

# 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*

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### AGENDA

COUNCIL CHAMBERS

November 26, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ulledalen

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

MINUTES – November 13, 2007, approved as distributed.

COURTESIES -

- Councilmember Stevens thanked Steve Wahrlich, owner of the Clock Tower Inn, for paving the alley behind his establishment at his own expense; and City Engineer, Debi Meling, and the Engineering Division Staff for their assistance.
- Councilmember Gaghen advised that the City of Billings was recognized in the November 12 issue of the National League of Cities & Town's newsletter for having excellent quality drinking water.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek noted there was an e-mail on item #2 in the ex-parte notebook.
- Ms. Volek noted there was an e-mail on item #4 in the ex-parte notebook.
- Ms. Volek reminded Council of the Agenda Review Meeting scheduled for tomorrow evening at 5:30 in the City Hall Conference Room for the meeting of December 10, 2007.
- Ms. Volek also reminded Councilmembers of the December 3 Work Session, which would be the last one for this year.
- Ms. Volek said the December council meetings would be held on the 10th and the 17th, due to the holidays.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 4 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 Zurbuchen, 1747 Wicks Lane**, said he opposed the approval of the Cherry Creek Estates development agreement.
- **Jock Clause, 1940 River Overlook Drive**, said increased traffic flow should have no bearing on the limitation of the Cherry Creek Estates development agreement, and asked why Council had approved other developments in the Heights.

**CONSENT AGENDA:                      SEPARATIONS:                      G, K**

1. **A.** Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Joe Muessig	County Water District of Billings Heights	11/26/07	12/31/09

- Unexpired term of Warren Grass

**B. Bid Award**

**(1) One Hundred Ton (100-Ton) Static Pipe Bursting System.**  
(Opened 11/20/07). Recommend delay of award until December 10, 2007.

**(2) LED Traffic Signal Components.** (Opened 11/20/07)  
Recommend delay of award until December 10, 2007.

**C. Approval of Lease Agreement** (one-year renewable) with BILAW LLC, DBA Mann Mortgage Billings, for space in Park I, first year revenue of \$24,480.00.

**D. Approval of Lease Agreement** (two-year renewable) with Conoco/Phillips Pipeline Company for space in Park I, first year revenue \$33,014.10.

**E. Approval of Ground Lease** (five-year) for remote parking lot with Edwards Jet Center, first year revenue \$3,664.20.

**F. Approval of Grant** from Montana Department of Transportation, State Highway Traffic Safety Division, for DUI/impaired driving and safety belt law enforcement, \$14,000.00.

**G. Approval of Recreational Trails Program Grant Amendment Agreement** for the Gabel Road Connector-Heritage Bicycle-Pedestrian Trail Project. **Mayor Tussing recused himself from the vote. APPROVED**

**H. Amendment #5, CTA Architects Engineers**, for replacement of Airport Terminal Building's Revolving Doors, \$36,292.00.

**I. W.O. 04-33 Lake Elmo Drive (Hilltop Road to Wicks Lane) Right-of-Way Acquisition** for Parcel #33, a portion of Lot 1 and Lot 2, Stevens-Petter Subdivision, with Janet Croy, \$10,550.00.

**J. W.O. 04-36, Briarwood Sanitary Sewer Main Extension Right-of-Way Agreement and Perpetual Right-of-Way Easement** for a portion of Tracts 6 and 7, Blue Creek Acreage Tracts Subdivision with Yellowstone Valley Electric Cooperative, Inc., \$5,932.50.

**K. Approval of Grant Application** to the Safe Routes to School funding program for the Elementary School Traffic Plan, \$50,000.00. **Mayor Tussing recused himself from the vote. APPROVED**

**L. Resolution #07-18631** amending Resolution #07-18547 annexing property for the Cottonwood Park site located on the northwest corner of the intersection of Colton Boulevard and 54<sup>th</sup> Street West.

**M. Second/Final Reading Ordinance #07-5440** expanding the boundaries of Ward II to include recently annexed property in Annex #07-24: a 5-acre parcel legally described as Tract 1B, Certificate of Survey 1335, Amended, Hanser Capital Holdings, LLC, owner.

**N. Preliminary Plat** of Amended Block 4, Evergreen Subdivision, generally located on the south side of Avenue C between 13<sup>th</sup> and 14<sup>th</sup> Streets West, Sieben Ranch Company, owner; conditional approval of the plat and adoption of the Findings of Fact.

**O. Preliminary Plat** of Amended Lot 4A, Stardust Acres Subdivision, generally located on the southeast corner of Venus Circle and Southern Hills Drive, Arlin Stutznegger, owner; conditional approval of the plat and adoption of the Findings of Fact.

**P. Preliminary Subsequent Minor Plat** of Amended Lot 2, Block 2, Lake Hills Subdivision, 1<sup>st</sup> Filing, generally located southwest of the intersection of

Pebble Beach Road and Inverness Drive in Billings Heights, Michael Stock, owner; conditional approval of the plat and adoption of the Findings of Fact.

**Q. Final Plat** of Cenex Park Subdivision, Amended Lot 4, Block 4.

**R. Bills and Payroll**

(1) October 26, 2007

(2) November 5, 2007

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

### **REGULAR AGENDA:**

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #826:** allowing small retail services to be developed by special review approval within existing residential zoning districts. Zoning Commission recommends approval (**Action:** approval or disapproval of Zoning Commission recommendation.) **ACTION DELAYED UNTIL THE 3/10/08 MEETING.**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE** adopting a South Billings Boulevard Urban Renewal District. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED WITH THE ADDED LANGUAGE IN SECTION 8 THAT THE CITY HAD THE POWER OF EMINENT DOMAIN IN ORDER TO MAKE INFRASTRUCTURE IMPROVEMENTS.**
4. **CHERRY CREEK ESTATES DEVELOPMENT AGREEMENT** compliance approval of Phase I and conditional approval of Phase II. Delayed from 10/22/07. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED WITH THE FOLLOWING CONDITIONS: THE DEVELOPER CANNOT START PHASE II UNTIL PHASE I WAS IN COMPLIANCE, AND THE TOTAL AMOUNT OF UNITS WAS LIMITED TO 300.**
5. **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**

- **Veis:** Asked Councilmembers for a volunteer to take Councilmember Boyer's seat on the PCC committee. He advised the next PCC

committee meeting was scheduled for December 5, 2007, at 4:00 p.m. in the Library (4<sup>th</sup> floor).

- **Brewster:** Stated he attended a conference with Marv Jochems, Commissioner Reno, and the Sheriff on inoperability. He said the four of them would like to bring forward a joint resolution between the City and the County as a guideline for policy on inoperability reflecting that they supported using the State system as long as it supported the needs of the City. Councilmember Brewster said he would not be on the Council by the time the issue came forward, so he would like to brief another Councilmember on it. Councilmember Stevens volunteered.
- **Gaghen:** Advised she had received a call concerning snow removal at 13<sup>th</sup> Street West and Grand Avenue. She said the snow had been piled on the sidewalk, making it difficult to walk. City Administrator Volek stated it was a code enforcement issue, and Staff would address the complaint.

**ADJOURN** – The meeting was adjourned at 8:40 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>

# CALENDAR

## (Council AND Boards & Commissions)

### NOVEMBER:

11/26/2007	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
11/27/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
11/28/2007	Development Process Advisory Review Board (DPARB) Housing Authority Traffic Control Board	1:00 p.m. NOON NOON	CH Conference Room 2415 1 <sup>st</sup> Avenue North 4 <sup>th</sup> Floor Library

### DECEMBER:

12/03/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
12/04/2007	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal
12/05/2007	Board of Adjustment	6:00 p.m.	Council Chambers
12/06/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
12/10/2007	Energy & Conservation Commission  Parking Advisory Board REGULAR Council Meeting	3:00 p.m.  4:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Rd. CH Conference Room Council Chambers
12/11/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
12/12/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
12/13/2007	Library Board Committee on Homelessness	NOON 2:00 p.m.	Library 3 <sup>rd</sup> Floor Library
12/17/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
12/18/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
12/20/2007	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave

12/25/2007	CHRISTMAS DAY OBSERVED – CITY OFFICES CLOSED		
12/26/2007	Development Process Advisory		
	Review Board (DPARB)	1:00 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North
	Traffic Control Board	NOON	4 <sup>th</sup> Floor Library
12/27/2007	Yellowstone County Board of Health	TO BE ANNOUNCED	