

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

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#### AGENDA

COUNCIL CHAMBERS

September 23, 2013

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Cimmino

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, and Crouch. Councilmember Astle was excused.

**MINUTES:** September 9, 2013 – APPROVED

**COURTESIES:**

- Police Chief St. John presented a Certificate of Appreciation to Don Blyton, the owner of Billings Towing, and his staff for pulling citizens' and police vehicles from flooded areas in the downtown area at no charge following the recent rainstorms. Mr. Blyton recognized his grandson, D.J., who was operating the tow truck; his son, Don, Jr.; and his wife, Joanne.
- Police Chief St. John presented David and Sara Schrader a Certificate of Appreciation for helping to reunite an elderly woman at the Billings Clinic on July 6<sup>th</sup> who was confused and looking for her husband who was on the third floor. Several hours later they recognized the same woman looking very confused in the area of 6<sup>th</sup> Avenue North and North 27<sup>th</sup> Street. They turned their vehicle around and found the woman in the Albertsons parking lot. The woman did not know her address and could not find her way home. A police officer took the woman home and submitted a letter commending the Schraders for their kindness and great awareness.
- Police Chief St. John said on August 15<sup>th</sup> at 8:30 a.m. a citizen, Sherrie Cummings, observed an erratic driver northbound on Virginia Lane. She called 9-1-1 and continued to follow the car as it turned onto Rimrock and south onto Normal where it drove over a curb and onto the ditch bank where it became high-centered. Ms. Cummings was concerned it was a DUI driver and remained on the phone with dispatch until the police arrived. After a few minutes, the grass under the vehicle caught fire. Lt. Mark Cady was the first to arrive on-scene and

by that time the engine compartment was engulfed in flames. While Lt. Cady attempted to battle the blaze, Sgt. Justin Jagers arrived with a fire extinguisher and a tool to attempt to break out the window of the vehicle since the doors were locked, and the driver was making no attempt to get out. The flames grew thwarting the officers' efforts to extract the driver from the vehicle. Officer Bob Ellison and Officer Rich Gilmore arrived with fire extinguishers to help push back the flames to allow the other officers time to attempt to unlock the door. Every time Lt. Cady reached into the vehicle, the driver pushed his hand away from the lock. Due to the intense heat, Lt. Cady had to abandon his efforts and other officers attempted to pry other doors open. The entire front of the vehicle was engulfed in flames which drove the officers back. MSU-B Campus Officer Ken Murphy and Assistant Chief Adam Davis arrived and used fire extinguishers to slow the fire and allow the officers one last chance to rescue the driver. The officers were able to pull the driver out right before the entire vehicle was engulfed in flames. Police Chief St. John showed a video taken from Lt. Cady's vehicle of the incident. He said they learned later the driver was not intoxicated and was suffering from dementia. Chief St. John presented Ms. Cummings with a certificate for being a citizen who went over and above. He presented Officer Ellison, Officer Gilmore, Lt. Cady, and MSU-B Officer Murphy and MSU-B Assistant Chief Davis with the Billings Police Department Medal of Valor for their actions. He noted Sgt. Jagers was also presented the Medal of Valor but he was unable to attend the council meeting due to training. Police Chief St. John said the City's partnership with MSU-Billings was second to none, and it was a seamless transition when they helped each other. He noted MSU-B Police Chief Forshee was also in attendance representing the Chancellor who was not able to attend.

- Councilmember Bird recognized the Alzheimer's Walk that was held the previous Sunday at the Zoo. She said approximately 400 people participated to raise money to find a cure for Alzheimer's disease.

#### **PROCLAMATIONS:** None

#### **ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items:

- **Item 5: Public Hearing and Resolution authorizing the sale of city-owned property described as Lampman Parkland, Ramada Parkland, and Briarwood Parkland.** An incorrect public hearing date of October 15, 2013 was discovered in the resolution after the packet had been published and posted. The correct date is September 23, 2013, and the correction to the resolution has been made.
- **Item 6: Public Hearing and Resolution approving Park Maintenance District assessments for FY2014.** Copy of e-mail sent to Mayor and Council from George and Roberta Freeman, dated 9/18/13, asking for Council's support of the

proposed resolution assessing all property owners the PMD fees. Copy is filed in the ex-parte notebook.

- **Reminder:** September 30 was a fifth Monday, so there would be no work session or regular council meeting that evening.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 9, 10, and 11**

**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.

- **Kelly McCarthy, 625 Yellowstone Avenue, Billings, MT**, said he was the Treasurer of the Billings Industrial Revitalization District (BIRD) and referenced Item D. He said the BIRD had an agreement with the City to review the applications, and he wanted to point out the Boyer Group had been a wonderful partner. Their building was gorgeous; it was a great addition to the neighborhood; and it would bring an additional \$300,000 in tax revenue to the city, county, and state. He thanked the Boyers for investing in the city and requested approval of Item D.

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

**1. CONSENT AGENDA** -- Separations: 1A1, C, D, F, G, H1, H2

**A. Bid Awards:**

**1. W.O. 09-12, Inner Belt Loop, Phase I.** (Opened 9/10/2013) Recommend Riverside Contracting, Inc.; \$2,169,126. **APPROVED**

**B. Billings Public Library Moving Services Agreement** with Hallet & Sons Expert Movers, Inc.; \$62,860. **APPROVED**

**C. CTEP Project Specific Agreement** with Montana Department of Transportation for the Hope Church Path; CTEP Grant - \$84,197; City of Billings - \$13,051; total funds available - \$97,248. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**D. Development Agreement** with Billings GSA, LC, providing partial reimbursement from the East Billings Tax Increment Finance District (TIF) for certain public improvements. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**E. Declaring Surplus Property** and amending the current Surplus Property Disposal Procedure allowing City staff, in conjunction with the Purchasing Agent, to

make immediate determinations on the disposal of Library, Planning Department, and Community Development Division surplus property. **APPROVED**

**F. Preliminary Minor Plat** of Amended Lot 2A, Block 1, Western Sky Subdivision, generally located on the west side of South 44th Street West south of King Avenue West; King Meadows LLC/Cal Kunkel, owner and subdivider; Blue Line Engineering, agent; conditional approval and adoption of the Findings of Fact. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**G. Preliminary Major Plat** of Emma Jean Heights Subdivision, 2nd Filing, generally located on the west side of Bitterroot Drive, south of Wicks Lane in northeast Billings Heights; Felton Associates, Inc., owner; Interstate Engineering, agent; conditional approval and adoption of the Findings of Fact. **APPROVED 9 TO 0. CM CIMMINO ABSTAINED**

**H. Bills and Payroll:**

1. August 26, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**
2. September 3, 2013 **APPROVED 9 TO 0. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND SPECIAL REVIEW #911:** a special review to allow expansion of Trinity Church of the Nazarene in a Residential 9,600 (R-96) zoning district on a 3.5-acre parcel of land legally described as Lot 28, Block 2, Howard Heights Subdivision, and addressed as 25 Hilltop Road. Trinity Church of the Nazarene, owner; J.D. Shanahan and Durward Sobek, agents. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**3. PUBLIC HEARING AND RESOLUTION #13-19313** modifying Street Light Maintenance District 301, Josephine Crossing Subdivision, to extend street lighting to the remainder of the subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**4. PUBLIC HEARING** to receive input on the City's 2012-2013 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. **NO ACTION WAS REQUIRED.**

**5. PUBLIC HEARING AND RESOLUTION #13-19314** authorizing the sale of city-owned property described as Lampman Parkland, Ramada Parkland, and Briarwood Parkland. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED THE SALE OF BRIARWOOD PARKLAND; AND APPROVED THE SALE OF LAMPMAN PARKLAND WITH A CITY-INITIATED ZONE**

**CHANGE THAT WOULD MATCH THE SURROUNDING NEIGHBORHOOD. PASSED 9 TO 1. MAYOR HANEL VOTED IN OPPOSITION.**

**6. PUBLIC HEARING AND RESOLUTION** approving Park Maintenance District assessments for FY2014. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **POSTPONED TO A SPECIAL MEETING ON OCTOBER 7, 2013.**

**7. PUBLIC HEARING AND RESOLUTION #13-19315** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**8. PUBLIC HEARING AND RESOLUTION #13-19316** 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**

**9. RESOLUTION #13-19317** approving \$305,000 Pooled Sidewalk Bonds, Series 2013, fixing the form and details and providing for the execution and delivery of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**10. RESOLUTION #13-19318** approving \$67,000 Special Improvement District No. 1394 Bonds, Series 2013, fixing the form and details and providing for the execution and delivery of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**11. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 521 UNION CONTRACT (7/1/2013-6/30/2015).** Postponed from 8/12/13 and 8/26/13. Staff recommends postponing until October 28, 2013. (Action: approval or disapproval of staff recommendation.) **APPROVED DELAY UNTIL 10/28/13.**

**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.

- **James Cox, 2822 Poly Drive, Billings, MT**, said he read in the Billings Gazette an article where the public would be voting on amending the City Charter. He said the article said it was about a parking district. It looked like there could be any number of special missions, districts, etc. for different purposes that could be created without the public having any voting. There would be no restrictions on parking and letting there be a parking franchise to a certain outside vendor. He said he may have missed something; but it appeared to be a major change. He asked what was intended.

Councilmember Ulledalen said he had missed something in it. It was a very complex process, and if they had the right to give authority to a commission it still had to go through a public hearing, action by the Council, staff recommendations, etc. It was not just that Council could suddenly create commissions to do all kinds of things. It would give Council the flexibility that other Montana cities had so decisions could be made more quickly, such as the issues with parking.

## **COUNCIL INITIATIVES**

- **Ullledalen**: MOVED to have the Park Board look into applying for Land and Water Conservation Funds to use for park improvements. He asked why they had not applied for the funds in the past. The motion was seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

**ADJOURN:** 10:05 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.*