

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

COUNCIL CHAMBERS	AGENDA July 22, 2013	6:30 P.M.
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CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember McCall

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

MINUTES: July 8, 2013 - **APPROVED**

COURTESIES:

- Mayor Hanel said recently-held Summerfair, Relay for Life, and Big Sky State Games were, once again, a huge success and thanked all of the organizers, volunteers, and participants.
- Councilmember Ronquillo announced Our Lady of Guadalupe Church would be holding its 60th Annual Fiesta in South Park on Saturday from 10 a.m. to 6 p.m.
- Councilmember McFadden reminded everyone that dogs suffer from summer heat; and hot streets and sidewalks can burn the pads on their feet. He said dogs left in a hot vehicle can die from the heat and asked everyone to be mindful of their dog's health.
- Deputy Police Chief Joel Slade announced the value of the number of hours of service given by the volunteers at the Crime Prevention Center the past year totaled approximately \$330,986.23. He said he was not sure what hourly wage was used to calculate the amount. He presented a “check” payable to the Police Chief representing the amount the volunteers saved the City of Billings.

PROCLAMATIONS: ADA Celebration Day in Billings, MT – August 2, 2013

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items:

- **Item 4 – Public Hearing and Special Review #908: a special review for a beer and wine license with gaming in a Community Commercial zone on Lots 1 through 8, Block 15, Central Heights Subdivision, 5th Filing, (including Lots 6 & 7 of C/S 1716) located at 111 South 24th Street West, Suite 14, Rimrock Mini-Mall.**
 - ✓ Copies of e-mails sent to Mayor and Council from James Routson, Angela Carlton, Neil H. Clark, Mitch Carlton, and Samuel Boggess in favor of Special Review #908 are filed in the ex-parte notebook.
 - ✓ Copies of e-mails sent to Mayor and Council from Shawna Halsey, Barbara Mulvaney, Kay Brown, and Stephanie Orme in opposition to Special Review #908 are filed in the ex-parte notebook.
- **Item 7 – Public Hearing and Resolution accepting the offer from Asian Sea Grill to purchase an approximate 5,000 square feet of restaurant space located on the ground floor of the Empire Parking Garage for \$251,000.**
 - ✓ Copy of letter and Agreement to Purchase from William D. Honaker of Alley Cat Investments, LLC, offering to purchase the approximate 16,600 square feet of retail condo space in the Empire Parking Garage for \$500,000 was sent in the July 19 Friday Packet. Copy is filed in the ex-parte notebook.
- **Item 8 – MPEA/Police Union Contract effective 7/1/2013 – 6/30/2015.**
 - ✓ Copy of revised contract approved by the MPEA Billings Police Unit on July 18 was sent in the July 19 Friday Packet. Copy is filed in the ex-parte notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #8 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.

- **Al Swanson, 2226 Remington Square, Billings, MT**, referenced Item 8 and asked what COLA was used. Ms. Volek advised the 2.9% increase applied to base salary and overtime, depending on the benefit. She said the 2.9% was a “bargained” number and was less than the percentages recently given to county and state employees.

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

1. **CONSENT AGENDA** -- Separations: **1A1, I, J2**

A. **Bid Awards:**

1. Park Restroom Remodels (Pioneer, Veteran's, Gorham, Central, Optimist, North, Stewart, Sacajawea and Mountview Cemetery) (Opened 7/9/13) Recommend Fisher Construction, Inc.; \$434,941. APPROVED

B. Pretreatment Service Agreement with Phillips 66 identifying terms and conditions to permit Phillips 66 Refinery industrial wastewater discharge into the City of Billings wastewater collection system for treatment; fees and rates based on an outside service contract, a one-time System Development Fee, three year Industrial Permit Fees, and a monthly wastewater rate based on metered flow measurement. **APPROVED**

C. Amendment #1, W.O. 12-42: Water Treatment Plant Laboratory Renovation. Professional Services Contract, A&E Architects, \$21,000; and **extension** of contract term to June 30, 2014. **APPROVED**

D. Amendment to Subdivision Improvements Agreement for Montana Sapphire Subdivision, Lot 9A, Block 1, changing Section III (E)(3) to allow a right-in/right-out approach from S. Shiloh Road. **APPROVED**

E. Approval to initiate a street name change for South 12th Street West south of Midland Road; and set a public hearing date for August 12, 2013. **APPROVED**

F. Resolution #13-19295 creating a Council Ad Hoc Strategic Planning Committee consisting of Councilmembers Becky Bird, Angela Cimmino, Ken Crouch, and Jani McCall. **APPROVED**

G. Preliminary Major Plat of Grand Peaks Subdivision, 4th Filing, generally located on the east side of 54th Street West, north of Grand Avenue; J & S Development Company, owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

H. Preliminary Major Plat of Copper Ridge Subdivision, 5th Filing, generally located on the north side of Rimrock Road, east of 70th Street West, west of the existing Copper Ridge Subdivision; Copper Ridge Development Corp, owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

I. Preliminary Plan of Subdivision for Rent or Lease creating 96 residential rental units in four buildings on Tract 2A-3, Partington Park Subdivision, Fifth Filing, generally located on the southeast corner of the intersection of Avenue D and 17th Street West; West Park Shopping Center, LLC, owner; Sanderson Stewart, engineer; conditional approval and adoption of the Findings of Fact. **APPROVED 9 TO 2. CM BIRD AND CM RONQUILLO VOTED IN OPPOSITION.**

J. Bills and Payroll:

1. June 24, 2013 **APPROVED**
2. July 1, 2013 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #13-19296 vacating a 10-foot right-of-way between Lots 10 and 11, Block 5, Wanigan Subdivision; Gerald Watson, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND SPECIAL REVIEW #907: a special review to allow the expansion of an existing outdoor patio from 1,200 square feet to 1,575 square feet in a Community Commercial zone on Lot 2, Block 1; the south 150 feet of the east 52 feet and the west 96 feet of Lot 3, Block 1; and the south 150 feet of the west 23 feet of Lot 4, Block 1, Van Ornum Subdivision, located at 1525 Broadwater Avenue. Jeff & JoLynne Flatness and Paul DeVerniero, owners; A & E Architects, agent. Zoning Commission recommends conditional approval and granting the waiver of the 600-foot separation. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 8 TO 3. CM MCCALL, CM BIRD, AND CM MCFADDEN VOTED IN OPPOSITION.**

4. PUBLIC HEARING AND SPECIAL REVIEW #908: a special review for a beer & wine license with gaming in a Community Commercial zone on Lots 1 through 8 (including Lots 6 & 7 of C/S 1716), Block 15, Central Heights Subdivision, 5th Filing, generally located at 111 South 24th Street West, Suite 14, Rimrock Mini-Mall. Rimrock Mini-Mall, LLC, owner; Blueline Engineering, agent. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.) **SPECIAL REVIEW WAS DENIED 10 TO 1. CM CIMMINO VOTED IN FAVOR OF APPROVING THE SPECIAL REVIEW.**

5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #913: a zone change from Community Commercial (CC) to Residential Manufactured Home (RMH) on an 8,832 square foot parcel of land described as Lot 13, Kuhlman Subdivision. Duane and Carol Long, owners; Heather Long, agent. Zoning Commission recommends approval of the zone change and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

6. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #914: a zone change from Residential 9,600 (R-96) to Residential 8,000 (R-80) on a 1.67 acre parcel of land described as proposed Lot 1, Block 4, Falcon Ridge Estates Subdivision, 2nd Filing. Falcon Ridge II, LLC, owner; Dennis Buscher, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

7. PUBLIC HEARING AND RESOLUTION accepting the offer from Asian Sea Grill to purchase the approximate 5,000 square foot restaurant space located on the ground floor of the Empire Parking Garage in the amount of \$251,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **MOTION TO REJECT OFFER(S) AND MARKET THE PROPERTY THROUGH A REAL ESTATE PROFESSIONAL CHOSEN THROUGH THE RFP PROCESS WAS APPROVED 10 TO 0. CM CROMLEY ABSTAINED.**

8. MPEA/POLICE 7/1/2013-6/30/2015 UNION CONTRACT. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 1. CM ULLEDALEN VOTED IN OPPOSITION.**

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

- **Pitman:** MOVED to place on a future agenda changing the shared revenue with the Billings Kiwanis special license plates from 50/50 to 80/20 with 80 going to the Kiwanis, seconded by Councilmember McFadden. On a voice vote, the motion was approved 9 to 0. Councilmembers Astle and Cromley abstained.
- **McCall:** MOVED to direct staff to bring back criteria; a plan for marketing the Empire Garage first floor space; and answers to any of the legal questions posed that evening by August 19, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

ADJOURN: 9:40 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.