

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
April 14, 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 Kennedy

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
Councilmember Daniel Tidswell, Ward IV (Joined via Zoom at 6:45 P.M.)
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V
Mayor William Cole

**Absent/
Excused:** Councilmember Scott Aspenlieder, Ward IV

**Staff
Present:** Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Toni Keehner, Deputy City Clerk
Cole McQuillan, Parks Superintendent
Tracy Scott, Parking Manager
Brenda Beckett, Community Development Manager
Tam Rodier, Community Development Program Coordinator
Wyeth Friday, Planning Director
Jeff Roach, Aviation and Transit Director
Rusty Logan, Transit Manager
Debi Meling, Public Works Director

MINUTES: March 24, 2025 - pending

COURTESIES:

Councilmember Boyett invited members of Beartooth RC&D to speak. Joe Bertolino, Food and Ag Director, gave an overview of businesses Beartooth RC&D assisted and how they provided assistance. Nan Knight, Finance Director, reviewed a snapshot of the revolving loan clients and how the funding was being used.

PROCLAMATIONS:

Mayor Cole proclaimed the month of April as Child Abuse Prevention Month. Councilmember Kennedy spoke about an upcoming Child Abuse prevention award ceremony being held on April 24th, 2025.

Mayor Cole proclaimed the month of April as Keep America Beautiful / Great American Cleanup Month. Cindy Peters, Bright 'n Beautiful Executive Director, spoke of the upcoming Great American Cleanup on April 22nd, 2025.

Mayor Cole proclaimed April 14, 2025, as Tim Harrington Day and thanked him for his 30 years of service at Community 7 Television.

COUNCIL REPORTS:

Councilmember Shaw gave an update on bills the Legislative and Local Affairs Committee were watching and reviewing.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski provided Council with information that:

- Indicated staff had added Legislative Update and Discussion to the agenda as Regular Agenda Item 8.
- There were no exparte communications to Mayor and Council received after 3 P.M. concerning items on the agenda.
- His alumni school, Western Michigan, hockey team had won the National Championship.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4, 5, 6, 7 and 8 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:

- **Taylor Kasperek, Performance Engineering**, in reference to Regular Agenda Item 7, gave an update on the project and encouraged Council to support the request.
- **Matt Robertson, NAI Business Properties**, in reference to Regular Agenda Item 7, spoke of how the Torgerson family had helped encourage growth in the area.
- **Brian Torgerson**, in reference to Regular Agenda Item 7, spoke of plans for the project and how the project would benefit the community.
- **Alex Picicci, Yellowstone Ice Foundation**, in reference to Regular Agenda Item 6, spoke of plans for the ice rink located at Amend Park Recreation Center.

- **Andrew Houlihan, South Billings Urban Renewal District board member**, in reference to Regular Agenda Item 6, spoke of the positive benefits the ice component of the recreation center would bring to the city.
- **Pam Purinton, former Councilmember**, in reference to Regular Agenda Item 8, spoke of concerns with proposed Legislation and how the cuts could negatively impact the city.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana**, in reference to Regular Agenda Items 6 and 7, spoke of concerns with the tax abatement applications and funding expenditures. He indicated Councilmember Kennedy should recuse himself from voting on Regular Agenda Item 7.

No further public comment was given.

1. **CONSENT AGENDA**

Councilmember Kennedy separated Item 1A1 for discussion.

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 9-0, Councilmember Aspenlieder and Tidswell absent/excused

A. **Bid Awards:**

1. **Dehler Park Protective Netting.** (Opened 3/4/25) Recommend Wind and Sun.

Councilmember Kennedy asked for clarification on Alternative 1.

Cole McQuillan, Parks Superintendent, explained staff had chosen the netting with the higher warranty rating and would not be choosing Alternative 1.

Councilmember Kennedy indicated Dehler Park should be used for other events.

Motion: I move to approve Item 1A1, as recommended by staff.

Moved by Councilmember Shaw

Seconded by Councilmember Gulick

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

2. **Overlook Drive Road Rehabilitation Project.** (Opened 3/18/25) Recommend Wharton Asphalt, LLC.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

3. **W.O. 25-08: Rose Park Trail.** (Opened 3/4/25) Recommend Rimrock Dirtworks.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

4. **W.O. 25-25: Annual Culvert Rehab Program.** (Opened 3/4/25) Recommend Earth Movers Excavation, Inc.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

B. West End Hangar Ground Lease with TFES 1167, LLC.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

C. Memorandum of Understanding (MOU) with Yellowstone County for Law Enforcement Data Processing.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

D. Recommendation of approval to the Policy Coordinating Committee for the addition of Grand Avenue from 41st to 62nd Street West for Federal Funding Priority.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

E. Recommendation of approval to the Policy Coordinating Committee for Amendment 2 of the 2024-2028 Transportation Improvement Program.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

F. Amendment No. 5 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 Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

G. Donation to Parks, Recreation, and Public Lands from TrailNet for Rose Park Trail.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

H. Donation to Planning and Community Services from TrailNet for permanent bikeway counters.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

I. Donations to Police Department from Hanser's Towing and Patricia Schmitt for Camp Blue and other departmental needs.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

- J. Final Plat** for Ridgeview Subdivision. ***Quasi-Judicial**
 Moved by Councilmember Shaw
 Seconded by Councilmember Boyett
APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused
- K. Resolution 25-11263** notifying Election Administrator of mail ballot.
 Moved by Councilmember Shaw
 Seconded by Councilmember Boyett
APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused
- L. Resolution 25-11264** authorizing the sale and prescribing the form and terms for the Tax Increment bonds for the South Billings Boulevard Urban Renewal District.
 Moved by Councilmember Shaw
 Seconded by Councilmember Boyett
APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused
- M. Second/Final Reading Ordinance 25-5906** expanding the boundaries of Ward I - Annexation 25-01.
 Moved by Councilmember Shaw
 Seconded by Councilmember Boyett
APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused
- N. Second/Final Reading Ordinances 25-5907, 5908, 5909, and 5910** for Zone Change 1060, Text Amendments:
- a. Sections 27-300, 27-400, 27-500, 27-600, 27-800, 27-900, 27-1000, and 27-1800
 - b. Section 27-309, Table 27-1000.1, Sec. 27-1003, and 27-1803
 - c. Section 27-1704
 - d. Table 27-1000.1
- Moved by Councilmember Shaw
 Seconded by Councilmember Boyett
APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused
- O. Second/Final Reading Ordinance 25-5911** for Zone Change 1061: 441 Riverside Rd, Wilson Park. ***Quasi-Judicial**
 Moved by Councilmember Shaw
 Seconded by Councilmember Boyett
APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused
- P. Second/Final Reading Ordinance 25-5912** for Zone Change 1062: southwest corner of Sierra Granda Blvd and High Sierra Blvd. ***Quasi-Judicial**
 Moved by Councilmember Shaw
 Seconded by Councilmember Boyett
APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

Q. Second/Final Reading Ordinance 25-5913 for Zone Change 1063: 4500 block of King Ave. W.

***Quasi-Judicial**

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

R. North Parking Lot Lease with Honaker Realty, LLC.

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

S. Bills for the Weeks of:

1. March 10, 2025

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

2. March 17, 2025

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

3. March 24, 2025

Moved by Councilmember Shaw

Seconded by Councilmember Boyett

APPROVED 9-0, Councilmember Aspenlieder and Tidswell absent/excused

REGULAR AGENDA:

2. **PUBLIC HEARING** for FY2025-2029 Consolidated Plan, FY2025-2026 Annual Action Plan, and Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funding allocations. No action necessary.

Brenda Beckett, Community Development Manager, gave an overview of the five-year consolidated plan, survey results and funding recommendations. She reviewed the expenditures and open applications timeline.

Council discussed who was compiling housing policy concerns and the status of a lead pipe program.

Wyeth Friday, Planning Director, explained how staff was addressing community interests to look at expansion options for the city.

Ms. Beckett indicated staff would be compiling addresses to do a mailing of interest to see who would qualify, if HUD approved the annual action plan with lead pipe program funding.

The following individual provided testimony during the public hearing:

- **Taylor Kasperek, Performance Engineering**, spoke of the high cost of sidewalks and streetlights and indicated that building to City standards was very expensive.

No further testimony was given.

No action necessary nor taken.

Councilmember Tidswell joined the meeting via Zoom at 6:45 PM.

3. **PUBLIC HEARING AND RESOLUTION 25-11265** approving a property tax abatement for Rocky Vista University, LLC. Staff recommends approval.

Dianne Lehm, Big Sky Economic Development Community Development Director, gave an overview of the university and how it would impact the community.

Dr. Bob Murtaugh, Rocky Vista University Founding Dean, gave an overview of the proposed development and counties they planned to serve.

Council discussed the amount of tax abatement requested. Ms. Lehm explained how the percentage increased every year for the 5-year tax abatement. She indicated it would be approximately \$480,000 based on the current tax structure.

The following individuals provided testimony during the public hearing:

- **Trinity Halvorson, Yellowstone Valley Animal Shelter Executive Director**, expressed excitement for the university and spoke of the positive benefits it would bring to the community.
- **Steve Arveschoug, Big Sky Economic Development**, spoke of the positive benefits and growth the university would bring to the city.
- **Dr. David Forstein, Rocky Vista University President, Via Zoom**, encouraged Council to support the tax abatement and spoke of future plans for the university.

No further testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution approving a property tax abatement for Rocky Vista University, LLC, as recommended by staff.

Moved by Councilmember Boyett

Seconded by Councilmember Rupsis

APPROVED 10-0, Councilmember Aspenlieder absent/excused

4. **RESOLUTION 25-11266** adopting the Eastern Montana Region Hazard Mitigation Plan and Yellowstone County Annex. Staff recommends approval.

Derek Yeager, Yellowstone City/County Emergency Manager, gave an overview of the State of Montana Mitigation Plan which was updating the 2019 Pre-Hazard Mitigation Plan. He indicated it was a federally required document needed to pursue future federal funding opportunities.

Motion: I move to approve a resolution adopting the Eastern Montana Region Hazard Mitigation Plan and Yellowstone County Annex, as recommended by staff.

Moved by Councilmember Shaw

Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Aspenlieder absent/excused

5. **TAX INCREMENT FINANCING ASSISTANCE** from the East Billings Urban Renewal District (EBURD) to Air Controls Billings, Inc. for remodeling at 2102 2nd Ave. N., up to a maximum reimbursement of \$56,699, Billings Industrial Revitalization District (BIRD) Board recommends conditional approval.

Michelle Harkins, Billings Industrial Revitalization District Director, gave an overview of the project and spoke of how the improvements would increase safety for the area around the property. She reviewed the financial breakdown of the TIF request and total project costs.

Motion: I move to conditionally approve tax increment financing assistance from the EBURD tax increment finance district funds to Air Controls Billings, Inc. for remodeling at 2102 2nd Ave. N., up to a maximum reimbursement of \$56,699, as recommended by the BIRD Board.

Moved by Councilmember Neese
Seconded by Councilmember Shaw

Councilmember Rupsis spoke of concerns with using TIF funding to fence in a parking lot and the atmosphere it could create for the area.

Ms. Harkins indicated the surrounding businesses were in support of the fence and felt it would provide increased safety and a reduction in crime.

APPROVED 9-1 Councilmember Aspenlieder absent/excused

6. **TAX INCREMENT FINANCING ASSISTANCE** from the South Billings Boulevard Urban Renewal District (SBBURD) to Yellowstone Ice Foundation for pad site improvements of a new ice-skating facility at the recreation facility at Amend Park, up to a maximum reimbursement of ~~\$783,510~~, \$784,510, South Billings Urban Renewal Association (SBURA) Board recommends conditional approval.

Dick Zier, SBURA Consultant, spoke of work currently taking place at the site and fundraising efforts for the project. He spoke of the positive partnership and donations from Signal Peak Mine.

Parker Phipps, Yellowstone Ice Foundation, gave an overview of the site development plans and designs for the ice rink.

Mr. Zier reviewed the financial forecast, building costs and reasons to approve the tax abatement.

Council discussed fundraising, operating costs and risk factors. Mr. Phipps indicated fundraising efforts were looking promising and ice rental rates could be adjusted accordingly.

Councilmember Shaw questioned funding availability if revenue growth in the SBURA area did not meet expectations. Mr. Zier expressed confidence in the ability to move forward with sufficient funding.

Councilmember Neese asked for clarification on allowable expenses for TIF funding. Wyeth Friday, Planning Director, indicated the developer would have to provide receipts for reimbursement and indicated some of the mechanical items requested had not typically been funded in the past. He indicated system development fees, permitting fees had not been funded in past projects.

Chris Kukulski, City Administrator, indicated the payment of system development fees had been a part of the negotiations process.

Council continued discussion on allowable and/or prior policies for reimbursements and the development and construction process. Council asked for clarification on the staff memo showing a maximum reimbursement amount of \$783,510 instead of \$784,510. Mr. Zier indicated it should be \$784,510.

Motion: I move to conditionally approve tax increment financing assistance from the SBBURD to Yellowstone Ice Foundation, up to a maximum reimbursement of \$784,510, as recommended by SBURA Board.

Moved by Councilmember Rogers

Seconded by Councilmember Kennedy

APPROVED 10-0, Councilmember Aspenlieder absent/excused

Mayor Cole called a recess at 8:00 P.M. He reconvened the meeting at 8:09 P.M.

7. **TAX INCREMENT FINANCING ASSISTANCE** from the South Billings Boulevard Urban Renewal District (SBBURD) to Torgerson's, LLC for development of a new heavy equipment dealership at 3508 South Frontage Road, up to a maximum reimbursement of \$843,502.05, South Billings Urban Renewal Association (SBURA) Board recommends conditional approval.

Dick Zier, SBURA Consultant, gave an overview of the proposed development and reviewed the reimbursement request.

Council discussed SBBURD's plans for future funding and expressed concerns with having a sufficient amount remaining for upcoming projects. Mr. Zier spoke about fundraising efforts and expressed confidence there would be sufficient funding for future projects. Kevin Iffland, Assistant City Administrator, indicated he was working closely with Langlas Construction on the Amend Park Recreation Campus courts project to ensure the project stayed under \$21 million, including design services.

Councilmember Kennedy, in reference to a public comment encouraging his recusal, indicated he had not previously met Mr. Torgerson, but spoke in support of projects in Ward III.

Motion: I move to conditionally approve tax increment financing assistance from the SBBURD to Torgerson's, LLC for development of a new heavy equipment dealership at 3508 South Frontage Road, up to a maximum reimbursement of \$843,502.05, as recommended by SBURA Board.

Moved by Councilmember Kennedy

Seconded by Councilmember Rogers

Council continued discussion on the SBBURD financial forecast.

APPROVED 10-0, Councilmember Aspenlieder absent/excused

8. **LEGISLATIVE UPDATE AND DISCUSSION.** Council to provide staff direction, if necessary.

Mayor Cole gave an overview of proposed Legislative bills and how they would impact the City. He indicated SB528 would reduce the value of a mill and the City's Charter would not allow an increase in mills, therefore, it could equate to a \$20 million reduction of tax revenues. He indicated the City's preference would be to "do nothing" to reduce mills and support legislation that would not impact the value of a mill. If that was not possible and Legislation chose to proceed with lowering the value of a mill, the City's next preference would be for the State to provide compensation by reimbursement to the City through an increase in entitlement shares. As a last resort, the City could request the legislature to consider an option that would impact or override the City's Charter mill levy cap.

Councilmember Owen spoke against the City participating in any discussion that would impact the City's Charter.

Council discussed various options available to deal with potential cuts.

Councilmember Rupsis spoke in favor of requesting the State allow municipalities, with mill caps in place, a 1-year exemption to raise the same number of dollars as the prior year. They would then be required to hold an election in November to keep the Charter mill cap as is or adjust it. –

Council continued discussion on the City's Charter, how the mill cap would affect the community and the ramifications of not taking a position in support of the Charter.

Councilmember Shaw asked how staff would handle Council stating they have no position to the State. Chris Kukulski, City Administrator, indicated staff would find it difficult to speak on the issue without a clear Council position.

Motion: Council supports: First - Option 1, the State do nothing to reduce the value of a mill; Second - Option 2, the State backfills the City's financial loss through an increase in entitlement shares; and lastly - Option 3, the State would allow an option to override the City's Charter mill levy cap (with possible amendments).

Moved by Councilmember Shaw
Seconded by Mayor Cole

Substitute Motion: Council supports: First - Option 1; Second - Option 2; and lastly - will not address Option 3, unless legislation is passed.

Moved by Councilmember Kennedy
Seconded by Councilmember Boyett

Council continued discussion on how changes to the Charter would impact the City and potential lawsuits that could be brought forward.

APPROVED 10-0, Councilmember Aspenlieder absent/excused

Motion: I move to establish a position that the City oppose any effort to remove the mill levy cap in the Charter and to undermine the rights of citizens for self-governance.

Moved by Councilmember Owen
Seconded by Councilmember Rogers

APPROVED 9-1, Mayor Cole opposed, Councilmember Aspenlieder 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.)*

The following individuals provided public comment:

- **Temple McLean, 2901 Monad Road, Billings, Montana**, spoke of the Billings Mediation

Center's wish to host a public forum to discuss the City's snow plowing policy.

- **Peter O'Brien, Billings Skatepark committee member**, gave an update of proposed skate park improvements to increase safety.
- **Amanda Kelly, Billings Skatepark committee member**, indicated the grant they had received would be used to offer two free upcoming skate clinics and camps and to purchase skateboards and helmets.

No further public comment was given.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 9:26 P.M.



CITY OF BILLINGS

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

ATTEST:

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