

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

January 27, 2014

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Cimmino

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

MINUTES: January 13, 2014 - **APPROVED**

COURTESIES: Councilmember Cimmino wished the Mayor a belated happy birthday, and congratulated him on the birth of his grandson.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- **Item G – Resolution authorizing application of Land, Water and Conservation Funding to improve South Park Playground.** Copy of letter from South Side Neighborhood Task Force, dated January 18, 2014, supporting the grant application was sent in the January 24, 2014, Friday Packet. Copy is filed in the ex-parte notebook. City Council received an e-mail from Tom Zurbuchen, dated January 27, 2014, regarding the use of Park Maintenance Funds in lieu of Land, Water and Conservation Funding. His e-mail was posted on-line.
- **Resolution Declaring an Emergency and Waiving the Requirement for Competitive Bids for electrical repairs at the Wastewater Treatment Plant.** Sunday they had an emergency at the Wastewater Treatment Plant. They were asking Council to authorize a resolution to allow staff to proceed to make necessary repairs to preserve the Wastewater Treatment Plant and the health of the Yellowstone River. A copy of emergency resolution is on Council's desk and filed in the ex-parte notebook.

Public Works Director, David Mumford, explained that an electrical disruption occurred at the Wastewater Treatment Plant on Saturday at approximately 5:00 a.m.

with the 12.7 KV electrical supply. The disruption took power out at the Wastewater Treatment Plant, and backup into the system caused damage to NorthWestern Energy's Rimrock Substation and the Exxon Refinery. NorthWestern Energy crews and city staff spent most of Saturday getting 50% of the plant temporarily back online. They know it was an underground break, but they do not know the exact location. They currently had temporary feeds into the plant, and staff was asking permission to quickly hire either Yellowstone Electric or Action Electric to determine what happened and to make repairs. Staff would hire Yellowstone Electric or Action Electric based on hourly rates. If they lost the current feed it would take three to four days to get equipment in to fix the damage. They could use backup generation, but it would be minimal treatment. Mr. Mumford advised they had two feeds – one feed was severely damaged, and the second feed was partially damaged. The partially-damaged feed was on temporary use. He said both feeds were approximately 45 to 50 years old.

Ms. Volek advised MCA 7-5-4303 allowed for an exemption to the competitive bidding process and authorized staff to proceed in any manner if 3/4 of the Council approved a resolution declaring an emergency. Staff was asking that Council give the City Administrator authority to sign any necessary contracts. She noted she would report back to the Council once they had a better idea of the numbers. Ms. Volek asked that the item be added to the agenda as Item 6, and said it would require a 3/4 vote of the councilmembers present to add it.

Mayor Hanel asked for an approximate cost and the source of the funds. Mr. Mumford said they would probably have to go time and material because no one knew exactly what the cause and damage was. He estimated the cost of repairs to be between \$100,000 and \$150,000 that would come out of wastewater funds.

Councilmember McCall moved to add the resolution declaring an emergency, waiving the requirement of competitive bids, and giving Administrator Volek permission to sign contracts in order to do the work as Item 6 of the agenda, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #5 AND #6 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.

- **Perry Moler, 714 N. 32nd Street, Billings, MT**, asked why the residents around McKinley School were not notified of the request for a parking variance. Councilmember Pitman advised a public hearing was scheduled for that item. He asked Mr. Moler to stay for the public hearing; at which time his question would be answered.

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

1. **CONSENT AGENDA** -- Separations: **G, I, J1**

A. **Approval** of the City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County for calendar year 2014. **APPROVED**

B. **Approval** of 5-Year Cell Tower Lease Agreement and Easements with Gold Creek Cellular of Montana Limited Partnership dba Verizon Wireless for property located at Fire Station #6, 1601 St. Andrews, Billings, MT. **APPROVED**

C. **Recommendation of approval** to the Policy Coordinating Committee for Amendment II of the 2012-2016 Transportation Improvement Program (TIP). **APPROVED**

D. **Acceptance of Donation** to City of Billings of two Eco-MULTI automatic trail use counters, Rails-to-Trails Conservancy (RTC), \$10,500 value. **APPROVED**

E. **Grant application request** to submit application for AmeriCorps VISTA as a Program Grant and authorize City staff to negotiate and finalize the project if awarded. **APPROVED**

F. **Resolution #14-10331** authorizing MET Transit to apply for the Section 5310 grant program for purchase of vehicles; \$134,300. **APPROVED**

G. **Resolution #14-10332** authorizing application for Land, Water and Conservation Funding (LWCF) to improve South Park Playground. **APPROVED**

H. **Second/Final Reading Ordinance #14-5618 for Zone Change #917:** A zone change from Public to Residential 7,000-Restricted on a 5.9-acre parcel known as Lampman Park within Lampman Subdivision generally located south of Monad Road and east of 32nd Street West. City of Billings, owner. Approval of zone change and adoption of the determinations of the 10 criteria. **APPROVED**

I. **Preliminary Major Plat** of Mont Vista Subdivision, 1st Filing, generally located on the east side of 54th Street West, south of Rimrock Road; Mont Vista, LLC, owner; conditional approval and adoption of the Findings of Fact. **APPROVED**

J. **Bills and Payroll:**

1. December 30, 2013 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

2. January 6, 2014 **APPROVED**

3. October 1 - December 31, 2013 (Municipal Court) **APPROVED**

REGULAR AGENDA:

2. PUBLIC HEARING AND SPECIAL REVIEW #915: A special review to allow construction of a drive-through café in a Community Commercial (CC) zone across the alley from a residential zone on Lot 15A1, Block 2, of Sunset Subdivision, 2nd Filing, generally located at 910 Grand Avenue (former JB's Restaurant); Chris Bakwin, owner; Wadsworth Acquisitions, LLC, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

3. PUBLIC HEARING AND RESOLUTION approving the exchange of properties located within the undeveloped area of the Copper Ridge Subdivision, 2nd Filing, with Copper Ridge Development Corporation. Staff recommends holding the public hearing and delaying action until February 10, 2014. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

4. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-14-01: A variance from Section 6-1203, Off-Street Parking Requirements, allowing the continuance of no off-street parking requirements for the proposed addition to McKinley School located at 820 N. 31st Street. School District #2, owner; CTA Architects Engineers, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

5. APPROVAL OF CONDEMNATION SETTLEMENT with J.P.L., Inc. for property legally described as Lot 12, Block 4, Sunset Subdivision, located at 1146 Grand Avenue in the amount of \$300,067.67. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. (ADDED TO AGENDA AT THE MEETING) RESOLUTION #14-10333 declaring an emergency, waiving the competitive bid requirement, and giving the City Administrator authority to sign a contract for repairs to the Wastewater Treatment Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

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

- **Crouch:** Said since the editor of the Billings Gazette had weighed in on snow removal in Billings, he MOVED to have the Mayor, City Administrator, and Street Personnel responsible for snow removal meet with the Editor to share information and invite the Gazette to do their own survey of citizens willing to pay an annual \$25 fee, seconded by Councilmember Yakawich. The motion failed 6 to 5.

- **Bird:** Said the Gazette’s snow removal editorial was right-on, and they needed to keep in mind Billings was a growing city. She MOVED to direct the City Administrator to work with the Public Works Department to draft and present to the Billings City Council an operational plan for snow removal to include recommendations for expanding the service to Billings city residential streets. The operational plan would include policies, recommendations, and the identification of resources needed and the possible means to generate the necessary revenue. The operational plan for snow removal is requested to be presented to the City Council prior to final approval of the 2015 budget, seconded by Councilmember McCall.

Councilmember Pitman amended the motion to include specifically the difference between plowing and removing and the costs of residential street repair required in the spring as a result of putting the equipment and removal on the residential streets, seconded by Councilmember Brown. The amended motion was approved 6 to 5.

The original motion failed 6 to 5.

- **McCall:** MOVED to direct staff to (1) Review and revise the section of city code related to the Human Relations Commission incorporating the expanded anti-discrimination language presented by Walt Dugas at the last work session by adding “veteran status, sexual orientation, gender identity/expression, mental or physical disability, political beliefs, or any other protected characteristic as may be defined by applicable law.” (2) Review and revise the City employment anti-discrimination administrative orders; (3) Review the Illegal Discrimination Ordinances from the cities of Missoula, Butte-Silver Bow and Helena for the purposes of drafting an Illegal Discrimination Ordinance for the City of Billings; and (4) Bring these documents forward to the City Council for discussion at a future work session after completion of the budget. The motion was seconded by Councilmember Crouch. A friendly amendment was accepted from Councilmember Bird to add “obesity” to the list. The motion was unanimously approved.
- **Brown:** MOVED to direct staff to look at improving the on-line business license procedures, seconded by Councilmember Pitman. The motion was unanimously approved.

ADJOURN: 8:25 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.