

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

February 25, 2013

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember McCall

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

MINUTES: February 11, 2013 - **APPROVED**

COURTESIES:

- Mayor Hanel noted BikeNet would be holding its annual meeting Thursday, February 28, at the Mansfield Health & Education Center, 2920 12th Avenue North. The doors open at 6:30 p.m., and the program starts at 7:00 p.m.
- Councilmember McFadden noted on March 15 the local bagpipe band would hold their pub crawl, and proceeds would be donated to the Big Sky Honor Flight. He did not know the route, but said it would be posted on their website.

PROCLAMATIONS: Women's History Month, March 2013

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek referenced the following items:

- **Item L – Western Subdivision Final Plat.** Council received copy of Letter of Understanding to Mr. Mike Tooley, MT Department of Transportation Director, from the Planning Department in the February 22, 2013, Friday Packet. The letter will now be sent to Mike Tierney, MDT Planner, instead of Mr. Tooley. There were no changes in the text of the letter. Copy of letter is filed in the ex parte notebook.

- **Item 2A and 2B – Public Hearing and Resolution for Annexation #13-01 and Public Hearing and First Reading Ordinance for Zone Change #907.**
 - ✓ Letter from Matt Brosovich in opposition of the annexation was e-mailed to Mayor and Council on February 21, 2013, and is filed in the ex-parté notebook.
 - ✓ Letter from Diamond B Companies, dated 2/21/13, in opposition of zone change was received in the City Clerk's Office on 2/22/13 and forwarded to Mayor and Council via e-mail on 2/22/13. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ Letter from SunCap, dated 2/20/13, in favor of annexation was received in the City Clerk's Office on 2/21/13 and forwarded to Mayor and Council via e-mail on 2/22/13. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ Letter from ACE Transtech, LLC, dated 2/21/13, in opposition of zone change was received in the City Clerk's Office on 2/22/13 and forwarded to Mayor and Council via e-mail on 2/22/13. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ Letter from Advanced Care Hospital of Montana, dated 2/22/13, in opposition of zone change was received in the City Clerk's Office on 2/22/13 and forwarded to Mayor and Council via e-mail on 2/22/13. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ Letter from Bobcat Land Holdings, LLC, dated 2/21/13, in opposition to the proposed development and zone change was received in the City Clerk's Office on 2/22/13 and forwarded to Mayor and Council via e-mail on 2/22/13. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ Letter from Attorney Kenneth D. Peterson, dated 2/22/13, in opposition of the zone change was received in the City Clerk's Office on 2/22/13 and forwarded to Mayor and Council on 2/22/13. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ E-mail from Bob Stickman, dated 2/25/13, in opposition of proposed annexation and zone change sent to Mayor and Council. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ E-mail from Wayne Leischner, dated 2/25/13, in favor of proposed annexation and zone change sent to Councilmember Pitman. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ E-mail from Councilmember Bird, dated 2/25/13, sent to Mayor and Council on 2/25/13 disclosing attendance at a meeting at the invitation of the Trans Tech Group. Copy is on Council's desk and filed in ex-parté notebook.
 - ✓ E-mail from Councilmember Bird, dated 2/25/13, sent to Mayor and Council on 2/25/13 forwarding an e-mail received from John Edwards requesting a discussion on the proposed Fed Ex site. Copy is on Council's desk and filed in ex-parté notebook.
- Proposed date to meet with School District #2 Board is Friday, March 8, 2013, from noon to 1:30, at a place to be determined. Ms. Volek advised she would be seeking agenda items from the Council via e-mail on February 26.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #8A, #8B 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** -- Separations: 1A1, F

A. **Bid Awards:**

1. **W.O. 12-39, Newman Lane Improvements (curb and gutter, sidewalk, street reconstruction, ADA corners, and approaches)** (Opened 2/12/13) Recommend CMG Construction, Inc.; \$245,730. **APPROVED**

B. **Airport Improvement Program (AIP) Runway 10L/28R Rehabilitation Project**

1. **Bid Award: Airport Runway 10L/28R Rehabilitation** (Opened 2/12/2013) Recommend Riverside Contracting; \$7,167,213. **APPROVED**

2. **Amendment #5, Engineering Services for Airport Runway 10L/28R Rehabilitation;** Morrison-Maierle, Inc.; \$548,450. **APPROVED**

C. **Amendment #6, Engineering Services for Airport Cargo Ramp Slot 4;** Morrison-Maierle, Inc.; \$339,550. **APPROVED**

D. **Approval of Amendment to Special Improvements Agreement** for Vintage Estates Subdivision. **APPROVED**

E. **Memorandum of Understanding** between the Police Department and Montana Board of Crime Control accepting \$3,200 in allotted funds for purchase of a hostage negotiations trailer. **APPROVED**

F. **Grant Application Request** to submit FY2013-2014 Montana State Historic Preservation Office Certified Local Government Grant application; \$5,500. **APPROVED**
10 TO 0. CM CIMMINO ABSTAINED.

G. **Acceptance** of 2013 Federal Aviation Administration Airport Improvement Grants. **APPROVED**

H. **Acceptance** of State Homeland Security Program Grant for replacement of two Fire Department VHF narrow-band radio repeaters; \$36,000. **APPROVED**

I. Acceptance of 2013 High Intensity Drug Traffic Area (HIDTA) Award from Executive Office of the President, Office of National Drug Control Policy, \$191,289. **APPROVED**

J. Resolution #13-19244 relating to \$4,100,000 Refunding Certificates of Participation, Series 2013; Authorizing execution and delivery of Ground Lease, Lease Purchase Agreement, Declaration of Trust and related documents for Billings Operations Center. **APPROVED**

K. Preliminary Subsequent Minor Plat of Amended Lot 4, Block 1, Montana Sapphire Subdivision, generally located just south of the intersection of King Avenue West and Montana Sapphire Drive; Montana Sapphire, LLC, owner; Affinity at Billings, LLC, subdivider; Sanderson Stewart, agent; conditional approval of the plat and adoption of the Findings of Fact. **APPROVED**

L. Final Plat of Western Subdivision. **APPROVED**

M. Bills and Payroll:

1. January 28, 2013 **APPROVED**

REGULAR AGENDA:

2. TRACT 1, CERTIFICATE OF SURVEY 2587 & TRACT 1, CERTIFICATE OF SURVEY 3329

A. PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #13-01: two parcels totaling approximately 93 acres in Tract 1, C/S 2587, and Tract 1, C/S 3329, generally located northwest of the intersection of Hesper Road and Gabel Road; Industrial Planning Associates, L.P, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **CONTINUED TO MARCH 25, 2013 ON A 10 TO 0 VOTE. CM CROMLEY ABSTAINED.**

B. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #907: A zone change from Agriculture Open-Space (A-1) to Controlled Industrial on 2 parcels of land described as Tract 1, C/S 2587 and Tract 1, C/S 3329, generally located northwest of the intersection of Hesper Road and Gabel Road; Industrial Planning Associates, LP, owner; Dowl HKM, agent. On a 2-2 vote, Zoning Commission forwards no recommendation. **CONTINUED TO MARCH 25, 2013 ON A 10 TO 0 VOTE. CM CROMLEY ABSTAINED**

3. PUBLIC HEARING AND RESOLUTION #13-19245 ordering construction of improvements identified in W.O. 09-20, Rimrock Road from Forsythia Boulevard to Shiloh Road. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **PUBLIC HEARING AND RESOLUTION #19246** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. **PUBLIC HEARING AND RESOLUTION #13-19247** assessing the cost of abatement for properties located at 23 Rhea Lane and 1250 Princeton Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. **PUBLIC HEARING AND FIRST READING ORDINANCE:** A text amendment to Section 2-207 of the Billings, Montana, City Code providing that the Office of Mayor or Councilmember shall be forfeited under certain circumstances. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

7. **PUBLIC HEARING AND FIRST READING ORDINANCE** establishing new boundaries for the City of Billings five election wards. Staff recommends adoption of a plan for new ward boundaries. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 1. CM RONQUILLO VOTED IN OPPOSITION.**

8. ROSE PARK POOL IMPROVEMENTS

A. **RESOLUTION #13-19248** allocating \$27,650 of Council Contingency Funds toward construction of a 31-foot-high speed slide at Rose Park Pool to be repaid over the next two years with revenue generated from slide admissions. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED
TAKING THE FULL AMOUNT FROM THE SID REVOLVING FUND CONTAINED
WITHIN THE COUNCIL CONTINGENCY GENERAL FUND ACCOUNT.**

B. **CHANGE ORDER #1 – CONSTRUCTION OF 31-FOOT-HIGH SPEED SLIDE
AT ROSE PARK POOL;** High Tech Engineering; \$87,650. 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 in at the cart located at the back of the council chambers or at the podium.*)

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

COUNCIL INITIATIVES

- **ULLEDALEN:** MOVED to have staff research (1) raising fine amounts for traffic violations, (2) using council contingency funds to fund a public service campaign, and (3) using council contingency funds to pay for patrol officer overtime, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 2. CM McFadden and CM Cromley voted in opposition.

- **PITMAN:** MOVED to set up an equipment replacement fund for the waterslide at Rose Park and have all revenues from the waterslides go into the fund until it reached \$300,000, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 2. CM Ulledalen and CM McFadden voted in opposition.
- **CIMMINO:** MOVED to direct staff to research what would be necessary in order to provide water to the Heights Dog Park and report back in 30 days, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

ADJOURN: 8:29 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.