

# COUNCIL ACTION SUMMARY

## CITY OF BILLINGS

### CITY OF BILLINGS VISION STATEMENT:

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

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## AGENDA

**COUNCIL CHAMBERS**

**March 9, 2009**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Tussing

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember Astle

**ROLL CALL** – Councilmembers present were Ronquillo, Gaghen, Pitman, Brewster, Veis, Ruegamer, McCall, Ulledalen, and Astle. Councilmember Clark was excused.

**MINUTES** – February 23, 2009, approved as distributed

**COURTESIES** – Councilmember Veis announced that the City of Billings' Aronson Avenue Project and Engineer Travis Harris were awarded the Innovative Project of the Year award at the recent Engineer's Club Banquet.

**PROCLAMATIONS** -- None

**ADMINISTRATOR REPORTS** – Tina Volek

- ✓ Ms. Volek advised that page 3 of the attachment for Item 1B was sent in the Friday packet and in the Ex-Parte Notebook for public review.
- ✓ Ms. Volek advised that numerous emails and a petition of opposition for Item 3, Sahara Park Master Plan, were sent in the Friday packet and in the Ex-Parte Notebook for public review.
- ✓ Ms. Volek advised that an email regarding Item 4 was placed at Council's desks that evening and in the Ex-Parte Notebook for public review.
- ✓ Ms. Volek referenced the list of stimulus projects approved by Council on February 23, 2009, that was placed at Council's desks that evening and in the Ex-Parte Notebook for public review. She explained that Ed Bartlett, the City's Lobbyist, received a request to provide a list of the top five projects and an additional five high-priority projects. Councilmembers agreed to discuss that during the Council Initiative portion of the meeting.
- ✓ Ms. Volek advised that the public hearing for Item 2a was not properly advertised and requested a two-week delay of both Items 2a and 2b.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2b, 3, and 4. 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.)*

- **Chuck Barthuly, 300 Eastlake Drive**, said he was Executive Director of the Better Billings Foundation and spoke in favor of the aquatic facility at Sahara Park.
- **Tom Iverson, Billings, MT**, said he was the Parks Board Chairperson and the Board recommended approval of the Sahara Park Master Plan and inclusion of a timetable in the plan that Plan B would be in place if Better Billings Foundation could not provide the pool or obtain the financing for Plan A.
- **Todd Rose, 1323 Paul Revere**, spoke in favor of an aquatic facility at Sahara Park.
- **Joe White, Billings, MT**, said the Shrine Circus should be warned of the diseases on the downtown streets when the elephants were in town for the circus.
- **Alex Tommerup, 170 Erickson Court**, advised he was the architect for the proposed aquatic center project and was present to answer questions. He spoke in favor of that facility at the Sahara Park location.
- **Lucky Seibert, 430 Shane Lane, Columbus, MT**, thanked the Council for its support of the Shrine Circus.

**CONSENT AGENDA:**

SEPARATION: N

**1. A. Bid Awards:**

(1) Fire/Technical Rescue Unit. (Opened 2/24/09) Recommend delay of award.

(2) Chemicals–Chlorine for Water Treatment Plant. (Opened 2/24/09) Recommend DPC Industries, Inc., \$598 per one-ton cylinder and \$150 per 150-lb cylinder.

**B. Change Order #3, W.O. 07-16, Shiloh Road Corridor Water and Sanitary Sewer System Improvements**, Cop Construction, \$111,680 increase, and **increase** in City Administrator’s change order authority by an additional \$100,000 above what has been approved for Change Orders 1-3, to a total contract amount of \$2,726,986.

**C. Amendment #4** to Scheduled Airline Operating Agreement and Terminal Building Lease with United Airlines, decrease of leasehold by 972 square feet and annual decrease of \$43,448.40.

**D. Scheduled Airline Operating Agreement and Terminal Building Lease** with Great Lakes Aviation, February 1, 2009-June 30, 2009, \$45,013 approximate annual revenue.

**E. Approval** of Advertising Agreement with Billings Gazette, two-year term, approximately \$46,698 per year, to be reviewed annually.

**F. Grant Agreement** with Department of Housing and Urban Development (HUD) to offset construction costs for Dehler Park, \$328,300.

**G. Approval of Quitclaim Deeds** from The Village Subdivision and Certificate of Survey 3125, Amended Tract 2, for necessary improvements on King Avenue West for The Village Subdivision, at no cost to the City.

**H. Approval** of State Revolving Loan Fund Application for W.O. 08-01, 2008 and 2009 Water and Sewer Replacement Projects, \$3,500,000 for water, and \$7,844,801 for wastewater.

**I. Lockwood Transportation Study.**

**J. Street Closure:** Shrine Circus "Elephants on Broadway", March 31, 2009, 4:00 p.m. to 9:00 p.m., 2700 and 2800 blocks of 2<sup>nd</sup> Avenue North and 100 and 200 blocks of 28<sup>th</sup> Street North.

**K. Acceptance of Donations** to the Ballpark Construction Fund and Maintenance Fund, \$81,000 total.

**L. Acceptance of Donation** to Billings Animal Shelter from Pet Smart Charities, \$591.

**M. Memorandum of Understanding** with the County Water District of Billings Heights covering the resale water rate and **Resolution #09-18798** adopting the revised rates.

**N. Appointment** of Councilmembers to various Council Member Committees. **APPROVED TO ADD COUNCILMEMBER ULLEDALEN AS SECOND ALTERNATE TO THE POLICY COORDINATING COMMITTEE.**

**O. Preliminary Plat** of Morledge Family Medical Village Subdivision, 2.8 acres located on the northwest corner of Poly Drive and 17<sup>th</sup> Street West, conditional approval of the preliminary plat and adoption of the Findings of Fact.

**P. Preliminary Subsequent Minor Plat** of Amended Lot 2, Block 1, Appleby Subdivision, approximately .66 acres located at 428 Milton Road, conditional

approval of the preliminary subsequent minor plat and adoption of the Findings of Fact.

**Q. Final Plats:**

- (1) Lot 1, Block 1, Billings Clinic Subdivision.
- (2) E.D. King Subdivision, 3<sup>rd</sup> Filing
- (3) Amended Lot 3, Block 3, Weil Subdivision

**R. Bills and Payroll**

- (1) February 6, 2009
- (2) February 13, 2009
- (3) December 1, 2008 – January 31, 2009, Municipal Court

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

**REGULAR AGENDA:**

2. (a) **PUBLIC HEARING AND FIRST READING ORDINANCE FOR REVISIONS TO THE ANIMAL ORDINANCE.** Changes to the existing ordinance by the Animal Control Board due to the contract entered into between the City of Billings and Yellowstone Valley Animal Shelter. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 3/23/09**

(b) **RESOLUTION ADJUSTING FEES CHARGED AT ANIMAL SHELTER.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 3/23/09**

3. **RESOLUTION TO ADOPT SAHARA PARK MASTER PLAN.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 3/23/09**

4. **2008-2010 IAFF LOCAL 521 COLLECTIVE BARGAINING AGREEMENT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-1. COUNCILMEMBER ULLEDALEN VOTED 'NO.'**

5. **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.)

- **Dennis Ulvestad, 3040 Central Avenue,** recommended that Liz Honaker resign from the Yellowstone Valley Animal Shelter if she continued to represent

Ms. Kapsa of Shady Lane Kennels. He also commended Animal Control Staff members Fred McCracken and Dave Klein for their job of caring for animals.

- **Kevin Nelson, 4235 Bruce Avenue**, encouraged Council to hold a special meeting to develop the prioritized stimulus list.
- **Joe White, Billings, MT** said the IRS wanted to know if Ms. Volek was the person responsible for paying the City's taxes, and he suggested getting it settled quickly.

### **Council Initiatives**

- Councilmembers agreed to hold a special meeting Thursday, March 12, at 5 p.m. in the City Hall Conference Room to develop stimulus list priorities.

**ADJOURN** – The meeting adjourned at 8:46 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.*

**Visit our Web site at:  
<http://ci.billings.mt.us>**