

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

July 22, 2019

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 5:32 p.m. and served as the meeting's presiding officer. Councilmember Joy gave the invocation.

MINUTES:

June 24, 2019 – Councilmember Joy moved for approval, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

July 8, 2019 - Pending

COURTESIES:

- Mayor Cole brought a Montana State flag for all of the Council to sign. The flag will be given to the crew of the USS Billings LCS-15 at its commissioning.
- Councilmember Friedel acknowledged centurion Darline Harrison who turned 100 years old.
- Councilmember Ronning congratulated a Little League team from Laurel and Billings that recently competed in games in Sacramento.

PROCLAMATIONS:

Mayor Cole proclaimed August 3, 2019 as USS Billings LCS-15 Day.

ADMINISTRATOR REPORTS - ~~CHRIS KUKULSKI~~ (KEVIN IFFLAND, *Assistant City Administrator*)

- Mr. Iffland stated there were no items in the ex-parte notebook.
- Mr. Iffland advised Council that **Consent Agenda Item 1A1 – Bid Award - W.O. 19-47: Centennial Park Irrigation Pump**. (Opened 07/09/19) had the wrong recommendation in its description. Staff recommended delaying the award until the August 12, 2019 council meeting.
- Mr. Iffland advised Council that **Consent Agenda Item E**, had an incorrect street address of 506 Pemberton Lane and should have read 510 Pemberton Lane. Staff recommended the item be removed from the agenda.
- Mr. Iffland reminded Council that there would be no meeting the week of July 28th, as it was a **bye** week. The next meeting would be a work session on August 5th.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 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 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.

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

1. **CONSENT AGENDA** -- Separations:

A. **Bid Awards:**

1. **W.O. 19-47: Centennial Park Irrigation Pump.** (Opened 07/09/19)
Recommend ~~COP Construction, LLC; \$374,469.~~ delay award until August 5, 2019.

B. **Donation** to the Parks, Recreation and Public Lands Department from Friends of Billings Dog Parks to provide for the installation of the perimeter fencing and two drinking fountains as part of the development of the dog park at Centennial Park; \$80,000.

C. **Change Order No. 2 - Centennial Park Development,** FirstMark Construction; ~~\$80,207~~ \$82,567.

D. **Amendment No. 18,** Reconstruction of the Airport Commercial Aircraft Ramps Professional Services Contract, Morrison-Maierle, Inc.; \$468,187.

E. **Development Agreement** with Christopher Birkle for construction improvements at ~~506 Pemberton Lane.~~

F. **Acceptance of Land Water Conservation (LWCF) Grant** and authorization to entered into agreement with Montana Fish, Wildlife and Parks (FWP) for the Rose Park Playground improvements; \$150,000.

G. **Acknowledge receipt of petition to vacate** a portion of Bonita Circle, Jay Lyndes, developer, WWC Engineering, petitioner, and set a public hearing for August 12, 2019.

H. **Tax Increment Financing Assistance** from East Billings Urban Renewal District (EBURD) to Trent Currie for demolition of two residences for future redevelopment; \$36,000.

- I. **Resolution 19-10810** authorizing the issuance and calling for the negotiated sale up to \$205,000 in sidewalk bonds (W.O. 18-02, Miscellaneous Improvements).
- J. **Second/Final Reading Ordinance 19-5725** amending the South Billings Boulevard Urban Renewal District (SBBURD) plan.
- K. **Bills for the Week of:**
 - 1. June 17, 2019
 - 2. June 24, 2019

Councilmember Neese moved to remove Consent Agenda Item E, as recommended by staff, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

Councilmember Neese separated Consent Agenda Item 1H for discussion.

Councilmember Clark moved to delay bid award for Consent Agenda Item 1A1 to August 12th Regular Business Meeting, as recommended by staff, seconded by Councilmember Ronning. On a voice vote, the motion was unanimously approved.

Councilmember Brown separated Consent Agenda Items 1D, 1K1 and 1K2, in order to abstain.

Councilmember Cromley stated he would be abstaining from Consent Agenda Item 1K1.

Councilmember Clark moved for approval of the entire Consent Agenda, with the exception of Items 1D, 1H, 1K1, and 1K2, seconded by Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Consent Agenda Item 1D, seconded by Friedel. On a voice vote, the motion was approved 10-0, with Councilmember Brown abstaining.

Councilmember Neese, in reference to Consent Agenda Item 1H, stated that in cases where property was removed from a TIF district, the TIF district was essentially losing net loss of tax income. He questioned why the TIF district would recommend finance assistance for demolition. He continued that he wanted a claw-back option to be included in future Tax Increment Financing Assistance for demolition projects that did not have immediate redevelopment associated with it. Tim Goodridge, EBURD, explained that the primary function of a TIF district was to address blight and removing dilapidated structures for future redevelopment was an appropriate use of TIF monies. Trent Currie, the applicant, gave his demolish and redevelopment plans for the properties. He stated the properties were a problem for law enforcement calls due to transient and drug user traffic. He explained that if there was a claw-back provision, it

would de-incentivize demolishing blighted areas. He continued that he would not have purchased the properties without the TIF district. He would have looked for properties elsewhere in town.

Councilmember Yakawich asked about “meth house” abatement procedures and notification. Mr. Currie explained the processes.

Councilmember Clark moved for approval of Consent Agenda Item 1H, seconded by Councilmember Ronning.

Councilmember Ewalt stated he agreed with blight removal, but that the purpose of the TIF districts as well was to increase the tax base within the district. He continued that if demolition occurred with no redevelopment for a long period of time, it would actually add pressure to the remaining taxpayers.

Councilmember Neese stated he could not support the motion without a development agreement attached to it.

Councilmember Joy stated her support for the motion in that the properties were a public safety concern.

Councilmember Friedel asked Mr. Currie if he would be opposed to a claw-back in the event the properties were never redeveloped and flipped. Mr. Currie responded it was disincentive to purchase property in a blighted area and he likely would not participate in the program.

Councilmember Ronning reiterated that the Council's number one priority was Public Safety. She continued that removal of blighted buildings was working toward making Billings a safer community.

Councilmember Brown stated his support for the motion and stated removal of blight improved the entire TIF area. He continued that claw-backs would de-incentivize the program and he would not support that.

Councilmember Gibbs asked if the taxes were current on the property. Mr. Goodridge stated Mr. Currie had paid the taxes and was current. He stated if claw-backs and deadlines were included with TIF assistance, the small property owners were be most affected by those restrictions. He agreed it would be de-incentivizing to the TIF program. He stated removing 2 or 3 vacant, blighted buildings used for criminal activity made a big difference for police visibility and their safety as well.

Mayor Cole asked whether the EBURD board had ever taken money back that it offered if a project was not finished. Mr. Goodridge gave an example and stated the board simply notified the Finance Department that the funds were available for redistribution.

Councilmember Friedel stated he would support the motion because it removed blight.

Councilmember Clark reiterated that no TIF monies are provided until the work was done.

Councilmember Ewalt asked why all three blighted houses were not being demolished at the same time as it may be less expensive overall. Mr. Currie responded that the permitting was different between residential and commercial projects, per the planning department.

Councilmember Neese agreed that blight removal was good, but insisted that the rules need to change so land does not sit vacant. He continued that development plans needed to be attached to demolition projects.

Wyeth Friday, Planning Director, explained that demolition permits were required for each building, however, different code reviews were required for multiple units should the developer wish to replace with anything other than single-family units.

Councilmember Ronning read MCA sections concerning Tax Increment Finance districts and stated nowhere in the statutes did it require development plans or claw-backs of funds.

Mayor Cole stated he would support TIF districts reviewing applications in bunches to create competition for the best project for the monies.

On a voice vote, the motion was approved 10-1. Councilmember Neese voted in opposition.

Councilmember Clark moved for approval of Consent Agenda Item 1K1, seconded by Councilmember Friedel. On a voice vote, the motion was approved 9-0, Councilmembers Cromley and Brown abstained.

Councilmember Clark moved for approval of Consent Agenda Item 1K2, seconded by Councilmember Friedel. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 19-10811 amending Downtown Parking Rates. The Billings Parking Board and Staff recommend approval. (Action: approval or disapproval of staff recommendation.)

Tracy Scott, Parking Division Manager, gave a PowerPoint presentation and explained the necessity for rate increases. She explained the parking violation process

and average income from that. She stated the Pay-by-Phone app was ready to be implemented.

Councilmember Cromley asked about the 10-hour parking meter sections throughout downtown. Ms. Scott stated it was her plan to address the inconsistencies.

Councilmember Friedel asked details about the app and it could locate vacant parking spots. Ms. Scott stated there were sensor issues now and company was working to correct the sensor issues.

Councilmember Ewalt asked about group discounts, bus bags and meter bags. Ms. Scott gave details of the discounts and stated she agreed that the bag prices should be increased.

Councilmember Ronning stated that \$150,000 in unpaid parking tickets seemed exorbitant. She wondered if the Parking Division could publish a dirty dozen like Code Enforcement did for repeat offenders. Discussions occurred about possible options for collection.

Mayor Cole stated the booting process may need to be utilized more frequently.

Mayor Cole asked Gina Dahl, Assistant City Attorney, about statute of limitations on collections. Ms. Dahl stated there was a 1 year statute of limitations.

Discussions continued about rate increases, improvements needed, and TIF funding expiration. Ms. Scott explained implementation of more technologies and more automations would make the Parking Division more efficient.

Kevin Iffland, Assistant City Administrator, stated there was some capital to be sold to stabilize finances for the Parking Division longer term.

The public hearing was opened.

- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana**, stated that income was lost when the parking meters were removed from Montana Avenue. Ms. Scott responded that the Parking Board was considering reinstalling the meters on Montana and Minnesota Avenues.

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

Councilmember Friedel moved for approval of Item 2, seconded by Councilmember Joy.

Councilmember Yakawich requested that a "needs" list be created so Council, the Board and others could be aware of all the items that needed funding in the future for the Parking Division.

Mayor Cole suggested that a regular report be made to Council concerning unpaid fees and enforcement of collection so Council could continue its support of those efforts.

On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required.
(Restricted to ONLY items not on this printed agenda. Comments 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 his concerns about TIF monies allocated to King's Ace Hardware and Zeier Consulting; he asked that the weeds on the lot between the Holiday Gas Station and Rocky Mountain Truck Accessories be mowed.

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 7:20 p.m.

CITY OF BILLINGS



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

ATTEST:

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