

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 27, 2008

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, Pitman, Veis, Ruegamer, McCall, Ulledalen, Astle, and Clark. Councilmember Ronquillo was excused.

APPOINTMENT OF WARD II COUNCILMEMBER – Mayor Tussing moved to add the appointment of a Ward II Councilmember to the agenda, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

MINUTES – October 14, 2008, approved as distributed.

COURTESIES - None

PROCLAMATIONS – Billings Adoption Day, November 1, 2008. Councilmember Pitman advised his family would be finalizing the adoption of their 4-year-old foster child, Emily, on Saturday.

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek referenced the revised 2008 CTEP Projects and 2007 CTEP Project Overages information included in the 10/24/08 Friday Packets, and said there were two options to consider and recommend to the Policy Coordinating Committee.
- Ms. Volek advised Council had received a handout on their desks that evening for Agenda Item 2, MET Transit Route and Schedule Change and Fare Increase.
- Ms. Volek advised that staff was recommending a delay of Item 1Q1, the Romero Subdivision, until the meeting of November 10. She said the additional time was needed for the necessary paperwork.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 5 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.)

The Public Comment period was opened. There were no speakers, and the Public Comment period was closed.

CONFIRMATION OF WARD II COUNCILMEMBER

Mayor Tussing moved to appoint Angela Cimmino to fill the Ward II Councilmember position vacated by Joy Stevens, seconded by Councilmember Pitman. Mayor Tussing explained the application process and the reasons he chose to recommend Ms. Cimmino.

City Administrator Volek advised that City Attorney Brent Brooks was recommending that the Public Comment period be re-opened now that the Mayor's recommendation had been made public.

Mayor Tussing re-opened the Public Comment period.

- **Tom Zurbuchen, 1747 Wicks Lane**, said he felt Larry Brewster was more qualified to fill the Ward II position than Angela Cimmino. He said Mr. Brewster attended all of the Heights meetings and Ms. Cimmino did not.

There were no other speakers, and the Public Comment period was closed.

Councilmember Ruegamer said he felt the Mayor should present the names of the two final Ward II candidates and allow the Council to vote on both of them. City Attorney Brooks urged the Council to fill the position one candidate at a time.

On a voice vote, the motion to appoint Ms. Cimmino failed 5 to 4. Councilmembers Veis, Ruegamer, Ulledalen, Astle, and Clark voted against appointing Ms. Cimmino. Councilmembers Gaghen, Pitman, McCall, and Mayor Tussing voted in favor of appointing Ms. Cimmino.

Councilmember Ulledalen requested that the Mayor submit Larry Brewster for consideration. Mayor Tussing denied the request.

CONSENT AGENDA: Separations: G, Q1

1. A. **Bid Awards:**
(1) **W.O. 05-09, Wastewater Treatment Plant Generator Installation.** (Opened 10/14/08) Recommend Colstrip Electric; \$423,599.

B. **Change Order #12, SID 1379 – King Avenue West reconstruction from S. 31st Street West to Shiloh Road; Knife River Corporation, \$139,645.68.**

C. Professional Services Contract for W.O. 08-21, Lake Elmo Drive Improvements from Main Street to Wicks Lane; HKM Engineering, Division of DOWL, LLC, \$211,941.

D. Amendment #6, Airport Engineering Services, Morrison-Maierle, Inc. for land acquisition services, including an environmental assessment and appraisal work; \$108,975.

E. Amendment #7, Architectural and Engineering Services, CTA Architects Engineers for emergency electrical generator replacement at Billings Airport Terminal Building; \$56,680.36.

F. Right-of-Way Easement Request from NorthWestern Energy to relocate electric power lines in Sahara Sands Park for Aronson Avenue Road Project; with no financial impact to the City.

G. Approval of extension of Recreational Trails Program Grant with MT Fish, Wildlife and Parks to 10/15/09 for trail development along the Bannister Drain from 29th Street West to the east edge of the BBWA canal south of King Avenue West. **APPROVED 8 TO 0. MAYOR TUSSING RECUSED HIMSELF FROM THE VOTE.**

H. Approval and Acceptance of Homeland Security Grant to the Police Department Bomb Squad; \$298,200.

I. Approval and Acceptance of Bureau of Justice Assistance Grant for establishment of an Adult Misdemeanor Mental Health Treatment Court, \$249,415 over three years; city match – approximately \$60,000 per year.

J. Approval and acceptance of donation from Faith Chapel for labor and materials for installation of concrete ramps and pads up to and around existing picnic tables and benches along Heritage Trail on the west end of Swords Park; \$7,000 in materials and labor.

K. Approval of sale of Fire Department surplus property - 8 LifePac® 300 defibrillators and miscellaneous Survivair™ self-contained breathing apparatus equipment.

L. Second/Final Reading Ordinance #08-5481 expanding the boundaries of Ward V to include recently annexed property in Annex #08-08: 55.45 acres described as Tracts 7-A and 6-A-1, Certificate of Survey 2314 and Tract 1-A-1, Certificate of Survey 2702, generally located on the south side of Grand Avenue between 30th Street West to west of Zimmerman Trail. Yegen Grand Avenue Farms, Inc., owner and petitioner.

M. Exempt Plat of Amended Lot 7, Lyons Subdivision, a portion of the Leavens Reservoir site located at Rimrock Road and Normal Avenue north of MSU-B campus; relocation of lot line for 10,000-foot parcel of city land approved for sale to Karen Cabell on 5/27/08.

N. Preliminary Subsequent Minor Plat of E.D. King Subdivision, 3rd Filing, described as three lots on a 2.10-acre parcel of land generally located on the southeast corner of the intersection of Avenue E and Zimmerman Trail; Speculators, Inc., owner; Engineering, Inc., agent; conditional approval of the plat and adoption of the findings of fact.

O. Preliminary Subsequent Minor Plat of Amended Lots 5 & 6, Block 1, Bellville Subdivision, generally located north of Wicks Lane and just west of Hawthorne Lane in Billings Heights; Ray & Dave LLC, owners; Blueline Engineering, LLC, agent; conditional approval and adoption of the findings of fact.

P. Preliminary Major Plat of High Sierra Subdivision, 5th Filing, generally located on the north side of Matador Avenue between Cortez Avenue and Vesca Way in Billings Heights; Dover Ranch, owner; Engineering, Inc., agent; conditional approval and adoption of the findings of fact.

Q. Final Plat Approval

- (1) Romero Subdivision – **DELAYED UNTIL 11/10/08.**
- (2) Marisela Subdivision

R. Bills and Payroll

- (1) September 26, 2008
- (2) October 3, 2008
- (3) April 1, 2008 – September 30, 2008 (Municipal Court)

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

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #08-18765 for MET Transit Route and Schedule Changes and Fare Increases. Staff recommends approval. **(Action: approval or disapproval of staff recommendation.) APPROVED.**

3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #850: A text amendment to the Unified Zoning Regulations, regulating the location of Sexually-Oriented Businesses within the City of Billings; amending Section 27-201, Section 27-405(g), and Section 27-611 BMCC. Zoning Commission recommends approval. **(Action: approval or disapproval of Zoning Commission recommendation.) APPROVED.**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #849:** A text amendment to the Unified Zoning Regulations, regulating the review and approval of condominium and multi-unit developments within the Unified Zoning Jurisdiction; amending Section 27-201, Section 27-310(b), and Section 27-622 BMCC. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
5. **2008 CTEP PROJECT APPLICATIONS** funding construction of various community pedestrian and/or bicycle facilities. Staff recommends Council formulate a recommendation for presentation at the Policy Coordinating Committee meeting. (**Action:** approval or disapproval of staff recommendation.) **ACTION TO DELAY UNTIL AFTER THE 12/1/08 WORK SESSION APPROVED 8 TO 0. MAYOR TUSSING RECUSED HIMSELF FROM THE VOTE.**
6. **PUBLIC HEARING AND SPECIAL REVIEW #868:** A special review to allow an All-Beverage Liquor License with gaming in a Controlled Industrial zone on property described as Lots 4C and 4D1, Studer Acreage Tracts; located at the current Doc & Eddy's West, 1251 S. 32nd Street West. George Frank, owner; Design Lab Architects, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND SPECIAL REVIEW #869:** A special review to allow a Beer and Wine Beverage License with gaming in a Highway Commercial zone on property described as Lot 3, Block 1, Citizens Center Subdivision; located at 414 Lincoln Lane. Kreitzberg Rentals, LLC, owner; Darrell Kreitzberg, agent. Zoning Commission recommends conditional approval. (**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.*)

There were no speakers, and the Public Comment period was closed.

Council Initiatives - None

ADJOURN – The meeting adjourned at 8:40 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 notify Cari Martin, City Clerk, at 657-8210.