

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 **September 10, 2012** **6:30 P.M.**

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Bird

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

MINUTES:

- August 13, 2012 – Councilmember Astle moved for approval, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.
- August 27, 2012 - Pending

COURTESIES: Councilmember Crouch recognized Ms. Eunice Terry and her son, Melvin Terry. He said Ms. Terry had been awarded the Human Rights Award by Christian Women United for her many contributions to the City of Billings and around the world. He said she had been active in Passages, the Women's Prison, Alternatives, and the Montana Rescue Mission and a peace ambassador around the world including Russia and China.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- Reminded the public and the Council of the Community Conversations to be held September 11 from 5:30 to 7:00 p.m. at the First Presbyterian Church, 2040 13th Street West; September 12 from 11:30 a.m. to 1:00 p.m. at the Garfield Resource Center Gym, 3212 1st Avenue South; and September 13 from 7:00 to 8:30 p.m. at the Oasis Water Park, 543 Aronson Avenue. She said the staff and

Council would be presenting information on the recent citizen's survey, priority based budgeting, and public safety funding.

- Item 1A3 – Pond C Outfall Improvements for Logan International Airport: Staff would like delayed until September 24 in order to finalize easement negotiations with a property owner.
- Item C – Assignment and Assumption Agreement between Parmly Billings Library Foundation, City of Billings, and Will Burder + Partners: Copy of Contract for Professional Services was sent in the September 7 Friday packet because it underlies the Assignment and Assumption Agreement. Copy filed in ex-parte notebook.
- Item R –Second and Final Reading Ordinance amending Sections 22-901 and 22-902 of the City Code for the sale or donation of city-owned property: Copy of memo from Attorney Brent Brooks and amended ordinance was sent in September 7 Friday packet. Staff would like the item separated. Copy filed in ex-parte notebook.
- Add-on Item: Resolution of Intent Designating a Retail Retention and Recruitment Program as an Expanded N. 27th Street Urban Renewal District Project: On August 27 Council delayed action until September 10. Was not included on tonight's agenda in error. Downtown Billings Association was asking that the item be delayed until October 22. Copy of staff memo on Council's desk and filed in ex-parte notebook.
- Item 6 – Public Hearing and Resolution authorizing the sale of city-owned property located at 1048 Grand Avenue: The attached resolution had an incorrect date for the public hearing, which had been amended in the formal documents.
- Item 9 – Reservoir Land Acquisition for Zone 3 by Eminent Domain: The resolution was not included in the agenda packet sent to Council, and a copy of the resolution was on Council's desk. Copy filed in ex-parte notebook.

Councilmember Cromley moved to add the Resolution of Intent Designating a Retail Retention and Recruitment Program as an Expanded N. 27th Street Urban Renewal District Project to the agenda as Item 12, seconded by Councilmember Ronquillo. Councilmember Cimmino referenced Section 2.01 of the proposed resolution and suggested including the Ward 1 Councilmembers to the list of those who would be participating in the process. Ms. Volek advised she would ask the Downtown Alliance to address her suggestion on October 22. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 9, 10 and 11, AND 12 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.

- **T.J. Wierenga, 2215 Beloit, Billings, MT**, referenced Item S and thanked the Council for its willingness to look at the issue. She promised the Magic City Hens would stand behind the issue to help implement it throughout the City, to do it responsibly and effectively, and be there for people.
- **Harold Yale, 727 Cook Avenue, Billings, MT**, referenced Item S and said he did not want chickens in the city limits because they would attract bears and skunks. He said if people were allowed to have chickens in their backyards, people should be able to have junk in their yards. He said junk did not make noise or stink.
- **Sheldon Eaton, 3215 Reimers Park Drive, Billings, MT**, referenced Item 9 and said he was not able to get his appraisal done in time, but he hoped to have it by the end of the week or the first of next week. He said he was waiting to have the city stake out the footprint of the property and the tank location. Mr. Eaton said the property provided a spectacular view of the city and was right against the rims. He said his concern was that they would lose the ground and what it would do to the value of the property to the west.
- **Doug Ruebke, 110 South 31st, Billings, MT**, referenced Item S and asked Council to consider the rights of the property owners opposed to chickens and the impact it would have on the whole city.

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

1. **CONSENT AGENDA** -- Separations: 1A3, P, R, S1, S2, X1, X2

A. **Bid Awards:**

1. **De-Icer, Anti-Icer Calcium Chloride Liquid.** (Opened 8/28/12) Recommend Brenntag; \$0.91 per gallon first year, with purchase option for years two and three. **APPROVED**

2. **Winter Traction Material.** (Opened 8/28/12) Recommend Knife River; \$16.45 per ton first year; with purchase option for years two and three. **APPROVED**

3. **Pond C Outfall Improvements for Billings Logan International Airport.** (Opened 8/28/12) Recommend The Good Earth Works Company, Inc.; \$70,100. **DELAYED UNTIL 9/24/12.**

4. **Sanitary Sewer Extension and Miscellaneous Paving Projects at Billings Logan International Airport.** (Opened 8/28/12) Recommend Knife River; \$155,525. **APPROVED**

5. **City Hall Boiler Replacement.** (Opened 8/28/12) Recommend Midland Mechanical, Inc., dba Stevens Brothers Mechanical; \$103,160. **APPROVED**

B. **Change Order #2 - South Park Gazebo**, Fisher Construction, \$3,570. **APPROVED**

C. Assignment and Assumption Agreement between the Parmly Billings Library Foundation, City of Billings, and Will Bruder + Partners for the construction of the new Parmly Billings Library. **APPROVED**

D. Approval of Downtown Transit Transfer Center Parking Space Lease with Yellowstone County; 10/1/2012 - 9/30/2014 with option for one additional year; total revenue first two years - \$15,600. **APPROVED**

E. Approval of Federal Aviation Administration Garage/Shop Site Ground Lease renewal for additional five years; 10/1/12 - 9/30/17; annual revenue - \$2,380. **APPROVED**

F. Approval of two, 10-year Commercial Non-Aviation Ground Leases for Communication Sites with Gold Creek Cellular of Montana Limited Partnership, dba Verizon Wireless, on airport property (2012 - 2022); combined first-year revenue - \$20,000, subsequent years adjusted by CPI-U. **APPROVED**

G. Amendment #3, Engineering Services for Miscellaneous Airport Projects; Morrison-Maierle, Inc.; \$91,932. **APPROVED**

H. Right-of-Way Easement with NorthWestern Energy for installation of power lines to Edwards Jet Center hangar at Billings Logan International Airport. **APPROVED**

I. Approval of the purchase of fusible PVC pipe from Underground Solutions, Inc. for annual pipebursting program; \$106,500. **APPROVED**

J. Recommendation at the request of the Bicycle and Pedestrian Advisory Committee to encourage Montana Department of Transportation to continue funding bicycle and pedestrian projects through the Transportation Alternatives Program under the Moving Ahead for Progress in the 21st Century Act (MAP-21). **APPROVED**

K. Approval of Report for Pledged Collateral for First Interstate Bank Certificates of Deposit and US Bank Certificates of Deposit. **APPROVED**

L. Approval of Semi Annual Investment Report. **APPROVED**

M. Acceptance of Donations to Parks Department for South Park Gazebo electrical upgrades, The Vegas Hotel, \$1,000; Phillips 66, \$2,000. **APPROVED**

N. Acceptance of donation to Billings Fire Department for purchase of fire prevention public education supplies; IAFF Local 521; \$1,000. **APPROVED**

O. Resolution #12-19208 fixing the form and terms of the bond sale for SID 1393, Fritz Subdivision. **APPROVED**

P. Resolution #12-19209 fixing the form and terms of the Department of Natural Resources bond for the construction of an additional storage reservoir in Zone 3 East in Billings Heights. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

Q. Resolution #12-19210 authorizing the terms and conditions of the Park 2 Garage financing. **APPROVED**

R. Second and Final Reading Ordinance #12-5578 amending Sections 22-901 and 22-902 of the Billings, Montana, Municipal Code for the sale or donation of city-owned real property. **APPROVED TO INCLUDE THE LANGUAGE IN THE AMENDED ORDINANCE SENT IN THE 9/7 FRIDAY PACKET.**

S. Urban Chickens

1. Second/Final Reading Ordinance #12-5579 for Zone Change #899: A text amendment to Sections 27-305, 27-306, and 27-607 of the Billings, Montana Municipal Code deleting and adding language to allow the keeping of chickens within residential zones. **APPROVED 6 TO 4. CM CIMMINO, CM PITMAN, CM ASTLE AND MAYOR HANEL VOTED IN OPPOSITION.**

2. Second and Final Reading Ordinance #12-5580 amending Section 4-401 and Section 4-403 of the Billings, Montana City Code allowing and regulating the keeping of up to six female chickens in residential zones. **APPROVED 8 TO 2. CM CIMMINO AND CM ASTLE VOTED IN OPPOSITION.**

T. Second and Final Reading Ordinance #12-5581 for Zone Change #901: A text amendment and map amendment to the zone classification for the East Billings Urban Renewal District (EBURD) adding a new section to the Unified Zoning Regulations specifying land uses, building types, signage allowances, landscaping requirements and location specific street improvements for new EBURD zoning districts. **APPROVED**

U. Second and Final Reading Ordinance #12-5582 for Zone Change #902: A zone change from Neighborhood Commercial and Residential Multi-Family-Restricted to Community Commercial on a 4.189 acre parcel described as Lots 1 through 5, Brittain Acres Subdivision located on the northeast corner of the intersection of Hilltop Road and Bench Boulevard; Big Sky Floral Supply, owner; Chuck and Mick Gainan, agents. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

V. Second/Final Reading Ordinance #12-5583 for Zone Change #904: A zone change from Residential Manufactured Home to Community Commercial on a 4.77-acre parcel described as Tract 1, C/S 2537, and the north two acres of the south 10.41 acres east of the lateral and fractions of Section 22, Township1 North,, Range 26 East located at 1026, 1032 and 1040 Bench Boulevard; Lee Steffanich, owner; Sanderson Stewart,

agent. Approval of the zone change and adoption of the determinations of the 10 criteria.

W. Final Plat of High Sierra Subdivision, 5th Filing. APPROVED

X. Bills and Payroll:

1. August 7, 2012 APPROVED 9 TO 0. CM CIMMINO ABSTAINED.
2. August 13, 2012 APPROVED 9 TO 0. CM CIMMINO ABSTAINED.
3. August 20, 2012 APPROVED

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #12-19211 amending Resolution #12-19206, dated 8/27/212, establishing the Park District 1 assessment for tax year 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION #12-19212 assessing the annual fee for encumbrances, obstructions, or encroachments on, over, across or above the streets, avenues, sidewalks, or alleys of the City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation). **APPROVED**

4. PUBLIC HEARING AND RESOLUTION #12-19213 re-spreading SID 1369 - curb & gutter, sidewalks, water, sewer, storm drain and street improvements on Moore Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. PUBLIC HEARING AND RESOLUTIONS #12-19214 (SID 1901) AND #12-19215 (SID 1902) regarding the original spread assessments on the following Special Improvement Districts. Staff recommends approval. (Action: approval or disapproval of staff recommendation).

A. SID 1901: Sidewalks along Rimrock Road from 17th Street to Forsythia. **APPROVED**

B. SID 1902: Miscellaneous Sidewalk, Curb, and Gutter Improvements located in areas throughout the City. **APPROVED**

6. PUBLIC HEARING AND RESOLUTION #12-19216 authorizing the sale of city-owned property described as Lot 3A, Block 13, Sunset Subdivision, 5th Filing, located at 1048 Grand Avenue. Recommendation to be made at meeting. **APPROVED SALE TO MCDONALD'S USA FOR \$105,000.**

7. PUBLIC HEARING AND FIRST READING ORDINANCE amending the boundaries of Ward IV to include recently annexed property in Annex #12-07: one

parcel totaling approximately two (2) acres, with approximately 7,260 additional square feet designated as street right-of-way, in Zimmerman Acreage Tracts Subdivision, 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 petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

APPROVED

8. PUBLIC HEARING AND FIRST READING ORDINANCE amending the Billings, Montana City Code by adding Sections 18-1401 through 18-1405 defining terms and establishing standards for boarded up structures. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

9. RESOLUTION #12-19217 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. Delayed from 8/13/2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. CM MCFADDEN VOTED IN OPPOSITION.**

10. RECOMMENDATION to the Policy Coordinating Committee (PCC) for approval of the Draft 2013 Unified Planning Work Program (UPWP). Staff recommends making recommendation of approval to the PCC. (Action: approval or disapproval of staff recommendation.) **APPROVED**

11. RECOMMENDATION to the Policy Coordinating Committee (PCC) for approval of the Draft 2012-2016 Transportation Improvement Plan (TIP). Staff recommends making recommendation of approval to the PCC. (Action: approval or disapproval of staff recommendation.) **APPROVED**

12. (ADD-ON ITEM) RESOLUTION OF INTENT amending the Expanded N. 27th Street Urban Renewal Plan to include a retail retention and recruitment program and setting a public hearing for September 24, 2012. **DELAYED UNTIL 10/22/12.**

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 None.

ADJOURN: 8:23 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.