

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS **January 23, 2012** **6:30 P.M.**

January 23, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Cimmino

ROLL CALL: Councilmembers present on roll call were: Cromley, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, Astle and Crouch.

MINUTES: January 9, 2012 - Approved

COURTESIES: Councilmember Crouch said he would like to salute the Black Heritage Foundation and Not in Our Town for the excellent programs they provided the previous weekend for the Martin Luther King, Jr. Celebration.

PROCLAMATIONS: Martin Luther King, Jr. Day – January 16, 2012

ADMINISTRATOR REPORTS - TINA VOLEK - None

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 & #6 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute.)

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: B1, E, I1 and I2

A. Mayor Hanel recommends that Council confirm the following appointments:
1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Sandra McKee	Mayor's Committee on Homelessness - Health Care	01/23/12	12/31/12

1. Unexpired term of Judy Stewart **APPROVED**

B. **Bid Awards:**

1. **Airport Operations Paging System Replacement.** (Opened 1/10/2012) Recommend Industrial Communications and Electronics; \$69,816.30. **APPROVED 10 TO 0. CM PITMAN ABSTAINED.**

C. **Bus/Bench Advertising Concession Agreement** with Blair Unlimited, 40% annual gross sales revenue or a minimum annual guarantee of \$50,000 (whichever is greater), term: 5 years. **APPROVED**

D. **Amendment #18**, Preliminary Engineering Services for Runway 10L/28R Overlay and Contract Extension through November 2013; Morrison-Maierle; \$336,014. **APPROVED**

E. **Street Closures:**

1. **Magic City Blues Festival.** August 10, 11 & 12, 2012; 9:00 am Friday, August 10, to 1:00 am Sunday, August 12; Montana Ave from N. 23rd to N. 25th Streets. **APPROVED**

F. **Memorandums of Understanding** between the City of Billings and the Montana State Library for (1) expanded broadband access for Parmly Billings Library patrons; and (2) network infrastructure equipment and installation; funded through federal Broadband Technologies Opportunities Program Grant. **APPROVED**

G. **Second/Final Reading Ordinance #12-5546** amending the boundaries of Ward IV to exclude the portion of recently de-annexed property in De-Annexation #11-04 described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms. **APPROVED**

H. **Final Plat Approval** of Amended Lot 2, Block 1, Midland Subdivision, 1st Filing. **APPROVED**

I. **Bills and Payroll:**

1. December 28, 2011 **APPROVED 10 TO 0. CM CIMMINIO ABSTAINED.**

2. January 3, 2012 APPROVED 10 TO 0. CM CIMMINO ABSTAINED.

REGULAR AGENDA:

2. **PUBLIC HEARING AND SPECIAL REVIEW #896:** a special review to allow a beer and wine license with gaming in a Community Commercial (CC) zone on a 4.73 acre parcel of land described as Lots 1-10, Block 13, and Tract A1, B, and B1 less the west 10 feet for street, Gorham Park Subdivision, generally located at 525 24th Street West. Theresa Jenkins, owner; Jill Lindell of Won \$800 Casino and Sports Pub, applicant; Attorney Peter Stanley, agent. Zoning Commission makes no recommendation due to lack of quorum. (Action: approval or disapproval of Special Review.) **APPROVED WITH PLANNING DEPARTMENT'S RECOMMENDED FIVE CONDITIONS.**

3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #879:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on property legally described as Lot 8, Block 1, Meadowood Subdivision, generally located on the northwest corner of the intersection of Meadowood Street and Lyman Avenue and addressed as 2302 Meadowood Street. Mark Dawson, owner; BlueLine Engineering, agent. Zoning Commission recommends approval of the zone change and adoption of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #880:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on an 11,600 square foot parcel of land legally described as Lot 16, Block 6, Suncrest Acres Subdivision, generally located on the southeast corner of the intersection of Parkhill Drive and 12th Street West; Patrick Naglich, applicant. Zoning Commission recommends approval of the zone change and adoption of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #881:** a zone change from Residential 6,000 (R-60) to Community Commercial (CC) on a 27,101 square foot parcel of land legally described as Lot 1, Block 4 and all of Block 1, Central Avenue Addition, 2nd Filing, generally located at 640 St. Johns Avenue; AG Holdings, Inc., owner; Allen Greene, representative. Zoning Commission recommends approval of the zone change and adoption of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

6. **DEVELOPMENT AGREEMENT** with Stockman Bank for reimbursement of up to \$630,000 from the Downtown Tax Increment District for certain public improvements. Downtown Billings Partnership Board of Directors recommends approval. (Action: approval or disapproval of Downtown Billings Partnership Board of Directors' 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 up on the clipboard located at the podium.*)

The public comment period was opened.

- **Joe White, Billings, MT**, talked about Interstate Trucking, buying a bus for the children, the transfer of the City Administrator's position to Candi Beaudry, and damages to the air supply. (The remainder of Mr. White's testimony was inaudible.)

COUNCIL INITIATIVES

- **McCall:** MOVED to direct staff to provide a detailed, written report on the construction mistakes made on Shiloh, State, and Bench. She said there may be a legislative hearing with a local government interim committee. She said she had spoken with a couple of other elected officials, and it appeared people had a few of the facts and were making assumptions on what did or did not happen. She said she wanted a detailed report on what actually occurred, what mistakes occurred, and what kind of strategy would be used in the future. She said it would be helpful to have the information prior to the legislative hearing so they could be well prepared. The motion was seconded by Councilmember Cimmino.

Councilmember Pitman said it was a great idea, and he would like to invite Stefan Streeter and the County Commissioners. Councilmember McCall said she felt they needed to have detailed facts in writing from city staff, and it would be helpful to have the facts before getting into a discussion with the other parties. Councilmember Ulledalen commented it would be a good idea to hear from the designer of the project.

Councilmember McCall said she would like to have the information no later than the next formal meeting. Councilmember Cimmino asked if it would include information involving federal, state, city, the design firm, and the contractor who constructed the project. Councilmember McCall said she would like the city information and some sort of an analysis of where the city's responsibility broke down. She said she was mainly concerned with the city's responsibility and what they could do to make sure it did not happen again.

Councilmember Ulledalen said they needed to take a hard look at if they wanted to use available federal money to do projects in the future. He said it was a huge problem, and in the meetings they sat through with everybody up to and including Director Lynch the "stuff just kept oozing out as the project developed." He said if they looked at the stretch of King Avenue the city built from 32nd Street West to Shiloh, it included storm drain, and they did it for about \$3 million. He said the Shiloh project was two to three times that and did not include storm drain. He said it was the problematic aspect of what happened when they received federal money and it was handled by the State of Montana and then handed to the city when the project was done. He said the city's comments in the process were limited, and the meetings were very, very frustrating. He

referenced Zimmerman, and said they were still struggling with the demands the State injected on the city on how the money was used. He said it went back to the whole strategic planning process, and if they were going to grow, they needed to ask how they were going to pay for it in the future. City Administrator Volek commented the city paid the State of Montana a 14% fee to manage the project. Councilmember McCall said those were the kinds of facts they really needed to have. On a voice vote, the motion was unanimously approved.

- **Astle**: Commended the Police Department for their work on solving the recent vandalism spree. Ms. Volek said the Police Chief and the County Attorney had announced that five young individuals had been charged with more than 200 alleged acts of vandalism during the Christmas and New Year's holiday. She said it was through a cooperative effort between the schools, the city, and the county to identify the individuals, as well as an individual who provided information resulting in the reward of \$1,000 that was offered. Ms. Volek said there would be a community meeting on Thursday at 5:30 p.m. at the Community Center for individuals who suffered a loss as a result of the vandalism. She said they were being asked to bring documentation of their loss to the meeting so a better estimate on the total amount of damages could be determined.
- **Ronquillo**: MOVED to have the new councilmembers brought up to date at a work session on the parking issues and the covering of the parking meters, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved. Councilmember Ulledalen asked how close they were to receiving information on what had happened with the parking change. Assistant City Administrator Bruce McCandless advised the test was to run for six months, and the conclusion date would be March 31st. Mr. McCandless advised after the first few weeks and with a few minor changes to the meter test area, things had settled down substantially. He said he thought the Parking Advisory Board's recommendation would be to remove a number of the meters that were part of the test. On a voice vote, the motion was unanimously approved.

ADJOURN: 8:13 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.