

COUNCIL ACTIONS SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

April 13, 2015

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Crouch

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

MINUTES: March 23, 2015 - **APPROVED**

COURTESIES:

- Police Department - Citizen Certificate of Award to Brandon Wallace
- Mayor Hanel congratulated City staff for another successful annual employee recognition service award event held on April 9.
- Councilmember Crouch noted Billings' was celebrating its 130th Birthday.
- Councilmember Bird acknowledged and congratulated MSU-Billings for the wonderful pow-wow recently held on campus.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- **Item L – Acceptance of Warranty Deed for a street tract for Barrett Road from School District #2.** Staff is asking that the item be pulled from the agenda due to a recent change in ownership of the property. The warranty deed will be updated with the current ownership information and brought back to the Council at a later date.
- **Item Q - Resolution relating to Tax Increment Urban Renewal Revenue Refunding Bonds, Series, 2015; authorizing the issuance and private negotiated sale.** A copy of an e-mail from Kevin Nelson, dated April 11, 2015, to the Mayor and Council asking that the item be tabled until a public hearing notice was advertised; and a copy of an e-mail from Dorsey Whitney Law Firm,

dated April 13, 2015, responding that it was their legal opinion a second public hearing was not legally required. Copy of the e-mails are filed in the ex-parte notebook and on the Council's desks.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 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.

- **Luke Walawander, 219 W. Main, Laurel, MT**, said he was the Economic Development Director of Beartooth RC&D and was available to answer questions on Item C.
- **Steve Zeier, 5415 Summerstone, Billings, MT**, referenced Item A2 and asked that Council not approve the alternate to add lighting conduit on Calhoun Lane. He referenced Item G and asked for Council's approval. He said it was a win-win for all property owners. He referenced Item Q and asked for Council's approval.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Item G and asked Council to terminate the agreement.

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

1. **CONSENT AGENDA** -- Separations: **A6, G, H, I, Q, U1, U2, U3**

A. **Bid Awards:**

1. **W.O. 12-31 East End Storm Drain Improvements, Phase II.** (Opened 2/24/2015) Recommend COP Construction, LLC; \$7,622,290. **APPROVED**
2. **W.O. 13-15 Calhoun Lane Improvements.** (Opened 3/24/2015) Recommend Knife River; \$2,515,778.83. **APPROVED**
3. **W.O. 14-09--Briarwood Reservoir Expansion.** (Opened 3/31/2015) Recommend Western Municipal Construction; \$3,043,112. **APPROVED**
4. **W.O. 14-13; Elysian Area Water & Sanitary Sewer Extension.** (Opened 3/24/2015) Recommend Western Municipal Construction; \$3,187,168.50. **APPROVED**
5. **Ponderosa School Path.** (Opened 3/31/2015) Recommend delay of award until April 27, 2015. **APPROVED**
6. **Reroofing IP-9 Office Building and Portions of Airport Terminal Building.** (Opened 3/24/2015) Recommend Progressive Roofing; \$253,500. **APPROVED**

- 7. Interior Painting of Airport IP-9 Office Building.** (Opened 3/24/2015)
Recommend rejection of sole bid. **APPROVED**
- B. License Agreement Renewal** with PM&M, LLC, Max E. Thornton, and Katherine K. Thornton Testamentary Trust for access to Briarwood Reservoir site; at no cost to the City. **APPROVED**
- C. Memorandum of Understanding** with Beartooth RC&D Economic Development District; \$9,871.54 annual expense. **APPROVED**
- D. Approval** of Assignment and Transfer of the Commercial Aviation Ground Lease from Industrial Properties, Inc. to Daniel W. Wells and Julane Wells, Joint Tenants; the Revised Commercial Aviation Ground Lease with the Wellses; and the Lessor's Consent to Assignment to Secure Bank Loan. **APPROVED**
- E. Approval** of 20-year West End Hangar Ground Lease to Morledge-Hampton Family, LLC (4/1/2015-3/31/2035); revenue first year - \$1,309; revenue subsequent years adjusted by CPI-U. **APPROVED**
- F. Approval** of 10-year Commercial Non-Aviation Ground Lease for Use as a Communications Equipment Site with Network Information Systems (5/1/2015-4/30/2025); first year revenue - \$10,000; revenue subsequent years adjusted by CPI-U. **APPROVED**
- G. Amendment** to Miller Crossing Development Agreement. **APPROVED**
- H. Amendment #3, W.O. 12-43, Water Treatment Plant (WTP) Backup Power, Phase III**, Professional Services Contract, HDR Engineering, Inc.; \$11,700. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**
- I. Amendment #19**, Airport Engineering Services for Pavement Condition Index (PCI) Survey, Morrison-Maierle, Inc.; \$60,410. **APPROVED 9 TO 0. BROWN ABSTAINED.**
- J. Confirmation of Probationary Police Officers - Ryan Kramer, Jeremiah Adams, and Jeffrey Stovall.** **APPROVED**
- K. Perpetual Right-of-Way Easements** with Gary Armstrong, Jock and Kathy Clause, Quarnburg Farming, and Leroy and Norma Walter for W.O. 14-13, Elysian Area Water & Sanitary Sewer Extension. **APPROVED**
- L. Acceptance of Warranty Deed** for a street tract for Barrett Road from School District #2. **AT THE REQUEST OF STAFF, ITEM WAS PULLED AND MOVED TO 4/27/15 AGENDA.**

M. Acceptance of Federal Aviation Administration Airport Improvement Program Grants for 2015. **APPROVED**

N. Second/Final Reading Ordinance #15-5651 for Zone Change #933: A zone change from Residential 9600 to Residential 6000 on a 17,500 square-foot parcel of land described as Lots 15-19, Block 1, College Subdivision, 1st Filing, located at 1229-1239 Poly Drive. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

O. Resolution of Intent #15-10440 to create SILMD 316, Josephine Crossing Subdivision, and set a public hearing date of May 11, 2015. **APPROVED**

P. Resolution #15-10441 authorizing the issuance and calling for the negotiated sale of up to \$435,000 pooled special improvement district bonds (SID 1382 and SID 1397). **APPROVED**

Q. Resolution #15-10442 relating to Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015; authorizing the issuance and private negotiated sale. (SID 1385 - South Billings Boulevard Urban Renewal District) **APPROVED 9 TO 1. CIMMINO OPPOSED.**

R. Resolution #15-10443 approving \$3,700,000 Water System Revenue Bonds, Series 2015; authorizing the issuance and fixing the terms and conditions (DNRC Drinking Water State Revolving Loan Program). **APPROVED**

S. Approval of amendments to the Subdivision Improvements Agreement and Declaration of Restrictions on Transfers and Conveyances for Skyview Ridge Subdivision, 1st Filing. **APPROVED**

T. Final Plan of Lee Manufactured Home Park Subdivision generally located on the south side of Sharron Lane between Lake Elmo Drive and Main Street in the Billings Heights; Han B. Lee and John Johnson, owners; Blueline Engineering, agent. **APPROVED**

U. Bills and Payroll:

1. March 9, 2015 **APPROVED**
2. March 16, 2015 **APPROVED**
3. March 23, 2015 **APPROVED**

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE relating to the modifications of the East Billings Urban Renewal Area and adopting a modified Urban Renewal Plan, including a tax increment provision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION #15-10444 vacating the alley within Block 38, Fosters Addition, generally located between North 26th Street and North 27th Street and 7th Avenue North and 8th Avenue North; Honaker Realty and Thomas Properties, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 0. CROMLEY ABSTAINED AND BIRD WAS OUT OF THE ROOM AT THE TIME OF VOTE.**

4. PUBLIC HEARING AND RESOLUTION #15-10445 ordering improvements identified in W.O. 15-02, Miscellaneous Improvements Program. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. PUBLIC HEARING AND RESOLUTION #15-10446 ordering improvements identified in W.O. 15-06, Poly Drive - 32nd Street West to 38th Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **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 in at the cart located at the back of the council chambers or at the podium.*)

The public comment period was opened.

- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, spoke on the need for another dog park.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Street Maintenance Fees and spoke on the need for more equity based on taxable value.

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

COUNCIL INITIATIVES

- **Crouch:** MOVED to segregate one half to a maximum of \$10,000 inside the general fund for the batting cage net receipts each year to build an account for future replacement, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

ADJOURN: 8:39 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.