



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

November 8, 2021

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Mayor Cole

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

MINUTES:

- October 11, 2021 – **PENDING**
- October 25, 2021 - **PENDING**

COURTESIES:

- Councilmember Ronning thanked law enforcement for the recent sting operation that led to 9 arrests for sexual abuse of children.

PROCLAMATIONS:

- There were no proclamations.

COUNCIL REPORTS:

- Councilmember Purinton reminded Council that Regular Agenda Item 9 would not include the election of a Deputy Mayor Pro Tempore, as that would not occur until after January 1, 2022.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Informed Council there had been a revision to Regular Agenda Item 4, to add Behavioral Health facilities to Section 27-1005.
- Thanked the public for their support of the Public Safety mill levy and stated the City would work hard to keep their trust.
- Informed Council there were no exparte items this evening.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 5, 6, 7, 8 and 9 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: 1J1 and 1J2

A. **Bid Awards:**

1. **Snow Hauling.** (Opened 10/19/21) Recommend K2 Civil, Inc.; \$175.00 per hour/truck and driver, not to exceed \$160,000 per year. **APPROVED**
2. **Truck Cabs and Chassis with Refuse Bodies.** (Opened 9/21/21) Recommend Schedule I: Montana Peterbilt; \$630,802; Schedule II: Western Systems & Fabrication; \$181,841.04; and Schedule III: Peterbilt; \$269,844. **APPROVED**
3. **W.O. 20-01: Phase 2, Sanitary Sewer Interceptor Replacement.** (Opened 10/19/21) Recommend Western Municipal Construction, Inc.; \$4,035,345. **APPROVED**

B. **Council Holiday Schedule. APPROVED**

C. **Purchase** 72.77 acres of land north of the Airport for noise buffer from Alkali Timbers, LLC; \$552,000. **APPROVED**

D. **Agreement** with Power Service of Montana for Transfer Pump H1; \$99,270. **APPROVED**

E. **Memorandum of Understanding** between the City of Billings and Yellowstone County for the sharing of fiber infrastructure. **APPROVED**

F. **2021 Domestic Violence Grant**, and authorization for the Police Chief to sign all required grant material; \$52,603. **APPROVED**

G. **Utility Easement** with Northwestern Energy to allow installation of new underground electric cables at Rimrock West Park. **APPROVED**

H. **Final Plat** of Trails West Subdivision, 5th Filing. **APPROVED**

I. **Resolution 21-11015** to allow street painting in the EBURD and acceptance of grant award from Bloomberg Philanthropies for asphalt art; \$25,000. **APPROVED**

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

1. October 4, 2021 **APPROVED 10-0, BROWN ABSTAINED**
2. October 12, 2021 **APPROVED 10-0, BROWN ABSTAINED**

REGULAR AGENDA:

2. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5782 FOR ZONE CHANGE 999:** a zone change from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) located at 733 S. 31st St. W. just north of the Mercedes Benz car dealership on King Avenue West. Patricia Harvey, owner; WWC Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **APPROVED**
3. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5783 FOR ZONE CHANGE 1000:** a zone change from Mid Century Neighborhoods (N-2) to Neighborhood Office (NO) located at 436 Wicks Lane. Lughton D. Jones, DMD, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) **APPROVED**

4. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5784 FOR ZONE CHANGE 1001:** Text amendment to Section 27-1000, 27-1005, 27-1006, 27-1400, 27-1803, related to the regulation of marijuana businesses and to include several recommended amendments by the Zoning Commission to the original draft including a reduction -in the separation distances from dispensaries to protected uses, allowing dispensaries in two more zoning districts, and adding language to ensure there is no waiver of the required separation distances. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED AS AMENDED 9-2, JOY AND CHORIKI OPPOSED**
5. **SECOND/FINAL READING ORDINANCE 21-5785** regulating marijuana and marijuana businesses. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED 10-1, CHORIKI OPPOSED**
6. **TAX INCREMENT FINANCING ASSISTANCE** from Downtown Urban Renewal District to DB 10, LLC for a mixed-use project located at 14 North 29th Street; up to \$320,000. Downtown Billings Partnership (DBP) Board recommends approval. (Action: approval or disapproval of DBP Board recommendation.) **APPROVED**
7. **TAX INCREMENT FINANCING ASSISTANCE** from South Billings Boulevard Urban Renewal District (SBBURD) to GL Development, Inc. for improvements located at 510 Jackson Street; up to \$547,305. SBURA Board recommends approval. (Action: approval or disapproval of SBURA Board recommendation.) **APPROVED 10-1, EWALT OPPOSED**
8. **TAX INCREMENT FINANCING ASSISTANCE** from South Billings Boulevard Urban Renewal District (SBBURD) to Ole Rentals, LLC (DBA Taco John's) for improvements located at 4720 King Avenue East; up to \$123,898. SBURA Board recommends approval. (Action: approval or disapproval of SBURA Board recommendation.) **APPROVED**
9. **NOMINATION AND ELECTION OF DEPUTY MAYOR AND DEPUTY MAYOR PRO-TEMPORE.** Staff recommends City Council nominate and elect a Deputy Mayor and Deputy Mayor Pro Tempore. (Action: approval or disapproval of staff recommendation.) **COUNCILMEMBER BOYETT ELECTED**

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:

- There were no Council Initiatives.

ADJOURN: 9:20 P.M.