

**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**

**September 25, 2017**

**6:30 P.M.  
Delayed until  
6:55 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Clark

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown

**MINUTES:** August 28, 2017 - **APPROVED**  
September 11, 2017 - **APPROVED**

**COURTESIES:**

- Mayor recognized City Administrator, Tina Volek, as the longest serving City Administrator and her husband, Steve Volek. Individual councilmembers thanked her for her dedication and leadership. The Council presented her with a beautiful live plant and gift certificate to a local restaurant. Ms. Volek received a standing ovation.

**PROCLAMATIONS: NONE**

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek stated she had received an email from Elizabeth Rogers concerning pot-bellied pigs and the subject matter may arise during public comment for non-agenda items. A copy of the email had been placed on the Council's desks and in the ex parte notebook.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 7 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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 meeting.)

- **Bill Cole, 3733 Tommy Arnold Circle, Billings, Montana**, invited Council and the public to attend the grand opening celebration of the Yellowstone Kelly Interpretive Site on Thursday, September 28, 2017, from 4:00 pm to 6:00 pm.
- **Steve Zier, P. O. Box 21462, Billings, Montana**, represented the South Billings Renewal Association in reference to Items 1A6, 1C, 1D, and 1E, thanked Council for support and approval of the South Billings Boulevard Urban Renewal District Tax Increment District release of funds for those projects.

1. **CONSENT AGENDA** -- Separations: 1B2, 1G and 1I2

A. **Bid Awards:**

1. **Oil and Lubrication Products.** (Opened 9/12/17) Recommend A & I Distributors; \$76,569.54. **APPROVED**
2. **Gasoline and Diesel Fuel Products.** (Opened 9/12/17) Recommend Town and Country Supply Association; two years, with five one-year renewal options by mutual agreement. **APPROVED**
3. **2018 - 58,000 GVW 12 Yard Dump Truck with Plow Assembly and Sander.** (Opened 9/12/17) Recommend I-State Truck Center; \$173,385. **APPROVED**
4. **(2) 2018 - 37,000 GVW Single Axle Trucks with Dump/Sander/Plow.** (Opened 9/12/17) Recommend I-State Truck Center; \$271,236. **APPROVED**
5. **Current Model Snow Melter.** (Opened 9/12/17) Recommend Ajax Tocco; \$265,034. **APPROVED**
6. **Optimist Park North Parking Lot Improvements Project.** (Opened 9/12/17) Recommend CMG Construction; \$302,346. **APPROVED**
7. **Airport Miscellaneous Curb and Sidewalk Improvements Project.** (Opened 9/12/17) Recommend Knife River; \$58,142. **APPROVED**

**B. Yellowstone Kelly Interpretive Site:**

1. **Acceptance of Donation** to the Parks Recreation and Public Lands Department from Chamber of Commerce for Yellowstone Kelly Interpretive Site; \$6,215. **APPROVED**
2. **Change Order #5** - Yellowstone Kelly Interpretive Site, Hardy Construction; \$6,215. **APPROVED**

**C. Approval** of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment District Funds to Ponderosa Elementary School for the installation of fencing and security gates; \$27,296.22. **APPROVED**

**D. Approval** of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment District Funds to Beartooth Resource Conservation and Development Area, Inc., for the Yellowstone County Sports Facility Feasibility Study; \$5,000. **APPROVED**

**E. Approval** of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment District Funds to Boys and Girls Club of Yellowstone County for installation of a fire line for fire suppression system of the Bair Family Clubhouse facility; \$20,974. **APPROVED**

**F. Resolution 17-10669** approving an extension of the Cable Franchise Agreement with Bresnan Communications, LLC, to December 18, 2017. **APPROVED**

**G. Resolution 17-10670** cancelling the November 7, 2017 General Election for the Municipal Judge position, only, and electing by acclamation, Sheila R. Kolar, as Municipal Judge. **APPROVED 10-1, CIMMINO OPPOSED**

**H. Second/Final Reading Ordinance 17-5699** expanding Ward IV (Annexation #17-05) for an approximate 119 acre parcel of land, located at the northwest corner of the intersection of Rimrock Road and 70th Street West. Gary Oakland and Marvin Hessler, owners. **APPROVED**

**I. Bills and Payroll:**

1. August 28 and 29, 2017 - **APPROVED**
2. September 5, 2017 - **APPROVED 10-0, CIMMINO ABSTAINED**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION 17-10671** spreading assessments for Sidewalk, Curb and Gutter SID No. 2910. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

- **Marlene Walter, 645 Ave. C., Billings, Montana**, stated there was a discrepancy in what she was quoted and final bill.
  - **James Olson, 1704 Clark Avenue, Billings, Montana**, stated he had been assessed over \$6,000 for tree removal.
3. **PUBLIC HEARING AND RESOLUTION 17-10672** respreading assessments for SID 2908. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
  4. **PUBLIC HEARING AND RESOLUTION 17-10673** approving reduction in the Arterial Construction Fee assessment to owner-occupied single-family residences within commercially-zoned properties. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
  5. **PUBLIC HEARING** to receive input on the City's FY16-17 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. No action is necessary.
  6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Section 17-104, BMCC, relating to noise regulations. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
    - **Carrie LaSeur, 525 O'Malley Drive, Billings, Montana**, stated she has lived with construction in her neighborhood since 2013, wherein construction often begins earlier than 7 A.M. She requested a revision to the start time to 8 A.M. She stated 45 decibels causes health problems. She supported revising the noise ordinance.
    - **Vince Ruegamer, 509 14<sup>th</sup> Street West, Billings, Montana**, stated his support for revising the noise ordinance.
    - **Jerry Richter, 1601 Custer Avenue, Billings, Montana**, stated bands should not be allowed in the parking lots of bars that are located near residences. He supported revising the noise ordinance.
  7. **APPROVAL OF APPOINTMENT** of Interim City Administrator. 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.*)

- **Vince Ruegamer, 509 14<sup>th</sup> Street West, Billings, Montana**, stated Better Billings Foundation had proven their profitability of the Oasis Water Park and he supported refunding the money. He congratulated Tina Volek on her retirement.

- **Kristin Lundgren, United Way, 4251 Iron Horse Trail, Billings, Montana,** invited Council to a meeting at United Way to hear about how the community will be impacted State's budget cuts on at 7:00 PM, Tuesday, October 3<sup>rd</sup>. She thanked City staff for participating in the Day of Caring.

The following individuals testified in favor of reconsidering the failed pig ordinance:

- **Carol Walsh, 1036 Burlington Avenue, Billings, Montana.**
- **Catherine Stecker, 112 Jefferson Street, Billings, Montana.**
- **Kelly Francis, 1312 Paul Revere, Billings, Montana.**
- **Angela Penninger, 1632 Fantan, Billings, Montana.**
- **Elizabeth Rogers, 1714 Giants Way #3, Billings, Montana.**
- **Cassandra Blair, 8699 US Highway 212, Roberts, Montana.**
- **Linda Blair, 8699 US Highway 212, Roberts, Montana.**
- **Daniel Zolnikov, Legislative Representative, P. O. Box 50403, Billings, Montana.**

#### **COUNCIL INITIATIVES:**

- Councilmember Cimmino directed staff to prepare a study for the High Sierra Dog Park giving an itemized expense proposal for a shelter, restroom, and repairs to the water fountain and gate, seconded by Councilmember Yakawich. Councilmember Sullivan moved to amend the motion to make the minor repairs immediately from the current budget and to consider the larger items during the budget process for FY19, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.
- Councilmember Sullivan directed staff to research a special use permit to allow "existing" pot bellied pigs to remain in the City limits, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

**ADJOURN:** 10:37 PM.