

<p>At Large Members</p> <p>James “Andy” Patten, 6/30/2025</p> <p>David Fishbaugh, 6/30/2025</p> <p>Mary Walks Over Ice, 6/30/2025</p> <p>Meri McGlone, 6/30/2024</p> <p>Steve Tostenrud, 6/30/2024</p> <p>Steve Wahrlich, 6/30/2024</p> <p>Chris Montague, 6/30/2023</p> <p>Ethan Kanning, 6/30/2023</p> <p>Sean Lynch, 6/30/2023</p>	<p>downtown <i>Billings</i> Partnership</p> <p>Sean Lynch, President</p> <p>Jock West, Vice-President</p> <p>Steve Tostenrud, Treasurer</p> <p>Dave Fishbaugh, Secretary</p>	<p>Partners</p> <p>City of Billings: Chris Kukulski, Wyeth Friday, Andy Zoeller</p> <p>Yellowstone County: VACANT</p> <p>School District 2: Janna Hafer</p> <p>Big Sky EDA: Steve Arveschoug</p> <p>Downtown Billings Association: Matt Blakeslee, Braondon Scala, Katy Easton</p> <p>Business Improvement District: Blake Wahrlich, Katy Easton, James Chandler</p> <p>Billings Cultural Partners: Matt Blakeslee, Katy Easton</p> <p>Parking Advisory Board: Brandon Scala</p> <p>Downtown Billings Property Owners Association: Jock West, Janna Hafer</p>
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DBP Board Agenda - March 24, 2023

Big Sky Economic Development - Zoot Training & Event Center - 201 N Broadway

Regular Business Meeting - 7:30 - 9:00 a.m.

- 1) Call to Order – Introductions, Courtesies, and Public Comments (3 min. limit)
- 2) Regular Agenda:
 - a. Minutes – February 24, 2022 meeting minutes - vote to approve minutes
- 3) Presentations:
 - a. Griffin Development - Old Town Flats
- 4) Staff Updates
- 5) Action Items
 - a. Old Town Flats TIF Award modification request
 - b. Development Agreement language about aesthetics
 - c. Resolution 22-11092 adoption
- 6) Old Business/New Business
- 7) Partner Reports

<ol style="list-style-type: none"> a. Big Sky Economic Development c. Billings Parking Board e. City of Billings g. Downtown Billings Property Owners Association i. Yellowstone County 	<ol style="list-style-type: none"> b. Billings Cultural Partners d. Business Improvement District f. Downtown Billings Association h. School District #2
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- 7) Adjourn by 9:00 a.m.



Present: Andy Patten	Steve Tostenrud	Steve Wahrlich	Jock West
Brandon Scala	Steve Arveschoug	Blake Wahrlich	James Chandler
Wyeth Friday	Meri McGlone	Chris Montague	Mehmet Casey
Janna Hafer	Mary Walks Over Ice	Councilman Tom Rupsis	Jenny Milu
Absent: Dave Fishbaugh	Matt Blakeslee	Katy Easton	Chris Kukulski
County Commissioner	Ethan Kanning	Sean Lynch	

1. **Call to order** – 7:36 AM Steve Tostenrud called the meeting to order once there was a quorum.

2. **Regular Agenda**

- a. **January 27, 2023 Meeting Minutes** - Mr. Montague made a motion to approve the January 27, 2023 Meeting Minutes, his motion was seconded by Mr. Patten, all were in favor, none opposed.
- b. **Staff Updates & Financials** – Mr. Patten asked about the number of interested parties in the Yesteryears RFP. Mr. Casey updated the Board on the informational ZOOM meeting during which 12 parties attended and 2-3 more requested a copy of the recording because they were unable to attend the meeting. Several board members asked Mr. Casey about the Masonic Temple building located at 2804 3rd Ave. and the boarding up of the windows, Mr. Casey provided an update to the board to the extent of his knowledge. The building was under contract but did not go through. The property owner is managing it from a distance and believes that boarding up the windows will prevent break-ins. Several surrounding properties are concerned about the look and wellbeing of the building if it is to continue like this for several months. The Board wonders if there’s a benefit in writing a letter from all Alliance boards to the owner.

Marketing RFP – Mr. Casey provided an update to the board on the updated version of the Downtown Billings Marketing RFP. Mr. Montague provided feedback to Mr. Casey and suggested dialing in the focus of the deliverables, he believes that focused messaging might be more effective and cost effective. Janna stressed that safety and parking need to be part of this campaign to provide further education and combat perception issues. Mr. Arveschoug requested an addition under deliverables to indicate efforts of collaborations with community members.

Financials – Mr. Casey shared that the budgets are due earlier this year than previous years given a new process that is being implemented by the city. Mr. Casey provided an overview of the budget, it was suggested to have the previous year’s budget listed as a column on the budget for comparison. Mr. Casey reviewed the budget in detail with the various income line items, and he addressed questions from the Board. Mr. Wahrlich

asked about possibly reviewing the agreement with the railroad regarding the quiet zone, regarding the expenses that were agreed upon. He recalls that the DBP would take care of these expenses instead of giving them a flat fee. Mr. Casey reviewed the expenditures of the budget, he provided detail on items in which it is believed to potentially have variability. Mr. Arveschoug believes that it is important for the Board to take care of the good professionals that work for the DBP and that the salaries need to be increased, there was further discussion on historic events that have likely created an impact amongst the staff and Board with City Council. Another suggestion was to add a line item for the reserves. Further discussion was had amongst the Board regarding various line items on the proposed budget.

Mr. Montague asked Mr. Casey to make the edits discussed today and to take a vote at the next month's meeting. Mr. Patten suggested to provide direction today and to take a vote via email, it was echoed and agreed amongst the Board to make edits and provide a ballpark number to the City for now and then work to make the edits suggested, email prior to the March meeting but take a vote on it. Councilman Rupsis advised Mr. Casey and the Board to be prepared to explain individual contributions to the 3.13 FTEs. Part of the challenge Council deals with is the non brick and mortar expenses when it relates to TIF. In their eyes, TIF involves infrastructure and brick and mortar and having an individual who handles those issues is clear. When it deviates to marketing, social media, admin work, etc., it gets fuzzy to them. Knowing that this is all based on the downtown URD, they'll still want to "see" amounts contributed to salaries and what specific duties are they paying for.

3. Action Items

- a. FY24 Budget Proposal - addressed above to make provided suggestions and changes, this budget was requested to be provided to the Board no later than the Monday prior to March's Board meeting for adequate time to review.

4. Old Business – N/A

5. New Business – N/A

6. Partner Reports

- a. BSEDA – Mr. Arveschoug updated the Board that they are in the middle of accepting applications to the Space 2 Place Grant. He shared that the deadline is March 9th and encouraged the Board members to apply.
- b. Billings Cultural Partners – N/A
- c. Parking Board – Mr. Scala reported on the concerns of the perceptions of Downtown Billings, the current parking concerns and future concerns if specific garage locations are sold. Discussion revolved around parking in Downtown Billings.
- d. BID – Mr. Blake Warhlich shared that they haven't met yet this month and did not have an update at this time.
- e. City of Billings – Mr. Friday provided an update on the 5th Avenue Corridor, an update on City Council preparing to review budgets, anticipated TIF bills at the legislature, the

Council retreat on March 31st/April 1st. Mr. Rupsis provided context on the topics planned for the retreat to be discussed with hopes to develop strategy.

- f. DBA – Mr. Scala shared one main task this Board is trying to accomplish is to navigate a way to help getting vacant spaces filled. Mr. Casey shared that a walk about with all Board members and City Council will be scheduled once the weather gets a bit better.
- g. Downtown Property Owners Association – Mr. West provided an update on their most recent meeting, he shared that the bylaws are being revised and that a new president is going to be voted to be put in place.
- h. School District #2 - Ms. Hafer provided an update on School District #2 and their interest in the Billings Gazette building. They are also looking for a new superintendent and plan to make a selection no later than May.
- i. Yellowstone County – N/A

7. Adjourn by 9:00 AM - Meeting Adjourned at 8:57 AM

8. Action Items / Notes for MC and KE

- a. Mehmet to add edits to the marketing RFP (focus and collaboration on deliverables).
- b. Add FY23 column on the budget for comparison and add a row for reserves.
 - i. Hold a meeting between Katy, Board Chair, maybe Treasurer or Andy Zoeller to hammer out staff salaries for FY24.
 - ii. Expect to demonstrate the relevance of the TIF's increment increases and a marketing RFP for downtown. Expect push back from Council regarding doing a marketing RFP with TIF dollars and prepare to tie it back to the language of the renewal plan. Don't ever be shy to include cost of living adjustments but be crystal clear and proactive when communicating about the budget.
 - iii. Review the agreement with the railroad regarding the quiet zone expenses to correct or clarify what was agreed upon.
 - iv. Several Board members want the proposed budget no later than the Monday prior to the March meeting.

** Steve Arveschoug commented about collaboration, in “partnership” with BSEDA and other community partners, can we ask them to share in the cost of this to gain a greater campaign, especially since downtown housing and safety were on the top priorities of multiple partners we work with??

Created for the following Board Meetings:

Downtown Billings B.I.D. - March 20

Downtown Billings Partnership- March 24

Downtown Billings Association - March 22

Community Innovations - TBD



Downtown Billings Alliance Board of Directors Report

CEO Report

Katy Easton, keaston@downtownbillings.com, 970-208-7020

The theme of this past month has been Grants, Graffiti, and Gearing up for Good Weather!

I am so happy to announce that the DBA Team is a recipient of the MT Main Street Impact Grant for the completion of the Downtown Billings Light Bike Trail. Awarded by the Governor's Office, this \$40,000 grant will allow for the installations of 11 total Light Bikes and accompanying murals throughout downtown billings. Additionally, the DBA Team submitted two Big Sky Economic Development Space2Place grants, one for benefit of a DBA sidewalk lighting project, and one on behalf of the owners of the G&G Building. We are excited for these grant opportunities and the projects that can be potentially completed if we are successful.

The DBA Team has been actively facilitating conversations surrounding the G&G (Masonic) Building and the boarded up windows, subsequent graffiti, and the future of the building. As noted above, we submitted a grant application on behalf of the building owner, with the hopes that Native American artists will be contracted by the owner to install permanent murals in place of the plywood window coverings. We are encouraged to continue our work on changing the circumstances of other vacant buildings in Downtown Billings and have a great desire to see other buildings that have windows and doors boarded over and/or are in a state of disrepair to be given the same level of support and encouragement to make changes.

We have hit another obstacle with the installation of the Portland Loo. As you all know, the City has been moving toward the sale of several downtown properties, including Parking Garage 2, the proposed location of the Portland Loo. There are concerns that if we move forward with this location, the property may not be as attractive to a potential investor. I will be meeting with Kevin Iffland, Assistant City Administrator in the upcoming days to further discuss. We will work to identify an alternative location and work with the City on the potential budget overrun.

Events

Lindsay Richardson, lrichardson@downtownbillings.com, 408-674-7158

EVENTS

- A successful St. Patrick's Day Celebration: The parade participation was great and is holding steady the last two years (49-50 entries). This was the first year the Celtic Fair was able to fully happen in its new allotted 1/2 block East of Skypoint which allowed us to bring back the secondary Celtic Fair stage and celtic entertainment to pair with the Street Party happening on N. Broadway.
- Alive After 5, 20th Anniversary Series: The Host locations and bands are all confirmed and we hope to release the line-up publicly before May. Need BID board decision on \$2 wristband fee increase (\$3-\$5).
- 3rd Annual Downtown Mini Golf: Saturday June 10th at locations all around downtown and doesn't require a street closure. New to the event this year; We'll use the 29th St. Alley as the kick off spot for all golfers. Lexie secured a partnership with a portable mini golf company, Wild Rose that we are excited about enhancing this event.
- Strawberry Festival: Saturday, July 8. Vendor applications will be opening early April. No big updates or changes to this event.
- Downtown Summer Sounds: Outdoor summer concert at the Billing Skatepark lot, Sunday, July 23. Band to be announced soon.

Partnership

Mehmet Casey, mehmetc@downtownbillings.com, 207-749-1144

- DBP is working to finalize its FY24 budget to submit to the City.
- DBP is finalizing Marketing RFP language & budget.
- DBP is following up with TIF awardees whose deadlines are approaching.
- DBP is compiling a feedback report from the two-way survey. DBP will also continue to collaborate with the City and DOWL on the two-way project.
- DBP continues to process signage and CPTED grants.
- DBP continues to work with BSED & EBURD on the updates of the housing study.
- DBP continues to meet with prospective business and property owners looking to invest downtown.
- DBP is coordinating with the City, Alliance boards, and interested parties regarding the current conditions of the Masonic building.
- DBP is coordinating with Sanderson Stewart regarding the engineering of the 5th Ave Corridor and the design of the 1st Ave N project.

Business Improvement District

Joe Stout, joes@downtownbillings.com, 406-672-1057

- We have been removing quite a bit of graffiti on the days when it's warm enough. As usual, there's a backlog built up over the winter, but we've been taking bites out of whatever we find.
- We haven't had any deep snow to move, but we've plowed around 7 different storms this year, each one requiring at least two passes. By that measure, we have done roughly 330 plow miles between the 4 machines on the ground
- Our project season has gone well with lots of refurbishment of our equipment.
- We are getting prepared for the event season and making sure that all of our supplies are in order. We will have a good shakedown with our St. Patrick's day parade and celtic fair.
- This year's flower baskets have been ordered and we are excited about that. 185 total baskets.

Association

The Downtown Billings Association Board will be starting discussions on how to better engage downtown businesses with the membership arm of our organization. Some topics of conversation might include how to see better attendance at our annual membership meeting in June, sponsorship opportunities for businesses to sponsor the membership of a downtown business, and other unique membership structures that might work for better engagement overall. The Association board has worked hard to define what membership can and should mean to a business downtown and what value that membership needs to bring. The staff is excited to receive direction from this board on how to better serve our members.

The Association board will host a tour of downtown properties, highlighting spaces that are currently vacant. We will be inviting all of the Alliance Boards and City Council to join us on this walk. Mehmet has been working on creating a vacancy inventory that will include the location, a picture of the property, ownership information, background on why the space might be currently vacant, and identifying the opportunities that exist for these vacant properties. Once the tour is complete, the Association Board will meet to identify priority properties that the Alliance can work on filling, through TIF redevelopment funds, Battle of the Plans business opportunities, ownership conversations, and other ideas that might help activate these spaces. Please look for an invitation for all Boards to join us once the weather allows for a comfortable walk.

Downtown Billings Partnership
Profit and Loss by Month
July 1, 2022 - March 15, 2023

	Jul 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 1-15,	Total
Income										
4400 Service Fee from City	23,286.75	23,286.75	23,286.75	23,286.75	23,286.75	23,286.75	23,286.75			163,007.25
4410 Property Management	6,500.00	6,500.00	13,000.00		6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	58,500.00
4430 Grant Revenues				1,942.75		3,519.50	9,620.00		3,000.00	18,082.25
Total Income	\$ 29,786.75	\$ 29,786.75	\$ 36,286.75	\$ 25,229.50	\$ 29,786.75	\$ 33,306.25	\$ 39,406.75	\$ 6,500.00	\$ 9,500.00	\$ 239,589.50
Gross Profit										
	\$ 29,786.75	\$ 29,786.75	\$ 36,286.75	\$ 25,229.50	\$ 29,786.75	\$ 33,306.25	\$ 39,406.75	\$ 6,500.00	\$ 9,500.00	\$ 239,589.50
Expenses										
6040 Dues & Memberships	5.70	280.70	35.70	5.70	5.70	5.70	255.70	5.70		600.60
6065 Gifts				46.90						46.90
6070 Insurance										0.00
6072 Property	1,009.68	1,009.68	1,009.68	1,009.68	1,009.68	1,009.68	1,009.68	1,009.67		8,077.43
Total 6070 Insurance	\$ 1,009.68	\$ 1,009.68	\$ 1,009.68	\$ 1,009.68	\$ 1,009.68	\$ 1,009.68	\$ 1,009.68	\$ 1,009.67	\$ 0.00	\$ 8,077.43
6110 Meetings	200.25	10.75	69.00	11.25	25.70		95.95	248.07		660.97
6140 Office Costs										0.00
6142 Office Supplies		12.00	91.42					71.01		174.43
Total 6140 Office Costs	\$ 0.00	\$ 12.00	\$ 91.42	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 71.01	\$ 0.00	\$ 174.43
6150 Parking Expenses							7.20	2.69		9.89
6200 Payroll Expenses										0.00
6202 Cell Phone Stipend	48.48	32.32	32.32	32.32	32.32	48.48	32.32	32.32		290.88
6204 P/R Services	53.34	108.34	103.33	54.00	95.00	115.00	57.00	158.00		744.01
6205 P/R Taxes	1,368.61	912.37	885.12	879.32	879.31	1,316.18	953.67	953.66		8,148.24
6206 Retirement	526.20	354.20	354.20	354.20	354.20	531.30	354.20	354.20		3,182.70
6207 Wages	16,637.12	11,253.66	11,253.66	11,253.66	11,253.66	16,880.49	11,253.66	11,253.66		101,039.57
Total 6200 Payroll Expenses	\$ 18,633.75	\$ 12,660.89	\$ 12,628.63	\$ 12,573.50	\$ 12,614.49	\$ 18,891.45	\$ 12,650.85	\$ 12,751.84	\$ 0.00	\$ 113,405.40
6300 Postage & Shipping						17.99	17.99	67.99		103.97
6320 Professional Services										0.00
6321 Accounting & Bookkeeping	747.50	520.00	541.66	476.00	693.00	766.00	689.00	560.00		4,993.16
Total 6320 Professional Services	\$ 747.50	\$ 520.00	\$ 541.66	\$ 476.00	\$ 693.00	\$ 766.00	\$ 689.00	\$ 560.00	\$ 0.00	\$ 4,993.16
6330 Property Taxes					8,431.01					8,431.01
6350 Repairs & Maintenance	9,781.00	250.00	180.00							10,211.00
6400 Special Project Expenses				996.00						996.00
6406 Grant Expenditures				1,942.75		2,523.50	2,378.00	7,242.00	3,000.00	17,086.25
6407 Property Management	130.00	201.74						291.15		622.89
Total 6400 Special Project Expenses	\$ 130.00	\$ 201.74	\$ 0.00	\$ 2,938.75	\$ 0.00	\$ 2,523.50	\$ 2,378.00	\$ 7,533.15	\$ 3,000.00	\$ 18,705.14
6520 Training & Development		7,500.00								7,500.00
6550 Utilities	1,983.32	1,949.17	1,927.12	1,782.28	2,467.84	2,976.44	3,320.08	553.88		16,960.13
Total Expenses	\$ 32,491.20	\$ 24,394.93	\$ 16,483.21	\$ 18,844.06	\$ 25,247.42	\$ 26,190.76	\$ 20,424.45	\$ 22,804.00	\$ 3,000.00	\$ 189,880.03
Net Operating Income	-\$ 2,704.45	\$ 5,391.82	\$ 19,803.54	\$ 6,385.44	\$ 4,539.33	\$ 7,115.49	\$ 18,982.30	-\$ 16,304.00	\$ 6,500.00	\$ 49,709.47
Net Income	-\$ 2,704.45	\$ 5,391.82	\$ 19,803.54	\$ 6,385.44	\$ 4,539.33	\$ 7,115.49	\$ 18,982.30	-\$ 16,304.00	\$ 6,500.00	\$ 49,709.47

Downtown Billings Partnership, Inc.		
DBP Operating Budget - line item in Fund 203		
DBP - Chart of Accounts	FY 23	FY 24
	Budget	Budget
REVENUE		10%
Service Fee from Fund 203 via City (URD Management Agreement)	\$ 279,441	\$ 307,385
Property Management	\$ 78,000	\$ 39,000
Funds 203 Contribution to Cooperative Safety and Quiet Zone	\$ 56,250	\$ 62,500
Grants	\$ -	\$ -
Other Revenue (Special Projects, Partner Sponsorships, Donations)	\$ 10,000	\$ -
Total Revenue	\$ 423,691	\$ 408,885
EXPENDITURES		
DBP Allocation to Alliance Operations - fills the Alliance Operations Budget Line items		
Staffing/Payroll/Parking (79.6%)	\$ 190,263	\$ 200,065
Rent and Occupancy (including maintenance) (6.5%)	\$ 14,148	\$ 14,148
Office Maintenance/Cleaning (1.3%)	\$ 570	\$ 570
Office Equipment (including replacement fund) (1.3%)	\$ 1,709	\$ 1,709
Office Supplies (1.3%)	\$ 2,279	\$ 2,279
Phones/Internet (.8%)	\$ 1,196	\$ 1,196
Printing (.3%)	\$ 641	\$ 641
Postage (.2%)	\$ 427	\$ 427
Marketing (2%)	\$ 4,273	\$ 4,273
Professional Services (accounting, legal, IT, taxes) (1.3%)	\$ 8,340	\$ 8,340
Dues/Membership (1%)	\$ 1,567	\$ 1,567
Staff Development/Incentives (.5%)	\$ 427	\$ 427
Travel (i.e. retail/business recruitment trips) (1.2%)	\$ 1,709	\$ 1,709
Insurance (1.5%)	\$ 4,273	\$ 4,273
Meeting Expense (.6%)	\$ 712	\$ 712
Special Projects (.6%)	\$ -	\$ -
Subtotal - DBP Allocation to Alliance Operations*	\$ 232,534	\$ 242,336
DBP Specific Expenses		
Legal	\$ 5,000	\$ 5,000
Accounting (taxes for TIF grants through DBP office)	\$ 1,500	\$ -
Insurance (liability D&O - specific to DBP board)	\$ 2,500	\$ 2,500
Business Development (Recruitment/Retention)	\$ 40,000	\$ 50,000
Meetings	\$ 1,000	\$ 1,000
Marketing	\$ 1,000	\$ -
Subtotal - DBP Specific Expenses	\$ 51,000	\$ 58,500
Property Management		
Property Taxes	\$ 16,500	\$ 16,500
Property Insurance	\$ 9,200	\$ 9,200
Electricity	\$ 14,400	\$ 7,000
Gas	\$ 7,000	\$ 3,500
Water, Sewer, Garbage	\$ 1,200	\$ 600
Fire Line, 24 hour	\$ 500	\$ 500
Maintenance & Repairs	\$ 1,200	\$ 600
Reserve Fund	\$ 5,000	\$ -
Subtotal - Property Management Expenses	\$ 55,000	\$ 37,900
Cooperative Safety/Quiet Zone	\$ 56,250	\$ 62,500
Total Expenditures	\$ 394,784	\$ 401,236
FY23 Reserves	\$ -	\$ 43,333
NET REVENUE FY23	\$ 28,907	\$ 7,649

Action Item - a

RE: 2316 1st Ave N Apartments TIFD Assistance

Background:

Griffin Development submitted an application by September 30, 2021 requesting TIF assistance to bring forward a brand new development of a five-story 36-residential units building located at 2316 1st Ave N. The Downtown Billings Partnership Board recommended this project on November 19, 2021 and then the City of Billings Council approved the request on February 14, 2022. Since then, a development agreement has been executed and construction commenced. The award amount is \$1,693,050 and it would be reimbursed in five installments starting in fiscal year 2025 assuming the project is completed in fiscal year 2024. The total project was estimated to be \$11,045,846 so the award size is equivalent to a 7:1 match private to public. Below is a breakdown of what was approved by City Council in terms of qualified expenses:

Eligible expenses/categories	Recommended	Eligibility		Percentage of Recommendation
		MCA 7-15-4233	MCA 7-15-4288	
Site demo/prep + asbestos cleanup + utility soil removal	\$382,173		\$382,173	72%
System development fee	\$18,862	\$18,862		22%
Street utilities (electrical, sewer, plumbing, gas)	\$435,914		\$435,914	69%
Fire suppression/systems	\$289,058		\$289,058	62%
Concrete/public sidewalks, drives, front patio area	\$66,000		\$66,000	71%
Alley improvements	\$82,000		\$82,000	67%
ADA Compliance	\$65,835		\$65,835	87%
Glass & metal siding (ground level)	\$218,555		\$218,555	63%
Landscaping	\$28,000		\$28,000	66%
Lighting, doors, windows (ground level)	\$106,653		\$106,653	70%
Total	\$1,693,050	\$18,862	\$1,674,188	15% of total project

Proposal:

The above numbers were based on best effort estimates but as we all know, construction costs and interest rates have been challenging as of lately. Griffin Development is seeking a request to increase the award but maintain the 7:1 matching basis. Now that the project has been bid and begun, it is expected to cost \$15,382,121. The request is to increase the original award from \$1693,050 to \$2,307,318. If DBP were to consider this request, the following table would reflect increases in the yellow (in progress) and green (not started) categories. The red (completed) category is not being increased.

Eligible expenses/categories	Proposed Recommendation	Eligibility		% of Recommendation
		MCA 7-15-4233	MCA 7-15-4288	
Site demo/prep + asbestos cleanup + utility soil removal	\$382,173		\$382,173	72%
System development fee	\$18,862	\$18,862		22%
Street utilities (electrical, sewer, plumbing, gas)	\$604,100		\$604,100	96%
Fire suppression/systems	\$469,295		\$469,295	100%
Concrete/public sidewalks, drives, front patio area	\$93,250		\$93,250	100%
Alley improvements	\$122,025		\$122,025	100%
ADA Compliance	\$75,500		\$75,500	100%
Glass & metal siding (ground level)	\$346,949		\$346,949	100%
Landscaping	\$42,125		\$42,125	100%
Lighting, doors, windows (ground level)	\$153,039		\$153,039	100%
Total	\$2,307,318	\$18,862	\$2,288,456	15% of total project

Financials:

If approved, reimbursement is available starting in FY25 assuming the project is completed in FY24 as currently projected.

Approval of this project assumes the following contingencies:

- 1. An addendum added to the development agreement modifying the award amount.**
- 2. This TIFD reimbursement is the maximum that can be received pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.**
- 3. If funds are not available, reimbursement can be carried over to the next fiscal year.**

City Council has final authority in approval, disapproval, or modification then approval of DBP recommendation.



Action Item - b

RE: TIFD Assistance Development Agreement Language Regarding Aesthetics

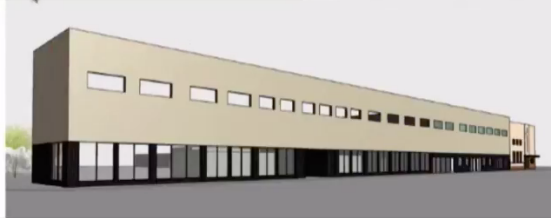
Background:

On February 10, 2020, we presented to Council 123 N Broadway as a potential redevelopment of three commercial spaces or one expansion effort by Stacked A Montana Grill.



On April 26, 2021, we presented to Council the Montana Rescue Mission United Campus redevelopment project.

Montana Rescue Mission Building Design



On July 11, 2022, we presented to Council the Lincoln Apartments mixed use redevelopment.



123 N Broadway became Bravera Bank.



MRM United Campus is under construction but the final design has been modified.



Due to structural issues with the building, the Lincoln Apartments design has also been modified but a conversation is being had to bring it as close as possible to the renderings.



Discussion:

Current language of the DA regarding design drawings states the following:

“Developer has prepared and submitted final design drawings ("Design Drawings") and construction documents for the Developer's Improvements (collectively, the "Final Plans") in accordance with the terms of this Agreement and the Final Plans have been reviewed and approved by DBP and the City and the estimated cost of the approved design is within Developer's Budget. When completed and approved, the Final Plans will be made a part of this Agreement and will be attached as Exhibit F.”

Next Steps:

DBP staff is seeking your guidance. Would you like to keep the DA’s language as is? Or would you like to instruct staff to re-write the DA’s language to strictly state that a design shall not be modified once an agreement has been executed and that in the event a project does change, the developer must request DBP approval? If the latter is recommended, what is the course of action if DBP does not approve the change?

Action Item - c

RE: Resolution establishing rules, procedures, and criteria for a city council member or member of a city board, commission, or committee to participate remotely in public meetings.

Background:

The City Council recently passed a resolution as to how remote participation may be conducted for Council and any City sanctioned Board and Commission members to address public participation requirements.

Proposal:

City Administration and City Legal suggest DBP adopts these procedures or similar rules for our board meetings in terms of remote participation. Since the DBP's MOU with the City requires compliance with open meeting requirements, this City approach provides a way to address the requirements as referenced below:

...As per Sections 2-3-103, 2-3-111, and 2-3-203(1), Montana Code Annotated (MCA), which specify public participation requirements and that all meetings of public or governmental bodies or organizations supported by or expending public funds must be open to the public, the SBURA/DBP/BIRD will comply with these requirements when acting in its capacity as an advisory board to the City Council.

RESOLUTION 22-11092

A RESOLUTION ESTABLISHING RULES, PROCEDURES, AND CRITERIA FOR A CITY COUNCIL MEMBER OR A MEMBER OF A CITY BOARD, COMMISSION, OR COMMITTEE TO PARTICIPATE REMOTELY IN PUBLIC MEETINGS

WHEREAS, pursuant to 2-3-103, MCA, and the Montana Constitution, the City of Billings must establish procedures for permitting and encouraging the public to participate in decisions of the City Council and of the City's boards, committees, or agencies that are of significant interest to the public; and

WHEREAS, the City has adopted such procedures through Chapter 2, Article 2, Billings, Montana City Code, among others; and

WHEREAS, the City Council desires to adopt procedures and establish rules to authorize members of Council and the City's boards, commissions, and committees to participate remotely under specific circumstances and conditions while ensuring such remote participation fulfills the City's obligation to permit and encourage public participation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Pursuant to BMCC 2-212, the City Council hereby establishes the following criteria that must be met and procedures that must be followed to authorize a council member or a member of a City board, agency, or committee to participate in their official capacity at a public meeting through remote participation. Whenever this policy refers to a City Council member the same criteria and procedures apply to members of City boards, commissions, and committees unless a specific standard applies.

1. Remote participation means participation by a Council member at any meeting of the City Council through the use of technology such as a video meeting software application.
2. Remote participation by a Council member may be available only upon a determination by the city administrator that the City has the technological and administrative capacity to support remote participation and remote participation is beneficial and convenient for the administration of city business in the discretion of the city administrator.
3. Council members are expected to attend meetings in person absent authorization by the presiding officer as described in the following paragraph.
4. Remote participation may be authorized by the presiding officer only under the following circumstances:
 - a. Council member illness or health condition;

- b. Council member personal emergency, travel, or other circumstances reasonably limiting the Council member's ability to participate in person; or
 - c. Fire, flood, earthquake, or other community emergency that makes it impracticable for the Council member to attend the meeting.
5. A Council member shall submit a request to the presiding officer, city administrator, and city clerk in advance of the meeting to determine if an arrangement for remote participation is possible. The Council member seeking such accommodation shall endeavor to advise the City of their intent to participate remotely at the earliest possible time and not less than twenty-four (24) hours prior to the meeting unless notice within that time frame is not reasonable under the circumstances. The presiding officer shall seek to advise the Council member within 12 hours of the meeting if the request is approved or denied. Any approved request does not guarantee that a remote connection can be established or maintained during the meeting.
6. A Council member may be authorized to participate remotely pursuant to any single request for no more than two consecutive meetings. A Council member must submit a subsequent request to participate remotely for any additional meetings. Other than illness or injury, in no case may a Council member be authorized to participate remotely for more than four meetings in any calendar year without approval by a majority of the Council, board, commission or committee. Remote participation is generally intended to be a temporary accommodation, and repeated absence from in-person attendance for the same or different reasons may result in refusal to grant additional requests.
7. The Council member participating remotely must ensure the equipment, technology and venue the Council member uses meets the following to ensure that the Council member's remote participation is materially comparable to in-person participation and is not a distraction for the public or other Council members:
 - a. Each member of Council and the public must be able to adequately see and hear the Council member participating remotely;
 - b. The Council member participating remotely must be able to adequately see and hear the other Council members and City staff;
 - c. The Council member participating remotely must be able to reasonably observe all materials reviewed and discussed by the Council during the meeting; and
 - d. The Council member participating remotely must ensure they have a suitable location from which to participate and must ensure they do not communicate with others not in the meeting regarding matters on the agenda.
8. A Council member participating remotely meeting the above requirements will be counted in determining a quorum and is eligible to vote on all business presented during the meeting. If, at any time, the member does not have the required connection meeting the requirements above or the connection fails during a presentation, public hearing, or any other time in which the item is discussed, then the member attending remotely will be considered absent for that portion of the meeting and is not eligible to vote. However, the member may appeal to the

presiding officer if their absence might not have had a material adverse impact on their ability to make a fair judgment or the public's ability to observe the Council member. The presiding officer has the sole and final discretion to approve or deny the appeal.

- 9. If the Mayor is remotely participating in a meeting and the Deputy Mayor or the Deputy Mayor Pro Tempore is participating in person, the Deputy Mayor or Deputy Mayor Pro Tempore shall preside over the meeting. If the Mayor, Deputy Mayor, and Deputy Mayor Pro Tempore, or other presiding officer in the case of a City board, commission, or committee, are absent or participating remotely, the Council shall select a temporary presiding officer to preside over the meeting.
- 10. No member shall be allowed to participate remotely in a meeting closed to the public pursuant to BMCC 2-600 and state law by electronic means.
- 11. This policy does not grant any member of the public a right to remotely attend or offer public comment at a public meeting by electronic means or authorize the City to conduct public meetings of the City Council or of a city board, commission, or committee wherein the public's only means of participation in the meeting is through remote methods. If a meeting is to occur limiting the public to only remote participation, such a decision may be made only upon a determination that public health or safety or other exigent circumstances necessitate a fully remote meeting. For the City Council such a decision may be made by the presiding officer or City Administrator. For boards, commissions, and committees, such a decision may be made by the City Administrator.

This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 19th day of December, 2022.



CITY OF BILLINGS

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

ATTEST:

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