



**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  
September 27, 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

**MINUTES:** September 13, 2021 - pending

#### COURTESIES:

- Mayor Cole congratulated Councilmember Yakawich on the arrival of a new granddaughter.
- Mayor Cole provided instructions for closed-captioning viewers watching on Community 7 TV.
- Councilmember Ronning wished a speedy recovery to the Public Works employee who was hit by a vehicle while working on the City's streets.

**PROCLAMATIONS: Walk to School Day – Wednesday, October 6, 2021**

**COUNCIL REPORTS:** None

#### ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- October 4<sup>th</sup> Work Session – Kevin Iffland will represent Administration during this meeting, while Mr. Kukulski is attending a conference.
- No Ex Parte communications were received.

#### **PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 6b, 7b, 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: 1B2, 1E, and 1K1

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

**APPROVED**

1.	Name	Board/Commission	Term	
			Begins	Ends
1.	George Maragos	Tourism BID	10/01/21	10/01/25
	Jeff Schoenhard	Tourism BID	10/01/21	10/01/25

B. **Bid Awards:**

1. **Castle Rock Park Playground Improvements.** (Opened 9/7/21) Recommend rejection of all bids. **APPROVED**

2. **Hail Repair - Miscellaneous City Buildings.** (Opened 9/7/21) Recommend Finishing Touch Exteriors, Inc.; \$499,999.90. **APPROVED** with addition to staff memo (Background Section) indicating "previous hail damage."

C. **General Contractor/Construction Manager (GC/CM) Preconstruction Services Contract** for W.O. 19-42: West End Water Treatment Plant Project with Garney Companies, Inc.; \$273,035.20. **APPROVED**

D. **Professional Services Agreement** for W.O. 22-07: Mullowney Lane with HDR Engineering; \$298,488. **APPROVED**

E. **Consultant Agreement** with Morrison-Maierle for W.O. 22-10: Alkali Creek Water and Sewer Extension; \$176,700. **APPROVED, 10-0, BROWN ABSTAINED**

F. **Assignment and Assumption** of Lease Agreement for the Miller Building space; \$18,883/mo. - **APPROVED**

G. **State Highway Traffic Safety Billings Selective Traffic Enforcement Program (STEP)** overtime grant; \$10,000. - **APPROVED**

H. **Donation** to the Public Library for specific projects and book kits for the Teen Tech Lab from Humanities Montana; \$6,000. - **APPROVED**

I. **Underground Easement** with NorthWestern Energy (NWE) for the new service line for W.O. 20-23: Solid Waste Container Storage Facility. - **APPROVED**

J. **Final Plat** of Copper Ridge Subdivision, 8th Filing. \* **Quasi-Judicial** - **APPROVED**

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

1. August 23, 2021 - **APPROVED, 10-0 BROWN ABSTAINED**
2. August 30, 2021 - **APPROVED**

**REGULAR AGENDA:**

2. **PUBLIC HEARING** to receive input on the City's FY2020-2021 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. **No action is necessary.**
3. **PUBLIC HEARING AND RESOLUTIONS 21-11004 to 21-11006** allocating assessments on the following:

- a. **SID 1408** - Radford Squares North, South, East and West and a portion of Shawnee Drive. **Resolution 21-11004**. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- b. **SID 1410** - Annafeld Subdivision, 2nd filing and Annafeld Park Trail improvements. **Resolution 21-11005**. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- c. **SID 1413** - Greenbriar Road and Winged Foot Drive. **Resolution 21-11006**. **APPROVED** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**4. PUBLIC HEARING AND RESOLUTIONS 21-11007 to 21-11008** setting FY22 annual assessments on the following:

- a. **Special Improvement Light Maintenance District (SILMD)- Resolution 21-11007** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- b. **Sidewalk Construction and/or Repair – Resolution 21-11008** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**5. PUBLIC HEARING AND RESOLUTION 21-11009** approving reduction of the Arterial Construction Fee assessment for residents in commercial zones. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. REGAL LAND DEVELOPMENT, INC. PROPERTY:**

- a. **JOINT PUBLIC HEARING FOR ANNEXATION 21-10 AND ZONE CHANGE 998:**
  - i. **RESOLUTION 21-11010 FOR ANNEXATION 21-10:** a parcel located south of Sweetgrass Creek Drive between 54th and 58th Street West. Regal Land Development, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **\*Quasi-Judicial APPROVED**
  - ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 998:** a zone change for a new Mixed Residential Planned Neighborhood Development zone change consisting of N3, N2, N1, NX1 and Public 1 zone districts for a proposed annexation of a 53.45 acre parcel south of Rimrock Road, west of 54th Street West and east of 58th Street West. Dan Wells d/b/a Regal Land Development, Inc., owner. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **\*Quasi-Judicial APPROVED**
- b. **DEVELOPMENT AGREEMENT** with Regal Land Development, Inc. for improvements between 54th Street West and 58th Street West, south of Rimrock Road. 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 21-10: a parcel located south of Sweetgrass Creek Drive between 54th and 58th Street West. Regal Land Development, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**7. MESSINGER COMPANY, LLC, PROPERTY:**

- a. **PUBLIC HEARING AND RESOLUTION 21-11011 FOR ANNEXATION 21-11:** a parcel located between South Frontage Road and Trade Center Avenue. Messinger Company, LLC., petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **\*Quasi-Judicial APPROVED**

- b. **DEVELOPMENT AGREEMENT** with Messinger Company, LLC for improvements along the South Frontage Road west of Harnish Boulevard. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annexation 21-11: a property located between South Frontage Road and Trade Center Avenue, totally approximately 26.425 gross and 13.729 net acres of land. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- d. **PUBLIC HEARING AND RESOLUTION 21-11012** approving a Property Tax Abatement for Coca-Cola. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

8. **APPROVAL of Purchase and Sale Agreement - Stillwater Building.** Stillwater Building Negotiation Committee recommends approval. (Action: approval or disapproval of Stillwater Building Negotiation Committee recommendation.) **APPROVED to table until October 11<sup>th</sup> Regular Business Meeting to allow technical changes and corrections or typos to documents, but no substantive changes to the documents from what was negotiated.**

9. **RESOLUTION 21-11013** establishing a Citizen Police Advisory Board (CPAB). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED to include the following revisions to the resolution: Paragraph 4 – “APPOINTMENT TERMS. . . beginning on January 1, 2022”; Paragraph 5 – “appointed annually . . . so long as they remain active. Each coalition representative shall be nominated by his or her respective coalition and then approved by the Mayor and City Council in their discretion.”**

**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: 9:59 P.M.**