

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

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

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Rogers

**ROLL CALL:**

Present: Councilmember Kendra Shaw, Ward I  
Councilmember Ed Gulick, Ward I  
Councilmember Roy Neese, Ward II  
Councilmember Jennifer Owen, Ward II  
Councilmember TJ Rogers, Ward III  
Councilmember Bill Kennedy, Ward III (*Via Zoom*)  
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  
Daniela Pavuk, Assistant City Attorney  
Denise Bohlman, City Clerk  
Gavin Woltjer, Library Director  
Brandon Schmidt, Park/Cemetery Supervisor  
Jeff Roach, Aviation and Transit Director  
Rusty Logan, MET Transit Manager  
Wyeth Friday, Planning Director  
Tate Johnson, Planner  
Nicole Cromwell, Zoning Coordinator  
Hunter Kelly, Planner  
John Caterino, Facilities Manager

**MINUTES:** March 10, 2025

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

**COURTESIES:** Mayor Cole provided update of HB 231 and HB 155 impacts to the City should one or the other pass legislation. He noted that he, the Finance Director and the City Administrator had paid legislators visits in Helena to work on the details.

Mayor Cole acknowledged the members of Scouts Troop 52 were in attendance and welcomed them.

Councilmember Kennedy confirmed that a proclamation would be read by the Mayor in April declaring April as Child Abuse Prevention Month. He provided details of events that would occur throughout the month of April.

**PROCLAMATIONS:** There were no proclamations.

**COUNCIL REPORTS:** Councilmember Neese provided an update of work done by the Legislative and Local Affairs Subcommittee regarding tax bills HB 231 and SB 90. The Subcommittee strongly recommended that HB 231 not be passed and to look more closely at SB 90. The Subcommittee does not want the mill levy cap removed from the City's charter.

Councilmember Boyett indicated he attended his first Beartooth RC&D board meeting in Hardin and invited members to come to a Council meeting and introduce themselves and their program.

#### **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

Mr. Kukulski asked Council to:

1. Make a motion to remove Consent Agenda Items 1C and 1D. Even though the City believed it had contractual rights to enter subcontracts in accordance with Article 2.2 of the Teamsters – Local 190 collective bargaining agreement, the City was temporarily holding off on its recommendation to enter into custodial contracts as it bargained with Teamsters to see if the parties could reach mutual resolution.
2. Advised that the next Monday, March 31<sup>st</sup> was a bye week and no meetings were scheduled.
3. Noted there were NO exparte communications received after 3 PM to the Mayor and Council concerning items on the agenda.

**Motion:** I move to rearrange items on the Regular Agenda. Item 2 would be moved to the end of the agenda as Item 5 and the remaining Items would be moved up to be heard first.

Moved by Councilmember Aspenlieder

Seconded by Councilmember Neese

**APPROVED 11-0**

**Motion:** I move to remove Consent Agenda Items 1C and 1D from the agenda and bring these items to an upcoming Work Session (April 21<sup>st</sup> or May 5<sup>th</sup>) and include a discussion about the Facilities Division budget.

Moved by Councilmember Kennedy

Seconded by Councilmember Neese

City Administrator, Chris Kukulski, noted that agendas were fluid and depending on what was slated for those dates and on whether this took priority over other topics, he may be able to add it to a Work Session agenda.

Councilmember Gulick noted that budget presentations would occur in May and the discussion about the Facilities Division's budget could occur then.

Mayor Cole suggested that the City Administrator choose a Work Session date when the proposed contracts and Facilities Division budget could be discussed

## **APPROVED 11-0**

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, and 6 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:

- **Lionel Tapia, 241 Parkhill Drive, Billings, Montana**, spoke in reference to the Unfinished Business Item and asked that the item be revisited during a future Work Session for further discussions. He noted it was difficult to identify projects and obtain grant funding without a plan and completed studies. All things would come to the Council for approval.
- **Jim Nichols, 239 Beverly Hills, Billings, Montana**, spoke in reference to the Unfinished Business Item and asked that the item be revisited during a future Work Session for further discussions. He mentioned the proposed plan offered more flexibility for the Public Works Department to adapt projects in the Capital Improvements Plan. He noted the plan allowed for better connects and safer routes to schools. There was significant community support for the proposed plan in a recent survey.
- **Aly Eggart, Executive Director, VisitBillings**, spoke in reference to Consent Agenda Item 1F, and supported its approval as the ice facility would enhance the sports community and provide positive economic impacts to Billings.
- **Parker Phipps, Signal Peak Energy Representative**, spoke in reference to Consent Agenda Item 1F, stating Yellowstone Ice Foundation supported the ground lease as written and thanks City staff for its help in drafting it. He urged approval so ground could be broken to lay the foundation for the facility without delay.

No further public comment was given.

### **1. CONSENT AGENDA:**

Councilmember Neese separated Item 1F for discussion.

Councilmember Aspenlieder separated Items 1Q2, 1Q3, in order to abstain as his company received payments. He would abstain from newly numbered Regular Agenda Items 3 and 4 as his employer was involved in the projects.

**Motion:** I move to approve all items on the Consent Agenda, with the exception of Items 1F, 1Q2 and 1Q3.

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

A. **Bid Awards:**

1. **Airport Runway 7/25 Reconstruction and Extension Project.** (Opened 3/4/25)  
Recommend Askin Construction.

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

2. ~~W.O. 24-32: North 12th Street Gravel Street Improvements.~~ (Opened 2/4/25) Recommend K2 Civil.

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

- B. **Consultant Agreement** with Kittleson & Associates to Address MDT/FHWA Review Findings -- Billings MPO 2023 Long Range Transportation Plan (LRTP).

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

- ~~C. **Contract** with ABM Industry Groups, LLC, for custodial services at Billings Operations Center.~~

- ~~D. **Contract** with Pride of Montana, Inc. for custodial services at City Hall.~~

- E. **Purchase and Sale Agreement** with TD Properties for Park 1 ground retail space.

Mayor Cole mentioned his desire for an urban dog park to be constructed in the alley behind the building and hoped the new owners would consider it.

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

- F. **Ground Lease** with Yellowstone Ice Foundation to build an ice facility at Amend Park.

Councilmember Neese voiced his concerns about leasing and operations for City-owned facilities and properties. He noted that many of the leases and contracts did not address required reporting to City Council of its operations and usage, or offer protections or guarantees of benefits to the public. He was concerned the facility may be monopolized by private teams and the public would be restricted from using it.

**Motion:** I move to approve the ground lease with the following amendments: 1) to include annual reports to the City Council including financial reporting, reserve reports and projections, booking usership reports that have socio-economic identifiers, city vs. non-city users, and county vs. non-county users, and how the facility is benefitting the City of Billings; 2) should contain a reference to the facility is to be used for public benefit and list the key findings from a plan to ensure the facility is meeting those needs; and 3) have language that in case of a default, provided tools for the lessee to remedy any default that may occur.

Moved by Councilmember Neese – There was no second and the Motion died for lack of a second.

**Motion:** I move to approve Consent Agenda Item F as it is written.

Moved by Councilmember Shaw  
Seconded by Councilmember Aspenlieder

Councilmember Boyett inquired of City Attorney, Gina Dahl, if she had any concerns regarding the 3 amendments Councilmember Neese mentioned in his motion. She responded that in her opinion the ground lease contained language that address all of the items and she offered to have outside Counselor, Craig Johnson (attending via Zoom), to speak on behalf of the drafting of the ground lease. Mr. Johnson was retained by the City to help with drafting the ground lease. Mr. Johnson stated the ground lease addressed the items mentioned by Councilmember Neese, although to the level of detail expressed in the motion. He was concerned there may not be capabilities to gather all the data Councilmember Neese desired. He noted there were not specific “per use fees” regarding remedies for default but there was language that placed the City responsible for aiding the lessee with remedies for correcting any default.

Councilmember Owen noted that the discussion was the imputes to her initiative concerning impacts to the community on major project. Contracts should not be negotiated at the dais and Council should have been brought in during the RFP process to identify what was wanted. She supported the motion for approval but wanted Council to get involved in goals and objectives earlier.

Councilmember Neese supported the motion but wanted future leases and contracts to have more details.

Mayor Cole acknowledged there was more detail in this ground lease than any other the City had entered into in the past. He noted that the City was a junior partner in the project compared to the investments being made by Signal Peak Mine and Yellowstone Ice Foundation. He supported the motion.

**APPROVED 11-0**

**G. West End Hangar Ground Leases with Beacon Air Group, LLC.**

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**H. Airport Concession Disadvantaged Business Enterprise (ACDBE) Program.**

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**I. MET Transit Public Participation and Title VI Plan.**

Moved by Councilmember Boyett  
Seconded by Councilmember Neese

**APPROVED 11-0**

**J. Donation** from the Friends of the Library for the Billings Public Library.

Councilmembers Gulick and Neese acknowledged and thanked with appreciation those that donated.

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

**K. Donation** from Partners for Parks to Parks and Recreation for basketball court resurfacing and paint at South Park.

Councilmembers Gulick and Neese acknowledged and thanked with appreciation those that donated.

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

**L. Donation** from Partners for Parks to Parks and Recreation for North Park benches.

Councilmembers Gulick and Neese acknowledged and thanked with appreciation those that donated.

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

**M. Donation** from WC Commercial, LLC for two parking spaces in the Stillwater Parking Garage for Billings Police Crime Prevention Center.

Councilmembers Gulick and Neese acknowledged and thanked with appreciation those that donated.

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

**N. Relocated Irrigation Ditch Easement** with the Suburban Ditch Company.

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

**O. Final Plat** of Grove Ventures Subdivision. **\*Quasi-Judicial**

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

P. **Second/Final Reading Ordinance 25-5909** expanding the boundaries of Ward I - Annexation 25-02.

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

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

1. February 10, 2025

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

2. February 18, 2025

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

3. February 24, 2025

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

4. March 3, 2025

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

R. \* **Guaranteed Maximum Price (GMP) Amendment No. 1** for Amend Park Recreation Campus General Contractor / Construction Manager (GC/CM); Langlas & Associates.

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

**REGULAR AGENDA:**

5 **2. PUBLIC HEARING AND FIRST READING ORDINANCES FOR ZONE CHANGE 1060:**  
housekeeping amendments to the following sections of the Zoning Code:

a. **Sections 27-300, 27-400, 27-500, 27-600, 27-800, 27-900, 27-1000, and 27-1800, general cleanup to correct errors, cross-references, omissions and numerical mistakes.**

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending Sections 27-300, 27-400, 27-500, 27-600, 27-800, 27-900, 27-1000, and 27-1800, general cleanup to correct errors, cross-references, omissions and numerical mistakes, as recommended by the Zoning Commission.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw  
**APPROVED 11-0**

**b. Section 27-309, Table 27-1000.1, Sec. 27-1003, and 27-1803, related to the definition of a manufactured home.**

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending Sections 27-309, Table 27-1000.1, 27- 1003, and 27-1803, related to the definition of a manufactured home, as recommended by the Zoning Commission.

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

**c. Section 27-1704, options for enforcement of violations of the zoning code.**

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending Section 27-1704, options for enforcement of violations of the zoning code, as recommended by the Zoning Commission.

Moved by Councilmember Aspelieder  
Seconded by Councilmember Tidswell  
**APPROVED 11-0**

**d. Table 27-1000.1 to allow vehicle sales as a special review use within the Corridor Mixed Use 1 (CMU1) zone district.**

Nicole Cromwell, Zoning Coordinator, reviewed the 4 amendments that affected 4 separate ordinances s general cleanup. The corrections were housekeeping in nature and would not affect their intent. The Manufactured Home definition was removed as the State Legislature in 2023 changed the definition and the City would follow that definition. Any reference to the Zoning Coordinator addressing code violations was removed as there was a separate Code Enforcement Manager now. Also, more predictable consequences for civil municipal infractions was added as well as establishing misdemeanors. The current code prohibited vehicle sales in CMU1 zones. A Special Review option was added so an applicant could prove compatibility in CMU1 without zoning to a more intense district.

Councilmember Kennedy noted there were many fences that were not compliant with the code and what could be done. Ms. Cromwell responded that code enforcement was complaint driven and code enforcement would work with landowners to bring their fences into compliance.

Wyeth Friday, Planning Director, indicated that code enforcement was working with Public Works to determine if there were violations of clear vision or if adjustments could be made to address some of the fences. Councilmember Kennedy expressed interest in being involved in those discussions.

Councilmember Boyett thanked Ms. Cromwell for her diligence in revisiting the zoning code.

Councilmember Neese noted that code enforcement would become more proactive in addressing possible violations.

No public testimony was provided during the public hearing.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending Table 27-1000.1 to allow vehicle sales as a special review use within the Corridor Mixed Use 1 (CMU1) zone district, as recommended by the Zoning Commission.

Moved by Councilmember Gulick  
Seconded by Councilmember Rogers  
**APPROVED 11-0**

2. ~~3.~~ **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1062:** generally located at the southwest corner of Sierra Granda Blvd. and High Sierra Blvd. Zoning Commission recommends approval and adoption of the 10 review criteria. \*Quasi-Judicial

Councilmember Aspenlieder noted he would abstain from discussion and the vote as his employer was involved in the project.

Tate Johnson, Planner, provided a PowerPoint presentation indicating the existing zone as Public 2 – public and civil zoning to a Public 3 – medical campus zoning and the applicant was Mission United. She provided an overview of the zoning map and the development plans in the heights area. Five separate buildings were proposed – 4 four-plexes and 1 twelve-plex with a clubhouse. The development was slated for senior living.

**Taylor Kasperick, Performance Engineering**, agent, explained the decision for the number of buildings and their layout; noting the tallest building may be 3 stories.

**David Trost, CEO of St. John's United and Management Agent for Missions United**, noted there was a waiting list at Wynstone of approximately 70 individuals many of which were seeking living arrangements in more of a residential-style, rather than apartment-style living.

Councilmember Neese inquired about buffering between the development and that of existing single-family homes. Ms. Johnson responded affirmatively that a buffering yard was required.

No public testimony was provided during the public hearing.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading ordinance for Zone Change 1062 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission, as recommended by staff.

Moved by Councilmember Owen  
Seconded by Councilmember Neese

Councilmember Owen encouraged staff to address traffic safety concerns along Wicks Lane and express excitement for the project.

Councilmember Kennedy also expressed excitement for the project.

**APPROVED 10-0**, Councilmember Aspenlieder abstained

3. ~~4.~~ **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1063:** generally located on King Avenue West and 46th Street West. Zoning Commission recommends approval and adoption of the 10 review criteria. \*Quasi-Judicial

Councilmember Aspenlieder noted he would abstain from discussion and the vote as his employer was involved in the project.

Nicole Cromwell, Zoning Coordinator, provided a presentation overview and explained the differences between NX3 and NX1 and NX2 zoning and height restrictions and open space

requirements. She noted the differences in the number of living units each zone could have per building and the planned development. She noted the Zoning Commission had held a public hearing and recommended approval and adoption of the 10 review criteria.

**Taylor Kasperick, Performance Engineering**, agent, explained there was a need for ground floor housing and the density would be 8.5 units per acre.

Mayor Cole was concerned about the quality of the product.

The following individual provided public testimony during the public hearing:

- **Paul Clark**, inquired where the park land would be for children and dogs.

No further public testimony was provided.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading ordinance for Zone Change 1062 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission, as recommended by staff.

Moved by Councilmember Boyett  
Seconded by Councilmember Rupsis

**APPROVED 10-0**, Councilmember Aspenlieder abstained

4. **5. JOINT PUBLIC HEARING FOR ANNEXATION 25-01 AND ZONE CHANGE 1061:  
WILSON PARK - 441 Riverside Road**

- a. **RESOLUTION 25-11262 APPROVING ANNEXATION 25-01:** generally located east of Riverside Road and north of Hannon Road, Wilson Park. Staff recommends conditional approval. **\*Quasi-Judicial**

Councilmember Aspenlieder noted he would abstain from discussion and the vote as his employer was involved with Yellowstone Valley Animal Shelter in the project.

Councilmember Neese noted he had exparte communications with Yellowstone Valley Animal Shelter and the developer on the project concerning its design but he planned to participate in the discussion and vote.

Hunter Kelly, Planner, provided a presentation noting that the subject property was already owned by the City, but not within the City limits. Therefore, annexation of those properties was necessary. He explained the interconnectedness of items a, b and c and noted there would be only 1 public hearing for the annexation resolution and zone change, but separate votes would be necessary. He explained it was a 14.99 acre parcel of land located east of Riverside Road. He reviewed the limits of annexation map, the area's zoning map and the annexation policy criteria.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution conditionally approving Annexation 25-01, as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Owen

Councilmember Neese thanked staff for including a waiver for consistency in case the property changes hands. He hoped there were clauses that protected the use for public use in the future.

**APPROVED 10-0**, Councilmember Aspenlieder abstained

- b. **FIRST READING ORDINANCE FOR ZONE CHANGE 1061**: located at a 14.98 acre parcel of land known as Wilson Park. Zoning Commission recommends approval and adoption of the 10 review criteria. **\*Quasi-Judicial**

Nicole Cromwell, Zoning Coordinator, noted that the entire annexed parcel was not subject to the zone just, just 5.145 acres of it were to be changed from Zone P1 to P2. She explained the differences between these zones. She reviewed the zoning map and accesses to the property. A valid protest was received and in order to approve the zone change it required a 2/3 majority vote of the remaining Council or 7 votes since Councilmember Aspenlieder was abstaining. She noted the traffic count on Riverside Road was approximately 1,500 trips per day and she compared the current Yellowstone Animal Shelter area, building and traffic counts to this parcel. The new location for the animal shelter would include space for Animal Control. The Zoning Commission was recommending approval and adoption of the 10 review criteria.

Chris Kukulski, City Administrator, provided a history of how the City acquired the land through the Land, Water and Conservation Fund (LWCF) that came with stringent restrictions. He stressed there were 2 critical points to be aware of. 1) Staff confirmed with LWCF that the Zone Change would not affect the status of Wilson Park as an outdoor recreational property. In the spirit of the grant the use must be outdoor recreational and P1 and P2 can accomplish that. 2) Must be clear that City staff and members of the Yellowstone Valley Animal Shelter (YVAS) continued to work in good faith to find a parcel to do a land exchange with in order to meet the standard for outdoor recreational use.

**Craig Dalton, Performance Engineering**, explained P2 zoning was identified as meeting the use they were trying to achieve and provides predictability for a new animal shelter or something similar.

**Triniti Halverson, YVAS Executive Director**, provided letters of support and advised that YVAS was a 501(c)3 non-profit that worked closely with the City's Animal Control Division. The shelter has a 96% live release rate which translates to the community's support of the shelter. She described the shelter and its programs as having outgrown the current space. She offered that she would do all the fundraising and planning to get the new shelter built. She explained that some of the nearby neighbors were concerned about a crematorium in the neighborhood. She identified an alternative procedure called "aquamation" to dispose of animal remains. She mentioned Rocky Mountain Vista University also had this technology and it was approved by the water department. Lastly, she acknowledged the donor of the property to the City, Velma Wilson, who left the property in her estate. YVAS would create a memorial inside the building to honor Ms. Wilson.

Councilmember Owen inquired about the shelter's capacity issues and asked about some of the little-known services YVAS provided. Ms. Halverson followed with an explanation of how they serve the unhoused individuals in the community and their pets through collaborative partnerships with other agencies. YVAS works with Animal Control and emergency services to care for animals whose owners are temporarily unable to care for them. YVAS also provides reunification services so Animal Control does not have to do that.

Councilmember Neese addressed Nicole Cromwell, Zoning Coordinator, about access off Riverside Road or King Avenue East, not Hannon because Hannon was a County Road. A traffic study would not likely be triggered.

Councilmember Boyett inquired about if the site was used for snow removal storage and access to it. City Administrator Chris Kukulski concurred that it was but that there would be enough excess land to utilize for that ongoing practice. YVAS would not be interested in the land if it could not be used for the purpose they have proposed.

Councilmember Neese about the valuation of the roughly 5 acres of land YVAS would acquire and who would provide the funding for the land swap. Mr. Kukulski stated a "yellow book" valuation was received per federal requirements for the full 13 acres and now working with YVAS on the roughly 5 acres they would acquire. YVAS would be providing the funding for a land exchange as it is not in the City's budget.

Councilmember Owen inquired of the LWCF document and whether land could be acquired for the exchange anywhere in the State of Montana, not just within city boundaries.

The following individuals provided testimony during the public hearing:

- **Norma Buchanan**, spoke about the fundraising efforts, noting that in one year they had 50% of their anticipated funds committed and that the enthusiasm for the project was contagious. She had high praise for Triniti Halverson and her volunteers and staff.
- **Jodi Kaiser**, was a dog breeder and had concerns about diseases exposing her pack just 600 feet away from her kennels.
- **Izzy Zalenski**, stated she worked at YVAS. She provided numbers of canine and feline occupants at the close of business and noted there were only 6 clean, vacant kennels available to accept additional animals. She mentioned the various programs YVAS had, indicating more space was needed. She made comparisons between the CO<sub>2</sub> made by the animal shelter's crematorium and that of the sugar beet factory being far more.
- **Curtis Eckhardt**, stated he leased the property from the City to mow for hay. He was told it was a City park and access could not be prohibited to others for use. He noted that subdivision had to dedicate a certain amount of property as parkland that could never be used for any other purpose and he could not understand the difference between Wilson Park property and other subdivisions. He opposed the annexation and zone change.
- **Richard Edwards**, asked that Council deny the annexation and zone change. He referred the schematics that Performance Engineering prepared as inaccurate. He provided documentation concerning the estate that transferred the Wilson Park property to the City indicating sewer facilities could not be placed on the land.
- **Lisa Robinson**, fosters overflow dogs for YVAS and supported the annexation and zone change.
- **Randy Crable**, opposed the annexation and zone change and the positioning of the animal shelter because of the fireworks in the area.

- **Halle Bell**, stated she worked at YVAS and spoke about the veterinary services offered at YVAS. She noted vaccinations were given across the City and throughout the state and was the most effective defense against diseases. There were also spay and neuter clinics. She offered tours to anyone interested.
- **Brandon Chapman**, stated he would be the closest neighbor to the facility. He stated he has small asthmatic children who are sensitive to chemicals and was concerned about the cleaning products used at the facility.
- **(Inaudible)**, stated he owns property in the area, noting he restores hot rods and chose the area because it was quiet and no traffic. He wanted it to be left as is with no changes.
- **Kevin Nelson**, wondered if the shelters were cycling and lack of space may not be a concern in a little while.
- **Dr. Joyce Stevens**, a founding member of YVAS, spoke of the vision for the shelter and how far it had gone beyond those hopes and dreams. She spoke to the causes of diseases and treatments. She mentioned the new veterinary college would work closely with YVAS and she asked Council to enforce the fireworks restrictions better.
- **Mikala Chapman**, voiced concern about extra snow being dumped on the property and the limited access if Hannon Road was not made into a through street.
- **Justin Hutchinson, president of Yellowstone Valley Animal Shelter Board**, spoke about transparency at the shelter. He encouraged everyone to contact the shelter's director to gain information to alleviate concerns. He reminded Council that a homeless pets facility was already in that area and no one had raised concerns about the possible spread of diseases concerning them.
- **Susan Edwards**, spoke about purchasing land next to Wilson Park because it had been designated as parkland. Spoke in opposition of the annexation and zone change.

**Craig Dalton, Performance Engineering**, corrected the record by noting that the zone change was in the northwest quadrant and would not extend to Hannon Road. The frontage was about 400 feet along Riverside Road and 200-250 feet south of the zone change would remain P1 zone and owned by the City of Billings. A new approach could be installed off of Riverside Road for snow disposal.

- **Carl Lynch**, stated he had nothing against the animal shelter, but the land was designated as parkland. He was concerned about additional traffic and accidental leaching of lime from the sugar beet factory.
- **Paul Clark**, he opposed the annexation and zone change, adding the shelter could repurpose any existing vacant warehouses and save money by doing so.

No further speakers provided public testimony.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance for Zone Change 1061 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Gulick  
Seconded by Councilmember Shaw

Councilmembers Gulick and Shaw noted that change was difficult but supported the motion for the zone change.

Mayor Cole voiced support of the zone change but asked that staff check into the details of the bequeathing documents to ensure a future transfer and development could occur. He reminded Council that a 2/3<sup>rd</sup>s vote was required to pass the vote or 7 votes for approval.

**APPROVED 10-0**, Councilmember Aspenlieder abstained

c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 25-01: a parcel generally located east of Riverside Road and north of Hannon Road, Wilson Park. Staff recommends approval.

There was not presentation, but staff was available to answer questions.

No public testimony was provided during the public hearing.

**Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance expanding the boundaries of Ward I, as recommended by staff.

Moved by Councilmember Shaw  
Seconded by Councilmember Gulick

**APPROVED 10-0**, Councilmember Aspenlieder abstained

Mayor Cole called a recess at 8:26 P.M. The meeting was reconvened at 8:37 P.M.

After the recess, the meeting started back to the top of the Regular Agenda that was renumbered as number 5.

**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:

- **Kevin Nelson**, voiced concern about Councilmember Kennedy attending a South Billings Boulevard Urban Renewal District meeting and asking the board to reconsider approving additional TIF monies to Torgerson's LLC. He indicated it was inappropriate and perhaps unethical.

**UNFINISHED BUSINESS:**

~~5.~~ **6. TABLED - Pedestrian Bicycle Master Plan.** (3/10/2025 Regular Business Meeting)

**Motion:** I move to take the Pedestrian Bicycle Master Plan off the table.

Moved by Councilmember Shaw  
Seconded by Councilmember Gulick

Mayor Cole asked for discussion on the motion. Point of order was called by Councilmember Aspenlieder who advised there was no discussion the matter would go straight to a vote.

A hand vote was taken.

**FAILED 7-4**, Councilmembers Neese, Owen, Rogers, Kennedy, Aspenlieder, Tidswell and Boyett opposed

**COUNCIL INITIATIVES:**

**ADJOURN: 9:19 P.M.**



CITY OF BILLINGS

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

ATTEST:

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