

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 December 10, 2007 6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Boyer

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

MINUTES – November 26, 2007, approved as amended

COURTESIES – VISTA Placement

PROCLAMATIONS – none

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek reminded Council that the last regular meeting of 2007 was scheduled for December 17, 2007, at 6:30 p.m.; the next work session was scheduled for January 7, 2008; and the first regular meeting in the new year was scheduled for January 14, 2008.
- Ms. Volek referenced a letter received from the developer for Agenda Item #4 requesting a delay in action. She said the Mayor and Council had received the letter, and it was also included in the Ex-Parte Notebook.
- Ms. Volek advised the land appraisal for Item N had not been included in the agenda packets, but had been included in the Friday packets. She noted a copy of the appraisal was in the Ex-Parte notebook.
- Ms. Volek referenced Item B, Change Order No. 2 in the amount of \$87,114.00 for the new ballpark, that was included in the Friday packet. She said a copy was filed in the Ex-Parte Notebook.
- Ms. Volek advised that Item H was recommending approval of an “agreement” and not a “letter” as indicated on the staff report.

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

- **SHELLY KLEEN, Bruce Avenue**, referenced Item O and Montana Code 7-15-4202. Ms. Kleen said she did not support the creation of the South Billings Boulevard Urban Renewal District and asked if there was another way to go about it.
- **LORI NELSON, 4235 Bruce Avenue**, referenced Item O and Montana Code 7-15-4202. Ms. Nelson said she did not support the creation of the South Billings Boulevard Urban Renewal District. She said Council would be breaking the law if they approved Item O.
- **KEVIN NELSON, 4235 Bruce Avenue**, referenced Item O and Montana Code 7-15-4202 and said Council would be breaking the law if they passed the ordinance. He said the district would be violating his constitutional rights, and he did not want government handouts.
- **JOE WHITE, 926 North 30th Street**, said he did not approve of the salary increase for the City Administrator.

CONSENT AGENDA:

SEPARATIONS: B, H, O

1. A. Bid Awards:

(1) 100-Ton Static Pipe Bursting System. (Opened 11/20/07).
Recommend Vermeer Rocky Mountain, Inc., \$186,000.00.

(2) LED Traffic Signal Components. (Opened 11/20/07).
Recommend Trastar, Inc., \$72,664.50.

B. Change Order No. 2, New Baseball and Multi-Use Stadium at Athletic Park, \$87,114.00. MOVED TO REGULAR AGENDA ITEM 6 – ACTION DELAYED UNTIL 12/17/07.

C. Amendment #1, Restriping Airfield Markings Service Agreement, changing contractor’s name from United Rentals to Streamline Marking, Inc.

D. Approval and acceptance of the 2009 Billings Adult Misdemeanor Drug Court Award from the Supreme Court of Montana, \$180,384.00.

E. Approval of Assignment of Drew C. and/or Jennifer R. White West End Hangar Ground Lease to Western Security Bank for financing purposes with no financial impact to the City.

F. Approval of 20-year lease with Corporate Jet LLC, for Fuel Farm Site on Lot 1 in the East End Fuel Farm (12/1/07-11/30/27), \$1,269.96 first year revenue.

G. Approval of 5-year lease renewal for building and ground space with the Bureau of Land Management (9/5/07-9/4/12), \$54,967.37 first year revenue.

H. Approval of letter extending franchise agreement with Bresnan Communications. **APPROVED.**

I. Declaring surplus property and authorizing the Aviation and Transit Department to donate airfield lighting equipment to the Montana Aeronautics Division.

J. W.O. 04-33, Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition: Parcel 2: Portion of Tract 3, Certificate of Survey 205, Benjamin J. Huber, \$7,700.00.

K. Right-of-Way Easement with Department of Natural Resources and Conservation (DNRC) for Zone 4 Reservoir, \$26,894.00.

L. Street Closure: Martin Luther King Observance March on Monday, January 21, 2008, from 6:00 p.m. to 6:50 p.m. originating on the courthouse lawn, walking on the sidewalk to the corner of N. 27th and 3rd Avenue N, crossing N. 27th, marching in the street to N. 29th, north on N. 29th, and disbanding at the Lincoln Center.

M. Resolution #07-18647 setting zoning compliance review fees at \$41.00 for residential permit applications and \$16.00 for commercial permit applications.

N. Resolution of Intent #07-18648 to sell Lot 27A, Block 6, Rehberg Ranch Estates Subdivision, 1st Filing, and setting a public hearing date for January 14, 2008.

O. Second/final reading Ordinance #07-5441 creating the South Billings Boulevard Urban Renewal District. **APPROVED 10 TO 1. COUNCILMEMBER JONES VOTED 'NO'.**

- P. Bills and Payroll**
- (1) November 9, 2007
 - (2) November 16, 2007

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

REGULAR AGENDA:

2. **COMPENSATION** increase for City Administrator. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 9 TO 2, 3% COLA and 5% MERIT. COUNCILMEMBER VEIS AND MAYOR TUSSING VOTED 'NO'.**
3. **PUBLIC HEARING AND RESOLUTION #07-18649** vacating a portion of Henry Road. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION** creating Park Maintenance District No. 4035, Bitterroot Heights Subdivision. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **TABLED INDEFINITELY.**
5. (a) **PUBLIC HEARING AND RESOLUTION #07-18650** creating Special Improvement District No. 1380, Terra West Subdivision, 3rd and 4th Filings, for Monad Road Street Frontage Improvements. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

(b) **PUBLIC HEARING AND RESOLUTION #07-18651** creating Special Improvement Maintenance District No. 4038, Terra West Subdivision, 3rd and 4th Filings, Monad Road Street Frontage Improvements. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
6. **PUBLIC HEARING AND RESOLUTION 07-18652 FOR ANNEXATION #07-05:** Property described as 13.4 acres of a portion of park land along Zimmerman Trail right-of-way and a portion of Zimmerman Trail right-of-way between Highway 3 and Rimrock Road; City of Billings, requester. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND RESOLUTION #07-18653 FOR ANNEXATION #07-18:** Property described as a portion of 56th Street West and Broadwater Avenue rights-of-way; City of Billings, requester. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
8. **PUBLIC HEARING AND RESOLUTION #07-18654 FOR ANNEXATION #07-19:** Property described as a 6.832-acre portion of Rimrock Road right-of-way from 62nd Street West to the city limits; City of Billings, requester. Staff

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

9. **PUBLIC HEARING AND RESOLUTION #07-18655 FOR ANNEXATION #07-25:** Property described as a 2.457-acre portion of 44th Street West right-of-way south of King Avenue West; City of Billings, requester. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
10. **PUBLIC HEARING AND RESOLUTION #07-18656 FOR ANNEXATION #07-11:** Property described as a 3.74-acre portion of Broadwater Avenue right-of-way west of 30th Street West; City of Billings, requester. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
11. **PUBLIC HEARING AND RESOLUTION #07-18657 FOR ANNEXATION #07-12:** Property described as a 1.69-acre portion of Bell Avenue right-of-way west of Shiloh Road; City of Billings, requester. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
12. **PUBLIC HEARING AND RESOLUTION #07-18658 FOR ANNEXATION #07-13:** Property described as a 0.92-acre portion of Zimmerman Trail right-of-way; City of Billings, requester. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
13. **PUBLIC HEARING AND RESOLUTION #07-18659 FOR ANNEXATION #07-14:** Property described as a 4.86-acre portion of Cove Avenue right-of-way between 46th and 50th Streets West; City of Billings, requester. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
14. **PUBLIC HEARING AND RESOLUTION #07-18660 FOR ANNEXATION #07-16:** Property described as a 0.359-acre portion of Grand Avenue right-of-way east of 56th Street West; City of Billings, requester. 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.*)
 - **CARL HOWARD, 4312 BROCKTON AVENUE SW,** said the number of handicapped parking spaces in Billings was becoming less and less. He said the big box stores were using some of their designated handicapped parking

spaces for storage. Mr. Howard asked what percentage of handicapped parking spaces was figured into the design of parking lots. He said there were people who abused the use of the handicapped tags and license plates and used them even if they were not handicapped. He said people that were not handicapped appeared to be driving cars owned by people who were handicapped and using the handicapped spaces anyway. He asked the City to start enforcing the use of the handicapped tags and license plates.

Council Initiatives

- **GAGHEN**: Suggested that the current Council purchase a commemorative brick or a plaque out of their own pockets to be displayed at the new ballpark since they had been directly involved with the creation of the new facility.
- **RONQUILLO**: **MOVED** to have staff assist the Council on Aging in their search for a new home for its Community Center, seconded by Councilmember Ulledalen. **APPROVED**.
- **ULLEDALEN**: Advised there were dead trees in the recently-annexed Zimmerman Trail right-of-way and asked who would be responsible for removing them. City Administrator Volek said the City would.
- **TUSSING**: **MOVED** to extend the appointment deadline for all the boards and commissions vacancies until December 31, 2007, due to the lack of current applicants, seconded by Councilmember Veis. **APPROVED**.
- **TUSSING**: **MOVED** to use an outside source to make a legal recommendation regarding Mayor and Council contact with city employees, as outlined in the Charter, seconded by Councilmember Ronquillo. **MOTION FAILED 10 TO 1**.
- **JONES**: Announced he would be moving to Salt Lake City, and December 31, 2007, would be his last day as councilmember.
- **TUSSING**: **MOVED** to appoint a selection committee comprised of Councilmembers Clark, Ruegamer, and Gaghen to begin accepting applicants to replace Councilmember Jones, seconded by Councilmember Ronquillo. **APPROVED**.
- **VEIS**: Said he would like it on the record that a letter was received from Attorney Gerald Christensen and the owners of Cherry Creek Estates asking for reconsideration of Council's action to limit the number of lots to 300 and re-instate its original plan for 363 lots.

ADJOURN – The meeting adjourned at 9:11 p.m.

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