

****ATTENTION****

Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws:

- The Agenda Packet is available for viewing on the City's website at:
<https://ci.billings.mt.us/117/Agendas-Minutes>
- Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting.
- The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. The Public may also view online at www.comm7tv.com and click on the “Watch Live” icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
- Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Council via email before 3:00 PM, on Monday, June 22nd, at:
<https://ci.billings.mt.us/1538/City-Council-E-mail-Messages>
- Emails received after 3:00 PM and prior to 5:00 PM, may be read during the meeting.
- The Public may call in during specific Public Comment periods at **406.237.6196**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Future delivery methods may be explored as best practice is learned.

Please contact Denise Bohlman, City Clerk, bohlmand@billingsmt.gov, with any questions.

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”

AGENDA

Council Chambers are Closed.
The meeting will be held remotely via virtual meeting room. Please see coversheet for details and instructions for viewing and participation.

June 22, 2020

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Shaw

COVID-19 Update by Unified Incident Command (UIC)

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

MINUTES:

- May 26, 2020 - Pending
- June 8, 2020 - Pending

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 8 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment. 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:

A. **Bid Awards:**

1. **SID 1408: Wanigan Subdivision Improvements.** (Opened 6/9/20) Recommend FirstMark Construction, LLC; \$759,525.
2. **SID 1410: Annafeld Park Trail Improvements.** (Opened 6/9/20) Recommend FirstMark Construction, LLC; \$103,429.
3. **SID 1410: Annafeld Subdivision, 2nd Filing, Streetlights.** (Opened 6/9/20) Recommend Ace Electric, Inc.; \$129,530.
4. **SID 1413: Winged Foot Road and Greenbriar Road.** (Opened 6/9/20) Recommend Knife River - Billings; \$843,704.75.
5. **W.O. 20-01: 60-inch Sewer Interceptor Trenchless Rehabilitation Project.** (Opened 6/2/20) Recommend Insituform Technologies, LLC; \$2,791,278.
6. **W.O. 20-11: Lloyd Mangrum and Lake Hills Lift Station Rehabilitation.** (Opened 6/9/20) Recommend rejecting all bids.
7. **W.O. 20-16: Rectangular Rapid Flashing Beacons Installations.** (Opened 6/9/20) Recommend Montana Lines, Inc.; \$383,660.
8. **W.O. 20-23: Solid Waste Container Storage Facility.** (Opened 6/9/20) Recommend FirstMark Construction, LLC; \$469,665.
9. **W.O. 20-39: 2020 Miscellaneous Drainage Improvements.** (Opened 6/9/20) Recommend KLE Construction, LLC; \$417,630.
10. **W.O. 20-40: Walter Pump Station Generator.** (Opened 6/9/20) Recommend CEI Electrical Contractors; \$281,000.

11. **W.O. 20-42: North 29th and 30th Street Two-Way Conversion.** (Opened 6/9/20) Recommend Montana Lines, Inc.; \$1,468,327.05.

B. **Professional Services Contract** for W.O. 20-44: Water Reclamation Facility Nutrient Recovery Improvements Project with HDR Engineering, Inc.; \$638,300.

C. **Amendment No. 6**, Phase Two Terminal Concourse Expansion Project Professional Services Contract with Morrison-Maierle, Inc.; \$1,707,736.

D. **Amendment to Gross Maximum Price (GMP) Agreement** with Sletten Construction for Airport Terminal Concourse Expansion Project, Phases 2-5; \$40,326,911.

E. **Consultant Agreement** for W.O. 20-30: Hallowell Lane Improvements with Sanderson Stewart; \$306,865.

F. **Consultant Agreement** for W.O. 20-30: Hallowell Lane Improvements with WWC Engineering; \$308,410.

G. **Landfill Agreement** with Yellowstone County; \$258,000.

H. **Purchase Agreement** for Water Reclamation Facility for 15,000V disconnect and transformer replacements with CTC Solutions, Inc.; \$458,765.

I. **Purchase Agreement** of parking access and revenue control system with Flash Parking; \$500,000.

J. **Resolution** relating to \$1,133,315.78 pooled Special Improvement District bonds, Series 2020 (SID 1408, SID 1410 and SID 1413); fixing the form and details and providing for the execution, delivery and security.

K. **Resolution** relating to Tax Increment Bonds; fixing the form and details and providing for the execution, delivery and security.

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

1. May 18, 2020
2. May 26, 2020

Recommended Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of items moved for separation.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE

977: a zone change to amend the zone district boundary lines within the Planned Development Agreement (PDA) to increase the acres in the underlying Community Commercial (CC) zoning; increase the acres in the Neighborhood Commercial (NC) zoning; decrease the acres in the Residential Multi-family (RMF) zoning; and decrease the acres in the Residential Manufactured Home (RMH) zoning, generally located at King Avenue West and 48th Street West, Western Sky Subdivision. Mont Vista, LLC, owner, Sanderson Stewart, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) *** Quasi-Judicial**

- *Presented by: Karen Husman, Planner*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 977 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

*** Quasi-Judicial** – Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

3. PUBLIC HEARING AND RESOLUTION vacating the alley adjacent to Lots 1-6, Block 1, La Ray Subdivision; Propiedad, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Dave Mumford, Public Works Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the resolution vacating the alley adjacent to La Ray Subdivision, as recommended by staff.

4. PUBLIC HEARING AND RESOLUTION establishing and revising Planning and Engineering Divisions' fees for FY21-FY22. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Monica Plecker, Planning Division Manager*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution establishing and revising Planning and Engineering Divisions' fees for FY21-22, as recommended by staff.

5. **PUBLIC HEARING AND RESOLUTION** approving and adopting Public Works right-of-way fees for FY21-FY22. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Jennifer Duray, Public Works Deputy Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution approving and adopting Public Works right-of-way fees for FY21-22, as recommended by staff.

6. **PUBLIC HEARING AND RESOLUTION** approving and adopting FY21 budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Andy Zoeller, Finance Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution approving and adopting the FY21 budget, as recommended by staff.

7. **PUBLIC HEARING AND RESOLUTIONS** setting FY21 annual assessments on the following:

a. **Business Improvement District, Tourism Business Improvement District, Mill Levy Rates for General Fund, Transit, Library and Public Safety**

• *Presented by: Andy Zoeller, Finance Director*

b. **Road Maintenance District 6**

• *Presented by: Andy Zoeller, Finance Director*

c. **Arterial Construction**

• *Presented by: Jennifer Duray, Public Works Deputy Director*

d. **Street Maintenance District**

• *Presented by: Jennifer Duray, Public Works Deputy Director*

e. **Storm Sewer**

• *Presented by: Jennifer Duray, Public Works Deputy Director*

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written

and spoken public testimony, I move to approve the Resolutions setting assessments on 7a) BID, TBID, Mill Levy Rates for General Fund, Transit, Library and Public Safety; 7b) Road Maintenance District 6; 7c) Arterial Construction; 7d) Street Maintenance District; and 7e) Storm Sewer; as recommended by staff.

8. PUBLIC SAFETY MILL LEVY

a. **SECOND/FINAL READING ORDINANCE** amending City Charter by repealing and replacing Section 1.05.1. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Brent Brooks, City Attorney*

Recommended Motion: I move to approve an ordinance amending the City Charter by repealing and replacing the current public safety mill levy in Section 1.05.1, as recommended by staff.

b. **RESOLUTION** approving ballot language. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Brent Brooks, City Attorney*

Recommended Motion: I move to approve the Resolution providing ballot language to be submitted to the voters on a Special Mail Ballot election on September 15, 2020, as recommended by staff.

PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment.)

COUNCIL INITIATIVES:

ADJOURN:

Council meetings may be viewed at any time by accessing Community 7 Television online at www.comm7tv.com and clicking on archived programs.