

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

June 28, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember McFadden

ROLL CALL - Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, McFadden, Ruegamer, McCall, Ulledalen, Astle, Clark. Councilmember Cimmino arrived at 6:35 p.m.

MINUTES - June 14, 2010, pending

COURTESIES:

- Victim Witness Advocate of the Year Award presented to Charlee Johnson by Attorney General Steve Bullock.
- Councilmember Gaghen noted her daughter was visiting from San Diego and was in the audience.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced Consent Agenda Items 1A4 and 1L1. She said the amount for 1A4 had been changed to \$179,472, due to additional CTEP funding; and the parade date for 1L1 should be July 20th and not June 20th.
- Ms. Volek advised there were copies of 86 e-mails sent to Mayor & Council that were in favor of disc golf in Pioneer Park and 1 e-mail in opposition filed in the ex-parte notebook in the back of the room for public review.
- Ms. Volek reminded Council that Monday, July 5th, was a legal holiday so their work session would be held on Tuesday, July 6th.
- Ms. Volek advised Police Chief St. John would like to say a few words in relation to precautions and issues for the upcoming 4th of July holiday.

Police Chief Rich St. John advised there was a city ordinance prohibiting fireworks in the city limits. He said the judge had set bond for violations at \$110, which could increase if property damage or injury occurred. He said the public areas that would be closed from July 2nd to July 6th were the Rims from Main Street along the south side of Highway 3 to Zimmerman Trail, which included Swords Park, and Zimmerman and Phipps Parks.

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

1. **CONSENT AGENDA** -- Separations: A3, B, S1, S2
 - A. **Bid Awards:**
 1. **Airport Terminal Building Ceiling Tile Replacement** (Opened 6/15/2010) Recommend Empire Lath and Plaster; \$114,952.
 2. **Taxiway A East Realignment** (Opened 6/15/2010) Recommend Riverside Sand and Gravel; \$1,473,310.25.
 3. **W.O. 10-11, WTF High Service Pump Station H2-1 Pump Replacement** (Opened 6/15/2010) Recommend Star Service; \$866,900. **APPROVED 10 TO 0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**
 4. **W.O. 09-06 On-Street Bike Lanes** (opened 6/1/10) (delayed until 6/28/10). Recommend High Mark Traffic Services, Inc.; \$179,472.
 - B. **Contract for Professional Services** for W.O. 10-12, Low Service Pump Station 1 Upgrade; HDR Engineering, Inc.; amount not to exceed \$329,100. **APPROVED 10 TO 0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**
 - C. **Amendment #10, W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction**, Professional Services Contract, Kadrmas, Lee & Jackson, Inc., \$59,300.
 - D. **Approval** of hourly rate increase with Guardian Security for Library guard service from \$16.75 to \$17.25; 3-year agreement approved on 6/23/08 included annual hourly rate negotiation.
 - E. **Approval of Pre-Development Loan Agreement** with homeWORD for facilitation of affordable housing development activities; \$25,000.
 - F. **Consultant Agreement** with Ed Bartlett for Legislative Lobbying Services; 7/1/2010 - 6/30/2012; estimated cost to the City - \$72,100.

- G. Approval** of 5-year lease with Yellowstone County Museum Foundation for storage area in the basement of Building IP-9, Airport Business Park, (7/1/2010 - 6/30/15), Revenue first year - \$3,761.03; revenue subsequent years adjusted annually using the Consumer Price Index for all Urban Consumers (CPI-U).
- H. Approval** of the Assignment and Transfer of the West End Hangar Ground Lease from John M. and/or Marcia A. Nash to Michael J. Cryder.
- I. Approval** of Downtown Revolving Loan Fund term modifications for Babcock, LLC, deferring payment of the full amount due from the due date of June 1, 2010, to September 1, 2010.
- J. Approval** of Downtown Revolving Loan Fund term modifications for Venture Theatre deferring principal payments beginning February 1, 2010, to January 1, 2011, and extending the loan payment period from March 1, 2015, to March 1, 2016.
- K. Approval** of the purchase of telephone system upgrades from Black Box Network Services, \$134,856.91.
- L. Street Closures:**
- 1. Gold Wing Road Riders** , (A) evening motorcycle parade, July 20, 2010, assembling at 9:30 p.m. at the Faith Evangelic Church, 3145 Sweetwater, traveling north on 32nd/Zimmerman Trail to Hwy 3, east on Hwy 3 to a u-turn at Rod & Gun Club Road, west on Hwy 3, south on Zimmerman Trail, left on Central Avenue to Paciugo's at 3429 Central Avenue. (B) street closure on North 19th between 6th and 7th Avenues North, July 21, 2010, 9:00 a.m. to 4:00 p.m., for drill team performance.
 - 2. Harvest Church Freedom 5K Fun Run** , July 3, 2010, 7:30 a.m. to 11:00 a.m.; commencing at Harvest Church and proceeding northwest on West Wicks Lane, east on Matador, south on Vesca Way, east on Sierra Grande Boulevard, south on Fantan Street, west on West Wicks Lane, ending at Harvest Church.
- M. Approval** of temporary closure of Phipps Park over the 4th of July holiday (7/2/10 through 7/5/10).
- N. Resolution of Intent #10-18960** creating SID 1391, Improvements to Lynn Avenue between 35th & 36th Streets West (street, curb & gutter), and set a public hearing date for July 26, 2010.
- O. Resolution #10-18961** closing Special Improvement/Sidewalk Bond Debt Funds to SID Revolving Fund.
- P. Second/Final Reading Ordinance #10-5515** imposing a Customer Facility Charge for car rentals at the airport; approximate annual revenue - \$780,000.
- Q. Final Plat Approval** - Trail West Subdivision, 1st Filing.
- R. Cancellation** of Checks and Warrants, \$25,583.23

S. Bills and Payroll:

1. May 28, 2010 - **APPROVED 10-0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**
2. June 4, 2010 - **APPROVED 10 TO 0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #10-18962** approving and adopting Fourth Quarter Budget Amendments for Fiscal Year 2009-2010. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #864:** A zone change from Community Commercial (CC) to Highway Commercial (HC) to allow the expansion of a limited pharmaceutical manufacturing facility on Lot 1, Block 1, North Pointe Square Subdivision, First Filing, located at 2408 Main Street in the Billings Heights. Cody Family, LLC, applicant; Ernie Dutton, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #865:** A text amendment to Section 27-1505(f) of the Billings, Montana City Code (BMCC) regulating the procedures of the Board of Adjustment when requests for zoning variances have been denied. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #866:** A zone change request from Residential 7,000 (R-70) to Residential Professional (RP) on the east 90 feet of Lot 10, Block 2, Justiss Subdivision, located at 2320 Rosebud Drive. John & Paula Lambrecht, owners. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (**Action :** approval or disapproval of Zoning Commission 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.

(1) The following people testified in favor of keeping disc golf in Pioneer Park:

- Rita Giebink, 2232 Green Terrace Drive

- **Jim Rott, 3316 Lynn**
- **Ken Beck, 2220 Beloit**
- **Paul Miller, 1109 Delphinium**
- **Liz Welch, 225 Avenue D**
- **Karen Sanford Gall, 3110 E. MacDonald**
- **Brandon DeMars, 2964 Gregory Drive South**
- **Nick Enslow, 726 Parkhill**
- **Justin Stockfish, 226 Avenue B**
- **David Souther, 618 Avenue F**
- **Seth White, 1715 Alderson**
- **Steve Chase, 3126 Boulder**
- **Shawn Thompson, 116 Burlington**
- **Matt Santala, 2624 S. Bridger Drive**
- **Beth Dopp, 1209 2nd Street West**

(2) **Joe White, Billings, MT** , said he disapproved of the use of the property at 4th Avenue North and Broadway. He said he had filed an appeal with the Library Board but had received no answer. He said he was protesting the construction at that location.

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

COUNCIL INITIATIVES

Astle: Moved to reconsider the Pioneer Park Master Plan at the meeting of July 26, 2010, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

ADJOURN - The meeting adjourned at 8:37 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.