

**COUNCIL ACTION SUMMARY**  
**\*\*UPDATED AS OF 4/19/2016\*\***  
**CITY OF BILLINGS**

**CITY OF BILLINGS VISION STATEMENT:**

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE  
PROSPER AND BUSINESS SUCCEEDS.”**

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**AGENDA**

**City Hall Conf. Room, Council Chamber                      April 25, 2016                      5:30 P.M.**

**CALL TO ORDER:** Mayor Hanel, City Hall Conference Room

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Swanson

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown.

**RECESS TO CLOSED EXECUTIVE SESSION** (meeting will be called back to order at 6:30 pm in Council Chamber)

\*Note: The closed Executive Session is solely for the purpose of discussing litigation strategy in which the only parties are NOT public bodies or associations, as described in Section 2-3-203(1) and (2). The meeting is closed, as allowed by Section 2-3-303, MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

**MINUTES:** April 11, 2016 **APPROVED**

**COURTESIES:**

- City Administrator Tina Volek thanked Library Director Bill Cochran for his work in achieving a Platinum LEED Award for the library.

**PROCLAMATIONS:** Give Local Yellowstone Day

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek stated that she signed a maintenance agreement for Amend Park's grass fertilization and mowing.
- Ms. Volek noted that there is a Community Innovations meeting on Tuesday at 3:00 pm in the Library Community Room.

- Ms. Volek discussed the formation of hiring committees for the Library Director and Planning and Community Services Director positions.

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

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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.)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, regarding Item 1F, stated that the vacation will limit streets and downtown is too busy for this vacation.
- **Terry Odegard, 2101 Lake Hills, Billings, MT** stated that MET transit did a good job with its presentation and that he supports the changes. Mr. Odegard stated that the Alberta Bair needs a bigger building and the vacation could help.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, regarding Item 1A3, stated that the project was too much money after spending money for Calhoun Lane. Mr. Nelson stated that people should be given the opportunity to move trees so that they do not lose them.
- **Steve Zeier, Big Sky Economic Development**, stated that hard work went into Orchard Lane and that development will help with connectivity.

1. **CONSENT AGENDA** -- Separations: 1E, 1F, 1L2, 1A3, 1B, 1L1, 1H

A. **Bid Awards:**

1. **Evidence CCTV System.** (Opened 4/12/16) Recommend rejecting all bids and directing staff to solicit new proposals. **APPROVED**
2. **New Carpeting for the Airport's Terminal's Baggage Claim and Ticket Counter Area.** (Opened 4/12/16) Recommend Northwest Floors, \$60,961. **APPROVED**
3. **W.O. 15-07, Orchard Lane Reconstruction.** (Opened 4/12/16) Recommend CMG Construction Inc., \$4,070,702. **APPROVED**
4. **W.O. 16-01, Schedule 1, Will James Area Water Main Replacement Project Phase II.** (Opened 4/12/16) Recommend Western Municipal Construction, Inc., \$1,196,660. **APPROVED**
5. **W.O. 16-01, Schedule 2A, Sanitary Sewer Replacement.** (Opened 4/12/16) Recommend COP Construction, LLC, \$555,221. **APPROVED**

6. **W.O. 16-01, Schedule 4, Southside Sanitary Sewer Replacement.** (Opened 4/12/16) Recommend Western Municipal Construction, Inc., \$420,953. **APPROVED**
7. **W.O. 16-07, Interstate 90 Water Main Crossing Project.** (Opened 3/29/16) Recommend Kinkaid Civil Construction, \$1,233,366. **APPROVED**
- B. **Consultant Agreement** with Alta Planning + Design to update the 2011 Bikeway and Trail Master Plan, not to exceed \$105,000. **APPROVED**
- C. **Amendment #2, Facilities Master Plan,** CTA Architects, \$6,400, and extend contract completion date to June 30, 2016. **APPROVED**
- D. **Acknowledge receipt of petition to vacate** Palladium Drive right of way within Copper Ridge Subdivision, 6th filing, Copper Ridge Development Corporation, petitioner, and setting a public hearing date of May 23, 2016. **APPROVED**
- E. **Acknowledge receipt of petition to vacate** a portion of the alley within Block 163 of Billings Original Townsite, Riverstone Health, petitioner, and setting a public hearing date of May 23, 2016. **APPROVED 10-0, Cromley Abstained**
- F. **Acknowledge receipt of petition to vacate** a portion of 3rd Avenue North and North Broadway, The Alberta Bair Theater Corporation, petitioner, and setting a public hearing date of May 23, 2016. **APPROVED 10-0, Cromley Abstained**
- G. **Acceptance of Donation** to Fire Department, Kurt Klinkhammer, Shur-Sales & Marketing/SCOTT Safety Account Representative, 21 SCOTT NxG2 4.5 2002 edition air-paks. **APPROVED**
- H. **Ratification of Acceptance** of American Library Association Grant, \$1,000. **APPROVED**
- I. **Grant Application Request** to submit Small Community Air Service Development Program (SCASDP) application and accept award. **APPROVED**
- J. **Approval** of MET Transit's Updated Title VI Program. **APPROVED**
- K. **Preliminary Subsequent Minor Plat** of Amended Lot 8, Block 1, Superior Homes Subdivision, located at 2139 Lake Elmo Drive; Dylan and Kelly Durose, owners; Interstate Engineering; agent; conditional approval and adoption of the findings of fact. **APPROVED**
- L. **Bills and Payroll:**
  1. March 28, 2016 **APPROVED 10-0, Cimmino Abstained**

2. April 4, 2016 **APPROVED 10-0, Cimmino Abstained**

**REGULAR AGENDA:**

2. **PUBLIC HEARING** and approval of allocation of FY2016-2017 CDBG and HOME program funds and approval of the FY2016-2017 Action Plan. Staff recommends approval of the Community Development Board's recommendation and prioritization. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION** ordering improvements identified in W.O. 16-02, Miscellaneous Improvements Program. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #16-02:** Property described as Lot 1, Block 1, Adam and Mollie Subdivision, located south of Elysian Road and west of the Hogan Slough between Mullowney Lane and East Lane. McCall Development and the Yellowstone Boys and Girls Ranch Foundation, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #946:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70), on a 10,417 square-foot parcel of land described as: Lot 11, Block 9, Central Acres Subdivision, 5th Filing. James Ouren, owner. Zoning Commission recommends denial and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **MOTION TO ADOPT ZONING COMMISSION RECOMMENDATION AND FINDINGS OF THE 10 CRITERIA APPROVED 9-2, Yakawich and Cimmino voted in opposition.**
6. **PUBLIC HEARING AND SPECIAL REVIEW #936:** a special review to locate a 50-foot monopole support structure for new Verizon Wireless communication antennas in an EBURD-Central Works (EBURD-CW) zone, on a 1,335 square foot lease of a 24,500 square foot parcel of land described as: Lots 18-24, Block 19, Billings Original Town, and located at 401 N 17th Street. Kevin Howell, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
7. **PUBLIC HEARING AND SPECIAL REVIEW #939:** a special review to add 2 outdoor patios and 4,000 square feet of floor area to an existing restaurant and casino in an Entryway General Commercial (EGC) zone, a 3.125 acre parcel of land described as: Lot 1A, Block 1, Geyser Park Subdivision. Barbara Hawkins and Shawn Johnson, agents. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

8. **PUBLIC HEARING AND SPECIAL REVIEW #940:** a special review to allow the addition of a 320 square-foot outdoor seasonal patio on the public sidewalk adjacent to Doc Harper's in the Central Business District (CBD), on Lots 7-12 and a fraction of Lot 6, Block 93, Billings Original Town, Unit 2 of the Babcock Building. Bruce Harper, applicant. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission 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.*)

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT** stated that he received a building permit and violation letter regarding a building permit violation and that it is a waste of money to pay staff to send that kind of letter.

### **COUNCIL INITIATIVES**

- Councilmember Yakawich moved to direct staff to look into a minimal standard ordinance for Billings and to seek guidance from lobbyist Ed Bartlett, seconded by Councilmember Cimmino. Councilmember Yakawich re-worded his initial motion to also include this item on a future agenda. On a voice vote, the motion was unanimously approved.
- Councilmember Cimmino moved to have a governing board restudy the 2010 ordinance that prohibits hand-held devices while driving, and to bring information forward at a later date, seconded by Councilmember Friedel. Councilmember Cimmino withdrew the motion, and Councilmember Friedel withdrew the second.

**ADJOURN** 10:36 pm