

**MINUTES  
OF THE BILLINGS CITY COUNCIL  
REGULAR BUSINESS MEETING  
December 16, 2024**

The Billings City Council met in regular session in the Community Room at the Billings Public Library located at 510 North Broadway, Billings, Montana, at 5:30 P.M.

**CALL TO ORDER:** Mayor Cole

**RECESS TO CLOSED EXECUTIVE SESSION (4:30 P.M. - 5:30 P.M.)**

- \*\* City Administrator, Chris Kukulski's Job Performance Discussion

\*\*Note: The Executive Session will be closed, as allowed in Section 2-3-203(3), MCA, as discussions relate to matters of individual privacy and wherein the demands of individual privacy exceed the merits of public disclosure.

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Shaw Gulick

**ROLL CALL:**

Present: Councilmember Kendra Shaw, Ward I  
Councilmember Ed Gulick, Ward I  
Councilmember Roy Neese, Ward II (via Zoom)  
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  
Denise Bohlman, City Clerk  
Debi Meling, Public Works Director  
Wyeth Friday, Planning Director (via Zoom)  
Andy Zoeller, Finance Director  
Mike Pigg, Parks and Recreation Director  
Brandon Schmidt, Cemetery Superintendent  
Pepper Valdez, Fire Chief  
Jeff Roach, Aviation and Transit Director  
Gavin Woltjer, Library Director

**MINUTES:**

- December 9, 2024 (Pending)

**COURTESIES:**

Mayor Cole acknowledged the sudden and unexpected death of Western Heritage Center's Executive Director, Kevin Kooistra.

**PROCLAMATIONS:**

Mayor Cole proclaimed December 20, 2024, as Homeless Persons' Memorial Day.

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

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Mr. Kukulski provided Council with news about:

1. This being the final meeting of 2024 – Council would not reconvene until it's January 6<sup>th</sup> Work Session.
2. January meeting locations are expected to be at the Billings Public Library, until further notice.
3. The utility audit and the process being used.
4. NO exparte communications received after 3 pm to the Mayor and Council concerning items on the Agenda.

Councilmember Kennedy inquired whether there were any late fees or shut offs concerning water service. Mr. Kukulski confirmed there were no late fees or shut offs at this time and Council would be asked to provide direction when to reinstate those after the audit was concluded.

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

- **Steve Arveschoug, Executive Director, Big Sky Economic Development (BSED),** acknowledged that Council had questions during the December 9<sup>th</sup> meeting concerning BSEDA's work in the community. He proposed hosting a working lunch for the opportunity to discuss and explain.
- **Kristi Drake, Executive Director, TrailNet, 2950 Walden Place, Billings, Montana,** in reference to Consent Agenda 1J, spoke in support of its approval. She noted the grant was written by TrailNet in cooperation with the Parks Department for \$100K.
- **Dan Brooks, Executive Director, Billings Chamber of Commerce and VisitBillings, 815 South 27<sup>th</sup> Street, Billings, Montana,** in reference to Regular Agenda Item 3, spoke in support of the approval of the Memorandum of Understanding with Yellowstone Ice Foundation.

- **Tom McLean, Parks Board Chair, 2702 Montana Avenue, Billings, Montana**, in reference to Regular Agenda Items 2 and 3, spoke in favor of their approval. He thanked Mike Pigg, Parks and Recreation Director, for his leadership.
- **Parker Phipps, CEO and President of Yellowstone Ice Foundation and the CEO of Signal Peak Energy, Billings, Montana**, in reference to Regular Agenda Item 3, spoke in support of its approval and explained that Signal Peak Energy donated millions of dollars toward this project and Collaborative Design had 75% of the design finished.
- **Mark Snyder, 3547 Prestwick Road, Billings, Montana**, inquired whether the Police Department had a Public Information Officer. He was concerned there was a lack of information provided to the public.

No further public comment was given.

1. **CONSENT AGENDA** There were no separations.

**Motion:** I move to approve all items on the Consent Agenda.

Moved by Councilmember Boyett  
 Seconded by Councilmember Rupsis  
**APPROVED 11-0**

A. **Bid Awards:** NONE

B. **Professional Engineering Services Contract** with DOWL for W.O. 25-01, Contract 1: 2025 Water Main Replacement.

Moved by Councilmember Boyett  
 Seconded by Councilmember Rupsis  
**APPROVED 11-0**

C. **Professional Engineering Services Contract** with Morrison-Maierle, Inc. for W.O. 25-01, Contract 3: Rosemont Water Main Replacement.

Moved by Councilmember Boyett  
 Seconded by Councilmember Rupsis  
**APPROVED 11-0**

D. **Billings Urban Fire Service Area (BUFSA) Agreement** with Yellowstone County.

Councilmember Neese inquired about reserves in the General Fund overall and suggested that should there be any excess funds from the agreement, those should be held for public safety purposes only. Chris Kukulski, City Administrator, advised that excess funds or reserves would be held in the General Fund for use by other General Fund departments. Councilmember Neese voiced his preference for future BUFSA agreements to specifically note the reserves to be held for public safety (Fire Department) use only. Andy Zoeller, Finance Director, noted that the Public Safety portion of the General Fund for FY25 was \$24 million. The same formula was used to calculate the BUFSA payment as in previous years and was set at \$2.6 million for FY25. That payment would go into the General Fund and reduced the amount transferred out for Public Safety. There would likely never be any excess to be held.

Councilmember Rupsis wondered whether calculating the BUFSA on the taxable value of the lands covered was sufficient or should the land area outside the City be a better method of calculation.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

E. INTENTIONALLY LEFT BLANK

F. **Amendment No. 3**, to Airport Automobile Parking Concession Agreement with SP Plus, formerly known as Standard Parking.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

G. **Amendment No. 3**, to the Purchase and Sale Agreement (PSA) for City Hall building at 210 N. 27th Street, with Honaker Realty, LLC and JWT Capital, LLC.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

H. **Change Order No. 3**, to General Contractor/Construction Manager Construction Services Contract with Dick Anderson Construction, Inc. for W.O. 19-12: West End Reservoir Project.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

I. **Donation** to Parks and Recreation Department from Partners for Parks for reimbursement of Patriot Run expenses.

Councilmember Shaw acknowledged the donation.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

J. **Fish, Wildlife and Parks Recreational Trails Program Grant** for repair and improvements to the Arnold Drain Trail in Lillis Park.

Councilmember Shaw acknowledged those involved in securing the grant.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

K. **Montana Main Street Adaptive Reuse and Mixed-Use Grant** for redevelopment of the Billings Masonic Lodge.

Councilmember Shaw acknowledged those involved in securing the grant.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

L. Bills for the Week of:

1. November 18, 2024

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis  
**APPROVED 11-0**

**REGULAR AGENDA:**

**2. PROFESSIONAL SERVICES CONTRACT** with A&E Design, Inc. for design services for Amend Recreation Campus. Staff recommends approval.

Mike Pigg, Parks and Recreation Director, presented and explained staff had provided a red-lined version of the contract to help answer Council's questions.

Councilmember Aspenlieder disclosed that his business, Performance Engineering, had submitted a proposal, but was not successful in the recommendation to Council. He would not abstain from the vote as he intended to vote in favor of it.

**Motion:** I move to approve the Professional Services Contract with A&E Design, Inc. for design services for Amend Recreation Campus, as recommended by staff.

Moved by Councilmember Joy  
Seconded by Councilmember Shaw

Councilmember Aspenlieder thanked the City Administrator for halting the process so a determination could be made. Councilmember Rupsis commended the collaborative efforts of all involved.

Councilmember Neese voiced his opposition because it was not clear who was going to operate the facility or what the costs would be to operate it, etc. He was supportive of the concept, but it was lacking important details.

Mayor Cole acknowledged Councilmember Aspenlieder's opposition from last week and encouraged staff to hone the process for Requests For Proposals.

**APPROVED 10-1**, Councilmember Neese opposed

**3. MEMORANDUM OF UNDERSTANDING (MOU)** between the City and Yellowstone Ice Foundation to establish the parties' commitment to enter into a contract to build an ice facility and the necessary infrastructure at Amend Park. Staff recommends approval.

Mayor Cole mentioned he voiced his concerns about the wording in Paragraph 6 that the City "represents" be changed to "anticipates". Gina Dahl, City Attorney, confirmed that the Yellowstone Ice Foundation had no objection to replacing the word "represents" to "anticipates".

Chris Kukulski, City Administrator, presented that the MOU would set the foundation for a future lease of the ice facility. He indicated it was necessary to enter into the MOU for the benefit of Signal Peak Mine to make their donation before the end of the calendar year for tax purposes. The MOU

set forth that Yellowstone Ice Foundation was responsible for the fundraising to build, operate and maintain the ice facility and would lease the facility from the City for a nominal fee. The City would be responsible for the installation of the infrastructure to the site, including the parking lot, and this would be funded through the SBURD TIF district and the sale of bonds. A reasonable fee structure would be proposed for Yellowstone Ice Foundation. Leases were anticipated to be entered into some time in March 2025.

Councilmember Kennedy noted that the campus was being built in portions and would be funded by TIF dollars and private contributions. No increases in taxes would be realized to taxpayers.

Councilmember Owen noted that the leases should contain something about management of parking space, and coordination of scheduling events at the facility to ensure there would be enough parking spaces.

Councilmember Aspenlieder advised he would abstain from the vote as his business was or would be involved in the project.

Councilmember Neese encouraged a maintenance plan to sustain the facility long into the future and to ensure annual reports are made to Council regarding solvency of the managing organization.

Council expressed their sincere appreciation to Yellowstone Ice Foundation and Signal Peak Energy.

**Motion:** I move to approve the Memorandum of Understanding (MOU) between the City and Yellowstone Ice Foundation to establish the parties' commitment to enter into a contract to build an ice facility and the necessary infrastructure at Amend Park, including a change to Paragraph 6 of the word "represents" to "anticipates", as recommended by staff.

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

**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.)*

There were no public comments given.

**COUNCIL INITIATIVES:** There were no Council initiatives, however, Councilmember Aspenlieder mentioned he would bring an initiative in the future to reduce the number of Councilmembers from 11 to 7.

**ADJOURN:** 6:32 P.M.



CITY OF BILLINGS

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

ATTEST:

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