

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 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, Astle and Clark.

MINUTES – September 22, 2008, approved as distributed.

COURTESIES – Mayor Tussing presented a plaque to Councilmember Stevens in recognition of her service to the City Council.

PROCLAMATIONS – Community Planning Month, October 2008
National Co-Op Month, October 2008

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek referenced Item 3 and advised that Revised Terms and Conditions were sent in the Friday packet, and a new resolution regarding the bond sale held earlier that day was distributed that evening. She said those documents were also filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 4 and said a protest from Beverly Meged was sent in the Friday packet and filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 6 and said Page 2 was missing from the agenda packet. She advised it was sent in the Friday packet and filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 6 and said a protest letter was received late Friday afternoon from B.J. Salvesson, President of the Cherry Creek II Homeowners Association regarding SILMD 305. She noted that copies were distributed that evening and filed in the ex-parte notebook in the back of the room.

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

There were no speakers.

CONSENT AGENDA:

SEPARATIONS: B3, B4, F

1. A. Mayor's appointment:

Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Linda Gallagher	Tourism BID Board	10/13/2008	12/31/12

- 1. Vacancy due to term expiration.

B. Bid Awards:

(1) 2009 4-Wheel Mechanical Broom High Dump Sweeper (Opened 9/16/08). Delayed from 9/22/08. Recommend Western Plains I, using Unit #1252, valued at \$10,000, as a trade-in, for a total bid of \$180,627.

(2) Sixteen (16) car and light truck class vehicles for City fleet. (Opened 9/23/08). Recommend Archie Cochrane Ford for Schedules I, III, IV, V, VI, IX, XI, XII & XIII without trades, \$311,413; Rimrock Auto Group for Schedules II, VII, VIII & X without trades, \$85,113.29.

(3) W.O. 03-07, Alkali Creek Multi-Use Path -- Segment 1B (Main Street Tunnel). (Opened 9/30/08). Recommend delay of action until 10/27/08. **DELAY TO 11/24/08 APPROVED 10-0. MAYOR TUSSING RECUSED HIMSELF FROM THE VOTE.**

(4) W.O. 05-17*, Highland School Sidewalks Poly Drive at 11th Street West (*Billings Federal Aid Project No. STPE SRTS 1099(48) MDT CN5909). (Opened 9/30/08). Recommend Riverside Sand & Gravel, \$149,748.30. **APPROVED.**

(5) W.O. 06-22 Water Treatment Facility L-Structure Improvements, for L-Structure upgrades at the Water Treatment Facility. (Opened 9/30/08). Recommend Williams Brother Construction, \$1,016,000.

(6) W.O. 07-06, Aronson Avenue & Governor's Boulevard Traffic Signal Installation. (Opened 9/30/08). Recommend Ace Electric, \$161,999.20.

(7) W.O. 05-09, Wastewater Treatment Plant Generator Installation. (Opened 10/14/08). Recommend delay of award to 10/27/08.

C. Change Order #2, Water System Backup Power Project, Phase I, Colstrip Electric, \$108,977.

D. Contract with State of Montana Department of Public Health and Human Services, Developmental Disabilities Division for specialized transportation provided by MET Transit for developmentally disabled individuals. One-year term, \$100,000 estimated revenue for FY 2008-09.

E. Approval of Limited Commercial Aviation Building and Ground Lease with Billings Clinic, five-year term, \$26,460 first year revenue.

F. Assignment of MET Transit's Bus/Bench Advertising Concession Agreement to Blair Unlimited, Inc. from Mark Blair, dba Blair Unlimited, with no financial impact to the City. **APPROVED.**

G. Amendment #1, Professional Services Agreement for Water System Emergency Power, HDR Engineering, Inc., \$97,800.

H. Amendment to State Highway Traffic Safety FY 2008 STEP agreement, extending the agreement to September 30, 2009, and increasing the total amount to \$28,000, with no City match required.

I. Approval of Right-of-Way Easement dedication for Sweet Subdivision, 24th Street West and Grand Avenue.

J. Resolution #08-18760 approving an agreement for payment or reimbursement between Rocky Mountain College and First Interstate Bank relating to \$10,200,000 Higher Education Revenue Note, with no financial impact to the City.

K. Second/Final reading ordinance #08-5479 for Zone Change #847:
A zone change from Residential 9600 to Residential 6000 Restricted on property described as Tracts 1 & 2 of Certificate of Survey 3139, Tract 1-B of Certificate of Survey 2379, and an unplatted parcel in the NE1/4 of Section 5, Township 1 South, Range 25 East, generally located south of Grand Avenue and west of 56th Street West. Dorn-Wilson Development, Douglas and Deborah Frank, and Ronald Frank, owners; Engineering, Inc., agent.

L. Second/Final reading ordinance #08-5480 for Zone Change #848:
A zone change from Agriculture-Open Space, a county zoning district, to Planned Development with two underlying districts – Community Commercial and Residential Multi-Family – on property described as Tracts 6-A and 7-A, Certificate of Survey 2314 and Tract 1-A, Certificate of Survey 2702, generally located on the south side of Grand Avenue between 30th Street West to west of Zimmerman Trail. Yegen Grand Avenue Farms, Inc., owner and petitioner.

M. Preliminary Subsequent Minor Plat of North Pointe Subdivision, 2nd Filing, five lots on approximately 4.8 acres for commercial development located on the northwest corner of U.S. Highway 87 and Main Street; Vacant Land, LLC, owner;

Engineering, Inc., agent; conditional approval of the plat and adoption of the Findings of Fact.

N. Bills and Payroll

- (1) September 5, 2008
- (2) September 12, 2008
- (3) September 19, 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. Delayed from 9/8/08 and 9/22/08. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
3. **RESOLUTION** relating to Special Improvement District Bonds 1385; awarding the sale and approving the form and detail of the bonds. Delayed from 9/22/08. Bids opened 10/14/08. Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.)
 - **REVISED NOTICE TO BIDDERS AND TERMS AND CONDITIONS APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO'.**
 - **AWARD OF SALE TO D.A. DAVIDSON APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO'.**
 - **RESOLUTION #08-18761 AWARDED THE SALE AND FIXING THE FORM AND DETAILS APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO'.**
4. **CONTINUED PUBLIC HEARING AND RESOLUTION #08-18762** approving the original spread of Special Improvement District 1380. Action delayed from 9/22/08. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED – ASSESSMENT TO BE REDUCED BY ONE-HALF OF THE DIFFERENCE BETWEEN FINAL COST AND ENGINEER'S ORIGINAL ESTIMATE.**
5. **PUBLIC HEARING AND RESOLUTIONS levying and assessing FY2009 assessments:**
 - (a) Encumbrances, Obstructions, or Encroachments on, over, across or above the streets, avenues, sidewalks, or alleys of the City of Billings. **RESOLUTION #08-18763 APPROVED.**
 - (b) Cost of cutting and/or exterminating weeds. **PUBLIC HEARING CONTINUED TO 11/10/08.**

Staff Recommends approval. (Action: approval or disapproval of staff recommendation.)

6. **PUBLIC HEARING AND RESOLUTION #08-18764** to Create SILMD 305, King Avenue West from 31st Street West to Shiloh Road. Staff Recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 10-1. COUNCILMEMBER VEIS VOTED 'NO'.**

7. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in 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 located on the south side of Grand Avenue between 30th Street West to west of Zimmerman Trail. Yegen Grand Avenue Farms, Inc., owner and petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 9-2. COUNCILMEMBERS ASTLE AND CLARK VOTED 'NO'.**

8. **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** said the Cabela's site would have been done and bonds sold at a higher interest rate if the City had applied for the tax increment district the first time.
 - **Sandra Wulff, Billings, MT** said the City could only hold YVAS to what was contained in the contract and she wanted it on record that unaltered animals would result in a population explosion.

Council Initiatives -- None

ADJOURN – The meeting adjourned at 9:17 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.

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