

**COUNCIL ACTION SUMMARY  
CITY OF BILLINGS**

**CITY OF BILLINGS VISION STATEMENT:**

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY  
WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

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**AGENDA**

**COUNCIL CHAMBERS**

**June 23, 2014**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Pitman

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

**MINUTES:**

- May 27, 2014 - **APPROVED**
- June 9, 2014 (pending)

**COURTESIES:** Councilmember Bird commented the NIOT Conference held the previous weekend was a success. There were 216 attendees representing 46 communities and 26 states. She thanked Ms. Volek and Chief Dextras for supplying the bucket truck to take an overhead group photograph. She also thanked Glassworks on Broadwater and 8<sup>th</sup> for the message on their marque welcoming NIOT to Billings. Councilmember Crouch also recognized the West High Students for their display at the Western Heritage Center where it would remain on display through December.

**PROCLAMATIONS:** None

**ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek advised there were no agenda items on the non-discrimination ordinance that evening. Due to the five Mondays in June, the next meeting would be held on July 7, and the non-discrimination ordinance was one of four items on that agenda.

**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.

- **Kelly McCarthy, 625 Yellowstone, Billings, MT**, said he was representing the Billings Industrial Revitalization District and Consent Agenda Item J. He said he and the property owner were available to answer questions.

Councilmember Yakawich asked why it was so important to tear down the building. Mr. McCarthy said at least one of the subject buildings located on N. 22<sup>nd</sup> Street had been vacant for 15 years, and it was bringing a lot of activity into the neighborhood they did not want to see. The landowner attempted to get into the building that day and could not because of the transients that were inside.

The landowner bought the property for the sole purpose of cleaning it up.

Councilmember Brown asked if there were plans for development. Mr. McCarthy said not at the present time, but the property owner had the vision to do a mixed use facility that would be a great addition to the neighborhood.

- **Danny Siemers, 5714 Shining Mountain Drive, Billings, MT**, said the rock on 6<sup>th</sup> Avenue North was sacred to the Indians. He was a crane operator and most of the center of gravity was leaning inward so it would fall the other way. He spoke with the geo stabilization people, who said the rock was not going anywhere, so it was a waste of time and money to remove it.

Ms. Volek advised the City Engineer had done some research and could find no validation. Public Works Director, Dave Mumford, said Mr. Siemers had spoken with the Engineering Division, and they had checked with the Western Heritage Center and the state for a necessary need for protection. They would be taking the rock down this weekend and hoped it would be uneventful. They hoped they would be able to pull it backwards and lay it down. If that was not successful, it would need to go over the edge. Mayor Hanel asked about liability. Mr. Mumford said it was not a question of if it would fall down, it was a matter of when it fell down.

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

1. **CONSENT AGENDA** -- Separations: B2, C, D, E, F, P, Q, R, S, T1 and T2
- A. **Mayor Hanel recommends that Council confirm the following appointments:**

**APPROVED**

	Name	Board/Commission	Term	
			Begins	Ends
1	Charles Bushey	Animal Control Board	07/01/14	12/31/16
2	Cara Chamberlain	Animal Control Board	07/01/14	12/31/17
3	Randy Hafer	Billings BID	07/01/14	12/31/17
4	Rudi Marten	Billings BID	07/01/14	12/31/17
5	No Applications	Board of Appeals - Electrical	07/01/14	12/31/17
6	Terry Madtson	Board of Appeals - Builder	07/01/14	12/31/15
7	No Applications	Housing Authority Res Comm	07/01/14	12/31/15
8	No Applications	Mayor's Homelessness Lending	07/01/14	12/31/16
9	No Applications	Parking Advisory Board	07/01/14	12/31/17
10	No Applications	Parking Advisory Board*	07/01/14	12/31/14
11	No Applications	Parking Advisory Board*	07/01/14	12/31/17
12	Tom Llewellyn	Public Works Board	07/01/14	12/31/17
13	David Mosdal	Soil Conservation District	07/01/14	06/30/17
14	Benjamin Kerns	Tourism BID Board	07/01/14	06/30/18
15	No Applications	Traffic Control Board*	07/01/14	12/31/14
16	No Applications	Traffic Control Board	07/01/14	12/31/17

10 Unexpired term of William Gilbert

11 Unexpired term of Edward Arnold

15 Unexpired term of Brent Krueger

**B. Bid Awards:**

**1. Airport Terminal Building Hot Water Boiler Replacement Project.** (Opened 6/10/2014) Recommend Plumb MT, Inc.; \$271,000. **APPROVED**

**2. W.O. 14-01, 2014 Water Main Replacement and Storm Drain Project, Schedule 1A.** (Opened 6/10/2014) Recommend Water Main Replacement to Western Municipal Construction, Inc; \$2,843,623. Recommend delay of Storm Drain Project until July 14, 2014. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

**3. W.O. 14-02, Miscellaneous Curb, Gutter, Sidewalk, and Storm Drain Improvements Project.** (Opened 6/10/2014) Recommend J & J Concrete, Inc.; \$241,845. **APPROVED**

**C. Change Order #5 - \$18,433.83 and Change Order #6 - \$26,343.47; Empire Parking Garage,** Sletten Construction Company; total - \$44,777.30. **APPROVED**

**D. Contract for Professional Services** with CTA Architects/Engineers for Facilities Master Plan; \$99,500. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

**E. Contract for Professional Services** with Kademas, Lee & Jackson for W.O. 14-09, Briarwood Reservoir Expansion; \$290,200. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

**F. Amendment #3, W.O. 10-19: Shiloh Conservation Area.** Professional Services Contract, DOWL HKM; \$65,211. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

**G. Approval** of joint city/county grant application and acceptance of 2014 Justice Assistance Grant (JAG) totaling \$77,737 for equipment purchases (Billings Police Department - \$66,515; Yellowstone County Sheriff's Office - \$11,222); and **approval** of Interlocal Agreement with Yellowstone County Sheriff's Office. **APPROVED**

**H. Approval of Sale** of 39,313 square foot utility easement along a portion of the north boundary of the Shiloh Conservation Area to NorthWestern Energy; \$7,469.47. **APPROVED**

**I. Approval** of appointment of Councilmember Pitman as Mayor Hanel's alternate to the PCC through December 31, 2015. **APPROVED**

**J. Approval** of Tax Increment Financing Assistance from East Billings Tax Increment Account to Carol Kraft for demolition of two blighted buildings and one blighted shed at 115 N. 22nd Street; \$6,343. **APPROVED**

**K. Acceptance of Donations** to the Parks Department for four memorial benches: Gerald and Sandra Bruns - \$1,855 for Riverfront Park; Ronald Lund - \$1,500 for Pioneer Park; Gary and Angie George - \$1,500 for park at corner of Locust and McDonnell Blvd; and Peter Heltborg - \$1,500 for Millice Park; total donations - \$6,355. **APPROVED**

**L. Resolution #14-10372** amending the loan agreement for First Mortgage Housing Revenue Bond, Series 2004A and 2004B, for the Rose Park Plaza Project. **APPROVED**

**M. Resolution #14-10373** closing Special Improvement District /Sidewalk Bond Debt Funds to SID Revolving Fund - \$152,317. **APPROVED**

**N. Second/Final Reading Ordinance #14-5622 expanding Ward IV (Annexation #14-02)** for approximately 19.5 acres located south of Grand Avenue near the intersection of Grand Avenue and 56th Street West. Regal Land Development, owner. **APPROVED**

**O. Preliminary Plat Two-Year Extension** for Lake Hills Subdivision, 33rd Filing; approximately 120 acres of land surrounding and including the west side of Lake Hills Golf Course; setting a new expiration date of June 13, 2015. **APPROVED**

P. **Preliminary Subsequent Minor Plat** of Amended Lot 4A1, Block 1, Parkco Industrial Subdivision; two lots on approximately 3.197 acres of land generally located at 1140 South 29th Street West, south of Millennium Circle; Edward Hoem, owner; C&H Engineering, agent; conditional approval of the preliminary plat and adoption of the Findings of Fact. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

Q. **Preliminary Major Plat** of DayBreak Subdivision; 74 new lots generally located east of the intersection of Grand Avenue and 56th Street West on the south side of Grand Avenue; Regal Land Development, Inc., owner; Scott Worthington, engineer; conditional approval and adoption of the Findings of Fact. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

R. **Preliminary Major Plat** of Sartorie Subdivision; a 2.99-acre parcel generally located south of 1880 Hawthorne Lane on the northwest corner of Hawthorne Lane and Kyhl Lane. Richard and Mae Sartorie, owners; Blueline Engineering, agent; conditional approval and adoption of the Findings of Fact. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

S. **Cancellation of Checks and Warrants. - APPROVED**

T. **Bills and Payroll:**

1. May 27, 2014 **APPROVED 9 TO 0. CROMLEY AND CIMMINO ABSTAINED.**
2. June 2, 2014 **APPROVED 9 TO 0. CIMMINIO AND BROWN ABSTAINED.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION #14-10374** approving and adopting Fourth Quarter Budget Amendments for FY2013/2014. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annexation #14-01: a portion of Tract 2B, of Corrected Certificate of Survey 840, 2nd Amended, located north of Kyhl Lane in the Billings Heights currently addressed as 1880 and 1916 Hawthorne Lane; Richard Jr. and Mae L. Sartorie, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-14-02:** A variance from BMCC Section 6-1200 allowing 10 fewer parking stalls on Lot 15A1, Block 2, Sunset Subdivision, 2nd Filing, located at 910 Grand Avenue. Billings 910 Grand Avenue, LLC, owner. 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 public comment period was opened.

The following individuals spoke in opposition or in favor of a non-discrimination ordinance.

- **Janice Linn, 821 N. 27<sup>th</sup> Street, Billings, MT**
- **Kyndall Miller, 1500 1<sup>st</sup> Avenue North, Billings, MT**
- **Cynthia Marble, 3131 Harrow Drive, Billings, MT**
- **Dick Pence, 4307 Palisades Park Drive, Billings, MT**
- **Jennifer Strong, 411 Glen Drive, Billings, MT**
- **Carl Pivonka, 3411 Prestwick Road, Billings, MT**
- **Robert Brown, 3145 Old Hardin Road, Billings, MT**
- **Bethany Dugan, 1811 Wyoming Avenue, Billings, MT**
- **Dustin Shay, 4860 Gooseberry Circle, Billings, MT**

## **COUNCIL INITIATIVES**

- **Cimmino:** MOVED to provide funding for U.S. Flags to be flown downtown over the Fourth of July holiday, seconded by Councilmember Pitman. After a brief discussion and the offer of flags from a citizen to be displayed on the 4th, it was decided research would need to be done regarding sizes, prices, etc., for flags to be purchased by the City and flown on other holidays. Councilmember Cimmino withdrew her motion, and the second agreed.
- **Pitman:** MOVED to direct the City Attorney to ask the Montana Attorney General's Office for a formal opinion on whether the City had the authority to adopt a non-discrimination ordinance, seconded by Councilmember Yakawich. On a roll call vote, the motion was approved 6 to 5. Councilmembers Yakawich, Pitman, Cimmino, McFadden, Brown, and Mayor Hanel voted in favor. Councilmembers Cromley, Bird, McCall, Swanson, and Crouch voted in opposition.
- **Bird:** MOVED to direct Ms. Volek and the Human Resources staff to come back to Council with a plan for providing cultural diversity and awareness training for the City Council and the City Department Heads. The plan should include resources available for payment, topics to be discussed, and possible providers, seconded by Councilmember McCall. On a roll call vote, the motion was approved 8 to 3. Councilmembers Yakawich, Cimmino, Bird, McCall, Swanson, Crouch, Brown, and Mayor Hanel voted in favor. Councilmembers Cromley, Pitman, and McFadden voted in opposition.

**ADJOURN:** 8:55 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.*