

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

March 24, 2014

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Billings Young Marines

INVOCATION: Councilmember Swanson

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Pitman, Cimmino, Bird, McCall, Swanson, Crouch, and Brown. Councilmember McFadden was excused.

MINUTES: March 10, 2014 - **APPROVED**

COURTESIES:

- Police Department Donation Presentation
- Legal Department Victim Witness Presentation

PROCLAMATIONS: National Service Recognition Day - April 1, 2014

ADMINISTRATOR REPORTS - TINA VOLEK

- Reminded Council of the dinner honoring the recent, outgoing councilmembers scheduled for Tuesday, March 25, at 6:00 p.m. in the Billings Public Library Community Room. She said no business would be conducted, and a quorum of the City Council would be present.
- **Item C – Construction/Maintenance Agreement and Easement with MRL for W.O. 11-10, 25th Street Pedestrian Bridge:** Noted in Part VIII, Page 6, of the agreement the Combined Single Limit of \$5,000,000 had been reduced to \$2,000,000; and the Aggregate of \$10,000,000 had been reduced to \$6,000,000.
- **Item K – Resolution of Intent to Construct W.O. 14-02, Miscellaneous Improvements Program:** Noted staff was requesting the public hearing date be changed from April 28, 2014, to April 14, 2014.
- **Items 5, 6, and 7 – Tax Exemption Requests for Billings Ventures, LP, dba Big Horn Resort; Roscoe Steel dba True North Steel; and FKCD LLP/360 Office Solutions, Inc:** Noted Council received e-mails that day from Jerry Zitur and C.B.

and Nedra Brown opposing the proposed tax exemptions. Copies of both e-mails were filed in the ex-parte notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item #1 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: **A, B, C, F, H, K, L, M1**

A. Consultant Agreement with Sanderson Stewart to conduct the Highway 3 Corridor Planning Study; not to exceed \$68,000. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**

B. Contract for Downtown Parking Strategic Plan; Kimley-Horn; not to exceed \$86,025. **APPROVED 8 TO 1. PITMAN VOTED IN OPPOSITION. CIMMINO ABSTAINED.**

C. Construction/Maintenance Agreement and Easement with Montana Rail Link for W.O. 11-10, 25th Street Pedestrian Bridge. **APPROVED 5 TO 4. PITMAN, BIRD, MCCALL, CROUCH AND MAYOR HANEL VOTED IN FAVOR. CROMLEY, YAKAWICH, SWANSON, AND BROWN VOTED IN OPPOSITION. CIMMINO ABSTAINED.**

D. Approval of 5-year Airport Business Park Building and Ground Lease with State of Montana Department of Environmental Quality (3/1/14-2/28/19); 5-year revenue - \$380,839.20. **APPROVED**

E. Approval of 5-year Airport Business Park Building and Ground Lease with State of Montana Department of Natural Resources and Conservation (3/1/14-2/28/19); 5-year revenue - \$435,918.60. **APPROVED**

F. Amendment #1, W.O. 12-44 Water Treatment Plant High Service Pump Station H2-3 Pump Replacement. Professional Services Contract, HDR Engineering; \$16,300. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**

G. Confirmation of Probationary Police Officers - Zachary Wallis, Gabrielle DeNio, Matthew Widdekind, Robert Miller & Matthew Edwards. **APPROVED**

H. Right-of-Way Easement with Aviara, Inc.; RIMS Development, LLC; and X Bar S Enterprise, LLC for Falcon Ridge Estates Subdivision, 2nd Filing. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**

I. Acceptance of Donation to Billings Animal Control from EBMS in memory of Lisa Marie Frank; \$500. **APPROVED**

J. Acceptance of grant from Spare Change for Real Change on behalf of the Mayor's Committee on Homelessness for venue rental for the 2015 Billings Community Connect ; \$1,000. **APPROVED**

K. Resolution of Intent #14-10341 to construct W.O. 14-02, Miscellaneous Improvements Program, and set a public hearing for April 28, 2014. **APPROVED CHANGING THE PUBLIC HEARING DATE TO APRIL 14, 2014.**

L. Preliminary Minor Plat of North Pointe Square Subdivision, 2nd Filing, described as five lots on approximately 4.8 acres of land on the west side of Highway 87 North, just north of the intersection with Highway 312 in the Billings Heights; Vacant Land LLC, owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**

M. Bills and Payroll:

1. February 24, 2014 APPROVED 8 TO 0. CIMMINO AND BROWN ABSTAINED.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #14-10342 vacating the east 21.6 feet of Henesta Drive right-of-way located on Lot 10, Block 2, Justiss Subdivision; David and Barbara Hawkins, petitioners; estimated value - \$3,700. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION #14-10343 authorizing the sale of a 20-foot-wide strip of parkland situated between Lots 7 and 8, Block 4, Rehberg Ranch Estates Subdivision, 1st Filing; using the Comparative Market Analysis value as the minimum opening bid price. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 to 0. CIMMINO ABSTAINED.**

4. PUBLIC HEARING AND RESOLUTION #14-10344 assessing the cost of removing a dangerous or unsafe tree deemed as a public hazard or nuisance as provided in Billings, MT Municipal Code (BMCC), Section 25-209. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. PUBLIC HEARING AND RESOLUTION #14-10345 granting a tax exemption to Billings Ventures, LP, dba Big Horn Resort for building expansion at 1801 Majestic

Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. PUBLIC HEARING AND RESOLUTION #14-10346 granting a tax exemption to Roscoe Steel dba True North Steel for building expansion at 1501 S. 30th Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. CROUCH VOTED IN OPPOSITION.**

7. PUBLIC HEARING AND RESOLUTION #14-10347 granting a tax exemption to FKCD LLP/360 Office Solutions Inc. for building remodel at 3723 Pierce Parkway. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 0. CROMLEY ABSTAINED.**

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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, said Tina and Brent had conflicts with the Not In Our Town Steering Committee because they were both City employees.
- **Brandon Berger, 222 North 32nd Street, Billings, MT**, reminded Council of the Downtown Exchange Club Crime Prevention Luncheon to be held on April 1 at noon on the 3rd Floor of the Crowne Plaza.
- **Walt Donges, 941 Constitution, Billings, MT**, asked the Council to partner with the community and have their best interests at heart.

COUNCIL INITIATIVES

- **Pitman:** MOVED to have the Parks Department give a work session presentation on tree diseases, preventable treatments, and the tree removal process, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

ADJOURN: 9:00 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.