

**CITY OF BILLINGS**  
**CITY OF BILLINGS VISION STATEMENT:**

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

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**AGENDA**

**COUNCIL CHAMBERS**

**May 10, 2010**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Mayor Hanel

**ROLL CALL** - Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Clark. Councilmember Astle was excused.

**MINUTES:**

- April 12, 2010 - approved.
- April 26, 2010 - approved.

**COURTESIES** - None

**PROCLAMATIONS**

- Police Week, May 9-15, 2010
- Peace Officers' Memorial Day, May 15, 2010
- Building Safety Month, May, 2010
- Arbor Day, May 14, 2010

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek reminded Council of their Budget Work Session scheduled for the following evening at 5:30 p.m. in the Council Chambers. She said the Legal Department and Public Works were on the agenda.
- Ms. Volek referenced Agenda Item 1 and said the resolution had been sent in the Friday packet .
- Ms. Volek referenced Agenda Item 6 and noted three protest letters had been received and sent in the Friday packet.
- Ms. Volek referenced Agenda Item 8 and advised three optional ordinances had been sent in the Friday packet.
- Ms. Volek advised a copy of a staff report had been sent in the Friday packet regarding a potential add-on item extending the MDU Landfill Natural Gas Sales Agreement. Ms. Volek requested that the item be added to the Consent Agenda as Item 'M'.
- Ms. Volek referenced Item 8 and said a copy of one letter of 404 identical letters from MT Caregivers Network and copies of comments submitted on the City's complaint line were on their desks that evening.

- Ms. Volek advised a copy of a staff report asking for an emergency resolution for repairs to Dehler Park was on their desks that evening and asked that the item be added to the Consent Agenda as Item 'N'.
- Ms. Volek said numerous e-mails received by Mayor and City Council as a group regarding medical marijuana were available in the ex-parte notebook for public review.
- Ms. Volek advised all documents mentioned were available for public review in the ex-parte notebook in the back of the room.

Councilmember McCall moved to add the MDU Landfill Natural Gas Sales Agreement extension to the Consent Agenda as Item M, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved to add the resolution for emergency repairs to Dehler Park to the Consent Agenda as Item N, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

### **PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 & 2 ONLY.**

**Speaker sign-in required.** (Please sign up on the clipboard located 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.)

*(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)*

- **Tom Zurbuchen, 1747 Wicks Lane**, referenced Item 2, and said there were problems with the draft, and it did not appear that any changes had been made.
- **Pete Hansen, 1435 Wicks Lane**, referenced Item 2, and said he had concerns because it did not appear that any changes had been made from the draft. He also said he had made inquiries and had not received responses from staff.
- **Dennis Himmelberger, 233 Swords Lane**, referenced Item 2, and recommended prioritizing Stages 1, 2, and 3.

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

#### **1. CONSENT AGENDA -- Separations: B2, B3, L1, L2**

##### **A. Mayor Hanel recommends that Council confirm the following appointments:**

1.	Name	Board/Commission	Term	
			Begins	Ends
1.	No Applications	Board of Appeals - Architect	05/10/10	12/31/13
2.	No Applications	Board of Appeals - Electrical Contractor	05/10/10	12/31/13
3.	Thomas Mahlen	Community Development Board	05/10/10	12/31/11
4.	No Applications	Community Development Low-Mod	05/10/10	12/31/13
5.	No Applications	Emergency Medical Services	05/10/10	12/31/10
6.	Trent Currie	Energy & Conservation Commission	05/10/10	12/31/10
7.	No Applications	Housing Authority - Resident Commissioner	05/10/10	12/31/13
8.	No Applications	Human Relations Board	05/10/10	12/31/10

9.	No Applications	Human Relations Board	05/10/10	12/31/13
10.	Nick Angeloff	Mayor's Commission on Homelessness	05/10/10	12/31/13
11.	Lawrence Smith	Parking Advisory Board	05/10/10	12/31/13
12.	No Applications	Tourism BID Board	05/10/10	06/30/10
13.	No Applications	Traffic Control Board	05/10/10	12/31/10

- 3. Unexpired term of Kathleen Walters
- 5. Unexpired term of Dr. Peter Light
- 6. Unexpired term of Russ Doty
- 8. Unexpired term of Everall Fox
- 10. Unexpired term of Patrick Chapel
- 12. Unexpired term of Linda Gallagher
- 13. Unexpired term of Keith Lang

**B. Bid Awards:**

1. **W.O. 09-10 Heights Water Booster Station.** (Opened 4/27/10) Recommend Engineered Fluid, Inc.; \$155,089.
2. **W.O. 09-08 Wastewater Treatment Plant Water Line Replacement.** (Opened 4/13/10) (Delayed from 4/26/10); Recommend Becco General Construction Services; \$585,000. **APPROVED 9 TO 0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**
3. **W.O. 08-21, Lake Elmo Drive - Main Street to Wicks Lane.** (Opened 4/27/10); Recommend Riverside Sand and Gravel; \$1,689,497. **APPROVED.**
4. **W.O. 09-02 Miscellaneous/Developer-Related Improvements.** (Opened 4/27/10) Recommend J&J Concrete, Inc.; \$492,100.

**C. Change Order #3 (Final) - 2009 Street Maintenance City Crack Seal Project, Z & Z Seal Coating, \$4,137.12.**

**D. Amendment #11, Engineering Services for Airport Improvement Program (AIP) 2010 Projects; Morrison-Maierle, Inc.; \$429,577.**

**E. Approval of Tax Payment to the Internal Revenue Service; \$54,439.92.**

**F. Street Closures:**

1. **Petapalooza Festival**, May 22, 2010, 8 a.m. - 5 p.m., Parade staging will begin at 3rd Avenue North & North 25th Street, continue west to North 32nd Street; continue south to 2nd Avenue North and east to North 29th Street; related events will close 2nd Avenue North between North 27th and North 29th, North 28th between 1st and 3rd Avenues North, and North 29th between 1st and 2nd Avenues North.

2. **Central Heights PTA Community Fun Run**, May 22, 2010, 8:30 a.m. to 10:30 a.m., commencing at 120 Lexington Drive, proceeding west on Eldorado Drive, south on Pueblo Drive, east on Alamo Drive, north on Lexington Drive, east on Eldorado Drive, north on S. Santa Fe Drive, east on Concord Drive, south on Birchwood Drive, west on Beloit Drive, northwest on Fair Park Drive, southeast on S. Santa Fe Drive, south on Berthoud Drive, west on Pueblo Drive, north on Pueblo Drive, east on Beloit Drive, northwest on Lexington Drive, west on Dallas Drive, north on Pueblo Drive, east on Eldorado Drive, and south on Lexington Drive.
3. **Yellowstone Valley Farmers Market** - Saturdays, July 17, 2010, through October 2, 2010, from 6:00 a.m. to 1:00 p.m., North 28th Street from 1st Avenue North to 3rd Avenue North and 2nd Avenue North from North 27th Street to North 29th Street; and Wednesdays, August 4, 2010, through August 25, 2010, from 3:00 p.m. to 9:00 p.m., North 28th Street from 2nd Avenue North to 3rd Avenue North.

**G.** **Grant Application Approval** to submit U.S. Department of Housing and Urban Development application for purchase of generators for water system emergency power project, \$974,000.

**H.** **Resolution of Intent #10-18932** to expand the existing Downtown Business Improvement District (BID) No. 0001 to Poly Drive on the north, to North Park on the east, to South Park on the south, and to N. 32nd Street on the west specifically for the "Cooperative Safety Zone;" and set a public hearing date for June 14, 2010.

**I.** **Resolution of Intent #10-18933** to enact an ordinance imposing a Customer Facility Charge (CFC) to cover the annual debt service costs of a bond issue to finance the Airport Quick Turn Around Facility; \$3.00 fee to be collected for each contract day of a car rental.

**J.** **Resolution #10-18934** for temporary suspension of the camping ordinance for BLM's annual seasonal fire mobilization operation at Billings Logan International Airport, July 1, 2010, through October 31, 2010, at no cost to the City.

**K.** **Final Plat** of Mattson Acres Subdivision, Amended Lot 14.

**L.** **Bills and Payroll:**

1. April 12, 2010 - **APPROVED 9 TO 0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**
2. April 16, 2010 - **APPROVED 9 TO 0. CM CIMMINO RECUSED HERSELF FROM THE VOTE.**

**M.** **Amendment** to Landfill Gas Sales Agreement with Montana-Dakota Utilities, extending the contract to December 1, 2010. **ADD-ON ITEM AT MEETING**

**N.** **Resolution #10-18938** approving emergency repairs to the fence, railing, and field at Dehler Park. **ADD-ON ITEM AT MEETING**.

**(Action:** approval or disapproval of Consent Agenda.) **APPROVED.**

## **REGULAR AGENDA:**

- 2. RECOMMENDATION TO THE POLICY COORDINATING COMMITTEE (PCC) for adoption of the 2009 Billings Urban Area Transportation Plan Update. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED 9 TO 1. CM PITMAN VOTED 'NO'.**
- 3. PUBLIC HEARING AND FIRST READING ORDINANCE adopting the 2009 Edition of the International Fire Code by reference with certain amendments. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED.**
- 4. PUBLIC HEARING AND RESOLUTION #10-18935 FOR ANNEXATION #10-02: A 1.911-acre of vacant cropland described as Tract 2A, Certificate of Survey No. 3364 Amended and located on the west side of Zimmerman Trail and north of Grand Avenue; KZ Bar Limited Partnership, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) APPROVED.**
- 5. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #CC-10-2: A variance from Section 1208(h)(5) allowing one additional curb cut for two (2) fourplex units (eight units total) on Chesapeake Drive, located on Lot 6, Block 3 of Riverfront Pointe Subdivision. John Pratt, Developer; Sanderson Stewart, Agent. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED.**
- 6. PUBLIC HEARING AND RESOLUTION #10-18936 CREATING SID 1388, Dorothy Lane Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED.**
- 7. PUBLIC HEARING AND RESOLUTION #10-18937 approving and adopting budget amendments for Fiscal Year 2009-2010. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) APPROVED.**
- 8. PUBLIC HEARING AND ADOPTION OF AN INTERIM ZONING ORINANCE #10-5512 PLACING A MORATORIUM ON ANY BUSINESSES THAT GROW, SELL OR DISTRIBUTE MEDICAL MARIJUANA IN THE CITY AND CONSIDERATION OF PROHIBITING EXISTING AND FUTURE MEDICAL MARIJUANA BUSINESSES WITHIN 1,000 FEET OF SCHOOLS. Medical Marijuana Ad Hoc Committee recommends approval. (Action: approval or disapproval of Medical Marijuana Ad Hoc Committee recommendation.) APPROVED INTERIM ORDINANCE EXHIBIT 'A' PLACING A MORATORIUM ON ANY BUSINESSES THAT GROW, SELL OR DISTRIBUTE MEDICAL MARIJUANA IN THE CITY.**

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Please sign up on the clipboard located at the back of the Council Chambers.)

- **Sara Baugh, 943 N. 23rd Street**, asked if there were any openings on the Medical Marijuana Ad Hoc Committee because she would be interested on joining the committee.

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

## **COUNCIL INITIATIVES**

- **Pitman**: Moved to add two 'at-large members' to the Medical Marijuana Ad-Hoc Committee, seconded by Councilmember McFadden. **Approved 9 to 1. CM Ruegamer voted 'no'.**
- **Ulledalen**: Moved to direct the Medical Marijuana Ad-Hoc Committee to advise staff on regulating caregivers, seconded by Councilmember Ronquillo. **APPROVED**.
- **Ronquillo**: Moved to have staff look at the zoning regulations to allow emergency vehicles (tow trucks) to park in residential zones, seconded by Mayor Hanel. **FAILED 6 TO 4.**  
**COUNCILMEMBERS PITMAN, RONQUILLO, MCFADDEN, AND MAYOR HANEL VOTED IN FAVOR. COUNCILMEMBERS GAGHEN, CIMMINO, ULLEDALEN, MCCALL, RUEGAMER, CLARK VOTED AGAINST.**

**ADJOURN** - The meeting adjourned at 1:55 a.m.

*Additional information on any of these items is available in the City Clerk's Office.*

*Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.*