

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

February 13, 2012

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember McFadden gave the invocation.

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, Astle, Crouch

**MINUTES:** January 23, 2012 – Councilmember Cimmino moved for approval of the minutes, as submitted, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

**COURTESIES:** Billings Police Chief Rich St. John noted the Police Department prided itself on having the best equipment and the best training in the region. He said their SWAT team was recognized as being a Red Flag Team, which meant their skill set, equipment, and capabilities were recognized as top tier. He said the designation did not come easy and was a result of hard work and training to a standard. He said in order to reach that standard, training must be as real as possible; and it could only be done with the support of the community. Chief St. John recognized Dewey Algaard of Scheel's Sports for donating over 40 mannequins to the SWAT team for various training scenarios. Mr. Algaard was not present, and Chief St. John said he would see that Mr. Algaard received his certificate of appreciation.

Chief St. John said every year their command staff met to nominate and select the best and brightest in several categories sponsored by various service clubs. Chief St. John introduced the following individuals and asked those being recognized to stand if present.

- Employees of the Year: Lynn Perry, Administrative Support Specialist for the City/County Special Investigations Unit; and Nancy Lindstrom, Animal Control Officer
- Officer of the Year sponsored by the Billings Exchange Club: Officer Katie Nash
- Co-Supervisors of the Year: Sergeant Mitch Hart, Investigation Division; and Sergeant Neil Lawrence, Patrol Division
- Administrator of the Year sponsored by the Montana Association of Chiefs of Police: Captain John Bedford
- Respect for Law sponsored by the Billings Optimist Club: Officer Earl Campbell.
- Citizen's Award sponsored by the American Legion: Officer Marc Snider

Chief St. John said the Billings Police Department employees being recognized had gone above and beyond in 2011.

Mr. George Blackard, American Legion Post 117 Commander, said the American Legion believed strongly in being a community partner. He said every year they liked to recognize public servants who put themselves in harm's way every day. Mr. Blackard said Post 117 honored Officer Marc Snider as Law Enforcement Officer of the Year and presented him with a plaque of appreciation. Mr. Blackard also honored Captain Perry McKinney of the Billings Fire Department as Firefighter of the Year and presented him with a plaque of appreciation. He said Mr. McKinney was also chosen to receive the award at the state level by the Department of Montana American Legion, and his name would be submitted for the honor at the national level. Mr. Blackard said Mr. Snider and Mr. McKinney were being honored for their dedication to their professions and for going above and beyond the call of duty.

Councilmember Ronquillo thanked Officer Lawrence for his attendance at the task force meetings and for the reports he provided.

**PROCLAMATIONS:** None

### **ADMINISTRATOR REPORTS - TINA VOLEK**

City Administrator Volek commented on the following items:

- Consent Agenda Item F: In the February 10<sup>th</sup> Friday Packet Council received a recommendation of approval to the PCC for Amendment #3 of the 2010-2014 Transportation Improvement Program. She said a copy was available in the ex-parte notebook
- Memorandum from Planning Director Candi Beaudry, dated 2/13/12, with discussion of the Inner Belt Loop TIGER IV Grant application. She said Council indicated the previous week it would like to consider it for an addition to the evening's meeting agenda. Ms. Volek reminded the Council it would require a 3/4 vote of all Council present in order to add it to the agenda. She suggested it be done before the Public Comment period so public comment could be taken at that time. She said a copy was on Council's desks and filed in the ex-parte notebook.
- Letter to Council from the Heights Task Force, dated 2/12/12, endorsing the application to facilitate construction of the Inner Belt Loop. She said a copy was filed in the ex-parte notebook.
- E-Mail to Council from Joseph B. Michels, dated 2/13/12, asking Council to vote against pursuing the federal grant for the Inner Belt Loop. She said a copy was filed in the ex-parte notebook.
- E-Mail from Dennis Ulvestad, dated 2/13/12, asking Council to vote in favor of the TIGER Grant for the Inner Belt Loop. She said a copy was filed in the ex-parte notebook.
- Letter from Steve Arveschoug, Director of Big Sky Economic Development Authority (BSEDA), dated 2/13/12, indicating BSEDA would be submitting a TIGER IV Grant application on behalf of Yellowstone County for the 6<sup>th</sup>/Main/Bench intersection. She said a copy was on Council's desks and filed in the ex-parte notebook.

- Ms. Volek advised at the Joint City/County Work Session held on Thursday evening, the City Council was asked by the Board of County Commissioners to add an endorsement of the application for the 6<sup>th</sup>/Main/Bench intersection to the agenda that evening. She said the two items to be considered were the application for the Inner Belt Loop TIGER IV Grant application that would be created by the City, and the endorsement of the TIGER IV Grant application for the 6<sup>th</sup>/Main/Bench intersection by Yellowstone County. She said both items were due into the application agency prior to the next city council meeting, which was why they would need to be added to the agenda that evening.

Councilmember Cimmino asked Ms. Volek why the two additions would require a 3/4 vote. Ms. Volek responded it was required by statute and asked City Attorney Brent Brooks to comment. Attorney Brooks advised consent of a three-fourths majority of all councilmembers present was required pursuant to Section 2-213(c) of the Council's agenda ordinance. Ms. Volek added the agenda had already been published by the time the two items were discussed for addition.

Councilmember Cimmino noted for the record when they needed to add the TIGER III Grant application requested by staff at the September 12, 2011, council meeting, according to the minutes, it was a unanimous vote but did not show that a 3/4 vote was required at that time under the City Administrator's Report. Councilmember Cimmino said the requirement needed to remain consistent. She said another agenda item was added on August 22 without a 3/4 vote. Ms. Volek advised she would look into it. Mayor Hanel clarified with Councilmember Cimmino that her concern was that the 3/4 vote requirement was not presented on those two items. Councilmember Cimmino said that was correct.

Councilmember Pitman moved to add the TIGER IV Inner Belt Loop application to the agenda as Item 5, seconded by Councilmember Cimmino.

Councilmember Ulledalen said for the record he would not support it. He said he thought Ms. Beaudry's memo drove home that their \$14 million project became a \$24 million project. He said there were a number of things that they had not done to bring it up to federal standards, which meant it would cost a lot more money because they used federal dollars rather than their own.

Councilmember Cimmino said she would like to state for the record that they did not receive a copy of Ms. Beaudry's memo until they sat down that evening. She said there was a photo session before the council meeting, so they did not have ample time to review the memo submitted by the Planning staff. She said she did not see any cost justification as to why they thought it was going to increase to \$24 million. She said as far as she was concerned, there was only one sentence that actually claimed that, and they had not received any cost estimate whatsoever.

Councilmember McCall said she was not in support of it at that point. She said her concern was the number of deferred city projects indicated at \$4.8 million. She said she had concerns about the fact that the other projects were on target and on-line and they would be deferred if it were to go forward.

Councilmember Pitman said what he was asking was for Council to actually have the discussion. He said it was not to vote on whether they wanted to approve it or not. He said they were having a discussion based on a staff memo they just received, and

they did not have all of the facts. He said all he was asking was that they add it to the agenda and have the discussion because some of the questions could be answered. He said they already had \$3 million set aside for the Inner Belt Loop, and it was not that drastic of a shift of a lot of funds. He said he thought those were the discussions they should have before they made the decision not to even discuss it.

Mayor Hanel asked again for the dates that must be complied with. Ms. Volek advised the pre-application for the first phase was due February 20. She said they received official notice on January 30, and the timeline was very short.

Councilmember Cimmino asked if it were true the final application date was actually extended to March 19. Ms. Volek said that was correct, and they had to do both.

On a roll call vote, the motion to add the TIGER IV Inner Belt Loop application to the agenda as Item 5 failed 9 to 2. Councilmembers Cromley, Ronquillo, McFadden, Bird, McCall, Ulledalen, Astle, Crouch, and Mayor Hanel voted in opposition. Councilmembers Pitman and Cimmino voted in favor.

Councilmember Pitman moved to add the letter of support for the TIGER IV Grant for the Bench/6<sup>th</sup>/Main application to the agenda as Item 5, seconded by Councilmember Ronquillo.

Councilmember Ulledalen said his biggest consideration was that, as he understood it and they had not heard from the EBURD folks, but they would like to do a little more planning to figure out what would make sense for the project. He asked what they would be accommodating by spending \$30 million to build a bridge over Main Street and what were the consequences to the development that potentially would happen in the area. He said he could not support it because they needed to do additional planning to figure out what options should be considered for the area and make sure they were doing what was best for the city.

Councilmember Ronquillo asked Public Works Director Dave Mumford if they had really decided if they wanted a bridge or a roundabout or if it was still up in the air. He asked if people along 6<sup>th</sup> Avenue had been contacted. Mr. Mumford said there had been some meetings, and there were concerns from property owners in the area. He said the Montana Department of Transportation was working on four options to bring forward for discussion and evaluation, but the State said they were still about a month or two out before they would be ready. He said currently all of the options had not been evaluated. Councilmember Ronquillo asked Mr. Mumford for his professional opinion if he felt they would be jumping too quickly. Mr. Mumford said the idea of an overpass had been so conceptual, and Public Works did not understand how it would connect at that point. He said outside of a schematic showing an overpass and some numbers that was all he had seen, so he did not know what the best answer was at that point.

Councilmember Astle said they were talking \$30 million. He said in the past he had asked why the County did not pave the road around the back and out through the horse gate, and Commissioner Kennedy told him to talk to the State. Councilmember Astle said he thought \$30 million to make it easier for people to get out of the Metra seemed a bit too steep, and he would not support it. He said he felt they could pave the road around the back, bring it out the horse gate, and have the State install a light to be used only for Metra events, excluding the fair. He said the light could be scheduled for events where 5,000 to 10,000 people were trying to leave the Metra at once. He said he

could not imagine that paving that short strip of property for partial use and putting in a light would cost more than 10 percent of \$30 million.

Councilmember Cromley asked if anyone knew if the County intended to proceed with or without Council's support. City Administrator Volek said she did not know but said they could proceed. She said the question would be the number of endorsements they received.

Councilmember Bird said her concern was what they really were supporting. She said she would not be inclined to be supportive of a project that did not tell her exactly what she would be supporting. She said she knew the current phase was the application procedure. She said she felt there would be an impact that would intersect with the city, and she was very reluctant to be supportive of what she did not know. She asked if the city would have any say on how it would be impacted if the grant application were approved.

City Administrator Volek advised that Mr. Mumford indicated to her the application was for the overpass.

Councilmember McFadden said his concern was the business community that was located in the neighborhood. He said the businesses would be in the shadow of the overpass and could be negatively impacted. He said they had not heard any positive feedback from the nearby businesses, and until they did, he was hesitant to support it.

Councilmember McCall said she had heard indirectly and in discussions that the EBURD had not had ample time to review it in order to give good input. She asked TIFD Coordinator Steve Zeier if he knew if that was the case and if they were in support of it. Mr. Zeier asked if she was referring to the property owners group, and Councilmember McCall said she was. Mr. Zeier said the consensus was that they did not have enough information to make a qualified decision based on what had been presented by the County and MDT. He said in their defense, the process was very complicated. Councilmember McCall commented that it was a very complicated process, and it was a very quick process. She said the comment made at the City/County meeting was that it was suppose to be shovel-ready and in terms of her thoughts, she felt it was premature.

Councilmember Bird said she felt making a rush decision to apply for grant funds without having the answers they needed to make a good decision was not good policy making and not good government.

Councilmember Pitman commented he was frustrated with the last two motions. He said they were simple motions to have the discussion. He said they had the discussion to kill a project before they could actually get all the information and have the deliberation, which was the whole point of putting it on the agenda. He said the current discussion should only have been whether or not to put it on the agenda. He said they went astray really fast and had done injustice to both motions.

On a roll call vote, the motion to add the letter of support for the TIGER IV Grant for the Bench/6<sup>th</sup>/Main application to the agenda as Item 5 failed 7 to 4. Councilmembers McFadden, Bird, McCall, Ulledalen, Astle, Crouch, and Mayor Hanel voted in opposition. Councilmembers Cromley, Ronquillo, Pitman, and Cimmino voted in favor

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1, #2, #3, & #4 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1))

minute. 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.)

The public comment period was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, said he wanted to remind the Council that the Montana Supreme Court's decision of Bryan vs. School District 2 said taking action by using information presented to the school board that the public had not had 48 hours of notice was illegal by the public meeting laws and any action taken was invalid. He said during the recent council election there was a lot of discussion on transparency in government; and making a decision on a piece of paper that had not been presented to the public 48 hours in advance was surely not transparency.
- **Don Reed, 1039 Cedar Canyon Road, Billings, MT**, referenced Item 4 and urged Council to approve the CTEP funding for the Hillner Lane Sidewalk and Highway 87 Crossing in Lockwood.
- **Bob Riehl, 126 Rolling Meadows Drive, Billings, MT**, referenced Item 4 and urged Council to approve the CTEP funding for the Hillner Lane Sidewalk and Highway 87 Crossing in Lockwood.
- **Chris Mehus, Community Development and Office Manager Beartooth RC&D Economic Development District**, referenced Item 2. He distributed a copy of their 2011 Yellowstone County Project Summary and asked Council for their continued support. He said they were a regional economic development organization, and they had an ongoing agreement with the City of Billings for the past 10 to 12 years. Mr. Mehus recognized Councilmember Ulledalen and thanked him for his time spent serving on the board and assisting the staff with projects within the City of Billings.

Councilmember Ulledalen asked Mr. Mehus to list some of the projects they had been involved in over the last few years in Billings. Mr. Mehus advised they had partnered with BSEDA on the Sysco project, which was a very successful effort. He listed a planning grant through the State Big Sky Trust Fund to assist with some of the architecture and design for the Laurel Movie Haus; the expansion of the Laurel Trading Post; and Red Oxx Manufacturing's renovation of a near-by vacant building to expand its business.

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

## **1. CONSENT AGENDA**

### **A. Bid Awards:**

- 1. Chemicals - Chlorine for Water Plant and Parks, Recreation, and Public Lands.** (Opened 1/31/2012) Recommend DPC Industries, Inc.; \$688 per one-ton cylinder and \$187.50 per 150-lb. cylinder; approximately \$80,050 annually.

**2. W.O. 12-03, 2012 Street Maintenance Program, City Crack Seal.** (Opened 1/31/2012) Recommend Hardrives Construction, Inc.; \$1,073,622.92.

**B. Change Order No. 2 - Kings Green Phase IV Project;** Knife River, \$2,876.03.

**C. Approval of Resolution #12-19134** for purchase of 67 Panasonic Toughbook CF31's and docking stations for Police Department; and financing with US Bank for \$92,696.53 per year for four years.

**D. Professional Services Contract** for W.O. 11-19, Solid Waste Landfill Phase 5 Expansion/Phases 3 & 4 Closure; Great West Engineering, Inc.; not to exceed \$291,900.

**E. Agreement** with State of Montana Department of Transportation for purchase of an Elgin mechanical street sweeper through the Montana Air and Congestion Initiative (MACI) Program; State of Montana cost - \$175,879; City of Billings cost - \$27,262, plus estimated transportation expense of \$1,000.

**F. Recommendation of approval** to the Policy Coordinating Committee for Amendment III of the 2010-2014 Transportation Improvement Program (TIP).

**G. Amendment #12, Architectural Services for MET Transit Building and Bus Maintenance Area Upgrades,** CTA Architects Engineers, Inc.; \$60,946.

**H. Amendment to Contract** for Yellowstone Family Park Playground for additional playground equipment (SID 1392); Kompan, Inc.; \$10,022.45.

**I. Approval of Resolution #12-19135** for purchase of 36 in-car cameras and nine body-worn cameras for Police Department using drug forfeiture funds - \$240,840; and 35 in-car cameras with 4-year financing through US Bank with annual payments of \$68,189.98 to be paid using drug forfeiture funds.

**J. Approval** of letters to Senators Baucus and Tester requesting support of Senator Cardin's amendment to Moving Ahead for Progress in the 21st Century (MAP-21).

**K. Acknowledging Receipt of Petition to Annex #12-01:** two parcels of land totaling 6.48 acres generally located off Nall Avenue along South 27th Street and addressed as 108 Nall Avenue; Donald Lee, petitioner; and setting a public hearing for February 27, 2012.

**L. Street Closures:**

**1. Yellowstone Rim Runners 5K Shamrock Run and 1-Mile Kids' Race.**  
Sunday, March 18, 2012; 11:30 a.m. to 2:00 p.m.; starting at 3rd Street West and

Avenue B, north to Parkhill, west on Parkhill turning around near the intersection of Parkhill and Nordbye, east on Parkhill, south on 3rd Street West entering Pioneer Park on the service road and finishing the race inside the park. One-mile kids' race to be held on sidewalks around Pioneer Park after the 5K.

**2. Al Bedoo Shrine Elephants on Broadway.** March 27, 2012; 4:00 p.m. to 8:00 p.m.; Under Skypoint between the 2700 and 2800 blocks of 2nd Avenue North and the 100 and 200 blocks of North 28th Street.

**3. Magic City Blues Festival Street Closure Correction.** (Approved 1/23/2012) August 10, 11, 12, 2012; correcting the closing time on August 12 from 1:00 a.m. to 1:00 p.m.

**M. Grant Application Request** to submit Misdemeanor Probation Domestic Violence Grant application for \$84,311 and accept award; City of Billings match - approximately \$64,436 (hard match-\$828; soft match-\$63,608).

**N. Approval** of application for an AmeriCorps VISTA Project, approximately \$15,000 - \$20,000 annually; and **authorization** for staff to negotiate and finalize the project if awarded.

**O. Resolution of Intent #12-19136** to construct W.O. 10-27, a CTEP project on the north side of Central Avenue from 29th St W to 32nd St W (curb/gutter, sidewalk, drive approaches, and street widening), and set a public hearing date of March 12, 2012.

**P. Resolution of Intent #12-19137** to adopt the South Billings Master Plan and set a public hearing date of February 27, 2012.

**Q. Resolution #12-19138** adopting the Emergency Operations Plan for Billings, Laurel, Broadview, and Yellowstone County.

**R. Second/Final Reading Ordinance #12-5547 for Zone Change #879:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on property legally described as Lot 8, Block 1, Meadowood Subdivision, generally located on the northwest corner of the intersection of Meadowood Street and Lyman Avenue and addressed as 2302 Meadowood Street. Mark Dawson, owner; BlueLine Engineering, agent. Approval of the zone change and adoption of the determinations of the 12 criteria.

**S. Second/Final Reading Ordinance #12-5548 for Zone Change #880:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on an 11,600 square foot parcel of land legally described as Lot 16, Block 6, Suncrest Acres Subdivision, generally located on the southeast corner of the intersection of Parkhill Drive and 12th Street West; Patrick Naglich, applicant. Approval of the zone change and adoption of the determinations of the 12 criteria.



**T. Second/Final Reading Ordinance #12-5549 for Zone Change #881:** a zone change from Residential 6,000 (R-60) to Community Commercial (CC) on a 27,101 square foot parcel of land legally described as Lot 1, Block 4 and all of Block 1, Central Avenue Addition, 2nd Filing, generally located at 640 St. Johns Avenue; AG Holdings, Inc., owner; Allen Greene, representative. Approval of the zone change and adoption of the determinations of the 12 criteria.

**U. Preliminary Plat Two-Year Extension** for High Sierra Subdivision, 6th Filing; generally located north of Annandale Road and east of Greenbriar Road in the Lake Hills area; setting a new expiration date of February 9, 2014.

**V. Bills and Payroll:**

- 1. January 9, 2012**
- 2. January 17, 2012**

Councilmember Pitman separated Consent Agenda Item J, and Councilmember Cimmino separated Consent Agenda Item V1. Councilmember Ronquillo moved for approval of the Consent Agenda with the exception of Items J and V1, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

Councilmember Pitman referenced Item J and said it was another request for a letter of support they had not discussed or received any input on and asked if someone would like to fill the Council in. Planning Director Candi Beaudry advised it was on the Senate floor that week and was the new transportation reauthorization bill called MAP-21. She said as it stood, the original bill did not separate out enhancement projects from road funds, so funds to build a trail would be competing against funds that could also build the Inner Belt Loop. She said it made it very difficult to be successful on trail and sidewalk funding. Ms. Beaudry said Senator Cardin was a democrat from Maryland who had been joined by Senator Cochran, a republican from Mississippi. She said it established a fund called "Additional Activities" where local governments could compete for funds for enhancement projects that did not compete with roadway projects. She said it was a good way to retain funding for bicycle trails, sidewalks, and other pedestrian facilities.

Councilmember Ulledalen said the issues with federal transportation funding were that the dollars were shrinking, and they were losing control. He said communities under 200,000 to 250,000 were being put in the hands of the State so they would not have the Policy Coordinating Committee, the Metropolitan Planning Authority, or the individual programs like CTEP, Safe Routes to School, Recreation and Trails, etc., which would make it more difficult for them to specifically appropriate that money.

Ms. Beaudry said Councilmember Ulledalen was absolutely right. She said loss of local control for funding meant everything would come through the State, and they could actually lose their status as an MPO. She said there was an overall reduction in funding available for anything. She said the bill went a long way to address the revenue shortfall but they wanted to make sure they could still compete for the available funds to continue to build trails and sidewalks.

Councilmember Pitman said on the other hand road projects would be competing against bike trails. Ms. Beaudry said the separate fund called "Additional Activities" would separate the roadway projects from the enhancement projects. She said the State would administer the Additional Activities Fund, and if there was money left in it, the State could use it for roadway projects.

Councilmember Ronquillo moved for approval of Item J, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 2. Councilmembers Cromley, Ronquillo, McFadden, Bird, McCall, Ulledalen, Astle, Clark, and Mayor Hanel voted in favor. Councilmembers Cimmino and Pitman voted in opposition.

Councilmember Cimmino referenced Item V1 and asked City Administrator Volek for clarification on Invoice 752081, payment of \$56,250 to the Downtown Billings Partnership to administer the Downtown TIF District. She asked if that meant the City paid them \$225,000 a year to administer that program. Ms. Volek advised that was correct and said they were the administering agent for the program. Councilmember Cimmino said there were 774 transactions for using the city credit cards for US Bank and asked if it was bi-weekly or monthly. Ms. Volek advised it was monthly. Councilmember Cimmino said they did not receive an actual total of the 774 transactions. She said the majority of the expenditures were office supplies from one vendor. City Administrator Volek advised they were under contract, it was competitively set, and the City received a set reduction on the items. Councilmember Cimmino asked if it was something new the City was doing because she had not seen it in the other agendas the last two years. She asked if they would be receiving the notations in the future of all of the city credit card users. City Administrator Volek said she believed it was something staff understood the Council wished to have.

Councilmember Ronquillo moved for approval of Item V1, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

## **REGULAR AGENDA:**

### **2. MEMORANDUM OF UNDERSTANDING with Beartooth RC&D Economic Development District, \$9,447.59 annual expense. Staff recommends approval.**

**(Action: approval or disapproval of staff recommendation.)** City Administrator Volek advised Mr. Mehus had provided a brief presentation during the Public Comment Period, and staff had no additional presentation but was available to answer questions.

Mayor Hanel said it had been a practice of long standing with Beartooth RC&D, and there was nothing out of the ordinary. Ms. Volek said that was correct, and it had been approximately the same amount each year.

Councilmember Ulledalen said Beartooth RC&D had done a great job and, in fact, almost folded last year due to federal cutbacks of administrative support. He said he could not remember if they were the last one or if there were two surviving in the state. Councilmember Ulledalen said they administered the economic development funds and the conservation grants for the Department of Agriculture. He said they had seen a lot of their work in Billings, and they put a lot of value back into the outlying communities. He said they did a good job managing grants and generating other ways of finding revenue for some of the grant programs. He said their staff pulled together,

did a great job, and survived. Councilmember Ulledalen said if someone on Council wanted an interesting board, a seat would be available, and it did not require a lot of Council experience because it would be mainly reporting back to the Council. He said the only downside was the meetings were in Joliet, Big Timber, Red Lodge, Hardin, etc.

Councilmember Ulledalen moved for approval of Item 2, seconded by Councilmember McCall.

Mayor Hanel said he had experience with the Beartooth RC&D organization and staff, and they were very professional, very thorough, and worked very closely with clients providing the best advice possible.

On a voice vote, the motion was unanimously approved.

**3. W.O. 10-08, WATER TREATMENT PLANT CLEARWELL NO. 1 ROOF REPLACEMENT. (Opened 1/24/2012) Recommend Hardy Construction Company; \$767,368. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)** Public Works Director Dave Mumford advised during last summer's routine maintenance on the two, 5-million gallon Clearwell water tanks, it was determined there was structural damage to the roof of Clearwell No. 1. He said condensation and evaporation of chlorine had caused the damage. Mr. Mumford showed photographs of the deterioration of the beams. He said in order to repair the tank, the sides of the tank needed to be structurally secured, the old roof needed to be removed, a new roof needed to be installed, and the inside of the tank needed to be painted. He said the project was competitively bid, and they received bids from Hardy Construction and COP Construction. Mr. Mumford said the bids came in much higher than anticipated, as they were starting to feel the effects of the Bakken formation. He said both COP and Hardy were able to find only one multiple-states fabricator that would come in to do the work. He said they called all over the region, and everyone was very busy or not interested. Mr. Mumford said they needed to get the tank back on line this summer to avoid water deficiencies and asked Council to approve the bid award to Hardy Construction Company.

Councilmember Pitman asked if there was another alternative for the type of roofing and if the deterioration would reoccur over time. Mr. Mumford said a new tank would need to be built in order to change the structure of the roof. He said the tank was over 30 years old. He said tank #2 was sound. He said they would use a different paint to help preserve it longer, and they would check it more often. He said the tanks were re-painted every six or seven years, and they were quite surprised to find the problem.

Councilmember McCall moved for approval of Item 3, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

**4. 2011 CTEP PROJECT RECOMMENDATIONS TO POLICY COORDINATING COMMITTEE (PCC) for funding of the Shiloh Conservation Area, Hillner Lane Sidewalk and Highway 87 Crossing in Lockwood, a Bicycle and Education Program, Aronson By-Pass Trail Segment, and the Will James Connection. Staff recommends consideration of the Technical Advisory Committee and Planning Board recommendations and formulation of a recommendation to be taken to the Policy Coordinating Committee by the city's PCC representative. (Action: approval or disapproval of staff recommendation.)** Planner II Lora Mattox advised

at the February 6 work session Council received presentations by the applicants who were requesting Community Transportation Enhancement Program (CTEP) funding. She said they had received a total of \$873,828 in funding requests, and the amount of available funding was \$544,211. Ms. Mattox briefly discussed the following requests.

- Shiloh Conservation Area - \$357,802: Submitted by the City Public Works Department to construct an approximate 4,000 linear foot, hard surface, ADA accessible path around a seven-acre pond.
- Hillner Lane Sidewalk & Highway 87 Crossing - \$109,957: Construction of 1,900 linear feet of sidewalk from Hemlock Drive to Piccolo Lane on the north side in existing right-of-way, as well as in-ground flashers at the intersection of Highway 87 which would notify vehicle traffic of an upcoming pedestrian crossing.
- Bicycle & Pedestrian Education - \$88,017: Sponsored by Riverstone Health on behalf of Healthy By Design for a bicycle and pedestrian education campaign to produce media information, public service announcements, trail signs, posters, and banners.
- Will James Connection - \$112,554: Submitted by the Planning Department to construct an approximate 1/2-mile, hard surface, ADA accessible, 10-foot wide trail for bicycle and pedestrians to link to Will James Middle School from the CTEP trail project along the north side of Broadwater Avenue from Zimmerman Trail to Lillis Park. She said the section was already being used by students as an access to the school, and Will James Middle School had agreed to do regular maintenance on the new trail.
- Aronson Connection - \$205,498: Submitted by the Planning Department to construct an approximate 1,500 linear foot, hard surface, ADA accessible, 10-foot wide trail for bicycle and pedestrian traffic; providing a link from the trail on the west side of Swords Park north to the sidewalk just east of Swords Lane on the north side of Airport Road.

Ms. Mattox said the Bike and Pedestrian Advisory Commission (BPAC) and BikeNet reviewed the projects and provided the Technical Advisory Committee (TAC) with recommendations. She said TAC was recommending funding for Hillner Lane, the Bicycle & Pedestrian Education, Will James Connection, and Aronson Connection. She said the Shiloh Conservation Area project was delayed until next year as a priority project due to the request by the Public Works Department not to have the project cut down in funding. She said they were hoping to have the project completely funded with CTEP dollars next year. She said the Planning Board held a public hearing and other than the applicants, no one else testified. The Planning Board made the same recommendation as TAC.

Councilmember Ulledalen asked if there would be enough money available to fund the other projects if they eliminated the Shiloh Conservation Area project. Ms. Mattox said that was correct.

Councilmember Bird asked about the maintenance agreement with Will James Middle School. Ms. Mattox advised the school had a 4-wheeler they used to plow and they had agreed to plow the trail segment during the winter all the way to Broadwater.

Councilmember Pitman asked if any of the funds could be carried over or if they were use it or lose it. Ms. Mattox said there would be some leftover CTEP funds from the four projects that would carry over to next year.

Councilmember Cimmino said she typed in bicycle and pedestrian education on Google, and there were many sites that offered programs and studies already done. She said she received a 125-page document that showed that anyone could get it for free. She said the website was the Federal Highway Administration. She said was having a little difficulty with Riverstone Health's request for funding because information was readily available on the internet.

Councilmember Bird asked for a summary of what Riverstone Health planned to provide with the funding. Ms. Mattox said it was her understanding they planned to target during the Summer Olympics, as well as the start of the school year to provide public service announcements and media campaigns to talk about the education bicyclists and pedestrians needed. She said there was quite a bit of information in the Trail Master Plan about how many accidents were usually the fault of bicyclists and pedestrians, and one of the items addressed in the Master Plan was to look at how to promote education projects. She said one of Safe Routes to School funding requirements was to do media and education campaigns with the schools, and she thought the project was a step in that direction.

Councilmember Astle moved for approval of Item 4 with the exception of the Shiloh Conservation Area Project, seconded by Councilmember McFadden. On a voice vote, the motion was approved 10 to 1. Councilmember Pitman voted in opposition.

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign up on the clipboard located at the podium.*)

The public comment period was opened.

- **Joe White, Billings, MT**, referenced the old Federal Courthouse and said it should be torn down and the Federal Government should pay for it. He said the area should have cultural attractions and a courtyard, but he was opposed to a museum. The remainder of Mr. White's testimony was inaudible.

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

## **COUNCIL INITIATIVES**

- **ULLEDALEN:** Said he was following up on Charlie Hamwey's comments at the Joint City/County Meeting, and MOVED to direct Staff and the Commission to begin the process of changing the City Emergency Medical Services Commission into a County-Wide Emergency Services Commission, seconded by Councilmember McCall.

Councilmember Pitman asked Councilmember Ulledalen to elaborate on the reasons. Councilmember Ulledalen said in 2000 it was recommended to the Council that the EMS Commission be created. He said at the time there had

been an extensive study and one of the concerns at the time was that AMR's parent company, Laidlaw, was in bankruptcy and that as part of their reorganization they would elect to withdraw from Billings. He said they recommended a commission be in place so there would be a body of informed people to include the fire chief, hospital representatives, and various community representatives. He said the EMS had run out of things to do, and they had gone from monthly meetings to quarterly meetings. He said after the tornado in the Heights it was realized there was no standing city/county-wide commission to deal with such issues so Mr. Hamwey's suggestion was to begin transforming from a city commission to a joint city/county commission.

Councilmember Cimmino asked Attorney Brooks if it would involve drafting an Interlocal Agreement if Laurel wanted to become involved. Attorney Brooks said it could be accomplished with an Interlocal Agreement or a Memorandum of Understanding.

Mayor Hanel said he had been contacted by emergency services personnel as a result of some of the recent disasters in Billings and the surrounding areas. He said he had also been asked to consider a change to include Lockwood, Broadview, Laurel, and other surrounding communities. He said he was not opposed to expanding to other outside areas. He said staff would provide a response of their findings to Council in the near future.

Councilmember Ulledalen said ultimately Council would also be taking action on dissolving the commission at the city level. Attorney Brooks said there would be a repeal of the ordinance creating the EMS Commission on a city basis and in its place some type of Interlocal Agreement between the city, county, and other outlying county communities.

On a voice vote, the motion was unanimously approved.

- **BIRD:** Said she noted at a previous meeting there was discussion about providing the new councilmembers with a list of boards and commissions that needed replacements for positions vacated by outgoing councilmembers. Councilmember Bird asked City Administrator Volek when they could expect to receive the list. She said she would also like a tutorial about what the expectations were for new councilmembers in terms of representing the city on various boards and commissions. Ms. Volek advised she was working with Ms. Maddox on the list.

There was no further business, and the meeting adjourned at 8:02 p.m.



ATTEST:

BY: Cari Martin  
Cari Martin, City Clerk

CITY OF BILLINGS

BY: Thomas W. Hanel  
Thomas W. Hanel, Mayor