

CITY OF BILLINGS
CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

July 26, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Mayor Hanel

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

MINUTES: July 12, 2010, approved as presented

COURTESIES - Councilmember McFadden recognized the Billings Firefighters for raising \$29,707 during their annual boot drive for Muscular Dystrophy.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced Item 4 and advised a letter from Bob Pulley was on Council desks that evening requesting that the application for Special Review #882 be withdrawn. She said a copy of Mr. Pulley's request was filed in the ex-partie notebook in the back of the room.
- Ms. Volek referenced Item 6. She noted her memorandum to the Mayor and Council with information from the MDT Traffic Safety Problem Identification FY2009 was delivered in the Friday Packets of 7/9/10; two e-mails were sent to the Mayor and Council, dated 7/11 and 7/26/10, opposing the proposed ordinance; and a letter from The Alliance, dated 6/17/10, and a letter from Riverstone Health, dated 6/24/10, in support of the ordinance were distributed at the work session of 7/6/10. She advised all items were filed in the ex-partie notebook in the back of the room.
- Ms. Volek referenced Item 7 and said 24 e-mails had been sent to the Mayor and Council between 6/21 and 7/26/10 regarding disc golf in Pioneer Park; a letter from Glenn Schaffer, dated 7/23/10, opposing disc golf in Pioneer Park had been sent in the 7/23/10 Friday packet; a letter from Friends of Pioneer Park, Billings 912 Group, dated 7/21/10, regarding the legality, liability and location of disc golf at Pioneer Park had been sent to the Mayor and Council via mail; and information on disc golf received from Carol Tasset was on the Council desks that evening. She advised all items were filed in the ex-partie notebook in the back of the room.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #7 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.

- **Joe White, Billings, MT** , referenced Item B and said Tina Volek needed to follow orders and remove herself from her current position as City Administrator. (The rest of Mr. White's testimony was inaudible.)
- **Item 7: Reconsideration of Pioneer Park Master Plan.** The following people spoke in favor of or in opposition of allowing disc golf in Pioneer Park.

1. Jorrell Nagel, 1412 Concord
2. Chris Nagel, 1412 Concord
3. Todd Royal 1631 Arlington
4. Margie Bonner, 4613 Toyon Drive
5. Bob Cummings, 4902 Country View Drive
6. Trina White, 1145 Delphinium
7. Jim Rott, 3316 Lynn
8. Trevor Thompson, 3912 Victory Circle
9. Brandon Demars, 2964 Gregory Drive South
10. Anya Fiechtl, 512 Avenue C
11. James Sullivan, 333 Parkhill
12. Chris Blackwell, 432 Alderson
13. Joel Anderson, 512 Avenue C
14. Pete Fust, 119 Main Street, Kingston, NM
15. Rachel Cox, 2015 Azalia
16. Beth Dopp, 1209 2nd Street West
17. Harold Gillian, 1236 Grubstake
18. Paul Miller, 1109 Delphinium
19. David Bovee, 424 Lewis
20. Cameron Jacoby, 990 Solita Drive
21. Lance Brady, 2916 Mickey Wright
22. Alonzo Marquez, 1121 Rays Lane
23. Gary Brese, 236 Burlington Ave.
24. Greg Bush, 5531 Billy Casper Drive
25. Justin Stockfish, 226 Avenue B
26. Nick Enslow, 726 Parkhill
27. Francis Harris, The Terrace
28. Carol Tasset, 231 Terry Avenue
29. Liz Welch, 225 Avenue D
30. Olivia Stockman, 937 N. 24th Street
31. Erik Gasper, 739 Lewis
32. Deb Fischer, 3129 Canyon Drive

There were no other speakers, and the Public Comment Period was closed.

1. CONSENT AGENDA -- Separations: B, C, M1

A. Bid Awards:

1. **W.O. 05-15 Howard Heights Storm Drainage.** (Opened 7/13/2010) Recommend Ahanu Construction, Inc.; \$1,321,594. **APPROVED**
2. **W.O. 10-07 Grand Avenue and 24th Street West eastbound, right turn lane adjacent to CVS Pharmacy** (Opened 7/13/2010) Recommend Knife River-Billings; \$187,687. **APPROVED**

B. **W.O. 04-12, Alkali Creek Stabilization, Phase 3,** increasing City Administrator's signing authority for change orders totaling up to \$233,655.80. **APPROVED**

C. **Annual Agreements** for Landfill Use with Bighorn County, Carbon County, Musselshell County, Stillwater County, Treasure County, Town of Columbus, Town of Fromberg, Town of Hysham, Town of Bridger, Town of Joliet, City of Laurel, City of Big Timber, and City of Red Lodge (7/1/10 – 6/30/11); and 3-year Landfill Use Agreement with Yellowstone County (7/1/10 – 6/30/13, with annual amendments). **APPROVED**

D. **Approval** of annual lease with PASSUR Aerospace, Inc. for space in the Airport Terminal Building to provide real time flight information for airlines (8/1/10 - 7/31/11); first year revenue - \$3,277.51; subsequent annual revenue based on Consumer Price Index for all Urban Consumers. **APPROVED**

E. **Amendment #13** with Morrison-Maierle, Inc. for design services for the Airport's Car Rental Quick Turn Around Facility, \$833,698. **APPROVED**

F. **Amendment #6, WO 02-10: 6th Avenue North to Bench Boulevard, Phase 1 ,** Professional Architectural and Engineering Services, Morrison-Maierle, Inc.; \$2,917. **APPROVED**

G. **Street Closures:**

1. **Mexican Fiesta Celebration,** July 31, 2010, 6:00 a.m. - 7:00 p.m., Sixth Avenue South between South 28th and South 29th Streets. **APPROVED**
2. **Roll and Run 5K Stroller Run for Charity,** August 7, 2010, 8:00 a.m to 9:45 a.m., commencing on 3rd Street West at Pioneer Park, proceeding along Parkhill Drive to 10th Street West, north to Poly Drive, east to Virginia Lane, south to Parkhill Drive ending at Pioneer Park. **APPROVED**

H. **Approval** of grant application and acceptance of the 2010 Justice Assistance Grant (JAG) for continuation of LED lightbar replacement project on police vehicles and other Police Department equipment purchases; \$66,520. **APPROVED**

I. **Resolution #10-18968** authorizing the issuance and calling for a negotiated sale of \$725,000 Pooled Sidewalk Bonds 2010A (WO 05-17 Highland; WO 08-30 Poly Drive; WO 08-02 2008 Misc/Developer Related; WO 08-21 Lake Elmo; WO 04-12 Alkali Creek). **APPROVED**

- J. **Resolution #10-18969** authorizing the issuance and calling for a negotiated sale of \$300,000 Special Improvement District 1388 bonds. **APPROVED**
- K. **Resolution #10-18970** fixing the form and detail of the Series 2010A Airport Re-funding Bonds. **APPROVED**
- L. **Approval of Quarterly Report for Pledged Collateral** for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account, and US Bank Certificates of Deposit. **APPROVED**
- M. **Bills and Payroll:**

- 1. June 30, 2010 - **APPROVED 8 TO 0. Councilmember Cimmino recused herself from the vote.**

REGULAR AGENDA:

- 2. **PUBLIC HEARING AND RESOLUTION #10-18971** amending FY2011 Water and Wastewater Rate and Fee Schedule. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- 3. **PUBLIC HEARING AND RESOLUTION #10-18972 CREATING SID 1391, LYNN AVENUE IMPROVEMENTS.** Staff recommends approval. (Action: approval or disapproval of staff recommendation) **APPROVED**
- 4. **PUBLIC HEARING AND SPECIAL REVIEW #882:** a special review for an all-beverage liquor license with gaming within an existing multi-tenant building located at 1313 Grand Avenue, currently zoned Community Commercial, and legally described as Lots 2A, 3-23, 24A and 25-47, Block 1, Evergreen Subdivision. Evergreen Midtown Plaza, LLC, applicant; Bob Pulley and Rob Veltkamp, agents. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.) **AGENT'S REQUEST TO WITHDRAW ITEM APPROVED.**
- 5. **PUBLIC HEARING AND SPECIAL REVIEW #883:** a special review for expansion of Bethlehem Lutheran Church located in a Residential 6000 zone, legally described as Lots 8-11, Block 1, Dahl Subdivision, and generally located at 40 10th Street West and 1008 St. John's Avenue. Bethlehem Lutheran Church, applicant. Zoning Commission and Planning Department recommend conditional approval. (Action: approval or disapproval of Zoning Commission and Planning Department recommendation.) **APPROVED**
- 6. **PUBLIC HEARING AND FIRST READING ORDINANCE REGULATING USE OF ELECTRONIC COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 7 TO 2. COUNCILMEMBERS CIMMINO AND MCFADDEN VOTED 'NO'.**

7. **RECONSIDERATION** of Pioneer Park Master Plan Update. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
RESOLUTION #10-18973 APPROVED 6 TO 3. COUNCILMEMBERS RONQUILLO, GAGHEN, 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 - None

ADJOURN - The meeting adjourned at 9:45 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.