

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

December 17, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Clark

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

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 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 the 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 included a new bid price for the Lower Level Restrooms at the Airport for \$55,457 to DPS Company; Item K included the Agreement with the Housing Authority listed as an attachment; and Item E included a list of priorities. Ms. Volek asked that Item P be separated in order to discuss the \$8,000 increase request.
- Ms. Volek referenced Item 11, the change order for the new ballpark. She said staff was asking that the sidewalk improvements for 27th 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: **Separations: D, E, P, X**

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. **APPROVED.**

E. Approval of Federal Projects Requests for 2008. **APPROVED – AMENDING THE TOP PRIORITY LIST TO REPLACE #7, COBB FIELD, WITH #9, CALAMITY JANE RESERVOIR, AND RENAMING THE PRIORITY AS A RESERVOIR STUDY.**

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 54th 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 54th Street West Improvement Project, HKM Engineering, Inc., Amendment #4 – Water line relocations \$40,920.00; Amendment #5 – Project boundary re-design \$32,243.00. **APPROVED - UPDATING AMENDMENT #5 TO INCLUDE APPENDIX C, SECTION 1, ITEM C – ADDITIONAL SERVICES RELATED TO ALTERNATE BIDDING NOT TO EXCEED \$8,000.00.**

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. **APPROVED - AMENDING THE BY-LAWS LANGUAGE IN SENTENCE FOUR OF SECTION 4 BY DELETING THE WORDS “SHALL BE” AND REPLACING THEM WITH “MAY INCLUDE BUT NOT BE LIMITED TO”.**

- Y. **Preliminary Minor Plat** of Lake Hills Subdivision, 32nd Filing.
- Z. **Final Plat** of Meadowlark Subdivision, Amended Lot 7, Block 4.

(Action: approval or disapproval of consent agenda) **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.) **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 56th Street West and Broadwater Avenue rights-of-way; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **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 62nd Street West to the city limits; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **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 44th Street West right-of-way south of King Avenue West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.
- 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 30th Street West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **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.) **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.) **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 46th and 50th Streets West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **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 56th Street West; City of Billings, requester. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **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.) **APPROVED - AMENDING CHANGE ORDER #2 BY REMOVING THE COST OF THE 27TH STREET SIDEWALK REPLACEMENT, FOR A TOTAL CHANGE ORDER AMOUNT OF \$33,655.00.**

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, 926 N. 30TH STREET**, wished everyone a Merry Christmas and said there were further reports of collapse of government in the City and the area. 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 has been crossed and i's had been 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 Mr. Nelson.
- **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 and 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 and approved.
- **BOYER**: MOVED to amend Part 2, Membership, of the Resolution for Item 1W, to include the Highland Neighborhood Association, seconded by Councilmember Stevens and approved.
- **STEVENS**: MOVED to amend Part 2, Membership, of the Resolution for Item 1W to make the councilmember an ex-officio member, seconded by Councilmember Boyer and approved.
- **VEIS**: MOVED to appoint Councilmember Ronquillo as the representative on the Ad Hoc Committee for Workforce Housing, seconded by Councilmember Ruegamer and approved.
- **RUEGAMER**: MOVED that Council meet with the School Board on a quarterly basis, seconded by Councilmember Brewster. APPROVED on a 6 to 4 vote. Councilmembers Stevens, Ulledalen, and Clark and Mayor Tussing voted "no".
- **VEIS**: MOVED to have Councilmember Ruegamer attend School Board meetings to obtain ideas and feedback, seconded by Councilmember Clark. APPROVED on a 9 to 1 vote. Councilmember Ruegamer voted "no".
- **RUEGAMER**: Asked for discussion on the purchase of speed cameras and radar to reduce speeding. Ms. Volek advised 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 and 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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<http://ci.billings.mt.us>