

**VISION STATEMENT:**

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

**COUNCIL ACTION SUMMARY****AGENDA****COUNCIL CHAMBERS****July 12, 2021****5:30 P.M.****CALL TO ORDER:** Mayor Cole**PLEDGE OF ALLEGIANCE:** Mayor Cole**INVOCATION:** Councilmember Yakawich**ROLL CALL:** Councilmembers present on roll call were:  Shaw,  Yakawich,  Neese,  Ewalt,  Joy,  Choriki,  Purinton,  Ronning,  Boyett,  Brown**MINUTES:** June 28, 2021 – Pending**COURTESIES:**

CM Joy commended organizers at the Strawberry Festival and stated it had been a successful event.

CM Yakawich stated the Relay for Life event had also been successful and admired the survivors that participated.

**PROCLAMATIONS:** July - Parks and Recreation Month**COUNCIL REPORTS:** None**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Currently working with Yellowstone County regarding adult use marijuana. They would be approving a Resolution of Intent tomorrow and going through the necessary steps to determine what would be on the ballot.
- Public comment timer was not working, and new part has been ordered.
- No ex parte communications were received for this meeting.
- Asked Council to consider adjusting the order of Regular Agenda Item #13, based on emails that had been received.
- CM Yakawich made a motion to move Regular Agenda Item 13 to the beginning of the Regular Agenda, seconded by CM Purinton. The motion was approved 10-1, CM Choriki opposed.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4a, 6a, 12, and 13 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.)

1. **CONSENT AGENDA** -- Separations: 1B, 1J, 1K, 1M, 1N, and 1P2

A. **Bid Awards:**

1. **Billings Public Library Hail Repairs.** (Opened 6/29/21) Recommend not awarding the bid. **APPROVED**
- B. **Change Order No. 1, W.O. 20-23: Solid Waste Container Storage Facility, K2 Civil; \$167,875.** **APPROVED**
- C. **Compensation Agreement** with Messinger Company, LLC. **APPROVED**
- D. **Landfill Agreement** with Yellowstone County; \$283,540. **APPROVED**
- E. **Amendment No. 1 to 2021 Unified Planning Work Program (UPWP)** and authorizing Mayor Cole to give a positive recommendation to PCC. **APPROVED**
- F. **Amendment No. 1, Automobile Rental Concession and Lease Agreements,** (1) Overland West, Inc., DBA Hertz Rent A Car, (2) Enterprise RAC Company of Montana/Wyoming, LLC DBA Enterprise Rent A Car, (3) Larson Enterprises, Inc. DBA Avis Rent A Car and Blackfoot Rentals Inc. DBA Budget Rent A Car, (4) Enterprise RAC Company of Montana/Wyoming, LLC DBA Alamo Rent A Car and National Car Rental, and (5) Overland West, Inc. DBA Thrifty Car Rental and Dollar Car Rental. **APPROVED**
- G. **Purchase** playground equipment for Lillis Park from Northwest Playgrounds; \$199,772.87. **APPROVED**
- H. **Purchase** playground equipment for Terry Park from Dakota Playgrounds; \$189,702. **APPROVED**
- I. **Acknowledge receipt of petition to vacate** a portion of the alley right of way adjacent to Lots 13 and 14, Block 5, of the Original Town of Billings, and set a public hearing for August 9, 2021. **APPROVED**
- J. **Resolution 21-10969** adopting the Center for Public Safety Management Fire Operational and Administrative Analysis. **APPROVED AS AMENDED (CHANGE RESOLUTION TERMINOLOGY FROM ADOPT TO RECEIVE)**
- K. **Resolution 21-10970** adopting the Center for Public Safety Management Police Operational and Data Analysis. **APPROVED AS AMENDED (CHANGE RESOLUTION TERMINOLOGY FROM ADOPT TO RECEIVE)**
- L. **Resolution 21-10971** declaring an emergency and authorizing payment for W.O. 21-40: Bank Stabilization near Park Place. **APPROVED**
- M. **Resolutions 21-10972 and 21-10973** relating to \$3,040,000 pooled Special Improvement District bonds, Series 2021A and 2021B (SID 1416, SID 1417 and SID 1418); fixing the form and details and providing for the execution, delivery and security. **APPROVED 10-0, PURINTON ABSTAINED**
- N. **Bond Resolution 21-10974** for the sale of sidewalk bonds for W.O. 20-12. **APPROVED 10-0, PURINTON ABSTAINED**
- O. **Resolution 21-10975** authorizing staff to apply for American Rescue Plan Act (ARPA) State competitive grants. **APPROVED**
- P. **Bills for the Weeks of:**
  1. June 7, 2021 **APPROVED**
  2. June 14, 2021 **APPROVED 10-0, BROWN ABSTAINED**

## REGULAR AGENDA

2. **BUY/SELL AGREEMENT** to purchase the Stillwater Building located at 316 N. 26th Street for \$17 Million. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, RONNING OPPOSED**

Recess at 7:40 pm  
Reconvene at 7:50 pm
3. **PUBLIC HEARING AND RESOLUTION 21-10976** approving and adopting FY2021 budget amendments. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5761 FOR ZONE CHANGE 992:** A zone change from N3 - Suburban Neighborhood to N2 - Mid-Century Neighborhood located at 117 and 119 Glenhaven Drive. Eric Schnelbach, owner/applicant. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
5. **PUBLIC HEARING AND RESOLUTION 21-10977 for Annexation 21-03:** a parcel located north of King Avenue East and east of Jackson Street. Jason D. Adkins, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8-3, YAKAWICH, NEESE AND EWALT OPPOSED**
  - a. **DEVELOPMENT AGREEMENT** with Jason D. Adkins for Tract B-2, Certificate of Survey No. 2367M. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9-2, YAKAWICH AND EWALT OPPOSED**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 21-03: a parcel located north of King Avenue East and east of Jackson Street, legally described as Tract B-2, of Amended Tract B of Certificate of Survey No. 2367 M, totaling approximately 3.574 gross and 3.522 net acres. Jason D. Adkins, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, YAKAWICH OPPOSED**
7. **PUBLIC HEARING AND RESOLUTION 21-10978 FOR ANNEXATION 21-04:** a parcel located at 3508 South Frontage. Torgerson's Real Estate Holdings, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
  - a. **DEVELOPMENT AGREEMENT** with Torgerson's Real Estate Holdings, LLC for Lots 2 and 3, Certificate of Survey 2394. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 21-04: a parcel located south of the South Frontage Road and north of the City-County Drain, legally described as Fractions of Government Lots 2 and 3, Section 15, T.1S., R.26E., P.M.M., totally approximately 35.94 acres. Torgerson's Real Estate Holdings, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
9. **PUBLIC HEARING AND RESOLUTION 21-10979 FOR ANNEXATION 21-05:** a parcel located at 6014 South Billings Boulevard. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
10. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 21-05: a parcel located at 6014 South Billings Boulevard; legally described as a tract of land situated in the SE 1/4 of Section 17, and the NW1/4 and the SW 1/4 of Section 16, T.1S., R.26E., P.M.M. totally approximately 22.90 gross acres. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**11. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**  
993: a zone change from A - Agriculture to CX - Heavy Commercial generally located at 3508 South Frontage Road; a zone change from RR1 - Rural Residential 1 to NX1 - Mixed Residential 1 and N2 - Mid-Century Neighborhood generally located on Jackson Street; a zone change from A - Agriculture to P2 - Public 2 generally located at 6014 South Billings Boulevard. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **TORGERSON'S AND CITY OWNED PROPERTY - APPROVED. ADKIN'S PROPERTY – APPROVED 8-3, YAKAWICH, NEESE AND EWALT OPPOSED**

RECESS AT 10:20 PM  
RECONVENE AT 10:30 PM

**12. PUBLIC HEARING AND FIRST READING ORDINANCE** to expand the boundaries of the South Billings Boulevard Urban Renewal District (SBBURD) and adopt a modified Urban Renewal Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation. **APPROVED 9-2, NEESE AND EWALT OPPOSED**)

**13. TAX INCREMENT FINANCE ASSISTANCE** from Downtown Urban Renewal District to Monte Bar and Casino for renovation at 2824 1st Avenue North; \$113,997. Downtown Billings Partnership Board (DBP) recommends approval. (Action: approval or disapproval of DBP Board recommendation.) **APPROVED**

**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.*)

**COUNCIL INITIATIVES:** None

**ADJOURN: 11:29 PM**