

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
February 24, 2025**

The Billings City Council met in regular session in the City Council Chambers, located at 316 N. 26th Street, 5th Floor, Billings, Montana, at 5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Neese Boyett

ROLL CALL:

Present: Councilmember Kendra Shaw, Ward I
Councilmember Ed Gulick, Ward I
Councilmember Roy Neese, Ward II (*Via Zoom, however he was unable to hear the discussions. He was not included in the votes and considered excused until he left the meeting at 5:50 PM. He was absent for the Regular Agenda items*)
Councilmember Jennifer Owen, Ward II
Councilmember TJ Rogers, Ward III
Councilmember Bill Kennedy, Ward III (*Via Zoom, however he was unable to hear the discussions. He was not included in the votes and considered excused. For the record he asked that his disappointment be noted as he could not participate due to ongoing technical difficulties.*)
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
Daniela Pavuk, Assistant City Attorney
Denise Bohlman, City Clerk
Andy Zoeller, Finance Director
Tina Hoeger, Code Enforcement Manager
Wyeth Friday, Planning Director (via Zoom)
Anna Vickers, Planning Manager
Hunter Kelly, Planner
Lora Mattox, Transportation Planner
Elyse Monat, Active Transportation Planner
Debi Meling, Public Works Director

MINUTES: February 10, 2025

City Clerk Bohlman stated that Councilmember Neese had noted his attendance in the Roll Call indicated he had participated via Zoom but he was physically present during the meeting and asked that the record be corrected.

Moved by Councilmember Boyett
Seconded by Councilmember Shaw

APPROVED 9-0, Councilmembers Kennedy and Neese excused

COURTESIES: Mayor Cole recognized and introduced McKinley Elementary School student, Porter Eaton, for his fundraising efforts to meet needs of students at his school. Porter spoke to Council and explained how he learned of the materials needs for his fellow students and how he started the fundraising effort. Porter received a standing ovation with pictures with the Council.

PROCLAMATIONS: Mayor Cole proclaimed the month of March as Colorectal Cancer Awareness Month.

COUNCIL REPORTS: There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski provided Council with information that:

1. A valid protest was received concerning Zone Change 1061. The item was NOT on this agenda, but Consent Agenda Item 1Q, Resolution of Intent to Annex – Wilson Park was connected to that Zone Change. Both the Annexation and Zone Change were scheduled to be heard by Council during its March 24th regular business meeting.
2. There were NO exparte communications received after 3 P.M. to the Mayor and Council concerning items on the agenda.
3. Thanked staff and the public for helping with clearing storm drains so the water from the major snow melt could reach the drains and avoid flooding.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 4b 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 individual provided public comment:

- Elyse Monat, Active Transportation Planner, in reference to 1J, thanked Kristi Drake, Executive Director of Billings TrailNet and their Board for their \$20,000 donation and explained the importance of receiving these grants.

No further public comment was given.

1. **CONSENT AGENDA**

Councilmember Aspenlieder separated Items 1Q to abstain as his employer was involved in the project and 1E for discussion.

Motion: I move to approve all items on the Consent Agenda, with the exception of Item 1E and 1Q.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Animal Control Board	02/26/25	12/31/25
2		Billings Parking Board*	02/26/25	12/31/25
3	Adam Toland	Community Development Board	02/26/25	12/31/29

*2 Unexpired term of Mark Kary

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

B. Bid Awards:

1. **W.O. 24-15: WRF Chemical Room Repair.** (Opened 2/4/25) Recommend Dick Anderson Construction.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

2. **W.O. 25-16: 2025 Annual Street Reconstruction.** (Opened 1/21/25) Recommend Askin Construction.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

C. Amendment 24 with Morrison-Maierle, Inc. for Engineering Services to rehabilitate Overlook Drive Road.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

D. Professional Engineering Services Contract with HDR Engineering, Inc. for W.O. 24-37: Stagecoach Trail.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

E. Consultant Contract with Kittleson and Associates to complete 21st Street Underpass Improvement Study.

Councilmember Aspenlieder noted the project had been pushed forward many times because there was no funding for it. He inquired whether that was still the situation. He was not supportive of spending money on studies that sat on a shelf and would need to be updated when and if monies to do the project were realized. He questioned why the study was a priority if there was no funding available to do the project for many years.

Lora Mattox, Transportation Planner, confirmed funding for the project was still unknown, but it would remain on the 5-year Capital Improvement Project so it would not be forgotten. It was currently slated for underpass improvements in FY28. Urban funds were a possibility in the future if the City chose to spend those dollars on this project.

Debi Meling, Public Works Director, agreed that funding would likely come from Urban funds. First Avenue North and Montana Avenue are State roadways that MDT maintains. The project as not in the gas tax fund.

Chris Kukulski, City Administrator, mentioned that at the time former Councilmember Yakawich brought the project forward, an overpass on 27th Street was considered. Improving the underpass at 21st Street proved to be much less expensive and more feasible than an overpass on 27th Street.

Ms. Maddox continued that it was necessary to gain planning documents before engineering could be considered to create a foundation. There would need to be conversations with the railroad and there are funds earmarked for the project. If the project does not move forward, those funds would need to be reappropriated. The MPO documents would also need to be revised and the UPWP.

Councilmember Aspenlieder would oppose funding for this item until the project was closer to fruition.

Councilmember Owen asked if EBURD was onboard for funding. Ms. Mattox stated they were stakeholders and during the planning stages those conversations would occur.

Councilmember Gulick supported the item and mentioned that when grant opportunities arise, if the planning portion of a project has been done it provides immediate access to the grants.

Councilmember Boyett asked about length of time to complete the study and received clarification that the study was only a planning document. It was not engineering and design study.

Councilmember Rupsis pointed out that now was not the time to quash the project, but concerns should have been raised last August when the UPWP was approved. That gave staff direction to work on the project.

Councilmember Shaw confirmed that the study would identify funding sources, along with other feasibilities.

Councilmember Boyett inquired how long the study would be valid before it needed to be redone. Ms. Maddox responded portions of it would remain valid for a long time

Motion: I move the approve the consultant contract with Kittleson and Associates to complete 21st Street Underpass Improvement Study, as recommended by staff.

Moved by Councilmember Rupsis
Seconded by Councilmember Gulick

APPROVED 8-1, Councilmembers Kennedy and Neese excused; Councilmember Aspenlieder opposed

F. Consultant Contract with Applied Research Associates, Inc. for W.O. 25-09: City Pavement Condition Survey and Assessment.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

G. Memorandum of Understanding (MOU) with NRPA and acceptance of grant funds from Billings Skate Park Committee for recreational programming for the Skate Park.

Councilmember Rupsis confirmed with Andy Zoeller, Finance Director, that funds would be drawn from the Parks Program Fund and not from the Parks Operating, as mentioned in the staff memo. Councilmember Rupsis thanked Peter O'Brien of the Billings Skate Park Committee and the Parks Department for obtaining a grant from the NRPA to help with improvements at the skate park.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

H. Contract Renewal of 1-Year with Mimecast email protection services.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

I. Donation to Parks, Recreation and Public Lands Department from Lockwood Pre-cast of a bench honoring military veterans for Veterans Park.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

J. Donation of trail design funds from Billings TrailNet.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

K. Updated Easement for Rose Park Trail.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

L. Transit 2025 Human Services Transportation Coordination Plan.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

M. Transit 2025 Public Transit Agency Safety Plan Update.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

N. Transit 2025 Disadvantaged Business Enterprises Program Update.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

O. Preliminary Minor Plat for Zeiler Subdivision, Amended plat of Block 1, Lot 2A. ***Quasi-Judicial**

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

P. Preliminary Plat for High Sierra Subdivision, 22nd Filing. ***Quasi-Judicial**

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

Q. Resolution of Intent 25-11255 to annex Wilson Park (Annexation 25-01) and set a public hearing date for March 24, 2025.

Motion: I move to approve the resolution of intent to annex Wilson Park and set a public hearing for March 24, 2025, as recommended by staff.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 8-0, Councilmembers Kennedy and Neese excused; Councilmember Aspenlieder abstained

R. Resolution 25-11256 authorizing the filing and acceptance of Transit Grant Funds.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

S. Bills for the Weeks of:

1. January 21, 2025

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

2. January 28, 2025

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 9-0, Councilmembers Kennedy and Neese excused

Councilmember Neese left the Zoom meeting at 5:50 P.M.

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION 25-11257** assessing nuisance property abatements. Staff recommends approval.

Andy Zoeller, Finance Director, provided a brief presentation concerning 2 properties that the City abated. He explained that most of the assessments were brought to Council in the Fall, but items that were abated late in the year were brought to Council in the Spring to be assessed. The assessments would reimburse the General Fund for Code Enforcement expenses.

The following individuals provided testimony during the public hearing:

- **Laverne Bass, 2012 Virginia Lane, Billings, Montana**, he opposed the way the Code Enforcement personnel conducted their abatement. He insisted he was told the abatement would take place on the 23rd of October, but Code Enforcement showed on the 22nd of October, cutting his time to remove his debris by a full day.
- **Paul Clark, Billings, Montana**, asked what an abatement was.

No further testimony was given.

Tina Hoeger, Code Enforcement Manager, explained the timeline of the abatement process for the property located at 2012 Virginia Lane and assured Council the property was posted with the correct abatement date.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution assessing nuisance property abatements, as recommended by staff.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Tidswell

Motion to Amend: Adding that if Code Enforcement determines that the notice of when the abatement would take place was for October 23rd and Code Enforcement conducted it on the 22nd of October, the fees will be waived.

Moved by Councilmember Boyett
Seconded by Mayor Cole

Tina Hoeger, Code Enforcement Manager, was able to provide confirmation that the date on the notice of abatement was October 22nd and was correct.

Councilmember Boyett and Mayor Cole rescinded their motion to amend.

APPROVED 9-0, Councilmember Kennedy excused, Councilmember Neese absent/excused

3. **PUBLIC HEARING AND RESOLUTION 25-11258** assessing weed abatements. Staff recommends approval.

Andy Zoeller, Finance Director, provided a brief presentation concerning the Fall weed abatements. The Parks Department does the weed abatements and Mr. Zoeller explained the assessments formula used. He advised that 6 of the 40 properties listed for assessment had paid

since the agenda packet was published and he asked that Council in their motion of approval to grant staff to remove any property from assessment that had paid. He reviewed statistics between 2021-2024 indicating a better than 90% compliance rate.

No testimony was given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing weed abatements and the removal of properties that had paid as of the date and time of this Council meeting, as recommended by staff.

Moved by Councilmember Boyett

Seconded by Councilmember Rogers

APPROVED 9-0, Councilmember Kennedy excused, Councilmember Neese absent/excused

4. ANNAFELD SUBDIVISION, 6TH FILING

- a. **PUBLIC HEARING AND RESOLUTION 25-11259 APPROVING ANNEXATION 24-05:** an area known as Annafeld Subdivision, 6th Filing. Staff recommends conditional approval.
***Quasi-Judicial**

Hunter Kelly, Planner, provided a presentation and explained the connectivity between Items 4a and 4b. He reviewed the annexation map, zoning and the annexation criteria policy. Rather than an annexation agreement, a Subdivision Improvement Agreement (SIA) would be entered into.

No testimony was given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution conditionally approving Annexation 24-05, as recommended by staff.

Moved by Councilmember Rogers

Seconded by Councilmember Shaw

APPROVED 9-0, Councilmember Kennedy excused, Councilmember Neese absent/excused

- b. **PRELIMINARY PLAT** for Annafeld Subdivision, 6th Filing. Staff recommends approval.
***Quasi-Judicial**

Hunter Kelly, Planner, provided a presentation; reviewed the property information and the plat. He stated the newly annexed property would not be required to provide park land as the entire Annafeld Subdivision had met the parkland requirements. He reviewed the four conditions of approval set forth by the Planning Board.

Motion: I move to approve the preliminary plat for Annafeld Subdivision, 6th Filing, as recommended by staff.

Moved by Councilmember Rogers

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Kennedy excused, Councilmember Neese absent/excused

- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 24-05: Annafeld Subdivision, 6th Filing. Staff recommends approval.

There was no presentation, but staff was available for questions.

No testimony was given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading ordinance expanding the boundaries of Ward III to include recently annexed property in Annexation 24-05: Annafeld Subdivision, 6th Filing, as recommended by staff.

Moved by Councilmember Rogers
Seconded by Councilmember Shaw

APPROVED 9-0, Councilmember Kennedy excused, Councilmember Neese 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.*)

- **John Halverson, 239 Avenue F, Billings, Montana**, invited Council to a fundraising BBQ being sponsored by Partners for Parks Foundation on May 9th at the Pub Station at 6 P.M. The purpose of the fundraiser was to build a basketball court in Pioneer Park in remembrance of Kaden Edinger.

COUNCIL INITIATIVES:

Councilmember Owen explained her initiative to bring to Council a resolution establishing reporting of performance metrics for major projects and projects of significant public interest. She indicated the urgency of passing a resolution in the eyes of the public. It was an answer to the unfortunate result of the utility billing project and an effort to avoid a recurrence of something like that in the future.

Mayor Cole reviewed the priority and timeline.

Motion: I move to adopt the initiative concerning the establishment of reporting performance metrics for major projects be adopted.

Moved by Councilmember Owen
Seconded by Councilmember Tidswell

APPROVED 9-0, Councilmember Kennedy excused, Councilmember Neese absent/excused

ADJOURN: 7:06 P.M.



CITY OF BILLINGS

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

ATTEST:

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