

**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

October 28, 2013

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, McCall, Astle and Crouch. Councilmember Ulledalen was excused.

MINUTES: October 15, 2013 - **APPROVED**

COURTESIES:

- Tree City of the Year
- CM McFadden recognized the Elks Club, Mike Yakowich, and Police Office Tom Keightley for their efforts in a recently-held event that took back and properly disposed of old and expired prescription drugs.

PROCLAMATIONS: Extra Mile Day - November 1, 2013

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- The groundbreaking ceremony for the Inner Belt Loop has been rescheduled for Thursday, November 7, at 1:30 p.m. at High Sierra Park.
- **Item 3A: Resolution relating to Storm Sewer Revenue Bonds, Series 2013, authorizing the sale and prescribing the forms and terms for storm sewer improvements for the Shiloh Conservation Area.** Council received an updated resolution from Patrick Weber, Finance Director, in the 10/25/13 Friday Packet. Copy was filed in the ex-parte notebook.
- **Item 5: Approval of letter to the PSC in support of the petitioners regarding ownership fees assessed by NorthWestern Energy in the City's street lighting**

districts. Council received e-mails from Russ Doty on October 22, October 25, and October 27, 2013. Copies were filed in ex-parte notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #3A, #3B, #4

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.

- **James Cox, 2822 Poly Drive, Billings, MT**, referenced Item J and asked if the grant money would go to the contractor or to the City to acquire the bomb robot. Mayor Hanel advised Mr. Cox the grant money would be paid to the City.
- **Leo Barsanti, 3316 Pipestone, Billings, MT; Tom Towe, 2739 Gregory Drive South, Billings, MT; and Russ Doty, 4957 W. 6th, Greely, CO**, referenced Item 5 and asked Council to “intervene” and support the Public Service Commission case, Docket #D2010.2.14, concerning ownership fees assessed by NorthWestern Energy in the City’s street lighting districts.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, referenced Item 5 and asked Council to approve the letter to the Public Service Commission in support of the petitioners regarding ownership fees being assessed by Northwestern Energy.
- **Mike Patterson, 3096 Heritage Drive, Billings, MT**, referenced Item 5 and said he was in favor of more efficient lighting and felt LED lighting would be beneficial.
- **Bruce Simon, 217 Clark, Billings, MT**, referenced Item 5 and said he was being assessed \$7,000 in ownership fees on street lights that were installed in 1960.
- **Rick Burt, 2511 Raymond, Billings, MT**, referenced Item 5 and said he was an engineer for NorthWestern Energy. He explained the rates were assessed on an average basis across the City and asked the Council to make an informed decision.

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

1. CONSENT AGENDA -- Separations: A2, B, C, M1 and M2

A. Bid Awards:

1. **Airport Cupping Snow Plow Blade.** (Opened 10/15/2013) (Delayed from 10/15/2013) Recommend M-B Companies, Inc.; \$68,817. **APPROVED**
2. **W.O. 13-03, Street Maintenance Program, Contract #3, City Crack Seal.** (Opened 10/15/2013) (Delayed from 10/15/2013) Recommend Harddrives Construction; \$154,542. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

B. Change Order #1 - City Hall Lighting Retrofit, Action Electric, \$10,547. **POSTPONED FOR TWO WEEKS.**

C. Contract with Walker Restoration Consultants for City Parking Garage Condition Audit; \$33,500 plus reimbursable expenses estimated at \$8,000. **APPROVED 9 TO 0.** **CM CIMMINO ABSTAINED.**

D. Empire Parking Garage

- 1. Contract** with Michael Walker, NAI Business Properties, to market the retail units in the Empire Parking Garage; fee: 7% of the selling price. **APPROVED**
- 2. Resolution #13-19321** approving City Administrator's authority to negotiate and/or execute buy/sell agreements and other necessary documents for the sale of the Empire Parking Garage retail units. **APPROVED**

E. Approval of Limited Commercial Aviation Hangar and Ground Lease 5-Year Renewal on Lot 7, East Hangar, with Billings Clinic (9/1/2013-8/31/2018); first year revenue - \$28,728; subsequent years adjusted annually using the Consumer Price Index for all Urban Consumers (CPI-U). **APPROVED**

F. Acknowledge receipt of petition to vacate a 5-foot strip of right-of-way along the north side of Rimrock Road adjacent to Whisper Ridge Subdivision; LAIS Development, Inc. and Buscher Development, petitioner; setting a public hearing date of November 18, 2013. **APPROVED**

G. Acceptance of Quitclaim Deed for a portion of land in Certificate of Survey 3329, 2nd Amended, from Suncap Billings, LLC; with no financial impact to the City. **APPROVED**

H. Acceptance of Donation to the Fire Department for purchase of public safety and education supplies; Exxon Mobil Corporation; \$2,500. **APPROVED**

I. Acceptance of Donation to the Police Department to fund Crisis Intervention Training (CIT) in Hartford, Connecticut, for three law enforcement personnel; Department of Public Health and Human Services; \$5,000. **APPROVED**

J. Grant Application Request to submit FY13 U. S. Department of Homeland Security Grant Application for a Bomb Squad robot and associated training; and **authorize** the Mayor to sign the award letter; \$151,000. **APPROVED**

K. Resolution #13-19322 adjusting the City Council meeting schedule for November and December 2013 to allow for strategic planning meetings and the holidays. **APPROVED**

L. Second/Final Reading Ordinance #13-5616 repealing BMCC Article 6-1600, "The Billings, Montana Floodplain Regulations," in its entirety and enacting a new BMCC Article 6-1600 to be known as "The City of Billings Floodplain Hazard Management Regulations." **APPROVED**

M. Bills and Payroll:

1. September 30, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
2. October 7, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
3. July 1, 2013 - September 30, 2013 - Municipal Court **APPROVED**

REGULAR AGENDA:

2. PUBLIC HEARING AND SPECIAL REVIEW #912: a special review to allow the expansion of an existing casino, the Lucky Diamond, from 1,339 square feet to 2,224 square feet in a Community Commercial zone on Lot 1A, Block 1, Circle Fifty Subdivision, located at 3969 Grand Avenue. Townhouse Inns of Conrad, Inc., owner; Kestle Architects, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

3. SHILOH CONSERVATION AREA

A. RESOLUTION #13-19323 relating to Storm Sewer Revenue Bonds, Series 2013, authorizing the sale and prescribing the forms and terms for storm sewer improvements for the Shiloh Conservation Area. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

B. BID AWARD: W.O. 10-19, Shiloh Conservation Area. (Opened 10/15/2013)(Delayed from 10/15/2013). Staff recommends CMG Construction in the amount of \$4,482,231. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

4. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 521 UNION CONTRACT (7/1/2013-6/30/2015). Postponed from 8/12/13, 8/26/13, and 9/23/13. Staff recommends postponing until November 12, 2013. (Action: approval or disapproval of staff recommendation.) **APPROVED POSTPONING UNTIL 11/12/13.**

5. APPROVAL OF LETTER to the Public Service Commission (PSC) in support of the petitioners regarding ownership fees assessed by Northwestern Energy in the City's street lighting districts. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 6 TO 4 TO SEND LETTER WITH REQUEST TO BE KEPT INFORMED OF THE STATUS. CM CROMLEY, CM RONQUILLO, CM BIRD, AND CM MCFADDEN 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.

- **Russ Doty, 4957 W. 6th, Greeley, CO**, thanked the Mayor and Council for approving the letter for Item 5 and commented he would now be responsible for all expenses incurred.

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

COUNCIL INITIATIVES - None

ADJOURN: 8:03 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.