

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

December 15, 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, Swanson, and Crouch. Councilmembers McCall and Brown were excused.

MINUTES: December 8, 2014 (pending)

COURTESIES: None

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek reminded everyone this was the last business meeting of 2014, and the first work session of 2015 was scheduled for January 5.
- Item E – Approval of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District to Big Sky King Properties, LLC for public improvements associated with the development of a Popeye's Louisiana Chicken quick-serve restaurant near the corner of King Avenue East and South Billings Boulevard. Council received e-mails, dated December 15, 2014, from Ed Hostettler, Jeff Meide, J.W. Westman, Brian Lee, and Tom Zurbuchen speaking in opposition. Copy of the e-mails were filed in the ex-parte notebook.
- Item F – Approval of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District to South Billings Urban Renewal Association in collaboration with Orchard School, Billings Clinic, and RiverStone Health for development of a school-based health care center inside Orchard School. Development Agreement had been modified to include School District #2 as a party to the Agreement. No substantive changes were made. Copy of the modified agreement was filed in the ex-parte notebook.
- Item 3 – Public Hearing and Resolution creating SID 1382 for Colton Boulevard improvements between 38th Street West and Zimmerman Trail and approval of the professional services contract with Kadrmas, Lee, and Jackson, Inc. for \$162,780. Council received protest letters via e-mail from Marlene Ross, Clark Swan, Lewis R. and Sandra Schoenberger, Gloria Herab, Daimon and Amber DeLeon, and J.R. and Melissa Archilla. Copies of the protest letters were filed in the ex-parte notebook.
- Ms. Volek wished the Mayor and City Council a happy holiday season.

Mayor Hanel asked Police Chief St. John to provide a brief update on a suspect who had barricaded himself in a building on the south side that afternoon. Chief St. John advised at about 2:30 p.m. a wanted felon being pursued by officers barricaded himself and a female in a duplex on the south side. The female was able to get out. He said with the help and cooperation of many individuals, the situation was resolved peacefully, the suspect was taken to the hospital for a check-up, and there was no damage done to the house or harm done to the suspect.

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.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced Items E and F. He believed Item F was a worthy project even though there was an interrogation of School District 2 and RiverStone Health for almost two hours. They were run up and down the flagpole so many times they wore the rope out. But then when corporate America showed up, there was hardly any discussion; and the Board approved the \$70,000 corporate welfare to the “chicken-burning outfit.” Mr. Nelson asked whatever happened to less government and lower taxes; a hand up instead of a hand out, because it was just another handout to another business that would put more \$9 an hour jobs on the street. If they were going to give incentives to businesses, the businesses should at least produce well-paying jobs.
- **Steve Zeier, 5415 Summerstone, Billings, MT**, referenced Items E and F. He said he was present on behalf of the South Billings Urban Renewal Association, and he respectfully disagreed with Mr. Nelson. They were both worthy projects and a good investment of tax increment dollars. He said board members and the applicants were present and available to answer questions. Mayor Hanel asked Mr. Zeier for the approximate balance in the account. Mr. Zeier said it was roughly \$3 million. Councilmember Yakawich said he was concerned that he had not heard anything about it until the information came out in the agenda packet. He said with that amount of money, he would have liked to have it explained in more detail. He did not see them as unworthy projects, but he would like to receive quarterly updates. Mr. Zeier said they would be happy to provide quarterly reports to the City Council. Councilmember McFadden asked where the money came from and what benefit the community surrounding the businesses would derive from the tax increment district. Mr. Zeier said tax increment dollars were generated from new development occurring within the particular district. A vacant lot had a certain tax amount. When a building was constructed on the vacant lot, it was assessed and the incremental value went into a fund. One of the strategic points of the South Billings Urban Renewal Association was to

identify, recruit, and retain development within its district to increase the tax base. He said the Newman Lane Improvements, Phase I of the South Billings Sanitary Sewer Project, Calhoun Lane Improvements, and Orchard Lane Improvements used or would be using tax increment dollars.

- **John Felton, 1614 Bronco Drive, Billings, MT**, referenced Item F and said he was the CEO of RiverStone Health. He thanked the urban renewal district and the Council for consideration. It was a school-based health center for Orchard School and a marvelous partnership of RiverStone Health, Billings Clinic, and School District #2 to bring healthcare to kids for whom access was a huge problem. There was ample evidence that getting kids off to a good start with good health was a great first step for the economy. Councilmember McFadden asked what the physical facility would be, who would be staffing it, and when. Mr. Felton said the facility was in Orchard School, it would be staffed primarily by RiverStone Health, and Billings Clinic would be under contract to provide child psychiatry services. Councilmember Cimmino asked if services would be provided only to the students at Orchard School. Mr. Felton said they were treating it as a pilot project specifically in Orchard School for the kids at Orchard School. Mr. Felton said the money being requested was for developing the facility. RiverStone Health would have the operational responsibilities. School District 2 would have the facility, and RiverStone Health would provide the staff.
- **Matthew Colebank, 2029 Cook Avenue, Billings, MT**, referenced Item E. He said he was the Managing Director and Chief Operating Officer for Big Sky King, and he was available to answer questions. He advised Big Sky King's investment into the project was approximately \$2.4 million.

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

1. CONSENT AGENDA

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

	Name	Board/Commission	Term	
			Begins	Ends
1	Mark Astle	Aviation & Transit Board	01/01/15	12/31/18
2	Ron Spence	Aviation & Transit Board	01/01/15	12/31/18
3	No Applications	Billings BID	01/01/15	12/31/18
4	No Applications	Board of Appeals - Electrical	01/01/15	12/31/17
5	No Applications	Board of Appeals	01/01/15	12/31/18
6	No Applications	Board of Appeals	01/01/15	12/31/18
7	Sandra McKee	Board of Ethics	01/01/15	12/31/18
8	Michael Downing	Board of Ethics*	01/01/15	12/31/15
9	John Dorr MD	Board of Health	01/01/15	12/31/17

10	Katrina Kruger	Community Development - Low Mod	01/01/15	12/31/18
11	Patt Leikam	Community Development - Low Mod	01/01/15	12/31/18
12	Kathleen Candelaria	Community Development - Low Mod	01/01/15	12/31/18
13	No Applications	Community Development - Low Mod	01/01/15	12/31/18
14	No Applications	Community Development	01/01/15	12/31/18
15	Dana Bishop	Exchange City Golf Course	01/01/15	12/31/17
16	Michael Samson	Housing Authority	01/01/15	12/31/19
17	No Applications	Housing Authority - Resident Comm	01/01/15	12/31/19
18	No Applications	Housing Authority - Resident Comm*	01/01/15	12/31/15
19	Diane Foley	Human Relations Commission	01/01/15	12/31/18
20	Charleen Sleeper	Human Relations Commission	01/01/15	12/31/18
21	Chelsie Guilford	Human Relations Commission	01/01/15	12/31/18
22	No Applications	Human Relations Commission	01/01/15	12/31/18
23	Jeana Lervick	Library Board	01/01/15	12/31/18
24	No Applications	Mayor's Homelessness - Lending*	01/01/15	12/31/16
25	Johnnie McClusky	Mayor's Homelessness - Lending	01/01/15	12/31/18
26	Gene Culver	Mayor's Homelessness - Housing	01/01/15	12/31/18
27	No Applications	Mayor's Homelessness - Librarian	01/01/15	12/31/18
28	Lisa Donnot	Mayor's Homelessness - Faith Based	01/01/15	12/31/18
29	No Applications	Mayor's Homelessness - Work Force Ag	01/01/15	12/31/18
30	No Applications	Mayor's Homelessness - Veteran*	01/01/15	12/31/16
31	Barb Perzinski	Mayor's Homelessness - Economic Dev.	01/01/15	12/31/18

32	Denise Smith	Mayor's Homelessness - Civic/Business	01/01/15	12/31/18
33	No Applications	Mayor's Homelessness - Philanthropy	01/01/15	12/31/18
34	No Applications	Mayor's Homelessness - Health Care	01/01/15	12/31/18
35	No Applications	Mayor's Homelessness - Service Provider	01/01/15	12/31/18
36	Francis Morris	Parks, Recreation & Cemetery Board*	01/01/15	12/31/16
37	Rick DeVore	Parks, Recreation & Cemetery Board	01/01/15	12/31/18
38	Mark Wahl	Parks, Recreation & Cemetery - SD 2 Rep	01/01/15	12/31/18
39	No Applications	Parking Advisory Board	01/01/15	12/31/18
40	No Applications	Parking Advisory Board	01/01/15	12/31/18
41	No Applications	Parking Advisory Board	01/01/15	12/31/18
42	No Applications	Planning Board - Ward I	01/01/15	12/31/16
43	Donna Forbes	Planning Board - Ward III	01/01/15	12/31/16
44	Darell Tunnicliff	Planning Board - Ward IV	01/01/15	12/31/16
45	Richard Clark	Planning Board - Ward V	01/01/15	12/31/16
46	Terry Corey	Police Board	01/01/15	12/31/17
47	Todd Cormier	Traffic Control Board	01/01/15	12/31/18
48	Pierre Jomini	Traffic Control Board	01/01/15	12/31/18
49	James Boyett	Zoning Commission	01/01/15	12/31/18

*8 Unexpired term of Stephen Sylvester

*18 Vacancy not filled

*24 Vacancy not filled

*30 Unexpired term of Ken Chase

*36 Unexpired term of Alan King

B. Agreement with ProDIGIQ, Inc. for Airport Multi-User Flight Information Display System; \$175,590.

C. Approval of Declaration of Agricultural Covenant with High Sierra II, Inc.

D. Amendment #4, W.O. 14-01: Schedule 1, Water Main Replacement and Storm Drain Projects, Professional Engineering Services Contract, Sanderson Stewart; \$10,800.

E. Approval of Tax Increment Financing Assistance from the South Billings Boulevard Urban Renewal District (SBBURD) to Big Sky King Properties, LLC for public improvements associated with the development of a Popeye's Louisiana Chicken quick serve restaurant near the corner of King Avenue East and South Billings Boulevard; \$70,838.63.

F. Approval of Tax Increment Financing Assistance from the South Billings Boulevard Urban Renewal District (SBBURD) to South Billings Urban Renewal Association in collaboration with Orchard School, Billings Clinic, and RiverStone Health for development of a School-Based Health Care Center located inside Orchard School; \$47,907.

G. Recommendation of Approval to the Policy Coordinating Committee for the 2015-2019 Transportation Improvement Plan.

H. Confirmation of Probationary Police Officer - Jeffrey Richter

I. Final Plat of Circle Fifty Subdivision, Amended Lot 1C-2, Block 1.

Councilmember Cimmino separated Consent Agenda Item 1A1 in order to abstain; and Councilmember Cromley separated Consent Agenda Item F in order to abstain. Councilmember Cimmino separated Consent Agenda Item E. Councilmember Yakawich separated Consent Agenda Item D.

Councilmember Pitman moved for approval of the Consent Agenda with the exception of Items 1A1, D, E, and F, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich referenced Item D and asked Public Works Director, David Mumford, if the Contractor or the City initiated the change order. Mr. Mumford advised earlier that summer when they started the Grand Avenue waterline project, staff asked Council to amend the design contract to incorporate storm drain because they had found the storm drain system to be in bad shape. At that time the construction contract with COP Construction was also amended to include the additional storm drain work. They hoped to complete both projects using the same inspector at the original project contract cost, but due to the complexity of the Grand Avenue work, they exceeded the amount. The change order represented the additional inspection requirements for the storm drain work. Mr. Mumford advised the project was now complete, and there would be no further amendments or requests. Councilmember Yakawich asked if the previous three change orders were initiated by the Contractor or the City. Mr. Mumford advised all design change orders were initiated by the City. Councilmember Yakawich moved for approval of Item D, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino referenced Item E and asked Steve Zeier to return to the podium. She told Mr. Zeier it would have been nice to hear more about the multi-million dollar project earlier because she knew it had been discussed since April of last year. She said the developers were asking for \$70,838.63; and it was important to stress they were making their own investment of over \$2 million. She said there had

been discussion and questions about the anchor tenants such as Cabela's and Sam's Club using TIF District funding for SID payment. She asked Mr. Zeier to address those issues and concerns as part of his report next go-around. Mr. Zeier said they would be presenting a report at the January 20, 2015, work session and would provide more information on SID 1385. Councilmember Cimmino said the franchise was approved in April 2013. It was her understanding from reading the developer's statement that initially the restaurant was to be located in the Heights; and it would have been nice to have a new restaurant for the Heights. She said it was indicated it would be the only franchise of the restaurant in Montana; but her research showed there was another one in Great Falls. Mr. Zeier said the location in Great Falls was a commissary as a function of Malmstrom Air Force Base. The restaurant planned for Billings was the only publicly-accessible Popeye's in the state. Councilmember Cimmino said there were concerns expressed as to why this developer in particular was asking for funding; and she knew it went with the location and part of the TIF District as designed by law. She said she felt it was important to stress the developer had made a considerable investment. Mr. Zeier said the developer made a \$2.4 million investment. As a function of recruitment efforts by himself and the Board, they identified people making an investment and actively pursued them to look at the particular district and what was available. Councilmember Cimmino moved for approval of Item E, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

Councilmember Pitman moved for approval of Item F, seconded by Councilmember Bird. On a voice vote, the motion was approved 8 to 0.

Councilmember Pitman moved for approval of Item 1A1, seconded by Councilmember Bird. On a voice vote, the motion was approved 8 to 0.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #14-10415 FOR ANNEXATION #14-13: Approximately 1.6 acres generally located on the northwest corner of the intersection of Shiloh Road and Central Avenue and addressed as 16 Shiloh Road; Leland and Lorraine Wells, owners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) Planning Division Manager, Wyeth Friday, began his presentation showing the location and photographs of the subject property and surrounding properties. He said with the annexation the City would take the adjacent right-of-way along Shiloh Road and Central Avenue. He noted they would also be annexing another small piece of Central Avenue right-of-way, and they were currently working with the County to quitclaim two south road tracts to the City in order to get the entire right-of-way cleared up and within the city limits. Mr. Friday said according to the City's Annexation Policy, the Council could approve, deny, or conditionally approve annexation petitions based on the following criteria:

- The area must be located within the Red Area of the Limits of Annexation Map.
- The City must be able provide adequate services within a time period mutually agreed to by the owners and the City.

- Existing/proposed public improvements must meet City standards, or be brought into City standards.
- Property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts.
- The proposed land use within the area to be annexed must conform to the goals of the City of Billings and Yellowstone County Growth Policy.

Mr. Friday advised staff was recommending approval of the resolution annexing the property subject to the following condition:

- A Development Agreement shall be executed and recorded between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication, provide guarantees for improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts.

Councilmember Yakawich asked what would be built on the property. Mr. Friday said a Cenex Zip Trip Convenience Store was located on the property, and it was his understanding it would remain. Councilmember Yakawich said the notes indicated that continued annexations and development would adversely affect the Fire and Police Departments' ability to deliver services; and that concerned him. Mr. Friday said the comments from Police and Fire had come up in different annexation requests in the recent past, and it was also a discussion of the Annexation Committee. It was an ongoing concern, and they wanted to make sure everyone was aware of it as they moved forward. Councilmember Yakawich asked what it was they were discussing. Mr. Friday said the discussions were what additional areas could or could not be served in the future with current resources, especially since the recent public safety levy did not pass.

Councilmember Pitman commented it was not a new structure and would not impose any new issues for Fire and Law Enforcement. The benefit of annexation would be access to water and sewer.

Councilmember Yakawich said it was a concern of his that they kept annexing but at the same time they were telling people the City could not provide enough public safety. Ms. Volek advised the subject area was in the Red Zone, and the City had indicated to property owners that properties in the Red Zone could be served. City staff was about to begin work on a new Annexation Plan, Capital Improvements Plan, and Growth Policy that would feed into decisions the City Council would make about future annexation areas.

The public hearing was opened.

- **Dan Wells, 4241 Cedarwood Lane, Billings, MT**, said his parents were the property owners, and the property had been in operation for about 30 years. The primary reason for annexation was that the drain field was failing; and the best way to clean up the environment and take care of the problem was to annex into the City.

Councilmember Yakawich asked Mr. Wells if he was concerned that the City may not be able to provide as much police protection as it did downtown. Mr. Wells said he did not know if anything had changed within the past 30 years; and as of right now, they had no concerns.

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

Councilmember Crouch moved for approval of Item 2, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION #14-10416 creating SID 1382 for Colton Boulevard improvements between 38th Street West and Zimmerman Trail and APPROVAL of professional services contract with Kadrmas, Lee and Jackson, Inc. for \$162,780. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Public Works Director, David Mumford, began his PowerPoint presentation showing the location of the SID area. He noted the section along Zimmerman's property would only be built to half-street standards (26-foot) and when the Zimmerman property came into the City, the other half of the street would be completed. The section west of Zimmerman's property would be completed to a full-street standard. The SID was initiated by the property owners along Colton Boulevard; and because the road was not constructed, there was no actual legal access to the properties. As of that day, they had received no valid protests. They had received six protests from property owners in the Village West Subdivision, but those protests were invalid because of signed waivers of protest. Mr. Mumford said the properties along Colton Boulevard would be spending approximately \$33,400 per property towards the SID. The property owners in the Village West Subdivision and the Hancock-Grand Subdivision waived their right to protest as part of the Subdivision Improvements Agreement (SIA) when the subdivisions were developed; and their per-property cost for the SID would be approximately \$715. Mr. Mumford said the project also involved significant City funds.

Mayor Hanel asked Mr. Mumford to explain the difference between an SIA and an SID. Mr. Mumford advised an SID was a special improvement district that would be formed to build the road and would be an assessment against the property owners affected by the improvements. An SIA was an agreement created at the time a subdivision was developed and approved by City Council. The developers of the Village West Subdivision and Hancock-Grand Subdivision waived the right to protest the construction of Colton. Mayor Hanel asked if the current property owners may not have known about the SIA when they bought their property. Mr. Mumford said the SIA was always included in the purchasing documents of a property.

Councilmember Swanson asked if the SIA was included with the title report and if it was public knowledge. Mr. Mumford said it was included, and the information was available to the public.

Councilmember Cimmino asked for an explanation on the difference in assessments. Mr. Mumford advised the properties along Colton Boulevard would pay \$33,400 each because they were directly adjacent to Colton Boulevard and would be paying for construction of the road. The remaining properties would be paying \$714.94

each, which was a portion of the obligation for Colton Boulevard at the time their subdivisions were developed. Councilmember Cimmino asked for the duration of the SID. Mr. Mumford said the SID would be for a 15-year period, and payment would be included with their tax assessment. He said a property owner could also pay off the entire amount at once.

Councilmember Swanson asked if there were houses built on the properties along Colton Boulevard. Mr. Mumford advised the properties were currently vacant because there was no way to get to them.

Councilmember Cromley asked if any of the property owners along Colton Boulevard being assessed \$33,400 could have filed a protest but none had done so. Mr. Mumford said that was correct.

Councilmember Crouch said it did not appear that 38th met Colton. Mr. Mumford said it did. He said Colton did not go past 38th because it ran into the school, so 38th at Colton was the dead-end of the street. Councilmember Crouch asked Mr. Mumford if he had a response to the letters of protest. Mr. Mumford said he understood the concerns if the property owners did not understand that waivers of protest had already been given for their property.

City Attorney Brooks said he checked and the SIA for each of the three subdivisions involved had been recorded with the Yellowstone County Clerk and Recorder. He said he felt very confident that every purchaser of the lots had a Schedule B Exception to their title report, which was always attached to the purchase and buy-sell agreement. It was just a matter of reading the documents.

Mayor Hanel asked if 38th Street West would ever be connected. Staff Engineer, Chris Hertz, said 38th Street West could not be connected. He said a portion of 38th Street West had been vacated, and a house had been built in that location.

The public hearing was opened.

- **Lewis Schoenberger, 1724 Norwood Lane, Billings, MT**, said he had not heard about the SIA specifically until it was mentioned that evening. He had no doubt it was hidden somewhere in all of the documents he signed when he purchased his property two years ago. He said the SIA was not addressed in the letter sent to the property owners, but the SID was referenced. The cover letter also said the property owners would have the opportunity to protest. He said he did not believe his property or any of the other properties in Village West Subdivision would benefit from the development. The proposed road would not connect to 38th Street West on the south side of the ditch. He did not see the benefit that warranted them paying an extra amount beyond what people on the west side of 38th Street West paid.

Mayor Hanel noted the SIA was established at the time the subdivision was developed, and the developer signed the waiver of protest. It was not an obligation of the City to tell the property owners there was an SIA, and it should have been reviewed at the time of closing with the title company. Mr.

Schoenberger asked why he had received the letter if his right to protest had been waived. Mayor Hanel said it was out of courtesy for public notice because he would be affected by the cost of Colton Boulevard. It would not be proper to

just send a tax notice without some sort of notification. City Attorney Brooks said it was required by state statute that notice be given.

- **Laura Boyer, 4168 Rangeview Drive, Billings, MT**, said she was with Boyer Land, who owned nine of the lots adjacent to Colton Boulevard. They had no problem paying the \$33,400 assessments and appreciated the opportunity to develop the lots.

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

Councilmember Cimmino moved for approval of the resolution creating SID 1382, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

Councilmember Cromley moved for approval of the professional services contract with Kadrmas, Lee and Jackson, Inc., seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, said last meeting and maybe the meeting before comments were made by the Council that he had a hard time with. He referenced Councilmember Cimmino's comment that she was concerned that Charter was raising their rates \$5. He said that was just the cost of doing business. The school bond issue, library bonds, park maintenance, street maintenance, and arterial fees were all costs that were being passed along to the customer; and a lot of those costs were a direct reflection of Council's actions. To be concerned was alright, but it was Council's votes that caused the increase in the citizens' bills; maybe not 100%, but there were some costs that were passed on. He referenced Councilmember McFadden's comment on Legislative Priorities and the education issue about monitoring Head Start or early education. Councilmember McFadden commented he was tired of the schools bringing forward bond issues. Mr. Nelson said it was the cost of doing business, and one of the costs of doing business was educating the kids. Sixty percent of the \$70,000 Council just gave to Popeye's Chicken was school dollars; and without the TIF district, it would have gone to the schools. The school district passed their costs along to the rest of the taxpayers to see if they would support the cost of educating the kids. Council needed to think about the actions it took and the effects it had.

Councilmember Cimmino clarified with Mr. Nelson that the matter she brought up was the Charter notice that every household was going to be assessed a quarter, not \$5. It was after the customers of that particular service provider paid an additional \$40 per month once the digital equipment went in. It had nothing to do with the TIF District. Mr. Nelson said it could have to do with

school bonds, the library levy, the Dehler Park levy, and the arterial maintenance that were passed onto the customer. It was the cost of doing business. Councilmember Cimmino noted Ms. Volek had clarified that the City had no power in Charter's decision-making process. Charter provided the City with a notice of what they were doing. The City Council was tasked with the Franchise Fee Agreement, and that was separate. Mr. Nelson said if they raised the Franchise Fee it would just be passed along to the customers again.

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

COUNCIL INITIATIVES

- **Mayor Hanel:** Said as he had mentioned once before, he intended to bring up an initiative at a future business meeting regarding the City's contract with the current healthcare provider.

There was no further business, and the meeting adjourned at 7:50 p.m.

CITY OF BILLINGS

BY: 
Thomas W. Hanel, Mayor

ATTEST:



BY: 
Cari Martin, City Clerk