

**COUNCIL ACTION SUMMARY  
CITY OF BILLINGS  
CITY OF BILLINGS VISION STATEMENT:**

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

**AGENDA**

**COUNCIL CHAMBERS**

**August 24, 2015**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember McCall

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

**MINUTES:** August 10, 2015 **APPROVED**

**COURTESIES:**

- Mayor Hanel introduced John Brewer, Director of the Billings Chamber of Commerce. Mr. Brewer also introduced Jeff Walters, Chair of the Chamber Board, as well as other staff members. Mr. Brewer congratulated the Chamber staff for the recent recognition as Chamber of Commerce of the Year. Mayor Hanel also asked for a round of applause for the Chamber of Commerce.
- Christopher Dantik, Chief Plenty Coups Park Manager, noted that September 5, 2015 will be the Chief Among Chiefs event at Chief Plenty Coups State Park. Mr. Dantik stated that all are welcome to attend the event.
- Mayor Hanel thanked Candi Millar, Planning and Community Services Department Director, for the success of the neighborhood TUNE UP event in the Central Terry area. Ms. Millar noted that the event was planned and managed by Nicole Cromwell, Code Enforcement Supervisor. Ms. Millar, as well as Mayor Hanel, recognized Ms. Cromwell for her efforts and success of the event. Mayor Hanel read a list of departments and groups that also assisted with the TUNE UP.
- Police Chief Rich St. John presented the Police Department Citizen Award for Above and Beyond to Nelly Everett, who assisted in response to reports of a woman being chased. Ms. Everett volunteered her time to help translate for the alleged victim. Thanks to Ms. Everett's assistance, the victim was able to speak with officers, and eventually the FBI was called in to investigate. It was discovered that the woman was a victim of human trafficking. The audience applauded Ms. Everett, and she said that she was glad to give back to her community.

- Chief St. John presented Medals of Valor to Officer Lang and Officer Cardillo, and a medal of honor to Officer Adams, for their efforts in responding to a report of a missing child, Tristan Hunt, in May 2015. The officers went above the call of duty in their attempt to rescue Tristan from a culvert. Tragically, Tristan did not survive the accident. Chief St. John recognized Tristan's parents in the audience, and offered thanks to the officers involved in the event.
- Mayor Hanel thanked Mike Whitaker, Parks Recreation and Public Lands Director for the successful opening of the playground at South Park.
- Mayor Hanel recognized the Andrew Pearson Legion for the success of the 2015 Warrior Run.
- Mayor Hanel asked for the Boy Scouts in attendance to introduce themselves. Tyler Wood and Seth Larson from Troop 8 introduced themselves and stated that they were in pursuit of merit badges as they work towards achieving the Eagle Scout level. Mr. Wood and Mr. Larson introduced their fathers, and Mayor Hanel thanked the Scouts and their fathers for their work.
- Councilmember Cromley invited citizens to attend the Build Day at Trails End Park on August 29<sup>th</sup> at 8:00. Volunteers are needed to help install a new playground at the park. Those interested in volunteering are asked to contact Chris Waite, Volunteer Coordinator, at 406-657-8308 or waitec@ci.billings.mt.us.
- Councilmember Bird noted that August 26 is the 95<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment to the United States Constitution, which allowed women the right to vote.
- Councilmember Crouch stated that he attended an interesting symposium on racism, which was also attended by Native Americans in the community. Councilmember Crouch noted that it is important to remember the history of Native Americans.
- Councilmember McFadden stated that this week is back to school week in Billings, and reminded everyone to watch out for children, bicycles, pedestrians, and school buses.
- Councilmember Cimmino acknowledged and praised Yellowstone County, Metra Park, staff, and the Yellowstone County Commissions for the success of the 100<sup>th</sup> anniversary of the Montana Fair.

## **PROCLAMATIONS:**

Childhood Cancer Awareness Month, September 2015

Chief Plenty Coups Day of Honor: Chief Among Chiefs event at Chief Plenty Coups State Park on September 5, 2015.

## **ADMINISTRATOR REPORTS – TINA VOLEK**

- City Administrator Volek directed Council's attention to Consent Agenda Item 1A1: Bid Award for SID 1398, Mountain View Boulevard. Sealed bids were opened on August 18, which did not leave enough time to include an award recommendation in the published agenda packet. A memorandum was included

in last week's Friday packet, and staff recommends awarding the bid to CMG Construction, Inc. in the amount of \$98,660.

- Ms. Volek asked Council to provide guidance, in the form of an initiative, on which of the five presented options Council would like to pursue for the upcoming mill levy. Ms. Volek gave a brief overview of the five options.
- Ms. Volek reminded Council that August 31<sup>st</sup> is the fifth Monday of the month, and that there would not be a Council meeting that evening. The next scheduled meeting is the Work Session on September 8, 2015 (a Tuesday due to Monday the 7<sup>th</sup> being a holiday).

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

1. **CONSENT AGENDA** – Separations: 1G1, 1G2

A. **Bid Awards:**

1. **SID 1398 Mountain View Boulevard Street Improvements.** (Opened 8/18/2015). Staff will recommend award recipient at meeting. **APPROVED, CMG CONSTRUCTION, INC., \$98,660**
2. **W.O. 15-15, Shawnee Drive Improvements.** (Opened 8/11/2015)  
Recommend Winkler Excavating, Inc., \$88,126. **APPROVED**
3. **One New Current Model Year Ten Foot Width Wide Area Rotary Mower.**  
(Opened 8/11/15) Recommend Midland Implement Company Inc., \$54,242.  
**APPROVED**
4. **Two New Current Model Year Sixteen Foot Width Wide Area Rotary Mowers.**  
(Opened 8/11/15) Recommend Midland Implement Company Inc., \$156,998.  
**APPROVED**

B. **Approval** of the Assignment and Transfer and Amendment One of the West End Hangar Ground Lease from James C. and/or Gail G. Heatherly to

Morledge-Hampton Family, LLC. **APPROVED**

- C. **Resolution 15-10487** authorizing the issuance and calling for a negotiated sale of up to \$51,000, special improvement district bonds (SID 1398). **APPROVED**
- D. **Approval** of Scheduled Airline Operating Permit with Trans States Airlines, LLC. **APPROVED**
- E. **Preliminary Subsequent Minor Plat** of Amended Lot 2, Block 1, Westward Ho Subdivision, 5.85 acres generally located on the northeast corner of South 32nd Street West and Monad Road; West Side Baptist Church and River Point Edge, LLC, owners; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact. **APPROVED**
- F. **Final Plat** of Lenhardt Square Subdivision, 3rd Filing. **APPROVED**
- G. **Bills and Payroll:**
  - 1. July 27, 2015 **APPROVED 8-0. BROWN AND CIMMINO ABSTAINED**
  - 2. August 3, 2015 **APPROVED 9-0. BROWN ABSTAINED.**

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING AND SPECIAL REVIEW #930:** a special review to locate a beer and wine license with gaming for a proposed Dotty's Casino in an Entryway Light Industrial zone on a 1.939 acre parcel of land described as: Lot 8C, Block 1, Montana Sapphire Subdivision and located at 4010 Montana Sapphire Drive. Stock Land Properties, owner; Blueline Engineering, agent. Zoning Commission recommends conditional approval and adoption of the findings of the three criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
- 3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #938:** a zone change from Residential 9,600 to Residential 7,000 on a 7.8 acre parcel of land described as: Lot 1, Block 5, and Lot 5, Block 2, Grand Peaks Subdivision, and generally located at 54th Street West and Grand Peaks Drive. Grand Peaks, LLC, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the findings of the ten criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

4. **PUBLIC HEARING AND RESOLUTION 15-10488** creating SILMD 318, Summerhill Subdivision. 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.)

- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT** acknowledged that this year marks the 50<sup>th</sup> anniversary of the end of the Vietnam War. Mr. Ulvestad asked to recognize Vietnam Veterans for their service. Mr. Ulvestad was also thanked for his service.
- **Terry Odegard, 2101 Lake Hills Drive, Billings, MT** thanked Ms. Volek for spending time answering questions for the City Council candidates. Mr. Odegard stated that he appreciated Ms. Volek taking time out of her schedule to meet with Council candidates and answer their questions about the City and the Council. Ms. Volek thanked Mr. Odegard for his praise, and noted that she is happy to meet with any other candidates who might have questions as well.
- **Nancy McGraff, 3005 Zimmerman Trail, Billings, MT** stated that water and seismic activity affect the quiet enjoyment of her property. Ms. McGraff also stated that noise from trucks impacts the quality of life at her home. Ms. McGraff stated ideas for improving the issues, including: drains, a holding pond, installing boulders, a right turn lane, not allowing through trucks. Public Works Director Dave Mumford stated that improvements to Zimmerman Trail are in the works with the Montana Department of Transportation, and the project should be completed within two years. Mr. Mumford also stated that he will speak to MDOT and provide Council with additional ideas for improvements.
- **Terry Odegard, 2101 Lake Hills Drive, Billings, MT** acknowledged the Zimmerman Trail issues that Ms. McGraff mentioned, and stated that Council should address the problems
- **Debby McCallum, 2030 Woody Drive, Billings, MT** asked whether Consent Agenda Item 1E was approved. Mayor Hanel replied that Item 1E was approved by Council.

### **COUNCIL INITIATIVES**

- Councilmember Pitman moved to direct staff to pursue Option 5 for the mill levy, seconded by Councilmember Yakawich. Councilmember Bird called the question, seconded by Councilmember Pitman. On a voice vote, Councilmember Bird's motion to call the question was unanimously approved. On a voice vote, Councilmember Pitman's motion failed by a 5 to 5 vote (YES: Cromley, Yakawich, Pitman, McFadden, Brown; NO: Cimmino, Bird, McCall, Crouch, Mayor Hanel).

- Councilmember McCall moved to direct staff to pursue Option 2 for the mill levy, seconded by Councilmember Cimmino. Councilmember Bird called the question, seconded by Councilmember Crouch. On a voice vote, Councilmember Bird's motion to call the question failed by a 5 to 5 vote (YES: Cimmino, Bird, McCall, Crouch, Mayor Hanel; NO: Cromley, Yakawich, Pitman, McFadden, Brown). Councilmember Cromley moved for a substitute motion for staff to bring both Option 2 and Option 5 before Council at the September 14 Council meeting, seconded by Councilmember Pitman. On a voice vote, Councilmember Cromley's substitute motion was approved 9 to 1, with Councilmember Bird voting in opposition.

**ADJOURN:** 8:23 pm