

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

March 10, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Gaghen

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

MINUTES – February 25, 2008, approval pending

COURTESIES – Mayor Tussing offered congratulations to Councilmember Veis for his selection as Young Engineer of the Year.

PROCLAMATIONS – None

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek advised that the Agenda Review Meeting for March 24, 2008, would be held the following evening at 5:30 p.m. in the City Hall Conference Room.
- Ms. Volek advised that additional information for Items F, G, and I had been distributed in the Friday packet and was available in the Ex-parte Book.
- Ms. Volek advised that additional information for Item L had been distributed that evening and was available in the Ex-parte Book.
- Ms. Volek advised that an email correspondence related to Item Y had been distributed that evening and was available in the Ex-parte Book.
- Ms. Volek advised that an email correspondence related to Item 6 had been distributed that evening and was available in the Ex-parte Book.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 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.) **There were no speakers.**

(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: 1B, 1C

1. A. **Bid Awards:**
 - (1) **2008 Airport Miscellaneous Improvement Projects.** (Opened 2/12/08). Delayed from 2/25/08. Recommend Knife River, \$381,023.50.
 - (2) **Central Park Playground Project Safety Surfacing.** (Opened 2/26/08). Recommend Great Western Park and Play Equipment, Inc., \$57,333.00.

- B. **CTEP Project Specific Agreement – Lampman Strip Park Trail-Billings (CN 6635),** Montana Department of Transportation, CTEP Grant - \$301,762.00; Local Match - \$46,773.00; Additional Contribution from Recreational Trails Grant - \$20,000.00. **APPROVED 9-1. Mayor Tussing recused himself from the vote.**

- C. **CTEP Project Specific Agreement – Swords Park Trail II (CN 6632),** Montana Department of Transportation, CTEP Grant - \$62,120.00; Local Match - \$9,629.00. **APPROVED 9-1. Mayor Tussing recused himself from the vote.**

- D. **Approval** of one-year Limited Commercial Aviation Building and Ground Lease with Big Sky Ground Support Industries (3/1/08 – 2/28/09), \$12,001.44 annual revenue.

- E. **Lease Extension Acknowledgement** with United Properties, Inc. and Billings 401 Joint Venture for Park 4 Garage, 10-year term, \$300,000.00 annual revenue.

- F. **Lease Extension** with Yellowstone County for Uda Mae Parking Lot.

- G. **Amendment** to Federal Aviation Administration Lease #DTFANM-07-L-00039 for second floor office and operation space in the Airport Terminal Building, \$1,439.98 monthly revenue.

- H. **Amendment #1** to Airport Business Park Building and Ground Lease with Yellowstone County Museum Foundation, \$798.60 initial annual revenue; adjusted annually according to the CPI – Urban.

- I. **Amendment #9, W.O. 08-06 King Avenue Lift Station.** HDR Engineering, Inc., not to exceed \$44,800.00.

J. Amendment to Phases IV and V of the Subdivision Improvements Agreement for Uinta Park Subdivision.

K. Airline Operating Permit with 3D Aviation, LLC, \$2,000 annual revenue.

L. Approval of closing documents for Sage Tower renovations.

M. Approval of Downtown Revolving Loan Committee's recommendation of loans to J & P Realty, LLC – lesser of \$86,000.00 or 20% of total project costs for remodel of office condominium space in the Historic Montana Power Building; and to Randy and Janna Hafer – lesser of \$75,000.00 or 20% of total project costs for redevelopment of the Klos Building located at 2720 Minnesota Avenue.

N. Quarterly Report for Pledged Collateral on Certificates of Deposit, US Bank Repurchase Account, and US Bank Municipal Investor Accounts.

O. Semi Annual Investment Report.

P. Proposed Adjustment of Water and Wastewater Rates and Fees, setting a public hearing date of April 14, 2008.

Q. Proposed Fee Increase for Mountview Cemetery, **Resolution #08-18692.**

R. Proposed Fee Increase for PRPL Aquatics, Rentals, and Permits, **Resolution #08-18693.**

S. W.O. 04-33, Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition:

(1) Parcel 43: Portion of Tract 1A of C/S 2121 Amended, Brush Meadow Apartments, LP. \$16,250.00.

T. Street Closure: Shrine Circus “Elephants on Broadway”, April 1, 2008, 5:00 p.m. to 9:00 p.m., between the 2700 and 2800 blocks of Second Avenue North and the 100 and 200 blocks of 28th Street North.

U. Acceptance of \$8,824.24 bequest from the Estate of Ms. Betty Ryniker to MET Special Transit.

V. Acceptance of \$4,412.14 donation from the Estate of Ms. Betty Ryniker to the Billings Animal Shelter General Donation Fund.

W. Resolution #08-18687 amending Resolution 07-18627 correcting the legal description of the South Billings Boulevard Urban Renewal District.

X. Resolution #08-18688 repealing Resolution of Intent #05-18325 creating SID 1372 and setting a public hearing date of 4/14/08.

Y. Zone Change #826, Neighborhood Convenience Stores: A zone change allowing small retail services to be developed by special review approval within existing residential zoning districts. Action delayed from 11/26/07. Recommend review of proposed amendments to the ordinance at the March 17, 2008, Work Session; and table until April 14, 2008.

Z. Second/Final Reading Ordinance #08-5455 for Zone Change #832: A zone change from Residential 9600 to Residential 7000, and located on the southeast corner of the intersection of Hilltop Road and Agate Avenue in Billings Heights; Steve Zimmerer, owner and applicant.

AA. Second/Final Reading Ordinance #08-5456 for Zone Change #833: A zone change from Residential 7000 to Residential 6000 on the southern half of Tract 2, C/S 3303, located at 927 Bench Boulevard; Gene and Joy Culver, owners; Engineering, Inc., agent.

BB. Second/Final Reading Ordinance #08-5457 for Zone Change #834: A zone change from Residential 7000 to Residential 6000 on Tract 1, C/S 1531, located at 1442 Bench Boulevard. Gene and Joy Culver, owners; Engineering, Inc. agent.

CC. Second/Final Reading Ordinance #08-5458 for Zone Change #835: A zone change from Entryway Light Industrial to Controlled Industrial on Tract 1, C/S 2560, located on the southeast corner of King Avenue West and Shiloh Road.

DD. Second/Final Reading Ordinance #08-5459 expanding the boundaries of Ward II to include recently annexed property in Annex #08-05: property described as Lot 1, Sylvia Subdivision, 1094 Lincoln Lane, generally located on the west side of Lincoln Lane, north of the Target Shopping Center in Billings Heights, First Citizens Bank, owner and petitioner.

EE. Final plat of Copper Ridge Subdivision, 2nd Filing.

FF. Bills and Payroll
(1) February 8, 2008
(2) February 15, 2008

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #08-18689** adopting the North Park Neighborhood Plan. Yellowstone County Board of Planning recommends approval. (**Action:** approval or disapproval of Yellowstone County Board of Planning recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION** creating SILMD 304 – Downtown Area. Staff recommends tabling indefinitely. (**Action:** approval or disapproval of Staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTION #08-18690** accepting the Urban Planning Study and expanding the boundaries of the Billings Urban Planning Area to include properties within six study areas generally known as Bitterroot-Mary; Blue Creek; Mallowney; Northwest Billings; Riverside; and Zoo and Shiloh. Yellowstone County Board of Planning recommends approval. (**Action:** approval or disapproval of Yellowstone County Board of Planning recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION #08-18691** revising the 2007 Limits of Annexation Map. Annexation Committee recommends approval. (**Action:** approval or disapproval of Annexation Committee recommendation.) **APPROVED**
6. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-08-01:** A variance from the Site Development Ordinance, Section 6-1203(j), concerning the required number of off-street parking stalls on Lots 11-18, Block 262, Billings Original Town, generally located at 2016 6th Avenue North. Staff recommends denial of the variance request. (**Action:** approval or disapproval of Staff recommendation.) **POSTPONED UNTIL MARCH 24, 2008, AND AMENDED TO INCLUDE VARIANCE CONDITIONS.**
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.*)
 - **Rick Leuthold, Engineering, Inc.,** asked for reconsideration at the April 14, 2008, Council meeting of the annexation and zoning request for Lenhardt

Square Properties. Mr. Leuthold also asked for further discussion at the April 7, 2008, work session.

- **Kevin Nelson, 4235 Bruce Avenue**, stated that people involved in the decision-making process for an urban renewal district cannot own property within that district because that would constitute a conflict of interest.

There were no other speakers and the Public Comment period was closed.

Council Initiatives

- **Ruegamer:** Moved to reconsider the Lenhardt Square annexation and the zone change ordinance that was rendered moot at the February 25, 2008, meeting, and to reopen public hearings for both the annexation and zone change ordinance. **APPROVED 9-1. Councilmember Ronquillo voted No.**
- **Pitman:** Stated he was concerned with security at meetings and would like to continue the process of security screening at the entrance to Council Chambers.

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

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

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

CALENDAR

(Council AND Boards & Commissions)

MARCH:

3/03/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
3/04/2008	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 th Floor Library Council Chambers Airport Terminal
3/05/2008	Board of Adjustment	6:00 p.m.	Council Chambers
3/06/2008	EMS Commission Tourism Business Improvement District Board Human Relations Commission	7:00 a.m. 8:30 a.m. 12:15 p.m.	Main Fire Station Chamber of Commerce 815 S. 27 th Street CH Conference Room
3/10/2008	Energy & Conservation Commission Council REGULAR MEETING	3:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Road Council Chambers
3/11/2008	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 th Floor Library
3/12/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 rd Street
3/13/2008	Library Board Committee on Homelessness	NOON 2:00 p.m.	3 rd Floor Library 3 rd Floor Library
3/17/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
3/18/2008	Yellowstone Historic Preservation Bd	8:00 a.m.	4 th Floor Library
3/20/2008	Tourism Business Improvement District Board	8:30 a.m.	Chamber of Commerce 815 S. 27 th Street
3/24/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
3/25/2008	Traffic Control Board Council Agenda Setting Meeting	NOON 5:30 p.m.	4 th Floor Library CH Conference Room

	Planning Board	6:00 p.m.	4 th Floor Library
3/26/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room
3/31/2008	Community Development Board	3:00 p.m.	4 th Floor Library
<u>APRIL:</u>			
4/01/2008	Community Development Bd (rescheduled for March 31, 2008)	3:00 p.m.	4th Floor Library
4/01/2008	Zoning Commission	4:30 p.m.	Council Chambers
	Aviation & Transit Commission	5:30 p.m.	Airport Terminal
4/02/2008	Board of Adjustment	6:00 p.m.	Council Chambers
4/03/2008	EMS Commission	7:00 a.m.	Main Fire Station
	Human Relations Commission	12:15 p.m.	CH Conference Room
4/07/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
4/08/2008	Parking Advisory Board	4:00 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 th Floor Library
4/09/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 rd Street
4/10/2008	Library Board	NOON	3 rd Floor Library
	Committee on Homelessness	2:00 p.m.	3 rd Floor Library
4/14/2008	Energy & Conservation Commission	3:00 p.m.	Billings Operations Ctr. 4848 Midland Road
	Council REGULAR MEETING	6:30 p.m.	Council Chambers
4/15/2008	Yellowstone Historic Preservation Bd	8:00 a.m.	4 th Floor Library
	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room
4/17/2008	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Avenue
4/21/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
4/22/2008	Traffic Control Board	NOON	4 th Floor Library
	Planning Board	6:00 p.m.	4 th Floor Library
4/23/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room

4/28/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
4/29/2008	Council Agenda Review Meeting	5:30 p.m.	CH Conference Room