

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

April 26, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Denis Pitman

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

MINUTES: **April 12, 2010** - Approval pending for May 10, 2010.

COURTESIES:

- Mayor Hanel thanked the MT Nursery & Landscaping Association for the landscaping completed at the Skate Park in observance of Earth Day.
- Councilmember Gaghen thanked Bright & Beautiful for the clean-up work the past weekend.

PROCLAMATIONS

- Public Service Recognition Week, May 3-9, 2010
- Fair Housing Month - April 2010

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced an e-mail Council received from Jeff Bollman on 4/26/10 in support of Agenda Item 1A2, W.O. 03-07, Alkali Creek Multi-Use Path, Segment B - Main Street Tunnel Bid Award. She noted a copy was in the ex-parte notebook in the back of the room.
- Ms. Volek referenced a response letter from Attorney Brooks to Dwight Fischer of Ace Electric regarding a bid protest for Agenda Item 1A6, W.O. 10-09, Wastewater Treatment Plant T-5 Transformer Replacement sent in the Friday packet. She said a copy was in the ex-parte notebook in the back of the room.
- Ms. Volek referenced a memo from Dave Mumford, Public Works Director, sent in the Friday packet regarding Agenda Item 1G1, a request from the owner of Don Luis Restaurant that approval of their street closure include approval of a fire dancer. She said a copy was in the ex-parte notebook in the back of the room.
- Ms. Volek referenced a potential add-on item to the agenda received in the Friday packet from Fire Chief Paul Dextras regarding the approval of sale of surplus property (one E-one Fire Apparatus) to the Worden Volunteer Fire Department. She said a copy was in the ex-parte notebook in the back of the room.
- Ms. Volek referenced the resolution for Agenda Item 4 that was on the Council's desk that evening that had been omitted from the staff report. She said a copy was also in the ex-parte notebook in the back of the room.

Councilmember Astle moved to add the Fire Department's sale of one E-one Fire Apparatus to the Worden Volunteer Fire Department as Item K to the Consent Agenda, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item 1 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.

- **Nash Emrich, 230 Avenue C**, said he was in support of Item 1A2, the Main Street Tunnel, and asked for Council's approval.

There were no other speakers, and the Public Comment Period was closed.

1. CONSENT AGENDA -- Separations: 1A4; 1A6; 1G1; 1J1; and 1J2

A. Bid Awards:

- 1. Taxiway A South Rehabilitation Project** (Opened 4/13/2010); Recommend Knife River; \$1,229,034.30.
- 2. W.O. 03-07, Alkali Creek Multi-Use Path, Segment 1B (Main Street Tunnel)** (Opened 4/13/2010); Recommend Four Beers, Inc. dba Stillwater Excavating for Schedule 1 (tunnel only) - \$1,472,636; CMG Construction for Schedules 2A and 2B (path segments) - \$203,025.
- 3. W.O. 04-12, Phase 3 - Alkali Creek Road Maintenance and Slope Reconstruction, Schedules I and II** (Opened 4/13/2010); Recommend CMG Construction; \$1,336,558.
- 4. W.O. 09-08, Wastewater Treatment Plant Water Line Replacement** (Opened 4/13/2010); Recommend delay of award until May 10, 2010. - **APPROVED 9 TO 0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
- 5. W.O. 10-01, 2010 Water and Sanitary Sewer Replacement Project, Schedule 3** (Opened 3/30/2010)(Delayed from 4/12/10); Recommend COP Construction; \$2,717,181.
- 6. W.O. 10-09, Wastewater Treatment Plant T-5 Transformer Replacement** (Opened 4/13/2010); Recommend Colstrip Electric, Inc.; \$189,000. **APPROVED 9 TO 0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**

- B. Signal Emergency Response Agreement** with Montana Department of Transportation for the City to provide, and be compensated for, emergency work on traffic signals located on designated State routes; term: 7/1/10 through 6/30/11.

- C. Maintenance Agreement** with Montana Department of Transportation for maintenance of state-owned highway routes within Billings City Limits; term: 7/1/2010 through 6/30/2011 with option for second year; revenue - \$439,470, plus contribution to City's Equipment Replacement Program.
- D. Acknowledging Receipt of Petition to Annex #10-02:** A 1.911-acre of vacant cropland described as Tract 2A, Certificate of Survey No. 3364 Amended and located on the west side of Zimmerman Trail and north of Grand Avenue; KZ Bar Limited Partnership, owner and petitioner, and setting a public hearing for May 10, 2010.
- E. Easement** with STAN-FUHR, Inc. for W.O. 09-07, construction of ADA ramps at the northeast corner of 24th Street West and Broadwater Avenue; at no cost to the City.
- F. W.O. 04-33, Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition:** Parcel #31: Portion of Tract 1A Amended Tract 1 of Certificate of Survey No. 2241, Scott D Eastlick and Robin E. Eastlick, \$4,350.
- G. Street Closures:**
- 1. Cinco de Mayo Celebration**, May 4, 2010, 3 p.m. to 10 p.m.; North 26th Street between Montana Avenue and 1st Avenue North. **APPROVED TO INCLUDE FIRE DANCER.**
 - 2. Montana Women's Run**, May 8, 2010, 6 a.m. to noon; 2nd and 3rd Avenues from N.10th to Division St.; Clark and Yellowstone Avenues from Division to 7th Street West (8:25-10:00 am only); 2nd Ave. N. from N. 27th St. to N. 30th St.; and Broadway from 1st Ave. N. to 3rd Ave. N.
- H. Grant Application Request** to submit a Recreational Trails Program Grant application for funding of the 25th Street Bicycle/Pedestrian Bridge; \$70,000, with required local match of \$14,000.
- I. Resolution #10-18929** amending Resolution #09-18904 establishing policy for public access to City Council e-mails.
- J. Bills and Payroll:**
- 1. March 26, 2010 - APPROVED 9 TO 0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
 - 2. April 2, 2010 - APPROVED 9 TO 0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
- K. Approval** of sale of surplus property; 1990-91 E-One Fire Apparatus to the Worden Volunteer Fire Department, \$1,000.

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

REGULAR AGENDA:

2. **CONTINUED PUBLIC HEARING AND RESOLUTION #10-18930** ordering construction of improvements identified in W.O. 09-02, 2009 Miscellaneous/Developer Related Project. (Continued from 4/12/2010) Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**

3. **PUBLIC HEARING TO GATHER PUBLIC INPUT ON BUDGET ALLOCATIONS AND THE DRAFTED CONSOLIDATED PLANS; APPROVAL OF THE ALLOCATION OF CDBG AND HOME FUNDING FOR FY2010-2011 AS RECOMMENDED BY THE COMMUNITY DEVELOPMENT BOARD; AND APPROVAL OF THE DRAFTED FY2010-2014 CONSOLIDATED PLAN AND FY2010-2011 ACTION PLAN.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**

4. **CONTINUED PUBLIC HEARING AND RESOLUTION # 10-18931** approving the sale of Lots 7 & 8, Block 53 Fosters Addition to Stockman Bank for \$220,000, with reversion conditions and a first right of refusal to purchase two lots from Stockman Bank in the future. (Continued from 4/12/10) Library Board and staff recommend approval. (**Action:** approval or disapproval of Library Board and 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.*)

The Public Comment Period was opened. The following individuals spoke against allowing a medical marijuana retail facility at 2918 Grand Avenue. A total of 26 individuals in attendance stood in opposition.

- Gary Loftsgaard, Masterson Circle, Billings, MT
- Pam Christianson, 3916 Bushwood Drive, Billings, MT
- Lance Orner, 5335 Rustic Avenue, Billings, MT
- Liz Madden, 596 Pinon Drive, Billings, MT
- Gregg Hein, 2916 Belvedere Drive, Billings, MT
- Ross Adams, 2784 Poly Drive

The following individuals spoke in favor of allowing a medical marijuana retail facility at 2918 Grand Avenue. A total of four individuals stood in favor.

- Tom Zurbuchen, 1747 Wicks Lane, Billings, MT
- Marc Copps, 2161 Eldorado, Billings, MT
- Mark Higgins, 814 Ahoy Avenue, Billings, MT

There were no other speakers, and the Public Comment Period was closed.

COUNCIL INITIATIVES

- **Astle:** Moved to direct staff to bring back an interim ordinance, with 2 or 3 options, including a moratorium, to the May 10, 2010, agenda regarding retail locations for the sale of medical marijuana; seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

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.