

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

December 17, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Ronquillo

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

MINUTES: December 10, 2012 - **APPROVED**

COURTESIES: None

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items:

- **Consent Agenda Item H: Renewal and Amendment of Stewart Park Cell Tower Lease.** Need to separate the item from the agenda for a request to change the expiration date to February 23, 2023.
- **Regular Agenda Item 3: City Administrator Employment Agreement for the period October 2012 through September 2014.**
 - ✓ Copy of draft agreement is on Council's desk and filed in ex-parte notebook.
 - ✓ Copy of e-mail from Attorney Tom Singer clarifying Section 9.C. of the agreement is on Council's desk and filed in the ex-parte notebook.

- ✓ Copy of e-mails, dated 12/17/12, sent to Mayor & Council from Richard Deines and Dave Salys asking that Ms. Volek's contract not be renewed are filed in the ex-parte notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item #'s: 1, 2, & 3 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.

- **Jim Berg, 233 Wicks Lane, Billings, MT**, referenced Item 2. He read part of an article from the Billings Gazette regarding legislation requiring a public vote on creation of districts; a solution that needlessly complicated the process and increased expenses according to a report to the Council from city staff. He said apparently saving money was more important than putting districts to the public vote. He said he truly hoped the legislature would correct the flaws in the procedure the city used to approve the park district. He said he was not against creation of the park district; he was against the way it was done. He asked if city tax dollars would be used to pay a lobbyist to lobby against the right of citizens to vote on tax increases. Mayor Hanel advised Mr. Berg to consult with the local representative from his area.
- **Dennis Ulvestad, 3040 Central Avenue, Apt. D103, Billings, MT**, said he believed Monad Road should not be a collector street and should be a through street, as well as Broadwater, Poly Drive, and Parkhill because the only way Billings was going to grow would be to the west.
- **Jan Rehberg, no address given**, referenced Item M and said she was representing Lenhardt Square Master Association. She said Monad Road was included in the 2008 Master Plan and designed according to the requirements of Public Works. She said the decisions were made and looked at very thoroughly by the City, and it would be very difficult to change it now.
- **Pat Davies, 1300 N. Transtech Way, Billings, MT**, referenced Item M and said he was with Sanderson Stewart, who represented the developer in Lenhardt Square. He said Monad Road had already been master planned and pointed out the Transportation Plan called for Monad Road to be a collector road west of Shiloh Road.

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

1. CONSENT AGENDA -- Separations: C, H, K, M, Q1

**A. Mayor Hanel recommends that Council confirm the following appointments:
APPROVED**

	Name	Board/Commission	Term	
			Begins	Ends
1	Stanley Hill	Aviation and Transit Board	01/01/13	12/31/16
2	Peggie Gaghen	Aviation and Transit Board	01/01/13	12/31/16
3	Vince Ruegamer	Aviation and Transit Board	01/01/13	12/31/16
4	Ken Behling	Aviation and Transit Board*	01/01/13	12/31/15
5	Robert Pumphrey	Animal Control Board	01/01/13	12/31/16
6	No Applications	Animal Control Board	01/01/13	12/31/16
7	No Applications	Animal Control Board*	01/01/13	12/31/13
8	No Applications	Bicycle & Pedestrian Advisory	01/01/13	12/31/15
9	No Applications	Bicycle & Pedestrian Advisory	01/01/13	12/31/15
10	No Applications	Board of Appeals - Electrical	01/01/13	12/31/13
11	No Applications	Board of Appeals - Builder	01/01/13	12/31/15
12	Thomas Binon	Board of Ethics	01/01/13	12/31/16
13	Andrew Parker	Board of Ethics	01/01/13	12/31/16
14	Amy Mackenzie-Sanders	Board of Health*	01/01/13	12/31/14
15	Bea Ann Melchar	Board of Health	01/01/13	12/31/15
16	Katrina Kruger	Community Development Low Mod*	01/01/13	12/31/14
17	Edward Button	Community Development At Large	01/01/13	12/31/16
18	Fred Buford Jr.	Exchange City Golf Cooperation	01/01/13	12/31/15
19	No Applications	Housing Authority Res Comm	01/01/13	12/31/13
20	No Applications	Human Relations Board*	01/01/13	12/31/15
21	No Applications	Human Relations Board	01/01/13	12/31/16
22	No Applications	Mayor's Homelessness Lending	01/01/13	12/31/16
23	Carol Blank	Mayor's Homelessness Service Provider	01/01/13	12/31/16
24	Paul Chinberg	Mayor's Homelessness Civic/Bus	01/01/13	12/31/16
25	No Applications	Mayor's Homelessness Econ Dev	01/01/13	12/31/16
26	Ken Chase	Mayor's Homelessness Veteran	01/01/13	12/31/16
27	Sue Runkle	Mayor's Homelessness Academia	01/01/13	12/31/16
28	Gary Knopp	Mayor's Homelessness Consumer	01/01/13	12/31/16
29	Sandra McKee	Mayor's Homelessness Healthcare	01/01/13	12/31/16
30	Denise Smith	Mayor's Homelessness Civic/Bus*	01/01/13	12/31/14

31	No Applications	Mayor's Homelessness Econ Dev*	01/01/13	12/31/14
32	Johnnie McClusky	Mayor's Homelessness Lending*	01/01/13	12/31/14
33	No Applications	Parking Advisory Board*	01/01/13	12/31/14
34	Catherine Grott	Parks, Recreation & Cemetery	01/01/13	12/31/16
35	Rachael Cox	Parks, Recreation & Cemetery	01/01/13	12/31/16
36	Alan King	Parks, Recreation & Cemetery	01/01/13	12/31/16
37	Marcia Clausing	Parks, Recreation & Cemetery	01/01/13	12/31/16
38	Dayton Rush	Parks, Recreation & Cemetery*	01/01/13	12/31/13
39	Stephen Eliason	Police Board	01/01/13	12/31/15
40	Deborah Willis	Police Board	01/01/13	12/31/15
41	Ed Hammer	Public Works Board	01/01/13	12/31/16
42	Zach Meyers	Planning Board Ward I	01/01/13	12/31/14
43	Donna Forbes	Planning Board Ward III	01/01/13	12/31/14
44	Susan Gilbertz	Planning Board Ward IV	01/01/13	12/31/14
45	Richard Clark	Planning Board Ward V	01/01/13	12/31/14
46	LaRell Baldwin	Tourism BID*	01/01/13	06/30/15

- 4. Unexpired term of Norm Kolpin
- 7. Unexpired term of Solomon Neuhardt
- 14. Unexpired term of Rod Ostermiller
- 16. Unexpired term of David Goodridge
- 20. Unexpired term of Malcolm Bailey
- 30. Unexpired term of Stephan Bradley
- 31. Unexpired term of Bruce MacIntyre
- 32. Unexpired term of Jeanne Astle
- 33. Unexpired term of Bruce Simon
- 38. Unexpired term of Gary Gray
- 46. Unexpired term of Cheri Milne

B. Bid Awards:

2. 2013 4-Wheel Mechanical Broom High Dump Sweeper for Street/Traffic Division. (Opened 12/11/12) Recommend delay of award until January 14, 2013.
APPROVED

C. Contract for Professional Services with HDR Engineering, Inc. for W.O. 12-43, Water Treatment Plant High Backup Power, Phase III; not to exceed \$82,100.
APPROVED 9 TO 0. COUNCILMEMBER CIMMINO ABSTAINED.

D. Approval of the City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County for calendar year 2013. **APPROVED**

E. Utility Relocation Agreements with Northwestern Energy and Optimum for construction of the Empire Parking Garage. **APPROVED**

F. Approval of 5-Year Limited Commercial Aviation Ground Lease with Edwards Jet Center for a permit-only parking lot (11/1/2012 - 10/31/2017); revenue first year - \$4,118.52; subsequent years adjusted annually by Consumer Price Index for All Urban Consumers (CPI-U). **APPROVED**

G. Approval of the Assignment and Transfer of the Commercial Aviation and Ground Lease from Edwards Jet Center to EBH, LLC; the revised Lessor's Consent to Assignment to Stockman Bank; and EJC's assignment and transfer of the leasehold interest to EBH, LLC. **APPROVED**

H. Approval of renewal and amendment of Stewart Park cell tower lease with GTP Acquisition Partners, LLC, for a 10-year term with three, subsequent automatic 5-year renewals. **APPROVED CHANGING THE EXPIRATION DATE UNDER SECTION 1 IN THE FIRST SENTENCE TO FEBRUARY 22, 2023.**

I. Amendment #1, W.O. 10-19: Shiloh Conservation Area, Professional Services Contract; DOWL HKM; \$780,565. **APPROVED**

J. Right-of Way Easement with Northwestern Energy for installation of a new electrical power feed to Six Romeo Mike's new hangar at the Billings Logan International Airport. **APPROVED**

K. Authorizaton for the Mayor to sign on to Bike Walk Montana's letter to Governor-Elect Steve Bullock asking for continued support of non-motorized transportation issues and projects in Montana. **APPROVED**

L. Second/Final Reading Ordinance #12-5593 expanding Ward IV (Annexation #12-07 ROW) for a 30-foot-wide petitioned county road easement located along the front of Tract 1A, Certificate of Survey 2990, on the south side of Grand Avenue just west of the Grand Avenue and 48th Street West intersection. **APPROVED**

M. Preliminary Major Subdivision for Lease or Rent of Amended Lots 1 & 2, Block 1, Lenhardt Square Subdivision, 1st Filing, generally located on the north side of King Avenue West, just east of S. 44th St. West and south of Monad Drive; and **approval** of a variance from Section 23-406.B.11, of the Billings Subdivision Regulations allowing for a reduction in design speed. Stock Development, owner; Sanderson Stewart, agent; conditional approval of the preliminary plan, approval of the variance, and adoption of the findings of fact. **APPROVED**

N. Preliminary Major Plat of Grand Peaks Subdivision, 3rd Filing, generally located northeast of the intersection of Grand Avenue and 54th Street West; Grand

Peaks, LLC, owner; Sanderson Stewart, agent; conditional approval of the plat and adoption of the findings of fact. **APPROVED**

O. Preliminary Major Plat of Amended Lot 21, Block 3, and Lot 21, Block 4, Twin Oaks Subdivision, 2nd Filing, generally located on the south side of Wicks Lane west of Lake Elmo Drive; Twin Oaks Corporation, owner; Blueline Engineering, LLC, agent; conditional approval of the plat and adoption of the findings of fact. **APPROVED**

P. Preliminary Minor Plat of Western Subdivision, Lot 1A, Block 1, of Amended Lots 1 & 2, generally located at the southwest corner of King Avenue West and S. 44th Street West; American Exchange Corp./Cal Kunkel, owner; DOWL HKM, representing agent; conditional approval of the plat and adoption of the findings of fact. **APPROVED**

Q. Bills and Payroll:

1. November 26, 2012 – **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

REGULAR AGENDA:

2. APPROVAL OF PROPOSED SPECIAL DISTRICT PROTEST PROCEDURES.
Staff recommends approval. (Action: approval or disapproval of staff recommendations.)
APPROVED 8 TO 2. COUNCILMEMBERS PITMAN AND CIMMINO VOTED IN OPPOSITION.

3. CITY ADMINISTRATOR EMPLOYMENT AGREEMENT RENEWAL FOR THE PERIOD OCTOBER 2012 THROUGH SEPTEMBER 2014. (Action: approval or disapproval of Employment Agreement Renewal.) **APPROVED 7 TO 3.**
COUNCILMEMBERS PITMAN, CIMMINO AND RONQUILLO 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.

- **Dennis Ulvestad, 3040 Central Avenue, Apt. D103, Billings, MT**, referenced the recent Billings Gazette article on American Medical Response (AMR) and how it said AMR had met all city emergency standards. He said he had worked with public safety for 11 years, and he disagreed. He said in the 11 years, AMR had never arrived before the firefighters. Mr. Ulvestad said firefighters were EMTs and some where paramedics and offered basic life-support care. He said the firefighters needed to be able to stabilize a patient and save time even though fire trucks did not transport to the hospital. He said in the future all firefighters should be paramedics. Mayor Hanel told Mr. Ulvestad if he had a concern with response times, he should notify the City Administrator or the Fire

Chief, as well as a representative from AMR. Mr. Ulvestad said he felt the Billings firefighters were the best and as much as Billings was growing, they needed to look into it. He said safety and life outweighed money concerns.

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

COUNCIL INITIATIVES - None

ADJOURN: 7:20 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.