

# City Council Work Session

5:30 PM  
Council Chambers  
July 20, 2020

**ATTENDANCE:**

**Mayor/Council** (please check) ✓ Cole, ✓ Shaw, ✓ Yakawich, ✓ Neese,  
✓ Ewalt, ✓ Joy, ✓ Choriki, ✓ Purinton, ✓ Ronning, ✓ Boyett, ✓ Brown  
**CM excused:**

**ADJOURN TIME:** 10:13 PM

## Agenda

<b>TOPIC #1</b>	<b>COVID-19 Update by Unified Incident Command</b>
<b>PRESENTER</b>	John Felton, Yellowstone County Health Officer
<b>NOTES/OUTCOME</b>	

- John Felton: mentioned the increase in COVID numbers – 717 cases- Yellowstone County with 26 patients in the 2 hospitals; 3 in intensive care with 1 on a ventilator. Stated the mandated mask initiative came about by pressure on the Governor by the public and now pressure is being received from the other side. Masks required when unable to physically distance or not being observed.
- Brown: Positive test policy? John Felton: Isolation until Public Health releases.
- Council asked several questions about testing methods varying between States; how active cases are tracked and how long does it take one on average to recover.

**Public Comment:** NONE

<b>TOPIC #2</b>	<b>Bicycle and Pedestrian Advisory Committee (BPAC) Annual Presentation</b>
<b>PRESENTER</b>	Elyse Monet, Active Transportation Planner; Kristi Drake, Anna O'Donnell and Ed Gulick, BPAC members
<b>NOTES/OUTCOME</b>	

- Kristi Drake: PowerPoint overview existing plans, annual report, explained role of the BPAC and introduced its members. Reviewed transportation industry standards. Stated there was safety in numbers for bicycles and that in communities that had a large cycling group, experienced fewer safety issues. She spoke about safe routes to schools. They help with providing data for a variety of studies.
- Ed Gulick: Addressed the street infrastructure – round-about and bicycle boulevards and other traffic calming devices.

- Anna O'Donnell: Reviewed various trails and usage increase. Spoke about the value of trails for public health. Trail use increased during pandemic.
- Purinton: identify intersections for models?
- Ed Gulick: strategy has not been identified yet.
- Elyse Monet: Will be looking toward fall for specifics for traffic calming with Engineering as it is in the CIP for FY20-21.
- Neese: County not involved in safe routes to school program? Kristi Drake: 2011 study, will defer to Elyse with Planning Department on why County not involved.
- Elyse: Engineering Department did the study for the City. Riverstone Health and Healthy by Design working on safe routes to schools with both City and County.
- Neese: plans prevent through traffic and left turns? Ed Gulick: haven't seen plans.
- Elyse: only tentative options, trying to come up with plan that would allow bikes to go straight through without stops.
- Council discussed timing and traffic calming strategies.

**Public Comment:** NONE

<b>TOPIC #3</b>	<b>Disposal of Parkland at Sahara Park</b>
<b>PRESENTER</b>	Michael Whitaker, Parks Director; Chuck Barthuly and Andrew Billstein, Better Billings Foundation
<b>NOTES/OUTCOME</b>	

- Michael Whitaker: Stated Better Billings Foundation (BBF) has asked that the City to donate 2.5 acres of parkland that is adjacent to the Oasis water park, which is owned and operated by the Better Billings Foundation.
- Chuck Barthuly: provided a presentation to irrigate land, provide picnic shelters with tables, trees for shade. The use of the land would be open park with shelters for more play area.
- Mayor Cole: development agreement?
- Andrew Billstein: separate agreement and would be park agriculture development and not aquatic.
- Boyett: could the land be leased for \$1 or \$2/yr for 99 years? So BBF not responsible for fees.
- Whitaker: Not something that was considered but is a good idea. Looking for direction from Council.
- Joy: playground equipment standard? Barthuly: commercial grade for liability coverage.
- Ewalt: how long has City owned the park?
- Whitaker: land was acquired by the City in 1950's or 1960's.
- Ewalt: property pays arterial fees, assessments, etc.?

- Chris Kukulski, City Administrator: Parks are required to pay assessments just like churches or schools.
- Ewalt: supports a BMX bike activity there.
- Barthuly: not currently planned for, but good idea.
- Brown: Parking an issue for Oasis and new park?
- Barthuly: Rarely a problem, perhaps during certain hours. Street parking utilized, hasn't been a significant issue.
- Neese: how much has been donated to Oasis?
- Barthuly: 100% of Oasis was donated. Sizable budget for maintenance. \$4.5 million raised.
- Joy: Scholarships and subsidizing for low income families and sliding fee scale?
- Barthuly: yes and discounts to all community partners and non-profits.
- Ronning: Are all families welcome or just Christians? Website talks about God and the Bible. City government has a separation of state and church and all faiths are to be represented. Hope all families are welcome regardless of faith.
- Barthuly: No proselytizing – BBF is a secular group – not religious. Oasis began with Harvest Church.
- Andrew Billstein: BBF is not a religious organization. Benefit from support from a lot of different individuals.
- Choriki: This is valuable land – what assurances that this will continue to be used for the public as a park.
- Whitaker and Mayor: would be in the deed restrictions.
- **Public Comment:**
- Angela Cimmino, 1745 Sylvan Lane, Billings, Montana: gave her support for the donation. She stated the Better Billings Foundation has given the community an amazing waterpark.
- Council discussed various options for selling, leasing, how assessments would affect other parks.
- Ewalt: supported a lease situation in which the City would continue owning, but the City could continue to pay the assessment costs, but the BBF would make the improvements.
- Ronning: if we do certain things for this park – how would that affect the other parks where there is a private/public partnership like Landon's Legacy or future improvements to Coulson.
- Whitaker: stated no one else had asked for donations of park land.
- Purinton: stated she wanted to see it penciled out between a lease or a donation.
- Choriki: What is the relationship with Amend Park?
- Whitaker: Just have an agreement with the agency for management – they do not lease the facility, parks maintains it and the agency manages it.
- Kukulski: Parks that are paid through PMD the City collects all the assessments are covering the costs for assessments for the streets; General Fund / PD1 has

not paid for assessments for parks that are operated through the General Fund / PD1. This falls into the Non-assessment column.

- Shaw: Wants to know what the presenters prefer? Lease or own?
- Barthuly: No opinion one way or the other, just want to take care of it. If BBF doesn't have to pay the assessments, that leaves more money to make improvements.
- Andrew Billstein: Stated that City Attorney's office in the past wanted to eliminate possible liability in the future and that was done by selling the property to BFF.
- Neese: Motion to direct staff to proceed with the transfer or lease of parkland after researching the best solution, second by Ewalt. Unanimously approved.

Mayor called for a recess: 7:25 PM

Mayor called meeting back to order at 7:36 PM

<b>TOPIC #4</b>	<b>Lockwood TEDD Update</b>
<b>PRESENTER</b>	Chris Kukulski, City Administrator; Steve Arveschoug, BSED Executive Director
<b>NOTES/OUTCOME</b>	

- Chris Kukulski: PowerPoint presentation showing Memorandum of Understanding (MOU) attachment allowing Lockwood Water to expand district boundary. He recommends that if the County can address some of these boundary issues all around the City – it would be worth the expansion. Project ReCode has lots of information and planned development communities. Suggested an 18% surcharge for wastewater and that Lockwood could not go through Heights Water for water, they must come to the City for water because Heights Water is City water. Property owners do not want to come into the City. May get sued over the 18% surcharge. Have to earmark the funds and how to use it to improve and develop systems for properties on septic systems. How long will it take the City and County to develop an agreement. Big Sky Economic Development in lead position and is the catalyst.
- Steve Arveschoug: Important to understand the 3 sections:
  - 1<sup>st</sup> creates context consistent with City policy.
  - TEDD is a tax increment finance district.
  - Possible annexation – which would be a checkerboard – not in the best interest of the City.
- Arveschoug: Lastly what is the solution. Chris asked “what is the value proposition for the City of Billings?”
- Kukulski: may take another 6 to 12 months to arrive at a City/County agreement. Property owners need something quicker.
- Arveschoug: Needs to see more cooperation.

- Ronning: Steve, Wyeth Friday, Woody Woods, Thomas McLean presented to County Commissioners, remind City that County deals with State statues for development in subdivisions. Appeared to be in favor of developing MOUs and that City and County relations were good.
- Brown: Stated the Inner Belt Loop is the City's TEDD and we will need the County's help. Make it clear City is looking to move forward with County. Conversations more important than surcharge.
- Wyeth Friday: Section for City and Section for County zoning regulations in Project ReCode. If there is a large development in the County, they must enter into a planned development agreement with the understanding that the entire amount of properties would be in the City so there are not County zone changes and then City zone changes. Don't currently have a mechanism that if someone states they don't want in the City or have City services, there is not that requires it. It's on the website as planned neighborhood development.
- Ewalt: Which way does the TEDD determine if they are coming into the City?
- Kukulski: they have no intention to come into the City.
- Ewalt: will this become a boondoggle like Heights Water? How much does that cost City?
- Kukulski: don't know how to answer question about cost. No reason for Lockwood to think about public services with their development. Unwillingness to reconcile payment to City.
- Neese: if County doesn't follow through on any issues, we can't enforce it. Need to check the legality of an 18% surcharge. Need advise so City doesn't end up having to pay back money. Consider swapping the district acreage? Move district to include TEDD.
- Arveschoug: Doesn't believe Lockwood Proper would want to swap property as they have a plan for expansion.
- Neese: doesn't support selling City services with no intention of coming into the City.
- Boyett: Supports Lockwood and its growth, but wants to protect the City.
- Purinton: what is the benefit to Billings for them not to be annexed? Lockwood has been clear about not annexing.
- Kukulski: hard negotiation. Utilities to be allowed without annexation can cause problems for decades. Lockwood, Heights and Westend all have same issues. Solve boundary issues to make City better.
- Shaw: crucial to have MOU.
- Brooks: 18% surcharge research and exclusivity of water purchase from the City only. Need to more on 18% surcharge and it must be tied into the infrastructure.
- Ewalt: MOU with County – have an election for Ostlund's position. Wonder if change in office will affect City.
- Neese: there is no teeth in this, DEQ really controls it. If the agreement goes awry, the DEQ will not allow the City to shut off sewer. The City will not see that much benefit from this – in fact it will tax other city services – Police.

- Mayor: County's rules for subdivision approval similar to City's. Great deal of flexibility.
- Kukulski: Lockwood residents currently pay 6%, the additional 12% would only apply to the TEDD.
- Friday: currently working on proposed draft regulations for clear urban development.
- Council discussion about legislation and the legality of an agreement. Sit down session with Commissioners and review ReCode.

**Public Comment:**

- Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana: brought up surcharge for out of City utilities years ago. Stated it is a win-win when the surcharge is paid as long as it is kept in the utilities and helps subsidize City citizens that are paying to provide the service through their taxes.
- Arveschoug: need a meeting of the minds with forward-looking individuals – spirit of cooperation and trust is the fuel – Council is encouraged to prime the pump.
- Purinton: need clarity to see what City is allowed to do. Both sides need to cooperate.
- Joy: We are negotiating with the landowners, not the County Commissioners. She stated she disagreed with this last time and she isn't seeing the language in the agreement. DEQ may really control it. If DEQ changes regulations, City could consider shutting off sewer.
- Brooks: the agreement would need to be explicit about the 18% and what is given by the City in order to justify it. We could certainly shut off sewer.
- Yakawich: Moved to direct staff to proceed with developing an MOU and bring back to Council for a vote at a later date, seconded by Boyett.
- Joy: wants clarification on DEQ allowances of allowing sewer versus ponds. City's negotiating power will increase if DEQ has strong regulations.
- Neese: too general will not support motion – DEQ and no teeth to the contract.
- Ewalt: Called the question, seconded by Boyett. Approved - Voted in favor – Shaw, Neese, Ewalt, Mayor Cole, Choriki, Purinton, Ronning, Boyett, and Brown; Joy and Yakawich opposed.
- Yakawich's motion was approved 9-2, Ewalt and Neese voted in opposition.

<b>TOPIC #5</b>	<b>Quarterly Updates – 4<sup>th</sup> Quarter Financial Report</b>
<b>PRESENTER</b>	<b>Andy Zoeller, Finance Director</b>
<b>NOTES/OUTCOME</b>	

- Council discussed doing a brief presentation due to the late hour.
- Andy: budget amendments will come in August – Public Safety (PS) fund overtime was unbudgeted, Downtown Revolving loan; copier replacement. CARES act, new information. \$1.25 billion is being allocated out to MT. Police, Fire, 911 salaries extended through June 30<sup>th</sup>. \$4.2 million to May 31. Requested \$6.4 million. Good news is that the general fund used very little of reserves for FY20 because of the amount. MET Transit \$5.4 million for capital and operating costs. Airport \$12.7 million for operating costs. Community Development Block Grant - \$389.973 to mitigate homelessness due to Covid.

<b>TOPIC #6</b>	<b>Quarterly Updates – Council Priorities</b>
<b>PRESENTER</b>	<b>Chris Kukulski, City Administrator</b>
<b>NOTES/OUTCOME</b>	

- Chris: Public Safety community presentation overview. Retain status quo, larger ask later. Council can help by spreading message. Ballots mailed in 6 weeks. Utilizing local media to spread message.

<b>TOPIC #7</b>	<b>Quarterly Updates - Code Enforcement (<i>Dirty Dozen</i>)</b>
<b>PRESENTER</b>	<b>Nicole Cromwell, Zoning Coordinator and Code Enforcement Supervisor</b>
<b>NOTES/OUTCOME</b>	

- Nicole: 2020 2<sup>nd</sup> quarter highlights: 114/118 S. 29<sup>th</sup> Street, 4116 State Avenue and 623 Avenue F retired from list after several years of hard work.
- **Public Comment:** NONE

<b>TOPIC #8</b>	<b>Quarterly Updates - Police</b>
<b>PRESENTER</b>	<b>Police Chief Rich St. John</b>
<b>NOTES/OUTCOME</b>	

- Chief St. John: overview of year to date statistics, violent crimes up, more disturbances during Covid. Overview of Police Department reform movement. Discussion of chokeholds, uses of force.
- **Public Comment:** NONE

<b>TOPIC #9</b>	<b>Quarterly Updates -- Fire</b>
<b>PRESENTER</b>	<b>No Report Given</b>
<b>NOTES/OUTCOME</b>	

- **Public Comment:** NONE

<b>TOPIC #10</b>	<b>Public Comment on Items Not on the Agenda</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- **Public Comment:** NONE
- Chris Kukulski: Read Clark Johnson's email discussing his Parks Board removal. Stated the practice of reading emails needed to stop.