

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

October 10, 2017

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 Hanel called the meeting to order at 5:30 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, Brewster, Cimmino, McFadden, Friedel, Swanson, Clark, and Brown. Councilmember Sullivan was excused.

### **RECESS TO CLOSED EXECUTIVE SESSION\***

**\*Note:** The closed Executive Session is solely for the purpose of discussing litigation strategy in which the only parties are NOT public bodies or associations, as described in Section 2-3-203(1) and (2). The meeting is closed, as allowed by Section 2-3-303, MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

The meeting was called back to order at 6:30 pm.

**MINUTES:** September 25, 2017 – Councilmember Clark moved for approval, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

**COURTESIES:** There were no courtesies.

### **PROCLAMATIONS:**

- Mayor Hanel declared Tuesday, October 17, 2017 as Pack the Place in Pink for Breast Cancer Awareness.

### **ADMINISTRATOR REPORTS - BRUCE MCCANDLESS**

- Mr. McCandless reminded Council of the Boards and Commissions Recognition Dinner on October 12, 2017 at 6:00 PM.
- Mr. McCandless announced there would be a Boards and Commissions ethics training class on October 18, 2017 from 4:00 – 6:00 PM.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 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 meeting.)

The public comment period was opened.

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

**1. CONSENT AGENDA**

**A. Bid Awards:**

1. **Airport Terminal Building Window Washing.** (Opened 9/26/17) Recommend Fish Window Cleaning; \$68,298.
2. **W.O. 17-23 King Avenue West Water and Sewer Extension.** (Opened 9/26/17) Recommend Western Municipal Construction, Inc.; \$1,216,157.

**B. Approval of lease renewal of the Limited Commercial Aviation Building and Ground Lease with Alpine Immobilien, LLC, revenue first year \$18,430.35, revenue subsequent years adjusted by CPI-U.**

**C. Approval of Federal Aviation Administration Garage/Shop Site Ground Lease renewal for additional five years; 10/1/2017 - 9/30/2022; annual revenue \$2,635.**

**D. Approval of Addendum to the Master Agreement with Airbus DS Communications, 9-1-1 Telephone System Upgrade; \$339,925.**

**E. Approval of Addendum to Master Agreement with Airbus DS Communications, Two New Radio Consoles and PC Upgrades; \$140,972.05.**

**F. Professional Engineering Services Agreement for Landfill Miscellaneous, Great West Engineering.**

**G. Confirmation of Probationary Police Officers - Casey Bigelow, Kathy Brown, Hunter Cook, Brett Hilde, Kevin Rockwell, Jayden Romero, Dustin Stroble, Dylan Sutton and Seth Weston, III.**

**H. Acceptance of donation from Bighorn County and approval of donation to Yellowstone County Sheriff's Office; \$4,725.**

**I. Acceptance of donation to Parks, Recreation and Public Lands Department from March Against Drugs and Violence for a tree and commemorative plaque at the Splash Pad in South Park; \$1,000.**

**J. Acceptance of 2017 Justice Assistance Grant (JAG); \$86,119.**

**K. Revolving Loan Fund to Sharli Kiner - Limber Tree Yoga; \$35,000.**

**L. Final Plat Approval of Annafeld Subdivision, 1st Filing.**

**M. Bills and Payroll:**

1. September 11, 2017

2. September 18, 2017

Councilmember Cimmino separated Items 1D, 1F for discussion and Item 1M1 to abstain.

Councilmember Yakawich separated Item 1I for discussion.

Councilmember Brown separated Item 1M1 to abstain.

Councilmember Brewster moved for approval of the Consent Agenda, with the exception of Items 1D, 1F, 1I and 1M1, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino asked for clarification from staff on Item 1D, the 9-1-1 Telephone Expansion and Upgrade, and questioned if there would be an agreement between the different entities that would be utilizing the services. Pepper Valdez, Interim Assistant Fire Chief introduced Anne Kindness, 9-1-1 Center Supervisor. Ms. Kindness stated Yellowstone County currently had a contract with the City to provide 24/7 dispatch services. She stated the funding for this item would come from funds collected on telephone bills, therefore, there would be a cost savings for Yellowstone County.

Councilmember Cimmino moved for approval of Item 1D, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino asked for clarification from staff on Item 1F, the Professional Services Agreement with Great West Engineering. Councilmember Cimmino questioned if the agreement was in addition to the \$4 million contract that had already been awarded for the landfill design. Dave Mumford, Public Works Director, stated that Item 1F was an additional agreement for smaller miscellaneous work that would occur on the project. Councilmember Cimmino reminded staff that page 7 of the draft contract showed City Administrator, Tina Volek, as signatory and needed to be updated.

Councilmember Cimmino moved for approval of Item 1F, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich in reference to Item 1I introduced Adam Liberty, Friendship House Community Engagement Coordinator, and his son, Cooper. Mr. Liberty stated the March Against Drugs and Violence took place on the second Saturday in June every year and thanked the Mayor and Councilmembers for their support. Mr. Liberty stated that Councilmember Yakawich had founded The March Against Drugs and Violence 20 years ago and applauded his efforts. He stated they were donating \$1,000 in order for a tree to be planted in South Park near the Splash Pad to memorialize people that had lost their lives to drugs and violence.

Councilmember Yakawich moved for approval of Item 1I, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Item 1M1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 8-0, Councilmembers Cimmino and Brown abstained.

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION 17-10674 de-annexing approximately 49 acres of undeveloped land described as portions of Terrace Estates Subdivision, 3rd Filing; James and Jo Ann Boyer, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Wyeth Friday, Planning Director, gave a brief PowerPoint presentation with an overview of the property and the factors in the de-annexation request. He stated the property would be very difficult to develop due to location, topography and lack of utilities reaching the area. He added that portions of the area were located within a flood plain.

Councilmember Friedel questioned the reasoning behind de-annexing the property. Mr. Friday stated the applicant had found it very difficult to develop due to the location issues.

Councilmember Brown asked how the property had originally been annexed with the lack of services. Mr. Friday stated the property had originally been platted in 1985 and the City's annexation policy was not developed until approximately 2001. He added that issues to the property had further developed since that time. Councilmember Brown asked how property development would change if the property was de-annexed. Mr. Friday stated that a portion of the property could be developed without the restrictions of the existing plat plans.

Councilmember Cimmino asked if de-annexing the property would create a county island. Mr. Friday stated that there were portions surrounding the property that were already in the County, therefore, it would not be a county island. Councilmember Cimmino asked why the City would be responsible for maintaining the parks in the area if the area became County. Mr. Friday stated the parkland was originally dedicated to

the City, and that there was a corridor that ran along Alkali Creek. He stated the Parks Department wanted to continue to maintain in order to be able to enforce City requirements.

Councilmember Yakawich asked for clarification on floodplain mapping by FEMA in the Alkali Creek area. Mr. Friday stated there was an official floodplain map of the area and it was updated by FEMA, but he was unsure of the last date of an update. Councilmember Yakawich asked if the Alkali Creek area was controlled by the Corps of Engineers. Mr. Friday answered affirmatively and stated that a permit from the Corps would be needed if attempting any work near the area.

Councilmember Friedel asked for clarification on the reasoning behind requesting a de-annexation. James Boyer, owner of the property, stated the requirements for development had significantly changed since the property had been platted. He added that due to the floodplain zoning, it had made the property almost impossible to develop. He added that the property was quite beautiful undeveloped and would rather not see a large amount of houses on small lots ruin the beauty of the location. Councilmember Brewster stated the area was beautiful and hoped it would stay undeveloped.

The public hearing was opened.

There were no speakers and the public hearing was closed.

Councilmember Brewster moved for approval of Item 2, seconded by Councilmember Cimmino. 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.

- **Dennis Ulvestad, 3040 Central Avenue, Billings, Montana:** thanked Councilmember Cimmino for her help throughout the years and stated she had served the City very well.

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

#### **COUNCIL INITIATIVES:**

There were no Council initiatives.

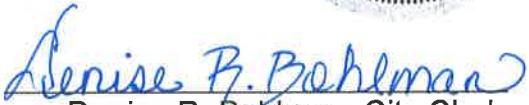
There was no further business, and the meeting adjourned at 7:14 pm.

CITY OF BILLINGS



BY:   
Thomas W. Hanel, Mayor

ATTEST:

BY:   
Denise R. Bohlman, City Clerk