

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

October 28, 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 5:30 p.m. and served as the meeting's presiding officer. Councilmember Yakawich gave the invocation.

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Neese, Ewalt, Joy, Friedel, Gibbs, Ronning, Clark and Brown.

**MINUTES:** October 15, 2019 – Councilmember Clark moved for approval, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

### COURTESIES:

Councilmember Friedel announced that Girl Scout Troop 2116 was in the audience. He invited them to the podium to introduce themselves and their service project (care packages) to support the crew of the USS Billings for the next five (5) years. The first order will go to the crew on December 10<sup>th</sup>. Anyone interested in contributing to their service project was encouraged to contact them at [Troop2116@yahoo.com](mailto:Troop2116@yahoo.com).

### PROCLAMATIONS:

Mayor Cole proclaimed November 1, 2019, as Extra Mile Day, and encourage Billings' citizens to make a difference and life up fellow members of their community.

Mayor Cole proclaimed the month of November as National Runaway Prevention Month and stated 4.2 million people between the ages of 13-25 endure some form of homelessness. Mayor Cole urged citizens to support efforts to increase public awareness about, advocate on behalf of, and provide positive and safe alternatives to runaway and homeless youth and their families. He provided contact information to the local Tumbleweed program at 259-2558 or [www.tumbleweedprogram.org](http://www.tumbleweedprogram.org).

### COUNCIL REPORTS:

There were no Council reports.

### ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski stated there were no exparte communications in the notebook.
- Mr. Kukulski reminded Council that the City Administrator's Annual Performance Evaluation would be given during an Executive Session with Councilmembers only on November 12<sup>th</sup> at 4:00 PM, in the City Hall Conference Room. He stated

Council was to provide their evaluations to Wynnette Maddox no later than 8:00 AM on Monday, November 4th.

- Mr. Kukulski provided an update concerning the status of the Mustangs baseball. He stated three of the four teams are under the cut list, however, Mustangs and Dehler Park have met every MLB standard. He explained that there would be no impact to the 2020 season.
- Mr. Kukulski gave an update concerning Laredo Place Rockslide and stated three estimates recommended taking the rest of the rock down at a lesser cost and that was being considered.
- Mr. Kukulski reminded Council that the November 4<sup>th</sup> Work Session Meeting would be held in the School District's Board Room at the Lincoln Center.
- Mr. Kukulski confirmed that the dry hydrants in the Cherry Creek area were not the City's, but were privately owned.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 4b 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 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.

- **Melanie Schwarz, Big Sky Economic Development, 222 North 32<sup>nd</sup> Street, Suite 200, Billings, Montana**, in reference to Item 1F, stated that completing the demolition in the EBURD would create an optimal site for future development. She gave her support to approve the use of TIF funds for the demolition.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, in reference to Item 4b, stated he was concerned about the water main located in the middle of Barrett Road. He stated the water main was owned and controlled by County Water Heights District and was not owned by the City. He continued that therefore the developer could pay fees to the City for something to which it would have access. He stated the paragraph in the development agreement referencing system development fees to the City to connect to City water, needed to be re-written to correct the inaccurate information.

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

1. **CONSENT AGENDA:**

A. **Mayor Cole recommends that Council confirm the following appointments:**

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Board of Appeals - Electrical Contr.	10/28/19	12/31/21
2	No Applications	Board of Appeals - At Large	10/28/19	12/31/22
3	No Applications	Board of Appeals - Engineer	10/28/19	12/31/22
4	No Applications	Community Development - Lod Mod*	10/28/19	12/31/19
5	No Applications	Community Development - Lod Mod	10/28/19	12/31/22
6	Kristen Prewitt	Human Relations Commission*	10/28/19	12/31/20
7	Larry Brewster	Parks, Recreation & Cemetery Board*	10/28/19	12/31/21
8	Shelli Mann	Tourism BID Board	10/28/19	10/01/23
9	Lori Walker	Tourism BID Board	10/28/19	10/01/23
10	No Applications	Traffic Control Board	10/28/19	12/31/22

\* 4 Unexpired term of Rebecca Bey

\* 6 Unexpired term of Lita Pepion

\* 7 Unexpired term of Richard Lorenz

B. **Bid Awards:**

2. **City Vehicles.** (Opened 10/15/19) Recommend: Schedule 1 with trade and Schedule 7 without trade to Denny Menholt Chevrolet, \$114,453.81; Schedules 2, 3, 5, 10 and 13 with trades and Schedules 6, 8, 11, 12 and 14 without trades, to Billion Auto Group, \$467,536.00; Schedule 4 without trades to Yellowstone Country Motors, \$150,432.00; and Schedule 9 without trade to Bison Motor Co., \$57,516.52.

3. **One New Current Model Forklift.** (Opened 10/15/19) Recommend Tractor & Equipment Co.; \$98,662.

4. **W.O. 19-01: Schedule 1, 1st Avenue North Water Main Replacement.** (Opened 10/15/19) Recommend COP Construction, LLC; \$3,344,550.

C. **Donation** to the Billings Police Department from Phillips 66 for training and equipment purposes; \$31,000.

D. **Donation** to the Billings Fire Department from Alpha Omega Disaster Restoration for kids' fire helmets; \$700 retail value.

- E. **Grant** from Healthy by Design to the Planning Department to support active transportation efforts; \$500.
- F. **Tax Increment Financing Assistance** from East Billings Urban Renewal District (EBURD) Tax Increment Funds to J & S Properties for demolition of the commercial structure at 1617 1st Avenue North to prepare the property for future redevelopment; \$66,004.
- G. **Final Plat of Annafeld Subdivision, 2nd Filing.**
- H. **Bills for the Weeks of:**
  - 1. September 23, 2019
  - 2. September 30, 2019

Councilmember Neese separated Consent Agenda Item 1F for discussion.

Councilmember Brown separated Consent Agenda Items 1H1 and 1H2 in order to abstain.

Councilmember Clark moved for approval of the entire Consent Agenda, with the exception of Items 1F, 1H1 and 1H2, seconded by Councilmember Friedel.

Councilmember Yakawich recognized Phillips 66 and Healthy by Design for their generous support of the Police and Planning Departments.

Mayor Cole recognized Alpha Omega Disaster Restoration for their generous donation of kids' fire helmets to the Fire Department.

Councilmember Clark drew attention to the fact that there were 10 positions to fill on the boards and commissions, but that only 4 of those positions were filled. He asked for the community's help in filling the positions.

On a voice vote, the motion for approval of the entire Consent Agenda, with the exception of Items 1F, 1H1 and 1H2, was approved unanimously.

Councilmember Neese, in reference to Consent Agenda Item 1F, asked Tim Goodridge, EBURD, what insurance coverage was on the burnt building. Mr. Goodridge stated the insurance policy had \$10,000 to cover debris removal, not to demolish the building. He continued that the demolition and dumping of the materials was quite expensive and it was unlikely that the \$66K would cover the expenses. He stated the goal was to attract a tenant and build to suit.

Councilmember Ronning moved for approval of Consent Agenda Item 1F, seconded by Councilmember Cromley. Councilmembers Yakawich and Friedel voiced

their support. Councilmember Neese stated he supported the removal of the damaged property, but was not satisfied that enough information was obtained concerning possible additional insurance funds paid to the developer. The motion was approved 10-1, Councilmember Neese voted in opposition.

Councilmember Clark moved for approval of Consent Agenda Items 1H1 and 1H2, seconded by Councilmember Friedel. The motion was approved 10-0, Councilmember Brown abstained.

## **REGULAR AGENDA:**

**2. PUBLIC HEARING AND SPECIAL REVIEW 979: a special review to allow co-location for a T-Mobile antennae on an existing cell tower, increasing the tower height to 66 feet, on Lot 1, Block 4, Cloverdale Subdivision, on the 900 square foot leased tower site within the 43,913 square foot parcel of land, generally located at 702 Dunham Ave. WW Holding Company, Inc, owner; Amanda Nations, of Crown Castle, agent for T-Mobile. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)**

Karen Husman, Planner, gave a brief presentation and stated that there was a cell tower at this location, but T-Mobile wished to add height to that cell tower to include their antennae. She reviewed the Zoning Commission's recommendation for conditional approval and adoption of the finding of the 3 criteria.

Mayor Cole asked whether the Planning Department was tracking any possible cell desert areas, because in the case of a disaster or massive emergency, cell coverage throughout the City could be affected. Ms. Husman responded that the information was not currently available, but could be obtained if the Council wished.

Amanda Nations, Crown Castle, addressed questions from the Council concerning height and cell coverage gaps.

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

Councilmember Joy moved for approval of Item 2 with conditional approval and adoption of the findings of the 3 criteria as recommended by the Zoning Commission, seconded by Councilmember Friedel. The motion was approved unanimously.

**3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 973: a zone change from Residential Professional (RP) to Neighborhood Commercial (NC), on Lot 7A Amended, South 150' of Lots 6 and 7, of Arnold Subdivision 2<sup>nd</sup> Filing, a 30,772 square foot parcel of land, generally located at 2335 Lewis Ave. Ed Sermon, owner; Scott Aspenlieder, Performance Engineers, agent. Zoning Commission made NO recommendation on a vote of 0 in favor and**

**4 opposed to a motion to recommend approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of zone change).**

Karen Husman, Planner, gave a brief PowerPoint presentation and reviewed statutory criteria for consideration and reminded Council that zone changes cannot have conditions of approval. Ms. Husman explained that the Zoning Commission held its public hearing and the Zoning Commission voted 4-0 against recommending approval of the staff's recommendation for the zone change and provided the basis of their denial. She stated their motion was for denial of staff's recommendation. Ms. Husman stated the Zoning Commission's findings for denial were on the following criteria - No. 3, the new zoning would not promote public health, safety and general welfare; No. 8, the new zoning does not consider the character of the district and the peculiar suitability of the property for particular uses; and No. 10, the new zone would not encourage the most appropriate use of the land. She continued that Council could approve and adopt the staff's findings and recommendation or approve and adopt the Zoning Commission's findings and recommendation.

Discussion ensued concerning the surrounding properties zoning, i.e. Neighborhood Commercial and Community Commercial and noted there were very few parcels that were still Residential Professional. City Attorney, Brent Brooks, urged the Council to make a decision because the Council was the final decision-makers and for the record to be very clear about the basis for any denial.

**Scott Aspenlieder, Performance Engineers**, the agent for the applicant, addressed the Council and explained the process used to determine a zone change was necessary. He stated that 24<sup>th</sup> Street West was a commercial corridor with commercial businesses lining the street for several blocks leading to Grand Avenue, not residential. He mentioned there were 5 other car washes located in Billings that were in several similar areas. He stated they had been very transparent with the neighborhood about their plans to place a car wash in the area and that a Special Review was applied for should the Zone Change proceed. He offered that they were considering vegetation and other buffers to block noise and provide pedestrian safety. Mr. Aspenlieder answered Council's questions concerning noise from a possible car wash at the location and the design of the building. He explained that with the staff's assistance, they determined that Neighborhood Commercial was more desirable than Community Commercial because Community Commercial allowed for casinos and bars to be in that zoning.

He continued that there would be 7 bays; 3 were automated with air dryers and 4 were self-serve, without automated dryers. He stated the bays with air dryers would have doors that close on both ends of the bays. He stated there would be an attendant on site during hours of operation and that it was a 24-hour facility, with the heaviest amount of visits from 7 AM to 7 PM. He explained the vehicles would enter from Lewis Avenue and exit on 24<sup>th</sup> Street.

Councilmember Yakawich voiced his concerns about noise and compliance with the current noise ordinance standards. He stated he this may not meet some of the zone change criteria. Councilmember Friedel called point of order and the conversation ceased.

The public hearing was opened.

- **Don Ames, 1123 Dennis, Billings, Montana,** stated he and his wife wrote a letter of protest. He continued that their concern was with increased traffic at that intersection and the children's safety while walking to and from school. He addressed the differences between the current Residential Professional zoning and the proposed Neighborhood Commercial zoning a block away and asked the Council to tour the different areas.
- **Lori Boone, 1045 Avenue D, Billings, Montana,** stated she was the principal at Burlington Elementary School. She gave her concerns for her students' safety as the proposed zone change is within 2 blocks of the school. She gave the hours in which her crosswalk guards are staffing the intersection at 24<sup>th</sup> Street West and Lewis Avenue, which would be the car wash's prime time of operation. She stated she was opposed to the zone change.
- **Jason Hanson, 2320 Lewis Avenue, Billings, Montana,** stated he sent a letter of protest and asked Council to review the Zoning Commission's findings for denial of the zone change. He continued that car washes are considered industrial use and not allowed in Neighborhood Commercial areas, except by Special Review. He clarified that the decibel level for noise between a residential neighborhood and a commercial area would be dictated by the lower residential level and a car wash would exceed that level. He stated a car wash would be detrimental to the neighborhood.
- **Ed Sermon, 1625 Riverstone Street, Billings, Montana,** voiced his support of the zone change. He stated the property was located on a commercial corridor. He stated the church was hopeful to relocate and that drivers currently cut through the church's parking lot to avoid the intersection and were causing safety concerns. He continued that the car wash lot would be improved and that it would improve pedestrian safety concerns.
- **Ethan Kanning, 2309 Nina Clare Road, Billings, Montana,** stated he was in favor of the zone change. He stated it made sense to continue developing the commercial corridor of 24<sup>th</sup> Street. He admitted he worked for the commercial broker on the proposed project.
- **Ed Melcher, 2331 Lewis Avenue, Billings, Montana,** stated he owned the office building next to the subject property. He stated his opposition to the zone change and stated more office space was needed in Billings so the current Residential Professional zone should remain.
- **Mike Irwin, Owner of Rocky Mountain Car Washes,** provided clarification regarding employment opportunities at the car wash. He stated there would be 4 full time positions. He estimated that a daily average of approximately 100 cars would be washed per day at the facility. He stated that 2 of his car wash facilities have had noise studies conducted and the manufacturer of the air dryers had

provided data. He stated it was not a perfect science because many factors play into noise studies. He gave particular information about plastic dryer housing and doors that muffle noise as well as the housing of the vacuum turbine to negate noise.

- **Ronda Carlson, 831 Avenue E, Billings, Montana**, stated there was no way a car wash could abide by the noise ordinance standards for a residential area at night. She opposed the zone change.
- **Matt Robertson, 3005 Upper Highwood Drive, Billings, Montana**, stated he was a partner at NAI Business Properties and was a commercial real estate broker. He stated he had represented Mr. Irwin and Rocky Mountain Car Washes for the past 8 months. He stated they had done due diligence in seeking an in-fill property that a car wash would fit nicely into. He stated that 82% of the businesses along 24<sup>th</sup> Street were either Community Commercial or Neighborhood Commercial zoned between Grand Avenue and Monad Road. He stated that any Residential Professional properties was outside of the norm for locations about lit intersections. He also mentioned that office space vacancy was at its highest in Billings over the past 15 years and trending in the area of 22% to 24% office space vacancies. He voiced his support for the zone change.
- **Robin Dangerfield, 2917 Doreen, Billings, Montana**, stated he owns property near the intersection of 24<sup>th</sup> Street and Lewis Avenue. He stated he had conversations with the current tenants who had no objections to the development of the subject property or a zone change. He stated his support for the zone change and that it would be an excellent opportunity for a car wash in the area.
- **Craig Dalton, 3218 Silverwood Street, Billings, Montana**, stated he works for Performance Engineering. He voiced his concerns about future development of the church property. He stated that when the church leaves, that either another church would need to occupy the space or it would take intense capital to re-develop the space for something else. He continued that Billings should welcome outside businesses to move here and thrive. He supported the zone change.
- **Veronica Knight, 31 Berg Avenue, Billings, Montana**, stated she works for Avitus Group and is a member of the church located 24<sup>th</sup> Street West and Lewis Avenue. She voiced her support for the zone change.
- **Melanie Schwarz, Big Sky Economic Development, 222 North 32<sup>nd</sup> Street, Suite 200, Billings, Montana**, stated it was exciting to see new development in Billings and gave economic statistics for a business such as a car wash and the increased tax base. She encouraged Council to look at all the economic benefits of having new business enter Billings and stated there was a great deal of due diligence by prospective businesses when considering whether to start a business here. She supported the zone change.

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

Councilmember Cromley moved for approval of the Zone Change, seconded by Councilmember Joy. Councilmember Cromley stated 24<sup>th</sup> Street West was basically commercial and that most of the testimony given was centered around a possible car wash, which was incorrect. He referred to the Planning Department's findings about



zoning and stated nowhere in the findings did it mention a car wash and that was correct. He continued that at a Special Review, a possible car wash would be considered then. He stated that for now, Council was to consider whether a zone change would be fitting for this property to Neighborhood Commercial and he supported the Planning Department's findings.

Councilmember Clark stated he would oppose the zone change, because changing the zone to Neighborhood Commercial would allow any business listed under Neighborhood Commercial to be housed there, such as a convenience store. He continued that in the 2-block section near the subject property, it was mostly residential.

Councilmember Neese stated his opposition to the zone change, based on the Zoning Commission's findings for denial. He stated the area was mostly residential and would be negatively impacted by the zone change.

Councilmember Brown gave his support for the zone change because the current Residential Professional zone would not allow for further development of the area.

Councilmember Ewalt asked whether a casino or service station could be located in a Neighborhood Commercial zone. Wyeth Friday, Planning Director, stated a service station would have to go before a Special Review to be allowed and casinos would never be allowed in a Neighborhood Commercial zone. He clarified that under Project Recode the property may be recoded to something closer to Neighborhood Commercial.

Councilmember Joy stated she would support the motion to approve the zone change because Residential Professional zoning was not well supported in Billings and Neighborhood Commercial would allow for development more in keeping with the growth of Billings.

Mayor Cole stated his support for the zone change and stated that should a car wash wish to be placed there, a Special Review would give the opportunity for conditions to noise, etc.

Councilmember Friedel asked if a traffic study had been done in the area. Monica Plecker, Planning Manager, stated the applicant was not required to do a traffic study for a zone change and to do so would be unfair. She continued that some queuing analysis had been done and video surveillance of the car wash at 13<sup>th</sup> and Broadwater Avenue, which had some similar characteristics. She continued that the study indicated the car wash generated about 8 washes an hour. She stated there was no reason to believe that this business would create the amount of traffic that would trigger a traffic study.

Councilmember Ewalt stated that commercial development should be along arterial streets and 24<sup>th</sup> Street was an arterial that on its east side was mostly commercial business. He stated he would vote in favor of the motion.

Councilmember Gibbs stated the intersection at 24<sup>th</sup> Street West and Lewis Avenue was very unsafe. He stated he was not in favor of the motion.

Councilmember Ronning stated this was a zone change and not a decision about a car wash, therefore, she would be voting in favor of the zone change.

Councilmember Clark clarified that by the Zoning Commission not voting in approval of the zone change, they had actually identified 3 criteria not to approve it and therefore, their recommendation was for denial.

On a roll call vote, the motion to approve the zone change was approved 7 to 4, Councilmembers Yakawich, Neese, Gibbs and Clark voted in opposition.

Mayor Cole called for a recess at 8:28 PM. The meeting reconvened at 8:36 PM.

4. **BARRETT ROAD, LLC:**

- a. **PUBLIC HEARING AND RESOLUTION 19-10835 FOR ANNEXATION 19-02: property described as Tract 1-A of Amended Tract 1 of Corrected Certificate of Survey No. 840, 2nd Amended, totaling approximately 12.053 gross acres, generally located east of Kiwanis Trail and southeast of the intersection of Barrett Road and West Echo Drive. Barrett Road, LLC, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)**

Monica Plecker, Planning Manager, provided a brief PowerPoint presentation, outlined the subject property and stated that all staff departments indicated they could provide adequate service to the area. Ms. Plecker stated that this annexation was unique in that Barrett Road was a County road and the County would need to quit claim its interest in that portion of the road because the annexation process required annexing right of way. Ms. Plecker explained that the property owner had applied for a Planned Development through the County processes and the County granted the zone change. She explained that because the City / County had a unified zoning code back then, the City typically takes newly annexed County properties in the zone they are in. The Zoning Coordinator could not make a distinction between the City zoning and County zoning because both had RMF-R. She explained how the Council could push for different zoning if they were not satisfied with the zone of the annexed property. She emphasized that the Council would have to be very specific about how it wanted the property zoned in its initiative process.

Councilmember Neese disclosed he had been involved in meetings and conversations concerning this parcel of land prior to becoming a Councilmember.

**Scott Aspenlieder, Performance Engineers**, the agent for the applicant, stated there had been tremendous changes by the developer to meet the neighborhoods desires. He outlined the restrictions and stated the developer had agreed to install sidewalks outside the development to improve the safe of the school children that walked to and from school.

**Eric Nord, Attorney with Crist, Krough and Nord, LLC**, stated he represented the petitioner and requested Council to approve the staff's recommendation to annex the property. He stated the area met all of the City's requirements for annexation.

Council discussed hearing Item 4(b), Development Agreement, before opening the public hearing.

Chris Hertz, Staff Engineer, stated the development agreement outlined the public improvements the developer would be required to install. Mr. Hertz reviewed the specifics of the development agreement. He stated that Number 3 of the development agreement was incorrect and needed to be removed and that the water main was property of Heights County Water District. He also stated the attached exhibit to the Development Agreement was also incorrect and should be removed.

The public hearing was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, stated the development had been in the works for many years. He stated he was concerned about the safety of the school children. He said a lot still needed to be done along Barrett Road to make it safe for the children, but stated the developer had gone above and beyond to address at least some of the concern.

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

Councilmember Joy moved for approval of the Resolution for Annexation 19-02, seconded by Councilmember Ronning.

Councilmember Ewalt stated he had heard concerns that if the development continued under the Planned Development zoning, it would quickly overload and stress the schools with an influx of new students. He continued that if the zoning was R-7000, it could take up to 20 years for that are to be developed and slow the amount of students that would fill the schools. His second concern was about the amount of traffic at Barrett Road and Bench Boulevard during peak school times. He stated it was very difficult to get onto Bench Boulevard presently and adding more vehicles would compound the issue. He suggested constructing the streets for right hand turns only with boulevards in the middle so left hand turns could not be made and reroute traffic onto Hawthorne Lane.

Councilmember Neese asked whether a left hand turn lane was required. Chris Hertz stated that would be determined with a traffic impact study and if a left hand turn

lane was not deemed necessary, then parking may be added along the street. Councilmember Neese stated the developer had gone to great lengths to mitigate public safety concerns and he thanked the developer and agent.

On voice vote, the motion was approved unanimously.

- b. **DEVELOPMENT AGREEMENT with Barrett Road, LLC, for infrastructure improvements along Barrett Road, east of Medicine Crow Middle School. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Friedel moved to table the Development Agreement until the corrections as discussed earlier were made and once the corrections were made the Development Agreement could be brought back to the Council for approval, seconded by Councilmember Ewalt.

Wyeth Friday, Planning Director, stated it was best to have a development agreement approved at the time an annexation was approved. He continued that in past without the development agreement being approved simultaneously, there have been challenges. He urged the Council to approve the Development Agreement with the corrections.

Councilmember Friedel stated he made the motion to table the Development Agreement to make a point that the information brought to the Council should be correct and he expected better of staff. Councilmember Friedel retracted his motion and said he made his point, and Councilmember Ewalt retracted his second.

Councilmember Yakawich moved to approve the Development Agreement with corrections to Paragraph 3, seconded by Councilmember Neese. On a voice vote, the motion was approved unanimously.

- c. **PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward II to include recently annexed property in Annexation 19-02: an approximate 12.053 gross acre parcel of land, more particularly described as Tract 1-A of Amended Tract 1 of the Corrected Certificate of Survey No. 840, Second Amended, generally located east of Kiwanis Trail and southeast of the intersection of Barrett Road and West Echo Drive. Barrett Road, LLC, owner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)**

Monica Plecker, Planning Manager, stated there was no presentation, but she was available to answer any questions.

The public hearing was opened. There were no speakers and the public hearing was closed.

Councilmember Joy moved for approval of the ward boundary change, seconded by Councilmember Neese. On a voice vote, the motion was approved unanimously.

**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.

- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana,** stated he had viewed the Vietnam exhibit at the Western Heritage Center and he stated it was very well done and encouraged the Council to go view it.

There were no 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 10:00 p.m.



CITY OF BILLINGS

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

ATTEST:

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