

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”

AGENDA

COUNCIL CHAMBERS

September 11, 2017

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Sullivan

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark and Brown.

MINUTES: August 28, 2017 - Not ready for approval.

COURTESIES:

- Rich St. John, Police Chief presented Sandy Petesch with an award for her role in helping children during a crisis. Officer Foster had recently commended Ms. Petesch for her assistance during an arrest.
- Mayor Hanel commended staff for their work during the Burn the Point event. He added that it had been a very successful event.
- Mayor Hanel thanked Councilmember Yakawich for his work in assisting with a day of remembrance for 9/11.

PROCLAMATIONS:

- American Indian Heritage Day - September 22, 2017
- Constitution Week - September 17 - 23, 2017

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek reminded Council of a special litigation meeting on Monday, September 18th, 2017.
- Ms. Volek also reminded Council of a meeting with Hammes Company representatives on Monday, September 25th, 2017.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2 and 3 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign in at the cart located at the back of the council chambers or at the podium. Comment 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 meeting.)

- **Don Olson, current owner of Babcock Theater**, in reference to Item 2, thanked staff for their support and help in the Babcock Theater transfer agreement.

The following citizens gave testimony opposing the zone change ordinance in Item K:

- **Dr. Kenric Cecil, 4411 Murphy Avenue, Billings, Montana.**
- **Colton Deitrich, 3110 Edmond Street, Billings, Montana.**
- **Nancy Moore, 3 Bridlewood Drive, Billings, Montana.**
- **Jason Smith, Montana Advanced Caregivers, 4515 Palisades Park Drive, Billings, Montana.**
- **Jeffrey Hill, 3855 Avenue D, Billings, Montana.**
- **Heather Watts, 1105 Parkhill Drive, Billings, Montana.**
- **Sara Rose, 1126 Miles Avenue, Billings, Montana.**
- **Amber Eubank, 5522 Forest Hills Drive, Billings, Montana.**
- **Laura Kephart, 215 Calhoun Lane #2, Billings, Montana**
- **Charlie Charette, 1022 Avenue D, Billings, Montana.**
- **Melanie Charette, 1022 Avenue D, Billings, Montana.**
- **Cheryl Jones, 3779 Glanz Avenue, Billings, Montana.**
- **Tyler Starkweather, 910 10th Street West #225, Billings, Montana.**
- **Penny Ronning, 3014 Glacier Drive, Billings, Montana.**
- **Richard Abromeit, Montana Advanced Caregivers, 1101 Maggie Lane, Billings, Montana.**
- **Steve Zabawa, SafeMontana, 2540 Phyllis Lane, Billings, Montana**, in reference to Item K, spoke in favor of prohibiting medical marijuana storefronts within City limits.
- **Connie Wardell, P.O. Box 21345, Billings, Montana**, in reference to Item 1A1, commended Council on their work with moving forward to provide snowplowing in the City. In reference to Item K, Ms. Wardell suggested that the City provide a bus that would visit medical marijuana dispensaries monthly. Ms. Wardell also recommended grandfathering the two existing dispensaries.

1. **CONSENT AGENDA** -- Separations: 1A1, 1B, 1C, 1E, 1K, 1N1, 1N2

A. **Bid Awards:**

1. **Snow Plowing on Local Streets.** (Opened 8/29/17) Recommend CMG Construction, not to exceed \$400,000 in FY18. **APPROVED**
2. **Airport Operations Building Roof Replacement.** (Opened 8/29/17) Recommend Commercial Roofing, \$269,000. **APPROVED**
3. **Cummins/Detroit Diesel Engine Overhauls for MET Transit.** (Opened 8/29/17) Recommend Council approve the bids submitted by Cummins Rocky Mountain and American Fleet, Inc. **APPROVED**
4. **MET Transit Building Roof Replacement, Phase 1.** (Opened 8/29/17) Recommend Commercial Roofing, \$133,787. **APPROVED**

B. **Acceptance of Donation** to the Billings Police Foundation Billings Police Department from Denny Rehberg, \$5,000 and The Billings Police Foundation, \$2,500 for the purchase of the police firearms range targeting system, \$7,500. **APPROVED**

C. **Resolution 17-10659** declaring an emergency and authorizing the payment of repair costs of the pipeline at the Wastewater Treatment Plant. **APPROVED 10-0, CIMMINO ABSTAINED**

D. **Resolution 17-10660** adopting data-driven, standardized contract limits reflecting current local market conditions and to continue selling properties acquired through the foreclosure programs. **APPROVED**

E. **Resolution 17-10661** appointing Tourism Business Improvement District (TBID) Board of Trustees. **APPROVED**

F. **Second/Final Reading Ordinance 17-5694 for Zone Change 957:** a zone change from Community Commercial (CC), Residential Multi-Family-Restricted (RMF-R), Residential 5,000 (R-50), Residential 7,000 (R-70), Residential 9,600 (R-96) and Public (P) to Planned Development (PD) on an approximate 66 acre parcel of land described as: Lots 3 and 4, Western Sky Subdivision. Mont Vista, LLC, owner; KLJ Engineering, agent. Approval of the zone change and adoption of the findings of the 10 criteria. **APPROVED**

G. **Second/Final Reading Ordinance 17-5695 for Zone Change 960:** a zone change from un-zoned to Residential 7,000 (R-70) and Residential 5,000 (R-50) on Tract 2A of C/S 2465 (R-70) and Tract 1 of C/S 1871 (R-50), a 116.18 acre parcel of land, generally located north of Rimrock Road and west of Copper Ridge Subdivision. Gary Oakland, owner; Mac Folgelsong, agent. Approval of the zone change and adoption of the findings of the 10 criteria. **APPROVED**

H. **Second/Final Reading Ordinance 17-5696** expanding Ward III (Annexation 17-03) for an approximate 18 acre parcel located at the southeast corner of the intersection of Santiago Boulevard and Blue Creek Road south of the Yellowstone River. Jamey Eisenbath, owner. **APPROVED**

I. **Second/Final Reading Ordinance 17-5697** approving the separation of the City and County Unified Zoning Regulations. **APPROVED**

J. **Second/Final Reading Ordinance 17-5698** amending BMCC, Article 26-600, Industrial Waste Discharge. **APPROVED**

K. **ORDINANCES PROHIBITING MEDICAL MARIJUANA STOREFRONTS:**

1. **Second/Final Reading Ordinance for Zone Change 959:** amending text in Section 27-304, Billings, Montana City Code (BMCC), prohibiting land uses contrary to local, state or federal law. **SUBSTITUTE MOTION TO DELAY UNTIL ADDITIONAL INFORMATION PRESENTED AT 10/16/17 WORK SESSION AND COUNCIL TO TAKE ACTION ON 11/13/17, APPROVED 6-5, YAKAWICH, BREWSTER, FRIEDEL, SWANSON, MAYOR HANEL OPPOSED**
2. **Second/Final Reading Ordinance** amending Section 7-1700, BMCC, relating to medical marijuana dispensaries and storefronts, updating the City Code to remove inconsistencies with state and federal laws. **SUBSTITUTE MOTION TO DELAY UNTIL ADDITIONAL INFORMATION PRESENTED AT 10/16 WORK SESSION AND COUNCIL TO TAKE ACTION ON 11/13/17, APPROVED 7-4, YAKAWICH, BREWSTER, FRIEDEL, MAYOR HANEL OPPOSED**

L. **Final Plat Approval** of Blue Creek Storage Subdivision. **APPROVED**

M. **Final Plat Approval** of Sunnyside Subdivision, 4th Filing. **APPROVED**

N. **Bills and Payroll:**

1. August 14, 2017 **APPROVED 9-0, CROMLEY AND BROWN ABSTAINED**
2. August 21, 2017 **APPROVED 10-0, BROWN ABSTAINED**

RECESS: 8:15 PM
RECONVENE: 8:38 PM

REGULAR AGENDA:

2. **TRANSFER AGREEMENT** with Downtown Billings Partnership (DBP) and Babcock Theater, LLC, and acquisition of green room and personal property, \$127,977. **APPROVED**
3. **RESOLUTION 17-10662** amending the boundaries of SILMDs 152 and 217. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
4. **PUBLIC HEARING AND RESOLUTIONS SPREADING ASSESSMENTS** on the following:
 - A. Encroachments **APPROVED RES. 17-10663**
 - B. Park District 1 **APPROVED RES. 17-10664**
 - C. Park Maintenance Districts **APPROVED 9-0, SULLIVAN AND SWANSON
OPPOSED, RES. 17-10665**
 - D. Road Maintenance District 6 **APPROVED RES. 17-10666**
 - E. Weed Abatement **APPROVED RES. 17-10667**
Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTION 17-10668** adopting annual Special Improvement Light Maintenance District assessments for FY18. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 17-05: a 119 acre parcel located at the northwest corner of the intersection of Rimrock Road and 70th Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

7. POT BELLIED/MICRO/MINI PIGS:

- A. PUBLIC HEARING AND FIRST READING ORDINANCE** allowing pot bellied/micro/mini pigs in the City limits. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **FAILED 5-6, BREWSTER, FRIEDEL, SULLIVAN, CLARK, BROWN AND MAYOR HANEL OPPOSED**
- B. RESOLUTION** amending Resolution No. 12-19226, establishing an annual pot bellied/micro/mini pig permit fee, assessed by Animal Control Division. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **NO ACTION NECESSARY SINCE ITEM 7A FAILED**

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.*)

- **NONE**

COUNCIL INITIATIVES: NONE

ADJOURN: 10:06 PM