

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

June 11, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Larry Brewster

ROLL CALL – Councilmembers present were: Ronquillo, Gaghen, Stevens, Brewster, Ruegamer, Ulledalen, Boyer, Jones, Clark. Councilmember Veis was excused.

MINUTES – May 29, 2007 – [Approval Pending](#)

COURTESIES - None

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- [City Administrator Tina Volek reported that copies of five \(5\) exparte communications were in the binder at the back of the Council Chambers this evening. The first item was a letter from the South Side Neighborhood Task Force regarding Alternatives, Inc.'s agreement to pay \\$40,000 in Payment in Lieu of Taxes and to allow a member of the Southside Task Force to attend their board meetings. The second item was a revised bond sale council memo regarding Item 9. The third item was a corrected spread sheet regarding Item 2. The fourth item was additional documentation regarding Item 1B2. The fifth item was a revised council memo regarding Item 1A.](#)
- [Ms. Volek also noted an executive session regarding pending litigation would be held directly after the meeting this evening.](#)
- [Ms. Volek reminded Council of the Agenda Setting Meeting tomorrow night at 5:30 p.m.](#)
- [Ms. Volek noted the regularly-scheduled Work Session for July 2, 2007, had been moved to July 30, 2007.](#)

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 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: **There were no separations.**

1. A. Mayor's appointments:

Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	John Hines	Mayor's Committee on Homelessness	06/11/07	12/31/08

1. Unexpired term of Tim Smith (Homeless)

B. Bid Awards:

(1) Current Model Year Fire Apparatus. (Opened 5/29/07)
Recommend Sutphen Corporation, \$285,936.28.

(2) W.O. 07-01 Water and Sewer Replacement Projects.
(Opened 5/29/07) **Schedule I:** Recommend COP Construction,
\$2,088,981.40. **Schedule II:** Recommend Chief Construction,
\$1,565,300.55.

(3) SID 1375 Claremont Road Improvements (Opened 6/5/07)
Recommend delay of award until 6/25/07.

(4) SID 1377 Greenbriar Road Improvements (Opened
6/5/07) Recommend delay of award until 6/25/07.

C. Approval of securities pledged by Sterling Savings Bank and US Bank as collateral for certificates of deposits, MIA, and repurchase accounts.

D. Contract with Ace Electric for replacement of the Park 3 Garage control equipment, \$59,075.00.

E. Contract Amendment with Firefighters Local 521 IAFF for a 2007-2008 COLA of 3% - \$234,047.25 per year.

F. Resolution closing Special Improvement/Sidewalk Bond Debt Funds to SID Revolving Fund - \$8,844.28.

G. Acceptance of Vehicle Lease Agreement with Underriner Motors for six (6) vehicles for the City County Special Investigations Unit.

H. Acceptance of Federal Aviation Administration Airport Improvement Program Grant 33.

I. Memorandum of Understanding (MOU) between the City of Billings and Billings Public Schools for two (2) middle school resource officers (7/1/07 - 6/30/08).

J. Memorandum of Understanding (MOU) between the City of Billings and Billings Public Schools for three (3) high school resource officers. (7/1/07 – 6/30/08).

K. Right-of-Way Easement with Rimrock Credit Union for Lot 4, Flanagan Subdivision.

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

(1) Parcel 21: Portions of Tracts 1 and 2 of Third Amended Plat of Certificate of Survey 239 (Siewert Acres), Jerry T. Klundt and Karen L. Klundt, \$17,912.00.

(2) Parcel 45: Portion of Tract 1-A, Amended Tract 1 of Certificate of Survey 332, Brad C. Hudson and Darlene A. Hudson, \$10,150.00.

(3) Parcel 52: Portion of Lot 22, Block 2 of Broadmoor Subdivision, Tasneem F. Khaleel and Shafiq A. Khaleel, \$8,000.00.

(4) Parcel 54: Portion of Lot 24, Block 2, of Broadmoor Subdivision, Tasneem F. Khaleel and Shafiq A. Khaleel, \$9,050.00.

M. Subordination of Rental Rehabilitation Loan for Diane Miller, dba Bad Osprey, Inc., \$26,855.85.

N. Street Closure: Yellowstone Health Partnership Fun Run/Walk: 8:00 a.m., June 23, 2007 – Start at S. 26th Street and 2nd Ave. S, right on S. 25th Street, right on 6th Ave. S., right on S. 37th St., right on 2nd Avenue S., right on S. 28th St., right on 9th Ave. S., right on S. 31st St. into South Park.

O. Grant Application Request to submit 2007 Commercial Equipment Direct Assistance Program (CEDAP) application and accept award, \$5,432.00.

P. Grant Application Request to submit 2007 Justice Assistance Grant (JAG) application and accept award, \$82,370.00.

Q. Second/Final reading ordinance #07-5414 for Zone Change #806:
A zone change from Residential 15000 (R-150) and Residential

Manufactured Home (RMH) to Entryway General Commercial (EGC) generally located on the southwest corner of King Avenue East and Orchard Lane.

R. Second/Final reading ordinance #07-5415 for Zone Change #804:

A zone change from Residential Professional (RP) to Residential Multi-Family Restricted (RMF-R) on the southern 3.93 acres of Tract 1A, Certificate of Survey 2991, and located on the southeast corner of the intersection of Central Avenue and Brookshire Boulevard and addressed as 2810 Central Avenue. CBE Properties, LLC, owner.

S. Preliminary Subsequent Minor Plat of Central West Subdivision generally located on the southeast corner of the intersection of Central Avenue and Brookshire Boulevard and addressed as 2810 Central Avenue, conditional approval of the plat and adoption of the Findings of Fact.

T. Preliminary Plat of Riverfront Pointe Subdivision, Amended, generally located on the east side of Mullowney Lane, south of Frontier Drive, conditional approval of the plat and adoption of the Findings of Fact.

U. Cancellation of checks and warrants, \$26,285.04.

V. Bills and payroll.

- (1) May 11, 2007
- (2) May 18, 2007

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting the FY 2007-2008 Budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 6/25/07.**
3. **PUBLIC HEARING AND RESOLUTION** setting FY 2008 mill levy rates for the Transit Operating Fund, Library Operating Fund, and Public Safety I Fund. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 6/25/07.**
4. **PUBLIC HEARING AND RESOLUTIONS** setting annual FY 2008 assessments for the Business Improvement District-**Resolution #07-18565**; Park Maintenance Districts-**Resolution #07-18559**; Light Maintenance Districts-**Resolution #07-18560**; Fire Hydrant Maintenance-**Resolution #07-18561**; Street Maintenance-**Resolution #07-18562**; Residential/Commercial Collection, Disposal, and Landfill Fees-**Resolution #07-18566**; Storm Sewer-**Resolution #07-18563**; and Arterial

Construction-**Resolution #07-18564**. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**.

5. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE(S) #CC07-02:** (1) a variance from the Site Development Ordinance Section 6-1208(h)(2) allowing driveway widths greater than 24 feet in a multifamily-zoned district; and (2) a variance from the Site Development Ordinance Section 6-1208(j)(2) allowing curb cuts serving the same property to be separated by less than 25 feet of full height curb. Regal Land Development, Inc., developer. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**.
6. **PUBLIC HEARING AND RESOLUTION #07-18567** vacating an undeveloped portion of Moose Hollow Lane located in Aspen Gateway Subdivision, 2nd Filing, at no cost to the developer. Lloyd Detienne, developer/owner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**.
7. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annex #07-08: an approximate 4.27 acre parcel legally described as Tract 3, Certificate of Survey 2298, located in Section 4, Township 1S, Range 25E. Hope Evangelical Church, owner. Benjamin Gonzales, agent. Staff recommends ~~conditional~~ approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**.
8. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annex #07-09: an approximate 14.08 acre parcel located at the southeast intersection of King Avenue East and Calhoun Lane. Miller Trois, LLC, owner. Staff recommends ~~conditional~~ approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**.
9. **SALE OF BONDS** totaling \$12,500,000 for the purpose of paying the costs of designing, constructing, and equipping the new baseball stadium relating to previously approved \$10,700,000 General Obligation Bonds Series 2007A and \$1,800,000 General Obligation Bonds Series 2007B. (Opened 6/11/07) Recommendation to be made at meeting. **Resolution # 07-18568. APPROVED**.
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.*)
 - **JOYCE BAKER, 83 CHARLENE STREET, requested the fence be re-**

installed along the vacant lot on Charlene Street for neighborhood security reasons.

- JERRY BAKER, 83 CHARLENE STREET, also requested the fence be re-installed along the vacant lot on Charlene Street for neighborhood security reasons.
- HAROLD EYRE, 914 WYOMING AVENUE, representing LIFTT, expressed concerns over the lack of police enforcement of handicapped parking signs.

Council Initiatives

- Councilmember Stevens MOVED to have staff provide Council with examples of Code Enforcement Letters sent to property owners reflecting a more positive approach. APPROVED.
- Councilmember Ruegamer MOVED to have staff provide a report to Council on the pros and cons of fencing the vacant, city-owned lot on Charlene Street. APPROVED.
- Councilmember Ruegamer began the discussion on the letter from the South Side Neighborhood Task Force concerning Alternatives, Inc. Attorney Brooks recommended submitting the letter to Attorney Krogh for review and discussion. Mayor Tussing asked Attorney Brooks for a follow-up report to Council.

ADJOURN - The meeting was adjourned at 7:55 p.m.

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

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<http://ci.billings.mt.us>