

**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****SEPTEMBER 25, 2023****5:30 P.M.****CALL TO ORDER:** Mayor Cole**PLEDGE OF ALLEGIANCE:** Mayor Cole**INVOCATION:** Councilmember Choriki**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 Pam Purinton, Ward IV
Mayor William Cole

Absent/
Excused: Councilmember Daniel Tidswell, Ward IV
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V

Staff

Present: Chris Kukulski, City Administrator
Gina Dahl, City Attorney
Denise Bohlman, City Clerk
Andy Zoeller, Finance Director
Debi Meling, Public Works Director
Wyeth Friday, Planning Director
Nicole Cromwell, Zoning Coordinator
Hunter Kelly, Planner
Jessica Fust, Building Official
John Caterino, Facilities Superintendent

MINUTES:

- July 24, 2023 – **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**
- August 28, 2023 - Pending

- September 11, 2023 - APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED

COURTESIES:

- Recognition of Community Service Officers - Police Chief St. John

PROCLAMATIONS: NONE

COUNCIL REPORTS: NONE

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Advised Council that there were 6 “recommended” motions for Council’s consideration for Regular Agenda Item 5, Zone Change 1034 – Text Amendments.
- There were four items that needed to be removed from the agenda by council action. They were:
 1. Consent Agenda Item 1I – Resolution adopting Parking Rates for FY4-FY26 and repealing Resolution 20-10891, due to inadequate advertising for a public hearing;
 2. Regular Agenda Items 2 and 3, relating to the small cell ordinance and resolution, due to inadequate advertising. They will be on the October 9, 2023, Regular Agenda.
 3. Regular Agenda Item 6 was an ordinance change for property. It was discussed at the 9/18/23 Work Session. The item would be brought before Council during the October 2nd Work Session to continue work on a draft property ordinance.
- There were no ex parte communications sent to Mayor and Council after 3 pm.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4b, 7 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.)

1. CONSENT AGENDA -- Separations: 1D, 1G

A.

Mayor Cole recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Jordan Clayton	Tourism BID	10/01/23	10/01/27
2	Shelli Mann	Tourism BID	10/01/23	10/01/27

APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED

B. **Bid Awards: None**

C. **Agreement** with Lyngsoe Systems for Library Automated Materials Handler (AMH) System and Conveyance. **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

D. **Funding Agreement** between the City and RiverStone Health to increase Nurse Family Partnership. **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

E. **Amendment No. 3**, with JLG Architect for professional services design contract, for New City Hall. **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

F. **Donation** to City for New City Hall artwork by local artist Barbara Garrett. **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

G. **Donation** to the Parks and Recreation Department from Fidelity Charitable Donor Advised Fund grant. **APPROVED 7-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED, MAYOR COLE ABSTAINED**

H. **Final Minor Plat** of Price Subdivision, Amended Plat of Lots 1 and 5, Block 1. ***Quasi-Judicial APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

I. **Resolution** adopting parking rates for FY24 - FY26. **REMOVED APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

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

1. August 21, 2023 - **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**
2. August 28, 2023 - **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

REGULAR AGENDA:

2. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Article 22-407, Encroachment Permit Required. Staff recommends approval. **REMOVED APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS**
3. **RESOLUTION** for managing deployment of small cell facilities in the right of way. Staff recommends approval. **REMOVED APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS**
4. **BOETTICHER AND SPENNY PROPERTY:**
 - a. **JOINT PUBLIC HEARING FOR ANNEXATION 23-07 AND ZONE CHANGE 1035:**
 - i. **RESOLUTION 23-11165 APPROVING ANNEXATION 23-07:** a parcel located at 2449 Blue Creek Road, north of Blue Creek Road and West of Colleen Drive. Staff recommends approval. ***Quasi-Judicial APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**
 - ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 1035:** generally located at 2449 Blue Creek Road - Lot 7 of Blue Creek Acreage Tracts Subdivision. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

- b. **ANNEXATION AGREEMENT** with Andrew Boetticher and Michelle Spenny. Staff recommends approval. **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**
- c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 23-07: a parcel located at 2449 Blue Creek Road. Staff recommends approval. **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

5. **PUBLIC HEARING AND FIRST READING ORDINANCES FOR ZONE CHANGE 1034:** Zoning Text Amendments-Phase III, landscape and off-street parking relief; landscape plan clarifications for residential; Special Review criteria and Zoning at Annexation. Zoning Commission recommends approval and adoption of the 10 review criteria for these items only. **ALL 6 ORDINANCES WERE APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS ABSENT/EXCUSED**

5. ~~**PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Article 22-900, Sale, Exchange or Donation of City Real Property. Staff recommends approval.~~ **REMOVED APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS**

6. **PURCHASE AND SALES AGREEMENT** of Park 1 ground retail space to Journey Willow Cottage, LLC. City Council Operations Committee recommends Council reject all proposals. **APPROVED 7-1, TIDSWELL, BOYETT AND RUPSISS; CHORIKI OPPOSED**

7. **CHANGE ORDER NO. 4 2**, with Dick Anderson Construction for Construction Manager at Risk (CMAR) contract, for New City Hall. Staff recommends approval. **APPROVED 8-0, TIDSWELL, BOYETT AND RUPSISS**

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: 8:01 P.M.