

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

May 28, 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. Mayor Cole gave the invocation.

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

MINUTES:

April 22, 2019 – Councilmember Clark moved for approval, seconded by Councilmember Joy. On a voice vote, the motion was approved unanimously.

May 13, 2019 – Councilmember Clark moved for approval, seconded by Councilmember Ronning. On a voice vote, the motion was approved unanimously.

COURTESIES:

- Councilmember Yakawich thanked the Breakfast Exchange Club for their donation of \$7,500 to the USS Billings fundraiser.
- Mayor Cole recognized and thanked various agencies from the Key West, Florida area that had collectively donated \$5,000 to the USS Billings fundraiser.
- Councilmember Joy stated she attended the Adult Education Graduation and encouraged Council to attend future graduations and acknowledge all those, who despite adverse conditions, worked hard toward obtaining their degree.
- City Attorney, Brent Brooks, introduced and recognized prosecutors Teague Westrope, Benjamin Halverson and Chantel Anderson, for their involvement during the legislature and through their efforts saved the City about \$250,000.

PROCLAMATIONS:

- Mayor Cole proclaimed the week of June 8-14, 2019, as Drug Abuse and Violence Prevention Week. He provided the proclamation to Brian Dennis with The Boys and Girls Club.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski noted that the ex parte notebook contained one response email from staff concerning Regular Agenda Item 3, Resolution Adopting Water and Wastewater Rates and Fees. The email was received after 3:00 p.m.
- Mr. Kukulski reminded Council that on each Councilmembers' desk were the Lobbyists reports:

- Updated End of Session Report (dated May 24, 2019);
- List of Interim Committee Appointments; and
- Results from the Interim Study priority poll.

Those documents were emailed to Council earlier in the day.

- Mr. Kukulski reminded Council about the Budget only - Work Session meeting Wednesday, May 29, 2019, at 5:30 PM.
- Mr. Kukulski asked Council to make a motion to amend the order of business so “Special Presentations” could be heard before public comment on “Non-Public Hearing” Agenda Items.

Councilmember Clark moved to change the order of business to hear the “Special Presentations” before public comment on Non-Public Hearing Agenda Items, seconded by Councilmember Gibbs. On a voice vote, the motion was unanimously approved.

SPECIAL PRESENTATIONS:

1. Billings’ City Lobbyist Legislative Wrap Up

Mr. Kukulski introduced lobbyists, Greg Dorrington and Aimee Grmoljez, to provide a summary of the legislative session outcomes. Greg Dorrington thanked the City’s leadership team for their quick responses and assistance during the session. Aimee Grmoljez gave an overall description of events during the session and the processes for bill drafts and introduction, etc. She stated there were over 3,000 bill drafts and that approximately 1,300 bills were introduced during the 87 days of session. She stated there were over 270,000 floor votes. She stated the infrastructure funding through a bonding and a cash mechanism passed. That will fund many historical buildings and museums, along with investments in water and wastewater plants across Montana. Greg Dorrington reviewed the positions taken on behalf of the City and the outcomes. He stated there were two standout bills concerning Public Safety. They were SB147 concerning Human Trafficking and Sex Crimes, that would increase protections for victims and noted that Councilmember Ronning’s involvement was very instrumental in the bill’s passage; and HB749 which allowed for massage therapists’ license inspections and created a 2-member task force housed in Department of Justice to enforce human trafficking violations. He continued to outline the various criminal justice bills presented and noted the City’s prosecutors involved during that process. Mr. Dorrington spoke about the entitlement issues as it related to the Public Defenders’ Office and stated it was a hard fought battle from start to finish, but it was defeated, in part, because of the City Attorney’s Office participation. He gave details about a couple of gun control bills, HB325 and HB357, concerning concealed weapons. He stated that HB325 was vetoed and HB357 was a referendum version of the same bill and they would continue to monitor that moving forward. He stated there were sanctuary city bills that were defeated or vetoed by the Governor’s office. He touched on the defeat of 406 Economic Impact bill, SB340. He stated HB52 was a reauthorization for funding on numerous economic tools and passed. He continued that HB362, infrastructure bonding bill, was finally passed on the fourth try.

Aimee Grmoljez spoke about local option tax bills, of which there were six, but stated only one had survived - the resort tax area bill. She stated there were several bills related to tax increment financing and it remained a topic of discussion. She continued that HJ35 was an interim study of Montana state and local tax systems and had passed, as well as HB715.

2. Billings Chamber, Montana Legislative Wrap Up

Mayor Cole introduced Dan Brooks of the Billings Chamber. Mr. Brooks spoke about the demographics of the various legislators sent to Helena. He provided a PowerPoint presentation and reviewed the information on the slides. He stated the big topics at the legislature were Medicaid expansion authorization, infrastructure, work force needs, and solutions caucus. He stated the Billings Chamber worked on a total of 79 bills and 55 of those passed. He continued that the Chamber focused on business climate issues, economic development tools, energy industry, public safety, etc. He stated that SB66 could have led to substantial economic development, but it was vetoed and there was a call out for an overturn veto. He stated progress was made during the legislative session with specificity concerning local option taxes and he surmised that would continue. He reviewed the legislative scorecard and explained the scoring process.

Aimee Grmoljez addressed the Council with a plan of action for the upcoming 20 months so the larger issues would continue to progress. She stated the lobbyists had identified two tax studies as the largest issues and she recommended that all resources be devoted to identifying experts to work with throughout the state. She reviewed all the interim committees listed, and stated many of the neighboring states do not have as many interim committees as Montana.

Dan Brooks concurred with Ms. Grmoljez's analysis of the importance of the tax study and re-evaluating how services are funded. He focused on the 406 Economic Impact Bill and stated the Chamber would continue to work with strategic partners around the State.

Councilmember Yakawich stated he wanted more interaction with legislators in the future. Greg Dorrington stated it was a perfect time to begin weekly coffee conversations and monthly roundtable discussions during the interim months. He continued that it would be time and money well spent. He stated investing time with the legislators would be hugely important in communicating with them what was most important to Billings and developing those relationships.

Mayor Cole clarified that the agreement with the lobbyists ended June 30, 2019 and inquired what was needed to extend that agreement. Mr. Dorrington stated the agreement allowed for an optional extension for four additional two-year terms upon mutual agreement. He stated if the City wished to extend the agreement, it was time to begin those discussions.

Aimee Grmoljez stated it was important that the City identify key people to be involved in messaging legislators and gave suggestions of how that might look. Councilmember Yakawich clarified he would support meeting once or twice a year. Ms. Grmoljez urged Council to communicate frequently and consistently with their constituents and legislators.

Councilmember Ronning agreed with Councilmember Yakawich that she wanted for more interaction with legislators because the State legislature did not always understand local government. She continued that it was important for more bipartisanship and offered to be involved with the interim committees.

Aimee Grmoljez provided website information for upcoming meeting listings so anyone interested in attending interim committee meetings could identify dates and times. Mayor Cole stated interested individuals could sign up online to receive notifications as well.

Councilmember Gibbs asked if the Chamber would be "grading" Council candidates, as they had in the past. Mr. Brooks responded the Chamber would be "grading" Council candidates, and the grading criteria was being reviewed by the advisory board, currently. He indicated the Chamber would move away from the A-F grading scale. Councilmember Ronning stated she had received a "C" grade during her campaign and she saw that as a positive for her to improve and grow from it.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 (Consent Agenda) and 2 (Regular Agenda) 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.

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

1. CONSENT AGENDA

A. Bid Awards:

1. **Annafeld Park Improvements.** (Opened 4/23/19) Recommend The Good Earth Works Co., Inc.; \$612,072.16.
2. **Water Reclamation Facility Chemicals - Dry Polymer.** (Opened 5/14/19) Recommend Polydyne, Inc.; \$1.80/lb.
3. **MET Transit Roof Replacement Project, Phase 2.** (Opened 5/28/19) Recommend delaying bid award until 6/10/19.

4. **W.O. 17-05: Monad Road and Daniel Street Traffic Signal Improvements.** (Opened 5/14/19) Recommend Knife River - Billings; \$931,870.10.
5. **W.O. 18-22: Leavens Reservoir Expansion and Zone 1 Improvements.** (Opened 5/28/19). Recommend delaying bid award until 6/10/19.
6. **W.O. 19-01: Schedule 2, Montana Avenue Sewer Main Replacement.** (Opened 5/14/19) Recommend COP Construction, LLC; \$1,550,477.
7. **W.O. 19-44: Shiloh Roundabouts Landscaping Project.** (Opened 5/28/19) Recommend delaying bid award until 6/10/19.

B. **Donation** to the Billings Fire Department from the Billings Clinic Foundation for the purchase of a laptop computer to use during fire education and fire safety presentations; \$1,873.09.

C. **Tax Increment Financing Assistance** from East Billings Urban Renewal District (EBURD) Tax Increment Funds to Red Oxx/Mazabuka, LLC, for development of the Red Oxx event space project located at the southwest corner of the intersection of 4th Avenue North and North 13th Street; \$42,417.70.

D. **Resolution 19-10795** for Distribution of Bridge and Road Safety and Accountability Program Funds.

E. **Second/Final Reading Ordinance 19-5723** amending Billings, Montana City Code, Section 2-201, Compensation.

F. **Second/Final Reading Ordinance 19-5724** expanding Ward III (Annexation 19-01): for an approximate 45.398 gross acre parcel of land described as tracts of land situated in the NW 1/4 of Section 19, T1S, R26E, Yellowstone County, Montana, generally located west of Annafeld Subdivision 1st Filing, and south of Elysian Road and east of East Lane; McCall Development, Inc., owner.

G. **Bills for the week:**

1. April 22, 2019
2. April 29, 2019

Councilmember Neese separated Consent Agenda Item 1C in order to abstain.

Councilmember Cromley separated Consent Agenda Item 1E for discussion.

Councilmember Yakawich moved for approval of the entire Consent Agenda, with the exception of Items 1C and 1E, seconded by Councilmember Cromley.

Mayor Cole thanked Billings Clinic Foundation for the donation of the laptop computer to the Fire Department as noted in Consent Agenda Item 1B.

Councilmember Friedel thanked staff for their work on Consent Agenda Item 1E, Ordinance amendment to Council compensation.

On a voice vote, the motion was unanimously approved.

Councilmember Yakawich moved for approval of Consent Agenda Item 1C, seconded by Councilmember Joy. On a voice vote, the motion was approved 9-0, Councilmembers Neese abstained.

Councilmember Cromley moved for approval of Consent Agenda Item 1E with changes to the effective date from January 1, 2022 to December 31, 2021, seconded by Councilmember Yakawich. Councilmember Cromley stated the change would eliminate any confusion to new Councilmembers entering office on January 1, 2022, and whether the pay change affected them. On a voice vote, the motion was approved 7-3, Councilmembers Ewalt, Friedel and Clark voted in opposition.

REGULAR AGENDA:

2. W.O. 19-02: Missing Sidewalk Project. (Opened 5/14/19) Staff recommends First Mark Construction; \$558,179.75. (Action: approval or disapproval of staff recommendation.)

Debi Meling, City Engineer, stated the bid came in lower than anticipated and the assessments would be less as well. She stated the City was working on the third part of the program. She stated the sidewalk “tripper” program was still in effect, however, this bid was for replacement of larger sections of sidewalks. She reviewed maps and identified the placement of the missing sidewalk projects.

Mayor Cole inquired about the definition of a “tripper” sidewalk. Ms. Meling responded any gap 1/4 inch or larger was considered a “tripper” and gaps up to a 2 inch lift between sidewalk slabs could be ground down.

Councilmember Ewalt asked if the “tripper” program applied to walking paths and mentioned there were a few “trippers” that needed attending to on the Kiwanis Bike Path. Ms. Meling responded Public Works would take care of it.

Councilmember Yakawich asked about methods for dealing with tree roots. Ms. Meling explained the procedures that Public Works used to deal with tree roots that caused “tripper” situations, including assistance with tree removal. Councilmember Yakawich followed with questions about preparations for the anticipated infestation of the Emerald Ash Borer. Ms. Meling stated Public Works was not doing anything other than prohibiting the planting of ash trees on boulevards.

Councilmember Neese inquired about the sidewalk situation near Medicine Crow Middle School and Barrett Road. Assistant City Administrator, Kevin Iffland, responded that the County had given no indication they were willing to install sidewalks; therefore, until that portion of the County was annexed into the City, no sidewalk installation was expected. Councilmember Neese asked if speed bumps could be installed. Mr. Iffland responded that was being investigated.

Councilmember Joy moved for approval of Regular Agenda Item 2, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION 19-10796 Adopting Water and Wastewater Rates and Fees. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Jennifer Duray, Public Works Deputy Director, reviewed the proposed rates and fees structure. She stated a rate study was conducted every two years. She stated that Public Works had met with Lockwood and Phillips 66 and gave recommendations to the Public Works Board. She stated the Public Works Board unanimously approved the suggested rate changes presented to Council. She stated notice letters were sent to all customers. She stated that if approved, the rate changes would be effective July 1, 2019 and reflected on the August bills. Ms. Duray explained the critical needs associated with replacing pipes and infrastructure regulations and stated the current rate could not keep up with replacement costs.

Discussions continued concerning water conservation for residences and not businesses; the construction and costs of the new wastewater plant; and cost of services studies. Ms. Duray answered questions about rate increases and how the Montana Consumer Council dictated rate increase restrictions. She stated for solid waste, different statutes applied and more could be charged to outside users. She stated the costs of services studies included all costs, including salaries and indirect costs.

City Administrator Chris Kukulski suggested future changes to the policy be to not allow outside users to utilize City services, unless they were annexed into the City.

Discussions followed about the Heights County Water District charging more to its customers. Ms. Duray explained that the Heights County Water District had their own distribution system and did not utilize the City's.

The public hearing was opened.

- **Curt Zigman, 1695 Vuecrest Drive, Billings, Montana,** stated this should be tabled because the big ditch was leaking into his neighbors' property at a rate of 2 million gallons per year. He continued that last year it was affecting his property and when Councilmember Yakawich became involved, the Big Ditch Company re-routed the water to his other neighbors. He stated the problem continued and the Big Ditch

Company were not good stewards of its resources. He asked Council to intervene and assist in whatever way they could.

- **Brenda Moss, 3140 McMasters Road, Billings, Montana**, stated she was opposed to the rate increases and encouraged water conservation methods be prioritized in the City's parks and cemeteries. She stated it was unfair to residents who could not drill their own wells or have access to ditches to water their lawns to have to pay such water rates to keep their yards green. She compared the solid waste flat fee and the water usage rates. She stated the costs should be equally dispersed amongst users.

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

Councilmember Yakawich asked David Mumford, Public Works Director, how the City could assist the Vuecrest neighborhood. Mr. Mumford stated there was a discharge pipe that was broken, but the City had no jurisdiction over any ditch company. He continued that the City could help facilitate conversations with the ditch company and stated the Engineering Department had visited the area a week prior and determined the damages were caused by ditch seepage. He stated the ditch company could not be held accountable by the City, but the ditch company was responsible for securing their ditches.

Mayor Cole stated the property owners could possibly sue the ditch company for damages.

Councilmember Joy asked what the driving force was behind constructing a new wastewater treatment plant. Mr. Mumford responded that the existing plant could not adequately provide services to citizens in case of an emergency or power outage. He continued that it simply did not allow for enough water storage and the new water reservoir would provide months' worth of storage, rather than hours, should something go wrong. He stated there would be increased energy efficiency, because currently the water was pumped from the lowest point to the highest point. He continued that the City would lose water rights if it did not use them for the new reservoir.

Councilmember Neese stated the water from the big ditch was pumped from the neighbors yards into the City's storm drain system and that made the problem a City issue. He asked whether the City's parks could be watered by using reclaimed water. He followed with a question about whether flat fees were possible. Mr. Mumford responded that Public Works would do what they could to help mitigate the excess water problem on Vuecrest Drive. He continued that charging users proportionately according to their usage made more sense than flat rates. Mr. Mumford stated Public Works had investigating use a "purple" pipe system for reclaimed water usage. He stated Public Works now leaves old pipes in the ground rather than removing them in hopes that one day those could be used for a reclaimed water system, but he cautioned it would be extremely expensive to implement.

Councilmember Ronning asked if legislators should get involved to change how ditch companies interact with local government so residents are better served and protected. Mr. Mumford responded that the City hired a water rights attorney to help with ditch issues. He continued that one issue was that some City storm drains led into ditches that were abandoned; leaving questions about who had control of the ditches. He stated ditch companies have one mission and that is to provide irrigation water. Councilmember Ronning asked if the Public Works Department received tax dollars or was 100 percent funded by user fees. Mr. Mumford responded that the Public Works Department was funded by user fees only. He provided additional information about the amount of water usage the City requires per day in the winter (18-20 million gallons). He continued that during the summer months the water usage increases to 55-60 million gallons per day, indicating the difference between winter and summer usage was simply poured on the ground to keep lawns green. He stated that takes a lot of energy to produce the clean water. Mr. Mumford stated Public Works was working with the Parks Department to create a “purple” pipe, ditch system or install wells. He stated Public Works agreed to pay for the installations of the wells, electrical and plumbing, to the irrigation system at Centennial Park. He continued that the Parks Department conducts soil monitoring, etc., and both departments take water usage very seriously.

City Administrator Chris Kukulski added that some of the City’s parks still had manual irrigation systems and those were gradually being replaced with higher efficiency automated sprinkling systems.

Discussions followed about county and city resident cistern usage, installation options and commercial usage fees.

Councilmember Yakawich moved for approval of Regular Agenda Item 3, seconded by Councilmember Cromley. Councilmember Yakawich stated many of the Councilmembers took a tour of the water plant recently. He said he was very encouraged by the quality of water and gained an appreciation for how much work goes on behind the scenes to ensure the City has quality water. Councilmember Ewalt moved for an amendment to the Motion that charges related to the West End reservoir water treatment plant be separated on the consumers’ bills and would indicate when it was paid, seconded by Councilmember Neese. Councilmember Neese stated consumers would benefit seeing how much of their bill was for rates and how much was for the reservoir project’s capital costs and then see it terminate when the project was paid in 20 years. City Administrator Kukulski stated that after 20 years, it was likely maintenance and improvements would be needed, but that discussion would occur later. Jennifer Duray explained there would be two years of rate increases and then 20 years of debt service. Mr. Mumford stated it was very premature to estimate the costs of the water treatment plant, but the billing method proposed had merit. Discussions continued about the billing methodology.

On a roll call vote, Councilmember Ewalt’s amendment to the Motion passed 7-3, Councilmembers Joy and Cromley and Mayor Cole voted in opposition.

Discussions continued about the timing of construction for the reservoir. Mr. Mumford stated the construction of the reservoir was planned for 2022 reservoir and the water treatment plant construction was planned for 2023. He stated staff reviewed whether the project could be started sooner, but they did not agree that the project could be accelerated. Discussions continued about wholesale water rates for customers with cisterns, etc., sharing the costs, and County water users.

On a voice vote, the amended motion was unanimously approved.

Mayor Cole called for a recess at 8:04 p.m. The meeting reconvened at 8:11 p.m.

4. PUBLIC HEARING AND RESOLUTION 19-10797 approving the donation and transfer of land within the Rose Park boundaries to School District No. 2. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

City Administrator, Chris Kukulski, gave a brief presentation explaining that the donation of land to School District No. 2 – Rose Park School had been discussed for a long time. He stated some of the playground equipment was located on both the School District property and Parks land. He stated it was a quarter of an acre of land; that the community was not losing anything through the donation; and that new playground equipment would be installed for all to use. He continued it was an easy transfer to basically adjust the boundary line to include it in the School District's parcel.

Discussions continued about who owned the baseball fields in Rose Park and who maintained them. Mike Whitaker, Parks and Recreation Director, stated the Little League teams maintained the baseball fields and the field were located on both School District land and Parks land.

The public hearing was opened.

Tiffany Marshall, 1941 Avenue D, Billings, Montana, introduced herself as a co-chair for the "Every Child Plays" inclusive playground project and that she was speaking on behalf of Rose Park Elementary School. She stated the project came about because Rose Park Elementary School is the only school in Billings that serves children with multiple complex disabilities and do not have access to the current playground due to mobility issues. She continued that the current playground equipment was 25+ years old and sat in pea gravel, so it did not allow children with mobility issues, etc., to participate. She stated the project was fully funded through fundraising. She continued that the entire playground would be reconstructed for full inclusivity, rather than adding a few all-inclusive playground pieces. She stated the playground would not compete with the Landon's Legacy playground or eliminate the need for it.

Carina Deguise, 1918 18th Street West, Billings, Montana, she was introduced as a co-chair for the "Every Child Plays" inclusive playground project. She stated

playgrounds were not just for children, but were also for adults and the elderly with mobility devices.

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

Councilmember Friedel moved for approval of Regular Agenda Item 4, seconded by Councilmember Gibbs. Councilmember Joy commended the members of the PTA for their fundraising for the worthwhile event.

On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND SPECIAL REVIEW 975: a special review to allow the location of a beer and wine license without gaming less than the required 600 feet from a property used for a religious institution, located in a Community Commercial (CC) zone, at 149 Shiloh Road; Grant Road, LLC, owner. Zoning commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

Karen Husman, Planner, gave a PowerPoint presentation and reviewed the criteria. She stated special reviews, unlike zone changes, may be conditioned to mitigate possible impacts to surrounding properties. She highlighted the location of Faith Chapel and its proximity to the proposed business and noted the view was obstructed by another building. She stated that the Zoning Commission forwarded a recommendation of conditional approval based on the 3 criteria and gave an explanation of those.

Councilmember Ronning stated she appreciated receiving a letter of approval from Faith Chapel and she thanked Ms. Husman for including it in the agenda packet.

Michael Stock, 4520 Rangeview, Billings, Montana, introduced himself as the applicant and developer of the project.

The public hearing was opened.

- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana,** gave his support for the approval of the Special Review.

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

Councilmember Clark moved for approval of Regular Agenda Item 5 with conditional approval and adoption of the findings of the 3 criteria, seconded by Councilmember Gibbs. Councilmember Friedel stated he would not support the motion because doing so was inconsistent with the zoning code's requirement of a 600-foot minimum distance between the establishment and the church. Councilmember Clark

clarified that the 600 feet was not to the edge of the church building, but to its parking lot and the view of the establishment from the church was obstructed.

On a voice vote, the motion was approved 9-1, Councilmember Friedel voted in opposition.

6. PUBLIC HEARING AND SPECIAL REVIEW 976: a special review to allow a microbrewery/distillery to locate with an all beverage liquor license with no gaming in a Entryway Light Industrial zone, at 3970 Pierce Parkway; Travis Peterson, Meadowlark Brewing, owner; Nik Zuhlsdorf, Morton Buildings, agent. Zoning commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

Karen Husman, Planner, gave a PowerPoint presentation and reviewed the criteria; stating the conditions would run with the land. She described the area in which the business would be located. She explained that the business's building design would have restrictions because it was located in the Shiloh Overlay District.

Councilmember Neese asked about the microbrewery's beer production and a special review. Ms. Husman explained that due to the amount of beer the business would produce (over 1,500 31-gallon barrels), a special review was required.

Nik Zuhlsdorf, Morton Buildings, 727 East Brundage Lane, Suite G, Sheridan, Wyoming, stated the facility would be a family-friendly establishment with 2 restaurants inside that would seat approximately 400-500 people. He continued that this was an established business in Sidney, Montana, but it had outgrown its building and sought to move to Billings.

Mayor Cole clarified that the business could not add gaming without having another special review.

The public hearing was opened.

- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana**, gave his support for the approval of the Special Review. He stated it would be nice to eat lunch there and then visit the zoo just across the road from this business.

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

Councilmember Clark moved for approval of Regular Agenda Item 5 with conditional approval and adoption of the findings of the 3 criteria, seconded by Councilmember Cromley.

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 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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana**, provided a copy of an expense for attendance to the ICSC ReCon Conference, submitted by Steve Zeier for payment, and asked Council to confirm the expense was a legitimate TIF expenditure.
- **Debbie Keller, SBBURA board member, 646 Orchard Lane, Billings, Montana**, wished to move forward from the unease and continuous inquiries that had plagued the TIF. She stated the board had worked very hard to remedy issues brought to light and had adopted bylaws, etc.

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

COUNCIL INITIATIVES:

Councilmember Cromley made a motion for the City Council and City Administrator to demand that the Montana Department of Transportation immediately modify the existing traffic control signal at the intersection of Montana Avenue and North 27th Street by adding a left turn arrow and lengthening the amount of time the traffic signal allowed traffic to clear North 27th Street after trains had cleared the crossing, seconded by Councilmember Yakawich. Councilmember Friedel made an amendment to the motion to change the suggested wording from “demand” to “strongly support / encourage” in the letter to MDOT, seconded by Councilmember Gibbs. On a voice vote, the motion to amend was approved 7-3, Councilmembers Joy, Cromley and Yakawich voted in opposition. On a voice vote, the amended motion was approved 8-2, Councilmembers Cromley and Yakawich voted in opposition.

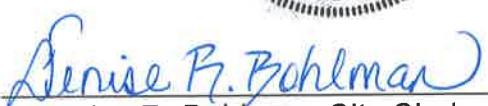
There was no further business, and the meeting adjourned at 9:49 p.m.



CITY OF BILLINGS

By: 
William A. Cole, Mayor

ATTEST:

By: 
Denise R. Bohlman, City Clerk