

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

May 26, 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, Astle, Clark

MINUTES – May 11, 2009 , approved as presented

COURTESIES – Skyview High School Student Presentation

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek referenced the letter from Gary Roller, General Manager of the Mustangs Professional Baseball Club, dated 4/23/09, concerning Items E & F. She said the letter was included in the Friday packet and the ex-parte notebook in the back of the room.
- Ms. Volek advised the staff memo for Item B had been distributed on the councilmembers' desk that evening and was filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced the presentation handout on the councilmembers' desk for Item 3 and said a copy was also included in the ex-parte notebook in the back of the room.
- Ms. Volek referenced a letter from Burger King Corporation for Item 6 that had been placed on the councilmembers' desk that evening. She said it had also been filed in the ex-parte notebook in the back of the room.

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

- **Dave Bovee, 424 Lewis Avenue**, said he would like to see a computer set up in the council chambers for the public to view the agenda items when the new agenda management software is implemented.
- **Tom Iverson, 2717 Hoover**, said he was a member of the Parks Board and questioned how the Mustangs arrived at the fees they were charging MSU-B to play baseball games at Dehler Park.

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

CONSENT AGENDA: Separations: B, E, F, H, N, P

1. A. **Bid Awards:**

(1) **W.O. 08-23, West Wicks Lane Water, Sanitary Sewer, and Storm Drain Improvements.** (Opened 5/12/09). Recommend Knife River, \$324,240.

(2) **Well Pump Replacements, Wastewater Treatment Plant.** (Opened 5/12/09). Recommend Star Service, \$128,400.

(3) **Airport Terminal Building Roof Replacement.** (Opened 5/12/09). Recommend rejection of all bids and authorization to seek new bids.

(4) **Taxiway "A" East Rehabilitation Project, funded by American Recovery and Reinvestment Act.** (Opened 5/12/09). Recommend Riverside, \$947,432.55.

(5) **AIP 035 – General Aviation Taxilane Rehabilitation.** (Opened 5/26/09). Recommend delay of award to June 8, 2009.

B. **Approval** of members of the ad hoc committee to promote annexation east of the East End TIF District. **APPROVED. COUNCILMEMBER GAGHEN WILL REPLACE COUNCILMEMBER RONQUILLO AS A COMMITTEE MEMBER.**

C. **Approval** of contract with Innoprise Software, Inc. for replacement of the existing Enterprise Software System, five year term, \$90,000 per year.

D. **Approval** of License and Service Agreement with Destiny Solutions, Inc. for agenda management software, \$19,950; annual maintenance fee second year forward, \$3,200.

E. Approval of Facility Use Agreement for Dehler Park between the Billings Mustangs and Montana State University-Billings. **APPROVED 9 TO 2. COUNCILMEMBERS BREWSTER AND PITMAN VOTED 'NO'.**

F. Approval of Facility Use Agreement for Dehler Park between the Billings Mustangs and the American Legion. **APPROVED 9 TO 2. COUNCILMEMBERS BREWSTER AND PITMAN VOTED 'NO'.**

G. Approval of 20-year combined Ground Lease with the Bureau of Land Management for a new fire station site and the existing tanker base/dispatch center at Billings Logan International Airport; May 1, 2009 – April 30, 2028; \$86,668.50 first year revenue; subsequent years adjusted according to the CPI-U.

H. Approval of two-year contract extension with EideBailly LLP for audit services for fiscal years 2009 and 2010, \$116,300. **APPROVED.**

I. Perpetual Right-of-Way Easement with Billings Clinic for construction of a sewer main along Shiloh Road between Howard Avenue and Broadwater Avenue for W.O. 07-16, Shiloh Road Corridor Water and Sewer System Improvements, at no financial impact to the City.

J. Approval of Quarterly Report for Pledged Collateral for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account, and US Bank Certificates of Deposit.

K. Approval of Downtown Revolving Fund Loan to EB Ventures, LLC, to remodel Yellowstone Garage Building for restaurant space, not to exceed \$200,000.

L. Approval of Downtown Revolving Fund Loan extension of promissory notes of William and Marcia Honaker, secured by the Securities Building and the Securities Building Parking Lot, approximately \$300 additional interest income.

M. Approval of application and acceptance of Internet Crimes Against Children (ICAC) Continuation Grant, \$200,000.

N. Resolution of Intent #09-18817 to expand the Downtown Business Improvement District No. 0001 to include the new MET Transfer Center, and set a public hearing for June 22, 2009. **APPROVED.**

O. Resolution #09-18818 rescinding Resolution of Intent to Create No. 09-18813, Special Improvement Lighting Maintenance District 307, and cancelling the public hearing set for June 8, 2009.

P. Second/final reading Ordinance #09-5493 expanding the boundaries of Ward IV to include recently annexed property in Annexation #09-02, a .74-acre property described as Lot 26, Block 19, Lillis Heights Subdivision, and located at 4739

Rimrock Road; MCS Properties, LLC, owner and petitioner. **APPROVED 10-0.**
COUNCILMEMBER MCCALL RECUSED HERSELF FROM THE VOTE.

Q. Preliminary Minor Plat of Lenhardt Square Subdivision, 1st Filing, a 33.8 acre tract described as Tract 1A of C/S 2063, Amended, located in Section 10, T1S, R25E; generally located north of King Avenue West, across from the Montana Sapphire Subdivision; **approval of two variance requests:** (1) allowing a 56 foot right-of-way dedication along 44th Street West and Monad Road adjacent to the subdivision; (2) allowing a total 8.5 foot right-of-way for boulevard and sidewalk along 44th Street West and Monad Road; and adoption of the Findings of Fact. M & K Blue One, LLC/Lenhardt Property, LLC, applicant; Sanderson Stewart, engineer. (Delayed from 4/27/09).

R. Preliminary Subsequent Minor Plat of Kuhlman Subdivision, Amended Lot 6, a .46-acre tract described as Lot 6, Section 22, T1N, R26E, generally located at 512 Josephine Drive; **approval of variance request** allowing a 30-foot street right-of-way for Kuhlman Drive; and adoption of the Findings of Fact. Troy Boucher, applicant, Blueline Engineering, LLC, engineer.

S. Final Plat of Flanagan Subdivision, Amended Lot 5.

T. Bills and Payroll

- (1) April 24, 2009
- (2) May 1, 2009
- (3) February 1, 2009-April 30, 2009, Municipal Court

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

REGULAR AGENDA:

2. **BENCH BOULEVARD PROJECT – 6TH AVENUE NORTH TO LAKE ELMO ROAD, PHASE 1; CM 1099 (32)**
 - (a) **MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF BILLINGS AND YELLOWSTONE COUNTY** regarding local funding match requirements; Yellowstone County - \$1,000,000 and road easement valued at \$175,000; City of Billings - \$526,185. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED, CHANGING THE TERMINATION OF AGREEMENT DATE FROM 7/1/09 TO 8/1/09.**
 - (b) **AMENDMENT #1 TO THE GENERAL PROJECT DEVELOPMENT AND CONSTRUCTION AGREEMENT BETWEEN MONTANA DEPARTMENT OF TRANSPORTATION AND THE CITY OF BILLINGS**, amending the contract dated September 10, 2001, to split the project into two phases. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
3. **PUBLIC HEARINGS FOR AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE FY2008-2009 ANNUAL ACTION PLAN** to accept additional funding of \$190,430 from the American Recovery and Reinvestment Act. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION #09-18819** ordering construction of the improvements identified in W.O. 08-30, Poly Drive Sidewalk Improvements – Billings, Federal Aid No. STPE 1099(61). Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
5. **PUBLIC HEARING FOR SPECIAL REVIEW #876:** A special review to allow a drive-through window for a new coffee shop in an existing multi-tenant building in a Community Commercial zone adjacent to Residential 7000 and Residential 6000 zoning districts, on Lots 25-27, Block 5, Central Heights Subdivision, located at 2156 Central Avenue; Michael Stock, owner; Rob Veltkamp, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
6. **PUBLIC HEARING FOR SPECIAL REVIEW #877:** A special review to allow a drive-through window for a Burger King restaurant in a new building in a Community Commercial zone adjacent to a Residential 7000 zoning district, on Lot 2, Sweet Subdivision, 2nd Filing (aka C/S 263 Tract 5), located at 2434 Grand Avenue, just west of the CVS Pharmacy under construction at 24th Street West and Grand Avenue; Montana CVS Pharmacy, owner; Food Service Concepts and Morrison-Maierle, agents. Zoning Commission recommends conditional approval.

(Action: approval or disapproval of Zoning Commission recommendation.)
APPROVED, AMENDING CONDITIONS 4 & 5 TO NEGOTIATE INSTALLATION OF A SIGHT-OBSCURING FENCE ALONG THE SOUTH SIDE OF THE ALLEY WITH THE DEVELOPER.

7. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #OP-09-01:** A request for a variance to allow access through the alley at a new Burger King restaurant on Lot 2, Sweet Subdivision, 2nd Filing, at 2434 Grand Avenue; Montana CVS Pharmacy, owner; Food Service Concepts and Morrison-Maierle, agents. Staff recommends approval subject to the condition that the alley be paved from the west edge of the Burger King site (Lot 2) all the way to 24th Street West. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
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.)

The public comment period was opened.

- **Mark Higgins, Ahoy Street**, said he was proposing to open a medical marijuana business and would operate within the confines of the law and was available to answer any questions. Council had no questions.

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

Council Initiatives - None

ADJOURN – The meeting adjourned at 9:01 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.