

RESOLUTION 11666

A RESOLUTION EXTENDING THE BOUNDARIES OF THE CITY OF BILLINGS, MONTANA TO INCLUDE CERTIFICATE OF SURVEY # 356; CERTIFICATE OF SURVEY # 604, LOT 1, BLOCK 3 AND LOTS 1-9, BLOCK 4, O'LEARY SUBDIVISION; CERTIFICATE OF SURVEY # 506, TRACT A; CERTIFICATES OF SURVEY # 331, CERTIFICATE OF SURVEY # 98, CERTIFICATE OF SURVEY # 698 AMENDED, AND HOLFELD SUBDIVISION, ALL SURROUNDED BY THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

WHEREAS, the following described property, to-wit:

Certificate of Survey # 356
Certificate of Survey # 604
Lot 1, Block 3 and Lots 1-9, Block 4, O'Leary Subdivision
Certificate of Survey # 506, Tract A
Certificate of Survey # 331
Certificate of Survey # 98
Certificate of Survey # 698 Amended
Holfeld Subdivision

(including all amended Certificates of Survey & plats, and to the centerline of all adjoining streets and right of ways thereof) an island located in the S 1/2, NW 1/4 and the NE 1/2 SW 1/4 of Section 27, T1N, R26E, surrounded by the City of Billings, Yellowstone County, Montana

is land contiguous to the present boundaries of the city, and in the judgment of the City Council of the City of Billings, Montana, and the inhabitants thereof and of the inhabitants of the aforesaid area, that the corporate limits of the City of Billings, Montana be extended to include the above described property, and

WHEREAS, there was duly and regularly passed and adopted by the City Council and approved by the Mayor on the 21st day of January, 1974 a Resolution No. 11639, entitled "A Resolution Proposing to Extend the Boundaries of the City of Billings, Montana to include the above described property in the City of Billings, Yellowstone County, Montana

WHEREAS, objections were filed to the extending of the boundaries of the City of Billings, Montana,

NOW, THEREFORE, BE IT RESOLVED that the boundaries of the City of Billings, Montana be, and the same is hereby extended to include the above described area in the city of Billings, Yellowstone County, Montana, and the corporate limits of the City of Billings, Montana are hereby extended to include the said property effective upon the passage and approval of this Resolution.

Passed by the City Council and approved
by the Mayor this 25th day of February, 1974.

ATTEST:


City Clerk

APPROVED:


Mayor

REGULAR MEETING OF THE CITY COUNCIL, MONDAY, FEBRUARY 25, 1974

The Council met in regular session in the Council Chambers of the City Hall, Monday, February 25, 1974, at 7:30 P.M. Mayor Leone presided. The invocation was given by Alderman Fox. Aldermen present on roll call, Kerr, Armstrong, Fox, Prchal, Fillner, Thompson, Riedl, Lesniak, Schoenthal, and Chapel. The minutes were approved as transmitted.

APPOINTMENT OF ANIMAL CONTROL OFFICER Appointment of Jimmie R. Nixon to fill the unexpired term of Charles Blome, Animal Control Officer, was submitted. Moved by alderman Fillner, seconded by alderman Fox that the appointment be confirmed. Upon roll call alderman Kerr, Armstrong, Fox, Prchal, Fillner, Thompson, Schoenthal and Chapel voted aye. Alderman Riedl, Lesniak voted no. Motion carried 8 to 2.

APPOINTMENT OF STREET SUPT. Appointment of Clarence Krum to fill the unexpired term of Derrald Ferrin as Street Superintendent, effective March 1, 1974, was submitted. Moved by alderman Fillner, seconded by alderman Fox that the appointment be confirmed. Passed on roll call.

BIDS for the construction and sale of bonds for S. I. D. 981, 988 and 989, the following bids were submitted.

	<u>Construction SID 981</u>	<u>Bonds 981</u>	<u>SID 988</u>	<u>Bonds 988</u>	<u>SID 989</u>	<u>Bonds 989</u>
Long Construction Co.,	99,215.95		211,688.00			
Studer Construction	96,949.40		179,893.40		(130,007.95, Schedule I (119,578.25, Schedule II	
Barry O'Leary, Inc.			205,099.00		122,613.00, Schedule II	
Empire Sand & Gravel			209,845.00		116,877.00, Schedule II	
Schultz & Meyer			238,390.00		145,043.50, Schedule II	
Able Construction Co.					100,900.50, Schedule I	
Bower Construction Co.					113,528.48, Schedule I	
Casper & Magera					106,613.00, Schedule I	
Holm-Sutherland					111,679.25, Schedule I	
D. A. Davidson, Inc.		6.70%, with \$9.00 premium		6.70%, with \$27.00 premium		6.70% with \$35.00 premium

The bids were referred to the Council of the Whole, City Engineer, Building Inspector, Sanitation Superintendent, and Utilities Director.

HEARING in vacating and discontinuing the alley at 11th Ave. South and adjacent to 11th Ave. South and 27th Street. There being no objections, it was moved by alderman Fillner, seconded by alderman Lesniak adoption of RESOLUTION 11658 vacating and discontinuing the alley. Passed on roll call unanimously.

This meeting having been designated as the time and place to hear reports from the Zoning Commission, the following recommendations were presented.

- (a) That the newly annexed area, Sand Cliff Subdivision, south of Highway # 3 on the rims, west of the airport, be zoned "R-96". Moved by alderman Schoenthal, seconded by alderman Lesniak that the recommendation be approved. Motion carried.
- (b) That the proposed amendments to the Comprehensive Zoning Ordinance be accepted. Moved by alderman Schoenthal, seconded by alderman Lesniak that this be referred to the Planning & Improvements Committee, and considered the first reading of the Ordinance. Motion carried.

COMMITTEE REPORTS Bids for Airport Fire Station. The Committee finds the bid of Palmer Steel in the amount of \$62,444.00 to be the lowest and best bid and recommend they be awarded the contract, subject to

the F. A. A. Grant Agreement, Plus Alt. # 2, and Alt. # 4.

	<u>Palmer Steel</u>	<u>Hardy Construction</u>
Base Bid	\$ 61,708.00	\$ 69,800.00
Alt. # 1	25.00	25.00
Alt. # 2	476.00	410.00
Alt. # 3	867.00	900.00
Alt. # 4	260.00	230.00
Alt. # 5	2,115.00	2,150.00

Moved by alderman Chapel, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Bids, Contract No. 5, Water Distribution System Improvements The Committee recommends that the bids be deferred one week to allow further study of said bids. Moved by alderman Fox, seconded by alderman Fillner approval of the Committee report. Motion carried.

Bids, Contract No. 9, Water Distribution System Improvements The Committee recommends that the bids be deferred one week to allow further study of said bids. Moved by alderman Fox, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Bids, Schedule I, Asphalt Paving Airport Improvements The Committee recommends that the bid of R. J. Studer & Sons for Schedule I is the lowest and best bid and that they be awarded the contract, subject to approval of the FAA. Bid in the total amount of \$119,019.25. Moved by alderman Fillner, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Studer Construction Co.	119,019.25
Long Construction Co.	120,114.50
Empire Sand & Gravel	134,154.75

Bids, Schedule II, Security Fence, Airport Improvements The Committee finds the bid of Kober Construction Co. in the amount of \$105,930.50 is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign the contracts when performance bond is posted, busject to approval of the F. A. A. Moved by alderman Chapel, seconded by alderman Lesniak approval of the Committee report. Motion carried.

Kober Construction Co.	105,930.50
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Bids for Motor Coaches The Committee recommends that awarding of bid for Motor Coaches be deferred for one week. Moved by alderwoman Prchal, seconded by alderman Chapel approval of the Committee report. Motion carried.

White and Yellow Traffic Marking Paint The Committee finds the bid of Columbia Paint Company in the amount of \$16,759.00 for White and Yellow Traffic Paint is the lowest bid and recommend they be awarded the contract and the Mayor and City Clerk authorized to sign same, when performance bond is posted. Moved by alderman Armstrong, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Pittsburg Paint	16,800.00
Jourgensen Paint	17,855.00
Columbia Paint	16,759.00

Bids for Demolition of structures at 221 South 24th Street The Committee found the bid of Lloyd E. Schollaert in the amount of \$640.00 for demolition is the best bid and recommend they be awarded the contract. Moved by alderman Riedl, seconded by alderman Lesniak approval of the Committee report. Motion carried.

Lloyd E. Schollaert	\$ 640.00
Barry O'Leary, Inc.	1,450.00

REPORTS OF PLANNING & IMPROVEMENTS COMMITTEE

(a) The Committee recommends that the Council propose to extend the boundaries of the city to include Certificate of Survey # 1383, bounded on the north by Hilltop Road and on the east by Topaz Ave. RESOLUTION 11659.

Moved by alderman Riedl, seconded by alderman Lesniak adoption of the Resolution. Passed on roll call.

(b) That the resolution accepting the proposed urban planning area map as prepared by the City-County Planning staff be adopted, as amended. Moved by alderman Riedl, seconded by alderman Chapel approval of the Committee report. A substitute motion was made by alderman Schoenthal, seconded by alderman Fillner that this be referred back to the City-County Planning Board, then to the Planning & Improvements Committee. Substitute motion passed.

(c) The Resolution adopting the capital improvements program for the City of Billings be adopted as amended. Moved by alderman Riedl, seconded by alderman Fillner that this be referred to the next meeting of the Planning & Improvements Committee. Motion carried.

(d) That the Council adopt the proposed plat of Bannack Subdivision, and a Resolution adopted to this affect. Moved by alderman Riedl, seconded by alderwoman Thompson approval of the Committee report, and adoption of RESOLUTION 11660 accepting the Plat of Bannack Subdivision as an addition to the city. Passed on roll call subject to the approval of the City Attorney.

(e) That the Plat of Wilshire Heights Subdivision, 7th Filing, representing area north of Rimrock Road, east of Zimmerman Trail, be approved, as an addition to the city, and a Resolution accepting the plat be adopted. RESOLUTION 11661 accepting the plat of Wilshire Heights Subdivision, 7th Filing, as an addition to the city. Moved by alderman Riedl, seconded by alderman Kerr adoption of the Resolution. Passed on roll call unanimously.

RECONSIDERATION OF RESOLUTION for emergency budget for parking garage in the amount of \$27,000. Moved by alderman Armstrong, seconded by alderwoman Frchal that this item be reconsidered. Motion carried. Moved by alderman Armstrong, seconded by alderman Fox adoption of RESOLUTION 11662 setting forth the facts constituting an emergency in the All-Purpose General Fund of the city by necessity of providing funds for a parking garage. Passed on roll call unanimously.

COOPERATIVE AGREEMENT between City-County Planning Board and the City of Billings for funding 1974-75 fiscal year. This was referred to the Administration & Finance Committee.

REQUEST OF AIRPORT COMMISSION for an emergency budget for the purchase of two fire trucks for the airport in the amount of \$280,000, and estimated revenue from the F. A. A. in the amount of \$229,600.00. Moved by alderman Fillner, seconded by alderman Chapel that the request be granted. Motion carried. Moved by alderman Fillner, seconded by alderman Chapel adoption of RESOLUTION 11663, setting forth the facts constituting an emergency in the Airport Operating Fund of the city by reason of necessity to provide budget for the purchase of two fire trucks for the airport in the amount of \$280,000, and estimated revenue from the FAA in the amount of \$229,600. Passed on roll call unanimously.

LEASE TRANSFER of T Hangar from Walden Leitz to David Poore, approved by the Airport Commission. Moved by alderman Chapel, seconded by alderwoman Thompson that the transfer be approved. Motion carried.

BUSINESS LICENSES - New Applications and Transfers. This was referred to the License & Bond Committee.

REQUEST OF CITY TREASURER to release securities at Security Trust & Savings Bank totaling \$230,000. Moved by alderman Chapel, seconded by alderman Fox that the request be granted. Motion carried.

REQUEST OF FIRE CHIEF to install fire hydrants at the following locations: Rimrock Road & Silverwood Street; Silverwood street between Lots 15 & 16, Block 1, Silverwood Sub; Silverwood Street & Mulberry Drive. Morledge Street south line Lot 7, Block 3, Silverwood Sub., Morledge Street & Mulberry Drive and Morledge Street and Rimrock Road. Moved by alderman Fox, seconded by alderwoman Frchal that the request be granted. Motion carried.

REQUEST OF PUBLIC UTILITIES BOARD for a water extension for blocks 1 - 8, Golden View Subdivision. Moved by alderman Fox, seconded by alderwoman Frchal that the request be granted. Motion carried.

RESOLUTION 11664 providing for the acquisition and development of land for BOR project entitled Ponderosa Park was presented. Moved by alderman Lesniak, seconded by alderman Chapel adoption of the Resolution. Passed on roll call unanimously.

CLAIMS & ESTIMATES were presented for approval as follows:

Kober Construction Co., Sewer Dept,	\$ 5,879.71
Dept. of Revenue, Sewer Dept.,	59.39
Lockrem Construction, Water Dept.	862.79
Dept. of Revenue, Water Dept.	8.72
Brent Peterson, Utilities	155.26
Spildie Construction Co., Gen. Constn.	1,070.19
Dept. of Revenue, Gen. Constn.	10.81
City of Billings, Gen. Constn.	18,000.00
Brent D. Peterson, General	399.37
Brent D. Peterson, General	44.37
E. F. Link & Assoc., General Constn.	2,326.00
E. F. Link & Assoc., General Constn.	295.29
E. F. Link & Assoc., Gen. Constn.	626.25
Star Service, Inc., Gen. Constn.	10,660.49
Dept. of Revenue, Gen. Constn.	107.68
Kober Construction Co., Sewer	15,212.55
Dept. of Revenue, Sewer	153.66

Moved by alderman Riedl, seconded by alderman Lesniak that the claims be allowed and paid. Passed on roll call unanimously.

COUNCIL CONSIDERATION IN EXTENDING BOUNDARIES of the city to include Hilltop Subdivision, First, Second & Third Filings and amendments thereof (excluding Lots 8-14, Block 11; Lots 8-15, Block 12; Lots 1 & 2, Block 14 and Lots 1 & 5, Block 16 of Second Filing); Lots 22 and 23, Block 3, Heights View Subdivision, (including all amended certificates of survey and plats of the above described and to the centerline of all adjoining streets and right of ways thereof). The above described property is an island located in the NW 1/4 of Sec. 27 and the SW 1/4 of Sec. 22, T 1 N, R 26 E, surrounded by the city of Billings. Moved by alderman Riedl, seconded by alderman Chapel adoption of RESOLUTION 11665, extending the boundaries of the city to include this property. Upon roll call alderman Armstrong, Fox, Prchal, Fillner, Thompson, Riedl, Lesniak, Schoenthal and Chapel voted aye. Alderman Kerr voted no. Motion carried 9 to 1.

Extending the boundaries of the city to include Certificate of Survey # 356, Certificate of Survey # 604, Lot 1, Block 3, and Lots 1 - 9, Block 4, O'Leary Subdivision; Certificate of Survey # 506, Tract A, Certificate of Survey # 331, Certificate of Survey # 98, Certificate of Survey # 698 Amended, Holfeld Subdivision, (including all amended Certificates of Survey and plats, and to the centerline of all adjoining streets and right of ways thereof) an island located in the S 1/2, NW 1/4 and the N 1/2, SW 1/4 of Section 27, T 1 N, R 26 E, surrounded by the City of Billings. Moved by alderman Armstrong, seconded by alderman Kerr that the proposed annexation be deferred for one month. Upon roll call alderman Kerr, Armstrong, Fillner voted aye. Alderman Fox, Prchal, Thompson, Riedl, Lesniak, Schoenthal, Chapel voted no. Motion lost 7 to 3. A recess was called for a more detailed study of the proposed annexation. Upon convening it was moved by alderman Fillner, seconded by alderwoman Prchal adoption of RESOLUTION 11666 to include the above described property. Upon roll call alderman Kerr, Fox, Prchal, Fillner, Thompson, Riedl, Lesniak, Schoenthal, Chapel voted aye. Alderman Armstrong voted no. Motion carried 9 to 1.

RESOLUTION 11667 Excluding Certificate of Survey # 356; Lots 3-5, Block 1, Lots 4-7, Block 2, Lots 1-6, Block 3, Holfeld Subdivision; Lots 1-9, Block 4, O'Leary Subdivision, and Certificate of Survey 698 Amended. to make statutory exemption provisions. Passed on roll call unanimously.

RESOLUTION 11668 Extending the boundaries of the city of Billings to include Tract 1, Certificate of Survey # 848 (including all amended Certificates of Survey and plats and to the centerline of all adjoining streets and right of ways thereof) located in the SE 1/4 of Section 12, T 1 S, R 25 E, contiguous to Tract 2, Certificate of Survey # 1163 in the city of Billings. Moved by alderman Riedl, seconded by alderman Schoenthal adoption of

Resolution. Passed on roll call unanimously.

SURETY BONDS having been approved as to form by the City Attorney were presented as follows:

Hensley Plumbing & Heating, \$ 2,000, excavation bond, written by the Western Surety Co.

Tom D. Tennyson, Sewer Bond, \$ 3,000, written by the U.S. Fidelity & Guaranty Co.

Hoven Construction Co., Excavation Bond, written by the U.S. Fidelity & Guaranty Co.

Long Construction Co., Excavation Bond, \$ 2,000, written by the Safeco Insurance Co. of America

Moved by alderman Fillner, seconded by alderwoman Prchal that the bonds be accepted and placed on file. Motion carried.

The Clerk presented the report of the Traffic Commission recommending the Council set a policy concerning installation of sidewalks. This item not appearing on the agenda, it was moved by alderman Fillner, seconded by alderwoman Prchal that this item receive unanimous consent for consideration. Motion carried. This was referred to the Public Works Committee.

COMMITTEE REPORT, S. I. D. 981 CONSTRUCTION The Committee finds that all bids exceed the estimate of the Engineer, and cannot be awarded. Moved by alderwoman Prchal, seconded by alderman Armstrong approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 981 BONDS The Committee finds that the bid for construction of SID 981 exceeds the estimate of the Engineer, so no bid can be awarded. Moved by alderman Fox, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 988 CONSTRUCTION The Committee finds the bid of R. J. Studer & Sons in the amount of \$179,893.40 is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign same, when performance bond is posted. Moved by alderman Armstrong, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 988 BONDS The Committee finds the bid of D. A. Davidson in the amount of 6.70% with \$27.00 premium is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign same, when performance bond is posted. Moved by alderman Armstrong, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 989 CONSTRUCTION SCHEDULE I The Committee finds the bid of Able Construction in the amount of \$100,900.50 is the lowest bid and recommend they be awarded the contract and the Mayor and City Clerk authorized to sign the contracts when performance bond is posted. Moved by alderman Armstrong, seconded by alderman Fox approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 989 CONSTRUCTION, SCHEDULE II The Committee finds the bid of Empire Sand & Gravel for Schedule II is the lowest bid in the amount of \$116,877.00, and recommend they be awarded the contract and the Mayor and City Clerk authorized to sign the contracts when performance bond is posted. Moved by alderman Armstrong, seconded by alderman Schoenthal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 989 BONDS The Committee find the bid of D. A. Davidson Co. in the amount of 6.70% with \$35.00 premium is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign the contracts, when performance bond is posted. Moved by alderman Schoenthal, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

There being no further business to come before the Council, the meeting adjourned.

ATTEST:


City Clerk

APPROVED:


Mayor