

# 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 22, 2009**

**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, Brewster, Veis, Ruegamer, McCall, Ulledalen, Astle, Clark

**MINUTES** – June 8, 2009, approved as presented

### **COURTESIES**

- Army Community Covenant Signing Ceremony – **POSTPONED.**
- Councilmember Pitman announced that his son, Joseph Pitman, and Planning Director, Candi Beaudry, were both celebrating their birthdays.

### **PROCLAMATIONS**

- Juvenile Arthritis Awareness Month – July 2009
- Montana State Rally Days – June 25, 26, 27, 2009

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

- Ms. Volek referenced the staff report received in the Friday packet with the Mayor’s recommendation to appoint Marieanne Hanser to the Yellowstone Conservation District Board. She said the report was also in the ex-parte notebook in the back of the room.
- Ms. Volek requested that the amended resolution for SILMD 307 be added to the consent agenda. She said the original resolution of intent to create approved on 6/8/09 included an incorrect date. She said a copy of the staff report and resolution were included in the Friday packet and were filed in the ex-parte notebook in the back of the room.
- Ms. Volek asked Council to remove Item 1P from the Consent Agenda and place it after Item 5 of the Regular Agenda.
- Ms. Volek referenced Item 4 and said the correct variance number was CC-09-02.
- Ms. Volek advised there would be no work session held on June 29<sup>th</sup> because it was the 5<sup>th</sup> Monday of the month, and work sessions were held twice a month on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 1 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.

Councilmember Veis moved to add the Resolution of Intent to Create SILMD 307 as Item S of the Consent Agenda, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

**CONSENT AGENDA:** Separations: L, P

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

	Name	Board/Commission	Term	
			Begins	Ends
1.	Marieanne Hanser	Yellowstone Conservation District Board	07/01/09	06/30/12

**B. Bid Awards:**

**(1) W.O. 09-07, Water Treatment Facility Chemical Building MCC Replacement 2009.** Recommend Ace Electric; \$42,390.

**(2) Passenger Facility Charge Funded Terminal Emergency Generator Replacement Project.** Recommend General Contractors; \$861,781.

**(3) Airport Terminal Building Roof Replacement Project.** (All bids rejected on 5/26/09). Recommend Commercial Roofing; \$157,565.

**C. Contract** with Montana Department of Transportation for FY 2010 Operating Assistance through the Federal Transit Administration Section 5316 JARC Grant Program, for paratransit operating assistance; \$120,096.50 grant revenue.

**D. Contract** with Montana Department of Transportation for FY 2010 Operating Assistance through the Federal Transit Administration, Section 5317 New Freedom Grant Program, for paratransit operating assistance; \$60,001 grant revenue.

**E. Contract** with Montana Department of Transportation for Paratransit Operating Assistance through the Federal Transit Administration TransADE Grant Program; \$60,098.82 grant revenue.

**F. Annual 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 (7/1/09 – 6/30/10); and **3-year Landfill Use Agreement** with Yellowstone County (7/1/09 – 6/30/12, with annual amendments).

**G. Amendment No. 1, W.O. 04-26, Zone 4 Reservoir and Facilities**, Professional Services Contract, HDR Engineering, Inc.; \$594,700.

**H. Acknowledge receipt of petition to vacate** a portion of Clark Avenue within the 2300 block; Paul and Renae Parkins, owners; and setting a public hearing date of July 13, 2009.

**I. Street Closure:**

(1) The Billings Depot 100-year celebration, 7/10/09–7/12/09, 7:00 a.m. to 8:00 p.m., closure of the south lane of Montana Avenue from North 25<sup>th</sup> Street to the Underpass for train rides from Thomas the Train™.

(2) Carpet One Relay for Life Fundraiser, 6/27/09, 11:00 a.m. to 4:00 p.m.; Canyon Drive east of 24<sup>th</sup> Street West between Carpet One on the south side of Canyon Drive and Connelly's, Big Horn Fly & Tackle, and Badge West Awards on the north side of Canyon Drive.

**J. Acceptance of Donation** to the Billings Police Department Crime Prevention Center from the Breakfast Exchange Club; \$1,000.

**K. Approval** of the Energy Efficiency & Conservation Block Grant Application and Energy Efficiency & Conservation Strategy; up to \$1,003,000 in funding.

**L. Approval** of hourly rate increase with Guardian Security for Library guard service from \$16.25 to \$16.75; 3-year agreement approved on 6/23/08 included annual hourly rate negotiation. **APPROVED**

**M. Resolution #09-18839** closing Special Improvement/Sidewalk Bond Debt Funds to the SID Revolving Fund - \$10,200.

**N. Resolution #09-18840** rescinding Tax Incentive for RSP Holding, LLC, Carrie's Quilts and Iron located at 1737 King Avenue West; approved by Council in November 2008.

**O. Amended Plat of Dedicated Park**, Block 2, Twin Oaks Subdivision, connecting Sioux Lane from Whitetail Subdivision to Twin Oaks Drive, \$2,055 to PRPL.

**P. Preliminary Plat** of Mont Vista Subdivision; 122 lots on approximately 63.88 acres of land generally located on the southeast corner of the intersection of Rimrock Road and 54<sup>th</sup> Street West; conditional approval of the plat and adoption of the Findings of Fact; Krutzfeldt Ranch, LLC, applicant; C & H Engineering and Land Design, Inc., agents. **COUNCILMEMBER VEIS MADE THE MOTION TO MOVE AS ITEM 6 ON THE REGULAR AGENDA, SECONDED BY COUNCILMEMBER GAGHEN. ON A VOICE VOTE, THE MOTION WAS UNANIMOUSLY APPROVED.**

**Q. Cancellation** of Checks and Warrants, \$6,122.78

**R. Bills and Payroll**  
(1) May 22, 2009  
(2) May 29, 2009

**S. Amended Resolution of Intent to Create #09-18841** for SILMD 307- Shiloh Road from Rimrock Road to Pierce Parkway.

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

### **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #09-18842 APPROVING AND ADOPTING FOURTH QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2008/2009.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

3. **PUBLIC HEARING AND RESOLUTION #09-18843 EXPANDING DOWNTOWN BUSINESS IMPROVEMENT DISTRICT NO. 0001** to include the new MET Transfer Center located at 2<sup>nd</sup> Avenue North and North 25<sup>th</sup> for an estimated annual assessment of \$2,645. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

4. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #CC-09-02:** A variance from Section 1208(h)(5) pertaining to the number of curb cuts allowed for property located on Lot 1-A-1, Block 2 of Southgate Subdivision, 1<sup>st</sup> Filing; Mark Rite Lines Holding Company, LLC, owner and petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #851:** A zone change from Residential 9600 and Public to Planned Development with underlying zoning districts of Residential 9600, Residential 7000, Residential 7000 Restricted, Residential 6000, Residential Multi-Family Restricted, Residential Multi-Family, and Public on a 60.4 acre parcel of land described as Tracts 1 and 2 of C/S 2054 with the exception of 4.29 acres in the northwest corner of Tract 1; generally located on the southeast corner of the intersection of Rimrock Road and 54<sup>th</sup> Street West. Krutzfeldt Ranch, LLC, owner; William Krutzfeldt, agent. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
6. **Preliminary Plat** of Mont Vista Subdivision; 122 lots on approximately 63.88 acres of land generally located on the southeast corner of the intersection of Rimrock Road and 54<sup>th</sup> Street West; conditional approval of the plat and adoption of the Findings of Fact; Krutzfeldt Ranch, LLC, applicant; C & H Engineering and Land Design, Inc., agents. **APPROVED.**
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #855:** A zone change from Controlled Industrial to Central Business District on Lots 18-24, Billings Original Town, located at 2123 1<sup>st</sup> Avenue North; Robert D. Schaak, applicant; Jay Shearer, agent. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**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.*)

The public comment period was opened.

- **Joe White, Billings, MT,** said the MET Bus Transfer Center had electrical problems. (The remainder of Mr. White's testimony was inaudible.)
- **Kipp Gjerde, 2504 Ranco Road,** asked the Council to support the Montana Building Code Project and the six amendments. Discussion followed. Council commended the work put into the project so far and said they needed more time to gather information and input before taking action.

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

### **Council Initiatives**

- **Veis** moved to have the Parking Board make a presentation within 30 days on the value of Park IV and the methodology for arriving at the value, seconded by Councilmember Brewster. Councilmember Clark requested information on current occupancy and revenue. On a voice vote, the motion was unanimously approved.
- **Ruegamer** moved to form an ad hoc committee to address graffiti in Billings, seconded by Councilmember McCall. Discussion followed, and the motion and second were withdrawn.

**ADJOURN** - The meeting adjourned at 8:20 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.*