

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
November 25, 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 5:32 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Rupsis

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 (Via Zoom)
Councilmember Denise Joy, Ward III
Councilmember Bill Kennedy, Ward III
Councilmember Scott Aspenlieder, Ward IV
Councilmember Daniel Tidswell, Ward IV (Via Zoom)
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
Debi Meling, Public Works Director
Rich St. John, Police Chief
Wyeth Friday, Planning Director
Anna Vickers, Planning Division Manager
Karen Husman, Planner
Jeff Roach, Aviation and Transit Director
Mike Pigg, Parks and Recreation Director
Brandon Schmidt, Cemetery Superintendent

MINUTES:

- November 12, 2024

Moved by Councilmember Joy

Seconded by Councilmember Gulick

APPROVED 11-0

COURTESIES:

- Billings Police Department Citizen's Award – Diane Casanova, KULR8 News Director

Police Chief, Rich St. John, recognized the heroic efforts of Ms. Casanova during an incident at the KULR8 studio in which a suicidal individual threatened harm. Her actions contributed to the safe aid and resolution for the individual.

PROCLAMATIONS:

Mayor Cole proclaimed November 30th as Small Business Saturday and encouraged everyone to support our small businesses.

Mayor Cole proclaimed the 16 Days of Activism Against Gender Violence between November 25th – December 10th.

COUNCIL REPORTS: There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski provided Council with news about:

- 11 new firefighters sworn in and congratulations to them;
- No City Administrator's Weekly Report would be provided;
- Recognition to Scheels for their donation of \$10K for the Police Department K9 program as noted in Consent Agenda 1H.
- The agenda description for Consent Agenda Item 1I needing further clarification. The approval was 2-part. Council needed to 1. Accept the donation of one park bench; and 2. Approve use of Council contingency funds to purchase reinforced concrete planters to alleviate future vehicular damage to the Veterans' section of the cemetery.
- Regular Agenda Item 2, a public hearing concerning Zone Change 1058, the applicant sent an email to Council on Friday afternoon requesting to withdraw their application. It was recommended Council consider a motion to grant the withdrawal and vacate the public hearing before considering items on the Consent Agenda.
- Regular Agenda Items 4 and 5, the Staff memos noted that the DBP Board recommended approval of the financial assistance, however, that was incorrect. The DBP Board recommended denial for financial assistance for both projects.
- The City hosting a Local Legislators' Breakfast on December 2, 2024, at the Double Tree Hotel at 7:00 AM.
- NO exparte communications received after 3 pm to the Mayor and Council concerning items on the agenda.

Mayor Cole noted that he received a request to allow for public comment on Regular Agenda Item 5 during the time in which the matter would be heard, rather than at the beginning of the meeting during Public Comment on Non-Public Hearing items. He suggested it be allowed for both Regular Agenda Items 4 and 5 as an amendment to the order of the agenda. There were no objections from the Council.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 3, 4, 5 and 6 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:

- **Dan Brooks, Executive Director for the Chamber of Commerce, 815 South 27th Street, Billings, Montana**, thanked those that attended the legislative reception the Chamber held and the proclamation for Small Business Saturday. In reference to Regular Agenda Item 3, he indicated the Chamber supported approval of the TIF assistance.
- **Josh Worth, Board Member of the Art House, 1828 Lone Pine Drive, Billings, Montana**, in reference to Regular Agenda Item 4, spoke about the importance of supporting the arts in Billings.

No further public comments were given.

1. **CONSENT AGENDA**

Councilmember Kennedy separated Consent Agenda Item 1I for discussion.

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

Moved by Councilmember Boyett
Seconded by Councilmember Rupsis

APPROVED 11-0

A. **Bid Awards:**

1. **Airport's West End Sewer and Water Expansion Project.** (Opened 10/29/24) Recommend Cayton Excavating.

Moved by Councilmember Boyett
Seconded by Councilmember Rupsis

APPROVED 11-0

2. **W.O. 23-96: Water Treatment Plant (WTP) Intake No. 2 Catwalk Improvements.** (Opened 10/29/24) Recommend Dick Anderson Construction.

Moved by Councilmember Boyett
Seconded by Councilmember Rupsis

APPROVED 11-0

3. **W.O. 24-31: WRF Solids Process Building Ventilation.** (Opened 10/29/24) Recommend Empire Heating and Cooling.

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

- B. Memorandum of Understanding (MOU)** between the City and Bright n' Beautiful.

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

- C. Landfill Use Agreement** with MT Rolloffs, LLC.

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

- D. Purchase** of one (1) 2025 Backhoe Loader from Tractor and Equipment Co.

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

- E. Purchase** of Rebuild for Landfill Compactor Powertrain and Hydraulics; Tractor and Equipment Co.

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

- F. Change Order No. 2,** to General Contractor/Construction Manager Construction Services Contract with Dick Anderson Construction, Inc. for W.O. 19-12: West End Reservoir Project.

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

- G. Amendment No. 22** with Morrison-Maierle, Inc. for Engineering Services on the Runway 7/25 Reconstruction and Extension Project.

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

- H. Donation** from Scheels to the Billings Police Department.

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

- I. **Donation** of one park bench from Lockwood Precast to the Parks Department for Veterans' section in Mountview Cemetery.

Motion: I move to accept the donation of one park bench from Lockwood Precast to the Parks Department for Mountview Cemetery, and approve the use of Council contingency funds for 12 reinforced concrete planters to create a protective barrier between Central Avenue and the veterans' section in Mountview Cemetery, Lockwood Precast, as recommended by staff.

Moved by Councilmember Kennedy
Seconded by Councilmember Rupsis

Councilmember Neese spoke of parliamentary rules that Item 1I and 1I1 have separate motions and separate votes.

Council confirmed with Brandon Schmidt, Cemetery Superintendent, that the donation was not contingent upon the award of a contract.

Substitute Motion: I move to accept the donation of one park bench from Lockwood Precast to the Parks Department for Mountview Cemetery, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Kennedy

APPROVED 11-0

1. **Council Contingency Funds**, up to \$13,930, for 12 reinforced concrete planters to create a protective barrier between Central Avenue and the veterans' section in Mountview Cemetery, Lockwood Precast.

Substitute Motion: I move to approve the use of Council contingency funds up to \$13,930, for 12 reinforced concrete planters to create a protective barrier between Central Avenue and the veterans' section in Mountview Cemetery, Lockwood Precast, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Kennedy

Councilmember Neese asked that staff bring items suggested for Council contingency fund usage to Council prior to a regular business meeting.

APPROVED 11-0

- J. **Bills for the Weeks of:**

1. October 22, 2024

Moved by Councilmember Boyett
Seconded by Councilmember Rupsis

APPROVED 11-0

2. October 28, 2024

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1058:** generally located at 2135 Grand Ave. Zoning Commission recommends denial. ***Quasi-Judicial**

Motion: I move that Council accept the applicant's request to withdraw their application for Zone Change 1058.

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

3. **TAX INCREMENT FINANCING ASSISTANCE** from the East Billings Urban Renewal District for EBURD Safety Pilot Program, up to a maximum amount of \$30,000. Billings Industrial Revitalization District (BIRD) Board recommends approval.

Michelle Harkins, Billings Industrial Revitalization District (BIRD) Executive Director, provided a PowerPoint presentation of the program. She mentioned there was a high volume of calls made for suspicious activity. The safety program would help alleviate some of the calls to the police department and allow the police to attend to more pressing and urgent matters. Sundown Security would have the contract and there was currently a similar program by the business owners along Montana Avenue. She provided details of the program.

Councilmember Joy inquired whether a Request For Proposals (RFP) process needed to be done. Wyeth Friday, Planning Director, clarified that due to the small amount of funds, an RFP was not required.

Councilmember Kennedy inquired why the EBURD was not considering hiring police officers for the area. Ms. Harkins responded it was considered but it was determined to be too expensive. A police vehicle and 2 officers would need to be obtained and that would be approximately \$100K and it would take 18 months to activate. Sundown provided its own vehicles and personnel and could start within the month.

Councilmember Owen asked why taxpayer TIF dollars were needed for the program. Why hadn't the area businesses bought into the program when there was evidence of its success on Montana Avenue and the downtown area. Ms. Harkins stated it was a pilot program and she wanted to see if it would work in the EBURD before asking business members to buy in.

John Armstrong, EBURD business member, spoke about recent crime problems in the area and a desire to start a safety pilot program for 3-6 months to determine if the program was successful to offer it out to the entire membership.

Motion: I move to approve Tax Increment Financing Assistance from the East Billings Urban Renewal District for EBURD Safety Pilot Program, up to a maximum amount of \$30,000, in cooperation with EBURD property and business owners, as recommended by the Billings Industrial Revitalization District (BIRD) Board.

Moved by Councilmember Shaw
Seconded by Councilmember Gulick

Councilmember Neese asked that Mehmet Casey with the Downtown Business Partnership provide some information about how a similar program was benefitting the downtown area. Mr. Casey responded that 75% of the costs for the Billings Police Officers and vehicle were funded by business members of the Business Improvement District (BID) and the other 25% was paid by the TIF. That could be done because the number one priority for the business plan was public safety. Councilmember Neese supported introducing CPTED incentives in the EBURD.

Councilmember Rupsis urged that statistical data, with the aid of the Police Department, be kept to indicate the impacts of the program against preventable and non-preventable crimes.

Mayor Cole suggested a "green light" program similar to what Detroit, Michigan, implemented.

APPROVED 11-0

- 4. FINANCIAL ASSISTANCE** for the Babcock Theater to Art House Management, LLC. Staff recommends approval.

Chris Kukulski, City Administrator, spoke of the Request For Proposals process that was done in 2017 when the City acquired the Babcock Theater. Art House Management, LLC, was selected to manage the Babcock Theater under a 15-year lease. Currently, there were critical infrastructure concerns that needed to be addressed and financial assistance was being considered to help offset some of those costs. He continued that Art House had secured some grants to help with some improvement projects. He spoke about the cash flow of the TIF district and its projections, including 2 new construction projects.

Nicole Schreiner, Operations Director for Art House Management, LLC, highlighted many events and programs held at the Babcock Theater. She spoke of the community's strength and support for the Babcock Theater.

Motion: I move to approve a grant from the Downtown Tax Increment Fund, up to a maximum amount of \$300,000, to Art House Management, LLC, as recommended by Staff.

Moved by Councilmember Shaw
Seconded by Councilmember Gulick

No public comment was provided.

Councilmember Joy spoke of the importance of protecting and preserving the City's old buildings and historic footprint.

Councilmember Rupsis mentioned that some councilmembers were anxious to rid the City of its obligations toward the Babcock, but in order to do that a lot of money needed to be invested in it to bring it to a point of sale.

Councilmember Neese inquired about usage fees. Mr. Kukulski indicated the focus presently was about the immediate needs of the Babcock building, not how the Art House managed their programming and funds. That could be discussed with Art House Management during a future work session.

Councilmember Boyett acknowledged the City as the owner of the property and that there were badly needed repairs to be done. He encouraged addressing those repairs to reduce risk to the City but the ultimate goal should be to sell it or give it away.

Mayor Cole spoke on behalf of the fundraising prowess of the Art House Management. He supported incentivizing them by the City putting skin in the game. He fully supported the financial assistance.

APPROVED 9-2, Councilmembers Kennedy and Aspenlieder opposed

5. FINANCIAL ASSISTANCE for the Billings Depot to Billings Depot, Inc. Staff recommends approval.

Chris Kukulski, City Administrator, noted that the Billings Depot paid taxes and assessments. He explained the complexities of the various ownerships involved with the property. He reviewed the Billings Depot Projects tied to the TIF request for monies, indicating that for over a half million dollars in project costs, the TIF request was only \$75,000 of it.

Michelle Williams, Executive Director of Billings Depot, Inc., advised that the \$75,000 was matching funds for the historic preservation grant. She outlined the number of repairs in the capital improvement plan that would be affected. She mentioned that the City would recoup its investment through increased taxes in 4 years or less.

Councilmember Kennedy inquired when the City lease expired. Ms. Williams stated the lease was extended to February of 2025.

Motion: I move to approve a grant from the Downtown Tax Increment Fund, up to a maximum amount of \$75,000, to Billings Depot, Inc., as recommended by Staff.

Moved by Councilmember Neese
Seconded by Councilmember Boyett

The following individuals provided public comment in favor of the grant to the Billings Depot:

- **Stephen Hindman, Owner of Stacked, Montana Grill, 1101 Calico Drive, Billings, Montana,** noted the Depot played a significant role in benefiting his business.
- **Mike Schaer, Owner of Computers Unlimited, 2407 Montana Avenue, Billings, Montana.**
- **Carl DeCock, Billings Depot Board Member, 337 Future Circle, Billings, Montana.**

Councilmembers Kennedy and Aspenlieder voiced their disappointment that the Downtown Billings Partnership may have changed their position and did not issue a letter of support. Both Councilmembers indicated they would support the motion for approval.

APPROVED 11-0

6. ADOPTION OF CITY'S GOALS AND OBJECTIVES. Staff recommends approval.

Chris Kukulski, City Administrator, reviewed the 2025-2030 Goals and Objectives. Goals listed were 1. Improving the safety of Billings for all citizens; 2. Sustaining and upgrading critical infrastructure; 3. Fostering economic vibrancy through quality-designed neighborhoods and business districts; 4. Providing exceptional educational, recreational, and cultural services and amenities; 5. Cultivating a high-performance organization.

Motion: I move to approve and adopt the City's strategic plan for 2025-2030, as recommended by staff.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Neese

Councilmember Neese asked for more specific numbers in the years identified and would not support the motion to approve and adopt.

Councilmember Kennedy voiced concerns about the increased fees and how those might be addressed in the future. Mr. Kukulski responded that the tax structure needed to shift the burden away from property owners to users of services and that would be best accomplished through legislative avenues.

Councilmember Rupsis indicated he would not support the motion to adopt and approve. He voiced concerns about the objectives being too ambiguous and vague. He supported Council working more deeply on the objectives during work sessions.

Mayor Cole and Councilmember Gulick would support the motion, but also supported more details being added in the future.

APPROVED 9-2, Councilmembers Neese and Rupsis 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.)*

No public comment was given.

COUNCIL INITIATIVES:

1. Professional Services Contracting Review / Update. (CM Aspenlieder)

Motion: I move to complete a comprehensive review of contracting processes for all departments as it relates to professional services as defined by MCA 18-8-204 with staff presenting recommendations to create consistency across City government.

Councilmember Joy clarified with City Attorney, Gina Dahl, that TIF boards could enter into contracts for donations without the authority of City Council, however they could not if the contracts were to use TIF funds. Those would need the approval of City Council.

Councilmember Rupsis supported the initiative because policies should be reviewed from time to time but the optics and timing were not good. He explained that enterprise departments versus general fund departments had more latitude and flexibility and pricing should be considered in some cases. He was concerned with the communications being consistent throughout the organization where it pertained to RFPs. He warned not to get too restrictive but to allow for some flexibility as the State legislature had provided local governments.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Kennedy

APPROVED 11-0

ADJOURN: 7:47 P.M.



CITY OF BILLINGS

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

ATTEST:

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