

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

January 22, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Jim Ronquillo

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

MINUTES – January 8, 2007. Approved as printed.

COURTESIES – Finance Division.

- **Deputy City Administrator Bruce McCandless said the City has received the GFOA Certificate of Achievement for Excellence in Financial Reporting for the 22nd consecutive year and the Budget Excellence Award for the 15th consecutive year. He introduced Financial Services Manager Pat Weber. Mr. Weber presented plaques of recognition to Financial Services Accountants Vicki Harrison and Jim Hauck. He accepted the plaque for Accountant Alene Malloy in her absence.**
- **Chris Brink, the Economic Development Coordinator for Beartooth Resource, Conservation and Development, Inc. informed the Council he would be submitting the annual Memorandum of Understanding (MOU) to the City. He reminded the Council the Beartooth RC&D serves a 5-county area and coordinates economic development initiatives.**
- **Councilmember Ruegamer noted his recent experiences on a ride-along on a City garbage truck and the committee to select a landfill consultant. He noted that the landfill recycles over 7,000 tons of waste each year and uses over 12,000 tons of “clean” dirt as cover. Councilmember Ruegamer stated that the landfill is a very efficient operation.**
- **Councilmember Gaghen noted that two of the City’s administrative staff would soon be recognized by their respective alma maters as distinguished**

alumni: Police Chief Rich St. John by Rocky Mountain College and Fire Chief Marv Jochems by MSU-Billings.

- Mayor Tussing stated that he recently accepted two awards from the Montana Historical Society on behalf of the City. The two awards recognized the addition of two sites to the National Register of Historic Places. These sites were Black Otter Trail and the Montana Ave. Historic District.

PROCLAMATIONS -- None

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek reminded the Council that they received a revised memo for Item A – the Event Committee appointments and a revised agenda with the event committee appointees in their Friday packets.
- She noted that several ex parte communications to the Council had been received on Agenda Item L. Copies were available in the binder at the back of the Council Chambers this evening.
- Ms. Volek also reminded the Council of the joint meeting with Yellowstone County, School District #2, and the City of Laurel on Thursday, January 25 at 6:00 p.m. at the MSU-Billings Downtown campus

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.)

(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.)

- **TOM TOWE OF 2739 GREGORY DRIVE S. spoke on Item L. He said he was surprised at the number of questions and comments on this item at the January 8th meeting. He requested that the Council delay action on this item to February 12th, to allow time for him to explore several other options.**

CONSENT AGENDA: SEPARATIONS: K & L

1. A. Mayor’s appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Nancy Boyer	Billings Event Ad-Hoc	01/22/07	04/22/07
2.	Vince Ruegamer	Billings Event Ad-Hoc	01/22/07	04/22/07

3.	Chris "Shoots" Veis	Billings Event Ad-Hoc	01/22/07	04/22/07
4.	Karen Sanford Gall	Billings Event Ad-Hoc	01/22/07	04/22/07
5.	Kathleen Gilluly	Billings Event Ad-Hoc	01/22/07	04/22/07
6.	Amber Sundsted	Billings Event Ad-Hoc	01/22/07	04/22/07
7.	Brad Coutant	Billings Event Ad-Hoc	01/22/07	04/22/07
8.	Mike Schmechel	Billings Event Ad-Hoc	01/22/07	04/22/07
9.	Lori Simon	Billings Event Ad-Hoc	01/22/07	04/22/07
10.	Renee Coppock	Billings Event Ad-Hoc	01/22/07	04/22/07

B. Bid Awards:

(1) Laboratory – Gas Chromatograph for Public Works Dept., Water Production Division. (Opened 1/09/07). Recommend Perkin Elmer LAS, Inc., \$41,342.20.

(2) 95 Gallon Polyethylene Refuse and Yard Waste Containers. (Opened 1/09/07). Recommend Toter Incorporated in the amount of \$53.47 each.

C. Change Order #15, W.O. 04-13: Schedule I – Filter Building Expansion and Improvements, COP Construction, \$27,298.06.

D. Amendment #1, AIP 32 Engineering Services Contract, Morrison-Maierle, Inc., \$539,525.00.

E. Banking and Depository Services Contract with US Bank, term: 2/1/07 – 2/28/2012.

F. Acceptance of Donation to Animal Shelter, Vanguard Group of Pennsylvania on behalf of Karen A. Berg, \$10,000.00.

G. Acknowledge receipt of petition to vacate portions of Marbara Lane, Silver Lane, Yucca St. and North Rim Rd. MSU-Billings, petitioner, and setting a public hearing for 2/12/07.

H. Council liaison appointment to Community Development Board: replace Peggie Gaghen with Jim Ronquillo.

I. Confirmation of Police Officers:

- (1) Steve Hallam
- (2) Katherine Nash

J. Resolution of Intention 07-18520 to Create SID 1377: public improvements consisting of water, sanitary sewer, curb and gutter and street

improvements on Greenbriar Rd. between Lake Hills Dr. and Hillcrest Dr. , and setting a public hearing for 2/12/07.

K. Resolution authorizing \$1,500.00 from Council Contingency to Mayor's Committee on Homelessness for the Pioneer Human Services Spring Conference, \$1,500.00. **DISAPPROVED**

L. Second/Final Reading Ordinance for Zone Change 793: a zone change from Residential Multi-family (RMF) to Neighborhood Commercial (NC) on 14,000 sf of an existing parcel of land described as: S/2 of Lots 13 through 21, Block 59 Foster's Addition and located at 632 North 26th Street aka Skyline Court Condominiums. Thomas Towe and Court E. Ball Partnership, owner; Susan Lovely, agent. **DELAYED TO 2/12/07.**

M. Second/Final Reading Ordinance 07-5398 for Zone Change 794: a zone change from Agriculture Suburban to Residential Multi-family-Restricted (RMF-R), Residential-5,000 (R-50) and Residential-7,000 (R-70) on a 39.55-acre parcel of land described as: Tract 1A, C/S 3279 amended and located North of Grand Avenue at 52nd Street West. Rod Wilson and Judith Deines, owners; Engineering, Inc. agent.

N. Amended Plat of Lot 10, Block 5, O'Leary Sub., and approval of the Quit Claim Deed to Linde Properties, LC.

O. Bills and Payroll.

- (1) December 22, 2006
- (2) December 1 - 31, 2006 (Municipal Court)
- (3) January 2, 2007

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

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 07-18521 approving and adopting second quarter budget amendments for FY 2006/2007. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION 07-18522 for Annex #07-01: annexing an 11,160 square foot parcel of property described as Lot 3, Block 7, Kimble Subdivision, Second Filing and located at 215 Garden Ave. and including all adjacent right-of-way of Garden Avenue. Staff recommends conditional

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

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC Section 23-1101; providing updates to regulations on requesting a variance from the subdivision regulations. Planning Board recommends approval. **(Action:** approval or disapproval of Planning Board recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 2/12/07**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #795:** A zone change from Residential-7,000 to Neighborhood Commercial (NC) and Residential Multi-family-Restricted (RMF-R) on a 4.69 acre parcel of land described as: Tracts 1 – 5, Brittain Acres Subdivision and located at 803 Yellowstone River Rd., and 821 & 823 Bench Blvd. Big Sky Floral Supply, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 2/12/07**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #796:** A zone change from Residential-6,000 (R60) to Residential-5,000 (R50) on a 10,506 square foot parcel of land described as: Lot 15B, Mattson Acres Sub. Amended, excepting the north 152.75 feet and located at 723 Mattson Lane. William & Carla Pearson, owners; John Haman, agent. Zoning Commission recommends denial and adoption of the determinations of the 12 criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED THE ZONING COMMISSION RECOMMENDATION FOR DENIAL AND ADOPTED THE DETERMINATIONS OF THE 12 CRITERIA.**
7. **PUBLIC HEARING AND SPECIAL REVIEW #833:** A special review to amend the master plan for Harvest Church to include an outdoor water park and community center building in a Residential-9,600 (R96) zone on the north west corner of Lot 1, Block 4 High Sierra Subdivision 1st Filing, located at 1235 West Wicks Lane. Harvest Church, owner; Alex Tommerup, AT Architecture, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC Section 2-214, providing that the public comment period on non-agenda items shall start no later than 9:30 p.m. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.) **TABLED INDEFINITELY**

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.)
THERE WERE NO SPEAKERS.

Council Initiatives

- **MAYOR TUSSING: MOVED to direct Staff to re-contact Rimrock Foundation to determine whether it is still willing to donate \$1,500 to the Mayor's Committee on Homelessness for the Pioneer Human Services Spring Conference. APPROVED**

ADJOURN – 8:07 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>**