

## 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**

**November 9, 2009**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Tussing

**ELECTION OF DEPUTY MAYOR** -- Councilmember Ulledalen was elected Deputy Mayor

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember Mark Astle

**ROLL CALL** -- Councilmembers present on roll call were: Gaghen, Pitman, Brewster, Veis, Ruegamer, McCall, Ulledalen, Astle, Clark. Councilmember Ronquillo was excused.

**MINUTES: October 26, 2009**, Approved as distributed

#### **COURTESIES**

- Mayor Tussing congratulated the successful candidates in the recent election and recognized Mayor-elect Hanel and Councilmembers-elect McFadden and Cimmino who were in the audience.
- Councilmember Clark presented the Bob Worthington Risk Management Achievement Award plaque to Ms. Volek and Mr. McCandless. He said the City of Billings was given the award by Montana Municipal Interlocal Authority at the recent Montana League of Cities and Towns conference.
- Councilmember Gaghen recognized City employees for their participation in the United Way Day of Caring project to provide winter coats, hats, boots and gloves to 287 Head Start children.

#### **PROCLAMATIONS - National Adoption Month, November 2009**

#### **ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek advised that several emails regarding Item #3, the recommendation to the PCC concerning the Billings North Bypass were included in the ex-parte notebook at the back of the room.
- Ms. Volek advised that the resolution for Item M contained a reference to the wrong ad-hoc committee. She said that was corrected on line, but anyone who received a hard copy of the agenda packet received the copy of the resolution with the error.
- Ms. Volek announced that a sound technician, Jim Nichols, was present to make minor adjustments on the sound system in the Council chambers and may have to communicate with the Channel 7 studio as needed during the meeting.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 3 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.)*

Mayor Tussing announced that speakers would be allowed **2 minutes** for public comment.

- **Dr. Janice Linn, Highway 3**, stated that the government wanted her land for the bypass and she was never asked, but told it would be taken.
- **Jerry Prouse, Shepherd, MT**, stated he could provide suggestions that might eliminate the opposition to the bypass.
- **Connie Wardell, 1302 24th St. West**, stated that she knew the bypass had been discussed for the past 10 years or more. She said she felt the project should be considered and needed to go forward while remaining sensitive to all parties involved.

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

**1. CONSENT AGENDA**

**A. Bid Awards:**

- 1. Purchase of new Landfill Track-Type Tractor (Dozer) for the Solid Waste Division.** (Opened 10/27/09) Recommend Tractor & Equipment Company; \$497,816.
  - 2. Purchase of Calcium Chloride Liquid for use in ice and snow removal-Street/Traffic Division.** (Opened 10/27/09). Recommend Brenntag Pacific, Inc.; \$0.83 per gallon, for one year with option to purchase calcium chloride liquid for years two and three on mutual consent of the City and Supplier.
- B. Contract for Professional Services** with HDR Engineering, Inc. to provide engineering design for W.O. 09-15, Grand Avenue from Zimmerman Trail to Shiloh Road, an amount not to exceed \$204,669.
- C. Change Order #5, W.O. 08-01, 2008-2009 Water and Sanitary Sewer Replacement Project;** COP Construction; \$104,803.26.
- D. Amendment #8, W.O. 04-12, Alkali Creek Road Improvements,** Professional Services Contract, Kadrmass, Lee and Jackson, Inc.; not to exceed \$94,500.
- E. Approval** of annual Data Processing Agreement with Yellowstone County Sheriff's Department, July 1, 2009 - June 30, 2010; \$99,939 annual revenue.
- F. Acknowledge receipt of petition to vacate** the alley located in Block 141, Billings Old Town, bounded by 1st Avenue South, 2nd Avenue South, South 26th Street, and South 27th Street; Riverstone Health, petitioner; and setting a public hearing date of December 14, 2009.

- G. Storm drain easements** (Briarwood Subdivision area) with Shirley Lambert, Gerald A. Neumann, and Richard A. Robbins or Cinda L. Robbins for W.O. 08-20, Miscellaneous Storm Drain Trouble Spots.
- H. Acceptance** of Substance Abuse and Mental Health Services Administration Grant (3-year) - total \$883,083; Montana Board of Crime Control Justice Assistance Grant (1-year) - \$53,400; Billings Adult Misdemeanor DUI Grant (1-year) -\$205,000; Drug Court State Funds (1-year) - \$82,828; and Federal Congressional Earmark (1-year) - \$52,000.
- I. Subordination of Downtown Revolving Loan** to Beartooth Bank for Anderson Management Group Building (formerly Hospitality Concepts) to include an additional \$5,314.50 in loan fees, for a total of \$357,314.50. (City Council previously approved original subordination on 10/13/09 in the amount of \$352,000.)
- J. Declaring Surplus Property** and authorizing the Police Department to transfer two Streethawk lightbars with controllers and red lenses to the Lewis-Clark State College in Lewistown, ID.
- K. Resolution #09-18895 approving expenditure** of monies related to the 2010 Wastewater Replacement Project prior to the availability of funds from bond sale proceeds and **reimbursement** of the monies after the bonds are sold.
- L. Downtown Signal Improvements**
- 1. Resolution #09-18896** amending Resolution Nos. 07-18636, 08-18680, and 08-18744 designating the remaining Downtown Tax Increment District account balance to the downtown street light and traffic signal project, establishing a completion date of 12/31/2010.
  - 2. Resolution #09-18897** allowing a Design-Build Contract for W.O. 09-25, Downtown Signal Improvements.
- M. Resolution #09-18898** creating an Ad-Hoc Advisory Committee on Distracted Driving Prevention.
- N. Second/final reading ordinance #09-5497 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 Sections 27-201 and 27-611 BMCC to include a definition of 'Adult Cabaret' and regulating the location of an 'Adult Cabaret'.
- O. Second/final reading ordinance #09-5498 for Zone Change #853:** Text amendments to sections of the Billings, Montana City Code (BMCC); including Section 27-604 related to fences, Section 27-615 related to clear vision areas, Section 27-618 illustrations of clear vision areas, and deletion of Sections 22-441 through 22-448, redundancies related to clear vision areas in the chapter on streets and sidewalks.

- P. Second/final reading ordinance #09-5499 for Zone Change #858:** A zone change from Residential 6000 and Residential 9600 to Controlled Industrial on a 4.87-acre parcel of land described as Certificate of Survey 473 and the south 132 feet of Lot 4 in the SW1/4 of Section 9, Township 1S, Range 26E, and generally located at 415 and 431 South Billings Boulevard. Ralph Hanser, applicant.
- Q. Final Plat** of Kuhlman Subdivision, Amended Lot 6.
- R. Final Plat** of Blaesius Subdivision, 1st Filing, Amended Lots 3A & 4A.
- S. Bills and Payroll:**
  - 1. October 9, 2009
  - 2. October 19, 2009

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

**REGULAR AGENDA:**

- 2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE.** An interim zoning ordinance creating Section 27-624 - Medical Marijuana Businesses and amending Section 27-306 and Section 27-201 as an interim zoning regulation to be effective for a period not to exceed six months. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **TABLED INDEFINITELY.**
- 3. RECOMMENDATION TO THE POLICY COORDINATING COMMITTEE (PCC) PROVIDING GUIDANCE FOR THE FUTURE PROGRESS OF THE BILLINGS NORTH BYPASS PROJECT.** Staff recommends making a recommendation to the PCC to move forward with the Billings North Bypass Project in phases by completing the current Environmental Impact Statement and fiscally constraining the project through a series of construction and funding phases from I-90/94 to Highway 3. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
- 4. 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.*)
  - **Michelle Johnson, 2705 Bluecreek Road,** said 60 seconds was not enough time for someone to comment at Council meetings. She said it would behoove the Council to listen to constituents and not to allow staff to have unlimited time to speak about issues.

**COUNCIL INITIATIVES** -- None

**ADJOURN** -- The meeting adjourned at 8:50 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 notify Cari Martin, City Clerk, at 657-8210.*