

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

AGENDA

COUNCIL CHAMBERS

October 25, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Ruegamer

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

MINUTES - October 12, 2010, approved as distributed

COURTESIES – Councilmember Clark presented Councilmember Ruegamer with the Montana League of Cities and Towns President’s Plaque.

PROCLAMATIONS - "Pink Day", October 26, 2010

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced Consent Agenda Item G, Approval of Communications With or Through the Media Policy, and said the resolution approving the policy was sent in Friday Packets on October 22, 2010.
- Ms. Volek referenced Consent Agenda Item H, Approval of Teamster and Non-Bargaining Employee Random Drug and Alcohol Test Policy and said the Resolution approving the policy was sent in Friday Packets on October 22, 2010.
- Ms. Volek referenced Regular Agenda Item 6, Special Review #887. She said a Memorandum to Mayor and City Council from Candi Beaudry, dated 10/21/2010, recommending that Council hold the public hearing and refer the application back to the Zoning Commission was included in the Friday Packets on October 22, 2010. She said on their desks that evening was a letter e-mailed to Mayor & Council on October 25, 2010, from Attorney Ryan K. Jackson requesting that City Council (1) move forward with the public hearing and not require that the application go back to the Zoning Commission; and (2) approve the project as it complies with the Unified Zoning Regulations and the Billings Heights Neighborhood Plan.

- Ms. Volek referenced Regular Agenda Item 8, Bresnan Franchise Transfer to Cablevision. She said she had sent an e-mail to the Mayor & Council on October 22, 2010, which included copies of Bresnan Front Range Final Report; Bresnan Front Range Cablevision Response; Bresnan City Transfer Agreement; and Bresnan Resolutions. She said on their desks that evening was the Transfer Agreement and Resolution approved by both parties that day at 4:45 p.m.

Ms. Volek advised copies of all documents were in the ex-parte notebook in the back of the room for public review.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #7, #8 and #9 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. 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 podium.)

The public comment period was opened.

- **Steve Prosinski, 401 N. Broadway**, said he was the Editor of the Billings Gazette, and asked that Item G be removed from the Consent Agenda and put on the Regular Agenda to allow for further discussion.
- **Kevin Nelson, 4235 Bruce**, referenced Item 9 and said he felt someone representing the education community should be included on the committee.

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

1. **CONSENT AGENDA** -- Separations: C, E, G, J1
 - A. **Professional Engineering Services Contract** for design and construction administration of W.O. 11-01, 2011 Water Replacement Projects; Sanderson Stewart; \$672,821. **APPROVED**
 - B. **Agreement** with Sprint Nextel allowing exchange of one currently licensed 800 MHz frequency at no cost to the City. **APPROVED**
 - C. **Change Order #7, W.O. 04-12, Phase 3 - Alkali Creek Road Maintenance and Slope Reconstruction**, CMG Construction, \$50,340. **APPROVED**
 - D. **Amendment #2, Automobile Parking Concession Agreement**; Standard Parking Corporation, extending term for one year through 10/31/2011; minimum annual revenue - \$1,300,000. **APPROVED**
 - E. **Amendment #7, W.O. 02-10 6th Avenue North to Bench Boulevard Connection** for design of a pedestrian tunnel; Morrison-Maierle, Inc.; \$89,803. **APPROVED**

F. Approval of waiver forms (2) reallocating \$35,604,866 bonding authority to the State of Montana and University of Montana. **APPROVED**

G. Resolution #10-19009 approving Communications With or Through the Media Policy. **APPROVED 6 TO 5. COUNCILMEMBERS RONQUILLO, GAGHEN, MCFADDEN, ASTLE, CLARK, AND MAYOR HANEL VOTED IN FAVOR. COUNCILMEMBERS PITMAN, CIMMINO, RUEGAMER, MCCALL, AND ULLEDALEN VOTED AGAINST.**

H. Resolution #10-19010 approving of Teamster and Non-Bargaining Employee Random Drug and Alcohol Test Policy. **APPROVED**

I. Resolution #10-19011 allocating up to \$11,000 of Council Contingency Funds for installation of a 2-inch water meter at Centennial Park. **APPROVED**

J. Bills and Payroll:

1. **September 24, 2010 – APPROVED 10 TO 0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
2. **October 1, 2010 - APPROVED**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #10-19012** adopting rates and fees for wastewater service to the Lockwood Water and Sewer District. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION 10-19013** approving and adopting budget amendments for FY2009/2010 and FY2010/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTION #10-19014** de-annexing a portion of the Briarwood Planned Unit Development property described as Tract 2A of C/S 2544 Amended. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND SPECIAL REVIEW #886:** a special review for the location of a 60-foot wireless communication support structure for Verizon Wireless in a Controlled Industrial zone legally described as Lots 14-26, Block 2, Industrial Subdivision and generally located in the 900 block of 2nd Ave North; Green Leaf Land and Livestock, owner; Kevin Howell, agent. Zoning Commission recommends conditional approval and approval of the waiver of the 1-mile separation requirement. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED WITH THE REMOVAL OF THE CONDITION THAT A RED LIGHT BE INSTALLED TO OPERATE DURING NON-DAYLIGHT HOURS.**

6. PUBLIC HEARING AND SPECIAL REVIEW #887: a special review to allow three new multi-family buildings, including one 5-plex and two 4-plex buildings for a total of 13 dwelling units, in a Residential 6,000 (R-60) zone on a 28,902 square foot parcel legally described as Lots 14A, 14B and 14D of Mattson Acres Subdivision and generally located at 711 Mattson Lane just west of the intersection of Bench Boulevard and Mattson Lane; Ben Nistler, NHB, LLC, agent for the landowner. Zoning Commission makes no recommendation, as a result of a tie vote. (Action: approval of disapproval of Special Review request) **ON A 10-1 VOTE, THE SPECIAL REVIEW WAS REFERRED BACK TO THE ZONING COMMISSION. COUNCILMEMBER CIMMINO VOTED NO.**

7. RECONSIDERATION OF APPROVAL of Settlement Agreement with Alternatives, Inc. dismissing the annual \$40,000 payment in lieu of tax assessment associated with Special Review #813, dated 5/22/06. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 1. MAYOR HANEL AND COUNCILMEMBER CIMMINO RECUSED THEMSELVES FROM THE DISCUSSION AND THE VOTE. COUNCILMEMBER RONQUILLO VOTED NO.**

8. RESOLUTION #10-19015 approving the Transfer Agreement of the Billings cable television franchise from Bresnan to Cablevision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

9. APPROVAL of County-proposed Accord addressing Urban Renewal Tax Increment Financing District (TIFD) formation and amendment. 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 podium.*)

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

COUNCIL INITIATIVES - None

ADJOURN – The meeting adjourned at 9:53 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.