

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
October 14, 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 Aspenlieder

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 (Via Zoom)
Councilmember Scott Aspenlieder, Ward IV
Councilmember Daniel Tidswell, Ward IV (Via Zoom)
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V
Mayor William Cole

Staff

Present: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Todd Corne, Deputy City Attorney
Toni Keehner, Deputy City Clerk
Brandon Schmidt, Cemetery Supervisor
David Watterson, Information Technology Director
Jeff Roach, Aviation and Transit Director
Nicole Cromwell, Zoning Coordinator
Hunter Kelly, Planner
Wyeth Friday, Planning Director
Dave Green, Planner II
Anna Vickers, Planning Manager
Mac Fogelson, City Engineer

MINUTES:

- September 23, 2024 – Pending

COURTESIES: There were no courtesies.

PROCLAMATIONS:

Mayor Cole proclaimed October as Toastmasters Month.

Mayor Cole proclaimed October as National Code Compliance month.

COUNCIL REPORTS:

Councilmember Joy indicated the Community Development Board was currently working on an affordable housing project on Jackson Street.

Mayor Cole spoke about the recent Montana League of Cities and Towns conference in West Yellowstone. He indicated the conference would be held in Billings in 2025.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Chris Kukulski, City Administrator, indicated there had been no exparte communication received after 3 P.M. to Mayor and Council.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 3c 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 was no public comment.

1. **CONSENT AGENDA**

Motion: I move to approve the items of the Consent Agenda as submitted.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

A. **Bid Awards:**

1. **Parking Garages Repairs 2024.** (Opened 10/1/24) Recommend Centennial Concrete and Waterproofing, LLC.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

2. **Gasoline and Diesel Fuel Products.** (Opened 9/17/24) Recommend Town and Country Supply Association.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

3. Oil and Lubrication Products. (Opened 9/17/24) Recommend A & I Distributors.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

B. Purchase of two (2) 2025 Single Engine Combination Sewer Cleaners; Joe Johnson Equipment.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

C. Purchase of replacement parts for the Water Reclamation Facility - UV Disinfection System; Trojan Technologies.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

D. Purchase of replacement parts for the Water Reclamation Facility - Headworks Screen #3; Saveco North America, Inc.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

E. Memorandum of Agreement (MOA) with County Water District of Billings Heights (CWDBH) for Cost Sharing of W.O. 24-41: Heights Water District Consolidation Study.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

F. Memorandum of Understanding (MOU) with Par-3 Golf Course and Sunset Memorial Gardens to establish an irrigation supply line maintenance fund.

Councilmember Gulick asked for clarification on preparing for a possible pipe failure by lining irrigation pipes. Brandon Schmidt, Cemetery Supervisor, indicated the costs to line the pipes were very high. Councilmember Neese spoke about the maintenance fund.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

G. Memorandum of Understanding (MOU) with Yellowstone County for sharing of GIS Data and Services.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Boyett

APPROVED 11-0

H. Amendment to Memorandum of Understanding (MOU) with Yellowstone County for Public Safety Software Licenses.

Council discussed the inadequate process of compiling data from the Police Department using this software. David Watterson, IT Director, explained the reason for the amendment to the MOU to allow one-year additions to the contract. Kevin Iffland, Assistant City Administrator, indicated staff was researching other software or if an upgrade would improve the process.

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

I. Agreement with Tyler Technologies for Public Safety Software Licenses and Support.

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

J. Professional Engineering Services Contract with Morrison-Maierle for W.O. 25-01, Contract 2: 2025 Sewer Main Replacement Project.

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

K. Donations to the Police Department; Breakfast Flakes and BET Casino.

Councilmember Boyett thanked the donors for their generosity.
Moved by Councilmember Aspenlieder
Seconded by Councilmember Boyett
APPROVED 11-0

L. Preliminary Plat Extension for Trails West Subdivision, 6th Filing. *Quasi-Judicial

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

M. Second/Final Reading Ordinance 24-5893 for Zone Change 1055, Galaxy Subdivision. *Quasi-Judicial

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

N. Bills for the Weeks of:

1. September 3, 2024

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

2. September 9, 2024
Moved by Councilmember Aspenlieder
Seconded by Councilmember Boyett
APPROVED 11-0

3. September 16, 2024
Moved by Councilmember Aspenlieder
Seconded by Councilmember Boyett
APPROVED 11-0

REGULAR AGENDA:

2. **PUBLIC HEARING** for land use contrary to zoning for Rose Park School. No action necessary.

Nicole Cromwell, Zoning Coordinator, gave an overview of the request from Rose Park School to update their outdated sign to a new electronic sign. She indicated State law requires a public hearing, but Council may not approve, deny or attach conditions to the proposed use.

Council discussed the type of sign, brightness and allowable hours of use.

No public testimony was given during the public hearing.

3. **MONTANA NATIONAL GUARD PROPERTY**

JOINT PUBLIC HEARING FOR ANNEXATION 24-03 AND ZONE CHANGE 1054:

a. **RESOLUTION 24-11242 APPROVING ANNEXATION 24-03:** generally located north of Highway 3 and west of AJ Way. Staff recommends conditional approval. *Quasi-Judicial

Hunter Kelly, Planner, gave an overview of the proposed Annexation and Zone Change. He reviewed the Annexation Policy Criteria and Zone Change Review Criteria.

Council indicated the most current Waiver of Right to Protest had not been attached to the staff memo. Wyeth Friday, Planning Director, indicated staff would ensure the waiver was correct.

Colonel Traynham, US Air Force, spoke of plans for the Montana National Guard property and the timeline for completion.

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 conditionally approving Annexation 24-03 and ensure the most current Waiver of Right to Protest was used, as recommended by staff.

Moved by Councilmember Joy
Seconded by Councilmember Shaw

Jeff Roach, Aviation and Transit Director, spoke of the importance of protecting against non-compatible land uses to ensure the Airport could continue to receive grants and federal funding by meeting grant assurances. He spoke of added annexation agreement language to protect against noise concerns and non-compatible land uses.

APPROVED 11-0

b. **FIRST READING ORDINANCE FOR ZONE CHANGE 1054:** generally located north of Highway 3 and west of AJ Way. Zoning Commission recommends approval and adoption of the 10 review criteria. *Quasi-Judicial

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 for Zone Change 1054 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

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

c. **ANNEXATION AGREEMENT** with the Department of Military Affairs. Staff recommends approval.

Mr. Kelly indicated there was no presentation, but staff was available for questions.

Motion: I move to approve an Annexation Agreement with the Department of Military Affairs, as recommended by staff.

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

d. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 24-03. Staff recommends approval.

Mr. Kelly indicated there was no presentation, but staff was available for questions.

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 expanding the boundaries of Ward I, as recommended by staff.

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

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Subdivision Regulations. Staff recommends approval.

Dave Green, Planner, gave an overview of the public meetings to discuss the subdivision regulation amendments, the three overall updates to the subdivision regulations and Legislative updates/changes. He reviewed traffic studies, residential street widths and street lighting standards and costs.

Councilmember Kennedy spoke about allowing a delay of up to 1 year after plat approval for street lighting installation to help defray costs for the homeowner.

Mr. Green explained how the infrastructure for the lights would need to be installed during the building process and indicated delaying streetlight installation may not be cost effective.

Mac Fogelson, City Engineer, spoke of possibly using a Special Improvements District (SID) process to allow a delay or requiring a financial guarantee from the developer.

Council discussed street width, on-street parking and Legislative changes for subdivision regulations.

Councilmember Gulick spoke in favor of narrowing street widths and suggested adding language to allow it.

Mayor Cole spoke of clarifying the language in Table 23-406.B.1 on page 52. He indicated the property definition was not sufficiently clear whether it generated traffic (he gave an example of a golf course). He asked staff to refine the language and return it to Council on second reading.

Todd Corne, Deputy City Attorney, indicated the language could be changed to be clearer.

Wyeth Friday, Planning Director, indicated some of the changes were to meet Legislative requirements and some regulations in place already met those regulations.

Council continued discussions concerning tiny home allowances, cut throughs and Crime Prevention through Environmental Design (CPTED) principles.

Councilmember Neese asked if proposed amendments would help make housing more affordable.

Mr. Green indicated he did not believe the changes would make homes more affordable, but the increased amount was not significant.

The following constituents gave public testimony:

- **Dan Brooks, Billings Chamber of Commerce, Billings, Montana**, spoke of safety and the importance of CPTED lighting principles.
- **Elizabeth Shumaker, Home Builders Association of Billings**, spoke about the importance of keeping development and housing costs down.
- **John Halvorson, 239 Avenue F, Billings, Montana**, indicated narrow streets decreased traffic and certain road designs could increase safety.

There was no further public testimony.

Councilmember Aspenlieder encouraged administration to make a commitment to review building regulations and permit timelines to reduce regulations.

Chris Kukulski, City Administrator, indicated a regional economic group had met with industry and internal providers and future meetings were being scheduled to discuss building regulations and permitting timelines.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve First Reading Ordinance amending Subdivision Regulations, as recommended by staff.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Rupsis

Amended Motion: I move to amend the motion to allow a 1-year delay of lighting installation after final plat approval.

Moved by Councilmember Kennedy

Councilmember Aspenlieder asked if Councilmember Kennedy would allow a friendly amendment to allow the developer to give a financial guarantee for 12 months after final plat approval for the installation. Councilmember Kennedy concurred.

Seconded by Councilmember Aspenlieder

Councilmember Aspenlieder indicated the portion referencing to streetlights was on page 54, Section 14.

Mr. Fogelson explained the process of constructing a development and the timing of streetlight installation.

Councilmember Owen questioned the need for the amendment and indicated there was already a section outlining the requirement for a financial guarantee.

Council discussed the current regulations and the potential of allowing staff to return with solutions at the second reading.

Councilmember Kennedy withdrew his amendment and Councilmember Aspenlieder withdrew his second.

Mr. Friday indicated if Council wanted to require lighting it would need to be handled during the development process. He indicated lighting was adopted in the regulations and all improvements would have to be completed before final plat or a financial guarantee would be needed.

Council continued discussion on developer and homeowner costs.

Amended Motion: I move to direct staff to address language concerns regarding street width and to further define "property" and return with revised language to Council at second reading.

Moved by Councilmember Rupsis
Seconded by Mayor Cole

APPROVED 10-1, Councilmember Kennedy opposed

Councilmember Kennedy indicated the lighting district portion of the regulations was all over the board and he would not be supporting the ordinance.

Councilmember Neese indicated the ordinance was not cost effective and developers should not be forced to build a certain way. He would oppose the passage of the ordinance.

Mayor Cole spoke of lighting requirement cost concerns and indicated he would not support the ordinance.

A vote on the initial amended motion was taken.

APPROVED 8-3, Mayor Cole, Councilmembers Neese and Kennedy 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.)

The following individuals provided public comment:

- **Denver Slater, 3307 3rd Ave. N., Billings, Montana**, spoke about the City needing to improve their bus transit routes.
- **Jim Mack, Off the Streets Board Chair, Billings, Montana**, spoke of plans to help the chronically homeless with a reduced barrier shelter. He encouraged community discussions.
- **Ryan Starks, 225 Prospectors Lane, Billings, Montana**, spoke of issues with water billing software.

Chris Kukulski, City Administrator, indicated there would be another update from Public Works regarding the water billing issues. He stated the upcoming independent audit was progressing and there had not been any examples of fraud or embezzlement.

There were no further speakers.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 8:13 P.M.



CITY OF BILLINGS

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

ATTEST:

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