

City Council Work Session

Virtual Meeting - 5:30 PM
Tuesday, January 19th, 2021

ATTENDANCE:

Mayor/Council (please check) X Cole, X Shaw, X Yakawich, X Neese,
X Ewalt, X Joy, X Choriki, X Purinton, X Ronning, X Boyett, X Brown
CM excused: None

ADJOURN TIME: 11:28 PM

Agenda

	Legislative Update
PRESENTER	Chris Kukulski, City Administrator
NOTES/OUTCOME	

- **Chris Kukulski:** Provided an update of Legislative topics concerning the City.

TOPIC #1	COVID-19 Update by Unified Incident Command
PRESENTERS	John Felton, Yellowstone County Health Officer
NOTES/OUTCOME	

- **John Felton:** Gave updated numbers of in-patient numbers, COVID positive numbers, and vaccine availability.
- Council discussed various vaccine manufacturers, and vaccination updates.
- **Public Comment:**
- **Ellen Mellor, 2695 Southridge Dr., Billings, MT 59102,** stated she was recently diagnosed with COVID-19 and was getting her care through RiverStone Health. She stated the community had reacted very negatively toward RiverStone and she stated she has had nothing but the best care from their staff.

TOPIC #2	MDT 27th Street Railroad Crossing Study Alternatives
PRESENTERS	Wyeth Friday, Planning Director Debi Meling, Public Works Director Rod Nelson, MDT Representative Tim Erickson, HDR Engineering
NOTES/OUTCOME	

- **Debi Meling:** Gave a history and named several projects that are coming up.
- **Rod Nelson:** Stated it was time for the community to provide comments on the study.
- **Tim Erickson:** Explained that the railroad crossing at the 27th Street was the busiest railroad crossing in the State. He stated that in 2016-2018 there were 36 trains per day and 6 switching trains per day. He stated most of the weekday wait times were about 6 minutes and weekend was about 4 minutes. He discussed short term alternatives, over and/or under 27th Street options, costs, and long-term alternatives. He reviewed the community outreach meetings and participation results.
 - Councilmember Yakawich indicated 21st Street needed improvements and may be a good option for the project. Ms. Meling indicated there were challenges to developing 21st Street due to depth issues.
 - Council discussed costs of each option, impact studies, traffic and pedestrian accident results, economic impacts and first responder access.
- **Public Comment:**
 - **Paul Schoemer, 1223 Princeton, Billings, MT,** stated he was not in favor of an underpass and stated it was prohibitive. He preferred a 4-lane overpass. He stated it was very important that EMS services be able to get to their destinations and not be hindered by waiting for trains.
 - **Eric Schmidt, 2915 2nd Ave. S., Billings, MT,** stated he was the Chair for Yellowstone Valley Citizens Council, and they were not in support of either option given. It would severely impact the area, neighborhoods and pedestrians. The YVCC would support a non-build option and asked that Council move for more options to be considered.
- **Shaw:** Moved to direct staff to work on tunnel option only, seconded by Ronning.
- Ms. Meling indicated MDT would be given that feedback.
- **Boyett:** Made a substitute motion to continue to research all options, seconded by Councilmember Purinton.
- **Wyeth Friday, Planning Director,** spoke of various routing and signage options that could be implemented. He reminded Council of the 27th Street pedestrian project that had been way over budget. He indicated DBP staff had indicated concern with an overpass.

Council consensus: continue researching options for build options and impacts involved.

Recess at 7:27 PM. Reconvene at 7:38 PM.

TOPIC #3	Massage Therapy Business License Ordinance
PRESENTER	Chris Kukulski, City Administrator Gina Dahl, Interim City Attorney Stephanie Baucus, Yellowstone County Area Human Trafficking Task Force
NOTES/OUTCOME	

- Chris Kukulski gave a history of the 2017 Initiative. He indicated the 2018 working group developed a draft after reviewing dozens of ordinances.
- Stephanie Baucus reviewed the issues Illicit Massage Businesses (IMB's) had caused, how to identify, FBI statistics showed the City at a much higher number of IMB's due to website advertisements. She reviewed money made through IMB's and crimes involved, why they were hard to shut down, illicit websites and advertisements.
- Chris: reviewed various Massage Facilities Business License Ordinances from other cities, and proposed changes to the Business License Ordinance application process. He explained how the ordinance would help regulate legitimate businesses and discourage / disrupt illegal activity.
- Gina Dahl gave an overview of renewal of licenses, and denial, revocation or suspension of licenses, code enforcement involvement , violation/penalties, and affirmative defenses.

Council discussed how home massage businesses would be affected by the proposed business license ordinance. Gina Dahl indicated additional language could be added to address the issue.

Chris: indicated there had been a language requirement outlining illicit acts, but it had been requested that the requirement be removed.

Gina: explained the process of drafting the ordinance, various meetings, and people involved in the process. She indicated several massage therapists had attended and staff had tried addressing issues as best as possible.

Ronning: reviewed the meetings that had occurred, and the people involved in the ordinance drafting.

Chief St. John: explained the Police departments role in policing the illicit businesses and how they would provide support for Code Enforcement.

Council asked for clarification on how the ordinance would affect landlords.

Gina: staff was working on adding something that could require a notarized statement signed by landlord ensuring appropriate conduct and compliance with the law.

Public Comment:

- **Teresa Thormahlen, 2725 Cornell Circle, Billings, MT**, asked about revenue generated by business licenses to help fund the departments needed to address the issue. She indicated a tax on all residents would be fairer.
- **Brittney Homer, 1150 Bluegrass West, Billings, MT**, spoke in support of the ordinance.
- **Linda Nielsen, 5717 Mountain Front, Billings, MT**, spoke in favor of the ordinance and how it could help end human trafficking.
- **Carey Fleming, no address given, Billings, MT**, spoke of the ease of having fingerprints and background checks done and indicated it was worth the inconvenience for helping victims of human trafficking.
- **Deanna Young, 2116 Broadwater Avenue, Billings, MT**, spoke against the ordinance.
- **Melanie Tripp, Human Trafficking Task Force**, spoke in support of the ordinance.
- **Lynda Larvie, 208 Lewis Avenue, Billings, MT**, explained medical terminology terms used by massage therapists and spoke against the ordinance.
- **Elizabeth Olivo, 3631 Colin Drive, Billings, MT**, spoke in favor of the ordinance.
- **Joe Olivo, 3631 Colin Drive, Billings, MT**, spoke in support of the ordinance.
- **Jennifer Roth, 611 Burlington Avenue, Billings, MT**, spoke about the lack of representation for License Massage Therapist (LMT's). She spoke against the ordinance.
- **Tiffany Wardell, 1309 Daybreak Drive, Billings, MT**, spoke in favor of the ordinance.
- **Kate Freedman, 3835 Avenue E, Billings, MT**, spoke in support of the ordinance.
- **Eric Hart, 2009 Patricia Lane, Billings, MT**, spoke against the ordinance.
- **Zach Jokela, 530 Avenue D, Billings, MT**, indicated the ordinance had too many loopholes and suggested expanding it to include all licensed businesses.
- **Desta Fix, 662 Aries Avenue, Billings, MT**, spoke against the ordinance.
- **Alex Jokela, 8705 Long Meadow Drive, Billings, MT**, spoke against the ordinance.
- **Theresa Vondra, no address given, Billings, MT**, spoke against the ordinance.

Councilmember Ewalt suggested continuing the discussion to a future Work Session.

Council discussed limiting public comment to 1 minute.

Council discussed moving Consent Agenda Item's #4 and #5 to a future Work Session.

Councilmember Choriki made a motion to remove Consent Agenda Item's #4 and #5 from the agenda and add them to a future Work Session, seconded by Councilmember Boyett. Approved unanimously.

Council suggested allowing Special FBI Agent, Brandon Walter to speak.

Brandon Walter, FBI Special Agent, spoke of the Illicit Massage Businesses in Billings, gave an overview of the issues Law Enforcement had with establishing a case against the businesses. He spoke of how Billings was being advertised as an easy place to operate an IMB and the resources available.

Council discussed how IMB's were currently being handled and how the ordinance could help address the issues.

Public comment continued:

- **Deborah Kimmet, Missoula, MT**, massage advocacy group member, spoke of the issues with the ordinance and indicated there were other ways to address the issue.
- **Caleb Scotson, no address given, Billings, MT**, indicated he did not think the ordinance would be sufficient in solving the IMB issue.
- **Nicole Holm-Mikkelson, no address given, Billings, MT**, spoke against the ordinance.
- **Susan Carlson, 13th Street West, Billings, MT**, indicated there was another way to end the human trafficking sex trade and di not support the ordinance.
- **Skelly Adkins, no address given, Billings, MT**, indicated illegal businesses would go elsewhere and did not support the ordinance.

Councilmember Yakawich made a motion to direct staff to place the topic on a future business meeting, seconded by Councilmember Ronning.

Recess at 10:24 PM. Reconvene at 10:30 PM.

Mayor Cole: asked staff to address questions asked during public comment.

Chris: will not receive additional money to cover enforcement from this ordinance.

Gina: Section regarding locks; exterior doors remain unlocked during sessions, some exceptions listed. Exceptions may be granted by license administrator.

Stephanie: Special Agent Walter cannot comment on ethical question but very clear it will reduce IBM's. Other cities have seen reduction. She addressed fraudulent licensing and encouraged Council to address the issues with IBM's.

Council discussed how code enforcement would address various issues, the City website complaint map, and ordinance language. Councilmember Ronning spoke the specific requirements of current City Code regarding hours of operation, clothing, etc.

Wyeth: indicated those items were not currently in City Code and adding them would help provide a way to enforce compliance.

Council spoke of how to provide changes to the draft ordinance, and the need for a work session or a subcommittee for further discussion.

Councilmember Ewalt: substitute motion to bring topic back to a future work session, seconded by Councilmember Purinton.

Councilmember Neese called the question. Approved unanimously.

Substitute motion: Failed 3-8, Councilmembers Shaw, Yakawich, Neese, Joy, Ronning, Boyett, Brown and Mayor Cole

Councilmember Neese called the question. Approved unanimously.

Original Motion: bring ordinance back to a business meeting after proposed edits have been received. Approved 9-2, Councilmembers Purinton and Ewalt opposed.

Councilmember Neese suggested having a few Councilmembers work with staff to compile proposed edits. Mayor Cole, Councilmembers Purinton, Choriki and Ronning volunteered.

TOPIC #4	Human Relations Commission Annual Report
PRESENTER	Kody Christensen-Linton, Downtown Billings Alliance, Resource Outreach Coordinator
NOTES/OUTCOME	

TOPIC #5	Yellowstone County HazMat Response Plan - Updated
PRESENTER	K. C. Williams, Yellowstone County Disaster and Emergency Services Director
NOTES/OUTCOME	

TOPIC #6	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- Ewalt: hold meetings in the Community Room of the Library. Chris Kukulski: Gavin is researching. Equipment needed. Mayor Cole: need written protocols regarding public participation and safety. Several Councilmembers indicated a desire to meet in person.
- Ronning: email headshots to wynnette for Council picture? Chris: correct.

- Choriki: too early to relax about Covid numbers.

TOPIC #7	Public Comment on Items Not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- None