

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

**"THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE
PEOPLE PROSPER AND BUSINESS SUCCEEDS."**

REVISED 5/22/2019

AGENDA

COUNCIL CHAMBERS

**May 28, 2019
Tuesday**

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Mayor Cole

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

MINUTES:

- April 22, 2019 - **APPROVED**
- May 13, 2019 - **APPROVED**

COURTESIES:

- Councilmember Yakawich thanked the Breakfast Exchange Club for their donation of \$7,500 to the USS Billings fundraiser.
- Mayor Cole recognized and thanked various agencies that had collectively donated \$5,000 to the USS Billings fundraiser.
- Councilmember Joy stated she attended the Adult Education Graduation and encouraged Council to attend and acknowledge all those who despite adverse conditions worked hard toward obtaining their degree.

PROCLAMATIONS:

- Mayor Cole proclaimed the week of June 8-14, 2019, as Drug Abuse and Violence Prevention Week. He provided the proclamation to Brian Dennis with The Boys and Girls Club.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- The ex-parte notebook contained one response email from staff concerning Regular Agenda Item 3, Resolution Adopting Water and Wastewater Rates and Fees. This email was received after 3:00 p.m.
- On each Councilmembers' desk were the Lobbyists reports:
 - Updated End of Session Report (dated May 24, 2019);
 - List of Interim Committee Appointments; and
 - Results from the Interim Study priority poll.Those were emailed to Council earlier in the day.
- Reminded Council about the Budget only - Work Session meeting Wednesday, May 29, 2019, at 5:30.
- Asked Council to make a motion to change the order of business so "Special Presentations" could be heard before public comment on Non-Public Hearing Agenda Items.

Councilmember Clark moved to change the order of business to hear the "Special Presentations" before public comment on Non-Public Hearing Agenda Items, seconded by Councilmember Gibbs. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 (Consent Agenda) and 2 (Regular Agenda) ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes. 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.)

- **NONE**

1. **CONSENT AGENDA** -- Separations: 1C, 1E
 - A. **Bid Awards:**
 1. **Annafeld Park Improvements.** (Opened 4/23/19) Recommend The Good Earth Works Co., Inc.; \$612,072.16. **APPROVED**
 2. **Water Reclamation Facility Chemicals - Dry Polymer.** (Opened 5/14/19) Recommend Polydyne, Inc.; \$1.80/lb. **APPROVED**

3. **MET Transit Roof Replacement Project, Phase 2.** (Opened 5/28/19) Recommend delaying bid award until 6/10/19. **APPROVED**
4. **W.O. 17-05: Monad Road and Daniel Street Traffic Signal Improvements.** (Opened 5/14/19) Recommend Knife River - Billings; \$931,870.10. **APPROVED**
5. **W.O. 18-22: Leavens Reservoir Expansion and Zone 1 Improvements.** (Opened 5/28/19). Recommend delaying bid award until 6/10/19. **APPROVED**
6. **W.O. 19-01: Schedule 2, Montana Avenue Sewer Main Replacement.** (Opened 5/14/19) Recommend COP Construction, LLC; \$1,550,477. **APPROVED**
7. **W.O. 19-44: Shiloh Roundabouts Landscaping Project.** (Opened 5/28/19) Recommend delaying bid award until 6/10/19. **APPROVED**

B. **Donation** to the Billings Fire Department from the Billings Clinic Foundation for the purchase of a laptop computer to use during fire education and fire safety presentations; \$1,873.09. **APPROVED**

C. **Tax Increment Financing Assistance** from East Billings Urban Renewal District (EBURD) Tax Increment Funds to Red Oxx/Mazabuka, LLC, for development of the Red Oxx event space project located at the southwest corner of the intersection of 4th Avenue North and North 13th Street; \$42,417.70. **APPROVED 9-0, NEESE ABSTAINED**

D. **Resolution 19-10795** for Distribution of Bridge and Road Safety and Accountability Program Funds. **APPROVED**

E. **Second/Final Reading Ordinance 19-5723** amending Billings, Montana City Code, Section 2-201, Compensation. **MOTION TO CHANGE EFFECTIVE DATE FROM JAN. 1, 2022 TO DEC. 31, 2021, APPROVED 7-3, EWALT, FRIEDEL AND CLARK OPPOSED**

F. **Second/Final Reading Ordinance 19-5724** expanding Ward III (Annexation 19-01): for an approximate 45.398 gross acre parcel of land described as tracts of land situated in the NW 1/4 of Section 19, T1S, R26E, Yellowstone County, Montana, generally located west of Annafeld Subdivision 1st Filing, and south of Elysian Road and east of East Lane; McCall Development, Inc., owner. **APPROVED**

G. Bills for the week of:

1. April 22, 2019 - **APPROVED**
2. April 29, 2019 - **APPROVED**

SPECIAL PRESENTATIONS:

1. **Billings City Lobbyist Legislative Wrap Up**
2. **Billings Chamber, Montana Legislative Wrap Up**

REGULAR AGENDA:

2. **W.O. 19-02: Missing Sidewalk Project.** (Opened 5/14/19) Staff recommends First Mark Construction; \$558,179.75. (Action: approval or disapproval of staff recommendation.) **APPROVED**
3. **PUBLIC HEARING AND RESOLUTION 19-10796** Adopting Water and Wastewater Rates and Fees. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED with a condition added that any fees for construction of the west end reservoir and water plant projects be identified as a separate fee on the utility bill; and when the reservoir and water plant projects are paid off, the fees for the reservoir and water plant projects are removed from the utility bill.**
4. **PUBLIC HEARING AND RESOLUTION 19-10797** approving the donation and transfer of land within the Rose Park boundaries to School District No. 2. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND SPECIAL REVIEW 975:** a special review to allow the location of a beer and wine license without gaming less than the required 600 feet from a property used for a religious institution, located in a Community Commercial (CC) zone, at 149 Shiloh Road; Grant Road, LLC, owner. Zoning commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED 9-1, FRIEDEL OPPOSED**
6. **PUBLIC HEARING AND SPECIAL REVIEW 976:** a special review to allow a microbrewery/distillery to locate with an all beverage liquor license with no gaming in a Entryway Light Industrial zone, at 3970 Pierce Parkway; Travis Peterson, Meadowlark Brewing, owner; Nik Zuhlsdorf, Morton Buildings, agent. Zoning commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **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 at the cart located at the back of the Council chambers or at the podium.)

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana**, provided a copy of an expense for attendance to the ICSC ReCon Conference, submitted by Steve Zeier for payment, and asked Council to confirm the expense was a legitimate TIF expenditure.
- **Debbie Keller, SBBURA board member, 646 Orchard Lane, Billings, Montana**, wished to move forward from the unease and continuous inquiries that had plagued the TIF. She stated the board had worked very hard to remedy issues brought to light and had adopted bylaws, etc.

COUNCIL INITIATIVES:

- Councilmember Cromley made a motion for the City Council and City Administrator to demand that the Montana Department of Transportation immediately modify the existing traffic control signal at the intersection of Montana Avenue and North 27th Street by adding a left turn arrow and lengthening the amount of time the traffic signal allowed traffic to clear North 27th Street after trains had cleared the crossing, seconded by Councilmember Yakawich. **APPROVED with amended wording from “demand” to “strongly support / encourage” MDT. APPROVED 8-2, CROMLEY and YAKAWICH OPPOSED**

ADJOURN: 9:49 p.m.

Council Chambers are readily accessible to individuals with physical disabilities.

For more information or to make requests for special arrangements, please contact the City Clerk’s Office at 657-8210 or e-mail bohlmand@billingsmt.gov, 72 hours prior to the meeting date.