

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
December 9, 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: Mayor Cole

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
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
Andy Zoeller, Finance Director
Debi Meling, Public Works Director
Jennifer Duray, Deputy Public Works Director
Wyeth Friday, Planning Director
Nicole Cromwell, Zoning Coordinator
Jeff Roach, Aviation and Transit Director
David Watterson, IT Director
Liz Kampa, Purchasing Agent
Mike Pigg, Parks and Recreation Director

MINUTES:

- November 25, 2024

Moved by Councilmember Boyett
Seconded by Councilmember Rupsis

APPROVED 11-0

COURTESIES:

Councilmember Aspenlieder gave an update about the MSU Women's Basketball team playing in the play offs.

Councilmember Kennedy spoke of the success of the Festival of Trees and the money raised for the Family Tree Nurturing Center.

PROCLAMATIONS:

There were no Proclamations.

COUNCIL REPORTS:

Councilmember Rupsis indicated the annual meeting for the Continuum of Care would be held on December 10, 2024.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski provided Council with news about:

- 3 Police officers that were under investigation and had been placed on administrative leave.
- 1C, Contract with A & E Design for Design Services for Amend Recreation Campus, needed to be moved to the December 16, 2024, Regular Business meeting agenda to allow additional information to be provided to Council.
- NO exparte communications received after 3 pm to the Mayor and Council concerning items on the agenda.
- He informed Council that the December 16, 2024, Regular Business meeting would be held at the Billings Public Library Community Room. He indicated all of January's Council meetings could be held at the Library depending on progress of the new City Hall.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 3 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.)

The following individuals provided public comment:

- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana**, in reference to Regular Agenda Item 4, Resolution approving the FY2026-FY2030 Capital Improvement Plan (CIP), indicated a traffic study near Will James School was needed.
- **Brian Johnson, Collaborative Design Architects, Billings, Montana**, spoke of the public/private partnership for Amend Park Recreation Campus and encouraged support of Consent Agenda Item 1C, Contract with A & E Design for Design Services for Amend Recreation Campus.
- **Nick Pancheau, Collaborative Design Architects, Billings, Montana**, encouraged support for Consent Agenda Item 1C, Contract with A & E Design for Design Services for Amend Recreation Campus. He added he would like Council to return the budget to \$20 million for Regular Agenda Item 4, Resolution approving the FY2026-FY2030 Capital Improvement Plan (CIP).

No further public comments were given.

1. **CONSENT AGENDA**

***Motion:** I make a motion to move Consent Agenda Item 1C, Contract with A & E Design for Design Services for Amend Recreation Campus to the December 16, 2024 Regular Business meeting.

Moved by Councilmember Boyett
Seconded by Councilmember Neese

APPROVED 11-0

Councilmember Neese separated Consent Agenda Item 1B2 for discussion.

Councilmember Kennedy separated Consent Agenda Item 1J for discussion.

Mayor Cole reviewed the following 3 revisions to Consent Agenda Item 1A1: #5 Aviation and Transit Board, "No applications" had been replaced with James Mariska's name; #11 Community Development Board, "Low Mod" had been added behind Jim Corson's name to indicate that he would fill the seat reserved for residents of low and moderate income areas of the City; and #12 Community Development Board, Thom Greenwood withdrew his application so it would now show "No Applications." The Mayor indicated the changes had occurred on Friday, December 6, 2024, and notice had been given to Council and the public.

Councilmember Aspenlieder separated Consent Agenda Items 1M, 1P1 and 1P2 to abstain due to his employment.

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

Moved by Councilmember Boyett
Seconded by Councilmember Gulick

APPROVED 11-0

A. Mayor Cole recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1	John Scheuering	Animal Control Board	01/01/25	12/31/29
2	Frans Andersson	Animal Control Board	01/01/25	12/31/29
3	Steve Tostenrud	Aviation and Transit Board	01/01/25	12/31/29
4	Ron Spence	Aviation and Transit Board	01/01/25	12/31/29
5	James Mariska	Aviation and Transit Board	01/01/25	12/31/29
6	Stephanie Donovan	Bicycle & Pedestrian Advisory Committee	01/01/25	12/31/28
7	Kristy Halderman	Bicycle & Pedestrian Advisory Committee	01/01/25	12/31/28
8	George Maragos	Billings BID	01/01/25	12/31/29
9	Shawna Bonini	Billings BID	01/01/25	12/31/29
10	Erin Lambert	Board of Health	01/01/25	12/31/28
11	No applications	Community Development Board -	01/01/25	12/31/29
12	Jim Corson	Community Development Board - Low Mod*	01/01/25	12/31/26
13	Lynn Blevins	Exchange City Golf Board	01/01/25	12/31/29
14	Tafuna Tusi	Housing Authority	01/01/25	12/31/30
15	Phyllis Crawford	Housing Authority (Elderly)	01/01/25	12/31/27

16	Tammy Schwabe	Human Relations Commission	01/01/25	12/31/29
17	Maia Dickerson	Parks, Recreation and Cemetery Board	01/01/25	12/31/29
18	Jami Clark	Parks, Recreation and Cemetery Board	01/01/25	12/31/29
19	Melissa Henderson	Parks, Recreation and Cemetery Board	01/01/25	12/31/29
20	Eugenia Waller	Parks, Recreation and Cemetery Board	01/01/25	12/31/29
21	Stephen Eliason	Police Board	01/01/25	12/31/28
22	Rich McFadden	Police Board	01/01/25	12/31/28
23	Jim Ronquillo	Yellowstone Planning Board - Ward 1	01/01/25	12/31/27
24	Dennie Stephenson	Yellowstone Planning Board - Ward 3	01/01/25	12/31/27
25	John Staley	Yellowstone Planning Board - Ward 4	01/01/25	12/31/27
26	David Nordel	Yellowstone Planning Board - Ward 5	01/01/25	12/31/27

12* - Unexpired term of Valerie Courtney

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

B. Bid Awards:

- 1. Snow Hauling.** (Opened 11/19/24) Recommend JC Excavation.

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

- 2. Snow Plowing.** (Opened 11/19/24) Recommend K2 Civil.

Councilmember Neese indicated he would not support the contract.

Motion: I move to approve Consent Agenda Item 1B2, as recommended by staff.

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

C. ~~Contract with A & E Design for Design Services for Amend Recreation Campus.~~ *Moved to December 16, 2024, Regular Business meeting.

D. Contract with Fisher's Technology for a print management program.

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

E. City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County.

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

F. Professional Services Agreement with Advanced Engineering and Environmental Services, Inc. for water and wastewater rate studies.

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

G. Park 1 Condominium Declaration and Association ByLaws.

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

H. Limited Commercial Aviation Ground Lease with Aerotronics Properties, LLC.

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

I. Commercial Aviation Ground Leases with Edwards Jet Center Montana, Inc.

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

J. Memorandum of Understanding with Beartooth Resource Conservation and Development Area, Inc. (Beartooth RC&D).

Motion: I move to deny the MOU with Beartooth RC&D.

Moved by Councilmember Kennedy
Seconded by Councilmember Neese

Councilmembers Kennedy and Neese spoke of an overlap in services and how denying the MOU would save the City money.

Chris Kukulski, City Administrator, indicated he had spoken to Steve Arveschoug, Big Sky Economic Development (BSEDA), and Steve had explained how Beartooth RC&D was a regional economic development asset that obtained grants given to businesses inside the City limits. He indicated Beartooth RC&D and Big Sky Economic Development played different roles.

Joel Bertolino, Beartooth RC&D Executive Director (via Zoom), spoke of ways they obtained Federal funding and assisted multiple counties, within the City and in rural areas, but indicated many programs were separate from BSEDA. He explained a few of the programs that had helped Billings recently. Nan Knight, Finance Director, explained her role in attracting out-of-state businesses to Billings with revolving loan programs for local businesses.

Councilmember Aspenlieder suggested additional information be brought to Council at a Work Session.

Substitute Motion: I move to delay the MOU with Beartooth RC&D to bring back additional information to a Work Session.

Moved by Councilmember Kennedy
Seconded by Councilmember Neese

Councilmembers Owen and Joy spoke in support of Beartooth RC&D.

Councilmember Kennedy indicated this item was one of many he would consider cutting to save money.

FAILED 3-8, Councilmembers Shaw, Gulick, Owen, Joy, Tidswell, Boyett, Rupsis and Mayor Cole opposed

A vote on the original motion to deny was taken.

FAILED 3-8, Councilmembers Shaw, Gulick, Owen, Joy, Tidswell, Boyett, Rupsis and Mayor Cole opposed

Motion: I move to approve the MOU with Beartooth RC&D, as recommended by staff.

Moved by Councilmember Shaw
Seconded by Councilmember Joy

APPROVED 8-3, Councilmembers Neese, Kennedy and Aspenlieder opposed

K. **Donations** to the Billings Public Library from Billings Library Foundation and various patrons.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick

APPROVED 11-0

L. **Donation** to Police Department SWAT Team from Phillips 66.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick

APPROVED 11-0

M. **Final Plat** of Clearwater Estates Subdivision. ***Quasi-Judicial**

Moved by Councilmember Neese
Seconded by Councilmember Kennedy

APPROVED 10-0, Councilmember Aspenlieder abstained

N. **Resolution 24-11247** approving FY26 Technology Replacement Program (TRP).

Moved by Councilmember Boyett
Seconded by Councilmember Gulick

APPROVED 11-0

O. **Resolution 24-11248** approving the FY26 Equipment Replacement Plan (ERP).

Moved by Councilmember Boyett
Seconded by Councilmember Gulick

APPROVED 11-0

P. Bills for the Weeks of:

1. November 4, 2024

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

2. November 12, 2024

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

REGULAR AGENDA:

2. **PUBLIC HEARING** for land use contrary to zoning for Yellowstone County - Street Trees at the Miller Building. No action necessary.

Nicole Cromwell, Zoning Coordinator, gave a presentation on the proposed Miller Building renovations by Yellowstone County. She indicated there were 23 street trees required for the area, but only 14 currently existed. She spoke of the need for trees to provide shade and showed photos of the existing trees. She indicated there were various issues with digging up asphalt on downtown sidewalks and watering challenges.

Yellowstone County Commissioner, John Ostlund, spoke of the challenges of planting new trees and plans for Miller Building improvements. He indicated the County would take good care of the existing trees.

There was no public testimony.

3. **TAX INCREMENT FINANCING ASSISTANCE** from the South Billings Boulevard Urban Renewal District (SBBURD) to Service Pro Express Lube (DBA 5 Polacks, Inc.) for reimbursement of qualified expenses for improvements made, up to a maximum reimbursement of up to \$215,170, South Billings Urban Renewal Association (SBURA) Board recommends approval.

Councilmember Aspenlieder recused himself due to his company's involvement in the project.

Dick Zier, SBURA consultant, gave an overview of the location and development plans. He indicated TIF assistance was an incentive for the developers to choose to develop in the area.

Chad Wagenhals, construction manager, spoke of the family developing the project and plans for the development.

Trent Kukowski, part owner, indicated the TIF assistance played a role in the location selection process. He spoke of plans for the business and explained the scholarship program offered to employees.

Motion: I move to conditionally approve tax increment financing assistance from the SBBURD to Service Pro Express Lube (DBA 5 Polacks, Inc.) for reimbursement of qualified expenses for improvements made, up to a maximum reimbursement of up to \$215,170, as recommended by South Billings Urban Renewal Association (SBURA) Board.

Moved by Councilmember Kennedy
Seconded by Councilmember Joy

Councilmember Shaw asked for clarification for how the requested amount would be used. Mr. Zier indicated it would help with demolition, site clearances and development, and utility installation.

Councilmember Neese questioned the amount of \$215,170 shown in the staff memo and indicated the TIF policy's allowable amount would actually be \$180,792. He questioned if the developer would have chosen the location regardless of TIF assistance opportunities.

Wyeth Friday, Planning Director, indicated there was a discrepancy in the amount and explained how staff arrived at the recommended number. He indicated the SBURA Board had focused on the payback period more than the allowable ratios. He reiterated the applicant's earlier testimony that TIF assistance had played a role in the chosen location.

Mr. Zier spoke of SBURA's desire to have the amount paid back in 10 years and indicated the SBURA Board was recommending a maximum reimbursement amount of \$215,170.

Substitute Motion: I move to change the amount of maximum reimbursement from \$215,170 to \$180,792.

Moved by Councilmember Neese
Seconded by Councilmember Owen

Councilmember Neese spoke of the need to stay within the \$5 to \$1 investment and indicated Council needed to remain consistent.

Council discussed land acquisition amounts being allowable.

Mr. Zier indicated SBURA recommended including land acquisition in the total numbers.

Mr. Friday explained staff was not recommending including land acquisition in the reimbursement amount.

Council discussed the need for the TIF policy to specifically state the percentage ratio and whether to allow land acquisition.

Councilmember Shaw indicated the policy indicated "must be greater than \$5 to \$1 ratio" and did not outline the 16.6% commonly addressed.

A vote on the substitute motion was taken.

APPROVED 9-1, Councilmember Kennedy opposed, Councilmember Aspenlieder abstained

4. RESOLUTION 24-11249 approving the FY2026-FY2030 Capital Improvement Plan (CIP).
Staff recommends approval.

Andy Zoeller, Finance Director, gave an overview of the proposed FY2026-2030 CIP with a breakdown for each department.

Councilmember Aspenlieder asked for clarification on utilizing Transportation Alternatives (TA) funds for Safe Routes to School (SRTS) programs instead. Debi Meling, Public Works Director, indicated it was possible. Councilmember Aspenlieder suggested allocating TA funds for SRTS deficiencies. Wyeth Friday, Planning Director, indicated the current amount expected was between \$500,000-700,000 per year.

Motion: I move to approve a Resolution approving the FY2026-FY2030 Capital Improvement Plan (CIP), as recommended by staff.

Moved by Councilmember Shaw
Seconded by Councilmember Owen

Motion to Amend: I move to take the available Transportation Alternatives dollars and allocate them to the Safe Routes to School program, in addition to the existing CIP allocation.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Kennedy

Councilmember Rupsis indicated there was no money allocated to Transportation Alternatives in FY2026. Mr. Friday indicated the TA process was incomplete and there were no funds realized for FY2026.

Councilmember Aspenlieder indicated he would withdraw his motion. Councilmember Kennedy concurred.

Motion to Amend: I move to eliminate \$1.8 million from the Amend Park Turf Field fund and move that money to the Amend Park Recreation Center fund.

Moved by Councilmember Shaw
Seconded by Councilmember Boyett

Council discussed infrastructure concerns; private dollars needed for Amend Park; anticipated costs for turf; and the replenishing of TIF funds.

Mr. Zoeller explained the projections for the South TIF District, tax revenues and assumptions for the upcoming years. He indicated funding for turf could be available in the future.

Councilmember Kennedy indicated he wanted to review Amend Park Recreation Campus change orders and acknowledged the importance of public/private partnerships. He encouraged a complete design/build bid for South Park Pool.

A vote on the motion to amend was taken.

APPROVED 11-0

Motion to Amend: I move to add \$1.8 million for Amend Park Turf Field to the FY2029 CIP.

Moved by Councilmember Neese
Seconded by Councilmember Kennedy

Councilmember Shaw indicated the City would not be fully funding the project and private contributions would be needed.

APPROVED 11-0

Motion to Amend: I move to clarify the wording on page 87 to "The City projects the Tourism Business Improvement District (TBID) will partner with the City to address deficits and operating expenses".

Moved by Councilmember Owen
Seconded by Councilmember Rupsis

Councilmember Neese indicated TBID had not yet voted on the decision and thought the line on page 87 should be left blank.

Mr. Zier spoke of numerous conversations indicating support from TBID for the project. He indicated the numbers had not been decided yet. Jeff Muri, SBURA Board member, indicated TBID was on board with covering the deficits.

APPROVED 11-0

Motion to Amend: I move to add \$4 million for the Exposition Drive Bridge project in the FY2030 CIP.

Moved by Councilmember Owen
Seconded by Councilmember Neese

APPROVED 11-0

Councilmember Neese asked for clarification whether the CIP included Council direction for a ramp up scale for storm water costs and the expected increase to residents. Debi Meling, Public Works Director, indicated it was included and she would guess the amount to be approximately 8-10%.

A vote on the amended motion was taken.

APPROVED 10-1, Councilmember Neese 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:

- **John Brewer, Billings Chamber of Commerce**, indicated the approval of Amend Park Recreation Campus was a huge boost for Billings. He spoke of an increase in new development, better quality of life and a reduction in crime.
- **Kristi Drake, Billings TrailNet, Billings, Montana**, spoke against moving Transportation Alternative funds to Safe Rates to School projects. She indicated trail projects could not happen without that funding.
- **Scott Hanser, 430 South Billings Boulevard, Billings, Montana**, thanked Council for approving the Amend Park Recreation Campus project.

There was no further public comment.

COUNCIL INITIATIVES:

Councilmember Kennedy requested staff schedule a Closed Executive Session on December 16, 2024.

Gina Dahl, City Attorney, indicated a Closed Executive Session could be requested by the Mayor or by a minimum of three Councilmembers. Councilmembers Neese, Owen, Kennedy, Aspenlieder and Tidswell raised their hands in support.

ADJOURN: 7:45 P.M.



CITY OF BILLINGS

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

ATTEST:

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