

# **COUNCIL ACTION SUMMARY**

## **CITY OF BILLINGS**

### **CITY OF BILLINGS VISION STATEMENT:**

***“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”***

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## **AGENDA**

**COUNCIL CHAMBERS**

**June 9, 2008**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Tussing

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember Ulledalen

**ROLL CALL** – Members present on roll call were: Ronquillo, Gaghen, Pitman, Stevens, Veis, Ruegamer, McCall, Ulledalen, Astle, Clark

**MINUTES** – May 27, 2008, pending

**COURTESIES** – Worksite Wellness Bronze Award

**Sports Illustrated article “70 Day Journey” which includes a stop  
in Billings at Dehler Park**

**Acknowledge success of Toxic Waste Roundup**

**PROCLAMATIONS** – Community Stance Against Drugs and Violence Day, June 14

**ADMINISTRATOR REPORTS** – Tina Volek

- City Administrator Volek reminded Council that the Agenda Review meeting was scheduled for the following evening at 5:30 p.m. in the City Hall Conference Room.
- Ms. Volek listed the following additional items that were not included in the agenda packet:
  - ✓ ITEM 1A – A list of appointments to Boards and Commissions was sent in the Friday packet and located in the Ex-Parte notebook in the back of the room.
  - ✓ ITEM 4 – Revised fee increase information for the Planning Division was sent in the Friday packet and located in the Ex-Parte notebook in the back of the room.
  - ✓ ITEM 5 – Revised resolution setting FY 2009 mill levy rates was sent in the Friday packet and located in the Ex-Parte notebook in the back of the room.
  - ✓ ITEM 7 – Revised resolution and Exhibit A approving and adopting the FY 2008-2009 budget was sent in the Friday packet and located in the Ex-Parte notebook in the back of the room.

- ✓ ITEM 7 – A letter from the Billings Chamber of Commerce City Budget Task Force was distributed at the meeting and located in the Ex-Parte notebook in the back of the room.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 1 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.)*

- **Kevin Nelson, 4235 Bruce Avenue**, addressed Items S & T and asked if a development agreement was signed for those projects. He said the City provided services and if the projects didn't reach completion, the City had no recourse without a development agreement.

**CONSENT AGENDA:**

**SEPARATIONS: A, R, S, T**

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

	Name	Board/Commission	Term	
			Begins	Ends
1.		Board of Appeals	06/09/08	12/31/11
2.		Exchange City Golf Corporation	06/09/08	12/31/10
3.	Leonard Smith Jr.	Mayor's Committee on Homelessness	06/09/08	12/31/10
4.	Ken Chase	Mayor's Committee on Homelessness	06/09/08	12/31/08
5.		Human Relations Commission	06/09/08	12/31/10
6.		Human Relations Commission	06/09/08	12/31/10
7.	Leticia Moore	Parking Advisory Board	06/09/08	12/31/09
8.	David Hummel	Public Utilities Board	06/09/08	12/31/11
9.	Linda Gallagher	TBID Board	06/09/08	09/01/08
10.	Joyce Bratland	TBID Board	06/09/08	09/01/09

3. Unexpired term of Jacquelyn Wagner
4. Unexpired term of Dustin Machler
5. Unexpired term of Shoshana Tom
6. Unexpired term of Jean Smith

7. Unexpired term of Ken Nicholson
9. Unexpired term of Chris Ervin
10. Unexpired term of Chris Walters

**APPROVED**

**B. Bid Awards**

(1) **W.O. 07-14, Moore Lane and Monad Road Water and Sewer Improvements** (opened 5/27/08). Recommend Western Municipal Construction, \$130,621.00.

(2) **SID 1379 King Avenue West – Landscaping Design.** Bid opening delayed to June 10, 2008. Recommend delay of award to June 23, 2008.

**C. Approval** of Assignment of the West End Hangar Ground Lease with Russell Schmitt to Western Security Bank for financing purposes, at no cost to the City.

**D. Approval** of Two (2) West End Hangar Ground Leases with John M. and/or Marcia A. Nash to Western Security Bank for financing purposes, at no cost to the City.

**E. Montana Department of Transportation Utility Agreements (2) for the Airport Road project:**

(1) MDT and City of Billings: Lowering of two water mains to allow construction of the "G Line" portion of the project, MDT pays 75%; City's share is 25% of project, estimated \$24,000.

(2) MDT and City of Billings: Utility work in proposed right-of-way, MDT pays 46.75%; City's share is 25% of utility relocations, 8% for traffic control, 8% for mobilization, 12.25% for indirect costs, estimated \$50,000.

**F. Approval** of Vehicle Lease Agreement with Underriner Motors for six (6) vehicles, 7/1/08-6/30/09, for City County Special Investigations Unit (CCSIU), \$27,000.

**G. Acknowledge receipt of Petition to Vacate** the alley within Block 260 of Billings Original Townsite for a value of \$6,875 and set a public hearing for July 14, 2008. Aaron Sparboe, petitioner.

**H. Resolution #08-18713** closing Special Improvement/Sidewalk Bond Debt Funds to SID Revolving Fund, \$10,154.28 to the City.

**I. Memorandum of Understanding (MOU)** between the City of Billings and Billings Public Schools for two (2) middle school resource officers, 7/1/08-6/30/09, \$52,000 to the City.

**J. Memorandum of Understanding (MOU)** between the City of Billings and Billings Public Schools for three (3) high school resource officers, 7/1/08-6/30/09, \$62,400 to the City.

**K. Acceptance of Sidewalk Easements (2) for SID 1379 – King Avenue West:**

- (1) Shiloh Glen Apartments, northwest corner of King Avenue West and Olympic, no cost to the City.
- (2) Town Pump, intersection of 32<sup>nd</sup> Street West and King Avenue West, no cost to the City.

**L. Street Closures:**

(1) Expert Tire, 9:00 a.m. - 4:00 p.m., 6/21/08, North 31<sup>st</sup> Street between Montana and 1<sup>st</sup> Avenue North.

(2) Yellowstone Health Partnership Fun Run/Walk, 7:00 a.m. - 10:00 a.m., 6/22/08, commencing at 2<sup>nd</sup> Avenue South and South 26<sup>th</sup>, east to South 25<sup>th</sup> Street, south to 6<sup>th</sup> Avenue South, west to South 37<sup>th</sup> Street, north to 2<sup>nd</sup> Avenue South, east to South 28<sup>th</sup> Street, south to 9<sup>th</sup> Avenue South, west to South 31<sup>st</sup> Street, north to the 6<sup>th</sup> Avenue South entrance of South Park.

(3) Reporter Big Sky Office, American Cancer Society Benefit Car Show, 7:00 a.m. - 4:00 p.m., 6/21/08, North 14<sup>th</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenue North.

(4) Downtown Billings Association Events:

(a) Alive After 5, 3:00 p.m. - 9:00 p.m., 7/17/08, North 30<sup>th</sup> Street between 1<sup>st</sup> Avenue North and 2<sup>nd</sup> Avenue North

(b) Alive After 5, 3:00 p.m. - 9:00 p.m., 7/31/08, North 29<sup>th</sup> Street between Montana Avenue and 1<sup>st</sup> Avenue North

**M. Approval** of grant application and acceptance of the 2008 Technology Grant award to purchase a Crime Scene Investigation Vehicle for Police Department, \$177,077.

**N. Approval** of grant application and acceptance of the 2008 Technology Grant award to purchase digital video cameras for approximately one-half of the police vehicles, \$205,766.

**O. Resolution #08-18714** for Temporary Suspension of the Camping Ordinance for BLM's annual seasonal fire mobilization operation at Billings Logan International Airport, 7/1/08-10/31/08, at no cost to the City.

**P. Second/Final reading Ordinance #08-5465 for Zone Change #838:**  
Approval of a zone change and adoption of the 12 criteria for property in a Planned Development (PD) with underlying zoning of Public (P) to an underlying zoning district of Highway Commercial (HC) on a .75-acre parcel of land legally described as a portion of Lots 1-4 & 15 of Amended Lot 15A, Block 2, Southgate Subdivision, 1<sup>st</sup> Filing, located directly east of 5379 Southgate Drive. City of Billings, owner; Bruce McCandless, Assistant City Administrator, agent.

**Q. Second/Final reading Ordinance #08-5466 for Zone Change #839:**  
Approval of a zone change and adoption of the 12 criteria for a change from Residential 9600 (R-96) to Neighborhood Commercial (NC) on Lots 3 through 7, Block 9, Central

Acres Subdivision, 5<sup>th</sup> Filing, located at 3133 Central Avenue. Charles Haynes, Ira & Ruth Park, and Alan Oster, owners; Gerald Neumann, agent.

**R. Second/Final reading Ordinance #08-5467 for Zone Change #840:**

Approval of a zone change and adoption of the 12 criteria for a change from Residential Multi-Family-Restricted (RMF-R) to Residential Professional (RP) on Lot 4A, Block 2, Goodman Subdivision, 4<sup>th</sup> Filing, described as a 67,110 square foot parcel of land on the southeast corner of the intersection of 41<sup>st</sup> Street West and Avenue C. Randall Swenson, Steve Repac and Jeff Muri, owners; Engineering, Inc., agent. **APPROVED 10 TO 0. COUNCILMEMBER ULLEDALEN RECUSED HIMSELF FROM THE VOTE.**

**S. Second/Final reading Ordinance #08-5468 for Zone Change #841:**

Approval of a zone change and adoption of the 12 criteria for a change from Residential 7000 (R-70) to Entryway General Commercial (EGC) on Lot 1, Block 5, Pinnick Subdivision, 3<sup>rd</sup> Filing, less the north 110 feet; described as a 3.043-acre parcel generally located on the northeast corner of the intersection of Newman Lane and King Avenue East; Christ the King Lutheran Church, owner; Kristin Omvig and Jared LeFevre of Crowley, Haughey, Hanson, Toole & Dietrich Law Firm, agents. **APPROVED 8 TO 3. COUNCILMEMBERS GAGHEN, STEVENS AND VEIS VOTED 'NO.'**

**T. Second/Final reading Ordinance #08-5469 for Zone Change #842:**

Approval of a zone change and adoption of the 12 criteria for a change from Residential 9600 (R-96) to Entryway General Commercial (EGC) on Tract 1 of C/S 2350; a 4.34-acre parcel generally located on the northeast corner of King Avenue East and Calhoun Lane; Robert Medvec, owner; Kristin Omvig and Jared LeFevre of Crowley, Haughey, Hanson, Toole & Dietrich Law Firm, agents. **APPROVED 8 TO 3. COUNCILMEMBERS GAGHEN, STEVENS AND VEIS VOTED 'NO.'**

**U. Second/Final reading Ordinance #08-5470 for Zone Change #843:** A text amendment to Section 27-1502(b) of the Unified Zoning Regulations requiring that a pre-application neighborhood meeting be held within a 2-mile radius of the subject property of a proposed zone change.

**V. (a) Second/Final reading Ordinance #08-5471 Model Cable TV Ordinance.**

**(b) Second/Final reading Ordinance #08-5472** repealing existing Cable TV Franchise Ordinance and enacting new Franchise Ordinance with Bresnan Communications.

**W. Preliminary Plat** of Tract 1 of C/S 1531 and Tract 2 of C/S 193, Chalice Acres Subdivision, conditional approval of the plat and adoption of the Findings of Fact.

**X. Final Plat** of Brookshire Subdivision.

**Y. Cancellation** of Checks and Warrants, \$24,380.49

**Z. Bills and Payroll**

- (1) May 9, 2008
- (2) May 16, 2008

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

**REGULAR AGENDA:**

2. **RESOLUTION #08-18715** ordering construction of improvements for W.O. 02-08, Milton Lane School Route, \$480,500 total project cost. (Continued from 5/27/08) Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION #08-18716** approving the disposal of City property, approval of Right-of-Way Easement and Right-of-Way Agreements to Montana Department of Transportation for Airport Road Project MT 009. Subject property is described as 11 acres adjacent to the existing Highway 3 Corridor, beginning at the east end of the Airport property and west to approximately the Airport Operations Building, \$184,400 revenue, less \$23,775 returned to the FAA, for net revenue of \$160,625. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTION #08-18717** adopting a new fee schedule for various applications and services rendered by the Planning Division. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **NEW FEES AND 10% INCREASE OF EXISTING FEES APPROVED 8 TO 3. COUNCILMEMBERS GAGHEN, ULLEDALEN AND ASTLE VOTED 'NO.'**
5. **PUBLIC HEARING AND RESOLUTION #08-18718** setting FY 2009 mill levy rates for the General Fund, Transit Operating Fund, Library Operating Fund, and Public Safety I Fund. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
6. **PUBLIC HEARING AND RESOLUTIONS** setting annual FY 2009 assessments for the Park Maintenance Districts-#08-18719; Light Maintenance Districts-#08-18720; Fire Hydrant Maintenance-#08-18721; Street Maintenance-#08-18722; Storm Sewer-#08-18723; Arterial Construction-#08-18724; Business Improvement District-#08-18725; Residential/Commercial Collection, Disposal, and Landfill Fees-#08-18726; and Tourism Business Improvement District-#08-18727. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

7. **PUBLIC HEARING AND RESOLUTION #08-18728** approving and adopting the FY 2008-2009 Budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 3.**  
**COUNCILMEMBERS STEVENS, ULLEDALEN AND CLARK VOTED 'NO.'**

8. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward 1 to include recently annexed property in Annex #08-07, a 4.76-acre property legally described as Tract 1, C/S 2350 and located on the northeast corner of King Avenue East and Calhoun Lane. Robert Medvec, owner and petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

9. **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.)

- **Kevin Nelson, 4235 Bruce Avenue**, stated that City resources and dollars were used for engineering and installation of City services for recently annexed property. He said the same services were installed on Clevenger Avenue and those residents had to pay for the services with an SID.

## **Council Initiatives**

- **RUEGAMER** Moved to direct Parks and Recreation staff to check the feasibility of: 1) selling naming rights for small, unnamed parks; 2) implementing fees for folf and/or folf tournaments; and 3) selling memorials in City parks, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.
- **PITMAN** Moved to direct Planning staff to draft a text amendment to the vertical siding requirements to allow certain types of vertical siding on detached accessory structures and still prohibit vertical metal siding and other similar plastic or steel siding in residential zoning districts, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.
- **MCCALL** Formally requested an update of Right-of-Way Acquisitions

**ADJOURN** – The meeting adjourned at 8:46 p.m.

**Visit our Web site at:**  
**<http://ci.billings.mt.us>**

## CALENDAR

### (Council AND Boards & Commissions)

#### JUNE:

6/02/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> Street
6/03/2008	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 Terminal
6/04/2008	Board of Adjustment	6:00 p.m.	Council Chambers
6/05/2008	EMS Commission Human Relations Commission	7:00 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
6/09/2008	Energy & Conservation Commission Council REGULAR MEETING	3:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Road Council Chambers
6/10/2008	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 <sup>th</sup> Floor Library
6/11/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> Street
6/12/2008	Library Board Committee on Homelessness	NOON 2:00 p.m.	3 <sup>rd</sup> Floor Library 3 <sup>rd</sup> Floor Library
6/16/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> Street
6/17/2008	Yellowstone Historic Preservation Bd	8:00 a.m.	4 <sup>th</sup> Floor Library
6/19/2008	Tourism Business Improvement District Board Public Utilities Board	8:30 a.m. 6:30 p.m.	Chamber of Commerce 815 S. 27 <sup>th</sup> Street Public Works-Belknap 2251 Belknap Avenue
6/23/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
6/24/2008	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
6/25/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room

**JULY:**

7/01/2008	Community Development Board Zoning Commission Council Agenda Setting Meeting Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m. CANCELLED	4 <sup>th</sup> Floor Library Council Chambers CH Conference Room
7/02/2008	Board of Adjustment	6:00 p.m.	Council Chambers
7/03/2008	Human Relations Commission EMS Commission - CANCELLED	12:15 p.m.	CH Conference Room
<b>7/04/2008</b>	<b>INDEPENDENCE DAY – CITY OFFICES CLOSED</b>		
7/07/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> Street
7/08/2008	Parking Advisory Board Planning Board	4:00 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
7/09/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> Street
7/10/2008	Library Board Committee on Homelessness	NOON 2:00 p.m.	3 <sup>rd</sup> Floor Library 3 <sup>rd</sup> Floor Library
7/14/2008	Energy & Conservation Commission	3:00 p.m.	Billings Operations Ctr. 4848 Midland Road
	Council REGULAR MEETING	6:30 p.m.	Council Chambers
7/15/2008	Yellowstone Historic Preservation Bd Council Agenda Setting Meeting	8:00 a.m. 5:30 p.m.	4 <sup>th</sup> Floor Library CH Conference Room
7/17/2008	Tourism Business Improvement District Board	8:30 a.m.	Chamber of Commerce 815 S. 27 <sup>th</sup> Street
7/21/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> Street
7/22/2008	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
7/23/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room
7/28/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
7/29/2008	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room