

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

October 11, 2021

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Deputy Mayor Yakawich called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer until Mayor Cole arrived at 6:31 p.m. Councilmember Ronning gave the invocation.

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

MINUTES:

September 13, 2021 – Councilmember Neese moved to approve, seconded by Councilmember Purinton. On a voice vote, the motion was unanimously approved.

September 27, 2021 – The Minutes were pending.

COURTESIES:

Councilmember Joy acknowledged Elyse Monat, Alternative Modes Coordinator, and volunteers that came to Burlington School for "Kids in Motion" and helped with bicycle repairs.

Councilmember Ronning stated she attended the candidates forum at the Alberta Bair Theater and said it was a spectacular facility and she encouraged everyone to support the ABT.

PROCLAMATIONS:

Deputy Mayor Yakawich proclaimed October 11, 2021, as Indigenous Peoples Day. He provided the proclamation to Ada Bends, Tobacco Woman, a member of the Big Lodge Clan, from the Valley of the Chiefs (Lodge Grass).

COUNCIL REPORTS:

Councilmember Purinton stated she attended a recent Bike and Pedestrian Committee meeting and invited Elyse Monet, Alternative Modes Coordinator, to provide a brief presentation concerning the Safe Routes to Schools interactive survey on the website.

Councilmember Joy stated the Community Development Board recently toured the Low-Barrier Shelter and stated that an application for ARPA Funds may be coming to Council for approval.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated there were no ex parte communications received concerning the agenda.

Mr. Kukulski reminded Council and the Public about a public meeting on Wednesday, October 13th, 5:30 PM to 6:30 PM, at the Billings Public Library concerning the marijuana regulations ordinance and directed their attention to the City's website to locate more information.

Mr. Kukulski advised that Public Safety Mill Levy information could be located on the City's website in three different locations from the Home Page.

Mr. Kukulski explained the collaboration between State, County and City with the Violent Crime Reduction Program / ARPA matching funds and possible resolution to be brought to Council in the future.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 3 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. 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.)

The public comment period was opened.

- **David Goodridge, 129 Avenue D, Billings, Montana**, in reference to Councilmember Ronning's proposed Council Initiative concerning a Charter review, offered his support. He also addressed Regular Agenda Item 3, stated he was afraid that if the City proceeded with purchasing the Stillwater Building it would later create a financial crisis in which there could be layoffs. He added that he did not want private property owners to compete for tenants with the City. He asked Council to wait until after the results of the election were known.
- **Randy Hafer, 702 North 23rd Street, Billings, Montana**, in reference to Regular Agenda Item 3, encouraged the Council to approve the purchase of the Stillwater Building, stating it would be sufficient in providing the City space for the next 50-100 years. He supported the committee's decision to recommend the purchase of the Stillwater Building.

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

1. **CONSENT AGENDA:**

A. Mayor Cole recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Billings Parking Board*	10/11/21	12/31/22
2	David Goss	City Zoning Commission*	10/11/21	12/31/23
3	No Applications	Housing Authority Res Comm Family*	10/11/21	12/31/21
4	Phyllis Crawford	Housing Authority Res Comm Elderly*	10/11/21	12/31/22
5	Darrell Lamere	Human Relations Commission*	10/11/21	12/31/22

B. **Bid Awards:**

1. **W.O. 21-23: Police Shooting Range Improvements.** (Opened 8/17/21) Recommend Weave Construction; \$574,048.
2. **Five-Year Tire Mileage Lease for MET Transit.** (Opened 9/07/21) Recommend Goodyear Tire & Rubber Company; \$18,179.22 First Year.
3. **Residential Snow Plowing.** (Opened 9/21/21) Recommend K2 Civil, Inc.; \$249.00 per hour/blade.

C. **Media Marketing Consultant Services Contract** for Public Works Department; Lee Newspaper Enterprises, Inc.; \$130,000/year.

D. **Commercial Aviation FBO Ground Lease**, 25-year term with BAG Billings, LLC, October 1, 2021 through September 30, 2046.

E. **West End Hangar Ground Lease**, 25-year term with Monarch Limited of Montana, LLC, October 1, 2021 through September 30, 2046; revenue first year \$11,029.56; revenue subsequent years adjusted by CPI-U.

F. **Acceptance** of FY21 Homeland Security Grant for Billings Regional HazMat Team; \$40,000.

G. **Acceptance** of FY21 Homeland Security Grant for Billings Police Department Bomb Squad; \$100,000.

H. **Amended Plat** of Olympic Park Subdivision.

I. **Second/Final Reading Ordinance 21-5779** expanding Ward IV (Annexation 21-10): a parcel located south of Sweetgrass Creek Drive between 54th and 58th Street West.

J. **Second/Final Reading Ordinance 21-5780** expanding Ward V (Annexation 21-11): a parcel located between South Frontage Road and Trade Center Avenue.

K. **Bills for the Weeks of:**

1. September 7, 2021
2. September 13, 2021

Councilmember Purinton separated Consent Agenda Items 1A1, 1C, and 1E, for discussion.

Councilmember Brown separated Items 1K2 to abstain, stating his employer was a beneficiary.

Councilmember Boyett moved for approval of the entire Consent Agenda with the exception of Items 1A1, 1C, 1E and 1K2, seconded by Councilmember Shaw.

Councilmember Ewalt asked how much money was leftover from the year before for residential snow plowing. Jennifer Duray, Public Works Deputy Director, stated it was approximately \$300,000, but she was not certain. She explained that savings reduced the amount needed this year and that was considered by Council during the street maintenance fees conversations in June. Councilmember Ronning clarified that residents paid \$6.22/yr. for the service. Councilmember Neese asked about whether gates were optional so snow would not block residents' driveways. Ms. Duray responded that gates are on all the equipment, however, some operators were not as skilled as others when using them. Councilmember Ewalt followed by asking whether plows could be pulled from areas that did not receive much snow to save money. Ms. Duray responded that differences in the depth of snow received throughout the city was analyzed, but Public Works received complaints either way whether plowing occurred or not.

Councilmember Boyett, in reference to Consent Agenda Item 1G, asked how the \$100,000 grant from Homeland Security would be used. Police Chief St. John stated the City of Billings had been the beneficiary of Homeland Security monies for the past 11 years and the monies were used to support the regional bomb squad with equipment and training.

Councilmember Choriki, in reference to Consent Agenda Item 1B1, asked how many funds were received and expended over the past several years. City Administrator, Chris Kukulski, stated he would include that information in a future weekly report.

Councilmember Ronning acknowledged the grant received by the Fire Department in Consent Agenda Item 1F. A representative from the Fire Department stated the funds were used to renew consumables such as Personal Protective Equipment (PPE), etc.

On a voice vote, the motion was unanimously approved.

Councilmember Purinton, in reference to Consent Agenda Item 1A1, noted the Mayor's recommendation for appointment to the City Zoning Commission had extensive zoning experience. She wanted to know what direction the Mayor was going with appointments to various boards and commissions. Councilmember Neese moved to approve Consent Agenda Item 1A1, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

Councilmember Purinton, in reference to Consent Agenda Item 1C, stated it was difficult to approve an RFP without being involved in the processes for other RFPs. Jennifer Duray, Public Works Deputy Director, explained the RFP process and named the members of the selection committee and their qualifications. She explained that the Public Works Department controlled how and on what type of media the money would be spent. Councilmember Shaw moved to approve Consent Agenda Item 1C, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

Councilmember Purinton moved to approve Consent Agenda Item 1E, seconded by Councilmember Neese. Kevin Ploehn, Aviation and Transit Director, explained it was a new lease and there was a necessity to have very large hangars available, which the airport property did not currently have. On a voice vote, the motion was unanimously approved.

Councilmember Neese moved to approve Consent Agenda Item 1K2, seconded by Councilmember Boyett. On a voice vote, the motion was approved 9-0, Councilmember Brown abstained and Mayor Cole was absent.

Mayor Cole arrived at 6:31 P.M. and assumed responsibility of the meeting. He mentioned he had been to the Library for a celebration of the bond pay-off for the new library building.

REGULAR AGENDA:

2. PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5781 FOR ZONE CHANGE 998: a zone change for a new Mixed Residential Planned Neighborhood Development zone change consisting of N3, N2, N1, NX1 and Public 1 zone districts on a recently annexed 53.45 acre parcel south of Rimrock Road, west of 54th Street West and east of 58th Street West (Annexation 21-10). Dan Wells d/b/a Regal Land Development, Inc., owner. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

Wyeth Friday, Planning Director, provided a PowerPoint presentation consisting of various maps indicating mixed zoning. He noted that the zone change had been approved by the Council upon first reading on September 27, 2021.

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

Councilmember Neese moved for approval of the second reading ordinance for Zone Change 998 and adoption of the 10 criteria as recommended by the Zoning Commission, seconded by Councilmember Shaw. On a voice vote, the motion was unanimously approved.

**3. APPROVAL of Purchase and Sale Agreement with WC Commercial for the Stillwater Building;\$13,500,000. Stillwater Building Negotiation Committee recommends approval. (Action: approval or disapproval of Stillwater Building Negotiation Committee recommendation.) APPROVED 10-1, RONNING
OPPOSED**

Kevin Iffland, Assistant City Administrator, provided a PowerPoint presentation stating the RFP process had been in place for the past 2 years in which many properties had been vetted. He reviewed the pros and cons of acquiring the property. He stated that the other properties would not provide the advantages of the Stillwater Building.

Gina Dahl, City Attorney, stated the agreement and closing documents were in order and the closing was scheduled for Friday, October 15, 2021. She stated the due diligence period ended September 30, 2021.

Jessica Iverson, Building and Facilities Manager, provided specific information about available square footage, costs of improvements and buildout. She reviewed the various aspects of the building that were inspected and by whom. She provided the due diligence findings, stating there was approximately \$7 million in total recommended repairs, and that the City had \$3.5 million budgeted for those repairs. She stated the building was structurally sound. She stated that some of the repairs could be deferred 5 to 10 years depending on the performance of the existing systems. She reviewed possible leasable areas.

Andy Zoeller, Finance Director, reviewed the financial aspect of the purchase and stated the total amount with purchase price, infrastructure upgrades, architecture costs and estimated buildout with a contingency at 12.5% was approximately \$29.6 million. He reviewed the sources of the funding using excess General Fund Reserves, departmental buildout contributions, and ARPA funds for public safety buildout for Code Enforcement, Municipal Court, Police and Legal Departments only. He reviewed the General Fund balance and stated that due to CARES act funds, the General Fund had increased its reserves substantially.

Jessica Iverson, Building and Facilities Manager, reviewed projected rent revenues and expenses, stating the City could expect to collect an additional \$1.1 million in annual rent based on the County's lease rate. She provided the current operation and maintenance costs and current facilities charges for City Hall, Miller Building and the Depot. Ms. Iverson gave an estimated project timeline.

Chris Kukulski, City Administrator, spoke to the 2020 Public Safety Mill Levy recommendation vs. 2021 Public Safety Mill Levy recommendation, and explained the reduction to the ask to the taxpayers was due to CARES act monies. He discussed the facility needs of the City and encouraged Council to approve the purchase now, rather than wait until after the election.

Councilmember Yakawich moved to approve the purchase and sale agreement with WC Commercial for the Stillwater Building, seconded by Councilmember Shaw.

Councilmember Ronning asked whether a study had indicated a new city hall was needed. Mr. Kukulski responded there had been a facilities study conducted in 2017 which outlined the overall needs for additional space. Councilmember Ronning asked about parking options and plans for the old City Hall building. Mr. Kukulski stated employees would continue to use the Park 3 garage and he anticipated the City Hall building would be placed on the market to sell. Discussions continued concerning wants and needs and identifying funding. Mr. Kukulski stated purchasing the Stillwater Building presented a unique one-time opportunity to provide the City with ample space to grow for decades.

Council and staff discussions continued concerning buildout costs; filling vacant space; tax exempt status and the passage or failure of the public safety mill levy and its impact on the purchase.

Councilmember Shaw stated the purchase of the building would solve the facility needs for the justice system and public safety, but the levy needed to pass too to

address everything, and she saw the two issues as a package deal. She supported the motion.

Councilmember Ewalt mentioned there were many redundancies built into the Stillwater Building because it was originally a federal building, i.e., heating and cooling systems, plumbing and water systems and that it would be very difficult to locate another building or build one with those redundancies in place. He said that was a little known fact that added real value and was a big selling point. He voiced his support for the motion.

Councilmember Neese voiced his support for the motion. He stated he was concerned about the age of the building and competing with private lease space.

Councilmember Yakawich thanked the members of the committee for their hard work and dedication toward a solution that addressed the City's facility needs. He stated the purchase was an investment in the future. He added that there was a backup electrical grid in the Stillwater Building, too and was impressed with all the efficiencies of the building.

Mayor Cole spoke to the buildout costs, increased utility expenses, the future sale of City Hall, parking needs, etc. He voiced his support for the motion stating the needs were now and the building was available to meet those needs now.

Councilmember Joy stated the building's architectural style was "brutalist" meaning "unfinished". She stated she would support the motion.

Councilmember Ronning stated she wanted Billings to move forward and its buildings to be representative of Billings. She had heard from some that the building was in good shape "for its age" and that in 50 years the City would have an even older building. She agreed that space was needed but was sad the City was settling on this building. Councilmember Ronning stated she would not support the motion.

Councilmember Choriki voiced his support for the motion. He spoke about the public / private lessors and stated the City had an interest in occupying a building that may remain mostly vacant for many years, if the City did not acquire it. He said the building's first floor could be used to create something exciting. He said if the City had to build new, it would be built to suit only the current needs and on a tight budget. The purchase of the Stillwater Building made sense.

Councilmember Purinton stated the building was a standout and she was excited about the building and the space it would offer the City's employees that were currently working in cramped spaces and in the basement of City Hall. She voiced her support for the motion.

On a voice vote, the motion was approved 10-1, Councilmember Ronning voted in opposition.

Mayor Cole called for a recess at 7:40 P.M.

Mayor Cole reconvened the meeting at 7:50 P.M.

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, 78 27th Street West, Apt. 122, Billings, Montana,** stated he was concerned about the traffic at Central Avenue and 8th Street to Broadwater Avenue. He asked if the traffic speed could be increased from 25 mph to 35 mph to keep traffic moving.
- **Catherine Card, 2815 4th Avenue South, Billings, Montana,** stated her appreciation to the Council for their dedication. She stated she appreciated that the Police Department implemented a better permitting process for future motorcycle runs and rallies. She stated that the City had not provided proof against her allegations that the Police Department or members of it were involved with local motorcycle gangs.

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

Councilmember Brown responded to Ms. Card, stating the allegations had been investigated and were found to have no merit. He said some changes had been made as Ms. Card acknowledged. Videos were reviewed by the Legal Department and it was determined there was not enough evidence to pursue charges. He stated Chief St. John responded to Ms. Card appropriately. He said it was time to “put this matter to bed”, the investigation was finished, and due diligence had been done. He asked that the slanderous comments about police officers end. Councilmembers Purinton and Neese agreed and voiced their satisfaction with the report from Chief St. John.

COUNCIL INITIATIVES:

Councilmember Ronning moved to direct staff to invite Dan Clark, Local Government Center, to a future work session to educate Council of the process of reviewing the City Charter and bring a resolution establishing a City Charter Review Committee, seconded by Councilmember Neese. Council discussed costs of hiring an outside study commission. It was determined that a study commission had reviewed the Charter in 1994-1995 and it went to the voters in 2004 and 2014, but the voters did not pass changes to the Charter.

Councilmember Joy stated she could not support the initiative as written. She wanted more education before deciding that a local review committee was the best option. Councilmember Ronning countered that a resolution would come to a work session at which time Council would have the opportunity to amend the language before adoption at a regular business meeting.

Councilmember Purinton agreed it was a good idea to review the Charter, but more education was necessary before deciding to pass a resolution establishing a review committee. She asked that Dan Clark be invited to a work session to advise Council of its options and then Council could decide whether a resolution was necessary.

Mayor Cole stated he was hesitant, too.

Councilmember Neese asked Councilmember Ronning if she would consider amending her initiative, removing the language about a resolution establishing a City Charter Review Committee, until after a visit with Dan Clark. Then Council could discuss how best to proceed. Councilmember Ronning agreed and amended the motion, removing "a resolution establishing a City Charter Review Committee, seconded by Councilmember Neese.

Councilmember Brown voiced his support to have the Charter reviewed.

Councilmember Ronning reminded Council that no matter what was decided now, the subject would be placed on the ballot in 2024 due to State law for voters to decide.

On a voice vote, the motion was approved unanimously.

Mayor Cole acknowledged the Proclamation read at the beginning of the meeting and noted that Columbus Day was now declared as both Columbus Day and Indigenous Peoples Day by the Federal government. He stated that Heritage Day might be a consideration to recognize the contributions of all people. He stated it was his intention to bring a future initiative or resolution to Council to change the name of the day to Heritage Day in the City of Billings.

There was no further business, and the meeting adjourned at 8:30 pm.

CITY OF BILLINGS:



By: William A Cole
William A. Cole, Mayor

ATTEST:

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