

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

January 27, 2020

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 Shaw gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Shaw, Yakawich, Neese, Ewalt, Joy, Choriki, Purinton, Ronning, Boyett and Brown.

MINUTES:

December 16, 2019 - Councilmember Yakawich moved for approval, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

January 13, 2020 – Councilmember Brown moved for approval, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Cole noted that he was hosting a dinner for incoming and outgoing Councilmembers at his home Thursday evening.
- Mayor Cole reminded Council to provide responses by 9:00 PM on Wednesday to Mr. Kukulski and Mr. Iffland to the 12 questions given concerning Public Safety Mill Levy discussions.
- Councilmember Ronning noted it was World Remembrance Day and asked everyone to remember those affected by the Holocaust.

PROCLAMATIONS:

There were no proclamations.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI (*Given by Kevin Iffland, Assistant City Administrator*)

- Mr. Iffland stated there were no ex parte communications in the notebook.
- Mr. Iffland stated Consent Agenda Item 1H – Resolution of Intent to create SID 1410, sets a public hearing date for February 10, 2020. The public hearing date needed to be set for February 24th, 2020, because State law required a 15-day protest period and setting the public hearing for February 10th, did not allow

enough time. A drafted motion was placed on the Council's desks for convenience.

- Mr. Iffland stated Consent Agenda Item 1I – Resolution declaring an emergency and authorizing City Administrator signing authority on W.O. 20-35: Rims Waterline Replacement staff memo and resolution had incorrect information concerning rock stabilization, removal and repairing of the road. It should have made reference to the waterline. The Resolution would have the correct references.
- Mr. Iffland reminded Council that on Saturday, Feb. 1st, a Special Work Session will be held from 8 AM to 1 PM in the City Hall Council Chambers. The purpose is for Council to hold its annual strategic goal setting session. The meeting is open to the public and it will be televised on Channel 7.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 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.)

The public comment period was opened.

- **Mike Mayott, Executive Director of Amend Park Development Council (APDC), 123 Lewis Avenue, Billings, Montana**, in reference to Item 1D, spoke in favor the contract renewal and said it has been a win, win, win arrangement for everybody.
- **Anna O’Donnell, 131 Avenue B, Billings, Montana**, in reference to Item 1E, gave her support of the right-of-way easement.
- **Jeff Kanning, 3230 County Club Circle, Billings, Montana**, in reference to Item 1E, stated he and his wife owned the land that was being donated via an easement so that the public could have access from Country Club Circle to the public lands above on the Rims.

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

1. CONSENT AGENDA

A. Bid Awards: None

B. Appointment of Councilmembers Shaw, Neese, Joy, Purinton, and Boyett to assist City Hall Facilities Subcommittee.

C. Treatment Services Contract for the Billings Adult Misdemeanor Treatment Courts; Rimrock Foundation; not to exceed \$788,000 over 5-years.

- D. **Proposed Amend Park Development Council (APDC) 2020 Annual Budget and Fee Structure.**
- E. **Perpetual Right-of-Way Easement** from Jeffery A. Kanning and Bethann K. Kanning to Parks, Recreation and Public Lands Department for access to Myers Trail.
- F. **2019 Federal U.S. Department of Homeland Security Grant** for the Bomb Squad for training and equipment; \$95,970.56.
- G. **2019 Domestic Violence Grant**, and authorization for the Police Chief to sign all required grant material; \$35,032.
- H. **Resolution of Intent 20-10844** to create SID 1410, Annafeld Subdivision, 2nd Filing, (street, utility, streetlights, and parks improvements), and set a public hearing date for February 10, ~~20~~, **24**, 2020.
- I. **Resolution 20-10845** declaring an emergency and authorizing W.O. 20-35: Rims Waterline Replacement and granting the City Administrator signing authority.
- J. **Resolution 20-10846** establishing compliance with reimbursement under Internal Revenue Code for Airport Construction Project.
- K. **Second/Final Reading Ordinance 20-5730** amending Billings, Montana City Code (BMCC), Section 24-503 for Parade Routes.
- L. **Bills for the Weeks of:**
 - 1. December 23, 2019
 - 2. December 30, 2019

Councilmember Purinton separated Item 1C for discussion.

Councilmember Ewalt separated Item 1H to amend the public hearing date.

Councilmember Boyett separated Item 1I for discussion.

Councilmember Brown separated Item 1L1 in order to abstain.

Councilmember Neese moved for approval of the entire Consent Agenda, with the exception of Items 1C, 1H, 1I and 1L1, seconded by Councilmember Ewalt.

Councilmember Ronning stated she had questions for Police Chief St. John regarding Items 1F and 1G. Councilmember Ronning noted these were grants and congratulated the Chief on the Police Department's success in obtaining the grant monies. She asked for clarification about the nearly \$96K grant for specialized training

and equipment for the bomb squad compared to \$35K for domestic violence programs. Chief St. John responded that the bomb squad was deployed about 10 times a year. Councilmember Ronning noted that last year's statistics indicated approximately 850 domestic violence incidents and the grant was significantly less than that for the bomb squad. Chief St. John stated the grant monies came from different sources with the bomb squad monies coming from Homeland Security and the domestic violence grant monies coming from the State of Montana.

On a voice vote, the motion to approve the entire Consent Agenda, with the exception of Items 1C, 1H, 1I and 1L1 was approved unanimously.

Councilmember Purinton inquired about the costs associated with the treatment agreement in Item 1C. Assistant City Administrator, Kevin Iffland, responded that Rimrock Treatment accepted Medicaid and Medicare payments toward treatment, which reduced the amount the City would pay, allowing the City's money to go further to help more people.

Councilmember Joy moved to approve Item 1C as written, seconded by Councilmember Ronning. On a voice vote, the motion was approved unanimously.

Councilmember Ewalt moved to set a public hearing date for February 24, 2020, for SID 1410 (Item 1H), to allow the State required 15-day protest period for the creation of an SID in Annafeld Subdivision, 2nd Filing, seconded by Councilmember Boyett. On a voice vote, the motion was approved unanimously.

Councilmember Boyett asked for a maintenance history on the rims waterline that was the subject of Item 1I. City Engineer, Debi Meling, explained that the waterline supplied water to the airport and Rehberg Ranch area. She stated a leak was detected in late December and 2 more leaks were detected in January. She continued that the ground around the leaks was saturated and causing the waterline to shift. She stated the waterline had not experienced many problems and had not been on the priority list for maintenance until now. She stated it was a critical waterline and research had been conducted to determine a location for a redundant line through Alkali Creek. Discussions followed concerning movement within the rims; future redundant line options; and emergency procurement for replacement of the faulty waterline.

Councilmember Ronning moved to approve Item 1I as written, seconded by Councilmember Choriki. On a voice vote, the motion was approved unanimously.

Councilmember Ewalt moved to approve Item 1L1, seconded by Councilmember Joy. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 975: a zone change to allow a modification to the existing Western Sky Planned Development zoning to add some uses to the underlying Neighborhood Commercial (NC) zone on a 9.128 acre parcel of land described as: Lots 2 and 3, Block 1, Western Sky Subdivision Amended, generally located at 4600 Block of King Ave. West - Crescent Street (internal street). Mont Vista, LLC - Tracy Haag, owner; Sanderson Stewart - Rick Leuthold, P.E. and Bill Morgan, P.E., agents. Zoning Commission recommends approval of the Zone Change and adoption of the findings of the 10 criteria. (Action: approval or disapproval of the Zoning Commission's recommendation.)

Nicole Cromwell, Zoning Coordinator, gave a brief PowerPoint presentation and explained it was not standard zoning, but specific zoning just for this particular parcel of land. She explained the proposed construction of a coffee roasting facility and ancillary warehouse and the proposed amended uses. Ms. Cromwell stated the Zoning Commission held their public hearing and were forwarding a recommendation to approve the zone change based on the findings of the 10 review criteria. She clarified that the ancillary warehouse needed to be secondary to the primary retail function. Discussions continued concerning traffic; entrances and exits to the property; permitted uses; coffee odors; job diversity and ensuring the property would not become a casino at a later date.

Ms. Cromwell clarified that the original Planned Development had 2 very large lots and that those lots were divided into 5 lots, but the zone change only affected 2 of the 5 lots.

The public hearing was opened.

There were no speakers and the public hearing was closed.

Councilmember Choriki moved to approve the First Reading Ordinance for Zone Change 975 and adoption of the findings of the 10 criteria as recommended by the Zoning Commission, seconded by Councilmember Boyett. On a voice vote, the motion was approved unanimously.

3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 976: a zone change from Residential-7000 (R-70) to Highway Commercial (HC), on a 25,200 square foot parcel of land described as: Lots 1 and 2, Block 2, Bede Subdivision. 4 the Store, LLC - Rich Miller, owner; Scott Aspenlieder, Performance Engineering, agent. Zoning Commission recommends approval of the Zone Change and adoption of the findings of the 10 criteria. (Action: approval or disapproval of the Zoning Commission's recommendation.)

Councilmember Neese announced his recusal from the discussion and vote due to client relations.

Karen Husman, Planner, gave a brief PowerPoint presentation explaining that the property had a commercial building on it, but the owner was seeking to rehabilitate the property. She continued that this could not occur without bringing the property into the proper code. Ms. Husman stated that the Zoning Commission had held its public hearing and was forwarding a recommendation of approval of the zone change based on the findings of the 10 review criteria. She stated the zone change was compatible with other properties in the area and was appropriate and in line with the 2016 Growth Policy. Discussions followed concerning the proposed Highway Commercial zoning with residences all around the parcel of property; potential fire concerns; task force input; and delivery truck traffic.

- **Scott Aspenlieder, Sanderson-Stewart, agent for the applicant,** stated that the owner wished to rehabilitate the commercial building presently on the property. He stated that when applying for building permits, the owner was unable to obtain them without a zone change.

The public hearing was opened.

There were no speakers and the public hearing was closed.

Councilmember Yakawich moved to approve the First Reading Ordinance for Zone Change 976 and adoption of the findings of the 10 criteria as recommended by the Zoning Commission, seconded by Councilmember Joy. On a voice vote, the motion was approved 10-0, Councilmember Neese abstained.

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.

- **Jason Smith, 4515 Palisades Park, Billings, Montana,** encouraged Council to amend its City Business License ordinance concerning marijuana businesses within the City. He reminded Council that 2 recreational-use marijuana initiatives were being brought before the Legislature and it was likely 1 or both would pass, forcing the City to act.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana,** stated his concerns about the City not overseeing the individual expenses paid by the SBBURA and that the public should have easier access to those records. He stated the proposed recreation and aquatic center was being lapped by the one being built in Laurel. He stated that Bozeman obtained a grant to get an ice rink. He voiced his discontentment with the lack of movement toward developing committees and

updated progress reports concerning the recreation and aquatic center project. He urged the Council to get involved and get the project moving.

- **Jim Tevlin, SBBURA**, stated financial information was available to the public if asked. He stated the Board's consensus was that it needed to understand how much money was needed in order to obtain bonds for the recreation and aquatic center project. He assured the Council that the SBBURA Board was fiscally responsible and had other projects also to consider.

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

COUNCIL INITIATIVES:

- Councilmember Neese moved for an initiative to accelerate the Castlerock Master Plan to allow staff more time to finish the master plan before replacing playground equipment in the Parks Department CIP to FY20, instead of FY21, seconded by Councilmember Yakawich. On a voice vote, the motion was approved unanimously.

There was no further business, and the meeting adjourned at 7:20 p.m.

CITY OF BILLINGS



By: William A. Cole
William A. Cole, Mayor

ATTEST:

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