

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

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#### AGENDA

COUNCIL CHAMBERS

June 26, 2017

6:30 P.M.

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Brewster

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

**MINUTES:** June 12, 2017 - **APPROVED**

**COURTESIES:**

- Citizen Recognition – Jason Paisley
- Volunteer Patrol Unit Recognition – Bob Schafer, Al Redman, Justina Drapala
- Fire Chief Paul Dextrus Recognition
- 50<sup>th</sup> Anniversary of Northern International Livestock Exposition (NILE)
- Elks Club Member – Bob Schafer
- 88<sup>th</sup> Anniversary of Yellowstone Kelly's interment
- Christening of USS Billings, Littoral Combat Ship

**PROCLAMATIONS:** **NONE**

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Revised agendas were placed at the Mayor and Councilmembers' desks indicating that a Courtesy was added, Fire Chief Paul Dextrus.
- In reference to Consent Agenda Item 1F, emails were sent to Mayor and Council from Justin Pearce and Sam Merrick supporting the approval of TIF monies to the Art House Cinema. A copy of those emails were placed in the ex parte notebook.

- In reference to Regular Agenda Item 6, emails were sent to Mayor and Council from Barb and Bruce Harper and Maisie Sulser supporting the approval of an extension of the termination date. A copy of those emails were placed in the ex parte notebook.
- A reminder that there would be no Work Session meeting, Monday, July 3<sup>rd</sup>.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 4, 5 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.)

- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana**, in reference to Agenda item 6, voiced his support.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, in reference to Agenda items 1E, 1F, 5 and 6, stated he was concerned about TIF monies given to businesses and stated the Council must know who they are doing business with (OBSC). He voiced he objections to granting public funds to non-profits. He gave direction and suggestions for hiring the new City Administrator.
- **Terry Odegaard, 2101 Lake Hills Drive, Billings, Montana**, in reference to Agenda items 1E, 1F, and 6, stated he was concerned about base price established for TIF districts. He stated he believed in TIF districts for road improvements, etc. He stated he was concerned that the Art House would be in competition with the Babcock Theater. He voiced his concern about OBSC and provided a copy of an article published in *The Billings Gazette* and stated he did not believe the OBSC would be beneficial to senior citizens. He stated he liked to meet with County Commissioners because their meetings were structured differently wherein speakers were able to speak earlier during the meetings. He made suggestions for meeting improvements.
- **Ron Larsen, Interim Chancellor at MSU-B, 432 Silver Lane, Billings, Montana**, in reference to Item 5, thanked the Mayor and Council for consideration of granting Council Contingency Funds to the MSU-B Science and Allied Health building fund. He stated that nearly 10 million dollars was needed to complete the remodel and expansion.
- **Bill Cole, 3733 Tommy Arnold Circle, Billings, Montana**, in reference to Item 5, encouraged Council to make a contribution. He stated the current science and health building was likened to a third world country.
- **Steve Arvescoug, Big Sky Economic Development, 222 North 32<sup>nd</sup> Street, Suite 200, Billings, Montana**, in reference to Item 5, encouraged Council to support future education and economics and area businesses. He stated a contribution to MSU-B showed that the Council supported health care businesses.
- **Kathy Kelker, House District 47 Representative, 2438 Rimrock Road, Billings, Montana**, in reference to Item 5, stated she graduated from MSU-B and that

the Science and Health Building looked the same as it did when she attended the college years ago. She stated it is very important for the City to have skin in the game and asked the City to approve the contribution.

- **David Butler, Science Department Professor at MSU-B, 3030 Stinson Avenue, Billings, Montana**, in reference to Item 5, spoke in favor of the MSU-B donation. He stated that most MSU-B students would take one or two science classes at the building and that there were between 150 and 200 science majors in programs at any one time. He provided data and information about the curriculum and the need for updated equipment and additional space.
- **Joseph Walter, Student from MSU-B, 300 North 25<sup>th</sup> Street, Apt. 207, Billings, Montana**, in reference to Item 5, stated he was originally from Wyoming, had studied in Seattle, Washington, but chose to live in the Billings and attend MSU-B. He stated he was a biology and chemistry student, and worked with Professors Butler and George. He stated there were so many students interested in participating in the research project in which he was working, but there was not enough lab space for additional students. He stated more students could be involved in research projects if the building allowed and if there was enough equipment. He encouraged Council to contribute to MSU-B and support its students.
- **Jeremy Morgret, Downtown Billings Partnership, MSU-B alum, 1040 Strawberry Avenue, Billings, Montana**, in reference to Items 5 and 6, spoke in favor of Council Contribution to MSU-B and stated it was a tremendous asset to the community. Concerning Item 6, he voiced supporting an extension to OBSC.
- **Bobby Anner-Hughes, attorney, 3624 Hayden Drive, Billings, Montana**, in reference to Item 5, stated she was the past chair of MSU-B and an alum. She voiced her support of Council's contribution to the 3<sup>rd</sup> largest educational institution in the state and stated she was proud of the education she received from MSU-B. She stated MSU-B fit the City of Billings' vision statement.
- **Larry Van Atta, Financial Advisor and Branch Manager of RBC Wealth Management, 2940 Gregory Drive North, Billings, Montana**, in reference to Item 5, stated that MSU-B was a business as well as an educational entity. He provided stats for the need of additional medical employees in the next 20 years and stated that MSU-B could make an impact on that need. He thanked the Council and voiced his support for its contribution.
- **Doug Hansen, 5181 Southgate Drive, Billings, Montana**, in reference to Item 5, spoke on behalf of MDU Resources Group Foundation. He stated they were committed to supporting businesses to make communities better. He encouraged Council to approve Item 5.
- **Bill Kennedy, President and CEO of MSU-B Foundation, 902 Parkhill Drive, Billings, Montana**, in reference to Item 5, thanked the Mayor and Council for their consideration and encouraged approval of the contribution to MSU-B. He added that the University was the crown jewel of the community.
- **Judy Evans, 3481 Masterson Circle, Billings, Montana**, in reference to Item 5, stated she was a retired educator and stated the core function of the Council was to take care of the City and address the City's safety issues. She continued that the monies in the Council Contingency Funds were property of the Billings' citizens and should serve all of the people, not for the University. She opposed approval of Item 5.

- **Connie Wardell, P.O. Box 21432, Billings, Montana**, in reference to Items 5 and 6, stated she attended MSU-B in the 1950s and the science building had not changed much. She stated there was a great partnership between the students and the local hospitals and because of the partnership, it had drawn students to Billings. She approved using her tax monies to support a \$50K contribution to MSU-B science building. She continued that concerning Item 6, she was not comfortable supporting an extension with individuals and businesses that wished to operate under a veil of secrecy. She quoted, for the record, a statement from *The Billings Gazette*, that keeping the public out of the decision-making process was unlawful. She stated that the Council was representing the public and the public had the right to watch the voting process and give input during deliberation. She stated she was concerned about the right project using the wrong means. She stated the process needed to be in place before moving forward. She was opposed to the extension of time for OBSC.
- **Maisie Sulser, 6708 Cove Creek, Billings, Montana**, in reference to Items 1E, 1F, 5 and 6, stated she and her husband were in complete support of TIF grants to 1E and 1F. She stated that as the Chair of the Downtown Billings Alliance (DBA), it supported Item 5 to improve the MSU-B Science and Allied Health Building. She stated DBA supported Item 6 to extend the MOU concerning OBSC project.
- **Randy Hafer, 702 North 23<sup>rd</sup> Street, Billings, Montana**, in reference to Item 6, stated he was the Chair of Billings Improvement District (BID) which supported the extension of the MOU for the OBSC project. He stated the alliance group had worked on the project for 2 years. He encouraged the Council to give the project the time it needed as it was an enormously complex project and the City was not out anything by extending additional time. He stated that should the project actually develop, it would improve the overall economics for the downtown area and businesses and be a game changer for Billings. He then explained how TIF monies worked in the community.

1. **CONSENT AGENDA** -- Separations: 1A3, 1E, 1F and 1J1

A. **Bid Awards:**

1. **Airport Terminal Building's Various Areas Roofing Replacements.** (Opened 6/13/2017) Recommend Empire Roofing, Inc.; \$193,317. **APPROVED**
2. **Airport Terminal and Operations Buildings Exterior Finish Insulation System (EFIS) Repair/Replacement.** (Opened 6/13/2017) Recommend rejecting all bids. **APPROVED**
3. **Phase 2: Restoration of City Parking Structures I, II, III - Waterproofing.** (Opened 06/13/2017) Recommend John Rohrer Contracting Company, Inc.; \$404,915. **APPROVED**

B. **Landfill Use Agreement** with Yellowstone County; \$180,248 annual revenue for the Solid Waste Fund, \$9,012 in franchise fees for the General Fund in FY 2018. **APPROVED**

- C. **Memoranda of Understanding (MOU)** between the City of Billings and Billings Public Schools for school resource officers for the Career Center, Ben Steele Middle School, high schools and middle schools, in the amount of approximately \$542,587 (07/01/17 - 06/30/18). **APPROVED**
- D. **Approval** of Airport's updated Disadvantaged Business Enterprise (DBE) Program. **APPROVED**
- E. **Approval** of Downtown Tax Increment (TIF) funds to Bissinger, LLC, for remodeling of former Mintana Mills building at 2525 Minnesota Avenue; up to \$150,000. **APPROVED 9-0, FRIEDEL OPPOSED.**
- F. **Approval** of Downtown Tax Increment (TIF) Fund grant to the Art House Cinema for Phase II improvements at 109 North 30th Street; up to \$350,000. **APPROVED 9-0, FRIEDEL OPPOSED.**
- G. **Acknowledging Receipt of Petition to Annex 17-02:** a 5.4 acre parcel, generally located west of Hawthorne Lane and north of Kyhl Lane in the Billings Heights; Michael Sartorie, Petitioner, and setting a public hearing date for 07/10/17. **APPROVED**
- H. **Resolution 17-10636** closing pooled sidewalk fund #8680, SID #1341 and pooled SID funds #8210, #8220, and #8320. **APPROVED**
- I. **Cancellation of Checks and Warrants.** **APPROVED**
- J. **Bills and Payroll:**
  - 1. **May 30, 2017 – APPROVED 9-0, BROWN ABSTAINED**

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING AND RESOLUTION 17-10637** approving and adopting the 4th quarter budget amendments for Fiscal Year 2017. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- 3. **PUBLIC HEARING AND RESOLUTION 17-10638** approving the sale of property located in the 1100 block of S. 27th Street. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8-2, YAKAWICH AND SULLIVAN OPPOSED**
- 4. **RECONSIDERATION OF RESOLUTION 17-10639** approving and adopting water and wastewater rate and fee schedule effective July 1, 2017. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. **RESOLUTION 17-10640** allocating \$50,000 of Council Contingency Funds for the MSU-B Yellowstone Science and Allied Health Building renovation and expansion. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-1, FRIEDEL OPPOSED**
6. **AMENDMENT #1 TO MEMORANDUM OF UNDERSTANDING (MOU)** with MontDevCo and MontDevCo II, LLC, extending its termination date for One Big Sky Center project. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **UNANIMOUSLY APPROVED TO EXTEND TO JULY 31, 2017.**

**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.*)

- **Walt Donnes, 720 Washington Avenue, Billings, Montana**, thanked Council for support and leadership. He stated Big Sky Pride celebration was well attended.

**COUNCIL INITIATIVES: NONE**

**ADJOURN:** 9:49 pm.