

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 (Revised 4/8/09)

COUNCIL CHAMBERS

April 13, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Pitman

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

MINUTES – March 23, 2009, approved as presented

COURTESIES – None

PROCLAMATIONS

- Arbor Day, April 24, 2009
- Fair Housing Month, April 2009
- Billings Child Abuse Prevention and Awareness Month, April 2009

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek referenced a contract with RedFlex Traffic Systems, Inc. that was advertised as a public hearing in the Billings Gazette and Billings Times and added as Item #3 to the evening's agenda. She said a contract and memorandum were provided in the Friday Packet and two emails about that item were on the desks that evening. She said copies were also available in the Ex-Parte Notebook for public review.
- Ms. Volek pointed out that the agenda packet provided to Council was off by one item number due to the addition of the new item.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 8, 9a and 9b 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.)

There were no speakers.

CONSENT AGENDA:

1. A. Bid Awards:

- (1) Mini Buses (2) for Parks and Recreation Department.**
(Opened 3/31/09) Recommend Intermountain Coach, \$119,706.
- (2) Cab and Chassis for Billings Logan International Airport.**
(Opened 3/24/09) Recommend Motor Power Equipment, \$118,687.
- (3) W.O. 08-02 Miscellaneous/Developer Related Project and Additive Alternate No. 1.** (Opened 3/24/09) Recommend J & J Concrete, \$404,200.
- (4) W.O. 08-12 Waste Water Treatment Plant Digester Gas Condensate Drain Vault Entrance.** (Opened 3/10/09 and delayed from 3/23/09.) Recommend reject all bids.
- (5) W.O. 08-24 Broadwater Crossing connecting Descro Park and Lillis Park – Billings Federal Aid Project STPE 1099(63) MDT CN6634.**
(Opened 3/24/09) Recommend H.L. Ostermiller Construction, Inc., \$75,733.66, pending CTEP approval.
- (6) W.O. 09-04 2009 Accessibility Ramps on Grand Avenue and 19th Street West.** (Opened 3/24/09) Recommend J & J Concrete, \$333,910.
- (7) W.O. 09-05 Poly Surface Improvements from Westfield Drive to Aspen Drive.** (Opened 3/24/09) Recommend Knife River Construction, \$109,448.50.

B. Grant Agreement with Department of the Army for Orchard Lane Water Main Replacement Design and Construction, \$184,000.

C. Certified Local Government Program Contract with the State of Montana Historic Preservation Office for historic preservation activities, \$5,500 (4/1/09—3/31/10). Local matches: City of Billings - \$1,031; Yellowstone County - \$1,000; City of Laurel - \$469.

D. Acknowledging receipt of petition to annex #09-02: .74 acres of Lot 26, Block 19, Lillis Heights Subdivision, generally located on the northwest corner of Rimrock Road and Rim Point Drive at 4739 Rimrock Road; MCS Properties, LLC, petitioner, and setting a public hearing for April 27, 2009.

E. Confirmation of Police Officer:

- (1) Jacob Best

F. Street Closures:

- (1) Montana Women's Run, 5/9/09.** Closures -- 6 a.m. to 12 noon: 2nd and 3rd Avenues from N. 10th to Division Street; 8:25 a.m. to 10 a.m.: Clark and Yellowstone Avenues (partial); and 6 a.m. to 12 noon: 2nd Avenue N. from N. 27th Street to N. 29th Street and Broadway from 1st Avenue N. to 3rd Avenue N.

(2) Yellowstone Valley Farmers Market – Saturdays, 7/18/09 through 10/3/09, 6 a.m. to 1 p.m., and **Wednesdays**, 8/5/09 through 8/26/09, 3 p.m. to 9 p.m., N. 28th from 1st to 3rd Avenue N. and 2nd Avenue N. from 29th to 1st Avenue N on Saturdays and N. 28th from 2nd to 3rd Avenue N. on Wednesdays.

G. Approval of Donations to send School Resource Officers to the National Conference in Baltimore, MD (6/29/09 – 7/3/09).

- (1) GST, Inc., \$2,053.
- (2) Wal-Mart Foundation, \$500.

H. Approval of application for an AmeriCorps VISTA Project, approximately \$320,000 per year through the American Recovery and Reinvestment Act (ARAA) of 2009.

I. Approval of application and acceptance of 2009 Internet Crimes Against Children Recovery (ICAC Recovery) Grant, \$422,046 through the American Recovery and Reinvestment Act (ARAA) of 2009.

J. Approval of application for a Recreational Trails Program grant for continuation of the Swords Park Trail through the east end of the park and connecting to the existing Airport Road underpass, \$35,000 maximum.

K. Resolution of Intent #09-18804 to Create SID 1386, MacDonald Drive Street Improvements, and setting a public hearing date for May 11, 2009.

L. Second/final reading ordinance #09-5489 for revisions to the Animal Ordinance: 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.

M. Exempt Plat of Amended Lot 2A-4, Block 1, Miller Crossing Subdivision.

N. Bills and Payroll

- (1) March 6, 2009
- (2) March 13, 2009
- (3) March 20, 2009

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

REGULAR AGENDA:

2. **RESOLUTION #09-18805** relating to Special Improvement District Bonds 1384, Yellowstone Club Estates; determining the form and details and authorizing the execution and delivery. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

3. **PUBLIC HEARING AND APPROVAL** of contract with RedFlex Traffic Systems, Inc. to provide red light camera traffic enforcement services to the City of Billings. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 8-3. Councilmembers Brewster and Pitman and Mayor Tussing voted 'No.'**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR SOCIAL HOST ORDINANCE.** An amendment to Chapter 18 of the Billings City Code adding Article 12, holding a person accountable for organizing a party or event in which underage consumption of alcohol takes place. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE AUTHORIZING A MUNICIPAL TREATMENT COURT ADMINISTRATIVE FEE.** An ordinance that authorizes a \$25.00 court fee to help defray administrative costs incurred by Municipal Court for processing misdemeanor criminal offenses in Billings Adult Misdemeanor Drug Court, Billings Adult Misdemeanor DUI Court, and Billings Adult Misdemeanor Mental Health Court. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE AUTHORIZING CLOSURE OF HAZARDOUS FIRE AREAS AND UPDATING REFERENCES TO THE FIRE CODE.** An ordinance that provides authority to the Billings Fire Department to close hazardous fire areas, and updates the Billings City Code with appropriate language to provide the enforcement mechanism to manage hazardous fire areas. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND RESOLUTION #09-18806 APPROVING TAX INCENTIVES FOR KIMMET PROPERTIES, LLC, DBA CELLULAR PLUS** for commercial building expansion on property located at 815 Main Street. Kimmet Properties LLC and Adam Kimmet, owners. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
8. **LENHARDT SQUARE MASTER PLAN AGREEMENT.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
9. (a) **MANAGEMENT AGREEMENT WITH DOWNTOWN BILLINGS PARTNERSHIP, INC.** to manage the Expanded North 27th Street Urban Renewal Area/Tax Increment District, \$98,580. **APPROVED.**
(b) **MANAGEMENT AGREEMENT WITH BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.** to manage projects within the East Billings Urban Renewal Area/Tax Increment District, \$2,000. **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.)

- **Marion Dozier, 3923 3rd Avenue South**, said it was difficult to come before the Council to speak and she felt Councilmembers should listen to the speakers and not take them to task if they disagreed with what was said.

Council Initiatives

Brewster moved to direct staff to hold a public meeting for the Bench Boulevard residents and any other interested parties to inform them of the plans for the Bench connector, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.

McCall moved to direct staff to investigate the feasibility of implementing the Workforce Housing Ad Hoc Committee recommendations, seconded by Councilmember Pitman. Councilmember Clark moved to amend the motion that the recommendations be presented at a work session, seconded by Councilmember Brewster. On a voice vote, the amendment was unanimously approved. On a voice vote, the amended motion was unanimously approved.

Brewster moved to direct Solid Waste staff to meet with an interested group of people to explore options for disposal of electronic and toxic devices, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

Gaghen moved to direct staff to explore the license process for liquidation/going out-of-business sales, seconded by Councilmember Astle. On a voice vote, the motion was approved 10-1. Councilmember Veis voted 'No.'

ADJOURN – 8:09 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.

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