



## **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

November 22, 2021

\*4:00 P.M.

**\* Please note time change for this meeting is due to a Closed Executive Session beginning at 4:00 P.M., Regular Business Meeting will begin at 5:30 P.M.**

**RECESS TO CLOSED EXECUTIVE SESSION\*** City Administrator, Chris Kukulski's Annual Review

\*Note: The Executive Session will be closed, as allowed in Section 2-3-203(3), MCA, as discussions relate to matters of individual privacy and wherein the demands of individual privacy exceed the merits of public disclosure.

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

## **PLEDGE OF ALLEGIANCE:** Mayor ole

**INVOCATION:** Councilmember Shaw

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

## MINUTES:

- October 24 11, 2021 – Choriki moved to amend the minutes. Neese provided a substitute motion to defer until recording could be reviewed, Ewalt seconded. APPROVED to defer - 10-1, Choriki opposed.
- October 25, 2021 – APPROVED
- November 8, 2021 - PENDING

## **COURTESIES:**

- Purinton introduced Hank Jagodzinski, a 10<sup>th</sup> grader at Billings Central Catholic High School, recipient of an International Rise Scholarship. Mr. Jagodzinski stated he was interviewed on Good Morning, America, about his project. He explained the requirements of the scholarship and the school journalism project that earned him the scholarship.

**PROCLAMATIONS:** The 16 Days of Activism Against Gender Violence – November 25<sup>th</sup>- December 10<sup>th</sup>

## **COUNCIL REPORTS:**

- Mayor gave updates from PCC meeting regarding 6th Avenue underpass project to being in the spring of 2022 and completed during the summer of 2022; Safe Routes to Schools survey deadline – December 17, 2021; MDOT Lockwood Interchange public comment period will open soon concerning bicycle and pedestrian access;
- Yakawich – provided a list of various boards and commissions he is involved and their activities, i.e. Bright and Beautiful – Christmas Tree cleanup locations; Suicide Prevention Coalition of Yellowstone Valley – attended hybrid seminar sponsored by Riverstone Health, lead by Sarah Music; Mayor's Challenge to reduce suicide among Service members, Veterans and Family Members, 2022 action plan lead by Kathy Sabol at Riverstone Health; Yellowstone County Mental Health Local Advisory Board, Luminaries at Dehler Park; Friends of the USS Billings, final donor plaque has been placed at the Billings Public Library; Aviation and Transit Committee, toured construction area; Parks Board, reviewed upcoming CIP.
- Joy – attended a Community Innovations meeting recently whose focus is helping individuals in mental health and substance abuse. She invited them to a future work session to update Council.
- Purinton – concerning Safe Routes to Schools survey stated that survey would on the banner of the front page of the website and everyone needed to weigh in on it.

## **ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

- Concerning Consent Agenda Item 1E, Petition to Discontinue a portion of an alley for the MRM campus. A motion to remove the item from the agenda was needed. The item was not ready to come before Council for approval.
- Concerning Regular Agenda Item No. 6, the Agenda Description incorrectly stated the amount of the TIF request at \$779,524. The correct amount was \$362,525.46 and it was correct throughout the staff memo and information the public received.
- City offices were to be closed Thursday and Friday, November 25<sup>th</sup> and November 26<sup>th</sup>, for the Thanksgiving holiday, including City Hall.
- Monday, November 29<sup>th</sup> was a bye week, therefore no City Council meetings are scheduled.
- NO Ex parte communications were received for this evening's agenda.
- The Nutcracker was at Alberta Bair Theater, a world class facility, and everyone was encouraged to visit the ABT soon.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 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: 1F, 1G, 1H, 1J1 and 1J2

A. **Bid Awards:**

1. **2021 Tracked Excavator.** (Opened 10/19/21) Recommend rejecting all bids. **APPROVED**

B. **Professional Consulting Agreement** with SRF Consulting to complete the MET Transit 5-Year Transit Development Plan; \$150,470. **APPROVED**

C. **Memorandum of Understanding** between the City of Billings and the Continuum of Care (CoC) for reimbursement of FEMA funds for the non-congregate shelter. **APPROVED**

D. **Declaration** of surplus equipment and authorizing MET to dispose of 17 buses via advertisement and solicitation of offers before taking to auction or salvage. **APPROVED**

E. **Acknowledge Receipt of Petition to Discontinue** a portion of the alley within Block 191 within the Billings Original Townsite and set a Public Hearing for December 20, 2021. **REMOVED FROM AGENDA VIA APPROVED MOTION**

F. **Final Expedited Minor Plat** - Big Sky King Subdivision. **APPROVED 10-0, MAYOR COLE ABSTAINED**

G. **Resolution 21-11016** establishing compliance with reimbursement under Internal Revenue Code for the South TIF Construction Projects. **APPROVED 8-2, RONNING ABSTAINED; NEESE AND EWALT OPPOSED**

H. **Third/Final Reading Ordinance 21-5784 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. **APPROVED 9-2, JOY AND CHORIKI OPPOSED**

I. **Third/Final Reading Ordinance 21-5785** repealing Article 7-1700-Medical Marijuana, Billings, Montana City Code (BMCC) and adding Article 7-2000 - Marijuana Regulations, BMCC. **APPROVED**

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

1. October 18, 2021 **APPROVED 10-0, BROWN ABSTAINED**
2. October 25, 2021 **APPROVED 10-0, BROWN ABSTAINED**

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND SPECIAL REVIEW 992:** a special review to allow an automobile collision repair center greater than 5,000 square feet in a Corridor Mixed Use 2 (CMU2) zoned district, for a proposed 18,554 square foot building, on Lot 13, Block 1, Montana Sapphire Subdivision, a 2.187-acre parcel of land, generally located at 4130 Kari Lane. Montana Sapphire, LLC, owner; Nick Fore, Cross Development, agent. Zoning Commission recommends conditional approval and

adoption of the findings of the 9 review criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED ADDING THAT SOLID VINYL FENCING WILL BE INSTALLED ON ALL 3 SIDES.**

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** repealing and replacing Article 7-900, Billings, Montana City Code (BMCC), granting a renewal cable system franchise to Spectrum Pacific West, LLC, locally known as Charter Communications, Inc. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Article 14-600, Billings, Montana City Code (BMCC) - Regulation of Fire / Security Alarm Systems. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
5. **PUBLIC HEARING AND FIRST READING ORDINANCE** prohibiting adult-use marijuana dispensaries. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, CHORIKI OPPOSED**
6. **TAX INCREMENT FINANCING ASSISTANCE** from South Billings Boulevard Urban Renewal District (SBBURD) to KSKC Properties, LLC for improvements located at 3218 South Frontage Road; up to ~~\$779,524~~ \$362,525.46. SBURA Board recommends approval. (Action: approval or disapproval of SBURA Board recommendation.) **APPROVED 8-2, EWALT AND NEESE OPPOSED, RONNING ABSTAINED**
7. **CITY ADMINISTRATOR'S Annual Performance Evaluation.** **APPROVED 9-2, 3% SALARY INCREASE AND \$3,000 ONE-TIME BONUS, EWALT AND PURINTON 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:**

- Yakawich moved to direct staff and the future Council to design, implement and install a standalone COVID-19 memorial within the first year the new law and justice center/city hall is used in honor of those whose lives were lost due to COVID in Yellowstone, seconded by Choriki. **APPROVED 7-4, NEESE, EWALT, PURINTON AND RONNING OPPOSED**
- Yakawich moved to direct staff to implement regulations for recovery residences also known as sober living housing to reduce the amount of disturbances and building and code enforcement issues, seconded by Choriki. **APPROVED**
- Ewalt moved to direct staff to work with the Department of Corrections (DOC) and legislators to limit the number of probationers, parolees, and inmate releasees with a cap of how many can be released to Billings, seconded by Purinton. **APPROVED 8-3, JOY, SHAW AND BROWN OPPOSED**

**ADJOURN:** 9:20 P.M.