

## **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**

**February 14, 2011**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Councilmember Ronquillo

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

**MINUTES:** January 24, 2011, **approved as presented**

#### **COURTESIES:**

- Billings Parks, Recreation, and Preservation Foundation Presentation

**PROCLAMATIONS:** Billings Theater Student Day, August 8, 2011

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

- Ms. Volek referenced Item A – Agreement with Seon Design to provide and install security cameras in MET buses and paratransit vans and advised an e-mail from Neil Kiner, dated 2/14/11, sent to Mayor and Council stating it was an unnecessary expense was on the Council’s desk and filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item G – Approval of Yellowstone Family Park Master Plan. She said a copy of the Master Plan was sent in the Friday Packet on February 11 and was filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 6 – Public Hearing and Resolution authorizing the donation of Lots 9-12, Block 142, Original Town of Billings and noted an e-mail from Michael Dennis, dated 2/4/11, was sent to the council members asking that the property be transferred from the City to RiverStone Health. She said a copy of the e-mail was filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 7 – Public Hearing and approval of Federal Funding Requests and said she had sent an e-mail to the City Council on 2/13/11

outlining the order of preference for the Federal Funding Requests for 2011-12. She said a copy of her e-mail was filed in the ex-parte notebook in the back of the room.

- Ms. Volek asked the Council to add a change order for Huppert Construction for installation of the skate park restroom as Agenda Item 9.
- Ms. Volek asked the Council to add a list of eight legislative bills that needed consideration as Agenda Item 10.

Councilmember Clark moved to add the change order for the skate park restroom as Agenda Item 9 and the list of legislative bills as Agenda Item 10, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2, and #8 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute per speaker. 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.)

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

1. **CONSENT AGENDA** -- Separations: A, H, G, M, P2 & P3

- A. **Agreement** with Seon Design to provide and install security cameras in 26 MET buses and 15 paratransit vans; \$200,225; funded 100% by an American Recovery and Reinvestment Act (ARRA) Grant administered through the FTA grant process. **Approved**
- B. **Memorandum of Understanding** with Beartooth RC&D Economic Development District; \$9,271.91 annual payment. **Approved**
- C. **Grant Application Request** to submit a Montana State Historic Preservation Office Certified Local Government Grant application for FY2011-2012; \$5,500. **Approved**
- D. **Approval** of Downtown Revolving Loan Fund recommendation for Tracy Lofts Development Venture, LLP, for renovation of the Tracy Building located at 2600 Montana Avenue; up to \$250,000 and equity of at least 20% of total costs. **Approved**
- E. **Acknowledge receipt of petition to vacate** South 23rd Street between 3<sup>rd</sup> Avenue South and 4th Avenue South and 4th Avenue South between South 23rd Street and South 24th Street for a total 54,380 square feet; ConocoPhillips, petitioner; and set a public hearing date of March 14, 2011. **Approved**

- F. **Acknowledge receipt of petition to vacate** portions of right-of-way within Twin Oaks Subdivision, 2nd Filing; Twin Oaks Corporation, petitioner; and set a public hearing date of March 14, 2011. **Approved**
- G. **Resolution #11-19023** approving Yellowstone Family Park Master Plan (formerly Byron Nelson Park). **Approved**
- H. **Resolution #11-19024** allocating \$15,000 of FY2011 Council Contingency Funds to be used towards the cost of the Infill Policy Workshop, as recommended by the City Annexation Committee. **Approved 9 to 2. CM Cimmino & CM Pitman voted no.**
- I. **Street Closures:**
  - 1. **Magic City Blues Festival:** Montana Avenue between North 23rd Street and North 25th Street; 9:00 a.m. on Friday, August 12, 2011, to noon on Sunday, August 14, 2011. **Approved**
- J. **Acceptance of Donation** on behalf of the Billings Area Resource Network from Venture Theatre; \$1,000. **Approved**
- K. **Resolution of Intent #11-19025** to construct W.O. 11-02, Miscellaneous and Developer Related Improvements, and a set a public hearing date of March 14, 2011. **Approved**
- L. **Resolution of Intent #11-19026** to construct W.O. 05-13, Safe Routes to School Improvements on Jackson Street from Frances Avenue to Ryan Avenue (curb/gutter, sidewalk, and drive approaches), and set a public hearing date of March 14, 2011. **Approved**
- M. **Resolution of Intent #11-19027** to create SID 1369, Moore Lane between Monad Road and Central Avenue (sanitary sewer improvements, storm drain, curb and gutter, sidewalk, and necessary widening and reconstruction of the street), and set a public hearing date of March 24, 2011. **Approved correcting the public hearing date to March 14, 2011.**
- N. **Second/final reading ordinance #11-5528 for Zone Change #870:** a zone change to allow a mixture of commercial, cultural, medical, clinical and residential uses in a Planned Development on a 111.91 acre parcel of land described as Blocks 1 through 5, The Village Subdivision; Sisters of Charity of Leavenworth Health Systems, owner; Will Ralph, Sanderson Stewart and Doug James, Moulton Bellingham PC, representatives. Approval of the zone change and adoption of the determinations of the 12 criteria. **Approved**
- O. **Second/final reading ordinance #11-5529 for Zone Change #871:** a zone change from Residential 9,600 to Entryway General Commercial on a 1.554-acre

parcel of land described as the south 310 feet of Lot 24, Sugar Subdivision, less 4,194 square feet for King Avenue East right-of-way, and located at 766 Calhoun Lane. Almon Blain, Jr., owner. Approval of the zone change and adoption of the determinations of the 12 criteria. **Approved**

**P. Bills and Payroll:**

1. January 7, 2011 - **Approved**
2. January 11, 2011 – **Approved 10-1. CM Cimmino recused from voting.**
3. January 21, 2011 – **Approved 10-1. CM Cimmino recused from voting.**

**REGULAR AGENDA:**

2. **RESOLUTION #11-19028** declaring an emergency exception to the Purchasing Policy and awarding a contract to Accurate Concrete Cutting, Inc. for the removal and stabilization of rock in and adjacent to 1313 Granite Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved 9 to 2. CM Pitman & CM Cimmino voted no.**
3. **PUBLIC HEARING AND RESOLUTION #11-19029** ordering construction of improvements identified in W.O. 09-11, Rimrock Road from 17th Street West to Forsythia Boulevard. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved 10 to 1. CM Pitman voted no.**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward 1 to include recently annexed property in Annexation #11-01: the south 310 feet of Lot 24, Sugar Subdivision, located at 766 Calhoun Lane. Almon R. Blain, Jr., owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved**
5. **PUBLIC HEARING AND RESOLUTION #11-19030** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved excluding property at 709 S. Wagner Lane.**
6. **PUBLIC HEARING AND RESOLUTION** authorizing the donation of Lots 9-12, Block 142, Original Town of Billings to RiversStone Health with first right of refusal to reacquire the property if RiverStone Health does not develop the property and wishes to sell or donate the property to another person or entity. Community Development Board recommends approval. (Action: approval or disapproval of Community Development Board recommendation.) **Motions were made to put the land up for sale, post a “for sale” sign on the property, accept bids until June 1, 2011, and revisit the item on June 27, 2011.**

7. **PUBLIC HEARING** and approval of Federal Funding Requests. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved 9 to 2 to narrow the list to the top three items (Public Safety Radio System Replacement, East-End Industrial Area Storm Water Improvements, and Sharptail Storm Water Retention System) CM Cimmino & CM Pitman voted no. Moved and unanimously approved to retain the entire list for future reference.**
8. **2011-2012 IAFF LOCAL 521 COLLECTIVE BARGAINING AGREEMENT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved**
9. **ADD-ON ITEM:** Approval of change order with Huppert Construction in the amount of \$5,585 for the skate park restroom installation. Staff recommends approval. (Action: approval or disapproval of staff recommendation) **Approved**
10. **ADD-ON ITEM:** Council direction on Legislative HB 231, HB400, HB510, HB527, LC1564, LC1565, LC1566, and LC1568.  
HB231 – Revising requirements for fire departments in cities and towns...  
**Approved to support 7 TO 4. CMs Pitman, Cimmino, and McFadden and Mayor Hanel voted no.**  
HB400 – Prohibiting imposing fees for certain emergency services provided in response to a motor vehicle accident...  
**Unanimous Opposition**  
HB510 – Revising the requirements for organizing a municipality by eliminating the 3-mile radius to an existing municipality...  
**Unanimous Opposition**  
HB527 – Providing that an arbitrator may not consider the overall compensation presently received by certain public employees...  
**Unanimous Opposition**  
LC1564, LC1565, LC1566 and LC1568 – Urban Renewal Modifications...  
**Unanimous Opposition**

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda; comments are limited to three (3) minutes per speaker. Please sign up on the clipboard located at the podium.)

The public comment period was opened.

- **Tom Zurbuchen, 1747 Wicks Lane**, recommended an increase in arterial street fees for the Inner Belt Loop.

## **COUNCIL INITIATIVES**

- **McCall**: Moved to create a time-limited ad-hoc legislative committee consisting of Mayor Hanel, CM Ulledalen, and a third councilmember appointed by Mayor Hanel; and authorizing the City Administrator on short notice to make decisions for the City, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved. **Ruegamer** amended motion to include CM McCall as the third committee member, seconded by CM Cimmino. On a voice vote, the amended motion was approved.
- **Ullalen**: Moved to publicly notice the legislative conference calls held at work sessions as official public meetings, seconded by CM Cimmino. On a voice vote, the motion was unanimously approved.
- **Pitman**: Moved to postpone the CIP presentation until the March 7 work session, seconded by CM Cimmino. On a voice vote, the motion was unanimously approved.
- **Pitman**: Moved to deposit the money from the MDU Landfill methane gas project into the Council Contingency Fund, seconded by CM Ronquillo. **Pitman**: made a substitute motion to bring the issue to a work session for discussion, seconded by CM Astle. On a voice vote, the substitute motion was unanimously approved.

**ADJOURN** – The meeting adjourned at 11:03 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.*