

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE
PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

AGENDA

COUNCIL CHAMBERS

July 14, 2014

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Crouch

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

MINUTES:

- June 9, 2014 - **APPROVED**
- June 23, 2014 - pending

COURTESIES: None

PROCLAMATIONS: Park and Recreation Month - July 2014

ADMINISTRATOR REPORTS - TINA VOLEK

- **Item 1A1 – Bid Award for Aronson Bypass Trail at Swords Park.** Bid was opened on 7/1/2014. Staff recommends Rehbein Enterprises in the amount of **\$113,670**. Council received a protest letter from Dave Resch of Knife River via e-mail on July 9 and a protest letter from Kevin McGovern of CMG Construction via e-mail on July 14 asking that the low bid from Rehbein Enterprises be considered non-responsive and be disqualified. Staff is asking that the item be separated from the Consent Agenda for discussion. Copy of the bid tab is on Council's desk and copies of the e-mails are filed in the ex parte notebook.
- **Item 2 – Public Hearing and Resolution authorizing sale of Lot 12, Block 4, Sunset Subdivision.** Bids were opened on July 7, 2014. Council received a memorandum from Dave Mumford in the July 11 Friday Packet recommending the bid of \$35,500 from Max Griffin be rejected. Copy of memorandum is on file in the ex parte notebook.

- The third version of the Non-Discrimination Ordinance would be on the July 21 Work Session Agenda. There had been a request to hold the council meetings in a larger forum. She spoke with Tim Harrington of Community 7 TV, and he would not have the ability to televise the meetings live if they were moved because he lacked the equipment and the staff to do the telecast. Staff was recommending the meetings remain in the Council Chambers, and the City Council agreed.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Item E and said he would like to see if the Hallowell Lane and Optimist Park area could be included in the Plan. The streets were in disrepair, there were safety issues, and the entire area deserved attention.

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

1. **CONSENT AGENDA** -- Separations: **A1, B, E, G, H, L, R1, & R3**

A. **Bid Awards:**

1. **Aronson Bypass Trail at Swords Park.** (Opened 7/1/2014) Recommend Rehbein Enterprises, Inc.; \$113,670. **APPROVED 8 TO 3. PITMAN, BIRD, AND MCCALL VOTED IN OPPOSITION.**

2. **W.O. 14-01; 2014 Storm Drain Project, Schedule 1A.** (Opened 6/10/2014)(Delayed from 6/23/2014) Recommend Western Municipal Construction, Inc.; \$1,057,570. **APPROVED**

B. **Change Order #7 - Empire Parking Garage,** Sletten Construction Company; \$54,652.58. **APPROVED**

C. **Memorandums of Understanding** between the City of Billings and Billings Public Schools for two middle school resource officers and three high school resource officers. (7/1/2014 - 6/30/2014) **APPROVED**

D. **Approval** of 10-year lease renewal with State of Montana Department of Fish, Wildlife, and Parks for a 21,875 square foot parcel in the Executive Hangar area located on the west end of the Airport (7/1/2014 - 6/30/2014); revenue first year - \$6,098.76,

subsequent years adjusted annually by the Department of Labor's Consumer Price Index for All Urban Consumers (CPI-U). **APPROVED**

E. Recommendation of approval to the Policy Coordinating Committee for 2014 Billings Long Range Transportation Plan. **APPROVED**

F. Amendment #2, W.O. 12-29: Solid Waste Management Plan, Professional Services Contract, Great West Engineering, \$150,000. **APPROVED**

G. Amendment #11, Engineering Services for Construction of Rental Car Transition Lot and Loop Road Repair, Morrison-Maierle, Inc.; \$130,008 **APPROVED 10 TO 0. BROWN ABSTAINED.**

H. Amendment #12, Engineering Services for Environmental Assessment for Land Purchase and Extension of Runway 10R/28L, Morrison-Maierle, Inc.; \$148,986. **APPROVED 10 TO 0. BROWN ABSTAINED.**

I. Revolving Fund Loan to Kristi and Mike Grob d/b/a Pita Pit; not to exceed \$40,000. **APPROVED**

J. Revolving Fund Loan to Tracy Lofts Development Venture, LLP; not to exceed \$150,000. **APPROVED**

K. Second/Final Reading Ordinance #14-5623 expanding Ward II (Annexation #14-01) for a portion of Tract 2B, of Corrected Certificate of Survey 840, 2nd Amended, located north of Kyhl Lane in Billings Heights; Richard Jr. and Mae L. Sartorie, owners. **APPROVED**

L. Resolution of Intent #14-10375 to create SILMD 312 within St. Vincent Healthcare Subdivision, and set a public hearing date of August 11, 2014. **APPROVED 10 TO 0. CROMLEY ABSTAINED.**

M. Resolution of Intent #14-10376 to create SILMD 313 within Vintage Estates Subdivision, Phase 2, and set a public hearing date of August 11, 2014. **APPROVED**

N. Resolution #14-10377 authorizing the issuance and calling for the public sale of up to \$395,000 pooled special sidewalk, curb, gutter and alley approach bonds (W.O. 09-20, Rimrock Road from Forsythia Boulevard to Shiloh Road; and W.O. 13-02, Miscellaneous Improvements at various locations) **APPROVED**

O. Resolution #14-10378 relating to the financing of \$13,000,000 proposed storm sewer system improvements and establishing compliance with reimbursement bond regulations for W.O. 12-31, East End Industrial Area Storm Drain. **APPROVED**

P. Resolution #14-10379 relating to the financing of \$65,000,000 proposed wastewater treatment plant upgrades and establishing compliance with reimbursement

bond regulations for W.O. 14-11, Wastewater Treatment Plant Nutrient Upgrade Expansion and Improvements. **APPROVED**

Q. Final Plat Approval

1. Lake Hills Subdivision, 33rd Filing **APPROVED**
2. Lake Hills Subdivision, 34th Filing **APPROVED**

R. Bills and Payroll:

1. June 9, 2014 **APPROVED 10 TO 0. BROWN ABSTAINED.**
2. June 17, 2014 **APPROVED**
3. June 23, 2014 **APPROVED 10 TO 0. BROWN ABSTAINED.**

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #14-10381 authorizing the sale of Lot 12, Block 4, Sunset Subdivision, located at 1146 Grand Avenue. Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.) **APPROVED TO ACCEPT BID FROM MAX GRIFFIN FOR \$35,500 WITH THE BUYER PAYING ALL CLOSING COSTS.**

3. PUBLIC HEARING AND RESOLUTION #14-10380 vacating an undeveloped portion of Monroe Street just north of Orrel Street; Community & Leadership Development, Inc., petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AMENDED MOTION 9 TO 2 TO DONATE THE PROPERTY WITH DEVELOPMENT REQUIRED WITHIN FIVE YEARS. BROWN AND CROMLEY VOTED IN OPPOSITION. UNANIMOUSLY APPROVED SECOND AMENDMENT THAT THE DONATION BE CONDITIONAL BASED ON LEGALITY OF STREET OWNERSHIP.**

4. PUBLIC HEARING AND FIRST READING ORDINANCE amending the Billings City Charter to add Section 1.05.2; providing for a permanent mill levy to fund Fire, Police, 911 Dispatch Services, and related public safety expenses, and submitting the proposed amendment to the electors of the City as provided by law. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED BASED ON THE COMMUNITY GROWTH PLAN LEVEL OF SERVICE.**

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.

The following people spoke in opposition of the Non-Discrimination Ordinance.

- **Dick Pence, 4307 Palisades Park Drive, Billings, MT**
- **Ben Uselman, 4615 Palisades Park Drive, Billings, MT**
- **Barbara Prewitt, 3 Southgrove Place, Billings, MT**
- **Janice Linn, 821 N. 27th Street, Billings, MT**
- **Mark Carlstrom, 3139 Poly Drive, Billings, MT**
- **Jennifer Strong, 411 Glen Drive, Billings, MT**
- **Gayle Wentling, 1310 Cook Avenue, Billings, MT**
- **Kari Beebe, 712 N. 26th Street, Billings, MT**

The following people spoke in favor of the Non-Discrimination Ordinance.

- **Donald Seibert, 1112 Delphinium Drive, Billings, MT**
- **Marty Elizabeth Ortiz, 707 1st Street West, Billings, MT**
- **Hope Wisneski, 1640 Rhode Island NW, Washington, DC**

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

COUNCIL INITIATIVES

- **Cromley:** MOVED to direct staff to determine how to establish an internal Council policy that initiatives can only be considered if Council has been given 24-hour notice, seconded by Councilmember Crouch. On a voice vote, the motion was approved 10 to 1. McFadden voted in opposition.

ADJOURN: 11:55 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.