

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

October 22, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ruegamer

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

MINUTES – October 9, 2007, approved

COURTESIES – Debbie Singer presented a \$2,000 donation to the Cobb Field fundraising project on behalf of the Northwestern Energy Employee Contribution Committee.

PROCLAMATIONS - none

ADMINISTRATOR REPORTS – Bruce McCandless

- **Assistant City Administrator Bruce McCandless thanked Northwestern Energy for the donation and noted the donation would be brought before Council on November 13th for approval and acceptance.**
- **Mr. McCandless noted staff was recommending that Agenda Item 7, the Agreement with the Lockwood Area/Yellowstone County Water and Sewer District be tabled until the meeting of November 13th.**
- **Mr. McCandless noted a communication on Agenda Item 6, Zone Change #822, had been distributed and was included in the Ex-parte notebook for public reference.**
- **Mr. McCandless reminded Council of the City/County meeting with the City of Laurel, City of Billings, and the Yellowstone County Commissioners scheduled for Thursday, October 25, 5:30 p.m., at the Owl Café, 203 East Main, Laurel, and asked Council to RSVP if they had not already done so.**

Councilmember Veis made a motion to move Agenda Item 7 to Agenda Item 2 in order to delay it until November 13th, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 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.)

- **Stan McIntire, 1425 Bitterroot**, said the compliance report for Cherry Creek Subdivision prepared by the Planning Department indicated the waterline improvements had been satisfactorily completed, and advised the Heights Water District had to go to court for a restraining order to prevent the developer from using the water before complying with the district’s construction requirements. Mr. McIntire asked Council to limit the development to a total of 300 units.
- **Tom Zurbuchen, 1747 Wicks Lane**, said the storm water detention had been a disaster in Phase I of Cherry Creek Subdivision. He said runoff caused flooding of two homes and the ruin of septic systems on the eastern boundary of Riverview Drive. He said the past summer Cherry Creek Development built a third detention pond along the north side and a dike at the east end of the pond, which was a violation of the SIA. Mr. Zurbuchen asked Council to look at the existing detention ponds before making a decision.

CONSENT AGENDA: SEPARATIONS: E

1. A. Billings Business Improvement District Board Appointment Recommendations of Gene Burgad, Allison O’Donnell, and Michael Gregory to the Montana Avenue Sign Review Committee.

B. Change Order No. 5 - W.O. 04-13, Water Treatment Plant Maintenance Building, Schedule II, Williams Brother Construction, \$1,296.00.

C. Contract for Professional Services with Engineering, Inc. for engineering design services for W.O. 07-16, Shiloh Road Corridor Water and Sanitary Sewer System Improvements not to exceed \$456,005.25.

D. Professional Services Agreement (5-year) with LSC Transportation Consultants, Inc., for transit operations review, \$128,777.00 approximate FY08 expense; subsequent years to be negotiated.

E. Approval of License Agreement with Big Sky Floral Supply, LLC, and Big Sky Transition Exchange, LLC, for bike and pedestrian trail. **Mayor Tussing recused himself from the vote. APPROVED**

F. Approval and Acceptance of Homeland Security Grant to the Police Department Bomb Squad, \$10,000.00.

G. Approval and Acceptance of a supplemental award to the 2007 High Intensity Drug Trafficking Area (HIDTA) award for the Native American Project, \$50,000.00.

H. Amendment #1, W.O. 07-19 Yellowstone Country Club Sewer Extension and Services, Professional Services Contract, Engineering, Inc., \$250,913.53.

I. Acceptance of Quitclaim Deed from E & S, Inc. for Lot 10B, Holling Ranch Subdivision, at no cost to the City.

J. Second/final reading Ordinance #07-5434 expanding Ward II (Annexation #07-10) for 400.94 acres generally located northwest of the Lake Hills Golf Course and north of Matador Avenue in Billings Heights, Frank Sindelar, owner.

K. Second/final reading Ordinance #07-5435 expanding Ward V (Annexation #07-21) for an approximate 8.868-acre parcel legally described as Tract 1C, Certificate of Survey 2991, generally located west of the intersection of Central Avenue and 29th Street West; Raymond and Douglas Kramer, Powers of Attorney for the Lydia Kramer Real Estate Management Trust, owners.

L. Second/final reading Ordinance #07-5436 expanding Ward V (Annexation #07-22) for an approximate 8.868-acre parcel legally described as Tract 1B, Certificate of Survey 2991, generally located on the southwest corner of the intersection of Central Avenue and 29th Street West; Todd Icopini, Legacy Homes, owner.

M. Second/final reading Ordinance #07-5437 for Zone Change #820, a text amendment to Section 17-705(C), BMCC, Commercial Sign Regulations.

N. Second/final reading Ordinance #07-5438 for Zone Change #821, a text amendment to City Sign Code amending Sections 27-703, 27-705(c), 27-706(b), and 27-708.

O. Final Plat of High Sierra Subdivision, 2nd Filing, Amended Lot 1, Block 3.

P. Bills and Payroll

- (1) September 21, 2007
- (2) September 28, 2007
- (3) September 1, 2007 – September 30, 2007 (Municipal Court)

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

REGULAR AGENDA:

2. **AGREEMENT** with Lockwood Area/Yellowstone County Water and Sewer District for treatment and disposal of wastewater. (Delayed from 10/9/07 following the public hearing.) Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **ACTION DELAYED UNTIL 11/13/07 MEETING.**
3. **CHERRY CREEK ESTATES DEVELOPMENT AGREEMENT** compliance approval of Phase I and conditional approval of Phase II. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **ACTION DELAYED UNTIL 11/26/07 MEETING.**
4. **PUBLIC HEARING AND RESOLUTION #07-18624** approving expansion of Downtown Business Improvement District No. 0001 to include Stockman Bank property located at the corner of 4th Avenue North and North Broadway. Staff recommends approval. (Action: approval or disapproval of recommendation.) **APPROVED.**
5. **PUBLIC HEARING AND RESOLUTION #07-18625** approving and adopting first quarter budget amendments for Fiscal Year 2007/2008 for Teamster Contract Wage Package, General Fund Departments, and other funds: Building, Street/Traffic, Planning, Library, Community Services (Fair Housing, Home Program, and CDBG), Water, Wastewater, Solid Waste, Airport, Transit, and Motor Pool. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
6. **PUBLIC HEARING AND RESOLUTION #07-18626 FOR ANNEXATION #07-24:** Property described as Tract 1B, Certificate of Survey 1335, Amended, located in the NE1/4, Section 23, Township 1N, Range 26E, south of the intersection of Wicks Lane and Hawthorne Lane. Hanser Capital Holdings, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND 1ST READING ORDINANCE FOR ZONE CHANGE #822:** A zone change from Residential 9,600 to Residential 7,000 Restricted on a 400-acre property located north and west of the High Sierra Subdivision and Lake Hills Subdivision. Dover Ranch, owner; Oakland

Companies, developer; and Engineering, Inc., representing agent. Zoning Commission recommends approval except for a 100-foot strip of land that borders Lake Hills Subdivision and adoption of the determination of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission 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**, said he lived in Terra West Subdivision, 4th Filing, and had been in contact with the City since February 2006 concerning landscaping the frontage along Monad Road; installing sidewalks at Monad and 32nd Street West; installing speed bumps on Energy Boulevard; installing stop signs at Daystar and Energy Boulevard; and developing Lampman Park. He said nothing had been done despite promises the City had made. He said he was also concerned how the recent zone change on Brookshire Boulevard was changing the complexion of his neighborhood.
 - **Pat Neary, 322 Future Circle**, said he shared the same concerns as Mr. Bütz.

Council Initiatives

- **Jones:** MOVED to have staff provide a written report to Council by December 3rd outlining Mr. Bütz's concerns and the City's plan for addressing the concerns, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.
- **Stevens:** Said she was concerned about the "pitfalls" with Development Agreements and asked staff to provide a written report to Council on how to improve the process.
- **Clark:** Said he was irritated with the article in the *Billings Gazette* regarding Marv Jochems and said he had total faith in the way Mr. Jochems ran the Fire Department. Councilmember Jones asked how the lawsuit with the firefighters started, which was followed by a lengthy discussion.
- **Ruegamer:** MOVED for a 100% vote of confidence in Marv Jochems, seconded by Councilmember Jones. On a voice vote, the motion was unanimously approved.

ADJOURN – The meeting adjourned at 9:43 p.m.

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

