

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

AGENDA

COUNCIL CHAMBERS

APRIL 23, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Richard Clark

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

MINUTES – March 26, 2007, approved as presented.

April 9, 2007, approved as amended.

COURTESIES - None

PROCLAMATIONS

- **April 22-28, 2007: Administrative Professionals Week**
- **April 27, 2007: Arbor Day**
- **May 3, 2007: National Prayer Day**
- **April 25, 2007: Start! Walking at Work Day**

ADMINISTRATOR REPORTS – Tina Volek

- **City Administrator, Tina Volek, reminded the Council that the Agenda Review meeting scheduled for tomorrow at 5:30 p.m. will be postponed until May 1st at 5:30 p.m. in the City Hall Conference Room**
- **City Administrator, Tina Volek, noted that Agenda Item 1M is a revised resolution authorizing the baseball stadium bond sale and delaying the sale until June 11, 2007, instead of as previously scheduled for May 14, 2007.**

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 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:

SEPARATIONS: H, K, M

1.

A. Change Order #10 - #W.O. 04-12 Alkali Creek Road Reconstruction
JTL Construction Group, \$78,720.00.

B. Parking Security Contract with D-N-D Security, \$24,236.00/year, +\$15/hour extra call-out rate and a one-year security contract with a one-year option to renew at the same annual rate.

C. Briarwood Water Reservoir Site Use and Access Agreement: property located in the NE1/4, Section 27, T.1S, R.26E, with the Billings Motorcycle Club and William and C. Diane Morrison, \$0.00.

D. W.O. 06-17: Contract for Professional Services with Kittleson & Associates for the 24th Street West Signal Timing, \$99,850.00.

E. Wells Fargo (Downtown) Encroachment Fee Variance for streetscape improvements by Wells Fargo Downtown Branch to the N. 27th Street frontage and 2nd Avenue North frontage, consisting of three (3) planters and two (2) trash receptacles along the N. 27th Street frontage, \$420/year.

F. Grant Application Submittal for the Fair Housing Initiatives Program – U.S. Department of Housing and Urban Development (HUD), \$100,000.00.

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

(1) Parcel 11: Portion of Lot 1, Block 1, Croy Sub., Richard A. and Brenda Rogers, \$550.00

(2) Parcel 18: Portion of Lot 1A, amended Lot 1, Lammers Sub., Minnie Tomicich and Nancy Rudio Tomicich, \$2,600.00

(3) Parcel 71: Portion of Lot 5, Block 4, Arrowhead Sub., Mona Reichert, \$2,450.00.

H. Street Closures: Yellowstone Rimrunners request partial street closures for *Highland Family Fun Run* on Saturday, May 19, 2007, from 9:00 a.m. to 11:30 a.m. The closures are as follows: Parkhill from Highland School east to Virginia Lane, through Pioneer Park, then back on the north side of Parkhill to 6th Street West, O'Malley, 7th Street West, and Beverly Hill. **APPROVED**

I. Acceptance of Donations:

(1) Approval and Acceptance of Donation to the Billings Animal Shelter from the Greater Billings Animal Coalition for a Pet Lift Aqua Quest Stainless Steel Tub and Edemco Double Cage Dryer, \$5,000.00.

(2) Approval and Acceptance of Donation to the Police Department from Hardy Construction to help defray costs of sending an officer to the National Association of School Resource Office Conference (NASRO) in July 2007, \$8,000.

J. Acceptance of Quitclaim Deed of C/S 1952, Tract 2D, 54th Street West right-of-way from Yellowstone County, \$0.00.

K. Acceptance of Shiloh Drain Quitclaim Deed from the Shiloh Drain District for all rights-of-way and easements, \$0.00 **APPROVED**

L. Resolution #07-18546 designating South 12th Street West a two-way street between South 12th Street West and Kalmar Drive.

M. Resolution #07-18550 relating to \$12,100,000 General Obligation Bonds, Series 2007A and 2007B, Authorizing the Issuance and Calling for the Public Sale Thereof. **RESOLUTION REVISED – DELAY SALE UNTIL 6/11/07. APPROVED.**

N. Second/final reading Ordinance #07-5407 expanding Ward 1 (Annexation #07-03) for a .244-acre property described as: N1/2, Lot 3, and all of Lot 4 and Lot 7, Sandra Subdivision, and located at 23, 63 and 65 Charlene Street, the City of Billings, owner.

O. Second/final reading Ordinance #07-5408 expanding Ward 1 (Annexation #07-04) for C/S 598, in Lot 30, Clark Subdivision, containing 10,454 square feet and located at 307 Garden Avenue, Lana Jean Bittner, owner.

P. Bills and Payroll

- (1) March 23, 2007
- (2) March 30, 2007

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

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #07-18547 FOR ANNEXATION #07-06: property described as Tracts 1 & 2 of C/S 1323; Tract 1 of C/S 1815; Tract 2D of Corrected Amended Tract 2 of C/S 1952; Yellowstone Meadows - Phase I and III Parkland; Lots 33, 34, 63, and 64 of Sunny Cove Fruit Farms; portion of County Road Petition #49, and all adjacent right-of-way of 54th St. West, 56th St. West

and Colton Blvd., and located at the NW corner of 54th St. West and Colton Blvd. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**

3. **PUBLIC HEARING AND RESOLUTION #07-18548 FOR ANNEXATION #07-07:** property described as Lots 1-5, Block 1, Western Sky Sub., and located SE of King Avenue West and 48th Street West, Cal Kunkel and Gareld Krieg, owners. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION #07-18549 ORDERING IN W.O. 06-18:** Broadwater Subdivision – Phase V, curb/gutter and street reconstruction improvements for Broadwater Subdivision. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**
5. **PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) and HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS AND THE FY2007-2008 ANNUAL ACTION PLAN.** Staff recommends holding a public hearing to gather public input on the allocation of the City of Billings FY2007-2008 CDBG and HOME funding and scheduling action on May 14, 2007. (Action: approval or disapproval of Staff recommendation.) **NO ACTION REQUIRED UNTIL CITY COUNCIL MEETING OF 5/14/07.**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Article 18-1000 and STET of the Billings Montana City Code re: aggressive solicitation. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 5/14/07.**
7. **PUBLIC HEARING AND SPECIAL REVIEW #842:** A special review to permit an on-premise beer and wine license in a Controlled Industrial zone for the Marriott Residence Inn Hotel (currently under construction) on property described as: Lots 13A-1 and 13B, Block 3, Midland Subdivision, 5th Filing Amended and located at 956 South 25th Street West. LADS Hospitality Associates, LLC, owner. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
8. **PUBLIC HEARING AND SPECIAL REVIEW #843:** A special review to allow drive-in banking service in a Community Commercial and Controlled Industrial zone adjacent to a residential zone at 952 Central Avenue. Rimrock Credit Union, owner; A&E Architects, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

9. **PUBLIC HEARING AND SPECIAL REVIEW #844:** A special review to permit the storage of vehicles used for parts in a Controlled Industrial (CI) zone on property described as an unplatted parcel in the SW $\frac{1}{4}$ of Section 9, Township 1S, Range 26E and located at 2069 South Billings Blvd. Ralph Hanser, owner. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

10. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #802:** A zone change from Agricultural Open Space (AO) to Community Commercial (CC), Residential Multi-Family Restricted (RMF-R), Residential 5000 (R-50), and Residential 7000 (R-70) on property described as: Lots 1-5, Block 1, Western Sky Subdivision and located at the southeast corner of the intersection of King Avenue West and 48th Street West. Gareld Krieg and Cal Kunkel; owners, Engineering, Inc., agent. Zoning Commission recommends approval and acceptance of the determination of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 5/14/07.**

11. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #803:** A zone change from Agricultural-Open Space (AO) and Residential-15,000 (R-150) to Public (P) on a 38-acre parcel located at the northwest corner of 54th St. West and Colton Blvd. City of Billings, owner; Parks, Recreation and Public Lands Department, agent. Zoning Commission recommends approval and acceptance of the determination of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 5/14/07.**

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.) **THERE WERE NO SPEAKERS.**

COUNCIL INITIATIVES:

- Tussing: MOVED to reconsider Item 4 of the April 9, 2007, agenda, Work Order 05-02, 2005-2006 Miscellaneous/Developer-Related Improvements, at the May 29, 2007 meeting.

ADJOURN: With all business complete, the meeting was adjourned at 10:25 p.m.