

**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****December 20, 2021****5:30 P.M.****CALL TO ORDER:** Mayor Cole**PLEDGE OF ALLEGIANCE:** Mayor Cole**INVOCATION:** Councilmember Neese**ROLL CALL:** Councilmembers present on roll call were:  Shaw,  Yakawich,  Neese,  Ewalt,  Joy,  Choriki,  Purinton,  Ronning,  Boyett,  Brown**MINUTES:** December 13, 2021 (Pending)**COURTESIES:**

Mayor Cole congratulated the Montana State Bobcats on their football win over the South Dakota Jackrabbits! He wished them well in their fight for the national championship against North Dakota State in Frisco, Texas on January 8, 2022.

Mayor Cole acknowledged that the first Omicron infection was diagnosed in Gallatin County, Montana.

Mayor Cole recognized the outgoing Councilmembers and gave each of them a plaque of appreciation. Commissioner Pitman recalled his years as a Councilmember and thanked the outgoing Councilmembers for their service and dedication to the citizens of Billings.

Councilmember Ewalt thanked the citizens of Ward II for their support.

Councilmember Ronning acknowledged the "Shop with a Cop" program that involved 160 children that were able to shop for themselves and family members with a police officer or firefighter at the Westend Walmart. She thanked all that contributed to the annual event.

Councilmember Yakawich shared his appreciation of staff and constituents during his terms.

**PROCLAMATIONS:** Homeless Persons' Memorial Day - December 21, 2021

**COUNCIL REPORTS:**

Councilmember Yakawich recognized Brandon Scala on the Parking Board. He advised that he will be vacating his position on the Citizens Advisory Committee.

Councilmember Ronning reported that she has sat in DBA Board meetings and spoke about the impact TIF monies have made to improving downtown. She also will be leaving her post on the board.

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI KEVIN IFFLAND, ASSISTANT CITY ADMINISTRATOR**

- Concerning 1C – 5-yr. Agreement with Sky Gifts Billings, LLC, the staff wished to make a change to the recommendation as: “Council’s approval for the Mayor to execute the final agreement.” Negotiations were in progress and the agreement was not quite ready but would be shortly.
- Reminded Council that City offices are closed Friday, December 24th, in observance of the Christmas holiday, and on Friday, December 31st, for New Year’s Eve Day. This was the last Council meeting of the year. The next meeting is a Work Session on Monday, January 3rd. New Councilmembers will be sworn in and a training session with Dan Clark of the Local Government Center is scheduled.
- There were no ex-parte items sent to Mayor and Council after 3 pm.
- Introduced **Steve Arveschoug, Big Sky Economic Development**, who recognized Councilmember Shawn Brown for his contributions on their Board. He thanked all of the outgoing Councilmembers for their support. He stated the ex officio member is appointed by the County Commissioners. He offered a tour of the Rock 31 construction any Thursday at 1:30 p.m.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 5, 6, 7, 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: 1F, 1M1**

**A. Bid Awards:**

1. **W.O. 22-03: Contract No. 1 City Overlay.** (Opened 12/7/21)  
Recommend Schedule 1 and Schedule 2, Knife River; \$1,215,246.90.  
**APPROVED 10-1, EWALT OPPOSED**

**B. Professional Services Contract with A & E Design for a Multi-Generational Community Recreation Center in SBBURD; \$244,436. **APPROVED 10-1, EWALT OPPOSED****

**C. Five-year Agreement with Sky Gifts Billings, LLC, to operate the Airport's Gift Shop**

Concession. **APPROVED with changes to the staff memo recommendation 10-1, EWALT OPPOSED**

- D. **Development Agreement** with KSKC Properties, LLC. **APPROVED 10-1, EWALT OPPOSED**
- E. **Amendment No. 1, W.O. 20-24: West End Storm System Improvements**, Professional Services Contract, DOWL; \$297,861. **APPROVED 10-1, EWALT OPPOSED**
- F. **Sponsorship** of the Billings Bench Water Association ARPA grant application to the State of Montana. **APPROVED**
- G. **Grant Application Request** to submit application for AmeriCorps VISTA and authorize City staff to negotiate and finalize the project, if awarded. **APPROVED 10-1, EWALT OPPOSED**
- H. **Preliminary Minor Plat** of Hilltop Subdivision, 2nd Filing, Amended Lot 9A, Block 12. **\*Quasi-Judicial APPROVED 10-1, EWALT OPPOSED**
- I. **Preliminary Minor Plat** of Terrace Estates Subdivision, 3rd Filing, Amended Lot 200 and Adjacent Parkland. **\*Quasi-Judicial APPROVED 10-1, EWALT OPPOSED**
- J. **Preliminary Minor Plat** of Lenhardt Square Subdivision, 1st Filing, Lot 1A, Block 1. **\*Quasi-Judicial APPROVED 10-1, EWALT OPPOSED**
- K. **Preliminary Major Plat** of Ridgeline Subdivision. **\*Quasi-Judicial APPROVED 10-1 EWALT OPPOSED**
- L. **Preliminary Major Plat** of Annafeld Subdivision, 4th Filing. **\*Quasi-Judicial APPROVED 10-1 EWALT OPPOSED**
- M. **Bills for the Week of:**
  - 1. November 22, 2021 – **JOY AND BROWN ABSTAINED, CHORIKI ABSENT; APPROVED 8-0**

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING AND RESOLUTION 21-11021** approving the discontinued use of one-half of the east-west alley from South 28th Street to South 29th Street. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-0, NEESE ABSTAINED**
- 3. **PUBLIC HEARING AND RESOLUTION 21-11022** establishing business license fees for marijuana-related businesses. Staff recommends approval. (Action: approval or disapproval of staff recommendation) **APPROVED AS AMENDED, \$350 APP. FEE NOT APPLICABLE TO \$55 TRANSPORT FEE 8-3, NEESE, JOY AND CHORIKI OPPOSED**
- 4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC) Article 7-1800, Cable System Franchise. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

5. **CDBG-CV AND CDBG ALLOCATIONS TO PARKS PROJECTS;** up to \$1 million. Community Development Board (CD Board) and Parks, Recreation and Cemetery Board recommend approval. (Action: approval or disapproval of CD Board and Parks, Recreation and Cemetery Boards' Recommendation.) **APPROVED**
6. **FAST-TRACK APPLICATIONS FOR CDBG-CV PUBLIC SERVICES PROJECTS;** up to \$15,000 per public service award. Community Development Board (CD Board) recommends approval. (Action: approval or disapproval of CD Board recommendation.) **APPROVED**
7. **TAX INCREMENT FINANCING ASSISTANCE** from Downtown Urban Renewal District for a pedestrian crossing upgrade; up to \$15,000. Downtown Billings Partnership (DBP) Board recommends approval. (Action: approval or disapproval of DBP Board recommendation.) **APPROVED**
8. **LAW AND JUSTICE CENTER/CITY HALL PROFESSIONAL SERVICES DESIGN CONTRACT,** Phase I, with JLG Architects; \$195,000, plus \$12,500 allowance for reimbursable expenses. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
9. **OPIOID LITIGATION OPTIONS. APPROVED TO AUTHORIZE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO SIGN THE MOU AND SETTLEMENT AGREEMENTS WITH DISTRIBUTORS 7-4, SHAW, JOY, CHORIKI AND RONNING 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:**

- Purinton directed the City Administrator to print on Council letterhead the drafted letter to Governor Gianforte concerning limiting the number of DOC releasees to Billings, to be signed by all Councilmembers wishing to sign it, seconded by Shaw. **APPROVED**
- Ewalt directed the City Administrator to work with Public Works staff for a resolution that would charge 20% for out-of-city limits customers to be set aside in a landfill fund to pay for future capital improvements at the landfill. The 20% charge would start in FY23 and continue until changed by future Councils, seconded by Yakawich. **APPROVED**

**ADJOURN: 10:20 P.M.**