

# COUNCIL ACTION SUMMARY

## CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

*“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”*

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### AGENDA

COUNCIL CHAMBERS

May 12, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Clark

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Stevens, Veis, Ruegamer, McCall, Ulledalen and Clark. Councilmember Astle was excused.

MINUTES – April 28, 2008, approved as presented

COURTESIES – Tree City USA Designation -- 24<sup>th</sup> Year

PROCLAMATIONS -- National Women’s Health Week, May 11-17, 2008

Bear Meadows Exhibit at ZooMontana, June 7, 2008

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek referenced the following agenda items included in the Friday packets or distributed at the meeting:
  - ✓ Agenda Item #3 – the final public service recommendations from the Community Development Board; and information regarding CDBG and HOME impact on the Billings community
  - ✓ Agenda Item #4 – proposed Housing Development and Construction Agreement for Kings Green Subdivision
  - ✓ Proposed Council Initiative regarding Memorial Day and the Billings Veteran’s Parade.

Ms. Volek advised copies of all of the agenda items were located in the Ex-Parte notebook in the back of the room for public view.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, 10b, AND 11 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.)

- **Kevin Nelson, 4235 Bruce**, urged Councilmembers to determine if they had any conflicts of interest for agenda items H and R on the Consent Agenda.

There were no other speakers.

## **CONSENT AGENDA:**

## **SEPARATIONS: B**

### **1. A. Bid Awards:**

**(1) Airport Improvement Program (AIP) 34 Airport Perimeter Security Fence Project** (Opened 4/15/08) Delayed from 4/28/08. Recommend Frontier Fence, \$655,255.53.

**B. Change Order #8**, Dehler Park - Front Entry Plaza Lighting, Langlas and Associates, Inc., \$12,385.00. **APPROVED.**

**C. Approval** of Assignment of the Limited Commercial Aviation Ground Lease with Corporate Jet, LLC, to Stockman Bank for financing purposes, at no cost to the City.

**D. Approval** of Assignment of the Commercial Aviation Ground Lease for Fuel Farm Site with Corporate Jet, LLC, to Stockman Bank for financing purposes, at no cost to the City.

**E. Acceptance** of Federal Aviation Administration Airport Improvement Program Grant 34.

**F. Approval** of Downtown Revolving Loan Fund for Bin 119, LLC, \$77,000.00.

**G. Approval** of State Revolving Loan Fund Application to supplement 2008 water line replacement expense - \$1,700,000.00; and 2008 sanitary sewer line replacement expense - \$3,500,000.00.

**H. Notice of Intent to Create** a Railroad Quiet Zone at the 27<sup>th</sup> Street, 28<sup>th</sup> Street, and 29<sup>th</sup> Street railroad crossings.

**I. Acknowledging Receipt of Petition to Annex #08-07:** 4.765 acres described as Tract 1, Certificate of Survey 2350, generally located on the northeast corner of King Avenue East and Calhoun Lane, Robert Medvec, owner and petitioner, and setting a public hearing date for 5/27/08.

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

(1) Parcel 44: Portion of Tract 1B, Certificate of Survey 2121 Amended, Lake Elmo Limited Partnership, \$12,900.00.

**K. Street Closure:** Central Heights PTA Community Fun Run, May 31, 2008, 8:30 a.m. to 10:30 a.m., commencing at 120 Lexington Drive, north on Lexington Drive, west on Eldorado Drive, south on Pueblo Drive, east on Alamo Drive, north on Lexington Drive, east on Eldorado Drive, north on S. Santa Fe Drive, east on Concord Drive, south on Birchwood Drive; west on Beloit Drive, northwest on Fair Park Drive, southeast on S. Santa Fe Drive, south on Berthoud Drive, west on Pueblo Drive, north on Pueblo Drive, east on Beloit Drive, northwest on Lexington Drive, west on Dallas Drive, north on Pueblo Drive, east on Eldorado Drive, and south on Lexington Drive.

**L. (a) Approval and Acceptance of Financial Donations** from Lyle Johnson, \$10,748.00, for concrete base to display and secure his bronze sculpture of Ed Bayne; and from Bill Rains, \$5,818.00, for concrete base to display and secure his bronze sculpture of Dave McNally, to be placed in the entry plaza of Dehler Park.

**(b) Change Order #9,** Two concrete bases for display of Ed Bayne and Dave McNally bronze sculptures, Langlas & Associates, \$16,566.00.

**M. Approval and Acceptance of Anonymous Donation** to the Police Department for trauma first aid kits and training, \$2,613.00.

**N. Approval and Acceptance of Donations** from the Yellowstone County Homeless Board on behalf of the Mayor's Committee on Homelessness' Project Homeless Connect, \$2,500.00; and the Billings Area Resource Network, \$640.79.

**O. Approval and Acceptance of Donation** to the Billings Animal Shelter from William E. Coburn in honor of Jayne Winegardner, \$500.00.

**P. Approval of Donation** of spare parking meters by the City of Billings Parking Division to the Downtown Business Improvement District and the Mayor's Committee on Homelessness for the "Spare Change for Real Change" Program at no cost to the City.

**Q. Grant Application Request** to submit HUD Federal Housing Initiatives Program (FHIP) application and accept award, \$100,000.00 maximum.

**R. Second/Final Reading Ordinance #08-5462** repealing Ordinance 07-5441 and creating the South Billings Boulevard Urban Renewal District.

**S. Second/Final Reading Ordinance #08-5463 Expanding Ward III (Annexation #08-01)** for an approximate 114-acre parcel legally described as Tracts 1A through 5A, Certificate of Survey 2063, Amended. Lenhardt Property, LP; Lenhardt Farm, LLC; and Lenhardt Enterprises, LLC, owners.

**T. Bills and Payroll**

- (1) April 11, 2008
- (2) April 18, 2008
- (3) January 1, 2008 – January 31, 2008 (Municipal Court)
- (4) February 1, 2008 – February 29, 2008 (Municipal Court)
- (5) March 1, 2008 – March 31, 2008 (Municipal Court)

**(ACTION:** approval or disapproval of staff recommendation). **APPROVED.**

**REGULAR AGENDA:**

- 2. **INCREASE IN CHANGE ORDER APPROVAL LIMIT** for City Administrator for SID 1379 – King Avenue West. **APPROVED.**
- 3. **COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE FY2008-2009 ANNUAL ACTION PLAN.** Public hearing held April 28, 2008; final action delayed until May 12, 2008. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.) **APPROVED.**
- 4. **CONTINUANCE OF PUBLIC HEARING AND APPROVAL OF AGREEMENT** with Real Estate Dynamics, Inc. for King's Green Subdivision, Phase III, for the construction of 14 new homes. (Continued from 4/28/08) Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.) **APPROVED.**
- 5. **PUBLIC HEARING AND RESOLUTION #08-18706** approving and adopting third quarter budget amendments for Fiscal Year 2007-2008. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.) **APPROVED.**
- 6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annex #08-06, a 20.6-acre parcel legally described as Tracts 1A, 1B, and 1C, Amended Tract 1, C/S 2055, and located north of Alkali Creek Road. Jim Pickens, Best Development Corporation, owner and petitioner. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.) **APPROVED.**

7. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-08-03:** A variance from Section 1203(j) of the Site Development Ordinance regarding off-street parking for a proposed medical facility at 1407 Wyoming Avenue, Mike Stock, Wyoming Plaza, LLC, owner and petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
8. **PUBLIC HEARING AND RESOLUTION #08-18707 CREATING EXPANDED PMD #4026** to include Twin Oaks Subdivision. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
9. **PUBLIC HEARING AND RESOLUTION #08-18708** vacating a portion of North 26<sup>th</sup> Street and 2<sup>nd</sup> Avenue N., Big Sky Economic Development Agency (BSEDA) and Downtown Billings Partnership (DBP), owners. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
10. (a) **PUBLIC HEARING AND RESOLUTION #08-18709** approving the sale of approximately 10 acres in Cottonwood Park to School District No. 2. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**  
  
(b) **CONSIDERATION AND APPROVAL** of the Cottonwood Park School Site Purchase and Sale Agreement. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **MOTION TO DELAY ACTION UNTIL 5/27/08 APPROVED 9-1. MAYOR TUSSING VOTED 'NO'.**
11. **MAINTENANCE AGREEMENT** with Montana Department of Transportation for improvements to Rimrock Road from Shiloh Road to 54<sup>th</sup> Street West. Staff recommends approval. (**Action:** approval or disapproval of staff recommendations.) **MOTION TO AUTHORIZE AMENDED AGREEMENT BASED ON ALTERNATE #3. APPROVED.**
12. **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.*)
  - **Russ Doty, 3878 N. Tanager Lane**, offered to author a grant to allow Billings to be a demonstration city for energy efficient LED lighting in the downtown area.
  - **Joe White, Billings, MT**, said he would be out of town for the next couple of weeks.
  - **Kevin Nelson 4235 Bruce**, said the Council needed to take a proactive stance on noise in the City. He also stated he felt Councilmember Stevens

violated all ethical laws due to her involvement with the animal shelter negotiations.

### **Council Initiatives**

- **Pitman**: Moved to set up the tax-deductible Billings Veteran's Parade and Honor Guard Assistance Fund and transfer \$250.00 from the City Council operating budget to start the fund, seconded by Councilmember McCall.  
**MOTION FAILED 8-2. COUNCILMEMBERS RONQUILLO, GAGHEN, STEVENS, VEIS, RUEGAMER, ULLEDALEN AND CLARK, AND MAYOR TUSSING VOTED 'NO.'**

**ADJOURN** – The meeting adjourned at 8:17 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>**