



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

SUBJECT: November 14, 2022 Approved Minutes

Council Meeting Date: 12/12/22

Vote: Approved 10-0, Tidswell absent

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

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
November 14, 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 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Tidswell

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
Rusty Logan, MET Transit Manager
Kevin Ploehn, Aviation and Transit Director
Andy Zoeller, Finance Director
Wyeth Friday, Planning Director (Via Zoom)
Brenda Beckett, Community Services Manager
Michael Whitaker, Parks, Recreation and Public Lands Director
Debi Meling, Public Works Director

MINUTES:

- October 24, 2022 - Pending

COURTESIES:

- Police Chief St. John - Citizen Recognition (postponed)

PROCLAMATIONS:

- Mayor Cole proclaimed November 18, 2022, as Salvation Army Red Kettle Campaign Kickoff Day.

COUNCIL REPORTS:

- Councilmember Shaw gave an update of the recent Legislative Committee meeting.
- Councilmember Purinton spoke of a recent meeting with local legislators and staff to discuss draft Public Safety Legislation.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- There were no items on the Administrator's Report.

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

The following individual spoke:

- **Kari Boiter, Continuum of Care (CoC)**, indicated she was available for questions regarding Consent Agenda Item 1A.

There were no further speakers.

1. **CONSENT AGENDA** – Separations: 1A, 1C, 1D, 1E, 1K and 1M

Councilmember Shaw separated Item 1A, for discussion.

Councilmember Purinton separated Items 1C and 1E, for discussion.

Councilmember Owen separated Item 1D, for discussion.

Councilmember Neese separated Items 1K and 1M, for discussion.

Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of 1A, 1C, 1D, 1E, 1K and 1M.

Moved by Councilmember Gulick

Seconded by Councilmember Shaw
APPROVED 11-0

A. Agreement with United Way (CoC) for Low Barrier Shelter.

Motion: I move to approve an agreement with United Way (CoC) for Low Barrier Shelter, with an allocation of up to \$231,000.

Moved by Councilmember Shaw
Seconded by Councilmember Rupsis

Chris Kukulski, City Administrator, reviewed the increase in requested funding and indicated a portion of the increase would provide a cushion that could cover unanticipated costs.

Council discussed the additional amount and how it could be used.

Councilmember Neese indicated he would not support Item 1A and discussed the possibility of private donations.

Motion to Amend: I move to change the amount of the allocation to \$221,250.

Moved by Mayor Cole
Seconded by Councilmember Tidswell

- **Kari Boiter, Continuum of Care (CoC)**, spoke of potential expenditures and how the additional requested amount could help with capital costs that were not covered by the original amount.

Council discussed the length of the contract and how additional dollars would be approved if needed.

Councilmember Gulick recused himself due to a working relationship.

APPROVED 7-3, Councilmembers Shaw, Choriki and Boyett opposed; Councilmember Gulick abstained

Motion to Amend: I move to amend contract terminology regarding safety protocols to state “building codes, zoning codes and other Local, State, Federal regulations and industry practices”.

Moved by Mayor Cole
Seconded by Councilmember Rupsis
APPROVED 10-0, Councilmember Gulick abstained

Mayor Cole asked if the CoC understood the agreement was for funding and did not commit the City to approval of building permits and/or particular land uses. Ms. Boiter agreed.

Amended Motion: I move to approve an agreement with United Way (CoC) for Low Barrier Shelter, allocating \$221,250, including terminology regarding safety protocols to state “building codes, zoning codes and other Local, State, Federal regulations and industry practices”.

APPROVED 8-2, Councilmembers Neese and Boyett opposed; Councilmember Gulick abstained

B. Consultant Agreement with A.D. Creative Group, Kinetic Marketing & Creative, and Spotlight Productions for Airport and MET Transit Advertising and Marketing program.

Councilmember Neese asked for clarification on Item 1B. Rusty Logan, MET Transit Manager, spoke of the need for an outside firm to handle the Airport/MET Transit needs for graphic design, marketing and advertising.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 11-0

C. Consultant Agreement with Land Design, Inc. to develop a master plan for Cottonwood Park.

Councilmember Purinton indicated she would not support the master plan and had concerns with developing more unused master plans for parks.

Councilmember Gulick indicated master plans were wise investments for future planning.

Motion: I move to approve a Consultant Agreement with Land Design, Inc. to develop a master plan for Cottonwood Park.

Moved by Councilmember Shaw
Seconded by Councilmember Joy

Councilmembers Shaw and Joy both spoke in favor of the Cottonwood Park Master Plan and how master plans were beneficial to the City.

Councilmember Neese asked for clarification on funding.

Michael Whitaker, Parks, Recreation and Public Lands Director, spoke of cash in lieu funding for the Cottonwood Master Plan. Councilmember Neese indicated cash in lieu funds should not be used for master plans and would not support the agreement.

Mayor Cole asked for the inclusion of a friendly amendment to authorize his signing authority for the contract when it became available. Councilmembers Shaw and Joy agreed.

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

D. Construction Agreement for Foreclosure Acquisition/Rehabilitation Project at 930 Steffanich Drive.

Councilmember Owen expressed concern with the lack of innovation for development of the property and spoke of more innovative housing options.

Motion: I move to reject the Construction Agreement for Foreclosure Acquisition / Rehabilitation Project at 930 Steffanich Drive.

Moved by Councilmember Owen
Seconded by Councilmember Neese

Councilmember Gulick recused himself due to a working relationship.

Brenda Beckett, Community Services Manager, discussed Community Home Development requirements. She indicated staff had reached out to several developers and none of them had submitted a plan for affordable housing at the location. She cautioned against delaying the project and expressed concerns about a loss of funding if delayed.

Council discussed various options for development of the property, housing using 3D printing and funding options.

Wyeth Friday, Planning Director, expressed concerns with delaying the project and indicated funding could be lost if the project was delayed.

Council continued discussion of various affordable housing options. Ms. Beckett reiterated that the City did not have any other projects in the pipeline that could be chosen for the proposed funding and recommended approval of the agreement.

Substitute Motion: I move to approve the Construction Agreement for Foreclosure Acquisition / Rehabilitation Project at 930 Steffanich Drive.

Moved by Councilmember Shaw
Seconded by Councilmember Boyett

Patti Webster, HOMEFRONT, via Zoom, indicated she did not want HOMEFRONT to be viewed as unprofessional or inadequate and stated they had met all deadlines.

Councilmember Neese stated he would not support the agreement and indicated Council was not presented with good affordable housing options.

APPROVED 6-4, Councilmembers Neese, Owen, Tidswell, and Purinton opposed;
Councilmember Gulick abstained

E. Professional Services Contract with DOWL for WO 23-11: Downtown 2-Way Street Conversion and Montana Avenue Road Diet.

Councilmember Purinton spoke of concerns with the 2-way conversion.

Motion: I move to approve a Professional Services Contract with DOWL for WO 23-11: Downtown 2-Way Street Conversion and Montana Avenue Road Diet.

Moved by Councilmember Shaw
Seconded by Councilmember Joy

Councilmember Rupsis spoke of the contract not being attached to the staff memo.

Debi Meling, Public Works Director, gave an overview of the project and indicated there would need to be a substantial amount of public outreach for the 2-way conversion, which contributed to the costs. She added the contract was the same standard document used for professional services agreements.

APPROVED 10-1, Councilmember Purinton opposed

F. Purchase two vehicles for Parks, Recreation, and Public Lands from JC Billion.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 11-0

G. Amendment No. 3, Airport Terminal Expansion Project; Sletten Construction.

Councilmember Neese asked for clarification on Item 1G. Kevin Ploehn, Aviation and Transit Director, explained the breakdown of the contract and various phases of the project.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 11-0

H. Approval of MET Transit Development Plan and authorize Mayor Cole to provide a positive recommendation to the PCC.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 11-0

I. Donation to the Billings Police Department for the K9 Program and fiber optics upgrades at the Evidence Facility from Phillips 66.

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

J. Preliminary Minor Plat of Michelotti Subdivision. **Quasi-Judicial*

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

K. Tax Increment Finance Assistance from EBURD to STIR, LLC for redevelopment at 304 North 19th Street.

Councilmember Neese indicated he would not support the project due to the high ratio of dollars involved. He spoke of the need for a pre-approval program and encouraged EBURD to bring a program back to Council.

Moved by Councilmember Joy
Seconded by Councilmember Purinton

Zach Terakedis, EBURD, indicated the increase in requested funding was for an identical style of fencing that had been used in other projects.

APPROVED 9-2, Councilmembers Neese and Tidswell opposed

L. Resolution 22-11080 of Intent to create SILMD 332 and set a public hearing date of December 12, 2022.

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

M. Resolution 22-11081 relating to South TIF District Bonds.

Councilmember Neese indicated he did not support the extension of the South TIF and would not vote in favor of Item 1M.

Motion: I move to approve a Resolution relating to South TIF District Bonds.

Moved by Councilmember Joy
Seconded by Councilmember Shaw
APPROVED 9-2, Councilmembers Neese and Purinton opposed

N. Second/Final Reading Ordinance 22-5819 for Zone Change 1018: generally located at 2110, 2116 and 2130 Bench Boulevard. **Quasi-Judicial*

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

O. Second/Final Reading Ordinance 22-5820 for Zone Change 1020: generally located south of Avenue D and east of Tiburon Lane. ***Quasi-Judicial**

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

P. Second/Final Reading Ordinance 22-5821 expanding Ward IV (Annexation 22-07).

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

Q. Bills for the Weeks of:

1. October 3, 2022

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

2. October 10, 2022

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

Recess called at 7:20 P.M. Reconvened at 7:32 P.M.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTIONS authorizing the sale, disposal or lease of City owned properties:

Kevin Iffland, Assistant City Administrator, gave an overview of the proposed properties. He indicated the property disposition ordinance needed updating, therefore, staff was requesting Council approve resolutions allowing the properties to be advertised for sale. He reviewed recommended changes to the resolution language and indicated Legal counsel had concurred with the changes.

Council discussed potential development options for the properties, current tenants, income, and how the properties could best be utilized for downtown development.

Matt Robertson, NAI Properties, spoke of the existing condo spaces in the downtown area and the need for additional small retail spaces. He discussed potential options for the properties proposed for sale.

The following individual spoke during the public hearing:

- **Mike Matthew, 115 North Broadway, Billings, Montana:** expressed concerns with the loss of parking spots for tenants and how new ownership could affect the area.

There were no further speakers.

a. CURRENT CITY HALL (RESOLUTION 22-11082)

Motion: I move to approve a resolution approving the sale, disposal or lease of the current City Hall, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Shaw

APPROVED 11-0

b. PARK 1 GROUND LEVEL RETAIL SPACE (RESOLUTION 22-11083)

Motion: I move to approve a resolution approving the sale, disposal or lease of Park 1 Ground Level Retail Space, as recommended by staff.

Moved by Councilmember Joy
Seconded by Councilmember Tidswell

APPROVED 11-0

**c. SOUTH SURFACE PARKING LOT OFF NORTH 27TH STREET
BETWEEN 1ST AVENUE NORTH AND 2ND AVENUE NORTH (RESOLUTION
22-11084)**

Motion: I move to approve a resolution approving the sale, disposal or lease of the south surface parking lot off North 27th Street between 1st Avenue North and 2nd Avenue North, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Tidswell

APPROVED 11-0

**d. NORTH SURFACE PARKING LOT OFF NORTH 27TH STREET
BETWEEN 1ST AVENUE NORTH AND 2ND AVENUE NORTH (RESOLUTION
22-11085)**

Motion: I move to approve a resolution approving the sale, disposal or lease of the north surface parking lot off North 27th Street between 1st Avenue North and 2nd Avenue North, as recommended by staff.

Moved by Councilmember Gulick

Seconded by Councilmember Tidswell
APPROVED 11-0

3. CITY ADMINISTRATOR'S Annual Performance Evaluation and **APPROVAL** of Employment Contract.

Mayor Cole gave an overview of the proposed changes to the City Administrator employment contract. He indicated Mr. Kukulski had requested a change to Section 7b, which would allow discretion in the amount of contribution and could be added to either his base salary or to the deferred compensation plan.

Chris Kukulski, City Administrator, thanked Council for the input and further explained the proposed changes.

Council discussed the change in compensation, additional cost to the City and how the changes could increase the base salary.

Motion: I move to delay the approval of the City Administrator's Employment contract to November 28, 2022 Council meeting.

Moved by Councilmember Neese
Seconded by Councilmember Purinton
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 provided comment:

- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana**, spoke of the City's drug policy for employees.
- **Amber Dunn, 832 Dorothy Lane, Billings, Montana**, spoke of bond amounts for criminal offenses.
- **Jacquelyn Garcia, 941 Dorothy Lane, Billings, Montana**, spoke of the need for a policy to take offenders to jail regardless of overcrowding.

There were no further speakers.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 8:48 P.M.



CITY OF BILLINGS

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William A. Cole, Mayor

ATTEST:

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BY: Denise R. Bohlman
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William A. Cole
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 Mayor
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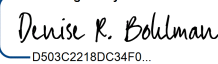
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Denise R. Bohlman
 bohlmand@billingsmt.gov
 City Clerk
 City of Billings
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Envelope Summary Events	Status	Timestamps
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