

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

August 23, 2021

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Cole called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. Councilmember Joy gave the invocation.

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

MINUTES:

July 26, 2021 - Councilmember Shaw moved for approval, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

August 9, 2021 - Minutes were pending.

COURTESIES:

Councilmember Yakawich introduced Brent Morris and Terri Todd as leaders of the Yellowstone County Behavioral Health Local Advisory Committee. Mr. Morris and Ms. Todd spoke about September as National Recovery Month with a memorial walk at Dehler Park and various events to help support those in recovery. Mr. Morris thanked Councilmember Yakawich for his efforts with the issues.

Mayor Cole stated Dr. Claire Oakley from Riverstone Health would soon be retiring.

DeeDe Baker, founder of Dog Tag Buddies, stated it was a local organization to help match Veterans with a rescued shelter dog. She stated the organization had expanded to several new cities within the last few years.

Councilmember Purinton encouraged the people of Billings to respect the teachers and each other regarding the SD2 masking policy.

PROCLAMATIONS:

Mayor Cole proclaimed September as National Recovery Month and called upon the people of Billings to support recovery organizations and events.

COUNCIL REPORTS:

Councilmember Ronning stated she was on a committee regarding the regulation of marijuana and would provide a report within the next few days.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated there were no exparte communications received for this meeting.

Mr. Kukulski explained that the agenda was lengthy to expedite land issues for property owners and developers to move projects forward.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 3b, 4b, 5b, and 6b ONLY. Speaker sign-in required. (Comments are limited to three (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. 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.

There were no speakers, and the public comment period was closed.

1. CONSENT AGENDA

A. Bid Awards:

1. **Aerial Ladder Apparatus.** (Opened 8/3/21) Recommend Pierce Manufacturing; \$1,135,121.

B. General Contractor/Construction Manager (GC/CM) Preconstruction Services Contract for W.O. 19-12: West End Raw Water Pipeline Project with COP Construction; \$98,987.

C. Consultant Agreement for W.O. 21-42: SBURA Gravel Streets Improvements, Phase I with Sanderson Stewart; \$637,100.

D. Terminating the Purchase and Sale Agreement for Stillwater Building.

E. Final plat of High Sierra Subdivision, 10th Filing.

F. Final plat of High Sierra Subdivision, 15th Filing.

G. Bills for the Weeks of:

1. July 19, 2021
2. July 26, 2021

Councilmember Ewalt separated Item 1C to request a roll call vote.

Councilmember Brown separated Item 1G1 to abstain, stating his employer was a payment recipient.

Councilmember Neese moved for approval of the entire Consent Agenda with the exception of Items 1C and 1G1, seconded by Councilmember Ewalt.

Councilmember Ewalt, in reference to Item 1C, stated he did not agree with the project using SBURA funding.

Councilmember Joy moved for approval of Item 1C, seconded by Councilmember Neese. On a roll call vote, the motion was approved 10-1, Councilmember Ewalt opposed.

Councilmember Neese moved for approval of Item 1G1, seconded by Councilmember Boyett. On a voice vote the motion was approved 10-0, Councilmember Brown abstained.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTIONS setting FY22 annual assessments on the following:

Jennifer Duray, Public Works Deputy Director, gave a PowerPoint presentation of the new zoning code that required changes to the Arterial Construction Ordinance. She added 2,300 property owners had received letters informing them of zoning changes, and the petition process to apply for possible reductions in rates. She stated there were no changes to the methodology used to determine arterial or storm sewer rates. She reminded Council that the arterial construction assessments would require a super majority vote. She stated staff was currently researching possible changes to the methodology used to set assessments. She stated there were several methodologies available, but the staff recommendation would allow the City to stay balanced and staff was hoping inflation would decrease.

Mayor Cole asked for clarification on how the small increase would affect the City. Ms. Duray stated even if rates leveled out, they would probably lose purchasing power in the current year. She added they could make up any losses on the next few years.

Councilmember Ewalt asked why the storm sewer assessments were not based on occupancy instead of zoning. Ms. Duray stated the mixed residential zones were assessed at a higher rate than single family zoning. She added that the Public Works Department were researching other methodologies to use instead of using zoning for assessments.

Council discussed various options for assessments, zoning, and how different methodologies would work if changes were made.

The public hearing was opened for both Items 2a and 2b.

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

a. ARTERIAL CONSTRUCTION RESOLUTION 21-10982. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Yakawich moved for approval of Item 2a, seconded by Councilmember Shaw. On a voice vote, the motion was unanimously approved.

b. STORM SEWER RESOLUTION 21-10983. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Ewalt made an amended motion on Item 2b, to assess 3.9% to all properties/payors, seconded by Councilmember Neese.

Councilmember Ewalt stated staff was conducting studies to change storm water assessment methodologies, therefore, the methodology should remain the same until those studies occurred.

Councilmember Neese stated there had not been time for staff to create new methodologies and a 3.9% assessment across the board would allow the rates to be less inequitable.

Councilmember Joy asked how the motion would impact the various properties, based on zoning. Ms. Duray stated she did not have an exact answer, but staff would need to take last year's numbers and inflate the assessment by 3.9%. She stated it would generate the same total amount but would be a very staff intensive methodology.

Councilmember Shaw stated staff had said it would take at least a year to adopt a new methodology, therefore, she made a substitute motion, to approve Item 2b, as recommended by staff, seconded by Councilmember Ronning.

Councilmember Boyett asked for clarification on the legality of changing the methodology. Gina Dahl, City Attorney, stated she would have to review the existing ordinance.

Councilmember Brown asked why the amended motion of a straight 3.9% assessment would be so onerous. Councilmember Duray stated the Public Works software system was established to use zoning and DOR amounts. She added it would require staff to input new percentages for 44,000 different properties.

Councilmember Neese stated he would not support the substitute motion and wanted staff to go through the study and if there was good cause for the variations at that time, he would accept them.

Ms. Dahl stated City Code required the assessments be based on the area of the parcel of land and its zone classification.

Councilmember Yakawich stated the proposed change had been discussed an hour ago. He stated it may be a valid idea but could not support it due to the lack of advanced notice and opportunity to research the idea.

On a voice vote, the substitute motion was approved 8-3, Councilmembers Neese, Ewalt and Purinton opposed.

3. JOHN AND PATRICIA BURG PROPERTY:

a. JOINT PUBLIC HEARING FOR ANNEXATION 21-06 AND ZONE CHANGE 994

Monica Plecker, Planning Division Manager, gave a PowerPoint presentation for Annexation 21-06 and Zone Change 994. She stated there would be a joint public hearing for these items, but each item would need to be voted on separately. She gave an overview of the property and showed photos of the area referenced in the annexation and zone change. Ms. Plecker stated the Annexation Policy criteria had been met and any proposed development of the site would be done in compliance with zoning and site development regulations. She stated the Zoning Commission had considered the 10 criteria and were recommending approval of the zone change.

The public hearing for both Items 3i and 3ii was opened.

- **Angela Matson**, daughter of the applicants, read a letter from Patricia Burg. The letter stated the process began in May and they were disappointed in the lengthy process. She stated with the required second reading their plans for improvements were delayed. She stated she hoped Council could forgo the second reading, since the request had not been contested in any way.

There were no further speakers, and the public hearing was closed.

Gina Dahl, City Attorney, stated the second reading could not be waived due to City Code.

Ms. Plecker stated the annexation and development agreement would be approved the next day which would allow the applicants to access services quickly.

i. RESOLUTION 21-10984 FOR ANNEXATION 21-06: a parcel located at 2930 US Highway 3. John and Patricia Burg, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Ronning moved for conditional approval of Item 3i, seconded by Councilmember Purinton. On a voice vote, the motion was unanimously approved.

ii. FIRST READING ORDINANCE FOR ZONE CHANGE 994: a zone change from Residential Rural (RR1) to Suburban Neighborhood Residential (N3) located at 2930 US Highway 3. John and Patricia Burg, owners. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

Councilmember Ronning moved for approval of Item 3ii, and adoption of the 10 criteria as recommended by the Zoning Commission, seconded by Councilmember Purinton. On a voice vote, the motion was unanimously approved.

b. DEVELOPMENT AGREEMENT with John Burg for infrastructure improvements at 2930 US Highway 3. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Purinton moved for approval of Item 3b, seconded by Councilmember Ronning. On a voice vote, the motion was unanimously approved.

c. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation 21-06: a parcel located south of Highway 3 and southeast of Rod and Gun Club Road, totaling approximately 3.311 gross and 2.793 net acres. John and Patricia Burg, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

The public hearing was opened.

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

Councilmember Ronning moved for approval of Item 3c, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

4. CHERRY ISLAND LLC PROPERTY:

a. JOINT PUBLIC HEARING FOR ANNEXATION 21-08 AND ZONE CHANGE 995

Monica Plecker, Planning Division Manager, gave a PowerPoint presentation for Annexation 21-08. She stated there would be a joint public hearing for these items, but each item would need to be voted on separately. She gave an overview of the property and showed photos of the area referenced in the annexation.

Nicole Cromwell, Zoning Coordinator, gave an overview of the parcel and the proposed zoning changes. She showed Council a map of the area, existing zoning and proposed zoning for the area.

Ms. Plecker resumed the PowerPoint showing Council photos of the property and stated the Annexation Policy criteria had been met and any proposed development of the site would be done in compliance with zoning and site development regulations.

Mayor Cole stated there may need to be an additional waiver separate from the existing 20-year waiver. Ms. Plecker recommended a standalone waiver of right to protest separate from the SIA waiver, if Council desired.

Councilmember Neese stated he was concerned with having two waivers and which one the courts would enforce, should an issue arise. He added staff may need to modify the SIA to only include the City property. Ms. Plecker stated the Montana Subdivision and Planning Act imposed a 20-year limit to waivers and staff must comply with those rules.

Councilmember Ewalt asked for clarification on how the developer could use the private lot/open space area. Ms. Plecker stated the developer could choose how to use public property. She added State statutes allowed developers to choose between developing park land or paying cash in lieu. She added Parks did not necessarily want certain parcels that did not meet their needs or requirements.

The public hearing for both Items 4i and 4ii was opened.

- **Gary Owen, Sanderson Stewart, agent**, stated he was available for questions.

There were no further speakers, and the public hearing was closed.

i. RESOLUTION 21-10985 FOR ANNEXATION 21-08: a parcel located along Cherry Creek Loop. Cherry Island Land, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Neese moved for conditional approval of Item 4i, with an additional separate waiver, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

ii. FIRST READING ORDINANCE FOR ZONE CHANGE 995: a zone change from Rural Residential 1 (RR1) and Public 1 (P1) to Suburban Neighborhood Residential (N3) located on the east side of Bitterroot Drive, north of Cherry Creek Loop. Cherry Island, LLC, owner; Sanderson Stewart, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

Councilmember Neese moved for approval of Item 4ii and adoption of the 10 criteria as recommended by the Zoning Commission, seconded by Councilmember Ewalt. On a voice vote, the motion was unanimously approved.

b. PRELIMINARY MAJOR PLAT of Cherry Island Subdivision, generally located between Cherry Creek Loop and east of Bitterroot Drive; Cherry Island, LLC, owner; Sanderson Stewart, agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Ewalt moved for approval of Item 4b, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

c. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward II to include recently annexed property in Annexation 21-08: a parcel located along Cherry Creek Loop, 7.906 gross and net acres. Cherry Island Land, LLC, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Plecker stated there was no presentation, but staff was available for questions.

The public hearing was opened.

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

Councilmember Ewalt moved for approval of Item 4c, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

Mayor Cole called for a recess at 7:28 pm. He reconvened the meeting at 7:37 pm.

5. DYK (TKJ DEVELOPMENT, LLC) PROPERTY:

a. JOINT PUBLIC HEARING FOR ANNEXATION 21-09 AND ZONE CHANGE 997

Monica Plecker, Planning Division Manager, gave a PowerPoint presentation of Annexation 21-09. She added this was the first Planned Neighborhood Development which was a new zoning tool incentivizing master planning efforts and was designed to be concurrent with annexation. She added it would allow phasing of annexation but adoption of full zoning in advance and would provide more detail on new neighborhood infrastructure. She stated it would help to provide predictability to Council and the public. She gave an overview of the process and how all the pieces were intertwined.

Councilmember Yakawich asked for clarification on how staff would prepare if one part of the process was not approved. Ms. Plecker stated the documents were all intertwined and relating to each other. She added the development agreement looked at the project in whole and was an agreement between the developer and the City.

Nicole Cromwell, Zoning Coordinator, gave a PowerPoint presentation of Zone Change 997. She showed Council a map of the property, current zoning and proposed zoning changes.

Ms. Plecker stated the Annexation Policy criteria had been met. She stated Public Works was currently working with MDOT about wording in the development agreement and staff was recommending an amendment be added to Section 1. Roads and Access. She stated the amendment would read "The developer tract will be accessed by way of internal roads and driveway approaches as approved by MDOT and the City."

Ms. Cromwell stated the Zoning Commission had conducted a public hearing and recommended approval of the zone change. She added a property owner had made public comment of an inholding property, who had objected to the NX2 zone near her property and staff recommended further discussions during the development process.

Councilmember Boyett stated traffic in the area was very congested and asked how the problem would be addressed. Ms. Cromwell stated a traffic accessibility study would occur and discussions between MDT and the City regarding access to the property would also take place.

Council discussed traffic and connection issues on various roads and subdivisions in the area.

The public hearing for both Items 5i and 5ii was opened.

- **Scott Aspenlieder, Performance Engineering, agent**, stated the Planned Neighborhood Development was not a perfect process, but they had worked through several of the hurdles to create a good plan.

Councilmember Yakawich asked how water services would reach the area. Mr. Aspenlieder stated the developers would pay their proportionate share for the base requirement of the water lines and the City would pay the overage.

Council asked for clarification on timing and plans for the area. Mr. Aspenlieder stated work could start as early as fall and the commercial business portion of the project would wait for a while.

Councilmember Purinton asked for clarification on a set time to start the second phase. Ms. Plecker stated they were asking the developer to meet the commitment of coming into the City within 7 years. She added there was a commitment between the developer and the City that would require the developer to complete the whole project within that time frame.

There were no further speakers, and the public hearing was closed.

i. RESOLUTION 21-10986 FOR ANNEXATION 21-09: a parcel located at King Avenue West and 48th Street West. Mary and Joe Dyk, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Boyett moved for conditional approval of Item 5i, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

ii. FIRST READING ORDINANCE FOR ZONE CHANGE 997: a zone change from Agriculture (A) to Mixed Use Planned Neighborhood Development (MU-PND) located at the intersection of King Avenue West and 48th Street West. Thomas and Mary Dyk Trust, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

Mayor Cole noted a portion of the ordinance that referenced zoning Tract 14, which would not actually occur at this time. Gina Dahl, City Attorney, stated staff had made changes to the ordinance to clarify Tract 14 was not included in this annexation but was being zoned in Phase 2. Ms. Cromwell showed Council the amended ordinance that staff had sent through email earlier, which changed the wording to "The zoning master plan includes zoning for Tract 14 that will be adopted by separate ordinance at the time Phase 2 is annexed."

Councilmember Boyett moved for approval of Item 5ii, and adoption of the 10 criteria as recommended by the Zoning Commission, with amended language regarding Tract 14, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

b. DEVELOPMENT AGREEMENT with TKJ Development, LLC for public improvements north of King Avenue West and east of 48th Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Brown moved for approval of Item 5b, amended to include the language "as approved by the MDOT and the City", seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

c. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annexation 21-09: a parcel described as Tracts of Land situated in the SE 1/4 of Section 9 and the SW 1/4 of Section 10, T.1S., R.25E., P.M.M., totaling approximately 66.925 gross and 63.711 net acres. Mary and Joe Dyk, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Boyett moved for approval of Item 5c, with Tract 14 deleted from the Ordinance, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

6. GSB HOLDINGS, LLC PROPERTY:

a. PUBLIC HEARING AND RESOLUTION 21-10987 FOR ANNEXATION 21-07: a parcel located along Calhoun Lane. CPP, LLC; ARB Investments, LLC; and GSB Holdings, LLC, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

Monica Plecker, Planning Division Manager, gave a PowerPoint presentation of Annexation 21-07 and showed photos of the property and surrounding areas. She stated the Annexation Policy criteria had been met and any proposed development of the site would be done in compliance with zoning and site development regulations.

Councilmember Ewalt stated the CMU-1 zone was not compatible with the area and asked why development of the street was not being required. Ms. Plecker stated CMU-1 and N-2 may look different but were compatible with each other. She stated the ground floor commercial would fit the area and due to recent improvements, the area could carry a substantial amount of traffic. She added the developers had not yet brought forward a development plan, so there were no preliminary plans for a street.

Councilmember Neese asked for clarification on plans for a street in the area. Debi Meling, Public Works Director, stated Jansma Avenue did not align with the property being annexed, therefore, there was not a subdivision that would require a right of away. Ms. Plecker added there was still a lot to be determined with development of the area.

Chris Kukulski, City Administrator, reminded Council the property and developers would not have to follow any of the City's rules and regulations if the property was not annexed.

The public hearing was opened.

- **Scott Aspenlieder, Performance Engineering, agent**, stated he was available for questions. Mayor Cole asked how people would access the property. Mr. Aspenlieder stated the access would be on Calhoun Lane. He added the property would not be developed as a linear parcel and future plans were still being determined. He stated the house on the property would not remain once development began.

There were no further speakers, and the public hearing was closed.

Councilmember Joy moved for approval of Item 6a, seconded by Councilmember Choriki. On a voice vote, the motion was unanimously approved.

b. DEVELOPMENT AGREEMENT with CPP, LLC; ARB Investments, LLC; and GSB Holdings, LLC for public improvements for Tracts A-1 and A-2 of the Amended Tract A, COS 775. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Plecker stated the development agreement was a condition of the annexation that was just approved. She stated she did not have a presentation but was available for questions.

Councilmember Ewalt stated he would not support the development agreement due to concerns with the alley access.

Councilmember Joy moved for approval of Item 6b, seconded by Councilmember Choriki.

Councilmember Purinton asked for clarification on the alternative actions Council could take. Ms. Plecker stated proposed changes could be brought forward to the developer. She added staff's role was to work with other departments and developers to ensure all rules and requirements were

met. She stated Council was able to propose changes to the development agreement but added there could be devastating impacts to not approving the agreement.

Councilmember Neese asked if the agreement could be postponed allowing further research into other options for the alley access. Ms. Plecker urged Council to allow staff to continue development plans which had a subsequent process to ensure safety. She added the Fire Department would not provide service to an alley that was less than 35 feet wide, and staff would ensure the access met all rules and regulations.

Councilmember Ronning called the question, seconded by Councilmember Choriki. On a voice vote, the motion was approved 10-1, Councilmember Ewalt opposed.

On a voice vote the motion for approval of Item 6b was approved 10-1, Councilmember Ewalt opposed.

c. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward III to include recently annexed property in Annexation 21-07: a parcel located along Calhoun Lane, totaling approximately 1.316 gross and net acres. CPP, LLC; ARB Investments, LLC; and GSB Holdings, LLC, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Joy moved for approval of Item 6c, seconded by Councilmember Choriki. On a voice vote, the motion was unanimously approved.

7. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 996: a zone change from Corridor Mixed Use 2 (CMU-2) and Mixed Residential 2 (NX2) to Neighborhood Office (NO) and Mid-Century Neighborhood Residential (N2) generally located on Elysian Road, Dodger Lane and Interstate Avenue. Harmony Meadows, LLC, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.)

Nicole Cromwell, Zoning Coordinator, gave a PowerPoint presentation of the proposed Zone Change. She showed a map of the area, photos of the property and surrounding areas and stated the Zoning Commission was recommending approval.

Councilmember Yakawich stated Mullowney Lane was very busy and asked for clarification on how that issue would be addressed. Ms. Cromwell stated Mullowney Lane was scheduled to be rebuilt.

The public hearing was opened.

- **Scott Aspenlieder, Performance Engineering, agent,** stated he was available for questions.

There were no further speakers, and the public hearing was closed.

Councilmember Shaw moved for approval of Item 7 and adoption of the 10 criteria as recommended by the Zoning Commission, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

8. PUBLIC HEARING AND RESOLUTION 21-10988 to amend the Limits of Annexation Map. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Wyeth Friday, Planning Director, gave a PowerPoint presentation of the Limits of Annexation Map. He added the Annexation Policy required a review and/or update whenever the CIP was revised and added there would be two amendments due to a Council driven directive and a standard CIP coordinated process. He reviewed the map and proposed developments that had been brought to Council previously.

Councilmember Brown asked for clarification on providing services to the newly annexed area. Mr. Friday stated the road was being constructed and staff was working with landowners on their plans. He added there were discussions and analysis occurring regarding providing services.

Chris Kukulski, City Administrator, stated the City was not required to extend services but would allow landowners to extend services to their property.

Councilmember Neese asked for clarification on the long-range plans for service to the Annandale area. Mr. Friday stated staff was discussing plans for that area in the distant future.

The public hearing was opened.

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

Councilmember Ronning moved for approval of Item 8, seconded by Councilmember Boyett. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on “NON-AGENDA ITEMS”. Speaker Identification required.

(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Public comments during the meeting may be made in-person or remotely by registering as an attendee through Zoom as outlined in the Agenda coversheet.)

The public comment period was opened.

- **Ken Ard, 313 South 36th Street, Billings, Montana:** stated every person needed to have freedom of medical choice regarding science, vaccine and masks. He added there were many issues facing the City that were bigger than arguing over mandates.

- **Catherine Card, 2815 4th Avenue South, Billings, Montana:** stated she was thankful for the response from Chief St. John regarding her allegation on the outlaw motorcycle gangs in the area, but she was disappointed in the response. She stated her allegations were not being taken seriously and she had put in a large amount of effort into those allegations. Chris Kukulski, City Administrator, stated an offer to meet with Ms. Card had recently been sent through email.

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

COUNCIL INITIATIVES:

There were no Council Initiatives.

There was no further business, and the meeting adjourned at 9:44 pm.

CITY OF BILLINGS:

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



ATTEST:

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