

City Council Work Session

5:30 PM
Council Chambers
February 18, 2014

ATTENDANCE:

Mayor/Council (please check) x Hanel, x Cromley, x Yakawich, x Cimmino, x Pitman, x McFadden, x Bird, x Swanson, McCall, x Crouch, x Brown(at 6:25).

ADJOURN TIME:

Agenda

TOPIC #1	Park Fee Adjustments
PRESENTER	
NOTES/OUTCOME	

- Mike Whitaker: Introduces Kory Thompson who was recently promoted. Replaces Joe Fedin.
- Kory: Aquatic fee adjustments proposed for this year. Current pricing, compared to proposed fees, increase would produce estimated \$16,119 more per year. Park Board approves.
- Pitman: How much money in the aquatics account?
- Kory: Will have to look and report.
- McFadden: Revenues compared to increased costs?
- Kory: Costs have increased, causing the fee increase. Need to hire more lifeguards.
- Hanel: When were rates last adjusted? Respect PRPL Board but favor a lower increase than proposed.
- Kory: Waterslide the same since 1995, pool increased about 5-6 years ago. Adjusted youth rate 2 years ago.
- Cimmino: Agree with Mayor.
- Kory: Changed design and construction last fall and will re-test and certify this summer.
- Pitman: Long range plan for costs and user fees? Increase fees a little at a time. Scholarships?
- Kory: Looked at wages and employee costs will get more specific info for you. 280 scholarships last year.
- Bird: May agree with lower fee increases, but would like to see more expense and revenue details.
- McFadden: Youth season pass is 20% increase. Maybe consider something more proportional to the family pass increase.
- Kory: Look at it, but it is proportional to the daily fee increase.
- Bird: Different fees for Rose and South?
- Kory: Don't change South Park pool.
- Yakawich: Survey users about fee reasonableness?

- Kory: Did a statewide comparison. Favorable comparison.
- Tina: Need decision sooner than rest of budget. Will get requested info and bring it to another work session.
- Cimmino: How many days did speed slide operate? Confusing price structure.
- Kory: Didn't open to the public.
- Public Comments: None

TOPIC #2	Quarterly Updates
PRESENTER	
NOTES/OUTCOME	

- **Billings Industrial Revitalization District (BIRD)**: Kelly McCarthy: Contract to manage East TID. Board and staff members. Revenues and projected revenues. Current balance of \$603,000, about \$73k committed. Developments that occurred. Planned work.
- Bird: Thanks for overview.
- Yakawich: Good to see development. What is the 10-15 year vision?
- Kelly: If we can sort out that Exposition Gateway, the development is going to occur. Obviously there should be hotels and restaurants in that area and there isn't. Reason there is not is because you can't flush a toilet over there. Once the storm water is fixed, and there is access to sewer pipe for everyone, then the development is going to take off. Obviously what will occur given just a little bit of infrastructure. Talking years ago about coming up with 6 million dollars for the SID. The whole project is only \$2.7 million. Came in way under what we thought it was going to. If we can pull this off, it is the gateway to the city. This is what people see coming into Billings. This is a huge traffic area coming in from 4th Ave, Lockwood, Heights. It would be a nice way to welcome people into Billings.
- Scott Jusarek: J&S Properties – BIRD Board and Big Sky EDA Board. Think we are going to get some work force housing. Already have had people approach about that. Right now there is a lot of low end rental housing and we would like to get some workers there. With some of the bike paths we have put in, don't get used as much down in that area. This will fill in to downtown all the way across. The stuff we're doing now will probably take 20 years to look like downtown. They have been at it for a long time. In 10 years will look completely different, but in 20 years, you wouldn't even recognize it.
- Swanson: Compliments on what has been done.
- Hanel: Infrastructure is critical in order to sustain more development. Zoning has had some challenges that have helped tremendously.
- Pitman: Questions the \$2.7 million for storm and water. SID – what is included? Is there additional city funds supplementing that process? Seems like a great investment. Are there other ways we can help push this forward faster?
- Kelly: Offered to show engineering drawings.
- Connell: Have taken about \$1 million off this project. Took \$150,000 off of the money the county is giving to take over their water land. Which according to Public Works will pay for replacement of the water. There is a small bit of water lying near there that

doesn't function very well. The County maintains it, and there is an SID on it. About \$150,000 that was put in TIF funds. Problems with using TIF funds in this area; we can only use them in the blue area, and we can't use them in the white area. There is an array of funds. So basically going to the property owners, it is about \$1.7 million. The white area is Tom Green, Empire Steel. Trying to convince to annex. Tom has 6 inch water lines, 6 inch fire line, sewer lines, sidewalks, curbs and gutters. And the only thing we offer him is \$15,000 more a year in taxes than he is paying right now. When sold, the developer wants TIF funds. To have TIF funds, you have to do two things – annex into the city and be in the TIF district. Won't spend a lot of time expanding this district over and over again. This is the dilemma they face with these people. Increase in taxes is pretty significant. Cliff Hansen owns 130,000 sq ft and annexation would be expensive. Staff has been great but any additional money is welcome.

- Pitman: Asked if there are any grants or need to put in CIP? Infrastructure benefits the city in the fact that the reason there is flooding is that every pipe we have heads right in that direction. Not big enough to handle the water. What can the City do to expedite this or help out?
- Connell: If there is a pot of money to get price down. Has worked with city staff which has been fantastic. Have come up with incentive program. It only works if you are developing your property. Incentive is not there for those who do not want to develop. If the price could get knocked down half so that the price is low enough, then the incentive is there to commit. Problem is increase in taxes. Pretty significant.
- Tina: CIP is a balance across the city for projects and how we spend the money. March 17 we will be bringing that to Council. If you want to direct us to make changes, we certainly can do that.
- Pitman: Most of this isn't in the city.
- Connell: About 50/50. Some in the blue but a large part isn't in the city. This is a dilemma we face.
- Tina: Have worked with Mr. Connell and have conversed about this. Mr. Connell has worked very hard to come up with an incentive where someone who may be thinking about selling their property has the least amount of time possible in which they are having to pay additional taxes in exchange for getting it annexed to make it more sellable.
- Connell: Some of this is about division. If we redraw, we want to go all the way up 22nd to Rims, come around under the Rims, part of Metra Park and pick up any city properties that were missed along the railroad track. Biggest primary area is N of 6th. There are property owners up there that have said if we can get TIF funds we will doze down blocks and build affordable housing. Would like to invite anyone to sit down and go through the EBURD code. EBURD code offers so many benefits. We have heard the negative stuff, but benefits are phenomenal. West end is the blighted area. Have offered to take around and show area.
- Cimmino: A staff member from the Planning Dept. presented the hospitality corridors last fall and provided all kinds of objectives and features. The staff member said there is no money to develop that so wondering what thoughts were in formulating a congressional delegation team to DC and asking for federal assistance.

- Connell: Spent time with Sen Baucus a year ago. There are several things he thinks we could use some congressional funds on. Baucus said that federal funds are too restricted for the next few years to help Billings. Bottom line is that we are open to look at anything. Thought this was a very good idea, and would like to pursue it. Biggest problem is we are just business people and we don't really understand. Candi Beaudry has been super with us and looking at different things that are available. But they are pretty limited.
- Kelly: Working with Steve Forsch and Jamie Young and they have helped a lot.
- **Downtown Billings Partnership**
- Tina: Mentioned that she knows that Greg is going to make his quarterly report. In the packet there are a number of materials on the BID. Because of the length of our meeting this evening, we ask to postpone a presentation on that until March 17.
- Hanel: Know that BID had kickoff at the library and apologize that city council couldn't attend due to conflicting meeting.
- Greg Krueger: Development Director for Downtown Billings. Has report which is part of the quarterly report requirements. Part of the contract between the City of Billings and the Downtown Billings Partnership. No formal presentation but will answer questions. Referred to the BIRD for many years as the north transition zone. Pleased to see that the north transition zone has got a plan and is going to be a valuable part of our community. Put on the table to revisit the contract between the Downtown Billings Partnership and the City of Billings. Last contract was drafted in 2010. This contract renews automatically every year. Does get updated with a new Exhibit A and work plan each year. Would like to get it a little closer to the Urban Renewal Plan that has changed quite a bit since 2010. The infrastructure in downtown Billings has changed quite a bit since 2010. That is the work they will do and then bring it forward for the City Council to look at. Hopefully approve or make changes to. In packet is a major work plan for fiscal year 2014, and as we transition into fiscal year 2015. Most areas you see there will be continued cooperation with the City and with the other two partners of our alliance. This will take place with or without a newly amended agreement. These are things that they have continually had success in and continually wish to work on. The Board supports the idea of assisting with parking because it is so extremely important to the district. It is kind of a last component that needs some work and they are prepared to help pay for that process. Support the hiring of a new manager and are in the process of developing a professional plan in the future. We hope this allocation in 2015 can help offset some of those costs. Would like to draw attention to a list that is called the Exhibit B in the Friday packet. These are a list of projects that the partnership in the early years approved as a qualified project for TIF assistance. But at that time, there was no funding. So they were approved without funding. There were a number of qualified expenditures in both projects and will look at those again to see if there's ways that we can reimburse some of those projects in hopes that they will develop even further. Have formed a development committee. We have Council Member Angela Cimmino who has volunteered to be on that committee. Also former Council Member Shoots Veis. Those projects may or may not be coming forward for funding. If they do, they will need additional support from the Board, as well as City Council approval. Exhibit C: Shows how we break out what we spend from TIF for staff/personnel. This is the annual contract. 73% of the expenditures

are for salaried employees and hourly employees that they share. Shows the overhead of a whole alliance breakdown. Will be receiving this in another month with the proposal of the fiscal year 2015 budget. Will follow pretty much the same percentages. Making everyone aware that they are right on target. Will be asking for about a 3.5% increase in their operation for fiscal year 2015. The goal of the board of Downtown Partnership is to spend TIF dollars on TIF projects and not to build up a reserve for the Downtown Billings Partnership. They did that this fiscal year, so next fiscal year they will need a few more dollars. That is the way this is done. They adjust this every 3-5 years and make sure that they are expending every single dollar toward the projects. There is a great deal of information in the packet on the BID renewal. Look at packet and if there are any questions before March 17, they will research for you and get the information to you in a timely matter.

- Yakawich: Where does money come from for downtown police?
- Lisa Harmon: For the downtown cooperative safety program, they collect assessments from property owners who pay into the Business Improvement District, based on sq. ft. of lot. They collect about \$98,000 from the BID and about \$25,000 from TIF and that supports the program as well. It allows us to reimburse the Billings Police Department for two PD officers that are assigned to the office. They are downtown resource officers. It is through BID property assessments that we collect the money and then directed to the BPD. The City is one of the larger property owners in the district. The district includes North Park, South Park, and Dehler Park. Percentage of a penny per sq. ft. The city has Zone 1. Zone 2 is the expansion to the larger zone that goes all the way to St. Vincent Healthcare, down to South Park, over to North Park, and generally around the YMCA as the west border. There are 500 property owners in that district who come together to pay for the service of added police protection, which is an overlay on top of patrols that are already servicing those areas.
- Hanel: Proven to be very successful as a proactive approach as far as crime, detourants of crime and the handling of present crime. The cost also reflects not just the officers, but the related cost. The benefits equipment and so forth. The officers do a very good job.
- Lisa Harmon: A patrol car was also purchased. It was part of the MOU with the city. Used TIF funds to do so.
- Public comments: None
- **Budget**
- Tina: In the Friday packet, did receive the breakdown for the quarter ending December 31. Will answer questions.
- Public comments: None
- **Initiatives**
- Tina: Received in Friday packet, a breakdown of 3 pages of initiatives with reports from staff on the results.
- Pitman: On the 827.7, Council Member Veis asked that we just research the feasibility. We are moving forward on that. We actually researched it and acted on it and are moving forward with that.
- Tina: We will mark that complete.

- Pitman: On 9/22/2008, Mayor Tussing asked the staff to give us a presentation on the pros and cons. He wasn't actually completing it or accomplishing that. Since it was back in 2008, wondering about getting another presentation. We probably would accomplish what the meaning of the initiative was way back then. We have a lot of new Council Members and think that is a way of accomplishing that initiative, rather than just let it linger there. 2008 is a long time to be discussing the pros and cons. So if we could get the Parks Dept. to maybe do that.
- Tina: I think we did do a presentation at one time. But can't remember when. It hasn't actually been annexed, which is why we have been continuing it. But the presentation was efficient.
- Pitman: When you look at the actual initiative, it was just – give us the pros and cons and then move forward. It didn't actually say it was completed on annex.
- Tina: You would like a new presentation then?
- Hanel: We may ask that the Clerk check back into the minutes, and print copies for the packet to bring them up to date with the most recent discussion. Recall it may have been about a year ago there was a presentation on it.
- Pitman: Since this was Council Member McFadden's initiative, would like him to give us some more redirection on where he thinks we should be with this or if it is completed, it never happened. Have been asking if he wants to restate it with the new members, or what should be done with this initiative.
- Tina: This has to do with the DEQ regulations in regard to waste water. Did at one time talk with then Congressman Rehberg's staff who told Tina that there was a bill in congress that had been caught in the house that was not coming out. That did address this issue. Nationally, this is an issue that is being driven by litigation involving the DEQ. We got a notice last week that some of the standards are getting ready to be implemented in the next legislative session here in Montana. Can continue discussing it with congressional staff, but this has been implemented nationally. Not sure there is much we can do in Montana to prevent it from being implemented here. Have worked as hard as we can. Mr. Mumford led the state committee in this regard to try and limit the impact on the City of Billings. DEQ is being driven nationally by litigation. They in turn are driving the states and local school and government.
- McFadden: The city has probably done as much as they possibly could here in the last 3 years on that subject, so scratch that one. It is complete.
- Pitman: Working with Realtors for guidance on parkland dedication? Where do we stand on this?
- Hanel: Realtors continuing to discuss it as far as park dedications and monuments. On their behalf he knows it's continuing.
- Tina: Met with the DPARB group last month and they revitalized and will be discussing this again.
- Pitman: McCall initiative. Attended a seminar at the National League of Cities that I have lots of info on and would like to get proactive on this.
- Tina: Lisa Harmon and I worked on this and their view at this point is, there was an attempt to do mobile vendors and it failed. Not enough interest in it. Currently we have talked about encouraging vendors to use parking lots where they are out of the street

which is a safety hazard. Also allows the cleanup in the lap of either the person who is the vendor, or the person who they rent from.

- Pitman: Offering to sit down with you and give all of the information. Need to discuss what the goal is. Whether we are just wanting to promote on street vendors or actually promoting them as temporary businesses looking to go into brick and mortar. There are two distinct methods in which this is approached, based on what ultimate goal is.
- Tina: Agrees. One of the concerns was that they had someone that took city parking spaces for very little costs directly across the street from someone who was invested in brick and mortar. It was considered to be perhaps an unfair advantage. That is one of their issues on that particular situation.
- Pitman: Have we received info from Ulledalen initiative?
- Tina: Yes. Will see it during budget preparation. 5/28/13 – ideas for freeing space for municipal court, police, and legal. Space master plan responses received, will work on this task first.
- Bird: It would be helpful if Pitman said what the initiative was.
- Pitman: On 5/28/13 Council Member Ulledalen asked that the Police Chief, Facilities Manager, and Municipal Courts Judge need to bring back ideas about what could be done to free up space. We have a space master plan.
- Tina: We have received the responses to the RFP back on that this week. Will be coming back to the Council.
- Cimmino: Asked for plans for High Sierra disc golf course.
- Whitaker: Skyview students prepared a plan. Mark Jarvis is looking at costs to build and can report by next work session.
- Pitman: For 7-22-13, made a motion to change the agreement with Billings Kiwanis license plates from 50/50 to 80/20. Has been approved.
- Pitman: Veteran's burial in Mountview Cemetery.
- Tina: Burial of Military Personnel at Mountview Cemetery was discussed Thurs. with the Park Board.
- Whitaker: Lee presented to the PRPL Board and recommended to make the changes and that will be coming back on a business meeting in the very near future.
- Pitman: 07 initiative to buy land for Inner Belt Loop – leave it on the list as a reminder that we need to continue working on the project.
- Pitman: On 1/13/14 made a motion about having staff come and talk about the 600 ft. separation. That is complete. Also made motion on this date about returning the money that was held in line of credit. Has been postponed again until March 10.
- Tina: Needed time to advertise that legally. Ad has been approved today. This is regarding Oasis.
- Hanel: Other questions on initiatives?
- Pitman: First one is dated 2/12/07. This is left on, just as a reminder that this is a work in progress. Have started R/W but not completed yet. Actual direction from Council Member Brewster was to begin buying the R/W. It should have been completed 2 years ago. People didn't want to see until we get this R/W more defined. Leave on and make

sure it is at the forefront. Got an active start. It has been on for a long time. This is the Inner Belt Loop right now. Next week we will be discussing possible names.

- Hanel: States to direct staff: To begin buying the R/W for the Inner Belt Loop to be completed in 5 years. Beginning with the next budget cycle, which was approved. Yes it is in process. Wicks to Alkali Creek is complete. Phase 1 is completed, and Phase 2 is not.
- Cimmino: Will initiative made by Council Member McCall dated, 1/27/14 having to do with the Human Relations Commission be on the agenda in March?
- Tina: Council Member McCall's motion was for discussion at a work session after the completion of the budget. That will be in June. Have met with members of the Human Relations Commission, and with the ACLU who are two of the primary players in this. They understand this and are content with it.
- Public comments: None
- **Strategic Plan:**
- Tina: Unfortunately did send out a draft over the weekend to staff. Met with staff, and is still working on changes they have to Strategies 7, 8, and 9. Ask Council to look at Strategies 1-6 and if you have any changes or issues with any of the items, please let me know by the end of the week. Goal is to provide you with 7, 8, and 9 this week, and by the end of next week, to provide with changes that we did not discuss at the special session we had with Dr. Sipes. These were given to you to look at so we can focus on the new item 7, 8, and 9. If you have any changes, will bring everything back to Council on March 3. Staff is assigning departments to work on these items. Need to talk about a time table after that is done.
- Tina: Regarding 1-6 in particular is there anyone who sees any problem with us deleting Strategy 6, which was the preservation of resources in which we believe, has been moved to other sections. Is anyone opposed to deleting that? No one is opposed.
- Public comments: None
- **MDU**
- Tina: Budget report: Methane gas collections are listed as being \$52,000 in FY11, \$57,000 in FY12, \$38,000 in FY13, and year to date, \$31,000. Gas prices are improving. Ad in newspaper about the intended additions. MDU developed the facility at no cost to the City. We are gaining these figures which are about 15% of the income from the site, and go to the general fund. This is a good working relationship.
- Pitman: Spending money on radios. Done with it?
- Tina: Think so, but will check.
- Public comments: none
- **Cell phone statistics**
- Tina: Were provided in Friday packet. Was report on citations?
- Cimmino: There was going to be more of concerted efforts to issue citations since the officers are pulling over the motorists who are violating the cell phone ordinance.
- Tina: Do not have numbers in front of me.
- Pitman: Points out statistics in the Friday packet. 2014 – January citations were 32, warrants were 23. Total from last year: 87 citations, and 108 warnings.

- McFadden: Are we going to reconsider cell phone ban? Consider dropping this, a waste of time.
- Tina: Whatever the Council wants.
- Cimmino: Voted against this ordinance but remembers the committee worked hard on the task. There were a lot of community groups that participated as well. Where are the signs that announce the ban?
- Tina: On 27th St. and will have to check on others.
- Bird: Need more and bigger signs. Statistics are helpful since we want more citations and fewer warnings.
- Tina: Majority of these now are state maintained roads and they have control over the number and size of signs.
- Swanson: Does PD have a policy for what warrants a warning and when someone gets a citation?
- Tina: This is a departmental policy and the City Council adopted the ordinance that prohibited the use of cell phones. One of the ways that it is frequently discovered is if there is an accident and it can be determined if there was a cell phone involved. There is going to be a citation in addition to whatever else they were cited for. Can get a copy.
- Pitman: MDT controls lots of roads, but city owns a lot of poles and signs throughout the city. There are some major intersections. Never in favor of this law but since it is there, people need to be aware of what it is. Otherwise, we are not being fair. Need to make a better effort of finding some other places where these signs can be put to remind people. Ask County Commissioners to post signs at the METRA to warn people that they are re-entering city and cell phones are banned.
- Bird: Would like report back from staff about how we can make this happen, and how to either discuss with the State or the County. One suggestion, where we have the speed limit posted, especially the larger signs, maybe it is an add on “Cell Phone Ordinance in Effect”. Thinks there is a lot invested in this and it is agreed that we need to make this happen. It is fair to let the visitors/community know that this is an issue, because a lot of them are coming from places where it is not, and also a reminder to our community residents.
- Tina: There is a cost attached to the development and placement of every single one of these signs. Will get the cost and will get the numbers for Council. There is also maintenance.
- Hanel: Met with the DOT and not to disappoint the Council but as far as putting up city signs on state roadways, we are wasting our time. It will not be allowed. Talked with Chief on cell phone violations, but enforcement is not a high priority for PD.
- Cimmino: Increases in red light violations as well as pedestrians being struck by vehicles. Theory is if people are talking on cell phones or texting, they are not following the law. Sees this as a huge priority for public safety.
- Hanel: In order to be more effective, might consider higher fines.
- Bird: Don’t waste time with MDT. Increase fines and post signs on city streets.
- Brown: Confused by conflicting statements. Need signage and then enforce it.

- Bird: This is a challenging cultural behavioral change, much like seat belts. On the initial stages of a public information campaign. Trying to change behavior. It will take some time, but also requires due diligence.
- Brown: Not sure hiking price would be effective.
- Cimmino: Stop sign cost is \$100.00. Thinks they can afford that.
- Pitman: Could use Council contingency. Just need costs from the staff for 100 signs. This a behavior change as Council Bird said. This is a behavior change that we are asking our community to make. Not trying to punish people or not out to catch them, we are trying to get them to change their behavior. If staff could just come back with a cost for getting some signs out there. On our property, on our poles, and to get them throughout the community.
- Public comments:
- **Park projects:**
- Whitaker: Completed all of ongoing maintenance improvements for 2013, and all of 2013 deferred maintenance projects have been completed or underway. Have had 3 modular restrooms delivered to the parks, and waiting for the weather to break to come back and do the flat work, basically the sidewalks to the facility. Then parks will do the limited landscaping around the facility. The 6 restrooms that got remodeled, they are substantially complete. Also waiting for the weather to break for us to come back and do the sidewalks and Parks will do the limited landscaping around the facilities. Have waited on the weather to do our fall protection, except for a couple of days. We are replacing the fall protection of 22 playgrounds. We are putting down 2 inches of pea gravel, then geotech fabric, then putting down 12 inches of engineered woods fiber at South Park. Will bring us to compliance with ADA, and the Consumer Products Safety Commission as being accessible and it will help prevent injuries if a child falls from the top of the slide or out of the swing sets.
- Bird: Fall protection material isn't rubber and hot?
- Whitaker: Correct. It's engineered wood fiber. It looks like a wood chip. But is a clean wood chip. No bark or other debris in it. Cut at a certain size. Basically, if you look at it, and smell it, it is wood chips.
- Pitman: What is the ongoing maintenance? Will it have to be replenished in 10 years?
- Whitaker: Putting down roughly 12 inches that will compact, and after a period of time there will be some wear. All that will have to be done is to come back and add additional wood chips. Probably not within the next 10 – 12 years.
- Bird: Convinced that speed slide problem is corrected?
- Whitaker: Tested last weekend. Convinced major problems are solved but the company will be back for summer startup.
- Tina: Do we have the retainer? 5%?
- Whitaker: We still hold the retainage.
- Bird: Is there a weight limitation on the new speed slide? Is it posted?
- Whitaker: The weight limitation is 250 pounds. Yes, it is posted. Have also expanded the green space area. Have moved fence out.

- Whitaker: Now discussing 2014 projects. Have a contract that hopefully will be signed this week. Will be replacing all of the batting cage equipment. This equipment is 25 to 30 years old. Company will be coming up this April to replace that equipment.
- Bird: Is there a tentative completion date?
- Whitaker: Will take 2-3 days to complete. Parks crew will be handling the demolition by removing all the equipment. All they are doing is replacing the equipment and are not doing any major construction on the site. These are the rest of the projects for 2014. The playground at South Park won't happen until we know for sure whether or not we will receive that LWC of funding. The requirement of that grant doesn't allow us to start the project until that has been decided. Will be decided in June. The spray ground will be the fall of this year. The tennis courts will hopefully be a lot sooner than that. We are looking at going out for an RFP for the Pioneer Park tennis courts as early as the next couple of weeks.
- Bird: Know where the South Park spray ground will go?
- Whitaker: No. Will work closely with the Southside Task Force to determine the best location.
- Yakawich: The upgrade for South Park and the spray park has already been approved, but still have to wait for the grant?
- Whitaker: Yes. There is funding for the playground and funding for the spray park. The grant that was applied for will enhance the playground if we receive that grant. Hope to use the biggest portion of that grant to make the site more accessible.
- Yakawich: To be clear, the Friendship House is a non-profit and they are requesting playground equipment that you may be disposing of. Is there some liability there?
- Whitaker: If we are replacing playground equipment that means it is no longer safe, or it doesn't meet the current standards for playground equipment. Would not like to provide playground equipment that is unsafe. Needs to be disposed of.
- Yakawich: Thanks for the new restrooms in the park.
- Cimmino: Remembers back when they allocated \$180,000 for the gazebo at South Park. That was a lot more expensive because a lot of the private donations came in to provide added amenities. Is that correct?
- Whitaker: Yes. Yakawich and task force raised around \$30,000 plus in that project?
- McFadden: New restroom facilities – are they seasonal or year round?
- Whitaker: Some are seasonal and some are not. Veterans Park will be year round. You can also rent out this section of the Veterans Park. Great for birthday parties. Pioneer Park – We did put limited heat in Pioneer Park because the park is used for a lot of winter activities. Optimist Park has ability to be heated, and there is a section of the building that can be used for birthday parties also. North Park and Stewart Park will not be heated.
- Pitman: When doing North Park, could we recycle the slides lying in the storage area.
- Whitaker: Will make sure it gets recycled.
- Brown: Dog parks on ball fields in off-season? What is the process now?
- Whitaker: All Park Board meetings are public. Just starting to explore it by maybe taking one or two baseball fields during the off season, make them temporary dog parks.

Little League District Commissioner was concerned. Was posted on Directors network and had 10-12 comments. All the comments said don't recommend it for a variety of reasons. Will continue to discuss it at the board level. Should be recommended that people, who are interested, go to the Park Board Meetings.

- Bird: Heard from baseball people and they oppose it. Bad news for the property in terms of all the work that Little League does to keep those fields nice. Don't think that dogs in our ball parks are probably the best solution.
- McFadden: For all the work that goes into a baseball field, we don't need dogs out there. Bad news for a baseball field. Need their own parks.
- Hanel: Attorney Brooks, do we have an ordinance that governs that?
- Brooks: Yes, there is. There are certain parks that are designated for dogs such as the one by Skyview. Mostly, other parks do not allow it. It could be enforced.
- Whitaker: It would be handled just like a dog park. It would be a designated area. It can be an area for dogs off leash. Haven't seen a lot of positive information coming back. People not recommending because:
 - Field never recovers, and you are opening up as a dog park the time of the year that the field would need to regenerate.
 - Encouraging bad habits. A lot of people will continue to use it even throughout the baseball season.
- Crouch: Do we have signs to put in these parks that say no dogs?
- Whitaker: The signage in the parks is in bad shape. Signs need to be upgraded. Actually doing it, just put new signage at Phipps Park. Are moving through it. Signs are expensive. Gradually working through it without having a major financial impact all in one year.
- Pitman: When will Council get a list of what the next list of priorities for deferred maintenance are going to be? See next multi-year list of projects?
- Whitaker: Park Board will be putting together another recommended three year plan and will be bringing that back to Council this fall. Heading into the third year of a three year plan that Council prioritized. Will have something back to Council this fall, 2014.
- Pitman: Have accomplished most of the deferred maintenance, now looking at needs and future progress in the parks?
- Whitaker: As of 3 years ago when the Parks Dept. started working with the Parks Board, they identified over \$9 million dollars of deferred maintenance. Right now funding approximately \$1.5 million for deferred maintenance, and half a million improving ongoing maintenance. Working through it.
- Tina: Something we have talked about, is irrigation. Had automated some of the irrigation when she first came to the City. Had a plan that basically spread out over several years with General Fund allocation, the cost of irrigating some of these parks. A prime example, is North Park. We have a transient problem in North Park in large part because there is no irrigation at night. Irrigating that park at night would go a long ways to helping with that issue. Do have it at South Park and can see the difference. It cuts down on our operational cost because it is all on an automated system. We don't have to send employees out to turn it on and off.

- Whitaker: There are two major benefits to automating the irrigation system. There is a fiscal benefit that we don't have to send a person to move the heads. The other benefit, it allows the park to be used in the daytime. North Park has a lot of nice facilities. But it is irrigated during the day in the summer months. Try not to irrigate on the weekends, but it will allow the parks to be used a lot more.
- Bird: Don't we have some aging irrigation systems that will eventually go on the list for updating or replacing?
- Whitaker: Yes. Right now we are around 30-40% automated. So there is around 50-60% older systems that will need to be updated.
- Public comments: none
- Recess at 7:30
- Resume at 7:42

TOPIC #3	Local Government Review
PRESENTER	
NOTES/OUTCOME	

- Attorney Brooks: Bruce and I worked briefly on a review. FAQ's from the Secretary of State's Office was in the Friday, February 14 packet. Will go over basics, some of which are covered in the FAQ's, and some that are not. As a brief history, the local government review is something that is required by our State Constitution and State Statute. It is required to occur at least every 10 years. Also by Statute, a local government review can occur anytime if the council passes a resolution calling for an election to approve that review. Or, the citizens may petition for a local government review by 15% of the registered voters who reside within the governing body's jurisdiction. This includes both the city and the county. When he worked at County Attorneys, he was appointed of a staff liaison for 1994 county government review. That was an interesting process. At the end of that process, there were no major recommendations to the form of government. The county is a different form of government than the City of Billings. Purpose is to review the form of government, and make any suggested changes to the current form of government, no changes, or to make a change to a new and different form of government. There are many options available to a commission that may or may not be approved by the voters. The last election held in 2004, the city voters decided not to do a local government review. First step will be on the Council meeting for February 24. The Council will be asked to approve a resolution putting particular language on the ballot. "Do you want your review of the form of the government?" Yes or no. That will be on the June 3 primary elections. Towards the middle, the statutes require a minimum of three people on the study commission, if the voters approve for the local government to be reviewed. In years past the Council passed appointed 7 members to the commission. In June, we will have a ballot presented to the voters of the city, asking, "Do you want to have a review on the charter form of government"? If by simple majority they say yes, then there will be an election in November for those interested in being a member of that commission. The filing deadline is August 11 for those who are interested in becoming a member of that commission. A local elected official cannot be appointed. It is very wise that at least one local elected or government employee be an ex-officio member of the

committee. They don't vote, but the idea behind it, is that you need to have somebody that is very familiar with the form of government and provide some documents or past history. There is a mandatory funding of the commission by local government according to the statutes. The statutes provide that it has to be funded, and also gives alternative ways of doing it. You could pass a levy for mills, or a mill to fund the commission. Private funding or donations are permissible. If you choose 7 as your number, a majority of 4 is a quorum. There is a final report required, even if it is a report that says that we make no recommendations for changes to the form of government or to a new form of government. There is no mandatory deadline for a time table, however, the statutes do provide within 60 or 90 days after the commission is formed, the commission must establish a time table of its intention, and publish that time table. The time table, however, is revisable, but has to be published also.

- Pitman: Funding of a commission isn't a paid position. Any ideas to what that possibly could cost?
- Attorney Brooks: We do have a staff memo that will be coming to you. States that the cost of the study review commission 20 years ago was \$15,690. Estimated cost for 2004 was \$100,000. Don't think it will be that much. Right now it is hard to specifically identify what those costs will be. There will be staff time, research time, etc. It will require some degree of money. There is no salary or payment to commission. It is purely voluntary role on their part.
- Tina: Reminded that current Deputy City Clerk is part time, so within our staff we would have a difficult time staffing, taking notes, putting out agendas, etc. We would probably need a person who was dedicated to that task as a part-time employee. That is one significant expense. Plus publishing, plus legal notices that you have whenever you have a meeting, and all those kinds of things.
- Bird: You could actually come up with a budget. Could in fact determine when or not it actually goes on the ballot. Ten years out, so this is the year we are tentatively scheduled, or considering reviewing. Theoretically may not happen this year depending on what the commission decides. Does that create a problem for the city if we go over the 10 year mark?
- Attorney Brooks: No problem as long as it's initiated at least every 10 years, or you have to complete it within that time frame. The last time in 1994, there were certain recommendations that were made. There were relatively small in number, but, fairly significant. One of the items recommended was to give the mayor the opportunity to vote, along with all the other Council Members. Believe that there were some ordinances that arose as a result of that 1994 study commission, about 1½ to 2 years later. That gives you some ballpark time frame of what the 1994 study commission did in terms of how long it was together, and what it did. Some would like to go faster, some slower. Depending on how large the membership of the commission is and the dynamics of the commission, there are a lot of unknowns that will not be known for sure until that process gets started again, assuming the commission is approved through the voters on June 3.
- Tina: How many members did the committee have the last time?
- Attorney Brooks: 7 members in 1994.
- Tina: Which is reckoned in some ways to be an optimal number because it is not such a humungous group that is hard to get everybody's schedule together. Any significant change would result from that commissions work, would then have to be voted on.

- Attorney Brooks: The term ends 30 days after a final report. Any changes in the form of government that the commission recommends, would have to be presented to the voters for approval, much like in 1994. For example, when the Mayor was given the right to go along with all the other Council Members.
- Cromley: So this is a 2 step process; we are required to put question of review on ballot, if the voters want to review and vote for government. Then if they decide they want to, we would decide on appointed commission and then there would be another election for people running for that.
- Attorney Brooks: Yes, would coordinate with Election Administrator Bret Rutherford. The first step would be voted on and approved by the voters. Then Rutherford with our office would coordinate whatever is necessary to advise the public that there is a candidacy period by which they would file. There are forms where a person would file for candidacy for the commission. That would be a deadline of August 11.
- Cromley: Do you recall what the vote was in 2004 that they did not want to review? Do you know what the percentage was?
- Attorney Brooks: I do not, but could find that out. That would be available from Rutherford. Will get that to you. I don't know if it was an overwhelming no or a close no.
- Cromley: Have not had anyone ask me, or indicated their interest in having local government review. Wondering if any other Council person has heard of any interest in this?
- Hanel: Not necessarily the structure but in limits within the charter.
- Attorney Brooks: One item of course that might be something again, should the voters approve the first step, is whether or not you want to continue to have a mill levy or a mill limit. That would be something certainly the commission could look at as a point of discussion and recommendation.
- Bird: Once the report is submitted, there are 30 days that the commission has to disband. But also, once the report is submitted, is there a time frame from which it has to be on a ballot?
- Attorney Brooks: I believe there is, and don't have all the statutes committed to memory, but that is a good question. I will get that to you. I believe there is a time frame whether than somebody just putting it on a shelf and letting it languish for several years. Know it is in the statutes.
- Bird: In terms of size of this commission, I actually think 7 is a good number. Would we have the authority as the Council, to designate 5 of those seats, one per ward with two at large or some configuration like that?
- Attorney Brooks: Looking at the statutes it does not mention that you could categorize the commission candidacy by wards. My short answer is probably not, but that is a good question. I could check with Brett Rutherford. My recollection is that all of the commissioned candidates would be members elected at large rather than restricted to a ward.
- Yakawich: It wasn't until I ran for office that I read the charter. It was a great opportunity to understand it, grapple with it, and digest it. When this is put on the ballot, can the general citizen understand what is being said? It is a great opportunity to educate our community about the charter.

- Attorney Brooks: In the Friday packet, under the FAQ's, there is sample ballot language and you will also have sample ballot language in your resolution for approval. Hopefully that will be something that the public can understand, and it is very similar to, if not identical to the language that was used in 2004 and 1994. There is not much deviation room from the language of the ballot. Any person can contact our office or Bret Rutherford's office if they have any question at all. Also the Secretary of State's office. This is occurring mainly statewide. If a form of government has not been reviewed on the same time table, maybe some counties or cities are not, but I know Yellowstone is looking at this same thing this time around. Kind of on a ten year cycle, at least for the City of Billings and Yellowstone County. The charter is available online, as well as a hard copy from the Administrator's office.
- Pitman: 48% favored or 52% against review in 2004. Were we planning a community conversation this spring and could this be a topic? Most people, if they don't understand why we are trying to do it or what we are looking at, will just vote no and say it seems to be alright. Where are restrictions on what we can or can't do in discussing this and promoting it?
- Tina: I know that Council Member McCall and Liz Kampa have discussed community conversation. Not sure of exact dates but will check tomorrow and get back to you.
- Attorney Brooks: This would fall under the same restrictions as initiatives. Did a memo on the ballot advocacy a few years ago. It kind of gives you some of the nuts and bolts. Would be more than happy to send that out again. You would be limited to providing information. In other words, one of the statutes says you could provide the FAQ's that were in the Friday packets. Assuming we have the 1994 report and recommendations that lead to some of the ballot issues such as giving the charter the mayor the right to vote. There are many informational things that could be given to the public without advocating for or against having the local form of government reviewed. You are restricted to providing information on a factual basis by our state statute. The term of the commission membership is 30 days after the final report.
- Hanel: Maybe Gazette will publish something on it.
- Bird: You said it is Title 7 of MCA? What is the section?
- Attorney Brooks: It is in the FAQ's from the Secretary of State. It starts at about 7-3-171 through 7-3-193. Offered to e-mail statutes.
- Public comments: None

TOPIC #4	Empire Garage Retail
PRESENTER	
NOTES/OUTCOME	

- McCandless: This is also on agenda for the 24th. There is a lengthy staff report in packet. Just to orient you to the property, this is Montana Ave. and 27th and Broadway. The entire front half of the parking garage is designed to be retail space. Have split about where the two recommended offers would affect one offer from here and one offer from that property. History: Bought the property back in April/May in 2011. When this was bought, there were a number of conditions attached to those purchases. They are listed

there, basically the ones that we are concerned with, are about the options to purchase the parking spaces, and then the options to purchase the retail. There were two chances basically, for them to be able to purchase the retail. One – The city notified both former property owners, the market analysis price of the property. They could respond to that price and either accept or reject that proposal. Both declined. Then there is a first right of refusal that I will talk about later. There is also a development agreement. This is really not pertinent to the retail area. The project started in October 2012. It is a design/build contract. First time the city has done a structure with the design/build form contract. Public Works has used it a couple of times on other projects. A unit ownership was created in January 2013. The unit ownership is a condominium. This structure has 4 units. One of those units is the retail unit. Will talk about retail units and if you get confused about what is presented, please interrupt and ask. There are two parking units that are going to be privately owned. There is a publicly owned or city owned unit parking in it also. The bonds were sold for the project in early 2013. An important factor is two essential parts of the financing for the project, come from the sale of the parking units. Both of the former property owners, will exercise that option to purchase the parking units, and, also then from the sale of the retail units. In order to lessen demand on the tax increment fund, which is principally going to build this structure, we want to try to sell both the parking and the retail units, sooner rather than later, and particularly the retail for as high of a price as we can. Received offers after Mike Walker from NEI Business Properties advertised the property; we received three offers pretty quickly. The names are there. The three offerers actually ended making a total of 5 offers because two of them amended their offers. Pulowsky made an amended offer for an even higher price than what we see for the Asian Sea Grill. The two that are recommended to you are to sell about half of it to the Asian Sea Grill Shorelong for \$52 a sq. ft. Basically the east end of the structure. The end closest to 27th St. And then to sell the other half to Donovan at a price of about \$46. When you average that, it is about \$49. Target price was \$45-50 per sq. ft.

- Hanel: What was Pulowski's?
- McCandless: Their offer was for \$56 per sq. ft. They made an offer on only two of the subunits. What that would leave is about a 1400 sq. ft. piece of property between these two offers that the city would have to try to market. It is an interior space. It is not very large. That was largely the reason why the recommendation is coming to you to approve the purchase by the agency, rather than Pulowsky.
- Hanel: These were the only offers received?
- McCandless: Yes, these 3.
- Brown: Do these come with parking spots?
- McCandless: No, they do not come with parking spots. However, the Parking Advisory Board and staff have talked about that these owners are going to need parking. If there is any way we can accommodate them then we certainly intend to do that.
- Cimmino: To accommodate them, that means we would charge them parking?
- McCandless: Yes. They would lease parking spaces under the same terms as anyone else.
- Cimmino: So you combine the two to absorb the 1400 sq. ft.? That is large enough for a single office user right?

- McCandless: It is not so much the size that is the issue. The issue is that Unit F is right here. It is interior to the block, sandwiched between two on potential other uses. Probably difficult to market it, and also would demand a lower price. This illustration is in the packet. It tells you where these subunits are. Starting at Broadway is where we start the subunit A and down through F. That is the recommendation to sell that portion to Donovan, then F, G, and H is onto the east. This is the portion that does not have concrete floor yet, because this space was designed to be a restaurant. The location of plumbing, and kitchen and all of that is unknown, so we left it unfinished. So they can put those facilities wherever they choose at their cost. All the interior improvements are going to be at their cost. It will have no demising walls. It has a back wall. It will have a front door and glass panel, and has stub ins for electrical, HVAC, plumbing. Improvements to interior of those four walls are the responsibility of the owners.
- Cimmino: What kind of merchant besides the restaurant?
- McCandless: Kelly Donovan is the owner or one of the owners of First Montana Title.
- Bird: Thought we were specifically looking for retail in this space as opposed to more offices on this totally prime retail spot. Is it because we didn't get another bid?
- McCandless: Frankly, yes. It is designed to be either retail or office space, and most of the time, I probably referred to it as retail. That probably was a short coming of my part. It really is useable by either of those. The two offers that were made for the entire property were substantially lower per sq. ft. price and would yield a lower total price than the combination of these two. While both of those parties who made those offers for all the space, would have occupied a portion of it. We also wouldn't have known at all, and had no control over who or what went into the remaining space. In this case, at least we know what is going to go there.
- Hanel: Knowing both of these persons that have made these offers, we are not going to get involved with either one of them. They are both very credible businesses and once again, should they buy, what they do, they may resale. However, the offering amount that you are receiving per sq. ft. is an extremely good amount for downtown.
- McCandless: Last complicating factor is there are the rights of first refusal for the spaces. Alley Cat which is Bill Honecker or Securities Building has the first right of refusal on at least 4000 sq. ft. on the corner of 27th and Montana Ave. That provision is simply that, if the city council is willing to accept Asian Sea Grills offer of \$52 per sq. ft., we then are required to notify Mr. Honicker, that this space is available for his purchase at the same per sq. ft. price, and other terms that are contained in that offer. He really has no time limit for responding back to the city, but he has said that he can do that promptly. The first right of refusal for Zootist, or the Northern Hotel, is for at least 1500 sq. ft. on the Broadway corner. They do have a requirement to respond back to the City within 30 days. Bottom line, the staff is going to make a recommendation to you to sell 100% of the retail space. Can't tell you for sure who is actually going to end up buying it.
- Bird: The Alley Cat, first right of refusal, why did that part of it not have a time for response. Is that part of our process?
- McCandless: It probably was an oversight. The purchase agreements, there were option agreements, there were lease agreements, and then a development agreement with Zootist. Through all of that we probably just overlooked that it wasn't in the particular part of the agreement. That is my only explanation.

- Bird: Technically, if Ally Cat would agree to purchase, that space could go undeveloped for who knows how long?
- McCandless: The sale to these other two parties, I guess that would insure that they are going to be developed. But, purchasing at the price that they are, I think there is going to be something, They can't just sit on them.
- Bird: Bringing this up so that we kind of understand what the parameters are here. Which, my next question is – Anybody we sell the property to, do we have the authority in the sale to put a time for development. I am still waiting to see some dirt turned over. I agree, probably more than likely we have some very credible developers here, and they are not buying it just to sit on it. But from a technical standpoint, it is important for us to kind of understand this, and why would we not put a time to develop in a purchase contract.
- McCandless: The City Council has final approval authority. You granted the City Administrator the authority to sign buy/sells. This entire subject is City Council approval. If the City Council wants to place additional conditions on the sale of these properties, you certainly can do that. We would then submit a counter offer back to the purchasers, and whether they would be willing to purchase under those conditions, I don't know. It wouldn't be unreasonable for us to ask within the next week, if they have a schedule for development. Unless you actually placed a condition on the sale of the property, there wouldn't be anything to bind them to that. At least there would be more information for you if you would like for us to get that.
- Hanel: At \$50 roughly a sq. ft., they are not going to let it sit empty very long. That's a pretty healthy investment on their part.
- Cromley: How much property is being purchased by the Donovan party?
- McCandless: Donovan is almost 8,000 sq. ft.
- Cromley: The one by Zootist, I am not sure. They have the option to purchase at least 1500. Do they have to purchase the entire amount?
- McCandless: No, they would not be obligated to purchase the same amount. However, the way that the structure is built, the first unit, the one that is on Broadway, is about 2200 sq. ft. We could make the case that you can't just buy 1500 sq. ft. It has to be 2200. If Ally Cat exercises their right, and Zootist exercises their right, there is a little over 8,000 sq. ft. in-between that the City would have to go back out and try to remarket.
- Tina: This will be on the Agenda for next Monday.
- Cimmino: So the 1400 sq. ft. seems small, but technically the obligation for the other property owner, he can put a bid on 1500 sq. ft. and there is 100 sq. ft. difference.
- McCandless: Both the 1500 sq. ft. minimum, and the 4000 sq. ft. minimum for Ally Cat, was done or committed long before we had it signed for this structure. What both of them were doing, were stating that, if we were to purchase this retail space, and use it for purposes that I am assuming both of those business people were thinking about, they would need at least that much space. The way that the building ended up being designed, there really is no good way to segregate 1500 sq. ft. That would be what the city would insist on. There is actually no exit. There has to be a second exit out of this commercial space. If they only took 1500 sq. ft. over here. They don't have an exit because this is the exit right back here. Which is available to the 2200 sq. ft., but not to the 1500.

- Cromley: Is there any indication from either party about exercising that option? It looks like we are going to end up with the middle part of that to resale.
- McCandless: No, there has been no indication from either of the parties. They both know that information is being presented to you tonight, and they both know it is on the City Council Agenda next Monday, and I don't think I told them what the offering prices were, but they certainly have access to all of the information you have, so you are going to know soon. Neither one of them have said definitely yes, or definitely no.
- Hanel: Public comments: None.

TOPIC #5	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- Hanel: There was a PCC mtg. today. Very well attended. One item that has come up, and would like to update you on. This is a MDT feasibility study for S. 27th St. intersection railroad crossing. The MDT has agreed to move forward with the concern we have been expressing for quite some time. However, what they plan to do is, develop a study, not only for Billings, but statewide. And determine the areas of concern. Part of the report was provided by Streeter for the MDT. Another part of presentation had to do with the Bench connector, Phase 2. And the 6th Ave. to Bench Blvd., the connection there Expo bench and 6th Ave. The way that MDT has the funds planned and scheduled for the Bench Blvd. connector, the next part of that project will be the intersection out on Highway 87, Main and Mary, and so forth. Will get that planned out, get that going and then come back onto Bench. Irregardless, as the result of the funds for that project, Streeter wanted it to be known that it would probably be approximately 10 years before they would return to 6th Ave., Bench, Expo, Main and that intersection there. About how long before the funds are available to come back to that intersection. In that period of time, very likely the outer business loop will be completed, and will have a better idea on traffic flow and so forth. Anything between now and then, it would come back to the city, because it is a city project. I gave an indication at that meeting, without your vote, without that being presented by our staff, that likely we may not have the funds available presently for that study. Which could come out to a quarter of a million dollars. If there are any questions, I would be glad to visit with you later or you could contact Streeter with DOT. He can give you the details.
- Bird: Do the BIRD folks attend these meetings? Does this ten year time frame tentatively have any impact on the Expo Gateway development we just heard about tonight from Connell and McCarthy?
- Hanel: Could affect it and BIRD representatives were at the meeting. There is a roster as far as attendees.
- Cimmino: It took almost 4 years for the environmental report to be completed on Bench?
- Hanel: Yes. It is in the completion stages. They are moving forward. Not sure of the cost. The time frame is about 4 years.

- Pitman: Council Member McCall’s husband passed away on Sat. Services will be Friday, 1:30 at the St. Stephens Episcopal Church.
- Crouch: Council invited to lunch at library on March 18 with conservation roundtable.
- Tina: If Council Members plan to attend, it would be helpful if you notify Tina. Because if we have a potential quorum, we need to advertise that meeting.
- Yakawich: Any update on power problem at wastewater plant?
- Tina: Will report, working on it.
- Bird: Compliments to Park’s Dept. for how well they have done in initiating the maintenance projects, and completion of those. There have been some challenges, but the challenges have been handled very well. They seem to be right on track, and dealing with our deferred maintenance issues, the way we told the public we would, when the PMD was passed.
- Pitman: Heights Task Force is meeting next week at Oasis at 7:00. Have invited Streeter from MDT. Will be talking about the outer connection and the Bench Blvd project. These will be two major projects that are happening in the city. If you have any questions, this would be a valuable meeting to be at.
- Brown: Council Members received a letter from Ward 5 resident about trash can blew down alley, crews replaced it. Very appreciative.

TOPIC #6	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- Kevin Nelson: 4235 Bruce Ave.: MMIA board of directors meeting on January 16. Is the MMIA still relevant? Public or council discussion about that in the future? Highlands Project handout. Won’t use sound dampening insulation but sell it to others. Will sell dust collection silos but don’t use one themselves. Question whether they’re good citizens. Someone willing to ask Highlands about these 2 things?
- Hanel: Will personally visit with Highlands and will email to you and Council within a week. Cromley brought up a suggestion that there is a process legally that the neighbors could get together and maybe with the power of numbers, possibly get something done.
- Swanson: Willing to go with you.
- Hanel: OK, but don’t want a group.
- Bird: Appreciate what you’re doing for your neighborhood.
- Kevin Nelson: Comment made, and Tina Volek was correct. DEQ has looked into it. Problem is the regulations. They don’t fall within the regulation. It isn’t that they don’t look at it; it is just that they don’t come up to a regulatory volume of paint. Take the gallons of paint, they divide it and say, spray this much paint. Now you have come under our jurisdiction. They haven’t met that. That is the problem being so close to the neighbors. If they were out where they should be, you wouldn’t even know they were there.

- Yakawich: Did meet with Kevin earlier today. Did go down to the place there. Kevin has made a difference. Because of him, they did put up a tent, and they don't work during the nighttime. Want to give credit to him that he and the neighborhood are working at that. Kevin also made a comment; there is the owner and then the manager. Kevin suggested that we meet the manager. Commends Mayor for taking a lead.

Additional Information: