

**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**

**August 23, 2010**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Councilmember Dick Clark

**ROLL CALL** - Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, McFadden, Ruegamer, McCall, Ulledalen, Astle, and Clark. Councilmember Cimmino was excused.

**MINUTES:** August 9, 2010 - approved as presented.

**COURTESIES:**

- Councilmember Pitman reminded everyone that school was starting and to slow down when driving in school zones.
- Councilmember Ronquillo thanked Mayor Hanel and Councilmembers Ruegamer, Gaghen, and Clark for helping with the fundraiser for a new gazebo in South Park. He said they raised about \$1,000.

**PROCLAMATIONS** - None

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek referenced Item K – Resolution fixing the form and detail of the 2010 Re-funding General Obligation Bonds. She said Dorsey & Whitney had asked that the second sentence in Paragraph 5.06 on Page 9 of the resolution be removed, as it was included in error. She said a copy of Page 9 was on their desks that evening with the second sentence highlighted and in the ex-partake notebook in the back of the room.
- Ms. Volek referenced Item N – 2nd & Final Reading Ordinance regulating the use of electronic communication devices while operating a motor vehicle. She said seven e-mails had been sent to Mayor and Council since the regular council meeting of August 9th and as of that day at 4:30 p.m. - one in favor of the ordinance; three requesting further research; and three against the ordinance. She said copies were available in the ex-partake notebook in the back of the room.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY. Speaker**

**sign-in required.** (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.)*

The public comment period was opened.

- **Janice Linn, Highway 3, Billings, MT,** spoke in opposition to Item N, regulating the use of electronic communication devices while operating a motor vehicle.

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

**1. CONSENT AGENDA** -- Separations: K, N

**A. Bid Awards:**

1. **SID 1391 - Lynn Avenue Improvements** (Opened 8/10/10) Recommend J & J Concrete; \$124,784. **APPROVED**
- B. **Agreement with New World Systems, Inc.** for support of public safety software (11/1/10 through 10/31/13). Annual expense: 1st year - \$170,224; 2nd year - \$178,732; 3rd year - \$184,093. **APPROVED**
- C. **Agreement** with Yellowstone County Sheriff's Department to provide New World Public Safety data processing services. (7/1/10 - 6/30/11); Annual revenue - \$91,947. **APPROVED**
- D. **Agreement** with Billings Housing Authority to fund one Police Officer; 7/1/2010 - 12/31/2010. **APPROVED**
- E. **Memorandums of Understanding** between the City of Billings and Billings Public Schools for two (2) middle school resource officers and three (3) high school resource officer (7/1/10 - 6/30/11). **APPROVED**
- F. **Amendment #1, Airport Gift Shop Concession Agreement**, extending term of the agreement to December 31, 2010. **APPROVED**
- G. **Contract Amendment** between State of MT Department of Public Health and Human Services – Developmental Disabilities Division and MET Transit extending contract term an additional year from 7/1/10 through 6/30/11. Estimated revenue - \$90,000. **APPROVED**
- H. **Amendment** to Inter-Creditor Agreement adding Stockman Bank as a new participant and extending term to October 2, 2015. **APPROVED**

**I. Street Closures:**

1. **Holy Rosary Church Fundraiser** - Custer Avenue between 5th and 6th Streets West; Sunday, September 12, 2010, 6 a.m. to 6 p.m. **APPROVED**

J. **Acceptance of Donations** for construction of an Incident Command System (ICS) Training Center from Exxon Refinery-\$4,000; Lockwood Fire Department-\$3,000; Yellowstone County Rural Fire Council-\$4,000; Yellowstone County DES-\$4,000; Riverstone Health Director of Emergency Services-\$4,000; Total - \$19,000. **APPROVED**

K. **Resolution #10-18977** fixing the form and detail of the 2010 Re-funding General Obligation Bonds. **APPROVED STRIKING THE SECOND SENTENCE IN PARAGRAPH 5.06, PAGE 9, OF THE RESOLUTION.**

L. **Resolution #10-18978** authorizing the execution and delivery of \$1,790,000 of economic development revenue bonds for Community Option Resource Enterprises Inc. (COR Enterprises). **APPROVED**

M. **Second/final reading ordinance #10-5520 (RESOLUTION #10-18979)** amending the City Charter to add a 1 mill planning levy to be decided by the voters at the November 2, 2010, general election. **APPROVED**

N. **Second/final reading ordinance #10-5521** regulating the use of electronic communication devices while operating a motor vehicle (Postponed from 8/9/10). **APPROVED 8 TO 2. CM PITMAN AND CM MCFADDEN VOTED 'NO'.**

O. **Final Plat Approval** of Danube Court Manufactured Home Park allowing 62 spaces for manufactured homes on approximately 9.72 acres of land. **APPROVED**

P. **Final Plat Approval** of Miller Crossing Subdivision, 3rd Filing. **APPROVED**

Q. **Bills and Payroll:**

1. **July 23, 2010 - APPROVED**
2. **July 30, 2010 - APPROVED**

**REGULAR AGENDA:**

2. **PUBLIC HEARING FOR VARIANCE:** A variance from the Subdivision Improvements Agreement for Ironwood Subdivision, 2nd Filing, requiring installation of sidewalk along property frontage located at 5835 Ironwood. Neal and Sally Johnson, owners. Staff recommends denial. (Action: approval or disapproval of staff recommendation.) **VARIANCE REQUEST WAS DENIED 9 to 1. CM MCFADDEN VOTED IN FAVOR OF THE VARIANCE REQUEST.**

3. **PUBLIC HEARING AND RESOLUTION #10-18980 RELATING TO AIRPORT QUICK TURN AROUND FACILITY AND AIRPORT REVENUE BONDS SERIES 2010B** approving the Quick Turn Around Facility as a recovery zone facility project; authorizing the issuance of the airport revenue bonds as economic recovery zone facility bonds; and authorizing the negotiated sale. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending the boundaries of Ward V to exclude the portion of recently de-annexed property in Annexation #10-01: a Broadwater Avenue road tract located between 56th Street West and 58th Street West. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation) **APPROVED**
5. **PUBLIC HEARING AND SPECIAL REVIEW #884:** a special review for allowing the addition of an outdoor patio to an existing bar and casino, King's Korner Casino, 501 Hilltop Road, currently zoned Highway Commercial and generally located on the north side of Hilltop Road just east of the Lake Elmo Drive overpass; Michael Schmechel, agent; Zoning Commission recommends conditional approval and a waiver of the 600 foot separation to Bench Elementary School. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
6. **PUBLIC HEARING AND SPECIAL REVIEW #885:** a special review to allow four (4) new assisted living buildings with 16 dwelling units in each building, for a total of 64 units, in a Residential 7,000 (R-70) and Residential Multi-family-Restricted (RMF-R) zone within the Shiloh Corridor Overlay District; legally described as Tract 2 of Rush Acreage Tracts Subdivision and Lots 5 and 6 of Block 6, Rush Subdivision, 2nd Filing, generally located at 4040 Parkhill Drive. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED**
7. **PUBLIC HEARING AND RESOLUTION #10-18981 GRANTING A TAX ABATEMENT TO RIMROCK II LLC, DBA MERCEDEZ-BENZ OF BILLINGS** for a building remodel and expansion at 3045 King Avenue West. 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. Please sign up on the clipboard located at the back of the Council Chambers.*)

The public comment period was opened.

- **Brian Kenat, 345 Miles Avenue, Billings, MT**, requested a 2-way stop sign for vehicles traveling east and west on Miles Avenue at the intersection of Miles Avenue and 4th Street West. He said there were many accidents at the intersection because drivers thought 4th Street West was a through street and did not yield at the intersection.

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

**COUNCIL INITIATIVES** - None

**ADJOURN** - The meeting adjourned at 7:39 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.*