

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
November 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 5:30 P.M.

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Boyett

**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 (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  
Gina Dahl, City Attorney  
Toni Keehner, Deputy City Clerk  
Jeff Roach, Aviation and Transit Director  
Wyeth Friday, Planning Director  
Debi Meling, Public Works Director  
David Watterson, IT Director  
Jessica Fust, Building Official  
Cole McQuillan, Parks Superintendent  
Andy Zoeller, Finance Director

**MINUTES:**

- October 28, 2024  
Moved by Councilmember Gulick  
Seconded by Councilmember Joy

**APPROVED 11-0**

## **COURTESIES:**

Mayor Cole spoke of the Heroes 4 Hoodies monument honoring Montana Veterans at Dehler Park. He acknowledged Councilmember Aspenlieder and Kennedy's involvement in the groundbreaking.

Councilmember Boyett introduced Jeff Keller, Rimrock Foundation CEO. Mr. Harding spoke of the accomplishments of Rimrock Foundation and gave an overview of community concerns and services Rimrock Foundation offered. Chyrel Garding, Business Development Manager, spoke of various accomplishments of Rimrock Foundation and ways they helped the community.

Councilmember Aspenlieder spoke of upcoming MSU Women's basketball games.

## **PROCLAMATIONS:**

Mayor Cole proclaimed November as Family Court Awareness Month. Kyla Hailstone, Montana Family Court Awareness Director, gave an overview of ways Family Court Awareness helped children and their families. Elizabeth Peterson, Family Court Reform Specialist and National Safe Parents Organization member, spoke of concerns with child abuse and support provided. Jody Hill, mother of Brody, spoke of the loss of her son due to a system failure and encouraged support of Brody's Law. Councilmember Aspenlieder encouraged Legislative support for Brody's Law.

Mayor Cole proclaimed November as National Alzheimer's Disease Awareness Month and National Caregiver Month. Jan Smith, Montana Alzheimer's Coalition, spoke of various types of dementia and ways the Alzheimer's Coalition helped those affected.

## **COUNCIL REPORTS:**

There were no council reports.

## **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Chris Kukulski, City Administrator, indicated there was no ex parte communication received after 3 P.M. to Mayor and Council concerning items on the agenda.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2, 3, 4 and 5 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.)

No public comment was given.

### **1. CONSENT AGENDA**

Councilmember Neese separated Consent Agenda Item 1C for discussion.

Councilmember Aspenlieder separated Consent Agenda Items 1I and 1M1 to abstain due to his employer's involvement.

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

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

**A. Bid Awards:**

1. **W.O. 25-03: Contract 2, Schedule 1 Pavement Patching, Schedule 2 Crack Seal/Mastic.** (Opened 10/15/24) Recommend Schedule 1 to Askin Construction; Schedule 2 with the Additive Alternate to Z and Z Seal Coating, Inc.

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

2. **W.O. 25-03: Contract 3, City Chip/Scrub Seal.** (Opened 10/15/24) Recommend Hardrives Construction, Inc.

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

3. **W.O. 23-23: Briarwood Lift Station H2S Mitigation.** (Opened 10/15/24) Recommend Western Municipal Construction.

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

**B. Non-Commercial Aviation Ground Lease** with the State of Montana Department of Fish, Wildlife, and Parks.

Councilmember Boyett asked for clarification on Airport leases. Jeff Roach, Aviation and Transit Director, explained the process of leasing a hangar when the parties involved owned the hangar. Mayor Cole discussed remaining competitive with leasing rates. Mr. Roach explained the Airport's policy relating to land available for lease and timing extensions of leases. He indicated the Airport typically had numerous openings and would be hesitant to raise lease prices.

**Motion:** I move to approve a Non-Commercial Aviation Ground Lease with the State of Montana Department of Fish, Wildlife, and Parks.

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

**C. Purchase** of three (3) mowers from Midland Implement Company for Parks Department.

**Motion:** I move to reject the purchase of three (3) mowers from Midland Implement Company and require the Parks Department to issue a Request for Proposals (RFP) for the mowers.

Moved by Councilmember Neese  
Seconded by Councilmember Aspenlieder

Councilmember Neese spoke of the need for an RFP process. Councilmember Aspenlieder indicated sole sourcing equipment seemed too easy and it did not require departments to research other options.

Councilmember Shaw asked for clarification on the purchasing process. Cole McQuillan, Parks Superintendent, reviewed the Parks and Recreation Department mower needs and usage. He explained the benefits of purchasing mowers that were like previous mowers for ease of repair, usage and commonality in parts. He indicated they had looked at pricing through the State Purchasing Program and it was higher. He indicated the Equipment Replacement Program (ERP) budget was not sufficient for the increased price.

Council discussed various companies that sold front mount mowers, the City's Sole Source Policy, departments developing brand loyalty and if there was adequate timing to rebid the mower purchase for next year's Park's season.

Councilmember Rupsis reviewed past Council approved purchases that were similar to the Parks mower purchase and encouraged Council to move forward with the purchase of mowers.

**Substitute Motion:** I move to approve the purchase of three (3) mowers from Midland Implement Company for Parks Department.

Moved by Councilmember Rupsis  
Seconded by Councilmember Joy

Chris Kukulski, City Administrator, indicated both the State Bid process and Sourcewell Cooperative were higher than the local supplier pricing. He explained the benefits of using sole sourcing and reasons for brand loyalty situations.

Councilmember Neese spoke against the substitute motion. Mayor Cole indicated the need to achieve credibility in the purchasing process, therefore, he would not support the substitute motion.

A vote on the substitute motion was taken.

**FAILED 2-9**, Councilmembers Shaw, Gulick, Neese, Owen, Kennedy, Tidswell, Aspenlieder, Boyett and Mayor Cole opposed.

A vote on the initial motion was taken.

**APPROVED TO REJECT 9-2**, Councilmembers Joy and Rupsis opposed

D. **Amendment No. 2** to the Purchase and Sale Agreement (PSA) for Current City Hall with Honaker Realty, LLC and JWT Capital, LLC.

Councilmember Owen asked if Council should be concerned with multiple amendments and additional extensions of time. Kevin Iffland, Assistant City Administrator, indicated there were a few contingencies to be worked through but he was not concerned with the agreement.

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

E. **Agreement** with Broadcom (formally VMware) for Virtual Server Licenses.

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

F. **2024 Federal Homeland Security Grant** for Police Department Bomb Squad.

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

G. **2024 Justice Assistance Grant Application and Memorandum of Understanding** with Yellowstone County.

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

H. **Donation** to Police Department from Rimrock Credit Union for School Resource Officer summer camp.

Councilmember Gulick thanked Rimrock Credit Union for their donation.

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

I. **Final Minor Plat** of Zimmerman Home Place Subdivision, 5th Filing. \*Quasi-Judicial

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

J. **Resolution 24-11243** updating Tax Abatement Policies.

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

K. **Second/Final Reading Ordinance 24-5897** adopting 2021 International Fire Code (IFC).

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

L. **Council Holiday Meetings Schedule.**

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

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

1. October 7, 2024

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

2. October 14, 2024

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

**REGULAR AGENDA:**

**2. RESOLUTION 24-11244 ESTABLISHING LEGISLATIVE PRIORITIES** for the 2025 Montana State Legislature's 69th Session. Staff recommends approval.

Jessica Fust, Building Official, acting as Legislative and Local Affairs Committee Liaison, gave an overview of the following 2025 Legislative Priorities: Public Safety, Housing, Economic Development, Infrastructure, Shift Tax Burden and Montana Leagues of Cities and Towns (MLCT) / Self Governing Powers.

**Motion:** I move to approve a resolution establishing legislative priorities for the 2025 Montana State Legislature's 69th Session, as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Aspenlieder

Council discussed concerns with various priorities and suggested some minor terminology changes but concurred with overall approval of the resolution.

Chris Kukulski, City Administrator, indicated Council and staff should feel free to speak about Legislative topics if their view was consistent with Councils adopted priorities. He recommended they be clear that their testimony was their personal opinion and had not been adopted by Council otherwise.

Councilmember Kennedy, in reference to resolution terminology for Public Safety Item 1e - suggested adding the following: "Support legislation to expand the incarceration capacity at the state **and local** level." Councilmember Shaw indicated she would agree to add that as a friendly amendment.

**Amended Motion:** I move to approve a resolution establishing legislative priorities for the 2025 Montana State Legislature's 69th Session, adding "and local" to Public Safety Item 1e.

**APPROVED 11-0**

**3. RESOLUTIONS 24-11245 and 24-11246** for lease purchase financing and historic tax credit financing for New City Hall. Staff recommends approval.

There was no presentation, but Andy Zoeller, Finance Director, was available for questions.

**Motion:** I move to approve resolutions for lease purchase financing and historic tax credit financing for New City Hall, as recommended by staff.

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

4. **TAX INCREMENT FINANCING ASSISTANCE** from the East Billings Urban Renewal District (EBURD) to Billings Animal Family Hospital for remodel and redevelopment of property at 1616 1st Avenue North, up to a maximum reimbursement of \$475,000, as recommended by the Billings Industrial Revitalization District (BIRD) Board.

Michelle Harkins, Billings Industrial Revitalization District (BIRD) Director, gave an overview of the current location and the proposed development. She spoke of the budget breakdown and allocation of funds.

**Motion:** I move to conditionally approve tax increment financing assistance from the EBURD tax increment finance district funds to Billings Animal Family Hospital, up to a maximum reimbursement of \$475,000, as recommended by the (BIRD) Board.

Moved by Councilmember Aspenlieder  
Seconded by Councilmember Neese

Council spoke of the positive benefits of the development for the area. Councilmember Gulick supported the project and indicated the staff memo showed 14 to 1 private to public investment numbers and was not consistent with the 5 to 1 TIF Policy ratios. He did not think the property tax income should be included in the ratio.

**APPROVED 11-0**

5. **TAX INCREMENT FINANCING ASSISTANCE** from the East Billings Urban Renewal District (EBURD) to Vemco, Inc. (DDG Partnership, LLP) for exterior remodel improvements of the property at 2016 2nd Avenue North, up to a maximum reimbursement of \$26,000, as recommended by the Billings Industrial Revitalization District (BIRD) Board.

Michelle Harkins, Billings Industrial Revitalization District (BIRD) Director, gave an overview of the proposed development. She spoke of the budget breakdown, allocation of funds, timeline and how the project would help revitalization.

**Motion:** I move to conditionally approve tax increment financing assistance from the EBURD tax increment finance district funds to Vemco, Inc. (DDG Partnership, LLP), up to a maximum reimbursement of \$26,000, as recommended by the (BIRD) Board.

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

**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:**

Councilmember Aspenlieder indicated he would present an initiative during the November 25, 2024, Regular Business meeting concerning reviewing the professional services contracting policy.

Councilmember Kennedy spoke of the automatic renewal of Mr. Kukulski's employment contract occurring on December 1, 2024. He indicated the public should be made aware of the automatic renewal and Council should have the opportunity to vote on allowing an automatic renewal or if the automatic renewal should be terminated.

Councilmember Joy indicated that changing one line of a contract would be a contract renegotiation.

Gina Dahl, City Attorney, explained notice of termination requirements and how two parties could mutually agree to enter renegotiations.

**Motion:** I move to direct staff to add the City Administrator's automatic contract renewal to the November 25, 2024, Regular Council agenda.

Moved by Councilmember Kennedy  
Seconded by Councilmember Neese

Mayor Cole indicated he was happy with the contract and supported its renewal. He indicated he would not support the initiative and Mr. Kukulski's contract could be terminated by Council at any time without notice or cause.

Councilmember Rupsis indicated he would not support the initiative and thought the contract had been very transparent.

**FAILED 5-6**, Councilmembers Shaw, Gulick, Joy, Boyett, Rupsis and Mayor Cole

**ADJOURN:** 7:26 P.M.



CITY OF BILLINGS

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

ATTEST:

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