

## 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

March 23, 2015

6:30 P.M.

**CALL TO ORDER:** Deputy Mayor McCall

**PLEDGE OF ALLEGIANCE:** Deputy Mayor McCall

**INVOCATION:** Councilmember Bird

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

**MINUTES:**

- February 23, 2015 **APPROVED**
- March 9, 2015 **APPROVED**

**COURTESIES:** Community Development Manager, Brenda Beckett, introduced Jackie Girard, Montana State Director; and Anna Yeagle, Program Officer, of the Corporation on National and Community Service. The VISTA volunteers introduced themselves and provided their home state and their current VISTA project.

**PROCLAMATIONS:**

- National Service Recognition Day - April 7, 2015 & VISTA 50th Anniversary Recognition
- Diabetes Alert Day - March 24, 2015

**ADMINISTRATOR REPORTS - TINA VOLEK**

- **Item A2 – W.O. 15-17, WWTP Aeration Blower Improvements.** Staff is asking that the item be separated for further discussion.
- **Item 4 – Public Hearing and Special Review #924:** City Planning Staff received a letter from Octagon Consulting Engineers, LLC, dated 3/17/15, requesting the special review be withdrawn from the agenda. Copy of the letter is on Council's desk and filed in the ex-parte notebook.
- **Item 7 – Public Hearing and First Reading Ordinance for Zone Change #934.**

- ✓ Staff and Council received a letter from North Park Neighborhood Task Force, dated 3/9/15, and an e-mail from Kevin and Cheryl Davis, dated 3/16/15, in opposition to the zone change.
- ✓ City Administration e-mailed to the Council a letter from the Montana Tow Truck Association on 2/11/15 in favor of the zone change. Copy is filed in the ex-parte notebook.
- ✓ Mayor and Council received e-mails from Jennifer Hamlet, dated 3/4/15, and Ralph Hanser, dated 2/10/15, in favor of the zone change. Copies are filed in the 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 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:**

**A. Bid Awards:**

**1. W.O. 15-10, Water Treatment Facility UV System.** (Opened 3/10/15)  
Recommend Trojan Technologies; \$1,032,270.70. **APPROVED**

**2. W.O. 15-17, WWTP Aeration Blower Improvements.** (Opened 3/10/15)  
Recommend Aerzen USA Corporation; \$162,533. **REJECTED ALL BIDS.**

**B. Certified Local Government Program Contract** with the State of Montana Historic Preservation Office; \$5,500. Local matches: City-County Planning Division - \$1,031; Yellowstone County - \$1,000; City of Laurel - \$469. **APPROVED 8 TO 0.**  
**CIMMINO ABSTAINED.**

**C. Reimbursement Agreement** with AT&T for W.O. 12-31, East End Storm Drain Improvements, Phase II; \$240,973. **APPROVED**

**D. Acknowledge Receipt of Petition to Annex #15-01:** portions of 6th Avenue North, 4th Avenue North, 3rd Avenue North, 2nd Avenue North, 1st Avenue North, Main Street (Exposition Drive), and some alleys in the area of East Billings; City of Billings, petitioner; and set a public hearing date for April 27, 2015. **APPROVED**

**E. Acknowledge Receipt of Petition to Vacate:** alley within Block 38, Fosters Addition, located between North 26th Street and North 27th Street and 7th Avenue

North and 8th Avenue North; Honaker Realty and Thomas Properties, petitioners; and set a public hearing date of April 13, 2015. **APPROVED**

**F. Phillips 66 Easements**

1. **Easement** to Phillips 66 for installation of a pipeline on city property at Mystic Park. **APPROVED**
2. **Easement** from Phillips 66 for W.O. 12-31, Phase I, Yegen Drain Improvements. **APPROVED**

**G. Acceptance of Donation** of 23 bus seats and frames to Billings Airport for retrofitting donated FedEx B-727 to simulate passenger aircraft and enhance ARFF training; Sarpy Transportation, Inc.; \$1,200. **APPROVED**

**H. Approval** of application for an AmeriCorps VISTA Project; and **authorization** for staff to negotiate and finalize the project, if awarded. **APPROVED**

**I. Resolution of Intent #15-10436** to construct W.O. 15-02, Miscellaneous Improvements Program; and set a public hearing date of April 13, 2015. **APPROVED**

**J. Resolution of Intent #15-10437** to construct W.O. 15-06, Poly Drive - 32nd to 38th Streets West; and set a public hearing date of April 13, 2015. **APPROVED**

**K. Resolution of Intent #15-10438** to modify the East Billings Urban Renewal District (EBURD) including tax increment authority; declare the existence of blight within the EBURD, and set a public hearing date of April 13, 2015. **APPROVED**

**L. Bills and Payroll:**

1. February 23, 2015 **APPROVED 7 TO 0. BROWN AND CIMMINO ABSTAINED.**
2. March 2, 2015 **APPROVED 6 TO 0. BROWN, CROMLEY AND CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION #15-10439** approving FY2016-FY2020 Capital Improvement Plan (CIP), FY2016 Equipment Replacement Plan (ERP), and FY2016 Technology Replacement Plan (TRP). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AMENDING THE CIP TO INCLUDE A PLACEHOLDER IN 2018 (OR SOONER IF FUNDS BECOME AVAILABLE) FOR PHASE 2 OF THE INNER BELT LOOP. APPROVED ERP AND TRP AS PRESENTED.**

**3. PUBLIC HEARING AND SPECIAL REVIEW #923:** A special review for an all-beverage liquor license with gaming in a Controlled Industrial zone on approximately

two acres described as Lot 4A, Block 3, Midland Subdivision, 3rd Filing, and located at 960 S. 24th Street West. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**4. PUBLIC HEARING AND SPECIAL REVIEW #924:** A special review to allow four, nine-plex, multi-family buildings in a Residential 6000 zone on a 1.98-acre parcel of land described as Lot 4, Block 1, Chalice Acres Subdivision, generally located west of 1442 Bench Boulevard. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED APPLICANT'S REQUEST TO WITHDRAW.**

**5. PUBLIC HEARING AND SPECIAL REVIEW #925:** A special review to allow expansion of an assisted living facility in a Residential 9600 zone on Lots 26 and 27, Block 2, Howard Heights Subdivision, located in the Billings Heights. BLW Investments, LLC, owner; AT Architecture, Inc., agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**6. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #933:** A zone change from Residential 9600 to Residential 6000 on a 17,500 square-foot parcel of land described as Lots 15-19, Block 1, College Subdivision, 1st Filing, located at 1229-1239 Poly Drive. Zoning Commission recommends approval of the zone change and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**7. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #934:** A text amendment to the Unified Zoning Regulations, Section 27-601(a) and 27-606, to allow the off-street parking and storage of Class A or Class D tow trucks in all residential zones. Zoning Commission recommends denial and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **TABLED INDEFINITELY 8 TO 1. MCFADDEN VOTED IN OPPOSITION.**

**8. PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC Article 24-406 allowing a commercial tow truck classified as either Class A or Class D by the State of Montana to be parked on city streets subject to parking requirements. Staff recommends approval if City Council approves Zone Change #934 (Agenda Item 7); or staff recommends disapproval if City Council disapproves Zone Change #934 (Agenda Item 7). (Action: approval or disapproval of staff recommendation.) **TABLED INDEFINITELY 8 TO 1. 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 in at the cart located at the back of the council chambers or at the podium.)

The public comment period was opened.

- **Richard Clark, 1207 25<sup>th</sup> Street West, Billings, MT**, referenced the recent public safety mill levy that did not pass. He said some years ago when the same thing happened and they needed a way to finance the Police Department, the Council appointed an ad hoc committee who came up with decent ideas. Mr. Clark thought that may be the way to go about it again since it did not look like the resort tax from the State would happen. He said people come up with some pretty good ideas. Councilmember Yakawich asked Mr. Clark if he would be willing to serve on the ad hoc committee. Mr. Clark said he would.

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

**COUNCIL INITIATIVES** None

**ADJOURN:** 8:51 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.*