

# 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

November 13, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Mayor Ron Tussing

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

MINUTES – October 22, 2007, approved as distributed.

### COURTESIES:

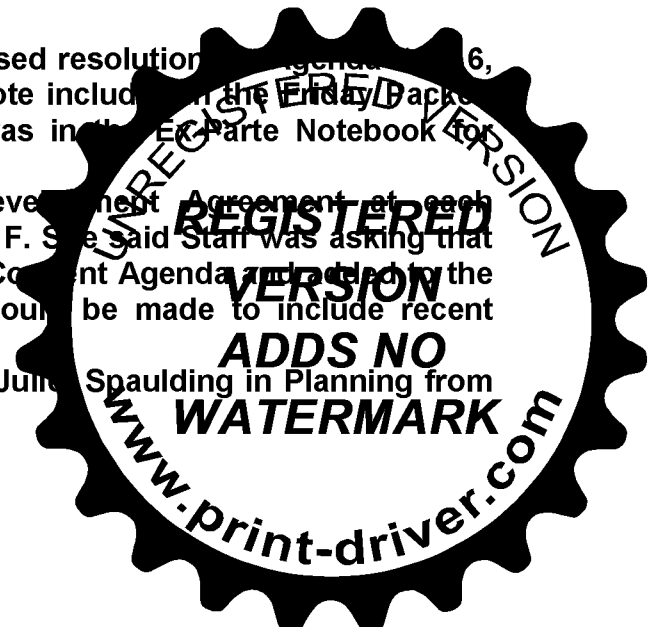
- Mayor Tussing recognized and welcomed newly-elected Councilmember Denis Pitman, who was present.
- Councilmember Boyer introduced family members who were present.

### PROCLAMATIONS:

- Benjamin C. Steele Day – November 17, 2007
- Red Kettle Week – November 19-24, 2007

### ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek noted a letter from Carl Peters, President of the Lockwood Water & Sewer District; and a letter from Terry Seiffert, Attorney for the Lockwood Water & Sewer District, to City Attorney Brooks, that were included in the Friday Packet regarding Agenda Item 5, the Lockwood Sewer Agreement. She said both letters were in the Ex-Parte Notebook for public reference.
- Ms. Volek referenced a copy of a revised resolution regarding Agenda Item 6, the \$3.7 million General Obligation Note included in the Friday Packet. She said a copy of the resolution was in the Ex-Parte Notebook for public reference.
- Ms. Volek noted a copy of a Development Agreement at each councilmember desk for Agenda Item F. She said Staff was asking that Agenda Item F be removed from the Consent Agenda and added to the Regular Agenda so a presentation could be made to include recent changes.
- Ms. Volek noted a copy of a letter to Julie Spaulding in Planning from



**Attorney Michael Dockery regarding Agenda Item W. She said a copy of Attorney Dockery's letter was in the Ex-Parte Notebook for public reference.**

- **Ms. Volek noted Agenda Items 2 and 5 needed to be added to the Public Comment period on non-public hearing agenda items.**
- **Ms. Volek reminded Council of the Agenda Review Meeting scheduled for tomorrow evening at 5:30 in the City Hall Conference Room for the meeting of November 26, 2007.**

Councilmember Brewster made a motion to move Consent Agenda Item F to the Regular Agenda as Item 7, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2, 5, 6(B), and 6(C) 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.)*

- **Dave Bovee, 424 Lewis Avenue**, said he hoped that extraordinary diligence had been given to the Lockwood Sewer and Water contract so the present and future taxpayers of Billings did not end up with a huge surprise liability in the future.
- **Connie Wardell, 1302 24<sup>th</sup> Street West**, said she felt it was inappropriate that the old Council elect a Deputy Mayor for the new Council, as stated in the current Charter, and hoped the Charter would be amended.
- **Tom Zurbuchen, 1747 Wicks Lane**, said there were still three things wrong with the Lockwood Sewer Agreement. He said the surcharge should be acknowledged but the percentage amount should be left out; there was no provision forcing reserve negotiations between the City and Lockwood; and the reserve was too high. Mr. Zurbuchen also referenced Item 7 and said the City could have \$625,000 by eliminating the Downtown TIFD. He said the \$625,000 would make the first and second payment on the Koch loan for the firefighters payment, and a \$100,000 plus payment on the Perry Park Fire Station.
- **Joe White, North 30<sup>th</sup> Street**, said he did not wish to see a payment to the firefighters but objected to the settlement.
- **Dick Larsen, 1733 Parkhill**, said questions had been asked and responses had been given on the Lockwood Wastewater Agreement. He said the items in the revised Agreement that were difficult to consider, and he and others in the audience were available to answer any questions.
- **Terry Seiffert, 316 North 33<sup>rd</sup> Street**, said he was the attorney for the Lockwood Water and Sewer District. He asked the Mayor and Council if he was available to answer any questions on Agenda Item 5.



- **Carl Peters, 1548 Rosebud**, said the Lockwood Water & Sewer Agreement was the only practical alternative, and he would appreciate the Council's consideration.
- **Ivan Andrick, 1808 Greystone**, said he owned property in Lockwood and felt the changes and penalties highlighted in the Lockwood Water & Sewer Agreement appeared as threats. He said the changes should be noted in good faith and in negotiation. He said Lockwood wanted to do business with Billings, and the City did not have to threaten with penalties.
- **Carlotta Hecker, 3325 Dove Avenue**, said she lived in Lockwood and felt the same as Mr. Andrick. She said she would like the Agreement with Lockwood to be treated as fairly as any other interlocal agreement.
- **Don Regnier, 40 Marshall**, said the 2008 budget book indicated the City had \$83 million in reserve. He said of that reserve, \$4.3 million was in interest. Mr. Regnier said the City Council had the authority to move the interest to any fund in need, which currently was the General Fund. He commented had the City paid the firefighters for all hours worked during the years, the money would have come from their budget. He said the money in reserves should be put into the firefighter budget.

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

## **CONSENT AGENDA: Separations: I**

**1. A. Approval of Appointments to the Downtown Transit Center Ad Hoc Committee**, Randy Hafer; Kim Barnett; Stephen Wahrlich; Geoffrey Parkins; Greg Krueger; and Kimberly Watson.

**B. Bid Awards:**

**(1) Cold Storage Steel Building.** (Opened 10/23/07)  
Recommend Hardy Construction, \$88,000.00.

**(2) Sale of Two (2) Aircraft Rescue Fire Fighting Trucks.**  
(Opened 10/30/07). Recommend Crash Rescue Equipment Service, Inc., \$86,104.00.

**C. Change Order No. 2 - W.O. 06-18 Broadwater Subdivision, Phase V**, JTL Group, Inc., \$3,525.00.

**D. Amendment No. 8 – SID 1379, Utility and Street Improvements, King Avenue West from S. 31<sup>st</sup> Street West to Shoshone Road**, HDR Engineering Inc., an amount not to exceed \$343,642.00.

**E. Contract for Professional Services W.O. 08-01 2008 Water and Sewer Replacement Project**, Morrison-Maierle Inc., an amount not to exceed \$926,713.00.



~~F. Resolution terminating the Downtown Tax Increment District and Allocating Funds and Development Agreement with Downtown Billings Partnership.~~ **Moved to Regular Agenda Item #7.**

**G. Annual Agreement** with Yellowstone County to provide Law Enforcement Data Processing Services, \$85,779.00.

**H. Annual Agreement** with Yellowstone County for City-County Special Investigations Unit (CCSIU), with no additional cost to the City of Billings.

**I. Construction Agreements (3)** with MT Department of Transportation City Maintained Routes, with no cost to the City of Billings. **Approved with the removal of the Council Signature Page on each contract.**

**J. Vehicle Lease Agreement** with Underriner Motors for an Internet Crimes Against Children (ICAC) Task Force Lease Vehicle, 12/1/07 – 2/29/09, \$5,250.00.

**K. Assignment and Transfer of West End Hangar Ground Lease** from John M. and/or Marcia A. Nash to Drew C. and/or Jennifer R. White.

**L. Commercial Terminal Building Lease** with ARINC Incorporated, 10/1/07 – 10/1/08, first year revenue \$3,110.48.

**M. Limited Commercial Ground Lease** with Aerotronics, Inc., 10/1/07 – 9/30/27, first year revenue \$17,456.52.

**N. Amendment of Lease** for office space to the Transportation Security Administration (TSA), additional revenue of \$15,705.96, for annual lease rental of \$52,598.07.

**O. Airline Operating Permit** with ExpressJet Airlines.

**P. Acknowledging Receipt of Request to Annex #07-05, Resolution #07-18637:** 13.4 acres of a portion of park land along Zimmerman Trail right-of-way and a portion of Zimmerman Trail right-of-way between Highway 3 and Rimrock Road; City of Billings, requester, and setting a public hearing for 12/10/07.



**Q. Acknowledging Receipt of Request to Annex #07-11, Resolution #07-18638:** a 3.74-acre portion of Broadwater Avenue right-of-way west of 30<sup>th</sup> Street West; City of Billings, requester, and setting a public hearing date of 12/10/07.

**R. Acknowledging Receipt of Request to Annex #07-12, Resolution #07-18639:** a 1.69-acre portion of Bell Avenue right-of-way west of Shiloh Road; City of Billings, requester, and setting a public hearing date of 12/10/07.

**S. Acknowledging Receipt of Request to Annex #07-13, Resolution #07-18640:** a 1.89-acre portion of Grand Avenue and Zimmerman Trail right-of-way; City of Billings, requester, and setting a public hearing date of 12/10/07.

**T. Acknowledging Receipt of Request to Annex #07-14, Resolution #07-18641:** a 4.86-acre portion of Cove Avenue right-of-way between 46<sup>th</sup> and 50<sup>th</sup> Streets West; City of Billings, requester, and setting a public hearing date of 12/10/07.

**U. Acknowledging Receipt of Request to Annex #07-16, Resolution #07-18642:** a 0.359-acre portion of Grand Avenue right-of-way east of 56<sup>th</sup> Street West; City of Billings, requester, and setting a public hearing date of 12/10/07.

**V. Acknowledging Receipt of Request to Annex #07-18, Resolution #07-18643:** a portion of 56<sup>th</sup> Street West and Broadwater Avenue rights-of-way; City of Billings, requester, and setting a public hearing date of 12/10/07.

**W. Acknowledging Receipt of Request to Annex #07-19, Resolution #07-18644:** a 6.832-acre portion of Rimrock Road right-of-way from 62<sup>nd</sup> Street West to the city limits; City of Billings, requester, and setting a public hearing date of 12/10/07.

**X. Acknowledging Receipt of Request to Annex #07-25, Resolution #07-18645:** a 2.457-acre portion of 44<sup>th</sup> Street West right-of-way south of King Avenue West; City of Billings, requester, and setting a public hearing date of 12/10/07.

**Y. Acknowledging Receipt of Petition to Veneer a portion of Henry Road right-of-way fronting property located at 1125 Henry Road; John Glenn, owner and petitioner, and setting a public hearing date of 12/10/07.**

**Z. Acceptance of Donation:** Approval and acceptance of donation from Northwestern Energy to the Cobb Field Fundraising Project, \$2,000.00.

**AA. Resolution of Intent #07-18627** to create a South Billings Boulevard Urban Renewal District with tax increment authority; declaring the existence of



blight within the South Billings Boulevard Urban Renewal Area; and setting a public hearing date of 11/26/07.

**BB. Resolution #07-18628** relating to financing of the South Billings Boulevard Tax Increment Financing District; establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

**CC. Resolution of Intent #07-18629** to create Special Improvement District 1380, Terra West Subdivision, 3<sup>rd</sup> and 4<sup>th</sup> Filings, for Monad Road Street Frontage Improvements, and set a public hearing date of 12/10/07.

**DD. Resolution of Intent #07-18630** to create Special Improvement Maintenance District No. 4038, Terra West Subdivision, 3<sup>rd</sup> and 4<sup>th</sup> Filings, Monad Road Street Frontage Improvements, and set a public hearing date of 12/10/07.

**EE. Resolution of Intent #07-18631** to create Park Maintenance District No. 4035, Bitterroot Heights Subdivision, and set a public hearing date of 12/10/07.

**FF. Second/Final Reading Ordinance # 07-5439 for Zone Change #822:** A zone change from Residential 9600 to Residential 7000 Restricted on a 400-acre property north and west of High Sierra Subdivision and Lake Hills Subdivision. Dover Ranch, owner.

**GG. Final Plat** of Grand Avenue School Subdivision, Amended Lot 1, Block 1.

**HH. Bills and payroll.**

- (1) October 5, 2007
- (2) October 12, 2007
- (3) October 19, 2007

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

**REGULAR AGENDA:**

2. **ELECTION** of Deputy Mayor. **Election of Ed Ulledalen - Approved.**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property: a 5-acre parcel described as: Tract 1B, Certificate of Survey 15935, Amended, Hansef Capital Holdings LLC, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**
4. **PUBLIC HEARING AND RESOLUTION #07-18632** exchanging property described as Lots 19-24, Block 60, Original Town of Billings, with Yellowstone County for adjacent property owned by Yellowstone County to



- facilitate the construction of a MET Transit Transfer Center. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **Approved**
5. **AGREEMENT** with Lockwood Area/Yellowstone County Water and Sewer District for treatment and disposal of wastewater. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **Approved**
6. (A) **PUBLIC HEARING AND RESOLUTION #07-18633** approving and adopting a budget amendment for Fiscal Year 2007/2008. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **Approved**
- (B) **RESOLUTION #07-18634** directing payment and budgeting for the Firefighter Lawsuit Judgment. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **Approved**
- (C) **PROPOSAL (Resolution #07-18635)** from Koch Financial Corporation to finance the majority of the Firefighter lawsuit. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **Approved**
7. (Previous Consent Agenda Item F) **Resolution #07-18636** terminating the Downtown Tax Increment District and **Allocating Funds and Development Agreement** with Downtown Billings Partnership. **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**

- **Ronquillo** thanked the Public Works Department for cleaning the 6<sup>th</sup> Street Underpass of bird droppings.
- **Clark** advised the Council the Ballpark Steering Committee would be bringing forth several items in the next few weeks.

**ADJOURN – The meeting adjourned at 9:04 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>**

**(Council AND Boards & Commissions)**

**NOVEMBER:**

11/01/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
11/05/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
11/06/2007	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Conf. Rm. Council Chambers Airport Terminal
11/07/2007	Board of Adjustment	6:00 p.m.	Council Chambers
11/08/2007	Library Board Committee on Homelessness	NOON 2:00 p.m.	Library 3 <sup>rd</sup> Floor Library
11/12/2007	VETERAN'S DAY – CITY OFFICES CLOSED		
11/13/2007	Parking Advisory Board Planning Board REGULAR Council Meeting	4:00 p.m. 6:00 p.m. 6:30 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library Council Chambers
11/14/2007	Parks/Recreation/Cemetery Bd  Council Agenda Setting Meeting	11:30 a.m.  5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St. CH Conference Room
11/19/2007	Energy & Conservation Commission  Council WORK SESSION	3:00 p.m.  5:30 p.m.	Billings Operations Ctr. 4848 Midland Rd. Community Center 360 N. 23 <sup>rd</sup> St
11/20/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
11/22/2007	THANKSGIVING DAY – CITY OFFICES CLOSED		
11/26/2007	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
11/27/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
11/28/2007	Development Process Advisory Review Board (DPARB) Housing Authority	1:00 p.m. NOON	CH Conference Room 4 <sup>th</sup> Floor Library





Traffic Control Board

NOON

4<sup>th</sup> Floor Library



**DECEMBER:**

12/03/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
12/04/2007	Community Development Board	3:00 p.m.	4 <sup>th</sup> Floor Library
	Zoning Commission	4:30 p.m.	Council Chambers
	Aviation & Transit Commission	5:30 p.m.	Airport Terminal
12/05/2007	Board of Adjustment	6:00 p.m.	Council Chambers
12/06/2007	EMS Commission	7:30 a.m.	Main Fire Station
	Human Relations Commission	12:15 p.m.	CH Conference Room
12/10/2007	Energy & Conservation Commission	3:00 p.m.	Billings Operations Ctr. 4848 Midland Rd.
	Parking Advisory Board	4:00 p.m.	CH Conference Room
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
12/11/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
12/12/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
12/13/2007	Library Board	NOON	Library
	Committee on Homelessness	2:00 p.m.	3 <sup>rd</sup> Floor Library
12/17/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
12/18/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
12/20/2007	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
12/25/2007	CHRISTMAS DAY OBSERVED – CITY OFFICES CLOSED		
12/26/2007	Development Process Advisory		
	Review Board (DPARB)	1:00 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North
	Traffic Control Board	NOON	4 <sup>th</sup> Floor Library
12/27/2007	Yellowstone County Board of Health	TO BE ANNOUNCED	

