

## 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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<b>COUNCIL CHAMBERS</b>	<b>AGENDA</b> <b>March 25, 2013</b>	<b>6:30 P.M.</b>
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**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:** March 11, 2013 - **APPROVED**

#### **COURTESIES:**

- Councilmember McFadden reported the local bagpipe band raised \$3,700 with their St. Patrick's Day pub crawl event to be donated to the Big Sky Honor Flight.
- Councilmember Pitman noted he had distributed information from the National League of Cities he attended in Washington DC.
- Boy Scout Nathan Espland introduced himself. He said he was a member of Troop 371 who met at Miles Avenue Elementary School.

**PROCLAMATIONS:** None

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

Ms. Volek commented on the following items and noted a copy of each item was filed in the ex-parte notebook in the back of the room.

- **Item 5 – Continued Public Hearings for Annexation #13-01 and Zone Change #907 for approximately 97 acres legally described as Tract 1, C/S 2587, and Tract 1, C/S 3329 generally located northwest of the intersection of Hesper Road and Gabel Road.**
  - ✓ E-mails received by the Mayor and Council on 2/26/13 from Guy Atkins and Dione Roberts in favor of the annexation and zone change.

- ✓ E-mail forwarded to the Mayor and Council on 3/5/13 from Verlin Koenig in favor of the annexation but opposed to FedEx building in the area.
- ✓ E-mail forwarded to Mayor and Council on 3/18/13 from Matt Brosovich rescinding their protest of the annexation and development.
- ✓ Letter from Sam Rankin, dated 3/18/13, regarding alternate location for FedEx facility included in 3/22/13 Friday Packet.
- ✓ E-mail forwarded to Mayor and Council on 3/19/13 from Tim Filz with photographs of other FedEx projects.
- ✓ E-mail forwarded to Mayor and Council on 3/20/13 from Judy Herzog in support of the annexation.
- ✓ Air Quality Study – delivered to Mayor and Council on 3/18/13. Copies were placed in mailboxes.
- ✓ Letter from Tim Filz, e-mailed to Mayor and Council on 3/21/13 concerning air quality concerns. Copies were provided and are on Council’s desk.
- **Item 6 – Centennial Park Lease between City of Billings and Billings Community Youth Foundation, Inc.**
  - ✓ Documentation relating to the Lease e-mailed to Mayor and Council on 3/22/13.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 & #6 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: D, E, G, K, N1 and N2

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

**1. APPROVED**

	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	Kristi Drake	Bicycle & Pedestrian Advisory	01/01/13	12/31/15
4	Darryl Wilson	Bicycle & Pedestrian Advisory	01/01/13	12/31/15
5	No Applications	Board of Appeals - Electrical	01/01/13	12/31/13
6	No Applications	Board of Appeals - Builder	01/01/13	12/31/15
7	No Applications	Housing Authority Res Comm	01/01/13	12/31/13
8	No Applications	Human Relations Board*	01/01/13	12/31/15

9	No Applications	Human Relations Board*	01/01/13	12/31/15
10	No Applications	Human Relations Board	01/01/13	12/31/16
11	No Applications	Mayor's Homelessness Lending	01/01/13	12/31/16
12	No Applications	Mayor's Homelessness Econ Dev	01/01/13	12/31/16
13	No Applications	Mayor's Homelessness Econ Dev*	01/01/13	12/31/14

- 2. Unexpired term of Solomon Neuhardt
- 8. Unexpired term of Malcolm Bailey
- 9. Unexpired term of Claudia Stephens
- 13. Unexpired term of Bruce MacIntyre

**B. Bid Awards:**

**1. Two New Current Model Year 16-Foot Width, Wide Area Rotary Mowers.** (Opened 3/12/2013) Recommend Midland Implement; \$159,298; recommend rejection of total trade-in allowance of \$2,000 and authorization for staff to sell Units 1642 and 1643 according to the Surplus Property Disposal Policy. **APPROVED**

**2. W.O. 13-06, Rehberg Ranch Irrigation Center Pivot.** (Opened 3/12/13) Recommend BPPS, Inc.; \$93,201.22. **APPROVED**

**3. W.O. 11-19, Solid Waste Landfill Phase 5 Expansion.** (Opened 3/12/2013) Recommend Montana Civil Contractors, Inc.; \$2,041,324. **APPROVED**

**C. Approval** of four new Aviation Commercial Ground Leases with Lynch Flying Service, Inc. dba Edwards Jet Center and Edwards Jet Center Montana, Inc.; total annual revenue first year - \$165,232.18; revenue for subsequent years to be adjusted annually by the Consumer Price Index for All Urban Consumers (CPI-U); and **approval** of Lessor's Consent to Assignment to Stockman Bank. **APPROVED**

**D. Digitization Service Agreement** with Western Heritage Center; \$25,000. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

**E. Certified Local Government Program Contract** with State of Montana Historic Preservation Office; \$5,500. Local matches: City of Billings Planning Division - \$1,031; Yellowstone County - \$1,000; City of Laurel - \$469. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

**F. Memorandum of Understanding** with Beartooth RC&D Economic Development District, \$9,563.62 annual expense. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**G. Confirmation of Probationary Police Officers Andrew Sanders and Matthew Frank.** **APPROVED**

**H. Rimrock Road - Shiloh to Forsythia Boulevard**

**1. Right-of-Way Easement Agreement** with Dennis Buscher, DOL Holdings, LLC; W.O. 09-20, Rimrock Road Improvements - Forsythia Boulevard to Shiloh Road. **APPROVED**

**2. Resolution of Intent #13-19251** to create SILMD 311, Rimrock Road from Forsythia Boulevard to Shiloh Road; and set a public hearing date for April 22, 2013. **APPROVED**

**I. Acceptance of Donation** from First Interstate Bank to support Project Homelessness; \$5,000. **APPROVED**

**J. Subordination of Housing Rehabilitation Loan** for Barbara J. Hickson; \$12,000. **APPROVED**

**K. Resolution #13-19252** allocating monies from the SID Revolving Loan Fund contained within the Council Contingency General Fund Account. Public Safety New World Software - \$600,000; City Hall Lighting Upgrade - \$81,000; Lighting Upgrade in Seven Fire Stations and Boiler Replacement in Fire Station 2 - \$216,000; Establish Community Development Home Reinvestment Revolving Program - \$250,000. **APPROVED**

**L. Resolution #13-19253** relating to \$13,210,000 Tax Increment Urban Renewal Bonds for construction of the Empire Parking Garage authorizing the sale and outlining the terms and details of the bonds. **APPROVED**

**M. Final Plat** of Foxtail Village Subdivision, 2nd Filing, Amended Block 2. **APPROVED**

**N. Bills and Payroll:**

**1. February 25, 2013 APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

**2. March 4, 2013 APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

**3. July 1, 2012 - December 31, 2012 - Municipal Court APPROVED**

**REGULAR AGENDA:**

**2. PUBLIC HEARING** for the sale of city-owned property located at 502 South 33rd Street, Billings, MT, also known as the Irma House II. Because no bids on the property were received, staff recommends continuing to market the property for sale. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**3. PUBLIC HEARING AND RESOLUTION #13-19254** approving the FY2014-2018 Capital Improvement Plan (CIP); FY2014 Equipment Replacement Plan (ERP); and the

FY2014 Technology Replacement Plan (TRP). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**4. 1228 AND 1236 MULLOWNEY LANE ANNEXATION AND ZONE CHANGE REQUEST**

**A. PUBLIC HEARING AND RESOLUTION 13-19255 FOR ANNEXATION #13-02:** Property described as an unplatted 63.32-acre parcel of land generally located south of the King Avenue West interchange with Interstate 90 and addressed as 1228 and 1236 Mallowney Lane; Elizabeth Zeiler, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**B. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #908:** A zone change from Agriculture Open-Space (A-1) to Highway Commercial (HC) on an un-platted 63.32-acre parcel of land generally located south of the King Ave West interchange with Interstate 90 and addressed as 1228 and 1236 Mallowney Lane. Elizabeth Zeiler, owner. 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**

**5. TRACT 1, CERTIFICATE OF SURVEY 2587 & TRACT 1, CERTIFICATE OF SURVEY 3329 ANNEXATION AND ZONE CHANGE REQUEST**

**A. CONTINUANCE OF PUBLIC HEARING AND RESOLUTION #13-19256 FOR ANNEXATION #13-01:** two parcels totaling approximately 97 acres in Tract 1, C/S 2587, and Tract 1, C/S 3329, generally located northwest of the intersection of Hesper Road and Gabel Road (Public Hearing continued from 2/25/2013); Industrial Planning Associates, L.P, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 to 0. CM CROMLEY ABSTAINED.**

**B. CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #907:** A zone change from Agriculture Open-Space (A-1) to Controlled Industrial on 2 parcels of land described as Tract 1, C/S 2587 and Tract 1, C/S 3329, generally located northwest of the intersection of Hesper Road and Gabel Road (Public Hearing continued from 2/25/2013); Industrial Planning Associates, LP, owner; Dowl HKM, agent. On a 2-2 vote, Zoning Commission forwards no recommendation. **APPROVED 10 TO 0. CM CROMLEY ABSTAINED.**

**6. CENTENNIAL PARK LEASE BETWEEN THE CITY OF BILLINGS AND BILLINGS COMMUNITY YOUTH FOUNDATION, INC.** approving a default notice be sent to the Billings Community Youth Foundation, Inc. (BCFYI) providing a 60-day period for documented proof of compliance with all provisions of the lease. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED TO SEND LETTER PROVIDING 60-DAY PERIOD FOR COMPLIANCE DOCUMENTATION.**

**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.

- **Richard Clark, (no address given)** said he was the President of the West End Task Force and asked for staff's help creating a street light district on Broadwater Avenue from 24<sup>th</sup> Street West to 29<sup>th</sup> Street West.

### **COUNCIL INITIATIVES**

- **Astle:** MOVED to direct staff to begin the process of creating the street light district on Broadwater Avenue from 24<sup>th</sup> Street West to 29<sup>th</sup> Street West, seconded by Councilmember Crouch. On a voice vote, the motion was unanimously approved.
- **Ulledalen:** MOVED to request the Police Chief provide half of his wish list during his budget presentation and to include the cost of one beat, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

**ADJOURN: 8:50 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.*