

# **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***

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## **AGENDA**

**COUNCIL CHAMBERS**

**August 27, 2007**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing**

**PLEDGE OF ALLEGIANCE – Mayor Tussing**

**INVOCATION – Councilmember Clark**

**ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Stevens, Brewster, Veis, Ruegamer, Ulledalen, Boyer, Jones, Clark**

**MINUTES – August 13, 2007, approved as distributed.**

**COURTESIES - none**

**PROCLAMATIONS - none**

**ADMINISTRATOR REPORTS – Tina Volek**

- **City Administrator Tina Volek introduced Cheryl Smiley, the new part-time Deputy City Clerk.**
- **Ms. Volek reminded the Council that the Agenda Reviewing meeting was scheduled for tomorrow evening at 5:30 p.m. in the City Hall Conference Room.**
- **Ms. Volek said an ex-parte communication that was received on Item 1L and the minutes from a meeting referenced in the communication were included in the Ex-Parte book at the back of the room. She indicated Council had seen the communication, and a copy of the minutes were on their desks.**
- **Ms. Volek referenced the revised Item 4 Ballpark Change Order that Council received via e-mail on Friday and indicated a copy was on their desks.**
- **Ms. Volek noted the revised Item 3 recommending award of sale of bonds for \$168,000 pooled special improvement districts (SID 1375 & SID 1377).**
- **Ms. Volek noted Items 13 and 14 that were delayed from the previous meeting awaiting copies of insurance and claims releases were received in the Friday packet.**
- **Ms. Volek referenced a handout from Lockwood Water & Sewer District that would be discussed at the Public Comment Period at the**

end of the meeting.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 3, 4, 13, and 14 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.)*

- **WOODY HAHN, 5509 WALTER HAGEN DRIVE, said he wanted Council to know the Ballpark Committee was willing and able to raise more money to give the taxpayers exactly what was promised.**
- **JIM IVERSON, 406 MONTCLAIR, said he was part of the Steering Committee for the Ballpark and asked Council to carefully review the items in the Change Order and how they might change the aesthetics of the ballpark.**
- **JOHN BREWER, 815 S. 27<sup>TH</sup> STREET, said the ballpark committee had spent a tremendous amount of time on the valued engineer items in front of the community, specifically some of the landscaping items and the concrete walkway that would provide a multi-use purpose for the facility. He said he was also concerned about the aesthetics of the facility**
- **MICHELLE JOHNSON, 2705 BLUE CREEK ROAD, referenced Item 1L. She said Public Works had provided Council with a modified easement, and she had no intention of signing it. She said she felt what she had presented was fair. Ms. Johnson provided the name of her attorney to Mr. Mumford.**

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

**CONSENT AGENDA:                      SEPARATIONS: 1A1, 1A2, 1C, 1L**

**1.     A.     Bid Awards**

**(1)     W.O. 06-09 Big Ditch Trail, Phase 2 (CTEP), Arrowhead Chandelier Connector (Safe Routes to School). (Opened 8/14/07) Recommend JTL Group, Inc, \$162,000.00. Mayor Tussing recused himself from voting on Item 1A1. APPROVED 10-0.**

**(2)     W.O. 07-08 Gabel Road & Zoo Drive Intersection Improvements. (Opened 8/14/07) Recommend JTL Group, Inc., \$301,360.00. APPROVED.**

**(3)     Mobile Data Terminals - Panasonic Toughbooks for Police Department. (Opened 8/14/07) Recommend Portable Computer Systems, \$112,445.04, for a 4-year lease with a \$1 buyout.**

**(4)     Staples Reservoir Interior Coating System. (Opened 8/14/07) Recommend Purcell Painting & Coatings, \$546,658.64.**

**B. Contract** with Red Oak Consulting for Water/Wastewater Rate & Fee Study; \$178,186.00.

**C. Contract** with Thyssen-Krupp Elevator for city-wide elevator service and maintenance (3-year contract); \$146,377.00. **APPROVED.**

**D. Contract** with Northwestern Energy for light district ownership, energy, and maintenance for Special Improvement Light Maintenance District 301 – Josephine Crossing Subdivision.

**E. Contract Amendment #1** to the Professional Services Contract with Great West Engineering for Tier 2 landfill-gas emissions analysis; \$20,000.00.

**F. Development Agreement** with MWSH BILLINGS LLC, for Certificate of Survey 1648, Amended Tract 1.

**G. Lease** with Edwards Jet Center Montana, Inc. for Airport Commercial Lot 8; \$16,446.12 first year annual revenue.

**H. Lease renewal** with Edwards Jet Center Montana, Inc. for Airport Commercial Lot 2; \$11,727.24 annual revenue.

**I. Lease renewal** with FES Development, L.L.C. for Airport hangar at 2431 Overlook Drive; \$19,110.00 first year annual revenue.

**J. Approval** and acceptance of the Domestic Violence Unit and Victim Witness Assistance Program Grants awarded by the Montana Department of Justice, Board of Crime Control.

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

(1) Parcel 9: Portion of Tract A, Certificate of Survey 622, Fronteer Real Estate Group, Co-Trustees Rick Rosekelly and Sue Marshon. \$10,050.00.

(2) Parcel 26: Portion of Lot 20, Amended Plat of Lot 11, Kuhlman Subdivision, Ludmilla M. Tallmadge, \$15,600.00.

(3) Parcel 50: Portion of Lot 22, Block 1, Broadmoor Subdivision, Mabel M. Dolan, \$7,087.50.

(4) Parcel 53: Portion of Lot 23, Block 2, Broadmoor Subdivision, Rita J. Reinert, \$7,550.00.

(5) Parcel 78: Portion of Lot 18, Block 1, Arrowhead Subdivision, Todd and Julie Grebe, \$4,042.50.

**L. W.O. 04-36 Briarwood Sanitary Sewer Main Extension** approval of Right-of-Way Agreement and Perpetual Right-of-Way Easement with Robert B. Johnson and Michele R. Johnson with changes as recommended by staff, \$3,517.50. **APPROVED.**

**M. Street Closures:**

(1) Parade of Homes BikeNet Benefit Concert, 5:30 p.m. – 8:30 p.m., September 22, 2007, Josephine Crossing Neighborhood near the intersection of Mallowney Lane and Elysian Road.

(2) Holy Rosary Catholic School Barnyard Bingo and Street Fair, 8:00 a.m. – 6:00 p.m., September 9, 2007, Custer Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets West.

**N. Acceptance of donation** from ConocoPhillips to the Southwest Corridor Cop Shop, \$1,545.00.

**O. Approval** of sale of City surplus property by public auction on September 29, 2007, at the Billings Operations Center, 4848 Midland Road.

**P. Resolution #07-18591** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, for Bureau of Land Management large-scale fire fighting cache staging and tanker base operations, July 16, 2007, through October 31, 2007, in the Billings Airport's Business Park.

**Q. Resolution #07-18592** designating the alley in Block 90, Billings Original Town, located between 1<sup>st</sup> and 2<sup>nd</sup> Avenues North, one-way northbound.

**R. Second/Final reading Ordinance #07-5426** adopting the International Fire Code (IFC), 2006 Edition, as the Billings Fire Code.

**S. Bills and Payroll**

(1) July 30, 2007

(2) August 3, 2007

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

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION #07-18593** creating a Tourism Business Improvement District and **RESOLUTION #07-18594** appointing a Board of Trustees. Staff recommends approval. **(Action: approval or disapproval of staff recommendation.) APPROVED WITH EXEMPTION OF 30-DAY OCCUPANCY.**

3. **RESOLUTION #07-18595** awarding sale of bonds relating to \$168,000 Pooled Special Improvement District Series 2007 to US Bank, 5.05% true interest rate. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
4. **CHANGE ORDER #1**, New Baseball and Multi-Use Stadium at Athletic Park, Langlas & Associates, Inc., for a net decrease of \$454,758.00. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED WITH ITEMS 1, 2, 3, & 6 ADDED BACK IN AND APPROVAL OF ALTERNATE #2.**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #813:** A zone change from Residential 9600 to Planned Development generally located on the southeast corner of the intersection of Rimrock Road and Avalon Road; including the Yellowstone Racquet Club. TenFish Company, owner; Engineering, Inc., representative. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #816:** A zone change from Residential 7000 to Neighborhood Commercial on a 1.14-acre lot addressed as 848 Wicks Lane and generally located on the south side of Wicks Lane, east of Bench Boulevard. Colleen Baker, owner. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #817:** A zone change from Public to Residential 8000 on 48,799 square feet of property located north and south of the Lake Hills Golf Course Clubhouse on the east side of Clubhouse Way; north of Lake Hills Drive. Lake Hills Golf Club, owner; Patrick Ludden, representative. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #818:** A text amendment to Section 27-623, Zoning Compliance Permits Required. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
9. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #819:** A text amendment to Section 27-1429 and Map Amendment to Section 27-1430, Extension of Shiloh Corridor Overlay,

- extending the South Shiloh Corridor Overlay District along the south side of King Avenue West between Shiloh Road and 32<sup>nd</sup> Street West. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
10. **PUBLIC HEARING AND SPECIAL REVIEW #848:** A special review to add an outdoor patio lounge to a location with an existing on-premise all beverage liquor license zoned Community Commercial described as Lots 1 through 6, Block 1, Houser Subdivision; located at 1425 Broadwater Avenue and known as Doc & Eddy's Plaza. CNJ Distributing, owner; Tom Williams, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
  11. **PUBLIC HEARING AND SPECIAL REVIEW #850:** A special review to expand a location with an existing on-premise all beverage liquor license zoned Controlled Industrial described as Lot 2A, Sugar Subdivision, located at 4900 Laurel Road and known as the Muzzleloader Café and Powderhorn Lounge. Marlon Engberg and Rick Steinmetz, owners; Jerry Jones, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
  12. **PUBLIC HEARING AND SPECIAL REVIEW #851:** A special review for expansion of a church facility on a 20-acre parcel of land zoned Residential 9600 described as Tracts 5A-1 and 5A-2, Certificate of Survey 1648, located at 328 South Shiloh Road. Emmanuel Baptist Church, owner; Durward K. Sobek and Ray Cucancic, agents. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
  13. **APPROVAL AND AWARD OF FIELD LIGHT SALVAGE** from the existing Cobb Field to the American Legion Baseball organization. Delayed from August 13, 2007, Council agenda. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
  14. **APPROVAL AND AWARD OF RED DIRT AND SOD SALVAGE** from the existing Cobb Field to the Montana District 1 and American Legion Baseball. Delayed from August 13, 2007, Council agenda. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
  15. **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.*)

- **TOM ZURBUCHEN, 1747 WICKS LANE,** said the City Charter stated the City Administrator was to bring the budget forward but approval was to be by the City Council. He stated the City Administrator was amending the budget, and he encouraged the City Council to take action that evening and “rein in” the City Administrator.
- **DICK LARSEN, 1733 PARKHILL,** said he represented the Lockwood Water and Sewer District. He asked the City Council to reconsider the renewal of the Wastewater Treatment Agreement.

### **Council Initiatives**

- **BREWSTER:** Moved to direct staff to bring forward the contract with the Lockwood Water and Sewer District at a Work Session. APPROVED. Councilmember Ulledalen voted ‘no’.
- **BREWSTER:** Moved to direct a committee of the Council to discuss amending the by-laws of the PCC with the County Commissioners, seconded by Councilmember Stevens. **Councilmember Brewster** moved to name Councilmembers Boyer, Ronquillo, and Veis to the committee, seconded by Councilmember Ruegamer. APPROVED.
- **STEVENS:** Moved to direct staff to form a committee to review the building codes in the TIFD districts for revitalizing old buildings, seconded by Councilmember Veis. APPROVED.
- **TUSSING:** Moved to appoint Councilmembers Gaghen, Ulledalen, Ruegamer, and Boyer to a committee to determine the criteria for the City Administrator’s annual review, seconded by Councilmember Veis. APPROVED.
- **GAGHEN:** Asked staff to review the measure of noise or music allowed on outdoor patios.
- **STEVENS:** Moved to direct staff to research the possibility of extending the Central Business District to include the East End TIFD, seconded by Councilmember Jones. APPROVED.
- **VEIS:** Moved to have staff present additional information on the changes to the MET bus schedules at a Work Session, seconded by Councilmember Ulledalen. APPROVED.
- **VEIS:** Moved to direct staff to research the feasibility of selling Lampman Park and using the funds for the Lampman Strip Park, seconded by Councilmember Brewster. APPROVED.

**ADJOURN** – The meeting adjourned at 11:10 p.m.