



**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**  
**MAY 22, 2023**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Boyett

**ROLL CALL:**

Present: Councilmember Kendra Shaw, Ward I  
Councilmember Ed Gulick, Ward I  
Councilmember Roy Neese, Ward II  
Councilmember Jennifer Owen, Ward II  
Councilmember Denise Joy, Ward III  
Councilmember Danny Choriki, Ward III  
Councilmember Daniel Tidswell, Ward IV  
Councilmember Pam Purinton, Ward IV  
Councilmember Mike Boyett, Ward V  
Councilmember Tom Rupsis, Ward V  
Mayor William Cole

Staff  
Present: Chris Kukulski, City Administrator  
Kevin Iffland, Assistant City Administrator  
Gina Dahl, City Attorney  
Denise Bohlman, City Clerk  
Jennifer Duray, Public Works Deputy Director  
Andy Zoeller, Finance Director  
Wyeth Friday, Planning Director  
Monica Plecker, Planning Manager  
Nicole Cromwell, Zoning Coordinator  
Karen Husman, Planner  
Hunter Kelly, Planner  
John Caterino, Facilities Manager

**MINUTES:** May 8, 2023 **APPROVED 11-0**

**COURTESIES:**

**PROCLAMATIONS: NONE**

## COUNCIL REPORTS:

### ADMINISTRATOR REPORTS - CHRIS KUKULSKI

#### **PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2, 7c and 8 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.)

#### **SPECIAL PRESENTATION:** Big Sky Passenger Rail Authority (Jason Stuart, Vice Chair)

#### **1. CONSENT AGENDA -- Separations: 1G, 1R**

##### **A. Bid Awards:**

**1. Compost Mixer and Conveyor System.** (Opened 5/2/2023) Recommend Roto Mix, LLC. **APPROVED 11-0**

**2. W.O. 21-32: Wicks Lane and Bitterroot Drive Storm Drain Improvements.** (Opened 5/2/2023) Recommend Schedule 1, Phase 2, Western Municipal Construction. **APPROVED 11-0**

**B. Memorandum of Understanding** with Yellowstone County for water main replacements at MetraPark. **APPROVED 11-0**

**C. Assignment and Assumption** of Pretreatment Service Agreement from ExxonMobil to Par Montana, LLC. **APPROVED 11-0**

**D. Agreement** with Hoopla for the Library's digital library platform. **APPROVED 11-0**

**E. Declaring Surplus Property** and authorizing the sale of 300-gallon waste containers to the City of Powell, Wyoming. **APPROVED 11-0**

**F. Declaring Surplus Property** and authorizing the sale of 300-gallon waste containers to the Town of Upton, Wyoming. **APPROVED 11-0**

**G. Donations** to City of Billings for "Mobilize the MAGIC City" Project. **APPROVED 9-0, MAYOR COLE and RUPSIS ABSTAINED**

**H. Donations** to the Billings Public Library from various donors. **APPROVED 11-0**

**I. Preliminary Minor Plat** of Elysian Subdivision. **\*Quasi-Judicial APPROVED 11-0**

**J. Preliminary Minor Plat** of Price Subdivision, Amended Lots 1 and 5, Block 1. **\*Quasi-Judicial APPROVED 11-0**

**K. Preliminary Major Plat** of Lake Hills Subdivision, 40th Filing. **\*Quasi-Judicial APPROVED 11-0**

**L. Final Plat** of Bitterroot Heights Subdivision, 3rd Filing. **\*Quasi-Judicial APPROVED 11-0**

**M. Bond Resolution 23-11116** for Pooled Series 2023 Sidewalk Bonds for W.O. 21-11 and W.O. 22-07. **APPROVED 11-0**

- N. **Resolution 23-11117** of Intent to Create SILMD 331 and set a public hearing date for June 12, 2023. **APPROVED 11-0**
- O. **Resolution 23-11118** of Intent to Create SID 1423 and set a public hearing date for June 12, 2023. **APPROVED 11-0**
- P. **Resolution 23-11119** extending the Energy and Conservation Commission to December 31, 2025. **APPROVED 11-0**
- Q. **Resolution 23-11120** notifying Election Administrator of mail ballot. **APPROVED 11-0**
- R. **Third/Final Reading Ordinance 23-5828** amending Billings, Montana City Code, Section 18-204, prohibiting weapons and firearms. **APPROVED 8-3, CHORIKI, TIDSWELL AND PURINTON OPPOSED**
- S. **Bills for the Weeks of:**
  - 1. April 17, 2023 **APPROVED 11-0**
  - 2. April 24, 2023 **APPROVED 11-0**

#### **REGULAR AGENDA:**

- 2. **APPROVAL OF BID PACKAGE NO. 2 CONTRACT AMENDMENT** with Dick Anderson Construction for New City Hall Renovation Project. Staff recommends approval. **APPROVED 11-0**
- 3. **PUBLIC HEARING AND RESOLUTION 23-11121** adopting Water and Wastewater Rates and Fees. Staff recommends approval. **APPROVED 11-0 WITH RATES AND FEES TO PHILLIPS 66 REDUCED PER STAFF RECOMMENDATION AND NEW FUNDS TO BE SEPARATELY ACCOUNTED**
- 4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1029:** text amendments to the Neighborhood Districts, Fence Materials and Sign Code. Zoning Commission recommends approval. **APPROVED 11-0**
  - 1. **Garages – Sec. 27-307, -308** **APPROVED 11-0**
  - 2. **Build-To Zones – Sec. 27-304-308; Sec. 27-1802** **APPROVED 11-0**
  - 3. **Fencing – Sec. 27-209** **APPROVED 11-0**
  - 4. **Sign Code – Sec. 27-1403 and 1407 (Wall Signs Only)** **APPROVED 9-2, PURINTON AND TIDSWELL OPPOSED - TO CHANGE “NEWLY LOCATED” TO “RELOCATED BUSINESS” and REPLACE WORD “ALLOCATED” TO “CALCULATED”. Sec. 27-1409(c)(1)(b), (Billboard Signs)** **APPROVED 9-2, JOY AND CHORIKI OPPOSED – AS RECOMMENDED BY STAFF EXCEPT KEEPING 200’ RADIUS FROM A RESIDENTIAL ZONING DISTRICT. ALL OTHER PROPOSED AMENDMENTS BY STAFF TO BE RETURNED TO COUNCIL FOR ADDITIONAL CONSIDERATION.**
- 5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1023:** located at Wicks Lane and Bitterroot Drive. Zoning Commission recommends approval and adoption of the 10 criteria. **\*Quasi-Judicial** **APPROVED 11-0**
- 6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1024:** located at 3100 block of Central Avenue. Zoning Commission recommends approval and adoption of the 10 criteria. **\*Quasi-Judicial** **APPROVED 11-0**

## 7. FIFTY-FOUR WEST DEVELOPMENT:

- a. **JOINT PUBLIC HEARING FOR ANNEXATION 23-03 AND ZONE CHANGE 1025:**
  - i. **RESOLUTION 23-11122 APPROVING ANNEXATION 23-03:** located North of Rimrock Road and East of 54th Street West. Staff recommends conditional approval. **\*Quasi-Judicial APPROVED 11-0**
  - ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 1025:** located on the north side of Rimrock Road and east of 54th Street on a parcel located on the northeast corner of the intersection. Zoning Commission recommends approval and adoption of the 10 criteria. **\*Quasi-Judicial APPROVED 11-0**
- b. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 23-03: a parcel located North of Rimrock Road and East of 54th Street West. Staff recommends approval. **APPROVED 11-0**
- c. **PRELIMINARY MAJOR PLAT** of Fifty-Four West Subdivision. Planning Board recommends approval. **\*Quasi-Judicial APPROVED 11-0 WITH ADDITIONAL CONDITIONS**

**8. FRANCHISE FEE LITIGATION SETTLEMENT AGREEMENT.** Staff recommends approval. **APPROVED 11-0**

**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: 11:56 P.M.**