

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

April 8, 2019

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 Cole called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. Councilmember Gibbs gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Neese, Ewalt, Joy, Friedel, Gibbs, Ronning, Clark and Brown.

MINUTES: March 25, 2019 – Councilmember Clark moved for approval, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Councilmember Ronning thanked all the supporters who had participated in the Missing and Murdered Indigenous Women's (MMIW) march from Montana State University - Billings to Yellowstone County Courthouse.
- Council welcomed Boy Scout, Holden Perkins from Troop 23, who was working on his Communications Merit Badge.

PROCLAMATIONS:

- Mayor Cole proclaimed April 7-13, 2019 as Crime Victims' Rights Week.
- Mayor Cole proclaimed April 13, 2019 was World Sarcoidosis Awareness Day.
- Mayor Cole proclaimed April 15-19, 2019 as National Public Safety Tele-Communicator's Week.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski reminded Council the agenda had been revised to add Regular Agenda Item 3, emergency procurement for ditch piping at the Billings Operations Center (BOC).

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2 and 3 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments 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.)

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** in reference to Item 1B, stated there had been previous discussions regarding King Avenue East and

Hallowell Lane storm sewer issues. He asked Council to direct staff to have Hallowell Lane completed with Item 1B, Work Order 19-22, if appropriate.

1. CONSENT AGENDA

A. Bid Awards:

- 1. Water Treatment Plant Chemicals.** (Opened 3/26/19) Recommend Hawkins, Inc.; railcar price of \$0.42/lb.
- B. Professional Services Contract** for W.O. 19-22, King Avenue East, Orchard Lane to Jackson Street Reconstruction Project; Sanderson Stewart; \$489,550.
- C. Professional Services Contract** for W.O. 19-19, Landfill Cell 3 Partial Closure; Great West Engineering; \$107,500.
- D. Subdivision Improvement Agreement Amendment, Annafeld Subdivision, 1st Filing.**
- E. Water Line Construction and Maintenance Easement Agreement** with MC Real Estate Holdings, Inc., for W.O. 17-05, Monad Road and Daniel Street Traffic Signal Improvements.
- F. Water Line Construction and Maintenance Easement Agreement** with Wymont for W.O. 17-05, Monad Road and Daniel Street Traffic Signal Improvements.
- G. Right-of-Way Agreement and Quit Claim Deed** with Wymont for W.O.17-05, Monad Road and Daniel Street Traffic Signal Improvements.
- H. Bills:**

1. March 11, 2019

2. March 18, 2019

Councilmember Neese and Brown separated Items 1H1 and 1H2, in order to abstain.

Councilmember Friedel separated Item 1B for discussion.

Mayor Cole separated Item 1D for discussion.

Councilmember Yakawich moved for approval of the entire Consent Agenda, with the exception of Items 1B, 1D, 1H1 and 1H2, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

Councilmember Friedel, in reference to Item 1B, asked for clarification on completing the Hallowell Lane storm sewer construction at the same time as W.O. 19-22. Dave Mumford, Public Works Director, stated the Hallowell project was a separate project and was scheduled to begin later in the year.

Councilmember Friedel moved for approval of Item 1B, seconded by Councilmember Joy. On a voice vote, the motion was unanimously approved.

Mayor Cole, in reference with Item 1D, asked staff to amend the terminology in the SIA to include the Harmony Meadows Subdivision.

Councilmember Yakawich moved for approval of Item 1D, with the amended language, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Item 1H1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmembers Neese and Brown abstained.

Councilmember Clark moved for approval of Item 1H2, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmembers Neese and Brown abstained.

REGULAR AGENDA:

2. CODERED EMERGENCY NOTIFICATIONS SYSTEM. No action required.

County Commissioner, Dennis Pitman, gave an overview of the current emergency procedures and introduced K.C. Williams, Disaster and Emergency Coordinator for Yellowstone County. Mr. Williams gave a PowerPoint presentation reviewing details of the new system. He stated the system would allow subscribers to view and listen to active emergency alerts initiated by public safety officials based on the user's location. He encouraged people to download the app and share the information in order to get others to participate.

Mayor Cole asked if the service would work in a weak or over utilized cell signal area, such as Daylis Stadium and MetraPark system. Mr. Williams stated it was a priority based system, and would have the ability to push through as a priority message.

Councilmember Brown asked who would be responsible for sending alerts. Mr. Williams stated the 911 Center and the Disaster and Emergency Services (DES) would have authority to send alerts. He added that there could be additional people trained to send alerts. Councilmember Brown asked about available funding for marketing the system. Mr. Williams stated the most effective method was word of mouth and stated

there was not currently a budget for advertising. He added that the County and DES were also trying to get the information to the public.

Councilmember Gibbs asked for clarification on the County's form of communication to inform the public. Commissioner Pitman stated the County was currently working on public service announcements and engaging all of the fire chiefs to help. He added they were working with students, in order to inform their parents and grandparents. He stated the sirens would go off for the last time on April 17 and encouraged constituents to download the app for any future notifications.

Councilmember Neese asked if the app would work with Wi-Fi and cellular service. Commissioner Pitman responded affirmatively. Councilmember Neese asked for clarification on locational capability. Commissioner Pitman stated it would ping off certain cell towers in order to locate users. Councilmember Neese asked if an alert would override a users' do not disturb settings. Mr. Williams stated an alert would show in whatever way the user had formatted their phone settings.

Councilmember Ronning asked if the notification system would work without smart phones. Mr. Williams stated the app would need smart phone capabilities, but people without smart phones could register their phone numbers through the CodeRED website.

Councilmember Neese asked if there was a sound difference between a low priority alert versus a high priority alert. Mr. Williams stated users would have the ability to set sound differences in the app.

3. RESOLUTION 19-10787 an emergency procurement of ditch piping at Billings Operations Center (BOC). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Saree Couture, Facilities Manager, gave an overview of the BOC ditch issue and the reasoning behind the need for an emergency approval by Council. She added that during a design meeting, it had been discovered that the ditch would need to be diverted and buried for construction of the Police Evidence Facility. She stated the ditch was usually full May through October, therefore, ditch construction would need to be completed before the scheduled ditch opening date in May.

Councilmember Brown asked for clarification on the additional costs and reasoning for the item being brought to Council as an emergency. Ms. Couture stated there was a State Code that declared any purchase over \$80,000, without using the competitive bidding process, would need approval of Council.

Councilmember Brown asked how likely it would be that the City could fund the new Evidence Facility in FY2020. Mr. Kukulski stated it had been discussed to use General Fund Reserves and Public Safety Funds and added that staff was involved in

discussions with the South Billings Urban Renewal District Association (SBURA) to consider using tax increment financing (TIF) Funds.

Councilmember Friedel asked why the need for the ditch diversion had not been planned and budgeted for earlier. Ms. Couture stated it was not until plans started moving forward, from conceptual to paper, that the timing and ditch issues were discovered.

Councilmember Neese asked for clarification on the funding source for the ditch piping. Mr. Kukulski stated the immediate funding would come from the Facilities Department, and any possible TIF funding could be used to reimburse Facilities. Ms. Couture stated rent and revenue from the BOC tenants had been deposited into a reserve fund and once the Evidence Facility project was funded, the reserves would be reimbursed.

Councilmember Joy moved for approval of Item 3, allowing minor wording changes in the resolution, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Sign-in required.
(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** stated Ace Hardware was selling the property on State Avenue that had recently been purchased with TIF funding. He added that the City had allocated money to Ace Hardware for demolition of the property and they should not make a profit from taxpayers' money.
- **Joe Holden, 316 North 26th Street, Billings, Montana:** gave an update on the status of the Stillwater Building. He stated the concrete was being poured in the parking garage, and the elevator had been delivered. He added that the parking garage would be accessible through an app that would allow a more convenient parking experience.
- **Chuck Barrett, 314 Calhoun Lane, Billings, Montana:** in reference to Item 3, stated that the ditch would be responsible for bringing water to Amend Park and several other businesses, therefore, it was imperative the construction not affect the flow.

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

COUNCIL INITIATIVES:

- Councilmember Cromley directed staff to begin the process of increasing Councilmember compensation from \$600 to \$1,000 per month, and Mayor compensation from \$800 to \$2,000 per month, seconded by Councilmember Brown. He added that it would only apply to new or re-elected Councilmembers. On a voice vote, the initiative was approved 10-1, Councilmember Friedel opposed.

There was no further business, and the meeting adjourned at 7:31 p.m.

CITY OF BILLINGS

BY: William A. Cole
William A. Cole, Mayor

ATTEST:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk