

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

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<b>COUNCIL CHAMBERS</b>	<b>AGENDA</b> February 28, 2011	<b>6:30 P.M.</b>
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**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Mayor Hanel

**ROLL CALL** – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle, and Clark

**MINUTES:** February 14, 2011 – approved as presented.

**COURTESIES:**

- Councilmember Cimmino presented Councilmember Ruegamer with a University of Montana Grizzlies blanket in honor of his 70<sup>th</sup> birthday.
- Mayor Hanel wished Councilmember Ronquillo and his wife happy anniversary.

**PROCLAMATIONS:** None

**ADMINISTRATOR REPORTS - TINA VOLEK:** None

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #2 ONLY.**

**Speaker sign-in required.** (Please sign up on the clipboard located 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.

- **Nash Emrich, 230 Avenue C, Billings, MT**, spoke on Agenda Item I. Mr. Emrich said he was the president of BikeNet and thanked Council for considering BikeNet’s donation.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, spoke on Agenda Item B1. Mr. Nelson asked if the milling machine had been purchased and if it would be used for the project. Public Works Director Dave Mumford advised the machine was on order but would not be received until mid-summer so would not be part of the project.
- **Roger Huebner, 305 Eastlake, Billings, MT**, spoke on Agenda Item D. Mr. Huebner told Council Eide Bailey had been the City's auditor for the past eight years, they were a local presence with 70 employees who lived in Billings, and they had always stayed with their bid as originally proposed. Mr. Huebner questioned the 6-year contract and said typically contracts were only for three years.

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

1. **CONSENT AGENDA** -- Separations: D, F, N1 and N2

**A. Mayor Hanel recommends that Council confirm the following appointments:**

1.

	<b>Name</b>	<b>Board/Commission</b>	<b>Term</b>	
			Begins	Ends
1	Robert Pumphrey	Animal Control Board	02/28/11	12/31/12
2	No Applications	Board of Adjustments	02/28/11	12/31/13
3	No Applications	Board of Adjustments	02/28/11	12/31/13
4	No Applications	Board of Appeals - Architect	02/28/11	12/31/13
5	No Applications	Board of Appeals - Electrical	02/28/11	12/31/13
6	No Applications	Board of Appeals	02/28/11	12/31/14
7	No Applications	Board of Appeals - At Large	02/28/11	12/31/14
8	No Applications	Board of Ethics	02/28/11	12/31/14
9	No Applications	Community Development -Low Mod	02/28/11	12/31/14
10	No Applications	Community Development - At Large	02/28/11	12/31/12
11	Dr. Christian Ball	EMS Board - Billings Clinic	02/28/11	12/31/14
12	No Applications	Housing Authority Resident Comm	02/28/11	12/31/13
13	No Applications	Human Relations Commission	02/28/11	12/31/14
14	Jim Peters	Mayor's Committee on Homelessness - Librarian	02/28/11	12/31/14
15	Perry Roberts	Mayor's Committee on	02/28/11	12/31/13

		Homelessness - Housing		
16	John Armstrong	Mayor's Committee on Homelessness - Philanthropy	02/28/11	12/31/14
17	Luke Kobold	Mayor's Committee on Homelessness - Health Care	02/28/11	12/31/14
18	No Applications	Mayor's Committee on Homelessness - Lending Industry	02/28/11	12/31/14
19	No Applications	Parking Advisory Board	02/28/11	12/31/14
20	No Applications	Parking Advisory Board	02/28/11	12/31/14
21	No Applications	City/County Planning - Ward V	02/28/11	12/31/12

1. Unexpired term of Sandy Weiss
2. Unexpired term of LaVern Bass
3. Unexpired term of Terry Madtson
10. Unexpired term of Sandy Weiss
15. Unexpired term of Patrick Chapel

**B. Bid Awards:**

1. **W.O. 11-03, 2011 Street Maintenance Program, City Overlay.** (Opened 2/15/11). Recommend Riverside Contracting; \$881,913.17. **APPROVED**
2. **W.O. 08-27, Solid Waste Landfill Phase 2 Closure** (Opened 2/15/2011); Recommend COP Construction; \$576,320. **APPROVED**

**C. Professional Services Contract** with Farr Associates for development of a form-based code for the East Billings Urban Renewal District; \$49,000. **APPROVED**

**D. Audit Services Contract** with JCCS for a six-year term (FY 2011-2016); \$368,000. **APPROVED 8 TO 3. Councilmembers Cimmino, Clark, and Pitman voted 'no'.**

**E. Approval** of Limited Commercial Aviation Building and Ground Lease with Jack Bolme; 1/1/2011-12/31/2016; \$33,010.80 first year revenue with the rate adjusted annually according to Consumer Price Index for All Urban Consumers. **APPROVED**

**F. W.O. 10-03, 32nd Street West and Broadwater Avenue Improvements Right-of-Way Acquisition: Parcel 1:** Portion of Tract 2, Certificate of Survey

1161 (113 SF); Apostles Evangelical Lutheran Church, \$847.50. **APPROVED with correction of street name on right-of-way agreement.**

**G. Street Closures:**

1. **St. Patrick's Day Parade and Street Fair**, March 12, 2011. Parade: assemble 8:00 a.m., begin 11:00 a.m. - noon, established downtown parade route; Street Fair: 10:00 a.m. to 2 p.m., North Broadway between 1st and 3rd Avenues North. **APPROVED**
2. **Yellowstone Rimrunners Shamrock Run**, March 13, 2011, 11:30 a.m. to 1:45 p.m., beginning at 3rd Street West and Avenue B, north onto 3rd Street West, west onto Parkhill to Nordbye, turning around going east on Parkhill, right on 3rd Street West, ending at Pioneer Park. **APPROVED**
3. **Hope 2 One Life, Inc. World Water Day Walk**, March 19, 2011, 7:30 a.m. to 1:00 p.m. beginning at the MSU-Billings Campus; 1-mile walk will remain on campus, 5K walk will proceed west on Marbara Lane to Virginia Lane; north on Virginia Lane; west on Park Lane; south on Highwood Dr.; east on Woodland Dr.; north on Raymond Place; east on Highland Park; north on Virginia Lane; east on Marbara Lane; through the campus using the tunnel at 27th Street to Mountain View Blvd.; south on 27th Street; and end at the MSU-B Campus. **APPROVED**

**H. Authorization** to purchase three paratransit vans from Harlows Bus Sales, Inc. under the multi-year van replacement program approved by Council on 2/8/2010, for a total of \$231,090.96. **APPROVED**

**I. Acceptance** of \$64,000 donation from BikeNet to help finance the 25th Street Pedestrian Bridge (\$25,000); the Broadwater Trail Connection (\$35,000); and design and engineering of a short section of trail north of Airport Road through Swords Park tying into Alkali Creek Road and Airport Road bike/pedestrian underpasses (\$4,000). **APPROVED**

**J. Grant Application Request** to submit 2011 Internet Crimes Against Children (ICAC) operational continuation application for \$225,253 and accept award. **APPROVED**

**K. Approval of Resolution #11-19031** creating a 3-Member Council Subcommittee on State Legislation consisting of Mayor Hanel, Deputy Mayor Ulledalen, and Councilmember McCall. **APPROVED**

**L. Grant Application Request** to submit Misdemeanor Probation Domestic Violence Grant application for \$62,862 and accept award; required City of Billings match - approximately \$18,000 (hard match-\$1,600; soft match-\$16,400) **APPROVED**

**M. Second/final reading ordinance #11-5530 expanding Ward I (Annexation #11-01) for the south 310 feet of Lot 24, Sugar Subdivision located at 766 Calhoun Lane. Almon R. Blain, Jr., owner. APPROVED**

**N. Bills and Payroll:**

1. January 28, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED FROM THE VOTE.**
2. February 4, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED FROM THE VOTE.**
3. May 1, 2010 to December 31, 2010 - Municipal Court **APPROVED**

**REGULAR AGENDA:**

2. **RESOLUTION #11-19032** granting preliminary approval for issuance of revenue bonds to finance the costs of acquisition, construction and installation of energy efficiency improvements at Rocky Mountain College, and setting a public hearing date of March 28, 2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION #11-19033** approving and adopting Second Quarter Budget Amendments for FY2010/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #872:** A zone change from Residential 7000 to Residential Professional on two parcels of land described as Lot 1A and Lot 1B of Rush Acreage Tracts Subdivision located at 1910 and 1918 Shiloh Road. Billings Urban Fire Service Area, owner; Dan Schwarz, Deputy County Attorney, representative. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda; comments limited to three (3) minutes per speaker. Please sign up on the clipboard located at the podium.*)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT,** asked how the City could continue to increase employee salaries each year when the City's revenue was flat and taxpayers were being asked to pay additional fees for service.

- **Joe White, Billings, MT**, said he wanted to know the status of damages owed to him. He also mentioned the president of World Bank was on CNN, and the recognition and honor his father received. Much of Mr. White's testimony was inaudible.
- **Kelly McCann, no address given**, said he was the Chairman of the St. Patrick's Day Parade and thanked everyone for their support in making the event successful each year.

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

### **COUNCIL INITIATIVES**

- **Astle**: MOVED to direct legal staff to look into withholding payments to NorthWestern Energy for being nonresponsive in the maintenance of streetlights, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **Ronquillo**: MOVED to direct staff to provide a breakdown of damages caused by vandals that occurred in city parks and the cost of materials and labor to repair the damages, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.

**ADJOURN** – The meeting adjourned at 7:43 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.*