

## CITY OF BILLINGS

### CITY OF BILLINGS VISION STATEMENT:

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

---

### AGENDA

**COUNCIL CHAMBERS**      **December 13, 2010**      **6:30 P.M.**

**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember Ronquillo**

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

**MINUTES: November 22, 2010, approved as presented**

**COURTESIES:**

1. Recognition of Jeff Fox, cab driver with City Cab, for assisting Officer Buechler in recovering a stolen vehicle.
2. Certificates of Appreciation presented by Police Chief St. John for the tremendous and invaluable assistance provided to the Police Department and City of Billings following the tornado on June 20, 2010, to:
  - Montana Highway Patrol - represented by Captain Keith Edgell
  - Montana National Guard - represented by Major Greg Olson
  - Montana Department of Transportation - represented by Tim Kaczmarek
  - Salvation Army - represented by Major Kevin Jackson
  - Northwestern Energy - represented by Kane Claunch
3. Presentation of 48 blankets to the Police Department from Zonta International local president, Jolene Reick.
4. Recognition of City of Billings Code Enforcement Division's receipt of the National Award for Printed Materials for the 2010 East Pioneer Park Total Urban Neighborhood Enhancement Unified Program.

**PROCLAMATIONS -- None**

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek advised she had nothing to report that evening.

**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. 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 podium.)

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

1. **CONSENT AGENDA** -- Separations: 1K, 1N1, 1N2, 1N3

A. **Bid Awards:**

1. **Two (2) Five Yard Double Dump Trucks** (Opened 11/9/10) (Delayed from 11/22/10) Recommend Bison Ford; \$269,266.00 plus the 5-year warranty of \$6,060.00, for a total of \$275,326.00, and retaining Units #1184 & #1193 to transfer to the Solid Waste Division. **APPROVED**
2. **2011 Sewer Jet Cleaner and Manhole Vacuum System.** (Opened 11/23/10) Recommend Titan Machinery, Inc., \$262,776.07, less a trade-in of \$35,000 of the current sewer jet, and a five-year warranty on the new unit for \$3,238.00, for a net bid of \$231,014.07. **APPROVED**
3. **Five (5) 2011 Truck Cabs and Chassis with Refuse Compactor Bodies.** (Opened 11/23/10) Recommend Schedule I: 2 units from Tri-State Truck & Equipment, \$478,466; Schedule II: 3 units from Montana Peterbilt, \$564,356. **APPROVED**
4. **Two (2) Snow Plow Assemblies with Hydraulic Controls.** (Opened 11/30/10) Recommend Kois Brothers, \$42,789.00. **APPROVED**

B. **Purchase of two (2) additional 2011 56,000 GVW Dump Trucks with Snow Plow Assembly and Sander** from IState for \$311,128.00, plus the 5-year warranty of \$3,250.00, with a trade-in of Unit #1154 in the amount of \$15,000, and transfer of Unit #1157 to the Solid Waste Division. **APPROVED**

C. **Reconciling Change Order** for W.O. 08-21, Lake Elmo Drive, Riverside Sand & Gravel, \$102,168.87. **APPROVED**

D. **Access License Agreement** to cross property owned by PM and M, LLC, Max E. Thorton and the Katherine K. Thorton Testamentary Trust to access the Briarwood Reservoir; five year license agreement with the option for three year renewals, at no financial impact to the City. **APPROVED**

E. **Approval** of the City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County for calendar year 2011. **APPROVED**

F. **Approval** of reimbursement up to \$5,000.00 from the Yellowstone County DUI Task Force for costs associated with training of two officers to become Drugged Driver Recognition Experts. **APPROVED**

G. **Amendment #3** to the contract with Montana Department of Transportation for paratransit operating assistance funded through the Federal Transit Administration New Freedom program for an additional \$98,378 in grant revenue to offset FY2011

paratransit operating expenses incurred while providing service above and beyond the Federally regulated ADA service. **APPROVED**

- H. **Approval** of Yellowstone Historic Preservation Board grant application for Preserve America Grant Funds to develop an Electronic Downtown Walking Tour Guide, \$5,000. **APPROVED**
- I. **Approval** of grant application to Safe Routes to School for construction of the Will James Middle School Trail Connection, 120,000.00. **APPROVED**
- J. **Approval** of Settlement of Condemnation of Reger Properties on Grand Avenue. **APPROVED**
- K. **Resolution** extending operation of the Mayor's Commission on Energy and Conservation to June 30, 2011. **MOTION TO DENY THE EXTENSION PASSED ON A 6-5 ROLL CALL VOTE.** Councilmembers Ronquillo, McFadden, Ruegamer, Ulledalen, Astle, and Clark voted for the motion; Councilmembers Gaghen, Pitman, Cimmino, McCall and Mayor Hanel voted against the motion.
- L. **Second/final reading Ordinance #10-5526 for Zone Change #869:** a zone change from Public (P) to Residential 6,000 (R60) on a 50-foot by 150-foot lot in the northeast corner of Lot 3 in Section 9, Township 1S, Range 26E, located at 412 Hallowell Lane. Lean 2 LLP, owner; Marshall Phil, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. **APPROVED**
- M. **Final plat**, Lenhardt Square Subdivision, 2nd Filing. **APPROVED**
- N. **Bills and Payroll:**

1. **November 5, 2010 – APPROVED 10-0.** Councilmember Cimmino recused herself from the vote.
2. **November 12, 2010 – APPROVED 10-0.** Councilmember Cimmino recused herself from the vote.
3. **November 19, 2010 – APPROVED 10-0.** Councilmember Cimmino recused herself from the vote.

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING AND FIRST READING ORDINANCE AMENDING BMCC 26 500** related to reimbursement and compensation to developers for construction of certain water and wastewater facilities, to add reimbursement for stormwater facilities, and reimbursement for construction of certain water and wastewater facilities on property located within the Limits of Annexation, but outside the approved "Red Area" identified in the City Limits of Annexation Map. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- 3. **PUBLIC HEARING FOR VARIANCE #OP-10-01:** a variance from the Site Development Ordinance, Section 6-1203(a) and Section 6-1203(j) regarding off-street parking for New Hope Baptist Church located at 824 North 19th Street. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **PUBLIC HEARING AND GRANT AWARD OF BUSINESS CONSORTIUM PROJECT FUNDING** to The Salvation Army for equipment purchase to support the Bokashi Composting Processing Center, \$100,000; and to Rimrock Foundation to acquire/rehabilitate housing units for homeless individuals, \$200,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-0.**  
**Councilmembers Ronquillo and McCall recused themselves from the vote.**

**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 podium.)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue**, suggested the Council pass an initiative to halt the process of exploring a tunnel at Zimmerman Trail, and setting up a committee to look at all options.
- **Doug Ruebke, 110 S. 31<sup>st</sup> Street**, spoke about the need for signage in private lots to prohibit the sale of animals, and the need to repair or replace existing dog signs in City parks.

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

**COUNCIL INITIATIVES -- None**

**ADJOURN** --The meeting adjourned at 7:55 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.*