

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

October 15, 2019

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 Cole called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. Mayor Cole gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Ewalt, Joy, Friedel, Gibbs, Ronning, Clark and Brown. Councilmember Neese was excused.

MINUTES: September 9, 2019 - Councilmember Yakawich moved for approval, seconded by Councilmember Joy. On a voice vote, the motion was unanimously approved.

September 23, 2019 – Councilmember Clark moved for approval, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

COURTESIES:

- There were no courtesies.

PROCLAMATIONS:

- There were no proclamations.

COUNCIL REPORTS:

- Councilmember Joy stated she had recently attended the Human and Urban Development (HUD) Board meeting.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski stated there were no ex parte communications in the notebook.
- He reminded Council that there would be an executive session after the Work Session meeting on October 21, 2019.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, 4 and 5.
Speaker sign-in required. (Comments are limited to three (3) minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments 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 was closed.

1. CONSENT AGENDA

A. Bid Awards:

1. **Snow Hauling.** (Opened 10/1/19) Recommend First Mark Construction; \$137.50 per hour.
2. **Medium Duty Conventional Cab Trash Truck.** (Opened 8/27/19) Recommend Motor Power; \$132,033.
3. **W.O. 19-08: North 24th Street and 8th Avenue North Street Storm Drain Replacement Project.** (Opened 10/1/19) Recommend Springline Construction, Inc.; \$279,614.75.
4. **One New Current Model Forklift.** (Opened 10/15/19) Recommend delay of award until October 28, 2019.
5. **W.O. 19-01: Schedule 1, 1st Avenue North Water Main Replacement.** (Opened 10/15/19) Recommend delay of award until October 28, 2019.

B. Amendment No. 2, Automobile Parking Concession Agreement, SP Plus; total annual revenues \$2,400,000 to \$2,500,000.

C. Young Professional Group (YPG) Action Grant from the HDR Foundation for Billings Parks, Recreation and Public Lands Department for the purchase of fruit bearing trees and related materials for expansion of the Parkland Gleaning Project; \$4,950.98.

D. Second/Final Reading Ordinance 19-5726 amending the Advisory Boards and Commissions Membership Qualifications.

E. Final Plat of Founders Park Subdivision.

F. Bills for the weeks of:

1. September 3, 2019
2. September 9, 2019
3. September 16, 2019

Councilmember Clark separated Item 1D for clarification.

Councilmember Brown separated Items 1F1 and 1F2 in order to abstain.

Councilmember Cromley separated Item 1F1 in order to abstain.

Councilmember Ewalt asked for clarification on Item 1B. Kevin Ploehn, Aviation and Transit Director, stated it was currently an overflow lot that would be utilized during peak parking times. He added that it would be fully automated and would not require a parking attendant. He stated the parking lot should pay for itself within 2-3 years.

Mayor Cole asked for clarification on the term "express lot". Mr. Ploehn stated the lot directly in front of the airport had been converted to an express lot from a previous employee parking lot. He added it was for quick in and out parking and pricing was similar to short term parking rates.

Councilmember Clark moved for approval of the entire Consent Agenda, with the exception of Items 1D, 1F1 and 1F2, seconded by Councilmember Cromley. On a voice vote, the motion to approve the Consent Agenda, with the exception of Items 1D, 1F1 and 1F2, was unanimously approved.

Councilmember Clark, in reference to Item 1D, made a motion to amend the proposed 1-year residency requirement to a 2-year residency requirement, seconded by Councilmember Yakawich.

Councilmember Ronning stated she would not support the amendment, as it was not how her original initiative had been brought forward. She added that the residency requirement for Councilmembers was only 60 days and did not think a volunteer advisory board member needed such a long residency requirement.

Councilmember Cromley made a motion to amend Item 1D, back to a 1-year residency requirement, seconded by Councilmember Joy.

Councilmember Joy stated the previous discussion on Councilmember Ronning's initiative had involved a 1-year residency requirement and she thought that was a sufficient amount.

Councilmember Cromley called the question, seconded by Councilmember Friedel. On a voice vote, the motion to call the question was unanimously approved.

On a roll call vote, Councilmember Cromley's amended motion failed 5-5, Councilmembers Yakawich, Ewalt, Friedel, Gibbs and Clark opposed.

On a roll call vote, Councilmember Clark's motion to amend the residency requirement to 2-years, was approved 6-4, Councilmembers Joy, Ronning, Brown and Mayor Cole opposed.

Councilmember Yakawich moved for approval of Item 1F1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 8-0, Councilmembers Cromley and Brown abstained.

Councilmember Yakawich moved for approval of Item 1F2, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmember Brown abstained.

SPECIAL PRESENTATION:

2. Mayor's Challenge/Suicide Prevention - Dr. Claire Oakley, Guest Speaker

Dr. Oakley, Public Health Educator for Riverstone Health, stated Billings had accepted the SAMSHA/Veteran's Affairs Mayor's Challenge to Prevent Suicide among Service Members, Veterans and their families. She added Riverstone Health, Yellowstone County's public health agency, had taken the lead, since Montana had one of the highest suicide rates in the nation and was also among the states with the highest proportion of veterans per capita.

The Mayor's Challenge to Prevent Suicide had included the Montana 2-1-1 program as part of their program and with a grant had been able to increase resources and provide Yellowstone County with the first ever live call service. She added the Mayor's Challenge coalition had partnered with PsychArmor Institute, using the Institute's training courses to educate the community on military culture and how to offer support to veterans in need. The Veteran Ready Certification Program provided employers a way to offer foundational training on military cultural competency. She stated The City of Billings, RiverStone Health, Dog Tag Buddies, and United Way-Yellowstone County, were certified "Veteran Ready".

Ms. Oakley stated Dog Tag Buddies provided trained rescue dogs to veterans at no cost. She added secured storage of firearms was an additional initiative provided by Dog Tag Buddies.

Councilmember Ronning asked for clarification on why Montana had such a high suicide rate compared to other areas. Dr. Oakley stated it correlated with a high firearm ownership rate, high alcohol use rate, a "cowboy up" attitude, high elevation, and accessibility issues to mental health care.

Councilmember Yakawich asked if collaboration of the community and different organizations helped the program. Dr. Oakley stated funding and awareness had increased and a collective impact was occurring. She added the statistics from the coalition had helped Dog Tag Buddies to obtain a \$380,000 Federal Grant for suicide prevention.

Councilmember Yakawich stated the “cowboy up” attitude to not seek mental health care help was a difficult issue. Dr. Oakley stated integrating behavioral/mental health care into the primary care environment helped to erase the stigma.

Councilmember Clark asked if the suicide rates increased during the winter months. Dr. Oakley stated the highest rates occurred during early spring and around the holidays.

Mayor Cole stated if anyone needed help, they could call 2-1-1 and speak with someone.

REGULAR AGENDA:

3. RESOLUTION 19-10833 adopting the Yellowstone County Emergency Operations Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

KC Williams, Yellowstone County Disaster and Emergency Services Director, stated the proposed Emergency Operations Plan had been reworked to use language consistent with FEMA and DES in order to request resources, activate emergency protocols and receive reimbursement more easily.

Council asked for clarification on existing issues with the CodeRed program. Mr. Williams stated constituents needed to register through one of the Yellowstone County website options. He stated if a person went through the World Wide Web to register, they would be asked for a \$1 per year subscription fee; but if they went through Yellowstone County websites, the fee had already been payed. Some of the issues included: constituents incorrectly thinking they were signed up for alerts, and/or not being directly in the warning area. He added if they were not included in the warning area they would not get an alert, but could still see strong storm activity.

Councilmember Cromley asked if CodeRed was associated with Amber Alert. Mr. Williams stated it was a separate program, but CodeRed did have the ability to send various types of emergency messaging. He added the Amber Alert Program was through the Department of Justice. Councilmember Cromley asked how people could find out if they were signed up for CodeRed. Mr. Williams stated they could call 866-939-0911 to find out if they were signed up for alerts and could log in to their account to choose their notification types.

Councilmember Brown asked for clarification on the emergency sirens. Mr. Williams stated the sirens had been deactivated and informed Council that the sirens had never preemptively warned people of upcoming storms.

Councilmember Friedel asked if CodeRed could be used to notify constituents of snow removal. Dave Mumford, Public Works Director, stated Facebook was currently the best avenue for snow removal notifications.

Councilmember Clark moved for approval of Item 3, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

4. RESOLUTION 19-10834 declaring an emergency and granting the City Administrator signing authority to stabilize the slope, remove rocks and repair Laredo Place. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Mr. Kukulski stated staff and he and staff had been meeting regularly with neighbors near the rock fall area to keep them updated on the status of the rockslide.

Mr. Mumford stated the proposed resolution would allow the City to bypass the lengthy bidding requirements and allow the City Administrator to have signing authority up to \$200,000. He added that this would allow repairs to be expedited. Mr. Mumford stated they had contacted 10 contractors the State had on their DOT list that specialized in rock removal and stabilization.

Mr. Mumford began a PowerPoint showing photos of the rock fall and the existing unstable rocks in which they were concerned. He discussed options of rock pinning versus rock removal and stated they were meeting with various geotechnical experts to decide which option was safest. He added the existing rock seemed to be very unstable and that was making a safe solution for removing the rock debris from the street more difficult.

Mr. Mumford stated plats and title company search results indicated the City did not own the rock slope, but it was owned by a private property owner. He added that the City could not clear the debris on Laredo Place until the unstable rock issue was resolved. He continued that the City was considering moving forward with rock stabilization.

Councilmember Cromley expressed concern with the City increasing its potential liability by taking any responsibility for the existing unstable rock. Brent Brooks, City Attorney, stated the City was also concerned with potential liability issues and was taking those concerns into consideration.

Mayor Cole asked if neighbors in the area had agreed to sign a waiver releasing or minimizing the City's responsibility if they chose to drop the rock instead of pinning it. Mr. Kukulski stated he had been in conversations with the neighbors, but was unsure of any consensus in regards to a liability release.

Mr. Mumford reminded Council that the contractor may be uncomfortable with a liability release.

Mayor Cole suggested the possibility of removing the City from the equation and allowing the property owners to take care of the issue themselves.

Councilmember Clark moved for approval of Item 4, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

5. LAND PURCHASE from JTL Group of 300.84 acres located south of Hesper Road for the construction of the West End Water Treatment Plant and Reservoir. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

David Mumford, Public Works Director, began a PowerPoint presentation showing the proposed land and a rendering of the proposed Water Treatment Plant and Reservoir. He discussed the plans and the estimated costs and stated they were hoping to begin construction in 2020 and expected it to be completed within four years.

Councilmember Ewalt asked about the possibility of ground contamination from existing and previous owners. Mr. Mumford stated they would have to dig down quite deep to reach the shale and all the existing dirt would be removed and hauled away. He added staff had researched previous spills and were confident the ground was safe.

Mr. Mumford stated the City was considering extending water and sewer, as a future CIP project, further than currently needed to ensure the surrounding land may become City property. He added they were considering stocking the reservoir and allowing non-motorized boats, as well as restrooms and a trail system.

Councilmember Ronning moved for approval of Item 5, seconded by Councilmember Friedel. 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 are limited to 3 minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)

The public comment period was opened.

- **Dave Sutton, 4104 Laredo Place, Billings, Montana:** stated he did not think rock bolting was a safe option and did not think the rock removal bid for Laredo Place was accurate. He stated he would release the City from liability if a good plan was chosen, but would have no choice but to take legal action if a bad choice was made by the City. He encouraged the City to thoroughly review the situation.

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

COUNCIL INITIATIVES:

There were no Council initiatives.

There was no further business, and the meeting adjourned at 7:52 p.m.

CITY OF BILLINGS



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk