

## **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**

**February 9, 2015**

**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, Swanson, Crouch, and Brown. Councilmember McCall was excused.

**MINUTES:**

- January 12, 2015 **APPROVED**
- January 26, 2015 **APPROVED**

**COURTESIES:**

- Mayor Hanel thanked City Staff and Citizens for attending the Saturday, February 7, special work session on the public safety levy.
- Councilmember McFadden reminded everyone that Girl Scout cookies were currently on sale and could be ordered on-line.
- Councilmember Bird wished everyone a Happy Valentine's Day on Saturday. She said February was National Heart Month and Black History Month. She urged everyone to take care of his/her heart and noted there were many interesting programs planned for Black History Month. She said Presidents George Washington, Abraham Lincoln, William Henry Harrison, and Ronald Reagan celebrated February birthdays.

**PROCLAMATIONS:** None

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek advised City Offices would be closed on Monday, February 16, in celebration of Presidents Day. She noted the work session would be held on Tuesday, February 17, at 5:30 p.m. in the Council Chambers.

- Ms. Volek noted on Wednesday, February 11, from 3:00 p.m. to 5:00 p.m. a Community Innovations Meeting would be held at the Billings Library. She said a presentation would be given by members who recently traveled to San Diego to learn more about its Serial Inebriate and Homeless Programs.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 & #5 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. There were no speakers, and the public comment period was closed.

**1. CONSENT AGENDA -- Separations: A2, A4, H1**

**A. Bid Awards:**

**1. Aerial Platform Truck for Fire Department.** (Opened 1/13/2015)(Delayed from 1/26/2015) Recommend Pierce Manufacturing; \$916,487. **APPROVED**

**2. Chlorine for Water Treatment Facility and Parks Department.** (Opened 1/27/2015) Recommend DPC Industries, Inc.; \$773 per one-ton cylinder; \$193.50 per 150-lb. cylinder. **APPROVED 9 TO 0. CIMMINO ABSTAINED.**

**3. W.O. 14-15, Bench Boulevard North Sanitary Sewer Extensions.** (Opened 1/27/2015) Recommend Western Municipal Construction, \$398,798. **APPROVED**

**4. W.O. 15-03, City Overlay.** (Opened 1/27/2015) Recommend Knife River, \$1,041,812.90. **APPROVED**

**5. Storm Water Pond Area and Car Rental Transfer Lot Fencing Project.** (Opened 1/27/2015) Recommend Mild Fence, \$46,733.50. **APPROVED**

**B. W.O. 13-15, Calhoun Road Improvements Right-of-Way Easements** with Gale and Carolyn Rukstad; Eugene and Constance Frank; Lola Berlinsky; Carlin and Jackie Anderson; and Ralph Kottke and Tammy Kottke-Chartier. **APPROVED**

**C. Acceptance of Donation** to Billings Public Library from Billings Public Library Foundation, \$600. **APPROVED**

**D. Resolution #15-10428** authorizing filing of grant application with Montana Department of Transportation for funding of two paratransit vans and two bus shelters; \$134,080. **APPROVED**

**E. Second/Final Reading Ordinance #15-5638 for Zone Change #929:** A zone change from Agriculture Open-Space to Planned Development with an underlying zoning of Community Commercial with special provisions for medical services, complementary uses, and residential development on an un-platted, 80-acre parcel of land located on the southwest corner of the intersection of Broadwater Avenue and Shiloh Road. Billings Clinic, owner; Sanderson Stewart, agent. Approval of the zone change and adoption of the 10 criteria. **APPROVED**

**F. Second/Final Reading Ordinance #15-5639 for Zone Change #930:** A text amendment to BMCC Section 27-306 allowing dog grooming in Neighborhood Commercial zoning districts and prohibiting outdoor kennels or exercise areas associated with dog grooming. Zoning Commission recommends approval. **APPROVED**

**G. Preliminary Plat Two-Year Extension** for High Sierra Subdivision, 6th Filing; generally located north of Annandale Road and east of Greenbriar Road in the Lake Hills area; setting a new expiration date of February 9, 2017. **APPROVED**

**H. Bills and Payroll:**

1. January 20, 2015 **APPROVED 8 TO 0. CIMMINO AND BROWN ABSTAINED.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** creating SILMD 314, portions of Calhoun Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **INDEFINITELY TABLED**

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently-annexed property in Annexations #14-06, #14-07, #14-08, #14-09, #14-10, #14-11, and #14-12: Approximately 18 acres, including road rights-of-way, in the area of East Billings between the East Billings Urban Renewal District and MetraPark. Service Candy Company; Bollinger Trust; Peter Yegen, Jr. Family Trust; Converse Properties, LLC; Cherry Properties, LLC; Earl L. Keenan, Jr. et al; and Industrial Land and Realty, LLC, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently-annexed property in Annexation #14-14: An unplatte, 80-acre parcel of land generally located on the southwest corner of the intersection of Broadwater Avenue and Shiloh Road. Billings Clinic, owner and petitioner; Sanderson Stewart, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 0. SWANSON ABSTAINED.**

5. **RESOLUTION #15-10429** allocating \$15,000 of Council Contingency Funds for the Optimist Park Master Plan; bringing the total City Council contribution for the plan to

\$25,000. 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.

- **Richard Deis, 4548 Morgan Avenue, Billings, MT**, said the big issue was Calhoun. He was a past member of the Parks Board and the new ballpark committee. When an individual accused a SBURA board member of favoritism to resurface Calhoun Lane, it was a lie. He said he was defending himself and the other board members. They met to discuss and gather input from the neighborhood. The individual called the neighborhood blighted. It was not a blighted neighborhood. They were wanting development in the area; such as a walk-in clinic. Mr. Deis said Floyd Martin was one of the first to be asked to be a board member; and he was asked many times. He said he was president of the south side board, and he was the one who started the south side cop shop. The individual, who Mr. Deis said he would not name, accused him of favoritism, and he took it personally.
- **Frank Ewalt, 2131 Phoebe Drive, Billings, MT**, said in January 2015 he mailed each councilmember a packet of information regarding the inequitable way Street Maintenance #2 was assessed for vacant lots. He said he owned two lots of comparable size; one lot was vacant and his house was on the other lot. Mr. Ewalt said he did not receive a response from anyone. At the work session of January 20 there was a conference call with the lobbyist, and of concern was a bill to put municipal water departments under the Public Service Commission to protect water user rights. There was a comment made that if someone had a problem, they only had to go to City Administration or City Council; and there was no need for the Public Service Commission; yet he heard from no one. Mr. Ewalt said he actually owned three lots on an undeveloped section behind his house for a total of 30,890 square feet. His street maintenance fee for the three lots, and the arterial assessment, totaled \$350.50. Other assessments on the three lots were \$231.52. Mr. Ewalt said Mr. Mumford said all properties benefited from a well-maintained street system. He agreed, but said they did not benefit to the same extent. Vacant lots had very little impact on city streets. There was no vehicle that started and ended a day from a vacant lot. He had tried to pursue the unfair assessment many different ways from the beginning, and he had run into dead-ends. He did learn that management made the decision on how the assessment would be made without Council input. He also learned that according to MCA 2011, the City Council shall assess the fee. Mr. Ewalt said in May 2013 Mr. Mumford said it was unfair that apartment buildings should pay a commercial rate for sewer fees; so the fees were lowered.

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

## **COUNCIL INITIATIVES**

- **Cromley**: MOVED to request the City Attorney provide an opinion, or seek an opinion from the State Attorney General, regarding the constitutionality or legality of the City's Code of Ethics contained in Article 2-700 of the Billings Municipal Code and the City's advisory Board of Ethics, seconded by Councilmember McFadden. On a voice vote, the motion was approved 8 to 0. Councilmembers Bird and Swanson abstained.
- **Pitman**: MOVED to refer the amendments of two sections of the Zoning Code to allow Class A and Class D commercial tow truck parking in residential areas as part of a home occupation to the Zoning Commission; and that the ordinance be brought to a Council work session in March, seconded by Councilmember Bird. On a voice vote, the motion was approved 9 to 1. Councilmember Yakawich voted in opposition.
- **Pitman**: MOVED to direct staff to present the Complete Streets Policy at a work session, seconded by Councilmember Cimmino. On a voice vote, the motion was approved 9 to 1. Councilmember Cromley voted in opposition.

**ADJOURN: 7:50 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.*