

**VISION STATEMENT:**

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

## COUNCIL ACTION SUMMARY

**REVISED 4/19/2021 - Agenda Description on Regular Agenda Item 5**

**\*CLOSED EXECUTIVE SESSION begins at 4:30 P.M.**

**\*Note: The Executive Session is closed for the sole purpose of discussing 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.**

### CITY COUNCIL

**REGULAR BUSINESS MEETING begins at 5:30 P.M. / A SPECIAL WORK SESSION concerning Budget Overview begins upon adjournment of the Regular Business Meeting, as noted at the end of the agenda.**

### AGENDA

Billings Public Library and  
remotely via Zoom. Please see  
coversheet for details and  
instructions for viewing and  
participation.

**April 26, 2021**

**5:30 P.M**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Purinton

**ROLL CALL:** Councilmembers present on roll call were:  Shaw,  Yakawich,  Neese,  Ewalt,  Joy,  Choriki,  Purinton,  Ronning,  Boyett,  Brown **EXCUSED**

**MINUTES:** April 12, 2021 - Pending

## **COURTESIES:**

- Mayor Cole acknowledged the recent violent crime that has occurred in the City and thanked law enforcement and express sympathies for the families and friends who suffered losses.
- Councilmember Ronning mentioned that the Continuum of Care would hold a "**A Night in the Life of a Person Experiencing Homelessness**", a simulated experience of what it is like to be homeless and she encouraged Council to register at <https://form.jotform.com/211085353941150> or contact Dean Wells at Yellowstone United Way for dates and more information.
- Councilmember Yakawich acknowledged the recent death of Councilmember Shaw's grandfather and offered his condolences.
- Councilmember Yakawich thanked everyone that helped with the clean-up around Billings, organized by Bright-N-Beautiful.
- Councilmember Yakawich stated that the prescription drug roundup held at the Elks Club by the Drug Enforcement Agency (DEA) was a success with 5 boxes of filled of unwanted prescription drugs.

## **PROCLAMATIONS: NONE**

## **COUNCIL REPORTS:**

- Councilmember Choriki stated he had met with Merry Lee Olsen with YWCA and mentioned the building project with new apartments to help house families escaping the effects of domestic violence.
- Mayor Cole stated he attended a PCC meetings in which the I-90 bridge pedestrian options was discussed.

## **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Kevin Iffland, Assistant City Administrator, will represent Administration at the May 3<sup>rd</sup> Work Session.
- There were 2 ex-parte items sent to Mayor and Council after 3 pm – 1 from Diane Reidelbach supporting the applicant involved in Consent Agenda Item 1F; and the others were in support of Consent Agenda Item #1K - Massage and Spa Facilities.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 3, 4, 5 and 6 ONLY. Speaker identification required.** (Comments are limited to three (3) minutes or as set by the Mayor. 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. Public comments during the meeting may be made in-person or remotely by registering as an attendee through Zoom as outlined in the Agenda coversheet.)

1. **CONSENT AGENDA** -- Separations: 1A2, 1K

A. **Bid Awards:**

1. **W.O. 20-12: South 32nd Street West Reconstruction and Widening.** (Opened 4/13/2021) Recommend Knife River; \$4,062,265. **APPROVED**
2. **W.O. 20-30: Hallowell Lane Improvements.** (Opened 3/23/2021). Recommend KLE Construction, LLC, \$3,865,050. **APPROVED TO ADD CHANGE ORDER THAT WOULD INCLUDE THE 4200 BLOCK OF BRUCE AVE. FOR AN ADDITIONAL COST UP TO \$350,000. 6-4 - SHAW, EWALT, JOY AND CHORIKI OPPOSED.**
3. **W.O. 21-15 Lead Service Replacements.** (Opened 4/13/2021) Recommend COP Construction, LLC; \$603,519. **APPROVED**
4. **W.O. 21-24: Zone 3, 12-inch Waterline Replacement.** (Opened 4/13/2021) Recommend Askin Construction, LLC; \$256,113. **APPROVED**

B. **Amendment No. 1, W.O. 19-42: West End Water Treatment Plant Project,** Professional Engineering Services Contract, Burns and McDonnell Engineering Company, Inc. (BMcD); \$3,778,342. **APPROVED**

C. **Right-of-Way Agreements and Acquisition of Property** for W.O. 19-15: 24th St. W. and Central Signal Improvements from 2425 Central Ave, LLC; \$44,000; and Automatic Real Estate, LLP; \$28,300. **APPROVED**

D. **Grant Application Request** to U.S. Green Building Council for LEED Grant and acceptance of award; \$10,500. **APPROVED**

E. **Grant Application Request** to submit application for AmeriCorps VISTA and authorize City staff to negotiate and finalize the project, if awarded. **APPROVED**

F. **Housing Rehabilitation Loan Program** - applicant denial and grievance. **APPROVED**

G. **Preliminary Minor Plat** of Hunters Point Subdivision, located at 3038 Central Avenue; Bach Homes, owner; Sanderson-Stewart, agent. **\* Quasi-Judicial APPROVED**

H. **Resolution 21-10944** authorizing the Issuance and Calling for a Negotiated Sale for Sidewalk Bonds. **APPROVED**

I. **Resolution 21-10945** for General Obligation (GO) refunding bonds 2021. **APPROVED**

- J. **Second/Final Reading Ordinance 21-5756** granting a non-exclusive franchise to TDS Metrocom, LLC, for cable service. **APPROVED**
- K. **Second/Final Reading Ordinance 21-5757** regulating massage and spa facilities through business licensing criteria. **APPROVED 7-3; EWALT, CHORIKI AND PURINTON OPPOSED.**
- L. **Bills for the Weeks of:**
  - 1. March 22, 2021 **APPROVED**
  - 2. March 29, 2021 **APPROVED**

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING** and approval of FY2021-2022 Annual Action Plan and Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Budget Allocations. Community Development Board recommends approval. (Action: approval or disapproval of Community Development (CD) Board recommendation.) **APPROVED**
- 3. **DEVELOPMENT AGREEMENT** with Lupine Holdings, LLC, for Certificate of Survey 1889, Amended Tracts 1A and 1B. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-1, EWALT OPPOSED**
- 4. **TAX INCREMENT FINANCING ASSISTANCE** from East Billings Urban Renew District (EBURD) to J&S Properties for reimbursement of renovation expenses to property located at 1518 First Avenue North - Yellowstone Ice and Water; maximum of \$63,085. Billings Industrial Revitalization District (BIRD) Board recommends approval. (Action: approval or disapproval of BIRD Board recommendation.) **APPROVED 9-1, NEESE OPPOSED**
- 5. **TAX INCREMENT FINANCING ASSISTANCE** from Downtown Urban Renewal District to Montana Rescue Mission for reimbursement of remodeling expenses to property located at 2822 Minnesota Avenue; \$420,000 in two installments of \$210,000 per fiscal year. Downtown Billings Partnership (DBP) Board recommends approval. (Action: approval or disapproval of DBP Board recommendation.) **APPROVED 7-2; PURINTON AND RONNING OPPOSED, NEESE ABSTAINED.**
- 6. **RESOLUTION 21-10946** adopting application and renewal fees for Massage and Spa Facility License. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED, 6-4, EWALT, JOY, CHORIKI AND PURINTON OPPOSED**

**PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Identification required.**  
*(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Public comments during the meeting may be made in-person or remotely by registering as an attendee through Zoom as outlined in the Agenda coversheet.)*

**COUNCIL INITIATIVES:** NONE

**ADJOURN: 10:02 P.M.**