



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

SUBJECT: December 12, 2022 Minutes

Council Meeting Date: December 19, 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
December 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 5:31 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Mayor Cole

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

Absent/
Excused: Councilmember Daniel Tidswell, Ward IV

Staff
Present: Chris Kukulski, City Administrator (left at 6:32 P.M.)
Gina Dahl, City Attorney
Toni Keehner, Deputy City Clerk
Andy Zoeller, Finance Director
Tina Hoeger, Code Enforcement Manager
Debi Meling, Public Works Director

MINUTES:

- November 14, 2022

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

- November 28, 2022 - Pending

COURTESIES:

- There were no courtesies.

PROCLAMATIONS:

- There were no proclamations.

COUNCIL REPORTS:

- Councilmember Joy spoke of the Artists in Residence Program.
- Councilmember Neese gave an update on the recent Legislative Committee meeting.
- Councilmember Owen spoke of the Budget Committee meeting.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Reminded Council December 19th would be a Regular Business meeting.
- Suggested Council place the reconsideration of Zone Change 1019 at the end of the Council meeting.
- Indicated Low Barrier Shelter talk was continuing.
- Informed Council Assistant Chief Lawrence was present to give a Public Safety update.

Assistant Chief Lawrence, in response to Council questions about firearm purchases, gave an update on the purchase of firearms for the Police Department. He spoke of officer de-escalation and crisis intervention training programs. He also gave updates on recent crime cases, hiring and training of open positions.

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.

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

Councilmember Purinton separated Item 1A1, for discussion.

Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of 1A1.

Moved by Councilmember Gulick

Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1		Animal Control Board	01/01/23	12/31/25
2	Allison Corbyn	Aviation and Transit Board	01/01/23	12/31/26
3	Barbara Schneeman	Aviation and Transit Board	01/01/23	12/31/26
4	Anna O'Donnell	Bicycle & Pedestrian Advisory Committee	01/01/23	12/31/25
5	Marcell Bruski	Billings BID*	01/01/23	12/31/23
6	Jay Graves	Billings BID*	01/01/23	12/31/23
7	Cori LaFever Thelen	Billings BID	01/01/23	12/31/26
8	Miles Borges	Board of Appeals	01/01/23	12/31/26
9		Board of Appeals	01/01/23	12/31/26
10	Kari Boiter	Citizen Police Advisory Board*	01/01/23	12/31/25
11	Charles Loveridge	Citizen Police Advisory Board*	01/01/23	12/31/25
12	Zack Terakedis	Citizen Police Advisory Board*	01/01/23	12/31/25
13	Jenna Martin	Community Development	01/01/23	12/31/26
14	James Allen	Community Development	01/01/23	12/31/26
15	Kathleen Candelaria	Community Development Low Mod	01/01/23	12/31/26
16	Erica Doornek	Community Development Low Mod	01/01/23	12/31/26
17		Community Development Low Mod	01/01/23	12/31/26
18	Phyllis Crawford	Housing Authority Elderly Resident Comm	01/01/23	12/31/24
19	Erin Tate	Human Relations Commission*	01/01/23	12/31/25
20	Kelly Gardner	Human Relations Commission	01/01/23	12/31/26
21	Brian Schnitzer	Human Relations Commission	01/01/23	12/31/26
22	Darrell LaMere	Human Relations Commission	01/01/23	12/31/26
23	Susan Jurovich	Human Relations Commission	01/01/23	12/31/26
24	Susan Plath	Library Board*	01/01/23	12/31/23
25	Lawrence Klee Dr.	Library Board*	01/01/23	12/31/25
26	David Darby	Library Board	01/01/23	12/31/26
27	Todd Morgan	Parking Board	01/01/23	12/31/26
28	Jarod Greenwood	Parking Board	01/01/23	12/31/26
29	Jim Hauck	Parking Board	01/01/23	12/31/26
30	Thom MacLean	Parks, Recreation & Cemetery Board	01/01/23	12/31/26
31	Troy Smith	Public Works Board	01/01/23	12/31/26
32	Carole Boerner	Public Works Board	01/01/23	12/31/26
33		Yellowstone Planning Board - Ward 1	01/01/23	12/31/24
34	Dennie Stephenson	Yellowstone Planning Board - Ward 3	01/01/23	12/31/24
35	John Staley	Yellowstone Planning Board - Ward 4	01/01/23	12/31/24
36	David Nordel	Yellowstone Planning Board - Ward 5	01/01/23	12/31/24
37	Daniel Brooks	Zoning Commission	01/01/23	12/31/26

* 5 Unexpired term of Becky Rogers

* 6 Unexpired term of David Mitchell

*10 Unexpired term of Chris Simpson

*11 Unexpired term of Dennis Bear Don't Walk

*12 Unexpired term of Kristin Lundgren (Substance Abuse Connect)

*19 Unexpired term of Johanna Kennedy

*24 Unexpired term of Andrea Horrell

*25 Unexpired term of Lloyd Mickelson

Councilmember Purinton, regarding Item 1A1, spoke of the need to fill the Citizen Police Advisory

Board opening with a candidate with a law enforcement background.

Motion: I move to replace the recommendation of Kari Boiter with Troy Charbonneau for appointment to the Citizen Police Advisory Board.

Moved by Councilmember Purinton
Seconded by Councilmember Owen

Council discussed the current recommended candidate and the proposed replacement candidate.

Substitute Motion: I move to confirm the Mayor's recommendation for the appointment of Kari Boiter to the Citizen Police Advisory Board.

Moved by Councilmember Rupsis
Seconded by Councilmember Shaw

APPROVED 6-4, Councilmembers Neese, Owen, Purinton and Boyett opposed; Councilmember Tidswell absent/excused

B. Bid Awards:

1. **Temporary Landfill Workers.** (Opened 11/22/2022) Recommend Advanced Employment.

Councilmember Purinton asked for clarification on utilizing the Sherriff's detail for assistance. Debi Meling, Public Works Director, indicated staff tried to acquire volunteer organizations to help, but the contract was in addition to any outside assistance.

Councilmember Neese indicated he had a former business relationship with Advanced Employment but did not have one currently.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

C. Agreement with SmithRx Pharmacy Benefit Manager for City employees' pharmaceutical needs.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

D. Consultant Contract with Sanderson Stewart to complete the Safe Routes to School Plan, Phase 2.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

E. Professional Services Contract for W.O. 23-09: 5th Avenue Corridor with Sanderson Stewart.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

F. Professional Services Contract for WO 19-12: West End Reservoir Project with Dick Anderson Construction.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

G. Memorandum of Understanding with Beartooth Resource Conservation and Development Area, Inc. (Beartooth RC&D).

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

H. Purchase equipment for WO 23-99: Annual City-Wide Traffic Signal Controller Upgrade with Altitude Signal, LLC.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

I. Grant Application Request to submit application for AmeriCorps VISTA and authorize City staff to negotiate and finalize the project, if awarded.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

J. Exchange City Golf Corporation 2023 annual budget and fee structure for Par 3 Golf Course.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

K. Donation to Billings Police Department from an anonymous donor; \$1,000.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

L. Utility Easement with James and Joann Boyer for storm and sanitary sewer main access.

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

M. Final Plat of Amended St. Vincent Healthcare Subdivision. ***Quasi-Judicial**

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

N. Final Plat of St. Vincent Subdivision, 2nd Filing. ***Quasi-Judicial**

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

O. Resolution of Intent 22-11087 to create Special Improvement District (SID) 1421, Cypress Point, and set public hearing for January 23, 2023.

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

P. Second/Final Reading Ordinance 22-5822 amending Section 10-202, Billings, Montana City Code (BMCC), creating a second Municipal Court Judge office.

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

Q. Bills for the Weeks of:

1. November 7, 2022

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

2. November 14, 2022

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

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 22-11088 assessing the nuisance property abatements. Staff recommends approval.

Andy Zoeller, Finance Director, indicated there could be a potential change of ownership or sale on the properties involved, therefore, staff was presenting the abatements to expedite the process.

Tina Hoeger, Code Enforcement Manager, gave an overview of the properties and current ownership details. She indicated staff was trying to ensure the abatements were paid in full before the properties changed ownership.

There was no public testimony.

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

Moved by Councilmember Boyett
Seconded by Councilmember Shaw

APPROVED 10-0, Councilmember Tidswell absent/excused

3. PUBLIC HEARING AND RESOLUTION 22-11089 creating SILMD 332, Mullowney Lane from Elysian Road to Midland Road. Staff recommends approval.

Debi Meling, Public Works Director, gave an overview of the properties, assessments, and the proposed streetlights to be installed. She noted no valid protests were received. She indicated some of the tax codes were incorrect in the Resolution of Intent, but the current Resolution was corrected.

Council discussed light pollution and LED lighting options.

The following individual spoke during the public hearing:

- **George Niedens, 3233 Rim Point Drive, Billings, Montana**, indicated the road was used by many vehicles and the properties to be assessed should not have to pay for the entire project.

There was no further public testimony.

Council asked for clarification on the City's assessment process. Ms. Meling indicated every arterial street in the City was paid the same way. She indicated the City should reconsider the streetlight district process in the future but acknowledged it would be a huge, very time-consuming process. She discussed various options and how the process could occur.

Council discussed the various options for assessing fees for streetlights.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve a resolution creating SILMD 332, as recommended by staff.

Moved by Councilmember Shaw
Seconded by Councilmember Boyett

Councilmember Shaw indicated that Council could do a better job explaining the process to the public and a new process could not happen quickly.

Councilmember Rupsis asked for clarification on separating the streetlights from the district. Ms. Meling noted an arterial streetlight district could not be separated quickly. She indicated the need for more research and would email Council with that information. Councilmember Rupsis implied he would not support the motion and that the City could develop with a better process for street lighting

assessments.

Council discussed the current process and the possibilities of a new arterial streetlight process.

APPROVED 9-1, Councilmember Rupsis opposed; Councilmember Tidswell 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:

- **Preston Lees, Beartooth Holding and Construction, Billings, Montana**, requested Council reconsider their former decision to deny Zone Change 1019.
- **Scott Aspenlieder, 3636 Colin Drive, Billings, Montana**, spoke of the importance to include transportation planning and infrastructure in the CIP planning process.
- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana**, spoke of the public records request process for Police reports.
- **Amber Dunn, 832 Dorothy Lane, Billings, Montana**, played an audio recording of an incident with their neighbor. She spoke of previous incidents she had with Billings residents and added that residents did not want out of states to move here.

Mayor Cole asked for clarification on the City's Request for Public Records process. Gina Dahl, City Attorney, reviewed the process, timing and costs involved.

There were no further speakers.

COUNCIL INITIATIVES:

Motion: I move to reconsider the decision to deny Zone Change 1019 made at the November 28, 2022, Council meeting.

Moved by Councilmember Boyett
Seconded by Councilmember Choriki

Council discussed the options allowed by the developer if the Zone Change was reconsidered.

Gina Dahl, City Attorney, explained the allowable process if the Zone Change was brought back for reconsideration and approval by Council. She indicated approval would allow the Zone Change to be sent back to the Zoning Commission for discussions between the public and developers to continue.

Wyeth Friday, Planning Director, indicated Council reconsideration would allow modifications to be made to the application. He stated the process could take 3-4 months. He added a withdrawal from the developer, which had not occurred, would require a 4 month wait before being brought back to Council.

Councilmember Purinton indicated she would recuse herself from Zone Change 1019 due to family member involvement.

APPROVED 7-2, Councilmember Neese and Boyett opposed; Councilmember Purinton abstained; Tidswell absent/excused

ADJOURN: 7:11 P.M



CITY OF BILLINGS

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

ATTEST:

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

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