

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

October 14, 2014

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Cimmino

ROLL CALL: Councilmembers present on roll call were:

MINUTES:

- September 8, 2014 - **APPROVED**
- September 22, 2014- **APPROVED**

COURTESIES: Mayor Hanel thanked the staff for helping to make the NILE Livestock Parade a success the past weekend. He also thanked the members of the City Council who attended the 83rd Annual League of Montana Cities and Towns held in West Yellowstone the previous week, and recognized Councilmember McCall, who was currently serving as the 2013-2014 President.

PROCLAMATIONS: Mayor Hanel noted a proclamation for “Pink Day” at Skyview High School had not been forgotten and was forthcoming.

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek said she would like to schedule an Executive Session for Monday, October 20, at 5:00 p.m., in the City Hall Conference Room prior to the work session to discuss pending litigation. Councilmembers Cromley and McCall noted they would be out of town, and Councilmember McFadden said he may not be available. It was the consensus of the remainder of Council to hold the Executive Session at that time.

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

1. CONSENT AGENDA -- Separations: A1, C, F, G, U1 and U2

A. Bid Awards:

1. Airport Operations Emergency Generator. (Opened 9/30/2014) Recommend Ace Electric; \$256,000. **APPROVED**

2. 2014 Articulated Tandem Roller for Street/Traffic Division. (Opened 9/16/2014)(Delayed from 9/22/2014) Recommend Modern Machinery; \$64,400. **APPROVED**

3. Two MET Transit Buses. (Opened 9/30/2014) Recommend Davey Coach; \$431,108. **APPROVED**

B. Compensation Agreement with School District #2 for 50% of street and storm drain improvements on Barrett Road for construction of new Heights Middle School; City's estimated portion - \$294,280.83. **APPROVED**

C. Transportation Alternative Project Agreement with Montana Department of Transportation for project scope, funding, and federal aid compliance for Broadwater Avenue Path. **APPROVED**

D. Contract for Professional Services with DOWL HKM for design and construction administration of W.O. 15-06, Poly Drive - 32nd Street West to 38th Street West; \$271,460. **APPROVED**

E. Contract for Professional Services with DOWL HKM for design and construction administration of W.O. 15-01, Schedule 1, 2015 Water and Sanitary Sewer Main Replacement Projects (Will James Middle School Area); not to exceed \$742,630. **APPROVED**

F. Contract for Professional Services with Morrison-Maierle, Inc. for design and construction administration of W.O. 15-01, Schedule 2, 2015 Water and Sanitary Sewer Main Replacement Projects (alley between Avenues D and E from 17th to 21st Streets West; and area bounded by the BBWA to the north, 6th Ave. N. to the south, N. 24th St. to the west and N. 12th St. to the east); not to exceed \$700,240. **APPROVED 10-0. CM BROWN ABSTAINED.**

G. Approval of Scheduled Airline Operating Permit with Mesa Airlines, Inc. **APPROVED**

H. Amendment to Special Improvements Agreement for Popelka Commerce Center Subdivision, 2nd Filing. **APPROVED**

I. Amendment #2, Airport Restaurant/Lounge Concession Agreement with Air Host Billings, Inc. extending term of Agreement to January 31, 2016. **APPROVED**

J. Acknowledge receipt of petition to vacate a slope easement along Lot 21-A-2, Block 39, Lake Hills Subdivision, 12th Filing; Clint Kegal, owner and petitioner; and set a public hearing date of November 10, 2014. **APPROVED**

K. Confirmation of Probationary Police Officers - Tyler Bishop, Kodi Kaiser, Jack Brundell, Eric Schnelbach, Brian Weaver and Todd Clyatt. **APPROVED**

L. Right-of-Way Easements for W.O. 13-15, Calhoun Road Improvements with Russell and Nicole Anderson, Richard and Debra Lynn Braaten, Shanna Frederickson and Thomas Hopkins, Jr., Billy and Linda Holloway, Gerald and Kathleen LaFountain, Leslie W. and Susanna C. LaFountain, John Martin, Sarah Florence Moore, Greg and Becky Pekovich, Michael G. Sr. Rhodes, Kendra Waters, Vernon and Debra Welch, and Peggy Jo and Heather D. Rollins. **APPROVED**

M. Grant Application Request to submit 2014 Internet Crimes Against Children (ICAC) operational continuation application for \$254,693 and accept award. **APPROVED**

N. Approval and commitment of funding from the Home Reinvestment Revolving Loan Program and funding from the FY13-14 CDBG First-Time Home Buyer Program to the Foreclosure Acquisition/Rehabilitation Program. **APPROVED**

O. Resolution #14-10403 allocating \$2,000 of Council Contingency Funds for the North Elevation Residential Historic District. **APPROVED**

P. Second/Final Reading Ordinance #14-5628 for Zone Change #923: A zone change from Agriculture-Open Space to Public on Lot 5A, Block 1, Long Subdivision, a 69.65-acre parcel of land addressed as 1190 Shiloh Road. City of Billings, owner. Approval of the zone change and adoption of the determination of the 10 criteria. **APPROVED**

Q. Second/Final Reading Ordinance #14-5629 for Zone Change #924: A zone change from Residential 9,600 to Residential Professional on Lot 4A1A of Blue Meadow Acreage Tracts, 7th Amended, a 1.09-acre parcel of land addressed as 2526 Shiloh Road. BTS, Inc., owner; Sanderson Stewart, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

R. Second/Final Reading Ordinance #14-5630 for Zone Change #925: A zone change from Neighborhood Commercial to Community Commercial on Lot 2, Block 1, MK Subdivision, generally located at 1450 Chy Way northwest of the intersection of

Grand Avenue and 54th Street West. Larry and Mary Karls, owners. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

S. Preliminary Subsequent Minor Plat of Amended Lot 1C-2, Block 1, Circle Fifty Subdivision, generally located on the south side of Avenue B just east of Shiloh Road. Mountain Development Co., owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

T. Final Plat of Bitterroot Heights Subdivision, 2nd Filing. **APPROVED**

U. Bills and Payroll:

1. September 8, 2014 **APPROVED 10-0. CM BROWN ABSTAINED.**
2. September 15, 2014 **APPROVED 10-0. CM BROWN ABSTAINED.**

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently-annexed property in Annexation #14-03: A parcel totaling approximately 69 acres located on the west side of Shiloh Road at the northwest corner of the intersection of Shiloh Crossing Boulevard and South Shiloh Road. City of Billings, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED

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**, commented on the following items.
 1. At the last TIFD meeting it was announced the SID payoff amount for Walmart, Cabela's, and the development company out of Chicago was 5.2 million taxpayer dollars.
 2. The City of Billings had corrupted the Safety Mill Levy by allowing for corporate coordination. Mr. Buchanan was allowed to attend every meeting and access all the voters he wanted. State law said there should be a level playing field in campaign spending allowing individuals, regardless of wealth, to express their views to one another and their government; and impact of unlimited corporate donations created a dominating impact on the political process and inevitably minimizing the impact of individual Montana citizens. Mr. Buchanan was given all the time he wanted to talk prior to the public hearing. His Facebook page led people to the Billings Chamber of Commerce, Wells Fargo, First Interstate Bank, Cloud Peak Energy, NorthWestern Energy, the Billings Gazette,

and the hospitals with an undue influence on the voters. There was a specific state law that said "you will not unduly influence the votes." Mr. Buchanan and Ms. Volek had gone "arm in arm" to all of the presentations. Mr. Buchanan speaks as long as he wanted uninhibited of venue. The Downtown Billings Alliance was under Mr. Buchanan's caption on the YouTube video; and under that umbrella was the Downtown Billings Partnership. Ms. Volek belonged to the Downtown Billings Partnership as board director or member. The City was using Mr. Buchanan as a surrogate to unduly influence the voters of Billings, and the citizens had no chance to respond to it.

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

COUNCIL INITIATIVES

- **Mayor Hanel** noted he would be bringing forth an initiative at the next business meeting for Ms. Volek to provide a presentation so Council would have a good understanding of the process of the selection of the primary care provider for the medical committee within the City of Billings to ensure everything was handled properly.
- **Cimmino:** She had asked for a follow up on a previous initiative on signs for the public to be aware there was an ordinance prohibiting no texting while driving. The next day she received an e-mail from Mr. Mumford that signs would be installed soon on 15 major arterial streets, in front of the high schools, etc.

ADJOURN: 7:05 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.