

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

July 14, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Astle

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Stevens, Veis, Ruegamer, McCall, Ulledalen, and Astle. Councilmember Clark was excused.

MINUTES – June 23, 2008, approved as presented.

COURTESIES – None

PROCLAMATIONS – None

ADMINISTRATOR REPORTS – Tina Volek

- ✓ Ms. 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 referenced the request to delay action on Item 5 from Shawn Wickhorst of KRP, LLC, until September 8, 2008, that was distributed that evening and located in the Ex-Parte notebook in the back of the room.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 2 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.)

- **Rick Leuthold, Billings**, presented a check in the amount of \$3,000.00 from The Rotary Club of Billings to Parks, Recreation and Public Lands Director Mike Whitaker to provide trees for Dehler Park.
- **Patrick Reichert, Our Lady of Guadalupe Church**, urged Council to deny the street closure for Viva La Fiesta as it would be disruptive to the church's functions and parking.

CONSENT AGENDA:

SEPARATIONS: A1, J2, M

1. A. Bid Awards:

(1) W.O. 03-07, Alkali Creek Multi-Use Path – Segment 1B (Main Street Tunnel). No recommendation for contract award due to no bids received by the bid deadline. **APPROVED. Mayor Tussing recused himself from the vote.**

(2) W.O. 04-36, Briarwood Sewer Main Extension. (Opened June 24, 2008). Recommend COP Construction, \$5,089,781.00 plus 10% contingency (\$508,978.10) for a total of \$5,598,759.10.

(3) W.O. 07-22, King Avenue East road construction. (Opened July 1, 2008). Recommend delay of award to July 28, 2008.

(4) Waukesha Engine Generator Control Upgrade for Wastewater Division. (Opened June 24, 2008). Recommend Winn-Marion Barber, LLP, \$134,911.00.

B. Agreement with Billings Housing Authority to fund one Police Officer, July 1, 2008, through December 31, 2008.

C. Approval of Commercial Aviation Ground Lease with Edwards Jet Center for the Airport's Commercial Lot 2 parcel. Five-year term, annual revenue, \$12,220.44.

D. Amendment #1 to Non-Commercial Aviation Ground Lease with Williams Enterprises to correct and update the legal description. Annual revenue increase, \$221.52.

E. Assignment and Transfer of the Non-Commercial Aviation Ground Lease from Williams Enterprises to B&J Properties Limited, LLC.

F. Amendment #1 to Limited Commercial Aviation Ground Lease with Corporate Jet, LLC to correct and update the legal description. Annual revenue increase, \$208.80.

G. Amendment #2, W.O. 07-22, King Avenue East, Professional Services Contract, HDR Engineering, \$175,360.00.

H. Amendment to Certified Local Government Program Grant Contract with the State of Montana Historic Preservation Office to send a Yellowstone Historic Preservation Board member to the Montana History Conference in October, 2008, \$500.

I. W.O. 05-20 Aronson Avenue, amendments to the plat of Sahara Sands Park and certificate of survey for Swords Park to add road tracts and right-of-way.

J. Street Closures:

(1) Billings Clinic's Classic Street Party; N. Broadway between 3rd Avenue N. and 4th Avenue N. from midnight August 22, 2008, through 5:00 p.m. August 24, 2008; and the alley between 3rd and 4th Avenues North from 9:00 p.m. August 22, 2008, through 5:00 a.m. August 24, 2008.

(2) Viva La Fiesta; South 28th and South 29th on 6th Avenue South on July 25, 26, and 27, 2008, from 4:00 p.m. on July 25 until 6:00 p.m. July 27, 2008. Delayed from June 23, 2008. **DENIED. Councilmember Ronquillo recused himself from the vote.**

K. Acceptance of donation from The Rotary Club of Billings to provide trees for Dehler Park, \$3,000.00.

L. Acceptance of Homeland Security Grant for the purchase of confined space/rescue equipment for the Fire Department, \$20,248.00.

M. Approval of grant application to the Montana Tourism Infrastructure Investment Program to provide a bridge connection over the Montana Rail Link tracks in the downtown historic district, \$50,000.00. **APPROVED. Mayor Tussing recused himself from the vote.**

N. Approval of grant application and acceptance of the 2008 Justice Assistance Grant (JAG) for replacement of lightbars on police vehicles, \$11,390.00.

O. Resolution #08-18734 acknowledging approval of the Department of Natural Resources and Conservation (DNRC) for the sale and delivery of revenue bonds for the Briarwood sanitary sewer extension, \$7,400,000.00.

P. Preliminary Plat of Lake Hills Subdivision, 14th Filing, Amended Lots 4, 5, and 7 through 11, Block 46.

Q. Final Plat of Miller Crossing Subdivision, 2nd Filing.

R. Final Plat of Shiloh Crossing Subdivision, Amended Lot 4, Block 1.

S. Bills and Payroll

- (1) June 6, 2008
- (2) June 13, 2008
- (3) June 20, 2008

(Action: approval or disapproval of Consent Agenda.)

APPROVED

REGULAR AGENDA:

2. **RESOLUTION APPROVING AND ADOPTING FOURTH QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2007/2008** (item #3 delayed from June 23, 2008). Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **DELAYED UNTIL JULY 28, 2008.**
3. **PUBLIC HEARING AND RESOLUTION #08-18735 AUTHORIZING THE SALE OF PORTIONS OF OLYMPIC PARK AND THE SHILOH DRAIN ACCESS PROPERTY.** A transfer of City-owned property, located in the right-of-way along Shiloh Road, to Montana Department of Transportation for the Shiloh Road Project. Subject property is generally described as Parcels 22, 25, 31 and 83 on Montana Department of Transportation Project MT 1031(4). Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION #08-18736 VACATING THE ALLEY WITHIN BLOCK 260 OF BILLINGS ORIGINAL TOWN,** Aaron Sparboe, petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
5. **PUBLIC HEARING FOR SPECIAL REVIEW #862:** A special review to remove a condition of approval from Special Review #836 and Special Review #841 restricting vehicle access across the west property line to adjacent property on a 2.303 acre parcel of land in a Controlled Industrial (CI) zone, on Lot 11A-1, CBH Industrial Park Subdivision at 1911 King Avenue West. KRP, LLC, owner, Blueline Engineering, agent. Delayed from June 23, 2008, at applicant's request. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **DELAYED UNTIL SEPTEMBER 8, 2008.**
6. **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.*)
 - **Catherine Schaeffer, 2113 Walter Road,** said she was not against privatization of the Animal Shelter but was against an inexperienced animal rescue group running it.
 - **Kevin Nelson, 4235 Bruce,** said Councilmember Stevens should be charged with a misdemeanor based on the evidence found at the Board of Ethics hearing.
 - **Sandra Wulff, 2942 Old Hardin Road,** requested Councilmember Stevens' resignation from the City Council because she felt she used her influence as a councilmember to push through a proposal to privatize the Animal Shelter.

- **Susan Grasso, Moon Valley Road**, said she trapped feral cats in the City for over 20 years and did not implicate Ms. Wulff in the number of cats she trapped.
- **Dave Bovee, 424 Lewis**, said he did not know who would staff the shelter if it was privatized and that better funding for what was in place was a solution.
- **Sarah** (last name inaudible), **2619 Woody Drive**, said the proposal submitted by the Yellowstone Valley Animal Shelter was a good framework to run the Animal Shelter
- **Heather Cunning, Hemlock Dr**, agreed that the Yellowstone Valley Animal Shelter proposal was a good framework to run the Animal Shelter because no other animal rescue group could do it, and there was too much trouble between the groups.
- **Angie Cook, 2910 Hannon Road**, said she did not think it was fair that Councilmember Stevens could ask questions. She said she had a problem with the way the proposal was presented and that it was not sent to other groups in the state so they could bid too.
- **Kelly Sondeno, Fromberg**, said she was in favor of the privatization of the Animal Shelter, and it should go forward.

Council Initiatives

- **Ruegamer:** Commented that he was disappointed in the rescue groups and the bickering and fighting among them. He said he had not heard any suggestions for improvement.
- **Astle:** Moved to repair and strengthen the ordinance regarding both licensed and unlicensed vehicles parked on the streets long-term, seconded by Councilmember Ronquillo. **UNANIMOUSLY APPROVED.**
- **Stevens:** Moved to direct staff to revise the letter sent to victims of graffiti violations, seconded by Councilmember Pitman. **UNANIMOUSLY APPROVED.**
- **Astle:** Moved to direct staff to research the possibility of commuter parking areas for bus riders, seconded by Councilmember Stevens. **APPROVED 9-1. Councilmember Veis voted 'No.'**
- **McCall:** Commented that Dehler Park was wonderful but the public water fountains were missing. City Administrator Volek advised that staff was aware of that and was working to install them.
- **Gaghen:** Commented that the yield signs at the King Avenue West Roundabout may need to be bigger because she had heard concerns that people were not yielding as required.

7. EXECUTIVE SESSION - Litigation

- **Matt Hagengruber, Billings Gazette** asked what litigation would be discussed at the Executive Session. Mayor Tussing stated there was potential litigation with MMIA. Mr. Hagengruber said he felt MMIA was a public entity

and the Executive Session could not be closed to the public. He said the Billings Gazette objected to the Executive Session.

Council adjourned to Executive Session at 8:15 p.m.
Council returned to Regular Meeting at 8:30 p.m.

Astle: Moved to delay the Executive Session until the July 21, 2008, Work Session to allow legal staff to determine if it needed to be held in an open session and to provide a definition of litigation. Seconded by Councilmember Ruegamer.
APPROVED.

ADJOURN – The meeting adjourned at 8:40 p.m.

(NOTE: Additional information on any of these items is available in the City Clerk's Office)

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Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.

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