

**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

October 9, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Pitman

ROLL CALL: Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, Astle and Crouch

MINUTES:

- September 10, 2012 - **APPROVED**
- September 24, 2012 – **PENDING**

COURTESIES:

- Mayor Hanel thanked Deputy Mayor Ulledalen for filling in for him at the September 24 meeting.
- Mayor Hanel acknowledged at the recent Montana League of Cities and Towns (MLCT) meeting held in Kalispell Councilmember McCall was elected as the second vice president for the MLCT, and said she would be president in 2013. City Administrator Volek commented that it was a special recognition in that they moved her forward on the schedule to be considered, and it meant in two years she would be the chair of the MLCT. She said Councilmember Ruegamer was the chair two years ago, so within five or six years someone from the City of Billings has been the chair of the league.
- Parks Director Mike Whitaker announced that the Montana Recreation & Parks Association awarded the Citation of Merit to the Parks, Recreation and Public Lands Department for agency excellence in assisting city council with the creation of a city-wide park maintenance district to help fund deferred park maintenance in Billings. He said it was the first time such an award had been given, and he felt fortunate Billings was the recipient.
- Parks Director Mike Whitaker announced that the Montana Recreation & Parks Association awarded the Citation of Merit to the Friends of the Billings Dog Park Committee for raising over \$70,000 to build a dog park in the Heights and for advocating for additional dog parks in Billings. He said the Heights dog park was on its way to becoming the busiest park in Billings. He said based on current

usage, they were forecasting it would get over 250,000 visits in a year, which surpassed Pioneer and Riverfront Parks. He said a counter was placed at the dog park, and they looked at one week's use. He said they averaged over 750 people at the park each day, which did not take into account the number of dogs. Mr. Whitaker presented the award to Sue Bressler, the chairwoman of the committee. Ms. Bressler introduced committee members Rachel Cox, Marcia Clausing, and Kyle Hansen. She said they were only one-third finished with their goal because they wanted dog parks on the south and west sides of Billings. She said they were astounded at the numbers at the Heights dog park; she said the lowest day was 500 people and the highest day was 1,000 people. Ms. Bressler said she hoped to sit down with the council at a work session to go over their plans for additional dog parks.

PROCLAMATIONS: Councilmember Pitman read a proclamation honoring Rita Schilling as community leader in the City of Billings in the Spirit of the 22nd Anniversary of the Americans with Disabilities Act (ADA) and proclaiming October 4, 2012, as Americans with Disabilities Awareness Day in the City of Billings.

ADMINISTRATOR REPORTS - TINA VOLEK

City Administrator Volek commented on the following items:

- Item 1A2 – W.O. 12-09, Wastewater Treatment Plant Access Road Rip Rap Replacement. The bid opening was held that day. Staff would like item separated in order to make bid award recommendation. Copy of bid award recommendation was on Council's desk and filed in the ex-parte notebook.
- Item 1A4 – W.O. 12-34, North Broadway Sidewalks – Northern Hotel. The bid opening was held that day. Staff would like item separated in order to make bid award recommendation. Copy of bid award recommendation was on Council's desk and filed in the ex-parte notebook.
- Item E – Approval to begin negotiations for relocation of Code Enforcement, Planning and Building Divisions to the Miller Building at 2825 3rd Ave. N. Staff would like item separated for a presentation by Planning Director Candi Beaudry.
- Item 2 – Development Agreement between Red Oxx LLC and the City of Billings. Council received an amended Development Agreement in the October 5 Friday Packet. Copy is filed in the ex-parte notebook.
- Item 4 – Public Hearing and First Reading amending Article 23-600 of City of Billings Subdivision Regulations. Public Hearing was not advertised so staff was requesting the item be postponed until October 22 so the public hearing could be properly advertised.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2 & #3 ONLY.
Speaker sign-in required. (Comments offered here are limited to one (1) minute.

Please sign up on the sheet located in the back of the room 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.)

The public comment period was opened.

- **Jerry Ray, 2646 Grand Avenue, Billings, MT**, distributed a packet addressing Item E, the relocation of city offices, and discussed his offer for the Crane Building.
- **Drew Smith, 3312 4th Avenue North, Billings, MT**, said he represented NAI Business Properties. He said he had submitted an RFP and had worked with staff on the possibility of relocating the city offices to the Miller Building.

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

1. **CONSENT AGENDA** -- Separations: 1A1, 1A2, 1A4, C, E, L, M, N1 & N2

A. **Bid Awards:**

1. **Taxilane Expansion Project at Billings Logan International Airport.** (Opened 9/25/2012) Recommend Knive River; \$535,758. **APPROVED**

2. **W.O. 12-09, Wastewater Treatment Plant Access Road Rip Rap Replacement.** (Opened 10/9/2012) Bid award recommendation to be made at the October 9, 2012, City Council meeting. **APPROVED BID AWARD TO DONNES, INC. FOR \$154,690.**

3. **W.O. 12-03, #3, 2012 Street Maintenance Program, City Crack Seal.** (Opened 9/25/2012) Recommend Harddrives Construction, Inc.; \$180,455.61. **APPROVED**

4. **W.O. 12-34, North Broadway Sidewalks - Northern Hotel.** (Opened 10/9/2012) Bid award recommendation to be made at the October 9, 2012, City Council meeting. **APPROVED BID AWARD TO LANGLAS & ASSOCIATES, INC. FOR \$135,874.89.**

B. **Change Order #8 - W.O. 10-08: Water Treatment Plant Clearwell Baffle Project;** COP Construction; \$212,875.97. **APPROVED**

C. **1) Professional Services Contract** for design, engineering and construction administration of the Rose Park Pool Improvements; Interstate Engineering, Inc.; \$30,600; and **2) Resolution #12-19224** allocating \$30,600 of Council Contingency Funds for payment of the professional services contract to be repaid after December 1, 2012. **APPROVED 8 TO 3. CM PITMAN, RONQUILLO, AND CIMMINO VOTED IN OPPOSITION.**

D. **Professional Services Contract** for design and construction administration services for W.O. 13-01, Sanitary Sewer and Water Replacement Project; DOWL HKM; not to exceed \$870,300. **APPROVED**

E. Approval to begin negotiations for relocation of the Code Enforcement Division, Planning Division, and Building Division offices to the Miller Building located at 2825 3rd Avenue North. **ON A 6 to 5 ROLL CALL VOTE, POSTPONED UNTIL 10/22/12. CM RONQUILLO, PITMAN, CIMMINO, MCFADDEN, BIRD, AND MAYOR HANEL VOTED IN FAVOR OF POSTPONEMENT. CM MCCALL, ULLEDALEN, ASTLE, AND CROUCH VOTED IN OPPOSITION OF POSTPONEMENT.**

F. Acceptance of Quitclaim Deed from Yellowstone County for a section of road tract on the north half of Grand Avenue adjacent to Zimmerman Acreage Tracts (Annex #12-07). **APPROVED**

G. Acceptance of Bureau of Justice Assistance Grant for DUI offender treatment program; \$350,000 over 3-year period. **APPROVED**

H. Acceptance of funding from the United Way of Yellowstone County for the STOP ACT Grant for Enforcing Underage Drinking Laws (EUDL); \$12,100. **APPROVED**

I. Resolution of Intent #12-19225 to Annex a 30-foot wide petitioned county road easement covering approximately 0.167 acres along the front of Tract 1A, Certificate of Survey 2990, and located on the south side of Grand Avenue just west of the Grand Avenue and 48th Street West intersection; and set a public hearing date of November 13, 2012. (Annex #12-07) **APPROVED**

J. Resolution #12-19226 establishing Urban Chicken Animal Control Permit Fees. **APPROVED**

K. Second/Final Reading Ordinance #12-5586 for Zone Change #903: A zone change from Entryway Light Industrial to Highway Commercial on land described as Lots 4, 6 and 7, Block 1, Montana Sapphire Subdivision located at 4110 and 4020 Montana Sapphire Drive and 4215 King Avenue West. Montana Sapphire LLC, owner; Keith James, Gemstar Properties, LLC, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

L. Second/Final Reading Ordinance #12-5587 amending Chapter 13, Article 13-400, Division 3, of the Billings, Montana, Municipal Code by adding a new section "All Businesses, Occupations, and Professions to Comply with Local, State, and Federal Law," and amending Section 13-432. **APPROVED 9 TO 2. CM CROMLEY AND BIRD VOTED IN OPPOSITION.**

M. Second/Final Reading Ordinance #12-5588 amending Section 24-456 of the Billings, Montana, City Code prohibiting the moving of vehicles on the same block from one metered space to another. **APPROVED**

N. Bills and Payroll:

1. September 4, 2012 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED**
2. September 10, 2012 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED**
3. September 17, 2012 **APPROVED**

REGULAR AGENDA:

2. **DEVELOPMENT AGREEMENT** between Red Oxx LLC and the City of Billings for a major renovation project located at 2nd Avenue North and North 12th Street in the East Billings Urban Renewal District allocating Tax Increment Finance funding in the amount of \$45,319 to Red Oxx for the TIF eligible portion of the project. Billings Industrial Revitalization District (BIRD) and staff recommend approval. (Action: approval or disapproval of BIRD and staff recommendation.) **APPROVED**
3. **RESOLUTION #12-19227 FOR THE REFUNDING OF GENERAL OBLIGATION BONDS AUTHORIZING THE ISSUANCE AND CALLING FOR THE PRIVATE NEGOTIATED SALE.** A resolution authorizing the sale of Series 2004A General Obligation Bonds of up to \$4,250,000 to finance Zimmerman Trail, South Billings Boulevard, and Alkali Creek Road improvements; and Series 2007B General Obligation Bonds of up to \$1,250,000 for construction of Dehler Park. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Article 23-600 of the City of Billings Subdivision Regulations bringing the Regulations into compliance with the Montana Subdivision and Platting Act. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 10/22/12 IN ORDER TO ADVERTISE PUBLIC HEARING.**
5. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #CC-12-02:** A variance from Section 6-1208 (h) (1) to increase the allowable width for an approach and Section 6-1208 (h) (5) for an increase in the number of allowable curb cuts per lot for Lot 12, Block 1, Kingston Place Subdivision. King Property LLC, developer. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
6. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-12-03:** A variance from Section 6-1203 reducing the number of required off-street parking stalls from 58 to 54 at 1633 Main Street located on Lot 1, Block 1, Wal-Mart Subdivision; Coldwater Portfolio Partners, LLC, applicant. 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. There were no speakers, and the public comment period was closed.

COUNCIL INITIATIVES

- **BIRD**: MOVED that the City Administrator be directed to conduct an investigation into Fire Chief Dextras' role and responsibility in the recent matter involving Assistant Fire Chief Frank Odermann, seconded by Councilmember Cimmino. After further discussion, Councilmember Bird withdrew her motion. Councilmember Cimmino, who seconded the motion, agreed to the withdrawal.

ADJOURN: 8:56 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.