



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.

February 22, 2021

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Yakawich

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

MINUTES: February 8, 2021 - **APPROVED**

COURTESIES:

- Ronning offered sympathies to the families, friends, students, teachers and administrators touched by the loss of 3 West High School students in a tragic vehicle accident recently.

PROCLAMATIONS: Day of Empathy – March 2, 2021

COUNCIL REPORTS: None

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 5 and 9 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: 1D and 1F
 - A. **Bid Awards:**
 1. **2021 Fire Station No. 4 Roof and Siding Replacement Project.** (Opened 2/9/21) Recommend rejecting all bids. **APPROVED**
 2. **Airport Conduit and Fiber Optic Installation Project.** (Opened 2/9/21) Recommend rejecting all bids. **APPROVED**
 3. **Billings Landfill Live-Floor Trailers.** (Opened 2/9/21) Recommend Motor Power Equipment; \$462,642. **APPROVED**
 - B. **Change Order No. 1,** additional fire truck to replace unit 4049, Pierce Manufacturing Inc.; \$638,777. **APPROVED**
 - C. **Change Order No. 4,** W.O. 18-22: Leavens Reservoir Waterline and Improvements, Western Municipal Construction, Inc.; not to exceed \$146,024.30. **APPROVED**
 - D. **Amendment No. 26,** Morrison-Maierle, Inc. for Engineering Services for the Reconstruction of the Airport Commercial Aircraft Ramps; \$250,768. **APPROVED 10-0, BROWN ABSTAINED**
 - E. **Annual Acceptance** of Federal Aviation Administration Airport Improvement Program Grants for 2021. **APPROVED**
 - F. **Recommendation of Approval** to the Policy Coordinating Committee (PCC) for the Billings Bike and Scooter Share Feasibility Study. **APPROVED 6-5, YAKAWICH, NEESE, EWALT, PURINTON, AND BOYETT OPPOSED**
 - G. **Donation** to Fire Department of four (4) Traeger Pro Series wood pellet smokers for general use; \$2,796. **APPROVED**
 - H. **Preliminary Minor Plat** of Amended Lot 6, Block 19, Lake Hills Subdivision, 38th Filing, generally located on the west side of Clubhouse Way where it intersects with Boca Raton Road; Yellowstone Property Solutions, LLC, owner; Performance Engineering, agent. **APPROVED**
 - I. **Final Minor Plat** of Amended Lots 8 and 9, Block 51, Lake Hills Subdivision, 21st Filing. **APPROVED**
 - J. **Final Major Plat** of Annafeld Subdivision, 3rd Filing. **APPROVED**
 - K. **Resolution of Intent 21-10926** to create SID 1416 Gleneagles Boulevard improvements and setting a public hearing for March 22, 2021. **APPROVED**
 - L. **Second/Final Reading Ordinance 21-5749** approving and adopting Article 26-800, Billings, Montana City Code (BMCC), Dental Amalgam Management Rule. **APPROVED**
 - M. **Bills for the Weeks of:**
 1. January 18, 2021 **APPROVED**
 2. January 25, 2021 **APPROVED**

REGULAR AGENDA:

2. **PUBLIC HEARING** to provide the community an opportunity to comment on the low-income housing communities of Brush Meadow Apartments, Edgewood Apartments and Shiloh Glen, as required under Section 15-6-221(2), MCA. No action by City Council is necessary.
3. **PUBLIC HEARING AND RESOLUTION 21-10927** assessing the weed abatements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10-1, EWALT OPPOSED**
4. ~~**PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 20-05:**~~ a property located north of Highway 3 and both East and West of AJ Way. Aviation Properties, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) ***Quasi-Judicial** **ITEM WAS DELAYED TO MARCH 22ND REGULAR BUSINESS MEETING PER APPLICANT'S REQUEST.**
5. ~~**DEVELOPMENT AGREEMENT**~~ with Aviation Properties, LLC, for infrastructure improvements on COS 2037 and COS 1889, Tracts 1A and 1B, north of Highway 3 and west of the airport. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **ITEM WAS DELAYED TO MARCH 22ND REGULAR BUSINESS MEETING PER APPLICANT'S REQUEST.**
6. ~~**PUBLIC HEARING AND FIRST READING ORDINANCE**~~ expanding the boundaries of Ward I to include recently annexed property in Annexation 20-05: a parcel located north of Highway 3 and both East and West of AJ Way; legally described as Tracts 1A and 1B, Certificate of Survey 1889 Amended, totaling approximately 49.34 gross and 45.972 net acres. Aviation Properties LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **ITEM WAS DELAYED TO MARCH 22ND REGULAR BUSINESS MEETING PER APPLICANT'S REQUEST.**
7. ~~**PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 987:**~~ a zone change from Agricultural (A) to Highway Commercial (HC/CX) on Tracts 1A and 1B of COS 1889, located east of Billings Flying Service at 3655 AJ Way. Aviation Properties, 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.) ***Quasi-Judicial** **ITEM WAS DELAYED TO MARCH 22ND REGULAR BUSINESS MEETING PER APPLICANT'S REQUEST.**
8. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 21-01:** a property located at the northeast corner of Hawthorne Lane. BCJM, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) ***Quasi-Judicial** **APPROVED**
9. **DEVELOPMENT AGREEMENT** with BCJM Properties, LLC, for infrastructure improvements at COS 2317, 2nd Amended, Tract 2A-1, south of Mary Street and west of Bitterroot Drive. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

10. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annexation 21-01: a parcel located at the northeast corner of Hawthorne Lane; legally described as the remainder of Tract 2A-1, Certificate of Survey No. 2317, 2nd amended, totaling approximately 16.741 gross and net acres. BCJM LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

11. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 988:** a zone change from Agricultural (A) to Residential-7000 (R-70) located at 2526 Hawthorne Lane. BCJM Properties, LLC, owner, Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) * **Quasi-Judicial FAILED 6-5, DID NOT REACH A SUPER MAJORITY VOTE OF AT LEAST 8 REQUIRED BY A VALID PROTEST.**

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:

Shaw moved that the City Administrator direct staff to develop best-practice regulations and ordinance language to regulate (not prohibit) medical marijuana dispensaries and/or storefronts in Billings City limits; present proposed regulations to Council at a work session to facilitate feedback; and give notice of a public hearing and first reading for ordinance adoption, seconded by Choriki. **APPROVED 8-3, NEESE, EWALT AND PURINTON OPPOSED**

ADJOURN: 9:38 P.M.