

**COUNCIL ACTION SUMMARY
UPDATED AS OF 9/21/2016
ITEM 9 AND CLOSED EXECUTIVE SESSION ADDED**

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

September 26, 2016

5:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Clark

MOMENT OF SILENCE: Mayor Hanel asked for a moment of silence to remember the late Ben Steele.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark and Brown.

RECESS TO CLOSED EXECUTIVE SESSION* (meeting will be called back to order at 6:30 P.M.)

*Note: The closed Executive Session is solely for the purpose of discussing litigation strategy in which the only parties are NOT public bodies or associations, as described in Section 2-3-203(1) and (2). The meeting is closed, as allowed by Section 2-3-303, MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

MINUTES: September 12, 2016 **APPROVED**

COURTESIES:

- Mayor Hanel wished Councilmember Mike Yakawich a happy birthday.

PROCLAMATIONS: NONE

ADMINISTRATOR REPORTS - TINA VOLEK

- In regard to Regular Agenda Item 8, an email was received from Steve Feuerstein. A copy was placed in the ex parte notebook and on each Councilmember's desk.
- Ms. Volek reminded the Council about the upcoming Boards and Commissions dinner. She noted that the Council would need to make a decision about invites and budgets before proceeding. The information was placed in the ex parte notebook and was on each Councilmember's desk.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #8 and #9

ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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.)

NONE

1. CONSENT AGENDA -- Separations: 1F1, 1F2

A. Bid Awards:

1. **Yellowstone Kelly Interpretative Site Improvements.** (Opened 9/20/16)
Recommend delay of award until October 11, 2016. **APPROVED**

2. **W.O. 16-18, Demolition of New 911 Call Center Site.** (Opened 9/13/16)
Recommend Yochum Contracting, Inc., \$67,620.00. **APPROVED**

B. Specialized Transportation Contract with State of Montana Department of Public Health and Human Services - Developmental Disabilities Division; \$70,000, 1 year with 4 - 1 year extensions. **APPROVED**

C. Acceptance of Street Tract of Certificate of Survey 1888, Hawthorne Lane from Ken Wolery. **APPROVED**

D. Approval of the purchase of twelve (12) patrol vehicles from Bison Ford Motor Company of Great Falls for \$27,561.18 each, or a total cost of \$330,734.16. **APPROVED**

E. Application Request to submit Passenger Facility Charge (PFC) application to Federal Aviation Administration (FAA) for Billings Logan International Airport projects. **APPROVED**

F. Bills and Payroll:

1. August 29, 2016 **APPROVED, 9-2 CIMMINO AND BROWN ABSTAINED**
2. September 6, 2016 **APPROVED, 10-1 BROWN ABSTAINED**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION SPREADING ASSESSMENTS** for annual weed abatement. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED RES. 16-10588**
3. **PUBLIC HEARING AND RESOLUTION** approving reducing the Arterial Construction Fee assessment. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED RES. 16-10589**
4. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #CC 16-01:** a variance from various site development codes at 2604 Belknap Avenue. Hi-Mile Tire, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #948:** a zone change from Public to Residential Professional on a 2-acre parcel of land described as: Lots 1 and 2, Block 4, Rocky Village Subdivision, generally located at the intersection of 17th St. West and Rimrock Road. Michael Larsen, Applicant; David Mitchell, Agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
6. **PUBLIC HEARING AND SPECIAL REVIEW #947:** a special review to locate an all beverage license with gaming in a Highway Commercial (HC) zone, on a 38,928 square foot parcel of land described as: Lot 1A, Block 1 of Arrowhead Subdivision Amended, generally located at 1524 Main Street. Pauline Staley Family Trust, owner; Alex Tommerup - AT Architecture, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 10-1, SULLIVAN VOTED IN OPPOSITION**
7. **PUBLIC HEARING AND SPECIAL REVIEW #948:** a special review to allow an all beverage license with gaming for a proposed new Casino. Sapphire Plaza, LLC, owner; James Healow, Agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

8. APPROVAL OF APPEAL in Ernie Watters, et al., vs. City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-2, CROMLEY RECUSED HIMSELF, YAKAWICH VOTED IN OPPOSITION**

9. APPROVAL OF EMPLOYMENT AGREEMENT for City Administrator, Tina Volek. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, FRIEDEL 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.*)

COUNCIL INITIATIVES:

- Councilmember McFadden moved to have the Legal Department review Ordinance 83-4552 regarding amending proof of identification of sellers in pawnbroker, second-hand dealers and valuable article dealer transactions. On a voice vote, the motion was approved unanimously.
- Councilmember Yakawich moved to use Council Contingency Funds for excess expenses for the Boards and Commissions dinner on October 20th, 2016. On a voice vote, the motion was approved unanimously.

ADJOURN: 8:16 pm

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 Denise Bohlman, City Clerk, at 657-8210.