

**VISION STATEMENT:**

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

**COUNCIL ACTION SUMMARY****CITY COUNCIL REGULAR  
BUSINESS MEETING****AGENDA****COUNCIL CHAMBERS****August 23, 2021****5:30 P.M.****CALL TO ORDER:** Mayor Cole**PLEDGE OF ALLEGIANCE:** Mayor Cole**INVOCATION:** Councilmember Joy

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

**MINUTES:**

- July 26, 2021 – APPROVED
- August 9, 2021 - Pending

**COURTESIES:**

- Councilmember Yakawich introduced Brent Morris and Terri Todd as leaders of the Yellowstone County Behavioral Health Local Advisory Committee. Mr. Morris and Ms. Todd spoke about September as National Recovery month with a memorial walk at Dehler Park and various events to help support those in recovery. Mr. Morris thanked Councilmember Yakawich for his efforts with the issues.
- Mayor Cole stated Dr. Claire Oakley from Riverstone Health would soon be retiring.
- DeeDe Baker, founder of Dog Tag Buddies, stated it was a local organization to help match Veterans with a rescued shelter dog. She stated the organization had expanded to several new cities within the last several years.
- Councilmember Purinton encouraged the people of Billings to respect the teachers and each other regarding the SD2 masking policy.

**PROCLAMATIONS:**

- Mayor Cole proclaimed September as National Recovery Month and called upon the people of Billings to support recovery organizations and events.

**COUNCIL REPORTS:**

- Councilmember Ronning stated she was on a committee regarding the regulation of marijuana and would be providing a report within the next few days.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Mr. Kukulski stated there was no ex parte communication.
- Mr. Kukulski stated the long agenda was due to trying to expedite land issues so that property owners and developers would not have to wait weeks or months to move forward with projects.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 3b, 4b, 5b, and 6b 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: 1C and 1G1**

**A. Bid Awards:**

1. **Aerial Ladder Apparatus.** (Opened 8/3/21) Recommend Pierce Manufacturing; \$1,135,121. **APPROVED**
- B. **General Contractor/Construction Manager (GC/CM) Preconstruction Services Contract for W.O. 19-12: West End Raw Water Pipeline Project with COP Construction; \$98,987. **APPROVED****
- C. **Consultant Agreement for W.O. 21-42: SBURA Gravel Streets Improvements, Phase I with Sanderson Stewart; \$637,100. **APPROVED 10-1, EWALT OPPOSED****
- D. **Terminating the Purchase and Sale Agreement for Stillwater Building. **APPROVED****
- E. **Final plat of High Sierra Subdivision, 10th Filing. **APPROVED****
- F. **Final plat of High Sierra Subdivision, 15th Filing. **APPROVED****
- G. **Bills for the Weeks of:**
  1. July 19, 2021 **APPROVED 10-0, CM BROWN ABSTAINED**
  2. July 26, 2021 **APPROVED**

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTIONS** setting FY22 annual assessments on the following:

- a. **ARTERIAL CONSTRUCTION RESOLUTION 21-10982.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- b. **STORM SEWER RESOLUTION 21-10983.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8-3, NEESE, EWALT AND PURINTON OPPOSED**

**3. JOHN AND PATRICIA BURG PROPERTY:**

- a. **JOINT PUBLIC HEARING FOR ANNEXATION 21-06 AND ZONE CHANGE 994**
  - i. **RESOLUTION 21-10984 FOR ANNEXATION 21-06:** a parcel located at 2930 US Highway 3. John and Patricia Burg, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
  - ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 994:** a zone change from Residential Rural (RR1) to Suburban Neighborhood Residential (N3) located at 2930 US Highway 3. John and Patricia Burg, owners. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **APPROVED**

- b. **DEVELOPMENT AGREEMENT** with John Burg for infrastructure improvements at 2930 US Highway 3. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 21-06: a parcel located south of Highway 3 and southeast of Rod and Gun Club Road, totaling approximately 3.311 gross and 2.793 net acres. John and Patricia Burg, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. **CHERRY ISLAND LLC PROPERTY:**

- a. **JOINT PUBLIC HEARING FOR ANNEXATION 21-08 AND ZONE CHANGE 995**
- i. **RESOLUTION 21-10985 FOR ANNEXATION 21-08:** a parcel located along Cherry Creek Loop. Cherry Island Land, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 995:** a zone change from Rural Residential 1 (RR1) and Public 1 (P1) to Suburban Neighborhood Residential (N3) located on the east side of Bitterroot Drive, north of Cherry Creek Loop. Cherry Island, LLC, owner; Sanderson Stewart, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **APPROVED**
- b. **PRELIMINARY MAJOR PLAT** of Cherry Island Subdivision, generally located between Cherry Creek Loop and east of Bitterroot Drive; Cherry Island, LLC, owner; Sanderson Stewart, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annexation 21-08: a parcel located south of Highway 3 and southeast of Rod and Gun Club Road, totaling approximately 7.906 gross and net acres. Cherry Island Land, LLC, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. **DYK (TKJ DEVELOPMENT, LLC) PROPERTY:**

- a. **JOINT PUBLIC HEARING FOR ANNEXATION 21-09 AND ZONE CHANGE 997**
- i. **RESOLUTION 21-10986 FOR ANNEXATION 21-09:** a parcel located at King Avenue West and 48th Street West. Mary and Joe Dyk, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 997:** a zone change from Agriculture (A) to Mixed Use Planned Neighborhood Development (MU-PND) located at the intersection of King Avenue West and 48th Street West. Thomas and Mary Dyk Trust, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **APPROVED AS AMENDED (NEW LANGUAGE IN FINAL ORDINANCE)**
- b. **DEVELOPMENT AGREEMENT** with TKJ Development, LLC for public improvements north of King Avenue West and east of 48th Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED (ADD "AS APPROVED BY MDOT AND THE CITY")**

- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annexation 21-09: a parcel described as Tracts of Land situated in the SE 1/4 of Section 9 and the SW 1/4 of Section 10, T.1S., R.25E, P.M.M., totaling approximately 66.925 gross and 63.711 net acres. Mary and Joe Dyk, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED (DELETE TRACT FROM FINAL ORDINANCE)**

6. **CPP, LLC; ARB INVESTMENTS, LLC AND GSB HOLDINGS, LLC PROPERTY**

- a. **PUBLIC HEARING AND RESOLUTION 21-10987 FOR ANNEXATION 21-07:** a parcel located along Calhoun Lane. CPP, LLC; ARB Investments, LLC; and GSB Holdings, LLC, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- b. **DEVELOPMENT AGREEMENT** with CPP, LLC; ARB Investments, LLC; and GSB Holdings, LLC for public improvements for Tracts A-1 and A-2 of the Amended Tract A, COS 775. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, EWALT OPPOSED**
- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 21-07: a parcel located along Calhoun Lane, totaling approximately 1.316 gross and net acres. CPP, LLC; ARB Investments, LLC; and GSB Holdings, LLC, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 996:** a zone change from Corridor Mixed Use 2 (CMU2) and Mixed Residential 2 (NX2) to Neighborhood Office (NO) and Mid- Century Neighborhood Residential (N2) generally located on Elysian Road, Dodger Lane and Interstate Avenue. Harmony Meadows, LLC, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **APPROVED**

8. **PUBLIC HEARING AND RESOLUTION 21-10988** to amend the Limits of Annexation Map. Staff recommends approval. (Action: approval or disapproval of staff 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: 9:44 pm**