

COUNCIL ACTION SUMMARY CITY OF BILLINGS

**CITY OF BILLINGS MISSION STATEMENT:
TO DELIVER COST EFFECTIVE PUBLIC SERVICES
THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE**

AGENDA

COUNCIL CHAMBERS

July 9, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Mayor Tussing

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Stevens, Brewster, Veis, Ruegamer, Ulledalen, Boyer, Jones, and Clark

MINUTES – June 11, 2007 – approved as amended

June 25, 2007 – approved as presented

COURTESIES - None

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator, Tina Volek, referenced ITEM 1H1, street closures for the Railyard Ale House & Casino. She said the agenda showed the second closure date as July 16th, which was in error, and confirmed the correct date was July 15th. She also referenced a copy of a letter from Mike Schaer distributed that evening and by e-mail earlier that day asking Council to deny the street closures.

- Ms. Volek referenced ITEM L and said there was an incorrect statement on Page 4 of 6 under letter (i) of the Plan Development Agreement. She said the wording “Skyline Court Homeowners Association” should be replaced with “Zoning Coordinator.”

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 1 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.)

- **MIKE SCHAER, 1109 32ND STREET**, pointed out that he had not been made aware of the street closure on Montana Avenue for the Railyard Ale House & Casino. He said he was the owner of the parking lot on Montana

Avenue that would be cut off by the street closure and asked Council to either deny the street closure or make the street closure conditional on his written approval.

- **CORY OLISZCAZK, 110 CRESTLINE DRIVE**, said he was the owner of the Railyard Ale House and had closed Montana Avenue five previous times without any concern from Mr. Schaer. Mr. Oliszczak said 50% of the proceeds of his scheduled concerts were being donated to St. Jude’s Hospital and asked Council to approve the requested closure of Montana Avenue.

- **BRAD MCCALL, 1638 STONEY MEADOW**, said he was at the meeting on behalf of BikeNet, ITEM I. He said the \$36,000 donation was from BikeNet for the Main Street Underpass project. He said the proceeds were from two years of the Ales For Trails event.

- **GREG KRUEGER, DOWNTOWN BILLINGS PARTNERSHIP DIRECTOR**, said he would like to comment on the street closure agenda items. He said Lisa Woods was no longer the director of the DBA, and Lisa Harmon had been asked to serve as the interim director. Mr. Krueger said he would like to see the DBA brought back into the street closure approval process.

CONSENT AGENDA: Separations: A, 1H1, L

1. A. Mayor’s Appointments: - TABLED

	Name	Board/Commission	Term	
			Begins	Ends
1.		Human Relations Commission	07/09/07	12/31/09
2.		Human Relations Commission	07/09/07	12/31/10

1. Unexpired term of Skip Godfrey
2. Unexpired term of Jean Smith.

B. Change Order #4, W.O. 04-13: Water Treatment Plant Maintenance Building Construction, Schedule II, Williams Brother Construction, \$34,468.00.

C. Approval of the Assignment and Transfer of the West End Hangar Ground Lease from Picacho Aviation, L.L.P. to Ted E. Whiting and Sally A. Whiting, as Trustees of the Ted E. Whiting Trust, dated November 14, 2000.

D. Approval of Downtown Revolving Loan Committee’s recommendation of loan to Clock Tower Inn, LLC, for expansion of restaurant, addition of patio, and modifications to garbage and storage areas. \$40,000.00.

E. Agreement with Billings Housing Authority to fund one Police Officer for the period July 1, 2007, through December 31, 2007.

F. Acknowledge receipt of petition to vacate the north/south alley located on Lots 1A-12A, Amended Plat of a portion of Lots 1 through 12, Block 38, Town of Billings; and Lots 13-24, Block 38, Town of Billings, Billings Food Bank, Inc. petitioner; and setting a public hearing date of August 13, 2007.

G. W.O. 04-33, Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition:

(1) Parcel 22: Portion of Unit No. 1 of Imperial Park Condominium, Lot 1, Block 1, of Windsor Imperial Subdivision, Wayne A. Michel and Ella Marie Michel. \$6,100.00.

(2) Parcel 58: Portion of Tract 1-A of Certificate of Survey 1113, Amended Tract 1, Donald W. Bender and Madeline Bender. \$3,800.00.

H. Street Closures:

(1) The Railyard Ale House & Casino Concerts, (a) July 13, 2007, 2:00 p.m. - 10:00 p.m., closing one parking lane and one driving lane on the south side of the 2500 block of Montana Avenue; (b) July 15, 2007, 2:00 p.m. – 10:00 p.m., closing one parking lane and two driving lanes on the south side of the 2500 block of Montana Avenue. **DENIED**

(2) Yellowstone Art Museum Arts and Crafts Summerfair, July 13, 2007, 10:00 a.m., through July 15, 2007, 8:00 p.m., closing the driving lane on the north side of 6th Avenue North between 19th and 22nd Streets North.

(3) Big Sky State Games 5K Run, July 20, 2007, 6:00 p.m. – 7:00 p.m., beginning at the Daylis Track, north on 3rd Street West, west on Parkhill Drive, turning around at 12th Street West, east on Parkhill, south on 3rd Street; ending at the Daylis Track.

(4) Big Sky State Games Triathlon, July 22, 2007, 6:15 a.m. – 11:00 a.m., beginning at Lake Elmo State Park, right on Riveroaks, right on Lake Elmo Drive, right on Meadowlark, left on Cody Drive, right on Wicks Lane, right on Fantan, left on Siesta, left on High Sierra Boulevard, left on Wicks Lane, left on Cody Drive, right on Meadowlark, left on Lake Elmo Drive, left on Riveroaks, left on Interlachen, left on Eagle, left on Constellation, right on Riveroaks, ending at Lake Elmo State Park.

(5) Big Sky State Games Cycling Race, July 22, 2007, 6:00 a.m. – 2:00 p.m., Black Otter Trail.

I. Acceptance of Donation: Approval and acceptance of donation from BikeNet for a portion of the match for the Main Street Underpass project, \$36,000.00.

J. Resolution #07-18576 amending Resolution 07-18548 approved by City Council on April 23, 2007, for the annexation of Lots 1-5, Block 1,

Western Sky Subdivision (Annexation #07-07), correcting error in the legal description.

K. Second/Final reading Ordinance #07-5418 for Zone Change #807: A zone change from Residential 6,000 Restricted to Community Commercial and Residential Professional for Tract C1, Certificate of Survey 1011, and located on the southeast corner of Zimmerman Trail and Avenue E and adopt the determinations of the 12 criteria.

L. Second/Final reading Ordinance #07-5419 for Zone Change #808: A zone change from Residential Multi-family to Planned Development, and located on North 26th Street bordered by 7th Avenue North, North 25th Street and North 26th Street and adopt the determinations of the 12 criteria. Thomas Towe and Court E. Ball, owners. **PLAN DEVELOPMENT AGREEMENT AMENDED & APPROVED**

M. Second/Final reading Ordinance #07-5420 for Zone Change #809: A zone change from Public to Community Commercial, and located at the southeast corner of 14th Street West and Grand Avenue and adopt the determinations of the 12 criteria. School District No. 2, owners.

N. Second/Final reading Ordinance #5421 for Zone Change #810: A text amendment to the Unified Zoning Regulations, Section 27-601, Parking and Storage Regulations, regulating parking and outside storage in residential and some commercial zoning districts. The Zoning Commission approved Zone Change #810 with the exceptions that a permitting or similar system control use of personal recreational vehicles on residential property, Section 27-601(a)7 and Section 27-601(b)7, on June 5, 2007

O. Second/Final reading Ordinance #5422 for Zone Change #811: A text amendment to the Unified Zoning Regulations, Section 27-1502, Amendments to Chapter, Applications for map amendments. The Zoning Commission approved Zone Change #811 amending Section 27-1502(b) on June 5, 2007.

P. Second/Final reading Ordinance #07-5423 for Zone Change #812: A text amendment to the Unified Zoning Regulations, Special Review Uses, Sections 27-306, 27-601, 27-612, 27-613. The Zoning Commission approved Zone Change #812 amending Sections 27-306, 27-601, 27-612, 27-613 on June 5, 2007.

Q. Preliminary Subsequent Minor Plat of Amended Lot 1, Block 4, High Sierra Subdivision, 2nd Filing, generally located on the northeast corner of Wicks Lane and High Sierra Boulevard, Harvest Evangelical Church, owner, conditional approval of the plat and variance and adoption of the Findings of Fact.

R. Preliminary Plat of Lot 4, Block 2, Goodman Subdivision, 4th Filing, generally located on 41st Street West between Avenue B and Avenue C. Jeff Muri, Randy Swenson, and Steve Repac, owners, conditional approval of the plat and adoption of the Findings of Fact.

S. Final Plat of MK Subdivision generally located on the northwest corner of Grand Avenue and 54th Street West, Mary Kramer, owner.

T. Bills and payroll.

(1) June 8, 2007

(2) June 15, 2007

(Action: approval or disapproval of Consent Agenda.)

APPROVED

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #07-18577 approving and adopting the budget amendment for Fiscal Year 2006/2007. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
APPROVED

3. PUBLIC HEARING AND FIRST READING ORDINANCE for proposed amendments to City Code Section 6-1200 modifying allowable driveway widths, curb cut locations from an intersection, and curb cut separation on arterial roads. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. 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.) **There were no speakers.**

Council Initiatives

- **Brewster:** MOVED that Council study and consider changing the requirement for streets, curb, gutter, and sidewalk in subdivisions with unimproved roads older than 15 years. APPROVED

ADJOURN – The meeting was adjourned at 7:30 p.m.

(NOTE: Additional information on any of these items is available in the City Clerk's Office)

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<http://ci.billings.mt.us>**