

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

**December 17, 2007**

The Billings City Council met in regular session in the Council Chambers on the second floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, Montana. Mayor Ron Tussing called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Clark gave the invocation.

**ROLL CALL** – Councilmembers present were Ronquillo, Stevens, Brewster, Veis, Ruegamer, Ullendale, Boyer, Clark, and Jones. Councilmember Gaghen was excused.

**MINUTES** – December 10, 2007 (pending)

### **COURTESIES –**

- Mayor Tussing presented outgoing Councilmembers Brewster and Boyer with plaques in appreciation of their service on the City Council.
- Mayor Tussing presented Councilmember Jones with a plaque in appreciation for his time served on the City Council and wished him well in his move to Salt Lake City.
- Mayor Tussing presented retiring Fire Chief Marv Jochems a plaque in appreciation for his 35+ years of service with the City.

**PROCLAMATIONS** – None

### **ADMINISTRATOR REPORTS – Tina Volek**

- Ms. Volek advised Council received new Agenda Items A, B1, and K in their Friday packets; and new Agenda Items E and P that evening. Ms. Volek advised Item A was an updated list of the Boards & Commissions appointments with a new deadline for unfilled positions of January 4, 2008; Item B1 was the bid price and award recommendation for the Lower Level Restrooms at the Airport; Item K was the Agreement with the Housing Authority; and Item E was a list of 2008 federal request priorities. Ms. Volek asked that Item P be separated in order to discuss the request for an \$8,000 increase.
- Ms. Volek referenced Item 11, the change order for the new ballpark. She said staff was asking that the sidewalk improvements for 27<sup>th</sup> Street be deleted from the change order, as staff felt a better bid could be achieved in the spring as part of the city's sidewalk program.

Ms. Volek advised copies of all new agenda items were included in the Ex-Parte notebook for public review.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 1 and 11 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.)*

**There were no speakers.**

## **CONSENT AGENDA:**

### **1. A. Mayor's Appointments:**

Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
1.	Norm Kolpin	Aviation & Transit	01/01/08	12/31/11
2.	Souther	Board of Ethics	01/01/08	12/31/11
3.	Kathleen Walters	Community Development Board (At Large)	01/01/08	12/31/11
4.	Jim Hartung	Community Development Board (Low Mod)	01/01/08	12/31/11
5.	*J. Kip Gjerde	Energy & Conservation Commission	01/01/08	12/31/10
6.	Phyllis Crawford	Housing Authority	01/01/08	12/31/09
7.	Michael Crummett	Human Relations Commission	01/01/08	12/31/11
8.	Claudia Stephens	Human Relations Commission	01/01/08	12/31/11
9.	Ian Elliot	Human Relations Commission	01/01/08	12/31/11
10.	*Cyndi McCormick	Human Relations Commission	01/01/08	12/31/09
11.	Jean Warner	Library Board	01/01/08	12/31/11
12.	James Mariska	Public Utilities Board	01/01/08	12/31/11
13.	Steven Zeier	Traffic Control Board	01/01/08	12/31/11
14.	Brian Roberts	Yellowstone Historic Preservation Board	01/01/08	12/31/09
15.	Alex Tommerup	Yellowstone County Planning Board	01/01/08	12/31/09
16.	Edward Workman	Zoning Commission	01/01/08	12/31/11
17.	Barbara Hawkins	Zoning Commission	01/01/08	12/31/11
18.	Leonard Dailey	Zoning Commission	01/01/08	12/31/11
19.	Michael Larson	Zoning Commission	01/01/08	12/31/11

5. Unexpired term of Richard McCormish

10. Unexpired term of Skip Godfrey

**B. Bid Awards:**

**(1) Lower Level Restrooms Remodel for Billings Logan International Airport.** (Opened 12/11/07), D.P.S. Company, \$55,457.00.

**C. Change Order No. 1,** 2007 Accessibility Ramps, CMG Construction, Inc., \$14,682.24.

**D. Approval** of Revolving Loan Fund loan to David L. Overturf for purchase and renovation of property located at 2517 Montana Avenue, \$85,000.00.

**E. Approval** of Federal Projects Requests for 2008.

**F. Approval** of two 20-year West End Hangar Ground Leases with John M. and/or Marcia A. Nash, Lots 12 and 13; revenue first year - \$975.72 each.

**G. Approval** of Airline Operating Permit with Lynx Aviation, Inc.

**H. Approval** of Utility Site Purchase Agreement and Quitclaim Deed, Zone 4 Reservoir Land Acquisition, GSK Partners, LLP, \$52,959.00.

**I. Approval** of extension of Downtown Billings Partnership Development Agreement.

**J. Agreement** with *The Billings Times* to provide City of Billings legal advertising, 1/1/08 – 12/31/11, at a cost of approximately \$27,000.00 per year.

**K. Agreement** with Billings Housing Authority to fund one officer at no expense to the City of Billings.

**L. Agreement** with Laurel Ford for 12-month automobile lease for HIDTA Task Force, 1/1/08 – 12/31/08, \$4,200.

**M. Acceptance** and approval of 2008 High Intensity Drug Trafficking Area Award (HIDTA), \$151,381.00

**N. Acceptance** and approval of Homeland Security Grant for purchase of Bomb Squad tow vehicle and accessories of up to \$70,000.00.

**O. Amendment #1,** Rimrock Road - Shiloh Road to 54<sup>th</sup> Street West Improvement Project, General Project Development and Construction Agreement with Montana Department of Transportation.

**P. Amendments #4 and #5,** Rimrock Road – Shiloh Road to 54<sup>th</sup> Street West Improvement Project, HKM Engineering, Inc., Amendment #4 – Water line

relocations \$40,920.00; Amendment #5 – Project boundary re-design \$32,243.00.

**Q. Amendment #5**, Briarwood Sanitary Sewer Main Extension, Morrison-Maierle, Inc. for design and right-of-way acquisition, \$79,964.00.

**R. Confirmation** of Probationary Police Officer, Matt Lennick.

**S. Briarwood Sanitary Sewer Main Extension Right-of-Way Agreement and Perpetual Right-of-Way Easement** with Briarwood Country Club, \$50,000.00.

**T. W.O. 04-33: Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition:**

(1) **Parcel 27:** Portion of Unit 124, a Condominium on Lot 1, Block 1, Windsor Imperial Subdivision, Gregory R. Smith and Betty Mattson-Smith, \$9,150.00.

(2) **Parcel 63:** Portion of Lot 14, Block 3, Broadmoor Subdivision, Heirs and Devisees of Donna J. Peterson, Deceased (Dorothy Waddell and Robert Bryson, Personal Representatives), \$3,200.00.

**U. Street Closure:** *Magic City Blues Festival*, Montana Avenue between the 2300 and 2500 blocks from 9:00 a.m. on Friday, August 8, 2008, to noon on Sunday, August 10, 2008.

**V. Resolution of Intent #07-18661** to adopt the South Side Neighborhood Plan as part of the Yellowstone County and City of Billings 2003 Growth Policy.

**W. Resolution #07-18662** creating the Work Force Housing Ad Hoc Committee and approving composition of the committee.

**X. Resolution #07-18663** creating the joint City-County Bicycle and Pedestrian Advisory Committee.

**Y. Preliminary Minor Plat** of Lake Hills Subdivision, 32<sup>nd</sup> Filing.

**Z. Final Plat** of Meadowlark Subdivision, Amended Lot 7, Block 4.

**(Action:** approval or disapproval of consent agenda)

Mayor Tussing separated Consent Agenda Item P; Councilmember Stevens separated Consent Agenda Item X; Councilmember Ruegamer separated Consent Agenda Item D; and Councilmember Jones separated Consent Agenda Item E.

Councilmember Clark moved for approval of the Consent Agenda with the exception of Items D, E, P, and X, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Item D, seconded by Councilmember Brewster. Councilmember Ruegamer asked for more details.

David Overturf advised he was the manager and registered agent for DLO, LLC. He said the Downtown Billings Association approved the loan on November 11, 2007. He said their recommendation was that \$85,000 be added (or 20% of the \$425,000 project), if the buyers would do the same, for purchase and renovation of 2507 Montana Avenue. Mr. Overturf said the building had been the home of McIntosh Galleries. He said he planned to rent the front portion to revolving artists on a monthly basis, and the center and back portions would be used for del Alma Gallery and his photography studio.

Councilmember Ruegamer asked for the total loan amount. Mr. Overturf said they would borrow \$255,000 from a lender as a mortgage and \$85,000 as a bridge loan. He said it was their understanding the Downtown Billings Association Revolving Loan Fund would contribute prior to the purchase and renovation, and the City would pay after the purchase and renovation had been completed. He said that was why they arranged for a bridge loan from the same mortgage lender. Councilmember Ruegamer asked if an appraisal had been done on the building. Mr. Overturf said it was pending on Council's action that evening. He said it would be a commercial evaluation instead of an appraisal. Councilmember Ruegamer asked if the loan would be advanced prior to knowing the value. Councilmember Brewster said the loan would not be made until after the project was finished. He said they would use the bridge loan first, and then the City would pay. Mr. Overturf said Flynn Insurance had quoted a replacement value on the building of \$468,000.

On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Item E, seconded by Councilmember Brewster.

#### City Council Top Priorities for 2008 Federal Requests

1.	Water Plant Back-up Power	67
2.	Shiloh Road	62
3.	Naval Reserve Project	41
4.	Police Video Cameras	41
5.	Rimrock Road	29
6.	Regional Park Land Acquisition	27
7.	Cobb Field	26
8.	Inner Belt Loop	26
9.	Calamity Jane Reservoir	21
10.	West End Flood Mitigation Study	19
11.	MET Paratransit Vans	11

Reflects responses from all seated councilmembers and two new members.

Councilmember Brewster asked why the Bench Boulevard Connection was excluded from the list of projects. Public Works Director Dave Mumford said there were funds available to move forward with Phase I and the design of Phase II; but

until Airport Road was bid, they were not sure how much funding would be available because the State had moved air quality money from the Bench Boulevard project to Airport Road. Mr. Mumford said they would wait until next year to ask for additional funding. Councilmember Brewster said he wanted to make sure it had not been forgotten. Mr. Mumford said it had not been forgotten, and they were just not sure what would be available until the Airport Road project was bid. Councilmember Stevens asked if Phase I was the bridge. Mr. Mumford said Phase I included the bridge, the connection to Main Street, utility relocations, and connection all the way to Hilltop. He said it would come across Main Street, connect to 4<sup>th</sup> and 6<sup>th</sup>, through MetraPark, across Alkali Creek, and to Hilltop with a signal at Hilltop. Mr. Mumford said it was questionable if it would include the underpass.

Councilmember Veis said he was leery of including the Inner Belt Loop on the request. He said it was needed, and he liked the project; but he said if there were federal dollars involved, he had a concern with the timeline to complete the project. Councilmember Veis said the Council needed to have a serious discussion on alternate funding sources; and said, at best, they would be looking at 10 to 15 years with federal dollars. He said federal dollars meant "a long time." Councilmember Stevens said when they visited the new fire station, it occurred to her the westend already had Shiloh Road and Rimrock Road. She said the Heights did not even have a road, and that was why the Inner Belt Loop was so important to the Heights. City Administrator Volek advised the road had yet to be included on the Transportation Plan, which they needed to amend to include it. She said apart from the federal grant request, the City had already made plans and identified a funding source for an alignment study and the beginning of right-of-way acquisition. She said a great deal of the roadway would go through State land, and she hoped the State would be reasonable in providing the City with some of the land. Councilmember Ulledalen commented it was an extremely important piece of infrastructure, and funding alternatives were needed in order to get the project done in a timely manner. Councilmember Brewster said he hoped the Inner Belt Loop would be perceived as a high priority by the Council.

Councilmember Ulledalen asked for clarification on the Naval Reserve Project. He asked if the amount was for full destruction of the building or just the asbestos abatement. City Administrator Volek said it was for both.

Councilmember Jones moved to amend the list by deleting Item 6 and replacing it with Item 9, seconded by Councilmember Ruegamer.

Councilmember Jones said there were problems in Florida, and it was his understanding Congress would be stepping up and helping out with reservoirs to stop water from going into the ocean or down a river. He said it was not very far away that Billings could end up in the same situation with the Yellowstone River. He said the chance of getting funding for both the Regional Parks Land Acquisition and Cobb Field was minimal, so replacing Item 6 with Item 9 would open up all kinds of opportunities.

City Administrator Volek asked Council to consider calling it a "Reservoir Study" instead of Calamity Jane Reservoir. She said the Calamity Jane area was a very specific area that had experienced infill development and may not be as

plausible a site as it was in its original conception. She said staff had estimated \$100,000, and Mr. Leuthold had estimated \$500,000. She said it would be better to ask for the larger amount and accept less. Ms. Volek recommended naming the project a generic reservoir study for \$500,000. Mayor Tussing confirmed with Councilmember Jones that he meant to remove the Calamity Jane name in his motion. Councilmember Jones said eliminating the Calamity Jane name was fine with him.

Councilmember Veis said the projects were never ranked before and asked why they were being ranked now. Mr. Bruce Putnam advised that the congressional delegation asked last year that they be ranked.

Councilmember Veis said he agreed with Councilmember Jones that the Reservoir Study was important, but he said he would rather switch it with Cobb Field. He said Cobb Field was already in the works, and Regional Parks Land Acquisition had a higher ranking.

Mayor Tussing advised there were already two motions on the floor, so another motion could not be made.

Councilmember Jones withdrew his motion to delete Item 6 and replace it with Item 9. Councilmember Ruegamer withdrew his second to the motion.

Councilmember Jones moved to amend the motion to replace Cobb Field with the Reservoir Study, seconded by Councilmember Veis.

Councilmember Boyer asked if promises had been made by the congressional delegation to provide more money. City Administrator Volek said the last she had heard there was \$325,000 in the current funding bill. She said she had a meeting scheduled with a member of the senatorial staff that following Friday. Ms. Volek advised the current funding bill was awaiting congressional approval and presidential signature.

Ms. Volek said the funding for Cobb Field was \$11,000 short, and the change order to be discussed later that evening still needed funding. She said there were ongoing discussions with other parties regarding additional contributions. Councilmember Boyer asked if taking Cobb Field out would impact the \$325,000. Mr. Putnam said he did not believe so.

Councilmember Ulledalen said his concern was that the Reservoir Study really extended the definition of the "wish list" because they were in the very basic, conceptual stage and were asking for money to design something they did not have a clue about as far as where it was going to be and who would be involved. He said he agreed it needed to be talked about, and he supported dropping the name Calamity Jane, but he felt other people in the City should be consulted before asking for the money. Councilmember Stevens said it was a study to determine if there was a good place to put a reservoir and not the design of a reservoir. Councilmember Ulledalen said he understood that, but he did not know if it would be in Big Timber, Park City, Molt, or somewhere else. He said he was not disputing it was something to talk about; but rather they were way ahead of themselves in asking for the money.

On a voice vote, the amendment to replace Cobb Field with the Reservoir Study was unanimously approved.

City Administrator Volek asked if Council wanted staff to pursue Items 10 and 11. Mayor Tussing said to pursue them if the congressional delegation asked for more items.

Councilmember Boyer said she felt the West End Flood Mitigation Study was very important. Councilmember Ulledalen said Council needed to understand the magnitude of what they were addressing with the Mitigation Study.

Mr. Putnam advised the most recent draft of the list included other projects, in addition to the eight priority projects. He said if there were any projects listed that Council did not want taken forward, they needed to be taken off; but he recommended leaving them all on. Councilmember Veis agreed all of the projects needed to be left on the list.

On a voice vote, the motion, as amended, was unanimously approved.

Councilmember Clark moved for approval of Item P, seconded by Councilmember Brewster.

Public Works Director Dave Mumford advised that staff had been working with the State to use what funds they had to move as far as possible with construction on Rimrock Road. He said in his discussions with the State that day, the State said they were willing to add an alternate in the bid to allow the City to bid what it could afford; and if the bids came in well or if funding from another source became available between now and construction, the rest of the road to 54<sup>th</sup> Street West could be added. Mr. Mumford said they were asking for an additional \$8,000 in the redesign to allow the bid package to be put together under the State procedures to include the alternate.

Councilmember Veis asked if Council was being asked to amend the contract in Appendix C, Section 1, and add "C" that was given to them. Mr. Mumford said that was correct.

Councilmember Ulledalen asked if there was any way to get Rimrock Road done to 54<sup>th</sup> Street West if the money ran out at 49<sup>th</sup> or 50<sup>th</sup> Streets West. Mr. Mumford said the City was already spending \$150,000 of its own funds to get as far as possible, and they were hoping they could get to 54<sup>th</sup> with the alternate. He said they had talked with the Montana Department of Transportation about adding the area from the project terminus to beyond Ironwood Subdivision to the 2009 Mill and Overlay Program. He said it would be awhile before that part of the road would be reconstructed, and it would need a surface rehab within a couple of years.

Councilmember Veis moved to update Amendment #5 to include Appendix C, Section 1, Payments for Basic Services, Item C - Additional services related to alternate bidding not to exceed \$8,000, seconded by Councilmember Boyer. On a voice vote, the amendment was unanimously approved.

On a voice vote the motion, as amended, was unanimously approved.

Councilmember Clark moved for approval of Item X, seconded by Councilmember Brewster.

Councilmember Stevens said as she was reading through the By-Laws, she became concerned about Section 4, Membership. Councilmember Stevens moved to amend the motion to strike the wording that listed who the representatives would be from the different groups because it was not inclusive of all citizens; but leave in a representative from the Police Department and the bicycle pedestrian coordinator

or a staff person from the Engineering Division who would serve as ex-officio members of the board. The motion was seconded by Councilmember Brewster.

Councilmember Boyer asked Councilmember Stevens if she did not want people from the bicycle organizations, mass transit, smart growth and health communities, and educational organizations. Councilmember Stevens said it did not mean they could not be included, but the way it was written, it limited it to only those people. Councilmember Boyer said it also included business organizations, downtown, Billings Chamber, and private citizens. Councilmember Stevens said there could be people that did not fall into those groups and said she would like it to be more inclusive of the entire population.

Planning Director Candi Beaudry referenced the joint meeting with the County Commissioners in June where Sara Keller and Kathy Aragon came before the board requesting the formation of the committee. She said the idea they brought forward was a committee of bicycle and pedestrian advocates, and they recommended modeling the committee after a committee in Missoula. Ms. Beaudry said the By-Laws were borrowed from Missoula with some changes. She said the idea was to focus towards bicycle and pedestrian advocate groups. Ms. Beaudry pointed out both the Planning Board and the County Commissioners had already approved the By-Laws by resolution.

Ms. Beaudry said the committee would recommend the use of grants applied toward facilities and how the bike plan would be implemented. She said it would be advisory only, and Council would make the ultimate decision.

Mayor Tussing said he would support Councilmember Stevens' motion if she would leave in all the wording and just add "or other interested citizens."

Councilmember Boyer said at the joint meeting, they said they wanted people to advise Council and to have the type of expertise and passion they had. She said it did not mean other people could not come and testify and participate, but they wanted an advisory committee that knew what they were talking about. She said because of that, she could not support Councilmember Stevens' motion.

City Attorney Brooks suggested using the wording "may include, but not be limited to" in the next to the last sentence on Page 4 of the By-Laws.

Councilmember Stevens said she was fine with that, but removing the other wording would make it cleaner and easier; and no one would question whether or not they fell into a particular category. She said her motion was not to limit anyone but to open it up to everyone.

Mayor Tussing advised there were currently two motions on the floor.

Councilmember Stevens withdrew her motion. Councilmember Brewster withdrew his second to the motion.

Mayor Tussing moved to delete the wording "shall be" and include the wording "may include but not be limited to."

Councilmember Ruegamer asked Ms. Beaudry if the change would need to be approved by the County Commissioners, and if the paperwork would need to be changed. He said he thought they were "knit-picking" and it was not worth the time. Ms. Beaudry said the paperwork would need to be changed and taken back to the others.

On a voice vote, the amendment was unanimously approved.

On a voice vote the motion, as amended, was unanimously approved.

## **REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation #07-05: described as 13.4 acres of a portion of park land along Zimmerman Trail right-of-way and a portion of Zimmerman Trail right-of-way between Highway 3 and Rimrock Road; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)** City Administrator Volek advised there were no staff reports for Items 2 through 10, but staff was available for questions.

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

Councilmember Jones moved for approval of Item 2, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annexation #07-18: described as a portion of 56<sup>th</sup> Street West and Broadwater Avenue rights-of-way; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

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

Councilmember Boyer moved for approval of Item 3, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation #07-19: described as a 6.832-acre portion of Rimrock Road right-of-way from 62<sup>nd</sup> Street West to the city limits; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

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

Councilmember Ulledalen moved for approval of Item 4, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.

**5. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annexation #07-25: described as a 2.457-acre portion of 44<sup>th</sup> Street West right-of-way south of King Avenue West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mayor Tussing asked City Attorney Brooks if he could ask if there was anyone in the audience wanting to testify on Items 5, 6, 7, 8, 9, and 10, and hold

one public hearing for all of the items or if he had to hold a separate public hearing for each item. Attorney Brooks said it could be done either way as long as the record accurately reflected if someone spoke on a particular item. He said individuals wanting to speak would need to identify the particular item they were testifying on.

Mayor Tussing said he would hold the public hearing for Item 5 since the item had already been read.

The public hearing was opened. There were no speakers, and the public hearing was closed. On a voice vote, the motion was unanimously approved.

Mayor Tussing asked the City Clerk to read Items 6, 7, 8, 9, and 10.

**6. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annexation #07-11: described as a 3.74-acre portion of Broadwater Avenue right-of-way west of 30<sup>th</sup> Street West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

The public hearing for Items 6, 7, 8, 9, and 10 was opened. There were no speakers, and the public hearing was closed.

Councilmember Veis moved for approval of Item 6, seconded by Councilmember Jones. On a voice vote, the motion was unanimously approved.

**7. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annexation #07-12: described as a 1.69-acre portion of Bell Avenue right-of-way west of Shiloh Road; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Brewster moved for approval of Item 7, seconded by Councilmember Jones. On a voice vote, the motion was unanimously approved.

**8. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation #07-13: described as a 0.92-acre portion of Zimmerman Trail right-of-way; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Stevens moved for approval of Item 8, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously approved.

**9. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation #07-14: described as a 4.86-acre portion of Cove Avenue right-of-way between 46<sup>th</sup> and 50<sup>th</sup> Streets West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Ronquillo moved for approval of Item 9, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.

**10. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation #07-16: described as a 0.359-acre portion of Grand Avenue right-of-way east of 56<sup>th</sup> Street West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mayor Tussing moved for approval of Item 10, seconded by Councilmember Veis. On a voice vote, the motion was unanimously approved.

**11. CHANGE ORDER NO. 2, New Baseball and Multi-Use Stadium at Athletic Park, \$79,970.00. (Delayed from 12/10/07). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Parks Director Mike Whitaker advised replacement of the 27<sup>th</sup> Street sidewalks was being removed from Change Order No. 2. He said he felt the Public Works Department would be able to reduce the cost of the sidewalk removal in the spring. Mr. Whitaker said by removing the sidewalk replacement, the \$79,970 Change Order would be reduced to \$33,655, which would increase the project shortfall from approximately \$18,000 to approximately \$52,000. Mr. Whitaker said he felt comfortable that funding would be coming in to cover the shortfall. He said just that day over \$7,000 had come in with the brick campaign.

Councilmember Clark said at the last council meeting the architect had told them Item #3 was already in the plans and included in the original bid. Mr. Whitaker confirmed Item #3 was included in the original bid and that it had been removed from the amount.

Councilmember Stevens asked if there was a way to move the sidewalk further away from the street. Mr. Whitaker said he and Mr. Mumford had a discussion about redesigning the area and going from a 6-foot sidewalk to a 7-foot sidewalk. He said they would discuss the possibility further in the spring. Mr. Mumford advised the current structures backed right up to the sidewalk, so there would be no room to move the sidewalk.

Councilmember Veis asked if the Change Order in front of them needed to be amended. Mr. Whitaker said the current Change Order needed to be amended by removing the sidewalk replacement. Mr. Whitaker said Item #3 had already been removed.

Councilmember Clark moved for approval of Change Order No. 2, less the sidewalk replacement amount, for a total of \$33,655, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

**12. 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.)*

- **KEVIN NELSON, 4235 BRUCE AVENUE**, said approval of the South Billings Boulevard tax increment district was circumventing the law. He told the Council to be very cautious and said he felt they had gone "way beyond what the law had intended."

- **FRANCES HARRIS, THE TERRACE**, thanked Councilmembers Boyer, Brewster, and Jones, and Fire Chief Jochems for their service to the community and wished them well.
- **JOE WHITE, BILLINGS, MT**, wished everyone a Merry Christmas and said there were further reports of collapse of government in the City and the area. He said the United States House was in session, and they were discussing whether to take action on a caretaker government for the City of Billings. Mr. White advised they should be in federal court the next day seeking satisfaction. He referenced the debate of the farm bill. Mr. White said he felt Kohl's Department Store should not be located on Shiloh Road and should be located on East Main instead.

**The public comment period was closed.**

## **Council Initiatives**

- **RONQUILLO**: Asked City Attorney Brooks if all the legal t's had been crossed and i's dotted regarding the tax increment district Mr. Nelson was opposed to. Attorney Brooks advised if Mr. Nelson would contact him and point out what he believed were the legal violations committed, he would be happy to review them with him. City Administrator Volek advised Council that staff had a meeting scheduled with Mr. Nelson for last Friday, and Mr. Nelson called her and withdrew from the meeting based on the comments he made at the first session. Ms. Volek said Mr. Nelson told her he felt it was no longer necessary and simply withdrew his request for a meeting. Councilmember Boyer said the head of the Department of Revenue had commented Billings was a model for how to do TIF Districts, and Billings had done them accurately and correctly.
- **VEIS**: Noted Item 1W referenced 16 members but 17 were listed. He said he thought there were members of the council who had expressed interest in serving on the committee and MOVED to reconsider ITEM 1W, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously APPROVED.

**VEIS**: MOVED to amend Part 2, Membership, of the Resolution for Item 1W to consist of 18 members, to include the 17 members listed and a councilmember, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously APPROVED.

**BOYER**: Asked why the Highland Neighborhood Association did not have a representative. Mayor Tussing asked Ms. Beaudry to explain how she came up with 16 and not 17, and which neighborhood task forces and/or associations she was talking about. Ms. Beaudry advised that Tom Llewellyn had an idea of who the committee would be composed of, and he provided her with the list. She said staff felt there needed to be a couple members from existing boards, so they were added; and then Mr. Llewellyn came back and added another one. Ms. Beaudry said the correct number was 17 and adding a councilmember would make a total of 18. She said the

seven neighborhood task forces were the Heights, North Park, Southside, Southwest Corridor, Central-Terry, Westend, and North Elevation. Ms. Beaudry asked Councilmember Boyer if she wanted the Highland Neighborhood Association included.

**BOYER:** MOVED to amend Part 2, Membership, of the Resolution for Item 1W, to include the Highland Neighborhood Association, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously APPROVED.

**STEVENS:** MOVED to amend Part 2, Membership, of the Resolution for Item 1W to make the councilmember an ex-officio, non-voting member, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously APPROVED.

On a voice vote, the twice amended motion to include an ex-officio member of the City Council and the Highland Neighborhood Association was unanimously APPROVED.

**VEIS:** MOVED to appoint Councilmember Ronquillo as the representative on the Ad Hoc Committee for Workforce Housing, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously APPROVED.

- **RUEGAMER:** MOVED that Council meet with the School Board on a quarterly basis, seconded by Councilmember Brewster. He said he would like to hear some of their plans and ideas to keep the communication open. He said the situation with Cottonwood Park could have been avoided if there had been some communication. Councilmember Brewster said he agreed Council should meet with the entire School Board and not just the Chair or the Superintendent. Mayor Tussing asked Councilmember Ruegamer if he would be satisfied with inviting the School Board to the joint meetings. Councilmember Ruegamer said he felt they needed to meet with them regularly on a quarterly basis – just Councilmembers and School Board members. He said there was so much lack of communication, and the Council ended up “holding the bag” when things erupted. He said Council did not look real good on Cottonwood Park, and they did not have anything to say about it. Councilmember Boyer said she did not feel the joint meetings were very productive because there were so many people, and no one really spoke up and got down to the issues. She said having quarterly meetings with the School Board would be more productive. Councilmember Brewster said when he was on the School Board, they met semi-annually with Council, and it was very productive. Councilmember Stevens said she felt quarterly was too often, and the meetings should be held as needed. Councilmember Ruegamer said he would rather have scheduled meetings and if there was nothing to talk about, they would not meet. On a roll call vote, the motion was APPROVED 6 to 4. Councilmembers Ronquillo, Brewster, Veis, Ruegamer, Boyer, and Jones voted “yes”. Councilmembers Stevens, Ulledalen, and Clark and Mayor Tussing voted “no”. City Administrator Volek asked if the meetings would be a work session type item rather than a formal business session. Councilmember Veis said they

would be separate from a work session but in a work session-like setting rather than a business meeting with formal minutes.

- **VEIS:** MOVED to have Councilmember Ruegamer attend a School Board meeting to obtain ideas and feedback from them on what they would like to do, seconded by Councilmember Clark. On a voice vote, the motion was APPROVED 10 to 1. Councilmember Ruegamer voted “no”.
- **RUEGAMER:** Said he attended a meeting with Chief St. John where there was a 2-hour presentation on fixed cameras and mobile units for enforcing speed limits. Councilmember Ruegamer asked for discussion on the purchase of speed cameras and radar. He said the traffic issues were getting worse and would not get better. Ms. Volek advised at one point there were issues raised that were legally related, but since then the Legal Department and Police Department had been working together on it, and the topic was scheduled for a Work Session in February 2008.
- **STEVENS:** MOVED to have staff look at revising the ordinance on zoning to address the location and size of neighborhood meetings between developers and neighborhoods, seconded by Councilmember Boyer. She said the meetings were not being held in the neighborhoods, which was the intent of the ordinance. She said some of the developers would not meet as a big group, but would only meet one-on-one, which was in violation of the ordinance. On a voice vote, the motion was unanimously APPROVED.

**ADJOURN – The meeting adjourned at 8:04 p.m.**

**(NOTE: Additional information on any of these items is available in the City Clerk's Office)**

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