

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 23, 2009

6:30 P.M.

CALL TO ORDER – Deputy Mayor Ulledalen

PLEDGE OF ALLEGIANCE – Deputy Mayor Ulledalen

INVOCATION – Councilmember McCall

ROLL CALL – Councilmembers present were Ronquillo, Gaghen, Pitman, Veis, Ruegamer, McCall, Astle, and Clark. Councilmember Brewster was excused.

MINUTES – February 9, 2009, approved as distributed.

COURTESIES - None

PROCLAMATIONS – National Nutrition Month – March 2009

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek advised the City Council had received a comparison on using LED vs. HPS street lighting in their Friday packet of February 13, 2009.
- Ms. Volek advised the City Council had received a letter of protest from Joyce and George Kenney on Item 5, the creation of SILMD 306, in their Friday packet of February 20, 2009.
- Ms. Volek advised the City Council had received several protests on Item 6, Special Review #874, as well as a letter from Mr. Hagstrom withdrawing his application, in their Friday packet of February 20, 2009. She also referenced additional protests that were on the Councilmember desks that evening and included in the Ex-Parte Notebook for public review.
- Ms. Volek referenced a memorandum from the Planning Director on Item 8, the American Recovery and Reinvestment Act of 2009, asking that additional items be included in the list of projects. She said the memorandum was on the Councilmember desks that evening.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2 and 8

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.

- **Joe White, Billings, MT**, spoke on Item 8. He said more social work and construction inspection should be added to the list.

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

CONSENT AGENDA: There were no separations.

1. A. Mayor's appointments:

Mayor Tussing recommends that Council confirm the following appointments:

| | Name | Board/Commission | Term | |
|-----|--------------------|----------------------------------|----------|----------|
| | | | Begins | Ends |
| 1. | Douglas Ruebke | Animal Control Board | 02/23/09 | 01/31/13 |
| 2. | Diana Bachmann | Animal Control Board | 02/23/09 | 01/31/13 |
| 3. | | Board of Appeals | 02/23/09 | 01/31/13 |
| 4. | Emily Shaffer | Community Development Board | 02/23/09 | 01/31/13 |
| 5. | | Emergency Medical Advisory | 02/23/09 | 01/31/13 |
| 6. | * | Emergency Medical Advisory | 02/23/09 | 12/31/09 |
| 7. | *J. Stephen Begley | Energy & Conservation Commission | 02/23/09 | 12/31/10 |
| 8. | Larry Gaalswyk | Homelessness Committee | 02/23/09 | 01/31/13 |
| 9. | Patrick Chapel | Homelessness Committee | 02/23/09 | 01/31/13 |
| 10. | | Housing Authority | 02/23/09 | 01/31/13 |
| 11. | *Everall Fox | Human Relations Commission | 02/23/09 | 12/31/10 |
| 12. | | Parking Advisory Board | 02/23/09 | 01/31/13 |
| 13. | * | Parking Advisory Board | 02/23/09 | 12/31/10 |
| 14. | Todd Royal | Parks/Recreation/Cemetery | 02/23/09 | 01/31/13 |
| 15. | Darwin George | Parks/Recreation/Cemetery | 02/23/09 | 01/31/13 |
| 16. | *Gary Gray | Parks/Recreation/Cemetery | 02/23/09 | 12/31/09 |

| | | | | |
|-----|----------------------------------|---|---------|----------|
| 17. | *Postponed by Conservation Board | Yellowstone Conservation District Board | 1/12/09 | 06/30/11 |
|-----|----------------------------------|---|---------|----------|

- 6. *Unexpired term of Dr. John Kominsky
- 7. *Unexpired term of Bernard Rose
- 11. *Unexpired term of Shoshana Tom
- 13. *Unexpired term of Gary Temple
- 16. *Unexpired term of Wanda Walker
- 17. *Unexpired term of Gay Easton

B. Bid Award:

(1) Airport Improvement Program (AIP) Project for Taxiway F Construction (Opened 2/10/09) Recommend Riverside Sand & Gravel; \$1,185,272.10.

C. Acceptance of Federal Aviation Administration Airport Improvement Grants for 2009 - \$4,707,652; City Match - \$247,364.

D. Approval of grant application with the Montana Department of Transportation for paratransit operating assistance and the purchase of two paratransit vans; up to \$180,107 FY10 revenue for paratransit administrative, maintenance, and operating costs; and up to \$161,069 for two new vans; total local match - \$26,221.

E. Approval of request from Downtown Billings Partnership, Inc. for matching funds from the North 27th Street TIFD to fund the professional services needed to complete the expansion of the Billings Historic District; up to \$15,000.

F. Street Closures:

(1) St. Patrick's Day Parade and Celtic Street Fair. Parade: established downtown parade route, 11:00 a.m. – 12:00 noon. Celtic Street Fair: North Broadway between 1st and 3rd Avenues North, 9:00 a.m. to 2:00 p.m. on March 14, 2009.

(2) Yellowstone Rimrunners Shamrock Run, beginning at 3rd Street West and Avenue B, north onto 3rd Street West, west onto Parkhill to Nordbye, turning around going east on Parkhill, right on 3rd Street West, ending at Pioneer Park, 12:30 p.m. to 1:45 p.m. on March 15, 2008.

G. Preliminary Plat of Golden Acres Subdivision generally located on the northwest corner of 62nd Street West/Molt Road and Rimrock Road and legally described as Tract 6A of Amended Certificate of Survey 2465; Golden Acres Partners, owner; Engineering, Inc., agent; conditional approval of the plat and adoption of the Findings of Fact.

H. Preliminary Subsequent Minor Plat of Barrett Subdivision located at 314 Calhoun Lane and legally described as Barrett Subdivision being Tract 1, Retzlaf Acreage Tracts Subdivision less Deeded Parcels Document #705093; C.E. Barrett, owner; City of Billings, agent; conditional approval of the plat and adoption of the Findings of Fact.

I. Bills and Payroll

- (1) January 23, 2009
- (2) January 30, 2009

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

REGULAR AGENDA:

- 2. RESOLUTION #09-18793 RELATING TO SPECIAL IMPROVEMENT DISTRICT 1384, AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE OF BONDS.** A resolution authorizing the sale of up to \$495,000 in bonds for financing the Yellowstone Club Estates project. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
- 3. PUBLIC HEARING AND RESOLUTION #09-18794** approving the FY10-FY14 Capital Improvement Plan (CIP); Equipment Replacement Plan (ERP); and Technology Replacement Plan (TRP). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **CIP – APPROVED 9 TO 0. ERP APPROVED 7 TO 2 – COUNCILMEMBERS CLARK AND ULLEDALEN VOTED 'NO'. TRP APPROVED 7 TO 2 – COUNCILMEMBERS CLARK AND ULLEDALEN VOTED 'NO'.**
- 4. PUBLIC HEARING AND 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. Approval of sale delayed from 1/12/09. Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.) **SALE TO HANSERS APPROVED 8 TO 0. COUNCILMEMBER ASTLE RECUSED HIMSELF FROM THE VOTE.**
- 5. PUBLIC HEARING AND RESOLUTION #09-18795 CREATING SILMD 306** – King Avenue East from South Billings Boulevard to Orchard Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED USING LED LIGHTING.**
- 6. PUBLIC HEARING AND SPECIAL REVIEW #874:** A special review to allow two 9-unit multifamily dwellings on a 39,600 square foot parcel in a Residential 6000 zone described as the south 10 feet of Lot 8 and all of Lot

7 of Willis Subdivision and addressed as 307 Washington Street. Dave Hagstrom, owner. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **OWNER'S REQUEST FOR APPLICATION WITHDRAWAL UNANIMOUSLY APPROVED.**

7. **PUBLIC HEARING AND RESOLUTION 09-18796** levying annual weed assessments for the 2nd half of FY2009. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
8. **RESOLUTION #09-18797** approving the list of city projects to be considered under the American Recovery and Reinvestment Act of 2009. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED TO INCLUDE ONLY TRANSPORTATION IMPROVEMENT PLAN AND BUSINESS CONSORTIUM PROJECTS WITHIN THE CITY LIMITS.**
9. **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.)

The public comment period was opened.

- **James Garvey, 909 N. 19th Street**, said he felt Code Enforcement should enforce the height of trees on private properties. He said his neighbor's trees tower over his property, and he was afraid a strong wind or rain would cause the trees to fall over onto his property.
- **Joe White, Billings, MT**, spoke on the recent cuts in the Planning Staff. He said the city was going in the wrong direction and should make cuts in the Police Department instead. He said there was a need for more social workers and public health workers, and a planner should go out and ask people how they were doing. He said the city needed more building specialists, and there was terrible pollution.

Council Initiatives

- **VEIS**: Moved to begin the formal process of approving the amendments to the Forfeiture of Office Ordinance, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

ADJOURN: The meeting adjourned at 7:48 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.