

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

June 11, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Astle

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

MINUTES: May 29, 2012 - **APPROVED**

COURTESIES: Swords Park Trail Awards presented by Candi Beaudry and Mike Whitaker - "Trail of the Year Award" and "Coalition for Recreational Trails Award "

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

City Administrator Volek commented on the following items:

- Consent Agenda Item 1A5 – Fire Stations 2 and 3 Sleeping and Restroom Quarters Remodel Bid Award. Memo from Facilities Manager Saree Couture with bid award recommendation to Fisher Construction for \$61,033 was sent in June 8 Friday packet. Copy is in ex-parte notebook.
- Consent Agenda Item D – Recommendation to the PCC supporting a rail traffic impacts planning study for the rail corridor. Staff would like item separated so they can provide additional information following the 10:00 meeting held this morning.
- Regular Agenda Item 7A – Public Hearing and Resolution Approving and Adopting FY13 Capital Budget. Revised staff report from Finance Director Pat Weber was sent in June 8 Friday packet. Revision was a change in the Capital budget amount from \$80,079,628 to \$79,532,828. Copy is in ex-parte notebook.

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 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**, asked Council not to approve Item D. He referenced Item N, and said there was no discussion the prior week on the financing of a new water storage reservoir. He referenced Item R and said the city could not burden business owners with the lower decibel requirements.

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

1. **CONSENT AGENDA** -- Separations: **1A1, 1A3, 1A4, B, D, R, U**

A. **Bid Awards:**

1. **W.O. 11-16, Wastewater Treatment Plant Digester Cleaning.** (Opened 5/29/2012) (Award delayed from 5/29/2012) Recommend Parker Ag Services, LLC; \$181,200. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
2. **W.O. 12-10, Broadwater Trail Connection and Will James Alternate Multi-Use Path.** (Opened 5/29/2012) (Award delayed from 5/29/2012) Recommend Knife River-Billings: \$186,920.75. **APPROVED**
3. **W.O. 12-23, Wastewater Treatment Plant Headworks Backup Power and West Mechanical Motor Control Center (MCC-B5) Improvements.** (Opened 5/29/2012) (Award Delayed from 5/29/2012) Recommend Yellowstone Electric; \$49,656. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
4. **W.O. 12-28, Water Treatment Plant Transformer Replacement.** (Opened 5/29/2012) (Award Delayed from 5/29/2012) Recommend Colstrip Electric, Inc.; \$177,315. **APPROVED**
5. **Fire Stations 2 and 3 Sleeping and Restroom Quarters Remodel.** (Opened 6/5/2012) (Recommendation of award to be made at June 11, 2012, city council meeting.) Recommend Fisher Construction; \$61,033. **APPROVED**

B. Professional Services Agreement with HDR Engineering, Inc. for W.O. 11-11, Water Treatment Facility Rapid Mixer System Improvements; \$110,100. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

C. Consultant Agreement with Planning Communications for preparation of 5-year Analysis of Impediments to Fair Housing Choice; not to exceed \$33,650. (Donations approved by Council on 4/9/12: Housing Authority of Billings - \$10,000; HRDC District 7 - \$5,000; Billings and Montana Association of Realtors - \$2,000; First Interstate Bank - \$1,000) **APPROVED**

D. Recommendation to the Policy Coordinating Committee (PCC) supporting a rail traffic impacts planning study for the rail corridor. **VOTED 8 TO 3 TO NOT MAKE A RECOMMENDATION. COUNCILMEMBERS CROMLEY, RONQUILLO, AND CIMMINO VOTED IN OPPOSITION.**

E. Acknowledging Receipt of Petition to Annex #12-06: two parcels totaling approximately 4.06 acres located on the south side of Highway 3 just west of Hickok Circle, adjacent to city-owned parkland, and legally described as Tracts 2-A and 2-B, Certificate of Survey 2577; Timothy and Sheryl Dernbach and Jeff and Dana Sorenson, owners; and setting a public hearing date for June 25, 2012. **APPROVED**

F. Acknowledge Receipt of Petition to Vacate street rights-of-way within Copper Ridge Subdivision, 2nd Filing; Copper Ridge Development Corporation, petitioner; and set a public hearing date of July 9, 2012. **APPROVED**

G. Approval of joint city/county grant application and acceptance of the 2012 Justice Assistance Grant (JAG) totaling \$52,130 for equipment purchases (Billings Police Department - \$39,220; Yellowstone County Sheriff's Office - \$12,910); and **approval** of Interlocal Agreement with Yellowstone County Sheriff's Office. **APPROVED**

H. Acceptance of Donation to Parks Department from Beartooth Nordic and Hiking Club of Billings through BikeNet for memorial bench and plaque at Swords Park in honor of Gary Hafer; \$1,400. **APPROVED**

I. Acceptance of Montana Mental Health Settlement Trust Grant for Police Department multi-disciplinary team crisis intervention training; \$7,910. **APPROVED**

J. Approval of Josi Wilgus, James Mariska, and Patty Nordlund to the Ad Hoc Collaborative School Planning Committee. **APPROVED**

K. Resolution of Intent #12-19163 to create SID 1394, Macona Lane; curb and gutter, drive approaches, and street improvements; and set a public hearing date of July 9, 2012. **APPROVED**

L. Resolution of Intent #12-19164 to sell Lot 7 and Lot 8, Block 189, Original Town of Billings, located at 10 South 26th Street; and set a public hearing date of July 23, 2012. **APPROVED**

M. Resolution of Intent #12-19165 to De-Annex #12-05: approximately 2.7 acres of developed land known as Lot 2, Hobby Subdivision; June and Leonard Hobby, petitioners; and set a public hearing date of July 9, 2012. **APPROVED**

N. Resolution #12-19166 related to financing a new water storage reservoir and establishing compliance with reimbursement bond regulations under the Internal Revenue Code. **APPROVED**

O. Resolution #12-19167 authorizing the issuance and calling for a negotiated sale of \$390,000 Pooled Special Sidewalk, Curb, Gutter and Alley Approach Bonds (WO 09-11 Rimrock Road and WO 11-02, Miscellaneous/Developer Related Improvements). **APPROVED**

P. Second/Final Reading Ordinance #12-5569 for Zone Change #895: a text amendment to Billings, Montana City Code (BMCC) Section 27-615 (c); Section 27-615 (d) – Visibility at Intersections, and Section 27-618 – Figure 1a. and Figure 1b., deleting and adding language to clarify the regulation. **APPROVED**

Q. Second/Final Reading Ordinance #12-5570 for Zone Change #896: a text amendment to Billings, Montana City Code (BMCC) Section 27-601 (a) – Parking and Storage Restrictions, deleting language and adding language to clarify the regulation requiring setbacks for recreational vehicles parking or stored in driveways in residential zoning districts. **APPROVED**

R. Second/Final Reading Ordinance #12-5571 for Zone Change #897: a text amendment revising Billings, Montana City Code (BMCC) Section 27-612 – Supplemental Commercial Development Standards, by adding Section 27-612(e) and Section 27-309 deleting and adding language to establish standards for compatibility between residential uses and new commercial uses. **APPROVED**

S. Second/Final Reading Ordinance #12-5572 for Zone Change #898: a text amendment to Billings, Montana City Code (BMCC) revising Section 27-604 – Fences, Walls and Hedges, and Section 27-618 Figure 6. - Illustrations, deleting and adding language to clarify the regulation. **APPROVED**

T. Final Plat Approval of Josephine Crossing Subdivision, 2nd Filing. **APPROVED**

U. Bills and Payroll:

1. May 14, 2012 **APPROVED 10 to 0. CM CIMMINO ABSTAINED.**

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE amending the boundaries of Ward I to exclude recently de-annexed property in Annex #12-03: approximately 13.82 acres of undeveloped land known as Tract 81A, Certificate of Survey 2165, in the Briarwood Planned Unit Development; James and Stella Ziegler, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION #12-19168 adopting fees associated with various services provided by the Planning Division and Public Works Department. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 7 TO 4. COUNCILMEMBERS PITMAN, CIMMINO, MCFADDEN & MAYOR HANEL VOTED IN OPPOSITION.**

4. PUBLIC HEARING AND RESOLUTION #12-19169 adopting revised Right-of-Way Permit Fees for the Public Works Department. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 2. COUNCILMEMBERS PITMAN AND CIMMINO VOTED IN OPPOSITION.**

5. SOLID WASTE COLLECTION AND DISPOSAL CHARGES

A. PUBLIC HEARING AND FIRST READING ORDINANCE amending Billings, Montana City Code, Article 21, providing the option to include solid waste collection fees as part of the City's monthly utility billing. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

B. PUBLIC HEARING AND RESOLUTION establishing FY2013 Solid Waste residential and commercial collection and disposal fees and landfill use fees to be effective July 1, 2012. Staff recommends holding the advertised public hearing and delaying action until June 25, 2012. (Action: approval or disapproval of staff recommendation.) **APPROVED TO DELAY ACTION UNTIL 6/25/12.**

6. PUBLIC HEARING AND RESOLUTIONS setting annual FY2012 assessments for Park Maintenance Districts (**RES #12-19170**); Light Maintenance Districts **RES #12-19171**); Street Maintenance (**RES #12-19172**); Storm Sewer (**RES #12-19173**); Arterial Construction (**RES #12-19174**); Tourism Business Improvement District (**RES #12-19175**); Business Improvement District (**RES #12-19176**); and imposing annual all-purpose mill levy and mill levies for Library operation, Transit operation, and Public Safety Funds (**RES #12-19177**). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

***COUNCILMEMBER BIRD LEFT THE MEETING AT 9:15 P.M.**

7. PUBLIC HEARINGS AND RESOLUTIONS approving and adopting the Fiscal Year 2013 City of Billings Budget

A. PUBLIC HEARING AND RESOLUTION RES #12-19178 adopting the FY2013 City of Billings Capital Budget. Staff recommends approval. (Action: approval of disapproval of staff recommendation.) **APPROVED 8 TO 2. COUNCILMEMBERS PITMAN AND CIMMINO VOTED IN OPPOSITION.**

B. PUBLIC HEARING AND RESOLUTION approving and adopting the FY2013 City of Billings Budget for Personal Services, Operation and Maintenance, Debt Service and Transfers. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1 TO DELAY ACTION UNTIL JULY 23, 2012. CM ULLEDALEN VOTED IN OPPOSITION.**

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**, referenced a proposal program from the Downtown Billings Partnership that Council received in their Friday packet approximately three weeks prior to use tax increment finance dollars for a business retention and relocation program. He said tax dollars should be used for public purposes and not private entities.

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

COUNCIL INITIATIVES

- **McCall:** Referenced Agenda Item D, the rail traffic impact study, and **MOVED** to direct Ms. Volek to request staff to come back within 90 days with a summary of the studies that had occurred and recommendations that had been made, including the recommendations of the Technical Advisory Committee, so Council could look at what options they had using some of the existing information to move forward, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

ADJOURN: 10:07 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.