

COUNCIL ACTION SUMMARY

****UPDATED 11/25/2016****

**ITEMS 1C (REIMBURSEMENT AMOUNTS REVISED),
3 (ANNEXATION NO. CORRECTED) AND 5 (STAFF REPORT REVISED)**

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”

AGENDA

COUNCIL CHAMBERS

November 28, 2016

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: Cromley, Yakawich, Brewster, McFadden, Friedel, Sullivan, Clark and Brown. Councilmembers Cimmino and Swanson were excused.

MINUTES: Not ready for approval

COURTESIES:

- Mayor Hanel stated that the City of Billings employees and the Downtown Billings Alliance (DBA) members had done a great job at the Holiday Parade. He added that it was a very well attended event.

PROCLAMATIONS: Salvation Army Red Kettle Kick Off, November 18, 2016

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek stated that there had been several ex parte emails received in regards to the Authorize Community Transformation (ACT) Initiative. She added that they were in the ex parte notebook and on the Councilmembers' desks.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #5 ONLY.
Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign in at the cart located at the

back of the council chambers or 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.)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, in reference to Item 1A1, urged Council to question why there was such a large difference in the price of the new bid compared to the old bid. In reference to Item 5, he told Council they should reject the new contract and remove the clause that would allow fireworks since they are illegal within City limits.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, Montana**, in reference to Item 5, urged Council to look closely at the Dehler Park contract. He stated that the revenue should stay with the City.

1. **CONSENT AGENDA** -- Separations: 1A1, 1H, 1I, 1M1

A. **Bid Awards:**

1. **South Park Splash Pad Development.** (Opened 10/25/16) Recommend General Contractors Construction Company, Inc., \$1,030,350. **APPROVED**
5-4; MCFADDEN, FRIEDEL, BROWN AND MAYOR HANEL VOTED IN OPPOSITION
- B. **Professional Services Contract** for W.O. 17-07; Hilltop Road and Aronson Avenue Storm Drain Extension; KLJ; \$338,305. **APPROVED**
- C. **Reimbursement Agreement** with the Transportation Security Administration (TSA) to reimburse the Airport for electric utility and janitorial expenses for checkpoint areas in the Terminal Building; \$41,742.96/year of revenue for the Airport for the base year, and an estimated \$208,714.80 for the total five-year period of performance. **APPROVED**
- D. **Amendment #1** to the Airport Business Park Building and Ground Lease with the Yellowstone County Museum Foundation, for a net addition of 229.21 square feet for a revised total of 1,431.71 square feet to the leased premises. **APPROVED**
- E. **Approval** of the Billings Community Transportation Safety Plan and forward the recommendation to the Policy Coordinating Committee (PCC) through the City's PCC representative. **APPROVED**
- F. **Approval** of the Assignment Agreement transferring the Development Agreement between the City and Northridge Assets, LLC to Southgate Hotels, LLC. **APPROVED**

G. **Access Easement** with River Park Retirement Court, LLC, for Lot 14 of Brittain Acres. **APPROVED**

H. **Revolving Loan Fund #1** to Todd Gainan - Galles Building, \$115,000. **APPROVED**

I. **Revolving Loan Fund #2** to Todd Gainan - Galles Business, \$250,000. **APPROVED**

J. **Revolving Loan Fund** to Mike Matthew - Pub Station, \$38,750. **APPROVED**

K. **Acceptance** of donation to the Billings Fire Department from Phillips 66 for fire safety training equipment; \$10,000. **APPROVED**

L. **Acceptance** of donation to the Billings Police Department from Phillips 66 for Rescue Task Force (RTF) equipment; \$44,000. **APPROVED**

M. Bills and Payroll:

1. October 31, 2016 **APPROVED 8-0; CROMLEY ABSTAINED**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting budget amendments for FY2017. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED RES. 16-10593**

3. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #16-05:** property described as Tract 3 and a portion of Tract 4 and Tract 5, Certificate of Survey 1648, located west of Shiloh Road and south of Central Avenue between Central Avenue and Bell Avenue just west of Legends West Subdivision. Janet R. Bergman, owner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED RES. 16-10594**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #950:** a zone change from Agriculture-Open Space (A-1) to Residential 7,000 (R-70) on a 15.107 acre parcel of land described as: Tract 3 of C/S 1648, generally located at 4240 Central Avenue. Janet R. Bergman, owner; Bryan Alexander, Sanderson Stewart, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED ORD. 16-5680**

5. **APPROVAL** of Facility Management, Operation and Use Agreement with Mustangs Baseball, LLC, (Dehler Park). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **BREWSTER MOVED TO DELAY 2 WEEKS TO ALLOW STAFF TIME TO BRING BACK ADDITIONAL INFORMATION.**
APPROVED 8-1; SULLIVAN VOTED IN OPPOSITION.

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.)

- **Bill Cole, 3733 Tommy Armour Circle, Billings, Montana**, urged Council to support the Local Option Authority. He distributed a letter requesting endorsement and asked for reconsideration of the previous decision to delay action.
- **Bob Wilmouth, 40 Heatherwood Lane, Billings, Montana**, spoke in favor of the Local Option Authority.
- **Jeff Walters, 1706 St. Andrews Street, Billings, Montana**, urged Council to give the citizens an opportunity to decide for themselves by putting the item back on the table. He stated that every community would get to decide how they would like to proceed.
- **Leif Welhaven, 4637 Neibauer Road, Billings, Montana**, urged Council to put the ACT Initiative back on the table.
- **Steve Warlock, 2511 1st Avenue North, Billings, Montana**, stated that the Tourism Business Improvement District (TBID) had originally been met with skepticism, but had become very successful. He stated that the ACT Committee would be controlled locally and spoke in favor of it.
- **Patrick Alp, 1416 Avenue D, Billings, Montana**, urged Council to reconsider and allow the ACT Initiative to come back for debate.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, stated that the ACT Initiative would tax everyday items and would not support it.
- **Kevin Odenthal, 139 Avenue B, Billings, Montana**, stated that the ACT Initiative would not tax items such as food and pharmacy items and stated that each community would decide how to use the money.
- **J.J. Carmody, 4100 Grooms Lane, Billings, Montana**, stated that the ACT Initiative would provide a competitive environment for hiring healthcare workers and would allow the City to be the best it could be.
- **Karen Sanford-Gall, 3110 East MacDonald Lane, Billings, Montana**, provided a list of improvements that Casper, Wyoming were able to make with the money earned from a local option tax.
- **Jeff Ewalt, Zoo Montana Director**, urged Council to reconsider the ACT Initiative. He stated that the City had a huge future and needed to be a leader in the state.
- **Terry Bauck, 3441 Masterson Circle, Billings, Montana**, stated that when he lived in Tacoma, Washington they had a local option tax and it had worked very well.
- **John Brewer, 815 South 27th Street, Billings, Montana**, urged Council to endorse the ACT concept and allow voters to make the final decisions later. He stated that the ACT bill was transparent and would allow citizens to vote for what they wanted.

- **Kristy Drake, 2416 Avalon Road, Billings, Montana**, stated that the people involved in the endorsement committee were a very special part of the City. She stated that they all wanted to see the community thrive.
- **Jennifer Mercer, 2701 Glenwood Drive, Billings, Montana**, stated that the endorsement committee included all different types of people from the community. She stated that it included leaders and business owners from the community with a common goal to help the City through the ACT Initiative.
- **Jeremy Scherer, 1701 Vuecrest Drive, Billings, Montana**, stated that he had lived in Casper, Wyoming for 19 years and the local option authority had worked very well. He spoke in favor of the ACT Initiative for Billings.
- **Daniel Brooks, 325 Lincoln Lane #2, Billings, Montana**, spoke about the different categories and which items would be included in the statute. He stated that 86% of Chamber of Commerce members were in favor of the local option tax.
- **Kris Carpenter, 4642 Arapaho Lookout, Billings, Montana**, stated that as a business owner, it was a privilege to provide services to the community. She stated that handling the money from the tax option would not be difficult.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, Montana**, stated that City Council was very predictable in the way they voted and suggested that they start a random roll call voting system.

COUNCIL INITIATIVES:

- Councilmember Yakawich moved to reconsider the decision to table the endorsement of the Authorize Community Transformation (ACT) Initiative, seconded by Councilmember Sullivan. On a voice vote, the motion was approved 7-2, with Councilmembers McFadden and Friedel voting in opposition.

ADJOURN: 9:30 pm