

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
June 12, 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 Rupsis

**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  
Debi Meling, Public Works Director  
Mike Pigg, Parks and Recreation Director  
Brandon Schmidt, Cemetery Supervisor  
John Caterino, Facilities Manager  
Andy Zoeller, Finance Director  
Wyeth Friday, Planning Director  
Monica Plecker, Planning Manager  
Nicole Cromwell, Zoning Coordinator

**MINUTES:**

- May 22, 2023 – Pending

**COURTESIES:**

- Mayor Cole recently toured the Montana Rescue Mission and commended them for their efforts. Councilmember Boyett spoke of the staff efforts.

- Councilmember Joy commended Public Works and Code Enforcement for their efforts on King Avenue East. She spoke of an upcoming event at South Park for Juneteenth.

**PROCLAMATIONS:**

- There were no proclamations.

**COUNCIL REPORTS:**

- There were no Council reports.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Acknowledged the July 3<sup>rd</sup> Work Session had been rescheduled to July 31<sup>st</sup>.
- There was 1 ex-parte item sent to Mayor and Council after 3 pm in support of Regular Agenda Item No. 4, Zone Change 1028.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 3b and 5a 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.)

There were no speakers.

**1. CONSENT AGENDA**

Councilmember Purinton separated Consent Agenda Item 1K for discussion.

Councilmember Rupsis separated Consent Agenda Item 1R3 to abstain due to a business relationship with a payee.

**Motion:** I move to approve the items of the Consent Agenda as submitted, with the exception of 1K and 1R3.

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

**A. Bid Awards:**

1. **Billings Fire Department Access Control System.** (Opened 5/16/23)  
 Recommend Communication Resources.

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

2. **W.O. 20-44: WRF Nutrient Recovery Improvements.** (Opened 5/16/23) Recommend Dick Anderson Construction.

Councilmember Neese asked for clarification on Item A2.

Debi Meling, Public Works Director, indicated there would not be any revenue generated in the beginning but the City would see a cost savings by producing its own compost.

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

3. **W.O. 23-04: City ADA Project.** (Opened 5/2/23) Recommend rejecting bids.

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

4. **W.O. 23-31: Millice Park Irrigation System Replacement.** (Opened 5/2/2023) Recommend rejecting bid.

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

5. **W.O. 23-32: Gorham Park Irrigation System Replacement.** (Opened 5/16/23) Recommend Good Earth Works Co., Inc.

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

- B. **Change Order No. 3, W.O. 22-01, Schedules 1 and 2: 2022 Water Main Replacement;** Askin Construction.

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

- C. **Agreement** with Baker Tilly US, LLP for Comprehensive Cost of Services Study.

Councilmember Boyett asked for clarification on receiving only one bid for Item 1C.

Andy Zoeller, Finance Director, explained the competitive bid process and the unique process for the cost of services study request for proposals.

Chris Kukulski, City Administrator, spoke of the need for additional information in future staff memos explaining singular bids or bid rejections.

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

- D. **Agreement** with ~~Eide Bailly~~ Junkermier, Clark, Campanella and Stevens, P.C. for Auditing Services.

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

- E. **Collective Bargaining Agreement** with IAFF - Local 521.

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

- F. **Donation** to the Parks and Recreation Department from Faith E Church for trees and clean up at Centennial Park.

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

- G. **Donation** to the Police Department from Breakfast Exchange Club, BET Casino and Tiny's Tavern.

Mayor Cole, in reference to Items 1G and 1H, thanked the various donors for their donations.

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

- H. **Declaring** surplus property and authorizing the sale of Unit 4053 to Big Timber Fire Department.

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

- I. **Perpetual Right-of-Way Easement** with First Southern Baptist Church for sanitary sewer near northwest corner of Shiloh Road and Rocky Vista Way.

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

- J. **Final Plat** of Ridgeline Subdivision. **\*Quasi-Judicial**

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

~~K. Resolution increasing Mountview Cemetery fees.~~

Councilmember Purinton, in reference to Item 1K, asked for clarification on rates for cemetery fees.

Mike Pigg, Parks and Recreation Director, spoke of the proposed increase and market rates. He indicated Council could waive infant burial fees if they wished.

Council discussed fees and the difference between full cost recovery or allowing fees to be seen as a service to the community.

**Motion:** I move to delay approval of Item 1K, to allow the Budget and Finance Committee additional time to research fee options.

Moved by Councilmember Purinton  
Seconded by Councilmember Gulick

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

L. **Resolution 23-11124** declaring an emergency and authorizing payment for W.O. 23-50: Gabel Road Reconstruction.

Moved by Councilmember Purinton  
Seconded by Councilmember Tidswell

**APPROVED 11-0**

M. **Second/Final Reading Ordinance 23-5832** for Zone Change 1023: located at Wicks Lane and Bitterroot Drive. \*Quasi-Judicial

Moved by Councilmember Purinton  
Seconded by Councilmember Tidswell

**APPROVED 11-0**

N. **Second/Final Reading Ordinance 23-5833** for Zone Change 1024: located at 3100 block of Central Avenue. \*Quasi-Judicial

Moved by Councilmember Purinton  
Seconded by Councilmember Tidswell

**APPROVED 11-0**

O. **Second/Final Reading Ordinance 23-5834** for Zone Change 1025: located on the north side of Rimrock Road and east of 54th Street. \*Quasi-Judicial

Moved by Councilmember Purinton  
Seconded by Councilmember Tidswell

**APPROVED 11-0**

P. **Second/Final Reading Ordinances 23-5835 through 23-5838** for Zone Change 1029: text amendments to the Neighborhood Districts, Fence Materials and Sign Code.

Moved by Councilmember Purinton  
Seconded by Councilmember Tidswell

**APPROVED 11-0**

**Q. Second/Final Reading Ordinance 23-5839** expanding Ward IV (Annexation 23-03).

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

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

1. May 1, 2023

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

2. May 8, 2023

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

3. May 15, 2023

**Motion:** I move to approve Item 1R3, as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Gulick  
**APPROVED 10-0**, Councilmember Rupsis abstained

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION 23-11125** adopting and approving the FY24 budget.  
Staff recommends approval.

Andy Zoeller, Finance Director, gave an overview of the proposed budget and suggested Council amend the resolution to add language for Senate Bill 332, regarding property tax increases. He reviewed the 11 amendments Council had proposed through email.

Councilmember Owen, regarding the funding for elections amendment, indicated an increase for an anticipated primary election had been included but it had not included funding for a possible charter review election.

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 a resolution adopting and approving the FY24 budget, as recommended by staff.

Moved by Councilmember Owen  
Seconded by Councilmember Choriki

**Motion to Amend:** I move to approve Amendment 1, Fire Station Deferred Maintenance.

Moved by Councilmember Owen  
Seconded by Councilmember Purinton  
**APPROVED 11-0**

**Motion to Amend:** I move to approve Amendment 2, General Fund Resources for Planning.

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

**Motion to Amend:** I move to approve Amendment 3, Franchise Fee Settlement.

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

John Caterino, Facilities Manager, gave an overview of the requested position for Facilities and the cost savings the City would see with the new position. He reviewed how the position would free up Fire Department personnel and provide proactive maintenance opportunities.

**Motion to Amend:** I move to approve Amendment 4, Additional Personnel for Facilities.

Moved by Councilmember Joy  
Seconded by Councilmember Gulick

Council discussed the duties, qualifications of the position and how the budget would be affected by the position.

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

**Motion to Amend:** I move to approve Amendment 5, Increase Funding for Elections.

Moved by Councilmember Owen  
Seconded by Councilmember Boyett

Councilmember Owen asked for clarification on funding for a primary election and a charter review election.

Chris Kukulski, City Administrator, indicated the proposed amount was sufficient for one election; additional dollars would be needed for educational campaigns and if there ended up being two elections, that would require a budget amendment.

**APPROVED 11-0**

**Motion to Amend:** I move to approve Amendment 6, Court Analysis.

Moved by Councilmember Owen  
Seconded by Councilmember Shaw

Council discussed the City's offer to help the County with a jail assessment and ways the City could proceed with their own plans for public safety.

**APPROVED 11-0**

**Motion to Amend:** I move to approve Amendment 7, Crime Prevention Through Environmental Design (CPTED) Analysis and Implementation.

Moved by Councilmember Shaw  
Seconded by Councilmember Rupsis

Council discussed CPTED funding uses and if Community Development Block Grant (CDBG) money could be used. Wyeth Friday, Planning Director, spoke of ongoing communication with the US Department of Housing (HUD) regarding the possibility of using funds that had not been utilized due to an unmet expenditure timeline. He spoke of the potential to use some of that funding for CPTED projects.

Councilmember Choriki spoke of CPTED principles and indicated the majority of the City's crime was not focused on City properties. He indicated staff should use CPTED principles for ongoing development.

Councilmember Rupsis indicated CPTED should be used in right-of-ways.

Councilmember Purinton questioned how the funding would be used and indicated she would not support the amendment.

Councilmember Neese indicated the amendment was not well defined and asked for clarification on where the funding would be derived.

Mr. Zoeller indicated the funding would come from the Public Safety Fund. Mr. Kukulski indicated he would provide further information with CPTED recommendations before any expenditures occurred. He acknowledged there was a Council consensus to use other funding sources if they became available.

**Motion to Amend:** I move to change the funding source to use "Public Safety" funds only, but not to prohibit use of other funding.

Moved by Councilmember Neese

Seconded by Councilmember Boyett

**APPROVED 8-3**, Councilmembers Shaw, Joy and Choriki opposed

**Amended Motion:** I move to approve Amendment 7, Crime Prevention Through Environmental Design (CPTED) Analysis and Implementation, with a change to the funding source to use "Public Safety" funds only, but not to prohibit use of other funding.

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

**Motion to Amend:** I move to approve Amendment 8, Set Aside Funds for Domestic Violence Recommendations.

Moved by Councilmember Owen

Seconded by Councilmember Neese

Councilmember Owen explained the feasibility analysis had already been funded. She indicated \$75,000 adopted from the FY23 budget was to be used for the technical assistance contract. Amendment 8 would be a budgetary commitment of at least \$200,000 to be used for improving domestic violence services. Council clarified it was a one-time expenditure.

**APPROVED 11-0**

**Motion to Amend:** I move to approve Amendment 9, Allocate Funding for Nurse Family Partnership.

Moved by Councilmember Owen

Seconded by Councilmember Joy

Council discussed the amendment as being a one-time expenditure. They discussed early prevention programs and how the funds could be used.

Councilmember Boyett spoke of the need to reach more people and thought the money could be used more effectively.

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

**Motion to Amend:** I move to approve Amendment 10, Eliminate Parks District and Replace with General Fund Levy.

Moved by Councilmember Owen  
Seconded by Councilmember Neese

Councilmember Joy indicated Council had the option to continue to levy Park District 1 for one more year and she would not support the amendment.

Council discussed the estimated property tax value increase and asked for clarification on options if the amount was less than anticipated.

Mr. Zoeller indicated a 24% increase in estimated taxable value was reasonable and clarified options available to Council if the amount was less. He indicated mills would not need to be set until after the values were reported.

Council discussed the ability to use reserves as an option if needed.

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

**Motion to Amend:** I move to approve Amendment 11, Address Lack of Jail Space for Misdemeanor Offenses.

Moved by Councilmember Owen  
Seconded by Councilmember Tidswell

Councilmember Joy indicated the proposed amount would not be sufficient to cover the needs.

Councilmember Choriki spoke of the complex issues that needed to be addressed and was unsure if the proposed budget amendment was appropriate.

**Friendly Amendment:** I move to add that the City work with the Yellowstone County Sheriff's office and private agencies to obtain an analysis for additional pre-arraignment options.

Moved by Councilmember Rupsis  
Seconded by Councilmember Shaw

Councilmember Owen explained that the amendment was designed to be used for a pre-arraignment facility and only the judge could order pre-trial monitoring. She accepted the friendly amendment.

Council discussed the current process and potential options for improvements.

**Amended Motion:** I move to approve Amendment 11, Address Lack of Jail Space for Misdemeanor Offenses and adding that the City work with the Yellowstone County Sheriff's office and private agencies to obtain an analysis for additional pre-arraignment options.

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

Mr. Zoeller explained how the proposed language included in the resolution would satisfy the statute passed by Senate Bill 332.

**Motion to Amend:** I move to amend the budget resolution to include a new Section 4, as stated by staff and ensure the budget document references the impact to a median value home.

Moved by Councilmember Owen  
Seconded by Councilmember Shaw

Council discussed some of the language maybe misleading and expressed the importance of clear language. Mr. Zoeller spoke of the preliminary numbers for a median value home.

**APPROVED 11-0**

Councilmember Neese questioned if the Solid Waste portion of the budget would need to be postponed until Regular Agenda Item 7, Solid Waste Fees, had been decided.

Debi Meling, Public Works Director, indicated the department would include a basic recoup of the cost of services, therefore, Council's decision on Regular Agenda Item 2 would not directly affect Solid Waste Fees. She stated Solid Waste had more latitude in how funds could be used than many other departments.

**Motion to Amend:** I move to delay approval of Regular Agenda Item 2 until the June 26, 2023, Regular Business Council meeting.

Moved by Councilmember Choriki  
Seconded by Councilmember Rupsis

Councilmember Choriki spoke of an upcoming presentation from Substance Abuse Connect regarding funding needs.

Council questioned a need to continue the public hearing and indicated amendments could be made later.

**FAILED 5-6,** Councilmembers Shaw, Gulick, Neese, Owen, Tidswell, and Boyett opposed

**Amended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution adopting and approving the FY24 budget, to include a new Section 4, as stated by staff and ensure the budget document references the impact to a median value home.

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

Recess at 7:59 PM. Reconvene at 8:06 PM.

**3. 3648 AJ WAY:**

**a. JOINT PUBLIC HEARING FOR ANNEXATION 23-04 AND ZONE CHANGE 1026:**

**i. RESOLUTION 23-11126 FOR ANNEXATION 23-04:** located at 3648 AJ Way. Staff recommends conditional approval. \*Quasi-Judicial

Monica Plecker, Planning Division Manager, gave an overview of the annexation, zoning map of uses in the area, and photos of the proposed annexation area. She reviewed the Annexation Policy criteria and Zone Change review criteria.

Army National Guard Lieutenant Colonel John Gehring, Deputy Facilities and Management Officer, spoke about plans for the proposed annexation. He indicated House Bill 5 would be funding an additional 98 acres near the existing property.

Council discussed noise concerns for neighbors in the area. Lee Elder, SMA Architecture, addressed design plans for the project. Colonel Rob Oleson, Director of Army Aviation and Safety, spoke of design plans to mitigate noise issues, control measures and discussions with surrounding neighbors.

Council asked for clarification on water flow. Ms. Plecker, Planning Assistant Manager, responded with the current reports from Public Works regarding water flow and usage for the area.

The following individuals spoke during the public hearing:

- **Morgan Tuss, 2837 US Hwy. 3, Billings, Montana**, expressed concerns about living near the proposed development but indicated the Army National Guard had been responsive to concerns.
- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana**, supported the project and spoke of a potential Montana State Guard.

No further public testimony was given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to conditionally approve the Resolution for Annexation 23-04, as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Boyett

Council discussed traffic, lighting, sidewalks and sewage. Lee Elder, SMA Architecture, addressed Council concerns.

Holly Manning, Robert Peccia and Associates, spoke about fire protection and sewage plans to work with the City's existing limitations. She addressed storm water mitigation plans.

#### **APPROVED 11-0**

- ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 1026:** located at 3648 AJ Way. Zoning Commission recommends approval and adoption of the 10 criteria. **\*Quasi-Judicial**

No public testimony was given.

**Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve the First Reading Ordinance for Zone Change 1026 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

Moved by Councilmember Shaw  
Seconded by Councilmember Purinton

#### **APPROVED 11-0**

- b. **ANNEXATION AGREEMENT** with Department of Military Affairs. Staff recommends approval.

There was no presentation given.

**Motion:** I move to approve the Annexation Agreement with Department of Military Affairs, as recommended by staff.

Moved by Councilmember Gulick  
Seconded by Councilmember Neese

Council discussed requiring the National Army Guard to be financially responsible for improvements.

**Motion to Amend:** I move to amend paragraph 8 of the annexation agreement regarding the 500 trip trigger and the traffic impact study portion, language to be determined by staff.

Moved by Mayor Cole  
Seconded by Councilmember Neese

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

**Amended Motion:** I move to approve the Annexation Agreement with Department of Military Affairs, with amended language in paragraph 8 of the annexation agreement regarding the 500 trip trigger and the traffic impact study portion, language to be determined by staff.

**APPROVED 11-0**

c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 23-04: located at 3648 AJ Way. Staff recommends approval.

There was no presentation given.

No public testimony was 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 I, as recommended by staff.

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

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1028:** located at 5417 Hawk Creek Avenue. Zoning Commission recommends approval and adoption of the 10 criteria. **\*Quasi-Judicial**

Nicole Cromwell, Zoning Coordinator, gave an overview of the current zoning allowances and the proposed amendment request for the Hawk Creek development. She indicated the Zoning Commission recommended approval to include an hours of operation limitation of 11:00 PM. She showed photos of the location, the existing building and the zone change review criteria.

Council discussed the possibility of the business being allowed gaming machines. Ms. Cromwell indicated the business did not have an interest in gaming. Council discussed the previous agreement stating all outdoor activity ceased at 9:00 PM, but it was not included in the new agreement.

- **Scott Aspenlieder, Performance Engineering**, spoke of the great track record of the business and indicated it was a family establishment. He indicated they had not asked for restricted hours but would be willing to accept hours of operations restrictions to be a good neighbor. He asked for removal of the language regarding outdoor operation restrictions to
- allow outdoor activities until 11:00 PM. He spoke of noise mitigation plans and indicated the existing trees needed time to grow.
- **Ty Schmechel, co-owner of Diamond X**, spoke of the aesthetics of the building and that they strived for a family-oriented type of business. He indicated Diamond X was currently and planned to continue to be a good neighbor and would work to address any concerns.

Council discussed various options for noise mitigation and concerns about disrupting the neighbors.

The following individuals spoke in support of the zone change during the public hearing:

- **Sean Graves, Diamond X co-owner, Billings, Montana.**
- **Tyler Patenaude, 3121 Forbes Boulevard, Billings, Montana.**
- **Simon Harris, 2311 Kings Drive, Billings, Montana.**
- **Bryce Pedersen, 539 Wyoming Avenue, Billings, Montana.**
- **Jesse Gleason, 1042 Nutter Boulevard, Billings, Montana.**
- **Jordan Roberts, 3939 Palisades Park, Billings, Montana.**
- **Jeff McClain, 601 Pryor Creek Road, Billings, Montana.**
- **Justin Brown, 3304 Tahoe, Billings, Montana.**
- **Tyson Adams, 4513 San Fernando Drive, Billings, Montana.**
- **Kevin Barth, 501 S. 44<sup>th</sup> St. W., Billings, Montana.**
- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana**, spoke of concerns with the capacity to provide utilities.

No further public testimony was given.

**Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve First Reading Ordinance for Zone Change 1028 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

Moved by Councilmember Purinton

Seconded by Councilmember Tidswell

**Motion to Amend:** I move to include language indicating operation hours must cease at 11:00 PM.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

Council discussed MCA regulations and incorrect wording in the amendment. Gina Dahl, City Attorney, indicated she would work with staff to create appropriate language using Montana Law.

**APPROVED 11-0**

**Motion to Amend:** I move to require outdoor operations cease at 10:00 PM.

Moved by Councilmember Neese  
Seconded by Councilmember Boyett

Councilmember Neese indicated concerns with the outdoor operations being allowed to remain open until 11:00 PM. Mr. Schmechel and Mr. Graves indicated there had not been issues with noise on the patio and spoke of the distance from the patio to the neighboring houses.

Council discussed the change and the process of how the outdoor operation closing time had been removed from the subsection. Ms. Cromwell indicated it had not been highlighted as a concern by the Zoning Commission.

**FAILED 4-7,** Councilmembers Shaw, Owen, Joy, Choriki, Tidswell, Purinton and Mayor Cole opposed

Council discussed options for providing a landscape buffer between the business and neighbors.

**Motion to Amend:** I move to require the developer to install additional trees, City staff to determine best type, to create a sound boundary on the north portion of the property.

Moved by Mayor Cole  
Seconded by Councilmember Boyett

Council discussed concerns with requiring additional trees and how they may affect CPTED principles.

**FAILED 3-8,** Councilmembers Shaw, Neese, Owen, Joy, Choriki, Tidswell, Purinton and Rupsis opposed

**Amended Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve First Reading Ordinance for Zone Change 1028, with language indicating operation hours must cease at 11:00 PM, and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

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

Chris Kukulski, City Administrator, suggested Council delay Regular Agenda Item 7 due to the late hour and how many items remained on the agenda.

**Motion:** I move to delay Regular Agenda Item 7 to the Work Session meeting on June 19, 2023.

Moved by Councilmember Purinton  
Seconded by Councilmember Boyett

Council questioned if a work session was necessary.

**Substitute Motion:** I move to delay Regular Agenda Item 7 to the Regular Business meeting on June 26, 2023.

Moved by Councilmember Choriki

Seconded by Councilmember Rupsis

**APPROVED 7-4**, Councilmembers Neese, Owen, Purinton and Boyett opposed

**5. PUBLIC HEARING AND RESOLUTION 23-11127** creating SID 1423, Annafeld Subdivision, 4th Filing, Streetlights. Staff recommends approval.

Debi Meling, Public Works Director, gave an overview of the project and projected schedule.

No public testimony was given.

**Motion:** Having conducted a Public Hearing, considered written and spoken public testimony, I move to approve a Resolution creating SID 1423, as recommended by staff.

Moved by Councilmember Purinton

Seconded by Councilmember Choriki

**APPROVED 11-0**

**a. SID 1423, ANNAFELD SUBDIVISION, 4TH FILING, STREETLIGHTS.** (Opened 5/2/23)  
Recommend Ace Electric.

**Motion:** I move to award a contract for SID 1423, Annafeld Subdivision, 4th Filing, Streetlights to Ace Electric, as recommended by staff.

Moved by Councilmember Joy

Seconded by Councilmember Tidswell

**APPROVED 11-0**

**6. PUBLIC HEARING AND RESOLUTION 23-11128** creating SILMD 331. Staff recommends approval.

Debi Meling, Public Works Director, gave an overview of the districts and the project costs. She indicated there had been one protest received but it did not preclude Council from approving the SILMD.

The following individual gave public testimony:

- **Mike Schaer, 1109 North 32<sup>nd</sup> Street, Billings, Montana**, spoke in favor of additional lighting in the area.

No further public testimony was given.

**Motion:** Having conducted a Public Hearing, considered written and spoken public testimony, I move to approve a Resolution creating SILMD 331, as recommended by staff.

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

~~7. PUBLIC HEARING AND RESOLUTION establishing collection, disposal, and landfill fees for FY2024. Staff recommends approval. DELAYED~~

**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:

- **Wesley Dunn, 832 Dorothy Lane, Billings, Montana,** spoke of water concerns.
- **Amber Dunn, 832 Dorothy Lane, Billings, Montana,** spoke of mental health concerns.

There were no further speakers.

**COUNCIL INITIATIVES:**

There were no Council initiatives.

**ADJOURN: 10:51 PM**



CITY OF BILLINGS

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

ATTEST:

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