

## COUNCIL ACTION SUMMARY

### 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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COUNCIL CHAMBERS	-REVISED- AGENDA March 14, 2011	6:30 P.M.
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**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember Gaghen**

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

**MINUTES: February 28, 2011, approved**

**COURTESIES: AmeriCorps\*VISTA members**

**PROCLAMATIONS: World Water Day, March 19, 2011**

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

- Ms. Volek referenced Lobbyist Ed Bartlett's weekly report sent in the March 11 Friday packets and said a copy was filed in the ex-parte notebook for public inspection.
- Ms. Volek referenced Item 5, Moore Lane SID 1369, and said numerous e-mails and letters for and against the SID were sent in the March 11 Friday packets and copies were filed in the ex-parte notebook for public inspection. She noted an e-mail from Mike Donovan and an e-mail from Ed Jordan had been sent to the Mayor and Council that day in favor of the SID. She said copies of the two e-mails were on their desks and filed in the ex-parte notebook.
- Ms. Volek referenced Item H and asked that the item be postponed until June 13 to allow the Chamber of Commerce to complete a trail maintenance plan.
- Ms. Volek advised a public hearing had been advertised for that evening on a right-of-way vacation in Twin Oaks Subdivision. She said a staff report

had not been submitted so the public hearing would be re-advertised and held at a later date.

- Ms. Volek advised on March 10 the original agenda had been revised to exclude Item M, which was a Resolution designating the remaining Downtown Tax Increment District account balance to the downtown street light and traffic signal project. She said the item had been removed to allow further research.

**PUBLIC COMMENT on Legislative Review and “NON-PUBLIC HEARING”**

**Agenda Item #1 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute per speaker. 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.)

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

**Legislative Review Conference Call with Lobbyist Ed Bartlett:** Mr. Bartlett provided a brief update on several legislative bills and answered questions. Councilmember McCall moved to oppose HB230, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved. Councilmember Astle moved to support SB372, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

1. **CONSENT AGENDA** -- Separations: C, F, H, N1, R2

A. **Bid Awards:**

1. **W.O. 05-15, Howard Heights Park Improvements**, (Opened 3/1/2011)  
Recommend The Good Earth Works Co.; \$117,823.80. **APPROVED**

**B. Contract for Professional Services** (3-year) with Tetra Tech to provide groundwater and landfill-gas monitoring services at the Billings Regional Landfill; \$109,997. **APPROVED**

**C. Contract for Professional Services** (3-year) with Burlington Environmental LLC for hazardous waste collection and disposal services for the Solid Waste Division; \$225,000. **APPROVED**

**D. Contract for Professional Services** with Brown and Caldwell for W.O. 08-16 SCADA Replacement Program; not to exceed \$59,200. **APPROVED**

**E. Approval** of 20-year ground lease with the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) for new hangar at Airport (3/1/2011-2/28/2031); first year annual revenue - \$3,350; adjusted annually for inflation

by the Consumer Price Index for Wage Earners and Clerical Workers (CPI-W), U.S. City Average, All Items Figure (1982-1984=100), published by the Bureau of Labor Statistics. **APPROVED**

**F. Amendment #1**, Automobile Rental Concession and Lease Agreement with Avis/Budget; \$4,795.77 for the three-month period beginning April 1, 2011 and ending June 30, 2011. **APPROVED**

**G. Recommendation of approval** to the Policy Coordinating Committee for Amendment II of the 2010-2014 Transportation Improvement Program. **APPROVED**

**H. Recommendation of approval** to the Policy Coordinating Committee for the Billings Area Bikeway & Trail Master Plan. **POSTPONED UNTIL 6/13/11**

**I. Easement** with NorthWestern Energy for W.O. 09-10, Heights Packaged Water Booster Station Installation. **APPROVED**

**J. Easement** for expansion of stormwater facility within Augusta Ranch Subdivision. **APPROVED**

**K. Resolution #11-19034 for Proposed Fee Increase** for Mountview Cemetery. **APPROVED**

**L. Resolution #11-19035 for Proposed Pool Fee Adjustments** lowering the age for no cost pool admission from the current 6 & under to 4 & under, and to assess a \$5.00 fee for each individual low income family pool pass issued at both Rose Park and South Park pools. **APPROVED**

**M. Resolution #11-19036** revising Resolution #11-19016, Creating an Ad Hoc City Art Policy Committee's Members and Tasks. **APPROVED**

**N. Street Closures:**

- 1. Downtown Billings Association Second Annual Purple 5K Run and Bike Race.** 5K Run: Sunday, March 27, 2011, from 8:00 am to 10:00 am - Grandview Boulevard and N. 30th Street; south on N. 30th to 12th Ave. N.; west on Beverly Hill Blvd.; south on Virginia Lane; through Pioneer Park; east on Ave. C; north on 2nd St. W.; east on Ave. E; north on N. 32nd; east on 11th Avenue N.; east on N. 28th; west on 10th Ave. N; south on N. 31st; and right on 2nd Ave. N; finishing under Sky Point. Bicycle Race: Saturday March 26, 2011, from 4:00 pm to 10:00 pm - N. Broadway between 1st and 3rd Avenues North; 2nd Avenue North between 30th and Broadway; and the south lane of 3rd between 28th and 29th. **APPROVED AMENDING "RIGHT ON 2<sup>ND</sup> AVENUE" TO "LEFT ON SECOND AVENUE".**

2. **Shrine Circus "Elephants on Broadway"**, Tuesday, March 29, 2011; 4:00 pm to 9:00 pm; between the 2700 and 2800 blocks of 2nd Avenue North and the 100 and 200 blocks of North 28th Street under Skypoint. **APPROVED**

**O. Second/final reading Ordinance #11-5531 for Zone Change #872:** A zone change from Residential 7000 to Residential Professional on two parcels of land described as Lot 1A and Lot 1B of Rush Acreage Tracts Subdivision located at 1910 and 1918 Shiloh Road. Billings Urban Fire Service Area, owner; Dan Schwarz, Deputy County Attorney, representative. Approval of the zone change and adoption of the determinations of the 12 criteria. **APPROVED**

**P. Preliminary Major Plat** of Twin Oaks Subdivision, 2nd Filing, generally located on the south side of Wicks Lane, west of Lake Elmo Road; Twin Oaks Corporation, owner; conditional approval and adoption of the findings of fact. **APPROVED**

**Q. Final Plat Approval** of Kuhlman Subdivision, Amended Lot 7 and **approval** of requested variance. **APPROVED**

**R. Bills and Payroll:**

1. February 11, 2011 - **APPROVED**
2. February 18, 2011 – **APPROVED 10 TO 0. COUNCILMEMBER CIMMINO ABSTAINED FROM THE VOTE.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #11-19037** vacating South 23rd Street between 3rd Avenue South and 4th Avenue South and 4th Avenue South between South 23rd Street and South 24th Street for a total 54,380 square feet and **approval** of an easement agreement for the public utilities running through the vacated streets; ConocoPhillips, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION #11-19038** ordering construction of improvements identified in W.O. 11-02, Miscellaneous/Developer Related Project. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTION # 11-19039** ordering construction of improvements identified in W.O. 05-13, Jackson Street Sidewalks, Phase II. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION #11-19040 CREATING SID 1369:** street, sanitary sewer, storm drain, curb and gutter, and sidewalk improvements to Moore

Lane between Monad Road and Central Avenue. Staff recommends approval.  
(Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 2.**  
**COUNCILMEMBERS MCFADDEN AND RUEGAMER VOTED 'NO'.**

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda; comments limited to three (3) minutes per speaker. Please sign up on the clipboard located at the podium.*)

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

**COUNCIL INITIATIVES: None**

**ADJOURN:** The meeting adjourned at 8:40 p.m.