

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

September 8, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ulledalen

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

MINUTES – August 25, 2008, approved as corrected.

COURTESIES -- Councilmember Gaghen acknowledged Recreation Superintendent Joe Fedin's photography for the Dehler Park commemorative envelope and stamp that was unveiled at the Friday evening Mustang game at Dehler Park.

PROCLAMATIONS – None

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Volek advised the following items were filed in the Ex-Parte Notebook in the back of the room for public reference.
 - ✓ Item 1A2 – Additional background for award of two new fire trucks, which was also distributed in the Friday packets.
 - ✓ Item J – Revised staff memo and grant application which reflected updated amounts.
 - ✓ Items 1K, 3 and 7 – Revised resolution and additional information regarding the terms of bond sales and the FY 2009 mill levy rates.
 - ✓ Item 4 -- A letter from Special Review #862 applicant which outlined additional options that were acceptable to both landowners.
- Ms. Volek referenced an initiative approved at a previous Council meeting regarding discontinuing Agenda Review Meetings and advised that those meetings were not required by a resolution.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3 and 11 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.)

CONSENT AGENDA:

Separations: 1A2, 1I3

1. A. Bid Awards:

(1) Non-Commercial Aviation Building and Ground Lease for City-Owned Hangar located at 2431 Overlook Drive. (Opened 8/26/08). Recommend delay of award to September 22, 2008.

(2) Two Current Model Year Fire Apparatus. (Opened 8/19/08) Delayed from 8/25/08. Recommend Sutphen Corporation, \$808,776. **APPROVED**

B. Approval of annual Data Processing Agreement with Yellowstone County Sheriff's Department, July 1, 2008 -- June 30, 2009, \$89,761.00 annual revenue.

C. Approval of two West End Hangar Ground Leases with John M. and/or Marcia A. Nash, Lots 3 and 4, Taxilane "D"; \$2,044.24 total first-year revenue.

D. Approval of Assignment of John M. and/or Marcia A. Nash West End Hangar Ground Lease to Hat Creek Hangar Co., LLC; \$975.75 first year revenue.

E. Acknowledge Receipt of Petition to Annex #08-08: 55.45 acres described as Tracts 7-A and 6-A-1, Certificate of Survey 2314 and Tract 1-A-1, Certificate of Survey 2702, generally described as the south side of Grand Avenue between 30th Street West to just west of Zimmerman Trail. Yegen Grand Avenue Farms, owner and petitioner, and setting a public hearing for September 22, 2008.

F. Confirmation of Police Officers

- (1) Mark Kostinko
- (2) Brandon Ihde
- (3) Nathan West
- (4) Andrew Martian
- (5) Brandon Wooley
- (6) Tanner Buechler

G. SID 1372, Summerhill Subdivision

(1) Approval and Acceptance of utility easement, at no cost to the City.
(2) Bid Award: Sanitary sewer, water, storm drain and street improvements. (Opened 8/26/08). Recommend Western Municipal, \$465,462.00.

H. Resolution #08-18748 creating subcommittee (Ruegamer, Gaghen, Pitman, Clark) on Councilmember replacement to review applications and make recommendation to Mayor for council seat vacated by Joy Stevens.

I. Street Closures:

(1) Billings Central High School's Homecoming Parade – September 20, 2008; 5:15 p.m. to 6:30 p.m.; Wyoming Avenue to Division Street, west on Broadwater to 5th Street West and north on 5th Street West through Grand Avenue to the parking entrance behind Senior High School.

(2) Skyview High School's Homecoming Parade – October 3, 2008; 12:30 p.m. to 2:30 p.m.; beginning at Skyview High School parking lot and proceeding down Wicks Lane to St. Bernard's Church.

(3) Leadership Montana "Rock the Vote" – October 4, 2008; 1:00 p.m. to 8:00 p.m.; N. Broadway between 1st Avenue North and 2nd Avenue North under Skypoint. **APPROVED. Councilmembers Veis and McCall recused themselves from the vote.**

J. Approval of Preserve America Grant application from the Montana State Historic Preservation Office for the Old Town Neighbors, Inc., \$13,750.

K. Resolution #08-18749 relating to \$230,000 Pooled Sidewalk Bonds Series 2008, awarding the sale and prescribing the form and detail (W.O. 04-12, Alkali Creek and W.O. 06-18, Broadwater Subdivision).

L. Preliminary Subsequent Minor Plat of William D. Pierce Subdivision, located on approximately 15.35 acres on the southeast corner of the intersection of Shiloh Road and Pierce Parkway; conditional approval of the plat and adoption of the Findings of Fact.

M. Preliminary Subsequent Minor Plat of Superior Homes Subdivision, located on approximately 19,200 square feet of land on the south side of Jaque Lane, addressed as 420 Jaque Lane; conditional approval of the plat and adoption of the Findings of Fact.

N. Preliminary Subsequent Minor Plat of Sunnyside Subdivision, 3rd Filing, located on approximately 15,000 square feet of land on the southwest corner of the intersection of 10th Avenue North and North 22nd Street; conditional approval of the plat and adoption of the Findings of Fact.

O. Bills and Payroll

(1) August 11, 2008

(2) August 15, 2008

(Action: approval or disapproval of Consent Agenda.)

APPROVED.

REGULAR AGENDA:

2. TRANSFER of Rehberg Ranch sanitary sewer lift station, force main, treatment lagoons, and effluent storage ponds and dispersal system to the City of Billings.

Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **DELAYED UNTIL 9/22/08.**

3. **RESOLUTION #08-18750** relating to \$1,075,000 Pooled Special Improvements District Bonds Series 2008A, awarding the sale and prescribing covenants (SIDs 1378, 1379, 1380, and 1383). Bids received September 8, 2008. Staff will present recommendation at meeting. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
4. **CONTINUATION OF 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. Action delayed from June 23; public hearing continued from July 14, 2008, at applicant's request. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation). **APPROVED.**
5. **PUBLIC HEARING AND RESOLUTION #08-18751** levying and assessing the original assessment for Sidewalk, Curb and Gutter 2601. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
6. **PUBLIC HEARING AND RESOLUTION #08-18752** levying and assessing the original assessment for Sidewalk, Curb and Gutter 2602. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
7. **PUBLIC HEARING AND RESOLUTION #08-18753** setting FY 2009 mill levy rates for the Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, and General Obligation Debt Service Baseball Stadium. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE AMENDMENT FOR ARTERIAL CONSTRUCTION FEES:** Two ordinance amendments to: (1) clarify that rates are set annually by resolution, and (2) to allow Residential Manufactured Home-zoned property owners to petition for a reduction of arterial construction fee assessments. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
9. **PUBLIC HEARING AND FIRST READING ORDINANCE AMENDMENT FOR STORM SEWERS:** An ordinance amendment for clarification purposes of the City's organizational structure or recent past practices within the Public Works

Department. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**

10. **PUBLIC HEARING AND FIRST READING ORDINANCE AMENDMENT FOR STREET MAINTENANCE DISTRICT:** An ordinance amendment to clarify the maximum assessment rate for vacant parcels. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
11. **MEDIATION OFFER FROM MMIA.** Staff recommends agreement to mediation. (**Action:** approval or disapproval of staff recommendation). **APPROVED. Councilmembers Ulledalen and Clark voted 'No.'**
12. **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.*)

Council Initiatives

- **Veis:** Moved to direct staff to develop proposed changes to the PCC bylaws, seconded by Councilmember Ruegamer. **APPROVED.**
- **Stevens:** Moved to direct staff to review and revisit an ordinance to allow zoning for neighborhood grocery stores, seconded by Councilmember Astle. **FAILED 6-5 ON A ROLL CALL VOTE. Councilmembers Ronquillo, Stevens, McCall, and Astle and Mayor Tussing voted 'Yes.' Councilmembers Gaghen, Pitman, Veis, Ruegamer, Ulledalen, and Clark vote 'No.'**
- **Veis:** Moved to discontinue the Agenda Setting Meetings effective immediately, seconded by Councilmember McCall. **APPROVED.**
- **Ronquillo:** Moved to direct staff to develop an ordinance that required any new employees to live within the City of Billings, seconded by Councilmember Stevens. **FAILED 10-1. Councilmembers Gaghen, Pitman, Stevens, Veis, Ruegamer, McCall, Ulledalen, Astle, Clark and Mayor Tussing voted 'No.'**

ADJOURN – The meeting adjourned at 8:18 p.m.

Additional information on any of these items is available in the City Clerk's Office.

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

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