

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

**"THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE  
PEOPLE PROSPER AND BUSINESS SUCCEEDS."**

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#### AGENDA

COUNCIL CHAMBERS

September 22, 2014

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember McFadden

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Pitman, Cimmino, McFadden, Bird, McCall, Swanson, and Brown. Councilmember Crouch was excused.

**MINUTES:**

- August 25, 2014 - **APPROVED**
- September 8, 2014 (pending)

**COURTESIES:**

- Police Department "Heroes" – Officers Jeremy Dennler, Paul Lamantia, Gerald McComb, James Ward, Jack Brundell
- Billings Metro VISTA Project Honoree - Samantha Vernon. Introduction of five current AmeriCorp Vista Volunteers.
- Councilmember Cromley honored with 2014 George L. Bousliman Professionalism Award

**PROCLAMATIONS:** None

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Chief St. John provided an update on the new radio system. The radios were working well, and he had received rave reviews from the officers.
- A tour of the Airport and MET facility would be held on Monday, September 29, 2014. The tour would be held from 8:30 to noon at the Airport and from noon to 2:00 at MET Transit.
- Ms. Volek provided an update on the Public Safety Levy presentations. They had scheduled 23 with more anticipated.

- **Item A3 – Airport Terminal Building Window Washing Bid Award:** Council received a memorandum from Tom Binford, Director of Aviation and Transit, in the September 19 Friday Packet in response to a protest letter he received from Thomas Schwab, owner of Fish Window Cleaning, regarding the website posting of the Invitation to Bid. Copy of Mr. Binford's memorandum is on file in the ex-partes notebook.
- **Item F – Initiate Map Amendment & Zone Change from R96 to R60 for 2707 13<sup>th</sup> Street West:** Staff memo was sent in the September 19 Friday Packet. Copy is filed in the ex-partes notebook and on Council's desk.
- **Item 4 – Public Hearing and Resolution for Park District 1 Assessment:** Copy of the staff memo with proposed 2015 city-wide park district assessments projects was sent in the September 19 Friday Packet. Copy is on file in the ex-partes notebook.
- **Item 10 – Public Hearing and Special Review #919:** Council received copy of letter from James and Lori Cameron in support of the special review via e-mail on September 18. Copy of letter is on file in the ex-partes 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 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.)

- **Joe Schmidt, 121 Grand, Billings, MT,** asked who represented his address. Mr. Schmidt was informed Councilmembers Cromley and Yakawich were his representatives and encouraged to contact them.

**1. CONSENT AGENDA** -- Separations: 1A1, 1A3, C, D, F, H2

**A. Bid Awards:**

**1. Grinder/Shredder for Solid Waste Division Landfill.** (Opened 9/9/14) Recommend Doppstadt; \$457,000. **APPROVED**

**2. Purchase of 23 City Vehicles in Car and Light Truck Class.** (Opened 9/9/14) Recommend Bid Schedules 1,2,3,4,6,7,8,9,10,11,12,13,14 and 15 without trades to Bison Motor Company in Great Falls, MT for the bid amount of \$561,161.09; and Bid Schedule 5 to Denny Menholt Chevrolet in Billings, MT for the bid amount of \$45,605.22. Staff also recommends retaining all thirteen of the vehicles offered for trade and selling them at auction because the dealer trade allowance for these thirteen vehicles was only \$11,000 while the trade-in book value is \$40,576. **APPROVED**

**3. Airport Terminal Building Window Washing.** (Opened 9/9/14) Recommend Skyline Services, Inc.; \$61,020. **APPROVED**

4. **2014 Articulated Tandem Roller for Street/Traffic Division.** (Opened 9/16/14) Recommend delaying award until October 14, 2014. **APPROVED**

B. **Memorandum of Understanding (MOU)** between the City of Billings and Billings Livability Partnership. **APPROVED**

C. **CTEP Project Specific Agreements** with Montana Department of Transportation for Jackson Street Sidewalks; Poly Drive from Virginia Lane to 13th Street West; 19th Street West/Colton Boulevard Crossing; 44th Street West Multi-Use Path; Wicks Lane Multi-Use Path; King Avenue West-32nd Street West to the BBWA Canal Multi-Use Path; Calhoun Lane Sidewalks; Barrett Road Heights Middle School Path; and Broadwater Elementary School Landscaping. **APPROVED**

D. **Amendment #3, W.O. 12-31: East End Industrial Storm Drain Project.** Professional Services Contract, Morrison-Maierle, Inc., not to exceed \$28,966. **APPROVED 9 TO 0. CM BROWN ABSTAINED.**

E. **Second/Final Reading Ordinance #14-5627 expanding Ward III (Annexation #14-04)** for property located south of Elysian Road and just west of the existing Josephine Crossing Subdivision. **APPROVED**

F. **Initiate** a map amendment and zone change from R96 to R60 for 2707 13th Street West. **APPROVED**

G. **Preliminary Major Plat** of Josephine Crossing Subdivision, 5th Filing, 92 lots on approximately 15.35 acres of land generally located south of Elysian Road and west of Stony Meadow Lane; McCall Development, owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact. **APPROVED**

H. **Bills and Payroll:**

1. August 25, 2014 **APPROVED**
2. September 2, 2014 **APPROVED 9 TO 0. CM BROWN ABSTAINED.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #14-10396** approving and adopting Month 13 Budget Amendments for FY2013/2014. Staff recommends approval. (Action: approval or disapproval of staff recommendations.) **APPROVED**

3. **PUBLIC HEARING AND RESOLUTION #14-10397** 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 footages 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**

**4. PUBLIC HEARING AND RESOLUTION #14-10398** setting Park District 1 assessments for Tax Year 2014. Delayed from August 25, 2014. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. CM PITMAN VOTED IN OPPOSITION.**

**5. PUBLIC HEARING AND RESOLUTION #14-10399** assessing Park Maintenance Districts for Tax Year 2014. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. PUBLIC HEARING AND RESOLUTION #14-10400** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED REMOVING THE ASSESSMENT FOR 30 S. PLAINVIEW STREET SO PROPERTY OWNER COULD MAKE PAYMENT ARRANGEMENTS WITH CODE ENFORCEMENT.**

**7. PUBLIC HEARING AND RESOLUTION #14-10401** assessing the annual fee for encumbrances, obstructions, or encroachments on, over, across, or above the streets, avenues, sidewalks, or alleys of the City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**8. PUBLIC HEARING AND RESOLUTION #14-10402** assessing the cost of abatement for properties located at 3310 1st Avenue South. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**9. PUBLIC HEARING** to receive input on the City's FY2013-2014 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. **NO ACTION NECESSARY.**

**10. PUBLIC HEARING AND SPECIAL REVIEW #919:** A special review to allow the expansion of the Best Friend's Animal Hospital in a Community Commercial zone on property legally described as Lot 3, Block 1, Popelka Heights View Subdivision and addressed as 1530 Popelka Drive. Smith-Gocke Properties, LLC, owner; Sanderson-Stewart, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 6 TO 4 TO ELIMINATE THE LIMITED HOURS OF 8 AM TO 6 PM FOR USE OF THE OUTDOOR EXERCISE AREA. COUNCILMEMBERS PITMAN, MCFADDEN, BIRD, MCCALL, SWANSON AND MAYOR HANEL VOTED IN FAVOR. COUNCILMEMBERS CROMLEY, YAKAWICH, CIMMINO, AND BROWN VOTED IN OPPOSITION.**

**11. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #923:** A zone change from Agriculture-Open Space to Public on Lot 5A, Block 1, Long Subdivision, a 69.65-acre parcel of land addressed as 1190 Shiloh Road.

City of Billings, owner. 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**

## **12. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE**

**CHANGE #924:** A zone change from Residential 9,600 to Residential Professional on Lot 4A1A of Blue Meadow Acreage Tracts, 7th Amended, a 1.09-acre parcel of land addressed as 2526 Shiloh Road. BTS, Inc., 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**

## **13. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE**

**CHANGE #925:** A zone change from Neighborhood Commercial to Community Commercial on Lot 2, Block 1, MK Subdivision, generally located northwest of the intersection of Grand Avenue and 54th Street West and addressed as 1450 Chy Way. Larry and Mary Karls, owners. 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**

**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.*)

- **Kevin Nelson, 4235 Bruce, Billings, MT**, read from the SBURA June meeting minutes in which they were discussing paying off the SID of private property owners in the Cabella's area with TIFD money. Mr. Nelson told Council they needed to nip it in the bud because that was not what TIFD money was to be used for.

**COUNCIL INITIATIVES** None

**ADJOURN: 11:38 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.*