

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

April 14, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ruegamer

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

MINUTES – March 24, 2008, approved as distributed

COURTESIES – Lloyd Mickelson, Montana Library Association Trustee of the Year Award

National Crime Victims Rights Week (Brent Brooks)

PROCLAMATIONS -- National Library Week – April 13-19, 2008

Crime Victims Rights Week – April 13-19, 2008

Administrative Professionals Week – April 20-26, 2008

Fair Housing Month – April, 2008

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek advised that Friday packets included a letter from Don Luis Restaurant regarding its application for a street closure for the Cinco de Mayo Celebration, Consent Agenda O1. The letter requested a time extension for the street closure, but a second letter was received prior to that evening's meeting that withdrew the request for the extended hours, so the original application would be considered. Both letters were available in the Ex-parte Notebook in the back of the room for public viewing.
- Ms. Volek advised that additional information for Items 8a and 8b had been distributed in the Friday packet and was available in the Ex-parte Notebook in the back of the room for public viewing.
- Ms. Volek advised that the following items had been distributed that evening and were available in the Ex-parte Notebook in the back of the room for public viewing
 - Item 5 – Schedule II of Attachment A, which was not printed properly in the Council packets
 - Item 5 – Miscellaneous correspondence items related to the item
 - Items 8a and 8b – correspondence from the Chamber of Commerce

- Ms. Volek advised that there was a correction for Item 4 – the public improvements would be for 23, not 13 lots related to SID 1372, Summerhill Subdivision.
- Ms. Volek reported that the Agenda Review Meeting for April 28, 2008, would be held the following evening at 5:30 p.m. in the City Hall Conference Room.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 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.)

(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.)

- **Kevin Nelson, 4235 Bruce**, said Council didn't have authority or the qualifications to proceed with the resolution for Item S. He asked which development agreement would be used to make a decision for Item B – the September 10 version or the current development agreement.
- **Catherine Schaeffer, 2113 Walter Road**, said she was the Executive Secretary of the Last Chance Cat Sanctuary and Team Leader for the City of Billings Animal Care Leadership Team. She said she wasn't against privatizing the Billings Animal Shelter and believed the \$500,000 performance bond should be left as it stood in case the privatization failed and the City re-established the department.
- **Sandra Wulff, 2946 Old Hardin Road**, said she reviewed the proposal by the Yellowstone Valley Animal Shelter and noticed that the proposal didn't include an estimated dollar amount for the services proposed. She said the budget was underestimated and suggested requesting a more detailed budget to determine if the venture saved money for the City.
- **Sarah Shipman, 1440 West Lane**, said Councilmember Stevens had a conflict of interest in the RFP process for the animal shelter because of her involvement with the Yellowstone Valley Animal Shelter.
- **Dave Bovee, 424 Lewis**, said he didn't see the advantage to the privatization of the animal shelter.
- **Susan Peacock, 1116 Ginger Avenue**, said she was a volunteer at the Billings Animal Shelter and at the local spay/neuter clinics. She said she wondered about the lack of experience of the people who submitted the proposal for the animal shelter and preferred the people involved had more experience working with volunteers. She said that at the present time, most of the veterinarians who had helped with low-cost spay/neuter clinics had been run off.
- **Kelly Sontono, Fromberg, MT**, said she would like to see privatization of the shelter. She said whoever runs the shelter should be given a chance and provided pictures of an injured dog that was in the shelter in 2006 and had not been given a chance.
- **Angie Cook, 3420 Quinella Drive**, said she felt the animal shelter performance bond was necessary from a business perspective and protection of the City and community assets. She said she felt the proposal alienated certain groups and animal shelter staff.
- **Wilma Joins, 4000 Huntington Hills Road**, said she felt the proposal submitted for the animal shelter operation was not realistic.

- **Diana Kay Bachman, 2213 2nd Avenue N**, said she currently served on the Animal Control Board and had seen both sides of the issues. She said the privatization of the shelter would be for the adoption of the animals, not animal control which would remain in place. She hoped the number of volunteers and adoptions would increase. She agreed with postponement of the final decision until all the details were known.
- **Megan McBride, 2223 Belknap**, said that the lack of enthusiasm at the animal shelter was the problem, not the lack of funding. She said volunteers weren't treated with any enthusiasm.
- **Michael Mansfield, 1125 Siesta Avenue**, said there was a Montana code dealing with reptiles and it hadn't been addressed in any of the animal shelter discussions. He felt it should be considered, as well.
- **Michele Johnson, 2705 Bluecreek Road**, said the City was sloppy in creating the TIF and what happened at the public meetings was not forthcoming. She said a resolution was passed and property was being condemned on King Avenue East after the City stated that condemnation would not be part of that project. She said the Planning Board had indicated the condemnation was going to happen.
- **Christina Leininger, 3560 King Avenue East**, said that more property was being taken from landowners for the development of King Avenue East than was originally proposed. She said the small property owners were paying the price for Cabelas to come to Billings.
- **Dave Brown, 544 Wigwam Trail**, asked if the City collected impact fees from commercial businesses to cover cost of the impact to the surrounding areas.

CONSENT AGENDA: Separations: 1A1, 1A3, 1E, 1F, 1G

1. **A. Bid Awards**
 - (1) **Phase 3 Landfill Expansion** (opened 3/11/08 and delayed to 4/14/08). Recommend Montana Civil Contractors, Inc., \$1,358,235. **APPROVED**
 - (2) **Airport Improvement Program (AIP) 34 Project Taxiway "H" Rehabilitation and ARFF Staging Area Pavement Reconstruction** (opened 3/25/08). Recommend Knife River, \$587,416.25.
 - (3) **Animal Shelter Operations Request for Proposals**. Recommend postponing award of contract until May 27, 2008. **Councilmember Stevens recused herself from the discussion and the vote. APPROVED**
- B. Professional Services Contract** for Hazardous Waste Collection Events (3-year term), Burlington Environmental, Inc., \$165,000.
- C. Change Order #5 for protective netting – New Baseball and Multi-Use Stadium at Athletic Park**, Langlas & Associates, Inc., \$13,069.00.
- D. Amendment #4 – Airport Improvement Program (AIP) 34 Project, Engineering Services**, Morrison-Maierle, Inc., \$379,462.00.

E. CTEP Project Specific Agreement – Poly Drive Sidewalk -Billings (CN 6633), Montana Department of Transportation, CTEP Grant - \$74,084.00; Local Match - \$11,483.00. **Mayor Tussing recused himself from the vote. APPROVED**

F. CTEP Project Specific Agreement – Broadwater Crossing Project – Billings (CN 6634), Montana Department of Transportation, CTEP Grant - \$92,325.00; Local Match - \$14,311.00. **Mayor Tussing recused himself from the vote. APPROVED**

G. CTEP Project Specific Agreement – On-Street Bike Lanes Project – Billings (CN 6631), Montana Department of Transportation - \$97,186.00; Local Match - \$15,064.00. **Mayor Tussing recused himself from the vote. APPROVED**

H. Right-of-Way Agreements (2) with Montana Department of Transportation for Airport Road Project, 5 parcels, \$80,950.00 total revenue.

I. Assignment and Transfer of Limited Commercial Aviation Ground Lease from Corporate Air to Corporate Jet, LLC.

J. Assignment of Limited Commercial Aviation Ground Lease with BVDS, Inc. to Western Security Bank.

K. Acknowledge Receipt of Petition to annex #08-06: 20.632 acres of Tracts 1A, 1B, 1C, C/S 2055 Amended, generally located north of Alkali Creek Road, Best Development Corp., James Pickens, President, owner and petitioner; and set a public hearing date of April 28, 2008.

L. Acknowledge Receipt of Petition to vacate a portion of North 26th Street and 2nd Avenue N., Big Sky Economic Development Agency (BSEDA) and Downtown Billings Partnership (DBP), owners; and set a public hearing date of May 12, 2008.

M. Confirmation of Police Officers:

- (1) Karl Rude
- (2) Jeremy Dennler

N. Property Transfer to Western Security Bank, Lots 1-6, Block 108, Original Town of Billings, with no revenue to the City.

O. Street Closures:

- (1) Cinco de Mayo Celebration, 3 p.m. – 10 p.m., May 3, 2008, 100 block of 26th Street North.
- (2) Yellowstone Rimrunners, Montana Women's Run, 6:30 a.m. – 12 Noon, May 10, 2008, 2nd Avenue North from North 10th Street to Division; full closure from North 27th Street to North 19th Street; partial closure from North 19th Street to North 10th Street; full closure from North 27th Street to Division; 3rd Avenue North from North

10th Street to Division; full closure from North 19th Street to Division; partial closure from North 19th to North 10th.

(3) Montana Pride Network, 9 a.m. – 11:30 a.m., June 21, 2008, 3rd Avenue North from N. 25th Street to North 33rd Street.

P. Acceptance of Donation to Parks, Recreation and Public Lands from Billings Mustangs Baseball Organization for protective netting behind the dugouts at the new baseball and multi-use stadium at Athletic Park, \$13,069.00.

Q. Acceptance of Donation to Police Department from ConocoPhillips to send School Resource Officers to the National Conference in Phoenix, AZ, July 28-August 1, 2008, \$8,000.00.

R. (a) Resolution #08-18696 authorizing construction bids for SID 1378, water, storm drain, curb and gutter, and street improvements to the 4200 Block of Clevenger Avenue.

(b) Bid Award for SID 1378, water, storm drain, curb and gutter, and street improvements to the 4200 Block of Clevenger Avenue (opened 3/25/08). Recommend Knife River, \$219,444.00.

S. Resolution #08-18697 repealing Resolution #07-18687 and creating the South Billings Boulevard Urban Renewal District, declaring blight, intent to create the district and setting a public hearing for April 28, 2008.

T. Resolution of Intent #08-18698 creating expanded PMD #4026, Twin Oaks Subdivision and Uinta Park Subdivision and setting a public hearing date of May 12, 2008.

U. Preliminary Subsequent Minor Plat of Amended Lot 4, Block 1, Shiloh Crossing Subdivision, generally located on the southeast corner of Shiloh Road and King Avenue West; conditional approval of the plat and adoption of the Findings of Fact.

V. Preliminary Plat of Miller Crossing Subdivision, 2nd Filing, 10 lots on approximately 18.15 acres, generally located on the south side of King Avenue East between Newman Lane and east of Calhoun Lane; conditional approval of the preliminary plat and adoption of the Findings of Fact.

W. Final Plat of Eagle View Subdivision.

X. Final Plat of Amended Lot 5, Block 1, Shiloh Crossing Subdivision.

Y. Bills and Payroll

(1) March 7, 2008

(2) March 14, 2008

(3) March 21, 2008

(Action: approval or disapproval of Consent Agenda.)

APPROVED

REGULAR AGENDA:

2. **PUBLIC HEARING AND CONTINUED FIRST READING ORDINANCE FOR ZONE CHANGE #826:** A zone change amending Sections 27-201, 27-305 and 27-612 to allow small retail services to be developed by special review approval within existing residential zoning districts. Action delayed from 11/26/07 and 3/10/08. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **DENIED**
3. **PUBLIC HEARING AND RESOLUTION #08-18699** creating SID 1384, Yellowstone Country Club Estates sanitary sewer extension. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTION #08-18700** repealing and superseding Resolution #05-18330 and creating SID 1372, Summerhill Subdivision, for construction of public improvements of 23 lots on Winter Green Drive, West Antelope Trail and Antelope Place. Jeff Essman, requestor. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION #08-18701** setting rates and fees for water and wastewater utilities. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
6. **PUBLIC HEARING AND ALLOCATION OF CDBG FUNDS** for Housing Authority of Billings grant application for \$62,000 for site development costs for the Lake Elmo Drive affordable housing project. Community Development Board and staff recommend approval. (Action: approval or disapproval of Community Development Board and staff recommendation.) **APPROVED**
7. **PUBLIC HEARING AND FIRST READING ORDINANCE AMENDING NUISANCE WEED REGULATIONS:** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
8. (a) **PUBLIC HEARING AND RESOLUTION #08-18702** reconsidering annexing a 114-acre property located north of King Avenue West between 48th Street West and Shiloh Road and described as Tracts 1-5, C/S 2063 (Annex #08-01). Lenhardt Property, LP; Lenhardt Farm, LLC and Lenhardt Enterprises, LLC, owners and petitioners. Considered and denied initially on 2/25/08. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

(b) PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #829: A zone change from Agriculture-Open Space (A-1), a county zoning district, to Planned Development with three underlying zoning districts - Mixed Use (MU); Multi-family Residential (MF-R); and Single Family, Residential Multi-Family (Fourplex) (MF-4) located at 4345 King Avenue West. Lenhardt Property, LP; Lenhardt Farm, LLC and Lenhardt Enterprises, LLC, owners, Engineering, Inc. and Bill Cole agents. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**

9. 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**, spoke about the TIF district and the urban renewal plan process and the need to follow the law.
- **Tess Kimball, 1810 Virginia Lane**, said she was concerned with safety at Pioneer Park and the disc golf course used there. She distributed a letter from Representative Ken Peterson who agreed with her concerns.
- **Dave Brown, 544 Wigwam Trail**, said Council should check ordinances because there may be an ordinance against projectiles in parks.
- **Michele Johnson, 2705 Blue Creek Road**, asked if the City had system development fees in place.

Council Initiatives

- **Veis MOVED** to request a presentation at a future work session from fire department and disaster services representatives regarding processes for non-routine emergencies. Seconded by Pitman. **APPROVED**

ADJOURN – The meeting adjourned at 11:32 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>**