

## **\*\*ATTENTION\*\***

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, fifth floor of City Hall, 316 N. 26th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- . Review the Agenda Packet on the City's website at: [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Your Government," "City Council," and "Agendas & Minutes".
- . View the meeting:
  - . On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. *(On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)* Channel 7 or Channel 978 - TDS Fiber.
  - . Online at [www.comm7tv.com](http://www.comm7tv.com) and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - . On the City's website at [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Watch Meetings Online" on the homepage.
  - . In-Person.

Citizens may submit public comment via the following methods:

- . Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- . Email: [Council@billingsmt.gov](mailto:Council@billingsmt.gov).
  - . Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- . Attend the meeting in person

Please contact Denise Bohlman, City Clerk, at [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov), or at 406.657.8210, with any questions.



**VISION STATEMENT:**  
"The Magic City: A diverse,  
welcoming community  
where people prosper and  
business succeeds."

**WORK SESSION AGENDA  
AUGUST 18, 2025**

**COUNCIL CHAMBERS**  
316 N. 26th Street, 5th Floor

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PUBLIC COMMENT ON ALL ITEMS.** This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

**1. Snow Removal Ordinance Amendments.**

-Public Comment

**2. Public Art Policy.**

-Public Comment

**HIGHLIGHT UPCOMING AGENDA ITEMS OF COUNCIL INTEREST:**

**COUNCIL DISCUSSION:**

**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.)*

**ADJOURN:**

**Note:**

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a closed executive session to discuss litigation strategy, the other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4)(a), MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.  
In the event there is a closed executive session to discuss a matter related to an individual's privacy, the presiding officer must determine the demands of individual privacy exceed the merits of public disclosure and the individual has not waived their right to privacy.

**City Council Work Session**

**Date:** 08/18/2025  
**Title:** Ordinance Amendments to BMCC 22-406 and BMCC 15-501  
**Presented by:** Tina Hoeger  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

Staff is presenting proposed amendments to BMCC 22-406 and BMCC 15-501 for council discussion and input. This meeting is to work through any questions or concerns so that the amended ordinances may be brought back to council for a public hearing and first reading at an upcoming meeting.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

BMCC 22-406 is the ordinance used by the Code Enforcement Division to enforce primarily snow removal from sidewalks. The proposed revisions in the attached amended version address several issues that have been either raised by the public or encountered by Code Enforcement. Additionally, the proposed revisions address the acceptable removal of impediments, i.,e, snow, in the city limits.

BMCC 15-501 is an update to mirror state code changes in title/chapter numbers and to clean up language adopting the state regulations.

**STAKEHOLDERS**

The proposed revisions would benefit our citizens, especially those using wheeled devices, making sidewalks safer and more accessible.

**ALTERNATIVES**

City Council may:

- Approve of the suggested amendments as written and direct staff to bring them to a business meeting for action;  
or,
- Make additional suggestions to the amendments and direct staff to bring them to a business meeting for action;  
or
- Not Approve the suggested amendments and direct staff to leave the ordinances as written. Not changing the ordinance will continue to make keeping sidewalks clear for the traveling public more difficult and language will remain in City Code that does not match MCA references.

**FISCAL EFFECTS**

There are no fiscal impacts associated with the proposed amendments to BMCC 22-406 or BMCC 15-501.

**SUMMARY**

Staff is requesting discussion and input from the Council on the proposed amendments to BMCC 22-406 and BMCC 15-501, so that the ordinances may be brought back to Council for public hearing and first reading. Snow removal season is fast approaching and these changes would greatly benefit our citizens and the city this winter and year round. The state regulation code is just an update in language to match current MCA.

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**Attachments**

Presentation  
BMCC 22-406  
BMCC 15-501



## Ordinance Amendments

BMCC 22-406

BMCC 15-501

Tina Hoeger  
Code Enforcement Division Manager

[hoegert@billingsmt.gov](mailto:hoegert@billingsmt.gov)

406-869-3926



## BMCC 22-406 title

- Change the title of the ordinance, removing **snow, ice, etc.** and replacing it with the word **impediments**
  - Ordinance covers more than just snow and ice
  - Recently CE had a situation where a large amount of gravel and dirt ended up on sidewalks
    - When the property owners were sent letters, the violation or section of the code is included in the letter and the title was confusing to property owners as the letters were sent when there was no snow accumulation
    - Using impediments would be a more general term



## BMCC 22-406(a)

- Removed the word **foot** as we have travelers along our sidewalks that use wheeled devices. They are simply all travelers.
- Added the last sentence of:
  - **Removal or repair of impediment shall be no less than 36 inches to accommodate wheeled travelers.**



## BMCC 22-406(b)

- Added language of **ice, mud, slush and other impediments** to remain consistent within each section of the code.
  - We did this in three parts of this section.
- Cleaned up the language in the first sentence. Removed **upon sidewalks fronting property owned by persons not residing in the city** and referred back to the requirements in section (a) so they read the same and are consistent.
  - Whether a property owner lives in the city limits or doesn't, they are still the responsible party to remove the impediment.
- Changed the word shall to **may**.
  - Gives the city the option to use this section rather than mandate it.
  - Historically, this section has not been activated; however, left it in place as an option to the city
  - There is no resolution on file



## BMCC 22-406(c)

- Removed the language **for any person** and added **mud, slush and other impediments**.
  - Removed language seemed too specific and this section could apply to more than just a person, i.e. a company, etc.
  - Added language again to remain consistent within the code.



## BMCC 22-406(d)

- New language to address entities that move impediments from public streets onto alleys, sidewalks, etc.
  - When a non-city entity moves impediments from a roadway onto alleys, sidewalks, etc., they should be responsible for removing it from those alleys, sidewalks, etc., unless there is permission from the City or it's agents to place it there.



# BMCC 15-501

- This is a language change to simplify how the ordinance reads
  - Language provided by City Attorney's office
  - Ordinance still adopts the state regulation
  - ARM title, chapter, and subchapter numericals changed on the state level
    - This amendment is to match what is in state code.
  - Removed the statement of having a copy on file in the clerk's office
    - All online now
    - Not a legal requirement

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**Sec. 22-406. Removal of snow, ice, etc., impediments from sidewalks by abutting property owners.**

- (a) It shall be the duty of the occupant of any premises within the city limits, or in case such premises are unoccupied, then the owner or his or her agent, to keep the sidewalks in front of and adjoining his or her premises clean and safe for pedestrians, and to repair the same from time to time; and such occupant, owner or agent shall remove snow, ice, mud, slush and other impediment to safe and convenient foot travel, within twenty-four (24) hours after such snow, ice, slush or other impediment accumulates thereon, and prevent the continuance and accumulation of the same. Removal or repair of impediment shall be no less than 36 inches to accommodate wheeled travelers.
- (b) Accumulations of snow, and ice, mud, slush and other impediments not removed as required by paragraph (a) upon sidewalks fronting property owned by persons not residing in the city, shall may be removed under the direction of the city which shall keep a record of the cost of such removal with a description of the property adjacent to which such snow and ice are removed. The city clerk shall each year prepare and present to the council, on or before the second regular meeting in September, a resolution containing a list of all lots and parcels of land in the city from the sidewalks adjacent to and fronting on which snow, and ice, mud, slush and other impediments have been removed, with the names of the owners thereof, and the cost of removal of such snow, and ice, mud, slush and other impediments. When such resolution is passed by the council and approved by the mayor the assessments therein provided for shall constitute a lien upon and against such lots and parcels of land. A copy of such resolution shall be certified by the city clerk to the county treasurer for collection in the same manner as other taxes.

(b) (c) It is unlawful for any person to dispose of or move snow, ice, mud, slush and other impediments from private property onto a public street, alley or sidewalk.

(d) It is unlawful to dispose of or move snow, ice, mud, slush and other impediments from a public street onto an alley, sidewalk, or private property without the consent of the owner. This section does not apply to the City.

(Code 1967, § 10.84.080)

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**Sec. 15-501. State regulation adopted.**

A certain document, one copy of which is on file in the office of the city clerk and one copy of which is on file in the office of the city-county health department, designated as "Montana Department of Health and Environmental Sciences, Environmental Sciences Division, Food and Consumer Safety Bureau, Rule For Trailer Courts and Tourist Campgrounds, Administrative Rules of Montana, Title 16, Chapter 10, Subchapter 7, effective July 30, 1982," shall be the code of the city containing the standards, regulating construction, maintenance, and operation of trailer courts and tourist campgrounds. All of the regulations, provisions, conditions and terms of such code are made a part of this article as if fully set out herein.

The City hereby adopts Title 37, Chapter 111, Subchapter 12 of the Administrative Rules of Montana, effective September 10, 2022, as the City's official code governing the construction, maintenance, and operation of trailer courts and tourist campgrounds. All regulations, provisions, conditions, and terms contained in this subchapter are incorporated into this article by reference as if fully set forth herein.

(Code 1967, § 7.32.010)

## City Council Work Session

**Date:** 08/18/2025  
**Title:** Public Art Policy - Final Draft  
**Presented by:** Elyse Monat  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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### RECOMMENDATION

Staff recommends the Council receive the presentation on the proposed City Public Art Policy and provide feedback on the policy. Staff plans to bring the policy back for approval at a regular business meeting following this Work Session review.

### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Staff presented the draft Public Art Policy to the City Council at its July 7, 2025 Work Session, and the Council raised several questions staff were asked to address. This memo mainly outlines the major changes since the last presentation. The major changes staff has made since the July 7 Work Session, include:

- Public art approval
  - Given the realization that the Charter prohibits committees from making administrative decisions, the draft policy proposes the City Administrator will approve projects with materials and installation budgets of less than \$25,000. For projects over \$25,000, the City Council will approve the projects. City Attorney, Gina Dahl, finds the City Administrator would be the most appropriate official to approve smaller public art projects as the City Administrator has the authority to "carry out policies established by Council" (i.e. the Public Art Policy); "enforce, laws, ordinances, and resolutions;" "administer the affairs of the City;" and "direct, organize, establish, supervise, and administer all departments, agencies, and offices of the city." Staff believes this is preferable over an "implied approval" process suggested during the work session since it allows another level of review following the committee's recommendation and the City Administrator has frequent and ongoing contact with Council and can bring issues to the attention of Council in advance of decisions as appropriate.
- Maintenance Budget
  - The draft policy has been edited to state that the 10% maintenance donation will be based on the cost of materials and installation. As several Council members pointed out, it can be challenging to determine the exact value of a piece of art when factors such as volunteer hours are included. In addition, a well-known artist may charge more for their work on a piece of the same size and medium as a lesser-known artist, yet both pieces may require the same maintenance effort and cost. Basing the donation on materials and installation provides a more consistent and standardized measure.
  - Partners from Healthy By Design are working to establish a maintenance fund funded by third-party donors to serve as a "backstop" in case there are maintenance/removal costs not covered by the required donation.
  - The draft policy requires the Public Art Committee report back to the Council on how the policy is working and whether any changes are recommended/necessary. This could include a reconsideration of the required maintenance donation amount if the committee/staff/council members determine an adjustment is warranted.
  - For art on City-owned property placed on private property (i.e. commercial garbage containers), no maintenance budget will be charged. The private property owner/tenant will be completely responsible for the maintenance of the art. If a garbage container wrap is damaged beyond repair, the property owner/tenant can replace the wrap with an identical one without reapplying to the public art committee; any change to the design will require a new application.
- Deaccessioning of artwork
  - Given that committees cannot make administrative decisions, the public art committee will forward a recommendation of deaccessioning to the City Administrator.
  - Two additional criteria were added to the list for deaccessioning, including:
    - A request by City Council approved by a vote of the majority of council members.
    - Any other criteria the committee, in its discretion, determines to be reasonable.

## **STAKEHOLDERS**

This draft policy takes into consideration input from local and national experts, local stakeholders, City staff, and the City Council. The most recent draft reflects edits from the Council and the Mayor, who submitted a Word document with proposed edits.

## **ALTERNATIVES**

City Council may:

- Recommend staff bring the policy for approval as a consent agenda item, with or without changes
- Recommend staff bring the policy for approval as a regular agenda item, with or without changes
- Recommend staff not advance the draft public art policy

## **FISCAL EFFECTS**

The policy's implementation and the Public Art Committee will be managed by the Neighborhood Planner. This position is already funded. While it may take staff some additional time to review public art proposals, it creates a clear process as opposed to trying to individually figure out a process for each individual proposal.

The draft policy includes a requirement for the applicant to donate 10% of the art project's cost of materials and installation to a fund held by the City to provide needed funds for minor maintenance and removal of art when the piece reaches the end of its useful life.

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## **Attachments**

Draft Resolution Packet  
Draft Application Guide  
Draft Public Art Appeal Form

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF BILLINGS ESTABLISHING A PUBLIC ART POLICY AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, the City of Billings is supportive of public art and the many benefits it provides to the community including neighborhood beautification, economic development, crime prevention, increased safety, community health, community pride, and inclusion.

**WHEREAS**, it is in the best interest of the citizens of the City of Billings that the City have a policy on the placement of art on city property outdoors that is clear, concise, equitable, and as easy as possible to navigate.

**WHEREAS**, it is not the intention of this Resolution to create any public forum for the expression of speech, and any placement of art pursuant to this Resolution shall be within the sole discretion of City Council.

**WHEREAS**, this policy shall apply to any art commissioned by the City or donated to the City.

**WHEREAS**, Section 22-101, BMCC, provides that is unlawful for any person, without the permission of the City Council, to paint, mark, or write any sign, letters or words with crayon, paint, or other material upon any sidewalk, curb, or pavement within the City of Billings. This Resolution is intended to provide Council's consent in situations that comply with all City regulations, resolutions, ordinances, the policy established by this Resolution and approved by the City Administrator.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Billings, that a public art policy is hereby adopted as follows:

SCOPE

This policy applies to public art projects located, or proposed, on property owned or controlled by the City of Billings; this property will be referred to as "Public Property." These may be projects commissioned by the City, or art donated to the City. Public art may be created through a communal process, or in collaboration with the community to reflect the ideas and values of those for whom public art is created and to engage in creative problem solving.

PURPOSE

This policy establishes the basis on which public art projects are commissioned or approved. It seeks to establish the key criteria for informed, transparent and high-quality decision-making when approving or declining proposed public art projects which will form a long-term aspect of the City's citizens' and visitors' experience and cultural enhancement.

## POLICY

1. Any review of public art proposals will generally follow the process described in Attachment A - *Public Art Review Process Flow Chart*. It is understood that the public art needs of the City of Billings may change resulting in an update to the process, which shall be approved by the City Council. However, minor changes, such as in staff or software used to process reviews, will not require a vote by City Council. Public art does not include advertising displayed with the permission of the City, including, but not limited to, signs, banners, vehicle wraps, etc. promoting events, organizations or businesses.
2. Public Art is defined as an original artwork which is visually or physically accessible to the public and which does not require a fee or other prerequisite to observe.
3. Public Art is inclusive of a variety of media, however, for the purpose of this policy, performance, music, and dance are not included.
4. This policy regulates Public Art placed on Public Property. This policy also regulates any Public Art placed on City owned property located on private property, for example City owned commercial garbage containers.
5. Public Art can be privately or publicly funded.
6. Public Art should:
  - i. connect to the community or community identity;
  - ii. create vibrant places for people to gather;
  - iii. be an intentional use of art or place making; and embody community aspirations, both past and present.
7. Public Art comes in many forms and may include, but is not limited to, the following:
  - i. Sculpture in the round, bas relief, mobiles, fountains, kinetic and electronic work.
  - ii. Paintings in all media, including oils and acrylics, that are portable or permanently affixed, such as murals.
  - iii. Graphic arts, such as printmaking, drawing and banners.
  - iv. Mosaics, including works executed in tile, glass, stone or other materials.
  - v. Works using clay, fiber and textiles, wood, metal, plastics, stained glass and other materials, both functional and ornamental.
  - vi. Photography, including digital and traditional photographic print media.
  - vii. Mixed media, which may include any combination of two- and three-dimensional forms of media, including collage.
  - viii. Earth works, environmental installations and environmental art.
  - ix. Ornamental or functional decorative elements designed by practicing artists or other persons submitting as artists, including design professionals who are not members of the City design team for the project.

- x. Portable art that may be displayed at locations other than a substantially permanent location.
8. A seven-person Public Art Committee, consisting of the following representatives, is established. The members will be appointed by the Mayor with the consent of the City Council in accordance with BMCC Article 2-500.

The committee shall consist of the following representatives:

- a. One artist at large.
- b. One representative from the economic or community development field.
- c. One representative referred by the Billings Arts Association or, alternatively, any other art-related organization designated by the City Council.
- d. One representative referred by the Native American Development Corporation or, alternatively any other organization representing the interests of Native Americans designated by the City Council.
- e. One representative from the engineering, architecture, landscape architect, or three-dimensional art field.
- f. Two members of the public that have an interest in public art.

Members of historically underrepresented groups are encouraged to apply.

Three of the founding members of this committee will be assigned three-year terms; the other four will be assigned four-year terms. The length of each member's initial term shall be established at the first meeting of the committee through a random process by having the members draw straws (or the equivalent) designating either a three-year or four-year term. All subsequent members will be assigned four-year terms as required by BMCC Article 2-500.

Members of the Public Arts Committee shall be residents of the City of Billings and meet the minimum qualifications set forth in BMCC Article 2-501.1.

Public Art Committee members serve at the pleasure of the City of Billings City Council and may be removed as set forth in BMCC Article 2-500.

The Public Art Committee will be formed and operational within 6 months of the signing of this resolution.

9. The Public Art Committee, with input from staff, is responsible for making recommendations for approval or denial of Public Art pieces in outdoor spaces of Public Property consistent with this policy. Staff may not advance a project to the Public Art Committee if it violates applicable city, state or federal codes, regulations, resolutions or ordinances or results in a safety issue that cannot be resolved. Artwork placed on property that has been paid for with federal funds may be subject

to additional review criteria prior to approval. Staff must document efforts to work with the artist(s)/community members to find mutually acceptable modifications to any project which does not meet minimum criteria, but it may not be possible to move all projects forward. Staff will determine the most appropriate location for the proposed artwork, should it be approved, before it goes to the Public Art Committee.

10. The Public Art Committee will report to the City Council a minimum of once per year on projects approved in the past year. The Public Art Committee will also provide feedback on the implementation of this policy and shall suggest relevant updates to City Council.
11. The Public Art Committee will meet monthly but may cancel meetings due to a lack of applications to review.
12. Any proposed Public Art project requiring review under this policy must be submitted by the applicant to the City of Billings Planning Division. An example of the application is available in Attachment B – *City of Billings Public Art Proposal Application and Waiver*. This application may be updated from time to time by city staff and will be available at the Planning Division. All applicants must provide a written license and waiver executed by the artist along with the application to allow the City to display, reproduce, modify, relocate, remove, etc. the proposed Public Art project.
13. Public Art will be reviewed on how well it adheres to the principles below.
  - a. The project will have a positive impact in the Billings community.
  - b. The project is accessible to the community and connected to its surroundings.
  - c. The project enhances the beauty and/or comfort of its location.
  - d. The project activates a place to make it more engaging.
  - e. The project brings people together or encourages people to gather and linger.
  - f. The project has artistic merit.
14. Consideration must be given to the appropriateness of artwork in the context of local community standards and values. For that reason, art that does the following is prohibited:
  - a. Defames, denigrates, or invades the rights of any person living or dead
  - b. Could be construed as harmful to a third party, including but not limited to illegal activity or pornographic images or images depicting alcohol, tobacco or drug use or unnecessary violence
  - c. Depicts living political figures
  - d. Depicts false, misleading, or deceptive material

- e. Contains speech that is objectional under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the primary purpose of the Public Property
- f. Contains art that is demeaning, derogatory, or has an exclusionary reference to any group based on race, religion, sex, gender identity, ethnicity, ability level, national origin, or other category
- g. Promotes messages appearing to advertise or promote a product or private entity (corporation, neighborhood business, or other community organization). This is considered a sign and will be reviewed under the City of Billings sign code.
- h. Images that create a driver distraction or could be confused with traffic signs
- i. Desecrates significant cultural symbols

Additionally, if the proposed artwork includes religious subject matter, the artwork must be able to be displayed in such a manner that the work does not violate any legal prohibition applicable to public property, is not likely to be revered, and is solely for the purpose of exhibiting cultural or historical traditions.

15. Whether to allow an applicant to display their work lies solely within the discretion of the City in accordance with this Resolution. The City may enter into a written agreement with any applicant to memorialize terms for displaying Public Art, including location, period of time for the display, maintenance, circumstances for deaccession, etc. Any such agreement for artwork where the total cost of materials plus installation, not including the artist's fee to create the work, is less than \$25,000 shall be executed by the City Administrator. For any artwork where the total cost of materials plus installation is equal to or more than \$25,000, such agreement shall be executed by the Mayor with the consent of the City Council. In any case, if the agreement is inconsistent with the terms of this policy, the agreement shall prevail.
16. Should an applicant disagree with the final determination of the City Administrator, the applicant may appeal the decision to City Council within 15 days of the notice of denial by submitting a written notice of appeal to the City Clerk at 316 N 26<sup>th</sup> St, Billings, MT. The City Clerk will notify the appropriate city staff and then place this matter on a Council agenda within thirty (30) days of receipt of the notice of appeal at which time the applicant will have an opportunity to present information to Council. The City Clerk will provide written notice to the applicant at least ten (10) days prior to the appeal hearing by causing the notice to be personally served or by delivering it to the physical address or email address applicant provided on the written notice of appeal. Council's determination will be based on whether the Public Art Committee's recommendation and the City Administrator's decision aligns with the policy and procedure set forth in this resolution. Council will make a determination on any appeal within sixty (60) days of receipt of the notice of appeal. City Council's determination is final.

17. To the extent that any art is placed and displayed on Public Property, it is not intended to communicate a message to the public on behalf of any artist, individual, or entity. Therefore, any message conveyed intentionally or unintentionally by the City of Billings or inferred by the public constitutes governmental speech and does not create rights of expression by other persons under the First Amendment. By adopting this policy, the City does not intend to open a forum for expression by the public.

18. Artwork fails to meet professional standards for acceptable public art practice and shall not be approved by the Public Art Committee if any of the following applies:

- a. Faults of design or workmanship pose a public health or life safety hazard or diminish the value of the work.
- b. The artwork is fraudulent, inauthentic, or appears to be of inferior quality relative to the quality of other works in the City's collection.
- c. The artwork is not an original work of art. If the artwork is one of a multiple, it will be accepted only as an authorized limited edition. In the case of fine art prints and photographs, a limited edition is 200 or fewer.

19. Deaccessioning of artwork.

- a. Absent other contractual requirements, Public Art may be deaccessioned by the City for any reason. The Public Art Committee may consider the following criteria when making a recommendation to the City Administrator or his/her designee for deaccession:
  - i. Irrelevance to the permanent collection
  - ii. Duplication
  - iii. Inferior quality or poor condition – items found to be fragile or those that are potential targets for vandalism and may not be appropriate for display in public places
  - iv. Public safety concerns
  - v. Inability for the City of Billings to meet a standard of care, display, maintenance, or storage
  - vi. Issues with authenticity, attribution, or provenance
  - vii. Ethical, political or legal concerns
  - viii. Financial burden associated with maintenance and preservation
  - ix. Changes in artistic or aesthetic styles, tastes, standards, or trends
  - x. A request by City Council approved by a vote of a majority of council members
  - xi. Any other criteria deemed reasonable in the discretion of the committee.

- b. Artwork posing a threat to public safety may be removed immediately by the City department responsible for the property. All other cases of deaccessioning, except for murals, which may be painted over in the discretion of the City, should be reviewed by the Public Arts Committee before approval by the City Administrator.
- c. Murals in poor condition may be painted over by the City department if they have exceeded their expected lifespan of 1-5 years.

20. With the exception of art placed on City owned property located on private property, art donated to the City shall include a maintenance plan along with a maintenance and/or removal budget donated by the applicant to a fund at the City. Unless a higher or lower amount is approved by the City and memorialized in a written agreement with the applicant, the maintenance budget shall be 10% of the approximate cost of materials and installation. The City may, but is not required to, credit in-kind maintenance services by the artist or other volunteers toward the 10% requirement. Funds collected pursuant to this paragraph will be available to perform minor maintenance on any of the City's outdoor Public Art collections and will be available for the removal of Public Art.

21. Minor maintenance of Public Art may be performed by the City as needed and determined by City staff. In instances where detailed touch-ups are required, staff will attempt to contact the artist to provide a reasonable opportunity to repair the work. Any other regular maintenance desired by the artist should be specified in the maintenance plan and staff will determine if an additional fee is needed to complete these tasks, or the applicant may commit to completing these tasks at their own expense.

22. In the event of damage or vandalism to artwork donated to or commissioned by the City, staff agree to contact the artist to discuss the extent of damage and, if necessary and whenever possible, attempt to provide an opportunity for the artist to repair damage within a timely manner. If available, the City may elect to use any maintenance funds that were donated for the benefit of the City by the applicant for this project or by other donors for other projects involving Public Art. City staff reserve the right to decommission the Public Art installation if damages due to graffiti, vandalism, weather, or other associated causes, are beyond minor repair. City staff must maintain City property as necessary to preserve its appearance and integrity, which may warrant decommissioning the public art installation in some circumstances. Staff will attempt to provide the artist with a reasonable opportunity to demobilize the art installation as appropriate if/when necessary.

23. Maintenance for artwork placed on City owned property located on private property will be entirely the responsibility of the private property owner and a maintenance fee will not be assessed at the time of art approval. This is mainly expected to include

art wraps of commercial garbage containers. The private property owner will be allowed to replace the wrap with one of an identical design without submitting a new public art application, but any change in the design shall require a new application.

24. The Airport property in its entirety is excluded from this policy due to the security and federal regulations it must follow. The Airport should be contacted directly for any questions relating to Public Art on Airport property.

25. Any selection or placement of art within the City's rights-of-way that involves painting, marking, or writing any sign, letters or words with crayon, paint, or other material upon any sidewalk, curb, or pavement, shall comply with all criteria set forth in Resolution 21-11015 and require the approval of the Public Works Director and, if applicable, MET Transit before it is considered by the Public Art Committee.

26. The City Council delegates acceptance of donations of Public Art to the City Administrator, and approval of Public Art will imply an acceptance of the donation. The donor will be issued an appropriate receipt of the donation.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF BILLINGS

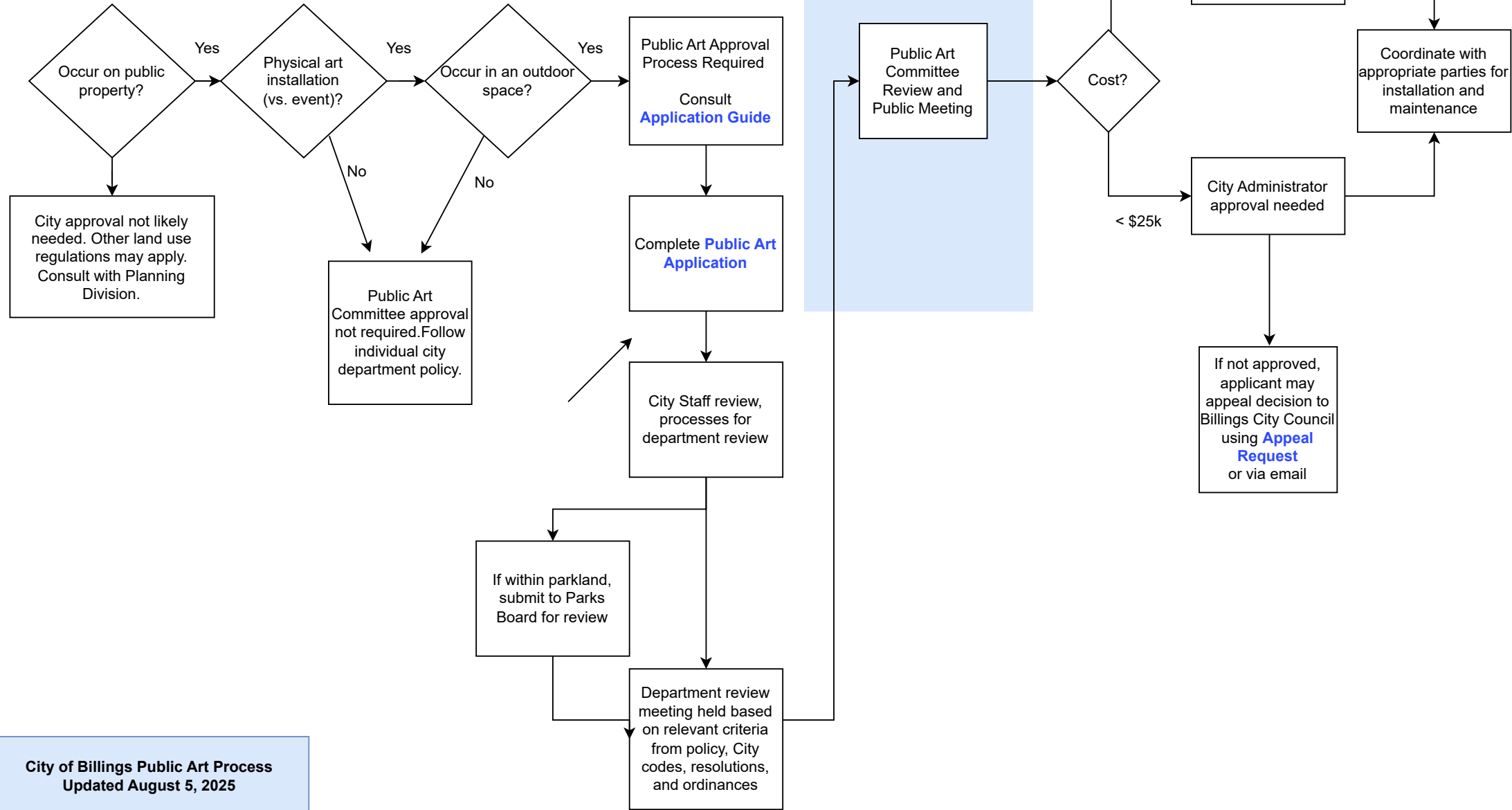
By: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

By: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

# Attachment A

## Public Art Review Process Flow Chart



City of Billings Public Art Process  
Updated August 5, 2025

**Attachment B**

**City of Billings Public Art Proposal Application and Waiver**

This application is intended for use by individuals or groups who are interested in applying for their artwork to be displayed on public property (i.e. park land, right of way, bulb outs, street boulevards or traffic circles, etc.). **For guidance on application criteria, regulations, and tips, please consult the attached Application Guide and Resolution No. 25-\_\_\_\_\_ (A Resolution of the City of Billings Establishing a Public Art Policy and Establishing an Effective Date).**

**Artist/Applicant Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Group associated with project (write "None" if not associated with any group): \_\_\_\_\_

\_\_\_\_\_

**Artwork**

Title: \_\_\_\_\_

Artist Name(s): \_\_\_\_\_

Artist Involvement: \_\_\_\_\_

Visual Art Installation Description (Application not applicable to temporary events or performances):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location/Address: \_\_\_\_\_

Placement at Address: \_\_\_\_\_

Planned Duration of Display: \_\_\_\_\_

**Structural Considerations and Safety:**

Estimated weight: \_\_\_\_\_ lbs.

Estimated height: \_\_\_\_\_ ft.

Estimated width: \_\_\_\_\_ ft.

Materials: \_\_\_\_\_

Other structural details or needs (please describe): \_\_\_\_\_

\_\_\_\_\_

Artwork Description (Hint: see project criteria section of Application Guide): \_\_\_\_\_

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Maintenance Plan/Considerations: \_\_\_\_\_

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### Funding

Funding source(s): \_\_\_\_\_

Have all funds been acquired? If not, where in the funding process are you? \_\_\_\_\_

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### Project Cost:

*The first two categories will be used to calculate the maintenance budget*

Material: (including the value of donated materials & supplies) \_\_\_\_\_

Artwork Installation Costs: \_\_\_\_\_

#### *Other costs*

Artwork Transportation Costs: \_\_\_\_\_

Contracted Services: (e.g., electrician, concrete, etc.) \_\_\_\_\_

Paid Labor: (do **not** include volunteer labor) \_\_\_\_\_

Fees/Stipends: (e.g., artist or design) \_\_\_\_\_

Other Expenses: (explain in remarks) \_\_\_\_\_

TOTAL EXPECTED PROJECT COST: \_\_\_\_\_

Total Volunteer Hours: \_\_\_\_\_

### Process

Please describe how your project came to be: \_\_\_\_\_

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How did you or will you engage community in your artwork? Please describe method, target audience, and estimated reach. A minimum of 3 distinct activities are recommended. \_\_\_\_\_

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Is there any other information you would like to share regarding your proposal? \_\_\_\_\_

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## **Applicant Agreement and Waiver**

By submitting this application, I/we confirm the following:

- I/we have read the City’s public art policy described in Resolution No. 25-\_\_\_\_\_ and agree to comply with the same.
- The design submitted is my/our own work (or I/we have a license to use the same) and does not violate another’s copyright. I/we understand that if the artwork includes photography of partially or entirely recognizable people, I must provide the City release statements from all parties unless the City expressly waives this requirement.
- I/we have read and reviewed the Application Guide and understand my/our project will be subject to approval by all relevant City departments.
- I/we understand that unless otherwise set out in a separate written agreement with the City, any decision regarding the placement, installation, or removal of my donated artwork is at the sole discretion of the City.
- I/we understand that I/we will be required to sign a separate written waiver related to the placement, display, use, modification, removal, and disposal of the artwork described herein.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

***City of Billings Approvals*** –*City of Billings Staff approvals will be provided via an electronic system. City of Billings staff will comment on the proposed location, if any permits are required, and whether other action is necessary to bring the project into compliance with City codes and adopted safety regulations. These topics will be reviewed with the applicant during the departmental review meeting.*

**Please submit a copy of your design concept.** Please include a sketch or example of your proposed design.

- Submit through email, a thumb drive, or via online file transfer service. Be sure to include a label with the artist’s name and date of submission.
- 3 - 10 digital images may be submitted, such as the site and artwork design.
- Files should be in JPEG or PNG format (.jpg or .png) saved in “high” or “fine” quality.
- Image file names should include the name of the applicant followed by a designated number (e.g. “Smith 01”).

## City Of Billings Public Art Proposal Application Guide

This Application Guide provides a summary of the City's process for approving public art as described in more detail in Resolution No. 25-\_\_\_\_ (A Resolution of the City of Billings Establishing a Public Art Policy and Establishing an Effective Date.) If this guide or any other application form conflicts with the resolution, the resolution controls. The public art process is an effective way of engaging the public and artists in telling our community's story. The City of Billings values the public art process as a means to achieve our vision of being a vibrant, welcoming place where people flourish and businesses thrive. Public art has the potential to improve individuals' sense of belonging, place, and safety, and we appreciate community groups and artists who seek to positively contribute to these goals.

### SUBMISSION INSTRUCTIONS

The City of Billings Public Art Committee meets monthly on the 4th Wednesday of each month. Meetings may be cancelled due to a lack of applications to review.

Applications are due on the 4th Wednesday of the month before the meeting when the applicant wants the application to be considered.

Applications can be submitted by emailing a copy of the application and images of the design concept to Tate Johnson, johnsont@billingsmt.gov.

Applicants are invited to attend and present their proposed artwork during the Public Art Committee meeting. Additionally, there will be time set aside for public comment for each proposal (3 minute maximum per member of the public).

A staff member from the City of Billings will review your application to ensure everything is complete and ready to present to the Public Art Committee. The staff member will provide guidance on ways to strengthen your application if needed and how to organize your presentation to the Committee.

**The Public Art Committee is most interested in proposals that address the following criteria. Preference will be given to submissions that address all or most of the criteria.**

1. The project will have a positive impact in the Billings community.
2. The project is accessible to the community and connected to its surroundings.
3. The project enhances the beauty and/or comfort of its location.
4. The project activates a place to make it more engaging.
5. The project brings people together or encourages people to gather and linger.

### Regulations and Permit Requirements – Departmental Review Meeting

When an application is received, City staff will schedule a departmental review meeting within 30 days of application submittal. The intent of this meeting is to review the application with the applicant and relevant city departments to coordinate necessary approvals. City staff will also schedule a presentation to the Billings Parks, Recreation, and Cemetery Board for any artwork that is proposed for City of Billings parkland.

City staff will consider elements such as, but not limited to the following:

Location and Placement – Permission is needed from the department that oversees the location where your artwork will be installed.

Planned Duration – Public art varies from short term, seasonal, or rotational installations to yearlong, multiyear, or indefinite installations. Please let us know your estimated timeline for installation based on durability of the work or intended purpose.

Structural Consideration and Safety – The weight, height, width, materials, and structural design of your artwork are important considerations for public artwork. Work should be sturdy enough to withstand the elements but must also meet certain safety and building requirements that may vary by location. Structures that are approximately 7 feet or larger in any dimension or that are of substantial weight may require more detailed review by a structural engineer at the artist's expense prior to approval and a building permit from the Building Division. Structures less than 30 inches provide more flexibility in clear vision zones such as near driveways, intersections, etc.

### **Installation**

The artist or donor will be responsible for installation costs of the piece. The artist or donor is also expected to coordinate all aspects of installation. If a structural analysis has been conducted, installation must comply with the engineer's instructions. Installation may be subject to inspection by the City of Billings Building, Public Works, or other departments.

### **Maintenance Plan**

Regarding artwork that is donated or commissioned by the City: In the event of damage or vandalism, staff agree to contact the artists to discuss the extent of damage and, if necessary and whenever possible, attempt to provide an opportunity for the artist to repair damages within a timely manner. If available, the City may elect to use any maintenance funds that were donated for the benefit of the City by the applicant for this project or by other donors for other projects involving public art. City staff reserve the right to decommission the public art installation if damages due to graffiti, vandalism, weather, or other associated causes, are beyond minor repair. City staff must maintain their property as necessary to preserve its appearance and integrity, which may warrant decommissioning the public art installation in some circumstances. Staff will attempt to provide the artist with a reasonable opportunity to demobilize the art installation as appropriate if/when necessary.

Art donated to the City will include a maintenance budget donated to a fund at the City. The maintenance budget shall be 10% of the cost of materials plus installation (not including the artist's fee to create the work). The maintenance funds are required at the time of installation. The City recognizes the generosity of artists in donating their talents and works for the benefit of the public. The requirement of maintenance funding is included with the intent of preserving these contributions. If funding is a challenge, City staff can work with the applicant to identify potential funding sources. Funds will be available to perform minor maintenance on any of the City's outdoor public art collections.

Regarding murals: If the public art is a mural, the City will coordinate painting over the mural in the event of irreparable damage as part of routine maintenance. Please note – the average life span of a mural is 1 – 5 years, depending on natural degradation through weather and other conditions. In most cases, the new blank space would serve as a new opportunity for public art and the original mural will not be repainted.

### **Funding**

This section helps us get a better understanding of your project and the economic impact of public art in our community. Each cost can be a general estimate. However, applicants are encouraged to put thought into their

estimates and consider potential project overruns. These estimates will be used to calculate the maintenance donation needed, but before installation the applicant should confirm with City staff that these costs have not significantly changed. If they have, the City reserves the right to change the required maintenance donation. For volunteer hours donated, please include the total number of hours across the entire project. For example, if 4 people help on your project for 10 hours each, you would write “40 hours”.

## Process

Project Origin – Describe how your project came to be. What led you to propose this project? What inspired your decision to design a public art proposal for Billings?

Community Engagement – Community engagement is an important component of public art. Engagement can occur during the ideation, design, location selection, or implementation of this public art piece. Community is defined as a group of stakeholders who the artwork represents or who will interact with the artwork. We ask that you complete at least 3 community engagement activities prior to submitting your application for review. If artwork represents a particular group or culture, applicant must demonstrate that content experts from that community have been consulted and approve of the proposal.

Here are some ideas for you to consider in engaging stakeholders in your process:

- Host a public meeting or focus group to collect ideas for your artwork design
- Invite community members to select the artist or meet the artist once selected
- Work with the artist to determine how community members can be involved with the artwork
- Present your idea to the relevant Neighborhood Task Force for input
- Organize a sneak preview of your design for members of the community
- Knock on doors around the proposed location to let residents know what is coming
- Mail postcards advertising an online survey or other public input opportunities to residents/businesses within at least 300 feet of the installation
- Invite people to co-create your artwork
- Post your design on social media for several days and ask people for their feedback

For more guidance or coaching, contact Tate Johnson, [johnsont@billingsmt.gov](mailto:johnsont@billingsmt.gov), or visit the Placemaking Playbook which can be viewed on the City’s website at <https://www.billingsmt.gov/3093/Mobilize-the-MAGIC-City-Project>.

- **Please submit a copy of your design concept.** Please include a sketch or example of your proposed design. Submit through email, a thumb drive labeled with the artist’s name and date of submission, or via online file transfer service.
- 3 - 10 digital images may be submitted, such as the site and artwork design.
- Files should be in JPEG or PNG format (.jpg or .png) saved in “high” or “fine” quality.
- Image files should include last name of the artist followed by a designated number (e.g. “Smith 01”).

Once you submit your application, staff will help prepare for the committee meeting.

## Appeals

If your application is denied and you disagree with the determination, you may appeal the decision by filing a written notice of appeal to City Council within 15 days of the notice of denial. An appeal form is available, or you may submit your appeal via email to [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov).

DRAFT

## Public Art Policy Appeal Form

If your application for public artwork is denied and you disagree with the determination, you may appeal the decision by filing a written notice of appeal to Billings City Council within 15 days of the notice of denial. Please send this form to [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov). Feel free to use additional pages or attach additional materials.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Artwork title: \_\_\_\_\_

Public Art Committee Decision: \_\_\_\_\_

Additional feedback on artwork from Public Art Committee (if supplied):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Why do you disagree with the determination? Please tie your reasoning back to the City of Billings' Public Art Policy.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date submitted: \_\_\_\_\_