

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

November 13, 2006

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Deputy Mayor Nancy Boyer called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Deputy Mayor Boyer led the Pledge of Allegiance, followed by Councilmember Ed Ulledalen with the Invocation.

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Stevens, Brewster, Veis, Ruegamer, Ulledalen, Boyer, Jones and Clark. Mayor Tussing was out of town.

MINUTES – October 23, 2006. Approved as printed.

COURTESIES

- COUNCILMEMBER CLARK thanked all the people who helped get the Cobb Field bond issue passed by the voters. These people included the Cobb Field Steering Committee, City Staff, Councilmembers, and various community organizations.
- DEPUTY MAYOR BOYER thanked City Staff and the community for its work on retaining the Public Safety Mill Levy.
- COUNCILMEMBER ULLEDALEN noted that a review of the vote breakdown indicated that the Public Safety mill levy was not approved in only six of 49 precincts and the Cobb Field bond issue in only nine of 49 precincts.

PROCLAMATIONS -- None

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek reminded the Council that its Agenda Review meeting would be held tomorrow evening at 5:30 p.m. in the City Hall Conference Room. She noted that another session of the Council's strategic planning would take place after the Agenda Review meeting, from approximately 6:00 to 9:00 p.m. in the City Hall Conference Room.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #8 thru #10 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.)

- DAVE BOVEE OF 424 LEWIS spoke briefly on Item 3 concerning the naming rights. He said a \$1 Million donation is not a donation if the City is “selling” naming rights in exchange for the contribution.

CONSENT AGENDA:

1. A. Bid Awards:

(1) Multi-year Lease for Use of Three City-owned Aircraft Hangar Units. (Opened 10/24/06). Recommend Corporate Air, \$9,800.00/hangar for a total annual revenue flow of \$29,400.00.

(2) AIP 27, Schedule I: Security Access and Monitoring Upgrade. (Opened 10/24/06). Recommend Johnson Controls, \$1,090,075.00.

(3) Portable Column Hoist – Lift System for Fire Apparatus. (Opened 10/31/06). Recommend NAPA Auto Parts, \$43,779.00.

B. W.O. 04-11: South Billings Blvd, C.O. #8, JTL Group, Inc., \$33,381.54.

C. W.O. 04-13, Schedule I: WTP Filter Building Expansion and Improvements, C.O. #12, COP Construction, not to exceed \$54,145.94.

D. W.O. 04-13, Schedule I: WTP Filter Building Expansion and Improvements, C.O. #13, COP Construction, \$11,302.76.

E. W.O. 03-25: Rimrock Road, Amendment #2, Professional Services Contract, HKM Engineering, Inc., \$33,994.00.

F. W.O. 04-18: WTP Headworks Building Replacement and Improvements, Amendment #4, Professional Services Contract, HDR Engineering, Inc., \$8,926.00.

G. Professional Services Contract with Morrison-Maierle, Inc., to perform engineering services for all federally funded AIP and PFC projects, as well as other general engineering services need to design/administrate the annual construction work of the Airport, term: 5 years.

H. Assignment of five Edwards Jet Center Montana leases to U.S. Bank to consolidate security financing, \$0.00.

I. Lease Agreement with New Day, Inc. for office space on the ground level of Park I garage, term: 3 years with three one-year options to renew, \$22,844.00 for first year adjusted annually by CPI-U.

J. Approval/acceptance of Montana Dept. of Transportation (MDOT) State Highway Traffic Safety Grant, Contract #2007-23-01-04& 2007-21002-04, term: 10/1/06 – 9/30/07, \$26,250.00.

K. Contract with American Medical Response (AMR) for Safety-Net backup, term: 1 year from 8/1/06 and extended annually by mutual consent.

L. Resolution 06-18507 authorizing participation in the Board of Investments of the State of Montana annual adjustable rate tender option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto for the IT Dept.'s purchase of a new i5 (AS400), associated costs and four integrated xSeries servers totaling \$125,000.00.

M. Acceptance of Quit Claim Deed from HD Development of Maryland, Inc., (Home Depot) for Lot 10B, Amended Plat of Lot 10, Block 3, Midland Sub., 5th Filing.

N. Confirmation of Police Officer: Shawn Wichman.

O. Acceptance of Donation from the Yellowstone County DUI Task Force, \$5,000.00 to the Billings Adult Misdemeanor Drug Court.

P. Second/final reading ordinance 06-5394 modifying the Urban Renewal Plan of 27th Street District Urban Renewal Area to include certain property formerly part of the Downtown Redevelopment District in order to establish the *Extended North 27th Street District Urban Renewal Area*.; adopting a modified urban renewal plan therefore, including a tax increment provision; approving an urban renewal project therein and authorizing the issuance of tax increment urban renewal revenue bonds of the City to finance costs thereof.

Q. Second/final reading ordinance 06-5395 relating to the creation of the *East Billings Urban Renewal Area*; and adopting an urban renewal plan, including a tax increment provision.

R. Goodwin Acres Subdivision, Lots 1 & 2: dedication of right-of-way for Poly Drive, Gentry Lane and one-half of an alley east of Beth Drive.

S. Bills and Payroll.

- (1) October 6, 2006
- (2) October 13, 2006
- (3) October 20, 2006

(Action: approval or disapproval of Consent Agenda.)

Deputy Mayor Boyer separated Item I. Councilmember Jones separated Item K. Councilmember Veis moved for approval of the Consent Agenda EXCEPT Items I and K, seconded by Councilmember Stevens. On a voice vote, the Consent Agenda EXCEPT Items I & K was approved. Councilmember Veis moved for approval of ITEM I, seconded by Councilmember Brewster. Deputy Mayor Boyer said she would recuse herself because her daughter is employed by New Day. On a voice vote, the motion was unanimously approved. Deputy Mayor Boyer abstained.

Councilmember Veis moved for approval of ITEM K, seconded by Councilmember Brewster. Councilmember Jones asked for additional information on

the AMR contract. Deputy Fire Chief John Staley advised that the “manning” of the ambulance will be provided by the firefighters that staff the ladder truck. He also stated that only in a rare occurrence when AMR is not available would this “Safety-Net” ambulance be used as “back-up” ambulance service. Councilmember Ruegamer asked if the ambulance was donated by AMR. Deputy Chief Staley said the ambulance was donated by AMR at no charge to the City of Billings. Jim Weber, a representative of AMR, added that supplies and maintenance would also be donated by AMR. Councilmember Veis asked if there was a protocol with reference to the dispatching of the ambulance. Deputy Chief Staley replied that this information was included in the AMR contract. Councilmember Veis asked where the ambulance will be housed. Deputy Chief Staley explained that, for now, the ambulance is located in Fire Station #1 with the paramedics, but the location is subject to change. On a voice vote, the motion was unanimously approved

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 06-18508 approving and adopting the first quarter budget amendments for FY 2006/07. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff report. The public hearing was opened. JACK MILES OF COLONIAL APARTMENTS, 223 SOUTH 27TH ST. said he wanted to thank all concerned for the increased police patrols. Deputy Mayor Boyer interrupted and asked if he was speaking in regard to the budget amendments in this item. Mr. Miles replied “no”, and that he was making public comment. Deputy Mayor Boyer requested that he return during the public comment period in Item 4. There were no other speakers. The public hearing was closed.

Councilmember Ruegamer moved for approval of the Staff recommendation, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

3. NAMING RIGHTS to components of the new, proposed Cobb Field facility. Staff recommends that Council direct Staff to continue to seek and accept private funding for the new, proposed Cobb Field Facility as opportunities arise. (Action: approval or disapproval of Staff recommendation.)

City Administrator Tina Volek reported that the Staff, as a precautionary measure, advertised the naming rights for baseball action at Cobb Field via a Request for Proposals (RFP). She stated that no response was received to the RFP. She also explained that no action from council was required at this time. She requested authorization to continue to seek donations and contributions to the new ballpark. Councilmember Veis questioned if Attachment A in the RFP restricts the council in the types of allowable activities. City Administrator Volek replied “no”; Attachment A in the RFP only provided a “matrix” of potential contributions. Councilmember Jones requested clarification with reference to Mr. Dehler’s naming rights of “Dehler Field”. Ms. Volek replied that “Dehler Field” referred to what is now known as “the Park”. She added that this matter would soon be brought to Council for action.

Councilmember Ulledalen moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. Councilmember Clark advised that the General Manager of the Mustangs was in the audience and he was working with Mr. Dehler toward "Dehler Field" as a naming right. Councilmember Jones moved to amend the motion to add the ability to donate to field construction instead of just the maintenance trust fund, seconded by Councilmember Brewster. Councilmember Clark stated that the maintenance trust fund is for "large-scale" maintenance and not "ongoing" maintenance. Councilmember Ulledalen noted that the ability to contribute to the construction fund would "go away" when the bonds were sold. On a voice vote, the amendment was unanimously approved. On a voice vote, the motion as amended was unanimously approved.

4. 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.)

- JACK MILES OF 223 S. 27TH ST. said he lives in the Colonial Apts. He informed the Council of a number of undesirable behaviors that were taking place at the apartment building, including late night fights, drug sales, and prostitution. Mr. Miles noted that increased police patrols in the past helped for a time, but the activity is picking up again after patrols have been relaxed. He asked the Council for assistance in making this residential facility a safer place to live for its residents.
- MEMBERS OF BOY SCOUT TROOP #2 made a brief appearance at the meeting. The scouts introduced themselves. It was noted that the troop is working on a merit badge that requires they attend and report on a City Council meeting. Since all of the Council's business was concluded before the troop's arrival, the troop will attend another meeting in the future to fulfill its requirements for the merit badge work.
- JOE WHITE OF 926 N. 30TH ST. spoke on his concern about private donations for Cobb Field. Mr. White suggested that the ball teams contribute to the project.

Council Initiatives

- Councilmember Veis MOVED to reconsider Special Review #829 (denied at the Oct 23rd meeting), seconded by Councilmember Stevens. On a roll call vote, motion to reconsider FAILED 4-6. Councilmembers voting "yes" were: Ronquillo, Stevens, Veis and Ruegamer. Councilmembers voting "no" were: Gaghen, Brewster, Ulledalen, Boyer, Jones and Clark.
- Councilmember Clark MOVED to direct Staff to (1) develop a resolution for the continuance of the Cobb Field Steering Committee (creating the committee, assigning a term and defining its role) and (2) add this resolution to the November 27th agenda, seconded by Councilmember Jones. On a voice vote, the motion was unanimously APPROVED.
- Councilmember Ruegamer MOVED to direct Staff to develop a proposal to add a 25 cents/ticket surcharge to the Mustangs contract, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously APPROVED.

- Councilmember Veis MOVED to direct Staff to draft a resolution to create an Ad Hoc Task Force for Special Events (comprised of 7 members plus 2 councilmembers (Veis & Ruegamer), seconded by Councilmember Clark. On a voice vote, the motion was unanimously APPROVED. Councilmember Brewster asked for additional information how many times the City has lost in an insurance claim associated with one of these events.
- Councilmember Gaghen reminded the Council that 2007 is the 125th anniversary of the founding of Billings and the Council should start planning for the event. Councilmember Ulledalen suggested including the planning in the Council's strategic planning.

Adjourn - With all business complete, the meeting was adjourned at 7:28 p.m.

THE CITY OF BILLINGS:

By: _____
NANCY BOYER, DEPUTY MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AE City Clerk