

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

---

#### AGENDA

COUNCIL CHAMBERS

June 25, 2018

6:30 P.M.

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Mayor Cole

**ROLL CALL:** Councilmembers present on roll call were:

Cromley,  Yakawich,  Brewster,  Ewalt,  Joy,  Friedel,  Gibbs,  
 Ronning,  Clark,  Brown

**MINUTES:** June 11, 2018 - **APPROVED**

#### **COURTESIES:**

- Mayor Cole recognized Art Davis, Springsted-Waters, recruiter hired for the City Administrator search.
- Councilmember Yakawich recognized those that participated in the Cystic Fibrosis Walk over the weekend.
- Councilmember Joy reminded citizens that fireworks are illegal within the City limits and asked citizens to be compliant.

#### **PROCLAMATIONS:**

- NONE

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

- Mr. McCandless stated Item 1A1, Mayor's Appointments to Boards and Commissions, would need to be separated. The appointee for the Yellowstone

Historic Preservation Board, Keith Edgerton, had withdrawn his application due to a scheduling conflict.

- Mr. McCandless stated that in regard to Item 7, Special Review 964, involving an All-Beverage Liquor License with Gaming, an email was received late from Cody and Michele Haslam opposing the approval of the Special Review. A copy of their email has been placed in the ex parte notebook located at the back of the room.
- Mr. McCandless stated that Item 2 had a few resolutions and each one should be separated and voted upon individually, but that only one public hearing would be necessary.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 5b, 14 and 15 ONLY. Speaker sign-in required.** (Comments are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign the roster located on the cart at the back of Council chambers or at the podium. Comments 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.)

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, in reference to Item Items 14 and 15, stated his opposition to the contracts and wage increases for Fire and Police.

1. **CONSENT AGENDA** -- Separations: 1A1, 1D, 1E, 1L1 and 1L2

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

1.

	<b>Name</b>	<b>Board/Commission</b>	<b>Term</b>	
			<b>Begins</b>	<b>Ends</b>
1	No Applications	Board of Appeals - Electrical Cont	06/25/18	12/31/21
2	Mick Brown	Board of Appeals -Plumber	06/25/18	12/31/21
3	Gloria Boyd	Housing Authority*	06/25/18	12/31/21
4	Keith Edgerton	Yellowstone Historic Preservation*	06/25/18	12/31/19

\* 3 Unexpired term of Bradley Ball

\* 4 Unexpired term of James Graff

**APPROVED with the acceptance of Keith Edgerton’s application withdrawal.**

**B. Bid Awards:**

1. **W.O. 17-18, Water Treatment Plant Rip Rap.** (Opened 6/12/18) Recommend Donnes, Inc.; \$100,299. **APPROVED**
2. **W.O. 18-05, 54th Street West and Rimrock Road Traffic Signal Improvements.** (Opened 6/12/18) Recommend Knife River - Billings; \$560,880.60. **APPROVED**
3. **W.O. 18-13, Kyhl Lane Sidewalk.** (Opened 6/12/18) Recommend CMG Construction, LLC; \$263,760. **APPROVED**

**C. Professional Services Contract** for Billings Regional Landfill master plan update; HDR Engineering; \$114,000. **APPROVED**

**D. Approval** of 5-year Billings Urban Fire Service Area (BUFSA) Agreement with Yellowstone County; first year fees \$1,176,255. **APPROVED 10-1, EWALT  
OPPOSED**

**E. Approval** of 30-year lease with the Montana Historical Society and the Billings Preservation Society to continue community preservation of the Moss Mansion. **APPROVED WITH CONDITION THAT THE CITY RESERVES THE RIGHT TO PERIODICALLY REVIEW THE TYPE AND AMOUNT OF LIABILITY INSURANCE COVERAGE AND MAY REQUIRE REASONABLE INCREASES IN SUCH INSURANCE COVERAGE OR CHANGES IN TYPES OF COVERAGE AS THE CIRCUMSTANCES OR INSURANCE INDUSTRY PRACTICES MAY REQUIRE.**

**F. Approval** of the assignment and transfer of West End Hangar Ground Lease from KW Air, LLC to Jim Ragain. **APPROVED**

**G. Approval** of utility easement with NorthWestern Energy to install new power line with conduit across Terry Park. **APPROVED**

**H. Approval** of utility easement with NorthWestern Energy to replace existing electric cables with conduit and new cables in Stewart Park. **APPROVED**

**I. Resolution 18-10731** closing pooled sidewalk Series 2002B, Special Improvement District (SID) 1347 and 1356, Pooled SID Series 2001C, 2002A and 2005. **APPROVED**

**J. Preliminary Major Plat** of Amended Lots 7-17, Coal Creek Subdivision, generally located at the northwest corner of the intersection of Rimrock Road and 62nd Street West; Magnus Land Development, LLC, owner; CTA, agent. **APPROVED**

**K. Cancellation of Checks and Warrants. APPROVED**

**L. Bills and Payroll:**

1. May 29, 2018 APPROVED 10-0, BROWN ABSTAINED
2. June 5, 2018 APPROVED 10-0, BROWN ABSTAINED

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTIONS** approving and adopting FY2019 budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
  - a. **General Fund and Public Safety – RESOLUTION 18-10732 - APPROVED 9-2, EWALT and FRIEDEL OPPOSED**
  - b. **Enterprise Fund - RESOLUTION 18-10733 – APPROVED**
  - c. **Internal Service Fund - RESOLUTION 18-10734 - APPROVED**
  - d. **All Other Funds (Special Reserve and Debt Service) - RESOLUTION 18-10735 – APPROVED 9-2, EWALT and FRIEDEL OPPOSED**
3. **PUBLIC HEARING AND RESOLUTIONS** setting annual FY2019 assessments on the following:
  - a. **Business Improvement District – RESOLUTION 18-10736 - APPROVED;**
  - b. **Tourism Business Improvement District – RESOLUTION 18-10737 - APPROVED;**
  - c. **Mill Levy Rates for General Fund, Transit, Library and Public Safety – RESOLUTION 18-10738 - APPROVED 9-2, CLARK and FRIEDEL OPPOSED**
  - d. **Arterial Construction – RESOLUTION 18-10739 - APPROVED**
  - e. **Street Maintenance District – RESOLUTION 18-10740 - APPROVED**
  - f. **Storm Sewer – RESOLUTION 18-10741 - APPROVED**

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

4. **PUBLIC HEARING AND RESOLUTION 18-10742** revising Public Works fee structure and amounts for FY2019. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **SOLID WASTE:**
  - a. **PUBLIC HEARING AND RESOLUTION 18-10743** establishing collection, disposal, and landfill fees for FY2019, effective July 1, 2018. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
  - b. **APPROVAL** of one-year landfill use agreement with Yellowstone County; \$189,260. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, EWALT OPPOSED**
6. **PUBLIC HEARING AND RESOLUTION 18-10744** adopting fee changes associated with various services provided by the Planning Division and Engineering. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, BREWSTER OPPOSED**
7. **PUBLIC HEARING AND SPECIAL REVIEW 964:** a special review to allow the location of an All-Beverage Liquor License with Gaming (bar and casino) as part of a new Town Pump gas station convenience store and liquor store in a Community Commercial (CC) zone on a 3.39-acre parcel of land, generally located at 3415 Grand Avenue. Town Pump, Inc., Owner; AT Architects, Agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 8-3, FRIEDEL, GIBBS and RONNING OPPOSED**
8. **PUBLIC HEARING AND SPECIAL REVIEW 965:** a special review to allow a 50-foot camouflage wireless facility – a faux tree – next to a detached garage in a Residential Professional (RP) zone, generally located at 2512 Shiloh Road. Kincaid Land, LLC, owner; Kevin Howell, Verizon Wireless, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 9-1, MAYOR COLE ABSTAINED, YAKAWICH OPPOSED**
9. **PUBLIC HEARING AND SPECIAL REVIEW 966:** a special review to locate a drive-through food service restaurant across an alley from a Residential zone in a Community Commercial (CC) zone on a 21,211 square foot parcel of land, generally located at 2202 Central Avenue. Zarbock Enterprises, LLC, owner; John Atkinson, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**

10. **PUBLIC HEARING AND RESOLUTION 18-10745 FOR ANNEXATION 18-04:** a property described as approximately 13.52 gross acres, located south of Interstate 90 and north of the Yellowstone River, known as Coulson Park. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, EWALT OPPOSED**
11. **PUBLIC HEARING AND RESOLUTION 18-10746 FOR ANNEXATION 18-05:** a property approximately 347.321 gross acres of land, property located south of Molt Road and northwest of the Copper Ridge Subdivision, known as Phipps Park. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8-3, EWALT, JOY and BROWN OPPOSED**
12. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 966:** a zone change from the EBURD-Industrial Sanctuary (EBURD-IS) zone to the EBURD-Central Works (EBURD-CW) zone on a 5.64 acre parcel of land, generally located at First Avenue North and North 15th Street. Kairos Center LLC, owner; Martin Connell, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 10-0, BROWN ABSTAINED**
13. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 967:** a zone change from Residential Multi-Family (RMF) to Community Commercial (CC) on a 1.72 acre parcel of land, generally located at the intersection of Lake Elmo Drive and Josephine Drive. Orville Kurtz, owner; David Goodridge, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
14. **INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 521 UNION CONTRACT (7/1/18-6/30/23).** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
15. **MONTANA PUBLIC EMPLOYEES ASSOCIATION, BILLINGS POLICE CHAPTER, UNION CONTRACT (7/1/2018-6/30/21).** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Sign-in required.**  
*(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes. Please sign the roster located on the cart at the back of Council chambers or at the podium.)*

- **John Shelhamer, 1977 Edgewood Drive, Billings, Montana**, reminded Council on the 6<sup>th</sup> anniversary of the budget adoption, which helped make Dehler Park a reality. He encouraged Council to continue its support of American Legion baseball and invited them to attend Legion baseball games.

**COUNCIL INITIATIVES:**

- NONE

**ADJOURN:** 12:10 AM, Tuesday, June 26, 2018.