MINUTES
OF THE BILLINGS CITY COUNCIL
REGULAR BUSINESS MEETING
March 23, 2026

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 Nelson

PLEDGE OF ALLEGIANCE: Mayor Nelson

INVOCATION: Councilmember Aguirre

ROLL CALL:

Present:

- Councilmember Kendra Shaw, Ward 1
- Councilmember Mark Nicholson, Ward 1
- Councilmember Roy Neese, Ward 2
- Councilmember Denis Pitman, Ward 2
- Councilmember Amy Aguirre, Ward 3
- Councilmember Bill Kennedy, Ward 3
- Councilmember Scott Aspenlieder, Ward 4
- Councilmember Andrew Lindley, Ward 4
- Councilmember Mike Boyett, Ward 5
- Councilmember Tony O'Donnell, Ward 5
- Mayor Mike Nelson

Staff
Present:

- Chris Kukulski, City Administrator
- Kevin Iffland, Assistant City Administrator
- Gina Dahl, City Attorney
- Denise Bohlman, City Clerk
- Jeff Roach, Aviation and Transit Director
- Paul Khera, Assistant Aviation and Transit Director
- Gavin Woltjer, Interim Parks Director
- Anna Vickers, Planning Manager
- Karen Husman, Zoning Coordinator
- Tate Johnson, Planner
- Hunter Kelly, Planner
- Mac Fogelsong, City Engineer
- Andy Zoeller, Finance Director

MINUTES:

- March 9, 2026

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

COURTESIES:

There were no Courtesies.

PROCLAMATIONS:

Mayor Nelson proclaimed the month of April as Child Abuse Prevention Month. Councilmember Kennedy reminded Council and the community that on April 10th at 11:00 A.M., the Billings Kiwanis Club would be placing blue Pinwheels for Prevention on the Courthouse lawn. He asked that everyone wear the color blue every Monday in April to raise awareness of Blue Monday, and community programs focused on preventing child abuse and neglect.

COUNCIL REPORTS:

Councilmember Kennedy reported on recent Legislative Committee meetings with state legislators and lobbyists and discussed coordination of future legislative priorities.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski advised Council that:

- A valid protest petition was received. City Council will need to make a 2/3 majority vote (7 out of 10 votes) in order to approve the zone change 1077, Regular Agenda Item 5b since Councilmember Aspenlieder would be recusing himself.
- Another Special Work Session regarding MLUPA is scheduled for Friday, March 27th from Noon to 2:00 PM in Council Chambers.
- Next Monday is a bye week – there will be no Council meetings.
- A strategic planning work session was scheduled for May 6-7, 2026. Surveys were due by March 27th.
- The City's new CityView development software platform would launch March 25, 2026. Public outreach and testing efforts had been completed in preparation for the software transition.
- There were NO exparte communications received after 3 pm to the Mayor and Council concerning items on the Agenda.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 8 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

There were no public comments.

Councilmember Aspenlieder requested separation of Item 1C due to a conflict of interest and recused himself from discussion and voting.

Councilmember Lindley requested separation of Item 1H.

Motion: I move to approve the Consent Agenda, with the exception of Items 1C and 1H moved for separation.

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

1. **CONSENT AGENDA**

A. **Bid Awards:**

1. **2026 Airport Taxilane Construction Project.** (Opened 03/03/26) Recommend Knife River.

2. **W.O. 25-23 Fiber Optic - Belknap Service Center to Stillwater Building.** (Opened 03/03/26) Recommend Millennium Electric, LLC.

3. **W.O. 26-03: Contract 2 City Chip Seal.** (Opened 03/03/26) Recommend Hardrives Construction.

B. **Amendment No. 34,** Professional Engineering Services Contract with Morrison-Maierle, Inc. for design of the Airport West Shuttle Parking Lot.

C. **Professional Engineering Services Contract** with Performance Engineering for W.O. 26-25: 44th St. W. and Broadwater Ave. Storm Trunk Main.

Motion: I moved to approve Consent Agenda Item 1C.
Moved by Councilmember Neese
Seconded by Councilmember Pitman
APPROVED 10-0, Councilmember Aspenlieder abstained

D. **Purchase** of concession equipment from Bargreen Ellingson for Amend Recreation Center (ARC) Courts Building.

E. **Grant Application Submittal** for State of Montana Certified Local Government (CLG) funding and **Authorization** for the Mayor to sign the grant contract for historic preservation activities.

F. **Donation** of a park bench and its installation from Doug James to the Parks, Recreation and Public Lands (PRPL) Department.

G. **Preliminary Plat Extension Request** for Annafeld North Subdivision, 2nd Filing. *Quasi-Judicial

H. **Resolution 26-11319** establishing an Ad-Hoc Information Technology Advisory Commission (ITAC).

Councilmember Lindley proposed amendments to the resolution regarding the duration of the commission to 24 months or sooner if objectives are met and authorized by Council and qualification requirements for appointees as a minimum of 10 years corporate IT experience or post secondary education.

Motion: I move to approve a resolution establishing an Ad-Hoc Information Technology Advisory Commission (ITAC) with the amendments as mentioned.

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

I. Bills for the Week of:

1. February 23, 2026

REGULAR AGENDA:

2. PUBLIC HEARING AND SPECIAL REVIEW 1003: a special review to allow a day care center at 2291 Bench Boulevard. Zoning Commission recommends conditional approval and adoption of the findings of the 9 review criteria. *Quasi-Judicial

Karen Husman, Zoning Coordinator, presented the proposal and reviewed the recommended conditions of approval and the 9 review criteria. The applicants, Jeanette Meyers and Jessica Robinson, owners, discussed daycare operations, traffic circulation, and drop-off procedures. Council discussion focused on pedestrian safety, sidewalk improvements, and neighborhood compatibility.

City Administrator, Chris Kukulski, noted there was a City sidewalk program that could help stretch the financing, if needed.

There was no public testimony given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken public testimony, and review of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 9 review criteria, I move to approve Special Review 1003 with the addition of a sidewalk requirement along Caroline Street and owners have option to apply for Special Improvement District (SID) or pay for the improvement directly.

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

3. PUBLIC HEARING AND SPECIAL REVIEW 1004: a special review to allow a drive-through use for a proposed 7 Brew Coffee facility at 533 S. 24th St. W. Zoning Commission recommends conditional approval and adoption of the findings of the 9 review criteria. *Quasi-Judicial

Tate Johnson, Neighborhood Planner, reviewed the application and recommended conditions regarding lighting, buffering, and sound mitigation. Representatives for 7 Brew Coffee discussed drive-in only operations, traffic circulation, and hours of operation. Council discussed traffic, parking, noise – any outdoor speaker or amplified ordering system must not be plainly audible beyond the property line, and lighting must have full cutoff shields so the light is direct to the ground and not to adjacent property, neighborhood impacts.

Brian Evans, Agent, appeared via Zoom, and explained shift turnover parking, along with some customer parking and hours of operation and peak times.

There was no public testimony given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken public testimony, and review of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 9 review criteria, I move to approve Special Review 1004.

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

4. **PUBLIC HEARING AND RESOLUTION 26-11320 FOR ZONE CHANGE 1076:** generally located at 715 Commerce Way. Zoning Commission recommends approval and adoption of the 10 review criteria. *Quasi-Judicial

Karen Husman, Zoning Coordinator, presented the proposal and explained the request to rezone portions of the property from P1 to P2 to allow a restaurant associated with the ice arena facility to serve craft alcohol beverages. She stated it was a City-initiated Zone Change and reviewed the recommended conditions of approval and the 10 review criteria. The Zone Change included the entire Amend Park and the recreational facility to be zoned P2. Council could reduce the P2 area.

Gavin Woltjer, Interim Parks, Recreation and Public Lands Director, addressed Council's questions about the P2 area. He stated the ice arena would have concessions and a restaurant in it and alcohol sales was desired and the court facility had concessions.

Council discussed future flexibility for events, alcohol permitting requirements, and consistency with other public facilities.

The following individuals spoke during the public hearing:

- Kevin Nelson, opposed alcohol sales around children.
- Jeff Kanniva, Collaborative Design, ice arena designer, explained the restaurant design and encouraged Council to approve the zone change.

No further public testimony was given.

Motion: Having conducted a public hearing, considered written and spoken public testimony, and review of the Zoning Commission's recommendation for approval and adoption of the findings of the 10 review criteria, I move to approve Zone Change 1076.

Moved by Councilmember Shaw
Seconded by Councilmember Lindley

Councilmember Shaw noted she was pleased there would not be an all-beverages license but supported having some alcohol at the restaurant.

Councilmember Neese opposed having alcohol available to the entire campus but would support having it at the leased pad site of the ice arena only.

SUBSTITUTE MOTION: I move to reduce the P2 zoning to the leased pad site of the ice arena only.
Moved by Councilmember Neese
Seconded by Councilmember Boyett

Anna Vickers, Planning Manager, noted that this could be done.

Councilmembers Shaw and Aspenlieder opposed the substitute motion as it would not support future business efforts for the entire proposed Zone Change area.

A show of hands vote was taken.

FAILED 3-8, Councilmembers Shaw, Nicholson, Aguirre, Kennedy, Aspenlieder, Lindley, O'Donnell and Mayor Nelson opposed.

A voice vote was taken on the original motion.

APPROVED 8-3, Councilmembers O'Donnell, Neese and Boyett opposed.

5. JOINT PUBLIC HEARING FOR ANNEXATION 26-01 AND ZONE CHANGE 1077:

a. RESOLUTION 26-11321 APPROVING ANNEXATION 26-01: generally located near Tommy Armour Circle and Ben Hogan Lane, Yellowstone Country Club. Staff recommends conditional approval. *Quasi-Judicial

Councilmember Aspenlieder advised he would abstain as his business was involved.

Councilmember Nicholson disclosed he had an ex parte communication with an individual but would not be abstaining from the vote.

Hunter Kelly, Planner, presented the annexation and rezoning request involving approximately six acres (3 parcels) adjacent to Yellowstone Country Club and owned by the Country Club. Staff reviewed zoning history, infrastructure availability, growth policy criteria, trail access concerns, and future subdivision requirements. It was noted that the zoning would be N3 to match the rest of the neighborhood. Mr. Kelly clarified that during Project Re-Code this land was/is in the County and thus the need to annex.

Taylor Kasperick, Performance Engineering, discussed the intent to create approximately seven residential lots and was considered an infill project. He emphasized that the land surrounding the areas to be annexed are zoned P1 and trail access would remain available through multiple access points. All access points are on Country Club land and they are allowing people to use their land for access to trails.

Mayor Nelson called for recess at 7:29 P.M. and reconvened the meeting at 7:40 P.M.

Council discussed property rights, neighborhood impacts, public trail use, infrastructure, sidewalks, and future development potential.

Mayor Nelson asked about infrastructure failures and capacity. Mac Fogelsong, City Engineer, responded there is adequate capacity and there are no concerns. The City would address water main breaks as part of its annual maintenance.

The Yellowstone Country Club President addressed Council's questions concerning trail access and future development and expansion of the golf course. He acknowledged the neighbors were concerned with trail access but he assured there would be access to the trails.

The following individuals provided testimony during the public hearing:

- Bill Cole, suggested the City annex the property but have an agreement that roughly 1/3 of Area 2 be protected for trail access.
- Cody Hoeflu, acknowledged it was private land but stressed that the openness of the vacant spots was an economic driving point. People wanted to live there because of the openness.
- Katelyn Hoeflu, explained that certain review criteria were not met.
- Natia (inaudible), spoke in opposition.
- Seth Hedge, board member and resident of the Country Club, he spoke in favor of the annexation and zone change and noted it was necessary for the Country Club to sell the land for development to support itself.
- David Irion, acknowledged it was necessary for YCC to sell the land to support future golf course development. He supported the zone change.
- Jeff Kanning, supported the annexation and zone change.
- Tyler Mullowney, gave examples where the zone change was not in keeping with the growth policy.
- Dylan Petrie, CEO of Yellowstone Country Club, explained the finances and assets of the Country Club and noted the annexation and zone change strengthened the community.
- Justin Mosier, board member, indicated the Country Club had been planning the development for a long time. He supported the annexation and zone change.
- Josh Hedge, spoke in favor of the annexation and zone change.
- Susan Plath, thanked YCC for listening to the neighbors and redistributing the lot lines. She voiced concerns that construction on the lots could cause boulders to fall.
- Doug McBride, supported the annexation and zone change.
- Brian (inaudible), admitted he initially was opposed to the annexation and zone change, but after the presentations and public speakers, he supported reducing the lots from 7 to 6 to preserve a current trail access.
- Emily Adam, petition organizer, noted that some of the access points identified were not truly access points to the trails. She stated she had gone to the YCC and inquired whether a property owner could purchase any of the land to keep it as open space but was denied.
- Jon Forte, indicated there had not been a collaboration between the Homeowners Association (HOA) and the Board. He suggested agreements be entered into with the Homeowners Association to ensure neighborhood continuity. He asked Council to include conditions to include the HOA covenants.
- Matt Drange, supported the annexation and zone change.
- Elizabeth Halverson, long time resident of YCC and supported points Jon Forte proposed. She encouraged protection of the access to the trails.

No further public testimony was given.

Taylor Kasperick, Performance Engineering, clarified points made by the public testimony about the growth policy.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to conditionally approve Annexation 26-01, as recommended by staff.

Moved by Councilmember Neese
Seconded by Councilmember Boyett

Substitute Motion: I move to add a condition to the Annexation that the owner, Yellowstone Country Club, enter into an agreement with the Homeowners Association to secure trail accesses.

Moved by Councilmember O'Donnell

City Attorney, Gina Dahl, advised the substitute motion could not made because it was requiring parties to do something that had nothing to do with the City.

FAILED for lack of a second.

Question was called by Councilmember Boyett, seconded by Councilmember Neese.
APPROVED 7-3, Councilmembers Shaw, Lindley and O'Donnell opposed

On a voice vote, the original motion to approve annexation was
APPROVED 10-0, Councilmember Aspenlieder abstained

b. RESOLUTION 26-11322 FOR ZONE CHANGE 1077: generally located near Tommy Armour Circle and Ben Hogan Lane. Zoning Commission recommends approval and adoption of the 10 review criteria. *Quasi-Judicial

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve Zone Change 1077, and adopt the 10 review criteria, as recommended by the Zoning Commission.

Moved by Councilmember Neese
Seconded by Councilmember Boyett

APPROVED 10-0, Councilmember Aspenlieder abstained

5. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward 4 to include recently annexed property in Annexation 26-01: a parcel generally located near Tommy Armour Circle and Ben Hogan Lane, Yellowstone County Club. Staff recommends approval.

Councilmember Aspenlieder advised he would abstain as this item was related to the previous annexation.

No presentation was given but staff was available to answer questions.

No public testimony was given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve first reading ordinance expanding the boundaries of Ward 5 to include recently annexed property in Annexation 26-01, as recommended by staff.

Moved by Councilmember Lindley
Seconded by Councilmember Neese

APPROVED 10-0, Councilmember Aspenlieder abstained

6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC) Sections 24-354, 355 and 358, Noise Regulation of Motor Vehicles. Staff recommends approval.

Police Chief, Rich St. John, addressed the changes to the City code and said they were reviewed by the Municipal Judge and City Attorney's office. City Attorney, Gina Dahl, noted there were increased fines for second and third offenses, which indicated each offense had a 12-month duration between them.

Council discussed lengths of time between offenses, capturing the offenses on body and/or car cameras, and enforceability.

The following individual provided public testimony:

- Kevin Nelson, supported passing the ordinance and suggested that the language "changes to the original manufacturer's equipment" be included to fortify the ordinance more.
- Jeff Ketelsen, supported the passing of the ordinance.

No public testimony was given during the public hearing.

Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve the first reading ordinance amending BMCC Sections 24-354, 355 and 358, Noise Regulation of Motor Vehicles, and extending the 12-month duration to 24 months between offenses.

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

Mayor Nelson called for recess at 9:18 P.M. and reconvened the meeting at 9:28 P.M.

7. **RESOLUTION 26-11323** providing direction to staff regarding property taxes and the FY2027 Budget. Staff and the Budget and Finance Committee recommend approval.

Andy Zoeller, Finance Director, provided a presentation of the recommendations of the Council's Budget and Finance Committee on a 4-1 vote. The recommendations were:

- Direct staff to proceed with developing the budget under Section 15-6-401(4)(a), MCA.
- Place as a regular Business item on the March 23, 2026, agenda.
- Provide opportunity for public comment specifically with this item.

Mr. Zoeller provided historical information about the City's budgeting process concerning the Charter, mill caps, and its amendments, beginning in 1977. He explained the floating mills process authorized in Section 15-10-420, MCA, established in 1999 and further amended in 2001. In 2025, the legislature amended the statute to allow for full inflation or 4%, whichever was less. He reviewed the City's mandatory self-governing authority according to Section 15-10-420(3)(b). He explained HB231/SB542 became law (Section 15-6-401(1-2), MCA), and noted that "(2) As a matter of policy, the legislature intends to supersede local government charters that fix mill levy limits for the limited purpose of exercising the power to tax . . .". This took the tax levying authority away from the City. Section 15-6-301(3) has contradictory language that specifically states, "shall levy the number of mills in fiscal year 2026 and subsequent tax years that will generate the amount of property taxes assessed in fiscal year 2025." Mr. Zoeller reviewed Section 15-6-401(4) that did not have contradictory language. He then gave the timeline for adopting the budget and the mill levy resolution.

Councilmember Aspenlieder supporting the floating mill option. He was concerned that public safety positions would be cut if the City did not follow the floating mill option.

Council and staff discussed future years' inflation, flat revenues and possible litigation.

Mayor Nelson opened public comment but none was given.

Motion: I move to approve a resolution directing staff regarding property taxes and the FY2027 Budget following option Section 15-6-401(4)(a), MCA, floating mill structure, as recommended by staff.

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

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 located at the back of the Council chambers or at the podium.)*

The following individuals provided public comments:

- Jeff Ketelsen, spoke against TIF districts – Battle of the Plans meeting on March 27th at 7:30 AM at 102 N. 29th Street.
- Andres Story, Billings Alliance for Immigrant Rights, shared stories of immigrants treatment.
- Lane Dorsey, Billings Alliance for Immigrant Rights, shared stories of immigrants treatment.
- Amanda Kelly, Billings Skatepark Board Member, spoke about fundraisers and improvements to the park. She was concerned about possible sale of the parking lot near the skatepark.
- Anthony Watson, Jr., spoke in support of the skatepark and safety. The parking lot was necessary for safety.
- Alex Reece, spoke against the sale of the parking lot.
- Bob Mackey, spoke in favor of keeping the skateboard parking lot.
- Paul Clark, spoke about possible water pollution by the Western Sugar Company.
- Jennifer Strong, supported keeping the skatepark parking lot.

There was no further comment.

COUNCIL INITIATIVES:

There were no Council initiatives.

ADJOURN: 10:32 P.M.

CITY OF BILLINGS

BY: ____________________
Mike Nelson, Mayor

ATTEST:

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