



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

SUBJECT: APPROVED MINUTES - May 8, 2023 Regular Business Meeting

Council Meeting Date: May 22, 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
May 8, 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 Tidswell

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
Toni Keehner, Deputy City Clerk
Jennifer Duray, Public Works Deputy Director
Wyeth Friday, Planning Director

MINUTES:

- April 24, 2023

Moved by Councilmember Joy
Seconded by Councilmember Tidswell

APPROVED 11-0

COURTESIES:

- Mayor Cole thanked Faith E Church for their help planting trees at Centennial Park as well as their financial donation for Arbor Day.

PROCLAMATIONS:

- There were no proclamations.

COUNCIL REPORTS:

- Mayor Cole read a statement regarding settlement of franchise fee lawsuit.
- Mayor Cole attended the Montana Historical Preservation Society award ceremony and spoke of the City properties that had been recognized: the mausoleum at Mountview Cemetery, Pioneer Park, McKinley School, First National Bank and the Fratt Building.
- Councilmember Choriki indicated the Traffic Safety Committee discussed showcasing various traffic safety topics at some upcoming events.
- Councilmember Purinton indicated the Safe Routes to School Program was progressing.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski reminded Council of the Special Budget Work Session on Tuesday, May 9, 2023.
- 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, 2, 3, 4 and 5 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:

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana**, in reference to Item 4, spoke of creating a task force for the South Billings Recreation Center that included stakeholders, Councilmembers and public participants.
- **Ione Young, 2238 Larchwood Lane, Billings, Montana**, in reference to Item 3, spoke of the ordinance prohibiting weapons being easier to understand and requested Council collaborate with the Police Department and mental health facilities.

There were no further speakers.

1. CONSENT AGENDA

There were no separations.

Motion: I move to approve the entire Consent agenda as submitted.

Moved by Councilmember Boyett
Seconded by Councilmember Shaw

Councilmember Neese asked for clarification on the agreement language of Consent Agenda Item 1C, as discussed in a recent email from the Mayor.

Gina Dahl, City Attorney, indicated the language Councilmember Neese was referring to was already included in the agreement. She explained how the possibility of bankruptcy could affect the Billings Bench Water Association (BBWA) agreement with the City.

Mayor Cole clarified the terms listed in the agreement.

Councilmember Purinton asked for clarification on the ditch maintenance and good faith terminology. Jennifer Duray, Deputy Public Works Director, indicated a limited amount of maintenance had been occurring and the agreement with the City would increase the funding available for future maintenance. Ms. Dahl explained the good faith terminology.

Councilmember Neese disclosed he was a customer of the BBWA but not a shareholder and would not need to abstain from a vote.

Councilmember Purinton, in reference to Consent Agenda Item 1A2, asked for clarification on the project that had been cancelled. Ms. Duray indicated the Materials Recovery Facility Project had been deferred and may be permanently canceled.

APPROVED 11-0

A. Bid Awards:

- 1. SID 1421, Cypress Point.** (Opened 4/4/23) Recommend rejecting all bids.

Moved by Councilmember Boyett
Seconded by Councilmember Shaw

APPROVED 11-0

- 2. W.O. 22-27: Landfill Gas Compliance Flare Installation.** (Opened 4/4/23) Recommend Western Municipal Construction, Inc.

Moved by Councilmember Boyett
Seconded by Councilmember Shaw

APPROVED 11-0

3. W.O. 23-41: Water Reclamation Facility Secondary Pump Station Roof Replacement. (Opened 4/18/23) Recommend Empire Roofing, Inc.

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

B. Agreement with McKinstry Essention, LLC for Commissioning Services of new City Hall.

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

C. Agreement with Billings Bench Water Association for conveyance of water to reservoirs.

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

D. Second/Final Reading Ordinance 23-5381 expanding Ward III (Annexation 23-01).

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

E. Bills for the Weeks of:

1. April 3, 2023

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

2. April 10, 2023

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

REGULAR AGENDA:

2. TAX INCREMENT FINANCING ASSISTANCE from Downtown Urban Renewal tax increment finance district to Griffin Development for its mixed-use project at 2316 1st Avenue North. DPB Board recommends approval.

Mehmet Casey, Downtown Billings Alliance Development Director, reviewed the Old Town Flats background with previous dates they had been before Council and the construction timeline. He gave an overview of the project numbers and indicated the DBP Board was recommending approval.

Max Griffin, developer, reviewed the plans for the project, the number of units and parking spaces. He spoke of some of the challenges of the project and expenses involved in building new construction downtown.

Mayor Cole asked for clarification on how the existing project would affect upcoming projects. Mr. Casey indicated one of the key components that reflected the conservative projection was the continuation of projecting zero growth. He indicated the DBP Board wanted projection numbers between 1-3, in order to anticipate how much could be committed. He indicated the unusual formula made the most sense for the area. He spoke of how developer reimbursements would be affected if the money was not available.

Council discussed how the project would be affected if reimbursements were not available.

Motion: I move to conditionally approve the Tax Increment Financing Assistance from Downtown Urban Renewal tax increment finance district to Griffin Development for its mixed-use project at 2316 1st Avenue North, as recommended by the DBP Board.

Moved by Councilmember Shaw
Seconded by Councilmember Rupsis

Council discussed building condos versus rentals. Mr. Griffin indicated phase 2 could possibly have some condos but combining rentals with condos may not be a good fit. Councilmember Boyett asked if the project would continue without the TIF funding. Mr. Griffin spoke of the current economy and construction costs. He indicated the project may not continue without the TIF funding.

Councilmember Owen asked for clarification on the possibility of the developer asking for additional funding. Mr. Casey spoke of the process the developer would need to follow to request additional funding for a phase 2. Mr. Griffin indicated it had not been an easy decision to return to Council for an additional request for funding. He explained the process for their original request and how the numbers had changed.

Councilmember Neese indicated a need for some changes in the process to ensure additional funding requests did not become a precedent.

Council discussed the reimbursement process and how DBP tracked the expenses.

APPROVED 9-2, Councilmembers Tidswell and Purinton opposed.

3. SECOND READING ORDINANCE amending Billings, Montana City Code, Section 18-204, prohibiting weapons and firearms. Staff recommends approval.

Mayor Cole spoke of the proposed changes, State statutes and indicated there would need to be a 3rd and final reading of the ordinance to provide sufficient notice to the public.

Gina Dahl, City Attorney, reviewed the changes to the ordinance that had been recommended by the Council Operations Committee.

Council discussed the definition of mobile buildings and denying entrance to buildings.

Motion: I move to approve the second reading ordinance amending Billings, Montana City Code, Section 18-204, prohibiting weapons and firearms, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Neese

Councilmember Choriki expressed concerns with gun safety and indicated he would not support open carry in public.

APPROVED 8-3, Councilmembers Choriki, Tidswell and Purinton opposed.

4. ADOPTION of FY23-24 City Council Goals and Strategies.

Chris Kukulski, City Administrator, indicated the 2022 document had been updated with information from the 2023 Council/Leadership retreat.

Councilmember Purinton spoke of the list needing additional clarity with: “improving the safety of Billings” and “building trust with the Native American community”. She expressed concerns with “reduce Adverse Childhood Experiences (ACE) scores” and indicated City Council could not be responsible for those scores.

Councilmember Neese spoke about the need to find ways to engage the community, and indicated the goals on the list should reflect projects that had been accomplished.

Motion: I move to adopt FY23-24 City Council Goals and Strategies.

Moved by Councilmember Shaw
Seconded by Councilmember Joy

Councilmember Shaw indicated “build trust with our Native American community” should not be listed under “improve safety of Billings” but may be a better fit under the “build a high-performance organization (HPO) principled in our core values” category. She spoke of the work she had been doing for the last few years and indicated she would be assembling a working group in the future.

Councilmember Owen expressed a need to create a series of working groups dealing with: family justice and trauma; mental health and substance abuse; BUILT environmental issues; and transportation and safety concerns. Chris Kukulski, City Administrator, indicated internal resources and expertise from other organizations would be helpful and the initiative process would be an appropriate avenue to get started.

Council spoke of inconsistencies within the list and the lack of measurable goals.

Councilmember Rupsis indicated the list seemed disconnected and questioned how to make the list more useful. He asked for clarification on how Council goals/strategies could be applied better to the departmental level goal planning process. Mr. Kukulski indicated moving the goals/strategies cycle to sometime in the fall may be helpful. He added the policy goals were reflected in some departmental goals but did not always directly correlate.

Substitute Motion: I move to delay the adoption of FY23-24 City Council Goals and Strategies until fall 2023 to allow further review by working groups.

Moved by Councilmember Purinton
Seconded by Councilmember Rupsis

Council discussions continued concerning Council term limits, elections and appropriate timing to finalize the list.

Councilmember Shaw indicated the budget was a necessary part of the goals/priorities and spoke against delaying adoption.

APPROVED 9-2, Councilmembers Shaw and Joy opposed.

Recess at 7:37 P.M. Reconvened at 7:45 P.M.

5. LEGISLATIVE SESSIONS UPDATE.

Chris Kukulski, City Administrator, indicated HB 5, Capital Projects Appropriations, had included some funding for the West End Reservoir project and had gone through the

Legislative process but was not yet signed. He indicated the City's lobbyist would be meeting within the next week and the Governor could line-item veto but was uncertain of the timeline.

Mayor Cole indicated the Montana League Board meeting had focused on updates of items they supported and would distribute the list to Council. He spoke of the Governor's possible line item veto process. He indicated former Councilmember Yakawich thanked Council for their support of HB 534, Increasing Cap for Collections.

Council discussed various Legislative topics of concern.

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:

- **Mike Maycott, 123 Lewis Avenue, Billings, Montana**, thanked Councilmember Rupsis for his time and efforts hosting a Rotary International representative from Chicago. He also gave an update on the annual Magic City Soccer event and spoke of the successes achieved.

There were no further speakers.

COUNCIL INITIATIVES:

Councilmember Choriki spoke of the needs of the Billings Area Family Violence Task Force (BAFVTF). He explained the BAFVTF resource guide needed to be updated and printed, the website needed updating and volunteers were currently working on the 2023 McGuire conference. He indicated the organization would be happy to come speak to Council.

Councilmember Boyett indicated he would rather see the money go directly to the people that need it, such as the Crisis or Mental Health Centers.

Mayor Cole spoke of the potential of the City providing a matching funding amount.

Motion: I move to direct staff to place a \$15,000 allocation, from the Public Safety Mill Levy Prevention Fund, as a donation to BAFVTF for immediate operational needs and sponsorship for the 2023 McGuire Conference, on a future agenda.

Moved by Councilmember Choriki
Seconded by Councilmember Joy

Councilmember Purinton indicated additional information was needed and she would not support the donation.

Councilmember Neese indicated Council needed to deter spending until they developed a strategy for spending the 2 mills and the marijuana money.

Councilmember Owen indicated the handout was in dire need of updating and would support funding it. She spoke of the need for more information from BAFVTF at a future Council meeting.

Council discussed the costs of updating the website and printing the resource guide.

Substitute Motion: I move to prioritize printing the resource guide and incentivize matching fundraising between the City and BAFVTF.

Moved by Councilmember Joy
Seconded by Councilmember Tidswell

APPROVED 8-3, Councilmember Neese, Purinton and Boyett opposed.

ADJOURN: 8:15 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

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Signer Events

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

Signature


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William A. Cole
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Signature Adoption: Pre-selected Style
Using IP Address: 174.234.10.203
Signed using mobile

Timestamp

Sent: 5/23/2023 9:04:50 AM
Viewed: 5/23/2023 3:59:13 PM
Signed: 5/23/2023 3:59:25 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)

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Denise R. Bohlman
D503C2218DC34F0...

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

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Signed: 5/23/2023 4:10:28 PM

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

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Notary Events	Signature	Timestamp
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Certified Delivered	Security Checked	5/23/2023 4:10:19 PM
Signing Complete	Security Checked	5/23/2023 4:10:28 PM
Completed	Security Checked	5/23/2023 4:10:30 PM

Payment Events	Status	Timestamps
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