

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

October 22, 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 5:30 p.m. and served as the meeting's presiding officer. Councilmember Clark gave the invocation.

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

### MINUTES:

- October 9, 2018 - Councilmember Brewster moved for approval, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.
- October 10, 2018 – Special Meeting - - Councilmember Brewster moved for approval, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

### COURTESIES:

- Mayor Cole thanked the Housing Authority for the tour of its properties.
- Mayor Cole thanked the Parks Department Volunteer Coordinator, Chris Waite, and all the volunteers that organized and cleaned the Rims during the annual Refresh the Rims project.
- Councilmember Ronning thanked Big Sky Economic Development for their annual meeting. She stated there were 3 governors in attendance and Bob Dunn from Landmark.
- Mayor Cole recognized *Billings Gazette* reporter, Mike Ferguson, who would leave Montana for another career opportunity.

### PROCLAMATIONS:

- Mayor Cole pronounced November 1, 2018 as Extra Mile Day and asked citizens to go the extra mile in personal effort, volunteerism and service to others.

### ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

- Mr. McCandless reminded Council that Monday, October 29<sup>th</sup> was a bye week and no Council meetings or work sessions would be held.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 3 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.

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

**1. CONSENT AGENDA**

**A. Bid Awards:**

1. **Firefighter Protective Clothing.** (Opened 9/25/18) Recommend 5-year agreement with LN Curtis; average cost \$2,446.75 per set (coat/pant).
2. **City Vehicles.** (Opened 10/9/18) Recommend: Schedules 1 and 4, without trades to Yellowstone Country Motors, \$100,482; Schedule 11, with trade to Billion Auto Group, \$67,670; Schedules 2 and 7, without trades to Bison Ford/Normont Equipment, \$104,583; Schedules 3, 5, 6, 8, 9 and 10, without trades to Bison Ford/Kois Equipment, \$293,048.
3. **2018 Loader Mounted Snowblower.** (Opened 10/9/18) Recommend Solid Waste Systems; \$162,478.

B. **Professional Services Contract** for South Billings Aquatic and Recreation Center Concept Development Plan; A&E Architects; \$150,000.

C. **Energy and Maintenance Agreement** for SILMD 313 with Yellowstone Electric Cooperative, Inc., until October 31, 2048 (30 years).

D. **Amendment No. 1, W.O. 18-30: City County Drain Mitigation**, Professional Services Contract, DOWL Engineering; \$248,009.

E. **Approval of 2018 Billings Long Range Transportation Plan (BLRTP)**, and recommendation to Policy Coordinating Committee.

F. **Declaration of Surplus Property** and authorization for Fire Department to sell Mako model #BAM06H breathing air compressor to Casper College; \$2,000.

G. **Preliminary Major Plat** of Copper Ridge Subdivision, 8th Filing, generally located on the north side of Rimrock Road, east of 70th Street West, and west of the existing Copper Ridge Subdivision; Gary Oakland, owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

H. **Preliminary Major Plat** of High Sierra Subdivision, 12th Filing, generally located north of Topanga Avenue in the 11th Filing and East of High Sierra Boulevard;

Gary Oakland - High Sierra II, Inc., owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

I. **Final Plat, Amended Lot 2, Block 4, Claimstake Subdivision.**

J. **Bills:**

1. September 24 and 28, 2018

Councilmember Ronning separated Item 1E for discussion.

Councilmember Brown separated Item 1J1 in order to abstain.

Councilmember Brewster moved for approval of the Consent Agenda with the exception of Items 1E and 1J1, seconded by Councilmember Joy.

Councilmember Friedel asked that Steve Zeier, South Billings Urban Renewal District, approach the podium to answer questions regarding Item 1B. Councilmember Friedel asked what the proposed contract would entail. Mr. Zeier stated the contract with A&E Architects was for a concept development plan, which would determine how large the project would be and how much it would cost. He continued that until that was done, it would be difficult to determine how much space for a building or buildings and parking, etc., would be needed for recreational activities.

Councilmember Gibbs suggested the group touring other recreational facilities consider touring Casper, Wyoming's facilities. Mr. Zeier stated that would be considered.

Mayor Cole asked David Mumford, Public Works Director, about the plan to pay for construction and gather easements necessary to reconfigure the 4,000 foot area of the City-County drain, Item 1D, before next Spring. Mr. Mumford stated the engineering staff was working with property owners to obtain easements. He stated that this item would be brought before Council at the November 5<sup>th</sup> Work Session to discuss options.

Mayor Cole asked Larry Deschene, Fleet Services Manager, why Billings dealerships had not bid on Item 1A2 – City Vehicles. Mr. Deschene stated the bid document was complicated for only 13 vehicles and very specialized. He continued that he had contacted a dealership to ask why they had not participated and he had been told the market in Billings was very strong and the dealership made a better profit from retail sales.

Councilmember Yakawich stated he appreciated that Mr. Deschene reviewed all options for disposal of older vehicles, including trade-ins and auctions, to get the most return for the City.

Councilmember Ewalt asked, in reference to Item 1C, how a decision was made whether to create an SID or “farm out” to an electrical company. Bruce McCandless, City Administrator, responded that SIDs could not go past 20 years and were typically 12 to 15 year terms. David Mumford, Public Works Director, added that certain areas of the City were designated for service by Yellowstone Valley Electric Co-op, some were Northwest Energy and some were the City of Billings. He explained that the City created the SIDs or combined them with road projects. Once an SID was paid, the City then charged for maintenance and energy costs for the lights. Those costs were estimated, annually; Council approved the estimates, annually; and the customers were charged accordingly. Councilmember Ewalt asked if some of the territories Northwest Energy had could be redistributed to the City. Mr. Mumford responded that the areas had been determined a very long time ago and Public Works had researched purchasing some of the areas along Broadway, but it would have been very expensive. He stated Northwest Energy charged customers differently with an ongoing monthly fee that was unending.

Councilmember Brewster said the Public Service Commission regulated utilities.

On a voice vote, the motion was unanimously approved.

Councilmember Ronning asked for a discussion on Item 1E due to the enormity of the Transportation Long Range Plan. She explained that the Rimrock Task Force was established specifically to address transportation concerns along the Rims and below the Rims. She stated the feasibility study was dated 2004 and asked for a more current study. Scott Walker, Transportation Planner, responded it was a very fluid planning document and changes could be made following Council’s discussion. Councilmember Ronning asked if the temporary traffic signal at Rimrock Road and N. 27<sup>th</sup> Street could become permanent. Mr. Walker responded it could be reviewed for permanency.

Councilmember Ewalt made suggestions to improve the plan by providing a condensed list of projects for each year. Mr. Walker explained that the first list was a “committed” list wherein committed dollars were flowing to them. He stated the rest were “recommended” projects wherein they may become Council priority or County Commission priority and those projects were fluid.

Councilmember Brewster asked whether the monies allocated would largely go toward the building of a bridge between the Heights and Lockwood over the next 3 or 4 years. Mr. Walker responded that was true. Councilmember Brewster stated that the plan could be reviewed in 4 years and it would be possible that the City would still be paying on that project. Mr. Walker explained the approval process, funding, and the importance for timely Council approval to recommend the 2018 Billings Long Range Transportation Plan (BLRTP) to the Policy Coordinating Committee.

Councilmembers expressed their concern about receiving large plans earlier for a thorough review. Wyeth Friday, Planning Director, explained the planning process and the steering committee’s involvement. He stated he understood the Council’s concerns

and stated communication with the Council concerning the availability of the draft plan may not have been ideal and that would be improved upon for future plans.

Councilmember Brown asked if the draft versions of the plans on the website were updated with each revision. Mr. Friday responded that the plan was developed in segments and those segments were uploaded to the website as they became available. Councilmember Brown suggested communicating availability of the changes along the way would be helpful.

Councilmember Ronning moved for approval of Consent Agenda Item 1E, seconded by Councilmember Yakawich. On a voice vote, the motion was approved 10-1, Councilmember Cromley voted in opposition.

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

#### **REGULAR AGENDA:**

#### **2. PUBLIC HEARING AND RESOLUTION 18-10775 approving and adopting budget amendments for FY 2019. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Bruce McCandless, City Administrator, stated there were no presentations, but staff was available for questions.

Councilmember Yakawich inquired whether the budget amendments included anything for the new West End water reservoir and asked for an update on the project. David Mumford, Public Works Director, responded that the master plan had been delayed slightly and appraisals were finished. He continued that purchasing the lands would begin and he anticipated the project would be completed in 5 years.

Councilmember Ronning asked how many properties had been annexed into the City since the passage of the last Public Safety mill levy. Mr. McCandless responded the last Public Safety mill levy that passed was in 2004 and a referendum was approved in 2006. He stated the election held in 2015, did not pass. Mr. McCandless stated information could be obtained from the GIS office concerning square mileage annexed into the City and that would be provided to the Council.

Mayor Cole inquired about the Cost of Services Study. Wyeth Friday, Planning Director, gave specifics about the process in developing a study, internally, and the RFP process that would follow.

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 Ronning.

Councilmember Joy expressed concern about budget amendments for contracts as those took from reserves. She stated that practice would not lend to a sustainable budget and she cautioned against continuing that practice.

On a voice vote, the motion was unanimously approved.

**3. APPROVAL of City Administrator employment agreement. City's consultant and staff recommends approval. (Action: approval or disapproval of City's consultant and staff recommendation.)**

Kevin Iffland, Assistant City Administrator, thanked Art Davis and Karla Stanton for their efforts. He explained the processes that were exercised to develop an employment agreement. He stated there had been extensive nationwide research conducted into salaries and benefits for municipal management positions. He continued that when Council approved staff to begin negotiations with Chris Kukulski, staff and legal counsel quickly communicated with Mr. Kukulski and developed the proposed employment agreement. Mr. Iffland stated that should the Council approve the proposed employment agreement, Mr. Kukulski could start his employ with the City November 19<sup>th</sup>.

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

There were no 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 6:40 p.m.

CITY OF BILLINGS



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

ATTEST:

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