

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

November 10, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Pitman

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

MINUTES – October 27, 2008, approved as distributed.

COURTESIES

- Presentation of the International Downtown Association Merit Award for the Downtown Framework Plan – Greg Krueger
- Presentation of the American Institute of Architects (AIA) Montana 2008 Livable Communities Award to Lisa Harmon and Harry Gottwals by Mike Dowling, MT AIA President

PROCLAMATIONS – Salvation Army Red Kettle Week, November 24-29, 2008

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek referenced letters and an email received for Item 5 regarding assessments for weed cutting. She noted they were included in the Friday packet and available in the Ex-parte notebook at the back of the room.
- Ms. Volek referenced the revised staff memo for Item 1A6, the Community-wide Citizen's Survey, that was sent in the Friday packet and available in the Ex-parte notebook at the back of the room. She noted that changes were indicated by strikethroughs and underlining.
- Ms. Volek advised that the staff memo for Item 1I regarding the grant to establish an adult DUI court contained an incorrect amount and should be \$170,895.
- Ms. Volek requested an addition to the Consent Agenda for a request from the Police Department to travel to Alaska to perform a background check.
- Ms. Volek advised that staff was requesting a delay for Items 3 and 4 to December 8, to allow adequate notice of the public hearing.
- Ms. Volek advised Council had received a letter at their desks from Pete

Hansen regarding the appointment of a Ward II Councilmember. She noted that the letter was also in the Ex-parte notebook at the back of the room.

Council approved the addition of Item Q on the Consent Agenda for the request of the Police Department for travel to Alaska to perform a background check on a Police applicant.

Council approved the addition of a new Item 2 on the Regular Agenda for consideration of a special meeting on November 13 to discuss the appointment of a Ward II Councilmember.

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

- **Greg Krueger, 2815 2nd Ave N**, asked for support of the expansion of the N. 27th St. Urban Renewal Area and the downtown beat officer.
- **Randy Hafer, 2910 Morledge St.**, spoke in support of the Preserve America Grant to help finish the creation of the Old Town district.
- **Stacy Wagner, 2 S. Broadway**, spoke in favor of accepting the Preserve America Grant as a major step toward improvement and revitalization of the Old Town district.
- **Dave Bovee, 424 Lewis**, urged the Council to fill the vacancy in Ward II without having a special election.
- **Tom Zurbuchen, 1747 Wicks Lane**, said he agreed with Mr. Bovee that a special election was not needed in Ward II. He said nobody had provided a reason why Larry Brewster was not nominated.
- **Mary Jane Knisely**, spoke in favor of acceptance of the Montana Department of Transportation Highway Safety Grant to establish an adult DUI court through the Billings Municipal Court.
- **Kevin Nelson, 4235 Bruce**, said he opposed the expansion of the N. 27th Urban Renewal Area and asked for an explanation of which properties were blighted in the South Billings Boulevard Urban Renewal District and what statutory authority was used to make that determination.

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

CONSENT AGENDA:

Separations: 1A3, 1A6, 1G

1. **A. Bid Awards:**

(1) **W.O. 04-12, Alkali Creek Road Slope Improvements, Schedules I and II.** (Opened 10/28/08) Recommend delay of action to November 24, 2008.

(2) **Cascade Pump 20 MF and New 900RPM, 200HP Motor.** (Opened 10/28/08) Recommend Cascade Pump, \$ 98,300.

(3) **Landfill Scraper.** (Opened 10/28/08) Recommend Tractor & Equipment, \$399,438. **APPROVED.**

(4) **2009 Tandem Dump Truck with Plow/Sander Assembly.** (Opened 10/28/08). Recommend I-State, using Unit #1158 as a trade-in valued at \$13,000, for a net bid of \$ 142,335.

(5) **Purchase eight (8) Replacement Police Vehicles.** Recommend purchasing patrol cars from Bison Motor Company as determined per state bid. \$189,262.88.

(6) **Community-wide Citizen's Survey Request for Proposals.** Recommend National Research Center, \$14,250. **APPROVED 9-1. COUNCILMEMBER VEIS VOTED 'NO'.**

B. Approval of building lease with Transportation Security Administration (TSA), March 1, 2008 - February 28, 2009, \$65,370.68 total revenue.

C. Annual Agreement with Yellowstone County for City-County Special Investigations Unit (CCSIU), with no additional cost to the City.

D. Memorandum of Understanding between City and Billings Business Improvement District for Downtown Beat Officer, January 1, 2009-December 31, 2010, and **release** of tax increment funds in the amount of \$184,722.

E. Perpetual Right-of-Way Easement to install a public water and sanitary sewer main in Lot 1, Block 1 of Miller Crossing Subdivision, at no financial impact to the City.

F. Quarterly Report for Pledged Collateral for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account, and US Bank Certificates of Deposit.

G. Street Closure: Capitol Christmas Tree Visit, November 11, 2008, 10:00 a.m. to 1:00 p.m., North 28th Street from 1st Avenue North to 2nd Avenue North and 2nd Avenue North from North 29th to North 28th. **APPROVED.**

H. Authorize Mayor to sign agreement with the State of Montana for acceptance of Preserve America Funds for the Old Town Neighbors, Inc., \$11,750.

I. Acceptance of Montana Department of Transportation Highway Safety Grant on behalf of the Billings Municipal Court to establish an adult DUI court, ~~\$452,250~~ \$170,895.

J. Resolution #08-18766 on Expanded N. 27th Street Urban Renewal Area, declaring blight, intent to expand the district, and setting a public hearing date for November 24, 2008.

K. Resolution #08-18767 on South Billings Boulevard Urban Renewal District, declaring blight, intent to expand the district, and setting a public hearing date for November 24, 2008.

L. Second/Final reading ordinance #08-5482 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.

M. Exempt Plat of Southgate Subdivision, 1st Filing, approving the boundary line relocation for Amended Lots 1A and 15A, Block 2.

N. Final Plat Approval

- (1) Emma Jean Heights Subdivision, 1st Filing.
- (2) William D. Pierce Subdivision, Amended Lot 3, Block 2

O. Final Plat of Romero Subdivision (delayed from 10/27/08). Recommend delay of action indefinitely.

P. Bills and Payroll

- (1) October 10, 2008
- (2) October 17, 2008

Q. Approval of travel to Anchorage, Alaska, for two Police Department detectives to conduct a background investigation for a Police applicant.

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

REGULAR AGENDA:

2. **CONSIDERATION OF A SPECIAL MEETING NOVEMBER 13, 2008, TO DISCUSS THE WARD II VACANCY. APPROVED HOLDING A SPECIAL MEETING AND PUBLIC HEARING ON 11/13/08, AT 5:30 P.M. IN COUNCIL CHAMBERS.**

3. **PUBLIC HEARING AND RESOLUTION #08-18768 ADOPTING FIRST QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2009.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION GRANTING NEW OR EXPANDING INDUSTRY TAX INCENTIVES FOR BIG SKY ECONOMIC DEVELOPMENT AUTHORITY/GENERAL ELECTRIC CAPITAL CORPORATION** for a new building at 3333 Hesper Road. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **DELAYED UNTIL 12/8/08.**
5. **PUBLIC HEARING AND RESOLUTION GRANTING NEW OR EXPANDING INDUSTRY TAX INCENTIVES FOR DALCO INDUSTRIES DBA TETON STEEL** for property improvements at Gabel Road and South 29th Street. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **DELAYED UNTIL 12/8/08.**
6. **CONTINUED PUBLIC HEARING AND RESOLUTION #08-18769 LEVYING ANNUAL WEED ASSESSMENTS FOR FY 2009.** Continued from 10/14/08. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
7. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #CC-08-03:** A variance for First Interstate Bank Operations Center to allow a right-turn exit only curb cut on North 18th Street, approximately 30 feet south of 6th Avenue North with the final design and signage subject to approval by City Engineer. The Management Group, Inc., owner, Engineering, Inc., agent. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **APPROVED.**
8. **SECOND/FINAL 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. Staff recommends indefinite postponement based on testimony received at the first reading public hearing. (**Action:** approval or disapproval of staff recommendation). **APPROVED INDEFINITE POSTPONEMENT AND SET A PUBLIC HEARING FOR 12/8/08 TO CONSIDER EXTENDING THE INTERM ORDINANCE.**
9. **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.*)

- **Dennis Ulvestad, 3040 Central Avenue**, said he felt Councilmember terms should be limited to four years.

Council Initiatives

ADJOURN – The meeting adjourned at 8:06 p.m.

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

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

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