

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

September 13, 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. Deputy Mayor Yakawich called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. Councilmember Choriki gave the invocation.

ROLL CALL:

Councilmembers present on roll call were: Shaw, Yakawich, Neese, Joy, Choriki, Purinton, Ronning, Boyett and Brown. Councilmember Ewalt was excused. Mayor Cole arrived at 5:52 p.m.

MINUTES:

August 9, 2021 and **August 23, 2021** – Councilmember Boyett moved for approval of the minutes, seconded by Councilmember Neese. On a voice vote, the motion was unanimously approved.

COURTESIES:

Sarah Music, Suicide Prevention Coalition, stated the Coalition had emerged 15 years ago and were striving to provide suicide prevention education and break down barriers. The Coalition provided resources for those who needed them and informed Council and the Public about a virtual conference on Friday, September 17th.

Councilmember Neese thanked all the volunteers that helped to construct a shelter at the Heights' dog park. He added there had been a lot of people and dogs in attendance and his dog had enjoyed himself.

PROCLAMATIONS:

There were no proclamations.

COUNCIL REPORTS:

Councilmember Joy stated the Community Development Board (CDB) had met the previous week and decided to postpone a decision on how to spend ARPA money until more information on allowable uses could be determined.

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

Mr. Kukulski stated there were 21 action items on the agenda and reminded Council that several items were combined into one public hearing but the items would require separate votes.

Mr. Kukulski stated there were no exparte items for concerning items on the agenda.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 8 and 9 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.

Bernie Rose, Billings Community Foundation Board President: in reference to Item 8, stated the Billings Community Foundation was in dire need of money to make various improvements to the building to bring it into a reasonable condition. He added the foundation helped many various organizations in many ways and was a benefit to the City and the community.

Lauren Wright, Billings Community Foundation Executive Director: in reference to Item 8, stated there was extensive damage to the building under the foundation and parking lot. She stated the Foundation was trying to restore the building and could not support community organizations without the renovations. She encouraged Council to support local downtown businesses and non-profits that engaged with and helped the community.

Carolyn Severe, Billings Community Foundation Board Member: in reference to Item 8, stated addressing the current level of blight could stop the degradation of the area and problems would not get better without immediate improvements. She added it was not a question of if the improvements were needed and the cost would only increase without immediate remedy.

Hanna Reno, Housing Authority HOMEFRONT Board Member: in reference to Item 8, stated she was available for questions.

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

1. CONSENT AGENDA:

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1.	No Applications	Planning Board - Ward II*	09/13/21	12/31/23
2.	Hannah Reno	Housing Authority*	09/13/21	12/31/23
3.	No Applications	Housing Authority*	09/13/21	12/31/24

*1 Unexpired term of Heidi Jensen-Christison

*2 Unexpired term of Robert Waller

*3 Unexpired term of Michael Samson

B. Bid Awards:

1. **2021 Aerial Lift Truck.** (Opened 8/17/21) Recommend Altec, Inc., \$126,029.
2. **2021 Roll-Off Truck.** (Opened 8/17/21) Recommend Western Systems; \$189,054.
3. **South Park Hail Repairs.** (Opened 8/17/21) Recommend T.W. Clark Construction, LLC; \$174,000.

C. Project Management Software Contract with Osedea, Inc.; \$7,400 for the first year; \$2,400 for subsequent years.

D. Professional Services Agreement for W.O. 22-01: Schedules 1 and 2, Water and Sanitary Sewer Main Replacement with DOWL; \$1,153,670.

E. Road Dedication Acceptance for Amended Lake Hills Subdivision, 25th Filing.

F. Resolution 21-10989 ordering improvements identified in W.O. 21-25: Boulder Avenue Sidewalk.

G. Resolution 21-10990 declaring an emergency and authorizing payment for W.O. 22-13: Heights Trunk Sewer Repair, Emergency Resolution.

H. Resolution 21-10991 canceling Municipal General Election for Mayor and Municipal Judge.

I. Second/Final Reading Ordinance 21-5769 expanding Ward IV (Annexation 21-06): a property located south of Highway 3 and southeast of Rod and Gun Club Road.

J. Second/Final Reading Ordinance 21-5770 expanding Ward III (Annexation 21-07): a property located along Calhoun Lane.

K. Second/Final Reading Ordinance 21-5771 expanding Ward II (Annexation 21-08): a property located along Cherry Creek Loop.

L. Second/Final Reading Ordinance 21-5772 expanding Ward V (Annexation 21-09): a parcel located at King Avenue West and 48th Street West.

M. Bills for the Weeks of:

1. August 2, 2021
2. August 9, 2021
3. August 16, 2021

Councilmember Brown separated Items 1M1 and 1M2 in order to abstain due to his employer being a payment recipient.

Councilmember Neese moved for approval of the entire Consent Agenda, with the exception of 1M1 and 1M2, seconded by Councilmember Ronning. On a voice vote, the motion was unanimously approved. Mayor Cole did not vote on the Consent Agenda as he had not yet arrived.

Councilmember Neese moved for approval of Item 1M1, seconded by Councilmember Ronning.

Councilmember Ronning, in reference to Item 1M1, asked for clarification on who was responsible for payment of the SANE exams performed for victims that had been sexually assaulted. Rich St. John, Police Chief, stated the City paid for the exams and some of them were reimbursed by the State of Montana.

On a voice vote, the motion for approval of Item 1M1 was approved 8-0, Councilmember Brown abstained, Councilmember Ewalt was absent, and Mayor Cole had not arrived.

Councilmember Neese moved for approval of Item 1M2, seconded by Councilmember Ronning. On a voice vote, the motion was approved 8-0, Councilmember Brown abstained, Councilmember Ewalt was absent, and Mayor Cole had not arrived.

Mayor Cole arrived at the meeting at 5:52 pm and apologized for being late as he had been a witness to a traffic accident.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTIONS ALLOCATING ASSESSMENTS ON THE FOLLOWING:

Andy Zoeller, Finance Director, gave a PowerPoint presentation of Items 2a through 2j. He stated the assessments would include: Park District 1 (PD1) with an assessment based on a 3% increase of taxable value for a total assessment of \$3,090,000; General Obligation Debt levy which would include an increase of \$10,051,445 or 4.8%; Park Maintenance Districts with a total assessment of \$1,157,200 and Weed Abatement assessments of \$8,600.63. He reviewed the assessment formula for weed abatement and asked Council to authorize staff to remove from the list, any property owners that had paid in full before submission of the list to Yellowstone County. He stated the SID and Work Order improvement assessments were: SID 1416 for a total of \$109,900; SID 1417 for a total of \$2,685,546; SID 1418 for a total of \$244,554; SID 2916 for a total of \$180,800; SID 2917 for a total of \$136,301; and SID 2918 for a total of \$960,000.

Councilmember Neese asked for clarification on the reduction of Library Bond assessments for FY22. Mr. Zoeller stated when the bonds were sold the Library Foundation had committed to donating \$3 million in 10 payments of \$300,000. Therefore, the 11th year payment would decrease by \$300,000 to not create a spike in the number of mills.

Mayor Cole asked for clarification on the Annafeld SID being higher than the average SID. Mr. Zoeller stated those bonds had not been tax exempt and would possibly be refinanced for a tax-exempt bond later. He stated it had been the best rate the City could get at the time for such a large project,

Councilmember Neese asked how long it had been since the weed abatement fees had been increased. Nicole Cromwell, Zoning Coordinator, stated the fee amounts for removal were set by the Parks Department and had not been increased recently. She added the inspector, administrative fees and penalties were set by ordinance and had not been increased in approximately 8 years. Councilmember Neese stated he wanted Council to consider increasing the fees.

The public hearing for Regular Agenda Items 2a through 2j was opened.

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

a. Park District 1

Councilmember Shaw moved for approval of Item 2a, seconded by Councilmember Choriki.

Councilmember Neese stated he would not support the motion because General Funds were being moved into the PD1 fund.

Councilmember Purinton asked if Council needed to vote on taking money from the General Fund every year. Chris Kukulski, City Administrator, stated the only other option would be for PD1 to bring in \$3,090,000 of revenue or cut \$1 million of expenses in order to have revenues and expenditures balance each other.

On a voice vote, the motion was approved 8-2, Councilmembers Neese and Purinton voted in opposition.

b. General Obligation (GO) Debt

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

Councilmember Neese made a motion to separate the Library bond from the General Obligation (GO) Debt in order to have a separate vote, to allow himself a vote of opposition. Council discussed possible procedural issues in separating an item. Councilmember Yakawich seconded the motion in order to move forward.

Mayor Cole asked for procedural clarification on allowing the Library to be separated from the vote. Mr. Kukulski stated there may not be any procedural issues with a separation. He added there were no legal issues with voter authority to sell bonds and build the Library, which was an addition to the 5 mills identified in the Charter.

Councilmember Joy and Mayor Cole stated they did not see a point in separating the Library from the vote since the GO Debt was a repayment of debt and the Charter had a 5-mill cap, which the City was well below.

On a voice vote, Councilmember Neese's motion failed 2-8, Councilmembers Shaw, Joy, Choriki, Purinton, Ronning, Boyett, Brown and Mayor Cole voted in opposition.

On a voice vote, the motion for approval of Item 2b was approved 9-1, Councilmember Neese opposed.

c. Park Maintenance Districts

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

d. Weed Assessments

Councilmember Neese moved for approval of Item 2d, with an allowance for staff to remove owners that had paid from the list, seconded by Councilmember Joy. On a voice vote, the motion was unanimously approved.

e. SID 1416

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

f. SID 1417

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

g. SID 1418

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

h. SID 2916

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

i. SID 2917

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

j. **SID 2918**

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

3. PUBLIC HEARING AND RESOLUTION 21-11002 REVISING AND ASSESSING ENCROACHMENT RENTAL FEES FOR FY2022. STAFF RECOMMENDS APPROVAL. (ACTION: APPROVAL OR DISAPPROVAL OF STAFF RECOMMENDATION.)

Jennifer Duray, Public Works Deputy Director, gave a PowerPoint presentation of encroachment rental fees; provided a definition of encroachment and reasons fees were assessed. She added the methodology had not changed from the previous year. She gave an overview of the tier structures and various fees per tier.

Councilmember Brown asked if the City had added costs that justified the increase in fees. Ms. Duray stated the increase was a deterrent for encroaching on City property. Ms. Duray stated businesses with patio and sidewalk seating made a lot of money from expanding their footprint into the City right-of-way, which made that area unusable for the City. Councilmember Brown stated he did not agree with charging encroachment fees.

Councilmember Ronning asked for clarification on awnings and canopies in the Central Business District not being charged encroachment fees and how pedestrian and vehicle traffic could be affected by awnings and/or canopies. Ms. Duray stated construction in the area could be affected by those items and could not think of any properties outside of the Central Business Districts that were currently being assessed.

Councilmember Purinton stated she did not support the 40% increase and did not agree with taking a cut of local businesses profits. She added she did not understand the separation of the Central Business District and thought downtown would have more issues. Ms. Duray stated the Central Business District had been exempted in 1986 and the policy was still in effect.

Councilmember Shaw asked what other cities were charging for encroachment fees. Ms. Duray stated most entities were using the same tier-style fees and the City's rates were about in the middle of most areas.

Councilmember Neese asked if the fees were covering costs or needed to be increased. Ms. Duray stated the current fees were barely covering costs and would need to be reviewed in the upcoming year.

Mayor Cole stated the Resolution had been worded for action in the future and recommended revising that wording. He added staff had agreed to the changes and the Resolution would reflect present tense wording.

The public hearing was opened.

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

Councilmember Yakawich moved for approval of Item 3, seconded by Councilmember Neese.

Councilmember Brown stated he would not support the motion because the City had no added costs.

Councilmember Purinton made an amendment to the motion to remove the 40% increase for Tier 2, seconded by Councilmember Brown. Councilmember Purinton asked if there had been an increase in the previous year. Ms. Duray stated there had been an increase the previous year as part of a 5-year plan.

Councilmember Joy stated she would not support the amended motion and stated infill projects could be very messy and encroachments fees were an important way for the City to keep alley ways and other areas more orderly.

Councilmember Neese stated staff had worked hard on the 5-year plan and would not support the amended motion.

On a voice vote, the amended motion failed 2-8, Councilmembers Shaw, Yakawich, Neese, Choriki, Joy, Ronning, Boyett and Mayor Cole voted in opposition.

On a voice vote, the motion for approval of Item 3 was approved 8-2, Councilmembers Purinton and Brown voted in opposition.

4. PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5773 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.)

Nicole Cromwell, Zoning Coordinator, gave a PowerPoint presentation concerning Zone Change 994. She stated Council had approved the request on first reading during the August 23, 2021 Regular Business meeting.

The public hearing was opened.

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

Councilmember Purinton moved for approval, seconded by Councilmember Boyett. On a voice vote, the motion was approved unanimously.

5. PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5774 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 FINDINGS OF THE 10 CRITERIA. (ACTION: APPROVAL OR DISAPPROVAL OF ZONING COMMISSION RECOMMENDATION.)

Nicole Cromwell, Zoning Coordinator, gave a PowerPoint presentation concerning Zone Change 995. She stated Council had approved the request on first reading during the August 23, 2021 Regular Business meeting.

The public hearing was opened.

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

Councilmember Neese moved for approval, seconded by Councilmember Yakawich. On a voice vote, the motion was approved unanimously.

6. PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5775 FOR ZONE CHANGE 996: A ZONE CHANGE FROM CORRIDOR MIXED USE 2 (COUNCILMEMBERU2) 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 concerning Zone Change 996. She stated Council had approved the request on first reading during the August 23, 2021 Regular Business meeting.

The public hearing was opened.

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

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

7. PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE 21-5776 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.)

Nicole Cromwell, Zoning Coordinator, gave a PowerPoint presentation concerning Zone Change 997. She stated Council had approved the request on first reading during the August 23, 2021 Regular Business meeting.

The public hearing was opened.

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

Councilmember Boyett moved for approval, seconded by Councilmember Brown. On a voice vote, the motion was approved unanimously.

8. TAX INCREMENT FINANCE ASSISTANCE FROM DOWNTOWN URBAN RENEWAL DISTRICT TO BILLINGS COMMUNITY FOUNDATION FOR RENOVATION AT 404 NORTH 30TH STREET; \$98,518. DOWNTOWN BILLINGS PARTNERSHIP BOARD (DBP) RECOMMENDS APPROVAL. (ACTION: APPROVAL OR DISAPPROVAL OF DBP BOARD RECOMMENDATION.)

Mehmet Casey, DBP Development Director, gave a PowerPoint presentation outlining the Applicant's philanthropic contribution to the community. He reviewed the eligible expenses of the TIF application. He gave an overview of the proposed ADA restroom, ramp and lift to the 2nd floor. He reviewed the condition of the existing sewer connection to public utilities underneath the building and the proposed improvements.

Lauren Wright, Executive Director of the Billings Community Foundation, stated the Foundation had reduced the original ask and spoke to Council about the Foundation's mission and footprint in the non-profit community.

Councilmember Yakawich moved for approval of Item 8, seconded by Councilmember Shaw.

Councilmember Ronning thanked the Foundation for coming back to Council and questioned the safety of the area. She stated in one of the photos provided, there appeared to be a man smoking from a meth pipe. Ms. Wright stated there was and added the improvements would include security and an increase in traffic could help make the area safer.

Councilmember Choriki made an amendment to change the amount requested from \$98,518 to \$150,000, seconded by Councilmember Joy.

Councilmember Brown stated he would not support the amendment due to the existing request including an outline of proposed improvements with a cost of \$98,518.

Council discussed how the additional money would be used and asked how it would be determined what items for improvement would be included in the motion.

Councilmember Neese called point of order. He stated the Billings Community Foundation had originally requested a larger amount which had not been approved by Council. He added the Public had been notified of the \$98,518 request and bringing it back to Council again would be out of order. Mayor Cole stated he would overrule the point of order because the amendment was sustainably different from the original request brought forward to Council.

Councilmember Purinton stated she would not support the amendment because during the original discussion it had been decided that a dollar amount must be attached to each part of the project.

On a voice vote, the amended motion failed 3-7, Councilmembers Yakawich, Neese, Purinton, Ronning, Boyett, Brown and Mayor Cole voted in opposition.

On a voice vote, the motion for approval of Item 8 was approved unanimously.

9. TEAMSTERS LOCAL 190 UNION CONTRACT (7/1/2021-6/30/2024). STAFF RECOMMENDS APPROVAL. (ACTION: APPROVAL OR DISAPPROVAL OF STAFF RECOMMENDATION.)

Karla Stanton, Human Resources Director, gave a PowerPoint presentation noting the departments included in the Teamsters Local 190 Union contract and the City's team members that were involved with the bargaining committee. She reviewed the proposed contract that had been agreed upon by both sides of the bargaining groups.

Councilmember Neese stated he wanted the contract available to the Public online. He added he wanted to see more Council involvement in the contract bargaining process. Ms. Stanton stated the negotiations were open and Council could attend.

Councilmember Choriki stated Council may want to be more informed if there were major changes that may affect the workflow and the structure of the organization, but the current contract seemed very reasonable.

Councilmember Shaw moved for approval of Item 9, seconded by Councilmember Yakawich. On a voice vote the motion was approved unanimously.

Mayor Cole called for a recess at 7:35 pm.

Mayor Cole reconvened the meeting at 7:45 pm.

10. PUBLIC HEARING AND RESOLUTION 21-11003 APPROVING AND ADOPTING THE BUDGET AMENDMENTS FOR FY2022. STAFF RECOMMENDS APPROVAL. (ACTION: APPROVAL OR DISAPPROVAL OF STAFF RECOMMENDATION.)

Andy Zoeller, Finance Director, stated the approval of the Teamster contract required a budget amendment of \$352,571. He gave an overview of the amount by fund and stated he was available for questions.

The public hearing was opened.

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

Councilmember Neese moved for approval, seconded by Councilmember Choriki. On a voice vote, the motion was approved unanimously.

11. JOINT PUBLIC HEARING AND ORDINANCES FOR THE FOLLOWING:

Gina Dahl, City Attorney, stated there would be one public hearing for both Items 11a and 11b, but there would need to be a separate Council vote for each item. She gave an overview of the City's existing ordinances and the proposed changes. She added the State statute prohibiting marijuana dispensaries would end in 2021 and the City would need to have new regulations in place by January 1, 2022. She gave an overview of previous ordinances that the City had implemented regarding marijuana storefronts.

She stated recent changes due to House Bill 701 required Council to reconsider all previous regulations for marijuana businesses. She added there was one existing medical marijuana dispensary that had been issued a business license from the City and these new ordinances would not affect that business. She stated the City was currently in litigation with that business and they had a Court ordered temporary restraining order prohibiting the City to take any action. She reviewed the proposed wording changes Mayor Cole had sent Council earlier. Mayor Cole reviewed the technical language changes and Council concurred with the changes.

Councilmember Joy asked if any businesses had applied for a license. Ms. Dahl stated there was one that had applied but it was denied. She stated the City was currently relying on a past ordinance stating a business could not get a business license if they were not in compliance with Federal or State law. She stated due to ongoing litigation the City needed the proposed ordinances to establish its own regulations. Councilmember Joy asked if House Bill 701 contradicted the City's regulations stating a license issued by State overruled dispensary prohibition on a local level. Ms. Dahl stated the State would not issue a business license if it was not allowed in the local jurisdiction.

Councilmember Choriki stated he was concerned that someone with a current license would only have a small amount of time to be compliant with the City's new regulations. Ms. Dahl stated the State would review the City's local ordinances, as of January 1, 2022, for compliance before issuing licenses.

The public hearing was opened.

Tim Warburton, 3444 Lucky Penny Lane, Billings, Montana: stated he had concerns with the vagueness in the recital of the draft Ordinance allowing Council authority to regulate cannabis. He added if the City could regulate cannabis, it could be a slippery slope of allowing the regulation of other things.

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

a. ADOPT AN INTERIM ZONING ORDINANCE 21-5777 IMPOSING A MORATORIUM ON NEW MARIJUANA BUSINESSES.

Councilmember Neese moved for approval of Item 11a, seconded by Councilmember Yakawich.

Councilmember Boyett stated the City needed time to determine how to proceed and the moratorium should have happened sooner.

Mayor Cole referenced the 2nd page of the proposed Zoning regulation ordinance language and proposed softer language to read as: "WHEREAS, the City Council of the City of Billings has determined that additional investigation, consideration, and public input is required to decide whether the operation of establishments that cultivate, manufacture, test, sell, transport or distribute marijuana within the City limits of Billings, could be immediately detrimental to, harmful to, and a threat to the peace, property, health, safety, and welfare of the City and its inhabitants, and until such time as the City needs has had an opportunity to further study such issue and, if so determined, an opportunity to adopt appropriate ordinances, zoning or otherwise, to appropriately deal with any such establishments."

Councilmember Neese stated he would accept the new language as a friendly amendment, Councilmember Yakawich agreed.

Councilmember Ronning asked how the City would handle additional investigation and receive public input. Chris Kukulski, City Administrator, stated staff would provide information about various regulation both in and out of state. He added the topic would be added to future Council meetings for public input.

On a voice vote, the motion was unanimously approved.

**b. ADOPT AN EMERGENCY BUSINESS LICENSE ORDINANCE 21-5778
IMPOSING A TEMPORARY SUSPENSION ON ISSUING BUSINESS
LICENSES TO MARIJUANA BUSINESSES FOR NINETY (90) DAYS.**

Councilmember Neese moved for approval of Item 11b, seconded by Councilmember Brown.

Councilmember Joy stated she found the language in the ordinances to be quite negative and was concerned that there were no facts or findings to consider yet. She stated she preferred the ordinance to include what the City did want instead or just what they did not want.

Councilmember Yakawich voiced concerns over the allowance of marijuana in the City and added it was one of the worst decisions the State had made. He thanked staff for their hard work on the issue.

Councilmember Purinton stated the City could choose to "back off" if the regulations seemed too stringent. She encouraged staff to bring more information back to Council.

Councilmember Choriki stated he had found a lot of information about drugs on the DEA website and the information provided had not provided a link between marijuana and more dangerous paths.

Councilmember Boyett called the question.

On a voice vote, the motion to call the question was approved 8-2, Councilmembers Yakawich and Ronning opposed.

On a voice vote, the motion for approval of Item 11b was approved unanimously.

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.)

The public comment period was opened.

Dennis Ulvestad, 78 27th Street West, Unit 122, Billings, Montana: stated Billings TrailNet and the Public Works Department had suggested a \$2 charge on utility bills to improve public parks and encouraged the City to implement a fee to improve the parks.

Catherine Card, 2815 4th Avenue South, Billings, Montana: stated she had found ties between local law enforcement and the Galloping Goose motorcycle gang. She called for Chief St. John and the City to provide evidence to prove it was not true. She asked Council to educate themselves on the Galloping Goose motorcycle gang and the other 1% gangs in the area.

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

COUNCIL INITIATIVES:

Councilmember Neese moved to initiate an amendment to the Zoning Code to regulate marijuana businesses, seconded by Councilmember Yakawich. He stated the intent was to define zoning districts and use standards for all marijuana businesses to protect the health and welfare of the residents of Billings. Nicole Cromwell, Zoning Coordinator, stated Council had given staff direction on how to move forward with regulations and a draft ordinance would be available for review with findings and facts to be presented to the Zoning Commission, Council and the Public.

Councilmember Joy asked how staff would determine how the zoning regulations would be based on facts. Ms. Cromwell stated Council had expressed they would like these types of businesses to not be closely located to neighborhoods, so staff could implement allowable zoning districts that were separated from neighborhood zoned districts. She added to preserve the community fabric such as parks, churches, and schools, they could require a buffer from those areas.

Councilmember Ronning stated staff was providing facts and findings through emails and peer review documents and encouraged Council to read the information sent to them and come to Council prepared with the information provided, to meet the time frame allowed.

On a voice vote, the initiative was approved unanimously.

There was no further business, and the meeting adjourned at 8:47 pm.

CITY OF BILLINGS:

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



ATTEST:

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