

## **REGULAR MEETING OF THE BILLINGS CITY COUNCIL**

**July 12, 2021**

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:**

**June 28, 2021** – The minutes were pending.

### **COURTESIES:**

Councilmember Joy commended organizers at the Strawberry Festival and stated it had been a successful event.

Councilmember Yakawich stated the Relay for Life event had also been successful and admired the survivors that participated.

### **PROCLAMATIONS:**

Mayor Cole proclaimed July as Parks and Recreation Month. He stated parks provided services that helped the community's mental and emotional health of citizens and benefited the City both economically and with additional tourism.

### **COUNCIL REPORTS:**

There were no Council reports.

### **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Mr. Kukulski stated staff was currently working with Yellowstone County regarding recreational adult use marijuana. They would be approving a Resolution of Intent tomorrow and going through the necessary steps to determine what would be on the ballot.

Mr. Kukulski stated the Public Comment timer was not working, and informed Council a new part had been ordered.

Mr. Kukulski stated there were no exparte communications received for this meeting.

Mr. Kukulski asked Council to consider adjusting the order of agenda items, based on emails that had been received from Council.

Councilmember Yakawich made a motion to move Regular Agenda Item 13 to the beginning of the Regular Agenda, seconded by Councilmember Purinton. The motion was approved 10-1, Councilmember Choriki opposed.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2, 5a, 7a, and 12 ONLY.** Speaker sign-in required. (Comments are limited to three (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. Comments 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.

- **Randy Hafer, 702 North 23<sup>rd</sup> Street, Billings, Montana:** in reference to Regular Agenda Item 13 (now 2), stated the Stillwater buy/sell agreement was a great opportunity for the City and it was the only downtown building that fit the City's needs. He added finding a new site would cost a significantly higher amount than the Stillwater Building.
- **David Goodridge 129 Avenue D, Billings, Montana:** in reference to Regular Agenda Item 13 (now 2), stated there was another building that would work for the City's needs. He stated "you cannot buy a building that does not appraise". He added the City would lose out on the property tax revenue for many other buildings that the City would no longer use. He added he was working with a property owner that had a property that would work for the City.
- **Matt Robertson, 542 Park Avenue, Billings, Montana:** in reference to Regular Agenda Item 7a, stated he was in support of the development agreement.

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

**1. CONSENT AGENDA:**

**A. Bid Awards:**

1. **Billings Public Library Hail Repairs.** (Opened 6/29/21)  
Recommend not awarding the bid.

**B. Change Order No. 1, W.O. 20-23: Solid Waste Container Storage Facility, K2 Civil; \$167,875.**

**C. Compensation Agreement with Messinger Company, LLC.**

**D. Landfill Agreement with Yellowstone County; \$283,540.**

- E. **Amendment No. 1 to 2021 Unified Planning Work Program (UPWP)** and authorizing Mayor Cole to give a positive recommendation to PCC.
- F. **Amendment No. 1, Automobile Rental Concession and Lease Agreements**, (1) Overland West, Inc., DBA Hertz Rent A Car, (2) Enterprise RAC Company of Montana/Wyoming, LLC DBA Enterprise Rent A Car, (3) Larson Enterprises, Inc. DBA Avis Rent A Car and Blackfoot Rentals Inc. DBA Budget Rent A Car, (4) Enterprise RAC Company of Montana/Wyoming, LLC DBA Alamo Rent A Car and National Car Rental, and (5) Overland West, Inc. DBA Thrifty Car Rental and Dollar Car Rental.
- G. **Purchase** playground equipment for Lillis Park from Northwest Playgrounds; \$199,772.87.
- H. **Purchase** playground equipment for Terry Park from Dakota Playgrounds; \$189,702.
- I. **Acknowledge receipt of petition to vacate** a portion of the alley right of way adjacent to Lots 13 and 14, Block 5, of the Original Town of Billings, and set a public hearing for August 9, 2021.
- J. **Resolution 21-10969** adopting the Center for Public Safety Management Fire Operational and Administrative Analysis.
- K. **Resolution 21-10970** adopting the Center for Public Safety Management Police Operational and Data Analysis.
- L. **Resolution 21-10971** declaring an emergency and authorizing payment for W.O. 21-40: Bank Stabilization near Park Place.
- M. **Resolutions 21-10972 and 21-10973** relating to \$3,040,000 pooled Special Improvement District bonds, Series 2021A and 2021B (SID 1416, SID 1417 and SID 1418); fixing the form and details and providing for the execution, delivery and security.
- N. **Bond Resolution 21-10974** for the sale of sidewalk bonds for W.O. 20-12.
- O. **Resolution 21-10975** authorizing staff to apply for American Rescue Plan Act (ARPA) State competitive grants.
- P. **Bills for the Weeks of:**
  - 1. June 7, 2021
  - 2. June 14, 2021

Councilmember Brown separated Item 1P2 in order to abstain, stating his employer was a payment recipient.

Councilmember Purinton separated Items 1J and 1K for discussion.

Councilmember Purinton separated Items 1M and 1N in order to abstain, stating her company was involved.

Councilmember Boyett separated Item 1B for discussion.

Councilmember Neese moved for approval of the entire Consent Agenda with the exception of Items 1B, 1J, 1K, 1M, 1N, and 1P2, seconded by Councilmember Boyett.

Councilmember Neese, in reference to Item 1M, disclosed he had discussions about this item coming before Council with a former client.

By a voice vote, the motion to approve the entire Consent Agenda with the exception of Items 1B, 1J, 1K, 1M, 1N, and 1P2, was unanimously approved.

Councilmember Boyett, in reference to Item 1B, asked for clarification on why the City had stopped construction and if it was related to neighbors voicing concerns. Ms. Meling, Public Works Director, stated it was slightly unclear what could be constructed on the site, therefore, in the interim the City had bought another property that was better suited for the container. She added the existing building was waiting for the opportunity to move to the new property location. Mr. Kukulski stated there was a lawsuit with the property owners and the State of Montana, therefore, the City had chosen to not get involved.

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

Councilmember Purinton, in reference to Item 1J and 1K, stated the terminology "adopt" was too rigid and would prefer to postpone action until Council had the opportunity to review it further.

Councilmember Neese made a motion to change the terminology in the resolutions from adopt to receive, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

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

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

Councilmember Joy moved for approval of Item 1P2, seconded by Councilmember Boyett. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

## REGULAR AGENDA

### 2. BUY/SELL AGREEMENT to purchase the Stillwater Building located at 316 N. 26th Street for \$17 Million. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Kevin Iffland, Assistant City Administrator, gave a history of the new City Hall purchase process. He stated the Council had approved a master facility plan for a new City Hall 7 years ago and Council had adopted the plan in May 2017. In December 2018 Councilmember Yakawich made an initiative to create a Request for Proposals (RFP). In May 2019, there had been an update to the RFP updating square footage and staff had presented a draft to Council. Proposals had been submitted to Council and an RFP committee had been formed. There had been several meetings with WC Commercial and the committee, which consisted of 5 Councilmembers, the Finance Director, the Facilities Director, Mr. Kukulski and himself.

Jessica Iverson, Facilities Director, gave a PowerPoint presentation of the Stillwater Building purchase process. She stated the negotiation committee had performed due diligence and informal negotiations with the seller, the City had obtained appraisals to determine market value, the committee negotiated with the seller on pricing, and a contingent agreement was being presented to Council for approval. She stated the next steps were Council approval, the investigation phase, staff bringing a recommendation to Council for removal of contingencies and final approval of the purchase. She added they would need to create an RFP for space planning, programming, and design work, and begin phased construction of the building. She anticipated completing City space build out within three years and staff would pursue lease opportunities with partner agencies. She gave an overview of the proposed costs to finish the build out of the facility.

Councilmember Neese asked for clarification on asbestos in the building. Ms. Iverson stated the asbestos had been abated per requirements and it did not pose any problems if it was encapsulated. If a remodel to that area occurred, the proper precautions would need to be taken to ensure the asbestos did not become airborne. She added the asbestos area would have a regular inspection plan.

Council discussed the construction cost per square foot to get the building ready for use, leasing out space to other businesses, funding to pay for the building and how the purchase would affect the City tax rolls.

Mr. Kukulski stated the City would work with Yellowstone County to continue leasing a portion of the building, and work with other local government services and criminal justice systems to share the building. He added the City was currently renting several offices around town and this building would allow them to own their own space.

Councilmember Ronning asked how the building would have been paid for without CARES Act funds and reminded staff that Council had proposed a new law and justice center as a priority but not a new City Hall. She asked if there were other ways the ARPA money could be used. Mr. Kukulski stated the City could use the money in various ways and recommended it be used for a onetime expense.

Councilmember Neese asked if purchasing the building would breach the agreement regarding the One Big Sky project that prohibited the City from having any catalyst projects for three years. Mr. Kukulski stated staff and legal counsel had reviewed the document and the proposed law and justice center would not breach the agreement.

Mayor Cole asked for clarification on other property options available to the City. Mr. Iffland stated staff had investigated other options and had done cursory due diligence and had found the Stillwater Building to be the best choice.

Mr. Kukulski stated the building mentioned as another option had been considered and did not meet the needs of the City. He added the Stillwater Building was the best option.

Councilmember Choriki asked for clarification on why the parking garage was not being purchased. Mr. Kukulski stated purchasing the garage would exceed the amount of cash on hand and parking garages were not great assets.

Councilmember Choriki asked for a professional opinion on the existing asbestos.

Randy Hafer stated asbestos had been found in the ceiling, but it was encapsulated and he did not foresee a need to disturb the area in the future. He stated the industry standard was to leave the area encapsulated and if the need ever arose it would only require a spot abatement.

Doug James, Moulton Bellingham, stated Exhibit E, the Encroachment and Easement agreement relating to the skybridge, was still under discussion and recommended it be removed from the motion.

Councilmember Shaw made a motion for approval to authorize the Mayor to execute the proposed purchase and sale agreement relating to the Stillwater Building located at 316 North 26<sup>th</sup> Street for \$17 million, as recommended by staff, excluding Exhibit E, seconded by Councilmember Neese.

Mr. James added there were recommended minor amendments to items 7f and 7g, and additional language added to item 14b. He stated Exhibit E would not be excluded, but that document would be brought back to Council later for approval.

Councilmember Shaw stated she would allow those changes as a friendly amendment, Councilmember Neese stated he would allow the amendments as well.

Councilmember Ronning stated she thought the Stillwater Building was a great opportunity for the City but did not agree with the lack of public participation in the decision and would not support the motion.

On a voice vote, the motion was approved 10-1, Councilmember Ronning opposed.

Mayor Cole called for a recess at 7:40 pm.

Mayor Cole reconvened the meeting at 7:50 pm.

**3. PUBLIC HEARING AND RESOLUTION 21-10976 approving and adopting FY2021 budget amendments. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Andy Zoeller, Finance Director, gave a PowerPoint presentation of the proposed FY2021 budget amendments and stated he was available for questions.

Councilmember Ewalt asked for clarification on the fire truck purchase. Mr. Zoeller stated it was an FY2021 expense because the contract had been signed during that year.

Councilmember Ewalt asked for clarification on water expenses. Mr. Zoeller stated it was an estimate through June 30<sup>th</sup> and would be used for the calculation of future years water expenses.

The public hearing was opened.

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

Councilmember Boyett moved for approval of Item 3, seconded by Councilmember Ronning.

On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5761 FOR ZONE CHANGE 992: A zone change from N3 - Suburban Neighborhood to N2 - Mid-Century Neighborhood located at 117 and 119 Glenhaven Drive. Eric Schnelbach, owner/ applicant. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)**

Monica Plecker, Planning Division Manager, stated Zone Change 992 had been presented to Council on June 28, 2021 and tonight was the second/final reading. She stated she was available for questions.

The public hearing was opened.

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

Councilmember Ewalt moved for approval of Item 4, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

**5. PUBLIC HEARING AND RESOLUTION 21-10977 for Annexation 21-03: a parcel located north of King Avenue East and east of Jackson Street. Jason D. Adkins, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)**

Wyeth Friday, Planning Director, stated Items 5-12 were related and the annexations, ward boundary expansions and Zone Change 993 were tied to the South Billings Urban Renewal District (SBURA) expansion. He stated in December 2020 Council had directed staff to bring back a SBBURD modification to include additional property in the district. He added Montana's Urban Renewal Law required the District to conform to the Growth Policy and the Planning Board had found the expansion to be in conformance. He stated two of the properties were within City limits and three properties would need to be annexed.

Monica Plecker, Planning Division Manager, gave a PowerPoint presentation of all the proposed annexations and ward boundary expansions. She stated the development agreement in Annexation 21-03 included street widening and extensions of sanitary water and sewer as well as right of way. She added Annexation 21-04 had language that included construction of a multi-use trail and two easements for trails to be constructed in the future for the City's benefit. She stated the development agreement in Annexation 21-05 was City property and did not require a public hearing or a development agreement. She stated she would not be giving additional presentations but would be available for questions.

The public hearing was opened.

- **Roberta Johansen, 705 Jackson Street, Billings, Montana**, stated their property had taken months of work to clean up for their new home. She added the Grey Eagle ditch was unsafe and additional traffic would be a burden to the area. She encouraged Council to oppose the annexation.
- **Gary Carter, 4104 Jansma Avenue, Billings, Montana**, stated the multi-family units in the area were not good for the neighborhood. He encouraged Council to oppose allowing the annexation.
- **Jason Adkins, petitioner**, stated he wanted to change the narrative of the area by building nice multi-family units. He added bringing in new families could improve the area.
- **Tom Lose, 4102 Stone Street, Billings, Montana**, stated he had watched new buildings turn into bad areas and did not support the proposed project.

- **Dennis Molm, 4102 Jansma Street, Billings, Montana**, stated he did not support the proposed project.
- **Nora Molm, 4102 Jansma Street, Billings, Montana**, stated there were some terrible properties in the area that had drug use and were unsafe. She stated a new property would be nice for a while but would turn into another bad area. She did not support multi-family housing. She added she had a petition of various neighbors that did not support the project.
- **Darlene Hert, 3905 King Avenue East, Billings, Montana**, stated the area did not need the additional crime that multi-family housing would bring.

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

Councilmember Boyett asked what would happen to the property if the annexation was not approved. Ms. Plecker stated if the property remained in the County, the developer could build one home per acre.

Councilmember Neese stated there had been a previous Zone Change that had defaulted to N3 and asked for clarification on this property defaulting if Council did not approve it. Ms. Plecker stated the property he was referring to that had defaulted to N3 had been surrounded by N2 and N3 properties, therefore, the zoning hat best fit the property had been chosen. She stated Annexation21-03 was not a clear-cut case and not like the property Councilmember Neese mentioned.

Councilmember Neese asked if Project ReCode needed to be reviewed for zoning issues. Ms. Plecker said Project ReCode was working well and staff was bringing forward a "Project ReCode warranty" to review areas staff was focusing on.

Councilmember Purinton asked for clarification on the conditions of approval. Ms. Plecker stated the only condition for approval was the development agreement regarding ditch development.

Council discussed the development agreement, and Project ReCode processes and concerns.

Councilmember Ewalt stated it was very confusing to have the annexation process occur before the zone change. Ms. Plecker stated staff was looking into various options to help that issue.

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

Councilmember Neese stated he had concerns with the annexation only being requested in order to have the property be brought into the SBURA.

Mr. Friday stated there were crime and code enforcement issues in the area that staff was working on but stressed the need to separate crime from being tied to certain

types of zoning or housing. He added there was potential of the proposed annexed property being added to the SBURA and stated the District was intended to address these type of issues.

Mayor Cole stated if the property was not annexed, the City would not see any tax dollars. He added if it was in the City but not in the TIF District, the City would see about 25% of the tax revenue to be used throughout the City, but if the property was in the City and in the TIF District, then 100% of the tax revenues would go toward the immediate area, which would benefit the neighborhood.

Councilmember Yakawich stated the City could do a better job reassuring the neighbors and would not support the annexation.

On a roll call vote, the motion was approved 8-3, Councilmembers Yakawich, Neese and Ewalt opposed.

**6. DEVELOPMENT AGREEMENT with Jason D. Adkins for Tract B-2, Certificate of Survey No. 2367M. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Plecker stated she did not have a presentation but was available for questions.

Councilmember Boyett asked for clarification on what type of project was planned for the property.

Jason Adkins, property owner, stated there was a financial consideration to take into account and they could not build high-end single-family homes, but added the proposed development would be nice single-family homes and owner-occupied townhome style housing.

Councilmember Ronning moved for approval of Item 5a, seconded by Councilmember Shaw. On a voice vote, the motion was approved 9-2, Councilmembers Yakawich and Ewalt opposed.

**7. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward I to include recently annexed property in Annexation 21-03: a parcel located north of King Avenue East and east of Jackson Street, legally described as Tract B-2, of Amended Tract B of Certificate of Survey No. 2367 M, totaling approximately 3.574 gross and 3.522 net acres. Jason D. Adkins, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Plecker stated she did not have a presentation but was available for questions.

The public hearing was opened.

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

Councilmember Shaw moved for approval of Item 6, seconded by Councilmember Joy. On a voice vote, the motion was approved 10-1, Councilmember Yakawich opposed.

**8. PUBLIC HEARING AND RESOLUTION 21-10978 FOR ANNEXATION 21-04: a parcel located at 3508 South Frontage. Torgerson's Real Estate Holdings, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)**

Monica Plecker, Planning Division Manager, stated she did not have a presentation and the development agreement had met the 5 criteria. She added staff was recommending conditional approval.

The public hearing was opened.

- **Matt Robertson, representing Torgerson's Real Estate Holdings**, stated he was available for questions.

Councilmember Neese asked what the plans for the property would be. Mr. Robertson stated they did not yet have concrete plans.

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

Councilmember Yakawich moved for approval of Item 7, seconded by Councilmember Brown.

Councilmember Purinton asked where the proposed multi-use path would be located. Ms. Plecker stated the trail would connect Riverfront Park. Mr. Friday showed a map of the trail along the property that would connect several properties to create a corridor.

On a voice vote, the motion was unanimously approved.

**a. DEVELOPMENT AGREEMENT with Torgerson's Real Estate Holdings, LLC for Lots 2 and 3, Certificate of Survey 2394. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Yakawich moved for approval of Item 7a, seconded by Councilmember Boyett.

Councilmember Neese stated the City water system development fee was missing from paragraph 3 in the development agreement. Debi Meling, Public Works Director, stated that information was not required in development agreements since the existing rules and regulations covered the requirement. She stated that portion would be removed from future templates.

On a voice vote, the motion was unanimously approved.

**9. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annexation 21-04: a parcel located south of the South Frontage Road and north of the City-County Drain, legally described as Fractions of Government Lots 2 and 3, Section 15, T.1S., R.26E., P.M.M., totally approximately 35.94 acres. Torgerson's Real Estate Holdings, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Monica Plecker, Planning Division Manager, stated she did not have a presentation but was available for questions.

The public hearing was opened.

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

Councilmember Joy moved for approval of Item 8, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

**10. PUBLIC HEARING AND RESOLUTION 21-10979 FOR ANNEXATION 21-05: a parcel located at 6014 South Billings Boulevard. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)**

Monica Plecker, Planning Division Manager, stated the property was owned by the City and Council had approved a resolution of intent for annexation on May 10, 2021. She stated there were short term plans for a Public Works/Solid Waste building with a future master plan to ensure it fit with the existing Billings Operations Center (BOC) facility.

The public hearing was opened.

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

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

**11. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annexation 21-05: a parcel located at 6014 South Billings Boulevard; legally described as a tract of land situated in the SE 1/4 of Section 17, and the NW1/4 and the SW 1/4 of Section 16, T.1S., R.26E., P.M.M. totally approximately 22.90 gross acres. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Purinton asked for clarification on the need for property to have a ward if it was not being occupied. Monica Plecker, Planning Division Manager, stated it was important that the ward map not have holes, therefore, every property was assigned a ward.

The public hearing was opened.

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

Councilmember Shaw moved for approval of Item 10, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

**12. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 993: a zone change from A - Agriculture to CX - Heavy Commercial generally located at 3508 South Frontage Road; a zone change from RR1 - Rural Residential 1 to NX1 - Mixed Residential 1 and N2 - Mid-Century Neighborhood generally located on Jackson Street; a zone change from A - Agriculture to P2 - Public 2 generally located at 6014 South Billings Boulevard. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)**

Wyeth Friday, Planning Director, stated Zone Change 993 had three properties included and all three had met the Zoning Commission's requirements for the Growth Policy, Urban Renewal Plan and Master Plan that looked at types of developments in the District. He gave a PowerPoint presentation of each property and the type of zoning being requested for each. He added the Adkins property had received the minimum of 8 valid protests through petition from the neighboring properties. He added the petition mentioned during public comment had not been from neighbors in the valid protest area. He showed a drawing of a possible planned development concept from the property owner.

He showed a map of the Torgerson property and gave an overview of the proposed zoning.

He showed a map of the City owned property and gave an overview of the proposed zoning. He added there was an existing house on the property that would be demolished.

He stated there would need to be two separate votes for Zone Change 993 since the Adkins property had received a valid protest.

Councilmember Boyett asked for clarification on what the Adkins property would be zoned as if Council did not approve the Zone Change. Mr. Friday stated staff would have to bring back a recommendation of the most appropriate zoning for the property. He added the staff recommendation was the most appropriate zoning and having a "default" zoning in the case of non-approved properties was not always a good default.

Councilmember Purinton asked for clarification on plans for the blighted adjacent property. Jason Adkins stated there had been conversations with the property owner's son to purchase the property and remediate the blight.

Council discussed the proposed trail, traffic issues and which portion of the property would be annexed into the City and which portion would be Montana Department of Transportation (MDT) property.

Councilmember Neese asked for clarification on the legality of the three properties being separated and if this was normal procedure for the City. Mr. Friday stated it was unusual, but it was tied to the process of the SBURA Expansion. He added the Zone Change had been publicized appropriately and all properties had received public meetings. He stated staff was discussing how to handle multi property situations in the future to keep the issues clear and linear.

The public hearing was opened.

- **Gary Carter, 4104 Jansma Avenue, Billings, Montana**, stated he was concerned with multi-family units negatively impacting the area and encouraged Council to oppose the allowance of multi-family units.
- **Dennis Molm, 4102 Jansma Street, Billings, Montana**, stated he did not support multi-family housing.
- **Nora Molm, 4102 Jansma Street, Billings, Montana**, stated she opposed multi-family housing in the area and encouraged Council to look at the existing multi-family housing in the area.
- **Tom Lose, 4102 Stone Street, Billings, Montana**, stated he did not support the proposed project.
- **Jason Adkins, property owner**, stated the proposed development would be much nicer than the existing units and they would enhance the neighborhood.

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

Councilmember Shaw moved for approval of the Torgerson and City owned property, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

Councilmember Joy moved for approval of the Adkins property, seconded by Councilmember Boyett.

Mayor Cole reminded Council that there would need to be a 2/3 majority vote since there was a valid protest.

Councilmember Ewalt stated he sympathized with the neighbors and could not support the proposed zoning.

On a roll call vote, the motion was approved 8-3, Councilmembers Yakawich, Neese and Ewalt opposed.

Mayor Cole called for a recess at 10:20 pm.

Mayor Cole reconvened the meeting at 10:30 pm.

**13. PUBLIC HEARING AND FIRST READING ORDINANCE to expand the boundaries of the South Billings Boulevard Urban Renewal District (SBBURD) and adopt a modified Urban Renewal Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Wyeth Friday, Planning Director, gave an overview of the expansion and reviewed the requirements and the process.

Jim Tevlin, SBURA consultant, gave an overview of the SBURA boundaries and a summary of blight findings, SBURA guiding principles, current total taxes, and how money had been used to invest in the City.

The public hearing was opened.

- **Tim Compton, P.O. Box 80601, Billings, Montana**, stated he had bought a property in the area and the improvement costs became too great. He stated he had a \$4 million project proposed and the possibility of receiving TIF money would help develop the area and benefit the City.
- **Dick Zier, 3039 Golden Acres Drive, Billings, Montana**, stated the SBURA expansion would help remove blight and create economic expansion.

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

Councilmember Shaw moved for approval of Item 12, seconded by Councilmember Boyett.

Council discussed the various locations included in the expansion and how their inclusion into the SBURA district would benefit the area and the City.

Councilmember Ewalt stated the Adkins property was not blighted and a ditch was not considered blight. He stated everyone in the City shared the tax amount but the money only went back into that specific area. He stated Shiloh Crossing put a lot of money into the general fund and did not need TIF money. He stated he would not support the SBURA expansion.

Councilmember Brown asked if the SBURA expansion would extend the end date of the program. Council responded it would not extend the end date. He stated he understood some of the arguments against the expansion but added the expansion would benefit the entire City and was an investment in the future.

Councilmember Purinton made an amendment to separate the City owned property on South Billings Boulevard from the SBURA expansion. The amendment died for a lack of second.

On a voice vote, the motion for approval of Item 12 was approved 9-2, Councilmember Neese and Ewalt opposed.

**14. TAX INCREMENT FINANCE ASSISTANCE from Downtown Urban Renewal District to Monte Bar and Casino for renovation at 2824 1st Avenue North; \$113,997. Downtown Billings Partnership Board (DBP) recommends approval. (Action: approval or disapproval of DBP Board recommendation.)**

Mehmet Casey, Downtown Billings Alliance Director, gave a PowerPoint presentation of the property and proposed renovation. He reviewed the project merits and compliance with guiding documents.

Councilmember Neese asked if the application scorecard included in the application was scored by the property owners. Mr. Casey responded affirmatively and added the Board also had a scorecard. Councilmember Neese stated it would be nice to see that scorecard.

Councilmember Shaw moved for approval of Item 13, seconded by Councilmember Ronning.

Councilmember Purinton stated she had discussed the renovation with some neighboring businesses that did not support the use of TIF money for the renovation. She added she would not support approving the TIF assistance.

Councilmember Neese stated he did not think the property was blighted and would not support the assistance.

Council discussed the definition of blight and the property's need for renovation to improve the appearance of downtown.

Councilmember Boyett asked the owners to come forward and speak. Cori LaFever stated they were hopeful that the improvements would help with issues of inebriation and improve the clientele. Allison LaFever stated their goal with the remodel was to entice a higher clientele and become an important part of downtown.

On a voice vote, the motion was approved, 9-2, Councilmembers Neese and Purinton opposed.

**PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Identification required.**  
*(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Public comments during the meeting may be made in-person or remotely by registering as an attendee through Zoom as outlined in the Agenda coversheet.)*

The public comment period was opened.

- **Jason Smith, Montana Advanced Caregivers**, stated Karen Tracy, Deputy City Attorney had given misinformation during a previous presentation. He stated marijuana facilities did not hire police officers or handle large amounts of cash. He warned of possible litigation issues in the future.

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 11:29 pm.

CITY OF BILLINGS:



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

ATTEST:

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