

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

December 21, 2015

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 Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Bird gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Pitman, McFadden, Bird, McCall, Swanson, Crouch, and Brown. Councilmember Cimmino was excused.

MINUTES: December 14, 2015: Councilmember Brown moved for approval, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Hanel recognized outgoing Councilmembers McCall, Bird, Pitman, and Crouch with a brief statement and presentation of plaques. Mayor Hanel noted that these Councilmembers gave years of dedication to the City. Mayor Hanel thanked each outgoing Councilmember, and the audience applauded. City Administrator Tina Volek also thanked the outgoing Councilmembers for their service. Mayor Hanel thanked all other Councilmembers as well.

PROCLAMATIONS: Mayor Hanel called Dennis Ulvestad to the podium and read a proclamation honoring Vietnam Veterans. Mayor Hanel presented the signed proclamation to Mr. Ulvestad, and thanked all other veterans as well.

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek noted that Item 1A1 included a recommendation in line number five for the Billings BID Board for Kerri Crowe. Upon further review, it was discovered that the qualifications for appointment were not met; Ms. Crowe does not own property within the Business Improvement District. Therefore, line number five should read as "No Applications."
- Ms. Volek reminded Council that December 21 was the final meeting of 2015 and that there is no meeting on December 28.
- Ms. Volek announced that Kevin Ploehn was appointed as the Director of Aviation and Transit. Mr. Ploehn was selected from a national field of 30 candidates and was the previous Assistant Aviation and Transit Department Director. The audience applauded. Mr. Ploehn thanked Ms. Volek and Council for their support. Mayor Hanel congratulated Mr. Ploehn.
- Ms. Volek wished everyone a happy holiday season, and thanked outgoing Councilmembers for their service.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items #1 and 2 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute.

Please sign in at the cart located at the back of the council chambers or at the podium. Comment 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT** stated that Council was a “pathetic bunch” for dreaming up the scams in Items 1F, 1G, and 1H. Mr. Nelson referenced Item 1F and stated that an out of state developer should not be receiving the requested funds. Mr. Nelson stated that the out of state developer was receiving nearly \$400,000. Mayor Hanel asked for Candi Millar, Planning and Community Services Department Director, to come forward. Mayor Hanel asked Ms. Millar whether there were certain criteria to meet when a development is applying for Tax Increment Financing Assistance. Ms. Millar stated that funds may only be used for public improvements. Mayor Hanel asked whether the applications before Council were filled out properly and whether the criteria were met. Ms. Millar stated that the criteria were met, and that the Planning Department worked with the organizations to ensure that the applications were properly completed. Mayor Hanel clarified that in its application review process, the City does not discriminate in any manner against the type of business, number of employees, or employee wages. Ms. Millar stated that was correct. Councilmember Brown asked Ms. Millar for an explanation on the dollar amounts requested. Ms. Millar stated that each district will have slightly different funding sources and multiplier effects that are considered. Councilmember Brown asked how the multipliers work. Ms. Millar stated that, in the South Billings Boulevard Urban Renewal District project (Item 1F), the amount of increment that would be generated by the project was examined. Staff then determined that the project, based on the application, could qualify for no more than 45% of the tax increment generated over the lifetime of the district. This amounted to \$370,847 to be paid in four equal installments of \$92,711.75.
- **Steve Zier, PO Box 21462, Billings, MT** thanked Ms. Millar for her explanation and asked for Council’s support on Item 1F. Mr. Zier stated that he was available for questions. Councilmember McFadden asked for Mr. Zier to explain what the development would be receiving from the City and what it plans to give back. Mr. Zier stated that the development will be contributing an investment of approximately \$7.9 million into the project, and that the development would receive the previously mentioned \$370,847. Mr. Zier stated that the development would be paying roughly \$2 million into the Tax Increment Finance District over the life of the district. Councilmember McFadden clarified that the project would include building a hotel, and jobs would be created during the actual construction process. Mr. Zier stated that was correct, and that the hotel was roughly an \$8 million project.

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

1. **CONSENT AGENDA --**

A. Mayor Hanel recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Ken Behling	Aviation & Transit Board	01/01/16	12/31/19
2	Dan Farmer	Aviation & Transit Board	01/01/16	12/31/19
3	Kristi Drake	Bicycle & Pedestrian Advisory Comm	01/01/16	12/31/18
4	No Applications	Bicycle & Pedestrian Advisory Comm	01/01/16	12/31/18
5	Kerri Crewe No Applications	Billings BID	01/01/16	12/31/19
6	Scott Turner	Billings BID	01/01/16	12/31/19
7	No Applications	Board of Appeals - Builder	01/01/16	12/31/19
8	Michael Downing	Board of Ethics	01/01/16	12/31/19
9	David Wanzenried	Board of Health	01/01/16	12/31/18
10	James Corson	Community Development - At Large	01/01/16	12/31/19
11	Rebecca Bey	Community Development - Low Mod	01/01/16	12/31/19
12	Jon Muessig	County Water District Billings Heights	01/01/16	12/31/21
13	Fred Buford	Exchange City Golf Course	01/01/16	12/31/18
14	Maureen Jurovich	Housing Authority	01/01/16	12/31/20
15	No Applications	Housing Authority - Resident Comm*	01/01/16	12/31/16
16	No Applications	Housing Authority - Resident Comm	01/01/16	12/31/17
17	Shawna Hawkins	Human Relations Commission*	01/01/16	12/31/18
18	No Applications	Human Relations Commission*	01/01/16	12/31/18
19	No Applications	Human Relations Commission	01/01/16	12/31/19
20	No Applications	Human Relations Commission	01/01/16	12/31/19
21	No Applications	Human Relations Commission	01/01/16	12/31/19
22	William Lamdin	Library Board	01/01/16	12/31/19
23	No Applications	Mayor's Homelessness - Lending*	01/01/16	12/31/16
24	Constance Heidenreich	Mayor's Homelessness - Librarian*	01/01/16	12/31/18
25	Nick Little	Mayor's Homelessness - Work Force Ag*	01/01/16	12/31/18
26	Danielle Wang	Mayor's Homelessness - Health Care*	01/01/16	12/31/18
27	No Applications	Mayor's Homelessness - Consumer*	01/01/16	12/31/16
28	No Applications	Billings Parking Board*	01/01/16	12/31/18
29	No Applications	Billings Parking Board*	01/01/16	12/31/18
30	Kevin Odenthal	Billings Parking Board	01/01/16	12/31/19
31	Brian Rossiter	Billings Parking Board	01/01/16	12/31/19
32	No Applications	Billings Parking Board*	01/01/16	12/31/17
33	Jared LeFevre	Planning Board - Ward II	01/01/16	12/31/17
34	Patrick Klugman	Planning Board - Ward V*	01/01/16	12/31/16
35	Deborah Willis	Police Board	01/01/16	12/31/18

36	Ken Kingman	Police Board	01/01/16	12/31/18
37	Rod Wilson	Public Works Board	01/01/16	12/31/19
38	David Wanzenried	Public Works Board	01/01/16	12/31/19
39	Travis Jones	Public Works Board*	01/01/16	12/31/17
40	Arthur Westwood	Tourism BID*	01/01/16	06/30/18
41	Ron Alles	Traffic Control Board	01/01/16	12/31/19
42	Nancy Curriden	Yellowstone Historic Preservation Board	01/01/16	12/31/17
43	Dan Wagner	Zoning Commission	01/01/16	12/31/19
44	Dennis Ulvestad	Zoning Commission	01/01/16	12/31/19
45	Michael Larson	Zoning Commission	01/01/16	12/31/19
46	James Mariska	Zoning Commission	01/01/16	12/31/19

*15 Unexpired term of Kathleen Grooms

*17 Vacancy not filled

*18 Unexpired term of Charlene Sleeper

*23 Vacancy not filled

*24 Unexpired term of Bernard Rose

*25 Unexpired term of Don Christman

*26 Unexpired term of Kathryn Waitman

*27 Unexpired term of Gary Knopp

*28 Vacancy not filled

*29 Unexpired term of Gordon Gooselaw

*32 Unexpired term of Andy Piccioni

*34 Unexpired term of Dick Clark

*39 Unexpired term of Ryan Sullivan

*40 Unexpired term of Benjamin Kerns

B. Bid Awards

1. **Two New Current Model Articulated Motor Patrols.** (Opened 12/15/15) Recommend Tractor and Equipment, \$459,700.

C. Amendment #2, W.O. 09-15: Grand Avenue, Zimmerman Trail to Shiloh Road, Professional Services Contract, HDR Engineering, Inc., \$311,562.

D. Amendment #4, Concourse B Upgrade Project, Architectural Services Contract, CTA Architects and Engineers, \$236,622.

E. Acceptance of Donation to Billings Police Department, Montana Sheriffs and Peace Officer Association for Alcohol Compliance Check Program.

F. Approval of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment Funds to Northridge Assets, LLC for development of Comfort Suites hotel at 4910 Southgate Drive; \$370,847 in four equal installments of \$92,711.75.

G. Approval of Tax Increment Financing Assistance from East Billings Urban Renewal District Tax Increment Funds to Erving Properties for installing sidewalks at 1525 1st Avenue North; \$11,100.

H. Approval of Tax Increment Financing Assistance from East Billings Urban Renewal Tax Increment District funds to Converse Properties, LLC for tree removal and landscaping at 905 2nd Avenue North; \$8,758.

I. Resolution of Intent to create SILMD 321, Grand Avenue between 30th Street West and Shiloh Road (street lights), and set a public hearing date for January 25, 2016.

J. Bills and Payroll:

1. November 30, 2015

Councilmember Brown separated Item 1J1 in order to abstain.

Councilmember Pitman separated Item 1A1 to make changes per Ms. Volek's earlier recommendation.

Mayor Hanel separated Item 1I for questions.

Councilmember Pitman moved for approval of the Consent Agenda, with the exception of Items 1A1, 1I, and 1J1, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

Councilmember McCall moved for approval of Item 1J1, seconded by Councilmember Pitman. On a voice vote, the motion was approved 9-0, with Councilmember Brown abstaining.

Councilmember McCall moved for approval of Item 1A1, changing line five from "Kerri Crowe" to "No Applications," seconded by Councilmember Pitman. Councilmember Yakawich clarified that Ms. Crowe did not own property within the Business Improvement District. Mayor Hanel stated that he appreciated Ms. Crowe's application and hoped that she would apply for positions in the future. Councilmember Bird asked whether the Human Relations Commission filled only one vacancy out of five seats on the commission. Ms. Volek stated that only five seats were up for nomination during this cycle. There are other remaining members on the commission. Councilmember Bird asked whether positions are only filled at certain times of the year. Ms. Volek stated that staff tries to consolidate appointments for boards and commissions into January and June of each year. Ms. Volek stated that staff will open applications and nominations at other times only if a board or commission would not be able to fill a quorum. Councilmember Bird asked whether an interested applicant would be able to approach the City at any time for membership consideration. Ms. Volek stated that, generally, the City needs to advertise board and commission vacancies. Ms.

Volek noted that applications can be submitted at any time, but will only be considered during the January and June time frame of each year. Mayor Hanel stated that the number of applicants for this cycle was much higher than in previous years, and that he was pleased with the number. Councilmember Yakawich noted that the Mayor's Committee on Homelessness was approaching the end of its ten year period. Ms. Volek stated that 2016 marks the ten year anniversary of the committee. Ms. Volek stated that she believed the board terms were set to expire at that time. On a voice vote, Councilmember McCall's motion was unanimously approved.

Mayor Hanel separated Item 1I for questions. Mayor Hanel asked for Dave Mumford, Public Works Director, to come forward to answer questions about the proposed project. Mr. Mumford clarified that none of the properties in the proposed SILMD were owned by the City. Councilmember Pitman moved for approval of Item 1I, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. FUNDING FOR COMMUNITY INNOVATIONS RESOURCE OUTREACH
COORDINATORS: \$75,000 from General Fund unbudgeted reserve to Rimrock Foundation in FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek began a PowerPoint presentation for Item 2, giving an overview of the Community Innovations program. Councilmember Pitman clarified that the \$75,000 contribution would be a one year contract, and that the Resource Outreach Coordinators (ROCs) would be able to spread throughout the entire City, rather than only remaining downtown. Councilmember Brown stated that he would not support the funding unless the Resource Outreach Coordinators were able to spread throughout the entire City. Councilmember Brown asked whether two ROCs would be sufficient to cover the entire City. Police Chief Rich St. John stated that the second ROC would be placed into alternative areas in the City. Chief St. John stated that additional police officers will also help contribute to patrolling the City. Councilmember Brown asked Chief St. John whether two ROCs would be sufficient. Chief St. John stated that the Community Innovations program has been a resounding success so far, and adding another ROC will only increase its efficiency and effectiveness throughout the City. Councilmember McFadden asked if panhandling is related to the serial inebriate issue. Chief St. John stated that both issues were related, but that the City is able to take more action over serial inebriate issues. Mayor Hanel asked whether the program has resulted in any savings for the City. Chief St. John stated that the program has resulted in savings for the City, and that it allows for people to receive the treatment that they need. Councilmember Yakawich stated that the program has been working, and that he appreciates the City focusing on the issue of displacement into other areas. Councilmember Yakawich asked which entity or department is responsible for managing the second ROC position, and who is responsible for providing data and reports to the Council in the future. Ms. Volek reminded Council that the second ROC

position would result from a contract with Rimrock Foundation, and that the City will receive periodic reports from Rimrock Foundation. Staff will provide this information to Council as well. Councilmember Pitman asked whether quarterly reports would need to be added as a condition to approval of this item. Ms. Volek stated that Council could do so, but that staff would be more than willing to provide the information to Council. Councilmember Bird requested for Lenette Kosovich, Rimrock Foundation Director, to provide comments. Ms. Kosovich stated that Rimrock Foundation has been and is willing to continue providing reports and data. Ms. Kosovich stated that the \$75,000 contribution from the City would be an enormous boost to the program, and adding a second ROC would be beneficial. Councilmember Yakawich stated that he appreciated the contributions that Rimrock Foundation has made to this program, and asked whether it would continue to do so in the future. Ms. Kosovich stated that Rimrock Foundation was committed to the contribution in the future. Councilmember Brown asked when data or statistics would be available for the program. Ms. Kosovich stated that Rimrock Foundation keeps electronic records, so it is able to create reports of the data relatively quickly. Ms. Kosovich stated that Rimrock Foundation conducts outcome surveys with each of its participants. Councilmember Brown asked whether Rimrock Foundation would be able to share statistics. Ms. Kosovich stated that names of participants would be withheld, but that statistics could be shared. Councilmember Brown asked how treatment is funded. Ms. Kosovich stated that counseling is funded and conducted through Rimrock Foundation. Other funding for the program is received from alcohol tax money. Councilmember Crouch requested for Officer Matt Lennick to come forward. Councilmember Crouch asked Officer Lennick for his opinion on how many of the participants have been successful. Officer Lennick stated that many participants have chosen to complete treatment and counseling. Councilmember Brown asked Officer Lennick if he believed the program could be successful throughout the entire City. Officer Lennick stated that so far in 2015, he has responded to 1,216 calls for service and was also able to dedicate most of his time to the Community Innovations program. Mayor Hanel thanked Officer Lennick for his service. Councilmember Bird reminded Council that this is an investment into the community, and could save money for taxpayers in the long run.

Councilmember McCall moved for approval of Item 2, seconded by Councilmember Swanson. Councilmember Yakawich stated that he appreciated the discussion as well as the information Ms. Volek and other staff members presented. Councilmember Yakawich stated that he supported the motion and that he would appreciate quarterly reports. Councilmember Yakawich stated that he is concerned about the program's sustainability, and that he appreciates the various funding sources for this program. Councilmember McCall stated that the program has been incredibly successful. Councilmember McCall thanked the community leaders who have been involved with this program, as well as ROC Simpson, and Officers Lennick and Nichols. Councilmember Crouch stated that he appreciated the program's partnership and cooperation with the Native American Tribal Leaders Council. Councilmember Brown stated that he appreciated seeing action with this issue, and that this is the best investment that the Council has made into the City. Councilmember Bird stated that the program has already created incredible outcomes. Councilmember Bird stated that she

hopes the future Council continues to invest in this program, and that she is a strong supporter of the motion. Councilmember Swanson stated that he is excited about this program, and that he has seen success from a similar program in Santa Barbara. Councilmember McFadden stated that he approved of the proactive nature of this program. Councilmember Crouch called the question. On a voice vote, Councilmember Crouch's motion to call the question was unanimously approved. Mayor Hanel thanked the citizens and community of Billings, Billings Police Officers, and Mr. Simpson for their support. On a voice vote, Councilmember McCall's motion to approved Item 2 was unanimously approved.

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT** stated that he was concerned with the process of approving Item 2. Mr. Nelson asked how Council could spend unbudgeted reserves without taking comments from the public. Mayor Hanel thanked Mr. Nelson for his attendance and participation. Mayor Hanel stated that Item 2 was opened for public comment near the beginning of the meeting, and that there were several other previous meetings during which public comment was solicited.
- **Liz Welch, 2nd Avenue and Avenue D, Billings, MT** stated that she has not always agreed with Council on certain issues, but that she respects the Councilmembers. Ms. Welch thanked the outgoing Councilmembers for their service, and wished the remaining Councilmembers good luck as they move forward.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT** thanked Councilmembers for their outstanding work. Mr. Ulvestad stated that Downtown Billings has made great progress over the years. Mr. Ulvestad also thanked Mayor Hanel and Councilmembers for appointing him to the Zoning Commission.
- **Lisa Harmon, Executive Director of Downtown Billings Partnership**, thanked outgoing Councilmembers for their service. Ms. Harmon stated that Downtown Billings has made many improvements. Ms. Harmon stated that she hopes to continue working with the outgoing Councilmembers in the future.

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

Mayor Hanel thanked Councilmembers Pitman, Bird, McCall, and Crouch for their commitment.

COUNCIL INITIATIVES

Councilmember Crouch moved to direct the Legal Department to bring information to the future Council regarding legal responsibilities at Dehler Park, seconded by Councilmember Brown. On a voice vote, the motion was approved 9-1, with Councilmember Cromley voting in opposition. Mayor Hanel asked Councilmember Crouch if he had a time frame in mind for the presentation. Councilmember Crouch stated that he hoped the presentation would occur prior to the next baseball season.

There was no further business, and the meeting adjourned at 8:07 pm.

CITY OF BILLINGS

BY: 
Thomas W. Hanel, Mayor

ATTEST:

BY: 
Billie Guenther, City Clerk

