

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
February 12, 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: Councilmember Gulick

ROLL CALL:

Present: 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 (via Zoom)
Mayor William Cole

Absent/
Excused: Councilmember Kendra Shaw, Ward I

Staff
Present: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Karen Schexnider, Assistant City Attorney
Toni Keehner, Deputy City Clerk
Liz Kampa, Purchasing Agent (via Zoom)
Cameron McCamley, Engineer (via Zoom)
Andy Zoeller, Finance Director
Debi Meling, Public Works Director
John Caterino, Facilities Manager
Wyeth Friday, Planning Director

MINUTES:

- January 22, 2024

Moved by Councilmember Boyett

Seconded by Councilmember Gulick

APPROVED 10-0, Councilmember Shaw absent/excused

COURTESIES:

Councilmember Joy spoke of February as Black History month. She indicated the Black Heritage Foundation would give presentations Friday evenings at All Nations Church.

PROCLAMATIONS:

There were no proclamations.

COUNCIL REPORTS:

Councilmember Joy reported that a recent Community Development Board meeting held discussions about setting parameters for upcoming grants. Mayor Cole indicated there were 3 openings on the Community Development Board.

Councilmember Rupsis spoke of discussions about permanent supportive housing projects. He added that a Request for Proposals (RFP) through the Continuum of Care (CoC) for a Frequent Users of System Engagement (FUSE) coordinator was active and interested parties could contact Dean Wells at United Way.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski reminded Council that Monday, February 19th, was Presidents' Day and City offices were closed. He indicated the Council Work Session meeting would be on Tuesday, February 20th.

Mr. Kukulski indicated there had been 2 letters of support for Regular Agenda Item #5, Wilson Park Land Donation, received after 3:00 pm. The correspondence was placed in the Ex-Parte notebook located at the back of Council Chambers for public viewing.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2a, 3a, 4 and 5 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.)

There were no speakers.

1. CONSENT AGENDA:

Councilmember Aspenlieder separated Consent Agenda Items 1L1, 1L2 and 1L3 to abstain as his employer was a vendor that received payments.

Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of Items 1L1, 1L2 and 1L3.

Moved by Councilmember Gulick

Seconded by Councilmember Tidswell

APPROVED 10-0, Councilmember Shaw absent/excused

A. Bid Awards:

1. **Landon's Inclusive Playground and Phase II Parking Lot, Poly Vista Park.**
(Opened 1/16/24) Recommend K2 Civil, Inc.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

2. **W.O. 24-07: Safe Routes to School Projects.** (Opened 1/16/24) Recommend Knife River Billings.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

3. **W.O. 24-19: Arnold Drain Intake Improvements, Schedule 2.** (Opened 1/16/24) Recommend Earth Movers Excavation, Inc.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

B. Contract with DIS Technologies for Building Division Scanning Services.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

C. Contract with TK Elevator for New City Hall Elevator Modernization.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

D. Contract with Big Sky Linen for Public Works Uniform Rental/Purchase and Laundry Services.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

E. Purchase 8 Ford Interceptor SUV Police Vehicles; Duval Ford.

Councilmember Neese asked for clarification on ordering different colored police vehicles. Rich St. John, Police Chief, indicated the colors the department could order was "limited" and the current order would be the same color as vehicles typically ordered.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

F. Purchase Night Vision Systems for Police S.W.A.T. Team; Tactical Night Vision Company.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

G. Amendment No. 15, New Cargo Ramp Slot 5; Morrison-Maierle, Inc.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

H. Amendment No. 16, Aviation Place Road Project; Morrison-Maierle, Inc.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

I. State Farm Grant award to the Fire Department for Structural Collapse certification.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

J. FY24-25 Annual Certified Local Government Grant for Historic Preservation Projects.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

K. Second/Final Reading Ordinance 24-5870 amending BMCC, Chapter 26, Water and Wastewater Utilities.

Moved by Councilmember Gulick
Seconded by Councilmember Tidswell
APPROVED 10-0, Councilmember Shaw absent/excused

L. Bills for the Weeks of:

1. January 2, 2024

Motion: I move to approve Consent Agenda Item 1L1, as recommended by staff.

Moved by Councilmember Boyett

Seconded by Councilmember Kennedy

APPROVED 9-0, Councilmember Shaw absent/excused, Councilmember Aspenlieder abstained

2. January 8, 2024

Motion: I move to approve Consent Agenda Item 1L2, as recommended by staff.

Moved by Councilmember Boyett

Seconded by Councilmember Kennedy

APPROVED 9-0, Councilmember Shaw absent/excused, Councilmember Aspenlieder abstained

3. January 16, 2024

Motion: I move to approve Consent Agenda Item 1L3, as recommended by staff.

Moved by Councilmember Boyett

Seconded by Councilmember Kennedy

APPROVED 9-0, Councilmember Shaw absent/excused, Councilmember Aspenlieder abstained

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION 24-11182** creating SID 1426, Arvin Lane. Staff recommends approval.

Debi Meling, Public Works Director, reviewed the gravel street program and the new SID policy implemented in the fall of 2023. She spoke of previous Council discussions and indicated it may be time to discuss the policy during a work session meeting. She gave a presentation on the proposed special improvement district and reviewed the area on Arvin Lane.

Council discussed payment amounts based on property owners' access and asked for clarification on the addition of sidewalks.

Ms. Meling indicated the street would not be wide enough for sidewalks.

The following constituent gave public testimony:

- **Gail Lambrecht, Hancock Drive, Billings, Montana**, asked for clarification on which tax year property owners would see the assessments.

Andy Zoeller, Finance Director, indicated the assessment may be on the 2024 tax bill depending on completion of the tax bill.

Debi Meling indicated they would try to have it on the current year's tax bill if construction went as planned.

There were no further speakers.

Motion: Having conducted a Public Hearing, considered written and spoken public testimony, I move to approve a Resolution creating SID 1426, as recommended by staff.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Neese

Councilmember Rupsis spoke against the current policy and indicated he would not support either of the SIDs on the agenda.

APPROVED 9-1, Councilmember Shaw absent/excused, Councilmember Rupsis opposed

- a. **BID AWARD: SID 1426, Arvin Lane.** (Opened 12/19/23) Recommend Earth Movers Excavation, Inc.

No presentation was provided, but staff was available to answer questions.

Motion: I move to award a contract for SID 1426, Arvin Lane to Earth Movers Excavation, Inc., as recommended by staff.

Moved by Councilmember Joy
Seconded by Councilmember Neese

APPROVED 9-1, Councilmember Shaw absent/excused, Councilmember Rupsis opposed

3. **PUBLIC HEARING AND RESOLUTION 24-11183** creating SID 1427, Hancock Drive.
Staff recommends approval.

Debi Meling, Public Works Director, gave an overview of SID 1427 and reviewed the location and the improvements. She indicated there had been one formal protest, but it did not meet the 50% threshold needed to prevent the creation of the SID.

The following constituent gave public testimony:

- **Elizabeth Klarich, 2512 Hancock Drive, Billings, Montana**, thanked staff for their professionalism on the project.

There were no further speakers.

Motion: Having conducted a Public Hearing, considered written and spoken public testimony, I move to approve a Resolution creating SID 1427, as recommended by staff.

Moved by Councilmember Neese

Seconded by Councilmember Gulick

APPROVED 9-1, Councilmember Shaw absent/excused, Councilmember Rupsis opposed

- a. **BID AWARD: SID 1427, Hancock Drive.** (Opened 12/19/23) Recommend Earth Movers Excavation, Inc.

No presentation was provided, but staff was available to answer questions.

Motion: I move to award a contract for SID 1427, Hancock Drive to Earth Movers Excavation, Inc., as recommended by staff.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Kennedy

APPROVED 9-1, Councilmember Shaw absent/excused, Councilmember Rupsis opposed

4. **NEW CITY HALL SECURITY AND UPDATES.** No action required.

Kevin Iffland, Assistant City Administrator, gave an overview of the proposed security features at the New City Hall, CGL recommendations for Court security, and general project updates. He reviewed the security design elements, additional security options in the reception area, and adding security personnel. He spoke of utilizing the Everbridge app for security updates and reviewed various skybridge security options. He reviewed the following CGL recommendations for courtroom security: investigate MCA to designate entire building a gun-free zone (Legal Department advised it would be very difficult); secure barrier near elevator lobby on 2nd floor; a private restroom for judge-use only; and hardening the holding room.

Andy Zoller, Finance Director, gave an overview of the financials for the original project plan and reviewed change orders and additional expenses. He explained various lending options and how historic tax credits may affect lending.

Council discussed which bathrooms the judges would use and how jury trials would affect those bathrooms. They spoke about camera monitoring and having a manned station with full time monitoring. Council asked for clarification on the status of the historic tax credits for the building. Mr. Iffland indicated they were currently in part two of the historic tax credit process and were expecting some answers in a few weeks.

Council continued discussion on elevator modernization, camera locations, and gun-free zones.

Karen Schexnider, Assistant City Attorney, gave an overview of the restrictions that could be placed on carrying a weapon. She indicated a judge could issue an order that any court areas could be designated "weapon-free" zones. She indicated designating a weapon-free zone for the entire building could be problematic.

Councilmember Boyett spoke in favor of having a manned station with a security person that could also give directions. Council concurred.

Councilmember Owen asked to be put on the record as "having concerns about not having a dedicated private bathroom for judges".

5. WILSON PARK LAND DONATION.

Chris Kukulski, City Administrator, gave an overview of the location of Wilson Park. He spoke about the possibility of donating the land for a new Animal Shelter and a clinic for Rocky Vista University (RVU). He indicated the property was not being used by the City for anything other than snow removal, which made it ideal for repurposing. He addressed the possibilities for joint initiatives between YVAS and RVU and spoke of ways to begin the formal process towards the transition.

Norma Buchanan, Yellowstone Valley Animal Shelter (YVAS) Fundraising Chair, gave an overview of staff and current shelter services. She ended with a request for support from the City for plans for a new Animal Shelter and spoke of the potential partnership with Rocky Vista University.

Triniti Halverson, YVAS Executive Director, gave an overview of current shelter services offered and future needs.

Dr. Robert Murtaugh, Rocky Vista University, spoke of potential contributions that would help the community and students at the university. He spoke of the possibility for student education at the shelter and ways RVU could contribute to the community.

Council discussed the donation process, leasing options, land value, and the needs of YVAS.

Councilmember Neese wanted a land valuation for Wilson Park. He spoke of Parks Department needs and the possibility of selling the land to RVU.

Motion: I move to direct the City Administrator to proceed with investigating the feasibility and procedure by which all or a portion of Wilson Park might be gifted to Yellowstone Valley Animal Shelter consistent with State law, City policies, and appropriate conditions after a public hearing and final approval by City Council, as recommended by staff.

Moved by Councilmember Owen
Seconded by Councilmember Gulick
APPROVED 10-0, Councilmember Shaw 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.)*

There were no speakers.

COUNCIL INITIATIVES:

1. BUILT Environment Improvements.

Councilmember Rupsis reviewed his proposed initiative for Council to: discuss a set of changes to zoning, subdivision, and other codes that aim to (1) improve safety, (2) reduce costs of development, and/or (3) encourage more community-focused development. He indicated he wanted to give staff direction on whether to schedule a series of Work Session discussions starting in the first quarter of 2024 focusing on the following topic areas: parking, housing and business/residential integration.

He indicated the specific policy ideas were examples of proposals that may be made during discussion, and other councilmembers may certainly add to the list.

Council discussed staff time, various policies needing updates due to the initiative, and public input.

Wyeth Friday, Planning Director, indicated the initiative would require some policy updating. He indicated he would give a presentation on the Montana Planning Act (Senate Bill 382) at the next Work Session meeting and spoke of how public input would be required.

Motion: I move to proceed with Council discussions on the initiative.

Moved by Councilmember Rupsis

Seconded by Councilmember Kennedy

APPROVED 6-4, Councilmembers Neese, Owen, Tidswell and Boyett opposed, Councilmember Shaw absent/excused

ADJOURN: 7:51 P.M.



CITY OF BILLINGS

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

ATTEST:

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