

## 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

December 9, 2013

6:30 P.M.

#### Library Tour - 5:15 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:** November 18, 2013 – **APPROVED**

#### **COURTESIES:**

- Councilmember Ronquillo introduced Ray Rigdom, the new refinery manager of Phillips 66.
- Councilmember Ronquillo introduced Matthew Shipp, an Americorps VISTA, who is serving at the Garfield School Literacy Program.
- Mayor Hanel recognized County Commissioner Bill Kennedy who was in attendance at the meeting.
- Mayor Hanel presented plaques to outgoing Councilmembers Ronquillo, Ulledalen and Astle. He thanked each of them for their years of service to the Council and community.

**PROCLAMATIONS:** None

## ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items:

- **Item 1A1 – Boards & Commission Appointments:** Copy of staff report with the recommended appointments was sent in the December 6 Friday packet. (Appointment recommendations were not available on Monday, December 2, when the agenda packet was published.) Copy was filed in the ex-parté notebook.
- **Item C – Contract Renewal with Yellowstone Valley Animal Shelter for private operation of the Billings Animal Shelter:** Copy of revised agreement was sent in the December 6 Friday packet. Copy was filed in the ex-parté notebook.
- **Item K – Resolution Creating a 10-Member Ad-Hoc Council Advisory Committee on Right-of-Way Special Events:** A revised resolution was placed on the Councilmembers' desks listing 10-member recommendations. The previously submitted resolution only listed 9-member recommendations. Copy was filed in the ex-parté notebook.
- **Item 4 – Public Hearing and Resolution authorizing the filing of the annual FTA Section 5307 Grant:** Action on this item needs to be delayed until the January 13, 2014, meeting in order to advertise the public hearing.
- **Item 5 – Public Hearing and Special Review #913:** Copy of letter from Lois Morrison, dated December 3, 2013, opposed the construction of two, 4-plex multi-family dwellings at Boulder Avenue and Rehberg Lane was sent in December 6 Friday packet. Copy was filed in the ex-parté notebook.

### **PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #2 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute. Please sign in at the cart located at the back of the council chambers or 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, C, D, I, K, L, M, N1, N2, and N3**
  - A. Mayor Hanel recommends that Council confirm the following appointments:

	<b>Name</b>	<b>Board/Commission</b>	<b>Term</b>	
			<b>Begins</b>	<b>Ends</b>
1	No Applications	Animal Control Board*	01/01/14	12/31/16
2	Delmer Schmidt	Animal Control Board	01/01/14	12/31/17
3	Jeannette Vieg	Animal Control Board	01/01/14	12/31/17
4	No Applications	Animal Control Board	01/01/14	12/31/17
5	Christopher Cook	Bicycle & Pedestrian Advisory Comm	01/01/14	12/31/16
6	No Applications	Billings BID	01/01/14	12/31/17
7	No Applications	Billings BID	01/01/14	12/31/17
8	Mark Noennig	Board of Adjustments	01/01/14	12/31/17
9	Jeff Bollman	Board of Adjustments	01/01/14	12/31/17
10	James Olson	Board of Adjustments	01/01/14	12/31/17
11	Martin Connell	Board of Adjustments	01/01/14	12/31/17
12	Matthew McDonnell	Board of Adjustments	01/01/14	12/31/17
13	Frank Chesarek	Board of Adjustments	01/01/14	12/31/17
14	Paul Hagen	Board of Adjustments	01/01/14	12/31/17
15	No Applications	Board of Appeals - Electrical	01/01/14	12/31/17
16	No Applications	Board of Appeals - Builder	01/01/14	12/31/15
17	Thomas Dennis	Board of Appeals - Plumber	01/01/14	12/31/17
18	David Peterson	Board of Appeals - Architect	01/01/14	12/31/17
19	Herb Schiefelbein	Board of Ethics	01/01/14	12/31/17
20	Michelle Zahn	Community Development - Low Mod	01/01/14	12/31/17
21	Neil Kiner	Community Development*	01/01/14	12/31/15
22	Robert Waller	Housing Authority	01/01/14	12/31/18
23	No Applications	Housing Authority	01/01/14	12/31/18
24	No Applications	Housing Authority Res Comm	01/01/14	12/31/14
25	Lita Pepion	Human Relations Board*	01/01/14	12/31/16
26	Richard Maciel	Human Relations Board*	01/01/14	12/31/15
27	Gwendolyn Kircher	Human Relations Board	01/01/14	12/31/17
28	Jennifer Quinn	Library Board	01/01/14	12/31/17

29	Bernard Rose	Library Board	01/01/14	12/31/17	
30	Stella Fong	Library Board	01/01/14	12/31/17	
31	Sue Bach	Library Board	01/01/14	12/31/17	
32	No Applications	Mayor's Homelessness Lending*	01/01/14	12/31/16	
33	Perry Roberts	Mayor's Homelessness Housing	01/01/14	12/31/17	
34	Edward Arnold	Mayor's Homelessness Code/Law	01/01/14	12/31/17	
35	No Applications	Mayor's Homelessness Faith Based*	01/01/14	12/31/14	
36	Rich Lorenz	Parks, Recreation & Cemetery Board	01/01/14	12/31/17	
37	Darwin George	Parks, Recreation & Cemetery Board	01/01/14	12/31/17	
38	Tom Rupsis	Parks, Recreation & Cemetery Board	01/01/14	12/31/17	
39	Mark Wahl	Parks, Recreation & Cemetery School Rep*	01/01/14	12/31/14	
40	Dayton Rush	Parks, Recreation & Cemetery Board*	01/01/14	12/31/16	
41	No Applications	Parking Advisory Board*	01/01/14	12/31/14	
42	Edward Arnold	Parking Advisory Board	01/01/14	12/31/17	
43	Paul Hagen	Parking Advisory Board	01/01/14	12/31/17	
44	Joni Harman	Parking Advisory Board	01/01/14	12/31/17	
45	Leticia Moore	Parking Advisory Board	01/01/14	12/31/17	
46	No Applications	Planning Board - Ward I*	01/01/14	12/31/14	
47	Patrick Klugman	Planning Board - Ward II	01/01/14	12/31/15	
48	No Applications	Public Works Board	01/01/14	12/31/17	
49	No Applications	Public Works Board	01/01/14	12/31/17	
50	No Applications	Traffic Control Board*	01/01/14	12/31/14	
51	Eugene Wade	Traffic Control Board	01/01/14	12/31/17	
52	No Applications	Traffic Control Board	01/01/14	12/31/17	
53	Nancy Curriden	Yellowstone Historic Board	01/01/14	12/31/15	
54	Dennis Ulvestad	Zoning Commission*	01/01/14	12/31/15	

Not filled in 1/1/13

- 21 Unexpired term of Cindy Sanders
- 25 Not filled in 1/1/13
- 26 Unexpired term of Claudia Stephens
- 32 Not filled in 1/1/13
- 35 Unexpired term of Adela Awner
- 39 Unexpired term of David Williams
- 40 Unexpired term of Rachael Cox
- 41 Unexpired term of Bruce Simon
- 46 Unexpired term of Zach Meyers

50 Unexpired term of Brent Krueger  
54 Unexpired term of Bill Ryan

Mayor Hanel stated Paul Hagen applied to serve on 2 boards and was recommended for appointment to Board of Adjustments and the Parking Advisory Board. Mr. Hagen requested to be removed from the Parking Advisory Board due to time constraints of serving on 2 boards. **APPROVED REMOVING MR. HAGEN FROM THE PARKING ADVISORY BOARD.**

**B. Bid Awards:**

**1. Playground Fall Protection Replacement.** (Opened 11/19/2013) Recommend Good Earth Works, Inc.; \$414,300. **APPROVED**

**C. Contract Renewal** (3-year) with Yellowstone Valley Animal Shelter for private operation of the Billings Animal Shelter (July 1, 2013 - July 1, 2016). **APPROVED**

**D. Agreement** with the Billings Kiwanis Club for City of Billings Affinity License Plates amending net revenue distribution to 80% for the Billings Kiwanis Club and 20% for the City of Billings effective December 9, 2013. (4-year agreement with automatic renewal for successive term of four years.) **APPROVED 8 TO 0. CM CROMLEY AND ASTLE ABSTAINED.**

**E. Approval** of Lease of State Lands Agreement (10-year) renewing the lease with State of Montana Department of Natural Resources and Conservation for Norm's Island and adding the lease for Darling Island. **APPROVED**

**F. Approval** of the Assignment and Transfer of the Automobile Rental Concession and Lease from Lewis Transportation Group, LLC DBA Thrifty Car Rental and Dollar Rent A Car to DTG Operations, Inc. DBA Thrifty Car Rental and Dollar Rent A Car. **APPROVED**

**G. Approval** of 20-year (9/1/2013-8/31/2033) lease renewal for West End T-Hangar to Turnip, Inc.; revenue first year - \$7,379.40; revenue subsequent years adjusted on an annual basis using the Consumer Price Index for All Urban Consumers (CPI-U). **APPROVED**

**H. Approval** of 5-year renewal (11/1/2013-10/31/2018) for Limited Commercial Aviation Building and Ground Lease to Aero Interiors; revenue first year - \$22,344; revenue subsequent years adjusted on an annual basis using the Consumer Price Index for All Urban Consumers (CPI-U). **APPROVED**

**I. Recommendation of approval** to the Policy Coordinating Committee for the Hospitality Corridor Planning Study. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

J. **Declaring surplus property** and authorizing the donation of old style Hurst Tool hoses no longer used by the Billings Fire Department to the Three Forks Volunteer Fire Department. **APPROVED**

K. **Resolution #13-19327** creating a 10-member Ad-Hoc Council Advisory Committee on Right-of-Way Special Events. **APPROVED 9 TO 1 TO REMOVE THE WORDING "TO CHAIR THE COMMITTEE" FROM 1(a) OF THE RESOLUTION. CM PITMAN VOTED IN OPPOSITION.**

L. **Preliminary Subsequent Minor Plat** of Shadow Lawn Estates Subdivision, described as 5 lots on approximately 5.63 acres of land on the south side of Poly Drive, west of Virginia Lane; Aaron Sparboe, owner; Sanderson Stewart, agent; conditional approval of the plat, approval of the variance from Section 23-406(B)(6), and adoption of the findings of fact (Delayed from 11/18/13). **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

M. **Preliminary Subsequent Minor Plat** of Falcon Ridge Estates Subdivision, 4th Filing, generally located on the north side of Rimrock Road, west of Molt Road; Falcon Ridge II, Inc., owner; conditional approval and adoption of the findings of fact. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

N. **Bills and Payroll:**

1. November 4, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
2. November 12, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
3. November 18, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

2. **ACCEPTANCE OF ASSIGNMENT** from the Billings Public Library Foundation to the Billings Public Library of Integra Telecom Corporation's 5-year donation of 1G of high speed, broadband internet access. **APPROVED**

3. **PUBLIC HEARING AND RESOLUTION #13-19328** approving and adopting Budget Amendments for Fiscal Year 2013-2014. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

4. **PUBLIC HEARING AND RESOLUTION** authorizing the filing of the annual Federal Transit Administration Section 5307 Grant. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED TO JANUARY 13, 2014 REGULAR BUSINESS MEETING.**

5. **PUBLIC HEARING AND SPECIAL REVIEW #913:** A special review to allow the construction of two, 4-plex multi-family dwellings in a Residential 6,000 (R-60) zone on the north 150 feet of Lot 1, Wolf Subdivision, generally located on the southwest

corner of the intersection of Boulder Avenue and Rehberg Lane; Jeremy Freyenhagen, owner. **APPROVED**

**6. PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code Sections 23-201, 23-306, 23-405, 23-601, 23-602, 23-603, 23-605, and 23-606 providing updates to the Subdivision Regulations. **APPROVED**

**7. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #13-04:** A variance from Section 6-1203(j) allowing less than the required 12 parking stalls for a fitness center on a proposed cross fit gym at 2940 Grand Avenue. Donna Bliss, owner; HGFA Architects, agent. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**8. PUBLIC HEARING AND RESOLUTION #13-19329** authorizing the sale of city-owned property legally described as Fractions of Lots 9-12, Block 221, Billings Second Addition, and addressed as 3510 7th Avenue South. **APPROVED READVERTISING CALL FOR SEALED BIDS AND CONTINUING PUBLIC HEARING ON JANUARY 13, 2014 REGULAR BUSINESS MEETING.**

**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 in at the cart located at the back of the council chambers or at the podium.*)

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

**COUNCIL INITIATIVES:**

- **Ronquillo:** Moved for staff to conduct a study concerning increasing salaries of Mayor and Councilmembers, seconded by CM Astle. **APPROVED 9 TO 1. CM ULLEDALEN VOTED IN OPPOSITION.**

**ADJOURN: 8:25 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.*