

**COUNCIL ACTION SUMMARY  
CITY OF BILLINGS**

**CITY OF BILLINGS VISION STATEMENT:**

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

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<b>COUNCIL CHAMBERS</b>	<b>AGENDA July 8, 2013</b>	<b>6:30 P.M.</b>
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**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Bird

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, Astle, and Crouch

**MINUTES:** June 24, 2013 – **APPROVED AS AMENDED**

**COURTESIES:**

- Debbie Singer with NorthWestern Energy presented the Mayor on behalf of the City with rebates for energy-efficient lighting projects in the amount of \$522,747. She praised the team composed of City staff, utility representatives and consultants.
- The Mayor complimented the Parks Department, Billings Police Department, City Administrator, the Billings Community Band and Billings Symphony Orchestra and everyone who was involved in the success of another Symphony in the Park on Sunday, June 30, 2013.
- The Mayor reminded everyone that Relay for Life of Yellowstone County would take place at the track at Billings West High School on Friday, July 12, 2013 at 7:00 p.m.
- The Mayor acknowledged that the new angel sculpture, donated by Compassionate Friends has been placed in the Rose Park Sculpture Garden. He encouraged everyone to visit the garden.
- Councilmember Bird thanked professional football player, Dwan Edwards, for providing the Dwan Edwards Elite Football Camp to 300 kids (5<sup>th</sup> through 8<sup>th</sup> grades) on June 30th. This was the sixth year the free elite football camp was in Billings. This year he brought four other professional football players with him to help with the camp. It was a fantastic opportunity for those youth.
- Councilmember Pitman reminded everyone that FedEx would be holding its groundbreaking ceremony at 10:00 a.m. on Thursday, July 11<sup>th</sup>.
- Councilmember Crouch mentioned the Muslim Ramadan began July 8<sup>th</sup>.
- Councilmember Cimmino thanked Harvest Church for sponsoring its 4<sup>th</sup> of July events in the Heights. Each year its carnival and fireworks show draw large crowds.

**PROCLAMATIONS:** None

**ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items.

- Consent Agenda Item C – Approval of settlement proposal with MMIA in the amount of \$500,000 for 2006 City of Billings Police Department lawsuit insurance coverage dispute. July 5 Friday Packet contained a copy of the Mutual General Release and Settlement Agreement between MMIA and the City of Billings. Copy of Agreement filed in ex-parte notebook.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Item C of the Consent Agenda and stated he felt the City had violated the open meeting laws by having an executive session to discuss the settlement of the lawsuit insurance coverage dispute. He also said the City had violated privacy rights of the third party insurer.
- **Carey Matovich, Matovich, Keller & Murphy, P.C., Billings, MT**, has been representing the City of Billings in this matter. She gave the history of the lawsuit and subsequent lawsuits relating to this matter. She explained why the open meeting laws did not apply to the recent executive session.
- **Suzanne Bressler, 220 Yellowstone Avenue, Billings, MT**, referenced Item F of the Consent Agenda and stated she was a member of the “Friends of Billings Dog Parks”. She encouraged the Council to allocate the Contingency Funds for a Master Plan Amendment at Centennial Park. The amendment process would allow for organizations to submit proposals and allow the public to be involved in the planning process of the park.

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

**1. CONSENT AGENDA – Separations: **C, F, J, L, N1 & N2****

**A. Approval of Proposals** for new Billings Public Library Shelving. Part A: Library Shelving - Arizona Furnishings, \$387,749.95; and Part B: Compact Shelving - Intelligent Office Products, \$34,375. **APPROVED**

**B. New World Public Safety Software**

**1. Approval of Addendum to Master Contract with New World Public Safety Software for upgrade - \$741,000 (City of Billings -\$599,904; Yellowstone County-\$141,096); and 10-year maintenance contract - \$224,929 annually years 1 - 5 (City of Billings-\$184,412; Yellowstone County-\$40,517) and annually years 6 - 10 (City of Billings-\$200,276; Yellowstone County-\$44,438). APPROVED**

**2. Memorandum of Understanding (MOU) between the City of Billings and Yellowstone County for New World Public Safety Software upgrade, travel-related expenses, and ongoing 10-year annual maintenance. APPROVED**

**C. Approval of settlement proposal with MMIA in the amount of \$500,000 for 2006 City of Billings Police Department lawsuit insurance coverage dispute. APPROVED 9 TO 2. CM CROMLEY AND CM CIMMINO VOTED IN OPPOSITION.**

**D. Right-of-Way Easements with Northwestern Energy for installation of two new electrical power feeds required for new Runway Weather Information System (RWIS) at Billings Logan International Airport. APPROVED**

**E. Grant Application Request to submit 2013 Internet Crimes Against Children (ICAC) operational continuation application for \$256,253 and accept award. APPROVED**

**F. Resolution #13-19292 allocating up to \$30,000 of Council Contingency Funds for a Centennial Park Master Plan Amendment. APPROVED 7 TO 4. CM CROMLEY, CM RONQUILLO, CM PITMAN and CM CIMMINO VOTED IN OPPOSITION.**

**G. Resolution #13-19293 authorizing the issuance and calling for a negotiated sale of up to \$250,000 Pooled Special Improvement District 1394 and Special Improvement District 1395 bonds. APPROVED**

**H. Resolution #13-19294 authorizing the issuance and calling for a negotiated sale of up to \$305,000 Pooled Special Sidewalk, Curb, Gutter and Drive Approach Bonds (W.O. 10-27, Central Avenue and W.O. 12-02, Miscellaneous/Developer Related Improvements). APPROVED**

**I. Second/Final Reading Ordinance #13-5608 for Zone Change #910: a zone change from Residential Manufactured Home (RMH) to Highway Commercial (HC) on Lots 10 and 11, Block 5, Wanigan Subdivision, a 22,082 sq. ft. parcel of land, located at 1005 Main Street. Gerald Watson, owner; Darryl Wilson, River Crossing Real Estate, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. APPROVED**

**J. Second/Final Reading Ordinance #13-5609 for Zone Change #911: a zone change from Neighborhood Commercial (NC) to Community Commercial (CC) on Lots 1 through 8, including Lots 6 & 7 as C/S 1716, Block 15, Central Heights Subdivision, 5th**

filing, located at 109 S. 24th Street West. Rimrock Mini-Mall, LLC, owner; Marshall Phil, Blueline Engineering, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED 9 TO 2. CM McFADDEN AND CM BIRD VOTED IN OPPOSITION.**

**K. Second/Final Reading Ordinance #13-5610 for Zone Change #912:** a zone change from Residential 5,000 (R-50) and Public (P) to Residential Multi-Family-Restricted (RMF-R) and Public (P) on portions of Lots 1A and 2A, Block 1, Western Sky Subdivision, generally located west of the intersection of 44th Street West and south of King Avenue West. King Meadows, LLC and Pemberton LLC, owners; Marshall Phil, Blueline Engineering, agent. Approval of the zone change and adoption of the determinations of the 10 criteria. **APPROVED**

**L. Second/Final Reading Ordinance #13-5611** revising Section 5.01 of the Billings Charter; providing for advisory boards, commissions, and committees of the City to have administrative authority if allowed by state or federal law or interlocal agreement, and submitting the proposed amendment to the electors of the City as provided by law. **APPROVED 9 TO 2. CM PITMAN AND CIMMINO VOTED IN OPPOSITION.**

**M. Final Plat** of Montana Sapphire Subdivision, Amended Lot 4, Block 1. **APPROVED**

**N. Bills and Payroll:**

1. June 10, 2013 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
2. June 17, 2013 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-13-03:** A variance from Section 6-1203(j) allowing reduction from the required 180 parking spaces to 161 parking spaces at 1911 King Avenue with the condition that remaining empty suites can be retail or a less intensive use unless more parking is provided. KRP, LLC, owner and petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED to state “. . . remaining empty suites will be retail or a less intensive use . . . “.**

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

## **COUNCIL INITIATIVES**

- **Cimmino:** MOVED to direct staff to follow up on the High Sierra Master Plan and the development of an 18-hole disc golf course, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10 to 1. CM Ulledalen voted in opposition.

**ADJOURN: 7:25 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.*