

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

June 25, 2018

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 Cole called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Mayor Cole gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Ewalt, Joy, Friedel, Gibbs, Ronning, Clark and Brown.

MINUTES: June 11, 2018 - Councilmember Brewster moved for approval, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Cole introduced and recognized Art Davis, Springsted-Waters, the 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:

- There were no proclamations.

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 The appointee for the Yellowstone Historic Preservation Board, Keith Edgerton, had withdrawn his application due to a scheduling conflict.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 had been placed in the ex-parte notebook.
- Mr. McCandless stated that Item 2 had a few resolutions and each should be separated and voted upon individually, but 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.)

The public comment period was opened.

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

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

1. **CONSENT AGENDA**

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
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

B. **Bid Awards:**

1. **W.O. 17-18, Water Treatment Plant Rip Rap.** (Opened 6/12/18) Recommend Donnes, Inc.; \$100,299.
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.
3. **W.O. 18-13, Kyhl Lane Sidewalk.** (Opened 6/12/18) Recommend CMG Construction, LLC; \$263,760.

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

- D. **Approval** of 5-year Billings Urban Fire Service Area (BUFSA) Agreement with Yellowstone County; first year fees \$1,176,255.
- E. **Approval** of 30-year lease with the Montana Historical Society and the Billings Preservation Society to continue community preservation of the Moss Mansion.
- F. **Approval** of the assignment and transfer of West End Hangar Ground Lease from KW Air, LLC to Jim Ragain.
- G. **Approval** of utility easement with NorthWestern Energy to install new power line with conduit across Terry Park.
- H. **Approval** of utility easement with NorthWestern Energy to replace existing electric cables with conduit and new cables in Stewart Park.
- I. **Resolution 18-10731** closing pooled sidewalk Series 2002B, Special Improvement District (SID) 1347 and 1356, Pooled SID Series 2001C, 2002A and 2005.
- 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.
- K. **Cancellation of Checks and Warrants.**
- L. **Bills and Payroll:**
 - 1. May 29, 2018
 - 2. June 5, 2018

Mayor Cole separated Items 1A1 and 1E or discussion.

Councilmember Ewalt separated Item 1D for discussion.

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

Councilmember Brewster moved for approval of the Consent Agenda with the exception of Items 1A1, 1D, 1E, 1L1 and 1L2, seconded by Councilmember Joy. On a voice vote, the motion was unanimously approved.

Mayor Cole stated in reference to Item 1A1 that Keith Edgerton had withdrawn his application for the Yellowstone Historic Preservation Board due to a scheduling conflict. Councilmember Clark moved for approval of Item 1A1, with the exception of

Keith Edgerton's appointment to the Yellowstone Historic Preservation Board, seconded by Councilmember Gibbs. On a voice vote, the motion was unanimously approved.

Councilmember Ewalt, in reference to Item 1D, voiced his concern that the fire service area in the agreement was roughly the size of Billings and it compromised fire service to the City's residents. He stated the payment to the City was too low for an area that size and the City should get paid more to allow for more personnel, equipment and facilities. Councilmember Clark moved for approval of Item 1D, seconded by Councilmember Joy.

Bruce McCandless, City Administrator, responded that the agreement had been in place for over 20 years. He stated it provided for 10 firefighters and equipment and there was an escalator for increases in accordance with the Fire Department's budget. Fire Chief, Bill Rash, added it was a good agreement and covered direct costs. He continued that the BUFSA area had not been expanded in many years, but rather infilling had occurred through annexations. He stated the agreement would not specify costs related to firefighter housing or facility maintenance (capital costs). He continued that the City benefited by having the 10 firefighters on standby, which the City would not have if it were not for the BUFSA.

Mayor Cole directed staff to conduct an analysis to determine the actual costs to the City to do a better job of detailing costs and revenue for future agreements. He stated the City should be prepared to give its one-year notice, if the City determined it did not wish to continue the agreement past the 5-years.

On a voice vote, the motion was approved 10-1, Councilmember Ewalt voted in opposition.

Mayor Cole stated, in reference to Item 1E, that he was concerned the liability insurance coverage over the 30-year lease was not sufficient. He suggested that a condition be added that allowed the City 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.

Councilmember Yakawich moved for approval of Item 1E, with the condition set forth by the Mayor, seconded by Councilmember Ronning. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 1L1, seconded by Councilmember Clark. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

Councilmember Brewster moved for approval of Item 1L2, seconded by Councilmember Clark. On a voice vote, the motion was approved 10-0, Councilmember 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
- b. Enterprise Fund - RESOLUTION 18-10733
- c. Internal Service Fund - RESOLUTION 18-10734
- d. All Other Funds (Special Reserve and Debt Service) - RESOLUTION 18-10735

Andy Zoeller, Finance Director, gave a brief presentation reviewing the overall FY2019 budget and the Council's recommended changes to the final budget. He clarified that additional monies for the Parks' Department was taken from the General Fund and would not increase the budget for Park District No. 1.

The public hearing was opened.

- **Clark Johnson, 6180 Masters Boulevard, Billings, Montana**, stated he was a dissident member of the Parks Board. He stated more pickle ball activities were needed and suggested Council consider 6 pickle ball courts, with sideline seating, be added in Centennial Park and pickle ball improvements be budgeted in future budgets for other parks.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, urged Council to deny approval of \$2.46 million dollars for Parks' budget. He stated existing parks were already in need of maintenance and to add another park to maintain would not make sense. He continued that he was against budgeting for paramedics. He said paramedics had not been needed thus far and expressed concerned that adding paramedics could cause problems between Fire Department paramedics and the ambulance service.
- **Tom Rupsis, Parks Board Vice President, 105 Legends Way, Billings, Montana**, voiced his support for the Parks' budget and gave progress details about Landon's Legacy project. He stated the \$2.46 million for Parks was specifically to get the infrastructure, Phase I, for Centennial Park in place. He stated the Parks' General Fund had no monies to do large capital projects, so the additional \$2.46 million was needed. He provided an explanation how monies in Park District 1 was used.

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

Councilmember Joy moved for approval of Item 2a, the General Fund and Public Safety FY2019 budget, with \$2.46 million allocated to the Parks' Department specifically for use on the Centennial Park, Phase I, infrastructure, seconded by Councilmember Clark.

Councilmember Cromley provided an amendment to the motion, stating that \$1 million of the \$2.46 million for the Parks' Department would be from the General Fund and \$1 million from increases to the Park Maintenance District 1, seconded by Councilmember Joy.

Mayor Cole stated his support and asked that \$250,000 of the \$1 million in additional Park District 1 assessments be segregated by the City's Finance Director, in a separate fund. He continued that the funds would not be released for expenditure until cash or in-kind gifts or goods or services, having a value up to \$250,000, had been received by the City from members of the public, businesses, or other sources, besides the City of Billings, in which case the segregated funds would be released on a 1:1 basis in a lump sum or partial expenditure, depending on the amount of the matching gift or other source of revenue.

Councilmember Yakawich opposed the amended motion and supported generously contributing to the development of Centennial Park with no strings attached.

Councilmember Brown opposed the amended motion and stated he was not comfortable raising taxes in Park District 1 without taking it to the public on a vote.

Councilmember Clark opposed the amended motion and stated he was not supportive of raising taxes in Park District 1.

Councilmember Gibbs stated the amended motion was too complex and all of the monies were tax monies, regardless of the designated fund. He voiced opposition to the amended motion.

Councilmember Clark called the question, seconded by Councilmember Cromley. On a roll call vote, the call of the question was approved 10-1, Mayor Cole voted in opposition.

On a voice vote, the amended motion failed 8-3, Councilmembers Yakawich, Brewster, Ewalt, Friedel, Gibbs, Ronning, Clark and Brown voted in opposition.

On a voice vote, the original motion made by Councilmember Joy was approved 9-2, Councilmembers Friedel and Ewalt voted in opposition.

Councilmember Yakawich moved for approval of Item 2b, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

Councilmember Cromley moved for approval of Item 2c, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 2d, seconded by Councilmember Cromley. Councilmember Friedel asked about a \$500 Dog Park Construction Fund listed in the budget item. Andy Zoeller, Finance Director, provided an explanation for the cost allocation. On a voice vote, the motion was approved 9-2, Councilmembers Friedel and Ewalt voted in opposition.

3. PUBLIC HEARING AND RESOLUTIONS setting annual FY2019 assessments on the following:

- a. Business Improvement District – RESOLUTION 18-10736
- b. Tourism Business Improvement District – RESOLUTION 18-10737
- c. Mill Levy Rates for General Fund, Transit, Library and Public Safety – RESOLUTION 18-10738
- d. Arterial Construction – RESOLUTION 18-10739
- e. Street Maintenance District – RESOLUTION 18-10740
- f. Storm Sewer – RESOLUTION 18-10741

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

There was no staff presentation. The public hearing was opened.

- **Ron Hill, 142 Annadale Road, Billings, Montana**, stated he opposed the assessment formula in regard to street maintenance. He stated the assessments were unlawful and explained his position.

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

Councilmember Yakawich moved for approval of Item 3a, seconded by Councilmember Cromley.

Councilmember Clark asked whether the mill levy rates were known at this time. City Administrator, Bruce McCandless, stated the maximum mills were 109 and were an approximation. He stated the actual mills would not be known until August, and then would be brought before the Council in September as a resolution to set the mill levy rates.

Councilmember Clark made a substitute motion to separate Resolutions for Business Improvement District, Tourism Business Improvement District, and Mill Levy Rates for General Fund, Transit, Library and Public Safety, seconded by Councilmember Brewster. No vote was necessary per rules of order.

Councilmember Cromley moved for approval of Items 3a, Business Improvement District (BID) and 3b, Tourism Business Improvement District (TBID) resolutions setting FY2019 assessments, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember Cromley moved for approval of Item 3c, Mill Levy Rates increase for General Fund, Transit, Library and Public Safety from 105 mills to 109 mills, seconded by Councilmember Yakawich. Councilmember Ewalt asked whether mills could increase to more than 109. Bruce McCandless explained that the Department of Revenue would provide assessed values in August. He continued that Public Safety 2 was voted on in 2012 and set on dollars, not mills. Therefore, until the taxable value was determined in dollars there could only be an approximation at this time. He stated the same was true for the Debt Service Fund. He explained there would be two separate times to set tax rates; once now to set the mills and again in September for Public Safety 2 and Debt Service Fund, because the dollars would be known then. On a voice vote, the motion was approved 9-2, Councilmembers Clark and Friedel voted in opposition.

Councilmember Joy moved for approval of Item 3d, setting annual FY2019 assessments for arterial construction, seconded by Councilmember Cromley.

Mayor Cole inquired whether the assessments were in keeping with inflation. Jennifer Duray, Public Works Finance Manager, stated the Construction Cost Index was used and aligned more closely than the Consumer Price Index for determining costs. She continued that assessments were in line with inflation.

On a voice vote, the motion was unanimously approved.

Councilmember Yakawich moved for approval of Item 3e, setting annual FY2019 assessments for Street Maintenance District, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

Councilmember Cromley moved for approval of Item 3f, setting annual FY2019 assessments for Storm Sewer, seconded by Councilmember Joy. On a voice vote, the motion was unanimously approved.

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.)

There was no staff presentation. The public hearing was opened. There were no speakers, and the public hearing was closed.

Councilmember Cromley moved for approval of Item 4, seconded by Councilmember Brown. On a voice vote, the motion was unanimously 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.)**

There was no staff presentation. The public hearing was opened. There were no speakers, and the public hearing was closed.

Councilmember Cromley moved for approval of Item 5a, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

- b. **APPROVAL of one-year landfill use agreement with Yellowstone County; \$189,260. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

There was no staff presentation.

Councilmember Yakawich moved for approval of Item 5b, seconded by Councilmember Friedel. On a voice vote, the motion was approved 10-1, Councilmember Ewalt voted in opposition.

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.)**

Monica Plecker, Planning Manager, gave a brief presentation and explained fee increases and coordinated efforts between Engineering and the Planning Division when serving the public.

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

Councilmember Cromley moved for approval of Item 6, seconded by Councilmember Ewalt. On a voice vote, the motion was approved 10-1, Councilmember Brewster voted in opposition.

Mayor Cole called for a recess at 8:42 p.m. and called the meeting back to order at 8:50 p.m.

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.)

Karen Husman, Planner, gave a brief presentation and explained that Council could not deny a special review, unless it would not meet a criteria. She reminded Council that conditions could be added and that the conditions would run with the land.

Council discussion was held concerning conditions set forth by the Zoning Commission and traffic impacts.

The public hearing was opened.

- **Susan Smith, 6133 Timbercove Drive, Billings, Montana**, stated she was opposed to the special review. She encouraged the Council to adopt an ordinance that would: define areas in which liquor stores and casinos could be located; limit the number of gaming and liquor licenses in the City; increase the distance between bars, liquor stores and casinos and schools, parks, churches, etc.; and designate hours of operation for those businesses.
- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana**, stated he served on the Zoning Commission, but he was not representing the Zoning Commission. He stated he had voted against the special review because he had concerns about how the business would affect traffic in the area.
- **Senator Cary Smith, 6133 Timbercove Drive, Billings, Montana**, stated he was concerned about West End expansion and was opposed to the special review as he did not believe it met with the community standard. He stated local government could be as restrictive on the issues concerning liquor licenses as it wished.
- **Craig Dalton, Performance Engineering, 7100 Commercial Ave., Suite 4, Billings, Montana**, stated that a traffic impact study had been conducted and the impacts were negligible and considered within Engineering's normal growth standards.
- **Dan Samson, Town Pump Construction Manager, 600 South Main, Butte, Montana**, stated the liquor license was an existing license within Billings and not newly purchased from the State. He continued that the facility would generate 30 to 50 new jobs, with benefits, and not all were entry level positions. He supported the special review.

- **Mark Olson, AT Architects, 434 Constitution Avenue, Billings, Montana,** stated most of the building would be a C-store and fuel station with a small casino and lounge. He stated everything would be built to zoning and engineering specifications. He supported the special review.
- **Tiffany Wardell, 1309 Daybreak Drive, Billings, Montana,** stated she was excited that future work session discussions could possibly change how and where liquor licenses would be located in the City. She suggested a 30-day delay to review whether the negative affects listed in criteria no. 3 were mitigated. She stated that West End Task Force members were opposed to the special review.

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

Councilmember Friedel moved to deny Item 7, based on the third criteria not being mitigated and not conducive to the 2016 Growth Policy, seconded by Councilmember Ronning.

Karen Husman, Planner, confirmed that Will James Middle School was approximately 1,100 feet from the proposed Town Pump location and the required minimum was 600 feet.

Councilmember Cromley stated he would not support the motion because stating there were too many casinos was not basis enough to deny the special review.

Councilmember Brown stated he would not support the motion because there were no residential neighborhoods nearby to be impacted.

Councilmember Joy stated she would not support the motion to deny the special review.

Councilmember Friedel defended the motion and stated bars and casinos devalued nearby residential properties.

Mayor Cole stated he opposed the motion as the business was an allowable use.

Councilmember Yakawich made a substitute motion to approve the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 3 criteria and added an additional condition concerning electronic signage. The substitute motion died for lack of a second.

Councilmember Cromley made a substitute motion to approve the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 3 criteria, seconded by Councilmember Ewalt. On a voice vote, the motion was passed 8-3, Councilmembers Friedel, Gibbs and Ronning voted in opposition.

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.)

Mayor Cole abstained from participating in the matter and the hearing continued with Councilmember Brewster, acting as Deputy Mayor.

Karen Husman, Planner, gave a brief presentation, describing the structure and explaining the Zoning Commission's recommendations.

The public hearing was opened.

- **Kevin Howell, Verizon Wireless Agent**, stated his support of the special review and answered Council's questions concerning wireless coverage in the area.

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

Councilmember Friedel moved for approval of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 3 criteria, seconded by Councilmember Joy. On a voice vote, the motion was passed 9-1, Councilmember Yakawich voted in opposition and Mayor Cole abstained.

Mayor Cole resumed order of the business meeting.

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.)

Karen Husman, Planner, gave a brief presentation and explained the proposed uses for the land and the Zoning Commission's recommendations.

The public hearing was opened.

- **Robert Zarbock, 2222 Custer Avenue, Billings, Montana**, stated there would be a pick-up window at the restaurant, but no audible speaker system for ordering. He continued that the design was for pick-up orders only and that extra parking lot lighting would be installed. He supported the special review.

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

Councilmember Clark moved for approval of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 3 criteria, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

10. PUBLIC HEARING AND RESOLUTION 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.)

Monica Plecker, Planning Manager, gave a brief presentation and stated that no protests had been received during the 20-day protest period.

The public hearing was opened. There were no speakers and the public hearing was closed.

Councilmember Friedel moved for approval of Item 10, seconded by Councilmember Cromley. Councilmember Ewalt expressed concern about police and fire services having immediate access to the area. On a voice vote, the motion was approved 10-1, Councilmember Ewalt voted in opposition.

11. PUBLIC HEARING AND RESOLUTION 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.)

Monica Plecker, Planning Manager, gave a brief presentation and stated that no protests had been received during the 20-day protest period. She explained that the park was to remain a natural park and that the Phipps family had donated the land with the stipulation that the property remain natural.

The public hearing was opened. There were no speakers and the public hearing was closed.

Councilmember Clark moved for approval of Item 11, seconded by Councilmember Ronning. Councilmember Joy expressed concern about stretching public safety resources. Monica Plecker responded that previous to the annexation, fire services were provided by the Molt Fire Department. She continued that by annexing the area into the City, the area would now be included in the BUFSAs which would provide better coverage.

Councilmember Ewalt asked about the disc golfing course and how that fit into the "natural" setting. Michael Whitaker, Parks Director, stated it fit well into the setting

and required very little equipment or maintenance. He added there would be no paved paths.

On a voice vote, the motion was approved 8-3, Councilmembers Ewalt, Joy and Brown voted in opposition.

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.)

Nicole Cromwell, Zoning Coordinator, gave a brief presentation and reminded Council that no conditions could be attached to a zone change. She stated the current owner wished to create housing units in the former Pierce Packing Company building and the zone change would allow for that usage.

The public hearing was opened.

- **Marty Connell, 49 North 15th Street, Suite 2, Billings, Montana**, gave details about the anticipated future development of the building, which would include 14 or 15 housing units. He supported the zone change.

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

Councilmember Cromley moved for approval of the Zoning Commission's recommendation and adoption of the 10 criteria for Item 12, seconded by Councilmember Brewster. On a voice vote, the motion was approved 10-0, Councilmember 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.)

Nicole Cromwell, Zoning Coordinator, gave a brief presentation about the past usage of the property and reminded Council that no conditions could be attached to a zone change. She stated the use of the property had been non-conforming, and future sale of the property would be limited due to its non-conformance.

The public hearing was opened.

- **Judy Johnson, 429 Lola Lane, Billings, Montana**, stated she lived directly behind the subject property and she was concerned that rezoning would cause devaluation of her residential property. She opposed the zone change.
- **David Goodridge, 811 North 31st Street, Billings, Montana**, stated he was the landowner's realtor and representative. He stated it was very difficult to sell the property due to its current zoning. He continued that by changing the zoning for the subject property it would fit with the Heights' plan for mixed use properties between Main Street and Lake Elmo Drive. He supported the zone change.
- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana**, stated he served on the Zoning Commission, but he was not representing the Zoning Commission. He stated he had voted against the zone change because he had concerns for area residents' property values.

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

Councilmember Brewster moved for approval of the Zoning Commission's recommendation and adoption of the 10 criteria for Item 13, seconded by Councilmember Joy. On a voice vote, the motion was unanimously 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.)

Karla Stanton, Human Resources Director, addressed the Council about negotiated changes to the contract and voiced her support for approval of the union contract.

Councilmember Yakawich moved for approval of Item 14, seconded by Councilmember Cromley. On a voice vote the motion was unanimously 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.)

Karla Stanton, Human Resources Director, addressed the Council about negotiated changes to the contract and voiced her support for approval of the union contract.

Councilmember Yakawich moved for approval of Item 15, seconded by Councilmember Cromley. 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 are limited to 3 minutes. Please sign the roster located on the cart at the back of Council chambers or at the podium.)

The public comment period was opened.

- **John Shelhamer, 1977 Edgewood Drive, Billings, Montana**, reminded Council, that 6 years ago Council had approved the budget that built Dehler Park. He gave mention of many of the American Legion baseball players that had went college, received academic and athletic scholarships, or played in the pros. He encouraged Council to continue its support of American Legion baseball and invited them to attend Legion baseball games.

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 12:10 a.m., Tuesday, June 26, 2018.



ATTEST:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

CITY OF BILLINGS

BY: William A. Cole
William A. Cole, Mayor