



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

SUBJECT: 4/10/2023 Minutes

Council Meeting Date: 4/24/23

Vote: Approved unanimously

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

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

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Choriki

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

Staff

Present: Chris Kukulski, City Administrator (Arrived at 6:42 P.M.)
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Toni Keehner, Deputy City Clerk
Rich St. John, Police Chief
Debi Meling, Public Works Director
Andy Zoeller, Finance Director
Monica Plecker, Planning Manager
Wyeth Friday, Planning Director

MINUTES:

- March 27, 2023

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

COURTESIES:

- Councilmember Boyett asked for an update from Representative Mike Yakawich. Representative Yakawich spoke of current bills in which he was focused and thanked Council for their efforts.

PROCLAMATIONS:

- Mayor Cole proclaimed April as Child Abuse Prevention Month.
- Mayor Cole proclaimed April as Keep America Beautiful / Great American Cleanup Month. Joan Tooley, Bright n' Beautiful Executive Director, mentioned the Great American Clean Up would be held on April 22nd, 2023. Mayor Cole announced Ms. Tooley's upcoming retirement and thanked her for her efforts.

COUNCIL REPORTS:

- Councilmember Joy spoke of the recent Community Development Board meeting and their upcoming plans.
- Councilmember Owen gave an update on the March 27th Budget and Finance Committee meeting and topics addressed.

ADMINISTRATOR REPORTS – CHRIS KUKULSKI KEVIN IFFLAND, Assistant City Administrator

- Informed Council it was Dispatcher Week and thanked those involved for their efforts.
- Informed Council that Consent Agenda Item 1K, Resolution of Intent to Create SID 1423, was not ready for approval and asked Council to remove it from the agenda.
- Reported there were no ex-parte communications concerning items on the agenda.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 3b and 6 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:

- **Ione Young, 2238 Larchwood Lane, Billings, Montana**, spoke about needing more clarity concerning Consent Agenda Item 1M, Ordinance amending BMCC, Section 18-204.

There were no further speakers.

1. CONSENT AGENDA

Mayor Cole separated Consent Agenda Item 1K for removal.

Mayor Cole separated Consent Agenda Item 1M for discussion.

Councilmember Neese separated Consent Agenda Items 1A2, 1A3 and 1A4 to request staff include more financial analysis in staff memos.

Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of 1A2, 1A3, 1A4, 1K and 1M.

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

A. Bid Awards:

- 1. Airport's Mid-Field Service Road Project.** (Opened 3/21/23)
Recommend Askin Construction.

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

- 2. Compost Trommel Screen.** (Opened 3/21/23) Recommend Ecoverse.

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

- 3. W.O. 20-46: Landfill Compost Facility, Schedule 1,** including additive alternate 1. (Opened 3/7/23) Recommend K2 Civil, Inc.

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

- 4. W.O. 20-46: Landfill Compost Facility, Schedule 2.** (Opened 3/21/23)
Recommend COP Construction, LLC.

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

5. W.O. 23-17: Grand Avenue and 3rd Street West. (Opened 3/7/23)
Recommend Knife River.

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

6. W.O. 23-35: Hesper Sanitary Sewer Extension. (Opened 3/7/23)
Recommend COP Construction, LLC.

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

B. Agreement for Cloud based route planning and scheduling software with Remix Technologies, LLC.

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

C. Agreements with Montana Roll Off Service, LLC and Tiger Roll Off & Recycling, LLC.

Councilmember Purinton asked for clarification on fees for Item 1C.

Debi Meling, Public Works Director, indicated all haulers that brought material to the landfill had similar rates according to a set schedule.

Councilmember Neese spoke of franchise fees being referenced in the agreements.

Gina Dahl, City Attorney indicated the franchise fee portion of the agreement would need to be removed.

Motion to Amend: I move to strike the franchise fee section from the agreements, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Purinton
APPROVED 11-0

Amended Motion: I move to approve the agreements with Montana Roll Off Service, LLC and Tiger Roll Off & Recycling, LLC, as amended.

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

D. Agreement with Yellowstone County Sheriff's Department for FY2024 data processing services.

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

E. Purchase 2023 compact track loader from RDO Equipment Co.

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

F. Purchase computer aided dispatch/automated vehicle location software services and equipment from Passio Systems.

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

G. Purchase four (4) heavy-duty diesel transit buses from Gillig, LLC.

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

H. Donation to the Billings Public Library from the Library Foundation.

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

I. 2023 High Intensity Drug Traffic Area (HIDTA) award from the Executive Office of the President, Office of National Drug Control Policy.

Councilmember Purinton asked for clarification on Item 1I.

Police Chief St. John indicated the Office of National Drug Control Policy (ONDCP) funds could be used to support the HIDTA program which helped to disrupt and dismantle local drug issues. He stated the money did not supplant salary but could be used for training, informants, etc.

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

J. Recommendation of approval to the Policy Coordinating Committee for Amendment 4 of the 2020-2024 Transportation Improvement Program.

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

~~**K. Resolution** of intent to create SID 1423 and set a public hearing date for May 8, 2023.~~

Motion: I move to remove Item 1K from the agenda, as recommended by staff.

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

L. Resolution 23-11110 authorizing the issuance and calling for a public sale for the West End Reservoir bonds.

Councilmember Purinton asked for clarification of the bonding process. Andy Zoeller, Finance Director, indicated there would be two phases of bonding and the current rates would cover debt service. Councilmember Choriki asked for clarification on how the West End Reservoir would affect the Height's Water District's rates. Debi Meling, Public Works Director, explained there would be a 40% increase.

Council discussed how the reservoir would affect the Height's Water District.

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

M. Second/Final Reading Ordinance 23-5828 amending Billings, Montana City Code, Section 18-204.

Gina Dahl, City Attorney, reviewed her replies to questions posed by Councilmember Neese in an email received the prior evening. She spoke of suggested revisions by Councilmember Neese: Section 5b change "used by" to "in use" and change Section 5c from "will" to "may" and offered no objection to those revisions. She indicated the ordinance was in line with State law.

Councilmember Neese read the State's intent and policy regarding firearms. He spoke of the difference in leased versus owned property for government buildings, unpermitted and open carry, the meaning of "continuous use" and various other topics he wanted reviewed. He asked for a meeting with Legal counsel and some Councilmembers to clarify details of the ordinance.

Motion: I move to postpone approving Item 1M, for up to 2 Business meetings, for further opportunity to revise the ordinance.

Moved by Councilmember Neese
Seconded by Councilmember Purinton

Council spoke about the ordinance terminology and proposed revisions.

Councilmember Owen indicated the Council Operations Committee may be the appropriate group to review and make possible revisions to the ordinance.

Councilmember Neese and Purinton agreed to accept “having the Council Operations Committee meet to review the ordinance” as a friendly amendment to the motion.

Amended Motion: I move to postpone approving Item 1M, for up to 2 Business meetings, for the Council Operations Committee to review and propose revisions to the ordinance.

APPROVED 10-1, Councilmember Choriki opposed

N. Second/Final Reading Ordinance 23-5829 for Zone Change 1022, 630 Logan Lane. ***Quasi-Judicial**

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

O. Bills for the Weeks of:

1. March 6, 2023

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

2. March 13, 2023

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

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 23-11111 approving and adopting FY2023 budget amendments. Staff recommends approval.

Andy Zoeller, Finance Director, reviewed the following budget amendments: Fire Station funds for the purchase and improvements of Fire Station 8; a funding plan for the new City Hall; and Ballpark Repair fund for improvements to Dehler Park. He indicated the Council’s Budget and Finance Subcommittee recommended approval.

There was no public testimony given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve and adopt FY2023 budget amendments, as recommended by staff.

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

3. SID 1419:

- a. PUBLIC HEARING AND RESOLUTION 23-11112** creating SID 1419, Charles Street. Staff recommends approval.

Debi Meling, Public Works Director, gave an overview of the location and proposed improvements. She reviewed the district boundary, assessments, and project schedule. She indicated there had been zero protests received.

There was no public testimony given.

Motion: Having conducted a Public Hearing, considered written and spoken public testimony, I move to approve a Resolution creating SID 1419, as recommended by staff.

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

- b. BID AWARD: SID 1419, CHARLES STREET.** (Opened 2/21/23)
Recommend Askin Construction. Staff recommends approval.

Debi Meling, Public Works Director, indicated there was no presentation and she was available for questions.

Motion: I move to approve the bid award for SID 1419, Charles Street, as recommended by staff.

Moved by Councilmember Joy
Seconded by Councilmember Tidswell
APPROVED 11-0

4. PUBLIC HEARING AND RESOLUTION 23-1113 FOR ANNEXATION 23-02: located south of Elysian Road and west of East Lane and north of Shackelford Lane. Staff recommends conditional approval.

Monica Plecker, Planning Manager, gave an overview of the property proposed for annexation, the limits of annexation map, and the annexation policy criteria.

Councilmember Neese expressed safety concerns with the path the kids would use to walk to school. Ms. Plecker indicated the conditions of approval would handle those issues. She explained the differences between annexation agreements and subdivision improvements agreements (SIA).

Council discussed ways the City could include conditions to the improvements in the SIA and how to implement Safe Routes to Schools.

Anna Vickers, IMEG, agent, indicated she was available for questions.

There was no public testimony given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to conditionally approve Annexation 23-02, as recommended by staff.

Moved by Councilmember Shaw
Seconded by Councilmember Rupsis

Councilmember Neese reiterated his safety concerns for the routes to school and indicated he would not support the annexation.

Mayor Cole asked for clarification on the location of the Marathon Loop from Zoo Drive to Riverfront Park. Wyeth Friday, Planning Director, indicated a study had identified multiple options. He indicated City developed parcels were required to include sidewalks or pathways. County residential zoning required sidewalks but industrial zoning did not have that requirement. He indicated the City had policies in place to ensure sidewalks would be included.

APPROVED 10-1, Councilmember Neese opposed

5. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annexation 23-02: located south of Elysian Road and west of East Lane and north of Shackelford Lane. Staff recommends approval.

Monica Plecker, Planning Division Manager, gave an overview of why Ward V had been chosen and showed the property on the map. She indicated a correction to move Elysian School and everything west of East Lane to Ward V would be necessary at a future date.

There was no public testimony given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance expanding the boundaries of Ward V, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Joy

APPROVED 11-0

6. LEGISLATIVE SESSIONS UPDATE.

Chris Kukulski, City Administrator, gave an overview of SB 523 (Tax Increment Financing), and HB 534 (Court collection limits). He indicated the Zoom call with lobbyists later in the week was canceled.

Councilmember Neese mentioned that HB 381, Methamphetamine Contamination, had been tabled. He indicated the Council's Legislative Subcommittee was working with the lobbyists to keep the list of bills up-to-date.

Council discussed upcoming legislative topics and Mr. Kukulski indicated HB 774, Election Laws, was still pending.

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:

- **Jaqueline Garcia, 836 Dorothy Lane, Billings, Montana**, spoke of jail issues.

There were no further speakers.

COUNCIL INITIATIVES:

Mayor Cole spoke of sending a letter to the Yellowstone County Commissioners and Sheriff Linder addressing a Council request for a jail needs assessment and potential expansion. He asked if all Councilmembers were in support of the letter. They all concurred.

Councilmember Owen suggested it also be sent to County Attorney Twito, Judges Fehr, Carter and Kolar.

Motion: I move to send a letter indicating Council’s support of a jail needs assessment for Yellowstone County.

Moved by Mayor Cole
Seconded by Councilmember Owen

APPROVED 11-0

ADJOURN: 7:45 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

Certificate Of Completion

Envelope Id: B33573A3D66B4DEC87B45D6141B57C1C	Status: Completed
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Source Envelope:	
Document Pages: 12	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Stamps: 1
Envelope Stamping: Enabled	Envelope Originator:
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Toni Keehner
	keehnert@billingsmt.gov
	IP Address: 161.7.21.105

Record Tracking

Status: Original 4/25/2023 9:29:56 AM	Holder: Toni Keehner keehnert@billingsmt.gov	Location: DocuSign
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Signer Events

William A. Cole
 coleb@billingsmt.gov
 Mayor
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

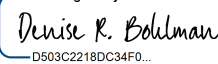

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Timestamp

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 Signed: 4/25/2023 9:38:53 AM

Electronic Record and Signature Disclosure:
 Accepted: 12/3/2020 8:46:12 AM
 ID: 235dd76e-a3c9-4e23-89f5-aedaeb3b241a

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

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 Signed: 4/25/2023 9:48:05 AM

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Toni Keehner
 keehnert@billingsmt.gov
 Deputy City Clerk
 City Clerk
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 Signed: 4/25/2023 10:23:44 AM

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	4/25/2023 10:23:44 AM
Completed	Security Checked	4/25/2023 10:23:44 AM

Payment Events	Status	Timestamps
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