

CITY OF BILLINGS
CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

April 12, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember McCall

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

MINUTES: March 22, 2010 -- approved as distributed.

COURTESIES -- None

PROCLAMATIONS

- **National Library Week, April 11-17, 2010**
- **Crime Victim's Rights Week, April 18-24, 2010**

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek requested adding an item to the evening's agenda to change the April 19 work session to April 20, to allow councilmembers to attend a public hearing on legislative districting. She noted that a three-fourths vote of the Council would be needed to add the item to the agenda.
- Ms. Volek advised that a protest letter from Harry Lahey regarding Item 7 was received that day, and a copy of it was placed on council desks. She noted that Public Works Director Dave Mumford would discuss the item later in the meeting and would recommend a two-week delay to revise assessments. Ms. Volek added that Mr. Lahey's protest letter was available for public viewing in the ex-partie notebook at the back of the room.
- Ms. Volek advised that an email from Downtown Billings Development Director Greg Krueger in support of Item 8 was placed on council desks that evening and also available for public viewing in the ex-partie notebook at the back of the room.
- Ms. Volek advised that numerous emails had been received regarding quick response vehicles and they were available for public viewing in the ex-partie notebook at the back of the room. She added that an email from Mike Martin was received that day and a copy of it was placed on council desks that evening and also in the ex-partie book.

Councilmember Ronquillo moved to add the work session schedule change item to the Consent Agenda, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 2, 3, and 9 ONLY. Speaker sign-in required. (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.)

- **Kevin Nelson, 4235 Bruce Avenue**, spoke against supporting a proposed 1-mill county-wide planning levy increase. He also suggested amending or not passing Item T.
- **Michele Johnson, 2705 Blue Creek Road**, spoke against supporting a proposed 1-mill county-wide planning levy increase.
- **Donna Forbes, 1116 8th Street West**, spoke in support of the proposed 1-mill county-wide planning levy increase.
- **Tara Wolf, 5955 Helfrick Road**, expressed her opposition to Item U.
- **Kjersten Olson, 3510 McDuff**, stated she represented the applicant, Ron Hill, for Item U. She said the request was for a preliminary plat, not a zone change.

The following individuals spoke against the proposed purchase of two quick response vehicles for the Fire Department:

- **Dan Cottrell, 3415 McGirl Road**
- **Joe Sands, 2512 Terry**
- **Kevin Bentz, 3038 Canyon**
- **Alan Lohof, 3712 Hayden**
- **Brian Corneliusen, 575 Tabriz Drive**
- **Sean Biggins, 5416 Corner Stone Avenue**
- **Robert Golubski, 3540 Duck Creek Road**
- **George Richards, 1824 Bannack**

The following individuals spoke in support of the proposed purchase of two quick response vehicles for the Fire Department:

- **Skip Godfrey, 4146 Clevenger**
- **Jason Manley, 136 Carroll Trail, Lewistown, MT**
- **James Knox, 661 Garnet**
- **Frank Odermann, 1312 Cheryl**

1. CONSENT AGENDA -- Separations: A1, T, U, V1, V2, V3

A. Bid Awards:

1. **W.O. 09-13, Staples Redundant Water Main**, construction contract. (Opened 3/23/10). Recommend Western Municipal Construction, Schedule 1 plus Additive No. 2-Schedule 2, \$1,887,083.00. **APPROVED 8-0. Councilmember Cimmino recused herself from the vote.**

2. **W.O. 10-01, Water and Sanitary Sewer Replacement Projects**, construction contract. (Opened 3/30/10). Recommend Schedule 1 to Western Municipal, \$1,053,934.50; Schedule 2 to COP Construction, \$1,049,277.00; and delay award of Schedule 3 to April 26, 2010.
3. **Replacement of Airport's Fluid Cooler.** (Opened 3/23/10). Recommend Williams Plumbing, Heating and Utilities, \$159,800.00.
4. **MET Transit Engine Overhauls.** (Opened 3/30/10). Recommend Cummins Rocky Mountain for ISM Cummins Diesel Engines (Schedule 1), \$31,778.21.

B. **Change Order #1**, W.O. 10-03, 2010 Street Maintenance City Chip Seal, Knife River, \$57,000.00.

C. **Approval** of Scheduled Airline Operating Permit with Worldwide Flight Services, Inc., renewable for one-year periods, with no financial impact to the City.

D. **W.O. 09-26 Wastewater Treatment Plant Clarifier Infrastructure Replacement**, Professional Services Contract, Morrison-Maierle, Inc., not to exceed \$53,925.00.

E. **Compensation Agreement** for Private Contract #610, M&K Blue One, LLC, for extension of sanitary sewer main to Lenhardt Square Subdivision, \$38,018.

F. **Amendment #3**, W.O. 08-21, Lake Elmo Drive - Main Street to Wicks Lane, Professional Services Contract, DOWL HKM, \$126,590.00.

G. **Amendment #8**, W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction, Professional Services Contract, Kadrmas, Lee & Jackson, Inc., \$231,942.50.

H. **Confirmation of Probationary Police Officers** Benjamin Milam and Paul LaMantia.

I. **Approval** of Medical Marijuana Ad-Hoc Advisory Committee appointments.

J. **Street Closures:**

1. **Salvation Army Global Youth Service Day**, April 24, 2010, 7 a.m. to 5 p.m., N. 21st Street beginning at the alley, north to 6th Avenue North, and the alley between N. 21st Street and N. 22nd Street.

K. **Acceptance of Donation** to the Parks Department from the Sons of Norway to purchase trees for City parks, \$700.00.

L. **Acceptance of Donation** to the Parks Department from the Billings Kiwanis Sponsored Specialty Vehicle License Plate program to purchase and plant trees in City parks; donations to date \$11,791.83.

M. **Ratification** of Federal Aviation Administration Airport Improvement Grants for 2010; up to \$2,976,969; City Match - \$156,853.

- N.** **Resolution #10-18923** to refund outstanding Airport, Series 2000, revenue bonds and issue additional bonds to finance the costs of a car wash and maintenance facility as an economic recovery zone facility bond; call a public hearing; authorize the City Financial Services Manager to select an underwriter through a Request for Proposal process, and make certain declarations to satisfy the reimbursement regulations of the Internal Revenue Code.
- O.** **Resolution of Intent #10-18924** to create SID 1388, and set a public hearing for May 10, 2010.
- P.** **Second and final reading Ordinance #10-5507** for Zone Change #857: An amendment to the City of Billings Zoning Map, an amendment to the Zoning Regulations to create an overlay district to allow separate off-street parking regulations to apply within the East Billings Urban Renewal District (EBURD), and inclusion of property owned by R. Clawson located on the east side of N. 12th Street north of 6th Avenue North.
- Q.** **Second and final reading Ordinance #10-5508** for Zone Change #862: A zone change from Community Commercial (CC) to Highway Commercial (HC) to allow the expansion of a limited pharmaceutical manufacturing facility on Tract 2A1 of C/S 1965 and Lot 5 of Block 1, Bergquist Subdivision, located at 2414 Roundup Road and 621 Pemberton Lane. Vacant Land, LLC and Tom & Cheri Bergquist, applicants; Ernie Dutton, agent.
- R.** **Second and final reading Ordinance #10-5509** for Zone Change #863: a text amendment to Section 27-614(e) of the Billings, Montana City Code (BMCC) regulating temporary uses of land related to construction projects.
- S.** **Second and final reading Ordinance #10-5510** amending Billings City Code Section 6-1203 to remove off-street minimum parking space requirements within the East Billings Parking Overlay District to accomplish parking management goals for the East Billings Urban Renewal District.
- T.** **Second and final reading Ordinance #10-5511** amending Billings City Code Section 24-400 - Division 4 - Parking Meters and Zones, by revising Sections 24-451, 24-452, 24-454, 24-456, 24-457, 24-462, and by adding new Sections 24-480 - Use of Revenue from Parking Permit Sales within Parking Permit Districts, and 24-490 - East Billings Parking Overlay District, to accomplish the parking management goals for the East Billings Urban Renewal District. **APPROVED.**
- U.** **Preliminary Major Plat** of Lake Hills Subdivision, 32nd filing, and **variance request** for 4.715 acres generally located near the intersection of Clubhouse Way and Cherry Hills Road, Ron Hill, applicant, Sanderson Stewart, agent. Approval or disapproval of variance; conditional approval of the plat, and adoption of the Findings of Fact. **DENIAL OF THE VARIANCE REQUEST AND CONDITIONAL APPROVAL OF THE PLAT AND ADOPTION OF THE FINDINGS OF FACT APPROVED**
8-1. Councilmember Cimmino voted 'No.'
- V.** **Bills and Payroll:**

1. March 5, 2010 -- **APPROVED 8-0**. Councilmember Cimmino recused herself from the vote.
2. March 12, 2010 -- **APPROVED 8-0**. Councilmember Cimmino recused herself from the vote.
3. March 19, 2010 -- **APPROVED 8-0**. Councilmember Cimmino recused herself from the vote.

W. Approval of changing the City Council's April 19 Work Session to April 20, 2010.

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

REGULAR AGENDA:

2. **RESOLUTION #10-18925 IN SUPPORT OF PLACING A 1-MILL COUNTY-WIDE PLANNING LEVY INCREASE ON THE NOVEMBER 2010 ELECTION BALLOT**. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.
3. **RESOLUTION #10-18926** relating to Special Improvement District Bonds 1389; awarding the sale and fixing the form and detail of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.
4. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #CC-10-01**: A variance from Section 1208(h) (5) allowing one additional curb cut onto Lot 3 of Fronter Drive, Riverfront Pointe Subdivision. Dan Marsich, property owner/developer; Sanderson Stewart, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.
5. **PUBLIC HEARING AND RESOLUTION #10-18927** ordering construction of improvements identified in W.O. 04-12, Phase 3, Alkali Creek Road Maintenance and Slope Reconstruction. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.
6. **PUBLIC HEARING AND RESOLUTION #10-18928** ordering construction of improvements identified in W.O. 08-21, Lake Elmo Drive - Main Street to Wicks Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.
7. **PUBLIC HEARING AND RESOLUTION** ordering construction of improvements identified in W.O. 09-02, 2009 Miscellaneous/Developer Related Project. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **PUBLIC HEARING CONTINUED AND ACTION DELAYED FOR TWO WEEKS**.

8. **PUBLIC HEARING AND RESOLUTION** approving the sale of Lots 7 & 8, Block 53 Fosters Addition to Stockman Bank for \$220,000, with reversion conditions and a first right of refusal to purchase two lots from Stockman Bank in the future. Library Board and staff recommend approval. (**Action:** approval or disapproval of Library Board and staff recommendation.) **PUBLIC HEARING CONTINUED AND ACTION DELAYED FOR TWO WEEKS.**
9. **RECONSIDERATION OF BID AWARD: Two (2) Quick Response Vehicles (QRV) for Fire Department.** (Opened 2/23/10). (Failed on roll call vote 3/8/10). (Approved for reconsideration 3/22/10). Staff recommends Unruh Fire Equipment for Base Bid #2, \$232,400.00, picked up at the factory, and options #1 and #6, for a total bid award of \$233,906.00. (**Action:** approval or disapproval of staff recommendation). **APPROVED 7-2. Councilmembers Cimmino and McFadden voted 'No.'**

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Please sign up on the clipboard located at the back of the Council Chambers.*)

- **Sandra Wulff, 2942 Old Hardin Road**, stated she felt the City's contract with Yellowstone Valley Animal Shelter had been violated and asked about the procedure to address that.

COUNCIL INITIATIVES

Pitman moved to direct staff and the Fire Chief to look into the tiered response system, seconded by Councilmember Cimmino. **APPROVED.**

ADJOURN -- The meeting adjourned at 11:18 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.