



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

**SUBJECT:** Minutes

**Council Meeting Date:** September 26, 2022

**Vote:** Approved 11-0

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

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
September 26, 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 5:32 PM.

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Choriki

**ROLL CALL:**

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 Mike Boyett, Ward V  
Councilmember Tom Rupsis, Ward V  
Mayor William Cole

Absent/  
Excused: Councilmember Pam Purinton, Ward IV

Staff Present: Chris Kukulski, City Administrator  
Kevin Iffland, Assistant City Administrator  
Gina Dahl, City Attorney  
Denise Bohlman, City Clerk  
Debi Meling, Public Works Director  
Wyeth Friday, Planning Director  
Karen Husman, Planner  
Monica Plecker, Planning Division Manager  
Jessica Fust, Building and Facilities Manager

**MINUTES:**

- September 12, 2022

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

## **COURTESIES:**

- Mayor Cole acknowledged that a delegation of Councilmembers from Billings, Missouri visited recently. Billings, Missouri, established in 1871, is a city with a population of approximately 1,000 people. The town was also named after Frederick Billings. Items were displayed on a table for anyone interested to view.
- Mayor Cole acknowledged Boy Scout troop No. 2 (the oldest troop, established in 1912) and No. 8394 (an all-girl troop), and asked their troop leaders, Robbie Waite and Bryan Evans, respectively, to introduce their members.
- Police Chief St. John awarded Sergeant Ryan Kramer and Officer Bret Hilde with Medals of Valor in their rescue of a woman on the Rims.
- Councilmember Rupsis announced the Partners for Parks Foundation would hold the Mayor's luncheon on October 13, 2022, to raise money for amenities for the Rim Park and he invited everyone to attend.

## **PROCLAMATIONS:**

- Mayor Cole proclaimed Billings as an Age-Friendly Community. He presented the proclamation to Eden Sauer, Community Health Manager for the Healthy by Design Coalition, and Tyler Evanson, Executive Director of Big Sky Senior Services.

## **COUNCIL REPORTS:**

- Mayor Cole announced that a public open house would be held on Thursday, October 6, 2022, from 5:00 PM-6:30 PM, at the Billings Public Library Community Room, 510 N. Broadway Avenue, by the Billings-Yellowstone County Metropolitan Planning Organization (MPO) concerning updating the Billings Urban Area Long-Range Transportation Plan and invited anyone interested in participating.
- Councilmember Shaw mentioned that the Bright N' Beautiful Board had set their Refresh the Rims event for October 14, 2022.

## **ADMINISTRATOR REPORTS – CHRIS KUKULSKI**

- Council will receive an update from the Public Works Department in mid-October concerning safety issues on Lake Elmo Road. Public Works was unable to collect data due to placement of a speed trailer onsite. The neighborhood requested a speed trailer, but the study could not be completed until it was removed.
- Indicated he would provide Council with the number of officer interactions with individuals with outstanding warrants who could not be placed in the jail due to capacity. He stated officers could not leave individuals at the jail 48 times during the previous week. The past year's average was 1,368 times where individuals with warrants were not incarcerated due to lack of room at the jail. He continued that the County Attorney's office provided recidivism rates for felons at 50%. The City's police officers are dealing with numerous people over and over again without having one method of corrections available to them.
  - Police Chief St. John clarified the numbers and explained how the numbers were tracked.
  - Councilmember Owen clarified that the same thing was happening with troubled youth; they were being turned away at the juvenile detention facility.

- Council followed with questions about officer morale, seeking alternatives, refining the numbers, and the State's and County's involvement.
- There was one ex-parte communication concerning Regular Agenda Item No. 3 about Blue Creek School District's children using Casey's Corner as a bus stop.

**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, but limiting the period to 30 minutes.

Moved by Councilmember Rupsis

Seconded by Councilmember Tidswell

**FAILED** 5-5, Councilmembers Shaw, Gulick, Joy, Choriki and Boyett opposed. Councilmember Purinton absent/excused.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 5, 6 and 7 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 individuals spoke:

- **Frank Ewalt, 2131 Phoebe Drive, Billings, Montana**, in reference to Regular Agenda Item No. 5, provided his recollection of the sale of Fire Station No. 6 when it was previously located at 760 Lake Elmo Drive. He suggested that a new fire station be built northwest in the Heights to service that area and Alkali Creek.
- **Terri Todd, 135 Monarch Street, Billings, Montana**, in reference to Regular Agenda Item No. 6, asked Council to consider the chronic utilizer data from the survey and its impact on public safety. Case management and coordinated care was important to be effective in reducing chronic users of public safety.
- **Catherine Card, 2815 4<sup>th</sup> Avenue South, Billings, Montana**, in reference to Regular Agenda Item No. 6, expressed her concern for the unhoused who were sitting in jail, but really needed access to a low barrier shelter and supportive services.
- **Kari Boiter, CoC, Billings, Montana**, in reference to Regular Agenda Item No. 6, shared an informational data spreadsheet highlighting one frequent utilizer of services over a 2-year period. She outlined the costs of providing mental health services, police officer calls, hospitalizations and medical care, court costs, etc. all because the unhoused individual did not have appropriate case management. She indicated many of the calls could be reduced significantly if a low barrier shelter was available to him.
- **Eric Peterson, 2214 Greenbriar Road, Billings, Montana**, in reference to Regular Agenda Item No. 6, stated he was a member of the Montana Rescue Mission (MRM) Board and supported the Mission's ask for funds to help better serve the people that the MRM has always served.
- **Matt Lundgren, Montana Rescue Mission (MRM) Executive Director, Billings, Montana**, in reference to Regular Agenda Item No. 6, indicated MRM had been providing shelter to unhoused individuals for 75 years, but not everyone wanted help. They learned that through their outreach program. He indicated funding for another shelter was duplicative for services MRM was already delivering. Since COVID the shelter's numbers had doubled and additional funding would help.

- **Oksana Zakharchenko, MRM Program Director, Billings, Montana**, in reference to Regular Agenda Item No. 6, indicated the shelter's hours of service were extended and they served about 200 people per day. She invited members of the CoC to bring individuals to MRM for services.
- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana**, in reference to Regular Agenda Item No. 6, indicated that if the drug problem in Billings was eliminated, then the homelessness problem would go away also. He did not support taxpayer monies for a low barrier shelter.

There were no further speakers.

1. **CONSENT AGENDA** -- Separations: 1G

Councilmember Neese separated Item 1G, for discussion.

**Motion:** I move to approve the items of the Consent Agenda as submitted, with the exception of 1G.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

**APPROVED** 10-0, Councilmember Purinton absent/excused

A. **Bid Awards:**

1. **WO 22-20: Water Treatment Plant High Service Pump Station HVAC Upgrades.**  
(Opened 9/6/22) Recommend rejecting all bids.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

**APPROVED** 10-0, Councilmember Purinton absent/excused

B. **Compensation Agreement** with TKJ Development, LLC, for water main improvements to King Avenue West.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

**APPROVED** 10-0, Councilmember Purinton absent/excused

C. **Purchase** of 2023 Broombear sweeper from Joe Johnson Equipment.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

**APPROVED** 10-0, Councilmember Purinton absent/excused

D. **Purchase** of 3 - 2023 Ford Interceptor SUV vehicles from Duval Ford.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

**APPROVED** 10-0, Councilmember Purinton absent/excused

**E. Purchase of 2 Solid Waste Front-Load Collection Trucks from SWS Equipment, LLC.**

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

**F. Donation to the Billings Public Library from Humanities Montana for the Teen Big Sky Reads Program.**

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

**G. Amended Development Agreement with Alkali Timbers, LLC.**

Councilmember Neese expressed concern about the changes to the trail system in the development. He would not support the amended development agreement. He encouraged better vision and planning for larger developments to avoid piecemeal trail systems.

Debi Meling, Public Works Director, indicated the City's support of the amendment because the project was delayed while the developer worked with the Corps of Engineers on the permitting. By amending the development agreement, it allowed the developer to continue the project, while awaiting the Corps' permit approval. She explained the phasing process for the development moving forward.

Moved by Councilmember Joy  
Seconded by Councilmember Owen  
**APPROVED** 8-2, Councilmembers Neese and Tidswell opposed, Councilmember Purinton absent/excused

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

1. August 22, 2022

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

2. August 29, 2022

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

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTIONS 22-11074 and 22-11075 re-levying assessments on the following, respectively:**

Andy Zoeller, Finance Director, indicated that the projects were completed under budget and the assessments would be reduced.

No public testimony given.

**a. SID 1416 - Gleneagles Boulevard, Sierra Granda Boulevard and Black Diamond Road Area.**

**Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution re-levying and reassessing SID 1416, as recommended by staff.

Moved by Councilmember Shaw

Seconded by Councilmember Tidswell

**APPROVED** 10-0, Councilmember Purinton absent/excused

**b. SID 1418 - Holiday Avenue area.**

**Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution re-levying and reassessing SID 1418, as recommended by staff.

Moved by Councilmember Gulick

Seconded by Councilmember Boyett

**APPROVED** 10-0, Councilmember Purinton absent/excused

**3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1017:**

located generally at the intersection of Santiago Blvd. and Blue Creek Rd. Zoning Commission recommends approval and adoption of the 10 criteria. \* *Quasi-Judicial*

Karen Husman, Planner, provided an overview of the property; the zone change request; procedural requirements; and the Zoning Commission's recommendations. She noted a Special Review could have been done, however, it would have required 8 variances. A zone change appeared to be a better option. She explained the zoning allowances for Corridor Mixed Use and the differences between that zone and Heavy Commercial zoning. She clarified that a marijuana dispensary would not be allowed due to the proximity of the property to a residential area. She noted that MDT would not grant the property another access through their right-of-way, so there would only be one access point into and out of the property on Santiago Boulevard. She explained that the protest petition received was not valid because it was not signed by most property owners located within 150-foot radius of the subject property.

Council and staff discussed whether the proposed zone district was the appropriate district for the area. Traffic and safety concerns were discussed along with possible approach modifications.

Debi Meling, Public Works Director, addressed the Council's questions about traffic concerns and traffic studies, indicating it was too soon in the process, but assured that Santiago Boulevard would be widened to allow a left turn lane at the intersection and a sidewalk would be required. She explained that different street classifications required different distances for accesses onto the street, but Council could require accesses to be developed differently under certain circumstances.

Wyeth Friday, Planning Director, provided that future annexations to the east for additional subdivisions were noted to be connected, but nothing was proposed at this time.

**Taylor Kasperick, Performance Engineering, agent**, explained the differences between the zone choices and his clients' decision to proceed with this zone change, rather than a special review. He reiterated that MDT would not allow an additional access in their right-of-way. He spoke about anticipated traffic counts and potential noise pollution caused by a car wash.

The following individuals spoke in opposition to the zone change during the public hearing:

- **Lyndon Scheveck, Attorney with Scheveck and Salminen Law, 2223 Montana Avenue, Suite 103, Billings, Montana**, spoke about potential liability concerns with developing the property as proposed; lack of sufficient water resources; and pedestrian safety and lack of sidewalks. He asked that the zone change be denied.
- **Wendy Stiff, Real Estate Lender, 4507 Bowman Drive, Billings, Montana**, asked that a special review be conducted. She mentioned various similar outlying residential City subdivisions and asked Council to picture a car wash to the entrance of their neighborhoods. It was not in keeping with the neighborhood.
- **Jandi Farnsworth, 4513 Bowman Drive, Billings, Montana**, spoke about the lack of street improvements in the subdivision, i.e., streetlights, sidewalks, etc., and noted that a commercial business to the entrance of the subdivision created safety concerns for the school-aged children who walk to the school bus stop.
- **Sherry Danielson, 2214 Sumac Drive, Billings, Montana**, noted there were no homes located within 150 feet of the subject property because it is located in a flood plain. She continued that traffic affronting the subject property had increased tremendously because of new developments in the Blue Creek area. She mentioned locations of nearby car wash facilities and did not value another one at this location.
- **Jacque Kittson, 2105 Santiago Boulevard, Billings, Montana**, shared texted comments from other neighbors who were not able to attend the meeting or access virtually due to a broken link. Their concerns were: increased traffic, safety for pedestrians (school-aged children), and commercialization of the neighborhood. She noted her home's location to the subject property and voiced her concern about noise pollution from the proposed car wash.
- **Michele Johnson, 2705 Blue Creek Road, Billings, Montana**, compared the traffic jam situation to that of King's Hat drive up on First Avenue South. She noted there were errors in the notices to the public on dates and times and caused confusion for the residents. She continued that the developer needed to proceed under the special review criteria and follow the variance requirements.
- **Cecil Werven, 4511 Shasta Lane, Billings, Montana**, noted the anticipated number of car washes and the service to the neighborhood did not equate per the agent's comments.
- **Roxy Shilhanek, 4431 Bowman Drive, Billings, Montana**, noted the subdivision had only one way in and one way out of it. The proposed car wash would obstruct public safety vehicles from access into the subdivision. She noted the topography off of Santiago Boulevard and the challenges it posed. Trucks carrying heavy loads of water travel Santiago Boulevard and leave trails of water. In the winter the water creates icy roads and adding the water run-off from the car wash would create more safety concerns.
- **Cheri Mueller, 2122 Santiago Boulevard, Billings, Montana**, concurred with the oppositions comments.
- **Janelle Danielson, 2131 Quanta Lane, Billings, Montana**, noted Blue Creek Road was dangerous without adding additional traffic at the point of Santiago Boulevard and Blue Creek Road.

Recess at 7:55 P.M. Reconvened at 8:04 P.M. The public hearing resumed.

- **Charles Stiff, 4507 Bowman Drive, Billings, Montana**, attended via Zoom, and noted the future projected traffic counts between Midland and Jellison Roads was staggering and there was already too much heavy truck traffic on Blue Creek Road through that area because of the loads to the city dump. He opposed the zone change because it was not in keeping with the character of the neighborhood, it would not add value to the neighborhood, and it increased traffic and pedestrian safety issues.

There was no further public testimony given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to DENY first reading and ordinance for Zone Change 1017 on the basis it does not meet review criteria 8 and 10.

Moved by Councilmember Gulick  
Seconded by Councilmember Tidswell

Council and staff discussed the subdivision annexation history, the development agreement, future SIDs for improvements, and stormwater management. Also discussed was traffic accident data and congestion, and the concerns from the Blue Creek School and the volunteer fire department. Clarification was provided about errors to a postcard notice for the Zoning Commission hearing. It was determined the errors did not impact this public hearing.

Councilmember Neese expressed his opposition to the zone change, stating it did not meet the review criteria for 1, 3 or 7.

Councilmember Joy stated there were no allowable uses in the Corridor Mixed Used zone that would not add a tremendous amount of traffic. Because the subdivision was located near a highway with commercial development, there was no zone that would eliminate traffic concerns and she would not support the motion to deny. She supported streetlights and sidewalks for all developments, including this subdivision.

Councilmember Choriki encouraged neighbors to attend an upcoming Long Range Transportation meeting and get involved.

Councilmember Rupsis stated the CX zone was not appropriate to the entrance of a residential neighborhood. He supported the motion to deny and reminded the neighbors that denying the zone change would not prohibit a fast-food restaurant or other commercial business from developing on the subject property. He encouraged the neighbors to approve a SID to improve their streets and bring them to City standards.

Mayor Cole would not support the motion to deny but would support a 30-day delay to bolster the findings of fact more, or a motion to approve the zone change. He reminded everyone that there would be development on the property regardless of whether the zone change was approved or denied, it would be up to the developer.

Councilmember Owen stated she would support a 30-day delay because she did not have enough data to clarify review criteria 4 and 6, and she wanted to provide the developer additional time to consider the neighbors' concerns.

Councilmember Gulick listed several ways that development of the property could better serve the neighborhood and reduce traffic problems. He suggested that the CMU zone may serve the community better.

Councilmember Shaw voiced her support for the motion and a 30-day delay. She was more

comfortable leaving the zone as CMU-1 and it is going through a special review process wherein Council could attach conditions.

Wyeth Friday, Planning Director, clarified that if the zone change was denied the developer could not come before the Council for 12 months, but a 30-day delay was an option as well.

**Substitute Motion:** I move to delay Zone Change 1017 until the October 24, 2022 Regular Business meeting.

Moved by Councilmember Owen  
Seconded by Councilmember Joy

Councilmember Rupsis opposed the motion because the CX zone did not fit the neighborhood.

Councilmember Neese agreed with Councilmember Rupsis and would oppose the motion.

Councilmember Choriki asked if the developer could withdraw the zone change and go through the variance process in a special review.

Wyeth Friday, Planning Director, clarified that withdrawal was still an option if it was done immediately, before the Council vote, and the developer could return to Council with another zone change in less than 12 months. If the zone change were to be denied now, the developer could immediately go through the special review process with no delay.

**Substitute motion FAILED** 4-6, Councilmembers Shaw, Gulick, Neese, Tidswell, Boyett and Rupsis opposed. Councilmember Purinton was absent/excused.

**Original motion to deny** the Zone Change was **APPROVED** 7-3, Councilmembers Joy, Choriki and Mayor Cole opposed. Councilmember Purinton was absent/excused.

**4. PUBLIC HEARING AND FIRST READING ORDINANCE** amending Section 6-205, BMCC, Building Code Board of Appeals. Staff recommends approval.

Jessica Fust, Building and Facilities Manager, reviewed the proposed amendments to the Building Code Board of Appeals' section, i.e., reduced number of voting members from 6 to 5; removed the Building Official as an ex-officio member and instead direct the City Administrator to appoint a staff person to assist the board and act as secretary; removed the specific qualification requirements for members, but required that members have knowledge and experience related to building construction and codes; and removed the section referring to the County Jurisdictional Area, which the City no longer has jurisdiction over.

No public testimony was given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading and ordinance amending Section 6-205, BMCC, Building Code Board of Appeals, as recommended by staff.

Moved by Councilmember Joy  
Seconded by Councilmember Shaw  
**APPROVED** 10-0, Councilmember Purinton absent/excused

**5. BUY/SELL AGREEMENT** to purchase Fire Station No. 8, located at 760 Lake Elmo Drive.

Jessica Fust, Building and Facilities Manager, explained the opportunity to purchase the property.

Matt Hoppel, Assistant Fire Chief, provided a history of fire stations in the Heights and reviewed its population increases due to annexations. He noted areas in which the largest call volumes were presently and that the current Fire Station No. 6 was located outside the area Emergency Services Consulting International (ESCI) recommended. He compared new build costs for a new fire station to the purchase and renovation of the former Fire Station No. 6.

Patrick Landry, Data Specialist with the Fire Department, provided data over a 5-year call volume study for the Heights area. He presented several maps to support the data concerning response times to highly utilized sections of the Heights. He noted that the location of the proposed Fire Station No. 8 was ideal for addressing improved response times and providing support to the highly utilized sections.

Ms. Fust provided a timeline for the purchase, renovations and costs. She reviewed the property's challenges, i.e., limited area for expansion, sloped site, traffic on Lake Elmo Drive, and a smaller footprint than other stations, and other options had been considered. She recommended that final Council approval be added to the Buy-Sell Agreement contingencies. A zone change would not be necessary.

Fire Chief Pepper Valdez noted the department's desire to address call volumes in the southern most areas of the Heights, located between Fire Station Nos. 1 and 6. He acknowledged that an additional fire station may need to be built later as the Heights area continued to grow, but purchasing this building would help free Fire Station No. 6 to focus on activity to the north. He explained that most of the call volume was medical in nature. The building would house the mobile response units during down times. He noted there were two other back-in fire stations and traffic lights may be considered to provide engines safety when backing-in. He addressed Council's questions about accessing Main Street from Lake Elmo Drive and Hansen Lane.

**Motion:** I move to approve a buy/sell agreement to purchase property located at 760 Lake Elmo Drive for a future Fire Station No. 8.

Moved by Councilmember Owen  
Seconded by Councilmember Neese

Councilmember Choriki asked if the data considered West End Billings' needs as well as the Heights. Fire Chief Valdez responded that for the Heights it was a concern of density versus the West End's concern was distance and time, therefore the priority was placed on density.

Councilmember Owen noted the project was under budget, which may help to accelerate procurement of a future Fire Station No. 9.

Councilmember Neese also expressed his budget concerns.

Mayor Cole noted the new fire station would not be fully staffed for some time.

Chris Kukulski, City Administrator, noted it was a good mid-term solution.

**APPROVED** 10-0, Councilmember Purinton absent/excused

Recess at 9:42 P.M. Reconvened at 9:49 P.M.

## **6. LOW BARRIER SHELTER GRANT DECISION.**

Chris Kukulski, City Administrator, shared his conversations with the parties involved. Mayor Cole inquired about marijuana funds and the costs of mitigation, etc. Mr. Kukulski stated that \$250,000 for the upcoming RFP for mobile crisis response units was a safe amount. The City anticipated receiving 3 RFP responses. He could not anticipate the full cost of legalized marijuana's impact on the City, but it was likely to exceed the \$400,000 received from the tax on marijuana. He emphasized his support for prevention programs and suggested Council consider future allocations toward those, i.e., the Nurse/Family Partnership.

**Motion:** I move to approve allocation of \$210,000 to the Continuum of Care (CoC) for the FY23 low-barrier winter shelter.

Moved by Councilmember Rupsis  
Seconded by Councilmember Shaw

Councilmember Rupsis spoke to his motion and stated he wanted a short-term solution until something more comprehensive could be offered. He was not interested in a headcount now and stated case management was critical, but the City did not have the funds to allocate for that now. He encouraged more collaboration between the agencies.

Mayor Cole asked for a friendly amendment to the motion to include a written agreement with the CoC concerning how those monies would be used and that the agreement be brought to the Council for approval. Councilmember Rupsis agreed but stressed he did not want to delay establishing a low-barrier winter shelter. Councilmember Shaw also agreed to the friendly amendment.

Councilmember Shaw spoke to the motion and stated action was desperately needed to shelter unhoused individuals during this winter. She noted that Montana Rescue Mission (MRM) offered housing, yet the number of unhoused individuals on the streets was increasing, so there was a gap in services somewhere. She stated the City needed to partner with the agencies, but she did not support funding staff for the agencies.

Councilmember Neese clarified with Matt Lundgren, MRM Executive Director, and Oksana Zakharchenko, MRM Program Director, its newly expanded hours to receive guests, increased numbers and police referrals. He expressed concerns about accurate data collection and possible missed opportunities to collect Federal monies for programs.

Discussions continued about services MRM provided and would continue to provide regardless of the City's financial input, although to a lesser degree. Duplication of services between CoC and MRM were also discussed.

Councilmember Boyett expressed that he did not want the City to be involved in the housing business. A long-term solution, including prevention and interventions, was needed. He supported allocating funds to MRM because they were already serving the homeless population. He suggested quarterly payments be made to MRM, rather than a lump sum payment.

**Substitute Motion:** I move to approve allocating \$210,000 to Montana Rescue Mission and

entering into an agreement with conditions for quarterly payments. Said agreement to be brought before Council for final approval prior to the release of funds.

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

Council and staff discussed their frustrations with the lack of collaboration between CoC and MRM; fire safety concerns at MRM; and agreed to conditions for funding the CoC and MRM.

Councilmember Gulick asked Kari Boiter (CoC) to differentiate the CoC's services to the population that does not seek services from MRM. Ms. Boiter explained there was a coordinated response with 17 different providers in which individuals could enter "no wrong door" at multiple locations for assistance and through the coordinated data collection system a more comprehensive approach for assistance could occur. She noted some barriers for individuals seeking assistance were sobriety, disabilities, and frequency of crises or need for assistance.

Council discussed with Ms. Boiter the quarterly reporting condition; contracting with the Crisis Center; insurance coverages; the First Congregational Church location and the assistance it provided the homeless; and fire inspections.

Councilmember Neese clarified with the City Administrator the amount of monies remaining to be used for future prevention programs.

Councilmember Choriki was not supportive of either motion because they did not address long-term solutions.

Councilmember Rupsis spoke against the substitute motion.

Mayor Cole voiced his support for MRM but expressed his concern about the loss of confidence the CoC had with MRM, who was a major player for assisting the unhoused. He was not in favor of either motion. He acknowledged MRM's changes to their outreach program and stressed that MRM must participate in data collection with the CoC. He suggested \$50,000 be allocated to MRM to show support and appreciation for their participation in the coordinated data entry system.

Mr. Kukulski, suggested Council vote on the motions currently on the table to see how much funding and to whom it would be allocated was decided and then have a motion addressing conditions and contingencies.

By a show of hands vote -

**Substitute Motion FAILED** 3-7, Councilmembers Shaw, Gulick, Owen, Joy, Choriki, Rupsis and Mayor Cole opposed. Councilmember Purinton absent/excused.

By a show of hands vote -

**Original Motion FAILED** 5-5, Councilmembers Neese, Owen, Choriki, Tidswell and Boyett opposed. Councilmember Purinton absent/excused.

**Motion:** I move to approve \$210,000 to the CoC for winter sheltering and \$50,000 to the MRM to support staffing for data entry into the coordinate data entry system with contingencies to be

determined.

Moved by Councilmember Owen  
Seconded by Councilmember Rupsis

Councilmember Owen acknowledged that the CoC had provided a comprehensive strategic plan and MRM had developed a comprehensive campus plan. The City needed to partner with these agencies, but the solution was a long way from fully addressing homelessness in the community.

Council discussed that MRM's ask was for \$76,700 and Councilmember Boyett made a friendly amendment to raise the \$50,000 to the full ask of \$76,700 and Councilmembers Owen and Rupsis agreed.

Councilmember Shaw voiced her opposition to funding an administrative position for a non-profit to provide needed data that everyone else was providing but stated she would support the motion.

Councilmember Boyett stated the award of funding was only for a one-year period and was not continuous.

Mr. Kukulski added that the motion should indicate "not to exceed" the amounts given. Councilmembers Owen and Rupsis agreed to amend the motion to reflect the verbiage.

By a show of hands vote, the **Friendly Amended Motion:**

- In a grant amount not to exceed \$210,000 for winter sheltering for one year (FY23) to the Continuum of Care (COC);
- In a grant amount not to exceed \$76,700 to Montana Rescue Mission (MRM) for one year (FY23) for data/administration/overhead.

**APPROVED** 7-3, Councilmembers Neese, Choriki and Tidswell opposed. Councilmember Purinton absent/excused.

**Motion:** I move to approve the following contingencies:

- All funds will be made available on a reimbursement basis only. Proper documentation of expenditures will be submitted on a monthly basis and at the time reimbursement for costs are submitted, the data must be reviewed and approved by local CES Coordinator as accurate entry and a full record.
- Proper data collection and reporting, to understand users and services provided.  
  
"Proper data collection and reporting" is defined as the grantee participating in the existing statewide Homeless Management Information System (HMIS) and providing timely and complete entries into HMIS. Any personnel or contractor of the awardee who is charged with entering data into the HMIS must be trained by the local CES Coordinator.
- Coordinated entry is defined and used.

- Awardees must demonstrate good faith participation with the CoC and the CES.
- Service providers will share their "do not serve" and "no trespass" lists with one another and first responders on a weekly basis.
- Services will be offered in good faith to all who do not belong in jail, an emergency room or the Crisis Center.

“Good faith” is defined, in part, as agreeing to use the Community Crisis Center as the “front door” for individuals transported by the Crisis Response Units and Billings Law Enforcement. While this is not intended to bar any awardee from accepting clients on a walk-up basis, the Community Crisis Center should be the primary source of evaluation and referrals, eliminating multiple attempts for assistance and excessive travel to locate assistance for individuals.

Moved by Councilmember Owen

Seconded by Councilmember Rupsis

**APPROVED** 10-0, Councilmember Purinton absent/excused

**7. RESOLUTION 22-11076** establishing Council committees.

Gina Dahl, City Attorney, was available for questions.

**Motion:** I move to approve a resolution establishing Council committees, as recommended by staff.

Moved by Councilmember Shaw

Seconded by Councilmember Owen

**APPROVED** 9-1, Councilmember Choriki opposed. Councilmember Purinton 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.)*

The following individuals provided comment:

- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana**, thanked Council for the 5-5 vote to allow public comment for non-agenda items to be at the beginning of the meeting.
- **Amber Dunn, 832 Dorothy Lane, Billings, Montana**, voiced her distress about public comment on non-agenda items being left to the end of a very long meeting and was upset about comments posted about her family in a letter to Council from Police Chief St. John.
- **Jacquelyn Garcia, 941 Dorothy Lane, Billings, Montana**, asked who was responsible for patrolling the Rims’ area and suggested it be closed at night to reduce safety issues.

There were no further speakers.

**COUNCIL INITIATIVES:**

There were no Council initiatives.

**ADJOURN:** 11:34 P.M.



CITY OF BILLINGS

DocuSigned by:  
 BY: William A Cole  
 20A11BF423334EE...  
 William A. Cole, Mayor

ATTEST:

DocuSigned by:  
 BY: Denise Bohlman  
 D503C2218DC34F0...  
 Denise R. Bohlman, City Clerk

**Certificate Of Completion**

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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Denise Bohlman
	bohlmand@billingsmt.gov
	IP Address: 161.7.21.94

**Record Tracking**

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**Signer Events**

William A Cole  
 coleb@billingsmt.gov  
 Mayor  
 Security Level: Email, Account Authentication (None)

**Signature**

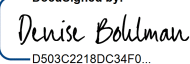

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Denise Bohlman  
 bohlmand@billingsmt.gov  
 City Clerk  
 City of Billings  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 D503C2218DC34F0...  
  
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 Signed: 10/26/2022 8:16:58 AM

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Toni Keehner  
 keehnert@billingsmt.gov  
 Deputy City Clerk  
 City Clerk  
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<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Completed	Security Checked	10/26/2022 8:16:59 AM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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