

## 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

August 13, 2012

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, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Astle, and Crouch. Councilmember Ulledalen was excused.

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

**COURTESIES:** South Park Gazebo Contribution Presentations

**PROCLAMATIONS:** - None

#### ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items:

- Item U1 – Final Plat of Whisper Ridge Subdivision. Ms. Volek noted in answer to Councilmember Ulledalen's questions, the following items were included in the Subdivision Agreement.
  - ✓ The subdivider had provided cash in lieu of parkland dedication, and it was understood that it would be included in the Cottonwood Park future PMD area, if created.
  - ✓ Because there were less than 50 lots, a traffic impact study was not required so no off-site traffic mitigation improvements were required or expected.
  - ✓ The developer had made a cash contribution toward future improvements of Rimrock Road along the frontage.
  - ✓ Any other possible future SIDs would be dependent on future requests of the neighborhood and up to council to create.
- Item 6 – Resolution Approving the Conditional Sale of the Galles Building.

- ✓ Copy of letter from Pastor Eric Thorson of Bethlehem Lutheran Church received today asking Council to consider Interfaith Hospitality Network's proposal for purchase of the Galles Building. Copy of letter was on Council's desk and filed in the ex-parte notebook.
- ✓ E-mails to City Council received today from Kay Tostengard and Kathy Buszmann asking Council to award the purchase of the Galles Building to Interfaith Hospitality Network. Copies filed in ex-parte notebook.
- ✓ E-mail to City Council received today from Steve and Joni Harman asking Council to award the purchase of the Galles Building to Maisie Sulser. Copy filed in ex-parte notebook.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 2B, 3C, 6, 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 or in the back of the room. 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.

- **Greg Krueger, Development Director for Downtown Billings Alliance, 2815 2<sup>nd</sup> Avenue North, Billings, MT**, referenced Item 6 and asked Council to sell the building to the private sector.
- **Andy Rio, President of Interfaith Hospitality Network (IHN), 3121 Sycamore Lane, Billings, MT**, referenced Item 6 and asked Council to award the sale to IHN.
- **Paul Hanson, Bethlehem Lutheran Church, 3333 38<sup>th</sup> Street West, Billings, MT**, referenced Item 6 and asked Council to award the sale to IHN.
- **Randy Hafer, 631 N. 26<sup>th</sup> Street, Billings, MT**, referenced Item 6 and urged Council to approve the sale of the Galles Building to Maisie Sulser.
- **Maisie Sulser, 1 N. 33<sup>rd</sup>, Billings, MT**, referenced Item 6 and said she was still very interested in purchasing the Galles Building and asked Council to award the sale to her.
- **Jeff Kanning, 1933 Mariposa, Billings, MT**, referenced Item 6 and urged Council to award the sale of the Galles Building to IHN.
- **Brandon Berger, BSEDA, 222 N. 32<sup>nd</sup>, Billings, MT**, referenced Item 8 and said BSEDA supported the establishment of a Historic Property Rehabilitation and Restoration Tax Abatement Program.
- **Janna Hafer, 631 N. 26<sup>th</sup> Street, Billings, MT**, referenced Item 6 and said she supported the award of the Galles Building to Maisie Sulser.
- **Sheldon Eaton, 3215 Reimers Park Drive, Billings, MT**, referenced Item 7, and said he was trying to put something together with staff and asked that the eminent domain process be delayed for three weeks.

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

**1. CONSENT AGENDA -- Separations: F, J, N, V1**

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

**APPROVED**

	<b>Name</b>	<b>Board/Commission</b>	<b>Term</b>	
			<b>Begins</b>	<b>Ends</b>
1.	Kristin Lundgren	Mayor's Homelessness - Philanthropy	08/13/12	12/31/14
2.	Mike Craighill	Parking Advisory Board	08/13/12	12/31/13

1. Unexpired term of John Armstrong
2. Unexpired term of Nick Blake

**B. Bid Awards:**

1. **SID 1393, Fritz Subdivision.** (Opened 7/24/2012) Recommend Knife River-Billings; \$285,810.50. **APPROVED**
2. **SID 1394, Macona Lane.** (Opened 7/31/2012) Recommend CMG Construction, Inc.; \$91,325. **APPROVED**

**C. Approval** of contract between State of Montana Department of Public Health and Human Services (DPHHS) - Developmental Disabilities Division and MET Special Transit to provide specialized transportation for developmentally disabled individuals (7/1/12 to 6/30/13 with option of four, additional one-year periods); approximate annual revenue - \$80,000. **APPROVED**

**D. Agreement** with Yellowstone County Sheriff's Department to provide New World Public Safety data processing services. (7/1/12 - 6/30/13); annual revenue - \$96,567. **APPROVED**

**E. Assignment of Rights Agreement** with Montana Dakota Utilities for payment of 15% of net proceeds received from the sale of methane gas extracted from the Billings landfill. **APPROVED**

**F. Amendment #1, W.O. 11-08: Water Treatment Plant High Service Pump Station 2011 Transfer Pump Replacement.** Professional Services Contract, HDR Engineering, Inc., \$22,600. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**G. Conditional Approval of Amendment to Special Improvements Agreement** for High Sierra Subdivision, 2nd Filing, Amended Lot 1, Block 4. **APPROVED**

**H. Acknowledging Receipt of Petition to Annex #12-07:** one parcel totaling approximately two (2) acres, with approximately 7,260 additional square feet designated as street right-of-way, generally located on the north side of Grand Avenue just west of

the intersection of Grand Avenue and 48th Street West; John Clifford Zimmerman, owner; and setting a public hearing date for August 27, 2012. **APPROVED**

**I. Acceptance of Donation** to the Fire Department from Wal-Mart Corporate Offices for purchase of smoke and carbon monoxide alarms for installation in low-income residences; \$2,000. **APPROVED**

**J. Acceptance of Donation** to the Parks Department for a memorial bench and small plaque at Pioneer Park in honor of Mitzie L. Wyrick ; Steve Henry, donor; \$1,500. **APPROVED**

**K. South Park Gazebo**

**1. Acceptance of Donations** to Parks Department for South Park Gazebo: First Interstate Bank Foundation - \$7,500; First Interstate Bank - \$7,500; Downtown Exchange Club - \$10,000; Harrison G. Fagg Associates Architects - \$1,000; south Side Neighborhood Task Force - \$8,000 (misc. contributions); total contributions - \$34,000. **APPROVED**

**2. Change Order #1 - South Park Gazebo**, Fisher Construction, \$35,000. **APPROVED**

**L. Acceptance** of Federal Aviation Administration Airport Improvement Program Grant 43; \$2,063,307. **APPROVED**

**M. Second and Final Reading Ordinance #12-5576 for Zone Change #900:** a zone change from Residential 5,000 (R-50) to Residential Multi-family-Restricted (RMF-R) on a 22.3 acre portion of Lots 1 and 2, Block 1, Western Sky Subdivision, located west of the intersection of 44th Street West and King Avenue West; King Meadows, LLC, owner. Approval of zone change and adoption of the determinations of the 10 criteria. **APPROVED**

**N. Second/Final Reading Ordinance** naming the expansion of Park 2 as an Expanded N. 27th Street Urban Renewal Area project to allow financing with tax increment bonds. **DELAYED UNTIL 8/27/12.**

**O. Resolution #12-19194** temporarily suspending BMCC 24-411: Parking for Camping Purposes, at the Airport Business Park for the Department of National Resources and Conservation's annual seasonal fire mobilization operations; each year from July through October; and **approval** of annual Letter of Understanding for the 2012 fire season and Temporary Building and Ground Lease. **APPROVED**

**P. Resolution #12-19195** fixing the form and terms of the bond sale for W.O. Misc/Developer Related Improvements and W.O. 09-11, Rimrock Road Improvements (Pooled Sidewalk, Series 2012) **APPROVED**

**Q. Resolution #12-19196** authorizing the Mayor to execute the City's Acknowledgement and Acceptance of Conveyance on the estimated 160 right-of-way deeds for the Bench Boulevard project and the Memorandum of Understanding with MDT. **APPROVED**

**R. Approval** of extension of preliminary plat approval date for one year for Tuscany Subdivision; setting new expiration date of August 11, 2013. **APPROVED**

**S. Preliminary Plan of Subdivision for Rent or Lease (SRL)** for Amended Lot 2, Block 4, Cenex Park Subdivision, described as 1.29 acres generally located on the east side of South 25th Street West, just north of Gabel Road; After Shock, LLC, owner; EEC, Inc., agent; conditional approval of the plan and adoption of the Findings of Fact. **APPROVED**

**T. Preliminary Major Plat** of Josephine Crossing Subdivision, 3rd Filing, generally located south of Elysian Road and east of Mullowney Lane; McCall Development, Inc., owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

**U. Final Plat Approval**

1. Whisper Ridge Subdivision - **APPROVED**
2. Reflections at Copper Ridge Subdivision, 2nd Filing - **APPROVED**
3. Copper Ridge Subdivision, 4th Filing - **APPROVED**

**V. Bills and Payroll:**

1. July 2, 2012 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
2. July 16, 2012 **APPROVED**
3. July 23, 2012 **APPROVED**

**REGULAR AGENDA:**

**2. COPPER RIDGE SUBDIVISION, 2ND & 3RD FILINGS**

**A. PUBLIC HEARING AND RESOLUTION #12-19197** authorizing the sale of .431 acres of parkland within the undeveloped area of Copper Ridge Subdivision, 2nd Filing, to The Oakland Companies for the appraised value of \$672.32. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. CM CIMMINO VOTED IN OPPOSITION.**

**B. FINAL PLAT APPROVAL** of Copper Ridge Subdivision, 3rd Filing. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. CM CIMMINO VOTED IN OPPOSITION.**

**3. IRONWOOD SUBDIVISION, 1ST, 4TH & 5TH FILINGS**

**A. PUBLIC HEARING AND RESOLUTION #12-19198** authorizing the sale of 2.19 acres of parkland within undeveloped areas of Ironwood Subdivision, 1st and 4th Filings, to Regal Land Development, Inc. for the appraised value of \$49,703.60. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**APPROVED 9 TO 1. CM CROMLEY VOTED IN OPPOSITION.**

**NOTE: CM BIRD LEFT THE COUNCIL CHAMBERS AT 8:18 P.M.**

**B. PUBLIC HEARING AND RESOLUTION #12-19199** vacating street rights-of-way within Ironwood Subdivision, 4th Filing; Regal Land Development, Inc., petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**APPROVED**

**C. FINAL PLAT APPROVAL** of Ironwood Estates Subdivision, 5th Filing. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**APPROVED**

**4. PUBLIC HEARING AND RESOLUTION #12-19200** vacating the south 15 feet of Hesper Road right-of-way in Tract 3-A1, Rockwood Subdivision, 2nd Filing, generally located near South 30th Street West; Bristlecone, Inc., petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**NOTE: CM BIRD RETURNED TO THE COUNCIL CHAMBERS AT 8:25 P.M.**

**5. PUBLIC HEARING AND RESOLUTION #12-19201** authorizing the sale of city-owned property described as Lots 1-12, 20 and 21, Block 245, Sugar Factory Subdivision, generally located on South 27th Street and South 28th Street between 10th and 11th Avenues South and **accepting** the bid from the Roman Catholic Diocese of Great Falls, Montana, in the amount of \$257,250. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. RESOLUTION** approving the conditional sale of the Galles Building located on Lot 7, Block 189, Original Townsite of Billings, to Maisie Sulser in the amount of \$60,000 (Delayed from 7/23/12). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **NOT APPROVED. STAFF DIRECTED TO COME BACK WITH AN RFP.**

**7. RESOLUTION** pursuant to BMCC Chapter 12, Eminent Domain, declaring public purpose and use, describing the property to be taken and authorizing City officials to proceed with condemnation of approximately 2.56 acres of land generally located along the west side of Clearview Drive immediately west of the Chapple Reservoir for the purpose of constructing a new Zone 3 Reservoir. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL SEPTEMBER 10, 2012.**

8. **RESOLUTION #12-19202** establishing a Historic Property Rehabilitation and Restoration Tax Abatement Program. 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 up on the clipboard located at the podium or in the back of the room.*)

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

### **COUNCIL INITIATIVES**

- **McFadden:** MOVED that the date for voting on the chicken issues be moved to September 10, 2012, seconded by Councilmember Bird. On a voice vote, the motion failed 9 to 1.

**ADJOURN: 9:41 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.*