

COUNCIL ACTION 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

May 11, 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, McCall, Crouch, and Brown. Councilmember Swanson was excused.

MINUTES: April 27, 2015 **APPROVED**

COURTESIES:

- AmeriCorps VISTA Project Recognition - Erica Zutz
- Police Department - Phillips 66 – Chief St. John
- Fire Department - Phillips 66 – Chief Dextras
- Montana Women’s Run Thank-You
- Arbor Day Thank-You
- Boy Scout Troop 6 Introduction

PROCLAMATIONS:

- National Day of Prayer - May 7, 2015
- Police Week - May 10-16, 2015 & Peace Officer's Memorial Day - May 15, 2015
- Kids to Parks Day - May 16, 2015
- Emergency Medical Services Week - May 17-23, 2015

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek reminded Council of the Budget Work Session scheduled for the following evening (May 12) at 5:30 p.m. in the Council Chambers.
- Ms. Volek advised a handout of Municipal Court Needs was on the Council's desk and would be discussed at the Budget Work Session the following evening.

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

1. **CONSENT AGENDA** -- Separations: J1 and J2

A. **Bid Awards:**

1. **Waterborne Traffic Paint.** (Opened 4/21/2015) (Delayed from 4/27/2015) Recommend Allstates Coating; Year 1: Gallon Tote - \$9.59 White, \$9.59 Yellow; 5-gallon buckets - \$9.95 White, \$9.95 Yellow; Year 2: Gallon Tote - \$10.07 White, \$10.07 Yellow; 5-gallon buckets - \$10.45 White, \$10.45 Yellow; Year 3: \$10.57 White, \$10.57 Yellow; 5-gallon buckets - \$10.97 White, \$10.97 Yellow. **APPROVED**

2. **W.O. 15-02 Miscellaneous Project.** (Opened 4/28/2015) Recommend J & J Concrete; \$394,775. **APPROVED**

3. **W.O. 15-04; 2015 ADA Ramp Replacement Project.** (Opened 4/28/2015) Recommend J & J Concrete; \$166,400. **APPROVED**

4. **W.O. 15-06 Poly Drive, 32nd Street West to 38th Street West.** (Opened 4/28/2015) Recommend CMG Construction, Inc.; \$3,398,577. **APPROVED**

5. **Knuckleboom Trash Loader for Solid Waste Division.** (Opened 4/28/2015) Recommend Solid Waste Systems; \$146,832.73. **APPROVED**

6. **Fire Station #1 Roof Replacement.** (Opened 4/28/2015) Recommend Empire Roofing; \$218,252. **APPROVED**

7. **Ponderosa School Path.** (Opened 3/31/2015)(Delayed from 4/13/2015)(Delayed from 4/27/2015) Recommend CMG Construction, Inc.; \$182,295. **APPROVED**

B. **Approval** of Assignment and Transfer of the West End Hangar Ground Lease from B & J Properties Limited, LLC, to KW Air, LLC, and **approval** of Amendment One to the West End Hangar Ground Lease. **APPROVED**

C. **Temporary Construction Easements** with River Pointe Edge, LLC; Gary J. Armstrong Living Trust; and Leroy J. and Norma J. Walter for W.O. 14-13, Elysian Area Water & Sanitary Sewer Extension. **APPROVED**

D. Acceptance of Donation to Billings Fire Department for video conferencing system; Phillips 66; \$40,000. **APPROVED**

E. Approval of a Downtown Tax Increment District (TID) grant to the Yellowstone Art Museum (YAM) for Phase 1 Jail Restoration Project; \$59,595. **APPROVED**

F. Resolution #15-10452 relating to \$5,170,000 Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015 (South Billings Boulevard Urban Renewal District); authorizing the sale and prescribing the terms of the bonds. **APPROVED**

G. Resolution #15-10453 authorizing the issuance and calling for the negotiated sale of Tax Increment Urban Renewal Revenue Bonds, Series 2015, (East Billings Urban Renewal Bonds). **APPROVED**

H. Preliminary Subsequent Minor Plat of Amended Lot 4, Block 1, Exchange Subdivision, generally located at 1148 1st Avenue North; Christian Brothers Real Estate, LLC; Blueline Engineering, agent; conditional approval and adoption of the findings of fact. **APPROVED**

I. Final Plat of Amended Plat of Central Heights Subdivision 2nd Filing. **APPROVED**

J. Bills and Payroll:

1. April 13, 2015 **APPROVED 8 TO 0. BROWN AND CIMMINO ABSTAINED.**
2. April 20, 2015 **APPROVED 8 TO 0. BROWN AND CIMMINO ABSTAINED.**

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward I to include recently-annexed property in Annexation #15-01: portions of 6th Avenue North, 4th Avenue North, 3rd Avenue North, 2nd Avenue North, 1st Avenue North, Main Street (Exposition Drive) and some alleys in the area of East Billings; City of Billings, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION #15-10454 creating SILMD 316, Josephine Crossing Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. PUBLIC HEARING AND RESOLUTION #15-10455 approving and adopting Third Quarter Budget Amendments for Fiscal Year 2014/2015. 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**, asked if the people living in county islands inside the city limits would be allowed to shoot off fireworks. Ms. Volek advised the city had an ordinance prohibiting the use of the fireworks in the city limits. It was her understanding the county did not have a similar rule; however, it could be dependent on the fire conditions at the time. She would check with the County Commissioners and report back at a future meeting.
- **Carol Walsh, 1036 Burlington Avenue, Billings, MT**, said she had a miniature 25-pound potbelly pig named Pork Chop, and she would like the ordinance to be changed to allow potbelly pigs inside the city limits. They obtained the pig as a pet with the idea she would serve beneficial properties for her daughter, Bonita, who had multiple allergies, including allergies to cats and dogs.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, suggested putting restrictions on ownership of barking dogs, vehicles that emitted diesel exhaust and smell, noisy motorcycles, and loud car stereos. He said they were quality of life issues, and the City needed to enforce the laws.

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

COUNCIL INITIATIVES

- **McFadden**: MOVED to direct staff to monitor the availability of the downtown post office building so if, and when, it became vacant, the City assess the feasibility of acquiring it for the use of the City Court and Police Department, seconded by Councilmember Yakawich. Councilmember Cromley noted the City was already doing so. Ms. Volek said she understood the post office was seeking tenants and was not in the process of currently marketing the building for sale. She said the City was following up on the availability of leases. On a roll call vote the motion failed 6 to 4. Councilmembers Cromley, Cimmino, Bird, McCall, Crouch, and Brown voted in opposition. Councilmembers Yakawich, Pitman, McFadden, and Mayor Hanel voted in favor.
- **Pitman**: MOVED to direct legal staff to look into allowing service animals that were currently prohibited in the city limits to include, but not limited to, potbellied pigs, and any other animals that may fall under the classification and report back to the City Council at a work session and allow for public comment on the issue, seconded by Councilmember Bird. Councilmember Cromley MOVED to amend the motion to direct the Animal Control Board to consider whether or not potbelly pigs should be permitted in the city limits, seconded by Councilmember Pitman. On a voice vote, the amended motion was approved 9 to 0. (Councilmember Bird

left the room at 7:53 p.m. and was not present for the vote. She returned at 7:55 p.m.) On a voice vote, the original motion was unanimously approved.

- **Yakawich:** MOVED to allocate \$2,500 from the Council Contingency Fund to host an Annual Volunteer Appreciation Luncheon to be held at the City of Billings Parks and Recreation Community Center and invite all City Board and Commission members to attend and accept Certificates of Appreciation and a pin from Mayor Hanel on behalf of the City Council, seconded by Councilmember McCall. Following a brief discussion, Mayor Hanel asked Councilmembers Yakawich and Pitman to research prices, locations, and other details and report back to the City Council. On a voice vote, the motion was approved 8 to 2. Mayor Hanel and Councilmember Brown voted in opposition.

ADJOURN: 8:10 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.