

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 (Revised)

COUNCIL CHAMBERS

August 22, 2011

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Clark

ROLL CALL: Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, Ruegamer, McCall, Astle, and Clark. Councilmembers McFadden and Ulledalen were excused.

MINUTES: August 8, 2011 – Councilmember Cimmino moved for approval, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Hanel said on behalf of the Billings Fire Department who recently conducted their annual Muscular Dystrophy fundraising drive, he wanted to extend a courtesy to the citizens who contributed. He said the Fire Department, once again, raised a significant amount breaking their record from previous years and the record throughout the State of Montana for fire departments. Mayor Hanel commended the Billings Fire Department for their hard work and dedication to such an important program.
- Mayor Hanel said on behalf of the City of Billings, the City Council, and all citizens, he recognized the Billings Big Sky All Stars for their success. He said they had played exceptional ball, they were coached by exceptional coaches, and had exceptional parents and families as supporters. Mayor Hanel wished them continued luck as they represented the City and the State of Montana.
- Councilmember Gaghen introduced her son, Matthew, and his wife, Shannon, and grandchildren Caroline and Ryan, who were visiting from Richfield, CT.
- Councilmember Ronquillo thanked Tim Goodridge for bringing the Blues Fest to South Park the past weekend. He said they had a very good turnout.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items:

- Item 1A2, Bid Award for Yellowstone Family Park Improvements:
 - An incorrect bid tab was attached to the staff memo. A corrected bid tab was forwarded to Council in the August 19 Friday packet and is filed in ex-parte notebook.
 - The remaining construction budget referenced in the staff memo was incorrect. Instead of \$1,953,252.06, the amount should have read \$953,252.06.
- Item 1A3, Bid Award for 29th Street West and Central Avenue Traffic Signal Improvements: Agenda incorrectly listed the location as 19th Street West and Central Avenue. Should have been 29th Street West and Central Avenue. Agenda has been changed to reflect the correct location.
- Item 1F1, Yellowstone Art Museum Oktoberfest: Insurance they submitted was expired. Need to approve pending receipt of current insurance certificate.
- Item 1F2, Yellowstone Family Dental Miles of Smiles 5K/10K Race: Insurance they submitted was inadequate. Need to approve pending receipt of current insurance certificate.
- Item 1F4, Waddell & Reed and the Western Heritage Center – Honoring our History Traveling Exhibit: Insurance they submitted was inadequate. Need to approve pending receipt of current insurance certificate.
- Item Q, Preliminary Major Plat of Whisper Ridge Subdivision: E-Mail from Gary Groshelle to Councilmember Ulledalen, dated 7/27/2011, in opposition of the project. Copy of e-mail was forwarded to Council in the August 19 Friday packet and is filed in ex-parte notebook.
- Item 2, Resolution approving a 25-cent per month surcharge per subscriber Public Education and Government PEG fee:
 - Revised resolution sent in August 19 Friday packet and filed in ex-parte notebook. Date on Tina's memo should say 12/1/11 and not 12/1/12.
 - E-Mail from Lynne Turner Fitzgerald, dated 8/22/11, to Mayor & Council. On Council's desk and in ex-parte notebook.
 - Letter from Shawn Beqai, dated 8/19/11, on Council's desk.
- Item 4, Public Hearing and Resolution authorizing the sale of parkland in the Twin Oaks Subdivision: Resolution was not attached to the staff memo. Staff recommended approving the item and a copy of the resolution provided to the Mayor for signature to allow the developer to begin the construction.
- Item 5, Public Hearing and Resolution adopting Complete Streets Policy: As of 4:00 p.m. today, 34 e-mails had been sent to Mayor and Council in support and 2 e-mails had been sent to Mayor and Council in opposition. List of persons who sent e-mails was filed in ex-parte notebook.
- Item 7, Public Hearing and Special Review #891: E-Mail received from Ed Jorden and Gerald Neumann, dated August 22, requesting postponement until September 12 meeting. Copy of E-mail on Council's desk and in ex-parte

notebook. She said because the public hearing had been advertised, staff recommended opening the public hearing and continuing it until September 12.

- Memo from Patrick Weber, City Finance Director: Asking Council to add a resolution to the agenda adjusting the parameter of savings to \$150,000 for the Gabel Road SID refunding. Memo forwarded to Council in the August 19 Friday packet and was filed in ex-parte notebook.
- Memo from Candi Beaudry, Planning & Community Services Director: Asking Council to add Community Challenge Planning Grant – Request for Tax Increment Finance Funds to the agenda for approval of \$100,000 annual commitment for three years of EBURD TIF funds as match for the grant. Memo forwarded to Council in August 19 Friday packet and was filed in ex-parte notebook. Ms. Volek said she spoke with Marty Connell, who indicated he believed the item would be approved by the East Billings Urban Renewal District Board. She said she recommended considering approval contingent upon recommendation coming from the Board.

Councilmember Gaghen moved to add the Resolution adjusting the parameter of savings for Gabel Road SID Refunding to the regular agenda as Item 9, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

Councilmember Ronquillo moved to add the Community Challenge Planning Grant – Request for Tax Increment Finance Funds for approval of \$100,000 annual commitment for three years of EBURD TIF funds to the regular agenda as Item 10, seconded by Councilmember Gaghen. Councilmembers Pitman and McCall recused themselves due to professional conflicts. On a roll call vote, the motion was approved 7 to 0.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2, #9 and #10 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.

The following individuals spoke in support of Item 2.

- Lynne Turner-Fitzgerald, 315 N. 30th, Billings, MT
- Tim Goodridge, 2990 Lohof, Billings, MT
- Jean Steele, 25 Mountain Side Drive, Billings, MT
- Jonathan Peart, 828 Yellowstone, Billings, MT
- Tim Harrington, 415 N. 30th, Billings, MT
- Oscar Heinrich, 4210 Wells, Billings, MT
- Shari Nault, 5219 Golden Hollow Road, Billings, MT
- Joe White, Billings, MT
- Monty Wallis, 4165 June Drive, Billings, MT

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

1. **CONSENT AGENDA** -- Separations: E, F1, F2, F4, T1 and T2

A. **Bid Awards:**

1. **W.O. 10-30, Broadwater Avenue and 32nd Street West Right Turn Lane.** (Opened 8/9/2011) Recommend Riverside Sand and Gravel; \$168,239. **Approved**

2. **Yellowstone Family Park Improvements.** (Opened 8/9/2011) Recommend delay of bid award until September 12, 2011. **Approved**

3. **W.O. 10-31, 29th Street West and Central Avenue Traffic Signal Improvements.** (Opened 8/9/2011) Recommend Ace Electric; \$153,796.33. **Approved**

B. **Approval** of One-Year Maintenance Agreement between the City of Billings and EF Johnson for maintenance and repair of current radio system; 152,979.61. **Approved**

C. **Amendment #3, W.O. 10-08: Water Treatment Plant Clearwell Improvements, Professional Services Contract, Morrison-Maierle, not to exceed \$85,495. Approved**

D. **Approval** of 5-Year Non-Commercial Aviation Ground Lease with St. Vincent Healthcare; 9/1/2011 - 8/31/2016; revenue first year - \$4,762.56; revenue subsequent years adjusted by CPI-U. **Approved**

E. **Acknowledging Receipt of Petition to Annex #11-02:** 16.94 acres located on the South Frontage Road, west of the intersection of Sugar Avenue and South Frontage Road addressed as 3128 South Frontage Road. Knife River, Inc., owner; Land Use Consulting, agent; and setting a public hearing date of September 12, 2011. **Approved**

F. **Street Closures:**

1. Yellowstone Art Museum Oktoberfest. Saturday, October 1, 2011, from 8:00 a.m. to 10:00 p.m.; N. 26th between 4th Ave. N. and 6th Ave. N. **Approved contingent upon City's receipt of correct insurance documents.**

2. Yellowstone Family Dental Miles of Smiles 5K/10K Race. Saturday, September 10, 2011, 8:00 a.m to 12:00 noon; **5K:** starting at 1690 Rimrock Road, proceeding east on Rimrock to Park Lane, turning around and heading back on Rimrock Road, ending at 1690 Rimrock Road. **10K:** starting at 1690 Rimrock Road, proceeding south on 17th St. W., west on Poly Drive, south on Elizabeth, east on Colton Boulevard, north on Nina Clare, east on Poly, north on 17th St. W., ending at 1690 Rimrock Road. **Approved contingent upon City's receipt of correct insurance documents.**

3. Holy Rosary Church, Little Flower Church, and Our Lady of Guadalupe Church Picnic/Potluck Community Builder. Saturday, September 10, 2011; noon to 10:00 p.m.; South 34th Street between 2nd Ave. South. and 3rd Ave. South. **Approved**

4. Waddell & Reed and the Western Heritage Center - Honoring our History Traveling Exhibit. Friday, September 23, 2011, from 12:00 a.m. until Saturday, September 24, 2011, at 11:30 p.m.; south of Montana Avenue on North 29th Street. **Approved contingent upon City's receipt of correct insurance documents.**

G. Acceptance of Donation from the Yellowstone County DUI Task Force to the Police Department for purchase two new Intoxilyzer I-300's for the purpose of investigating alcohol related crimes; \$1,000. **Approved**

H. Approval of grant award to Rimrock Foundation to be used for purchase of equipment supporting the Bokashi Composting Processing Center at The Salvation Army; \$100,000. **Approved**

I. Approval and acceptance of Operation Medicine Cabinet Montana Prescription Drug Collection and Disposal Grant, \$1,000. **Approved**

J. Approval of River Rock Estates Subdivision Master Plan. **Approved**

K. Second/Final Reading Ordinance #11-5539 approving the Empire Parking Garage and Northern Hotel Projects as Urban Renewal Projects in the Expanded N. 27th Street Urban Renewal District Area - 2008. **Approved**

L. Resolution #11-19091 approving a Bond Anticipation Note with US Bank to provide interim financing to construct park improvements in Yellowstone Family Park (SID 1392) in anticipation of the issuance and sale of bonds in the amount of \$1,260,000. **Approved**

M. Resolution #11-19092 amending Resolution #11-19044 correcting the legal description for the vacations of portions of Shaw Circle in Twin Oaks Subdivision, 2nd Filing. **Approved**

N. Resolution #11-19093 temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot, 1125 Broadwater Avenue, during the Big Sky Polka Club's Polkafest, September 2-4, 2011. **Approved**

O. Final Plat Approval of Twin Oaks Subdivision, 2nd Filing. **Approved**

P. Preliminary Major Plat of Josephine Crossing Subdivision, 2nd 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**

Q. Preliminary Major Plat of Whisper Ridge Subdivision generally located on the north side of Rimrock Road between Clear View Drive and 54th St. West; Aviara, Inc., owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **Approved**

R. Preliminary Subsequent Minor Plat of Amended Lot 4A, Block 2, Goodman Subdivision, 4th Filing, generally located on the southeast corner of Avenue C and 41st St. West, just northwest of the Shiloh Road/Grand Avenue intersection. Randall Swenson, Jeff Muri, LLC, and Bearcreek Investments, LLC, owners; EEC, Inc., agent; conditional approval and adoption of the Findings of Fact. **Approved**

S. Amended Plat of BDC Heights Subdivision for the relocation of an access easement/driveway on Main Street. **Approved**

T. Bills and Payroll:

1. July 22, 2011 – **Approved 8 to 0. CM Cimmino abstained from vote.**
2. July 29, 2011 – **Approved 8 to 0. CM Cimmino abstained from vote.**

REGULAR AGENDA:

2. RESOLUTION #11-19094 approving a 25-cent per month per subscriber Public Education and Government (PEG) fee to be paid by Bresnan Communications (BBHI Holdings, LLC) to support Channel 7 Operations. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved 7 to 2. Councilmembers Astle and Ruegamer voted 'no'.**

3. PUBLIC HEARING AND RESOLUTION #11-19095 setting mill levy rates for Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, and General Obligation Debt Service Series A Baseball Stadium, and General Obligation Debt Service Series B Baseball Stadium for tax year 2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved**

4. PUBLIC HEARING AND RESOLUTION #11-19096 authorizing the sale of parkland described as Parcel A - 1.012 acres, Parcel B - .122 acres, and Parcel 3 - .11 acres within the undeveloped area of the Twin Oaks Subdivision to The Oakland Companies for a total amount of \$3,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved on a 6 to 3 roll call vote with the \$3,000 going towards High Sierra Park improvements. CM Ronquillo, Gaghen, Pitman, Cimmino, McCall, and Clark voting in favor. CM Ruegamer, Astle, and Mayor Hanel voting in opposition.**

5. PUBLIC HEARING AND RESOLUTION #11-19097 adopting the Complete Streets Policy. Healthy By Design Advisory Committee and Ad Hoc Committee

recommend approval. (Action: approval or disapproval of Healthy By Design Advisory Committee and Ac Hoc Committee recommendation.) **Approved**

6. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE

#878: A zone change request from Entryway Light Industrial (ELI) to Highway Commercial (HC) on a 12.99-acre parcel of land described as Lots 3 and 5, Block 1, Montana Sapphire Subdivision and generally located in the Montana Sapphire Subdivision at 4300 Montana Sapphire Drive; Montana Sapphire, LLC, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **Approved**

7. PUBLIC HEARING AND SPECIAL REVIEW #891: A special review to allow a drive-through window for a new coffee or food kiosk in a new building in a Neighborhood Commercial (NC) zone adjacent to a Residential 9,600 (R-96) zone on Lots 6 and 7, Block 9, Central Acres Subdivision, 5th Filing, generally located on the northeast corner of the intersection of Central Avenue and 32nd Street West; Gerald Neumann, applicant. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.) **Public hearing was opened. Action postponed and public hearing continued until 9/12/11.**

8. PUBLIC HEARING AND SPECIAL REVIEW #892: A special review to allow the addition of one dwelling unit within an existing duplex dwelling at 721 and 723 N 16th Street in a Residential 6,000 (R-60) on a 7,000 square foot parcel of land legally described as Lots 52 and 53, Block 1, North Park Subdivision; Jonathon Kober, applicant. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **Approved**

9. RESOLUTION #11-19098 setting new parameters for the SID 1360 (Gabel Road) refunding. Staff recommends approval. (Action: approval or disapproval of staff recommendation). (This item was added to the agenda at the Council meeting.) **Approved**

10. APPROVAL of commitment of \$100,000 annually for three years of EBURD TIF funds as match for Community Challenge Planning Grant. Staff recommends approval. (Action: approval or disapproval of staff recommendation). (This item was added to the agenda at the Council meeting.) **Approved 7 to 0. CM Pitman and McCall abstained from voting.**

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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, asked if they really thought they held a fair hearing on Item 5. He asked the councilmembers if any of them had any ethics. Mr. Nelson also said on Wednesday night in North Park a political organization had bought a park permit and provided insurance. He said there were 200 protestors in the park and warned that the elections this year could create potential violence and the city needed to get a handle on it and be prepared to mitigate violent situations.
- **Brian Kenat, no address given**, said he was in attendance at North Park and said it was union folks that protested and both sides remained very peaceful.

COUNCIL INITIATIVES

- **Ruegamer**: MOVED to allocate by resolution up to \$10,000 of council contingency funds for Montana League of Cities and Towns expenses, seconded by Councilmember Clark. Councilmember Astle recused himself due to a business conflict. On a voice vote, the motion was approved 8 to 0.

ADJOURN: The meeting adjourned at 9:53 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.