

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

July 25, 2011

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: Ronquillo, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle and Clark. Councilmember Gaghen was excused.

MINUTES:

- June 27, 2011 – Councilmember Cimmino asked that the ‘Courtesies’ portion of the minutes be modified to specifically include a thank you to the City of Billings Wellness Committee Fun Run Volunteers. Councilmember Cimmino moved for approval of the minutes as modified, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.
- July 5, 2011 – Councilmember Ronquillo moved for approval, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.
- July 11, 2011- Councilmember Clark moved for approval, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Hanel said Relay for Life was recently held, and it was a very successful event, once again, for many years running. He thanked everyone who participated in one way or another for helping make it a success.
- Mayor Hanel said the Big Sky State Games was a huge event that Billings had benefitted from for 26 years. He said it was a huge success not only for the participants, but for the community and outlying areas in general.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- Item E2, Chase Hawks Memorial Burn the Point street closure request. Memo sent in the 7/21 Friday packet from the City Engineer's Office regarding additional street closure requests that were inadvertently left out of the staff memo. The additional closures are North 28th from 2nd Avenue N. to 3rd Avenue N.; North 28th from 3rd Avenue N. to 4th Avenue N.; and 2nd Avenue N. from North 29th St. – under SkyPoint – to the alley just east of North 28th St. Ms. Volek said the Council could separate the item and add the additional street closures.
- Item F, Approval of loan from the General Fund to the N. 27th Street Tax Increment Fund for \$800,000. Memo from Assistant City Administrator Bruce McCandless sent in the 7/21 Friday packet with letter from DOR addressing miscalculation errors. Memo requests tabling Item F indefinitely, as it would not be necessary at that time to loan money to the Downtown Partnership.
- Request to add two postponed items to tonight's agenda. Memo sent in the 7/21 Friday packet asking Council to consider adding (1) bid award for W.O. 10-29, Wastewater Treatment Plan West Mechanical MCC Replacement and Improvements; and (2) Purchase of three police patrol pickups from Bison Ford Company of Great Falls to the agenda this evening. Both items were postponed on July 11th until August 8th pending approval of the FY2012 budget. Ms. Volek advised adding to the agenda would require a 3/4 vote of the Council.
- Ms. Volek advised all items were filed in the ex-parte notebook in the back of the room for public inspection.

Councilmember Clark moved to add the bid award for W.O.10-29 to the Consent Agenda as Item M and the Police Patrol vehicles to the Consent Agenda as Item N, seconded by Councilmember Astle. Following a brief discussion on a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item #1 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute. 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.

1. **CONSENT AGENDA** -- Separations: A1, A2, B, E2, F, L1

A. **Bid Awards:**

1. **P25 Digital Radio, NG9-1-1 Telephone System, and Digital Logging Recorder.** (Opened 7/5/2011) (Delayed from 7/11/2011) Recommend Cassidian Communications, Inc.; \$2,147,000. **Approved**

2. **Swords Park Trail II STPE 1099 (60) Construction.** (Opened 7/12/2011) Recommend Knife River; \$621,535.40. **Approved**
3. **W.O. 10-05: 2nd & 3rd Avenues North Two-Way Conversion.** (Opened 7/12/11) Recommend HighMark Traffic Services; \$74,334.05. **Approved**

B. **Approval** of Signal Emergency Response Agreement with the Montana Department of Transportation. Revenue based on labor, materials, and equipment. **Approved**

C. **Amendment #17, Airport Storm Water Master Plan Update.** Engineering Design Services Contract, Morrison-Maierle, Inc., \$176,038. **Approved**

D. **Sidewalk Easement** with TNC Development, LLC, for the westerly five feet of Lot 4, Block 3, Weil Subdivision. **Approved**

E. **Street Closures:**

1. Billings Association of Realtors Quality of Life Runs. Saturday, August 20, 2011; 7 a.m. to 11 a.m.; The 5-mile run starts at Masterson Circle, along Airport Road to N. 27th, on Rimrock Rd to Virginia Lane, to Parkhill Dr., through Pioneer Park and back to Parkhill, along 32nd Street and finishing in the Transwestern Parking Lot north of 6th Ave N. The 2-mile run is on the same route but starts along Rimrock Road. **Approved**
2. Chase Hawks Memorial Association Burn the Point/Street Dance. September 2, 2011, from 5:30 p.m. to 12:30 a.m. on September 3, 2011; established downtown parade route and N. 28th between 1st and 2nd Avenues North. **Approved adding the additional street closures as noted in Administrator's Report.**
3. Billings Public Schools Opening Day for Teachers and Administrators. August 23, 2011; 7:15 a.m. to 11:30 a.m.; North 28th Street between 3rd and 4th Avenues North. **Approved**

F. **Approval** of loan from the General Fund to the North 27th Street Tax Increment Fund; \$800,000 with 1.47% interest rate; repayment from the North 27th Street Tax Increment revenue in December 2011 and June 2012. **Tabled indefinitely**

G. **Approval** of grant application and acceptance of the 2011 Justice Assistance Grant (JAG) for Police Department equipment purchases; \$71,253. **Approved**

H. **Approval and acceptance** of United Way of Yellowstone County Grant for Enforcing Underage Drinking Laws (EUDL); \$18,760. **Approved**

I. **Resolution #11-19088** authorizing the issuance and calling for a private negotiated sale of \$2,620,000 Special Improvement District 1360 bonds. **Approved**

J. Approval of extension of preliminary plat approval date for two years for Skyview Ridge Subdivision, 1st Filing; setting a new expiration date of August 13, 2013.

Approved

K. Preliminary Subsequent Minor Plat of Sheldon Wolf Subdivision described as two lots on approximately 0.5 acre of land on the south side of Pemberton Lane in the Heights; Sheldon and Nickala Wolf, owners; Sanderson Stewart, agent; conditional approval of the plat and adoption of the findings of fact. **Approved**

L. Bills and Payroll:

1. June 30, 2011 **Approved 9 to 0.** CM Cimmino abstained from the vote.
2. April 1, 2011 - June 30, 2011 (Municipal Court) **Approved**

M. Bid Award for W.O. 10-29, WWTP West Mechanical MCC Replacement and Improvements; Action Electric; \$618,000. **Approved**

N. Purchase of Three Ford F150 4X4 Super Crew Pickups for Police Department; Bison Ford Motor Company, Great Falls, MT; \$82,534.95. **Approved**

REGULAR AGENDA:

2. PUBLIC HEARING AND SPECIAL REVIEW #890: a special review to allow a drive-through service in a Community Commercial (CC) zone across the alley from a residential zone and to allow the use of property zoned Residential 6,000 (R-60) for public parking on property generally located on the northwest corner of the intersection of Grand Avenue and 14th Street West and described as Lots 1 through 12 and 47 and 48, Block 2, Evergreen Subdivision; Stockman Bank; owner. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **Approved**

3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #877: a zone change from Planned Development – Neighborhood Commercial to Planned Development – Neighborhood Commercial with an allowance for the on-premise sale of beer and wine without gaming and the provision of catering services on a 37,739 square foot parcel of land described as Lot 3, Block 40, Harvest Subdivision, 4th Filing, generally located at 3210 Henesta Drive. Steel Properties, Ronald Steel, President, owner; Siam Thai, LLC and Andrew Billstein, Billstein Law Firm, representatives. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **Approved**

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments offered here are limited to 3 minutes. Please sign up on the clipboard located at the podium.*)

The public comment period was opened.

- **Joe White, Billings, MT**, requested immediate payment for damages that had been ordered time after time. He said the conditions had worsened for them, and there were 35 to 40 children stuck in a minivan in 102 degree heat between Bridger and (inaudible). He said Scott Twito, the new County Attorney, had spoken with him in the bank about a week ago about a comment made many years ago regarding housing for children. The rest of Mr. White's testimony was inaudible.
- **Frank Ewalt, 2131 Phoebe Drive, Billings, MT**, said he wanted to talk about the street maintenance fee approved by Council three weeks before. He said the statistic printed in the paper was a \$29.10 increase on an average residence and asked what percentage in street maintenance fees that would be. He said he did the math and the percentage was 46.19%. He said people were financially strapped and having a hard time making it. He referenced the maintenance contract with MDT and asked how many miles were taken back by MDT. He said they just handed the street maintenance fund \$289,000, and they do not have those miles to maintain anymore. He asked for justification. Mayor Hanel advised Mr. Ewalt that Ms. Volek and the Public Works Department would get answers to his questions and get back to him.

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

COUNCIL INITIATIVES

- **Ruegamer**: Moved to suspend the storefront ordinance until the judge ruled on what could and could not be done, seconded by Councilmember McFadden. After Attorney Brooks advised there was a hearing set for 8/5/11, Councilmember Ruegamer withdrew his motion, which was agreed to by Councilmember McFadden.
- **Ulledalen**: Referenced the city lawsuits and moved to have staff bring back ideas to the Council for some kind of an audit or evaluation from someone local or from the International City Managers Association on the HR functions, including the legal aspects of reviewing contracts, seconded by Councilmember Astle. He said they needed to do something to establish better credibility with the voters instead of shrugging their shoulders and saying the lawsuits were nobody's fault. On a voice vote, the motion was unanimously approved.
- **Pitman**: Moved to revisit siding on outbuildings and bring it to a work session, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

ADJOURN: The meeting adjourned at 7:59 p.m.

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

