

## 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**

**August 26, 2013**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Cromley

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

**MINUTES:** August 12, 2013 - **APPROVED**

#### **COURTESIES:**

- Mayor Hanel complimented the Police Department staff, their families, and others who held a fundraiser for the K-9 program last Friday night. He said due to budget constraints, the K-9 program was being scrutinized. The fundraiser was well managed, well-attended and was successful financially. He thanked the Rex Restaurant for cordoning off their parking lot for the event.
- Councilmember Crouch saluted the Billings Association of Realtors on their 10<sup>th</sup> successful Quality of Life Run. He said approximately 40 city employees participated and many of them, including the Mayor, came in first in their age category. The race had raised almost \$300,000 in the ten years, with \$30,000 from this year's race going to the Zoo. Mayor Hanel commented Councilmember Crouch also placed in his age category.
- Councilmember McCall acknowledged and thanked Chief St. John and the Police Department for the additional coverage provided at the Billings Clinic Classic the past weekend.
- Councilmember Bird acknowledged that a week ago Billings, Yellowstone County, and the State of Montana lost one of its true champions with the passing of Joan Hurdle. She said August 26 was the 93<sup>rd</sup> anniversary of the 19<sup>th</sup> Amendment to the US Constitution giving women the right to vote in the United States. Ms. Hurdle was an advocate for public health, the rights of senior citizens, youth safety, and the rights of women. She said Ms. Hurdle was very active with the League of Women Voters, an incredible role model, and a force to

be reckoned with in her own way. Councilmember Bird asked for a couple moments of silence in Ms. Hurdle's memory.

- Councilmember Ronquillo congratulated the Police Department for capturing the individual responsible for recent serious crimes in the community that had caused the citizens a lot of concern. He asked for a round of applause.

**PROCLAMATIONS:** None

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

Ms. Volek commented on the following items.

- The WiFi was down. They attempted to have it repaired earlier but were unable to do so.
- Item 4 – Public Hearing and Resolution setting Park District 1 Assessments for Tax Year 2013. According to state statute a list of all those affected and their anticipated assessments was to be made available for public inspection in the City Clerk's Office. The list had not been made available so staff was asking that the item be postponed until September 9 so it could be re-advertised and the list could be provided.
- Item 7 – Public Hearing and Special Review #910. Referenced a letter from Merry Lee Olson, CEO of the YWCA Billings, dated 8/6/13, in support of the variance and Special Review #910 with six conditions she would like imposed. The letter was provided to Council via e-mail on August 26 and a copy was on Council's desks. A copy was also filed in the ex-parte notebook.
- Item 8 – Public Hearing and First Reading Ordinance for Zone Change #915:
  - ✓ Protest from Sharon Lux, dated 8/21/13, was e-mailed to Council on 8/22/13 and was filed in the ex-parte notebook.
  - ✓ Protest petition signed by 27 property owners was included in the agenda packet and was filed in the ex-parte notebook.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2 & #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. There were no speakers, and the public comment period was closed.

1. **CONSENT AGENDA** -- Separations: C, J, L1 and L2

A. **Bid Awards:**

1. **SID 1395, Boca Raton Road.** (Opened 7/23/2013)(Delayed from 8/12/2013) Recommend rejection of all bids until project can be evaluated and the design modified for rebid. **APPROVED**

2. **W.O. 10-19, Shiloh Conservation Area.** (Opened 8/20/2013) Recommend delay of bid award until September 9, 2013. **APPROVED**

3. **2014 Landfill Compactor** (Opened 7/23/2013)(Delayed from 8/12/2013) Recommend rejecting all bids and directing staff to re-bid with clarified specifications. **APPROVED**

B. **Contract** with Blackbox Network Services to provide technology upgrades and services for the new Billings Public Library; \$131,978.22. **APPROVED**

C. **Concession Agreement** (5-year) with Boingo Wireless for installation and operation of a paid WIFI system in the Airport Terminal Building; projected annual revenue - \$7,500 to \$8,300. **APPROVED 10 TO 1. CM CROMLEY VOTED IN OPPOSITION.**

D. **Signal Emergency Response Agreement** with Montana Department of Transportation; revenue based on labor, materials and equipment. **APPROVED**

E. **Approval of Report for Pledged Collateral** for First Interstate Bank Certificates of Deposit and US Bank Certificates of Deposit. **APPROVED**

F. **Approval of Semi Annual Investment Report.** **APPROVED**

G. **Approval and acceptance** of additional United Way of Yellowstone County Grant Funds for Enforcing Underage Drinking Laws (EUDL) - \$4,794; and extension of grant time period to September 30, 2013. **APPROVED**

H. **Resolution of Intent #13-19301** to modify SILMD 301, Josephine Crossing Subdivision (street lighting), and set a public hearing date for September 23, 2013. **APPROVED**

I. **Resolution #13-19302** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot, 1125 Broadwater Avenue, during the Big Sky Polka Club's Polkafest, August 28 through September 3, 2013. **APPROVED**

J. **Second and Final Reading Ordinance #13-5614** amending Billings, Montana City Code, Article 24-400, Stopping, Standing and Parking; permitting the City Administrator to determine installation of parking meters or signs in meter zones and establish limited time parking. Parking Advisory Board recommends approval. **APPROVED**

**K. Final Plat of Falcon Ridge Estates Subdivision, 2nd Filing. APPROVED**

**L. Bills and Payroll:**

1. July 29, 2013 **APPROVED 10 TO 1. CM CIMMINO ABSTAINED.**
2. August 5, 2013 **APPROVED 10 TO 1. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

**2. RECOMMENDATION** to the Policy Coordinating Committee (PCC) for approval of the Draft 2014 Unified Planning Work Program (UPWP). Staff recommends approval to the PCC. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

**3. PUBLIC HEARING AND RESOLUTION #13-19303** setting mill levy rates for Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, General Obligation Debt Service Library, and General Obligation Debt Service Series A Baseball Stadium for tax year 2013. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**4. PUBLIC HEARING AND RESOLUTION** setting the Park District 1 assessment for tax year 2013. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **POSTPONED UNTIL 9/9/13.**

**5. PUBLIC HEARING AND RESOLUTION #13-19304** approving budget amendments for Fiscal Year 2013. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. PUBLIC HEARING AND SPECIAL REVIEW #909:** a special review to allow the construction of a 3-plex, multi-family dwelling in a Residential 6,000 (R-60) zone on Lots 25-27, Block 3, State Realty Subdivision; a 9,375 square foot parcel of land located at the intersection of Jefferson Street and State Avenue. Dave Hagstrom. owner. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **ON A ROLL CALL VOTE, THE SPECIAL REVIEW WAS DENIED 8 TO 3. COUNCILMEMBERS CROMLEY, RONQUILLO, CIMMINO, MCFADDEN, BIRD, ULLEDALEN, CROUCH AND MAYOR HANEL VOTED IN OPPOSITION. COUNCILMEMBERS PITMAN, MCCALL, AND ASTLE VOTED IN FAVOR.**

**7. PUBLIC HEARING AND SPECIAL REVIEW #910:** a special review to allow the construction of three, 4-plex multi-family dwellings in a Residential 6,000 (R-60) zone on Lots 16-18, Block 2, Broadacre Subdivision; a 27,950 square foot parcel of land located west of the intersection of 10th Street West and Wyoming Avenue. Bonini Enterprises, LLC, owner; EEC, LLC, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**8. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #915:** a zone change from Neighborhood Commercial (NC) to Community Commercial (CC) on a 1.6 acre parcel described as C/S 1706, Tract 1, generally located on the southeast corner of the intersection of Hilltop Road and Bench Boulevard. Ryan and Jodi Rookhuizen, owners; 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.)  
**UNANIMOUSLY DENIED 11 TO 0.**

**9. PUBLIC HEARING AND FIRST READING ORDINANCE** revising Section 2-501.1 of the Billings, Montana City Code prohibiting City employees from appointment to City boards, commissions, or committees that advise their department. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)  
**APPROVED**

**10. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 521 UNION CONTRACT (7/1/2013-6/30/2015).** Postponed from 8/12/2013. Staff recommends postponing until September 23, 2013. (Action: approval or disapproval of staff 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 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**

- **Mayor Hanel:** MOVED to direct staff to look into the requirements regarding the burial of military personnel in Mountview Cemetery, seconded by Councilmember McFadden. Councilmember Pitman said at the advice of the Legal staff he would recuse himself because he was a licensed mortician. On a voice vote, the motion was approved 10 to 0.

**ADJOURN:** 9:02 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.*