

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

### March 12, 2007

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, Montana. Mayor Ron Tussing called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Boy Scout Troop #7, (1<sup>st</sup> Methodist Church, sponsor) led the Pledge of Allegiance. Councilmember Vince Ruegamer gave the Invocation.

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

**MINUTES – February 26, 2007.** Approved as printed.

**COURTESIES** - Community Services re: Walla Walla College – Certificate of Acknowledgement given to Billings citizens for their many volunteer hours of service.

#### PROCLAMATIONS - None

#### ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek said the Council Agenda Review meeting would be held tomorrow evening at 5:30 p.m. in the City Hall Conference Room.
- Ms. Volek said that on Thursday, March 15<sup>th</sup> a noon teleconference with Senator Essmann will be held in the MSU-B #2 City Chamber.
- She informed the Council that ITEM P was revised.
- Ms. Volek also noted that the Staff requested to withdraw ITEM G2 and extend ITEM 1Q to the April 9, 2007 agenda.

**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.)** There were no speakers.

#### CONSENT AGENDA:

##### 1. A. Bid Awards:

- (1) **W.O. 07-03, Contract #1: 2007 Street Maintenance.** (Opened 2/13/07). (Delayed from 2/26/07). Recommend JTL Group, Inc., \$556,550.90.
- (2) **Concessionaires for four (4) Car Rental Concessions in the Airport Terminal Building.** (Opened 3/06/07). Recommend delaying to 3/26/07.
- (3) **One New Current Year 16-Foot wide Area Riding Mower.** (Opened 2/27/07). Recommend Midland Implement Co., \$59,542.00.
- (4) **Cab & Chassis – Brush Truck.** (Opened 2/27/07). Recommend Archie Cochrane Motors, \$43,367.00.

##### B. **W.O. 04-12: Alkali Creek Road Reconstruction, Contract Amendment #4 for Professional Services Contract,** Kademas, Lee & Jackson, \$113,720.00.

##### C. **W.O. 04-33: Lake Elmo Drive (Hilltop Rd to Wicks Ln) Right-of-Way Acquisition:**

- (1) **Parcel 37:** Portion of Lot 8 Block 1, Rice Sub., Frank W. Baxter, \$3,200.00.
- (2) **Parcel 48:** Portion of Lot 20, Block 1, Broadmoor Sub., Gladys M. Haapala, \$7,000.00.

##### D. **Grant Application** submittal to the Paul G. Allen Foundation, \$500,000.00.

##### E. **W.O. 05-14: Walter Pump Station Expansion and Improvements,** Right of Way Easement from Montana Dept. of Transportation (MDT).

##### F. **Approval of Quit Claim Deed** of Lot 2, Block 2, Arlene Sub., to Kevin & Carolee Ploehn, \$30,000.00.

##### G. **Donation Acceptances on behalf of Mayor's Committee on Homelessness:**

- (1) Walla Walla College, re: work study student, \$1,440.00.
- (2) Rimrock Foundation, re: Pioneer Human Services spring conference, \$1,500.00.

##### H. **Donation Acceptance** from St. John's Lutheran Ministries to Crime Prevention Center for Child I.D. kits, \$5,000.00.

##### I. **Affordable Housing Fund Project Revision,** Community Development, Inc., (CDI) request for change of units from 49 to 45.

##### J. **Disposal** of "Trough" Sculpture to Wells Fargo Bank, \$1.00.

##### K. **Street Closures:**

(1) **Yellowstone Rimrunners: Shamrock Run,** March 18, 2007, 3<sup>rd</sup> St. West and Ave. B, north on 3<sup>rd</sup> St. West, west onto Parkhill to Nordbye, east onto Parkhill, left on 3<sup>rd</sup> St. West and ending at Pioneer Park.

(2) **Yellowstone Rimrunners: Montana Women's Run,** May 12, 2007, 2<sup>nd</sup> Ave from 20<sup>th</sup> St. to Division St.; Division between 2<sup>nd</sup> and 3<sup>rd</sup> Aves., 3<sup>rd</sup> Ave. between Division and N. 20<sup>th</sup> St; and N. 20<sup>th</sup> St. between 3<sup>rd</sup> and 2<sup>nd</sup> Aves.

(3) **Billings Caledonian Pipes and Drums St. Patrick's Day Parade,** March 17, 2007, regular Downtown Parade Route.

##### L. **Application and Agreement** with Billings Kiwanis Club for Billings License Plate.

##### M. **Acknowledge receipt of petition to annex #07-04:** a 10,454-square foot property described as C/S 598 in Lot 30, Clark Subdivision, located at 307 Garden Ave., Lana Jean Bittner, petitioner, and setting a public hearing for 3/26/07.

##### N. **W.O. 04-13, Schedule I: Filter Building Expansion and Improvements, Resolution #07-18538** to extend limits of administrative change order authority, \$775,000.00.

##### O. **Second/final reading ordinance #07-5402 for Zone Change #797:** A zone change from Residential-6,000

(R-60) to Community Commercial (CC) on a 14,383 square foot parcel of land, described as: Lots 26 and 27, Block 5, Central Heights Subdivision, 4<sup>th</sup> Filing, located at 2156 Central Avenue. Michael D. Stock, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria.

**P. Second/final reading ordinance #07-5403 for Zone Change #798:** A zone change from Agricultural Open (AO) to Neighborhood Commercial (NC) and Community Commercial (CC) on 11.6-acre parcel of land, described as Amended Lot 65A-4, Sunny Cove Fruit Farms Subdivision. Mary Kramer, owner; Charlie Gamble, agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

**Q. Preliminary Plat** of MK Subdivision, generally located on the north side of Grand Avenue and west of 54<sup>th</sup> St. West, recommend conditional approval of the plat, approval of the variances, and adoption of the findings of fact.

**R. Final Plat** of Western Sugar Cooperative Subdivision.

**S. Bills and Payroll.**

- (1) February 9, 2007
- (2) February 16, 2007

(Action: approval or disapproval of Consent Agenda.)

Councilmember Boyer separated ITEM G2. Councilmember Gaghen separated ITEM K3. Councilmember Ruegamer separated ITEM L. Councilmember Brewster separated ITEM Q.

Councilmember Jones moved for approval of the Consent Agenda EXCEPT ITEMS G2, K3, L and Q, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved

Councilmember Boyer moved for removal of ITEM G2, seconded by . Councilmember Boyer noted that she moved for removal of this item because the Rimrock Foundation withdrew its offer. On a voice vote, the motion was unanimously approved.

Councilmember Jones moved for approval of ITEM K3, seconded by Councilmember Gaghen. Councilmember Gaghen stated she separated ITEM K3 to applaud and acknowledge the efforts that were presented from the Billings Caledonian Pipes and Drums. On a voice vote, the motion was unanimously approved.

Councilmember Jones moved for approval of ITEM L, seconded by Councilmember Ruegamer. Councilmember Ruegamer explained that he separated ITEM L to present the design of the license plate to the Council. On a voice vote, the motion was unanimously approved.

Councilmember Jones moved to delay ITEM Q, seconded by Councilmember Brewster. City Administrator Tina Volek stated that ITEM Q has been delayed until the April 9, 2007 Council meeting. On a voice vote, the motion was unanimously approved.

## **REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION #07-18536 creating Park Maintenance District (PMD) #4036: Josephine Crossing Sub. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)** There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Boyer moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property of Annex #07-02: approximately 13.01 acres, described as Lot 65 A-4, Amended Plat of Lot 65A of the Amended Plat of Amended Lots 65-68, 93-100 and 125-128, Sunny Cove Fruit Farms, located on the northwest corner of the intersection of Grand Avenue and 54<sup>th</sup> St. W south of Cottonwood Grove Sub., Mary Kramer, owner and petitioner. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)** There was no Staff presentation. 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 Clark. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND RESOLUTION #07-18537 disposing of City-owned property described as a tract of land being situated in the NW4 of Section 32, Township 1 North, Range 26 East and more commonly known as Normal Avenue, and (1) deeding the property to Montana State University – Billings at no cost and (2) approving the easement agreement for public utilities running through previously vacated streets and Normal Avenue. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)** There was no Staff presentation. The public hearing was opened. EKLE BARFIELD OF MSU-B asked for Council support and offered to answer any questions.

ED LANE OF 2722 NORMAL AVENUE, stated he had no opposition to the item. However, he requested "assurance" from the Council that he would not have a "land lock" situation. Public Works Director David Mumford assured Mr. Lane that he would have access without a "land lock" situation.

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

**5. PUBLIC HEARING AND VARIANCE #CC07-01: a variance from Site Development Ordinance, Section 6-1203(h)(3) concerning driveway width on property for new Fire Station #7, described as Lot 2, Block 1, Bishop Fox Subdivision, and located at 1501 54<sup>th</sup> St. West. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)** There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Brewster moved for approval of the Staff recommendation, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.

**6. 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.)

- DAVE BOVEE OF 424 LEWIS AVE. reported there are a higher number of unlicensed vehicles aka "junkers" that need to be moved from the streets. At this time, he requested from the Council a more effective and permanent way to get these vehicles off the street. City Administrator Tina Volek said she would contact the volunteer force – Cop Shop – and have someone contact him.

**Council Initiatives**

- GAGHEN: MOVED to direct Staff to start the process of changing the ordinance to remove the "perennial" use of moving parked cars to avoid being towed, seconded by Councilmember Boyer. On a voice vote, the motion was approved 9 to 1.
- RUEGAMER: MOVED to direct Staff to move ahead to find alternatives/feasibility with the use of photo radar enforcement. Councilmember Brewster MOVED to amend motion to include (1) legal options; (2) cost/revenue – shared with City; (3) labor agreement, seconded by Councilmember Clark. On a voice vote the motion was approved 10 to 0.

ADJOURN -- The meeting was adjourned at 7:05 p.m.

THE CITY OF BILLINGS:

By: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY: \_\_\_\_\_  
Cam Trudeau, Deputy City Clerk