

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

May 23, 2011

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Ruegamer

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

MINUTES - May 9, 2011 - **APPROVED**

COURTESIES – Police Chief St. John recognized the Billings Police Foundation for their continued support.

PROCLAMATIONS - Public Service Recognition Week, May 1-7, 2011.

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced Item 3 and said there had been protest letters received from Marian Cooke, Larry Shriver, and Tony Dyba. She said copies of the letters were on the Council’s desk and in the ex-parte notebook.
- Ms. Volek noted the City Offices would be closed for Memorial Day on May 30 and reminded Council of the upcoming meetings:
 - Budget Work Session at 5:30 on May 24
 - Budget Work Session at 5:30 on May 31
 - Budget Work Session at 5:30 on June 6
 - Regular Council Meeting at 6:30 on June 13
- Ms. Volek referenced Consent Agenda Item 1E and advised the Billings Clinic requested that it be tabled until the June 13 meeting to allow time to finalize the document.

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

Speaker sign-in required. (Comments offered here are limited to one (1) minute. 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. 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: **A2, C, E, L1 and L2**

A. **Bid Awards:**

1. **W.O. 11-01, Water Main Replacement Projects** (Opened 5/10/11); Schedule 1 - Recommend Western Municipal; \$2,294,378; Schedule 2A, 2B, 2C - Recommend COP Construction; \$1,842,932. **APPROVED**

2. **W.O. 11-03, Street Maintenance Program, City Crack Seal.** (Opened 5/10/11). Recommend Knife River; \$486,075.70. **APPROVED**

B. **Approval of Commercial Terminal Building Lease** with HK Partnership and ATM Sales and Solutions for placement, operation, and service of two ATMs in the Airport Terminal Building (6/1/2011 - 5/31/2014 with automatic renewal on anniversary date for additional one-year period); no anticipated revenue. **APPROVED**

C. **Approval of Agreements** satisfying conditions of the property purchase agreement with Zootist Hospitality for Lots 8-12, Block 109, Original Town of Billings. **APPROVED 10 TO 1. CM ULLEDALEN VOTED 'NO'.**

D. **Amendment #1, W.O. 09-11 Rimrock Road, 17th Street West to Forsythia Boulevard,** Professional Services Contract, Kadmas, Lee & Jackson, \$207,824. **APPROVED**

E. **Property Exchange Agreement** between City of Billings and Billings Clinic for city right-of-way on North 28th Street and 9th Avenue North in exchange for Billings Clinic property located at 640 N. Broadway and 8.8 lots along 6th Avenue North between North 29th Street and Broadway. **POSTPONED TO 6/13/11**

F. **Acknowledge receipt of petition to vacate** 9th Avenue North between North 28th Street and North 29th Street; North 28th Street between 7th Avenue North and 9th Avenue North; and the south half of North 28th Street between 10th Avenue North and 11th Avenue North; Billings Clinic, petitioner; and set a public hearing date of June 13, 2011. **APPROVED**

G. **Acceptance of Warranty Deed** for Lot 5A, Block 1, of Amended Plat of Long Subdivision, from Yellowstone County, \$512,797.50, for Shiloh Conservation Area. **APPROVED**

H. Street Closures:

1. **Downtown Billings Association Second Annual Bike Race. Bicycle Race:** June 21, 2011, from 3:30 pm to 11:00 pm - N. Broadway between 1st and 3rd Avenues North; 2nd Avenue North between 30th and Broadway; and the south lane of 3rd Avenue North between 28th and 29th. **APPROVED**

2. **Alberta Bair Theater Wild West Soiree;** June 25, 2011; 6:00 am to 12:00 midnight; Skypoint - 2nd Avenue North between the alley west of North 27th Street to North 29th Street and North Broadway from 1st Avenue North to 3rd Avenue North. **APPROVED**

3 **Downtown Billings Association Events: APPROVED**

- Alive After 5, 6/2/11, 3 p.m. to 9 p.m., N. 26th between 4th Avenue North and 6th Avenue North;
- Alive After 5, 6/9/11, 3 p.m. to 9 p.m., N. 23rd between Montana Avenue and 1st Avenue North;
- Alive After 5, 6/16/2011, 3 p.m. to 9 p.m., N. 28th from 2nd to 3rd Avenues North;
- Alive After 5, 6/23/2011, 3 p.m. to 9 p.m., N. 25th between Montana Avenue and 1st Avenue North;
- Alive After 5, 6/30/2011, 3 p.m. to 9 p.m., N. 28th from 1st to 2nd Avenues North;
- Alive After 5, 7/7/2011, 3 p.m. to 9 p.m., N. 24th between 3rd and 4th Avenues North;
- Alive After 5, 7/14/2011, 3 p.m. to 9 p.m., N. 24th between Montana Avenue and 1st Avenue North;
- Alive After 5, 7/28/2011, 3 p.m. to 9 p.m., N. 29th between Montana Avenue and 1st Avenue North;
- Alive After 5, 8/4/2011, 3 p.m. to 9 p.m., N. 30th between 1st and 2nd Avenues North;
- Alive After 5, 8/18/2011, 3 p.m. to 10 p.m., N. 31st between 4th and 6th Avenues North;
- Alive After 5, 8/25/2011, 3 p.m. to 10 p.m., N. 16th between 3rd and 4th Avenues North;
- Strawberry Festival, 6/11/2011, 3 a.m. to 7 p.m., N. 28th Street from 1st Avenue North to 3rd Avenue North, 2nd Avenue North from the alley west of N. 27th Street to N. 30th Street, N. 29th Street from 1st Avenue North to 3rd Avenue North;
- Harvestfest, 10/8/2011 or 10/15/2011 (rain date), 6 a.m. to 5 p.m., North 28th from 1st Avenue North to 3rd Avenue North, 2nd Avenue North from the alley west of N. 27th Street to N. 29th Street;
- Holiday Parade, 11/25/11, 7 p.m., standard parade route;
- Christmas Stroll, 12/2/2011, 4 p.m. to 9:30 p.m., North 28th Street from 1st Avenue North to 3rd Avenue North, 2nd Avenue North from the alley east of N. 27th Street to N. 29th Street.

4. Native American Development Corporation Basketball Tournament; 6/4 & 6/5/2011; 5:30 a.m. to 8:00 p.m. each day; N. 28th from 1st Ave. N. to 3rd Ave. N.; 2nd Ave. N. from the alley east of N. 28th to the alley west of N. 29th; and N. 29th from 1st Ave. N. to 3rd Ave. N. **APPROVED**

5. Dert Jerks Bike Club Barbecue; May 28, 2011, 6:00 p.m. to 10:30 p.m.; North Broadway between 2nd Avenue North and 3rd Avenue North. **APPROVED**

I. Acceptance of Donation from Billings Police Foundation to Police Department for purchase of safety vests for Volunteer Bicycle Patrol Unit, \$1,000. **APPROVED**

J. Grant Application Request to submit Recreational Trail Grant application for up to \$45,000 to help fund trail connection to Will James Middle School. **APPROVED**

K. Resolution of Intent #11-19056 to create SILMD 309, Rimrock Road from Stanford to Forsythia Boulevard, and set a public hearing date for June 13, 2011. **APPROVED**

L. Bills and Payroll:

1. April 22, 2011 **APPROVED 10 TO 0. CM CIMMINO RECUSED HERSELF FROM VOTING**

2. April 29, 2011 **APPROVED 10 TO 0. CM CIMMINO RECUSED HERSELF FROM VOTING**

REGULAR AGENDA:

2. VARIANCE #OP-11-01 (Delayed from 4/25/2011): A variance from the Site Development Ordinance, Section 6-1203, regarding off-street parking requirements for property located at 3212 1st Avenue South. Yellowstone Boys and Girls Ranch, owner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED THE VARIANCE AND REMOVAL OF THE 'BACK-IN' PARKING REQUIREMENT 10 TO 0. CM MCCALL RECUSED HERSELF FROM THE DISCUSSION AND VOTE.**

3. PUBLIC HEARING AND RESOLUTION #11-19057 adopting Water and Wastewater Rate and Fee Schedule effective July 1, 2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 to 2. CM CIMMINO AND CM PITMAN VOTED 'NO'.**

4. PUBLIC HEARING AND RESOLUTION #11-19058 revising the Annexation Policy and **RESOLUTION #11-19059** revising the Limits of Annexation Map. Annexation Committee recommends approval. (Action: approval or disapproval of Annexation Committee's recommendation.) **APPROVED**

5. PUBLIC HEARING AND FIRST READING ORDINANCE amending the Billings City Code by updating Section 20-300 and Section 26-203 to reference the City Annexation Policy instead of the Urban Planning Area. Annexation Committee recommends approval. (Action: approval or disapproval of Annexation Committee recommendation.) **APPROVED**

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments here are restricted to 3 minutes per speaker. Please sign up on the clipboard located at the podium.*)

The public comment period was opened. The following three individuals referenced SB423, Section 13-2 and asked Council to adopt an emergency ordinance prior to July 1 to prohibit medical marijuana store fronts.

- **Cherrie Brady, 5032 Poly Drive, Billings, MT**
- **Susan Smith, 5522 Billy Casper Drive, Billings, MT**
- **Barbi McLaws, 1030 Bluegrass Drive West, Billings, MT**

COUNCIL INITIATIVES

- **Clark:** Moved to have staff look into creating an ordinance to prohibit medical marijuana storefronts for the June 13 meeting, seconded by Councilmember Ulledalen. **APPROVED 8 TO 3. COUNCILMEMBERS CIMMINO, MCFADDEN AND RUEGAMER VOTED 'NO'.**

ADJOURN – 8:43 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.