



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

SUBJECT: Approved Minutes - April 24, 2023

Council Meeting Date: May 8, 2023

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
April 24, 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 Purinton

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
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Denise Bohlman, City Clerk
Wyeth Friday, Planning Director
Monica Plecker, Planning Manager
Jessica Iverson, Building Official
John Caterino, Facilities Superintendent
Brenda Beckett, Community Development Manager

MINUTES:

- April 10, 2023

Moved by Councilmember Shaw
Seconded by Councilmember Gulick

APPROVED 11-0

COURTESIES:

- Mayor Cole introduced and welcomed the new School District 2 Superintendent Erwin Garcia, along with Billings Public School Board Chair, Scott McCulloch.
- Councilmember Rupsis mentioned Partners for Parks Foundation would hold a fundraiser “Party for Parks – Boots & BBQ” on April 28, 2023, 6 PM- 11 PM, at the Pub Station and invited everyone to join in the fun.
- Councilmember Rupsis introduced Brandon Scala, Senior Vice President of Valley Federal Credit Union, to speak about the second annual HIVE event and introduce the winners.
- Councilmember Neese mentioned that voting had opened for local school board elections and encouraged everyone to vote.

PROCLAMATIONS:

- Mayor Cole proclaimed Arbor Day – May 4th
- Mayor Cole proclaimed April – National Volunteer Recognition Month – April 29th, Celebrate the Friends and Volunteers of St. Vincent De Paul

COUNCIL REPORTS:

- Mayor Cole read a statement regarding settlement of the franchise fee lawsuit.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Acknowledged that Consent Agenda Item 1C may be separated to review potential modifications to the agreement by Council and that he had spoken with Montana Rescue Mission about possible modifications being recommended by Council.
- Advised the summary information contained in the staff memo for Item 3 on the Regular Agenda, incorrectly stated 50% abatement. It should have read 100% abated in years 1-4, with Rimrock Kia paying 100% taxable value in year 5 and forward.
- Advised that Consent Agenda Item 1E (Annafeld Subd., 5th Filing plat) needed to be moved to the Regular Agenda as Item 5a (AFTER Annexation 23-01). Council would need to make a motion to move it to the Regular Agenda.
- There were no ex-parte items sent to Mayor and Council after 3 pm concerning items on the agenda.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 7 and 8 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:

- **Tess Besaw, 1510 Saddle Ridge Road, Laurel, Montana**, in reference to 1C, stated she was the data coordinated entry person working with Montana Rescue Mission (MRM) and she had spent numerous hours working on the details of the agreement with City staff. She encouraged Council to seek permanent solutions.

There were no further speakers.

1. **CONSENT AGENDA**

Councilmember Rupsis separated Consent Agenda Item 1C for discussion.

Councilmember Purinton separated Consent Agenda Item 1F for discussion.

Mayor Cole separated Consent Agenda Item 1E to remove it from the Consent Agenda and place it on the Regular Agenda as Item 5a.

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

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

A. **Bid Awards:**

1. **Community Center Hail Repairs.** (Opened 4/4/23) Recommend Finishing Touch Exteriors, Inc.

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

B. **Agreement** with CityView for Community Development and Business Licensing software.

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

C. **Agreement** with Montana Rescue Mission for sheltering services data.

Motion: I move to approve the agreement with Montana Rescue Mission (MRM) for sheltering services data.

Moved by Councilmember Rupsis
Seconded by Councilmember Gulick

Motion to Amend: I move to amend the agreement with MRM as follows:

Change second bullet in Appendix A to:

Montana Rescue Mission will ~~use~~ participate in the Coordinated Entry System (CES) for the purposes of this grant. CES is an important process through which people experiencing or at risk of experiencing homelessness can access the crisis response system in a streamlined way, have their strengths and needs quickly assessed, and quickly connect to appropriate, tailored housing and mainstream services within the community or designated region. All four Core Elements of the

Yellowstone County CoC's Coordinated Entry program must be met in order to be fully compliant. U.S. Housing and Urban Development defines these Core Elements as: Access, Assessment, Prioritization, and Referral.

Change 5th bullet in Appendix A to:

Must demonstrate good faith participation with the Yellowstone County CoC and the CES. Good faith participation includes, but is not limited to, compliance with the Coordinated Entry System, timely entry of necessary data into HMIS, participation in the annual Point in Time Count survey, attendance at monthly and annual meetings of the Yellowstone County CoC membership, attendance and participation in Coordinated Entry and HMIS orientations and trainings, and any other data gathering reasonably required by the Yellowstone County CoC for program analysis and evaluation.

Moved by Councilmember Rupsis
Seconded by Councilmember Neese

Councilmember Rupsis noted that the amendments were recommended to clarify "good faith" and participation in the HMIS coordinated data entry process. He understood that staff had shared the amendments with MRM previously and MRM had no objection. He inquired of MRM staff what might happen when the one-year contract expired. Oksana Zakharchenko, Program Director, Montana Rescue Mission (MRM) addressed Council by saying MRM was seeking grant opportunities to help with ongoing staffing for the data entry position.

Councilmember Owen shared her concerns about the agreement not meeting the Council's adopted priorities from 6 months ago. She continued that the amendments moved toward a solution but they would not get the community what they needed. The data collection was already 6 months behind schedule; there was too little authority to validate data; and too much time had been spent discussing "good faith participation" which sent red flags. She noted the low barrier shelter had opened, served those in need and closed in the time it took to get to this agreement. Also every other service provider contributed data for free. She opposed the motion to approve.

Councilmember Shaw agreed with Councilmember Owen and gave her opinions concerning lack of data, timing of the agreement and the new budget year. She would not support the motion.

Councilmember Purinton also agreed and stated she did not understand the delay or added negotiations. She was concerned about what might happen upon the term date of the agreement and she was unsatisfied with the response from MRM about seeking grants to continue providing data or support the data entry position. She would not support the motion to approve.

Councilmember Neese supported the motion to amend because obtaining the data was important; without it, the City could not determine solutions. He supported terminating the agreement early if the City Administrator could determine that all conditions were not being met.

Chris Kukulski, City Administrator, agreed it was important to have MRM's data added to the rest of the service providers' data in HMIS so opportunities from HUD, etc. may be realized. He would rely on the State CoC and Pathways to ensure the data was correct and valid. He spoke about good faith efforts being a gray area on both sides, indicating that participation and attendance on the local level was necessary. Tess Besaw reported that data reports could be pulled from the HMIS system quickly and easily. She was concerned about "locking" of all data from MRM causing problems in that no one else could view the types of services sheltered individuals received. Locking data could be done because MRM served Medicaid individuals and some information was HIPPA protected, but not all of the information. She explained the data entry process and the consequences realized by not having the MRM's sheltering information for the HUD application process. She suggested it would be helpful

if MRM did not lock all their data, but lock down just the information that was HIPPA related.

Councilmember Boyett inquired whether quarterly reporting was sufficient. Ms. Besaw responded the agreement stated reimbursement on a monthly basis and perhaps reports should also be monthly.

Councilmember Owen voiced concerns about reimbursements without timely reports and that the agreement did not come close to what Council unanimously adopted and it contained an escape clause that raised red flags to her.

Councilmember Gulick agreed and stated he would support the motion to amend but vote against the motion.

Mayor Cole expressed his opinion that the agreement provided about 90% of what Council wanted and he would support the approval of the agreement.

Councilmember Neese asked to add an amendment that reporting would be on a monthly basis to mirror the reimbursement timetable.

Motion to Amend: APPROVED 6-5, Councilmembers Shaw, Owen, Joy, Tidswell and Purinton opposed.

Substitute Motion: I move to reject/deny the agreement with Montana Rescue Mission (MRM) for sheltering services data.

Moved by Councilmember Shaw
Seconded by Councilmember Owen

Councilmember Boyett noted it was important to obtain the data and the agreement moved toward achieving that end. If the data was not properly provided, the agreement could be terminated at any time.

Mayor Cole agreed and stated collecting the correct data could pay big dividends in the end.

Councilmember Rupsis expressed his disappointment with the substitute motion as it ended further possible amendments. He indicated he would vote for the substitute motion so if it was approved, he would move for reconsideration of the vote at a later meeting.

Councilmember Shaw supported the substitute motion because she wanted to see if a majority of Council supported it, in which case, hearing more amendments would not be necessary. However, if the substitute motion failed, then additional amendments could be heard.

Councilmember Choriki noted the data was needed but understood the trust issues. He would oppose the substitute motion so the agreement could move forward to capture data.

Councilmember Owen agreed that data collection was important, but it was equally important that agencies seeking public money act in good faith and avoid circumventing conditions set by Council. MRM could return with an ask during the next fiscal year with a better understanding of meeting Council's conditions.

Councilmember Joy agreed and noted more could have been done with the \$80,000 that has sat unclaimed. She supported the motion.

Councilmember Neese agreed with the arguments set forth but looked long-term for additional amendments. He requested a roll call vote.

Mayor Cole warned that MRM could decide to deny any amendments made and the data would be lost.

Substitute Motion: APPROVED 7-4, Councilmembers Neese, Choriki, Boyett, Mayor Cole opposed

D. **Acceptance** of the Montana Main Street Impact Grant on behalf of the Downtown Billings Business Improvement District (BID).

Councilmember Purinton suggested maps be provided of the current areas before improvements and the future anticipated improvements to be made to those areas.

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

E. **Preliminary Major Plat** of Annafeld Subdivision, 5th Filing. ***Quasi-Judicial Moved to Regular Agenda as Item 5a**

Motion: I move to remove Consent Agenda Item 1E from the Consent Agenda and move it to the Regular Agenda as Item 5a, as recommended by staff.

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

F. **Preliminary Major Plat** of Golden Meadows Subdivision Expansion. ***Quasi-Judicial**

Councilmember Purinton inquired about traffic signal monitoring and sidewalk installation. Joey Staszczuk, Sanderson, Stewart, addressed Council's concerns that the recommendations were based on the past 5 years' crash data for the area. Rick Leuthold, Sanderson Stewart, explained that old development of Golden Meadows was developed per the City's standards many decades ago, but the newest development would follow current City standards for curbs, gutters and sidewalks installed by the owner of the development. There were no requirements to connect the old section with the new section. Mr. Leuthold and Council discussed modifications to wording on the Subdivision Improvement Agreement (SIA) concerning sidewalk installation responsibility and removing references to an HOA for maintenance.

Councilmember Boyett voiced concern about school capacities and future development's impact. Chris Kukulski, City Administrator, assured Council that School District 2's superintendent provided high school capacity numbers and there was room for additional students. Councilmember Boyett took his information from the staff memo that indicated there was not sufficient capacity to which Mr. Kukulski acknowledged that was incorrect and needed to be changed.

Councilmember Rupsis disclosed he had sat with Rick Leuthold on an airplane ride, but specifics about Consent Agenda Items 1E and 1F were not discussed.

Councilmember Neese inquired of block space, connectivity and park space. Wyeth Friday, Planning Director, provided that manufactured home developments did not have the same block requirements, but Council could consider changes to that in the future. He indicated the development's proximity to the BBWA canal prohibited connectivity and he addressed the parkland situation as meeting the requirements.

Council discussions continued with Mr. Leuthold about affordable housing options, street widths, traffic speeds, landscaping and challenges for moving homes in and out of the area.

Motion: I move to approve Consent Agenda Item 1F and give staff authority to make changes to the SIA concerning sidewalk installation responsibility and removing references to an HOA for maintenance.

Moved by Councilmember Joy
Seconded by Councilmember Shaw

APPROVED 11-0

G. **Second/Final Reading Ordinance** expanding Ward V (Annexation 23-02).

Moved by Councilmember Shaw
Seconded by Councilmember Neese

APPROVED 11-0

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

1. March 20, 2023

Moved by Councilmember Shaw
Seconded by Councilmember Neese

APPROVED 11-0

2. March 27, 2023

Moved by Councilmember Shaw
Seconded by Councilmember Neese

APPROVED 11-0

REGULAR AGENDA:

2. **PUBLIC HEARING AND APPROVAL** of FY2023-2024 Annual Action Plan and Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Budget Allocations. Community Development (CD) Board recommends approval.

Wyeth Friday, Planning Director, reviewed short-term housing impacts including two Council initiatives. He spoke of housing strategies and an upcoming community meeting to be held at the Billings Public Library.

Brenda Beckett, Community Development Manager, provided a timeline for the Annual Action Plan and its details. She reviewed goals and core programs; HUD funding sources and recommendations.

Council and staff discussed the pros and cons of the AmeriCorps VISTA program and the Neighborhood Stabilization Program.

The following individual spoke in favor of the Annual Action Plan during the public hearing:

- **Terri Todd, 135 Monarch Street, Billings, Montana**, spoke about the AmeriCorps VISTA program being vital to the organization in which she was involved and how they helped the organization raise over \$150,000 from outside the community.

There were no further speakers, and the public hearing was closed.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the FY2023-2024 Annual Action Plan and Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Budget Allocations, as recommended by the Community Development (CD) Board.

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

3. **PUBLIC HEARING AND RESOLUTION 23-11114** approving a property tax abatement for Rimrock IV, LLC, d/b/a Kia of Billings. Staff recommends approval.

Dianne Lehm, Big Sky Economic Development (BSEDA), introduced Josh Soares of Rimrock IV, LLC, applicant, to speak about the tax abatement request and the company's plan for expansion, remodeling and reconstruction of a building located at 4040 King Avenue West. Dianne Lehm explained the qualifications of the project per applicable State, County and City laws. The ask was for 100% abatement on new investment in years 0-4 and beginning on year 5 and beyond business would be taxes on the full taxable value. She continued that the company anticipated to invest \$5 million into the project and create 24 additional jobs. She stated the County Commissioners had approved the tax abatement on April 18th. It was estimated the overall project, once completed, would general a total revenue impact of over \$4 million.

Council and staff discussed the County's decision to approve the abatement of County taxes and whether the City was held to do the same. Discussions continued about tax abatements being particularly attractive to capital intensive businesses such as auto dealerships. Council discussions continued about jobs reporting, etc. and rescinding and recapturing a tax abatement if items such as jobs were not realized. Reports are generated by a survey and provided to Council by BSEDA. Ms. Lehm stated that BSEDA waived the \$500 application fee on all applications and that verbiage needed to be removed from the application.

The following individual spoke against the tax abatement during the public hearing:

- **Kevin Nelson, 4032 Bruce Avenue, Billings, Montana**, spoke about how a tax abatement placed the tax burden on the company's employees and others. He encouraged Council to reject the tax abatement based on giving away taxes that were desperately needed to the tax base.

There were no further speakers, and the public hearing was closed.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution approving a property tax abatement for Rimrock IV, LLC, d/b/a Kia of Billings, as recommended by staff.

Moved by Councilmember Joy
Seconded by Councilmember Shaw

Councilmember Joy spoke in support of the motion.

Councilmember Neese spoke about the policy needing revisions. He indicated the area the business was located in was a very popular area with lots of business and residential activity. He did not agree with incentivizing businesses that would experience lots of business success versus a business developing in an area in need of redevelopment. He opposed the motion.

Councilmember Shaw explained that all that was being abated was the increase the improvements would be taxed, but that the base taxes would still be paid, so the City was only losing the increment of the improvements for four years. She supported the motion.

Councilmember Owen agreed that the policy needed revisiting and agreed that the City was abating taxes not already realized, which by doing so aided competition and bettered the City overall. She considered whether the incentive was a deal breaker for the company or would the project be completed to some degree no matter what. She supported the motion.

Councilmember Gulick supported revisiting the policy resolution and suggested that the study of costs may provide guidance concerning payment for services incurred, i.e., street maintenance and public safety during a renovation. He supported the motion.

Councilmember Rupsis mentioned it was a reappraisal year and might the City experience a significant loss if the abatement were granted. He made comparisons between TIF monies and tax abatements. He supported the motion.

Councilmember Purinton inquired when the 24 jobs must be realized; her concern about filling those jobs; and if Kia was investing anything toward the project. Ms. Lehm responded the intent was that in year 2 of the abatement to have the jobs created and filled. The requirement was that they be filled on the fifth year. Kia would be contributing to the project. Councilmember Purinton voiced her concerns about private businesses receiving tax breaks to the detriment of individual taxpayers. She opposed the motion due to the process, not the private business.

Councilmember Choriki identified the importance of infilling property and indicated taxpayers were not subsidizing the tax abatement. No incremental taxes were presently realized.

Mayor Cole suggested that if the resolution was to be amended in the future, that amendments consider low/mod income areas over other areas to incentivize development in those neighborhoods. He suggested the resolution mimic the State statutes concerning the stepping percentages of the tax abatement structure.

APPROVED 9-2, Councilmembers Neese and Purinton opposed.

Recess was called at 8:09 PM. Reconvened at 8:17 PM. Councilmember Owen left the physical meeting during recess and appeared via Zoom for the remainder of the meeting. Mayor Cole reviewed the rules of procedure that allowed her to participate in the meeting.

4. **PUBLIC HEARING AND SPECIAL REVIEW 996:** a special review to allow a 30-foot height increase to an existing wireless communication facility (WCF), in a Corridor Mixed Use 1 (CMU1) zone district located at 1010 Grand Avenue. Zoning Commission recommends conditional approval and adoption of the findings of the 9 review criteria. ***Quasi-Judicial**

Monica Plecker, Planning Manager, reviewed the special review 9 criteria. She gave an overview of the project and fencing options.

Council and staff discussed having cell towers in close proximity to each other, fencing options, parking, and co-locating wireless communication providers on single towers, etc.

- **Cameron Colgan, Powder River Development**, applicant's agent, appeared via Zoom, and provided background information about the project. T-Mobile wished to co-locate at the site, rather than install a new tower elsewhere. To do that the existing cell tower's height needed to increase. He informed Council of the Federal Spectrum Act concerning height restrictions and that the Act prohibited local governments from restricting critical communications infrastructure.

No public testimony was given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken public testimony, and review of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 9 review criteria, I move to approve Special Review 996.

Moved by Councilmember Boyett
Seconded by Councilmember Neese

Council and staff discussed concerns about height and distance between cell towers; the Federal Spectrum Act and future special reviews. Further discussions included modification to conditions concerning fencing materials and security for the cell tower.

APPROVED 11-0

5. **PUBLIC HEARING AND RESOLUTION 23-11115 FOR ANNEXATION 23-01:** located East of East Lane and South of Elysian Road. Staff recommends conditional approval.

Monica Plecker, Planning Manager, provided a presentation outlining the interconnectedness of Items 5 and 5a. She explained the area was part of a Planned Neighborhood Development and she reviewed the various zoning nearby. She reviewed the annexation policy criteria. Ms. Plecker explained that whether conditions were outlined in a Subdivision Improvement Agreement (SIA) or an Annexation Agreement, it would have the same outcome. This annexation would have a SIA attached to it, but future annexations may have annexation agreements instead.

Council and staff discussed reviewing older Planned Neighborhood Developments, to consider additional conditions in a SIA or annexation agreement. Public Works was open to having annexation agreements and not SIAs in the future.

No public testimony was given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to conditionally approve Annexation 23-01, as recommended by staff.

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

a. ~~4e.~~ **Preliminary Major Plat** of Annafeld Subdivision, 5th Filing. ***Quasi-Judicial**

There was no presentation. Staff were available to answer questions.

Councilmember Neese raised questions about CPTED principles being conditioned along pedestrian corridors for community safety.

- **Greg McCall, McCall Development, 1536 Mallowney Lane, Billings, Montana**, explained the configuration of the block that was of concern and stated fences would not be allowed on the property lines along the walkway. The housing association would have to approve any fencing. Councilmember Boyett asked if parking on the street could be designated on one side or the other as the streets within Annafeld did not feel safe to travel through. Mr. McCall responded that by design parking on both sides of the street was a traffic-calming measure.

Motion: I move to approve the preliminary major plat of Annafeld Subdivision, 5th Filing, as recommended by staff.

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

6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 23-01: located East of East Lane and South of Elysian Road. Staff recommends approval.

There was no presentation. Staff were available for questions.

No public testimony was given during the public hearing.

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 III, as recommended by staff.

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

7. **INITIATION** of Zoning Code Text Amendments.

Wyeth Friday, Planning Director, explained the process for bringing zoning code text amendments to the Council and Zoning Commission.

Mayor Cole reminded Council that none of the amendments would be considered quasi-judicial and he encouraged Council to view or attend Zoning Commission meetings to gain understanding.

Motion: I move that Council initiate the general amendments to the Zoning Code as outlined in the Planning staff presentation on April 3, 2023, and include the following to be forwarded to the Zoning Commission:

Group one:

- Garage entry door location for property zoned NX1 or NX2.
- Sign code amendments to address existing nonconforming wall signs, other nonconforming signs and separations between off-premise signs and residential zones.
- Adjustments to Building and Siting Standards for Neighborhood and Mixed Neighborhood ones
- Fence materials in Commercial and Residential zones

Group two:

- Council action options for special reviews and zone changes
- Open Space provisions in NX and PND district assembly
- Allow rebuild of Residential Structures in Commercial and Mixed Use zones by right
- Step-backs of taller buildings between Neighborhood and Mixed Neighborhood zones

Group three:

- Updates to Administrative Relief provisions
- Landscape Plan clarifications for residential (one and two family) lots
- Housekeeping amendments to correct errors and cross-references in other city codes
- Special Review criteria
- Zoning at Annexation

Moved by Councilmember Shaw
Seconded by Councilmember Neese

Council and staff discussed timing to make changes to the fencing sections of the code.

APPROVED 10-1, Councilmember Tidswell opposed

8. LEGISLATIVE SESSIONS UPDATE.

Chris Kukulski, City Administrator, provided a brief summary of four hot topics: 1. Appropriations; 2. Land Use; 3. Elections; and 4. Tax Increment Financing. He encouraged Councilmembers to communicate with the legislators and share the City's stand on those items. He mentioned that House Bill 914, was written too broadly and amendments were happening quickly and was something to be watching. Sober Living Senate Bill 94 passed and was heading to the governor to sign.

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:

- **Kevin Nelson, 4532 Bruce Street, Billings, Montana**, spoke about the revolving door for criminals and the ineffectiveness of the Department of Corrections.

There were no further speakers.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 9:32 P.M.



CITY OF BILLINGS

DocuSigned by:
 BY William A. Cole
 2CA11B411801
 William A. Cole, Mayor

ATTEST:

DocuSigned by:
 BY Denise R. Bohlman
 D503C2211801
 Denise R. Bohlman, City Clerk

Certificate Of Completion

Envelope Id: 7BD81675DE7E496C849331F3B9A38CCA
 Subject: April 24, 2023 Approved Minutes
 Source Envelope:
 Document Pages: 13
 Certificate Pages: 5
 AutoNav: Enabled
 Enveloped Stamping: Enabled
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

 Envelope Originator:
 Denise R. Bohlman
 bohlmand@billingsmt.gov
 IP Address: 161.7.21.143

Record Tracking

Status: Original
 5/9/2023 12:53:42 PM

Holder: Denise R. Bohlman
 bohlmand@billingsmt.gov

Location: DocuSign

Signer Events

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

Signature

DocuSigned by:

 2CA11D5423334EE...

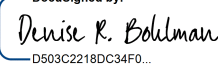
 Signature Adoption: Pre-selected Style
 Using IP Address: 72.175.160.94


Timestamp

Sent: 5/9/2023 1:15:04 PM
 Viewed: 5/9/2023 1:42:51 PM
 Signed: 5/9/2023 1:43:05 PM

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)

DocuSigned by:

 D503C2218DC34F0...



 Signature Adoption: Pre-selected Style
 Using IP Address: 161.7.21.143

Sent: 5/9/2023 1:43:07 PM
 Viewed: 5/9/2023 1:45:43 PM
 Signed: 5/9/2023 1:45:59 PM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

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
Carbon Copy Events	Status	Timestamp

Toni Keehner
 keehnert@billingsmt.gov
 Deputy City Clerk
 City Clerk
 Security Level: Email, Account Authentication (None)

COPIED

Sent: 5/9/2023 1:46:00 PM

Carbon Copy Events	Status	Timestamp
---------------------------	---------------	------------------

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events	Signature	Timestamp
-----------------------	------------------	------------------

Notary Events	Signature	Timestamp
----------------------	------------------	------------------

Envelope Summary Events	Status	Timestamps
--------------------------------	---------------	-------------------

Envelope Sent	Hashed/Encrypted	5/9/2023 1:15:04 PM
Certified Delivered	Security Checked	5/9/2023 1:45:43 PM
Signing Complete	Security Checked	5/9/2023 1:45:59 PM
Completed	Security Checked	5/9/2023 1:46:00 PM

Payment Events	Status	Timestamps
-----------------------	---------------	-------------------

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft OBO City of Billings (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft OBO City of Billings:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: kampal@billingsmt.gov

To advise Carahsoft OBO City of Billings of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at kampal@billingsmt.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Carahsoft OBO City of Billings

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to kampal@billingsmt.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft OBO City of Billings

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to kampal@billingsmt.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft OBO City of Billings as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO City of Billings during the course of your relationship with Carahsoft OBO City of Billings.