

## 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

May 28, 2013

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Ronquillo

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

**MINUTES:** May 13, 2013 - PENDING

**COURTESIES:** Councilmember Ronquillo noted last Saturday was the 100-year celebration of South Park and grand opening of the new Gazebo. He thanked the Parks Department for setting everything up and noted Senator Baucus attended.

**PROCLAMATIONS:** None

#### ADMINISTRATOR REPORTS - TINA VOLEK

- Item J – Second & Final Reading Ordinance amending Billings City Code Article 26-600, Industrial Waste Discharge: Copy of memo sent to Council in the May 24<sup>th</sup> Friday Packet from Boris Krizek, City Environmental Engineer, explaining EPA Region 8 review and approval process. Copy of memo is filed in ex parte notebook.
- Item 3 – Public Hearing and Special Review #904: City Council received the following e-mails:
  - ✓ E-mails from Michelle Cormier Lee, Jean Shelp, and Brenda Binstock, dated 5/15/13, outlining concerns with the proposed development.
  - ✓ E-mails from John Jones of Moulton Bellingham Law Firm, representative for the developer, dated 5/24/13 and 5/25/13.
  - ✓ E-mail from Vickie Christie, dated 5/27/13, opposed to the proposed development.

Copies of all e-mails are filed in ex parte notebook.

- Reminder of the final budget work session scheduled for Wednesday, May 29<sup>th</sup>, at 5:30 in the Council Chambers.

**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 in at the cart located at the back of the council chambers or 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: **H, P1, P2**

A. **Bid Awards:**

1. **W.O. 12-18, Canyon Creek Drain, Phase 1 - King Avenue West.** (Opened 5/28/2013) Bid award recommendation to be made at the June 10, 2013, City Council meeting. **APPROVED**

2. **City Hall Lighting Retrofit.** (Opened 5/28/2013) Bid award recommendation to be made at the June 10, 2013, City Council meeting. **APPROVED**

B. **Development Agreement** with SunCap Property Group outlining necessary public improvements for a proposed FedEx Facility on Tract 1, Certificate of Survey 3329, located at Hesper Road and Gabel Road. **APPROVED**

C. **Approval** of lease renewal for office, storage, and wareyard space at the Billings International Airport to the Bureau of Land Management Fire Cache operation; 9/1/2012 - 8/31/2022; revenue first year \$62,436.60; revenue subsequent years adjusted each anniversary by the Department of Labor – Bureau of Labor Statistics Consumer Price Index for Wage Earners and Clerical Workers (CPI-W). **APPROVED**

D. **Supplemental Lease Agreement #4** with the Federal Aviation Administration (FAA) extending term of Lease #DTFANM-07-L-00039 for office and operation space in Airport Terminal Building; 4/1/2013-9/30/2017; annual revenue - \$26,089.32. **APPROVED**

E. **Memoranda of Understanding** between the City of Billings and Billings Public Schools for two (2) middle school resource officers and three (3) high school resource officers (7/1/13 - 6/30/14); Billings Public Schools payment to the City of Billings - \$121,366. **APPROVED**

F. **Subordination of Housing Rehabilitation Loan** for Wesley K. Hazen and Brandi L. Hazen; \$19,600. **APPROVED**

**G. Acceptance of Donation** of a retired Boeing 727 to the Billings Logan International Airport from FedEx Express to be used for training and education purposes. **APPROVED**

**H. Resolution #13-19271** extending City Administrator's change order signing authority not to exceed \$1,300,000 for the Empire Garage Project. **APPROVED**

**I. Resolution #13-19272** relating to \$5,545,000 Special Improvement District No. 1385 Refunding Bonds, Series 2013; fixing the form and details and providing the execution and delivery of the bonds. **APPROVED**

**J. Second/Final Reading Ordinance #13-5600** amending Billings Montana City Code (BMCC) Article 26-600, Industrial Waste Discharge, conditioned on approval by the United States Environmental Protection Agency. **APPROVED**

**K. Second/Final Reading Ordinance #13-5601** amending the boundaries of Ward I to include recently annexed property in Annexation #13-03: a tract of land generally located at the southeast corner of Bench Boulevard and Yellowstone River Road; Ryan and Jodi Rookhuizen Family Trust, owner. **APPROVED**

**L. Second/Final Reading Ordinance #13-5602** amending the boundaries of Ward IV to include recently annexed property in Annexation #13-04: a tract of land generally located at the northwest corner of the intersection of Grand Avenue and 48th Street West; Mary Beth Gregory, owner. **APPROVED**

**M. Second/Final Reading Ordinance #13-5603** amending the Billings, Montana, City Code (BMCC), Chapter 17- Noise; Repealing Sections 17-103, 17-105, 17-109, 17-110, and 17-111; and Amending Sections 17-101, 17-102, 17-104, 17-106, 17-107, and 17-112. **APPROVED**

**N. Second/Final Reading Ordinance #13-5604** amending Billings, Montana, City Code (BMCC), Sections 18-302, 18-303, 18-306, 18-307 and 18-308; Public Nuisances. **APPROVED**

**O. Second/Final Reading Ordinance #13-5605** amending Billings, Montana, City Code (BMCC), Sections 7-300 through 7-321, Going Out of Business. **APPROVED**

**P. Bills and Payroll:**

1. April 29, 2013 **APPROVED 10 – 0. CIMMINO ABSTAINED.**
2. May 6, 2013 **APPROVED 9 – 0. CIMMINO AND CROMLEY ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND SPECIAL REVIEW #903:** a special review amending the conditions and site plan for previously-approved Special Review #900 allowing construction of a new, private elementary school on a 3.83-acre parcel of land located at 4809 Grand Avenue. Grace Montessori Academy, owner; Eggart Engineering Company, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**3. PUBLIC HEARING AND SPECIAL REVIEW #904:** a special review to allow multi-family dwellings in an R-60 zone on property located on the north side of Avenue E between 16th Street West and 17th Street West and legally described as Lots 1 through 9A of Block 10, Partington Park Subdivision, 8th Filing; McDonald Land Holdings, LLC, owner; AT Architecture, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 8 – 2 WITH ADDITIONAL CONDITIONS THAT SPEED TABLES BE PLACED IN THE ALLEY AND EXISTING FENCES OF PROPERTY OWNERS ADJACENT TO THE ALLEY BE REPLACED WITH SITE OBSCURING FENCING. COUNCILMEMBERS MCFADDEN AND BIRD VOTED IN OPPOSITION.**

**4. PUBLIC HEARING AND SPECIAL REVIEW #905:** a special review to allow the expansion of an existing church located on a 5-acre parcel legally described as Tract 2, Certificate of Survey 1161, and addressed as 3140 Broadwater Avenue. Apostles Evangelical Lutheran Church, owner; Carl Rose and Durward Sobek, agents. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**5. PUBLIC HEARING AND RESOLUTION #13-19273** de-annexing approximately 6.64 acres of undeveloped land described as Lot 20, Block 3, Rolle Subdivision, generally located between Alkali Creek Road and Highway 3 (Airport Road). Robert Honaker, owner and petitioner. Staff recommends approval based on the criteria outlined in the City's De-annexation Policy. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. PUBLIC HEARING AND RESOLUTION #13-19274 FOR ANNEXATION #13-06:** approximately seven acres of land described as Lot 5, Block 2, and Lot 1, Block 3, Titan Subdivision, generally located on the north and south sides of Interstate Avenue just east of the intersection of Interstate Avenue and Mullowney Lane; Origer Enterprises, Inc. and TNC Development, LLC, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**7. PUBLIC HEARING FOR ZONE CHANGE #909** amending an existing Planned Development (PD) to allow an increase in the maximum density from 15 dwelling units per acre to 20 dwelling units per acre on a 25.186-acre parcel of land described as Tract 3A, C/S 2063, with underlying zoning of Planned Development-Multi-Family-Residential (PD-MF-R) in the Lenhardt Square Planned Development. Zoning

Commission recommends approval and adoption of the findings of the 10 criteria.  
(Action: approval or disapproval of Zoning Commission's recommendation.)

**APPROVED**

**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 in at the cart located at the back of the council chambers or at the podium.*)

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

### **COUNCIL INITIATIVES**

- **Ronquillo:** Moved to have staff research addressing primary residences located on alleys and naming the alleys for emergency response purposes, seconded by Councilmember McFadden. **APPROVED**
- **Ulledalen:** Moved to have the police chief, facilities manager, and court judge meet and bring back a reasonable approach to moving Police to another location to make additional space available for municipal court, seconded by Councilmember Bird. Councilmember Bird asked that the information be brought to Council at the first work session in October. **APPROVED**

**ADJOURN: 9:29 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.*