

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
April 28, 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. The meeting started late due to technical difficulties at 5:40 PM.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember ~~Aspenlieder~~ Boyett

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 Scott Aspenlieder, Ward IV (via Zoom)
Councilmember Daniel Tidswell, Ward IV (Via Zoom)
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V

Staff

Present: Chris Kukulski, City Administrator (via Zoom)
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Denise Bohlman, City Clerk
Gavin Woltjer, Library Director
Wyeth Friday, Planning Director
Brenda Beckett, Community Development Manager
Anna Vickers, Planning Manager
Karen Husman, Planner
Lora Mattox, Transportation Planner
Elyse Monat, Active Transportation Planner
Debi Meling, Public Works Director
Mac Fogelsong, City Engineer
Sarah Plath, Staff Engineer
John Caterino, Facilities Manager

MINUTES:

- March 24, 2025 – with following changes:
 - On Page 2, a motion to remove Items 1C and 1D from the agenda was voted upon and approved. No vote was taken as noted in the draft minutes.
 - On Page 5, after the motion that Councilmember Neese made that did not receive a second, the draft minutes indicated there was voting information that did not occur and was in error.

Moved by Councilmember Neese

Seconded by Councilmember Gulick

APPROVED 11-0

- April 14, 2025

Moved by Councilmember Neese

Seconded by Councilmember Rogers

APPROVED 11-0

COURTESIES:

- Mayor Cole welcomed and acknowledged the Billings All Stars Cheerleading Squad for bringing home the World Championship Title while competing against teams from across the US and the UK in Orlando, Florida. Each member of the team introduced themselves and represented students from different Billings area schools.
- Mayor Cole acknowledged those who were reading The Bible over the next 3-4 days in preparation for the National Day of Prayer
- Councilmember Owen noted that Police Chief St. John received an Honorary Doctorate from Rocky Mountain College.
- Councilmember Rogers noted that volunteers with Bright-N-Beautiful had conducted their spring cleanup in various areas around the City the previous Saturday.

PROCLAMATIONS:

- Mayor Cole proclaimed April 30, 2025, as National Therapy Animal Day.
- Mayor Cole proclaimed the week of May 4-10, 2025, as National Travel and Tourism Week.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI (via Zoom)

Mr. Kukulski provided Council with information that:

- He was attending the meeting virtually from San Diego, California. He was attending a Family Justice Center conference there and mentioned Montana was one of 45 states that now had a Family Justice Center.
- He noted that Council was scheduled for two budget Work Sessions the following week.

- There were no exparte communications to Mayor and Council received after 3 PM concerning items on the agenda.

LEGISLATIVE UPDATE AND POSSIBLE COUNCIL DIRECTION:

Mr. Kukulski provided an update on the 69th Legislative Session, focusing on HB231 and SB542. He noted that both property tax bills had been forwarded to conference committees. One of the bills was expected to come out of the committees. Billings was not favorable to either bill as they would overwrite the City's Charter. The bill Billings preferred had been SB90 but it was now dead and no longer an option. He described the new language in the bills as being a "shall" not "may" scenario, giving Billings no choice but to go against its Charter during the first year of the new tax law, should it pass.

Motion: I move to remove Consent Agenda Items 1F and 1G and have them returned during the Work Session on May 5th for further discussion.

Moved by Councilmember Neese

Seconded by Councilmember Kennedy

City Attorney, Gina Dahl, advised that a majority vote or 9 votes in favor was required for the Motion to pass.

Councilmember Neese noted he was not voting to kill the items only to have them brought to a Work Session as was indicated in the March 24th Minutes. Councilmember Kennedy echoed those statements.

Councilmember Shaw inquired about the length of time the vendors' prices would remain valid, essentially 90 days. She urged Council to approve the contracts and avoid further delays.

Councilmember Rupsis noted the items had been removed from an earlier agenda to allow administration time to meet with Teamster representatives. Mr. Kukulski responded that discussions with the Teamsters had stalled and under mutual agreement it was decided to move forward with the contracts and an appeal was awaiting. Mr. Kukulski explained that 4 positions were affected by the approval of the contracts and each of the 4 had been offered positions in other areas of the City. Two of the four staff members had left their employ, leaving two to take places within the City elsewhere. The appeal process would likely last for months.

Mr. Kukulski acknowledged he would have brought Councilmember Kennedy's request to have the contracts at a Work Session if there had been room on one of the agendas to do so. He noted that one of the first budget presentations would be for the Facilities Division and further discussions could be held at that time on the separate matter of privatization of the Facilities Division. He voiced concern that the proposers for the two contracts may not hold to their pricing if delayed further.

Councilmember Rupsis voiced opposition to the Motion.

Councilmember Owen voiced confusion about approving the contracts now and possibly later entering into additional contracts for privatization of the Facilities Division.

Mr. Kukulski responded that staff had never experienced privatizing an entire division before and was not prepared to consider that with any clarity. Staff was, however, prepared to offer its budget at the next Work Session. He noted that either party to the contract could end the contract with a 30-day notice for no cause. He also noted that custodial services versus high end maintenance services were easier to locate in Billings and obtain a contract.

Councilmember Owen supported the motion and noted that draft agendas need to be forwarded to Council for review to ward off situations as this.

Councilmember Kennedy read a list of contracted services the City currently held. Councilmember Rupsis called Point of Order, emphasizing the Motion on the table was to remove 2 Consent Agenda Items from the Agenda and place them on the May 5th Work Session Agenda, not discussing the worthiness of the list of items Councilmember Kennedy read.

Councilmember Kennedy insisted that the matters be brought to a Work Session for further discussion as was approved via Motion during the March 24th Regular Business meeting.

Councilmember Gulick would vote in opposition to the Motion. He acknowledged there was a larger conversation to have, but it was not about the 2 contracts before them.

Councilmember Neese voiced his concerns that administration was not following Council's direction and because of that, he would support the Motion.

Mayor Cole noted there was a procedural issue, but he indicated the contracts could be approved. He respected the vote of the Council to place the items on a Work Session but cautioned that Council may cost the City more money in the long run.

On a hand vote, the Motion **FAILED 8-3**, Councilmembers Shaw, Gulick and Rupsis opposed. Nine votes of approval were needed to pass the Motion.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 - Consent Agenda; Regular Agenda Item 4; and Special Presentations 1 and 2 ONLY. Speaker sign-in required. (Comments are limited to three 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:

- **Michael Mayott, Executive Director of the Amend Park Development Council (APDC)**, in reference to Consent Agenda Item 1B, spoke about the +300K attendees from Montana, Wyoming and South Dakota at the soccer event over the weekend and their economic impact to Billings. He noted that APDC had not been recognized as a stakeholder in the newly planned recreation center and strongly objected to the oversight. He was concerned about improvements impeding the operations at the soccer fields and for the cross-country teams. He spoke of the land donors' desires for open recreation and not development.

- **Ryan Starks**, in reference to Consent Agenda Items 1F and 1G, spoke about how other services contracted by the City, i.e., sanitation department uniform laundering were poor quality and poor service. He mentioned there were many times sanitation workers would not have clean uniforms. He inquired about the vetting process for contracted custodians in secured areas. He strongly disagreed with laying off custodial staff. He encouraged Council to deny the approval of the contracts.
- **Patrick Kittson**, in reference to Consent Agenda Items 1F and 1G, spoke about working for the City sanitation and custodial services for 13 years. He spoke about the pride the workers had and how many of the contracted help were not properly vetted. He disagreed the work could be accomplished in the time claimed and the City would receive inferior service. He encouraged Council to deny the approval of the contracts.

No further public comment was given.

1. **CONSENT AGENDA**

Councilmember Kennedy separated Items 1F and 1G for discussion.

Councilmember Neese separated Items 1B and 1C for discussion.

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

Moved by Councilmember Boyett
 Seconded by Councilmember Rogers

Councilmember Neese expressed concern over the graffiti program in the Downtown Business Improvement District (BID) and suggested improvements be made to the program in Consent Agenda Item 1J.

Councilmember Kennedy asked about residential properties in the BID and services they received. Katy Scheiner, Executive Director of Downtown Billings Alliance, explained the safety zone boundaries within the district that benefited the residential properties.

Councilmember Owen addressed with Planning Director, Wyeth Friday, her concerns that public comments were missing from the Consolidated Plan in Consent Agenda Item 1H.

On a voice vote, **APPROVED 11-0**

A. **Bid Awards:**

1. **W.O. 25-26: Water Treatment Plant Sediment Hauling.** (Opened 4/7/25)
 Recommend K2 Civil, Inc.

Moved by Councilmember Boyett
 Seconded by Councilmember Rogers

APPROVED 11-0

B. Amendment No. 1, Amend Park Recreation Campus; A&E Design.

Motion: I move to approve Consent Agenda Item 1B.

Moved by Councilmember Gulick

Seconded by Councilmember Rupsis

Councilmember Neese indicated the projects were moving too fast and not all of the community members and stakeholders were being considered. He opposed the Motion to approve. He was not opposed the projects but considered placing agreements first was a backward process.

Councilmember Aspenlieder supported the Motion but expressed skepticism that the bid, with its amendments, was the lowest bid anymore.

Councilmember Kennedy inquired about the costs included for \$1 million. Assistant City Administrator, Kevin Iffland, responded the soft costs were not included. Kris Koessl with A&E Design provided a breakdown of \$350,000 that was not included in the original \$1 million.

APPROVED 9-2, Councilmembers Kennedy and Neese opposed

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

Motion: I move to approve Consent Agenda Item 1C.

Moved by Councilmember Gulick

Seconded by Councilmember Rupsis

APPROVED 9-2, Councilmembers Kennedy and Neese opposed

D. Amendment No. 27, expansion and remodel of the Airline Ticket Counters and installation of a new In-line Baggage Belt System, Morrison-Maierle, Inc.

Moved by Councilmember Boyett

Seconded by Councilmember Rogers

APPROVED 11-0

E. Amendment No. 28, reconstruction and extension of Runway 7/25; Morrison-Maierle, Inc.

Moved by Councilmember Boyett

Seconded by Councilmember Rogers

APPROVED 11-0

F. Contract with Pride of Montana for custodial services at New City Hall (316 N. 26th St.).

Motion: I move to postpone the item to place it on the May 5th Work Session Agenda for further discussion.

Moved by Councilmember Kennedy

Seconded by Councilmember Owen

Council and City Attorney, Gina Dahl, discussed the differences between the first motion by Councilmember Neese to remove the items and Councilmember Kennedy's motion to postpone the items. Each motion, under the City's Code, required different votes.

On a hand vote, the Motion was **APPROVED 7-4**, Councilmembers Shaw, Gulick, Rupsis and Tidswell opposed.

- G. **Contract with ABM Industry Groups, LLC for custodial services at the Billings Operations Center (4810, 4845, 4848, 4850 Midland Rd.).**

Motion: I move to postpone the item to place it on the May 5th Work Session Agenda for further discussion.

Moved by Councilmember Kennedy
Seconded by Councilmember Owen

On a hand vote, the Motion was **APPROVED 7-4**, Councilmembers Shaw, Gulick, Rupsis and Tidswell opposed.

- H. **Five-Year FY2025-2029 Consolidated Plan, FY2025-2026 Annual Action Plan, and the allocation of CDBG and HOME FY25-26 funding.**

Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

- I. **Grant to Fire Department from State Farm for CMC rope rescue class.**

Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

- J. **Petition to Renew Downtown Billings Business Improvement District (BID 0001).**

Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

- K. **Acknowledge Receipt of Petition to Vacate Block 31 of Annafeld Subdivision, Fifth Filing, and setting a Public Hearing for May 27, 2025.**

Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

- L. **Preliminary Plat of Annafeld Subdivision, 7th Filing. *Quasi-Judicial**

Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

M. Bills for the Weeks of:

1. March 31, 2025

Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

2. April 7, 2025

Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

REGULAR AGENDA:

- 2. PUBLIC HEARING** for land use contrary to zoning for Orchard School. No action necessary.

Karen Husman, Planner, provided a brief PowerPoint presentation and explained the purpose of the public hearing was to gather input from the Council and Public concerning the land use. She advised it was not something that could be approved, denied or have conditions placed upon it. She explained that public hearings were moved to the governing body from the Board of Adjustments in 2001. Orchard School wanted to replace its static message board with an electronic message board. Two other schools prior to Orchard School had held public hearings for this same purpose in the past.

Councilmember Owen suggested a change be made to the Code concerning these types of public hearings. She preferred having items brought to Council that required action. Wyeth Friday, Planning Director, explained these public hearings may have been developed under the Code for certain entities, i.e., schools, churches, rather than the land use itself, but staff would consider an amendment to the Code.

Councilmember Neese and Ms. Husman discussed a requirement of the sign permit that the brightness of the lights from the signs at night must be dimmed.

No testimony was given during the public hearing.

- 3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1064:** generally located at 1115, 1116, 1121, 1122, 1126 and 1127 Buffalo Crossing Drive. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial**

Karen Husman, Planner, provided a PowerPoint presentation illustrating the properties subject to the zone change as well as the surrounding developments. The purpose of the zone change was to allow duplexes. The Zoning Commission recommended approval.

Council and staff discussed the current State laws for zoning with duplexes. Council was reminded by the City Attorney, Gina Dahl, that Zone Changes could not be conditioned by the Council, but a partial approval of a few of the lots could occur.

Greg Reid, WWC Engineering, developer's agent, noted that it was the desire of the applicant to rezone all the lots listed to N2. The purchaser for the lots wanted to place duplexes on each of the lots. The schema was reconfigured to remove the rear facing

garages and reorient them toward the middle front.

The following individual provided public testimony:

- **Doug Wilde, developer**, wanted to follow zoning laws within the City of Billings even though the development was allowable by State law.

No further public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance for Zone Change 1064, as recommended by the Zoning Commission.

Moved by Councilmember Boyett
Seconded by Councilmember Shaw
APPROVED 11-0

4. **APPROVAL** to forward a Recommendation of Approval for Amendment No. 1, of the Billings Metropolitan Planning Organization's (MPO) FY25 Unified Planning Work Program (UPWP), to the Policy Coordinating Committee (PCC). Technical Advisory Committee (TAC) recommends approval.

Lora Mattox, Transportation Planner, provided a PowerPoint presentation and explained the fiscal year followed the Federal fiscal year and ended September 30, 2025. She explained updates for policies such as the Complete Streets Policy. The bike/scooter share RFP was removed from the 302 Transportation Study from 2021 because it was not viewed as the best use of resources at this time. Ms. Mattox described various funds to be collected. The Technical Advisory Committee (TAC) were sending a recommendation of approval to the Policy Coordinating Committee (PCC). The following day she would address the County Commissioners and on May 20th the amendment would go before the PCC for approval.

Councilmember Owen inquired about the update frequency of the transportation study. Ms. Mattox indicated that due to COVID-19 in 2020, it had impacted production of an updated report, but were now on track to provide an update in 2025. Councilmember Owen offered to provide guidance.

Councilmember Aspenlieder inquired about the County Commissioners' position on the Complete Streets Policy. Ms. Mattox responded the Commissioners sought a return on their investment for bike lanes in rights of way, etc. Councilmember Aspenlieder made a distinction between bike lanes and recreational trails. Ms. Mattox clarified that complete streets were being considered with bike lanes, not recreational trails.

Councilmember Neese was concerned that money would be spent on a study and then it would not be used.

Motion: I move to forward a Recommendation of Approval for Amendment No. 1, of the Billings Metropolitan Planning Organization's (MPO) FY25 Unified Planning Work Program (UPWP), to the Policy Coordinating Committee (PCC), as recommended by the Technical Advisory Committee (TAC).

Moved by Councilmember Shaw
Seconded by Councilmember Boyett

Motion to Amend: I move to amend the language at the bottom of Page 28 of Amendment No. 1, by adding the words "financial and" before the word "economic" in the second sentence of the second paragraph.

Moved by Councilmember Owen
Seconded by Councilmember Neese
APPROVED 11-0

Motion to Amend: I moved to amend the language at the top of Page 29 of Amendment No. 1, in the third sentence where it begins with the phrase, “cost of construction” and inserting “and maintenance of Complete Streets Infrastructure (other than optional features in policy)” and striking the words “Complete Streets Improvement.”

Moved by Councilmember Owen
Seconded by Councilmember Kennedy
APPROVED 11-0

Voice vote taken on the now amended motion. **APPROVED 10-1**, Councilmember Neese opposed

Recess was called at 7:34 PM. Meeting was reconvened at 7:43 PM.

Motion: I move to reorganize the remainder of the agenda to have the Public Comment on “Non-Agenda Items” be heard before the Special Presentations.

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

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:

- **Steven Muse**, spoke about the condition of the gravel roads in the heights area and encouraged Council to take action to get them paved for safety. He was also concerned about no sanitation facilities provided to workers on constructions sites.

There was no further public comment.

SPECIAL PRESENTATIONS:

1. Section 6-1208, BMCC - Curb Cut Ordinance Update and Discussion.

Mac Fogelson, City Engineer, provided a PowerPoint presentation explaining the proposed ordinance changes to the City’s Curb Cut codes. Council discussed private streets and whether to continue allowing them and possible policy changes that could be made to widths, sidewalks and streetlights.

Councilmember Aspenlieder inquired about traffic study refreshes since many of the studies were 10 years old or older. Mr. Fogelson mentioned guidelines could be implemented to help narrow the scope and adjacent traffic counts would be utilized and considered. Councilmember Aspenlieder suggested matters be outlined well to aid developers with expectations. He preferred not having the topic about private streets within the curb cut ordinance and suggested that it may be best addressed in subdivision regulations.

Mr. Fogelson confirmed for Mayor Cole that elimination of private streets was not the intent of

staff and the topic was contained within the site development section of the Code.

Councilmember Boyett indicated he resided on a private street, and it was a disaster for upkeep and maintenance. He supported eliminating private streets altogether.

Councilmember Gulick was concerned about sidewalk safety and having so many curb cuts that it would not allow parking on the streets. Mr. Fogelson explained how the current code protected on-street parking spaces.

Councilmember Neese agreed with Councilmember Aspenlieder's comments concerning removing the private streets subject from the curb cut ordinance section and providing a separate section in the ordinances addressing private streets. He inquired about additional development costs.

Councilmember Rupsis asked how developers would know what reigned supreme for private street development currently. Mr. Fogelson responded that private streets are allowed presently and they must be paved and have curbs and gutters. The next improvements to be considered were streetlights and sidewalks.

Mayor Cole supported private streets being developed to engineering standards and to not be constructed differently because they are owned differently (private vs. public). He suggested some minor, clarifying language to the draft and raised concerns about bringing appeals to City Council, rather than the City Administrator or some other body.

Councilmember Aspenlieder noted that if the City required private streets be built to the same specifications as public streets, then private streets were not private streets any longer. He spoke of the additional costs to the developers to add sidewalks and streetlights and suggested those improvements were not necessary in some subdivisions as they added no measure of safety in some cases. He also noted that every required improvement made affordable housing that much harder to obtain.

Councilmember Shaw supported implementing sidewalks and streetlights on all streets to improve accessibility and safety for all.

Motion: I move to direct staff to remove all references to private streets from this ordinance and address those separately in the Code.

Moved by Councilmember Neese
Seconded by Councilmember Aspenlieder
APPROVED 11-0

Mayor Cole allowed Doug Wilde to give public comment. Mr. Wilde agreed with removing the private streets section from the curb cut section of the City Code. He explained having private streets that were not required to be constructed to the specifications of public streets, allowed increased densities. He suggested placing restrictions on where private streets were located rather than how they are constructed.

2. Transportation Corridor Plan Update.

Debi Meling, Public Works Director, advised Council that a contract would be on a future consent agenda for Council approval, but this update was intended to answer questions before that meeting. She provided a PowerPoint presentation and introduced members of the committee that worked on the plan. She explained how land use and transportation were connected and the importance of skeletonizing the modal corridors for alternative modes of transportation.

Sarah Plath, Staff Engineer, reviewed typology examples of corridors; Phase 1 – scope of work as community outreach and technical analysis; project schedule for development, and completion.

Councilmember Shaw voiced concerns about duplicating efforts from the Bicycle and Pedestrian Plan that Council had not adopted. Ms. Plath responded that all of the plans would be utilized together. Ms. Meling added that identifying modal corridors helped prioritize some modes of transportation over others.

Councilmember Owen encouraged the public education component so the public would understand how the configuration of the streets would sync with one another for the different modes of transportation.

Councilmember Neese inquired about funding the plan. Ms. Meling stated there were some funds from Planning and some from gas tax that would cover the costs of the plan. She noted that road design conversations were at nearly every road construction project. A transportation plan would help eliminate those conversations during the design phase.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 9:02 PM



CITY OF BILLINGS

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

ATTEST:

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