

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
August 14, 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 Neese

**ROLL CALL:**

Present: Councilmember Kendra Shaw, Ward I  
Councilmember Ed Gulick, Ward I  
Councilmember Roy Neese, Ward II  
Councilmember Jennifer Owen, Ward II – Via Zoom  
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  
Gina Dahl, City Attorney  
Toni Keehner, Deputy City Clerk  
Debi Meling, Public Works Director  
Wyeth Friday, Planning Director  
Monica Plecker, Planning Manager  
John Caterino, Facilities Manager  
Mike Pigg, Parks and Recreation Director  
Scott Walker, Transportation Planner  
Brandon Schmidt, Parks and Cemetery Supervisor

**MINUTES:**

- June 26, 2023 – Pending
  
- July 10, 2023  
Moved by Councilmember Joy  
Seconded by Councilmember Boyett

**APPROVED 11-0**

- July 24, 2023 – Pending

#### **COURTESIES:**

- Mayor Cole indicated the International Air Show had been a great success.
- Councilmember Joy indicated Mobilize the Magic City had raised \$15,000 for their program and thanked various donors.
- Councilmember Purinton spoke of the patriotism portrayed at the Air Show.
- Councilmember Rupsis spoke of the passing of his mother-in-law, Cari Martin, former City Clerk.

#### **PROCLAMATIONS:**

- Mayor Cole proclaimed August 2023 as Healthy Tribes Wellness Month.

#### **COUNCIL REPORTS:**

- Councilmember Neese spoke of the recent Legislative Committee meeting and indicated over 20 Legislators had attended to discuss upcoming topics.
- Councilmember Choriki spoke of the types of projects that Beartooth Resource Conservation and Development offered.
- Councilmember Purinton spoke about attending the Library Board meeting and their projects.
- Councilmember Owen spoke of the Budget and Finance Committee recommendation for Consent Agenda Item 1M, Resolution increasing Mountview Cemetery fees.

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

- Mr. Kukulski addressed a request by Anna Vickers (IMEG) on behalf of her clients to delay Consent Agenda 1L, Elysian Subdivision Plat, to the August 28, 2023, Regular Business Council meeting.
- There were no ex-parte items sent to Mayor and Council after 3 pm concerning items on the agenda.
- Informed Council staff would provide information on Air Show costs to the City in the upcoming weeks.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 ONLY. Speakers 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**

Mayor Cole separated Consent Agenda Items 1J to abstain and 1L to delay to the August 28, 2023, Council meeting.

Councilmember Rupsis separated Consent Agenda Item 1T2 to abstain, stating a client was included as a payee.

Councilmember Purinton separated Consent Agenda Items 1G, 1H, 1M and 1S for discussion.

**Motion:** I move to approve the items of the Consent Agenda as submitted, with the exception of 1G, 1H, 1J, 1L, 1M, 1S and 1T2.

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

**A. Bid Awards:**

1. **Billings Public Library Hail Repairs.** (Opened 7/18/23) Recommend Progressive Building Systems, LTD.

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

2. **Fire Station 1 Rooftop Unit Replacement.** (Opened 7/18/23) Recommend Empire Heating and Cooling.

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

3. **Fire Station 8 Interior Remodel .** (Opened 7/18/23) Recommend Morgan Contractors.

Councilmember Neese asked for clarification on the large difference between the two bids received for Item 1A3.

John Caterino, Facilities Manager, spoke of the staff's due diligence regarding the discrepancy in the two bids. He expressed confidence in the ability of the low bidder.

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

4. **W.O. 23-07: Monad Road Sanitary Sewer Extension.** (Opened 7/18/23) Recommend COP Construction for Schedules 1, 2, and 3B-1.

Councilmember Owen asked for clarification on Item 1A4. She spoke of concerns about the appropriate role of Council in determining budget allocations.

Debi Meling, Public Works Director, responded that the developers' costs for extending mains and how development in the area had not occurred as quickly as expected. She indicated holding back funding would allow other projects to be completed and indicated she expected to see more pressing needs elsewhere.

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

**B. Change Order No. 1, W.O. 22-32: Riverfront Park Trail, K2 Civil, Inc.**

Councilmember Purinton asked for clarification on funding for Item 1B.

Mike Pigg, Parks and Recreation Director, explained the grant funding from the oil spill money must be used for the specific project in which it was given. He reviewed various projects, the usage of funds, and the areas in which funding could be used.

Council discussed soil testing and how the results could affect projects.

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

**C. Purchase snow removal equipment for Airport from M-B Companies, Inc.**

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

**D. Contract with GameTime for North Park Playground Replacement.**

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

**E. Agreement with NorthWestern Energy for W.O. 19-12: West End Reservoir Project.**

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

**F. Amendment No. 4, W.O. 19-42: West End Water Treatment Plant Project, Burns & McDonnell Engineering Company, Inc.**

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

**G. Memorandum of Understanding with Health Management and Advisory Group.**

Councilmember Purinton asked for clarification on parties involved in Item 1G.

KC Williams, Disaster and Emergency Services Director, explained the roles of cities, towns, counties and stakeholders involved in the health care planning division of Local Emergency Planning Committee (LEPC).

**Motion:** I move to approve Item 1G, Memorandum of Understanding with Health Management and Advisory Group.

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

**H. 2023 Recreation Trails Program Grant for Lillis Park Trail.**

Councilmember Purinton asked for clarification on Item 1H.

Mike Pigg, Parks and Recreation Director, indicated the funding match could be in dollars or in kind work that needed to be done on the project.

**Motion:** I move to approve Item 1H, 2023 Recreation Trails Program Grant for Lillis Park Trail.

Moved by Councilmember Shaw  
Seconded by Councilmember Joy

Councilmember Neese indicated more information was needed and he would not support the motion.

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

**I. 2024 Unified Planning Work Program (UPWP).**

Councilmember Purinton asked for clarification on Item 1I.

Scott Walker, Transportation Planner, explained how federal highway guidance funding for the Work Program needed to include Complete Streets planning. He spoke of how the City had resolved some issues with the County Commissioners by using Active Transportation language in place of Complete Streets language.

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

**J. Donation to Parks and Recreation from Fidelity Charitable Donor Advised Fund Grant, recommended by Anne and Bill Cole for the Rec2U van.**

Mayor Cole abstained from voting on Item 1J. Deputy Mayor Boyett presided over the meeting.

**Motion:** I move to approve Item 1J, Donation to Parks and Recreation from Fidelity Charitable Donor Advised Fund Grant, recommended by Anne and Bill Cole for the Rec2U van.

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

Mayor Cole resumed presiding over the meeting.

**K. Final Plat** of Cherry Island Subdivision. \*Quasi-Judicial

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

~~L. Final Plat~~ of Elysian Subdivision, Amended. \*Quasi-Judicial

**Motion:** I move to delay Item 1L to the August 28, 2023, Regular Business Council meeting.

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

**M. Resolution 23-11144** increasing Mountview Cemetery fees.

Councilmember Purinton raised concerns with changes to the hours and increases to some fees.

Brandon Schmidt, Parks and Cemetery Supervisor, indicated the change in hours would help to cut down on overtime costs for staff. He responded that increasing fees would help the cemetery close the deficit gap.

Councilmembers Owen and Boyett spoke of sustainability and how raising fees helped to maintain the cemetery and slowly narrow the deficit currently incurred.

**Motion:** I move to approve the resolution increasing Mountview Cemetery fees.

Moved by Councilmember Joy  
Seconded by Councilmember Neese  
**APPROVED 10-1**, Councilmember Purinton opposed

**N. Second/Final Reading Ordinance 23-5844 for Zone Change 1032:** located adjacent to the Billings Logan International Airport. \*Quasi-Judicial

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

**O. Second/Final Reading Ordinance 23-5845** expanding Ward I (Annexation 23-05).

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

- P. **Second/Final Reading Ordinance 23-5846 for Zone Change 1030:** located on King Ave. W. between the St. Vincent's Healthcare Subdivision and Lenhardt Square Subdivision.  
**\*Quasi-Judicial**

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

- Q. **Second/Final Reading Ordinance 23-5847** expanding Ward V (Annexation 23-06).

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

- R. **Second/Final Reading Ordinance 23-5848 and 23-5850 for Zone Change 1031:** Text Amendments - Phase II.

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

- S. **Second/Final Reading Ordinance 23-5849** amending BMCC, Article 21-200, Solid Waste Collection and Disposal.

Councilmembers Purinton and Neese spoke about their concerns with the changes to the Solid Waste collection fees and service changes.

**Motion:** I move to approve the Second/Final Reading Ordinance amending BMCC, Article 21-200, Solid Waste Collection and Disposal.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 8-3**, Councilmembers Neese, Tidswell and Purinton opposed

- T. **Bills for the Weeks of:**

1. June 26, 2023

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

2. July 3, 2023

**Motion:** I move to approve Bills for the Week of July 3, 2023.

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

3. July 10, 2023

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

4. July 17, 2023

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

**REGULAR AGENDA:**

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

Wyeth Friday, Planning Director, gave an overview of the Limits of Annexation Map and Policy Review. He showed a map of the Dover Ranch and Sweetgrass Meadows areas. He spoke of Fire and Police Departments capabilities to serve the area. He reviewed parks development and transit plans for the future of the development.

Council discussed pumping capacity and sewer capabilities for the areas.

Monica Plecker, Planning Manager, reviewed the City initiated Policy amendments, Zone 1-3 meanings, and minor document changes.

The following individuals gave public testimony:

- **Taylor Kasperick, Performance Engineering, agent for Dover Ranch property,** spoke of the development plan and timeline for development.
- **Greg Reid, WWC Engineering, agent for Sweetgrass Meadows property,** spoke of the owners' plans for development.

There was no further public testimony.

a. **RESOLUTION 23-11145** amending the Limits of Annexation Map.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve the resolution amending the Limits of Annexation Map, as recommended by the City Annexation Committee.

Moved by Councilmember Shaw  
Seconded by Councilmember Neese

Mayor Cole expressed concerns with the closest large park being located 5 miles away and indicated he would not support the motion.

**APPROVED 10-1,** Mayor Cole opposed

b. **RESOLUTION 23-11146** amending the Annexation Policy and Corresponding Annexation Map.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve the resolution amending the Annexation Policy and Corresponding Annexation Map, as recommended by the City Annexation Committee.

Moved by Councilmember Shaw  
Seconded by Councilmember Neese

**APPROVED 11-0**

**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:

- **Catherine Card, 2815 4<sup>th</sup> Avenue South, Billings, Montana**, spoke of a cooperative program with herself, Bethlehem Lutheran Church, Salvation Army and St. Vincent de Paul to provide showers to unhoused people. She spoke of the need for permanent low barrier housing.

There were no further speakers.

**COUNCIL INITIATIVES:**

There were no Council initiatives.

**ADJOURN:** 7:36 P.M.

CITY OF BILLINGS

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

ATTEST:

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

b. **RESOLUTION 23-11146** amending the Annexation Policy and Corresponding Annexation Map.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve the resolution amending the Annexation Policy and Corresponding Annexation Map, as recommended by the City Annexation Committee.

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

**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.)*

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CITY OF BILLINGS

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

ATTEST:

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