

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

February 22, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Mayor Hanel

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

MINUTES: February 8, 2010, approved as distributed.

COURTESIES - Councilmember Astle was presented a Skyview cap from Police Chief St. John.

PROCLAMATIONS

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek advised the City had not received signed documents from Morningside Homeowners' Association and asked that Item F be postponed for two weeks.
- Ms. Volek referenced Item M and the list of names of the remaining appointees to the Distracted Driving Ad-Hoc Committee that was on Council's desk that evening. She stated the names were also in the ex-parte notebook in the back of the room for public view.
- Ms. Volek reminded Council of the Executive Session that would be held in the City Hall Conference Room following the regular meeting .

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY. Speaker sign-in required. (Please sign up on the clipboard located at the back of the Council Chambers. 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.

- **Monty Patterson, 1202 Bench Boulevard**, said he represented the Plumbers & Pipefitters. He thanked Mayor Hanel, Councilmember Pitman, and Assistant Administrator Bruce McCandless for their quick response on the request that Conoco release information on the tank fire.

1. CONSENT AGENDA -- SEPARATIONS: 1F, R1, and R2

A. Mayor Hanel recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Terry Madtson	Board of Adjustments	02/22/10	12/31/13
2.	Neil Kiner	Board of Adjustments	02/22/10	12/31/13
3.	Thomas Dennis	Board of Appeals - Plumber	02/22/10	12/31/13
4.	No Applicants	Board of Appeals - Architect	02/22/10	12/31/13
5.	No Applicants	Board of Appeals - Electrical Contractor	02/22/10	12/31/13
6.	Tarey Lyn Mayn	Board of Ethics	02/22/10	12/31/13
7.	No Applicants	Community Development Board	02/22/10	12/31/13
8.	Curtis Haney	Exchange City Golf Corporation	02/22/10	12/31/11
9.	No Applicants	Housing Authority - Resident Commissioner	02/22/10	12/31/13
10.	No Applicants	Human Relations Board	02/22/10	12/31/13
11.	Stephen Marsh	Human Relations Board	02/22/10	12/31/10
12.	No Applicants	Human Relations Board	02/22/10	12/31/10
13.	Bernard Rose	Library Board	02/22/10	12/31/13
14.	No Applicants	Mayor's Commission on Homelessness	02/22/10	01/31/13
15.	No Applicants	Parking Board	02/22/10	12/31/13
16.	No Applicants	Tourism BID Board	02/22/10	06/30/10
17.	Dan Wagner	Zoning Commission	02/22/10	12/31/11

- 11. Unexpired term of Gregory Kohn
- 12. Unexpired term of Everall Fox
- 14. Unexpired term of Patrick Chappel
- 16. Unexpired term of Linda Gallagher
- 17. Unexpired term of Michael Larson

B. Bid Awards:

- 1. Chemicals-- Polyaluminum Hydroxychloride (PACL) for Water Treatment Plant.** (Opened 2/9/10) Recommend delay of award until March 8, 2010.
- 2. Primary Digester Boiler Replacement at Wastewater Plant.** (Opened 2/9/10) Recommend Rolin Adkins High-Tec Boilermakers, Inc.; \$108,830.
- 3. Passenger Facility Charge Funded Gate B4 Concrete Ramp Project.** (Opened 2/9/10) Recommend Knife River Construction; \$577,407.20.

C. Recommendation of Approval of the Blue Creek Transportation Study to the Policy Coordinating Committee.

- D. Amendment A**, State Historic Preservation Office (SHPO) Preserve America Grant, extending the grant deadline to May 31, 2010, to allow an additional 2 months to complete the National Register Nomination for the Old Town Historic District.
- E. Amendment #12**, Contract for Engineering Services for Passenger Facility Charge (PFC) Projects - Taxiway A South Rehabilitation, Vehicle Access Road Improvements, and Gate B4-PCC Ramp; Morrison-Maierle, Inc.; \$332,909.
- F. Easement** with Morningside Homeowners' Association for the move of Alkali Creek and stabilization of Alkali Creek Road; \$127,480.50. **POSTPONED FOR TWO WEEKS.**
- G. Acceptance of Donation** to the Police Department from the Sam's Club Foundation to help fund School Resource Officer training, \$2,500.
- H. Approval of Grant Application Requests** to submit MDT TransADE application for \$100,000; MDT 5317 New Freedom application for \$65,000; and MDT Section 5316 Job Access Reverse Commute (JARC) application for \$150,000, for paratransit operating assistance; and **Acceptance** of grant awards.
- I. Approval of Grant Application Request** to submit 2010 Internet Crimes Against Children (ICAC) operational continuation application for \$220,782; and **Acceptance** of grant award.
- J. Approval of Grant Application Request** to submit application to the State Coal Board for funding of the 25th Street Pedestrian Bridge over the Montana Rail Link tracks to connect Montana Avenue in the historic district of downtown Billings with the Minnesota Avenue Old Town Neighborhood District; \$100,000.
- K. Approval of Applications for State Revolving Fund Loans** for Wastewater Improvements - \$3,500,000 and Water Improvements - \$3,500,000.
- L. Subordination of Housing Rehabilitation Loan** for Housing Development Associates for the Eighth Avenue Apartments, \$1,357,500.
- M. Approval** of Distracted Driving Prevention Ad-Hoc Advisory Committee Members and **extension** of the committee's reporting date to City Council to May 24, 2010.
- N. Approval** of (1) proposed lot line adjustments to create two new parcels and a new certificate of survey on the city-owned Briarwood Sewer Lift Station site; (2) utility right-of-way easements with Montana Dakota Utilities and Yellowstone Valley Electric Co-op; and, (3) **Resolution of Intent #10-18913** to sell one of the parcels and setting a public hearing for March 22, 2010.
- O. Second/Final Reading Ordinance #10-5504** changing the name of the Public Utilities Board to the Public Works Board.
- P. Resolution #10-18914** adopting a "Recommended Fund and Working Capital Balances Policy" and a "Fund Balance Policy for the General Fund."

- Q. Resolution #10-18915** authorizing the sale of \$232,000 in bonds to finance remaining costs related to SID 1389, Clubhouse Way Improvements. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
- R. Bills and Payroll:**
- 1. January 22, 2010 - APPROVED. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
 - 2. January 29, 2010 - APPROVED. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**

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

REGULAR AGENDA:

- 2. PUBLIC HEARING AND FIRST READING ORDINANCE** amending the BMCC by adding Chapter 28, Articles 28-100 through 28-700, containing Sections 28-101 through 28-715, regulating the City's stormwater collection system through the development of a stormwater management program; including issuance and enforcement of private and public construction Storm Water Pollution Prevention Plans to address construction site stormwater, enforcement of adopted Best Management Practice (BMP) construction standards, enforcement of post construction stormwater BMP maintenance, and the detection and elimination of illicit discharges. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
- 3. PUBLIC HEARING FOR ALTERNATIVES TO THE SKATE PARK RESTROOM PROJECT.** Staff recommends installation of a pre-cast concrete restroom containing separate male and female restrooms and the installation of the necessary public utilities including water, sewer, electrical and re-configuration of the irrigation system and installation of a connecting sidewalk. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED USING ALTERNATE #3.**
- 4. PUBLIC HEARING** considering moving City Council Work Sessions from the Community Center at 360 N. 23rd Street to the Council Chambers. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 6 TO 5. COUNCILMEMBERS RONQUILLO, PITMAN, MCFADDEN, RUEGAMER, ULLEDALEN, AND MAYOR HANEL VOTED IN FAVOR; COUNCILMEMBERS GAGHEN, CIMMINO, MCCALL, ASTLE, AND CLARK VOTED AGAINST.**

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.*)

- **Connie Wardell, 1302 24th Street West**, said she felt the public comment period should allow each person longer than one minute to testify. In addition, she said there needed to be a comment period for each item of discussion.
- **Kevin Nelson, 4235 Bruce Avenue**, commented on LED streetlighting and asked if the streetlights along King Avenue East were substandard. Mr. Nelson said the City should

allow the MT Department of Transportation to construct all of the City's road projects because it would save the City a lot of money. He also said he had seen people walking around and through the safety arms to get across the railroad tracks. He said it was previously presented that when the arms were down, pedestrians would not be able to get through the barricades.

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

COUNCIL INITIATIVES

- **Clark:** Moved to allow the public to testify after each work session agenda item, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **Clark:** Moved to use contingency funds to pay the Little League's \$11,000 water connection fee for the new ballpark and place the item on the next regular agenda, seconded by Councilmember McFadden. The motion passed 10 to 0. Councilmember McCall recused herself from the vote because her husband's involvement with the Little League.

ADJOURN - The Business Session ended at 8:31 p.m. The Executive Session followed and adjourned at 10:15 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.

EXECUTIVE SESSION - PENDING LITIGATION