

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

February 13, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember McFadden

ROLL CALL: Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, Astle, Crouch

MINUTES: January 23, 2012 - **APPROVED**

COURTESIES: Billings Police Department Presentations

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- Item F – Recommendation of Approval to the PCC for Amendment III of the 2010-2014 Transportation Improvement Program. Ms. Volek advised a copy was sent in Council’s February 10 Friday packet and was filed in the ex-parte notebook.
- Memo to Mayor and Council, dated 2/13/12 from Planning Director Candi Beaudry with information on the Inner Belt Loop TIGER IV grant application. She said Council indicated at their work session the previous week they would like to consider it for addition to the evening’s agenda. She reminded Council a 3/4 vote would be required to add it to the agenda. She said a copy of the memo was on council’s desks and filed in the ex-parte notebook.
- Letter from Heights Task Force, dated 2/12/12 was forwarded to Mayor and Council via e-mail endorsing the City’s application for a TIGER grant to facilitate the construction of the Inner Belt Loop. She said a copy was filed in the ex-parte notebook.
- E-mail to Mayor and Council, dated 2/13/12 from Joseph B. Michels was received asking Council vote against pursuing federal grants for the Inner Belt Loop. She said a copy was filed in the ex-parte notebook.

- E-mail to Mayor and Council, dated 2/13/12 was received from Dennis Ulvestad asking Council to vote in favor of applying for the TIGER grant for the Inner Belt Loop. She said a copy was filed in the ex-parte notebook.
- E-mail from Steve Arveschoug, dated 2/13/12 was received advising Big Sky Economic Development would be submitting a TIGER IV grant application on behalf of Yellowstone County for the 6th/Main/Bench intersection. She said a copy was on council's desks and filed in the ex-parte notebook.
- Ms. Volek advised at the Joint City/County work session on Thursday evening the City Council was asked by the Board of County Commissioners to add an endorsement of the application for the 6th/Main/Bench intersection to the agenda that evening. She said the two items being asked to be added to the agenda that evening were the application for the Inner Belt Loop TIGER IV grant application created by the City and the endorsement of the TIGER IV grant application for the 6th/Main/Bench intersection by Yellowstone County. She both items were due to the application agency prior to the next City Council meeting, which was why they were being asked to be added to the agenda that evening.

Councilmember Cimmino asked for clarification as to why additions to the agenda required a 3/4 vote. City Attorney Brooks indicated it was required by Section 2.213(c) of the city code. Mayor Hanel confirmed it was a 3/4 vote of those councilmembers present. Attorney Brooks said that was correct. Councilmember Cimmino referenced the agendas of 8/22/11 and 9/12/11 and said agenda items were added without a 3/4 vote. Mayor Hanel asked Councilmember Cimmino if her concern was that the 3/4 vote requirement was not presented with the two items. Councilmember Cimmino said that was correct.

Councilmember Pitman moved to add the TIGER IV Inner Belt Loop application as Item 5 to the agenda, seconded by Councilmember Cimmino. On a roll call vote, the motion failed 9 to 2. Councilmembers Cromley, Ronquillo, McFadden, Bird, McCall, Ulledalen, Astle, Crouch and Mayor Hanel voted in opposition. Councilmembers Pitman and Cimmino voted in favor.

Councilmember Pitman moved to add the letter of support for the TIGER IV 6th/Main/Bench Overpass application as Item 5 to the agenda, seconded by Councilmember Ronquillo. On a roll call vote, the motion failed 7 to 4. Councilmembers McFadden, Bird, McCall, Ulledalen, Astle, Crouch, and Mayor Hanel voted in opposition. Councilmembers Cromley, Ronquillo, Pitman and Cimmino voted in favor.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2, #3, & #4 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.)

The public comment period was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, said he wanted to remind the Council that the Montana Supreme Court's decision of Bryant vs. School District 2 said taking action by using information presented to the school board that the public had not had 48 hours of notice was illegal by the public meeting laws and any action taken was invalid. He said during the recent council election there was a lot of discussion on transparency in government; and making a decision on a piece of paper that had not been presented to the public 48 hours in advance was surely not transparency.
- **Don Reed, 1039 Cedar Canyon Road, Billings, MT**, referenced Item 4 and urged Council to approve the CTEP funding for the Hillner Lane Sidewalk and Highway 87 Crossing in Lockwood.
- **Bob Riehl, 126 Rolling Meadows Drive, Billings, MT**, referenced Item 4 and urged Council to approve the CTEP funding for the Hillner Lane Sidewalk and Highway 87 Crossing in Lockwood.
- **Chris Mehus, Community Development and Office Manager Beartooth RC&D Economic Development District**, referenced Item 2. He distributed a copy of their 2011 Yellowstone County Project Summary and asked Council for their continued support.

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

1. **CONSENT AGENDA** -- Separations: J, V1

A. **Bid Awards:**

1. **Chemicals - Chlorine for Water Plant and Parks, Recreation, and Public Lands.** (Opened 1/31/2012) Recommend DPC Industries, Inc.; \$688 per one-ton cylinder and \$187.50 per 150-lb. cylinder; approximately \$80,050 annually. **APPROVED**

2. **W.O. 12-03, 2012 Street Maintenance Program, City Crack Seal.** (Opened 1/31/2012) Recommend Hardrives Construction, Inc.; \$1,073,622.92. **APPROVED**

B. **Change Order No. 2 - Kings Green Phase IV Project;** Knife River, \$2,876.03. **APPROVED**

C. **Approval of Resolution #12-19134** for purchase of 67 Panasonic Toughbook CF31's and docking stations for Police Department; and financing with US Bank for \$92,696.53 per year for four years. **APPROVED**

D. **Professional Services Contract** for W.O. 11-19, Solid Waste Landfill Phase 5 Expansion/Phases 3 & 4 Closure; Great West Engineering, Inc.; not to exceed \$291,900. **APPROVED**

E. **Agreement** with State of Montana Department of Transportation for purchase of an Elgin mechanical street sweeper through the Montana Air and Congestion Initiative

(MACI) Program; State of Montana cost - \$175,879; City of Billings cost - \$27,262, plus estimated transportation expense of \$1,000. **APPROVED**

F. Recommendation of approval to the Policy Coordinating Committee for Amendment III of the 2010-2014 Transportation Improvement Program (TIP). **APPROVED**

G. Amendment #12, Architectural Services for MET Transit Building and Bus Maintenance Area Upgrades, CTA Architects Engineers, Inc.; \$60,946. **APPROVED**

H. Amendment to Contract for Yellowstone Family Park Playground for additional playground equipment (SID 1392); Kompan, Inc.; \$10,022.45. **APPROVED**

I. Approval of Resolution #12-19135 for purchase of 36 in-car cameras and nine body-worn cameras for Police Department using drug forfeiture funds - \$240,840; and 35 in-car cameras with 4-year financing through US Bank with annual payments of \$68,189.98 to be paid using drug forfeiture funds. **APPROVED**

J. Approval of letters to Senators Baucus and Tester requesting support of Senator Cardin's amendment to Moving Ahead for Progress in the 21st Century (MAP-21). **APPROVED 9 TO 2. COUNCILMEMBERS PITMAN AND CIMMINO VOTED IN OPPOSITION.**

K. Acknowledging Receipt of Petition to Annex #12-01: two parcels of land totaling 6.48 acres generally located off Nall Avenue along South 27th Street and addressed as 108 Nall Avenue; Donald Lee, petitioner; and setting a public hearing for February 27, 2012. **APPROVED**

L. Street Closures:

1. Yellowstone Rim Runners 5K Shamrock Run and 1-Mile Kids' Race. Sunday, March 18, 2012; 11:30 a.m. to 2:00 p.m.; starting at 3rd Street West and Avenue B, north to Parkhill, west on Parkhill turning around near the intersection of Parkhill and Nordbye, east on Parkhill, south on 3rd Street West entering Pioneer Park on the service road and finishing the race inside the park. One-mile kids' race to be held on sidewalks around Pioneer Park after the 5K. **APPROVED**

2. Al Bedoo Shrine Elephants on Broadway. March 27, 2012; 4:00 p.m. to 8:00 p.m.; Under Skypoint between the 2700 and 2800 blocks of 2nd Avenue North and the 100 and 200 blocks of North 28th Street. **APPROVED**

3. Magic City Blues Festival Street Closure Correction. (Approved 1/23/2012) August 10, 11, 12, 2012; correcting the closing time on August 12 from 1:00 a.m. to 1:00 p.m. **APPROVED**

M. Grant Application Request to submit Misdemeanor Probation Domestic Violence Grant application for \$84,311 and accept award; City of Billings match - approximately \$64,436 (hard match-\$828; soft match-\$63,608). **APPROVED**

N. Approval of application for an AmeriCorps VISTA Project, approximately \$15,000 - \$20,000 annually; and **authorization** for staff to negotiate and finalize the project if awarded. **APPROVED**

O. Resolution of Intent #12-19136 to construct W.O. 10-27, a CTEP project on the north side of Central Avenue from 29th St W to 32nd St W (curb/gutter, sidewalk, drive approaches, and street widening), and set a public hearing date of March 12, 2012. **APPROVED**

P. Resolution of Intent #12-19137 to adopt the South Billings Master Plan and set a public hearing date of February 27, 2012. **APPROVED**

Q. Resolution #12-19138 adopting the Emergency Operations Plan for Billings, Laurel, Broadview, and Yellowstone County. **APPROVED**

R. Second/Final Reading Ordinance #12-5547 for Zone Change #879: a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on property legally described as Lot 8, Block 1, Meadowood Subdivision, generally located on the northwest corner of the intersection of Meadowood Street and Lyman Avenue and addressed as 2302 Meadowood Street. Mark Dawson, owner; BlueLine Engineering, agent. Approval of the zone change and adoption of the determinations of the 12 criteria. **APPROVED**

S. Second/Final Reading Ordinance #12-5548 for Zone Change #880: a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on an 11,600 square foot parcel of land legally described as Lot 16, Block 6, Suncrest Acres Subdivision, generally located on the southeast corner of the intersection of Parkhill Drive and 12th Street West; Patrick Naglich, applicant. Approval of the zone change and adoption of the determinations of the 12 criteria. **APPROVED**

T. Second/Final Reading Ordinance #12-5549 for Zone Change #881: a zone change from Residential 6,000 (R-60) to Community Commercial (CC) on a 27,101 square foot parcel of land legally described as Lot 1, Block 4 and all of Block 1, Central Avenue Addition, 2nd Filing, generally located at 640 St. Johns Avenue; AG Holdings, Inc., owner; Allen Greene, representative. Approval of the zone change and adoption of the determinations of the 12 criteria. **APPROVED**

U. Preliminary Plat Two-Year Extension for High Sierra Subdivision, 6th Filing; generally located north of Annandale Road and east of Greenbriar Road in the Lake Hills area; setting a new expiration date of February 9, 2014. **APPROVED**

V. Bills and Payroll:

1. **January 9, 2012 - APPROVED**
2. **January 17, 2012 - APPROVED**

REGULAR AGENDA:

2. **MEMORANDUM OF UNDERSTANDING** with Beartooth RC&D Economic Development District, \$9,447.59 annual expense. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **W.O. 10-08, WATER TREATMENT PLANT CLEARWELL NO. 1 ROOF REPLACEMENT.** (Opened 1/24/2012) Recommend Hardy Construction Company; \$767,368. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **2011 CTEP PROJECT RECOMMENDATIONS TO POLICY COORDINATING COMMITTEE (PCC)** for funding of the Shiloh Conservation Area, Hillner Lane Sidewalk and Highway 87 Crossing in Lockwood, a Bicycle and Education Program, Aronson By-Pass Trail Segment, and the Will James Connection. Staff recommends consideration of the Technical Advisory Committee and Planning Board recommendations and formulation of a recommendation to be taken to the Policy Coordinating Committee by the city's PCC representative. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 1 WITH THE EXCLUSION OF THE SHILOH CONSERVATION AREA. COUNCILMEMBER PITMAN VOTED IN OPPOSITION.**

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 up on the clipboard located at the podium.*)

The public comment period was opened.

- **Joe White, Billings, MT**, referenced the old Federal Courthouse and said it should be torn down and the Federal Government should pay for it. He said the area should have cultural attractions and a courtyard, but he was opposed to a museum. The remainder of Mr. White's testimony was inaudible.

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

COUNCIL INITIATIVES

- **ULLEDALEN:** Moved to direct staff and the Commission to begin the process of changing the City Emergency Medical Services Commission into a County-Wide Emergency Services Commission, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

ADJOURN: 8:02 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.