

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

June 25, 2012

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Cimmino gave the invocation.

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

MINUTES: June 11, 2012, pending

COURTESIES:

- Mayor Hanel recognized the Billings Symphony for its annual "Symphony in the Park" performance in Pioneer Park on June 24th, and thanked the community for its continued support of the event.
- Public Works Director Dave Mumford spoke about Eric Gilsrud, the City Forester for the Street Department, who passed away on June 23rd following a 2-year battle with cancer. Mr. Mumford said Eric was one of those employees who after fighting cancer for two years still had vacation and sick leave on the books at the time of his death because he came to work every single day. He said they were still getting e-mails from Eric telling his crews what to do right up to Thursday and Friday. He said Eric was a dedicated employee who was an inspiration to everyone.
- Reverend Nan Sollo spoke about Joe White, a regular attendee of the City Council meetings, who passed away on June 17th. She said Joe was a brilliant mind who was ravaged by mental illness. She thanked the City Council for their concern and willingness to listen to Joe and treat him as a person who counted. She said Joe was a very gentle and decent man who always wanted to protect children and the environment. She said Joe's service would be July 6 at 2:00 p.m. at First Baptist Church. Vennie White, Joe's sister, spoke about Joe and read parts of an editorial he had written in the 1970's when he was the editor for the Davis Enterprise. Both Reverend Sollo and Ms. White thanked the Mayor, City Council, and the citizens of Billings for treating Joe with dignity and watching out for him.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek referenced the following items:

- **Item 2 – Bid Award for Construction of the New Parmly Billings Library:**
Copy of memo from Bill Cochran was sent in the June 22 Friday packet with the bid award recommendation to Jackson Contractor Group of Missoula, MT, in the amount of \$15,073,900 with three alternates. Copy of memo filed in ex-parte notebook.
- **Request to add to agenda:** Acceptance of \$155,000 Grant from Montana Department of Military Affairs Disaster and Emergency Services offered to Billings Fire Department for purchase of a Regional HazMat Team Tow Vehicle. Copy of memo asking that the item be added to the agenda was sent in June 22 Friday packet. She said an acceptance had to be sent to the State by June 29, which was why staff was asking it be added to the agenda that evening. She said a 3/4 vote of Councilmembers present was required to add to the agenda. Copy of memo filed in ex-parte notebook.

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.)

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

1. CONSENT AGENDA

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

1.

	Name	Board/Commission	Term Begins	Term Ends
1	Pending	Soil Conservation District	07/01/12	06/30/15
2	Shelli Mann	Tourism BID Board	07/01/12	06/30/16
3	Stephen Wahrlich	Tourism BID Board	07/01/12	06/30/16
4	No Applications	Board of Appeals - Electrical	01/01/12	12/31/13
5	No Applications	Board of Appeals - Builder	01/01/12	12/31/15
6	James Boyett	City Zoning Commission	01/01/12	12/31/14
7	No Applications	Community Development - Low Mod	01/01/12	12/31/14
8	No Applications	Housing Authority - Resident Comm	01/01/12	12/31/13
9	No Applications	Mayor's Homelessness - Philanthropy	01/01/12	12/31/14
10	Gary Knopp	Mayor's Homelessness - Consumer	01/01/12	12/31/12
11	Tami Kelling	Parking Advisory Board	01/01/12	12/31/13

12	No Applications	Parking Advisory Board	01/01/12	12/31/13
13	Richard Clark	Planning Board - Ward 5	01/01/12	12/31/12

- 6. Unexpired term of Matt Krivonen
- 7. Unexpired term of David Goodridge
- 9. Unexpired term of John Armstrong
- 10. Unexpired term of John Hines
- 11. Unexpired term of Scott Godfrey
- 12. Unexpired term of Nick Blake
- 13. Unexpired term of Jennifer Olsen

B. Bid Awards:

1. W.O. 12-12, Bench Boulevard Sanitary Sewer Extension Project. (Opened 6/12/12) Recommend Castlerock Excavating, Inc.; \$189,184.30.

2. W.O. 12-35, Miscellaneous Storm Drain Repairs. (Opened 6/12/12) Recommend CMG Construction, Inc.; \$93,495.

C. Professional Services Contract with Morrison-Maierle, Inc. for W.O. 12-16, City of Billings Water Distribution Study, as part of the Integrated Water Plan Implementation Projects; \$230,727.

D. Professional Services Agreement with Great West Engineering for W.O. 12-29, Solid Waste Management Plan; not to exceed \$460,000.

E. Professional Services Agreement with HDR Engineering, Inc. for W.O. 12-21, Water Treatment Facility Chemical Building and Disinfection Improvements; \$96,900.

F. CTEP Project Specific Agreement with Montana Department of Transportation for the Aronson Bypass Trail Project; CTEP Grant - \$205,498; City of Billings Match provided by BikeNet - \$31,852; total funds available - \$237,350.

G. Library Security Guard Services Agreement with Guardian Security for second year hourly rate increase to \$17.90 (4-year agreement with annual rate negotiations approved by Council on 6/13/11).

H. Vehicle Lease Agreement with Underriner Motors to lease six vehicles for the City County Special Investigations Unit (CCSIU), July 1, 2012-June 30, 2013; total - \$30,600; budgeted through FY2013 Drug Forfeiture Fund.

I. Annual Agreements (7/1/2012 - 6/30/2013) for Landfill Use with Bighorn County, Carbon County, Treasure County, Stillwater County, Musselshell County, Town of Fromberg, Town of Columbus, Town of Hysham, Town of Joliet, Town of Bridger, City of Big Timber, City of Laurel, City of Red Lodge, and Yellowstone County. Approximate annual revenue - \$1,850,000.

J. Approval of 5-Year Lease Agreement #GS-08P-14691 for Terminal Building Lease with the U.S. Government for Transportation Security Administration; (6/1/2012 - 5/31/2017); annual revenue - \$98,157.48; 5-year total revenue - \$490,787.40.

K. Approval of the Assignment, Transfer, and Amendment One of the West End Hangar Ground Lease from Drew C. and/or Jennifer R. White to Susan J. Weaver.

L. Memoranda of Understanding between the City of Billings and Billings Public Schools for two (2) middle school resource officers and three (3) high school resource officers (7/1/12 - 6/30/13); Billings Public Schools payment to the City of Billings - \$117,832.

M. Approval of purchase of Analog to P25 Common Air Interface and Multi-Net Analog to P25 Trunking Field Upgrade software for portable and mobile radios; E.F. Johnson Technologies; \$549,250 (845 radios x \$650/radio).

N. Amendment #1, Airport Upgrades to the Storm Water Detention Ponds and Surface Drainage Improvements, Professional Engineering Services Contract, Morrison-Maierle, Inc.; \$164,664.

O. Revolving Loan Fund to Sharli Kiner of Limber Tree Yoga Studio, LLC; not to exceed \$16,000.

P. W.O. 12-36, Bench Boulevard Reconstruction, Acceptance of Bargain and Sale Deed from Michael McCafferty and Laura McCafferty, 710 Bench Boulevard, for 413 square feet of Parcel No. 44: a tract of land in Lot 9A, Block 3, Amended Plat of Lots 7, 8, and 9, Block 3, Conway Subdivision, 2nd Filing, at no cost to the City.

Q. Approval and Acceptance of United Way of Yellowstone County Grant for Enforcing Underage Drinking Laws (EUDL); \$5,280.

R. Second/Final Reading Ordinance #12-5573 amending the boundaries of Ward I to exclude recently de-annexed property in Annex #12-03: approximately 13.82 acres of undeveloped land known as Tract 81A, Certificate of Survey 2165, in the Briarwood Planned Unit Development; James and Stella Ziegler, petitioners.

S. Solid Waste Collection and Disposal Charges

1. Second/Final Reading Ordinance #12-5574 amending Billings, Montana City Code, Article 21, providing the option to include solid waste collection fees as part of the City's monthly utility billing.

2. Resolution #12-19179 establishing FY2013 Solid Waste residential and commercial collection and disposal fees and landfill use fees to be effective July 1, 2012.

T. Resolution #12-19180 authorizing closure of Debt Service Funds for SID 1329 - Bench Boulevard Curb, Gutter & Storm Drain; SID 1331 - Parkhill Drive Sidewalk; and sidewalk pooled issues in Funds 860, 861, 862, 897, and 898.

U. Resolution of Intent #12-19181 to sell Lots 1 through 12, 20 and 21, Block 245, Sugar Factory Subdivision/Billings Second Addition, and set a public hearing date for August 13, 2012.

V. Cancellation of Checks and Warrants.

W. Bills and Payroll:

1. May 21, 2012
2. May 29, 2012
3. June 4, 2012

Councilmember Cromley separated Consent Agenda Item I. Councilmember Cimmino separated Consent Agenda Items C, D, and E.

Councilmember Pitman moved for approval of the Consent Agenda with the exceptions of Items C, D, E, and I, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

Councilmember Cromley referenced Item I and said he was on the Yellowstone County Solid Waste Board so he would abstain. Councilmember Ulledalen asked why they were not slightly increasing the fees every year. Public Works Director Dave Mumford said they did not increase any of the solid waste rates because they were changing the method of billing and were able to use the \$1.5 million in reserves. He said normally they would have an annual increase. Councilmember Astle moved for approval of Item I, seconded by Councilmember Pitman. On a voice vote, the motion was approved 8 to 0.

Councilmember Cimmino referenced Item C and said her employer competed for the contract but was not selected so she would abstain. Councilmember Pitman moved for approval of Item C, seconded by Councilmember Astle. On a voice vote, the motion was approved 8 to 0.

Councilmember Cimmino referenced Item D and said she would abstain due to her employment. Councilmember Pitman moved for approval of Item D, seconded by Councilmember Astle. On a voice vote, the motion was approved 8 to 0.

Councilmember Cimmino referenced Item E and said she would abstain due to her employment. Councilmember McCall moved for approval of Item E, seconded by Councilmember Pitman. On a voice vote, the motion was approved 8 to 0.

Councilmember Astle moved to add the \$155,000 grant approval for purchase of a Regional HazMat Team Tow Vehicle to the agenda as Item 6, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. BID AWARD FOR CONSTRUCTION OF THE NEW PARMLY BILLINGS LIBRARY. (Opened 6/19/12) Recommendation to be made at the meeting of June 25, 2012.

Library Director Bill Cochran referenced the memo Council received in the Friday packet. He said they were pleased to have eight qualified bidders, and they were recommending award to the low bidder, Jackson Contractor Group of Missoula, MT. He said three alternates were also being recommended. Mr. Cochran invited everyone to the groundbreaking ceremony on Thursday, June 28, at 5:00 p.m. He said the ceremony would include brief remarks, the golden shovels, and a group picture of people from the community lined up around the perimeter of the building. Mr. Cochran recognized members of his staff, members of the Library Board, and the architectural team who were in attendance.

Councilmember Astle asked Mr. Cochran to list the three alternates being recommended. Mr. Cochran noted the first alternate was \$11,300 to polish the concrete that would form the majority of the first floor in the center of the building. He said the wings on either side of the center would be raised and carpeted allowing the fiber, power and ducting to be extremely flexible. He said the center concrete would be polished to look a lot like terrazzo or marble and would be easy to care for. Mr. Cochran noted the second alternate for \$86,600 was to clad a portion of the exterior of the first floor on the south side in stone quarried from Harlowton. He said it was a more dense and structural stone than that of the rimrocks but it had the same texture and would be a symbolic representation of the local geography. Mr. Cochran noted the third alternate would be \$87,100 to use buffalo blocks, which were a famous historic building material used on Montana Avenue. He said as Public Works performed utility work on Montana Avenue, the buffalo blocks were pulled up from underneath the asphalt. He said the buffalo blocks would be re-used for the main drive path coming in to the library from Broadway, along the south edge of the building, and along the drive-through book drop. He said it would re-create the look of the original streets of Montana Avenue.

Councilmember Cimmino said according to the bids, the low bidder was \$30,000 over the other bidders on the third alternate and asked what their consideration was for the higher amount. Mr. Cochran said he was not sure what went into their bid on the third alternate, but they planned to talk with the contractor about it.

Councilmember McCall moved for approval of the bid for construction of the new Parmly Billings Library to include the three alternates, seconded by Councilmember Ulledalen. Mayor Hanel thanked Mr. Cochran, his staff, the board members, the architects, and the entire community for the hard work and support. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION #12-19182 approving and adopting Fourth Quarter Budget Amendments for Fiscal Year 2011/2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

City Administrator Tina Volek advised there was no presentation but staff was available to answer questions.

Councilmember Cimmino referenced Fund 2010 on the East Tax Increment Operating Fund and said it had to do with the cost of \$32,300 for the downtown tax increment study. Finance Director Pat Weber said that was correct and when the

budget was put together, it was uncertain how much the study would cost, and it ended up costing more than they thought.

The public hearing was opened. There were no speakers, and the public hearing was closed.

Councilmember Astle moved for approval of Item 3, seconded by Councilmember McCall. On a voice vote, the motion was approved 8 to 1. Councilmember Cimmino voted in opposition.

4. PUBLIC HEARING AND RESOLUTION # 12-19183 FOR ANNEXATION #12-06: two parcels totaling approximately 4.06 acres located on the south side of Highway 3 just west of Hickok Circle, adjacent to city-owned parkland, and legally described as Tracts 2-A and 2-B, Certificate of Survey 2577; Timothy and Sheryl Dernbach and Jeff and Dana Sorenson, owners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised the subject area was within the 5-year annexation map, staff was recommending approval, and there was no presentation but Ms. Beaudry was available to answer questions.

Councilmember Astle asked if city water and sewer were available to the property. Ms. Beaudry said they were and why the property was in the red area.

The public hearing was opened. There were no speakers, and the public hearing was closed.

Councilmember Ulledalen moved for approval of Item 4, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

Mayor Hanel said before moving on to Item 5, he noticed a young man wearing a scout uniform in the audience, and said it was always Council's pleasure to recognize boy scouts and girl scouts who attended the meetings. Mayor Hanel asked the young man for his name and the troop he represented. John Besel introduced himself and said he represented Troop 2. Mayor Hanel thanked Mr. Besel for attending and serving with the boy scouts.

5. PUBLIC HEARING AND RESOLUTION #12-19184 vacating the alley within Block 49, Foster's Addition, generally located between North Broadway and North 29th Street south of 6th Avenue North for the purpose of constructing a new library building. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised there was no presentation but staff was available to answer questions.

The public hearing was opened. There were no speakers, and the public hearing was closed.

Councilmember Astle moved for approval of Item 5, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.

ADD-ON ITEM:

6. ACCEPTANCE of a \$155,000 Grant from Montana Department of Military Affairs Disaster and Emergency Services for purchase of a HazMat Team Tow Vehicle. Staff recommends approval. (Action: approval or disapproval of staff

recommendation.) City Administrator Tina Volek advised there was no presentation but staff was available to answer questions.

Mayor Hanel opened a public comment period for Item 6. There were no speakers, and the public comment period was closed.

Councilmember Ulledalen moved for approval of Item 6, seconded by Councilmember Cimmino.

Councilmember McFadden noted there were a lot of stipulations in the grant agreement and asked if it was typical language in every grant. Ms. Volek said it was very common language.

On a voice vote, the motion was unanimously 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 up on the clipboard located at the podium.*)

The public comment period was opened.

- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, said he would like to thank the Heights. He said he toured the Oasis Park and said it was a wonderful place and great to see how the City of Billings and Better Billings Foundation worked together on the project. He said it made him a proud citizen of Billings. Mr. Ulvestad referenced Local 521 and asked Councilmember Ulledalen why he had voted in opposition of the Local 521 Fire Fighters contract. Councilmember Ulledalen advised he was not going to answer Mr. Ulvestad's question. Mr. Ulvestad said it was wonderful to see the citizens of Billings working together. He said they may have their differences, but they were all looking out for their future endeavors for their children and generations to come.

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

COUNCIL INITIATIVES

- **Astle:** MOVED to have the SID Revolving Loan Fund money placed in the Council Contingency Fund to be considered after July 1, 2012, in the new budget, seconded by Councilmember McCall. Councilmember Pitman said he had sent out an e-mail and that seemed to be the direction the majority of the Council was headed. Councilmember Cimmino said it was important to note that no decisions would be made until the City Council had an opportunity to review the appropriate use of the SID money. She said using the SID money would be limited until a final decision was made on how the funds would be expended. Ms. Volek pointed out that earlier in the evening as Item M of the Consent Agenda the Council approved the use of the funds for the upgrade of the radio system in the amount of \$549,250. She said it was to move the existing 845 radios to reprogram them to be compatible with the new radio

system being installed. Councilmember Cimmino said the \$549,250 had been discussed at a previous meeting, but she was referring to the remaining amount of \$1.2 million. Ms. Volek clarified that any expenditure of Council Contingency required a resolution of the City Council. On a voice vote, the motion was unanimously approved.

There was no further business, and the meeting adjourned at 7:16 p.m.

CITY OF BILLINGS



BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk