

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
January 13, 2025**

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

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 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

Absent/
Excused: Councilmember Joy, Ward III (position vacated)

Staff
Present: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Toni Keehner, Deputy City Clerk
Wyeth Friday, Planning Director
Nicole Cromwell, Zoning Coordinator
Anna Vickers, Planning Manager
Tina Hoeger, Code Enforcement Manager
John Caterino, Facilities Manager
Pepper Valdez, Fire Chief

MINUTES:

- December 9, 2024

Councilmember Neese indicated his vote was in opposition to Consent Agenda Item 1B2 and that a correction was needed. Toni Keehner, Deputy City Clerk, indicated the change would be made to the December 9, 2024 minutes.

Moved by Councilmember Boyett
Moved by Councilmember Tidswell
APPROVED 10-0, Joy absent/excused

- December 16, 2024

Moved by Councilmember Boyett
Moved by Councilmember Tidswell
APPROVED 10-0, Joy absent/excused

COURTESIES: There were no courtesies.

PROCLAMATIONS: There were no Proclamations.

COUNCIL REPORTS:

Councilmember Gulick thanked Councilmember Rupsis for the tour of City owned properties in Ward I.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski provided Council news about:

- Staff's request to remove Consent Agenda Item 1A3 from the agenda.
- Consent Agenda Item 1O needed to be separated for changes to the resolution.
- Upcoming utility audit results to be presented at the February 3, 2025, Work Session.
- NO exparte communications received after 3 pm to the Mayor and Council concerning items on the agenda.
- Reviewing the City's snow removal policy.

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.)

No one gave public comment.

Motion: I move to remove Item 1A3 from the agenda.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

1. **CONSENT AGENDA**

Councilmember Aspenlieder separated Items 1N, 1Q3 and 1Q4 to abstain as his employer had involvement in the items.

Mayor Cole separated Item 1H to abstain due to his personal involvement.

Mayor Cole separated Item 1O for discussion.

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

Moved by Councilmember Boyett

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Joy absent/excused

Councilmember Gulick thanked all the donors for their generosity.

A. Bid Awards:

1. **Front Mount Mower.** (Opened 12/17/24) Recommend Midland Implement Company.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Joy absent/excused

2. **Large Area Mowers.** (Opened 12/17/24) Recommend Midland Implement Company.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Joy absent/excused

- ~~3. **Coulson Park North/South Improvements.** (Opened 10/1/24) Recommend K2 Civil.~~

B. Contract with Motorola to replace outdated 911/non-emergency phone systems.

Councilmember Rupsis asked why the equipment replacement had not been included in the budget.

Pepper Valdez, Fire Chief, indicated there were two items that needed to be replaced at the same time and the board recommendation was to select one of the two to move forward with approval. It was later discovered that the phone system's potential for failure was higher than anticipated and this contract would allow for a patch that was needed to avoid a potential cyber-attack.

Moved by Councilmember Boyett

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Joy absent/excused

- C. **Memorandum of Understanding (MOU)** for the donation of Emerson 30KVA Uninterruptible Power Supply (UPS) Unit to Yellowstone County.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- D. **Grant Applications Submittal for Recreational Trails Program Grant and Montana Trail Stewardship Grant** for trail repairs at Riverfront Park.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- E. **Grant Application Submittal** for AmeriCorps VISTA project.

Councilmember Owen indicated the VISTA program worked best when it aligned with Council priorities.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- F. **AARP Grant** to Parks and Recreation for senior citizen challenge board.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- G. **Donation** to Code Enforcement from Brosovich Family Foundation for the Anti-Graffiti Fund.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- H. **Donation** to Parks and Recreation from Bill and Anne Cole for art piece along Skyline trail.

Mayor Cole recused himself from voting. Deputy Mayor Boyett presided over the meeting.

Motion: I move for approval of Item 1H.

Moved by Councilmember Neese
Seconded by Councilmember Gulick
APPROVED 9-0, Councilmember Joy absent/excused and Mayor Cole abstained

Mayor Cole resumed presiding over the meeting.

- I. **Donation** to Parks and Recreation from Billings Go Kickball for the Youth Scholarship Fund.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- J. **Donation** to Parks and Recreation from Lockwood Precast for park bench in Mountview Cemetery.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- K. **Donation** to Parks and Recreation from Partners for Parks for wayfinding signage.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- L. **Donation** to Parks and Recreation from Scheels for the Youth Scholarship Fund.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- M. **Donation** to Parks and Recreation from Youth Volunteer Corps for training reimbursement.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

- N. **Final Plat** of Skyview Ridge Subdivision, 2nd Filing. *Quasi-Judicial

Moved by Councilmember Neese
Seconded by Councilmember Kennedy
APPROVED 9-0, Councilmember Joy absent/excused and Councilmember Aspenlieder abstained

- O. **Resolution 25-11250** authorizing the use of alternative project delivery for Amend Park Recreation Campus.

Kevin Iffland, Assistant City Administrator, indicated "design-build contractor" terminology had been used in the resolution instead of the correct "general contractor / construction manager" terminology. He reviewed the resolution and the areas needing terminology changes. He also indicated Section "18-2-502(3)", MCA, needed to be removed from the resolution.

Motion: I move to approve Item 10 with the suggested revisions to the resolution.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

P. Emergency Resolution 25-11251 for King Avenue East water transmission main repair.

The following information was included in the staff memo:

On November 5, 2024, the City was notified that Karv Inc., a horizontal directional drilling contractor, had damaged the 42-inch Zone 2 water transmission main. The damage took place on King Avenue East near the Yellowstone County Detention Facility while the contractor was directional drilling new telecommunication cables for the expansion project. The 42-inch water main is the largest of the four transmission mains that leave the City's Water Treatment Plant and is the primary water feed for the Billings' west end. Due to the criticality of the transmission main and immediate need for water, repairs were completed by COP Construction.

The following sections of the Montana Code Annotated allow the City to complete emergency repairs; Section 7-5-4302, MCA requires advertising for competitive bids and accepting the lowest responsive bid. Competitive bidding is impractical because the time to advertise, analyze bids, and award a contract would require 6 to 8 weeks before the work could begin. Section 7-5-4303, MCA allows cities to declare an emergency and waive the requirement for advertising and competitive bidding when three-fourths of the Council members present at the meeting declare an emergency. In addition, City staff requests the City Administrator be given the signing authority to pay for the repairs. The City will pursue reimbursement from Karv Inc. per Section 69-4-5, MCA, that states an excavator who damages an underground facility is liable for the entire cost of the repair of the underground facility.

Mayor Cole indicated that an emergency resolution required approval from at least three-fourths of the Councilmembers.

Motion: I move to approve Item 1P, Emergency Resolution for King Avenue East water transmission main repair.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

Q. Bills for the Weeks of:

1. November 25, 2024

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

2. December 2, 2024

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Joy absent/excused

3. December 9, 2024

Moved by Councilmember Neese

Seconded by Councilmember Kennedy

APPROVED 9-0, Councilmember Joy absent/excused and Councilmember Aspenlieder abstained

4. December 16, 2024

Moved by Councilmember Neese

Seconded by Councilmember Kennedy

APPROVED 9-0, Councilmember Joy absent/excused and Councilmember Aspenlieder abstained

REGULAR AGENDA:

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1059:**
located in the Zimmerman Home Place Subdivision, 3rd Filing. Zoning Commission recommends approval and adoption of the 10 review criteria. *Quasi-Judicial

Councilmember Aspenlieder recused himself from Regular Agenda Item 2, due to his employers' involvement.

Nicole Cromwell, Zoning Coordinator, gave an overview of the areas surrounding the proposed zone change and reviewed the review criteria and Zoning Commission's recommendation for approval and adoption of the 10 review criteria.

Mayor Cole asked for clarification on trigger points for traffic impact studies. Ms. Cromwell indicated a traffic impact study had already been completed and it was based on the most intense uses of the property that was in place at the time. It was updated each time filing of a new subdivision occurred and the engineers would review the information.

Council and staff discussed the location of the "front" of the development.

Craig Dalton, Performance Engineering, agent, noted the property was considered an infill project which eased pressure on the City's infrastructure. He spoke of the traffic study and how the information was used as development progressed. He indicated money had been put aside by the developer and applicant toward the Avenue D intersection when needed. He indicated there had been some initial protests from nearby homeowners but after further discussion with the developers, they were more at ease.

Jeff Kanning, Collaborative Design, spoke of the village concept to better fit in with the character of the neighborhood. He discussed rights of ways, utilities and plans for three smaller buildings.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve First Reading Ordinance for Zone Change 1059 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Kennedy
Seconded by Councilmember Tidswell

Councilmember Rupsis indicated he had not initially supported the zone change due to the useless strip of land zoned Neighborhood Office (NO). He was glad the developer had changed that and would bring services directly into the subdivision. He indicated the developer had showed sensitivity to the neighbors.

APPROVED 8-1, Councilmember Neese opposed, 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.)

The following individual provided public comment:

Frank Ewalt, 2131 Phoebe Drive, Billings, Montana, spoke of Solid Waste billing concerns and encouraged transparency.

There were no further public comments given.

Chris Kukulski, City Administrator, indicated the Public Works utility software conversion issue had caused the Solid Waste monthly fee to not bill at the same time. He added that future bills would include additional information for each utility shown separately to create more transparency and would also show rates for each water tier.

Councilmember Kennedy asked for staff to send Council the water tiers, storm water, and trash collection rates.

COUNCIL INITIATIVES: There were no Council Initiatives, however, Councilmember Kennedy mentioned he would bring an initiative in the future regarding staff car allowances.

ADJOURN: 6:28 P.M.



CITY OF BILLINGS

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

ATTEST:

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