

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

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

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<b>COUNCIL CHAMBERS</b>	<b>AGENDA</b> <b>March 14, 2016</b>	<b>6:30 P.M.</b>
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**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember McFadden

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown

**MINUTES:** February 22, 2016 **APPROVED**

#### **COURTESIES:**

- Mayor Hanel recognized the Billings Chamber of Commerce on its recent 5-star accreditation

**PROCLAMATIONS:** NONE

#### **ADMINISTRATOR REPORTS – BRUCE MCCANDLESS**

- Item 2: Two letters were received for the Mayor and Council through the City Clerk's Office. Both letters pertain to Special Review 938. The letters were distributed to the Mayor and Councilmembers, and copies are available in the ex parte notebook.
- Item 4: Throughout the day today, multiple emails were received that relate to the Amend Park Development Council Contract Renewal. Copies of these emails have been included in the ex parte notebook. Per Council's request, emails received after 3:00 pm are included in the ex parte notebook and hard copies were distributed to each Councilmember.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #4 & #5 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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.)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, in reference to Item 4, stated that the budget needs to be seen for Amend Park, and that the City should take over the operations of the park.
- **Mike Mayott, 2424 Locust Street, Billings, MT**, in reference to Item 4, thanked Council and noted that the new Amend Park Development Council Board now consists of 10 new members.
- **Brent Schwartz, 3630 Hayden, Billings, MT**, in reference to Item 4, requested to be a voice on the Amend Park Board, and stated that the previous board shut out sports other than soccer.
- **Greta Moen, 1015 Moon Valley Road, Billings, MT**, in reference to Item 4, stated that she has seen groups come together for this project and would like to see Council support.
- **Terry Stapleton, 2015 Eastridge, Billings, MT**, in reference to Item 4, stated that he supports the Amend Park Development Council.
- **Jim Patelis, 6312 Grey Hawk Way, Billings, MT**, in reference to Item 4, stated that the City Parks and Recreation Department should take over operation of Amend Park, but that the City could work in conjunction with the Amend Park Development Council.

1. **CONSENT AGENDA** -- Separations: 1A1, 1A2, 1B1, 1B2, 1B3, 1F, 1J1, 1J3, 1J4

A. **Bid Awards:**

1. **W.O. 16-03 City Overlay.** (Opened 02/23/2016) Recommend Hardrives Construction Inc., \$298,030. **APPROVED 10-0, CIMMINO ABSTAINED**
2. **Concrete Restoration of City Parking Structures I, II and III.** (Opened 02/23/2016) Recommend Restocon Corporation, \$309,201. **APPROVED**

B. **W.O. 09-15**

1. **Bid Award for W.O. 09-15 Grand Avenue, Zimmerman Trail to Shiloh Road.** (Opened 02/23/2016) Recommend Knife River, \$3,816,036.32. **APPROVED 10-0, CIMMINO ABSTAINED**
2. **Approval of Right of Way Agreement and Warranty Deeds for W.O. 09-15, Grand Avenue, from Yegen Grand Avenue Farms.** **APPROVED 10-0, CIMMINO ABSTAINED**

3. **Approval of Right of Way Agreement and Warranty Deed for W.O. 09-15**, Grand Avenue, from KZ Bar Limited Partnership. **APPROVED 10-0, CIMMINO ABSTAINED**
  
- C. **Resolution #16-10529** creating an Ad-Hoc Council Advisory Committee on the Babcock Theater. **APPROVED**
  
- D. **Reimbursement Agreement** with School District #23 for W.O. 14-13, Elysian Area Water and Sanitary Sewer Extension Project, Schedule 2, \$83,061.36. **APPROVED**
  
- E. **Amendment #2, W.O. 15-07: Orchard Lane**, Professional Services Contract, Kadrmass, Lee & Jackson, Inc., \$21,800. **APPROVED**
  
- F. **Resolution #16-10530** authorizing the purchase of the south half of Lot 3, Block 9, Sunnyside Subdivision, located at 2315 and 2325 9th Avenue North; \$335,000. **APPROVED**
  
- G. **Acceptance of Donation** to Animal Shelter, The Humane Society of the United States, \$1,500. **APPROVED**
  
- H. **Acceptance** of Federal Aviation Administration Airport Improvement Program Grants. **APPROVED**
  
- I. **Resolution of Intent #16-10531** to create SILMD 322, Orchard Lane street lights, and set a public hearing date for April 11, 2016. **APPROVED**
  
- J. **Bills and Payroll:**
  1. February 1, 2016 **APPROVED 10-0, CIMMINO ABSTAINED**
  2. February 8, 2016 **APPROVED**
  3. February 16, 2016 **APPROVED 10-0, BROWN ABSTAINED**
  4. February 22, 2016 **APPROVED 9-0, CIMMINO AND BROWN ABSTAINED**

**REGULAR AGENDA:**

2. **CONTINUANCE OF PUBLIC HEARING AND SPECIAL REVIEW #938:** a special review to construct two triplexes and two fourplexes in a Residential 6,000 (R-60) zone on a 38,379 square foot parcel of land described as: Lot 6, Wolf Subdivision and located at 3104 Boulder Avenue. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval

or disapproval of Zoning Commission recommendation.) **APPROVED 8-3, SWANSON, SULLIVAN, AND CIMMINO VOTED IN OPPOSITION**

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation #16-01: an approximate 3.541 acre parcel of land located east of the United States Post Office property on South 27th Street between Lillian Avenue and what would be 7th Avenue South. Phillips 66 Company, owner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **AMEND PARK DEVELOPMENT COUNCIL CONTRACT RENEWAL.** Staff recommends approving renewal of the agreement contingent upon re-negotiation prior to January 24, 2017. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-2, CIMMINO AND FRIEDEL VOTED IN OPPOSITION**
5. **APPROVAL** of Tax Increment Grant of up to \$45,000 to Joni Harmon for restoration of the Price Motors Building located at 2611 Minnesota Avenue. 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.*)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT stated** that open honest government does not exist and that the City Administrator has not followed the Charter.
- **Warren Ussey, 4145 Jansma Avenue, Billings, MT stated** that he would like to see information on pretrial release laws and regulations.

### **COUNCIL INITIATIVES**

- Cimmino moved to read a proclamation honoring Vietnam Veterans at the March 28 meeting, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

**ADJOURN 10:03 PM**