

**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
MARCH 25, 2024**

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Joy

ROLL CALL:

Present: Councilmember Kendra Shaw, Ward I
Councilmember Ed Gulick, Ward I
Councilmember Roy Neese, Ward II – via Zoom
Councilmember Denise Joy, Ward III
Councilmember Bill Kennedy, Ward III
Councilmember Scott Aspenlieder, Ward IV
Councilmember Daniel Tidswell, Ward IV
Councilmember Mike Boyett, Ward V
Councilmember Tom Rupsis, Ward V
Mayor William Cole

Absent/

Excused: Councilmember Jennifer Owen, Ward II

Staff

Present: Chris Kukulski, City Administrator
Kevin Iffland, Assistant City Administrator
Gina Dahl, City Attorney
Denise Bohlman, City Clerk
Debi Meling, Public Works Director
Andy Zoeller, Finance Director
Jeff Roach, Aviation and Transit Director
Mike Pigg, Parks and Recreation Director
Nicole Cromwell, Zoning Coordinator
Hunter Kelly, Planner
Rich St. John, Police Chief

MINUTES: March 11, 2024 – **APPROVED 10-0**

COURTESIES: None

PROCLAMATIONS:

- April - Child Abuse Prevention Month
- Week of the Young Child - (April 6-12, 2024)

COUNCIL REPORTS: None

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Regular Agenda Item 4(c), Annexation Agreement with George Jurovich. Despite that changes to the annexation agreement are warranted, the property sold in the last week to a new owner, Taj Macadam, and will require an updated annexation agreement. Staff recommends it be removed from the agenda tonight and placed on the April 22, 2024 agenda via approved motion by the Council. Debi Meling, Public Works Director, can address this further if you have any questions.
- There were NO ex parte communications after 3 pm to the Mayor and Council concerning items on the agenda.

Motion: I move to remove Regular Agenda Item 4c to the April 22, 2024, Regular Business Meeting to allow more time for the new owner and City Engineering staff to work on details of the Annexation Agreement.

Moved by Councilmember Gulick

Seconded by Councilmember Shaw

APPROVED 10-0

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4c, and 5c 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.)

None

1. **CONSENT AGENDA** -- Separations: 1N, 1Q1,1Q2

A. **Bid Awards:**

1. **Airport's Cargo Ramp Slot 5 Project.** (Opened 3/5/24) Recommend Knife River.
APPROVED 10-0, OWEN ABSENT/EXCUSED

B. **W.O. 24-28: Water Treatment Plant Sediment Hauling.** (Opened 3/5/24) Recommend Gairrett Excavation and Trucking, Inc. **APPROVED 10-0, OWEN ABSENT/EXCUSED**

C. **Contract Renewal** for 1-year with Mimecast Email Protection Services. **APPROVED 10-0, OWEN ABSENT/EXCUSED**

D. **Resolution 24-11191** approving lease purchase agreement with Montana Board of Investments to Finance the Construction and Improvements to the New City Hall.
APPROVED 10-0, OWEN ABSENT/EXCUSED

- E. **Non-Commercial Aviation Ground Lease** with Agri Systems. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- F. **Amendment No. 5**, with Burns and McDonnell Engineering Company, Inc. (BMcD) for W.O. 19-42: West End Water Treatment Plant Project. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- G. **Purchase** of residential refuse carts for Solid Waste Division from Sierra Container Group. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- H. **Purchase** commercial and roll-off containers for Solid Waste Division from WasteQuip Manufacturing Company, LLC. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- I. **Phillips 66 Grant** to the Fire Department for the setup of a second rescue apparatus. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- J. **Plains Pipeline Grant** to the Fire Department for Hazardous Materials Team enhancements. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- K. **Donations** from the Library Foundation to the Library to fund two book lockers in Yellowstone County. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- L. **Donation** from Addie Allen for Parks and Recreation's scholarship fund. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- M. **Donation** from Scheels for the Police Department K9 Operations. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- N. **Donation** from United States Tennis Association of Montana to Parks and Recreation Department for the Tennis is Elementary program. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- O. **Preliminary Minor Plat** for Skyview Ridge, 2nd Filing. **Quasi-Judicial**

Motion: I move to remove this item from the Consent Agenda and have it placed on the Regular Agenda between Items 5(d) and 6.

Moved by Councilmember Neese
Seconded by Councilmember Kennedy
APPROVED 10-0, OWEN ABSENT/EXCUSED

- P. **Resolution of Intent 24-11188** to Create SID 1425 and set a public hearing for April 22, 2024. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- Q. **Second/Final Reading Ordinance 24-5872** amending Billings, Montana City Code (BMCC), Article 22-800, Storm Sewers. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
- R. **Bills for the Weeks of:**
 1. February 20, 2024 **APPROVED 9-0, ASPENLIEDER ABSTAINED, OWEN ABSENT/EXCUSED**
 2. February 26, 2024 **APPROVED 9-0, ASPENLIEDER ABSTAINED, OWEN ABSENT/EXCUSED**

REGULAR AGENDA:

2. **PUBLIC HEARING** allowing the City to submit a revised infrastructure grant application to the Montana Department of Commerce. Staff recommends approval. **APPROVED 10-0, OWEN ABSENT/EXCUSED**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1043:** generally located at 4190 South Frontage Road. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial APPROVED 9-0, NEESE AND OWEN ABSENT/EXCUSED**
4. **GEORGE JUROVICH PROPERTY - South of Grand Avenue and East of 80th Street West.**

JOINT PUBLIC HEARING FOR ANNEXATION 24-01 AND ZONE CHANGE 1044:

- a. **RESOLUTION 24-11189 APPROVING ANNEXATION 24-01:** A parcel generally located south of Grand Avenue and east of 80th Street West. Staff recommends conditional approval. ***Quasi-Judicial APPROVED 10-0, OWEN ABSENT/EXCUSED**
- b. **FIRST READING ORDINANCE FOR ZONE CHANGE 1044:** a 1-acre parcel located within and surrounded by the Buffalo Crossing Subdivision. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial APPROVED 10-0, OWEN ABSENT/EXCUSED**
- c. **ANNEXATION AGREEMENT** with George Jurovich. Staff recommends approval. **APPROVED 10-0 TO REMOVE FROM AGENDA AND PLACE ON THE APRIL 22ND AGENDA**
- d. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 24-01: a parcel generally located south of Grand Avenue and east of 80th Street West. Staff recommends approval. **APPROVED 10-0, OWEN ABSENT/EXCUSED**

5. **BROWN BUILDERS, LLC PROPERTY: 4524 Central Avenue.**

JOINT PUBLIC HEARING FOR ANNEXATION 24-02 AND ZONE CHANGE 1045

- a. **RESOLUTION 24-11190 APPROVING ANNEXATION 24-02:** A parcel generally located south of Central Avenue and east of South 48th Street West. Staff recommends conditional approval. ***Quasi-Judicial APPROVED 9-0, OWEN ABSENT/EXCUSED, ASPENLIEDER ABSTAINED**
- b. **FIRST READING ORDINANCE FOR ZONE CHANGE 1045:** generally located at 4524 Central Ave. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial APPROVED 9-0, OWEN ABSENT/EXCUSED, ASPENLIEDER ABSTAINED**
- c. **ANNEXATION AGREEMENT** with Brown Builders, LLC. Staff recommends approval. **Added that private streets must allow public access through right-of-way easement no wider than the street. APPROVED 9-0, OWEN ABSENT/EXCUSED, ASPENLIEDER ABSTAINED**
- d. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annexation 24-02: a parcel generally located south of Central Avenue and east of South 48th Street West. Staff recommends approval. **APPROVED 9-0, OWEN ABSENT/EXCUSED, ASPENLIEDER ABSTAINED**

1N. **PRELIMINARY MINOR PLAT** for Skyview Ridge, 2nd Filing. **Quasi-Judicial APPROVED 8-1, OWEN ABSENT/EXCUSED, ASPENLIEDER ABSTAINED,NEESE OPPOSED**

6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1046:** generally located at 1202 West Wicks Lane. Zoning Commission recommends approval and adoption of the 10 review criteria. ***Quasi-Judicial APPROVED 8-1, OWEN ABSENT/EXCUSED, ASPENLIEDER ABSTAINED,NEESE 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: 8:32 P.M.