

## COUNCIL ACTION SUMMARY

### 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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**COUNCIL CHAMBERS**                      **AGENDA**  
**April 8, 2013**    **6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Astle

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Pitman, Cimmino, McFadden, Bird, McCall, Astle and Crouch. Councilmembers Ronquillo and Ulledalen were excused.

**MINUTES:** March 25, 2013 - **APPROVED**

#### **COURTESIES:**

- Councilmember Bird recognized Brenda Beckett and Lynda Woods, Community Development Division, for their efforts in targeting homelessness. They are featured in the April/May 2013 issue of Yellowstone Valley Woman magazine.
- Councilmember Bird recognized Wyeth Friday, Planning Department, for his recycling efforts as mentioned in an article in the April/May 2013 issue of Yellowstone Valley Woman magazine.
- Councilmember Bird expressed her gratitude to the community for its diversity, i.e. 45<sup>th</sup> Annual POW-WOW at MSU-B, PBR at Rimrock Auto Arena, etc.
- Councilmember Pitman recognized the Shriner's Circus and all the great things they do for the children.
- Members of Boy Scouts Pack #81 and #375, and their leaders, were introduced.

**PROCLAMATIONS:** National Library Week, April 14-20, 2013

#### **ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items and noted a copy of each item was filed in the ex-parte notebook in the back of the room.

- Item M: Resolution of Intent to refund Special Improvement District 1385 Bonds and set a public hearing for April 22, 2013. Copy of updated resolution was forwarded to Mayor and Council in the April 5, 2013, Friday Packet. Copy of resolution is filed in the ex-parte notebook in the back of the room.
- SO2 Levels designation letter. Copy of e-mail received by Ms. Volek on 4/08/13 from John Brewer, President/CEO of Billings Chamber requesting Council to send a letter to the regional EPA office asking that Yellowstone County be designated “unclassified” rather than “non-attainment” due to emissions. Copy of letter is filed in the ex-parte notebook in the back of the room.
- School District 2 meeting. Board Member Kathy Aragon, requested a meeting with the Council during the second week of May. Ms. Volek asked Council to review their schedules and let her know their availability.

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

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute. 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.)

The public comment period was opened.

- **Heather McMilin, Homewood, Missoula, MT**, expressed her appreciation for additional HOME funding for the Pheasant Home Project and stated the project was expanded to 16 housing units due to these funds and those from the State HOME funds.

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

1. **CONSENT AGENDA** -- Separations: A3, B, E, and Q2

A. **Bid Awards:**

1. **Cargo Ramp Slot Four Expansion Project** for Billings Logan International Airport. (Opened 3/26/13) Recommend Knife River; \$2,212,754. **APPROVED**

2. **W.O. 09-20, Rimrock Road Improvements - Forsythia Boulevard to Shiloh Road.** (Opened 3/26/2013) Recommend Knife River - Billings; \$3,948,432.50. **APPROVED**

3. **W.O. 13-03, #2, 2013 Street Mainenance Program, City Chip Seal.** (Opened 3/26/13) Recommend Knife River; \$839,252.35. **APPROVED**

4. **W.O. 13-05, IT Conduit to 911 Center.** (Opened 3/26/13) Recommend delay of award until April 22, 2013. **APPROVED**

**B. Consulting Agreement** with Kittelsen & Associates - 2014 Billings Urban Long Range Transportation Plan, estimated cost \$174,924. **APPROVED 8 TO 0. CM CIMMINO ABSTAINED.**

**C. Approve** Library Board's recommendation to rename the new Library "Billings Public Library." **APPROVED**

**D. Approve** additional funding for Homeword's Pheasant Home Project - \$95,191; and **approve** updated Development Agreement. **APPROVED**

**E. Downtown Revolving Loan Fund Modification** for Venture Theatre, \$72,356.79. **APPROVED**

**F. Approve** MET Transit's Updated Title VI Program. **APPROVED**

**G. Acknowledging Receipt of Petition to Annex #13-03:** Approximately 1.6 acres in Parcel 1, Certificate of Survey 1706, generally located on the southeast corner of the intersection of Bench Boulevard and Yellowstone River Road; Ryan and Jodi Rookhuizen Family Trust, owner and petitioner; and setting a public hearing for 4/22/13. **APPROVED**

**H. Acknowledging Receipt of Petition to Annex #13-04:** A portion of existing Tract 2, Certificate of Survey 3295, composed of about 2 acres, located on the north side of Grand Avenue, just west of the intersection of Grand Avenue and 48th Street West; Mary Beth Gregory, owner and petitioner; and setting a public hearing for 4/22/13. **APPROVED**

**I. Acknowledging Receipt of Petition to Vacate** Reflections Circle within Reflections at Copper Ridge Subdivision, 3rd Filing; Copper Ridge Development Corporation, petitioner; and setting a public hearing for 5/13/13. **APPROVED**

**J. Acceptance of Utility Right-of-Way Easement** for property located at 2450 South 32nd Street West, Berry Y & V Fabricators, LLC, owners, at no cost to the City. **APPROVED**

**K. Acceptance of Quitclaim Deed** for Lot 9, Block 1, Grand Peaks Subdivision, 2nd Filing, from J & S Development, at no cost to the City. **APPROVED**

**L. Subordination of Housing Rehabilitation Loan** for Katja Zimmerman, \$13,128. **APPROVED**

**M. Resolution of Intent #13-19257** to refund Special Improvement District 1385 Bonds and set a public hearing for 4/22/13. **APPROVED**

**N. Second/Final Reading Ordinance #13-5596 for Zone Change #907:** A zone change from Agriculture Open-Space (A-1) to Controlled Industrial on 2 parcels of land described as C/S 2587, Tract 1 and C/S 3329, Tract 1, a 97.3 acre parcel of land, generally located northwest of the intersection of Gabel Road and Hesper Road at 3815 Hesper Road. Industrial Planning Associations, LP, owner; Rick Selensky, P.E. of Dowl HKM, agent. On a 2-2 vote, Zoning Commission forwards no recommendation.

**APPROVED**

**O. Second/Final Reading Ordinance #13-5597 for Zone Change #908:** A zone change from Agriculture Open-Space (A-1) to Highway Commercial (HC) on an unplatted 63.32-acre parcel of land generally located south of the King Ave. West interchange with Interstate 90 and addressed as 1228 and 1236 Mallowney Lane. Elizabeth Zeiler, owner. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

**P. Preliminary Subsequent Minor Plat** of Amended Lot 11A, Block 1, Zimmerman Trail Subdivision, approximately 2.33 acres of land on the south side of Highway 3, just east of Zimmerman Trail. Kincaid Land, LLC, owner; Sanderson Stewart, agent; conditional approval of the plat and adoption of the Findings of Fact. **APPROVED**

**Q. Bills and Payroll:**

1. March 11, 2013 **APPROVED**
2. March 18, 2013 **APPROVED 8 TO 0. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION #13-19258** ordering improvements identified in W.O. 13-02, Miscellaneous/Developer Related Projects. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**3. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #CC-13-02:** A variance from Section 1208(h)(5) pertaining to the number of curb cuts on Lot 1, Block 2A and Lots 1 & 2, Block 3, Foxtail Village Subdivision, 2nd Filing, located on Foxtail Lane and Foxtail Loop West. Cal Kunkel, Developer; Sanderson Stewart, Agent. 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. 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.*)

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

## **COUNCIL INITIATIVES**

- **Astle:** MOVED to direct staff to draft a letter to send to the regional EPA office asking that Yellowstone County be designated “unclassified” rather than “non-attainment” due to emissions, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.
- **Pitman:** MOVED to place on the next agenda the placement of a Masonic Cornerstone at the new library building, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

**ADJOURN: 7:12 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.*