

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

***“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES.”***

AGENDA

COUNCIL CHAMBERS

February 11, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing asked the Boys Scouts from Troop 27 attending the meeting to lead the Pledge of Allegiance.

INVOCATION – Mayor Tussing

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Pitman, Stevens, Veis, Ruegamer, McCall, Ulledalen, Astle, and Clark. Councilmember Gaghen was excused.

MINUTES – January 28, 2008, approved as distributed.

COURTESIES – Councilmember Veis said our hearts and prayers were with the people in Kirkwood, Missouri, following the tragedy at their City Council meeting last week.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Volek referenced the following six items Council received in their Friday packets and that were filed in the Ex-Parte notebook in the back of the room for public reference.
 - ✓ Agenda Item 1A1 - Additional names for the County Bicycle and Pedestrian Advisory Committee
 - ✓ Agenda Item J – Attachment A, Termination Agreement
 - ✓ Agenda Item P – Resolution extending the current Franchise Agreement with Bresnan Communications. Ms. Volek advised the Agreement was for 90 days, and not 60 days, as was indicated on the Agenda.
 - ✓ Agenda Item T – Ms. Volek advised Staff was asking that Item T be pulled from the Consent Agenda and placed on the Regular Agenda for additional staff comments.
 - ✓ Agenda Item 3 – Revised council memo to include the landscaping at Fire Station #7.
 - ✓ Agenda Item 4 – Revised council memo to include additional information on the CDBG and homeWORD allocations.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, 4, and 9 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.)

- **Carl Peters, 1548 Rosebud Lane**, asked the Council to approve Agenda Item 9, the Wastewater Agreement with Lockwood.
- **Terry Seiffert, 316 N. 33rd Street**, said he was speaking on behalf of the Lockwood Water & Sewer District and advised he was available to answer any questions concerning the contract.

There were no other speakers, and the Public Comment period was closed.

CONSENT AGENDA: **Separations: 1A, E, H, T**

1. A. Mayor’s Appointments

Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	William Anderson	C/C Bicycle and Pedestrian Advisory Committee	02/11/08	12/31/09
2.	Jim Collins	C/C Bicycle and Pedestrian Advisory Committee	02/11/08	12/31/09
3.	Stella Fong	C/C Bicycle and Pedestrian Advisory Committee	02/11/08	12/31/10

Approved.

B. Appointment of Work Force Housing Ad Hoc Committee members.

	Name	Representing
1	Jim Ronquillo	City Council
2	Bruce Simon	Central-Terry Task Force
3	Kim Gillan	Heights Task Force
4	vacant	North Park Task Force

5	David Goodridge	North Elevation Task Force
6	vacant	Southside Task Force
7	Barbara Prewitt	Southwest Corridor Task Force
8	vacant	West End Task Force
9	vacant	Highlands Neighborhood Planning Group
10	Tom Llewellyn	The Yellowstone Group
11	Steve Judd	Floberg Realty
12	Jeremiah Rouane	First Interstate Bank
13	Barbara Seeley	Intermountain Mortgage
14	vacant	Home Builders
15	vacant	Home Builders
16	Lucy Brown	Billings Housing Authority
17	Duane Loken	Community Development Board
18	Jean Neyrinck	Affordable Housing Task Force
19	Bruce MacIntyre	Billings Chamber of Commerce

C. Bid Awards:

(1) Scoreboard at New Baseball and Multi-Use Stadium, (Opened 2/5/08) Recommend delay of award until February 25, 2008.

(2) MET Transit Engine Overhauls (Opened 1/29/08) Recommend Interstate Power Systems, Sch. 1 - \$39,942.00; Sch. 2 - \$30,435.00; Sch. 3 - \$19,731.00, for a total bid of \$90,108.00.

(3) W.O. 07-19 – Yellowstone Country Club Sanitary Sewer Line Extension, (Opened 1/29/08) Recommend Western Municipal Construction, Inc., \$695,103.00.

D. Contracts for W.O. 07-15, General Engineering Services for Water and Wastewater Improvements, **HDR Engineering**, 3-year contract not to exceed \$250,000.00; **Brown and Caldwell Engineering**, 3-year contract not to exceed \$250,000.00,

E. Contract for W.O. 06-10, Bannister Drain Trail-Billings Design and Construction Administration Services, Engineering, Inc., \$64,067.00, contingent on CTEP concurrence. **(Mayor Tussing recused himself from the vote.) APPROVED.**

F. Contract for W.O. 02-08, Milton Lane School Route, HKM Engineering, Inc., \$52,500.00, contingent on CTEP concurrence.

G. Contract for Groundwater and Landfill-Gas Monitoring Services, Tetra Tech, \$96,042.00, three year contract.

H. Memorandum of Agreement with the Montana Department of Transportation for W.O. 03-17, South 27th Street Quiet Zone. **APPROVED.**

I. Compensation Agreement with Montana Sapphire, LLC, for extension of water and sanitary sewer mains in King Avenue West, \$392,870.65.

J. Termination of Project Development Agreement with the State of Montana for MT 1036(1) Bench Boulevard-Billings Project.

K. Acknowledging Receipt of Petition to Annex #08-01: 114.3 acres of Tracts 1-5, C/S 2063, generally located north and west of the Shiloh Road and King Avenue West intersection, Lenhardt Property, LP; Lenhardt Enterprises, LLC; and Lenhardt Farm, LLC, owners and petitioners; and setting a public hearing date for 2/25/08.

L. Street Closures:

(1) St. Patrick's Day Parade and Street Fair. Parade: established downtown parade route, 11:00 a.m. – 12:00 noon. Street Fair: North Broadway between 1st and 3rd Avenues North, noon to 2:00 p.m. on 3/15/08.

(2) Yellowstone Rimrunners Shamrock Run, beginning at 3rd Street West and Avenue B, north onto 3rd Street West, west onto Parkhill to Nordbye, turning around going east on Parkhill, right on 3rd Street West, ending at Pioneer Park, 12:30 p.m. to 2:00 p.m. on 3/16/08.

M. Approval of Application and Acceptance of Stop Violence Against Women Act fund grant for domestic violence training and continuation of the Domestic Violence Investigator program, \$62,862.00, with 25% City match.

N. Approval and Acceptance of Donations:

(1) Ballpark Construction and Maintenance Funds, various donors, Construction Fund: \$250,470.00; Maintenance Fund: \$14,200.00.

(2) Billings Animal Shelter from the Donald and Carol Roberts Foundation in memory of Virginia K. Weston, Inc., \$500.00.

O. Resolution of Intent #08-18673 to create SILMD 304 in the downtown area and set a public hearing date of February 25, 2008.

P. Resolution #08-18674 extending current franchise agreement with Bresnan Communications an additional 60 days.

Q. Second/Final Reading Ordinance #08-5451 for Zone Change #827: A 44,644 square-foot property located north of Saturn Place in the Billings Heights. Dorn Property LLC, owner; Engineering, Inc., agent.

R. Second/Final Reading Ordinance #08-5452 for Zone Change #830: A 15,000 square foot vacant parcel legally described as the North Fraction 100 feet by 150 feet in Block 305 Billings, 1st Addition, and Sunnyside Subdivision,

3rd Filing, generally located on the southwest corner of the intersection of North 22nd Street and 10th Avenue North. Steve Kerns, owner/applicant.

S. Second/Final Reading Ordinance #08-5453 expanding the boundaries of Ward IV to include recently annexed property in Annex #07-19: a 6.832-acre portion of Rimrock Road right-of-way from 62nd Street West to the city limits; City of Billings, requester.

T. Preliminary Subsequent Minor Plat of Amended Lot 5, Block 1, Shiloh Crossing Subdivision. **MOVED TO ITEM 2 OF THE REGULAR AGENDA.**

U. Preliminary Minor Plat of Riverfront Business Park Subdivision.

V. Bills and Payroll

- (1) January 11, 2008
- (2) January 18, 2008

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

REGULAR AGENDA:

2. **PRELIMINARY SUBSEQUENT MINOR PLAT** of Amended Lot 5, Block 1, Shiloh Crossing Subdivision. **APPROVED.**
3. **RESOLUTION #08-18676** approving reimbursement of temporary funding for water and sewer replacement expenses incurred prior to DNRC issuance of revenue bonds. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**
4. **RESOLUTION #08-18675** approving and adopting second quarter budget amendments for Fiscal Year 2007/2008. Delayed from 1/28/08. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**
5. **ADDITIONAL FUNDS REQUEST** from homeWORD in the amount of \$200,000.00. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
6. **PUBLIC HEARING** on Reallocation of CDBG and HOME Funds. Community Development Board and Staff recommend approval. (Action: approval or disapproval of Community Development Board and Staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annex #08-02: 54 acres legally described as Tract 2-B-1, Certificate of Survey 1121,

generally located west of Washington Street, south of Interstate 90, and north of the Yellowstone River, King Business Park LLC; Richard Dorn, Samuel Rankin, and Hannah Elletson, owners and petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

8. **PUBLIC HEARING AND RESOLUTION #08-18677 FOR ANNEXATION #08-05:** Property described as Lot 1, Sylvia Subdivision, 1094 Lincoln Lane, generally located on the west side of Lincoln Lane, north of the Target Shopping Center in Billings Heights, First Citizens Bank, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**
9. **PUBLIC HEARING AND RESOLUTION** placing a county-wide planning mill levy increase on the June 2008 Election Ballot. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **(MAYOR TUSSING RECUSED HIMSELF FROM THE VOTE.) TABLED PENDING COMPLETION OF THE COST OF SERVICES STUDY.**
10. **WASTEWATER SERVICE AGREEMENT** with Lockwood Water and Sewer District. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **NOT APPROVED.**
11. **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.)*
 - **Francis Harris, The Terrace**, said she was speaking on the Quiet Zone. She said the railroad had been in Billings for 100 years, and approving the Quiet Zone would invite disaster.
 - **James Healow, 536 Highland Park**, asked for the Council's help in getting approval of a liquor license for the Yellowstone Art Museum from the Department of Revenue.
 - **Joe White, Billings, MT**, said he did not approve of the liquor license for the Yellowstone Art Museum.

There were no other speakers, and the public comment period was closed.

Council Initiatives

- **Stevens:** MOVED to direct staff to work with Mr. Healow and his client on the liquor license for the Yellowstone Art Museum, seconded by Councilmember Ruegamer. **APPROVED.**
- **Veis:** MOVED to add the Mustangs contract to the Work Session of March 3, 2008, seconded by Councilmember Stevens. **APPROVED.**

- **Clark:** Asked that City Administrator Volek be the lead negotiator involving union contracts of City Staff.
- **Pitman:** MOVED to have Staff draft a policy for the use of electronic devices during council meetings, seconded by Councilmember Stevens. **APPROVED.**
- **Veis:** MOVED to have Staff to format a discussion of ideas on to improve traffic around Broadwater School, seconded by Councilmember Stevens. **APPROVED.**
- **Ulledaln:** Said he had attended a meeting in Helena and had concerns with the communication on right-of-way acquisition and funding between City Staff and MDT on the Airport Road project. He said he felt the City needed to be more proactive and force a hand on MDT to get the communication problems resolved.
- **Astle:** MOVED to direct staff to work with Councilmember Ulledalen to write a letter to MDT, with a cc to the local delegation, addressing the communication concerns with right-of-way acquisition and funding of the Airport Road project, seconded by Councilmember McCall. **APPROVED.**
- **Tussing:** Asked Dave Mumford if he had received the information from DNRC regarding available grants. Mr. Mumford said he had not. Candi Beaudry advised she had received the letter and would share the information with Mr. Mumford.
- **Tussing:** Said he received information from the Mayors' Institute on City Design offering advice from design experts on various city design issues, and asked if Council wanted him to pursue the offer. Council decided they were not interested at this time.

ADJOURN: The meeting adjourned at 9:00 p.m.

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

CALENDAR

(Council AND Boards & Commissions)

FEBRUARY:

2/04/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
2/05/2008	Community Development Board Aviation & Transit Commission Zoning Commission	3:00 p.m. 5:30 p.m. 4:30 p.m.	4 th Floor Library Airport Terminal Council Chambers
2/06/2008	Board of Adjustment	6:00 p.m.	Council Chambers
2/07/2008	Human Relations Commission	12:15 p.m.	CH Conference Room
2/11/2008	Energy & Conservation Commission Council REGULAR MEETING	3:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Road Council Chambers
2/12/2008	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 th Floor Library
2/13/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 rd Street
2/14/2008	EMS Commission Library Board - CANCELLED Committee on Homelessness	7:00 a.m. NOON 2:00 p.m.	Main Fire Station 3 rd Floor Library 3 rd Floor Library
2/18/2008	PRESIDENT'S DAY – CITY OFFICES CLOSED		
2/19/2008	Yellowstone Historic Preservation Bd Council WORK SESSION	8:00 a.m. 5:30 p.m.	4 th Floor Library Community Center 360 N. 23 rd Street
2/21/2008	Tourism Business Improvement District Board Public Utilities Board	8:30 a.m. 6:30 p.m.	Chamber of Commerce 815 S. 27 th Street Public Works-Belknap 2251 Belknap Avenue
2/25/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
2/26/2008	Traffic Control Board Council Agenda Setting Meeting	NOON 5:30 p.m.	4 th Floor Library CH Conference Room

2/27/2008	Planning Board Development Process Advisory Brd	6:00 p.m. 1:00 p.m.	4 th Floor Library CH Conference Room
<u>MARCH:</u>			
3/03/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
3/04/2008	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 th Floor Library Council Chambers Airport Terminal
3/05/2008	Board of Adjustment	6:00 p.m.	Council Chambers
3/06/2008	EMS Commission Tourism Business Improvement District Board Human Relations Commission	7:00 a.m. 8:30 a.m. 12:15 p.m.	Main Fire Station Chamber of Commerce 815 S. 27 th Street CH Conference Room
3/10/2008	Energy & Conservation Commission Council REGULAR MEETING	3:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Road Council Chambers
3/11/2008	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 th Floor Library
3/12/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 rd Street
3/13/2008	Library Board Committee on Homelessness	NOON 2:00 p.m.	3 rd Floor Library 3 rd Floor Library
3/17/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
3/18/2008	Yellowstone Historic Preservation Bd	8:00 a.m.	4 th Floor Library
3/20/2008	Tourism Business Improvement District Board	8:30 a.m.	Chamber of Commerce 815 S. 27 th Street
3/24/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
3/25/2008	Traffic Control Board Council Agenda Setting Meeting Planning Board	NOON 5:30 p.m. 6:00 p.m.	4 th Floor Library CH Conference Room 4 th Floor Library
3/26/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room