

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

November 25, 2019

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 Ewalt gave the invocation.

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

MINUTES: October 28, 2019 – Councilmember Clark moved for approval, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Cole recognized that Boy Scout Pack 81 was in the audience. He invited them to the podium to introduce themselves.
- Councilmember Ronning thanked Billings Public Schools for organizing the "Educators for a Day" event and encouraged Councilmembers to get involved in future years.
- Councilmember Yakawich thanked the Mayor and others involved in welcoming the crew from USS Billings.

PROCLAMATIONS:

Mayor Cole proclaimed the sixteen days between International Day to Eliminate Violence Against Women on November 25th and International Human Rights Day on December 10th as the 16 Day of Activism Against Gender Violence.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski stated there were no exparte communications in the notebook.
- Mr. Kukulski stated that the Public Hearing for the Special Review 980 concerning the proposed car wash at 2335 Lewis Avenue was cancelled due to the Council's action to deny the Zone Change upon second reading during the November 12th meeting.
- Mr. Kukulski stated that staff wished for Council to separate and move to remove Consent Agenda Item 1F, Purchase of Land for West End Treatment Plant. Staff would assess whether the land purchase was needed in the future.

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.

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

CONSENT AGENDA:

1. CONSENT AGENDA

- A. Bid Awards:** There were no bid openings.
- B. Airport's Updated Disadvantaged Business Enterprise (ACDBE) Plan** for Concession Operators.
- C. Direct Network Contract** with Rocky Mountain Health Network.
- D. Memorandum of Agreement (MOA)** between the City of Billings and Montana Department of Transportation (MDT) for the expansion of fiber network along 27th Street.
- E. Professional Services Contract** for W.O. 20-01, Schedule 1: 48-inch and 60-inch Sanitary Sewer Interceptor Rehabilitation Project; Morrison-Mairele, Inc.; in an amount not to exceed \$665,513.
- F. Purchase of 20.497 acres from Harbour Land Holdings, Inc. for the construction of the West End Water Treatment Plant, \$875,000.**
- G. Quitclaim Deed** for a portion of Barrett Road from Yellowstone County as it relates to Annexation 19-02.
- H. Resolution 19-10838** authorizing State of Montana INTERCAP Loan for the Police Department Evidence Building; up to \$3,410,000.
- I. Letter of support** to designate the Billings PCE site be put on the EPA National Priorities List (NPL)-Federal Superfund Program.

J. Bills for the Weeks of:

1. October 21, 2019
2. October 28, 2019

Councilmember Clark moved to remove Consent Agenda Item 1F per staff's recommendation, seconded by Councilmember Cromley. On a voice vote, the motion was approved unanimously.

Councilmember Cromley separated Consent Agenda Item 1H for discussion.

Councilmember Brown separated Consent Agenda Items 1E, 1J1 and 1J2 in order to abstain.

Councilmember Clark moved for approval of the entire Consent Agenda, with the exception of Items 1E, 1H, 1J1 and 1J2, seconded by Councilmember Friedel.

Councilmember Ewalt asked for clarification on Consent Agenda Item 1C and whether there were 2 separate contracts with Sisters of Charity/SCL Health/St. Vincent's and Rocky Mountain Health Network and if the Network provided access to more providers. Karla Stanton, Human Resources Director, confirmed that there were 2 contracts; one for the Network which did provide access to St. Vincent's providers, as well as additional others, and the other with St. Vincent's which provided the facilities for surgeries, etc.

On a voice vote, the motion to approve the entire Consent Agenda, with the exception of Items 1E, 1H, 1J1 and 1J2, was approved unanimously.

Councilmember Cromley stated he separated Consent Agenda Item 1H to state he would vote "nay", because he stated it would be hard to ask for a public safety mill levy when the City was spending money to house property that was not the City's. Councilmember Clark moved for approval of Consent Agenda Item 1H, seconded by Councilmember Ewalt. The motion was approved 8-3, Councilmembers Cromley, Neese and Brown voted in opposition.

Councilmember Clark moved for approval of Consent Agenda Items 1J1 and 1J2, seconded by Councilmember Friedel. The motion was approved 10-0, Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 974: Residential-7000 (R-70) to Residential Professional (RP), on Lot 2B – 3B, Amended Lot 1, VFW Subdivision, a 17,899 square foot parcel of land, generally located at 1004 Lewis Ave. KPCS, LLC, Owner; Patti Stanfill, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

Chris Kukulski, City Administrator, gave some suggestions about allowing Applicants of land uses approximately 10 minutes to speak to the Council about their applications prior to opening the public hearing. He stated that would allow Council an opportunity to clarify issues with the Applicants. He continued that whatever the Council chose to do, the procedure needed to be consistent throughout.

Karen Husman, Planner, gave a brief PowerPoint presentation and stated the Zoning Commission held their public hearing and made a recommendation for approval. She stated a valid protest petition was received. She reviewed with Council the voting requirements for approval when a protest petition was received, per City Code and State Statute. She stated there were 14 parcels within 150 feet from the lot included in the proposed change which required a minimum of 4 property owners to sign the petition and there were 5 property owners that signed the petition.

Ms. Husman stated the original home on the property was built in 1905 and stated this was a great infill project. She stated the property had not been used as a residential property for many years and had become blighted. She continued by stating new development of the property would improve the neighborhood overall. She stated that under the current zoning 4 units could be built on the subject property.

Patti Stanfill, 1437 Wyoming Avenue, Billings, Montana, stated she was the applicant and owner of Beyond the Numbers Accounting Firm. She stated her current business address was located just 4 and one half blocks from this location. She stated they were looking to expand their business and it was not possible at their current location. She wished to build new to suit the needs of her CPA business. She stated a neighborhood meeting was held and the majority of neighbors were supportive of the proposal and expressed they did not want additional rental properties or transient traffic to the area. She stated her business is very quiet and the building design they were proposing was not "techy" in appearance, but more "homey-professional" in appearance. She explained the nature of her business and assured that it would not impact traffic numbers significantly. She stated the home on the property was found to be filled with asbestos and she has had that abated and was looking forward to demolition and building the new facility.

The public hearing was opened.

Linda Walters, 1037 Lewis Avenue, Billings, Montana, stated she drew the protest petition and approached all of the neighbors for signatures. She acknowledged that the neighborhood was on the cusp of change and that the neighbors should have a say for what they want in their neighborhood. She continued that decisions made concerning the property's land use would affect all aspects, including schools in the area. She voiced her concerns that development on Lewis Avenue may follow that of 24th Street West and Grand Avenue. She stated that a condition should be imposed on the zone change that would not allow it to be re-zoned again for the next 100 years.

Tony Neumann, Neumann Construction, 3410 Hollowtree Road South, Billings, Montana, stated he was the contractor on the project and explained the proposed construction of the one-story building and the positioning of the parking lot.

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

Councilmember Friedel moved for approval and adoption of the of Zone Change 974 findings of the 10 criteria, seconded by Councilmember Joy.

Councilmember Friedel stated his support of the Zone Change and proposed development for the subject property.

On a voice vote, the motion was approved unanimously.

3. PUBLIC HEARING AND FIRST READING ORDINANCE amending BMCC, Sections 17-106 and 17-107, Noise Ordinance. Staff recommends approval of subcommittee's recommendation. (Action: approval or disapproval of staff the subcommittee's recommendation.)

Brent Brooks, City Attorney, gave a brief PowerPoint presentation concerning the history of changes to the Noise Ordinance in recent years. Mr. Brooks brought forth the recommended changes from the subcommittee, i.e. waivers and MOUs, and recommended the Council approve the amendments and try it for a year and to see how well the amendments addressed concerns.

Council discussions ensued about municipal infractions, waivers, MOUs and officer training.

The public hearing was opened.

Gerald Kessler, 237 Avenue B, Billings, Montana, stated he was very satisfied with the proposed amendments.

Anna McDonnel, 131 Avenue B, Billings, Montana, stated she loves living near the park and the games, but admitted that until recently, the noise from the games was a bit much and now the reduced noise was acceptable.

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

Councilmember Friedel moved for approval of Item 3, seconded by Councilmember Yakawich.

Councilmember Friedel stated his appreciation to the subcommittee for their involvement and Councilmember Yakawich agreed.

On a voice vote, the motion was approved unanimously.

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.

- **Ed Sermon, Pastor at United Pentecostal Church,** requested Council reconsider its denial of Zone Change 973.
- **Jason Hanson, 2320 Lewis Avenue, Billings, Montana,** reminded Council that the Zoning Commission recommended denial of Zone Change 973.

There were no 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 7:30 p.m.

CITY OF BILLINGS

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



ATTEST:

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