



**VISION STATEMENT:**  
"The Magic City: A diverse,  
welcoming community  
where people prosper and  
business succeeds."

## COUNCIL ACTION SUMMARY

### 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.

**March 22, 2021**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Joy

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

~~COVID-19 Update by Joint Information Center – Melanie Schwarz, BSED – Removed~~

**MINUTES:** March 8, 2021 – **APPROVED**

### COURTESIES:

- Councilmember Joy thanked Fire Captain Chelsea Thompson, Lori Boone - Principal of Burlington School, Lindsey Gardner and Tracy Whitaker with PTA, for providing First Aid Training.
- Councilmember Ewalt thanked Chuck Barthuly with Better Billings Foundation for organizing and fundraising for the new basketball courts in the Sahara Sands Park.
- Councilmember Neese encouraged Heights residents to attend the candidates forum for the Heights Business Association and directed residents to the Heights Task Force Website for a link to the forum.

**PROCLAMATIONS:** National Service Day - April 6, 2021

**COUNCIL REPORTS:** None

### ADMINISTRATOR REPORTS - CHRIS KUKULSKI

- Notify Council of Budget Council meetings on May 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>.
- There was 1 ex-parte communication sent from Jim and Theresa Helus to Mayor and Council between 3 pm and 5 pm today concerning Regular Agenda Items 4 and 5, Annexation 20-05A and Zone Change 987, respectively, opposing both.
- Reminder that next Monday is a bye week and there will be no meeting.
- Legislative update given.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2a, 7 and 10 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: None**

**A. Mayor Cole recommends that Council confirm the following appointments:**

1. Mayor Cole recommends that the City Council confirm the appointment to the following board.

	Name	Board/Commission	Term	
			Begins	Ends
1	Laura Drager	Parks, Recreation & Cemetery Board*	03/08/21	12/31/21

\*1 Unexpired term of Larry Brewster

**APPROVED**

**B. Bid Awards:**

1. **Airport Commercial Ramp Construction Project, Schedule 3.**  
(Opened 3/9/2021) Recommend KnifeRiver Construction; \$1,071,588.50.

**APPROVED**

- C. Contract** with JBT AeroTech to purchase and install eight (8) new passenger boarding bridges at the airport; \$5,442,545. **APPROVED**

- D. 2021 High Intensity Drug Traffic Area (HIDTA)** award from the Executive Office of the President, Office of National Drug Control Policy; \$228,697. **APPROVED**

- E. Preliminary Subsequent Major Plat** of Annafeld North Subdivision, 1st Filing located on the north side of Elysian Road and west of the Hogan Slough; McCall Development, Inc., owner; Sanderson Stewart, agent. **APPROVED**

- F. Preliminary Subsequent Major Plat** of Annafeld North Subdivision, 2nd Filing located north of Elysian Road and east of East Lane; McCall Development, Inc., owner; Sanderson Stewart, agent. **APPROVED**

- G. **Preliminary Subsequent Minor Plat** of Shiloh Crossing Subdivision, Amended located between Shiloh Road and Shiloh Crossing Boulevard; OpportunityBank, owner; Stahly Engineering, agent. **APPROVED**
- H. **Preliminary Subsequent Major Plat** of Parkland West Subdivision, 7th Filing located on the east side of South 36th Street West between Crater Lake and Rachele Circle; Rod Lorenz, owner; WWC Engineering, agent. **APPROVED**
- I. **Resolution 21-10934** authorizing the issuance and public sale for refunding of the General Obligation (GO) Library Bonds. **APPROVED**
- J. **Resolution 21-10935** ordering improvements identified in W.O. 20-12: South 32nd Street West. **APPROVED**
- K. **Second and Final Reading Ordinance 21-5751** granting a non-exclusive franchise to Montana Dakota Utilities for the operation of a gas distribution system. **APPROVED**
- L. **Bills for the Weeks of:**
  - 1. February 16, 2021- **APPROVED**
  - 2. February 22, 2021- **APPROVED**

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING AND RESOLUTION 21-10936** creating SID 1416, Gleneagles Boulevard. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
  - a. **PROFESSIONAL SERVICES CONTRACT** for SID 1416, Gleneagles Boulevard; Stahly Engineering and Associates; \$104,548. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
- 3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 989:** a zone change from EBURD-Central Works to EBURD-Industrial Sanctuary located at 5 North 16th Street. J & S Properties, Inc., owner; Simonsen Architect, 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 RESOLUTION FOR ANNEXATION 20-05B:** a property located West of AJ Way and North of Highway 3. ~~Aviation Properties~~, Lupine Holdings, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **MOTION TO APPROVE WAS NOT RATIFIED AND WILL BE BROUGHT BEFORE COUNCIL FOR RATIFICATION ON APRIL 12<sup>TH</sup> AS A CONSENT AGENDA ITEM.**
- 5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 987:** a zone change from Agricultural (A) to ~~Highway Commercial~~ Heavy Commercial (HC/CX) on Tracts 1A and 1B of COS 1889, located east of Billings Flying Service at 3655 AJ Way. ~~Aviation Properties~~, Lupine Holdings, LLC, owner; Collaborative Design Architects,

agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

**APPROVED**

6. **PUBLIC HEARING AND RESOLUTION 21-10938 FOR ANNEXATION 20-05A:** a property located East of AJ Way. Aviation Properties, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
7. **DEVELOPMENT AGREEMENT** with Aviation Properties, LLC, for infrastructure improvements on COS 2037, Tract 14A, north of Highway 3 and west of the airport. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED**
8. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 20-05A: a parcel located north of Highway 3 and East of AJ Way; legally described as portions of tracts 13 and 14, of Certificate of Survey No. 2037 totaling approximately 27.488 gross and 25.956 net acres. Aviation Properties, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
9. **PUBLIC HEARING AND RESOLUTION 21-10939 FOR ANNEXATION 21-02:** a property located south of South Frontage Road, east of East Lane and north of Elysian Road and west of Hogan's Slough. Crown Enterprises, Inc., petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
10. **DEVELOPMENT AGREEMENT** with Crown Enterprises for property located south of the Frontage Road and east of East Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED AS AMENDED**
11. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 21-02: a parcel located south of South Frontage Road, east of East Lane and north of Elysian Road and west of Hogan's Slough; legally described as Lot 5A, of Amended Plat of Lots 2, 3, 4, and 5 of, QFC Subdivision, First Filing, totaling approximately 19.240 gross and 16.000 net acres. Crown Enterprises, Inc., petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**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:** None

**ADJOURN:** 10:53 P.M

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.