

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

August 11, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember McCall

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

MINUTES – July 28, 2008, approved as presented

COURTESIES – Mayor Tussing and Councilmember Gaghen recognized Billings Firefighters who donated time to assist with the recent MDA lockup event, and the “Fill the Boot” campaign during the past weekend.

PROCLAMATIONS -- None

ADMINISTRATOR REPORTS – Tina Volek

- ✓ Ms. Volek reminded Council of the Agenda Review Meeting for the August 25, 2008, council meeting, scheduled for the following evening at 5:30 p.m. in the City Hall Conference Room.
- ✓ Ms. Volek advised that revised documents for Items #4a, #4b and #4c were included in the Friday packets and a copy of each was in the Ex-Parte notebook in the back of the room.
- ✓ Ms. Volek advised that three letters regarding Item #4 were forwarded to Councilmembers by email or mail and were included in the Ex-parte notebook in the back of the room.
- ✓ Ms. Volek referenced Item #5b and noted that Montana Rail Link planned to bid the project, but the City had not received indemnification from them. She said staff was recommending approval of the item contingent upon provision of indemnification.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, 4, 5 and 6. 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.)

- **Joe White, Billings, MT**, said the City did not have room for expansion for a store the size of Cabela's and he preferred a catalog or mail order operation.
- **Mark Isaac, Carlsbad, CA**, said he represented Foursquare Properties and was available to answer questions regarding Item #4.
- **Kevin Nelson, 4235 Bruce**, distributed a letter to Council and asked for reimbursement of his SID with tax increment funds or arterial street fees.

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

CONSENT AGENDA: Separations: None

1. A. **Bid Awards:**
 - (1) **City Parking Garage Painting.** (Opened July 29, 2008). Recommend ACOM Painting, Inc., \$394,500.00.
 - (2) **W.O. 08-03, 2008 Street Maintenance Contract No. 1, Street Overlay Maintenance Project.** (Opened July 29, 2008). Recommend Knife River, \$805,082.60.
 - (3) **W.O. 08-04, 2008 Accessibility Ramps.** (Opened July 29, 2008). Recommend J & J Concrete, \$259,256.00.
- B. **Agreement** with Yellowstone County Council on Aging for senior programs at the Billings Community Center, July 1, 2008 – June 30, 2009, \$26,620.
- C. **Approval** of Assignment of Sarpy Creek Land Company, LLC Non-Commercial Aviation Ground Lease to Yellowstone Bank for financing purposes, with no financial impact to the City.
- D. **Declaring Surplus Property** and authorizing the Police Department to release 15 mobile data terminals to the Red Lodge Police Department.
- E. **Approval** of easement with Montana Dakota Utilities to relocate natural gas lines at Billings Logan International Airport for Airport Road Project MT (009).
- F. **Approval** of easement with NorthWest Energy to relocate electrical power lines at Billings Logan International Airport for Airport Road Project MT (009).
- G. **Approval** of easement with Gold Creek Cellular of Montana Limited Partnership DBA Verizon Wireless to extend a fiber optic line to existing cell tower at Billings Logan International Airport.

H. Street Closure: March of Dimes Boogie for Babies; N. 28th Street between 1st Avenue N. and 2nd Avenue N. from 3:00 p.m. to 10:00 p.m. September 4, 2008.

I. Approval of 2007 High Intensity Drug Trafficking Area (HIDTA) Grant award increase of \$6,620, to purchase a body wire receiver and three 14-hour memory cards.

J. Approval of Domestic Violence Unit & Victim Witness Assistance Sub-grants from the Montana Department of Justice, Board of Crime Control, \$90,000 total award.

K. Resolution of Intent #08-18739 to construct W.O. 08-17, Glenhaven Stormwater Improvement, and set a public hearing date for September 8, 2008.

L. Second/Final Reading Zone Change #845: A zone change from Residential 9600 to Residential 6000 on a .85-acre parcel located on the southeast corner of the intersection of Monroe Street and Madison Avenue and addressed as 203 Monroe Street. Daniel Dimich and Patricia Rodriguez, applicants; Charles Hamwey, agent.

M. Preliminary Plat of Tuscany Subdivision, located on approximately 115 acres east of Ironwood Estates and north of Yellowstone Country Club Estates, conditional approval of the plat and adoption of the Findings of Fact.

N. Final Plat of Chalice Acres Subdivision.

O. Bills and Payroll
(1) July 14, 2008
(2) July 18, 2008

(Action: approval or disapproval of Consent Agenda.)

APPROVED

REGULAR AGENDA:

2. RESOLUTION #08-18740 RELATING TO POOLED SPECIAL IMPROVEMENT DISTRICTS BOND, AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE. A resolution authorizing the sale of up to \$1,075,000 in pooled bonds to finance SID 1378, SID 1379, SID 1380 and SID 1383. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

3. RESOLUTION #08-18741 RELATING TO POOLED SIDEWALK BONDS, AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE. A resolution authorizing the sale of \$230,000 in bonds to finance

W.O. 04-12, Alkali Creek improvements and W.O. 06-18, Broadwater Avenue Subdivision Phase V improvements. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

4. KING AVENUE EAST IMPROVEMENTS

(a) RESOLUTION #08-18742 CREATING SPECIAL IMPROVEMENT DISTRICT 1385, KING AVENUE EAST, for King Avenue East road construction and improvements between Orchard and South Billings Boulevard. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO.'**

(b) RESOLUTION #08-18743 RELATING TO KING AVENUE EAST SPECIAL IMPROVEMENT DISTRICT BONDS, AUTHORIZING THE ISSUANCE AND CALLING FOR A PUBLIC SALE. A resolution authorizing the public sale of \$5,360,000 in Special Improvement District bonds for the design and construction of improvements on King Avenue East between Orchard and South Billings Boulevard. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO.'**

(c) DEVELOPMENT AGREEMENT BETWEEN FOURSQUARE PROPERTIES AND CABELAS. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO.'**

(d) BID AWARD: W.O. 07-22, King Avenue East plus Alternate #1. (Opened July 1, 2008.) Delayed from July 14 and July 28, 2008. Recommend Knife River, \$3,068,058.05, contingent on receipt of letter of credit securing the improvements. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO.'**

5. (a) RESOLUTION #08-18744 AMENDING RESOLUTIONS 07-18636 AND 08-18680 AND AMENDING THE DOWNTOWN BILLINGS PARTNERSHIP DEVELOPMENT AGREEMENT. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

(b) UPGRADE AND MAINTENANCE AGREEMENT, W.O. 03-17, RAILROAD QUIET ZONE, WITH MONTANA RAIL LINK. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED, CONTINGENT UPON INDEMNIFICATION FROM MONTANA RAIL LINK.**

6. RESPONSE TO MONTANA MUNICIPAL INSURANCE AUTHORITY'S REQUEST FOR REIMBURSEMENT/CONTRIBUTION. Staff

recommends approval of Alternative Four. (**Action:** approval or disapproval of staff recommendation.) **ALTERNATIVE #1 APPROVED 7-4. COUNCILMEMBERS VEIS, ASTLE AND MCALL, AND MAYOR TUSSING VOTED 'NO.'**

7. 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.)

- **Susan Grasso, 1005 Moon Valley Road**, said she would respond to Councilmember Ruegamer's request for suggestions to improve the Billings Animal Shelter. She recommended the YVAS work with the current Animal Shelter in specific functions for one year rather than privatization right now because that group was inexperienced in animal rescue.
- **Kevin Nelson, 4235 Bruce Avenue**, said he wanted to correct a statement made previously in the meeting and that he currently paid an SID on his property for a sewer. He also said the 2008-09 budget included \$4.9 million for road improvements but the staff report for Item #4a indicated there were no budgeted funds for the project, and he wondered if those funds would be returned to taxpayers. He expressed concern about Item #5b that would use 27th Street TIF District money to fund maintenance for a railroad crossing not in that TIF District.

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

Council Initiatives

- Mayor Tussing advised a committee was needed to recommend criteria and a process for the City Administrator's evaluation. Councilmembers Ronquillo, Ruegamer, McCall, and Astle volunteered for the committee. The formal selection will be an agenda item on the August 25, 2008, council meeting.

ADJOURN – The meeting adjourned at 8:30 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.

