

# 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

MARCH 26, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ed Ulledalen

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

MINUTES – March 12, 2007. Approved as printed.

COURTESIES - **None**

PROCLAMATIONS –

- **April: Fair Housing Month**

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 informed the Council that ITEMS G and Q were revised. She noted that ITEM O was corrected to indicate a public hearing date of 4/23/07.
- She also noted that Staff has received a request to withdraw ITEM #8.

**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.*)

- **MICHELLE JOHNSON, 2705 BLUE CREEK ROAD** asked the Council to consider with reference to ITEM Q the following: (1) Proposing a fair contract; (2) Compensation for attorney fees; and (3) The City agreeing not

to annex her property without her permission. Councilmember Ronquillo asked if the City made an offer. Ms. Johnson said that it had and the offers had been "going on" for approximately two (2) years. She noted that the parties had not been able to negotiate an agreement. Councilmember Stevens stated that the attorney fees would be reimbursed to her. She also explained that the Council cannot tell a future Council not to annex property.

**CONSENT AGENDA:**      **SEPARATIONS: C**

**1. A. Bid Awards:**

(1) **Construction of Fire Station #7.** (Opened March 13, 2007). Recommend CMG Construction, \$1,351,204.00.  
(2) **W.O. 07-05, Contract #1, 2007 Accessibility Ramps.** (Opened March 13, 2007). Recommend CMG Construction, \$112,650.00.  
(3) **Airport Improvement Program (AIP) #32 Runway 7/25 Rehabilitation.** (Opened March 13, 2007). Recommend Riverside Sand and Gravel, Inc., \$778,900.81.  
(4) **Approval of New Automobile Rental Concession Leases.** (Delayed from 3/12/07). Recommend (1) Overland West, Inc. dba Hertz, \$1,829,324.00; (2) Enterprise Rent A Car, \$1,370,845.00; (3) Corpat Inc. dba Alamo/National, \$1,221,200.00; (4) Lewis Transportation Group dba Thrifty/Dollar Rent A Car, \$920,007.00.

**B. Amendment #1,** Professional Services Contract with CTA Architects and Engineers for Architectural Services for Airport Improvement Program (AIP) 32, \$68,819.00.

**C. Contract for Professional Services** with Carl Thuesen ASLA, for design and construction services for Harvest, Olympic and High Sierra Parks Irrigation Renovation, \$41,899.84. **APPROVED WITH AMENDMENTS TO APPENDIX A, SECTION 3.**

**D. Agreement** with PM&M, LLC, Max E. Thornton, and the Katherine K. Thornton Testamentary Trust for access across their property to the Briarwood Water Reservoir, \$0.00.

**E. W.O. 04-26: Zone 4 - Water Reservoir and Zone 5 Water Reservoir and pump station,** Professional Services Contract with HDR Engineering, Inc., \$497,885.00.

**F. Certified Local Government Program Contract** with the State of Montana Historic Preservation Office, \$4,031.00.

**G. W.O. 04-36: Briarwood Sanitary Sewer Main Extension Right-of-Way Agreement and Perpetual Right-of-Way Easement with Gary and Norma Buchanan, \$7,450.00.**

**H. Development Agreement** with Stock Naughton LLP, owner of Lots 6B, 6C, and 6D, Block 2 of Circle Fifty Sub., \$0.00.

**I. Advertising Agreement** with the Billings Gazette for display, classified, legal, and on-line advertising, two (2) year term, estimated \$43,600/year.

**J. W.O. 04-33: Lake Elmo Drive (Hilltop Rd to Wicks Ln) Right-of-Way Acquistion:**

(1) Parcel 10: Portion of Lot 2, Block 1, Croy Sub., to Andrea D. Baker, Right-of-Way Agreement for temporary construction permit, \$200.00.

(2) Parcel 33: Portion of Tract 1, C/S No. 2920, to Lorri Ann Hurry, \$3,150.00.

(3) Parcel 38: Portion of Lot 7, Block 1, Rice Sub., to Cameron James Stefanic and Tanna Marie Stefanic, \$2,200.00.

(4) Parcel 49: Portion of Lot 21, Block 1, Broadmoor Sub., to Donald L. Nave and Ruth A. Nave, \$6,250.00.

(5) Parcel 55: Portion of Lot 1, Block 2, Uinta Park Sub., to Dena and Uriah Edmunds, \$1,350.00.

(6) Parcel 64: Portion of Lot 15, Block 3, Arrowhead Sub., to David E. Harris, \$3,400.00.

**K. Street Closures:**

(1) *Arthritis Foundation Annual Run & Walk*, April 28<sup>th</sup>, 2007, 2<sup>nd</sup> Avenue North and 3<sup>rd</sup> Avenue North from North 24<sup>th</sup> Street to North 33<sup>rd</sup> Street.

(2) *Montana Pride Network, Gay Pride Parade*, June 16, 2007, 2<sup>nd</sup> and 3<sup>rd</sup> Avenue North, North 27<sup>th</sup> to North 33<sup>rd</sup>.

(3) *Chase Hawks Association Burn the Point Parade and Street Dance*, August 31, 2007 - Parade: Standard parade route; Street Dance: North 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Avenue North and 2<sup>nd</sup> Avenue North from North 27<sup>th</sup> – North 29<sup>th</sup> Streets.

**L. Quarterly Report for Pledged Collateral with US Bank, Sterling Savings Bank and Wells Fargo Bank.**

**M. Semi-Annual Investment Report.**

**N. Acknowledging receipt of petition for Annex #07-06:** property located at the northwest corner of 54<sup>th</sup> St. West and Colton Blvd., described as Tracts 1 & 2 of C/S 1323; Tract 1 of C/S 1815; Tract 2D of Corrected Amended Tract 2 of C/S 1952; Yellowstone Meadows-Phase One Parkland; Yellowstone Meadows-Phase Three

Parkland; Lots 33, 34, 63, and 64 of Sunny Cove Fruit Farms, all adjacent right-of-way of 54<sup>th</sup> St. West, 56<sup>th</sup> St. West and Colton Blvd., the future site of the Cottonwood Park and a proposed School District #2 elementary school, City of Billings, petitioner, and setting a public hearing for April 23, 2007.

**O. Acknowledging receipt of petition for Annex #07-07:** property located SE of King Avenue West and 48<sup>th</sup> Street West and described as Lots 1-5, Block 1, Western Sky Sub., Cal Kunkel and Gareld Krieg owners and petitioners, and setting a public hearing for April 23, 2007.

**P. Acceptance of donations:**

(1) Amend Park Development Council donation for seasonal position at Amend Park, \$15,000 per year.

(2) In-Kind Volunteers and Materials Donations from Harvest Church, estimated value is \$60,000.00.

**Q. Resolution #07-18539** authorizing condemnation to acquire utility easements for W.O. 04-36: Briarwood Sanitary Sewer Main Extension.

**R. Resolution of Intent #07-18540** to order improvements under W.O. 06-18: Broadwater Sub., Phase V, curb/gutter and street reconstruction and setting a public hearing for April 23, 2007.

**S. Second/final reading ordinance #07-5404** expanding the boundaries of Ward IV to include recently annexed property described as: Lot 65A-4, Amended Plat of Lot 65A of the Amended Plat of Amended Lots 65-68, 93-100 and 125-128, Sunny Cove Fruit Farms. Mary Kramer, owner.

**T. Final Plat** of Amended Lot 7, Block 2, Lake Hills Sub., 1<sup>st</sup> Filing.

**U. Final Plat** of Amended Normal Subdivision, 3<sup>rd</sup> Filing.

**V. Bills and Payroll.**

- (1) February 23, 2007
- (2) March 2, 2007
- (3) February 1 – February 28, 2007 (Court)

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

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #07-18541** for Annexation #07-03 parcels and adjacent right-of-way totaling 2.927 acres and described as N ½ of Lot 3, Lot 4, and Lot 7 Sandra Subdivision, City of Billings, petitioner. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION #07-18542** for Annexation #07-04 of a .243 acre property described as C/S 598 in Lot 30, Clark Subdivision and adjacent right-of-way, and located at 307 Garden Ave., Lana Jean Bittner, petitioner. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTION #07-18543** creating expanded Park Maintenance District (PMD) #4025: Rehberg Ranch Estates Sub., 1<sup>st</sup> & 2<sup>nd</sup> Filings. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION** ordering improvements under W.O. 05-02: 2005 - 2006 Miscellaneous/Developer-Related Improvements. Staff Recommends approval. **(Action:** approval or disapproval of Staff recommendation.) **PUBLIC HEARING CLOSED: ACTION DELAYED TO 4/9/07.**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #799:** A zone change from Residential-15,000 (R-150) to Public on the North ½ of Lot 3 and all of Lot 4 and Lot 7, Sandra Subdivision. The subject property is located at 23, 63 and 65 Charlene Street, City of Billings, owner. Zoning Commission recommends approval of the zone change 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 4/9/07.**
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #800:** A zone change from Residential Manufactured Home (RMH) to Residential-6,000 (R-60) on Lots 15A, 16B & 16C, Block 1, Pemberton Subdivision. The subject property is located at 525 N. Lakeview Drive, 532 & 542 Pemberton Lane. Zoning Commission recommends approval of the zone change 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 4/9/07.**

8. **PUBLIC HEARING AND SPECIAL REVIEW #838:** A special review to construct a 10-plex apartment building in a Residential 6000 (R-60) zone on property legally described as Certificate of Survey 534 in Flanagan Subdivision, Tract 1, Lot 8. The subject property is located at 1048 Foster Lane. Hanser Capital Holdings, LLC, owner. Zoning Commission forwards no recommendation to the City Council as the result of a 2-2 tie vote. **(Action:** approval or disapproval of special review.) **APPROVED WITHDRAWAL**
9. **PUBLIC HEARING AND SPECIAL REVIEW #839:** A special review to permit the storage of vehicles used for parts in a Highway Commercial (HC) zone, on property legally described as Lot 3A, Hollar Sub., 2<sup>nd</sup> filing, Edward and Linda Randash, owners. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
10. **PUBLIC HEARING AND SPECIAL REVIEW #840:** A special review to replace an existing beer and wine license with gaming with an all-beverage license in a Highway Commercial zone, for an existing restaurant/bar -- the Gigglin' Grizzly located at 416 Lake Elmo Road, on property legally described as Tract 1, C/S 2225. Charles Schmidt, owner, Doug Jensen, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
11. **PUBLIC HEARING AND SPECIAL REVIEW #841:** A special review for an all beverage liquor license for a new casino in a Controlled Industrial (CI) zone for the Palisades Casino located at 1911 King Avenue West, Suite B, on property legally described as Lots 11A & 12 A, Block 1, CBH Industrial Park Subdivision. KRP, LLC, Jim Kisling, owner; John Herberg, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
12. **RESOLUTION** creating Mayor/City Council Pay Review Committee. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.) **DISAPPROVED**
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**

- JONES: MOVED to have a future work session presentation on options and costs to meet neighborhood concerns about City purchases.  
APPROVED

**ADJOURN -- With all business complete, the meeting was adjourned at 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>