

## **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**

**June 12, 2017**

**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, Brewster, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown. Councilmember Cimmino was excused.

**MINUTES:** May 22, 2017 - **APPROVED**

#### **COURTESIES:**

- Mayor Hanel thanked staff for their hard work directing traffic at the recent Garth Brooks concert. He added that it had been a very successful event.
- Councilmember Yakawich welcomed two members from the Yellowstone County Area Human Trafficking Task Force. He thanked them for their hard work.

#### **PROCLAMATIONS:**

- Supporting and Strengthening Families Day - June 15, 2017
- Big Sky Pride - June 15-17, 2017
- Men's Health Week - June 12-18, 2017
- Anti-Discrimination

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

- Ms. Volek announced the retirement of Chief Paul Dextrus from the Fire Department after nine years of service. She thanked him for his service to the City. Ms. Volek stated that Assistant Chief Bill Rash would become interim Chief for the Fire Department.

Councilmember Brewster moved to add to the agenda, as Item #8, whether to reconsider changing FY2018 and FY2019 water and sewer rates for the Phillips 66 refinery, the County Water District of Billings Heights, the Lockwood Water and Sewer District and System Development Fees, seconded by Councilmember Clark. On a voice vote, the motion was approved 9-0, Councilmember Brown abstained.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 & 7 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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.)

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** in reference to Item #7, encouraged Council not to approve the appeal. He stated there should be stricter laws on the noise ordinance.
- **Jarrett Wanner, 2271 Eldorado Drive, Billings, Montana, Pro Auto Sound and Security:** in reference to Item #7, stated that the proposed event would bring a lot of people into the City and requested Council approve the appeal for the 1-day event.

1. **CONSENT AGENDA** -- Separations: 1C and 1K

A. **Mayor Hanel recommends that Council confirm the following appointments:**

1. **APPROVED**

|   | <b>Name</b>      | <b>Board/Commission</b>            | <b>Term</b>   |             |
|---|------------------|------------------------------------|---------------|-------------|
|   |                  |                                    | <b>Begins</b> | <b>Ends</b> |
| 1 | John Scheuering  | Animal Control Board*              | 07/01/17      | 12/31/20    |
| 2 | No Applications  | Housing Authority - Resident Comm* | 07/01/17      | 12/31/17    |
| 3 | Sandra McKee     | Housing Authority - Resident Comm* | 07/01/17      | 12/31/18    |
| 4 | Daniel Brooks    | Billings Parking Board*            | 07/01/17      | 12/31/19    |
| 5 | No Applications  | Planning Board - Ward 2*           | 07/01/17      | 12/31/17    |
| 6 | LaRell Baldwin   | Tourism BID Board                  | 07/01/17      | 09/30/17    |
| 7 | No Applications  | Tourism BID Board                  | 07/01/17      | 09/30/17    |
| 8 | Barbara Wagner** | Yellowstone Soil Conservation      | 07/01/17      | 06/30/20    |

- \* 1 Unexpired term of vacant position
- \* 2 Unexpired term of vacant position
- \* 3 Unexpired term of vacant position
- \* 4 Unexpired term of Kevin Odenthal
- \* 5 Unexpired term of vacant position

\*\* Appointment contingent on approval of Broadview and Laurel Mayors.

**B. Bid Awards:**

1. **W.O. 16-10, 14th Street West Storm Drain Replacement.** (Opened 5/23/17) Recommend COP Construction; \$293,902. **APPROVED**
- C. Amendments** to Dehler Park Agreement. **APPROVED**
- D. Customer Agreement** with NorthWestern Energy for W.O. 16-18, New 911 Call Center; \$83,313.58. **APPROVED**
- E. Executive Search Firm Services Agreement.** Recommendation will be made during Council meeting. **APPROVED**
- F. Professional Services Contract** for W.O. 17-23, King Avenue West Water and Sewer Extension; Kadomas, Lee & Jackson, Inc.; \$290,928. **APPROVED**
- G. Acceptance** of MDT MACI equipment award for new sweeper and authorize Mayor to sign subsequent document(s). **APPROVED**
- H. Approval** of Tax Increment Grant of up to \$200,000 for Community Leadership and Development Inc., at 24 South 29th Street. **APPROVED**
- I. Approval** to initiate a street name change for Payton Drive west of 54th Street West; and set a public hearing date for July 10, 2017. **APPROVED**
- J. Resolution** to discontinue SILMDs 269, 274, and 281. **APPROVED RES. 17-10623**
- K. Resolution** creating an Ad-Hoc Committee for the City Administrator Selection. **APPROVED RES. 17-10624**
- L. Second/Final Reading Ordinance for Zone Change #956:** a zone change from Residential Multi-Family-Restricted (RMF-R) to Community Commercial (CC) on a 1.98 acre parcel of land generally located at 517 Lincoln Lane. Propiedad, LLC, owner; Scott Aspenlieder, performance Engineering, agent. Approval of the zone change and adoption of the findings of the 10 criteria. **APPROVED ORD. 17-5690**
- M. Preliminary Subsequent Minor Plat** of Second Amended Plat of Lot 2A, Block 2, Zimmerman Acreage Tracts Subdivision, 2<sup>nd</sup> Filing, generally located south of Rimrock Road and on the west side of 46<sup>th</sup> Street West; Russ Holton, owner; Eggart Engineering, agent. **APPROVED**
- N. Final Plat Approval** of Shiloh Commons Subdivision. **APPROVED**

O. **Bills and Payroll:**

1. May 9, 2017 **APPROVED**
2. May 15, 2017 **APPROVED**
3. May 17 and May 22, 2017 **APPROVED**

**REGULAR AGENDA:** COUNCIL VOTED TO CONSIDER ITEM #3 BEFORE ITEM #2

2. **PUBLIC HEARING AND RESOLUTIONS** approving and adopting FY2018 budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **GENERAL AND PUBLIC SAFETY FUNDS APPROVED 8-2, BREWSTER AND CLARK VOTED IN OPPOSITION, RES. 17-10631; ENTERPRISE FUNDS APPROVED RES. 17-10632; INTERNAL SERVICE FUNDS APPROVED RES. 17-10633; ALL OTHER APPROVED RES. 17-10634.**
3. **PUBLIC HEARING AND RESOLUTIONS** setting annual FY2018 assessments on the following:
  - A. Business Improvement District **APPROVED RES. 17-10625**; Tourism Business Improvement District **APPROVED RES. 17-10626**; Mill Levy Rates for General Fund, Transit, Library, and Public Safety **APPROVED RES. 17-10627**.
  - B. Arterial Construction **APPROVED RES. 17-10628**
  - C. Street Maintenance District **OPTION #2 APPROVED RES. 17-10629**
  - D. Storm Sewer **APPROVED RES. 17-10630**  
Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** establishing collection, disposal, and landfill fees for FY2018, effective July 1, 2017. (Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED RES. 17-10635**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC) Article 26-600, Industrial Waste Discharge. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

6. **PUBLIC HEARING AND SITE DEVELOPMENT VARIANCE #CC 17-01:** a variance from various site development codes at Twin Pines Townhomes. Marsich Investments, Inc., owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
7. **APPEAL DENIAL OF NOISE WAIVER REQUEST.** Staff recommends disapproval of appeal. (Action: approval or disapproval of staff recommendation.) **DISAPPROVAL OF APPEAL**
8. **RECONSIDER** changing FY2018 and FY2019 water and sewer rates for the Phillips 66 refinery, the Water District of Billings Heights, the Lockwood Water and Sewer District and System Development Fees, and adding it to the June 26, 2017 Agenda. **APPROVED 9-0, BROWN 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.*)

**NONE**

**COUNCIL INITIATIVES:**

Councilmember Sullivan moved to direct staff to bring forward information regarding zoning code and park ranger expenditures to the July 10, 2017 Council meeting, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Brewster directed staff to study the use of utility revenues to supplement water costs from the general fund and discuss utility franchise fees and their uses before the next budget cycle, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

**ADJOURN:** 9:20 pm