

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 28, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ronquillo

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

MINUTES: September 14, 2009

COURTESIES - None

PROCLAMATIONS - None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek advised Channel 7 was back to broadcasting the meeting live that evening.
- Ms. Volek referenced Agenda Items J1, J2, and 2. She said staff had been advised that the interest rate would be changing on the Intercap Loan. She asked Council to postpone Items J1 and J2 until the meeting of 10/13/09, and to open the public hearing on Item 2 and continue it to the meeting of 10/13/09.
- Ms. Volek referenced the article in Monday's Billings Gazette regarding the Sahara Park aquatic center and said there were 23 separate citizen comments on the councilmembers' desks and in the ex-parte notebook in the back of the room.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 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.)*

1. CONSENT AGENDA

- A.** City Council Electronic Communications and Usage Policy. **MOTION TO DELAY UNTIL 10/13/09 PASSED 7 TO 4. MAYOR TUSSING AND COUNCILMEMBERS MCCALL, GAGHEN, AND PITMAN VOTED 'NO'.**
- B.** Mayor Tussing recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1.	Bill Lamdin	Library Board	9/28/09	12/31/11
2.	Daniel Lewis	EMS Commission	9/28/09	12/31/09

1. Unexpired term of Jean Warner
2. Unexpired term of Dr. John Kominsky

APPROVED.

C. Bid Awards:

1. **Snow Plow Blades for Airport.** (Opened 9/15/09) Recommend Wausau Everest, \$55,974. **APPROVED.**
- D. **Approval of Scheduled Airline Operating Permit with Compass Airlines, Inc.** **APPROVED.**
- E. **Amendment #3 to Scheduled Airline Operating Agreement with Horizon Air Industries, Inc.,** extending the expiration date to June 30, 2010; \$2,659,909 revenue for FY2010. **APPROVED.**
- F. **Contact Amendment #2 with Red Oak Consulting for completion of the Lockwood Water & Sewer District rate study, \$69,884.** **APPROVED.**
- G. **Change Order #1, Well Pump Replacements at the Wastewater Treatment Plant, Star Service, \$27,500,** and extending the contract by 60 days; and **authorization for the City Administrator** to approve up to \$10,000 of additional changes. **APPROVED.**
- H. **Declaring surplus property** and authorizing the Police Department to transfer a 1981 Ford Parcel Delivery Van to the Laurel Police Department. **APPROVED.**
- I. **Acknowledge receipt of petition to vacate** right-of-way on the north half of North 26th Street between 2nd Avenue North and 3rd Avenue North, and setting a public hearing for October 26, 2009. **APPROVED.**
- J. **SID 1387, Zimmerman Trail Subdivision Sanitary Sewer**
 1. **SID 1387, Zimmerman Trail Subdivision Sanitary Sewer.** (Opened August 25, 2009) (Delayed from September 14, 2009) Recommend Four Beers, Inc., dba Stillwater Excavating, \$87,163. **DELAYED UNTIL 10/13/09.**
 2. **Approval of** submission of Intercap Loan Program application for financing SID 1387, Zimmerman Trail Sanitary Sewer, \$80,500. **DELAYED UNTIL 10/13/09.**
- K. **Street Closures:**

1. **Billings Central High School's Homecoming Parade** - October 3, 2009, 5:15 p.m. to 6:30 p.m.; Wyoming Avenue to Division Street, west on Broadwater to 5th Street West, and north on 5th Street West through Grand Avenue to the parking entrance behind Senior High School. **APPROVED**.
- L. **Approval and acceptance** of the State Highway Traffic Safety Billings STEP Overtime Grant for traffic enforcement funding, October 1, 2009 - September 30, 2010, \$15,000. **APPROVED**.
- M. **Bills and Payroll:**
 1. **August 28, 2009 - APPROVED**
 2. **September 4, 2009 - APPROVED**

REGULAR AGENDA:

2. **PUBLIC HEARING AND APPROVAL OF RESOLUTION** making original spread assessment on SID 1387, Zimmerman Trail Subdivision Sanitary Sewer. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 10/13/09**.
3. **PUBLIC HEARING AND RESOLUTION #09-18880** setting FY2010 mill levy rates for the Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, and General Obligation Debt Service Baseball Stadium. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED**.
4. **PUBLIC HEARING AND RESOLUTIONS** levying and assessing FY2010 assessments:
 - a. Encumbrances, Obstructions, or Encroachments on, over, across or above the streets, avenues, sidewalks, or alleys of the City of Billings. **RESOLUTION #09-18881**.
 - b. Cost of cutting and/or exterminating weeds. **RESOLUTION #09-18882**
Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED**.
5. **PUBLIC HEARING** for the FY2009-2010 Draft Comprehensive Annual Performance Evaluation Report (CAPER) Community Development Block Grant (CDBG) and HOME Programs. **NO ACTION REQUIRED**.
6. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE # OP-09-03**. A variance from Section 6-1203(a) and Section 6-1203(j) allowing a reduced number of off-street parking spaces at an existing building to be occupied by Yellowstone County Council on Aging, Inc. at 1505 Avenue D, Lots 20 – 24 & 23A, Amended Block 8, Partington Park Subdivision, 8th Filing, generally located on the northwest corner of Avenue D and 15th Street West. Yellowstone County, owner, Schutz Foss, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.

7. **2010 UNIFIED PLANNING WORK PROGRAM (UPWP)** for the Billings Metropolitan Planning Organization. Staff recommends approval of the Draft 2010 UPWP and authorizing the Council designee to take the recommendation to the Policy Coordinating Committee (PCC) meeting on September 29, 2009. Staff recommends approval. (**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.

- **John Brewer**, 815 S. 27th Street, spoke in favor of building a new aquatic center in Sahara Park.
- **Alex Tommerud**, 170 Erickson Court, spoke in favor of building a new aquatic center in Sahara Park.
- **Todd Preston**, 2620 Highwood Drive, spoke in favor of building a new aquatic center in Sahara Park.
- **Chuck Barthuly**, 300 East Lake Circle, spoke in favor of building a new aquatic center in Sahara Park.
- **Samantha Morris**, 491 Tabriz Drive, spoke in favor of building a new aquatic center in Sahara Park.
- **James Knox**, 661 Garnet Avenue, spoke in favor of building a new aquatic center in Sahara Park.
- **Tom Binon**, 127 Antelope Trail, spoke in favor of building a new aquatic center in Sahara Park.
- **Jim Thompson**, 609 Aronson Avenue, said he was not in favor of building a new aquatic center in Sahara Park.
- **Amy Cowley**, 546 Avenue F, said she was humiliated by Council every time she voiced her opinion or concerns. She said she was a candidate for city council and hoped the next Council would be more respectful.

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

Council Initiatives:

- **MCCALL: MOVED** to return the resolution for approving adoption of the Sahara Park Master Plan to the October 13th agenda for the City Council meeting for the purpose of a public hearing, council discussion and possible amendment of the deadlines of Plan A and Plan B of the resolution, seconded by Councilmember Veis. On a voice vote, the motion was unanimously approved.

ADJOURN: The meeting adjourned at 8:45 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.