

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

July 10, 2017

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Cimmino gave the invocation.

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown.

**MINUTES:** June 26, 2017 – Councilmember Sullivan moved for approval, seconded by Councilmember Brewster. Councilmember Cimmino complimented the City Clerk for going the extra mile and sending the minutes for review on Saturday. She added she would abstain from voting due to her absence from the meeting. On a voice vote, the motion was approved 10-0.

### COURTESIES:

- Mayor Hanel welcomed Colby Hotaling from Troop 27, who was working on his communications badge. The Mayor and Councilmembers took a picture with him.
- Councilmember Swanson, in regards to the recent trip to see the USS Billings combat ship launched, commented on the quality of the ship and the military staff involved. Councilmember Friedel stated it had been very humbling to be involved and that the ship was an amazing piece of work. Councilmember Sullivan stated it had been an honor to be involved in the launch of the ship and congratulated the Mayor on his speech. He added that the Commander planned a trip to Billings and he hoped that Council could arrange a meeting with him.
- Mayor Hanel stated that the Relay for Life event had been a huge success and thanked staff for their efforts.
- Mayor Hanel added that the opening of the Rims for July 4<sup>th</sup> had been very successful.

### PROCLAMATIONS:

There were no proclamations.

### ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek did not have any items for the administrator report.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 4 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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**

**A. Bid Awards:**

1. **W.O. 16-18, New 911 Call Center.** (Opened 6/27/17) Recommend Fisher Construction, Inc., \$3,691,480.
2. **Articulating Overcenter Aerial Lift Truck.** (Opened 6/27/17) Recommend Altec Industries, Inc., \$144,963.

**B. Cable Franchise Agreement Extension with Bresnan Communications, LLC.**

**C. Approval of scraper rebuild with Tractor & Equipment Co.; \$369,759.**

**D. Acceptance of Donation to the Fire Department from the International Association Fire Fighters (IAFF) Local 521 for fire prevention public education supplies; \$1,000.**

**E. Resolution authorizing the issuance and calling for the negotiated sale of up to \$140,000 in pooled sidewalk bonds (W.O. 16-02, Miscellaneous Improvements).**

**F. Final Plat Approval of Emma Jean Heights Subdivision, 3rd Filing.**

**G. Final Plat Approval of High Sierra Subdivision, 11th Filing.**

**H. Bills and Payroll:**

1. **May 31, June 5, and June 8, 2017**
2. **June 12, 2017**
3. **June 19, 2017**

Councilmember Cromley separated Item 1H3 to abstain.

Councilmember Yakawich separated Item 1A1 for discussion.

Councilmember Brown separated Items 1H1 and 1H2 to abstain.

Councilmember Cimmino separated Items 1H1 and 1H3 to abstain.

Councilmember Sullivan moved for approval of the Consent Agenda, with the exception of Items 1A1, 1H1, 1H2, and 1H3, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich, in reference to Item 1A1, asked Mr. Mumford about the timeline for completion of the new 911 Call Center. Dave Mumford, Public Works Director, stated that they were anticipating completion by the end of the year. Councilmember Yakawich asked if contractor performance records were kept for reference when considering which contractors to use or not use for projects. Mr. Mumford stated that occasionally liquidated damages were assessed for delays and all contractors were required to carry construction bonding to cover lack of completion. He added that they had not had to exclude any contractors due to poor performance. Mr. Mumford stated that Public Works met with contractors annually to review issues and suggest remedies for any past problems. Councilmember Yakawich asked if there were ever any issues with certain contractors. Mr. Mumford stated there had been occasional issues, but overall the staff and contractors ensured that the work was completed as prescribed.

Ms. Volek distributed materials diagrams of the project. She stated that staff inspected projects throughout the process to ensure that construction met requirements. Mr. Mumford added that the project had come under budget.

Councilmember Clark asked if the money for the project was available in the budget. Mr. Mumford stated that the Fire and Police Department budget exceeded the bid amount. Ms. Volek added that the money came from a telephone fee and was not from general taxpayer property taxes.

Councilmember Clark asked whether the property purchase price had been included in the construction amount. Ms. Volek stated that it had not been included and the property had been purchased for approximately \$330,000.

Councilmember Brown asked if the call center would be completed and operating by the end of the year. Mr. Mumford stated their intention was for it to be operable by the end of the year.

Councilmember Cimmino asked where there would be money set aside in the reserves for any additional costs or change orders. Ms. Volek stated the money was budgeted and devoted to the call center and could not be transferred to the General Fund. Councilmember Cimmino asked if any leftover money would be refunded into the Operating and Maintenance Fund. Ms. Volek stated it would be placed into an infrastructure fund for future needs.

Councilmember Friedel asked whether emergency broadcasting costs could be taken from this fund. Mr. Mumford stated that the 911 Fund being used was strictly for infrastructure needs.

Ms. Volek mentioned that the location had two fiber optic and power lines, so the likelihood of a complete failure would be very low. Councilmember Friedel asked if the facility had a backup generator. Bill Rash, Interim Fire Chief, stated there would be a dual fuel backup system. He added research was being conducted regarding having both diesel and LPG/propane, so that if there was a disruption in one fuel source, redundancy would be built into the system.

Mayor Hanel asked whether the new call center would have an operations center downstairs similar to the existing call center. Mr. Rash stated that the new call center would be one level, which had enabled them to stay within the financial parameters. He added that there was a capability of expansion out of the main call center to add some supervisory areas and additional stations during times of need. He stated that the current operations center would remain in the basement of the existing call center.

Councilmember Brown asked if the two fiber optic lines were from different providers. Mr. Mumford responded affirmatively. He added that the power lines came from the same provider, but from two separate sub stations.

Councilmember Yakawich moved for approval of Item 1A1, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

Councilmember Sullivan moved for approval of Item 1H1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmembers Cimmino and Brown abstained.

Councilmember Sullivan moved for approval of Item 1H2, seconded by Councilmember Friedel. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

Councilmember Sullivan moved for approval of Item 1H3, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmembers Cromley and Cimmino abstained.

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION 17-10644 approving a street name change for Payton Drive to Hawk Creek Avenue, located in MK Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Volek stated that staff would not have an additional presentation, but was available for questions.

Mayor Hanel asked if there would be two streets with the same name if the name change was not approved. Ms. Volek stated that she understood that to be correct.

The public hearing was opened.

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

Councilmember Friedel moved for approval of Item 2, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

3. **PUBLIC HEARING AND RESOLUTIONS approving and adopting budget amendments for FY18 on the following:**

- A. **Park Ranger; Res. No. 17-10645**
- B. **Zoning Code Review; Res. No. 17-10646**
- C. **Residential Street Snowplowing; Res. No. 17-10647**

**Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Volek stated that staff would not have an additional presentation, but was available for questions.

The public comment period was opened.

- **Connie Wardell, P.O. Box 21432, Billings, Montana**, questioned the role of the park ranger and the duties the position. She stated that a zoning code review was a good idea and there were several things that needed to be addressed. Mike Whitaker, Parks Director, stated the park ranger position would coordinate with the police department regarding transient camps and other park issues.

Councilmember Brown asked if there was a job description for the park ranger position. Mr. Whitaker stated that it would be a standard police officer job description, but the position would be dedicated to the parks. He added that the position would report to the Police Department.

Councilmember Brown questioned if the title of Park Ranger was firmly set. He stated that there were volunteers that were already referred to as park rangers and wondered what would differentiate the two positions. Mr. Whitaker stated there were currently some volunteer park rangers that acted as park ambassadors and monitored that parks. Councilmember Brown stated he was concerned there was no designation between the title for a paid officer and a volunteer.

Councilmember Cimmino asked if the position would be sworn personnel or a civilian. Mr. Whitaker stated the position would be a sworn police officer. Councilmember Cimmino asked if the position would be issued a vehicle and police equipment. Ms. Volek stated the position would include those items in the budgeted amount.

Councilmember Yakawich asked if there would be different training for the position as they would be dealing with transients. Mr. Whitaker stated the position would have additional training over and above the traditional police officer training. Councilmember Yakawich mentioned that bike patrol officers needed to deal with clients a little differently than a typical police officer and that the Park Ranger would have similar situations.

Councilmember Clark suggested the title for the position be Parks Police Officer. Ms. Volek stated the title Park Ranger showed that the position was dedicated to the parks, but added that the title was not firmly set.

- **Bill Cole, Chamber of Commerce Board of Directors Member**, stated there had been a lot of vandalism at the Yellowstone Kelly Interpretive Site and thought the park ranger position would be very valuable. He added that having a park ranger would become even more important as Swords Park and the Western Sugar property were developed.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, Montana**, stated that one park ranger would not be able to handle all of the parks and stated more research was necessary. He stated that the City needed more patrol officers for traffic issues. Councilmember Friedel stated that this was an attempt to see if the position would work. He added that should the position be deemed ineffective, the officer could be put into a different position.

Councilmember Cimmino asked if the position had been recruited. Ms. Volek stated that the position had not been recruited yet. Councilmember Cimmino stated that since the position had not been recruited, it should be easy to change the name to Park Police Officer. Ms. Volek recommended that the Police Department be in charge of the job title decision.

There were no further speakers, and the public hearing was closed.

Councilmember Sullivan moved for approval of Item 3A, seconded by Councilmember Swanson. Councilmember Cromley asked if the position would be determined by the present police contract in terms of seniority. Ms. Volek stated that seniority would not play an extreme role, but there would be a competitive process for the assignment of the position. Councilmember Brewster stated he would vote against the position because he was concerned that by having a Park Ranger position, the remaining staff would discontinue patrolling the parks. He questioned the ability of one position to patrol all of the parks and did not think it was feasible.

Councilmember Friedel asked how long it would take to fill the position. Ms. Volek stated she would research when the next opening in the Police Academy would be and she would report back to Council with the information.

Councilmember Cimmino reiterated that she preferred the position be titled Parks Police Officer. She added that High Sierra Dog Park was the most heavily used park and people would not know if a park ranger had any animal control enforcement abilities.

Councilmember Sullivan stated that police officers were pulled away from other policing responsibilities when they were needed in the parks. He stated that the City needed to proactively handle the park situations that had been occurring.

Councilmember Clark asked from which budget the money would be taken. Ms. Volek stated the money for the position would come from the Police Department budget.

On a voice vote, the motion was approved 9-2, Councilmembers Brewster and Clark voted against the motion.

Councilmember Cromley moved for approval of Item 3B, seconded by Councilmember Friedel.

Councilmember Clark asked from which budget the money would come. Ms. Volek stated that the Planning Department had placed \$35,000 from its reserves into the budget. She added that the zoning code review would cost \$60,000 per year for two years. She stated the Planning Department was asking for Council and the County Commissioners to split the remaining \$25,000 for this year only. She stated that Council Contingency funds were to be used, but Council could also move money from the General Fund if they wished. She added that if the total amount was taken from the Planning fund, it would place the reserves below the recommended policy amount.

Councilmember Cimmino questioned if in-house staff would be used for the review. Ms. Volek stated there would be outside consultation as well. Wyeth Friday, Planning Director, stated that the review included outside consultant help, as well as significant staff time. Councilmember Cimmino asked if the review was included in the Planning Work Program. Mr. Friday responded affirmatively.

Councilmember Cimmino mentioned that the Planning Department would receive full reimbursement for the review. Mr. Friday stated that full reimbursement could occur for the Transportation Planning Program, but for zoning-related work the reimbursement would only be 20%.

On a voice vote, the motion was unanimously approved.

Councilmember Friedel moved for approval of Item 3C, seconded by Councilmember McFadden.

Councilmember Cimmino asked for clarification on whether the snow removal program would still cost taxpayers \$9 per year. Mr. Mumford stated that was the approximate cost, but he was uncertain of the exact amount.

On a voice vote, the motion was unanimously approved.

**4. APPROVAL of the inclusion of a separated pedestrian facility on the new Yellowstone River Bridge as part of the Billings Bypass Project and forward the recommendation to the Policy Coordinating Committee (PCC) through the City's PCC representative. Staff recommends approval.**  
**(Action: approval or disapproval of staff recommendation.)**

Ms. Volek stated that staff would not have a presentation, but was available for questions.

Councilmember Cimmino asked for an explanation on how this item had slipped through the cracks since it had been studied for such a long time. Scott Walker, Transportation Planner, stated there was an 8-foot shoulder included in the original planning process. He stated that MDT had estimated it would cost about \$3.8 million to shift the plans to accommodate the pedestrian portion. He added that it had been discussed during the original design process, but had not been included in the initial design.

Councilmember Brewster asked about delays to add the pedestrian portion. Mr. Walker stated a delay was unknown. Councilmember Brewster stated he had heard it would cause a two-year delay. Mr. Walker stated he had heard the same information.

Mayor Hanel stated that without the separated portion a pedestrian would have to walk in the shoulder and added that it would not be very safe.

Councilmember Sullivan asked if this project was linked to the Bike and Trail Master Plan. Mr. Walker stated that it was and would help connect 35,000 people, as well as the Dover Park project, a proposed 750-acre park.

Councilmember Clark asked if this was an MDT project and would the project use City money. Mr. Walker stated that the City had received between \$4-\$5 million of federal money every year. He stated that Stephan Streeter, Billings District Administrator, supported notifying the PCC of the changes.

Councilmember Clark asked why the City was adding to the cost of the project since it was not within City limits. Mr. Walker stated that it was part of the Metropolitan Planning Organization process. He added that they had received federal dollars because the scope of the project fell within that area.

Councilmember Brown stated he was concerned by a possible two-year delay of the project. Councilmember Brewster, PCC member, stated that changing federal projects added time because it required re-engineering. He added that the City was accumulating money for the project and if costs were added then money needed to accumulate longer. He stated that Council was involved in order to direct him how they would like him to vote.

On a voice vote, the motion was unanimously approved.

**5. PUBLIC HEARING AND RESOLUTION 17-10648 FOR ANNEXATION #17-02: located west of Hawthorne Lane and north of Kyhl Lane. Richard and Mae Sartorie, owners. Michael Sartorie, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mr. Friday began a brief PowerPoint presentation and gave an overview of the property. He stated that the property owners had petitioned for annexation to begin the subdivision platting process to subdivide a portion of the property.

Councilmember Clark asked if Barrett Road was the area having sidewalk issues. Ms. Volek stated that Barrett Road marked the division between City and County property. She stated that a suggestion had been made that County residents create a rural SID for sidewalks installment. Councilmember Clark asked if the annexation would help the Barrett Road issue. Mr. Friday stated that the annexation would not affect the issue. He stated there may be plans for improvements to help with the pedestrian issues.

The public hearing was opened.

There were no speakers, and the public hearing was closed.

Councilmember Brewster moved for approval of Item 5, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously 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 was closed.

**COUNCIL INITIATIVES:**

There were no Council Initiatives.

There was no further business, and the meeting adjourned at 7:55 pm.

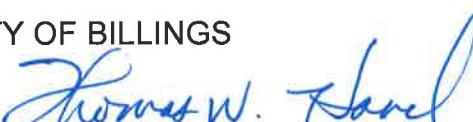
ATTEST:

BY:   
Denise R. Bohlman, City Clerk



CITY OF BILLINGS

BY:

  
Thomas W. Hanel, Mayor