

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

January 26, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Brewster

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

MINUTES – January 12, 2009 – approved as corrected

COURTESIES – Councilmember Ruegamer presented a \$2,000 check to the Parks Department from the Billings Kiwanis. The donation was made possible through the Billings Kiwanis sales of the Magic City license plates.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek – None

Councilmember Pitman moved to add the donation to the Police Department of “Comfort Kits” from the Volunteers of America as Item M of the consent agenda, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 8 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.)

- **Joe White, Billings, MT**, spoke on Item 8, the City Administrator’s Contract. He said he did not understand why it was on the agenda. He said there were so many failures within the City. He said he would sue for fraud.

CONSENT AGENDA: Separations: B, J

1. **A. Bid Awards:**

(1) **High Speed Runway Broom** (Opened 1/13/09) Recommend M-B Companies, \$503,298.

B. Change Order No. 2, W.O. 06-22, L-Structure Improvements, Williams Brother Construction, \$19,235; and authorize increasing the City Administrator's authority to approve change orders by \$100,000 to \$201,600. **Approved.**

C. Amendment #1, W.O. 07-15, General Engineering Services Contract, HDR Engineering, Inc., \$215,000.

D. Approval of 5-year Airport Business Park Building and Ground Lease with the State of Montana Department of Natural Resources and Conservation (11/1/08 through 10/31/2013); \$62,828.52 revenue first year; subsequent years adjusted according to the CPI-U.

E. Perpetual Right-of-Way Easement with South Billings Center, LLC; Cabela's Retail, Inc.; and Sam's Real Estate Business Trust for Lots 1-7 and Lots 9-10, Block 1, Miller Crossing Subdivision and Lots 2A through 3A and 2A through 4A, Block 1, Amended Miller Crossing Subdivision.

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. Approval of Misdemeanor Probation Domestic Violence Grant application; required 25% City of Billings match – approximately \$18,000 to be paid for in soft match and from the 2010 Police Department Training Fund.

H. Approval and acceptance of FY2008 Assistance to Firefighters Grant Award for purchase of trench and confined space equipment - \$137,535. FEMA's share - \$110,028; City's share - \$27,507, to be paid from the Fire Department budget.

I. Approval and acceptance of Pass Thru Grant Funds from the State of Montana for Hazmat Regional Response Team; \$44,167 with no required match from the City.

J. Resolution of Intent #09-18788 creating SILMD 306; and setting a public hearing date of February 23, 2009. **Approved.**

K. Second/Final Reading Ordinance #09-5487 for Zone Change #852: A zone change from Entryway General Commercial (EGC) to Highway Commercial (HC)

on Lots 1-3, Block 1, Cereus Subdivision located immediately east of 5021 Midland Road; Brumar Corporation (Motor Power Equipment) applicant, Engineering, Inc., agent.

L. Bills and Payroll

- (1) December 29, 2008
- (2) January 2, 2009

M. Approval and Acceptance of donation to the Police Department of "Comfort Kits" from the Volunteers of America, \$3,465.

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #09-18789** establishing a Public Works Department Master Site Plan Review Fee in the amount of \$331. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved with a review of the fee in one year.**
3. **PUBLIC HEARING** on the proposed Neighborhood Stabilization Plan, **approval** of the funding application to the State Of Montana Department of Commerce, and **approval** to amend the FY2008-2009 Annual Action Plan to include the Neighborhood Stabilization Program. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**
4. **PUBLIC HEARING FOR SPECIAL REVIEW #871:** A special review to add an all-beverage license without gaming within the existing Rock Creek Coffee Roasters business located in the Babcock Building in the Central Business District zone; addressed as 124 North Broadway and legally described as Block 93, Lots 6-12, Billings Original Town. The Babcock, LLC, owner; Randy Heiser, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **Approved.**
5. **PUBLIC HEARING FOR SPECIAL REVIEW #872:** A special review to allow a sandblasting operation in an existing building in a Controlled Industrial zone located at 2224 Minnesota; legally described as Lots 7-18, Block 134, Billings Original Town. Midland West Manufacturing, owner; PowderKote Unlimited, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **Approved.**
6. **PUBLIC HEARING AND SPECIAL REVIEW #873:** A special review to allow a drive-through window for Albertson's Pharmacy in a Community Commercial zone adjacent to a Residential 7000 zone, described as Tract A of Certificate of Survey 2192, and located at 1212 Grand Avenue. Albertsons, applicant; CTA Architects and Engineers, agent. Zoning Commission recommends conditional

approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **Approved.**

7. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation #08-09: Property described as Lots 1-3, Block 1, Cereus Subdivision, located on the north side of Midland Road east of the Motor Power Equipment business, including un-annexed portions of the I-90 and South Billings Boulevard interchange. Brumar Corporation, owner and petitioner; Bruce Sunwall, representative. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation). **Approved.**
8. **CITY ADMINISTRATOR CONTRACT** with Tina Volek. (**Action:** approval or disapproval of contract.) **Approved with quarterly reviews conducted by four councilmembers on a rotating basis.**
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.*)
 - **Matt Hagenruber of the Billings Gazette** stated he felt the closed meeting scheduled to be held in Bozeman on January 28, 2009, between MMIA and city representatives regarding the Feuerstein judgment should be an open meeting. He distributed a letter from Martha Sheehy of the Sheehy Law Firm stating that it was her opinion the meeting was subject to the Open Meeting Law.
 - **Kevin Nelson, 4235 Bruce Avenue,** said he strongly encouraged and demanded that the city hold an open meeting on the Feuerstein judgment.

Council Initiatives - None

ADJOURN - The meeting adjourned at 7:52 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.

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