

**COUNCIL ACTION SUMMARY
CITY OF BILLINGS**

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

April 25, 2011

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: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle, and Clark

MINUTES:

- April 11, 2011 - Regular Meeting - **APPROVED**
- April 18, 2011 - Special Business Session - **APPROVED**

COURTESIES:

- Councilmember Gaghen recognized Billings Gazette reporter, Matt Hagengruber, who would be moving to a new job as a Foreign Service Officer on May 23. She acknowledged Matt's mother-in-law from the Ukraine and his wife and new baby who were in attendance.
- Mayor Hanel acknowledged members of Boy Scout Troop 394 sponsored by the Elks Club, who were in attendance.

PROCLAMATIONS:

- National Day of Prayer, May 5, 2011

ADMINISTRATOR REPORTS - TINA VOLEK

- Consent Agenda Item D, MOU with Little League Baseball Association – MOU was sent in April 22 Friday Packet and is in ex-parte notebook.
- Consent Agenda Items K3 and K4: Street Closure requests for Ryan's Run and Community Run. Copies of insurance certificates were sent in April 22 Friday Packet and are in ex-parte notebook.
- Regular Agenda Item 2, Vacation of right-of-way in Grand Peaks Sub. Resolution exhibit showing location that was sent in the agenda packet was incorrect. Copy of correct exhibit is on their desks and filed in the ex-parte notebook.

- Regular Agenda Item 4, Budget Allocations and Consolidated Plans, Allocations of CDBG and HOME Funding, and FY2011-2012 Action Plan. Copy of presentation was on the Council's desk.
- Regular Agenda Item 5, Yellowstone Family Park Creation of SID 1392, Park Maintenance District 4040, and approval of contract with Land Design. (1) Copy of Contract with Land Design was sent in April 22 Friday packet and is in ex-parte notebook. (2) Memo from Attorney Brooks with "Frequently Asked Questions on the proposed SID/PMD" is on their desks and in the ex-parte notebook.
- Regular Agenda Item 7, Zone Change #875: Copy of letter from John W. Bennion, dated 4/13/11, was sent in April 22 Friday packet and is in ex-parte notebook.

Legislative Review with Lobbyist Ed Bartlett

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 and #9 ONLY. **Speaker sign-in required.** (Comments offered here are limited to one (1) minute.

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.)

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

1. **CONSENT AGENDA** -- Separations: 1A, 1B3, 1B5, 1B6, and L1.

A. **Mayor Hanel recommends that Council confirm the following appointments:**

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Board of Adjustments	04/25/11	12/31/13
2	No Applications	Board of Adjustments	04/25/11	12/31/13
3	No Applications	Board of Appeals - Architect	04/25/11	12/31/14
4	No Applications	Board of Appeals - Electrical	04/25/11	12/31/14
5	No Applications	Board of Appeals	04/25/11	12/31/14
6	No Applications	Board of Appeals - At Large	04/25/11	12/31/14
7	Matthew McMullen	Board of Ethics	04/25/11	12/31/14
8	No Applications	Community Development -Low Mod	04/25/11	12/31/14
9	Thomas Grimm	Community Development - At Large	04/25/11	12/31/12
10	Michael Glancy	EMS Board	04/25/11	12/31/13
11	No Applications	Housing Authority Resident Comm	04/25/11	12/31/13

12	Kelli Bartholomew	Human Relations Commission	04/25/11	12/31/14
13	Jeanne Astle	Mayor's Committee on Homelessness - Lending Industry	04/25/11	12/31/14
14	Robert Carr	Parking Advisory Board	04/25/11	12/31/14
15	William Gilbert	Parking Advisory Board	04/25/11	12/31/14
16	No Applications	City/County Planning - Ward V	04/25/11	12/31/12

1. Unexpired term of LaVern Bass
2. Unexpired term of Terry Madtson
9. Unexpired term of Sandy Weiss
10. Unexpired term of Skip Godfrey

APPROVED 10 TO 0. COUNCILMEMBER ASTLE RECUSED HIMSELF FROM THE VOTE.

B. Bid Awards:

1. **W.O. 05-13, Jackson Street Sidewalks, Phase II;** (Opened 4/12/11) Recommend H.L. Ostermiller; \$335,279.30 pending CTEP approval. **APPROVED**
2. **W.O. 11-02 Miscellaneous/Developer-Related Improvements.** (Opened 4/12/11) Recommend J & J Concrete; \$519,275. **APPROVED**
3. **W.O. 10-12, Water Treatment Facility Low Service Pump Station #1 Upgrade;** (Opened 4/12/11); Recommend COP Construction; \$1,760,610. **APPROVED 10 TO 0.** **COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
4. **Taxiway G Relocation and Runway Overlay Project;** (Opened 3/29/11) (Postponed from 4/11/2011); Recommend Riverside Sand and Gravel; \$2,269,873. **APPROVED**
5. **Pre-Demolition Abatement of Old Naval Reserve Center.** (Opened 4/12/2011) Recommend Pacific Technologies, Inc.; \$44,375. **APPROVED**
6. **Demolition of Old Naval Reserve Center.** (Opened 4/12/2011) Recommend LM Excavating; \$133,163. **APPROVED**
7. **Park II Structural Improvements.** (Opened 4/5/2011) Recommend Langlas & Associates; \$86,900. **APPROVED**

C. Agreement with The Billings Times to provide City of Billings legal advertising, 5/1/2011-4/30/14 with three, 1-year renewal options, at a cost of approximately \$30,000 per year. **APPROVED**

D. Memorandum of Understanding between the City of Billings and the Little League Baseball Association for construction of a scoreboard and advertising sign at Centennial Park. **APPROVED**

E. Approval of modifications to homeWORD's Development Agreement to ensure project compliance. **APPROVED**

F. Reallocation of available infrastructure funds from the Kings Green Project, Phase III, to the Kings Green Project, Phase IV; \$39,043. **APPROVED**

G. Approval of Modification #P00005 to the Law Enforcement Officer (LEO) Reimbursement Agreement with TSA, and subsequent reimbursement modifications for LEO services provided for the TSA; reimbursement amount - up to \$68,036.00 for 10/1/2010-2/28/2011. **APPROVED**

H. Approval of the Billings Industrial Revitalization District's (BIRD) request to allocate East Billings TIFD funds towards development of the Exposition Gateway Master Plan; \$25,000. **APPROVED**

I. Acceptance of Donation to Parks and Recreation Department to purchase trees; The Sons of Norway; \$500. **APPROVED**

J. Resolution #11-19048 authorizing purchase of proposed Lot 5A, Block 1 of Amended Lot 5, Block 1, Long Subdivision from Yellowstone County for design of storm water treatment area west of Shiloh Road and South of King Avenue; \$512,797.50. **APPROVED**

K. Street Closures:

1. Walk MS Billings; April 30, 2011, 7:00 a.m. to 1:00 p.m.; South side of Wicks Lane starting at the LDS Church (1000 Wicks Lane) heading east to the bike path; continuing on the bike path, and finishing at the LDS Church. **APPROVED**

2. Montana Women's Run; May 7, 2011, from 6:00 a.m. to noon; 2nd and 3rd Avenues North from North 10th to Division, Clark and Yellowstone Avenues from Division to 7th Street West, 2nd Avenue North from North 27th to North 29th, and Broadway from 1st Avenue North to 3rd Avenue North. **APPROVED**

3. Ryan's Run for SIDS; May 15, 2011, 7:00 a.m. to 10:00 a.m.; starting at Rimrock West Park, east on a multi-use trail to 38th Street West using the pedestrian underpass/trail, continuing north on 38th Street West to Rimrock Road, west to Shiloh, south to Poly Drive, west to 46th Street West, and south back to Rimrock West Park. **APPROVED**

4. Community Fun Run; May 21, 2011, 8:30 a.m. to 10:30 a.m.; May 22, 2010, 8:30 a.m. to 10:30 a.m., commencing at 120 Lexington Drive, proceeding west on Eldorado Drive, south on Pueblo Drive, east on Alamo Drive, north on Lexington Drive, east on Eldorado Drive, north on S. Santa Fe Drive, east on Concord Drive, south on Birchwood Drive, west on Beloit Drive, northwest on Fair Park Drive, southeast on S. Santa Fe

Drive, south on Berthoud Drive, west on Pueblo Drive, north on Pueblo Drive, east on Beloit Drive, northwest on Lexington Drive, west on Dallas Drive, north on Pueblo Drive, east on Eldorado Drive, and south on Lexington Drive. **APPROVED**

L. Bills and Payroll:

1. March 25, 2011 **APPROVED 10 TO 0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
2. April 1, 2011

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION #11-19049** vacating portions of street right-of-way in Grand Peaks Subdivision; J & S Development Company, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

APPROVED

3. **PUBLIC HEARING FOR VARIANCE #OP-11-01:** A variance from the Site Development Ordinance, Section 6-1203, regarding off-street parking requirements for property located at 3212 1st Avenue South. Yellowstone Boys and Girls Ranch, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

ACTION WAS DELAYED UNTIL THE MEETING OF MAY 23. COUNCILMEMBER MCCALL RECUSED HERSELF FROM THE VOTE.

4. **PUBLIC HEARING** to gather public input on Budget Allocations and the drafted Consolidated Plans; approval of the allocation of CDBG and HOME Funding for FY2011-2012 as recommended by the Community Development Board; and approval of the drafted FY2011-2012 Action Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. **PUBLIC HEARING AND RESOLUTION #11-19050 CREATING SID 1392, RESOLUTION #11-19051 CREATING PMD 4040, AND APPROVAL OF PROFESSIONAL SERVICES CONTRACT WITH LAND DESIGN** for development of Yellowstone Family Park to include landscaping, trees, shrubs, turfgrass, native vegetation, trails, sidewalks, irrigation system, playground and equipment. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 1. COUNCILMEMBER CIMMINO VOTED 'NO'.**

6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #874:** A zone change request from Community Commercial (CC) to Highway Commercial (HC) on two parcels of land described as Lots 1 through 17, Block 14 of Suburban Subdivision located at 327 Cook Avenue and 3919 Montana Avenue. Mike Dimich, property owner of 327 Cook Avenue. Gene and April Staudiner, property owners, and Mike Dimich, contract purchaser, of 3919 Montana Avenue. Zoning Commission recommends approval of the zone change and adoption of the

determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

7. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE

#875: A zone change from Community Commercial (CC), Public (P), Residential 6,000 (R-60) and Residential Multi-Family (RMF) to Residential 9,600 (R-96) and Residential 6,000 Restricted (R-60-R) on Lots 10 through 12, Block 16; Lot 15, Block 17; Lots 1 through 4, Block 18; Lots 1 through 4 and 7 & 8, Block 19; Lots 25 through 27, Block 45; Lots 12A, 12B, 13A and 14 through 17, Block 46; Lots 8 through 13, Block 47, Lake Hills Subdivision; and proposed new Lots A through G to be created from golf course land, for a total of 12.651 acres. All lots are currently vacant. Ron Hill, owner; Marshall Phil of Blueline Engineering, representative. Zoning Commission recommends approval with the exception of proposed Lots B, C and G, and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

8. PUBLIC HEARING AND SPECIAL REVIEW #889: A special review to allow the modification of a previously approved site plan for Special Review #885 to allow the addition of a 2-story office building to accommodate the assisted living management and administrative offices and the re-orientation of the parking and one of the assisted living structures on the Shiloh Road frontage on property at 4040 Parkhill Drive generally located on the southwest corner of the intersection of Shiloh Road and Parkhill Drive. Randy Swenson, RK Development, applicant; Quentin Eggart, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

9. APPROVAL OF AGREEMENTS satisfying conditions of the property purchase agreements with Alley Cat Investments, LLC for Lots 1-7, Block 109, Original Town of Billings. 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 limited to 3 minutes. 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: 10:50 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.