

****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, September 28th, 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.

September 28, 2020

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Purinton

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

MINUTES: September 14, 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. **Mayor Cole recommends that Council confirm the following appointments:**

1.

| | Name | Board/Commission | Term | |
|---|------------------|-------------------------------------|-------------|----------|
| 1 | No Applications | Library Board* | 10/01/20 | 12/31/21 |
| 2 | Thelma Armstrong | Parks, Recreation & Cemetery Board* | 10/01/20 | 12/31/21 |
| 3 | Joe Studiner | Tourism BID | 10/01/20 | 10/01/24 |
| 4 | Ron Spence | Tourism BID | 10/01/20 | 10/01/24 |

* 1 Unexpired term of Stella Fong

* 2 Unexpired term of Clark Johnson

B. **Bid Awards:**

1. **Fire Station #6 Exterior Repairs.** (Opened 9/15/20) Recommend TW Clark; \$156,900.
2. **Winter Traction Material.** (Opened 9/15/20) Recommend Knife River, \$23.00/ton, for one year with option for years two and three based upon mutual consent.
3. **Two 2021 37,000 G.V.W. Single Axle Trucks with Dump/Sander/Plow.** (Opened 9/15/20) Recommend I-State Truck Center; \$322,264.
4. **Three 2021 58,000 G.V.W. 12-yd. Dump Truck with Snowplow Assembly and Sanders.** (Opened 9/15/20) Recommend Tri-State; \$662,569.48.

C. **Reimbursement Agreement** with High Sierra II, Inc. for construction of public water and sanitary sewer main.

D. **Resolution** amending the boundaries of SILMDs 14, 97, and 99, and discontinuing SILMD 248.

E. **Second/Final Reading Ordinance** expanding Ward I (Annexation 20-02) for approximately .475 gross acres located at 1053 Lincoln Lane. Propriedad, LLC, owners.

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

1. August 24, 2020
2. August 31, 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** to receive input on the City's FY2019-2020 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. No action is necessary.

- *Presented by: Brenda Beckett, Community Development Manager*

3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 982:** a zone change from Residential Professional (RP) to Residential Multi-Family (RMF) on Block 4, Lot 4-8, Sunset Subdivision, a 39,793 square foot parcel of land, generally located at 1127 Alderson Avenue. 1127 Alderson Avenue, LLC, owner; Michael Burke, 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 982 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.

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 983:** a zone change from Public to Residential 8,000 (R-80) for the southern 1.98 acres of Lot 2, Block 1, Cherry Creek Estates Subdivision. Cherry Island, LLC, owner; Blueline Engineering, agent. 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 983 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 RESOLUTION** adopting annual Special Improvement Light Maintenance District (SILMD) assessments for FY21. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution adopting annual SILMD assessments for FY21, as recommended by staff.

6. **PUBLIC HEARING AND RESOLUTION** approving reduction of the Arterial Construction Fee assessment for residents in commercial zones. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a a resolution approving reduction of the Arterial Construction Fee assessment for residents in commercial zones, as recommended by staff.

7. **PUBLIC HEARING AND RESOLUTION** assessing the nuisance property abatements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Wyeth Friday, Planning Director*

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

8. **PUBLIC HEARING AND RESOLUTION** assessing the weed abatements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Wyeth Friday, Planning Director*

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

9. **PUBLIC HEARING AND RESOLUTION** setting General Obligation (GO) Debt and Public Safety II (PS II) mill levy rates for FY21 per the passage of 60 mills. 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 a Resolution setting General Obligation (GO) Debt and Public Safety II (PS II) mill levy rates for FY21 per the passage of 60 mills, as recommended by staff.

10. **PUBLIC HEARINGS AND RESOLUTIONS** relating to:

- A. **Revising** encroachment rental fees for FY21. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution revising the encroachment rentals fees for FY21, as recommended by staff.

- B. **Adopting** the encroachment assessments for FY21. 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 testimony, I move to approve the Resolution adopting the encroachment assessments for FY21, 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.