

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

FEBRUARY 26, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Boy Scout Troop #7, (1st Methodist Church, sponsor)

INVOCATION – Councilmember Vince Ruegamer

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

MINUTES – February 12, 2007. Approved as printed.

COURTESIES – City Administrator Tina Volek announced that City Clerk Marita Herold will be leaving the Administration Dept as City Clerk to accept the position of Aviation & Transit Dept. Business Manager. She noted that Ms. Herold has been the City Clerk since 1987 and has made numerous efficiency improvements to the office of City Clerk. Ms. Volek said Ms. Herold will be missed, but the new position is a promotion for Ms. Herold and she will not be leaving the organization. Mayor Tussing presented Ms. Herold with a plaque in appreciation of her service as City Clerk from July 20, 1987 to March 1, 2007.

PROCLAMATIONS

- **March 8: World Kidney Day**
- **March 2: Read Across Billings Day**
- **February 26: TRIO Day**

ADMINISTRATOR REPORTS – Tina Volek

- **City Administrator Tina Volek said the Council Agenda Review meeting will be held tomorrow evening at 5:30 p.m. in the City Hall Conference Room.**
- **Ms. Volek noted that several of the Councilmembers received exparte communication on Item 4. A copy of this correspondence is contained in a binder at the back of the Council Chambers this evening.**

- She also noted that a protest had been received about a bid irregularity on Item B1. A copy of this correspondence from Heather Long of HL Construction is also contained in the exparte binder at the back of the Council Chambers.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 AND #12 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.)

- **HEATHER LONG, NO ADDRESS STATED**, said she is the owner of HL Construction and noted that she filed the objection to the irregularity in the bid of Magnum Contractors. She said Magnum removed several bid pages from the specification book, when the instructions specifically said not to remove any pages when submitting a bid proposal. Ms. Long said she bids frequently on State projects and noted that if instructions are not explicitly followed on those bids, a contractor's bid is thrown out. She asked how many rules the Council is willing to bend in this bid process and added that if instructions are not meant to be followed, there is no point in putting instructions in the specifications.
- **STAN NEWTON OF 835 AGATE** asked the Council to switch the priority listing of two projects currently in the CIP by exchanging #3: Bench Boulevard Connection with #4: Inner Belt Loop. He said the Inner Belt Loop is an important project for the Heights.

CONSENT AGENDA: SEPARATIONS: A, B1, and Q

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

	Name	Board/Commission	Term	
			Begins	Ends
1.	Steve Zeier	Traffic Control Board	2/26/07	12/31/07

Unexpired term of Jill Krueger

B. **Bid Awards:**

(1) **Athletic Park Swimming Pool Demolition.** (Opened 2/13/07).

Recommend Magnum Contractors LLC DBA Magnum Demolition, \$62,430.00.
APPROVED

(2) SID #1372: Summerhill Subdivision. (Opened 2/13/07).

Recommend rejecting all bids.

(3) W.O. 07-03, Contract #1: 2007 Street Maintenance. (Opened 2/13/07). Recommend delaying to 3/12/07.

C. Bus/Bench Advertising Concession Agreement with Blair Unlimited, 40% annual gross sales or minimum annual guarantee of \$50,000.00 (whichever is greater), term: 5 years.

D. Contract for Professional Services with Great West Engineering, Inc., for the design and construction administration of Phase 3 landfill cell, \$155,000.00.

E. Contract for Professional Services with Engineering, Inc., for SID 1375 (water, sewer, storm drain, curb and gutter and street improvements to Claremont Rd. between Lake Hills Dr. and Gleneagles Blvd.), \$64,920.08

F. Contract for Professional Services with Engineering, Inc., for SID 1377 (water, sewer, storm drain, curb and gutter and street improvements to Greenbriar Rd. between Lake Hills Dr. and Hillcrest Dr.), \$26,522.61.

G. W.O. 06-20: Downtown Billings Wayfinding Signage Memorandum of Agreement with Montana Dept. of Transportation (MDT).

H. STPHS 56(61): Various Intersections West of Billings, City & County Construction Agreement with Montana Dept. of Transportation (MDT).

I. W.O. 07-04: Garden Avenue Waterline, contribution and Memorandum of Agreement with Yellowstone County, \$311,782.50.

J. Reimbursement Agreement for Private Contract #530 – the Estates at Briarwood Subdivision, First Filing.

K. Easement with QWest Corporation for telephone cabinet site for Copper Ridge Sub., 1st Filing, Block 1 – Park, \$2,000.00.

L. Authorization to submit application for Environmental Protection Agency (EPA) *Smart Growth Implementation Assistance Grant*.

M. W.O. 00-15: Grand Avenue, Right-of-Way purchase from McDonald's Real Estate Company:

- (1) Approval of the subdivision plat.
- (2) Accept Quit Claim Deed for Lots 1A, 2A and 3A, Amended Lots 1 – 3, C/S 269, located at 1046 Grand Ave.
- (3) Accept temporary construction easement.

N. Downtown Billings Association (DBA) Street Closures:

- (1) *Alive After 5:* June 21, Host: Buchanan Capital, N. 28th from 2nd to 3rd Ave., 3 p.m. to 9 p.m.
- (2) *Alive After 5:* June 28, Host: MSU-B Downtown, N. 28th from 2nd to 3rd Ave., 3 p.m. to 9 p.m.
- (3) *Alive After 5:* July 5, Host: Special Gold Wing, N. 28th from 1wst and 2nd Ave. N from 29th to the alley west of N. 27th, 3 p.m. to 9 p.m.
- (4) *Alive After 5:* August 2, Host: Montana Brewing Company, N. 28th from 1st to 2nd Ave., 3 p.m. to 9 p.m.
- (5) *Alive After 5:* June 14, Host: The Carlin, N. 25th St. between Montana Ave. And 1st Ave. N (1 block), 3 p.m. to 9 p.m.
- (6) *Alive After 5:* July 19, Host: Pug Mahons, N. 30th St. between 1st Ave. N. and 2nd Ave. N., 3 p.m. to 9 p.m.
- (7) *Alive After 5:* July 26, Host: Tiny's Tavern, N. 24th. St. between 4th Ave. N and 3rd Ave. N. (1 block), 3 p.m. to 9 p.m.
- (8) *Alive After 5:* August 9, Host: Monte Carlo Casino, N. 29th St. between Montana Ave. and 1st Ave. N., 3 p.m. to 9 p.m.
- (9) *Alive After 5:* August 16, Host: Western Wheel Bar, Minnesota Ave. between 27th St. N and 28th St. N., 3 p.m. to 9 p.m.
- (10) *Strawberry Festival:* June 9, N. 28th from 1st to 3rd Ave., and 2nd Ave. from the alley west of N. 27th to N. 29th, and N. 29th from 1st to 2nd Ave., 3 p.m. to 7 p.m.
- (11) *Farmers' Market:* Saturdays: July 21 to October 6, N. 28th from 1st to 3rd Ave., and 2nd Ave. from the alley west of N. 27th to N. 29th and N. 29th from 1st to 2nd Ave., 6 a.m. to 1 p.m.
- (12) *Farmers' Market:* Wednesday nights: August 1 – August 22, N. 28th from 1st. to 2nd Ave. and 2nd Ave. from N. 28th. to N. 29th, 3 p.m. to 9 p.m.
- (13) *Harvestfest:* October 13, N. 28th from 1st to 3rd Ave. and 2nd Ave. from the alley east of N. 27th to N. 29th., 6 a.m. to 5 p.m.
- (14) *Holiday Parade:* November 23, established Downtown Parade Route.
- (15) *Christmas Stroll:* December 7, N. 28th from 1st to 3rd Ave. and 2nd Ave. from the alley east of N. 27th to N. 29th, 4 p.m. to 9:30 p.m.

O. Resolution 07-18527 authorizing construction bids for SID 1375: Claremont Rd.

P. Resolution 07-18528 authorizing construction bids for SID 1377: Greenbriar Rd.

Q. Resolution of Intent 07-18529 to order in W.O. 05-02: 2005 Miscellaneous/Developer-Related Improvements and setting a public hearing for 3/26/07. **APPROVED**

R. Resolution of Intent 07-18530 to create Expanded Park Maintenance District (PMD) #4025: Rehberg Ranch Estates Sub., 1st & 2nd Filings, repealing Res 06-18454 and setting a public hearing for 3/26/07.

S. Second/final reading ordinance 07-5401 expanding the boundaries of Ward I to include recently annexed property described as: Annex #07-01: an 11,160 square foot parcel of property described as Lot 3, Block 7, Kimble Subdivision, 2nd Filing and located at 215 Garden Ave. and including all adjacent right-of-way of Garden Avenue.

T. Extension for Cenex Park Subdivision, Amended Lot 4, Block 4 until May 10, 2008.

U. Preliminary Plat of Amended Lot 7, Block 4, Meadowlark Subdivision, generally located between Phoebe Dr. and Willet Dr. south of Sharron Ln.

V. Bills and Payroll.

- (1) January 26, 2007
- (2) January 1 - 31, 2007 (Court)

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

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 07-18531 approving the FY08 – FY12 Capital Improvement (CIP), Equipment Replacement Plan (ERP), and Technology Replacement Plan (TRP). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED STAFF RECOMMENDATION WITH CHANGES FROM 2/20/07 MEMO AS FOLLOWS:** (1) ENG03: ARONSON AVE EXTENSION - \$250,000 IN STORM DRAINAGE FUNDING AND \$90,000 IN DEVELOPER CONTRIBUTION ADDED TO THIS PROJECT IN FY2008 TO MATCH PROJECT COST ESTIMATES RECEIVED SINCE THE DRAFT CIP WAS DISTRIBUTED TO THE COUNCIL; PROJECT TOTAL: \$4,840,000. (2) ENGST0901: STORM WATER MASTER PLAN IMPLEMENTATION – AN ADDITIONAL \$200,000 WAS ADDED TO FY2008 FOR THIS PROPOSED ANNUAL PROJECT; PROJECT TOTAL: \$450,000. (3) ENGST08-02: INNER BELT LOOP PROPERTY ACQUISITION – PROJECT ADDED TO THE DRAFT CIP FOR EACH OF THE FISCAL YEARS 2008 TO 2012. FUNDING IS IDENTIFIED AS “TO BE DETERMINED” AND NO ESTIAMTED DOLLAR AMOUNT IS SHOWN AT THIS TIME.

3. **PUBLIC HEARING AND RESOLUTION 07-18532** to revise the 2006 Limits of Annexation Map. Annexation Committee recommends approval. (Action: approval or disapproval of Annexation Committee recommendation.) **APPROVED ANNEXATION COMMITTEE RECOMMENDATION TO RECLASSIFY THE FOLLOWING PROPERTIES TO "RED" – THE 2007-2012 LIMITS OF ANNEXATION: (1) SUNNY COVE FRUIT FARM (MAHAN PROPERTY, LOT 122), (2) HARMONY MEADOWS, I.E. WEBER PROPERTY, AND (3) DOVER RANCH PROPERTY.**
4. **AMENDED LOT 65 A-4, SUNNY COVE FRUIT FARMS SUBDIVISION:**
 - (A) **PUBLIC HEARING AND RESOLUTION 07-18533** for Annexation #07-02, annexing 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 54th St. W south of Cottonwood Grove Sub., Mary Kramer, owner and petitioner. Staff recommends conditional approval of the resolution. (Action: approval or disapproval of Staff recommendation.) **APPROVED**
 - (B) **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #798:** A zone change from Agricultural Open (AO) to Neighborhood Commercial (NC) and Community Commercial (CC) on an 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.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 3/12/07.**
5. **PUBLIC HEARING AND RESOLUTION 07-18534** approving and adopting a budget amendment for FY 2006/2007. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED**
6. **PUBLIC HEARING AND SPECIAL REVIEW #834:** A special review to amend the master plan for a Senior Housing Community, new layout for the site and the buildings on the site in a Residential-9,600 (R96) zone on Tract 1, of Corrected Amendment of Tracts 1 and 3 and Remainder Tract 2 to be Amendment of Tracts 1, 2, and 3, C/S 1648, generally located at the northwest corner of Bell Avenue and Shiloh Road. Robert D. and Bonnie E. Bell Trustees, owners; Carl Sanders, Mountain West Senior Housing LLC, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

7. **PUBLIC HEARING AND SPECIAL REVIEW #835:** A special review to replace an existing beer and wine license with gaming with an all-beverage license in a Community Commercial (CC) zone on Lots 43 through 50, Block 4, Broadwater Subdivision, and located at 1106 and 1110 Broadwater Avenue. Suds Hut of Billings Inc., owner; Bob Pulley, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
8. **PUBLIC HEARING AND SPECIAL REVIEW #836:** A special review for a beer and wine license with gaming in a Controlled Industrial (CI) zone on Lots 11A and 12A, Block 1, CBH Industrial Subdivision, and located at 1911 King Avenue West. KRP, LLC, owner; Dan Pendergrass and Bob Pulley, agents. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
9. **PUBLIC HEARING AND SPECIAL REVIEW #837:** A special review to allow a change from an existing nonconforming use (vehicle repair) to another nonconforming use, Scott's Lawn Service in a Residential-6000 (R-60) zone on Lot 1, Block 4 Central Avenue Addition and all of Block 1, Central Avenue Addition, 2nd Filing, located at 640 St. Johns Avenue. Michael W. and Colleen Mannion, owners; Dick Zier, agent. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
10. **PUBLIC HEARING AND FIRST READING ORDINANCE 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, 4th Filing, located at 2156 Central Avenue. Michael D. Stock, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 3/12/07**
11. **PUBLIC HEARING AND RESOLUTION OF INTENT 07-18535** to adopt the Highland Neighborhood Plan as part of the Yellowstone County and City of Billings 2003 Growth Policy. Planning Board recommends approval. (Continued from 2/12/07). **(Action:** approval or disapproval of Planning Board recommendation.) **APPROVED**
12. **2005 TRANSPORTATION PLAN AMENDMENT.** Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.) **APPROVED**

13. **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

There were no initiatives.

ADJOURN -- 10:05 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>**