

# CITY OF BILLINGS

**CITY OF BILLINGS MISSION STATEMENT:  
TO DELIVER COST EFFECTIVE PUBLIC SERVICES  
THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE**

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## AGENDA

**COUNCIL CHAMBERS**

**January 12, 2009**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing  
ELECTION of Mayor Pro Tem  
PLEDGE OF ALLEGIANCE – Mayor Tussing  
INVOCATION – Councilmember Ronquillo  
ROLL CALL  
MINUTES – December 15, 2008  
COURTESIES  
PROCLAMATIONS  
ADMINISTRATOR REPORTS – Tina Volek**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 3b ONLY. Speaker sign-in required.** (Comments offered here are limited to 1 minute per speaker. 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.)*

### **CONSENT AGENDA:**

**1. A. Mayor’s appointments:**

Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	* Ginny Hart	Tourism BID Board	1/12/09	09/01/09
2.	* No Applicants	Energy & Conservation Commission	1/12/09	12/31/10
3.	* Postponed until February 2009	Yellowstone Conservation District Board	1/12/09	06/30/11

- \*Unexpired term of Erin Kennedy
- \*Unexpired term of Bernard Rose
- \*Unexpired term of Gay Easton

**B. Bid Awards:**

**(1) W.O. 01-05, Lake Hills Storm Sewer Outfall** (Opened 12/16/08). Recommend H.L. Ostermiller Construction, \$733,015.50 base bid; Alternate 3 - \$39,562.50; Alternate #4 – decrease of \$4,410. Total Bid - \$768,168.

**(2) W.O. 07-20 Poly Drive Utilities** (Opened 12/16/08). Recommend Castle Rock Excavating, \$78,615.65.

**(3) Six (6) new 2009 truck cabs and chassis with refuse compactor bodies.** (Opened 12/16/08). Recommend:

Schedule I –Two Units – Tri-State Truck & Equipment, Inc.	\$446,200.00
Schedule II –One Unit – Tri-State Truck & Equipment, Inc.	\$169,991.65
Schedule III – Three Units –Tri-State Truck & Equipment, Inc.	\$717,696.00

**C. Change Order #1-Final, Phase 3 Landfill Expansion,** Montana Civil Contractor’s, Inc., decrease of \$28,890.14 and the addition of seven (7) calendar days.

**D Professional Services Contract** for W.O. 08-23, West Wicks Lane Water, Sewer, & Storm Drain Improvement , Engineering Inc., \$39,360.

**E. Professional Services Contract** for W.O. 08-27, Solid Waste Landfill Phase 4 and Related Improvements, Great West Engineering, \$297,000.

**F. Contract** with Community Solutions, Inc. to provide services to Billings Adult Misdemeanor DUI Court Probation Officer (BAMDUI), January 1, 2009 - September 31, 2009, with option to negotiate two-year extension, at no cost to the City.

**G. Approval** of Section 5316 Operating Contract with the Montana Department of Transportation for paratransit operating assistance through the Federal Transit Administration JARC Program to access \$90,000 in grant revenue.

**H. Supplemental Lease Agreement #4** to the Terminal Building Lease with the U.S. Government for the benefit of the Transportation Security Administration (TSA), adding space and extending the term to May 31, 2012, annual revenue \$77,903.34.

**I. Memorandum of Understanding** with Beartooth RC&D Economic Development District, \$9,003 annual expense.

**J. Amendment #2** to Airport Business Park Building and Ground Lease with Yellowstone County Museum Foundation, adding additional square footage, \$3,590.58 annual revenue.

**K. Confirmation of Police Officers:**

- (1) Glen Gunther
- (2) Matthew Brandt
- (3) Tony Jensen
- (4) James Ward

**L. Street Closures:**

(1) Martin Luther King Day Pedestrian March, 6:25 p.m.-6:50 p.m., January 19, 2009, beginning at the Court House lawn, to the corner of N.27<sup>th</sup> and 3<sup>rd</sup> Ave. N, crossing N. 27<sup>th</sup> and marching in the street to N. 29<sup>th</sup>, then north on N. 29<sup>th</sup>, disbanding at the Lincoln Center.

(2) Magic City Blues Festival, 9 a.m., August 7, 2009, to noon, August 9, 2009, 2300-2500 blocks of Montana Avenue.

**M. Approval and Acceptance** of the 2009 High Intensity Drug Trafficking Area (HIDTA) Award, \$138,010.

**N. Approval** of application for a Certified Local Government Grant from the Montana State Historic Preservation Office for historic preservation activities, \$5,500.

**O. Approval** of the Metropolitan Planning Organization/Planning Division Public Participation Plan and forward a recommendation of adoption to the Policy Coordinating Committee.

**P. Resolution** establishing Financial Internal Control Procedures.

**Q. Resolution of Intent** to construct improvements for W.O. 08-02, 2008 Miscellaneous/Developer Related Project, and set a public hearing date for February 9, 2009.

**R. Repeal** Resolution #08-18694 approved March 10, 2008, approve a new Resolution of Intent to Create SID 1384, Yellowstone Club Estates, and set a public hearing date for February 9, 2009.

**S. Second/Final reading ordinance for revisions to Boards and Commissions:** Revisions that provide consistency in procedural areas for advisory boards, commissions and committees, and reorganizes ordinances into one Article of the Code.

**T. Second/Final reading ordinance** correcting the legal description in Ordinance #08-5480 for Zone Change #848, East 80 Cardwell Ranch, previously adopted by City Council on 10/14/08.

**U. Final Plats:**

- (1) Gabel Subdivision, 4<sup>th</sup> Filing
- (2) Amended Fractional Lot of Block 305, First Addition to the City and Block 13, Sunnyside Subdivision, 3<sup>rd</sup> Filing
- (3) Cardwell Ranch Subdivision, 1<sup>st</sup> Filing
- (4) Lake Hills Subdivision, 14<sup>th</sup> Filing, Amended

**V. Bills and Payroll**

- (1) November 28, 2008
- (2) December 5, 2008
- (3) December 12, 2008
- (4) December 19, 2008
- (5) October 1-November 30, 2008 -- Municipal Court

**(Action:** approval or disapproval of Consent Agenda.)

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION FOR THE SALE OF CITY-OWNED PROPERTY** described as the south 132 feet of Lot 4 in the SW  $\frac{1}{4}$  of Section 9, Township 1 South, Range 26 East more commonly known as South Billings Boulevard, and accepting the Buy/Sell Agreement from Hanser Properties, LP for \$125,300. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation).

**3. (a) PUBLIC HEARING AND RESOLUTION FOR THE SALE OF CITY-OWNED PROPERTY** within the Billings Regional Landfill described as the Tract 1, a portion of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 29 in Township 1 South, Range 26 East, PMM, Yellowstone County, and accepting the offer from Yellowstone Valley Electric Cooperative for \$17,700. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation).

**(b) EXEMPT PLAT OF UNNAMED CERTIFICATE OF SURVEY:** a 1.363 acre parcel of City land described as the NE  $\frac{1}{4}$  of Section 29, Township 1 South, Range 26 East located on the southeast corner of the intersection of Bollinger Lane and Hillcrest Road. Yellowstone Valley Electric Cooperative, applicant. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation).

**4. (a) PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #08-09:** Property described as Lots 1-3, Block 1, Cereus Subdivision, located

on the north side of Midland Road east of the Motor Power Equipment business, including un-annexed portions of the I-90 and South Billings Boulevard interchange. Brumar Corporation, owner and petitioner; Bruce Sunwall, representative. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation).

**(b) PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #852:** A zone change from Entryway General Commercial (EGC) to Highway Commercial (HC) on Lots 1-3, Block 1, Cereus Subdivision located immediately east of 5021 Midland Road; Brumar Corporation (Motor Power Equipment) applicant, Engineering, Inc., agent. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation).

5. **PUBLIC HEARING AND RESOLUTION ADOPTING THE 2008 GROWTH POLICY UPDATE.** Yellowstone County Board of Planning recommends approval. (**Action:** approval or disapproval of Yellowstone County Board of Planning recommendation).
6. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.** (*Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.*)

## **Council Initiatives**

### **ADJOURN**

**(NOTE: Additional information on any of these items is available in the City Clerk's Office)**

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*Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.*

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<http://ci.billings.mt.us>**