

**MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
October 13, 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

RECESS TO CLOSED EXECUTIVE SESSION (4:30 PM - 5:30 PM) - **Litigation Update

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Aspenlieder

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
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
Toni Keehner, Deputy City Clerk
Wyeth Friday, Planning Director
Hunter Kelly, Planner
Anna Vickers, Planning Manager
Brenda Beckett, Community Development Manager
Jordan Langton, Community Development Grant Coordinator
Tina Hoeger, Code Enforcement Manager
Matt Hoppel, Fire Chief

MINUTES:

- September 8, 2025

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

- September 22, 2025 - Pending

COURTESIES:

There were no courtesies.

PROCLAMATIONS:

Mayor Cole proclaimed October 13, 2025 as Indigenous People’s Day.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski provided Council with information that:

- The City was working towards receiving a certificate of fitness by the Department of Environmental Quality (DEQ) for the Animal Control building.
- There were no exparte communications to Mayor and Council received after 3 P.M. concerning items on the agenda.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2 and 5 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

The following individual provided public comment:

Dan Brooks, Billings Chamber of Commerce, spoke in support of Regular Agenda Item 2, construction of LB Lofts affordable housing by Homeword and HomeFront.

There was no further public comment.

1. CONSENT AGENDA

- A. **Bid Awards:** None
- B. **Contract** with Tyler Technologies for Public Safety software licenses and support.
- C. **Purchase** six (6) ZOLL Cardiac Monitors for the Fire Department; ZOLL Medical Corporation.
- D. **Billings Community Foundation Grant** for Fire Prevention and the Safety Squad Program.
- E. **Montana Department of Environmental Quality (DEQ) Grant** for purchase of an Airport shuttle bus.
- F. **Resolution 25-11303** authorizing a permit for construction and maintenance of a pedestrian skyway at 1201 North Broadway.
- G. **Bills for the Week of:**
 - 1. September 2, 2025

Motion: I move to approve all items on the Consent Agenda.

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

REGULAR AGENDA:

2. **HOME AND CDBG FUNDING** to Homeword and HomeFront for construction of LB Lofts affordable apartment housing. Community Development (CD) Board recommends approval.

Councilmember Gulick recused himself from due to his employer's involvement in the project.

Jordan Langton, Community Development Grant Coordinator, gave an overview of the project details, funding and total project budget. She indicated the funding would be provided as a loan payable as cash flow reimbursement for project costs. She reviewed the timeline for construction and indicated the CD Board recommended approval contingent upon the viability of stored building materials and the commitment of project funding.

Patti Webster, HomeFront CEO, indicated they were excited to get started on the project.

Heather McMilin, Homeword Project Development Director, spoke of some of the reasons the development had been delayed and plans for the project.

Council discussed ways to mitigate potential pest control issues over the winter, the possibility of weather damage to the units and reasons for the delay in construction.

Ms. Webster addressed Council's concerns and spoke of issues with tax credits and funding issues.

Council continued discussion on the project.

Motion: I move to approve HOME and CDBG funding to Homeword and HomeFront for construction of LB Lofts affordable apartment housing, as recommended by the CD Board.

Moved by Councilmember Owen
Seconded by Councilmember Neese
APPROVED 10-0, Councilmember Gulick abstained

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC) Section 22-406, Removal of snow, ice, etc., from sidewalks. Staff recommends approval.

Tina Hoeger, Code Enforcement Manager, gave an overview of the ordinance amendments.

Councilmember Kennedy spoke of issues with the City pushing snow onto sidewalks and indicated he would not support assessing property owners for snow removal.

Council discussed the process used for notifying property owners of the need for snow removal and allowable extenuating circumstances.

There was no public testimony.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending BMCC, Section 22-406, Removal of snow, ice, etc., from sidewalks, as recommended by staff.

Moved by Councilmember Boyett
Seconded by Councilmember Neese
APPROVED 10-1, Councilmember Kennedy opposed

4. **JOINT PUBLIC HEARING FOR ANNEXATION 25-04 AND ZONE CHANGE 1070:**
Lots 66A1 and 67A1 of the Amended Lots 66A and 67A, Sunny Cove Fruit Farms Subdivision
- a. **RESOLUTION 25-11304 APPROVING ANNEXATION 25-04:** generally described as Lots 66A1 and 67A1 of the Amended Plat of Lots 66A and 67A, Sunny Cove Fruit Farms Subdivision. Staff recommends conditional approval. ***Quasi-Judicial**

Hunter Kelly, Planner, gave an overview of the location for the proposed annexation, the current zoning map and showed photos of the area. He reviewed the annexation policy criteria.

Councilmember Aspenlieder discussed the 20-foot-wide strip of P1 and suggested a variance. He spoke of the need for changes in the code. Mr. Kelly indicated the developer had chosen to forego the variance and allow for the buffer. Wyeth Friday, Planning Director, spoke of the need for changes to the code to address these types of issues.

Council discussed the City's ability to allow the developer to request a variance since the code was an issue that needed to be addressed. They discussed School District feedback, how zone changes and annexations affected fire response time and budgets.

Matt Hoppel, Fire Chief, spoke of the Fire Departments ability to serve the area and the potential for requesting a new Fire Station in the area in a future budget.

John Halvorson, a planner with Sanbell, gave an overview of the development, special variances and restrictions.

Rick Leuthold, Chairman for Sanbell, spoke of past developments and parkland requirements. He indicated an agreement had been in place for many years without the need for additional contributions. He stated the developer, and various representatives were available for questions.

The following individuals gave public testimony:

- **Mike Seppala, Western Security Bank, President**, spoke of an ongoing partnership with a neighboring business to handle potential traffic concerns.
- **Brian Redfern, Daybreak Subdivision**, spoke of neighborhood concerns with the corridor zoning and traffic issues.

No further public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution conditionally approving Annexation 25-04, as recommended by staff.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Tidswell

Council continued discussion on annexation and subdivision waivers as well as zoning and traffic concerns.

Mayor Cole spoke of concerns with waiver agreement language and indicated the City had no intention of replacing the annexation waiver if a later subdivision waiver was added. He spoke of a neglected development agreement that stated properties within 1.5 miles of Cottonwood Park provide a potential contribution for development and indicated he would not support the annexation as a matter of principle.

APPROVED 10-1, Mayor Cole opposed

- b. **FIRST READING ORDINANCE FOR ZONE CHANGE 1070**: generally described as Lots 66A1 and 67A1 of the Amended Plat of Lots 66A and 67A, Sunny Cove Fruit Farms Subdivision. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial**

Mr. Kelly reviewed the proposed zone change. He spoke of a 20-foot-wide strip of P1 land and indicated CMU1 zoning could not be directly adjacent to an agriculture zone so it would be used as a buffer. He concluded by reviewing the zone change criteria and the Zoning Commission's recommendation for approval. He indicated the Annexation and Zone Change had previously been delayed due to traffic impact study concerns. He stated Public Works had met most of those concerns. He added they should not have any bearing on the approval or denial of the zone change.

No public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance for Zone Change 1070 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Aspenlieder
Seconded by Councilmember Tidswell

Anna Vickers, Planning Manager, indicated staff could not change the current application and would need to re-notice the public. She indicated staff had made a mistake with the CMU1 zone going to the border. She suggested proceeding with the current application and staff would waive the fee associated with the zone change when the developer returned with the new request.

Council discussed their ability to make changes and what restrictions applied. Ms. Vickers spoke about the need for due process notice to the public and zoning could not be conditioned. Gina Dahl, City Attorney, indicated Council could not adjust zone changes without proper notification. She reviewed the actions Council could take for zone changes and the recently added action of being able to refer the application back to the Zoning Commission to allow proper notification.

Councilmember Neese and Aspenlieder expressed disappointment in the process and encouraged staff to research options to make the process better.

APPROVED 11-0

- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 25-04: Lots 66A1 and 67A1 of the Amended Plat of Lots 66A and 67A, Sunny Cove Fruit Farms Subdivision. Staff recommends approval.

Hunter Kelly, Planner, did not give a presentation, but was available for questions.

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 IV, as recommended by staff.

No public testimony was given.

Moved by Councilmember Tidswell
Seconded by Councilmember Aspenlieder

APPROVED 11-0

Mayor Cole called a recess at 7:40 P.M. The meeting reconvened at 7:50 P.M.

5. **SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT (SBBURD) WATER AND SEWER UTILITY CONNECTION PROGRAM.** South Billings Urban Renewal Association (SBURA) Board recommends approval.

Dick Zier, SBURA Board consultant, indicated there were 72 homes in the district that were not hooked up to City water and sewer. He reviewed the assistance allowance and gave an overview of the program.

Motion: I move to approve the SBBURD Water and Sewer Utility Connection Program, as recommended by SBURA Board.

Moved by Councilmember Rogers
Seconded by Councilmember Kennedy

Council discussed allowing commercial properties to participate versus residential only and the potential for requiring property owners to share costs. They discussed including a time limit on the project to encourage property owners to participate.

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 individuals provided public comment:

- **Paul Clark, Billings, Montana,** spoke of the importance of incorporating parkland into development.
- **Ken Crouch, former Councilmember,** spoke about concerns from citizens of Immigration and Customs and Enforcement (ICE) and encouraged Council to take responsibility.

There were no further speakers.

COUNCIL INITIATIVES:

- Subdivision and Development Traffic Impact Study (TIS) Requirement Modifications and Impact Fees (CM Aspenlieder)

Councilmember Aspenlieder spoke of concerns with the way the City currently handled Traffic Impact Studies and ways the process could be improved.

Motion: I move to dedicate Work Session time to discuss clarification within the subdivision regulations that a traffic impact study is due at the time of preliminary plat submittal not at the time of completeness and sufficiency review by Planning and to discuss implementation of a traffic impact fee system to replace the TIS requirements in the subdivision regulations.

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

ADJOURN: 8:32 PM



CITY OF BILLINGS

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

ATTEST:

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