



**OFFICE OF THE CITY CLERK
COUNCIL ACTION FORM**

SUBJECT: Approved Minutes 9.12.2022

Council Meeting Date: 9.26.2022

Vote: Approved 10-0, Purinton absent/excused

**Shaw, Gulick, Neese, Owen, Joy, Choriki, Tidswell,
Purinton, Boyett, Rupsis, Mayor Cole**

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
September 12, 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 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

Absent/
Excused: Councilmember Jennifer Owen, Ward II

Staff: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Karen Schexnider, Assistant City Attorney
Toni Keehner, Deputy City Clerk
David Watterson, IT Director
Debi Meling, Public Works Director
Jennifer Duray, Deputy Public Works Director
Wyeth Friday, Planning Director
Brenda Beckett, Community Services Manager
Michael Whitaker, Parks, Recreation and Public Lands Director

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Joy

MINUTES:

- August 22, 2022

Moved by Councilmember Shaw

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Owen absent/excused

COURTESIES:

- Police Chief St. John - Hero Awards. Postponed due to officers answering a Police call.
- Mayor mentioned September 12th was National Police Women's Day.

PROCLAMATIONS:

- National Recovery Month - Terri Todd, co-founder, Gratitude in Action, spoke of community events planned.
- United Way Day - September 15, 2022 - Kim Lewis, President and CEO of United Way, spoke of the upcoming United Way event.
- Big Brothers and Big Sisters Month

COUNCIL REPORTS:

- Councilmember Boyett asked for volunteers for the upcoming Volunteer Dinner.
- Councilmember Purinton gave an update on Missoula's Mobile Support Team.
- Councilmember Joy gave an update on the Community Development Board.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Gave a crisis response update.
- Gave an update on the progress occurring with low barrier shelters.
- No ex-parte items were received.

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 and to be held again at the end of the meeting prior to adjournment.

Moved by Councilmember Neese

Seconded by Councilmember Purinton

APPROVED 10-0, Councilmember Owen absent/excused

The following individuals spoke:

- **Wesley Dunn, 832 Dorothy Lane, Billings, MT:** spoke of his desire to help others with crime issues.
- **Jacquelyn Garcia, 941 Dorothy Lane, Billings, MT:** spoke of the need to expand the jail system and how the City could work together to make Billings safer.
- **Amber Dunn, 832 Dorothy Lane, Billings, MT:** spoke of the disclosure of confidential information and issues with the Police Department.

There were no further speakers.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 AND 2 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 following individual spoke:

- **Dan Brooks, Chamber of Commerce**, spoke in favor of Regular Agenda Item 2.

There were no further speakers.

1. **CONSENT AGENDA** -- Separations: None

Motion: I move to approve the items of the Consent Agenda as submitted.

Moved by Councilmember Gulick

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen absent/excused

A. **Bid Awards:**

1. **Landfill Household Hazardous Waste.** (Opened 8/2/2022) Recommend Beartooth Environmental, Inc.

Moved by Councilmember Gulick

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen absent/excused

2. **Water Reclamation Facility Chemicals.** (Opened 8/16/22) Recommend Polydyne, Inc.

Moved by Councilmember Gulick

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen absent/excused

3. **WO 22-08: Central Park Tennis Court.** (Opened 8/16/22) Recommend Good Earth Works Co., Inc.

Moved by Councilmember Gulick

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen absent/excused

B. Microsoft Enterprise license agreement with SHI, Inc.

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

C. Donation to the Police Department from Sapphire Lounge and Casino.

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

D. Declaring old Airport Terminal seating surplus.

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

E. Attend U.S. Department of Defense/Israeli Ministry of Defense training.

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

F. Amended Subdivision Plat for Olympic Park Subdivision. ***Quasi-Judicial**

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

G. Amended Subdivision Plat for Montana Sapphire Subdivision. ***Quasi-Judicial**

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

H. Preliminary Major Plat for St. Vincent Healthcare Subdivision, 2nd Filing.
***Quasi-Judicial**

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

I. Second/Final Reading Ordinance 22-5817 for Zone Change 1016.

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

J. Bills for the Weeks of:

1. August 1, 2022

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

2. August 8, 2022

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

3. August 15, 2022

Moved by Councilmember Gulick
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen absent/excused

REGULAR AGENDA:

2. TAX INCREMENT FINANCING ASSISTANCE from Downtown Urban Renewal District to Old Billings Hardware Development Venture, LP, for improvements at 2802 Montana Avenue. Downtown Billings Partnership (DBP) Board recommends approval.

Mehmet Casey, DBA Development Director, gave a brief history of the building and proposed plans for the development. He discussed the financing request and how the monies would be used.

Eric Schmidt, High Plains Architects, spoke of plans for the development.

Council discussed plans for parking, landscaping, Historic Tax Credits, and energy consumption options.

Mr. Schmidt addressed Council's concerns.

Randy Hafer, High Plains Architects, spoke of plans for the utilities in the building, Historic Tax Credits, energy consumption and savings opportunities.

Motion: I move to approve the Tax Increment Financing Assistance from Downtown Urban Renewal District to Old Billings Hardware Development Venture, LP, as recommended by the DBP Board.

Moved by Councilmember Shaw
Seconded by Councilmember Neese

Council continued discussion about plans for the development and expressed concerns with parking.

Chris Kukulski, City Administrator, indicated the City owned several parking garages in the downtown area that could be utilized. Mr. Casey reviewed various parking options. Mr. Hafer indicated parking was not a big concern for people that lived downtown.

Councilmember Gulick indicated he would recuse himself because he was a partner at High Plains Architects.

APPROVED 9-0, Councilmember Gulick abstained, Councilmember Owen absent/excused

3. PUBLIC HEARING to receive input on the City's FY2021-2022 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. No action necessary.

Brenda Beckett, Community Development Division Manager, provided a PowerPoint presentation highlighting all the accomplishments reported in the draft CAPER. She provided statistics for all active programs and reviewed CDBG and HOME program accomplishments and plans. She gave an overview of challenges and goals for the upcoming year and spoke of the laborious process of qualifying for HUD funding.

Council discussed various funding options and how Community Development managed to avoid home foreclosures. Ms. Beckett explained the program's requirements for first time home buyers.

There was no public testimony.

4. PUBLIC HEARING AND RESOLUTION 22-11061 for a street name change from Crescent Street to Western Sky Drive generally located at the southeast corner of King Avenue West and South 48th Street West. Staff recommends approval.

Debi Meling, Public Works Director, gave an overview of property and the proposed street name change.

Councilmember Purinton asked for the reasoning behind the original street name.

Rick Leuthold, Sanderson Stewart, indicated the development had been through several partnerships and the new developer wanted to change the name.

There was no public testimony.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution for a street name change from Crescent Street to Western Sky Drive, as recommended by staff.

Moved by Councilmember Tidswell
Seconded by Councilmember Gulick
APPROVED 10-0, Councilmember Owen absent/excused

Mayor called a recess at 7:25 pm.
Mayor reconvened at 7:35 pm.

5. PUBLIC HEARING AND RESOLUTION 22-11062 setting Special Improvement Lighting Maintenance District (SILMD) assessments. Staff recommends approval.

Jennifer Duray, Public Works Deputy Director, gave an overview of the assessments, and the anticipated amount in revenues. She indicated there were 197 SILMD's with various owners. She provided an explanation for an overall increase to the assessments.

Council discussed updating the lighting to LED, differences in costs, efficiency, and trying to create a matching esthetic in downtown districts.

Ms. Duray indicated some districts used LED lighting already and others would be updated as it became possible. She discussed the City's current streetlight policy for updating lighting.

There was no public testimony.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution setting Special Improvement Lighting Maintenance District (SILMD) assessments, as recommended by staff.

Moved by Councilmember Joy
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Owen absent/excused

6. PUBLIC HEARING AND RESOLUTION 22-11063 revising Encroachment Rental fees. Staff recommends approval.

Jennifer Duray, Public Works Deputy Director, gave an overview of encroachments, permits, and annual rental fees. She indicated the City was proposing an increase for minimum annual fees and reviewed how the increase would affect various properties.

Mayor Cole suggested using funds to create a “pilot program” that would use the Public Works Department to beautify problem areas on collector and arterial streets. Ms. Duray indicated she would not recommend requiring staff to take on additional responsibility to an already overloaded department.

Councilmember Rupsis expressed concerns with the large increase being assessed at 222 North 28th Street and similar locations. Ms. Duray indicated the past Council had decided to assess based on an adjacent taxable value model. She added that it was valuable right of way that brought in large revenues for the business.

Council discussed how the money could be used for various beautification options.

There was no public testimony.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution revising Encroachment Rental fees, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Neese

Motion to Amend: I move to approve keeping the rates as they are currently set.

Moved by Councilmember Purinton
The amendment died for lack of second.

APPROVED 9-1, Councilmember Purinton opposed, Councilmember Owen absent/excused

7. PUBLIC HEARING AND RESOLUTIONS allocating assessments on the following:

Andy Zoeller, Finance Director, gave an overview of all 10 assessments. He indicated there would be one Public Hearing for all items, but each item would need separate votes. He indicated, in Item j, parcels A03523 and A18004, needed to be reduced to \$174 and \$90 respectively.

Community 7 TV experienced a power outage. Recorded discussion was lost for several minutes.

Michael Whitaker, Parks and Recreation Director, in reference to Item 7h, reviewed Park Maintenance duties and gave an overview of the costs.

Council discussed cost allocation differences between various parks and water costs.

Councilmember Rupsis questioned Council's ability to assess Park District 1 \$1.7 million and nothing to the Park Maintenance Districts. Mr. Kukulski indicated Council would have the power to do so, but questioned the legal requirements of public notifications. Mr. Zoeller indicated Council would need to set the budget accordingly.

Council discussed which parks were being watered by the Heights Water District and costs to the City.

Mr. Whitaker indicated he did not have that information, but would provide it to Council after the meeting.

There was no public testimony.

Mayor Cole indicated the resolutions for items 7f, 7h and 7j used future tense language and suggested all those resolutions be amended to use the correct tense.

a. SID 2919 – Resolution 22-11064

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2919, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Owen absent/excused

b. SID 2920 – Resolution 22-11065

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2920, as recommended by staff.

Moved by Councilmember Gulick
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Owen absent/excused

c. SID 2921 – Resolution 22-11066

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2921, as recommended by staff.

Moved by Councilmember Joy
Seconded by Councilmember Tidswell

APPROVED 10-0, Councilmember Owen absent/excused

d. SID 2922 – Resolution 22-11067

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2922, as recommended by staff.

Moved by Councilmember Shaw

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Owen absent/excused

e. SID 2923 – Resolution 22-11068

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2923, as recommended by staff.

Moved by Councilmember Tidswell

Seconded by Councilmember Purinton

APPROVED 10-0, Councilmember Owen absent/excused

f. Park District 1 – Resolution 22-11069

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing Park District 1, as recommended by staff, amended to use past tense terminology.

Moved by Mayor Cole

Seconded by Councilmember Choriki

APPROVED 7-3, Councilmember Neese, Tidswell, and Purinton opposed,
Councilmember Owen absent/excused

g. General Obligation (GO) Debt – Resolution 22-11070

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution assessing General Obligation (GO) Debt mill levy rates, as recommended by staff.

Moved by Councilmember Boyett

Seconded by Councilmember Choriki

Councilmember Neese indicated he would not support the assessments on the Library due to excessive mill levies.

APPROVED 8-2, Councilmember Neese and Tidswell opposed, Councilmember Owen absent/excused

h. Park Maintenance Districts – Resolution 22-11071

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing Park Maintenance Districts, as recommended by staff, amended to use past tense terminology.

Moved by Mayor Cole

Seconded by Councilmember Neese

APPROVED 8-2, Councilmember Tidswell and Purinton opposed, Councilmember Owen absent/excused

i. Nuisance Property Abatements – Resolution 22-11072

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing Nuisance Property Abatements, as recommended by staff.

Moved by Councilmember Joy

Seconded by Councilmember Neese

Mayor Cole suggested staff create a method of logging staff hours used for nuisance abatements. Mr. Kukulski indicated there could be an opportunity for staff to log the information to try to change the \$9,500 cap set by Legislation. He stated there had been some recent process changes and some cases were now being taken to District Court, which did not have a cap. Tina Hoeger, Code Enforcement Manager, indicated abatement times were decreasing since she had started, which helped minimize costs. Wyeth Friday, Planning Director, indicated staff was very careful with costs and took larger cases to District Court to recoup the abatement costs. They both indicated that tracking staff time would be very time consuming.

Council discussed nuisance properties and the status of those properties. Council pointed out the hard work that had been accomplished and commended Ms. Hoeger.

APPROVED 10-0, Councilmember Owen absent/excused

j. Weed Abatements – Resolution 22-11073

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing Weed Abatements, as recommended by staff, amended to use past tense terminology.

Moved by Mayor Cole
Seconded by Councilmember Gulick

Councilmember Joy made a friendly amendment to reduce Parcels A03523 and A118004 to \$174 and \$90 respectively.

APPROVED 10-0, Councilmember Owen absent/excused

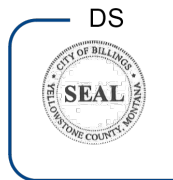
PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Sign-in required.
(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)

There were no speakers.

COUNCIL INITIATIVES:

There were no Council Initiatives.

ADJOURN: 9:01 PM



CITY OF BILLINGS

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

ATTEST:

DocuSigned by:
Denise Bohlman
BY: _____
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Denise R. Bohlman, City Clerk

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 coleb@billingsmt.gov
 Mayor
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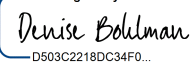

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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	9/28/2022 8:14:33 AM
Signing Complete	Security Checked	9/28/2022 8:14:41 AM
Completed	Security Checked	9/28/2022 8:14:43 AM

Payment Events	Status	Timestamps
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