

# REGULAR MEETING OF THE BILLINGS CITY COUNCIL

December 9, 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 Joy gave the invocation.

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

## MINUTES:

November 12, 2019 – Pending

November 25, 2019 – Councilmember Clark moved for approval, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

## COURTESIES:

- Councilmember Yakawich commended the North Park Task Force for the recent tree lighting ceremony.
- Councilmember Yakawich stated Rocky Mountain College had been named as one of WalletHubs 2020 best colleges and universities. He added it was the only Montana school to make the list.

## PROCLAMATIONS:

There were no proclamations.

## COUNCIL REPORTS:

There were no Council reports.

## ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski stated there were two items in the exparte notebook. One was in support of Consent Agenda Item 1J, Land and Water Conservation Fund and the second in support of Regular Agenda Item 2, Capital Improvement Plan.
- Mr. Kukulski reminded Council that Monday, December 16<sup>th</sup> would be a Regular Council meeting and there would be NO meeting on December 23<sup>rd</sup> or 30<sup>th</sup>.
- Mr. Kukulski stated the contractor had been successful in dropping the rock near Laredo Place and clean-up work would continue in the upcoming weeks.

**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.

The following constituents spoke in support of Item 1J, Land and Water Conservation Fund:

- **Jacob Foster, Montana Wilderness Association.**
- **Aubrey Bertram, Montana Wilderness Association.**
- **Charlie Smiley, 4111 June Drive, Billings, Montana.**

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:**

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Ken Behling	Aviation & Transit	01/01/20	12/31/23
2	Dan Farmer	Aviation & Transit	01/01/20	12/31/23
3	Scott Turner	Billings BID	01/01/20	12/31/23
4	No Applications	Billings BID	01/01/20	12/31/23
5	No Applications	Billings BID*	01/01/20	12/31/20
6	No Applications	Board of Appeals - Electrician	01/01/20	12/31/21
7	No Applications	Board of Appeals - Engineer	01/01/20	12/31/22
8	Dave Hagstrom	Board of Appeals - Builder	01/01/20	12/31/23
9	No Applications	Board of Appeals*	01/01/20	12/31/22
10	Anna O'Donnell	Bicycle & Pedestrian Advisory	01/01/20	12/31/22
11	Michael Larson	City Zoning Commission	01/01/20	12/31/23
12	Greg McCall	City Zoning Commission	01/01/20	12/31/23
13	Jack King	City Zoning Commission	01/01/20	12/31/23
14	No Applications	City Zoning Commission	01/01/20	12/31/23
15	Daniel Brooks	City Zoning Commission*	01/01/20	12/31/22

16	James Corson	Community Development Low Mod	01/01/20	12/31/23
17	No Applications	Community Development Low Mod	01/01/20	12/31/23
18	No Applications	Community Development Low Mod	01/01/20	12/31/22
19	Michael Samson	Housing Authority	01/01/20	12/31/24
20	John Thayer	Housing Authority Resident Commission	01/01/20	12/31/21
21	Katherine Cerda	Human Relations Commission	01/01/20	12/31/23
22	Kalen Brown	Human Relations Commission	01/01/20	12/31/23
23	Abenayaa Lane	Human Relations Commission	01/01/20	12/31/23
24	Andrea Horrell	Library Board	01/01/20	12/31/23
25	Sean Lynch	Billings Parking Board	01/01/20	12/31/23
26	No Applications	Billings Parking Board	01/01/20	12/31/23
27	David Wanzenried	Public Works Board	01/01/20	12/31/23
28	Rod Wilson	Public Works Board	01/01/20	12/31/23
29	No Applications	Planning Board - Ward II	01/01/20	12/31/23
30	Nicole Cromwell	Traffic Control Board	01/01/20	12/31/23
31	Troy Smith	Traffic Control Board*	01/01/20	12/31/22
32	Keith Edgerton	Yellowstone Historic Preservation Board	01/01/20	12/31/21

\* 5 Unexpired term of Eddie Schmidt

\* 9 Unexpired term of Brian Hoerner

\*15 Unexpired term of Mike Boyett

\*31 Unexpired vacancy

**B. Bid Awards:**

1. **Landfill Compacter.** (Opened 11/26/19) Recommend Tractor & Equipment Co.; \$659,000.
2. **Landfill Dozer.** (Opened 11/26/19) Recommend RDO Equipment Company; \$455,000.

**C. Amendment No. 1, W.O. 19-21: WRF Influent Lift Station, Professional Services Contract; HDR Engineering; \$649,400.**

- D. **Professional Services Contract** for W.O. 20-07: Solid Waste CNG Station Expansion; HDR Engineering; \$134,600.
- E. **Professional Services Contract** for W.O. 20-11: Lloyd Mangrum and Lake Hills Lift Station Rehabilitation; HDR Engineering; \$166,700.
- F. **Hazardous Materials Emergency Preparedness (HMEP) Grant** for the Montana Regional HazMat teams; \$83,500 over 3 years.
- G. **Purchase** of 90 tasers, cartridges, and batteries; \$144,959.30.
- H. **Confirmation** of Probationary Police Officers - Cameron Farrel-Fox, Quin Johnson, Annisa Jones, and Vincent Wallis.
- I. **Exchange City Golf Corporation (ECGC)** 2020 annual budget and fee structure for Par 3 Golf Course.
- J. **Resolution 19-10839** supporting full Federal funding of Land and Water Conservation Fund (LWCF) grants.
- K. **Second/Final Reading Ordinance 19-5728** amending BMCC Sections 17-106 and 17-107, Noise Ordinance.
- L. **Second/Final Reading Ordinance 19-5729 for Zone Change 974:** a zone change from 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.
- M. **Bills for the weeks of:**
  - 1. November 4, 2019
  - 2. November 12, 2019

Councilmember Brown separated Item 1M2, in order to abstain.

Councilmember Clark moved for approval of the entire Consent Agenda, with the exception of Item 1M2, seconded by Councilmember Friedel.

Councilmember Yakawich asked for clarification on funding for Item 1J. Mike Whitaker, Parks Director, stated it was a 50/50 grant matched with City funds.

Councilmember Neese asked how grants were received. Mr. Whitaker stated the City worked closely with the State to apply for grants for projects.

Councilmember Ewalt, in reference to Item 1J, asked for clarification on the declining revenues at the golf course. Brian Bentley, Par 3 Golf Course Secretary, stated the course had seen their worst revenues 4 years ago and weather had impacted the numbers substantially in the past few years. He stated the numbers for the current year had seen an increase and they were cutting costs as needed.

Mayor Cole asked for clarification on how expenses were being cut at the golf course. Mr. Bentley stated they had made changes in their expenses such as technology and business, as well as allowing some staff to control their own budget.

Councilmember Brown asked about possible conflicts of interest with Daniel Brooks and Nicole Cromwell serving on their appointed boards and commissions. Mr. Kukulski was unaware of any possible conflict with an employee with a Chamber of Commerce serving on an advisory board. He added that it was common practice for staff to serve on boards and commissions. Brent Brooks, City Attorney, stated the recusal process would apply to the boards and commissions members.

Council reminded the public there were still openings on several boards and commissions and encouraged the public to apply for those openings.

On a voice vote, the motion to approve the entire Consent Agenda, with the exception of Item 1M2, was unanimously approved.

Councilmember Clark moved for approval of Item 1M2, seconded by Councilmember Friedel. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

#### **REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION 19-10840 approving the FY21-FY25 Capital Improvement Plan (CIP), FY21 Equipment Replacement Plan (ERP) and FY21 Technology Replacement Plan (TRP). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Chris Kukulski, City Administrator, suggested the CIP portion be presented after the ERP and TRP and requested separate votes on each item. He added there was not a presentation for the TRP or ERP, but staff was available for questions.

The public hearing for the ERP and TRP was opened.

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

Councilmember Clark moved for approval of the ERP, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of the TRP, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Jennifer Duray, Public Works Deputy Director, gave a PowerPoint presentation reviewing the proposed changes Council had suggested during the two previous Work Sessions. She stated the modifications included: 1) removing \$3 million from the 5-year CIP for the construction of Fire Station #9; 2) delaying \$25 million in projects for the South Billings Aquatic/Recreation Center, Riverfront Park Trail, Stage Coach Trail, and the pedestrian crossing of Exposition Drive; and 3) accelerating the Inner Belt Loop project. She discussed possible Parks and Recreation CIP options: 1) annual inflation adjustment beginning in FY22; 2) \$400,000 catch up provision; and 3) Park development funding build up tier.

Council discussed various financial portions of the CIP and proposed projects. Councilmember Neese asked for clarification on how staff had arrived at the options presented. Mr. Kukulski stated Council had not given staff direction toward any changes, therefore, the proposed CIP had remained the same as previously presented. He stated the clearer Council could be with direction, the more concise staff could be with proposed changes to the CIP.

Councilmember Ewalt asked for clarification on impact fees. Mr. Kukulski stated Bozeman had a transportation program partially funded by impact fees and added it was a very controversial, difficult program. He stated Montana state law allowed for a transportation impact fee, but thought the City's arterial collector assessment program worked much better. He stated an impact fee could not be used to meet current efficiencies, but could be used to expand future transportation.

Council discussed the various cities that had impact fees and how they were working in those areas. Mr. Kukulski stated impact fees were used as a substantial part of an overall strategy in several cities. He added it would be equivalent to the water and wastewater impact fees.

The public hearing for the CIP was opened.

**Jane VanDyke, 3130 Gregory Drive, Billings, Montana:** stated she served on the Rimrock Neighborhood Task Force and they would like the Inner Belt Loop (IBL) project to be postponed for further studies. She stated she was concerned with the safety and traffic capacity of Zimmerman Trail. She added Zimmerman Trail was unsuitable as the connector to the IBL.

**Tom VanDyke, 3130 Gregory Drive, Billings, Montana:** stated he did not support the IBL project and was concerned with issues on using Rimrock Road and Airport Road as connectors.

**Richard King, 3233 Country Club Circle, Billings, Montana:** urged reconsideration of the IBL project and stated Zimmerman Trail was not an appropriate connection for the project. He suggested the City look further west for the solution to the IBL connection.

**Anna O'Donnell, 131 Avenue B, Billings, Montana:** stated she was a member of the Pioneer Task Force. She stated a public safety mill levy was very important and quality of life needed to be the number one strategy for the City. She added Fire Station 8 should be a FY2021 priority.

**Dan Brooks, Chamber of Commerce:** stated their member businesses were in support of the IBL and infrastructure connecting the community for additional commerce to help the economy grow. He added Main Street had 3 intersections that had received a failing grade. He stated the BUILD Grant application and funding would help to address safety and traffic issues.

**Tom Rupsis, 105 Legends Way, Billings, Montana:** stated the \$400,000 catch up provision was a critical part of the CIP. He stated there was currently \$2 million worth of repairs and replace projects that would not be completed with the catch up provision. He added Riverfront and Swords Park roads would be delayed without that money and stated those roads were in horrible condition. He asked Council to provide direction in order for the Parks Board to create a plan for the future.

**Tom McLaine, Big Sky Economic Development (BSED):** stated BSED supported the proposed CIP. He added the City had grown substantially, but parks development had remained stagnant. He stated City funds, private funds and grants could yield over \$1 million to begin the implementation of the Coulson Park Master Plan.

**Ming Cabrera, 1734 Poly Drive, Billings, Montana:** stated the City needed the IBL and added that enough studies had been done. He stated the heights had too much congestion on Main Street and it was hurting businesses in the area.

**Pam Ellis, 2000 Outlook Drive, Billings, Montana:** stated she had participated in the IBL committee and the studies had shown Zimmerman Trail to be the best connection. She encouraged Council to continue on the current course.

**Pam Purinton, Councilmember Elect:** stated she was a member of the Rimrock Neighborhood Task Force and the IBL had been a topic of discussion. She stated she would like to see the IBL remain on the CIP.

**Jennifer O'Neil, Heights Task Force:** stated several IBL studies had taken place over the past 15 years and the safety concerns had been studied exhaustively and addressed. She stated Council had committed to the IBL and needed to follow through with their promise. She thanked Council for continuing to make Castlerock Park a priority.

**Ed Gulick, 3015 10<sup>th</sup> Avenue North, Billings, Montana:** stated as a member of the Bicycle and Pedestrian Advisory Committee, he was happy to see the Bicycle Boulevard Project included in the CIP and added it would be an asset to the community. He added low-density, automobile dependent roads did not pay their own way.

**Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** stated he would like to see money from the unimproved streets be spent on Bruce Avenue and Vaughn Street. He added bike traffic was only going to increase.

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

Councilmember Ronning asked about traffic capacity on Zimmerman Trail. Wyeth Friday, Planning Director, stated Zimmerman was a principal arterial street and was constructed to accommodate 15,000 – 20,000 daily vehicles, on average. Councilmember Ronning clarified that in an email Mr. Friday stated, “no single study had been done regarding using Zimmerman Trail as a connector to the IBL”. Mr. Friday stated no single study had been done, but multiple analyses concerning traffic and design had been completed on Zimmerman Trail and surrounding streets.

Mayor Cole stated he would like all of the previous modeling data, studies, Task Force input, staff memos, etc. be put together as a summary for Council. Mr. Friday stated the upcoming IBL report would include a summary of past studies.

Councilmember Ronning stated it should be clarified that Main Street was a State road and the City was not responsible for any improvements.

Councilmember Neese stated the City would have limited access in its ability to make changes to Zimmerman Trail since the State owned it.

Councilmember Yakawich made a motion to approve the CIP, as presented by staff, seconded by Councilmember Joy.

Councilmember Ewalt made a substitute motion to delay the Parks and Recreation and Facility Master Plan components of the CIP, in order to allow staff to provide more information, seconded by Councilmember Neese.

Councilmember Ewalt withdrew his substitute motion, in order to remove the separation of the Facilities Master Plan delay, Councilmember Neese withdrew his second.



Councilmember Ewalt made a substitute motion to delay the Parks and Recreation component of the CIP, seconded by Councilmember Neese.

Councilmember Brown stated he would like Council to give staff some direction on how the CIP changes be presented. He added he would like the Park development portion of the CIP delayed to 2022.

Council discussed the various portions of the CIP and the potential changes they would like made.

Mr. Kukulski recommended Council make amendments to the various portions of the CIP they would like changed instead of completely removing and delaying the Parks portion.

On a roll call vote, Councilmember Ewalt's substitute motion was approved 7-4, Councilmembers Cromley, Joy, Ronning and Mayor Cole opposed.

Councilmember Neese made a motion to approve the draft CIP as presented by staff, seconded by Councilmember Joy.

Councilmember Ronning stated she could not support the motion because of the Facilities portion. She added she would like the City Hall facility leverage private investment.

Councilmember Clark made a substitute motion to delay all consideration of the CIP, until after the Facilities report was completed within the next week, seconded by Councilmember Friedel. On a voice vote, the motion failed 5-6, Councilmembers Cromley, Yakawich, Neese, Joy, Brown and Mayor Cole voted in opposition.

Councilmember Ronning made an amended motion to remove the Facilities component of the CIP, seconded by Councilmember Friedel. On a voice vote, the motion failed 3-8, Councilmembers Cromley, Yakawich, Neese, Ewalt, Joy, Gibbs, Brown and Mayor Cole voted in opposition.

Councilmember Neese called the question. On a voice vote, the motion to call the question was approved unanimously.

On a voice vote, the motion to approve the draft CIP (without the Parks and Recreation portion), as presented by staff, 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 at the cart located at the back of the Council chambers or at the podium.)*

The public comment period was opened.

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

**COUNCIL INITIATIVES:**

Councilmember Gibbs moved to withdraw his previous initiative on Council endorsements and potential conflicts of interest, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

There was no further business, and the meeting adjourned at 9:14 p.m.

CITY OF BILLINGS

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

ATTEST:

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