

# **COUNCIL ACTION SUMMARY**

## **CITY OF BILLINGS**

**CITY OF BILLINGS MISSION STATEMENT:**  
**TO DELIVER COST EFFECTIVE PUBLIC SERVICES**  
**THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE**

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## **AGENDA**

**COUNCIL CHAMBERS**

**July 23, 2007**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing**

**PLEDGE OF ALLEGIANCE – Mayor Tussing**

**INVOCATION – Councilmember Ulledalen**

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

**MINUTES – July 9, 2007 – approved as amended.**

**COURTESIES –**

- Mayor Tussing recognized Councilmember Ruegamer for winning the Big Sky State Games 5K Race and the Mountain Bike Race in his age group.
- Councilmember Gaghen introduced her daughter, Rebecca, who was in Billings visiting and in attendance at the meeting.

**PROCLAMATIONS - None**

**ADMINISTRATOR REPORTS – Tina Volek**

- Ms. Volek referenced the bid protest and the City Attorney's response to the protest on Agenda Item 5 distributed in the Friday packet.
- She noted Attachment C for Agenda Item 1 distributed that evening that was not included in the packet.
- Ms. Volek noted a letter distributed that evening from Cory Oliszczak, President of the Railyard Ale House & Casino, requesting Agenda Item L3 be tabled indefinitely.
- Ms. Volek referenced a letter distributed that evening from the Department of Natural Resources and several other letters regarding Agenda Item 2.
- Ms. Volek noted that staff recommended separating Consent Agenda 1V for further discussion of the Planning Commission recommendations.
- Ms. Volek reminded the Council there would be no Agenda Review Meeting the following evening because of the five Mondays in July. She said the next Agenda Review Meeting would be held in the City

Hall Conference Room at 5:30 p.m. a week from tomorrow for the August 13<sup>th</sup> agenda.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 3, 4, and 5 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 DWYER, SECRETARY/TREASURER OF TEAMSTERS LOCAL 190 said Local 190 represented 360+ City of Billings employees, and he would like to speak on Agenda Item 3. Mr. Dwyer asked City Council for their support by approving the new Labor Agreement.
- JESSICA AGUILAR, 8645 WEST FRANKLIN ROAD, BOISE, ID, said she represented Hawkins Companies and requested separation of Item T from the Consent Agenda.
- RICK SELENSKY, 3625 TOMMY ARMOUR CIRCLE, requested separation of Item V from the Consent Agenda.

The Public Comment period was closed.

**CONSENT AGENDA:**      **SEPARATIONS: 1H; 1L3; 1T; 1V**

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

Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.		Board of Ethics	07/23/07	12/31/08

1. Unexpired term of David Morales

**B. Approval of Mutual Aid Agreement renewal with City of Laurel.**

**C. Approval of Limited Commercial Aviation Building and Ground Lease renewal with Alpine Aviation.**

**D. Approval of Non-Commercial Aviation Ground Lease renewal with First Interstate BancSystem, Inc.**

**E. Approval of Terminal Building Commercial Space Lease revision with Montana GSE, Inc.**

**F. Approval** of Commercial Non-Aviation Ground Lease for a Communication Site with Gold Creek Cellular of Montana Limited Partnership.

**G. Amendments** to Emergency Operations Plan for Billings, Laurel, Broadview, and Yellowstone County.

**H. Amendment #2, W.O. 03-07 Alkali Creek Trail.** Professional Services Contract with HKM Engineering, Inc., \$168,000.00. **APPROVED**

**I. Perpetual Right-of-Way Easement and Right-of-Way Agreement** with Yellowstone Country Club, \$40,697.00.

**J. W.O. 07-01, 2007 Water & Sewer Line Replacement Project, Schedule 2,** Right-of-Way Agreements; a Perpetual Right-of Way Easement; and Temporary Right-of-Way Easements with 11 property owners, \$1,450.00.

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

(1) Parcel 15: Portion of Lot 1, Rex Subdivision, Janet Croy, \$13,750.00.

(2) Parcel 16: Portion of Lot 1, Rex Subdivision, 2<sup>nd</sup> Filing, The Bird House, LLC, \$8,800.00.

(3) Parcel 17: Portion of Lot 2, Rex Subdivision, 2<sup>nd</sup> Filing, The Bird House, LLC, \$13,700.00.

(4) Parcel 30: Portion of Tract 1, Certificate of Survey 1682, Ron Goertzen and Alisha Goertzen, \$8,100.00.

(5) Parcel 39: Portion of Lot 6, Block 1, Rice Subdivision, Linda M. Posey, \$2,250.00.

**L. Street Closures:**

(1) Billings Association of Realtors 2-Mile and 5-Mile Run, 5:00 a.m. to 10:00 a.m., August 25, 2007. Two-mile starting at MSU-B, west on Rimrock Road, south on Virginia Lane through Pioneer Park, north on 3<sup>rd</sup> Street West, east on Parkhill Drive, south on North 32<sup>nd</sup> Street, finishing at 6<sup>th</sup> Avenue North and Grand Avenue. Five-mile starting at Masterson Circle, east on Airport Road, south on North 27<sup>th</sup> Street, west on Rimrock Road, south on Virginia Lane through Pioneer Park, north on 3<sup>rd</sup> Street West, east on Parkhill Drive, south on North 32<sup>nd</sup> Street, finishing at 6<sup>th</sup> Avenue North and Grand Avenue.

(2) Billings Clinic Classic Street Party, North Broadway between 3<sup>rd</sup> and 4<sup>th</sup> Avenues North, from midnight August 24, 2007, through 5:00 p.m. August 26, 2007; and the alley between 3<sup>rd</sup> and 4<sup>th</sup> Avenues North from 9:00 p.m. August 25, 2007, through 5:00 a.m. August 26, 2007.

(3) Railyard Ale House Street Closure, August 3, 2007, 2:00 p.m. – 10:00 p.m., closing one lane in the 2500 block of Montana Avenue.

**TABLED INDEFINITELY**

**M. Approval of donation** of six (6) Class A fully encapsulated hazardous material suits to the MSU-B College of Technology.

**N. Approval and acceptance** of donation from ConocoPhillips to the Billings Fire Department for Self-Contained Breathing Apparatus (SCBA) equipment, \$8,000.00.

**O. Approval and acceptance** of in-kind donation from Faith Chapel for labor and materials to paint the North Park Recreation Center handball/racquetball court walls and restrooms; install irrigation and sod at the 6<sup>th</sup> Avenue North, Grand Avenue, and Division Street intersection; and restore the middle median strip planter on South 27<sup>th</sup> Street.

**P. Resolution of Intent #07-18578** to create a Tourism Business Improvement District, and set a public hearing for 8/27/07.

**Q. Resolution of Intent #07-18579** to create SID 1379, King Avenue West from S. 31<sup>st</sup> Street West to Shiloh Road (water, sewer, storm drain, street, sidewalk, drive approach, and curb/gutter improvements), and set a public hearing for 8/13/07.

**R. Resolution of Intent #07-18580** to create SILMD 301 (Josephine Crossing Subdivision) and **Resolution of Intent #07-18581** to create SILMD 302 (Grand Avenue, 8<sup>th</sup> to 12<sup>th</sup> Streets West), and set a public hearing for 8/13/07.

**S. Second/Final Reading Ordinance #07-5424** modifying allowable driveway widths, curb cut locations from intersections, and curb cut separations on arterial roadways.

**T. Preliminary Minor Plat** of Amended Lots 15A, 15B, 15C, and 15D, Block 3, Vista Heights Subdivision, 2<sup>nd</sup> Filing, generally located on the northwest corner of Main Street and Wicks Lane, conditional approval of the preliminary minor plat and adoption of the Findings of Fact. **APPROVED**

**U. Preliminary Minor Plat** of Trailshead Subdivision, a 4.01 acre lot generally located on the southeast corner of the intersection of Rimrock Road and Avalon Road, including the Yellowstone Racquet Club, conditional approval of the preliminary minor plat and adoption of the Findings of Fact.

**V. Preliminary Plat** of Emma Jean Heights Subdivision, 1<sup>st</sup> Filing, 38 lots on approximately eight (8) acres generally located on the west side of Bitterroot Drive, south of Wicks Lane, approval of variance; conditional approval of the preliminary plat; and adoption of the Findings of Fact. **APPROVED**

**W. Final Plat** of Gunn Estates Subdivision, 2<sup>nd</sup> Filing.

**X. Bills and Payroll**

(1) June 22, 2007  
(2) June 29, 2007

(Action: approval or disapproval of Consent Agenda.) **APPROVED**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #814:** A zone change from Residential 9,600 to Community Commercial; Neighborhood Commercial; Residential Professional; Residential Multi-family Restricted; Residential 6,000; Residential 7,000 Restricted; and Public on a portion of a 288.38 acre parcel of land proposed as Skyview Ridge Subdivision generally located south of Wicks Lane, west of Governors Boulevard, and north of Constitution and Kootenai Avenues. State of Montana, owner. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation). **APPROVED**

**3. TEAMSTERS LOCAL 190 LABOR AGREEMENT, JULY 1, 2007, THROUGH JUNE 30, 2010.** Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED**

**4. AWARD OF CONTRACT FOR THE NEW BASEBALL AND MULTI-USE STADIUM AT ATHLETIC PARK.** Recommendation to be made at City Council meeting. (Action: approval or disapproval of Staff recommendation). **APPROVED – ACCEPTING ALTERNATE BID #9 AND ALTERNATE BID #3 IN THE QUANTITY OF SIX.**

**5. AWARD OF CONTRACT FOR DEMOLITION OF EXISTING COBB FIELD.** Staff recommends approval of the contract with Magnum Contractors LLC in the amount of \$198,500.00. (Action: approval or disapproval of Staff recommendation). **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.)*

- **TOM ZURBUCHEN, 1747 WICKS LANE**, urged the Council to take money from the new subdivisions to pay for their own infrastructure improvements. He said existing older homes should not be paying for the infrastructure expense of new subdivisions. Councilmember Stevens stated Council had taken the steps to review impact fees.

She said a Cost of Services Study was being conducted, which was necessary before impact fees could be assessed. She said the process needed to be started slowly and done correctly.

## **Council Initiatives**

- VEIS: Advised that Ms. Volek, Mr. Mumford, Councilmember Ronquillo, and he had met with Bruce Barrett, Bill Kennedy, and Secretary Lynch to talk about the traffic signal at Zoo Drive and Gabel Road. Councilmember Veis said he felt the best option was to move forward with what had been currently negotiated with MDT because it would be the quickest way to get a light installed. Councilmember Veis said he would like to see the Council take a harder line with MDT's requirements of the City that have slowed projects to a crawl. He said it needed to start at the Council level and not at staff level.
- BREWSTER: Moved to direct staff to begin the process of moving the Salvation Army property on 6<sup>th</sup> Street into the Central Business District, seconded by Councilmember Ruegamer. He said the Salvation Army would like to build a youth center, and being part of the Central Business District would help resolve most of the problems they have with parking and building placement.  
**APPROVED**
- RUEGAMER: Moved that wording be put on the November ballot providing the voters the opportunity to instruct Council to issue a public resolution to end the war in Iraq, seconded by Councilmember Gaghen. Councilmember Ruegamer said Butte and Missoula had issued a resolution, and he was asked to bring it to the Council.  
**MOTION FAILED**
- RONQUILLO: Stated the new aggressive solicitation ordinance needed to be more heavily enforced by the Police Department. He said the transients were vandalizing property and becoming a huge problem. Ms. Volek said she would consult with the Police Department about possible solutions and report back to Council.

**ADJOURN** – The meeting adjourned at 10:10 p.m.

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

**Visit our Web site at:**  
**<http://ci.billings.mt.us>**

**JULY:**

7/16/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
7/17/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
7/23/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
7/24/2007	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
7/25/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board Housing Authority	1:00 p.m. NOON NOON	CH Conference Room 4 <sup>th</sup> Floor Library 2415 1 <sup>st</sup> Avenue North
7/26/2007	Yellowstone County Board of Health	CANCELLED	
7/31/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room

**AUGUST:**

8/01/2007	Board of Adjustment	6:00 p.m.	Council Chambers
8/02/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
8/06/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/07/2007	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal
8/08/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
8/09/2007	Committee on Homelessness	1:30 p.m.	3 <sup>rd</sup> Floor Library
8/13/2007	Energy & Conservation Commission	3:00 p.m.	Billings Operations Ctr. 4848 Midland Rd.
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/14/2007	Parking Advisory Board Council Agenda Setting Meeting Planning Board	4:00 p.m. 5:30 p.m. 6:00 p.m.	CH Conference Room CH Conference Room 4 <sup>th</sup> Floor Library
8/16/2007	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave

	Library Board	NOON	Library
8/20/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/21/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
8/22/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board	1:00 p.m. NOON	CH Conference Room 4 <sup>th</sup> Floor Library
8/23/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
8/27/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/28/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
8/29/2007	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North