

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

**"THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS."**

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#### AGENDA

**COUNCIL CHAMBERS**

**November 23, 2015**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Pitman

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Pitman, McFadden, McCall, Swanson, Crouch, and Brown. Councilmembers Bird and Cimmino were excused.

**MINUTES:** November 9, 2015 **APPROVED 9-0 (BIRD AND CIMMINO WERE NOT PRESENT)**

#### **COURTESIES:**

- Mayor Hanel welcomed Jon Phillips, CFO of YWCA, and Mr. Don Sterhan, President and CEO of Mountain Plains Equity Group, and thanked them for their service to the community. YWCA will be making a presentation to City Council on December 14, 2015 regarding their new endeavor, Gateway Vista, a 24-unit multi-family apartment community that will serve low-income individuals, placing emphasis on housing for victims of violence.
- Mike Whitaker, Department of Parks, Recreation and Public Lands, announced the 2015 Awards presented by the MT Trails, Recreation and Parks Association. Mike Pigg, Parks Supervisor, was presented an award for New Professional of the Year. John Thompson, Superintendent of Parks, was presented an award for Professional of the Year. The Parks Department was presented a Citation of Merit for Agency Excellence for the Amend Park Community Garden and was also presented with a Citation of Merit for Agency Excellence for Citizen Engagement.

**PROCLAMATIONS:** Small Business Saturday - November 28, 2015

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek announced that she had supplied staff with copies of an email that she had received from Mr. Ed Ulledalen about zone changes on Shiloh Road.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #10, #11 & #12 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.)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, stated that the Cost of Living adjustments should not be approved and that approval of the contract would lead the City into bankruptcy.
- **Larry Brewster, 1216 Babcock, Billings, MT** stated that Council needs to delay the Cost of Living adjustments until the newly elected Councilmembers take their seats in January 2016.

1. **CONSENT AGENDA** -- Separations: 1A3, 1I1, 1I2

A. **Bid Awards:**

1. **2015 Asphalt Paver.** (Opened 11/10/2015) Recommend Tractor & Equipment, \$142,574. **APPROVED**
2. **Two New 37,000 GVW Single Axle Trucks with Dump/Sander/Plow.** (Opened 11/10/2015) Recommend Interstate, \$281,198. **APPROVED**
3. **South Park Splash Pad Development.** (Opened 10/27/15) Recommend Diamond Construction, Inc., \$417,290. **APPROVED**

B. **Approval** of Non-Commercial Aviation Ground Lease with ASJS Aircraft Services, LLC, revenue first year \$5,742.60, revenue subsequent years adjusted by CPI-U. **APPROVED**

C. **Approval of Assignment** of Note and Security Agreement and Lease Agreements transferring the Whitefish Credit Union security interest to Freedom Bank. **APPROVED**

D. **Approval** of the Airport's Disadvantaged Business Enterprise (ACDBE) Plan for Concession Operators. **APPROVED**

E. **Approval of Operating Permit with Neptune Aviation Services, Inc.**  
**APPROVED**

F. **Acknowledge Receipt of Petition to Annex #15-12:** approximately 90 acres, Lots 1 and 2, Block 1, Harmony Meadows Subdivision, located at the southwest corner of the intersection of Elysian Road and Mullowney Lane, Harmony Meadows, LLC and James Weber, petitioners, and setting a public hearing date for 12/14/2015. **APPROVED**

G. **Acknowledge Receipt of Petition to Annex #15-13:** approximately 2 acres located at 517 Lincoln Lane, Propriedad, LLC, petitioner, and setting a public hearing date for 12/14/2015. **APPROVED**

H. **Final Plat of Westward Ho Subdivision, Amended Lot 2, Block 1.**  
**APPROVED**

I. **Bills and Payroll:**

1. October 26, 2015 **APPROVED 8-0. BROWN ABSTAINED**

2. November 2, 2015 **APPROVED 8-0. BROWN ABSTAINED**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting Budget Amendments for FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8-1. BROWN VOTED IN OPPOSTITION.**

3. **PUBLIC HEARING AND SPECIAL REVIEW #934:** a special review for a beverage liquor license with gaming for American Foods of Montana in a 12,000 square foot building at the former location of the Geyser Park amusement park in an Entryway General Commercial zoning district (EGC), on Lot 1A, Block 1 Geyser Park Subdivision, a 3.215 acre parcel of land. Sean Johnson: owner; Dave Hawkins - agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #940:** a zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70), on a 7.99 acre parcel of land described as: Lots 1 and 2, Block 3, and Lot 8, Block 5, Silver Creek Estates. Laura Boyer, Boyer Land LLC; applicant. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #941:** a zone change request from Residential 9,600 (R-96) to Residential Professional (RP), a 16,517 square foot parcel of land described as: Lot 2A1 of Blue Meadow Acreage Tracts. Patrick Parker, owner. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 8-1. MCFADDEN VOTED IN OPPOSITION.**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #942:** a zone change request from Agriculture Open (A-1) to Public, a 38.83 acre parcel of land described as S5, T1 S, R25 E, E2 Government Lot 1. Pat Davies - Sanderson Stewart; Lew Anderson - School District #2; and Paul Goldammer - A & E Architects; applicant and agents. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #943:** a zone change request from Residential 7000 (R-70) to Public, a 16.2 acre parcel of land described as: S14, T1 N, R26 E, E2 NWSW Less COS 931. Pat Davies - Sanderson Stewart; Lew Anderson - School District #2; and Paul Goldammer - A & E Architects; applicant and agents. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 8-0 (MCFADDEN LEFT THE MEETING AT 8:29 PM)**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation #15-10: a 40 acre parcel located at 5640 Grand Avenue; Billings School District #2, owner. Staff recommends approval. (Action: approval or disapproval.) **APPROVED**
9. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annexation #15-11: an approximately 16 acre parcel of land located east of the southwest corner of the intersection of E. Bench Boulevard and Barrett Road; Billings School District #2, owner. Staff recommends approval. (Action: approval or disapproval.) **APPROVED**
10. **APPROVAL** of Cost of Living Adjustment for Teamsters Local 190 (7/1/2015-6/30/2018). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
11. **APPROVAL** of one-year wage re-opener with the International Association of Firefighters (IAFF) Local 521 (7/1/2015-6/30/2016). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

12. **APPROVAL** of Cost of Living Adjustment for Non-Represented Employees, retroactive to 7/1/2015. 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.*)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, stated that he would like to see the City Administrators annual performance evaluation made available to the public. Ms. Volek stated that a brief summary of her evaluation has been created and shared with the media each year.

**COUNCIL INITIATIVES:** NONE

**ADJOURN:** 9:18 PM