

## 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**

**November 24, 2014**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Yakawich

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

**MINUTES:** November 10, 2014 - **APPROVED**

#### **COURTESIES:**

- Councilmember McFadden announced the Downtown Holiday Parade would be held on Friday, November 28, at 7:00 p.m. At 6:45 p.m. the local bagpipe band would be at Montana Brewing Company and would be raising money for Toys for Tots.
- Councilmember McCall announced Tim Burton, former Chief of Staff for Governor Steve Bullock, had been hired as the new Montana League of Cities and Towns Executive Director. Mr. Burton had been in local government for many years. He served as Helena City Manager, Chief Administrative Officer for Lewis and Clark County, and Chief of Staff for the Attorney General. She said they were excited to have Mr. Burton onboard, and he would do an excellent job. Councilmember McCall noted statute prevented Mr. Burton from lobbying for two years, so the League would be hiring Dave Nielsen, the current interim director, as Lobbyist to take them through the session.
- Councilmember Cimmino advised she received an e-mail regarding the Civil Air Patrol's Wreaths Across America Project; and it was responding from a challenge from Yellowstone County Commissioner, Bill Kennedy, to donate ten wreaths for the ceremony at a cost of \$150. She said Commissioner Kennedy would like all city officials to support the cause and asked if Council Contingency could be used. City Administrator Volek said normally a Council Contingency item required a resolution from the Council and asked when the funds would be needed. Councilmember Cimmino said the e-mail indicated they would like to receive a commitment by Saturday to turn in their final orders. Ms. Volek said if there were an initiative at the

end of the meeting with Council supporting the use of Council Contingency, it would be sufficient to make the pledge; and then they could follow up with additional action.

- Councilmember Bird acknowledged small business in Billings and Yellowstone County; especially when the small businesses were being initiated by people under 30 years of age. She said she visited Off the Leaf Espresso and Coffee on Grand Avenue and Get Juiced on 24<sup>th</sup> and Broadwater. Councilmember Bird said it was a sign of where Billings was going in the future. She expressed gratitude and the best of luck to all of the entrepreneurs in the city and county, especially to the young people making their own jobs and jobs for other people.
- Councilmember Crouch said he would like to salute Clark Marten, who took out two, full-page ads offering to donate the money people spent on children and family portraits between Thanksgiving and Christmas to the Spare Change for Real Change homelessness project through Downtown Billings Association.

**PROCLAMATIONS:** Economic Development Day – December 4, 2014

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

- **Item G – Acknowledge Receipt of Petition to Annex #14-13 and Set a Public Hearing Date:**  
The public hearing date in the staff report and on the agenda was given as December 8, 2014. The public hearing date should be December 15, 2014. Please separate Item G in order to change the public hearing date from December 8 to December 15, 2014.
- **Item 2 – Public Hearing and First Reading Ordinance amending Billings Montana City Code by revising Sections 14-402 through 14-407 and adding new Section 14-409; updating fireworks restrictions and regulations; providing for confiscation of illegal fireworks.** City Council received memorandum from Fire Chief Dextras and Fire Marshal Spini, dated 11/19/14, in the November 21, 2014, Friday packet. Copy is filed in the ex-parte notebook.
- **Item 3 – Public Hearing and First Reading Ordinance repealing Billings Montana City Code Section 14-301, declaring it null and void and of no effect; and adding a new Section 14-301 providing for adoption of the 2012 Edition of the International Fire Code and providing penalties for violations.** City Council received memorandum from Fire Chief Dextras and Fire Marshal Spini, dated 11/19/14, in the November 21, 2014, Friday packet. Copy is filed in the ex-parte notebook.
- Ms. Volek noted at the last meeting Council talked about holding a special Saturday morning work session for discussion of the Public Safety Levy. The Operations Center at the Airport was available on January 24; however, in the event of a snow event, the room would be in use by staff. Ms. Volek asked if January 24 was an acceptable date and if the Operations Center was an acceptable location. Mayor Hanel advised he would be unavailable on January 24. Following a brief discussion, the special work session was scheduled for Saturday morning, January 10. Ms. Volek said she would check to see if the Airport Conference Room was available. Other possible meeting locations could

be the City Hall Conference Room or the Community Room at the Library.

**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** -- Separations: **C, D, G, I1, I2, I3**

A. **Bid Awards:**

1. **Airport 3-Year Elevator/Escalator Maintenance.** (Opened 11/18/2014)  
Recommend delay of award until December 8, 2014. **DELAY OF AWARD APPROVED**

B. **Change Order #2 - Empire Garage,** Tetra Tech, \$443.62. **APPROVED**

C. **Change Order #8, Empire Parking Garage,** Sletten Construction, \$764,268.32.  
**ON A ROLL CALL VOTE, APPROVED 8 TO 3. CROMLEY, CIMMINO, BIRD, MCCALL, SWANSON, CROUCH, BROWN AND MAYOR HANEL VOTED IN FAVOR. YAKAWICH, PITMAN, AND MCFADDEN VOTED IN OPPOSITION.**

D. **Purchase Agreement** with Montana Dakota Utilities for compressed natural gas to fuel new rear-load and side-load Solid Waste trucks; first year - \$1.99 per gallon; price for three additional one-year periods mutually agreed to by MDU and the City as specified in the Agreement. **APPROVED**

E. **Approval** of Downtown Tax Increment Finance Grant for Tracy Lofts; \$125,000. **APPROVED**

F. **Resolution #14-10410** authorizing participation in the Municipalities Continuing Disclosure Cooperation Initiative and approving policies regarding Municipal Securities Disclosure. **APPROVED**

G. **Acknowledge Receipt of Petition to Annex #14-13:** Approximately 1.6 acres generally located on the northwest corner of the intersection of Shiloh Road and Central Avenue and addressed as 16 Shiloh Road; Leland and Lorraine Wells, owners; and set a public hearing date of December 15, 2014. **APPROVED**

H. **Resolution of Intent #14-10411** to create SID 1382, Colton Boulevard Improvements between 38th Street West and Zimmerman Trail; and set a public hearing date of December 15, 2014. **APPROVED**

**I. Bills and Payroll:**

1. October 20, 2014 **APPROVED 10 TO 0. CIMMINO ABSTAINED.**
2. October 27, 2014 **APPROVED 9 TO 0. CIMMINO AND BROWN ABSTAINED.**
3. November 3, 2014 **APPROVED 9 TO 0. CIMMINO AND BROWN ABSTAINED.**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code by revising Sections 14-402 through 14-407 and adding new Section 14-409; updating fireworks restrictions and regulations; providing for confiscation of illegal fireworks. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE** repealing Section 14-301 of the Billings, Montana, City Code and declaring same to be null and void and of no effect; and adding a new section in its place to be numbered 14-301 providing for the adoption of the 2012 Edition of the International Fire Code and providing penalties for violations. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently-annexed property in Annexation #14-05: approximately 2.5 acres located at 659 Lincoln Lane in the Billings Heights; Lary and Judy Garrison, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION #14-10412** creating the Downtown Business Improvement District No. 0001. 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.*)

The public comment period was opened.

- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, said he was in favor of a local option tax. He distributed a handout entitled US Economic History. Mr. Ulvestad asked Councilmember McFadden if he still believed in less government and more jobs. Councilmember McFadden said he believed they would not gain economic prosperity by constantly increasing taxes.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced the Highlands Project and distributed an MSDS sheet identifying hazards of using carbon and alloy steels.

## **COUNCIL INITIATIVES**

- **Crouch**: Referenced the project under construction on the north east corner of 32<sup>nd</sup> Street West and Central Avenue currently zoned Neighborhood Commercial. Councilmember Crouch **MOVED** that City Council initiate a Zoning Text Amendment to allow dog grooming in the Neighborhood Commercial zoning district, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.
- **Cimmino**: Said she did not know if her request would require an initiative. She said the city employees received their longevity checks in October at the same time they received their payroll checks and any comp time cash-out. She had received a few phone calls from employees who felt combining longevity pay, payroll, and comp time cash-out in one payment put them in a higher tax bracket and they took a major hit. They were told Human Resource Director, Karla Stanton, said it was designed by federal law. Councilmember Cimmino said she would like to receive a copy of the federal law. Ms. Volek said she knew the payments were combined, but she did not know on what basis. She said she would get an explanation. Mayor Hanel advised an initiative was not necessary to request the information.

**ADJOURN:** 8:53 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.*