

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

July 27, 2015

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

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

MINUTES: July 13, 2015 **APPROVED**

COURTESIES:

- City Administrator Volek announced the retirement of Tom Binford, Director of Aviation and Transit. Mayor Hanel thanked Mr. Binford for his work with the City and noted highlights from Mr. Binford's career. Mayor Hanel also presented Mr. Binford with a plaque for his service. Councilmember Yakawich thanked Mr. Binford for his work. Councilmember Cimmino commended Mr. Binford's passion and talent for his work. Mr. Binford thanked Council for its support over the years.
- Councilmember Cimmino stated that the City is working with United Way for school supply donations. Donation bins will be placed throughout the City throughout the month of August and the beginning of September.
- Councilmember Bird stated that she attended the past weekend's farmers market and that the market improves each year. Councilmember Bird also stated that she attended the Minnesota Avenue Flea Market and sees that the flea market is growing and improving as well.
- Councilmember Crouch noted that the Relay For Life event was extremely successful and raised over \$600,000.

PROCLAMATIONS: None.

ADMINISTRATOR REPORTS – TINA VOLEK

- Consent Agenda Item D (Amendment #20, Airport Improvement Program Micro-Tunneling Project): Ms. Volek stated that the item was originally included on the 7/13 Council agenda. Councilmember Brown asked to separate the item in order to abstain. Council inadvertently did not return to the item to take action. Per the

advice of Mr. Brooks, the item was included on the 7/27 agenda so that Council may take action.

- Regular Agenda Item 5 (Ordinance Variance OP-15-01): Staff determined that this variance was not needed, and requested that the item be removed from the agenda.
- Zone Change #936 for 1545 Hawthorne Lane was originally scheduled for a public hearing at this evening's meeting. The applicant requested to withdraw the zone change request, and a copy of the letter of withdrawal is filed in the ex parte notebook.
- Ms. Volek discussed an email that was sent from Candi Millar, Planning and Community Services Department Director, regarding the City's bicycle rating. The City is currently rated as a "silver" for bicycle friendliness, and would like to improve to a "gold" rating. The League of American Bicyclists will provide technical assistance to staff by recommending certain actions to take to improve the rating. The League of American Bicyclists will participate in a group bicycle ride in the City on August 5, and will assess the City's bicycle infrastructure. Planning staff have invited Mayor and Council to participate in the group ride, and will provide additional information to interested participants.
- Ms. Volek mentioned that several emails and discussions have occurred regarding property valuation notices mailed out by the Department of Revenue. The notices show property valuation changes from the previous review. Ms. Volek noted that a valuation change does not necessarily correlate to taxation changes. This topic is scheduled for discussion at the 8/17 Council Work Session.

Councilmember Cromley moved to remove Regular Agenda Item 5 from the agenda, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

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 period was closed.

1. CONSENT AGENDA – Separations: 1D, 1M1, 1J

- A. **Consultant Agreement** with Sanderson Stewart to conduct West End Multi-Modal Traffic Modeling Project; total estimated cost to the City - \$79,960. **APPROVED**
- B. **Approval** of new 25-year Commercial Aviation Lot 9 Ground Lease with Edwards Jet Center (8/1/2015 - 7/31/2040); annual revenue first year - \$16,881; revenue for subsequent years to be adjusted annually by Consumer Price Index for all Urban Consumers (CPI-U); **approval** of Lessor's Consent to Assignment to First Interstate Bank; and **approval** of Amendment One to Lot 8 Lease. **APPROVED**
- C. **Approval** of the Assignment and Transfer of the West End Hangar Ground Lease and Amendment Two of the Lease from Jonathan R. Scott to Julia Holdings, L.L.C., and from Julia Holdings, L.L.C. to Ponderosa Properties, L.L.C.; and **approval** of the Assignment and Transfer of the 1998 West End Hangar Ground Lease and Steve J. Inman's updated West End Hangar Ground lease from Julia Holdings, L.L.C. to Steve J. Inman. **APPROVED**
- D. **Amendment #20, Airport Improvement Program Micro-Tunneling Project**, Engineering Services Contract, Morrison-Maierle, Inc., \$189,299. (Note: This item was included on the 7/13 Council agenda, was separated, and was inadvertently not returned to for a vote by Council.) **APPROVED**
10-0 (BROWN ABSTAINED)
- E. **Easement** with Westfeeds, Inc. for Yegen Drain project. **APPROVED**
- F. **Grant Application Request** to submit 2015 Internet Crimes Against Children (ICAC) operational continuation application for \$248,323, and accept award. **APPROVED**
- G. **Acceptance** of FM Global Fire Grant, \$1,000. **APPROVED**
- H. **Resolution of Intent (RES 15-10483)** to create SILMD 318, Summerhill Subdivision (street lighting), and set a public hearing date for August 10, 2015. **APPROVED**
- I. **Sale of 3510 7th Avenue South.** (Opened 7/16/2015) Recommend rejection of sole bid. **APPROVED**

J. **Second and Final Reading Ordinance (ORD 15-5654)** amending the City Subdivision Regulation regarding development in the 100-year floodplain.
APPROVED 9-2 (BROWN AND YAKAWICH VOTED IN OPPOSITION)

K. **Preliminary Subsequent Minor Plat** of Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing, located northeast of the intersection of Grand Avenue and 54th Street West and zoned Residential Multi-family Restricted (RMF-R) and Residential-5000 (R-50); Grand Peaks, LLC, owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact. **APPROVED**

L. **Final Plat Approval** of Silver Creek Estates. **APPROVED**

M. **Bills and Payroll:**

1. June 29, 2015 **APPROVED 8-0 (BROWN, CIMMINO, AND CROMLEY ABSTAINED)**

REGULAR AGENDA:

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #935:** a zone change from Residential Professional (RP) to Neighborhood Commercial (NC), on a 13,706 square foot parcel of land described as: Lot 9A, Block 2, Justiss Subdivision, and located at 741 S 24th Street West. 741 S 24th Street West, Inc., owner; Mike Walker - NAI Business Properties, agent. Zoning Commission recommends approval of the zone change and adoption of the ten criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #937:** A zone change from Residential 9,600 (R-96) to Residential Professional (RP) on a 35,719 square foot parcel of land described as: C/S 604 and Tract 2 of C/S 356, and located at 100 Emerald Drive. Lois Schroeder, owner; Michael Schroeder and The City of Billings, agents. Zoning Commission recommends approval of the zone change and adoption of the ten criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

4. **PUBLIC HEARING AND SPECIAL REVIEW #927:** a special review for an all-beverage liquor license without gaming for a proposed The Divide Restaurant and Bar in a Highway Commercial zone on a 1.69 acre parcel of land described as: Lot 7, Block 1, Montana Sapphire Subdivision. David Williams, owner; Scott Atwood

- Atwood Architecture, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

5. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE

#OP-15-01: A variance allowing 15 parking stalls at 2908 Millennium Circle. Billings Warehouse Flooring, LLC, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **ITEM WAS REMOVED FROM AGENDA.**

6. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the

boundaries of Ward IV to include recently-annexed property in Annexation #15-09: 3.5 acres generally located on the west side of 46th Street West, just south of the intersection of Rimrock Road and 46th Street West; Eggart Enterprises, LLC and RK Development, LLC, owners. Staff recommends approval. (Action: approval or disapproval of staff 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: None

ADJOURN 7:45 pm

