

**\*\*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 Tuesday, May 26, 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.

**REVISED ON 5/21/2020**  
**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.

**May 26, 2020 (Tuesday)**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Boyett

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

**MINUTES:** May 11, 2020 - Pending

**COURTESIES:**

- Police - Certificate of Award for Mike Nelson, Northern Hotel

**PROCLAMATIONS:**

- June - Men's Health Month

**COUNCIL REPORTS:**

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: ALL 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. 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. 18-32: Landfill Slope Stability.** (Opened 5/12/20) Recommend Dan Hart Patrol Service, LLC, base bid only; \$527,904.

2. **Three Compact Track Loaders.** (Opened 5/12/20) Recommend Tractor and Equipment; \$247,830.

B. **Agreement** with Yellowstone County Sheriff's Department to provide FY2021 data processing services; annual revenue \$131,181.

C. **Consultant Services Agreement** with Sanderson Stewart for the 5th Avenue North Corridor Feasibility Study; not to exceed \$97,000.

D. **Donation** to the City of Billings from Exxon for fuel for Public Safety vehicles.

E. **Acknowledge receipt of petition to vacate** the alley right of way adjacent to Lots 1-6, Block 1 of La Ray Subdivision, Propiedad, LLC, petitioner, and set a public hearing for June 22, 2020.

F. **Utility Easement** with Vision Net to install fiber optic line in the Galaxy Subdivision.

G. **Approval** of City Administrator's moving expenses with King Transfer and Storage Company; \$7,087.80.

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

1. April 20, 2020

2. April 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. **WITHDRAWAL** of the unexecuted Development Agreement with WC Commercial. Staff and Downtown Business Partnership (DBP) recommend approval. (Action: approval or disapproval of staff and DBP recommendation.)

• *Presented by: Brent Brooks, City Attorney*

**Recommended Motion:** I move to approve the withdrawal of the unexecuted Development Agreement with WC Commercial, as recommended by staff and DBP.

3. **RESOLUTION** authorizing the issuance and negotiated sale of Tax Increment Bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Andy Zoeller, Finance Director*

**Recommended Motion:** I move to approve a Resolution authorizing the issuance and negotiated sale of Tax Increment Bonds, as recommended by staff.

4. **RESOLUTION** ordering improvements for the 2020 Missing Sidewalk Program. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

**Recommended Motion:** I move to approve a Resolution ordering improvements for the 2020 Missing Sidewalk Program, as recommended by staff.

5. **PROPOSED ORDINANCE** amending City Charter by repealing and replacing Section 1.05.1, Public Safety 2 (PS2) and **PROPOSED RESOLUTION** with ballot language, providing for a permanent mill levy to fund fire, police, and related public safety expenses to be referred to the voters.

• *Presented by: Chris Kukulski, City Administrator*

**Recommended Motion:** I move to direct City Administrator, Chris Kukulski, to proceed with preparing all documents necessary to propose to voters a Charter amendment to Section 1.05.1, Public Safety 2 (PS2) and schedule a Public Hearing and First Reading of the required ordinance at the June 8, 2020 Council meeting, as recommended by staff.

6. **PROPOSED ORDINANCE** amending City Charter by providing a new dedicated, permanent and non-cumulative mill levy to fund Parks, Cemeteries, Recreation, Trails, Public Lands and its operations and maintenance and **PROPOSED RESOLUTION** with ballot language, to be referred to the voters.

• *Presented by: Chris Kukulski, City Administrator*

***Recommended Motion:*** I move to direct City Administrator, Chris Kukulski, to proceed with preparing all documents necessary to propose to voters a Charter amendment establishing a new dedicated, permanent and non-cumulative PRPL mill levy and schedule a Public Hearing and First Reading of the required ordinance at the June 8, 2020 Council meeting, as recommended by staff.

**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 call 237-6196 to make public 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.