

CITY OF BILLINGS
CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

January 11, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Cimmino

OATHS OF OFFICE FOR MAYOR AND COUNCILMEMBERS -- Municipal Court Judge Mary Jane Knisely administered the oath of office to Mayor Hanel and Councilmembers Ronquillo, Cimmino, McFadden, Ulledalen, and Astle.

ROLL CALL -- Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle, Clark.

MINUTES:

- **December 14, 2009 -- Approved**
- **December 21, 2009 -- Approved**

ELECTION OF DEPUTY MAYOR PRO TEMPORE -- Councilmember Gaghen was elected.

COURTESIES -- None

PROCLAMATIONS -- Martin Luther King, Jr. Day, January 18, 2010

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referred to a memo placed on council desks for Item 1B that contained revised cost figures for the CTEP/ARRA Project Specific Agreement for the Main Street Underpass. She noted that the memo was also in the ex-parte notebook at the back of the room.
- Ms. Volek advised that a copy of a letter from Felt, Martin, Frazier & Weldon, P.C. regarding Item 1K, the resolution authorizing condemnation of portions of the Morningside Homes Subdivision common area, was placed on council desks and in the ex-parte notebook at the back of the room.
- City Attorney Brent Brooks advised that page 5 of Item 1M, the Municipal Infractions Ordinance, contained section 22-449 regarding penalties. He stated that that paragraph had been previously deleted and repealed by a text amendment and was included in the ordinance by mistake. He suggested separating that item from the Consent Agenda to remove that section.
- Ms. Volek explained that the Council needed to select a representative and alternate to the Policy Coordinating Committee (PCC) since former Councilmembers Veis and Brewster previously served in that capacity. She requested adding that item to the agenda because the PCC was scheduled to meet at noon the following day. She noted that a copy of the staff memo was placed at council desks and in the ex-parte notebook in the back of the

room.

Councilmember McCall moved to add selection of PCC representation to the agenda as Item #5 on the Regular Agenda, seconded by Councilmember Ruegamer. **ON A VOICE VOTE, THE MOTION WAS UNANIMOUSLY APPROVED.**

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.)

- **Tom Zurbuchen, 1747 Wicks Lane**, asked what type of buses were being purchased for Item 1E. He also referred to Item 4 and asked about the cost for the technical assistance in that matter and what opinions were provided from that assistance.
- **Doug Rubke, 110 S. 31st**, stated that the Municipal Infractions Ordinance should have been developed in cooperation with the Animal Control Board to include animal issues.
- **Kim Gillen, 752 Judicial**, stated that the Alkali Creek project should include consideration to the people that lived upstream from Alkali Creek.
- **Ken Frazier**, stated he was the attorney representing the Morningside Homeowners Association and expressed his objections to the proposed project.

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

1. **CONSENT AGENDA:** Separations: E, K, M, O
 - A. **Agreement** with Billings Housing Authority to fund one Police Officer; 1/1/2010 through 6/30/2010.
 - B. **CTEP/ARRA Project Specific Agreement** for the Main Street Underpass Project with Montana Department of Transportation for project scope, funding and federal aid compliance; and **recommendation** to the Policy Coordinating Committee to amend the 2007-2011 Transportation Improvement Program (TIP) to include the use of ARRA funds for the project.
 - C. **Amendment #1, Automobile Parking Concession Agreement**, Standard Parking Corporation, 10/31/2009 - 10/31/2010; estimated annual revenue - \$1,804,363.
 - D. **Amendment #7, W.O. 04-36 - Briarwood Sanitary Sewer Main Extension Project**, Professional Services Contract, Morrison-Maierle, Inc., \$19,728.
 - E. **Purchase of Two (2) Heavy Duty, 12-year, Low Floor Diesel Transit Buses** from Gillig, LLC, \$760,994. **APPROVED.**
 - F. **Approval and acceptance** of the 2010 High Intensity Drug Traffic Area (HIDTA) Award from the Executive Office of the President, Office of National Drug Control Policy, \$180,785.16.

- G. Confirmation of Three Probationary Police Officers** - Mitchell Hillier, Seth Foster, and Garrett Peterson.
- H. Grant Application Request** to submit a Montana State Historic Preservation Office Certified Local Government Grant application for FY2010-2011; \$5,500.
- I. Approval** of settlement offers, conclusion of all agreements, and payment for W.O. 04-36, Briarwood Sanitary Sewer, condemnation actions. Johnson settlement - \$5,767.26, plus installation of a 16-foot gate and reseeding of disturbed area; Hoff settlement - \$35,000.
- J. Resolution #10-18907** approving expenditure of monies related to the 2010 Annual Water Rehab Projects prior to the availability of funds from bond sale proceeds and reimbursement of the monies after the bonds are sold.
- K. Resolution #10-18908** authorizing condemnation of portions of the Morningside Homes Subdivision common area totaling approximately 3.4 acres for W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction. **APPROVED.**
- L. Second/final reading Ordinance #10-5500 for Zone Change #859:** A zone change from Residential Manufactured Home (RMH) to Highway Commercial (HC) on the west 388 feet of Lot 10A, Holling Ranch Subdivision, located at 2100 Main Street. E & S Inc., applicant; Sanderson Stewart, agent. Approval of the zone change and adoption of the determinations of the 12 criteria.
- M. Second/final reading Ordinance #10-5501** decriminalizing certain minor misdemeanor offenses and classifying them as civil infractions. **APPROVED WITH REMOVAL OF SECTION 22-449.**
- N. Final Plat** of Sunnyside Subdivision, 3rd Filing.
- O. Bills and Payroll:**
 - 1.** December 7, 2009
 - 2.** December 11, 2009
 - 3.** December 18, 2009

APPROVED 10-0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.

REGULAR AGENDA:

- 2. PUBLIC HEARING AND RESOLUTION #10-18909 ALLOCATING AUTHORITY FOR THE ISSUANCE OF RECOVERY ZONE FACILITY BONDS TO ZOOTIST HOSPITALITY, LLC, IN THE AMOUNT OF \$20,000,000 FOR RENOVATION OF THE NORTHERN HOTEL.**
Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

3. **PUBLIC HEARING FOR THE REALLOCATION OF \$15,000 FROM THE HOME AFFORDABLE HOUSING DEVELOPMENT FUND TO THE HOUSING AUTHORITY OF BILLINGS' TENANT-BASED RENTAL ASSISTANCE PROGRAM.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
4. **SETTLEMENT AGREEMENT WITH POLICE OFFICERS AND MONTANA PUBLIC EMPLOYEES ASSOCIATION (MPEA), BILLINGS POLICE UNIT, FOR BACK PAY, OVERTIME, LONGEVITY, HOLIDAY AND OTHER TYPES OF PAY AS CALCULATED UNDER THE FAIR LABOR STANDARDS ACT FROM JANUARY 1, 2007, THROUGH JUNE 30, 2009.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED TO 1/25/10.**
5. **COUNCIL APPOINTMENT OF ONE REPRESENTATIVE AND TWO ALTERNATES TO THE POLICY COORDINATING COMMITTEE.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **COUNCILMEMBER ULLEDALEN SELECTED AS REPRESENTATIVE, WITH MAYOR HANEL AND COUNCILMEMBER RONQUILLO SELECTED AS ALTERNATES.**

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.)

- **Joe White, Billings**, stated that he wanted to confirm damages owed to him.
- **Tom Zurbuchen, 1747 Wicks Lane**, stated that the Council did not vote on the motion for Item 5, only the amendment.

COUNCIL INITIATIVES

Ulledalen moved to name Councilmember Astle as the candidate to the school district's Strategic Planning Committee, seconded by Councilmember McCall. **APPROVED.**

McFadden moved to direct staff to invite representatives of Representative Rehberg, Senator Tester, Senator Baucus and Montana Department of Environmental Quality to a future meeting to discuss the new wastewater regulations, seconded by Councilmember Ulledalen. **APPROVED.**

ADJOURN -- The meeting adjourned at 8:10 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.