

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
August 8, 2022**

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, at 5:30 PM.

Present: Councilmember Kendra Shaw, Ward I  
Councilmember Ed Gulick, Ward I  
Councilmember Roy Neese, Ward II  
Councilmember Jennifer Owen, Ward II  
Councilmember Denise Joy, Ward III  
Councilmember Danny Choriki, Ward III  
Councilmember Daniel Tidswell, Ward IV  
Councilmember Pam Purinton, Ward IV  
Councilmember Mike Boyett, Ward V  
Councilmember Tom Rupsis, Ward V  
Mayor William Cole

Staff Present: Chris Kukulski, City Administrator  
Kevin Iffland, Assistant City Administrator  
Gina Dahl, City Attorney  
Toni Keehner, Deputy City Clerk  
Debi Meling, Public Works Director  
Jennifer Duray, Public Works Deputy Director

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Neese

**MINUTES:**

- June 27, 2022

Moved by Councilmember Tidswell, Ward IV  
Seconded by Councilmember Boyett, Ward V

**APPROVED 11-0**

- July 25, 2022 - Pending

**COURTESIES:**

- Mayor Cole and his wife recently visited Woodstock, Vermont, home of Frederick Billings, the namesake of Billings, Montana.

**PROCLAMATIONS:**

- Mayor Cole proclaimed August as Healthy Tribes Wellness month.

**COUNCIL REPORTS:**

- Councilmember Joy spoke of the Community Development Block Grant funding and grant opportunities. She indicated the August 2022 Class of Billings Metro Vistas had been chosen. She spoke of the Governor’s Task Force on Housing. She also indicated the money Council had set aside for affordable housing development was still available.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Indicated he did not have any items this evening.
- There were no ex parte communications concerning items on the agenda.

**Motion:** I move to add a Public Comment period for Non-Agenda items after the Administrator’s Report and before Public Comment period on Non-Public Hearing items for up to 3 minutes or for a time appropriate as set by the Mayor.

Moved by Councilmember Neese, Ward II  
Seconded by Councilmember Gulick, Ward I

**APPROVED** 11-0

**PUBLIC COMMENT on NON-AGENDA ITEMS.** (Added to the Agenda)

The following individuals spoke:

- **Kari Jones, 5024 Hoskins Road, Billings, MT**, spoke of concerns regarding the coffee shop with baristas wearing bikinis.
- **Sally Armstrong, 3235 Dover Road, Billings, MT**, spoke of concerns regarding the coffee shop with baristas wearing bikinis.
- **Ming Cabrera, 1735 Poly Drive, Billings, MT**, spoke of concerns regarding the Steady Grinding Bikini Barista coffee shop.
- **Wesley Dunn, Dorothy Lane, Billings, MT**, encouraged Council to write down the name Anthony William Felton.
- **Amber Dunn, Dorothy Lane**, agreed with concerns regarding the coffee shop with baristas wearing bikinis. She spoke of crime issues in her neighborhood and asked Council to help keep children safe.
- **Jacalyn Mercia, Dorothy Lane, Billings, MT**, spoke of the crime issues in her neighborhood.
- **Shawn Callihan, Dorothy Lane, Billings, MT**, spoke of the crime issues in his neighborhood.

There were no further speakers.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 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.)

There were no speakers for public comment.

**1. CONSENT AGENDA** -- Separations: 1A1 and 1F1

- Councilmember Purinton separated Item 1A1 for discussion. She also separated Item 1F1 to abstain due to personal business involvement.

**A. Bid Awards:**

1. **Terrace Estates.** (Opened 5/3/22) Recommend rejecting all bids.

Council asked for clarification on the staff recommendation to reject the bid. Chris Kukulski, City Administrator, explained concerns with the property and indicated the Boyers had withdrawn their offer after meeting with staff.

Moved by Councilmember Shaw, Ward I  
Seconded by Councilmember Neese, Ward II  
**APPROVED** 10-1  
NO: Councilmember Purinton, Ward IV

**B. Contract** with Swank Enterprises for WO 22-37: Landfill Drop-Off Building Repairs.

Moved by Councilmember Tidswell, Ward IV  
Seconded by Councilmember Boyett, Ward V  
**APPROVED** 11-0

**C. American Rescue Plan Act (ARPA)** Minimum Allocation Grants.

Moved by Councilmember Tidswell, Ward IV  
Seconded by Councilmember Boyett, Ward V  
**APPROVED** 11-0

**D. Agreement** for Right of Way Dedication with Birely Drain District for Trails West Subdivision, 5th Filing.

Moved by Councilmember Tidswell, Ward IV  
Seconded by Councilmember Boyett, Ward V  
**APPROVED** 11-0

**E. Preliminary Subsequent Minor Plat** of Emma Jean Heights Subdivision, 4th Filing, 1st Amended; conditional approval and adoption of the findings of fact. \*Quasi-Judicial

Moved by Councilmember Tidswell, Ward IV  
Seconded by Councilmember Boyett, Ward V  
**APPROVED** 11-0

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

1. June 24, 2022

Moved by Councilmember Joy, Ward III  
Seconded by Councilmember Neese, Ward II  
**APPROVED** 10-0  
Abstained: Councilmember Purinton, Ward IV

2. July 4, 2022

Moved by Councilmember Tidswell, Ward IV  
Seconded by Councilmember Boyett, Ward V  
**APPROVED** 11-0

3. July 11, 2022

Moved by Councilmember Tidswell, Ward IV  
Seconded by Councilmember Boyett, Ward V  
**APPROVED** 11-0

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC 22-500, Street Maintenance Districts.

Jennifer Duray, Public Works Deputy Director, gave a brief presentation of the proposed amendments.

Council discussed how the amendments would affect arterial rates. They questioned the right to protest procedures and legal requirements.

No public testimony was given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance amending BMCC 22-500, Street Maintenance Districts.

Moved by Councilmember Boyett, Ward V  
Seconded by Councilmember Shaw, Ward I

Chris Kukulski, City Administrator, discussed the statute and how constituents could make a formal protest. Council discussed the terminology in the ordinance amendments and how protest percentages were measured. Gina Dahl, City Attorney, indicated she was satisfied that the amendments were being done appropriately.

**APPROVED** 11-0

**3. PUBLIC HEARING AND RESOLUTION 22-11038** setting FY23 annual assessments on Street Maintenance District.

Jennifer Duray, Public Works Deputy Director, gave a presentation of the FY 2023 Street Maintenance District (SMD) fees. She gave an overview of the road budgets, and combined SMD 2 and arterial assessments. She reviewed the Council discussion from the July 18, 2022, Work Session, and a breakdown of revenues for various scenarios.

Council discussed various scenarios and how each scenario would affect residents. They questioned how to create a reduction in formulas. Ms. Duray recommended creating higher caps which would allow for a lower rate. She indicated the methodology was based on zoning.

Councilmember Owen asked for clarification on the methodology creating large swings and if that would create a nexus issue. Gina Dahl, City Attorney, indicated State statutes gave the City authority for the current proposed process.

Council discussed concerns with the fees and how to create a fair process for all residents and property owners. They asked for clarification on rates for residential versus vacant commercial. Ms. Duray indicated staff had proposed the rates due to the differences in values but indicated it could be adjusted if Council wished.

Council discussed how lot size may affect traffic.

Public testimony was given by:

- **John Halvorson, 239 Avenue F, Billings, MT**, VIA ZOOM, spoke of the need for a Cost of Services study to make informed decisions.

There was no further public testimony.

Recess at 7:25 PM. Reconvened at 7:35 PM.

**Original Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution setting assessments, using Scenario N2A, on Street Maintenance District.

Moved by Councilmember Shaw, Ward I

Seconded by Councilmember Boyett, Ward V

Councilmember Shaw suggested making amendments to the residential square footage cap and the vacant commercial fees.

**Amended Motion:** I move to include a \$98.00 minimum assessment on all Street Maintenance District properties.

Moved by Councilmember Neese, Ward II

Seconded by Councilmember Purinton, Ward IV

Councilmember Rupsis indicated he would not support the amended motion until a Cost of Services study was completed.

Councilmember Choriki indicated he would not support the amendment without being able to see how the minimum would affect properties.

Council discussed how a Cost of Services study would change the assessments in the future.

**FAILED 5-6**

NO : Councilmember Shaw, Ward I  
Councilmember Gulick, Ward I  
Councilmember Joy, Ward III  
Councilmember Choriki, Ward III  
Councilmember Boyett, Ward V  
Councilmember Rupsis, Ward V

**Amended Motion:** I move to amend the motion to substitute the existing 30,000 square foot cap to a 1-acre cap and adjust the rates to generate the same amount.

Moved by Councilmember Boyett, Ward V

Seconded by Councilmember Shaw, Ward I

Council discussed how many parcels would be affected by the cap. Ms. Duray indicated she was not certain of the number.

Councilmember Neese indicated he would not support the amendment because it would likely decrease fees for smaller properties even more.

**APPROVED 7-4**

NO: Councilmember Neese, Ward II  
Councilmember Owen, Ward II  
Councilmember Purinton, Ward IV  
Councilmember Tidswell, Ward IV

**Amended Motion:** I move to amend the motion to adjust the vacant commercial rate to be 10% less than the commercial occupied rate for Street Maintenance District assessments and adjust the overall rates to generate the same amount of money.

Moved by Councilmember Rupsis, Ward V  
Seconded by Councilmember Tidswell, Ward IV

Council asked for clarification on the fiscal impact of the amendment. Ms. Duray stated she did not know what the impact would be.

Council discussed how the amendment would affect various properties. Ms. Duray indicated the minimum for a large vacant property would almost double the assessments.

**FAILED 4-7**

NO: Councilmember Gulick, Ward I  
Councilmember Neese, Ward II  
Councilmember Joy, Ward III  
Councilmember Choriki, Ward III  
Councilmember Purinton, Ward IV  
Councilmember Boyett, Ward V  
Mayor Cole

Councilmember Purinton indicated she was uncomfortable voting in favor of the amendments based on a lack of information.

Councilmember Neese stated he would not support the amended motion and indicated he would have preferred to the assessments to have a 2-acre cap. He also wished to have a minimum assessment.

**Amended Motion:** to approve the Resolution setting assessments, using Scenario N2A, substituting the existing 30,000 square foot cap with a 1-acre cap, on Street Maintenance District.

**APPROVED 9-2**

NO: Councilmember Neese, Ward II  
Councilmember Purinton, Ward IV

**PUBLIC COMMENT on "NON-AGENDA ITEMS".** Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments are limited to 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.)

There were no speakers for public comment.

**COUNCIL INITIATIVES:**

There were no Council Initiatives.

**ADJOURN: 8:35 PM**

A constituent in the audience mentioned they had missed their opportunity to speak.

**Motion:** I move to reconvene the meeting to allow the constituent an opportunity to speak.

Moved by Councilmember Joy, Ward III  
Seconded by Councilmember Boyett, Ward V

**APPROVED 11-0**

Public testimony was given by:

- Charles Felton, owner, in reference to Consent Agenda Item 1F, indicated he was available for questions and encouraged Council to approve the plat.

Mayor Cole stated the item had already been approved.

There were no further speakers.

**ADJOURN: 8:38 PM**



CITY OF BILLINGS

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 BY: William A. Cole  
 William A. Cole, Mayor

ATTEST:

DocuSigned by:  
 BY: Denise Bohlman  
 Denise B. Bohlman, City Clerk

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Toni Keehner

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Denise Bohlman

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William A Cole

coleb@billingsmt.gov

Mayor

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Deputy City Clerk

City Clerk

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<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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