

**\*\*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](http://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, September 14, 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](mailto: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.”**

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### 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.

September 14, 2020

5:30 P.M.

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Choriki

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

**MINUTES:** August 24, 2020

**COURTESIES:**

**PROCLAMATIONS:**

**COUNCIL REPORTS:**

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 5, and 6 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. **De-icer/Anti-icer Calcium Chloride Liquid.** (Opened 8/25/20) Recommend Brenntag Pacific, Inc.; \$1/gallon.
2. **Electronic Waste Collection.** (Opened 9/1/20) Recommend Green Technology Solutions; \$150/ton.
3. **Household Hazardous Waste Collection.** (Opened 9/1/20) Recommend rejecting all bids.
4. **W.O. 19-12: West End Reservoir Shale Material Processing Pilot Study.** (Opened 8/25/20) Recommend KLE Construction, LLC; \$259,395.

B. **Purchase** of playground equipment at Rose Park; \$274,793.

C. **South Park Splash Pad** budget amendment; \$4,000.

D. **State of Montana Grant** for the 9-1-1 Emergency Operations Center for a 'Next-Gen' capable IP based ESINet system; \$34,472.

E. **Donation** to Police Department from Breakfast Flakes, citizens and various businesses for the development of a body worn camera program; \$50,000.

F. **Donation** from Public Works to Montana State University-Billings (MSU-B) of outdated laboratory instrumentation.

G. **Lease Agreement** between the City and the Better Billings Foundation for Tract 2-A, in Amended Plat of Tract 1 of the Amended Plat of Sahara Park, Sahara Sands Subdivision, 2nd Filing; \$1 per year.

H. **Preliminary Subsequent Minor Plat** of Amended Lots 1-B-1 and 1-C, Block 29, Descro Subdivision, 7th Filing, generally located at the northwest corner of the intersection of 24th Street West and St. Johns Avenue; Central Avenue Mall, owner; Sanderson Stewart, 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.

- I. **Resolution of Intent** to create SILMD 328, North and South 27th Street Streetlights, and set a public hearing date for October 12, 2020.
- J. **Second/Final 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. Approval of the Zone Change and adoption of the findings of the 10 criteria. **\* 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.

- K. **Second/Final 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. Approval of the Zone Change and adoption of the findings of the 10 criteria. **\* 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.

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

1. August 5, 2020
2. August 10, 2020
3. August 17, 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** expanding the boundaries of Ward I to include recently annexed property in Annexation 20-02: an approximate .475 acre parcel located at 1053 Lincoln Lane; Propriedad, LLC, owner. 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 First Reading Ordinance

expanding the boundaries of Ward I, as recommended by staff.

3. **PUBLIC HEARING AND RESOLUTION** assessing the cost of sidewalk construction and/or repair. 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 a Resolution assessing the cost of sidewalk construction and/or repair, as recommended by staff.

4. **PUBLIC HEARING AND RESOLUTIONS** allocating assessments on the following:

• *Presented by: Andy Zoeller, Finance Director*

**A. SID 1408**

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

**Recommended Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution assessing SID 1408, as recommended by staff.

**B. SID 1410**

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

**Recommended Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution assessing SID 1410, as recommended by staff.

**C. SID 1413**

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

**Recommended Motion:** Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution assessing SID 1413, as recommended by staff.

#### **D. Park District 1**

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

***Recommended Motion:*** Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution assessing Park District 1, as recommended by staff.

#### **E. Park Maintenance District**

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

***Recommended Motion:*** Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution assessing Park Maintenance District, as recommended by staff.

### **5. DOWNTOWN TAX INCREMENT** line of credit payment to Big Sky Economic Development. Downtown Billings Partnership (DBP) recommends approval. (Action: approval or disapproval of DBP recommendation.)

• *Presented by: Katy Easton, Downtown Billings Partnership*

***Recommended Motion:*** I move to approve the Downtown Tax Increment line of credit payment to Big Sky Economic Development, as recommended by DBP.

### **6. DOWNTOWN URBAN RENEWAL DISTRICT** sign incentive program. Downtown Billings Partnership (DBP) recommends approval. (Action: approval or disapproval of DBP recommendation.)

• *Presented by: Mehmet Casey, Downtown Billings Partnership*

***Recommended Motion:*** I move to approve the Downtown Urban Renewal District sign incentive program, as recommended by DBP.

**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](http://www.comm7tv.com) and clicking on archived programs.