

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

February 12, 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 6:30 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, Brewster, Ewalt, Joy, Friedel, Ronning, Clark and Brown.

**MINUTES:** January 8, 2018 – Councilmember Brewster moved for approval, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

### COURTESIES:

- Mayor Cole wished Andrew Sherk, formerly from Billings, the best of luck during the luge events at the Winter Olympics.
- Councilmember Yakawich wished Brad Wilson, formerly from Butte, best of luck during the mogul event at the Winter Olympics.
- Councilmember Ronning stated Lowell Bailey, currently living in Bozeman, was competing in the biathlon event at the Winter Olympics and wished him luck.

### PROCLAMATIONS:

There were no proclamations.

### ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

- Mr. McCandless informed Council that Item 3 would need to be amended to remove SID 1404, if Item 2 was not approved.
- Mr. McCandless reminded Council they may want to consider tabling Item 10 until February 26 to allow more time to review the City Administrator employment agreement.
- Mr. McCandless informed Council that Consent Agenda Item O should state 41 lights instead of 43 and the resolution had been amended.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 3, 9 and 10 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. **W.O. 14-11, Water Reclamation Facility, Air Flotation Thickener Equipment Procurement.** (Opened 12/19/17) Recommend Evoqua Water Technologies; \$377,992.50.
2. **W.O. 17-22, Belknap Service Center HVAC.** (Opened 1/30/18) Recommend Corval Constructors, Inc.; \$374,963.
3. **W.O. 18-03, Contract #2 City Overlay.** (Opened 1/30/18) Recommend Riverside Contracting, Inc.; \$1,265,099.40.
4. **W.O. 18-03, Contract #3 City Chip Seal.** (Opened 1/30/18) Recommend Hardrives Construction, Inc.; \$639,844.26.

**B. Amendment No. 5, W.O. 14-11: Water Reclamation Facility Administration Building,** Professional Services Contract, HDR Engineering; \$118,300.

**C. Approval of Resolution 18-10698** authorizing the Airport to use the alternative project delivery contract process for a request for qualifications for the Terminal Building Expansion project.

**D. Approval** of the Annafeld Park Master Plan.

**E. Approval** of the purchase of playground equipment for Hawthorne Park; \$123,326.

**F. Approval** of the purchase of six (6) replacement police vehicles from Duval Ford of Jacksonville, Florida; 5 Sedans for \$27,533 each; and 1 Utility vehicle for \$31,706; or a total cost of \$169,371.

**G. Approval** of the purchase of six (6) chemical detection units from Agilent Technologies; \$360,000.

**H. Approval** of recommendation to the Policy Coordinating Committee for Amendment I of the 2017-2021 Transportation Improvement Program.

- I. **Acknowledge receipt of petition to vacate** portions of right of way within Silver Creek Estates, Boyer Land, LLC, petitioner, and setting a public hearing date of March 12, 2018.
- J. **Approval** of Right of Way Agreement and Warranty Deed for W.O. 16-05, Central Avenue Improvements, from Dorn-Pentecost, LLC.
- K. **Approval** of revolving loan fund to Seva Kitchen (Taj Properties); \$140,000.
- L. **Approval** of revolving loan fund to The 124 Group, LLC; \$250,000.
- M. **Acceptance** of donation to the Fire Department from the Local Emergency Planning Committee for an Integrated Emergency Management Course; \$1,000.
- N. **Acceptance** of donation to the Planning & Community Services Department from an anonymous donor for the Yellowstone Historic Preservation Board; \$2,000.
- O. **Resolution of Intent 18-10690** to create SILMD 325, Central Avenue Road Project, and setting a public hearing date for March 12, 2018.
- P. **Final Plat Approval** of Coal Creek Subdivision.
- Q. **Bills and Payroll:**
  - 1. January 8, 2018
  - 2. January 16, 2018
  - 3. January 22, 2018

Councilmember Yakawich separated Item 1M for discussion.

Councilmember Cromley separated Item 1Q1 in order to abstain and Item 1O to amend.

Councilmember Ewalt separated Items 1A4 and 1F for discussion.

Mayor Cole separated Item 1Q1 in order to abstain.

Councilmember Brown separated Items 1Q1, 1Q2 and 1Q3 in order to abstain.

Councilmember Brewster moved for approval of the Consent Agenda, with the exceptions of Items 1A4, 1F, 1M, 1O, 1Q1, 1Q2 and 1Q3, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Ewalt, in reference to Item 1A4, asked if McMasters Road would be fixed before the chip sealing began. Dave Mumford, Public Works Director, stated the road was in very bad condition and there would be significant repairs included in the cost. Councilmember Ewalt moved for approval of Item 1A4, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Ewalt, in reference to Item 1F, asked for clarification about the bidding process. Bruce McCandless, stated there were State laws mandating the City accept the lowest bidder, unless there were valid reasons to exclude a bid. Mr. McCandless stated Montana had a reciprocal law which meant states that granted a contractor a preference would receive the same preference from Montana. Councilmember Ewalt stated it was unfortunate that the City did not use local dealerships for purchases.

Rich St. John, Police Chief, stated historically the City followed the State's lead for purchasing police vehicles. He added that the bid had been granted to Bison Ford from Great Falls in the past and there was some connection with Bison Ford and Duval Ford from Florida.

Councilmember Ewalt moved for approval of Item 1F, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich, in reference to Item 1M, asked for an update on emergency management for the Fire Department. Bill Rash, Interim Fire Chief, stated the Local Emergency Planning Committee (LEPC) was a very active committee and the training course would help the committee and staff stay informed and prepared in the event of an emergency. Mr. Rash encouraged Council to participate in the training as well.

Councilmember Yakawich moved for approval of Item 1M, seconded by Councilmember Ronning. On a voice vote, the motion was unanimously approved.

Councilmember Cromley moved for approval of Item 1O, amended to reflect 41 lights instead of 43 lights, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 1Q1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 7-0, Mayor Cole, Councilmembers Brown and Cromley abstained.

Councilmember Clark moved for approval of Items 1Q2 and 1Q3, seconded by Councilmember Friedel. On a voice vote, the motions were approved 9-0, Councilmember Brown abstained.

## **REGULAR AGENDA:**

### **2. PUBLIC HEARING AND RESOLUTION 18-10691 creating SID 1404, Annafeld Subdivision Parks and Streetlights. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mr. McCandless stated staff did not have a presentation, but was available for questions.

The public hearing was opened.

- **Brad McCall, McCall Development, 1621 Front Street, Billings, Montana,** stated his company was developing a new neighborhood and creating an SID to provide streetlights and parks. Councilmember Joy asked for clarification on the homeowners paying the SID in advance. Mr. McCall stated there would be a SID on the lot, therefore when a person purchased a home, they could pay off the SID or leave it on the loan.

Mayor Cole asked for clarification on the impact of Annafeld Subdivision to the Marathon Loop Trail. Mark Jarvis, Parks Planner, showed a map of the trails and stated there was parkland set aside that could be developed as a trail in the area. He added there were plans for a trail to connect to the Elysian Road Trail and the river.

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

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

### **3. RESOLUTION 18-10692 authorizing the issuance and calling for the negotiated sale of up to \$1,515,000 special improvement district bonds (SID's 1401, 1403 and 1404). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mr. McCandless stated staff did not have a presentation, but was available for questions.

Councilmember Clark moved for approval of Item 3, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

### **4. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annexation 17-01: an approximate 5 acre parcel located at 301 Orchard Lane. L.B. Stone Properties Group, LLC, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

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

**5. PUBLIC HEARING AND RESOLUTION 18-10693 authorizing the sale of City-owned property described as a tract of land within the Dedicated Park, Block 1, of the Plat of the Zimmerman Trail Subdivision. Staff recommends approval. Action: approval or disapproval of staff recommendation.)**

Mr. McCandless stated 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 Cromley moved for approval of Item 5, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

**6. PUBLIC HEARING AND RESOLUTION 18-10694 creating SILMD 324, Midland Road. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mr. McCandless stated staff did not have a presentation, but was available for questions.

Councilmember Joy asked if there would be a road coming from the back side of the development to Midland Road. Mr. Mumford stated there would be a gravel road constructed to the back corner of Franz Bakery that would provide access.

Councilmember Brown asked if the gravel road would be a full access, maintained road. Mr. Mumford responded affirmatively.

The public hearing was opened.

There were no speakers and the public hearing was closed.

Councilmember Friedel moved for approval of Item 6, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

**7. PUBLIC HEARING AND RESOLUTION 18-10695 ordering improvements identified in W.O. 17-06, Midland Road Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mr. McCandless stated 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 Joy moved for approval of Item 7, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

**8. PUBLIC HEARING AND RESOLUTION 18-10696 ordering improvements identified in W.O. 18-10, Poets Streets. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mr. Mumford stated that Public Works staff had worked hard to develop a plan that would keep the character of the neighborhood while allowing for replacement of the asphalt, curb and gutter, etc.

Mayor Cole asked for clarification on the difference between an SID and a work order. Mr. Mumford stated a work order was used for small sections of work that needed to be done and would be paid for by the property owners. He continued that a work order did not need to go through the formal SID process of looking for 51% approval of the neighborhood. He added that the work order process was an assessment against individual properties assessed for specific work. He stated the work order process allowed more individualized costs for property owners.

Councilmember Yakawich asked if the work order process would work for areas like Lincoln Lane. Mr. Mumford stated Lincoln Lane was only a gravel strip and there were no storm drains available, therefore, it would not qualify for the work order process. He stated staff was reviewing options for Lincoln Lane and other streets that needed street maintenance and engineering involvement.

The public hearing was opened.

- **Bess Fredlund, 2611 Longfellow Place, Billings, Montana**, stated the neighborhood was very impressed with John Zisch and the engineering staff and thanked the City for fixing their street.
- **Kenneth Kuhn, 2606 Longfellow Place, Billings, Montana**, stated the improvements would greatly help the area. He added that the City staff had been very easy to work with.

- **Barbara Sample, 2517 Irving Place, Billings, Montana**, stated she had broken an axle in one of the holes on the streets. She thanked the City for their hard work in fixing the issues.
- **Rick Burt, 2511 Raymond Place, Billings, Montana**, thanked the City for addressing the issues in the area.
- **Gary Oakland, 508 Highland Park, Billings, Montana**, stated that Public Works had been sensitive to the existing character of the neighborhood and had helped to keep costs affordable.

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

Councilmember Ronning moved for approval of Item 8, seconded by Councilmember Joy. On a voice vote, the motion was unanimously approved.

**9. APPROVAL of Mayor's appointment for the Ward IV Councilmember replacement.**

Mayor Cole thanked the ten constituents for applying for the open Ward IV Councilmember position. He stated there had been incredibly qualified candidates and it had been very difficult to narrow the applicants down to just one. Mayor Cole moved for approval of nominee, Reg Gibbs, as the Ward IV Councilmember replacement, seconded by Councilmember Cromley.

Councilmember Ronning stated she strongly opposed Mayor Cole's nomination. She added that Ward IV had overwhelmingly supported a different candidate.

Councilmember Brewster stated he was in support of Mayor Cole's nomination and thought he would do a fine job for the City.

Councilmember Yakawich stated he supported the general consensus of Council and would endorse Mayor Cole's nomination.

Councilmember Joy stated she supported Councilmember Ronning's opposition of the nomination.

Councilmember Brown voiced his support of Mayor Cole's nomination.

Councilmember Clark stated that he also supported Mayor Cole's nomination.

On a voice vote, the motion was approved 8-2, Councilmembers Joy and Ronning opposed.



**10. APPROVAL of employment agreement, recruiting method and schedule for hiring a permanent City Administrator.**

Councilmember Cromley made a motion to table Item 10 until the February 26, 2018 Council meeting, seconded by Councilmember Friedel. 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana,** stated the community was not working together in regards to the new convention center. He stated the Councilmember for Ward III and the Mayor had not been present for the SBURA meeting regarding a new recreational facility. He added he was disappointed in the City's lack of follow through and involvement.
- **Amelia Marques, 1121 Rays Lane, Billings, Montana,** thanked Councilmember Ronning for her service. She stated that the community had voted for her and encouraged her successful future on the Council.

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

**COUNCIL INITIATIVES:**

There were no Council initiatives.

Councilmember Ewalt stated he would be bringing forward an initiative regarding revising the code prohibiting gymnastics facilities in Residential Professional zoned areas.

Mr. Mumford stated CMG Construction would be finished with the remaining snow plowing within the next few days. He added that the snow removal process was improving and being completed more quickly. He stated there would be sufficient funding for approximately one more round of residential snow removal, before needing to request a contract amendment for additional funding.

Mayor Cole stated he had received a few phone calls complaining of a berm of snow at the end of driveways. Mr. Mumford stated most situations had been manageable, but there had been a few issues with residents blowing snow into the street, causing the plow to create a berm when plowing. He added they were in discussions about how best to avoid the issues occurring on some streets.

Councilmember Friedel stated there was a "snow buddy" program that could help people who were unable to remove snow themselves.

Councilmember Brown asked for clarification on the new snow melting machine. Mr. Mumford stated Public Works had been using it, but were having some minor issues with removing sand. He added it was working pretty well and stated the machine was able to melt five yards at a time and the water was disposed of in the storm drains.

Councilmember Friedel suggested reviewing putting snow in the off ramp areas. Mr. Mumford stated other snow removal storage areas was being researched.

There was no further business, and the meeting adjourned at 8:27 pm.



CITY OF BILLINGS

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

ATTEST:

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