

# 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

October 9, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Brewster

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

MINUTES – September 24, 2007, approved as distributed.

COURTESIES – Councilmember Clark announced that Councilmember Ruegamer had been voted 3<sup>rd</sup> Vice President of the League of Cities and Towns.

#### PROCLAMATIONS

- Fire Prevention Week – October 7–13, 2007
- Rimrock Opera's *The Girl of the Golden West Month* – October 2007
- National Community Planning Month – October 2007
- White Cane Safety Day – October 15, 2007
- National Martial Arts Day – October 13, 2007

#### ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek reminded Council of the agenda review meeting scheduled for tomorrow evening at 5:30 in the City Hall Conference Room.
- Ms. Volek noted additional documents for Agenda Items 2, 3 and 4 that had been distributed that evening and advised they were included in the Ex-Parte notebook for public reference.
- Ms. Volek noted the wording in Agenda Items 5(a) and 5(b) had been changed from Miller Trois LLC to Cabella's and South Billings Center LLC, due to the sale of the property earlier in the week.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 5b, and 6 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.*)

- The following individuals spoke in support of using biodiesel in City vehicles:
  - EILEEN MORRIS, 1323 Janie Street
  - MICHELLE HIPPLER, 906 N. 31<sup>st</sup> Street
  - PAUL MILLER, 1109 Delphinium
  - JEFF BUTTS, 615-1/2 Avenue F
  - KELLY BUSTELL, 1001 Victory Avenue
  - MELINDA NIELSON, 1228 Avenue F
  - RYAN MERSHON, 1915 11<sup>th</sup> Avenue North
  - SARAH YOUNG, 620 N. 32<sup>nd</sup> Street #4
  - ERICKA SPARHAWK, 907 N. 25<sup>th</sup> Street
  - RON FENEX, 11456 Howard Avenue
  - BERNE QUETCHENDACH, 933 Yale Avenue
  - WALT GULICK, 2018 12<sup>th</sup> Street West
  - THERESA KEAVENY, 2005 Clark Avenue
  - ANYA FIECHTL, 512 Avenue C
  - JOE WHITE, 926 N. 30<sup>th</sup> Street
  - RAY SHELDON, PO Box 155, Huntley
  - ED GULICK, 10<sup>th</sup> Avenue North
- TOM ZURBUCHEN, 1747 Wicks Lane, said he felt the City would need to trim the budget before purchasing biodiesel for City vehicles, and stated the City could not afford it at this time.
- CHARLIE YEGEN, PO Box 959, Billings, said he would like to speak on Item #6. Mr. Yegen said he felt removal of a portion of Black Otter Trail was not necessary.

**CONSENT AGENDA:**      **Separations:**      **A3, I**

**1.    A.    Bid Awards:**

**(1) Purchase of Seven (7) 2008 Truck Cabs and Chassis with Refuse Compactor Bodies for the Solid Waste Division** (Opened 9/11/07)  
Recommend:

Schedule I – Two Units, Tri-State Truck & Equipment, \$443,580.00  
Schedule II – Two Units, Northwest Truck & Trailer, \$291,382.00  
Schedule III – Three Units, Tri-State Truck & Equipment, \$667,092.00

**(2) Replacement of 17 City Vehicles Scheduled in the City's Equipment Replacement Program for FY 2007/2008.** (Opened 9/25/07)

Recommend:

Schedules I & IV with trades & Schedules II & VIII without trades, Archie Cochrane Ford, \$151,490.00.

Schedules VII & XI with trades & Schedules III, V, & VI without trades, Denny Menholt Chevrolet, \$141,309.00.

**(3) Gasoline and Diesel Fuel Products Supply** (Opened 9/25/07) Recommend Town & Country Supply Association, \$2,019,550.50 based on Oil Pricing Information Services (OPIS). **APPROVED TO INCLUDE A BIODIESEL TEST AS PART OF THE BID SUBMITTAL.**

**(4) Cascade Pump 20 MF and 200 HP Motor – Wastewater Plant** (Opened 9/25/07) Recommend Cascade Pump Company, \$91,000.00.

**(5) SID 1379 – Utility and Street Improvements to King Avenue West from S. 31<sup>st</sup> Street West to Shiloh Road** (Opened 9/25/07) Recommend JTL Group, Inc., \$4,971,752.50.

**B. Declaring surplus property** and authorizing the Aviation and Transit staff to sell two aircraft and rescue fire fighting trucks through a competitive bidding process.

**C. Approval** of lease renewal for storage space at the Billings International Airport to the Bureau of Land Management, revenue first year \$3,532.95, revenue subsequent years adjusted by CPI.

**D. Assignment and Transfer** of west end hangar ground lease from John M. and/or Marcia N. Nash to James C. and/or Gail G. Heatherly.

**E. Acceptance** of Internet Crimes Against Children (ICAC) grant award in the amount of \$250,000.00.

**F. Approval** of contract with the State of Montana Department of Public Health and Human Services, Developmental Disabilities Division, for MET Transit specialized transportation, revenue FY07/08 of up to \$161,039, with three possible annual extensions.

**G. Maintenance Agreement** between the City of Billings and the State of Montana for state-owned highway within the city limits, 2-year term (7/1/07-6/30/09), annual revenue \$500,000; and **Special Projects Contract Maintenance Agreement** between the City of Billings and the State of Montana, 2-year term (7/1/07-6/30/09), annual revenue \$300,000.

**H. Acknowledging receipt of petition to annex #07-24:** 5.0 acres of Tract 1B, Certificate of Survey 1335, Amended, generally located just south of the

intersection of Wicks Lane and Hawthorne Lane, William Hanser, owner and petitioner, and setting a public hearing date of 10/22/07.

**I. Acceptance of Donation:** Approval and acceptance of in-kind volunteers and landscaping materials from Billings Heights Rotary Club for trees and shrubs for Castle Rock Park, \$2,000 landscape materials and 150 volunteer hours. **APPROVED**

**J. Second/final reading Ordinance #07-5432 for Zone Change #823:** A zone change from Residential 9600 to Neighborhood Commercial, Residential Professional, and Residential Multi-Family Restricted located on the southwest corner of the intersection of Central Avenue and Brookshire Boulevard, Legacy Homes, Inc., owner; Engineering, Inc., representative. Approval of zone change and adoption of Findings of Fact.

**K. Second/final reading Ordinance #07-5433 for Zone Change #824:** A zone change from Residential 9600 to Neighborhood Commercial, Residential Professional, and Residential Multi-Family Restricted located west of the corner of the intersection of Central Avenue and Brookshire Boulevard, Lydia Kramer Real Estate Management Trust, Douglas and Raymond Kramer, Powers of Attorney, owners; Engineering, Inc., representative. Approval of zone change and adoption of determination of the 12 criteria.

**L. Preliminary Plat** of E. D. King Subdivision, 2<sup>nd</sup> Filing, generally located on the southeast corner of Avenue E and Zimmerman Trail, conditional approval of the plat and adoption of the Findings of Fact.

**M. Final Plat** of Central West Subdivision.

**N. Final Plat** of Amended Lots 5 and 6, Block 11, Lake Hills Subdivision, 17<sup>th</sup> Filing.

**O. Final Plat** of Amended Lots 15A, 15B, 15C, and 15D; Block 3; Vista Heights Subdivision, 2<sup>nd</sup> Filing.

**P. Bills and Payroll**

- (1) September 7, 2007
- (2) September 14, 2007
- (3) August 1 – 31, 2007 (Municipal Court)

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

## **REGULAR AGENDA:**

2. **CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #820:** A text amendment to Section 17-705(C), BMCC, Commercial Sign Regulations. (Continued from 9/24/07) Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 10/22/07.**
3. **CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #821:** A text amendment to Sections 27-703, 27-705(c), 27-706(b), and 27-708, Electronic Signs. (Continued from 9/24/07) Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING WITH DIRECTION TO STAFF TO RESEARCH THE ISSUES OF SAFETY, LANDSCAPING, SEPARATION, SIZE, AND GRANDFATHERING AND REPORT THE FINDINGS TO COUNCIL AT THE 12/3/07 WORK SESSION. SECOND/FINAL READING ON 10/22/07.**
4. **PUBLIC HEARING AND 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.) **PUBLIC HEARING WAS HELD. ACTION DELAYED UNTIL 10/22/07**
5. (a) **PUBLIC HEARING AND APPROVAL** of quitclaim deed to Cabella's and South Billings Center, LLC, for property legally described as Lots 2A-2 and 2A-3, Block 1, of Amended Plat of Lot 2A of Amended Plat of Lots 2, 3, 4, & 5, Block 1, Miller Crossing Subdivision, at no cost to the City. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**  
  
(b) **APPROVAL AND ACCEPTANCE** of quitclaim deed from South Billings Center, LLC, for property legally described as Lot 2A-1, Block 1, of Amended Plat of Lot 2A of Amended Plat of Lots 2, 3, 4, & 5, Block 1, Miller Crossing Subdivision. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
6. **2007 CTEP PROJECT APPLICATIONS** funding construction of various community pedestrian and/or bicycle facilities. Staff recommends Council formulate a recommendation. (**Action:** approval or disapproval of staff recommendation.) **APPROVED WITH AMENDMENT TO MAINTAIN CURRENT CONDITION OF BLACK OTTER TRAIL AS PART OF DESIGN OF SWORDS PARK TRAIL.**

7. **PUBLIC HEARING AND RESOLUTION #07-18621** creating Special Improvement Lighting Maintenance District 303 – King Avenue West from 31<sup>st</sup> Street West to Shiloh Road. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
8. **PUBLIC HEARING AND RESOLUTION #07-18622** vacating a portion of South 12<sup>th</sup> Street West in exchange for dedication of an equal area of property from MDU at no cost to the City or MDU. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
9. **PUBLIC HEARING AND RESOLUTION #07-18623** vacating a portion of an alley between N. 29<sup>th</sup> Street and N. 30<sup>th</sup> Street north of 10<sup>th</sup> Avenue North for a value of \$71,750.00. Billings Clinic, petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
10. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annex #07-10: a 400.94-acre parcel legally described as the S1/2 SE1/4 of Section 8, T1N, R26E and the S1/2 SW1/4 of Section 9, T1N, R26E, Tract 1 of Certificate of Survey 2017, generally located northwest of the Lake Hills Golf Course and north of Matador Avenue in Billings Heights. Frank Sindelar, petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 10/22/07.**
11. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annex #07-21: an 8.868-acre parcel legally described as Tract 1C, Certificate of Survey 2991, generally located west of the intersection of Central Avenue and 29<sup>th</sup> Street West. Raymond and Douglas Kramer, Powers of Attorney for the Lydia Kramer Real Estate Management Trust, petitioners. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 10/22/07.**
12. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annex #07-22: an 8.868-acre parcel legally described as Tract 1B, Certificate of Survey 2991, generally located on the southwest corner of the intersection of Central Avenue and 29<sup>th</sup> Street West. Todd Icopini, petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 10/22/07**

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**

- **Ronquillo** asked why the Utilities Division did not accept credit cards for payment of water bills. City Administrator Volek stated the possibility was being looked into. She said the Parks Department currently accepted credit cards.

**ADJOURN** – The meeting adjourned at 12:20 a.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)

#### OCTOBER:

10/01/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
10/02/2007	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 Library Council Chambers Airport
10/03/2007	Board of Adjustment	6:00 p.m.	Council Chambers
10/04/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
10/08/2007	COLUMBUS DAY – CITY OFFICES CLOSED		
10/09/2007	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
10/10/2007	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
10/11/2007	Library Board Committee on Homelessness	NOON 2:00 p.m.	Library 3 <sup>rd</sup> Floor Library
10/15/2007	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
10/16/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
10/18/2007	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
10/22/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
10/23/2007	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
10/24/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board	1:00 p.m. NOON	CH Conference Room 4 <sup>th</sup> Floor Library
10/25/2007	Yellowstone County Board of Health (Note: November and December meetings to be combined at a date decided in October)	7:00 a.m.	Community Health Center
10/30/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room

10/31/2007	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North
------------	-------------------	------	-----------------------------------

**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 Council Chambers
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 Traffic Control Board	1:00 p.m. NOON NOON	CH Conference Room 2415 1 <sup>st</sup> Avenue North 4 <sup>th</sup> Floor Library