

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
January 22, 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 Shaw

**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  
Mayor William Cole

**Staff**

Present: Chris Kukulski, City Administrator  
Kevin Iffland, Assistant City Administrator  
Denise Bohlman, City Clerk  
Debi Meling, Public Works Director  
Andy Zoeller, Finance Director  
John Caterino, Facilities Manager  
Rusty Logan, MET Transit Manager  
Jeff Roach, Aviation and Transit Director  
Mike Pigg, Parks and Recreation Director  
Wyeth Friday, Planning Director (via Zoom)  
Lora Mattox, Transportation Planner  
Ted Wilson, Grants Administrator

**MINUTES:**

- January 8, 2024  
Moved by Councilmember Boyett  
Seconded by Councilmember Neese  
**APPROVED 11-0**

**COURTESIES:**

There were no Council courtesies.

**PROCLAMATIONS:**

There were no proclamations.

**COUNCIL REPORTS:**

Councilmember Joy noted that the Council Legislative and Local Affairs Subcommittee met and discussed prevailing wage in contracts, TIF policies, and local trades apprenticeship programs.

Mayor Cole noted that he and City Administrator, Chris Kukulski, attended a County Commissioners' meeting and the short-term holding facility project was discussed. He stated the County would approach the City for a monetary contribution in the near future. Council concerns were discussed.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Mr. Kukulski mentioned that Regular Agenda Item 3, Ordinance amending Water and Wastewater Utilities, would have some modifications to it per the Public Works Director, Debi Meling's, email. Ms. Meling would provide further explanation during her presentation.

Mr. Kukulski reminded Council that no Council meeting would be held on Monday, January 29<sup>th</sup> as it was a bye week.

Mr. Kukulski noted there were no exparte communications received. However, Councilmember Neese noted that there was 1 exparte communication sent after 3 PM from the Mayor concerning Regular Agenda Item 4 to Council regarding Council appointments to the committees/boards and subcommittees.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 4 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:

- **Steve Simonsen, Billings, Montana**, represented the Billings Association of Realtors, and asked Council to remove from the Consent Agenda, Item 1H, and reschedule it for a public hearing so additional public comment could be heard on the matter.

- **Mike Mayott, Director of Amend Park Development Council, Billings, Montana**, encouraged Council to approve Consent Agenda Item 1F and provided additional information on successes, challenges and future improvements anticipated for Amend Park.

There were no further speakers.

1. **CONSENT AGENDA:**

Councilmember Rupsis separated Consent Agenda Items 1O and 1P for discussion.

Councilmember Aspenlieder separated Consent Agenda Items 1H for discussion and 1S1 and 1S2 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 1H, 1O, 1P, 1S1, and 1S2

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw

**APPROVED 11-0**

A. **Bid Awards:** None

B. **Change Order No. 1, New City Hall Access Control and Camera System;**  
Pine Cove Consulting.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw

**APPROVED 11-0**

Councilmember Owen noted for the record that a study had been conducted to assess safety issues, particularly for the Law and Justice Center, and the consultants' recommendations were not being fully considered.

C. **Contract with Morrison Maierle, Inc. for Airport Master Plan Update.**

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw

**APPROVED 11-0**

D. **Memorandum of Understanding (MOU) with Yellowstone County for West Billings Neighborhood Plan and the West Billings Multi-modal Transportation Plan.**

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw

**APPROVED 11-0**

E. **Amendment** to Memorandum of Understanding (MOU) with Yellowstone Conservation District and acceptance of a \$50,000 grant for West End Reservoir Master Plan.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

F. **Amend Park Development Council 2024 Proposed Annual Budget and Fee Structure.**

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

G. **Acceptance** of Annual Federal Aviation Administration Airport Improvement Program Grants.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

H. **Submission, Support and Acceptance** of Montana Community Reinvestment Plan Act Planning Grant to support a comprehensive planning (SB 382), AKA a growth policy.

Wyeth Friday, Planning Director, explained the application for the grant was to assist in augmenting the large comprehensive growth plan this year. It would help with the housing analysis that Senate Bill 382 required. He mentioned the Beartooth RC&D information was supplemental, along with other studies and information, but more was needed to meet the requirements of the grant. He added that delaying the item would hinder meeting the deadline for grant submission.

Mayor Cole asked Mr. Friday if was possible to meet with the Billings Association of Realtors to review the grant and receive input. Mr. Friday indicated he intended to meet with them because he would be seeking a letter of support from them, too.

Council and staff discussed how detailed the information needed to be in the grant and the housing scope. There will be a great deal of public interaction required in the near future.

Councilmember Aspenlieder encouraged involving the Billings Association of Realtors in all matters concerning housing and the growth plan.

**Motion:** I move to approve Consent Agenda 1H as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Gulick  
**APPROVED 10-1**, Councilmember Kennedy opposed.

I. **Donation** to Parks and Recreation Department from Billings Go Kickball for Youth Scholarship Fund.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

J. **Donation** to Parks and Recreation Department from Scheels for Youth Scholarship Fund.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

K. **Release** of certain perpetual right-of-way easements in vacated portions of North 28th Street and Normal Subdivision, Block 1 Alley, affecting Intermountain Health f/k/a Sisters of Charity of Leavenworth Health Services (St. Vincent's Hospital) new hospital construction.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

L. **Preliminary Plat Extension** for Annafeld North Subdivision, 2nd Filing.  
**\*Quasi-Judicial**

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

M. **Resolution 24-11178** authorizing the issuance and private negotiated sale of Expanded North 27th Street Tax Increment Bonds.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

N. **Resolution 24-11179** authorizing the filing and acceptance of Transit Grant Funds.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

O. **Resolution of Intent 24-11180** to create SID 1426 Arvin Lane and set a public hearing for February 12, 2024.

Councilmember Rupsis indicated he would vote against both SID 1426 and 1427 because they were cul-de-sacs with 3 or 4 properties on each. He objected to spending

tax monies for what he viewed as private driveways. He preferred property owners pave the cul-de-sacs on their own since they were the only ones that would benefit from it.

**Motion:** I move to approve Consent Agenda Item 1O, a resolution of intent to create SID 1426 Arvin Lane and set a public hearing for February 12, 2024, as recommended by staff.

Debi Meling, Public Works Director, explained that a water line needed to be replaced to provide adequate fire protection for the homes on Arvin Lane and that cost would be on the City no matter when it happened. She added that gravel roads cost the City a lot to maintain and did not meet urban standards. She continued that the City had determined that it wanted its gravel roads paved.

Councilmember Kennedy clarified that the subject gravel streets were treated the same as others. Ms. Meling responded there were policies in place for gravel streets and other similar streets and those policies were being followed. Councilmember Kennedy shared that the County allowed property owners to care for their own roads and he did not agree with that policy because too often the County had to correct or repair them. He supported the City's action.

Council discussed costs versus budget and possible future policy changes.

Moved by Councilmember Joy

Seconded by Councilmember Kennedy

**APPROVED 7-4**, Councilmembers Gulick, Tidswell, Boyett and Rupsis opposed.

**P. Resolution of Intent 24-11181** to create SID 1427 Hancock Drive and set a public hearing for February 12, 2024.

**Motion:** I move to approve Consent Agenda Item 1O, a resolution of intent to create SID 1426 Arvin Lane and set a public hearing for February 12, 2024, as recommended by staff.

Councilmember Shaw indicated she understood Councilmember Rupsis's objection and agreed that the policy may need changing. She supported the motion because it followed the current policies.

Moved by Councilmember Joy

Seconded by Councilmember Kennedy

**APPROVED 7-4**, Councilmembers Gulick, Tidswell, Boyett and Rupsis opposed.

**Q. Second/Final Reading Ordinance 24-5868** for Zone Change 1040: located at 1404 and 1406 Avenue B. \*Quasi- Judicial

Moved by Councilmember Gulick

Seconded by Councilmember Shaw

**APPROVED 11-0**

**R. Second/Final Reading Ordinance 24-5869** amending Billings, Montana City Code, Article 8-300, Cemetery Rules and Regulations, and repealing Ordinance 03-5240.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

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

1. December 18, 2023

**Motion:** I move to approve Consent Agenda Item 1S1, as recommended by staff.

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

2. December 26, 2023

**Motion:** I move to approve Consent Agenda Item 1S2, as recommended by staff.

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

**REGULAR AGENDA:**

2. **PUBLIC HEARING** allowing the City to submit a grant application to the Montana Department of Commerce. Staff recommends approval.

Ted Wilson, Grants Administrator, explained changes the legislature made to the infrastructure grant. The City's departments were canvassed for eligible projects and watermain replacements were identified and were appropriate. If successful, the City would receive \$1.4 million for 3 distinct projects, i.e., Broadwater Avenue between North 17<sup>th</sup> and North 18<sup>th</sup>; Cedar Park; and Grand Avenue from Division to 5<sup>th</sup> Street West.

Councilmember Owen asked that wastewater systems be reviewed for possible eligibility.

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 the submission of a grant application to the Montana Department of Commerce, as recommended by staff.

Moved by Councilmember Boyett  
Seconded by Councilmember Aspenlieder  
**APPROVED 11-0**

**3. PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Chapter 26, Water and Wastewater Utilities. Staff recommends approval.

Debi Meling, Public Works Director, provided a PowerPoint presentation and noted that the subject had been addressed with Council during recent work sessions. She reviewed the recommended cleanup to the code, rules and regulations, reimbursement agreements and billing process. The sections included stormwater, annexation terminology, definitions (for consistency) and billing. She reviewed changes to Section 26-117 concerning prohibition of bathing, swimming or wading in finished City water supply. She explained annual backflow prevention testing; changes to the reimbursement agreements with developers and the conditions for reimbursement, in Section 26-505(a); and that at no time would the City be held responsible to make reimbursement to developer's heirs, representatives and successors. She explained that many developers create Limited Liability Corporations (LLC) and once the development was concluded and the reimbursement received, the LLCs are dissolved. Ms. Meling reviewed the illustrated reimbursement calculation methodology. She reviewed the timeline for implementation of the changes to the code.

Councilmember Neese clarified the changes to assigns language and that the assignment needed to keep the City updated at all times.

Mayor Cole suggested that the additional word "written" assignment be added.

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 the First Reading Ordinance amending BMCC, Chapter 26, Water and Wastewater Utilities, as modified and recommended by staff.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Tidswell

**APPROVED 11-0**

**4. COUNCIL APPOINTMENTS TO COMMUNITY BOARDS AND/OR COMMITTEES AND COUNCIL SUBCOMMITTEES.** Staff recommends City Council determine which Councilmembers will fill vacancies and serve on various community boards and/or committees and Council subcommittees.

Mayor Cole noted that the Resolution passed in November of 2023 provided that 3 to 5 Councilmembers could serve on any of the Council Subcommittees. He noted that Councilmember Shaw wished to remain on the Legislative and Local Affairs Subcommittee. He clarified that the Council Operations Subcommittee was no longer limited to the Mayor, Deputy Mayor and Deputy Mayor ProTempore, per the recent resolution. The following appointments were made:

**Community Boards:**

Big Sky Economic Development Board – Councilmember Boyett

Beartooth RC&D Board – Councilmember Kennedy

**Council Subcommittees:**

- Legislative and Local Affairs – Councilmembers Neese, Joy, Boyett and Shaw

- Budget and Finance – Councilmembers Gulick, Owen, Kennedy, Aspenlieder and Rupsis
- Council Operations – Mayor Cole, Councilmembers Boyett, Shaw and Neese

**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 provided public comment:

- **Dan Brooks, Billings Chamber of Commerce, 815 South 27<sup>th</sup> Street, Billings, Montana,** spoke in favor of Councilmember Rupsis’s proposed initiative to support housing needs and CPTED principles. He provided recommendations for each item in the initiative and added that the infill policy needed be reviewed, too.
- **Hank Jagodzinski, 580 58th Street West, Billings, Montana,** identified himself as a senior at Billings Central High School, and spoke in favor of Councilmember Rupsis’s proposed initiative, generally, and specifically concerning eliminating parking requirements.
- **Joe Holden, Stillwater Parking Garage, Billings, Montana,** suggested that some of the downtown police officers should walk a beat rather than be on bikes or in cars to gain better awareness. He spoke about employees parking at the Stillwater Parking Garage, rather than at Park 3, after the City moved to the Stillwater Building. He presented his concerns for the employees’ safety.

There were no further speakers.

**COUNCIL INITIATIVES:**

Councilmember Rupsis, Council and staff discussed bringing an initiative concerning zoning and other changes intended to improve the safety and built environment in Billings. After much debate, Council determined a more palatable initiative would be created and made a part of the Agenda Packet for February 12, 2024, and provide ample notice to the public.



CITY OF BILLINGS

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

ATTEST:

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