



**\*\*ATTENTION\*\***

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
  - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. *(On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)*
  - Online at [www.com7tv.com](http://www.com7tv.com) and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - On the City's website at [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Watch Meetings Online" on the homepage.
  - In-Person.
  - Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email: [Council@billingsmt.gov](mailto:Council@billingsmt.gov).
  - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Attend the meeting in person.
- Attend the meeting virtually through Zoom by entering the Webinar ID and Passcode indicated below. Click on *Zoom Meeting Instructions* and *Zoom Hybrid Meeting Details* below for more information. The link will allow you to attend, view and participate in the meeting on your computer, laptop or smart phone. (You must have the Zoom App on your device [Click Here to Download Zoom App](#)) To provide public comment at the appropriate time, click on the "raise hand" icon located at the bottom of the screen and the moderator will unmute your device.
  - **Don't have a smart phone, computer or laptop?** That's okay -- you can attend a Zoom meeting using your **landline phone**. Call the Zoom phone number, **1.253.215.8782** to join the meeting and follow the operator's instructions. Want to give public comment? Simply "*raise your hand*" by pressing \*9 and the moderator will give you permission to speak when it is your turn. *\*Note this is a long distance toll number and charges may apply depending on your plan.*
- Click Here for [Zoom Meeting IDs and Passcodes](#)
- Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

Please contact Denise Bohlman, City Clerk, at [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov), or at 406.657.8210, with any questions.



**VISION STATEMENT:**  
"The Magic City: A diverse,  
welcoming community  
where people prosper and  
business succeeds."

**WORK SESSION AGENDA**

**COUNCIL CHAMBERS**

**JANUARY 17, 2023**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PUBLIC COMMENT ON ALL ITEMS.** This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

- 1. Multi-Generational Recreation Center.**  
(Presented by: Mike Whitaker, Parks and Recreation Director)  
-Public Comment

2. **Local Governing Authority Appointments.**  
(Presented by: Chris Kukulski, City Administrator)  
-Public Comment
3. **Council and Leadership Team Retreat.**  
(Presented by: Chris Kukulski, City Administrator)  
-Public Comment

**COUNCIL DISCUSSION:**

**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.)*

**ADJOURN:**

Note:

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4) (a), MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

## City Council Work Session

**Date:** 01/17/2023  
**Title:** Billings Multi-generational Recreation Center Concept Design Phase Final Report  
**Presented by:** Mike Whitaker, Parks, Recreation & Public Lands Director  
**Department:** Parks/Rec/Public Lands  
**Presentation:** Yes  
**Legal Review** Not Applicable

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## RECOMMENDATION

N/A

### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Concept Design Phase for the Billings Multi-generational Recreation Center is complete. The goal of this process has been to create a multi-generational recreation facility that best reflects the needs of our community, best practices for programming a recreation center, site design, and a defined budget.

Following the Council presentation in the fall of 2022, the core team has made several refinements to the design to ensure it captures the comprehensive vision for our community's recreation center.

The consulting design team has worked in close collaboration with City Administration, Parks and Recreation and a Core Committee of community representatives for the last year to create this concept design. The process has been inclusive and collaborative to ensure that all ideas are explored and tested. The committee has defined the following primary objectives:

1. The facility must be visionary and make an impact on our community -- *if we're going to build it, let's build it right*
2. The facility needs to create a balance of meeting the needs of our local residents while also attracting sports tourism opportunities.
3. The program spaces within the facility need to reflect what the residents will support and what they have defined as the essential unmet needs in our community.
4. The facility should seek to maximize revenue generation.

In order to ensure the process is inclusive and genuinely reflective of our community, the team has reached out to the Billings residents through community engagement, meetings, and a statistically valid public survey. **The residents' input has defined the vision for this recreation center.** The statistically valid survey results indicate the most desired spaces with unmet needs in our community:

1. Indoor Family Leisure Activity Pool
2. Indoor Exercise / Lap Swimming Pool
3. Fitness Spaces (open fitness and group exercise studios)
4. Gymnasium -- Court Sports
5. Indoor Walk/Jog track
6. Indoor Ice Skating Rink

The team has finalized the concept design and is ready for presentation to the City Council. Since the Council update, the following objectives have been completed:

1. Facility design, architectural character, and site configuration
2. Capital construction budget
3. Operational Pro Forma to define cost recovery estimates

On Jan 17<sup>th</sup> representatives from the Design Team and Core Team will present the final plan.

## ALTERNATIVES

N/A

## FISCAL EFFECTS

Council will be updated on the preliminary estimate of the facility. Also, the Pro Forma for operations will be discussed.

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## Attachments

Rec Div Operations  
SBURD Rec



**Billings**

**PARKS**

**AND RECREATION**

**Recreation Division**



# How Does the Rec. Center Take Recreation to the Next Level

- Expands our ability to provide year-round, safe spaces for children to participate in recreation programs.
- The facility and programs offered for youth and adults will reduce crime
- Allows for creative program development for new activities
- Offers families and children the opportunity to swim year-round
- Provides a venue to host regional sports tournaments and swim meets
- Our current level of programming will continue to be accessible throughout the community



**UNLIMITED RECREATIONAL OPPORTUNITIES.....**

# Mobile Recreation Division

Where can you find Parks and Recreation Programs and Activities:

- **Billings Public School District #2** gymnasiums (youth and adult sports)
- **Municipal Pools** (swim lessons, aquatic camps, exercise classes)
- **City Parks** (summer day camps, tennis instruction, youth and adult sports)
- **Community and Senior Center** (senior wellness programs)



**Our programs and activities are provided throughout the entire community, making them accessible for all children and families**

# Partnership with School District #2

- **Youth Instructional Sports**
  - Feeder programs for 3-5<sup>th</sup> grade boys/girls basketball and girls volleyball.
- **Adult Sports Leagues and Tournaments**
  - Men's and Women's City League Basketball and Coed Volleyball
- Availability limited to evenings (6-10pm) after SD2 activities and music programs are completed and Sunday afternoons
- No indoor space available to expand programs or develop new recreational opportunities



**Able to utilize all six middle and three elementary school gymnasiums for community programs**

# Swimming Pools and Aquatic Operations

- 50-meter pool at Rose Park
- Waterslides and zero-entry spray pool
- 100+ children weekly enrolled in our American Red Cross Learn to Swim Program
- Partner with Billings Aquatics Club
- Certified Aquatic Facility Operators
- Ability to certify lifeguards and swim instructors in-house
- In-house concessions operations
- Maintenance support from Parks Division



**Over 50,000 annual visits to Rose and South Pool, thousands more at wading pools**

# City Park Programming

**Summer Day Camps** (M-F, 8-5) at Pioneer, North, Rose Pool, Veterans, Optimist which all have buildings used as basecamps.

**Tennis and Pickleball Instruction** (Youth and Adult) at Pioneer, Rose, Castle Rock, Central and Lillis

**Specialty Camps and Programs** – Miracle League Baseball at Landon's Field, Rock Band Camp, Rocket Camp, Cycling Camp and Babysitters Camp

**Youth and Adult Sports** - Summer Sports Camps, Youth Sports Leagues (NFL Flag Football, Club Baseball) Adult Sports Leagues (Soccer and Sand Volleyball)



**Our programs are provided throughout the entire community which makes them accessible to all**

# Senior Adult Wellness Programming

**35% increase in Wellness**

**Programming participation in 2022**

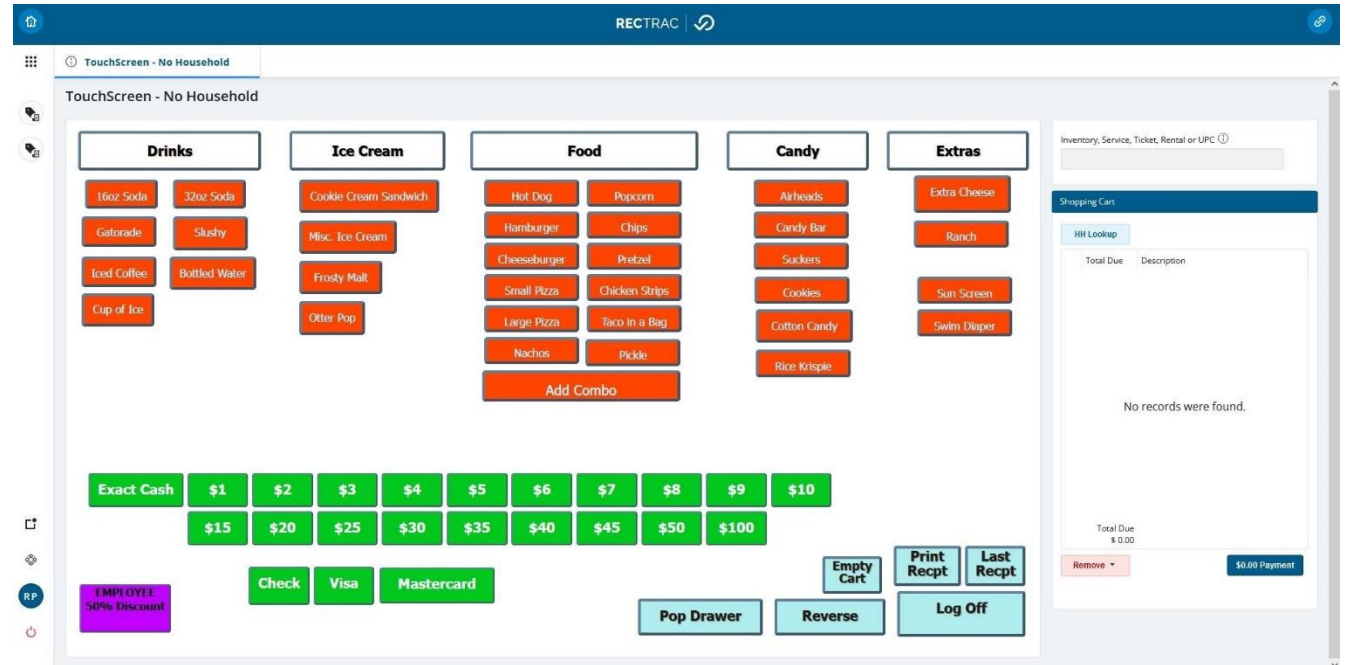
- **Billings Community and Senior Center**  
Providing life-enriching programs and services that enhance emotional, social, physical, and mental wellness for the over 30,000 seniors living in Billings.
- **Adult Resource Alliance of Yellowstone County** – formal partnership for meal site and access to the Alliance Westend and Heights facilities to expand our Senior Adult Wellness Programming



**Offering a wide-range of programs and activities from arts and crafts to exercise and nutrition**

# Front Desk and Customer Service Operation

- **Online and in-person Activity Registration Software** (72% online transactions)
- **Sports League and Tournament Scheduling Software** currently used with Adult City League Basketball and Coed Volleyball
- **Point-of-Sale (POS)** used at Rose Pool at both admission and concession operation
- **Pass Management** (key fobs with barcode scanners) used at Rose Pool for season passes
- **Facility Reservation** used to schedule over 140 park permits and events annually



**Parks and Recreation Mobile App** brings all of our programs, schedules and updates together in one convenient location

# Recreation Division Operates New Rec. Center

- Knowledgeable staff is excited to bring our existing skills and services to the Rec Center
  - Activity Programming Specialists
  - Aquatics Operations
  - Sports League and Tournament Directors
  - Health and Wellness Specialists
- Operational infrastructure already in place
  - IT
  - Finance
  - Human Resources
  - Legal
- In-house Park Maintenance Staff with knowledge, equipment and experience.



**If you combine the programs and service that we are currently providing into one centralized location – the Recreation Division is already operating a Rec. Center.**

# The Benefits Are Endless .....

The Recreation Division delivers and specializes in **QUALITY** programs and activities that are:

- **SAFE**
- **ACCESSIBLE TO ALL**
- **AFFORDABLE**
- **AND REDUCE CRIME**



# BILLINGS MULTI-GENERATIONAL COMMUNITY RECREATION CENTER

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Dusty Eaton, A&E Design

Kevin Armstrong, BRS

Jeff King, Ballard King

SOUTH BILLINGS  
AQUATIC & RECREATION CENTER

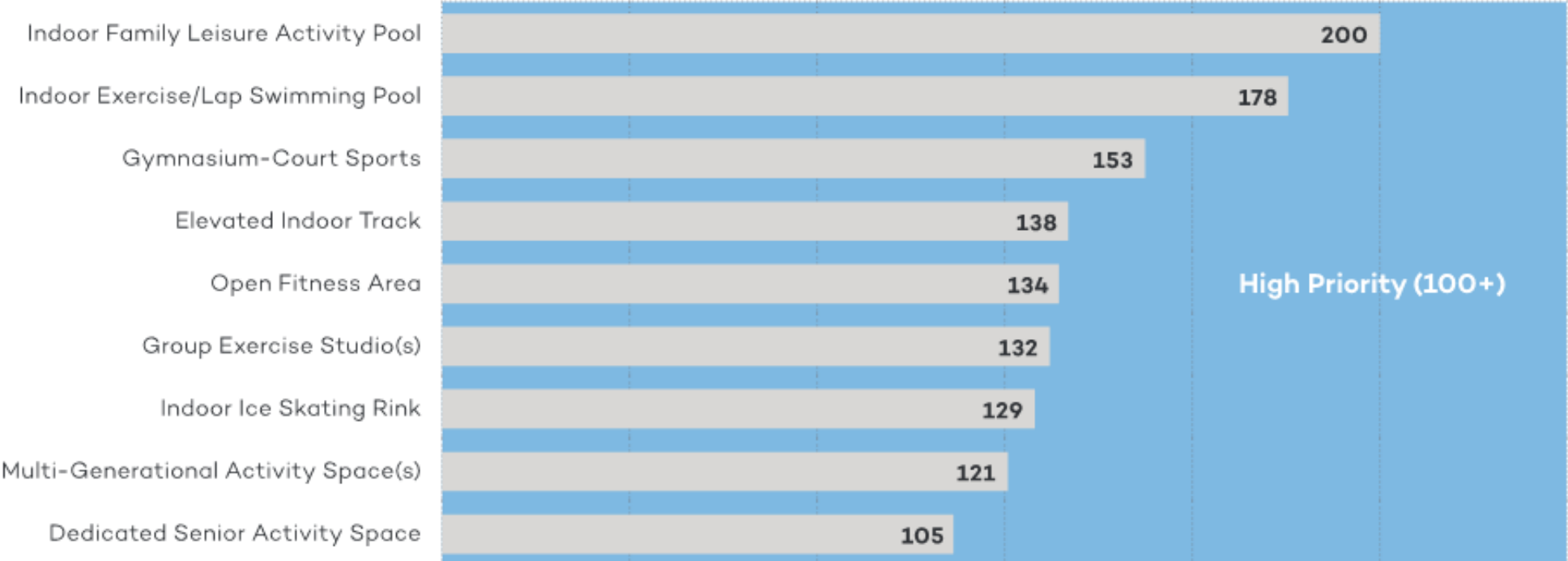


# PROJECT GOAL

*Create a multi-generational indoor recreation center that reflects the needs of the Billings' residents, while also building our tourism economy through amateur sporting event recruitment*

# COMMUNITY SURVEY

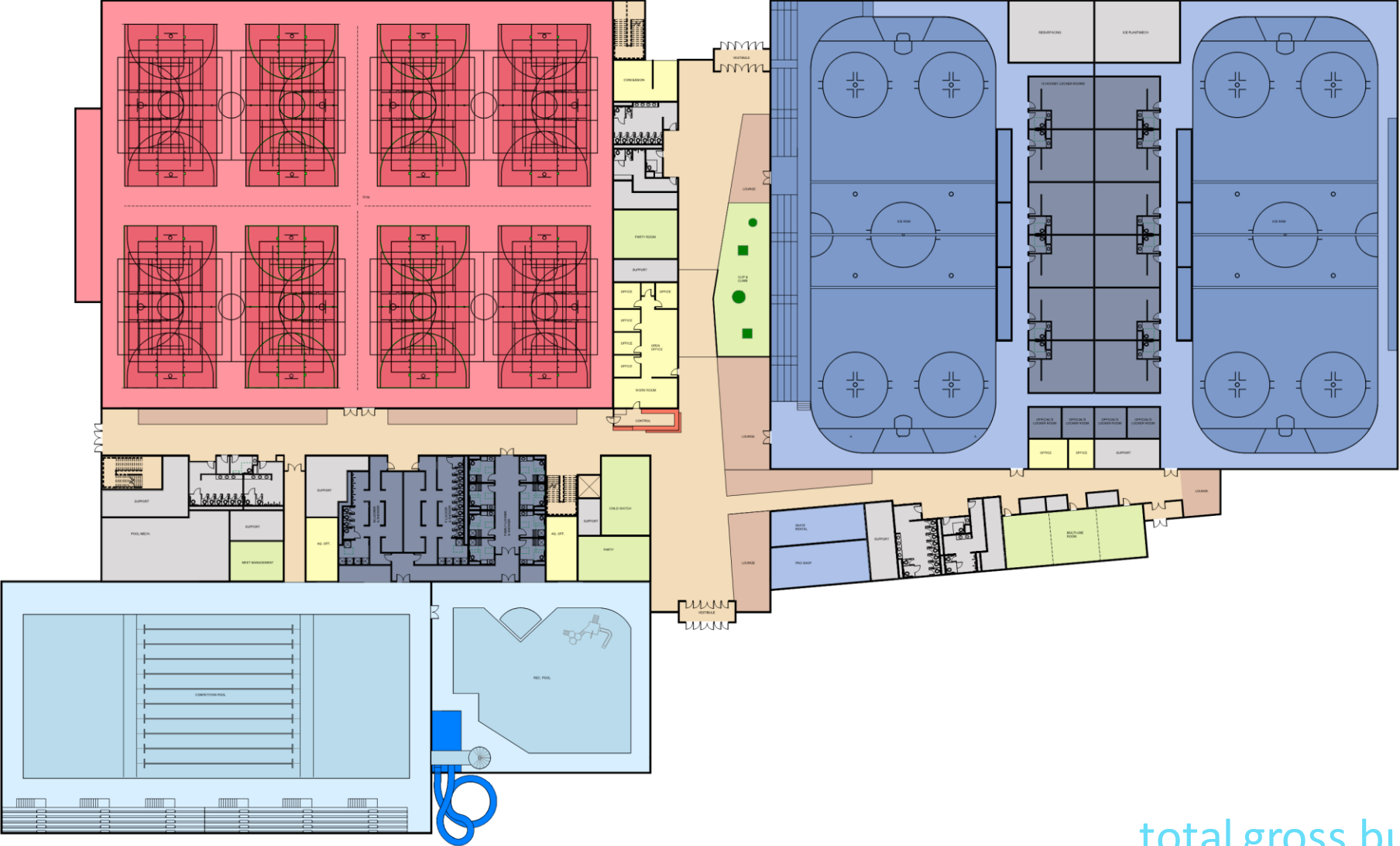
## Top Priorities for Investment for Recreation Facilities and Amenities Based on the Priority Investment Rating



RESULTS HAVE A PRECISION OF 95%

# FLOOR PLAN

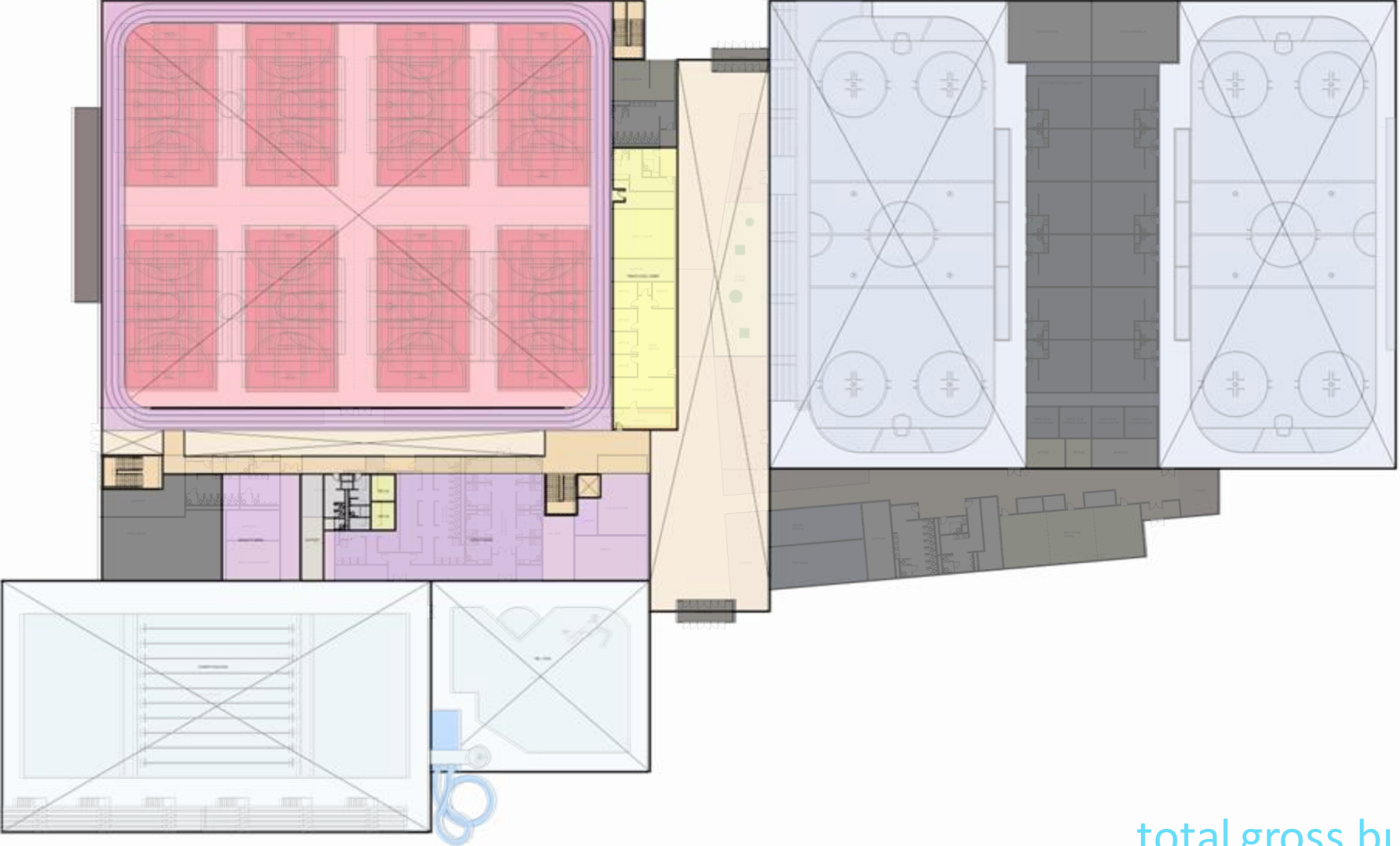
## MAIN LEVEL



total gross building sf: 213,500 SF

# FLOOR PLAN

## UPPER LEVEL



total gross building sf: 213,500 SF

# SITE DESIGN



# SITE DESIGN



SOUTH ENTRANCE



EAST APPROACH



NORTH ENTRANCE



WEST SOCCER FIELDS



# PROJECT COST

## OVERALL COST:

**\$93,880,000**      **Total Construction Costs**

*\$79,120,000 - Building & Site Construction*

*\$3,165,000 – Additional Market Volatility Contingency*

**\$18,777,000**      **Soft Costs**

*Includes Professional Services, Agency Fees, Testing & Inspections, FF&E,  
Owner's Contingency*

**\$112,657,000 – Total Project Cost**

# COST RECOVERY

## OPERATIONS & COST RECOVERY

**\$3,445,240**      Expenses

**\$2,673,046**      Revenue

**(\$772,194)**      Difference

**78% Cost Recovery**

SOUTH ENTRANCE



**City Council Work Session**

**Date:** 01/17/2023  
**Title:** Health Services - Local Governing Authority Appointments  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Select two members of the city council to be seated as part of the Local Governing Body consistent with the Memorandum of Understanding Regarding HB121 signed in December 2022 between the Cities of Billings, Laurel and Yellowstone County.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The attached MOU (memorandum of Understanding) complies with HB121 requiring a local governing board, made up of elected officials, be established to make certain decisions regarding health services. The MOU established a five-person board to comply with HB121. Billings needs to select two elected officials to represent the community's interest. This item has also been placed on the January 23 agenda so that the decisions can be finalized.

**STAKEHOLDERS**

Billings City Council, Laurel City Council, Yellowstone County Commissioners

**ALTERNATIVES**

NA

**FISCAL EFFECTS**

NA

**SUMMARY**

NA

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**Attachments**

MOU Health Services Governing Board

## MEMORANDUM OF UNDERSTANDING REGARDING HB121

This Memorandum of Understanding (“Agreement”) is entered into between Yellowstone County (“County”), the City of Billings (“Billings”) and the City of Laurel (“Laurel”) (collectively “the Parties”) for purposes of creating and implementing processes and procedures for complying with requirements set forth by the Montana Legislature in the laws collectively known as House Bill 121 (“HB121”) during the 2021 Legislative session.

**WHEREAS**, the County, Billings and Laurel are parties to the agreement that creates the multi-jurisdictional service district created to provide health services and health department functions known as the “Interlocal Agreement;”

**WHEREAS**, by virtue of HB121, the Parties are subject to various rights and responsibilities created by the Interlocal Agreement; and,

**WHEREAS**, it is the intent of the Parties to comply with HB121 and to set forth as clearly as possible the methods of doing so for each as well as for the Parties collectively;

**THEREFORE**, this Agreement sets forth the following terms pursuant to which the County, Billings and Laurel shall agree:

1. **Definitions**: This Agreement shall be subject to the following definitions:
  - (a) “Local Governing Body” shall refer to elected officials governing Yellowstone County (Board of County Commissioners), the City of Billings (Billings City Council), and the City of Laurel (Laurel City Council), respectively.
  - (b) “Local Governing Authority” shall refer to a subset of the Local Governing Bodies that is constituted and empowered to provide oversight and approval of certain Health Office and Board of Health recommendations as required under HB121 and as set forth herein.
2. **Composition of and action by the Local Governing Authority**.
  - (a) The Parties agree that, using the proportions described in the Interlocal Agreement, a five-member Local Governing Authority will be created within one (1) month of the effective date of this Agreement. Composition of the Local Governing Authority shall be as follows:
    - o Two (2) members appointed by the Yellowstone County Board of County Commissioners;
    - o Two (2) members appointed by the Billings City Council; and,
    - o One (1) member appointed by the Laurel City Council.
  - (b) The Parties agree that each member of the Local Governing Authority must be currently seated, elected members of the Local Governing Body that appoints them.

- (c) Each Local Governing Body has the sole appointment and removal authority for members of the Local Governing Authority.
- (d) Each appointed member of the local governing authority shall be appointed for a three (3) year term.
- (e) In the event that a Local Governing Body has one or more unfilled position(s) on the Local Governing Authority, then the Local Governing Authority shall continue to operate, subject to the terms of the quorum requirement that follows.
- (f) A quorum of the Local Governing Authority shall be established by the presence of a majority of appointed members at any meeting.
- (g) The Local Governing Authority shall have a chairperson for purposes of meeting management and logistics. The chairperson shall have no special powers or authorities different from or greater than any other member. The chairperson shall rotate each calendar year, starting with a representative of the County, followed by a representative of the City of Billings, and then followed by the representative of the City of Laurel. The rotation cycle shall then repeat.
- (h) The Local Governing Authority shall meet on an as-needed basis and may take action through an in-person meeting or an electronic meeting (e.g., telephone or computer) subject to all open meeting requirements. The chairperson, as part of his/her management and logistics function shall determine the manner of meeting or acting for each time a need for local governing authority discussion or action is required. The chairperson is responsible for ensuring proper public notice is made of any and all meetings of the Local Governing Authority and that minutes are recorded, as necessary.
- (i) So long as a quorum is present, actions of the local governing authority shall be determined by a simple majority vote of those present.

**3. Issues Requiring Action by the Local Governing Authority.**

- (a) Appointment of a new Health Officer. Upon determining the need for a new Health Officer, the Board of Health shall make its recommendation to the Local Governing Authority, which shall act to approve or disapprove the recommendation after conducting a public meeting. In the event that there is not a Health Officer in place at the time of the recommended appointment, then the person recommended by the Board of Health for appointment may fill the role until such time as the Local Governing Authority acts.
- (b) Approval of new local public health rules. Any proposed new local public health rules shall be developed and vetted by the Health Officer and Board of Health. When the development process is complete, then the Board of Health or Health Officer shall notify the Local Governing Authority that a decision is needed, and a public meeting shall be arranged by the chairperson. The Local Governing Authority will then act to approve or disapprove the proposed local public health rule.

- (c) Approval of revised local public health rules. If the Health Officer and Board of Health determine that an existing rule needs to be modified, then they shall develop and vet the proposed revisions. When the development process is complete, then the Board of Health or Health Officer shall notify the Local Governing Authority that a decision is needed, and a public meeting shall be arranged by the chairperson. The Local Governing Authority will then act to approve or disapprove the proposed local public health rule. In the event that the Local Governing Authority disapproves the proposed revision, then any existing local public health rule shall remain in effect.
- (d) Approval of fees proposed for adoption by the local governing body to administer regulations for the control and disposal of sewage from private and public buildings and facilities.

**4. Issues not Subject to Local Governing Authority Approval.**

- (a) The Parties wish to clarify that the purpose and scope of this Agreement, and of the Local Governing Authority, is to comply with the terms of HB121. Therefore, it is necessary to explicitly state some, though not all, of the issues that will not be addressed by the Local Governing Authority.
- (b) HB121 states that “(i)t is not a purpose of this chapter to hinder, slow, or remove nonemergency-related powers granted to a local board of health.” [HB121, section 2.] Therefore, the local governing bodies have determined that the following activities and authorities are not subject to approval by the local governing authority:
  - Completion of and action on authorized inspections (e.g., food service inspections, public accommodation inspections, etc.), including issuance or denial of permits or licenses resulting from such inspections.
  - Issuance of quarantine and/or isolation order to individuals consistent with state law and regulations governing the control of communicable diseases.
  - Issuance of public health guidance for matters such as but not limited to emerging infectious diseases, food supply warnings and recalls, water supply warnings and recalls, etc.
  - Time-sensitive actions required to protect the public, such as but not limited to closing an unsanitary restaurant or preventing the sale of a potentially spoiled food after a truck wreck.
  - Approval of fees established under authority of the Board of Health unless otherwise specified in this Agreement.

- 5. **No Creation of Entity, Hold Harmless.** This Agreement does not create any relationship whereby the Parties create any governmental or non-governmental entity outside of the scope described herein. This Agreement shall not be construed to create, either expressly or by implication, the relationship of agency between the County, the City of Billings and/or the City of Laurel in any manner in relation to the subject matter of this Agreement, and none shall be liable for the acts, errors, or omissions of the others entered into, committed or performed with respect to or in the performance of this Agreement. Each party agrees to indemnify and holds the others harmless against any claims arising from the acts, errors or omissions of its employees, appointees or agents.

6. **Legal Compliance.** Each Party agrees to be solely responsible for compliance with all laws, rules and requirements of each entity and agrees to abide by them as part of the Local Governing Authority.
7. **Governing Law, Dispute Resolution, Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Montana. Should a dispute arise regarding the terms of this Agreement, the Parties shall first enter into good faith discussions in an attempt to resolve the dispute. Should the dispute result in litigation, the Parties agree that proper venue lies in the Montana 13<sup>th</sup> Judicial District Court, Yellowstone County.
8. **Entire Agreement.** This Agreement embodies the entire understanding between the Parties with respect to the specific subject matter hereof, and no prior oral or written representation shall serve to modify or amend this Agreement. This Agreement may not be modified except by action of all three governing bodies.
9. **Termination.** Any Party may terminate this Agreement for any reason when its governing body adopts a resolution for termination, and it serves ninety (90) days advance written notice of the intent to terminate on the other Parties.
10. **Authorized Signatures.** The Parties represent and agree that the persons signing this Agreement have authorization to bind their respective governmental entities to the terms of this Agreement and that this Agreement is not valid and enforceable until all Parties have signed.

ATTEST:

By: Denise B. Bohlman  
Billings City Clerk

CITY OF BILLINGS, MONTANA

By: William A. Cole  
MAYOR

Date: 12-19-22

ATTEST:

By: Phillip Strecker  
CITY CLERK

CITY OF LAUREL, MONTANA

By: Dan Wagner  
MAYOR

Date: 12/13/22

ATTEST:

By: \_\_\_\_\_  
CITY CLERK

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

By: John Ostlund

Date: December 27, 2022

ATTEST:

By: Jeff Martin by Seri Peitz  
Deputy Clerk & Recorder  
COUNTY CLERK AND RECORDER

By: Dennis Pitman

Date: December 27, 2022

By: [Signature]

Date: December 27, 2022

**City Council Work Session**

**Date:** 01/17/2023  
**Title:** Select dates for a council and staff leadership team retreat  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Council select dates for the upcoming 2023 retreat to discuss priorities.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

In reviewing our calendars for February and March, come to the meeting prepared to share dates that we can hold our 2023 retreat. Would the week of spring break work - March 13-17?

**STAKEHOLDERS**

NA

**ALTERNATIVES**

NA

**FISCAL EFFECTS**

NA

**SUMMARY**

NA

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