

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 September 14, 2009 6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Richard Clark

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

MINUTES – August 24, 2009, approved as presented

COURTESIES

PROCLAMATIONS - National Library Card Sign-up Month

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek advised that the insurance certificate for Item 1K1, the St. Patrick's Catholic Church street closure request, was sent in the Friday Packet and available in the ex-parte notebook in the back of the room.
- Ms. Volek advised that the application and insurance certificate for Item 1K2, the Montana Brewing Company street closure request, were placed at council desks that evening and available in the ex-parte notebook in the back of the room.
- Ms. Volek advised that a protest for Item 4F, SID 1386 for East and West MacDonald Drive, was sent in the Friday Packet and available in the ex-parte notebook in the back of the room.
- Ms. Volek advised that the applicant for Item 6 sent an email request that the new name for Cynthia Park Drive should be Sky Run, not Sky Run Drive as reflected in the staff report and the initial request.

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

- **Stan McIntire, 1425 Bitterroot**, spoke about Item 1P and stated that the developer was trying to develop a parcel of land for the same purpose that was denied by the Council the previous November.
- **Tom Zurbuchan, 1747 Wicks Lane**, stated that the development agreement related to Item 1P needed to be changed before any further development was allowed.
- **Larry Trettenbach, 1608 Blarney St.**, spoke about the traffic and pedestrian issues in the Cherry Creek Estates subdivision area.
- **Joe White, Billings, MT**, spoke about Item 1M and said social workers were needed.
- **Kevin Nelson, 4235 Bruce**, stated that the people needed to have a time and place to comment about Item 1M.

(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.)

1. **CONSENT AGENDA** **SEPARATIONS: 1B, 1P**

A. **Bid Awards:**

1. **SID 1387, Sanitary Sewer to Zimmerman Trail Subdivision.** (Opened 8/25/09) Recommend delay of award until September 28, 2009, following the sale of bonds.
2. **W.O. 09-03, 2009 Street Maintenance City Crack Seal.** (Opened 8/25/09) Recommend Z & Z Seal Coating \$86,084.38.

B. **Contract for Professional Landscape Architectural and Planning Services** with The Land Group for Pioneer Park Master Plan Update, \$86,660. **APPROVED 6-5. Councilmembers Ronquillo, Ruegamer, Ulledalen, Astle, and Clark voted ‘No.’**

C. **Approval of Contract** with Montana Department of Commerce and **Acceptance** of Montana House Bill 645 (Montana Reinvestment Act) (ARRA) Grant Funds for W.O. 04-12, Reconstruction of Alkali Creek Road; \$1,650,688.

D. **Amendment #1**, Scheduled Airline Operating Agreement and Terminal Building Lease (Signatory Agreement). Great Lakes Aviation, Ltd.;

extending the term of the lease for one year to expire on 6/30/2010. Annual lease revenue - approximately \$95,000; annual landing fees revenue - approximately \$34,000.

- E. **Amendment #9**, Architectural and Engineering Services Contract for MET Operations Center Bus Wash and Pavement Upgrades (100% funded by ARRA Grant MT-96-x002.00); CTA Architects Engineers; \$62,368.
- F. **Confirmation of Police Officers Moses Richardson, Cory Kambak, Joshua Schoening, Bethany Schwartz, Sean Weston, Anthony Nichols, Joshua Cavan, Richard Gilmore, and John Tate.**
- G. **Approval** of the reconveyance of the original 1988 Trust Indenture to the Billings Area Chamber of Commerce (\$410,000) and **acceptance** of the new Trust Indenture.
- H. **Approval** of License for Use of Real Property #09WSW0267 with National Oceanic and Atmospheric Administration for use of Airport real property; 15-year license (2/1/08-1/31/23); with no financial impact to the City.
- I. **Resolution #09-18864** approving the Skyview Ridge Park Master Plan,
- J. **Approval** of City's purchase of the south 180.70 feet of Lot 1, Sandra Subdivision, located at 2421 Belknap Avenue; \$122,000.
- K. **Street Closures:**
 - 1. **St. Patrick's Catholic Church Annual Picnic**, Sunday, September 20, 2009, 10:00 a.m. until 3:00 p.m.; N. 31st Street from 2nd Avenue N. to 3rd Avenue N.
 - 2. **Montana Brewing Company Benefit**, Saturday, September 26, 2009, noon (following the Farmer's Market) to 10:00 p.m.; North Broadway between 1st and 2nd Avenues North.
- L. **Resolution of Intent #09-18865** to sell the Park IV Parking Garage, set a public hearing date, and instruct staff to contract with Strategy 5 for marketing the sale.
- M. **Resolution #09-18866** naming the entire City of Billings as recovery zone and reserving recovery zone bonding authority; up to \$17.9 million of recovery zone economic development bonds and up to \$26.8 million in recovery zone facility bonds (ARRA).
- N. **Resolution #09-18867** establishing compliance for reimbursement of land and design expenses for the Inner Belt Loop Project under the Internal Revenue Code.

- O. **Second/Final Reading Ordinance #09-5496 for Zone Change 856:** a zone change from Residential 6000 to Community Commercial on the east half of Lots 22-24, Block 272, Billings Original Town, located at 2215 6th Avenue North. George and Dorothy Wetstein, owners; Joyce Lunder, agent.
- P. **Preliminary Major Plat** of Danube Court Manufactured Home Park, 62 spaces for manufactured homes (units) on approximately 9.7 acres of land, located east of Bitterroot Drive off of Cherry Creek Loop; legally described as a portion of Lot 4, Block 1, Cherry Creek Estates Subdivision; conditional approval of the preliminary major plat and adoption of the Findings of Fact. **ACTION DELAYED TO SPECIAL MEETING 9/21/09.**
- Q. **Final Plat** of Barrett Subdivision.
- R. **Bills and Payroll:**
 - 1. August 7, 2009
 - 2. August 14, 2009
 - 3. August 21, 2009

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

REGULAR AGENDA:

- 2. **RESOLUTION #09-18879, AUTHORIZATION OF LOAN APPLICATION FOR ISSUANCE OF DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION REVENUE BONDS TO PAY FOR THE COST OF THE ZONE 4 RESERVOIR PROJECT.** Staff recommends approval (Action: approval or disapproval of staff recommendation.) **APPROVED.**
- 3. **RESOLUTION #09-18868 RELATING TO \$297,000 POOLED SIDEWALK, CURB, GUTTER, AND ALLEY APPROACH BONDS, SERIES 2009; DETERMINING THE FORM AND DETAILS AND AUTHORIZING THE EXECUTION AND DELIVERY.** Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED.**
- 4. **PUBLIC HEARINGS AND APPROVAL OF RESOLUTIONS** making original spread assessments on various SIDS and Sidewalk Programs. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
 - A. **Resolution #09-18869 Sidewalk, Curb & Gutter #2701,** Various Miscellaneous and Developer-Related Curb, Gutter, and Sidewalk Programs. **APPROVED.**

B. Resolution #09-18870 Sidewalk, Curb & Gutter #2702, Milton Lane Project Improvements. APPROVED.

C. Resolution #09-18871 SID 1372: Water, Sanitary Sewer, Storm Drain, and Street Improvements for Summerhill Subdivision. APPROVED.

D. Resolution #09-18872 SID 1384: Sanitary Sewer Connections for Yellowstone Club Estates. APPROVED.

E. Resolution #09-18873 SID 1385: Street Improvements Along King Ave East, Miller Crossing Subdivision. APPROVED.

F. Resolution #09-18874 SID 1386: Street and Storm Improvements to East & West MacDonald Drive. APPROVED.

5. PUBLIC HEARING AND RESOLUTION #09-18875 respreading assessments on SID 1378, Street and Storm Drain Improvements along Clevenger Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED.

6. PUBLIC HEARING AND RESOLUTION #09-18876 changing the name of Cynthia Park Drive to Sky Run Drive. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED THE NAME CHANGE TO SKY RUN.

7. PUBLIC HEARING AND RESOLUTION #09-18877 reducing arterial construction fee assessments for certain commercially-zoned parcels and certain RMH-zoned parcels that meet the criteria of Ordinance 08-5478, capping parcel square footage at 9,600 square feet and calculating assessments based on the R-9600 zoning rate instead of commercial or RMH zoning rates. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED.

8. PUBLIC HEARING AND RESOLUTION #09-18878 adopting the East Billings Urban Renewal District Master Plan. Yellowstone County Board of Planning recommends approval. (Action: approval or disapproval of Yellowstone County Board of Planning recommendation.) APPROVED.

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.)

- **Amy Cowley, 546 Avenue F**, began to speak about the Pioneer Park Master Plan, but was informed that the time for that testimony had passed. She expressed concern that the firefighter staffing was below regulations because the

ladder truck was not manned. She stated that the City was expanding beyond its budget and the public safety, and the present police and firefighters could not be taken care of. Ms. Cowley stated that people needed to be allowed more than three minutes to comment or ask questions at meetings.

- **Joe White, Billings, MT**, spoke about his property at 926 N. 30th and said he heard that the Billings Clinic had a chance to obtain his property and demolish it, which he considered to be a criminal activity.
- **Kevin Nelson, 4235 Bruce Avenue**, stated that people were confused about the Consent Agenda and their opportunity to comment. He said Ms. Cowley should have been allowed to comment about the Pioneer Park Master Plan even though the comment period for the Consent Agenda had passed.

Council Initiatives – None

ADJOURN

The meeting adjourned at 9:11 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.