

## 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

October 22, 2012

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Cromley

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

**MINUTES:**

- September 24, 2012 – **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
- October 9, 2012 - Pending

**COURTESIES:**

**PROCLAMATIONS:** "Pink Day" in Support of Breast Cancer Research - October 25, 2012

**ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items:

- Item #6 – Approval to begin negotiations for relocation of the Planning and Community Services Department to the Miller Building located at 2825 3<sup>rd</sup> Avenue North. (1) Copy of letter from Mike Yakawich, Chair of the South Side Neighborhood Task Force, and a petition with 50 unverified signatures in favor of relocating to the Crane Building are on Council's desk and filed in ex parte notebook. (2) Copy of Office Space Selection PowerPoint Presentation from council meeting of October 9<sup>th</sup> was sent in the October 12<sup>th</sup> Friday Packet and is filed in ex parte notebook. (3) Copy of Office Space Proposal Evaluation from Candi Beaudry was sent to Council in the October 19<sup>th</sup> Friday Packet and is filed in ex parte notebook.

- Item #8 – Parking Meter Reduction Trial Report and Recommendation. Copy of Memo from Bruce McCandless sent in October 19<sup>th</sup> Friday packet is filed in ex-partes notebook.
- Request to Add Item to Agenda: Brownfield Grant Commitment Letter. Memo was sent in October 19 Friday packet and is filed in ex-partes notebook.
- Request to Add Item to Agenda: Authorization for two loans from the General Fund to the N. 27<sup>th</sup> Tax Increment Fund – (1) \$1.5 million to start the Empire Garage Project prior to closing on bonds to be used for utilities relocation, abatement/demolition and pre-design; and (2) \$1.7 million to finish the Empire Garage Project prior to receiving proceeds from the sale of retail space and parking stalls. Memo from Finance Director Pat Weber was sent in October 19 Friday Packet and is filed in ex-partes notebook.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 6, 7, 8, 9A and 9B ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute. Please sign up on the sheet located at the podium or in the back of the room. 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**, referenced Item 6 and said he could work out space for the Community Development Division at the Crane Building. He said he had taken the matter to the South Side Task Force, and they were in support of moving the Planning and Community Services Department to the Crane Building.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Item H and said it was nothing but socialism and a pathetic use of taxpayer dollars.
- **Drew Smith, 3312 4<sup>th</sup> Avenue North, Billings, MT**, referenced Item 6 and said he represented the Miller Building and was available to answer questions.
- **Norman Miller, 4507 Palisades Park, Billings, MT**, referenced Item 6 and said his family owned the Miller Building. He said the Miller Building offered a “bigger bang for the buck.” He said the RFP process was professional, fair, and transparent; and asked Council to approve Planning’s recommendation.
- **Mike Craighill, 2118 Lake Hills Drive, Billings, MT**, referenced Item 8 and said he was a member of the Parking Advisory Board. He said the trial was successful and said the recommended proposal was a great solution.
- **Steve Bruggeman, 1824 Forest Park Drive, Billings, MT**, referenced Item 8 and said he was a member of the Parking Advisory Board. He said he supported the meter reduction proposal and downtown needed free parking outside the core.
- **Lisa Harmon, no address given**, referenced Item 8 and said she was Executive Director of the Downtown Billings Alliance and supported the recommended proposal.

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

**1. CONSENT AGENDA -- Separations: 1A, I1 & I2**

**A. Contract for Professional Services** with HDR Engineering, Inc. for W.O. 12-44, Water Treatment Plant High Service Pump Station H2-3 Pump Replacement; not to exceed \$72,900. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

**B. Approval and Acceptance** of the State of Montana, State Highway Traffic Safety Division, Selective Traffic Enforcement Program (STEP) Overtime Grant for traffic enforcement funding, October 1, 2012 - September 30, 2013; \$10,000.

**APPROVED**

**C. Consultant Agreement** with Fehr & Peers to conduct the Hospitality Corridor Planning Study (Highway 87 beginning at the Lockwood I-90 Interchange to its intersection with Airport Road); estimated cost - \$69,910. **APPROVED**

**D. Amendments** to the Scheduled Airline Operating Agreements with Horizon Air (dba Alaska Airlines), United Airlines, Delta Air Lines (as assignee and successor to Northwest Airlines), and Allegiant Air extending the Agreement expiration date to June 30, 2013. **APPROVED**

**E. Approval** of annual Funding Agreement with Adult Resource Alliance of Yellowstone County (formerly Yellowstone County Council on Aging). **APPROVED**

**F. Resolution #12-19228** amending Resolution #05-18326 adopted 8/22/05; Resolution #08-18738 adopted 07/28/08; Resolution #09-18851 adopted 7/27/09; and Resolution #10-18939 adopted 5/24/10; reducing the interest rates on the Department of Natural Resources (DNRC) Sewer System Revenue Bonds. **APPROVED**

**G. Resolution #12-19229** amending Resolution #05-18329 adopted 9/12/05; Resolution #09-18852 adopted 07/27/09; Resolution #09-18869 adopted 9/14/09; Resolution #10-18964 adopted 7/12/10; and Resolution #12-19209 adopted 9/10/12 reducing the interest rates on the Department of Natural Resources (DNRC) Water System Revenue Bonds. **APPROVED**

**H. Resolution of Intent #12-19230** amending the Expanded N. 27th Street Urban Renewal Plan to include a retail retention and recruitment program and setting a public hearing for November 13, 2012. (Delayed from 9/10/12) **APPROVED**

**I. Bills and Payroll:**

1. September 24, 2012 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
2. October 1, 2012 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
3. April 1, 2012 through June 30, 2012 (Municipal Court) **APPROVED**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION #12-19231** (1) authorizing the sale of city-owned property (Galles Building) described as Lots 7 & 8, Block 189, Original Town of Billings, to Interfaith Hospitality Network in the amount of \$68,750 for Lot 7 and \$16,250 for Lot 8; (2) using \$21,000 of the proceeds to purchase Lot 17 from Community Development and to repair the parking lot; and, (3) depositing the remainder of the proceeds into the N. 27th Street Tax Increment District account for use on future projects. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 2. CM MCFADDEN AND CM BIRD VOTED NO.**

**3. 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.) **APPROVED 8 TO 3. CM PITMAN, CM MCFADDEN, AND CM BIRD VOTED NO.**

**4. PUBLIC HEARING AND RESOLUTION #12-19232** approving and adopting Fourth Quarter Budget Amendments for Fiscal Year 2011/2012 adjusting the Park Maintenance Districts and Miller Crossing Tax Increment Funds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**5. PUBLIC HEARING AND RESOLUTION #12-19233** approving and adopting First Quarter Budget Amendments for Fiscal Year 2012/2013. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. APPROVAL** to begin negotiations for relocation of the Planning and Community Services Department to the Miller Building located at 2825 3rd Avenue North. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **STAFF DIRECTED TO START OVER WITH THE RFP PROCESS TO INCLUDE LOCATIONS THROUGHOUT THE ENTIRE CITY AND NOT JUST THE CENTRAL BUSINESS DISTRICT.**

**7. APPROVAL OF 30-YEAR LEASE AGREEMENT** with the Alberta Bair Theater Corporation. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**8. PARKING METER REDUCTION TRIAL REPORT AND RECOMMENDATION.** Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.) **APPROVED THE PARKING ADVISORY BOARD'S RECOMMENDATION TO ESTABLISH A ZONE CONCENTRATING ON METERED PARKING SPACES WITHIN THE DOWNTOWN CORE AND ESTABLISH METER TIME LIMITS.**

**9. EMPIRE PARKING GARAGE**

**A. DESIGN-BUILD AGREEMENT** for the design and construction of the Empire Parking Garage. Staff recommendation to be made at the October 22, 2012, City Council meeting. (Action: approval or disapproval of staff recommendation.)

**APPROVED SLETTEN CONSTRUCTION - \$11.5 MILLION**

**B. AGREEMENT** with CTA, Inc. for relocation engineering services for the Empire Parking Garage in an amount not to exceed \$62,775.66. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**10. ADD-ON ITEM: APPROVAL** to issue a letter of commitment for a \$400,000 application to the US EPA Brownfields Assessment Program grant to perform Phase I and Phase II environment assessments in the East Billings Urban Renewal District. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**11. ADD-ON ITEM: RESOLUTION #12-19234** authorizing two loans from the General Fund to the N. 27th Tax Increment Fund not to exceed \$3.2 million for the Empire Garage Project. 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 sheet located at the podium or in the back of the room.*)

The public comment period was opened.

- **Matthew McDonnell, Big Sky Collision Center, 315 N. 15<sup>th</sup> Street, Billings, MT**, said he was the Billings Industrial Revitalization District (BIRD) secretary and asked that the proposed amendment to the original agreement be added to the November 13 Council agenda and to the November 5 work session agenda.

Councilmember Ulledalen moved to add the item to the agenda, as requested, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

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

**COUNCIL INITIATIVES**

- **BIRD:** MOVED to direct staff to provide information on the impact of moving city employees from Park 3 to Park 2, seconded by Councilmember Ulledalen. Councilmember Ulledalen said it should be presented to the Parking Advisory Board for discussion and consideration. On a voice vote, the motion was unanimously approved.

**ADJOURN:** 9:49 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.*