

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
August 12, 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 5:34 P.M.

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Mayor Cole

Present: Councilmember Kendra Shaw, Ward I  
Councilmember Ed Gulick, Ward I  
Councilmember Jennifer Owen, Ward II  
Councilmember Denise Joy, Ward III  
Councilmember Bill Kennedy, Ward III  
Councilmember Daniel Tidswell, Ward IV  
Councilmember Scott Aspenlieder, Ward IV  
Councilmember Mike Boyett, Ward V  
Councilmember Tom Rupsis, Ward V  
Mayor William Cole

Absent/  
Excused: Councilmember Roy Neese, Ward II

Staff  
Present: Chris Kukulski, City Administrator  
Kevin Iffland, Assistant City Administrator  
Gina Dahl, City Attorney  
Toni Keehner, Deputy City Clerk  
Neil Lawrence, Assistant Police Chief  
Wyeth Friday, Planning Director (Via Zoom)  
Anna Vickers, Planning Manager  
Lora Mattox, Transportation Planning Coordinator  
Debi Meling, Public Works Director  
Tracy Scott, Parking Manager  
Mike Pigg, Parks and Recreation Director  
Kory Thomson, Recreation Superintendent

**MINUTES:**

- July 22, 2024

Moved by Councilmember Boyett  
Seconded by Councilmember Tidswell

**APPROVED 10-0**

**COURTESIES:**

Mayor Cole congratulated the Billings Scarlets for making it to the American Legion World Series and wished them luck.

**PROCLAMATIONS:**

Mayor Cole proclaimed August 14, 2024, as "St. Vincent Day". Tyler Wiltgen, Executive Director of St. Vincent Healthcare Foundation, spoke of the accomplishments of St. Vincent Healthcare over the last 125 years.

**COUNCIL REPORTS:**

Councilmember Joy attended the recent Community Development Board meeting and extended an invitation to Council for an upcoming tour of property on St. John's Avenue.

Councilmember Aspenlieder spoke of a recent tour of the North County Family Justice Center and encouraged Council to view justice centers when given the opportunity.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Mr. Kukulski informed Council Consent Agenda Items 1C (Replacement of 911 phones and radio recorder) and 1K (Park 1 Condominium Declaration and Association Bylaws) needed to be removed from the agenda by motion of the Council.

He updated Council on different departments and divisions that had moved and their new locations.

Mr. Kukulski indicated there were no exparte communications received after 3 P.M. to the Mayor and Council concerning items on the agenda.

**Motion:** I move to remove Consent Agenda Items 1C and 1K, as recommended by staff.

Moved by Councilmember Boyett  
Seconded by Councilmember Owen  
**APPROVED 10-0**, Councilmember Neese absent/excused

**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.)

There were no speakers.

1. **CONSENT AGENDA**

Councilmember Aspenlieder separated Consent Agenda Items 1L, 1M, 1N1, 1N2 and 1N3, in order to abstain as his company was involved with the items.

**Motion:** I move to approve the items of the Consent Agenda as submitted, with the exception of Items 1L, 1M, 1N1, 1N2 and 1N3.

Moved by Councilmember Gulick  
Seconded by Councilmember Aspenlieder  
**APPROVED 10-0**, Councilmember Neese absent/excused

Councilmember Gulick thanked all donors involved in various donations on the agenda.

**A. Bid Awards:**

1. **Castlerock Restroom Renovations.** (Opened 7/2/24) Recommend Wovek, Inc. DBA Yellowstone Basin Construction.

Moved by Councilmember Gulick  
Seconded by Councilmember Aspenlieder  
**APPROVED 10-0**, Councilmember Neese absent/excused

2. **Chlorine for Water Treatment Plant.** (Opened 7/16/24) Recommend Hawkins, Inc.

Moved by Councilmember Gulick  
Seconded by Councilmember Aspenlieder  
**APPROVED 10-0**, Councilmember Neese absent/excused

- B. Amendment No. 2, W.O. 23-12: Zone 4 Pump Station and Waterline Improvements;**  
HDR Engineering.

Moved by Councilmember Gulick  
Seconded by Councilmember Aspenlieder  
**APPROVED 10-0**, Councilmember Neese absent/excused

- C. ~~Contract with Motorola Solutions for 911 Phone and Radio Recorder.~~ REMOVED FROM AGENDA BY MOTION, APPROVED 10-0**, Councilmember Neese absent/excused

- D. Purchase 3 Police Vehicles from Duval Ford and 1 Community Service Pickup from Billion Auto Group.**

Councilmember Owen asked for clarification on a possible delay in hiring additional officers.

Kevin Iffland, Assistant City Administrator, indicated there would not be a delay and the City was still on track for hiring.

Councilmember Boyett asked for clarification on Duval Ford doing the installation of equipment.

Neil Lawrence, Assistant Police Chief, indicated the equipment would not be purchased or installed through Duval Ford.

Moved by Councilmember Gulick  
Seconded by Councilmember Aspenlieder  
**APPROVED 10-0**, Councilmember Neese absent/excused

E. **AARP Grant Award** to Parks Department for Songbird Community Garden.

Moved by Councilmember Gulick

Seconded by Councilmember Aspenlieder

**APPROVED 10-0**, Councilmember Neese absent/excused

F. **Donation** to Parks' Matching Grant Program from Partners for Parks for a shade structure at High Sierra Dog Park.

Councilmember Owen asked for clarification on using grant funding dollars instead of Parks residual cash in lieu funds.

Mike Pigg, Parks and Recreation Director, indicated Partners for Parks specified the use of matching grant funding in the proposal brought forward. He spoke of other potential uses for the cash in lieu funds at High Sierra Dog Park.

Moved by Councilmember Gulick

Seconded by Councilmember Aspenlieder

**APPROVED 10-0**, Councilmember Neese absent/excused

G. **Donation** to Parks Department from Faith E. Church for trees in Centennial Park.

Moved by Councilmember Gulick

Seconded by Councilmember Aspenlieder

**APPROVED 10-0**, Councilmember Neese absent/excused

H. **Donation** to Parks Department from NorthWestern Energy Charitable Team Participation Grant for trees in Poly Vista Park.

Moved by Councilmember Gulick

Seconded by Councilmember Aspenlieder

**APPROVED 10-0**, Councilmember Neese absent/excused

I. **Donation** to Police Department from Yellowstone County DUI Task Force for Portable Breath Testers and associated supplies.

Moved by Councilmember Gulick

Seconded by Councilmember Aspenlieder

**APPROVED 10-0**, Councilmember Neese absent/excused

J. **2025 Unified Planning Work Program (UPWP).**

Moved by Councilmember Gulick

Seconded by Councilmember Aspenlieder

**APPROVED 10-0**, Councilmember Neese absent/excused

K. ~~**Condominium Declaration and Owners Association Bylaws**~~ for Park 1. **REMOVED FROM AGENDA BY MOTION, APPROVED 10-0**, Councilmember Neese absent/excused

L. **Second/Final Reading Ordinance 24-5888** for Zone Change 1052, Zimmerman Home Place. **\*Quasi-Judicial**

Moved by Councilmember Joy

Seconded by Councilmember Shaw

**APPROVED 8-1**, Councilmember Neese absent/excused, Councilmember Aspenlieder abstained, Councilmember Boyett opposed

M. **Second/Final Reading Ordinance 24-5889** expanding Ward V, Amended Ridgeline Subdivision Annexation.

Moved by Councilmember Joy

Seconded by Councilmember Shaw

**APPROVED 9-0**, Councilmember Neese absent/excused, Councilmember Aspenlieder abstained

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

1. July 1, 2024

Moved by Councilmember Gulick

Seconded by Councilmember Shaw

**APPROVED 9-0**, Councilmember Neese absent/excused, Councilmember Aspenlieder abstained

2. July 8, 2024

Moved by Councilmember Gulick

Seconded by Councilmember Shaw

**APPROVED 9-0**, Councilmember Neese absent/excused, Councilmember Aspenlieder abstained

3. July 15, 2024

Moved by Councilmember Gulick

Seconded by Councilmember Shaw

**APPROVED 9-0**, Councilmember Neese absent/excused, Councilmember Aspenlieder abstained

### **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION 24-11220** approving the vacation of Block 51, Foster's Addition Alley. Staff recommends approval.

Debi Meling, Public Works Director, gave an overview of the alley, impacts of the vacation, and benefits to the City by vacating the alley. She explained the valuation process the City used as defined in Administrative Order No. 56. Council discussed the proposed value of the property and if the proposed amount was fair. Council spoke of the Administrative Order and if it was an appropriate way to appraise property. Chris Kukulski, City Administrator, spoke of the process and indicated staff could review the current policy for potential changes. Councilmember Owen asked about the legality of the delegation of authority to establish an alternative process. Gina Dahl, City Attorney, indicated she would need additional time to review the process. Councilmember Aspenlieder spoke against delaying the vote and indicated the Administrative Order could be reviewed for future decisions.

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 approving the vacation of Block 51, Foster's Addition Alley, as recommended by staff.

Moved by Councilmember Aspenlieder  
Seconded by Councilmember Kennedy

Mayor Cole indicated he would vote in opposition due to possible procedural issues.

**APPROVED 9-1**, Councilmember Neese absent/excused, Mayor Cole opposed

**3. PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC) Sections 24-457, Violation records; 24-467 Failure to pay parking fees; 24-473, Penalties; 24-1004 Parking violation-Procedure generally; 24-1005, Same-Response failure action; 24-1006, Violation citation compliance failure; warrant for arrest; and 24-1011, Penalty for violations. Staff recommends approval.

Tracy Scott, Parking Manager, gave an overview of the amendments proposed for each section of the ordinance and reviewed the current response to citation timeline.

Council discussed the appeal process, the role of the administrative hearing officer, and current record keeping guidelines.

Mayor Cole requested the Legal Department verify the dates in the response to citation timeline before finalizing the amendments.

Gina Dahl, City Attorney, spoke about the City's legal responsibility to maintain records and indicated Mr. Kukulski would be the person responsible for reviewing cases if necessary. She recommended Council delete Section 7 from the motion.

Council discussed the Administrative Order that currently addressed parking issues.

Councilmember Owen indicated the ordinance needed more work and she would vote in opposition of Item 3.

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, Sections 24-457, Violation records; 24-467 Failure to pay parking fees; 24-473, Penalties; 24-1004 Parking violation-Procedure generally; 24-1005, Same-Response failure action; 24-1006, Violation citation compliance failure; warrant for arrest; and ~~24-1011, Penalty for violations~~, as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Joy

**APPROVED 7-3**, Councilmember Neese absent/excused, Councilmembers Owen, Aspenlieder and Tidswell opposed

Kevin Iffland, Assistant City Administrator, spoke of the City's plan to reimburse some parking citations that had been wrongly cited.

Ms. Scott reviewed the parking citation notification and response timeline and issues with the software not matching the former escalation language on the Administrative Order. She indicated some parking citations had been wrongly charged and the issue had been fixed. She explained the process of locating people who had been incorrectly charged and the City's plan for refunding those

citations. She explained that staff would need to manually review past citations to find errors and it would take some time.

Mr. Iffland indicated staff was not anticipating there would be a large refund dollar amount.

Council discussed staff costs for reviewing past citations, issues with escalating fines for rental cars, and concerns with the proposed ordinance amendments.

Mayor Cole called a recess at 7:25 P.M. He reconvened the meeting at 7:31 P.M.

#### 4. AQUATIC ANALYSIS.

- a. Splash Pad Feasibility Study
- b. South Park Pool Feasibility Study

No Council action necessary.

Mike Pigg, Parks and Recreation Director, spoke of issues with splash pads, wading pools and various aquatic facilities in the Parks department. He stated the need for an aquatic study had been the result of the failed recreation center bond.

Kevin Post, Councilman-Hunsaker consultant, gave an overview of the feasibility study for splash pads located throughout the City. He reviewed the locations and an existing facility assessment of renovation prioritization for each park with spray grounds and wading pools. He indicated the industry was phasing out wading pools and reviewed the reasoning: disease transmission, increased operating costs and lack of features. He spoke about spray ground modernization, options available and costs to the City. He concluded with a consultant recommendation to move towards: considering master planning at Centennial, Poly Vista and Cottonwood Parks, a lack of spray ground service noted near the Heights, with Arrowhead, Unita and Clevenger Parks as options.

Council discussed metrics used for future planning, the lack of a comprehensive aquatic study, and recirculating versus pump and dump facilities.

Mr. Pigg spoke about the cost differential between pump and dump aquatic features versus recirculating facilities.

Mr. Post gave an overview of the aquatic assessment for the City's existing pools (South Park and Rose Park), replacement options, and a revenue analysis for both parks.

Council discussed the revenue for each option shown, operating costs, entrance fees, and the potential for an indoor pool.

Kory Thomson, Recreation Superintendent, spoke about current revenue received from South Park Pool.

Council continued discussion on community pool trends and recreation center with aquatic features.

Mr. Kukulski commented on the failed bond and the possibility of reaching a middle ground option to provide aquatic features in the City.

Councilmember Owen expressed disappointment in the lack of a comprehensive study.

Dusty Eaton, A&E Design, said there was benefit in the study and the data could be used for a comprehensive study. He indicated Councilman-Hunsaker had provided an invaluable tool to be included with community feedback for future amenities for the City.

**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: 8:33 P.M.**



CITY OF BILLINGS

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

ATTEST:

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