

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

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

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#### AGENDA

**COUNCIL CHAMBERS**

**July 23, 2012**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Ronquillo

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

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

**COURTESIES:** Mayor Hanel said the 27<sup>th</sup> Annual Big Sky State Games event held in Billings the previous weekend was a huge success and thanked everyone who organized and participated in the activities.

**PROCLAMATIONS:** Disabilities Act Awareness Day, July 26, 2012

#### **ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items:

- Request to add to agenda: City Administrator’s approval of grant application for a \$98,280 grant to the Parmly Billings Library Foundation from the Institute of Museum Services Office of Strategic Partnerships in Washington, DC. Ms. Volek said a copy of a staff memo was on Council’s desk and filed in the ex-parte notebook.
- Consent Agenda Item J - Resolution Establishing a Procedure for Accepting Right-of-Way Conveyances for Bench Boulevard from the State of Montana: Ms. Volek said staff was asking Council to postpone action until the August 13 council meeting so a procedural issue in the resolution could be resolved between MDT and the City of Billings.
- Item L – Resolution Fixing the Form and Terms of the Bond Sale for New Library General Obligation Bonds: Ms. Volek said a copy of the final resolution was sent in the July 20 Friday packet and was filed in the ex-parte notebook.

- Item 2 – Public Hearing and First Reading Ordinance for Zone Change #899 to Allow the Keeping of Hens Within Residential Zones: Ms. Volek said a copy of a handout from Doug Ruebke was on Council’s desk and filed in the ex-parte notebook. She said there were also two e-mails sent to Mayor and Council that day – one in favor of backyard hens and one opposed to backyard hens and both were filed in the ex-parte notebook.
- Item 6 – Recommendation for Galles Building Sale: Ms. Volek said a copy of a staff memo with a final recommendation was on Council’s desk and filed in the ex-parte notebook.

Councilmember McCall moved to add the approval of the grant application for the Parmly Billings Library Foundation to the agenda as Item 8, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #7 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.

- **Mike Yakowich, Southside Task Force**, referenced Item 1B1 and thanked everyone for working on the South Park Gazebo. He said they held a barbeque and the Blues Festival and Art Auction as fundraisers, and said they had received a \$10,000 donation from the Downtown Exchange Club, a \$1,000 donation from Michael Burke, and a number of smaller donations.
- **Bruce Simon, 217 Clark Avenue, Billings, MT**, referenced Item #7, the City of Billings Budget, and said the city had serious problems that needed addressed. He said the city kept digging itself in deeper and deeper.

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

1. **CONSENT AGENDA** -- Separations: **B1, J**

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

1. **APPROVED**

	Name	Board/Commission	Term	
			Begins	Ends
1	John Moorhouse	Soil Conservation District	07/01/12	06/30/15

B. **Bid Awards:**

1. **South Park Gazebo** (Opened 7/10/2012) Recommend Fisher Construction, Inc.; \$140,775. **APPROVED**

2. **MET Transit Building and Bus Maintenance Area Upgrades (FTA Funded)** (Opened 7/10/2012) Recommend Fisher Construction, Inc.; \$374,000. **APPROVED**

C. **Approval** of new 25-year Commercial Aviation Ground Lease with Edwards Jet Center (7/1/2012 - 6/30/2037); annual revenue first year - \$18,273.48; revenue for subsequent years to be adjusted annually by Consumer Price Index for all Urban Consumers (CPI-U); and **approval** of the Lessor's Consent to Assignment to Stockman Bank. **APPROVED**

D. **Approval** of Scheduled Airline Operating Permit with Pinnacle Airlines; estimated annual revenue - \$4,000 to \$5,000. **APPROVED**

E. **Revolving Fund Loan** to Bootleg Distillery, Inc. dba Trailhead Spirits; not to exceed \$100,000. **APPROVED**

F. **Acknowledge receipt of petition to vacate** the south 15 feet of Hesper Road right-of-way in Tract 3-A1, Rockwood Subdivision, 2nd Filing, generally located near South 30th Street West; Bristlecone, Inc., petitioner; and set a public hearing for August 13, 2012. **APPROVED**

G. **Acknowledge receipt of petition to vacate** street rights-of-way in Ironwood Subdivision, 4th Filing; Regal Land Development, Inc., petitioner; and set a public hearing date of August 13, 2012. **APPROVED**

H. **Grant Application Request** to submit a Montana Tourism Infrastructure Investment Program application to provide an interpretive site and redevelop the Yellowstone Kelly gravesite at Swords Park and accept award; \$125,000. **APPROVED**

I. **Grant Application Request** to submit a Recreational Trails Program grant application for a portion of the Aronson Trail Link and accept award; \$45,000. **APPROVED**

J. **Resolution** authorizing the Mayor to execute the City's Acknowledgement and Acceptance of Conveyance on the estimated 160 right-of-way deeds for the Bench Boulevard project. **POSTPONED ACTION UNTIL AUGUST 13, 2012.**

K. **Resolution #12-19190** authorizing the Parking Division to use the alternative project delivery contract process of design/build for construction of the Empire Parking Garage. **APPROVED**

L. **Resolution #12-19191** fixing the form and terms of the bond sale for the new library general obligation bonds. **APPROVED**

**M. Second/Final Reading Ordinance #12-5575 Expanding Ward IV** for two parcels totalling approximately 4.06 acres legally described as Tracts 2A and 2B, C/S 2577, generally located south of Highway 3 west of Hickok Circle; Timothy and Sheryl Dernbach and Jeff and Dana Sorenson, owners. **APPROVED**

**N. Bills and Payroll:**

1. June 25, 2012 **APPROVED**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #899:** A text amendment to Section 27-305, Section 27-306, and Section 27-607 deleting language and adding language to allow the keeping of hens within residential zones and on property developed with residential uses; adopting the revision as an amendment to the Zoning Regulations; and setting a time period for the regulation to be effective. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.) **ON A 9 TO 2 VOTE, POSTPONED UNTIL 8/27/2012. CM BIRD AND CM MCFADDEN VOTED IN OPPOSITION.**

**3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #900:** A zone change from Residential 5,000 to Residential Multi-family-Restricted on a 22.3-acre portion of Lots 1 and 2, Block 1, Western Sky Subdivision, generally located west of the intersection of 44th Street West and King Avenue West. King Meadows, LLC, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**4. PUBLIC HEARING AND RESOLUTION #12-19192** amending downtown parking rates. Parking Advisory Board and staff recommend approval. (Action: approval or disapproval of Parking Advisory Board and staff recommendation.) **APPROVED 8 TO 3. CM MCFADDEN, CM CIMMINO, AND CM PITMAN VOTED IN OPPOSITION.**

**5. PUBLIC HEARING AND FIRST READING ORDINANCE** naming the expansion of Park 2 as an Expanded North 27th Street Urban Renewal Area project to allow financing with tax increment bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. PUBLIC HEARING AND RESOLUTION** authorizing the sale of city-owned property described as the Galles Filter Building located at 10 S. 26th Street. Staff recommendation to be made at July 23, 2012, meeting. **ON A ROLL CALL VOTE, DELAYED UNTIL 8/13/2012. CM's CROMLEY, RONQUILLO, PITMAN, CIMMINO, BIRD, AND CROUCH VOTED IN FAVOR. CM's MCFADDEN, MCCALL, ULLEDALEN, ASTLE, AND MAYOR HANEL VOTED IN OPPOSITION**

7. **RESOLUTION #12-19193** approving and adopting the Fiscal Year 2013 City of Billings Budget for Personal Services, Operations and Maintenance, Debt Service and Transfers. (Postponed from June 11, 2012) Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 3 WITH THE ELIMINATIONS OF THE COMMUNITY COORDINATOR POSITION IN POLICE AND THE \$183,308 TRANSFER FROM THE PARKING DIVISION TO THE GENERAL FUND. CM's ULLEDALEN, CIMMINO, AND PITMAN VOTED IN OPPOSITION.**

8. **RATIFICATION** of the City Administrator's approval of the grant application for \$98,280 from the Institute of Museum Services Office of Strategic Partnerships in Washington, D.C. for the Parmly Billings Library Foundation. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **(Councilmember McCall moved to add to agenda as Item 8, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.) 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** - None

**ADJOURN:** 10:39 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.*