

## 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**

**March 10, 2014**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Yakawich

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Pitman, Cimmino, McFadden, Bird, McCall, Swanson, Crouch, Brown.

**MINUTES:** February 24, 2014 - **APPROVED**

**COURTESIES:** Mayor Hanel thanked Public Works Director, Dave Mumford, and his staff for the excellent job of snow removal from city streets. He also recognized Kevin Nelson, who was in attendance, for being the recipient of the Joan Harwood Galles Making Democracy Work award from the League of Women Voters of Billings.

**PROCLAMATIONS:** World Water Day – March 22, 2014

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

Ms. Volek commented on the following items.

- **Item 2 – Resolution approving \$178,000 Special Improvement District 1395 Bonds fixing the form and details and providing for the execution and delivery of the bonds.** Two e-mails sent to City Council, dated 3/10/14, from two property owners on Annandale Road voicing concern about inadequate drainage and asking that the problem be resolved prior to the proposed development. Copy of e-mails were in ex-parte notebook.
- **Item 4 –Public Hearing and Agreement Amendment releasing the Oasis Water Park \$100,000 Irrevocable Standby Letter of Credit or releasing the \$100,000 Irrevocable Standby Letter of Credit and Eliminating the Deed Restrictions.** Council received a total of 34 e-mails – 25 in favor of releasing the

Letter of Credit and 9 opposed to releasing the Letter of Credit. Copies of e-mails were in ex-parte notebook.

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

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

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

1. **CONSENT AGENDA** -- Separations: B, C, D, E1 and E2

A. **Bid Awards:**

1. **2014 Airport Sanitary Sewer Extensions.** (Opened 2/25/2014) Recommend Cayton Excavation; 154,532. **APPROVED**

B. **Contract** (3-year) with Tetra Tech for Groundwater and Landfill Gas Monitoring Services; \$112,702.94. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

C. **Preliminary Subsequent Minor Plat** of Hogan Homestead Subdivision described as 2 lots on approximately 5.5 acres of land on the northeast corner of the intersection of Overland Avenue and Creekside Road; Veeder Homestead, LLC f/k/a LADS Riverside LLC, owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

D. **Final Plat** of Emma Jean Heights Subdivision, 2nd Filing. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

E. **Bills and Payroll:**

1. February 10, 2014 **APPROVED 8 TO 0. BROWN, CIMMINO & CROMLEY ABSTAINED.**

2. February 18, 2014 **APPROVED 8 TO 0. BROWN, CIMMINO & CROMLEY ABSTAINED.**

**REGULAR AGENDA:**

2. **RESOLUTION #14-10339** approving \$178,000 Special Improvement District 1395 Bonds, fixing the form and details and providing for the execution and delivery of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**3. PUBLIC HEARING AND RESOLUTION #10340** approving and adopting Fiscal Year 2013/2014 budget amendments. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**4. PUBLIC HEARING AND AGREEMENT AMENDMENT** releasing the Oasis Water Park \$100,000 Irrevocable Standby Letter of Credit; or releasing the \$100,000 Irrevocable Standby Letter of Credit and Eliminating the Deed Restrictions. Parks, Recreation & Cemetery Board recommends denial of the request. (Action: approval or disapproval of Parks, Recreation & Cemetery Board recommendation.) **APPROVED PARKS, RECREATION & CEMETERY BOARD'S RECOMMENDATION TO DENY REQUEST. CROMLEY, YAKAWICH, BIRD, SWANSON, CROUCH, BROWN, AND MAYOR HANEL VOTED IN FAVOR OF DENIAL. PITMAN, CIMMINO, MCFADDEN, AND MCCALL VOTED IN OPPOSITION OF DENIAL.**

**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.*)

The public comment period was opened.

- **Vince Ruegamer, 509 14<sup>th</sup> Street West, Billings, MT**, said the City had done a great job with snow removal on the city streets. He added he missed being on the Council.
- **Kevin Nelson, 4235 Bruce, Billings, MT**, said on September 9, 2013, he had asked what firewalls were in place during the MMIA/Feuerstein matter and when Specialty National Insurance Company went bankrupt. He said former Councilmember Astle said there was a little-known entity called an Insurance Guarantee Account that the State handled and if an insurance company went bankrupt, the State would pay the claim. Mr. Nelson referenced Government Entities Mutual (GEM), a re-insurer of MMIA, and said it stated State Guarantee Funds protected purchasers of primary coverage and not purchasers of re-insureds. He said there was no coverage with the State Guarantee Account if a private insurance company went bankrupt. He said an insurance pool was an extension of each member, which meant Billings' membership extended to MMIA; and the MMIA then extended to the national re-insurer, which was another public entity. He said they were all in it together, and "the rock rolls downhill." He said Council should take a look at the risk of belonging to a risk pool that extended its membership nationally. He said it was each city's choice whether or not to belong to MMIA, but it was clearly spelled out that one of the risks of belonging was assuming everyone else's liability or claims.

Mayor Hanel recommended placing the topic on a work session and having Mr. Hulse of MMIA attend and explain some of the matters Mr. Nelson spoke about. He said it would be helpful to both the Council and the public to be provided with an explanation of how it all worked. Ms. Volek advised they would

arrange to have Mr. Hulse at a work session following the upcoming special budget sessions.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, said in November staff presented information on how much the COLA would cost the General Fund and the Public Safety Fund. He said the numbers were no longer correct after the budget amendment that just passed that evening and asked for an update on the burn rate to the General Fund and Public Safety Fund due to the COLA.

Councilmember Brown said he would like to see the information, as well; since they were approaching a levy. It would be good information to have to see where they actually sat.

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

**COUNCIL INITIATIVES:** Mayor Hanel explained the Council Initiative portion of the meeting was not the time to share comments and was to be used for initiatives only. There were no initiatives.

**ADJOURN:** 9:34 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.*