

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

January 14, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

OATHS OF OFFICE CEREMONY: Newly-elected Councilmembers

ELECTION of Mayor Pro Tem – Councilmember Ronquillo was elected.

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ronquillo

ROLL CALL

MINUTES – December 10, 2007

December 17, 2007

COURTESIES – Finance Department, GFOA Financial Reporting Excellence

PROCLAMATIONS - none

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 9 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.) **There were no speakers.**

CONSENT AGENDA:

Separations: 1A2; 1A3; D

1. A. **Mayor's Appointments:**

(1) Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term

1.	Richard DeVore	Parks/Rec/Cemetery Board	01/14/08	12/31/10
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Unexpired term of Denis Pitman

(2) **Appointment of two Councilmembers** to the MDOT Shiloh Road Committee. **Councilmembers Clark and Ulledalen were appointed.**

(3) **Appointment of one Councilmember** to the Montana League of Cities. **Councilmember Clark was appointed.**

B. Bid Awards:

(1) **W.O. 05-20 Aronson Avenue Extension** (Opened 12/18/07)
Recommend COP Construction LLC, \$5,634,212.70.

(2) **W.O. 07-12 Alkali Creek Water Line Replacement** (Opened 12/18/07) Recommend COP Construction LLC, \$336,441.50.

C. Professional Services Contract for W.O. 07-22, King Avenue East Improvements, HDR Engineering, \$350,975.00.

D. Contract with Penn Credit Corporation for past-due parking violation collection services, minimum 19% withheld from money collected depending on required workload, five years. **Approved**

E. Contract with Northwestern Energy for Special Improvement Lighting Maintenance District 300, Bellville Subdivision, for light district ownership, energy, and maintenance.

F. Contract with ABC Maintenance for janitorial services for the City's four parking garages, \$57,600 per year, one year with a one-year option for renewal.

G. Rescindment of the IAFF Local 521 Memorandum of Understanding (MOU) permitting firefighters to schedule additional vacation days during July and August.

H. Acknowledging receipt of petition to annex #08-02: 54 acres legally described as Tract 2B, Certificate of Survey 1121, generally located west of Washington Street, south of Interstate 90, and north of the Yellowstone River, King Business Park LLC; Richard Dorn, Samuel Rankin, and Hannah Elletson, owners and petitioners, and setting a public hearing date of January 28, 2008.

I. Confirmation of probationary police officer, Benjamin Scott.

J. Approval and acceptance of boulevard sidewalk easement for Sugar Subdivision, First Amendment.

K. Approval and acceptance of warranty deed with MWSH BILLINGS LLC for Tract 1B of Amended Tract 1, Certificate of Survey 1648, located at Central Avenue and Shiloh Road.

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

(1) Parcel 24: Portion of Lot 15, Josephine Subdivision, Orville M. Kurtz and Lake Elmo Storage LLC, \$21,105.00.

M. Acceptance of donation from Steven Kops of EFX Photography, Laurel, MT, to the Billings Animal Shelter, \$740.00.

N. Approval of application for a Certified Local Government Grant from the Montana State Historical Preservation Office, \$5,500.00.

O. Approval of grant application with the Montana Department of Transportation for paratransit operating assistance and the purchase of two paratransit vans, \$49,004.00 FY 08/09 revenue for paratransit administrative, maintenance, and operating costs; and up to \$106,640.00 for two new vans.

P. Acceptance of Municipal Court grant from the National Highway Traffic Safety Administration, Department of Transportation, providing staff training for treatment of DUI offenders, \$8,000.00.

Q. Joint Resolution (City Resolution #08-18664) with Yellowstone County for participation in the State-Wide Radio System.

R. Resolution #08-18665 temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Masonic Temple parking lot, 1101 Broadwater Avenue, during the state meeting of the Eastern Star chapters, June 17-22, 2008.

S. Second/final reading Ordinance #08-5442 expanding the boundaries of Ward III to include recently annexed property in Annexation #07-25: Property described as a 2.457-acre portion of 44th Street West right-of-way south of King Avenue West legally described as Block 5, Lot 1, Long Subdivision, City of Billings, requester.

T. Second/final reading Ordinance #08-5443 expanding the boundaries of Ward IV to include recently annexed property in 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.

U. Second/final reading Ordinance #08-5444 expanding the boundaries of Ward IV to include recently annexed property in Annexation #07-13:

Property described as a 0.92-acre portion of Zimmerman Trail right-of-way; City of Billings, requester.

V. Second/final reading Ordinance #08-5445 expanding the boundaries of Ward IV to include recently annexed property in 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.

W. Second/final reading Ordinance #08-5446 expanding the boundaries of Ward IV to include recently annexed property in 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.

X. Second/final reading Ordinance #08-5447 expanding the boundaries of Ward V to include recently annexed property in 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.

Y. Second/final reading Ordinance #08-5448 expanding the boundaries of Ward V to include recently annexed property in 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.

Z. Second/final reading Ordinance #08-5449 expanding the boundaries of Ward V to include recently annexed property in Annexation #07-18: Property described as a portion of 56th Street West and Broadwater Avenue rights-of-way; City of Billings, requester.

AA. Preliminary Subsequent Minor Plat of Amended Lot 1-A, Block 1, McCracken Subdivision, 2nd Filing, generally located just west of the intersection of Lake Elmo Drive and Wicks Lane, conditional approval of the plat and adoption of the Findings of Fact.

BB. Final Plats

- (1) Shiloh Crossing Subdivision
- (2) Amended Lot 1, Block 4, High Sierra Subdivision, 3rd Filing

CC. Bills and Payroll

- (1) December 3, 2007
- (2) December 7, 2007
- (3) December 17, 2007

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

REGULAR AGENDA:

2. **PUBLIC HEARING** on Reallocation of CDBG and HOME Funds. Community Development Board and Staff recommend approval. (**Action:** approval or disapproval of Community Development Board and Staff recommendation.) **ACTION POSTPONED UNTIL 2/11/08.**
3. **PUBLIC HEARING AND RESOLUTION #08-18666** to sell a fragment of park property, Block 10, of Rehberg Ranch Subdivision, 2nd Filing. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED AMENDING THE RESOLUTION TO REFLECT THE SALE PRICE OF \$4,130.00.**
4. **PUBLIC HEARING AND RESOLUTION #08-18667** to sell a portion of Lot 15A, Block 2, Southgate Subdivision, 1st Filing, and initiate a zone change. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION #08-18668** adopting the South Side Neighborhood Plan. Yellowstone County Board of Planning recommends approval. (**Action:** approval or disapproval of Yellowstone County Board of Planning recommendation.) **APPROVED**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #825:** An ordinance amending Sections 27-201, 27-305 and 27-310 of the Unified Zoning Regulations allowing, through special review, the addition of single-bedroom rental units under certain circumstances on single-family, owner-occupied lots within existing residential zoning districts. Zoning Commission recommends denial. (**Action:** approval or disapproval of Zoning Commission recommendation.) **ZONE CHANGE DENIED.**
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #827:** A zone change from Residential 9600 to Residential 7000 on a 44,644 square foot property located north of Saturn Place in the Billings Heights. Dorn Property LLC, owner; Engineering, Inc., agent. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.) **ACTION POSTPONED UNTIL 1/28/08 IN ORDER TO HOLD A NEIGHBORHOOD MEETING WITHIN WARD II BOUNDARIES.**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #828:** A zone change from Residential 9600 to Residential Professional on Lot 3, Block 1, Rocky Village Subdivision, generally located on the northwest corner of Poly Drive and 17th Street West. Ric Heldt, A & E Architects, representative. Zoning Commission recommends approval and adoption of the determinations of the 12 Zoning Commission

Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**

9. **DEVELOPMENT AGREEMENT** between the City of Billings and Downtown Billings Partnership; Downtown Development Corporation, Inc.; the White Family, LLC; Big Sky Economic Development Authority; and Yellowstone County for the Federal Courthouse Building. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED CORRECTING THE DOLLAR AMOUNT PAID TO BIG SKY EDA TO \$756,000 IN SECTION 5, 5.3(d), THIRD PARAGRAPH AND CONTINGENT UPON THE CITY RECEIVING A RELEASE FROM THE PARKING LOT OBLIGATION TO THE COUNTY.**

10. **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.*)
 - **Trent Godfrey, 737 S. Billings Boulevard, #15**, asked Council to place a moratorium on owners of mobile home parks from selling their property for redevelopment that would displace mobile homeowners.
 - **Dave Bovee, 424 Lewis Avenue**, said it had been six to seven months since the patio at Montana Avenue and North 25th had been built, but the curb still had not been painted yellow and the “no parking” signs had not been installed. He said vehicles were parking in front of the patio blocking the left-hand traffic lane.

Council Initiatives

- **VEIS: MOVED** to have the Parks Department reimburse the Planning Department \$900.00 for staff time involved with the Agenda Item #4 zone change, seconded by Councilmember Ruegamer. **APPROVED**
- **ULLEDALEN: MOVED** to place discussion of the RFP for privatization of the Animal Shelter on the January 22nd Work Session Agenda, seconded by Councilmember Ronquillo. **APPROVED**
- **RONQUILLO: MOVED** to have Scott Godfrey attend a Work Session to present a PowerPoint and discuss the displacement of mobile/manufactured homeowners when a mobile home park owner decides to sell the mobile home park property for development, seconded by Councilmember McCall. **THE MOTION FAILED 5 TO 5. ON A ROLL CALL VOTE, COUNCILMEMBERS RONQUILLO, GAGHEN, VEIS, RUEGAMER, AND MCCALL VOTED YES. COUNCILMEMBERS PITMAN, STEVENS, ULLEDALEN, AND CLARK, AND MAYOR TUSSING VOTED NO.**

ADJOURN: The meeting adjourned at 9:07 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>**

2008 BOARDS & COMMISSIONS CALENDAR

JANUARY:

1/01/2008 NEW YEAR'S DAY – CITY OFFICES CLOSED

1/02/2008	Community Development Board Zoning Commission Council Agenda Setting Meeting	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 th Floor Library Council Chambers CH Conference Room
1/03/2008	EMS Commission Tourism Business Improvement District Board Human Relations Commission Board of Adjustment	7:00 a.m. 8:30 a.m. 12:15 p.m. 6:00 p.m.	Main Fire Station Chamber of Commerce 815 S. 27 th Street CH Conference Room Council Chambers
1/07/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
1/08/2008	Parking Advisory Board Aviation & Transit Commission Planning Board	5 pm-8 pm 5:30 p.m. 6:00 p.m.	MSU-B Downtown Campus Airport Terminal 4 th Floor Library
1/09/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 rd Street
1/10/2008	Library Board Committee on Homelessness	NOON 2:00 p.m.	3 rd Floor Library 3 rd Floor Library
1/14/2008	Energy & Conservation Commission Council REGULAR MEETING	3:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Road Council Chambers
1/15/2008	Yellowstone Historic Preservation Bd Council Agenda Setting Meeting	8:00 a.m. 5:30 p.m.	4 th Floor Library CH Conference Room
1/17/2008	Tourism Business Improvement District Board	8:30 a.m.	Chamber of Commerce 815 S. 27 th Street
1/21/2008 MARTIN LUTHER KING DAY – CITY OFFICES CLOSED			
1/22/2008	Traffic Control Board Council WORK SESSION Planning Board	NOON 5:30 p.m. 6:00 p.m.	4 th Floor Library Community Center 360 N. 23 rd Street 4 th Floor Library
1/23/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room
1/28/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers

1/29/2008 Council Agenda Setting Meeting 5:30 p.m. CH Conference Room

FEBRUARY:

2/04/2008 Council WORK SESSION 5:30 p.m. Community Center
360 N. 23rd Street

2/05/2008 Community Development Board 3:00 p.m. 4th Floor Library
Aviation & Transit Commission 5:30 p.m. Airport Terminal
Zoning Commission 4:30 p.m. Council Chambers

2/06/2008 Board of Adjustment 6:00 p.m. Council Chambers

2/07/2008 Human Relations Commission 12:15 p.m. CH Conference Room

2/11/2008 Energy & Conservation Commission 3:00 p.m. Billings Operations Ctr.
4848 Midland Road
Council REGULAR MEETING 6:30 p.m. Council Chambers

2/12/2008 Parking Advisory Board 4:00 p.m. CH Conference Room
Council Agenda Setting Meeting 5:30 p.m. CH Conference Room
Planning Board 6:00 p.m. 4th Floor Library

2/13/2008 Parks/Recreation/Cemetery Board 11:30 a.m. Community Center
360 N. 23rd Street

2/14/2008 EMS Commission 7:00 a.m. Main Fire Station
Library Board NOON 3rd Floor Library
Committee on Homelessness 2:00 p.m. 3rd Floor Library

2/18/2008 PRESIDENT'S DAY – CITY OFFICES CLOSED

2/19/2008 Yellowstone Historic Preservation Bd 8:00 a.m. 4th Floor Library
Council WORK SESSION 5:30 p.m. Community Center
360 N. 23rd Street

2/21/2008 Tourism Business Improvement 8:30 a.m. Chamber of Commerce
District Board 815 S. 27th Street
Public Utilities Board 6:30 p.m. Public Works-Belknap
2251 Belknap Avenue

2/25/2008 Council REGULAR MEETING 6:30 p.m. Council Chambers

2/26/2008 Traffic Control Board NOON 4th Floor Library
Council Agenda Setting Meeting 5:30 p.m. CH Conference Room
Planning Board 6:00 p.m. 4th Floor Library

2/27/2008 Development Process Advisory Brd 1:00 p.m. CH Conference Room