

****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. The Public may also watch meetings by accessing the City's website at <https://ci.billings.mt.us> and click on "Watch Meetings Online".
- Public comment will be taken only during the Public Comment periods as indicated on the agenda. Comments may be sent to Council via email before 3:00 PM, on Monday, October 26, 2020, at: <https://ci.billings.mt.us/1538/City-Council-E-mail-Messages>.
- Emails received after 3:00 PM will be posted on the Council's webpage the following day for public viewing.
- 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.

October 26, 2020

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: October 13, 2020

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 8 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. **City Vehicles.** (Opened 10/13/20) Recommend Schedule 1: Billion Auto Group, \$36,082; Schedules 2, 4 and 5: Yellowstone Country Motors, \$140,257; Schedule 3: Ressler Motors, \$45,012; and Schedule 6: Bison Ford, \$54,140.40, plus the add-on amount for lift gates of \$4,410 for a total amount of \$58,550.40.
2. **Household Hazardous Waste Collection.** (Opened 10/13/20) Recommend rejection of all bids.
3. **Roll-Off Truck.** (Opened 10/13/20) Recommend Western System; \$173,073.85, with 5-yr. warranty.
4. **Three New Side Load Trucks.** (Opened 10/13/20) Recommend SWS Equipment; \$907,854, with 5-yr, warranty.

B. **Professional Services Contract** with Karpel Solutions for the initial installation, implementation, data conversion, licensing and training in the amount of \$95,600; and for continued support and maintenance in the amount of \$14,800/yr. for the Legal Department.

C. **Memorandum of Understanding** between the City of Billings and the Downtown Billings Partnership (DBP) concerning future sale and disposition of funds, YesterYears Building, 102 North 29th Street.

D. **Declaration** of surplus property and authorizing the Street/Traffic Division to sell a road patching unit to the City of Miles City; \$22,000.

E. **Preliminary Major Plat** of Western Sky Subdivision, Second Amended, Lot 5A, generally located at South of King Avenue West and east of South 48th Street; Western Sky Billings, LLC, 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.

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

1. September 21, 2020

2. September 28, 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 SPECIAL REVIEW 986:** a special review to allow a beer and wine license with gaming for a 2,500 square foot tenant space within a 7,913 multi-tenant building, in a Community Commercial (CC) zone, on a 39,907 square foot parcel of land described as Lot 2, Block 17, Lampman Subdivision, and generally located at 3189 King Avenue West. DAJ Enterprises, LLC, owner; Josh Benson, 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 986.

* **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.

3. **PUBLIC HEARING AND SPECIAL REVIEW 987:** a special review to allow an existing all beverage liquor license to relocate from 1911 King Avenue West, Unit 10, to 2499 Gabel Road, a 3,128 square foot building, on a 68,520 square foot parcel of land, described as Lot 3, Block 4, Cenex Park Subdivision. King McCall, LLC, owner; Jason Palaygi, 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 987.

* **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 984:** a zone change from Residential 7,000 (R70) to Residential Multi-Family Restricted (RMF-R) on a 10,056 sq. ft. parcel of land, legally described as Lot 6, Block 2, Sunset Subdivision, generally located at 1219 12th St. West. Christian Helland, owner. 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 984 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 985:** a zone change from Residential 6,000 (R60) to Residential Multi-Family Restricted (RMF-R), each parcel of land is 20,250 sq. ft. for a total of 40,500 sq. ft., legally described as Lots 13 and 14, Wolf Subdivision, generally located at 3121 and 3125 Boulder Avenue. Edith Nelson, owner; Rob Pasquarello. 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 985 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 FIRST READING ORDINANCE FOR ZONE CHANGE 986:** a zone change to amend the existing Planned Development (PD) zone for Cardwell Ranch on Zimmerman Trail and Grand Avenue to expand the existing Planning Area 2 to include Lot 15A, Block 2 and to remove the additional special review uses from the list of allowed uses within Planning Area 1 and Area 2, legally described as Lots 4A and 15A, Block 2, Cardwell Ranch Subdivision, 1st Filing, generally located at 3340 Sagegrass Drive and 1310 - 30th Street West, respectively. Yegen Grand Avenue Farm, Inc., owner; Charles G. Yegen, 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 986 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.

7. **PUBLIC HEARING** and amendment to agreement with Lockwood Water and Sewer District. 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 an amendment to the agreement with Lockwood Water and Sewer District, as recommended by staff.

8. **TAX INCREMENT FINANCE ASSISTANCE** from East Billings Urban Renewal District (EBURD) to Belle Chemical located at 501 North 22nd Street; \$44,532. Billings Industrial Revitalization District (BIRD) Board recommends approval. (Action: approval or disapproval of BIRD Board recommendation.)

• *Presented by: Zack Terakedis, EBURD Coordinator*

Recommended Motion: I move to approve Tax Increment Finance Assistance from EBURD to Belle Chemical located at 501 North 22nd Street, as recommended by the BIRD Board.

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.