

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

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

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#### AGENDA

COUNCIL CHAMBERS

November 14, 2011

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Cimmino

**ELECTION OF DEPUTY MAYOR (simple majority of the whole Council required)**  
Councilmember Ulledalen was elected as Deputy Mayor.

**ROLL CALL:** Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle and Clark.

**MINUTES:** October 24, 2011, Approved.

**COURTESIES:**

- Mayor Hanel recognized upcoming Councilmembers Becky Bird and Kenneth Crouch who were in attendance.
- Councilmember Cimmino congratulated Councilmembers McCall and Pitman on their re-election.
- Councilmember McFadden reminded everyone of the winter parade scheduled for November 25.

**PROCLAMATIONS:** None

**ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items.

- Item 1B1: Bid award for upgrades to Airport's west end office Building. Airport is asking for delay until 11/28/11.
- Item D: Approval of 5-year lease with TSA and Supplemental Agreement on the 2008 Lease. Airport is asking for delay until 11/28/11.
- Item #3: Resolution of Intent to Create a City-Wide Park District. As of 4 p.m. that day, Mayor and Council had received 7 e-mails protesting the district and

one e-mail in favor of the district. Councilmember Pitman received 2 e-mails protesting the district. Copies of e-mails filed in ex-parte notebook.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #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:**

**A. Boards and Commissions**

**1. Approval** of correction to term expiration date from 12/31/11 to 12/31/12 for Curtis Haney on the Exchange City Golf Corporation Board. **APPROVED**

**B. Bid Awards:**

**1. Upgrades for the Airport's West End Office Building Project.** (Opened 10/25/2011) Recommend High Tech Construction & Properties, Inc.; \$45,400. **DELAYED UNTIL 11/28/11**

**2. W.O. 09-28, Water Treatment Facility Back-Up Power, Phase II.** (Opened 10/25/2011) Recommend delay of award until 11/28/2011. **DELAY APPROVED**

**3. Seven (7) 2012 Truck Cabs and Chassis with Refuse Compactor Bodies.** (Opened 10/25/2011) Recommend Schedule I: 3 Autocar Truck and Wayne Curtender Body (Side Load) from Jack's; \$718,944; Schedule II: 2 Pete Truck and New Way Packer Body (Front Load) from Montana Peterbuilt; \$320,963; and Schedule III: 2 Freightliner Truck and Advantage Roll-Off Hoist from I-State; \$305,652. **APPROVED**

**4. Tracked Excavator for Distribution and Collection Division, Public Works Department.** (Opened 10/25/2011) Recommend Tractor & Equipment; \$62,744.87. **APPROVED**

**5. Two (2) 8-Yard Dump Trucks for Distribution and Collection Division, Public Works Department.** (Opened 10/25/2011) Recommend Motor Power Equipment Company; \$225,368. **APPROVED**

**6. Purchase of five (5) city vehicles in the car and light truck class.** (Opened 11/1/11) Schedule I: Recommend Menholt Chevrolet without trade - \$71,396.80; Schedule II: Recommend Fremont Motors with trade - \$30,352.82. **APPROVED**

C. **Contract** with Kompan, Inc. for design, procurement, and installation of playground equipment and fall protection materials for Yellowstone Family Park funded through SID 1392. No cost to City. **APPROVED**

D. **Approval** of 5-year Building Lease with Transportation Security Administration for term of 12/1/2011-11/30/2016, total revenue - \$682,830.60; and Supplemental Agreement on the 2008 Lease restating term of 3/1/08-11/30/11. **DELAYED UNTIL 11/28/11**

E. **Approval** of the Yellowstone County All Risk Mutual Aid Agreement. **APPROVED**

F. **Approval** of Downtown Revolving Loan Committee's recommendation of loan to Steven and Joni Harman for renovation of building located at 2511-2613 Minnesota Avenue; up to \$100,000. **APPROVED**

G. **Approval** of Downtown Revolving Loan Committee's recommendation of loan to DB Squared for renovation of 2nd floor of Yellowstone Garage Building located at 2303 Montana Avenue; up to \$250,000. **APPROVED**

H. **Resolution of Intent #11-19123** to de-annex Lots 26, 27, the west half of Lot 28, Lot 38, and Lot 40 of the Sunny Cove Fruit Farms from the Billings City Limits and set a public hearing for December 12, 2011. **APPROVED**

I. **Second/Final Reading Ordinance #11-5545** for a permanent ordinance defining medical marijuana "storefront" businesses and prohibiting the operation of medical marijuana storefronts in the City of Billings. **APPROVED**

J. **Amended Plat of Harvest Subdivision, 4th Filing, Block 40, Amended Lots 3 and 4**, generally located west of 32nd Street West off of King Avenue West. **APPROVED**

K. **Final Plat Approval** of Montana Sapphire Subdivision, Block 1, Amended Lots 8 & 9A-5. **APPROVED**

L. **Bills and Payroll:**

1. October 11, 2011 **APPROVED**
2. October 17, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
3. October 24, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
4. July 1, 2011 - September 30, 2011 (Municipal Court) **APPROVED**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #11-19124** creating SILMD 310, Bench Boulevard from Main Street to approximately 1,000 feet east of the intersection. Staff

recommends approval. (Action: approval or disapproval of staff recommendation.)  
**APPROVED**

3. **PUBLIC HEARING AND RESOLUTION OF INTENT #11-19125** to create a city-wide park district establishing an annual assessment to provide funding for a wide variety of park improvements and maintenance; and setting a second public hearing for the creation of the district for December 19, 2011. Staff and the Parks, Recreation and Cemetery Board recommend approval. (Action: approval or disapproval of staff and Parks, Recreation and Cemetery Board recommendation.) **APPROVED 9 TO 2.**

**COUNCILMEMBERS RONQUILLO, GAGHEN, PITMAN, RUEGAMER, MCCALL, ULLEDALEN, ASTLE, CLARK AND MAYOR HANEL VOTED IN FAVOR.**

**COUNCILMEMBERS CIMMINO AND MCFADDEN 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 up on the clipboard located at the podium.*)

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

### **COUNCIL INITIATIVES**

- **Ruegamer:** Moved to receive Police reports in 90 day increments on the number of warnings and tickets issued for use of cell phones while driving, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.
- **Ulledalen:** Moved to receive a presentation from Public Works regarding MDT construction issues with Shiloh Road and State Avenue, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved

**ADJOURN:** The meeting adjourned at 9:32 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.*