

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
October 9, 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  
Karen Schexnider, Assistant City Attorney  
Toni Keehner, Deputy City Clerk  
Andy Zoeller, Finance Director  
Tracy Scott, Parking Manager  
Hunter Kelly, Planner  
Debi Meling, Public Works Director  
Monica Plecker, Planning Division Manager

**MINUTES:**

- August 28, 2023

Councilmember Rupsis indicated the vote on page 10, motion to call the question, should have been 10-1, instead of 10-0. City Clerk Bohlman agreed and made the correction to the minutes.

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

- September 25, 2023 - Pending

**COURTESIES:**

- There were no Council courtesies.

**PROCLAMATIONS:**

- There were no proclamations.

**COUNCIL REPORTS:**

- Councilmember Joy spoke of the recent Community Development (CDB) Board meeting and indicated they were reviewing potential American Rescue Plan Act (ARPA) expenditures.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Mr. Kukulski reminded Council of a revision to Consent Agenda Item 1C the previous week and indicated the correct MOU was included in the packet.
- 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, 5b and 7 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 spoke in support of the refugee resettlement program:

- **Peri Kemmick, Ward IV, Billings, Montana.**
- **Amy Aquirre, 1504 Lewis Avenue, Billings, Montana.**
- **Lisa Harmon, 310 North 27<sup>th</sup>, Billings, Montana.**
- **Simon Harris, 2311 Kings Drive, Billings, Montana.**

There were no further speakers.

**SPECIAL PRESENTATION:** Overview of Refugee Resettlement (James Horan, Lutheran Family Services of the Rocky Mountains and Nancy Van Maren, Nations to Neighbors Montana)

Ms. Van Maren and Mr. Horan briefly explained the arrival process for the refugees and resettlement.

Council discussed the program and integration of the families into the community.

1. **CONSENT AGENDA**

There were no separations.

**Motion:** I move to approve the items of the Consent Agenda as submitted.

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

A. **Bid Awards:**

1. **Cemetery Mini Excavator.** (Opened 9/5/23) Recommend Tractor & Equipment Co.

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

2. **De-icer/Anti-icer.** (Opened 9/19/23) Recommend Brenntag Pacific.

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

3. **Winter Traction Material.** (Opened 9/19/23) Recommend Knife River.

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

4. **SID 1421, Cypress Point.** (Opened 9/5/23) Recommend Askin Construction.

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

5. **W.O. 23-27: Landfill Household Hazardous Waste Facility.** (Opened 9/5/23)  
Recommend rejecting all bids.

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

- B. **Amendment No. 1 for Two Commercial Non-Aviation Ground Leases** with Gold Creek Cellular of Montana Limited Partnership DBA Verizon Wireless.

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

C. **Memorandum of Understanding** with Yellowstone County allowing use of existing City-owned fiber conduit.

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

D. **Donation** to the Police Department from Phillips 66.

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

E. **Final Plat** of Falcon Ridge Estates Subdivision, 2nd Filing. **\*Quasi-Judicial**

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

F. **Final Plat** of Amended Lot 4E-2, Block 1, Shiloh Crossing Subdivision. **\*Quasi-Judicial**

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

G. **Second/Final Reading Ordinance** for Zone Change 1034: Zoning Text Amendments - Phase III.

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

H. **Second/Final Reading Ordinance** for Zone Change 1035: 2449 Blue Creek Road. **\*Quasi-Judicial**

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

I. **Second/Final Reading Ordinance** expanding Ward III (Annexation 23-07).

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

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

1. September 5, 2023

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

2. September 11, 2023

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

**2. PUBLIC HEARING AND RESOLUTIONS** allocating assessments on the following:

Andy Zoeller, Finance Director, briefly explained that City bond sales are based on construction estimates which results in respreads and assessments to homeowners for Special Improvement districts.

Council discussed the City's policy to determine the number of years for assessments.

a. **SID 1411** – Resolution 23-11153

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution allocating assessments on SID 1411, as recommended by staff.

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

b. **SID 1417** – Resolution 23-11154

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution allocating assessments on SID 1417, as recommended by staff.

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

c. **SID 1418** – Resolution 23-11155

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution allocating assessments on SID 1418, as recommended by staff.

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

d. **SID 1419** – Resolution 23-11156

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I

move to approve a Resolution allocating assessments on SID 1419, as recommended by staff.

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

e. **SID 1423** – Resolution 23-11157

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution allocating assessments on SID1423, as recommended by staff.

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

f. **SID 2924** – Resolution 23-11166

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution allocating assessments on SID 2924, as recommended by staff.

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

g. **SID 2925** – Resolution 23-11167

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution allocating assessments on SID 2925, as recommended by staff.

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

3. **PUBLIC HEARING AND RESOLUTION 23-11163** assessing Park Maintenance Districts (PMDs). Staff recommends approval.

Andy Zoeller, Finance Director, briefly reviewed the total revenue and average charges for the 36 Park Maintenance Districts.

Council discussed how PMDs were used.

Mr. Zoeller explained how money was used for street maintenance, water, garbage, mowing, storm sewer and lighting assessments.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing Park Maintenance Districts (PMDs), as recommended by staff.

Moved by Councilmember Boyett  
Seconded by Councilmember Shaw

Councilmember Rupsis discussed the potential of homeowners' associations taking over the financial responsibilities of parks. Council indicated it would be a good topic to discuss at a future meeting.

**APPROVED 11-0**

4. **PUBLIC HEARING AND RESOLUTION 23-11168** adopting Parking Rates and Fees and repealing Resolution 20-10891. Staff and Parking Board recommend approval.

Tracy Scott, Parking Manager, gave a presentation of the proposed Parking rate increases, EV charging stations, and challenges and successes of the division.

Council discussed EV charging stations and addressed concerns about utilizing stations without paying.

Ms. Scott explained upcoming changes to signage and a focus on enforcement to address the problem.

Council discussed the Parking Division's budget, green meters and discontinuing free holiday parking. They asked for clarification on Parking reserves and capital improvements.

Kevin Iffland, Assistant City Administrator, indicated the potential sale and proceeds of any parking garages would be used for the new City Hall.

The following individual spoke during the public hearing:

- **Dena Bishop, Billings, Montana**, spoke of code enforcement issues regarding RV overnight parking.

No further public testimony was given.

**Motion:** I move to approve a Resolution adopting Parking Rates and Fees and repealing Resolution 20-10891, as recommended by staff and the Parking Board.

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

Mayor Cole called for a recess at 7:10 P.M. He reconvened the meeting at 7:17 P.M.

5. **G2 INVESTMENTS, LLC PROPERTY:**

- a. **PUBLIC HEARING AND RESOLUTION 23-11169 FOR ANNEXATION 23-08:** located south of S. Frontage Road/Riverside Drive and west of Sugar Avenue. Staff recommends conditional approval. \*Quasi-Judicial

Hunter Kelly, Planner, explained the interconnectedness and relationship of the three items, 5a, 5b and 5c. He gave an overview of the parcels, zoning designation, surrounding areas, and annexation policy criteria.

Debi Meling, Public Works Director, regarding Item 5b, spoke of the possibility of requesting reimbursement for the waterline improvements and asked Council to delay the Annexation Agreement indefinitely. She indicated staff would work on the agreement to resolve the reimbursement concerns and the delay would not affect approval of Items 5a and 5c.

Councilmember Neese indicated the terminology “development agreement” had been used in the resolution and questioned if it needed to be changed to “annexation agreement”. He also suggested changing the capitalized words “Creation of Special Improvements Districts” to lower case.

Karen Schexnider, Assistant City Attorney, did not oppose the changes.

Councilmember Rupsis discussed how the recent floods had affected the easement. Ms. Meling indicated the land along the riverbank could be lost and staff had been working with an engineer to see if it was possible to retain the land.

The following individuals gave public testimony:

- **Taylor Kasperick, Performance Engineering**, via Zoom, indicated he was available for questions.
- **Catherine Card, 2815 4th Avenue South, Billings, Montana**, spoke of protecting the riverbank and keeping building height reasonable.

Monica Plecker, Planning Manager, spoke of the City zoning regulations and the advantages of requiring City services for environmental protection.

There was no further public testimony.

**Amended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to conditionally approve a Resolution approving Annexation 23-08, with the following resolution amendments: “Development Agreement” changed to “Annexation Agreement” and “Creation of Special Improvements Districts” changed to lower case.

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

- b. **ANNEXATION AGREEMENT** with G2 Investments, LLC. Staff recommends approval.

**Motion:** I move to indefinitely delay the Annexation Agreement with G2 Investments, LLC, as recommended by staff.

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

- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 23-08: located south of S. Frontage Road/Riverside Drive and west of Sugar Avenue. Staff recommends approval.

There was no staff presentation.

There was no public testimony given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance expanding the boundaries of Ward I, as recommended by staff.

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

- 6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Article 22-407, Encroachment Permit Required. Staff recommends approval.

Debi Meling, Public Works Director, indicated she had given Council small cell presentations at two prior Work Session meetings, so she would not have an additional presentation.

She indicated applicants would be required to get an encroachment permit and enter into a license agreement. The proposed resolution below as Item 7 would outline requirements.

Council discussed the separation clause. Ms. Meling indicated it would require a 500-foot separation.

There was no public testimony given.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending Billings, Montana City Code (BMCC), Article 22-407, Encroachment Permit Required, as recommended by staff.

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

- 7. **RESOLUTION 23-11170** for managing deployment of small cell facilities in the right-of-way. Staff recommends approval.

There was no presentation given.

**Motion:** I move to approve a Resolution managing deployment of small cell facilities in the right-of-way, as recommended by staff.

Moved by Councilmember Joy  
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 4th Avenue South, Billings, Montana,** spoke of gang related concerns.

There were no further speakers.

**COUNCIL INITIATIVES:**

Councilmember Owen spoke of an upcoming initiative establishing a family violence investigation unit in the Police Department.

Council discussed the process and resources available.

Lieutenant Wooley spoke of the current training process and resources needed.

**ADJOURN: 8:08 P.M.**



CITY OF BILLINGS

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

ATTEST:

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