

# **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**

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## **AGENDA**

**COUNCIL CHAMBERS**

**June 25, 2007**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing**

**PLEDGE OF ALLEGIANCE – Mayor Tussing**

**INVOCATION – Vince Ruegamer**

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

**MINUTES – May 29, 2007 – approved as presented.**

**June 11, 2007 – pending**

### **COURTESIES**

- Eagle Scout Recognition for Nicholas Peter
- Kim Prill, Harlan Krogh, and members of Cub Scout Pack 3 presented a \$10,100 donation to the Big Ditch Trail Project for extension of the trail system.

### **PROCLAMATIONS**

- July 4-7, 2007 - Gold Wing Riders Association/Canadian Appreciation Days

### **ADMINISTRATOR REPORTS – Tina Volek**

- City Administrator, Tina Volek, asked that the Authorization of Mail Ballot for the 2007 Council Elections be considered as Agenda Item 18.
- Ms. Volek referenced the following handouts: the Downtown Billings Partnership Agreement; the Resolution for Agenda Item 4; Exhibit A for Agenda Item 2; and the recommended appointment of Jean Warner to the Library Board.
- She reminded the Council that the July 2<sup>nd</sup> Work Session had been cancelled and rescheduled for July 30<sup>th</sup>.
- Ms. Volek reminded the Council the Agenda Review Meeting would be held tomorrow at 5:30 p.m. in the City Hall Conference Room.
- She noted that the City Offices would be closed on July 4<sup>th</sup>.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, 4, 5, 6, 7, 8, and 18 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.*)

- **TOM ZURBUCHEN OF 1747 WICKS LANE SPOKE** on Agenda Item 2. He said last year it was stated all 60 mills would not need to be collected in the future with the Public Safety Mill Levy. He said with the budget being adopted tonight, all 60 levies would be levied; and the budget would only be balanced to Fiscal Year 2011. He said tonight's budget does not discuss inflation and the energy crisis the entire country is facing.
- **KATHY ARAGON OF 645 O'MALLEY DRIVE THANKED** the Mayor, City Council, and City Staff for making the sidewalks and crosswalks in the Highland School area a reality. She said the two most important pieces in creating healthy neighborhoods were facilities and education, and she appreciated the efforts of City Staff to improve the health and safety of the community and the quality of their environment.

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

1.    A.    **Mayor's Appointments:**

	Name	Board/Commission	Term	
			Begins	Ends
1.	Jean Warner	Library Board	06/25/07	12/31/07

1. Unexpired term of Steven Tucker.

B.    **Bid Awards:**

(1) **SID 1375, Claremont Road Improvements.** (Opened 6/5/07). Recommend H.L. Ostermiller, \$297,665.92.

(2) **SID 1377, Greenbriar Road Improvements.** (Opened 6/5/07). Recommend H.L. Ostermiller, \$140,188.70.

(3) **W.O. 05-02 2005-2006 Miscellaneous/Developer Related Improvements.** (Opened 6/12/07). Recommend CMG Construction, Inc. \$429,845.00.

(4) **W.O. 05-14 Walter Pump Station Improvements.** (Opened 6/12/07). Recommend COP Construction, \$2,798,325.00.

**(5) W.O. 06-18 Broadwater Subdivision Improvements, Phase V.** (Opened 6/12/07). Recommend JTL Group, Inc., \$594,500.00.

**(6) W.O. 07-03 2007 Street Maintenance Contract No. 2.** (Opened 6/12/07). Recommend Riverside Sand & Gravel, Inc., \$1,111,111.11.

**(7) Airport Terminal Building Roofing Project.** (Opened 6/12/07). Recommend Commercial Roofing, \$371,800.00.

**(8) Airport Paving of the Overflow Parking Lots.** (Opened 6/12/07). Recommend JTL Group, Inc., \$288,178.35.

**C. Contract for Professional Services** with HDR Engineering, Inc. for Water System Emergency Power Supplies, \$74,639.00.

**D. Approval** of 3-year lease with Montana GSE, Inc. for lower level commercial airport terminal building space (July 1, 2007 – June 30, 2010).

**E. Approval** of hourly rate increase with Guardian Security for Library guard service to \$15.70 for the third year of a 3-year contract.

**F. Approval** of Police Department request to purchase Crime Analysis Reporting Software from Omega Group, \$37,890.00.

**G. Agreements** for Landfill Use with Bighorn County, Carbon County, Musselshell County, Stillwater County, Treasure County, Town of Columbus, Town of Fromberg, Town of Hysham, Town of Bridger, Town of Joliet, City of Laurel, and City of Red Lodge (7/1/07 – 6/30/08); and **Amendment #1** to the 3-year Landfill Use Agreement with Yellowstone County.

**H. Amendment #13, W.O. 05-14 Walter Pump Station Improvements.** Professional Services Contract, Morrison-Maierle, Inc. \$359,668.00.

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

(1) Parcel 1: Portion of Tract 2, Certificate of Survey 205, Joe Ann Black. \$9,218.50.

(2) Parcel 6: Portion of Lot 6, Welsh Subdivision, Jack Leonard Welsh & the Heirs and Devisees of Darlene D. Welsh, Deceased; and Quincy & Sarah Clark. \$4,150.00.

(3) Parcel 7: Portion of Lot 7, Welsh Subdivision, Jack Leonard Welsh & the Heirs and Devisees of Darlene D. Welsh, Deceased; and Quincy & Sarah Clark. \$1,800.00.

(4) Parcel 8: Portion of Lot 8, Welsh Subdivision, Quincy & Sarah Clark. \$2,000.00.

**J. Street Closure:** Gold Wing Road Riders request temporary street closure for parade on Thursday, July 5, 2007, from 3:00 p.m. to 7:00 p.m.

originating at Faith Chapel; turning right on Shiloh Road; right on Rimrock Road; right on 38<sup>th</sup> Street West; left on Poly Drive; right on North 30<sup>th</sup> Street; ending at 1<sup>st</sup> Avenue North and North 30<sup>th</sup> Street.

**K. Acceptance of Donation:** Approval and acceptance of donation from BikeNet to the Big Ditch Trail Project, \$10,100.00.

**L. Acceptance of Donation:** Approval and acceptance of donation from St. Vincent's 2006-2007 Heart and Sole Run to the Main Street Underpass Project, \$10,000.00.

**M. Resolution #07-18569** adopting the continuance of Resolution #06-18421 adopted by Council on May 22, 2006, for park ball field fence advertising, and extending the one-year time period indefinitely.

**N. Second/final reading Ordinance #07-5416 expanding Ward V (Annex #07-08)** for Tract 3, Certificate of Survey 2298, containing approximately 4.27 acres located at Grand Avenue and 56<sup>th</sup> Street West. Hope Evangelical Church, owner.

**O. Second/final reading Ordinance #07-5417 expanding Ward I (Annex #07-09)** for property described as: NW1/4 of Section 16, and the SW1/4 of Section 9, T1S, R26E and located on the southeast corner of the intersection of King Avenue East and Calhoun Lane. Miller Trois LLC, owner.

**P. Preliminary Subsequent Minor Plat** of Amended Lot 1, Block 1, Grand Avenue School Subdivision generally located on the south side of Grand Avenue between 13<sup>th</sup> and 14<sup>th</sup> Streets West, School District No. 2, owner, approval of the plat and adoption of the Findings of Fact.

**Q. Preliminary Major Plat** of King Meadows Subdivision generally located on the southeast corner of the intersection of King Avenue West and 48<sup>th</sup> Street West, conditional approval of the plat, approval of the variances, and adoption of the Findings of Fact.

**R. Bills and Payroll**

- (1) May 25, 2007
- (2) June 1, 2007

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

**REGULAR AGENDA:**

**2. RESOLUTION #07-18570** approving and adopting the FY 2007-2008 Budget. Staff recommends approval. Delayed from 6/11/07. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

3. **RESOLUTION #07-18571** setting FY 2008 mill levy rates for the General Fund, Transit Operating Fund, Library Operating Fund, and Public Safety I Fund. Staff recommends approval. Delayed from 6/11/07. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

4. **RESOLUTION #07-18572** relating to \$10,700,000 General Obligation Bonds, Series 2007A and \$1,800,000 General Obligation Bonds, Series 2007B; determining the form and details and authorizing the execution and delivery of the bonds. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

5. **APPROVAL OF PURCHASE** of 13 patrol cars by June 28, 2007, at 2006-2007 State bid prices currently pending Council approval in the FY08 Equipment Replacement Plan. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

6. **APPROVAL OF PURCHASE** of Lots 1-6, Block 1, Rolle Subdivision; Tract 1A, C/S 1434; and Tract 1B-1 of Amended Tract 1B of C/S 1434 (less 1B-1A and Block Otter Subdivision) for the purpose of maintaining the property as undeveloped. Brian Kurth and Black Otter Ventures, LLC, sellers. \$631,806.00. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

7. **APPROVAL** of the Downtown Billings Partnership Annual Work Plan and Contract with the City. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

8. **APPROVAL** of contract for City Hall Chiller System Rooftop HVAC Upgrade (Opened 6/19/07). Recommendation to be made at meeting. **APPROVED.**

9. **PUBLIC HEARING AND RESOLUTION #07-18573** to file for the annual Federal Transit Administration Section 5307 Grant for federal transportation planning, capital, training, demonstration, and/or operating assistance. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

10. **PUBLIC HEARING AND RESOLUTION #07-18574 ORDERING IMPROVEMENTS** for W.O. 05-17 Highland School Sidewalks-Billings, Federal Aid No. STPE 1099(48), constructing sidewalks and associated public improvements along 11<sup>th</sup> Street West, O'Malley Drive, and Azalea Lane between Poly Drive and Delphinium Drive; a permanent crossing at 11<sup>th</sup> Street West and Poly Drive; and sidewalks along Beverly Hill Boulevard funded through a Safe Routes to School grant. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

**11. PUBLIC HEARING AND RESOLUTION #07-18575 CREATING SID 1378, CLEVENGER AVENUE IMPROVEMENTS.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

**12. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #807:** A zone change from Residential 6,000 Restricted to Community Commercial and Residential Professional (RP), and located on the southeast corner of Zimmerman Trail and Avenue E. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

**13. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #808:** A zone change from Residential Multifamily to Planned Development, and located on North 26<sup>th</sup> Street bordered by 7<sup>th</sup> Avenue North, North 25<sup>th</sup> Street, and North 26<sup>th</sup> Street. Thomas Towe and Court E. Ball Partnership, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

**14. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #809:** A zone change from Public to Community Commercial, and located on the southeast corner of 14<sup>th</sup> Street West and Grand Avenue. School District No. 2, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

**15. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #810:** A text amendment to Section 27-601, Parking and Storage Regulations, regulating parking and storage in residential zoning districts and commercial or industrial zoning districts. Zoning Commission recommends approval of Zone Change #810, including Section 27-601(a)7 if a permitting system or similar system to control personal recreational vehicles on residential property is developed and denial of Section 27-601(b)7. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

**16. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #811:** A text amendment to Section 27-1502(b) Amendments to Chapter, Applications for map amendments. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

**17. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #812:** A text amendment to Special Review Uses, Sections 27-306; 27-601; 27-612; and 27-613, revising commercial and industrial use

regulations. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

**18. AUTHORIZATION OF MAIL BALLOT** for the 2007 council elections. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

**19. 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**

- Ronquillo: MOVED to direct staff to clean the 6<sup>th</sup> Street Underpass once a month, seconded by Councilmember Ruegamer. Councilmember Brewster made a substitute motion directing staff to provide a cost estimate prior to cleaning the underpass. Substitute motion **APPROVED**.
- Ruegamer: MOVED to direct staff to bring forth a public hearing and recommendation on the mail ballot issue after the November city election, seconded by Councilmember Boyer. **APPROVED**.
- Jones: MOVED to direct staff to leave Phipps Park open July 3-5, 2007, seconded by Councilmember Brewster. Councilmember Ruegamer made a substitute motion to close Phipps Park July 3-5, 2007, seconded by Councilmember Stevens. Substitute motion **APPROVED**.
- Ulledalen: MOVED to direct staff to include only the south side of King Avenue West in the Shiloh Road Overlay District. **APPROVED**.

**ADJOURN** – The meeting was adjourned at 11:00 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>**