

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

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

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Tidswell

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
Councilmember Daniel Tidswell, Ward IV
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V
Mayor William Cole

Staff

Present: Chris Kukulski, City Administrator
Gina Dahl, City Attorney
Denise Bohlman, City Clerk
Wyeth Friday, Planning Director
Anna Vickers, Planning Manager
Karen Husman, Zoning Coordinator
Gavin Woltjer, Interim Parks, Recreation and Public Lands Director
Debi Meling, Public Works Director
Mac Fogelsong, City Engineer

MINUTES:

- November 10, 2025
Moved by Councilmember Boyett
Seconded by Councilmember Rogers

APPROVED 11-0

COURTESIES: Councilmember Boyett reminded Council it was time to conduct the City Administrator's review and he encouraged Councilmembers to get their reviews into HR by the following day.

Councilmember Neese announced that the Planning Department was conducting 2045 Shape the Future of Billings, concerning developing land use. He encouraged everyone to take the survey and help shape the future of Billings.

PROCLAMATIONS: Mayor Cole proclaimed November 25th - December 10th as the 16 Days of Activism Against Gender Violence. Renee Coppock, International Director of Zonta Club, offered her appreciation for the proclamation and provided statistics about the ripple effects to the community when gender-based violence occurred. She encouraged everyone to get educated about gender-based violence, support local shelters, advocacy programs and services, and survivors and their families.

COUNCIL REPORTS: There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski advised Council that:

- The colder weather was coming, and staff was working with the Sheriff's Department to house at the animal control facility numerous dogs that were recently confiscated.
- Due to the Thanksgiving holiday, City offices would be closed on Thursday and Friday.
- Two exparte communications to the Mayor and Council were received after 3 P.M. concerning Regular Agenda Item 4b. Copies were placed in the exparte notebook located on the counter near the entrance to Council Chambers.
- It was critically important that everyone take the survey for 2045 Shape the Future of Billings and provide feedback on land use planning.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 4c 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.)

No public comment was given.

Mayor Cole separated Consent Agenda Item 1B for discussion.

Councilmember Aspenlieder separated Consent Agenda Items 1I and 1J to abstain as his business was involved.

Motion: I move to approve all items on the Consent Agenda, except for items 1B, 1I and 1J.

Moved by Councilmember Gulick

Seconded by Councilmember Neese

Councilmember Rupsis noted that 2 bills for Alternatives, Inc., a client of his, were noted in 1I and 1J, but because they were very small, he would not abstain from the vote. He noted that generally bills that small were not included in the reports for approval.

Mayor Cole recognized TrailNet for their donation for the installation of the bicycle repair station at Coulson Park, along with others in other parks. Each repair station was valued at approximately \$1000.

APPROVED 11-0

1. **CONSENT AGENDA**

A. **Bid Awards:** None

B. **Short-Term Services Agreement** with Yellowstone Valley Animal Shelter (YVAS) until June 30, 2026.

Mayor Cole wished to clarify in the agreement that on the first page of the agreement under other fees, Section 3B, it established a fee when the animal shelter was asked to care for a large number of animals that arrived at the same time. The shelter was entitled to an extra \$300 for each group of 10. It was unclear what a group of 10 meant. He suggested for clarification that the first one through nine would not trigger a fee. But 10 through 19 or anything in between would trigger the fee and then next 20 to 29, etc. It would not have to be whole multiples of an even number of 10. He continued that in paragraph 5F, there was a provision that indicated animal control cremated animals. Currently animal control does not have access to an incinerator, so a change to be more general was preferred. It was the responsibility of animal control to dispose of the animals.

Motion: I move to approve the short-term services agreement with Yellowstone Valley Animal Shelter (YVAS) with the condition that the city attorney upon approval by Yellowstone Valley Animal Shelter and the city administrator, make minor changes prior to execution, including those suggested to Section 3B and Section 5F.

Moved by Mayor Cole
Seconded by Councilmember Boyett

APPROVED 11-0

- C. **Purchase** of FY26 Solid Waste Vehicles from Billings Peterbilt, Inc.
- D. **Purchase** of FY26 Solid Waste Containers from Cascade Engineering.
- E. **State Highway Traffic Safety DUI Grant** for traffic enforcement to the Police Department.
- F. **In-kind Donation** from Trail Net for installation of bicycle repair station in Coulson Park.
- G. **Exempt Plat** of Popelka Commerce Center Subdivision, 2nd Filing. *Quasi-Judicial
- H. **Final Major Plat** of Trails West Subdivision, 6th Filing. *Quasi-Judicial
- I. **Second/Final Reading Ordinance 25-5923** for Zone Change 1071, Clearwater Estates Subdivision, Lots 2 and 3.

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

Moved by Councilmember Rupsis
Seconded by Councilmember Tidswell

APPROVED 10-0, Councilmember Aspenlieder abstained

J. **Second/Final Reading Ordinance 25-5924** for Zone Change 1072, Clearwater Estates Subdivision, Lots 1, 4 and 5.

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

Moved by Councilmember Rupsis

Seconded by Councilmember Tidswell

APPROVED 10-0, Councilmember Aspenlieder abstained

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

1. October 20, 2025

2. October 27, 2025

REGULAR AGENDA:

Councilmember Aspenlieder announced he would abstain from discussion and voting on Items 2a, 2b, 4a, 4b, and 4c on the Regular Agenda as his business was involved with all of them.

2. **JOINT PUBLIC HEARING FOR ANNEXATION 25-05 AND ZONE CHANGE 1073:**
Sunny Cove Fruit Farms Lot 7

a. **RESOLUTION 25-11307 APPROVING ANNEXATION 25-05:** generally located south of Rimrock Road and east of 62nd Street West, and legally described as Lot 7 of Sunny Cove Fruit Farms. Staff recommends conditional approval. ***Quasi-Judicial**

Karen Husman, Zoning Coordinator, reviewed the Limits of Annexation Map and annexation policy criteria. A joint public hearing on Items 2a and 2b needed to be held and separate motions and votes were needed for each. Ms. Husman provided zoning information and she explained Rural Residential was the current zoning. The applicants wished to change the zoning to CMU1 and CMU2 and she provided slides indicating where those zones would be located. She reviewed the Zoning Commission's recommendation of approval. She clarified for Council that State statutes now required that all developments must include multi-family units. Subdivisions could no longer be considered for single-family homes only.

Council and staff discussed future annexation agreements with waivers of right to protest included. In this case, however, that was not done except in the Subdivision Improvements Agreement (SIA). The discussion continued about 20-year waivers versus forever waivers and the timing of those. Wyeth Friday, Planning Director, advised that Council could require an annexation agreement with a forever waiver.

Taylor Kasperick, Performance Engineering, agent for the applicants, spoke about the plans the applicants had for development of the property as a community-oriented development. Mr. Kasperick answered Council's questions about lighting in the development and traffic management.

The following individuals provided public testimony:

- **Sue Walton, Billings, Montana**, spoke on behalf of a property owner that owned properties to the south and east of the subject properties. She inquired whether Neighborhood Mixed zoning would be a better option than CMU zoning and more compatible with surrounding properties. She continued that being 1 mile away from commercial businesses was not a hardship for anyone. She expressed concern about the increased traffic.

- **Paul Clark, Billings, Montana**, urged that buffer zones be made of parks and trails or other green space in developments with commercial and residential zone districts beside each other.

There was no further public testimony.

Taylor Kasperick, agent, advised that the City was proactive concerning traffic impacts and a road widening project was planned for next year to help with existing traffic and that of future development in the area. CMU zoning was chosen over other zoning choices as it fit the applicants' business model best. Other businesses are allowed in CMU zoning would require a Special Review before being allowed into the area. He introduced the applicants, Jessie and Grant Scelzi, who addressed the Council about their plans to open The Paddy Shack, an upscale pickleball social club. It would act as an anchor business in the neighborhood and help create a town square environment.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I moved to approve a resolution conditionally approving Annexation 25-05, as recommended by staff, with the addition of the annexation agreement.

Moved by Councilmember Neese
Seconded by Councilmember Rogers

Councilmembers Neese and Gulick spoke in favor of this type of development.

Mayor Cole expressed his favor of the project, but would object because it was within the benefitted area 1 1/2 miles of the Cottonwood Park and under Section 21(c) of the development agreement of 23 years ago, "the City was required to make reasonable efforts to the extent permitted by law and as maybe negotiated on an individual basis and discussion with the City to obtain contribution from such person or developer to fund the development and/or maintenance of the park." Mayor Cole saw no indication in the staff report that that process occurred and therefore was compelled to be consistent with his past position to vote against the annexation but would vote in favor of the Zone Change.

APPROVED 8-2, Councilmember Aspenlieder abstained, Mayor Cole and Councilmember Tidswell opposed

- b. **RESOLUTION 25-11308 APPROVING ZONE CHANGE 1073:** An 8.95-acre parcel of land, more or less, generally located on the Southwest corner of Rimrock Road and 60th Street West, legally described as Lot 7 of Sunny Cove Fruit Farms. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial**

Councilmember Boyett inquired whether Council could suggest zoning other than that which was applied. Wyeth Friday, Planning Director, advised changes could not be made at this point in the process.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I moved to approve a resolution approving Zone Change 1073, and adoption of the 10 review criteria as recommended by the Zoning Commission.

Moved by Councilmember Shaw
Seconded by Councilmember Gulick

Councilmember Shaw and Gulick supported commercial nodes into neighborhoods on the outskirts of the City.

APPROVED 10-0, Councilmember Aspenlieder abstained

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 25-05: generally located south of Rimrock Road and east of 62nd Street West, and legally described as Lot 7 of Sunny Cove Fruit Farms. Staff recommends approval.

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

No one participated in public testimony and the public hearing was closed.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I moved to approve first reading ordinance expanding the boundaries of Ward IV to include recently annexed property in Annexation 25-05, as recommended by staff.

Moved by Councilmember Tidswell
Seconded by Councilmember Boyett

Councilmember Neese called point of order noting that Councilmember Aspenlieder was absent from the vote.

APPROVED 10-0, Councilmember Aspenlieder absent/excused

4. **JOINT PUBLIC HEARING FOR ANNEXATION 25-06 AND ZONE CHANGE 1074:**
Central Avenue Subdivision

- a. ~~**RESOLUTION APPROVING ANNEXATION 25-06:** generally located north of Central Avenue, south of Broadwater Avenue, and west of 44th Street West, legally described as Lot 3 of Barber Farm Subdivision. Staff recommends conditional approval. ***Quasi-Judicial**~~

Wyeth Friday, Planning Director, noted that errors were discovered in various documents and he reviewed those errors with Council and provided corrected documents. He explained the annexation would have 2 phases. He noted it was a mechanics error in how the documents relate to each other. He explained the phasing process and noted 2 other phasing annexations were approved in recent years.

Councilmember Kennedy clarified that Phase 1 was the only portion to be annexed or considered by the Zone Change and subsequent ward expansion, but annexation of Phase 2 would be brought to Council for consideration by December 31, 2031, or sooner, depending on the developer's wishes. Mr. Friday agreed and added that only the annexation would be considered by Council in the future, not the zoning. The Zoning Master Plan would be considered and approved by Council during this meeting for future phasing.

Karen Husman, Zoning Coordinator, gave a PowerPoint presentation and noted that if the subsequent zone change was not approved, then the annexation would not be approved either. The same was true if the annexation failed, the zone change could not be approved. The annexation and zone change were interconnected. A separate motion and vote would need to be taken for the annexation and the zone change. She noted that the current zoning was agriculture and since there was no agriculture zone within the City's limits, the annexed property required a zone change. She reviewed the annexation policy criteria and the Zone Change review criteria, which followed Montana State Codes. Ms. Husman explained that should the Council not want to follow the Zoning Commission's recommendation for approval, findings for a denial would need to follow the review criteria. Ms. Husman explained the Planned Neighborhood Development (PND) zone change process. She noted the zoning tool allowed more efficient land use decisions and allowed phasing of annexations with full zoning planned in advance. She reviewed the differences between the zones and compared other developments' densities. She spoke of the future expansions of 44th Street West, 46th Street West and Broadwater Avenue affecting traffic impacts although it was uncertain when the expansions would occur because the expansions hinged on the development of other

unannexed properties. Ms. Husman reviewed the growth policy and noted how the development met the criteria.

Councilmember Kennedy would not support NX1 placement in the zone change and asked if that could be amended. Wyeth Friday, Planning Director, advised that amendments could not be made by Council. The Zone Change would have to be denied or the applicants would need to withdraw their application and start the process over.

Councilmember Kennedy inquired when expansions of 44th Street West and 46th Street West would occur. Mac Fogelson, City Engineer, stated there were no capital improvements planned for 44th Street West from Broadwater Avenue to Grand Avenue. Broadwater Avenue would be extended during this development. Councilmember Owen inquired where traffic would be diverted if 44th Street West and 48th Street West were not expanded. Mr. Fogelson responded traffic would go north and south but there would be no connection to Bluegrass Road. He explained that different phases of the development required different phasing of infrastructure. The Cloverleaf Subdivision was in the County and until that wished to be annexed into the City, there would not be a connection to Bluegrass Road.

Council and staff discussions continued concerning triggers for street improvements, impacts on the area's aquifer and the Bureau of Mines study, and adding conditions to the annexation.

Taylor Kasperick, Performance Engineering, agent, addressed with Council that Broadwater Avenue would eventually be extended, but the timing was unclear due to lack of development in the area. When it was extended it would be a very busy thoroughfare and locating NX1 as planned, was done so with that in mind. He further explained the various reasons all the zones were chosen to be placed where they were in the zone plan. The developer planned 7.5 units per acre which was below the number of units outlined in the growth policy. The property had been on the market for 2 years and developers' attempts to develop it with single-family homes only could not be "penciled out". Construction costs and infrastructure connections made it too costly to make the homes affordable. Council discussed with Mr. Kasperick whether changing the zoning configuration could be considered and improved aesthetics of the duplexes planned for the area.

Mayor Cole called for recess at 7:48 P.M. and reconvened the meeting at 7:57 P.M.

The public hearing was opened, and the following individuals spoke against the annexation and/or zone change:

- **Susan Sullivan, Billings, Montana**, long time resident of Cloverleaf Subdivision. She spoke of home valuation concerns, market uncertainty and the increase to property taxes.
- **Steve Zabawa, Billings, Montana**, noted the density would affect all the surrounding subdivisions and the placement did not make sense. It was not compatible and increased traffic was a concern.
- **Kelsey Reiter, Billings, Montana**, represented the mothers and children of the neighborhood and read a statement indicating the proposed zone change did not meet review criteria no. 8 regarding being in character with existing neighborhoods.
- **Catie Stanley, Billings, Montana**, echoed concerns of the previous speakers and spoke about impacts on the neighborhood schools and encouraged thoughtful planning.
- **Willard Barry, Billings, Montana**, spoke of increased density and traffic. Encouraged future density development to be similar to existing nearby neighborhoods.
- **Tony Gaffke, Billings, Montana**, represented property owners of Sundance Subdivision. He referred to the 2016 Growth Policy and noted that in many cases the proposed development appeared incompatible. He encouraged a smooth transition between housing types.
- **John Wunder, Billings, Montana**, encouraged denial of the annexation and zone change.

- **Brynda Larsen, Billings, Montana**, noted that review criteria nos. 7 and 8 were not met as the proposed development would not promote compatible urban growth or respect the established character of existing neighborhoods.
- **Randy Spear, Billings, Montana**, a resident of Twin Pines Subdivision, spoke in opposition to Zone Change 1074 and noted the increased traffic to Central Avenue during rush hours was a safety concern. He polled the audience for those in favor and those opposed and reminded Council they represented the community's interests.
- **Roger Aldinger, Billings, Montana**, noted there were 6 established subdivisions surrounding the proposed development and it appeared all were being ignored.
- **Dean Kile, Billings, Montana**, opposed the zone change and stated Central Avenue was a natural barrier and nothing should be considered south of Central Avenue.
- **Elise Habel, Billings, Montana**, compared developers, McCall Homes and Happy Homes, and the differences between living environments they created.
- **Ryan Catcher, Billings, Montana**, thanked Council for thoughtful questions of the developers and echoed objections previously expressed by other speakers. He noted the developers were not prepared to answer tough, direct questions that would change the lives of others.
- **Carmen Kile, Billings, Montana**, questioned parks in the new development as the City was not requiring them and her subdivision's HOA maintained their park. She continued it would not be fair for her subdivision and HOA to provide a park for the new development.
- **Steve Grosso, Billings, Montana**, noted the photos in the presentation did not accurately reflect the existing housing in the area. He spoke about speeding and racing traffic between roundabouts on Shiloh Road and the traffic noise it created. He inquired whether the expansion of 44th Street West would create a similar experience. He encouraged Council to deny the zone change.
- **Amy Iverson, Billings, Montana**, noted the average density proposed for the new development was nearly 5 times greater than that which existed in all of the surrounding subdivisions. The proposed development was not compatible.
- **Jared Browning, Billings, Montana**, voiced concerns about water to water wells being decreased with the addition of homes. The traffic near Ben Steele Middle School on Grand Avenue had increased traffic to an impossible amount. He suggested other properties on Central Avenue be developed with what was proposed for this development.
- **Janelle Lende, Billings, Montana**, spoke of the use of Broadwater Avenue as a second entrance off of 48th Street West into Sundance Subdivision and people were unable to turn left from the subdivision due to traffic. She opposed the annexation and the zone change.

No further public testimony was given.

Taylor Kasperick, agent, voiced understanding with those that objected and stood firmly that the development met with urban growth policies. Due to the changes in the State laws, duplex housing was permitted amongst all residential zone districts.

Discussions about denials versus withdrawals versus referrals of the zone change back to the Zoning Commission and the different processes and timelines for each scenario ensued.

Taylor Kasperick, agent, stated his client wished to withdraw the annexation petition and zone change application to give them time to meet with the neighbors again and see if a different plan could be provided to the Zoning Commission.

Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to allow the applicant to withdraw its application as requested.

Moved by Councilmember Boyett
Seconded by Councilmember Kennedy

Councilmember Shaw supported the motion, but voiced concerns that the developers may not have other options to bring forth to the Zoning Commission, etc.

Councilmember Owen supported the motion, but noted there were deficiencies that needed to be addressed before the matter returned to Council. The information provided for review criteria no. 4 was seriously lacking for the complexity of the project. Disclosure of existing traffic studies would be advantageous. School District No. 2 needed to provide responses to how ongoing development impacted their schools in the area. The Fire and Police Departments needed to provide better information about their service concerns, especially when there were patchwork roadways and poor traffic flows. Storm run-off, retainage and aquifer replenishment was important to west end developments and needed to be considered.

Councilmember Kennedy wished to receive something in writing that gave the subdivision to the north permission to develop a road through the middle of it. More information about future road expansions was needed. He supported the motion to accept the withdrawal.

Councilmember Rupsis mentioned he lived east of Sundance Subdivision and the proposed development. He spoke about his personal experience with new developments and his perspective now having been a Councilmember and understanding how development and planning work. He explained that aesthetics, build quality, community feel and fabric were not considerations for Council in the zoning process. Unfortunately, there were no other lower density zoning options the developer could offer because they do not exist.

Mayor Cole spoke to his opposition to the annexation of the property per its location and noncontribution to Cottonwood Park. He noted that compatibility did not mean “the same”. Compatibility meant the development was residential and the other subdivisions around it were residential and therefore compatible. The City does not want low density subdivisions in which only 1 single family dwelling per acre existed. It was too expensive to install and maintain infrastructure in subdivisions like that. He quoted the State statute passed in 2023, Sec. 76-2-304, MCA, “in a city with a population greater than 5,000 residents, duplex housing must be allowed as a permitted use on a lot where a single family residence is a permitted use and zoning regulations that apply to the development or use of duplex housing may not be more restrictive than zoning regulations that are applicable to single family residences.” Duplexes are equivalent to single-family homes. The legislature made that decision. City Council had little alternatives and could not create defacto moratoriums through denial of any new developments that would feed onto Central Avenue. Council did not have the ability to require aesthetic standards. Mayor Cole cautioned the neighbors about dictating what a developer could do with their property and that no one wanted government to step in and tell them what they can and cannot do with their property.

APPROVED 10-0, Councilmember Aspenlieder abstained

- b. ~~**RESOLUTION APPROVING ZONE CHANGE 1074:** a 55.46 acre parcel of land, more or less, generally located north of Central Avenue between 44th Street West and 48th Street West, legally described as Lot 3 of Barber Farm Subdivision. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial**~~
- c. ~~**ANNEXATION AGREEMENT** with Donna Barber-Schneider, Diana Browne, and Karin Barber. Staff recommends approval.~~
- 5. ~~**PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 25-06: generally located north of Central Avenue, south of Broadwater Avenue, and west of 44th Street West, legally described as Lot 3 of Barber Farm Subdivision. Staff recommends approval.~~

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 gave public comment:

- **Paul Clark, Billings, Montana**, stated people who reside on 1-acre lots do not value parks, but the majority of Billings residents do not have that kind of personal green space and parks are necessary. He asked for a bus stop to be located near Family Services on First Avenue South. He asked for streetlighting in areas of the southside where none existed. He wanted to see plans for the South Park Pool and he wished for the storm water retention pond near the Reno Club to be drained and the Sixth Avenue Underpass cleaned. He suggested speed bumps on Shiloh Road.

No further public comment was offered.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 9:38 P.M.

CITY OF BILLINGS

BY: _____
Mike Nelson, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk