

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

December 11, 2017

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

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

MINUTES: November 27, 2017 - Councilmember Brewster moved for approval, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Brent Brooks, City Attorney, announced the retirement of Karen Benner, Victim Witness Coordinator. He presented her with a plaque and thanked her for providing the City over 20 years of service.

PROCLAMATIONS: NONE

ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

- Bruce McCandless, Interim City Administrator, reminded Council of City Administrator Recruitment Committee meetings on December 14, 2017 and December 15, 2017, at 8:00 am.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 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 meeting.)

The public comment period was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana:** in reference to Item 2, stated \$280 million had been requested for new City infrastructure. He added that the City needed to take a look at the numbers. He added that if the City levied mills for the next 8 years, it would pay for the \$280 million in infrastructure requested.
- **Tom Rubsis, 105 Legends Way, Billings, Montana:** in reference to Item 1E, stated Oasis Waterpark had proven to be successful, but worried about the future

costs. He added that future pool maintenance was expected and could be very expensive. He stated the Parks Board recommended the City manage the possible risks and encouraged them to research ways to minimize the risks.

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

1. CONSENT AGENDA

A. Bid Awards:

1. **2018 12-Yard Dump Truck.** (Opened 11/28/17) Recommend I-State Truck Center; \$129,277.
2. **Dozer for the Billings Regional Landfill.** (Opened 11/28/17) Recommend RDO Equipment Company; \$429,966.
3. **Trucks Cabs and Chassis with Refuge Compactor Bodies.** (Opened 11/28/17) Schedule 1, Two Side Load Trucks, Recommend Jack's Truck and Equipment; \$491,296; Schedule 2, Four Side Load Trucks, Recommend Montana Peterbilt; \$888,890.

B. Approval of purchase of Priority Dispatch ProQA Software; \$79,900.

C. Approval of Right-of-Way Agreement and Warranty Deed for W.O. 16-05, Central Avenue, Shiloh Road to 32nd Street West, from Montana University System.

D. Amendment #1, W.O. 15-21: Logan Reservoir/Pump Station, Professional Services Contract, HDR Engineering, Inc.; \$45,400.

E. Resolution 17-10680 amending Funding and Development Agreement with Better Billings Foundation (BBF) for Oasis Waterpark.

F. Bills and Payroll:

1. November 13 and 14, 2017
2. November 20, 2017

Councilmember Cimmino separated Items 1D, 1F1 and 1F2 to abstain.

Councilmember Sullivan separated Item 1E for discussion.

Councilmember Yakawich moved for approval of the Consent Agenda, with the exception of Items 1D, 1E, 1F1 and 1F2, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Sullivan moved for approval of Item 1D, seconded by Councilmember Brewster. On a voice vote, the motion was approved 10-0, Councilmember Cimmino abstained.

Councilmember Brewster moved for approval of Items 1F1 and 1F2, seconded by Councilmember Sullivan. On a voice vote, the motion was approved 10-0, Councilmember Cimmino abstained.

Councilmember Sullivan, in reference to Item 1E, asked for clarification about possible side agreements between BBF and local neighbors. He stated he was concerned about the City being un-bonded if the project had issues. Mr. Brooks stated he did not have any additional information on an agreement. He added that Council could ask BBF or the Parks Department for additional information. Councilmember Sullivan asked if Council wished to hear further information.

Mayor Hanel stated Council had discussed the item extensively in January and July of 2017 and staff had recommended the bonds be released. He added Council had received far more than sufficient facts to release the bonds back to BBF.

Councilmember Brewster stated the agreement had originally occurred due to some studies that had been done regarding the financial viability of the project. He stated Council had requested the agreement as a guarantee in case the project was not successful. He added that BBF had reached out to the neighbors in the area and had reached an agreement to provide some improvements and maintenance. Councilmember Brewster stated he did not see any reason to continue holding the security requirements.

Councilmember McFadden stated that the retainer had been put in place in case the project had been unsuccessful. He added that the project has become an asset, and no longer required any security requirements.

Councilmember Brown stated he had been concerned about the relationship between the Park and the surrounding neighbors, but thought that the relationship had been repaired. He stated that he was confident the park would continue to operate successfully.

Councilmember Cimmino stated the community had voted down a pool three separate times in the past, therefore, a non-profit organization (BBF) had stepped forward to build an aquatic center. She congratulated BBF on 6 successful summer seasons. She reminded Council that BBF provided 4th of July activities, cleaned up parks, and picked up trash in the area.

Councilmember Brewster moved for approval of Item 1E, seconded by Councilmember Cimmino.

Mr. McCandless stated a letter had been sent to Council from Mr. Barthuly and Mr. McCulloch, containing a recommendation to add an amendment to the agreement. The amendment would release the \$100,000, with the expectation that BBF would add \$50,000 to the Oasis Waterpark deferred maintenance reserve, and \$50,000 to be used to start projects at the park site that would mutually benefit the Oasis and the surrounding neighborhood. Mr. Brooks added the letter had been received after the agenda had already been prepared. He stated that the item could be postponed if Council wished for more time to review the amendment.

Councilmember McFadden stated that was a very generous offer, but it was not necessary. Councilmember McFadden moved to call the question, seconded by Councilmember Cimmino. On a voice vote, the motion was approved 9-1, Councilmember Sullivan voting in opposition.

Mayor Hanel stated that the original motion was back on the floor. On a voice vote, the motion was approved 9-1, Councilmember Sullivan voting in opposition.

REGULAR AGENDA:

2. APPROVAL of Pre-Development Memorandum of Understanding (MOU) between the City of Billings and MontDevCo II and Landmark, LLC for the proposed One Big Sky Center downtown redevelopment project. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Mr. McCandless stated staff did not have a presentation, but was available for questions. He clarified that the current amendment extended the termination date for the existing MOU to February 12, 2018. He added if Council did not take any further action on the MOU, the agreement would expire on December 11, 2017.

Councilmember Friedel stated, for clarification purposes, that there would not be any financial responsibility from the City included in the MOU. Mr. McCandless responded affirmatively. He added that financial obligation from the City would not occur until a future development agreement was reached.

Councilmember Yakawich asked for clarification on what would occur on February 12, 2018. Mr. McCandless stated the current MOU would expire. He added that there would likely be a development agreement presented to Council by that date.

Councilmember Cimmino moved for approval of Item 2 approving amendment 3, seconded by Councilmember Yakawich. On a voice vote, the motion 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.

The following individuals spoke in opposition of Special Review 958, allowing an all-beverage liquor license near 54th Street West and Grand Avenue:

- **Tiffany Wardell, 1309 Daybreak Drive, Billings, Montana:** stated she was concerned the City already had too many casinos and the large number of casinos was a deterrent to people considering a move to Billings. She stated she had a petition which had received almost 150 signatures, opposing a casino relocating to 54th Street West and Grand Avenue. The petition was presented to the City Clerk. Councilmember Yakawich encouraged Ms. Wardell to join a task force to help with neighborhood issues.
- **Susan Smith, 6133 Timbercove Drive, Billings, Montana:** stated families in the neighborhoods were opposed to having a casino in the area. She stated Council could use their local authority to deny a casino in the requested location.
- **Robert Shaw, 4869 Cedar Ridge Circle, Billings, Montana:** stated he would prefer a better process for notification services to homeowners. He added he was opposed to having a casino in the area.
- **Brent Perkins, 5309 Sundance Mountain Circle, Billings, Montana:** stated he had received over 140 signatures from people in the neighborhood that were opposed to having a bar/casino in the area.
- **Bill Phillips, 4135 June Drive, Billings, Montana:** stated he was a physician that treated patients with addiction issues. He added that a casino in the area was an unneeded disservice that would increase crime.
- **Mike Wardell, 1309 Daybreak Drive, Billings, Montana:** stated a casino would negatively impact home values in the area. He added he would like to see neighborhood "safe" areas that did not allow casinos and bars.
- **Barbara McLaws, 6161 Masters Boulevard, Billings, Montana:** stated casinos had a negative economic and social impact on cities. She added every person she had talked to opposed a casino in the area.
- **Deann Cates, 5341 North Castle Stone Square, Billings, Montana:** stated she had previously lived near a casino and a drunk driver had driven across their lawn. She stated she had moved to the West End to get away from casinos.
- **Daniel Coomes, 5506 Clear Sky Drive, Billings, Montana:** stated the City had done a great job providing walking paths in the area, but a casino in the area would be a step back in progress.
- **Scott Morstad, 5505 Clear Sky Drive, Billings, Montana:** stated he was concerned with a casino located so close to a middle school.
- **Sherry Wardell, 5121 Dovetail Avenue, Billings, Montana:** stated she was opposed to a casino in the area and that gambling was very destructive to families.
- **Jessica Yates, 4245 Wells Place, Billings, Montana:** stated she had been concerned about relocating to Billings due to its large number of casinos. She added that casinos increased violent crimes and she did not want a casino in the area.

- **Brittney Homer, 1150 Bluegrass Drive, Billings, Montana:** stated she was concerned about the school children's safety with a casino right across the street from a middle school.
- **Jeanine Unsworth, 5152 Dovetail Avenue, Billings, Montana:** stated the City had enough casinos and did not want another one in the area. She added she would rather a different type of business be developed.
- **Melissa Townsend, 4610 Stick Circle, Billings, Montana:** stated she was concerned about drunk drivers and increased crime rates in the area. She added that the majority of people that lived in the area were opposed to a casino in the area.
- **Dana Wagenhals, 4816 Dovetail Avenue, Billings, Montana:** stated he had spoken to people in the area and they were opposed to a casino. He stated he would be interested in being on a City/County planning board.
- **Lynnadele Nielsen, 5717 Mountain Front Avenue, Billings, Montana:** she stated she was concerned about safety issues that could arise with having a casino in the area. She added she would be interested in serving on a planning board.
- **Cliff Kirkham, 5505 Sunny Cove, Billings, Montana:** stated drunk drivers usually took side roads and was concerned with safety issues in his neighborhood.

The following individual spoke in favor of Special Review 958, allowing an all beverage liquor license near 54th Street West and Grand Avenue:

- **Terra Pierce, 3623 Quimet Circle, Billings, Montana:** stated her family owned The Lion's Den and they wanted to be a good neighbor to the community. She stated that The Den had met all of the recommendations set by the State and the City.

There were no further 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 8:08 pm.

CITY OF BILLINGS

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk

DRAFT