



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

SUBJECT: Minutes

Council Meeting Date: October 10, 2022

Vote: APPROVED 11-0 as amended

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

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
October 10, 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.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Purinton

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 Pam Purinton, Ward IV
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V
Mayor William Cole

Absent/
Excused: All present

Staff
Present: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Toni Keehner, Deputy City Clerk
Mac Fogelsong, City Engineer
Kyle Foreman, Solid Waste Superintendent
Wyeth Friday, Planning Director
Andy Zoeller, Finance Director
Mike Whitaker, Parks and Recreation Director

MINUTES:

- September 26, 2022 - Pending

COURTESIES:

- Councilmember Joy spoke about the recent Harvest Festival held downtown.

PROCLAMATIONS:

- There were no Proclamations.

COUNCIL REPORTS:

- Councilmember Boyett reminded Council that evaluations for the City Administrator's annual review needed to be provided to the Human Resources Department.
- Councilmember Joy gave an update of the Community Development Board meeting.
- Councilmember Choriki spoke of the Downtown Housing Group and the results from the downtown housing study.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- No ex-parte items were received.
- Informed Council there would be a Closed Executive Session on Monday, October 17 and again on Monday, October 24, 2022.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2 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.)

There were no speakers.

1. CONSENT AGENDA -- Separations: 1M

Councilmember Neese separated Item 1M for discussion.

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

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Stephen Wahrlich	Tourism BID	10/01/22	10/01/26

Moved by Councilmember Boyett
 Seconded by Councilmember Gulick
APPROVED 11-0

B. Bid Awards:

1. **Snow Removal.** (Opened 9/20/22) Recommend A-1 Landscaping.

Councilmember Purinton, in reference to Item 1B1, questioned the need for snow removal if only one inch of snow was received. Chris Kukulski, City Administrator, indicated staff would discuss the required amount of snow shown in the contract.

Moved by Councilmember Boyett
 Seconded by Councilmember Gulick
APPROVED 11-0

2. **WO 09-12: Northwest Billings Connector, Schedule 1.** (Opened 9/20/22) Recommend Riverside Contracting. **WO 21-38: Skyline Trail, Schedule II.** (Opened 9/20/22) Recommend Weave Construction.

Council asked for an update on the progress for the Northwest Billings Connector and Skyline Trail. Mac Fogelsong, City Engineer, gave an overview of the project, contract details and a timeline.

Moved by Councilmember Boyett
 Seconded by Councilmember Gulick
APPROVED 11-0

C. Purchase additional 3-year warranty for Landfill Compactor; Tractor & Equipment Company.

Moved by Councilmember Boyett
 Seconded by Councilmember Gulick
APPROVED 11-0

D. Purchase Front Load Collection Truck; SWS Equipment, LLC.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

E. Purchase 2 Automated Side-Load Collection Trucks; Floyd's Truck Center.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

F. Amendment No. 1, WO 22-37: Landfill Drop-Off Building Repairs; Swank Enterprises.

Councilmember Neese asked when the Landfill Drop-Off Building would be ready for use. Kyle Foreman, Solid Waste Superintendent, indicated the east portion of the building would be ready the first week of November and the rest of the building would be operational by the end of the first quarter of 2023.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

G. Amendment No. 2, Central Park Tennis Court Replacement; Land and Water Conservation Fund Grant Program.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

H. Amendment No. 3, WO 19-21: WRF Influent Lift Station; HDR Engineering.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

I. Amendment to Subdivision Improvement Agreement for 23rd Street Subdivision.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

J. Donation to Parks and Recreation Department from GG and BB's Jams and Sauces and Scheel's for Landon's Miracle Field Grand Opening.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

K. Council Holiday Schedule.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

L. Sewer Easement with Bell-Mont Properties, Inc.; Mike Dimich Sons; and PBN Properties, LLC.

Councilmember Owen asked if there were any legal ramifications for properties that were allowing sewage to enter the Yellowstone River. Mr. Kukulski indicated there were very few cases with this issue and no legal steps were being taken.

Council discussed concerns and how the City could avoid future issues with sanitary sewer services being connected to the stormwater drainage system.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 11-0

M. Resolution 22-11077 authorizing the issuance and setting the parameters for Tax Increment Bonds.

Motion to Amend: I move to table Item 1M until the November 14, 2022, Council meeting.

Moved by Councilmember Neese
Seconded by Councilmember Owen

Councilmember Neese indicated he wanted to wait to vote on Item 1M until after discussions on the Sportsplex had occurred.

Council discussed how the delay could affect the life of the South Billings Urban Renewal District. Andy Zoeller, Finance Director, gave an overview of the South TIF District and the terms. He indicated it would be possible to postpone the resolution but added that it would create a tight timeline. Council discussions continued concerning the Sportsplex and the Multi-Generational Recreation Center.

Substitute Motion: I move to approve the Resolution authorizing the issuance and setting the parameters for Tax Increment Bonds.

Moved by Councilmember Rupsis

Seconded by Councilmember Shaw

APPROVED 7-4, Councilmembers Neese, Owen, Tidswell, and Purinton opposed

N. Resolution 22-11078 establishing compliance with reimbursement under Internal Revenue Code for the North 27th TIF construction projects.

Moved by Councilmember Boyett

Seconded by Councilmember Gulick

APPROVED 11-0

O. Second/Final Reading Ordinance 22-5818 amending Section 6-205, BMCC, Building Code Board of Appeals.

Moved by Councilmember Boyett

Seconded by Councilmember Gulick

APPROVED 11-0

P. Bills for the Weeks of:

1. September 6, 2022

Moved by Councilmember Boyett

Seconded by Councilmember Gulick

APPROVED 11-0

2. September 12, 2022

Moved by Councilmember Boyett

Seconded by Councilmember Gulick

APPROVED 11-0

REGULAR AGENDA:

2. TAX INCREMENT FINANCING ASSISTANCE from Downtown Urban Renewal District to MJ Shanks, LLC for improvements at 122 and 124 North 22nd Street. Downtown Billings Partnership (DBP) Board recommends approval.

Mehmet Casey, DBA Development Director, gave an overview of the existing properties and the proposed improvements. He reviewed the scope of the project and gave a breakdown of expenses.

Jami Shanks, Developer, spoke of plans for the existing property and indicated she and her husband were excited to be involved in the downtown project.

Council discussed plans for the properties, rent costs and safety concerns.

Mayor Cole, Councilmembers Neese and Purinton expressed concerns with the high percentage of TIF dollars being utilized for the project.

Motion: I move to approve Tax Increment Financing Assistance from Downtown Urban Renewal District to MJ Shanks, LLC, as recommended by the DBP Board.

Moved by Councilmember Shaw

Seconded by Councilmember Gulick

APPROVED 10-1, Councilmember Neese opposed

3. APPOINT members to Council committees.

Council discussed the process and functions of the various committees.

Councilmember Choriki suggested the utilization of Microsoft Teams for the committee meetings. Gina Dahl, City Attorney, indicated the committee meetings needed to comply with open meeting rules and she was unsure if Microsoft Teams could comply with those rules. She added she would research the topic if Council wanted to move forward with it.

Motion: I move to approve the appointment of these Councilmembers to the following list of Council Committees:

Budget Committee: Councilmember Gulick, Councilmember Owen and Councilmember Boyett

Legislative Committee: Councilmember Shaw, Councilmember Neese, Councilmember Choriki, Councilmember Purinton and Councilmember Rupsis

Local Affairs Committee: Councilmember Joy, Councilmember Tidswell

Council Procedures Committee: Mayor Cole, Councilmember Boyett, Councilmember Neese

Moved by Councilmember Shaw

Seconded by Councilmember Owen

APPROVED 11-0

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 spoke:

Jacquelyn Garcia, 941 Dorothy Lane, Billings, MT, spoke of the need to provide activities for kids to reduce the potential of juvenile crimes.

Sean Callahan, 941 Dorothy Lane, Billings, MT, thanked City Administrator Kukulski for his recent apology. He spoke of issues with recovery programs and the jail system.

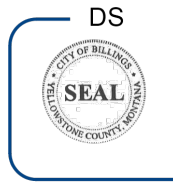
There were no further speakers.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 7:06 P.M.

CITY OF BILLINGS



DocuSigned by:
BY: *William A Cole*
20201105423334EE
William A. Cole, Mayor

ATTEST:

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

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Denise Bohlman

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bohlmand@billingsmt.gov

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10/26/2022 8:13:09 AM

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bohlmand@billingsmt.gov

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Signer Events

William A Cole
coleb@billingsmt.gov
Mayor
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William A Cole
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ID: 235dd76e-a3c9-4e23-89f5-aedaeb3b241a

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

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Denise Bohlman
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Toni Keehner
keehnert@billingsmt.gov
Deputy City Clerk
City Clerk
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Signing Complete	Security Checked	10/26/2022 8:19:24 AM
Completed	Security Checked	10/26/2022 8:19:25 AM

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