

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

August 10, 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. He provided an explanation for the virtual meeting setting and stated Council was cooperating with the CDC guidelines for social distancing to flatten the curve of the COVID-19 infection rate. He continued that Council was doing everything they possibly could to protect citizens' rights to participate in public meetings by having it televised live, and offering a call-in period for public comments. Councilmember Ewalt gave the invocation.

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

MINUTES:

July 27, 2020 – Councilmember Yakawich moved for approval, seconded by Councilmember Purinton. By a show of hands vote, the motion was unanimously approved.

COURTESIES:

Councilmember Ewalt stated the Rail Line coffee shop on 1st Avenue South looked very nice and the area was "shaping up".

Councilmember Purinton stated there was a group named "Billings Back the Blue" and they had organized a rally on Saturday to show support for the Police Department.

Councilmember Neese reminded constituents there would be a Public Safety (PS) Mill Levy informational meeting at Castlerock Park by the splash pad on Thursday at 7:00 pm.

PROCLAMATIONS:

There were no proclamations.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated the Public Safety Mill Levy election would be on Tuesday, September 15th and the ballots would be mailed on August 28th. He added the ballots must be received in the election office by Tuesday, September 15th. He added constituents could refer to the City's website at billingsmt.gov for meeting information.

Mr. Kukulski stated staff was currently working on the 2021 Legislature agenda and due to delays and postponements it was taking longer than originally planned, but would be presented to Council at a future date.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2 and 3 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment. 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.)

Due to technical difficulties, Council delayed the public comment period was delayed.

The public comment period was opened.

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

Councilmember Ronning stated a constituent had advised her that the alternative public comment line was not working. Chris Kukulski, City Administrator, stated City Hall was having phone issues and advised constituents to call his phone number directly.

The public comment period was re-opened.

- **Sonya Davis, 341 Wyoming Avenue, Billings, Montana:** encouraged Council to change their way of thinking and examine their positions in order to address the challenges of the community.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana,** in reference to Item 1C, stated he hoped the hiring standards remained the same and the City worked to get the best candidates over the most diverse candidates. In reference to Item 1M, Mr. Zurbuchen questioned why there were so few bills and payroll listed.
- **Janey Kirk, 4020 Rimrock Road, Billings, Montana:** in reference to Item 1F, stated most existing electric car chargers were private and the new chargers would be accessible to the public.
- **Angela Cimmino, 1745 Silver Lane, Billings, Montana:** in reference to Item 3, asked for clarification on the location of the property. Mr. Kukulski stated the property was located adjacent to the current Billings Operations Center.

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

1. **CONSENT AGENDA**

- A. **Bid Awards:** None
- B. **Mailing Services Contract** with FP Management, Inc., DBA Mailing Technical Services, Inc.; five-year contract with five additional one-year options to renew; \$65,000 yearly average.
- C. **Professional Services Contract** with Center for Public Safety Management, LLC and National Research Center for Analysis of Fire, EMS and Law Enforcement Services; \$140,860.
- D. **2021 Unified Planning Work Program (UPWP).**
- E. **Memorandums of Understanding (MOU)** between the City of Billings and Billings Public Schools and Billings Catholic Schools for School Resource Officer Program; \$365,311.
- F. **Department of Environmental Quality (DEQ) Montana Energy Office** grant to Parking Division for electric car charging stations; \$25,500.
- G. **2019 Project Safe Neighborhood Researchers** grant to Police Department; \$40,000.
- H. **2019 Railroad Trespassing Enforcement** grant to Police Department; \$50,000.
- I. **Donation** from Phillips 66 to Police Department for body camera program; \$50,000.
- J. **Preliminary Subsequent Minor Plat** of Midland Subdivision, 1st Filing, Amended L1, B1, generally located at the northwest corner of South 24th Street West and Marketplace Street, 640 South 24th Street West Associates, LLC, owner; Sanderson Stewart, agent.
- K. **Second/Final Reading Ordinance 20-5738 for Zone Change 978:** a zone change from Entryway Light Industrial (ELI) to Highway Commercial (HC) on a parcel of land located in Montana Sapphire Subdivision to facilitate the construction of a new apartment complex located at 4160 King Avenue West. Montana Sapphire, LLC, owner, Performance Engineering, agent. Approval of the Zone Change and adoption of the 10 criteria.
- L. **Second/Final Reading Ordinance 20-5739 for Zone Change 979:** a zone change from R-70-R, a single family only zone district, to R-50 to allow the development of two-family dwellings on a 2.4 acre parcel of land, described as

Lots 17-25, Block 31 of High Sierra Subdivision, 16th filing. Gary Owen, owner; Sanderson Stewart, agent. Approval of the Zone Change and adoption of the 10 criteria.

M. Bills for the Week of:

1. July 6, 2020

Councilmember Purinton, in reference to Item 1C, asked for clarification on the 60/40 split of police hours indicated in the staff memo. Kevin Iffland, Assistant City Administrator, stated 60% of officers were dedicated to patrol and the remaining 40% were utilized in other areas.

Mayor Cole asked for clarification on diverse hiring practices. Rich St. John, Police Chief, stated the City was always working toward creating a wide net of hiring practices. He stated the analysis would review recruitment, hiring and retention.

Councilmember Ronning stated she hoped the survey on public perception of the Police Department would work with a diverse group of constituents to ensure the survey reflects a wide variety of opinions.

Councilmember Yakawich asked for more information on Item 1E. Chief St. John stated the City was currently paying approximately 58% of the 8 School Resource Officers (SRO) salaries. He stated there had been negotiations with the superintendents to alter those percentages but during COVID, when schools were not open, the officers were utilized within the Police Department, so both parties had decided to leave the percentages as they were. He added that current negotiations had been reached to allow a 50/50 split, with 3 officers' salaries being paid completely by the schools.

Councilmember Neese asked for discussion on Item 1I. Chief St. John thanked Phillips 66 for all their support in supplying additional body cameras to the Police Department. He added the Police department and staff supported the use of body cameras and stated SRO's, Street Crime and K9 Units currently had body cameras and the grant would help provide even more cameras.

Councilmember Purinton moved for approval of the entire Consent Agenda, seconded by Councilmember Neese.

Councilmember Ronning stated the City would accept donations from various groups or individuals that were interested in providing funds for body cameras or any other program.

Councilmember Ewalt asked how much body camera storage would cost the City. Chief St. John stated \$131,000 of the amount would allow them to purchase the hardware and it would cost an additional \$163,000 for data storage for 1 year.

Councilmember Joy asked how body cameras and storage capabilities would help the Legal Department. Brent Brooks, City Attorney, stated the City had an obligation to preserve information if charges were filed and all active cases would need to be able to provide audio and video for a period of time.

Councilmember Neese, asked for clarification in reference to Item 1F. Tracy Scott, Parking Manager, stated the grant would cover three dual charging stations for electric cars and the City would need to pay between \$4,100-\$8,000 for installation, depending on the options chosen. She added the higher parking fees for those spots would help defray costs and deter people from parking in the charging spots if they did not need charging. She stated the charging station purchase had not been included in the budget, but the department had recently been presented with the grant opportunity and had decided to move forward and bring it to Council.

Councilmember Ewalt asked if electric cars paid a gas tax. Mayor Cole stated they did not pay a gas tax.

Councilmember Purinton stated the City may want to distribute the stations throughout town instead of just focus on the Downtown area.

Mayor Cole, in reference to Item 1M, asked for clarification on the small amount of bills listed. Andy Zoeller, Finance Director, stated the June 30th accounts payable was the largest month and added the Accounts Payable Clerk had been quarantined due to a known COVID exposure, which had temporarily affected some workflow.

Mayor Cole, in reference to Item J, stated the staff memo indicated "major" plat but should indicate "minor" plat. He asked if staff had created a calendar policy to track when 20-year waivers would expire. Wyeth Friday, Planning Director, stated they were currently in the process of researching various options.

By a show of hands vote, the motion for approval of the entire Consent Agenda was unanimously approved.

REGULAR AGENDA:

2. RESOLUTION 20-10896 vacating the alley right-of-way adjacent to Lots 1-6, Block 1, La Ray Subdivision; Propiedad, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Debi Meling, City Engineer, gave a PowerPoint presentation of the property located on Lincoln Lane. She stated Council had previously been given presentations of the annexation and the development plan and this item was the continuation of those presentations. She stated the developer had indicated the property would be used as a storage facility and the equation of \$2.18 per square foot for the area vacated would total around \$10,000. She stated the petitioner did not own property to the south, but if

they did obtain the property in the future, they would agree to annex it. She added that information would be included in a development agreement to the developer.

Mayor Cole stated he would like the development agreement to ensure that the conditions run with the land regardless of ownership of the property.

Councilmember Yakawich moved for approval of Item 2, with the stipulation that the development agreement include conditions to run with the land, seconded by Councilmember Boyett.

Councilmember Neese asked for legal counsel on the conditions to the developer. Ms. Meling stated she had not seen a similar condition on land before ownership had begun, but deferred to legal counsel for more information. Brent Brooks, City Attorney, stated it was a very unique condition, but did not see anything legally prohibitive of requiring such a condition.

By a show of hands vote, the motion was unanimously approved.

3. PURCHASE AGREEMENT with Elmer Fox Estate for approximately 20 acres of land located at 6014 South Billings Boulevard for Billings Operations Center; \$2.1 million. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Jessica Iverson, Facilities Manager, gave a PowerPoint presentation with an overview of the land. She stated the land was adjacent to the Billings Operations Center (BOC) which had been built in 2004. She added the BOC was a 16-acre complex that served multiple departments but did not have room for expansion. The land located at 6014 South Billings Boulevard had recently been listed for sale and was a 20-acre parcel of land with an asking price of \$2.5 million. She added the land would provide the best opportunity for future expansion. She stated the seller had signed an agreement to sell the property for \$2.1 million and the City could proceed with the appraisal process with Council approval. She added the amount would be financed through various departments that occupied the building with their reserves and the General Fund reserves would be refunded through facility charges in subsequent years.

Council discussed the existing property and the various departmental uses.

Chris Kukulski, City Administrator, gave an overview of payment schedules versus cash payments and indicated it would be a mix of both depending on departmental use. He added the City had the reserve capacity and the parcel would be a great opportunity for growth and a much-needed future expansion for the City.

Councilmember Neese asked for the buy-sell agreement to be sent to him for review. Ms. Iverson stated she would email the document to Council.

Council asked for clarification on which departments would occupy the building and how they would pay for it. Ms. Iverson stated approximately 30% of the building would be utilized by General Fund departments, such as Police and Parks, and the remaining 70% would be non-General Fund departments.

Council discussed the possibility of delaying approval and reconsideration options until they could see more information on the financial breakdowns of the purchase.

Councilmember Ronning stated she was not confident with spending more in revenue than the City currently had available and could not support moving ahead with the purchase. Councilmember Brown agreed.

Councilmember Ewalt asked for clarification on how much it would cost the City if they decided they wanted to move forward with the property purchase. Ms. Iverson gave a break down of how the \$33,000 would be used for the inspection, investigation, survey and appraisal processes and added the money would come from the Facilities budget for the Billings Operations Center.

By a show of hands vote, the motion was approved 9-2, Councilmembers Ronning and Brown voted in opposition.

PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Sign-in required.

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The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** stated the City needed to enforce the noise issues.
- **Tom McKinney, 2324 Green Valley Drive, Billings, Montana:** stated there had recently been a notification of an armed and dangerous person in the heights area, and questioned the City's ability to notify City employees, such as bus drivers, of a dangerous situation. Kevin Iffland, Assistant City Administrator, stated the CodeRED system would not notify employees and it was a system that needed improvement.

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

COUNCIL INITIATIVES:

There were no Council initiatives.

There was no further business, and the meeting adjourned at 8:10 p.m.

CITY OF BILLINGS



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

ATTEST:

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