

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

August 24, 2015

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember McCall gave the invocation.

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: Councilmember Cimmino moved for approval, seconded by Councilmember Crouch. On a voice vote, the motion was unanimously 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, and other staff members: Ron Yates, immediate past Chair of the Board; Bill Cole, Cole Law Firm, incoming Chair of the Board; Kelly McCandless, staff; Jennifer Reiser, COO; Julie Dial, Western Heritage Center, Board Member; Lisa Perry, Northwestern Energy; Bruce MacIntyre, Public Policy Director. Mr. Brewer congratulated the Chamber staff for its recent recognition as Chamber of Commerce of the Year. Mr. Brewer stated that the Chamber has 14 staff members, 21 board members, and 1,200 members. The Chamber presented two projects to the American Chamber during the interview/application process: the trails project and the Chamber of The Future Defining Tomorrow project. The Billings Chamber is recognized as a Five Star Chamber; only 1% of US chambers are honored with this designation. Councilmember Yakawich stated that he was impressed and inspired by the Chamber's innovative activities. Councilmember McCall congratulated the Chamber on its accomplishments, leadership, vision, and for providing opportunities for the communities. Councilmember Cimmino congratulated the Chamber, and also recognized Alex Tyson for her work with the Chamber. Mr. Brewer stated that Ms. Tyson has done a great job and has another impressive project in the works as well. Mayor Hanel asked for a round of applause for the Chamber of Commerce.
- In connection with Councilmember Yakawich, Christopher Dantik, Chief Plenty Coups Park Manager, noted that September 5, 2015 will be the Chief Plenty Coups State Park Day of Honor. The event, called the Chief Among Chiefs event, will begin at 11:00 am. The event will include presenters, drummers, dancers, tours, arts and crafts, and other activities. Mr. Dantik thanked Councilmember Yakawich for his work with the event as well. 2015 marks the 21st anniversary of the Day of Honor.
- 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. Cromwell brought together many groups and City departments to participate in this event. Ms. Millar noted that the Solid Waste department provided dumpsters in the area. Ms. Millar stated that Code Enforcement went above and beyond in planning this event. Ms. Millar, as well as Mayor Hanel, recognized Ms. Cromwell for her efforts and for the success of the event. Councilmember McFadden stated that he stopped by the event and thought that it was very well done. Mayor Hanel read a list of departments and groups that assisted with the TUNE UP, and recognized Ms. Cromwell with a round of applause.

- 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 in July 2015. The victim was located, but was unable to speak English. Ms. Everett volunteered her time to help translate for the 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, who said that she was glad to give back to her country and is happy to be here. Ms. Everett said that she was honored to help the Police Department, and stated that she would be glad to help any time.
- Chief St. John presented Medals of Valor to Officer Lange and Officer Cardillo, and a Medal of Honor to Officer Adams for their efforts in responding to a report of a missing five year old child, Tristan Hunt, in May 2015. Officer Lange thought to check a culvert in the area. Officers Lange and Adams shed their police gear and entered the water. Officer Adams secured himself with a rope and entered the culvert while Officer Lange held the rope. Officer Adams located Tristan in the culvert, and emerged from the culvert with him. Officer Cardillo had joined the scene, and began performing rescue breaths on Tristan. Officers Adams and Lange aided in the rescue effort as well until emergency personnel arrived at the scene. Tragically, Tristan did not survive the accident. "Words cannot express our sorrow for the loss of Tristan and our thoughts and prayers are with his family;" Chief St. John recognized Tristan's parents in the audience and continued by stating that "although a tragedy, this incident exemplifies what makes Billings great: neighbors and friends dropping everything to come together to help a stricken family, and police officers displaying extreme professionalism and selflessness to the point of putting themselves at great risk." Chief St. John presented Officers Lange and Cardillo (who was not in attendance) with Medals of Valor for their activities that were above and beyond the call of duty. The audience applauded. Chief St. John presented Officer Adams with a Medal of Honor for conspicuous courage and valor, at the risk of his life, above and beyond the call of duty. The audience applauded.
- Mayor Hanel thanked Mike Whitaker, Parks Recreation and Public Lands Director, as well as staff and volunteers for the successful opening of the playground at South Park.

- Mayor Hanel expressed appreciation to the Andrew Pearson Legion Post 117 for the success of the 2015 Warrior Run, in recognition of military men and women. The event was well attended, well organized, and successful.
- 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 toward achieving the Eagle Scout level. Mayor Hanel asked where Troop 8 holds its meetings. Mr. Wood stated that the troop meets at the Alkali Creek Church. Mr. Wood is an incoming freshman, and Mr. Larson is entering seventh grade. Mayor Hanel congratulated the scouts for becoming involved, and stated that the scout program is a wonderful opportunity. Mr. Wood introduced his father, Jerry Wood, and Mr. Larson introduced his father, Matt Larson. 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 29th at 8:00am. 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. Refreshments will be served for the volunteers.
- Councilmember Bird noted that August 26 is the 95th Anniversary of passing the 19th Amendment to the US Constitution, which granted women the right to vote.
- Councilmember Crouch stated that on Saturday, August 22, there was an interesting symposium on racism. Councilmember Yakawich also attended the event. Councilmember Crouch noted that it is important to remember the history of Native Americans, and that they were present here long before Europeans.
- Councilmember McFadden stated that this week is back to school week in Billings. Councilmember McFadden asked for everyone to watch out for children, bicycles, pedestrians, and school buses. Councilmember McFadden reminded everyone to drive safely, and to exercise caution around school buses when they are stopped to load and unload children.
- Councilmember Cimmino acknowledged the amazing efforts by MetraPark, the MetraPark advisory board, Bill Dutcher and his staff, the volunteers and workers, and the Yellowstone County Commissioners for the success of the 100th Montana Fair. Councilmember Cimmino stated that the fair was amazing and gave lasting impressions. Councilmember Cimmino stated that Yellowstone County deserves credit for the success of the event.

PROCLAMATIONS:

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

Childhood Cancer Awareness Month, September 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 recommended awarding the bid to CMG Construction, Inc. in the amount of \$98,660.
- Ms. Volek informed Council that the City is required by State law to set mill levies within 45 days after receiving the certified value information from the Department of Revenue; therefore, Council will take action on this matter at the September 14 meeting. Ms. Volek asked Council to provide guidance, in the form of an initiative, on which of the five previously presented options Council would like to pursue for the upcoming mill levy. Ms. Volek gave a brief review of the five options. Councilmember Cimmino asked if Option Two was the only option that provided for additional public safety staffing at this time. Ms. Volek stated that was correct, and clarified that Option Two allowed for additional public safety staff without a vote. Councilmember Yakawich asked, under Option Five, whether the 99.63 figure could be reduced. Ms. Volek stated that the budget would need to be amended to lower the figure, as this was the lowest figure possible to maintain a balanced budget. Councilmember Brown asked what type of initiative staff was looking for. Mayor Hanel clarified that a Councilmember would need to bring forth an initiative for staff to pursue one of the five options. Ms. Volek stated that the initiative would allow staff to bring a resolution and presentation materials before Council at the September 14 meeting. Councilmember Cimmino stated that August 31 is a fifth Monday, and then asked when Council would meet again since September 7 is the Labor Day holiday. Ms. Volek reminded Council that August 31 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 (a Tuesday due Monday, September 7 being a holiday). Councilmember Cimmino asked when Council would be voting on the topic. Ms. Volek stated that Council will vote on the topic at the September 14 regular meeting. Councilmember McFadden asked whether the numbers presented would be a yearly amount. Ms. Volek stated that yes, the amount presented was the yearly amount.
- Ms. Volek reminded Council that due to August 31 being the fifth Monday of the month, there will not be a Council meeting or work session. The next Council meeting will be the work session on Tuesday, September 8, 2015 (Monday, September 7 is a holiday).

Councilmember Cromley asked whether Item 1A1 needed to be separated from the Consent Agenda. Ms. Volek stated that since Council was advised on the recommended award recipient, the item would not need to be separated.

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 --

A. Bid Awards:

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

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.

C. Resolution 15-10487 authorizing the issuance and calling for a negotiated sale of up to \$51,000, special improvement district bonds (SID 1398).

D. Approval of Scheduled Airline Operating Permit with Trans States Airlines, LLC.

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.

F. **Final Plat of Lenhardt Square Subdivision, 3rd Filing.**

G. **Bills and Payroll:**

1. July 27, 2015

2. August 3, 2015

Councilmember Brown separated Items 1G1 and 1G2 in order to abstain.

Councilmember Cimmino separated Item 1G1 in order to abstain.

Councilmember McCall moved to approve the Consent Agenda, with the exception of Items 1G1 and 1G2, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

Councilmember McCall moved to approve Item 1G1, seconded by Councilmember Pitman. On a voice vote, the motion was approved 8 to 0, with Councilmembers Brown and Cimmino abstaining.

Councilmember McCall moved to approve Item 1G2, seconded by Councilmember Pitman. On a voice vote, the motion was approved 9 to 0, with Councilmember Brown abstaining.

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.)**

Nicole Cromwell, Code Enforcement Supervisor and Zoning Coordinator, began a PowerPoint presentation and gave an overview of the property. Ms. Cromwell stated the seven conditions for approval: 1) special review approval is limited to a beer and wine license with gaming on this specific lot; 2) any expansion greater than 400 square feet will require additional special review; 3) any expansion greater than 10% of the 118 parking spaces will require additional special review; 4) no outdoor public announcement system will be installed (neither permanent or temporary), and no outdoor events with amplified sound or music will occur; 5) solid waste storage will be located in a sight obscuring enclosure which will include a gate; 6) the conditions run

with the land; and 7) the business must comply with other limitations of section 27-613 and other City codes as required.

Councilmember Cimmino, in reference to Ms. Cromwell's staff report, asked for clarification on how Dotty's Casino caters to a different market than other businesses in the area. Ms. Cromwell stated that Dotty's Casino caters to an older demographic and to women. Ms. Cromwell stated that other casinos in the City cater to different demographics. Ms. Cromwell also mentioned that this proposed location was a natural fit, especially with the Affinity of Billings located nearby.

Mayor Hanel asked whether the plans for this property comply with the 2008 Growth Policy. Ms. Cromwell stated that the plans comply with the Growth Policy.

Councilmember Yakawich asked what type of sewage drain or pump was in this area. Ms. Volek stated that Public Works Director Dave Mumford could address the question. Mr. Mumford stated that the sewer system is gravity fed.

The public hearing was opened.

- **Nancy McGraff, 3005 Zimmerman Trail, Billings, MT** asked if there is direct access from the parking lot of the property to the adjacent wetland area and if there is direct access from The Affinity to the proposed Dotty's Casino. Ms. Cromwell stated that there is no planned direct access from the property to the south at this time; however the City is planning a trail connection on 44th Street West to the walking trail around the Shiloh conservation area. Ms. Cromwell stated that she does not recommend that pedestrians walk over the drain area. Mr. Mumford clarified that the property owner cannot construct a walkway over top of the drain area.

Councilmember Bird asked Ms. Cromwell to give an overview of the pedestrian/sidewalk plans for this property. Ms. Cromwell stated that the Subdivision Improvement Agreement (SIA) would detail this type of information, and that an SIA is not created until a building permit is issued. Ms. Cromwell stated that she believed that this property would have the same requirements as adjacent properties: to install or pay for already installed sidewalks on Montana Sapphire Drive.

There were no further speakers, and the public hearing was closed.

Councilmember Crouch moved for approval of Item 2, seconded by Councilmember Brown. On a voice vote, the motion was unanimously 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.)

Nicole Cromwell began a PowerPoint presentation, and gave an overview of the property. Ms. Cromwell stated that the proposed zoning changes are compatible with existing development and the neighborhood, that the changes are consistent with City Infill Policy, that there would be no impact to surrounding uses or traffic circulation, and that the changes are predictable and consistent with surrounding neighborhoods. Ms. Cromwell stated that the difference in R96 and R70 zoning is that the minimum lot size required for a single-family dwelling in R70 is 7,000 square feet rather than 9,600 square feet. Ms. Cromwell also stated that R70 provides the opportunity to plat or develop two dwelling units (attached or detached) on the same lot if the lot is at least 9,600 square feet. Multifamily dwellings with three or more attached units are not permitted. Lots may also be larger than 7,000 square feet; and the developer of the existing phases has platted lots that are larger than 7,000 square feet.

Mayor Hanel mentioned that the City's most recent Fire and Police station is located very near this property. Ms. Cromwell replied that the station is located just south of this property.

Councilmember Bird asked whether lots could be smaller than 7,000 square feet. Ms. Cromwell stated that the minimum allowed lot size would be 7,000 square feet.

Councilmember Yakawich mentioned that, as referenced in Ms. Cromwell's staff report, Mr. Ray was opposed to this zone change. Ms. Cromwell stated that Mr. Ray expressed concerns about only wanting to see single family dwellings on the property that he owns in Yellowstone County, which is adjacent to the property in question. Ms. Cromwell stated that the original SIA (not the zoning of the property) allowed for single family dwellings only in the R70 area. Ms. Cromwell stated that the City cannot condition zoning, but this new area could have the same conditions attached in the new development's SIA.

The public hearing was opened.

- **Dennis Randall, Sanderson Stewart - representative of the applicant,** stated that Jeff Junkert, the developer, was also in attendance, and that they were both able to answer questions.

There were no further speakers, and the public hearing was closed.

Councilmember McCall moved for approval of Item 3, seconded by Councilmember McFadden. Councilmember McFadden stated that he appreciated the fact that the developer and owner of the property were in attendance at the meeting. Mayor Hanel commented that other developments in the area serve as very fine examples of what would be expected in the new development. On a voice vote, the motion was unanimously approved.

4.

PUBLIC HEARING AND RESOLUTION 15-10488 creating SILMD 318, Summerhill Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Public Works Director Dave Mumford noted that staff received four letters protesting the creation of SILMD 318. The protests letters came from two separate owners who own a total of four vacant lots in Summerhill Subdivision. The letters represent 12.7% of the property in the subdivision.

Councilmember Brown asked if the four properties are vacant. Mr. Mumford replied that they are.

Councilmember Yakawich commended Mr. Mumford. Councilmember Yakawich stated that he spoke with residents in the area and they were grateful for how the process progressed. Councilmember Yakawich stated that the area is very dark at night, and many property owners have children and are glad to know that the area will now be lit. Councilmember Yakawich asked for Mr. Mumford to explain the SILMD creation process. Mr. Mumford stated that property owners approached the City and expressed interest in street lights for the neighborhood. Mr. Mumford stated that staff determined the costs of installing street lights, and informed the property owners of those costs. The neighbors conducted a vote and decided to move forward with creating the SILMD, and the decision now rested with the Council to vote on whether to create the SILMD.

Councilmember Crouch asked how much the property owners will be paying for creation of the SILMD. Mr. Mumford stated that the exact fees vary based on property size, but the average should be about \$200 per property. Councilmember Crouch asked whether the \$200 fee would be similar for creating an SILMD in other areas of the City. Mr. Mumford stated that the fees would also vary based on property size, but that the cost would likely be very similar.

Councilmember Yakawich also discussed a conversation with property owners who leaves exterior lighting turned on all night for safety; the property owners are relieved that they will no longer need to do so; the costs of leaving lights turned on all night will be very similar to that of creating the SILMD.

The public hearing was opened.

There were no speakers, and the public hearing was closed.

Councilmember Yakawich moved to approve Item 4, seconded by Councilmember Cromley. On a voice vote, the motion was approved unanimously.

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** stated that he would like to give a courtesy to Vietnam Veterans, as 2015 marks the 50th anniversary of the Vietnam War. Mayor Hanel thanked Mr. Ulvestad for his courtesy, and noted that items of such importance may be relayed to himself or Ms. Volek so that they may be recognized in front of a larger audience as well. Councilmember McFadden asked Mr. Ulvestad for his opinion on the Veteran's Administration. Councilmember McFadden noted that there has been much criticism at a national level of the VA, but that he was under the opinion that the local VA does a good job for local veterans. Mr. Ulvestad stated that the Billings location of the VA is wonderful. Mr. Ulvestad stated that he is a patient at the facility, and he has had nothing but good service from the VA here. Councilmember Cimmino thanked Mr. Ulvestad for his military service, and stated that she will work with Mayor Hanel to create a proclamation honoring the service of Vietnam Veterans. Mr. Ulvestad thanked Councilmember Cimmino. Mr. Ulvestad also noted that Post Traumatic Stress Disorder affects veterans, and that there are 23 veteran suicides per day.
- **Terry Odegard, 2101 Lake Hills Drive, Billings, MT** stated that the Kiwanis and the League of Women Voters conducted their forum this past weekend. Mr. Odegard stated that he attended all of the events surrounding the forum, and mentioned one event that took place in Ward IV. Mr. Odegard stated that the event included a discussion with City Council candidates who are running in the upcoming election. Mr. Odegard stated that one question asked of the candidates was whether they had read the City Charter. Mr. Odegard noted that one particular candidate mentioned that he had read the City Charter, and also had the opportunity to meet with Ms. Volek. The candidate stated that Ms. Volek was very courteous and spent two hours with him. Mr. Odegard thanked Ms. Volek for taking time to meet with Council candidates. Ms. Volek thanked Mr. Odegard for the recognition, and stated that she would be happy to meet with any of the candidates. Mr. Odegard stated that Ms. Volek's actions were impressive; and the community appreciated the fact that she was willing to meet with Council candidates. Mayor Hanel also thanked Mr. Odegard for his comments.
- **Nancy McGraff, 3005 Zimmerman Trail, Billings, MT** stated that her husband is also a Vietnam Veteran. Mayor Hanel thanked him for his service as well. Ms. McGraff stated that she would like to highlight issues currently faced by residents of Zimmerman Trail. Ms. McGraff stated that most drainage of the upper portion of the road is directed to one drain and that it frequently overflows. The overflow then runs down the road itself since there are no curbs, gutters, or storm drains. "Every rain creates high anxiety, hypervigilance, and there is a potential for an enormous amount of runoff onto the adjacent properties. In fact, even with minimal rain, mud and water run more than a quarter of a mile, clogging three storm drains on Flora at Edmund." Ms. McGraff stated that the residents of Zimmerman Trail have already spent over \$10,000 in restoration, remediation, and intervention; the residents are also planning one more project in the future. Roaring engines,

brakes, and reverberations from trucks also create issues with the ground and properties in the area. "Water and seismic issues threaten the integrity of our property." Ms. McGraff stated that noise from engine idling also causes issues for the surrounding properties. Mayor Hanel stated that Council sincerely appreciated the time, effort, and content of the presentation. Ms. McGraff brought a hub cap as a prop and noted that she and her husband were awakened by a noise in the middle of the night. They realized the next morning that the hub cap was the cause of the noise. Ms. McGraff stated that they were lucky that this happened in the night, and that the hub cap could have killed someone if it would have struck them. Councilmember Yakawich asked Ms. McGraff if she had any proposed solutions for the issues she mentioned. Ms. McGraff read a list of ideas including: installation of drains on the lower portion of Zimmerman; a holding pond above Edmund to restrict flooding; adding a right turn lane from Zimmerman to Rimrock; posting Highway 3 as a designated through-truck route; designate Zimmerman as not recommended for through trucks; posted and enforced speed, compression brake decibel level, weight, width, and length limits to decrease seismic impacts. Councilmember McCall stated that the Rimrock Task Force has been fully engaged on these issues and has done a great job. Councilmember McCall asked for Mr. Mumford to return to provide additional information. Mr. Mumford stated that the Zimmerman project is under the direction and guidance of the Montana Department of Transportation. Mr. Mumford stated that the MDOT is in the process of finishing the final scoping and contracts with the consulting firm. Mr. Mumford stated that the City will require additional drainage and piping on the lower portion of Zimmerman. Mr. Mumford stated that, for the road itself, the shoulders will be widened on the upper and lower ends, and additional guardrails, lighting, and signage will be installed as well. The MDOT is also looking into adding a roundabout at the upper end of the road. The MDOT will hold public meetings as the design progresses. Mr. Mumford stated that the upper portion of the road was originally built and upgraded by using Federal Highway Funds; if a road is built with this type of funding, the City cannot restrict truck traffic. The City constructed the lower portion of the road with its own funding, so truck traffic can be restricted there. Councilmember McCall asked what happens on the road since truck traffic is allowed on the upper portion but not the lower portion. Mr. Mumford stated that trucks are required to turn around, since there is a load limit restriction on the lower portion of the road. Councilmember McCall asked Mr. Mumford if he had any sense of how often the load limit restriction is ignored. Mr. Mumford stated that he did not, that he drives that road often and does not see a large amount of truck traffic on the lower portion of the road, and that most trucks seem to be using Shiloh Read. Mr. Mumford did note that the section of the road referenced by Ms. McGraff does not have load restrictions and does see much heavier truck traffic. Mr. Mumford stated that compression brakes and other noise can be restricted, and the City can work with the MDOT during the design process. Mayor Hanel asked if Mr.

Mumford had any idea of when the project would be completed. Mr. Mumford stated that the MDOT is anticipating work to begin soon, and that the project should take approximately two years to complete.

Councilmember Bird asked whether there is any possibility of limiting the kind of traffic on the road given the instability of the geography. Mr. Mumford stated that he has no knowledge of geotechnical instability on the road and that he has not seen any documentation that there is instability on the road due to traffic. Mr. Mumford stated that the road is designed to carry quite a bit of traffic, but that the steep grade of the road does cause some issues for certain vehicle types. Mr. Mumford stated that he will speak with the MDOT, but he believes that the MDOT is also under Federal regulations for this road as well. Councilmember Bird asked whether Council could receive additional information on options for Zimmerman. Mr. Mumford stated that he will contact the MDOT and then provide additional information to Council.

Councilmember Yakawich asked if a turning lane were added (as mentioned by Ms. McGraff), would traffic be alleviated? Mr. Mumford stated that the MDOT is looking into this possibility, but there is currently not a heavy enough right turn volume that the road cannot operate without a turn lane. Mr. Mumford stated that the MDOT is currently planning improvements based on a 20 year forecast, so there is a possibility that a turn lane could be added. Councilmember Brown asked whether the MDOT is also taking the Belt Loop construction into consideration during its planning phase. Mr. Mumford stated that this is being considered, and the Belt Loop design is also still taking place and will attempt to alleviate the issues on Zimmerman as well.

- **Terry Odegard, 2101 Lake Hills Drive, Billings, MT** acknowledged the issues on Zimmerman. Mr. Odegard stated that he previously worked in real estate and would caution clients who were interested in this area. Mr. Odegard encouraged Council to address the issues on Zimmerman.
- **Debby McCallum, 2030 Woody Drive, Billings, MT** asked whether Consent Agenda Item 1E was approved. Mayor Hanel stated that Item 1E had been approved.

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

COUNCIL INITIATIVES

Councilmember Pitman moved to direct staff to start with Option 5 for the mill levy discussion scheduled for the September 14 Council meeting, seconded by Councilmember Yakawich. Councilmember Pitman stated that "this is a kinder, gentler approach" to the budget and would show good will toward the community. Councilmember McFadden asked if Council selected Option 5, how long the choice would remain in effect. Ms. Volek stated that the selection would remain in place until next year's budget discussions. Councilmember Bird stated that she appreciates creating good will with the community, but that she sees opportunities with other options that can address unmet needs in the City; Councilmember Bird, therefore,

stated that she opposed Councilmember Pitman's motion. Councilmember McCall stated that she also opposed Councilmember Pitman's motion, and that she agreed with Councilmember Bird. Councilmember McCall stated that Option 2 provided an opportunity to address public safety needs at a lesser cost. Councilmember McCall noted that, for both Option 2 and Option 5, there were two groups of homeowners that would see rates decrease; for a home that is valued at \$145,500, the rate for Option 2 would be \$2.83 per month and the rate for Option 5 would be \$1.08 per month. Councilmember McCall stated that the small difference in rates under Option 2 would allow the City to hire six police officers, four 911 dispatchers, and six firefighters. Councilmember McCall asked for Councilmember Pitman to comment on public safety needs and how he would address them. Councilmember Pitman stated that the voters spoke last year and defeated the public safety levy. Councilmember Pitman stated that the City currently has a solid Police and Fire department, and that they can hold tight for one more year while the budget has been set. Councilmember Pitman stated that the school levy will appear on citizens' taxes as well. Councilmember Pitman stated that there is much anxiety among citizens and that Council should wait for a year to make changes. Councilmember Pitman stated that if citizens started protesting their taxes in excess, the effects could be catastrophic for the City's budget. Councilmember Pitman stated that he recommended waiting a year to increase mills, especially in light of the new two year property appraisal cycle. Councilmember Crouch stated that he heard Councilmember Pitman's concerns, but that the City needs public safety support. Councilmember Crouch noted that this support amount would be far less than the amount levied last year, and that this would be a gentler and more effective way to provide for public safety needs. Councilmember Bird moved to call 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 to pursue Option 5 failed by a vote of 5 to 5, with Councilmembers Cromley, Yakawich, Pitman, McFadden, and Brown voting in favor of the motion and Councilmembers Cimmino, Bird, McCall, Crouch, and Mayor Hanel voting in opposition of the motion.

Councilmember McCall moved to approve Option 2, seconded by Councilmember Cimmino. Councilmember Yakawich stated that he opposed Councilmember McCall's motion, and that Council should send a message that it is being prudent. Councilmember Yakawich reminded Council of a previous park district levy, and stated that he is still questioned by constituents on why Council voted to increase mills without bringing the vote to the citizens. Councilmember Yakawich stated that the lowest increase would be the best. Councilmember Pitman asked Ms. Volek whether it was possible for Council to direct staff to bring back both Option 2 and Option 5 at the September 14 meeting. Ms. Volek stated that there will be a public hearing on September 14, and that staff could bring back two resolutions for Council to consider. Councilmember Bird moved to call the question, seconded by Councilmember Crouch. On a voice vote, Councilmember Bird's motion to call the question failed by a vote of 5 to 5, with Councilmembers Cimmino, Bird, McCall, Crouch, and Mayor Hanel voting in favor of the motion, and Councilmembers Cromley, Yakawich, Pitman, McFadden, and Brown voting in opposition of the motion.

Councilmember Cromley made a substitute motion to direct staff to bring both Options 2 and 5 back to Council at the September 14 meeting, seconded by Councilmember Pitman. Councilmember Bird stated that comparing the two options is equivalent to comparing apples to oranges. Councilmember Bird stated that Option 2 is a golden opportunity to use resources efficiently to improve public safety. Councilmember Bird stated that she opposed the substitute motion. Councilmember Brown stated that he supported the substitute motion, and that there needs to be more time to debate the two options. Councilmember Brown stated that he supports public safety, but not in a roundabout way. Councilmember McCall stated that the substitute motion is a good way to resolve the discussion, and will give Council more time to fine tune and look at all of the facts. Councilmember Cimmino noted that Option 2 was analyzed and recommended by staff; if Option 2 is pursued, there would not be a vote of the people. Councilmember Cimmino noted that she previously opposed the creation Park Maintenance District 1 because it did not go out for a vote of the people. Councilmember Cimmino stated that she attended two ribbon cutting dedications last week for South Park and for Pioneer Park; Councilmember Cimmino stated that, although she voted in opposition of its creation, she was delighted with the outcome of PMD 1. Councilmember Cimmino stated that she supported the motion to bring back Option 2 and Option 5. On a voice vote, the motion was approved by a vote of 9 to 1, with Councilmember Bird voting in opposition. Ms. Volek stated that staff will create a report that will be distributed in the Council Agenda packets to be distributed on September 8 for the September 14 meeting. The public hearing will also be advertised.

There was no further business, and the meeting adjourned at 8:23 pm.

CITY OF BILLINGS

BY: 
Thomas W. Hanel, Mayor

ATTEST:

BY: 
Billie Guenther, City Clerk

