

# 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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## AGENDA

**COUNCIL CHAMBERS**

**April 28, 2008**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Tussing

**PLEDGE OF ALLEGIANCE** – Mayor Tussing

**INVOCATION** – Councilmember Pitman

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

**MINUTES** – April 14, 2008, approved as distributed

April 21, 2008 – Special Meeting, approved as distributed

**COURTESIES** – New Website Announcement – David Watterson

**PROCLAMATIONS** – National Prayer Day, May 1, 2008

**ADMINISTRATOR REPORTS** – **Tina Volek**

- City Administrator Tina Volek reminded Council of the Agenda Review Meeting scheduled for the following evening at 5:30 p.m. in the City Hall Conference Room.
- Ms. Volek referenced the following agenda items included in the Friday packets or distributed at the meeting:
  - ✓ Agenda Item #4 - Minutes from the November 19, 2007 Work Session regarding Community Development Board Funding Priorities
  - ✓ Agenda Item #5 – Letter from the Yellowstone County Board of Planning.
  - ✓ Agenda Item #7 – Letters and e-mails in support of or against the zone change.
  - ✓ Agenda Items 11a & 11b – Copies of the ordinances.

Ms. Volek advised copies of the above-noted agenda items were located in the Ex-Parte notebook in the back of the room for public view.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 12 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.)

There were no speakers.

**CONSENT AGENDA:**

**SEPARATIONS: G, H, J**

**1. A. Bid Awards:**

**(1) Water System Backup Power – Phase I.** (Opened 4/15/08) Recommend Colstrip Electric, Inc., \$390,268.00, for Schedules I and II; and reject all bids for Schedule III.

**(2) Yard Waste Containers for Solid Waste Division.** (Opened 4/15/08) Recommend Rehrig Pacific Company, \$51.00 per container.

**(3) Airport Improvement Program (AIP) 34 Airport Perimeter Security Fence Project.** (Opened 4/15/08) Recommend delay of award until 5/12/08.

**B. Change Order #8,** SID 1379-Utility and Street Improvements to King Avenue West, Knife River Corporation \$336,315.25.

**C. Certified Local Government Program Grant Contract** with the State of Montana Historic Preservation Office for historic preservation activities, \$5,500 (4/1/08 – 3/31/09). Local matches: City of Billings - \$1,031.00; Yellowstone County - \$1,000.00; City of Laurel - \$469.00.

**D. Confirmation of Police Officer Brian Krivitz.**

**E. Street Closures:**

**(1) Chase Hawks Association Burn the Point Parade and Street Dance,** August 29, 2008 – Parade: standard downtown parade route; Street Dance: North 22<sup>nd</sup> Street and 2<sup>nd</sup> Avenue North to 32<sup>nd</sup> Street North, and 3<sup>rd</sup> Avenue North to North 27<sup>th</sup> Street.

**(2) Downtown Billings Association Events:**

**(a) Alive After 5** – Thursdays, 3 p.m. to 9 p.m., 6/5/08 through 8/21/08, various downtown locations;

**(b) Strawberry Festival** - 3 a.m. to 7 p.m., 6/14/08; N. 28<sup>th</sup> between 1<sup>st</sup> and 3<sup>rd</sup> Aves. N.; 2<sup>nd</sup> Ave. N. from alley west of N. 27<sup>th</sup> to N. 29<sup>th</sup>; N. 29<sup>th</sup> from 1<sup>st</sup> to 2<sup>nd</sup> Aves. N.;

**(c) Farmers Market – Saturdays,** 6 a.m. to 1 p.m., 7/19/08 through 10/04/08; N. 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Aves. N.; 2<sup>nd</sup> Ave. N. from alley east of N. 27<sup>th</sup> to N. 29<sup>th</sup>; N. 29<sup>th</sup> from 1<sup>st</sup> to 2<sup>nd</sup> Aves. N.;

**(d) Farmers Market – Wednesdays:** 3 p.m. to 9 p.m., 8/6/08 through 8/27/08; N. 28<sup>th</sup> from 2<sup>nd</sup> to 3<sup>rd</sup> Aves. N.;

(e) **Harvestfest** - 6 a.m. to 5 p.m., 10/11/08; N. 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Aves. N.; 2<sup>nd</sup> Ave. N from alley east of N. 27<sup>th</sup> to N. 29<sup>th</sup>;

(f) **Holiday Parade** – 7 p.m., 11/28/08; standard downtown parade route;

(g) **Christmas Stroll** – 4 p.m. to 9:30 p.m., 12/5/08; N. 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Aves. N.; 2<sup>nd</sup> Ave. from alley east of N. 27<sup>th</sup> to N. 29<sup>th</sup>.

**F. Acceptance of donation** from First Interstate Bank to help send School Resource Officers to National Conference, \$1,400.00.

**G. Acceptance of donation** from various donors to the Ballpark Construction Fund - \$23,169.00; and Ballpark Maintenance Fund - \$11,600.00. **APPROVED.**

**H. (a) Acceptance of donation** from Pepsi Cola Bottling Company of Billings for upgrades to the scoreboard at Dehler Park, \$200,000.00. **APPROVED.**

**(b) Change Order #1**, Upgrades to Dehler Park scoreboard, Sign Products, Inc., \$108,317.00. **APPROVED.**

**I. Acceptance of donation** from Billings Mustangs Booster Association for purchase and installation of six cash drawers and two beer dispensing stanchions for concession areas at Dehler Park, \$4,242.00.

**J. Resolution #08-18703** authorizing condemnation of property on King Avenue East from South Billings Boulevard to Orchard Lane. **APPROVED 9 TO 2. COUNCILMEMBERS VEIS AND RONQUILLO VOTED 'NO'.**

**K. Resolution of Intent #08-18704** to construct W.O. 02-08, Milton Lane School Route.

**L. Second/Final Reading Ordinance #08-5460 for Zone Change #829:** A zone change from Agriculture-Open Space (A-1), a county zoning district, to Planned Development with three underlying zoning districts - Mixed Use (MU); Multi-family Residential (MF-R); and Single Family, Residential Multi-Family (Fourplex) (MF-4) located at 4345 King Avenue West. Lenhardt Property, LP; Lenhardt Farm, LLC and Lenhardt Enterprises, LLC, owners, Engineering, Inc. and Bill Cole agents.

**M. Second/Final Reading Ordinance #08-5461** amending nuisance weed regulations.

**N. Exempt Amended Plat** of Tract 1, Certificate of Survey 1815.

**O. Final Plat Approval**

(1) Amended Plat of Stardust Acres Subdivision, Lot 4, Block 1

(2) Twin Oaks Subdivision

**P. Bills and Payroll**

(1) March 28, 2008

(2) April 4, 2008

(**ACTION:** approval or disapproval of staff recommendation). **APPROVED.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #OP-08-02:** A variance from the Site Development Ordinance, Sections 6-1203(j) regarding off-street parking for a new medical facility located at 708 Broadwater Avenue, Broadwater L.L.C., owner; Collaborative Design Architects, agent. Staff recommends approval with conditional deed restrictions. (**Action:** approval or disapproval of staff recommendation.) **APPROVED AMENDING THE SECOND TO THE LAST PARAGRAPH OF THE CONDITIONAL DEED RESTRICTIONS TO READ “THE ARTHRITIS AND OSTEOPOROSIS CENTER – THE PRIMARY USE OF THE PROPERTY IS FOR THOSE MEDICAL PRACTICES AND RELATED SERVICES THAT SCHEDULE BUSINESS BY APPOINTMENT.”**
3. **PUBLIC HEARING AND APPROVAL OF AGREEMENT** with Real Estate Dynamics, Inc. for King’s Green Subdivision, Phase III, for the construction of 14 new homes. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **PUBLIC HEARING OPENED AND CONTINUED WITH FINAL ACTION DELAYED UNTIL MAY 12, 2008.**
4. **PUBLIC HEARINGS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE FY2008-2009 ANNUAL ACTION PLAN.** Staff recommends delaying final action until May 12, 2008. (**Action:** approval or disapproval of staff recommendation.) **PUBLIC HEARING OPENED AND CLOSED WITH FINAL ACTION DELAYED UNTIL MAY 12, 2008.**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE** repealing Ordinance 07-5441 and creating the South Billings Boulevard Urban Renewal District. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 5/12/08.**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation #08-01: a 114-acre property located north of King Avenue West between 48<sup>th</sup> Street West and Shiloh Road and described as Tracts 1A-5A, C/S 2063. Lenhardt Property, LP; Lenhardt Farm, LLC and Lenhardt Enterprises, LLC,

owners and petitioners. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED ON FIRST READING; SECOND/FINAL READING ON 5/12/08.**

7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #836:** A zone change from Residential 8000 to Residential Professional on Lots 4, 5, and 6, Block 19, of Lampman Subdivision, generally located on the northeast corner of South 32<sup>nd</sup> Street West and Rosebud Drive. Lais Development, Inc., applicant and agent. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **DISAPPROVED 9 TO 2. COUNCILMEMBERS RONQUILLO, GAGHEN, VEIS, RUEGAMER, MCCALL, ULLEDALEN, ASTLE, AND CLARK, AND MAYOR TUSSING VOTED 'NO'.**
8. **PUBLIC HEARING AND RESOLUTION #08-18705** annexing a 20.6-acre property located north of Alkali Creek Road and described as: Tracts 1A, 1B, and 1C, Certificate of Survey 2055, Amended, (Annexation #08-06). Best Development Corp., petitioner. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**
9. **PUBLIC HEARING AND SPECIAL REVIEW #858:** A special review for expansion of a church facility on an existing 5.939-acre parcel of land zoned Residential 9600 and described as: Tracts 2A-1 and 3A-1, Certificate of Survey 1876 located at 4125 and 4135 Grand Avenue. King of Glory Lutheran Church, Inc., applicant; Engineering, Inc., agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
10. **PUBLIC HEARING AND SPECIAL REVIEW #859:** A special review to allow an all beverage license without gaming on property described as Lots 7-12 and 14-24, Block 9, Billings Original Townsite; and Lot 13A, Block 58, Fosters Addition, Amended, less 642 square feet. Yellowstone Art Center Foundation, owner; James Healow, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
11. (a) **PUBLIC HEARING AND FIRST READING ORDINANCE – Model Cable TV Ordinance.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **PUBLIC HEARING AND 1<sup>ST</sup> READING ORDINANCE CONTINUED UNTIL 5/27/08.**  
  
(b) **PUBLIC HEARING AND FIRST READING ORDINANCE** repealing existing Cable TV Franchise Ordinance and enacting new Franchise Ordinance with Bresnan Communications. Staff recommends approval.

(Action: approval or disapproval of staff recommendation.) **PUBLIC HEARING AND 1<sup>ST</sup> READING ORDINANCE CONTINUED UNTIL 5/27/08.**

12. **CINCO DE MAYO CELEBRATION MODIFIED STREET CLOSURE REQUEST** extending time of closure from 10:00 p.m. to 12:00 midnight, May 3, 2008, 100 block of 26<sup>th</sup> Street North. Don Luis Restaurant, applicant. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
13. **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.)
- **Doug Ruebke, 110 S. 31<sup>st</sup> Street**, said he and his dog had been attacked by his neighbor's pit bull and said the City needed an ordinance to protect the public from pit bulls. He said he would like requirements that all pit bull owners be licensed and insured.
  - **Joe White, Billings, MT**, said he supported Candi Beaudry as City Administrator, and would like to see Ms. Volek removed from the position.

### **Council Initiatives**

- **Pitman**: Moved to direct staff to work with School District No. 2 regarding resolutions to the pet waste problem on school properties, seconded by Mayor Tussing. **APPROVED.**
- **Ruegamer**: Moved to direct staff to research if the state resort tax was discriminatory; and, if so, what options were available, seconded by Councilmember Veis. **APPROVED.**
- **Stevens**: Moved to reconsider Item 5 and exclude the Nelson property from the South Billings Boulevard Urban Renewal District, seconded by Councilmember Veis. **MOTION FAILED 9 to 2. COUNCILMEMBERS RONQUILLO, GAGHEN, PITMAN, RUEGAMER, MCCALL, ULLEDALEN, ASTLE, AND CLARK, AND MAYOR TUSSING VOTED 'NO'.**

**ADJOURN - The meeting adjourned at 11:07 p.m.**

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

**Visit our Web site at:  
<http://ci.billings.mt.us>**

