

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

August 27, 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 Joy gave the invocation.

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Brewster, Ewalt, Joy, Friedel, Ronning, Clark and Brown. Councilmembers Yakawich and Gibbs were excused.

**MINUTES:** August 13, 2018 - Councilmember Brewster moved for approval, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

### COURTESIES:

- Councilmember Friedel announced Central-Terry Task Force will have a BBQ on September 15<sup>th</sup>, at 2:00 PM, at Central Park.
- Councilmember Joy thanked organizers and the neighborhood of the Gorham Park area for inviting her to their block party.
- Councilmember Ronning invited everyone to attend the Central Labor Councils' Labor Day picnic on Monday, September 3<sup>rd</sup>, from 12-4 PM, at Rose Park.
- Councilmember Clark on September 16<sup>th</sup>, 3-5 PM, the West End Task Force would have a Meet and Greet in the children's play area at Faith Evangelical Church.

### PROCLAMATIONS:

- National Recovery Month – September. Mayor Cole recognized staff from Rimrock Foundation who thanked the Mayor for the proclamation.

### ADMINISTRATOR REPORTS - BRUCE MCCANDLESS *(Given by Kevin Iffland, Assistant City Administrator)*

- Mr. Iffland stated that concerning Consent Agenda Item 1D, Construction Contract for W.O. 18-34, Mountain View Boulevard Rock Removal, the August 24 Friday Packet had contained a staff recommendation to enter a contract with GeoStabilization International (GSI); \$378,850.
- Mr. Iffland stated that concerning Regular Agenda Item 2, Public Hearing and Special Review 967, an e-mail had been received by the Planning Department from the agent, Rob Veltkamp, stating the applicant wished to withdraw their application requesting a waiver.

- Mr. Iffland reminded Council that next Work Session meeting would be on Tuesday, September 4<sup>th</sup>, due to the Labor Day holiday.
- Mr. Iffland stated that nothing had been placed in the ex parte communications notebook for this evening's agenda.
- Mr. Iffland introduced Brent Brooks, City Attorney, concerning the Noise Ordinance revision. Mr. Brooks stated that Associate Professor, Dan Autenrieth, from Montana Tech, had completed his analysis and recommendations. He stated Mr. Autenrieth would attend the September 17<sup>th</sup> Work Session. The recommended changes would be posted to the website this week for public comment.

\*Councilmember Brewster moved to withdraw Regular Agenda Item 2 from the agenda, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 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.

- **Keith Hart, 220 Mountain View Boulevard, Billings, Montana:** stated in reference to Item 1D, that Council should make certain there were no discrepancies in the bid amounts and voiced his concern about the timeline and traffic routes during rock removal.

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

**1. CONSENT AGENDA:**

**A. Mayor Cole recommends that Council confirm the following appointments:**

	Name	Board/Commission	Term	
			Begins	Ends
1	Pamela Purinton	Human Relations Commission*	08/27/18	12/31/19
2	Stephen Wahrlich	Tourism BID	10/01/18	10/01/22
3	Clinton Peck	Yellowstone Soil Conservation	08/27/18	06/30/21

1. \* 1 Unexpired term of Amaya Garcia Costas

**B. Bid Awards:**

- 2. W.O. 17-16, Fox Water Reservoir Pump Station Improvements.** (Opened 8/14/18) Recommend COP Construction, LLC; \$2,692,600.
  - 3. W.O. 17-20, Sanitary Sewer Lift Stations Backup Power.** (Opened 8/14/18) Recommend Intermountain Electric Service, Inc.; \$129,329.51.
  - 4. Park 2 Elevator Hydraulic Cylinder Replacement and Re-route Oil Line.** (Opened 8/14/18) Recommend Thyssenkrupp Elevator; \$105,000.
  - 5. Airport Long Term Parking Lot Improvements.** (Opened 8/14/18) Recommend Askin Construction, LLC; \$219,915.
- C. Professional Services Contract** for General Contractor/Construction Manager services for the pre-construction phase work for the Airport Terminal Expansion Project; Sletten Construction; \$72,775.
- D. Construction Contract** for W.O. 18-34, Mountain View Boulevard Rock Removal. Recommend GeoStabilization International (GSI); \$378,850.
- E. Amendment No. 12,** to Professional Engineering Services Contract for Airport Commercial Aircraft Concrete Ramps Reconstruction Project; Morrison-Maierle; \$214,628.
- F. Utility Easement** with NorthWestern Energy to install conduit in Boothill Cemetery.
- G. Breakfast Exchange Club of Billings donation** to the Fire Department for the purchase of carbon monoxide detectors/alarms; \$1,000.
- H. Billings Metropolitan Planning Organization (MPO) Public Participation Plan Update** recommendation to the Policy Coordinating Committee (PCC).
- I. 2019 Unified Planning Work Program (UPWP)** recommendation to the Policy Coordinating Committee (PCC).
- J. Resolutions 18-10753 and 18-10754,** respectively, relating to the East Billings Urban Renewal District (EBURD) tax increment bonds and SID 1405 (EBURD Streetlights) bonds; fixing the form and details and providing for the execution, delivery, and security.
- K. Second/Final Reading Ordinance 18-5716** expanding Ward I (Annexation 18-04) for an approximate 13.52 acre parcel of land located south of Interstate 90 and north of the Yellowstone River, known as Coulson Park.

- L. **Second/Final Reading Ordinance 18-5717** expanding Ward IV (Annexation 18-05) to include an approximate 347.321 acre parcel of land located south of Molt Road and northwest of Copper Ridge Subdivision, known as Phipps Park.
- M. **Second/Final Reading Ordinance 18-5718 for Zone Change 968:** a zone change from Residential-7000 (R-70) to Residential Multi-Family-Restricted (RMFR) on a 14,000 square foot parcel of land, generally located at the southeast corner of the intersection of N. 24th Street and 11th Avenue North. Red Gate #2, Britt A. Romain, owner. Zoning Commission recommends approval and adoption of the findings of the 10 criteria.
- N. **Tierra Yellowstone Subdivision** final plat.
- O. **Bills and Payroll:**

1. August 6, 2018

Councilmember Ronning separated Item 1A1 for discussion.

Councilmember Brown separated Items 1E and 1O1 in order to abstain.

Councilmember Ewalt separated Item 1C in order to abstain.

Councilmember Brewster moved for approval of the Consent Agenda with the exception of Items 1A1, 1C, 1E and 1O1, seconded by Councilmember Joy.

Councilmember Friedel asked, in reference to 1K1, whether there were any financial obligations from the General Fund for Coulson Park. Mr. Iffland responded not to his knowledge.

On a voice vote, the motion was unanimously approved.

Councilmember Ronning stated she would not support the appointment of Pamela Purinton to the Human Relations Commission. Councilmember Cromley stated he also had concerns, but believed in diversity on the Commission and on all boards. Councilmember Joy supported having members from different backgrounds serve on boards and commissions, even if they appear adversarial. Councilmember Clark moved for approval of Item 1A1, seconded by Councilmember Brewster. On a voice vote, the motion was approved 8-1, Councilmember Ronning voted in opposition.

Councilmember Brewster moved for approval of Item 1C, seconded by Councilmember Clark. Kevin Ploehn, Aviation and Transit Director, stated Sletten Construction had been selected by a committee of seven or eight people and that Sletten was very experienced with aviation projects. On a voice vote, the motion was approved 8-0, Councilmember Ewalt abstained.

Councilmember Brewster moved for approval of Item 1E, seconded by Councilmember Joy. On a voice vote, the motion was approved 8-0, Councilmember Brown abstained.

Councilmember Brewster moved for approval of Item 1O1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 8-0, Councilmember Brown abstained.

## REGULAR AGENDA:

~~\*2. PUBLIC HEARING AND SPECIAL REVIEW 967: a special review to relocate an existing beer and wine license, with gaming, from Lucky's Grand Casino at 1411 13th Street West to new location at 4007 Avenue B. RC Property Holdings, LLC, owner; Rob Veltkamp, agent. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.)~~

3. PUBLIC HEARING AND SPECIAL REVIEW 968: a special review to allow the expansion of an outdoor beverage service area for an existing all-beverage license, with gaming, in an Entryway General Commercial (EGC) zone, on a 3.215-acre parcel of land, located at 4910 Southgate Drive. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

Karen Husman, Planner, gave a brief presentation describing the location of the proposed expanded outdoor beverage service area and the special review criteria. She stated that special reviews did not require ordinance approval and were not zone changes to the property. She continued that special reviews were tied to specific uses allowed in a given zoning district, but were subject to review by the City prior to the use being allowed.

Council discussed fencing around the area, hours of operation, building capacity, lighting and noise restrictions. Ms. Husman reviewed the conditions that had already been placed on the business. Councilmember Clark called for point of order and stated further comment and discussion should cease as the public hearing had not been held yet and there was no motion on the table for discussion.

The public hearing was opened.

- **Barbara Hawkins, Owner of America Family Restaurant, 4910 Southgate Drive, Billings, Montana:** stated she and her husband owned the restaurant and casino. She stated she was in favor of the special review that would allow them to utilize their beach volleyball courts and corn hole platforms. She answered Council's questions about daytime events, fencing and perimeter security.

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

Councilmember Cromley moved for approval of Item 3, as recommended by the Zoning Commission, seconded by Councilmember Joy. On a voice vote, the motion was approved 8-0, Councilmember Ewalt abstained.

**4. PUBLIC HEARING AND RESOLUTION 18-10755 granting a tax abatement to Rimrock II, LLC, for building expansion at 324 South 24<sup>th</sup> Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

There was no staff presentation.

Patrick Klugman, Big Sky Economic Development, gave a brief presentation explaining the details of the tax abatement application and qualification criteria. He explained that the abatement was for 5 years. He stated Rimrock Subaru had demolished an old building and built a new building on the same site and invested approximately \$10 million dollars in the project. He gave estimated tax figure abatements based on 2017 taxes. He encouraged Council to approve the tax abatement as it would allow Rimrock to further develop the car lot across from the present location and expand its business. He stated that the business's economic impact to Billings was considerable.

The public hearing was opened.

- **Rick Welty, President Rimrock Auto Group**, stated the auto group was very excited to be in a beautiful new building that added to 24<sup>th</sup> Street West and the entire area. He mentioned numerous jobs were created.

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

Councilmember Joy moved for approval of Item 4, seconded by Councilmember Friedel. On a voice vote, the motion was approved 8-1, Councilmember Ewalt voted in opposition.

**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.

- **Connie Wardell, P.O. Box 21432, Billings, Montana**, stated the Code should be changed from requiring a 300 foot notification to property owners for waivers of the 600 foot distances between schools, churches, etc.

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

**COUNCIL INITIATIVES:**

There were no Council Initiatives.

There was no further business, and the meeting adjourned at 6:55 p.m.



CITY OF BILLINGS

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

ATTEST:

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