

**COUNCIL ACTION SUMMARY
CITY OF BILLINGS**

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE
PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

COUNCIL CHAMBERS	AGENDA August 11, 2014	6:30 P.M.
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CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Swanson

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

MINUTES:

- July 14, 2014 **APPROVED**
- July 28, 2014 (pending)

COURTESIES: Thanked all who participated in the Bluegrass Festival the previous weekend. He said there was a great turnout, and the festival was a huge success.

PROCLAMATIONS:

- Health Center Week, August 10 through 16, 2014
- Honey Bee Day, August 16, 2014
- Smokey Bear Day, August 9, 2014 & Smokey Bear Month – August

ADMINISTRATOR REPORTS - TINA VOLEK

- Asked the Councilmembers who had not turned in their parking garage registration forms to do so.
- Noted there had been an emergency Order of Demolition issued for the old Library building and asked that it be added to the Consent Agenda as Item I2.
- **Item 1A1 – Airport Car Rental Transfer Lot and Terminal Loop Road Repair Bid Award.** Memorandum from Tom Binford, Director of Aviation and Transit, was sent in the August 8 Friday packet explaining the low bidder’s major irregularity and the recommendation to award to Knife River.
- **Item G – Empire Parking Garage Management Agreement.** Memorandum from Bruce McCandless, Assistant City Administrator, and a copy of the agreement was sent in the August 8 Friday Packet. Copy was filed in the ex-parte notebook.

- **Item 7 – Public Hearing and First Reading Ordinance amending Billings City Code by adding Sections 7-1801 through 7-1808 prohibiting discrimination against persons based on sexual orientation, gender identity, or expression.**
- ✓ Petition from Carol Hardy e-mailed to Mayor and Council today with 99 signatures in favor of the NDO. Copy was filed in the ex-parte notebook.
- ✓ Remedies for Violation from Missoula, Helena, Bozeman, and Butte-Silver Bow were on Council's desk and filed in the ex-parte notebook.
- ✓ Copy of Ordinance was on Council's desk and filed in the 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Item G and said there was a conflict of interest with one of the individuals and asked that the individual be removed.
- **Greg Krueger, Downtown Billings Partnership**, said he had researched Mr. Nelson's comments, and there was no conflict of interest. Mr. Honaker was in total compliance.

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

1. CONSENT AGENDA -- Separations: **A1, B, C, D, G, H, I, and T2.**

A. Bid Awards:

1. Airport Car Rental Transfer Lot and Terminal Loop Road Repair. (Opened 7/15/2014)(Delayed from 7/28/14) Recommend Knife River-Billings; \$672,761.30.
APPROVED

B. Professional Services Contract for W.O. 14-13, Mullowney & Elysian Area Water and Sanitary Sewer Extension Project; Sanderson Stewart; not to exceed \$405,062.92. **APPROVED**

C. Professional Services Contract for W.O. 14-15, Bench Boulevard North Sanitary Sewer Extension Project; Sanderson Stewart; not to exceed \$62,865.
APPROVED

D. Transit Planning Development Services Agreement (5-year) with LSC Transportation Consulting, Inc.; standard industry rates to be negotiated on project-by-project basis. **APPROVED**

- E. Regional HazMat Team Agreement** with Lockwood Fire Department. **APPROVED**
- F. Reimbursement Agreement** with Jim Powell for construction of sanitary sewer service for Lot 31A of Panoramic Heights Subdivision; \$19,916.91. **APPROVED**
- G. Empire Parking Garage Management Agreement** between Zootist Hospitality LLC, and the Empire Garage Owner's Association. (Delayed from 7/28/14) **APPROVED**
- H. Amendment #1, W.O. 09-15 Grand Avenue Zimmerman Trail to Shiloh Road;** Professional Services Contract, HDR Engineering, Inc.; \$49,937. **APPROVED**
- I(1) Amendment #1, Library Asbestos Abatement;** Safetech, not to exceed \$404,122.13. **APPROVED**
- I(2) ADD-ON ITEM: Library Asbestos Abatement Order of Demolition Emergency Action.** **APPROVED**
- J. Amendment #3, W.O. 14-01, Schedule 1, Water Main Replacement and Storm Drain Projects;** Professional Services Agreement, Sanderson Stewart, \$21,796.18. **APPROVED**
- K. Acceptance** of Federal Aviation Administration Airport Improvement Program Grants. **APPROVED**
- L. Approval** of Tax Increment Financing Assistance from South Billings Urban Renewal District to Community Leadership Development, Inc. (CLDI) for construction of 10 units of affordable housing on a vacant site generally located on the corner of Orrel Street and Monroe Street west of Riverside Middle School; \$39,319.50. **APPROVED**
- M. Approval** of \$250,000 from the East Billings Urban Renewal District Tax Increment Fund to fund the design and engineering work for the Exposition Gateway Infrastructure Project. **APPROVED**
- N. Approval of Quarterly Report for Pledged Collateral** for First Interstate Bank and US Bank. **APPROVED**
- O. Approval** of the purchase of eleven (11) replacement police vehicles from Bison Ford Motor Company of Great Falls for \$27,207.25 each, or a total cost of \$299,279.75, budgeted in the 2015 Equipment Replacement Plan. **APPROVED**
- P. Approval** of City of Billings membership in Billings Improvement District No. 0001. **APPROVED**
- Q. Acknowledge receipt of petition to Annex #14-03:** a parcel totaling approximately 69 acres located on the west side of Shiloh Road at the northwest corner

of the intersection of Shiloh Crossing Boulevard and South Shiloh Road. City of Billings, owner, and set a public hearing date for September 8, 2014. **APPROVED**

R. Acknowledge receipt of petition to Annex #14-04: a parcel totaling approximately 12 acres located south of Elysian Road and just west of the existing Josephine Crossing Subdivision; Roman Catholic Bishop of Great Falls, owner; McCall Development, agent; and set a public hearing for August 25, 2014. **APPROVED**

S. Acknowledge receipt of petition to vacate a portion of Mountain View Boulevard and set a public hearing date for September 8, 2014. **APPROVED**

T. Bills and Payroll:

1. July 14, 2014 **APPROVED**
2. July 21, 2014 **APPROVED 10 TO 0. CM BROWN ABSTAINED.**

REGULAR AGENDA:

2. RESOLUTION #14-10385 approving \$395,000 Pooled Special Sidewalk, Curb, Gutter and Alley Approach Bonds, Series 2014, fixing the form and details and authorizing execution and delivery of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-0. CM BIRD LEFT THE ROOM AT 7:30 PM AND HAD NOT RETURNED AT THE TIME OF THE VOTE.**

3. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-14-03: A variance from Section 6-1203(r) allowing customer access through an alley that abuts a residential zone on the northeast corner of 32nd Street West and Central Avenue. Gerald A. Neumann and Ed Jorden, applicants. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-0. CM BIRD LEFT THE ROOM AT 7:30 PM AND HAD NOT RETURNED AT THE TIME OF THE VOTE.**

4. PUBLIC HEARING AND RESOLUTION #14-10386 creating SILMD 312, St. Vincent Healthcare Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 0. CM CROMLEY ABSTAINED.**

5. PUBLIC HEARING AND RESOLUTION #14-10387 creating SILMD 313, Vintage Estates Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. PUBLIC HEARING AND FIRST READING ORDINANCE amending Billings Montana City Code Sections 24-442, 24-443 and 24-443.1 relating to special parking privileges for handicapped persons in City of Billings on-street and off-street parking

spaces/areas. Parking Advisory Board recommends approval. (Action: approval or disapproval of Parking Advisory Board recommendation.) **DISAPPROVED**

7. PUBLIC HEARING AND FIRST READING ORDINANCE amending the Billings, Montana City Code by adding Sections 7-1801 through 7-1808 prohibiting discrimination against persons based on sexual orientation, gender identity, or expression. Staff recommends Council adopt the NDO at first and second readings, but that it postpone enactment of the ordinance until an Attorney General's opinion is received. (Action: approval or disapproval of staff recommendation.) **DISAPPROVED**

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

COUNCIL INITIATIVES None

ADJOURN: 3:06 a.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.