

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
May 13, 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:** Deputy Mayor Boyett

**PLEDGE OF ALLEGIANCE:** Deputy Mayor Boyett

**INVOCATION:** Councilmember Tidswell

**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 Bill Kennedy, Ward III  
Councilmember Scott Aspenlieder, Ward IV  
Councilmember Daniel Tidswell, Ward IV  
Deputy Mayor Mike Boyett, Ward V - Presided over the meeting until 7:02 P.M.  
Councilmember Tom Rupsis, Ward V  
Mayor William Cole - Arrived at 6:15 P.M.

**Staff**

Present: Chris Kukulski, City Administrator  
Kevin Iffland, Assistant City Administrator  
Gina Dahl, City Attorney  
Toni Keehner, Deputy City Clerk  
Tam Rodier, Community Development Coordinator  
Rich St. John, Police Chief  
Jeff Roach, Aviation Director  
Debi Meling, Public Works Director  
Lora Mattox, Transportation Planning Coordinator  
Tracy Scott, Parking Manager

**MINUTES:**

- April 22, 2024  
Moved by Councilmember Shaw  
Seconded by Councilmember Gulick  
**APPROVED 10-0**, Mayor Cole absent/excused

**COURTESIES:**

Tam Rodier, Community Development Coordinator, spoke of the AmeriCorps National Civilian Community Corps Team. The following members introduced themselves: Connor Hill, Team Leader; Gabeloo Lutter-Gardella, Assistant Team Leader and Project Community Liaison; Xavier Felder, Vehicle, Safety, and Tool Coordinator; Jasa Sesay, Assistant Team Leader and Community Relations; Clementine Gottschalk, Health and Wellness Coordinator; Colben Rodriguez, Vehicle, Safety and Tool Coordinator; and Crew Childress, Health and Wellness Coordinator.

#### **PROCLAMATIONS:**

Deputy Mayor Boyett proclaimed May 12-18, 2024, as National Police Week.

#### **COUNCIL REPORTS:**

Councilmember Kennedy spoke of a recent meeting with a local fencing company to address non-compliant fence distances and plans to review code ordinances.

#### **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Mr. Kukulski noted that the agenda had been revised to add Regular Agenda Item 5, MOU with Yellowstone County for Short Term Detention Facility.

Mr. Kukulski acknowledged there were no ex parte communications received after 3 pm to the Mayor and Council concerning items on the agenda.

Mr. Kukulski informed Council there would be Budget Work Session meetings on both Monday, May 20<sup>th</sup> and Tuesday, May 21<sup>st</sup>, 2024.

**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 spoke in favor of Consent Agenda Item 1H:

- **Ali Pistorra, 1035 Avenue F, Billings, Montana.**
- **Rebecca Newell, 1109 Lewis Avenue, Billings, Montana,** Community Development Board Chair.
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The following individuals spoke in favor of Consent Agenda Item 1A7, W.O. 23-11: Downtown 2-Way Street Conversion:

- **Blake Warlich, 2511 1<sup>st</sup> Avenue North, Billings, Montana.**
- **Julie Seedhouse, 104 North Broadway, Billings, Montana.**
- **Randy Hafer, 702 N. 23<sup>rd</sup> Street, Billings, Montana.**

There were no further speakers.

**SPECIAL PRESENTATION: Billings Logan-International Airport Update.**

Jeff Roach, Aviation and Transit Director, gave an overview of construction updates, air service numbers and upcoming plans for the airport.

**1. CONSENT AGENDA**

Councilmember Aspenlieder separated Consent Agenda Items 1D for discussion, and 1K1, 1K2, and 1K3 to abstain as his employer was a vendor that received payments.

Councilmember Kennedy separated Consent Agenda Item 1A7 for discussion.

Councilmember Owen separated Consent Agenda Item 1H for discussion.

Councilmember Neese separated Consent Agenda Item 1G because it required a  $\frac{3}{4}$  Council majority vote.

**Motion:** I move to approve the items of the Consent Agenda as submitted, with the exception of Items 1A7, 1D, 1G, 1H, 1K1, 1K2 and 1K3.

Moved by Councilmember Gulick

Seconded by Councilmember Owen

**APPROVED 10-0**, Mayor Cole absent/excused

Mayor Cole arrived at 6:15 P.M. Deputy Mayor Boyett continued presiding over the meeting.

**A. Bid Awards:**

- 1. 1709 Saint Johns Avenue Housing Rehabilitation.** (Opened 4/16/24)  
Recommend Van Arsdale Construction.

Moved by Councilmember Gulick

Seconded by Councilmember Owen

**APPROVED 11-0**

- 2. IP 9 Building Window Replacement.** (Opened 4/16/24) Recommend Automatic Doors of Montana.

Moved by Councilmember Gulick

Seconded by Councilmember Owen

**APPROVED 11-0**

- 3. Castle Rock Park North Parking Lot Repair.** (Opened 4/16/24) Recommend K2 Civil.

Moved by Councilmember Gulick

Seconded by Councilmember Owen

**APPROVED 11-0**

- 4. MET Transit Electric Bus Charger Installation.** (Opened 4/16/24) Recommend Millennium Electric.

Moved by Councilmember Gulick

Seconded by Councilmember Owen

**APPROVED 11-0**

- 5. MET Transit Video Surveillance.** (Opened 4/16/24) Recommend TelNet Systems.

Moved by Councilmember Gulick

Seconded by Councilmember Owen  
**APPROVED 11-0**

6. **Waterborne Traffic Paint.** (Opened 4/16/24) Recommend Sherwin Williams.  
Moved by Councilmember Gulick  
Seconded by Councilmember Owen  
**APPROVED 11-0**

7. **W.O. 23-11: Downtown 2-Way Street Conversion.** (Opened 4/16/24)  
Recommend Montana Lines, Inc.

**Motion:** I move to table Consent Agenda Item 1A7 until 2025.  
Moved by Councilmember Kennedy  
Seconded by Councilmember Owen

Councilmember Owen asked how much of the project the City could do without Downtown Tax Increment Financing (TIF). Debi Meling, Public Works Director, indicated without the TIF funding portion, the City would be able to do chip seal, ADA work and striping, but not the 2-way street conversion. She indicated maintenance was long overdue.

**Substitute Motion:** I move to approve Consent Agenda Item 1A7, as recommended by staff.  
Moved by Councilmember Shaw  
Seconded by Councilmember Rupsis

Council discussed how the conversion would affect downtown, the sale of City Hall, available TIF money for other projects and existing downtown needs.

Katy Easton, Downtown Billings Association CEO, spoke in favor of the 2-way street conversion and how the changes would favorably impact downtown.

Council discussed the hours and money spent getting the project to where it currently was.

A vote on the Substitute Motion was taken.  
**Failed 5-6**, Councilmembers Neese, Owen, Kennedy, Aspenlieder, Tidswell and Boyett opposed

**Substitute Motion:** I move to proceed with the schedules involving maintenance but remove the 2-way street conversion.  
Moved by Councilmember Aspenlieder  
Seconded by Councilmember Tidswell

Ms. Meling indicated a bid could not be awarded by schedule, therefore, the project would need to be rebid.

Chris Kukulski, City Administrator, recommended allowing staff additional time to discuss ramifications of Council's decision to delay the project.

**Motion:** I move to withdraw my substitute motion to proceed with the schedules involving maintenance but leave out the 2-way street conversion.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Tidswell

**Substitute Motion:** I move to delay consideration of Consent Agenda Item 1A7 to the May 28, 2024, Regular Business meeting.

Moved by Councilmember Rupsis

Seconded by Councilmember Joy

**APPROVED 11-0**

**B. Agreement** with Northwest Pipe Fittings, Inc. for AMR Neptune/AMI Software Hosting.

Moved by Councilmember Gulick

Seconded by Councilmember Owen

**APPROVED 11-0**

**C. Agreement** with Tractor and Equipment Co. for Landfill Compactor Powertrain and Hydraulic Rebuild.

Moved by Councilmember Gulick

Seconded by Councilmember Owen

**APPROVED 11-0**

**D. Memorandum of Agreement** with Billings Bench Water Association (BBWA) for a Department of Natural Resources and Conservation grant for Rim Tunnel Alternative Evaluation.

Councilmember Aspenlieder indicated he wanted language added to the agreement clarifying payment terms to ensure specification that the City was only a passthrough for funds.

Chris Kukulski, City Administrator, asked for leeway with the terminology to indicate that BBWA could deposit money into an account for the City to use for repayments.

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

Moved by Councilmember Joy

Seconded by Councilmember Shaw

**Substitute Motion:** I move to approve Consent Agenda Item 1D, with language added to indicate the City would pay and/or reimburse bills after BBWA or DNRC reimbursement had occurred.

Council discussed administration fees, City time involvement, and public land risks.

Councilmember Owen requested staff include additional language be included to indicate the City would not have liability for delay of repayment from DNRC and was only a passthrough and the City would not front or be liable if DNRC failed to repay.

A vote on the substitute motion was taken.

**APPROVED 11-0**

**E. Grant Award** to Billings Fire Department from Yellowstone Valley Electric Cooperative.  
Moved by Councilmember Gulick  
Seconded by Councilmember Owen  
**APPROVED 11-0**

**F. Donation** to Police Department from Billings Community Foundation..  
Moved by Councilmember Gulick  
Seconded by Councilmember Owen  
**APPROVED 11-0**

**G. Emergency Resolution 24-11197** for W.O. 24-39: Heights 24-inch Sewer Interceptor Repair.

**Motion:** I move to approve Consent Agenda Item 1G, as recommended by staff.  
Moved by Councilmember Neese  
Seconded by Councilmember Owen

Deputy Mayor Boyett requested a show of hands vote.  
**APPROVED 11-0**

**H. Resolution 24-11198** Repealing Resolutions 10-18921, 10-18984, 11-19122, 13-19325, and 17-10660, and Granting the City Administrator Authority for Neighborhood Stabilization and Foreclosure Programs.

Councilmember Owen indicated she separated this item to vote in opposition because it was an inefficient use of dollars.

**Motion:** I move to approve Consent Agenda 1H, as recommended by staff.  
Moved by Councilmember Shaw  
Seconded by Councilmember Joy

Councilmember Neese asked for clarification on the program.

Tam Rodier, Coordinator, spoke of the process of buying HUD foreclosed homes and advantages to the program. She showed photos of abandoned homes and crime issues that had occurred. She addressed concerns with the homes becoming rentals and indicated the homes must be owner occupied or funds would need to be repaid to the City.

**APPROVED 8-3**, Councilmembers Neese, Owen and Tidswell opposed

**I. Second/Final Reading Ordinance 24-5882 for Zone Change 1049:** located at 1911 and 1915 8th Avenue N. \*Quasi-Judicial  
Moved by Councilmember Gulick  
Seconded by Councilmember Owen  
**APPROVED 11-0**

**J. Second/Final Reading Ordinance 24-5883 for Zone Change 1050:** located at 5403 Hawk Creek Avenue. \*Quasi-Judicial  
Moved by Councilmember Gulick  
Seconded by Councilmember Owen  
**APPROVED 11-0**

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

1. April 1, 2024
2. April 8, 2024
3. April 15, 2024

**Motion:** I move to approve Consent Agenda Items 1K1, 1K2 and 1K3, as recommended by staff.  
Moved by Councilmember Gulick  
Seconded by Councilmember Owen  
**APPROVED 10-0**, Councilmember Aspenlieder abstained

Mayor Cole began presiding over the meeting.

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION 24-11199** of Intent to donate property in Whisper Ridge Subdivision and set a Public Hearing for June 10, 2024. Staff recommends approval.

Debi Meling, Public Works Director, indicated the donation process was slightly different than usual because the developer was dedicating the parcel since it was a storm water facility. She gave an overview of the location and the process to donate. She indicated the developer wanted to re-plat the parcels and the storm drain pond would be owned by the development and not by the City.

Council discussed potential compensation and how the waiver process would affect the Subdivision Improvement Agreements.

Ms. Meling indicated those concerns would be addressed at the upcoming Public Hearing on June 10, 2024.

The following individuals spoke during the public hearing:

- **Joziah Traywick, 3105 Falcon Circle, Billings, Montana**, spoke against developing the lot and indicated he enjoyed watching the prairie dogs on the vacant lot.
- **Paige Horning, 3322 Jack Burke Lane, Billings, Montana**, also spoke of how much she enjoyed watching the prairie dogs on the vacant lot.

There were no further speakers.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution to donate property in Whisper Ridge Subdivision and set a Public Hearing for June 10, 2024, as recommended by staff.

Councilmember Aspenlieder  
Seconded by Councilmember Joy  
**APPROVED 10-1**, Councilmember Tidswell opposed

3. **PUBLIC HEARING AND RESOLUTION 24-11200** to approve the proposed Public Participation Plan (P3) in accordance with the Montana Land Use Planning Act. Staff recommends approval.

Lora Mattox, Transportation Planning Coordinator, gave an overview of the proposed Public Participation Plan, how the document would be used, and the next steps for the Planning Commission development.

Council discussed allowing additional time for Council and public participation. They spoke of increased public notification and participation opportunities. They discussed how the State statute would change the Land Use Map, Zoning Districts and Zoning Code.

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 for a Public Participation Plan (P3), as recommended by staff.

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

Mayor Cole called a recess at 7:42 P.M. Meeting was reconvened at 7:50 P.M.

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Section 24-426, Permit for Loading and Unloading by Backing to Curb and Section 24-431, Permit for Curb Loading Zones. Staff recommends approval.

Tracy Scott, Parking Manager, gave an overview of the proposed ordinance changes and the revenue increase the changes would generate over the next 2 years. She spoke of the current permit process and how the ordinance changes would improve the program.

Council discussed the increase, various administrative fees and current parking fees.

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 First Reading Ordinance amending BMCC, Section 24-426, Permit for Loading and Unloading by Backing to Curb and Section 24-431, Permit for Curb Loading Zones, as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Tidswell  
**APPROVED 10-1**, Councilmember Neese opposed

Chris Kukulski, City Administrator, in reference to Consent Agenda Item 1A7, asked Council to allow the Finance Director to share additional information on how the delay and/or a negative vote could affect the sale of bonds, bid award of the contract, interest rates, and the anticipated budget and cashflow.

Councilmembers Neese and Kennedy expressed concern with further discussion of Item 1A7. Mayor Cole indicated he would allow Mr. Zoeller to proceed with further explanation of the affects a reconsideration could create.

Andy Zoeller, Finance Director, explained there had been a Council vote to authorize issuance of the bonds for W.O. 23-11: Downtown 2-Way Street Conversion. Council had also approved the decision to refinance existing TIF debt for a lower interest rate. He explained that refunding

a portion of the old debt which would create a savings in debt payment and bids had come in less than projected.

He explained how proceeding with the project would affect the City's debt service, current construction costs, and interest rates. Bond counsel indicated the City should proceed with the refunding. He explained the potential negative consequences for the City by not continuing with the project and recommended proceeding with the refunding regardless of Council's decision on the project.

Council discussed the ramifications of not proceeding with the project and costs associated with later proceeding of portions of the project. They spoke of concerns with TIF cash flow amounts. Mayor Cole explained the process of reconsideration of the previous vote.

**Motion:** I move to reconsider the Council vote on Consent Agenda Item 1A7.

Moved by Councilmember Joy

**FAILED** for lack of second

**5. MEMORANDUM OF UNDERSTANDING** with Yellowstone County for Short Term Detention Facility. Staff recommends approval.

Chris Kukulski, City Administrator, explained the intent of the agreement and spoke of the roles of both the City and County in the short term detention facility project.

Councilmember Owen spoke of public safety needs and how the detention facility could help with criminal justice issues in the community.

Council discussed the number of beds planned on the 2<sup>nd</sup> floor, the City's financial commitment and if the County had a commitment to prioritize the City bookings. They spoke of concerns with ambiguity in the MOU, and the City's legal standing if an agreement on the number of beds could not be met.

Councilmembers Owen and Boyett spoke of their meetings with the County and the County's wishes to coordinate a plan with the City in good faith. Councilmember Owen encouraged Council to lead the way and take some risk to work with the County.

**Motion:** I move to approve entering into the Memorandum of Understanding with Yellowstone County for Short Term Detention Facility, as recommended by staff.

Moved by Councilmember Kennedy

Seconded by Councilmember Owen

Council continued discussion on the lack of specified bed numbers in the architectural planning documents and the MOU. They spoke of adding language to specify bed numbers and how those numbers could affect the City's financial responsibility.

Councilmember Owen indicated the County had expressed a desire to maximize beds while complying with certifications and maintaining safety.

Councilmember Aspenlieder spoke of adding an addendum to the MOU to specify the number of beds.

Gina Dahl, City Attorney, indicated an addendum would not be needed if the agreement was not approved. She suggested if Council wanted to postpone approval of the MOU, staff could work with the County to add language to the existing MOU.

Councilmember Kennedy called the question.

**FAILED** for lack of second

**Substitute Motion:** I move to delay the vote on Regular Agenda Item 5, until the May 28<sup>th</sup>, 2024, Regular Business meeting.  
Moved by Councilmember Rupsis  
Seconded by Councilmember Neese

Council continued discussion on possible terminology to specify the number of beds on the second floor of the facility. Mayor Cole asked Council if they would be unhappy with requesting “roughly double the amount of beds” currently shown in the existing plan documents. Councilmember Aspenlieder indicated he would suggest adding language stating “finished second floor to match the capacity of the finished first floor”.

A vote on the substitute motion was taken.

**APPROVED 6-5**, Councilmembers Owen, Kennedy, Aspenlieder, Tidswell and Boyett 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:**

There were no Council initiatives.

**ADJOURN:** 9:43 P.M.



CITY OF BILLINGS

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

ATTEST:

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