of the Inner Belt Loop. He stated that he had met with people from every part of Billings and even the people in other wards wanted that road built to reduce traffic. He said he received only two objections to the project; one person was against any federal funding for the project, and the other person lived near Harvest Church area and was concerned about kids getting across it. He said it was 500 to 1 in favor of the project. He stated he saw no reason to delay the project and agreed with Mr. Zurbuchen's statements. He said the excuses put forward were flimsy and someone was just trying to come up with a reason to delay it. He said he learned that Councilmember Cimmino and other staff toured the Heights and were lucky enough to miss an accident when a crane overturned on Main Street. He stated he wanted to see another road out of the Heights.

Councilmember Ruegamer asked Mr. Binon what he thought the timeline was. Mr. Binon stated that from his recollection and notes from the Heights Task Force meeting, it would be completed and ready to use by November 2012. Councilmember Ruegamer asked where he got that date. Mr. Binon said it was at the same meeting with Debi Meling, Dave Mumford, Tom Zurbuchen and Councilmember Cimmino. Councilmember Ruegamer said he was on the Council when that project was started by Larry Brewster and the timeline was for completion in 2015, and Mr. Mumford said it was still on schedule. Mr. Binon asked where the 2013 date came from that Mr. Mumford gave in May. Councilmember Ruegamer said all he knew was that 2015 was the date set when Mr. Brewster brought it up and it all came about.

- **James Knox, 661 Garnet Avenue**, said the Inner Belt Loop project could not be put off. He said an extra route was needed in and out of the Heights, and the project would unify the City. He said there were several business owners that would love an opportunity to put a business up there that would draw from the Heights and other areas, which would generate more tax dollars to go toward arterial fees. He said the date that had been discussed during the past couple of years at the Heights Task Force and other venues was always two years from start to finish.

Ms. Volek advised that she needed to clarify some issues. She explained that the original motion three years ago was to direct staff to acquire right of way within a five-year period. She said that acquisition had not begun and the design was not done. She advised that at the same time, master planning had not been done for that road and to begin construction on it was premature. She said that since the planning levy failed, the impact on the plan for that road had not been assessed. Ms. Volek reminded the Council that right-of-way acquisition was not always smooth and usually took two to three years, and in some instances, court action to acquire land, so to think that it would be acquired easily for that project may be optimistic. She stated that staff was committed to construction of the road and was taking incremental steps, but to say those steps could all be accomplished during the time frame being discussed was optimistic at the current time.

Councilmember Pitman asked Ms. Volek if she would admit and agree that staff had been out promoting and discussing with the Heights Task Force and Heights residents that construction was scheduled to begin in 2011. Ms. Volek advised she had notes from the meeting that several people attended which she attended but arrived late due to an overlapping meeting, and that she also attended a Heights Task Force meeting, but could not remember the specifics of the times. She said in light of everything, it was optimistic to say there would be a finished road in that short a period of time. Councilmember Pitman stated that in the CIP adjustments for FY10-11, it was stated that the City would design and construct an inner belt loop, with the project bonded in FY11, so it was not a surprise. He said he wanted it on record that that was and had been the direction the Council was going and staff had indicated to the people in the Heights.

Councilmember McFadden asked Ms. Volek when she estimated the project could actually begin. Ms. Volek said that Mr. Mumford requested a two-year pause, which would be sometime in 2013. Councilmember Ulledalen commented that the CIP was a planning document that scheduled projects in a logical manner, but did not mean they were funded. He said the library had been in it with multiple dates. He pointed out that the Poly Drive project west of Shiloh had been in the CIP for a number of years and was delayed a few times due to funding being directed to other projects. He noted that was an important project for the community also.

- **Kevin Nelson, 4235 Bruce Avenue**, distributed pictures of sidewalks at 32<sup>nd</sup> Street West and Grand Avenue, and 32<sup>nd</sup> Street West and Central Avenue. He asked why

there were ADA curb cuts where the sidewalks were incomplete. He asked if staff could itemize the incomplete projects that could be finished, since they were on arterial streets and if arterial street funds could finish them. He asked if it was possible to establish a revolving fund that paid for sidewalks at new developments, with reimbursement by the developer. He said if projects were going to be done, the City needed to make sure its portion of the project was funded.

Mayor Hanel stated that she would ask staff to answer Mr. Nelson's questions. Councilmember Ronquillo commented that the unfinished projects were discussed at a previous meeting and funds were approved to complete those projects at a recent meeting. He agreed that if projects were engineered, they needed to be completed.

Councilmember Astle commented that the 32<sup>nd</sup> Street West and Central Avenue intersection would be rebuilt, which was why the sidewalk was not completed.

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

## **COUNCIL INITIATIVES**

Mayor Hanel stated he would like staff to prepare information regarding boards and commissions. He explained that there was considerable expense for advertisements to try to fill vacancies on boards and commissions and, in many cases, no applications were received. He added that he knew there were boards and commissions that met and did not have a formal agenda, and some also involved lunches, both of which he felt were a waste of time and taxpayer funds. He said he felt another review was appropriate.

Councilmember McCall moved to put in place a process to select a Municipal Court Judge to take the place of Mary Jane Knisely, beginning in January, with immediate advertisement, deadline for applications December 10, interview of applicants the week of December 13, with Council approval of the recommended candidate at the December 20 Council meeting, seconded by Councilmember Ruegamer. Mayor Hanel asked if there was opposition to the initiative, and said that since there was none, he requested staff proceed with that request.

Councilmember Cimmino moved to request an official update status report on the City of Billings Inner Belt Loop project, funding alternatives, timeline schedule, and that a public hearing be advertised for City Council meeting of Monday, December 13, for citizen participation and input on the project, seconded by Councilmember Pitman. Councilmember Ulledalen said he would not support the motion because he thought what they were doing was reasonable and the timeline was still within the range of what was discussed, so that would be jumping the gun. Councilmember Ruegamer stated he would not support it for the same reasons Councilmember Ulledalen listed. Councilmember Cimmino stated that in light of the fact that Mr. Mumford indicated at a work session that his recommendation was a two-year delay, the Council never officially acted on that and all she wanted was an updated status report. She said she felt it was a reasonable request to make sure everyone was on the same page. Councilmember Ruegamer advised he would not support a public hearing because he did not think they would get anything from it. He said the Council did not want to manage by the squeaky wheel theory, but should listen to what Mr. Mumford said, and if they wanted to manipulate that, they could.

Councilmember Astle stated that the project was not being stopped; if engineering was being paid for, it was being worked on. He said it could not be done any faster than the established timeline. He said he would not support the motion.

Mayor Hanel asked Ms. Volek if engineering work was still underway on or near Zimmerman Trail. Ms. Volek advised that she knew the design was being studied, but did not know what point the Zimmerman piece was in. She said Mr. Mumford had informed her that

design was being done on the remainder of the belt loop. She said there were several options that were being studied.

Councilmember Cimmino clarified that she was basically requesting an update status report on 5.7 miles of a road that was separate and apart from the proposed long-range tunnel or alignment of Zimmerman Trail, and as far as she was concerned, it would be beneficial for all 11 members to be on the same page as far as the timeline. She noted it was a community-wide project, not just a Heights project. She referred to the traffic counts on Main Street and said it was the busiest traveled street in Montana. She said she hoped the Council supported her request for updated information.

Councilmember Clark asked why it could not be done at a work session instead of a regular meeting. Councilmember Cimmino said they had a responsibility to keep the public informed. She referred to comments about the Planning mill levy and noted that it had nothing to do with the Inner Belt Loop because that was a Public Works project.

Councilmember Pitman stated that they were the elected officials and staff had provided a recommendation that Council did not act on. He said if staff was in charge and the Council was not, they should turn it over to staff and go home. He said he was frustrated with hearing that staff should be trusted to do what needed to be done, but staff had been trusted the last couple of years and now wanted to delay it. He said he was asking for public discussion so everyone was on the same page. He commented that if the CIP was only a guide, staff did not have direction and the public did not know what to expect from the Council. He said he thought having the conversation was important and the public comment was valuable.

Councilmember Ulledalen clarified comments regarding the Planning levy. He said one of the objections from Planning staff early on was that they were not geared up for development of that part of Billings. He said they were concerned that Public Works and the Council would get ahead of them, namely in terms of the transportation plan.

Councilmember McCall stated that she had no problem with getting an update, but would not support another public hearing now. She said she did not think a two or three year delay was unreasonable because change happened and in that case, things changed.

Councilmember Ruegamer stated that if there was a public hearing, the Council chambers would be packed with people from the Heights because it was a road out of the Heights, even if it was said that it impacted the whole city. He said he had seen public hearings that lasted too long and then poor decisions were made and the item had to be revisited after that. He said he did not think a public hearing would accomplish anything because the Council could give direction to Mr. Mumford.

Councilmember McFadden commented that he agreed with Councilmember Ruegamer that a public hearing might not do any good, but he believed public wanted a hearing and it was their responsibility to give them a hearing if they wanted it.

Councilmember Ronquillo mentioned that there would be another access from the Heights with the planned connection of Johnson Lane to Mary Street.

Councilmember Astle pointed out that Zimmerman Trail was often closed due to weather conditions.

Mayor Hanel stated that it appeared that the general consensus was support of the Inner Belt Loop, but the question was how soon it could be completed given the available finances and everything else. He said he thought it would help if Mr. Mumford came back to present information that would satisfy Councilmember Cimmino's motion.

Councilmember Cimmino stated she had attended all the meetings and there had been important issues facing the community, and she believed this was an important project and did not want it to go by the wayside. She amended her motion to request an official update status report on the City of Billings Inner Belt Loop project, funding alternatives, and timeline schedule to be presented to the City Council work session of Monday, December 6, seconded by Councilmember Pitman. Councilmember Ulledalen asked what additional information would be

a presented other than what they already had. Councilmember Cimmino stated that according to her detailed minutes from the meeting of May 6, it would be completion of the design, acquisition of right-of-way, going out to bid, and finding out how long construction would take. She said it was a matter of being on the same page. Councilmember Gaghen stated that she did not think Mr. Mumford would be able to provide exact costs or specific timelines. She said she felt it had to be looked at as projected timelines and accomplishments hoped for.

Ms. Volek suggested a vote on the issue. Mayor Hanel said he felt the other items were consensual and the vote was not necessary on them.

Councilmember Pitman called for the question on Councilmember Cimmino's amended motion. On a voice vote, the motion was unanimously approved.

Councilmember McFadden reminded everyone of Veteran's Day, November 11, and noted that November 10 was the birthday of the United States Marine Corps. He expressed appreciation for the service of all veterans.

Councilmember Ronquillo referred to a list of names of people interested in running the Southwest Corridor TIF that was distributed prior to the meeting and said the item would be brought forward for discussion at the November 22 meeting.

**ADJOURN** – The meeting adjourned at 9:11 p.m.