

## 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**

**March 22, 2010**

**6:30 P.M.**

**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember Clark**

**ROLL CALL** - Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle, Clark

**MINUTES: March 8, 2010** - approved as distributed.

**COURTESIES -**

- **Billings Chamber of Commerce 5-Star Accreditation Award**
- **Councilmember Gaghen (Deb Schmitt)**

**PROCLAMATIONS** - None

**ADMINISTRATOR REPORTS - TINA VOLEK**

- **Ms. Volek advised there was a special meeting of the Library Board that day regarding the sale of two city-owned lots on Broadway to Stockman Bank. Assistant City Administrator Bruce McCandless briefly discussed the matter.**
- **Ms. Volek referenced Item G and the Letter of Interest on Council desks that evening. She said a copy was also in the ex-parte notebook in the back of the room.**
- **Ms. Volek referenced Item M and advised staff had asked the item be separated for further discussion.**
- **Ms. Volek referenced Item N, and advised there were still two vacancies that needed to be filled.**
- **Ms. Volek advised the Councilmembers who received a paper copy of Item S received a corrected attachment in the Friday packet. She said a copy was in the ex-parte notebook in the back of the room.**
- **Ms. Volek asked that the Termination of Regulatory Agreement for West Park Village be added to the Consent Agenda as Item Y. She said a copy was in the ex-parte notebook in the back of the room.**
- **Ms. Volek advised there was a letter from the applicant for Item 3, Zone Change #861, was on their desks that evening and in the ex-parte notebook in the back of the room.**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY. Speaker sign-in required.** (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: F, M, N, X1, X2**
  - A. Bid Awards:**
    - 1. New Airport Entry and Welcome Signs.** (Opened 3/9/10). Recommend Keystone Construction; \$88,980.
  - B. Approval** of Investment Grade Audit Contract with McKinstry; \$288,350.
  - C. Certified Local Government Program Grant Contract** with the State of Montana Historic Preservation Office for historic preservation activities, (4/1/10 - 3/31/11), \$5,500; Local matches: City of Billings - \$1,031; Yellowstone County - \$1,000; City of Laurel - \$469.
  - D. CTEP Project Specific Agreement - Swords Park Trail II** between Montana Department of Transportation and the City of Billings for design and construction of a hard-surfaced bicycle and pedestrian path.
  - E. Approval** of the Scheduled Airline Operating Agreement and Terminal Building Lease with Allegiant Air, LLC for a term beginning March 1, 2010, and expiring on June 30, 2010; approximate annual lease revenue - \$28,500; approximate annual landing fees revenue - \$47,800.
  - F. Approval** of Easement and Customer Agreement with Northwestern Energy for WO 04-26, Zone 4 Reservoir/Zone 5 West Pump Station. Easement - no cost to the City; Customer Agreement - not to exceed \$380,358. **APPROVED 10-0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**
  - G. Approval** of City support of a Letter of Interest for the US Environmental Protection Agency Technical Assistance Grant.
  - H. Approval** of Jacobs Consultancy Work Authorization for facility, financial, and feasibility analysis for Aviation and Transit's Car Rental Quick Turn Around Facility (\$96,500 plus reimburseable costs) and Automobile Parking Projects(\$106,500 plus reimbursable costs).
  - I. Amendment #1**, Contract with MT Department of Transportation for FY2010 Paratransit Operating Assistance through the Federal Transit Administration Section 5316 JARC Grant Program; \$86,754.

- J. Right-of-Way Easement** with NorthWestern Energy for installation of electrical power for the BLM's new Wildlands Fire Station located at Billings Logan International Airport.
- K. Right-of-Way Easement** with Montana Dakota Utilities for installation of a natural gas line for the BLM's new Wildlands Fire Station located at Billings Logan International Airport.
- L. Release of Easement** along the vacated portion of Boundary Waters Circle.
- M. Acceptance** of Federal Aviation Administration Airport Improvement Grants for 2010; up to \$2,976,969; City Match - \$156,853. (approval to be ratified 4/12/10)
- N. Approval** of Medical Marijuana Ad-Hoc Advisory Committee Members. **APPROVED.**
- O. Street Closures:**
1. Shrine Circus "Elephants on Broadway", April 6, 2010, 4:00 p.m. to 9:00 p.m., 2700 and 2800 blocks of 2nd Avenue North and 100 and 200 blocks of 28th Street North.
  2. Magic City Blues Festival, 9 a.m., August 13, 2010, to noon, August 15, 2010, 2300-2500 blocks of Montana Avenue.
- P. Second/Final Reading Ordinance #10-5505** amending the BMCC by adding Chapter 28, Articles 28-100 through 28-700, containing Sections 28-101 through 28-715, regulating the City's stormwater collection system through the development of a stormwater management program; including issuance and enforcement of private and public construction Storm Water Pollution Prevention Plans to address construction site stormwater, enforcement of adopted Best Management Practice (BMP) construction standards, enforcement of post construction stormwater BMP maintenance, and the detection and elimination of illicit discharges.
- Q. Second/Final Reading Ordinance #10-5506** amending BMCC 24-501 by adding Sections 24-312 and 24-541, allowing the City to legally authorize civilians to regulate traffic flow upon successful completion of an authorized safety course.
- R. Resolution of Intent #10-18918** to construct W.O. 04-12, Alkali Creek Road Improvements, and set a public hearing for April 12, 2010.
- S. Resolution of Intent #10-18919** to construct W.O. 08-21 Lake Elmo Drive-Main Street to Wicks Lane Improvements, and set a public hearing for April 12, 2010.
- T. Resolution of Intent #10-18920** to construct W.O. 09-02, Miscellaneous/Developer Related Improvements, and set a public hearing for April 12, 2010.
- U. Resolution #10-18921** approving City Administrator's signature authority to execute Buy/Sell Agreements for eligible, vacant, foreclosed properties up to \$150,000 for the Neighborhood Stabilization Program.

**V. Preliminary Subsequent Minor Plat** of Hogan Homestead Subdivision, Amended Lot 4-A, Block 5, generally described as the southeast corner of the intersection of King Avenue West and South 24th Street West. Spirit Spe Portfolio 2006-1 LLC, owner; Depierro Realty Advisors, subdivider; Sanderson Stewart, agent. Conditional approval of the plat and adoption of the Findings of Fact.

**W. Final Plat Approval**

1. Bellville Subdivision, Amended Lots 5 & 6, Block 1
2. Riverfront Pointe Subdivision, Amended Lots 4-19, Block 2

**X. Bills and Payroll:**

1. February 19, 2010 - **APPROVED 10-0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**
2. February 26, 2010 - **APPROVED 10-0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**

**Y. Approval of Termination of Regulatory Agreement for West Park Village. Added to Agenda at meeting. APPROVED.**

**(ACTION: Approval or disapproval of Consent Agenda) APPROVED.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #10-18922 AUTHORIZING THE SALE OF TRACT 2 OF CERTIFICATE OF SURVEY #3426.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #861:** A zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on Lot 8, Block 1 of Meadowood Subdivision located at 2302 Meadowood Street. Mark Dawson, owner; BlueLine Engineering, agent. Zoning Commission recommends denial and adoption of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.) **ZONING COMMISSION'S RECOMMENDATION OF DENIAL WAS APPROVED 10 TO 1. COUNCILMEMBER CIMMINO VOTED IN FAVOR OF ZONE CHANGE.**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #862:** A zone change from Community Commercial (CC) to Highway Commercial (HC) to allow the expansion of a limited pharmaceutical manufacturing facility on Tract 2A1 of C/S 1965 and Lot 5 of Block 1, Bergquist Subdivision, located at 2414 Roundup Road and 621 Pemberton Lane. Vacant Land, LLC and Tom & Cheri Bergquist, applicants; Ernie Dutton, agent. Zoning Commission recommends approval and adoption of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #863:** A text amendment to Section 27-614(e) of the Billings, Montana City Code (BMCC) regulating temporary uses of land related to construction projects. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
6. **EAST BILLINGS URBAN RENEWAL DISTRICT**
- A. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #857:** An amendment to the City of Billings Zoning Map, an amendment to the Zoning Regulations to create an overlay district to allow separate off-street parking regulations to apply within the East Billings Urban Renewal District (EBURD), and inclusion of property owned by R. Clawson located on the east side of N. 12th Street north of 6th Avenue North. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
- B. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings City Code Section 6-1203 to remove off-street minimum parking space requirements within the East Billings Parking Overlay District to accomplish parking management goals for the East Billings Urban Renewal District. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
- C. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings City Code Section 24-400 - Division 4 - Parking Meters and Zones, by revising Sections 24-451, 24-452, 24-454, 24-456, 24-457, 24-462, and by adding new Sections 24-480 - Use of Revenue from Parking Permit Sales within Parking Permit Districts, and 24-490 - East Billings Parking Overlay District, to accomplish the parking management goals for the East Billings Urban Renewal District. Staff recommends approval. (**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. Please sign up on the clipboard located at the back of the Council Chambers.*)

### **COUNCIL INITIATIVES**

- **McCall** moved to reconsider the purchase of two Quick Response Vehicles at the 4/12/10 Council meeting, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.
- **Ruegamer** moved to direct staff to make recommendations for restricting on-street parking in the area of 10th Street West and Custer Avenue, seconded by Councilmember McFadden. Councilmember Pitman amended the motion to consider a 2-hour specific, Monday through Friday, time period, seconded by Councilmember Ruegamer. On a voice vote, the amended motion was unanimously approved. In a voice vote, the original motion was unanimously approved.
- **Ruegamer** moved to direct staff to investigate if the Broadwater Center was in compliance with all ordinances, specifically remodeling, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

**ADJOURN** - The meeting adjourned at 9:55 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.*