

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

May 14, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Boy Scout Troop 2

INVOCATION: Councilmember Denis Pitman

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

MINUTES: April 23, 2012 - **Approved**

COURTESIES:

- Recognition of National Police Week
- Recognition of Montana Women's Run
- Recognition of Special Olympics
- Recognition of Proclamation presented by Governor Schweitzer for Arbor Day Activities at Zoo Montana
- Recognition and Happy 100th Birthday to Margaret Ping
- Community Partner Award from the Williston Area Development Foundation

PROCLAMATIONS:

- Emergency Medical Services Week, May 20-26, 2012
- National Day of Prayer, May 3, 2012
- Public Service Recognition Week, May 6-12, 2012
- National Bike Walk Bus Week, May 13-19, 2012
- Mental Health Awareness Month, May 2012

ADMINISTRATOR REPORTS - TINA VOLEK

- Item E – Approval of Parking Advisory Board's recommendation for 3-month extension of meter reduction trial period. Copy of e-mail sent to Mayor and Council, dated May 14, 2012, from Bruce Bochy asking that free parking no

longer be allowed in front of his business on 6th and Division and copy of staff response. Copy of e-mail on Council desks and in ex parte notebook.

- Item F – Acknowledging Receipt of Petition to Annex #12-04. Letter from Will Ralph of Sanderson Stewart, dated May 11, 2012, requesting that the request for Annexation #12-04 be withdrawn, as well as Zone Change Request #894 scheduled for a public hearing on May 29th. Copy of letter on Council desks and in ex parte notebook.
- Item 2 – Public Hearing and Resolution adopting Wastewater Rate and Fee Schedule effective July 1, 2012. Copy of presentation sent via e-mail to Mayor and Council on May 14, 2012, on Council desks and in ex parte notebook.
- Item 6 – Public Hearing and Resolution revising the 2011 Limits of Annexation Map. Copy of letter from Rick Leuthold of Sanderson Stewart, dated May 14, 2012, asking that the limits of annexation map be amended to include in the Red Area approximately 93 acres owned by Knife River. Copy of letter on Council desks and in ex parte notebook.
- Notice of Board and Commission Vacancies on Council desks at request of Mayor Hanel. Copy also in ex parte notebook.
- Staff memo regarding the addition and approval of the proposed GSA Letter regarding the James F. Battin Building. Council received copy in May 11 Friday Packet. Copy on Council desks and in ex parte notebook. Would need to be added to the agenda for further discussion.

Councilmember Ulledalen moved to add the GSA Letter to the agenda as Item 9, seconded by Councilmember Ronquillo. Approved 9 to 1. CM Pitman voted in opposition.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #7 & #8 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.

- **Bruce Simon, 217 Clark Avenue, Billings, MT**, said he was a member of the Parking Advisory Board, and there needed to be a serious parking plan for downtown. He said the newspaper articles were just the tip of the iceberg. Mr. Simon distributed a spreadsheet showing past parking rate increases. He said raising rates was not the answer to the Parking Division's financial problems.
- **Greg Krueger, Development Director for Downtown Billings Partnership**, referenced Item 7 and said the Partnership supported the sale of Park IV.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Item 7 and said all the proceeds from the sale did not belong to the City. He said a portion also belonged to the school district and the county and should go back to them.

- **Lisa Harmon, Executive Director for Downtown Alliance**, referenced Item 7 and said the Alliance supported the sale of Park IV.

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

1. CONSENT AGENDA -- Separations: 1A2, B, D, E, F, J, L

A. Bid Awards:

1. Billings Logan International Airport Screening Lobby Renovation (Opened 4/24/2012); Recommend General Contractors Construction Company, Inc.; \$180,881. **APPROVED**

2. W.O. 12-01, Water and Sanitary Sewer Main Replacement Projects, Schedules 1A, 1B, and 1C, plus three additive alternates. (Opened 4/10/12) (Delayed from 4/23/2012); Recommend COP Construction; \$4,467,716. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

3. W.O. 10-27, Central Avenue Widening and Sidewalks (Opened 4/24/2012); Recommend Riverside Sand & Gravel, Inc.; \$299,400 pending CTEP approval. **APPROVED**

B. Contract for Professional Services with HDR Engineering for W.O. 12-15, Wastewater Treatment Facility Plan as part of the Integrated Water Plan Implementation Projects; \$521,900. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

C. Approval of Builder/Selling Agent and Housing and Development Agreement for Kings Green Subdivision, Phase IV, Affordable Housing Project (10 single-family homes on Jackson Street); Real Estate Dynamics, Inc.; 5% total commission. **APPROVED**

D. Park 1 Lease Agreement with Big Sky Imaginarium, LLC (6/1/12-5/31/17) with one, 5-year renewal option. Revenue first year - \$24,000; revenue subsequent years - current year plus 3%. **APPROVED**

E. Approval of Parking Advisory Board's recommendation of a 3-month extension of the meter reduction trial period beginning May 15 and the re-signing and 2-hour parking enforcement for areas previously removed from the test area. **APPROVED 7 TO 3. CM CIMMINO, CM MCFADDEN, AND CM BIRD VOTED IN OPPOSITION**

F. Acknowledging Receipt of Petition to Annex #12-04: 13.39 acres at the west end of Bell Avenue located west of Shiloh Road and north of Monad Road; Dorn-Lowe, LLC, Petitioners; and setting a public hearing date for May 29, 2012. **PETITIONER'S REQUEST FOR WITHDRAWAL WAS APPROVED.**

G. Acceptance of Anonymous Donation to the Human Relations Commission to help defray operating expenses; \$500. **APPROVED**

H. Approval and acceptance of the State Highway Traffic Safety Billings STEP Overtime Grant for traffic enforcement funding; \$10,000. **APPROVED**

I. Grant Application Request to submit 2012 Internet Crimes Against Children (ICAC) operational continuation application for \$230,650 and accept award. **APPROVED**

J. Smart Growth Implementation Assistance Award from U.S. Environmental Protection Agency

1. **Acceptance** of Smart Growth Implementation Assistance Award from U.S. Environmental Protection Agency providing technical assistance to help develop a framework for collaborative planning between the City and School District #2. **APPROVED**

2. **Approval of Resolution #12-19154** establishing an Ad Hoc Collaborative School Planning Committee to develop a model city-school collaborative infrastructure planning process. **APPROVED**

K. Resolution #12-19155 amending boundaries of Special Improvement Lighting Maintenance Districts #281 and #307 removing certain properties from Lighting District #281 and placing them in Lighting District #307 following completion of Shiloh Road project. **APPROVED**

L. Resolution #12-19156 authorizing the issuance and calling for the public sale of up to \$16,300,000 General Obligation Library Bonds, Series 2012. **APPROVED**

M. Second/Final Reading Ordinance #12-5564 amending BMCC 25-301 through 25-307, Nuisance Vegetation, providing clarity and consistency across several sections of the code. **APPROVED**

N. Second/Final Reading Ordinance #12-5565 for Zone Change #891: a text amendment to Sections 27-201 and 27-622 of the BMCC eliminating the definition of "townhome" as a type of residential land use and updating the section requiring a Master Site Plan review for multi-unit developments. **APPROVED**

O. Second/Final Reading Ordinance #12-5566 for Zone Change #892: a text amendment to Section 27-1502 of the BMCC to align local zone change procedures with new state law amendments passed in 2009 and 2011. **APPROVED**

P. Second/Final Reading Ordinance #12-5567 for Zone Change #893: a text amendment to Sections 27-1508 and 27-1604 of the BMCC aligning county zone

change procedures and enforcement with new state law amendments passed in 2009.
APPROVED

Q. Preliminary Major Plat of Copper Ridge Subdivision, 3rd Filing, generally located on the north side of Rimrock Road, east of 70th Street West, and north of the existing Copper Ridge Subdivision. Copper Ridge Development Corp., owner; Sanderson Stewart, representing agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

R. Preliminary Major Plat of Copper Ridge Subdivision, 4th Filing, generally located on the north side of Rimrock Road, east of 70th Street West, and north of the existing Copper Ridge Subdivision. Copper Ridge Development Corp., owner; Sanderson Stewart, representing agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

S. Preliminary Major Plat of Reflections at Copper Ridge Subdivision, 2nd Filing, generally located on the north side of Rimrock Road, east of Copper Ridge Subdivision, and north of the existing Reflections at Copper Ridge Subdivision. Reflections at Copper Ridge, LLC, owner; Sanderson Stewart representing agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

T. Preliminary Major Plat of Reflections at Copper Ridge Subdivision, 3rd Filing, generally located on the north side of Rimrock Road, east of Copper Ridge Subdivision, and north of the existing Reflections at Copper Ridge Subdivision. Reflections at Copper Ridge, LLC, owner; Sanderson Stewart, representing agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

U. Bills and Payroll:

1. April 9, 2012 **APPROVED**
2. April 16, 2012 **APPROVED**
3. April 23, 2012 **APPROVED**

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #12-19157 adopting Wastewater Rate and Fee Schedule effective July 1, 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 2. CM PITMAN AND CM MCFADDEN VOTED IN OPPOSITION.**

(COUNCILMEMBER MCCALL LEFT THE MEETING AT 8:00 P.M.)

3. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-12-01: A variance from Section 1203, Off-Street Parking Requirements, allowing reduction from the required 92 off-street parking stalls to 76 off-street parking stalls at 2475 Enterprise Avenue located on Lot 2, Block 1, of Claimstake Subdivision. Streets

Properties, LLC, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. PUBLIC HEARING AND RESOLUTION #12-19158 de-annexing approximately 13.82 acres of undeveloped land known as Tract 81-A, Certificate of Survey 2165, in the Briarwood Planned Unit Development; James and Stella Ziegler, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward II to include recently annexed property in Annex #12-02: three parcels totaling approximately 0.85 acres legally described as Lots 1, 2, and 3 of Skinner Subdivision and located at 325 and 337 Lincoln Lane. Brent Nelson, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. PUBLIC HEARING AND RESOLUTION #12-19159 revising the 2011 Limits of Annexation Map. Staff recommends approval as recommended by the Annexation Committee. (Action: approval or disapproval of staff recommendation.) **APPROVED 7 TO 2. CM CIMMINO AND CM PITMAN VOTED IN OPPOSITION.**

7. DISPOSAL OF PARK 4 PARKING STRUCTURE. Staff recommends accepting the purchase offer from United Industries/United Properties in the amount of \$2,620,000 and using the funds to retire a portion of the Park 2 debt. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 1. CM CIMMINO VOTED IN OPPOSITION.**

8. APPROVAL of testimony supporting adoption of the Urban-Rural Map/Plan to be presented at the Montana Districting and Apportionment Commission Billings Public Hearing scheduled for May 15, 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 1. CM BIRD VOTED IN OPPOSITION.**

9. PROPOSED GSA LETTER OF INTEREST for possible acquisition of the James F. Battin Federal Building and Courthouse. Staff recommends not proceeding at this time. (Action: approval or disapproval of staff recommendation.) **TABLED INDEFINITELY. (THIS ITEM WAS ADDED TO THE AGENDA FOLLOWING THE CITY ADMINISTRATOR REPORT.)**

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

COUNCIL INITIATIVES

- **Ulledalen**: Moved to direct the Parking Advisory Board to explore alternate groups other than the City to manage the Parking Division, seconded by Councilmember Pitman. **APPROVED**
- **Bird**: Moved to direct staff to bring back an urban chicken ordinance based on Missoula's City Code, seconded by Councilmember McFadden. **APPROVED 7 TO 2. CM PITMAN AND MAYOR HANEL VOTED IN OPPOSITION.**

ADJOURN: 9:42 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.