

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 26, 2011

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Pitman

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

MINUTES: September 12, 2011, Pending

COURTESIES: DEQ Presentation of the Burke Safety Award to Wastewater Treatment Plant

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

City Administrator Tina Volek commented on the following items:

- Item B: Contract renewal with Yellowstone Valley Animal Shelter for private operation of the Billings Animal Shelter: Copy of Memorandum was sent in 9/23/2011 Friday Packet with the estimated cost of taking back operation of the Animal Shelter from Yellowstone Valley Animal Shelter. Copy of memorandum was in ex-parte notebook.
- Item 9: Approval of Parking Advisory Board's recommendation to bag 447 downtown parking meters: Copy of e-mail sent to Mayor and Council on 9/26/11 from Dick Kosmicki, Property Management for Transwestern Buildings and First Interstate Center, opposing Parking Advisory Board's recommendation. Copy was on Council's desk and in ex-parte notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: #1 and #9 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.

- **Randy Hafer, 631 N. 26th, Billings, MT**, referenced Agenda Item 9 and said the Old Town Neighborhood along Minnesota Avenue from 25th to 30th and the tracks to 1st Avenue South had a Master Plan previously approved by Council that included a parking component. He said part of the parking plan was to not have meters on Minnesota Avenue but to have it signed for 2-hour parking. He said it was very important that it remain free all-day parking with 2-hour parking signage. He said the parking plan also called for 10-hour meters on 28th, 29th and 30th. He said those issues did not seem to be addressed in the staff report and he would appreciate they be included.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, referenced Agenda Item 9 and said he wanted to discourage bagging 447 meters because it was revenue of \$35,000 for the City of Billings. He asked where the \$35,000 would come from. He said the City was in a budget crunch and needed the revenue. He asked Council not to approve the Parking Advisory Board's recommendation.

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

1. **CONSENT AGENDA** -- Separations: 11

A. **Bid Awards:**

1. **Loader-Mounted Snowblower for Street/Traffic Division.** (Opened 8/30/11) (Delayed from 9/12/11) Recommend Solid Waste Systems; \$122,198. **APPROVED**

2. **Three-Year Maintenance Agreement for Elevator/Escalator Maintenance Services.** (Opened 9/13/11) Recommend delay until 10/11/2011. **APPROVED**

B. **Contract Renewal** (2-year) with Yellowstone Valley Animal Shelter for private operation of the Billings Animal Shelter. (September 9, 2011 - September 9, 2013). **APPROVED**

C. **W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction**

1. **Amendment #11**, W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction, Phase 3, Professional Services Contract, Kadmas, Lee & Jackson, Inc., \$60,758.50. **APPROVED**

2. **Change Order #9**, W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction, Phase 3; CMG Construction; not to exceed \$81,836.34. **APPROVED**

D. Approval of the Assignment and Transfer of the West End Hangar Ground Lease from Philip O. Petrik DBA Richland Aviation to Richland Aviation, Inc.
APPROVED

E. Approval of 20-year West End Hangar Ground Lease with Wesco Resources, Inc. (10/1/2011 - 9/30/2031). First year revenue - \$1,135.26; subsequent year revenues adjusted using the Consumer Price Index - Urban Consumers (CPI-U). **APPROVED**

F. Confirmation of Probationary Police Officers Cory Kirkpatrick and Jeremy Boeckel. APPROVED

G. Approval of extension of preliminary plat approval date for one year for High Sierra Subdivision, 5th Filing; setting a new expiration date of October 27, 2012.
APPROVED

H. Street Closures:

1. Montana Cycling and Ski & Montana Timing Oktoberfest Duathlon Run/Bike Event. October 1, 2011; 8 a.m. to noon; Start and finish at Montana Cycling Parking lot. Route mainly on multiuse path along Shiloh Road crossing Shiloh and King at pedestrian crossing. Remainder of route in the county. **APPROVED**

I. Bills and Payroll:

1. August 26, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED FROM VOTING DUE TO EMPLOYMENT.**

REGULAR AGENDA:

2. PUBLIC HEARINGS AND RESOLUTIONS regarding the spread of assessments in the following Special Improvement Districts.

A. SID 1369-Resolution #11-19109: Moore Lane Curb & Gutter, Sidewalk, Streets, Sanitary Sewer, and Water Service Improvements from Central Avenue to Monad Road. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

B. SID 1391-Resolution #11-19110: Lynn Avenue Curb & Gutter, Street, Drive Approach, and Storm Drain Improvements between 35th and 36th Streets West and 36th Street West from Central to just north of Lynn Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

C. SID 2901-Resolution #11-19111: Jackson Street Sidewalk Improvements on the west side of Jackson Street from the alley south of Ryan to the corner of Frances. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

D. SID 2902-Resolution #11-19112: Miscellaneous Sidewalk, Curb, and Gutter Improvements located in areas throughout the City. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED with staff checking on assessment for Mark Wright, 703 Parkhill Drive.**

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

A. SID 1360-Resolution #11-19113: Gabel Road Water, Sewer, Storm, and Street Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

B. SID 2801-Resolution #11-19114: Lake Elmo Sidewalk Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

C. SID 2803-Resolution #11-19115: Alkali Creek Road Sidewalk Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. PUBLIC HEARING to receive input on the City's FY2010-2011 Draft Comprehensive Annual Performance Evaluation Report (CAPER), Community Development Block Grant (CDBG), and HOME Programs. **No action required.**

5. PUBLIC HEARING AND RESOLUTION #11-19116 reducing the Arterial Construction Fee assessments providing relief to commercially-zoned properties being used solely as owner-occupied, single family residences located at 437 Roxy Lane (Tax Code C01454A); 2104 Bench Boulevard (Tax Code D05202); 2112 East Main Street (Tax Code D05200); 2112 East Main Street (Tax Code D05201); 107 S. 8th Street West (Tax Code A05114); 233 Swords Lane (Tax Code C12313); and 922 North 30th Street (Tax Code A11635). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. PUBLIC HEARING AND SPECIAL REVIEW #893: A special review to allow the conversion of an existing commercial building to accommodate a residence and commercial space located at 407 N. 24th Street in a Controlled Industrial (CI) zone on a 10,500 square foot parcel of land legally described as Lots 19, 20 and 21, Block 12, Billings Original Town. NA Thompson, LLC and Sparx, LLC - Jane Deschner and Jon Lodge, agents and prospective purchasers of the property. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

7. PUBLIC HEARING AND RESOLUTION #11-19117 FOR ANNEXATION #11-03: 14.87 acres legally described as Tract 2D of C/S 2776, Amended, and generally located west of Highway 87 and north of the existing commercial development that

includes American Pharmaceuticals in the Billings Heights; Wayne Laufer, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

8. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward 1 to include recently annexed property in Annexation #11-02: 16.94 acres located at 3128 South Frontage Road and legally described as Tract 1 of Certificate of Survey 1591 and Tract 1 of Certificate of Survey 1596; Knife River, Inc., owner; Land Use Consulting, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

9. APPROVAL of Parking Advisory Board's recommendation to bag 447 parking meters west of North 30th Street (not including North 30th Street), north of 6th Avenue North, east of North 26th Street (not including North 26th Street) and south of Montana Avenue for a six-month trial period. Staff recommends approval of the Parking Advisory Board's recommendation. (Action: approval or disapproval of staff recommendation.) **APPROVED TO NOT REMOVE METERS BETWEEN 4TH AND 6TH ON N. 31ST AND ALONG MINNESOTA AVENUE TO INCLUDE THE CROSS STREETS PER THE MASTER PLAN.**

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. The following people testified in favor of urban chickens.

- **T.J. Wiergenga, 2215 Beloit**
- **Helen Hampton, 1012 Constellation**
- **Karen Sunderland, 529 Avenue B**
- **Carol Braaten, 183 Lexington Drive**
- **Nicole Thompson, 428 Tumbleweed**
- **Bill Iverson, 3115 Turnberry Circle**
- **Jason Jam, 402 Yellowstone**
- **Catherine Lynch, 5402 Cobblestone Avenue**
- **JoAnne Bylsma, 609 Miles Avenue**
- **Ingrid Rosenquist, 203 Lewis Avenue**
- **Emily Gocke-Smith, 2520 Lake Heights Drive**
- **Susan Jordan, 2108 Yellowstone Avenue**
- **Sara Johnson, 3217 37th Street West**
- **Sara Hilbert, 602 Alderson Avenue**
- **Brad Johnson, 3217 37th Street West**
- **Stacie Pannell, 406 Yellowstone Avenue**
- **Joy Stevens, 539 Indian Trail**

The following people testified in opposition of urban chickens.

- **Tom Zurbuchen, 1747 Wicks Lane**
- **Doug Ruebke, 110 S. 31st Street**

COUNCIL INITIATIVES

- **Ulledalen:** Moved to direct staff to bring back a report to Council with ideas on the Hen Initiative, seconded by Councilmember Ronquillo. He said he did not think Council had enough information to make a rational and reasonable decision. He asked staff to look at ordinances in other communities and come up with reasonable guidelines that could apply to Billings. He asked staff to bring back the issues other communities who approved urban chickens were having. He asked for feedback on whether enforcement would be done by Animal Control, Code Enforcement, or the Police Department Volunteers. He asked for reasonable restrictions that could be implemented, such as lot size, condos, duplexes, etc. Councilmember Ulledalen said the report from staff would be the basis to either bring an ordinance forward or reject it.
- **Cimmino:** Moved to amend Councilmember Ulledalen's motion to include the formation of an ad hoc committee to include members in the field, veterinarians, people actually involved in the Hens Initiative, a couple councilmembers, and Planning Staff to get all the information available so they could make a concrete decision and present it to the public at a public hearing and go from there.

City Administrator Volek advised a Council Ad-Hoc Committee, by ordinance, required a resolution. Councilmember Cimmino said she would include the requirement of a resolution in her motion. The amended motion was seconded by Councilmember Ruegamer.

Councilmember Ulledalen said he thought they would be jumping the gun because it would require a lot of staff time, public meetings, and notices, etc., and there may not be enough support on the Council to go forward with it anyway. He said they needed to bring the initiative back and if it was warranted from there, they could talk about it but if the initiative failed, there would be no point in doing all of the work.

Councilmember Cimmino said she understood where Councilmember Ulledalen was coming from and she appreciated and respected his opinion, but with all due respect to everyone involved, there had already been a lot of time expended on it. She said it seemed to her they should take a proactive approach and embrace a possibility so everyone was aware all of the issues had been thoroughly researched from both sides of the coin.

On a roll call vote, the amended motion failed 8 to 3. Councilmembers Ronquillo, Gaghen, McFadden, McCall, Ulledalen, Astle, Clark and Mayor Hanel voted in opposition. Councilmembers Pitman, Cimmino and Ruegamer voted in favor.

On a voice vote, the original motion was approved 9 to 2. Councilmembers Gaghen and Astle voted in opposition.

ADJOURN: The meeting adjourned at 9:34 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.