

# 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**

**August 24, 2009**

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

**MINUTES** – August 10, 2009 - Approved

**COURTESIES** - None

**PROCLAMATIONS** - None

**ADMINISTRATOR REPORTS** – Tina Volek

- Ms. Volek referenced Agenda Item G and advised Council that a copy of the draft list of items had been placed on their desks that evening and filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Agenda Item H2 and advised that Council had received a revised staff report in their Friday packet that had an additional requirement for placement of traffic control signs. She said a copy of the staff report was filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Agenda Item M and advised Council that a letter of support from the Chamber of Commerce had been placed on their desks that evening and filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Agenda Item 2 and advised Council that a revised staff report had been placed on their desks that evening recommending sale of the bonds to Montana & Wyoming Oil Co. at 5.95% interest. She said a copy was filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Agenda Item 6 and advised Council that a copy of an e-mail from Erika Morck to Councilmember Clark had been placed on their desks that evening and placed in the ex-parte notebook in the back of the room.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 2 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.**

**CONSENT AGENDA:** Separations: 1A, 1K, 1L

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

	Name	Board/Commission	Term	
			Begins	Ends
1.	No applications	Tourism BID Board	08/24/09	06/30/10

1. Unexpired term of Linda Gallagher **TABLED**

**B. Bid Awards:**

**(1) New Awning for Park 1 Parking Garage** (Opened 8/11/09); Recommend Sign Products, Inc.; \$52,646.

**(2) Purchase of Five (5) 2010 Truck Cabs and Chassis with Refuse Compactor Bodies for the Solid Waste Division** (Opened 8/11/09); Recommend:

Schedule I	2 Units	Jack’s Truck & Equipment	\$464,081.44
Schedule II	2 Units	Jack’s Truck & Equipment	\$341,894.68
Schedule III	1 Unit	I-State Truck Center	\$153,470.00

**C. Lease Agreement** (3-year lease with 4th and 5th year renewal options) with Tami Kelling, dba Downtown Subs, for ground level space in the Park One Garage located at 224 North 29<sup>th</sup> St. Annual revenues: first year - \$12,000; second and third years - \$12,600; fourth and fifth optional years - \$12,960.

**D. Contract Amendment** between State of MT Department of Public Health and Human Services – Developmental Disabilities Division and MET Transit extending contract term an additional year from 7/1/09 through 6/30/10. Estimated revenue - \$100,000.

**E. Amendment No. 2, W.O. 04-26, Zone 4 Reservoir and Facilities.** Professional Services Contract, HDR Engineering, Inc., \$74,662.

**F. Acknowledge Receipt of Petition** for proposed street name change of Cynthia Park Drive to Sky Run Drive, and set a public hearing date for 9/14/09.

**G. Declaring surplus property** and authorizing a public auction of surplus City equipment and police recovered property on September 26, 2009.

**H. Street Closures:**

**(1) ConocoPhillips Bilings Refinery "Neighborhood Eat & Meet"** on Tuesday, September 8, 2009; 5 p.m. to 7 p.m.; South 28<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues South.

**(2) Broadwater School PTA Centennial Celebration** on Friday, September 11, 2009; 4 p.m. to 9 p.m.; Fourth Street West from Broadwater Avenue to Wyoming Avenue and Wyoming Avenue from 4<sup>th</sup> Street West to 5<sup>th</sup> Street West.

**(3) Holy Rosary Catholic Church Barnyard Bingo Fundraiser** on Sunday, September 13, 2009; 8 a.m. to 5:30 p.m.; 500 block of Custer Avenue.

**(4) Skyview High School Homecoming Parade** on Friday, September 18, 2009; 12:30 p.m. to 2:30 p.m.; beginning at Skyview High School parking lot and proceeding down Wicks Lane to St. Bernard's Church.

**(5) Montana Marathon Run** on Sunday, September 20, 2009; 5:00 a.m. to 2:30 p.m.; start on Molt Road, east along Sam Snead Trail and Walter Hagen Drive, south on 54<sup>th</sup> Street West, east on Rimrock Road, south on 46<sup>th</sup> Street West, east on Rangeview, north on 38<sup>th</sup> Street West, east on Poly Drive, south on Patricia Lane, east on Colton Boulevard, south on 17<sup>th</sup> Street West, east on Parkhill Drive, south on 3<sup>rd</sup> Street West, finish at Daylis Stadium.

**I. Acceptance of Donation** from the Yellowstone County DUI Task Force to the Billings Police Department for purchase of portable breath testers, \$5,000.

**J. Acceptance of Donation** from Exxon Mobil to fund airfare, hotel, per diem, and training costs for seven members of the Airport Aircraft Rescue Fire Fighting Staff to attend specialized petroleum-based fire training in Mandeville, LA, and College Station, TX, in September and November 2009; estimated total donation - \$14,000.

**K. Approval of Grant Application** through the State Coal Board for funding of the 25<sup>th</sup> Street Pedestrian Bridge over the Montana Rail Link tracks to connect Montana Avenue in the historic district of downtown Billings with the Minnesota Avenue Old Town Neighborhood District; \$200,000. **APPROVED 10-0. MAYOR TUSSING RECUSED HIMSELF.**

**L. Approval of Staff Recommendation** to Policy Coordinating Committee for the funding of the Alkali Creek Corridor Trail Connections and the Swords Park Trail, Phase II, CTEP projects. **APPROVED 10-1. MAYOR TUSSING RECUSED HIMSELF.**

**M. Resolution of Intent #09-18858** to adopt the East Billings Urban Renewal District Master Plan, and set a public hearing date for 9/14/09.

**N. Resolution #09-18859** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot, 1125 Broadwater Avenue, during the Big Sky Polka Club's Polkafest, September 4-6, 2009.

**O. Final Plat Approval** of Morledge Family Medical Village Subdivision.

**P. Bills and Payroll**

(1) July 24, 2009

(2) August 3, 2009

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

**REGULAR AGENDA:**

**2. RESOLUTION #09-18860 RELATING TO \$297,000 POOLED SIDEWALK SERIES 2009 BONDS AWARDING THE SALE** for the financing of construction of W.O. 05-02, Miscellaneous/Developer Improvements; and W.O. 02-08, Milton Lane School Route Improvements. Bids opened 8/24/09. Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

**3. PUBLIC HEARING AND RESOLUTIONS #09-18861 and #09-18862 RELEVYING AND RESREADING ASSESSMENTS** for (a) SID 1346 - installation of storm drain, curb and gutter, landscaping, and miscellaneous sidewalk on Lot 17, Block 92, Billings Original Townsite - North Broadway Streetscape; and (b) various Work Order Sidewalk Improvement Projects on Lot 39, Block 9, Broadwater Subdivision; Lot 17, Block 4, State Realty Addition; and Lot 0, Block 0 of Section 36, Township 01N, Range 25E – Rocky Mountain College. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED.**

**4. PUBLIC HEARING AND RESOLUTION #09-18863 APPROVING AND ADOPTING A BUDGET AMENDMENT FOR THE HEALTH INSURANCE FUND FOR FISCAL YEAR 2008/2009.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #856:** A zone change from Residential 6000 to Community Commercial on the east half of Lots 22-24, Block 272, Billings Original Town, located at 2215 6<sup>th</sup> Avenue North. George and Dorothy Wetstein, owners; Joyce Lunder, agent. Zoning Commission recommends approval and adoption of the determination of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
6. **PUBLIC HEARING AND SPECIAL REVIEW #878:** A special review to allow an all-beverage liquor license with gaming within an existing multi-tenant building located on a one-acre parcel legally described as Lot 6D, Block 2, Circle Fifty Subdivision, and addressed as 3839 Grand Avenue. Stock-Naughton, LLP, owner; James Healow, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED 8 TO 3. COUNCILMEMBERS BREWSTER, CLARK, AND VEIS VOTED 'NO'.**
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.*)
  - **James Knox, 661 Garnet Avenue,** said he felt the sale of Park IV was “short-sided” and could be used by the City to generate revenue that could be used to build additional parking garages.
  - **Amy Cowley, 546 Avenue F,** said she represented Friends of Pioneer Park and asked that disk golf be removed from the park. She said it was dangerous and promoted drugs and fighting in the park. She said the Police Department had promised its bike patrol would be present in the park, but it had not happened. Ms. Cowley also complained about lack of notification of a zone change meeting and asked what the procedure was.
  - **David Bovee, 424 Lewis Avenue,** said he felt the traffic signals downtown were affected by the presence of the trains that came through downtown. He said something must be set with the switches, and it created traffic issues. He asked if there was a better way to manage the traffic.

### **Council Initiatives**

- **Gaghen:** Moved to have Legal staff research the measure put into place by Missoula restricting the use of talking and texting on cell phones while driving, seconded by Councilmember Astle. Councilmember Veis said he would also like to hear from the Police Department on enforcement. The motion was approved 10-1. Councilmember Brewster voted ‘no’.
- **Ronquillo:** Moved to have staff meet with Dave Armstrong of Passages, seconded by Councilmember Ulledalen, to discuss the agreement between

Passages and the City. On a voice vote, the motion was unanimously approved.

**ADJOURN** – The meeting adjourned at 8:10 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.*