

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

February 11, 2013

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Bird gave the invocation.

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

MINUTES: January 28, 2013 – Councilmember Astle moved for approval, seconded by Councilmember Pitman. Councilmember Cimmino abstained as she was absent from that meeting. On a voice vote, the motion was approved 9 to 0.

COURTESIES:

- Mayor Hanel recognized Councilmember McCall as she was highlighted in a recent article in the Yellowstone Valley Women's magazine.
- Mayor Hanel also acknowledged an article in the magazine concerning the AmeriCorps*VISTA program and stated the City of Billings has benefitted greatly from this program.
- Mayor Hanel complimented Councilmember Crouch for his acting role in the Billings Studio Theatre play, "On Golden Pond".

PROCLAMATIONS: There were no proclamations.

ADMINISTRATOR REPORTS - MS. VOLEK VOLEK: Ms. Volek advised she had no items to report.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #4 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute.

Please sign in at the cart located at the back of the council chambers 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. There were no speakers, and the public comment period was closed.

1. CONSENT AGENDA

A. Bid Awards:

1. **W.O. 13-03: #1 City Overlay.** (Opened 1/22/13)(Delayed from 1/28/13) Recommend Knife River; \$1,311,255.89.
2. **Polyaluminum Hydroxychloride (PACL) for Water Treatment Division.** (Opened 1/29/2013). Recommend Kemira Water Solutions, Inc. (1-year); \$0.363/lb. delivered by railcar.
3. **Two (2) - 2013 37,000 GVW Axle Trucks with Dump/Sander Spreaders.** (Opened 1/29/2013). Recommend I-State; \$288,525 (includes \$2,585 5-year warranty).

B. W.O. 12-05, Five Mile Lift Station

1. **W.O. 12-05, Five Mile Lift Station Construction Bid Award.** (Opened 1/29/2013) Recommend Western Municipal Construction; \$2,010,821.
2. **Approval of License Agreement** with BCJM Properties for W.O. 12-05, Five Mile Lift Station construction access and staging.

C. Professional Architectural and Engineering Services Contract for Parks Department Restroom Facility Improvements; A&E Architects PC; \$64,197.50.

D. Professional Services Agreement for W.O. 12-42, Water Treatment Plant Laboratory Renovation; A&E Architects; not to exceed \$117,100.

E. Park 1 Lease Agreement with BILAW LLC, d/b/a Mann Mortgage Billings (1/1/13 - 12/31/15) with one, 3-year renewal option; revenue first year - \$27,264.60; revenue subsequent years adjusted by CPI.

F. Approval of application for an AmeriCorps*VISTA Project; approximately \$15,000 - \$30,000 annually; and **authorization** for staff to negotiate and finalize the project, if awarded.

G. Acknowledging Receipt of Petition to Annex #13-01: two parcels totaling approximately 93 acres in Tract 1, C/S 2587, and Tract 1, C/S 3329, generally located on the northwest corner of the intersection of Hesper Road and Gabel Road; Industrial Planning Associates, L.P, owner and petitioner; and setting a public hearing date for 2/25/13.

H. Acceptance of Recreational Trails Program (RTP) grant award for Aronson Connector Trail; \$27,000.

I. Grant Application Request and Resolution #13-19243 to submit to Montana Department of Transportation for Section 5310, Section 5311 and Section 5339 Transit Grants for operating assistance and purchase of vehicles; \$650,600 total.

J. **Resolution of Intent #13-19241** to sell property at 502 South 33rd Street, Billings, Montana, and setting a public hearing date for March 25, 2013.

K. Bills and Payroll:

1. January 22, 2013

Councilmember Cimmino separated Consent Agenda Items D, E and K1. Councilmember Pitman moved for approval of the Consent Agenda with the exception of Items D, E and K1, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino referenced Item D and stated she needed to abstain because her employer was involved in the proposal process for this project. Councilmember Pitman moved for approval of Item D, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item E and stated she needed to abstain because she had a longtime personal friend employed at Mann Mortgage. Councilmember Pitman moved for approval of Item E, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item K1, Invoice #762560, and said she needed to abstain because the invoice had been submitted by her employer. Councilmember Pitman moved for approval of Item K1, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #13-19242 assessing the annual fee for five additional 2012 encumbrances, obstructions, or encroachments on, over, across or above the streets, avenues, sidewalks, or alleys of the City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation).** City Administrator Ms. Volek Volek stated there was no presentation, but staff was available for questions.

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

Councilmember McCall moved for approval of Resolution #13-19242, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

3. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #CC-2013-01: A variance from Section 1208(h)(5), pertaining to the number of curb cuts allowed by regulation; and a variance from Section 1208(i)(4), pertaining to allowable distance of a curb cut at a signalized intersection of two arterial streets for property generally located on the northwest corner of Grand Avenue and 24th Street West currently occupied by Western Security Bank, Glacier Bank, Owner. Staff recommends approval. (Action: approval or disapproval of staff**

recommendation.) City Administrator Ms. Volek Volek stated there was no presentation, but staff was available for questions.

The public comment period was opened.

- **Mary Jo Devener, 1700 Ruffigy Road, Laurel, Montana, SVP of Operations for Western Security Bank.** Ms. Devener spoke in support of the variances and explained why the variances were needed. She said there has been a traffic issue for years at the corner of 24th Street West and Grand Avenue. The bank's drive-up ingress is within 100' of the intersection. The bank will be switching the location of the drive-up and customer parking. The drive-up and ATM will be relocated further away from the corner. The customer parking ingress would remain in the location it is presently, because the traffic will be lessened by the relocation of the drive-up and ATM. There are currently 7 ingresses along the portion of Grand Avenue between 24th Street West and 25th Street West. The bank owns the entire block and has asked that the 7 ingresses be reduced to 3 ingresses. There would be a separate entrance for employee parking; a separate entrance for the drive-up and ATM; and a separate entrance for the customer parking lot. Those ingresses would help expedite bank traffic off of the streets and onto bank property. Eric Simonson and Chad Shriner from A&E Architects were available to answer any technical questions.

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

Mayor Hanel stated he supported the bank's reduction of curb cuts and believed the relocation of the curb cuts and placement of ATM, drive-up and parking lots would aid with traffic safety.

Councilmember Crouch moved for approval of the Site Development Ordinance Variance #CC-2013-01, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

4. APPROVAL OF REPAYMENT of the appraised value of Lots 23-24, Block 184, and Lots 4-8, Block 226, to the US Department of Housing and Urban Development (HUD) estimated at \$128,625; and reimbursement of property management administrative costs for Block 245 to the Community Development Division estimated at \$52,954 using program income received from the sale of Block 245. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Ms. Volek Volek stated there was no presentation, but staff was available for questions.

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

Councilmember Pitman moved for approval of repayment to the US Department of Housing and Urban Development (HUD) and reimbursement to the Community Development Division, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously 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 in at the cart located at the back of the council chambers or at the podium.)

The public comment period was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana:** Mr. Zurbuchen stated the City was looking at a budget crunch in approximately 3 years. He stated the City has spent a lot of money on the Priority-Based Budgeting module and required a great deal of employees' time to compile factual information to review the budget to no avail. The information gathered indicated deficiencies in some of the City's budget, i.e., code enforcement, municipal court, emergency medical services and the building department. The only discussions have been about raising taxes or laying off employees. All firemen are working 24-hour shifts. Each fire station has the same number of on-duty men at 3:00 a.m. as they do at Noon. Mr. Zurbuchen stated the Fire Department has considerable management liabilities. He asked the Council to look at the liabilities the City faces with BUFS and the mutual aid agreements. He questioned whether the City collected enough money to cover the liabilities and the numerous law suits that ensue. He stated there needed to be more accountability. The City only has 36 months to remedy their budget crunch and he questioned whether the City would make significant changes in that short time to avoid the fiscal cliff. He encouraged the Council to fast track implementation of changes and minimize discussions.

Mayor Hanel asked Mr. Zurbuchen to put into writing, a statement clarifying and summarizing the point(s) he brought forth and send it to the City Administrator. Mayor Hanel stated the Council would review and consider any and all suggestions.

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

COUNCIL INITIATIVES

- **Mayor Hanel:** Stated the Yellowstone County Soil and Conservation Board asked to replace a board member due to excessive absenteeism. City Administrator, Ms. Volek Volek, stated proper procedure would be to give notice to the individual being replaced and then place the item on the February 25th agenda. Councilmember Ulledalen asked if other boards were having problems with absenteeism. He encouraged the Council to take "housecleaning" action and determine which boards needed replacement

board members. Ms. Volek stated she would be meeting with the Leadership Team and would inquire about board member attendance. Councilmember Pitman asked if the board vacancies need to be advertised. Ms. Volek stated it is expensive to advertise and customarily board and committee vacancies are advertised only twice a year. City Attorney, Brent Brooks, explained there is a process to fill vacancies per the Charter and Ordinance requiring advertisement. He noted the Council has overall supervisory control over all boards and commissions, including the removal of non-attending members.

- **Cimmino:** Requested more budget discussions at work sessions in response to Mr. Zurbuchen's testimony. Ms. Volek stated priority-based budgeting has been scheduled on the agenda for the 1st work session of every month until the budget cycle. During the last work session, two general fund items were discussed because of the size of their budgets, i.e., EMS and Police Department. Most of the departments in the general fund hold significant employee expense and the only significant way to achieve savings is layoffs through programming cuts. Councilmember Cimmino asked if the employees in all 16 divisions were aware of possible layoffs. Ms. Volek responded she believed conversations were being held within the divisions. Ms. Volek addressed Mr. Zurbuchen's comment about the 24-hour firefighter shifts and stated these were a contractual obligation. There have been discussions in the past about the reduction of the number of hours per shift, but those discussions were not well received. Councilmember Cimmino asked if 12-hour shifts are possible. Councilmember Ulledalen stated Great Falls firefighters are working 10/hr. day shifts and one 14/hr. night shift. Ms. Volek stated conversations about possible shift changes would be held during contract negotiations later this year. Further cost-benefit analysis would need to be done for other shift options.

There was no further business, and the meeting adjourned at 7:00 p.m.



CITY OF BILLINGS

BY 
Thomas W. Hanel, Mayor

ATTEST:

BY: 
Denise R. Bohlman, Deputy City Clerk