

# COUNCIL ACTION SUMMARY

## CITY OF BILLINGS

**CITY OF BILLINGS MISSION STATEMENT:**  
**TO DELIVER COST EFFECTIVE PUBLIC SERVICES**  
**THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE**

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## AGENDA

COUNCIL CHAMBERS

January 12, 2009

6:30 P.M.

**CALL TO ORDER** – Mayor Tussing

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember Ronquillo

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

**MINUTES** – December 15, 2008, approved as distributed

**COURTESIES** – None

**PROCLAMATIONS** – None

### ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek advised that staff requested separation of Item Q to amend the resolution to include tax code A01685, that was inadvertently omitted from the tax codes included in the resolution.
- Ms. Volek referenced amended buy-sell agreements for Agenda Item #2: an amended agreement from Hanser Properties was placed on Council desks that evening, and an amended buy-sell agreement from Paul and Rachel Cox was provided in the Friday packet.
- Ms. Volek invited Councilmembers to a Montana League of Cities and Towns meeting to discuss the stimulus package, scheduled for January 13, at 1 p.m. in the City Hall Conference Room.

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

- **Carla Lawrence, PO Box 180, Joliet, MT** said she represented the Beartooth RC&D Economic Development District and was present to answer any questions about the memorandum of understanding. She provided an annual report to Ms. Volek for Council's review.

**CONSENT AGENDA:**

**SEPARATIONS: I, P, Q, S**

**1. A. Mayor's appointments:**

Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	* Ginny Hart	Tourism BID Board	1/12/09	09/01/09
2.	* No Applicants	Energy & Conservation Commission	1/12/09	12/31/10
3.	* Postponed until February 2009	Yellowstone Conservation District Board	1/12/09	06/30/11

\*Unexpired term of Erin Kennedy

\*Unexpired term of Bernard Rose

\*Unexpired term of Gay Easton

**B. Bid Awards:**

**(1) W.O. 01-05, Lake Hills Storm Sewer Outfall** (Opened 12/16/08). Recommend H.L. Ostermiller Construction, \$733,015.50 base bid; Alternate 3 - \$39,562.50; Alternate #4 – decrease of \$4,410. Total Bid - \$768,168.

**(2) W.O. 07-20 Poly Drive Utilities** (Opened 12/16/08). Recommend Castle Rock Excavating, \$78,615.65.

**(3) Six (6) new 2009 truck cabs and chassis with refuse compactor bodies.** (Opened 12/16/08). Recommend:

Schedule I –Two Units – Tri-State Truck & Equipment, Inc. \$446,200.00

Schedule II –One Unit – Tri-State Truck & Equipment, Inc. \$169,991.65

Schedule III – Three Units –Tri-State Truck & Equipment, Inc. \$717,696.00

**C. Change Order #1-Final, Phase 3 Landfill Expansion, Montana Civil Contractor's, Inc., decrease of \$28,890.14 and the addition of seven (7) calendar days.**

**D Professional Services Contract** for W.O. 08-23, West Wicks Lane Water, Sewer, & Storm Drain Improvement , Engineering Inc., \$39,360.

**E. Professional Services Contract** for W.O. 08-27, Solid Waste Landfill Phase 4 and Related Improvements, Great West Engineering, \$297,000.

**F. Contract** with Community Solutions, Inc. to provide services to Billings Adult Misdemeanor DUI Court Probation Officer (BAMDUI), January 1, 2009 - September 31, 2009, with option to negotiate two-year extension, at no cost to the City.

**G. Approval** of Section 5316 Operating Contract with the Montana Department of Transportation for paratransit operating assistance through the Federal Transit Administration JARC Program to access \$90,000 in grant revenue.

**H. Supplemental Lease Agreement #4** to the Terminal Building Lease with the U.S. Government for the benefit of the Transportation Security Administration (TSA), adding space and extending the term to May 31, 2012, annual revenue \$77,903.34.

**I. Memorandum of Understanding** with Beartooth RC&D Economic Development District, \$9,003 annual expense. **APPROVED 9-0. COUNCILMEMBER VEIS ABSTAINED FROM THE VOTE.**

**J. Amendment #2** to Airport Business Park Building and Ground Lease with Yellowstone County Museum Foundation, adding additional square footage, \$3,590.58 annual revenue.

**K. Confirmation of Police Officers:**

- (1) Glen Gunther
- (2) Matthew Brandt
- (3) Tony Jensen
- (4) James Ward

**L. Street Closures:**

(1) Martin Luther King Day Pedestrian March, 6:25 p.m.-6:50 p.m., January 19, 2009, beginning at the Court House lawn, to the corner of N. 27<sup>th</sup> and 3<sup>rd</sup> Ave. N, crossing N. 27<sup>th</sup> and marching in the street to N. 29<sup>th</sup>, then north on N. 29<sup>th</sup>, disbanding at the Lincoln Center.

(2) Magic City Blues Festival, 9 a.m., August 7, 2009, to noon, August 9, 2009, 2300-2500 blocks of Montana Avenue.

**M. Approval and Acceptance** of the 2009 High Intensity Drug Trafficking Area (HIDTA) Award, \$138,010.

**N. Approval** of application for a Certified Local Government Grant from the Montana State Historic Preservation Office for historic preservation activities, \$5,500.

**O. Approval** of the Metropolitan Planning Organization/Planning Division Public Participation Plan and forward a recommendation of adoption to the Policy Coordinating Committee.

**P. Resolution #09-18781** establishing Financial Internal Control Procedures. **AMENDED RESOLUTION TO ADD THAT ADMINISTRATION WOULD PROVIDE AN OVERVIEW OF THE INTERNAL CONTROL PROCEDURE TO COUNCIL AT A WORK SESSION EVERY THREE YEARS. APPROVED.**

**Q. Resolution of Intent #09-18782** to construct improvements for W.O. 08-02, 2008 Miscellaneous/Developer Related Project, and set a public hearing date for February 9, 2009. **AMENDED RESOLUTION TO INCLUDE TAX CODE A01685 APPROVED.**

**R. Repeal** Resolution #08-18694 approved March 10, 2008, approve a new **Resolution of Intent #09-18783** to Create SID 1384, Yellowstone Club Estates, and set a public hearing date for February 9, 2009.

**S. Second/Final reading ordinance #09-5485 for revisions to Boards and Commissions:** Revisions that provide consistency in procedural areas for advisory boards, commissions and committees, and reorganizes ordinances into one Article of the Code. **AMENDED ORDINANCE TO CHANGE THE LANGUAGE OF THE LAST SENTENCE IN SECTION 2-586 TO: 'The board "may" in addition include as ex-officio board members: (1) The city court judge; (2) Transportation director from School District No. 2; (3) The chief of police or the chief of police's designee.'** APPROVED 7-3. COUNCILMEMBERS RONQUILLO, VEIS AND RUEGAMER VOTED 'NO.'

**T. Second/Final reading ordinance #09-5486** correcting the legal description in Ordinance #08-5480 for Zone Change #848, East 80 Cardwell Ranch, previously adopted by City Council on 10/14/08.

**U. Final Plats:**

- (1) Gabel Subdivision, 4<sup>th</sup> Filing
- (2) Amended Fractional Lot of Block 305, First Addition to the City and Block 13, Sunnyside Subdivision, 3<sup>rd</sup> Filing
- (3) Cardwell Ranch Subdivision, 1<sup>st</sup> Filing
- (4) Lake Hills Subdivision, 14<sup>th</sup> Filing, Amended

**V. Bills and Payroll**

- (1) November 28, 2008
- (2) December 5, 2008
- (3) December 12, 2008
- (4) December 19, 2008
- (5) October 1-November 30, 2008 -- Municipal Court

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

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #09-18784 FOR THE SALE OF CITY-OWNED PROPERTY** described as the south 132 feet of Lot 4 in the SW ¼ of Section 9, Township 1 South, Range 26 East more commonly known as South Billings Boulevard, and accepting the Buy/Sell Agreement from Hanser Properties, LP for \$125,300. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED 8-2 TO SELL THE PROPERTY WITHIN 30 DAYS USING THE ESTABLISHED BID PROCESS. COUNCILMEMBERS RONQUILLO AND GAGHEN VOTED 'NO.'**
3. (a) **PUBLIC HEARING AND RESOLUTION #09-18785 FOR THE SALE OF CITY-OWNED PROPERTY** within the Billings Regional Landfill described as the Tract 1, a portion of the NE ¼ NE ¼ of Section 29 in Township 1 South, Range 26 East, PMM, Yellowstone County, and accepting the offer from Yellowstone Valley Electric Cooperative for \$17,700. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED 8-2. COUNCILMEMBER MCCALL AND MAYOR TUSSING VOTED 'NO.'**  
  
(b) **EXEMPT PLAT OF UNNAMED CERTIFICATE OF SURVEY:** a 1.363 acre parcel of City land described as the NE ¼ of Section 29, Township 1 South, Range 26 East located on the southeast corner of the intersection of Bollinger Lane and Hillcrest Road. Yellowstone Valley Electric Cooperative, applicant. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED.**
4. (a) **PUBLIC HEARING AND RESOLUTION #09-18786 FOR ANNEXATION #08-09:** Property described as Lots 1-3, Block 1, Cereus Subdivision, located on the north side of Midland Road east of the Motor Power Equipment business, including un-annexed portions of the I-90 and South Billings Boulevard interchange. Brumar Corporation, owner and petitioner; Bruce Sunwall, representative. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation). **APPROVED.**  
  
(b) **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #852:** A zone change from Entryway General Commercial (EGC) to Highway Commercial (HC) on Lots 1-3, Block 1, Cereus Subdivision located immediately east of 5021 Midland Road; Brumar Corporation (Motor Power Equipment) applicant, Engineering, Inc., agent. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (Action: approval or disapproval of Zoning Commission recommendation). **APPROVED.**
5. **PUBLIC HEARING AND RESOLUTION #09-18787 ADOPTING THE 2008 GROWTH POLICY UPDATE.** Yellowstone County Board of Planning

recommends approval. (**Action:** approval or disapproval of Yellowstone County Board of Planning recommendation). **APPROVED 7-3. COUNCILMEMBERS BREWSTER, ULLEDALEN AND CLARK VOTED 'NO.'**

6. **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.)

- **Dennis Ulvestad, 3040 Central Avenue**, said encouraging people to ride the MET bus and a park-and-ride system could be a solution to the downtown parking problems.
- **Catherine Schaeffer, 2113 Walter Road**, expressed appreciation to the City for its help and support during the recent capture of dogs on the Kapsa property. Councilmember McCall thanked Ms. Schaeffer for her leadership role in the care of the animals since they were rescued.

## **Council Initiatives**

- **Ruegamer:** moved to enact a 25¢ surcharge on all ticket sales for Dehler Park to be placed in an endowment fund for future major improvements, if it did not violate bond regulations. **APPROVED.**

**ADJOURN** – The meeting adjourned at 8:44 p.m.

**(NOTE: Additional information on any of these items is available in the City Clerk's Office)**

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*Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.*

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