

## CITY OF BILLINGS

### CITY OF BILLINGS VISION STATEMENT:

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

---

### AGENDA

**COUNCIL CHAMBERS**

**March 8, 2010**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Councilmember Gaghen

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

**MINUTES:** February 22, 2010, approved as presented

### **COURTESIES**

- Deputy Police Chief Tim O'Connell and Tim West, State Coordinator of the Internet Crimes Against Children (ICAC) Task Force presented a plaque to Maggie McDonald and Randi Friez of Bresnan Communications in recognition of its support of the ICAC Task Force.
- Boy Scout Troup #10 leaders and Scouts in attendance introduced themselves.

**PROCLAMATIONS -- None**

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

- Ms. Volek advised that letters were being circulated for Council signatures that would be taken to Washington DC and given to the Montana Legislative Delegation when Ms. Volek and Councilmembers met with them during the coming week.
- Ms. Volek advised that a revised easement with Morningside Homeowners' Association for Item 1E was distributed to Council that evening. City Attorney Brent Brooks explained that the revised version was what Council needed to act on that evening. Public Works Director Dave Mumford explained that the revisions were minor and concerned a request by homeowners for a guardrail. He noted that the homeowners had signed the revised agreement. Ms. Volek noted that the revised agreement was available for public viewing in the ex-parte notebook at the back of the room.
- Ms. Volek advised that a memo from Fire Chief Paul Dextras regarding Item 3, the bid award for purchase of two quick response vehicles, was sent in the Friday Packet and was also available for public viewing in the ex-parte notebook at the back of the room.
- Ms. Volek advised that Council received a potential add-on item regarding a statement of interest to the National Endowment of the Arts for Artspace. She explained that there was no financial obligation to the City and the statement of interest was a first step to become eligible to apply for a grant. She noted that a three-fourths vote would be required of council to add the item, and requested adding the item as #5 of the Regular Agenda. Ms. Volek stated that the item was available for public viewing in the ex-parte notebook at the back of

the room.

Councilmember McCall moved to add the NEA Statement of Interest item to the agenda as Item #5 on the Regular Agenda, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

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

- **Rick DeVore, 2614 Park Ridge Lane N.**, spoke in favor of the request for Council Contingency Funds for a water meter at Centennial Park.
- **Julie Guarino, 1537 Westchester Sq. E #4 and Joe Stout, 751 Lewis**, spoke in support of the street closure for the Purple 5K Run and Downtown Crit to benefit the Spare Change for Real Change Program.
- **Jack Nickels, 943 N. 19th**, explained the request for the NEA Statement of Interest for Artspace funding and requested support from the Council.
- **Shari Nault, 732 Burlington**, spoke in favor of the NEA Statement of Interest.

The following individuals spoke against the proposed purchase of two quick response vehicles for the Fire Department:

- **Dan Cottrell, 3415 McGirl Road**
- **Joe Sands, 530 S. 27th St. and 2512 Terry**
- **James Dershian, 2222 Elsa Drive**
- **Kevin Bentz, 3038 Canyon Drive**
- **Bob Golubski, 3540 Duck Creek Road**
- **Dennis Ulvestad, 3040 Central Avenue**

**1. CONSENT AGENDA Separations: B, E, J, L1**

**A. Bid Awards:**

- 1. W.O. 09-13 Staples Redundant Water Main – BBWA Canal Crossing.** (Opened 2/23/10). Recommend Four Beers, Inc., \$73,670.00
- 2. W.O. 10-04 2010 Accessibility Ramps.** (Opened 2/23/10). Recommend J & J Concrete, Inc., \$179,675.00
- 3. Chemicals -- Polyaluminum Hydroxychloride (PACL) for Water Treatment Plant.** (Opened 2/9/10). (Delayed from 2/22/10). Recommend Kemira Water Solutions, Inc., \$ 0.367/lb for rail delivery; \$0.387/lb for truck delivery; \$0.60/lb for tote delivery.

- B. Professional Services Contract for W.O. 10-11, Water Treatment Plant High Service Pump Station H2-1 Replacement, HDR Engineering, Inc., not to exceed \$75,600.00. APPROVED 9-0. Councilmember Cimmino recused herself.**

- C. Approval** of Encroachment Permit to cross the Billings Bench Water Association Canal at the west end of Parkhill Drive for W.O. 09-13, Staples Redundant Water Main, \$1,542.00.
- D. Recommendation of approval** to the Policy Coordinating Committee for Amendment III of the 2010 Transportation Improvement Program.
- E. Easement** with Morningside Homeowners' Association for the move of Alkali Creek and stabilization of Alkali Creek Road; \$127,480.50. **Delayed from 2/22/10. APPROVED REVISED EASEMENT THAT WAS PRESENTED AT THE MEETING.**
- F. Appointment** of Adam Kimmet of Cellular Plus to the Ad-Hoc Committee on Distracted Driving.
- G. Street Closures:**
- 1. St. Patrick's Day Parade and Celtic Street Fair**, March 13, 2010. Parade: 9 a.m - 12 noon, established downtown parade route; street fair: 7 a.m. - 2 p.m., North Broadway between 1st Ave. North and 3rd Ave. North.
  - 2. Yellowstone Rimrunners Shamrock Run**, March 14, 2010, 12:30 p.m. - 1:45 p.m., beginning at 3rd Street West and Avenue B; north on 3rd Street West; west on Parkhill Drive to Nordbye; turning around going east on Parkhill; right on 3rd Street West; ending at Pioneer Park.
  - 3. Hope 2 One Life, Inc. World Water Day Walk**, March 20, 2010, 7:30 a.m. - 12:30 p.m., beginning at the MSU-Billings Campus (1 mile walk will remain on campus) heading west on Marbara Lane to Virginia Lane; north on Virginia Lane; west on Park Lane; south on Highwood Dr.; east on Woodland Dr.; north on Raymond Place; east on Highland Park; north on Virginia Lane; east on Marbara Lane; through the campus using the tunnel at 27th Street to Mountain View Blvd.; south on 27th Street; and ending at the MSU-Billings Campus.
  - 4. Downtown Billings Association Purple 5K Run and Bicycle Race**, March 27, 2010, **5K run:** 8 a.m. - 12 noon, beginning at Grandview Boulevard and N. 30th Street; south on N. 30th to 12th Ave. N.; west on Beverly Hill Blvd.; south on Virginia Lane; through Pioneer Park; east on Ave. C; north on 2nd St. W.; east on Ave. E; north on N. 32nd; east on 11th Avenue N.; east on N. 28th; west on 10th Ave. N; south on N. 31st; and right on 2nd Ave. N; finishing under Sky Point. **Bicycle race:** 5 p.m - 8 p.m., beginning under Sky Point; south on Broadway to 1st Ave. N.; make a u-turn; north on Broadway to 3rd Ave. N.; make a u-turn; south on Broadway to 2nd Ave. N.; west on 2nd Ave. N. to N. 29th; north on N. 29th to 3rd Ave. N.; make a u-turn; south on N. 29th to 2nd Ave. N; west on 2nd Ave. N. to N. 30th; make a u-turn; east on 2nd Ave. N. to Broadway; finishing under Sky Point.
- H. Approval of Quarterly Report for Pledged Collateral** for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account, and US Bank Certificates of Deposit.
- I. Approval of Semi Annual Investment Report.**

- J. Resolution #10-18916** authorizing expenditure of up to \$11,000 of FY2010 Council Contingency Funds for a two-inch water meter at Centennial Park for a new baseball field. **APPROVED 9-0. Councilmember McCall recused herself.**
- K. Preliminary Minor Plat** of Mattson Acres Subdivision, a 1.01 acre tract of land located at 719 Mattson Lane, legally described as Lot 14, in Section 15, T1N, R26E, conditional approval of the preliminary minor plat and adoption of the Findings of Fact.
- L. Bills and Payroll:**
- 1. February 9, 2010. APPROVED 9-0. Councilmember Cimmino recused herself.**
  - 2. February 12, 2010.**

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

## **REGULAR AGENDA:**

- 2. PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC 24-501 by adding Sections 24-312 and 24-541, allowing the City to legally authorize civilians to regulate traffic flow upon successful completion of an authorized safety course. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED.**
- 3. BID AWARD: Two (2) Quick Response Vehicles (QRV) for Fire Department.** (Opened 2/23/10). Staff recommendation will be made at meeting. (Action: approval or disapproval of staff recommendation). **FAILED ON A 5-5 ROLL CALL VOTE. Councilmembers Gaghen, Ruegamer, Ulledalen, Astle, Clark voted 'Yes.' Councilmembers Pitman, Cimmino, McFadden, McCall and Mayor Hanel voted 'No.'**
- 4. SID 1389, PUBLIC IMPROVEMENTS ON CLUBHOUSE WAY BETWEEN GREENBRIAR ROAD AND CHERRY HILLS ROAD**
  - 1. Resolution #10-18917** approving sale of bonds for financing SID 1389, \$182,000.00. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED THE SALE OF BONDS TO ROYAL JOHNSON.**
  - 2. Bid Award: SID 1389, construction of public improvements on Clubhouse Way between Greenbriar Road and Cherry Hills Road.** (Opened 2/23/10). Recommend HL Ostermiller Construction, Inc., \$444,048.53. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED.**
- 5. APPROVAL OF NATIONAL ENDOWMENT OF THE ARTS (NEA) STATEMENT OF INTEREST FOR ARTSPACE PROJECT FUNDING AND GRANT APPLICATION IF OFFERED.** Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED.**

**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.)

- **Kevin Nelson, 4235 Bruce**, stated he would like to see enforcement of the noise ordinance for loud vehicles. He also expressed concern about the use of arterial street funds instead of tax increment funds to reimburse the Cabelas developer.

### **COUNCIL INITIATIVES**

- **Clark** moved to bring the Social Host Ordinance back to Council at a future work session for further review and to allow public comment from concerned individuals, seconded by Councilmember Gaghen. **APPROVED 8-2. Councilmembers Astle and McFadden voted 'No.'**

**ADJOURN** -- The meeting adjourned at 9:08 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.*