

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

AGENDA

COUNCIL CHAMBERS

October 26, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing asked a member of visiting Boy Scout Troop #7 to lead the Pledge of Allegiance.

INVOCATION – Councilmember Gaghen

ROLL CALL: Councilmembers present on roll call were: Gaghen, Pitman, Brewster, Veis, Ruegamer, McCall, Astle, and Clark. Councilmembers Ronquillo and Ulledalen were excused.

MINUTES: **October 13, 2009**, Approved as distributed.

COURTESIES:

- Mayor Tussing recognized Boy Scout Troop #7 in the audience.
- Councilmember Astle reminded everyone of the "Pack the Place in Pink" event at Skyview High School the following evening for Breast Cancer Awareness Month.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced revised Agenda Item 1A that was sent via e-mail to the Council the previous Friday, and noted a copy was on their desks that evening and in the ex-parte notebook in the back of the room for public review.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 2 ONLY.

Speaker sign-in required. (Comments offered here are limited to **1 minute** per speaker. Please sign up on the clipboard located 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.)

(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)

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

1. CONSENT AGENDA Separations: D, F

- A. Resolution #09-18889** approving City Council Electronic Communications and Usage Policy (delayed from 10/13/09).

- B. Change Order #2 Final**, W.O. 05-17, Highland School Route Sidewalks, Riverside Sand and Gravel, \$21,145.85.
- C. Professional Services Contract** for development of an Integrated Water Plan; HDR Engineering, Inc.; \$212,000.
- D. Professional Services Contract** for Safe Routes to School Study; Sanderson Stewart; \$55,000. **APPROVED 8 TO 0. Mayor Tussing recused himself from the vote.**
- E. Amendment #3, W.O. 05-20, Aronson Avenue**, Professional Services Contract, DOWL HKM Engineering, \$13,062.83.
- F. Lease Agreement** with GSK Partners, LLP, for temporary use of 1.45 acres of land during construction of W.O. 04-26, Zone 4 Reservoir pump station and water storage tank; 9/1/2009 through 10/31/2011; \$44,000 total with option of additional month-by-month lease for up to six months at a monthly payment of \$2,000 per acre. **APPROVED.**
- G. Subordination of Housing Rehabilitation Loan** for Julie Slevira, \$14,523.91.
- H. Approval of Quarterly Report for Pledged Collateral** for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account, and US Bank Certificates of Deposit.
- I. Resolution #09-18890** establishing criteria for use of Recovery Zone Facility Bonds.
- J. Final Plat Approval** of Appleby Subdivision, Amended Lot 2, Block 1; and **revocation** of Condition #2 of preliminary plat approval (3/9/09).
- K. Bills and Payroll**
 - 1.** September 25, 2009
 - 2.** October 2, 2009

(Action: approval or disapproval of Consent Agenda.) **APPROVED.**

REGULAR AGENDA

- 2. ADOPTION OF WELCOME HOME BILLINGS TEN-YEAR PLAN TO IMPACT HOMELESSNESS AND THE MAYOR'S COMMITTEE ON HOMELESSNESS' FY2009-2011 ACTION PLAN, AS SUBMITTED.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
- 3. PUBLIC HEARING AND RESOLUTION #09-18891** levying and assessing emergency abatement expenses on the tax rolls for property located at 314 South 26th Street, Billings, MT, in the amount of \$8,863. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **PUBLIC HEARING AND RESOLUTION #09-18892** authorizing the filing of a Grant Application for Federal Transit Administration, Section 5309, Bus and Bus-Related Facilities Program Funds in the amount of \$247,000 for purchase of four paratransit vans and the subsequent execution by the Mayor of the Grant Agreement. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION #09-18893** authorizing permanent speed humps on 38th Street West between Colin Drive and Poly Drive. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
6. **PUBLIC HEARING AND RESOLUTION #09-18894** vacating the north half of North 26th between 2nd Avenue North and 3rd Avenue North; Yellowstone County, owner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
7. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-09-04:** A variance from the Site Development Ordinance, Section 6-1203(r), which prohibits customer access to alleys from commercial sites that abut a residential zone. Cenex Petroleum, Inc., owner. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED**
8. **PUBLIC HEARING AND ZONE CHANGE #858:** A zone change from Residential 6000 and Residential 9600 to Controlled Industrial on a 4.87-acre parcel of land described as Certificate of Survey 473 and the south 132 feet of Lot 4 in the SW1/4 of Section 9, Township 1S, Range 26E, and generally located at 415 and 431 South Billings Boulevard. Ralph Hanser, applicant. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
9. **PUBLIC HEARING AND SPECIAL REVIEW #879:** A special review to allow a vehicle wrecking facility in a proposed Controlled Industrial (CI) zone on a 4.87-acre parcel described as Certificate of Survey 473 and the southern 132 feet of Lot 4 in the NW1/4, SW1/4 of Section 9, Township 1S, Range 26E, generally located at 415 and 431 South Billings Boulevard. Ralph Hanser, applicant. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
10. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #850:** A text amendment to the Unified Zoning Regulations, regulating the location of Sexually-Oriented Businesses within the City of Billings; amending Sections 27-201 and 27-611 BMCC to include a definition of 'Adult Cabaret' and regulating the location of an 'Adult Cabaret'. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**

- 11. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #853:**
Text amendments to sections of the Billings, Montana City Code (BMCC); including Section 27-604 related to fences, Section 27-615 related to clear vision areas, Section 27-618 illustrations of clear vision areas, and deletion of Sections 22-441 through 22-448, redundancies related to clear vision areas in the chapter on streets and sidewalks. The Zoning Commission recommends approval.
(**Action:** approval or disapproval of Zoning Commission recommendation.)
APPROVED

- 12. PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

- Dennis Himmelberger, 233 Swords Lane, expressed his concern over the street parking problems in the neighborhoods around 10th Street West and Custer. He said students from the cosmetology school at 928 Broadwater parked in the residential areas near the school. He said it caused parking issues for the residential neighborhoods near the school and decreased property values from 10 to 20 percent. Mr. Himmelberger asked for the Council's help in alleviating the problem.

COUNCIL INITIATIVES

- **Ruegamer:** Moved to have staff look into the parking problem in the area of 10th Avenue West and Custer Avenue. He asked staff to find out if the cosmetology school at 928 Broadwater Avenue was legal; if they were legal, were they providing adequate parking for the students; and what the viability of "permit parking only" signs would be. The motion was seconded by Councilmember Veis and unanimously approved.
- **Pitman:** Moved to have staff bring to Council on 11/9/09 an ordinance restricting placement of the location of businesses legally selling medical marijuana. The motion was seconded by Councilmember McCall and approved 8 to 1. Councilmember Ruegamer voted 'no'.
- **Pitman:** Moved to have staff revisit the wording in the Social Host Ordinance and present it at a work session, seconded by Councilmember Astle. The motion was unanimously approved.
- **Gaghen:** Moved to create an ad hoc committee on 11/9/09 to determine the best way to deal with talking and/or texting on cell phones while driving. The motion was seconded by Councilmember Astle and unanimously approved.

ADJOURN - The meeting adjourned at 8:48 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.