

**COUNCIL ACTION SUMMARY
CITY OF BILLINGS**

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE
PROSPER AND BUSINESS SUCCEEDS.”**

AGENDA

COUNCIL CHAMBERS

January 26, 2015

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Yakawich

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Cimmino, McFadden, Bird, McCall, Swanson, Crouch, and Brown. Councilmember Pitman was excused.

MINUTES: January 12, 2015 (pending)

COURTESIES: Councilmember McCall noted Mayor Hanel had turned 60 on Saturday and wished him a happy birthday.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK None

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 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: **B, D, C, G1, G2**

A. Bid Awards:

1. Landfill Dozer for Solid Waste Division. (Opened 1/13/2015) Recommend Tractor and Equipment Company; \$596,917. **APPROVED**

2. **Aerial Platform Truck for Fire Department.** (Opened 1/13/2015) Recommend delay of award until February 9, 2015. **APPROVED DELAY UNTIL 2/9/15.**

B. **Professional Services Contract** for W.O. 15-21, Logan Reservoir/Pump Station; HDR Engineering, Inc.; \$74,800. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**

C. **Approval** of 2015 Budget for Exchange City Golf Corporation (Par 3 Golf Course). **APPROVED**

D. **Grant Application Request** to submit FY2015-2016 Montana State Historic Preservation Office Certified Local Government Grant application; \$5,500. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**

E. **Second/Final Reading Ordinance #15-5636 for Zone Change #928:** A zone change from Residential Professional to Residential 7000 on Lots 4 and 5, Block 2, Justiss Subdivision, generally located northeast of the intersection of South 24th Street West and King Avenue West and addressed as 2313 and 2321 Henesta Drive. Boris Krizek, owner of Lot 4 and Dean Hardin Trust, owner of Lot 5; Lowell Cooke, Agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

F. **Second/Final Reading Ordinance #15-5637 expanding Ward V (Annexation #14-13)** for approximately 1.6 acres located on the northwest corner of the intersection of Shiloh Road and Central Avenue and addressed as 16 Shiloh Road. Leland and Lorraine Wells, owners. **APPROVED**

G. **Bills and Payroll:**

1. December 29, 2014 **APPROVED 8 TO 0. CIMMINO & BROWN ABSTAINED.**
2. January 5, 2015 **APPROVED 9 TO 0. CROMLEY ABSTAINED.**
3. October 1, 2014 through December 31, 2014 (Municipal Court) **APPROVED**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #15-10419** approving and adopting second quarter budget amendments for Fiscal Year 2014/2015. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. **PUBLIC HEARING AND RESOLUTIONS FOR ANNEXATION #14-06 (RES 15-10420), #14-07 (RES 15-10421), #14-08 (RES 15-10422), #14-09 (RES 15-10423), #14-10 (RES 15-10424), #14-11 (RES 15-10425), AND #14-12 (RES 15-10426):** Approximately 18 acres, including road rights-of-way, in the area of East Billings between the East Billings Urban Renewal District (EBURD) and MetraPark. Service Candy Company; Bollinger Trust; Peter Yegen, Jr. Family Trust; Converse Properties, LLC; Cherry Properties, LLC; Earl L. Keenan, Jr. et al; and Industrial Land and Realty,

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

4. BILLINGS CLINIC ANNEXATION AND ZONE CHANGE REQUESTS

A. PUBLIC HEARING AND RESOLUTION #15-10427 FOR ANNEXATION #14-14: An un-platted, 80-acre parcel of land generally located on the southwest corner of the intersection of Broadwater Avenue and Shiloh Road. Billings Clinic, owner and petitioner; Sanderson Stewart, agent. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 0. SWANSON ABSTAINED.**

B. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #929: A zone change from Agriculture Open-Space to Planned Development with an underlying zoning of Community Commercial with special provisions for medical services, complementary uses and residential development on an un-platted, 80-acre parcel of land generally located on the southwest corner of the intersection of Broadwater Avenue and Shiloh Road. Billings Clinic, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 9 TO 0. SWANSON ABSTAINED.**

5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #930: A text amendment to Section 27-306 of the Billings, Montana, City Code allowing dog grooming in Neighborhood Commercial zoning districts and prohibiting outdoor kennels or exercise areas associated with dog grooming. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

6. PUBLIC HEARING AND SPECIAL REVIEW #921: A special review to allow a 120-unit assisted living and memory care facility on property legally described as Lot 1, Block 1, Lenhardt Square Subdivision, 1st Filing, generally located at the southeast corner of South 44th Street West and Monad Road in the Lenhardt Square Planned Development. Stock-Naughton, LLP, owner; Sanderson Stewart, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED INCLUDING CONDITION #7 FROM THE INITITAL SPECIAL REVIEW #917 REQUEST APPROVED BY CITY COUNCIL ON 7/28/14, AS FOLLOWS: "THE DEVELOPER SHALL OBTAIN THE REVIEWER'S WRITTEN CONSENT IN ACCORDANCE WITH ARTICLE IV.G. OF THE PLANNED DEVELOPMENT AGREEMENT FOR LENHARDT SQUARE."**

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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, distributed a document listing various properties in Street Maintenance Districts 1 and 2 that showed Tax Code, Property Owner or Use, District #, Amount of Assessment, and the Zone Classification. He said there were gross mis-statements made by Public Works Director, David Mumford, the previous week when he said it was capped at 9600. That was not the fact. Mr. Mumford said the County did not pay, yet the County did pay. Mr. Nelson said he was really concerned. This was one of Mr. Mumford's primary programs, and he did not even understand the basics. Mr. Mumford did not understand how it was assessed, the limitations, or who was assessed. Mr. Nelson said it would cause him concern as a Council to have Mr. Mumford explaining it to them and asking them to make a decision when he was so incompetent of the facts of his program. Mr. Nelson reviewed the various properties listed and the amounts of the assessments. He said they were told the property owners downtown were paying seven times what the rest of the property owners paid, and he could not find that with the properties he had listed. Mr. Nelson asked why it had been mis-stated. It was amazing to him because the facts were readily available, and no one checked them. He asked what was going on with the Street Maintenance Districts and why the downtown property owners were always whining because they were being over-assessed when they were not. Mr. Nelson said if the downtown property owners were so concerned about cleaning up after the downtown events, perhaps the Strawberry Festival and the Farmer's Market could be moved out of downtown. He was sure there were other businesses outside of downtown who would open their parking lots to the events. Mr. Nelson said according to the comparisons he provided, the downtown property owners were getting a great deal.

Mayor Hanel asked Mr. Nelson how he would feel about combining both districts with no increase. Mr. Nelson said he still believed the downtown property owners received additional services beyond what was necessary. Mr. Nelson asked why the City of Billings was not allocating the cost of its buildings to the departments and divisions. The cost of everything else was allocated except Street Maintenance. He thought the only buildings downtown that did not pay were owned by the City of Billings. If the City allocated the costs, it would bring down the costs tremendously for the downtown property owners and spread the service amongst all the taxpayers within the General Fund. Mayor Hanel asked if Mr. Nelson felt there was a possibility, if it were to work financially, to combine both districts with no increase. Mr. Nelson said it might, but there were still some service level issues.

Councilmember Bird asked Mr. Nelson why he selected the properties he did for his comparison and why there were three different assessments for the GW Building. Mr. Nelson said it was the way it was laid out in the tax code. He said he selected the properties to demonstrate it was not capped at 9600. He said it was the arterial street fee that was capped at 9600. He said he did not know where the 7 to 1 ratio stated by Councilmember Cimmino came from because his handout did not show a 7 to 1 ratio. Councilmember Bird asked Ms. Volek to respond on Mr. Mumford's behalf. Ms. Volek said she was not familiar

with the individual properties, and the comparison of similar downtown properties was being undertaken. She said she had no reason to doubt Mr. Nelson's numbers, and she would have to discuss it with staff.

Councilmember Cimmino asked Mr. Nelson if his handout was strictly Street Maintenance Fees from the property taxes and nothing else. Mr. Nelson said that was correct. Councilmember Cimmino said they were told several times by staff and property owners the ratio was 7 to 1 and she was just echoing what she had heard. She confirmed with Mr. Nelson the amount referenced to Randy Hafer's property was just for his property on Minnesota Avenue. She noted Mr. Hafer paid assessments on multiple properties he owned. Mr. Nelson said that was also true of other multiple property owners.

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

COUNCIL INITIATIVES None

ADJOURN: 8:10 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.