

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
January 27, 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: Councilmember Shaw

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 (arrived at 5:34 P.M.)
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 (arrived at 6:15 P.M.)
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Toni Keehner, Deputy City Clerk
Mike Pigg, Parks and Recreation Director
Wyeth Friday, Planning Director
Nicole Cromwell, Zoning Coordinator
Tina Hoeger, Code Enforcement Manager
Todd Corne, Deputy City Attorney

MINUTES:

- January 13, 2025

Moved by Councilmember Boyett

Moved by Councilmember Neese

APPROVED 9-0, Councilmember Joy absent/excused, Councilmember Tidswell arrived after vote

COURTESIES:

There were no Council courtesies.

PROCLAMATIONS:

There were no Proclamations.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS – KEVIN IFFLAND

Mr. Iffland provided Council news about:

- Title had been revised on Consent Agenda 1B: Contract with Orion Planning and Development **and Design** for completion of a land use plan and future land use map.
- Regular Agenda Item No. 2, Zone Change 1056, High Sierra – the developer had requested withdrawal of the application.
- February 3rd Work Session would be held at New City Council Chambers, 316 N. 26th St.
- There were NO exparte communications received after 3 pm to the Mayor and Council concerning items on the Agenda.

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

- **Michael Mayott, Amend Park Development Council Executive Director**, spoke in support of Consent Agenda Item 1E. He gave an overview of the money raised by the development council and how it had been utilized.

1. **CONSENT AGENDA**

Councilmember Neese separated Items 1A2, 1B and 1K for discussion.

Councilmember Aspenlieder separated Items 1K and 1L2 to abstain as his employer had involvement in the items.

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

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Joy absent/excused

A. **Bid Awards:**

1. **Corrosion Inhibited Solid Sodium Chloride.** (Opened 1/7/25) Recommend Desert Mountain.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Joy absent/excused

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

Councilmember Neese asked if the Parks Department had contacted the Yellowstone River Parks Association about whether they were interested in taking over the parcel.

Mike Pigg, Parks and Recreation Director, indicated Yellowstone River Parks Association was invested in Dover Park and was not currently interested in new projects. He explained how design changes occurred during the Master Plan process.

Councilmember Neese spoke about inadequate parking near the boat launch.

Councilmember Boyett asked for clarification on hiring additional full-time employees (FTE). Mr. Pigg indicated there were currently no plans to hire additional FTE's.

Moved by Councilmember Shaw

Seconded by Councilmember Gulick

APPROVED 9-1, Councilmember Joy absent/excused, Councilmember Neese opposed

- B. **Contract** with Orion Planning and Design for completion of a land use plan and future land use map.

Councilmember Neese asked for clarification on public participation for the land use plan.

Wyeth Friday, Planning Director, indicated Council had adopted a public participation plan several months ago and staff was aligning that policy with the State requirements. He explained the process for public participation.

Moved by Councilmember Shaw

Seconded by Councilmember Gulick

Councilmember Aspenlieder indicated there should have been a fee sheet or rate schedule included. He spoke in favor of including those in the future and the topic would be addressed in an upcoming meeting.

Councilmember Neese indicated he would not support the contract due to the lack of public participation plan issued by the State.

Councilmember Rupsis spoke of Missoula's land use plan. He indicated the City Council had refused to add staff and expertise that would allow the City to avoid hiring expensive consultants.

Mayor Cole voiced concern with the change in the public participation plan.

APPROVED 8-2, Councilmember Joy absent/excused, Councilmember Neese and Tidswell opposed

- C. **Amendment No. 2, W.O. 23-96**: Water Treatment Plant Intake No. 2 Catwalk Improvements; AE2S.

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

- D. **Change Order No. 4, W.O. 19-12: West End Reservoir Project**; Dick Anderson Construction, Inc.

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

- E. **Amend Park Development Council 2025 budget for Amend Park.**

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

- F. **Billings American Legion Baseball 2025 annual budget for Pirtz Field.**

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

- G. **Exchange City Golf Corporation 2025 annual budget for Par 3 Golf Course.**

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

- H. **Acceptance** of annual Federal Aviation Administration Airport Improvement Program grants.

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

- I. **Donations** to the Billings Public Library from various donors.

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

- J. **Resolution 25-11252** establishing compliance with reimbursement under Internal Revenue Code for Amend Recreation Campus.

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

K. **Second/Final Reading Ordinance 25-5898** for Zone Change 1059: Zimmerman Home Place, 3rd Filing.

Councilmember Neese indicated he would vote in opposition to remain consistent with his first vote.

Councilmember Boyett indicated some Councilmembers had tried to avoid allowing zoning that would allow large 4 story buildings to be built in the area, but the zoning had been approved. He indicated disappointment in the zoning change.

Moved by Councilmember Gulick
Seconded by Councilmember Rupsis
APPROVED 7-2, Councilmember Joy absent/excused, Councilmember Aspenlieder abstained, Councilmember Neese and Boyett opposed

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

1. December 23, 2024

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

2. December 30, 2024

Moved by Councilmember Boyett
Seconded by Councilmember Tidswell
APPROVED 9-0, Councilmember Joy absent/excused, Councilmember Aspenlieder abstained

REGULAR AGENDA:

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1056:** High Sierra Subdivision. Zoning Commission recommends denial. *Quasi-Judicial

Motion: I move to allow withdrawal of the application for Zone Change 1056, as requested by the developer.

Moved by Councilmember Boyett
Seconded by Councilmember Kennedy

Nicole Cromwell, Zoning Coordinator, indicated the applicant had requested withdrawal of the application and would need to wait 4 months to start the process over. She explained there would be a 12-month waiting period if Council proceeded with the zone change and it failed.

Councilmembers Owen and Neese voiced their concerns with transitional housing, neighborhood concerns and traffic issues.

Councilmember Aspenlieder spoke of the importance of working with Public Works to invest in infrastructure improvements to minimize impacts on neighborhoods.

Gary Oakland, Oakland Company, Developer, spoke of the existing High Sierra development and those concepts had changed since the project started, which had shifted development plans. He indicated duplexes and four-plexes appealed to a wide variety of people. He spoke about the City needing to provide a level of predictability for developers that followed the rules and regulations so approval could be anticipated based on that.

Council discussed allowing Mr. Oakland to present his zone change for a vote. Councilmember Owen indicated there had been an email to Council requesting a withdrawal and proceeding with a vote could be very disappointing to the neighbors.

Motion: I move to call the question.

Moved by Councilmember Kennedy
Seconded by Councilmember Neese

APPROVED 9-1, Councilmember Joy absent/excused, Councilmember Gulick opposed

A vote on the initial motion was taken.

APPROVED 10-0, Councilmember Joy absent/excused

Councilmember Aspenlieder left the meeting at 6:29 P.M.

3. PUBLIC HEARING AND FIRST READING ORDINANCES amending Billings, Montana City Code, Sections:

Tina Hoeger, Code Enforcement Manager, and Todd Corne, Deputy City Attorney, gave an overview of the 5 proposed ordinances and reviewed the language changes for each ordinance.

Councilmember Kennedy left the meeting at 6:35 P.M.

No public testimony was given during the public hearing.

Councilmember Shaw asked for clarification on Councilmembers Kennedy and Aspenlieder voting, since they had not been present for the presentation. Councilmembers Owen and Boyett indicated they could not vote.

a. 24-411, Parking for Camping Purposes

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the first reading ordinance amending Section 24-411, Parking for Camping Purposes, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Neese

APPROVED 8-0, Councilmember Joy absent/excused, Councilmembers Kennedy and Aspenlieder were not present during this portion of the presentation

b. 18-1100, Graffiti

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the first reading ordinance amending Section 18-1100, Graffiti, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Neese

APPROVED 8-0, Councilmember Joy absent/excused, Councilmembers Kennedy and Aspenlieder were not present for this portion of the presentation

c. 18-1302, Civil Citations and Requirements

Councilmembers Kennedy and Aspenlieder returned to the meeting at 6:38 P.M.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the first reading ordinance amending Section 18-1302, Civil Citations and Requirements, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Joy absent/excused, Councilmember Aspenlieder abstained as he was not present for this portion of the presentation, Councilmember Kennedy voted

d. 6-1300, Display of Address Numbers

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the first reading ordinance amending Section 6-1300, Display of Address Numbers, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Neese

APPROVED 9-0, Councilmember Joy absent/excused, Councilmember Aspenlieder abstained as he was not present for this portion of the presentation, Councilmember Kennedy voted

e. 13-400, Business, Occupation and Profession Tax

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the first reading ordinance amending Section 13-400, Business, Occupation and Profession Tax, as recommended by staff.

Moved by Councilmember Gulick
Seconded by Councilmember Neese

APPROVED 9-0, Councilmember Joy absent/excused, Councilmember Aspenlieder abstained as he was not present for this portion of the presentation, Councilmember Kennedy voted

4. MAYOR'S APPOINTMENT for Ward III Councilmember replacement.

Mayor Cole announced his recommendation for the Ward III position to Tamera Jean (TJ) Rogers. He spoke of Councilmember Joy's commendable service and her perfect attendance record. He recognized the 13 candidates that had applied for the position. He spoke of TJ's attributes and reasons he believed she would make a good Councilmember.

Motion: I move to approve the appointment of TJ Rogers for the Ward III Councilmember replacement.

Moved by Mayor Cole

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Joy absent/excused

5. COUNCIL APPOINTMENTS TO COMMUNITY BOARDS AND/OR COMMITTEES AND COUNCIL SUBCOMMITTEES. Staff recommends City Council determine which councilmembers will fill vacancies to serve on various community boards and/or committees and Council subcommittees.

Mayor Cole indicated TJ Rogers had agreed to take over the appointments for Councilmember Joy's vacated positions. Chris Kukulski added Councilmember Kennedy had requested a replacement for his position on the Beartooth RC&D Board. Councilmember Boyett indicated his interest in the Beartooth RC&D Board position if no one else was interested. There was no opposition. Councilmember Shaw indicated she would like to serve on the Community Development Board if TJ Rogers would be interested in taking her position on the Bright 'n Beautiful Board. TJ nodded with her consent.

Mayor Cole indicated appointment to these boards and commissions would be contingent on TJ officially becoming a Councilmember on February 3, 2025.

Councilmember Rupsis spoke in favor of allowing Councilmember Shaw to take the Community Development Board appointment.

Motion: I nominate Councilmember Boyett to be appointed to serve on the Beartooth RC&D Board; Councilmember Shaw to be appointed to serve on the Community Development Board; new Councilmember TJ Rogers to be appointed to serve on the Bright 'n Beautiful Board and the Legislative and Local Affairs Council Subcommittee, upon being sworn into office on February 3, 2025.

Moved by Councilmember Boyett
Seconded by Councilmember Rupsis

Friendly Amendment: I move to add the official appointment of Councilmember Aspenlieder to the Legislative and Local Affairs Council Subcommittee, to the original motion.

APPROVED 10-0, Councilmember Joy absent/excused

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.)*

COUNCIL INITIATIVES:

1. Vehicle Allowances / Staff Mileage. (CM Kennedy)

Councilmember Kennedy introduced his initiative indicating there would be savings to the City if vehicle allowances were discontinued, and a mileage rate was used instead.

Motion: I move to direct staff to place the topic on the February 10, 2025, Regular Business meeting.

Moved by Councilmember Kennedy
Seconded by Councilmember Owen

Amended Motion: I move to direct staff to place the topic on an upcoming Work Session to allow staff additional time to gather information.

Moved by Councilmember Boyett
Seconded by Councilmember Gulick

Councilmember Shaw indicated she would not support the initiative. It was a budget issue and it should be directed to the Budget and Finance Committee. She also questioned the legality of Council making changes to employee benefits.

Councilmember Rupsis indicated he would not support the initiative and this topic, according to the Charter, was not an appropriate Council decision.

Mayor Cole indicated staff would need to research the following: buying City owned vehicles for shared usage or requiring private vehicle use, MMIA insurance coverage, savings calculations, employee and Finance Department costs for tracking, impact on employees for a potential reduced compensation, and various taxable questions.

Councilmember Owen indicated she had concerns with the email response from the Legal Department discussing Council's role addressing the topic. She added Council should be given objective support and advice on the topic.

Councilmember Neese indicated he thought Councilmember Kennedy should consider changing the motion to allow the Budget and Finance Committee to address the topic.

Amended Motion: I move to have the Budget and Finance Committee further research the initiative.

Moved by Councilmember Boyett
Seconded by Councilmember Owen

APPROVED 9-1, Councilmember Joy absent/excused, Councilmember Rupsis opposed

ADJOURN: 7:26 P.M.



ATTEST:

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

CITY OF BILLINGS

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