

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

April 27, 2009

6:30 P.M.

CALL TO ORDER – Deputy Mayor Ulledalen

PLEDGE OF ALLEGIANCE – Deputy Mayor Ulledalen

INVOCATION – Councilmember Clark

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

MINUTES – **April 13, 2009**, approved as distributed

COURTESIES – Councilmember Ronquillo congratulated students from MSU-B College of Technology on their creation of a virtual 3D model of the historic Babcock Theater Building.

PROCLAMATIONS

- Silver Star Banner Day, May 1, 2009
- Building Safety Week, May 3-9, 2009
- National Women’s Health Week, May 10-16, 2009
- National Crime Victims’ Rights Week, April 26-May 2, 2009

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek said the final staff report for Agenda Item G, the final addendum to the settlement agreement with Rimrock Foundation was sent in the Friday packets. She said a copy was also filed in the Ex-Parte Notebook.
- Ms. Volek referenced a letter on councilmember desks that evening from Sanderson Stewart asking that Item P, the preliminary minor plat of Lenhardt Square Subdivision, 1st Filing, be postponed until May 26, 2009. She said a copy of the letter was filed in the Ex-Parte Notebook.
- Ms. Volek referenced the memo from Assistant City Administrator, Bruce McCandless, regarding First Interstate Bank Development Agreement, Section 4.05, and said a copy of the memo was in the Ex-Parte Notebook.
- Ms. Volek advised a staff report regarding approval of stimulus funds for water and wastewater was sent in the Friday packet and asked that council

add the item to that evening's agenda. She said a copy of the staff memo was filed in the Ex-Parte Notebook.

- Ms. Volek referenced a staff report on councilmember desks that evening regarding approval of a joint use utility right-of-way agreement for the Shiloh Road project and asked that council add the item to that evening's consent agenda. She said a copy of the staff memo was filed in the Ex-Parte Notebook.

Councilmember Veis moved to add the item for approval of stimulus funds for water and wastewater to the consent agenda, seconded by Councilmember Pitman. On a voice vote the motion was unanimously approved.

Councilmember Veis moved to add the item for approval of a joint use utility right-of-way agreement to 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 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.)

- **Joe White, Billings, MT**, said he opposed Item #6, the Development (Reimbursement) Agreement with First Interstate Bank. Mr. White said they had enough money.
- **Kevin Guenther, 1006 Aronson Avenue**, said he represented First Interstate Bank and said the project was moving along as planned. He said they were committed to investment and urged the Council to approve the agreement.
- **Keith Cook, 2491 Aspen Way**, said he was the president of First Interstate Bank. He thanked Councilmembers Ronquillo and Gaghen, Mayor Tussing, Ms. Volek, BIRD, Downtown Billings Partnership, the task force, and the businesses and residents for their support.
- **Kevin Nelson, 4235 Bruce**, said First Interstate Bank claimed to support the School District, but chose to be placed in the tax increment district, and the school district would not receive any revenue.
- **Aaron Sparboe, 602 Poly**, said First Interstate Bank worked hard to bring the project to the TIFD, and the dollars would stay within the community.

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

CONSENT AGENDA: Separations: B3, E, K2, P

1. **A.** Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Emelie Eaton	Yellowstone Conservation District Board	4/27/09	06/30/11

*Unexpired term of Gay Easton

B. Bid Awards:

(1) Purchase of new landfill loader for the Solid Waste Division. (Opened 4/14/09). Recommend Torgerson's LLC; \$95,285.

(2) W.O. 08-01 – Water and Sewer Replacement Projects. (Opened 4/14/09).

Schedule 1: Recommend COP Construction; \$715,188.00

Schedule 2: Recommend Western Municipal; \$1,816,487.00

Schedule 3: Recommend COP Construction; \$4,038,141.00

Schedule 4: Recommend Western Municipal; \$1,249,698.50

(3) W.O. 08-11 – Waste Water Treatment Plant Administration Building Air Conditioner Replacement. (Opened 4/14/09). Recommend Norpac Sheet Metal, Inc.; \$61,473. **APPROVED.**

C. Consulting Contract with GeoComm for a joint project between the State of Montana Interoperability Montana Project and the City of Billings for assessment of the current 800 MHz System radio communications used between public safety agencies, \$71,695. State of Montana contribution - \$45,000; City of Billings contribution - \$26,695.

D. Approval and Acceptance of Grant from the Montana Department of Transportation, Highway Traffic Safety Division, for the purchase of four radar units for the Motorcycle Traffic Enforcement Program, \$5,456.

E. Approval of 5-year Airport Business Park Building and Ground Lease with the State of Montana Department of Environmental Quality, November 1, 2008, through October 31, 2013; \$59,178.36 first year revenue; subsequent years adjusted according to the CPI-U. **APPROVED. COUNCILMEMBER VEIS RECUSED HIMSELF FROM THE VOTE.**

F. Compensation Agreement for Private Contract No. 599 – Emmanuel Baptist Church Sanitary Sewer Extension; Emmanuel Baptist Church, \$67,522.22.

G. Final Addendum to Settlement Agreement with Rimrock Foundation for construction of public gravel alley; cost to City of Billings - approximately \$7,000 to \$8,000; Rimrock Foundation contribution – up to \$18,000.

H. Approval to send two police officers to Anchorage, AK to attend the Western Identification Network Board of Directors' meeting, May 21-22, 2009.

I. Approval of State Revolving Fund Backed Loan Application for W.O. 04-26, Zone 4 Reservoir, \$8,387,000.

J. Approval of grant application and acceptance of the 2009 Justice Assistance Recovery Grant (JAG Recovery) for various supplies and equipment; \$222,508 total award with \$174,866 to Billings Police Department, and \$47,642 to Yellowstone County Sheriff's Office.

K. Street Closures:

(1) Central Heights PTA Community Fun Run, May 30, 2009, 8:30 a.m. to 10:30 a.m., commencing at 120 Lexington Drive, proceeding west on Eldorado Drive, south on Pueblo Drive, east on Alamo Drive, north on Lexington Drive, east on Eldorado Drive, north on S. Santa Fe Drive, east on Concord Drive, south on Birchwood Drive, west on Beloit Drive, northwest on Fair Park Drive, southeast on S. Santa Fe Drive, south on Berthoud Drive, west on Pueblo Drive, north on Pueblo Drive, east on Beloit Drive, northwest on Lexington Drive, west on Dallas Drive, north on Pueblo Drive, east on Eldorado Drive, and south on Lexington Drive.

(2) Cinco de Mayo, May 1, 2009, 3 p.m. to 10 p.m., 100 block of North 26th Street. **APPROVED.**

L. Resolution of Intent #09-18807 to construct W. O. 08-30, Poly Drive Sidewalk Improvements – Billings, Federal Aid No. STPE 1099(61) and set a public hearing for May 26, 2009.

M. Second/final reading Ordinance #09-5490 authorizing closure of hazardous fire areas and updating references to the Fire Code: providing authority to the Billings Fire Department to close hazardous fire areas, and updating the Billings City Code with appropriate language to provide the enforcement mechanism to manage hazardous fire areas.

N. Second/final reading for Social Host Ordinance #09-5491: amending Chapter 18 of the Billings City Code adding Article 12, holding a person accountable for organizing a party or event in which underage consumption of alcohol takes place.

O. Second/final reading Ordinance #09-5492 authorizing a Municipal Treatment Court Administrative Fee: authorizing a \$25.00 court fee to help defray administrative costs incurred by Municipal Court for processing misdemeanor criminal offenses in Billings Adult Misdemeanor Drug Court, Billings Adult Misdemeanor DUI Court, and Billings Adult Misdemeanor Mental Health Court.

P. Preliminary Minor Plat of Lenhardt Square Subdivision, 1st Filing, a 33.8 acre tract described as Tract 1A of C/S 2063, Amended, located in Section 10, T1S, R25E; generally located north of King Avenue West, across from the Montana Sapphire Subdivision; **approval of two variance requests:** (1) allowing a 56 foot right-of-way dedication along 44th Street West and Monad Road adjacent to the subdivision; (2) allowing a total 8.5 foot right-of-way for boulevard and sidewalk along 44th Street West and Monad Road; and adoption of the Findings of Fact. M & K Blue One, LLC, applicant; Sanderson Stewart, engineer. **DELAYED UNTIL 5/26/09.**

- Q. Bills and Payroll**
(1) March 27, 2009
(2) April 3, 2009

R. Joint Use Right-of-Way Easement for Northwestern Energy, Montana Dakota Utilities, QWest, and Bresnan Communications in Ann Ross Park, Blocks 1 and 4, The Village Subdivision as part of the Shiloh Road Construction Project. **(Item added to consent agenda at beginning of the meeting.)**

S. Acceptance of \$750,000 of Water and \$750,000 of Wastewater State Revolving Funds under the American Recovery and Reinvestment Act of 2009. **(Item added to consent agenda at beginning of the meeting.)**

(Approval or Disapproval of Consent Agenda) **APPROVED.**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION APPROVING AND ADOPTING THIRD QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2008/2009.** Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.) **PUBLIC HEARING CONTINUED UNTIL 5/11/09.**
3. **PUBLIC HEARING AND RESOLUTION #09-18808 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT.** A resolution that authorizes the application and acceptance of \$1,884,898 in grant funds to be utilized by MET Transit to continue the fleet replacement program, renovation of the bus wash, purchase and installation of CCTV surveillance cameras for the bus fleet, and replacement of mobile radios. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARINGS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE**

FY2009-2010 ANNUAL ACTION PLAN. Council action is scheduled for May 11, 2009.

5. **PUBLIC HEARING AND RESOLUTION #09-18809 FOR ANNEXATION #09-02:** .74 acres of Lot 26, Block 19, Lillis Heights Subdivision, generally located at 4739 Rimrock Road, on the northwest corner of Rimrock Road and Rim Point Drive, MCS Properties, LLC, petitioner. Staff recommends approval with conditions. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
6. **DEVELOPMENT (REIMBURSEMENT) AGREEMENT WITH FIRST INTERSTATE BANK.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED ADDING SECTION 4.05, CATCH-UP FOR NON-PAYMENT TO BANK.**
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,** asked Council to review the meeting's transcripts because he did not think the public hearing for Item #2 was ever opened.
 - **Jeffrey Cummins, 3538 Lynn,** asked for the Council's help in solving the traffic and gravel street conditions of Lynn Avenue one block east of the Career Center.
 - **Kevin Costin, 3546 Lynn,** said the School District used to have a closed gate between the school and Lynn Avenue that prevented the current traffic problems.
 - **Peter Heltberg, 3531 Lynn,** said their street was a mess, and asked the Council for their help.

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

Council Initiatives

- **Brewster:** Moved to allow Skyview students to speak to the Council at a work session for ten minutes regarding the need for an ingress-egress road at Skyview High School, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.
- **Pitman:** Moved to have Council assist in developing a youth master plan, second by Councilmember Gaghen. Councilmember McCall recused herself from the vote. On a voice vote the motion failed 5 to 4.
- **Veis:** Moved to form an ad hoc committee to promote annexation east of the East End TIF District, seconded by Councilmember Ronquillo. On a voice vote the motion was unanimously approved. Resolution forming the ad hoc committee will be on the 5/11/09 agenda.

- **Ruegamer:** Asked for the status of his past initiative to add a 25 cent surcharge to ticket sales at Dehler Park. Ms. Volek said the initiative was still being considered. Councilmember Clark said the tickets for this season had already been printed, so the surcharge could not be added this year.
- **Ulledalen:** Moved to hold a joint meeting with the Parks Board to discuss issues on developing or selling undeveloped parkland, seconded by Councilmember Brewster. Councilmember Veis moved to invite the Park Board to the work session when the Parks budget was discussed, seconded by Councilmember Ronquillo. On a voice vote, the motions were unanimously approved.
- **Brewster:** Moved to hold the public hearing and reconsider Item 2, seconded by Councilmember Ruegamer. On a voice vote the motion was unanimously approved.
- **Veis:** Moved to continue the public hearing for Item 2 at the May 11, 2009, meeting, seconded by Councilmember McCall. On a voice vote the motion was approved 8 to 2.

The meeting adjourned at 7:50 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.

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<http://ci.billings.mt.us>**