

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 29, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Jim Ronquillo

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

MINUTES – May 14, 2007, approved as presented.

COURTESIES - None

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- **Ms. Volek noted Agenda Items 1A (4) and 1A (5) need removed from the Agenda. She stated the bid openings for both Items have been postponed until June 5, 2007.**
- **Ms. Volek noted a memo from Staff was included with the Friday packet on Item N2, the Perfect Pitch application for street closures every Friday from June 15 to August 24 from 10 a.m. to midnight. She stated the original agenda item contained concerns from Staff. A meeting was held to clarify those issues, and the project coordinator has signed an agreement to address the issues. Staff is now in agreement, and a copy of the memo is in the Ex-parte Communication Book.**
- **Ms. Volek noted the letter Council received in the Friday packet from the developer at 2033 Main Street. A copy is in the Ex-parte Communication Book.**
- **Ms. Volek referenced a letter from the Southwest Corridor Task Force regarding Agenda Item 7(a), the annexation of a parcel on King Avenue near South Billings Boulevard; a memo from Avenue B residents regarding Agenda Item 5, Special Review #846, allowing business access from Avenue B; and a copy of a letter from Mr. David Bovee regarding weed control in his yard. Copies of the items are in the Ex-parte Communication Book.**

- Ms. Volek reminded Council the Agenda Review Meeting and Budget Work Session are scheduled for tomorrow evening at 5:30 p.m. at PD 1 located at the corner of Midland Road and South Billings Boulevard.
- Ms. Volek noted the groundbreaking for the new fire station is scheduled for tomorrow at 2:30 p.m.

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.)

- **TIM GOODRIDGE, 2990 LOHOF DRIVE**, said he represented Perfect Pitch, Inc. and asked if there were any questions on the Montana Avenue Live request for street closures. Councilmember Ruegamer asked if the merchants in the area had been visited with concerning the street closures. Mr. Goodridge said the primary businesses on Montana Avenue are the Carlin Hotel and the McCormick Café, and the owner is in support of the closures. Councilmember Boyer asked if Sweet Ginger had been notified. Mr. Goodridge said they had not but he would contact them.
- **MARY WESTWOOD, 2808 MONTANA AVENUE**, said she had concerns with Consent Agenda Item F. She said she was concerned about the precedent being set by the Agreement because there were no public hearings held; it significantly changes the CIP; and the SID impact on the neighbors and the impact on public services were not accurately addressed in the staff memo.
- **DAVID NEDROW, 2033 MAIN STREET**, said he represented Keystone Construction and referenced Agenda Item 2. He requested reconsideration of the previous decision to keep the property in the 2005-2006 Miscellaneous/Developer Related Improvement Program. He stated the additional requirements would be an unnecessary, excessive burden on his company.

CONSENT AGENDA: SEPARATIONS: 1A(4), 1A(5), 1D, 1E, 1F, 1J, 1L, 1M, 1N(1), 1N(2), 1P, 1Q, 1R, 1S, 1U, 1V, 1X

1. A. Bid Awards:

(1) Crosswalk Lighting Upgrades for the Airport Terminal Building. (Opened 5/15/07) Recommend Yellowstone Electric, \$51,114.00.

(2) Airport Improvement Program (AIP) 33 Taxiway A Drainage and Pavement Rehabilitation Project. (Opened 5/15/07) Recommend Schedule 1: Riverside Sand and Gravel, Inc., \$393,163.70. Schedules II, III and IV: Western Municipal Construction, \$972,698.75.

(3) New Billings Baseball and Multi-Use Stadium at Athletic Park – West End Excavation. (Opened 5/15/07) Recommend CMG Construction, Inc., \$71,971.00.

(4) SID 1375 Claremont Road Improvements. (Opened 5/29/07) Recommend delay of bid award until 6/11/07.

(5) SID 1377 Greenbriar Road Improvements. (Opened 5/29/07) Recommend delay of bid award until 6/11/07.

(6) Work Order 07-01, 2007 Water and Sewer Replacement Project. (Opened 5/22/07) Recommend delay of bid award until 6/11/07.

B. Approval of new commercial non-aviation ground lease for a communication site with Gold Creek Cellular of Montana Limited Partnership.

C. Approval of two west end hangar ground leases with John M. and/or Marcia A. Nash, Lots 10 and 11.

D. CTEP Agreement with Montana Department of Transportation for Main Street Underpass project.

E. CTEP Agreement with Montana Department of Transportation for Lake Elmo Drive Path project.

F. Agreement with Shiloh Crossing Partners, LLC, for design of improvements to King Avenue West from South 31st Street West to Shiloh Road. **AGREEMENT WAS AMENDED TO ADD LANGUAGE TO THE END OF PARAGRAPH 9 STATING “THE REPAYMENT AMOUNT SHALL BE SUBJECT TO A NEGOTIATED REDUCTION FOR ANY PORTION OF THE DESIGN THAT HAS TO BE REDESIGNED BETWEEN 2007 AND 2012.” APPROVED.**

G. Turn Key Agreement for Cobb Field with Billings Mustangs, American Legion Baseball Program, and MSU-B Men’s Varsity Baseball Program, \$29,000.00.

H. Amendment #2, Hazardous Waste Collection Events. Professional Services Contract, Philip Services, \$40,000.00.

I. Amendment #2, Paving of Overflow Parking Lots at Billings Logan International Airport. Morrison-Maierle, Inc. \$78,799.00.

J. Amendment #3, W.O. 03-25 Rimrock Road. Professional Services Contract, HKM Engineering, Inc., \$29,023.00.

K. Amendment #4, Architectural Services for the Airport Terminal Building Roofing Project. CTA Architects Engineers. \$52,768.12.

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

(1) Parcel 14: Portion of Tract A, Certificate of Survey 280, Vernon E. West and Judy K. West. \$9,050.00.

(2) Parcel 28: Portion of Unit No. 68 of Imperial Park Condominium, Lot 1, Block 1 of Windsor Imperial Subdivision, Sang Soon Almer. \$4,600.00.

(3) Parcel 59: Portion of Tract 2, Certificate of Survey 1113, The Housing Authority of Billings. \$3,050.00.

M. Briarwood Sanitary Sewer Main Extension Right-of-Way Agreement and Perpetual Right-of-Way Easement with Atchison, Inc. \$23,182.50.

N. Street Closures:

(1) St. Vincent's Health Care Heart and Sole Race, 6:00 a.m. to 12:30 p.m., June 10, 2007.

(2) Perfect Pitch, Inc. Montana Avenue Live, 10:00 a.m. to 12:00 a.m. every Friday, June 15 to August 24, N. 25th Street from Montana Avenue to 1st Avenue North.

O. Resolution #07-18554 appointing primary and alternate representatives to the Downtown Billings Partnership, Inc. Board of Directors.

P. Resolution of Intent #07-18555 to create SID 1378, Clevenger Avenue Improvements (street, sidewalk, storm drain, drive approach, curb/gutter), and set a public hearing date for June 25, 2007.

Q. Resolution of Intent #07-18553 to construct sidewalks and related improvements as part of W.O. 05-17 Highland School Sidewalk Improvements-Billings, Federal Aid No. STPE 1099(48), and set a public hearing date of June 25, 2007.

R. Second/Final reading Ordinance #07-5412 expanding Ward IV (Annexation #07-06) for 42.26 acres for the future Cottonwood Park site: located at the northwest corner of Colton Boulevard and 54th Street West. City of Billings, owner.

S. Second/Final reading Ordinance #07-5413 expanding Ward III (Annexation #07-07) for an approximate 150-acre parcel legally described as: Lots 1-5, Block 1, Western Sky Subdivision. Cal Kunkel and Gerald Krieg, owners.

T. Recommendation for change in number of units, Sage Tower Building, Menola Land, Sage Tower, LLC, owners.

U. Recommendation for re-allocation of Affordable Housing Funds to complete Phase III infrastructure in King's Green Subdivision.

V. Preliminary Subsequent Minor Plat of Lake Hills Sub., 17th Filing, Lots 5 and 6, Block 11.

W. Final Plat Approval

- (1) Caleb Park Sub.
- (2) Amended Plat of Broso Valley Park Sub., Lots 12 & 13.

X. Bills and Payroll

- (1) April 27, 2007
- (2) May 4, 2007
- (3) April 1, 2007 – April 30, 2007 (Municipal Court)

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

REGULAR AGENDA:

2. **W.O. 05-02: 2005 - 2006 Miscellaneous/Developer-Related Improvements.** Staff Recommends approval. (Action: approval or disapproval of Staff recommendation.) (Delayed from 4/23/07) **APPROVED.**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #804:** A zone change from Residential Professional (RP) to Residential Multi-Family Restricted (RMF-R) on Lot 1A, Certificate of Survey 2991, and located on the southeast corner of the intersection of Central Avenue and Brookshire Boulevard addressed as 2810 Central Avenue. CBE Properties, LLC, owners. Zoning Commission recommends approval and adoption of the determination of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 6/11/07.**
4. **PUBLIC HEARING AND SPECIAL REVIEW #845:** A special review to allow an all beverage liquor license with gaming on property described as Lot 20, Block 4, Sunset Subdivision, 1st Filing, in a Community Commercial zoning district and located at 1102 Grand Avenue. X1S Entertainment, owner. Aquilino Diaz, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
5. **PUBLIC HEARING AND SPECIAL REVIEW #846:** A special review to allow a parking lot on existing vacant land zoned Residential-6000 (R-60)

described as the west 79 feet of Lot 2, Block 1, Alego Subdivision, and located at 818 Avenue B. Michael D. Stock, owner. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

6. **PUBLIC HEARING AND RESOLUTION #07-18556 FOR ANNEXATION #07-08:** Property described as Tract 3, Certificate of Survey 2298, located in Section 4, T.1S, R.25E on the southwest corner of the intersection of Grand Avenue and 56th Street West. Hope Evangelical Church, owner and petitioner. Benjamin Gonzales, representative. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

7. (a) **PUBLIC HEARING AND RESOLUTION #07-18557 FOR ANNEXATION #07-09:** Property described as the NW1/4 of Section 16, and the SW1/4 of Section 9, T.1S, R.26E, located on the southeast corner of the intersection of King Avenue East and Calhoun Lane. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

(b) **PUBLIC HEARING AND FIRST READING ORDINANCE 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 and described as: the E1/2, NE1/4, NW1/4, less Certificate of Survey 3153 and the W1/2, NE1/4, NW1/4, less highway and less Miller Crossing Subdivision, Section 16, T.1S, R.26E, and Certificate of Survey 3153. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 6/11/07.**

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.*)

- PATTI WADDELL, 3607 OLYMPIC BLVD., expressed concern about the development costs for the King Avenue West improvements between 32nd Street West and Shiloh Road on the south side of King. She said the Cherry Creek II Condo Association she represents would like to see the Shiloh Corridor rules extended to the development of King Avenue, as the residents are concerned with lighting, landscaping, noise, and signs in their residential area.
- KATHY MALONE, 3633 OLYMPIC BLVD., expressed concern over the King Avenue West improvements between 32nd Street West and Shiloh Road and said she supported Ms. Waddell's request that the Shiloh

Corridor rules extend to the King Avenue improvements. She also wanted to confirm that the property owners in the Cherry Creek II Condo Association would not be assessed the cost of improvements along King Avenue.

- MIKE PENFOLD, 3552 PRESTWICK ROAD, stated he read the article in the Billings Gazette regarding the Mayor and the Ethics Committee and said he has read the Code of Ethics carefully. He states there is a very broad loop in the Code of Ethics, and the codes could affect any of the Councilmembers. He suggested taking a very hard look at the Code of Ethics.
- MICHELLE JOHNSON, 2705 BLUE CREEK ROAD, clarified Section 2-703 Personal Interest, which states *any interest arising from blood or marriage*. She stated the mayor and councilmembers need to recuse themselves on everything unless they are married or related. She said it seemed self-explanatory to her.

Council Initiatives

- VEIS: Moved that the City extends the Shiloh Corridor Overlay down King Avenue to 32nd Street. **APPROVED**
- TUSSING: Moved that legal staff research the requirements of the Policy Coordinating Committee concerning conflict of interest. By statute, the Mayor is a representative and he inquired if the Council can appoint an alternate based on the state statutes. Mayor Tussing asked for guidance before the next PCC meeting. **APPROVED**

ADJOURN The meeting adjourned at 9:50 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>**