



**VISION
STATEMENT:**

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

COUNCIL ACTION SUMMARY

CITY COUNCIL REGULAR BUSINESS MEETING

COUNCIL CHAMBERS

AGENDA
July 26, 2021

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Neese

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

MINUTES:

- June 28, 2021 - **APPROVED** as amended – Page 6, Paragraph 5, “He stated his support in paving Bruce Street and all other gravel streets in the City but questioned the rationale for prioritizing ~~certain streets over others~~ Bruce Street at this time without following normal procedures.”
- July 12, 2021 (*Pending*)

COURTESIES:

- Deborah Singer, Northwestern Energy company, awarded the City a rebate check in the amount of \$65,750; Public Works - \$62,500 and Parks - \$3,250! She stated that the City would realize additional yearly savings of \$61,200/yr. because of their energy saving modifications.
- Mayor Cole mentioned that citizens needed to be vigilant about receiving COVID-19 vaccinations as the Delta variant was increasing and was more easily spread. He mentioned that Florida's infection rate had tripled in a very short period of time.
- Adam Liberty, Billings Catholic Schools Foundation, introduced himself to the Council as the President of the foundation. He mentioned that they had experienced an increase in their enrollment and that trend was continuing.
- Becky Bey, Project Manager, Substance Abuse Connect, invited the Council and Public to attend any of the following meeting dates – August 5th, Billings Public Library, meeting with community leaders and the public; August 9th from 10-Noon, meeting with government leaders; August 9th from 5:30-7:30 pm, meeting focused on recovery; August 10th from 10-Noon, meeting with Business Community, HR Departments and those involved in Work Force, i.e. supervisors, etc. She mentioned there would be a press conference held at the Double Tree Hotel on July 27th beginning at 1:30 pm and invited everyone to attend.

- Kristi Drake, Executive Director, Billings TrailsNet, provided Council with a check for \$85,000 as a match for the BUILD Grant to help construct the Skyline Trail!

PROCLAMATIONS: None

COUNCIL REPORTS: None

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Gave an update on the Stillwater Building. Will be brought to the Work Session on August 16th and Present results of inspections. Council will make a decision whether to move forward with closing on Sept. 13th. Buy/Sell stated the closing was to occur by Sept. 15th and may need to ask for a continuance.
- CPSM reports will come before Council in the near future.
- Noted Regular Agenda Item 2's staff memo indicated it was a public hearing, but that was incorrect. It was a request for a letter of support from Council. The public may give comment directly after the administrator's report during the Non-Public Hearing comment period.
- Noted Regular Agenda Item 6's agenda description stated the reimbursement was for up to \$94,740, but that was incorrect. The amount changed between the staff's draft agenda and the finalized agenda that was published. The correct amount should have read \$98,776 as indicated in the staff memo.
- Noted there were no ex parte communications.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2, 6, and 7 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: 1D, 1E, 1J, 1N

- A. **Bid Awards: None**
- B. **Amendment No. 27, Airport West Hangar Development, Professional Engineering Services Agreement, Morrison-Maierle, Inc.; \$121,144. APPROVED**
- C. **2021 Justice Assistance Grant (JAG) Application, Memorandum of Understanding (MOU) with Yellowstone County, and award to the City of Billings Police Department; \$105,725. APPROVED**
- D. **Recommendation of approval of the 5th Avenue North Corridor Feasibility Study to the Policy Coordinating Committee (PCC). APPROVED 6-4, NEESE, EWALT, PURINTON, BOYETT OPPOSED**
- E. **Donations from various donors to the Billings Police Department; \$26,500. APPROVED 9-0, MAYOR COLE ABSTAINED**
- F. **Donation from Billings TrailNet as a match for the BUILD Grant to help construct the Skyline Trail; \$85,000. APPROVED**
- G. **Donation from Yellowstone County DUI Task Force for the Billings Police Department to fund overtime shifts for special DUI patrols; \$4,000. APPROVED**

- H. **Quit Claim Deed** for Tract 7 of COS 550 from Kurt Haeker. **APPROVED**
- I. **Final Plat** of Amended Lot 5, Block 1, Legacy Subdivision. **APPROVED**
- J. **Resolution 21-10980** to repeal the City of Billings' declaration of emergency due to the COVID-19 pandemic. **APPROVED 8-2, JOY, CHORIKI OPPOSED**
- K. **Second/Final Reading Ordinance 21-5762 expanding Ward I (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. **APPROVED**
- L. **Second//Final Reading Ordinance 21-5763 expanding Ward III (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. **APPROVED**
- M. **Second/Final Reading Ordinance 21-5764 expanding Ward III (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. **APPROVED**
- N. **Second/Final Reading Ordinance 21-5765 expanding the boundaries** of the South Billings Boulevard Urban Renewal District (SBBURD) and adopt a modified Urban Renewal Plan. **APPROVED 7-3, NEESE, EWALT, PURINTON OPPOSED**
- O. **Bills for the Weeks of:**
 - 1. June 21, 2021 **APPROVED**
 - 2. June 28, 2021 **APPROVED**

REGULAR AGENDA:

- 2. **LETTER OF SUPPORT** for Low-Income Housing Tax Credits for the proposed Tapestry Apartments. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED FOR MAYOR AND COUNCIL TO SIGN LETTER OF SUPPORT IF THEY WANTED.**
- 3. **PUBLIC HEARING AND SPECIAL REVIEW 990:** a special review to relocate an existing all-beverage liquor license to operate a bar and casino for Town Pump, Inc. in the Olympic Park Planned Development zone with underlying zoning of Community Commercial (PD-CC) on a 6.196 acre parcel of land described as Lots 1B-1 to Lots 1B-5, Block 20, Olympic Park Subdivision, generally located on the vacant property on the northeast corner of the intersection of King Avenue West and Shiloh Road. Billings 13 RE, LLC, owners; Performance Engineering, Scott Aspenlieder, P.E., agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 9 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **CONDITIONALLY APPROVED AND ADOPTION OF THE FINDINGS OF THE 9 CRITERIA WITH AN AMENDMENT TO CONDITION NO. 5 TO REQUIRE A MASONRY FENCE OR BETTER NOISE CANCELLING MATERIAL.**

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Article 22-1000, Arterial Construction Fees. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED UNANIMOUSLY WITH AN AMENDMENT TO PARAGRAPH C TO CHANGE TITLE OF "FINANCIAL SERVICES MANAGER" TO "FINANCE DIRECTOR" OF SECTION 22-1003, BMCC.**
5. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCES 21-5766 and 21-5767, RESPECTIVELY, 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 A - Agriculture to P2 - Public 2 generally located at 6014 South Billings Boulevard; and a zone change from RR1 - Rural Residential 1 to NX1 - Mixed Residential 1 and N2 - Mid- Century Neighborhood generally located on Jackson Street. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

ORDINANCES 21-5766 - UNANIMOUS APPROVAL OF ZONE CHANGE 993 AND ADOPT THE FINDINGS OF THE 10 CRITERIA, A ZONE CHANGE FROM A - AGRICULTURE TO CX - HEAVY COMMERCIAL GENERALLY LOCATED AT 3508 SOUTH FRONTAGE ROAD; A ZONE CHANGE FROM A - AGRICULTURE TO P2 - PUBLIC 2 GENERALLY LOCATED AT 6014 SOUTH BILLINGS BOULEVARD.

ORDINANCES 21-5767 - APPROVED 7-3, OF ZONE CHANGE 993 AND ADOPT THE FINDINGS OF THE 10 CRITERIA, A ZONE CHANGE FROM RR1 - RURAL RESIDENTIAL 1 TO NX1 - MIXED RESIDENTIAL 1 AND N2 - MID-CENTURY NEIGHBORHOOD GENERALLY LOCATED ON JACKSON STREET. YAKAWICH, NEESE, EWALT OPPOSED.

6. **TAX INCREMENT FINANCE ASSISTANCE** from East Billings Urban Renewal District (EBURD) to Empire Entrepreneurs, for asbestos abatement, demolition and clean-up at 1403 1st Avenue North, f/k/a Lazy KT motel; up to ~~\$94,740~~ \$98,776. Billings Industrial Renewal District (BIRD) Board recommends approval. (Action: approval or disapproval of the BIRD Board recommendation.) **APPROVED WITH AMENDED AMOUNT OF \$98,776.**
7. **TAX INCREMENT FINANCE ASSISTANCE** from Downtown Urban Renewal District to Billings Community Foundation for renovation at 404 North 30th Street; \$181,774. Downtown Billings Partnership Board (DBP) recommends approval. (Action: approval or disapproval of DBP Board recommendation.) **DISAPPROVED**

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: 10:15 pm