

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

August 27, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Mayor Hanel

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

MINUTES: August 13, 2012 - PENDING

COURTESIES:

- Mayor Hanel recognized the Yellowstone County Commissioners for the successful Montana Fair; KOA for their 50th anniversary; the community for their support of the “Over the Edge” fundraiser for Special Olympics; the groundbreaking for the new gazebo in South Park, and Yellowstone Club Estates for the grand opening of its community park.
- Councilmember Ronquillo thanked the organizers of the “Over the Edge” event. He said it was a successful family event that brought many people downtown.
- Councilmember Bird thanked the SD #2 professionals for their hard work in educating our children. She reminded people to slow down and look out for the children walking to and from school.
- 2012 Professional Achievement In Planning Award
- Planner of the Year Award - Award presented to Wyeth Friday

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek referenced the following items:

- Item J – Resolution of Intent amending the Expanded N. 27th Street Urban Renewal Plan to include a retail retention and recruitment program and setting a public

hearing for September 10, 2012. – The Downtown Partnership was requesting the item be postponed until 9/10/12.

- Item 6A – First Reading Ordinance for Zone Change #899: Deleting and adding language to allow the keeping of hens within residential zones. Today three e-mails were received as of 4:00 p.m. in support of urban hens. Copies were filed in the ex-partes notebook.
- Item 7 – Public Hearing and First Reading Ordinance for Zone Change #901: Copy of memorandum from Steve Zeier sent in the August 24th Friday Packet with requested edits to the EBURD Code. Copy was filed in the ex-partes notebook.
- Item 10 – Public Hearing and First Reading Ordinance amending sections of the City Code regarding the sale or donation of city-owned real property. Copy of PowerPoint presentation on Council's desk. Copy was filed in ex-partes notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #6A, AND #11 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute. Please sign up on the clipboard located at the podium or in the back of the room. 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.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, referenced Item 6A and said allowing chickens would violate the rights of those individuals who did not want chickens in the city limits.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Item J and said it was socialism and needed to be abolished.
- **T.J. Wierenga, 2215 Beloit, Billings, MT**, referenced Item 6A and thanked the council for its work on the item.
- **Melanie Walker, 2708 Vigilante Trail, Billings, MT**, referenced 6A and said she supported urban chickens.

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

1. **CONSENT AGENDA** -- Separations: 1A1, G, J, L1

A. **Bid Awards:**

1. **W.O. 09-19, Zone 3 East Fox Reservoir Expansion.** (Opened 8/14/12) Recommend Natgun Corporation; \$2,572,200. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

2. **Storm Water Detention Ponds A, B, and C Upgrades for Billings Logan International Airport.** (Opened 8/14/12) Recommend Asphalt Plus, Inc.; \$99,032.50. **APPROVED**

B. Change Order #7 - W.O. 10-08: Water Treatment Plant Clearwell Baffle Project. COP Construction, \$245,326.45. **APPROVED**

C. Contract for Professional Services with Morrison-Maierle, Inc. for W.O. 12-31, East End Industrial Area Storm Drain; not to exceed \$96,175. **APPROVED**

D. Cooperative Agreement (20-year) with Yellowstone County for installation of radio infrastructure at 1310 West Wicks Lane. **APPROVED**

E. Acknowledge receipt of petition to vacate the alley within Block 228, Original Townsite of Billings, located between 7th and 8th Avenues South behind the Montana Women's Prison at 701 S. 27th; State of Montana Department of Corrections, petitioner; and set a public hearing date of September 24, 2012. **APPROVED**

F. Acceptance of Warranty Deed for Lot 18, Panoramic Heights Subdivision, from James E. Edwards, \$25,000. **APPROVED**

G. Approval and acceptance of the Montana Department of Transportation State-Wide Bus Livability Grant for the purchase of an updated Mobile Data System; \$38,112. **APPROVED**

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

I. Resolution #12-19203 temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot, 1125 Broadwater Avenue, during the Big Sky Polka Club's Polkafest, August 31 through September 2, 2012. **APPROVED**

J. Resolution of Intent amending the Expanded N. 27th Street Urban Renewal Plan to include a retail retention and recruitment program and setting a public hearing for September 10, 2012. **DELAYED UNTIL 9/10/12**.

K. Second and Final Reading Ordinance #12-5577 designating Park 2 Expansion as an urban renewal project (delayed from 8/13/12). **APPROVED**

L. Bills and Payroll:

1. July 30, 2012 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
2. **PUBLIC HEARING AND RESOLUTION #12-19204** authorizing filing of the annual Federal Transit Administration Section 5307 Grant. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION #12-19205 setting mill levy rates for Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, General Obligation Debt Service Library, General Obligation Debt Service Series A Baseball Stadium, and General Obligation Debt Service Series B Baseball Stadium for tax year 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. PUBLIC HEARING AND RESOLUTION #12-19206 establishing the Park District 1 assessment for tax year 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 7 TO 3 ADDING TOTAL ANNUAL ASSESSMENT AMOUNT OF \$1,855,000 TO THE RESOLUTION. CM CIMMINO, PITMAN, AND ULLEDALEN VOTED IN OPPOSITION.**

5. ZIMMERMAN ACREAGE TRACTS SUBDIVISION

A. PUBLIC HEARING AND RESOLUTION #12-19207 FOR ANNEXATION #12-07: one parcel totaling approximately two (2) acres, with approximately 7,260 additional square feet designated as street right-of-way, in Zimmerman Acreage Tracts Subdivision, generally located on the north side of Grand Avenue just west of the intersection of Grand Avenue and 48th Street West. John Clifford Zimmerman, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

B. PUBLIC HEARING AND SPECIAL REVIEW #900: A special review for construction of a new 17,868 square foot, private elementary school with 6 classrooms, 25 parking spaces, a fenced playground, and landscaping in a Residential 9,600 (R-96) zone in Zimmerman Acreage Tracts Subdivision, a 2-acre parcel of land located at 4809 Grand Avenue. John Clifford Zimmerman, owner; Eggart Engineering Company, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

6. Urban Chickens

A. FIRST READING ORDINANCE FOR ZONE CHANGE #899 - DELAYED FROM 7/23/12 (PUBLIC HEARING HELD AND CLOSED ON 7/23/12): A text amendment to Section 27-305, Section 27-306, and Section 27-607 deleting language and adding language to allow the keeping of hens within residential zones and on property developed with residential uses; adopting the revision as an amendment to the Zoning Regulations; and setting a time period for the regulation to be effective. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 6 TO 4. CM PITMAN, CM CIMMINO, CM ASTLE, AND MAYOR HANEL VOTED IN OPPOSITION.**

B. PUBLIC HEARING AND FIRST READING ORDINANCE amending Section 4-401 and Section 4-403 of the Billings, Montana Municipal Code allowing and regulating the keeping of up to six (6) female chickens in residential zones. Staff recommends

approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. CM CIMMINO VOTED IN OPPOSITION.**

7. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #901: a text amendment and a map amendment to the zone classification for the East Billings Urban Renewal District (EBURD) adding a new section to the Unified Zoning Regulations specifying land uses, building types, signage allowances, landscaping requirements and location specific street improvements for new zoning districts in the EBURD. Staff recommends approval. (Action: approval or disapproval of staff recommendations.) **APPROVED**

8. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #902: A zone change from Neighborhood Commercial (NC) and Residential Multi-Family-Restricted (RMF-R) to Community Commercial on a 4.189-acre parcel described as Lots 1 through 5, Brittain Acres Subdivision, located on the northeast corner of the intersection of Hilltop Road and Bench Boulevard. Big Sky Floral Supply, owner; Chuck and Mick Gainan, agents. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

9. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #904: A zone change from Residential Manufactured Home (RMH) to Community Commercial (CC) on a 4.77-acre parcel described as Tract 1, C/S 2537, and the north two acres of the south 10.41 acres east of the lateral and fractions of Section 22, Township 1 North, Range 26 East located at 1026, 1032 and 1040 Bench Boulevard ; Lee Steffanich, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

10. PUBLIC HEARING AND FIRST READING ORDINANCE amending Sections 22-901 and 22-902 of the Billings, Montana, Municipal Code for the sale or donation of city-owned real property. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

11. AMENDMENT TO THE 2009 BILLINGS URBAN AREA TRANSPORTATION PLAN increasing costs and identifying additional funding for the North Bypass Project. Staff recommends City Council review and discuss the amendment at the August 27, 2012, meeting and make a recommendation to the Policy Coordinating Committee at the September 10, 2012, meeting. (Action: approval or disapproval of staff recommendation.) **APPROVED 6 TO 4. CM BIRD, CM MCCALL, CM ULLEDALEN, AND CM ASTLE 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 or in the back of the room.*)

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

COUNCIL INITIATIVES

- **ULLEDALEN:** MOVED to direct staff to provide City Council with an idea of what arterial fee increases would be necessary in order to fund other projects, seconded by Councilmember Crouch. The motion was approved 7 to 3. Councilmembers Ronquillo, Pitman, and Cimmino voted in opposition.

ADJOURN: 10:29 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.