

## 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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#### AGENDA

**COUNCIL CHAMBERS**

**May 27, 2014**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember McFadden

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

#### **MINUTES:**

- April 28, 2014 **APPROVED**
- May 12, 2014 (pending)

**COURTESIES:** Mayor Hanel thanked citizens, including councilmembers, who participated in Memorial Day Celebrations at various locations. He recognized and thanked Councilmember McFadden for his contribution of playing the bagpipes at the events.

**PROCLAMATIONS:** None

#### **ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items:

- Item 1A1 – W.O. 11-10, 25<sup>th</sup> Street Pedestrian Bridge Bid Award (Opened 5/20/2014). Council received e-mail on 5/27 from Bruce MacIntyre, Billings Chamber, asking that the bid be awarded this evening rather than delay until June 9. Copy is filed in ex-parte notebook. She said the bids came in extremely high, and staff would like to provide the Council with other options because the CTEP funds expired on June 1 and would not be renewed due to changes at the State and Federal levels. She asked that Item 1A1 be removed from the Consent Agenda and moved to the end of the Regular Agenda so staff could make a presentation on proposed alternatives and recommendations for use of the CTEP funds.

- Item G2 – Resolution of Intent to sell Lot 12, Block 4, Sunset Subdivision and set a public hearing date of July 14, 2014. A notice of public hearing was incorrectly advertised for tonight instead of July 14.
- Item 4C – Development & Maintenance Agreement with Foundational Missions, LLC for maintenance of landscaped areas within public rights-of-way in St. Vincent Healthcare Subdivision. Copy of Development and Maintenance Agreement was sent to City Council in the May 23 Friday Packet. Copy is filed in ex-parte notebook.
- Item E – Approval of Tax Increment Financing Assistance from East Billings Tax Increment Account to Castlerock Excavating for demolition of blighted building at 1310 Montana Avenue and infrastructure improvements within East Billings Urban Renewal District in the amount of \$51,975. Council received copy of e-mail from Candi Millar to Kelly McCarthy of Billings Industrial Revitalization District in the May 23 Friday Packet confirming Castlerock Excavating’s eligibility to receive the funds. Copy is filed in ex-parte notebook.
- Item 7 – Public Hearing and Resolution adopting water and wastewater rate and fee schedule adjustments effective July 1, 2014. Council received copy of staff presentation in the May 23 Friday Packet. Copy is filed in ex-parte notebook. Council also received e-mails from Jean Gabel, Brent Badura, Allen and Jane Evenson, Randy Mostad, Mike Sheffield, and Pam C. opposing the rate and fee schedule adjustments. Copy of e-mails are filed in ex-parte notebook.

Mayor Hanel asked Public Works Director, Dave Mumford, for a schedule update for the planned construction work on Grand Avenue. Mr. Mumford said Grand Avenue would be bid in the near future. They were still working out a schedule and considering night construction to minimize the impact on the property owners and businesses. He said the project would begin in late July or early August.

Councilmember McCall moved to remove Item 1A1 from the Consent Agenda and move it to the Regular Agenda as Item 8 to include public comment, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10 to 1. Councilmember Cromley voted in opposition.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #4A & #4C 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.

- **Kelly McCarthy, 625 Yellowstone Avenue, Billings, MT,** said he was Development Director for Billings Industrial Revitalization District. He referenced Item E and said he and the applicant were available to answer questions.

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

1. **CONSENT AGENDA** -- Separations: A2, A3, H, and J1

A. **Bid Awards:**

1. **W.O. 11-10, 25th Street Pedestrian Bridge Bid Award.** (Opened 5/20/2014) Recommend delay of award until June 9, 2014. **MOVED TO REGULAR AGENDA AS ITEM 8.**

2. **W.O. 12-43, Back-Up Power - Phase III.** (Opened 5/13/2014) Recommend delay of award until June 9, 2014. **APPROVED 10-0. CIMMINO ABSTAINED.**

3. **W.O. 14-01, Water Main Replacement - Schedules 1B and 1C.** (Opened 5/13/2014) Recommend COP Construction LLC; \$2,667,300. **APPROVED 10-0. CIMMINO ABSTAINED.**

4. **Airport Vehicle Security Access Gates Rehabilitation Project.** (Opened 5/13/2014) Recommend Yellowstone Electric; \$599,668. **APPROVED**

5. **Airport Ramp Rehabilitation Project.** (Opened 5/13/2014) Recommend Knife River; \$1,037,810.20. **APPROVED**

B. **Contract** with GISi and Azteca for CityWorks Asset and Work Order Management Software to manage city infrastructure assets; \$89,900; with an annual maintenance and support fee of \$21,000 after the first year. **APPROVED**

C. **Acknowledge Receipt of Petition to Annex #14-01:** a parcel totaling approximately 3 acres generally located north of Kyhl Lane in the Billings Heights and currently addressed as 1880 and 1916 Hawthorne Lane; Richard Jr. and Mae L. Sartorie, petitioners; and set a public hearing date of June 9, 2014. **APPROVED**

D. **W.O. 14-05, SBURD Sanitary Sewer, Phase I**

1. **Right-of-Way Easements** with George and Marian L. Hankel, Lyle W. and Barbara F. Orelup, Barbara Prewett, Aldora Castro, and Benny L. Milks for W.O. 14-05, SBURD Sanitary Sewer - Phase I. **APPROVED**

2. **W.O. 14-05, SBURD Sanitary Sewer - Phase 1 Bid Award.** (Opened 5/13/2014). Recommend COP Construction; \$1,279,791. **APPROVED**

E. **Approval** of Tax Increment Financing Assistance from East Billings Tax Increment Account to Castlerock Excavating for demolition of blighted building at 1310 Montana Avenue and infrastructure improvements within East Billings Urban Renewal District; \$51,975. **APPROVED**

**F. Approval of Warranty Deed** transferring hangar owned by Edwards Jet Center Montana, Inc. located on Airport Commercial Lot 2 to City of Billings Logan International Airport for demolition to make way for new employee parking lot. **APPROVED**

**G. 1146 Grand Avenue**

**1. Approval of Warranty Deed** conveying a tract of land situated in Lot 12, Block 4, Sunset Subdivision, generally located at 1146 Grand Avenue, to the City of Billings for necessary Grand Avenue right-of-way prior to sale of the property. **APPROVED**

**2. Resolution of Intent #14-10356** to sell Lot 12, Block 4, Sunset Subdivision; and set a public hearing date of July 14, 2014. **APPROVED**

**H. Acceptance of Donations** to Billings Police Department for School Resource Officer Training; Knights of Columbus - \$1,000; Yellowstone County Tavern Association - \$500. **APPROVED**

**I. Acceptance of Donations** to Billings Police Department - \$4,000 for School Resource Officer Training; and to Billings Fire Department - \$4,000 for public education/fire safety programs; Phillips 66 Billings Refinery. **APPROVED**

**J. Bills and Payroll:**

**1. May 5, 2014 APPROVED 10-0. CIMMINIO ABSTAINED.**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION #14-10357 FOR ANNEXATION #14-02:** A parcel totaling approximately 19.5 acres generally located south of Grand Avenue near the intersection of Grand Avenue and 56th Street West; Regal Land Development, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #920:** A zone change from Agriculture Open-Space (A-1) to Residential 6,000 (R-60) on a 19.5-acre parcel generally located south of Grand Avenue near the intersection of Grand Avenue and 56th Street West; Regal Land Development, owner; Scott Worthington, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

**4. ST. VINCENT HEALTHCARE SUBDIVISION**

**A. FINAL PLAT - St. Vincent Healthcare Subdivision APPROVED 9-0. CROMLEY AND CIMMINO ABSTAINED.**

**B. PUBLIC HEARING AND RESOLUTION #14-10358** authorizing the transfer of 1.76-acre parkland identified in The Village Subdivision to Sisters of Charity of Leavenworth Health System Inc., the developer of the St. Vincent Healthcare Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-0. CROMLEY AND CIMMINO ABSTAINED.**

**C. DEVELOPMENT AGREEMENT** with Foundational Missions, LLC, for maintenance of landscaped areas within public rights-of-way in St. Vincent Healthcare Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-0. CROMLEY AND CIMMINO ABSTAINED.**

**5. PUBLIC HEARING AND RESOLUTION #14-10359** adopting fees associated with various services provided by the Planning Division. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. PUBLIC HEARING AND RESOLUTION #14-10360** establishing a Wastewater System Development Fee between the City of Billings and Phillips 66 Billings Refinery. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**7. PUBLIC HEARING AND RESOLUTION #14-10361** adopting water and wastewater rate and fee schedule adjustments effective July 1, 2014. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED ALTERNATIVE 2. ON A 7-4 ROLL CALL VOTE, CROMLEY, BIRD, MCCALL, SWANSON, CROUCH, BROWN, AND MAYOR HANEL VOTED IN FAVOR. YAKAWICH, PITMAN, CIMMINO, AND MCFADDEN VOTED IN OPPOSITION.**

**8. W.O. 11-10, 25TH STREET PEDESTRIAN BRIDGE BID AWARD.** (Opened 5/20/2014) **APPROVED ALTERNATIVE 2 TO REALLOCATE CTEP FUNDS TO OTHER ELIGIBLE PROJECTS. ON A ROLL CALL VOTE, CROMLEY, YAKAWICH, PITMAN, MCFADDEN, SWANSON, CROUCH, AND BROWN VOTED IN FAVOR. CIMMINO, BIRD, MCCALL, AND MAYOR HANEL VOTED IN OPPOSITION.**

**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.

The following people spoke in opposition of the Non-Discrimination Ordinance.

- **Alex Chai, 8204 Angus Circle, Billings, MT**
- **Steve Pence, 4115 Opie Lane, Billings, MT**
- **Kari Beibe, 4404 Hunnington Hills, Billings, MT**
- **Breanna Junghans, 5045 Chevelle Drive, Billings, MT**
- **Dick Pence, 4307 Palisades Park, Billings, MT**

- **Eileen Rodriguez, 4643 S. Woodhaven Way, Billings, MT**

The following people spoke in favor of the Non-Discrimination Ordinance.

- **Father Gary Waddington, 1426 Teton Avenue, Billings, MT**
- **Danielle Egnaw, 1312 1<sup>st</sup> Street West, Billings, MT**
- **Chris Goodridge, 440 Clark Avenue, Billings, MT**
- **Thomas L. Hall, 3040 Central Avenue, Billings, MT**
- **Karen Stanton, 3004 Millice, Billings, MT (did not sign in)**
- **Marty Elizabeth Ortiz, 707 1<sup>st</sup> Street West, Billings, MT**
- **Donald Dale Davis, 4528 Swan, Billings, MT (did not sign in)**

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

### **COUNCIL INITIATIVES**

- **Brown:** MOVED to direct staff to stop working on the non-discrimination ordinance that is slated for discussion on an upcoming June agenda; and if required for the purposes of public input or comment, place the directive on the next regular meeting agenda for a vote, seconded by Councilmember Yakawich. On a roll call vote, the motion was approved 6 to 5. Yakawich, Pitman, Cimmino, McFadden, Brown, and Mayor Hanel voted in favor. Cromley, Bird, McCall, Swanson, and Crouch voted in opposition.

**ADJOURN: 12:24 a.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.*