

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
January 8, 2024**

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: Mayor Cole

ROLL CALL:

Present: Councilmember Kendra Shaw, Ward I (Via Zoom)
Councilmember Ed Gulick, Ward I
Councilmember Roy Neese, Ward II
Councilmember Jennifer Owen, Ward II
Councilmember Denise Joy, Ward III
Councilmember Bill Kennedy, Ward III
Councilmember Scott Aspenlieder, Ward IV
Councilmember Daniel Tidswell, 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
Gina Dahl, City Attorney
Toni Keehner, Deputy City Clerk
Debi Meling, Public Works Director
Brandon Schmidt, Parks and Cemetery Supervisor
Wyeth Friday, Planning Director
Nicole Cromwell, Zoning Coordinator

MINUTES:

- December 11, 2023

Moved by Councilmember Joy
Seconded by Councilmember Boyett
APPROVED 11-0

- December 18, 2023

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

COURTESIES:

- Mayor Cole spoke of National Law Enforcement Appreciation Day and thanked the law enforcement community for their service and dedication.
- Mayor Cole spoke of the tragic death of student Gavin McCombs. He extended sympathy to the family and friends.
- Councilmember Joy spoke of the passing of Paul Reeder, Billings Police Chaplain for 40 years. She spoke of his service to the community as the Executive Director of Friendship House and to the Black Heritage Foundation.

PROCLAMATIONS:

- Mayor Cole proclaimed January as Human Trafficking Prevention Month. Former Councilmember Penny Ronning, spoke of human trafficking statistics and progress being made in the community by the Yellowstone Human Trafficking Task Force.

COUNCIL REPORTS:

- Councilmember Neese spoke of the upcoming Legislative and Local Affairs Subcommittee meeting and invited all Councilmembers to attend.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Mr. Kukulski indicated Consent Agenda Item 11, Easement Releases for vacated portions of North 28th Street and Normal Subdivision, Block 1 Alley, would need to be removed from the agenda. He indicated Debi Meling, Public Works Director, would provide an explanation during the Consent Agenda.
- Mr. Kukulski reminded the Council next week's Work Session meeting would be held on Tuesday, January 16th, as City offices would be closed in observance of Martin Luther King, Jr. Day on Monday, the 15th. The Work Session meeting would focus on Public Safety Prevention and be held at the Billings Public Library Community Room.
- He informed Council there were no ex-parte items sent to the Mayor and Council after 3 P.M.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 5 ONLY.
Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster on 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**

Motion: I move to remove Consent Agenda Item 1I from the agenda, as recommended by staff.

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

Mayor Cole separated Consent Agenda Item 1D for discussion.

Councilmember Aspenlieder separated Consent Agenda Item 1F for discussion.

Councilmember Aspenlieder separated Consent Agenda Items 1J1, 1J2 and 1J3, stating a client was included as a payee.

Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of items moved for separation.

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

A. **Bid Awards:**

1. **W.O. 23-46: Compost Facility Waterline.** (Opened 12/5/23) Recommend Hample Excavation.
2. **W.O. 24-03: Contract 2 City Chip/Scrub Seal.** (Opened 11/21/23) Recommend rejecting all bids.

B. **Purchase** of Water Reclamation Facility Disinfection System replacement parts; Trojan Technologies.

C. **2024 City-County Special Investigations Unit Agreement** with Yellowstone County.

D. **Contract** with Dick Anderson Construction, Inc. for W.O. 19-42: West End Water Treatment Plant Project.

Debi Meling, Public Works Director, spoke of the efforts involved in getting the project to the current point.

Council discussed the bidding process involved in obtaining a general contractor/construction manager and how a company had been chosen. Ms. Meling explained the proposal-based selection process, how staff vetted companies and how contract language helped to ensure a successful process.

E. **Donations** to Billings Public Library from Billings Library Foundation and American Indian Library Association.

F. Montana Fish, Wildlife, and Parks Recreational Trails and Trail Stewardship Grant Applications for Rose Park Trail, Phase II and Stagecoach Trail.

Councilmember Aspenlieder asked for clarification on how the remaining \$600,000 for the project would be funded. Wyeth Friday, Planning Director, explained that amount had been included in the CIP and would be taken out of the General Fund for the additional match. If the grant application was not successful, the remaining \$100,000 would still need to be funded. Chris Kukulski indicated Council would be able to decide how to fund or not fund the remaining amount.

Motion: I move to approve Montana Fish, Wildlife, and Parks Recreational Trails and Trail Stewardship Grant Applications for Rose Park Trail, Phase II and Stagecoach Trail.

Moved by Councilmember Joy
Seconded by Councilmember Tidswell

APPROVED 11-0

G. Bureau of Reclamation WaterSMART Small-Scale Water Efficiency Projects Application.

H. Utility Easement with NorthWestern Energy for Mountview Cemetery.

~~I. **Easement Releases** for vacated portions of North 28th Street and Normal Subdivision, Block 1 Alley.~~

J. Bills for the Weeks of:

1. November 27, 2023

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 10-0, Councilmember Aspenlieder abstained

2. December 4, 2023

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 10-0, Councilmember Aspenlieder abstained

3. December 11, 2023

Moved by Councilmember Boyett
Seconded by Councilmember Gulick
APPROVED 10-0, Councilmember Aspenlieder abstained

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE amending Billings, Montana City Code, Article 8-300, Cemetery Rules and Regulations, and repealing Ordinance 03-5240, as recommended by staff.

Brandon Schmidt, Parks and Cemetery Supervisor, provided a PowerPoint presentation reviewing the proposed ordinance amendments.

Council discussed marketing options and procedural details for green burials.

Councilmember Owen commended Mr. Schmidt for his efforts at Mountview Cemetery since becoming the Parks and Cemetery supervisor.

No public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve the first reading ordinance amending Billings, Montana City Code, Article 8-300 and repealing Ordinance 03-5240, as recommended by staff.

Moved by Councilmember Owen
Seconded by Councilmember Boyett
APPROVED 11-0

3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1040: located at 1404 and 1406 Avenue B. Zoning Commission recommends approval and adoption of the 10 criteria. *Quasi-Judicial

Nicole Cromwell, Zoning Coordinator, provided a PowerPoint presentation reviewing the two parcels included in Zone Change 1040. She showed a map of proposed parking lots and gave an overview of the zoning map.

Council asked for clarification about pedestrian pathways affected by the parking lots. Ms. Cromwell indicated there were no foot traffic concerns for the area.

No public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve First Reading Ordinance for Zone Change 1040 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

Moved by Councilmember Boyett
Seconded by Councilmember Kennedy
APPROVED 11-0

4. **PUBLIC HEARING AND SPECIAL REVIEW 998:** a special review to allow parking lot spaces on the south and east sides of the property at 1406 Avenue B. Zoning Commission recommends conditional approval and adoption of the findings of the 9 review criteria. *Quasi-Judicial

Nicole Cromwell, Zoning Coordinator, provided a PowerPoint presentation reviewing Special Review decision criteria and standards of review. She explained the Zoning Commission had reviewed the 9 review criteria and recommended approval.

Council discussed the Special Review application process. Ms. Cromwell indicated the City created the Special Review policy based on variances and special exceptions.

Council discussed allowable uses for the future of the property and garage and alley access.

No public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken testimony, and review of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 9 review criteria, I move to approve Special Review 998.

Moved by Councilmember Kennedy
Seconded by Councilmember Joy
APPROVED 11-0

5. **NOMINATION AND ELECTION OF DEPUTY MAYOR PRO TEMPORE.** Staff recommends Council nominate and elect a Deputy Mayor Pro Tempore.

Mayor Cole indicated Robert's Rules of Order, Section 46, suggested receiving nominations from the floor for the position of Deputy Mayor Pro Tempore.

Motion: I move to nominate and elect, Councilmember Shaw as Deputy Mayor Pro Tempore.

Moved by Councilmember Rupsis

Motion: I move to nominate and elect, Councilmember Owen as Deputy Mayor Pro Tempore.

Moved by Councilmember Neese

Councilmember Neese spoke in favor of his motion to elect Councilmember Owen.

On a voice vote the motion to nominate Councilmember Shaw was **APPROVED 7-4**, Councilmembers Neese, Owen, Aspenlieder and Tidswell voted in opposition

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:

- **Catherine Card, 2815 4th Avenue South, Billings, Montana**, encouraged Council to take an active role in helping the homeless community.
- **Cody LaFleur, 801 Lewis Avenue, Billings, Montana**, spoke of the need for affordable housing and ways to help the homeless population.

There were no further speakers.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 7:22 P.M.



CITY OF BILLINGS

BY: William A Cole
William A. Cole, Mayor

ATTEST:

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