

REGULAR MEETING OF THE BILLINGS CITY COUNCIL
October 13, 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. Mayor Hanel gave the invocation.

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

MINUTES: September 28, 2015: Councilmember Crouch moved for approval seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Councilmember Crouch noted that the Muslim New Year began and wished a Happy New Year for members of the Muslim community.
- Councilmember McCall thanked everyone who attended the luncheon for Big Sky Economic Development and announced that Carl Casale, CEO of CHS, Inc. was the keynote speaker.
- Mayor Hanel thanked everyone who attended the Montana League of Cities and Towns annual conference.

PROCLAMATIONS: There were no proclamations.

ADMINISTRATOR REPORTS - TINA VOLEK

- Bruce McCandless, Assistant City Administrator, noted that staff is requesting that Item 1A6 (Delay of Bid Award for the South Park Splash Pad) be removed from the agenda. The Parks Department will be revising the bid documents to include more detailed specifications and will re-advertise the project.

Paul Dextras, Fire Chief, stated that the Fire Department accepted a donation for \$2,500 from Exxon Mobil Corporation. Chief Dextras stated that Exxon Mobil and American Red Cross did a great job with a program to provide smoke detectors in the community.

Mayor Hanel asked Chief Dextras for information on the Fire Department's calendar fundraising progress. Chief Dextras stated that the calendars have been selling very well and the proceeds go into the Local 521 Benevolent Fund to help the community.

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 --

A. Bid Awards:

1. **W.O. 16-03, Contract # 1 City Crack Seal.** (Opened 10/13/15)
Recommend delay of award until October 26, 2015.
2. **2016 56,000 GVW 8-Yard Dump Truck.** (Opened 9/29/15)
Recommend Tri-State, \$110,050.16.
3. **2016 Hydraulic Sewer Jet/Vacuum Cleaner.** (Opened 9/29/15)
Recommend Titan Machinery Inc., \$359,828.48.
4. **Purchase of City Vehicles.** (Opened 9/29/15) Recommend:
Schedules 1 and 2, Archie Cochrane Ford, \$148,405; Schedules 3 and 7, Billion Auto Group, \$77,982; Schedule 5, Denny Menholt Chevrolet, \$26,869.20; Schedules 4, 6, 8, 9 and 10, Bison Motors, \$208,244.37.
5. **Roof Replacement at Fire Station #2.** (Opened 9/29/15)
Recommend Ace Roofing, LLC, \$89,755.
6. **South Park Splash Pad Development.** (Opened 10/13/15)
Recommend delay of award until October 26, 2015.

B. Professional Services Contract for W.O. 16-01, Schedule 1, Will James Area Water Main Replacement Project, Phase 2; DOWL, \$325,700.

C. Professional Services Contract for W.O. 16-01, Schedule 2, Sanitary Sewer Replacement Projects; Morrison Maierle, Inc., \$591,277.

- D. **Professional Services Contract** for W.O. 16-01, Schedule 3, 17th Street West Water Main Replacement Project, Phase 2; Sanderson Stewart, \$236,380.
- E. **Professional Services Contract** W.O. 16-01, Schedule 4, South Side Sanitary Sewer Replacement Project; Great West Engineering, Inc., \$132,000.
- F. **Professional Services Contract** for W.O. 16-06, SBURD Sanitary Sewer Phase 2; DOWL, \$289,800.
- G. **Professional Services Contract** for W.O. 16-07, Interstate 90 Water Main Crossing Project; Sanderson Stewart, \$340,870.
- H. **Amendment #21 for Taxi Lane East Construction**, Engineering Services, Morrison Maierle, Inc., \$91,571.
- I. **Acceptance** of State Highway Traffic Safety Division STEP (Selective Traffic Enforcement Program) overtime grant, \$10,000.
- J. **Acceptance of Donation** to The City of Billings Fire Department, Exxon Mobil Corporation, \$2,500.
- K. **Final Plat** of Amended Plat of Lots 9-11, Block 4 and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing.
- L. **Bills and Payroll:**
 - 1. September 14, 2015
 - 2. September 21, 2015

Councilmember Brown separated Items 1C and 1H in order to abstain.

Councilmember Cimmino separated Items 1L1 and 1L2 in order to abstain.

Councilmember Brown separated Item 1A6 in order to remove it from the agenda.

Councilmember Pitman moved to approve the Consent Agenda, with the exception of Items 1C, 1H, 1L1, 1L2, and 1A6, seconded by Councilmember Yakawich. On a voice vote, the motion was approved unanimously.

Councilmember Brown moved to remove Item 1A6 in order to postpone, based on staff recommendation, seconded by Councilmember Pitman. On a voice vote, the motion was approved unanimously.

Councilmember Pitman moved to approve Item 1C, seconded by Councilmember Cromley. On a voice vote, the motion was approved 10-0, with Councilmember Brown abstaining.

Councilmember McCall moved to approve Item 1H, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10-0, with Councilmember Brown abstaining.

Councilmember McCall moved to approve Item 1L1, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

Councilmember McCall moved to approve Item 1L2, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION for a street name change from Cortez Avenue to Topanga Avenue, located in the High Sierra Subdivision. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Volek stated that staff did not have a presentation, but was available for questions.

Mayor Hanel asked for clarification regarding the name change affecting current property owners. Ms. Volek stated that this name change would only affect future homes being built in this subdivision, and would not affect current homes.

The public hearing was opened.

There were no speakers, and the public hearing was closed.

Councilmember Pitman moved to approve Item 2, seconded by Councilmember Cimmino. On a voice vote, the motion was approved unanimously.

3. **PUBLIC HEARING AND RESOLUTION approving the Centennial Park Master Plan Update. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mike Whitaker, Director of Parks, Recreation and Public Lands, began a PowerPoint presentation and gave an overview of the Master Plan.

Councilmember Yakawich asked for clarification on the cost of the dog park infrastructure. Mr. Whitaker stated that he did not have exact costs of that particular area.

Councilmember Pitman asked for clarification on the total cost of the completed park. Mr. Whitaker stated that the total cost would be \$3.4 million.

Councilmember Yakawich asked if Council has the authority to amend certain features of the Master Plan. Mr. Whitaker stated that Council does have the ability to make amendments.

Mayor Hanel asked for clarification on attendance at The High Sierra Dog Park. Mark Jarvis, Park Planner, stated that the dog park averages about 720 visits on a daily basis, depending on weather.

Councilmember Brown asked if the proposed parking areas would be sufficient for the expected number of visitors. Mr. Jarvis stated that the Parks Department would add parking as needed.

Councilmember Yakawich voiced concern about parking near the residential area of St. Johns Avenue. Mr. Whitaker stated that Centennial Park has a pre-existing parking area and on-street parking available.

Councilmember Brown asked if Lampman Park and an area near the Yellowstone Boys and Girls Ranch would be suitable as alternative location options. Mr. Whitaker stated that the Parks Department has looked into those as options and will continue to consider those locations for the future. Councilmember McCall stated that Yellowstone Boys and Girls Ranch is an unlikely option due to the amount of time that has passed since the original offer was made.

The public hearing was opened.

- **Darryl Wilson, 8522 S. Frontage Road, Billings, MT**, President of Yellowstone River Parks Association, stated that Norm's Island is over-utilized as a dog park and the City is in desperate need of another dog park. Mr. Wilson stated that YRPA is establishing the John H. Dover Memorial Park in phases, as money becomes available, and thinks that is a viable option for building Centennial Park as well.
- **Matt Erhardt, 3230 St. Johns Avenue, Billings, MT**, stated that he is opposed to a dog park at this location and is concerned with dog waste in his yard.

- **Floyd Kimmel, 3204 St. Johns Avenue, Billings, MT** stated that he is concerned with an increase of traffic and sufficient parking areas.
- **Mel Strauh, 3242 St. Johns Avenue, Billings, MT** stated that he is concerned with the location of the dog park and sufficient parking areas.
- **Trish Kellinger, 3019 Canyon Drive, Billings, MT** stated that she is in favor of the dog park and that the noise level from the dogs will be very low.
- **Marcia Clausing, 3016 Gloxinia Drive, Billings, MT**, Co-chair of Friends of Billings Dog Parks, stated that the City needs more open green space areas. Ms. Clausing noted that there is an increase of dog-friendly real estate and an additional dog park is needed.
- **Geus Sterkenburg, 30 34th St. West, Billings, MT** stated that he is in favor of the dog park and thinks it is an ideal location.
- **Sue Bressler, 220 Yellowstone Avenue, Billings, MT**, Friends of Billings Dog Parks, stated that she is in favor of the dog park and thinks that Centennial is an ideal location. Ms. Bressler visited the High Sierra Dog Park and found it to be very quiet and peaceful with very little dog waste. Ms. Bressler stated that Friends of the Dog Parks would begin additional fundraising to help establish the dog park once the master plan was approved.

Councilmember Pitman departed the meeting.

- **Rachel Cox, 2951 N. Slope Trail, Billings, MT**, Friends of Billings Dog Parks, stated that she is in favor of the dog park and thinks that it will enhance the real estate value in the area.
- **Catherine Grott, 1225 Juniper Drive, Billings, MT**, Billings Parks, Recreation and Cemetery Board Member, stated that she is in favor of Centennial Park being used as a dog park and is interested in working with all groups to reach a mutual resolution.
- **Johnna Vogt, 1130 Cook Avenue, Billings, MT** stated that she is in support of the dog park.
- **Kari Longshore, 1356 Janie Street, Billings, MT** stated that she is in favor of the dog park and that landscaping will be a priority for Friends of the Dog Park.
- **Mary Bennett, 2300 Wingate, Billings, MT** stated that she is in favor of the dog park.
- **Wendy Miller, 2042 Clark Avenue, Billings, MT** stated that she is in favor of the dog park.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT** stated that he is not in favor of the dog park and is concerned with dog waste.
- **Mary Sole, 2006 Alderson, Billings, MT** stated that she is in favor of the dog park.
- **Darrell Sept, 3238 St. Johns Avenue, Billings, MT** stated that he is not in favor of a dog park at this location and is concerned with the proposed plans being finished in a timely manner.

- **Kyle Hanson, 633 O'Malley Drive, Billings, MT** stated that he is in favor of the dog park and thinks the City needs more open space to take dogs.
- **Colleen Baumgardner, 1600 Avenue E, Billings, MT** stated that she is in favor of the dog park and thinks that dogs will bark less if they get exercise.

Mayor Hanel called for a recess at 8:40 p.m.

Mayor Hanel called the meeting to order at 9:00 p.m.

- **Bob Jones, 3203 Laredo Place, Billings, MT** stated that he is in favor of the dog park and thinks that people who utilize dog parks are very responsible with their dogs' waste.
- **Dayton Rush, 28 Burlington Avenue, Billings, MT** stated that he is in favor of the dog park and the entire Centennial Park plan.
- **Carolyn Jones, 2303 Laredo Place, Billings, MT** stated that she is in favor of the dog park.

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

Councilmember Cromley moved for approval of Item 3, seconded by Councilmember McFadden. Councilmember Yakawich made an amendment to the motion to include the following contingencies before opening the dog park: 1) have a minimum number of parking lots completed 2) a restroom completed 3) closing the entrance to the dog park at St. Johns Avenue and 34th Street and 4) completing the landscaping near St. Johns Avenue. Councilmember Crouch seconded the amended motion. Councilmember McCall asked Council to remember that the Parks Department had previously stated that more entrances would help alleviate congestion, not less entrances. Ms. Volek noted that Centennial Park does already have an operating restroom facility. Councilmember Yakawich made an additional amended motion to include the following contingencies: 1) one gravel parking lot located near Howard/34th Street and one located near 33rd Street 2) a porta potty 3) minimal landscaping 4) consideration of closing the dog park entrance at St. Johns Avenue corner or moving it up toward 34th Street. Councilmember Brown seconded the amended motion. Councilmember Yakawich withdrew his original amended motion and Councilmember Crouch withdrew his second to the original amended motion. Councilmember Bird asked Mr. Whitaker for clarification on the notification process of the Centennial Park Master Plan Update. Mr. Whitaker stated that the Parks Department is required to notify residents within 300 feet of the park and they increased that to a 1 ½ mile radius. Councilmember McFadden asked Mr. Whitaker if the landscaping closest to the residences would be a priority. Mr. Whitaker stated that it would be a top priority. On a voice vote Councilmember Yakawich's second amended motion failed. A roll call vote was not conducted.

Councilmember Cromley restated his motion to approve Item 3, which was seconded by Councilmember McFadden. Councilmember McCall stated that she was in support of the motion passing. Councilmember Cimmino stated that she wanted to thank everyone who spoke during the meeting. Councilmember Yakawich stated that he would not be voting in favor of the motion. Mayor Hanel thanked everyone who attended and stated that the City needs dog parks and he would be voting in favor of the motion. Councilmember Brown stated that he hoped the Parks Department would follow through with their plans, but that he would be voting against the motion. Councilmember Bird commended Councilmembers Yakawich and Brown for speaking with constituents near Centennial Park. Councilmember Crouch moved to call the question, seconded by Councilmember McCall. On a voice vote the motion was approved 8-2, with Councilmembers Brown and Yakawich voting 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.*)

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT** asked about streetlights on Hilltop Road and street improvements at the new school being built in the Heights. Mr. Nelson wanted Council to look into potholes near Holiday gas station and Subway in the Heights. Mr. Nelson asked Council to look into parking issues on Calhoun Lane.
- **Vanessa T. Santana, 3811 Slalom Drive, Billings, MT** stated that she would like to see Columbus Day changed to Indigenous People's Day. Mayor Hanel stated that Council would get additional information in order to gain more knowledge on the subject. Councilmember Crouch thanked Ms. Santana for attending the meeting.
- **Michael Mulberry, 1241 Avenue F, Billings, MT** encouraged Council to change Columbus Day to Indigenous People's Day.

COUNCIL INITIATIVES

Councilmember Crouch moved to add Indigenous People's Day to the City calendar, seconded by Councilmember Bird. Councilmember McFadden stated that he was in opposition of this initiative. Councilmember Brown asked for clarification regarding this motion being a proclamation instead of an initiative. Councilmember Cromley reminded Councilmembers that action cannot be taken at a current meeting, but initiatives will only allow staff to bring information to a future meeting. Councilmember Bird stated that there was a much larger history behind Columbus Day, and that adding Indigenous People's Day would remind people of the history of the holiday. On a voice vote, Councilmember Crouch's initiative was approved 9-1, with Councilmember McFadden voting in opposition.

Councilmember Cimmino read Councilmember Pittman's initiative in his absence. The motion stated that Councilmember Pitman would like Council to set a public hearing to designate High Sierra Park as a general fund park rather than a neighborhood park. Councilmember Yakawich seconded the motion. Ms. Volek stated she would recommend having staff bring forward information on this at a future work session. Councilmember McCall stated that she would not support this initiative and does not feel that Council has enough information to set a public hearing. Councilmember Cimmino made a motion to withdraw Councilmember Pitman's initiative, seconded by Councilmember Yakawich. Councilmember Cimmino made a motion to set a future work session to change High Sierra Park to a general fund park rather than a neighborhood park, seconded by Councilmember Cromley. On a voice vote, the motion was approved unanimously.

There was no further business, and the meeting adjourned at 10:22 pm.

CITY OF BILLINGS

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

ATTEST:

BY: Billie Guenther
Billie Guenther, City Clerk

