

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
November 27, 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 Denise Joy, Ward III
Councilmember Danny Choriki, Ward III
Councilmember Daniel Tidswell, Ward IV (Via Zoom)
Councilmember Pam Purinton, Ward IV
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V
Mayor William Cole

Absent/
Excused: Councilmember Jennifer Owen, Ward II

Staff
Present: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Denise Bohlman, City Clerk
Jennifer Duray, Deputy Public Works Director
Karla Stanton, Human Resources Director
Wyeth Friday, Planning Director
Monica Plecker, Planning Manager
Nicole Cromwell, Zoning Coordinator
Hunter Kelly, Planner
John Caterino, Facilities Manager

MINUTES: November 13, 2023 - Pending

COURTESIES:

- Mayor Cole recognized the tragic death of Big Horn County Sheriff Darrell King and acknowledged his many contributions. He offered his condolences to his family, friends, and the community.
- Councilmember Boyett introduced Brian Dennis, CEO of the Boys and Girls Club of Yellowstone County to provide an update on their programs.

PROCLAMATIONS:

Mayor Cole proclaimed Nov. 25- Dec. 10, 2023 - "16 days of Activism Against Domestic Violence". Ann Hefenieder, Zonta Club Member, spoke about its goals toward ending violence against women in our community.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski mentioned the Work Session meeting on December 4th would be held at the Billings Public Library Community Room, 510 N. Broadway, at 5:30 P.M. It would be a roundtable discussion including staff and other community members about public safety.
- Mr. Kukulski stated there would be slight change to the recommended motion for Regular Agenda Item 5 concerning the monies being taken from the General Fund, Membership Dues and Fees, rather than the Council Contingency Fund.
- Mr. Kukulski indicated there had been no ex-parte communications sent to Mayor and Council after 3 P.M. concerning items on the agenda.

Mayor Cole noted that per Billings, Montana City Code, Sec. 2-214, Order of Business, the Special Presentation on the agenda needed a motion and approval by Council to be on the agenda. He noted that public comment on that item would be heard during the non-public hearing agenda items even though it was not noted on the agenda.

Motion: I move to add the Special Presentation USFS Urban Forestry Grant on the agenda.

Moved by Councilmember Neese

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen Absent/Excused.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2b, 4 and 5. 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 favor of the Urban Forestry Grant:

- **Kris Glenn, 209 Yellowstone Avenue, Billings, Montana.**
- **Scott Meyers, Volunteer Curator for Yellowstone Arboretum at ZooMontana, 2505 Vista Loop Road, Billings, Montana.**
- **Patrick Riedl, Certified Arborist, 4431 Vaughn Lane, Billings, Montana.**

The following individuals also gave public comment:

- **Rylan McCauley, representative of the Carpenters Union,** in reference to Regular Agenda Item 4, asked that language be added in TIF agreements to require hiring local tradesmen and businesses to do the work. It would build community wealth in Billings by keeping tax dollars in town.
- **Jess Peterson, Executive Director of Big Sky Passenger Rail Authority, 4030 Thunder Ridge, Billings, Montana,** in reference to Regular Agenda Item 5, provided an update on membership status and plans for a passenger railway from Seattle to Chicago through southern Montana.
- **Jack Hansen, 2826 Poly Drive, Billings, Montana,** in reference to Regular Agenda Item 4, echoed that he hoped TIF agreements would have labor protections included in them.

There were no further speakers.

SPECIAL PRESENTATION: USFS Urban Forestry Grant

Mike Pigg, Parks, Recreation and Public Lands Director, provided an overview of the grant and program focus. He indicated that Billings had applied for \$2 million and was awarded \$1 million. He explained project focus and where the monies were planned to be spent; adding that the monies had to be spent within 5 years.

Council and staff discussed tree replacement, tree species, maintenance, tree education, and additional staff.

1. CONSENT AGENDA -- Separations: 1E, 1F, 1H

Mayor Cole separated Consent Agenda Items 1E and 1F for discussion.

Councilmember Purinton separated Consent Agenda Item 1H for discussion.

Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of Items 1E, 1F and 1H.

Moved by Councilmember Neese
Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen Absent/Excused.

A. Bid Awards:

1. New City Hall Furniture Procurement and Installation. (**Opened 11/7/2023**)
Recommend 360 Office Solutions for schedules 2 and 4, and alternate 2; Peterson Quality Office for schedules 1, 3, and 5, and alternate 1.

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

1. **2024 12-Yard Dump Truck.** (Opened 12/7/2023) Recommend I-State Truck Center.

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

B. Contract or W.O. 23-96: Water Treatment Plant Intake No. 2 Catwalk Renovations with AE2S.

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

C. Collective Bargaining Agreement with IAFF - Local 521.

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

D. North Park Master Plan update.

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

E. Perpetual Right-of-Way Easement from Torgerson's Real Estate Holdings, LLC.

City Attorney, Gina Dahl, explained that the easements in 1E and 1F did not specifically state that the public could use the right of way, even though it was implied and assumed. She provided clarifying language be added to the easements.

Motion: I move to approve Consent Agenda Item 1E with the clarifying language to the easement as suggested regarding “public” multi-use trails, etc.

Moved by Councilmember Neese
Seconded by Councilmember Shaw
APPROVED 10-0, Councilmember Owen Absent/Excused.

F. Perpetual Right-of-Way Easement from Billings Logistics Center One, LLC.

Motion: I move to approve Consent Agenda Item 1F with the clarifying language to the easement as suggested regarding “public” multi-use trails, etc.

Moved by Councilmember Neese
Seconded by Councilmember Shaw
APPROVED 10-0, Councilmember Owen Absent/Excused.

G. Final Plat of R. L. Subdivision. ***Quasi-Judicial**

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

H. Resolution 23-11173 modifying Council subcommittees.

Councilmember Purinton voiced her concern about dismantling the Local Affairs Subcommittee and placing those Councilmembers in other existing subcommittees. She preferred adding additional Councilmembers to the Local Affairs Subcommittee instead as it would allow for more opportunity to do more with more people involved.

Councilmember Neese supported Councilmember Purinton’s suggestion.

Motion: I move to approve the resolution modifying Council subcommittees.

Moved by Councilmember Shaw
Seconded by Councilmember Rupsis

Councilmember Shaw noted discussions about combining subcommittees had been discussed several times. She continued that since the legislature adjourned, the Legislative Subcommittee had not had much to do and could focus more on local affairs during that off-time. It made sense to combine the Local Affairs and Legislative

Subcommittees. She urged Council to approve the motion and move forward with getting Councilmembers in place before the new Councilmembers joined in January.

Councilmember Joy indicated the Local Affairs Subcommittee was important, but it needed more than 2 Councilmembers to sustain its mission. Combining the Local Affairs and Legislative Subcommittees would not diminish the work of either subcommittee concerning local issues.

APPROVED 10-0, Councilmember Owen Absent/Excused.

I. Second/Final Reading Ordinance 23-5864 amending Article 22-900, Sale, Exchange, or Donation of City Real Property.

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

J. Bills for the Weeks of:

1. October 23, 2023

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

2. October 30, 2023

Moved by Councilmember Neese
Seconded by Councilmember Boyett
APPROVED 10-0, Councilmember Owen Absent/Excused.

REGULAR AGENDA:

2. ANDERSON PROPERTY:

a. JOINT PUBLIC HEARING FOR ANNEXATION 23-09 AND ZONE CHANGE 1036:

i. RESOLUTION 23-11174 APPROVING ANNEXATION 23-09: A parcel generally located at 1093 Lincoln Lane. Staff recommends conditional approval. *Quasi-Judicial

Hunter Kelly, Planner, provided a PowerPoint presentation and reviewed the annexation policy criteria and the area subject to annexation. The annexation was requested by the owner of the property due to a failing septic system and they wished to attach to City services.

No public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution conditionally approving Annexation 23-09, as recommended by staff.

Moved by Councilmember Purinton
Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Owen Absent/Excused.

- ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 1036:** generally located at 1093 Lincoln Lane. Zoning Commission recommends approval and adoption of the 10 review criteria. *Quasi-Judicial

Monica Plecker, Planning Manager, provided an overview of the Zone Change for the property to N3 zoning. She reviewed the review criteria and stated the Zoning Commission unanimously forwarded a recommendation for approval and adoption of the 10 review criteria.

Council and staff discussed use of the right-of-way and encroachments.

Taylor Kasperick, Performance Engineering, agent, 608 North 29th Street, Billings, Montana, reiterated the property owner's desire to attach to City sewer services due to a failing septic system drainage pit.

No public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance for Zone Change 1036 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Gulick
Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Owen Absent/Excused.

- b. **ANNEXATION AGREEMENT** with Lavonne Anderson. Staff recommends approval.

There was no presentation, but staff was available if there were any questions.

Motion: I move to approve an annexation agreement with Lavonne Anderson, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen Absent/Excused.

- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 23-09: a parcel generally located at 1093 Lincoln Lane. Staff recommends approval.

There was no presentation, but staff was available if there were any questions.

No public testimony was 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 III to include recently annexed property in Annexation 23-09: a parcel located at 1093 Lincoln Lane, as recommended by staff.

Moved by Councilmember Shaw

Seconded by Councilmember Gulick

APPROVED 10-0, Councilmember Owen Absent/Excused.

3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1039:** generally located at 713 Avenue D. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial**

Nicole Cromwell, Zoning Coordinator, provided a brief PowerPoint presentation reviewing the Zone Change. She noted that the building located on the property was formerly a church. The developer wished to convert the building to a residential duplex and therefore the Zone Change was necessary. She reviewed the 10 review criteria and stated the Zoning Commission recommended approval and adoption of the 10 review criteria.

Councilmember Neese asked whether additional residential buildings could be added to the property. Ms. Cromwell responded affirmatively, but added a second, accessory building would need to be smaller than the existing building.

The following individual spoke in opposition during the public hearing:

- **James Earl Lewis**, opposed turning a church into housing.

No further public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance for Zone Change 1039 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Joy

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Owen Absent/Excused.

4. **TAX INCREMENT FINANCING ASSISTANCE** from the Downtown Urban Renewal TIF District to Yesteryear's Antique Mall for renovations at its new location in the Hart-Albin Building at the northwest corner of North 28th and 2nd Avenue North, as recommended by Downtown Billings Partnership (DBP) Board.

Mehmet Casey, Development Director, provided a PowerPoint presentation that gave the history of the building that Yesteryear's Antique Mall was occupying and the details of the TIF assistance application. He explained that the location was slated for redevelopment, and it was necessary for the antique business to relocate. The business had been located downtown for over 18 years and housed 85+ local vendors and their wares. He reviewed the typical eligible expenses. He reviewed the Hart-Albin building configuration where Yesteryear's Antique Mall would be located in the basement. He acknowledged that the request for reimbursement of moving expenses was a new concept but it was an allowable use of TIF funds and the DBP Board recommended approval.

Council and Mr. Casey discussed utilization of the local work force for the projects that use TIF funds and include that condition in future agreements. Councilmember Neese asked about reimbursement for signage and parking expenses and relocation contingencies. He expressed concerns that plans for the old building may not come to fruition and should the Yesteryear's business fail due to the move that could hinder future TIF monies. Chris Kukulski, City Administrator, mentioned the Hart-Albin Building basement had been vacant for approximately 7 years or more and having the opportunity to keep a business downtown and occupying a vacant space was ideal.

Councilmember Purinton received clarification about upgrades to the HVAC system. It was necessary so Yesteryear's would only pay for their portion of the utilities, rather than heating the open spaces of the building, too. She opposed using tax dollars for the improvement. Mr. Casey explained it was a permanent improvement to a building that was on the tax rolls that would benefit future tenants as well. He gave examples of Butte TIF assistance grants as a comparison.

Mayor Cole acknowledged the importance of utilizing an underutilized building (Hart-Albin) with a successful downtown business that would bring hundreds of customers to the area around the Skypoint. By relocating Yesteryear's, it offered a redevelopment opportunity on the property on N. 29th Street of a 12-story mixed-use building. With that redevelopment additional tax revenue to the district would be generated.

Motion: I moved to conditionally approve tax increment financing assistance from the Downtown Urban Renewal TIF District to Yesteryear's Antique Mall, as recommended by DBP Board.

Moved by Councilmember Shaw
Seconded by Councilmember Rupsis

Danny Kramer, owner of Yesteryear's Antique Mall, addressed the Council about the relocation of the business.

Councilmember Gulick recused himself from the vote as his employer was involved in the planning of the redevelopment project on N. 29th Street.

Councilmember Choriki acknowledged that to improve and reconstruct in the downtown area, some tenants would need to relocate. It was important that the tenants were content with where they relocated. He supported the motion.

Councilmember Rupsis spoke about the timing to relocate a business and acknowledged the uniqueness to Billings to use tax increment funds for relocation purposes. He added that DBP Board had discussed at length that a criteria for using TIF funds for relocation of businesses needed to be tied to a larger project, such the anticipated redevelopment project. He supported the motion.

Discussions continued concerning ownership of the building on N. 29th Street and the Yesteryear's business.

Councilmember Neese was opposed to using TIF funds toward expenses that would typically be landlord responsibilities. He disagreed with the investment ratios, too. He opposed the motion.

Council and Mr. Casey discussed the reasons for relocating the business was due to the redevelopment project and that the reimbursement of relocation expenses was allowable and appropriate use of TIF funds. DBP was never to act as a landlord and gain profits from leasing the building at N. 29th Street location. That property was bought with the intention of redevelopment.

APPROVED 6-3, Councilmember Owen Absent/Excused; Councilmember Gulick abstained; Councilmembers Tidswell, Purinton and Neese Opposed.

5. BIG SKY PASSENGER RAIL AUTHORITY (BSPRA) SUPPORT.

Chris Kukulski, City Administrator, clarified that the staff memo had indicated that upon Council approval, \$6,000 would be drawn from the Council Contingency Fund, however it would actually be drawn from the General Fund, Membership Dues and Fees.

Mayor Cole suggested the funds be drawn from the Membership Dues and Fees fund and the membership to the US Conference of Mayors be discontinued to allow for membership with the BSPRA instead.

Motion: I move to approve to join the Big Sky Rail Authority and appropriate \$6,000 from the General Fund – Membership Dues and Fees and authorize Mayor Cole to sign a letter of support.

Moved by Councilmember Gulick
Seconded by Councilmember Shaw

Councilmember Gulick spoke about Billings as a railroad town and passenger rail was important. This provided Billings an opportunity to re-establish itself as a railroad hub in Montana.

Councilmember Joy reminisced about how the railroad affected commerce into and out of Billings and how it was important to the growth of Billings.

Councilmember Purinton could not recognize a serious impact to Billings by adding passenger rail. She opposed the motion.

Councilmember Neese was concerned about bringing increased criminal elements to Billings from other areas. He did not agree with appropriating City taxpayer funds and suggested that the monies from the US Conference of Mayors dues be absorbed into the budget.

Council and Jess Peterson, Executive Director of BSPRA, discussed the future footprint for hubs; small towns accessing the rail service; and the condition of the railroad going East and West.

APPROVED 7-3, Councilmember Owen Absent/Excused; Councilmembers Boyett, Purinton and Neese 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.)

The following individuals gave public comment:

- **John Armstrong, 903 North 18th Street, Billings, Montana**, voiced his concerns about a shortage of law enforcement and criminal activity.
- **Catherine Card, 2815 4th Avenue South, Billings, Montana**, expressed her concern for safety of the unhoused and urged Council to do everything they could to provide low-barrier shelter for all.
- **James Earl Lewis**, spoke about the importance of the Crisis Center.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 8:26 P.M.



CITY OF BILLINGS

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

ATTEST:

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