

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

May 14, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Peggie Gaghen

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

MINUTES – April 23, 2007. Approved as printed.

COURTESIES

- Councilmember Veis recognized Alan Lohof, a City of Billings Firefighter, as the first graduate of the MSU-Billings Masters Degree Program in Public Administration.

PROCLAMATIONS

- May 13-19: National Women's Health Week
- May 13-19: National Police Week
- May 15: National Peace Officers' Memorial Day
- May 18: Endangered Species Day
- May 24: First Congregational United Church of Christ Day

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek announced that Deputy City Administrator, Bruce McCandless, has been appointed Assistant City Administrator. Mr. McCandless has 25 years of experience in city government management; 11 of which have been in Billings. As part of the appointment, the position of Deputy City Administrator will be eliminated, and a recommendation will be made to Council during the budget process that the funding for the Deputy City Administrator position in the coming budget year be used to fund a cost of services study, which will be the basis to determine what fees and service cuts are necessary to balance the city budget in future years. Ms. Volek thanked Mr. McCandless for accepting the challenge.
- Ms. Volek noted the Council Agenda Review meeting will be held

tomorrow evening at 5:30 p.m. followed by a Work Session on additional budget items at 6:00 p.m., at the Police Training Center, 4140 Midland Road, located at the corner of South Billings Boulevard and Midland Road.

- Ms. Volek noted the City Council is invited to the Planning, Zoning, and Community Development Department this week as part of the Council’s third Thursday of the month tour of City Departments. The tour will begin Thursday at 1:00 p.m. to be followed at 3:00 p.m. by a training and zoning subdivision workshop.
- Ms. Volek noted a change on Agenda Item 3 supporting documents. The spelling of the property owner is shown incorrectly as Gareld K-r-e-i-g. The correct spelling is K-r-i-e-g.
- Ms. Volek stated the one-minute Public Comment period this evening should be on Item 1, which is the Consent Agenda, and Items 5, 6 and 7; none of which have a public hearing associated with them.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 5, 6, and 7 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.)

- **DAVID BOVEE, 424 LEWIS AVENUE, OPPOSED** the Ordinance wording in Item 1L, Aggressive Solicitation.

CONSENT AGENDA:

SEPARATION: L

1. A. Mayor’s appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Phyllis Crawford	Housing Authority	5/14/07	12/31/07
2.	Jo Ann Lees	Housing Authority	5/14/07	12/31/08

- 1. Unexpired term of Erica Limberhand

B. Bid Awards:

(1) Airport Improvement Program (AIP) 32 Control Tower Demolition. (Opened 4/24/07) Recommend General Contractors, Inc., \$769,287.00.

(2) Fire Alarm Upgrades for the Airport Terminal Building. (Opened 4/24/07) Recommend Yellowstone Electric, \$48,759.00.

C. Amendment #1, W.O. 07-12, Phase II, Alkali Creek Road to Hilltop Water Main Replacement. Professional Services Contract, Morrison-Maierle, Inc., \$34,596.00.

D. Contract with WCS Telecom for long distance services.

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

(1) Parcel 13: Portion of Tract B, Certificate of Survey No. 280, Dan C. and Ashley A. Fuchs, \$9,400.00.

(2) Parcel 35: Portion of Lot 17, Barkley Sub., Samuel D. and Patricia L. Thomas, \$4,700.00.

(3) Parcel 57: Portion of Tract 1-B of Certificate of Survey No. 1113, Tract 1, Amended, Shelly Ma AKA Shelly Ma-Chan, \$3,850.00.

(4) Parcel 67: Portion of Lot 1, Block 4, Arrowhead Sub., Thomas C. Ricci, \$2,450.00.

(5) Parcel 68: Portion of Lot 2, Block 4, Arrowhead Sub., Gary A. and Marsha A. Ostermiller, \$2,300.00.

F. Right-of-Way Easement with Department of Natural Resources and Conservation (DNRC) for Briarwood Sanitary Sewer Main Extension.

G. Acknowledge receipt of petition to annex #07-08: approximately 4.92 acres of Tract 3, C/S 2298, generally located on the southeast corner of the intersection of Grand Avenue and 56th Street West, Benjamin Gonzales, petitioner; Hope Evangelical Church, owner, and setting a public hearing date for 5/29/07.

H. Acknowledge receipt of petition to annex #07-09: approximately 14.08 acres located on the southeast corner of the intersection of King Avenue East and Calhoun Lane east of Miller Crossing Subdivision, Miller Trois LLC, owner and petitioner, and setting a public hearing date for 5/29/07.

I. Acknowledge receipt of petition to vacate a portion of Moose Hollow Lane, Lloyd Detienne, petitioner; and setting a public hearing date for 6/11/07.

J. Acceptance of Quitclaim Deed for a portion of Tract 2, Certificate of Survey 2055, from James Pickens, \$0.00.

K. Acceptance and Approval of Donation from MDU to the South Gate Cop Shop. \$250.00 value.

L. Second/Final Reading ordinance amending Article 18-1000 and Section 18-1001 re: aggressive solicitation.

APPROVED amending the wording of 2a to state that if a “no solicitation” sign is posted, the business owner must ask the solicitor to leave the premises prior to calling the police. Should the solicitor refuse to leave, the business owner then has the right to call the police.

M. Second/Final Reading ordinance for Zone Change #802, Gareld Krieg and Cal Kunkel, owners, Land Equity Partners, developer.

N. Second/Final Reading ordinance for Zone Change #803, City of Billings, owner, Parks, Recreation, and Public Lands, agent.

O. Resolution temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, during the 2007 Wing Ding event to be held July 4-8, 2007.

P. Final Plat of Grand Peaks Sub.

Q. Final Plat of Ironwood Estates Sub., 4th Filing, Lot 33, Block 1

R. Bills and Payroll

(1) April 6, 2007

(2) April 16, 2007

(3) April 20, 2007

(4) March 1, 2007 – March 31, 2007 (Municipal Court)

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

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION approving and adopting budget amendments for Fiscal Year 2006/2007 for the 2002 and 2003 UHP Grants in the Police Department; for a Planning Department grant from the State Historical Preservation; and for a General Fund - Parks Loan to the Ballpark Construction Fund until bonds are sold. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annex #07-07: an approximate 150-acre parcel described as: Lots 1-5, Block 1, Western Sky Subdivision, Cal Kunkel and Gareld Krieg, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annex #07-

06 for the future Cottonwood Park site: containing 42.26 acres described as: the northwest corner of Colton Boulevard and 54th Street West, City of Billings, owners. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.) **APPROVED**

5. **AGREEMENT BETWEEN YELLOWSTONE COUNTY AND THE CITY OF BILLINGS** to sell and exchange parcels described as Lots 19-24, Block 60, Original Town of Billings, City of Billings, owner; and Lots 6-12, Block 60, Original Town of Billings, Yellowstone County, owner, for the purpose of construction of a MET Transit Transfer Center and possible Federal Courthouse site. (**Action:** approval or disapproval of Staff recommendation.) **APPROVED**
6. **REQUEST FOR TIFD FUNDING** by the Downtown Billings Partnership to construct county parking on Lots 19-24, Block 60, Original Town of Billings, with \$237,016 from 1976 Tax Increment District Funds. (**Action:** approval or disapproval of Staff recommendation.) **APPROVED**
7. **ALLOCATION** of CDBG and HOME program funds for FY2007-2008 and approval of the FY2007-2008 Annual Action Plan. (**Action:** approval or disapproval of Staff recommendation.) **APPROVED**
8. **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.*)
 - **MICHAEL BÜTZ, 349 FUTURE CIRCLE, ADDRESSED** the City's delay in improving the frontage along Monad Road in front of Terra West Subdivision and the need for better traffic control in the area of Monad Road and 32nd Street West.

Council Initiatives

- **Ruegamer: MOVED** to direct staff to make recommendations on the feasibility of cleaning the 6th Street underpass and placing screens to prevent the pigeons from roosting on the underpass. **APPROVED**
- **Jones: MOVED** to have staff review the traffic control and turn lanes at 32nd Street West and Monad Road. **APPROVED**
- **Brewster: MOVED** to direct staff to provide the cost of increase of salaries and benefits for each year over the last 10 years to include the dollar figure and percentage of personnel costs, excluding new positions. **APPROVED**

ADJOURN – 7:40 p.m.

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