

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

"THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE PEOPLE FLOURISH AND BUSINESS THRIVES."

AGENDA

COUNCIL CHAMBERS

October 12, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Astle

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle, Clark

MINUTES:

- September 27, 2010 (Regular Session), approved
- October 4, 2010 (Special Session), approved

COURTESIES -- None

PROCLAMATIONS -- Pink Day, October 26, 2010

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referred to Consent Agenda Item 1G, the Resolution Allocating \$8,000 of Council Contingency Funds towards an Economic Impact Analysis of Tax Increment Finance Districts, and said a copy of letter, dated 9/17/10, to City Council Members from Steve Arveschoug, Executive Director of Big Sky Economic Development Authority, requesting \$8,000 to help pay for Economic Impact Analysis was available for public viewing in the ex parte notebook in the back of the room.
- Ms. Volek referred to Agenda Item 3, Reconsideration of Resolution for the Donation or Sale of Parkland. She advised that e-mails sent to Mayor & Council from citizens contained 10 against the sale or donation and 4 in favor of the sale or donation, and a copy of the Funding and Development Agreement between the City of Billings and Better Billings Foundation, dated 12/14/09. She said those e-mails and the agreement were available for public viewing in the ex parte notebook in the back of the room.
- Ms. Volek referred to a memo from City Attorney Brent Brooks and Mike Whitaker, Director of Parks, Recreation and Public Lands that was placed at Council's desks that evening regarding Sahara Park Development Agreement frequently asked questions.

She stated that the memo was also available for public viewing in the ex parte notebook in the back of the room.

- Ms. Volek advised that staff recommended removing Item 1D, regarding CTEP projects funding, from the Consent Agenda and placing it on the Regular Agenda as Item 4. She explained that a specific recommendation was needed from the Council to the PCC Representative.

Councilmember Ulledalen moved that Item 1D be removed from the Consent Agenda and moved to the Regular Agenda as Item 4, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 3 AND 4 ONLY.

Speaker sign-in required. (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. Please sign up on the clipboard located at the podium.)

The public comment period was opened.

The following individuals spoke in favor of approval of CTEP projects funding:

- Patty Nordland, 1810 Camden Drive
- Nash Emrich, 230 Avenue C
- Shane Winden, Billings Police Department
- Paul Miller, 1109 Delphinium
- Joanie Harman, 2605 Minnesota Avenue
- Randy Hafer, 631 N. 26th Street
- Darlene Tussing, 3033 Demaret

The following individuals spoke against donation of parkland to the Better Billings Foundation.

- Morris Hall, 460 Tabriz
- Don Crawford, 2905 Bunker Hill
- April Seekins, 380 Camel Place
- Jolene Roberts, 505 Poppy Place
- Leann Christianson, 707 Bazaar Exchange
- Chad Broderius, 511 Poppy Place
- Julie Thomason, 265 Caravan
- Michael Adams, 532 Poppy Place
- Scott McCulloch, 611 Tabriz
- Brian Corneliusen, 575 Tabriz
- Larry Seekins, 380 Camel Place

The following individuals spoke in favor of donation of parkland to the Better Billings Foundation.

- John English, 1001 Ginger
- Christine, 710 N. 30th

- Dennis Ulvestad, 3040 Central Avenue
- Andrew Billstein, 614 Crawford
- Tom Iverson, Parks Board
- Samantha Morris, 491 Tabriz
- Stan Morris, 491 Tabriz
- Josh Reno, 1326 Galway
- Chuck Barthuly, 300 Eastlake Circle
- Pamela Ask, 5320 High Trail
- Alex Tomerup, 170 Erickson Court

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

1. CONSENT AGENDA -- Separations: 1C, 1H1, 1H2

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Board of Adjustment	10/12/10	12/31/13
2	No Applications	Board of Adjustment	10/12/10	12/31/13
3	No Applications	Board of Appeals - Architect	10/12/10	12/31/13
4	No Applications	Board of Appeals - Electrical	10/12/10	12/31/13
5	No Applications	Community Development	10/12/10	12/31/10
6	No Applications	Housing Authority	10/12/10	12/31/13
7	No Applications	Human Relations	10/12/10	12/31/10
8	No Applications	Human Relations	10/12/10	12/31/13
9	Jennifer Quinn	Library Board	10/12/10	12/31/13
10	Todd Cormier	Traffic Control	10/12/10	12/31/10
11	No Applications	City/County Planning Ward I	10/12/10	12/31/10
12	No Applications	City/County Planning Ward V	10/12/10	12/31/10

1. Unexpired term of LaVerne Bass
2. Unexpired term of Terry Madtson
5. Unexpired term of Uriah Edmunds
7. Unexpired term of Eoverall Fox
9. Unexpired term of Tony Hines
10. Unexpired term of Keith Lang
11. Unexpired term of Bill Iverson
12. Unexpired term of Fred Rogers

APPROVED.

B. Bid Awards:

1. **2011 56,000 GVW 10-Yard Dump Truck with Snow Plow Assembly and Sander.** (Opened 9/28/10). Recommend IState; \$148,064 plus 5-year warranty

of \$1,625, for total of \$149,689; with trade-in of Unit #1159, \$15,000. **APPROVED.**

2. **W.O. 10-03, 2010 Street Maintenance Program, City Crack Seal.** (Opened 9/28/10). Recommend Z & Z Seal Coating; \$146,958.06. **APPROVED.**

C. **Approval** of Right-of-Way Easement with Montana Department of Transportation for W.O. 02-10, 6th Avenue North to Bench Blvd. **APPROVED.**

D. **Approval** of staff recommendation to Policy Coordinating Committee for the funding of the 25th Street Pedestrian Bridge, Broadwater Avenue Trail Connection, Metra Park Sidewalk, Central Avenue Sidewalk, City-Wide ADA Ramps, Rimrock Road Sidewalks, and Northern Hotel Sidewalk Improvements CTEP projects. **MOVED TO REGULAR AGENDA AS ITEM #4.**

E. **Second/final reading ordinance #10-5524 for Zone Change #867:** A zone change from Residential 6,000 (R-60) to Neighborhood Commercial (NC) on Lot 6, Block 6, Central Acres Subdivision, 4th Filing, located at 3333 Central Avenue. Paul and Sharon Allen, owners. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. **APPROVED.**

F. **Resolution #10-19006** allocating up to \$2,500 of Council Contingency Funds for campaign materials to publicize the Distracted Driving Ordinance taking effect on October 31, 2010. **APPROVED.**

G. **Resolution #10-19007** allocating \$8,000 of Council Contingency Funds towards an Economic Impact Analysis of Tax-Increment Finance Districts. **APPROVED.**

H. **Bills and Payroll:**

1. September 10, 2010 **APPROVED 10-0. Councilmember Cimmino recused herself from the vote.**
2. September 17, 2010 **APPROVED 10-0. Councilmember Cimmino recused herself from the vote.**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RECONSIDERATION FOR VARIANCE:** A variance from the Subdivision Improvements Agreement for Ironwood Subdivision, 2nd Filing, requiring installation of sidewalk along property frontage located at 5835 Ironwood. Neal and Sally Johnson, owners. Staff recommends denial. (Action: approval or disapproval of staff recommendation.) **VARIANCE NOT APPROVED; STAFF DIRECTED TO WORK WITH PROPERTY OWNERS NEAL AND SALLY JOHNSON AND JAMES PENNINGTON TO REVISE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE CITY ABSORBING THE RELATED FEES FOR THE MODIFICATION; AND STAFF DIRECTED TO NOT INSTALL THE SIDEWALKS UNDER THE 2010 MISCELLANEOUS/ DEVELOPER RELATED PROJECTS UNTIL THE COUNCIL HAS VOTED ON THE MODIFIED SUBDIVISION IMPROVEMENT AGREEMENT.**

3. **RECONSIDERATION OF THE DONATION OR SALE OF PARKLAND, RESOLUTION #10-19008,** a 6.775 acre parcel of parkland at Sahara Park, to the Better Billings

Foundation to construct and operate a pool. Staff recommends donation of the Aquatic Project Land. (Action: approval or disapproval of staff recommendation.) **APPROVED**.

4. **APPROVAL OF STAFF RECOMMENDATION TO POLICY COORDINATING COMMITTEE** for the funding of the 25th Street Pedestrian Bridge, Broadwater Avenue Trail Connection, Metra Park Sidewalk, Central Avenue Sidewalk, City-Wide ADA Ramps, Rimrock Road Sidewalks, and Northern Hotel Sidewalk Improvements CTEP projects. **APPROVED TO FORWARD TO PCC RECOMMENDATIONS OF BICYCLE PEDESTRIAN ADVISORY COMMITTEE.**

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Please sign up on the clipboard located at the podium.*)

The public comment period was opened.

- Gary Temple, 118 N. 29th, asked to speak at a future work session regarding discrepancies with the process of gifting projects to the City.
- Chad Broderius, 511 Poppy Place, asked if the 2008 Growth Policy was current and was being used.

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

COUNCIL INITIATIVES -- None

ADJOURN – The meeting adjourned at 9:40 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.