

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

April 24, 2017

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Swanson

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

MINUTES: April 10, 2017 **APPROVED**

COURTESIES:

- Mayor Hanel welcomed Girl Scout Troop #2050 and AmeriCorps troop leaders.
- Mayor Hanel welcomed a Boy Scout Eagle Scout, from Troop #227.

PROCLAMATIONS:

- Arbor Day – May 4, 2017
- Yellowstone Valley Gives Day – May 4, 2017
- National Day of Prayer – May 4, 2017
- Bicycle Month – May 2017

ADMINISTRATOR REPORTS - TINA VOLEK

- In regard to Regular Agenda Item No. 6, Public Hearing and Special Review #953, an email was received from Mr. Ed Peterson, objecting to the approval for placement of an 80-foot monopole and wireless communication facility. A copy of his email was placed in the ex parte notebook.
- Also concerning Regular Agenda Item No. 6, pictures of the fencing detail and diagrams of the proposed monopole cell tower were placed in the ex parte notebook.

- In regard to Regular Agenda Item No. 11, Dehler Park Agreement, a copy of the final agreement and a replacement Exhibit A forwarded by Mr. Heller, was added to the ex-parte notebook. Copies of the replacement Exhibit A were placed on the Council's desks.

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

- **Connie Wardell, P.O. Box 21432, Billings, Montana**, in reference to Item 1B, stated she was in favor of keeping *The Billings Times* as the City's official legal advertising publisher.
- **Travis Diamond, 1550 Poly Drive, Billings, Montana**, in reference to Item 1B, stated his business advertises in *The Billings Times* and stated that it was the expected legal publication.
- **Jonathan McNiven, Yellowstone County News, 3445 Rock Pillar Road, Billings, Montana**, in reference to Item 1B, introduced himself and his business. He thanked the Mayor and Council for their consideration of the staff's recommendation. He stated he appreciated the opportunity to serve the City's publishing needs.

1. **CONSENT AGENDA** -- Separations: 1B

A. **Bid Awards:**

1. **W.O. 17-01, Schedule 1, 6th Avenue North Water and Sewer Replacement Project.** (Opened 4/11/17) Recommend COP Construction, LLC, \$1,893,221. **APPROVED**

B. **Agreement with Yellowstone County News to provide City of Billings legal advertising, 5/1/2017-4/30/2018 with five, one-year renewal options, at a cost of approximately \$21,000 per year. APPROVED DELAY UNTIL MAY 8, 2017 BY COUNCIL INITIATIVE**

C. **Agreement and Purchase of smart card parking meters from CivicSmart; \$59,144. APPROVED**

D. **Approval of the City-County Special Investigations Unit (CCSIU) agreement with Yellowstone County for calendar year 2017. APPROVED**

E. **Approval of Donation to Ravalli County from Information Technology Department; DragonWave Hardware. APPROVED**

F. Bills and Payroll:

1. March 27, 2017 - **APPROVED**
2. April 3, 2017 - **APPROVED**

REGULAR AGENDA:

2. **PUBLIC HEARING** and approval of the FY17-18 Annual Action Plan and the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program funding. Staff and the Community Development Board recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION NO. 17-10616** approving and adopting FY17 3rd quarter budget amendments. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE FOR VARIANCE #OP-17-01:** a variance from BMCC Section 6-1203 - Off-Street Parking Requirements, requiring zero (0) off-street parking spaces for an office building conversion to micro-housing located at 1333 North 27th Street. 24th Street, LLC, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION NO. 17-10617** ordering improvements identified in W.O. 17-02, Miscellaneous Improvements Program. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
6. **PUBLIC HEARING AND SPECIAL REVIEW #953:** a special review to allow an 80-foot monopole and wireless communication facility in a Residential 9,600 zone on a church property generally located at 4135 Grand Avenue. King of Glory Lutheran Church, owner; Kevin Howell, Digital Skylines, agent. On a 2-2 vote, Zoning Commission forwards no recommendation. (Action: approval or disapproval of Special Review #953.) **APPROVED 8-1 WITH ADDITIONAL CONDITIONS, i.e. 8 FOOT FENCE, LANDSCAPING, RELOCATION TO SOUTHEAST CORNER OF PROPERTY, SULLIVAN OPPOSED**
7. **PUBLIC HEARING AND SPECIAL REVIEW #954:** a special review to locate an all-beverage liquor license (gaming restricted) in a Controlled Industrial (CI) zone on a 1.17 acre parcel of land generally located at 3042 King Avenue West (former Johnny Carino's). Billings Properties, LLC, owner; Bob Pulley, 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. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #954:** a zone change from Residential 7,000 (R-70) to Community Commercial (CC) on a 15,000 square foot parcel of land generally located at the northwest corner of the intersection off Marshall Drive and Laurel Road. C-Store Properties, LLC, owner; Bryan Alexander, agent. The Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
9. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #955:** a zone change from Residential 7,000 (R-70) to Residential 6,000 (R-60) on a 1.36 acre parcel of land generally located at 301 - 317 Covert Lane and 1739 - 1747 Cody Drive. McDonald Land Holdings, LLC, owner; Bryan Alexander, agent. The Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED DELAY UNTIL MAY 22nd, 7-1, MCFADDEN OPPOSED, CROMLEY ABSTAINED**
10. **PUBLIC HEARING AND SPECIAL REVIEW #955:** a special review to demolish three, 4-plex apartments and construct three, 10-unit apartment buildings in a proposed R-60 zone on a 1.36 acre parcel of land generally located at 301 - 317 Covert Lane and 1739 - 1747 Cody Drive. McDonald Land Holdings, LLC, owner; Bryan Alexander, agent. Zoning Commission recommends denial and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPLICANT WITHDREW SPECIAL REVIEW, APPROVED 8-0, CROMLEY ABSTAINED**
11. **DEHLER PARK AGREEMENT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8-1, CROMLEY OPPOSED**

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.*)

- NONE

COUNCIL INITIATIVES:

- Councilmember Friedel moved to reconsider Item 1B, at the next regular business meeting, May 8th, 2017, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

ADJOURN: 12:21 AM, TUESDAY, APRIL 25, 2017