

## 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

May 12, 2014

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Mayor Hanel

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

**MINUTES:** April 28, 2014 (pending)

**COURTESIES:**

- Mayor Hanel commented that City employee, Ed Funk, retired last week at the age of 86 from the Solid Waste Division. On behalf of the City of Billings and its citizens, Mayor Hanel wished Mr. Funk the very best in his retirement.
- Mayor Hanel recognized Boy Scout, Samuel Hawkins, who was in the audience and asked him to come to the podium to introduce himself. Samuel said he was a member of Troop 23, and he was attending the meeting for a Citizenship in the Community Merit Badge. Samuel said he hoped it would be a great meeting.
- Councilmember Pitman reminded everyone that Billings was hosting the Special Olympics Wednesday through Friday of this week and urged everyone to go out and support the event.
- Councilmember Pitman said on Tuesday, May 20, he would be testifying in front of the Yellowstone County Commissioners encouraging them to transfer the Yellowstone County Veterans Cemetery to the Veterans Administration so it could become a national cemetery. He will bring a letter of support to the work session for those who would like to sign it. If everything goes as planned, the cemetery would be a national cemetery on May 23. On May 26 (Memorial Day) a ceremony would be held at the cemetery at either 11:30 a.m. or 12:00, and all were invited to attend.
- Councilmember McFadden said that evening was the final arrival of the Montana Big Sky Honor Flight. Everyone was welcome to go to the airport to greet the returning veterans.

- Councilmember Crouch said 60 years ago President Eisenhower and Congress established this week as National Salvation Army Week. The Salvation Army was started in England in 1865, and in 1890 it had become Billings' first service agency.

**PROCLAMATIONS:** Police Week - May 11-17, 2014

## **ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items:

- Reminder of the Budget Work Session Tuesday, May 13, at 5:30 p.m. Budget presentations would be given by Legal, Library, Human Resources/Finance, and Municipal Court.
- City Council received invitations via e-mail to an Airport Disaster Exercise to be held May 14 from 9 a.m. to 11 a.m. and a bus tour of Park Maintenance District Projects from 11:45 a.m. to 1:30 p.m. on May 14. She said the events had been posted indicating a possible majority of the Council could be present.
- Friday Council was notified there was an emergency rock remediation project above 6<sup>th</sup> Avenue North in Swords Park and received a copy of a staff report via e-mail asking that the item be added to tonight's agenda. Copy was in the ex-partie notebook.
- Agenda Item 2 – Public Hearing and Resolution Renaming Bonaventure Drive to Bell Drive. A letter received from MorningStar Senior Living withdrawing the request was e-mailed to Council that day. Copy was on Council's desk and in the ex-partie notebook.
- At approximately 2:30 that morning one of the rocks scheduled to be removed above Zimmerman Trail fell without assistance, and there was a subsequent rock fall that afternoon. She asked Public Works Director, Dave Mumford, to make a brief presentation.

Mr. Mumford said the City Engineer made a presentation to Council a couple of weeks ago showing the area where rock would need to be removed above Zimmerman Trail. He showed a picture of the first section of rock that fell about 2:30 that morning. While they were meeting with the geotechnical engineering firm later that morning, they could hear the second phase of the rock popping and cracking with rocks beginning to fall. They contacted the Police Department and County Parks Department to help keep onlookers away from the site. Mr. Mumford showed additional photographs and a short video capturing the falling rocks. He also showed photographs of the rock above 6<sup>th</sup> Avenue North. They met with the contractor, Geostabilization, Inc., who would be working on the Zimmerman Trail section of rock and were told the estimate to take down the rock above 6<sup>th</sup> Avenue North would be \$500,000; and not the \$200,000 they had originally estimated.

Councilmember McCall moved to place the rock mediation on 6<sup>th</sup> Avenue North on the agenda as Item 4, seconded by Councilmember Crouch. On a voice vote, the motion was unanimously approved.

**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.

- **Alan Parker, 1446 Toni Drive, Billings, MT**, referenced Item F and said he was not in favor of delaying the Bench Connector, Phase 2 Intersection Project.

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

**1. CONSENT AGENDA** -- Separations: A3, C, D, F, G, J, K1 and K2

**A. Bid Awards:**

**1. W.O. 14-01, 2014 Sanitary Sewer Main Replacement Project, Schedule 2.** (Opened 4/29/2014) Recommend COP Construction; \$1,329,899. **APPROVED**

**2. W.O. 13-23, Shiloh Conservation Area Paths.** (Opened 4/29/2014) Recommend CMG Construction, Inc.; \$470,758. **APPROVED**

**3. Landfill Perimeter Fence.** (Opened 4/29/2014) Recommend Mild Fence Company; \$102,150. **APPROVED**

**B. Contract with ICOR Technology for purchase of a robot for City Bomb Squad; \$114,824.90. APPROVED**

**C. Consultant Agreement with Ed Bartlett for Legislative Lobbying Services; 7/1/2014 - 6/30/2016; total estimated cost to the City - \$72,500. APPROVED**

**D. Amendment #2, Airport Security Access Gates Replacement Project, Professional Services Contract, CTA Architects and Engineers; \$50,822.37. APPROVED 10-0. CIMMINO ABSTAINED.**

**E. Addendum #1 to Quit Claim Deed of Gift of Boeing Model 727-225 Type Airframe to Airport from Federal Express Corporation; additional donation of a Tow Bar and Ground Power Unit (GPU). APPROVED**

**F. Recommendation of approval to the Policy Coordinating Committee for Option 1 of the Bench Connector, Phase 2 Intersection Project, to do nothing and reassess the options after the Billings Bypass is operating. APPROVED 10-0. CIMMINO ABSTAINED.**

**G. Resolution #14-10355 for Proposed Fee Increase for Mountview Cemetery.  
APPROVED**

**H. Acknowledging Receipt of Petition to Annex #14-02:** a parcel totaling approximately 19.5 acres generally located south of Grand Avenue near the intersection of Grand Avenue and 56th Street West and addressed as 5500 Grand Avenue; Regal Land Development, owner; and setting a public hearing date for May 27, 2014.

**APPROVED**

**I. Drainage Easements** with Copper Ridge Development Corporation for Lot 9, Block 4, Copper Ridge Subdivision, 2nd Filing; and Lot 10, Block 4, Copper Ridge Subdivision, 2nd Filing. **APPROVED**

**J. Preliminary Plat** of Amended Lots 9 and 10, Winemiller Subdivision, generally located on the east side of Main Street, south of Wicks Lane in Billings Heights, and addressed as 1415 and 1423 Main Street; HOBS Partnership, owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact.

**APPROVED 10-0. CIMMINO ABSTAINED.**

**K. Bills and Payroll:**

1. April 14, 2014 **APPROVED 9-0. BROWN AND CIMMINO ABSTAINED.**
2. April 21, 2014 **APPROVED 9-0. BROWN AND CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION** renaming Bonaventure Drive to Bell Drive, generally located between Central Avenue and Bell Avenue one block west of Shiloh Road. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **PETITIONER'S REQUEST TO WITHDRAW WAS UNANIMOUSLY APPROVED.**

**3. PUBLIC HEARING** renaming the baseball field at Arrowhead Park as Chirrick Field in honor of former coach and sports leader Greg Chirrick. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**NOTE:** The mayor called for a recess and excused himself from the meeting at 7:51 p.m. Deputy Mayor McCall called the meeting back to order at 7:59 p.m.

**4. ADD-ON ITEM: AUTHORIZATION** to contract with the low bid contractor for the Zimmerman Trail rock remediation project to remove the rock formation on 6<sup>th</sup> Avenue North. 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 following individuals testified in favor of the non-discrimination ordinance.

- **Liz Welch, 225 Avenue D, Billings, MT**
- **Matt Klary, 398 Stewart Court East, Billings, MT**
- **Timber Venard, 3021 E. MacDonald Drive, Billings, MT**
- **Craig Lancaster, 137 Avenue B, Billings, MT**
- **Walt Donges, 941 Constitution Avenue, Billings, MT**
- **Panda, 307 South Billings Boulevard, Billings, MT**
- **Marty Elizabeth Ortiz, 707 1<sup>st</sup> Street West, #6, Billings, MT**
- **Eric Porter, 607 N. 25<sup>th</sup> Street, Billings, MT**
- **Daniel Mehren, 3341 Windmill Circle, Billings, MT**
- **Alan Parker, 1946 Toni Drive, Billings, MT**

The following individuals testified in opposition of the non-discrimination ordinance.

- **John Klier, 2514 Meadow Creek Drive, Billings, MT**
- **Officer Bryant, Laurel Police Department**
- **Paul Ostrander, 1206 Cortez Avenue, Billings, MT**

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

## **COUNCIL INITIATIVES**

- **Crouch:** MOVED to have staff prepare an ad to be placed in the Not In Our Town program warmly welcoming individuals to the City of Billings and pay for the \$5,000 ad with council contingency funds, seconded by Councilmember Swanson. After further discussion, Crouch amended his motion to place a half-page ad in the Billings Gazette in the amount of \$3,000. On a voice vote, the amendment to the motion was approved 5 to 4. On a voice vote, the original motion, as amended, failed 5 to 4. Councilmember Bird abstained.
- **Brown:** MOVED to direct staff to stop working on the non-discrimination ordinance that is slated for discussion on an upcoming July agenda and if required for purposes of public input or comment, place the directive on the next regular meeting agenda for a vote, seconded by Councilmember Yakawich. On a roll call vote, the motion failed 5 to 5.
- **Cimmino:** MOVED to use \$25,000 from the General Fund to pay for a High Sierra Disk Golf Master Plan, seconded by Councilmember Pitman. Pitman amended the motion to use Council Contingency Funds, seconded by Councilmember Yakawich. On a roll call vote, the amended motion was approved 6 to 4. On a voice vote, the original motion, as amended, was approved 9 to 1.

- **Bird**: MOVED to allocate Council Contingency Funds for an Optimist Park Master Plan, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.
- **Bird**: MOVED to direct staff to review, revise, and submit to the City Council a new Municipal City Code removing all language referencing any particular group with unique characteristics that were currently identified in code to include minorities, people with disabilities, people who are developmentally disabled, ethnicity, race, sex, gender, religion, faith, national origin, or any other directly identified special characteristics. The motion died for lack of a second.

**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.*