

## **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 CHAMBER**

**June 24, 2013**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Mayor Hanel

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

**MINUTES:** June 10, 2013 - **APPROVED**

#### **COURTESIES:**

- Councilmember Astle stated that he recently visited Red Lodge and they were experiencing some major road improvements.
- Councilmember Crouch stated he wanted to salute Connie Jens-Kinsfather and all the businesses at 3<sup>rd</sup> Avenue and 30<sup>th</sup> and 29<sup>th</sup> Streets for the “talk on the walk”. There were over 120 artists of all ages that beautified the sidewalks in front of these businesses.
- Councilmember Bird mentioned it was Tournament of Champions week for Billings Little League and she encouraged everyone to attend a game.
- Councilmember Cimmino stated there was record attendance (4,500+) at the Billings Mustangs opening night.
- Mayor Hanel thanked all who participated in the ceremony honoring Yellowstone Kelly’s Monument in Swords Park. Councilmember Cimmino stated she and City Administrator, Tina Volek, attended the ceremony that was sponsored by the Billings Chamber of Commerce and the Parks Department. She was pleased to see 2 busloads of people arrive to attend the historic gravesite.

**PROCLAMATIONS: NONE**

## ADMINISTRATOR REPORTS - TINA VOLEK

- **Consent Agenda Item S.1.– Bills and Payroll. May 28, 2013.** Memorandum from Finance Director Patrick M. Weber, dated 6/21/2013, was sent in the June 21 Friday Packet asking that the corrected claims payment report replace the previously submitted report. Copy of memo filed in ex-parte notebook.
- **Regular Agenda Item 8 – Public Hearing and First Reading Ordinance revising Section 5.01 of the Billings Charter; providing for advisory boards, commissions, and committees of the City to have administrative authority if allowed by state or federal law or interlocal agreement, and submitting the proposed amendment to the electors of the City as provided by law.**
  - E-mail from Larry D. Brewster, dated 6/24/13, in opposition of the proposed Charter amendment sent to Mayor and Council. Copy is on the Council's desk and filed in the ex-parte notebook.
- **Regular Agenda Item 9 -- Approve Cancellation of Lease Agreement with the Billings Community Youth Foundation, Inc. for an amateur ice arena in the southeast portion of Centennial Park due to breach of agreement; and REQUEST that Parks, Recreation and Cemetery Board consider proposals for other uses and make recommendation to City Council.**
  - E-mail from Vickie Martin, dated 6/24/13, supporting a dog park in Centennial Park sent to Mayor and Council. Copy is on the Council's desk and filed in the ex-parte notebook.
  - E-mail from Marcia Clausing, dated 6/24/13, supporting a dog park in Centennial Park sent to Mayor and Council. Copy is on the Council's desk and filed in the ex-parte notebook.
- **Regular Agenda Item 10 – Resolution approving the Transfer Agreement of the Billings cable television franchise and local cable system from Cablevision to Charter Communications Operating, LLC; AND authorizing Charter Communications Ooperating, LLC, to assume control of the Bresnan Communications franchise; AND extending the franchise term to July 9, 2015.** Revised Staff Memo from City Administrator Tina Volek, dated 6/21/13, was sent in the June 21 Friday Packet asking that the revised staff memo and attachments replace the previously submitted staff memo. Copy of memo filed in the ex-parte notebook.
- **Add-on Item – Montana League of Cities and Towns Board Appointment for Councilmember Pitman.** E-mail from City Administrator Tina Volek and attached Staff Memo, dated 6/23/2013, recommending this item be added to the June 24<sup>th</sup> Agenda by a three-quarters vote of those present and then approving Councilmember Pitman's appointment. Copy is on the Council's desk and filed in the ex-parte notebook.

CM McCall made a motion to place the appointment of Councilmember Pitman to the Montana League of Cities and Towns Board at the end of the Regular Agenda as Item 11, seconded by CM Ronquillo. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #9, and #10 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute. Please sign in at the cart located at the back of the council chambers or 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.

- **Rick Devore, 2614 Park Ridge Lane North, Billings, MT**, Chairman of the Park, Recreation Board, referenced Item 9 of the Regular Agenda and stated the Board asked that the lease with the Billings Community Youth Foundation, Inc. be nullified due to breach of the agreement. He further asked Council to direct Park staff and the Park Board to begin considering other groups and uses for Centennial Park. Finally, he asked City Council to provide \$30,000 of Council Contingency funds to be put toward obtaining a modified master plan for the park.

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

**1. CONSENT AGENDA -- Separations: D, E, F, and S2**

**A. Mayor Hanel recommended Council confirm the following appointments:**

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Animal Control Board	01/01/13	12/31/16
2	No Applications	Animal Control Board*	01/01/13	12/31/13
3	No Applications	Board of Appeals - Electrical	01/01/13	12/31/13
4	No Applications	Board of Appeals - Builder	01/01/13	12/31/15
5	No Applications	Housing Authority Res Comm	01/01/13	12/31/13
6	Walt Donges	Human Relations Board*	01/01/13	12/31/15
7	No Applications	Human Relations Board*	01/01/13	12/31/15
8	No Applications	Human Relations Board	01/01/13	12/31/16
9	No Applications	Mayor's Homelessness Lending	01/01/13	12/31/16
10	Randall Swenson	Mayor's Homelessness Econ Dev	01/01/13	12/31/16
11	Barb Perzinski	Mayor's Homelessness Econ Dev*	01/01/13	12/31/14
12	Billie Parrott	Mayor's Homelessness Econ Dev*	06/24/13	12/31/16
13	Tom Rupsis	Parks, Recreation & Cemetary Brd*	06/24/13	12/31/13
14	Tabitha Frasca	Parking Advisory Board*	06/24/13	12/31/13
15	Joni Harman	Parking Advisory Board*	06/24/13	12/31/13

16	No Applications	Parking Advisory Board*	06/24/13	12/31/14
17	Clint Peck	Soil Conservation Board*	06/24/13	06/30/15
18	Ginny Hart	Tourism BID	06/30/13	06/30/17
19	Joyce Bratland	Tourism BID	06/30/13	06/30/17

- 2. Unexpired term of Solomon Neuhardt
- 6. Unexpired term of Malcolm Bailey
- 7. Unexpired term of Claudia Stephens
- 11. Unexpired term of Bruce MacIntyre
- 12. Unexpired term of Paul Chinberg
- 13. Unexpired term of Margy Bonner
- 14. Unexpired term of Tami Kelling
- 15. Unexpired term of Drew Smith
- 16. Unexpired term of Bruce Simon
- 17. Unexpired term of John Moorhouse

**B. Bid Awards:**

**1. Airport Terminal Building Concourses Interior Painting.** (Opened 6/11/13)  
Recommend High Roller Painting, \$86,855. **APPROVED**

**2. W.O. 13-08, 58th and Grand Storm Drain Improvements.** (Opened 6/11/13)  
Recommend Springline Construction, Inc., \$91,981.75. **APPROVED**

**C. Billings Public Library Furniture Purchases**

**1. Bid Award for new library open line furniture.** (Opened 6/11/2013) Recommend  
360 Office Solutions, \$215,725.24. **APPROVED**

**2. Approval** of State-approved, pre-competed contracts for new library furniture and  
furnishings; 360 Office Solutions - \$172,677.04; Dundas Interiors - \$79,916.41.  
**APPROVED**

**D. Contract** for W.O. 13-09, City-Wide Traffic Signal Controller Upgrade,  
Intermountain Traffic, LLC, \$77,630. **APPROVED**

**E. Amendment #1, W.O. 12-14: Integrated Water Plan Implementation,  
Wastewater Collection System Study,** Professional Services Contract, DOWL HKM,  
\$50,000; and **Extension of Contract Term** to March 31, 2014. **APPROVED 10 TO 0.  
CM CIMMINO ABSTAINED.**

**F. Amendment #2, W.O. 12-16: Integrated Water Plan Implementation, Water  
Distribution System Study,** Professional Services Contract, Morrison-Mairele, Inc.,  
\$80,000; and **Extension** of Contract Term to March 31, 2014. **APPROVED 10 TO 0.  
CM CIMMINO ABSTAINED.**

**G. Approval** of use of EBURD TIF funds to develop a cost estimate for Exposition Gateway Infrastructure Improvements, \$10,000. **APPROVED**

**H. Drainage Way Easements** with Steven Kienitz and Maureen Kienitz, Lot 22; and Kathryn McLain, Lot 23, Block 5, Wilshire Heights Subdivision. **APPROVED**

**I. Acknowledging receipt of petition to vacate** a 10' right-of-way between Lots 10 and 11, Block 5, Wanigan Subdivision; and setting a public hearing for 7/22/13. **APPROVED**

**J. Resolution #13-19286** approving City Administrator's signature authority for home repair loan subordinations. **APPROVED**

**K. Resolution #13-19287** authorizing closure of SID/Sidewalk Bond Debt Funds 8630 and 8990 to the SID Revolving Fund. **APPROVED**

**L. Second/Final Reading Ordinance #13-5606** amending the boundaries of Ward I to exclude recently de-annexed property in De-Annexation #13-05: approximately 6.64 acres of undeveloped land described as Lot 20, Block 3, Rolle Subdivision, generally located between Alkali Creek Road and Highway 3 (Airport Road); Robert Honaker, owner. **APPROVED**

**M. Resolution #13-19288** transferring a portion of Bitterroot Heights Park to Public Works for W.O. 12-05: a sanitary sewer lift station and access road; compensation from Public Works to Parks, Recreation, and Public Lands - \$75,000. **APPROVED**

**N. Second/Final Reading Ordinance #13-5607** expanding the boundaries of Ward III to include recently annexed property in Annexation #13-06: approximately seven acres of land described as Lot 5, Block 2, and Lot 1, Block 3, Titan Subdivision, generally located on the north and south sides of Interstate Avenue just east of the intersection of Interstate Avenue and Mullowney Lane; Origer Enterprises, Inc. and TNC Development, LLC, owners. **APPROVED**

**O. Preliminary Major Plat** of Bitterroot Heights Subdivision, 2nd Filing, generally located on the west side of Bitterroot Drive, north of Mary Street; BCJM, LLC, subdivider; Interstate Engineering, agent; conditional approval and adoption of the findings of fact. **APPROVED**

**P. Preliminary Major Plat** of High Sierra Subdivision, 7th Filing, generally located on both sides of Benjamin Boulevard, west of High Sierra Boulevard; High Sierra II, Inc., subdivider; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact. **APPROVED**

**Q. Final Plat** of Trails West Subdivision, 2nd Filing. **APPROVED**

R. **Cancellation of Checks and Warrants. APPROVED**

S. **Bills and Payroll:**

1. May 28, 2013 **APPROVED**

2. June 3, 2013 **APPROVED 10 to 0. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**

**#910:** a zone change from Residential Manufactured Home (RMH) to Highway Commercial (HC) on Lots 10 and 11, Block 5, Wanigan Subdivision, a 22,082 square foot parcel of land, located at 1005 Main Street. Gerald Watson, owner; Darryl Wilson, River Crossing Real Estate, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**

**#911:** a zone change from Neighborhood Commercial (NC) to Community Commercial (CC) on Lots 1 through 8, including Lots 6 & 7 as C/S 1716, Block 15, Central Heights Subdivision, 5th Filing, located at 109 S. 24th Street West. Rimrock Mini-Mall, LLC, owner; Marshall Phil, P.E., Blueline Engineering, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 9 TO 2. CM BIRD AND CM McFADDEN VOTED IN OPPOSITION.**

**4. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**

**#912:** a zone change from Residential 5,000 (R-50) and Public (P) to Residential Multi-family-Restricted (RMF-R) and Public (P) on portions of Lots 1A and 2A, Block 1, Western Sky Subdivision, generally located west of the intersection of 44th Street West and south of King Avenue West. King Meadows, LLC and Pemberton LLC, owner; Marshall Phil, P.E., Blueline Engineering, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**5. PUBLIC HEARING AND SPECIAL REVIEW #906:**

a special review for a beer and wine license with gaming in a Controlled Industrial (CI) zone on a 1.32 acre parcel of land described as: Lot 5A1, Block 3, Midland Subdivision, 3rd Filing and located at 900 S. 24th Street West. Marshall Phil, P.E., Blueline Engineering and Rob Veltkamp, agents. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 10 TO 1. CM BIRD VOTED IN OPPOSITION.**

**6. PUBLIC HEARING AND RESOLUTION #13-19289**

adopting the Exposition Gateway Concept Plan as part of the 2008 Growth Policy. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

7. **PUBLIC HEARING AND RESOLUTION #13-19290** approving and adopting Fourth Quarter budget amendments for Fiscal Year 2012/2013. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

8. **PUBLIC HEARING AND FIRST READING ORDINANCE** revising Section 5.01 of the Billings Charter; providing for advisory boards, commissions, and committees of the City to have administrative authority if allowed by state or federal law or interlocal agreement, and submitting the proposed amendment to the electors of the City as provided by law. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 2. CM CIMMINO AND CM PITMAN VOTED IN OPPOSITION.**

9. **APPROVE CANCELLATION OF LEASE AGREEMENT** with the Billings Community Youth Foundation, Inc. for an amateur ice arena in the southeast portion of Centennial Park due to breach of the agreement; and **REQUEST** that Parks, Recreation and Cemetery Board consider proposals for other uses and make recommendation to City Council. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

10. **RESOLUTION #13-19291** approving the Transfer Agreement of the Billings cable television franchise and local cable system from Cablevision to Charter Communications Operating, LLC; **and** authorizing Charter Communications Operating, LLC, to assume control of the Bresnan Communications franchise; **and** extending the franchise term to July 9, 2015. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

11. **APPROVE** the appointment of Councilmember Pitman to the Montana League of Cities and Towns Board. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

## **EXECUTIVE SESSION - PENDING LITIGATION**

**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 in at the cart located at the back of the council chambers or at the podium.*)

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

## **COUNCIL INITIATIVES**

- **Astle:** MOVED to direct staff to place on a future Agenda and draft a resolution to move up to \$30,000 from Council Contingency Fund for the purpose of obtaining a modified master plan for Centennial Park and set a public hearing, seconded by Councilmember McFadden. On a voice vote, the motion was

approved 7 to 4. CM Cromley, CM Ronquillo, CM Pitman and CM Cimmino voted in opposition.

**ADJOURN: 8:31 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.*