

## 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**

**January 25, 2010**

**6:30 P.M.**

**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember Rich McFadden**

**ROLL CALL -** Councilmembers present were Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, Ulledalen, Astle, Clark. Councilmember McCall was excused.

**MINUTES:** January 11, 2010, approved as distributed.

**COURTESIES:** Mayor Hanel recognized and thanked fire personnel from Conoco, Exxon, Cenex, and the Billings Fire Department for their expertise and teamwork in containing the fire on December 24, 2009, at the Conoco Refinery.

**PROCLAMATIONS - None**

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

- Ms. Volek asked that Item 5, the settlement agreement with Police Officers, be tabled indefinitely. She said the agreement had not been approved by all parties involved, so more time was needed.

#### **PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 5 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.)

*(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.)*

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

#### **1. CONSENT AGENDA -- SEPARATIONS: NONE**

##### **A. BID AWARDS:**

- 1. Two (2) MET Paratransit Vans.** Recommend delay of bid award until February 8, 2010.
- B. Approval** of one-year Limited Commercial Aviation Building and Ground Lease with Alpine Aviation, Inc. dba Big Sky Ground Support Industries (3/1/10 - 2/28/11), with option to extend the term for one additional year contingent on the development status of the facility and the adjoining rental car wash facility; annual revenue - \$12,226.08.
- C. Amendment #1**, West End Hangar Ground Lease with Moore, Scott, and Tostenrud, L.L.C., changing the Lessee's name to Moore, Palmersheim, and Tostenrud, L.L.C.
- D. Amendment** to Development Agreement with Babcock LLC extending completion of Phase I Developer's improvements from 2/1/10 to 2/1/11 and acknowledging the Developer's written intention to complete Phases II and III as required by the Development Agreement.
- E. Amendment #3, W.O. 03-07: Alkali Creek Multi-Use Path**, Professional Services Contract, Dowl HKM, \$36,865.
- F. Memorandum of Understanding** with Beartooth RC&D Economic Development District, \$9,136 annual expense.
- G. Acceptance** of Recreational Trails Project Agreement for continuation of the Swords Park Trail through the east end of the park and connection to the existing bike/pedestrian Airport Road underpass, \$28,000; required City match - \$5,600.
- H. Approval** of application for an AmeriCorps VISTA Project, approximately \$230,000 - \$320,000 annually; and **authorization** for staff to negotiate and finalize the project if awarded.
- I. Approval** of application submittal for Misdemeanor Probation Domestic Violence Grant; required City of Billings match approximately \$18,000 (hard match-\$1,600; soft match-\$16,400)
- J. Contract** with GeoComm for development of a Radio System Implementation Plan; \$37,840.
- K. Approval** of Federal Legislative Agenda.
- L. Confirmation of Probationary Police Officer Shane Weinreis.**
- M. Bills and Payroll:**

- 1.** December 24, 2009

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

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #860:** A zone change from Residential 6,000 to Controlled Industrial on the north two acres of Lot 5 in Section 9, T1 South, R26 East (unplatted), located at 439 South Billings Boulevard; Hanser Properties, LP, applicant; Ralph Hanser, representative. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. ( **Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
  
3. **PUBLIC HEARING AND SPECIAL REVIEW #880:** A special review to allow a vehicle wrecking facility at 439 South Billings Boulevard in a proposed Controlled Industrial zone on an approximate 2-acre parcel described as the north two acres of Lot 5 in Section 9, T1 South, R26 East; Hanser Properties, LP, owner; Ralph Hanser, agent. Zoning Commission recommends conditional approval. ( **Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
  
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** proposing a construction time limit on new and remodel residential and commercial construction projects. Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **APPROVED.**
  
5. **SETTLEMENT AGREEMENT WITH POLICE OFFICERS AND MONTANA PUBLIC EMPLOYEES ASSOCIATION (MPEA), BILLINGS POLICE UNIT, FOR BACK PAY, OVERTIME, LONGEVITY, HOLIDAY AND OTHER TYPES OF PAY AS CALCULATED UNDER THE FAIR LABOR STANDARDS ACT FROM JANUARY 1, 2007, THROUGH JUNE 30, 2009. DELAYED FROM 1/11/2010.** Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **TABLED INDEFINITELY.**

**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 back of the Council Chambers.*)

The public comment period was opened.

- **Andy Larson, 901 Aronson Avenue,** distributed a flyer inviting all to a 2-part series of meetings to be held at the Grace Baptist Church, 3616 Broadwater Avenue, on Thursday, February 11, 2010, from 7 to 9 p.m. He said the topics of discussion would be an intensive overview of the Constitution and "Exposing the 'Enemies' of Freedom." He advised Robert Brown, John Birch Society MT Field Director, would be the speaker.

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

## **COUNCIL INITIATIVES**

- **Pitman:** Moved to have staff prepare a resolution transferring \$20,000 from the Council Contingency Fund to the Parks Department for treatment of the Pine Beetle infestation epidemic, seconded by Councilmember McFadden. On a roll call vote, the motion was approved 6 to 4. Councilmembers Gaghen, Pitman, Cimmino, McFadden, Astle, and Mayor Hanel voted in favor of the motion. Councilmembers Ronquillo, Ruegamer, Ulledalen, and Clark voted against the motion.
- **Ronquillo:** Moved to have staff check to see if there was an agreement with the tree farm south of the sugar factory to donate trees to the city, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.

- **Ruegamer:** Moved to have staff hold a public hearing on the next available agenda to move the work sessions from the Community Center to the Council Chambers on a trial basis, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **McFadden:** Moved to have staff investigate the Federal Government's \$2 million allocation to fight the Pine Beetle epidemic and determine if the City was eligible to receive any of the funding, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **Ruegamer:** Moved to appoint someone that evening to the vacancy on the League of Cities and Towns Committee, seconded by Councilmember Cimmino. Councilmember Ulledalen amended the motion to appoint Councilmember McCall with him as a back-up, seconded by Councilmember Astle. On a voice vote, the amended motion was unanimously approved. On a voice vote, the original motion was unanimously approved.

**ADJOURN** - The meeting adjourned at 7:26 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.*