

## COUNCIL ACTION SUMMARY

### CITY OF BILLINGS

#### CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

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#### AGENDA

**Council Chambers are Closed.  
The meeting will be held  
remotely via virtual meeting  
room. Please see coversheet  
for details and instructions for  
viewing and participation.**

**November 23, 2020**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Shaw Yakawich

**ROLL CALL:** Councilmembers present on roll call were:  Shaw,  Yakawich,

Neese,  Ewalt,  Joy,  Choriki,  Purinton,  Ronning,  Boyett,  
 Brown

Shaw was excused and Neese experienced technical difficulties and joined the meeting at 6:27 pm.

#### **MINUTES:**

- October 26, 2020 - **APPROVED**
- November 9, 2020 - **APPROVED**

#### **COURTESIES:**

- Mayor Cole reminded the Council and Public that Yellowstone County had 113 citizens perish from COVID-19 this year and would not be enjoying a Thanksgiving or Christmas. He encouraged everyone to be vigilant with wearing their masks, washing hands and social distancing.

- Mayor Cole announced that Closed Captioning would be coming in the near future to public meetings viewed on Community 7 TV. He stated it was very important and long overdue that the hearing-impaired citizens be able to participate and receive valuable information provided at public meetings, such as COVID-19 updates. He thanked Tim Harrington, General Manager, for locating a software company that could provide this service, which would cost \$50,000 for initial start-up and \$5,000 annual fees. He acknowledged the Billings Community Foundation had donated \$5,000 toward the start-up costs and Community 7 TV, Yellowstone County Commissioners, the City, and School District 2, had agreed to split the remaining \$45,000 for this service. He stated the City sought and received approval to use COVID-19 funding for its portion of the expense. He continued that it was possible the software could benefit the City Clerk's office with transcription of the minutes of the meetings.
- Mayor Cole advised that the Public Hearing for Regular Agenda Item 5, Project Recode, had been continued from the November 9<sup>th</sup> Regular Business Meeting and he anticipated that a motion would be forthcoming to continue it further. He stated citizens would be given time to make their comments during the Public Hearing, but he anticipated a final decision would not be made on the proposed Ordinance.
- Councilmember Ronning recognized long-serving Justice of the Peace, Pedro Hernandez, had passed away and she offered her condolences to his family.

**PROCLAMATIONS:** 16 days of Activism against Gender Violence

**COUNCIL REPORTS:**

- Mayor Cole stated he was the Council's liaison serving on the Policy Coordinating Committee. On behalf of the committee, he reminded Council and the Public that on December 1<sup>st</sup>, there would be 2 opportunities to provide input on the 27<sup>th</sup> Street railroad crossing plan, being developed by the Montana Department of Transportation. He provided the times for public comment as 11:30-1:30 and 4:30 to 6:30. He shared the MDOT had 2 preferred options - one option was to build an overpass on 27<sup>th</sup> Street that would go over the railroad tracks, or dig a tunnel under the railroad tracks. He explained the pros and cons of each option and stated a tunnel would cost double the amount for construction.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Next Monday, November 30<sup>th</sup>, is a bye week and therefore no meetings are scheduled.
- There were 2 ex parte` communications received via Council emails after 3:00, concerning Project Recode, from Jason Bough of Golden Route Operations, MT and Todd Brown of Brown Builders, both opposing the passage and approval of First Reading.

- Concerning Zoom meeting invites, he clarified that he has directed staff to only invite 1 representative of a board, commission, committee or acting as an agent, to speak to Council, not 2 or more. If they are not working in that capacity, but only giving public comment, then they are instructed to call in during public comment periods.
- New Public Works Director has been selected from 6 finalists. Congratulated Debi Meling!

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 4 ONLY.**

**Speaker sign-in required.** (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment. 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.)

**1. CONSENT AGENDA** -- Separations: 1B and 1G2

- A. **Bid Awards:** None
- B. **Software Agreement** for Online Permit Submittal and Electronic Plan Review Software with Carahsoft; \$87,872.55. **APPROVED**
- C. **Professional Services Agreement** for replacement of Airport's Access Control and CCTV systems with Montana-Wyoming Systems; \$876,941. **APPROVED**
- D. **Council Holiday Schedule.** **APPROVED**
- E. **Final Minor Plat** and SIA of Amended Plat of Lot 1, Block 1, Midland Subdivision. **APPROVED**
- F. **Final Minor Plat** - Lake Hills Subdivision, 37th Filings. **APPROVED**
- G. **Bills for the Weeks of:**
  - 1. October 19, 2020 - **APPROVED**
  - 2. October 26, 2020 – **APPROVED, 7-0 BROWN ABSTAINED**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION 20-10916 for Annexation 20-03:** a parcel located south of the South Frontage Road and north of the Grey Eagle Ditch; legally described as Certificate of Survey 1121, Tract 2-A-1, totaling approximately 4.350 gross acres. Chuck Hogan and Rick Dorn, on behalf of Hogan Properties, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**3. PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 20-03: a parcel located south of the South Frontage Road and north of the Grey Eagle Ditch; legally described as Certificate of Survey 1121, Tract 2-A-1, totaling approximately 4.350 gross acres. Chuck Hogan and Rick Dorn, on behalf of Hogan Properties, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**4. CONDITIONAL APPROVAL** of preliminary minor plat for Big Iron Subdivision, generally located at 3716 South Frontage Road, Hogan Properties, LLC, owner; Sanderson Stewart, agent. Staff recommends conditional approval and adoption of the Findings of Fact. (Action: approval or disapproval of staff's recommendation.) **APPROVED**

**5. PUBLIC HEARING AND FIRST READING ORDINANCE** approving Project Recode (*Continued from 11/09/2020 Regular Business Meeting*) - Zoning Code amendment and Zoning Map update. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**  
**CM BROWN'S MOTION TO HEAR THE STAFF REPORT, ENGAGE QUESTIONS AND DISCUSSION, AND RE-OPEN THE PUBLIC HEARING, BUT CONTINUE THE HEARING TO DECEMBER 14, 2020. 8-2, JOY AND CHORIKI OPPOSED.**

**PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Sign-in required.**  
(Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment.)

**COUNCIL INITIATIVES:** None

**ADJOURN:** 10:14 pm