

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

COUNCIL CHAMBERS	AGENDA April 23, 2012	6:30 P.M.
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CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Boy Scout Troop 10

INVOCATION: Councilmember McCall

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

MINUTES: April 9, 2012 - **APPROVED**

COURTESIES: NONE

PROCLAMATIONS:

- Administrative Professionals Day-April 25, 2012 and Administrative Professionals Week-April 22-28, 2012
- Child Abuse Prevention Month, April 2012
- National Crime Victims' Rights Week - April 22-28, 2012

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- Item 2 – Public Hearing and First Reading Ordinance for Zone Change #885: a text amendment to the city code clarifying that both livestock and poultry are not allowed uses in within the city limits.
 - ✓ Fax sent to Councilmember Pitman on April 21 from Leona Johnston stating she felt it was unwise to allow chickens in the city limits. Copy on Council's desk and in ex-parte notebook.
 - ✓ Letter from Billings Association of Realtors, dated April 23, 2012, asking Council to clean up the code language to explicitly ban chickens within the city limits. Copy on Council's desk and in ex-parte notebook.

- ✓ Mayor and Council had received e-mails that day in support of urban chickens that would be posted to the city's website the following day.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item #1 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.)

1. CONSENT AGENDA -- Separations: 1A3, B, D, E, M1

A. Bid Awards:

1. W.O. 12-01, Water and Sanitary Sewer Main Replacement Projects. (Opened 4/10/12) Schedule 1A, 1B, 1C: Recommend delay of bid award until May 14, 2012; Schedule 2A, 2B Base, 2B Additive Alternate, and 2C: Recommend COP Construction; \$2,233,047. **APPROVED**

2. W.O. 12-02, Miscellaneous/Developer-Related Project. (Opened 4/10/12) Recommend J & J Concrete; \$570,255.20. **APPROVED**

3. W.O. 12-27, Over Excavation of New Library Site. (Opened 4/10/12) Recommend CMG Construction, Inc.; \$619,875. **APPROVED**

B. Approval of revised agreement with Jon Dehler for 20-year naming rights of ballpark retroactive to 2008. **APPROVED**

C. Contract for Professional Services with DOWL HKM for W.O. 12-04, Wastewater Collection System Study as part of the Integrated Water Plan Implementation Projects; \$202,130. **APPROVED**

D. Amendment #1, W.O. 10-29: Wastewater Treatment Plant West Mechanical MCC Replacement and Improvements. Professional Services Contract, HDR Engineering; \$9,800. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

E. Amendment #1, W.O. 12-05: 5-Mile Lift Station Replacement. Professional Services Contract, Morrison-Maierle, Inc; not to exceed \$536,544. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

F. Amendment #2, W.O. 05-15: Howard Heights Storm Drainage Improvements. Professional Services Contract, Interstate Engineering, Inc.; \$14,963.10. **APPROVED**

G. Sidewalk Easement with The Boyer Group for construction of boulevard sidewalk along 4th Avenue North. **APPROVED**

H. Acceptance of Donation to the Police Department to be used for the purchase of a police canine; Downtown Billings Exchange Club; \$1,500. **APPROVED**

I. Resolution of Intent #12-19152 to create SID 1393, Fritz Subdivision; curb and gutter, drive approaches, storm drain and street improvements to Cottonwood Boulevard; and set a public hearing date of May 29, 2012. **APPROVED**

J. Preliminary Plat Three-Year Extension for Lake Hills Subdivision, 25th Filing, Amended, generally located along Ditton Drive and Lake Heights Drive at the north end of Lake Hills Subdivision; setting a new expiration date of June 23, 2015. **APPROVED**

K. Preliminary Plat Three-Year Extension for Mont Vista Subdivision, generally located south of Rimrock Road between 50th Street West and 54th Street West; setting a new expiration date of June 22, 2015. **APPROVED**

L. Preliminary Amended Plat of Foxtail Village Subdivision, 2nd Filing, Block 2, Amended, approximately 2.7 acres generally located on the north side of Grand Avenue just east of 60th Street West; conditional approval of the preliminary plat and adoption of the Findings of Fact. **APPROVED**

M. Bills and Payroll:

1. March 26, 2012 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

2. April 2, 2012 **APPROVED**

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #885 (DELAYED FROM 3/26/12): a text amendment to Section 27-607 of the Billings, Montana, City Code clarifying that both livestock and fowl (poultry) are not allowed uses within the City of Billings. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **TABLED ON A 9 TO 2 VOTE. CM CIMMINO AND CM PITMAN VOTED IN OPPOSITION.**

3. PUBLIC HEARING and approval of allocation of FY2012-2013 CDBG and HOME program funds and approval of the FY2012-2013 Action Plan. Staff recommends approval of the Community Development Board's recommendation and prioritization. (Action: approval or disapproval of staff recommendation) **APPROVED**

4. PUBLIC HEARING AND RESOLUTION #12-19153 FOR ANNEXATION #12-02: three parcels totaling approximately 0.85 acres located on Lincoln Lane in the Billings Heights and addressed as 337 and 325 Lincoln Lane; Brent Nelson, petitioner.

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

5. PUBLIC HEARING AND FIRST READING ORDINANCE amending BMCC 25-301 through 25-307 Nuisance Vegetation. An update providing clarity and consistency across several sections of the Nuisance Vegetation code. Code Enforcement Division Staff recommends approval. (Action: approval or disapproval of Code Enforcement Division Staff recommendation.) **APPROVED**

6. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #891: a text amendment to Sections 27-201 and 27-622 of the Billings, Montana City Code (BMCC) to eliminate the definition of “townhome” as a type of residential land use and update the section that requires a Master Site Plan review for multi-unit developments. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

7. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #892: a text amendment to Section 27-1502 of the Billings, Montana City Code (BMCC) to align the local zone change procedures with new state law amendments passed in 2009 and 2011. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

8. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #893: a text amendment to Sections 27-1508 and 27-1604 of the Billings, Montana City Code (BMCC) aligning the county zone change procedures and enforcement with new state law amendments passed in 2009. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, said when you put your self interest in front of the public’s interest, you would have problems and it was evident at the last meeting and in the Billings Gazette about the parking garage issue with the deficit. Mr. Nelson said past Council actions were going to require future Council actions to mitigate those parking garage impacts. He said they would not have the problem they had today if the past Council would have taken the appropriate action. He said in 2008 there was \$4 million left in the tax increment district, and the Council decided the best use of the funds was to give \$1.9 million to the Babcock LLC to buy the Babcock Building. He said three members of the Babcock LLC were also members of the Downtown Billings Partnership that was administering the tax increment finance district money,

which should have been a red flag. Mr. Nelson said it was ironic that one member of the Babcock LLC was chairman of the Parking Garage Board that had to deal with the issue. He said due diligence would have been to take the \$1.9 million from the tax increment and pay down the debt, and he wondered where they would be today. He said he bet they would not be in the current situation. Mr. Nelson said when you take and put self interest in front of public interest, things come back to you, and now it's back. He said when the Downtown Billings Partnership, the Parking Advisory Board, and others show up wanting more money, they should be asked if the \$1.9 million would have been better spent paying down debt service rather than taking care of personal interest.

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

COUNCIL INITIATIVES

- **McCall**: Moved to direct staff to prepare testimony and appropriate printed material that supports the Montana Districting and Apportionment Commission's Urban-Rural Plan. The testimony and printed material will be presented by the Mayor to the Commission at its Billings public hearing at 7:00 p.m. on May 15, 2012. The draft testimony and material will be reviewed and considered for approval by the City Council at its regular meeting on May 14, 2012. The motion was seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.

ADJOURN: 7:52 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.