

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

August 13, 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 Ewalt gave the invocation.

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

MINUTES:

July 23, 2018 – Councilmember Brewster moved for approval, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Cole congratulated the Boulder Arrowhead Little League team for their hard work and recent achievements.
- Mayor Cole stated that City Council had contributed \$50,000 to the MSU-Billings Science Building. He added the \$5 million private fundraising threshold required had recently been reached and that would trigger the State Legislature contribution of \$10 million.
- Councilmember Ronning thanked all of the City staff that participated in the Quality of Life Run. Mayor Cole acknowledged good attendance despite bad weather.

PROCLAMATIONS:

- There were no proclamations.

ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

- Mr. McCandless reminded Council that the next Business meeting would have an earlier start time of 5:30 pm.
- Mr. McCandless informed Council that on Consent Agenda Item 1D, Memorandum of Understanding (MOU) between the City of Billings and Billings Clinic, the agenda should have stated the contract would be for the term of 7/1/2018 to 6/30/2021.
- Mr. McCandless informed Council that Item 1I, Lake Hills Subdivision Plat, had been revised to include the expanded form of waiver that included a more extensive list of possible future improvements.

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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** encouraged Council to examine the last payment of Item 1J3 to Zeier Consulting and stated the amount was too high.

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

1. CONSENT AGENDA

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Board of Appeals - Electrical Contractor	08/13/18	12/31/21
2	Anne Giuliano MD	Board of Health*	08/13/18	12/31/18
3	Nicole Cromwell	Traffic Control Board*	08/13/18	12/31/19
4	John Armstrong	Traffic Control Board*	08/13/18	12/31/18
5	No Applications	Yellowstone Historic Preservation*	08/13/18	12/31/19

* 2 Unexpired term of David Wanzenried

* 3 Unexpired term of Ron Alles

* 4 Unexpired term of Pierre Jomini

* 5 Unexpired term of James Graff

B. Bid Awards:

- 1. Chemicals - Chlorine for Water Treatment Plant.** (Opened 7/24/18) Recommend DPC Industries, Inc.; \$106,300.

2. **W.O. 18-33, 2018 Valley Gutter Construction Project.** (Opened 7/24/18)
Recommend J & J Concrete, Inc.; \$85,025.
- C. **Amendment No. 11, Airport Long Term Parking Lot Rehabilitation,** Engineering Services Contract, Morrison-Maierle; \$57,525.
- D. **Memorandum of Understanding (MOU)** between the City of Billings and Billings Clinic for the Campus Officer Program in the amount of \$139,934 (07/01/18 - 06/30/19 06/30/21).
- E. **Water Treatment Plant Easement and Easement Modification Agreement** with Northwestern Energy for natural gas pipeline.
- F. **Approval** of the purchase of 11 vehicles from Duval Ford; 6 sedans, \$27,533 each; 3 police utility vehicles, \$31,706 each, and 2 fire utility vehicles, \$31,623.68 each; for a total cost of \$323,563.36.
- G. **Grant Application Request** to submit National Endowment for the Arts Our Town application; \$75,000.
- H. **Resolution 18-10752** relating to \$535,000 pooled Special Improvement District bonds, Series 2018 (SID 1401, SID 1403 and SID 1404); fixing the form and details and providing for the execution, delivery and security.
- I. **Final Plat Approval** of Lake Hills Subdivision, 36th Filing.
- J. **Bills and Payroll:**

1. July 10, 2018
2. July 11, 2018
3. July 16, 2018
4. July 23, 2018
5. July 30, 2018

Councilmember Cromley separated Item 1H for discussion and Items 1J4 and 1J5 in order to abstain.

Councilmember Brown separated Items 1C, 1J1, 1J4 and 1J5 in order to abstain.

Councilmember Friedel separated Item 1D for discussion.

Councilmember Brewster moved for approval of the Consent Agenda with the exception of Items 1C, 1D, 1H, 1J1, 1J4 and 1J5, seconded by Councilmember Yakawich.

Councilmember Yakawich thanked John Armstrong for stepping forward to volunteer for the Traffic Control Board.

Councilmember Brewster stated that the "Bills and Payroll" section did not actually include payroll. He added that not all checks were listed on the staff reports. He asked if items were approved based on the audit or if they were based on the listings. Andy Zoeller, Finance Director, stated he would look into the title "Bills and Payroll". He added that checks under \$1,000 - \$1,500 were not listed individually due to a Council request from several years ago.

Mayor Cole asked for clarification on the Zeier Consulting invoice. Mr. McCandless stated the City had a contract with Zeier Consulting and South Billings Urban Renewal Association (SBURA). He added the source of the payment was the tax increment district and South Billings Urban Renewal District (SBURD). He stated the Memorandum of Understanding (MOU) allowed for SBURA to hire administrative assistants or management of the district. He added that staff would make a copy available to Council for review. On a voice vote, the motion was unanimously approved.

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

Councilmember Friedel asked for clarification on Item 1D. Rich St. John, Police Chief, stated the amount listed would cover a portion of the pay for a mid-level officer and Billings Clinic would pay the difference. He added that a higher amount would be negotiated during contract negotiations.

Councilmember Clark asked if the officer would help with the homeless issue in the area. Chief St. John stated that would be a major function of the position. Councilmember Clark asked about the vacancies within the Police Department. Chief St. John responded that the department had just made four conditional offers and would be working towards filling the remaining positions. Councilmember Clark asked for clarification on what hours the clinic officer would work. Chief St. John stated the officer would be working four 10-hour shifts.

Councilmember Ewalt asked if the clinic position could be postponed until the City reached full capacity within the Police Department. Chief St. John stated the clinic position negotiations had been underway for over a year and needed to be finalized. He added that the Police Department positions should be filled quickly.

Councilmember Yakawich moved for approval of Item 1D, seconded by Councilmember Ronning. On a voice vote, the motion was approved 10-1, Councilmember Ewalt opposed.

Councilmember Cromley asked for clarification on the negotiated sale of the bonds listed in Item 1H. Andy Zoeller, Finance Director, stated Montana Municipal

Cooperatives were one of the few companies that would buy larger dollar bonds. He stated that the City had used them in the past.

Mayor Cole asked about the process for paying off bonds. Mr. Zoeller stated Special Improvement District (SID) bonds could be paid off at any time as long as cash was available. He stated that cash became available when people paid off their assessments early. He added that usually occurred when people sold their homes.

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

Councilmember Joy moved for approval of Item 1J1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

Councilmember Joy moved for approval of Item 1J4, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmembers Cromley and Brown abstained.

Councilmember Joy moved for approval of Item 1J5, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmembers Cromley and Brown abstained.

REGULAR AGENDA:

**2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE
968: a zone change from Residential-7000 (R-70) to Residential Multi-Family
Restricted (RMFR) on a 14,000 square foot parcel of land described as: the North
100 feet of Lot 2, Block 8, Sunnyside Subdivision 2nd Filing, Red Gate #2, Britt A.
Romain, owner. Zoning Commission recommends approval and adoption of the
findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission
recommendation.)**

Monica Plecker, Planning Division Manager, gave a PowerPoint presentation. She reviewed the area and the 10 criteria. She stated that the zone change would help the property conform to the existing regulations.

Councilmember Brewster asked how many units were currently at the location. Ms. Plecker stated there were 9 dwelling units.

Councilmember Joy asked how the area had become non-conforming with current regulations. Ms. Plecker stated that, with the older dwellings, it had gradually occurred over time. She added that the area had existed before the regulations had become effective.

The public hearing was opened.

- **Ken Peterson, agent and attorney, 1511 6th Avenue North, Suite A, Billings, Montana:** stated the zone change would bring the property in line with the regulations. He added the current zoning made improvements very difficult and bringing the property into compliance would make development easier.

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

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

3. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward I to include recently annexed property in Annexation 18-04: an approximate 13.52 acre parcel of land 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.)

There was no presentation.

The public hearing was opened.

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

Councilmember Yakawich moved for approval of Item 3, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation 18-05: an approximate 347.321 acre parcel of land located south of Molt Road and northwest of Copper Ridge Subdivision, known as Phipps Park. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

There was no presentation.

The public hearing was opened.

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

Councilmember Gibbs moved for approval of Item 4, seconded by Councilmember Ronning. 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** gave Council a handout with photos of code enforcement violations and maintenance issues. He stated there were several poorly paved areas that needed attention. He encouraged the City to follow up with the areas in the photos.

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 7:34 p.m.

CITY OF BILLINGS

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

ATTEST:

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