

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

June 27, 2011

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember McFadden

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

MINUTES: June 13, 2011 - approved

COURTESIES: Mayor Hanel thanked the volunteers who helped with the Twister 2-mile event; and Councilmember Ruegamer recognized Bruce Putnam, the former Aviation and Transit Director, who was in the audience.

PROCLAMATIONS – None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- Item N – Resolution Accepting the Terms and Conditions of the Intercap Loan obtained to finance SIDs 1369 & 1391:
 - ✓ The original staff report included SID 1360, Gabel Road, which was an error; and the only two SIDs were SID 1369, Moore Lane, and SID 1391, Lynn Avenue.
- Item P – Second & Final Reading of Amended Animal Control Ordinance:
 - ✓ E-Mails to Mayor and Council from Carol Tasset, Janice Linn, and Jennifer Olsen opposing the language in the ordinance defining a “potentially dangerous animal”. Copies were filed in the ex-parte notebook.
- Item 2 – Emergency Ordinance Banning Medical Marijuana Storefronts:
 - ✓ E-Mail to Mayor and Council from Joshua Nichols in support of the emergency ordinance. Copy was filed in the ex-parte notebook.

- ✓ E-Mails to Mayor and Council from Elizabeth Pincolini and Kathy Adler in opposition of the emergency ordinance. Copies were filed in the ex-partee notebook.
- Item 3 – Public Hearing and Resolution to submit to City Voters in November the issue of general obligation bonds for new downtown library:
 - ✓ Updated Resolution changing the amount of bonds from 'up to \$16,690,000' to 'up to \$16,300,000' - sent in June 24 Friday Packet. Copy was filed in the ex-partee notebook.
- Item 5 – Resolution Approving and Adopting FY2012 City of Billings Budget:
 - ✓ Updated pages from Pat Weber to the questions and answers that were distributed at June 20 work session - sent in June 24 Friday Packet. Copy was filed in the ex-partee notebook.
- Item 6 – Resolutions Setting Annual FY2012 Assessments:
 - ✓ Memorandum from Dave Mumford regarding FY2012 Street Maintenance Fee - sent in June 24 Friday Packet. Copy was filed in the ex-partee notebook.
- Item 9 – Public Hearing and Approval of New Subdivision Improvements Agreement for King Place Subdivision:
 - ✓ E-Mail sent to Mayor and Council from Larry Brewster in opposition of the new SIA. Copy was filed in the ex-partee notebook.
- Item 11 – Approval of the sale of Lots 9-12, Block 142, Original Town of Billings to RiverStone Health:
 - ✓ Letter from RiverStone Health, dated June 24, 2011, on Councils' desk tonight and filed in the ex-partee notebook.
- Item 12 – MPEA Contract:
 - ✓ Memorandum from City Administrator, dated June 23, and copy of Contract - sent in June 24 Friday Packet. Copy was filed in the ex-partee notebook.

Councilmember Clark made a motion to move Item 12, the MPEA/Police Union Contract, to Item 5 and renumber the agenda accordingly, seconded by Councilmember Cimmino. On a voice vote, the motion was approved 10 to 1. Councilmember Pitman voted 'no'.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2, #5, #6, #7, #11 and #12 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.

- **Janice Linn, Hwy 3, Billings, MT**, referenced Item P and asked that "growling" and "raised hackles" be removed from the ordinance.
- **Jerry Hudson, 11 Prairie View Drive, Billings, MT**, referenced Item 2 and said contrary to a previous testimony, the affects of Agent Orange could not be passed down or inherited. He said marijuana was illegal, and there were signs

posted in every room at the VA that any doctor found prescribing medical marijuana would be subject to prosecution.

- **Dave Kenat, 25 Avenue B, Billings, MT**, referenced Item P and said he had concerns with the wording "intentional provocation" in the ordinance. He asked that more research be done on dog behavior.
- **Kevin Nelson, 4235 Bruce, Billings, MT**, referenced Item 6 and recommended setting aside a Capital Improvement Project and moving the money into the Street Maintenance Fund.
- **Joe Bailey, 1631 Avenue E, Billings, MT**, referenced Item P and said he opposed the proposed animal control ordinance.
- **Brian Kenat, 345 Miles Avenue, Billings, MT**, referenced Item P and advised being careful of the proposed animal control ordinance.
- **Sandy Price, 2507 Kimbal Drive, Billings, MT**, referenced Item P and advised taking another look at the proposed animal control ordinance.
- **Doug Ruebke, 110 S. 31st Street**, referenced Item P and said he was a member of the Animal Control Board who had worked on the proposed ordinance for a couple of years. He asked Council to approve the ordinance.

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

1. **CONSENT AGENDA** -- Separations: B3, I, O, P, S1 and S2

	Name	Board/Commission	Term	
			Begins	Ends
1	Ronald Spence APPROVED	Tourism BID Board	07/01/11	06/30/15
2	Chris Johnson APPROVED	Tourism BID Board	07/01/11	06/30/15

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

B. **Bid Awards:**

1. **IP-9 Elevator Project, Billings Logan International Airport.** (Opened 6/14/2011) Recommend Fisher Construction; \$223,500. **APPROVED**

2. **SID 1369, Moore Lane Improvements.** (Opened 5/24/2011) (Delayed from 6/13/2011) Recommend HL Ostermiller; \$882,956.90. **APPROVED**

3. **W.O. 10-29 Wastewater Treatment Plant West Mechanical MCC Replacement and Improvements.** (Opened 6/14/2011) Recommend delay of award until July 11, 2011. **DELAY APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

4. **2011 Flatbed Truck with Hydraulic Telescoping Crane for Street/Traffic Division.** (Opened 6/14/2011) Recommend I-State; \$91,919. **APPROVED**

5. W.O. 11-05, Chapple Area Water Main Improvements. (Opened 6/14/2011)
Recommend Ahanu Construction; \$830,065. **APPROVED**

C. Change Order #2 (Final), W.O. 09-14 Wicks Lane and St. Andrews Drive Traffic Signal, Ace Electric, \$5,491.53. **APPROVED**

D. Contract with Reporter Big Sky for paper and office supplies; three-year contract with three, 1-year options to renew. **APPROVED**

E. Agreement between City of Billings and American Medical Response (January 2011 - December 2011 renewable annually). **APPROVED**

F. Agreement with Billings Housing Authority to fund one Police Officer; 7/1/2011 - 12/31/2011. **APPROVED**

G. Development Agreement with homeWORD for acquisition of property and construction of a low-income, multi-family housing complex. **APPROVED**

H. Annual Agreements for Landfill Use with Bighorn County, Carbon County, Musselshell County, Stillwater County, Treasure County, Town of Columbus, Town of Fromberg, Town of Hysham, Town of Bridger, Town of Joliet, City of Laurel, City of Big Timber, and City of Red Lodge (7/1/11 – 6/30/12); and 3-year Landfill Use Agreement with Yellowstone County (7/1/11 – 6/30/14, with annual amendments). **APPROVED**

I. Approval of 5-year lease agreement with the Crime Prevention Center to occupy space in the Park I Garage at \$0 rent. **APPROVED 9 TO 2. CM RONQUILLO AND CM CIMMINO VOTED 'NO'.**

J. Approval of Sublease Agreement by and between Edwards Jet Center Montana, Inc. and Rocky Mountain College; and **Airport Operating Permit** by and between City of Billings and Rocky Mountain College. **APPROVED**

K. Amendment #16, Airport Terminal Circle Road Paving Project. Engineering Design Services Contract, Morrison-Maierle, Inc., \$9,761. **APPROVED**

L. Street Closures:

1. Magic City Soul Run 3K & 10K - Saturday, August 13, 2011, 6:30 a.m. to 1:00 p.m., South Park starting at 6 Ave. S., to S. 34th, to 4 Ave. S., to S. 35th and back to South Park (3K ends). 10K continues from S. 35th to State Ave., to Jackson St., to Monroe St., to Bruce St., to Phillip St., to S. Billings Blvd; turning around and following course in reverse back to South Park. **APPROVED**

2. Billings Clinic Classic Street Party - N. 28th between 3rd Ave. N and 4th Ave. N; Alley at North 27th/28th between 3rd Ave. N. and 4th Ave N.; and Alley at North 28th/29th between 3rd Ave. N. and 4th Ave. N.; Midnight 8/26/11 through 5:00 a.m.

8/28/2011. APPROVED

3. **Harvest Church Freedom 5K Walk/Run**; Saturday, July 2, 2011; 7:00 a.m. to 11:00 a.m.; commencing at Harvest Church and proceeding northwest on West Wicks Lane, east on Matador, south on Vesca Way, east on Sierra Grande Boulevard, south on Fantan Street, west on Wicks Lane, ending at Harvest Church. **APPROVED**

M. **Resolution #11-19070** authorizing closure of Debt Service Funds for SID 1315 - Lampman Sub. Water Improvements; SID 1326 Pemberton Sub. Sewer; and SID 1338 Agate Avenue Sanitary Sewer to the SID Revolving Fund. **APPROVED**

N. **Resolution #11-19071** accepting the terms and conditions of the Intercap Loan obtained to finance SIDs 1369 & 1391. **APPROVED**

O. **Resolution #11-19072** adjusting fees charged at Animal Shelter. **APPROVED**

P. **Second/Final Reading Ordinance #11-5536** 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. **APPROVED 9 TO 2. CM PITMAN AND CM CIMMINO VOTED 'NO'.**

Q. **Preliminary Minor Subsequent Plat** of Amended Lot 9-A, Block 1, Montana Sapphire Subdivision described as five lots on approximately 11 acres of land for commercial or industrial development generally located on the southwest corner of Shiloh Road and King Avenue West; Montana Sapphire, LLC, owner; Rimrock II, LLC, subdivider; Sanderson Stewart, representing agent; conditional approval and adoption of the findings of fact. **APPROVED**

R. **Cancellation** of Checks and Warrants, \$5,223.17. **APPROVED**

S. **Bills and Payroll:**

1. May 27, 2011- **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**
2. June 23, 2011 – **APPROVED 10 TO 0. CM CIMMINO ABSTAINED.**

REGULAR AGENDA:

2. **EMERGENCY ORDINANCE BANNING MEDICAL MARIJUANA STOREFRONTS** in the City of Billings. (1) If the preliminary injunction in the Lewis and Clark County case is denied and SB 423 becomes effective, staff recommends approval of the emergency ordinance banning the sale of medical marijuana or marijuana-infused products in Billings storefronts. (2) If a decision on the preliminary injunction is not

made by June 27, staff recommends postponing action on the emergency ordinance to a meeting on July 1 or later. (3) If the preliminary injunction is approved, staff recommends denial of the emergency ordinance on storefronts and direction to staff to begin working on extending the moratorium emergency ordinance when it expires in November 2011. (Action: approval or disapproval of staff recommendation.) **DELAYED TO A SPECIAL SESSION TO BE HELD 7/5/11 ON A 10 TO 1 VOTE. CM CIMMINO VOTED 'NO'.**

3. PUBLIC HEARING AND RESOLUTION #11-19073 for submitting to City voters in November 2011 the issue of general obligation bonds in the amount of up to \$16,300,000 for the purpose of paying costs of designing, constructing, and equipping a new downtown Library building. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. PUBLIC HEARING AND RESOLUTION #11-19074 approving and adopting Fourth Quarter Budget Amendments for Fiscal Year 2010/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 10 TO 1. CM CIMMINO VOTED 'NO'.**

5. MPEA/POLICE 7/1/2011 - 6/30/2013 UNION CONTRACT. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.) **APPROVED 10 TO 1. CM PITMAN VOTED 'NO'.**

6. RESOLUTION approving and adopting the Fiscal Year 2012 City of Billings Budget. Public Hearing held on 6/13/2011. Staff recommends approval and adoption. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 8/8/11 ON A 7 TO 4 VOTE. COUNCILMEMBERS RONQUILLO, PITMAN, CIMMINO, RUEGAMER, MCCALL, ULLEDALEN, AND CLARK VOTED IN FAVOR OF DELAY. COUNCILMEMBERS GAGHEN, MCFADDEN, ASTLE, AND MAYOR HANEL VOTED IN OPPOSITION OF DELAY.**

7. RESOLUTIONS setting annual FY2012 assessments for Park Maintenance Districts **RES #11-19075**; Light Maintenance Districts **RES #11-19076**; Fire Hydrant Maintenance **RES #11-19077**; Street Maintenance **RES #11-19078**; Storm Sewer **RES #11-19079**; Business Improvement District **RES #11-19080**; Tourism Business Improvement District **RES #11-19081**; and imposing annual all-purpose mill levy and mill levies for Library operation, Transit operation, and Public Safety Funds **RES #11-19082**. Delayed from 6/13/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

8. RESOLUTION #11-19083 setting annual FY2012 assessments for Arterial Construction Fees. Delayed from 6/13/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

9. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #876: A zone change from Residential 7,000 to Residential Multi-Family Restricted on a

20,235 square foot parcel of land containing an existing 4-plex multi-family dwelling originally constructed in 1955. The subject property is legally described as Lot 25 and the west 14 feet of Lot 26, Block 1, Arrowhead Subdivision generally located at 519 Crow Lane in Billings Heights; Trenton Parks, applicant. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval fo Zoning Commission recommendation.) **APPROVED**

10. PUBLIC HEARING AND APPROVAL of a new Subdivision Improvements Agreement for King Place Subdivision, Amended Lot 1A, Block 1. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

11. PUBLIC HEARING AND FIRST READING ORDINANCE approving the Empire Parking Garage and Northern Hotel Project as Urban Renewal Projects in the Expanded North 27th Street Urban Renewal Area - 2008. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **DELAYED UNTIL 7/11/11 WITH CONTINUATION OF PUBLIC HEARING.**

12. APPROVAL of the sale of Lots 9-12, Block 142, Original Town of Billings, to RiverStone Health in the amount of \$70,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

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 podium.*)

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

COUNCIL INITIATIVES - NONE

ADJOURN: 11:10 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.