

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
December 19, 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 P.M.

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Shaw

**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 – Via Zoom  
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  
Karen Schexnider, Assistant City Attorney  
Denise Bohlman, City Clerk  
Wyeth Friday, Planning Director  
Jessica Fust, Building Official  
John Caterino, Facilities Manager  
David Watterson, IT Director  
Derek Miller, Public Works, Streets and Traffic Superintendent  
Michael Whitaker, Parks, Recreation and Public Lands Director  
Mike Pigg, Superintendent of Parks  
Rusty Logan, MET Manager  
Rich St. John, Police Chief  
Debi Meling, Public Works Director  
Jennifer Duray, Public Works Deputy Director  
Andy Zoeller, Finance Director  
Karla Stanton, Human Resource Director

Sheila Kolar, Municipal Court Judge

**MINUTES:**

- November 28, 2022

Moved by Councilmember Joy  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

- December 12, 2022

Moved by Councilmember Joy  
Seconded by Councilmember Boyett  
**APPROVED 11-0**

**COURTESIES:**

- Citizen and Officer Recognition - Police Chief, Rich St. John, presented Life-Saving Awards to Officers Anthony Carney and Marc Snider for their involvement in rescuing an attempted suicide victim. He presented the Life-Saving Award for a citizen to Travis Salter who heroically saved teens from an immersed vehicle.

**PROCLAMATIONS:**

- Mayor Cole proclaimed December 21, 2022, as Homeless Persons' Memorial Day and invited everyone to attend a vigil on the courthouse lawn.

**COUNCIL REPORTS:**

- Councilmember Rupsis provided details about goals achieved, after attending a Downtown Billings Partnership (DBP) meeting. He recognized Katy Easton's leadership.
- Councilmember Rupsis thanked City staff for working with Continuum of Care (CoC) and First Congregational Church to approve it as a Low-Barrier Shelter.
- Councilmember Joy mentioned the Local Affairs Committee had met, set their rules, etc. Future meetings would identify priorities.
- Councilmember Shaw noted the Legislative Committee had met and would forward a resolution for express approval for items before the Legislature.

**ADMINISTRATOR REPORTS – CHRIS KUKULSKI**

- Provided updated law enforcement statistics about individuals with outstanding warrants.
- Acknowledged those who participated in the Aviation and Transit Director interviews and that an offer had been made and accepted.
- Mentioned that Council and staff were invited to tour Rocky Vista campus in February, a date and time needed to be confirmed.
- Reminded Council this meeting was the last for 2022.
- Reminded Council the first meeting in January, a Work Session, would be held on Tuesday, January 3<sup>rd</sup>, rather than Monday due to the holiday; and
- There were no ex-parte communications received after 3:00 p.m. concerning items on the agenda.

**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.)

The following individual gave public comment:

- **Randy Hafer, 702 N. 23<sup>rd</sup> Street, Billings, Montana**, spoke in favor of the transportation projects in the CIP, especially the 25<sup>th</sup> Street Bike and Pedestrian Bridge.

There were no further speakers.

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

Councilmember Choriki separated Item 1N, for discussion.

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

Moved by Councilmember Boyett  
 Seconded by Councilmember Tidswell  
**APPROVED 11-0**

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Pamela Barr	Animal Control Board	01/01/23	12/31/25
2	Alex Tyler	Board of Appeals	01/01/23	12/31/26
3	Jordan Clayton	Tourism BID*	12/20/22	10/01/23
4	Jim Ronquillo	Yellowstone Planning Board - Ward 1	01/01/23	12/31/24

\*3 Unexpired term of Lori Walker

Moved by Councilmember Boyett  
 Seconded by Councilmember Tidswell  
**APPROVED 11-0**

B. **Bid Awards:** None

C. **Agreement** with AllStream PRI Services for the City of Billings telephone system.

Moved by Councilmember Boyett  
 Seconded by Councilmember Tidswell  
**APPROVED 11-0**

- D. **Agreement** with Billings American Legion Baseball for maintenance of Pirtz Field at Stewart Park.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

- E. **IAFF - Local 521**, July 1, 2020 and July 1, 2021 Wages.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

- F. **Memorandum of Understanding** concerning Local Board of Health Governing between the City, County and Laurel.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

- G. **Purchase** six (6) Unmanned Aircraft Systems (UAS) for regional HazMat teams from Steel City Drones.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

- H. **Purchase** four (4) heavy-duty electric transit buses and charging equipment for MET Transit from Gillig, LLC.

Councilmember Neese asked staff look to other fuel option such as propane.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

- I. **Purchase** a bus training simulator for MET Transit from FAAC, Inc.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

- J. **Preliminary Minor Plat** of Cardwell Ranch Subdivision, 2nd Filing. **\*Quasi-Judicial**

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

**K. Preliminary Minor Plat** of Amended Midland Subdivision, 4th Filing. **\*Quasi-Judicial**

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

**L. Resolution 22-11090** approving FY2024 Technology Replacement Plan (TRP).

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

**M. Resolution 22-11091** approving FY2024 Equipment Replacement Plan (ERP).

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

**N. Resolution 22-11092** adopting rules governing the remote participation of all City Council, board, committee, or commission members.

Councilmember Choriki was concerned about the language in Paragraph 2, giving a City Administrator too much power over how members would participate. Mayor Cole explained this pertained more to boards, committees and commissions wherein the technology may not or cannot be made available.

Councilmember Neese suggested the language in Paragraph 8 be changed from “and audio/video” to “the required connection”.

**Motion:** I move to approve a Resolution adopting rules governing the remote participation of all City Council, board, committee, or commission members, with a change to the language in Paragraph 8 from “and audio/video” to “the required connection”.

Moved by Councilmember Joy  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

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

1. November 21, 2022

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

## **REGULAR AGENDA:**

### **2. RESOLUTION 22-11093** approving the FY2024-FY2028 Capital Improvement Plan (CIP). Staff recommends approval.

Andy Zoeller, Finance Director, provided a PowerPoint presentation and reviewed the CIP timeline; Council's comments and proposed amendments, specifically those related to the Parks Department CIP. He explained financing options for the projects noted in the Parks' 5-year CIP and beyond. He reviewed the staffs' recommended amendments and corrections, i.e., 2-way street conversion and 25<sup>th</sup> Street bridge, Pioneer Park tennis courts, and amended Parks' projects funded with General Obligation (GO) bonds. Council's comments and amendments were identified as delaying Rimrock, 54<sup>th</sup> Street West, Broadwater Avenue and 36<sup>th</sup> Street West projects (arterial) and reallocating those monies to existing maintenance programs; and delaying expansion of Billings Operations Center (BOC) wash bay facility project. Mr. Zoeller explained staffs' concerns about delaying those projects. He provided an explanation for keeping planning documents in the CIP because they led to development and provided a good mechanism for timing and tracking of projects. Staff acknowledged Council's desire for further analysis of combined breakroom and storage facility usage for FY24. Staff did not support Council's recommendation to delay the 25<sup>th</sup> Street Bridge to FY25 because it limited grant funding.

Council and staff discussed possible options for creating indoor tennis courts at Pioneer Park and its master plan. Also discussed were tennis and pickle ball courts in the new recreation center and possible amendments to its master plan and cost recovery for tennis courts. Discussions continued concerning changing the CIP to indicate planning for facilities outside the core of Billings, i.e., west end, heights, and inner belt loop.

Michael Whitaker, Parks, Recreation and Public Lands Director, responded to questions about spray and splash parks versus wading pools, water conservation measures, filtration, and policy.

Andy Zoeller, Finance Director, reviewed the Parks' projects anticipated for bonding.

Debi Meling, Public Works Director, addressed Council's questions concerning possibly delaying projects. She explained the criteria staff used to determine whether a project rose to the top of the priority list. She expressed her concern about shifting monies from one project to another and wholesale delaying projects. She preferred a balanced approach to project development. She reviewed Safe Routes to School project implementation and identified high, medium and low impact projects.

Council and staff discussed the importance of each project; funding strategies for future maintenance; philosophical differences of developers and the City; and the reactive method the City has responded to road development. Also discussed was the "tool" used for determining which projects rose to the top of the priorities list and making adjustments to it to meet Council's goals.

**Motion:** I move to approve a Resolution approving the FY2024-FY2028 Capital Improvement Plan (CIP), as recommended by staff in the agenda packet.

Moved by Councilmember Shaw  
Seconded by Councilmember Neese

Councilmember Owen spoke to the debated topics from the Budget and Finance Committee.

**Motion to Amend:** I move to separate the Parks Department portion of the CIP to allow more discussion and a separate vote during a future Regular Business meeting.

Moved by Councilmember Rupsis  
Seconded by Councilmember Neese

Councilmember Rupsis indicated it may be premature to consider spray and splash park installations before the aquatics study was completed. He wanted Council to review the projects and share with staff their priorities in the Parks' CIP.

Councilmember Joy supported the motion but stated it was more important to understand the funding sources for the projects because without funding the CIP became a wish list.

Councilmember Neese supported the motion and noted the reserve funds in PD1 needed further discussion. Council discussed how those reserve funds may have come to be.

**APPROVED 10-1,** Councilmember Joy opposed

Council discussed how to reject portions of the CIP if they did not agree to them, i.e., portions of Transportation projects.

**Motion to Amend:** I move to separate the Transportation projects portion on Page 11 of the proposed CIP for a separate vote during a future Regular Business meeting.

Moved by Councilmember Rupsis  
Seconded by Councilmember Purinton

Councilmember Rupsis spoke to the motion and asked that staff re-balance some of the priorities to reduce the gap on some projects to make significant progress on them, and to do so before Council made a recommendation for approval.

Council discussed the two-way conversion project and its funding.

Councilmember Shaw would not support the amendment as she was not concerned about FY24 projects and to ask staff to return a new plan in a month caused unnecessary work for Public Works staff. She suggested Public Works collect Council's suggestions for improvements to the tools used to prioritize projects, etc. for next year's CIP.

Councilmember Owen suggested items be addressed during the budget cycle.

Councilmember Rupsis stated his concern about passing the CIP with an FY24 project that would need to be changed at budget time. It would not provide clear direction to staff.

Council and staff discussed concerns about School District 2 changing their districts and how that might affect the Safe Routes to Schools plan.

Councilmember Choriki urged Council to approve as much of the CIP as possible and not punt large sections of the CIP to be considered later due to the fast-approaching budget process. He

would not support the amendment. He noted Council needed to be specific about the changes they were seeking and provide staff with clear direction.

Councilmember Neese asked Councilmember Rupsis if he would be satisfied removing only the Broadwater Avenue project from the FY24 CIP and all of the remaining years so staff could prepare for the rest of the CIP for the budget process. Councilmember Rupsis noted that if the Broadwater Avenue project were removed, it would open funds for other projects, i.e., pavers, Safe Routes to Schools and traffic calming. He wanted to understand how staff would prioritize those and its immediate impact on the budget.

Mayor Cole suggested staff make modest adjustments.

**APPROVED 6-5**, Councilmembers Shaw, Owen, Joy, Choriki and Tidswell opposed

Councilmember Owen spoke about the new city hall project having a significant budget overage and the importance of having a comprehensive, intentional plan. She voiced her concern and asked staff to evaluate combining departments to best use remote facilities, break rooms and storage/maintenance facilities for FY24.

**Motion to Amend:** I move to direct staff to evaluate remote facilities, break rooms and storage/maintenance facilities throughout the CIP and bring to Council their findings during the budget discussions on a strategy to utilize existing spaces, jointly built facilities or plan across departments, as an added footnote to the CIP.

Moved by Councilmember Owen  
Seconded by Councilmember Purinton

**APPROVED 9-2**, Councilmembers Joy and Choriki opposed

Councilmember Joy moved to **Call the Question**.

Councilmember Neese called **Point of Order**, stating the matter had not been fully discussed until all Councilmembers were afforded an opportunity to make motions.

Mayor Cole asked if any other Councilmembers wished to make further comment. Councilmember Owen indicated she would make additional comments.

**Call the Question FAILED 4-7**, Councilmembers Gulick, Neese, Owen, Tidswell, Purinton, Rupsis and Mayor Cole opposed

**Motion to Amend:** I move to strike all planning documents from the CIP.

Moved by Councilmember Owen  
Seconded by Councilmember Neese

Councilmember Owen indicated the planning documents were not capital and they were inconsistently included in the CIP.

Chris Kukulski, City Administrator, explained that the plans helped staff to anticipate future planning of capital projects and agreed they could be included more consistently. Without them

being included in the CIP, they may not get recognized. He requested they remain in the CIP until another tool could be developed.

Council and staff discussed the plans' usefulness in coordination with the CIP projects; whether certain lower dollar capital improvements, along with their studies, would need to be included in future CIPs; and possibly restructuring the CIP in the future.

Councilmember Owen moved to **withdraw** her Motion to Amend and Councilmember Neese withdrew his second.

**Amended Motion:** I move to approve a resolution approving the FY2024-FY2028 Capital Improvement Plan (CIP) with the following separations: all Parks Department Capital Improvement Projects and the Transportation projects portion on Page 11 totaling \$99 million be returned to Council at a future regular business meeting for a separate vote; and adding language to CIP that during budget discussions, staff will provide a strategy for combining or jointly utilizing break rooms, storage and maintenance facilities between departments.

### **APPROVED 11-0**

Recess called at 7:48 P.M. Reconvened at 7:56 P.M.

**3. NEW CITY HALL FUNDING OPTIONS.** Staff and Budget and Finance Council Committee recommends approval.

Andy Zoeller, Finance Director, reviewed the outcome of the December 8, 2022 Council Budget and Finance Committee's meeting with staff in which funding sources and options were identified for the \$13 million budget deficit to complete the new city hall build-out.

Jessica Fust, Building and Facilities Manager, spoke about Energy Performance Contracting (EPC) and how efficiency upgrades could yield significant savings to pay for those upgrades over 15-20 years. She outlined the pros and cons of the EPC program and explained that the funding resource was not considered earlier because a funding deficit was not recognized at the beginning of the project.

Andy Zoeller spoke about Park District 1 (PD1) funds, and he explained how Parks' General Fund monies would be used toward the Parks Department's build-out of office space. It would not create an increase to the PD1 assessments. He reviewed Parks' program funds, i.e., park acquisition, parkland sales, Kiwanis donations, Cottonwood Park, Trash for Trees, and batting cage replacement. He stated staff was seeking direction from Council about how they wanted to proceed with funding options.

Councilmember Boyett made inquiry into opioid settlement monies as a funding option. Mr. Zoeller explained the installment plan for receipt of those monies and that the first \$100,000 was recommended to be applied toward the city hall project.

Councilmembers Owen and Gulick acknowledged staffs' efforts to identify all options, including those not recommended. Councilmember Owen expressed concern about replacement of the chillers in the building and supported EPC to help offset those costs. She supported the recommendations of staff and the Budget and Finance Committee.

Councilmember Choriki made clear he was not entirely against having a General Obligation (GO) bond for the build-out of the new city hall, but that it should go before Council for a

vote. He asked about drug forfeiture monies being utilized as a funding source. Kevin Iffland, Assistant City Administrator, indicated staff recommended \$500,000 of the funds be applied to the Police Department's portion of the build-out. Councilmember Choriki followed with a question about utilizing Municipal Court collections toward its portions of the build-out. Sheila Kolar, Municipal Court Judge, explained the collection process and was optimistic monies could be collected and used toward the Court's build-out. Councilmember Choriki inquired whether cell tower placement on the building had been considered. Mr. Iffland noted that option had not been explored but was open to the idea.

Councilmember Neese inquired whether the monies from parkland sales could be used for the build-out for the Parks Department. Mr. Zoeller indicated it could if there were no restrictions or limitations to do so, which he would research.

**Motion:** I move to include Parks Department parkland sales funds toward the build-out of the Parks Department in the new city hall building.

Moved by Councilmember Neese  
Seconded by Councilmember Boyett

No initial motion was on the table and Councilmember Neese's motion would be considered an amendment to a initial motion, he **withdrew** the motion to be raised later. Councilmember Boyett withdrew his second.

Council discussed using some of the Public Safety Mill Levy monies toward the Court's, Police and Legal Departments' build-out costs.

Councilmember Owen explained that not all funding sources nor the need for additional funds would take place all at once but would arise throughout the project. Staff would continue to review expenses and funding options as the need arose.

**Motion:** I move to approve the funding options for the new City Hall, as recommended by the Staff and Budget and Finance Committee.

Moved by Councilmember Owen  
Seconded by Councilmember Neese

Councilmember Joy inquired about the impacts to the Parks Department's existing building. Mr. Iffland responded the building would continue to be used for storage and recreation programs.

Councilmember Purinton asked for more clarification on the EPC and marijuana revenues. Ms. Fust responded that the EPC was a financing option and would not operate as a grant or free money. It was a way to finance energy improvement projects by anticipating what savings there may be from utility costs once energy efficient equipment was installed. Those savings are used to pay down the debt of the contract. Staff was not recommending this funding option because the advanced stage of the project.

Mr. Kukulski indicated the anticipated amount from marijuana monies was conservative and the recommendation was to use approximately one-half or a maximum \$200,000 of it toward the city hall build-out. Should the total amount of marijuana revenues exceed the prediction, the recommendation was not to exceed \$200,000 for the build-out, although Council could consider more, if necessary.

Councilmember Boyett suggested considering selling naming rights as the County does for the Metra. Discussions continued about selling naming rights to specific areas of the building, rather than the entire building.

**Motion to Amend:** I move to utilize the Parks Department parkland sales funds toward the build-out of the Parks Department in the new city hall building, if there are no contingencies, restrictions or limitations.

Moved by Councilmember Neese  
Seconded by Councilmember Owen

**APPROVED 10-1**, Councilmember Rupsis opposed

Council and staff reviewed items that were removed through the value-engineering process from the project to save money. Employment vacancies were not being left open to create funds.

Councilmember Rupsis voiced his opposition to the expense of a new City Hall building when so many street maintenance projects were needed.

**Amended Motion:** I move to approve funding options recommended by staff and Budget and Finance Committee for the new City Hall with the amendment to use monies from parkland sales toward the Parks Department's portion of the buildout.

**APPROVED 11-0**

Mr. Kukulski asked that a motion be specific to Council's intention that staff and all involved, are to move forward with the full build-out of the new City Hall.

**Motion:** I move to approve that staff and all agencies involved move forward with the full build-out of the new City Hall with the approved funding options.

Moved by Councilmember Owen  
Seconded by Councilmember Boyett

Councilmember Rupsis voiced opposition indicating the motion was out of order.

**APPROVED 10-1**, Councilmember Rupsis opposed

**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 individual gave public comment:

- **Kathy Smit, 2440 River Oaks Drive, Billings, Montana**, spoke on behalf of Off the Streets Corporation, whose goal was to purchase a building in the downtown area for a permanent low-barrier shelter and asked Council to support that effort. She applauded the CoC and MRM for providing shelter to the unhoused this winter.

There were no further speakers.

**COUNCIL INITIATIVES:**

There were no Council initiatives.

Councilmember Shaw noted staff should address changes to the ordinance language concerning

reconsiderations to the Zoning Commission. Mr. Kukulski responded several amendments to the code were in the works and would be brought before Council for approval.

Council discussed the naming process for the new City Hall building.

Councilmember Joy noted that there should be limits as to what could be returned to the Zoning Commission.

Councilmember Owen inquired about a charter review.

**ADJOURN: 8:53 P.M.**



CITY OF BILLINGS

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

ATTEST:

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