

REGULAR MEETING OF THE BILLINGS CITY COUNCIL
December 14, 2015

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 Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember McFadden gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Pitman, McFadden, McCall, Swanson, and Brown. Councilmembers Cimmino and Crouch were excused. Councilmember Bird arrived after roll call was conducted at 6:38 pm.

MINUTES: November 23, 2015: Councilmember McCall moved for approval, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

COURTESIES: There were no courtesies.

PROCLAMATIONS: There were no proclamations.

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek reminded Council that December 21 is the final Council meeting of 2015. Council will reconvene on January 4, 2016 at 5:30 for a Special Session (oaths of office for newly elected Councilmembers) followed by a Work Session.

Ms. Volek invited current and newly elected Councilmembers to meet the two final Aviation and Transit Director candidates, Kevin Ploehn and Brian Grefe, at a lunch on Friday, December 18 at 11:30 am at the Billings Logan International Airport Restaurant, 1901 Terminal Circle. There will be a series of meetings scheduled throughout the day with department heads and Councilmembers, followed by a news conference to meet the two candidates.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 and 3 ONLY.
Speaker sign-in required. (Comments offered here are limited to one (1) minute. Please sign in at the cart located at the back of the council chambers or at the podium. Comment 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** -- Separations:

A. **Bid Awards:**

1. **2016 Pipe Fusion Machine.** (Opened 11/24/2015) Recommend MT Waterworks, \$66,170.

B. **Professional Services Contract for W.O. 16-05,** Central Avenue (Shiloh Road to 32nd Street West) Road Improvements: DOWL; \$338,900.

C. **Utility Bill Printing and Mailing Services Agreement** with Infosend Inc., \$42,000 for first three years.

D. **Amendment #2, Non-Commercial Aviation Ground Lease,** B & J Properties Limited, LLC, revenue current year \$1,277.45, revenue subsequent years adjusted by CPI-U.

E. **Recommendation of Approval** to the Policy Coordinating Committee for the 2015-2019 Transportation Improvement Plan.

F. **Approval** of Operating Permit with Skysource Aviation, LLC.

G. **Resolution** allocating \$2,500 of Council Contingency Funds to BillingsWorks Workforce Council.

H. **Grant Application Request** to submit application for AmeriCorps VISTA and authorize City staff to negotiate and finalize the project if awarded.

I. **Second/Final Reading Ordinance expanding Ward IV (Annexation #15-10)** for 40 acres of the southwest corner of the intersection of Grand Avenue and 56th Street West, located at 5640 Grand Avenue. Billings School District #2, petitioner.

J. **Second/Final Reading Ordinance expanding Ward II (Annexation #15-11)** for 16.6 acres south of Barrett Road, east of the intersection of Bench Boulevard and Barrett Road. Billings School District #2, petitioner.

K. **Second/Final Reading Ordinance for Zone Change #940:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on a 7.99 acre parcel of land described as: Lots 1 and 2, Block 3, and Lot 8, Block 5, Silver Creek Estates Subdivision. Boyer Land LLC, applicant. Approval of the zone change and adoption of the findings of the 10 criteria.

L. **Second/Final Reading Ordinance for Zone Change #941:** a zone change from Residential 9,600 (R-96) to Residential Professional (RP) on a 16,517 square foot parcel of land described as: Lot 2A1 of Blue Meadow

Acreage Tracts. Patrick Parker, applicant. Approval of the zone change and adoption of the findings of the 10 criteria.

M. Second/Final Reading Ordinance for Zone Change #942: a zone change from Agriculture Open (A-1) to Public on a 38.83 acre parcel of land described as S5, T1 S, R25 E, E2 Government Lot 1. Pat Davies - Sanderson Stewart; Lew Anderson - School District #2; and Paul Goldammer - A & E Architects; applicant and agents. Approval of the zone change and adoption of the findings of the 10 criteria.

N. Second/Final Reading Ordinance for Zone Change # 943: a zone change from Residential 7000 (R-70) to Public on a 16.2 acre parcel of land described as: S14, T1 N, R26 E, E2 NWSW Less COS 931. Pat Davies - Sanderson Stewart; Lew Anderson - School District #2; and Paul Goldammer - A & E Architects; applicant and agents. Approval of the zone change and adoption of the findings of the 10 criteria.

O. Bills and Payroll:

1. November 9, 2015
2. November 16, 2015
3. November 23, 2015

Councilmember Cromley separated Item 1O3 in order to abstain.

Councilmember Brown separated Items 1O1, 1O2, and 1O3 in order to abstain.

Councilmember Yakawich separated Items 1G and 1O1 for clarification.

Mayor Hanel separated Item 1C for clarification.

Councilmember Pitman moved for approval of the Consent Agenda, with the exception of Items 1C, 1G, 1O1, 1O2, and 1O3, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

Councilmember Pitman moved for approval of Item 1O2, seconded by Councilmember McCall. On a voice vote, the motion was approved 8-0 with Councilmember Brown abstaining.

Councilmember Pitman moved for approval of Item 1O3, seconded by Councilmember McCall. On a voice vote, the motion was approved 7-0 with Councilmember Brown and Councilmember Cromley abstaining.

Councilmember Yakawich asked for clarification on Item 1G. Brittney Souza, Director of BillingsWorks, stated that BillingsWorks goal is to be a resource for workforce development information and coordination. Ms. Souza stated that BillingsWorks tries to fill the gap of current and future workforce demand in Billings. Councilmember Yakawich moved for approval of Item 1G, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

Mayor Hanel asked for clarification on Item 1C. Dave Mumford, Public Works Director, stated that a small percentage of customers utilize online services but the majority of payments are submitted through the mail. Public Works encourages customers to use online bill pay. Councilmember McCall moved for approval of Item 1C, seconded by Councilmember Bird. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich asked for clarification of the US Bank charges on Item 1O1. Ms. Volek stated that over 10 years ago, the City conducted a financial services study which revealed that the average cost pf processing a payment was \$67. The City had provided departments with credit cards to make authorized purchases to help cut down on those costs. Councilmember Yakawich moved for approval of Item 1O1, seconded by Councilmember Pitman. On a voice vote, the motion was approved 8-0 with Councilmember Brown abstaining.

REGULAR AGENDA:

2. PUBLIC HEARING to receive input for the proposed Gateway Vista housing project. No action is necessary.

Merry Lee Olson, Billings YWCA CEO, began a presentation for Item 2, showing plans for the proposed Gateway Vista housing project: a 24-unit multi-family apartment community that will serve low-income individuals, placing emphasis on housing for victims of violence. Ms. Olson stated that this project will also provide assistance with financial management, skills training, education, and job support. Ms. Olson stated that Billings is in need of low income affordable housing and that this project will help to fill that need. Councilmember Cromley asked how long Ms. Olson anticipates the average length of residency to be. Ms. Olson stated that the project is not transitional housing but is designed for stays of approximately two years. Councilmember Yakawich asked for clarification on the location of the proposed project. Michael Burke, HGFA Architects, stated that the project will occupy an empty lot near the existing YWCA location. Councilmember McCall asked how many bedrooms the housing project will have. Mr. Burke stated that the project will include both one and two bedroom units.

The public hearing was opened.

- **Don Sterhan, 3104 E. MacDonald Drive, Billings, MT, CEO of Mountain Plains Equity Group**, stated that Mountain Plains Equity

Group has developed a portfolio of multi-family, low income housing properties in a six state region, but has not had the opportunity to build one in Billings. Mr. Sterhan stated that Billings is in need of low income housing and that this project will only scratch the surface but is moving in the right direction.

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

3. CONTRIBUTION OF \$50,000 FROM GENERAL FUND RESERVES to RiverStone Health Clinic expansion. Staff recommends approval of a \$50,000 allocation in FY16. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated that, during a previous work session, RiverStone Health Clinic staff had presented information regarding the Clinic expansion and the contribution request. Ms. Volek stated that staff did not have a presentation, but was available for questions.

Councilmember McCall moved for approval of Item 3, seconded by Councilmember Swanson. Councilmember McCall reminded Council that Yellowstone County has made a commitment of \$50,000 toward the RiverStone Health Clinic expansion and urged Council to approve the full amount of \$50,000. Councilmember Bird stated that RiverStone Health Clinic is a vital part of the community and that she is in full support of this contribution. Councilmember Pitman stated that he is concerned with using Council money for donations even to worthwhile causes. Councilmember Pitman stated that City tax dollars need to be used for City projects and that he would not be supporting Item 3. Councilmember Brown stated that Council had previously denied a request to donate to a non-profit, and that for consistency reasons, he would not be supporting Item 3. Councilmember Bird stated that RiverStone Health Clinic is a County and City Public HealthCare provider that provides a valuable service to anyone in the community. Councilmember McCall stated that RiverStone Health Clinic is a City/County Health department and serves 12 counties. Councilmember Pitman asked if it would be more appropriate to have this item go through the budget process. Councilmember Yakawich stated that he is disappointed that Council did not choose a lesser amount to donate, but is in support of the contribution. Councilmember Swanson stated that he is in support of the contribution. Councilmember Bird stated that future Councilmembers should look into submitting a line item in the City budget to support the City/County Public Health organization. Mayor Hanel stated that he is in support of this contribution and that it is an investment in the community.

On a voice vote, Councilmember McCall's original motion was approved 6-2 with Councilmember Pitman and Councilmember Brown voting in opposition, and Councilmember Cromley abstaining.

4. **PUBLIC HEARING AND RESOLUTION approving and adopting Budget Amendments for Fiscal Year 2016. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Volek stated that staff did not have a presentation, but was available for questions.

The public hearing was opened.

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

Councilmember McCall moved for approval of Item 4, seconded by Councilmember Bird. Councilmember Pitman stated that to be consistent to his previous vote, he would not support Item 4. On a roll call vote, the motion was approved 6-2, with Councilmember Pitman and Councilmember Brown voting in opposition, and Councilmember Cromley abstaining.

5. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #15-12: 90 acres described as: Lot 1 and Lot 2, Block 1, Harmony Meadows Subdivision located at the southwest corner of the intersection of Elysian Road and Mullowney Lane south of the King Avenue exit off Interstate 90. Harmony Meadows, LLC and James Weber, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendations.)**

Wyeth Friday, Planning Manager, began a brief PowerPoint presentation for Annexation #15-12. Mr. Friday noted that this property was within the Red Area on the City's annexation map, and that the City is able to adequately provide services to the property. Mr. Friday also stated that the condition to approval listed in the proposed resolution is that the City and the School District enter into a development agreement to clarify and identify improvements and to waive all future rights to protest Special Improvement District creations. Mr. Friday also recommended that Council accept the Quit Claim Deed from Donald and Carol Weber for a portion of Tract 1, C/S 2806 for right of way on Elysian Road. Councilmember Brown asked for clarification regarding who would be responsible for maintenance if an easement was in place for the property. Mr. Friday stated that the City would be responsible for managing maintenance and improvements. Mayor Hanel asked if there would be any cost to the property owners if the City accepts the Quit Claim Deed. Mr. Friday stated that the current property owners would not incur any costs since staff had already prepared documents for the Quit Claim Deed and the Engineering Department would cover the recording fees. Councilmember Bird asked if there would be any cost to the property owners if they chose to annex their property. Mr. Friday stated that there would be a petitioning cost, as well as the cost to connect to services and any applicable taxes and fees to be brought into the City. Councilmember Cromley asked if there would be any cost to the City for the land transfer. Mr. Friday stated that the only cost he was aware of would be the recording fee. Mr. Friday also wanted to make the Council aware of an email that he had received from a Jaime Stevens, 1736 Stoney Meadow Lane, Billings, MT, regarding

concerns about the annexation. Mr. Friday stated that he would follow up with those concerns after the Council meeting.

The public hearing was opened.

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

Councilmember McFadden moved for approval of Item 5, with the list of recommendations included, seconded by Councilmember Bird. On a voice vote the motion was unanimously approved.

6. PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #15-13: 2

acres located at 517 Lincoln Lane on east side of Lincoln Lane just north of Orilla Street at the terminus of Griffing Drive. Propriedad, LLC, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendations.)

Mr. Friday began a brief PowerPoint presentation for Annexation #15-13. Mr. Friday noted that this property was within the Red Area on the City's annexation map, and that the City is able to adequately provide services to the property. Councilmember Yakawich asked when street improvements would occur on Lincoln Lane. Mr. Friday stated that the Engineering Department was working on it but did not have an exact date at this time.

The public hearing was opened.

- **Carrie Schellenger, 517 Lincoln Lane, Billings, MT**, stated that she is currently renting the property and is concerned about being able to keep chickens if the property is annexed. Mayor Hanel stated that according to City policy, she would likely be grandfathered in and allowed to keep her chickens. Ms. Schellenger also thanked the City for draining the standing water that occurs on her street.

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

Councilmember Yakawich moved for approval of Item 6, with the conditions of approval, seconded by Councilmember McCall. Councilmember Cromley asked for clarification on the policy regarding chickens. Brent Brooks, City Attorney, stated that if Ms. Schellenger discontinues non-conforming use, then it would no longer apply, but as it stands, she would be allowed to keep the chickens that she currently owns. 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 here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, requested clarification on the “balance of the unfunded reserves amount” and how the money was going to be used. Ms. Volek stated that the unbudgeted reserve balance, prior to this Council meeting, was about \$14 million and that it was gathered to ensure that the City had sufficient funding for public safety costs until the next mill levy. Staff had made a presentation to Council earlier in the year listing ongoing needs for City space including a new evidence building, a potential City Administration building and Municipal Court. Council had directed staff to prioritize Municipal Court. Ms. Volek had requested Pat Weber, Finance Director, to provide a list of allocations and costs of these projects. Ms. Volek stated that public safety hiring and Municipal Court were the only items that Council was currently being requested to focus on.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, read a poem about Vietnam Veterans and asked Council to read a proclamation at next week’s meeting for the 50th anniversary of the Vietnam War.

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

COUNCIL INITIATIVES

- Councilmember Pitman moved to direct staff to name the bridge over Alkali Creek on Aronson Avenue as “Hollar Bridge,” seconded by Councilmember Yakawich. Councilmember Brown asked if the City has a policy regarding naming bridges. Ms. Volek stated that she is not aware of a City policy, but would be willing to look into it. Councilmember Pitman stated that Kenneth Hollar had a significant role in the development of the Heights and had no family that had survived him. On a voice vote, the motion was unanimously approved.
- Councilmember Pitman moved to direct staff to authorize the Public Works Department to begin negotiations with the Moreledge family on purchasing right of way for the inner belt loop, seconded by Councilmember Yakawich. Councilmember Pitman stated that the Moreledge family owns most of the property that would be needed for the inner belt loop. Ms. Volek stated that during an earlier discussion, she had understood that the Moreledge family would like to begin developing the property on either side of the road. Ms. Volek stated that she was concerned how this would affect the City’s annexation procedure

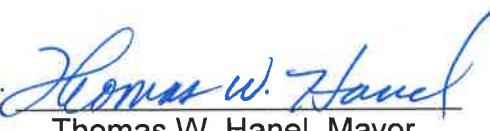
and would need to research the area and report back to Council. Mayor Hanel asked if the term communication would be more appropriate at the current time. Councilmember Swanson asked where the property was located. Ms. Volek stated that it is north of the airport and would be an extension of the current inner belt loop. Councilmember Cromley reminded Council that this initiative would allow Council to bring the topic to a work session after discussions had occurred with the Moreledge family. Councilmember Pitman withdrew his original motion. Councilmember Pitman restated the motion by directing staff to authorize the Public Works Department to begin discussions with the Moreledge family on right of way acquisition for the inner belt loop, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

There was no further business, and the meeting adjourned at 8:19 pm.



CITY OF BILLINGS

BY:



Thomas W. Hanel

Thomas W. Hanel, Mayor

ATTEST:

BY: 
Billie Guenther, City Clerk