

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

January 9, 2012

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Astle gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, Astle and Crouch.

MINUTES:

- December 12, 2011
- December 19, 2011
- January 3, 2012 (Special Session)

Councilmember Cimmino moved for approval of the minutes, as submitted, for December 12, 2011, December 19, 2011, and January 3, 2012, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

ELECTION OF DEPUTY MAYOR PRO TEMPORE: Councilmember Ulledalen nominated Councilmember Cimmino, seconded by Councilmember Astle. Mayor Hanel briefly explained the duties of the Mayor Pro Tempore. Councilmember Cimmino nominated Councilmember Pitman, seconded by Councilmember Bird. On a 7 to 4 roll call vote, Councilmember Cimmino was elected. Councilmembers Cromley, Ronquillo, Cimmino, Ulledalen, Astle, Crouch, and Mayor Hanel voted for Councilmember Cimmino. Councilmembers Pitman, McFadden, Bird, and McCall voted for Councilmember Pitman.

COURTESIES: Councilmember Astle noted Coach Rob Ash from Montana State University had received the Liberty Mutual Coach of the Year Award, which included a \$70,000 award to be given to charities or scholarships of his choice.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced Item #5 - Public hearing and resolution approving and adopting second quarter budget amendments for Fiscal Year 2011/2012 and said a copy of a memorandum to Mayor and Council was sent in the 1/6/12 Friday Packet regarding a retirement contribution budget amendment. She said a copy was filed in the ex-parte notebook.
- Ms. Volek referenced a memorandum from City Attorney Brent Brooks, dated 1/9/2012, regarding common parliamentary motions/issues that had been e-mailed to

Council late that day. She said a copy was on Council's desk and filed in the ex-parte notebook.

- Ms. Volek reminded Council that Monday, January 16, was Martin Luther King Day and a federal holiday so city offices would be closed. She said the work session would be held on Tuesday, January 17, and the only item on the agenda was priority-based budgeting.
- Ms. Volek reminded Council of the dinner for retiring Councilmembers Gaghen, Ruegamer, and Clark to be held at the Petroleum Club on Thursday, January 19. She said she would follow up with the final details as soon as they were made. Ms. Volek said the dinner was only to honor the retiring councilmembers, and there would be no formal agenda involving city business.
- Ms. Volek asked if Council would be available to attend a special work session on Monday, January 30, at 5:30 p.m. to discuss the park maintenance district. She commented that January 30 was the fifth Monday of the month, so there were no other regularly-scheduled council meetings on that date. Ms. Volek said the Parks Board was interested in finding out what questions the Council had about the Park Maintenance District and what items they would like to discuss. She asked Council to forward the information to her by Tuesday of the following week so she could pass it along to the Parks Board. Councilmembers agreed to hold the special work session.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1, 6 & 7 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute. Please sign up on the clipboard located 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. There were no speakers, and the public comment period was closed.

1. CONSENT AGENDA

A. Change Order #1, Kings Green Subdivision Project, Phase IV; Knife River, \$26,434.40.

B. Approval of 5-year grazing lease with Wayne Townsend for 144 acres south of the Billings Regional Landfill (2/1/2012-1/31/2017) with one 5-year renewal option; annual revenue - \$432.

C. Sidewalk Easements for construction of W.O. 09-11, Rimrock Road - 17th Street West to Forsythia Blvd.; W.O. 10-31, 29th Street West and Central Avenue traffic signal; and W.O. 11-02, Miscellaneous and Developer-Related Project.

D. Right-of-Way Easement with Aspen Grove Partnership for construction of SID 1392, Yellowstone Family Park.

E. Revolving Loan Fund Pay-off Extension to Billie J. Ruff of Travel Cafe, Inc.

F. Acceptance of Warranty Deeds from Thomas and Carrie Schleder (1215 Ave. D) and Gary and Susan Carlson (1216 Ave. E) for W.O. 12-01, Water and Sanitary Sewer Replacement Project; \$1,000 each.

G. Grant Applications Request and Resolution #12-19131 to submit for TransADE, 5317 New Freedom, and 5316 JARC funds totaling \$265,000 for paratransit operating assistance and for a capital grant for purchase of a new paratransit van.

H. Resolution #12-19132 adopting the Tax Compliance Policy for Tax-Exempt Bonds.

I. Final Plat Approval of Amended Lots 2A-4-A, 2A-5A, 3A, and 4E, Block 1, Shiloh Crossing Subdivision

J. Bills and Payroll:

1. December 5, 2011
2. December 12, 2011
3. December 19, 2011

Councilmember Ulledalen separated Consent Agenda Item E. Councilmember Cimmino separated Consent Agenda Items J1 and J2. Councilmember McCall moved for approval of the Consent Agenda excluding Items E, J1 and J2, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

Councilmember Ulledalen referenced Item E and said he needed to abstain due to a conflict. Councilmember Cimmino moved for approval of Item E, seconded by Councilmember Ronquillo. On a voice vote, the motion was approved 10 to 0.

Councilmember Cimmino referenced Item J1, Invoice #751221, and Item J2, Invoice #751431, submitted by her employer and said she needed to abstain from both items. Councilmember Pitman moved for approval of Items J1 and J2, seconded by Councilmember Astle. On a voice vote, the motion was approved 10 to 0.

REGULAR AGENDA:

2. PUBLIC HEARING AND SPECIAL REVIEW #894: a special review to allow the expansion of an existing elementary and high school in a Residential 9,600 (R-96) zoning district described as Lot 3, Block 1, Cornerstone Subdivision and located at 4519 Grand Avenue. Cornerstone Community Church, owner; Alex Tommerup, AT Architecture, representative. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) Planner II and Zoning Coordinator Nicole Cromwell began her PowerPoint presentation with a zoning map showing the subject property and surrounding properties. She showed the site plan submitted with the application and pointed out the existing building that would eventually be demolished and the location of the proposed 3-story building, playground, and parking area. She pointed out the playing fields that would be moved further to the north. Ms. Cromwell showed photographs of the subject property, as well as an aerial view of the subject property

and surrounding properties. She showed photographs of Lenhardt Lane, a private road that bordered the subject property to the east. She said Lenhardt Lane may eventually become a city street when and if the adjacent properties were annexed. She said Lenhardt Lane had a 30-foot easement on both sides of the property line that currently divided the pavement. She said in the future it may become a property line instead of just an easement for the road, which was significant as part of one of the Zoning Commission's recommended conditions. Ms. Cromwell said each side of Lenhardt Lane was lined by mature Poplar trees, and part of the new parking lot and building may have an impact on the trees. She said one of the conditions recommended for approval had to do with maintaining the trees and replacing them if they were damaged by construction.

Ms. Cromwell advised the Zoning Commission was recommending approval based on the following 12 conditions.

1. The special review approval shall be limited to Lot 3 (as amended), Block 1, Cornerstone Subdivision, generally located at 4519 Grand Avenue.
2. The special review approval is for the construction of a new school building of 46,640 gross square feet and no other use is intended or implied by this approval.
3. Any expansion of the proposed building or off-street parking greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
4. All exterior lighting shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. The maximum height of any light pole in the parking or outdoor play areas shall be 20 feet above grade.
5. The site plan will be modified to show an 18 foot setback from the existing Lenhardt Lane easement.
6. No outdoor announcement system is allowed on a permanent or temporary basis.
7. No construction or demolition activity will occur before 8 am or after 8 pm daily.
8. Any new sign will require sign permit approval from the Planning Division. The proposed monument sign will comply with the sign code requirements in place at the time of application.
9. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building location.
10. The applicant will retain all existing healthy trees along Lenhardt Lane. Trees lost through damage within 1 year of final construction will be replaced with the same species.
11. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

12. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

Ms. Cromwell referenced Condition #5 and said the building would conform to setbacks when and if Lenhardt Lane became an actual street. She said Condition #10 referred to the existing trees and specified that the applicant would be responsible for replacing damaged trees with the same species within one year of final construction.

Mayor Hanel questioned Condition #6 concerning an outdoor announcement system. Ms. Cromwell said the Zoning Commission felt an outdoor announcement system was not appropriate for the subject location. Mayor Hanel said he felt one would be needed in case of an emergency.

Councilmember Astle said Poplar trees typically died around the current age of the subject trees and asked if the applicant would be perpetually left on the hook after one year. Ms. Cromwell advised the time period would be for only one year after final construction. She said if a tree fell over in a windstorm or died from a disease the applicant would not be responsible.

Councilmember McCall referenced Condition #6 and asked if there would not even be a buzzer system allowed to call the kids in from recess. Ms. Cromwell said a buzzer would not be encompassed in an announcement system.

Councilmember Bird referenced the 18-foot setback for the easement and asked if the easement started where the lane currently ended or at the end of the property line; and if it would be an additional 18 feet from the property line. Ms. Cromwell advised the property line basically went down the middle of the pavement of Lenhardt Lane. She said the easement was 30 feet and the applicant was showing a 10-foot setback to the existing easement. She said the Zoning Commission was recommending 18 feet due to the height of the building.

Councilmember Astle asked if there had been any protests. Ms. Cromwell said there were no protests.

The public hearing was opened.

- **Alex Tommerup, 170 Erickson Court, Billings, MT**, said he was the architect on the project. He said the current structure was an old modular building moved to the property in the early 1980's, and its lifetime had passed. He said he did not have anything more to add but was available to answer any questions.

Councilmember Ulledalen commented the proposal addressed the issue of cut-off lighting and asked if there would be cut-off lighting on the sides of the lightly-colored building that was not addressed in the code that would create light pollution to the neighbors to the east or north. Mr. Tommerup said the lighting issue was still far down the road, but they always used cut-off lighting. He said there would be residual light that would hit the neighbors, but it would not be directly shining on them.

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

City Attorney Brent Brooks recommended Condition #10 be amended to add the word 'construction' after the word 'through' so it would read "Trees lost through construction

damage....” He said if there was a motion to approve, he recommended the motion include adoption of the 12 conditions and the amendment to Condition #10 to add the word ‘construction.’

Councilmember McCall moved for approval of Special Review #894 based on the 12 recommended conditions and to include the word ‘construction’ in Condition #10 as recommended by Attorney Brooks, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND SPECIAL REVIEW #895: a special review to allow the location of an all beverage license (gaming attached) in a Controlled Industrial (CI) zone on Lot 11A-1, Block 1, CBH Industrial Park Subdivision, a 2.3 acre parcel of land generally located at 1911 King Avenue West; Bob Pulley, representative. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Planner II and Zoning Coordinator Nicole Cromwell advised the special review was to locate an all beverage license with gaming attached; however, the Asian Sea Grill was only interested in providing an all beverage service to their dining customers and not interested in providing gaming. She said the code required a special review even if the gaming would not be utilized. Ms. Cromwell said the Asian Sea Grill was located in a multi-tenant building close to the intersection of 20th Street West and King Avenue West. She showed a zoning map, an aerial view, and photographs of the subject property and surrounding properties. She said the Asian Sea Grill planned to expand into an adjacent space, so there would be an interior remodel but no exterior remodel. Ms. Cromwell advised the Zoning Commission held a public hearing on December 6, 2011, and no one testified except for the applicant and the agent. She said the Zoning Commission was recommending approval based on the following five conditions.

1. The special review approval shall be limited to Lot 11A-1, Block 1 CBH Industrial Park.
2. Any expansion of the proposed interior space greater than 10 percent of 5,000 square feet (Suites 3, 4 & 5), building occupancy or parking lot greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
3. There shall be no outdoor public address system or outside announcement system of any kind.
4. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
5. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

Councilmember Ulledalen said it would be the third liquor license and the second gaming license in the building and asked at what point they had separation or spacing issues. Ms. Cromwell advised under local code there were no spacing requirements. She said there

were separation requirements to churches, public parks, or schools with playground equipment; however, it did not require waiver of that separation requirement. She said she was not fully versed on state requirements but believed there could be multiple liquor licenses in a building as long as they were not owned by the same people. She said there might be a minimum separation of licenses owned by the same people.

Councilmember Astle asked if there was a condition that the applicant could not have gaming due to the lease requirement. Ms. Cromwell said it was not a condition of approval but a lease requirement of the building owner because of a non-compete clause with the casino that currently existed in the same building.

The public comment period was opened.

- **Bob Pulley, 321 Glee Place, Billings, MT**, said the space was formerly the Silver City Casino, and there was a non-compete clause in the building so there could be no more gaming. He said in order to justify the expansion his client was asking to serve all beverages. Mr. Pulley asked if there were any questions.

Councilmember Ronquillo asked if Salad Creations would be affected. Mr. Pulley said they would not. Councilmember Cimmino asked if Bruno's had a beer and wine license. Mr. Pulley said Bruno's had a beer and wine cabaret license.

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

Councilmember Astle moved for approval of Special Review #895 based on the five recommended conditions, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND FIRST READING ORDINANCE amending the boundaries of Ward IV to exclude the portion of recently de-annexed property in De-Annexation #11-04 described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Volek advised there was no presentation, but staff was available for questions.

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

Councilmember Ulledalen moved for approval of Item 4, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND RESOLUTION #12-19133 approving and adopting second quarter budget amendments for Fiscal Year 2011/2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Volek advised there was no presentation, but staff was available for questions.

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

Councilmember Astle moved for approval of adoption of second quarter budget amendments for FY2011/2012, seconded by Councilmember Ronquillo.

Councilmember Pitman asked why the work on the cemetery road and buying a loader and dump truck for over \$200,000 were being done as budget amendments versus having them as part of the budget process they were about to begin. Finance Director Pat Weber advised the cemetery was given the opportunity to be included in Public Works' PAVER program. He said when the bid was put out for the PAVER program, the Engineering Division would be able to include the cemetery road project knowing a budget amendment had been approved. Mr. Weber said there would be a cost savings by having the work done through the PAVER program instead of having it done by a separate contractor. Mr. Weber said the two pieces of equipment were in the FY2011 Equipment Replacement Plan and budget, but Parks did not get them purchased in FY2011, so they were just a re-budget. Councilmember Pitman asked if the two pieces of equipment were replacements for existing equipment or were new. Mr. Weber said they were both replacements.

Councilmember Cimmino asked why the cemetery was not done at the same time Public Works completed their work over the summer. Mr. Weber said it had to be bid and it was not bid last year as part of the PAVER program. Ms. Volek advised it would be bid this summer. Councilmember Cimmino asked if it would be in FY2012 or 2013. Mr. Weber said it would be encumbered in FY2012. Parks Director Mike Whitaker commented that last winter had taken a toll on the cemetery road, and it was in very bad shape. He said the cemetery superintendent recommended that Parks partner with Public Works to get the road repaired.

Mayor Hanel referenced Solid Waste Fund 5440 where Public Works was requesting budget authority to commence a Solid Waste Master Plan and expand licensing at the landfill. He said it indicated the plan was approved in the CIP but the scope had changed due to direction by Council at a recent work session and asked for further explanation. Public Works Director Dave Mumford said several months ago they had discussed that other communities wanted to use the landfill. He said in order for staff to understand the impact, they wanted to look at the ability to take on more trash. He said they would also be starting the process of licensing the last 375 acres, which would cost over \$500,000. Mayor Hanel asked if the lease approved earlier that evening would interfere with the timeframe of the expansion. Mr. Mumford said the lease approved that evening was for five years, and they would not be getting into the area for over five years. Councilmember Ulledalen asked if they were just adding the existing direction from the Council to the prior scope of work they had for the expansion. Mr. Mumford said that was correct.

Councilmember Ronquillo referenced the cemetery road repairs and asked Mr. Mumford if the City had purchased a paver. Mr. Mumford said they purchased a roto-mill machine, and they already had a small paver. Councilmember Ronquillo asked if city staff would do any of the work or if all of it would be put out for bid. Mr. Mumford advised staff did small patching and paving repairs, but it would be more cost effective to include the cemetery road project with the annual PAVER program.

On a voice vote, the motion was approved 9 to 2. Councilmembers Cimmino and Pitman voted in opposition.

6. APPROVAL of \$8,000 Downtown Tax Increment Financing for the Downtown Shuttle/Circulator Study. Downtown Billings Partnership Board of Directors recommends approval. (Action: approval or disapproval of Downtown Billings Partnership Board of Directors' recommendation.)

City Administrator Volek advised there was no presentation, but staff was available for questions.

Councilmember Ronquillo said he had heard in a couple of meetings and in talking with the County Commissioners something about a shuttle between the Metra and downtown and between the colleges and downtown and asked if the City was in communication with them. Assistant City Administrator Bruce McCandless advised the shuttle would be exclusive to downtown, and he did not know that it involved the Metra. He said the County Commissioners would have input into the decision.

Councilmember Cimmino asked if city staff could do the study. Planning Director Candi Beaudry advised it was a feasibility study, and they were trying not to bias the destination. She said they knew it would end up downtown, and they had received suggestions that it connect MSU-B, Rocky Mountain College, the East Billings Urban Renewal District (EBURD), and possibly the Metra with downtown. She said they would be conducting a survey to find out where the best destinations were and the route. Ms. Beaudry said MET Transit has had a retainer with LSC Consultants for a number of years. She said the contract was under \$20,000 and did not need to go through the bid process. She said they selected A.T. Stoddard of LSC Consultants because of his familiarity with the city and his availability.

Councilmember Pitman said the city had done parking studies and MET Transit had done route studies, and he did not understand why it would cost \$20,000 to study it again to determine if a trolley could circle Billings and where it would circle. He said it did not make sense to study it again. Ms. Beaudry said it went far beyond just identifying the route. She said they would be looking at headway times, how many buses would be provided, how many stops would be made, and if it should be provided by a private company or MET Transit. She said there were very important decisions to make with long-term ramifications on the cost of maintenance and equipment. She confirmed it would more than likely be a bus and not a trolley, but they would be looking at different modes.

Councilmember McFadden asked why MET Transit could not do the study, decide where to put the routes, and save the City \$20,000. Ms. Beaudry said they were looking at a long-term solution for getting people into downtown, so they needed to look at the maintenance and equipment costs. She said MET currently had issues providing service with its existing buses and operations. She said the upfront planning they were doing would tell them whether it was a go or no-go operation, and she felt it was valuable because they could end up going forward with a downtown circulator that would fail in a number of years and not give the city the service it was looking for. Councilmember McFadden asked Ms. Beaudry if she felt the consultant would actually come back and tell the city it was a bad idea. Ms. Beaudry said she hoped it was an opportunity because if the city tried to implement it without having all of the facts and figures ahead of them, it could lose a lot more than \$20,000. She added the \$12,000 that made up the difference was through Federal Planning Transportation Funds that came to the Planning Department.

Mayor Hanel asked if the shuttle would possibly provide transportation to and from the Airport on North 27th. Ms. Beaudry advised at the current stage the destinations had not been determined. She said the survey would be asking downtown employees and people who frequented the downtown area where they came from and whether a shuttle would provide them with a needed service. She said if they found a lot of out-of-town visitors were coming directly from the airport and a shuttle was needed, they would look at expanding the route to the airport. She said the project had been in the works for a decade or more. She commented getting people from the medical corridor who were using the hospitals,

employees from the medical corridor, and students into downtown easily and timely for shopping and dining would really benefit the downtown businesses, which was why the Downtown Partnership was so willing to get behind it. Mayor Hanel said he felt having the airport included in the study would be beneficial. Ms. Beaudry said they would take it into consideration.

Councilmember Ronquillo said he felt the current trolley service may have some answers to their questions. Ms. Beaudry agreed and said they saw a partnership with private industry as a viable way to operate the enterprise. She said they would not be looking at just MET to operate the shuttle and would be looking at private operators, as well.

Councilmember McCall asked if there was a timeline. Ms. Beaudry said she was not sure of a timeline. She said the idea was put together by a group of people from the Downtown Billings Partnership, Big Sky Economic Development Authority (BSEDA), Planning, and MET Transit. She said they wanted to do a feasibility study to conduct a pilot project to determine whether they could go forward with a profitable, sustainable operation or whether it was not going to work. She said there were opportunities currently to acquire equipment on a grant basis from the Department of Transportation, so it seemed like a good time to at least look at the feasibility because they may be able to acquire buses through the program. Councilmember McCall said she was fully in support of it, thought it was a smart thing to do, and well worth the funds. She said they would be pulling together all of the stakeholders, the community was growing, and they needed to pay attention how they were connecting people and transporting people downtown. Ms. Beaudry commented that MSU-B was a participant, and they had contacted the hospitals to participate, as well.

Councilmember Ulledalen commented it could also make better use of downtown surface parking available for employees. He said the employees could be shuttled, which would create more space in the parking garages.

MET Transit Manager Ron Wenger clarified that the \$20,000 could in no way be used by MET for operating or to dispel any other costs. He said the \$12,000 was from Planning's Transportation Planning budget and the \$8,000 would put the \$20,000 together without using any other funds. He said the possibility of a downtown shuttle came up every five years or so, and they had looked at it at least four or five times. He said it was time to revisit it again. He said the biggest issues were funding and public interest.

Councilmember Bird clarified that the \$12,000 was from a grant and the investment from the city was actually \$8,000. Mr. Wenger said that was correct.

Councilmember Cimmino asked how much money the other stakeholders, such as the colleges, the medical corridor, BSEDA, and the Chamber, were donating. Mr. Wenger said at that point they were not donating to the actual fund of the study, but he felt the study would determine how much money they would be willing to bring to the table to help with operations should some type of a shuttle be put together. Councilmember Cimmino referenced Item G of the Consent Agenda, which included funding for a new paratransit van, and asked if the new van could be used for the pilot program instead of buying a new bus. Mr. Wenger said it could not because it was a replacement van for their current fleet and not an additional vehicle so it would not be available.

Councilmember Ulledalen asked Mr. Wenger to explain the paratransit program and the MET Link route that ran downtown for the new councilmembers. Mr. Wenger briefly explained that paratransit was a parallel system the city was required to operate through the Americans with Disabilities Act providing transportation for people whose disabling conditions

prevented them from using the regular, fixed-route buses. He said the city's parallel system operated at the same times of day as the regular fixed-route buses. Mr. Wenger explained the MET Link route was set up to serve the medical corridor, a high-rise elderly complex, and the downtown area on an hourly basis.

Greg Krueger of the Downtown Billings Partnership said he felt the \$8,000 was one of the best expenditures of tax increment funds since 1998. He said there had been talk about a shuttle bus in downtown Billings for the past 15 years. He said a brand new bus would cost \$350,000 and tax increment could be used to purchase it. Mr. Krueger asked what good a new bus would do if it did not serve a need. He said the study would determine if there was a need. He said to just add a program to MET was dangerous, and they needed an expert to tell them if the program would even work.

Councilmember Pitman asked why they were not turning it over to private industry and why the city was even involved. He said they already had the trolley. He asked why they were not putting out an RFP and letting someone else do the legwork. He said the city would do a business plan and all of the risk study and then throw it out to see if anyone wanted to do it. He said the city would be taking on more liability and expense at a time when the city was hitting a loss of revenue. Mr. Krueger said they had thrown it out to the private sector many times and had tried getting shuttles to the Metra but no one had been interested. He said unless it was proven to be profitable, no one would be interested, and that was what the study would determine.

Councilmember McCall moved for approval of Item 6, seconded by Councilmember McFadden. On a voice vote, the motion was approved 9 to 2. Councilmembers Pitman and Cimmino voted in opposition.

7. APPROVAL of \$20,000 Downtown Tax Increment Funding for the North 25th Street Pedestrian Bridge Project. Downtown Billings Partnership Board of Directors recommends approval. (Action: approval or disapproval of Downtown Billings Partnership Board of Directors' recommendation.) City Administrator Volek advised there was no presentation, but staff was available for questions.

Councilmember Ronquillo said he thought the money could be used to help the homeless population instead of putting it into the bridge. He said he thought it was a waste of time and money even though it was federal money because it was still coming out of the taxpayers' pockets. He said he did not see the feasibility of using the bridge, and he could not support it.

Mr. Krueger said any connection they could make from the north side to the south side was a good thing. He said Billings was about to have three times the amount of rail traffic in downtown, and any type of a connection across the tracks was very important. Mr. Krueger said he agreed helping the homeless population was extremely important to downtown, and he thought the bridge was a step in the right direction. He said at first he thought the bridge was a luxury, but he no longer felt that way. He said the south side neighborhoods were important to downtown. Mr. Krueger said there was a time when he never would have believed the L & L Building (Arcade) would be a viable development, and currently there was a Subway in the building. He said he watched people crossing both sides of the tracks on a daily basis. He said he respected Councilmember Ronquillo's disagreement and could see his point that there were better ways to use the dollars, but he believed it was a very good expenditure of tax increment.

Councilmember Astle asked if installing the bridge would create a payroll that would be spread around Billings. Mr. Krueger said that would be his guess. Mr. Krueger advised the Business Improvement District was in place to maintain it, such as shoveling snow and making sure people were not sleeping on it. He said it was time for the bridge.

Councilmember Bird said she agreed with Mr. Krueger's reasoning for the bridge because the connection between the north and south sides was essential. She said her only concern was that the bridge would be built and then the city would experience increased rail traffic, and the bridge would need to be torn down to accommodate it. Mr. Krueger advised the predictions were that the existing tracks would accommodate the increased rail traffic, and there were no plans to add another rail. He said there was a limited amount of space the railroad had to use, and the construction of the bridge accommodated that space.

Councilmember Cromley asked if there had been a study to show the number of people who would use the bridge, the types of people who would use the bridge, and the need for the bridge. He also asked if it would be accessible to bicycles and be handicap accessible. Mr. Krueger said it would be accessible to bicycles and would be handicap accessible, but there had not been a study on who would use the bridge. He said a lot of it had been based on observation.

Councilmember McFadden asked if the bridge would be lit at night. Mr. Krueger said he did not know but imagined it should be.

Councilmember Cimmino said it was her understanding the bridge would connect from the Billings Depot on Montana Avenue to Minnesota Avenue. She said staff had advised that it would actually be from the parking lot to the west of the Depot to the railroad parking lot on Minnesota Avenue. Mr. Krueger said that was correct. Councilmember Cimmino said she had asked where the bicyclists and pedestrians would go once they got to the other side and she was told they would access the bike lane on Minnesota and the bike lane heading south on South 25th. She said she also asked if it would go to Coulson Park and then to the Heights or, if in the opposite direction, to Riverfront; and the response she received was that it would eventually get them to both via the Metra and Coulson Trail. Mr. Krueger said there were currently some diluted connections in downtown. He said in working with Project Homeless Connect, the bike police officers had led bicycle caravans through the bike lanes on the south side and through the connection that went by the river underneath I-90 and into the Heights. Mr. Krueger said it was not a direct line but it was doable, and there would be more connections in the future.

Councilmember Bird asked for a brief explanation as to why 25th Street was selected as the location for the bridge. Planning Director Candi Beaudry said it began in 1995 when the first BikeNet plan was developed for the city identifying possible bike routes through and around the city. She said one route was a vital connection from downtown to a trail along the river referred to as the Coulson Trail, and the one access point for it was under I-90 where a coal spur went to the Corette Power Plant. She said it was still upheld as the best route to connect the downtown destination and the trail. She said they put in a bike lane on 25th Street in 2001 that currently provided very good bicycle access to the downtown post office. She said the bridge would connect the bicycle path and link the historic district on Montana Avenue with the newly-formed historic district on Minnesota Avenue, as well as provide additional parking for cars, trucks and RV's, which they currently did not have anywhere downtown. Councilmember Bird asked if there would need to be infrastructure or modifications to accommodate pedestrians and bicyclists on the south side once the bridge

was built. Ms. Beaudry advised there were superb pedestrian facilities on Montana Avenue but not as continuous on Minnesota Avenue. She said once the parking lot was developed in that area, sidewalk would be developed and there would be a full connection on Minnesota Avenue.

Councilmember Ronquillo said they were always hurting for parking spaces, especially on Montana Avenue and said they would lose eight parking spaces. Ms. Beaudry said eight was very few in relation to how many they were gaining on the south side. She said at the February 6 work session staff would be providing a more in-depth explanation. Ms. Beaudry commented that in 2010 the Council approved the bridge as a CTEP project, and staff was in the process of finding the final funding for the project, which was based on an estimate.

Councilmember Cimmino said she remembered when Council approved the project from a conceptual point of view and staff indicated they would have to come up with a local match. She said so far it did not appear staff had all the money for the local match. Ms. Beaudry said they did have the money for the local match, but what they did not have was all the money to meet the bid estimate. She said they were \$29,000 short but with the approval of the \$20,000 from the Downtown Billings Partnership, they would be \$9,000 short, or 1% of the estimate. Councilmember Cimmino said the other \$9,295 cash donation was supposed to be committed by BikeNet and so far the city had not received it. Ms. Beaudry advised BikeNet had already committed \$25,000. She said if they needed the 1%, they would request it from BikeNet. Councilmember Cimmino said they were asking for \$20,000 from downtown tax increment; however, there was still a balance of another \$20,000 they were asking city council to approve; so they were actually looking at \$40,000, not \$20,000. Ms. Beaudry said Council had approved the other \$20,000 from the protested tax revenue from Qwest approximately one month prior.

Councilmember Astle moved for approval of Item 7, seconded by Councilmember McCall. On a voice vote, the motion was approved 8 to 3. Councilmembers Cromley, Ronquillo, and Cimmino voted in opposition.

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 up on the clipboard located at the podium.*)

- **Dennis Ulvestad, 3040 Central Avenue, Billings, MT**, asked why the Council did not approve the appointment of Jason Banfield of Local 521 to the EMS Commission at their meeting of December 12 after Mayor Hanel had recommended him. He said city employees should have the right to serve on city boards and commissions. Mr. Ulvestad asked Council to reconsider appointing Mr. Banfield and give him a chance to participate to further the betterment of Billings.
- **Joe White, Billings, MT**, spoke about a house falling apart and purchasing another house with money from the damages. He also spoke about caring for children and buying a bus for children. The majority of Mr. White's testimony was inaudible.

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

COUNCIL INITIATIVES

There were no council initiatives.

Councilmember Ronquillo thanked Public Works for putting in the water valve head on the broken piece of pipe on South 28th Street.

There was no further business, and the meeting adjourned at 8:10 p.m.

CITY OF BILLINGS



ATTEST:

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

BY: Cari Martin
Cari Martin, City Clerk