



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
October 25, 2021

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Boyett

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

CM Neese was excused

MINUTES:

- September 27, 2021 - **APPROVED**
- October 11, 2021 - **PENDING**

COURTESIES:

- Councilmember Ronning introduced Richard King as the new chair of Rimrock Neighborhood Task Force.
- Councilmember Ewalt thanked Trevor Foos with Iron Works Construction for donating his time to install a metal roof on the shelter at the Heights dog park.

PROCLAMATIONS:

- None

COUNCIL REPORTS:

- None

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Regarding the sale of Airport land to NEW (Consent Agenda Item 1E) - a revised Exhibit C, has been sent to Council.

- Informed Council a revised Resolution for Consent Agenda Item 1K, concerning the Violent Crime Reduction Program had been placed on their desks. This resolution was also forwarded in the Weekly Report.
- Reminded Council that Election Day would take place in 8 days and ballots needed to be received by the Election Office and could not be accepted if late. He reviewed the various ways voters could find Public Safety Mill Levy information.
- There were no ex parte communications received.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 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: 1A1, 1E, 1K and 1L1

A. **Bid Awards:**

1. **95-gallon residential refuse carts.** (Opened 9/21/21) Recommend Schedule I and Schedule II: 95- gallon black trash carts and 95-gallon green yard waste carts; Toter, LLC, \$1,210,680.64. **APPROVED** (8-2, EWALT AND BOYETT OPPOSED, NEESE ABSENT)

B. **Professional Services Contract for W.O. 22-11: Staples Reservoir Evaluation/Design;** HDR Engineering, Inc.; \$174,400. **APPROVED**

C. **Recommendation** of approval to the Policy Coordinating Committee for Amendment II of the Draft 2020- 2024 Transportation Improvement Program (TIP). **APPROVED**

D. **Reallocate** East Billings Urban Renewal District (EBURD) TIF Funds for Project Green Light CPTED Program. **APPROVED**

E. **Sale** of 14.7 acres of Airport land to NorthWestern Energy (NWE) for use as a substation location; \$223,000. **APPROVED**

F. **Preliminary Subsequent Major Plat** of High Sierra Subdivision, 17th Filing located north of Matador Avenue and west of Entrada Road; High Sierra II, Inc., owner; Sanderson Stewart, agent. *** Quasi-Judicial APPROVED**

G. **Preliminary Subsequent Major Plat** of High Sierra Subdivision, 18th Filing located north of Matador Avenue and west of Entrada Road; High Sierra II, Inc., owner; Sanderson Stewart, agent. *** Quasi-Judicial APPROVED**

H. **Preliminary Subsequent Major Plat** of High Sierra Subdivision, 19th Filing located west of Entrada Road and east of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent. *** Quasi-Judicial APPROVED**

I. **Preliminary Subsequent Major Plat** of High Sierra Subdivision, 20th Filing located north of Ortega Street and west of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent. *** Quasi-Judicial APPROVED**

J. **Final Plat** of Yellowstone Landing Commercial Park Subdivision. ***Quasi-Judicial APPROVED**

K. Resolution of Intent 21-11014 to partner with Yellowstone County and the State of Montana for Violent Crime Reduction Partnership.
APPROVED (9-1, EWALT OPPOSED, NEESE ABSENT)

L. Bills for the Weeks of:

1. September 20, 2021, **APPROVED** (9-0, BROWN ABSTAINED, NEESE ABSENT)
2. September 27, 2021, **APPROVED**

REGULAR AGENDA:

- 2. PUBLIC HEARING AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING ALLOCATION to HAB:** Off The Streets property to repair the current boiler, install new heating/air conditioning units, and to make necessary repairs to damaged units; \$450,000. Community Development Board recommends approval. (Action: approval or disapproval of Community Development Board recommendation.) **APPROVED**
- 3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 999:** a zone change from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) located at 733 S. 31st St. W. just north of the Mercedes Benz car dealership on King Avenue West. Patricia Harvey, owner; WWC Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) *** Quasi-Judicial APPROVED**
- 4. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1000:** a zone change from Mid Century Neighborhoods (N-2) to Neighborhood Office (NO) located at 436 Wicks Lane. Laighton D. Jones, DMD, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) *** Quasi-Judicial APPROVED**
- 5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1001:** Text amendment to Section 27-1000, 27-1005, 27-1006, 27-1400, 27-1803, related to the regulation of marijuana businesses and to include several recommended amendments by the Zoning Commission to the original draft including a reduction -in the separation distances from dispensaries to protected uses, allowing dispensaries in two more zoning districts, and adding language to ensure there is no waiver of the required separation distances. Zoning Commission recommendation.) **APPROVED AS AMENDED 7-3, SHAW, JOY AND CHORIKI OPPOSED**
- 6. PUBLIC HEARING AND FIRST READING ORDINANCE** regulating marijuana and marijuana businesses. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED 9-1, CHORIKI OPPOSED**

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: 10:07 P.M.