

## 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**

**December 20, 2010**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Mayor Hanel

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

**MINUTES:** December 13, 2010, approved.

**COURTESIES:** Recognition and appreciation of service - Judge Mary Jane Knisely

**PROCLAMATIONS:** None

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

- Ms. Volek referenced Consent Agenda Item 1A1 and advised a staff memo with the recommendations was forwarded to Mayor and Council in the December 17<sup>th</sup> Friday packet.
- Ms. Volek referenced Regular Agenda Item 2 and advised an e-mail had been sent to Mayor and Council from John Lattimer on December 18<sup>th</sup> opposing the appointment of Judge Davies and asking that Council look at other candidates to fill the position. She also referenced the e-mail she sent to Council on December 17<sup>th</sup> with the application information on each of the municipal court judge applicants.
- Ms. Volek referenced Regular Agenda Item 3 and advised a staff memo with recommendations was forwarded to Mayor and Council in the December 17<sup>th</sup> Friday packet. She also referenced an e-mail sent to Mayor and Council from Jonathan Peart, dated 12/20/10, asking them to vote against the City Administrator's pay raise; and the e-mail responses to Mr. Peart from Mayor Hanel and Councilmember Ruegamer.

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

**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. 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 podium.)

The public comment period was opened.

- **Sheila Kolar, 3003 Country Club, Billings, MT**, told Council she was the right candidate for the Municipal Judge position and asked for their support.
- **Colette Davies, 2335 Crimson Lane, Billings, MT**, advised she was well qualified for the Municipal Judge position and asked Council to vote for her.

The following people spoke in favor of Sheila Kolar for the Municipal Judge position.

- **Gayle Stewart, 2937 Rimview Drive, Billings, MT**
- **Sarah Blackburn, 128 Avenue D, Billings, MT**
- **Margaret Gallagher, 3129 Laredo Place, Billings, MT**
- **Tracy Whitehead, 1 Bus Lane, Laurel, MT**
- **Lynnette Baisch, 1106 Primrose Drive, Billings, MT**
- **Bradley Finn, 4050 Night Hawk Road, Billings, MT**

The following people spoke in favor of Colette Davies for the Municipal Judge position.

- **Chuck Hensley, 1834 Schooner Road, Billings, MT**
  - **Mikel Anderson, 202 13<sup>th</sup> Street West, Billings, MT**
  - **Laura Hopkins, 3508 Poly Drive, Billings, MT**
  - **Mary Jane Knisely, 3015 Stanford, Billings, MT**
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, referenced Item 3 and said the ‘closed door’ policy for the evaluations of the City Administrator should be eliminated and that the City was not being ‘transparent.’
  - **Joe White, Billings, MT**, said he felt the City Administrator’s contract should be terminated.

1. **CONSENT AGENDA** -- Separations: **D**

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

|   | Name           | Board/Commission   | Term     |          |
|---|----------------|--------------------|----------|----------|
|   |                |                    | Begins   | Ends     |
| 1 | Sterling Starr | Aviation & Transit | 01/01/11 | 12/31/14 |

|               |                      |   |                     |                     |
|---------------|----------------------|---|---------------------|---------------------|
| 2             | Charles Peterson Jr. | Aviation & Transit                              | 01/01/11            | 12/31/14            |
| 3             | Christopher Cook     | Bicycle & Pedestrian Advisory                   | 01/01/11            | 12/31/13            |
| 4             | No Application       | Board of Adjustments                            | 12/20/10            | 12/31/13            |
| 5             | No Application       | Board of Adjustments                            | 12/20/10            | 12/31/13            |
| 6             | No Application       | Board of Appeals - Architect                    | 01/01/11            | 12/31/13            |
| 7             | No Application       | Board of Appeals - Electrical                   | 01/01/11            | 12/31/13            |
| 8             | No Application       | Board of Appeals                                | 01/01/11            | 12/31/14            |
| 9             | No Application       | Board of Appeals                                | 01/01/11            | 12/31/14            |
| 10            | No Application       | Board of Ethics                                 | 01/01/11            | 12/31/14            |
| 11            | David Goodridge      | Community Development Low Mod                   | 01/01/11            | 12/31/14            |
| 12            | Kamber Kelly         | Community Development Low Mod                   | 01/01/11            | 12/31/14            |
| 13            | Patt Leikam          | Community Development Low Mod                   | 01/01/11            | 12/31/14            |
| 14            | No Application       | Community Development                           | 01/01/11            | 12/31/14            |
| <del>15</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>16</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>17</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>18</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>19</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>20</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>21</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>22</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>23</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| <del>24</del> | <del>-</del>         | <del>Energy &amp; Conservation Commission</del> | <del>01/01/11</del> | <del>12/31/14</del> |
| 25            | Maureen Jurovich     | Housing Authority                               | 01/01/11            | 12/31/15            |
| 26            | No Application       | Housing Authority - Resident Comm               | 01/01/11            | 12/31/13            |
| 27            | Stephen Marsh        | Human Relations Commission                      | 01/01/11            | 12/31/14            |
| 28            | Diane Foley          | Human Relations Commission                      | 01/01/11            | 12/31/14            |
| 29            | Kayla Miller         | Human Relations Commission                      | 01/01/11            | 12/31/14            |
| 30            | No Application       | Human Relations Commission                      | 01/01/11            | 12/31/14            |
| 31            | Shari Nault Pullar   | Library Board                                   | 01/01/11            | 12/31/14            |
| 32            | Adela Awner          | Mayor's Committee on Homelessness               | 01/01/ 11           | 12/31/14            |
| 33            | Lucy Brown           | Mayor's Committee on Homelessness               | 01/01/11            | 12/31/14            |
| 34            | Sheri Boelter        | Mayor's Committee on Homelessness               | 01/01/11            | 12/31/14            |
| 35            | Bruce MacIntyre      | Mayor's Committee on Homelessness               | 01/01/11            | 12/31/14            |
| 36            | Mona Sumner          | Mayor's Committee on Homelessness               | 01/01/11            | 12/31/14            |

|    |                  |                                   |          |          |
|----|------------------|-----------------------------------|----------|----------|
| 37 | Stephan Bradley  | Mayor's Committee on Homelessness | 01/01/11 | 12/31/14 |
| 38 | No Application   | Mayor's Committee on Homelessness | 01/01/11 | 12/31/14 |
| 39 | No Application   | Mayor's Committee on Homelessness | 01/01/11 | 12/31/14 |
| 40 | No Application   | Mayor's Committee on Homelessness | 01/01/11 | 12/31/14 |
| 41 | No Application   | Mayor's Committee on Homelessness | 01/01/11 | 12/31/14 |
| 42 | Bruce Simon      | Parking Advisory Board            | 01/01/11 | 12/31/14 |
| 43 | No Application   | Parking Advisory Board            | 01/01/11 | 12/31/14 |
| 44 | No Application   | Parking Advisory Board            | 01/01/11 | 12/31/14 |
| 45 | Richard DeVore   | Parks/Recreation & Cemetery Board | 01/01/11 | 12/31/14 |
| 46 | David Williams   | Parks/Recreation & Cemetery Board | 01/01/11 | 12/31/14 |
| 47 | Brent Krueger    | Traffic Control                   | 01/01/11 | 12/31/14 |
| 48 | Todd Cormier     | Traffic Control                   | 01/01/11 | 12/31/14 |
| 49 | Zach Meyers      | City/County Planning - Ward I     | 01/01/11 | 12/31/12 |
| 50 | Damian Forrester | City/County Planning - Ward II    | 12/20/10 | 12/31/11 |
| 51 | Donna Forbes     | City/County Planning - Ward III   | 01/01/11 | 12/31/12 |
| 52 | Susan Gilbertz   | City/County Planning - Ward IV    | 01/01/11 | 12/31/12 |
| 53 | No Application   | City/County Planning - Ward V     | 01/01/11 | 12/31/12 |
| 54 | Matt Krivonen    | Zoning Commission                 | 01/01/11 | 12/31/14 |

- 4. Unexpired term of LaVerne Bass
- 5. Unexpired term of Terry Madtson
- 50. Unexpired term of Alex Tommerup

**B. Assignment and Transfer** of three West End Hangar Ground Leases from Steve Vold to Steven A. Vold Revocable Trust and Susan K. Vold Revocable Trust as Tenants in Common. **APPROVED**

**C. Amendment** to the Scheduled Airline Operating Agreements with Horizon Air, United Airlines, Delta Air Lines (as assignee and successor to Northwest Airlines), Great Lakes Aviation, and Allegiant Air extending the Agreement expiration date to June 30, 2011. **APPROVED**

**D. Approval** of South Billings Urban Renewal Association's request to allocate up to \$300,000 to develop a Master Plan for the South Billings Boulevard Urban Renewal District. **APPROVED**

**E. Acknowledge receipt of petition to vacate** street rights-of-way within The Village Subdivision; Sisters of Charity of Leavenworth Health System, property owner; and setting a public hearing date of January 24, 2011. **APPROVED**

**F. Acceptance** of Warranty Deed and landscaping with 2-year maintenance from Big Sky Florists Supply for a tract of land situated in Lot 12-A-2 of the Plat of Amended Lot 12-A, Block 3, Midland Subdivision, 5th Filing, located east of South 29th Street West and constructed as a portion of the Bannister Trail under Work Order 06-10. **APPROVED**

**G. Subordination of Housing Rehabilitation Loan** for Rebecca A. Kraft (Borchard); \$23,362. **APPROVED**

**H. Ratification of a new grant application** to Montana Mental Health Settlement Trust for a 2-year program for the Billings Adult Misdemeanor Mental Health Court (BAMHC); \$244,220. **APPROVED**

**I. Final Plat** of Circle Inn Subdivision. **APPROVED**

**J. Bills and Payroll:**

1. November 26, 2010 **APPROVED**

**REGULAR AGENDA:**

**2. APPROVAL** of Council sub-committee's recommendation for appointment of Municipal Court Judge. (Action: approval or disapproval of Council sub-committee's recommendation.) **MOVED, SECONDED, AND APPROVED 9 TO 1 TO HOLD SPECIAL MEETING ON JANUARY 3, 2010, TO CONTINUE DISCUSSION AND FOR FURTHER ACTION. COUNCILMEMBER ASTLE RECUSED HIMSELF FROM THE VOTE.**

**3. CITY ADMINISTRATOR EMPLOYMENT AGREEMENT RENEWAL FOR THE PERIOD OCTOBER 2010 THROUGH SEPTEMBER 2012.** (Action: approval or disapproval of Employment Agreement Renewal.) **APPROVED 9 to 1. COUNCILMEMBER PITMAN 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 podium.*)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT,** said the Miller Crossing TIFD did not show up in the County Treasurer's Office. He said Four Square was delinquent on paying their tax bills and the City should pay the back taxes immediately before someone else did.

**COUNCIL INITIATIVES**

- **RONQUILLO:** Moved to direct staff to check into whether the State's rotating call list for wrecker services was being followed, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **ULLEDALEN:** Moved to direct staff to clarify the ordinances regarding light illumination, noise, and signage. He also asked that staff look into adjusting existing Plan Development Agreements regarding setbacks relative to encroaching in residential areas, 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.*