

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

January 13, 2020

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. Mayor Cole gave the invocation.

**ROLL CALL:** Councilmembers present on roll call were: Shaw, Yakawich, Neese, Ewalt, Joy, Choriki, Purinton, Ronning, Boyett and Brown.

**MINUTES:** December 9, 2019 – Councilmember Yakawich moved for approval, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

The December 16, 2019 minutes were pending.

### **COURTESIES:**

- Councilmember Yakawich stated the community would have several events to celebrate Martin Luther King Day on Monday, January 20<sup>th</sup>.
- Councilmember Ronning sent her heartfelt sympathies to the families that lost loved ones in a recent plane crash.

### **PROCLAMATIONS:**

There were no proclamations.

### **COUNCIL REPORTS:**

There were no Council reports.

### **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Mr. Kukulski asked Council to decide, at the end of the meeting, who they would like to choose as the facilitator for the February 1<sup>st</sup>, Council Strategies, Priorities and Goals Setting Special Work Session meeting.
- Mr. Kukulski reminded Council that Kevin Iffland, Assistant City Administrator, needed three volunteers for the new City Hall Facility Advisory Committee.
- Mr. Kukulski stated Monday, January 20<sup>th</sup> was Martin Luther King Day, therefore, the Work Session would be held on Tuesday, January 21<sup>st</sup>.
- Mr. Kukulski stated the City would be having the second Public Safety Forum meeting for the community on Thursday, January 16<sup>th</sup>, at 6:30 p.m., at the Billings Public Library.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 2 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.

- **Shawna Bonini, Wise Wonders, owner:** in reference to Item 1K, stated the revolving loan would help with renovations at Wise Wonders.
- **Anna O'Donnell, 131 Avenue B, Billings, Montana:** in reference to Item 1E, stated she was in support of the Recreational Trails Program grant and added it would help beautify and connect the City.

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

**1. CONSENT AGENDA**

- A. Bid Awards: None**
- B. Consultant Services Agreement with HDR Engineering, Inc. for the GIS Services project; \$196,495.**
- C. Services Agreement with Novatime Technology, Inc. for a time and attendance system; \$270,511.**
- D. City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County for 2020.**
- E. Grant Application Request to submit Recreational Trails Program grant application for trail wayfinding signage; \$25,680.**
- F. Plains First Responder Grant for the Fire Department for technical rescue equipment; \$8,350.**
- G. Treacy Foundation Grant for the Parks Department to purchase and construct one of five planned steel shade structures in the new Centennial Park Dog Park Area; \$5,000.**
- H. 2017 State Homeland Security Program (SHSP) Award for the Police Department to purchase a hostage negotiation van; \$85,000.**
- I. 2019 High Intensity Drug Traffic Area (HIDTA) Award from Executive Office of the President, Office of National Drug Control Policy; \$431,796.**

- J. **Purchase** of playground equipment for Ponderosa Park; \$139,267.45.
- K. **Revolving Loan Fund** to Shawna Bonini of Wise Wonders; no more than \$200,000.
- L. **Donation** to the Police Department for the K-9 Program: anonymous donor; \$15,000, Phillips 66; \$1,000, and Scheels; \$10,000.
- M. **Donation** to the Police Department for overtime funding from the Yellowstone County DUI Task Force; \$4,000.
- N. **Resolution 20-10842** approving an extension of the Cable Franchise Agreement with Bresnan Communications, LLC, through January 14, 2020.
- O. **Acknowledge receipt of petition to vacate** the alley within Block 81 of Original Town and the north/south alley within Block 120 of Original Town, J & S Properties, Inc., petitioner; and set a public hearing for February 10, 2020.
- P. **Bills for the weeks of:**
  - 1. December 2, 2019
  - 2. December 9, 2019
  - 3. December 16, 2019

Councilmember Neese separated Item 1K in order to abstain.

Councilmember Ewalt separated Items 1G and 1K for questions.

Councilmember Brown separated Item 1P1 in order to abstain.

Councilmember Shaw, in reference to Item 1J, asked for clarification on the process for receiving community input when purchasing playground equipment. Mike Whitaker, Parks and Recreation Director, stated the Parks Department did not have a set process in place, but stated they were able to utilize staff within the department to remove the existing equipment and install the new equipment, which had saved approximately \$30,000. He stated the department usually tried to include community opinion, but in this situation, they had chosen to expedite the procedure in order to save money.

Councilmember Neese asked if the money that had been saved would go back into the Park District 1 fund. Mr. Whitaker stated the money saved had been used to upgrade to higher value equipment.

Councilmember Purinton asked for clarification on the policy for purchasing ADA compliant playground equipment. Mr. Whitaker stated the Parks Department always tried to purchase inclusive equipment.

Councilmember Neese, in reference to Item 1N, asked for clarification on the amount of extensions that had occurred with the Cable Franchise Agreement. Brent Brooks, City Attorney, stated it was a very specialized cable agreement that was being reviewed by a specialist and added it was not detrimental to the City to allow the extensions. Councilmember Neese asked for clarification on obtaining closed captioning from Bresnan Communications. Mr. Brooks stated he would make a note of it during upcoming discussions.

Mayor Cole stated maintaining the current contract was more favorable to the City than the proposed changes in the new contract, therefore, the extensions were a positive for the City.

Councilmember Yakawich asked for an update on the drug task force. Police Chief St. John stated they were making steady progress. He stated the department could be proactive currently because they were fully staffed. He added there was still plenty of work to be done, but they were seeing positive results. Chief St. John gave a brief overview of the monetary awards the department had received and how they were being utilized.

Councilmember Yakawich moved for approval of the entire Consent Agenda, with the exception of Items 1G, 1K and 1P1, seconded by Councilmember Joy.

Councilmember Ewalt, in reference to Item 1G, asked for clarification on spending requirements for grant funds for specific parks. Mr. Whitaker stated the Treacy Foundation had indicated the money was for Centennial Dog Park. Councilmember Ewalt asked if half of the money could be used for the High Sierra Dog Park. Mr. Whitaker stated he thought the grant was park specific.

Councilmember Neese asked that the Parks Department speak to the Treacy Foundation about a grant for the High Sierra Dog Park. Mr. Whitaker stated he would be happy to contact the Foundation.

Councilmember Brown asked for clarification on the grant process. Mr. Whitaker stated the Parks Department did not have a grant writer, therefore, Parks staff did the best they could to apply for and receive grants.

Councilmember Purinton asked if the City had a grant writer that could help various departments to find grants. Mr. Kukulski stated the City did not have a dedicated grant writer and staff tried to find grants in addition to their everyday responsibilities.

Councilmember Choriki moved for approval of Item 1G, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

Councilmember Ewalt, in reference to Item 1K, asked for clarification on the City being in the second position as lienholder on the Wise Wonders loan. Andy Zoeller, Finance Director, stated the Downtown Revolving Loan Fund had been established with TIF Funds in 1983 and currently had \$2.7 million in total assets. He added there had never been a default and interest had been forgiven on only one loan. He stated the City would be in second position, but added they also had a personal guarantee from the business owner.

Councilmember Boyett asked if the personal guarantee came with financial statements. Mr. Zoeller stated a member on the loan committee reviewed the personal financial statements and made a recommendation, but the statements were not shared with the committee for privacy reasons.

Councilmember Joy moved for approval of Item 1K, seconded by Councilmember Ewalt. On a voice vote, the motion was approved 10-0, Councilmember Neese abstained.

Councilmember Joy moved for approval of Item 1P1, seconded by Councilmember Neese. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

## **REGULAR AGENDA:**

### **2. NOMINATION AND ELECTION OF DEPUTY MAYOR PRO TEMPORE. Staff recommends Council nominate and elect a Councilmember as Deputy Mayor Pro Tempore.**

Councilmember Ewalt made a motion to nominate Councilmember Neese, seconded by Councilmember Purinton.

Councilmember Shaw stated she could not support the nomination of Councilmember Neese due to time management issues. Councilmember Ronning stated she could not support the nomination either.

Councilmember Boyett asked how many times the Deputy Mayor Pro Tempore had been utilized in the past. Councilmember Yakawich stated, that during his time in that role, he had stepped forward one time. Mayor Cole stated it could happen occasionally and may typically be during ceremonial events.

On a voice vote, the motion was approved 7-4, Councilmembers Shaw, Joy, Choriki and Ronning voted in opposition.

**3. PUBLIC HEARING to receive input on the need for low income housing at 1301 Industrial Avenue. No action is necessary.**

Kevin Iffland, Assistant City Administrator, stated Ponderosa Ownership Entity in partnership with the Foundation for Affordable Housing was planning a \$6 million remodel of the property and were required to have a public hearing in order to qualify for various grants. Mr. Iffland stated they had offered to fly a staff member in for the Council meeting, but for fiduciary reasons, Mr. Iffland had offered to answer questions.

The public hearing was opened.

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

**4. PUBLIC HEARING AND RESOLUTION 20-10843 authorizing filing of the Annual Federal Transit Administration Section 5307 and Section 5339(B) Grant Applications. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Kevin Ploehn, Aviation and Transit Director, stated approximately one-third of the Aviation and Transit's operating budget came from the 5307 grant and was matched by the City. He added the 5339 grant was used for capital improvements and stated the Federal Transit Administration (FTA) required a public hearing every year.

The public hearing was opened.

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

Councilmember Ronning moved for approval of Item 4, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

**5. PUBLIC HEARING AND FIRST READING ORDINANCE amending BMCC, Section 24-503, Parade Routes. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Debi Meling, City Engineer, gave a PowerPoint presentation of the newly proposed parade route. She stated the current parade route had been created in 1988 and added that in addition to the downtown route, there were also parade routes for Daylis Stadium and Skyview High School, even though they did not get utilized as often as the downtown route.

Ms. Meling stated one of the reasons the route needed to be amended was due to the negative impact it was having on the MET Downtown Transfer Center. She added with the proposed changes to the route, North 27<sup>th</sup> Street would not need to be closed, which would help traffic flow and avoid blocking access to parking garages. She gave an overview of the proposed changes and the streets that would be used for the new parade route. She stated Public Works, the Fire and Police Departments, Parking, MET,

Downtown Billings and MDT had all been involved in the review process. She added that the St. Patrick's Day Parade would be on the new parade route.

Councilmember Neese asked for clarification on the ordinance that prohibited throwing candy during parades. Ms. Meling stated Section 24-505 of City Code prohibited throwing candy for safety reasons. Councilmember Neese stated he would like the code changed to allow throwing candy to the spectators. Brent Brooks, City Attorney, stated the ordinance was suggested by MMIA for safety reasons, but added parade participants could hand candy to spectators instead of throwing it.

The public hearing was opened.

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

Councilmember Ewalt moved for approval of Item 5, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required.**  
*(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

The public comment period was opened.

- **Anita Gonzalez, 4702 Rebecca Place, Billings, Montana:** stated Newman Lane needed some traffic calming in front of Newman School. She added it was a very dangerous street and children were very nearly hit there every day. Mayor Cole suggested Ms. Gonzalez contact City Engineering for some speed safety signs.

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

### **COUNCIL INITIATIVES:**

There were no Council initiatives.

Councilmember Neese stated at the next meeting he would bring forward an initiative to move the Castle Rock Park Master Plan to FY2020, instead of FY2021 and to use Parks cash-in-lieu funding.

Mr. Kukulski, in reference to choosing a facilitator for the Council Strategies, Priorities and Goals Setting Special Work Session meeting, stated former Councilmember Ryan Sullivan, would be available as a facilitator and would need travel expenses and a \$500-1000 fee paid for his involvement. He added both former Councilmembers Gibbs and Friedel had also expressed a willingness to facilitate and would volunteer their time.

Councilmember Purinton stated she would prefer to use former Councilmember Gibbs, as facilitating was his profession.

Councilmember Boyett stated he would like to choose an in-house facilitator and did not want the City to pay for a facilitator.

Councilmember Choriki agreed that a Councilmember or the Mayor could perform the duties of facilitating for no additional cost.

Councilmember Ewalt stated a facilitator was necessary to keep the meeting on track and thought former Councilmember Gibbs would do a great job.

Councilmember Yakawich stated all of the candidates would do a good job, but he would support using former Councilmember Gibbs, due to his professional background. He added it was Council's responsibility to keep the meeting on track.

Councilmember Joy stated it was also Council's responsibility to ensure everyone had an opportunity to participate in the process. She added she would like everyone to be given a chance to discuss the topics brought forward.

Councilmember Choriki stated former Councilmembers Gibbs and Friedel could be very difficult to understand.

Councilmember Neese made a motion to choose former Councilmember Gibbs as facilitator, seconded by Councilmember Ewalt.

Councilmember Ronning stated she would not be attending the meeting, so she would recuse herself from the vote.

On a voice vote, the motion was approved 9-1, Councilmember Ronning abstained and Councilmember Choriki opposed.

Mr. Kukulski reminded Council that the Council Strategies, Priorities and Goals Setting Special Work Session meeting would be held in the Council Chambers and encouraged Councilmembers to speak clearly and directly into the microphones.

Mr. Kukulski, in reference to choosing three Councilmembers for the new City Hall Facility Advisory Committee, stated the process could take several months and would include himself, Mr. Iffland, the Finance Director and the Facilities Manager, as well as some advisors from the financial sector.

Mayor Cole asked for clarification on having more than three Councilmembers on the committee. Mr. Kukulski stated three was not a magic number, but added the Councilmembers chosen would need to be very involved in the process.

Mayor Cole asked for legal counsel on creating a subcommittee and the procedural rules that were required. Mr. Brooks stated the assignment of the previous Council City Hall Facility subcommittee had been an item on the agenda, so he recommended Council do the same thing with the new members. He added Council could nominate members to join staff on the new committee.

Councilmember Ronning stated full transparency was needed in the process and wanted full disclosure of any conversations Council and/or staff had with WC Commercial, the City's Lobbyist, or anyone involved in the process.

Councilmember Yakawich stated he had been involved in the previous committee and it had been an enjoyable process. He added that perhaps Council could decide and choose on one Councilmember per Ward for the committee.

Councilmember Joy stated she would like to be involved, but could not participate until after 3:00 p.m. due to work commitments.

Mr. Kukulski stated arranging the advisory committee meetings to occur after 3:00 p.m. should not be an issue.

Councilmember Purinton asked for clarification on outside members participating on the committee. Mr. Kukulski stated Randy Hafer had been an integral part of the previous committee due to his architectural experience. Councilmember Ronning stated there were many qualified architects in Billings that could represent the best interests of the City.

Mayor Cole asked for clarification on whether the committee would be a formal group, which would require a resolution, or an informal group. Mr. Brooks stated Council decide if they wanted a formal group containing members outside of Council/staff and if so, that would require a resolution. He added that Council could easily form an informal committee without the requirement of a resolution.

Mr. Kukulski stated it was within his authority to form an advisory committee and he was asking for some names of Councilmembers to join the committee.

Councilmember Purinton asked if there was a need for an outside member to be on the committee. Mr. Kukulski stated it had been very helpful and reminded Council that any future decisions made about the City Hall Facility would be brought to Council for approval.

Council made the decision to choose Councilmembers Shaw, Neese, Joy, Purinton, and Boyett for the committee at the next Council meeting.

There was no further business, and the meeting adjourned at 7:30 p.m.

CITY OF BILLINGS



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

ATTEST:

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