



**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**      **September 13, 2021**      **5:30 P.M.**

## **CALL TO ORDER:** Mayor Cole

## **PLEDGE OF ALLEGIANCE:** Mayor Cole

## **INVOCATION:** Councilmember Choriki

## ROLL CALL: Councilmembers present on Friday, April 13, 2018

**ROLL CALL:** Councilmembers present on roll call were:  Shaw,  Yakawich,  Neese,  Ewalt, (excused)  Joy,  Choriki,  Purinton,  Ronning,  Boyett,  Brown, Mayor Cole arrived at 5:52 p.m.

## MINUTES:

- August 9, 2021 - **APPROVED**
- August 23, 2021 - **APPROVED**

## COURTESIES:

Sarah Music, Suicide Prevention Coalition, stated they had emerged 15 years ago and were continuing to strive to provide education and break down barriers. The Coalition provided resources for those that needed hope and informed Council and the public of a Virtual Conference on Friday, September 17<sup>th</sup>.

## **PROCLAMATIONS: None**

## COUNCIL REPORTS:

Councilmember Joy stated the Community Development Board (CDB) had met on Tuesday and decided to postpone the decision on how to spend ARPA money.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 8 and 9 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: 1M1 and 1M2**

A. Mayor Cole recommends that Council confirm the following appointments:

**1. APPROVED**

|    | <b>Name</b>     | <b>Board/Commission</b>   | <b>Term</b>   |             |
|----|-----------------|---------------------------|---------------|-------------|
|    |                 |                           | <b>Begins</b> | <b>Ends</b> |
| 1. | No Applications | Planning Board - Ward II* | 09/13/21      | 12/31/23    |
| 2. | Hannah Reno     | Housing Authority*        | 09/13/21      | 12/31/23    |
| 3. | No Applications | Housing Authority*        | 09/13/21      | 12/31/24    |

\*1 Unexpired term of Heidi Jensen-Christison

\*2 Unexpired term of Robert Waller

\*3 Unexpired term of Michael Samson

**A. Bid Awards:**

1. **2021 Aerial Lift Truck.** (Opened 8/17/21) Recommend Altec, Inc., \$126,029. **APPROVED**

2. **2021 Roll-Off Truck.** (Opened 8/17/21) Recommend Western Systems; \$189,054. **APPROVED**

3. **South Park Hail Repairs.** (Opened 8/17/21) Recommend T.W. Clark Construction, LLC; \$174,000. **APPROVED**

B. **Project Management Software Contract** with Osedea, Inc.; \$7,400 for the first year; \$2,400 for subsequent years. **APPROVED**

C. **Professional Services Agreement for W.O. 22-01: Schedules 1 and 2, Water and Sanitary Sewer Main Replacement** with DOWL; \$1,153,670. **APPROVED**

D. **Road Dedication Acceptance** for Amended Lake Hills Subdivision, 25th Filing. **APPROVED**

E. **Resolution 21-10989** ordering improvements identified in W.O. 21-25: Boulder Avenue Sidewalk. **APPROVED**

F. **Resolution 21-10990** declaring an emergency and authorizing payment for W.O. 22-13: Heights Trunk Sewer Repair, Emergency Resolution.

G. **Resolution 21-10991** canceling Municipal General Election for Mayor and Municipal Judge. **APPROVED**

H. **Second/Final Reading Ordinance 21-5769** expanding Ward IV (Annexation 21-06): a property located south of Highway 3 and southeast of Rod and Gun Club Road. **APPROVED**

I. **Second/Final Reading Ordinance 21-5770** expanding Ward III (Annexation 21-07): a property located along Calhoun Lane. **APPROVED**

J. **Second/Final Reading Ordinance 21-5771** expanding Ward II (Annexation 21-08): a property located along Cherry Creek Loop. **APPROVED**

K. **Second/Final Reading Ordinance 21-5772** expanding Ward V (Annexation 21-09): a parcel located at King Avenue West and 48th Street West. **APPROVED**

L. **Bills for the Weeks of:**

1. August 2, 2021 **APPROVED 8-0, BROWN ABSTAINED - EWALT AND MAYOR COLE ABSENT**
2. August 9, 2021 **APPROVED 8-0, BROWN ABSTAINED - EWALT AND MAYOR COLE ABSENT**
3. August 16, 2021 **APPROVED**

Mayor Cole arrived 5:52 p.m.

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTIONS** allocating assessments on the following:
  - a. **Park District 1 RES. 21-10992 APPROVED 8-2, NEESE AND PURINTON OPPOSED**
  - b. **General Obligation (GO) Debt RES. 21-10993 APPROVED 9-1, NEESE OPPOSED**
  - c. **Park Maintenance Districts RES. 21-10994 APPROVED**
  - d. **Weed Assessments RES. 21-10995 APPROVED**
  - e. **SID 1416 RES. 21-10996 APPROVED**
  - f. **SID 1417 RES. 21-10997 APPROVED**
  - g. **SID 1418 RES. 21-10998 APPROVED**
  - h. **SID 2916 RES. 21-10999 APPROVED**
  - i. **SID 2917 RES. 21-11000 APPROVED**
  - j. **SID 2918 RES. 21-11001 APPROVED**
3. **PUBLIC HEARING AND RESOLUTION 21-11002** revising and assessing encroachment rental fees for FY2022. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8-2, BROWN AND PURINTON OPPOSED**
4. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5773 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**

5. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5774 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 findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**
6. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5775 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**
7. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5776 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**
8. **TAX INCREMENT FINANCE ASSISTANCE** from Downtown Urban Renewal District to Billings Community Foundation for renovation at 404 North 30th Street; \$98,518. Downtown Billings Partnership Board (DBP) recommends approval. (Action: approval or disapproval of DBP Board recommendation.) **APPROVED**
9. **TEAMSTERS LOCAL 190 UNION CONTRACT (7/1/2021-6/30/2024).** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
10. **PUBLIC HEARING AND RESOLUTION 21-11003** approving and adopting the budget amendments for FY2022. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
11. **JOINT PUBLIC HEARING AND ORDINANCES** for the following:
  - a. **ADOPT** an Interim Zoning Ordinance 21-5777 imposing a moratorium on new marijuana businesses. **APPROVED WITH AMENDED ORDINANCE**
  - b. **ADOPT** an Emergency Business License Ordinance 21-5778 imposing a temporary suspension on issuing business licenses to marijuana businesses for ninety (90) days. **APPROVED WITH AMENDED ORDINANCE**

**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:**

Neese moved to initiate an amendment to the Zoning Code to regulate marijuana businesses, seconded by Yakawich. **APPROVED**

**ADJOURN:** 8:47 pm