

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

January 28, 2008

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, Pitman, Stevens, Veis, Ruegamer, McCall, and Ulledalen. Councilmember Clark was excused.

ADDITION TO AGENDA - Mayor Tussing moved that the approval of Mark Astle to fill the vacant seat in Ward V be added to the agenda directly following the Public Comment period, seconded by Councilmember Veis. On a voice vote, the motion was unanimously approved.

MINUTES – January 14, 2008, approved as distributed.

COURTESIES

- Councilmember Ruegamer advised that Councilmember McCall recently received national recognition for her commitment to children and families in Montana. He said the Yellowstone Boys and Girls Ranch nominated Ms. McCall for the advocacy award for being a recognized leader and advocate for Montana children and families. He said the award was presented by the Alliance for Children and Families.
- Mayor Tussing advised that Councilmember McCall was also named Rotarian of the Week that day.
- Mayor Tussing advised the Branding Initiative that the City was participating in was kicked off that morning, and there would be a link on the City's website of www.brandbillings.com for citizen input.

PROCLAMATIONS – None

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek reminded Council of the Agenda Review Meeting on Tuesday, February 29th, at 5:30 p.m., in the City Hall Conference Room.
- Ms. Volek referenced a set of minutes distributed that evening for Agenda 4a, the Eagle View Subdivision. She noted Items 4a and 4b both involved Eagle View Subdivision, and 4a was the needed zone change for the plat approval of Item 4b. The items were filed in the Ex-Parte Notebook for public reference.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items 1, 4b, and 7 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.) **There were no speakers.**

(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.)

Mayor Tussing nominated Mark Astle to fill the vacant Ward V council seat, seconded by Councilmember Ruegamer. On a voice vote, the nomination was unanimously approved. Mayor Tussing asked Mr. Astle to come forward to receive the Oath of Office and introduce any family members present. Mr. Astle introduced his son, Joe Astle, and advised his wife was out of town.

The Oath of Office was administered by the City Clerk and signed by Mr. Astle. City Attorney Brent Brooks left the Council Chambers to file the Oath of Office with the Yellowstone County Election Commissioner, who stayed late so the Oath of Office would be on file, allowing Mr. Astle to officially take action at the meeting that evening.

CONSENT AGENDA: **There were no separations.**

1. A. Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
1.	Steven Tostenrud	Aviation & Transit	01/28/08	12/31/11
2.	Shawn Nelson	Board of Appeals	01/28/08	12/31/11
3.	No Applications	Board of Appeals	01/28/08	12/31/11
4.	*Robert Merchant	Energy & Conservation Commission	01/28/08	12/31/10
5.	*No Applications	Human Relations Commission	01/28/08	12/31/10
6.	*No Applications	Human Relations Commission	01/28/08	12/31/10
7.	Steve Bruggeman	Parking Advisory Board	01/28/08	12/31/11
8.	Don Olson	Parking Advisory Board	01/28/08	12/31/11
9.	*Nick Blake	Parking Advisory Board	01/28/08	12/31/09
10.	No Applications	Public Utilities Board	01/28/08	12/31/11

4. Unexpired term of Joseph Keel
5. Unexpired term of Jean Smith
6. Unexpired term of Shoshana Tom
9. Unexpired term of Pamela Godfrey

B. Bid Awards:

(1) Airport Operations Center Overhead Door Replacement.

(Opened 1/15/08) Recommend Alpha Overhead Doors, \$36,399.00.

(2) Replacement of Airport Terminal Concourse Fan Coil

Units. (Opened 1/15/08) Recommend Accent Air, \$57,835.00.

C. Contract with Maximus for Cost of Services Study, Phase I, not to exceed \$21,500.00.

D. Contract Amendment #2, W.O. 05-20 Aronson Avenue. HKM Engineering, Inc., \$215,987.00.

E. Amendment #2, Scheduled Airline Operating Agreement with Horizon Air, Northwest Airlines, SkyWest Airlines, and United Airlines through 6/30/09.

F. Acknowledge Receipt of Petition to Annex #08-05: 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; and set a public hearing date for 2/11/08.

G. Acknowledge Receipt of Petition to Vacate portions of S. 24th Street, 4th Avenue S., 5th Avenue S., 6th Avenue S., and the alleys within Blocks 173 and 179, Billings Old Town, for \$95,000.00; ConocoPhillips, petitioner; and set a public hearing date for 2/25/08.

H. Right-of-Way Easement with Northwestern Energy for a 10-foot area of Lot 6 and a 10-foot area of Lot 7, Block 110, Billings Original Town, generally located just south of the Crowne Plaza Hotel and the downtown post office, \$1,980.00.

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

(1) Portion of Lot 14, Josephine Subdivision, Larry C. Hoban and Donna Hoban, at no cost to the City. (Resolution 08-18672)

(2) Parcel 34: Portion of Tract 1, C/S 979, Michael S. Eastwood Trust, \$23,950.00.

J. Acceptance of Donation from High Plains Psychiatric Associates, PC - Dr. Liz Walter and Dr. Ann Rathe, to the Animal Shelter Building Improvements Fund, \$500.00.

K. Acceptance of Donation from Montana Dakota Utilities of four complete workstations to the Police Substation located at Fire Station #7.

L. Resolution of Intent #08-18669 to create SID 1383, Cherry Hills Road Improvements (water, sanitary sewer, storm drain, curb/gutter, street), and set a public hearing date for 2/25/08.

M. Resolution 308-18670 amending Resolution #07-18655 for Annexation #07-25, correcting an error in the legal description.

N. Second/Final Reading Ordinance #08-5450 for Zone Change #828: A zone change from Residential 9600 to Residential Professional on Lot 3, Block 1, Rocky Village Subdivision, generally located on the northwest corner of Poly Drive and 17th Street West. Ric Heldt, A & E Architects, representative.

O. Preliminary Plat of Lot 1, Block 1, Billings Clinic Subdivision, generally located between North 28th and 29th Streets and 7th and 9th Avenues North; conditional approval of the preliminary plat and adoption of the Findings of Fact.

P. Final Plat of Amended Lot 4, Block 2, Goodman Subdivision.

Q. Bills and Payroll

- (1) December 21 and 27, 2007
- (2) January 4, 2008

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting second quarter budget amendments for Fiscal Year 2007/2008. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **ACTION DELAYED FOR TWO WEEKS. MAYOR TUSSING RECUSED HIMSELF FROM THE VOTE BECAUSE HIS WIFE WAS INVOLVED IN SOME OF THE PROJECTS.**
3. **PUBLIC HEARING AND RESOLUTION 08-18671 FOR ANNEXATION #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 Elleson, owners and petitioners. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**
4. (a) **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #827:** (Postponed from 1/14/08) A zone change from Residential 9600 to Residential 7000 on a 44,644 square-foot property located north of

Saturn Place in the Billings Heights. Dorn Property LLC, owner; Engineering, Inc., agent. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

(b) PRELIMINARY PLAT of Eagle View Subdivision, approximately 1.02 acres of land located north of Saturn Drive in the Billings Heights. Dorn Property LLC, owner; Engineering, Inc., representative. Staff recommends conditional approval of the preliminary plat and adoption of the Findings of Fact. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #830:** A zone change from Residential 7,000 to Residential 6,000 on 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. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #831:** A zone change from Controlled Industrial to Central Business District in an area with general boundaries from the east side of North 25th Street to North 20th Street, and the south side of 6th Avenue North generally south to the railroad right-of-way. Zoning Commission recommends denial based on the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **TABLED FOR 30 DAYS.**
7. **MEMORANDUM OF UNDERSTANDING** with Beartooth RC&D Economic Development District, \$8,380 annual. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**
8. **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

- **Ulledalen:** **MOVED** to add discussion of discontinuing Agenda Review Meetings to a regular council agenda, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

ADJOURN: The meeting adjourned at 8:30 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>

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 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 Planning Board	NOON 5:30 p.m. 6:00 p.m.	4 th Floor Library CH Conference Room 4 th Floor Library

2/27/2008	Development Process Advisory Brd	1:00 p.m.	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