

**COUNCIL ACTION SUMMARY
CITY OF BILLINGS**

CITY OF BILLINGS VISION STATEMENT:

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

REVISED AGENDA

COUNCIL CHAMBERS

June 9, 2014

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, Yakawich, Pitman, Cimmino, McFadden, Bird, McCall, Swanson, Crouch and Brown

MINUTES:

- May 12, 2014 - **APPROVED**
- May 27, 2014 (pending)

COURTESIES: None

PROCLAMATIONS: June 2014 Lesbian, Gay, Bi-Sexual, and Transgender Pride Month

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- **Item E – Acknowledge Receipt of Petition to Vacate approximately 10,324 square feet of an undeveloped portion of Monroe Street north of Orrel Street and set a public hearing date for July 14, 2014.** The recommendation in the staff memo was to hold a public hearing on July 13, 2014. July 13 is a Sunday, and it should have read July 14. The electronic version has been corrected.
- **Item 2 – Public Hearing and Site Development Ordinance Variance: A variance from Section 6-1203 allowing customers to access via an alley for commercial uses abutting a residential zone for a mobile food trailer to be parked behind 628 Grand Avenue.**

A protest letter from Dave Sutton of 644 Grand Avenue was sent to the City Council in the June 6 Friday Packet. Copy is filed in the ex-parte notebook.

- **Item 6 – Public Hearing and Resolution approving and adopting the FY2015 City of Billings Budget.** A memorandum from Pat Weber, City Finance Director, was sent to City Council in the June 6 Friday Packet with an updated Exhibit A. Copy is filed in the ex parte notebook.
- **Item 7 – Public Hearing and vote to stop staff work on a Non-Discrimination Ordinance.**
 - ✓ A memorandum from City Attorney Brent Brooks was sent to City Council in the June 6 Friday packet in response to concerns from a local attorney whether or not the City Council had the authority to enact an anti-discrimination ordinance and if the City Council would be held personally liable for any impacts attributed to an approved anti-discrimination ordinance. Copy is filed in the ex parte notebook.
 - ✓ All e-mails sent to Mayor and City Council through Sunday, June 8, have been posted to the City's website for public review. Today as of 4:00 p.m. City Council had received 192 e-mails regarding Item 7
 - ❖ 143 e-mails were opposed to a non-discrimination ordinance;
 - ❖ 45 e-mails were in favor of a non-discrimination ordinance;
 - ❖ 4 e-mails were opposed to allowing non-Billings residents to testify;
 - ❖ Results of an on-line petition opposed to a non-discrimination ordinance was e-mailed to City Council with 65 people registering their opposition.

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.

- **Steve Zier, Zier Consulting, 1514 Lynn Avenue, Billings, MT**, referenced Item G, and introduced Sam Hanley, a new SBURD Board Member. Mr. Hanley thanked the Council for consideration of \$10,000 to help pay for an Optimist Park Master Plan.

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

1. **CONSENT AGENDA** -- Separations: **1A1, B, C, D, E, I, J, K1 and K2**
- A. **Bid Awards:**

1. **W.O. 12-43, Back-Up Power, Phase III.** (Opened 5/27/14)(Delayed from 5/27/14) Recommend CEI Electrical Contractors; \$477,250. **APPROVED 10-0. CIMMINO ABSTAINED.**
- B. **Professional Services Contract** for W.O. 14-11, Wastewater Treatment Plant Nutrient Upgrade, Expansion & Improvements; HDR Engineering; \$4,591,900. **APPROVED 10-0. CIMMINO ABSTAINED.**
- C. **Landfill Use Agreements** (effective July 1, 2014) with Yellowstone County; Stillwater County; City of Laurel; City of Powell, WY; MacKenzie Disposal, Inc.; Republic Services; and Two Tough Guy Services, LLC. Approximate annual revenue - \$1,900,000 for Solid Waste Fund, and \$110,000 in franchise fees and out-of-state surcharge fees for General Fund. **APPROVED 10-0. CROMLEY ABSTAINED.**
- D. **Amendment #2, W.O. 14-05 SBURD Sanitary Sewer, Phase 1**, Professional Services Contract, DOWL-HKM, \$38,200. **APPROVED 10-0. CIMMINO ABSTAINED.**
- E. **Acknowledge Receipt of Petition to Vacate** approximately 10,324 square feet of an undeveloped portion of Monroe Street just north of Orrel Street; Community & Leadership Development, Inc., petitioner; and set a public hearing date for July 14, 2014. **APPROVED**
- F. **Resolution #14-10362** allocating \$25,000 from the FY14 Council Contingency Fund to the FY15 PRPL Fund to complete planning and begin equipment acquisition for the High Sierra Park disc golf course. **APPROVED**
- G. **Resolution #14-10363** allocating \$10,000 from the FY14 Council Contingency Fund to the FY15 PRPL Fund to help pay for an Optimist Park Master Plan. **APPROVED**
- H. **Second/Final Reading Ordinance #14-5621 for Zone Change #920:** A zone change from Agriculture Open-Space (A-1) to Residential 6,000 (R-60) on a 19.5-acre parcel generally located south of Grand Avenue near the intersection of Grand Avenue and 56th Street West; Regal Land Development, owner; Scott Worthington, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**
- I. **Preliminary Subsequent Minor Plat** of Amended Lot 3A, Block 1, Popelka Commerce Center Subdivision, described as approximately 11.27 acres of vacant land generally located on the northwest corner of King Avenue East and South Billings Boulevard; Bob Popelka, owner; Sanderson Stewart, agent; conditional approval of the plat and adoption of the Findings of Fact. **APPROVED 10-0. CIMMINO ABSTAINED.**
- J. **Preliminary Subsequent Minor Plat** of Amended Lot 1, Block 1, Geyser Park Subdivision, described as approximately 5.27 acres of land generally located at 4910 Southgate Drive, west of the I-90/South Billings Boulevard Interchange; John

Williamson, owner; Sanderson Stewart, agent; conditional approval of the plat and adoption of the Findings of Fact. **APPROVED 10-0. CIMMINO ABSTAINED.**

K. Bills and Payroll:

1. May 12, 2014 **APPROVED 10-0. CIMMINO ABSTAINED.**
2. May 19, 2014 **APPROVED 9-0. CIMMINO AND BROWN ABSTAINED.**

REGULAR AGENDA:

2. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE: A variance from Section 6-1203(r) allowing customer access via an alley for commercial uses abutting a residential zone for a mobile food trailer to be parked serving customers behind 628 Grand Avenue; Bill Jensen and Cathy Pike, owners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION #14-10364 FOR ANNEXATION #14-01: Property described as a portion of Tract 2B, of Corrected Certificate of Survey 840, 2nd Amended, located north of Kyhl Lane in the Billings Heights and currently addressed as 1880 and 1916 Hawthorne Lane. Richard Jr. and Mae L. Satorie, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation #14-02: approximately 19.5 acres located south of Grand Avenue near the intersection of Grand Avenue and 56th Street West; Regal Land Development, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. PUBLIC HEARING AND RESOLUTIONS setting annual FY2015 assessments for Street Maintenance **RES #14-10365**; Storm Sewer **RES #14-10366**; Arterial Construction **RES #14-10367**; Business Improvement District **RES #14-10368**; Tourism Business Improvement District **RES #14-10370**; and all-purpose mill levy and mill levies for Library operation, Transit operation, and Public Safety Funds **RES #14-10369**. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. PUBLIC HEARING AND RESOLUTION #14-10371 approving and adopting the Fiscal Year 2015 City of Billings Budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

7. PUBLIC HEARING AND VOTE TO STOP STAFF WORK ON A NON-DISCRIMINATION ORDINANCE (NDO). Staff recommends the Council vote to rescind the initiative to create an NDO and to rescind a revision of the City employment anti-discrimination administrative orders. (Action: approval or disapproval of staff

recommendation.) **FAILED 7 TO 4. CROMLEY, CIMMINO, BIRD, MCCALL, SWANSON, CROUCH, AND HANEL VOTED IN OPPOSITION. YAKAWICH, PITMAN, MCFADDEN, AND BROWN VOTED IN FAVOR.**

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: 5:53 a.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.