

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
February 26, 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 Neese

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
Denise Bohlman, City Clerk
Jennifer Duray, Deputy Public Works Director
Mac Fogelson, City Engineer
Jeff Roach, Aviation and Transit Director
Mike Pigg, Parks and Recreation Director
Wyeth Friday, Planning Director
Nicole Cromwell, Zoning Coordinator
Lora Mattox, Transportation Planner
Rich St. John, Police Chief
Sheila Kolar, Municipal Court Judge

MINUTES:

- February 12, 2024

Moved by Councilmember Gulick
Seconded by Councilmember Boyett

APPROVED 11-0

COURTESIES:

Councilmember Aspenlieder noted that the MSU-B women’s basketball team were GNAC champions. He wished them luck and mentioned Billings could possibly host a tournament if they won in Alaska.

Councilmember Joy acknowledged February as Black History month. She stated the month ended with a well-attended open-mic night at Sacred Grounds.

PROCLAMATIONS:

Mayor Cole proclaimed March as Colorectal Cancer Awareness Month.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated that concerning Consent Agenda Item 1F, Agreement with MDT for Stagecoach Trail, there were some administrative edits and Ms. Mattox could speak to that if there were questions.

Mr. Kukulski noted there was 1 ex-parte communication from Lita Pepion sent to Mayor and Council after 3 pm concerning Regular Agenda Item 3, Nuisance Property Abatement Assessments. It was placed in the ex-parte notebook on the cart at the back of Council Chambers for public viewing.

Mr. Kukulski asked Judge Kolar and Police Chief St. John to attend the meeting should Council have any questions of them concerning Consent Agenda Item 1L, Letter of Support to Yellowstone County.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 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 individuals provided public comment:

- **Henry “Hank” Jayodzinski, 500 58th Street West, Billings, Montana**, spoke in favor of Consent Agenda Item 1E, and wished for First Avenue North to be converted to a two-way street. He noted MDT’s priorities for traffic movement was different from that of the City and he listed those differences. He was opposed to widening First Avenue North to 4 or 5 lanes in the downtown corridor. He urged Council to work with Sanderson Stewart to provide other options.
- **Danny Choriki, Ward III, Billings, Montana**, spoke about Consent Agenda 1I, and suggested Council delay approval of the letter of support and consider hiring consultants to review the current detention facility operations; consider a sobering center; and ask the County to put more monies toward mental health services. He urged Council to rely on the experts and community partners to identify the needs.
- **Jeremy Vannatta, 5303 Rich Lane, Billings, Montana**, represented the Billings Chamber of Commerce, and spoke in support of Consent Agenda Item 1L. He indicated more studies were not needed; action was needed, and a short-term holding facility was a good solution.

There were no further speakers.

1. **CONSENT AGENDA**

Councilmember Joy separated Consent Agenda Item 1L for discussion.

Councilmember Gulick separated Consent Agenda Item 1E for discussion.

Councilmember Aspenlieder separated Consent Agenda Item 1M1 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 1E, 1L and 1M1.

Moved by Councilmember Boyett
 Seconded by Councilmember Rupsis

APPROVED 11-0

A. **Mayor Cole recommends that Council confirm the following appointments:**

| 1. | Name | Board/Commission | Term | |
|----|-------------------|---|----------|----------|
| | | | Begins | Ends |
| 1 | Stephanie Donovan | Bicycle Pedestrian Advisory Commission* | 02/26/24 | 12/31/24 |
| 2 | Precious McKenzie | Billings BID | 02/26/24 | 12/31/28 |
| 3 | Valerie Courtney | Community Development - Low Mod* | 02/26/24 | 12/31/26 |
| 4 | Hans Abbey | Community Development - Low Mod | 02/26/24 | 12/31/28 |
| 5 | Ali Pistora | Community Development - Low Mod | 02/26/24 | 12/31/28 |
| 6 | No Applications | Human Relations Commission | 02/26/24 | 12/31/28 |
| 7 | Scott Forshee | Police Board | 02/26/24 | 12/31/27 |
| 8 | Stacey Robinson | Yellowstone Soil Conservation | 02/26/24 | 06/30/24 |

- *1 Unexpired term of Margy Bonner
- *3 Unfilled vacancy
- *8 Unexpired term of Clint Peck

Moved by Councilmember Boyett
 Seconded by Councilmember Rupsis

APPROVED 11-0

B. Bid Awards:

1. **W.O. 24-01: Contract 1, 2024 Water Main Replacement, Schedules 1A, 1B, 2A, 2B, and 3.** (Opened 2/6/24) Recommend Western Municipal Construction, Inc.

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

2. **W.O. 24-03: Contract 2, City Chip/Scrub Seal.** (Opened 2/6/24) Recommend Hardrives Construction, Inc.

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

3. **W.O. 24-11: WRF Solids Processing Building Roof Replacement.** (Opened 2/6/24) Recommend Empire Roofing.

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

C. Purchase 2024 Asphalt Roller for Public Works from RDO Equipment Co.

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

D. Purchase 3 new vehicles for Public Works from Freemont Motors.

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

E. Contract for W.O. 24-21: 1st Avenue North Two-Way Conversion Feasibility Study; Sanderson Stewart.

Councilmember Gulick spoke in favor of the two-way conversion of 1st Avenue North rather than converting the 3-lane to a 5-lane one way. It made sense to make the argument now with MDT as Montana Avenue would also be considered for reconstruction soon. He mentioned that having two-way traffic through a business district helped businesses. Five lanes of traffic would encourage speeding and hinder safety. He quoted "design was destiny" and if the plan was for cars and traffic, then cars and traffic would be the result for this area. But if the plan was for people and places, then the result would be more people and more places in the area.

Jennifer Duray, Deputy Public Works Director, noted the project was not a capacity building project, but rather to review the vitality of downtown and improve everything on First Avenue North, except the traffic. The study would consider traffic patterns as a whole. Councilmember Gulick noted that traffic volume had decreased on First Avenue North since 1975 and he was pleased there were not

discussions of increasing capacity. He noted a street with one lane of traffic going each direction could handle as much traffic as a 2-lane street going in one direction. He provided examples of 5 lane conversions in California that aided in reducing traffic speeds, created on-street parking and medians and increased revenues to businesses along those streets.

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

Moved by Councilmember Gulick
Seconded by Councilmember Rupsis

Councilmember Aspenlieder was opposed to conducting another study as studies had already been done. He spoke of the cascading effect that modification to traffic patterns had on the rest of the traffic network. He spoke of his concerns about losing MDT funding for the project should the City press for conversion. Councilmember Aspenlieder spoke about addressing a future need to convert numerous intersections downtown if Montana Avenue and First Avenue North were to be converted to two-way streets and the expense to do so.

Councilmember Rupsis disagreed with Councilmember Aspenlieder, indicating the feasibility study would look at all the intersections that would be affected by changes to First Avenue North and Montana Avenues. He continued that MDT had supported the City conducting a feasibility study. He asked that terms such as "fatally flawed" and "top performing" be clearly defined

Jennifer Duray, Deputy Public Works Director, responded that whatever provided the highest economic impact would be considered top performing. Erin Claunch, Sanderson-Stewart, noted he would be the consultant conducting the study. He explained the wording in the contract was purposely vague and a steering committee would determine those definitions and alternatives for analysis.

Discussions continued regarding what individuals would serve on the steering committee. The study would focus on 9th Street to Division Avenue.

Councilmember Owen expressed her concern about the focus being only on the downtown area. Chris Kukulski, City Administrator, responded that MDT was designing the project now so the time for the City to consider recommendations to MDT was also now, before the road was constructed.

Councilmember Gulick revisited his comments about creating a healthy economic environment to make it better for all taxpayers. Having an economically vital downtown would not just serve the interests of those with businesses and property downtown, it would benefit all.

Mayor Cole asked Mac Fogelson, City Engineer, to provide some history from the 2018 study. Mr. Fogelson responded that it took a high-level look at a larger area, i.e. Sixth Avenue North, Fourth Avenue North, First Avenue North and Montana Avenue for two-way conversions and found fatal flaws on Sixth Avenue North and Fourth Avenue North. It was determined that the north one-ways would be left as is.

Councilmember Kennedy asked how the study would affect the MDT's work that was already in progress. He voiced his concerns that the City was already too late to make any impact on MDT's project. Mr. Fogelson stated the project was a multi-year project and there was time for the City to

weigh in. Councilmember Rupsis noted the timing was right to do a feasibility study.

Councilmember Aspenlieder indicated that the project was to be completed in 2027, however the design phase started this year. He disclosed he was involved on the MDT commission and that the City was late to the game. MDT's priorities were different from the City's priorities and it would be advantageous to get MDT outside of the metropolitan area because the priorities and focuses were in conflict with each other.

Council and staff discussions continued regarding current design for the First Avenue North and Montana Avenue.

Councilmember Shaw offered her support of the motion.

Councilmember Neese voiced his opposition to the motion and his concerns that a conversion may be detrimental to the Heights area.

Councilmember Joy supported the motion as studies were important to consider alternatives.

On a show of hands vote, the motion **FAILED 5-6**, Councilmembers Neese, Owen, Kennedy, Aspenlieder, Tidswell, and Boyett Opposed.

F. Funding, Maintenance, Construction and Local Agency Guidelines Agreement with MDT for Stagecoach Trail.

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

G. West End Hangar Ground Leases with Beacon Air Group, LLC.

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

H. Donation to Parks and Recreation Department from Streeter Brothers Insurance.

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

I. Donation to Police Department from Yellowstone County DUI Task Force.

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

J. **Preliminary Plat Extension** for Hunters Point Subdivision. *Quasi-Judicial

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

K. **Resolution 24-11184** calling for Election of a Local Government Review.

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

L. **Letter of Support** to Yellowstone County providing financial support to construct a short-term detention facility.

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

Moved by Councilmember Owen
Seconded by Councilmember Kennedy

Councilmembers Owen, Kennedy and Neese spoke in favor of the letter of support and the motion.

Councilmember Joy noted she supported \$1.5 million, but not \$2 million as she believed the County had resources and could place more funds toward the project. She was concerned that providing \$2 million would mean the City would have to go ask taxpayers for more money. In her opinion, the letter did not contain strong enough language concerning the City purchasing beds for the City's usage only. Essentially, the State's prisoners could utilize beds paid for by the City and the City's taxpayers.

Councilmember Rupsis also noted the language in the letter was confusing concerning the number of beds available for City inmates. He wanted to make certain that a second payment would not be made to the County unless all 96 beds were available for the City's inmates.

Mayor Cole suggested the language be made clear in the memorandum of understanding to reflect Councilmembers Joy and Rupsis's concerns.

APPROVED 10-1, Councilmember Joy opposed.

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

1. January 22, 2024

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

2. January 29, 2024

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

REGULAR AGENDA:

2. PUBLIC HEARING for Low-Income Multi-Family Housing Project - Rose Park Plaza Apartments. **No action required.**

Kassy Buss, Attorney of Bjornson, Jones, Mungas, PLLC, represented Rosepark Plaza Apartments, LLC. She shared a PowerPoint presentation introducing the 112-unit low-income multi-family housing project known as Rose Park Plaza Apartments located at 2325 Avenue C, in Billings. She explained her clients were applying for property tax exemptions afforded under Montana law. Part of the requirements were that a public hearing must be held to solicit comments about community housing needs. The property currently was under a 20-year HAP contract with the US Department of Housing and the owners would seek an extension to ensure the housing project would provide low-income housing for years to come. She reviewed the various interior and exterior improvements expected on the property.

No public testimony was given during the public hearing.

3. PUBLIC HEARING AND RESOLUTION 24-11185 assessing nuisance property abatements. Staff recommends approval.

Tina Hoeger, Code Enforcement Manager, provided a brief PowerPoint presentation and noted that the properties to be assessed were currently compliant.

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 a resolution assessing nuisance property abatements, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Joy

APPROVED 11-0

4. PUBLIC HEARING AND RESOLUTION 24-11186 assessing weed abatements. Staff recommends approval.

Tina Hoeger, Code Enforcement Manager, provided a brief PowerPoint presentation and noted that at the time the agenda packet materials were published, there were 32 properties to be assessed. Since publishing the agenda packet, a number of property owners had paid their assessments, and the resolution would reflect a reduction in the properties to be assessed. Ms. Hoeger noted that the Parks Department would be increasing their \$90/hr. fee to \$100/hr. next season. She clarified the complaint process and current procedures used for weed abatements. She noted a change for next season would be posting an additional notice on the property in an effort to bring properties into compliance.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution assessing weed abatements, and removing those properties that paid prior to approval of the resolution, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Tidswell

APPROVED 11-0

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1042:**
located at 655 West Wicks Lane. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi- Judicial**

Nicole Cromwell, Zoning Coordinator, provided a PowerPoint presentation and explained the need for a zone change and the plans to construct a new church. The Zoning Commission recommended approval and adoption based on the 10 review criteria.

The following individual spoke in favor during the public hearing:

- **Taylor Kasperick, Performance Engineering**, Agent for Gracepoint Church, noted the church was currently meeting in Medicine Crow Junior High School and was seeking a home of its own. He encouraged Council to approve the zone change.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance for Zone Change 1042, as recommended by the Zoning Commission.

Moved by Councilmember Kennedy
Seconded by Councilmember Neese

APPROVED 11-0

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 individual gave public comment:

- **Catherine Card, 2815 4th Avenue South, Billings, Montana**, spoke about the progress made toward addressing The Colonial Apartments property since her first comments about it in 2021. She likened that conversation with her current conversation about Billings not having a low barrier shelter. She encouraged Council to lead the way to create a legitimate low barrier shelter.

There were no further speakers.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 7:10 P.M.



ATTEST:

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

CITY OF BILLINGS

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