

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

March 23, 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, and Clark.

MINUTES – March 9, 2009

COURTESIES – Par 3 Golf Course Annual Distribution

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek referenced the updated resolution and staff report for Item #2, Sahara Park Master Plan, that was distributed in the Friday packet and available in the Ex-Parte Notebook for public review.
- Ms. Volek advised the bond sale for Item #3, SID 1384, had been held and an updated resolution and staff report recommending award was at each councilmember's desk for review. She said copies were also available in the Ex-Parte Notebook for public review.
- Ms. Volek advised an issue had arisen late that afternoon regarding Item #7, Special Review #875. She said a condition in the original Warranty Deed specified the building could not be used for a bar or receive revenue from the sale of liquor. She said an e-mail and a copy of the Warranty Deed were at each councilmember's desk and in the Ex-Parte Notebook for review.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, and 6b 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.)

- **Chris Alamond, 1001 Aronson**, spoke on Item 2, the Sahara Park Master Plan. Mr. Alamond asked where the money would come from to build and maintain the proposed aquatic center.
- **Alex Tommerup, 170 Erickson Court**, said he was the architect for the proposed aquatic center and was available to answer questions.
- **Chuck Barthully, 300 E. Lake Circle**, said represented the Better Billings Foundation and was available to answer questions on the proposed Sahara Park Master Plan.

CONSENT AGENDA: Separations: F, I

1. A. Bid Awards:

(1) **W.O. 08-12 – Waste Water Treatment Plant Digester Condensate Drain Vault Entrance.** (Opened 3/10/09) Recommend delay of bid award until April 13, 2009.

(2) **MET Transit Engine Overhauls.** (Opened 3/10/09) Recommend Interstate PowerSystems; Schedule 1- \$35,855; Schedule 2 - \$33,460; Schedule 3 - \$22,545.

(3) **Airport Improvement Program (AIP) Project for Taxiway A Straightening.** (Opened 3/10/09) Recommend Knife River-Billings; \$1,757,323.68.

(4) **Fire/Technical Rescue Unit.** (Bid award delayed from 3/9/09). Recommend Base Bid #2 to Unruh Fire, Inc.; \$127,686.

B. Professional Services Contract to provide design, construction documents, and construction administration for the Park 1 Parking Garage Elevator Upgrade. Recommend Collaborative Design Architects, Inc.; \$22,500 (10% of total estimated construction costs).

C. Professional Services Contract (W.O. 08-25) to provide hydraulic modeling and site selection, design, and bidding and construction services for the expansion of the Zone 3 water distribution system. Recommend Brown & Caldwell; \$822,102.

D. Assignment and Transfer of two west end hangar ground leases from Pacific Tank and Pipeline to Backscratch Aviation, LLC, located on Lots 1 and 2 – Taxilane D.

E. Amendment #7, Engineering Services for Airport Improvement Program (AIP) 36 Project, Morrison-Maierle, Inc., \$833,008.

F. Downtown Revolving Loan Fund Recommendation for Randy and Janna Hafer approving loan subordination to Yellowstone Bank, \$240,000. **APPROVED.**

G. Declaring Surplus Property on miscellaneous parts for two 1992 Oshkosh TA-1500 model fire trucks no longer owned by Aviation and Transit and authorizing the disposal of the parts through salvage.

H. Declaring Surplus Property and authorizing the Police Department to release 30 ballistic vests and 40 Streamlight Maglite rechargeable flashlights with chargers to the Yellowstone County Sheriff's Office Reserve Unit.

I. Approval of Donation from BikeNet for a portion of the CTEP required matching funds for the Lampman Strip Park Trail, \$25,000. **APPROVED 10-0. MAYOR TUSSING RECUSED HIMSELF FROM THE VOTE.**

J. Approval of Donation from ConocoPhillips to send School Resource Officers to the National Conference in Baltimore, MD (6/29/09 – 7/3/09), \$6,000.

K. Approval of Anonymous Donation to the Police Department for trauma kits for police vehicles and training for the officers, \$2,613.

L. Preliminary Subsequent Minor Plat of Amended Lot 5, Flanagan Subdivision, approximately 4.55 acres for commercial development located on the southeast corner of the intersection of Central Avenue and Moore Lane; conditional approval of the preliminary plat, approval of a sidewalk variance, and adoption of the Findings of Fact.

M. Corrected Final Plat of Amended Lot 5E, Block 1, Shiloh Crossing Subdivision, correcting the owner's name on the previously recorded final plat.

N. Final Plat of Amended Lots 1-8, Block 2; Lots 1-8, Block 3; Lots 1-9, Block 4, Reflections at Copper Ridge Subdivision.

O. Bills and Payroll

- (1) February 20, 2009
- (2) February 27, 2009

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

REGULAR AGENDA:

2. RESOLUTION #09-18799 TO ADOPT SAHARA PARK MASTER PLAN.
(Delayed from 3/9/09) Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED. AMENDED TO A SIX-MONTH DEADLINE FOR A DEVELOPMENT AGREEMENT TO BE IN PLACE FOR AN ACQUATIC CENTER AND TO REMOVE THE SPACE FOR A LIBRARY AND COMMUNITY CENTER FROM THE PLAN.**

3. **RESOLUTION #09-18800 AWARDING THE SALE OF SPECIAL IMPROVEMENT DISTRICT 1384 BONDS TOTALING \$495,000.** Recommendation to be made at council meeting. (Action: approval or disapproval of staff recommendation.) **AWARD TO US BANK APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION #09-18801 ADOPTING SECOND QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2008/2009.** Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED.**
5. **PUBLIC HEARING AND RESOLUTION #09-18802 APPROVING BUDGET AMENDMENT FOR CHARGE FOR SERVICES FROM GENERAL FUND CODE ENFORCEMENT TO PLANNING FUND.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
6. (a) **PUBLIC HEARING AND FIRST READING ORDINANCE FOR REVISIONS TO THE ANIMAL ORDINANCE.** (Delayed from 3/9/09) Changes to the existing ordinance by the Animal Control Board due to the contract entered into between the City of Billings and Yellowstone Valley Animal Shelter. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
(b) **RESOLUTION #09-18803 ADJUSTING FEES CHARGED AT ANIMAL SHELTER.** Staff recommends approval. (Delayed from 3/9/09) (Action: approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING FOR SPECIAL REVIEW #875:** A special review to locate a beer & wine license with gaming within an existing building in a Planned Development zone with underlying zoning of Community Commercial, legally described as Block 1, Lot 2, Wal-Mart Subdivision, located at 1667 Main Street, and within 600 feet of East Gate Wesleyan Church, 625 Mattson Lane. Rimrock II, LLC, owner; Shelby Waldron, agent. Zoning Commission recommends waiving the 600-foot separation requirement from a church and conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **DENIED. FAILED TO MEET THE 600-FOOT SEPARATION FROM A CHURCH AND BECAUSE OF CURRENT DEED RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES ON THE PROPERTY.**
8. **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.*)

There were no speakers.

Council Initiatives - None

ADJOURN - The meeting adjourned at 7:45 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.