

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

March 9, 2015

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 Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember McFadden gave the invocation.

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

MINUTES: February 23, 2015 (pending)

COURTESIES:

- Mayor Hanel noted the Montana Business Professionals of America, which was a youth group of high school students, began their conference in Billings yesterday. He had the honor of greeting and welcoming the 1,400 students on behalf of the City of Billings and wished them the very best.
- Public Works Director, David Mumford, recognized Tyler Westrope, who had recently been awarded the Billings Engineering Club's Young Engineer of the Year. Mr. Mumford said Tyler had been with the City Engineer's Office since 2005. Tyler was the project manager for the recent Shiloh Conservation Area project that had won three awards so far and the project manager for the King Avenue West and Rimrock Road projects. Tyler also took on the challenge of re-writing the Stormwater Manual recognizing all the issues that had occurred in the community over the last few years and determining how to move forward with regulations and management technics that would provide better use of stormwater and meet quality standards.

Mr. Westrope introduced his wife, Amy, and co-workers, Terry Smith, Chris Hertz, and Debi Meling, who were in attendance. He noted Erin Claunch of the City Engineer's Office had received the honor the previous year and credited the City Engineer, Debi Meling, for fostering an environment to succeed.

- Councilmember Crouch recognized Firefighters Cameron Abell, Justin Tinnes, Sean Biggins, Mike Gates, Chelsea Thompson, Halley Parnell, and Jacob Wilkins; and staff support, Chris Voller and Dan Hauf, for their participation in the Annual Firefighter Stair Climb event held in Seattle, Washington. They climbed 69 flights of stairs with full gear to raise funds for the Leukemia and Lymphoma Society. He understood the event raised close to \$2 million.
- Councilmember Crouch recognized Clark Marten Photography for investing thousands of dollars in the Spare Change for Real Change Program and for helping with expenses for individuals to travel to San Diego to learn about its program to end chronic homelessness.
- Councilmember McFadden noted the annual Saint Patrick's Day Parade would be held downtown on Saturday, March 14, at 11:00 a.m.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- **Item A3 – Work Order 12-31, East End Storm Drain Improvements, Phase II, Bid Award Recommendation.** The delayed bid award dates on the agenda and in the staff memo were incorrect. Staff was asking that the item be separated, and the bid award be delayed until April 13, 2015.
- **Request to Add RiverStone Health Clinic Resolution of Support to the agenda.** Said at the last work session Council heard a presentation from John Felton, CEO of RiverStone Health, asking for a resolution of support. A draft resolution was provided in the Friday Packet. Staff was asking the item be added to the agenda. Copy of staff report and resolution was filed in the ex-parte notebook.
- The City had been invited to attend an event with School District #2 on March 16 that would help shape the school district's future. Because of the work session scheduled for March 16, she had asked Bruce McCandless to attend on the City's behalf. Mr. McCandless asked the City Council and the City's Senior Leadership to provide him with input, information, or perspectives that he would share with the School Board Trustees regarding work force needs, funding, citizenship, growth, and any other issues that would affect the future of the Billings Public Schools by the end of the week.

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 E. He said Ms. Mattox indicated at the presentation the previous week that there was no money for the project. Mr. Nelson asked the Council why they were expending funds for something with no money available. It would essentially sit on the shelf, and when the project did come forward, they would need another study to determine if everything was still where they had left it. He felt they could do a better job of allocating the resources that were available to fund the projects that were coming forward in the immediate future rather than the "wish and hope stuff" that really did not do them any good. It would serve the people better.

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

1. **CONSENT AGENDA**

A. **Bid Awards:**

1. **Airport Parking Lot Enhancements.** (Opened 2/24/2015) Recommend CMG Construction, Inc.; \$299,899.

2. **Airline Ticket Counter Public Area Carpeting.** (Opened 2/24/2015) Recommend Northwest Flooring; \$34,255.

3. **W.O. 12-31, East End Storm Drain Improvements, Phase II.** (Opened 2/24/2015) Recommend delay of award until March 23, 2015.

4. **W.O. 15-03, City Chip Seal.** (Opened 2/24/2015) Recommend Knife River; \$1,211,559.35.

B. **Contract** with CTA Architects Engineers for design, bid, and construction administration services for the South Park Splash Pad; \$64,996.

C. **Contracts** with Play Space Design for Pioneer Park Playground Replacement, \$180,580; and with Dakota Fence for Pioneer Park Signature Play Feature; \$98,000.

D. **Amendment #18, 2015 Airport Ramp Construction Project,** Engineering Services Contract, Morrison-Maierle, Inc., \$191,078.

E. **Recommendation of approval** to the Policy Coordinating Committee for the Highway 3 Corridor Study.

F. **Grant Application Request** to submit Community Transportation Safety Grant application to Montana Department of Transportation.

G. **Acceptance of Donation** to Billings Public Library for two, Cube 2 3D Printers; 3D Systems Corporation; \$2,010.50.

H. **Second/Final Reading Ordinance #15-5648 for Zone Change #931:** A zone change from Residential 7,000 to Residential 6,000 on Parcel A of Amended Tracts A-G of C/S 87 and an un-platted portion of Section 5, T1S, R26E generally located on Yellowstone Avenue between 10th and 11th Streets West; Riley and Yvonne Kelly, owners. Approval of zone change and adoption of the determinations of the 10 criteria.

I. **Second/Final Reading Ordinance #15-5649 for Zone Change #932:** A zone change from Residential 7,000 to Community Commercial on the north 36,000 square feet of Lots 2 and 3, Pierce Subdivision, located at 808 Grand Avenue; 808 Grand LLC, owner; David Mitchell, agent. Zoning Commission forwarded no recommendation as the result of a tie vote.

J. **Second/Final Reading Ordinance #15-5650** amending Billings, Montana City Code, Article 26-500, Reimbursement and Compensation of Water and Wastewater Extension and Replacement.

K. **Bills and Payroll:**

1. February 9, 2015

2. February 17, 2015

Councilmember Cromley separated Consent Agenda Items A3 and I and noted he would abstain from Consent Agenda Item K2. Councilmember Yakawich separated Consent Agenda Item B. Councilmember McFadden separated Consent Agenda Item E. Councilmember Brown separated Consent Agenda Item D in order to abstain. Councilmember Cimmino separated Consent Agenda Item K2 in order to abstain.

Councilmember Cromley moved for approval of the Consent Agenda with the exception of Items A3, B, D, E, I, and K2, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

Councilmember McFadden moved to temporarily table Item E until after the City Council heard the Complete Streets presentation scheduled for April 6, 2015, seconded by Councilmember Pitman.

Councilmember Brown asked if Item E would be presented to the Policy Coordinating Committee (PCC) later that week. Planning Division Manager, Wyeth Friday, confirmed the item was scheduled for the March 24, 2015, PCC meeting. He said the City Council was the last body to take action on a recommendation to the PCC for final action. Councilmember Brown asked for the ramification if Council postponed its vote. Mr. Friday said they had been coordinating the project with the Montana Department of Transportation, Sanderson Stewart, and several other bodies to get it wrapped up. They would need to move it to a future PCC meeting. The PCC met based on agenda activity, so the item was one of the reasons they would be meeting. Councilmember Brown asked if there was a rush to get it done. Mr. Friday said there was not a rush in the sense that there was not a project attached to the plan; however, it had been in the works for over a year and they had experienced delays getting it to the different bodies up to that point. They were really looking forward to taking it to the PCC on March 24.

Councilmember Pitman said he did not think it was a big deal to postpone. He felt waiting to get more information and having the Complete Streets presentation would give everyone a better perspective of the project.

Councilmember Cimmino clarified that the study had been presented to Council last Monday by Sanderson Stewart and Transportation Planner, Lora Mattox. They had the opportunity to review the study. Sanderson Stewart had already conducted the study, and the City had already paid \$65,000 for the study. The study represented a planning document that the Metropolitan Planning Organization (MPO) would need to have when Federal Highway Administration or Montana Department of Transportation (MDT) monies became available. The Planning Department was the pass-through department servicing the City and the County. She said it was no different than any other studies they had done and referenced the Hospitality Corridor Study that had been done a year and a half ago. She said they needed those documents as requirements. It was something tangible that other governing representatives could refer to later on. Councilmember Cimmino said over 27 years ago it was the same firm that provided the City with a conceptual overview of the Inner Belt Loop; and there they were 27 years later and they still did not have the money to develop Phase II. It was how the process worked. Throughout the entire State of Montana and other counties they needed to prioritize where the money would go, and it was not guaranteed every year. In order to have the study completed and on the shelf, she believed the Planning Department had exercised its good faith effort to stand ready so when the money was available they could move forward with the project. The oversight committee had worked on it for almost a year and identified some of the features they

would recommend to be part of the Highway 3 Corridor at a price tag of \$20 million. By the time it was developed, it could be even more than that. It was part of the planning process and something they needed to undertake for long-range planning efforts.

Mayor Hanel asked what other bodies had taken action on the study. Mr. Friday advised the Planning Department and the County Commissioners had already made their recommendation. Mayor Hanel said it was simply a study; a plan for the future. It may not happen. It depended on available funding. If they did not have studies, they would not know where they were going in the future. He felt the study was professionally prepared and presented, and he thought there was no reason to hold it back.

Councilmember Cromley made a substitute motion to approve Item E, seconded by Councilmember McCall.

Councilmember McFadden said they should not be in a hurry to rubber stamp anything that involved over \$20 million. He said he spoke with Steffan Streeter of the Montana Department of Transportation who said he would be glad to discuss the options with the City Council.

Councilmember Crouch said he agreed completely with Councilmember Cimmino.

Councilmember Yakawich said he opposed the substitute motion because Councilmember McFadden had a legitimate point. There was no funding going forward yet, so why not wait and look at the other studies.

On a roll call vote, the substitute motion was approved 6 to 4. Councilmembers Cromley, Cimmino, McCall, Swanson, Crouch, and Mayor Hanel voted in favor. Councilmembers Yakawich, Pitman, McFadden, and Brown voted in opposition.

Councilmember Yakawich referenced Item B and asked Parks Director, Mike Whitaker, to explain the process and the reassurance the Southside Neighborhood Task Force and the neighborhood would be engaged in the process. Mr. Whitaker said the task force and the neighborhood would definitely be involved in the process. The consultant would evaluate the three locations for the new splash pad and meet with all of the stakeholders to discuss the pros and cons of each site. The three major stakeholders were the task force; the Parks, Recreation and Cemetery Board; and the promoter of the Blues Festival. Once all the information had been gathered, a public meeting would be held so the neighborhood and task force could provide input on the three sites. The consultants would then make a recommendation, and staff would bring the recommendation and the concept of the splash pad to City Council at a work session. Councilmember Yakawich moved for approval of Item B, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

Councilmember Cromley referenced Item I, and said he separated it in order to vote against it. Councilmember McCall moved for approval of Item I, seconded by Councilmember Pitman.

Councilmember Cimmino noted she was absent the previous meeting and asked if there were future plans for commercial development. Ms. Volek said it was her understanding the parsonage for the adjacent church would be removed. The easement through the parcel to the lot on the west side owned by the Pierces would remain in place. The church had been rented to a Montessori school, which was not affiliated with the Montessori school recently built on the west end.

Councilmember Yakawich said he would vote in opposition. He said the Pierce family was one of the founding members of the community, and he felt they had made legitimate points for not allowing the zone change.

Councilmember Crouch said he agreed with Councilmember McFadden's statement that once people sold their property they had no right to say what would be done by the new owners. He said he would vote in favor of the motion.

Mayor Hanel said when the Pierces sold the property they could have placed restrictions for development of the property; but that was not done.

On a voice vote, the motion was approved 7 to 3. Councilmembers Pitman, Cimmino, McFadden, McCall, Crouch, Brown, and Mayor Hanel voted in favor. Councilmembers Cromley, Yakawich, and Swanson voted in opposition.

Councilmember Cromley referenced Item A3 and moved for approval changing the bid award date to April 13, 2015, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

Councilmember Pitman moved for approval of Item K2, seconded by Councilmember McCall. On a voice vote, the motion was approved 8 to 0.

Councilmember Pitman moved for approval of Item D, seconded by Councilmember McCall. On a voice vote, the motion was approved 9 to 0.

Councilmember McCall moved to add the resolution for RiverStone Health to the regular agenda, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

ADD-ON ITEM:

2. RESOLUTION #15-10435 SUPPORTING U.S. CONGRESSIONAL ACTION TO MAINTAIN COMMUNITY HEALTH CENTER PROGRAM FUNDING AT ITS CURRENT LEVEL. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) At the suggestion of Attorney Brooks, Mayor Hanel opened Item 2 for public comment. There were no speakers, and the public comment period was closed.

Councilmember Crouch moved for approval of Item 2, seconded by Councilmember Yakawich.

Councilmember Cromley disclosed he was on the Board of RiverStone Health. He said did not see a conflict of interest, so he intended to vote on the item.

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 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT,** distributed a handout on the Public Safety Mill Levy. He said under Scenario 1 they would be asking the voters to levy \$66,600,000. Under that scenario, they would have 20 new employees. Ms. Volek had stated at a previous meeting that the City of Billings' mean income would be about \$85,000 a year, which meant the City would spend \$1.7 million on those 20 employees per year. \$1.7 million times seven years equaled \$11,900,000 to employ those 20 employees for seven years. The levied \$66,600,000 minus the \$11.9 million would leave them with \$54,700,000. From the 2014 budget

information they had 319 police, fire, animal control officers, and the 20 new FTEs, for a total of 339 FTEs. Dividing the extra \$54,700,000 by seven years meant they had enough money to provide every employee every year a raise of \$23,050. He asked if they would really give all of the employees \$23,050 every year for seven years. He said he was not interested in what the City Administrator said; he was interested in what the City Council had to say. He asked if anyone of them would like to say what they were going to do with the \$54 million. Were they going to give it as raises to the 339 employees like the City Administrator said? There were 30 community meetings and two Saturday work sessions held, and he would think someone would know what they would do with the \$54 million.

Mayor Hanel said the Councilmembers were not required to answer his question. He told Mr. Nelson he appreciated the effort and work he had put into it; they were very good numbers, and they would definitely take a look at it. Mayor Hanel noted Mr. Nelson's handout was missing quite a bit of information and thanked him for his efforts. Mr. Nelson commented Mr. Weber had provided the information in the Friday Packet; and if there were other numbers, he would appreciate it if they were shared. Mr. Nelson said they were talking about \$66 million.

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

COUNCIL INITIATIVES None

There was no further business, and the meeting adjourned at 7:12 p.m.

CITY OF BILLINGS



BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk