

## 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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#### AGENDA

**COUNCIL CHAMBERS**

**April 11, 2011**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Councilmember Gaghen

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

#### **MINUTES:**

- March 28, 2011 - Regular Business Meeting - **APPROVED**
- April 4, 2011 - Special Business Session - **APPROVED**

#### **COURTESIES**

- Councilmember Gaghen recognized Billings native, Korine Fujiwara, who had recently performed at the Alberta Bair Theater.
- Mayor Hanel recognized the successful transport of the megaloads to the Conoco Refinery.
- Councilmember Cimmino commended the County Commissioners for the successful re-opening of the Metra the past weekend.
- Boy Scout Leader, Ben Tyner, and his son, George Tyner, of Troop 375 introduced themselves and said their troop was sponsored by the LDS Church.

#### **PROCLAMATIONS:**

- Fair Housing Month, April 2011
- Parkinson's Disease Awareness Month, April 2011
- National Crime Victims' Rights Week, April 10 - 16, 2011
- National Library Week, April 11 - April 17, 2011

#### **ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek advised Mr. Bartlett's weekly legislative report was sent in the 4/8/2011 Friday Packets and was filed in the ex-parte notebook.

- Ms. Volek referenced additional information sent to her from Bruce McCandless regarding Item 2. She said a copy was on Council's desk and in the ex-parte notebook.
- Ms. Volek referenced a letter, dated 4/6/2011, from Doctors Kevin and Erica Bruen of 3020 Rimview Drive asking that the City contribute \$25,000 towards the removal of the rock above Shady Lane and Rimview Drive. She said a copy was on Council's desk and in the ex-parte notebook.
- Ms. Volek referenced a letter from Governor Schweitzer to Attorney Steve Bullock, dated 4/11/2011, regarding a possible shutdown of state government on July 1, 2011, due to a budget that would not adequately fund government services for FY2012 and FY2013. She said a copy of the letter was on the Council's desk and in the ex-parte notebook.
- Ms. Volek advised a resolution was not required to form a City Council Community Conversations Committee and Council could create the committee and appoint members with a simple majority or Mayor Hanel could appointment the members.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 2 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute.

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.)

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, spoke on Items 2A and 2B. He asked if a public hearing had been held at a regular business session. He stated there was a conflict of interest with Alley Cat Investments, LLC because Bill Honaker served on the Downtown Partnership Board of Directors. Mr. Nelson also said the City should leave private enterprise alone. He said maybe the Northern Hotel should have come down and suggested starting with a new project.

Ms. Volek advised that Mr. Honaker had termed out a year ago and was no longer a member of the Downtown Partnership Board of Directors.

- **Joe White, Billings, MT**, spoke on Item 2. He said the City needed to do thorough testing on electrical, air quality, and air pollution to make sure the new garage was safe and stable. He said the current building was a disaster.
- **Matt Robertson, Downtown Billings Partnership; Lisa Harmon, Downtown Billings Association; Jeff Kanning, 1943 Mariposa, and Don Olsen, 2112 Fairview Place, Billings, MT**, all spoke in favor of the Park V Garage.
- **Greg Ando, 2751 Gregory Drive South, Billings, MT**, referenced Item 1E, and said he was available to answer questions.

**Legislative Review Conference Call with Lobbyist Ed Bartlett**

1. **CONSENT AGENDA** -- Separations: C, E, F

**A. Bid Awards:**

1. **2011 Aerial Truck for Street/Traffic Division.** (Opened 3/22/11) (Delayed from 3/28/11) Recommend Motor Power; \$114,722. **APPROVED**
2. **W.O. 10-17, Billings Waste Water Treatment Plant - Natural Gas Line Replacement.** (Opened 3/29/11) Recommend Montana Dakota Utilities; \$102,932. **APPROVED**
3. **W.O. 11-04, 2011 ADA Accessibility Ramps.** (Opened 3/29/11) Recommend CMG Construction; \$317,407. **APPROVED**
4. **Taxiway G Relocation and Runway Overlay Project.** (Opened 3/29/11) Recommend postponement of bid award until April 25, 2011. **APPROVED POSTPONEMENT**
5. **Structural Repairs to Park II Parking Garage.** (Opened 4/5/2011) Recommend delay of award until April 25, 2011. **APPROVED DELAY**

**B. Approval** of new Commercial Terminal Building Lease with Frontier Airlines, Inc.; 3/1/2011 - 2/29/2012 with automatic annual renewals; Revenue first year - \$7,482.72. **APPROVED**

**C. Approval** of 10-year lease renewal with State of Montana DNRC for Airport Buffer Zone. (3/1/2011-2/28/2021); annual rent first five years - \$20,000. **APPROVED**

**D. Approval** of new lease agreement with Tami Kelling dba Downtown Subs to include additional storage space (3-year lease with two, one-year renewal options). Revenue first year - \$13,692; Revenue second and third years - \$13,855. **APPROVED**

**E. Acceptance** of YMCA proposal to pay off combined principal balance on two delinquent Revolving Fund loans totaling \$269,109; and write-off accrued interest totaling \$138,941. **APPROVED 7 TO 2. Councilmembers Cimmino and Ronquillo voted 'no'.**

**F. Revolving Fund Loan** to Billings Depot, Inc. to purchase lease of parking lot on Montana Avenue west of Depot property from Computers Unlimited; not to exceed \$45,500. **APPROVED**

**G. Street Closures:**

1. **Cinco de Mayo Celebration.** May 7, 2011; 10 a.m. to 8:00 p.m.; North 26th Street between Montana Avenue and 1st Avenue North. **APPROVED**

**H. Approval and acceptance** of 2011 ConocoPhillips Company grant; \$6,000 to the Police Department; \$6,000 to the Fire Department. **APPROVED**

**I. Acceptance of Sponsorships** for Infill Policy Workshop, April 26 & 27, 2011. Billings Home Builders Association - \$1,500; Billings Association of Realtors -

\$2,500; Sanderson Stewart - \$800; Cole Law Firm - \$500; Montana Association of Planners - \$500; Healthy By Design - \$1,000. **APPROVED**

**J. Second/Final Reading Ordinance #11-5532 for Zone Change #873:** A zone change from Planned Development – Neighborhood Commercial with Restrictions to Planned Development – Neighborhood Commercial without the restrictions on a 25,600 square foot parcel of land described as Lot 4, Block 2, Rocky Village Subdivision located at 1648 Poly Drive. Rocky Mountain College, owner; Thomas Smith of Moulton Bellingham, representative. **APPROVED**

**K. Amended Plat of Midland Subdivision, 3rd Filing, Block 3, Amended Lot 5-A,** generally located west of South 24th Street West, south of King Avenue West. **APPROVED**

**L. Bills and Payroll:**

1. **March 11, 2011 - APPROVED**
2. **March 18, 2011 - APPROVED**

**REGULAR AGENDA:**

**2. Park V Garage**

**A. Purchase Agreement with Alley Cat Investments, LLC for Lots 1-7, Block 109, Original Town of Billings.** Downtown Billings Partnership Board of Directors recommends approval. (Action: approval or disapproval of Downtown Billings Partnership Board of Directors' recommendation). **APPROVED 7 TO 2.**  
**Councilmembers Cimmino and Ulledalen voted 'no'.**

**B. Purchase Agreement with Zootist Garage, LLC for Lots 8-12, Block 109, Original Town of Billings.** Downtown Billings Partnership Board of Directors recommends approval. (Action: approval or disapproval of Downtown Billings Partnership Board of Directors' recommendation). **APPROVED 7 TO 2.**  
**Councilmembers Cimmino and Ulledalen voted 'no'.**

**C. Development Agreement with Zootist Hotel.** Downtown Billings Partnership Board of Directors recommends approval. (Action: approval or disapproval of Downtown Billings Partnership Board of Directors' recommendation.) **APPROVED 7 TO 2.**  
**Councilmembers Cimmino and Ulledalen voted 'no'.**

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (*Comments offered here are limited to three (3) minutes and are restricted to ONLY items not on this printed agenda. Please sign up on the clipboard located at the podium.*)

- **Lisa Harmon, Downtown Billings Association,** reported the Yellowstone Valley Animal Shelter's Spay/Neuter Clinic held at the Metra was a success. She

invited everyone to the Downtown Billings Alliance event to be held at the Yellowstone Art Museum on Wednesday starting at 5:30 p.m.

- **Kevin Nelson, 4235 Bruce, Billings, MT**, suggested instructing BSEDA to go the Moore Lane business owners and give them the same deal Cabella's received.

### **COUNCIL INITIATIVES**

- **Clark:** Moved to appoint a council committee to work on Community Conversations to include himself, Councilmembers McCall and Ronquillo, and Mayor Hanel, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.
- **Gaghen:** Moved to consider the request from the Bruens to pay \$25,000 toward rock removal above Shady Lane and place it on the April 18, 2011, work session agenda, seconded by Mayor Hanel. On a voice vote, the motion failed 6 to 3. Councilmembers Ronquillo, Cimmino, Ruegamer, Ulledalen, Astle and Clark voted in opposition. Councilmembers Gaghen and McFadden, and Mayor Hanel voted in favor.

**ADJOURN – The meeting adjourned at 9:25 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.*