

# **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**

**August 25, 2008**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Tussing

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember Pitman

**ROLL CALL** – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Veis, Ruegamer, McCall, Ulledalen, Astle, and Clark. Councilmember Stevens arrived at 6:50 p.m.

**MINUTES** – August 11, 2008

**COURTESIES** -

- Councilmember Pitman wished his daughter, Diandra Pitman, and his father-in-law, Darwin Paffrath, a happy birthday.
- Councilmember Veis said he toured the new westend PD3 (Police Dept.), and it was a nice facility. Mayor Tussing advised he was not able to attend the grand opening.

**PROCLAMATIONS** - none

**ADMINISTRATOR REPORTS** – Tina Volek

- City Administrator Volek advised the following items were filed in the Ex-Parte Notebook in the back of the room for public reference.
  - ✓ Item 1A3 - Staff report regarding award of two new fire trucks, which was also distributed in the Friday packets.
  - ✓ Item B – Staff report regarding the Animal Shelter Privatization Contract, which was also distributed in the Friday packets.
  - ✓ E-mail from Mike and Traci Zankowski, sent to Council on July 21, 2008, in support of the YVAS proposal for privatizing the Animal Shelter.
  - ✓ Item 5 – Landfill Gas Sales Agreement with MDU, which was also distributed in the Friday packets.
- Ms. Volek reminded Council of the Agenda Review Meeting scheduled for the following evening at 5:30 p.m. in the City Hall Conference Room.

- Ms. Volek advised there were three items staff was asking to be removed from the agenda.
  - ✓ Item 1A3 – Postpone bid on current model year fire apparatus for two weeks to allow time to meet with the committee that wrote the specifications so she and the new Fire Chief could understand them better.
  - ✓ Item C – Table indefinitely the memorandum of Understanding with the Billings Heights Water District for resale water rates, due to concerns of the Heights Water Board that needed to be addressed.
  - ✓ Item 4 – Table indefinitely the \$230,000 Pooled Sidewalk Funds, Series 2008, due to receipt of no bids.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 4 and 5 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.)*

- **Rick Reid, 2205 Treasure Drive**, said he was the Region Manager for MDU, and was available to answer any questions on Item 5, the Landfill Gas Sales Agreement. He said he felt it was a fair and equitable agreement.
- **Joe White, Billings, MT**, said he supported the Landfill Gas Sales Agreement, but was opposed to wind energy.
- **Dave Bovee, 424 Lewis Avenue**, said he was still very leery about privatization of the Animal Shelter and encouraged the Council to find another way to heal the deficit. He said privatization would destroy it, and they would be handing it over to someone who may not even perform the function.
- **Catherine Schaeffer, 2113 Walter Road**, said she felt the YVAS proposal was flawed, due to the involvement of Councilmember Stevens. Ms. Schaeffer said she was not in favor of privatization of the Animal Shelter.
- **Angie Cook, 3420 Quinella**, said she was with Help for Homeless Pets, and thought the YVAS proposal had set unrealistic goals. She asked what would happen if the volunteers did not show up.
- **Kevin Nelson, 4235 Bruce Avenue**, said state law prohibited any employee or official to use public time and money to further one's private interest. He suggested Council get the e-mails from last August where Councilmember Stevens requested revenue and expense reports and debt service information from the City Administrator. He said Councilmember Stevens was already in contact with Ms. Volek days before it was ever made available for public review. He said Councilmember Stevens had an advantage using insider information to further her financial gain. Mr. Nelson advised Council if they voted and approved the privatization, they would violate state statute.
- **Michael Mansfield, 1125 Siesta Avenue**, distributed a handout explaining why privatization of the Animal Shelter was illegal based on the way it was

handled. He said the proposal was totally incomplete because it did not contain rescue for birds, fish, and reptiles. He said there had not been enough research into the feasibility of privatization.

- **Mike (last name inaudible), Shepherd, MT**, said he had people dropping animals off at his house all the time. He said anytime he had seen a public agency privatized, it ended up costing the citizens much more and did not turn out to be the service it was meant to be. He said he was against privatizing the Animal Shelter. He said the City should fix what was there, work with people, let the public know what it needed, and get more volunteers.

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

## **CONSENT AGENDA:**

## **SEPARATIONS: A3, B, C & H**

### **1. A. Bid Awards**

- (1) **Wastewater Plant Diffuser Replacement.** (Opened 8/12/08) Recommend ITT - Sanitaire, \$45,160.
- (2) **Window Cleaning Services for Airport Terminal Building (3-year agreement).** (Opened 8/12/08) Recommend Skyline Services, \$60,480.
- (3) **Two Current Model Year Fire Apparatus.** (Opened 8/19/08) Recommend delay of award until September 22, 2008. **DELAY APPROVED.**
- (4) **W.O. 07-16, Shiloh Road Corridor Water and Sanitary Sewer Improvements.** (Opened 8/12/08) Recommend COP Construction, LLC, \$2,051,510.
- (5) **W.O. 08-06, King Avenue Lift Station.** (Opened 8/12/08) Recommend Williams Brother Construction, \$418,456.50.

**B. Contract** with Yellowstone Valley Animal Shelter, Inc. for City of Billings Animal Shelter Operations. (Delayed from 5/27/08 & 6/23/08) Recommend delay. **DELAYED UNTIL 9/22/08.**

**C. Memorandum of Understanding** with Billings Heights Water District for resale water rates. **TABLED INDEFINITELY.**

**D. (1) Amendment** of Federal Aviation Administration Airport Improvement Program (AIP) Grant 34.

**(2) Airport Improvement Program (AIP) 34 Perimeter Security Fence Project, Amendment No. 5,** Additional Engineering Services, Morrison-Maierle, Inc., \$38,165.

**(3) Change Order No. 1,** Airport Improvement Program (AIP) 34 Perimeter Security Fence Project, Frontier Fence, \$158,159.81.

**E. Amendment No. 1, W.O. 07-16, Shiloh Road Corridor Utility Improvements,** Professional Engineering Services, Engineering, Inc., not to exceed \$173,517.13.

**F. Amendment No. 1, South Billings Boulevard and Midland Road Signal**, Project Development and Construction Agreement, Montana Department of Transportation (MDT), amending the agreement for advertisement, award, and administration of the construction contract by MDT. City's financial responsibility – all additional costs exceeding the federal safety funding of \$491,519.

**G. Amendment No. 1, Non-Commercial Aviation Ground Lease** with First Interstate Bancsystem, Inc., with no financial impact to the City.

**H. Appoint** City Councilmember subcommittee (Ronquillo, Ruegamer, McCall, and Astle) to establish process and schedule for 2008 City Administrator Performance Review. **APPROVED**.

**I. Street Closure:** Montana Tow Truck Association Parade: 9/13/08, 5:30 p.m. – 7:00 p.m.; Commencing at the Billings Hotel & Convention Center, 1223 Mullowney Lane, proceeding north onto King Avenue West, east on Grand Avenue, south on Division Street, southwest on Montana Avenue to State Avenue to the Laurel Road, returning to the Billings Hotel & Convention Center.

**J. Quarterly Report for Pledged Collateral** for Wells Fargo Bank, First Interstate Bank, and US Bank.

**K. Semi-Annual Investment Report.**

**L. Resolution #08-18745** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot during the Billings Big Sky Polka Fest, August 28-31, 2008.

**M. Preliminary Plat** of Marisela Subdivision generally located on the north side of Matador Drive and Annandale Road in Billings Heights; Dover Ranch, owner; conditional approval of the plat and adoption of the Findings of Fact.

**N. Preliminary Subsequent Minor Plat** of Gabel Subdivision, 4<sup>th</sup> Filing, generally located on the south side of Gabel Road directly south of the Gabel Road and Transtech Way intersection; Bottrell Family Investments, LP, owner; Engineering, Inc., agent; conditional approval of the plat and adoption of the Findings of Fact.

**O. Preliminary Subsequent Minor Plat** of Amended Lot 5E, Block 1, Shiloh Crossing Subdivision, generally located on the southeast corner of the intersection of Shiloh Road and King Avenue West; Shiloh Crossing, LLC, owner; Engineering, Inc., Agent; conditional approval of the plat and adoption of the Findings of Fact.

**P. Bills and Payroll**

- (1) July 25, 2008
- (2) August 1, 2008

(Action: approval or disapproval of Consent Agenda)

**APPROVED**

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #08-18746** vacating a portion of North 19<sup>th</sup> Street from 6<sup>th</sup> Avenue North to the rail tracks for a value of \$19,603.75. Aaron Sparboe, owner and petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
3. **PUBLIC HEARING AND RESOLUTION #08-18747** relating to SID 1380, making certain findings with respect to the pledge of the revolving fund. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
4. **\$230,000 POOLED SIDEWALK BONDS, SERIES 2008.** (Opened 8/25/08) Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.) **TABLED INDEFINITELY.**
5. **LANDFILL GAS SALES AGREEMENT** with Montana Dakota Utilities, (Delayed from 6/23/08 & 7/28/08). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
6. **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**

- **VEIS:** Moved to direct staff to write a resolution discontinuing the Agenda, Review Meetings, seconded by Councilmember Pitman. **APPROVED.**
- **CLARK:** Asked for the status of the photo cop cameras. City Administrator Volek advised the Police Chief had done a background review on them, and it would be scheduled for a work session.
- **GAGHEN:** Referenced the letter in the newspaper concerning the amount of trash that blew out of the back of vehicles on the way to the landfill and said she felt tarps covering the trash should be enforced.
- **STEVENS:** Said she would be resigning her position on the Council and October 6, 2008, would be her last meeting. She also advised she would not be able to attend the September 22, 2008, meeting.

- **RUEGAMER:** Advised he wanted the Council to have input on the mediator(s) for the MMIA issue.

**ADJOURN:** The meeting adjourned at 7:40 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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<http://ci.billings.mt.us>