

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

July 23, 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. Councilmember Yakawich gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Ewalt, Joy, Friedel, Gibbs, Ronning, Clark and Brown. Councilmember Brewster arrived at 6:52 pm.

MINUTES:

June 25, 2018 – Councilmember Yakawich moved for approval, seconded by Councilmember Joy. On a voice vote, the motion was unanimously approved.

July 9, 2018 – Councilmember Yakawich moved for approval, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Cole stated he returned from a productive trip to Washington, D.C. to meet with congressional delegation and Federal government officials.
- Mayor Cole acknowledged Dave Mumford, Public Works Director, who received the 2018 Billings TrailNet, Trail Champion Award, for promoting trail development in Billings and Yellowstone County.
- Mayor Cole acknowledged Steve Arveschoug, Executive Director, Big Sky Economic Development, who gave an update regarding One Big Sky District planning and future scheduling.
- Councilmember Ronning stated the YWCA Gateway House had a ribbon cutting for the new apartment complex and she thanked the YWCA and community members/partners that made it possible. She extended an invite to the public to attend the Yellowstone County Area Human Trafficking Task Force 3rd quarter session meeting, 10:30 to 12:30, on Wednesday, July 25, 2018, at First Interstate Bank Operations Center on Sixth Avenue North.
- Councilmember Yakawich congratulated and commended the athletes and participants at the Big Sky State Games.

PROCLAMATIONS:

- There were no proclamations.

ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

- Mr. McCandless stated that Items G and H on the Consent Agenda would need to be separated and moved to the August 13th Agenda.
- Mr. McCandless reminded Council that next week was a bye week and there would be no meeting.
- Mr. McCandless stated nothing had been placed in the ex parte communications notebook as there had been no last minute correspondence received concerning agenda items.

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

- **John Shelhamer, 1977 Edgewood Drive, Billings, Montana**, in regard to Item 1F, asked Council to encourage the Billings' Mustangs to enter into a long-term contract with American Legion Baseball. He continued that the Mustangs were remodeling space the Legion normally used for storage and the Mustangs were not replacing it with other storage space. He stated their contract had increased since 2015 by 54% for usage at Dehler Park.

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

1. CONSENT AGENDA

A. Bid Awards:

1. **W.O. 18-17, CNG Backup Compressor.** (Opened 7/10/18) Recommend Ace Electric Inc.; \$256,674.
2. **SID 1404 Annafeld Streetlights Construction.** (Opened 7/10/18) Recommend Ace Electric, \$219,931.50.
3. **SID 1404 Annafeld Park Improvements.** (Opened 07/17/18) Recommendation will be in the July 20, 2018 Friday Packet.

B. Professional Services Contract for W.O. 18-22 Leavens Reservoir Expansion and Zone 1 Improvements; HDR Engineering, Inc.; not to exceed \$169,900.

C. Professional Services Contract for abatement and demolition of structures at 2305 9th Ave. N.; Safetech, Inc.; \$59,934.

- D. **Approval** of purchase of 76 Panasonic ruggedized laptop mobile computers, accessories, and 5-year warranty through Insight Public Sector on State of Montana/NASPO contract #MNWNC-124; \$388,180.
- E. **Acceptance** of the drainage easements for Lots 9 and 10, Block 3, Ironwood Estates Subdivision, 5th Filing, and the sidewalk easements along Lots 9-13, Block 3, Ironwood Estates Subdivision, 5th Filing.
- F. **Acceptance** of donation to the Parks, Recreation and Public Lands Department from Billings Mustangs for Dehler Park remodel project; \$19,860.
- G. **Resolution** approving new Purchasing Policy to increase the RFP and bid thresholds and the City Administrator's contracting authority.
- H. **Resolution** increasing the City Administrator's contracting authority from \$50,000 to \$80,000.
- I. **Second/Final Reading Ordinance 18-5715** amending Billings, Montana City Code (BMCC), Section 2-211, Calling to Order.
- J. **Preliminary Major Plat** of Zimmerman Home Place Subdivision, 2nd Filing, Amended Lot 1, Blocks 4 and 5, generally located on the northwest corner of the intersection of Grand Avenue and Zimmerman Trail; Billings Opportunities, LLC, owner; Craig Dalton, agent; conditional approval and adoption of the findings of fact.
- K. **Final Plat Approval** of Falcon Ridge Estates Subdivision, 3rd Filing.
- L. **Bills and Payroll:**
 - 1. June 18, 2018
 - 2. June 25, 2018

Councilmember Clark moved to remove Consent Agenda Items G and H to the August 13, 2018 Regular Business Meeting, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Cromley separated Items 1F and 1I for discussion.

Councilmember Joy separated Item 1J for discussion.

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

Councilmember Clark moved for approval of the Consent Agenda with the exception of Items 1F, 1G, 1H, 1I, 1J, 1L1 and 1L2, seconded by Councilmember Friedel. Mayor Cole stated that Consent Agenda Item 1A3, Annafeld Park

Improvements recommendation concerning an award of a bid had been contained in the July 20, 2018 Friday Packet and the recommendation had been to reject all bids and delay re-bidding to a later date. On a voice vote, the motion was unanimously approved.

Councilmember Cromley, in reference to Item 1F, asked Mike Whitaker, Parks Director, if accepting the donation for Dehler Park would play into the remodeling of the storage area currently used by the American Legion Baseball. Mr. Whitaker stated there was a verbal understanding that 3 areas would be affected and the storage area in question was one of them and the Legion would no longer have use of the area. Council discussed the contents of the agreement between the Billings Mustangs and the City and whether there may be any violations toward American Legion involving the City. It was determined there had been no obligation for that particular area to be provided to the Legion now or in previous leases. Mr. Whitaker stated the Parks Department would do whatever it could to assist in resolving the issue for a different space. Mayor Cole stated his appreciation to the Billings Mustangs for the donation to improve Dehler Park. Councilmember Clark moved for approval of Item 1F, seconded by Councilmember Brewster. On a voice vote the motion was approved 10-1, Councilmember Cromley voted in opposition.

Councilmember Clark moved for approval of Item 1I, seconded by Councilmember Brewster. City Attorney, Brent Brooks, reminded Council that if the Ordinance was approved, it would take effect 30 days after its approval. Councilmember Clark advised that the Council meetings start time would then begin at 5:30 p.m., rather than 6:30 p.m. On a voice vote, the motion was approved 9-2, Councilmembers Cromley and Ewalt voted in opposition.

Councilmember Joy, in reference to Item 1J, asked Wyeth Friday, Planning Director, asked where the property was located within the annexation map. Mr. Friday stated the area was within the annexation petition areas and had already been annexed. Councilmember Joy asked Dave Mumford, Public Works Director, who would pay the costs for installing sewer and water extensions. Mr. Mumford responded that the developer would be responsible for those costs. Councilmember Joy moved for approval of Item 1J with conditional approval and adoption of the findings of fact, seconded by Councilmember Brewster. On voice vote, the motion was unanimously approved.

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

Councilmember Clark moved for approval of Item 1L2, seconded by Councilmember Joy. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 18-10751 approving and adopting budget amendments for FY2018. 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 Yakawich moved for approval Item 2, seconded by Councilmember Cromley.

Council discussion regarding budget amendments concerning the replacement of two damaged police vehicles and the outside legal counsel costs for defending the City in various matters followed. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND VARIANCE TO SITE DEVELOPMENT ORDINANCE: A variance from BMCC, Section 6-1203(j), Off-Street Parking Requirements, allowing 6 fewer parking stalls for a new dialysis clinic located at 616 North 25th Street. Dialysis Clinic, Inc., owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

There was no staff presentation.

Council discussion regarding how zoning, planning and public works departments were involved in variances followed. Bruce McCandless, City Administrator, explained that during Project ReCode, Site Development portion of the City Code would be addressed for these types of variances.

The public hearing was opened.

- **Jim Duncan, President of Billings Clinic Foundation, 2711 Gregory Drive North, Billings, Montana,** stated his support for approval of the variance. He stated this project would be transformative to the area and he explained the layout of the proposed clinic. He stated that patients who would be helped by the clinic were usually delivered there and dropped off for treatments, so fewer parking spaces would not impact the business.
- **Tim Reedy, Dialysis Clinic, Inc., 1633 Church Street, Suite 500, Nashville, Tennessee,** stated his support for approval of the variance and stated DCI is partnered with The Billings Clinic on this project. He stated it would be a state-of-the-art facility.

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

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

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.

- **Ken Crouch, 1642 Wembly Place, Billings, Montana**, stated every city, town and state needed a non-discrimination ordinance.

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 7:43 p.m.



CITY OF BILLINGS

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

ATTEST:

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