

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

May 10, 2021

The Billings City Council held the regular meeting at the Billings Public Library and via Zoom 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 Ronning gave the invocation.

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

COVID-19 Update by Joint Information Center (JIC)

John Felton, Yellowstone County Health Officer, gave an update of the current COVID cases and vaccination status in Yellowstone County. He gave an overview of the variants and the number of those that had been found in the County. Mr. Felton reviewed the proposed Legislative changes that were currently being discussed. He stated an anonymous donor had donated \$20,000 to Riverstone Health Foundation which would be used as an incentive to encourage people to get vaccinated. He added that an incentive would be given to the first 400 people in \$50 increments. He stated that the CDC was currently meeting to discuss the vaccination process for the 12–15-year-old population and should have an answer within a few days.

MINUTES:

April 12, 2021 – Councilmember Boyett moved for approval of the minutes as written, seconded by Councilmember Shaw. By a show of hands vote, the motion was unanimously approved.

April 26, 2021 – minutes were pending.

COURTESIES:

Mayor Cole reminded the public of the current openings for the Mayor and various Council positions.

Mayor Cole stated the Montana Municipal Interlocal Authority (MMIA) had awarded Billings with a loss control award for the Workers' Compensation program for 2020.

Mayor Cole stated the American Rescue Plan guidelines regarding how the funds would be allocated had recently been released.

Councilmember Ronning told the story of Hanna Harris and her tragic death in 2013. She stated Montana came in 5th in the Nation with the most Missing and Murdered American Indian and Alaska Native Women and Girls (MMIWG). She added in 2019, Senator Steve Daines brought forward a Resolution designating May 5th as National Day of Missing and Murdered American Indian and Alaska Native Women and Girls and the Resolution had continued each year.

PROCLAMATIONS:

Mayor Cole proclaimed May 11-13, 2021 as 60 Hours of Living United in Yellowstone County. He stated United Way would be hosting 60 hours of celebrating with a diaper collection for Family Promise on May 11th, 60-minute volunteer opportunities on May 12th and an online auction and car raffle drawing on May 13th.

Kim Lewis, United Way President and CEO, stated United Way had been in Billings for 60 years and had raised \$30 million. She thanked the community for their support.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated the MMIA Safety Award showed the City has an environment of safety which, in turn, saved money in Workers' Compensation payouts and insurance rates.

Mr. Kukulski congratulated Public Works on their recent negotiations with contractors on the Bruce Lane project. He added the project would come to Council for approval in the future.

Mr. Kukulski stated staff was working with developers and the County Commissioners on the Alkali Creek utilities, near the Inner Belt Loop. He added taking care of the utilities on the front end of a project would help avoid issues similar to Briarwood and Yellowstone Country Club.

Mr. Kukulski stated Consent Agenda Items E and F had a correction changing the Public Hearing dates from June 14 to July 12, 2021.

Mr. Kukulski stated there were no exparte communications and reminded Council that there would be three consecutive Budget Work Sessions on May 17th, 18th, and 19th.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 ONLY.

Speaker identification required. (Comments are limited to three (3) minutes or as set by the Mayor. 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. Public comments during the meeting may be made in-person or remotely by registering as an attendee through Zoom as outlined in the Agenda coversheet.)

The public comment period was opened.

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

1. CONSENT AGENDA

A. Bid Awards:

1. **Airport Conduit and Fiber Optic Installation Project.** (Opened 4/13/21)
Recommend Elcon Corporation; \$117,100.

2. **Community Center Hail Repair.** (Opened 4/27/21) Recommend rejecting all bids.
 3. **W.O. 20-11: Lake Hills Lift Station Rehabilitation.** (Opened 4/27/21) Recommend Western Municipal Construction, Inc.; \$611,599.
 4. **W.O. 20-15: Wicks Lane Improvements.** (Opened 4/27/21) Recommend Riverside Contracting, Inc.; \$1,395,248.75.
 5. **W.O. 21-19: Water Reclamation Facility Primary Digester Cleaning and Improvements.** (Opened 4/27/21) Recommend MP Environmental Services, Inc.; \$495,719.28
- B. Land Water Conservation Grant (LWCF)** acceptance and authorization to enter into agreement with Montana Fish, Wildlife and Parks (FWP) for Central Park tennis courts.
- C. Preliminary Major Plat Extension** for Coal Creek Subdivision, Amended Lots 7-17.
- D. Final Plat** of Emma Jean Heights Subdivision, 4th Filing.
- E. Resolution of Intent 21-10947** to annex City owned property located at 6014 South Billings Boulevard and set a Public Hearing for ~~June 14, 2021~~ July 12, 2021.
- F. Resolution of Intent 21-10948** to expand the boundaries of the South Billings Boulevard Urban Renewal District (SBBURD) and set a Public Hearing for ~~June 14, 2021~~ July 12, 2021.
- G. Bills for the Weeks of:**
1. April 5, 2021
 2. April 12, 2021

Mayor Cole separated Consent Agenda Items 1E and 1F, to allow the Public Hearing dates to change from June 14, 2021 to July 12, 2021.

Councilmember Brown separated Consent Agenda Items 1G1 and 1G2, to abstain, due to his employer being included in the bills.

Councilmember Boyett moved for approval of the Entire Consent Agenda, with the exception of Items 1E, 1F, 1G1 and 1G2, seconded by Councilmember Shaw. By a show of hands vote, the motion was unanimously approved.

Wyeth Friday, Planning Director, stated Items 1E and 1F needed an amendment to the resolution to change the Public Hearing date, to allow sufficient time for the zoning and annexation process.

Mayor Cole moved for approval of Item 1E with the Public Hearing date changed to July

12, 2021, seconded by Councilmember Brown. By a show of hands vote, the motion was unanimously approved.

Mayor Cole moved for approval of Item 1F with the Public Hearing date changed to July 12, 2021, seconded by Councilmember Boyett.

Councilmember Ewalt stated he would not support Item 1F and added it was unfair because everyone would pay for the TIF District but only the properties located within the district would see the benefits.

Councilmember Purinton stated she would also not support Item 1F and added she would like a cost analysis to see expenses and how the area would be taxed.

Chris Kukulski, City Administrator, stated there was a general argument regarding TIF Districts and the resolution of intent would expand the SBBURD District, and those tax dollars could only be spent within that boundary. He added on the other side of the argument, without the TIF there would not be the investment and that investment was being incentivized due to dilapidated or nonexistent infrastructure that needed to be improved to bring the area to a higher standard. Instead of a general taxpayer paying for the area, the "neighborhood" or everyone within the boundary would pay for the investments. He added the upcoming public hearings would allow for further conversations regarding infrastructure deficiencies that would justify adding the properties to the overall boundary.

By a show of hands vote, the motion was approved 8-2, Councilmembers Ewalt and Purinton voted in opposition.

Councilmember Shaw moved for approval of Consent Agenda Items 1G1 and 1G2, seconded by Councilmember Boyett. By a show of hands vote, the motion was approved 10-0, Councilmember Brown abstained.

Mayor Cole called a recess at 6:30 p.m. due to technical difficulties. Mayor Cole reconvened the meeting at 6:38 p.m.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward I to include recently annexed property in Annexation 20-05B: a parcel located west of AJ Way and north of Highway 3, legally described as Tracts 1A and 1B, of Certificate of Survey No. 1889 Amended, totally approximately 21.852 gross and 20.016 net acres. Lupine Holdings, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Monica Plecker, Planning Division Manager, gave a PowerPoint presentation of the Ward I boundary expansion. She stated Council had conditionally approved the annexation on March 22, 2021 and the conditions of approval were met and the annexation became effective on April 26, 2021.

The public hearing was opened.

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

Councilmember Shaw moved for approval of Regular Agenda Item 2, seconded by Councilmember Boyett. By a show of hands vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION 21-10949 creating SID 1417, Elysian Road. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Debi Meling, Public Works Director, gave a PowerPoint presentation of the SID 1417 boundaries and the 4 properties being subdivided. She gave an overview of Elysian Road and the proposed improvements, financial information and added McCall Development would be paying for any improvements over the estimated \$2,170,000. She stated the construction would bid May 11, 2021 and Elysian Road would be closed to through traffic throughout the summer months. She added the improvements would be completed before school began.

The public hearing was opened.

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

Councilmember Joy moved for approval of Regular Agenda Item 3, seconded by Councilmember Choriki. By a show of hands vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Identification required. *(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Public comments during the meeting may be made in-person or remotely by registering as an attendee through Zoom as outlined in the Agenda coversheet.)*

The public comment period was opened.

- **Catherine Card, 2815 4th Avenue South, Billings, Montana:** stated allocating additional money for public safety would not deal with the high crime rates in Billings and the Police Department did not have the appropriate infrastructure or public trust. She added the Road Dogs Toy Run event had not gone through the Public Works Department application process and the Police Department did not have any information on who had approved the event. She stated the Police Department needed a major overhaul and throwing more money at it would not help.

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

COUNCIL INITIATIVES:

Councilmember Choriki directed staff to add to a future agenda, the creation of a subcommittee to address concerns with County Commissioners, seconded by Councilmember Joy.

Councilmember Brown encouraged Councilmembers to attend County Commissioner meetings and speak with the Commissioners.

Councilmember Ronning also encouraged Councilmembers to attend the County's meetings and support the staff that attended.

Councilmember Purinton stated the County Commissioners, as well as legislators in Yellowstone County, were very accessible.

Councilmember Choriki stated Council needed to work with the Commissioners regarding the development along the edges of the City, such as the Inner Belt Loop, Mary Street and the west end.

Chris Kukulski, City Administrator, stated a subcommittee could help strengthen relationships with the County Commissioners.

Council discussed the importance of previous requests to submit initiatives in a written format prior to meetings.

Councilmember Yakawich stated there were a large number of boards for Councilmembers to attend and worried that adding another subcommittee could stretch their time too thin. He encouraged Councilmembers to attend County Commissioner meetings on their own.

Mayor Cole stated the initiative may be premature but there could be an opportunity for a committee later.

Councilmember Shaw stated she would support future discussions on a committee.

By a show of hands vote, the initiative failed 3-7, Councilmembers Yakawich, Ewalt, Purinton, Ronning, Boyett, Brown, and Mayor Cole voted in opposition.

There were no other Council initiatives.

There was no further business, and the meeting adjourned at 7:14 pm.



CITY OF BILLINGS

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

ATTEST:

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