

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

October 13, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Brewster

ROLL CALL -- Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Brewster, Veis, Ruegamer, McCall, Ulledalen, Astle, Clark

MINUTES: September 21, 2009 - Special Meeting -- Approved
September 28, 2009 -- Approved

COURTESIES -- Mayor Tussing thanked Councilmember Clark for filling in for him at recent events when he could not attend due to schedule conflicts.

PROCLAMATIONS -- None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek advised that additional comments were received from Council after Item I, the City Council Electronic Communications and Usage Policy, was distributed. She requested the item be delayed to the October 26, 2009, meeting. Ms. Volek advised that the item would be discussed at the October 19 work session.
- Ms. Volek referred to Item J and advised that Mr. Connell, President of the Billings Industrial Revitalization District, requested an amendment to the resolution for an extension from January 31, 2010, to February 22, 2010, to submit the development agreement.
- Ms. Volek advised that the Annexation Resolution and Development Incentive Agreement for the East Billings Urban Renewal District for Item J were provided in the Friday Packet and available in the ex-parte notebook at the back of the room.
- Ms. Volek advised that three emails of support for Item 3, the reallocation of CDBG funds, were provided in the Friday Packet and available in the ex-parte notebook at the back of the room.
- Ms. Volek referenced Item 2 and advised that two emails in support and one in opposition of a pool in Sahara Park and the requested extension from the Better Billings Foundation were placed at council desks that evening and also available in the ex-parte notebook at the back of the room.
- Ms. Volek advised that the Downtown Billings Association's Harvestfest was rescheduled from October 10, 2009, to October 17, 2009, due to inclement weather. She explained that a street closure was previously approved for the event, and with Council's approval, she could approve the date change for the closure of N. 28th from 1st to 3rd Avenues N. and 2nd Avenue N. from the alley east of N. 27th to N. 29th.

There were no objections to Ms. Volek's approval of that street closure request.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 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.)

- **Greg Krueger, Development Director for Downtown Billings Association**, stated he was present to answer questions for Items M and N.
- **Lisa Harmon, Executive Director of Downtown Alliance**, expressed appreciation for the Harvestfest schedule change. She stated she was available to answer questions for Item O, the BID expansion.

1. CONSENT AGENDA Separations -- D, I, J, O

A. Bid Awards:

- 1. Purchase of eight (8) vehicles in the car and light truck class.** Opened 9/29/09.
Recommend:

- Schedules I & V without trades to Archie Cochrane Ford, Billings MT, \$54,592.00
- Schedules II, III, VI & VII without trades to Fremont Motor Co., Lander, WY, \$105,888.19
- Schedule IV without trade to Bison Ford, Great Falls, MT, \$15,242.01.

B. Change Order #1 for Park I Parking Garage awning; Sign Products, Inc., \$6,840.

C. Change Order #1 Final for W.O. 03-04, Jackson Street Sidewalk, H.L. Ostermiller Construction, \$13,321.

D. Approval of Amendments to the Alternative Modes Coordinator Services contract with Darlene Tussing; \$40,800 PL (federal) funds, \$27,200 local match.
APPROVED 10-0. MAYOR TUSSING RECUSED HIMSELF.

E. Approval of Scheduled Airline Operating Permit with Comair, Inc.

F. Approval of Scheduled Airline Operating Permit with Regional Elite Airline Services, LLC.

G. Amendment #3 to the Scheduled Airline Operating Agreement with Northwest Airlines, Inc.; adding additional square footage, and extending the expiration date to June 30, 2010; total budgeted airline revenue \$2,659,909 for FY 2010.

H. Amendment #5 to Scheduled Airline Operating Permit with United Airlines, Inc.; extending the expiration date to June 30, 2010; budgeted airline revenue \$2,659,909 for FY 2010.

- I. Approval of City Council Electronic Communications and Usage Policy. DELAYED TO 10/26/09.**
- J. Approval of Development Agreement and Annexation Resolution for use in the East Billings Urban Renewal District. APPROVED WITH AMENDMENT TO ALLOW SUBMISSION OF DEVELOPMENT AGREEMENTS UNTIL FEBRUARY 22, 2010.**
- K. Approval of donation of Graffiti Trailer to Rebuilding Together Yellowstone County, valued at \$1,000.**
- L. SID 1387, Zimmerman Trail Subdivision Sanitary Sewer**
- 1. SID 1387, Zimmerman Trail Subdivision Sanitary Sewer, (Opened August 25, 2009) (Delayed from September 14 and September 28, 2009) Recommend Four Beers, Inc., dba Stillwater Excavating, \$87,163.**
 - 2. Approval of submission of InterCap Loan Program application for financing SID 1387, Zimmerman Trail Sanitary Sewer, \$80,500. Delayed from 9/28/09.**
- M. Subordination of Downtown Revolving Loan to Beartooth Bank for Anderson Management Group Building (formerly Hospitality Concepts), \$352,000.**
- N. Approval of Downtown Billings Partnership Board request to fund five new projects in the N. 27th Street Tax Increment District, \$21,000, and inclusion of all previously incurred and approved expenses in the second quarter budget amendment for FY2010.**
- O. Resolution #09-18883 approving petition to expand the Downtown Business Improvement District #0001 to establish a Safety Zone, maximum assessment of \$7,500 per year. APPROVED 9-2. COUNCILMEMBERS BREWSTER AND VEIS VOTED 'NO.'**
- P. Resolution #09-18884, approving the High Sierra Park Master Plan Update.**
- Q. Approval and acceptance of the Domestic Violence Unit and Victim Witness Assistance Program Grants awarded by the Montana Department of Justice and Board of Crime Control; Domestic Violence grant award \$52,000 with City's cash match of \$34,602,89 and in-kind match valued at \$4,891; Victim Witness Assistance grant award \$38,000 with City's cash match of \$34,483.13.**
- R. Approval and acceptance of the State of Montana General Fund Allocation and the US Department of Justice Grant for Billings Adult Misdemeanor Drug Court; 3-year allocation, \$77,433.**
- S. Final Plat of Goodwin Acres Subdivision, Amended Lot 2A.**
- T. Bills and Payroll:**
- 1. September 11, 2009**
 - 2. September 18, 2009**

3. May 1, 2009 - August 31, 2009, Municipal Court

CONSENT AGENDA (approval or disapproval of Consent Agenda). **APPROVED.**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #09-18885 AMENDING RESOLUTION #09-18799 ADOPTING THE SAHARA PARK MASTER PLAN**, extending the deadline for Plan A and Plan B of the resolution from September 30, 2009, to November 29, 2009. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 9-2. COUNCILMEMBERS BREWSTER AND ULLEDALEN VOTED 'NO.'**
3. **PUBLIC HEARING AUTHORIZING REALLOCATION OF \$150,000 OF CDBG AFFORDABLE HOUSING SUPPORT FUNDS TO THE CITY'S FIRST TIME HOMEBUYERS PROGRAM.** Staff recommends approval. (**Action:** Approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING FOR WELCOME HOME BILLINGS, TEN-YEAR PLAN TO IMPACT HOMELESSNESS AND FY2009-2011 TWO-YEAR ACTION PLAN.** Action scheduled for October 26, 2009. **NO ACTION REQUIRED.**
5. **PUBLIC HEARING AND RESOLUTION #09-18886 AUTHORIZING THE SALE OF CITY-OWNED PROPERTY;** a resolution that authorizes staff to market the Park IV Parking Garage; sets a minimum price for the property; and directs staff to submit qualified offers to the City Council for final approval. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 10-1. MAYOR TUSSING VOTED 'NO.'**
6. **CONTINUANCE OF PUBLIC HEARING AND RESOLUTION #09-18887** making original spread assessment on SID 1387, Zimmerman Trail Subdivision Sanitary Sewer. (Continued from 9/28/09.) Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND RESOLUTION #09-18888 APPROVING AND ADOPTING BUDGET AMENDMENTS FOR FISCAL YEAR 2009-2010.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
8. **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.*)
 - **Joseph Sands, 2512 Terry Avenue**, said he was aware that the Council had questions about the firefighter union's endorsement policy, so he was available to answer questions.
 - **Amy Cowley, 546 Avenue F**, said she felt the dialogue with Mr. Sands was inappropriate and unprofessional on the part of the Council. She said she had a budget plan to share with Council. Ms. Cowley also asked why the public had not been engaged concerning disc golf in Pioneer Park.
 - **James Knox, 661 Garnet**, referred to the testimony from the previous individuals and said politics should be set aside to reach goals and find solutions.

COUNCIL INITIATIVES

- **Ruegamer** moved to have attendees at the recent Montana League of Cities and Towns meeting provide a brief report at the next work session, seconded by Councilmember Brewster. **APPROVED.**
- **Ruegamer** moved to appoint a Council representative to the Montana League of Cities and Towns Legislative Committee to replace Councilmember Veis when his term expired at the end of the year, seconded by Councilmember Pitman. **FAILED.**
- **Brewster** moved to direct staff to provide a recommendation regarding the feasibility of forming a rural water district in conjunction with the County, seconded by Councilmember Gaghen. **APPROVED 7-4. COUNCILMEMBERS RUEGAMER, MCCALL, ULLEDALEN AND ASTLE VOTED 'NO.'**
- **Veis** moved to direct staff to develop an amendment to the public comment procedure at work sessions to allow comment after each item, seconded by Councilmember Clark. **APPROVED.**
- **Tussing** moved to allow Northwestern Energy to disclose the City's billing or contract information, seconded by Councilmember Gaghen. **APPROVED 10-0. COUNCILMEMBER BREWSTER RECUSED HIMSELF.**

ADJOURN -- The meeting adjourned at 10:12 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.