

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA (revised)

COUNCIL CHAMBERS

April 27, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Clark

ROLL CALL

MINUTES – April 13, 2009

COURTESIES

PROCLAMATIONS

- Silver Star Banner Day, May 1, 2009
- Building Safety Week, May 3-9, 2009
- National Women's Health Week, May 10-16, 2009
- National Crime Victims' Rights Week, April 26-May 2, 2009

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 6 ONLY. Speaker sign-in required. (Comments offered here are limited to 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.)

(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.)

CONSENT AGENDA:

1. A. Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Emelie Eaton	Yellowstone Conservation District Board	4/27/09	06/30/11

*Unexpired term of Gay Easton

B. Bid Awards:

(1) Purchase of new landfill loader for the Solid Waste Division. (Opened 4/14/09). Recommend Torgerson's LLC; \$95,285.

(2) W.O. 08-01 – Water and Sewer Replacement Projects. (Opened 4/14/09).

Schedule 1: Recommend COP Construction; \$715,188.00

Schedule 2: Recommend Western Municipal; \$1,816,487.00

Schedule 3: Recommend COP Construction; \$4,038,141.00

Schedule 4: Recommend Western Municipal; \$1,249,698.50

(3) W.O. 08-11 – Waste Water Treatment Plant Administration Building Air Conditioner Replacement. (Opened 4/14/09). Recommend Norpac Sheet Metal, Inc.; \$61,473.

C. Consulting Contract with GeoComm for a joint project between the State of Montana Interoperability Montana Project and the City of Billings for assessment of the current 800 MHz System radio communications used between public safety agencies, \$71,695. State of Montana contribution - \$45,000; City of Billings contribution - \$26,695.

D. Approval and Acceptance of Grant from the Montana Department of Transportation, Highway Traffic Safety Division, for the purchase of four radar units for the Motorcycle Traffic Enforcement Program, \$5,456.

E. Approval of 5-year Airport Business Park Building and Ground Lease with the State of Montana Department of Environmental Quality, November 1, 2008, through October 31, 2013; \$59,178.36 first year revenue; subsequent years adjusted according to the CPI-U.

F. Compensation Agreement for Private Contract No. 599 – Emmanuel Baptist Church Sanitary Sewer Extension; Emmanuel Baptist Church, \$67,522.22.

G. Final Addendum to Settlement Agreement with Rimrock Foundation for construction of public gravel alley; cost to City of Billings - approximately \$7,000 to \$8,000; Rimrock Foundation contribution – up to \$18,000.

H. Approval to send two police officers to Anchorage, AK to attend the Western Identification Network Board of Directors' meeting, May 21-22, 2009.

I. Approval of State Revolving Fund Backed Loan Application for W.O. 04-26, Zone 4 Reservoir, \$8,387,000.

J. Approval of grant application and acceptance of the 2009 Justice Assistance Recovery Grant (JAG Recovery) for various supplies and equipment; \$222,508 total award with \$174,866 to Billings Police Department, and \$47,642 to Yellowstone County Sheriff's Office.

K. Street Closures:

(1) Central Heights PTA Community Fun Run, May 30, 2009, 8:30 a.m. to 10:30 a.m., commencing at 120 Lexington Drive, proceeding west on Eldorado Drive, south on Pueblo Drive, east on Alamo Drive, north on Lexington Drive, east on Eldorado Drive, north on S. Santa Fe Drive, east on Concord Drive, south on Birchwood Drive, west on Beloit Drive, northwest on Fair Park Drive, southeast on S. Santa Fe Drive, south on Berthoud Drive, west on Pueblo Drive, north on Pueblo Drive, east on Beloit Drive, northwest on Lexington Drive, west on Dallas Drive, north on Pueblo Drive, east on Eldorado Drive, and south on Lexington Drive.

(2) Cinco de Mayo, May 1, 2009, 3 p.m. to 10 p.m., 100 block of North 26th Street.

L. Resolution of Intent to construct W. O. 08-30, Poly Drive Sidewalk Improvements – Billings, Federal Aid No. STPE 1099(61) and set a public hearing for May 26, 2009.

M. Second/final reading ordinance authorizing closure of hazardous fire areas and updating references to the Fire Code: providing authority to the Billings Fire Department to close hazardous fire areas, and updating the Billings City Code with appropriate language to provide the enforcement mechanism to manage hazardous fire areas.

N. Second/final reading for Social Host ordinance: amending Chapter 18 of the Billings City Code adding Article 12, holding a person accountable for organizing a party or event in which underage consumption of alcohol takes place.

O. Second/final reading ordinance authorizing a Municipal Treatment Court Administrative Fee: authorizing a \$25.00 court fee to help defray administrative costs incurred by Municipal Court for processing misdemeanor criminal offenses in Billings Adult Misdemeanor Drug Court, Billings Adult Misdemeanor DUI Court, and Billings Adult Misdemeanor Mental Health Court.

P. Preliminary Minor Plat of Lenhardt Square Subdivision, 1st Filing, a 33.8 acre tract described as Tract 1A of C/S 2063, Amended, located in Section 10, T1S, R25E; generally located north of King Avenue West, across from the Montana Sapphire Subdivision; **approval of two variance requests:** (1) allowing a 56 foot right-of-way dedication along 44th Street West and Monad Road adjacent to the subdivision; (2) allowing a total 8.5 foot right-of-way for boulevard and

sidewalk along 44th Street West and Monad Road; and adoption of the Findings of Fact. M & K Blue One, LLC, applicant; Sanderson Stewart, engineer.

Q. Bills and Payroll

- (1) March 27, 2009
- (2) April 3, 2009

R. Joint Use Right-of-Way Easement for Northwestern Energy, Montana Dakota Utilities, QWest, and Bresnan Communications in Ann Ross Park, Blocks 1 and 4, The Village Subdivision as part of the Shiloh Road Construction Project. **(Item added to consent agenda at beginning of the meeting.)**

S. Acceptance of \$750,000 of Water and \$750,000 of Wastewater State Revolving Funds under the American Recovery and Reinvestment Act of 2009 **(Item added to consent agenda at beginning of the meeting.)**

REGULAR AGENDA:

- 2. PUBLIC HEARING AND RESOLUTION APPROVING AND ADOPTING THIRD QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2008/2009.** Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.)
- 3. PUBLIC HEARING AND RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT.** A resolution that authorizes the application and acceptance of \$1,884,898 in grant funds to be utilized by MET Transit to continue the fleet replacement program, renovation of the bus wash, purchase and installation of CCTV surveillance cameras for the bus fleet, and replacement of mobile radios. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.)
- 4. PUBLIC HEARINGS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE FY2009-2010 ANNUAL ACTION PLAN.** Council action is scheduled for May 11, 2009.
- 5. PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #09-02:** .74 acres of Lot 26, Block 19, Lillis Heights Subdivision, generally located at 4739 Rimrock Road, on the northwest corner of Rimrock Road and Rim Point Drive, MCS Properties, LLC, petitioner. Staff recommends approval with conditions. **(Action:** approval or disapproval of staff recommendation.)

6. **DEVELOPMENT (REIMBURSEMENT) AGREEMENT WITH FIRST INTERSTATE BANK.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
7. **PUBLIC COMMENT on Non-Agenda Items** -- Speaker sign-in required. (*Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.*)

Council Initiatives

ADJOURN

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 contact Cari Martin, City Clerk, at 657-8210.

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