

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

March 25, 2013

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27<sup>th</sup> 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 Cromley gave the invocation.

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

**MINUTES:** March 11, 2013 – Councilmember Astle moved for approval, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

### COURTESIES:

- Councilmember McFadden announced the local bagpipe band raised \$3,700 during their St. Patrick's Day Pub Crawl that would be donated to the Big Sky Honor Flight. He said \$2,000 was from their corporate business sponsors - Intermountain Distributing, Yellowstone Brewing, Uberbrew, Trailhead Spirits, Fiddler's Green, Montana Brewing Company, Hooligans, Stampede Country, and Pug Mahons; and \$1,700 was raised passing the hat through the crowd.
- Councilmember Pitman noted he had distributed the legislative agenda from his trip to the National League of Cities in Washington DC.
- At the request of Mayor Hanel, Boy Scout Nathan Espeland introduced himself. He said he was a member of Troop 371 and attended Miles Avenue Elementary School.

**PROCLAMATIONS:** None

### ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items and noted a copy of each item was filed in the ex-parte notebook in the back of the room.

- **Item 5 – Continued Public Hearings for Annexation #13-01 and Zone Change #907 for approximately 97 acres legally described as Tract 1, C/S 2587, and Tract 1, C/S 3329 generally located northwest of the intersection of Hesper Road and Gabel Road.**
  - ✓ E-mails received by the Mayor and Council on 2/26/13 from Guy Atkins and Dione Roberts in favor of the annexation and zone change.
  - ✓ E-mail forwarded to the Mayor and Council on 3/5/13 from Verlin Koenig in favor of the annexation but opposed to FedEx building in the area.
  - ✓ E-mail forwarded to Mayor and Council on 3/18/13 from Matt Brosovich rescinding his protest of the annexation and development.

- ✓ Letter from Sam Rankin, dated 3/18/13, regarding alternate location for FedEx facility included in 3/22/13 Friday Packet.
- ✓ E-mail forwarded to Mayor and Council on 3/19/13 from Tim Filz with photographs of other FedEx projects.
- ✓ E-mail forwarded to Mayor and Council on 3/20/13 from Judy Herzog in support of the annexation.
- ✓ Air Quality Study – delivered to Mayor and Council on 3/18/13. Copies were placed in mailboxes.
- ✓ Letter from Tim Filz, e-mailed to Mayor and Council on 3/21/13 concerning air quality concerns. Copies were provided and are on Council's desk.
- **Item 6 – Centennial Park Lease between City of Billings and Billings Community Youth Foundation, Inc.**
  - ✓ Documentation relating to the Lease e-mailed to Mayor and Council on 3/22/13.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 & #6 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute. Please sign in at the cart located at the back of the council chambers or at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

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

## 1. **CONSENT AGENDA**

### A. **Mayor Hanel recommends that Council confirm the following appointments:**

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Animal Control Board	01/01/13	12/31/16
2	No Applications	Animal Control Board*	01/01/13	12/31/13
3	Kristi Drake	Bicycle & Pedestrian Advisory	01/01/13	12/31/15
4	Darryl Wilson	Bicycle & Pedestrian Advisory	01/01/13	12/31/15
5	No Applications	Board of Appeals - Electrical	01/01/13	12/31/13
6	No Applications	Board of Appeals - Builder	01/01/13	12/31/15
7	No Applications	Housing Authority Res Comm	01/01/13	12/31/13
8	No Applications	Human Relations Board*	01/01/13	12/31/15
9	No Applications	Human Relations Board*	01/01/13	12/31/15
10	No Applications	Human Relations Board	01/01/13	12/31/16
11	No Applications	Mayor's Homelessness Lending	01/01/13	12/31/16

12	No Applications	Mayor's Homelessness Econ Dev	01/01/13	12/31/16
13	No Applications	Mayor's Homelessness Econ Dev*	01/01/13	12/31/14

- 2. Unexpired term of Solomon Neuhardt
- 8. Unexpired term of Malcolm Bailey
- 9. Unexpired term of Claudia Stephens
- 13. Unexpired term of Bruce MacIntyre

**B. Bid Awards:**

**1. Two New Current Model Year 16-Foot Width, Wide Area Rotary Mowers.**  
(Opened 3/12/2013) Recommend Midland Implement; \$159,298; recommend rejection of total trade-in allowance of \$2,000 and authorization for staff to sell Units 1642 and 1643 according to the Surplus Property Disposal Policy.

**2. W.O. 13-06, Rehberg Ranch Irrigation Center Pivot.** (Opened 3/12/13)  
Recommend BPPS, Inc.; \$93,201.22.

**3. W.O. 11-19, Solid Waste Landfill Phase 5 Expansion.** (Opened 3/12/2013)  
Recommend Montana Civil Contractors, Inc.; \$2,041,324.

**C. Approval** of four new Aviation Commercial Ground Leases with Lynch Flying Service, Inc. dba Edwards Jet Center and Edwards Jet Center Montana, Inc.; total annual revenue first year - \$165,232.18; revenue for subsequent years to be adjusted annually by the Consumer Price Index for All Urban Consumers (CPI-U); and **approval** of Lessor's Consent to Assignment to Stockman Bank.

**D. Digitization Service Agreement** with Western Heritage Center; \$25,000.

**E. Certified Local Government Program Contract** with State of Montana Historic Preservation Office; \$5,500. Local matches: City of Billings Planning Division - \$1,031; Yellowstone County - \$1,000; City of Laurel - \$469.

**F. Memorandum of Understanding** with Beartooth RC&D Economic Development District, \$9,563.62 annual expense. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**G. Confirmation of Probationary Police Officers Andrew Sanders and Matthew Frank.**

**H. Rimrock Road - Shiloh to Forsythia Boulevard**

**1. Right-of-Way Easement Agreement** with Dennis Buscher, DOL Holdings, LLC; W.O. 09-20, Rimrock Road Improvements - Forsythia Boulevard to Shiloh Road

**2. Resolution of Intent #13-19251** to create SILMD 311, Rimrock Road from Forsythia Boulevard to Shiloh Road; and set a public hearing date for April 22, 2013.

**I. Acceptance of Donation** from First Interstate Bank to support Project Homelessness; \$5,000.

**J. Subordination of Housing Rehabilitation Loan** for Barbara J. Hickson; \$12,000.

**K. Resolution #13-19252** allocating monies from the SID Revolving Loan Fund contained within the Council Contingency General Fund Account. Public Safety New World Software - \$600,000; City Hall Lighting Upgrade - \$81,000; Lighting Upgrade in Seven Fire Stations and Boiler Replacement in Fire Station 2 - \$216,000; Establish Community Development Home Reinvestment Revolving Program - \$250,000.

**L. Resolution #13-19253** relating to \$13,210,000 Tax Increment Urban Renewal Bonds for construction of the Empire Parking Garage authorizing the sale and outlining the terms and details of the bonds.

**M. Final Plat** of Foxtail Village Subdivision, 2nd Filing, Amended Block 2.

**N. Bills and Payroll:**

1. February 25, 2013
2. March 4, 2013
3. July 1, 2012 - December 31, 2012 - Municipal Court

Councilmember Cimmino separated Consent Agenda Items D, E, K, N1 and N2. Councilmember Pitman separated Consent Agenda Item G.

Councilmember McCall moved for approval of the Consent Agenda with the exception of Items D, E, G, K, N1 and N2, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino referenced Item D and said she would abstain due to a personal conflict. Councilmember Astle moved for approval of Item D, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10 to 0.

Councilmember Cimmino referenced Item E and said she would abstain due to a personal conflict. Councilmember Astle moved for approval of Item E, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10 to 0.

Councilmember Cimmino referenced Item K and asked if the Public Safety New World Software for \$600,000 was part of the FY2014 Equipment Replacement Plan (ERP). She asked if they were asking for another \$600,000. Ms. Volek said it was for replacement of a 20 plus-year-old system used by the Police Department, Sheriff's Department, and Fire Department; and it was the Finance Department's recommendation to utilize the SID Revolving Loan Fund. She said it was an additional expenditure and not part of the ERP. Councilmember Cimmino asked if the rebates

from the lighting upgrades being paid out of Council Contingency for City Hall and the Fire Stations would be refunded to the Parking Division and then the General Fund. Ms. Volek said the refund could be split. She said Parking funds were used to make improvements in the parking garage attached to City Hall, and they were not able to claim the rebate from NorthWestern Energy unless City Hall was done, as well. The Council Contingency Fund would be used to do the City Hall lighting upgrade that would complement the work already done with Parking funds in the parking garage. She said the City would receive a significant rebate check that would be brought to Council in the future, and there would also be a separate rebate for Aviation and Transit. She said they could split the rebates to reimburse the Parking Fund and either the General Fund or Council Contingency Fund. The overall rebate for the parking garage and City Hall would be in excess of \$200,000.

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

Councilmember Cimmino referenced Consent Agenda Item N1, Invoice #763542; and Consent Agenda Item N2, Invoice #763762, and said she would abstain from both items due to her employment. Councilmember Astle moved for approval of Items N1 and N2, seconded by Councilmember Pitman. On a voice vote, the motion was approved 10 to 0.

Councilmember Pitman referenced Consent Agenda Item G. He said he would not abstain but wanted to make full disclosure that he had known Andrew Sanders since he was six years old, and the City was fortunate to have him confirmed with the Police Department. Councilmember Pitman moved for approval of Item G, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

## **REGULAR AGENDA:**

2. **PUBLIC HEARING for the sale of city-owned property located at 502 South 33rd Street, Billings, MT, also known as the Irma House II. Because no bids on the property were received, staff recommends continuing to market the property for sale. (Action: approval or disapproval of staff recommendation.)** Ms. Volek advised staff had no presentation but was available to answer questions.

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

Councilmember Ronquillo moved to continue marketing the property for sale, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

3. **PUBLIC HEARING AND RESOLUTION #13-19254 approving the FY2014-2018 Capital Improvement Plan (CIP); FY2014 Equipment Replacement Plan (ERP); and the FY2014 Technology Replacement Plan (TRP). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)** Deputy Public Works Director Vern Heisler advised he had no formal presentation. He said the process was started last November, two public meetings were held, and Council received a presentation at a work session. He had provided a summary of the changes

to the draft CIP in the Friday Packet a few weeks prior to that evening and asked that those changes be taken into account with Council's action that evening.

Councilmember Cimmino asked for clarification on the postponement of the MSU Library donation of \$7.2 million. Mr. Heisler advised the director of the library had met with the Mayor and Council and requested the postponement.

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

Councilmember McCall moved for approval of Item 3, seconded by Councilmember Pitman. Councilmember Ronquillo thanked Mr. Heisler for doing an outstanding job. It was really just a wish list, and it was unfortunate only a few people attended the public meetings. On a voice vote, the motion was unanimously approved.

#### **4. 1228 AND 1236 MULLOWNEY LANE ANNEXATION AND ZONE CHANGE REQUEST**

**A. PUBLIC HEARING AND RESOLUTION #13-19254 FOR ANNEXATION #13-02: Property described as an unplatted 63.32-acre parcel of land generally located south of the King Avenue West interchange with Interstate 90 and addressed as 1228 and 1236 Mullooney Lane; Elizabeth Zeiler, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)** Planning Division Manager, Wyeth Friday, explained the public hearing for the annexation request must be held, and the property must be annexed into the City before Zone Change #908 could be considered. He began his presentation showing the Limits of Annexation Map and advised the subject property was located within the Red Area. Mr. Friday advised the proposed annexation complied with the adopted Annexation Policy criteria, as follows:

1. The area is located within the Limits of Annexation.
2. The City is able to adequately provide municipal water and sewer services. Sewer and water services will require extension of lines by the property owner at the time of development.
3. Any proposed improvements to the property will meet City standards.
4. As part of a Development Agreement or Subdivision Improvement Agreement, the owners will sign a Waiver of Right to Protest the creation of any Special Improvement Districts.
5. If annexed, any proposed land use will comply with the zoning. Future development also may conform to the goals of the City of Billings and Yellowstone County Growth Policy.

Mr. Friday advised staff was recommending that Council conduct the public hearing and approve the resolution annexing the property subject to the two standard conditions, as follows:

1. Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements, and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
2. A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

The public hearing was opened.

- **Marshall Phil, Blueline Engineering, 2110 Overland Avenue, Billings, MT,** said he was the agent for the property owner and was available to answer questions about the application.

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

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

**B. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #908: A zone change from Agriculture Open-Space (A-1) to Highway Commercial (HC) on an un-platted 63.32-acre parcel of land generally located south of the King Ave West interchange with Interstate 90 and addressed as 1228 and 1236 Mullooney Lane. Elizabeth Zeiler, owner. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)** Zoning Coordinator/Planner II, Nicole Cromwell, described the zoning map, annexation map, aerial photos, and photographs of the subject property and surrounding properties. The Zoning Commission held a public hearing on March 5, 2013, and was recommending approval based on the following 10 criteria.

**1. Is the new zoning designed in accordance with the Growth Policy?**

The proposed zone change is consistent with the following goals of the Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)

The proposed zoning is identical to the adjacent zoning in the city limits. The current neighborhood character is a mixture of service businesses, retail, and tourism related uses. The proposed zoning will allow similar business and commerce on the property.

- Contiguous development focused in and around existing population centers. (Land Use Element Goal, page 6)

The proposed zoning will allow the contiguous expansion of the city limits and city services, and avoid "leapfrogging" development outside of the urban area.

- Attractive & accessible communities. (Economic Development Element Goal, page 7)

The proposed zoning will encourage new businesses to locate in this gateway area.

**2. Is the new zoning designed to secure from fire and other dangers?**

The new zoning requires minimum setbacks, open and landscaped areas, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

**3. Whether the new zoning will promote public health, public safety and general welfare?**

Public health and public safety will be promoted by the proposed zoning. Any development of the property will require connection to the city public utilities and improvements to adjacent streets and intersections. The city and state have invested in nearby transportation systems and utilities that will provide service to the property. Additional users and rate payers for those systems will benefit the general welfare. The proposed zoning will result in economic development in this gateway area of Billings.

**4. Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?**

Transportation: The proposed zoning will impact the surrounding streets, and a traffic impact study will likely be required prior to development of the property. The City Engineering Division will have to assess any traffic impacts and may require street and intersection improvements prior to or concurrent with any development of the property.

Water and Sewer: The City will be able to provide water and sewer to the property by extension of lines. The developer will pay all related costs of this utility extensions as well as systems development fees.

Schools and Parks: There should be no impact to schools from the proposed zone change if the property is developed for commercial purposes, although residential development is allowed in HC zoning.

Fire and Police: The subject property is currently served by the Billings Urban Fire Service Area. City Public Safety Services has no concerns.

**5. Will the new zoning provide adequate light and air?**

The new zoning, as do all zoning districts, require building setbacks and separations so adequate light and air are assured.

**6. Will the new zoning effect motorized and non-motorized transportation?**

The subject property when developed will likely add several hundred new vehicle trips per day to adjacent streets. Anticipated traffic generation greater than 500 new trips per day will require a Traffic Accessibility Study to determine the impacts and to provide for improvements to those streets and intersections.



**7. Will the new zoning will promote compatible urban growth?**

The new zoning does promote compatibility with urban growth. Lower density development is inefficient and ineffective in recovering the costs to extend city services. The area is less than 500 feet from an interstate interchange and is adjacent to major commercial and retail businesses. There are compatible uses and zoning to the north, south and east.

**8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?**

The proposed zoning does consider the character of district and the suitability of the property for a variety of commercial and service industry uses. There is no specific project for the property at this time however its proximity to the interstate and major transportation routes will allow for efficient and direct access to the interstate and regional transportation network.

**9. Will the new zoning conserve the value of buildings?**

Surrounding property exhibits higher taxable land value. The property is currently in agricultural production. The parcel currently has two residential homes and several agricultural buildings. These buildings and uses will be conforming to the proposed zoning.

**10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?**

The proposed zoning will encourage the most appropriate use of land in this area of Billings. The proposed HC zone is identical to the adjacent zoning in the city. The adjacent subdivisions have been developed for a variety of allowed uses including service businesses, restaurants, hotels and other retail and hospitality businesses. The proposed zoning allows this mixture of uses and the development standards for site design, landscaping and transportation improvements will be appropriate for this location.

Councilmember McFadden asked if there were any current business interests on the subject property. Ms. Cromwell said there were none she was aware of.

The public hearing was opened.

- **Blaine Poppler, 5403 King Avenue West, Billings, MT**, said he did not object to the zoning of Highway Commercial but wanted to say so many properties along the interstate were burdened down with Entryway zoning, which was a thing of the past. The subject property should have been considered for Entryway zoning. He asked when properties zoned Entryway came before Council in the future requesting to change to Highway Commercial they remember they granted the subject property Highway Commercial with no consideration of Entryway zoning requirements and restrictions.

- Marshall Phil, Blueline Engineering, 2110 Overland Avenue, Billings, MT, said he represented the Zeilers, who felt Highway Commercial was the best way to start with the annexation and zoning process. He said there could be interested parties in the property, but there was no current development plan.

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

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

## **5. TRACT 1, CERTIFICATE OF SURVEY 2587 & TRACT 1, CERTIFICATE OF SURVEY 3329 ANNEXATION AND ZONE CHANGE REQUEST**

### **A. CONTINUANCE OF PUBLIC HEARING AND RESOLUTION #13-19255 FOR ANNEXATION #13-01: two parcels totaling approximately 97 acres in Tract 1, C/S 2587, and Tract 1, C/S 3329, generally located northwest of the intersection of Hesper Road and Gabel Road (Public Hearing continued from 2/25/2013); Industrial Planning Associates, L.P, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)**

Planning Division Manager, Wyeth Friday, advised a presentation had been made on February 25, 2013, and it was a continued public hearing that evening. He explained the the property must be annexed into the City before Zone Change #907 could be considered. He began his presentation showing the current Limits of Annexation Map and advised the subject property was located within the Red Area. He showed the plat and photographs of the subject property and surrounding properties. Mr. Friday advised the proposed annexation complied with the adopted Annexation Policy criteria, as follows:

1. The area is located within the Limits of Annexation.
2. The City is able to adequately provide municipal water and sewer services. Sewer and water services will require extension of lines by the property owner in Hesper Road at the time of development.
3. Any proposed improvements to the property will meet City standards.
4. As part of a Development Agreement or Subdivision Improvement Agreement, the owners will sign a Waiver of Right to Protest the creation of any Special Improvement Districts.
5. If annexed, any proposed land use will comply with the zoning. Future development also may conform to the goals of the City of Billings and Yellowstone County Growth Policy.

Mr. Friday advised staff was recommending that Council conduct the public hearing and approve the resolution annexing the property subject to the two standard conditions, as follows:

- Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements, and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

The public hearing was continued from February 25, 2013.

- Tim Filz, 2825 3<sup>rd</sup> Avenue North, Billings, MT, said he was speaking on behalf of the SunCap Property Group. He said there were no distinguishing factors between this annexation and the annexation Council just heard with Annexation #13-02. They were almost identical in terms of qualifications. Any objections they had heard were related to the zone change, so unless Council had questions or would like additional presentation on the annexation, he would sit down.
- Henry Nilson, 1424 Hondo Way, Billings, MT, said he was a Yellowstone County resident, and he felt the annexation was good growth for the county; and it would do the city well.

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

Councilmember Ulledalen moved for approval of Item 5A, seconded by Councilmember Astle.

Councilmember Cromley advised he would be abstaining from Items 5A and 5B. On a voice vote, the motion was approved 10 to 0.

**B. CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #907: A zone change from Agriculture Open-Space (A-1) to Controlled Industrial on 2 parcels of land described as Tract 1, C/S 2587 and Tract 1, C/S 3329, generally located northwest of the intersection of Hesper Road and Gabel Road (Public Hearing continued from 2/25/2013); Industrial Planning Associates, LP, owner; Dowl HKM, agent. On a 2-2 vote, Zoning Commission forwards no recommendation.** Zoning Coordinator/Planner II, Nicole Cromwell, began her presentation describing the zoning map, aerial views, and photographs of the subject property and surrounding properties. There was a proposal to relocate the property line between the two subject parcels to create a 50-acre parcel to the east and a 47+-acre parcel to the west. She said the proposal was to locate a FedEx Ground Transportation Hub on the east 50-acre parcel; and the Shiloh Road Overlay District would apply to the western half of the property if and when it was developed. Ms. Cromwell said when they had originally scheduled the public hearing for

February 25<sup>th</sup>, there was a valid protest. On March 15<sup>th</sup>, Matt Brosovich, the owner of property within 150 feet rescinded his protest signature from the petition leaving less than eight properties in protest of the zone change; so there was no longer a valid protest petition. One of the complicated factors in counting up the protests was that the Transtech Center was a unit ownership, and one of the parcels included in the 150 feet was the common area for all of Transtech. They would have had to have protest from all of the unit owners in Transtech to count the parcel as a protested parcel, and they only had a few signatures. Ms. Cromwell showed a photograph of the current, stop-controlled intersection at Hesper Road and Gabel Road and said the traffic study that had not yet been finalized indicated that any development would require a re-working of the traffic control at the intersection. She showed the original concept plan for development of the site, but she understood there had been discussion between the owners of Transtech and SunCap about the orientation of the proposed building, landscaping, and other site details that were not part of the zoning decision. The Planning Staff recommended approval of the zone change to the Zoning Commission based on the 10 criteria for zone changes, as follows:

**1. Is the new zoning designed in accordance with the Growth Policy?**

The proposed zone change is consistent with the following goals of the Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)

The proposed zoning is identical to the adjacent zoning in the city limits. The current neighborhood character is a mixture of service businesses, retail, corporate offices and industrial uses. The proposed zoning will allow similar business and commerce on the property.

- Limit regional commercial centers to areas having efficient and direct access to Interstate 90 or other regional corridor (Planned Growth Goal, page 18)

The proposed zoning will allow the regional commerce center planned in the West Billings Neighborhood Plan to be complete with compatible zoning throughout.

**2. Is the new zoning designed to secure from fire and other dangers?**

The new zoning requires minimum setbacks, open and landscaped areas, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

**3. Whether the new zoning will promote public health, public safety and general welfare?**

Public health and public safety will be promoted by the proposed zoning. Any development of the property will require connection to the city public utilities and improvements to adjacent streets and intersections. The city and state have invested in nearby transportation systems and utilities that will provide service to the property. Additional users and rate payers for those systems will benefit the general welfare. The proposed zoning will likely result in economic development and provision of new jobs to the Billings labor market.

**4. Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?**

Transportation: The proposed zoning will impact the surrounding streets, and a traffic impact study will be required. The City Engineering Division will have to approve the study and will require street and intersection improvements prior to or concurrent with any development of the property.

Water and Sewer: The City will be able to provide water and sewer to the property by extension of lines. The developer will pay all related costs of this utility extensions as well as systems development fees.

Schools and Parks: There should be no impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by the Billings Urban Fire Service Area. City Public Safety Services have no concerns.

**5. Will the new zoning provide adequate light and air?**

The new zoning, as do all zoning districts, require building setbacks and separations so adequate light and air are assured.

**6. Will the new zoning effect motorized and non-motorized transportation?**

The subject property when developed will likely add more than 500 vehicle trips per day to

adjacent streets. This will require a Traffic Accessibility Study to determine the impacts and to provide for improvements to those streets and intersections.

**7. Will the new zoning will promote compatible urban growth?**

The new zoning does promote compatibility with urban growth. Lower density development is inefficient and ineffective in recovering the costs to extend city services. The area was included in the regional commerce center as part of the West Billings Neighborhood Plan in 2001. The property is the last major piece of the commerce center to be proposed for annexation and zoning. There are compatible uses and zoning to the north, south, and east.

**8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?**

The proposed zoning does consider the character of the district and the suitability of the property for a variety of commercial and industrial uses. The intended use of the eastern 50 acres of the 97-acre property is for a FedEx Ground transportation hub. The applicant and agent describe this use as a transfer location from larger trucks to smaller trucks for local deliveries within Billings and the region. The property is located to allow for efficient and direct access to the interstate and regional transportation network.

**9. Will the new zoning conserve the value of buildings?**

Surrounding property exhibits higher taxable land value. The property is currently vacant and should increase in value when developed. There is one older manufactured home on the property that will become a nonconforming use of land. This uses is

protected by the zoning code so long as it continues in place. The zoning code also allows replacement of this manufactured home with a newer or larger manufactured home.

**10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?**

The proposed zoning will encourage the most appropriate use of land in this area of Billings. The proposed CI zone is identical to the adjacent zoning in the city. The adjacent subdivisions have been developed for a variety of allowed uses including corporate offices, service businesses, health care, retail and hospitality businesses. The proposed zoning allows this mixture of uses and the development standards for site design, landscaping and transportation improvements will be appropriate for this location.

Ms. Cromwell advised that evening Council could approve the zone change; deny the zone change; allow the applicant to withdraw the zone change; or delay for an additional 30 days.

Councilmember Bird asked when the traffic study would be finalized. Ms. Cromwell advised very soon following that evening's meeting if the zone change were approved.

Councilmember Cimmino asked Ms. Cromwell for a visual of where the FedEx facility would be placed on the property if the zone change were approved. Ms. Cromwell said she believed the original plan was to set the building approximately 800 feet north of Hesper Road and the main portion of the building approximately 500 to 800 feet west of the common boundary line.

The public hearing was continued from February 25, 2013.

- **Tim Filz, 2825 3<sup>rd</sup> Avenue North, Billings, MT**, said he was again speaking on behalf of the SunCap Property Group. Approximately one month ago he had asked Council for 30 days to meet with the individuals and entities opposed to the zone change, and they were able to meet with many and made good progress. Mr. Brosovich withdrew his protest, and late that afternoon representatives of the Transtech Group met with SunCap and he thought Attorney Peterson would come forward to confirm the Transtech Group had withdrawn their protest in light of a number of significant design and development changes offered by the SunCap Group.
- **Ken Peterson, 424 4<sup>th</sup> Street West, Billings, MT**, said he was speaking on behalf of some of the people in Transtech and wanted to confirm that the ACE Transtech Group (Edwards family); Transtech Bottrell Family Investments, and the common areas of Transtech had withdrawn their protest. Attorney Peterson asked Mr. Filz if there would be a presentation. Attorney Filz advised Council they would be making a presentation and at the end of the presentation Attorney Peterson had requested he be able to comment. Attorney Peterson said they would like the Council to see the pictures, designs, landscaping, etc. that led them to withdraw their protests.

- **Jason Bria, 6101 Carnegie Boulevard, Charlotte, NC**, said he was with SunCap Property Group. He thanked Mayor and Council for the 30 days to fine tune the development and meet with the opposition to address the issues raised with visual impacts, traffic concerns, and air quality issues. They would be going through all of the issues in their formal presentation to show the concessions made, the improvements from a visual standpoint, explanation of the traffic impacts, and the minimal air quality findings.
- **Jon Phillips, 6101 Carnegie Boulevard, Charlotte, NC**, said he was with SunCap Property Group and initially the building was planned as a pre-engineered metal building. Through discussions with the neighbors they had decided to do a tilt wall or pre-cast concrete building, which was a much higher grade and would look better than a metal building. Mr. Phillips said they would be doubling their initial landscape budget and would landscape on the south and east at Hesper and Gabel. Initially they had 50+ docks to the east facing Transtech and 20 docks to the west; but they had since mirrored the building to have 20 docks to the east and the remainder to the west. They would place 8-foot berms along the south and east perimeter of the property at a 4 to 1 slope. One of the neighborhood issues was traffic, particularly the backup at Zoo and Gabel when turning from Gabel onto Zoo. They had been informed the signal was controlled by the State Department of Transportation, and they were in initial talks with the state to re-cycle the signal to favor Gabel even more over Zoo to allow increased traffic flow. He said in lieu of chain-link fence they would install an 8-foot, black vinyl-coated vertical ornamental fence along the east and south perimeters of the property behind the 8-foot berm. They were also committed to constructing a signal at Gabel and Hesper as quickly as they could coordinate the study in accordance with the project. They also presented a color scheme of sage and taupe to the neighbors that seemed to be well received. Mr. Phillips showed renderings of the proposed landscaping, berming, and architecture from Gabel looking west and from Hesper looking north. He noted the landscaping was much heavier along Hesper and Gabel than anywhere else. They would work with city staff to allow as much of the landscaping as possible, particularly to the south and east. He said he thought FedEx would be a good neighbor, and they would be good for the city with new jobs, almost \$40 million in capital investment, over \$500,000 a year in annual property tax revenue, up to \$2 million in infrastructure improvements and traffic signal construction, and significant annual payroll taxes that would benefit the local economy. He said he felt the neighbors would agree they had found a lot of common ground the last 30 days.

Councilmember Ulledalen asked if facilities such as the proposed FedEx facility would attract other businesses to Billings. Mr. Phillips said they developed sites all over the country and found when a brand like FedEx moved into an area all types of businesses tended to follow. Councilmember Ulledalen asked if there would be a following of businesses that would be provided a certain advantage by having the FedEx facility in Billings. Mr. Phillips said he could speculate and had seen examples around the country where another major brand distributor located closer to a facility like FedEx just for the logistical advantages of having it nearby.

Councilmember McFadden asked if they planned to use local contractors. Mr. Phillips said they were in the process of determining who would build the facility, but he was certain a lot of the work would be local.

- **Rick Selensky, 222 N. 32<sup>nd</sup> Street, Billings, MT**, said he was with DOWL-HKM, who represented SunCap and FedEx. He said they were about 75% designed with 12-inch water main extension, 18-inch sanitary sewer, and 24-inch storm drain. As of that day, a new signal would be built at Hesper and Gabel. The surface improvements at Hesper would include a 10-foot bike path on the north side of the road, curb and gutter, landscaping, and widening of the road from 25 feet to 45 feet.
- **Todd Cormier, 222 N. 32<sup>nd</sup> Street, Billings, MT**, said he was a professional engineer with DOWL-HKM and was nationally certified as a professional traffic operations engineer. The FedEx site was expected to generate about 670 trips per day based on employment and package delivery services. He noted adjacent developments and said based on their traffic and planning studies the Transtech Center listed an estimated 3,500 trips per day, Broso Valley Park listed an estimated 8,300 trips per day, Certificate of Survey 3077 to the south listed an estimated 16,000 trips per day, and Pierce Subdivision to the south listed an estimated 21,000 trips per day. A preliminary analysis had been done on the Gabel and 32<sup>nd</sup> intersection, Gabel and Hesper intersection, and Gabel and Zoo intersection. Based on volumes, current level of service for Gabel and 32<sup>nd</sup> in the p.m. was Level Service C and E; Gabel and Hesper in the p.m. was Level Service D and F; and Gabel and Zoo in the p.m. was Level Service A and B. With their proposed traffic improvements, Gabel and 32<sup>nd</sup> would operate at Level Service B; Gabel and Hesper with signalization would operate at Level Service A; and Zoo and Gabel would continue to operate at Level Service A and B. Mr. Cormier showed a table representing volumes currently entering each of the intersections and volumes expected to enter each of the intersections as a result of FedEx during a.m. and p.m.
- **Sharon Paul-Carpenter, 23 Vreeland Road, Suite 204, Florham Park, NJ** said she owned Paul-Carpenter Associates, a nationally-known environmental consulting firm that dealt with air quality. She said she had over 26 years experience performing air quality dispersion modeling. Ms. Paul-Carpenter referenced her Air Quality Study that had been sent to Council and said one of the issues brought up by Transtech was carbon monoxide. She said the county was in maintenance for carbon monoxide, which meant at one time the carbon monoxide levels did not meet the standards set by US EPA, which was called non-attainment. Several years ago Montana DEQ petitioned US EPA to re-assign the county as attainment because a number of years had gone by and all the standards had been met. She said the county was classified as attainment but it was a condition; and the state had to prove that two, ten-year maintenance plans were strict. She said they were currently in the second of the two, ten-year maintenance plans. She said from an air quality perspective, they looked at the traffic studies and levels of service. With any Level Service of D, E, or F they performed an air quality analysis to prove that the emissions were less than the thresholds. She said comparing the FedEx project to a business park project



showed the amount of light-duty gasoline vehicles coming to a business park site would be higher in emissions than the diesel-powered vehicles FedEx would bring in. She looked at three air quality sources – roadway-related traffic, employee and truck parking lots, and vented emissions coming out of a facility during maintenance of vehicles. They did not find any excessive levels when looking at the facility being presented.

Mayor Hanel asked for the date of the non-attainment. Ms. Paul-Carpenter said the direct, final rule was April 22, 2002 - Rule 27FR7966.

- **Greg MacDonald, 3200 King Avenue West, Billings, MT**, said he was a general partner in and the authorized representative of Industrial Planning Associates, the owner of the property and the applicant for Zone Change Request #907. They firmly believe the requested zone change to Controlled Industrial would be appropriate for a number of reasons all based on facts. The immediate, adjacent properties were zoned Controlled Industrial, as well as most of the outlying properties. He said in addition to the zoning currently in place, they had a historically mixed-use neighborhood that involved a number of industrial and commercial uses. Mr. MacDonald showed pictures of existing businesses adjacent to the Transtech Center and in the mixed use neighborhood such as an automobile storage yard, an automobile repair facility, a heavy equipment storage yard, an un-buffered storage yard, a concrete facility, a child development center and daycare, three un-buffered warehouse distribution facilities, a beverage distribution center, the Advanced Care Hospital, and the General Electric Capital Finance Service Center. He said it was important to mention a Fortune 500 Company located a very fine facility adjacent to Transtech and within the mixed use development area. Mr. MacDonald said the Planning staff was very experienced, educated, and conducted itself properly in a non-biased manner and was recommending approval.
- **Sterling Starr, 3713 Tommy Armour Circle, Billings, MT**, said he was on the Airport Commission and had lived in Billings for 20 years concentrating on economic development. Mr. Starr gave a brief history of Federal Express. He said there was a significant FedEx business at the airport and having a significant ground business in Billings would be a very big plus. He toured the FedEx distribution center in Memphis, and it was an amazing facility. They were financially sound and had ethics and integrity coming from the top. The proposed facility would provide a lot of 24-hour employment in Billings, and he highly recommended that Council make it happen.
- **Ken Peterson, 424 48<sup>th</sup> Street West, Billings, MT**, distributed copies of a letter from SunCap. He said he was a little bothered by some of the presentation. Structures and businesses that were pointed out were there before Transtech was ever envisioned and built. It was irrelevant, and it was the efforts and expenditures made by the Transtech businessmen who invested their lives and fortunes to create the largest SID Billings had ever done that enabled sewer and water to be there for the FedEx project. Mr. Peterson referenced the letter he distributed and said they had gone over the content with the SunCap people that day, who were good people and who would be a good addition to the community. He reviewed the list of SunCap commitments contained in the letter, as follows:

- ✓ Hesper Road improvements only from Gabel to their entrance (1100') required by the City. Additional road work not warranted under the circumstances.
- ✓ Support of signal cycle adjustment with DOT at Gabel/Zoo.
- ✓ Participation in forthcoming signals at Hesper/Gabel and Gabel/32<sup>nd</sup>. Support will be based on City's calculations and timing.
- ✓ Mirroring the building with majority of docks to the west.
- ✓ Berming along south and east at a height of eight feet.
- ✓ Tilt or precast construction
- ✓ Two times the subdivision code required landscaping based on initial budget.
- ✓ Lighting will conform to local jurisdictional codes.

Mr. Peterson said they were still very concerned about the traffic situation in the area. They did not think it was a FedEx or SunCap problem but a City problem. Traffic backed up at 5:00 from Zoo Drive to Hesper on a regular basis, and it needed to be addressed. There were two new hotels planned and other businesses would follow FedEx. Mr. Peterson said with the annexation and zone change it would be necessary to have a development agreement, and he asked if someone from their group could review the development agreement before it was formalized to make sure the commitments were included in detail and description. With that, they were prepared to withdraw the protest of ACE Transtech, Bottrell Family Investments, and the common areas of Transtech. He commented they did not agree with staff that there was no longer a valid protest, but it was irrelevant at that point because they supported the re-zoning with the criteria set up in the SunCap letter and the opportunity to review the development agreement.

- **Henry Nilson, 1424 Hondo Way, Billings, MT**, said the zone change for FedEx was good, sound growth and economic development. It was growth that was adjacent to development in the county and would support city services and tax increments. It would have easy access to the interstate. FedEx would be a good neighbor to the City providing tax supporting jobs that paid living wages that would help support schools, law enforcement, fire departments, and all civil services. The FedEx complex would be well-kept, and he recommended approval of the zone change.
- **Judi Kimmell, 4185 Obie Lane, Billings, MT**, said she represented Advanced Care Hospital of Montana located at 3528 Gabel Road. She provided a letter in February expressing concerns about air quality and the FedEx development. After reviewing the air quality study they felt the air quality could currently be managed with their systems in place, and would like see the carbon monoxide levels continually monitored. Another concern was with traffic flow and the safety of their patients. They wanted to make sure the visitors of their patients were traveling in a safe environment. She said she had the opportunity to sit at the table with Mr. Phillips in the Transtech area for the last couple of weeks to talk about the aesthetics of the FedEx Center. It was very important to the hospital

that the aesthetics of the neighborhood were maintained so patients and their families felt comfortable coming to the hospital to recover and did not feel they were in an industrial area. They were extremely pleased with the conditions and concessions put into place, and they were looking forward to having FedEx in their neighborhood.

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

Councilmember Ulledalen moved for approval of Item 5B to include adoption of the 10 criteria, seconded by Councilmember McCall.

Councilmember Cimmino asked if the Development Agreement would be a public document that could be reviewed by anyone. City Attorney Brooks said it would be a public document.

Mayor Hanel told Mr. Filz and Mr. Peterson they had represented their clients well; and it was one of the finest examples of professionalism, positive communication, and a community working together. Approving the 30-day delay was the right decision, and it gave all parties the opportunity to visit and work out the issues. It came together in a very thorough, peaceful manner, which was what the City of Billings was all about.

On a voice vote, the motion was approved 10 to 0.

Note: Councilmembers Crouch, Bird, and McFadden left the meeting at 8:20 p.m. and returned at 8:24 p.m.

**6. CENTENNIAL PARK LEASE BETWEEN THE CITY OF BILLINGS AND BILLINGS COMMUNITY YOUTH FOUNDATION, INC. approving a default notice be sent to the Billings Community Youth Foundation, Inc. (BCFYI) providing a 60-day period for documented proof of compliance with all provisions of the lease. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

City Administrator Volek advised a presentation was given at the March 4 work session. Staff had no additional presentation, but was available to answer questions. Staff recommendation was that the notice of default be approved and sent by US Mail, certified, return receipt. She noted the Mayor and Council had received additional information from the Billings Community Youth Foundation.

Councilmember Ulledalen said there had been conversation about the issue in 2011, and he had found the March 11, 2009, Park Board minutes where Parks Director Mike Whitaker had commented the Centennial lease had been reviewed by City Attorney Brent Brooks, and Mr. Brooks expressed that the department send a letter to the Billings Amateur Hockey League informing them the lease would not be renewed in 2010 due to Section 10 of the agreement. A motion was made by Board Member Rachel Cox that the letter be written before the next Park Board meeting. The second was made by Board Member Rick DeVore, and the motion carried unanimously. The April 8, 2009, minutes indicated the letter was to be sent within the next month. Councilmember Ulledalen asked if anything had happened as a result of it. He said looking at the documentation that the Billings Community Youth Foundation provided, there were absolutely no meetings between 2006 and 2012, so apparently there was no functioning group to respond to. He asked if there would have been an option to post a

legal notice, and asked if anything had been done after the 2009 meeting of the Park Board.

Ms. Volek advised staff spent considerable time attempting to contact those individuals who they had originally understood to be a part of the effort. She had personally contacted a couple of individuals, and they disavowed any participation and were unaware of the status of the organization at that time. When they were finally able to reach Mr. Houston, former chairman of the Billings Community Youth Foundation, Inc. (BCYFI), he indicated the group had not met for a couple of years. Ms. Volek advised they were able to track Mr. Houston down when the city clerk found a copy of the transfer agreement approved by Council in 2003 in the file. She said they advised Mr. Houston the lease would be on the council agenda in March and explained if they chose not to participate, staff would be proceeding. It was her understanding at that time the group reorganized, and she believed there were representatives present at the meeting that evening if Council had questions. Ms. Volek commented they could have run a legal notice at the time but did not. In the interim the Parks Department had been approached by a new group not associated with the BCYFI about the development of a park site, and they were shocked to learn there was a pre-existing lease.

Councilmember Ulledalen said the minutes of April 8, 2009, indicated a letter would be sent the next month. Ms. Volek said she could not address that because she was not at the meeting. If it was not done, they had continued in good faith to contact members of the community they knew had been involved, but could not find anyone. Mr. Whitaker and his staff have attempted to amend the situation that has existed for a number of years when Parks records were not well documented or organized. He has been working with the city clerk for the past few months to try to get the documents organized. Prior administrations had allowed the records to lapse and be filed in a haphazard manner without any organization.

Councilmember Cimmino asked if the information submitted by the BCYFI and sent to Council via e-mail was an attempt to bring it into compliance. Ms. Volek said she hesitated to speak on behalf of the BCYFI, but they were aware of the intent of the letter and the information provided addressed some of the issues. Councilmember Cimmino said it appeared they were available at the work session when Council discussed the items so it was all full knowledge.

Councilmember Astle asked if the original agreement was with the BCFYI or Billings Amateur Hockey. Ms. Volek advised it was originally with Billings Amateur Hockey. Councilmember Astle asked if there was any written documentation they became the BCFYI. Ms. Volek advised there was, and the city clerk had discovered it in the file. Councilmember Astle said Council needed to see the paper trail and Legal needed to be deeply involved. He was not happy they had been sitting on the park since "his 8<sup>th</sup> grade picnic." He said there was word on the street they wanted to build a 3,500 seat auditorium; and with accompanying parking, it would eat up more than half the park. He said there was another rumor they wanted to put in a COP Shop. He said he did not like it, and it raised red flags. He said he wanted a paper trail and wanted Legal to tell him if the city was bound to honor the agreement or if they had defaulted so badly over the past 10 to 15 years that it was moot at that point.

City Attorney Brooks advised a memo had been sent with the original lease and assignment of the lease to the Council. He would be happy to re-send it.

Councilmember Ulledalen asked if they should make it an understanding in all their contracts there was an automatic "get out of jail free" card if you did not comply with the contract. He asked what their contracts meant if they did not enforce them. Attorney Brooks said the original agreement in its assignment was not recommended by the Legal Department and was approved over their concerns. He said it had some odd provisions that were not always clear, and the Council bound itself to follow the notice provisions that had not yet been followed. He said all standard form contracts had been worked on since and none contained the same murky language.

Councilmember Bird asked what happened if there would be a default on a privately-owned building located on city property. It seemed to her to be a huge liability. Attorney Brooks said his vision at the time the lease originated in 2000 and was signed in 2003 was that if the building was funded and council approved the construction, there would be a follow-up subsequent agreement between the BCYFI and the city outlining how long the building would be there, how long the lease of the land would be, maintenance provisions, etc.

Councilmember Ulledalen moved to send the letter to the Billings Community Youth Foundation, Inc. providing a 60-day period for documented proof of compliance with all provisions of the lease, seconded by Councilmember McFadden.

Councilmember McFadden said it was prime real estate as far as Parks and Recreation went. There were other groups currently raising money to develop a very useful, worthwhile park such as a west-end dog park, and he hated to see a delay for any longer than necessary.

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.

- **Richard Clark (no address given)** said he was President of the West End Task Force, and they would like to ask the Council to help them get started with installation of streetlights on Broadwater Avenue from 24<sup>th</sup> Street West to 29<sup>th</sup> Street West.

Councilmember Cimmino asked if this request would require a Special Improvement District wherein the surrounding property owners would pay for the street lighting assessment district through their annual property tax statements, and it was confirmed that would be the process.

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

## **COUNCIL INITIATIVES**

- **Astle**: MOVED that staff begin the creation of a special improvement district for lighting on Broadwater Avenue, 24<sup>th</sup> Street West to 29<sup>th</sup> Street West; seconded by Councilmember Crouch. On a voice vote, the motion was unanimously approved.
- **Ulledalen**: MOVED that the Police Chief include half of his wish list in his budget presentation, and what the cost of one additional beat would be so they had a number to work with, seconded by Councilmember Astle.

Councilmember McFadden asked Officer Iffland if an established police beat was set in stone or if the boundaries could be moved according to neighborhood crime problems. Officer Iffland said it had been several years since they had re-established beats. There had been nine beats for the past 20+ years. It was not an easy process because there had to be re-coding that went along with the dispatch center, and they tried to equalize the calls as best they could when establishing the beats. It would not be something they would want to do every year.

Mayor Hanel suggested visiting with the Chief about the possibility of creating a swing shift with the addition of one or two officers and what the costs would be in lieu of re-structuring the beats.

Councilmember Bird asked how many officers made up a beat. Officer Iffland said they were contractually required to have one officer per beat for each shift. Councilmember Bird said the day before she had called dispatch to send an officer to check on an elderly woman who seemed disoriented and who was walking on Broadwater. The officer was very kind and respectful to the woman, and Councilmember Bird asked Officer Iffland to pass along her thanks to the officer and the Police Department.

On a voice vote, the motion was unanimously approved.

- **Cimmino**: Said at the last regular meeting they discussed the possibility of holding a council retreat on the budget after the first week of May. She said she made a mistake and wanted to make a clarification. She said she had called the Mansfield Center to schedule for the fifth Monday in April, and was advised that was the night for the Library Tour. She asked if they could re-set the retreat for a more appropriate time. Councilmember Ulledalen asked if the Mansfield Center was provided for free. Councilmember Cimmino said she received a return message that the space was not provided for government meetings. It may have been a misunderstanding. She said they could rejuvenate the effort for a retreat at a later time.
- **Bird**: Said she had heard comments from people about Community 7 and how the city was not getting the best bang for its buck in terms of viewing quality. She asked if they could discuss Community 7 at a work session. Ms. Volek advised Community 7 was a separate, not-for-profit organization. They had recently undergone extensive changes, and she would be happy to speak with Mr. Harrington and ask for information on their plans.

Councilmember McFadden said he recently met with Mr. Harrington, and he was told there were a lot of good things in progress. They would be getting new cameras, and they would be setting up streaming on the website.

There was no further business, and the meeting adjourned at 8:50 p.m.



CITY OF BILLINGS

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

ATTEST:

BY: Cari Martin  
Cari Martin, City Clerk