

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

January 28, 2019

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 Yakawich gave the invocation.

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

**MINUTES:** January 14, 2019 – Councilmember Joy moved for approval, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

### COURTESIES:

- Councilmember Yakawich recognized a Boy Scout from Troop 371 in attendance.

### PROCLAMATIONS:

- There were no proclamations.

### ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski stated that Consent Agenda Item 1A2 Bid Award – W.O. 17-12 -- **Landfill Drop-Off Facility, Construction Contract Award**, and Regular Agenda Item 4, **Resolution Awarding the Sale of the Series 2019 Solid Waste Revenue Bonds** were related. If the bid award was not approved, then the resolution also could not be approved.
- Mr. Kukulski stated that the Public Comment on “Non-Public Hearing” Agenda Items should have read: 1, **4 and 5 ONLY**.
- Mr. Kukulski stated there was nothing in the ex parte notebook.
- Mr. Kukulski proposed a Work Session date for possible continuation of priority planning session from January 26th to March 4<sup>th</sup>, at 5:30 pm, at the Community Center.
- Mr. Kukulski stated Dave Mumford, Public Works Director, was available to provide an update on snowplowing efforts.

### **PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 4 and 5 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 at the cart located at the back of the 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.

- **Michael Mayott, President of Amend Park Development Council (APDC), 2424 Locust Street, Billings, Montana**, in reference to Consent Agenda Item 1B, requested the Council approve the annual budget and fee structure. He stated that during the past 4 years the Park Development Council has been able to bring the budget into the black. He continued that Amend Park served about 3,000 youths every Saturday for 8 weeks in the spring and again in the fall. He stated a sports management associate had been hired and would be working on marketing, advertising/sales and core sponsorship. He provided details concerning turf field longevity, lights and concession area placement, as well as sustainable user-fee funding, advertising/sales income, and private donations.
- **Gary Buchanan, 2429 Colleen Drive, Billings, Montana**, in reference to Consent Agenda Item 1A2 and Regular Agenda Item 4, congratulated the City for obtaining an excellent bond rate and supported the landfill drop-off facility. He stated his concerns about unsecured loads and suggested fines be assessed to loads that were not covered and tied down properly. He stated the Public Works Department needed to show they could manage the current landfill before proposing expansion.

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

## 1. CONSENT AGENDA

### A. Bid Awards:

1. **Two (2) Fire Pumpers.** (Opened 1/22/19) Recommend delay of award until February 11, 2019.
2. **W.O. 17-12 Landfill Drop-off Facility.** (Opened 12/18/18) Recommend Swank Enterprises; \$20,797,153.
3. **W.O. 19-20 Water Treatment Plant Solids Hauling.** (Opened 1/15/19) Recommend Warren Transport, Inc.; \$102,150.50.

### A. **Proposed Amend Park Development Council (APDC) 2019 Annual Budget and Fee Structure.**

### B. **Five-Year Agreement** with WaterSmart Software for the utility customer portal; Year 1 - \$100,900; Year 2 - \$53,395; Year 3 - \$54,832; Year 4 - \$56,312; and Year 5 - \$57,836; total 5-year cost of approximately \$323,275.

- D. Storm Water Drainage and Access Easement with Dover Ranch for High Sierra Subdivision.**
- E. Grant Application Request** to submit to FTA and/or MDT Transit Planning Division applications for 5310, 5339 or other available capital grants, and to accept and execute any subsequently awarded grant agreement(s) for replacement paratransit vans and other capital needs.

**F. Bills:**

- 1. January 7, 2019
- 2. December 26 and 31, 2018 and January 1, 2019
- 3. December 17 and 20, 2018

Councilmember Joy separated Item 1A3 in order to abstain.

Councilmember Neese separated Item 1F1 in order to abstain.

Councilmembers Cromley, Neese, and Brown separated Item 1F2 in order to abstain.

Councilmember Cromley separated Item 1F3 in order to abstain.

Mayor Cole invited Public Works Director, David Mumford, to the podium to address Council's questions regarding Consent Agenda Item 1A2 and Regular Agenda Item 4. Mr. Mumford thanked Springsted and City staff for assisting the City through the bonding process and obtaining an excellent rate. He stated the project had been placed in the CIP 2 years ago and it was on schedule. He explained that the structure would be built large enough that vehicles would enter to unload in an enclosed area, debris would be compacted and then removed by trucks to the fill area. He continued that the biggest problem experienced was with plastic shopping bags taking sail in the wind. He continued that workers were dispatched after high wind events to walk along roadways and clean debris. He stated the grinders would be installed once a recycling ability was obtained. He explained the sorting process of recyclables. Mr. Mumford stated that there was an ordinance in place that addressed uncovered / unsecured loads of trash, however, it was not enforced by Yellowstone County Sheriffs. He continued that Public Works was considering an uncovered load fee, similar to what Butte had and it would be introduced to Council with the Solid Waste fee rates. Mr. Mumford addressed Council's questions about bottlenecking at the scales, road reconfiguration, green waste, recycling and compaction.

Councilmember Yakawich moved for approval of the Consent Agenda with the exception of Items 1A3, 1F1, 1F2 and 1F3, seconded by Councilmember Joy. On a voice vote, the motion was approved unanimously.

Councilmember Yakawich moved for approval of Consent Agenda Item 1A3, seconded by Councilmember Ewalt. On a voice vote, the motion was approved 10-0, Councilmember Joy abstained.

Councilmember Yakawich moved for approval of Consent Agenda Item 1F1, seconded by Councilmember Cromley. On a voice vote, the motion was approved 10-0, Councilmember Neese abstained.

Councilmember Joy moved for approval of Consent Agenda Item 1F2, seconded by Councilmember Ewalt. On a voice vote, the motion was approved 8-0, Councilmembers Cromley, Brown and Neese abstained.

Councilmember Joy moved for approval of Consent Agenda Item 1F3, seconded by Councilmember Gibbs. On a voice vote, the motion was approved 10-0, Councilmember Cromley abstained.

#### **REGULAR AGENDA:**

- 2. PUBLIC HEARING AND RESOLUTIONS 19-10777 and 19-10778 authorizing filing of the Annual Federal Transit Administration Section 5307 Grant Application. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Kevin Ploehn, Aviation and Transit Director, explained that annually the FTA required a public hearing be held and resolutions adopted by the Council, authorizing the filing of the Section 5307 operating grant application and authorizing the Mayor to sign it. He stated it would amount to about \$2 million and was approximately one-third the operating budget.

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

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

- 3. PUBLIC HEARING AND RESOLUTION 19-10779 approving and adopting Budget Amendments for FY2019. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Andy Zoeller, Finance Director, provided clarification about the Teamster and Non-Bargaining 2.9% COLA increases. The budget was adopted in June, however, the contract negotiations had not been completed yet, so no Cost of Living Adjustments were included in the budget in June at all for any of the contracts. Therefore, a budget amendment must be approved. Councilmember Ewalt asked about a transfer from the General Fund into the Public Safety Fund. Mr. Zoeller responded that the dispatch and

support staff are Teamster members and the COLA increase needed to be added to the Public Safety Fund from the General Fund.

Mr. Kukulski added that having all three union contracts negotiated in the same year, may have caused a unique situation for the pay-out of the COLA increases. He commented that the next fiscal year budget would go more smoothly because of the known adjustments needed at budget approval time.

Brent Brooks, City Attorney, addressed Councilmember Neese's questions about giving adequate public notice and assured proper noticed had been published.

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 Neese. On a voice vote, the motion was unanimously approved.

**4. RESOLUTION 19-10780 awarding the sale of Series 2019 Solid Waste Revenue Bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Andy Zoeller, Finance Director, stated that City staff, financial advisor, David MacGillivray and Chris Hogen, with Springsted, opened bids on the project. There were 11 entities that provided bids and staff recommended the award go to the bidder with the lowest true interest cost, Robert W. Baird and Company, Inc. He continued that interest rates varied between 3.09% to 3.29%. He stated the City would save approximately \$650,000 over the estimated cost. The bond received an excellent rating of AA3, low risk, which lended to a very competitive sale.

David MacGillivray, Springsted Financial Advisor, explained the rating process and answered various hypothetical questions from Council.

Councilmember Ewalt inquired about the annual payment amount and if another landfill rate increase would be needed. Mr. Zoeller responded that the amount was \$1.5 million per year for 20 year note.

Jennifer Duray, Deputy Public Works Director, responded that the rate increases were already in place and additional rate increases were not necessary, only the inflationary increases.

Councilmember Clark moved for approval of Item 4, seconded by Councilmember Ronning. On a voice vote, the motion was approved unanimously.

5. **NOMINATION AND ELECTION OF DEPUTY MAYOR and possible Deputy Mayor Pro Tempore. Staff recommends City Council nominate and elect a Deputy Mayor, and if necessary a Deputy Mayor Pro Tempore. (Action: approval or disapproval of staff recommendation.)**

Mayor Cole stated he reviewed the Charter and explained the Deputy Mayor is to be voted upon during the first meeting after a General Election. Therefore, after the General Election in 2019, a Deputy Mayor would be voted upon. Mayor Cole proceeded to explain that the Deputy Mayor Pro Tempore was address in the City Code and stated that position was to be filled by voice vote at the first meeting of the year after a General Election. He continued that that position would be revisited in January of 2020. Mayor Cole stated that the positions were staggered in order to allow newly elected Councilmembers to vote for the Deputy Mayor Pro Tempore in January.

Councilmember Cromley nominated and moved for approval of Councilmember Yakawich as Deputy Mayor, seconded by Councilmember Clark. On a voice vote, the motion was approved unanimously.

Councilmember Yakawich had previously held the position of Deputy Mayor Pro Tempore, which now left the position vacant.

Councilmember Clark nominated and moved for approval of Councilmember Friedel as Deputy Mayor Pro Tempore, seconded by Councilmember Ewalt. On a voice vote, the motion was approved unanimously.

**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 at the cart located at the back of the Council chambers or at the podium.)*

The public comment period was opened.

- Joe Holden, 316 N. 26<sup>th</sup> Street, Billings, Montana, provided an update on the Stillwater Building and parking garage construction. He stated the opening date of the parking garage is July 1, 2019. He continued that if the City was interested in buying or leasing, he was open to that conversation.

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

**COUNCIL INITIATIVES:**

There were no Council Initiatives.

Council discussed scheduling the continuation of the January 26<sup>th</sup> Special Work Session to Tuesday, February 19, 2019, starting at 4:00 pm. City Administrator, Chris

Kukulski, stated he would inquire on availability of the space and report to the Council his findings.

There was no further business, and the meeting adjourned at 7:28 p.m.

CITY OF BILLINGS



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

ATTEST:

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