

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

December 18, 2017

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

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, McFadden, Friedel, Sullivan, Clark and Brown. Councilmembers Cimmino and Swanson were excused.

MINUTES: November 30, 2017 (Special Meeting), December 1, 2017 (Special Meeting) and December 11, 2017 - Councilmember Sullivan moved for approval, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Bruce McCandless, Interim City Administrator, announced that the City of Billings had received the Government Finance Officers Association (GFOA) Award for the 26th consecutive year. He introduced Andy Zoeller, Interim Finance Director, and presented a Certificate of Recognition to the department. Mr. Zoeller introduced members of the Finance Department – Teri Walker, Donna Hjelm, Steve Forsch, and Jim Hauck and thanked them for their hard work. The Mayor and Councilmember Yakawich recognized the Finance Department staff.
- Deputy Mayor Brewster recognized and thanked Mayor Hanel and outgoing Councilmembers Cimmino, Swanson and McFadden for their representation and dedication. He presented plaques to those present and they received a standing ovation from the collective. Mayor Hanel and Councilmember McFadden addressed the Council, staff and audience with thanks and appreciation. Robin Hanel thanked the Mayor and Council and presented the Mayor with an engraved, commemorative gavel.

PROCLAMATIONS: NONE

ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

- Mr. McCandless stated that in reference to Consent Agenda Item 1K, staff had realized after the publication of the agenda that the existing Cable Franchise Agreement with Bresnan Communications would expire December 18, 2017. Therefore, it was necessary to add the item for approval of a resolution extending the agreement to March 26, 2018.
- Mr. McCandless stated in reference to Regular Agenda Item 2, that Ms. Kampa-Weatherwax had provided a Memorandum of explanation in the December 15, 2017 Friday Packet, rather than giving a presentation concerning the status of

the Invitation to Bid and Request for Proposals to Lease the Babcock Theatre. The Ad Hoc Committee would invite the proposers to make presentations on January 4, 2018, and the Committee would make a recommendation to Council by January 22, 2018.

- Mr. McCandless stated in reference to Regular Agenda Item 3, that Councilmember Cimmino had forwarded an email she received from Verlin Koenig supporting Council offering the City Administrator position to another candidate. A copy of the email had been placed in the ex parte notebook.
- Mr. McCandless stated that Tim Harrington, Manager of Community Channel 7, had forwarded an email announcement that the Council meeting would not be broadcast on Channel 7 as there was a scheduling conflict with the School District 2 Board meeting. The meeting would be televised on Charter Channels 8 and 190, and on the Community 7 website on-demand.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, and 3 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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 meeting.)

- **Dan Brooks, Billings Chamber of Commerce, 817 South 27th Street, Billings, Montana**, in reference to Item 3, encouraged Council to re-establish communications with Greg Doyon and felt that Mr. Doyon “had the edge” over the other candidates. Mayor Hanel corrected Mr. Brooks’ statement that the Council subcommittee unanimously chose Mr. Doyon. Mayor Hanel stated there had been a split amongst the subcommittee members, with the majority of votes for Mr. Doyon. He stated the subcommittee unanimously gave their support for the majority candidate once the motion to offer the position to Mr. Doyon was made.
- **Connie Wardell, P.O. Box 21432, Billings, Montana**, in reference to Item 3, stated this Council exceeded the performance of any other Councils she had observed over the past 25 years. She stated she had attended the interviews of the candidates and supported the Council considering other candidates.
- **Penny Ronning, 3014 Glacier Drive, Billings, Montana**, in reference to Item 3, stated she had tremendous respect for the City Department Heads after meeting all of them during orientation meetings. She encouraged the Council to consider raising compensation rates for the new City Administrator position as it is a very valuable position with immense responsibilities.
- **Terry Odegaard, 2101 Lake Hills Drive, Billings, Montana**, in reference to Item 3, stated he had attended the City Administrator interviews and had been impressed with the candidates. He stated the City Administrator position was critical to Billings and he urged Council to do its due diligence when selecting the next City Administrator.

- **John Brewer, Billings Chamber of Commerce, 817 South 27th Street, Billings, Montana**, in reference to Item 3, stated he and Chris Carpenter had spent an hour and a half with each City Administrator candidate, but Greg Doyon was clearly the Chamber's preferred candidate. He spoke of competitive market values and urged Council to reconsider opening communications with Mr. Doyon.
- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana**, in reference to Item 3, stated he had attended two of the City Administrator candidate interviews and that Council had done an excellent job. He commended the Council for standing firm on their offer, but suggested that if there had been a better offer at the onset there may have been better candidates.

1. CONSENT AGENDA

A. Mayor Hanel recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Delmer Schmidt	Animal Control Board	01/01/18	12/31/21
2	Jeannette Vieg	Animal Control Board	01/01/18	12/31/21
3	Cara Chamberlain	Animal Control Board	01/01/18	12/31/21
4	Randy Hafer	Billings BID	01/01/18	12/31/21
5	Rudi Marten	Billings BID	01/01/18	12/31/21
6	Mark Noennig	Board of Adjustments	01/01/18	12/31/21
7	Dave Hagstrom	Board of Adjustments	01/01/18	12/31/21
8	Frank Chesarek	Board of Adjustments	01/01/18	12/31/21
9	Martin Connell	Board of Adjustments	01/01/18	12/31/21
10	Paul Hagen	Board of Adjustments	01/01/18	12/31/21
11	Oscar Heinrich Jr	Board of Adjustments	01/01/18	12/31/21
12	David Mitchell	Board of Adjustments	01/01/18	12/31/21
13	David Petersen	Board of Appeals - Architect	01/01/18	12/31/21
14	No Applications	Board of Appeals - Electrical Contractor	01/01/18	12/31/21
15	No Applications	Board of Appeals - Plumber	01/01/18	12/31/21
16	John Dorr	Board of Health	01/01/18	12/31/20
17	Joe Stockburger	Community Development-Low Mod	01/01/18	12/31/21
18	Dana Bishop	Exchange City Golf Coop Board	01/01/18	12/31/20
19	No Applications	Housing Authority - Resident Comm	01/01/18	12/31/19

20	Kenneth Crouch	Human Relations Commission	01/01/18	12/31/21
21	Brian Schnitzer	Human Relations Commission*	01/01/18	12/31/18
22	Stella Fong	Library Board	01/01/18	12/31/21
23	Sue Bach	Library Board	01/01/18	12/31/21
24	Jennifer Quinn	Library Board	01/01/18	12/31/21
25	Lloyd Mickelson	Library Board	01/01/18	12/31/21
26	Tom Rupsis	Parks, Recreation & Cemetery Board	01/01/18	12/31/21
27	Richard Lorenz	Parks, Recreation & Cemetery Board	01/01/18	12/31/21
28	Clark Johnson	Parks, Recreation & Cemetery Board	01/01/18	12/31/21
29	Mark Kary	Billings Parking Board	01/01/18	12/31/21
30	Joni Harman	Billings Parking Board	01/01/18	12/31/21
31	David Fishbaugh	Billings Parking Board	01/01/18	12/31/21
32	Brandon Scala	Billings Parking Board	01/01/18	12/31/21
33	Matt Macrow	Planning Board - Ward 2	01/01/18	12/31/19
34	No Applications	Planning Board - Ward 5*	01/01/18	12/31/18

35	Terry Corey	Police Board	01/01/18	12/31/20
36	Travis Jones	Public Works Board	01/01/18	12/31/21
37	Tom Llewellyn	Public Works Board	01/01/18	12/31/21
38	Jerry Dunning	Traffic Control Board	01/01/18	12/31/21
39	Daniel Brooks	Traffic Control Board	01/01/18	12/31/21
40	James Graff	Yellowstone Historic Preservation Board	01/01/18	12/31/19

*21 Unexpired term of Erin Weenum

*34 Unexpired term of Patrick Klugman

B. Bid Awards:

1. **IP-8 and Airport House Demolition.** (Opened 12/12/17)
Recommendation contained in December 15, 2017 Friday Packet.

C. Professional Services Contract for the design and construction administration of Schedule 3 of the 2018 Sanitary Sewer Rehabilitation Projects to Morrison-Maierle, Inc., in the amount not to exceed \$303,984.

D. Memorandum of Understanding (MOU) with Beartooth RC&D Economic Development District; \$12,457.09 annual expense.

- E. **Approval** of Terminal Building Lease renewal with the U.S. Government for the benefit of the TSA; \$94,096.68 of annual revenue, \$470,483.40 for the initial firm five-year term.
- F. **Amendment #1**, Airport Terminal Building Expansion Project, Professional Engineering Services Contract, Morrison-Maierle, Inc.; \$619,326.
- G. **Amendment #3**, BLM Storage Facility, Professional Engineering Services Contract, Morrison-Maierle, Inc.; \$91,307.
- H. **Amended Plat Approval** of Cardwell Ranch Subdivision, 1st Filing.
- I. **Preliminary Major Plat** of Falcon Ridge Estates Subdivision, 3rd Filing, generally located on the south side of Masters Boulevard, east of Golden Acres Drive; Falcon Ridge I, LLC, owners; Sanderson Stewart, agent.

J. Bills and Payroll:

- 1. November 27, 2017

- K. **Resolution 17-10681** approving an extension of the Cable Franchise Agreement with Bresnan Communications, LLC, to March 26, 2018.

Councilmember Sullivan separated Item 1A1 for discussion.

Councilmember Brown separated Items 1B1, 1C, 1F, 1G and 1J1 to abstain.

Councilmember Cromley separated Item 1J1 to abstain.

Councilmember Brewster moved for approval of the Consent Agenda, with the exception of Items 1A1, 1B1, 1C, 1F, 1G and 1J1, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember Sullivan moved for approval of Consent Agenda Item 1J1, seconded by Councilmember Clark. On a voice vote, the motion was approved 7-0, Councilmembers Brown and Cromley abstained.

Councilmember Sullivan moved for approval of Consent Agenda Item 1G, seconded by Councilmember Clark. On a voice vote, the motion was approved 8-0, Councilmember Brown abstained.

Councilmember Sullivan moved for approval of Consent Agenda Item 1F, seconded by Councilmember Clark. On a voice vote, the motion was approved 8-0, Councilmember Brown abstained.

Councilmember Friedel moved for approval of Consent Agenda Item 1C, seconded by Councilmember Clark. On a voice vote, the motion was approved 8-0, Councilmember Brown abstained.

Councilmember Clark moved for approval of Consent Agenda Item 1B1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 8-0, Councilmember Brown abstained.

Councilmember Sullivan moved for approval of Consent Agenda Item 1A1, with the exception of appointee, #20, Kenneth Crouch to the Human Relations Board, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

Councilmember Cromley moved for approval of Consent Agenda Item 1A1, including appointee, #20, Kenneth Crouch to the Human Relations Board. The motion died for lack of a second.

REGULAR AGENDA:

2. BABCOCK THEATRE LEASE / SALE. Staff recommends delaying approval for the sale or lease until the January 8, 2018, meeting. (Action: approval or disapproval of staff recommendation.)

Bruce McCandless, Interim City Administrator, suggested the Council delay action beyond the January 8, 2018 meeting date. He stated the Ad-Hoc Committee would meet in early January and would bring a recommendation to the Council after that time.

Councilmember Brewster moved to delay approval of the sale or lease of the Babcock Theatre until January 8, 2018, seconded by Councilmember Friedel. Councilmember Brewster explained that there had been only two proposers and the Ad-Hoc Committee had decided to have the proposers give presentations to aid in the decision process. He stated it would be a good opportunity for members of the community to give their opinion of what they would like to have happen to the theatre. Councilmember Clark stated the presentations would be given on January 4, 2018, at 2:00 PM, at the Babcock Theatre. Councilmember Brewster stated that outgoing Councilmembers Cimmino and Swanson, as well as Tina Volek, had been invited to participate as they had been involved since the beginning.

Bruce McCandless stated that if the Ad-Hoc Committee was meeting on January 4th, it would not allow staff enough time to prepare an agenda item for the January 8th regular business meeting and he suggested the Council delay approval until the January 22, 2018 Council meeting.

Councilmember Brewster amended his motion to delay approval of the sale or lease of the Babcock Theatre until January 22, 2018, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

3. APPROVAL of employment agreement for new City Administrator, Greg Doyon. Council Subcommittee recommends approval. (Action: approval or disapproval of Council Subcommittee recommendation.)

Councilmember Brewster moved to not extend an employment agreement to Greg Doyon, based on the withdrawal letter from Mr. Doyon, seconded by Councilmember Clark. Councilmember Brewster stated he contacted Mr. Doyon and Mr. Doyon's last message had been that he was not interested in renegotiating or moving forward with the City of Billings. Councilmember Brewster stated the Council should accept that and move on. He continued that there needed to be a cooling period and the subcommittee needed to clarify many of the details that slowed and confused the process this time.

Councilmember Cromley spoke in opposition to the motion and stated he wanted to hear from Mr. Doyon firsthand that he was not interested in pursuing employment with the City of Billings. Councilmember Cromley made a non-debatable motion to table the item until January 22, 2018, seconded by Councilmember Yakawich. On a roll call vote, the motion failed 4-5, with Councilmembers Brewster, McFadden, Friedel, Clark, and Mayor Hanel voting in opposition.

Mayor Hanel spoke in favor of Councilmember Brewster's motion and thanked the public and all that participated during the interview process. He explained how negotiations became complicated and stated he respected Mr. Doyon's decision to remove himself from the process. He stated that Mr. Doyon and the subcommittee became deadlocked over several different issues, not just salary. He expressed his disappointment with the media and others who had contributed in tainting the process with inaccurate information.

Councilmember McFadden supported the motion and stated the City was not in any immediate need to rush a decision concerning the next City Administrator.

Councilmember Brewster withdrew his motion to not extend an employment agreement to Greg Doyon. Councilmember Clark withdrew his second.

Councilmember Brewster made a substitute motion to delay action on Item 3 until the January 22, 2018 regular business meeting, seconded by Councilmember Cromley. 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.

- **Mike Nelson, Northern Hotel, 19 North Broadway, Billings, Montana,** thanked the Mayor and outgoing Councilmembers for their vision and dedication in serving the City of Billings.
- **Tim Warburton, 3444 Lucky Penny Lane, Billings, Montana,** stated he was a Parks board member and had appreciated the opportunity to serve. He reminded Council that even if the chambers appeared to be nearly empty during Council meetings that many people viewed the meetings on Channel 7 and they cared about what actions the Council took.
- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana,** thanked the Council and Mayor for approving his appointments to the Animal Control Board and Zoning Commission. He stated he appreciated representing the community on various boards and commissions.

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

COUNCIL INITIATIVES:

- Councilmember Clark made a motion to allow staff to acquire an Interim Assistant City Administrator, temporarily, to relieve some of the workload Mr. McCandless, Interim City Administrator, has had during the extended transition time until a new City Administrator was hired, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

There was no further business, and the meeting adjourned at 8:03 pm.



CITY OF BILLINGS

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

ATTEST:

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