

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
October 23, 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 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

Absent/  
Excused: Councilmember Roy Neese, Ward II

Staff  
Present: Chris Kukulski, City Administrator  
Gina Dahl, City Attorney  
Denise Bohlman, City Clerk  
Wyeth Friday, Planning Director  
Nicole Cromwell, Zoning Coordinator  
Tina Hoeger, Code Enforcement Manager  
Rich St. John, Police Chief

**MINUTES:**

- September 25, 2023

Moved by Councilmember Joy  
Seconded by Councilmember Gulick  
**APPROVED 10-0**, Councilmembers Neese absent/excused.

- October 9, 2023 – Pending

**COURTESIES:**

There were no courtesies.

**PROCLAMATIONS:**

Mayor Cole proclaimed October 23-29, 2023, as Nonmelanoma Skin Cancer Awareness Week.

Mayor Cole acknowledged that the month of October was Breast Cancer Awareness Month.

**COUNCIL REPORTS:**

There were no Council reports.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Mr. Kukulski mentioned there would be no Council meeting on Monday, October 30<sup>th</sup>, due to a bye week.

Mr. Kukulski advised that Councilmember Owen forwarded a revised proposed initiative for Council's review. A copy of it was placed on Council's desks and one copy was included in the ex-parte communications notebook for the public's review. No other ex-parte communications were received after 3 PM concerning items on the agenda.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 4 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 individual spoke in favor of Consent Agenda Item 1D:

- **Steve Warlick, Best Western Clock Tower Inn, Manager, 2511 First Avenue North, Billings, Montana**, explained that the MOU was null and void if the Parks' bond for the recreation center did not pass. He asked that the committee created by the City Administrator be comprised of individuals who were experts in running recreation facilities.

The following individual spoke in opposition of Consent Agenda Item 1D:

- **Michael Mayott, 123 Lewis Avenue, Billings, Montana**, supported having experts involved, but he opposed the MOU.

There were no further speakers.

1. **CONSENT AGENDA** -- Separations: 1D

Councilmember Purinton separated Consent Agenda Item 1D for discussion.

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

Moved by Councilmember Shaw

Seconded by Councilmember Joy

**APPROVED 10-0**, Councilmember Neese absent/excused.

A. **Bid Awards: None**

B. **Purchase 3 - 2024 Broombear sweepers from Joe Johnson Equipment.**

Moved by Councilmember Shaw

Seconded by Councilmember Joy

**APPROVED 10-0**, Councilmember Neese absent/excused.

C. **Purchase 2024 Fire Pumper AS899 from Hughes Fire Equipment.**

Moved by Councilmember Shaw

Seconded by Councilmember Joy

**APPROVED 10-0**, Councilmember Neese absent/excused.

D. **Memorandum of Understanding** with Billings Tourism Business Improvement District.

Councilmember Purinton voiced her concern that the Memorandum of Understanding (MOU) obligated the City to do things beyond the scope of the MOU. She would vote in opposition. She made inquiry into proposed budget allocation for the proposed recreation center. She appreciated the Billings Tourism Business Improvement District's offering. Mayor Cole acknowledged that a management company would be necessary for a project of this proportion and that the MOU's reference to management was adequate.

Moved by Councilmember Shaw

Seconded by Councilmember Rupsis

**APPROVED 7-3**, Councilmembers Owen, Purinton and Tidswell opposed;  
Councilmember Neese absent/excused.

**E. 2023 STOP Violence Against Women Act (VAWA) Domestic Violence Grant Award.**

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**F. State Highway Traffic Safety Billings Selective Traffic Enforcement Program (STEP) overtime grant for the Police Department.**

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**G. 2023 Federal Homeland Security Grant for Police Department to purchase Night Vision Systems.**

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**H. 2023 Federal Homeland Security Grant for the Police Department's Bomb Squad.**

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**I. Montana Department of Agriculture Grant to the Parks and Recreation Department for the European Buckthorn removal program.**

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**J. Donation to the Parks and Recreation Department from Yellow Ball Roofing and Solar for a complete solar generating system to Songbird Community Garden.**

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**K. Resolution 23-11171 defining the policy for Special Improvement Districts (SID's).**

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**L. Second/Final Reading Ordinance 23-5860** amending Billings, Montana City Code (BMCC), Article 22-407, Encroachment Permit Required.

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**M. Second/Final Reading Ordinance 23-5861** expanding Ward I (Annexation 23-08).

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

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

1. September 18, 2023

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

2. September 25, 2023

Moved by Councilmember Shaw  
Seconded by Councilmember Joy  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1037:** a parcel generally located at 3146 Monad Road. Zoning Commission recommends approval and adoption of the 10 review criteria.

Nicole Cromwell, Zoning Coordinator, provided a PowerPoint presentation and noted the Zoning Commission held a public hearing on October 3, 2023, and forwarded a recommendation for approval. She continued that the zone change met the criteria of the growth policy; the zoning was compatible with adjacent uses, etc. The parcel was located at the intersection of 2 arterial streets and the present zoning for a single-family house was not appropriate for the lot due to access difficulties. The Engineering Department allowed 1 access into the property off Monad Road and perhaps another off the alley. She reviewed the proposed zoning allowances for both professional offices and residential uses. Ms. Cromwell reviewed the 10 review criteria.

- **Jamie Clark, agent**, stated she wished to place an attractive multi-use building on the property.

Mayor Cole mentioned it may be possible that a Special Improvement District (SID) would need to be involved at some point and Ms. Clark voiced no objection to it.

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 First Reading Ordinance for Zone Change 1037 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1038:** for a parcel generally located northwest of the intersection of Avenues D and E in Zimmerman Home Place Subdivision. Zoning Commission recommends approval and adoption of the 10 review criteria.

Nicole Cromwell, Zoning Coordinator, provided a PowerPoint presentation and stated the Zoning Commission held a public hearing on October 3, 2023, and forwarded a recommendation for approval based on the 10 review criteria. She reviewed the various parcels surrounding the subject property and the developments occurring there. She explained that the subject parcel was currently zoned NX1 and the developer wished for NX2 zoning because it allowed for 2 to 8 dwelling units; NX3 zoning allowed a minimum of 5 dwelling units and no maximum. Ms. Cromwell reviewed the 10 review criteria.

- **Scott Aspenlieder, Performance Engineering, agent**, indicated community members that appeared at the Zoning Commission public hearing were concerned about traffic impacts. He noted that a traffic signal was warranted at Avenue E and Zimmerman. He spoke about the contributions the developer had made to the development. The intent was to have a townhome-style development with an apartment component to the rear of the property. He explained plans for park space and walking areas.

Council discussed traffic signaling and landscaping near the cemetery. Also discussed were housing strategies and economics.

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 First Reading Ordinance for Zone Change 1038 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Purinton  
Seconded by Councilmember Rupsis  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**3. CITY ADMINISTRATOR'S Annual Performance Evaluation and APPROVAL of Employment Contract.**

No presentation was given. Mayor Cole explained that Council held a Closed Executive Session on October 16, 2023 to conduct Mr. Kukulski's annual performance evaluation and salary increase.

**Motion:** I move to approve a 3% salary adjustment to the City Administrator's salary.

Moved by Councilmember Shaw  
Seconded by Councilmember Rupsis

Councilmember Shaw spoke of her appreciation of City Administrator, Chris Kukulski, and his positive relationships with the departments' leadership.

Mayor Cole shared salary data from other city managers around the state.

Councilmember Purinton voiced her opposition to the 3% salary increase because of County taxes and Mr. Kukulski's desire to have Billings taxes fall between Lewis and Clark County and Gallatin County, indicating an increase of approximately \$1,000 per year. She did not agree with that and noted people were struggling financially.

**APPROVED 8-2**, Councilmembers Purinton and Owned opposed; Councilmember Neese absent/excused.

**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 provided public comment:

- **Catherine Card, 2815 Fourth Avenue South, Billings, Montana**, expressed her concern about a lack of planning to provide housing for the 600+ unhoused individuals during the winter months. She encouraged Council to take an active role as it was a moral issue and the responsibility should not be solely placed on the churches and nonprofits in the community.
- **Dena Bishop**, explained the seriousness of hypothermia and her concerns about the shelter's hours of operation to house, feed and protect individuals exposed to the cold weather. She mentioned the City's urban camping and no overnight parking restrictions added to the problem and she was collecting signatures on a petition to halt the restrictions.

- **Scott Aspenlieder, 3636 Colin Drive, Billings, Montana**, encouraged Council to support the Initiative Councilmember Owen would bring after public comment.

There were no further speakers.

Mayor Cole called for recess at 6:40 P.M. The meeting reconvened at 6:53 P.M.

### **COUNCIL INITIATIVES:**

Councilmember Owen spoke about her initiative and the wording that she, the City Attorney, and the City Administrator agreed upon as follows:

This initiative requests that the City Administrator work with staff/leadership to investigate how it can address family violence more effectively and develop recommendations for Council on options to create a dedicated Family Violence Investigative Unit in the Billings Police Department. Council requests that staff evaluate at least the following factors in developing recommendations:

- Composition of unit: patrol, detectives, leadership, CSOs, technicians and administrative support.
  - Recommendations must include an option with a dedicated command structure.
- Minimum scope of unit would be domestic violence (e.g., PMFA, violation of Order of Protection, harassment, stalking), crimes against children (e.g., assault on a minor, criminal child endangerment), and sexual assault. Other offenses may be added as well.
  - The establishment of this unit is not intended to interfere with existing task forces/special units, unless otherwise recommended by staff. However, this unit may be a liaison.
  - Other scopes added as appropriate. Offenses Against the Family should be evaluated thoroughly.
- Evaluates the necessity to respond in real time to the scene for investigations.
- Includes robust initial and ongoing training in family violence-related topics.
- Able to analyze and assess complex crime data to detect patterns relevant to investigations and enforcement.
- Budgetary impact – ability to implement this special unit without increase in FTE, unless there is a critical skill set missing.
  - One-time start-up and ongoing O&M expenses are allowable.
  - Phased in and scale up approaches for additional FTE could be considered over time.

The recommendations should also include the appropriate format to formalize the creation of this unit in the BPD; for example, a Council resolution or ordinance.

She spoke about if it was determined that a unit should and could be created, what that might look like in terms of staffing needs, etc.

Council and staff discussed gathering and identifying data patterns; and the Council's role and authority in establishing a unit within BPD via resolution versus strategic goal implementation by administration.

Police Chief St. John addressed Council about the initiative fitting into the strategic goal of reducing violent crime. He noted there were 2 dedicated detectives that investigate only domestic violence cases and sometimes a third. He explained the current staffing shortages and limited resources and that more FTEs would be necessary to create a DV unit. He spoke about the services the Family Justice Center could afford.

Gina Dahl, City Attorney, stated the Legal Department currently had 6 dedicated staff for domestic violence cases, i.e., 3 prosecutors and 3 victim witness advocates. She spoke about felony domestic violence case referrals to the County Attorney's office.

Councilmember Owen asked that external stakeholders be involved to get their perspective, i.e., YWCA.

**Motion:** I move to approve an initiative that requests the City Administrator work with staff and leadership to investigate how it can address family violence more effectively and develop recommendations for Council on options to create a dedicated Family Violence Investigative Unit in the Billings Police Department.

Moved by Councilmember Owen  
Seconded by Councilmember Tidswell  
**APPROVED 10-0**, Councilmember Neese absent/excused.

**ADJOURN: 7:25 P.M.**



CITY OF BILLINGS

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

ATTEST:

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