

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

March 23, 2020

The Billings City Council held the regular meeting via virtual video-conferencing due to the COVID-19 response. Mayor Cole called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. He provided an explanation for the virtual meeting setting and stated Council was cooperating with the CDC guidelines for social distancing to flatten the curve of the COVID-19 infection rate. He continued that Council was doing everything they possibly could to protect citizens' rights to participate in public meetings by having it televised live, and offering a call-in period for public comments. Councilmember Joy gave the invocation.

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

MINUTES:

February 24, 2020 – The minutes for the February 24, 2020 meeting were pending.

March 9, 2020 – Councilmember Yakawich moved for approval, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

COURTESIES:

There were no courtesies.

PROCLAMATIONS:

Mayor Cole proclaimed April 1st, 2020, as National Census Day and explained that everyone needed to be counted as Montana could gain another State representative. He stated that for each person counted in Montana, it equaled approximately \$2,000 of Federal money to the State for the educational system, infrastructure, etc. and since the Census was taken every 10 years, that amounted to \$20,000 per person over that time. He encouraged everyone in Montana to complete the U.S. Census.

Mayor Cole proclaimed April 7th, 2020, as National Service Recognition Day. Mayor Cole stated that in 2009 the City of Billings was identified as an AmeriCorps VISTA location and since that time 237 members had served over 50 local agencies that helped serve the impoverished in the community. Mayor Cole introduced all of the new AmeriCorps VISTA volunteers and the agencies they would be assisting.

COUNCIL REPORTS:

Mayor Cole stated the Montana League of Cities and Towns had a scheduled meeting, which would take place via teleconferencing, with other government officials from around the State concerning the COVID-19 response. He asked that if anyone had something to share to provide it to him to pass along.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski introduced KC Williams, Yellowstone County Disaster and Emergency Services Coordinator for a COVID-19 update. Mr. Williams gave particulars about the impacts of the COVID-19 response across the county and he asked to report to the Council weekly during its meetings.
- Mr. Kukulski reviewed COVID-19 protocols for essential service providers throughout City departments.
- Mr. Kukulski stated information concerning Consent Agenda Item 1A3, Belknap Remodel Bid Award, was provided to Council over the weekend and Engineering staff would review that information and make its recommendation for bid award later in the meeting.
- Mr. Kukulski asked that a motion be made to remove Item 5 on the Regular Agenda, as recommended by DBP so they could continue negotiating with Mr. Holden.
- Mr. Kukulski stated regarding Consent Agenda Item 1J, Acknowledge Receipt of Petition to Discontinue the Alley within Block 142, there were errors in the location description. He stated the staff memo referenced 1st and 2nd Avenues several times without the distinction of north or south. All references to 1st and 2nd Avenues should have been south.
- Mr. Kukulski stated the following ex-parte communications were received after 3:00 PM:
 - An email of support for Coulson Park Master Plan from Melanie Schwarz, Director of Business Development, Big Sky Economic Development.
 - An email of support for the Missing Sidewalk Program from Kristi Drake, Billings TrailNet.
 - An email from Joe Holden regarding Item 5 of the Regular Agenda, suggesting Council review the "Final" document prepared by DBP, dated January 1, 2018.
- Mr. Kukulski reminded Council that there would be no meeting on March 30th, as it was a bye week. There were no Council meetings until April 6th.

Councilmember Neese moved to remove Regular Agenda Item 5 from the agenda, seconded by Councilmember Purniton. On a voice vote, the motion was approved unanimously.

Councilmember Neese asked about whether sufficient time was given for the public to review the bid information concerning Consent Agenda Item 1A3, Belknap Remodel Bid Award. He stated Council was given that information in the City Administrator's Weekly Report, but that may not have been posted until Monday morning for the Public to review. Councilmember Neese moved to remove Consent

Agenda Item 1A3 from the agenda and delay award until the April 13th Regular Business meeting so it would allow enough time for the Public to review the bid information, seconded by Councilmember Ewalt. On a voice vote, the motion to remove and delay award was approved unanimously.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 4b, 5 and 6 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, alterations were made as to how Public Comment was taken. Individuals wishing to give public comment called into a dedicated phone line and held in queue until their turn arrived. Comments on items listed as public hearing items were heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comments were taken at the end of the agenda.

The public comment period was opened.

The following individuals called in during the public comment period and spoke against Consent Agenda Item 1Q:

- **Randy Pierson, 1033 Aronson Avenue, Billings, Montana**, stated the subdivision was very old with many established trees, landscaping, etc. that would need to be removed and it would be very expensive to the property owners. He asked that Council consider other options.
- **Chris Alamond, 1001 Aronson Avenue, Billings, Montana**, voiced his concern about snow plowing and 5-foot curb sidewalks, but wished for continuity of the sidewalks throughout the neighborhoods. He continued that it would cost less to the property owners and cause less removal of established fences, landscaping and trees and shrubs if 5-foot curb sidewalks were installed.
- **Debbie Beartusk, 1032 Aronson Avenue, Billings, Montana**, stated she had lived at this address for 41 years and she stated most of the neighbors were in support of 5-foot curb sidewalks. She mentioned that last year on Barrett Road 5-foot curb sidewalks were installed, so it could be done.
- **Erin Keith, 947 Aronson Avenue, Billings, Montana**, stated she supported sidewalks, but was opposed to the proposed construction because it would make the sidewalks too close to her home. She suggested 5-foot curb walks to keep those using the sidewalk at the edge of her property.
- **Debbie Alamond, 1001 Aronson Avenue, Billings, Montana**, stated she was concerned boulevard sidewalks would encroach too closely to the front of her home. She stated having 5-foot curb sidewalks on some of her property and boulevard sidewalks on others would reduce her property values and be unsightly.

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

1. **CONSENT AGENDA:**

A. **Bid Awards:**

1. **90-100 Gallon Refuse Carts.** (Opened 3/10/20) Recommend Schafer; \$176,778.
 2. **W.O. 18-22: Leavens Reservoir Waterline and Improvements.** (Opened 3/17/20) Recommend delay of award until April 13, 2020.
 3. ~~W.O. 19-16: Belknap Office Remodel.~~ (Opened 3/17/20) Recommendation will be made during the meeting. Continued until April 13th Regular Business meeting.
 4. **W.O. 20-03: Contract No. 2, City Overlay.** (Opened 3/10/20) Recommend Schedule 1: Knife River - Billings; \$1,213,427.70 and Schedule 2: Askin Construction; \$170,245.50.
 5. **W.O. 20-10: WRF Equipment Installation.** (Opened 2/25/20) Recommend Dick Anderson Construction; \$1,135,570.
 6. **W.O. 20-19: North Park Irrigation System Replacement.** (Opened 3/10/20) Recommend The Good Earth Works Co., Inc.; \$423,000.
 7. **W.O. 20-32: Water Treatment Plant Sediment Hauling.** (Opened 3/10/20) Recommend Winkler Excavating, Inc.; \$110,650.
- B. **Professional Services Contract** for W.O. 20-24: West End Storm System Improvements; DOWL; \$136,526.75.
- C. **Security System Expansion Agreement** for Evidence Facility Expansion; Kenco Security; \$94,188.39.
- D. **Lease Renewals** of the Non-Commercial Aviation Ground Leases with B & J Properties Limited, LLC, for a ten-year term (4/01/2020-3/31/2030), primary lease revenue first year; \$11,330.88, auxiliary lease revenue first year; \$1,315.44, revenue subsequent years adjusted by CPI-U.
- E. **Grant Application Request** to submit to FTA and/or MDT Transit Planning Division applications for 5310, 5339 or other available capital grants, and to accept and execute any subsequently awarded grant agreement(s) to purchase vehicles or provide other capital assistance.
- F. **2020 High Intensity Drug Traffic Area (HIDTA) Award** from the Executive Office of the President, Office of National Drug Control Policy; \$244,249.

- G. **Donation** to the Fire Department from ExxonMobil Pipeline Company for the purchase of fire/rescue equipment and supplies; \$2,500.
- H. **Acknowledge receipt of petition to vacate** a portion of South 26th Street fronting Lots 23 and 24, Block 142 and Lots 1 and 2, Block 141 of the Billings Original Townsite; Yellowstone Health Partnership, petitioner; and set a public hearing for April 13, 2020.
- I. **Acknowledge receipt of petition to vacate** portions of Grand Peaks Drive and Sundance Mountain Trail; J & S Development, petitioner; and set a public hearing for April 13, 2020.
- J. **Acknowledge receipt of petition to discontinue** the alley within Block 142 of Original Townsite, Riverstone Health, petitioner; and set a public hearing for April 13, 2020.
- K. **Preliminary Major Plat** of Emma Jean Heights Subdivision, 4th Filing, generally located on the west side of Bitterroot Drive and South of Wicks Lane; Felton Associates, Inc., owner; Northern Engineering and Consulting Inc., agent.
- L. **Preliminary Major Plat** of High Sierra Subdivision, 10th Filing, generally located north of Annandale Road and west of Greenbriar Road; High Sierra II, Inc., owner; Sanderson Stewart, agent.
- M. **Preliminary Major Plat** of High Sierra Subdivision, 14th Filing, generally located northwest of Gleneagles Boulevard and north of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent.
- N. **Preliminary Major Plat** of High Sierra Subdivision, 15th Filing, generally located northwest of Gleneagles Boulevard and north of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent.
- O. **Preliminary Major Plat** of High Sierra Subdivision, 16th Filing, generally located northwest of Gleneagles Boulevard and north of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent.
- P. **Resolution 20-10857** adopting Coulson Park Master Plan.
- Q. **Resolution 20-10858** ordering improvements - 2020 Missing Sidewalk/Miscellaneous Program.
- R. **Confirmation** of Joint Declaration of Emergency **Resolution 20-10856** concerning COVID-19 Health Crisis with Yellowstone County.

S. Bills for the Weeks of:

1. February 10, 2020
2. February 18, 2020
3. March 2, 2020

Councilmember Brown separated Item 1S3 in order to abstain.

Councilmember Ewalt separated Item 1Q for discussion.

Councilmember Purinton stated she emailed Mr. Mumford, Public Works Director, about what would happen to leftover funds in Item 1A6. She stated he responded that Michael Whitaker, Parks Director, could best respond to her inquiry as this was in the Parks budget. Councilmember Neese called for Point of Order stating that items should be separated now and questions and discussion held later in the agenda. Councilmember Purinton separated Item 1A6 for discussion.

Councilmember Purinton separated Item 1P for discussion.

Councilmember Neese separated Items 1H and 1J in order to abstain.

Councilmember Yakawich moved for approval of the entire Consent Agenda, with the exception of Items 1A6, 1H, 1I, 1P, 1Q and 1S3, seconded by Councilmember Purinton.

Councilmember Ronning acknowledged the outstanding work the High Intensity Drug Traffic Area (HIDTA) task force did in the community and congratulated the Police Department for obtaining the award of funds referred to in Item 1F.

Councilmember Ewalt stated there had been a great deal of work in the corner of Rimrock Road and 62nd Street in Item 1B, and he inquired whether the City owned that property to make a retention pond similar to the area near Scheel's, or was it a private project. City Engineer, Debi Meling, stated the project would divert storm water all the way to Hesper Road. She stated the project would help the City get ahead of the storm drain issues.

Councilmember Neese asked, in reference to Item 1R, about an end date for the joint Declaration of Emergency Resolution with Yellowstone County. Mayor Cole stated it was a necessary component to qualify for Federal and State monies and Council could repeal the resolution at any time.

On a voice vote and show of hands, the motion to approve the non-separated Consent Agenda Items was approved unanimously.

Councilmember Purinton, in reference to 1A6, asked what would happen to the leftover funds for this project. Chris Kukulski, City Administrator, stated the funds would not be appropriated to another project without Council approval and would likely remain in the budget.

Councilmember Neese asked if future assessments to PD1 could be reduced since not all of the funds were being used. Mr. Kukulski stated that PD1 assessments did not increase and decrease per capital projects; the monies stay in PD1 and are reallocated toward other projects as needed. Councilmember Neese followed up asking how one was to know what was being reallocated because the CIP did not indicate surplus monies. He continued that the monies were always \$2 million each year, no matter what was saved. Mr. Kukulski stated the CIP is just a planning document. He stated that the balance of PD1 was shared with Council each year and it was within the purview of the Council to reallocate those funds on more capital projects.

Councilmember Choriki stated Council should not get ahead of themselves and begin spending money elsewhere. He continued that all Council was asked to approve the bid award. Councilmember Choriki moved for approval of Item 1A6, seconded by Councilmember Boyett.

Councilmember Joy stated she supported the Parks Department's efforts to reduce water waste in the parks.

Councilmember Neese commended Mr. Kukulsk and staff from Public Works and Parks for working together on projects and reducing expenses by doing so.

On a voice vote and show of hands, the motion to approve Item 1A6 was approved unanimously.

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

Councilmember Purinton moved for approval of Item 1J, seconded by Councilmember Boyett.

Councilmember Ewalt, in reference to 1J, asked if anyone was using the sanitary sewer line contained in the alleyway. Mr. Kukulski responded that based on the information contained in the staff memo, either Public Works wanted to retain access to the sewer line for future use or it was being used to some degree. He continued that staff would not have asked for an easement from RiverStone unless it was necessary. David Mumford, Public Works Director, stated the utility was currently being used and would continue to be used.

Councilmember Yakawich acknowledged RiverStone's continued investment in the Southside.

Mr. Kukulski, in reference to Item 1H, stated it was customary for the City to charge for the right-of-way, however, the last time something for RiverStone Health came about, it was given to them free of charge. He stated that when this came before the Council for approval, even though it was worth \$29,000, Council could consider waiving that amount to its partner, RiverStone Health.

On voice vote and show of hands, the motion was approved 10-0, Councilmember Neese abstained.

Councilmember Purinton, in reference to Item 1P, asked about the costs associated with the projects in the Coulson Park Master Plan and the City's obligation toward maintenance.

Assistant City Administrator, Kevin Iffland, stated the Parks Department, on large master plans, would try to build into those plans a phasing approach, giving project estimates along the way toward the final phase.

Councilmember Neese stated he supported the use of the land and would support the master plan, but asked that Council keep a focus on developing parks that had been identified a long time ago as needing improvements and maintenance. He encouraged the Public to get involved in fundraising, etc. to invest in their parks.

Councilmember Ronning stated that Coulson Park was different from other parks within the City because it was a destination park, not just a neighborhood park, and it was an economic builder for the community. She continued that it would improve one of the entrances into Billings as well.

Councilmember Purinton moved for approval of Item 1P, seconded by Councilmember Shaw.

On a voice vote and show of hands, the motion was approved unanimously.

Mayor Cole called for a recess at 7:36 p.m.

Mayor Cole called the meeting back to order at 7:45 p.m.

Councilmember Choriki asked how the other Councilmembers felt about tabling Item 1Q to discuss policy at an upcoming work session. He stated there was a policy in place that was pushing the City to act one way, but Council wanted to make an exception for the residents who lived in the area. He stated he would rather not continue making exceptions, but have a well-developed policy to follow that considered these kinds of situations.

Councilmember Ewalt, in reference to Item 1Q, moved to approve the Resolution ordering improvements, with the exception that the Aronson Avenue Sidewalk Project be a 5-foot curb sidewalk, seconded by Councilmember Neese. Councilmember Ewalt stated the current policy indicated that curb sidewalks, boulevard sidewalks, landscaping, trees, topography and costs are all considerations to installing 5-foot curb sidewalks. He continued that because of the lay of the land in that area, some properties had a very steep grade to the front yards and to install boulevard sidewalks along there, would require the property owners to install retaining walls and would be a great expense. He added that a 5-foot curb sidewalk would be the least expensive option. He stated the subdivision was a 50-year old subdivision and all of the sidewalks that were in place were 5-foot curb sidewalks.

Councilmember Neese agreed with Councilmember Choriki that this was a policy issue. He added that the City Engineer and engineering staff had done a great job working with the neighbors, but he also agreed with Councilmember Ewalt, that it was not practical to install anything other than 5-foot curb sidewalks. He stated there needed to be exceptions made to the policy for now rather than wait months or years for the policy to be re-written.

Councilmember Shaw agreed with Councilmember Choriki that the policy needed to be revised to address situations like this so that a precedence was not set wherein whenever someone disagreed with policy they filed a petition for an exception. She stated she was also very empathetic toward the neighbors. She stated she was concerned about children's safety and boulevard walks were safer and that the neighbors who objected to the boulevard sidewalks were not the only ones that used the sidewalks.

Councilmember Joy stated she would not support the motion because every single neighborhood should be entitled to an exception and there were many much older than 50 years, but they were not given an exception. She said in no way were 5-foot curb sidewalks a safe solution.

Councilmember Choriki stated he agreed with Councilmembers Shaw and Joy and stated he did not have a problem with making an exception that would lead to a policy, but he wanted it stated what that policy would be moving forward. He continued that the Aronson Avenue portion should be set aside (tabled) to have those discussions about policy, but he was in favor of the rest of the projects moving forward.

Councilmember Brown stated he supported the motion and stated Council was not required to make exceptions, but certainly could. He continued that when neighbors organize to sign a petition to address their wishes, Council should consider that. He stated that if Council was going to follow policy to the letter, then there was no reason for Council to be involved in any of it.

Debi Meling, City Engineer, stated there was criteria to consider for these projects and stated the policy was very flexible in that trees would not be removed, etc., and that curb sidewalks and boulevard sidewalks could be used in the same area. She stated the 54th Street West project was a beautiful example. She continued that it was very important that Council set criteria so it could be followed by staff. She encouraged Council to remove Aronson altogether rather than agree to a 5-foot curb sidewalk because it would open the door for other neighborhoods to apply these variances in the future. She stated national organizations favored boulevard sidewalks because they offered more safety. She stated standards are in place to create a baseline and unless enforced, people will not adhere to them.

Councilmember Purinton acknowledged the construction on 54th Street West and spoke about her concerns with the trail on the east side. Councilmember Purinton moved to amend the motion to remove the Aronson 5-foot curb sidewalk from the program to allow Council and staff to address policy, seconded by Councilmember Boyett.

Councilmember Joy stated she would support the amendment to the motion, because it would lead to improved policy.

Councilmember Ewalt spoke about the 5-foot curb sidewalk that was installed along Barrett Road, stating it was a safe route to schools to Medicine Crow Middle School. He asked if that was against policy then why was it allowed to be installed there.

Councilmember Yakawich stated he opposed the amendment to the motion. He continued that he supported the neighborhoods' wishes and stated he did not want to delay installing 5-foot curb sidewalks in the area.

Councilmember Ronning stated she would support the amendment to the motion and encouraged that the discussion continue to lead to conformity in the future.

Councilmember Neese stated it was the responsibility of the Council to interpret the policy and guide staff in the wishes of the neighbors. He stated he would not support the amendment to the motion, but would support the original motion made by Councilmember Ewalt.

Councilmember Choriki reminded Council that it was their responsibility to provide staff with clear policy direction. He continued that no one was saying the neighborhood would not get 5-foot curb sidewalks, but clear policy needed to be adopted for future projects so this conversation did not happen over and over again.

Councilmember Neese stated he agreed with Councilmember Choriki that the conversation about improving the policy was needed at a future work session, but the policy did not have to be decided now.

On a voice vote and show of hands, the amendment to the motion was approved 7-4; Councilmembers Ewalt, Neese, Yakawich and Brown voted in opposition.

On a voice vote and show of hands, the amended motion was approved 8-3; Neese, Ewalt and Yakawich voted in opposition.

Councilmember Joy moved for approval of Item 1S3, seconded by Councilmember Boyett. On a voice vote and show of hands the motion was approved 10-0; Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 20-10859 creating SILMD 326, King Avenue East street lights. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Debi Meling, City Engineer, gave a PowerPoint presentation and stated streetlights were paid by adjacent property owners. She stated the streetlights would run from Orchard Street to Jackson Street. She continued that the assessments were for maintenance and replacement of streetlights, poles and infrastructure associated with the maintenance district. She stated the costs were approximately \$4,000/yr. for the district and she broke down those costs. Ms. Meling stated the assessment did not include installation of the lights, because the installation was part of the SBBURD TIF District, so none of the lights were paid by adjacent property owners. She said they based the assessment on square footage and the average assessment per property owner was about \$50/yr. She stated there was one protestors and it was the owner of the mobile home parks, which equaled 31% of the district. She stated construction would be completed by late fall and the assessments would be on the taxes later in the fall.

Councilmember Ewalt asked why the Southside of King Avenue did not go all the way to Jackson, just like on the Northside. Ms. Meling stated that property was already in a maintenance district. Councilmember Ewalt followed by asking if the City-County Drain contained in the district should be assessed, too. Ms. Meling responded that the City-County Drain was actually owned by the State.

The public hearing was opened.

There were no callers and the public hearing was closed.

Councilmember Yakawich moved for approval of Item 2, seconded by Councilmember Boyett.

Councilmember Yakawich stated this was good work by the SBURA and revitalized the area.

Councilmember Neese stated the mobile home parks' property did not benefit as much as some of the other properties and it appeared they were over-assessed and would not benefit from the light.

Councilmember Joy stated that ancestors before and property owners all over paid for benefits that created the city and because they paid for improvements that built the city we live in, we all benefitted. Sometimes you cannot make all expenses equitable to all people, but all people would enjoy the benefits from the streetlights and streetlights make the area safer.

On a voice vote and a show of hands, the motion was approved 9-2; Councilmembers Neese and Ewalt voted in opposition.

3. PUBLIC HEARING AND RESOLUTION 20-10860 creating SID 1408, Wanigan Subdivision Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Debi Meling, City Engineer, gave a PowerPoint presentation and stated the property owners agreed to have their gravel roads paved. She identified that area in the Heights that would be improved and the survey responses received. She stated there were no protests. She stated that the eastern portion of Shawnee Drive would not be improved because the property owners would not agree to the SID, but the rest of the area would receive improvements. She addressed how Clevenger Park and its master plan affected the SID. She stated the master plan needed updating. She stated the project was estimated at \$1.2 million and benefitted 39 lots. She continued that the assessments would include curb gutters, storm drainage, sidewalks and street improvements. She explained the SID policy concerning 5-foot curb sidewalks and 7-foot boulevard sidewalks and stated that the City would have to pay the difference between a 5-foot curb sidewalk and 7-foot sidewalk because of the way the SID policy was written. She said this was something that would be modified in future policy adoptions. She stated the construction would be completed in late summer and the taxes would be assessed in the fall.

Councilmember Neese asked for an explanation of how properties are assessed, business versus residential. Ms. Meling explained the difference between work order policies and SID policies and how they affect the addressed side of the properties. Councilmember Neese asked that there be consistency between the two policies.

The public hearing was opened.

There were no callers and the public hearing was closed.

Councilmember Boyett moved for approval of Item 3, seconded by Councilmember Shaw. On a voice vote and show of hands, the motion was approved unanimously.

4. **SID 1413:**

- a. **PUBLIC HEARING AND RESOLUTION 20-10861 creating SID 1413, Winged Foot Road and Greenbriar Road. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Debi Meling, City Engineer, gave a PowerPoint presentation and history of the Lake Hills Subdivision, which began development in the 1950s. She stated there were no requirements for improvements in the 1950s, when it came to development and now the only way to build on the lots was to do an SID. She stated 21 of the lots were owned by Ron Hill and 3 of the lots were owned by another individual. She stated they would be responsible for the installation of improvements, with the exception of sidewalks, initially, because there were no homes built on the lots yet. Sidewalks would be installed after the homes were built. She stated there were no protests and construction would begin in the summer and assessments would be assessed in the fall.

Mayor Cole asked why the sidewalks were not required to be installed until after the entire area is developed. Ms. Meling explained that contractors would not wish to install sidewalks when there was grading of the land to be done and drive approaches were not established yet. She said the City required that sidewalks be installed within 5 years after construction was completed. If they were not installed, then they would likely go into the missing sidewalks program.

Councilmember Neese asked if when the SID policy was corrected concerning addressing, whether the Lake Hills Golf Club would be responsible for paying a portion of the SIDs. Ms. Meling stated they would and the City would have less of the burden. He followed by asking if this should be delayed until the policy changes could be made. Ms. Meling responded that would take a couple of months and there needed to be more conversations concerning other criteria for additional scenarios prior to that.

The public hearing was opened.

- **Ron Hill, 142 Annandale Road, Billings, Montana**, stated the current system worked well. He stated he would not approve of the golf course being included in SIDs at this time, but it was worthy of future discussion.

There were no further callers and the public hearing was closed.

Councilmember Boyett moved for approval of Item 4(a), seconded by Councilmember Neese. On a voice vote and show of hands, the motion was approved unanimously.

- b. PROFESSIONAL SERVICES CONTRACT for SID 1413, Winged Foot Road and Greenbriar Road; WWC Engineering; \$166,587. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

There was no staff presentation, but Debi Meling, City Engineer, did explain the process for choosing WWC Engineering.

Councilmember Neese moved for approval of 4(b), seconded by Councilmember Purinton. On a voice vote and show of hands, the motion was approved unanimously.

5. WITHDRAWAL of the unexecuted Development Agreement with WC Commercial. Downtown Billings Partnership Board (DBP) recommends approval. (Action: approval or disapproval of DBP Board recommendation.)

6. TAX INCREMENT FINANCE ASSISTANCE from Downtown Urban Renewal District to Clocktower Inn for a redevelopment project at 2511 1st Ave North; \$116,000. Downtown Billings Partnership Board recommends approval. (Action: approval or disapproval of DBP Board recommendation.)

Councilmember Neese stated he would abstain from this item due to a client relationship.

City Administrator, Chris Kukulski, introduced Mehmet Casey of the Downtown Billings Partnership who gave a presentation about the redevelopment project. He stated the applicant was Steve Warlich, and he was available to answer questions about the project. He stated the project would affect the overall ambience of the area. He stated "the ask" was in keeping with the City's 5:1 finance ratio.

Mr. Steve Warlich, the owner of the Clocktower Inn, gave a history of the hotel and explained the various aspects of the project. He mentioned that the Inn's alleyway had more traffic on it, than most residential streets. He stated that when the streets were converted to one-way traffic, it affected the entrances and exits from the property. He stated over the past five years there had been an investment of around \$5 million into the property, with approximately 85% of that money going into the rooms. He shared comments made about the hotel on various customer rating websites which indicated the exterior was dated and unattractive. He continued that if the perception from customers was that it was rundown or unsafe, then potential customers would not stay there, and that hurt his business, but also hurt the entire downtown area. He gave the example of how a motel in Bozeman, now known as "The Lark" improved its exterior and was now one of the best motels in Bozeman. He stated the Clocktower Inn would be creating a different parking configuration by adding landscaping to it.

Councilmember Brown stated the documentation provided lacked specifics as to how the monies would be used. Mr. Casey stated that only qualified expenses would be reimbursed and receipts would be provided from which to issue reimbursement up to \$116,000. He stated he would provide Council with an actual list of expenses.

Councilmember Purinton stated that more detail about which expenses would be reimbursed was needed for future TIF grants. Mr. Casey stated he would provide more information prior to Council approval in the future.

Councilmember Shaw moved for approval of Item 6, seconded by Councilmember Ronning.

Councilmember Ronning stated it was important that TIF grants be consistent in the information provided to Council. She stated it was an awesome presentation and the project was exactly what was needed downtown and the Clocktower Inn was at a very important intersection of downtown.

Mayor Cole asked that staff help the TIF districts with consistency throughout.

On a voice vote and show of hands, the motion 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 or as set by the Mayor. 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.

- **Kristi Krenshaw, 540 Josephine Drive, Billings, Montana,** stated she worked in the fast food industry and stated she did not feel well and that she was sent to the doctor. She stated she was diagnosed with strep, but was not tested for strep, and was given medication and sent back to work. She asked what she was supposed to do.

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

COUNCIL INITIATIVES:

There were no Council Initiatives.

There was no further business, and the meeting adjourned at 9:48 p.m.

CITY OF BILLINGS



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

ATTEST:

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