

## 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**

**July 12, 2010**

**6:30 P.M.**

**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember Ronquillo**

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

**MINUTES:** **June 14, 2010, approved as presented**  
**June 28, 2010, approved as presented**

**COURTESIES** - Mayor Hanel read three letters from the owners of the Lake Elmo Coin-Op Laundry to the City, Police Department and Fire Department expressing appreciation for assistance and services after the June 20, 2010, tornado hit their business.

**PROCLAMATIONS** -- None

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

- Ms. Volek asked to add an item to the Consent Agenda as Item 1T, for a street closure requested by Senior High School Class of 1980 for a reunion scheduled on July 23. She advised that the event organizers did not realize that a permit was required to close the street, and the event was scheduled prior to the next Council meeting. She noted that the staff memo was placed at council desks and also available for public viewing in the ex-parte notebook.
- Ms. Volek referred to Item 2, and said a copy of a quit claim deed for COR Enterprises was placed at council desks that evening. She said there had been a question about a repayment requirement for the current building, but that requirement was removed by the then-Council in December, 1993. Ms. Volek advised that a copy of the quit claim deed was also available for public viewing in the ex-parte notebook.
- Ms. Volek advised that staff requested delaying Item 1K to the July 26, 2010, meeting to allow staff additional time to prepare the necessary documents.

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

- **Joe White, Billings, MT** , referred to Item 1L and said he supported the bidding process whenever possible.

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

**1. CONSENT AGENDA** -- Separations: C, S2

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Benjamin Kerns	Tourism BID Board	07/12/10	06/30/2014

**B. Bid Awards:**

1. **SID 1388, Dorothy Lane - Street, Curb/Gutter, Drive Approach, and Storm Drain Improvements.** (Opened 6/29/10). Recommend H.L. Ostermiller Construction, Inc., \$249,358.08.

**C. Contract for Professional Services** for W.O. 10-23, Zimmerman Trail Alignment Analysis, HDR Engineering, Inc., amount not to exceed \$245,778.00. **APPROVED 9-0. Councilmember Cimmino recused herself from the vote.**

**D. Amendment #1** to the Commercial Aviation Ground Lease with Lynch Flying Service, Inc., DBA Edwards Jet Center, reducing the leasehold square footage by 470.44 sf and the annual rental fee by \$54.34 for the current lease year.

**E. Amendment #2** to the Limited Commercial Aviation Building and Ground Lease with Alpine Aviation, Inc., DBA Alpine Air, extending the lease expiration date to October 31, 2017.

**F. Vehicle Lease Agreement** with Underriner Motors to lease six vehicles for the City County Special Investigations Unit (CCSIU), July 1, 2010-June 30, 2011, \$30,600 total, budgeted through FY2011 Drug Forfeiture Fund.

**G. Approval** of Frequency Reassignment Agreement with Sprint Nextel for costs associated with radio frequency reassignment; total reimbursement to City of Billings, \$2,328,582.88.

**H. Street Closures:**

1. **Blue Knights 36th Annual International Convention Motorcycle Parade** on July 22, 2010, 12 noon - 2 p.m.; starting at the Holiday Inn Grand Montana on Midland Road, using the access road to Laurel Road, east to Montana Avenue, east on Montana Avenue to N. 27th, north on N. 27th to 4th Avenue North, east on 4th Avenue North, ending at MetraPark.
- I. **Resolution of Intent #10-18963 to Exclude Property** to de-annex a portion of Broadwater Avenue located between 56th Street West and 58th Street West in Trails West Subdivision, and set a public hearing for August 9, 2010.
- J. **Resolution #10-18964 amending Resolution #10-18940** to reflect changes to the form and detail of the Department of Natural Resources and Conservation loan and bonds for the 2010 Annual Water Rehab Projects.
- K. **RESOLUTION** fixing the form and detail of the Series 2010A Airport Refunding Bonds. **DELAYED TO 7/26/10.**
- L. **RESOLUTION #10-18965** declaring an emergency and waiving the requirement for competitive bids (MT Code Annotated 7-5-4303 ) to repair damages to Senator's Boulevard where Alkali Creek crosses and Nutter Boulevard where Castlerock Park drainage exits the park following the storm of June 20, 2010.
- M. **Second/final reading Ordinance #10-5516 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.
- N. **Second/final reading Ordinance #10-5517 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.
- O. **Second/final reading Ordinance #10-5518 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.
- P. **Second/final reading Ordinance #10-5519** adopting the 2009 Edition of the International Fire Code by reference with certain amendments.
- Q. **Approval** of one-year extension of preliminary plat approval date for Skyview Ridge Subdivision, 1st Filing; setting a new expiration date of August 13, 2011.
- R. **Final Plat:**
  1. Hogan Homestead Subdivision, Amended Lot 4-A, Block 5
  2. Srite Acres, Amended Lot 3
- S. **Bills and Payroll:**

1. June 11, 2010
  2. June 18, 2010 - **APPROVED 9-0. Councilmember Cimmino recused herself from the vote.**
- T. **Billings Senior High Class of 1980**, July 23, 2010, 5 p.m. - 12 midnight; N. 28th Street between 1st Avenue North and 2nd Avenue North. **ADD-ON ITEM AT MEETING.**
- (Action: approval or disapproval of Consent Agenda) **APPROVED.**

### **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #10-18966** authorizing the sale of Economic Development Revenue Bonds for Community Option Resource Enterprises, Inc. (COR Enterprises), in an amount not to exceed \$1,790,000, to finance a portion of the costs of design and construction of a new facility. Staff recommends approval. ( Action: approval or disapproval of staff recommendation). **APPROVED.**
3. **RESOLUTION #10-18967** authorizing the refunding of Series 2000 General Obligation Bonds (\$1,700,000 ) issued for the purpose of refurbishing and rehabilitating playgrounds, basketball courts, and tennis courts in existing parks, and for building bike/pedestrian trails. 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.)

- **Joe White, Billings, MT** , stated that he still had not heard anything regarding a restraining order for damages and a housing order that was causing a festering disease. He asked for immediate action. *The remainder of Mr. White's testimony was inaudible.*

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

### **COUNCIL INITIATIVES**

- **McFadden** moved that Staff be directed to develop a recycling request for qualifications to determine whether there was a private company interested in providing recycling for all or part of the City of Billings' waste stream, and at what cost and under what conditions, seconded by Councilmember Ruegamer. On a roll call vote, the motion failed 6-4. Councilmembers Pitman, McFadden, Ruegamer, and Mayor Hanel voted in favor of the motion. Councilmembers Ronquillo, Gaghen, Cimmino, McCall, Ulledalen, and Clark voted against the motion.

**ADJOURN** -- The meeting adjourned at 7:28 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.*