

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

June 28, 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. Councilmember Shaw gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Shaw, Yakawich, Neese, Ewalt, Joy, Choriki, Purinton, Ronning, and Boyett. Councilmember Brown was excused, but later attended via Zoom. (See below)

MINUTES:

May 24, 2021 - Councilmember Boyett moved for approval of the minutes as written, seconded by Councilmember Neese. By a show of hands vote, the motion was unanimously approved.

June 14, 2021 – Mayor Cole noted that a correction was made to Page 4 concerning the order of the motions were made for approval of the Consent Agenda, as requested by Councilmember Neese and verified by the City Clerks. Councilmember Boyett moved for approval of the minutes as amended, seconded by Councilmember Neese. By a show of hands vote, the motion was unanimously approved.

COURTESIES:

Councilmember Ronning reminded everyone that on August 7th, at Dehler Park, the Fire Department vs. Police Department would hold a fundraising softball game to play against each other. The monies raised by the Fire Department would support Muscular Dystrophy and the Police Department's monies would support the Billings Education Foundation.

PROCLAMATIONS:

Mayor Cole proclaimed that a special section of St. John's Avenue would be ceremonially renamed as Survivors' Avenue for Friday, July 9, 2021, only, in recognition of the Relay for Life of Yellowstone County event and all cancer survivors.

COUNCIL REPORTS:

Councilmember Yakawich asked about members of the USS Billings crew arriving in Billings. Mayor Cole provided dates and events scheduled for the crew to

attend in the coming days, including a Mustang's game and a day trip to Red Lodge to participate in a parade, see a rodeo and experience a scenic drive on Beartooth Highway.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated that two-way traffic had returned to N. 29th Street and N. 30th Street with back-in parking. He commended the Engineering Department for its implementation and design.

Mr. Kukulski stated the City had some problems with the contractor providing properly functioning restrooms in Centennial Park. He added that the contractors have not been and would not be paid until the restrooms were functioning properly.

Mr. Kukulski announced this was the last Council meeting to be held at the Library's Roybal Johnson Community Room. The next meeting, a Work Session, would be held in Council Chambers at City Hall on Tuesday, July 6th at 5:30 pm.

Mr. Kukulski stated there were no exparte communications.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 6a and 6b 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.

- **Lori Nelson, 4235 Bruce Avenue, Billings, Montana**, in reference to Consent Agenda Item 1E, stated the neighbors had followed every procedure to get the improvements made to Bruce Avenue and she hoped Council would approve the amendment for improvements.
- **Tyler Cruz, 4200 Block of Bruce Avenue, Billings, Montana**, in reference to Consent Agenda Item 1E, asked for the Council's support to get the improvements completed on Bruce Avenue.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana**, in reference to Consent Agenda Item 1E, stated SBURA Board agreed to pave the 4200 Block of Bruce Avenue, according to its minutes. He continued there would be plenty of monies left in the SBBURD fund after the improvements were paid. He asked for the Council's support and to approve Item 1E.
- **Tom Rupsis, 105 Legend Way, Billings, Montana**, voiced his support in reference to Regular Agenda Items 6(a) and 6(b), concerning the Public Safety Mill Levy (PSML). He stated administration had a comprehensive plan to address public safety concerns in the community. He did however express his concerns over Parks' maintenance and the financial impact of their

maintenance in the coming years would be addressed. He explained that the mill was not keeping up with budget deficits. He asked that Council move to delay their vote for another 2 weeks to address the deficits and tweak the levy to adjust for the budget increases.

- **Kari Boiter, 946 Yorkshire Court West, Billings, Montana**, in reference to Regular Agenda Items 6(a) and 6(b), stated her support for the PSML and stated housing supports needed to be considered for the most vulnerable in the community. She mentioned her involvement with a number of community programs aimed at helping vulnerable populations. She stated there was a housing crisis in Billings and that HomeFront of Billings (the only public agency in Billings tasked with providing housing assistance) received a phone call every 2 minutes from someone needing housing. She stated the language about the 2 mills needed to be very specific about how the monies would be used, exactly, and housing supports should be added. She added that mental health and substance abuse supports should also be considered. She stated Council should delay its vote for another two weeks to consider adding her suggestions to the ballot language. She also stated her support for Consent Agenda Item 1A1 and stated Songbird Drive needed to be constructed before the Mullowney Lane reconstruction took place.

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

CONSENT AGENDA:

A. Bid Awards:

1. **W.O. 20-28: Songbird Drive Construction.** (Opened 6/15/21)
Recommend Knife River - Billings; \$1,144,137.
2. **W.O. 21-08: Bike Boulevard Avenue D.** (Opened 6/15/21) Recommend
Montana Lines, Inc.; \$216,120.
3. **W.O. 21-11: Highwood Drive Reconstruction.** (Opened 6/15/21)
Recommend rejecting all bids.
4. **W.O. 21-12: Harrow Drive Reconstruction.** (Opened 6/15/21)
Recommend COP Construction; \$915,209.
5. **W.O. 21-22: Signal Conduit Upgrade.** (Opened 6/15/21) Recommend Elcon
Corporation; \$127,878.
6. **W.O. 21-35: WRF Administration Building Second Floor Remodel.**
(Opened 6/15/21) Recommend Cucancic Construction, Inc; \$143,345.
7. **SID 1411 Park Lane Paving.** (Opened 6/15/21). Recommend rejecting
all bids.
8. **SID 1418 Holiday Avenue Improvements.** (Opened 6/15/21)
Recommend Knife River - Billings; \$251,815.

- 9. **Solid Waste Hooklift Truck and Containers.** (Opened 6/15/21)
Recommend NorMont Equipment Co.; \$129,375.
- B. **Consultant Agreement** for W.O. 21-32: Bitterroot Drive and Wicks Lane Corridor Drainage Improvements with Performance Engineering, LLC; \$255,690.
- C. **Consultant Agreement** for W.O. 21-33: Babcock Boulevard Drainage Area Improvements with AE2S, LLC; \$354,100.
- D. **Professional Services Contract** for W.O. 21-37: Solid Waste Maintenance and Parking Building with Morrison-Maierle, Inc; \$100,100.
- E. **Change Order No. 1, W.O. 20-30: Hallowell Lane Improvements**, to add Bruce Lane for an amount not to exceed \$350,000 per the Council direction on April 26, 2021.
- F. **Amendment No. 1, W.O. 20-37: Stormwater Utility Development, Phase II**, Professional Services Agreement, FCS Group; \$397,095.
- G. **Amendment No. 1, Asset Management Program, Phase II**, Consulting Agreement; Jacobs Engineering Group; \$798,597.
- H. **Donation** to Billings Public Library from Billings Library Foundation for contactless book locker outside the Library entrance; \$21,750.
- I. **Cancellation** of checks and warrants.
- J. **Resolution 21- 101961** authorizing the issuance and calling for the negotiated sale of SID bonds for SID 1418, SID 1417, and SID 1416.
- K. **Bills for the Weeks of:**
 - 1. May 24, 2021
 - 2. June 1, 2021

Councilmember Purinton separated Consent Agenda Item 1A2 for discussion.

Councilmember Choriki separated Consent Agenda Item 1E for discussion.

Councilmember Neese separated Consent Agenda Item 1F for discussion.

Councilmember Boyett moved for approval of the entire Consent Agenda, with the exception of Items 1A2, 1E, and 1F, seconded by Councilmember Shaw.

Councilmember Boyett stated that 1A1, Songbird Drive needed to be constructed as soon as possible because the area only had 1 entrance/exit to it and Mullowney Lane was scheduled for improvements soon.

Councilmember Ewalt clarified with Debi Meling, Public Works Director, that the streets in 1A3, 1A4, and 1A7, would be narrow width with no sidewalks. Ms.

Meling stated these were under the “non-maintainable” program and the department would build them to whatever width they could, but that they would be resurfaced with curbs and gutters. She followed with an explanation of the SID process for building streets to City standards where only gravel roads existed.

Councilmember Purinton stated she needed to recuse herself from Consent Agenda Item 1G as it was a competitor to her family’s business.

Councilmember Boyett amended his motion for approval of the entire Consent Agenda with the exception of 1A2, 1E, 1F, and 1G, seconded by Councilmember Shaw.

Mayor Cole thanked the Billings Library Foundation for their generous donation and support of the Library in reference to Consent Agenda Item 1H.

By a show of hands vote, the motion to approve the entire Consent Agenda with the exception of 1A2, 1E, 1F, and 1G was approved unanimously.

Councilmember Purinton, in reference to 1A2, stated she received a great explanation from Debi Meling, Public Works Director, concerning the differences between a bike boulevard and a bike lane. Ms. Meling explained bike boulevards were to invite a larger community of bike enthusiasts onto non-arterial streets and there would not be any diverters along the route.

Councilmember Shaw mentioned the bike boulevard was along a defined Safe Routes to Schools route and the improvement would make it safer for children travelling to and from McKinley School. Councilmember Shaw moved for approval of Consent Agenda Item 12A, seconded by Councilmember Neese.

Councilmember Boyett stated he had driven the area and did not find it inviting at all. He asked if there would be additional striping. Ms. Meling stated it would be signed and there would be pavement markings. She continued that the idea was to deter motor vehicles from using the street and on-street parking often slowed traffic.

Councilmember Neese asked about the “Share the Road” campaign and outreach. He stated the bike boulevard would change the feel of the neighborhood and were the neighbors given notice of the changes. Ms. Meling responded that there would be signage and “sharrows” indicating to drivers that they would be sharing the road with bicyclists. She continued those neighbors would receive information about the changes and there would likely be a public meeting held closer to the time of construction.

Councilmember Joy stated she and Elyse Monat, Active Transportation Coordinator, would be manning a booth at the Strawberry Festival to explain the introduction of bike boulevards, etc. and she encouraged people to stop by. She

continued that she had met with pedestrians and cyclists, as well as neighbors, who provided very positive feedback about bike boulevard implementation.

Councilmember Choriki stated bike boulevards had a similar effect on neighborhoods as did cul-de-sacs.

Councilmember Purinton asked if Billings had other bike boulevards in place. Ms. Meling responded that this was the first, but another area had been identified to receive one. Councilmember Purinton stated her support but voiced her concern about the expense.

Mayor Cole stated the concept was to create a safe route for bicyclists away from speeding motor vehicles. He mentioned that Missoula had successfully introduced this concept on many of their streets with roundabouts every so many blocks. He asked whether the term "bike boulevard" could be re-branded and whether plantings on the diverters were expected. Ms. Meling responded she would discuss with the Planning staff whether a different name could be used and stated that plantings were not proposed for this phase.

By a show of hands, the motion for approval was passed 9-1, Councilmember Ewalt voted in opposition.

Councilmember Choriki, in reference to Consent Agenda Item 1E, stated the item was an example of relationship politics and not policy politics. He stated his support in paving Bruce Street and all other gravel streets in the City but questioned the rationale for prioritizing Bruce Street at this time without allowing normal procedures.

Councilmember Joy moved for approval of Consent Agenda Item 1E per the Council's direction on April 26, 2021, seconded by Councilmember Neese.

Councilmember Joy acknowledged that Bruce Avenue was a dead end that connected to Stephens Lane, also a gravel road. She hoped that Stephens Lane would be approved by the SBURA Board to be paved next year because paving up to another gravel street was not a good idea. Councilmember Boyett recalled being a Sheriff's deputy 40+ years ago and the streets in that area were in poor condition then. He stated all of these streets needed to be paved as soon as possible.

Council discussions ensued over clarification of increasing the City Administrator's signing authority for this Work Order change order only.

By a show of hands vote, the motion to approve was passed 8-2, Councilmembers Choriki and Ewalt voted in opposition.

Councilmember Neese, in reference to Consent Agenda Item 1F, asked Ms. Meling to explain the direction the Stormwater Utility Development was taking. Ms.

Meling stated that Public Works would change the name to Stormwater "Program" from "Utility" to more accurately describe the development. She said this would enable Public Works to efficiently see all costs and expenses, assets, rules and regulations, system development fees, rate structures, etc. involved with its stormwater program and it would not necessarily require more employees to do it. Discussions continued about the anticipated improvements the program would afford to staff and Council when determining the above-mentioned items.

Councilmember Joy moved for approval of Consent Agenda Item 1F, as recommended by staff, seconded by Councilmember Shaw.

Chris Kukulski, City Administrator, explained the importance of maintaining and supporting the underground infrastructure known as stormwater drainage to save the City and its citizens from flooding and property damage. He continued that Council needed to do whatever it could to protect the Yellowstone River and be in compliance with Federal requirements.

Councilmember Shaw voiced her support for the motion and encouraged the rest of Council to support it as well.

Councilmember Ewalt discussed assessment options.

Councilmember Purinton asked for a projected completion date of the study. Ms. Meling responded it would be before the Council in 9 months to a year.

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

Councilmember Yakawich moved for approval of Consent Agenda Item 1G, seconded by Councilmember Boyett. By a show of hands vote, the motion was approved 9-0, Councilmember Purinton abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 992: A zone change from N3 -- Suburban Neighborhood to N2 -- Mid-Century Neighborhood on Lot 2, Block 29 of Lake Hills Subdivision, 5th Filing, an 18,466 square foot parcel of land, generally located at 117 and 119 Glenhaven Drive. Eric Schnellbach, owner/applicant. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

Karen Husman, Planner, provided a brief PowerPoint presentation with a map of the area. She explained that the area must be rezoned because the new zoning code would not allow duplexes and the owner/applicant wished to bring the property into compliance to protect the property for insurance rebuild purposes. She said there were no plans to make changes to the property. Ms. Husman reviewed the 10 criteria that the Zoning Commission recommended be approved and adopted. She stated there was no neighborhood opposition to the

zone change and if the property suffered a total loss, only a replacement duplex could be built in its place.

The public hearing was opened.

- **Eric Schnelbach, owner/applicant**, addressed the Council about his need to have the zone change approved so he could obtain a rebuild letter and secure refinancing on the property.

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

Councilmember Neese moved for approval and adoption of the findings of the 10 criteria for Zone Change 993, as recommended by the Zoning Commission, seconded by Councilmember Ewalt.

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

3. PUBLIC HEARING and amendment to the Consolidated Plan and FY20-21 Annual Action Plan to the CDBG-CV budget. Community Development (CD) Board recommends approval. (Action: approval or disapproval of the Community Development (CD) Board recommendation.)

Brenda Beckett, Community Development Division Manager, gave a PowerPoint presentation providing the CDBG-CV timeline; the 2020 allocation of HUD funds; the rules and requirements that changed the initial scope; and the CD Board's recommendations for use of the additional funds received. She explained the amendment needed to be proposed to HUD in August of 2021. She explained that HOME-ARP provided \$1.2 million but with no rules yet as to how to apply the funds. Ms. Beckett reviewed the State issued \$108 million in COVID funds in Yellowstone County and provided a list of local nonprofit organizations that benefited.

Councilmember Ewalt clarified that all the funds were 100% Federal funds and required no City matching funds.

Councilmember Neese stated his disappointment that there was not a good representation from Heights' residents. Ms. Beckett responded that the Heights Water District was emailed the survey as was the Housing Authority, but there were other methodologies that got the information into the homes of the Heights' residences.

Councilmember Yakawich asked about accountability from all the agencies that received monies. Ms. Beckett explained the process that holds the various agencies accountable to the spending of Federal monies. She explained that sub-recipients received training from the Community Development staff and that would continue over the next 3 years, but the reporting would likely last up to 7 years.

Councilmember Ronning asked for clarification concerning assistance and affordable housing. Ms. Beckett responded that HUD was discouraging any large affordable housing projects to be funded with this allocation, but rather to use it for mortgage, utilities, and rental assistance. She explained that the housing costs in Billings were rising quickly, and the funds would not help or change that. Councilmember Ronning asked for clarity on the term "non-congregate" sheltering. Ms. Beckett stated it meant sheltering that would

not have a room with several beds in it with non-family members all staying together. She further explained that these were separate family units that would aid with the social distancing efforts during the pandemic.

- **Lt. Collin Patterson, Salvation Army**, stated that 85,000 area residents were served last year at a cost of about \$100,000 to purchase food and supplies to keep the 6 days-a-week program going. He asked that Council support the application for assistance.

- **Lt. Felicia Patterson, Salvation Army**, thanked the Council for their consideration to help fund the mobile meal program so the Salvation Army could continue its outreach mission.

- **Katy Easton, Executive Director of Downtown Billings Alliance**, stated she was excited to be installing a restroom and hand-washing facility in the downtown area. She said the "Portland Loo" was anticipated to be installed in the alleyway between N. 29th Street and Broadway Avenue and Second and Third Avenues North. She stated she wished for the "Loo" to be added to the Business District work plan and be cleaned and maintained daily.

Councilmember Purinton addressed Brenda Beckett, Community Development Division Manager, stating there was a lot of overlap between agencies and her concerns about the 20% for administration costs. She asked if recipients of the funds could apply again for additional funding. Ms. Beckett responded that the application process would be open to everyone that wished to apply, not just those service agencies that received funding the first time. She continued this was a whole new program that doubled the workload but was much needed funding.

Councilmember Neese stated he understood how the funding to the Salvation Army met the criteria for helping low-income individuals and families but struggled to see that public restrooms would serve only that demographic. He stated anyone visiting the downtown area for events could utilize those facilities. Ms. Beckett clarified that the criteria for a public facility was to serve a "low-moderate" income area and explained how the determinations were made.

The public hearing was opened.

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

Councilmember Shaw moved for approval of the amendment to the Consolidated Plan and FY20-21 Annual action plan to the CDBG-CV budget, as recommended by the Community Development Board, seconded by Councilmember Boyett.

Councilmember Ronning voiced her support of the motion but asked that in the future the Council be given more information and details as to what administrative costs were covered. Councilmember Purinton stated she would consider something lower than the 20% but was not certain if something less would be appropriate. She continued that that way more funding could go toward serving the low-income demographic. Councilmember Joy stated her support for the motion and stated that documentation required by HUD was very detailed and intensive to prepare and track and she had no problem with the 20% for administrative costs.

Councilmember Neese voiced his concerns about the proposed public restroom; asked if it would block the alleyway would encroachment fees be collected; and whether this was an appropriate use of the alleyway. Wyeth Friday, Planning Director, stated considerations for placement and utility hook-ups were being done. Mr. Friday stated his understanding from Ms. Easton was that having one location to monitor and manage a facility would make it easier on the DBA staff than the current public defecation throughout downtown.

Councilmember Shaw voiced her support for the motion and stated there were too few public restrooms downtown; she would support having more of the "Loos" placed around downtown; and that they were critical.

Council discussions continued about the importance of eliminating public defecation and effective services to the low-income. Brenda Beckett explained the tracking of administration hours, too.

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

Mayor Cole called for recess at 7:40 pm.

Mayor Cole reconvened the meeting at 7:47 pm.

4. PUBLIC HEARING AND RESOLUTION 21-10962 adopting and approving the FY22 Budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED 8-3, NEESE, EWALT AND PURINTON OPPOSED

Andy Zoeller, Finance Director, gave an overview of the budget timeline leading to the adoption and approval and an overall summary of the FY22 budget. He highlighted some of the larger capital projects, i.e., West End Water Treatment Plant; Airport Terminal Expansion; various park projects; Stillwater Building acquisition for Law and Justice Center; Inner Belt Loop and Skyline Trail. He reviewed the 15.5 additional FTEs in the budget. He spent time explaining the Public Information Coordinator position requested by Council. Mr. Zoeller mentioned that there were items i.e., Public Safety Mill Levy; CPSM Implementation; American Rescue Plan Implementation; Long-Term Parks Funding, that were not addressed in the budget.

Councilmember Purinton asked if the city hall/law and justice center purchase for \$11.6 million was to be taken from the General Fund or from ARPA funds. Mr. Zoeller responded it was awkward because the amount in the budget and on the buy-sell did not equal. He explained that most of the funds would come from General Fund Reserves and that due to CARES monies the reserves had been spared depletion. He continued that budget amendments were likely to be brought forward throughout the year as was customary.

Councilmember Ronning voiced her surprise that the Stillwater Building purchase was even in the budget as she was not aware that it was certain. Mr. Zoeller stated it was not certain, but it was in the budget to purchase a property for a City Hall / Law and Justice Center in the near future, whether it be the Stillwater Building or some place else and that purchase would definitely come to Council for approval. Chris Kukulski, City Administrator,

added that the \$11.6 million had been allocated for some time. He continued that staff would have to provide Council with resources to make a purchase over the allocated amount and offer this as a solution to the overcrowding issues City Hall was facing. He acknowledged that the \$11.6 million was not enough to purchase or build out the office spaces, but that conversation would be before Council on July 12th.

Councilmember Boyett asked whether there was a duplication of positions with the addition of the Code Enforcement Supervisor and the one written into the proposed Public Safety Mill Levy (PSML). Mr. Zoeller stated the position was added to the FY22 budget now because there was a definite need, but if the PSML was passed, it would help offset the cost from the General Fund for that position.

Council discussions continued regarding property valuations, anticipated tax revenues and the General Fund gap.

Councilmember Ewalt voiced his concern about approving a budget that included the purchase of property for city hall / law and justice center (Stillwater Building) without knowing all the costs associated with it. He also stated he was not comfortable approving a budget before knowing the bulk water rates and assessments that followed in the next set of public hearings. Mr. Zoeller responded that a budget was built upon a plan before going through a bidding or RFP process. He continued that it would not make sense to avoid adopting a budget until one knew the final numbers. He added that staff does their best to anticipate the costs of projects. He explained the processes for mill levy adoptions were set by the State and must occur after a budget was adopted, but if Council wanted to adopt assessments first, they could do that. He added that some of the assessments would not be known until the end of September.

Councilmember Ewalt reminded Council that the City was in negotiations with 3 unions and the outcome of that could weigh heavily on the budget. Mr. Zoeller stated union negotiations occur every three years and Council typically would approve budget amendments for increased wages and benefits. Mr. Kukulski stated the budget was based on estimates and any amendments would have to be approved by the Council. He continued that the Council could amend the budget now or know that amendments would be forthcoming in the future.

Councilmember Purinton stated her concern over the condition of the economy and inflation. She continued that the City should not increase its spending no matter whether items were in the CIP and in fact some projects had been denied because the costs were too high. She stated some taxpayers were struggling from the past year's downturn and she did not support adding more onto them.

The public hearing was opened.

- **Ed Gulick, 3015 10th Avenue North, Billings, Montana**, stated his support of the proposed budget. He stated the addition of a Public Information Officer (PIO) was important.

- **Tim Warburton, 3444 Lucky Penny Lane, Billings, Montana**, stated the budget process had been well prepared and went smoother than last year. He was disheartened by discussions of delaying approval and urged

Council to approve now. He also voiced support of the PIO position.

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

Councilmember Yakawich moved for approval of the FY22 Budget, as recommended by staff, seconded by Councilmember Shaw.

Councilmember Yakawich stated while he appreciated the cautious attitude of some councilmembers, the budget was well-planned, and the process improved. He stated budget amendments were common and he supported what staff had brought to Council.

Councilmember Joy stated her support for the motion and stated the City needed to add certain positions because it could not provide adequate services to its citizens, especially with increased code enforcement issues.

Councilmember Ronning agreed with Councilmember Joy's statement of meeting the service needs of the public and added that the City would still be behind even with the added staff. She also agreed with Councilmember Yakawich concerning the budget presentations and process and complimented staff for a well-prepared budget.

Councilmember Shaw voiced her support for the motion and reminded everyone that approving the budget was not increasing taxes, that property values increased taxes.

Councilmember Choriki stated his support for the motion, but added he was disappointed a solution for Parks' funding was not reached; there was not good data for costs of services; and that progress was being made toward the Inner Belt Loop completion without knowing the costs to the City and not having an agreement with the County about its development. He stated a lot of money could have been used toward street maintenance in the City but instead went into a road that resided in the County. He encouraged staff to research acquisitioning a grant writer in next year's budget.

Councilmember Neese stated he mostly supported the budget, but the budget was increasing quicker than property values were increasing. He stated the budget did not show enough revenues or methods to collect revenues. He stated his appreciation of the budget presentations, but wanted presentations to be forwarded prior to the meetings so Council could review them. He stated he would not support the budget because there needed to be some dissent.

Councilmember Boyett stated the presentations were better and easier to understand than the previous year. He agreed with Councilmember Neese's comments about receiving presentations too late. He voiced his support of the motion to approve the budget.

Councilmember Ronning noted that Councilmember Brown had joined the meeting via Zoom, and he was noted as being present in the meeting at 8:39 pm.

By a show of hands vote, the motion to approve the FY22 budget was approved 8-3, Councilmembers Neese, Purinton and Ewalt voted in opposition.

5. PUBLIC HEARING AND RESOLUTIONS setting FY22 annual assessments on the following:

- a. **Business Improvement District, Tourism Business Improvement District, Mill Levy Rates for General Fund, Transit, Library and Public Safety – RESOLUTIONS 21-10963, 21-10964 and 21-10965, respectively**
- b. **Road Maintenance District 6 – RESOLUTION 21-10966**
- c. **Street Maintenance District – RESOLUTION 21-10967**

Mayor Cole clarified the procedure for presenting Regular Agenda Items 5a, 5b, and 5c, stating the staff's presentations would be given for all items, then one public hearing would be held, followed by individual votes for each assessment resolution.

Andy Zoeller, Finance Director, gave a presentation on Regular Agenda Items 5a and 5b. He reviewed the Charter cap mill levy property taxes and noted they were the same as in FY21: General Fund – 74 mills; Public Safety – 80 mills; Library Operating – 5 mills; Transit – 10 mills; and General Obligation Debt – to be determined in September after certified values were received. He stated the TBID assessment would remain the same as in FY21 at \$2 per rented room per night. The Downtown Business Improvement District asked for an increase of 4%. He continued that the Road Maintenance District 6 consisted of a fire access road in the Briarwood Subdivision consisting of 51 lots at \$55.28 per lot.

Jennifer Duray, Deputy Public Works Director, gave the presentation for Regular Agenda Item 5c. She explained the City had two street maintenance districts (SMD); SMD 1 was the downtown area; SMD 2 was the entire City of Billings and properties within SMD 1 were also in SMD 2. She explained the proposal was for a zero increase to fees for SMD 1 in FY22 and an increase of 1.8% for SMD 2, increasing the entire SMD budget by \$160,000. She stated the annual average residential rate would increase by \$2.30.

Mr. Zoeller reminded Council that additional revenues would be brought to Council as certified property values were received.

Council discussions continued about TBID and the \$2 voluntary bed tax; that most of the hotels paid that, but not all, versus the State's bed tax of \$2 per night and the participation of Air BNBs and VRBOs.

Councilmember Neese asked why the City would not wait until certified values were received before setting assessments. Mr. Zoeller responded that the Road Maintenance District and Street Maintenance Districts assessments were not based on property values. He explained the process of determining assessments and fees and stated should there be an excess of revenues collected, staff would bring a resolution forward to reduce that assessment. He confirmed that the valuations were based on January 1, 2020 values and not on the present-day values, noting the updated value would be received the first week of August.

Councilmember Ewalt asked questions about zero increases to SMD1; their need for increased services and surplus revenues due to recent light snow years. Ms. Duray responded that there really were no significant surpluses even though there had been light snow years, nearly the same amount of services were provided.

The public hearing was opened for Regular Agenda Items 5a, 5b and 5c.

There were no speakers and the public hearing was closed.

Councilmember Shaw moved for approval of a resolution setting FY22 annual assessments for Business Improvement District (BID), as recommended by staff, seconded by Councilmember Joy. By a show of hands vote, the motion was approved unanimously.

Councilmember Ronning moved for approval of a resolution setting FY22 annual assessments for Tourism Business Improvement District (TBID), as recommended by staff, seconded by Councilmember Choriki. By a show of hands vote, the motion was approved unanimously.

Councilmember Ronning moved for approval of a resolution setting FY22 annual assessments for mill levy rates for General Fund, Transit, Library and Public Safety, as recommended by staff, seconded by Councilmember Choriki. By a show of hands vote, the motion was approved 9-2, Councilmembers Purinton and Neese voted in opposition.

Councilmember Yakawich moved for approval of a resolution setting FY22 annual assessments for Road Maintenance District 6, as recommended by staff, seconded by Councilmember Boyett. By a show of hands vote, the motion was approved unanimously.

Councilmember Shaw moved for approval of a resolution setting FY22 annual assessments for Street Maintenance Districts 1 and 2, as recommended by staff, seconded by Councilmember Boyett. By a show of hands vote, the motion was approved unanimously.

6. PUBLIC SAFETY MILL LEVY:

- a. **SECOND/FINAL READING ORDINANCE 21-5760 amending City Charter by repealing and replacing adding Section 1.05.2. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED 10-1, EWALT OPPOSED**
- b. **RESOLUTION 21-10968 approving ballot language. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Chris Kukulski, City Administrator, provided a PowerPoint presentation and identified public safety issues; reviewed the Center for Public Safety Management (CPSM) reports and their findings. He reviewed the cost to the median property owner for 34 mills (\$100/yr. or \$8.33/mo.) and what the City could do if those mills were approved by the voters. He compared the 2020 PSML recommendation of \$296.24 to the 2021 PSML ask of \$100.41 and explained how that decrease was determined. Mr. Kukulski continued that there are significant facility challenges that

are contributing to inefficiencies for law enforcement services. He added that with the help of financial aid from the Federal government for pandemic relief, the City was able to make one-time purchases in those departments that left monies in the budget for other items. He showed an itemization of how and where an additional \$7.1 million would affect resources, staffing and public safety services. Mr. Kukulski noted the City's partners connectivity to public safety in providing critically needed social services, etc.

Councilmember Yakawich moved for approval of Regular Agenda Item 6a, as recommended by staff, seconded by Councilmember Ronning.

Councilmember Neese stated the ask was better than last year's and credited that to staff and the CPSM reports. He asked for clarification about the discontinuation of Quick Response Units in the Fire Department.

Matt Hoppel, Assistant Fire Chief, explained that when there were 2 Quick Response Units in service, it left the remaining fire engines understaffed for fire emergencies and created inefficiencies. He explained that the units were still in service with the Fire Department and used as brush trucks.

Councilmember Purinton noted that the CPSM reports indicated significant areas of improvement were needed at the 911 Communications Center. Mr. Kukulski stated that the recommendations referred more to handling of data than more staffing and equipment and none was asked for the 911 Communications Center.

Council and staff discussions ensued about community social service partner accountability and a process should they receive any part of the mill levy funds.

Councilmember Ewalt asked about the additional Fire FTEs and his concern that there may be more people being paid to sit idly. Mr. Kukulski responded that the CPSM report specifically recommended shifts not be 24-hr. shifts but adjusted to peak times. Shift adjustments had not been determined yet and if changes were agreed to with the bargaining unit, it was possible the additional FTEs would not be filled. Assistant Fire Chief Hoppel provided additional staffing clarification and equipment uses.

Councilmember Purinton asked if the Police and Fire Departments could utilize the \$400,000 earmarked for community partners for mental health and substance abuse services, in a similar way since they were already dealing with the issues. Police Chief, Rich St. John, responded that the contemporary way of handling these issues was to off-load individuals to specialty social services to free officers for other duties. He continued that public safety services were linked to those issues and Billings was fortunate to have so many specialized social services. He reminded Council that police officers were not social workers and having social workers do what they do best allowed the officers to do what they do best.

Councilmembers Neese expressed his concern about the mills for community social service partners; the plan ready for implementation should the voters approve the PSML; and whether the mills would continue into the future. He asked if those mills should be separated from the other mills. Mr. Kukulski responded that if the voters approved the 2 mills for the partners in November, there was an entire year to develop an implementation plan. He reminded Council that it was their determination of how many mills to ask the voters to approve and how to use them through the annual budgeting process.

Councilmember Ronning asked Chief St. John if he anticipated an increase in substance abuse issues with recreational marijuana usage. He responded affirmatively and provided statistics provided by a regional task force wherein the states of Washington, Oregon and Colorado were a part. He continued that the State had increased their lab capacities for additional blood samples and the revenues to the State would be used for substance abuse fallout. He stated it will drastically affect the police department with increased DUIs. Councilmember Ronning added that perhaps the \$400,000 could be used toward a sobering center to deal with the influx of DUIs. Chief St. John responded that a sobering center would function outside of law enforcement and if the Court wanted to offer that to a defendant and divert them out of the system, he was supportive of that solution.

Councilmember Choriki excused himself at approximately 9:52 pm.

Councilmember Shaw called the question, seconded by Councilmember Joy. Councilmember Choriki rejoined the meeting at approximately 9:58 pm. By a show of hands vote, the motion to call the question failed 4-7, Councilmembers Yakawich, Neese, Ewalt, Purinton, Ronning, Brown and Mayor Cole opposed. Discussions continued.

Councilmember Purinton asked whether the Police Chief saw Billings as a haven for parolees because Billings offered so many social services. Chief St. John responded affirmatively and added there were a lot of probationers and parolees that came to Billings because it was the only city in Montana that offered a sex offender treatment program. He also noted that Billings had first-rate medical centers, great commerce, and events that brought people from other cities to Billings.

Councilmember Shaw expressed her frustration and confusion as to why Council did not appear ready to move forward on the item. She stated they had heard the message, reviewed the numbers and had access to staff and presentations for months and yet belabored making a decision.

Councilmember Ronning called point of order.

Mayor Cole reminded Council that the vote was on the black and white language of what was brought to them by staff, regardless of individual councilmembers' opinions during discussion on how to utilize the mills.

Mayor Cole called for a recess at 10:03 pm.

Mayor Cole reconvened the meeting at 10:09 pm.

Council discussions continued regarding the CPSM reports, changes to be made considering the reports' findings and the mill levy ask.

Councilmember Choriki added that Billings has a hard cap on the number of mills it can levy and therefore the process to go to the voters for an increase was necessary. He stated that the size of the City had grown 300% since the Charter's adoption in 1972 and with that growth came needs. He continued that the increased rate of crime in the City indicated that the growth was outpacing the City's resources. He reiterated that the Police Department was doing an excellent job "with the resources they were given", but they were being asked to do more than they had resources to do. He spoke in favor of the 2 mills for social services and the need for more preventative measures to curb the pressures felt by the justice system.

Councilmember Ronning stated she had been pleading for a PSML for the past three years and now a plan was before Council, and it was time to act.

Councilmember Purinton stated she realized the Police Department, 911 Center and Fire Departments needed more resources, but there were some aspects of the PSML she did not agree with, but she would support it and let the voters decide.

Councilmember Brown stated the plan for the PSML was well-laid and voiced his support.

Councilmember Boyett stated his appreciation for the CPSM reports which gave good data and helped the Police and Fire Departments develop efficiencies. He voiced his support because now there was a plan for how the mills would be used.

Mayor Cole stated the process to reach this point had been better and that Council understood the challenges better. He voiced his support and stated there would still be inadequate jail space, beyond the City's control. He encouraged staff to work with the County toward improving that challenge.

By a show of hands vote, the motion to approve Regular Agenda Item 6a was approved, 10-1, Councilmember Ewalt voted in opposition.

Councilmember Yakawich moved for approval of a resolution providing ballot language for the November 2, 2021 General Election ballot, as recommended by staff, seconded by Councilmember Boyett. By a show of hands vote, the motion was approved unanimously.

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.

- **Dennis Ulvestad, 3040 Central Avenue, A102, Billings, Montana,** stated it would be cheaper for the City to run small rescue trucks for most calls for help rather than fire engines and asked the City to consider that option.
- **Wanda Burns, 1224 Watson Peak Road, Billings, Montana,** stated the City needed to do more to protect parking spaces for the disabled because they were being taken by Uber Eats drivers, and other fast food drop-off services. She noted that the current fine was \$100 in Billings; Seattle’s current fine was \$450, and repeat offenders were fined \$1,000 and jail time; and Portland’s fine was \$265 and expected to increase in the near future.

Councilmember Yakawich asked Police Chief St. John what the department could do in apprehending offenders. Chief St. John stated that it was enforceable when observed, but if it was happening in private parking lots it was more challenging. He added that the fines had not increased for a long time. Councilmember Purinton stated the City should consider increasing their fines as a deterrent to bad behavior.

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

COUNCIL INITIATIVES:

Councilmember Choriki spoke about the election process and stated it needed to be changed, but he would not force the issue of paying for a primary election because he did not believe it would be supported by the Council.

There were no Council initiatives.

Mayor Cole thanked Library staff for their assistance during the past months while hybrid meetings were held in the Roybal Johnson Community Room.

There was no further business, and the meeting adjourned at 10:36 pm.



CITY OF BILLINGS:

By: William A Cole
William A. Cole, Mayor

ATTEST:

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