

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

October 23, 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 Vince Ruegamer gave the Invocation.

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

MINUTES – October 10, 2006. Approved as printed.

COURTESIES – None

PROCLAMATIONS

- **October: National Breast Cancer Awareness Month**

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek noted that the Council received several revised and/or additional informational memos in the Friday packet last week. Revisions for Items A and 9 and a supplement for Item 10 were in the Friday packet. Additionally, this evening a revision for Item 7 was placed on the desk of the Councilmembers.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #8 thru #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 podium. 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 in regard to Item #10. He said he has recommended on several occasions in the past that the City's underpasses and overpasses be painted because they are rundown and in shabby condition.

CONSENT AGENDA:

1. A. **Mayor's appointments:**

	Name	Board/Commission	Term	
			Begins	Ends

1.	Sue Runkle	Homelessness Committee	10/23/06	12/31/08
2.	Patt Leikam	Human Relations Commission	10/23/06	12/31/08
3.	Brad Frank	Exchange City Golf Corporation Board	10/23/06	12/31/06

1. Unexpired term of Laura Dimmler (Academia background)
2. Unexpired term of Gordon Belcourt
3. Unexpired term of Todd Harkness

B. Bid Awards:

(1) One 2007 Current Model 48,000 GVW 8-Yard Dump Truck. (Opened 10/10/06.) Delayed from 10/11/06). Recommend Motor Power Equipment Co., \$75,810.00.

C. W.O. 07-01: 2007 Water and Sewer Replacement Project, Professional Services Contract, Morrison-Maierle, Inc., not to exceed \$649,615.00.

D. W.O. 04-36: Briarwood Sanitary Sewer Main Extension:

(1) Right-of-Way Agreement AND perpetual Right-of-Way Easement with Blue Creek Baptist Church, Inc., \$2,150.00.

(2) Right-of-Way Agreement AND perpetual Right-of-Way Easement with George E. Oliver, Jr. and Richard L. Oliver, \$3,350.00.

(3) Right-of-Way Agreement AND perpetual Right-of-Way Easement with John Harvat Egeland, \$6,700.00.

E. Airline Operating Permit with Pinnacle Airlines.

F. Acceptance and approval of the 2006 Native American Project award, Office of National Drug Control Policy (ONDCP), \$75,000.00.

G. Authorization to bid and sell five (5) used MET Transit buses, bus parts and one (1) rebuilt Transit bus engine.

H. Approval of the Montana State Library subgrant from South Central Federation of Libraries, \$1,272.76.

I. Acceptance and approval of donations:

(1) In-kind donation from CMG Construction, Inc. and Fisher Sand & Gravel, Inc. for Big Ditch Trail, Phase I, \$5,010.00 value.

(2) In-kind donation from Land Design, Inc., for Stewart Park Trailhead Signage Construction, \$3,500.00 value.

(3) Grant from Fannie Mae American Dream Fund on behalf of Billings Partners for American Indian Homeownership, \$2,500.00.

(4) Donation of activity table, book bench and seating unit from Friends of the Library, \$3,744.99 value.

J. Resolution of Intent 06-18503 to dispose of a portion of Lot 10, Block 5, O'Leary Subdivision, City of Billings, owner, and setting a public hearing for 11/27/06.

K. Second/final reading ordinance 06-5393 expanding the boundaries of Ward IV to include recently annexed property in Annex #06-13: a 64.714 acre parcel described as Tracts 1 and 2, C/S 2054, and Cynthia Park; Krutzfeldt Ranch LLC, owner.

L. Exempt Plat in Rehberg Ranch Estates Subdivision, approving the common boundary line adjustment on Lot 38-A and 39-A, Block 5 of Rehberg Ranch Subdivision, Second Filing.

M. Unnamed Certificate of Survey located in T1N-R25E-S32: NESE, approving the exempt plat for agricultural purposes.

N. Final Plat of Chrysalis Acres Subdivision.

O. Final Plat of Greer Subdivision.

P. Bills and Payroll.

- (1) September 22, 2006
- (2) September 29, 2006
- (3) August 1, 2006 – August 31, 2006 (Municipal Court)
- (4) September 1, 2006 – September 30, 2006 (Municipal Court)

(Action: approval or disapproval of Consent Agenda.)

There were no separations of the Consent Agenda items. Councilmember Jones moved for approval of the Consent Agenda, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND SPECIAL REVIEW #829: A special review to locate an all beverage liquor license with gaming in a new multi-tenant building in a Community Commercial zone described as: Lot 6D, Block 2 of Circle Fifty Subdivision and located at 3839 Grand Avenue. Grand Plaza, LLC, owner; Bob Pulley and Dan Pendergrass, agents. Zoning Commission makes no recommendation. (Action: approval or disapproval of Special Review.)

Zoning Coordinator Nicole Cromwell said the special review location is directly east of the existing Red Door casino. The proposed Silver City casino would be a 2,000 sf tenant space in a multi-tenant building. The Zoning Commission held its public hearing on October 3rd. Staff recommended to the Zoning Commission that the special review be denied based on the fact that Community Commercial zones are intended to have a variety of business uses. She said this particular area of Grand Avenue near

Shiloh Road already supports four casinos with liquor licenses (the Atlantis casino, the Samurai Garden casino, the Red Door and the Lucky Star casino), so an additional casino would not enhance the mix or variety of uses at this intersection.

Ms. Cromwell noted the site plan depicts a shared access with the Red Door, with parking in the front and the 10,000 sf multi-tenant building in the back. She noted a proposed 3,500 sf Chinese restaurant is also proposed for the building, with 2-3 retail tenants in the balance of the space. She said the Zoning Commission had four members in attendance at its hearing. There was a motion to recommend approval of the special review to the City Council. Ms. Cromwell said the vote was 2-2, so there is no recommendation from the Zoning Commission on the approval or disapproval of this special review.

She said the areas that the Council may consider for conditions of approval if the Council chooses to involve these items:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

Councilmember Veis noted that the Staff report cited three conditions under which special reviews are applied – *“Before a recommendation of approval or conditional approval can be made each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2003 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.*

This application conforms to the first criteria in so far that it is within one of the six primary commercial or industrial zoning districts where on-premise consumption of alcoholic beverages and gaming may be allowed by special review approval. The form of the application is correct and the proposed development of the property for the multi-tenant building appears to conform to site development standards. More detailed landscaping and parking plans are normally reviewed at the time of building permit submittal.

The application does not conform to the second and third criteria. The second criterion requires the application to be consistent with the purposes of the zoning regulations and the adopted growth policy. The zoning regulations adopted by the City Council have designated six zoning districts where on-premise consumption of alcoholic beverages and gaming may be allowed. The existing eight (8) casinos on Grand Avenue between 24th Street West and Shiloh Road are all located within Community Commercial zoning districts. Grand Avenue has become known for its concentration of casinos. The existing eight (8) casinos have been approved over a period of 17 years from 1987 to 2004. Two existing casinos, The Red Door and the Atlantis, are located directly west of the

subject property and two additional casinos, The Lucky Star Casino and the Samurai Garden Casino, are located closer to the intersection with Shiloh Road. Community Commercial zoning districts are “intended primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.” The proliferation of casinos within the Community Commercial zoning district in the Circle Fifty Subdivision is contrary to the intended purpose of the district and does not meet the second review criterion for special review requests. Concentrating and encouraging additional casinos within this area of Grand Avenue is not in harmony with goals of the 2003 Growth Policy specifically the goal of encouraging new developments that are sensitive to and compatible with the character of the adjacent neighborhoods. This goal can be achieved by providing a mixture of uses at the Grand Avenue and Shiloh Road intersections without allowing one business type to dominate.

The third review criterion requires the proposed use to be compatible with surrounding uses. While the use is identical to four other casinos in the area, it is not necessarily compatible with the residential neighborhood to the north. This commercial node currently supports two banks, two gasoline stations with convenience stores, a veterinary clinic, a package liquor store, a fast food restaurant, an auto repair service and four casinos. An additional casino at this location is not necessary and is incompatible with the surrounding land uses. The Zoning Commission conducted the public hearing and voted 2-2 on a motion to recommend approval to the City Council.” He noted that this special review does not meet two of the three criteria. Councilmember Veis asked for additional explanation of the logic as to why this project does not meet two of the three criteria.

Ms. Cromwell replied that the Planning Staff recommendation was that those two of the three criteria were not met because the application was not consistent with the purposes of the zoning regulations and the Comprehensive Plan. The existing casinos have been approved over a 17-year period and it appeared this location had more than enough of this type of business and an additional location would not improve the mix or variety in the Community Commercial zone. She said the Planning Staff also felt it was not compatible with the surrounding land uses, although it is compatible insofar as it is the same as four other businesses that are there, “it couldn’t necessarily be integrated into those other uses in the area that are supposed to bring a variety of uses in the Community Commercial zone.”

Councilmember Stevens said the explanation seemed very “subjective” and asked if the City had any “objective” criteria as to how many of this type of business can locate in an area that would put an applicant on notice as to the permitted or appropriate use. Ms. Cromwell replied no objective criteria exist at this time and that was one of the issues that two of the Zoning Commission members identified at the public hearing.

Councilmember Boyer noted that the Staff review noted an incompatibility with the residential neighborhood to the north. Ms. Cromwell said that was based on the department’s experience of complaints in that neighborhood from the existing casinos – traffic, noise, drunken driving, etc. Mayor Tussing asked if the City has a history of denying other applications – whether for casinos or liquor-serving establishments, that fall under the consistency criteria. Ms. Cromwell said the City does not frequently deny these requests. The most recent example was for a microbrewery on Enterprise

Avenue, a Controlled Industrial zone. The denial was primarily because of the compatibility issues with the surrounding businesses, some of which served youth, but didn't require the separation distance under the code.

Councilmember Veis asked if there are some objective criteria that the Council should look at in the future. He noted that many people have asked him why the proliferation of casinos cannot be stemmed. Ms. Cromwell said the City could adopt some criteria, noting that several communities in Montana have created overlay zones. Liquor licenses are permitted only within the overlay zones. She said these communities have made the decision in advance where liquor licenses can be located and gaming to be developed in the community. Ms. Cromwell said the City code says there are six districts all across the community where a liquor license can be located.

The public hearing was opened. ROD VELTKAMP OF 3457 ARLENE CIRCLE said he is a commercial broker in Billings. He briefly explained the status of the adjacent lots to the proposed location. Mr. Veltkamp noted that a buffer from the Red Door has been included in their proposal, noting that it is a noisy, weekend night club. He said these types of establishments generally generate complaints, as opposed to the small neighborhood casinos, which are fairly quiet. He noted they have already secured signed leases from a number of tenants in the proposed facility, including a 3,500 sf restaurant and a retail tenant. Mr. Veltkamp said having a casino next door would be a benefit for their restaurant because it does not have a liquor license and an agreement to share the liquor license would be considered.

MICHAEL STOCK OF 1135 BLUEGRASS DRIVE EAST said he is building the 10,000 sf retail center. Mr. Stock said he supports the project, noting the license will go somewhere, adding that he thought it was better to have them all in one area than spread out all over town. He said he lives close to the area, has no financial interest in the casino, other than being a tenant. Councilmember Ulledalen said he has received complaints from people that have businesses in that area and work there. He said one of the issues noted by a local business in that area is dealing with broken glass in the parking lot. Mr. Stock said he was in the restaurant/casino/nightclub business for 20 years. He said the problems arise from the nightclubs – the broken bottles, broken glass, etc.; the small casinos are not the problem. Mr. Stock emphasized that he is committed to keeping his tenants happy and would take care of that kind of problem from the Red Door if it occurred.

BOB PULLEY OF 321 GLEE PLACE said he is a realtor in Billings. He said he did not realize there were other criteria to be met for casinos. Mr. Pulley noted this location is not near any schools, churches, or parks. He said he also owned a bar/nightclub and could guarantee there would be glass throwing and hooping and hollering, but not from a casino. "Casinos are pretty low key. They are entertainment centers," he stated.

DAN PENDERGRASS OF 327 NORTH RIM ROAD said he has been looking for about a year for a different location. He currently has the Tracks Bar & Grill, fka the Beanery Bar & Grill downtown. Mr. Pendergrass said there are several problems with the current location – limits on the number of gambling machines he can have, the parking is always an issue, the kitchen size is an issue, as well as limitations on signage on Montana Avenue. He noted these are some of the main factors that made him decide to attempt to move his license to a different location. Mr. Pendergrass said he

believes he is in complete compliance with the Growth Policy. He noted he is considering some ideas for additional entertainment for the elderly residents in the area, possibly a bingo parlor. Mr. Pendergrass noted that Yellowstone County is #2 in the nation per capita for eating establishments. "Any help that you can give a restaurant by having an all-beverage license will just help their success as well," he stated. He also noted there will be no outdoor announcements, no outdoor seating or no amplified music outside. Mr. Pendergrass said in looking at the bigger picture, there are no guidelines or boundaries of how many establishments there can be in a particular area. He said there are five gaming establishments at 13th & Grand Avenue – a block radius. "What I am looking at doing is – I would be the second all-beverage license out there ... and the tenth in the area Nicole is talking about. There are currently 19 gaming establishments between 8th and Grand and 24th and Grand," he stated.

Councilmember Veis said one of the things the City tries to do with Community Commercial zoning is to have a good mix of things. With all the other establishments in the area, he questioned why another one would be needed in the area. Mr. Pendergrass said it offers an all-beverage license – the variety of just beer and wine as well as the further entertainment with a possible change of the bingo parlor development. He also read from a letter of support he received from president/owner of the Autumn Spring Assisted Living facility.

GORDAN ROMA OF 453 KILLARNEY said he has a 2,500 sf casino at 22nd and Grand Avenue – Gordy's Casino. He said he chose Grand Avenue because it is referred to as the "Vegas Strip". Mr. Roma said that is probably the safest way to keep the casinos – in one strip. He stated there are five casinos at 13th and Grande and didn't see why Dan (Pendergrass) wouldn't be accepted at 33rd. and Grand.

There were no other speakers. The public hearing was closed. Councilmember Boyer moved for disapproval of the special review, seconded by Councilmember Gaghen. Councilmember Ruegamer said he lives very close to Doc and Eddy's – two gambling casinos, a bar, a liquor store and a 3rd gambling casino at the corner of their lot. He noted that he walks and runs by there often and has never heard problems and the lot is always clean. Councilmember Ruegamer said two of the speakers spoke on clustering the casinos in one area or spreading them out. He said, "I don't know what we want and we don't have any ordinances that tell us whether these can be conglomerated or spread out. I don't think we want to walk on that slippery slope. We don't have an ordinance, so if they want to put 20 in one place, as far as I am concerned, why would we say no. What are our criteria? Which brings me to the supply and demand issue. You've got five casinos there, competing with each other. If they all make it, obviously there is not too many. If they don't make it, they will close. That's their problem. I don't see that it is the City Council's place to say we will limit you for any reason,"

Councilmember Stevens said she agreed with Councilmember Ruegamer but would take it a step further. "Unless we have some objective criteria that put these people on notice when they are looking where they want to place a casino that it's not going to be welcome there, I don't see how we can deny this," she stated. Councilmember Stevens said the Council could look at developing objective criteria and add them to the master plan and apply them to future special reviews, but at this point, without those criteria, she would vote no on the denial.

City Attorney Brent Brooks cautioned the council that, “if there are specific criteria that are not ... (particularly items 2 and 3 of the staff report), it probably would be wise for the record to reflect that – some kind of subjective findings, page references, etc... I think it wise that whatever decision you make, that you quantify factually and objectively as much as possible, where possible, maybe references to specific sections. For example, the 2003 Growth Policy, etc. and that I think goes back to Councilmember Stevens’ comments about being as objective as possible. I think if the Council simply denies this only because there is a subjective feeling there is too many at one particular location, I think you are going to legally need more objective references for the actual record, that I would be comfortable with, should this turn into some kind of legal action,” he stated.

Councilmember Boyer clarified that her motion for denial was based on these reasons, “it is not consistent with the purposes of Chapter 27 and the 2003 Growth Policy, does not encourage new development that are sensitive to and compatible with the adjacent neighborhood and the proposed use is not compatible with the purposes of the Community Commercial zoning district and adjoining land issues. Councilmember Gaghen concurred with the clarification.

Councilmember Brewster said the fact that these kinds of uses require a special review says that the Council can apply some judgment on its part about whether they are appropriate. “All the uses that require special review are available for us to use our own judgment criteria, whether we approve or deny,” he said.

Councilmember Veis said it is tough to judge – how many is too many. Mayor Tussing said he is also “torn” on this issue. He noted there are a finite number of liquor licenses allowed in the city, adding that since no one in the neighborhood is objecting to it, it made him lean towards approving it. Yet on the other hand, he said he thought there should be a policy that articulates clearly why the Council would depart from it.

Councilmember Boyer asked if the people in the residential areas notified. Ms. Cromwell said anyone owning property within 300 ft of the outside boundary was notified. Councilmember Boyer asked if Circle Fifty Subdivision would come within 300 feet. Ms. Cromwell said it is possible 2-3 property owners in that subdivision could have been notified. She added that this property was posted with the special review sign and it was advertised in the newspaper.

Mayor Tussing said when liquor establishments and gambling establishments are being considered, he thought it was better to concentrate them, rather than requiring them to pop up all over town. Councilmember Stevens said she is concerned because this is a gambling casino or serves alcohol. She asked if the Council would be having the same discussion if it were the 5th shoe store in the area. Councilmember Brewster said these types of establishments require special review because wherever alcohol is served there is an inherent potential for problems with that business. A special review requires the Council to take a good look at the request.

Councilmember Veis said from what he is hearing from people – i.e. what can be done about all the casinos, tends to agree with what the Planning Dept. wrote down as to its criteria for recommending denial. Councilmember Stevens said the counter argument is that the market is supporting these casinos. “I don’t believe it is the Council’s job to do market analysis and decide how many we need of something. The community is obviously supporting them. If it wasn’t supporting them, we wouldn’t have them,” she

emphasized. Councilmember Jones said if the council took that philosophy, there would be adult bookstore all over the City. "This is an alcoholic establishment. We have heard from these communities and neighbors in the past that there are too many going on out there. I think they have just gotten tired because we've always let the next one go in," he stated. Ms. Cromwell reminded the council that the special review is only for the 2,000 sf space. Should the owner wish to expand that space, they would have to come back to the council in another special review.

With discussion complete, Mayor Tussing called for the vote. On a voice vote, the motion for denial was approved 5-3. Councilmembers voting "no" were: Stevens, Tussing and Ruegamer.

3. PUBLIC HEARING AND VARIANCE #OP06-02: A variance from the Site Development Ordinance, BMCC Section 6-1203(j) regarding off-street parking for an affordable housing project at the southeast corner of 8th Avenue South and South 28th Street, homeWORD, Inc., applicant. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.)

City Administrator Tina Volek informed the Council that this request is to reduce the required number of parking spaces from 28 to 20. There was no Staff report. The public hearing was opened. CHUCK STROM OF 844 SANDSTONE TRAIL said he is the Senior Transportation Engineer with Interstate Engineering. He spoke in favor of the variance, adding that this development has unique characteristics and encourages uses of alternative modes of transportation. The unique characteristics include: its location on South side, targeting low income residents, has lease restrictions that limit or prohibit the ownership of automobiles by its tenants, and encourages the use of the bus system by providing bus passes for its tenants to promote use of alternative modes of transportation. Mr. Strom said he has researched census data throughout the Billings area and found that automobile ownership on the South side is 1.1 vehicles/household. That is contrasted with other census tracts on the west end where household incomes are 5-6 times of those on the South side, automobile ownership is approximately 2.2 vehicles/household. 25% of the households on the South side own no vehicles at all, versus only 1% of vehicles on the west end that have no vehicles in a household. He said this points to the fact that the variance for reduced offsite parking is appropriate in this neighborhood, appropriate given the target clientele of the residents of this development. Mr. Strom closed by urging the Council to vote in favor of the variance as recommended by Staff.

There were no other speakers. The public hearing was closed. Councilmember Ulledalen moved for approved of the Staff recommendation, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND RESOLUTION 06-18504 vacating a portion of Zimmerman Trail and Lyman Avenue abutting Lot 6, Scott Subdivision for a value of \$6,277.10. Ronald Sanchez and Traci Albright, petitioners. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ruegamer moved for

approval of the Staff recommendation, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

5. CONTINUANCE OF PUBLIC HEARING AND RESOLUTION 06-18505 vacating portions of 8th Avenue North and the alley between 7th Avenue North and 8th Avenue North for a value of \$584,250.00. Billings Clinic, petitioner. (Continued from 9/25/06). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff report. The public hearing was opened. MICHAEL SANDERSON OF ENGINEERING INC., 1300 TRANSTECH WAY said he is speaking on behalf of Billings Clinic. Mr. Sanderson said on September 25th they asked the Council for a continuance to allow time for Billings Clinic to meet with the neighborhood regarding this request. He said the petition to vacate the street was submitted with a Traffic Accessibility Study and after receiving positive responses from all the utility companies and City departments. Mr. Sanderson said the Clinic met with the neighbors on October 5th after sending out about 400 invitations. He noted that seven people attended the meeting, adding that the lack of attendance probably indicated the lack of controversy at this time. Mr. Sanderson noted that Mitch Goplin of the Clinic was here to answer any questions.

DAVE BOVEE OF 424 LEWIS AVENUE said this is not a “dusty, dead-end street on the edge of town; this is a street that we are still using and have been using for decades.” He said he has not seen a traffic study to determine if the street is no longer needed. “Everything that I’ve heard about this project says that Deaconess Billings Clinic wants this street, as opposed to Deaconess Billings Clinic has to have this street, absolutely cannot do what it wants to do without this street,” he stated. Mr. Bovee said the Clinic owns a lot of property and can design this project using the property it already owns. He added he saw no reason to not give the Clinic the alley, but the street is still being used.

MITCH GOPLIN OF 2243 ST. ANDREWS DRIVE said he represents Billings Clinic. Mr. Goplin said the Clinic did have a traffic study completed and it was reviewed by the City. This information is available to anyone interested in it. Mr. Goplin said the Clinic’s primary focus is to enhance the safety of its patients entering the facility. “We have 750,000 visits/year and about 80% of the visits to the Clinic come across 8th Avenue,” he stated. Mr. Goplin said the Clinic does have plans for expansion and by owning this parcel, the Clinic could include it in its campus master plan with the main purpose of patient safety. Councilmember Ulledalen commented that he routinely walks in that area and has noticed that a lot of sick, elderly and young people use the parking lot that do not go to the crosswalk, but cut across the street. He added that he thought this was a good idea.

JOE WHITE OF 926 N. 30TH ST. said opposes this request. He said he attended the neighborhood meeting and there were objections to it. Mr. White said he requested a traffic study to address the full impact of movement on traffic through the area. He said he has also objected to the expansion of Deaconess. He recommended that before anything is approved the Clinic should be required to hold construction hearings, health-related hearings, and public hearings to review the entire expansion plans.

There were no other speakers. The public hearing was closed. Councilmember Gaghen reminded the Council that this is not a “gift” from the City to the Clinic; they are paying the full appraised value of \$20.50/sf, amounting to \$500,000+ that will benefit the City’s coffers. Councilmember Veis moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

6. CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE relating to the creation of the East Billings Urban Renewal Area; and adopting an urban renewal plan, including a tax increment provision. (Continued from 10/10/06). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

City Administrator Tina Volek said this item was postponed at the request of the City’s bond counsel, who needed additional time to review the ordinances proposed. Ms. Volek said the bond counsel has reviewed the ordinance and no changes are proposed to the ordinance as presented. There was no additional Staff report.

The public hearing was reopened. DAVID BOVEE OF 424 LEWIS AVENUE said he has come before the Council “a changed man. You’ve convinced me. I’ve looked over the Tax Finance District, the urban renewal district, and everything you say is true – it benefits everybody; there are no drawbacks; there’s no down side; it benefits everybody. I also looked over the state laws and there’s absolutely no reason why you can’t benefit everybody with this district.” Mr. Bovee said as he looks at the proposed district he sees it as a “microcosm of a divergent economy working inside the active capitalist economy – the rest of Billings. There is no reason for this since it benefits everybody, then it should benefit everybody.” He added that the requirement of blight is very liberal and suggested that “everybody” be added to this district, i.e. instead of having the East Billings Urban Renewal Area, have the City of Billings Urban Renewal District because everyone qualifies. “We all meet the criteria of blight,” he stated. He closed by stating that is his vision for East Billings – is East Billings is a part of the entire City and the City of Billings benefiting from the *City of Billings Urban Renewal District*.

DAVE DAHL OF 710 TEPEE TRAIL said he owns two pieces of property in the proposed district – 1 in the City and 1 currently in the county. He said his roots on the county property go back to the late 1950s. Mr. Dahl said he has stood by the doors of his business with a broom in hand and squeegee after a good 1-inch rain and squeegeeing water so it wouldn’t come in the building. “I am really in favor of this ... we’re hoping it passes,” he stated. He noted an observation of his son, a graduate student in Bozeman’s architectural program. Mr. Dahl said his son commented on this area of town as he looked down on it from Black Otter Trail and talked about the open area and about which direction Billings has to go if it will continue to thrive. He said there is a lot of “blank” property in this area. Mr. Dahl urged the Council to unanimously approve the district.

GORDY TRYAN OF 2361 CRIMSON LANE said each area of the City is like a child; it has a different personality. “The East End could be called East End Jenny. East End Jenny is a hardworking person, has been a member of this community for a long time...; there’s nothing flashy about East End Jenny; she does nothing to draw attention to herself; she goes to work every day, works hard and prospers; she does well. You have another child called Shiloh Corridor Cory. Shiloh Corridor Cory is all flash.

Everybody wants to go see Shiloh Corridor Cory. They want to move there; they want to be around her; they want to business with her. As a City Council, you have a responsibility to make sure both children prosper. You may have to do some things for East End Jenny that will make her do as well as Shiloh Corridor Cory will do, otherwise you will have a big gap between the siblings,” he stated. Mr. Tryan said a unanimous vote of the Council is important to these owners. Many people have been working on the process of creating the district, a process that is not easy to understand. He emphasized that there is no free money with the program for anyone. “If you take this money that is part of the increment program, you pay that money back in an increase of taxes on the property,” he stated. Mr. Tryan noted there is no one looking for a free ride, just a way to make it work.

GARY SEVERS OF CTA ARCHITECTS & ENGINEERS, 23RD & 2ND AVENUE N. said he has worked with the owners on this project of creating the district. He said it has been a satisfying and gratifying process to “see them take the bull by the horns ... and run with this project.” He encouraged the Council to approve the district.

JOE MCCLURE OF 4038 PINE COVE ROAD said from an economic development authority perspective, the project has been discussed for several years. He said the west end will grow; the Heights will grow. “What we can’t afford is to lose sight of the ‘core’ of our community and that is downtown Billings. Downtown Billings is doing fabulously well. What this is, is the next transition phase,” he stated. Mr. McClure added this is a plan to plan the next phase of growth.

JOE WHITE OF 926 N. 30TH STREET said he did not know where the boundaries of the proposed district are. He suggested separating the south side from the north side of the district with the railroad tracks being the line of separation.

There were no other speakers. The public hearing was closed. Councilmember Brewster moved for approval of the Staff recommendation, seconded by Councilmember Gaghen. Councilmember Ruegamer pointed out that this is a grassroots effort by a group of over 60 people that have joined together to form the Billings Industrial Revitalization District (BIRD). He expressed his appreciation to the group for their efforts. Councilmember Brewster said this is the best urban renewal tool the City has; particularly for these kinds of areas. Councilmember Gaghen commended the efforts of everyone that has been involved in the process to date, noting she believed the area will benefit greatly. Councilmember Boyer said kudos were due to all the participants in this process, for being proactive, cooperative and getting everyone on board. On a voice vote, the motion was unanimously approved.

7. CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE modifying the Urban Renewal Plan of 27th Street District Urban Renewal Area to include certain property formerly part of the Downtown Redevelopment District in order to establish the *Extended North 27th Street District Urban Renewal Area*; adopting a modified urban renewal plan therefor, including a tax increment provision; approving an urban renewal project therein and authorizing the issuance of tax increment urban renewal revenue bonds of the City to finance costs thereof. (Continued from 10/10/06). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

City Administrator Tina Volek said a revised ordinance has been prepared based on the recommendations of bond counsel. She noted the changes are primarily procedural rather than substantive. There was no additional Staff presentation.

The public hearing was opened. DAVID BOVEE OF 424 LEWIS AVENUE said it seemed to him that the City is taking some properties that will be greatly revalued after 30 years in a tax increment finance district and putting them into another one for 13 years of yet again not contributing to the General Fund or any other fund from any tax increments in the increases. He suggested these properties "go back completely on the tax rolls." Councilmember Brewster said, "That's not true Dave. Whatever the valuation is at the end of the old TIF; that all goes on the tax rolls. It is only the increment that is generated after that. You get the full benefit of the earlier tax increment district," he explained.

GREG KRUEGER OF THE DOWNTOWN BILLINGS PARTNERSHIP, 2815 2ND AVENUE NORTH said this district will encompass about 81 parcels of land out of what is close to 200 parcels of land in the existing tax increment district. These 81 parcels represent taxable value not more than \$700,000/year, i.e. there is very little taxable value in these parcels. Mr. Krueger said this is an area that is blighted and in need of assistance. "We refer to ourselves as Downtown Danny and are very pleased that Jenny is moving on her own, but Danny is now about to enter into a marriage arrangements and needs some assistance with his bride," he stated. Mr. Krueger noted the remaining parcels will be returned to the tax rolls at new taxable values that are substantially higher than when the old district was created. These 81 parcels have had only a 4% increase in taxable value over the past 15 years, while the rest of the district had a 32% increase in value in the past six years.

STEVE WAHRLICTT OF 2511 1ST AVENUE NORTH recapped recent events concerning the property formerly known as the Ponderosa Inn. He said he purchased this property and was fortunate enough to receive a \$40,000 grant from the Downtown Partnership. Mr. Wahrlictt said over the last eight months he has invested over 40 times that amount into the property that is currently the Best Western Clock Tower Inn. He noted that between his property, combined with Stella's restaurant next door, the employment base of those properties has increased 50%. Mr. Wahrlictt said not proceeding with another downtown tax increment district would be detrimental to the downtown, adding that it still needs to be nurtured a little.

There were no other speakers. The public hearing was closed. Councilmember Brewster moved for approval of the Staff recommendation (which includes the revised ordinance), seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

8. RESOLUTION 06-18506 amending Res 06-18437 authorizing an increased purchase offer of \$294,000.00 to the owner of property described as Lot 3, Sunset Subdivision, 5th Filing and located at 1048 Grand Avenue, to be condemned in the Grand Avenue widening project. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff presentation. Councilmember Veis said the staff memo stated the change in price is reflected in some councilmember seeing something. He asked if there was anything in writing to support the increase. Public Works Director Dave Mumford said Councilmember Stevens talked to Mr. Reger about this property. He said

Staff has been attempting to get a copy of the lease, but has been unable to do so. Mr. Mumford said Staff has talked to the owner of the Dairy Queen, and the owner confirmed that his lease does extend to 2010. He said in discussing this development with legal staff and the firm that conducted the market analysis, it was decided the most prudent practice was to make the increased offer, which will be a part of their compensation when the City proceeds with the condemnation proceedings.

Councilmember Veis noted that at this time the City has not officially seen the lease. "If we go to condemnation, then does that lease become part of the public record?" asked Councilmember Veis. Mr. Mumford replied that it would become public record. Councilmember Veis asked if the value of the property would go up at that point. Mr. Mumford said he is hoping that this increased amount would be compensating for that, so that in the condemnation proceedings the City would not be ruled against for having too low an offer. Councilmember Veis asked how the Court would see it as the responsibility of the City to value the lease if the City has no ability to see the terms of that lease. City Attorney Brent Brooks said he didn't think the Court would ask the City to speculate. "However, the statutes and the presiding judge would expect the City to act upon legitimate information that has been communicated to the City. In this case, through the lessee who has confirmed some of the information that the City has attempted to obtain from one of the landowners. For the Council to simply not act upon that information would be risky if this case does go to condemnation because the Court would likely ask the City if it knew about this information – at least in a general sense and did the City in part further make a reasonable attempt to confirm whether or not this additional information would have changed your appraisal and therefore the offer made to the landowner," he stated. Mr. Brooks noted that if this proceeds to condemnation there will undoubtedly be a discovery request and this would be covered by the same rules of civil procedure, so the precise document would be available to the City through the discovery process.

Councilmember Veis said it is "tough to say somebody heard something and so we need to go to this number, when the rest of us can't really see that or know it or any of those things. It may be tangible to one member, but it certainly doesn't feel tangible to me," he stated. Councilmember Ruegamer asked if the owner is under any obligation to prove the lease was signed before the City started negotiated with him. "For all we know, it was signed later and just makes the property more valuable," he stated. Mr. Brooks said the court would order that document to be produced and it likely would be required to prove the document was signed prior to negotiations. Mr. Brooks added that all the City can do is go by what the statute requires. He recommended going on what the lessee is telling the City about his lease. Mr. Brooks added that the problem would be solved if the property owner provided the City with a copy of the lease.

Councilmember Jones asked if the property owner will accept this higher amount or is the City still proceeding with condemnation. Mr. Mumford said the City is still significantly below what the property owner believes the property is worth and therefore will still be moving ahead with condemnation. He said the reason for making the increased offer is that if the City is \$1.00 short of what the judge decides, the City will be required to pay the valuation payment plus all of the legal fees associated with condemnation. Mr. Mumford said Staff is hedging its bet that the legal costs could be considerably higher than this if the City misjudges the value.

Councilmember Boyer said she sees this as a safety net and Staff is trying to prevent the City from having to pay all litigation costs of the owner of the property. Councilmember Gaghen emphasized that it is important to indicate that the City has been attempting to negotiate in good faith and by offering an increased amount, knowing the limitations of that lot and that only a few people would likely want to use that property, places the City in a favorable light. "The nature of the project – the widening of Grand Avenue is so very vital to the plan for the City's growth and the Transportation Plan, that it must be undertaken. It (i.e. condemnation) is not something we take lightly. It is difficult because of all the circumstances. Dave's (i.e. Mr. Mumford's) suggestion is a safety net for the City," she stated.

Councilmember Veis said without having a copy of the lease, the City is "flying blind" on this. "If the City could not have known what the property was worth and thus could have offered less, does it still require the City to pay the legal fees of the other party," he asked. Mr. Brooks said it depends on the evidence. If someone is playing "cat and mouse" with the City and withholds critical information that the City may have acted upon prior to the condemnation, the court will look unfavorably upon that process he said. Mr. Brooks noted that in this case the City received information from the lessee that the Staff thought was critical information that the Council needed to know about. Councilmember Veis asked if Staff has asked the lessee for a copy of the lease agreement. Mr. Mumford replied that Staff has asked for it, but has not been provided with a copy of it.

Councilmember Gaghen asked if the City is able to broker a deal with the landowner, will the lessee be released from the lease. Mr. Mumford said he could not say for sure because he has not seen the terms of the lease. "The reason that came up in conversation is because he was asking were we going to get the property so that he didn't have that hanging out there. But without the actual lease for legal to look over, we don't know what the language says as far as termination of the Dairy Queen's obligations," he stated.

Councilmember Ruegamer asked if this is the only parcel that the City doesn't already own. Mr. Mumford said there are four parcels, this being one of them, that the City does not yet own. He reminded the Council that it had already given Staff permission to pursue condemnation on these four parcels. Councilmember Ruegamer said one of the alternatives could be to just stop now and leave Grand Avenue the way it is. Mr. Mumford acknowledged that is an option of the Council. "If the City does not move forward with completing condemnation on those four properties, the City would not be able to rebuild Grand Avenue," he stated. Councilmember Ruegamer asked if the City would still own the parcels the City has already purchased. Mr. Mumford said the City would retain its ownership of the parcels already purchased.

Councilmember Ulledalen asked if the design of the project is fixed at this time or is it possible to redesign the construction of Grand Avenue so that the City could proceed without the condemnations. Mr. Mumford said the only option would be to move toward the north. He noted however that those properties are built right to the back of sidewalk, so those properties would be full takes. "We either go with the design that is currently done, or we could rebuilt what is there today – a four-lane street with curb, gutter and sidewalk that drives better, but would not have a center turn lane, which tends to be the impediment to driving that for safety issues," stated Mr. Mumford.

Mr. Mumford summarized by stating that this has been a difficult situation. “We are hoping that if the City offered the additional \$63,000 which may be in line with the lease, then that would save the City a considerable amount of money in court if the City has to go to court. This option also tries to protect the City as best as it can. If the judge came in with a lower cost, that is what the City would pay. If the judge awards over this amount, then the City would end up with all of the property owner’s legal fees. So, the City is playing a ‘hedge the bet’ of ‘will 63 get the City any closer?’ I don’t know; it would be nice not to have any legal fees and to be able to move forward. If not, we are hoping to protect the City from much larger damages,” he stated.

Councilmember Stevens moved for approval of the Staff recommendation, seconded by Councilmember Boyer. Councilmember Ruegamer said he tired of someone trying to “screw” the City again. He said the City should stop the project because it has other projects to do. “The way this is being handled by the owner and lessee is so devious that it irritates me beyond comprehension. This is an end-run. Maybe I’m just being overly-sensitive, but too often courts (especially if it is a jury trial) see the City as ‘deep pockets’ and they see landowners as ‘poor beat-upon people’. I know that Staff has done the best that it can and is doing its best to protect the City. But I just think we ought to just stop this project and not do anything, let them set there and have a two-lane, four-lane in front of their place.” Councilmember Ruegamer made a substitute motion to take Alternative #3 – just discontinue negotiations, discontinue condemnation and stop the project, seconded by Councilmember Brewster.

Mayor Tussing noted the Council voted on condemnation previously and is well past the time for reconsideration. He asked if this fact complicates the substitute motion. Mr. Brooks said it did not. “At this point, this is a proposed amendment to the previous resolution increasing the offer by \$63,000. With the substitute motion, I would have to check what we may want to consider doing if that substitute motion were to pass ... i.e. come back to the Council and the Council would have to repeal the previous resolution(s),” he stated.

Councilmember Stevens noted that the City has already purchased eight properties. Mr. Mumford said if the project is delayed, all of the purchased property will still be needed to do the project in the future. “From my standpoint, as long as we already have it, it is ready for future development,” he stated.

Councilmember Ruegamer said the intent of his motion was to not do anything further with Grand Avenue – i.e. “stop right where we are now. If we are in a condemnation proceeding, stop. If we aren’t building anything, I don’t want to pay this money to this person and I don’t want to condemn him. But if we can reconfigure it or do whatever we can do and avoid those four pieces of property, that would be fine. I just don’t want to pay the condemnation thing,” he stated.

Councilmember Boyer said the Council knows the prices of construction and doing the road are going up. “I think we risk maybe making a point here, which we are all concerned about, but I don’t want to allow one person to hold this community hostage with a road project that benefits all of us, all of our constituents... I’m not willing to put a halt to that project because of one person,” she stated.

Mayor Tussing said he thought the City has “gone too far down this road to stop now.” Councilmember Veis asked how far along in the condemnation process the City is. Mr. Brooks said the condemnation has not yet been filed and was hoping to negotiate the

other purchases. Mr. Mumford noted that once this action (this evening) was approved or not approved, Staff would have final offers and the Legal Dept. would be instructed to file immediately. He added that if the City wishes to do this project next spring, it needs to file quickly to at least get right of entry so surveying can be completed and bids let.

Councilmember Jones said he is not a fan of condemnation. "I think this body has been very conservative in going out and doing this. I think this is a case where it is appropriate to move forward and do condemnation. I want to make sure that we have a good offer out there. We're taking someone's private property. I don't have a problem with paying a little extra. This is someone's private property that they had and were making on at one point in time. If we wait, he may end up signing a 20-year contract with somebody else, or 20-year lease and now we have totally new issues. I think right now is the time to move forward," he stated. Councilmember Jones said he understands this to be a pretty generous offer.

With discussion complete, the Mayor called for a vote on the substitute motion (to discontinue negotiations, discontinue condemnation and stop the project). On a voice vote, the motion failed. Councilmembers Brewster and Ruegamer cast the only "yes" votes.

On a voice vote on the original motion (to approve the Staff recommendation), the motion was approved. Councilmembers Brewster and Ruegamer cast the only "no" votes.

9. VARIANCE from BMCC Section 23-1009(D) regarding parkland dedication for offsite parkland for Silver Creek Estates Subdivision. Staff recommends denial. (Action: approval or disapproval of Staff recommendation.)

City Administrator Tina Volek noted that the Council received in its Friday packet dated October 20th, a letter from an attorney representing this applicant. The letter requests an opportunity to withdraw this application. Councilmember Veis moved for approval of the withdrawal, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously approved.

Mayor Tussing called a brief break at 8:40 p.m.

Mayor Tussing called the meeting back to order at 8:47 p.m.

10. 2006 CTEP PROJECT APPLICATIONS to be submitted to the Montana Department of Transportation for funding from the Community Transportation Enhancement Project (CTEP) program. (Delayed from 10/10/06). Staff recommends the Council formulate a recommendation for the Mayor to take to the Policy Coordinating Committee (PCC). (Action: approval or disapproval of Staff recommendation.)

Interim Planning Director Candi Beaudry said at the last Council meeting, the Council began discussing the option of removing the Chandelier Circle connection from a CTEP proposal. She said the discussion gravitated toward whether there were any funding sources for this one connection – the connection at Chandelier Circle in Shiloh Point Subdivision to the main spine of the Big Ditch Trail, which is currently under construction. Ms. Beaudry said Council delayed action at its previous meeting. Staff took the opportunity to look into more funding options for this connection. She said she

visited with the Bikenet organization to see if they had funding to put toward the cost of this connection. Additionally, the City Engineer's office has prepared an estimate of about \$25,000 for the trail connection and a culvert crossing over the bridge.

Ms. Beaudry said Bikenet was interested in being able to assist the City in funding it. However, it is their policy that they use their funds available (which are via voluntary efforts) as "match" funds. She said she requested a \$20,000 donation and the City would match \$5,000 of the total cost. Ms. Beaudry said instead of accepting that proposal, they offered to canvass the neighborhood to see if they could find any voluntary funds from the residents in Shiloh Point Subdivision.

Ms. Beaudry said the second option is to include the cost of the crossing and the Chandelier Circle connection in Phase II of the Big Ditch Trail. Phase II would be built next spring, and extend the trail from Larchwood to Rimrock West Park. She noted that by diverting \$25,000 of that project to the Chandelier Circle connection, the length of the trail would have to be limited. She noted that this is the most expedient option and that connection could be built next year. Ms. Beaudry said the Council could also proceed with the recommendation as presented in the CTEP application. She cautioned the Council that the chances of this application being approved by the entire Policy Coordinating Committee (PCC) is slim, because the mayor is only 1 of 4 voting members on that committee.

She said the last option is more long-term. There is a provision in the Rush Subdivision 6th filing where it says that the connection across the Big Ditch to the south will have to be made when Rush Park is developed. That would be paid for by an area-wide SID. There are six subdivisions that would be paying into that SID, so it would be distributed over a wide area and most of the area that would benefit would pay toward that cost. Ms. Beaudry said Staff did not know exactly when that SID would be created, but the best guess is within three years. This would be a more equitable distribution of the cost, but further out in time.

Councilmember Boyer asked if any of this would fall under *Safe Routes to School Program*. Ms. Beaudry said this Program is really designed for sidewalks and can be used for sidewalks. She said Staff would like to use that money for sidewalks and use CTEP funds, which largely funds trails.

Councilmember Brewster moved for approval of the TAC/Planning Board/Commission recommendation, seconded by Councilmember Veis. 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.)

- STEVE WAHRLICHT OF 2511 5TH AVE N spoke on the closure of N. 26th St. for the Park II Expansion project. He noted that about 11 weeks ago he was notified that a portion of N. 26th Street would be closed for a week to do water and sewer main work. Mr. Wahrlicht stated that one week later they were told there were problems finding the sewer and connecting and the street would be closed another week. He said that week came and went and what became apparent is that N. 26th St. became a "staging ground" for the parking structure construction. Mr. Wahrlicht

said that they were never really notified of what was going to happen over the course of the project. "What is really frustrating for Stella and myself is that you have two owners that are very willing to work with the City, but have not even been consulted in some of this. If it was one week, it would be one thing, two weeks, one thing. We are going on nine weeks now. We've been told 26th St. will be opened on the first of November. If we would have been told that up front, one of the things we would have asked for is some signage to detour people around." He stated the impact on his business has been "hard" and he has had to refund some of his customers because of the construction and the staging area. Mr. Wahrlictt said Stella's business has also been impacted. "What we are looking for is (1) a commitment from the City to have this 26th street opened on or before the 1st of November ..., (2) at least some form of remuneration to the property for the refunds we've given, I would appreciate and I'll donate those funds. I just think it frustrating from that standpoint, and last a commitment from the City ... concerning "25th and ½ Street", i.e. the alley between his building. People are now using this alley as a major thoroughfare." He emphasized that nothing was ever said in advance that this street would be closed three months and the street would be a staging area.

- KEVIN NELSON OF 4317 BRUCE AVE said the City's mission statement states that the City wants to "enhance the communities' quality of life". He said the issue he and his neighbors are dealing with in their neighborhood is not enhancing their quality of life. Mr. Nelson said an issue concerning a barking dog has been ongoing since July. Fourteen neighbors have come forward and asked for some resolution to the problem. He said, "This is not a barking dog issue anymore, it is a quality of life issue. It's a nuisance. We need to address this issue." Mr. Nelson spoke briefly about the deficiencies in the current animal control ordinance which allows the offense to continue while a ticket is pending court action. He asked the Council to direct Staff through a council initiative to come up with mechanism in the ordinance to allow some relief to this situation.

Council Initiatives

- **COUNCILMEMBER BREWSTER**: MOVED to direct Staff to prepare an ordinance that allows the building dept. opportunities to work with builders when the City has created obstacles to their development. APPROVED
- **COUNCILMEMBER STEVENS**: MOVED to direct Staff to look at the animal control laws to "beef" them up where necessary and review the definition of animal cruelty. APPROVED
- **COUNCILMEMBER VEIS**: MOVED to proceed with Alternative #2 on Chandelier Circle. APPROVED
- **COUNCILMEMBER ULLEDALEN**: MOVED to direct Staff to research that other cities in Montana are doing to regulate the location of casinos and bring the information to a future work session. APPROVED

With all business complete, the meeting was adjourned at 9:50 P.M.

THE CITY OF BILLINGS:

By: _____
Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AE City Clerk