

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

May 9, 2016

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 5:30 p.m. in the Council Chambers, and served as the meeting's presiding officer. Councilmember Sullivan gave the invocation. The meeting recessed into a closed executive session at 5:30 p.m., and Mayor Hanel called the meeting back to order at 6:30 p.m.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown.

MINUTES: April 25, 2016 – Councilmember Yakawich moved for approval, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Councilmember Yakawich recognized Dr. Donald Harr, psychiatrist, for his work with the American Foundation for Suicide Prevention and the Suicide Prevention Coalition.
- Mayor Hanel stated that the 35th Annual Women's Run was a great success and thanked staff for their participation.
- Mayor Hanel noted the passing of Peter Yegan III and Former Senator Conrad Burns. Mayor Hanel asked citizens to keep their families in their thoughts.

PROCLAMATIONS:

- Councilmember Yakawich read a proclamation declaring May 2016 to be Mental Health Awareness Month. Dr. Donald Harr thanked Council for their recognition of Mental Health Awareness. Dr. Harr stated that mental health issues are the same as medical illnesses, and should be treated as such. Dr. Harr invited Council to attend the Billings Local Advisory Council meetings, held on the first Thursday of every month.
- Mayor Hanel read a proclamation declaring May 2016 to be Pediatric Stroke Awareness Month.

ADMINISTRATOR REPORTS - TINA VOLEK

- City Administrator Tina Volek reminded Council that there was a Work Session scheduled for Tuesday May 10, 2016 to continue working on the budget.
- Councilmember Brewster stated that he would not be making a motion to reconsider the Orchard Lane contract. Councilmember Brewster stated that he and Ms. Volek had discussed possible changes being made during the street striping process to alleviate parking issues. Ms. Volek stated that Public Works

had informed her that a delay would cause them to lose their position for utility removal and conversion. Ms. Volek stated that the striping should take place in July or August. Mayor Hanel stated that there would not be a discussion on the Orchard Lane project at the end of the meeting for anyone in attendance.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #6 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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**, in reference to Item 1C, stated that he would like the parking lots at Optimist Park to be finished by September 1st so that they could be used in time for sports. Mr. Nelson stated, in reference to Item 1A3, that the sewer could wait and be completed at a later date. Mr. Nelson, in reference to Item 6, stated that by stating “TIFD funds sale are risky due to potential changes in Montana Legislature” in the staff report, it could ruin Councils standing and makes it seem like the City is “rubbing their nose in it”. Councilmember Yakawich asked how long it would take for the Optimist Park master plan to be completed. Mike Whitaker, Department of Parks, Recreation, and Public Lands Director, stated that a complete master plan must be developed and takes 3-6 months to complete, due to public involvement. Councilmember Yakawich asked if the Southwest Corridor Task Force, Southside Neighborhood Task Force, and the South Billings Urban Renewal District would be involved in the planning process. Mr. Whitaker stated that the Parks Department includes everyone who wants to be involved.
- **Steve Zier, South Billings Urban Renewal Association (SBURA)**, in reference to Items 1A3 and 1C, stated that SBURA had been working on the Optimist Park master plan project for at least four years and that he would like to see it completed as soon as possible. Mr. Zier stated that the SBURD sewer project would provide sewer to neighborhoods that were currently without services and was an important investment in basic infrastructure needs.

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

1. CONSENT AGENDA

A. Bid Awards:

1. **W.O. 16-01, Schedule 2B, Sanitary Sewer Main Replacement Project.**
(Opened 4/26/16) Recommend Western Municipal Construction, Inc.,
\$1,102,651.60.

2. **W.O. 16-01, Schedule 3, 17th Street West Water Main Replacement Project Phase 2.** (Opened 4/26/16) Recommend COP Construction, LLC, \$708,102.
3. **W.O. 16-06, South Billings Urban Renewal District (SBURD) Sanitary Sewer, Phase 2.** (Opened 4/26/16) Recommend COP Construction, LLC, \$729,600.
4. **Pond D Storm Water Detention and Conveyance System.** (Opened 4/26/16) Recommend COP Construction, LLC, \$2,658,745.10.

B. **Professional Services Contract** for W.O. 16-09, Grand Avenue (48th Street West to 58th Street West) Engineering Design; Sanderson Stewart; \$556,900.

C. **Professional Services Contract** for Optimist Park master plan; Land Design, Inc.; \$49,615.

D. **Development Agreement** with School District 2 for Ben Steele Middle School.

E. **Agreement** with Yellowstone County Sheriff's Department to provide New World Public Safety data processing services. FY 2016-2017; annual revenue \$134,521.

F. **Acknowledge receipt of petition to vacate** a portion of Montgomery Street near Hansen Lane, Popelka Enterprises, petitioner; and setting a public hearing date of June 13, 2016.

G. **Acceptance of Donation** to Billings Fire Department, St. Vincent Healthcare employees, Share Our Spirit Associate Giving Campaign, \$2,500 for the purchase of patient lift devices.

H. **Recommendation of approval** to the Policy Coordinating Committee for Amendment III of the 2015-2019 Transportation Improvement Program (TIP).

I. **Resolution** relating to the financing of South Billings Urban Renewal District improvement projects, establishing compliance with Reimbursement Bond Regulations under the Internal Revenue Code.

J. **Preliminary Subsequent Minor Plat** of 23rd Street Subdivision, Amended Plat of the North 100 feet of Lot 1, Block 8, Sunnyside Subdivision, Second Filing, generally located at 11th Avenue North and North 23rd Street; Mark Wright, owner; Territorial Landworks, Inc., agent; conditional approval and adoption of the findings of fact.

K. Bills and Payroll:

1. April 11, 2016
2. April 18, 2016

Councilmember Sullivan separated Item 1A4 for discussion.

Councilmember Brown separated Items 1K1 and 1K2 in order to abstain.

Councilmember Clark separated Item 1C for discussion.

Councilmember Cimmino separated Items 1B, 1K1, and 1K2 in order to abstain.

Councilmember Cimmino separated Item 1H for discussion.

Councilmember Sullivan separated Item 1G for discussion.

Councilmember Friedel separated Item 1E for discussion.

Councilmember Sullivan moved for approval of the Consent Agenda, with the exception of Items 1A4, 1B, 1C, 1E, 1G, 1H, 1K1, and 1K2, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Sullivan, in reference to Item 1A4, asked for clarification on the low bid being 20% lower than the other bids. Kevin Ploehr, Director of Aviation & Transit, stated that COP Construction had provided the low bid and that quantities and details on the final bid amount had been confirmed with them. Councilmember Sullivan moved for approval of Item 1A4, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Sullivan, in reference to Item 1G, expressed gratitude to St. Vincent Healthcare employees for their donation of \$2,500 for the purchase of patient lift devices. Mayor Hanel stated that Council was very grateful for the donation. Councilmember Sullivan moved for approval of Item 1G, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

Councilmember Clark, in reference to Item 1C, asked for clarification on the City not having an existing master plan for Optimist Park. Mr. Whitaker stated that the Parks Department could not find any record of a master plan. Mayor Hanel asked if it would be possible to speed up the project to complete it in time for spring 2017 sporting events. Mr. Whitaker stated that the Parks Department would make every effort to have it completed. Councilmember Brown asked if funding for the parking lots was available. Mr. Whitaker stated that SBURD would provide the funds once the parking lot locations had been identified. Mayor Hanel recognized the Parks Department staff for their efforts and congratulated them for achieving the Tree City USA Award. Mr. Whitaker stated

that Billings has received the award for 31 consecutive years. Councilmember Clark added that the Parks Department and UPS employees had planted trees in Descro Park and that the park looked great. Councilmember Clark moved for approval of Item 1C, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember Friedel, in reference to Item 1E, asked for clarification on what services New World Public Safety provided. Ms. Volek stated that the City shares computer systems with Yellowstone County and that this is an annual charge for computer access, disc storage and program maintenance. Councilmember Friedel moved for approval of Item 1E, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino, in reference to Item 1H, stated that the environmental impact statement had already been conducted and asked for clarification on why it was included in TIFD amendment #3. Scott Walker, Planner II, Transportation Planner, stated that there was a cost increase in construction of the 5 Mile Road, which is a separate item on the North Bypass portion. Councilmember Cimmino asked what the cost would be for the 5 Mile Road. Mr. Walker stated that the cost increase was \$700,000. Councilmember Cimmino moved for approval of Item 1H, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

Councilmember Sullivan moved for approval of Item 1B, seconded by Councilmember Friedel. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

Councilmember Sullivan moved for approval of Item 1K1, seconded by Councilmember Brewster. On a voice vote, the motion was approved 9-0, with Councilmembers Brown and Cimmino abstaining.

Councilmember Sullivan moved for approval of Item 1K2, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, with Councilmembers Brown and Cimmino abstaining.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION approving and adopting budget amendments for FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated that staff did not have a presentation, but was available for questions.

Mayor Hanel departed the meeting at 7:14 pm. Deputy Mayor Cromley served as the meeting's presiding officer while Mayor Hanel was away.

Councilmember Clark asked for clarification on plans for repairing the fire damage at the Rose Park Pool House. Mr. Whitaker stated that the Parks Department planned on doing some demolition, asbestos remediation, and readying the building for temporary use. Mr. Whitaker stated that the Parks Department was expecting to receive RFPs within the next few weeks. Councilmember Brown asked for clarification on how the \$100,000 would be used. Mr. Whitaker stated that it would be used to remove half of the roof and provide a temporary roof, as well as to remove asbestos from the pool house.

Mayor Hanel returned at 7:17 pm.

Councilmember Cimmino asked if the \$100,000 for Rose Park Pool House was in addition to the City's \$100,000 insurance deductible. Mr. Whitaker stated that it was in addition to the insurance deductible, but would be reimbursed by the City's insurance company. Councilmember Brown asked for further clarification on the Rose Park Pool House amount. Patrick Weber, Finance Director, stated that \$100,000 was coming out of the Park District Fund to temporarily repair the pool house for the summer and would be reimbursed from the FY2017 budget.

Councilmember Cimmino stated that Council had approved an amount of \$335,000 for the 911 Center property purchase, but the staff report was showing \$395,000. Mr. Weber stated that there may be a mistake on the staff report and the City would only pay what was stated on the buy sell agreement.

The public hearing was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, stated that the City should not be entering into development agreements based on revenue projections. Mr. Nelson stated that the City needs more transparency when it comes to spending money.
- **Steve Zier, South Billings Urban Renewal Association**, stated that the Orchard Lane bid came in higher than expected. Mr. Zier stated that SBURA had always intended for Orchard Lane to be a bonded project. Councilmember Cimmino stated that SBURA had the option of rejecting the bid. Mr. Zier stated that his client felt that the higher bid was a manageable amount. Councilmember Clark asked if SBURA has discussed bonding more than the original amount. Mr. Zier stated that it was discussed during the planning and budgeting process.
- **Greg Kruger, Downtown Billings Partnership (DBP) Development Director**, stated that Stockman Bank and the Northern Hotel had made significant infrastructure improvements that TIFD did not have money for. Mr. Kruger stated that the development agreement stated that DBP would pay a certain percentage of the TIFD based on the amount DBP had arriving in June. Mr. Kruger stated that the Department of Revenue certifies the taxable value and DBP did not know what the values would be when the improvements were made. Mr. Krueger stated that DBP would be able to pay more towards those two projects and have

funds available for other projects. Mayor Hanel clarified that reimbursements had increased due to values coming in higher than budgeted. Mayor Hanel asked if it were possible for the values to come in lower. Mr. Krueger stated that it was possible.

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

Councilmember Yakawich moved for approval of Item 2, seconded by Councilmember Sullivan. On a voice vote, the motion was approved 10-1, with Councilmember Cimmino voting in opposition.

3. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #16-03: a 6.4 acre portion of an 89 acre parcel of land described as the N1/2 NE1/4, SWNE1/4, Section 31, Township 1 North, Range 25 East, generally located south of Rimrock Road at the southwest corner of the intersection of 54th Street West and Trail Creek Drive; Yellowstone Meadows Partners, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)**

Wyeth Friday, Planning Manager, began a brief PowerPoint presentation for Item 3, giving an overview of the property and its surroundings. Mr. Friday stated that a portion of this property was included in Item 4 as a special review for an LDS Meetinghouse. Mr. Friday stated that the applicant and their agents were in attendance and available for questions.

Councilmember Yakawich asked for clarification on what a development agreement was. Mr. Friday stated that a development agreement specifies what public improvements will be made by the property owner and the City. Mr. Friday stated that a development agreement can be related to water & sewer connections, curb and gutter, and sidewalk improvements, etc. Councilmember Yakawich asked if the property owners pay for the improvements. Mr. Friday stated that the agreement specifies who is responsible for paying for improvements.

The public hearing was opened.

- **Rick Leuthold, Sanderson Stewart, agent**, stated that the applicant would sign a waiver of right-to-protest in regards to improvements of 54th Street West. Mr. Leuthold stated that Trail Creek Drive would be receiving curb, gutter and sidewalk improvements. Mr. Leuthold asked that Council support the staff recommendation to approve the annexation. Councilmember Yakawich asked if the property owner had conducted a traffic study. Mr. Leuthold stated that the property owner had conducted a traffic study and that specific measures would be taken according to the results. Ms. Volek stated that the traffic study was still under review by Public Works, but would be made available to Council when it was complete.

- **Kenneth Peterson, 424 48th St. West**, stated that he had worked for many years to find an acceptable site for an LDS Meetinghouse. Mr. Peterson stated that he felt that this was the perfect site.

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

Councilmember Swanson moved for approval on Item 3, seconded by Councilmember Sullivan. Councilmember Brewster stated that, in the interest of disclosure, he is an LDS member. Councilmember Brewster stated that he did not attend this congregation and did not have any financial interest in this item. Brent Brooks, City Attorney, stated that as long as Councilmember Brewster did not have a personal or financial conflict, that it would be up to him to decide if he needed to be recused from voting. Councilmember Yakawich stated that he was impressed that the applicant had completed a traffic study, and that he would be supporting the annexation. Mayor Hanel stated that he would also be supporting the motion and felt that the church would be a great neighbor. Councilmember McFadden stated that the church had gone to great lengths to ensure that it would be a good neighbor. On a voice vote, the motion was unanimously approved.

4. **PUBLIC HEARING AND SPECIAL REVIEW #941: a special review to allow the construction of an LDS Meetinghouse, in a Residential 9,600 (R-96) zone on a 5.6 acre portion of an 89.98 acre un-platted parcel of land described as: the N1/2 NE1/4, SWNE 1/4 in Section 31, Township 1 North, Range 25 East, generally located at 54th Street West at Trail Creek Drive. Scott Nielson, NBW Architects, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)**

Nicole Cromwell, Zoning Coordinator, began a brief PowerPoint presentation for Item 4, giving an overview of the property and its surroundings. Ms. Cromwell stated that neighbors near the property had brought up concerns about traffic on the gravel roads surrounding the proposed church. Ms. Cromwell stated that the traffic study did not warrant the need to recommend a condition that the applicant improve county roads for the project. Ms. Cromwell discussed the ten conditions for approval:

1. Limited to 16,558 sf Meetinghouse; 2,510 sf future addition; 191- space parking lot; future 81-space parking lot addition.
2. Limited to 5.639 acre portion of un-platted parcel S31, T1N, R25E.
3. Additions greater than what is approved (current & future) will require another special review.
4. Substantial conformance with the site plan.
5. Screening wall around all mechanical units – north and south of building.
6. Light fixtures height limited and recessed into canopy – full cut-off shields.
7. Install landscaping and enclosures as shown on site plan (revised) – no reflective building materials.
8. No construction activity before 7 am or after 8 pm.

9. Conditions run with the land.
10. Comply with all other limitations in 27-613 and other city codes that apply.

Councilmember Yakawich asked if part of Trail Creek Drive would be paved. Ms. Cromwell stated that a portion of it would be paved. Councilmember Yakawich asked what a full cut-off shield light fixture was. Ms. Cromwell stated that it means that no part of the bulb projects below the shield, and glare is reduced.

The public hearing was opened.

- **Scott Nielson, 990 John Adams Parkway, Idaho Falls, ID**, stated that the membership of the LDS church was growing and in need of a new facility. Mr. Nielson stated that the church had spent a lot of time finding a site for the new facility, and thought this location met all the previous requests from neighbors.
- **Spencer Zaugg, 235 S. 41st St. West**, stated that their LDS congregation was in dire need of more space. Mr. Zaugg stated that this LDS facility would strive to be a good neighbor for the area. Councilmember Yakawich stated that a neighbor had expressed concern about cut-across traffic. Mr. Zaugg stated that the congregation would make note of that concern and would encourage traffic flow to 54th Street.
- **Blaine Poppler, Coldwell Banker agent**, stated that the LDS church had wanted to find a location that would avoid conflict with existing neighborhoods. Mr. Poppler stated that he thought this was the best site they could find.
- **Dan Wells, 1812 66th St. West**, stated that churches were good neighbors and hoped that Council would support this motion.
- **Kenneth Peterson, 424 48th St. West**, stated that he does not think there will be a traffic issue. Mr. Peterson stated that the LDS congregation had made a substantial contribution toward the traffic control signal at Rimrock and Shiloh in order to alleviate any issues and would take the same approach in this situation.

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

Councilmember Sullivan moved for approval of Item 4, including the conditions and the findings of the three criteria, seconded by Councilmember Swanson. Councilmember Sullivan stated that the LDS church had a strong history in Ward IV, and he welcomed a new church. Councilmember Yakawich stated that he applauded the residents for showing their concerns, and he also applauded the church for addressing the issues. Councilmember Cimmino stated that she had attended an open house at the temple and was amazed by it. Councilmember Brown stated that the LDS congregation had been a great neighbor throughout this process. Mayor Hanel stated that the LDS church would be an extremely fine neighbor and that he would support this motion. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annexation #16-02: located south of Elysian Road and west of the Hogan Slough between

Mullowney Lane and East Lane; McCall Development and the Yellowstone Boys and Girls Ranch Foundation, petitioners. Staff recommends approval.
(Action: approval or disapproval of staff recommendation.)

Ms. Volek stated that staff did not have a presentation, but would be available for questions.

The public hearing was opened.

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

Councilmember McFadden moved for approval of Item 5, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

6. AUTHORIZATION OF PROPERTY PURCHASE by the Downtown Billings Partnership (DBP) at 1st Avenue North and North 29th Street for a price and expenses not to exceed \$850,000; and granting a waiver to the appraisal requirements of Resolution 93-16740. DBP Board recommends authorizing the property purchase by the DBP. Staff recommends approval of the waiver.
(Action: approval or disapproval of DBP Board and staff recommendations.)

Councilmember Cromley recused himself from voting on this item.

Mr. Krueger began a brief PowerPoint presentation providing an overview of the DBP and their role in the community. Mr. Krueger presented information on plans for the property and showed photos of the area.

Councilmember Swanson asked what sort of use DBP was hoping the building would be used for. Mr. Krueger stated that DBP was requiring potential developers to bring a mixed use plan that included: a public parking structure, a public conference center, a walking plaza, housing, office space and possibly a hotel. Councilmember Brewster asked how many projects the proposed developers had completed together. Mr. Krueger stated that they had completed many projects on their own, but this would be the first that they would complete together. Councilmember Brown asked if there was any precedent of a TIF District acting as a landlord. Mr. Krueger stated that Big Sky EDC had purchased the MDU building and held it during negotiations for the Federal Court House. Mr. Krueger stated that the bylaws allowed DBP to purchase land with Council approval. Councilmember Yakawich asked what DBP's vision was for this property. Mr. Krueger stated that he hoped this new development would encourage growth in the area. Councilmember Friedel asked if DBP had a back-up plan if the current developer did not work out. Mr. Krueger stated that DBP would probably list the property for sale. Mr. Krueger stated that DBP would like to find a buyer that would develop the property. Mr. Krueger stated that the current developers owned the adjacent City Diamond parking lot and that they may be hoping to purchase a bigger footprint in the area. Councilmember Swanson asked if the Federal government was

involved in Urban Renewal loans such as this one. Mr. Krueger stated that the Federal government was involved and had been in contact with the developers. Councilmember Clark asked what portion of development DBP wanted the City to bond. Mr. Krueger stated that DBP hoped to bond for a parking structure, a conference center, and a plaza. Mr. Krueger stated that if a major development came into downtown, there would be a need for more parking. Councilmember Clark asked if there would be enough infrastructure for a development of this size. Mr. Krueger stated that the developers were paying for a feasibility study and that information would be put in the development agreement. Councilmember Brown asked for clarification on what TIFD money can be used for. Mr. Krueger stated that TIFD money can be used for infrastructure and for purchasing land or properties to re-develop them. Mr. Krueger stated that TIFD dollars can be used for re-doing facades of buildings and any public infrastructure that affects the public right-of-way. Councilmember Friedel asked for clarification on why the developers wanted DBP to be involved. Mr. Krueger stated that DBP involvement was allowing the developers some financial room and extra time to move forward in the development plans. Councilmember Clark asked for clarification on DBP building a parking lot and conference center on the property that the developers own. Mr. Krueger stated that DBP would need to specify the details in the development agreement, but that the City would own anything that they build. Councilmember Clark asked when the TIF District sunset date would be if they weren't paying bonds. Mr. Krueger stated that the TIF District was still paying bonds on the Empire Garage and the sunset date would be around 18-20 years from now. Councilmember Clark asked if the sunset date would move out further if another project was bonded. Mr. Krueger stated that the law allows bonding to occur within the first 15 years, for a full 25 years. Mr. Krueger stated that 2021 would be the 15 year mark; so, after 2021, the City would not be able to bond. Councilmember Cimmino asked for clarification on why this item was being presented the same day that the buy sell agreement was due to expire. Mr. Krueger stated that DBP had recently become aware that the developers needed funding, and that once it came to his attention, he requested an opportunity to present it to Council. Councilmember Cimmino asked for clarification on why DBP was requesting that Council waive the additional appraisals. Mr. Krueger stated that he thought the appraisal they had received was very fair for the area, and did not need another appraisal. Councilmember Friedel asked why the City would want to own a conference center or a parking lot. Mr. Krueger stated that the Chamber of Commerce, Big Sky EDA, TBID, and Visit Billings were limited on where they could have large conferences and had indicated that a large conference center would help the tourism rate increase in Billings. Councilmember Brown asked if DBP would have to postpone any items if they expend this amount of money. Mr. Krueger stated that it would not postpone any projects that DBP had already budgeted for.

Councilmember Sullivan moved for approval of Item 6, seconded by Councilmember McFadden. Councilmember Friedel stated that he did not like how fast this item was moving and that he was concerned about this project. Councilmember Yakawich stated that he liked the idea of a public/private alliance and was in support of the motion. Councilmember Cimmino asked for the year 2019 to be corrected to 2016 in the staff report attachment. Councilmember Sullivan stated that this project could be a

potential catalyst project for downtown. Councilmember Sullivan stated that the best tool the City had in its toolbox was the TIFD, and money that was not invested would yield a negative return. Councilmember Swanson stated that he had seen many urban renewal projects and was supportive of this motion. Mayor Hanel stated that this was what TIFD funds were intended to be used for, and if the downtown was not taken care of, the entire City would suffer. Councilmember McFadden stated that the worst case scenario would be that DBP would have to rent out the property and that he did not feel this item was a gamble. Councilmember Clark stated that he felt the conference center was a very important part of vitalizing the downtown area. On a voice vote, the motion was approved 10-0; Councilmember Cromley recused himself from the vote.

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.

- **Ken Crouch, 1642 Wembley Place, Billings, MT**, thanked the Mayor and Council for allowing people to come and speak. Mr. Crouch stated that the Non Discrimination Ordinance was defeated with the recent transgender bathroom issue. Mr. Crouch handed out a poem written by a transgender woman.
- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, stated that he is concerned about the amount of money being charged by the County to house prisoners. Councilmember Sullivan asked if Mr. Ulvestad believed that this charge was a "double dip". Mr. Ulvestad stated that he did. Councilmember Yakawich asked how much the City was paying to house prisoners. Ms. Volek stated that it came out of the Police budget and that it used to be around \$12,000 per month, but that it may have gone down due to overcrowding. Councilmember Friedel stated that he would like to know why the City has 65-85 people in the jail that are being held on misdemeanor charges. Councilmember Clark stated that he wondered why the City was not treated as County residents, when the City is part of the County.

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

COUNCIL INITIATIVES

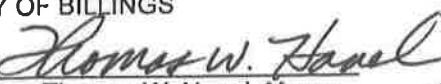
- Councilmember Brewster moved to direct staff to provide or formulate solutions for high crime or nuisance areas that reside within the City, seconded by Councilmember Cimmino. Councilmember Brewster stated that one solution may be to place nuisance areas, such as Cherry Creek, in a district that taxes them, and use that money to hire police officers to provide community policing. Councilmember Brewster stated that these areas were largely landlord owned and that this would put the burden on the landlord to either accept the fee, and provide the community policing, or to clean up their property. Councilmember

Brewster stated that another option would be to have the Planning Department reevaluate the subdivision improvement agreements and bring the landowners into compliance. Ms. Volek stated that the first step may be to develop a list of potential sites to investigate further. Councilmember Cimmino stated that, according to the Public Records Request provided to Tom Zurbruchen, there had been 788 police calls to the same neighborhood within a 30 day period. Councilmember Clark stated that one particular neighborhood has had more police calls than the entire South Side and West Side. Councilmember McFadden asked Lieutenant Brian Korell to come forward and speak. Lt. Korell stated that the City had a severe shortage of police officers, and dedicating an officer to that area would be very difficult. Councilmember Brewster stated that he was not proposing that the City use existing officers, but to hire a new officer for that area. Lt. Korell stated that one of the problems was finding applicants for the police force. Councilmember Brewster stated that he would like to see the legislature increase the output of the police academy. Mayor Hanel stated that Casey Hafner, Administrative Lieutenant, had recently submitted a resignation letter. Lt. Korell stated that losing Lt. Hafner would be very hard on the Police Department. Ms. Volek stated that Police Chief St. John was diligently looking for officers who were already qualified, so that they would not have to attend the academy. Lt. Korell stated that hospitals and schools were also looking for officers. Lt. Korell stated that he thought Councilmember Brewster's motion was a great idea, but that he did not know how the City could implement it. Councilmember Brown stated that he was in support of Councilmember Brewster's motion, and thought that reevaluating subdivision agreements could help the problem. Councilmember Yakawich stated that looking at subdivision agreements was a great idea. Councilmember Swanson asked if the Police Department had looked into developing a recruiting program. Councilmember Swanson stated that the Police Department could form a task force to come up with a plan for hiring. Lt. Korell stated that he thought that a task force was a great idea and would bring it up at the next meeting. Councilmember Cimmino stated that the Heights area was the fastest growing segment of the community and that having two patrol cars for the area was a "slap in the face." On a voice vote, the motion was unanimously approved.

- Councilmember Sullivan moved to direct staff to move the planning and budgeting process for potential Complete Streets projects to two or more years before project execution in order to fit within the CIP. Councilmember Sullivan's motion died for lack of a second.

There was no further business, and the meeting adjourned at 9:41 pm.

CITY OF BILLINGS

BY: 
Thomas W. Hanel, Mayor

ATTEST:

BY: 
Billie Guenther, City Clerk

