

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
July 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 Shaw

**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  
Wyeth Friday, Planning Director  
Elyse Monat, Active Transportation Planner  
Mike Pigg, Parks and Recreation Director  
Kory Thomson, Recreation Superintendent

**MINUTES:**

- May 22, 2023 - Pending
- June 12, 2023 - Pending
- June 26, 2023 - Pending

**COURTESIES:**

- Mayor Cole thanked those that participated at the Strawberry Festival.
- Councilmember Rupsis congratulated Councilmember Gulick on his recent nuptials.
- Councilmember Neese thanked Harvest Church for a great fireworks show.

- Councilmember Owen commended those involved in the opening of the Castlerock Park playground. She addressed the property tax re-evaluation process and reviewed dates of upcoming meetings.

#### **PROCLAMATIONS:**

- Mayor Cole proclaimed July as Parks and Recreation month.

#### **COUNCIL REPORTS:**

- Councilmember Joy reported the Local Affairs Committee had met with Dr. Garcia, School District 2 Superintendent, to review the School District 2 survey results.

#### **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Indicated there had not been any ex-parte communications received after 3:00 pm.
- Spoke of a language revision needed, regarding Regular Agenda Item 2, calling for an election on Parks, Trails and Recreations bond. Staff would like to add "including the" Heights, Downtown, Southside and Westend to the ballot language.
- Regarding Council desire to delay Regular Agenda Item 3, staff recommended the Council consider keeping 3a and delaying 3b, if it was deemed necessary.

**Motion:** I move to delay Regular Agenda Items 3a and 3b to an upcoming Work Session.

Moved by Councilmember Rupsis  
Seconded by Councilmember Owen

Council discussed how the delay would affect current projects and Council meeting availability for Work Session dates.

Wyeth Friday, Planning Director, explained the timeline for the current projects and how a delay could affect them. He indicated the Central Avenue project was on a tight timeline and could be separated from the other projects for a more timely approval.

Councilmember Rupsis withdrew his original motion.

**Motion:** I move to proceed with a vote on Regular Agenda Item 3a (to include only the Central Avenue portion) and delay Regular Agenda Item 3b to an upcoming Work Session, date to be determined by staff.

Moved by Councilmember Rupsis  
Seconded by Councilmember Owen

**APPROVED 11-0**

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 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 1J for discussion.

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

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

A. **Bid Awards:**

1. **2023 Deice Truck.** (Opened 6/20/23) Recommend I-State Truck Center.

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

2. **W.O. 22-45: Willett Pump Station Improvements.** (Opened 5/16/23) Recommend Askin Construction, LLC.

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

3. **W.O. 22-47: Landfill Slope Stability Improvements.** (Opened 5/16/23) Recommend K2 Civil.

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

4. **W.O. 23-26: SBURA Gravel Streets.** (Opened 5/16/23) Recommend Askin Construction, LLC.

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

5. **W.O. 23-48: CCTV City Storm Drain.** (Opened 6/20/23) Recommend Standard Drain Cleaning.

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

**B. Change Order No. 1**, W.O. 23-01, Contract 1: 2023 Water Main Replacement, COP Construction.

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

**C. Contract** with DOWL for W.O. 24-01, Contract 1: 2024 Water Main Replacement.

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

**D. Contract** with Morrison-Maierle for W.O. 24-01, Contract 2: 2024 Sewer Main Replacement.

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

**E. Agreement** with Medical Priority Consultants, Inc. dba Priority Dispatch Corp. for Emergency/Priority Dispatch Software.

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

**F. Amendment No. 2** with Johnson, Laffen, and Galloway Architects for New City Hall Design Services.

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

**G. Amendment No. 3** with Sanderson Stewart for W.O. 21-42: SBURA Gravel Streets.

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

**H. Amendment No. 10** with Morrison-Maierle for MET Transit Metroplex Expansion/Interior Remodel.

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

**I. Memorandums of Understanding** with Billings Public Schools and Billings Catholic Schools for School Resource Officer Program.

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

**J. Council Contingency Match** for Mobilize the Magic City Project.

Councilmember Purinton questioned how the project aligned with Council priorities.

Councilmember Joy spoke of the need for the use of Crime Prevention Through Environmental Design (CPTED) principles and explained how the project could help keep areas safer.

**Motion:** I move to approve the Council contingency match for Mobilize the Magic City Project.

Moved by Councilmember Shaw  
Seconded by Councilmember Joy

Council discussed how the match would be met and how the artwork was selected.

Elyse Monat, Active Transportation Planner, spoke of the process for artwork selection and plans for the project.

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

**K. Letter of Support** for the FEMA Hazard Mitigation Grant Program (HMGP) grant application.

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**L. Public Access Easement** from Scott Lawson for street construction.

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**M. Preliminary Minor Plat** of Miller Crossing Subdivision, 4th Filing. \*Quasi-Judicial

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**N. Preliminary Minor Plat** of Shiloh Crossing Subdivision. \*Quasi-Judicial

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**O. Final Plat** of Coal Creek Subdivision. \*Quasi-Judicial

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**P. Exempt Plat of Gabel Subdivision, 1st Filing. \*Quasi-Judicial**

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

**Q. Resolution 23-11134 and 23-11140 amending prior DNRC Bond Resolutions and Bond Resolution for 2023A Water System Revenue Bonds.**

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

**R. Second/Final Reading Ordinance 23-5843 for Zone Change 1027: generally located south and west of the intersection of East Lane and Elysian Road. \*Quasi-Judicial**

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

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

1. June 5, 2023

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

2. June 12, 2023

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

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION 23-11136** calling for an election on Parks, Trails, and Recreation bond. Staff recommends approval.

Mike Pigg, Parks and Recreation Director, gave an overview of the new Parks, Trails and Recreation projects and estimated financial information. He indicated the City's parks had not been developed since 1980. Kory Thomson, Recreation Superintendent, discussed plans to activate parks with expanded recreation options. Mr. Pigg finished with a discussion of the residential property impact, timeline, and impacts on public safety.

Councilmember Owen spoke about changes in the financial information Council had received.

Andy Zoeller, Finance Director, addressed the most recent changes due to median reappraisal notices and access to larger data sets regarding taxable value.

Mr. Pigg indicated the projected numbers for park improvements should remain the same.

Council discussed median taxable value changes and various park plans.

The following individuals gave public testimony in favor of Regular Agenda Item 2:

- **Steve Arveschoug, Big Sky Economic Development**, spoke for the following individuals:
- **Kristi Drake, Trail Net.**
- **Thom Maclean, Parks, Recreation and Public Lands Board.**
- **Jami Clark, Partners for Parks.**
- **Jeremy Vannatta, Chamber of Commerce.**
- **John Brewer, Chamber of Commerce.**
- **Julie Seedhouse, Chamber of Commerce.**
  
- **Kim Jakob, Vice President of Par MT**, spoke of the importance of community and announced a donation and match of over \$2 million.
- **Stephen Wahrlich, Tourism Business Improvement District (TBID) Board**, spoke of raising additional funding for the recreation center.
- **Lorrie Clark, 2635 Terry Avenue, Billings, Montana.**
- **Dick Zier, Big Sky Economic Development Association (BSEDA).**
- **Maia Dickerson, Parks, Recreation and Public Lands Board.**
- **Julie Seedhouse and Brian Brown, Play It Forward.**
- **Teague Rice, 1522 Silver Spur Trail, Billings, Montana.**
  
- **Michael Mayott, 123 Lewis Avenue, Billings, Montana**, spoke of concerns with the tax increase for homeowners.

There was no further public testimony given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution calling for an election on Parks, Trails, and Recreation bond, with **“including the”** Heights, Downtown, Southside and Westend added to the ballot language.

Moved by Councilmember Rupsis  
Seconded by Councilmember Shaw

Council discussed revenue sources and how donations could affect bonding options. Mr. Zoeller explained staff could structure the debt based on received donations.

Mr. Zoeller spoke of the taxable value estimates and how that number would affect the ballot language. He explained there was a footnote in the resolution allowing for updated numbers to reflect fiscal year 2024 certified values once received.

Council discussed TBID’s statement to provide additional funding and the upcoming memorandum of understanding.

Councilmember Neese asked if the ballot language could reflect specific funding for various parks.

Gina Dahl, City Attorney, indicated it would be possible and suggested that Councilmember Rupsis’s upcoming resolution would address those concerns.

Councilmember Rupsis discussed his upcoming initiative to further define the resolution.

**Substitute Motion:** I move to change the language on the ballot to allow two separate votes, \$57 million for Parks, Trails and Recreation and \$86 million for the Recreation Center.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell

Councilmember Boyett spoke of allowing the voters to have a choice.

Council discussed how splitting the vote could affect the campaign.

- **Julie Seedhouse, Play it Forward**, indicated the donors believed in the full project and splitting the vote could kill them both.
- **Brian Brown, Play It Forward**, indicated splitting the vote could hurt the outcome.

Councilmember Shaw would not support splitting the vote as it could affect Ward III.

Councilmember Choriki spoke of the need for a recreation center to allow recreation year-round. He indicated there had been incredible community support for the campaign.

- **Kim Jakob, Vice President Par MT**, spoke of the community support behind the \$142 million single ballot option. She indicated months of work was completed to put together the proposal and Par MT's donation represented a single ballot vote.

**FAILED 5-6**, Councilmember's Shaw, Gulick, Joy, Choriki, Rupsis and Mayor Cole opposed

Councilmember Choriki questioned if a decision could bind a future Council. Ms. Dahl indicated the current Council could not bind a future Council, but the resolution could indicate how the current Council wanted the funds to be spent.

Councilmember Owen spoke of concerns with the resolution and expressed disappointment that Councilmember Rupsis's initiative would occur after a vote on Regular Agenda Item 2 had already occurred.

**Substitute Motion:** I move to delay Regular Agenda Item 2 to the next Council Business meeting or call a special meeting.

Moved by Councilmember Owen  
Seconded by Councilmember Purinton

Mayor Cole spoke against delaying Regular Agenda Item 2 and indicated Councilmember Rupsis's initiative would address many of the issues discussed.

Councilmember Neese spoke about the need to be specific in the ballot resolution regarding how money could be spent.

Councilmember Shaw spoke against the delay and indicated lump sums were regularly put on ballots to be left to Council's discretion on how to spend it.

**Motion:** I move to call the question.

Moved by Councilmember Joy  
No second was noted.

Ms. Dahl indicated the motion to call the question would need 2/3 vote (at least 8) in favor.

**FAILED 7-4**, Councilmembers Neese, Owen, Tidswell, Purinton opposed

A vote on the Substitute Motion was taken.

**FAILED 5-6**, Councilmembers Shaw, Gulick, Joy, Choriki, Rupsis and Mayor Cole opposed

**Motion to Amend the Pending Motion:** I move to insert details listing park project names and bonded amounts on the bond resolution and ballot, as shown on the Parks presentation presented to Council.

Moved by Councilmember Neese  
Seconded by Councilmember Purinton

Council discussed how that information could be added to a ballot. Chris Kukulski, City Administrator, indicated ballot formatting would make adding a chart very difficult, but Council could specify projects and amounts in the resolution.

Mayor Cole indicated flexibility was needed and spoke of trusting the staff and process.

Councilmember Owen spoke of concerns with the recreation center overtaking the parks projects and the ballot needed more certainty.

Councilmember Neese spoke in favor of his motion to amend.

**FAILED 4-7**, Councilmembers Shaw, Gulick, Joy, Choriki, Boyett, Rupsis and Mayor Cole opposed

A vote on the pending motion was taken.

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

Recess at 8:24 P.M. Reconvene at 8:32 P.M.

**3. JOINT PUBLIC HEARING AND RESOLUTIONS** amending the Limits of Annexation Map and Annexation Policy and Corresponding Annexation Map. The City Annexation Committee recommends approval.

**a. RESOLUTION 23-11137** amending the Limits of Annexation Map.

Wyeth Friday, Planning Director, gave an overview of the resolution amending the Limits of Annexation Map and focusing on the Central Avenue Corridor as requested by Council. He reviewed the map, proposed annexation areas and the Central Avenue project.

There was no public testimony given.

**Motion:** I move to approve amending the Limits of Annexation Map, to include the Central Avenue Corridor.

Moved by Councilmember Rupsis  
Seconded by Councilmember Tidswell

Councilmember Tidswell asked Chief St. John if he approved of the annexation. Rich St. John, Police Chief, responded affirmatively.

Council discussed the area and plans for future annexation. Mayor Cole spoke about the need for developing large parks and for a policy to ensure park development.

**APPROVED 11-0**

- b. ~~RESOLUTION amending the Annexation Policy and Corresponding Annexation Map.~~ **DELAYED**

4. **PUBLIC HEARING AND RESOLUTION 23-11138** approving a property tax abatement for WP East 80, LLC. Staff recommends approval.

Diane Lemm, Big Sky Economic Development, reviewed the tax abatement request and planned improvements to the business. She explained the program policies and gave an overview of the business.

Pam Ask, owner, explained the reason for the expansion and plans for improvements.

Councilmember Purinton discussed the additional employee requirement and her concerns that the business was creating enough jobs.

There was no public testimony given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution approving a property tax abatement for WP East 80, LLC, as recommended by staff.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis

Council discussed reviewing the tax abatement policy.

Councilmember Joy indicated she would not support the tax abatement request and was not impressed with the employment statistics or economic driver.

Councilmember Neese questioned Council's ability to deny a tax abatement based on valid reasons.

Gina Dahl, City Attorney, indicated Council was not required to approve the tax abatement and spoke of the minimum criteria for approval or disapproval.

**APPROVED 8-3**, Councilmembers Neese, Joy and Purinton opposed

5. **PUBLIC HEARING AND RESOLUTION 23-11139** approving a property tax abatement for Player's Club, Inc. Staff recommends approval.

Diane Lemm, Big Sky Economic Development, reviewed the tax abatement request and planned improvements to the business. She explained the program policies and gave an overview of the business.

There was no public testimony given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution approving a property tax abatement for Player's Club, LLC, as recommended by staff.

Moved by Councilmember Owen  
Seconded by Councilmember Boyett

Councilmember Joy noted the need to incentivize jobs. She would not support the tax abatement.

**APPROVED 8-3,** Councilmembers Neese, Joy and Purinton opposed

**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.)

There were no speakers.

**COUNCIL INITIATIVES:**

**Motion:** I move to direct staff to convert the recently submitted document addressing the Parks, Trails and Recreation bond into a resolution, and be returned to Council at a business meeting before the end of August, 2023.

Moved by Councilmember Rupsis  
Seconded by Councilmember Shaw

Councilmember Rupsis reviewed the initiative form describing the guidelines, agreements and commitments between City staff, Council, private partners, and the public concerning scheduling projects and budget management, partner engagement, and meeting future financial obligations should the Parks, Trails and Recreation bonds be passed by the voters.

Councilmembers Owen and Neese asked that a discussion of the initiative be placed on an upcoming Work Session meeting. Councilmember Rupsis indicated he would not be opposed to having additional discussion at a Work Session and would accept it as a friendly amendment to his motion.

**APPROVED 11-0**

Council agreed the July 17, 2023, Work Session would be acceptable.

**ADJOURN:** 10:08 P.M.



CITY OF BILLINGS

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

ATTEST:

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