

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

December 14, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ruegamer

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

MINUTES: November 23, 2009, approved as presented

COURTESIES

- Mayor Tussing congratulated Councilmember Pitman and his family on their recent adoption of three children.
- Councilmember Astle announced that he and Councilmember Gaghen had a small bet and Councilmember Gaghen lost. He said both were making donations to the Billings Food Bank and invited other Councilmembers to do the same.

PROCLAMATIONS – None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referred to an email placed on councilmembers' desks and in the ex-parte notebook in the back of the room from Aviation and Transit that requested pulling Item #1E from the agenda. She said the vendor decided not to proceed with a fresh flower stand at the Airport.
- Ms. Volek advised that information from Chuck Barthuly of Better Billings Foundation, and a draft copy of a funding and development agreement for Item #4 were placed on councilmembers' desks and in the ex-parte notebook in the back of the room.
- Ms. Volek advised that the resolution for Item #6 was not available when the agenda packet was created, and a copy of it was placed on councilmembers' desks and in the ex-parte notebook in the back of the room.
- Ms. Volek referred to an email from Ray McLean of Prestige Toyota requesting withdrawal of the application for tax abatement. She said a copy of the email was placed on councilmembers' desks and in the ex-parte notebook in the back of the room.
- Ms. Volek advised that a copy of an October 19 letter from the Billings Gazette regarding the Council's email policy was placed at councilmembers' desks and in the ex-parte notebook in the back of the room. She noted that the letter had been reviewed previously when it was received, but another copy was provided because the email policy was on the agenda that evening.
- Ms. Volek advised that a memo from Library Director Bill Cochran and an email from her regarding the Library Board's recommendation concerning Item #5 were sent in the Friday Packet and in the ex-parte notebook in the back of the room.

- Ms. Volek advised that the protest period for Item #3 ended Friday, December 11, 2009. She said the City Clerk reported that no protests were received.

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.)

- **Greg Krueger, Development Director of Downtown Billings Partnership**, expressed his support for approval of Item #1I, the Downtown Revolving Loan Fund to Babcock, LLC. He also expressed support of Item #1L, the acceptance of a donation for Honor Guard and Bike Patrol equipment.

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

Mayor Tussing moved to remove Items #1E and #7 from the agenda, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

1. **CONSENT AGENDA** **SEPARATIONS: 1A2**

A. Bid Awards:

1. **MET Operations Center Bus Wash Facility and Pavement Upgrades.** (Opened 12/1/09). Recommend Langlas and Associates, \$ 343,200.
2. **Refuse Packer Truck** for Parks Department. (Opened 11/24/09). Recommend Solid Waste Systems, 2007 Refuse Packer with EPA Emissions Standards engine, \$133,094 (contingent upon availability); or 2010 Refuse Packer with EPA Emissions Standards engine, \$139,094. **APPROVED PURCHASE OF 2010 REFUSE PACKER.**

B. Change Order #2, W.O. 09-03, 2009 Street Maintenance City Crack Seal Project; Z & Z Seal Coating; \$27,540.

C. Approval of Modification #4 to Law Enforcement Officer Reimbursement Agreement with the Transportation Security Administration, October 1, 2009 - September 30, 2010, with reimbursement to the City up to \$163,286.40.

D. Assignment of three (3) Commercial Aviation Ground Leases with Edwards Jet Center Montana, Inc. and Lynch Flying Service, Inc. to Stockman Bank for financing purposes, with no financial impact to the City.

E. Approval of Airport Concession Agreement with Botanical Designs and Services, November 1, 2009 - April 30, 2010, with an option to renew for an additional six-

month period, \$1,275.72 revenue for the first six-month period. **REMOVED FROM AGENDA.**

- F. Approval** of lease renewal with KTVQ Communications, Inc., for space at the Black Otter Trail tower, 5-year term retroactive to September 1, 2009, \$3,937 annual revenue.
- G. Approval** of compensation agreement for Private Contract No. 608, M&K Blue One, LLC, for water, sanitary sewer and storm drain on King Avenue West from Montana Sapphire Drive to 44th Street West, \$231,834.50.
- H. Acceptance** of easements from Montana Department of Transportation for Parcels 6 and 7, and a sale deed for Parcel 8 at the intersection of 13th Street West and Parkhill, at no cost to the City.
- I. Approval** of Downtown Revolving Loan Fund for two loans to Babcock, LLC, for remodeling of the Babcock Building at 115 N. Broadway, totaling no more than \$400,000.
- J. Acceptance of Donation** from Rathbun Family for purchase and installation of a bench at Descro Park, \$1,000.
- K. Acceptance of Donation** from Alarm Association of Yellowstone County to Police Department for purchase of micro digital recorders or other police equipment, \$1,100.
- L. Acceptance of Donation** from Billings Police Foundation to Police Department for Honor Guard and Bike Patrol equipment, \$4,393.
- M. Resolution #09-18900** accepting the terms and conditions of the Intercap Loan obtained to finance SID 1387, Zimmerman Trail Sanitary Sewer.
- N. Preliminary Subsequent Minor Plat** of Miller Crossing Subdivision, 3rd Filing, located on approximately 14.355 acres on the south side of King Avenue East and on the west side of Orchard Lane at the site of the nearly-completed Sam's Club, conditional approval of the preliminary plat and adoption of the Findings of Fact.
- O. Bills and Payroll:**
 - 1. November 9, 2009
 - 2. November 13, 2009
 - 3. November 20, 2009

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

REGULAR AGENDA:

- 2. PUBLIC HEARING AND RESOLUTION #09-18901** vacating 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. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED AT NO COST TO RIVERSTONE HEALTH.**

3. **PUBLIC HEARING AND RESOLUTION #09-18902 CREATING SID 1389**, public improvements on Clubhouse Way between Greenbriar Road and Cherry Hills Road, and **approval** of the Professional Services Contract with Sanderson Stewart in the amount of \$114,801.80. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING FOR DONATION, SALE, OR LEASE OF LAND TO THE BETTER BILLINGS FOUNDATION FOR DEVELOPMENT OF A FAMILY AQUATIC FACILITY IN SAHARA PARK.** Staff recommends donation of land. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 9-2 TO ACCEPT DEVELOPMENT AGREEMENT B1, STRIKE THE WORD 'PLEDGES' FROM SECTION 7 OF THE AGREEMENT, REQUIRE \$100,000 SET ASIDE PRIOR TO CONSTRUCTION, AND REVIEW OF THE AGREEMENT IN TEN YEARS. COUNCILMEMBERS BREWSTER AND VEIS VOTED 'NO.'**
5. **PUBLIC HEARING FOR CONSIDERATION OF DOWNTOWN LIBRARY FACILITY PROJECT OPTIONS.** Consideration of three options for the Parmly Library: 1) relocation to the former Gainan's site; 2) renovation of the existing facility, or 3) demolition of the existing facility and construction of a new library at that site. Action delayed from 11/23/09. Staff recommends approval of the Gainan's option as the least expensive option. (**Action:** approval or disapproval of staff recommendation.) **TABLED INDEFINITELY.**
6. **PUBLIC HEARING AND RESOLUTION #09-18903 FOR CONDITIONAL APPROVAL OF TAX ABATEMENT FOR BRUMAR CORPORATION, OWNER, AND MOTOR POWER EQUIPMENT, OPERATOR,** for building expansion at 4941 Midland Road. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND RESOLUTION FOR CONDITIONAL APPROVAL OF TAX ABATEMENT FOR PRESTIGE TOYOTA** for commercial building expansion on property located at 1532 Grand Avenue. RM&S LLC, and Raymond McLean, owners. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **REMOVED FROM AGENDA.**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR MUNICIPAL INFRACTIONS ORDINANCE.** A new ordinance that decriminalizes certain minor misdemeanor offenses and classifies them as civil infractions. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
9. **PUBLIC HEARING AND RESOLUTION #09-18904 ESTABLISHING A POLICY TO PROVIDE PUBLIC ACCESS TO CITY COUNCIL EMAIL CORRESPONDENCE.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

10. 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**, stated that the roundabouts on Shiloh Road violated the recently-adopted Clear Vision Standards, and urged City officials to require compliance by the Department of Transportation.

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

COUNCIL INITIATIVES

- **Ronquillo** moved to direct staff to present other options for use of \$85,000 proposed to be spent for restrooms at the Skate Park, seconded by Councilmember Ruegamer.
APPROVED.

ADJOURN – The meeting adjourned at 10:24 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.