

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

January 11, 2021

The Billings City Council held the regular meeting via virtual video-conferencing due to the COVID-19 response. Mayor Cole called the meeting to order at 5:31 pm. and served as the meeting's presiding officer. Mayor Cole made a statement regarding the division of the Nation and the recent violence at the Capitol. He stated the actions of some politicians and Americans substantially increased the risk of violence that had occurred and encouraged people to come together to unite the Nation. Mayor Cole gave the invocation.

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

MINUTES:

Councilmember Boyett moved for approval of the November 23, 2020 minutes as written, seconded by Councilmember Brown. By a show of hands vote, the motion was unanimously approved.

The December 14, 2020 were pending.

The December 21, 2020 were pending.

COURTESIES:

Councilmember Ronning thanked Mayor Cole for the statement he made regarding the division of the Nation.

PROCLAMATIONS:

There were no proclamations.

COUNCIL REPORTS:

There were no Council reports.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated Melanie Schwarz with Big Sky Economic Development (BSED) would be providing a COVID-19 update.

Mr. Kukulski noted the Northwestern Energy Lease with the Airport would not be ready by January 25, 2021 and staff anticipated it would be brought forward on February 8, 2021.

Mr. Kukulski asked Council to remove Consent Agenda Item 1D, in order to give sellers additional time to review the land purchase agreement.

Mr. Kukulski requested Regular Agenda Item No. 3, Council Compensation, be removed from the agenda and be presented to Council at a future Council meeting.

Mr. Kukulski reminded Council of the Martin Luther King, Jr. holiday on Monday, January 18th, 2021, therefore, the Work Session would be held on Tuesday, January 19th.

Mr. Kukulski stated progress was being made to hold future Council meetings at the Library Community Room. He stated there had been some technical issues and apologized for the delay.

Mr. Kukulski reminded the public that public comment for Project ReCode would occur during the Public Comment period at the beginning of the agenda.

Councilmember Shaw moved to remove Consent Agenda Item 1D and Regular Agenda Item No. 3, seconded by Councilmember Boyett. On a show of hands vote, the motion was unanimously approved.

COVID-19 UPDATE:

Melanie Schwarz, Big Sky Economic Development, stated Governor Gianforte had made some recent changes to the phasing plan. She added it flip flopped Phase 1b and 1c, in order to allow people 70+ years old, medically compromised, people of color and Native Americans to move to the front of the vaccination priority list due to their high risk for hospitalization. She added the Yellowstone County Health Officer had rescinded his local health order, so Billings would begin following the State health order. She added they were anticipating some changes from the Governor in the next few days. She stated there was a vaccination planning team meeting to create a public community vaccination plan.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 4, 5 and 6. 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.

The public comment period was opened.

- **Aaron Swain, 3875 Grand Avenue, Billings, Montana:** in reference to Regular Agenda Item No. 4, encouraged Council to delay the 2nd reading of Project ReCode in order to allow public more time to review the amendments and participate in the discussions. He stated he had concerns with the proposed casino regulations.
- **Spencer Stone, 2811 Missouri Street, Billings, Montana:** in reference to Regular Agenda Item No. 4, stated as a business owner and short-term rental owner, he was concerned with the short-term rental amendments. He stated the business license requirement portion of the code should to be removed. He was currently researching the legality of requiring a business license from landlords.
- **Kristi Drake, 2950 Waldon Place, Billings, Montana:** in reference to Regular Agenda Item No. 4, stated she was concerned about the restrictions for short-term rentals. She stated requiring

both a business license and a permit seemed like an overreach.

- **Russell, Palmer, 221 Lewis Avenue, Billings, Montana:** in reference to Regular Agenda Item No. 4, stated he was concerned about requiring both a business license and a permit for short-term rentals. He added he was concerned with the power given to the Zoning Coordinator and thought the short-term rental portion of the code needed more definition.
- **Tiffany Wardell, 1309 Daybreak Drive, Billings, Montana:** in reference to Regular Agenda Item No. 4, stated the West End Task Force had given Council information in 2018 regarding casino regulations and separation distances. She stated the separations would improve the look and feel of the community and added having "casino zones" would benefit the City and those that struggled with gambling addictions.
- **Ed Gulick, 3015 10th Avenue North, Billings, Montana:** in reference to Regular Agenda Item No. 4, stated recruiting the best and brightest candidates to work in Billings was difficult and Project ReCode was a step in the right direction for the City. He added that citizens had given thousands of hours creating the policy and encouraged Council to approve Project ReCode as presented.
- **Christina Volek, 3214 Horton Smith Lane, Billings, Montana:** in reference to Regular Agenda Item No. 4, encouraged keeping the 350-foot separation between casinos and neighborhoods. She added several cities in Montana had similar separation regulations.
- **Kevin Odenthal, 344 Burlington Avenue, Billings, Montana:** in reference to Regular Agenda Item No. 4, stated requiring a person to have both a business license and a permit for short-term rentals was excessive and encouraged requiring one or the other. He added regulating how many short-term rentals a person could have was an overreach by the City.
- **Josh Benson, 3112 Falcon Ridge Way, Billings, Montana:** in reference to Regular Agenda Item No. 4, encouraged Council to open public comment during Regular Agenda Item No. 4, in order to allow the public an opportunity to comment after hearing Council amendments to the code. He added that casinos were safer than bars and did not need twice the regulations that bars had.
- **Doug Wild, 4712 Audubon Way, Billings, Montana:** in reference to Regular Agenda Item No. 4, encouraged Council to review the information that had been sent regarding garage placements and added it would improve the City's ability to build modern structures.
- **Steve Volek, 2511 1st Avenue North, Billings, Montana:** in reference to Regular Agenda Item No. 4, stated short-term rentals needed permits and inspections and should be required to pay the State or City lodging facility taxes. He added the City was not getting the appropriate Tourism Business Improvement fees for most of the rentals.
- **Susan Hills, 2217 Spruce Street, Billings, Montana:** in reference to Regular Agenda Item No. 4, encouraged stricter regulations for short-term rentals.

There were no further callers and the public comment period was closed.

CONSENT AGENDA

A. Bid Awards:

1. **Metal Containers for Solid Waste.** (Opened 12/01/20) Recommend Wastequip; not to exceed \$85,000.

2. **W.O. 21-03: Contract 1, City Overlay.** (Opened 12/15/20) Recommend Knife River; \$1,463,871.93 (Schedule 1) and Askin Construction; \$167,200.02 (Schedule 2).
- B. **Purchase** of ten (10) 2021 Ford Interceptor SUV vehicles from Duval Ford; \$359,030.
- C. **Purchase** of replacement parts for #20MF Mixed Flow Pumps at the Water Reclamation Facility from Cascade Pump Company; \$154,540, plus shipping.
- D. ~~**Land Purchase** from Gene and Ronna Klamert for West End reservoir and water treatment plant, and authorizing the Mayor to execute all documents; \$49,707.~~
- E. **Annual Memorandum of Understanding** with Beartooth RC&D; \$12,652.92.
- F. **Consulting Agreement** with DOWL to complete the Billings Bypass Corridor Study; not to exceed \$120,000.
- G. **Traffic Signal Easements** with James and Tina Pelissier for W.O. 21-22: Signal Conduit Upgrade.
- H. **FEMA BRIC Grant Application** letter of support.
- I. **Second/Final Reading Ordinance 21-5747 expanding Ward III (Annexation 20-04):** a 37.381 gross and 34.917 net acre parcel of land located both north and south of Elysian Road and east of East Lane; Quarnburg Farming Corporation and McCall Development, petitioners.
- J. **Final Plat** of Lots 1 and 2, Block 3, Terra West Subdivision, 3rd Filing.
- K. **Bills for the Weeks of:**
 1. December 7, 2020
 2. December 14, 2020

Councilmember Purinton, in reference to Consent Agenda Item 1B, asked if Council had an ability to create legislation that required the City to use local dealerships for purchasing vehicles. Chris Kukulski, City Administrator, stated there were State laws that limited how the City could award bids and would like to bring that information back to Council at a later date. Rich St. John, Police Chief, stated local dealerships were not interested in bidding but the City consistently made certain that the invitation to bid was extended to local dealerships. Council discussed how the City could purchase from local vehicle dealerships in the future.

Councilmember Shaw moved for approval of the entire Consent Agenda, seconded by Councilmember Ronning. On a show of hands vote, the motion was unanimously approved.

SPECIAL PRESENTATION: 2020 Retirees

Chris Kukulski, City Administrator, stated he had forgotten the presentation would be taking place and would instead make the presentation at the next Council meeting. Councilmember Ronning requested that K-9 dogs be included in the retiree presentation.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 21-10920 creating SILMD 329, Hallowell Lane streetlights. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Debi Meling, Public Works Director, gave a PowerPoint presentation of the properties included in the SILMD. She added that some of the residential properties had been included in more than one SILMD, but the City was not double charging any residential properties. She added there had been one protest received which counted for about 5% of the district.

Councilmember Neese asked if this would be the first SILMD that would include the lighting costs and future replacements costs. Ms. Meling responded affirmatively.

The public hearing was opened.

There were no callers, and the public hearing was closed.

Councilmember Yakawich moved for approval of Item 2, seconded by Councilmember Boyett.

By a show of hands vote, the motion was unanimously approved.

3. PUBLIC HEARING AND FIRST READING ORDINANCE amending Section 2-201, BMCC, Mayor and Council Compensation. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Removed from agenda to be placed on a later Regular Business meeting.

4. SECOND/FINAL READING ORDINANCE APPROVING PROJECT RECODE. Zoning Code amendment and Zoning Map update. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Mayor Cole asked Council to be specific in their amendments and include page numbers and sections when possible. He added he had given staff a lengthy list of "housekeeping" motions for amendments that he would further review later in the presentation.

Chris Kukulski, City Administrator, reminded Council that Billings was in competition to recruit and retain skilled workers and Project ReCode was a step toward improving the community.

Wyeth Friday, Planning Director, stated an updated motion had been given to Council to reference the appropriate wording for the ordinance. He added there had been numerous emails

between Council, the public and staff within the last few days. He stated those questions had been addressed through email and would not be included in the presentation.

Nicole Cromwell, Zoning Coordinator, gave a PowerPoint presentation of Project ReCode and stated it stemmed from the Billings Growth Policy goals from 2016. She reviewed the people involved: 32 Steering Committee and working group members, 154 volunteers, 3 VISTA members, and 1 Consultant team hired by the City and County. She reviewed the minor typographical changes to Exhibit A and C. She added staff would report back to Council at 4 months with any errors, typos, clarifications and implementation challenges or items not working properly; again at 7 months to make recommendations on possible code adjustments; and again at 12 months to report and review all changes requested by the public and any staff challenges.

Councilmember Neese asked for clarification on the 20% minimum for neighborhood developments. Ms. Cromwell stated the 20% applied only to multi-unit structures, not single or 2 family homes.

Councilmember Boyett asked for clarification on reviewing the policy after 12 months. Ms. Cromwell stated staff would be reviewing the process continuously and working with other communities to see how they were handling code issues and updates to the policy.

Councilmember Purinton stated she was concerned with requiring a business license and a permit for short-term rentals and questioned how the public would be informed. Ms. Cromwell stated there would need to be publications and marketing notifications for short-term rental code updates. She reviewed how the process would be intended to work.

Councilmember Ewalt asked for clarification on rentals that went over 30 days. Ms. Cromwell stated more than 30-day rentals were covered by landlord rules instead of local code.

Councilmember Neese asked for clarification on a developer that was considering purchasing land that had already plotted and surveyed and how Project ReCode would affect the purchase. Ms. Cromwell stated there was a portion of the code that referred to existing provisions.

Councilmember Shaw read the following motion to approve: the Zoning Code amendment was initiated by the Yellowstone County Board of Planning per its authority under BMCC, 27-1502 in 2017 and reviewed by the Zoning Commission before being forwarded to the City Council; and after having conducted a public hearing and having passed this ordinance on First Reading on December 14, 2020, and having considering the Zoning Commission's report and its recommendation for approval and adoption of the findings of the 10 criteria, as well as written and spoken public testimony, including Exhibit A as modified by approved Exhibit C, and Exhibit B, which consists of Exhibit B2 Draft Zoning Maps as modified by approved Exhibit B1 Final Map Updates - on Second Reading, seconded by Councilmember Choriki.

Mayor Cole made a motion for approval of the following amendments: "The City Administrator is hereby authorized to make minor changes in the approved documents prior to publication in order to correct typographical errors or make changes for stylistic, structural, grammatical, or clarity reasons, provided that such changes are ministerial and not likely to prejudice any member of the public. A list or other written description of all such changes shall be

provided to any member of the city council or public upon request.”, seconded by Councilmember Neese. By a show of hands vote, the amendment was unanimously approved.

Mayor Cole made a motion for approval of the following amendment: reference Exhibits B1, B2, and C in title and text; change “adopted” to “adopting” in title; replace old section titles with new section titles, seconded by Councilmember Joy. By a show of hands vote, the amendment was unanimously approved.

Mayor Cole called a recess at 7:39 P.M.

Mayor Cole reconvened the meeting at 7:48 P.M.

Mayor Cole made a motion for approval of the following amendments: Table 27-300.7, line 13. Fix typographical error: “ma” should be “match”; Section 307.D.(2): insert “have” – “...buildings must front both streets and have entrances provided on each street”; Section 307.D.(3): delete “total” – “...the building ... shall ~~total~~ meet the minimum regulations”; Table 27-800.1, under “Types of PND,” words “City and County” will be deleted from the Table; Section 802.B.1. Fix typographical error by deleting the “s” in “streets”: “. . . shall be located within 660 feet of an arterial or collector street . . .”, seconded by Councilmember Boyett. By a show of hands vote, the amendment was unanimously approved.

Mayor Cole made a motion for approval of the following amendments: Section 802.B.3(a). The new phrase “at a minimum 88/10 percentage mix measured by” is confusing because 88% is actually the maximum percentage allowed for one of the two zones. Change this to read “. . . with a percentage mix of 88% maximum and 10% minimum measured by”; Section 802.B.3(b). This now reads “Zoning district area minimums and maximums are set as a percentage of the total net parcel area not including the required P1 open space,” which implies that before calculating 88% and 10% one must first exclude the 2% for open space. But that is not the case. All calculations are based on the total net parcel area (100% of net, not 98% of net). Therefore “not including the required P1 open space” shall be deleted; Section 27-803.B.1.(a). Add “must” in first sentence: “A plaza must share street frontage with a”; Table 27-1200.1. The key appears to have been deleted. The old check mark has apparently been replaced with an “A” for “Applicable”, but there is still one check mark for “Parking Lot Landscaping.” Add the key back in to define “A” and “L”, seconded by Councilmember Boyett. By a show of hands vote, the amendment was unanimously approved.

Mayor Cole made a motion for approval of the following amendments: Section 27-1506.B., line 2. Fix typographical error: “ownership or record” should be changed to “ownership of record.”; Section 27-1802. F, G, H. These three sections are numbered differently in Exhibit A. F is E in Ex. A, G is F, and H is G. Correct lettering as described; Section 27-1802.H (or G). This says separation requirements don’t apply when a protected use in a mixed-use structure “constitutes less than 50% of the total occupation of the structure.” Revise to say “constitutes less than 50% of the total owner occupied square footage of the structure.”; Section 27-1802.H (or G). Revise (2) to read: “Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone portion of the lot occupied by the outdoor use attached to, adjacent to, or serving the structure.”, seconded by Councilmember Boyett.

Councilmember Neese made an amendment to the amended motion for the Section 27-1802.H (or G). by adding the word "owner" to the following sentence: "constitutes less than 50% of the total owner-occupied square footage of the structure.", seconded by Councilmember Boyett.

Councilmember Joy stated she would not support the amendment because staff had not had an opportunity to see how the code would work as implemented and this amendment seemed like "splitting hairs."

Councilmember Choriki stated he would not support the amendment because the restrictions were about usage and not ownership. He added there had been considerable adjustments made in order for owners to have recourse.

Councilmember Ronning asked if this amendment was intended by Mayor Cole. Mayor Cole stated he was looking at how to measure occupation by square footage and not by people.

Council discussed possible non-conformity issues with the separation portion of the code.

Councilmember Ewalt asked for clarification on the Special Review process due to non-conformity issues after damages had occurred to a business. Ms. Cromwell stated an application would be submitted to the Planning Department, studies and findings of facts would be forwarded to the Zoning Commission and they would forward a recommendation to Council for approval or disapproval.

By a show of hands vote, Councilmember Neese's amendment to Mayor Cole's amendment was approved 6-5, Councilmembers Shaw, Joy, Choriki, Ronning and Mayor Cole voted in opposition.

By a show of hands vote, the now amended motion was unanimously approved.

Mayor Cole asked for clarification on measuring patios or outdoor space. Ms. Cromwell stated the measurement occurred from property line to property line.

Mayor Cole made a motion for approval of the following amendments: Section 27-1802.H (or G). Revise to read: "Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone portion of the lot occupied by the outdoor use attached to, adjacent to, or serving the structure."; Table 27-1000.1- Primary Use Table - Add "PL" to the 9+ plus row under columns CouncilmemberU1 & CouncilmemberU2. This designation was inadvertently deleted from a previous draft; Table 27-1300.1 – Off-Street Parking Standards - Correct the cross reference in row "Dwelling, multi-unit structure" from "27-1302.C.8" to "27-1302.B.7", seconded by Councilmember Boyett.

Council discussed how outdoor space was defined and how the space could be used. Ms. Cromwell showed an example of an outdoor space that was currently being used and how the property line was defined.

By a show of hands vote, the amendment was unanimously approved.

Councilmember Ewalt asked for clarification on required parking spaces for mixed use areas. Ms. Cromwell stated the current code required every use to have a parking space required regardless of time of day. She stated there were some variations allowed.

Councilmember Ewalt made a motion to amend Table 27.1300.1, Off Street Parking Standards, by removing the additional 1 guest space required for every 10 parking spaces.

Council discussed various locations in the City with parking issues.

Ms. Cromwell explained how the current code and the proposed code changes would affect parking spaces for site development standards. She described parking requirements at various apartments throughout the City and the different requirements of planned unit developments.

Councilmember Shaw stated she would not support the amendment and understood the need for more parking.

Debi Meling, Public Works Director, showed an aerial photo of multifamily units with parking issues and how the current parking code was not working.

By a show of hands vote, the amendment failed 4-7, Councilmembers Shaw, Joy, Choriki, Ronning, Brown, Boyett and Mayor Cole voted in opposition.

Councilmember Purinton made a motion to amend Section 27-1005, Short Term Rentals, by removing the permit requirements, seconded by Councilmember Neese.

Councilmember Boyett asked for clarification on why staff had added the proposed permit requirements. Ms. Cromwell stated the new permit requirement allowed direct engagement with short-term rental owners, which would allow staff to review the requirements with owners.

Councilmember Neese asked for clarification on permit requirements per property versus per unit. Ms. Cromwell stated the requirement was currently per unit and changing it to one permit per SRD/owner would mean more staff time.

Council discussed the current process and how the proposed changes would affect short-term rental owners and the City.

Councilmember Yakawich called the question. By a show of hands vote, the motion to call the question was approved 9-2, Councilmembers Neese and Ewalt voted in opposition.

By a show of hands vote, Councilmember Purinton's amendment failed 2-9, Councilmembers Shaw, Yakawich, Neese, Joy, Choriki, Ronning, Brown, Boyett and Mayor Cole voted in opposition.

Mayor Cole called a recess at 9:48 P.M.

Mayor Cole reconvened the meeting at 9:55 P.M.

Councilmember Ewalt made a motion to amend, Section 27-303, to give builders/purchasers the option to use alley or street access. He explained how this amendment could change the process and stated builders knew how they wanted to build houses and what the demand for housing was.

Councilmember Yakawich called the question. By a show of hands vote, the motion to call the question was approved 9-2, Councilmembers Neese and Ewalt voted in opposition.

By a show of hands vote, the amendment failed 5-6, Councilmembers Shaw, Joy, Choriki, Ronning, Brown, and Mayor Cole voted in opposition.

Councilmember Ewalt made a motion to amend, Table 27-300.3, to allow builders/purchasers the option of a 16-foot width garage façade, seconded by Councilmember Neese.

Ms. Cromwell stated staff had concerns of neighborhoods being built with "garage heavy" houses and added that neighborhoods had indicated a desire to see less housing built with large garage openings.

Council discussed current neighborhoods with "garage heavy" houses and how it impacted those neighborhoods.

Councilmember Yakawich called the question. By a show of hands vote, the motion to call the question failed 4-7, Councilmembers Neese, Ewalt, Joy, Purinton, Brown, Boyett and Mayor Cole voted in opposition.

Councilmember Joy stated garages added increased points of conflict which could lead to injury and she would not support the amendment. She stated larger garages decreased the cities walkability.

Councilmember Shaw stated N1 neighborhoods wanted to keep their neighborhood character and 2-car garages were not wanted.

Councilmember Boyett stated there was a demand for more storage and garage space by both builders and homeowners.

Councilmember Brown stated he would support an increase in the required percentage, but not the amendment as stated.

Councilmember Purinton stated the builders had been clear on what people wanted and 2-3 car garages were in demand.

Councilmember Neese stated he had concerns with how the amendment would affect narrow lots and asked for a staff recommendation on a percentage. Ms. Cromwell stated staff, Project ReCode Steering Committee and the Zoning Commission had written the code to increase safety and walkability.

Wyeth Friday, Planning Director, added that a design that included smaller garages would not affect affordability and these design changes could still create affordable housing. He added walkability and street safety were important aspects of neighborhoods.

Councilmember Neese made a motion to amend Councilmember Ewalt's amendment from the existing 35% maximum garage door size to a 40% maximum, seconded by Councilmember Boyett. Councilmember Ewalt agreed to the "friendly amendment".

Councilmember Joy stated Council was excluding the public from the process by making changes like these, and the public had expressed their wishes in the documents Council had been provided.

Councilmember Choriki stated Council was sliding further away from the intent of the process and the people involved in Project ReCode had made a clear recommendation.

By a show of hands vote, the amendment was approved 7-4, Councilmembers Shaw, Joy, Choriki, and Ronning voted in opposition.

Councilmember Ewalt made a motion to amend, Table 27-300.4, to increase the 40% garage façade to 50%, seconded by Councilmember Neese.

Council discussed how the amendment in garage widths would affect townhomes, duplexes, etc.

Councilmember Joy stated having wide garages created safety issues and would not support the amendment.

By a show of hands vote, the amendment was approved 7-4, Councilmembers Shaw, Joy, Choriki, and Ronning voted in opposition.

Councilmember Ewalt made a motion to amend, Table 27-300.4, to remove the height requirements, seconded by Councilmember Neese.

Councilmember Ewalt called the question. By a show of hands vote, the motion to call the question was approved 9-2, Councilmembers Joy and Choriki voted in opposition.

By a show of hands vote, the amendment failed 4-7, Councilmembers Shaw, Yakawich, Joy, Choriki, Ronning, Brown, and Mayor Cole voted in opposition.

Councilmember Ewalt made a motion to amend the casino separation requirements portion of the code, in order to treat all alcohol beverage licenses with the same separation requirements, seconded by Councilmember Neese.

Council discussed the differences between the various uses of businesses with alcohol licenses. Ms. Cromwell stated the amendment would allow a restaurant to have the same neighborhood separation requirements as a bar or casino.

Councilmember Brown stated the community and Council had been asking for separations for several years.

Mayor Cole stated the proposed separation requirements for casinos could help neighborhoods and the restrictions seemed reasonable.

Councilmember Shaw called the question. By a show of hands vote, the motion to call the question was approved unanimously.

Councilmember Ewalt's amendment failed 2-9, Councilmembers Shaw, Yakawich, Neese, Joy, Choriki, Ronning, Brown, Boyett and Mayor Cole voted in opposition.

Councilmember Ewalt made a motion to amend, Section 27-1504, Nonconforming Uses, by changing the destruction amount from 50% to 70% and adding a 6-month extension to the current allowance of time to rebuild, seconded by Councilmember Purinton.

Ms. Cromwell explained the differences between abandonment versus destruction events. She added special reviews for non-conforming properties applied when there was a destruction event of more than 50% of the property. Mr. Friday recommended keeping the amount at 50% because it applied to all types of uses and it was a new outlet that had not yet been given an opportunity to work.

Councilmember Shaw called the question. By a show of hands vote, the motion to call the question was approved unanimously.

Councilmember Ewalt's amendment failed 2-9, Councilmembers Shaw, Yakawich, Neese, Joy, Choriki, Ronning, Brown, Boyett and Mayor Cole voted in opposition.

Mayor Cole asked for clarification on the legality of the amendments that had occurred and the public participation process. Gina Dahl, Interim City Attorney, recommended adding a 3rd reading to allow public notice and participation.

Councilmember Neese made a motion to amend the current motion to allow for a 3rd reading and have a public comment period included during that reading. The motion died due to lack of a second.

Councilmember Ewalt made a substitute motion to continue the 2nd reading of Project ReCode to the next Council meeting, seconded by Councilmember Purinton.

Council discussed the procedural effects of having a 3rd reading versus continuing the 2nd reading. Ms. Dahl recommended a 3rd reading over continuing the 2nd reading.

By a show of hands vote, the substitute motion to continue the 2nd reading failed 3-8, Shaw, Yakawich, Joy, Choriki, Ronning, Brown, Boyett and Mayor Cole voted in opposition.

Councilmember Brown made a "friendly amendment" to place a 3rd reading of Project ReCode on the Consent Agenda during the next Council meeting. Councilmembers Shaw and Choriki stated they would accept that as a "friendly amendment" to their original motion.

By a show of hands vote, the amended motion for approval of Regular Agenda Item 4, was approved 8-3, Councilmembers Neese, Ewalt and Purinton voted in opposition.

Councilmember Ronning made a motion to move Regular Agenda Item 6 to the place of Item 5, seconded by Councilmember Neese. She added that Ben Halvorson had legislative meetings in Helena the next morning and had been waiting for a long time to give his presentation. By a show of hands vote, the motion was unanimously approved.

5. APPROVAL to support the City matching funds for an additional Prosecutor and Victim/Witness Specialist for the Domestic Violence Unit in the Legal Department as required by the acceptance of the Violence Against Women Act (VAWA) and Victims of Crime Act (VOCA) grant applications. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Gina Dahl, Interim City Attorney, stated the Legal Department was primarily funded through the General Fund but also received grant funds from the Violence Against Women Act (VAWA) administered through the Montana Board of Crime Control (MBCC) for the prosecution of domestic violence cases. She added the department planned to request additional funds from the Victims of Crime Act (VOCA) to support another prosecutor, as well as an additional Victim Witness Specialist.

Ben Halverson, Domestic Violence Prosecutor, reviewed the grants and stated it would help if the City would commit to a 25 to 40% match of the grant money. He added the department had 1212 open cases and only 47% of the cases received could be prosecuted and he wanted that number closer to 75%.

Mayor Cole asked for clarification of the source of the money. Chris Kukulski, City Administrator, stated the money would come from the proposed budget and new expenditures. Ms. Dahl showed a PowerPoint explaining the costs and a breakdown of how the money would be spent.

Councilmember Ronning made a motion for approval of Item 5, seconded by Councilmember Neese. By a show of hands vote, the motion was unanimously approved.

6. ADOPTION OF LEGISLATIVE PRIORITIES FOR THE MONTANA STATE LEGISLATURE'S 2021 SESSION. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Mayor Cole moved for approval of Item 6, seconded by Councilmember Boyett. By a show of hands vote, the motion was approved 10-1, Councilmember Neese opposed.

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.)

The public comment period was opened.

There were no callers and the public comment period was closed.

COUNCIL INITIATIVES:

There were no Council initiatives.

There was no further business, and the meeting adjourned at 12:15 A.M. on January 12, 2021.



CITY OF BILLINGS

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk