

**VISION STATEMENT:**

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

**COUNCIL ACTION SUMMARY
CITY COUNCIL
REGULAR BUSINESS MEETING**

COUNCIL CHAMBERS

AGENDA
FEBRUARY 13, 2023

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Shaw

ROLL CALL:

Present: Councilmember Kendra Shaw, Ward I
Councilmember Ed Gulick, Ward I
Councilmember Roy Neese, Ward II
Councilmember Jennifer Owen, Ward II
Councilmember Denise Joy, Ward III
Councilmember Daniel Tidswell, Ward IV
Councilmember Pam Purinton, Ward IV
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V
Mayor William Cole

Absent/

Excused: Councilmember Danny Choriki, Ward III
Councilmember Daniel Tidswell, Ward IV

Staff

Present: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Denise Bohlman, City Clerk
Andy Zoeller, Finance Director
Wyeth Friday, Planning Director
Nicole Cromwell, Zoning Coordinator
Hunter Kelly, Planner
Michael Whitaker, Parks, Recreation and Public Lands Director
Mike Pigg, Parks Superintendent
Kory Thomson, Parks Recreation Superintendent
Debi Meling, Public Works Director
Jeff Roach, Aviation and Transit Director

MINUTES:

- January 23, 2023 - **APPROVED**

With the following revision to the Council Reports section:

~~"Councilmember Choriki stated there was a group of people who were trying to enforce the ban on cameras at traffic signals. reverse the ban on using traffic cameras to enforce traffic laws and they would be meeting at the second-floor conference room at the Billings Public Library on January 26th."~~

COURTESIES:

- Mayor Cole reminded Council to speak into their microphones.
- Councilmember Purinton mentioned she did a ride along with a police officer and encouraged other Councilmembers to do the same, especially in their wards to get a better understanding of the issues and concerns of the community.

PROCLAMATIONS: February - Black History Month

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Reminded Council they must keep their cameras on during Zoom meeting attendance.
- Advised that Consent Agenda Item 1U: Resolution had some minor terminology changes.
- Provided an updated Police Department warrant data YTD 2/1-2/8.
- Reminded Council that next week's Work Session would be on Tuesday, February 21st due to the President's Day holiday.
- Alerted Council that they may wish to vacate July 3rd Work Session due to the Independence Day holiday or reschedule for later in the week? To be determined later.
- Announced there was 1 ex-parte item concerning Regular Agenda Item No. 3. – VISTA WEST that was sent to Mayor and Council after 3 pm. It was placed in the notebook on the cart where the sign-in sheets and agendas were held.

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

1. **CONSENT AGENDA** -- Separations: 1U

Councilmember Purinton separated Consent Agenda Item 1U for discussion.

A. Bid Awards:

1. **Airport Terminal Baggage Claim Restroom Remodel.** (Opened 1/17/2023) Recommend Morgan Contractors, LLC. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
2. **W.O. 21-31: Water Reclamation Facility UV Electrical Improvements.** (Opened 1/17/2023) Recommend CEI Electrical Contractors. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

3. **W.O. 22-20: Water Treatment Plant High Service Pump Station HVAC Upgrades.** (Opened 1/17/2023) Recommend Morgan Contractors, LLC. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
4. **W.O. 23-03: Contract No. 1, City Overlay.** (Opened 12/20/22) Recommend Knife River. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
5. **W.O. 23-03: Contract No. 2, City Chip Seal.** (Opened 12/20/22) Recommend Harddrives Construction, Inc. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
6. **W.O. 23-03: Contract No. 3, City Digouts.** (Opened 1/17/23) Recommend Wharton Asphalt. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

- B. **Purchase** D8 bulldozer for Landfill from Tractor & Equipment Co. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- C. **Purchase** playground equipment for Highland Park from Northwest Playgrounds. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- D. **Agreement** for Public Works utility billing with VertexOne Software, LLC. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- E. **Agreement** with US Bank for Depository and Banking Services. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- F. **Agreement** with US Bank for Commercial Card (Pcard) Services. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- G. **Agreement** with Amend Park Development Council. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- H. **Amend Park Development Council** 2023 Proposed Annual Budget and Fee Structure. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- I. **Professional Services Contract** for W.O. 23-16: Landfill Scale Addition with HDR Engineering, Inc. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- J. **Professional Services Contract** for W.O. 09-12: Inner Belt Loop and W.O. 21-38: Skyline Trail with Sanderson Stewart. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- K. **Airport Business Park Building and Ground Lease** with Bureau of Land Management. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- L. **Amendment No. 5, Airport Mid-Field Service Road Project;** Morrison-Maierle, Inc. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- M. **Amendment No. 6, Airport Commercial Aircraft Ramp - Schedule IV;** Morrison-Maierle, Inc. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- N. **Amendment No. 3, W.O. 19-42: West End Water Treatment Plant Project;** Burns & McDonnell Engineering Company, Inc. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- O. **Request** to initiate System Modification to add a portion of Grand Avenue from 41st Street West to 62nd Street West and complete system connectivity on 62nd Street West, from Grand Avenue north to Rimrock Road. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- P. **Request** to submit FY23-24, Montana State Historic Preservation Office Certified Local Government grant application. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

- Q. **Acceptance** of Federal Aviation Administration Airport Improvement Program Grants. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- R. **Donations** to Billings Public Library from various donors. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- S. **Perpetual Right of Way Easement** from Bradley W. Hardt and Tammy Jo Hardt for sanitary sewer. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- T. **Traffic Signal and Sidewalk Easements** from Sharon J Quast Trust, Lutheran Church of the Good Shepherd, and Power of Abundant Recovery Ministries for W.O. 22-29: 24th Street West Signal Conduit Upgrades. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- U. **Resolution 23-11098** adopting the Conceptual Design Phase Final Report of the Billings Multi-Generational Recreation Center. **APPROVED 8-1, CHORIKI AND TIDSWELL ABSENT/EXCUSED, PURINTON OPPOSED**
- V. **Bills for the Weeks of:**
 - 1. January 3, 2023 – **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
 - 2. January 9, 2023 – **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

REGULAR AGENDA:

- 2. **PUBLIC HEARING AND RESOLUTION 23-11099** for a street name change from South 46th Street West to Western Sky Drive located at the southeast corner of King Avenue West and South 46th Street West. Staff recommends approval. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- 3. **VISTA WEST:**
 - a. **JOINT PUBLIC HEARING FOR ANNEXATION 21-15 AND ZONE CHANGE 1021:**
 - i. **RESOLUTION 23-11100 FOR ANNEXATION 21-15:** located south of Central Avenue and west of Shiloh Road. Staff recommends conditional approval. ***Quasi-Judicial APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
 - ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 1021:** located south of Bell Avenue and north of Rocky Vista Way and the Bannister Drain generally located west of Shiloh Road. Zoning Commission recommends approval and adoption of the 10 criteria. ***Quasi-Judicial APPROVED 6-3, CHORIKI AND TIDSWELL ABSENT/EXCUSED, NEESE, BOYETT AND RUPSISS OPPOSED**
 - b. **ANNEXATION AGREEMENT** with Dorn/Lowe LLC and Dorn Property & Homes LLC. Staff recommends approval. **APPROVED 7-2, FOR DEVELOPER TO FINISH BELL AVENUE TO THE SOUTH TO MEET CITY STANDARDS AND PROVIDE TRAFFIC CALMING ON ADJACENT STREETS. CHORIKI AND TIDSWELL ABSENT/EXCUSED, JOY AND RUPSISS OPPOSED**
 - c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annexation 21-15: a parcel located south of Central Avenue and west of Shiloh Road. Staff recommends approval. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

4. ELYSIAN SCHOOL DISTRICT NO. 23:

- a. **PUBLIC HEARING AND RESOLUTION 23-11101 FOR ANNEXATION 22-08:** located south of Elysian Road and west of East Lane. Staff recommends conditional approval. ***Quasi-Judicial APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- b. **ANNEXATION AGREEMENT** with Elysian School District No. 23. Staff recommends approval. **APPROVED 9-0, ADDING TO THE END OF SECTION 6 "IN THE FUTURE AS DETERMINED BY THE CITY." CHORIKI AND TIDSWELL ABSENT/EXCUSED**
- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 22-08: a parcel located south of Elysian Road and west of East Lane. Staff recommends approval. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

5. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Ordinance 22-5819, Zone Change 1018. Staff recommends approval. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Ward Boundaries. Staff recommends approval. **APPROVED 7-2, CHORIKI AND TIDSWELL ABSENT/EXCUSED, OWEN AND PURINTON 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.)

COUNCIL INITIATIVES:

RUPSID: Moved to allocate \$20,000 of either South TIF to a study of revenue opportunities at the proposed community recreation center. The study is being performed by Victus Advisors. The Billings Chamber, EDC, and TBID are all contributing to fund this study, which will cost \$37,000, plus expenses. **APPROVED 8-1, CHORIKI AND TIDSWELL ABSENT/EXCUSED, PURINTON OPPOSED**

OWEN: Moved to direct staff to Contract with National Center for State Courts or similar third-party entity to conduct a review of municipal court operations, including prosecution, and make recommendations to support the transition to a second Municipal Judge and a new Courthouse facility in planning for Municipal Court Expansion. **APPROVED 9-0, CHORIKI AND TIDSWELL ABSENT/EXCUSED**

ADJOURN: 11:04 PM