

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

April 13, 2020

The Billings City Council held the regular meeting via virtual video-conferencing due to the COVID-19 response. Mayor Cole called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. Councilmember Choriki gave the invocation.

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

### MINUTES:

**February 24, 2020** – Councilmember Yakawich moved for approval, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

The minutes for the March 23, 2020 meeting were pending.

### COURTESIES:

Mayor Cole commended Councilmember Shaw on a mutual aid program that she was involved in starting. Councilmember Shaw stated she and Nina Hernandez were organizing a network to help neighbors in need, called Billings Mutual Aid. She added that people interested in helping or needing help could refer to the website [www.billingsmutualaid.com](http://www.billingsmutualaid.com).

Councilmember Ronning commended the Billings Public Library on their efforts to print 3D masks for the local healthcare facilities. She stated the Library had already made 70 masks and Gavin Woltjer, Library Director was fundraising for other local libraries in Montana.

### PROCLAMATIONS:

There were no proclamations.

### COUNCIL REPORTS:

There were no Council reports.

### ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated in regard to Consent Agenda Item 1F, Confirmation of Police Officers, that Chief St. John had notified staff Lucas Knaff had resigned, therefore, his name would need to be removed from the list of confirmed Police officers.

Mr. Kukulski stated there was one exparte communication received after 3:00 pm; a letter of support for Item 1J, 2020 BUILD Grant application.

John Felton, RiverStone Health President and CEO, gave an update on the current COVID-19 situation. He stated there were a total of 394 cases and 7 deaths in Montana. He added Yellowstone County had 59 cases currently and Gallatin County had 138 cases. Rosebud County was the only County surrounding Yellowstone County that did not report any cases. The Economic Response and Recovery Branch had recently met and had sent the Governor a letter with a safe re-opening plan they were proposing.

Dave Nordel, SCL Health Emergency Management Manager, stated the Community Care Branch had four organizations underneath it: the Unified Health Command Operations group that addressed public health concerns such as the operation of a mobile testing van; the Critical Incident Stress Management group that brought group resources to the community; the Non-Governmental group that focused on donation and volunteer centers; and the Continuum of Care group which operated the quarantine and isolation center to house high risk individuals, such as long term care facilities, jails, transient and homeless populations and/or low economic groups. Councilmember Ronning asked for an update on how transient and homeless cases were being handled. Mr. Nordel stated the Continuum of Care group was providing sleeping bags; helping them to find places to stay; and encouraging a shelter in place policy. Councilmember Neese asked for the status of mobile hand washing stations. Mr. Felton stated RiverStone Health had received a donation and grant funding to install a mobile handwashing station at First Congregational Church downtown.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 ONLY. Speaker sign-in required.** (Comments were limited to three (3) minutes or as set by the Mayor. During COVID-19, alterations were made as to how Public Comment was taken. Individuals wishing to give public comment called into a dedicated phone line and held in queue until their turn arrived. Comments on items listed as public hearing items were heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comments were taken at the end of the agenda.

The public comment period was opened.

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

**1. CONSENT AGENDA:**

**A. Bid Awards:**

- 1. W.O. 18-22: Leavens Reservoir Waterline and Improvements.**  
(Opened 3/17/20) Recommend Western Municipal Construction;  
\$1,816,320.

2. **W.O. 19-16: Belknap Office Remodel.** (Opened 3/17/20) Recommend Diamond Construction; \$1,205,000.
- B. **Utility and Miscellaneous Bill Printing and Mailing Services Agreement** with Infosend, Inc.; \$60,000 per year.
- C. **Amendment No. 1,** W.O. 19-12: West End Reservoir Project, Professional Engineering Services Contract, HDR Engineering; \$2,096,200.
- D. **Amendment No. 20,** Preliminary Design and Survey on Runway 7-25, Professional Engineering Services Contract, Morrison-Maierle, Inc.; \$281,289.
- E. **Revolving Loan Fund** to Mitchell & Tracy Partnership; \$250,000.
- F. **Confirmation** of probationary Police Officers - Jeremy Hart, Tyler Kammerzell, ~~Lucas Knaff~~, Tanner Messerschmidt, Darren Stovall, and Mackenzie Unruh.
- G. **Resolution 20-10862** for distribution of Bridge and Road Safety and Accountability (BaRSAA) program funds.
- H. **Resolution 20-10863** confirming Mayor's Emergency Directive authorizing basic life support services by American Medical Response.
- I. **Resolution 20-10864** ordering improvements identified in W.O. 19-35: Metal Streets Improvements.
- J. **Resolution 20-10865** supporting the 2020 BUILD Grant Application.
- K. **Final Plat** of Trails West Subdivision, 4th Filing.
- L. **Bills for the Weeks of:**

1. March 9, 2020

2. March 16, 2020

Councilmember Purinton separated Items 1H, 1I and 1J for questions.

Councilmember Neese separated Item 1E in order to abstain.

Councilmember Brown separated Items 1D and 1L2 in order to abstain.

Councilmember Ronning separated Item 1F for removal of Lucas Knaff from the list, seconded by Councilmember Boyett.

Councilmember Yakawich moved for approval of the entire Consent Agenda with the exceptions of Items 1D, 1E, 1F, 1H, 1I, 1J and 1L2, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich moved for approval of Item 1E, seconded by Councilmember Boyett.

Councilmember Ewalt asked for clarification on the interest rate amount for the loan and if the Downtown Business Alliance (DBA) had sent an itemized declaration of where money was spent. Andy Zoeller, Finance Director, stated he had information on how the money was used. He stated the interest rate was set at 1% less than the Prime rate, was set annually and stayed within the City to be used for new revolving loans. Councilmember Ewalt stated the City could make more money by using a higher interest rate.

Mr. Kukulski stated Mehmet Casey could answer questions about how the money was used, but did not think he was on the call. He added he would provide the information to Council.

On a voice vote, the motion was approved 10-0, Councilmember Neese abstained.

Councilmember Ronning moved for approval of Item 1F, noting the resignation of Lucas Knaff, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

Councilmember Purinton asked for clarification of an expiration date on Item 1H. Brent Brooks, City Attorney, stated the resolution gave the Mayor authority to declare the emergency was no longer in effect or Council could place the item on an agenda to repeal the resolution as well.

Councilmember Neese stated the resolution should have an expiration date to force Council to review it in 90 days. He added he was more concerned that the resolution wording could allow American Medical Response (AMR) to move all Advanced Life Support (ALS) services to more heavily impacted areas, leaving Billings with only Basic Life Support (BLS) services.

Fire Chief Rash stated the City did not have a contract with AMR, but an existing ordinance was the document that AMR worked within. He stated the Mayor's emergency directive would allow AMR to provide BLS services during the COVID-19 pandemic since the current ordinance did not allow for basic life support transport services. He added it was a temporary directive that could be revoked at any time.

Council discussed the current agreement the City had with AMR concerning BLS versus ALS services and the Fire Department's Emergency Medical Services role.

Councilmember Joy moved for approval of Item 1H, seconded by Councilmember Shaw.

Councilmember Neese made a substitute motion to allow an emergency exception for Basic Life Support service level would only pertain to additional resources and the current Advanced Life Support core schedule would continue to be in effect for American Medical Response, seconded by Councilmember Ewalt.

Councilmember Joy asked for Legal counsel on the legality of the substitute motion. Mr. Brooks stated the substitute motion would not negatively impact the current ordinance.

Mayor asked Councilmember Neese if the Legal and Fire Departments could have some latitude to slightly alter the resolution wording for his substitute motion. Councilmember Neese concurred.

On a voice vote, the substitute motion was unanimously approved.

Councilmember Purinton asked for clarification on Item 1I, ordering improvements identified in W.O. 19-35: Metal Streets Improvements. Debi Meling, City Engineer, stated the project started in 2017 and identified non-maintainable streets, which meant traditional maintenance methods would not work for maintenance. She stated that the neighborhood was generally in favor of the improvements.

Councilmember Purinton asked for clarification on Treasure Street not having asphalt. She added that some of the metal streets had a 6-foot approach onto property that was only graveled. Ms. Meling stated streets without asphalt, such as Treasure Street, would fall under the gravel streets program and an SID would be created for improvements. She stated staff had spoken with homeowners to ask what material they would prefer be used on their streets. The current project would not be the typical style of drive approaches, but just a surface behind the curb.

Ms. Meling explained the difference between maintenance projects on non-maintainable streets versus the SID process.

Councilmember Ronning asked for clarification on streets that had not received street upgrades, even though they had paid for curbs and gutters many years ago. Dave Mumford, Public Works Director, stated the City would have to pay for upgrades if curbs and gutters had already been done to a street. He added the City was paying thousands of dollars per year to patch roads that were beyond a usable life and this process was trying to bring streets to a certain standard without building a new street.

Councilmember Neese asked for clarification on the policy. Dave explained that it was not a policy, but a Public Works procedure to attempt some form of structure to deal with struggling areas. Mayor Cole asked for a graph or cheat sheet to help clarify

the policy for Council. Councilmember Purinton stated the gravel street overview that had been given to Council was very helpful.

Councilmember Purinton moved for approval of Item 1I, seconded by Councilmember Ronning. On a voice vote, the motion was approved 8-3, Councilmembers Neese, Ewalt and Brown opposed.

Councilmember Purinton asked for clarification on how money was being allocated in Item 1J. Mayor Cole stated the budgeted amount of the BUILD Grant was \$14 million, and if the grant was received, \$7 million of that could be used toward the Inner Belt Loop project. He added the previous application had asked for money to complete the entire Marathon Loop Trail and the current application did not. He stated the reasoning was to decrease the asking cost and the Yellowstone County Commissioners had expressed a preference for less trails, especially in the County.

Councilmember Neese asked why the Skyline Trail cost had increased. Mayor Cole stated costs had increased since the original estimate was given.

Councilmember Ronning asked if staff learned why the previous grant application was not approved and if a lack of connections to downtown could be the reason for denial. Wyeth Friday, Planning Director, stated they had not found a clear reason for denial, whether it had anything to do with a lack of downtown connections, but more information regarding downtown opportunities and road system connections was being included in the current application. He added safety and economic issues were also very important aspects.

Councilmember Neese moved for approval of Item 1J, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

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

Councilmember Yakawich moved for approval of Item 1L2, seconded by Councilmember Boyett. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

Mayor Cole called for a recess at 7:39 pm.

Mayor Cole called the meeting back to order at 7:45 pm.

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION 20-10866 vacating portions of Grand Peaks Drive and Sundance Mountain Trail; J & S Development, Petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Debi Meling, City Engineer, gave a PowerPoint presentation reviewing the streets to be vacated and a history of the streets. She stated there would be no cost to the City for the vacation.

The public hearing was opened.

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

Councilmember Boyett moved for approval of Item 2, seconded by Councilmember Shaw. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND RESOLUTION 20-10867 vacating a portion of South 26th Street between 1st Avenue South and 2nd Avenue South; Yellowstone Health Partnership, Petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Neese stated he would abstain from voting on Item 3, due to a business relationship conflict.

Ms. Meling provided a PowerPoint presentation reviewing the portions being vacated. She stated there had been several vacations to the RiverStone Health property in the past several years and added the purpose of the vacation was to create a campus feel to the property. She stated it was up to Council to decide if they would require compensation. She added that staff had recommended vacating without compensation due to RiverStone Health and the City having an inner governmental partnership. Chris Kukulski, City Administrator, stated RiverStone Health was the City County Health Department and charging them for an easement was similar to charging the City. He recommended bestowing the vacation upon them.

The public hearing was opened.

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

Councilmember Yakawich moved for approval of Item 3, as recommended by staff, seconded by Councilmember Boyett. On a voice vote, the motion was approved 10-0, Councilmember Neese abstained.

**4. PUBLIC HEARING AND RESOLUTION 20-10868 allowing a discontinuance of the alley within Block 142, Billings Original Townsite; RiverStone Health, Petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Neese stated he would be abstaining from voting on Item 4, due to a business relationship conflict.

Ms. Meling stated a discontinuance changed the use of the land and not the ownership. She stated the City would allow utilities to continue to go through the alley, but traffic use would be discontinued. She added there was a large sewer line that went through the alley that would remain. Ms. Meling stated they would be signing a Memorandum of Understanding (MOU) to define responsibility. She added the City did not typically require compensation for discontinuances.

Councilmember Choriki asked if the MOU would include an agreement that nothing could be constructed in the alley which would block access to the sewer. Ms. Meling responded that there was a clause in the MOU prohibiting anything from being built in the alley.

Mayor Cole asked if the MOU would run with the land and not the owner. Ms. Meling responded affirmatively. Mr. Brooks stated that could be made clear in the MOU.

Councilmember Purinton asked if Council would see the MOU before approval. Ms. Meling stated that only an administrative signature would be required on the MOU. Mr. Kukulski stated a signed copy could be provided to Council. He added the more time Council spent on administrative issues, the less time they could spend on policy setting decisions. Councilmember Purinton stated she was only questioning how the process worked and was not questioning the Administrator's abilities.

The public hearing was opened.

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

Councilmember Purinton moved for approval of Item 4, as recommended by staff, seconded by Councilmember Shaw. On a voice vote, the motion was approved 10-0, Councilmember Neese abstained.

**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 or as set by the Mayor. 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.

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

Mr. Kukulski began an update on COVID-19. Councilmember Neese made a point of order that the City Administrator should give his reports during the beginning of the agenda. Mr. Kukulski apologized for not giving the update sooner.

Mr. Kukulski stated a Teamster addendum had been signed regarding furloughs under the current contracts. He added that the City had currently furloughed approximately 20-30 employees and were offering some employees opportunities to remain working in other departments. He stated the addendum was allowing Teamsters to work in other departments and various hours. He stated issuing furloughs was a very difficult process and the numbers were constantly changing.

**COUNCIL INITIATIVES:**

There were no Council initiatives.

Councilmember Boyett made a motion to reconsider (at a future Council meeting) the amended motion made on March 23, 2020 to remove Aronson Avenue from Consent Agenda Item 1Q - W.O. 20-02: 2020 Missing Sidewalk/Miscellaneous Program, seconded by Councilmember Purinton. On a voice vote, the motion to reconsider was approved 6-5, Councilmembers Shaw, Joy, Choriki, Ronning and Mayor Cole opposed.

There was no further business, and the meeting adjourned at 9:03 pm.



CITY OF BILLINGS

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

ATTEST:

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