

**COUNCIL ACTION SUMMARY  
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**

**June 13, 2011**

**6:30 P.M.**

**CALL TO ORDER** – Mayor Hanel

**PLEDGE OF ALLEGIANCE** – Mayor Hanel

**INVOCATION** – Councilmember Cimmino

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

**MINUTES:** May 23, 2011 – Councilmember Cimmino asked that the portion of the minutes noting the Fun Run for the Father’s Day Celebration of the one-year anniversary of the tornado be modified to include the event location at MetraPark. Councilmember Cimmino moved for approval with the modification, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

**COURTESIES:**

- Parks Director Mike Whitaker presented the City a check for \$20,000 on behalf of the Billings City Exchange Club. He said the annual contribution was based on last year’s Par 3 revenue.
- Councilmember McCall reminded everyone of the second round of community conversations that would take place as follows:
  - ✓ Tuesday, June 14<sup>th</sup>, 5:30 p.m. to 7:00 p.m. at the Boothill Inn and Suites, 242 East Airport Road.
  - ✓ Wednesday, June 15<sup>th</sup>, 11:30 a.m. to 1:00 p.m. at the Garfield Resource Center, 3212 1<sup>st</sup> Avenue South.
  - ✓ Thursday, June 16<sup>th</sup>, 5:30 p.m. to 7:00 p.m. at St. John’s Kathy Lillis Chapel, 2429 Mission Way.

She said scheduled topics were City of Billings Parks, Streets, and Trails.

- Mayor Hanel and Councilmember Ruegamer both commended the Fire and Police Departments for their quick response and professional handling of the gas explosion on Granite Avenue, as well as staff’s removal of the large boulders that had fallen onto the roadway on Zimmerman Trail.
- Councilmember McFadden announced the 2011 Yellowstone Highland Games to be held on June 24 and 25 at ZooMonana.

- Councilmember Gaghen announced the re-opening celebration of the MetraPark and Rimrock Auto Arena would be held on June 19<sup>th</sup>. Councilmember Pitman invited everyone to join in the celebration that would include the walk/run, a barbecue, and a tour of the re-opened facility.

## **PROCLAMATIONS - None**

## **ADMINISTRATOR REPORTS - TINA VOLEK**

Ms. Volek commented on the following items and said they were filed in the ex-parte notebook in the back of the room for public review.

- Item E, Billings Area Bikeway & Trail Master Plan and Trail Asset Management Plan recommendation to Policy Coordinating Committee – Enlarged copies of spreadsheets in Appendices (A, B, C) contained in the Sanderson Stewart report on Council's desk.
- Item P, Preliminary Major Plat of Ironwood Estates Subdivision, 5<sup>th</sup> Filing. Protest letters sent in 6/10/2011 Friday packet from Tim and Dana Smith, John and Karen Teeling, and Kurt and Debbie Schuman.
- Item 3, Emergency Ordinance banning medical marijuana store fronts.
  - ✓ 7 e-mails sent to Mayor & Council in favor of ban
  - ✓ 1 e-mail sent to Mayor & Council opposing the ban
  - ✓ Letter opposing the ban & statistics from Elizabeth Pincolini sent in 6/10/2011 Friday Packet
  - ✓ Letter from Todd and Caren McLane, received on 6/13/2011 in favor of ban on Council's desk.
- Item 4A, Public Hearing and Property Exchange Agreement between Billings Clinic and City of Billings – Copy of Exchange Agreement sent in 6/10/2011 Friday Packet.
- Item 4B, Public Hearing and Resolution vacating portions of 9<sup>th</sup> Avenue North and North 28<sup>th</sup> Street – Copy of Resolution sent in 6/10/2011 Friday packet.
- Item 6, Public Hearing and Resolution creating SILMD 309, Rimrock Road from Stanford to Forsythia Boulevard.
  - ✓ Protest letters from Albert Henkel and Jennie Waggoner on Council's desk.
  - ✓ Protest letters from Sharmon Larson and Nicolette Schuman sent in 6/10/2011 Friday Packet.
- Item 7, Public Hearing and 1<sup>st</sup> Reading Ordinance amending portions of Animal Control Ordinance – Copy of PowerPoint and Ordinance on Council's desk.
- Item 9, Public Hearing and Resolution assessing FY2012 Solid Waste fees – Revised resolution sent in 6/10/2011 Friday Packet.

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

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute.

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. For Items not on this agenda, public comment will be taken at the end of the agenda.)

The public comment period was opened.

- **Dana Smith, 6051 Hazelwood Drive, Billings, MT**, referenced Item P and said Phase 1 should be completed prior to allowing the proposed amended plat.

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

**1. CONSENT AGENDA** -- Separations: A2, E, H1, K, P, T1, T2 and T3.

**A. Bid Awards:**

**1. Fire Department Mobile Supplied Air Van** (Opened 5/31/2011) Recommend I-State Truck Center; \$97,360. **APPROVED**

**2. SID 1369, Moore Lane Improvements.** (Opened 5/24/2011) Recommend delay of award until June 27, 2011. **APPROVED**

**3. W.O. 09-26, Waster Water Treatment Plant Clarifier Rehabilitation Project** (Opened 5/24/2011) Recommend COP Construction; \$495,400. **APPROVED**

**4. Rose Park Pool Rehabilitation Project** (Opened 5/31/2011) Recommend Aquatic Renovation Systems, Inc.; \$79,515. **APPROVED**

**B. Agreement** with Guardian Security, Inc. for private guard service at Parmly Billings Library; 7/1/2011 - 6/30/2012 with option to extend for three additional one-year terms; \$71,300 first-year expense. **APPROVED**

**C. Fair Housing Initiatives Program Subrecipient Agreements** with Community Housing Resource, Interfaith Hospitality Network, Rimrock Foundation, and Yellowstone AIDS Project. **APPROVED**

**D. Amendment #2, W.O. 10-08, Water Treatment Facility Clearwell Baffle Project.** Morrison-Maierle, Inc.; in an amount not to exceed \$27,300. **APPROVED**

**E. Recommendation of approval** to the Policy Coordinating Committee for the Billings Area Bikeway & Trail Master Plan and Trail Asset Management Plan (delayed from 3/14/2011). **APPROVED**

**F. Approval** of the purchase of telephone system upgrades from Black Box Network Services, \$62,635.92. **APPROVED**

**G. Confirmation of Probationary Police Officer** - Jared Lausch **APPROVED**

**H. Street Closures:**

1. **Big Sky State Games: 5K Run:** Friday, July 15, 2011, 5:45 p.m. to 7:00 p.m., beginning at Daylis Stadium going north on 3rd Street West; west on Parkhill Drive to 12th Street West; east on Parkhill Drive to 3rd Street West; south on 3rd Street West; finishing with a lap around the Daylis track. **Triathlon/Duathlon:** Sunday, July 17, 2011, 5:30 a.m. to 11:00 a.m., beginning at Lake Elmo State Park proceeding to Rolling Hills Road, to Pemberton, to All American Pharmaceuticals parking lot, to Main Street, to Highway 87 continuing 4.5 miles and turning around at the Shepherd Action Road and following the course in reverse back to Lake Elmo State Park. **APPROVED**

2. **Billings Senior High School Class of 1981 Reunion** - Friday, July 29, 2011, 5:00 p.m. to 1:00 a.m., North 28th Street between 1st and 2nd Avenues North. **APPROVED**

3. **Yellowstone Valley Farmers Market** - (1) Every Saturday from July 11 - October 11, 2011, 6:00 a.m. to 1:00 p.m., N. 28th between 1st Ave. N. and 3rd Ave. N.; 2nd Ave. N. between N. 27th and N. 29th; and N. 29th between 1st Ave N. and 2nd Ave. N.; and (2) Wednesday evenings in August, 3:00 p.m. to 9:00 p.m., N. 28th between 2nd Ave. N. and 3rd Ave. N. **APPROVED**

I. **Resolution of Intent #11-19060** to adopt an ordinance naming the Empire Parking Garage as a North 27th Street Urban Renewal Area project to be financed with tax increment bonds. **APPROVED**

J. **Resolution #11-19061** authorizing the issuance and calling for a negotiated sale of \$1,446,000 Special Improvement District 1369 and Special Improvement District 1391 bonds. **APPROVED**

K. **Resolution #11-19062** updating the High Sierra Park Master Plan to include disc golf. **APPROVED**

L. **Second/Final Reading Ordinance #11-5535** amending the Billings City Code by updating Section 20-300 and Section 26-203 to reference the City Annexation Policy instead of the Urban Planning Area. **APPROVED**

M. **Approval of extension of preliminary plat approval date** for one year for Lake Hills Subdivision, 25th Filing, Amended; setting new expiration date of June 23, 2012. **APPROVED**

N. **Approval of extension of preliminary plat approval date** for no more than two years for King Meadows Subdivision; setting new expiration date of June 25, 2013. **APPROVED**

O. **Preliminary Minor Plat** of Amended Lot 2-A & Tract 4-A, Blue Meadows Acreage Tracts, Amended, described as four lots on approximately 4.4 acres of land for residential development generally located on the west side of Shiloh Road, between

Rimrock Road and Poly Drive. Kincaid Land, LLC, owner; Gene Culver, Managing Member; C&H Engineering & Surveying, Inc., representing agent; conditional approval of the plat and adoption of the findings of fact. **APPROVED**

**P. Preliminary Major Plat** of Ironwood Estates Subdivision, 5th Filing, generally located east of Molt Road, north of Ironwood Drive, and west of Aspenridge Drive in northwest Billings. Regal Land Development, Inc., owner; Sanderson Stewart, representing agent; conditional approval of the plat and adoption of the findings of fact. **APPROVED**

**Q. Preliminary Major Plat** of Lake Hills Subdivision, 33rd Filing, majority of property located near the intersection of Clubhouse Way and Cherry Hills Road, with the remaining parcels scattered around the Lake Hills Golf Course. Ron Hill Specialized Construction, owner; Blueline Engineering, LLC, representing agent; conditional approval of the plat and adoption of the findings of fact. **APPROVED**

**R. Final Plat Approval** of Alcor Subdivision and **approval of variance** from Section 23-406(B)(6) of the City Subdivision Regulations allowing the reduction of required right-of-way dedication for Montana Avenue. **APPROVED**

**S. Final Plat Approval** of Amended Lot 3, Block 4, Burlington Northern Subdivision, 14th Filing. **APPROVED**

**T. Bills and Payroll:**

1. May 6, 2011 – **APPROVED 9 TO 0. CM CIMMINO RECUSED HERSELF FROM VOTING.**
2. May 13, 2011 – **APPROVED 9 TO 0. CM CIMMINO RECUSED HERSELF FROM VOTING.**
3. May 20, 2011 – **APPROVED 9 TO 0. CM CIMMINO RECUSED HERSELF FROM VOTING.**
4. January 1, 2011 - March 31, 2011 (Municipal Court) **APPROVED**

**REGULAR AGENDA:**

**2. RESOLUTION #11-19063** adopting the Police Department Drug and Alcohol Policy. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**3. PUBLIC HEARING AND CONSIDERATION OF EMERGENCY ORDINANCE** banning the sale of medical marijuana in storefronts in the City of Billings. Staff recommends delay of approval until ruling by Lewis and Clark County on preliminary injunction in the Montana Cannabis Industry Association case. (Action: approval or disapproval of staff recommendation.) **DELAY UNTIL 6/27/11 APPROVED ON A 9 TO 1 VOTE. MAYOR HANEL VOTED 'NO'.**

**4. CITY OF BILLINGS PROPERTY EXCHANGES WITH BILLINGS CLINIC AND STOCKMAN BANK**

**A. PUBLIC HEARING AND PROPERTY EXCHANGE AGREEMENT** between City of Billings and Billings Clinic for city right-of-way on North 28th Street and 9th Avenue North in exchange for Billings Clinic property located at 640 N. Broadway and 8.8 lots along 6th Avenue North between North 29th Street and Broadway. (Approval of Exchange Agreement delayed from 5/23/11). Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**B. PUBLIC HEARING AND RESOLUTION #11-19064** vacating 9th Avenue North between North 28th Street and North 29th Street; North 28th Street between 7th Avenue North and 9th Avenue North; and the south half of North 28th Street between 10th Avenue North and 11th Avenue North; Billings Clinic, petitioner; and approving an easement agreement allowing full access to utilities located within the vacated area. Staff recommends approval. (Action: approval or disapproval of staff recommendation. **APPROVED**

**C. PUBLIC HEARING AND RESOLUTION #11-19065** approving the exchange of City-owned property described as Lots 9-12, Block 53, including land in the vacated railroad right-of-way currently located in the Library's parking lot, for Stockman Bank-owned property described as Lots 7-12, Block 49, Fosters Addition; **approval** of the Exchange Agreement and **approval** of the Parking Agreement. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**5. PUBLIC HEARING AND RESOLUTION #11-19066** creating SILMD 308, Chrysalis Acres Subdivision, Phase II. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**6. PUBLIC HEARING AND RESOLUTION #11-19067** creating SILMD 309, Rimrock Road from Stanford to Forsythia Boulevard. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**7. PUBLIC HEARING AND FIRST READING ORDINANCE** providing that the BMCC be amended by revising portions of Sections 4-300 and 4-400 of said code updating language for definitions; keeping of wild animals; impoundment of abused, mistreated, or neglected animals; potentially dangerous animals; small animals at large; small animals in city parks or public lands; loosing of animals; vaccination of dogs/cats for rabies; small animal owner's promise to appear; registration; proof of vaccination; animal control officer, disposition of unclaimed animals, and penalties. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 9 TO 1. CM CIMMINO VOTED 'NO'.**

**8. PUBLIC HEARING AND RESOLUTION #11-19068** setting Building, Electrical, Plumbing and Mechanical Permit Fees. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**9. PUBLIC HEARING AND RESOLUTION #11-19069** assessing FY2012 Solid Waste collection, disposal, and landfill fees. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 6 TO 4.**  
**COUNCILMEMBERS RONQUILLO, PITMAN, CIMMINO, AND MCCALL VOTED 'NO'.**

**10. PUBLIC HEARING AND RESOLUTIONS** setting annual FY2012 assessments for Park Maintenance Districts; Light Maintenance Districts; Fire Hydrant Maintenance; Street Maintenance; Storm Sewer; Arterial Construction; Tourism Business Improvement District; Business Improvement District; and imposing annual all-purpose mill levy and mill levies for Library operation, Transit operation, and Public Safety Funds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 6/27/11; SEPARATING THE ARTERIAL CONSTRUCTION FEE AND BRINGING IT BACK FOR ACTION AS A SEPARATE AGENDA ITEM ON 6/27/11.**

**11. PUBLIC HEARING AND RESOLUTION** approving and adopting the Fiscal Year 2012 City of Billings Budget. Staff recommends holding the public hearing and delaying approval and adoption until June 27, 2011. (Action: approval or disapproval of staff recommendation.) **APPROVED TO DELAY ACTION UNTIL 6/27/11.**

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments offered here are limited to three (3) minutes. Please sign up on the clipboard located at the podium.*)

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

**COUNCIL INITIATIVES** - None

**ADJOURN:** The meeting adjourned at 9:56 p.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.*