

## 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 28, 2011

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember McFadden

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

**MINUTES:** November 14, 2011, pending

**COURTESIES:**

- Mayor Hanel thanked the councilmembers who had the opportunity and the time to participate and support the parade held on Friday, November 25<sup>th</sup>.
- Jamie Fuller and Josh Cherry of Troop 375 and their unit commissioner, Russ Cherry, chartered by the Monad Ward of the Church of Christ of Latter Day Saints introduced themselves. Jim Ladell introduced his son, Tanner, who had just a couple of badges to finish up for his Eagle Merit Badge. Mr. Ladell said they were sponsored by the LDS Church on Wicks. Mayor Hanel welcomed and thanked the Boy Scouts for attending.

**PROCLAMATIONS:**

- Councilmember Ruegamer advised Carroll College won its second game and were in the semi finals. He said they would play Georgetown of Kentucky on Saturday in Helena.
- Councilmember Ruegamer advised the MSU Bobcats would play New Hampshire in Bozeman on Saturday. He said it would not be televised by ESPN.
- Councilmember Ruegamer advised the U of M Grizzlies would be playing Central Arkansas on Saturday in Missoula in the first round of the FCS championship playoffs.

**ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items.

- Item 1A2 – Bid Award for Upgrades to the Airport’s West End Office Building Project. She said there was an addition to the recommendation to include authorization for the Mayor to sign any supplemental agreements required by the TSA in connection with the project. She said a copy of the revised staff report was sent to Council in the 11/25/11 Friday packet and a copy was filed in the ex-partie notebook.
- Memo on Election Alternatives for the Park Maintenance District. She said it was a question raised by several councilmembers. She said they met with Election Official Bret Rutherford that afternoon who outlined the four options for election possibilities in 2012. Memo was distributed to Council and placed in the ex-partie notebook.
- Reconsideration of the Park Maintenance District. She said the City Attorney recommended that if the Council chose to make a motion to add reconsideration to the evening’s agenda, it needed to be done before public comment on non-public hearing agenda items so members of the public in the audience could comment. She said the item would then be carried forward to either the December 12 or December 19 council meeting for discussion and possible public hearing. Attorney Brooks said to add the item to the regular agenda they would need a 3/4 vote. He said then once added to the agenda, the Council would vote on a motion to reconsider the item at a future meeting (Dec. 12).

Councilmember McCall asked if doing so would just cause confusion for people since the valid protest process was already in place and people were currently responding to it. Attorney Brooks said it could. He said another option would be to simply wait until December 19 and see what level of protest they had. He said the only risk would be that they would have more than 50% protest by the 19<sup>th</sup>, and per the statute, if there was more than 50%, even an election would be prohibited for one year.

Councilmember Pitman moved to add as Agenda Item 4 the reconsideration of the special parks maintenance district, seconded by Councilmember McFadden. On a roll call vote, the motion failed for lack of a 3/4 vote. Councilmembers Ronquillo, Gaghen, Ruegamer, Astle and Clark voted in opposition. Councilmembers Pitman, Cimmino, McFadden, McCall, Ulledalen and Mayor Hanel voted in favor.

#### **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.

- **Roger Scheidler, 636 Logan Lane, Billings, MT**, testified on Item 1A1. He said he represented TWEnterprises and was present on behalf of Mr. Wittman. Mr. Scheidler said they had proposed a slightly different generator system to HDR

Engineering consisting of four generators that worked together as one instead of one single generator. He said HDR added it to their bidding process as an alternate. He said during the process, it was rescinded as not being an alternate, so Mr. Wittman contacted Councilmember Pitman and provided additional information in an effort to propose something they believed to be much more viable. Mr. Scheidler distributed technical data to the Council and described in length what they were proposing. Mr. Scheidler said they would like to have their system in the bidding process to be as an equal, as opposed to an alternate.

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

1. **CONSENT AGENDA** -- Separations: 1A1, 1A2, H3

A. **Bid Awards:**

1. **W.O. 09-28, Water Treatment Facility Back-Up Power, Phase II.** (Opened 10/25/2011)(Delayed from 11/14/2011). Recommend ACE Electric; \$1,142,587.

**Approved 9 to 1. Councilmember Pitman voted 'no'. Councilmember Cimmino abstained.**

2. **Upgrades for the Airport's West End Office Building Project.** (Opened 10/25/2011)(Delayed from 11/14/2011) Recommend High Tech Construction & Properties, Inc.; \$45,400. **Approved to include authorization for the Mayor to sign any Supplemental Agreements required by TSA.**

B. **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 from 11/14/2011) **Approved**

C. **Professional Services Contract for W.O. 09-20, Rimrock Road Reconstruction (Forsythia Boulevard to Shiloh Road)**Engineering Design and Construction Administration Services; DOWL HKM, \$318,670. **Approved**

D. **Subordination of Housing Rehabilitation Loan** for Terri A. Smith, \$20,000. **Approved**

E. **Approval** of the purchase of seven (7) Replacement Police Vehicles from Bison Motor Company for \$26,615.13 each, for a total cost of \$186,305.91, budgeted in the 2012 Equipment Replacement Plan. **Approved**

F. **Acceptance of Warranty Deeds** for right-of-way adjacent to city-owned parcels at 11th Street West and Grand Avenue and 12th Street West and Grand Avenue (W.O. 92-11 Grand Avenue Widening). **Approved**

**G. Resolution #11-19126** related to financing the design and construction of improvements to the 5-Mile Creek Water and Wastewater Lift Station or construction of a new lift station establishing compliance with reimbursement bond regulations under the Internal Revenue Code. **Approved**

**H. Bills and Payroll:**

1. October 27, 2011
2. October 31, 2011 – **Approved 10 to 0. Councilmember Cimmino abstained.**
3. November 7, 2011 – **Approved 10 to 0. Councilmember Astle abstained.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING FOR VARIANCE #OP-11-02:** a variance from BMCC Section 6-1203(j) regarding reduction in required off-street parking spaces from 42 to 37 for a new 3-story office building located at 1648 Poly Drive. UNO Corporation, developer. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved**

**3. PUBLIC HEARING AND RESOLUTION #11-19127** approving and adopting first quarter budget amendments for FY 2011/2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved**

**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.

- **Joe White, Billings, MT**, testified on the proposed park district. He said he agreed the way it was set up was not legal. He said he thought it should be done through a general election.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, said he would like to remind the Council that the Interim Revenue Transportation Committee had Senate Resolution #23 that studied the exemption of non-profit corporations or organizations for property taxes and other taxes. He said it was a great opportunity for Council to provide input on the effect the non-profits were having on communities. He asked Council to become involved because there may be a solution to some of their problems.

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

**COUNCIL INITIATIVES**

- **Ulledalen:** Moved to add the appointment of Councilmember McCall as the City's Montana League of Cities and Towns representative to the December 12

agenda, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

**ADJOURN:** 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.*