

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

June 14, 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 pm. 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:

May 24, 2021 – The minutes were pending.

COURTESIES:

Mayor Cole stated Oasis Waterpark was opening Harmony Park on June 19th and would have events and vendors from 10 am to noon.

Councilmember Purinton observed Flag Day and its importance.

Councilmember Ronning thanked Councilmember Yakawich for organizing a city-wide cleanup and thanked various Councilmembers and constituents for helping.

Councilmember Ronning thanked YWCA for providing shelter to those in need and added they were building their third shelter.

PROCLAMATIONS:

Mayor Cole proclaimed the last Saturday of June as Montana Football Hall of Fame Day and encouraged residents to recognize the positive impact Montana pro football athletes had on universities.

Mayor Cole proclaimed June 4, 2021, as National Gun Violence Awareness Day and encouraged all citizens to support efforts to prevent the tragic effects of gun violence.

COUNCIL REPORTS:

Councilmember Joy stated the Community Development Board created a survey to obtain background information from qualifying nonprofits to receive available grant money.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated the Legislative update was being postponed allowing more time for the Public Safety discussion.

Mr. Kukulski stated the Billings Metropolitan Planning Organization (MPO) would be having a public open house to discuss the Bypass Corridor Study on June 17th from 4:30-6:00 pm.

Mr. Kukulski asked for Council opinion on moving Council meetings back to Municipal Court chambers. He stated the ability to provide a hybrid Zoom option would not be available immediately due to the lack of available equipment.

Mr. Kukulski stated staff was in contract negotiations with Teamsters and asked for volunteers from Council for small group meetings. He added there would be more negotiations in the fall.

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. Mayor Cole recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Housing Authority Family Res Comm.*	06/14/21	12/31/21
2	No Applications	Human Relations Commission*	06/14/21	12/31/22

*1 Unexpired term of John Thayer

*2 Unexpired term of Diane Kersten

A. Bid Awards:

1. **Community Center Hail Repair Rebid.** (Opened 5/25/21) Recommend Hagstrom Roofing and Construction; \$324,029.57.
2. **SID 1416 Gleneagles Boulevard.** (Opened 5/25/21) Recommend Askin Construction, LLC; \$674,869.20, contingent on the sale of bonds.
3. **W.O. 20-07: Solid Waste CNG Station Expansion.** (Opened 5/25/21) Recommend rejecting all bids.

4. **W.O. 21-04: City ADA Project.** (Opened 5/25/21) Recommend Weave Construction; \$346,930.
 5. **W.O. 21-16: Rimrock Road and Virginia Lane Traffic Signal Improvements.** (Opened 4/27/21) Recommend Elcon Corporation; \$221,892.80.
 6. **W.O. 21-18: Storm Drain Rehabilitation.** (Opened 5/25/21) Recommend Askin Construction, LLC; \$306,957.
- B. **Agreement** with Azteca Systems - Cityworks for upgrading standard enterprise licenses; \$17,000 for 1st year, \$68,000 for 2nd year, and \$75,000 for 3rd year.
 - C. **Consultant Agreement** with Toole Design to complete the Safe Routes to School Study update; not to exceed \$89,924.
 - D. **Billings Public Library Teen Tech Lab Grants;** \$500 from Humanities Montana for outdoor book club; \$1,000 from Town Pump Charitable Foundation for Keep Kids Reading program.
 - E. **Acknowledgment** of increased assessments for W.O. 20-12: South 32nd Street West.
 - F. **Resolution 21-10955** ordering improvements identified in W.O. 20-28: Songbird Drive Construction.
 - G. **Resolution 21-10956** ordering improvements identified in W.O. 21-11: Highwood Drive Reconstruction.
 - H. **Resolution 21-10957** ordering improvements identified in W.O. 21-12: Harrow Drive Reconstruction.
 - I. **Bills for the Weeks of:**
 1. May 3, 2021
 2. May 10, 2021
 3. May 17, 2021

Councilmember Brown separated Consent Agenda Item 1J1 in order to abstain, stating his employee was a recipient of payment.

Councilmember Yakawich asked if other safety issues would be included in Item 1D, such as traffic speeds, various locations, etc.

Mayor Cole stated there was a need to include middle schools in the study and asked if it had been brought forward in the past.

Elyse Monet, Alternative Modes Coordinator, stated Item 1D was an update to the study that had been completed in 2010-2011, and that study was used as a baseline and did not include middle schools. She added the current budget would not allow for middle schools to be included. She stated middle schools could have kids coming from further distances, therefore, would need a different style of study completed. She added there would be a follow up study done to include that information.

Councilmember Ewalt asked if improvements had been made regarding the sidewalk recommendations that had been found during the study. Ms. Monet stated the current study ranked priority by school, but not across the whole City. She added the update would make it easier to see which areas, instead of which schools, should take priority.

Council discussed the various schools that needed a study completed for safe routes to school. Ms. Monet stated a second study could be done as early as 2022-2023. She added the federal government provided funding every year and could only be used for transportation studies, but the City could set the timeline.

Councilmember Ewalt asked for clarification on how much it would cost to add middle schools to the current study. Wyeth Friday, Planning Director, stated the current study was approved in the Work Program by NPO, the City, MDT, and Yellowstone County. He stated adding the middle schools would need a much different style of analysis due to the wider areas served by middle schools.

Councilmember Ewalt made an amendment to separate Item 1D from the motion for approval, to delay the vote to allow middle schools to be added to the study, seconded by Councilmember Purinton.

Councilmember Neese asked for clarification on who would provide the funding for adding middle schools to the study and how long it would delay the study. Mr. Friday stated that asking all the entities to change the scope of work, after it had already been approved, would have challenges and the agencies could question the decision.

Councilmember Purinton, after further reviewing the staff memo, stated a Request for Proposals (RFP) had been done for the current study and adding the middle schools would require another RFP. Therefore, Councilmember Purinton withdrew her second and the amended motion died for lack of a second.

Councilmember Boyett, in reference to Item 1A1, encouraged the public to participate and apply for board and commission openings.

Councilmember Neese moved for approval of the entire Consent Agenda, except for Item 1J1, seconded by Councilmember Joy. By a show of hands vote, the motion was unanimously approved.

Councilmember Neese moved for approval of item 1J1, seconded by Councilmember Boyett. By a show of hands vote, the motion was approved 10-0, Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5759 FOR ZONE CHANGE 991: a zone change to amend parts of the Lenhardt Square Planned Development Agreement, generally located at King Avenue West and 44th Street West. Lenhardt Square Master Association - Allan R. Lenhardt, owner; Sanderson Stewart - Rick Leuthold, P.E., agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

Mayor Cole recused himself from Regular Agenda Item 2 due to a previous relationship with the applicant. He turned the meeting to Deputy Mayor Yakawich to preside over the meeting.

Nicole Cromwell, Zoning Coordinator, gave a brief PowerPoint presentation reviewing the information presented to Council at the May 24, 2021, Council meeting. She stated Council had approved the Zone Change on first reading and a second reading and public hearing was now required due to Project ReCode.

The public hearing was opened.

- **Rick Leuthold, agent**, stated the zone change had received unanimous favor from the Zoning Commission and encouraged Council to approve on second reading.
- **Jan Rehberg, 4401 Highway 5, Billings, Montana**, encouraged Council to vote in favor of the zone change.
- **Sharon Wetch, 4625 King Avenue West, Billings, Montana**, stated she was not notified of the neighborhood meeting for the Zone Change. She added there were too many apartment buildings in the area.

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

Councilmember Boyett moved for approval of Item 2, seconded by Councilmember Brown. By a show of hands vote, the motion was approved 10-0, Mayor Cole abstained.

Mayor Cole resumed presiding over the meeting.

3. PUBLIC HEARING AND RESOLUTION 21-10958 creating SID 1418, Holiday Avenue Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Debi Meling, Public Works Director, gave a PowerPoint presentation and reviewed the property and the proposed improvements. She stated SID 1418 and WO 20-28: Songbird Drive improvements would be combined into one project. She stated it was a high maintenance street and would allow a second access that would help property

owners. She stated the two property owners would be paying for most of the improvements with a small portion being provided by the City. She added there was a flexible start and completion date due to issues with contractor availability.

The public hearing was opened.

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

Councilmember Joy moved for approval of Item 3, seconded by Councilmember Neese. Councilmember Joy stated these improvements would be very helpful for constituents in the area.

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

4. PUBLIC HEARING AND RESOLUTION 21-10959 creating SID 1411, Park Lane Paving. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Debi Meling, Public Works Director, gave a PowerPoint presentation of the property and the proposed improvements. She stated SID 1411 and WO 21-11: Highwood Drive improvements would be combined. She stated the assessments would be split by two property owners with the City providing some curb and cutter costs for the non-addressed properties. She added there was a flexible start and completion date due to issues with contractor availability.

Councilmember Neese asked if any of the non-addressed properties would have curb access. Ms. Meling stated one property would have access at no cost, due to the unique situation of the street.

The public hearing was opened.

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

Councilmember Shaw moved for approval of Item 4, seconded by Councilmember Neese.

Councilmember Ewalt asked if the City would be paying for a portion of the asphalt being provided on the gravel street. Ms. Meling responded affirmatively and added the SID Policy stated properties did not have to pay for the non-addressed side of their property, to ensure that property owners did not pay for two sides.

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

5. PUBLIC HEARING AND FIRST READING ORDINANCE amending City Charter by adding Section 1.05.2, Public Safety Mill Levy. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Chris Kukulski, City Administrator, gave a PowerPoint presentation of the five strategies to improve Billings that the Center for Public Safety Management (CPSM) report had provided. The report consisted of 102 recommendations for the Police Department and 34 recommendations for the Fire Department. He gave an overview of the Public Safety Mill Levy and how the money would be spent. He reviewed the median home cost and how much the mill levy would cost homeowners. Mr. Kukulski gave an overview of the City's and partner responsibilities.

Rich St. John, Police Chief, reviewed the Police Department PSML Strategic overview, 2020 outcomes, year 1 and 2 tactical implementations, and the approximate cost of implementation.

Wyeth Friday, Planning Director, gave an overview of the Code Enforcement Division 10-year trend case volume, increased community investment and the results of the investment in education and outreach.

Gina Dahl, City Attorney, gave an overview of the Legal Department caseload per prosecutor, number of criminal cases opened in 2016-2021, domestic violence unit percentages of partner family member assaults (PMFA's) and offender accountability. She reviewed the request for increased staffing and how it would affect each department.

Pepper Valdez, Assistant Fire Chief, gave an overview of the CPSM recommendations for the Fire Department, mobile response teams (MRT), deputy Fire Marshal and Logistics Officer positions and how they would help the department.

Mr. Kukulski wrapped up the Public Safety Mill Levy presentation and discussed the option of adding Fire Station 8, timing needs and how it would affect the mill levy. He reviewed the mill levy timeline for the General Election and the language of the ordinance.

Mayor Cole called for a recess at 7:41 pm.

Mayor Cole reconvened the meeting at 7:50 pm.

The public hearing was opened.

- **Mike Nelson, 19 North Broadway, Northern Hotel, Billings, Montana**, stated the City had seen a large increase in calls for police service. He stated downtown business owners and the Chamber of Commerce supported the Public Safety Mill Levy. He encouraged Council to trust the staff and what they were asking for with the proposed mill levy.

- **Anna O'Donnell, 131 Avenue B, Billings, Montana,** stated the Pioneer Park task force was very interested in public safety issues and people attended at meetings when it was a topic. She added the City was understaffed in public safety departments and people needed to support the mill levy.

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

Councilmember Neese asked for clarification on the number of staff currently needed to respond to Code Enforcement complaints and how the number would change if proactive enforcement was implemented. Mr. Friday stated he did not know the exact number of staff needed for proactive enforcement. He added the proposed mill levy would include proactive code enforcement which would allow staff to focus on areas of concern to make improvements. Councilmember Neese asked if any of the money would be used to purchase technology to give the community the ability to report incidents. Mr. Friday stated the money would help staff use media, physical observation etc. as outreach with the community. He added there had been discussions about making complaints easier to report and research into it would continue.

Councilmember Boyett asked how hiring issues would affect filling the proposed staffing positions. Mr. Kukulski stated the City was close to fully staffed and added positions should be able to be filled. He added there was a challenge filling the seasonal vacancies but hoped to improve the City's position as an employer of choice.

Chief St. John stated the Police Department was currently fully staffed with officers and was continuing to hire. He stated the clerical positions were understaffed and they were looking at ways to entice people into those positions.

Councilmember Joy asked for clarification of how the request for three positions in evidence and two in identification had been reached. Chief St. John stated it was the recommendation of the CPSM report. He added those positions would allow for a domestic violence officer to listen to calls and officers to process evidence onsite, which would make available the detectives and would help with department efficiency.

Councilmember Purinton asked for clarification of the role of Community Service officers. Chief St. John stated they would be sworn officers, would not carry a gun, but would handle minor cases that used officers' time.

Councilmember Ronning asked if there would be a specific Police Department employee and a Legal Department employee added to focus on domestic violence crimes. Chief St. John stated that would be one area an employee could focus on which would help free up the current domestic violence officer. Ms. Dahl stated the current budget included a position for a domestic violence prosecutor. She added the department was already behind, which meant adding another officer would create even more cases, which in turn would create a further need.

Councilmember Shaw stated she liked the comprehensive Fire package that had been presented and asked for a timeline when Fire Station 8 would need to be built. Pepper Valdez, Assistant Fire Chief, stated it would take 9-12 months to develop the

MRT program, and after implementation it could take an additional 1-2 years to analyze the process. He added the need for Fire Station 8 may occur in 3-5 years.

Councilmember Yakawich moved for approval of Regular Agenda Item 5, with 34 mills, seconded by Councilmember Brown.

Council discussed current Police Department staffing numbers and needs that would be addressed with the Public Safety Mill Levy.

Councilmember Ronning stated she would support the motion but wished it were an even bigger ask. She stated she had made a call to report a crime taking place and unfortunately it took a few hours for a patrol officer to arrive. She stated officers were overwhelmed and the Public Safety Mill Levy would help ease the burden.

Councilmember Brown stated he would support the motion and added it was time for Council to stop talking about it and act on it.

Councilmember Joy stated there had been multiple public safety issues brought before Council and it was time to act. She added a lot of code enforcement issues were not reported and she would support the ability for officers to be proactive on issues.

Councilmember Neese stated he would support the motion and thought it would be well received by the public.

Councilmember Ronning stated the terminology used in the future should be "substance use disorder services".

By a show of hands vote, the motion was approved 10-1, Councilmember Ewalt voted in opposition.

6. PUBLIC HEARING AND RESOLUTION 21-10960 establishing collection, disposal, and landfill fees for FY2022. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Jennifer Duray, Public Works Deputy Director, gave a PowerPoint presentation of the Solid Waste FY22 budget, revenues, expenses, current collection fees, rate comparisons to other cities, landfill fees, and the proposed fee changes.

Councilmember Ewalt stated he had suggested to charge an extra 10% to customers outside of the county and asked how much that fund currently held. Ms. Duray stated it was approximately \$585,000 and was held in reserves for future capital projects. Councilmember Ewalt asked if the refuse collection fee should be higher. Ms. Duray stated she would not object to a higher fee and even with the small increase, it was still a very good deal. She stated the 5.5% increase would cover costs, but if inflation continued to rise, it may no longer cover the costs.

Councilmember Purinton asked for clarification on how residential collection was subsidized. Ms. Duray stated it was subsidized with landfill revenues.

Mayor Cole asked how the “pay as you go” option would work. Ms. Duray stated there could be two different container sizes so the customer would only pay for what they put out for pickup.

Councilmember Neese asked when the 300-gallon containers would be picked up. Ms. Duray stated staff would like to begin the “pay as you throw” program by next spring.

The public hearing was opened.

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

Councilmember Yakawich moved for approval of Item 6, seconded by Councilmember Joy.

Councilmember Ronning encouraged Mr. Kukulski to provide the PowerPoint presentations to Council as early as possible and several Councilmembers concurred.

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.

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

COUNCIL INITIATIVES:

There were no Council Initiatives.

There was no further business, and the meeting adjourned at 9:23 pm.



ATTEST:

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

CITY OF BILLINGS:

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