

## **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

September 24, 2012

**6:30 P.M.**

**CALL TO ORDER:** Deputy Mayor Ulledalen

**PLEDGE OF ALLEGIANCE:** Deputy Mayor Ulledalen

**INVOCATION:** Councilmember McCall

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

## MINUTES:

- August 27, 2012 - **APPROVED**
- September 10, 2012 - Pending

## **COURTESIES: None**

**PROCLAMATIONS: None**

## ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following item:

- Item 10 – Public Hearing and First Reading Ordinance amending Section 24-456 of the City Code prohibiting the moving of vehicles on the same block from one metered space to another. Copy of staff PowerPoint presentation and revised ordinance on Council's desk and in ex parte notebook.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: # 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 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. There were no speakers, and the public comment period was closed.

**1. CONSENT AGENDA -- Separations: There were no separations.**

**A. Bid Awards:**

**1. W.O. 12-41, Public Works Belknap Service Center Re-Roof.** (Opened 9/11/12) Recommend Donaldson Construction and Roofing; \$73,740. **APPROVED**

**2. Pond C Outfall Improvements for Billings Logan International Airport.** (Opened 8/28/12) (Delayed from 9/10/12) Recommend The Good Earth Works Company, Inc.; \$70,100. **APPROVED**

**B. Approval** of 20-year Non-Commercial Aviation Ground Lease with Six Romeo Mike, LLC, for construction of a 60' x 60' executive hangar at 2445 Overlook Drive (10/1/12 - 9/30/32); first year revenue - \$3,494.40; subsequent years to be adjusted using the Department of Labor Consumer Price Index - Urban Consumers (CPI-U). **APPROVED**

**C. Approval** of Scheduled Airline Operating Permit with Republic Airline, Inc. **APPROVED**

**D. Approval** of Operating Permit with DAL Global Services, LLC. **APPROVED**

**E. Easement** with Knife River, Inc. for a segment of a planned trail corridor from Riverfront Park to Coulson Park along the Yellowstone River. **APPROVED**

**F. Acceptance of Donations** to the Billings Fire Department for purchase of a Robontronics Sparky the Fire Dog animated head, gloves, and voice modifier; Safe Kids Yellowstone County - \$1,600; Billings Clinic Foundation - \$1,352. **APPROVED**

**G. Second and Final Reading Ordinance #12-5584** amending the Billings, Montana City Code by adding Sections 18-1401 through 18-1405 defining terms and establishing standards for boarded up structures. **APPROVED**

**H. Second/Final reading ordinance #12-5585 expanding Ward IV** for approximately two acres with approximately 7,260 additional square feet designated as street right-of-way in Zimmerman Acreage Tracts Subdivision located on the north side of Grand Avenue just west of the Grand Avenue and 48th Street West intersection; John Clifford Zimmerman, owner. **APPROVED**

**I. Bills and Payroll:**

**1. August 27, 2012 **APPROVED****

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND SPECIAL REVIEW #901:** a special review to replace an existing beer and wine license with gaming with an all-beverage license with gaming in a multi-tenant building located at 603 24th Street West. Won 800 Sports Bar and Casino, applicant. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 7 TO 1 WITH THE CONDITION THE ILLUMINATED SIGN OVER THE BACK DOOR BE REMOVED. CM CROMLEY VOTED IN OPPOSITION.**

**3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #903:** A zone change from Entryway Light Industrial to Highway Commercial on a 10.85-acre parcel of land described as Lots 4, 6 and 7, Block 1, Montana Sapphire Subdivision, located at 4110 and 4020 Montana Sapphire Drive and 4215 King Avenue West. Montana Sapphire, LLC, owner; Keith James, Gemstar Properties, LLC, 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**

**4. PUBLIC HEARING AND RESOLUTIONS** regarding the spread of assessments on the following Special Improvement Districts:

**A. SID 1392: Resolution #12-19218** Yellowstone Family Park - playground, basketball court, walking trails, extensive landscaping including trees, shrubs and turf grass. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**B. SID 1393: Resolution #12-19219** Fritz Subdivision - curb & gutter, storm drain, and necessary street improvements fronting lots along Eldora Lane, Cottonwood Boulevard, Kelly Lane, and Kenneth Street. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**5. PUBLIC HEARING AND RESOLUTION #12-19220** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. PUBLIC HEARING AND RESOLUTION #12-19221** for emergency abatement assessments for properties located at 4209 Audobon Way for \$1,250.74; 3915 Pine Cove for \$405.84; and 916 N. 19th Street for \$955.94. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**7. PUBLIC HEARING** to receive input on the City's FY2011-2012 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. **NO ACTION REQUIRED.**

**8. PUBLIC HEARING AND RESOLUTION #12-19222** reducing arterial construction fee assessments for certain commercially-zoned parcels and certain RMH-zoned parcels meeting the criteria in Ordinance #05-5322 and Ordinance #08-5478, capping parcel square footage at 9,600 square feet and calculating assessments based on the R9600 zoning rate instead of Commercial or RMH zoning rates. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**APPROVED**

**9. PUBLIC HEARING AND RESOLUTION #12-19223** vacating 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. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**10. PUBLIC HEARING AND FIRST READING ORDINANCE** amending Section 24-456 of the Billings, Montana, City Code prohibiting the moving of vehicles on the same block from one metered space to another. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**11. PUBLIC HEARING AND FIRST READING ORDINANCE** amending Chapter 13, Article 13-400, Division 3, of the Billings, Montana, Municipal Code by adding a new section titled "All Businesses, Occupations, and Professions to Comply with Local, State, and Federal Law," and amending Section 13-432. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 5 TO 3.**  
**COUNCILMEMBERS CROMLEY, BIRD, AND MCFADDEN 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.*)

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced the Highlands Project on Orchard and said the land was zoned incorrectly. He said it was zoned Controlled Industrial, which did not allow metal manufacturing. He said the only reason metal manufacturing was allowed was because of Special Review #117, dated February 11, 1982. He said Duane Anderson made the application for the special review and stated that welding and paint priming would be done inside the building. Mr. Nelson said Mr. Anderson lived up to his statement and never constructed or painted anything outside so it was never a problem. Mr. Nelson distributed a photograph of buckets with Class 3 flammable warnings that were being stored outside the building and on trucks in the sun. He said the flammable rating level on the buckets was the same as jet fuel, and it was a disaster just waiting to happen. He said it was one thing to put up with the noise, but they also had to deal with a waste dump on top of it.

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

## **COUNCIL INITIATIVES**

- **Ronquillo:** Said he had a letter he would like the Council to look at and to give to the City Administrator and Attorney Brooks for review. He MOVED that the City Council discuss the potential impacts of any increased train traffic through Billings and consider sending the letter to the Army Corps of Engineers asking that a hearing on potential impacts of increased train traffic from coal exports be held in Billings. He said more importantly that there be scoping hearings held, and the City of Billings should be prepared to submit concerns to the Army Corps of Engineers about potential impacts that would require mitigation. He asked the City County Planning Department and other city agencies to gather information about potential impacts and possible mitigation that would help ensure a healthy future for Billings. The motion was seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

**ADJOURN: 8:38 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.*