

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
September 23, 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 Kennedy

**ROLL CALL:**

Present: Councilmember Kendra Shaw, Ward I, Via Zoom (Left meeting at 7:30 PM)  
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  
Gina Dahl, City Attorney  
Denise Bohlman, City Clerk  
Victoria Hill, Public Information Officer  
Andy Zoeller, Finance Director  
Wyeth Friday, Planning Director  
Nicole Cromwell, Zoning Coordinator  
Brenda Beckett, Community Development Manager  
Carly Collins, Grants Coordinator  
Tina Hoeger, Code Enforcement Manager  
Jessica Fust, Building Official  
John Caterino, Facilities Manager  
Debi Meling, Public Works Director  
Jennifer Duray, Deputy Public Works Director  
David Watterson, IT Director  
Mike Pigg, Parks and Recreation Director  
David Cardillo, Police  
Tracy Scott, Parking Manager

## MINUTES:

- August 26, 2024  
Moved by Councilmember Gulick  
Seconded by Councilmember Boyett

**APPROVED 11-0**

- September 9, 2024  
Moved by Councilmember Gulick  
Seconded by Councilmember Boyett

Councilmember Neese clarified with City Attorney, Gina Dahl, concerning a motion that did not clearly have a second to it. Ms. Dahl noted it was an irregularity and the matter was back before Council during this meeting. Councilmember Boyett by his words and actions essentially seconded the motion. The Mayor likely would have recognized Councilmember Boyett as having seconded the motion.

**APPROVED 11-0**

## COURTESIES:

Councilmember Joy noted literature was on the cart located at the back of Council chambers concerning the 35th Annual McGuire Memorial Conference on Family Violence. The conference would be held on September 26th and 27th at the First Interstate Operations Center.

Councilmember Rupsis recognized the efforts of the Partners for Parks Foundation in holding the 3<sup>rd</sup> annual Mayor's Luncheon for Excellence in the Parks. It raised over \$40,000 for the parks system. He thanked the Mayor and Mrs. Cole for their generous contributions.

Councilmember Aspenlieder noted that Billings hosted a high school 6-man football tournament at Rocky Mountain College football field and it was well-attended.

Councilmember Owen recognized the impacts of the Stillwater Mine layoffs to Billings residents and surrounding communities and noted there were upcoming job fairs.

**PROCLAMATIONS:** There were no proclamations.

**COUNCIL REPORTS:** There were no Council reports.

## ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Chris Kukulski, City Administrator, recommended a Motion for Consent Item 1F, HOME-ARP Supportive Service Project: "The Community Development Board and Community Development staff recommend Council give the Mayor authority to sign subrecipient agreements to allocate \$100,000 each in HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) funding to the following subrecipient organizations to manage supportive services projects for qualifying populations."

Mr. Kukulski shared that Consent Agenda 1E needed to be removed via approved Council motion to afford the legal department an opportunity to review the Memorandum of Understanding more thoroughly.

Mr. Kukulski noted there had been some interest in removing Consent Agenda Item 1M Legislative Priorities from Consent and placing it as the last item on the Regular Agenda. An approved Council motion would be needed to reorganize the agenda.

Mr. Kukulski complimented the building department, public works and the fire marshal for viewing the short-term detention facility. Everything was approved at this stage.

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

Mr. Kukulski introduced Victoria Hill, Public Information Officer, to provide an informative presentation, in coordination with Jennifer Duray, Deputy Public Works Director, concerning the water billing situation.

Victoria Hill, Public Information Officer, explained resources available to the public on the Public Works webpage and the messaging about changes to the water bills. Mr. Kukulski explained the percentage breakdowns for stormwater, water, and garbage services and the drought conditions that lead to increases in water bills.

Councilmember Kennedy inquired about future proactive steps to be taken when changing systems that affect the public.

Jennifer Duray, Deputy Public Works Director, firmly stated there was no error and that type of messaging needed to cease. She explained letters were sent to customers prior to the conversion and the problems experienced with the billing software could not have been anticipated. She reported the last cycle of bills were sent and it included the largest segment of users. She explained there would be no late fees or shuts offs at this time for people struggling to pay their bill and payment plans were being offered. She explained why there was a need to change billing software and the advantages provided by the change. She noted that users with multiple accounts would have to create different usernames and passwords to access each account and described how summary bills were accessed for multiple accounts.

Councilmember Kennedy noted that expenses were now shifting to renters, rather than the landlords, and that was creating a problem.

Ms. Duray explained that water and wastewater rates had been set 2 years prior and the timing for those to go into effect coincidentally happened at the same time as the conversion. She noted the complexities in the repealing process of resolutions. She cautioned that relying on information others posted on social media could be spreading inaccurate information.

**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 provided public comment:

- **Dan Brooks, Executive Director, Billings Chamber of Commerce, 815 S. 27<sup>th</sup> Street, Billings, Montana**, spoke in favor of Consent Agenda Item 1M and the legislative priorities identified, specifically public safety.
- **Rebecca Noell, 1109 Lewis Avenue, Billings, Montana**, Chairman for Community Development Board, spoke in support of Consent Agenda Item 1F.

There were no further speakers.

## **1. CONSENT AGENDA:**

**\*Motion:** I move to remove Consent Agenda Item 1E to give legal staff sufficient time to review and place on an agenda at a later date.

Moved by Councilmember Kennedy  
Seconded by Councilmember Neese  
**APPROVED 11-0**

**\*\*Motion:** I move to remove Consent Agenda Item 1M from Consent and place it on the Regular Agenda as Item 6 below

Moved by Councilmember Kennedy  
Seconded by Councilmember Neese  
**APPROVED 9-2**, Councilmembers Shaw and Rupsis opposed

Councilmember Aspenlieder separated Consent Agenda Items 1I and 1K, to abstain due to his employer's involvement in the projects.

Councilmember Kennedy separated Consent Agenda Items 1F and 1G for discussion.

**Motion:** I move to approve the items of the Consent Agenda as submitted, with the exception of items 1F, 1G, 1I, and 1K, moved for separation.

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

### **A. Bid Awards:**

- 1. Water Treatment Plant Floating Dredge.** (Opened 8/20/24) Recommend SRS Crisafulli.

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

### **B. Purchase of 15 Mobile Data Terminals (MDT) for the Police Department.**

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

C. **Amendment No. 1** to the Purchase and Sale Agreement (PSA) for Current City Hall with Honaker Realty LLC and JWT Capital LLC.

Moved by Councilmember Neese

Seconded by Councilmember Gulick

**APPROVED 11-0**

D. **Amendment No. 3**, to Professional Services Agreement with DOWL for W.O. 23-11: Downtown 2-Way Street Conversion.

Councilmember Neese inquired whether back in parking was being removed. Mr. Kukulski clarified that it was not the case and the matter would return to Council at a future Work Session meeting.

Moved by Councilmember Neese

Seconded by Councilmember Gulick

**APPROVED 11-0**

E. ~~Memorandum of Understanding between the City of Billings, Par 3 Golf Course, and Sunset Memorial Gardens to establish an irrigation supply line maintenance fund.~~

**\*REMOVED FROM AGENDA TO BE RETURNED AT A LATER DATE VIA COUNCIL  
APPROVED 11-0**

F. **HOME-ARP Supportive Service Project** - Subrecipient Allocations.

Councilmember Kennedy confirmed with Brenda Beckett, Community Development Division Manager, that HomeFront withdrew their application from consideration, but the consent agenda item could be approved without affecting the remaining applicants.

Councilmember Owen questioned the strategy in supporting several similar service agencies with a small amount of money that basically served the same population. She suggested, in the future, granting larger, more impactful amounts to fewer service agencies that differed in the types of services they provided. Carly Collins, Grants Technician, responded that the Community Development Board identified the priorities and criteria for the project and offered funding to all that applied who met the criteria, whether similar services were provided or not. Councilmember Owen expressed her concern for the disjointed, uncollaborative way the agencies were operating and receiving funding as being less than optimal.

Ms. Collins explained the Council-approved allocation plan was designed around supportive services and not housing. Councilmember Neese expressed concern about possible duplication of benefits or services given to participants who "shopped" from agency to agency. Ms. Collins said it was the responsibility of the subrecipients to monitor for "shopping".

Councilmember Boyett inquired whether the remaining subrecipients would share the amount left by HomeFront. Ms. Collins indicated that each subrecipient would receive \$100,000 initially and should additional funds be requested after that was expended, the amount left over would be distributed based upon need.

**Motion:** I move to approve HOME-ARP Supportive Service Project – Subrecipient Allocations, and removing HomeFront partners, as recommended by staff.

Moved by Councilmember Joy

Seconded by Councilmember Kennedy

Councilmember Neese voiced his opposition to the motion because there were not enough measures in place to eliminate possible fraud of tax monies. He encouraged better guidelines for future years.

**APPROVED 8-2**, Councilmembers Neese and Owen opposed, Councilmember Rupsis abstained

**G. Settlement Agreement** with Christopher Tucker - 802 Yellowstone Avenue.

Councilmember Kennedy praised Code Enforcement for their handling and resolution toward abating the subject property.

**Motion:** I move to approve the Settlement Agreement with Christopher Tucker for 802 Yellowstone Avenue, as recommended by staff.

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

**H. Preliminary Minor Plat** of Grove Ventures Subdivision. \*Quasi-Judicial  
Moved by Councilmember Neese  
Seconded by Councilmember Gulick  
**APPROVED 11-0**

**I. Preliminary Minor Plat** of Zimmerman Home Place Subdivision, 5th Filing. \*Quasi-Judicial  
**Motion:** I move to approve Preliminary Minor Plat of Zimmerman Home Place Subdivision, 5th Filing, as recommended by staff.

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

**J. Final Major Plat** of Buffalo Crossing Subdivision. \*Quasi-Judicial  
Moved by Councilmember Neese  
Seconded by Councilmember Gulick  
**APPROVED 11-0**

**K. Final Major Plat** of Wild Rose Subdivision, 1st Filing. \*Quasi-Judicial

**Motion:** I move to approve Final Major Plat of Wild Rose Subdivision, 1st Filing, as recommended by staff.

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

**L. Resolution 24-11238** approving administrative fees for parking violations.  
Moved by Councilmember Neese  
Seconded by Councilmember Gulick  
**APPROVED 11-0**

~~M. Resolution 24-11239~~ establishing legislative priorities for the Montana State Legislature's 2025 Session.

**\*\*MOVED TO REGULAR AGENDA ITEM 6 BELOW - APPROVED 9-2, Councilmembers Shaw and Rupsis opposed moving the item**

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

1. August 19, 2024  
Moved by Councilmember Neese  
Seconded by Councilmember Gulick  
**APPROVED 11-0**

2. August 26, 2024  
Moved by Councilmember Neese  
Seconded by Councilmember Gulick  
**APPROVED 11-0**

**Motion:** I move to rearrange the items on the Regular Agenda as follows: Item No. 5 moved to the beginning of the Regular Agenda as Item No. 2 due to the amount of public participation and Item No. 2 would be heard immediately thereafter.

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

**REGULAR AGENDA:**

~~2.~~ **3. CONTINUED PUBLIC HEARING AND RESOLUTION 24-11240** setting annual levies on General Fund, Transit, Library, Public Safety I, II, III, and General Obligation Debt. Staff recommends approval.

Andy Zoeller, Finance Director, reviewed the 2 proposed resolution options for minimum and maximum mills and explained that the public hearing was continued from the previous regular business meeting.

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 setting annual levies on General Fund, Transit, Library, Public Safety I, II, III, and General Obligation Debt at a minimum mills level.

Moved by Councilmember Aspenlieder  
Seconded by Councilmember Owen

Councilmember Rupsis inquired about Fire Department overtime and staying within budget. Mr. Kukulski provided scenarios for taking action to stay within the budget, including reducing FTE positions.

A show of hands vote was taken.

**APPROVED 6-5,** Councilmembers Shaw, Gulick, Joy, Rupsis and Mayor Cole opposed

Councilmember Shaw left the meeting at 7:30 P.M.

3. 4. **CONTINUED PUBLIC HEARING AND RESOLUTION 24-11241** creating the City of Billings Planning Commission to comply with the Montana Land Use Planning Act (MLUPA). Staff recommends approval.

Wyeth Friday, Planning Director, presented a PowerPoint presentation and outlined the duties of the interim planning commission to review and make recommendations to Council. He then reviewed the duties of a permanent planning commission. The permanent planning commission would also review and make recommendations to Council regarding amendments, reviews, adoption and approval or denial of certain documents. They would also hear and decide appeals for land use decisions. Council would select the interim planning commission members and in 2026 the permanent planning commission would be created. He reviewed terms of officers.

Council and Mr. Friday discussed the RFP process for a consultant and its role.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution creating the City of Billings Planning Commission to comply with the Montana Land Use Planning Act (MLUPA), as recommended by staff.

Moved by Councilmember Rupsis  
Seconded by Councilmember Owen

**Amendment to Motion:** I move to make the following amendment to the resolution:

1. Amend Paragraph 3 to read as follows:

The Interim Planning Commission shall consist of nine (9) members: five (5) members previously appointed by the City Council to the County Planning Board from each City Ward, the chair of the City Zoning Commission (ZC), the chair of the City Board of Adjustment (BOA), the Executive Director of the Home Builders Association of Billings, and the Executive Director of the Billings Association of REALTORS. If a member from the County Planning Board is unable or unwilling to serve, then applications will be sought pursuant to BMCC Section 2-501.2 to represent the applicable City Ward. If the chair of the ZC or BOA is unable or unwilling to serve, then applications from the remaining members of the ZC or BOA will be sought and shall be appointed by the Mayor with the consent of City Council. If all remaining members of the ZC or BOA, or any other members appointed to the Commission, are unable or unwilling to serve, then applications will be sought pursuant to BMCC Section 2-501.2.

Moved by Councilmember Owen  
Seconded by Councilmember Aspenlieder

Councilmember Owen spoke to the importance of external influence from end users with the addition of the two executive directors. They would not tip the balance of the commission.

Councilmember Rupsis confirmed the at-large designation of the 2 extra positions. Based on the amendment's specificity of the 2 extra positions, he would not support the amendment. He preferred the 2 extra positions be designated at-large only, without the specificity.

Council and staff discussed whether there were conflicts of interest having industry members involved in policy development. It was determined there would be no conflict as they would not be making any decisions or policies.

A show of hands vote on the Amendment was taken.

**APPROVED 6-4**, Councilmembers Gulick, Joy, Rupsis and Mayor Cole opposed, Councilmember Shaw absent/excused

**Amendment to Motion:** I move to make the following amendment to the resolution:

1. Amend Paragraph 8 by inserting the following sentence after the second sentence in the Paragraph:

The Interim Planning Commission shall hold at least two working sessions jointly with the Adjacent Neighborhood Committee of the City of Billings.

Moved by Councilmember Owen  
Seconded by Councilmember Kennedy  
**APPROVED 10-0**, Councilmember Shaw absent/excused

A vote on the original, now amended motion was taken.

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

Recess was called at 8:03 P.M. and the meeting was reconvened at 8:09 P.M.

4. 5. **PUBLIC HEARING** to receive input on FY2023-2024 draft Comprehensive Annual Performance Evaluation Report (CAPER). No action is necessary.

Brenda Beckett, Community Development Manager, spoke about the accomplishments of the affordable housing development business, a priority of the Council's, as well as projects in the parks that were completed. She reviewed the goals for the upcoming year for the Community Development Division. She reviewed the various forms of funding the Division received.

Councilmember Kennedy inquired whether lighting could be provided in Rose Park. Ms. Beckett responded it depended on whether there was low-income demographics surrounding the park. The funding was very specific as to how it could be used. Also discussed was the refineries' close proximity to South Park which made it prohibitive to spend HUD monies and in some sections of North Park as well.

Councilmember Rupsis and staff discussed barriers to affordable housing and working toward the reduction or removal of them.

The following individuals provided testimony during the public hearing:

- **Rebecca Noll, 1109 Lewis Avenue, Billings, Montana**, spoke about serving on the Community Development Board since 2019 and the housing crisis in Billings.
- **Denver Slater, 2614 Phyllis Lane, Billings, Montana**, spoke about Montana Rescue Mission.

There were no further speakers and the public hearing was closed. No Council action was required or taken.

5. 2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1055:** to remove multiple lots in the Galaxy Subdivision. Zoning Commission recommends approval and adoption of the 10 review criteria. \*Quasi-Judicial

Nicole Cromwell, Zoning Coordinator, provided a PowerPoint presentation and explained the property was zoned Planned Development in a zone that no longer existed. She noted that the Planned Development was very strict about the number of units each lot was allowed. She explained the difficulties with the limited allowances for new construction. She located City-owned property nearby that had been dedicated to the subdivision in 1978 and explained there was an easement with Northwestern Energy that made the property unsuitable for any use other than a trail. The property would be re-platted to eliminate cul-de-sacs. The Zoning Commission held their public hearing and recommended approval and adoption of the 10 review criteria.

Greg Reid, WWC Engineering, agent, spoke to the reconfiguration of the subdivision and introducing more connectivity. During the initial neighborhood meetings there were concerns from attendees about increased density and traffic.

The following individuals spoke in support of the zone change during the public hearing:

- **Linda Holmes, 657 Oasis Drive, Billings, Montana**, supported the zone change but was concerned about increased traffic, poor existing water pressure, public safety and crime.
- **Louis Hanebury, 656 Oasis Drive, Billings, Montana**, voiced concerns about water pressure and increased traffic.

Council and staff discussed possible causes for low water pressure in the subdivision.

There were no further speakers.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading ordinance for Zone Change 1055 and adoption of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Gulick  
Seconded by Councilmember Neese  
**APPROVED 10-1**, Councilmember Aspenlieder opposed

6. **RESOLUTION 24-11239** establishing legislative priorities for the Montana State Legislature's 2025 Session.

There was no staff presentation. Councilmember Boyett mentioned a meeting was held in which representatives from the Chamber of Commerce, Realtors Association, and Billings Gazette were present to provide input to staff and Council committee members.

**Motion:** I move to approve a resolution establishing legislative priorities for the Montana State Legislature's 2025 Session.

Moved by Councilmember Boyett  
Seconded by Councilmember Joy

Councilmember Aspenlieder voiced his preference to review the Montana League of Cities and Towns legislative priorities before adopting a resolution for Billings.

**Substitute Motion:** I move to delay action on a resolution establishing legislative

priorities for the Montana State Legislature's 2025 Session until review of the Montana League of Cities and Towns legislative priorities was known and reschedule on a future agenda.

Moved by Councilmember Aspenlieder  
Seconded by Councilmember Kennedy

Councilmember Kennedy asked that legislative dollars come to local communities to aid with extended incarceration for the local jail and law enforcement.

Councilmember Gulick spoke in favor of the motion to delay.

Councilmember Joy spoke to the writing of appropriation bills and getting them on the docket with the correct committees and the arduous process. She would not support the motion to delay.

Councilmember Neese noted an error to be corrected in Paragraph 3.

Councilmember Aspenlieder called point of order in that the Substitute Motion was simply to delay. Councilmember Neese explained when the resolution returned for Council consideration, the error needed to be corrected. He agreed with Councilmember Joy's observations and working with local legislators on bills now and leave items concerning the League to later.

Councilmember Owen supported the Substitute Motion and stated the Council Legislative Subcommittee could continue working on setting priorities important to the City. She agreed with Councilmember Kennedy that the City needed to partner with the State for funding for costs of the Yellowstone County Detention Facility given the number of State inmates held there. She asked for clarification on Medicaid reauthorization. Councilmember Boyett indicated Representative Mike Yakawich advised Medicaid expansion and property taxes would be a focus statewide but gave no specifics. Mayor Cole suggested Councilmembers be prepared with their bill proposals should the matter come before Council at a future agenda.

A voice vote was taken on the Substitute Motion.

**APPROVED 8-2**, Councilmember Shaw absent/excused, Councilmembers Neese and Joy 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:**

**Motion:** I move to approve adding to a future work session agenda a discussion addressing long term deferred maintenance for these City-owned buildings: Moss Mansion, The Depot, Babcock Theater and Alberta Bair Theater. Council would consider funding, selling or doing nothing at all.

Moved by Councilmember Kennedy  
Seconded by Councilmember Tidswell

Councilmember Kennedy explained that Lessees frequently returned to Council with TIF applications for deferred maintenance on the buildings. He asked that Council approve the initiative.

Council and staff discussed current policies for disposal of properties, priorities (South Park Pool and New City Hall) and the amount of deferred maintenance needed on each building.

**APPROVED 9-1**, Councilmembers Joy opposed, Shaw absent/excused

**ADJOURN: 9:05 P.M.**



CITY OF BILLINGS

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

ATTEST:

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