

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 to add Item 2)

COUNCIL CHAMBERS **September 12, 2011** **6:30 P.M.**

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Gaghen (to be included with Proclamation)

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

MINUTES - August 22, 2011. Councilmember Cimmino moved for approval, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Department of Defense, Employers Support of Guard & Reserve Division Award to Police Chief St. John
- Police Department Citizen Recognition to Jared Carter, Kurt Kephart, and Shaun Spencer
- Presentation of a blanket to Chief St. John that he won in a drawing at a 9/11 event honoring veterans, emergency responders, the Police Chief, and Fire Chief held at the South Park Senior Center.

PROCLAMATIONS:

- Big Sky Little League All-Stars Day, September 3, 2011
- A Day of Service and Remembrance for the Tenth Anniversary of September 11, 2001

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items:

- **Item 1K3 – Cadillac Jax Sports Bar Grand Opening Street Closure.** Staff received word from Gary Larsen with Cadillac Jax on 9/7/11 asking that the street closure for the grand opening be postponed indefinitely.
- **Item 5 – Public Hearing and Resolution for Annexation #11-02.**
 - E-Mail to Mayor and Council from John Brewer, Billings Chamber of Commerce Convention and Visitors Bureau, dated 9/9/11, asking that the annexation be contingent upon an easement. Copy was filed in ex-parte notebook.
 - E-Mail to Mayor and Council from Earl Guss, dated 9/11/11, asking that the annexation be contingent upon an easement. Copy was filed in ex-parte notebook.
- **Tiger III Grant Application for 6th Avenue North/Main Street Intersection Improvements.** Copy of staff memo from Candi Beaudry was sent in 9/9/11 Friday packet asking that item be added to the agenda. Copy was filed in ex-parte notebook. She noted a 3/4 vote of councilmembers present was required to add to the agenda.

Councilmember McCall moved to add the Tiger III Grant Application to the agenda as Item 2, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items #s 1, 2, 3, 4, 9, 10, 11 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT,** referenced Item 10 and said he did not think the public had enough time to comment because the facts did not come up until after the public hearing that S & P had rated certain bonds as not investment grade due to the vacant parcels at Miller Crossing. He said he hoped the Council would focus themselves on the finances of the City of Billings and work hard to get some of the parcels filled in.
- **Bill Kennedy, Yellowstone County Commissioner,** referenced the Tiger Grant Application, and said it was a timing issue. He asked Council to support the recommendation to the Policy Coordinating Committee.

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

1. **CONSENT AGENDA** -- Separations: B2, E, G, K3, K4, P1 and P2

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

	Name	Board/Commission	Term	
			Begins	Ends
1	David Mosdal	Yellowstone County Soil Conservation District	09/12/11	06/30/14

Approved.

B. Bid Awards:

1. W.O. 10-16, 32nd Street West Two-Way Left-Turn Lane, King Avenue West to Broadwater Avenue. (Opened 8/30/2011) Recommend HighMark Traffic Services, Inc.; \$72,525.25. **Approved.**

2. Three-Year Window Cleaning Services for Billings Logan International Airport Terminal Building. (Opened 8/23/2011) Recommend Skyline Services, Inc.; \$58,590. **Approved.**

3. Yellowstone Family Park Improvements. (Opened 8/9/2011) (Action delayed from 8/22/2011) Recommend Good Earth Works, Inc.; \$772,149. **Approved.**

4. Loader-Mounted Snowblower for Street/Traffic Division. (Opened 8/30/11) Recommend delay of award until September 26, 2011. **Approved.**

C. Professional Engineering Services Contract for design and construction administration for W.O. 12-01, 2012 Water and Sewer Replacement Project, Schedule 2; DOWL HKM, in an amount not to exceed \$608,000. **Approved.**

D. Contract with State of Montana Department of Public Health and Human Services (DPHHS) to provide paratransit services; 7/1/2011-6/30/2012 with three, one-year extensions not to exceed a total of four years; approximate annual revenue - \$90,000. **Approved.**

E. Memoranda of Understanding between the City of Billings and Billings Public Schools for two (2) middle school resource officers and three (3) high school resource officers (7/1/11 - 6/30/12); Billings Public Schools payment to the City of Billings - \$117,832. **Approved.**

F. Approval of annual Funding Agreement with the Yellowstone County Council on Aging. **Approved.**

G. Approval of Investment Grade Audit Report (IGAR) as presented by McKinstry Essention, Inc. **Approved.**

H. Approval of Report for Pledged Collateral for First Interstate Bank Certificates of Deposit and US Bank Certificates of Deposit. **Approved.**

I. Approval of Semi Annual Investment Report. Approved.

J. Acknowledging Receipt of Petition to Annex #11-03: 14.87 acres located west of Highway 87 and north of the existing commercial development that includes American Pharmaceuticals in the Billings Heights, legally described as Tract 2D of C/S 2776, Amended; Wayne Laufer, petitioner, and setting a public hearing date for 9/26/11. **Approved.**

K. Street Closures:

1. Inland Truck Parts Company Car Show; September 16, 2011; 9 a.m. to 6 p.m.; North 16th Street between 1st and 2nd Avenues North. **Approved.**

2. Chase Hawks Memorial Association Race for Chase 5K and 10K Run; October 2, 2011; 7 a.m. to 11 a.m.; combined start just west of Sportman's Warehouse parking lot proceeding on Shiloh, Neibauer, 56th St. W, Hesper & Shiloh Roundabout, finishing at the entrance of Zoo Montana. **Approved.**

3. Cadillac Jax Sports Bar Grand Opening; September 17, 2011; 3:00 p.m. until 10:30 p.m.; 18th Street West from Grand Avenue south to the alley. **Postponed indefinitely at applicant's request.**

4. Skyview High School Homecoming Parade; October 7, 2011; Noon until 2:00 pm; starting from Skyview's parking lot, east on Wicks to Babcock, returning to Skyview's parking lot. **Approved to continue parade route to St. Bernard's Catholic Church.**

5. Skyview High School 5K Fun Run/Walk; October 2, 2011; Noon to 2:00 p.m.; starting at Skyview High School on High Sierra Blvd, west on Wicks Lane, east on Matador Ave., south on Vesca Way, east on Sierra Grande Blvd, south on Fantan, west on Wicks Lane, back to High Sierra Blvd ending on Skyview High School track. **Approved.**

L. Second/Final Reading Ordinance #11-5540 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. Approval of the zone change and adoption of the determinations of the 12 criteria. **Approved.**

M. Resolution #11-19099 allocating up to \$10,000 of Council Contingency Funds to the President's Reception at the Montana League of Cities and Towns 2011 Annual Conference to be held in Billings October 5-7, 2011. **Approved.**

N. Approval of extension of preliminary plat approval for two years for North Pointe Square Subdivision, 2nd Filling; setting new expiration date of October 14, 2013. **Approved.**

O. Final Plats

1. River Rock Estates Subdivision **Approved.**
2. Montana Sapphire Subdivision, Amended Lot 9-A, Block 1 **Approved**

P. Bills and Payroll:

1. August 5, 2011 **Approved 9 to 0. CM Cimmino abstained.**
2. August 12, 2011 **Approved 9 to 0. CM Cimmino abstained.**
3. August 19, 2011 **Approved.**

REGULAR AGENDA:

2. TIGER III GRANT APPLICATION for 6th Avenue North/Main Street Intersection Improvements. (This item was added to the Agenda at the meeting of 9/12/2011.) Staff recommends supporting the TIGER III Grant application and instructing Council's representative to carry recommendation to the Policy Coordinating Committee on 9/13/2011. (Action: approval or disapproval of staff recommendation.) **Approved 8 to 2. CM Ulledalen and CM Ruegamer voted in opposition.**

3. TEAMSTER LOCAL 190 7/1/2011 - 6/30/2013 UNION CONTRACT. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **On a roll call vote, motion was approved 7 to 3 to fund the raises through raising fees in Enterprise Funds. CMs Ronquillo, Gaghen, Cimmino, McFadden, Ruegamer, Ulledalen, and Clark voted in favor. CMs Pitman, McCall and Mayor Hanel voted in opposition.**

4. RECOMMENDATION to the Policy Coordinating Committee (PCC) for approval of the Draft 2012 Unified Planning Work Program (UPWP). Staff recommends making recommendation of approval to the PCC. (Action: approval or disapproval of staff recommendation.) **Approved 9 to 0. CM Ruegamer left the room and did not return in time for the vote.**

5. CONTINUANCE OF PUBLIC HEARING FOR 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. (Continued from 8/22/2011). Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.) **Motion to deny the special review was unanimously approved.**

6. PUBLIC HEARING AND RESOLUTION #11-19100 FOR ANNEXATION #11-02: Property described as 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. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **Approved adding the condition that a 30-foot-wide trail easement along the southern boundary of Tract 1, C/S 1591, and included as an exhibit to the petition for annexation, shall be recorded within 12 months of the date FEMA makes effective the new Digital Flood Insurance Rate (DFIRM) maps for the Yellowstone River adjacent to the property.**

7. PUBLIC HEARING AND RESOLUTION #11-19101 assessing 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.**

8. PUBLIC HEARINGS AND RESOLUTIONS regarding the re-spread of assessments in the following Special Improvement Districts.

A. SID 1387 – RESOLUTION #11-19102: Zimmerman Trail Subdivision Sanitary Sewer Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**

B. SID 1388 – RESOLUTION #11-19103: Dorothy Lane Street and Storm Drain Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**

C. SID 1389 – RESOLUTION #11-19104: Clubhouse Way Water, Sewer, Storm Drain, and Street Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**

D. SID 1383 – RESOLUTION #11-19105: Cherry Hills Road Water, Sewer, Storm Drain, and Street Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**

9. RESOLUTION #11-19106 approving \$1,058,250 SID 1392 Bond Anticipation Notes, Series 2011, fixing the form and details and authorizing execution and delivery of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**

10. RESOLUTION #11-19107 approving \$710,000 Pooled Special Improvement District Bonds, Series 2011 (SID 1369 and SID 1391) fixing the form and details and authorizing execution and delivery of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **Approved.**

11. RESOLUTION #11-19108 approving \$2,620,000 Special Improvement District 1360 Refunding Bonds, Series 2011, fixing the form and details and authorizing

execution and delivery of the bonds. Staff recommends approval. (Action: approval of 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.*)

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

COUNCIL INITIATIVES

- **Ulledalen:** MOVED to ask for Planning's and Public Works' opinions on amending the Complete Streets Initiative with the following two items.
 1. Amend the Complete Streets Policy to make it clear that it excluded MDOT-funded projects making it clear it only applied to city-funded projects.
 2. Amend the Complete Streets Policy to have the exceptions come back to the Council for a decision and not be left on staff's shoulders.

Councilmember Ulledalen asked that staff's opinions on the two items be submitted in a memo to Council. Councilmember McCall seconded the motion. On a voice vote, the motion was unanimously approved.

- **Clark:** MOVED to have the rent received from Dehler Park for the Mustangs use of the park be put into the permanent maintenance fund for large maintenance of Dehler Park and set a cap of half a million dollars, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **Pitman:** MOVED to add Zoning 27-210(i)(9) regarding vertical siding to a future regular meeting agenda, seconded by Councilmember Cimmino. On a voice vote, the motion was approved 9 to 1. Councilmember McFadden voted in opposition.

ADJOURN: The meeting adjourned at 9:36 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.