

## 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

August 12, 2013

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Pitman

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

**MINUTES:** July 22, 2013 - APPROVED

**COURTESIES:**

- Up With People – Promotions Representatives thanked Mayor Hanel and the City of Billings for the wonderful hospitality. They provided the names of their sponsors, the different community service projects they would be doing, and information on the two shows they would be putting on with proceeds going to the Montana Rescue Mission and the Billings Kiwanis.
- Mayor Hanel congratulated the Big Sky Little League All Stars on their accomplishments.
- Councilmember Ronquillo thanked Tim Goodrich for bringing the Blues Fest to South Park and Mike Yakowich and his crew for the set up and tear down of the equipment.

**PROCLAMATIONS:** None

#### ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- The new Channel 7 HD cameras had been installed and were in use providing a much better broadcast of the meetings. She said Channel 7 purchased the cameras as a result of the 25¢ franchise fee.
- **Item 1A1 – Bid Award for 2014 Landfill Compactor:** E-mail from City Administrator, dated 8/12/13, forwarding request from second lowest bidder to

delay bid award to Titan Machinery. Copy of e-mail was filed in ex-parte notebook.

- **Item I – Approval of Sale of Tract 2, C/S 3426, located at 2229 Blue Creek Road to Shawn and Jill Egan:** Copy of Buy-Sell Agreement was sent in August 9 Friday Packet. Copy is filed in ex-parte notebook.
- **Item L – Resolution Amending Resolution 12-19192 allowing City Administrator to establish monthly on-street parking fees:** Copy of resolution was inadvertently left out of agenda packet. Council received copy this afternoon via e-mail and paper copy is on Council's desk. Copy was filed in ex-parte notebook.
- **Item M – Resolution Referring Ordinance No. 13-5611 permitting boards, commissions and committees to have administrative duties if allowed by state and federal law or interlocal agreement to the municipal election on November 5, 2013:** Copy of resolution was inadvertently left out of agenda packet. Council received copy this afternoon via e-mail and paper copy is on Council's desk. Copy was filed in ex-parte notebook.
- **Item 5 – IAFF Local 521 7/1/2013 – 6/30/2015 Union Contract:** Council received e-mail from City Administrator today asking that item be postponed until council meeting of August 26 to allow Local 521 time to vote on the tentative contract agreement. Copy of e-mail was filed in ex-parte notebook.

Mayor Hanel asked for the status on the improper application of the chip seal that had occurred. Public Works Director Dave Mumford advised staff was negotiating with Hard Drives. He said the City would pay for the materials and Hard Drives would pay for the labor. There was no perfect solution.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #5 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.

- **Gary Smith, 8725 Cuthroat Drive, Billings, MT,** said he represented T & E who had bid on Item 1A1. He said he did not feel that Titan Machinery had met the required specs and asked that Council re-evaluate the bid results.
- **David Weller, 3703 Hayden, Billings, MT,** said he and Art Logan represented Titan Machinery, and said he felt they had met the required specs for the landfill compactor and asked that Council approve staff's recommendation.

**1. CONSENT AGENDA -- Separations:**

**A. Bid Awards:**

1. **2014 Landfill Compactor** (Opened 7/23/2013) Recommend Titan Machinery; \$642,120. **DELAYED UNTIL 8/26/13**
2. **SID 1395, Boca Raton Road.** (Opened 7/23/2013) Recommend delay of award until August 26, 2013. **APPROVED**
3. **W.O. 12-45, 3MG Staples Reservoir Liner and Baffle Replacement.** (Opened 7/23/2013) Recommend Abhe & Svoboda, Inc.; \$906,548. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**B. Contract** with New Dawn for Criminal and Civil Case Management Software, \$61,968; annual expense -\$4,089. **APPROVED**

**C. Agreement** with 3M Company Security Systems Division for Phase II of the RFID Upgrade Project for the new Library; \$171,727. **APPROVED**

**D. Vehicle Lease Agreement** with Underriner Motors to lease six vehicles for the City County Special Investigations Unit (CCSIU), July 1, 2013-June 30, 2014; total - \$30,600; budgeted through FY14 Drug Forfeiture Fund. **APPROVED**

**E. Cooperative Agreement** with Department of Natural Resources & Conservation Southern Land Office providing City of Billings Fire Department assistance and resources, as needed; and reimbursement to the City of Billings for response costs (8/12/13 - 8/11/14). **APPROVED**

**F. CTEP Project Specific Agreement** with Montana Department of Transportation for the Shiloh Conservation Area Path Project; CTEP Grant - \$415,000; City of Billings Match provided by Public Works Department - \$64,325; Additional Contribution - \$1,367,761; total funds available - \$1,847,086. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**G. Amendment #2, W.O. 12-05: 5-Mile Creek Lift Station Replacement.** Professional Engineering Services Contract, Morrison-Maierle, Inc. (MMI), \$21,525. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**H. Approval** of annual Funding Agreement with Adult Resource Alliance of Yellowstone County (formerly Yellowstone County Council on Aging). **APPROVED 9 TO 0. CM CROMLEY ABSTAINED.**

**I. Approval** of Sale of Tract 2, C/S 3426, located at 2229 Blue Creek Road, to Shawn L. and Jill R. Egan, contingent upon execution of an acceptable sales agreement and Perpetual Right-of-Way Easement agreement; \$250,000. **APPROVED**

**J. Grant Applications Request** to submit project applications for the Laurel Road Bike/Pedestrian Improvements, Broadwater Trail and Highway 3 Pathway projects to

MDT for funding under the competitive Transportation Alternatives (TA) Program.  
**APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**K. Joint City/County Grant Application Request** to submit 2013 Justice Assistance Grant (JAG) application and **accept** award for equipment purchases; \$65,371 (Billings Police Department - \$54,646 ; Yellowstone County Sheriff's Office - \$10,725). **APPROVED**

**L. Resolution #13-19297** amending Resolution #12-19192 to allow the City Administrator to establish monthly on-street parking fees, up to 12-hour parking spaces. **APPROVED**

**M. Resolution #13-19298** referring Ordinance 13-5611 permitting boards, commissions and committees to have administrative duties if allowed by state or federal law or interlocal agreement to the municipal election on November 5, 2013.  
**APPROVED**

**N. Second/Final Reading Ordinance #13-5612 for Zone Change #913:** a zone change from Community Commercial (CC) to Residential Manufactured Home (RMH) on Lot 13 of Kuhlman Subdivision, an 8,832 square foot parcel of land. Duane and Carol Long (Long Brothers Trucking), owners; Heather Long, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

**O. Second/Final Reading Ordinance #13-5613 for Zone Change #914:** a zone change from Residential 9,600 (R-96) to Residential 8,000 (R-80) on proposed Lot 1, Block 4, Falcon Ridge Estates Subdivision 2nd Filing, a 1.67 acre parcel of land. Falcon Ridge II, LLC, owner; Dennis Buscher, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

**P. Preliminary Plat Six-Month Extension** for Skyview Ridge Subdivision, 1st Filing; generally located south of Wicks Lane, west of Governor's Boulevard, and north of Constitution and Kootenai Avenues in the Heights; setting a new expiration date of January 13, 2014. **APPROVED**

**Q. Preliminary Major Plat** of Josephine Crossing Subdivision, 4th Filing, generally located south of Elysian Road, and west of S. 12th St. West in Josephine Crossing Subdivision; McCall Development, Inc., owner/subdivider; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

**R. Final Plat** of High Sierra Subdivision, 7th Filing. **APPROVED**

**S. Final Plat** of Amended Lot 21, Block 3, and Lot 21, Block 4, Twin Oaks Subdivision, 2nd Filing. **APPROVED**

T. **Exempt Plat Approval** of Amended Tract 1 of Zimmerman Acreage Tracts, 1st Filing; generally located on Grand Avenue at 48th Street West; Grace Montessori Academy, owner. **APPROVED**

U. **Bills and Payroll:**

1. July 16, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
2. July 23, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #13-19299** approving a street name change for South 12th Street West south of Midland Road, to Songbird Drive. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. **PUBLIC HEARING AND RESOLUTION #13-19300** assessing the cost of abatement for properties located at 3310 1st Avenue South and 417 and 423 Miles Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings Montana City Code, Article 24-400, Stopping, Standing and Parking, permitting the City Administrator to determine installation of parking meters or signs in meter zones and establish limited time parking. Parking Advisory Board recommends approval. (Action: approval or disapproval of Parking Advisory Board recommendation.) **APPROVED**

5. **INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 521 7/1/2013-6/30/2015 UNION CONTRACT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **POSTPONED UNTIL 8/26/13.**

**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 - NONE**

**ADJOURN:** 7:46 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.*

