

City Council Work Session

5:30 PM
Council Chambers
July 15, 2019

ATTENDANCE:

Mayor/Council (please check) X Cole, x Cromley, X Yakawich, X Neese, X Ewalt, X Joy, X Friedel, X Gibbs, X Ronning, □ Clark, □ Brown
CM excused: CM Friedel 5 minutes late, Clark and Brown Absent

ADJOURN TIME: 8:20 pm

Before first item – brief update on City/County drain by Debi Meling

Agenda

TOPIC #1	MDOT Project Updates
PRESENTER	Rod Nelson – MDT Tim Erikson – HDR Becky Bey– KLJ
NOTES/OUTCOME	

- **Meeting called to order at 5:30 p.m.**
- **Mayor:** General greetings and introductions.
- **Rod Nelson, MDT:** Highlights mtd.gov and general instructions on using the website. Each project can be viewed, along with a schedule and estimated project cost. 1st Avenue North is scheduled for 2023 and is a Reconstruction Project. The estimated cost is \$13 million. There are a couple of different projects for Blue Creek Road to be done by the Maintenance Department where they will do crack sealing. The other Blue Creek Road project has been advertised, and bids have been received but not yet rewarded. This will be 3 miles of overlay and will include the bridge deck resurfacing. There will also be some guardrail replacement along with signing, rumble strips, and striping.
- **Ewalt:** Is there anything planned to make the road safer near Riverfront Park for people coming in and out?
- **Nelson:** No, there is not. Are you referring to a turn lane?
- **Ewalt:** Anything that would make it safer.
- **Nelson:** Rumble strips would be considered a safety measure, but there is no plan for a turn lane as part of this project. Safety projects are usually areas that have been identified because of accident anomaly.
- **Mayor:** Is there is a plan to expand the shoulder for overflow parking?
- **Nelson:** There is no plan for that. The next project is I-90 Yellowstone. This project will include widening and reconstruction of I-90 between the North 27th Street Interchange and the Lockwood Interchange. The bridge over the

Yellowstone River will be replaced in whole. It is scheduled for 2021 with an estimated cost of \$72 million.

- **Neese:** What is driving the addition of another lane?
- **Nelson:** The main reason is safety. This bridge also needs to be replaced as it is fracture critical.
- **Neese:** Will there be an alternative route for the bike trail that goes under the bridge or will it just be closed at that time?
- **Nelson:** Would expect that it will have to be closed at times depending on which portion of the project is under construction.
- **Mayor:** If we are ever able to develop Coulson Park, access is a real problem. Having adequate width for an emergency response vehicle would be very valuable. Asks that this be kept in mind in the design component.
- **Nelson:** The next project is King Avenue East. This is a Resurface Project scheduled for 2020. Main Street is also scheduled for 2020. This project will go from in front of the Metra close to Pemberton Lane. This is also a Resurfacing Project. The raised median will be replaced in full.
- **Neese:** A lot of business owners have asked that the speed limit be reduced to 35 all the way through. Is this something that could be recommended after the construction phase?
- **Nelson:** Typically, any modifications to speed limits come from the local government. If the City of Billings would like the state to do a traffic study to determine if the speed limit should be reduced, the state would do that.
- **Mayor:** There are a lot of complaints about speed limits. Can you give a brief rundown on how these are set?
- **Nelson:** We often do studies hoping that the speed could be lowered, but often the study suggests that it should actually be higher. It is not a preconceived study.
- **Kukulski:** Great opportunity to remind everyone that the design of a street impacts speed significantly. Designs of lanes and widths really matter. Is there anything that could be added to slow Main Street down?
- **Nelson:** It would be very difficult to do that with Main Street. With that volume of traffic, if we were to start adding things to slow it down, a change from a 12-foot lane to an 11-foot lane is not going to change speed drastically. There are quite a few Safety Projects which we can go through individually or we can skip to Hillcrest.
- **Mayor:** Skip to Hillcrest.
- **Nelson:** This is for a right turn lane on Hillcrest. This project was first planned because of an accident anomaly, specifically rear-end accidents. It is scheduled for 2020. We also have a Resurfacing Project scheduled for Shiloh Road for 2020. 0.6 miles of Shiloh Road from Wise Lane to the bridge over Canyon Creek will be resurfaced. This will be not be an overlay but rather a chip seal. The next project is South Frontage Road which will connect with the Shiloh Road project. It will include an overlay in addition to chip seal. The last project on the list is Underpass Avenue. The intersection will be reconstructed with a whole new configuration. It is scheduled for 2022 with an estimated cost of \$6.1 million. Each project has an individual webpage that provides an overview of the project.

There are also additional links like the conceptual flyover for Underpass Avenue. This simulates what traffic looks like today compared to after project completion.

- **Mayor:** Is drainage mitigation going to be included for the underpass itself?
- **Nelson:** Yes. There is a pump house, and it is going to be relocated as part of this project. We will be putting in a much larger trench drain similar to the Laurel Underpass. Since a trench drain was added to the Laurel Underpass, there have been no issues with flooding. The issue has been getting the water to the pump in the first place.
- **Friedel:** One of the issues for the Southside and the underpass is to have walkable crosswalks. Will a walk path or anything be added for that?
- **Nelson:** Yes. There won't be a direct cut across, but you will be able to follow the sidewalk around the street where you will be able to cross to get to 6th Avenue.
- **Joy:** How can we encourage people to use the side that actually has a sidewalk going through the underpass?
- **Nelson:** While we will provide as much access as we can, people are going to do what they want. We are not replacing the railroad bridge so we are unable to add any width for a sidewalk on each side.
- **Friedel:** Is there a way to design the lower half to eliminate space on that side to encourage people to walk on the correct side?
- **Nelson:** There really isn't anything there to eliminate now.
- **Friedel:** Referring to the little lip that people try to walk on. Maybe if that lip was gone and there was signage directing people where to walk, we would not have these issues.
- **Nelson:** That is something we can look into.
- **Tim Erickson, HDR:** HDR Engineering has partnered with MDT on a study looking at 27th Street Railroad Crossing. The most recent study was the Montana Rail Grade Separation Study that took place in 2016. 27th Street was identified as a top priority. The current study objective is to be a ground-level study to identify short-term and long-term solutions. The long-term solution would be the grade separation solution. The main focus is to look at alternatives, business impact and local connectivity. Tier two is a 2-lane underpass, overpass, or tunnel. The next step is trying rank alternatives and get public feedback. The Tier two analysis should be completed by the end of 2019. The long-term solutions would be from 1st Avenue South up to 2nd Avenue North. This is purely driven by grades needed to go up and over the railroad tracks to provide for clearance. The tunnel would be a solid deck allowing for some additional pedestrian opportunities. The underpass would just be a structure to maintain access to Montana Avenue.
- **Mayor:** Maintaining east-west connectivity at street level for pedestrians and cars is an important goal. Which intersections would lose that connectivity with any of these options?
- **Erickson:** Without a separate pedestrian structure, it would be Minnesota Avenue for the underpass and tunnel, and 2nd Avenue North would lose east-west connectivity with the underpass and tunnel. With the overpass, there are opportunities to maintain east-west connectivity at both of those.

- **Mayor:** So the overpass maintains connectivity better and is cheaper, but it is also ugly. Is that basically the tradeoff?
- **Erickson:** The overpass would be on the larger side. Aesthetics would be considered to minimize visual impact.
- **Mayor:** Are you able to speculate on cost for all three options?
- **Erickson:** The overpass would probably be in the \$40 million to \$50 million range, an underpass would be in the middle at around \$70 million, and the tunnel would be around \$80 million.
- **Ronning:** Is there an estimated date for the left turn lane at 27th and Montana?
- **Erickson:** We do not have construction scheduled yet for the 27th Street Project. That project will be discussed further in a few minutes. It is a resurfacing project from the Interstate to Airport Road with new streetlights and signal poles. With that project, the signals and the controller has a dedicated turn lane. The project itself will start this fall, but the turn lane will more than likely be next year.
- **Joy:** Which option is better for inclement weather? How do you analyze that?
- **Erickson:** We have conversations with DOT about how other overpasses and underpasses function. Maintenance issues are taken into consideration when it comes to grades.
- **Friedel:** What would it take to build a bridge for the train?
- **Erickson:** This study does not include looking at that in detail. There have been other studies that looked at raising, lowering, or even relocating the tracks. This particular study is looking at public infrastructure.
- **Mayor:** Can you comment on the impact on merchants on 27th Street from any of these proposals?
- **Erickson:** There would be either two lanes going over or under, but there would also be one lane going in each direction at grade. The grade separation would primarily benefit individuals traveling straight through as well as emergency services. A high priority is to maintain connectivity, and the lanes at grade would accomplish this. There would be full access to all the businesses and driveways on 27th Street as well as the side streets with each option. The tunnel offers added opportunities to improve walkability within the corridor.
- **Becky Bey, KLJ:** Acting as liaison between MDT and engineers for the 27th Street Project stated this project is slated to begin in September and is expected to be a six-month project. It includes resurfacing from the I-90 to Airport Road. It also includes replacement of all the signals and ADA accessibility improvements to the curbs along all the intersections. All of the businesses and residents will be notified of pending construction times.
- **Erickson:** Regarding the left turn lane, the resurfacing project does include signals and a southbound left turn lane that has a dedicated arrow at Montana Avenue.
- **Cromley:** Are you aware that the signal there has already been replaced?
- **Erickson:** That was from a project that was finished two years ago.
- **Cromley:** The cost of that project was around \$16 million.
- **Erickson:** Any improvements made that are not impacted by ADA improvements will not be replaced. It will get a new controller so that it can have a dedicated turn arrow as well as flashing yellow.

- **Mayor:** So the work that was done before had to do with the lights themselves and not controllers. This will change the controller, correct?
- **Erickson:** That is correct.
- **Ronning:** Who is in charge of making sure snow is removed from the ADA crosswalks as this has been a problem in the past?
- **Erickson:** ADA sidewalks require different maintenance. Along 27th Street, MDT does the best it can along with businessowners.
- **Yakawich:** The underpass at Underpass Avenue needs new lighting, and the same is true for 13th Street. The lack of good lighting seems to discourage people from using those while walking or biking.
- **Nelson:** That is a problem that we have identified for Underpass Avenue along with the pigeons. Every two to three weeks, maintenance crews go and hose everything down and clean it. Hope that this project will resolve that problem. Because the pigeons are roosting in the beams, we would like to do some sort of netting. This is being discussed with the railroad because they own the bridge.
- **Mayor:** Will the project have netting? We need to do something to make that happen. Is there anything standing between us and achieving that goal?
- **Nelson:** That project is under development so those conversations will continue to take place. We would appreciate any help we can get from the City with this.
- **Mayor:** The City would be on board with helping in any way we can.
- **Kukulski:** We have been discussing how the City and State can work together to take care of the City of Billings from a safety standpoint as well as beautification. Also wishes to convey that the overpass scenario seems like it would be extremely destructive to the downtown at its core. Concern is that we choose that option and then decide 20 years down the road that it has caused greater damage to the Downtown's ability to be viable.
- **Mayor:** When it comes to State-maintained properties, in particular I-90, could we partner with the State to create a plan to help with the cleaning process; something like an Adopt-a-Mile program? It is critical to the City of Billings because that of how people perceive the City.
- **Nelson:** We do have an Adopt-a-Highway program. Any of the routes going to the dump seem to be the problem areas. Willing to work together on those areas.
- **Public Comment:**
- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** Curious about oil lifting off of South Billings Blvd. last week and tracking all over. Will this be fixed? Also here to request that the 6th Avenue Underpass will have a through lane from underneath Laurel Road up to Monad. Will there eventually be sidewalks on King Avenue East? Stated the issue with Hillcrest is the slight rise – it causes a lack of visibility. Is that something that can be addressed?
- **Dennis Ulvestad, 3044 Central Avenue, Billings, Montana:** Feels that an overpass would be the best solution for 27th Street. If the courthouse were gone, the employees could move to the Stillwater Building and a parking garage could be added.
- **Randy Hafer, 702 N 23rd, Billings, Montana:** Works at 2720 Minnesota Avenue. Feels there is an opportunity to increase the size of the medians with the Main Street Project and add landscaping in the middle and on the sides. Feels that

this would slow traffic down. Regarding 27th Street Crossing, feels that all options will be harmful to downtown. If Minnesota is cut off, everything east of 27th Street will die. No property owners in the area want this to happen.

- **Public Comment Closed.**
- **Mayor:** Invites Rod Nelson to address Kevin Nelson’s concerns.
- **Nelson:** In regards to South Billings Blvd., a chip seal was recently done. Anytime there is heavy stopping, starting, and turning, the rocks on the chip seal are rolled bringing up oil. This will be mitigated with sand as they have done at other interchanges. There are no plans for sidewalks at King Avenue East at this time. An additional lane underneath the underpass to connect with Laurel Road is included in the project. As far as Hillcrest, an accident anomaly at that particular site has not been identified so there are no plans to lower Blue Creek Road to get additional sight distance.

TOPIC #2	Human Relations Commission
PRESENTER	Denise Smith
NOTES/OUTCOME	

- **Denise Smith:** Human Relations Commission did a strategic planning session and a SWOT analysis to develop a value statement in order to look at functions and duties. Mission statement has also been updated. Educating the public on where to turn if they have a discrimination concern. Resource sheet on the website. Collaborating with Billings Public Library on a reading list. Pursuing event participation as means to educate the public on community resources.
- **Connie Genger:** Posed question to public at Festival of Cultures on what could be done in Billings to promote mutual understanding. 19 comments were given and six were asking that the City pass an NDO.
- **Smith:** Kody Christensen-Linton has been working with the Fargo Human Relations Commission to see how they operate in a community similar to ours. Also working with City staff from Human Relations on scheduling training such as the sensitivity training the Police Department receives. Open to suggestions from the Council as to where they would like to see the commission go.
- **Mayor:** Thankful for everyone’s hard work. Do you have the resources you need? Is there anything the Council can help with?
- **Smith:** The support we receive from the City staff is exactly what we need.
- **Joy:** When will the man from Fargo be making his presentation?
- **Smith:** He will not actually be here. Kody (Christensen-Linton) will be presenting the information he has gathered at our next meeting; 1st Thursday in August at 12:15 p.m. at City Hall.
- **Ronning:** Where will the handouts that you have be placed? Will they be placed around the community?
- **Smith:** Yes, and we will hand them out at events.
- **Ronning:** Over the past 1-1/2 years, we have had hate messaging distributed to religious establishments and at Rocky and MSUB. When you are made aware of that, how do you respond?

- **Smith:** We are working on what the process will be when complaints are posted to our website.
- **Neese:** Where does the QR code take us? Is there an easy way for the public to file a complaint?
- **Katie Cerda:** Scanning the QR code takes you directly to our complaint form. This works better than requiring complaints be mailed.
- **Public Comment:**
- **Dennis Ulvestad, 3044 Central Avenue, Billings, Montana:** Only way to expose hate problem is to expose those who are participating.
- **Public Comment Closed.**

TOPIC #3	King Avenue East Project Update
PRESENTER	Debi Meling, City Engineer
NOTES/OUTCOME	

- **Debi Meling:** The King Avenue East Project runs from Orchard Lane to Jackson Avenue. This project has very limited right of way (ROW). Ideal ROW is 80 feet, and this only has 60 feet of ROW. Looking at two-way turn lane which is the lane that runs between the two travel lanes. The other option is to add turn lanes at the intersections only which would include Orchard, Hallowell, and Jackson. There will be streetlights throughout. Looking at adding a sidewalk on the North and a multi-use path on the South. There will not be an on-street bike lane. MET bus pads will be provided, and the project will meet ADA everywhere. Still trying to accommodate parking on the North side of the street. No new intersection signals, but there will be flashing beacons at Hallowell and Jackson. Another option is to move the multi-use path to a new location altogether. From Hallowell to Hillview and Hillview to Jackson, the path will be moved to the other side of the ditch which will provide more room. The project also includes a water main. Ongoing maintenance has to be through SILMD which will need to be passed this winter.
- **Friedel:** Is it possible to just put in a curb on the North side and not have a sidewalk to allow for more room on the South side?
- **Meling:** Without a sidewalk, people would have to walk through their front yards to get to the corners to cross.
- **Mayor:** Could we just take more room from the North side?
- **Meling:** Not really an option as those homes are already close to the street.
- **Yakawich:** Moving the path to a different location seems like the better option. It seems safer on a different street.
- **Meling:** If we were to do that, a wide multi-use path would be put on Brockton.
- **Yakawich:** Have you asked the people in that area what they think about that?
- **Meling:** Not something we have done yet.
- **Mayor:** What opportunities for public comment will there be before the trigger is pulled?
- **Meling:** This will be presented to SBBURD soon.

- **Neese:** Have you looked into what it would cost to put a culvert in there? If it was covered up, wouldn't there be a lot more room?
- **Tyler Westrope:** This is a City-County drainage ditch. Last summer, 120 feet was replaced at a cost of \$400,000. It would be about \$3 million to box it up.
- **Mayor:** So those are the actual numbers you would predict for this project?
- **Westrope:** What we did last year was for Jackson Avenue which is the eastern limits of this project.
- **Joy:** Also likes the idea of moving the path to an alternative location.
- **Friedel:** What is the projected total cost of this project?
- **Meling:** \$2.5 million.
- **Friedel:** So covering the culvert would mean at least doubling that.
- **Meling:** To cover the culvert and do everything else, it would be \$8 million.
- **Friedel:** Issues with the alternative path locations because kids take the shortest routes possible which would mean still walking along the ditch.
- **Meling:** We look at this as a from-and-to situation. In most cases, they are going to Ponderosa School and coming from the neighboring subdivisions. This is the reason for the enhanced crossings.
- **Yakawich:** Further down near Chamberlin, there is a lot of flooding. Will the ditch eventually need to be covered there?
- **Dave Mumford:** The ditches have an extremely high sedimentation rate making it very difficult to maintain if covered. This would be a last resort.
- **Mayor:** Is there any solution for onsite diversion and storage in more locations to deal with surface water?
- **Mumford:** Looking at different ways to retain as much as possible onsite. The City only has nine locations that drain into the river.
- **Ewalt:** Is a 10-foot-wide sidewalk required on the South side or could it be 6-foot wide for the one section that is a problem?
- **Meling:** 10-feet is not a requirement but just the desired width. It is a good possibility that it will have to be 6-8 feet for that section.
- **Friedel:** Regarding water, does the State own those rights?
- **Mumford:** You are not allowed to even have a rain barrel to collect water to be used for other purposes. Retaining water and using it elsewhere violates State Law. The water in the ditch is State water.
- **Mayor:** We need to work with legislators to change that.
- **Friedel:** What is the reasoning behind that?
- **Mumford:** It was originally to prevent one landowner from retaining runoff water of neighbors could not use it.
- **Mayor:** The problem with that is in an urban setting, water is more of a liability than a benefit.
- **Mumford:** The Department of Natural Resources have said that they would be willing to meet to potentially change this.
- **Public Comment:**
- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** Concerned that there be adequate sidewalk on the North side of the street for the kids coming from Hallowell and not focus so much on the South side.

- **Ed Gulick, 3015 10th Avenue North, Billings, Montana:** Appreciative of thoughtful consideration by Public Works to make this a complete street.
- **Claudia Stevens, 434 Bunting Street, Billings, Montana:** Would like to hear more about lighting and how taxes will work for this project.
- **Steve Zeier, P.O. Box 21462, Billings, Montana:** Here on behalf of South Billings to thank Public Works for being great partners. Welcome Council to attend the South Billings Board Meeting in August or September. The majority of this project is funded from South Billings Tax Increment Fund. There will be no increase in taxes for design or construction for property owners in our district. The lights will be paid for with TIF dollars.
- **Yakawich:** Will the crosswalk have lights at the school?
- **Zeier:** Right now, there is a crosswalk at Hallowell that has a crossing guard during the school year. Potentially, there will be an activated crossing.
- **Yakawich:** What is the difference between an activated crossing and a HAWK signal?
- **Meling:** With a HAWK signal, when you press the light, it stops traffic with a red light. The rapid flash beacons have a flashing yellow light to warn drivers when the button is pushed.
- **Yakawich:** Do they work?
- **Meling:** We have very high compliance with the flashing beacons that are in use now.
- **Ewalt:** Is there a big difference in cost between the two?
- **Meling:** There is a big difference. A HAWK signal is around \$200,000.00 to \$250,000.00. An activated beacon is closer to \$80,000.00 to \$100,000.00.
- **Ewalt:** Maintenance?
- **Meling:** We have been able to use solar and wind on our existing flash beacons. The HAWK signal requires electricity.
- **Ewalt:** It seems like the HAWK signal would be the safer way to go.
- **Meling:** We have very good compliance with rapid flash beacons, and they are more efficient. People do not seem to understand the HAWK signals as well.
- **Dennis Ulvestad, 3044 Central Avenue, Billings, Montana:** The blinking lights work.
- **Public Comment Closed.**

TOPIC #4	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- **Ronning:** Would like to see advisory groups actually come in and give presentations added to the agenda. We should also know what is going on with boards that City Council Members sit on.
- **Mayor:** Every board and commission should have a staff liaison. That would be the natural person to communicate annual reports. This is required by City ordinance.

- **Kukulski:** Staff could do this, but it would be an added responsibility.
- **Mayor:** Not suggesting that staff make the report but just that staff make sure that the report is going to be made.
- **Gibbs:** How many of these commissions are there?
- **Kukulski:** 27.
- **Gibbs:** Questioned where this would fit in when time is already an issue. Presentations should be limited to 5-7 minutes.
- **Kukulski:** Are one of you a liaison for each of the 27 boards or do several not have a liaison?
- **Mayor:** It would be rare to have a Council Member on a committee, but there are some that do.
- **Iffland:** Of the 27 boards, City Council Members sit on seven of those.
- **Joy:** Acts as liaison to Community Development Board and Community Innovations Board. Happy to send out a monthly email with a rundown of what has been discussed at board meeting.
- **Neese:** Maybe a written report would be best in order to save time. Are all of these boards active? Could any of them be terminated?
- **Mayor:** We should be looking into whether or not some could be eliminated or modified.
- **Iffland:** This was addressed several months ago. All of the directors were contacted and asked if their boards were still active. The answer from all 27 was yes.
- **Brent Brooks:** Reports do need to be done annually, but they certainly can be in written form.
- **Mayor:** Need to create expectation that these need to be done annually.
- **Ronning:** Without a report, we have no idea what is being done. One or two sentences would be fine for many of them.
- **Yakawich:** Should remember that many of these are reported through the head of a department so we are hearing from them periodically throughout the year.
- **Mayor:** Is a yearly report required?
- **Brooks:** Yes. The ordinance is 2-514. It says that each commission will submit a report annually, written or at work session.
- **Mayor:** A checklist from staff would be helpful.
- **Kukulski:** We can do that.
- **Neese:** MDT said that City of Billings has to request a speed limit change. Many businesses along Main Street have requested this. What do we need to do to start that process?
- **Kukulski:** This can be addressed at staff meeting tomorrow. Important to remember that it is all about design. Studies usually come back the exact opposite of what is wanted with a speed increase. Going over code now, and design changes would increase property value and potentially lower speed, but this will cost money.
- **Mayor:** Because there are so many requests regarding lower speed limits, good idea to have a staff presentation on what a speed study is, how it gets initiated, how it works, and some of the design impacts.

- **Kukulski:** The August Work Session has Public Works coming to discuss traffic calming so this could be included with that.

TOPIC #5	Public Comment on Items Not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- **Public Comment:**
- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** Around May 8th, made a Records Request for the invoices for the ACE Hardware Project. Concerned about multiple discrepancies regarding King Development LLC and the invoices they submitted for things like tree removal, project management, and fencing. Some items appear to billed more than once such as tree removal. Wondering why TIF District had to pay for much of this. Would like to know if taxpayer dollars were properly spent.
- **Gibbs:** Have you expressed these concerns via letter or phone conversation with Mr. Zeier or the board?
- **Nelson:** Not with Mr. Zeier. Mr. Iffland said it would be looked into, but has never heard anything.
- **Mayor:** At some point, we will need some sort of a staff report regarding this.
- **Kukulski:** This is a question for South Billings District. There were other questions about this project, and we received a written letter with a report that was shared with you. Not sure if that dealt with these same questions.
- **Mayor:** Is there a Pending Records Request to the City of Billings that we have not responded to?
- **Iffland:** I do not believe so. The documents for the King ACE Hardware Project that the City had in its possession were given to Mr. Nelson.
- **Mayor:** Please confirm that and have a conversation with Kevin (Nelson).
- **Neese:** These questions from Kevin (Nelson) appear to be from the Records Request. Are we to get another report from TIF District on these specific items?
- **Kukulski:** Presumption is that this is correct. This information is in response to Freedom of Information Request. This citizen has questions that he is expecting answers to. If the majority would like answers, we can ask Mr. Zeier to answer them. The Council needs to let us know what you would like done with assertions or requests from the public. If a FOIA Request is filled out, we have a system to respond in place.
- **Ronning:** The protocol should be that those questions are first presented to the board, and if they are not answered, then it would come to us.
- **Ewalt:** What steps has the City taken to try to alleviate these issues with the board? If we don't do something it could continue.
- **Kukulski:** All are aware of the investigative report. We had a third party independent analysis done of the accusations which reported fully the results.

Actions were then taken by relating the MOU that clarified things like following open meetings, protocol, spending, purchasing, and hiring that they needed to follow for our procurement policies. As with SBBURA, that agreement is in place with Mr. Zeier to be in compliance with the MOU because the limit is \$25,000. They also should have an accounting firm to take care of their finances. All other bills being turned in are treated like we would with any other relationship of this type.

- **Ronning:** At the last meeting, requested that SBBURA Board deliver to Council a timeline for hiring an accountant, an RFP, a new executive director, and for their interview process. That needs to be submitted to Council in written form.
- **Mayor:** Still left with issue Mr. Nelson raised. The first responsibility for answering these questions is with the SBBURA Board. Could staff refer Mr. Zeier to the issue, and tell him to listen to the comments that were made? He can then make the decision as to whether there is some sort of response needed. If he ignores it and it turns out to be justified, that be at the risk of the SBBURA Board and Steve Zeier. His response is welcomed.
- **Kukulski:** We can pass that on to Steve.
- **Dennis Ulvestad, 3044 Central Avenue, Billings, Montana:** Saw 11 patrolmen being briefed at once. Wondering who is out patrolling the streets.
- **Public Comment Closed.**
- **Meeting Adjourned 8:20 p.m.**