

CITY OF BILLINGS
CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

June 14, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Cimmino

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

MINUTES: May 10, 2010, Approved as corrected

May 24, 2010, Approved as presented

COURTESIES

- Councilmember Ronquillo complimented the success of the past weekend events: the March Against Drugs and Violence, and the Strawberry Festival.
- Councilmember McFadden announced the upcoming Highland Games to be held at Zoo Montana, June 25-26.

PROCLAMATIONS -- None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek requested that Council table action on Item 1I4, the Gold Wing Road Riders street closure request, until the June 28, 2010, meeting because the Gold Wing Road Riders had asked to make changes to their request and would resubmit it.
- Ms. Volek asked to add an item to the Consent Agenda as Item 1T, for an alley closure requested by Open Bible Christian Center for a skateboard competition and band concert at the Skate Park, June 22. She said the request was emailed to Council June 11, and a copy was available in the ex parte notebook at the back of the room.
- Ms. Volek asked to add an additional item to the Consent Agenda as Item 1U, for Work Order 04-12, Alkali Creek Road Maintenance and Slope Reconstruction Amendment to Sewer Easement with Morningside Homes. She said a memo was on Council desks and available in the ex parte notebook at the back of the room.
- Ms. Volek noted that a three-fourths vote of the Council was required to add the additional items to the Consent Agenda.
- Ms. Volek referred to Item 2, Public Hearing and Resolution Expanding Downtown Business Improvement District No. 1, and said an email sent to Council from Dan Berry on June 9, 2010, was filed in the ex parte notebook at the back of the room.
- Ms. Volek referred to Item 6, Public Hearing and Resolution Adopting Pioneer Park Master Plan, and said a copy of an email to Council from Pete Hansen, dated April 14, 2010; a copy

of an email to Council from Sheri Olson, dated June 13, 2010; and a copy of the letter placed on Council's desks that evening from Carol Tasset, that was delivered to the Administration Office, were filed in the ex-parte notebook at the back of the room.

- Ms. Volek referred to Item 7, Public Hearing and Resolutions setting annual assessments, and said the agenda referenced FY2010 assessments and should be FY2011 assessments. She reminded Council that there would be one public hearing, but each resolution had to have a separate motion, second, and vote. She said a list of those resolutions was on Council desks for reference and filed in the ex-parte notebook at the back of the room.

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

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

1. CONSENT AGENDA -- Separations: 1A1, 1I4, 1K, 1M, 1O, 1S1, 1S2, 1S3, 1U

A. Bid Awards:

1. **Yard Waste Containers for Solid Waste.** (Opened 5/25/10). Recommend Cascade Engineering, 7,830 containers at \$42.00 per container; total \$328,860. **APPROVED.**
2. **W.O. 09-06, On-Street Bike Lanes.** (Opened 6/1/10). Recommend delay of bid award to June 28, 2010.

B. Approval of purchase of fusible pvc pipe for Pipe Bursting Program from Underground Solutions, Inc., \$55,100.

C. Design/Build Contract for W.O. 09-25, Downtown Signal Improvements, Ace Electric/Marvin & Associates, \$1,144,035.00.

D. Airport Terminal Building Display Advertising Concession Agreement with Epcon Sign Company, July 1, 2010-June 30, 2015, anticipated annual revenue - \$73,700 to \$77,000.

E. Compensation Agreement for Private Contract No. 617, Trails West Development, LLC, for water and sanitary sewer improvements on Grand Avenue from 58th St. W. to Future Wilderness Dr.; \$52,418.00 for water main construction and \$176,941.90 for sanitary sewer main construction.

F. Management Agreement with Downtown Billings Partnership, Inc. (FY 2010-2011) for Expanded N. 27th Street Urban Renewal Area/Tax Increment District; up to \$172,000.

- G.** **Approval** of Condominium Declarations and Condominium Owners Association Bylaws for the Babcock Building.
- H.** **Approval** of property acceptance from Yellowstone County described as Lot 1, Block 27, Kimberly Heights Subdivision, in exchange for Stratton Road easement; at no cost to City.
- I.** **Street Closures:**
 - 1.** **Chase Hawks Association Burn the Point Parade and Street Dance**, September 3, 2010 – Parade: standard downtown parade route, 7:00 p.m.; Street Dance: North 28th Street between 1st Avenue North and 2nd Avenue North, beginning immediately after the parade until 12:30 a.m.
 - 2.** **Montana Brewing Company Relay for Life Fundraiser**, Wednesday, June 30, 2010, 4:00 p.m. to 9:00 p.m., North 28th Street between 1st and 2nd Avenues North.
 - 3.** **Alberta Bair Theater Wild West Soiree**, June 25, 2010, 12 noon to 8:00 p.m., North 28th Street (Broadway) between 2nd and 3rd Avenues North; June 26, 2010, 6:00 a.m. to midnight, North 28th Street (Broadway) between 1st and 3rd Avenues North, and 2nd Avenue North from the alley west of North 27th Street to North 29th Street.
 - 4.** **Gold Wing Road Riders**, evening motorcycle parade, July 20, 2010, 10 p.m., beginning at Faith Evangelical Church, traveling north on Zimmerman Trail, right onto Highway 3, turning around at the Rod & Gun Club Road, back down Zimmerman Trail to King Avenue, left onto King Avenue, right on 29th Street West and ending at the Coldstone Creamery parking lot. Street fair, July 21, 2010, 7 p.m. - 9 p.m., Montana Avenue between N. 24th and N. 26th Streets. **DELAYED TO 6/28/10.**
 - 5.** **Big Sky State Games 5K Run**, July 16, 2010, 5:30 p.m. to 7 p.m., commencing at 3rd Street W. at Grand Avenue, north on 3rd Street W., west on Parkhill Drive to 12th Street W., east on Parkhill Drive, south on 3rd Street W., ending at Wendy's Field at Daylis Stadium.
 - 6.** **Big Sky State Games Triathlon**, July 18, 2010, 6 a.m. to 11 a.m., Adult course -- starting at Lake Elmo State Park, right on Rolling Hills Road to Pemberton and the entrance to All American Pharmaceuticals, left on Main Street, left on Highway 87 to Shepherd Action Road, south on Highway 87, right on Main Street, right on Pemberton to Rolling Hills and back to Lake Elmo State Park. Kids' course – starting at Lake Elmo State Park, left to Riveroaks Drive, left on Annandale Road, left on Riveroaks Drive, back to Lake Elmo State Park.
- J.** **Deed Notation** for the Montana Department of Environmental Quality indicating certain property has been used as a landfill.
- K.** **Approval and acceptance** of 2010 ConocoPhillips Company grant, \$4,000 to the Police Department; \$6,000 to the Fire Department. **APPROVED.**
- L.** **Approval** of Fair Housing Initiative Program grant application for fair housing education and outreach activities, \$100,000.

- M.** **Resolution #10-18943** granting preliminary approval of a bond sale for COR Enterprise Economic Development, and setting a public hearing for July 12, 2010. **APPROVED.**
- N.** **Second/Final reading Ordinance #10-5513** expanding the boundaries of Ward IV to include recently annexed property in Annex #10-02: a 1.911 acre parcel located on the west side of Zimmerman Trail and north of Grand Avenue; KZ Bar Limited Partnership, owner.
- O.** **Second/Final reading Ordinance #10-5514** amending Section 21 of BMCC related to Solid Waste Regulations. **APPROVED.**
- P.** **Approval** of one-year extension of Preliminary Plat approval date for King Meadows Subdivision, setting the new expiration date for June 25, 2011.
- Q.** **Preliminary Subsequent Minor Plat**, Riverfront Pointe Subdivision, Amended Lot 16, Block 10, generally located on the south side of Sacagawea Drive, east of Mullowney Lane; Riverfront Point, LLC, owner and applicant; Sanderson Stewart, agent; conditional approval of the plat and adoption of the Findings of Fact.
- R.** **Final Plat** of Vandegenatche Subdivision, 2nd Filing, Amended Lot 1, Block 2.
- S.** **Bills and Payroll:**
 - 1.** **May 7, 2010 -- APPROVED 10-0.** Councilmember Cimmino recused herself from the vote.
 - 2.** **May 14, 2010 -- APPROVED 10-0.** Councilmember Cimmino recused herself from the vote.
 - 3.** **May 21, 2010 -- APPROVED 10-0.** Councilmember Cimmino recused herself from the vote.
 - 4.** **September 1, 2009 - April 30, 2010 (Municipal Court)**
- T.** **AMP'd Skate Competition**, Saturday, June 22, and Sunday June, 23, noon to 9:00 p.m. each day, alley closure between the Skate Park and the Subway Restaurant at Minnesota Avenue and North 26th Street. **ADD-ON ITEM AT MEETING.**
- U.** **Approval** of amendment to 1965 sewer easement with Morningside Homes for W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction. **ADD-ON ITEM AT MEETING.**

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #10-18944** expanding the Downtown Business Improvement District No. 001. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
3. **PUBLIC HEARING AND RESOLUTION #10-18945** approving the issuance of Airport revenue refunding bonds to refund the outstanding Series 2000 bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** imposing a Customer Facility Charge for car rentals at the airport. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **AMENDED FIRST READING ORDINANCE APPROVED.**
5. **PUBLIC HEARING AND RESOLUTION #10-18946** discontinuing the alley located in Block 28, Billings Old Town, bounded by 4th Avenue North, 3rd Avenue North, North 11th Street, and North 12th Street, Trail Creek Properties, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
6. **PUBLIC HEARING AND RESOLUTION #10-18947** adopting the Pioneer Park Master Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **ACCEPTED THE MASTER PLAN WITHOUT DISC GOLF, WITH AN EFFECTIVE DATE OF JUNE 1, 2011, ON A 9-2 VOTE. COUNCILMEMBERS PITMAN AND ULLEDALEN VOTED 'NO.'**
7. **PUBLIC HEARING AND RESOLUTIONS** setting annual FY2011 assessments for:
 - Park Maintenance Districts **#10-18948**
 - Light Maintenance Districts **#10-18949**
 - Fire Hydrant Maintenance **#10-18950**
 - Street Maintenance **#10-18951**
 - Storm Sewer **#10-18952**
 - Arterial Construction **#10-18953**
 - Tourism Business Improvement District **#10-18954**
 - Business Improvement District **#10-18955**Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
8. **PUBLIC HEARING AND RESOLUTION #10-18956** adopting fees associated with various services provided by the Planning Division and Public Works Department. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
9. **PUBLIC HEARING AND RESOLUTION #10-18957** assessing FY2011 Solid Waste collection, disposal, and landfill fees. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

10. PUBLIC HEARING AND RESOLUTION #10-18958 approving and adopting the Fiscal Year 2011 City of Billings Budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 6-5. COUNCILMEMBERS RONQUILLO, CIMMINO, MCCALL, ULLEDALEN, AND CLARK 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.)

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

COUNCIL INITIATIVES

- **Ruegamer** moved to withdraw his initiative of March 22, 2010, regarding restricting on-street parking at 10th and Custer, seconded by Councilmember Gaghen. On a voice vote, the motion was approved 10-1. Councilmember Pitman voted 'No.'
- **Ruegamer** moved to withdraw his initiative of March 22, 2010, which directed staff to determine if the Broadwater Shopping Center was in compliance, seconded by Councilmember Gaghen. On a voice vote, the motion was approved 10-1. Councilmember Pitman voted 'No.'
- **Clark** moved to direct staff to look into a resolution requiring random drug testing for City employees and to determine which positions could be tested, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.
- **McCall** moved to engage in a process in the next six months with the public, staff and Council to come up with options to address the upcoming budget deficit and business plan, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.
- **Pitman** moved to provide a letter of support for the Yellowstone County Veteran's Cemetery as it seeks national status, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

ADJOURN -- The meeting adjourned at 11:28 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.