

# COUNCIL ACTION SUMMARY

## CITY OF BILLINGS

### CITY OF BILLINGS VISION STATEMENT:

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

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## AGENDA

COUNCIL CHAMBERS

July 13, 2009

6:30 P.M.

**CALL TO ORDER** – Mayor Tussing

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember McCall

**ROLL CALL** – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Veis, Ruegamer, McCall, Ulledalen, Astle, Clark. Councilmember Brewster was excused.

**MINUTES** – June 22, 2009, approved

**COURTESIES** – None

**PROCLAMATIONS** – None

**ADMINISTRATOR REPORTS** – Tina Volek

- Ms. Volek referenced a memo sent in the Friday Packet regarding Item 1M that outlined the plans for partial use of the donation from the Forshay Trust. She said Chris Anderson, Executive Director of YVAS would speak about the item during the public comment period. She noted that the memo was included in the ex-parte notebook in the back of the room.
- Ms. Volek referred to a letter sent in the Friday Packet from Sanderson Stewart requesting modification of condition #7 of Item 1Q. She noted that the letter was included in the ex-parte notebook in the back of the room.
- Ms. Volek referred to a memo sent in the Friday Packet regarding a correction in the title of the staff report for Item 2. She said the memo and corrected staff report were in the ex-parte notebook in the back of the room.
- Ms. Volek advised that about 40 letters were received in opposition of Item 4, SILMD 307. She said copies of the letters were at the Mayor's desk and in the ex-parte notebook in the back of the room. She noted that one protest was received after the July 10 deadline.
- Ms. Volek advised that staff needed to complete additional research for Item 5 and recommended opening the public hearing that evening and continuing the item to July 27.
- Ms. Volek advised that the Stipulation and Draft Collective Bargaining Agreement

with MPEA/Billings Police for Item 7 were sent in the Friday Packet and included in the ex-parte book in the back of the room.

- Ms. Volek referred to a copy of an email placed at the council desks that evening from Duane Winslow regarding a mail ballot election for the upcoming primary election. She explained that a special meeting would be needed prior to July 22 if Council wished to oppose the mail ballot election. She said the issue could be discussed during the Council Initiative portion of the meeting. She noted that a copy of the email was included in the ex-parte notebook in the back of the room.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2 and 7 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 Anderson, Executive Director YVAS**, said the YVAS Board wanted the animal shelter to be the “go to” place. She explained the plans to use the Forshay Trust donation to build outdoor dog pens on the back of the shelter to use for exercising dogs and to allow potential adopters to interact with dogs they were considering.

**CONSENT AGENDA:**

**SEPARATIONS: 1Q**

**1. A. Bid Awards:**

(1) **Airport Ramp Sweeper.** (Opened 6/23/09) Recommend delay of award to July 27, 2009.

(2) **2009 Miscellaneous Improvements at Airport, West End Entrance Replacement.** (Opened 6/23/09) Recommend Knife River, \$205,084.60.

(3) **W.O. 04-26, Zone 4 Reservoir Phase 1, Composite Elevated Water Storage Tank.** (Opened 6/23/09) Recommend CB&I Constructors, \$2,468,000.

(4) **W.O. 09-17, 24<sup>th</sup> Street West Concrete Work.** (Opened 6/23/09) Recommend reject all bids.

(5) **SID 1386, East and West MacDonald Drive.** (Opened 6/23/09) Recommend delay of award until after bonds are sold on July 27, 2009.

**B. Approval of purchase** of fusible PVC pipe for water main replacement program from Underground Solutions, Inc. for \$100,000.

**C. Declaring Surplus Property** and authorizing the Police Department to release one Streethawk lightbar with control box and two red lenses to the Assemblies of God District Council Security.

**D. Professional Services Contract** for W.O. 09-12, Inner Belt Loop, Sanderson Stewart, not to exceed \$782,800.

**E. Professional Services Contract** for W.O. 09-13, Redundant Water Main to Staples Pump Station, Sanderson Stewart, not to exceed \$415,500.

**F. Agreement** with DataProse for comprehensive mailing services for water and sanitary sewer billing, \$42,350 per year.

**G. Modified Maintenance Agreement** between the City of Billings and the State of Montana adjusting the State's financial contribution to provide regular street maintenance of state-owned highway system within the city limits, and reducing the contract to a one-year term with an option to renew for a second year. Original two-year agreement approved May 11, 2009. Contract term is July 1, 2009, through June 30, 2010; modified revenue is \$392,278 in FY2010, including a contribution to the City's Equipment Replacement Plan.

**H. Agreement** with Billings Housing Authority to fund one Police Officer, July 1, 2009, through December 31, 2009.

**I. Memorandum of Understanding (MOU)** between the City of Billings and Billings Public Schools for two (2) middle school resource officers, July 1, 2009, to June 30, 2010; \$52,000 to the City.

**J. Memorandum of Understanding (MOU)** between the City of Billings and Billings Public Schools for three (3) high school resource officers, July 1, 2009, to June 30, 2010; \$62,400 to the City.

**K. Approval of grant application and acceptance** of the 2009 Justice Assistance Grant (JAG) for installation of LED lightbars on 13 police vehicles, and replacement of Simunitions training equipment; \$32,377.

**L. Street Closure:**

(1) **STAR Touring and Riding Parade**, brief intersection closures on July 23, 2009, 7:30 a.m. – 9:40 a.m.; parade begins at the Holiday Inn Grand Montana, proceeds to Laurel Road, to Montana Avenue heading east, north on Division Street, east to 4<sup>th</sup> Avenue North, to MetraPark Carnival Lot where parade disbands.

**M. Acceptance of Donation** from Phyllis Forshay Trust and **approval** of transfer of the donation to Yellowstone Valley Animal Shelter, \$94,051.76.

**N. Second/Final reading ordinance #09-5494 for Zone Change #851:** A zone change from Residential 9600 and Public to Planned Development with underlying zoning districts of Residential 9600, Residential 7000, Residential 7000 Restricted, Residential 6000, Residential Multi-Family Restricted, Residential Multi-Family, and Public on a 60.4 acre parcel of land described as Tracts 1 and 2 of C/S 2054 with the exception of 4.29 acres in the northwest corner of Tract 1; generally located on the southeast corner of the intersection of Rimrock Road and 54<sup>th</sup> Street West. Krutzfeldt Ranch, LLC, owner; William Krutzfeldt, agent

**O. Second/Final reading ordinance #09-5495 for Zone Change #855:** A zone change from Controlled Industrial to Central Business District on Lots 18-24, Billings Original Town, located at 2123 1<sup>st</sup> Avenue North; Robert D. Schaak, applicant; Jay Shearer, agent.

**P. Resolution #09-18844** creating the Council Ad-Hoc Committee on the Going-out-of-Business Sale Ordinance.

**Q. Preliminary plat** of Trails West Subdivision 1<sup>st</sup> Filing; 74 lots on approximately 67 acres of land, generally located on the south side of Grand Avenue, between 56<sup>th</sup> Street West and 60<sup>th</sup> Street West; conditional approval of the preliminary plat and adoption of the Findings of Fact; Dorn-Wilson Development, LLC, applicant, Sanderson Stewart, agent. **APPROVED WITH CHANGES TO CONDITION #7 AS PROPOSED IN THE LETTER FROM SANDERSON STEWART.**

**R. Final Plat**

- (1) Bergquist Subdivision, Amended Lots 2 & 3, Block 1
- (2) Central West Subdivision
- (3) Lake Hills Subdivision, 31<sup>st</sup> Filing

**S. Bills and Payroll**

- (1) June 12, 2009
- (2) June 19, 2009

(Action: approval or disapproval of Consent Agenda.)

**APPROVED**

**REGULAR AGENDA:**

2. **RESOLUTION #09-18845 RELATING TO \$509,000 POOLED SPECIAL IMPROVEMENT DISTRICTS BONDS, AUTHORIZING THE ISSUANCE AND CALLING FOR THE NEGOTIATED SALE.** A resolution authorizing the sale of up to \$509,000 in pooled bonds to finance SID 1372 and SID 1386. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
3. **PUBLIC HEARING AND RESOLUTION #09-18846 AUTHORIZING FILING OF THE ANNUAL FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION TO CREATE SILMD 307**, Shiloh Road from Rimrock Road to Pierce Parkway. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED ACTION TO AUGUST 10, 2009.**

5. **PUBLIC HEARING AND RESOLUTION VACATING A PORTION OF CLARK AVENUE WITHIN THE 2300 BLOCK.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **PUBLIC HEARING AND ACTION CONTINUED TO JULY 27, 2009.**
6. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #OP-09-02:** A variance from Section 6-1203(a) and Section 6-1203(j) allowing a reduced number of off-street parking spaces for a new office building proposed at 123 South 27<sup>th</sup> Street, on Lots 1-24, Block 141, Billings Original Town. Yellowstone Health Partnership, owner, CTA Architects Engineers, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
7. **STIPULATION TO A 2009-2011 CONTRACT WITH MPEA/BILLINGS POLICE UNION.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-1. MAYOR TUSSING VOTED 'NO.'**
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.)

## **Council Initiatives**

- **Pitman** moved to have the Mayor send a letter to Yellowstone County Election Administrator Duane Winslow in support of a mail ballot election for the upcoming primary election, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.
- **Veis** moved to have the Mayor send a letter to Governor Schweitzer and Montana Department of Transportation Director Jim Lynch requesting LED lighting along Shiloh Road, seconded by Councilmember McCall. On a voice vote, the motion was approved 9-1. Mayor Tussing voted 'No.'

**ADJOURN** – The meeting adjourned at 8:12 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.*

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**<http://ci.billings.mt.us>**