

## COUNCIL ACTION SUMMARY

### 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

April 9, 2012

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Bird

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, and Astle. Councilmember Crouch was excused.

**MINUTES:** March 26, 2012 - **APPROVED**

**COURTESIES:** Mayor Hanel thanked everyone who put the Energy Summit on at the Rimrock Arena that day.

**PROCLAMATIONS:**

- Fair Housing Month - April
- National Library Week - April 8-14, 2012
- Year of Brain Injury Awareness

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Item N – Resolution of Intent to De-Annex #12-03: Copy of letter from the petitioners, James and Stella Ziegler, dated 4/2/12, on Council's desk. Copy in ex-parte notebook.
- Item O – Resolution fixing the form and details of bond sale for SID 1392: Copy of memorandum from Patrick Weber, Finance Director, with an updated resolution was sent in April 6 Friday packet. She said the update was a new interest rate. Copy in ex-parte notebook.
- Reminder of the joint meeting between the City Council and School District No. 2 Board at noon on April 12, 2012, at the Lincoln Center.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: #1 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: **E, P, Y2**

**A. Bid Awards:**

**1. W.O. 12-04, Accessibility Ramp Project.** (Opened 3/27/12) Recommend J & J Concrete; \$249,345. **APPROVED**

**B. Engineering Services Contract** with Morrison-Maierle, Inc. to provide design and construction services for the Aviation and Transit Department (4/9/12 - 4/8/17). **APPROVED**

**C. Approval** of the Assignment and Transfer of the West End Hangar Ground Lease from Hat Creek Hangar Co., LLC, to Wireless Communications; and **approval** of Amendment No. 1 updating lease language. **APPROVED**

**D. Approval** of water rights settlement between the U. S. Department of Interior, U.S. Bureau of Indian Affairs, U.S. Bureau of Reclamation, and the Crow Tribe. Staff recommends approval. (Action: approval or disapproval of staff recommendation. **APPROVED**

**E. Acknowledging Receipt of Petition to Annex #12-02:** three parcels totaling approximately 0.85 acres located on Lincoln Lane in the Billings Heights and addressed as 337 and 325 Lincoln Lane; Brent Nelson, petitioner; and setting a public hearing date of April 23, 2012. **APPROVED 10 TO 1. CM PITMAN VOTED IN OPPOSITION.**

**F. Confirmation of Probationary Police Officers David Firebaugh and Timothy Doll.** **APPROVED**

**G. Acceptance of Donations** to sponsor the 2012 Analysis of Impediments to Fair Housing Choice; Housing Authority of Billings - \$10,000; HRDC District 7 - \$5,000, including assistance with survey mailing; Billings Association of Realtors - \$1,000 (additional \$1,000 pending); First Interstate Bank - \$1,000. **APPROVED**

**H. Acceptance of Donation** from Century Link to remove its utility lines from the alley between North Broadway and North 29th Street for construction of new library building at no cost to the City; estimated value - \$15,000. **APPROVED**

**I. Acceptance of Donation** to Parks, Recreation, and Public Lands for bike rack at Swords Park Trailhead; Kathie and Steve Shandera through BikeNet; \$700.

**APPROVED**

**J. Acceptance of Donation** to the Police Department to send four Honor Guard members to the National Law Enforcement Memorial Week in Washington D.C.; Billings Police Foundation; \$2,500. **APPROVED**

**K. Approval and Acceptance** of grant award from FM Global to Billings Fire Department for purchase of digital camera and associated equipment; \$2,707.

**APPROVED**

**L. Approval and Acceptance** of the 2012 High Intensity Drug Traffic Area (HIDTA) Award from the Executive Office of the President, Office of National Drug Control Policy, \$190,257. **APPROVED**

**M. Approval and Acceptance** of 2012 ConocoPhillips Company grant; \$6,000 to the Police Department; \$6,000 to the Fire Department. **APPROVED**

**N. Resolution of Intent #12-19149 to De-Annex #12-03:** approximately 13.82 acres of undeveloped land known as Tract 81-A, Certificate of Survey 2165, in the Briarwood Planned Unit Development; James and Stella Ziegler, petitioners; and set a public hearing for May 14, 2012. **APPROVED**

**O. Resolution #12-19150** fixing the form and details of bond sale for SID 1392. **APPROVED**

**P. Second/Final Reading Ordinance #12-5553 for Zone Change #854:** a text amendment to Section 27-500, Historic Preservation, amending the language to update terms, allow local designation of historic properties or districts, require a Certificate of Appropriateness for exterior remodeling of properties on the local or National Register, and allow penalties for unauthorized demolition of properties within recognized historic districts. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**Q. Second/Final Reading Ordinance #12-5554 for Zone Change #883:** a text amendment to Section 27-310(i)9 of the Billings, Montana, City Code (BMCC) regulating the types of siding allowed on detached accessory residential structures. **APPROVED**

**R. Second/Final Reading Ordinance #12-5555, #12-5556, #12-5557, #12-5558 for Zone Change #884:** a text amendment to Sections 27-305 and 27-306 of the Billings, Montana, City Code (BMCC) regarding definitions for community residential facilities and regulating where correctional facilities – public and private – may or may not be located. **APPROVED**

**S. Second/Final Reading Ordinance #12-5559 for Zone Change #886:** a text amendment to Section 27-305 of the Billings, Montana, City Code (BMCC) regarding lot area requirements for dwelling units, elimination of references to townhomes or townhouses, deleting the requirement for additional side setbacks in the Residential 5,000 (R-50) zone and removing the zero lot line references. **APPROVED**

**T. Second/Final Reading Ordinance #12-5560 for Zone Change #887:** a text amendment to Section 27-1704, of the Billings, Montana, City Code (BMCC) eliminating reference to specific fees for zoning application. **APPROVED**

**U. Second/Final Reading Ordinance #12-5561 for Zone Change #888:** a text amendment to Section 27-310 of the Billings, Montana City Code (BMCC) creating two subsections that regulate detached accessory buildings in residential zones. **APPROVED**

**V. Second/Final Reading Ordinance #12-5562 for Zone Change #889:** a text amendment to Sections 27-1401 through 27-1424 of the Billings, Montana City Code (BMCC) North Shiloh Corridor Overlay District, correcting reference errors and amending sections regulating signage for assembly uses in residential zones. **APPROVED**

**W. Second/Final Reading Ordinance #12-5563 for Zone Change #890:** a text amendment to Sections 27-1429 through 27-1451 of the Billings, Montana City Code (BMCC), South Shiloh Corridor Overlay District, to correct reference errors and amend sections regulating signage for assembly uses in residential zones. **APPROVED**

**X. Final Plat Approval** of Holling Ranch Subdivision, Amended Lot 9; and **approval** of a variance from Section 23-406(B)(6) of the City Subdivision Regulations allowing for the dedication of 10 additional feet of right-of-way for Bench Boulevard. **APPROVED**

**Y. Bills and Payroll:**

1. March 12, 2012 **APPROVED**
2. March 19, 2012 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

1. **PUBLIC HEARING AND RESOLUTION #12-19151** approving and adopting Third Quarter Budget Amendments for Fiscal Year 2011-2012. Staff recommends approval. (Action: approval or disapproval of staff recommendations.) **APPROVED 9 TO 1. CM CIMMINO 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 up on the clipboard located at the podium.*)

The public comment period was opened.

- **David Strong, 206 Avenue E, Billings, MT**, said he was concerned about the impact the coal trains would have on Billings and asked the City to be proactive and request to be a part of the conversation upfront with the Cherry Point port. He said the city needed to be informed of the impacts.
- **Amaya Garcia, 206 Avenue E, Billings, MT**, said the city needed to be concerned about all of the potential ports, not just Cherry Point. She said the city needed to have a voice on what came through Billings.
- **Frances Harris, 821 N. 27<sup>th</sup>, Billings, MT**, said she also supported the city being proactive concerning the coal trains that could be coming through Billings. She also said she disagreed with the water rights settlement. She said the Crow Tribe owned the water according to the Crow Allotment Act.
- **Doug Ruebke, 110 S. 31<sup>st</sup>, Billings, MT**, said he also supported the city being proactive with the coal trains that would be coming through Billings.
- **Joe White, Billings, MT**, said he was inquiring about the damages that were awarded to him. He said they had no money, the number of their children was increasing, they needed to move out, and they had to put the children in a minivan. Mr. White said it had caused a lot of damage and stress. He also commented the city needed environmental impact statements with the railroad concerning the coal trains. He said the residents along the tracks were moving. He said they should charge the trains \$1 a day to park.

#### **COUNCIL INITIATIVES - None**

**ADJOURN - 8:02 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.*