

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

September 10, 2012

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Bird gave the invocation.

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

MINUTES:

- August 13, 2012 – Councilmember Astle moved for approval, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.
- August 27, 2012 - Pending

COURTESIES: Councilmember Crouch recognized Ms. Eunice Terry and her son, Melvin Terry. He said Ms. Terry had been awarded the Human Rights Award by Christian Women United for her many contributions to the City of Billings and around the world. He said she had been active in Passages, the Women's Prison, Alternatives, and the Montana Rescue Mission and was a peace ambassador around the world including Russia and China.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- Reminded the public and the Council of the Community Conversations to be held September 11 from 5:30 to 7:00 p.m. at the First Presbyterian Church, 2040 13th Street West; September 12 from 11:30 a.m. to 1:00 p.m. at the Garfield Resource Center Gym, 3212 1st Avenue South; and September 13 from 7:00 to 8:30 p.m. at the Oasis Water Park, 543 Aronson Avenue. She said the staff and Council would be presenting information on the recent citizen's survey, priority based budgeting, and public safety funding.
- Item 1A3 – Pond C Outfall Improvements for Logan International Airport: Staff would like delayed until September 24 in order to finalize easement negotiations with a property owner.
- Item C – Assignment and Assumption Agreement between Parnly Billings Library Foundation, City of Billings, and Will Bruder + Partners: Copy of Contract for Professional Services was sent in the September 7 Friday packet because it supported the Assignment and Assumption Agreement. Copy filed in ex-parte notebook.

- Item R – Second and Final Reading Ordinance amending Sections 22-901 and 22-902 of the City Code for the sale or donation of city-owned property: Copy of memo from Attorney Brent Brooks and amended ordinance was sent in September 7 Friday packet. Staff would like the item separated. Copy filed in ex-parte notebook.
- Add-on Item: Resolution of Intent Designating a Retail Retention and Recruitment Program as an Expanded N. 27th Street Urban Renewal District Project: On August 27 Council delayed action until September 10. Was not included on tonight's agenda in error. Downtown Billings Association was asking that the item be delayed until October 22. Copy of staff memo on Council's desk and filed in ex-parte notebook.
- Item 6 – Public Hearing and Resolution authorizing the sale of city-owned property located at 1048 Grand Avenue: The attached resolution had an incorrect date for the public hearing, which had been amended in the formal documents.
- Item 9 – Reservoir Land Acquisition for Zone 3 by Eminent Domain: The resolution was not included in the agenda packet sent to Council, and a copy of the resolution was on Council's desk. Copy filed in ex-parte notebook.

Councilmember Cromley moved to add the Resolution of Intent Designating a Retail Retention and Recruitment Program as an Expanded N. 27th Street Urban Renewal District Project to the agenda as Item 12, seconded by Councilmember Ronquillo. Councilmember Cimmino referenced Section 2.01 of the proposed resolution and suggested including the Ward 1 Councilmembers to the list of those who would be participating in the process. Ms. Volek advised she would ask the Downtown Alliance to address her suggestion on October 22. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 9, 10 and 11, AND 12 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute. Please sign up on the clipboard located at the podium or in the back of the room. 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.

- **T.J. Wierenga, 2215 Beloit, Billings, MT**, referenced Item S and thanked the Council for its willingness to look at the issue. She promised the Magic City Hens would stand behind the issue to help implement it throughout the City, to do it responsibly and effectively, and be there for people.
- **Harold Yale, 727 Cook Avenue, Billings, MT**, referenced Item S and said he did not want chickens in the city limits because they would attract bears and skunks. He said if people were allowed to have chickens in their backyards, people should be able to have junk in their yards. He said junk did not make noise or stink.
- **Sheldon Eaton, 3215 Reimers Park Drive, Billings, MT**, referenced Item 9 and said he was not able to get his appraisal done in time, but he hoped to have it by the end of the week or the first of next week. He said he was waiting to have the

city stake out the footprint of the property and the tank location. Mr. Eaton said the property provided a spectacular view of the city and was right against the rims. He said his concerns were that they would lose the ground and what it would do to the value of the property to the west.

- **Doug Ruebke, 110 South 31st, Billings, MT**, referenced Item S and asked Council to consider the rights of the property owners opposed to chickens and the impact it would have on the whole city.

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

1. **CONSENT AGENDA**

A. **Bid Awards:**

1. **De-Icer, Anti-Icer Calcium Chloride Liquid.** (Opened 8/28/12) Recommend Brenntag; \$0.91 per gallon first year, with purchase option for years two and three.

2. **Winter Traction Material.** (Opened 8/28/12) Recommend Knife River; \$16.45 per ton first year; with purchase option for years two and three.

3. **Pond C Outfall Improvements for Billings Logan International Airport.** (Opened 8/28/12) Recommend The Good Earth Works Company, Inc.; \$70,100.

4. **Sanitary Sewer Extension and Miscellaneous Paving Projects at Billings Logan International Airport.** (Opened 8/28/12) Recommend Knife River; \$155,525.

5. **City Hall Boiler Replacement.** (Opened 8/28/12) Recommend Midland Mechanical, Inc., dba Stevens Brothers Mechanical; \$103,160.

B. **Change Order #2 - South Park Gazebo,** Fisher Construction, \$3,570.

C. **Assignment and Assumption Agreement** between the Parnly Billings Library Foundation, City of Billings, and Will Bruder + Partners for the construction of the new Parnly Billings Library.

D. **Approval** of Downtown Transit Transfer Center Parking Space Lease with Yellowstone County; 10/1/2012 - 9/30/2014 with option for one additional year; total revenue first two years - \$15,600.

E. **Approval** of Federal Aviation Administration Garage/Shop Site Ground Lease renewal for additional five years; 10/1/12 - 9/30/17; annual revenue - \$2,380.

F. **Approval** of two, 10-year Commercial Non-Aviation Ground Leases for Communication Sites with Gold Creek Cellular of Montana Limited Partnership, dba Verizon Wireless, on airport property (2012 - 2022); combined first-year revenue - \$20,000, subsequent years adjusted by CPI-U.

G. **Amendment #3, Engineering Services for Miscellaneous Airport Projects;** Morrison-Maierle, Inc.; \$91,932.

- H. Right-of-Way Easement** with NorthWestern Energy for installation of power lines to Edwards Jet Center hangar at Billings Logan International Airport.
- I. Approval** of the purchase of fusible PVC pipe from Underground Solutions, Inc. for annual pipe bursting program; \$106,500.
- J. Recommendation** at the request of the Bicycle and Pedestrian Advisory Committee to encourage Montana Department of Transportation to continue funding bicycle and pedestrian projects through the Transportation Alternatives Program under the Moving Ahead for Progress in the 21st Century Act (MAP-21).
- K. Approval** of Report for Pledged Collateral for First Interstate Bank Certificates of Deposit and US Bank Certificates of Deposit.
- L. Approval of Semi Annual Investment Report.**
- M. Acceptance of Donations** to Parks Department for South Park Gazebo electrical upgrades, The Vegas Hotel, \$1,000; Phillips 66, \$2,000.
- N. Acceptance of Donation** to Billings Fire Department for purchase of fire prevention public education supplies; IAFF Local 521; \$1,000.
- O. Resolution #12-19208** fixing the form and terms of the bond sale for SID 1393, Fritz Subdivision.
- P. Resolution #12-19209** fixing the form and terms of the Department of Natural Resources bond for the construction of an additional storage reservoir in Zone 3 East in Billings Heights.
- Q. Resolution #12-19210** authorizing the terms and conditions of the Park 2 Garage financing.
- R. Second and Final Reading Ordinance #12-5578** amending Sections 22-901 and 22-902 of the Billings, Montana, Municipal Code for the sale or donation of city-owned real property.
- S. Urban Chickens**
- 1. Second/Final Reading Ordinance #12-5579 for Zone Change #899:** A text amendment to Sections 27-305, 27-306, and 27-607 of the Billings, Montana Municipal Code deleting and adding language to allow the keeping of chickens within residential zones.
 - 2. Second and Final Reading Ordinance #12-5580** amending Section 4-401 and Section 4-403 of the Billings, Montana City Code allowing and regulating the keeping of up to six female chickens in residential zones.

T. Second and Final Reading Ordinance #12-5581 for Zone Change #901: A text amendment and map amendment to the zone classification for the East Billings Urban Renewal District (EBURD) adding a new section to the Unified Zoning Regulations specifying land uses, building types, signage allowances, landscaping requirements and location specific street improvements for new EBURD zoning districts.

U. Second and Final Reading Ordinance #12-5582 for Zone Change #902: A zone change from Neighborhood Commercial and Residential Multi-Family-Restricted to Community Commercial on a 4.189 acre parcel described as Lots 1 through 5, Brittain Acres Subdivision located on the northeast corner of the intersection of Hilltop Road and Bench Boulevard; Big Sky Floral Supply, owner; Chuck and Mick Gainan, agents. Approval of the zone change and adoption of the determinations of the 10 criteria.

V. Second/Final Reading Ordinance #12-5583 for Zone Change #904: A zone change from Residential Manufactured Home to Community Commercial on a 4.77-acre parcel described as Tract 1, C/S 2537, and the north two acres of the south 10.41 acres east of the lateral and fractions of Section 22, Township1 North,, Range 26 East located at 1026, 1032 and 1040 Bench Boulevard; Lee Steffanich, owner; Sanderson Stewart, agent. Approval of the zone change and adoption of the determinations of the 10 criteria.

W. Final Plat of High Sierra Subdivision, 5th Filing.

X. Bills and Payroll:

1. August 7, 2012
2. August 13, 2012
3. August 20, 2012

Councilmember Pitman separated Consent Agenda Items 1A3, R, and S1. Councilmember Cimmino separated Consent Agenda Items P, S2, X1 and X2.

Councilmember Pitman moved for approval of the Consent Agenda with the exception of Items 1A3, P, R, S1, S2, X1, and X2, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

Councilmember Pitman referenced Item 1A3 and moved to delay until September 24, 2012, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

Councilmember Pitman referenced Item R and said he separated the item at the request of Attorney Brooks. Attorney Brooks indicated at the September 4 work session a presentation was made by the Parks, Recreation and Public Lands (PRPL) Land Sale Subcommittee. He said in the September 7 Friday Packet he sent an amended ordinance with additional changes to Subsections (1) and (3) of Section 22-902 as suggested by the subcommittee and discussed by Council at the work session. Attorney Brooks advised that if the Council accepted the subcommittee's recommended changes, the motion would need to amend the ordinance on second reading to include the new language as distributed in the Friday Packet and recommended by the PRPL Land Sale Committee. Councilmember Pitman moved to approve the amended ordinance including the new language recommended by the PRPL Land Sale

Committee that was sent in the Friday Packet, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

Councilmember Pitman referenced Item S1 and said he separated it in order to be able to vote on it because he did not want it included with the rest of the Consent Agenda. Councilmember Ulledalen moved for approval of Item S1, seconded by Councilmember Ronquillo.

Mayor Hanel asked if the city had the available resources to handle the additional load with chickens and the ability to secure them. Animal Control Supervisor Dave Klein said the first year would be interesting. He said they were currently asking for a \$25 permit fee, and they may have to ask for an increase in future years. He said they were aware there currently were chickens in the city, and animal control had not yet had to handle any complaints. He said they would probably handle chicken complaints like they did with barking dog complaints, which was to send a letter on the first complaint and then schedule a visit after the second complaint. Mayor Hanel asked Mr. Klein if he had any estimates on how many people would take out permits. Mr. Klein said he would estimate between 30 and 40 in the beginning, and he did not think they would reach 100 in the first year. He said after the first year, he felt the number would decline once people realized the work that went in to raising chickens.

Councilmember Pitman asked if the city would do some sort of outreach to educate people on raising chickens. Mr. Klein said as Shipton's began selling chicks they hoped to work with them to possibly set up a booth so the Animal Control Officers and Magic City Hens could provide education.

Councilmember Crouch called for the question.

On a voice vote, the motion was approved 6 to 4. Councilmembers Cimmino, Pitman, Astle, and Mayor Hanel voted in opposition.

Councilmember Ulledalen moved for approval of Item S2, seconded by Councilmember Ronquillo. On a voice vote the motion was approved 8 to 2. Councilmembers Cimmino and Astle voted in opposition.

Councilmember Cimmino referenced Item P and said she would abstain due to her employment. Councilmember Pitman moved for approval of Item P, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item X1, Invoice #758002, and Item X2, Invoice #758189, and said she would abstain from both items due to her employment. Councilmember Pitman moved for approval of Items X1 and X2, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #12-19211 amending Resolution #12-19206, dated 8/27/212, establishing the Park District 1 assessment for tax year 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Finance Director Pat Weber advised there was one step that was missed when Resolution #12-19206 was approved on August 27, and that was providing a list of all properties and the assessment amounts in the City Clerk's Office for public review. He said the availability of the list had been legally advertised.

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

Note: Councilmember Bird left the meeting at 7:08 p.m. and did not return in time for the vote.

Councilmember Ulledalen moved for approval, seconded by Councilmember Astle. On a voice vote, the motion was approved 7 to 2. Councilmembers Pitman and Cimmino voted in opposition.

Note: Councilmember Bird returned to the meeting at 7:11 p.m.

3. PUBLIC HEARING AND RESOLUTION #12-19212 assessing the annual fee for encumbrances, obstructions, or encroachments on, over, across or above the streets, avenues, sidewalks, or alleys of the City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation). City Administrator Tina Volek advised there was no presentation but staff was available to answer questions.

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

Councilmember Astle moved for approval, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND RESOLUTION #12-19213 re-spreading SID 1369 - curb & gutter, sidewalks, water, sewer, storm drain and street improvements on Moore Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised there was no presentation but staff was available to answer questions.

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

Councilmember Ulledalen moved for approval, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND RESOLUTIONS #12-19214 (SID 1901) AND #12-19215 (SID 1902) regarding the original spread assessments on the following Special Improvement Districts. Staff recommends approval. (Action: approval or disapproval of staff recommendation). City Administrator Tina Volek advised there was no presentation, but staff was available to answer questions.

A. SID 1901: Sidewalks along Rimrock Road from 17th Street to Forsythia.

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

Councilmember Astle moved for approval, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

B. SID 1902: Miscellaneous Sidewalk, Curb, and Gutter Improvements located in areas throughout the City.

The public hearing was opened.

- **Gerald Stewart**, said he owned commercial property at 404 South 28th Street, and the sidewalks cost him \$8,000. He said he received an itemized bill for the cement work and he understood it; but he also received a bill from the City for \$2,000 and asked what that amount was for. Mr. Stewart said the building had been there for a long time and asked why sidewalks were not put in years ago. Councilmember Ronquillo asked Mr. Stewart if his building had graffiti on the side of it. Mr. Stewart said he was working with the city to take care of the graffiti.

City Administrator Volek advised the \$2,000 included the bonding and administrative costs for his portion of the district creation.

Councilmember Ronquillo told Mr. Stewart the assessment would be spread on his taxes for 12 years, which would help.

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

Councilmember Ulledalen moved for approval, seconded by Councilmember Astle.

Councilmember Ronquillo commented the curbs and gutters around South Park and Highland Park were totally disgusting, so if the City could force a property owner to fix his property, the City should take a good strong look at fixing its own property.

On a voice vote, the motion was unanimously approved.

Councilmember Cimmino asked Public Works Director Dave Mumford if there would be any type of City assistance available on SID 1902. Mr. Mumford said there was some assistance for the side yards but for the most part, there was not. He said if property owners were low income, they could apply through various housing programs for assistance.

6. PUBLIC HEARING AND RESOLUTION #12-19216 authorizing the sale of city-owned property described as Lot 3A, Block 13, Sunset Subdivision, 5th Filing, located at 1048 Grand Avenue. Recommendation to be made at meeting.

Public Works Director Dave Mumford advised the subject property was the old Dairy Queen on Grand Avenue. He said the City bought the property during the Grand Avenue widening project and tore the building down. He said they asked for sealed bids on the property and received a bid from Steve Kerns in the amount of \$69,701 and a bid from McDonald's USA in the amount of \$105,000. Mr. Mumford said a market analysis a year ago valued the property at \$120,000. He said staff was recommending the sale of the property to McDonald's USA in the amount of \$105,000.

Councilmember Pitman asked what the City would do with the \$105,000. Mr. Mumford said the property was paid for out of Gas Tax money, and staff would ask that it go back into the Gas Tax fund for continued road construction projects.

Councilmember Cimmino asked how long the eminent domain process had taken on the subject property. Mr. Mumford said it took over four years. Councilmember Cimmino asked if the original purpose was to gain 15 feet in order to widen Grand Avenue. Mr. Mumford said the property was so small that they needed to take the entire property.

Councilmember Bird asked what McDonald's interest was in the property. Mr. Mumford said he thought it would be used for parking.

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

Councilmember Astle moved to approve the sale to McDonald's USA for \$105,000, seconded by Councilmember Crouch.

Councilmember Bird expressed her concern about having a "sea of asphalt" on Grand Avenue and asked if there were any conditions for development of the property. Mr. Mumford advised they did not ask for specifics on what would be done on the property. He said it was commercial property and because of its size it was very limited in use. He said McDonald's would have to meet city code on whatever they did with the property, and any new development would be subject to the landscaping standards.

On a voice vote, the motion was unanimously approved.

7. PUBLIC HEARING AND FIRST READING ORDINANCE amending the boundaries of Ward IV to include recently annexed property in Annex #12-07: one parcel totaling approximately two (2) acres, with approximately 7,260 additional square feet designated as street right-of-way, in Zimmerman Acreage Tracts Subdivision, generally located on the north side of Grand Avenue just west of the intersection of Grand Avenue and 48th Street West. John Clifford Zimmerman, owner and petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised there was no presentation, but staff was available to answer questions.

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

Councilmember Ulledalen moved for approval, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

8. PUBLIC HEARING AND FIRST READING ORDINANCE amending the Billings, Montana City Code by adding Sections 18-1401 through 18-1405 defining terms and establishing standards for boarded up structures. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Planning Director Candi Beaudry said the proposed ordinance would address structures that were unoccupied, abandoned, and boarded up for at least 180 days. She said the key elements of the proposed ordinance included what materials must be used to board up a structure, that the boards must be replaced by tight-fitting windows and doors within 180 days, all cases would be complaint driven or initiated by a Code Enforcement Officer, the property owner would be given 30 days to voluntarily abate the property, and the violation would be a municipal infraction.

Councilmember Astle asked if existing, boarded up buildings would be grandfathered. Ms. Beaudry said they would not. She said the ordinance would be effective 30 days following the second reading scheduled for September 24, and they could not begin enforcement until after that.

Councilmember Bird asked if a property owner would receive one citation per window. Ms. Beaudry said a citation would be for the entire structure. She said the property owner would receive a notice first, which was not considered a citation, and be given 30 days to fix the problem. She said after 30 days, the property owner could be ticketed which would require an appearance in court. She said the court would then charge a penalty of \$110. She said if the property owner continued to leave the property unabated each day could be considered a separate violation; however, there were limits to the total amount and at that point it would be more effective to go to District Court as a misdemeanor. Councilmember Bird asked if after numerous citations, the City would be in a position to take possession of the property. City Attorney Brooks said the City

would not take possession of the property but would abate the property and then add the cost to the tax assessment for the property. Ms. Beaudry said it would be very similar to the way the City treated weed violations.

Ms. Beaudry showed photographs of four existing properties that would be in violation of the proposed ordinance. She said the properties had been boarded up for decades.

Mayor Hanel asked if Billings was the first city in Montana to consider enacting such an ordinance. Ms. Beaudry stated many communities relied on the Minimum Property Standards which were based on International Building Codes. She said Montana did not have Minimum Property Standards. She said the code was developed from a combination of other community codes they were allowed in Montana such as junk vehicles, nuisance vegetation, and open storage. Ms. Beaudry said Billings would be the first in the state.

The public hearing was opened.

- **Marion Dozier, 3923 3rd Avenue South, Billings, MT**, said she supported the ordinance. She said she was so thankful to Candi Beaudry for the work she had done because the Planning Department had said for years there was nothing the city could do. Ms. Dozier said boarded up structures attracted vagrants, graffiti, and fires, and brought down the property values of surrounding properties. Ms. Dozier urged the Council to pass the ordinance because it was a long time in coming.

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

Councilmember Ronquillo moved for approval, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

9. RESOLUTION #12-19217 pursuant to BMCC Chapter 12, Eminent Domain, declaring public purpose and use, describing the property to be taken and authorizing City officials to proceed with condemnation of approximately 2.56 acres of land generally located along the west side of Clearview Drive immediately west of the Chapple Reservoir for the purpose of constructing a new Zone 3 Reservoir. Delayed from 8/13/2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Public Works Director Dave Mumford said the item was a continuation of a Public Works request to receive approval for eminent domain. He said recently Public Works recommended denial of an annexation request from Knife River because the City could not supply the needed water. He said the proposed Zone 3 reservoir was necessary to supply water to Knife River and other proposed developments along Shiloh Road. Mr. Mumford said they had looked for other locations but because of height elevation requirements they would have to build a 70 to 80 foot high tank. He said they started discussions with Mr. Eaton in September of 2009. He said they had appraisals done on the property, and they offered Mr. Eaton the highest appraisal amount plus 5%. Mr. Mumford said it was a very significant and needed location for the reservoir in order to provide fire flow and water supply to the Zone 3 area. Mr. Mumford asked the Council for permission to move forward with eminent domain. He said they would like to keep working with Mr. Eaton,

but they had already waited three years and needed to get the reservoir under construction and operational.

Councilmember Astle asked if passing the resolution meant they would no longer talk to the property owner or if it just gave them the right to start the proceedings. Mr. Mumford said they would continue to try to resolve the issue with Mr. Eaton without going through court proceedings, but it would also allow them to move forward. Attorney Brooks said along the path of eminent domain there was always the opportunity to resolve the case and arrive at a value.

Councilmember Pitman asked for a picture of the location. Mr. Mumford said he did not have a picture with him, but it would be north of and adjacent to the Mormon Temple. Mr. Mumford said it was a nice piece of land but without the reservoir they would have a shortage of water.

Councilmember Astle moved for approval of the resolution, seconded by Councilmember Cromley.

Councilmember Cimmino stated she needed to abstain from the item due to her employment.

On a voice vote, the motion was approved 8 to 1. Councilmember McFadden voted in opposition.

10. RECOMMENDATION to the Policy Coordinating Committee (PCC) for approval of the Draft 2013 Unified Planning Work Program (UPWP). Staff recommends making recommendation of approval to the PCC. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised there was no presentation but staff was available to answer questions.

Councilmember Cromley moved for approval, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

11. RECOMMENDATION to the Policy Coordinating Committee (PCC) for approval of the Draft 2012-2016 Transportation Improvement Plan (TIP). Staff recommends making recommendation of approval to the PCC. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised there was no presentation but staff was available to answer questions.

Councilmember Pitman said he had e-mailed Ms. Beaudry earlier for clarification and asked her to summarize the e-mail she had sent to him.

Ms. Beaudry said the subject of the e-mail from Tom Zurbuchen was actually on the long range transportation plan, and he questioned whether the \$285,000 set aside for that plan was necessary. Ms. Beaudry said that amount was for planning purposes and covered in their Unified Planning Work Program. She said what she had written in her e-mail was that the plan was a required document by the Federal Highway Administration (FHWA) to ensure that their Metropolitan Planning Organization Transportation Planning Funds continued to flow. She said it also set up the projects that would qualify for federal transportation aid. She said it was a necessary step and long overdue. She said they had been amending their transportation plan; and it was time to look at what their future transportation needs were and that was what the plan would facilitate.

Councilmember Ulledalen moved for approval, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

12. (ADD-ON ITEM) RESOLUTION OF INTENT designating a retail retention and recruitment program as an Expanded North 27th Street Urban Renewal Project. Staff recommends delaying until October 22, 2012. (Action: approval or disapproval of staff recommendation.) Councilmember Cromley moved to delay action until October 22, 2012, seconded by Councilmember Ronquillo.

Councilmember Astle asked why staff wanted the delay. City Administrator Tina Volek advised the delay was at the request of the Downtown Alliance. Councilmember Astle asked for their reasoning. Ms. Volek said the Downtown Alliance had forgotten it was on the agenda, and they were not prepared to attend the meeting. She said they would be out of town on September 24 and asked for more time to work on the item.

On a voice vote, the motion was unanimously 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 or in the back of the room.)

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

COUNCIL INITIATIVES

- **Ulledalen:** Said following the last work session where they struggled through the fourth quartile items with the General Fund and Public Safety, it seemed to him they needed a dollar amount for cuts that they should begin implementing starting with the next budget. He said if they waited until FY15 or FY16, they could really have a train wreck on their hands. He said another unresolved issue was if the Police and Fire Departments would be exempt from cuts. He said if that was the assumption of the staff and Council, there was no point in talking about Priority Based Budgeting in Police and Fire, and they should direct their attention to other departments. He also said in terms of timing, they had a municipal election next year, which would be a reasonable time to put a public safety levy on the ballot. He said waiting and having to do a special election would be very costly. He said they had the overall strategy with priority based budgeting, but they needed to tighten up the game plan or they would be adrift and not come up with conclusions. He said they needed feedback from staff on how to address it as a whole.

Councilmember Pitman said it would be an important discussion at the Community Conversations, and the public needed to attend and express any concerns that were out there.

Councilmember Bird said she agreed with Councilmember Ulledalen. She said they needed to be as proactive as possible right now.

Councilmember Ronquillo asked if they were looking for a dollar amount because approximately 52% of the General Fund went to Police and Fire. He complimented the City on the amount of money it had been able to save.

City Administrator Volek advised the citizen survey showed the number one priority was public safety. She said staff had been working on the numbers, and they would be presented to Council. She commented the entire staff had watched every penny and tried to return money to the General Fund. She said they anticipated doing it again this year; however, they were getting to the point

where they could not sustain it much longer. Ms. Volek said in FY15 or FY16 they would have to take money out of reserves and bring the reserves below the recommended levels. She said they were looking at programming and rather than strip a department of all of its resources and close it down, they were talking about looking at all the programs among all the departments and making decisions.

Councilmember Bird said it was not just about stripping anything. She said it was about holding to where they currently were. She said the city was a lean, mean organization and there literally was no fat. She said it was not just about cutting, but maintaining. She said all city services currently being provided were critically important.

Councilmember Ulledalen said savings had been set aside that would buy time, but it was not good, healthy operational budgeting because as the savings were depleted, there would be no more options.

- **Mayor Hanel:** Said he had been in contact with the Montana Historical Society and it appeared the Babcock Theater would become part of the National Historic properties in Billings.
- **Mayor Hanel:** Referenced Item 3 and said some of the property owners on the list were deceased. Ms. Volek said staff would re-check the list.
- **Ronquillo:** Said they had a meeting at the Moose Lodge on the Highland Project on Orchard and one of the items of discussion was if the trucks hauling the heavy tanks were damaging the city streets. He said there was a weight limit in the city code and asked if the city could enforce it. Mayor Hanel suggested calling MDT who could determine the weight distribution.
- **Ronquillo:** Said Council had received a letter from someone who had tried to adopt a dog at the Animal Shelter, and he asked to hear the other side of the story. Ms. Volek said she had spoken with the Yellowstone Valley Animal Shelter, and they would provide Council with the other side of the story.
- **Ronquillo:** Said he saw a picture of a grass fire where the quick response vehicles responded, and they seemed to work out well and were able to handle the fire. He said using the quick response vehicles for small grass fires saved money in the long run.
- **Cimmino:** Complimented Tom Binford, Director of Aviation and Transit, for negotiating the 13 parking spaces at \$50 per space per month and generating \$15,600 in revenue. She also thanked Fire Department Union Local 521 for donating \$1,000 for the fire prevention education supplies. She questioned who the city contact would be for the library architect agreement approved that evening. Attorney Brooks said he assumed it would be Bill Cochran, the Library Director; the City Administrator; and Eric Simonsen of A & E Architects. Councilmember Cimmino asked if the \$1,456,925 already paid to the library architect had been taken out of the \$2 million anonymous donation. Ms. Volek advised that was correct and the remainder would pay for ongoing architectural services.
- **Mayor Hanel:** Asked Ms. Volek if former Department Head, Bruce Putnam, who was not well, could be recognized in the future in a public setting.
- **Ronquillo:** Said the Neighborhood Eat & Meet was scheduled for September 13, 4:30 until 7:00 p.m., at "Home on the Range," 220 South 27th Street.

There was no further business, and the meeting adjourned at 8:23 p.m.

CITY OF BILLINGS



ATTEST:

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

BY: Cari Martin
Cari Martin, City Clerk