

# 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**

**June 23, 2008**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Tussing

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember Gaghen

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

**MINUTES** – June 9, 2008, approved as presented.

### **COURTESIES** –

- ✓ Parks Director, Mike Whitaker, invited everyone to the grand opening of Dehler Park on Sunday, June 29<sup>th</sup>, from 12:30 to 5:00. He said an American Legion game would follow the grand opening.
- ✓ City Administrator, Tina Volek, introduced the new Fire Chief, Paul Dextras.
- ✓ Mayor Tussing advised he had received a \$3,000 donation from the Downtown Rotary Club for trees at Dehler Park. He said the donation would be on the next council agenda for approval and acceptance.
- ✓ Councilmember Gaghen recognized Councilmember Pitman for his involvement in the filming of County Music Television's Redneck Wedding to be broadcast in October.

### **PROCLAMATIONS** –

- ✓ Amateur Radio Operators Week, June 23-29, 2008
- ✓ National HIV Testing Day, June 27, 2008

### **ADMINISTRATOR REPORTS** – Tina Volek

- ✓ Ms. Volek advised that Item 1A7 was within her signing authority, and requested the item be removed from the Consent Agenda.
- ✓ Ms. Volek referenced the supplemental staff report for Item 1A8 received by Council in their Friday packet recommending bid award to Commercial Roofing, Inc. for \$112,000 and a deductive change order for \$11,800. She advised a copy was in the Ex-parte notebook in the back of the room.
- ✓ Ms. Volek advised the Agreement with E.F. Johnson for Item H was included in the Friday packet

- ✓ Ms. Volek advised the staff report for Item I requesting action be delayed until August 25, 2008, was included in the Friday packet.
- ✓ Ms. Volek advised the Assignment and Transfer Agreement for Item M and the final resolution for Item U were also included in the Friday packet.
- ✓ Ms. Volek advised staff was asking that Item 1E be deleted from the Consent Agenda because it would not be needed until the year 2020.
- ✓ Ms. Volek asked that Item 1K be postponed until the July 14, 2008, meeting to allow additional review time.
- ✓ Ms. Volek referenced the request for delay of action for Item 10 from Shawn Wickhorst of KW Signature Homes until July 14, 2008.
- ✓ Ms. Volek referenced the protest petition and request from the applicant's representative asking for withdrawal of Item 11.
- ✓ Ms. Volek referenced the letter for Item 6 included in the Agenda Packet.
- ✓ Ms. Volek referenced the letter for Item R5 from Our Lady of Guadalupe Catholic Church that was distributed at the June 2 work session.
- ✓ Ms. Volek said she would be distributing an e-mail she received requesting Council's support for Items 2 and 3.

Councilmember Veis moved to remove Items 1A7 and 1E from the Consent Agenda, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2, 3, and 6(b) 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.)*

- **Lucy Brown, 2415 1<sup>st</sup> Avenue North**, asked Council to support Item #2.
- **Pat Reichert, 26 Marshall Drive**, advised the Viva La Fiesta street closure request was not affiliated with the Mexican Fiesta street closure request and said the Viva La Fiesta street closure would cause access problems to Our Lady of Guadalupe Catholic Church on Sunday.
- **Catherine Schaeffer, 2113 Walter Road**, said she was against privatization of the Animal Shelter.
- **Michael Mansfield, 1125 Siesta**, said he was against privatization of the Animal Shelter.
- **Patrick Chapel**, asked Council to support Item #3.
- **Angie Cook** said she was against privatization of the Animal Shelter.
- **Sandy Wulff, 2942 Old Hardin Road**, said she was against privatization of the Animal Shelter.

**CONSENT AGENDA:**

**SEPARATIONS: I, K, R5, R6**

1. **A. Bid Awards:**

(1) **SID 1379, King Avenue West Landscaping.** (Opened 6/10/08). Recommend A-1 Landscaping, \$350,000.

(2) **SID 1383, Cherry Hills Road Improvements.** (Opened 6/10/08) Recommend COP Construction, \$631,634.

(3) **W.O. 08-07, High Service Pump Station H1-1 Replacement.** (Opened 6/10/08) Recommend Star Service, \$747,000.

(4) **W.O. 08-08 Waste Water Treatment Plant Electrical Improvements 2008.** (Opened 6/10/08) Recommend Colstrip Electric, \$209,710.

(5) **W.O. 08-09 Waste Water Treatment Plant Effluent Pipe Replacement and Sludge Drying Bed Expansion.** (Opened 6/10/08) Recommend Western Municipal Construction, \$823,000.

(6) **Environmental Control System Replacement Project for Airport Terminal Building.** (Opened 6/10/08). Recommend Johnson Controls, \$157,025.

(7) **Billings Operations Center Concrete Aprons, Phase I.** (Opened 6/17/08) Recommendation will be made at 6/23/08 meeting.

(8) **City Hall Roof Replacement, Phase III.** (Opened 6/17/08) Recommendation will be made at 6/23/08 meeting.

**B. Approval** of increase in Downtown Revolving Loan Fund for Randy and Janna Hafer for redevelopment of the Klos Building located at 2720 Minnesota Avenue, \$33,000.

**C. Change Order #1** for Airport Lower Level Restroom Remodel, D.P.S. Company, \$8,870.

**D. Change Order #2 Final** for W.O. 08-05, King Avenue East Water Main, COP Construction, \$15,332.55.

**E. Change Order #10** for SID 1379, King Avenue West Utility and Street Improvements, Knife River Corporation, \$300,000; and increase the City Administrator's signing authority on this project by \$50,000.

**F. Contract for Professional Services** for Drinking Water Source Study, HDR Engineering, Inc., \$415,400.

**G. Contract** with Integrated Information Systems for purchase of Public Safety i5 High Availability System, \$51,565; and authorize its addition to the FY2008 Capital Improvement and Technology Replacement Plans.

**H. Contract** with E.F. Johnson for annual maintenance of 800 MHz system, \$517,466.85 over three years.

**I. Contract** with Yellowstone Valley Animal Shelter, Inc. for City of Billings Animal Shelter Operations. (Delayed from 5/27/08) **Action delayed until 8/25/08. Councilmember Stevens recused herself from the vote.**

**J. Agreement** with Guardian Security for Library Guard Service (3-year, renewable annually), first year - \$65,926.

**K. Landfill Gas Sales Agreement** with Montana Dakota Utilities, estimated annual net revenue to the City - \$500,000. **Action delayed until 7/28/08.**

**L. Agreements** for Landfill Use with Bighorn County, Carbon County, Musselshell County, Stillwater County, Treasure County, Town of Columbus, Town of Fromberg, Town of Hysham, Town of Bridger, Town of Joliet, City of Laurel, and City of Red Lodge (7/1/08 – 6/30/09); and **Amendment #2** to the 3-year Landfill Use Agreement with Yellowstone County.

**M. Approval** of Assignment and Transfer of Limited Commercial Aviation Building and Ground Lease from Big Sky Ground Support Industries to Alpine Aviation, Inc., dba Big Sky Ground Support Industries, with no cost to the City.

**N. Amendment No. 1** with HDR Engineering, Inc. for Process Control Review and Filament Investigation, amount not to exceed \$5,000.

**O. Access Easement** for Foursquare Properties at Miller Crossing Subdivision, with no financial impact to the City.

**P. Right-of-Way Easement** with QWest Corporation for relocation of telephone lines at Billings Logan International Airport, with no financial impact to the City.

**Q. Approval** to send two police officers to Law Enforcement Bicycle Association Bike Instructor Course in Calgary, Alberta, Canada, (8/11-8/16/08), \$4,140 total.

**R. Street Closures:**

(1) Gold Wing Road Riders Motorcycle Light Parade; 9:30 p.m. – 10:40 p.m.; July 14, 2008 – (**Part A**) Assemble in Faith Evangelical Church's parking lot on Sweetwater Drive, right on Zimmerman Trail, right on Highway 3, turn around in Armory lot, right on Highway 3, left on Zimmerman Trail, ending at Zimmerman Trail and Central Avenue intersection. (**Part B**) Street Fair, Montana Avenue right lane street closure adjacent to the Depot between N. 23<sup>rd</sup> and 25<sup>th</sup> Streets, July 15, 2008, 12:00 p.m. – 6:00 p.m.; and Motorcycle Performance, Montana Avenue full closure between N. 23<sup>rd</sup> and N. 25<sup>th</sup> Streets, July 15, 2008, 1:30 p.m. – 3:30 p.m.

(2) Big Sky State Games 5K Run; 6:00 p.m. – 7:00 p.m.; July 18, 2008 - Start at Daylis Track, north on 3<sup>rd</sup> Street West, west on Parkhill Drive to 12<sup>th</sup> Street West, east on Parkhill Drive, south on 3<sup>rd</sup> Street West, ending at Daylis Track.

(3) Big Sky State Games Cycling Mountain Bike Race; 6:00 a.m. - 2:00 p.m.; July 20, 2008 – Black Otter Trail.

(4) Big Sky State Games Triathlon; 6:00 a.m. – 11:00 a.m.; July 20, 2008 – Start at Lake Elmo State Park, right on Riveroak, left on Lake Elmo Drive, right on Meadowlark, left on Cody, right on Wicks, right on Fantan, left on Siesta, left on High Sierra Boulevard, left on Wicks Lane, left on Cody, right on Meadowlark, left on Lake Elmo Drive, left on Riveroak, back to Lake Elmo State Park.

(5) Viva La Fiesta; 4:00 p.m. on July 25 - 6:00 p.m. on July 27, 2008; South 28<sup>th</sup> and South 29<sup>th</sup> Streets at 6<sup>th</sup> Avenue South. **Action delayed until July 14, 2008.**

(6) Mexican Fiesta; 12:00 p.m. on August 1 – 8:00 p.m. on August 2, 2008; South 29<sup>th</sup> Street at 6<sup>th</sup> Avenue South. **Approved clarifying the date and time as August 2, 8 a.m. to 8:00 p.m. Councilmember Ronquillo recused himself from the vote.**

**S. Acceptance of donation** from United Way to fund airfare for two police officers to attend the Northwest Alcohol Conference in Boise, ID, in July, \$800.

**T. Resolution of Intent #08-18729** to sell portions of Olympic Park and Shiloh Drain access property and set a public hearing date for July 14, 2008.

**U. Resolution of Intent #08-18730** to issue Tax Increment Finance Bonds in the amount of \$5 million to be used for improvements to King Avenue East between South Billings Boulevard and Orchard Lane.

**V. Second/final Ordinance #08-5473 expanding Ward I (Annex #08-07)** for a 4.76-acre property located on the northeast corner of King Avenue East and Calhoun Lane. Robert Medvec, owner.

**W. Preliminary Subsequent Minor Plat** of Weil Subdivision, Amended Lot 3, Block 3.

**X. Final Plat** of Sunnyside Subdivision, Amended Lot 3B, Block 14.

**Y. Bills and Payroll**

(1) May 23, 2008

(2) May 30, 2008

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

**REGULAR AGENDA:**

2. **HOUSING AUTHORITY OF BILLINGS WESTCHESTER SQUARE HOME ALLOCATION REQUEST** to fund the construction of three affordable rental housing units at 1546 Westchester Square in the Billings Heights. Community Development Board recommends approval of a \$200,000 funding allocation. (Action: approval or disapproval of Community Development Board's recommendation.) **APPROVED.**
3. **REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS** in the amount of \$30,000 to support land acquisition for Volunteers of America's Homeless Veteran's Transitional Housing project, pending award of Veteran's Administration grant. Community Development Board recommends approval (Action: approval or disapproval of Community Development Board's recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION #08-18731 AUTHORIZING FILING OF THE ANNUAL FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
5. **PUBLIC HEARING AND RESOLUTION #08-18732 APPROVING AND ADOPTING FOURTH QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2007/2008.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED DELAYING ITEM #3 UNTIL 7/14/08 AND WITHDRAWING ITEMS #4 AND #6.**
6. (a) **PUBLIC HEARING AND RESOLUTION #08-18733 VACATING PORTIONS OF LAKE HILLS SUBDIVISION, 25<sup>TH</sup> FILING, RIGHT-OF-WAY.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**  
  
(b) **PRELIMINARY PLAT OF LAKE HILLS SUBDIVISION, 25<sup>TH</sup> FILING, AMENDED LOTS 1, 2, 3, AND 7 OF BLOCK 65; LOTS 1 – 11 OF BLOCK 62; AND LOTS 1, 2, 6 THROUGH 11, AND 28, BLOCK 63.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #CC-08-01:** A variance from the Site Development Ordinance Section 1208 (h)(5) pertaining to the number of curb cuts allowed by regulations for property located between 7<sup>th</sup> and 9<sup>th</sup> Avenues North between North 28<sup>th</sup> and North 29<sup>th</sup> Streets. Billings Clinic, applicant. Staff recommends conditional

approval. (**Action:** approval or disapproval of staff recommendation.)  
**APPROVED USING OPTION #2, THE ADDITION OF TWO CURB CUTS.**

8. **PUBLIC HEARING FOR SPECIAL REVIEW #860:** A special review to add an outdoor patio lounge to a property with an existing on-premise, all-beverage liquor license located on a 32,493 square-foot parcel currently zoned as Highway Commercial and described as: Lot 1, Block 1, Vaquero Subdivision, Maui Nites Casino, 5435 Midland Road. Manny 422, LLC, John Dehler, owner; Roger Tuhy, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED EXCLUDING CONDITION #9.**
9. **PUBLIC HEARING FOR SPECIAL REVIEW #861:** A special review to allow a public parking lot on a 24,000 square foot parcel of land in a Residential Multi-Family zone described as: Lot 4, Block 1, Keller Subdivision and located at 543 Milton Road. First Interstate Bank, owner; Jeff Essman, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
10. **PUBLIC HEARING FOR SPECIAL REVIEW #862:** A special review to remove the condition of approval for Special Reviews #836 and #841 restricting vehicle access across the west property line to adjacent property on a 2.303-acre parcel of land in a Controlled Industrial zone described as Lot 11A-1, CBH Industrial Park Subdivision and located at 1911 King Avenue West. KRP, LLC, owner; Blueline Engineering, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **DELAYED UNTIL JULY 14, 2008.**
11. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #844:** A zone change from Residential 9600 to Residential Multi Family Restricted on the west half of Lot 5, Sunny Cove Fruit Farms located south of Rimrock Road near Yellowstone Club Estates. Thomas Romine, owner; Blaine Poppler, agent. On a 2-2 vote, the Zoning Commission forwarded no recommendation. (**Action:** approval or disapproval of proposed zone change request.) **REQUEST TO WITHDRAW APPLICATION WAS APPROVED.**
12. **PUBLIC HEARING AND FIRST READING ORDINANCE #08-5474 FOR ZONE CHANGE.** An interim zoning ordinance that amends Section 27-611 Sexually Oriented Businesses, to amend the definition of a sexually oriented business and adopt the revisions as an interim zoning regulation to be effective for a period not to exceed six months. Staff recommends approval. (**Action:** approval or disapproval of proposed zone change request.) **APPROVED ON FIRST READING.**

13. **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**

- **McCall:** Moved that a discussion be held at the next Work Session on COR's request to repeal the existing resolution and transfer the terms of their current property location to another property location, seconded by Councilmember Veis. Unanimously approved.
- **Ruegamer:** Moved to direct staff to study the feasibility of freezing water rates for users over 60 years of age who participate in the Low Energy Assistance Program, seconded by Councilmember Veis. Unanimously approved.
- **Ruegamer:** Moved to obtain staff's opinion on placing a 25 cent surcharge on tickets at Dehler Park to be used for major capital improvements, seconded by Councilmember Veis. Unanimously approved.
- **Ronquillo:** Inquired about the necessity of police high-speed vehicle pursuits and requested a copy of the Police Policy.
- **Stevens:** Advised she had accepted a position with Belle Fouche Pipeline and would possibly be resigning her council position the end of August.

**ADJOURN** – The meeting adjourned at 9:53 p.m.

*Additional information on any of these items is available in the City Clerk's Office.*

*Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please contact Cari Martin, City Clerk, at 657-8210.*

**Visit our Web site at:  
<http://ci.billings.mt.us>**



**JUNE:**

6/23/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
6/24/2008	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
6/25/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room
6/26/2008	EMS Commission	7:00 a.m.	Fire Station #1

**JULY:**

7/01/2008	Community Development Board Zoning Commission Council Agenda Setting Meeting  Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.  CANCELLED	4 <sup>th</sup> Floor Library Council Chambers CH Conference Room
7/02/2008	Board of Adjustment	6:00 p.m.	Council Chambers
7/03/2008	Human Relations Commission	12:15 p.m.	CH Conference Room
<b>7/04/2008</b>	<b>INDEPENDENCE DAY – CITY OFFICES CLOSED</b>		
7/07/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> Street
7/08/2008	Parking Advisory Board  Planning Board	4:00 p.m.  6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
7/09/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> Street
7/10/2008	Library Board Committee on Homelessness	NOON 2:00 p.m.	3 <sup>rd</sup> Floor Library 3 <sup>rd</sup> Floor Library
7/14/2008	Energy & Conservation Commission  Council REGULAR MEETING	3:00 p.m.  6:30 p.m.	Billings Operations Ctr. 4848 Midland Road Council Chambers
7/15/2008	Yellowstone Historic Preservation Bd Council Agenda Setting Meeting	8:00 a.m.  5:30 p.m.	4 <sup>th</sup> Floor Library  CH Conference Room

7/17/2008	Tourism Business Improvement District Board	8:30 a.m.	Chamber of Commerce 815 S. 27 <sup>th</sup> Street
7/21/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> Street
7/22/2008	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
7/23/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room
7/24/2008	EMS Commission	7:00 a.m.	Fire Station #1
7/28/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
7/29/2008	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room