

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

September 10, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Gaghen

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

MINUTES – August 27, 2007, approved as distributed.

COURTESIES – Several members of Boy Scout Troup 274 from the LDS Church introduced themselves and said they were in attendance as a requirement for citizenship in the community.

PROCLAMATIONS – Suicide Prevention Week, September 9th through September 17, 2007.

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek reminded the council the Agenda Review Meeting was scheduled for tomorrow evening at 5:30 p.m. in the City Hall Conference Room.
- Ms. Volek referenced a revised Development Agreement with Foursquare Properties regarding the Miller Crossing Subdivision Council received in their Friday packets. She noted a copy of the revised agreement was located in the Ex-Parte Notebook in the back of the room.
- Ms. Volek noted a copy of a PowerPoint presentation for the Comprehensive Annual Performance Evaluation Report for Agenda Item 2 had been distributed that evening. She said a copy of the presentation was also included in the Ex-Parte Notebook.
- Ms. Volek advised that Fire Chief Marv Jochems had announced his retirement effective December 31, 2007, ending a career of 36 years with the City of Billings; 35 years of which were with the Fire Department. She noted Chief Jochems had been a leader in his profession with the Fire Department and a tireless worker in the

community. Ms. Volek said Chief Jochems had originally planned to retire November 30, 2007; but at her request, he postponed his retirement so a national search for his replacement could be conducted. Ms. Volek said Chief Jochems became Fire Chief in May of 2007 after serving as Acting Chief, Assistant Chief, and Battalion Chief. She said he originally began working for the City as a Bookmobile Driver for the library for two years. Ms. Volek stated that earlier this year, Chief Jochems was presented with the Distinguished Alumnus Award from Montana State University-Billings that recognized an individual who distinguished himself through personal, professional, and civic contributions. Ms. Volek stated Chief Jochems had led a cooperative effort between the Fire Department and MSU-B to create a Fire Science Program at the College of Technology. She said the City was building the first fire station in 20 plus years, which would open later in the fall under Chief Jochem's administration. She said Chief Jochems had served as the incident commander last year for a disaster preparedness drill in which more than 6,300 people were inoculated for influenza as a preparatory exercise to a future emergency; and Chief Jochems had served in many local, state, and national offices and on many local boards. Ms. Volek stated Chief Jochems would be a great loss to the City's management team and to the community. She said Chief Jochems planned to stay in Billings and wished him the best in his retirement.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4, 5, and 6 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.)

- **ANN CHARTER, 1424 HONDO WAY**, said it would be her privilege to give each of the councilmembers one of her books in appreciation for all they had done for the Billings Community. She said her book was titled "Cowboys Don't Walk", which now had an epilogue because she had lived so long. She said there would be an event on September 21st between 5:00 p.m. and 8:00 p.m. at the Home on the Range.

Mayor Tussing advised that Ms. Charter was one of the founders of the Northern Plains Resource Council.

There were no further speakers, and the public comment period was closed.

CONSENT AGENDA:

Separations: U

1. **A. Bid Awards**

(1) 2008 Sewer Jet Cleaner and Manhole Vacuum System.
(Opened 8/28/07) Recommend Maric Sales, \$219,853.25.

(2) Private Contract No. 392 - Phase III, Kings Green Subdivision; Water, Sanitary Sewer, Storm Drain, and Street Improvements.
(Opened 8/28/07) **Schedule I** - Recommend Gray Construction, \$112,609.75;
Schedule II – Recommend JTL Group, \$171,712.00.

B. Professional Services Contract for W.O. 07-09 – City of Billings Storm Water Master Plan, HDR Engineering, Inc., \$250,000.00 maximum.

C. Interlocal Agreement with Yellowstone County and the City of Laurel in the event of a pandemic or other natural disaster (5-year renewable term).

D. Interlocal Agreement for Montana Law Enforcement Testing Consortium.

E. Reimbursement Agreement with the Transportation Security Administration, \$169,900.00 for first year.

F. Mutual Aid Agreement with the Lockwood Fire District.

G. Agreement Revisions to the Big Ditch Trail II CTEP Project Agreement incorporating \$25,000.00 of Safe Routes to School Grant funding for the Arrowhead/Chandelier Connector.

H. Agreement Revisions to the Highland School Sidewalk CTEP Project Agreement incorporating \$25,000.00 Safe Routes to School Grant funding.

I. Acknowledging receipt of petition to annex #07-10: 400.94 acres of Tract 1, Certificate of Survey 2017, generally located north of Matador Avenue and the Lake Hills Golf Course in Billings Heights, Frank Sindelar, petitioner, and setting a public hearing date for 9/24/07.

J. Acknowledging receipt of petition to annex #07-21: 8.868 acres of Tract 1C, Certificate of Survey 2991, generally located west of the intersection of Central Avenue and 29th Street West, Raymond and Douglas Kramer for the Lydia Kramer Real Estate Management Trust, petitioners, and setting a public hearing date for 9/24/07.

K. Acknowledging receipt of petition to annex #07-22: 8.868 acres of Tract 1B, Certificate of Survey 2991, generally located the southwest corner of the intersection of Central Avenue and 29th Street West, Todd Icopini, owner and petitioner, and setting a public hearing date for 9/24/07.

L. Acknowledging receipt of petition to vacate a portion of an alley between North 29th and North 30th Streets, north of 10th Avenue North, Billings Clinic, petitioner, and setting a public hearing date for 10/9/07.

M. Acknowledging receipt of petition to vacate a portion of South 12th Street West near Southgate Drive, Montana Dakota Utilities, petitioner, and setting a public hearing date for 10/9/07.

N. Confirmation of Police Officers Riley Finnegan, Shane Shelden, Nathan Krause, Shaun Guardanapo, and Bret Becker.

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

(1) Parcel 20: Portion of Lot 3A-1, Siewert Acres Subdivision, D & M Family Limited Partnership, \$300.00.

(2) Parcel 47: Portion of Lot 19, Block 1, Broadmoor Subdivision, Rosemary Moses, \$5,305.50.

(3) Parcel 66: Portion of Lot 17, Block 3, Arrowhead Subdivision, Wade & Michelle L. Pickering, \$5,550.00.

P. Acceptance of donation to the Billings Police Department Bike Patrol Program from the Downtown Billings Association and the Business Improvement District, \$2,500.00 maximum donation.

Q. Acceptance of donations to the Ballpark Construction Fund for \$10,000.00 and the Ballpark Maintenance Fund from various donors for \$38,709.00.

R. Approval of Semi-Annual Investment Report.

S. Approval of Securities Pledged by Sterling Savings Bank and US Bank as collateral for their respective certificates of deposit, MIA, and repurchase accounts.

T. Resolution #07-18596 amending Resolution #07-18567 approved by City Council on June 11, 2007, for the vacation of a portion of Moose Hollow Lane, correcting error in the legal description.

U. Resolution #07-18597 creating a Downtown Transit Center Ad Hoc Committee. **APPROVED with the appointments of Mark Kennedy and Councilmember Boyer to the committee.**

V. Resolution #07-18598 relating to Pooled Special Improvement District Bonds, Series 2007; determining the form and details and authorizing the execution and delivery of the bonds. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)

W. Resolution of Intent #07-18599 creating SILMD 303 and setting a public hearing date for October 9, 2007.

X. Second/final reading Ordinance #07-5427 for Zone Change #813: A zone change from Residential 9600 to Planned Development generally located on the southeast corner of the intersection of Rimrock Road and Avalon Road, including the Yellowstone Racquet Club, TenFish Company, owner; Engineering, Inc., representative.

Y. Second/final reading Ordinance #07-5428 for Zone Change #816: A zone change from Residential 7000 to Neighborhood Commercial on a 1.14-acre lot addressed as 848 Wicks Lane and generally located on the south side of Wicks Lane, east of Bench Boulevard, Colleen Baker, owner.

Z. Second/final reading Ordinance #07-5429 for Zone Change #817: A zone change from Public to Residential 8000 on 48,799 square feet of property north and south of the Lake Hills Golf Course Clubhouse on the east side of Clubhouse Way; north of Lake Hills Drive, Lake Hills Golf Club, owner.

AA. Second/final reading Ordinance #07-5430 for Zone Change #818: A text amendment to Section 27-623, Zoning Compliance Permits Required.

BB. Second/final reading Ordinance #07-5431 for Zone Change #819: A text amendment to Section 27-1429 and Map Amendment to Section 27-1430, Extension of Shiloh Corridor Overlay extending the South Shiloh Corridor Overlay District along the south side of King Avenue West between Shiloh Road and 32nd Street West.

CC. Preliminary Subsequent Minor Plat of Shiloh Crossing Subdivision.

DD. Final Plat Approval of Reflections at Copper Ridge Subdivision.

EE. Bills and Payroll

- (1) August 10, 2007
- (2) August 17, 2007
- (3) July 1 – July 31, 2007 (Municipal Court)

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

REGULAR AGENDA:

2. **PUBLIC HEARING** for the FY2006-2007 Draft Comprehensive Annual Performance Evaluation Report (CAPER) Community Development Block Grant (CDBG) and HOME Programs. **APPROVED.**
3. **PUBLIC HEARING** and approval of **Resolution #07-18600** approving and adopting a budget amendment for Fiscal Year 2007 for Municipal Court Drug Court grant match, \$40,156.00. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
4. **APPROVAL OF PURCHASE** of Lot 2, Sandra Subdivision, located at 19 Charlene Street, for future water treatment facility and distribution system expansion, \$140,000.00. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
5. **RESOLUTION #07-18601** setting FY 2008 mill levy rates for the Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, and General Obligation Debt Service Baseball Stadium. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
6. **DEVELOPMENT AGREEMENT** between the City of Billings and Foursquare Properties for amended plat of Lot 2A of amended Lots 2, 3, 4, and 5, Block 1, Miller Crossing Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
7. **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.)
 - **KEVIN NELSON, 4235 BRUCE AVENUE, said the City needed to make public safety number one and protect the citizens from future Pit Bull attacks. He said other cities had banned Pit Bulls, and it was time Billings produced an ordinance doing the same.**

Council Initiatives - None

ADJOURN – The meeting adjourned at 7:10 p.m.

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

