

****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, August 24, 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.

August 24, 2020

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Joy

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

MINUTES: August 10, 2020

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 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. **W.O. 20-36: WRF Piping Modifications.** (Opened 8/11/20) Recommend Star Service, Inc.; \$274,500.
- B. **Agreement** with Yellowstone County to transfer Rural Special Improvements Districts to the City of Billings.
- C. **Development Agreement** with Propriedad, LLC for infrastructure improvements at 1053 Lincoln Lane.
- D. **2020 Justice Assistance Grant (JAG) Application**, Memorandum of Understanding (MOU) with Yellowstone County, and award to the City of Billings Police Department; \$84,237.
- E. **Utility Easement** with Northwestern Energy for a power line north of the Shiloh Conservation Area.

F. **Preliminary Subsequent Minor Plat** of Lake Hills Subdivision, 37th Filing located along Greenbriar Road, south of Annandale Road, east of Clubhouse Way; Ron Hill, owner; WWC Engineering, agent. ***Quasi-Judicial**

*** 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.

G. **Final Plat** of Grand Peaks Subdivision, 5th Filing. ***Quasi-Judicial**

*** 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.

H. **Resolution** relating to the financing of the West End Reservoir, establishing compliance with Reimbursement Bond Regulations under the Internal Revenue Code.

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

1. July 13, 2020
2. July 20, 2020

3. July 27, 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 RESOLUTION** approving and adopting budget amendments for FY2020. 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 and adopt a Resolution adopting budget amendments for FY2020, as recommended by staff.

3. **PUBLIC HEARING AND RESOLUTION** authorizing the disposal and transfer of a parcel of land located at Sahara Park. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Mike Whitaker, Parks and Recreation Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution authorizing the disposal and transfer of a parcel of land located at Sahara Park, as recommended by staff.

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**

980: a zone change from Entryway General Commercial (EGC) to Neighborhood Commercial (NC), on Block 5, Lot 1, Pinnick Subdivision, 3rd Filing, and Lot 24 of Sugar Subdivision, a 4.418 acre parcel of land. Christ the King Lutheran Church, owner; Collaborative Design Architects, 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 I*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 980 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.

5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE

981: a zone change to add auto sales as an allowed use in the Yellowstone Planned Development - Neighborhood Commercial (NC) zone, on Block 4, Lot 27-31 and 26A, 26B of the Yellowstone Addition Subdivision, a 24,450 square foot parcel of land. Russ and Colleen Cherry, owners; Dusty and Tiffany Sims, agents. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) *Quasi-Judicial

- *Presented by: Nicole Cromwell, Zoning Coordinator*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 981 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.

6. PUBLIC HEARING AND SPECIAL REVIEW 985: a special review to allow a drive

through service across the alley from a residential zone for a new 860 square foot coffee shop located at 446 Grand Avenue. Wag Tag, LLC, owner; Lawrence A. Smith, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) *Quasi-Judicial

- *Presented by: Karen Husman, Planner I*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, and review of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 3 criteria, I move to approve Special Review 985.

*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.

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.