

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

May 13, 2013

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember McFadden

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

MINUTES: April 22, 2013 – **APPROVED**

COURTESIES:

- Councilmember Cimmino wished City Administrator, Tina Volek, a happy birthday.
- Councilmember Crouch gave accolades to the AmeriCorps*VISTA members, Amy Dixon and Jessie Obee, for the production of Project Homelessness play, “And I Know . . .”, that was derived from interview excerpts of homeless teens living in the Billings area. Councilmember Crouch also acknowledged the renaming of the former Venture Theatre to NOVA Center for the Performing Arts.
- Mayor Hanel mentioned that on Saturday, May 11, 2013, approximately 8,800 runners attended the State’s largest running event, the Montana Women’s Run, in Billings.

PROCLAMATIONS:

- National Bike Walk Bus Week, May 12-18, 2013
- National Arbor Day, May 17, 2013

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items and noted a copy of each item was filed in the ex-parte notebook in the back of the room.

- Item 5: Public Hearing and Resolution adopting Water and Wastewater Rate and Fee Schedule effective July 1, 2013. Council received email from Lois Keeling, dated May 10, 2013, opposing an increase in the water rates. Copy of email is filed in the ex-parte notebook.
- Item 9: Public Hearing and First Reading Ordinance amending BMCC, Chapter 17, Sound Level Limits of the Noise Ordinance.
 - Council received email from Jon Willette, dated May 13, 2013, regarding loud speaker PA systems of car dealerships along King Avenue. Copy of email is filed in the ex-parte notebook.
 - Council received latest revisions to the Noise Ordinance in the May 10, 2013, Friday Packet. Copy is filed in ex-parte notebook.
- Item 12: Approval of Purchase of Lot 3, Block 1, Billings Operation Center Subdivision. Ms. Volek stated this property is owned by her second cousin and she recused herself from any discussion about the property. All discussions and questions are to be directed to Bruce McCandless.

• **2013 Legislature Wrap-Up - Ed Bartlett**

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2C and #12 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.

- **Jeff Gruizenga, 1082 Delphinium, Billings, MT,** referenced Item D of the Consent Agenda and said he was the president of the Exchange City Golf Corporation and presented the City with \$15,000 check, stating that more would be arriving soon.

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

Councilmember McFadden made a motion to add to the Regular Agenda as Item No. 13, the reconsideration of the donation of the Masonic cornerstone for the new library at the May 28th Council meeting. Councilmember Pitman seconded. Motion failed 4 to 6. COUNCILMEMBERS CROMLEY, RONQUILLO, BIRD, MCCALL, ULLEDALEN AND CROUCH VOTED IN OPPOSITION. COUNCILMEMBERS PITMAN, CIMMINO, MCFADDEN AND MAYOR HANEL VOTED IN FAVOR.

1. **CONSENT AGENDA** – Separations: C, D, J, X2
- A. **Bid Awards:**
 1. **Replacement of Airport Terminal Building Heat Pumps.** (Opened 4/23/13) Recommend Accent Air & Mechanical; \$76,900. **APPROVED**
 2. **Passenger Seating Re-Upholstery Project for Airport Terminal Building.** (Opened 4/23/13) Recommend Great Falls Upholstery, LLC; \$64,968. **APPROVED**
 3. **W.O. 13-01, Water and Sanitary Sewer Main Replacement Projects.** (Opened 4/23/13) COP Construction - Schedule 2: \$2,761,659 and Schedule 3: \$798,780. **APPROVED**
 4. **W.O. 13-02, Miscellaneous/Developer-Related Project.** (Opened 4/30/13) Recommend J & J Concrete, Inc.; \$485,400. **APPROVED**
 5. **W.O. 13-04, 2013 ADA Ramp Replacement Project.** (Opened 4/23/13) Recommend J & J Concrete, Inc.; \$307,203. **APPROVED**
 6. **BOC Garage Lighting Retrofit.** (Opened 4/30/13) Recommend I.D. Corporation; \$37,685. **APPROVED**
- B. **Change Order #2 - High Service Pump Station and Chemical Feed Building Roof Replacement**, Donaldson Construction and Roofing; \$4,380. **APPROVED**
- C. **Change Order #3 - Empire Parking Garage Project**, Sletten Construction; \$234,435.10. **APPROVED**
- D. **Contract** with Exchange City Golf Corporation (ECGC) to manage Par 3 Golf Course; 12/31/2013 - 12/31/2018; estimated annual revenue to the City - \$20,000. **APPROVED**
- E. **Professional Services Contract** for engineering services for the Aronson Bypass Trail at Swords Park; Sanderson Stewart; \$52,245. **APPROVED**
- F. **Contract for Evaluation Services** with National Public Consortium Research (NPC Research) for the Billings Adult Misdemeanor Treatment Court; \$94,633. (Three years with five, 1-year renewal options.) **APPROVED**
- G. **Contract for Treatment Services** with Rimrock Foundation for the Billings Adult Misdemeanor Treatment Court; \$797,198. (One year with five, 1-year renewal options.) **APPROVED**

H. **Approval of Right-of-Way Agreement and Warranty Deed for W.O. 09-12, Inner Belt Loop** for Parcel No. 7 with Morledge Alkali Creek, LLC; \$8,179.32. **APPROVED**

I. **Amendment #3, W.O. 09-20 Rimrock Road, Forsythia Boulevard to Shiloh Road**, Professional Services Contract, DOWL HKM; \$221,035. **APPROVED**

J. **Amendment** to Development Agreement with Babcock, LLC and Downtown Billings Partnership delaying transfer of the Babcock Theater to the City until March 15, 2017. **APPROVED**

K. **Approval** of Reappointment of Councilmember Denis Pitman, to Yellowstone County Veterans Cemetery Board for an additional 4-year term. **APPROVED**

L. **Approval** of MET Transit's Updated Disadvantaged Business Enterprise (DBE) Program. **APPROVED**

M. **Approval of Assignment and Transfer** of West End Hangar Ground Lease from Ted E. Whiting and Sally A. Whiting, as Trustees of the Ted E. Whiting Trust, dated November 14, 2000 to Picacho Aviation, LLP. **APPROVED**

N. **Declaring surplus property** and authorizing airport staff to sell a 1995 Oshkosh Snow Broom through a competitive bid process, and if necessary, allowing staff to seek disposal by alternative means. **APPROVED**

O. **Acknowledging Receipt of Petition to Annex #13-06:** two lots totaling approximately 7 acres, described as Lot 5, Block 2, and Lot 1, Block 3, Titan Subdivision, generally located on the north and south sides of Interstate Avenue just east of the intersection of Interstate Avenue and Mullowney Lane; Origer Enterprises, Inc. and TNC Development, LLC, petitioners; and setting a public hearing date for 5/28/13. **APPROVED**

P. **Acceptance of Donation** of Angel Sculpture; Rose Park Sculpture Garden; Compassionate Friends; at no cost to the City. **APPROVED**

Q. **Acceptance of Donation** of Bronze Plaque; South Park Gazebo; South Side Neighborhood Task Force; \$389. **APPROVED**

R. **Acceptance of Donation** of Memorial Bench; Mystic Park; Schultz Family; at no cost to the City. **APPROVED**

S. **Resolution #13-19266** related to financing the construction of storm drain improvements at the Shiloh Conservation Area and establishing compliance with reimbursement bond regulations under the Internal Revenue Code. **APPROVED**

T. **Second/Final Reading Ordinance #13-5598** amending the boundaries of Ward V to include recently annexed property in Annexation #13-01: two parcels totaling approximately 97 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. **APPROVED**

U. **Second/Final Reading Ordinance #19-5599** amending the boundaries of Ward III to include recently annexed property in Annexation #13-02: a 63.32-acre parcel of land generally located south of the King Avenue West interchange with Interstate 90 and addressed as 1228 and 1236 Mullowney Lane; Elizabeth Zeiler, owner. **APPROVED**

V. **Final Plan of Subdivision for Rent or Lease (SRL)** for Tracts 1-B & 3, Certificate of Survey 2631, generally located at 3029 Grand Avenue; Calmont, LLC, owner; Sanderson Stewart, agent. **APPROVED**

W. **Preliminary Major Plat** of Falcon Ridge Estates Subdivision, 2nd Filing, generally located North of Rimrock Road; Falcon Ridge, II, Inc., owner; conditional approval of the preliminary plat and adoption of the Findings of Fact. **APPROVED**

X. **Bills and Payroll:**

1. April 8, 2013 **APPROVED**
2. April 15, 2013 **APPROVED 9 to 0. CM CIMMINO ABSTAINED.**
3. April 22, 2013 **APPROVED**

REGULAR AGENDA:

2. **REFLECTIONS AT COPPER RIDGE SUBDIVISION, 3RD FILING**

- A. **PUBLIC HEARING AND RESOLUTION #13-19267** vacating Reflections Circle within Reflections at Copper Ridge Subdivision, 3rd Filing; Copper Ridge Development Corporation, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- B. **PUBLIC HEARING AND RESOLUTION #13-19268** authorizing the exchange of parkland in Reflections at Copper Ridge Subdivision, 3rd Filing. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- C. **APPROVAL** of Final Plat of Reflections at Copper Ridge Subdivision, 3rd Filing. **APPROVED**

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending the boundaries of Ward I to include recently annexed property in Annexation #13-03: a tract of land generally located at the southeast corner of Bench Boulevard and Yellowstone River Road; Ryan and Jodi Rookhuizen Family Trust, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

APPROVED

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending the boundaries of Ward IV to include recently annexed property in Annexation #13-04: a tract of land generally located at the northwest corner of the intersection of Grand Avenue and 48th Street West; Mary Beth Gregory, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. **PUBLIC HEARING AND RESOLUTION #13-19269** adopting Water and Wastewater Rate and Fee Schedule effective July 1, 2013. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 6 TO 4.**
COUNCILMEMBERS CROMLEY, BIRD, MCCALL, ULLEDALEN, CROUCH AND MAYOR HANEL VOTED IN FAVOR. COUNCILMEMBERS RONQUILLO, PITMAN, CIMMINO, AND MCFADDEN VOTED IN OPPOSITION.

6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings Montana City Code (BMCC) Article 26-600, Industrial Waste Discharge. Staff recommends approval, conditioned on approval by the United States Environmental Protection Agency. (Action: approval or disapproval of staff recommendation.)

APPROVED

7. **PUBLIC HEARING AND RESOLUTION #13-19270** creating SID 1395: curb and gutter, water, sanitary sewer, storm drain and street improvements on Boca Raton Road between Annandale Road and Clubhouse Way **and Approval of Professional Services Contract** with Sanderson Stewart to provide engineering design and construction administration; \$106,396.60. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

8. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-13-02:** A variance from Section 6-1203(1) of the Site Development Ordinance pertaining to off-street parking requirements at 658 King Park Drive. Barthel Properties, LLC, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

9. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings Montana City Code (BMCC), Chapter 17, Sound Level Limits of the Noise Ordinance. Staff recommends approval. (Action: approval or disapproval of staff recommendations.) **APPROVED**

10. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending the Billings Montana City Code (BMCC) Article 18-300, Nuisance Ordinance. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

11. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending the Billings Montana City Code (BMCC) Sections 7-300 through 7-321, Going Out of Business Ordinances. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED. COUNCILMEMBER CROMLEY MADE A MOTION TO REPEAL THE ORDINANCE. FAILED TO BE SECONDED AND MOTION DIED ON THE FLOOR.**

12. **APPROVAL** of purchase of Lot 3, Block 1, Billings Operation Center Subdivision, from Renee Boyer, et al. for \$600,000, **and Approval of Financing Plan.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. COUNCILMEMBERS CROMLEY, RONQUILLO, CIMMINO, MCFADDEN, BIRD, MCCALL, ULLEDALEN, CROUCH AND MAYOR HANEL VOTED IN FAVOR. COUNCILMEMBER PITMAN 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 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

- **Pitman:** MOVED to direct staff to separate fire hydrant fee on water bills for FY15, seconded by Councilmember Ronquillo. **APPROVED 8 TO 2. COUNCILMEMBERS CROMLEY, RONQUILLO, PITMAN, CIMMINO, MCFADDEN, BIRD, CROUCH AND MAYOR HANEL VOTED IN FAVOR. COUNCILMEMBERS MCCALL AND ULLEDALEN VOTED IN OPPOSITION.**

ADJOURN: 8:45 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.