

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

February 9, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Gaghen

ROLL CALL – Members present on roll call were: Ronquillo, Gaghen, Pitman, Brewster, Veis, Ruegamer, McCall, Ulledalen, Astle, and Clark

MINUTES – January 26, 2009, approved as distributed

COURTESIES – Councilmember Ronquillo recognized Matt Willoughby who was selected as the Montana Boys and Girls Club Youth of the Year.

PROCLAMATIONS

- **Designation of Billings' Brand: Montana's Trailhead**
- **National Engineers Week, February 15-21, 2009**

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek advised that a memo from her regarding Item 3, the federal legislation priorities, was placed at the desks that evening and also available in the Ex-parte Notebook at the back of the room for public viewing.
- Ms. Volek reported that a protest letter from John Laudon for Item 5 was placed at the desks that evening and also available in the Ex-parte Notebook at the back of the room for public viewing.
- Ms. Volek advised that an email from Mike Penfold and a draft bill were also placed at the desks that evening and available in the Ex-parte Notebook. She said the bill concerned the scenic byways program that Mr. Penfold discussed at a recent work session. She added that Mr. Penfold requested an indication of support from the Council. Ms. Volek said Assistant City Administrator Bruce McCandless had reviewed the bill and had information to share at that time or later in the meeting. Mayor Tussing suggested reviewing it under Council Initiatives.

Mayor Tussing announced that there was an error in a story in the Sunday newspaper regarding a hearing for new street lights. He stated that a hearing would not be held at the evening's meeting, but was scheduled for February 23. Mayor Tussing said public comment would be allowed during the Public Comment period at the end of the meeting if anyone wished to comment at that time.

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.)

- **Randy Vogel, 5953 Lazy Lane**, represented the Billings Police Foundation and presented a check for \$6,983 to Police Chief St. John. Mr. Vogel said the donation was for two light bars, related equipment and two radars for patrol vehicles.

CONSENT AGENDA: SEPARATIONS: A, H, I, K

1. A. **Bid Awards:**

(1) W.O. 06-10, Bannister Drain Trail. (Opened 1/27/09) Recommend CMG Construction, Inc., \$365,503, pending CTEP approval. **APPROVED 10-0. Mayor Tussing recused himself from the vote.**

(2) W.O. 08-15, Lampman Strip Park Trail. (Opened 1/27/09) Recommend CMG Construction, Inc., \$243,809, pending CTEP approval. **APPROVED 10-0. Mayor Tussing recused himself from the vote.**

B. **Change Order #2, W.O. 07-16, Shiloh Road Corridor Water and Sanitary Sewer System Improvements**, COP Construction, \$441,700 increase, and 24 additional days.

C. **Professional Services Contract** for W.O. 08-22, Wastewater Treatment Plant Disinfection System Improvements, HDR Engineering, Inc., not to exceed \$844,600.

D. **Agreement** with Canyon Creek Ditch Company, Inc., for ditch crossing for W.O. 07-16, Shiloh Road Corridor Water and Sewer System Improvements, \$500 paid by COP Construction.

E. **Settlement Agreement** and Release of Claims, Moira Murphy D'Alton; \$125,000.

F. **Amendment** to 2009 Transportation Improvement Program.

G. Easement requests from Northwestern Energy for electric power line relocation in (1) Ann Ross Park and (2) Shiloh drain property for the Shiloh Road Project, at no cost to the City.

H. Sidewalk Easements for W.O. 06-10, Bannister Drain Multi-use Trail from King Avenue West to S. 29th Street West, at no cost to the City:

- (a) Pierce Flooring
- (b) Big Sky Florists Supply

APPROVED 10-0. Mayor Tussing recused himself from the vote.

I. Sidewalk Easement for W.O. 07-22, King Avenue East Multi-use Path along the south side of the City-County drain from South Billings Center LLC, at no cost to the City. **APPROVED 10-0. Mayor Tussing recused himself from the vote.**

J. Street Closure: St. Vincent Healthcare Foundation World Water Day Walk, 8 a.m.-12 p.m., March 21, 2009, commencing at the MSU-B Student Union Building, west on Marbara Lane, south on Virginia Lane, west on Highland Park Drive, south on Raymond, west on Poly Drive, north on Upper Highwood Drive, east on Park Lane, south on Virginia Lane, across the MSU-B campus, through the N. 27th Street Tunnel, around Mountain View Boulevard, through the N. 27th Street Tunnel, and back to the Student Union Building.

K. Acceptance of Donation to Dehler Park from the Billings Mustangs, for design services for a third base concrete deck, \$8,000. **APPROVED.**

L. Acceptance of Donation to Billings Animal Shelter from High Plains Psychiatric Association, \$500.

M. Acceptance of Donation to Billings Police Department from DUI Task Force, for light bars for patrol vehicles, \$10,000.

N. Acceptance of Donation from Billings Police Foundation, for two light bars, related equipment and two radars for patrol vehicles, \$6,983.

O. Second/final reading ordinance #09-5488 expanding the boundaries of Ward 1 to include recently annexed property in 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.

P. Amended Plat of Block 1, Lots 22-25, High Sierra Subdivision, 4th Filing.

Q. Preliminary Subsequent Minor Plat of Amended Lots 3A & 4A, Blaesius Subdivision, approximately .64 acres located on North 16th Street between 8th Avenue North and Vuecrest Drive, conditional approval of the preliminary subsequent minor plat and adoption of the Findings of Fact.

R. Preliminary Major Plat of The Estates at Briarwood Subdivision, 2nd Filing, approximately 52 acres located east of Blue Creek Road and north of McMasters Road, conditional approval of the preliminary major plat and adoption of the Findings of Fact.

S. Preliminary Plat of High Sierra Subdivision, 6th Filing, 7.18 acres located north of Annandale Road and east of Greenbriar Road, conditional approval of the preliminary plat and adoption of the Findings of Fact, and **approval** of the Master Plan for High Sierra Subdivision 5th-12th Filing.

T. Final Plat, Amended Lot 1, Block 1, Burlington Northern Subdivision, 17th Filing.

U. Bills and Payroll

- (1) January 9, 2009
- (2) January 16, 2009

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

REGULAR AGENDA:

2. **RESOLUTION #09-18790 TO ADOPT BRIARWOOD PARK MASTER PLAN.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
3. **PUBLIC HEARING ON FEDERAL LEGISLATION PRIORITIES.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED** 10-1 to add Alkali Creek Road Stabilization Project as Priority #3 and Shiloh Road as Priority #10. Councilmember Veis voted 'No.'
4. **PUBLIC HEARING AND RESOLUTION #09-18791** creating SID 1384 Yellowstone Club Estates sanitary sewer extension, repealing and superseding Resolution 08-18699 approved by City Council on April 14, 2008. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
5. **PUBLIC HEARING AND RESOLUTION #09-18792** ordering construction of the improvements identified in W.O. 08-02, 2008 Miscellaneous/Developer Related Project. Staff recommends approval. (Action: approval or

disapproval of staff recommendation.) **APPROVED to exclude Johnson and Pennington properties (lots 22, 23, 24) and the properties on the south side of the same street if included, until next year's project.**

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.)

- **Russ Doty, 3878 N. Tananger Lane**, presented a letter from the Billings Conservation Roundtable and encouraged consideration of the use of LED lighting in new lighting districts.

Council Initiatives

- **Veis** moved to schedule a work session to discuss implementation of the Billings Brand throughout the City of Billings organization, seconded by Councilmember Astle. **APPROVED.**
- **Gaghen** moved to support the naming of Black Otter Trail as part of the scenic byways as indicated in the proposed legislative bill, seconded by Councilmember Pitman. **APPROVED.**

ADJOURN – The meeting adjourned at 8:08 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.

Visit our Web site at:
<http://ci.billings.mt.us>