

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

December 18, 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. Mayor Ron Tussing called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Mayor Tussing led the Pledge of Allegiance. Councilmember Richard Clark gave the Invocation.

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Stevens, Brewster, Veis, Ruegamer, Ulledalen, Boyer, Jones and Clark.

MINUTES – December 11, 2006. Approved as printed.

COURTESIES – None

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek reminded the Council that a revised staff report for Item #6 was sent to the Council in its Friday packet.
- Ms. Volek noted that the Planning Dept. sent a memo to the Council in the Friday packet regarding its federal appropriations request.
- She noted also that a gathering of the Council and the Management Staff would be held after the meeting tonight at Walker's Grill. No business would be conducted at this gathering.

Councilmember Gaghen asked for a special consideration to recognize the Library Staff for their wreath project this year. Over 50 wreaths were made by the Library Staff and then auctioned. The project raised over \$1200.00 in support of the Yellowstone Council on Aging and Big Sky Hospice.

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.)

- There were no speakers.

CONSENT AGENDA:

1. A. **Change Order #1, AIP 30: Runway 10R/28L Rehabilitation, JTL Group, Inc., deduct \$40,011.01.**

B. Change Order #1, AIP 30: Commercial Ramp Improvements, JTL Group, Inc., deduct \$156,820.93.

C. Change Order #14, W.O. 04-13: Schedule I – Filter Building Expansion and Improvements, COP Construction, \$66,254.75.

D. Amendment #4, W.O. 00-15: Grand Avenue Widening from 8th St. W to 12th St. W, Professional Services Contract, Kadrmas, Lee & Jackson, \$59,814.00.

E. W.O. 04-18: Park II Expansion and Improvements, easement to NorthWestern Energy, \$0.00.

F. Renewal of *Billings Urban Fire Service Area* (BUFSA) Agreement with Yellowstone County, term: 7/1/07 to 6/20/2012.

G. Agreement with Billings Housing Authority to fund one officer, \$36,151.00, term: 1/1/07 – 6/30/07.

H. Renewal of Limited Commercial Aviation Ground Lease with Corporate Air, Inc, \$41,328.48 first year, adjusted annually by CPI-U, term: 10 years.

I. Final plat of Amended Lot 5, Block 10, Parkland West Subdivision, 6th Filing.

J. Bills and Payroll.

- (1) November 22, 2006
- (2) November 1 – 30, 2006 (Court)

(Action: approval or disapproval of Consent Agenda.)

Councilmember Veis separated ITEM 1D.

Councilmember Stevens moved for approval of the Consent Agenda EXCEPT ITEM 1D, seconded by Councilmember Ruegamer. On a voice vote, the Consent Agenda EXCEPT ITEM 1D was unanimously approved.

Councilmember Stevens moved for approval of ITEM 1D, seconded by Councilmember Ruegamer. Councilmember Veis asked Public Works Director Dave Mumford if the changes were mostly changes to the design of 1200 linear feet of water main. Mr. Mumford explained that this is basically the water main designated for replacement where problems have arisen as well as minor help during project construction. Councilmember Veis also asked if \$60,000 was an appropriate amount for the change. Mr. Mumford replied this project included the water design plus the Grand Avenue construction project. He also said there are other included topics under

the Street and Storm projects. Councilmember Veis suggested that for \$60,000 the City should be able to “go a long way” on finding an FTE to do the work. Mr. Mumford noted that the City has been unable to fill the three available engineer positions. He said this project could be handled internally by the Staff, however the workload was already at a high stress level. Councilmember Veis asked what would happen if this change is not approved tonight. Mr. Mumford replied the City Engineer’s Office would need to design the water main internally and perform all of the construction administration internally, which would delay the bid of the project. Councilmember Brewster suggested this would be a good time to review the projects assigned to Staff and to add Staff or review the salary structure for the Engineer I position. On a voice vote, the motion was approved. Councilmembers Clark and Veis voted “no”.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed properties in Annex #06-15, described as: Tract 1A, of Amended Tracts 1 and 2, C/S 3279 and generally located east of the intersection of Grand Avenue and 54th St. W adjacent to Bishop Fox Subdivision, Rod Wilson and Judith Deines, owners & petitioners. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Gaghen moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION 06-18516 creating SID 1375: public improvements on Claremont Road between Lake Hills Drive and Gleneagles Boulevard. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ronquillo moved for approval of the Staff recommendation, seconded by Councilmember Brewster. Councilmember Gaghen asked if there had been any protest. Public Works Director Dave Mumford replied no one protested. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING on Federal Legislation Priorities. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff presentation. Mayor Tussing asked what impact, if any, would change in the Congressional Control with reference to the federal appropriations. Bruce Putnam stated this is an unknown factor for the 2008 year. He also stated it would be wise to continue to present a consistent program, especially with a new

senator on-board who is not at all familiar with the process or any of these projects. Councilmember Veis asked if the West Wicks Lane Sewer/Water Infrastructure Improvements is a Harvest Church Foundation project. Mr. Putnam replied yes.

The public hearing was opened. MARION DOZIER OF 3923 3RD AVE. S. asked the Council for continued support for the railroad relocation project in the amount of \$300,000.00. She said that group has worked a long time on this project and noted she hoped the Council would be the visionaries and moved that project forward. Councilmember Clark asked how the \$300,000 study would be different than the previous study. Ms. Dozier said this study would deal with moving the main line of the tracks outside of Billings and would include some engineering suggestions for where the tracks could be relocated to. She noted the other study was in regard to what to do with the tracks, in terms of "over, under or around" the downtown. Ms. Dozier stated that the study recommended over and under North 27th Street and the downtown disagreed with that recommendation. She emphasized that with the addition of more coal trains and grain trains, the disruption to the downtown will only continue to grow.

TOM ZURBUCHEN OF 1747 WICKS LANE asked why the Inner Belt Loop is not on this federal wish list. He stated it would help alleviate congestion with downtown traffic. Mr. Zurbuchen also stated the Inner Belt Loop is a huge project for the entire City and it needs to be prioritized and included on the list. Councilmember Brewster noted that the Inner Belt Loop is currently in the County so it would either need to be brought into the City or developed in conjunction with the County and the State Highway Dept. City Administrator Tina Volek corrected a statement made by Mr. Zurbuchen and noted that the Inner Belt Loop is in the City Transportation Plan, however a funding source has not been identified. She also stated there has been discussion about this at CIP meetings, adding that the next CIP meeting will be on Wednesday, December 20th at 6:30 P.M. at the Will James Junior High School Library. Ms. Volek said comments received at the Heights CIP meeting urged Staff to include this project in the CIP and Staff will be bringing that recommendation to the Council in the future. She suggested that the Council should also support the projects that the County has identified as its priorities, as they are congruent with the City's efforts.

JOE WHITE OF 926 N. 30th ST spoke about the grant for the digital video cameras in the police vehicles. He stated that videotape helps the police with evidence, but he expressed concern that the vehicles are becoming "over-electrified". He recommended that the Police Department try this equipment on only a few vehicles and see how well it works first and also if it causes any adverse effects on passersby. He also suggested obtaining funds for the ballpark before the video cameras in the police vehicles.

There were no other speakers. The public hearing was closed. Councilmember Clark moved for approval of the federal funding project requests with the addition of support for the County request, seconded by Councilmember Gaghen. Councilmember Veis moved to amend the motion to remove the West Wicks Lane Sewer/Water infrastructure improvements from the request list, seconded by Councilmember Boyer.

Councilmember Veis said he is not in favor of including this project on the list. He noted he thinks it is a good project, however he did not think it should be the City that is bringing this project forward since Harvest Community Foundation is the entity that wants to do this project. Councilmember Veis added that he thought if the Council includes this project on the request list, the Council “opens the window to every group that ever wanted to do something like this and how would we say no in the future.” Ms. Volek noted that the City will ultimately be responsible for building approximately one-half of that line because it has property that would be served in that area. On a voice vote, the amendment failed with only Councilmembers Veis, Ruegamer and Boyer voting “yes”.

Councilmember Brewster noted that the County has several priority projects included on the request list, which include: (1) Shiloh Road reconstruction, (2) MetraPark improvements, (3) County assumption of platted roads and the Huntley Project, (4) the North Bypass Highway project, (5) Inner Belt Loop, and (6) Community Juvenile Justice Center. Councilmember Brewster moved to amend the motion to include the Inner Belt Loop as one of the Council’s priorities, seconded by Councilmember Boyer. On a voice vote, the amendment was unanimously approved.

Councilmember Clark asked about the Cobb Field renovations and how to get the project back on the list. Ms. Volek replied that the Cobb Field project was in the “hopper” for funding, but Congress adjourned without taking action on those items, so the questions becomes whether those projects “in the hopper” will be heard or whether these projects need to be included on the new list. She noted that it is Mr. Putnam’s recommendation that the Cobb Field project remain on the list.

Councilmember Brewster amended the motion to remove West Billings Flood Mitigation and Groundwater Recharge Plan from the list, seconded by Councilmember Clark. Councilmember Brewster stated that an initial study had been completed and the County was upset with the City because it was concerned about the long term cost of what these types of studies create. He added that the real cost of mitigating the types of problems out there could make the rest of the projects “pale in comparison”. Councilmember Brewster said by the Council doing this, it is committing the County Commissioners to the mitigation. Councilmember Ulledalen asked if this study would affect the Shiloh project, especially in terms of issues with Hogan’s Slough. Planning Director Candi Beaudry replied that it would not affect Shiloh Road. She also stated that a plan was already underway to identify flood hazard, which may have some effect on the design, but a final estimate is not ready yet. Ms. Beaudry stated that this could feasibly be a very costly mitigation plan. Councilmember Boyer asked what “feedback” has been received from the County. Ms. Beaudry replied there has not been much “feedback” from the County as this is not a high priority with the County. Councilmember Clark emphasized that the County should include this project on its wish list. Public Works Director Dave Mumford reminded the Council that the County storm water ends up in City limits. Mr. Mumford said the intent is to head this problem off before it becomes a problem inside the City limits. He also stated that the

“discharge” of the water must meet State and Federal regulations, making sure the water is “clean” before it discharges into the river, adding that right now the City cannot guarantee that because it is coming from agricultural lands.

Councilmember Boyer stated that she is concerned about the impact on the development of Shiloh Road. Mr. Mumford noted that the development directly along Shiloh Road can be handled with the Yegen Drain, since the City has taken ownership of it and is working on how to control the water that comes to that area as the project moves west. Councilmember Brewster said the real challenge is what is going to be done about the flood mitigation problem, adding that most of that area is not within the City’s sphere of influence to deal with it. He added that the County has clearly indicated that when a study such as this is done and solutions are identified, sometimes those solutions are far more costly with respect to what the problem really is and an obligation is created to solve the problem.

Ms. Beaudry added one more point in support of this mitigation study. “We are rapidly developing the west end and through Cove Creek and Little Cove Creek, these drainages are in the City’s annexation areas. We are having subdivisions right in the area that the preliminary data show is within the 100-year floodplain. We also can use this information for the City’s Stormwater plans, which we don’t have any of right now. If this allows the City to develop in a more safe way, then the benefits are obvious. There is a lot of land in the county, but a lot of the mitigation can take place in the upper reaches of those drainages – i.e. through Ironwood (Subdivision), so I wouldn’t discount it just because a portion of it is in the county. A lot of it is in the City and the City can use this information,” she stated. Councilmember Ruegamer suggested that this study remain on the list and still be discussed with the county.

Ms. Volek asked that before the Council votes on the final motion, she wanted clarification on whether the Council wants to “add all of the county projects including the Metrapark improvements, the platted roads in Huntley, and the Community Juvenile Justice Center or if the Council wants to focus primarily on Shiloh Road, the North Bypass and the Inner Belt Loop. Councilmember Brewster stated it was his understanding that the Council should “support” the priorities of the county, but add the Inner Belt Loop as one of the Council’s priorities. On a voice vote on the amendment to remove the West Billings Flood Mitigation project, the motion failed with only Councilmembers Stevens, Brewster and Clark voting “yes”.

On a voice vote on the motion as amended to add the Inner Belt Loop to priorities list, the amended motion was approved with only Councilmember Clark voting “no”.

5. PUBLIC HEARING AND RESOLUTION 06-18517 making FY2007 budget Adjustments for a Downtown Billings Partnership (DBP) request for transferring \$110,000.00 from undesignated funds to urban design projects. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff presentation. Councilmember Jones requested that Greg Krueger of the Downtown Billings Partnership (DBP) give an explanation of this project. Mr. Krueger stated that \$25,000.00 had been allocated to the City to look at the County property and get an appraisal on the site that is just east of the Sheriff's office. He said there is a possibility that the Transit Center could be rotated so it has a north/south array instead of an east/west orientation, which would allow the DBP to possibly locate a federal courthouse on the western side of the block. In order to accomplish this and make the property transfer, that site needs to be appraised. Mr. Krueger said the DBP has also gotten the General Services Administration (GSA) to commit \$40,000.00 for a master plan for that entire block. He noted also that \$35,000.00 was allocated to the City for sidewalk concrete replacement for the Wayfinding Signage Project. The remaining \$50,000.00 is for major streetscape work on public right-of-way at N. 27th Street and 2nd Avenue North as a match for more than \$200,000.00 worth of private investment.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Jones moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

6. EXCHANGE CITY GOLF CORPORATION 2007 ANNUAL BUDGET. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff presentation. Ms. Volek stated this was a November 16th Work Session item and there was no additional information from Staff. Councilmember Ruegamer asked which exchange club this was. Ms. Volek replied that this is the Downtown Exchange Club. There was no motion presented. The item was approved by consensus of the Council.

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.

- GARY GROSHELLE OF 5016 RIMROCK RD said he has been actively involved with Amend Park. He noted that he has noticed that Parks and Recreation Dept. projects have been under funded over the years. He urged the Council to appropriate more funding to the Parks and Recreation Dept. as it begins budget work on the next fiscal year.
- MARION DOZIER OF 3923 3RD AVE. S. spoke on the article in the Billings Gazette today dealing with corrections and the fact that the State is considering adding another 600 women to the Women's Prison. Ms. Dozier noted the trend in corrections is to place more of these violators in pre-release centers. She said that Billings will be "hit more and more" with these pre-release centers and it will become an industry in the City. Ms.

Dozier asked that the City's lobbyist to watch how the pre-release centers are classified, which will subsequent affect how/where these facilities are sited in the community.

- BILL DEBUSE OF 523 STEVE said the last two years he has been pulled over three times by the Billings Police. He described the incidents and noted that the Police Dept. is turning into a "police state". Mr. DeBuse asked the Council to do something about this situation. He noted that he was an officer in Oklahoma. Mr. DeBuse asked the Mayor to appoint a committee to look into this matter. Councilmember Jones noted Mr. DeBuse's complaint was about tickets being issued for petty things instead of more serious violations.
- JOE WHITE OF 926 N. 30TH ST. agreed with Ms. Dozier's comments earlier. He said the South side is already overcrowded with correction facilities.

Council Initiatives

- COUNCILMEMBER RUEGAMER: MOVED to add to the January 8 (2007) agenda the appointment of a new councilmember to the Big Sky Economic Development Authority Board and suggested Councilmember Ulledalen be the new appointee.
- MAYOR TUSSING: MOVED to extend the deadline for board and commission applications to January 2nd.

ADJOURN – The regular meeting was adjourned at 8:05 p.m.

THE CITY OF BILLINGS:

By: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Cam Trudeau Deputy City Clerk