

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

February 10, 2020

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Cole called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. Councilmember Yakawich gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Shaw, Yakawich, Neese, Ewalt, Joy, Choriki, Purinton, Ronning, Boyett and Brown.

MINUTES:

January 27, 2020 - Councilmember Yakawich moved for approval, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Cole stated the Yellowstone Substance Abuse Connect Coalition had recently met to announce the 2020 Action Plan for addressing substance abuse and crime.
- Mayor Cole stated the Community Health Assessment with St. Vincent, Riverstone Health and the Billings Clinic had recently taken place and the report was available on the Healthy By Design website.
- Councilmember Ronning stated Billings Police K9 "Cuff", had recently passed away. She added he and handler, Sergeant Vickery, had been an integral part of the Police Department.

PROCLAMATIONS:

- There were no proclamations.

COUNCIL REPORTS:

- There were no Council Reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski stated there were no exparte communications in the notebook.
- Mr. Kukulski reminded Council that Monday, February 17th, was President's Day, therefore, the Council Work Session would be held on Tuesday, February 18th.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4 and 5 ONLY.
Speaker sign-in required. (Comments are limited to three (3) minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium.

H. Second/Final Reading Ordinance 20-5732 for Zone Change 976: a zone change from Residential-7000 (R-70) to Highway Commercial (HC), on a 25,200 square foot parcel of land described as: Lots 1 and 2, Block 2, Bede Subdivision, generally located at 727 Lincoln Lane. 4 the Store, LLC - Rich Miller, owner; Scott Aspenlieder, Performance Engineering, agent. Approval of the Zone Change and adoption of the findings of the 10 criteria.

I. Bills for the Weeks of:

1. January 6, 2020
2. January 13, 2020

Councilmember Neese separated Item 1H in order to abstain and Item 1B for discussion.

Councilmember Brown separated Item 1I1 in order to abstain.

Councilmember Boyett separated Item 1H for discussion.

Councilmember Yakawich moved for approval of the entire Consent Agenda, with the exception of Items 1B, 1H, and 1I1, seconded by Councilmember Neese.

Councilmember Neese, in reference to Item 1B, asked for clarification of ongoing costs and maintenance. Lora Mattox, Transportation Planner, stated no funding would be immediately obligated, but as projects arose, wayfinding could be a component of the projects.

Councilmember Purinton asked if the program would include signage for the hospitals, the Police Department, etc. Ms. Mattox responded affirmatively and added there were 3 tiers to the program. She stated the first tier would include larger destinations such as the west end, heights, etc., the second tier would include the Courthouse, Library, etc., and the third tier would cover local neighborhood parks.

Councilmember Choriki moved for approval of Item 1B, seconded by Councilmember Shaw. On a voice vote, the motion was unanimously approved.

Councilmember Boyett, in reference to Item 1H, asked if Highway Commercial (HC) was the best fit for the project. Wyeth Friday, Planning Director, stated HC was prevalent among main corridors and was not an unusual type of zoning for the area.

Councilmember Ewalt asked if there was a buffer requirement with the proposed HC zoning. Mr. Friday stated there were buffer requirements when adjacent to residential areas in either Community Commercial (CC) or HC.

Councilmember Choriki moved for approval of Item 1H, seconded by Councilmember Shaw. On a voice vote, the motion was approved 10-0, Councilmember Neese abstained.

Councilmember Yakawich moved for approval of Item 111, seconded by Councilmember Neese. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 20-10847 vacating a portion of the alley within Block 81, of Original Town of Billings, and the north/south alley within Block 120, of Original Town of Billings, J & S Properties, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Dave Mumford, Public Works Director, gave a PowerPoint presentation of the property and stated the brokers estimated value was \$8.33 per acre.

Councilmember Boyett asked how the City could be certain they had received a fair appraisal. Mr. Mumford stated they received full appraisals on large parcels, but on small parcels, such as Item 2, they accepted a market analysis using the average values in the area.

Mayor Cole asked the petitioner to come forward. He introduced himself as Scott Chesarek, one of the two owners of the property, and stated they did not have an underlying plan, but the vacation would make the area more developable.

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

Mr. Kukulski pointed out that the public hearing needed to be conducted. Mayor Cole apologized for the oversight.

The public hearing was opened.

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

Mayor Cole stated the motion for approval and vote should be repeated.

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

3. PUBLIC HEARING AND RESOLUTION 20-10848 approving and adopting budget amendments for FY2020. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Andy Zoeller, Finance Director, stated there were two budget amendments included in Item 3. He added the first amendment was for Ponderosa Park equipment installation and the second amendment would be for adding an Electronic Citation program in the Police Department's Patrol cars.

The public hearing was opened.

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

Councilmember Ewalt moved for approval of Item 3, seconded by Councilmember Purinton. On a voice vote, the motion was unanimously approved.

4. TAX INCREMENT FINANCE ASSISTANCE from Downtown Urban Renewal District to 704 Properties, LLC, for Wise Wonders Children's Museum redevelopment project at 3024 2nd Ave North; \$100,000. Downtown Billings Partnership Board recommends approval. (Action: approval or disapproval of DBP Board recommendation.)

Councilmember Neese stated he would be abstaining from Item 4, based on a personal relationship with the owner.

Mehmet Casey, Downtown Billings Partnership Development Director, gave Council an overview of the Tax Increment Finance (TIF) Assistance program and the process the TIF Committee follows for reviewing applications.

Mr. Casey stated the proposed improvements would include roof replacement, a new bathroom, parking enhancements, and facade improvements.

Councilmember Brown asked how repairing the roof and adding a bathroom would benefit the public. Mr. Casey stated without roof improvements the owner would be unable to retain the business and added the repair would fall under "external repair" which was allowable within the program.

Councilmember Purinton asked for clarification on how the owner planned to providing safe parking with Alternatives, Inc. located across the street.

Ms. Bonini, owner of Wise Wonders, stated the proposed parking lot improvements would provide a controllable access gate that would help to decrease loiterers and raise money for the museum.

Councilmember Ewalt asked if Ms. Bonini would consider a claw back agreement. Ms. Bonini responded affirmatively.

Councilmember Shaw moved for approval of Item 4, seconded by Councilmember Purinton.

Councilmember Brown expressed concern with considering roof repair as an allowable TIF expense. Mr. Casey stated that the law was written using broad terminology to allow for the elimination of blight in a way that could be seen as a public benefit.

Councilmember Yakawich stated he would like the TIF assistance program to implement a policy requiring reimbursement if they sell the property. Mr. Casey stated a condition could be added to future development agreements if Council wished.

On a voice vote, Item 4 was approved 10-0, Councilmember Neese abstained.

5. TAX INCREMENT FINANCING ASSISTANCE from Downtown Urban Renewal District to Mitchell and Tracy Partnership for 123 North 28th Street development project; \$196,771. Downtown Billings Partnership Board recommends approval. (Action: approval or disapproval of DBP Board recommendation.)

Mehmet Casey, Downtown Billings Partnership Development Director, gave an overview of the property and the proposed improvements. He added there were several potential tenants in discussions with the property owners. Mr. Casey stated the money would be used for exterior improvements, replacing windows, landscaping, subdividing the space, and installing a fire suppression system.

Councilmember Neese asked legal counsel if he would need to recuse himself due to his company possibly benefitting from a relationship with a potential tenant. Gina Dahl, Assistant City Attorney, stated potential financial gain could create a conflict and recommended recusal. Councilmember Neese stated he would be abstaining from Item 5.

Councilmember Shaw moved for approval of Item 5, seconded by Councilmember Joy.

Council discussed the various ways the City could create a policy on requiring a claw back of TIF funding.

Councilmember Brown called the question, seconded by Councilmember Ronning. On a voice vote, the motion to call the question was unanimously approved.

On a voice vote, Item 5 was approved 10-0, Councilmember Neese abstained.

PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Sign-in required.
(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** stated the consultant for the South Billings Recreation and Aquatic Center was requesting a large amount of money to go to Boston to learn about recreation and aquatics centers. He added there were plenty of opportunities for the consultant to learn what he needed without going to Boston. He stated it had been almost a year since any substantial meetings had taken place and added the City needed to move forward and start the process.

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

COUNCIL INITIATIVES:

There were no Council initiatives.

There was no further business, and the meeting adjourned at 6:55 pm.

CITY OF BILLINGS



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk