

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

April 28, 2014

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 Bird gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Pitman, Cimmino, McFadden, Bird, McCall, Crouch, and Brown. Councilmember Swanson was excused.

MINUTES:

- March 24, 2014 – Councilmember Bird moved for approval, as amended, to correct the Council's vote on Item 6; seconded by Councilmember Crouch. On a voice vote, the motion was unanimously approved.
- April 14, 2014 – Councilmember Pitman moved for approval; seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Hanel said the Bright n' Beautiful Billings event was held last weekend and invited the representatives to come forward and introduce themselves. Peggy Gaghen, President of Bright n' Beautiful, and Helen Johnson, Executive Director of Bright n' Beautiful, thanked the many volunteers. Tom Miller, Managing Partner of New York Life, was introduced and recognized for a \$1,300 donation to Bright n' Beautiful from the New York Life Foundation. Mr. Miller said the check represented the volunteer hours New York Life employees, their families, and friends spent helping to clean up the city as their way of giving back to the community. Ms. Gaghen said it was a joint effort between Yellowstone County and the City of Billings. She said Laurel and Custer also participated, as well as many service clubs, churches, youth groups, and Councilmembers Cimmino and Pitman. She also thanked Chris Waite, Mike Whitaker, and Jon Thompson of the Parks Department for their help with coordinating the event. Part of the \$1,300 would be used to plant 400 trees at Coulson Park on May 24.
- Councilmember Yakawich thanked the Police Department and Officer Thomas Keightley, Elks Club members, and everyone who made the National Day of Prescription Drug Roundup held last Saturday a huge success. He said they collected 390 pounds of prescription drugs and other medicines. The Roundup properly disposed of the prescription drugs and medicines keeping them out of the landfill, the sewer, and the hands of others.

PROCLAMATIONS: National Day of Prayer - May 1, 2014. Mayor Hanel recognized National Day of Prayer Committee Members, Pat Kempf and her husband, who were in

attendance. Mayor Hanel said the National Day of Prayer had been an annual event for many years, and a gathering was planned at Veteran's Park on Thursday at 11:30 a.m.

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following item.

- **Item 2 – PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #919:** Council received correspondence, dated April 14, 2014, with petitions signed by North Park property owners opposed to approval of the zone change; and a letter from John E. Griffin, dated March 26, 2014, opposed to approval of the zone change. Copies were filed in the ex-parte notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 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. Bid Awards:

1. Airport Employee Parking Lot Project. (Opened 4/15/2014) Recommend Asphalt Plus, Inc.; \$749,778.73.

2. W.O. 14-03, 2014 Street Maintenance Program, City Overlay Contract. (Opened 4/15/2014) Recommend Knife River; \$1,152,111.08.

B. Amendment #10, Engineering Services for Airport Ramp Rehabilitation Project, Morrison-Maierle, Inc., \$192,278.

C. Memorandum of Understanding with Beartooth RC&D Economic Development District, \$9,663.93 annual expense.

D. Second/Final Reading Ordinance #14-5619 revising BMCC Section 21-213 to include permit agreements with private haulers and Section 21-241 updating and clarifying solid waste regulations.

E. Second/Final Reading Ordinance #14-4620 revising BMCC Section 8-333, Dedication and Special Rules for Veteran Memorial Plot, providing the disposition of

qualifying cremated veterans in either the columbarium or in a dedicated veteran memorial grave at Mountview Cemetery.

F. Final Plat Approval

1. Falcon Ridge Subdivision, 5th Filing
2. Zimmerman Trail Subdivision, Amended Lot 11A
3. Shadow Lawn Estates Subdivision

G. Bills and Payroll:

1. March 31, 2014
2. April 7, 2014
3. January 1, 2014 through March 31, 2014 (Municipal Court)

Councilmember Brown separated Consent Agenda Items B and G2 in order to abstain. Councilmember Cromley separated Consent Agenda Item G2 in order to abstain. Councilmember Cimmino separated Consent Agenda Items B, F1, F2, F3, G1, and G2 in order to abstain.

Councilmember McCall moved for approval of the Consent Agenda with the exception of Items B, F1, F2, F3, G1, and G2, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

Councilmember McCall moved for approval of Item B, seconded by Councilmember Pitman. On a voice vote, the motion was approved 8 to 0. Councilmember McCall moved for approval of Item F1, seconded by Councilmember Pitman. On a voice vote, the motion was approved 9 to 0. Councilmember McCall moved for approval of Item F2, seconded by Councilmember Pitman. On a voice vote, the motion was approved 9 to 0. Councilmember McCall moved for approval of Item F3, seconded by Councilmember Pitman. On a voice vote, the motion was approved 9 to 0. Councilmember McCall moved for approval of Item G1, seconded by Councilmember Pitman. On a voice vote, the motion was approved 9 to 0. Councilmember McCall moved for approval of Item G2, seconded by Councilmember Pitman. On a voice vote, the motion was approved 7 to 0.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE
#919: A zone change from Residential 6,000 (R-60) to Residential Manufactured Home (RMH) on a 7,500 square foot parcel described as Lots 53 & 54, Block 2, North Park Subdivision. William Saunders, III, owner. Zoning Commission recommends denial based on the findings of the 10 criteria for zone changes. (Action: approval or disapproval of Zoning Commission's recommendation.)

Nicole Cromwell, Planner II and Zoning Coordinator, advised two manufactured homes were located on the property until 2009 and 2010; and the property remained vacant until the end of 2013 when a family member of Mr. Saunders was in need of housing. Mr. Saunders assumed another manufactured home could be placed on the property;

and he obtained an electrical service permit for a mobile home, a gas-line service permit, and a street opening permit from the City of Billings. He installed the utilities and brought the manufactured home onto the property the second week of January. The Code Enforcement Division received a complaint that another manufactured home had been moved onto the property and discovered the permits had been issued in error by the Building and Engineering Divisions. At that time Mr. Saunders was given the opportunity to apply for a zone change to allow the manufactured home to remain. Ms. Cromwell advised a pre-application meeting was held. Mr. Saunders was not able to attend; however, several surrounding property owners attended and voiced their concerns with the proposed zone change. The Zoning Commission reviewed the request the first part of April, and the Planning staff recommended approval based on the Growth Policy and the 10 criteria for zone changes. The Zoning Commission did not agree with staff's findings; they changed the findings of the 10 criteria; and based on the testimony and 10 criteria, they were forwarding a recommendation of denial. Ms. Cromwell showed a zoning map of the subject property and surrounding properties. She noted there was RMH zoning to the west across North 15th, a mobile home court to the north, but primarily the surrounding properties were zoned R6000. She said the East Billings Urban Renewal District Zoning was to the south, and those properties were developed for commercial uses. There were several manufactured homes in the neighborhood in the R6000 zoning that were considered legal, non-conforming uses of property. If one of those manufactured homes were removed, another manufactured home could be placed on the property if done within one year and if it could meet the setbacks and lot coverage requirements for the current zoning. She advised Mr. Saunders was not aware of the one-year limitation and had four years interruption between removing the last mobile home and replacing it with another mobile home. There was a valid protest against the zone change that was submitted to the City Council signed by over 60% of the property owners within 150 feet of the proposed zone change. The Zoning Commission found the application incompatible with the surrounding neighborhood character and not in conformance with the North Park Neighborhood Plan that encouraged home ownership, neighborhood cohesiveness, and increasing property values. Ms. Cromwell showed photographs of the subject property and surrounding properties. She noted there used to be two manufactured homes on the site, so it would have been quite crowded; and said a second manufactured home could never be placed on the property even if the zoning were changed because the lot was not large enough.

Councilmember Brown asked if the current mobile home met the setbacks. Ms. Cromwell said it did not; however, staff felt it was more important to resolve the issue of the use of the property prior to adjusting the setback of the structure. If the zoning request was not approved, the mobile home would have to be removed. Councilmember Brown asked if the setbacks were measured when the mobile home was brought onto the property. Ms. Cromwell said not in January; she said the owner believed erroneously that by receiving the permits he had done all of the permitting he needed to do. She said a manufactured home did not require a building permit because it was not a structure that needed building code review where setbacks were normally done. She advised since January every time someone came in for an electrical service

permit for a mobile home, the Building Division referred them to the Planning Department first.

Councilmember Cimmino asked if the owner could apply for a setback variance if the zoning request were approved. Ms. Cromwell said he could, but it would not likely be approved because there was enough lot available to meet the required setbacks. Councilmember Cimmino asked for staff's rationale for their original recommendation for approval. Ms. Cromwell said in her review of the North Park Neighborhood Plan, the Growth Policy, and the character of the neighborhood, it was her interpretation that it was compatible given the number of existing mobile homes in the area, and that both zonings allowed residential uses but not commercial uses. She said the North Park Neighborhood Plan, in her opinion, did not exclude manufactured home zoning from the North Park neighborhood. The Zoning Commission, based on their own professional opinion and on the testimony received, disagreed and based their denial on the following 10 criteria.

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

The proposed zone change is inconsistent 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 would permit the manufactured home placed on the property in January to remain in place. The neighborhood character is primarily site-built homes with very few manufactured homes. Most of those manufactured homes are legal nonconforming uses in the area and may be replaced in the future with site-built homes. The owner of this property did not act to protect his legal nonconforming use within the 1 year time limit.

The goals of the North Park Neighborhood Plan encourage increasing home ownership in North Park and the manufactured home is not owned by the resident but is rented. The neighborhood plan encourages increasing pride in the neighborhood and rental homes tend to decrease in value and do not encourage community cohesiveness.

Preserve the residential character of the North Park neighborhood, increase off-street parking, pedestrian safety and public safety in the area. (Land Use Goal, NP Neighborhood Plan 2008). The 2008 North Park Neighborhood Plan emphasized the need to increase the number of affordable housing units, home ownership and increase neighborhood pride and quality of life. The proposed zoning would allow a manufactured home on the property that does not increase home ownership, does not increase neighborhood pride or the value of adjacent properties.

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 proposed zoning allows older manufactured homes (<1976) built to a lower fire safety rating than site-built homes. This may not secure adjacent property from fire danger. The manufactured home as currently placed may not meet the proposed

zoning setbacks. If the zoning is approved, the manufactured home will need to be re-set to meet these minimum setbacks.

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

Public health and public safety may not be promoted by the proposed zoning. The proposed zoning would encourage lower quality rental housing that may affect public health and safety. The general welfare may be negatively affected by reducing marketability of site-built homes in the area.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will have minimal impact on the surrounding streets. Only 1 manufactured home is allowed and this home is already in place.

Water and Sewer: The City is providing water and sewer to the property. There should be no additional impact to the system from the proposed zoning.

Schools and Parks: There will be no impact to schools from the proposed zone change since both are residential zones.

Fire and Police: The subject property is currently served by the city Public Safety Services.

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. As stated above, if the zoning is approved the manufactured home will need to be re-set to meet the minimum setbacks.

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

The new zoning will have no effect on vehicle or pedestrian traffic. The existing and proposed zoning allow residential type traffic.

7. Will the new zoning promote compatible urban growth?

The new zoning does not promote compatibility with urban growth. The proposed zoning allows older manufactured homes (<1976) built to a lower fire safety rating than site-built homes. The existing R-60 zoning could allow 2 site-built residential homes on this 7,500 square foot parcel. The proposed zoning allows 1 manufactured home for each 6,000 square feet of lot area. This is a lower density than the R-60 and is not compatible with the urban growth in the neighborhood.

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 not consider the character of the district and the suitability of the property for the proposed zoning. The RMH zoning is not in character with the primarily site-built homes in the area.

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

The property has 1 nonconforming manufactured home. A consultation with a local appraiser determined that exterior property maintenance is a key factor when examining external factors that may affect property value. The type of construction – on-site construction or factory built dwellings – generally is not an external factor considered in the value of adjacent homes. However, the marketability of adjacent site-built home may be negatively affected by the zone change to allow the manufactured home to remain on the property.

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

The proposed zoning will not encourage the most appropriate use of land in the neighborhood.

Councilmember Cimmino asked if it would be considered spot zoning if the zone change were approved. Ms. Cromwell said it might be and only a court could determine whether a zone was an illegal spot zone. Councilmember Cimmino asked if there were other mobile home units currently considered non-conforming uses. Ms. Cromwell said she believed there were at least 11 others on North 14th and North 15th.

Councilmember McCall asked if any individuals other than Mr. Saunders had testified in support of the zone change. Ms. Cromwell said there were none.

Councilmember Brown asked if the same right pertained to a new property owner if someone removed a mobile home and then sold the property. Ms. Cromwell said the zoning code was set up so manufactured homes could never be sunsetted; the non-conforming status stayed with the property from owner to owner if done within the one-year time period.

The public hearing was opened.

- **Carol Moore, 615 N. 15th Street, Billings, MT**, said she opposed the zone change. They were not considering anything that would benefit the community, and changing the zoning for one property so a trailer could be added was detrimental to surrounding neighbors in terms of property values and blight. A spot zone change was bending the rules for one in order to accommodate his errors, which was not a significant reason to favor it. Would they be forced to seek legal counsel as a means to protect their neighborhood improvements and investments? The property had a long history of neighbor-reported code violations. Board members of the BIRD were unanimously against the spot zoning request and wrote a letter about how it stymied redevelopment and ran counter to neighborhood improvement. Ms. Moore asked the Council to deny the zone change request.
- **John Armstrong, 903 N. 18th Street, Billings, MT**, said he helped draft the North Park Neighborhood Plan when he was task force chairman. The pocket zoning went against specific points in the neighborhood plan. It went against building codes and zoning requirements. Mr. Armstrong distributed current

pictures of the subject property to the Council. He said the owner had one year to replace the trailer, and he took almost four years. He asked Council to deny the zoning request.

Councilmember Brown asked for clarification on the earlier statement of seeking legal counsel. Mr. Armstrong said if the zone change were to pass, the neighbors would be forced to seek legal action to protect their neighborhood.

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

Councilmember Cromley moved to adopt the unanimous decision of the Zoning Commission to deny the zone change request based on the 10 criteria, seconded by Councilmember Bird.

Councilmember Bird noted the property owner was not present to testify. She said she agreed with Ms. Moore and would vote in favor of the motion.

On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION #14-10352 revising the 2012 Limits of Annexation Map. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Planning Division Manager, Wyeth Friday, said he was bringing forward recommendations from the Annexation Committee regarding amendments to the Annexation Map for 2014. The last time the City Council approved the Annexation Policy and Annexation Map was in May of 2012; and the Annexation Policy required the City Council to review and/or update the map whenever the CIP was reviewed and revised. The City Council adopted revisions to the 2014-2019 CIP on April 14, 2014. The City received three requests for map amendments from property owners; and they were forwarding recommendations for two of the requests; the third request had been withdrawn. The Annexation Committee was recommending that (1) the Knife River Property, 447 acres, located off of Shiloh Road and Hesper Road be added to the red area of the map; (2) the Elysian Road Area Property, 290 acres, located southwest of the City be added to the red area of the map; and (3) any Council-approved updates from annexations and de-annexations since May 2012 be made to the map. Mr. Friday showed maps of the two recommended properties and said both properties were adjacent to the city limits and the existing red area of the Limits of Annexation Map. The Knife River property could be served by Water/Sewer, Transit, Police, Fire, Street and Traffic, and Solid Waste; and the Elysian Road property could be served by Water/Sewer, Police, Fire, Street and Traffic, and Solid Waste. He said phasing of annexation and development of both properties was key to the City's ability to serve the property over time. The proposed development for the Knife River property would be predominantly commercial with some potential mixed use or residential; and the Elysian Road proposed development would include high-density residential and mixed use, commercial, and some medium density residential.

Councilmember Cimmino asked if the Elysian School area would become part of School District #2 if annexation were approved. Mr. Friday said it was his understanding the district boundaries would not be affected by the annexation; and it would remain its own district. He noted Elysian School had started construction of their expansion and were anticipating being able to use the City's water and sewer instead of building their own, larger septic system.

Councilmember Bird said she was concerned that the Elysian School District was expanding their current facility based on an expectation of annexation so they would not have to build a septic system. Was that the normal practice of the City to get backed into a corner? How could they say 'no' to a school?

Mr. Friday said the Elysian School expansion project would go forward regardless. Their school bond had been approved, and they had planned for a large community sewer system to serve the school that they would build if necessary.

Ms. Volek commented the red zone on the map indicated that the City believed it could provide service to the area, but it did not guarantee annexation. The red area was where a property could be considered for annexation, but it would still be reviewed by staff and subject to Council approval. The red area was looked at as a short-term, 5-year area; however, there were properties that had been in the red area for much longer than five years.

Councilmember Bird asked how the anticipated annexations would impact the Capital Improvement Plan (CIP). Mr. Friday said whenever a property petitioned for annexation, one of the first things that had to be addressed was that the property owner was responsible for all of the service extensions to his property at that time. He referenced the Elysian Road Area Property and said Public Works had anticipated it could happen and included a project in the CIP. That was one of the reasons they looked at the Annexation Policy and the CIP at the same time. Councilmember Bird said public safety in newly-annexed areas would create unexpected costs and consequences, which was a bigger issue than infrastructure. Mr. Friday said the Annexation Committee's overall review included comments from all the different city departments, and they tried to look at every situation and how each situation may or may not change over time.

Councilmember McCall commented they had to keep long-range planning in mind. It was a very exact, methodical process; and none of the potential areas for annexation would happen until they came to the Council to discuss the issues that Councilmember Bird was talking about. They needed to look at it as a comprehensive view of the city's future growth.

Ms. Volek pointed out that some of the red area included a good portion of the City's industrial area. The City would not force annexation, and it would be up to the property owners. The combination of the CIP and Annexation Policy was put together after the City over-extended itself many years ago, and they were still playing catch-up and doing infill. She noted the third parcel mentioned earlier was not included in the recommendation because it had raised concerns with the departments over ability to provide services. She said the City had a thorough process, and City staff worked very hard on it.

Councilmember Brown said they pretty much knew Elysian School wanted to annex as soon as the map was approved. Mr. Friday said they did; but they would still have to get the infrastructure and planning figured out first.

Councilmember Bird asked how the annexations would work in terms of resources for parks. Would they be required to provide the resources for parks? Would there be a requirement for some open space? Would they be part of the PMD? She was concerned about placing another burden on the Parks Department. Mr. Friday said the time for considering parkland from a development standpoint through the subdivision

process came later when the property was annexed. At that time they would look at how the property was going to be developed and what the park requirements would be. He said if the property were annexed, it would come into the overall park district.

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 McFadden. Councilmember McFadden said he was in favor of the motion. He said at the present time there was an ugly gravel pit in the county, and they were not collecting any tax revenues. They were looking at an upscale neighborhood and business development that would bring in numerous construction jobs and projects followed by revenue. He was looking forward to good things happening out there and replacing the gravel pit. He said if they could help out the Elysian School development, he would be happy and proud to help them, too.

Councilmember Pitman said they were "getting the cart way ahead of the horse." They were amending the 2012 limits and the potential of annexation. They were not even remotely talking annexation. They were basically saying "here are the limits to where we can feasibly, possibly, maybe, if all the T's are crossed and I's are dotted, provide services." It was a way for the building community to look at the map and see where they could potentially grow. It was not a guarantee or assumption they would come in. It was an incredible tool and helped developers, homeowners, and people in the outlying areas to see where the City was potentially going to grow.

Councilmember Bird said Council had a responsibility to make decisions with an eye on the future. She said she was not anti-growth or opposed to moving the lines for annexation but given the past history of previous Councils, the City's explosive growth, and the close proximity to the interstate, it was reasonable to assume the request to annex would be fast and furious. Annexation posed serious concerns on the lack of resources they currently had for public safety, which they needed to take very seriously.

Mayor Hanel said to the best of his knowledge neither of the areas were high crime areas that would require a lot of public service at the present time. Elysian School passed their bond, it was an excellent school, and it provided opportunity for growth in the area. There would be an impact but it would hopefully bring more revenue to help offset some of the impact. He noted they were voting on expanding the limits of annexation and not on an official annexation, and he would support the motion.

On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING and approval of allocation of FY2014-2015 CDBG and HOME program funds and approval of the FY2014-2015 Action Plan. Staff recommends approval of the Community Development Board's recommendation and prioritization. (Action: approval or disapproval of staff recommendation.)

Brenda Beckett, Community Development Manager, introduced Community Development Board Member, Patt Leikam. Ms. Beckett began her PowerPoint presentation showing the Consolidated Plan Goals as follows:

- Strategy A. Preserve existing housing.
- Strategy B. Promote new housing opportunities.

- Strategy C. Partnerships to address housing and low income/special needs households.
- Strategy D. Preserve/revitalize older neighborhoods.
- Strategy E. Assist agencies serving those experiencing poverty, special needs households, minorities, etc.

She said this year they would be allocating just over \$1.2 million that included program income from HUD and Community Development Block Grant and HOME Investment Partnerships Program funding. She noted the Core Programs were Poverty Initiatives, Housing Development, Foreclosures, Home Repair, and Home Buyer and the programs funded within them; as well as reviewed the funding sources. Their budget recommendations for CDBG were maximum allowed for Administration Caps (\$118,175); VISTA Admin Support (\$50,000); Housing Rehabilitation (\$375,176); Foreclosure Acquisition/Rehabilitation (\$0); and Manufactured Home Repair (\$50,000). Budget recommendations for HOME were maximum allowed for Administration Caps (\$30,171); Affordable Housing Development (\$55,000); Community Housing Development Organization (\$45,257); and First Time Homebuyer (\$542,008).

Councilmember Bird asked for an explanation of the \$0 for Foreclosure Acquisition/Rehabilitation. Ms. Beckett said it meant they would be able to finish out the North Park property this year and then examine their expenditures for the Community Development Block Grant by the end of the year. They needed over \$200,000 to fund the program well, and the properties they were choosing were challenging and in serious need of repair. They did not have the funding this year.

Mayor Hanel excused himself at 7:52 p.m. to participate in the arrival of the Honor Flight at the Airport. He said he was in total support of staff's efforts and turned the meeting over to Deputy Mayor McCall.

Ms. Beckett explained the tier of the Priority Based Budgeting ranking for the Core Programs and how each related to the Council Strategic Plan.

Councilmember Cimmino asked why Foreclosure was a part of the Core Programs when there was no funding. Ms. Beckett said they still had to finish out the Core Program funding they had. They started out with \$600,000 from the Montana Department of Commerce, and they still had funds remaining to finish out the North Park property. After the first of the year they received \$30,000 from the sale of the last property so combined with the anticipated proceeds from the sale of the North Park property, they would still have some money; so it would need to continue as a Core Program.

Ms. Beckett noted there was a substantial increase in the need for affordable housing. She reviewed the March 2014 Housing Authority of Billings (HAB) Assistance Program Usage vs. Demand and said the HAB had received an increase of 800 household vouchers over last year. She said over the past two years, there were 2,400 households on the list, and it was the highest she had ever seen. Ms. Beckett said she had received City Council questions relative to the Homeless Initiative. She explained the Homeless Initiative began in 2006; City Council approved Welcome Home Billings as the City's 10-year plan; and the resolution would expire in 2016. The City would need to extend the resolution if the City Council and the Mayor's Committee on Homelessness wanted to continue the initiative. It ranked in Quartile Four of Priority

Based Budgeting, which she thought was due to the lack of secured funding to maintain the initiative over time. She said between 2005 and 2008 they had identified 600 individuals on average experiencing homelessness on any given day, which included 80 families. Currently there were 800 individuals experiencing homelessness, which included 94 families. According to the 2013 Point-in-Time Survey, 225 children were experiencing homelessness; and the Billings Public Schools had identified approximately 600 children in the school district over the past decade who had experienced homelessness or were anticipating homelessness. Ms. Beckett listed their accomplishments as (1) Amazing Data Compilation; (2) Billings Community Connect since 2007; (3) Almost \$900,000 was generated to support Housing First (\$562,640 to Interfaith Hospitality Network) and the Business Consortium (\$323,000 to Rimrock Foundation); (4) 159 new housing units; (5) Nearly 2,400 individuals/families had been housed; and (6) Billings Metro VISTA Projects – Spare Change for Real Change, Illuminate Poverty, Resource Map/Notepad, Veterans Services List, Homeless Play, Community Gardens & Food Security, and Youth Count.

Councilmember Yakawich said the work with poverty and low income was so important, and the report addressed housing, compliance, and equal opportunity. He asked how the Council could provide additional support. Ms. Beckett said there was so much the City already did for Community Development. City Administration always listened to their ideas and helped guide policy and direction so they were successful. She said the City Council also funded part of their rent, and the Finance Department was amazing with their cost allocation plan.

Councilmember Bird referenced the All Task Force Responses and said the top three were Housing Rehab, First Time Homebuyer, and Foreclosure Acquisition/Rehab. She asked how the determination was made to no longer fund the Foreclosure Acquisition/Rehab. Ms. Beckett responded if they did not have enough money to do something well, they would not do it. They would need about \$110,000 to purchase a property and \$40,000 to \$80,000 to rehabilitate it. They could try to fund it, but she would hate to have to come back to the Council because they ran out of money. Councilmember Bird asked if Housing Rehab was just for privately-owned, single-family homes. Ms. Beckett said that was correct.

Councilmember Cimmino said in response to Councilmember Yakawich's question, she remembered Council allocated \$250,000 from Council Contingency for the HOME Program, and Council was paying the rent for Community Development in their current location for the next ten years. The Council was very supportive, and they appreciated Ms. Beckett's efforts.

Councilmember McFadden asked if any of the money was coming from the General Fund. Ms. Beckett explained HUD gave them \$800,000 for the upcoming year, and they also had funding they had previously loaned out that was now coming back for reallocation. Councilmember McFadden asked if any of the money was coming from the taxpayers' pocket. Ms. Volek said none would come from the taxpayers with the exception of the \$250,000 that came out of City reserves on a one-time basis last year because the Council felt there was additional need; and they wanted to enhance the City program.

The public hearing was opened.

- **Patt Leikam, 4449 Ryan, Billings, MT**, said she was Vice Chair of the Community Development Block Grant Board. The Board was an advocate of increased affordable housing and was very fiscally responsible. It was involved in the budgeting and allocation of the funds throughout the year. The review started in November, and the Board made recommendations for any changes to the budget. The Board would like to recommend the approval of the proposed funding allocations.

Councilmember Yakawich asked Ms. Leikam what more could be done, especially in addressing the homeless and transient population. Ms. Leikam said there was a need for improved communications. The homeless and transients were becoming a more contentious population, and the streets were becoming unsafe. The City Council had the option to attend the board meetings to understand what needed to be done. Money was needed to purchase foreclosed properties for rehabilitation to provide homes for families. The problems continued to grow, and they needed to be figured out.

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

Councilmember Cimmino moved for approval of Item 4 as recommended by the Community Development Board, seconded by Councilmember Pitman. Councilmember Bird advised she would abstain since she was the Council representative on the Community Development Board. On a voice vote, the motion was approved 8 to 0.

5. PUBLIC HEARING AND RESOLUTION #14-10353 approving Aquatic Fee Adjustments. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Kory Thomson, Recreation Superintendent, noted the aquatic fee adjustments were an agenda item at a March work session and said he wanted to provide a brief overview of the key points that had been previously discussed. Every two years they brought to Council their aquatic fee structures for review. A slight adjustment had been made to the age range for youth admission from age 7 to 17 to age 5 to 17. The last adjustment was in 2010 with a 50 cent increase for the Rose Pool youth admission and \$1 increase for the adults, as well as corresponding adjustments to the season passes. He said they were estimating an increase in pool operations of at least \$16,000 in wages, plus chemical and utility costs. He reviewed the proposed fee adjustments and said they were looking at additional revenue of just over \$20,000. Mr. Thomson noted they were not making any proposed changes to the water slide fees, and they would remain the same as when the slides were first constructed in 1995. He reviewed the current price structure and the proposed adjustments. He said based on Council input at the work session, a free waterslide punch card good for 25 all-day waterslide passes had been added with the purchase of a season family pass.

Councilmember Brown asked what had been decided for the use of the speed slide fees. Would they all go towards the maintenance fund? He said he was not sure if they had ever come to a conclusion. Ms. Volek advised it would be part of the budget presentation Mr. Weber would be giving at a later date.

Councilmember Cimmino asked how much the speed slide would cost for one day. Mr. Thomson said it would be an additional \$3.00, for a total of \$5.50. Councilmember Cimmino commented the birthday party package was an excellent deal and another incentive for the youth of the community.

Councilmember Bird asked if a family receiving a scholarship for a season pass would also get the free 25 waterslide rides. Mr. Thomson said they would not.

Councilmember Brown asked how many scholarships were given. Mr. Thomson said there was no limit. In 2012 they gave 283 season pass scholarships.

Councilmember Bird asked, on average, how many paid season passes were issued every year. Mr. Thomson said it varied from year to year. A lot depended on the weather in June. If June was cool, the numbers were less.

Councilmember Pitman asked if the Wendy's Foundation still contributed. Mr. Thomson said they did not. The Park and Recreation Foundation had been the major sponsor the last couple of years. Councilmember Pitman said the City needed to get the word out that they were looking for sponsors.

The public hearing was opened.

- **Patt Leikam, 4449 Ryan, Billings, MT**, asked if the prices would stay the same for South Park. Mr. Thomson said they would. Ms. Leikam said she did not understand why they could not look at cost cutting instead of price increasing or why the pools had to be heated between 75 and 80 degrees. The cost to swim was getting exorbitant for low income families. South Park did not have a great pool; it was smaller; and the hours were less. South side residents would not travel to Rose Park, so the hours at South Park needed to be expanded, the pool needed to be maintained as well as Rose Park, and South Park deserved a spray park. She said she was opposed to increasing the fees.

Ms. Volek commented the spray park at South Park would be started this fall as part of the Parks Maintenance District.

Councilmember McCall asked why the South Park pool closed at 6:00 p.m. Mr. Thomson said the pool had been closed at 6:00 p.m. for quite some time and extending the hours would be something they could certainly look into.

Councilmember Cimmino asked if the main motivation for increasing the fees was to provide a salary incentive to the seasonal workers and lifeguards in order to hire qualified individuals at a competitive rate. She said safety was the number one priority in all of the amenities they provided the citizens. Mr. Thomson said last year they had 49 lifeguards for the two wading pools and two municipal pools. They would like to be closer to 60 qualified lifeguards. With MacDonald's paying \$9.50 an hour, they had to consider a more competitive wage rate and increased the hourly rate for a lifeguard to \$9.75. The lifeguards were required to be certified with the American Red Cross, and there was a cost involved the first year. After two years the certification expired, and many times the lifeguards did not return because they did not want to go back through the certification. He said staff looked into getting the re-certification done through the Parks Department to hopefully retain the employees.

Councilmember Bird asked if the Parks Department had ever had discussions on the differences between the South Park pool and the Rose Park pool. There was obviously an inequality in terms of where the investments were made. Parks Director, Mike Whitaker, said the South Park pool did not have all of the amenities of Rose Park, but it was still a very safe, clean pool. The former wading pool had to be removed due to regulatory issues. The Parks Department and Parks Board recognized the needs at the South Park pool, and once funds were received in June, they hoped to construct a Destination Spray Park at South Park in the fall.

Councilmember Pitman commented that keeping the pools open longer could create a staffing issue. It was not just a matter of extending the hours; it also included if they could do it and how much it would cost. Mr. Whitaker said the only cost associated with extended hours would be staffing. The chemicals would already be paid for, and the pump ran 24-hours a day, 7 days a week due to the health code. Staff could report back with what it would take to keep the pool open until 7:00 or 8:00 p.m.

Councilmember Cromley asked if the proposed spray park would be located at the South Park pool. Mr. Whitaker said it would be located in the area but they had not yet looked into whether it should be a part of the South Park pool complex. No decisions had been made and their goal was to get the thoughts of the Southside Task Force. Councilmember Cromley told Mr. Whitaker he would find they wanted a separate complex.

Councilmember Yakawich told Ms. Leikam he liked to look at the cup as being half full. He swam with his kids in the South Park pool, and he preferred to swim in warm water. He said the City supported South Park, and a lot of money was put into it. He thought Ms. Leikam should work on the committee with the task force to help decide the design and location of the spray park.

Councilmember Cimmino said she believed there was a great momentum at South Park. The Council had made a huge investment with the gazebo and all of the landscaping, and a lot of activities were held at South Park. They needed to continue the positive dialogue and appreciate what they had, but also plan for the future.

Councilmember Bird asked if there would be cost savings to put the new spray park where the wading pool was located. Mr. Whitaker said that was a definite possibility and the cost savings would come from the location of the utilities. He said Parks staff had a preliminary discussion with regards to locating the spray park as part of the complex, but they were open to other possibilities.

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

Councilmember Pitman moved for approval of Item 5, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

6. PUBLIC HEARING AND RESOLUTION #14-10354 approving and adopting Third Quarter Budget Amendments for Fiscal Year 2014. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City

Administrator Volek advised staff had made a previous presentation on the item, so there was no additional presentation but staff was available to answer questions.

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

Councilmember Pitman moved to approve and adopt the 3rd Quarter Budget Amendments for Fiscal Year 2014, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

7. PUBLIC HEARING approving the FY2015-2019 Strategic Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Volek commented the recent paperwork the Council received did not have the latest language for the “Values” that they had discussed on April 7. She began her PowerPoint showing the eight strategies, three of which were new. She said she would not read them because they were all aware of them. She noted each Strategy included goals, objectives, and actions.

- **Strategy 1: Honest, Responsive Government**
Goal 1: A value-centered organization with policies and procedures that promote responsibility, accountability, and trust.
3 Objectives
11 Actions
- **Strategy 2: Comprehensive, Orderly Growth**
Goal 1: Comprehensive, cost-effective and orderly growth.
Goal 2: A customer-friendly development process.
4 Objectives
10 Actions
- **Strategy 3: Transportation**
Goal 1: A comprehensive, multi-modal transportation system that Supports the Growth Priority to accommodate the future needs of residents and the business community.
2 Objectives
8 Actions
- **Strategy 4: Sustainable Economic Development**
Goal 1: Further economic vitality of Billings and the greater region by Fostering community partnerships, and maintaining a strong, efficient infrastructure.
5 Objectives
14 Actions
- **Strategy 5: Involved, United Community**
Goal 1: Support the community-wide visioning process.
4 Objectives
10 Actions

- **Strategy 6: Public Safety**
 - Goal 1: Provide for a safe and secure community.
 - Goal 2: Provide public safety services that meet the changing needs and expectations of the community.
 - Goal 3: Ensure effective emergency services are available in the event of natural or man-made disasters.
 - Goal 4: Ensure consistent and effective delivery of public safety communications.

9 Objectives
22 Actions
- **Strategy 7: Quality of Life**
 - Goal 1: Provide Library patrons with tools to become happy, informed, participating community members.
 - Goal 2: Continue to preserve and expand the City's recreation and library facilities for the benefit of residents.
 - Goal 3: Ensure the Parks and Recreation Department has the facilities, equipment, staff and training to provide high quality services.

16 Objectives
53 Actions
- **Strategy 8: City Infrastructure**
 - Goal 1: Provide understandable infrastructure programs.
 - Goal 2: Provide sustainable funding.
 - Goal 3: Enhance Solid Waste services to Billings residents.

5 Objectives
10 Actions

Ms. Volek referenced Strategy 3 and said it was the subject of discussion the previous week at the Heights Task Force. It was pointed out the original language read "to seek additional State funding to complete the Inner Belt Loop in the Heights." Mr. Mumford was of the opinion it would add to the cost, and he suggested seeking other funding. The new recommended action was "find funding to complete the Inner Belt Loop in the Heights" without specifying the resource.

Councilmember Cimmino said she was questioning that it would be done in FY2021. Ms. Volek said that was anticipating State funding, which was currently tied up with another project in the Heights. Mr. Mumford recommended looking at it next year as part of the Capital Improvements Plan full-blown review, and amending it at that time.

Ms. Volek said it was a very ambitious, far-reaching program. The three new strategies were Public Safety, Quality of Life (primarily around the Library and Parks), and City Infrastructure.

Councilmember McCall asked if the change had been made moving one of the objectives for the Library back to Quality of Life. Ms. Volek said Goal 1 was Library Patrons, and Goal 2 had been to ensure the Park and Recreation Department. They

switched Goal 2 and Goal 3. Goal 2 was a shared goal for both Recreation and Library, and they added some language.

Ms. Volek said the recommendation was to hold the public hearing; address any final questions or revisions; and approve the final plan. She thanked the City Council for their lengthy involvement in a very important process that set a road map for the next five years.

Councilmember Brown asked if it would even be realistic to meet half of the goals in the five years. Ms. Volek said some were already underway. They would be doing an annual review with the Council at the beginning of each calendar year where they would talk about what had been accomplished, and there would be quarterly reports. One of her tasks was to keep the Management Team on-line and require accountability back to the process. They may have to amend as they moved forward. They were very ambitious in the first couple of years.

Councilmember Yakawich said it was not written in stone, and they would do their best. It had given them a vision.

Councilmember Crouch asked if the Billings Gazette had asked for the Strategic Plan or if it would be made available to them for publication. Ms. Volek said they had not asked. She said they would take it to the City employees and other groups. It was a lot of paperwork to commit to a single ad, but she would talk to the Gazette about it.

Councilmember Bird said they needed to continue providing education to the community. Community Conversations were a wonderful way of communicating with the public. The Strategic Plan, in a revised version, would be a great topic for the Community Conversations because it shared the vision of providing more educational information. Ms. Volek said one of their goals was to create a staff committee to look at ways to increase their social media presence.

Councilmember Brown asked how the Strategic Plan would be made available. Ms. Volek said it could be included with the CityLink, presented at the Neighborhood Task Forces and other groups, and at the joint meeting with the City, County, BSEDA, Chamber of Commerce, and the School District where they all talked about how their strategic plans interfaced.

Councilmember McFadden asked when Channel 7 would be streaming the meetings on the internet. Ms. Volek said they were currently streaming. She was recently contacted by Mr. Harrington of Channel 7 to discuss programming involving representation by Councilmembers. The Strategic Plan could be talked about on television, as well.

Councilmember Cimmino said it was interesting to note that the Council streamlined the goals but the staff came up with the objectives and actions. She asked if the 2015 Strategic Plan was good for five years. Ms. Volek said that was correct. She referenced the Inner Belt Loop and asked if FY21 could be revised to read "ongoing." Ms. Volek said it could if it was acceptable to the rest of the Council.

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

Councilmember Crouch moved for adoption of the 2015 Strategic Plan for the next five years, seconded by Councilmember Bird.

Councilmember Pitman moved to amend Strategy 3, Goal 1, Objective 1, Action 5, eliminating the State funding and looking at whatever funding was available in the

future; and changing FY2021 to “ongoing,” seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved. On a voice vote, the original motion, as amended, 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. There were no speakers, and the public comment period was closed.

COUNCIL INITIATIVES

- **Pitman:** MOVED that the baseball field at Arrowhead Park be named Chirrick Field and that Requirement 4 of Section 4 of the Naming Policy requiring that an individual be deceased for a period of two years before a naming took place be waived, seconded by Councilmember Cimmino. Councilmember Pitman said he had provided Council with the Parks Department’s Naming Policy and a letter from a Heights resident that evening. He read the first paragraph of the letter.

This past April we lost an amazing man who had given so much to our community through his leadership and involvement in youth sports. His wife Darcy and children, Connor (14), Dylan (12), and Ryen (7) lost their 43-year-old husband and dad, Greg Chirrick. Greg passed shortly after incurring a heart attack just outside the dugout on the baseball field in Arrowhead Park during the opening game of the Heights National Little League season. Greg had been a fixture in youth sports all around Billings being involved by coaching Hockey, Football and Baseball, as well as financially supporting everybody who asked through the family business, Taco Johns. His commitment to youth sports around Billings has been an example for all. The Heights National Little League would like to honor Greg's commitment to youth sports and in particular his love for baseball by naming the baseball field at Arrowhead Park, Chirrick Field.

After further discussion on proper procedure, City Attorney Brooks recommended placing the item on a future consent agenda.

Councilmember Pitman amended his motion to put the item on the next agenda, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved. On a voice vote, the original motion, as amended, was unanimously approved.

There was no further business, and the meeting adjourned at 9:08 p.m.



CITY OF BILLINGS

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

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk