



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

SUBJECT: January 9, 2023 MINUTES

Council Meeting Date: January 23, 2023

Vote: Approved 10-0, Shaw absent/tardy

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

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
January 9, 2023**

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.

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 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
Wyeth Friday, Planning Director
Lora Mattox, Planner
Elyse Monat, Alternative Modes Coordinator

MINUTES:

- December 19, 2022

Moved by Councilmember Joy
Seconded by Councilmember Tidswell

Councilmember Gulick requested the word “totally” be corrected to “totaling” on page 9. Councilmembers Joy and Tidswell accepted the change as a friendly amendment.

APPROVED 11-0

COURTESIES:

- Mayor Cole indicated Kevin Ploehn, Aviation and Transit Director, was retiring after 33 years of service.

PROCLAMATIONS:

- Mayor Cole proclaimed January 22-28, 2023, as Billings School Choice Week.

COUNCIL REPORTS:

- There were no Council reports.

ADMINISTRATOR REPORTS - CHRISKUKULSKI

- Indicated the upcoming Work Session would be held on Tuesday, January 17th due to the Martin Luther King holiday.
- Gave an update on Legislative topics.
- Indicated a correction to the title of Consent Agenda Item 1E.
- Announced Kevin Ploehn, Aviation and Transit Director, was retiring February 14th.
- Indicated there had been no ex-parte communications received concerning items on the agenda.
- Informed Council of the Governors' Public Safety roundtable scheduled for Wednesday, January 11th, 2023.

Council requested they be informed in advance of legislative bills that required City staff involvement and/or staff testimony.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 2 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 gave public comment:

- **Elyse Monat, Alternative Modes Coordinator**, in reference to Consent Agenda Item 1G, thanked Big Sky Economic Development for their donation. She spoke of potential plans for the program.
- **Dianne Lehm, Big Sky Economic Development**, in reference to Consent Agenda Item 1G, encouraged artists to apply for the project and explained the effect the program had on the community.

There were no further speakers.

1. **CONSENT AGENDA**

Mayor Cole separated Items 1D and 1E, for discussion.

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

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

A. Bid Awards:

1. **W.O. 22-34: Culvert Replacement, Schedule II, Holling Drain at Barrett Road.**
(Opened 12/6/22) Recommend rejecting all bids.

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

2. **W.O. 22-40: Water Main Extension, Grey Eagle Ditch to Arlington Avenue.**
(Opened 12/6/22) Recommend Askin Construction.

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

3. **W.O. 23-29: Water Treatment Plant Sediment Hauling.** (Opened 12/20/22)
Recommend Askin Construction.

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

4. **Airport Terminal Boiler Replacement.** (Opened 12/20/2022) Recommend G & T
Plumbing & Mechanical.

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

- B. **Amendment No. 4, W.O. 20-33: Public Works GIS Services, Professional Services Agreement, HDR Engineering.**

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

C. Purchase of 2023 721G Wheel Loader from Torgerson's.

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

D. Recommendation of approval of the Billings Community Transportation Safety Plan to the Policy Coordinating Committee.

Wyeth Friday, Planning Director, spoke of the paragraph to be added to the Executive Summary as follows: "To develop a comprehensive transportation safety plan, the 4 E's, Engineering, Education, Emergency Medical Services (EMS), and Enforcement must be included in the effort. Professionals representing each of these areas were heavily involved in the data analysis, identification of focus areas, and the strategies outlined. The focus on the CTSP was to review citizen behaviors, which result in strategies focused more heavily on Education, Emergency Medical Services (EMS), and Enforcement. The plan's safety focus was to augment other planning efforts focused on the built environment, notably the Long-Range Transportation Plan and the Billings Area Bikeway and Trail Master Plan, completed by the Billings MPO, and through capital planning by City and County Public Works."

Motion: I move to approve the recommendation of approval of the Billings Community Transportation Safety Plan to the Policy Coordinating Committee, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Joy

Motion to Amend: I move to add the proposed language to the Executive Summary.

Moved by Councilmember Shaw
Seconded by Councilmember Joy

Councilmember Rupsis spoke of the decision to focus on the listed strategies instead of developing strategies to pull everything together into one plan.

Lora Mattox, Transportation Planner, indicated the Steering Committee had focused on behavior, education, emergency services and enforcement. She indicated planning documents were incorporated into the Long-Range Transportation Plan.

Council discussed seat belt policy changes, environment versus human behavior and creating a more inclusive plan with a broader set of strategies.

Councilmember Choriki distributed information on his upcoming Transportation Safety Oversight Committee initiative.

APPROVED 9-2, Councilmembers Purinton and Rupsis opposed

E. Recommendation of approval of the Billings Bypass Study to the Policy Coordinating Committee (PCC).

Wyeth Friday, Planning Director, reviewed the proposed language changes regarding municipal services and added the following language: "The required pipe diameter of the water main extension will depend on the corridor development types and their water demands. The existing water main on Mary Street may have some capacity to supply initial water demands along this system extension, but further analysis of the system was needed."

Motion: I move to direct Mayor Cole to take a recommendation of approval of the Billings Bypass Corridor Study to the PCC.

Moved by Councilmember Neese
Seconded by Councilmember Purinton

Motion to Amend: I move to add recommended language to page 29 of the Study, regarding future development along the Billings Bypass Corridor being served by municipal services, and add the language regarding the existing water system's capabilities to serve development in the corridor and the need for further evaluation.

Moved by Councilmember Shaw
Seconded by Councilmember Rupsis

Amendment to Amended Motion: I move to change all terminology referring to "municipal services" to "public utilities".

Moved by Councilmember Neese
Seconded by Councilmember Owen

Council discussed the terminology and how it could affect future development.

Chris Kukulski, City Administrator, indicated the City was trying to encourage future developers to utilize public utilities, whether it be the City's utilities or Heights Water District, to avoid septic tanks.

Council asked for clarification on Heights Water District standards.

Scott Aspenlieder, Performance Engineering, indicated the Heights Water District followed State requirements but differed slightly from City standards.

Councilmember Shaw's Amended Motion to add recommended language to page 29 of the Study, regarding future development along the Billings Bypass Corridor being served by municipal services, and add the language regarding the existing water system's capabilities to serve development in the corridor and the need for further evaluation.

APPROVED 10-1, Councilmember Choriki opposed

Councilmember Neese's Amendment to Amended Motion to change all terminology referring to "municipal services" to "public utilities".

APPROVED 11-0

Amended Motion to add recommended language to page 29 of the Study, regarding future development along the Billings Bypass Corridor being served by municipal services, and add the language regarding the existing water system's capabilities to serve development in the corridor and the need for further evaluation; change all terminology referring to "municipal services" to "public utilities"; and direct Mayor Cole to take a recommendation of approval of the Billings Bypass Corridor Study to the PCC.

APPROVED 11-0

- F. **Montana History Foundation Grant Application** for Electronic Historic Downtown Walking Tour.

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

- G. **Donation** to City of Billings from Big Sky Economic Development to Mobilize the MAGIC City Project.

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

- H. **Donation** to Fire Department from Exxon Mobil for general support.

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

- I. **Donation** to Fire Department from Phillips 66 for emergency lighting on Mobile Response Team (MRT) units.

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

- J. **Donation** to Fire and Police Departments from West High Volleyball and Coach Grossman.

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

- K. **Final Plat** of Eldorado Subdivision. ***Quasi-Judicial**

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

- L. **Bills for the Weeks of:**

- 1. November 29, 2022

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

- 2. December 5, 2022

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

3. December 12, 2022

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

REGULAR AGENDA:

2. **RECONSIDERATION OF ZONE CHANGE 1019:** located at Lots 2 and 3, Block 1, Zimmerman Home Place Subdivision, 3rd Filing.

Wyeth Friday, Planning Director, reviewed the previous Council action that led to the denial of Zone Change 1019 and the motion to bring the Zone Change back for reconsideration.

Gina Dahl, City Attorney, clarified the procedure and status of the pending motion to be considered and provided an example of language for a substitute motion allowing the applicant to withdraw the motion. She indicated Councilmember Boyett's previous motion for reconsideration had put the original motion from November 28, 2022, made by Councilmember Shaw, and seconded by Councilmember Joy, back on the floor. A substitute motion would be required for any action other than approval of Zone Change 1019.

Original Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve first reading ordinance for Zone Change 1019 and adopt the 10 criteria, as recommended by the Zoning Commission.

Substitute Motion: I move to allow the applicant to withdraw the application for Zone Change 1019, as recommended by staff.

Moved by Councilmember Rupsis
Seconded by Councilmember Tidswell
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 gave public comment:

- **Amber Dunn, 832 Dorothy Lane, Billings, Montana,** spoke of issues on Dorothy Lane.
- **Jaqueline Garcia, 836 Dorothy Lane, Billings, Montana,** spoke of drug and safety issues.
- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana,** spoke of drug and safety issues.
- **Wendy Stiff, 4507 Bowman Drive, Billings, Montana,** spoke against Special Review 995.

There were no further speakers.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 6:58 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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Mayor

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City Clerk

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