

## **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**

**September 13, 2010**

**6:30 P.M.**

**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember McCall**

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

**MINUTES:** August 23, 2010, approved as presented

**COURTESIES --** None

### **PROCLAMATIONS**

- Billings Symphony Orchestra & Chorale Day in Billings, September 18, 2010.
- Library Card Sign-Up Month, September, 2010.

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

- Ms. Volek referenced Item 1B, the new Automobile Rental Concession and Lease Agreement, and said a draft of the agreement was included in agenda packets distributed September 7, 2010. She advised that a final agreement was sent to Council in the September 10, 2010, Friday packet. She advised that the final agreement would be voted on that evening. She said a copy of the final agreement was filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 4 (renumbered as Item 7), the Public Hearing and Resolution to consider donation or sale of parkland and noted that the Mayor and Council received the following:
- An e-mail dated August 26, 2010, from Chuck Barthuly, Executive Director of Better Billings Foundation, with a progress report of the proposed community center and aquatic facility in Sahara Park.
- An e-mail dated September 13, 2010, from Dawn Broderius, saying that she enjoyed the open space of Sahara Park and advising Council that it was unconstitutional to donate land to a religious organization.
- Letters from Jennifer Wittmayer, Kobe Wittmayer, and Kurt Wittmayer, dated September 9, 2010, against building the community center and water amusement park in Sahara Park. She advised that a copy of the letters were on Council's desk that evening.
- A letter and handout from Julie Thomason, dated September 9, 2010, asking that Council decline

or defer a donation or sale of any part or parcel of Sahara Park to the Better Billings Foundation. She advised that a copy of the letter was on Council's desk that evening.

Ms. Volek advised that copies of those items were available for public viewing in the ex-parte notebook in the back of the room.

- Ms. Volek referred to Item 8 (renumbered as Item 11), the Public Hearing and Resolution respreading assessments on SID 1386, East and West MacDonald Drive, and said staff was asking that it be postponed until the September 27, 2010, meeting so further analysis of the assessment amounts could be made.
- Ms. Volek advised that at the August 23, 2010, meeting, the Council denied a variance request for Ironwood Subdivision. She suggested adding an item to the evening's agenda for reconsideration of that variance because procedural errors were made.

Councilmember McCall moved to add an item to the evening's agenda for reconsideration of the variance for Ironwood Subdivision that was denied at the August 23, 2010, meeting, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.

Councilmember Ruegamer moved to renumber Items 10 and 11 to Items 3 and 4, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 2, 3, 10, AND 11 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.

- **Joe Dwyer, Secretary/Treasurer Teamster Union Local 190**, stated that the one-year contract was approved by the union 292-49. He asked for Council's approval of the contract.

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

1. **CONSENT AGENDA** Separations: 1J, 1L, 1P1, 1P2, 1P3

A. **Bid Awards:**

1. **Airport Car Rental Quick Turn Around Facility.** (Opened 8/24/10). Recommend Jackson Construction Group, \$4,572,900.30. **APPROVED.**
2. **2011 4-Wheel Mechanical Broom High Dump Sweeper.** (Opened 8/31/10). Recommend Titan Machinery, \$173,738.68, plus the 5-year warranty of \$2,769.00, and trade-in of Sweeper #1254 in the amount of \$17,500.00. **APPROVED.**
3. **MET Transit Parts Washer.** (Opened 8/24/10). Recommend rejecting all bids and re-issuing a new Invitation for Bids. **APPROVED.**

- B. Approval** of new Automobile Rental Concession and Lease agreements with: Overland West, Inc. dba Hertz; Corpat, Inc. dba Alamo & National; Enterprise Rent-A-Car; Avis/Budget; Lewis Transportation Group dba Thrifty; and Dollar Rent-A-Car; April 1, 2011-March 31, 2016; guaranteed revenue of \$5,569,851 over the five-year period. **APPROVED.**
- C. Approval** of the purchase of eleven (11) Replacement Police Vehicles from Bison Motor Company for \$24,209.67 each, for a total cost of \$266,306.37, budgeted in the 2011 Equipment Replacement Plan. **APPROVED.**
- D. Approval** of a title transfer of Police vehicle #1422 to Yellowstone County for use at the firing range. **APPROVED.**
- E. Confirmation of Police Officers:** Maxwell Battle, Samantha Puckett and Daren Haider. **APPROVED.**
- F. Sidewalk easement** for W.O. 09-02, Miscellaneous/Developer Related project, for property at 2102 17th Street West. **APPROVED.**
- G. Encroachment Permit** crossing Billings Bench Water Association (BBWA) canal for W.O. 10-01, Water and Sanitary Sewer Replacement Projects. **APPROVED.**
- H. Warranty Deed** for purchase of Lot 1, Block 3, Howard Heights Subdivision for W.O. 05-15, Howard Heights Storm Drain, \$24,150.93. **APPROVED.**
- I. Street Closures:**
- 1. Pilgrim Congregational Church 100 Year Anniversary** , September 18, 2010; 8 a.m. to 9 p.m.; South 36th Street between 4th and 5th Avenues South, 4th Avenue South between South 36th Street and the alley to the east. **APPROVED.**
  - 2. Skyview High School Homecoming Parade**, October 1, 2010; 12:45 p.m. to 2 p.m.; beginning at Skyview High School parking lot and proceeding down Wicks Lane to St. Bernard's Church. **APPROVED.**
  - 3. Skyview High School Spirit Fun Run/Walk** , Sunday, September 26, 2010; 12:00 noon to 4:00 p.m.; starting at Skyview High School on High Sierra Boulevard, to West Wicks Lane, to Fantan, back to West Wicks Lane, ending at Skyview High School. **APPROVED.**
- J. Resolution #10-18982** fixing the form and detail of Pooled Sidewalk 2010A bond sale. **APPROVED.**
- K. Resolution #10-18983** fixing the form and details of bond sale for SID 1388. **APPROVED.**

- L. **Resolution #10-18984** amending Resolution #10-18921 to increase the City Administrator's signature authority up to \$80,000 for rehabilitation agreements for the Neighborhood Stabilization Program. **APPROVED.**
- M. **Second/final reading Ordinance #10-5522** amending the boundaries of Ward V to exclude the portion of recently de-annexed property in Annexation #10-01; a Broadwater Avenue road tract located between 56th Street West and 58th Street West. **APPROVED.**
- N. **Approval** of one-year extension of preliminary plat approval date for River Rock Estates Subdivision; setting a new expiration date of September 24, 2011. **APPROVED.**
- O. **Final plat** of Dorothy Subdivision, Amended Lot 6 and East 25 Feet of Lot 5. **APPROVED.**
- P. **Bills and Payroll:**
  - 1. August 9, 2010 - **APPROVED 7-0. Councilmember Cimmino recused herself from the vote.**
  - 2. August 13, 2010 - **APPROVED 7-0. Councilmember Cimmino recused herself from the vote.**
  - 3. August 20, 2010 - **APPROVED 7-0. Councilmember Cimmino recused herself from the vote.**

**REGULAR AGENDA:**

- 2. **RECONSIDERATION OF VARIANCE FOR IRONWOOD SUBDIVISION THAT WAS DENIED AUGUST 23, 2010. APPROVED TO RECONSIDER ITEM AT OCTOBER 12, 2010, MEETING.**
- 3. **DOWNTOWN BILLINGS PARTNERSHIP PROJECTS REQUEST;** a request for approval of two FY2011 projects in the Expanded N. 27th Street Urban Renewal District consisting of: 1) up to \$15,000 for a privately-owned and operated downtown conference center study with the cost being equally shared with the TBID, and 2) up to \$15,000 for purchase of a large tent and equipment for downtown events. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
- 4. **ONE YEAR CONTRACT WITH TEAMSTERS UNION LOCAL 190.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED 6-2. Councilmembers Ruegamer and Uilledalen voted 'No.'**

5. **2011 UNIFIED PLANNING WORK PROGRAM (UPWP)** for the Billings Metropolitan Planning Organization. Staff recommends approval of the Draft 2011 UPWP and authorizing the Council designee to take the recommendation to the Policy Coordinating Committee (PCC) meeting on September 15, 2010. Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **APPROVED.**
6. **RESOLUTION #10-18985 ALLOCATING \$2,000 OF COUNCIL CONTINGENCY FUNDS TO THE TRAIL MAINTENANCE PLAN.** Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **APPROVED.**
7. **PUBLIC HEARING AND RESOLUTION TO CONSIDER DONATION OR SALE OF PARKLAND,** a 6.775 acre parcel of parkland at Sahara Park, to the Better Billings Foundation to construct and operate a pool. Staff recommends donation of the Aquatic Project Land. ( **Action:** approval or disapproval of staff recommendation.) **TO BE CONSIDERED AT A LATER DATE DUE TO LACK OF REQUIRED 2/3 VOTE.**
8. **PUBLIC HEARING AND RESOLUTION #10-18986** respreading assessments on SID 1372, Water, Sanitary Sewer, Storm Drain and Street Improvements for Summerhill Subdivision. Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **APPROVED.**
9. **PUBLIC HEARING AND RESOLUTION #10-18987** respreading assessments on SID 1379, King Avenue West improvements. Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **APPROVED.**
10. **PUBLIC HEARING AND RESOLUTION #10-18988** respreading assessments on SID 1385, Miller Crossing. Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **APPROVED.**
11. **PUBLIC HEARING AND RESOLUTION** respreading assessments on SID 1386, Street and Storm Improvements to East and West MacDonald Drive. Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.) **DELAYED TO 9/27/10.**
12. **PUBLIC HEARING AND APPROVAL OF RESOLUTIONS** making original spread assessments on various SIDS and Sidewalk Programs. Staff recommends approval. ( **Action:** approval or disapproval of staff recommendation.)
  - a. **RESOLUTION #10-18989 SID 1388:** Storm Drain and Street Improvements along Dorothy Lane. **APPROVED.**
  - b. **RESOLUTION #10-18990 SID 1389:** Water, Sanitary Sewer, Storm Drain, and Street Improvements along Clubhouse Way. **APPROVED.**
  - c. **RESOLUTION #10-18991 Sidewalk, Curb & Gutter #2801,** Lake Elmo Road **APPROVED.**

- d. **RESOLUTION #10-18992 Sidewalk, Curb & Gutter #2802.** Highland School  
**APPROVED.**
- e. **RESOLUTION #10-18993 Sidewalk, Curb & Gutter #2803.** Alkali Creek Road  
**APPROVED.**
- f. **RESOLUTION #10-18994 Sidewalk, Curb & Gutter #2804.** Poly Drive  
**APPROVED.**
- g. **RESOLUTION #10-18995 Sidewalk, Curb & Gutter #2805.** Various  
Miscellaneous and Developer-Related Curb, Gutter, and Sidewalk Programs.  
**APPROVED.**

13. **PUBLIC HEARING AND RESOLUTION #10-18996 APPROVING AND ADOPTING FY2010-2011 BUDGET AMENDMENTS.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)  
**APPROVED 5-3. Councilmembers Cimmino, Ruegamer and Ulledalen voted 'No.'**

**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.

- **Terry Huck, 832 Dorothy Lane** , spoke about SID 1388, and said he would have liked more notification that he would be assessed for the project.

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

**COUNCIL INITIATIVES** - None

**ADJOURN** - The meeting 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.*