

## REGULAR MEETING OF THE BILLINGS CITY COUNCIL

September 25, 2017

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. Mayor Hanel called the meeting to order at 6:55 p.m., following a Special Work Session, and served as the meeting's presiding officer. Councilmember Clark gave the invocation.

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

**MINUTES:** August 28, 2017 and September 11, 2017 -- Councilmember Sullivan moved for approval, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

### **COURTESIES:**

- Mayor Hanel recognized City Administrator, Tina Volek, as the City's longest serving City Administrator and her husband, Steve Volek. Individual councilmembers thanked her for her dedication and leadership. The Council presented her with a beautiful live plant and gift certificate to a local restaurant. Ms. Volek received a standing ovation.

### **PROCLAMATIONS: NONE**

### **ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek stated she had received an email from Elizabeth Rogers concerning pot-bellied pigs and the subject matter may arise during public comment for non-agenda items. A copy of the email had been placed on the Council's desks and in the ex parte notebook.

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 7 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.)

The public comment period was opened.

- **Bill Cole, 3733 Tommy Arnold Circle, Billings, Montana,** invited Council and the public to attend the grand opening celebration of the Yellowstone Kelly Interpretive Site on Thursday, September 28, 2017, from 4:00 pm to 6:00 pm.
- **Steve Zier, P. O. Box 21462, Billings, Montana,** represented the South Billings Renewal Association in reference to Items 1A6, 1C, 1D, and 1E, thanked Council for support and approval of the South Billings Boulevard Urban Renewal District Tax Increment District release of funds for those projects. Councilmember Yakawich asked if there was something happening at the Ponderosa Elementary School. Mr. Zier stated the annual board meeting would be held on October 3<sup>rd</sup> at 7:00 PM. Councilmember Cimmino noted that over \$27,000 would be provided to the Ponderosa Elementary School from the TIF fund. She asked for the amount of the School District's contribution. Mr. Zier responded the School District would not be contributing and that the project was purely a south Billings tax increment project. Councilmember Cimmino asked about the bike path. Mr. Zier stated those funds had been matched by STIP and CTEP. Councilmember Cimmino questioned the TIF funds requested for the Yellowstone County Sports Facility Feasibility Study and stated the monies would go through a non-profit group based in the Laurel area. Mr. Zier stated it was a collaborative effort, led by Beartooth Resource Conservation and Development Area, with the Laurel aquatics and recreation. Councilmember Cimmino stated BRCD was applying for funding from the City of Billings and that BRCD was based in Joliet and the City paid \$10,000 per year to them.

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

## 1. CONSENT AGENDA

### A. Bid Awards:

1. **Oil and Lubrication Products.** (Opened 9/12/17) Recommend A & I Distributors; \$76,569.54.
2. **Gasoline and Diesel Fuel Products.** (Opened 9/12/17) Recommend Town and Country Supply Association; two years, with five one-year renewal options by mutual agreement.
3. **2018 - 58,000 GVW 12 Yard Dump Truck with Plow Assembly and Sander.** (Opened 9/12/17) Recommend I-State Truck Center; \$173,385.
4. **(2) 2018 - 37,000 GVW Single Axle Trucks with Dump/Sander/Plow.** (Opened 9/12/17) Recommend I-State Truck Center; \$271,236.
5. **Current Model Snow Melter.** (Opened 9/12/17) Recommend Ajax Tocco; \$265,034.

6. **Optimist Park North Parking Lot Improvements Project.** (Opened 9/12/17) Recommend CMG Construction; \$302,346.
  7. **Airport Miscellaneous Curb and Sidewalk Improvements Project.** (Opened 9/12/17) Recommend Knife River; \$58,142.
- B. Yellowstone Kelly Interpretive Site:**
1. **Acceptance of Donation** to the Parks Recreation and Public Lands Department from Chamber of Commerce for Yellowstone Kelly Interpretive Site; \$6,215.
  2. **Change Order #5** - Yellowstone Kelly Interpretive Site, Hardy Construction; \$6,215.
- C. Approval** of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment District Funds to Ponderosa Elementary School for the installation of fencing and security gates; \$27,296.22.
- D. Approval** of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment District Funds to Beartooth Resource Conservation and Development Area, Inc., for the Yellowstone County Sports Facility Feasibility Study; \$5,000.
- E. Approval** of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment District Funds to Boys and Girls Club of Yellowstone County for installation of a fire line for fire suppression system of the Bair Family Clubhouse facility; \$20,974.
- F. Resolution 17-10669** approving an extension of the Cable Franchise Agreement with Bresnan Communications, LLC, to December 18, 2017.
- G. Resolution 17-10670** cancelling the November 7, 2017 General Election for the Municipal Judge position, only, and electing by acclamation, Sheila R. Kolar, as Municipal Judge.
- H. Second/Final Reading Ordinance 17-5699** expanding Ward IV (Annexation #17-05) for an approximate 119 acre parcel of land, located at the northwest corner of the intersection of Rimrock Road and 70th Street West. Gary Oakland and Marvin Hessler, owners.
- I. Bills and Payroll:**
1. August 28 and 29, 2017
  2. September 5, 2017

Councilmember Friedel separated Item 1G for discussion.

Councilmember Cimmino separated Items 1B2, 1G for discussion and Item 1I2 to abstain.

Councilmember Sullivan moved for approval of the Consent Agenda, with the exception of Items 1B2, 1G and 1I2, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 1I2, seconded by Councilmember Sullivan. On a voice vote, the motion was approved 10-0, Councilmember Cimmino abstained.

Councilmember Friedel asked for clarification from staff on Item 1G, the resolution to cancel the general election for the municipal judge position. City Attorney, Brent Brooks, referred to the passage of House Bill 447, that allowed a municipal election contest to be cancelled when the number of candidates filing before the election is equal to or less than the number of positions to be filled. He continued that there was only one municipal court judge position to be filled and only one candidate had filed. He stated it would save the City money remove this position from the ballot. Councilmember Brewster moved for approval of Item 1G, seconded by Councilmember Sullivan. On a voice vote, the motion was approved 10-1, Councilmember Cimmino voting in opposition.

Councilmember Cimmino asked for clarification from staff on Item 1B2, regarding the Yellowstone Kelly Interpretive Site Change Order #5. She asked Mike Whitaker, Parks Director, why donations were paid to Parks and Recreation Foundation and the monies were not paid to the City Treasury. Mr. Whitaker stated the Foundation was tasked with collecting the money and then would provide the collected funds to the City.

Councilmember Yakawich asked Mr. Whitaker for an update on the South Park Splash Pad. Mr. Whitaker stated the last construction report was that there were issues with the sprays installed 3 inches below grade, which had to be corrected. He stated the anticipated completion date was December 2017. Councilmember Sullivan asked if the project would be completed in time for winterization. Mr. Whitaker stated he had received assurances from the CTA agent that it would be completed and the contract stated the contractor would be responsible for a spring startup to make certain everything operated properly.

Councilmember Cimmino moved for approval of Item 1B2, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

## REGULAR AGENDA:

### 2. PUBLIC HEARING AND RESOLUTION 17-10671 spreading assessments for Sidewalk, Curb and Gutter SID No. 2910. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Tina Volek, City Administrator, stated there was no additional presentation, but staff was available for questions.

Councilmember Yakawich asked Andy Zoeller, Interim Finance Director, whether notice had been given to property owners. Mr. Zoeller responded affirmatively and explained notification with an estimate was given at the beginning of the process. City Administrator, Tina Volek, stated that the time for objections to an SID would come at the beginning, after notification.

The public hearing was opened.

- **Marlene Walter, 645 Ave. C., Billings, Montana**, stated she received a notice that the work be done. She stated that the cost notification was then received and there was a discrepancy in what she was quoted and the final bill. She asked that the assessment of the improvements remain at the original amount she had expected to pay.
- **James Olson, 1704 Clark Avenue, Billings, Montana**, stated he had been assessed over \$6,000 for tree removal. He explained that he had originally been quoted \$1,500 per tree for cutting, removal and stumps grinding. He stated he cut the trees down and removed them himself, leaving the stumps to be ground. He continued that when he received the final bill for grinding tree stumps was at \$1,000 each. He stated there needed to be rational assessing for tree grinding since he had completed two-thirds of the work. Councilmember Brown asked if the tree grinding has been itemized in the estimation. Mr. Olson stated it had not, but the original estimate had listed only two trees and not three trees.

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

Councilmember Brown asked Dave Mumford, Public Works Director, why the discrepancies. Mr. Mumford stated he could not answer without further investigation and suggested Council direct staff to delay collecting taxes for the two properties in question for a year, since everything had been set to the assessor's office, to determine what may be incorrect. He continued that he was not comfortable collecting against the properties until a determination could be made. Councilmember Brown asked if there had been an overall increase on the project. Mr. Mumford stated he was not aware of any other than in the grinding costs, but they had not been substantial. Ms. Volek acknowledged that mistakes were unacceptable and added that the assessments would be spread over 12 years. Councilmember Friedel asked much time was needed to investigate and would there be any interest penalties. Mr. Mumford stated it could possibly be completed by the end of the week and no penalties would be assessed. Mr.

Mumford stated if the two properties were not assessed for this year while the determination for costs was investigated, the City would carry the financial burden of the existing tax assessments. Councilmember Brown asked if reducing the two properties now would be more cost-effective than spending staff time research the answers. Mr. Mumford stated that staff costs to research the \$200 difference on the first property's assessment would definitely be more than \$200, but he was not certain about the second property's assessment. Councilmember Brewster asked if it could be approved as is now and respread the following year if it was determined in error. Mr. Mumford responded affirmatively. Councilmember Friedel asked the property owners if respreading the following year would be acceptable to them. Both property owners responded they were agreeable.

Councilmember Friedel moved for approval of Item 2 and that staff investigate the assessments of the two properties in question and respread any difference in the following year, seconded by Councilmember Sullivan. Councilmember Clark stated the motion complicated matters and he was in favor of delaying the two property owners' tax payments until the following year so no respreading or refunding was necessary. Councilmember Brewster voiced his support for the motion. Ms. Volek added that the City is accustomed to issuing refunds and it would not be difficult to do. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND RESOLUTION 17-10672 respreading assessments for SID 2908. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Tina Volek, City Administrator, stated there was no additional presentation, but staff was available for questions.

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

Councilmember Sullivan moved for approval of Item 3, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND RESOLUTION 17-10673 approving reduction in the Arterial Construction Fee assessment to owner-occupied single-family residences within commercially-zoned properties. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Tina Volek, City Administrator, stated there was no additional presentation, but staff was available for questions.

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

Councilmember Yakawich moved for approval of Item 4, seconded by Councilmember Friedel. Councilmember Yakawich mentioned that the reduction was brought forth by an initiative from Councilmember Brewster years before and citizens were appreciative of the reduction. On a voice vote, the motion was unanimously approved.

**5. PUBLIC HEARING to receive input on the City's FY16-17 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. No action is necessary.**

Brenda Beckett, Community Development Manager, gave a presentation explaining the CAPER report. She stated the hearing and report were required, however, the Council was not required to take any action. The report covers the previous fiscal year. She stated the City was in the second year of a 5-year consolidated plan. She stated \$400,000 of income was realized in the CDBG program. She stated \$1.9 million were drawn down, including VISTA grants. Ms. Beckett stated the expenditures also included \$175,000 to the Riverfront Pointe subdivision. She stated the homeowner programs were getting a lot shorter and less and less people were qualifying for the programs due to higher incomes. She stated that 60 First Time Homebuyers loans were closed during the past year and was a record for Billings. She continued that Dina Harmon was the staff member responsible for the loans and she had pre-qualified 13 additional perspective homebuyers before the end of the fiscal year and those loans had closed during the months of August and September. She stated that Billings has done a good job of distributing affordable housing throughout the city, eliminating segregation of lower income household to certain neighborhoods only. Ms. Beckett continued that leveraging was at \$9 million at a 1:11 ratio. She outlined the variety of ways leveraging was determined and utilized.

Councilmember Brown asked about the future of Federal funding. Ms. Beckett stated notification had been received that Billings would receive a funding allocation, but she believed the funding would be discontinued in the future. She stated there was more pressure from the Federal government for State and Local governments to fund themselves.

Councilmember Yakawich stated he appreciated the Community Development staff and their frugality with the funding. He inquired about the homebuyer training and incentives. Ms. Beckett stated the homebuyers were required to complete an 8-hour purchasing counseling seminar and 400 families were provided the counseling, but only 60 loans closed. She continued that the counseling may have discouraged some families from purchasing a home. She stated that without the down payment help, some families could not close on a home. She added that the average award was between \$10,000 and \$15,000, and the average housing price was \$156,000.

Councilmember Sullivan received clarification on the differences between CDBG, HOME and VISTA programs. Ms. Beckett stated all of the programs were under scrutiny from time to time for delisting.

Councilmember Brewster recollected that many years back the CDBG monies were in the neighborhood of \$1.2 to \$1.4 million per year. Ms. Beckett stated the monies used to be much higher.

Councilmember Friedel asked about retention rates for households involved in the program. Ms. Beckett stated there was a 2% foreclosure rate, leaving a 98% retention rate after the first five years. She stated most home loans were turned over after 5 years.

Mayor Hanel complimented Ms. Beckett on her management of the Community Development Division.

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

Councilmember Sullivan left meeting at 7:55 P.M. and returned at 8:00 P.M.

**6. PUBLIC HEARING AND FIRST READING ORDINANCE amending Section 17-104, BMCC, relating to noise regulations. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Brent Brooks, City Attorney, gave a presentation concerning recommended changes to the Noise Ordinance as suggested by Council's initiative. He stated the police department, DPARB and Tavern Owners Association were all given the proposed changes to the noise ordinance, but he had not received any responses. Mr. Brooks outlined the various decibel levels allowed in residential, commercial and industrial areas and the time periods in which noise levels were allowed. He reviewed waivers to the rules and the criteria considered for those waivers. He continued to outline exemptions to the noise ordinance for emergency vehicles, railroad signal crossings and permitted athletic events. He stated that lawnmowers and construction activities were exempt, but only during designated time periods. He explained the process for which Public Works would grant waivers in a public right-of-way and the complaint process. He then explained the process and procedures for which the Police Department would grant waivers and respond to complaints. Mr. Brooks stated the appeal process and possible revisions. He stated the recommended changes to the ordinance was a new section dealing with outdoor events that occurred during the weekdays either inside or outside the central business district. He stated school athletic events were exempt and more clarification was given in the revisions, along with activities in the parks. He continued that per recommendations from the Police Department, a limit to the number of outdoor waivers was included in Section 17-107, i.e., each day of an event can have one waiver and limited to four waivers in a 12-month period. He stated the central business district and the East Billings Urban Renewal Area would be exempt from the number of waivers limit. Mr. Brooks outlined the municipal infraction citations and fining processes.



Councilmember Swanson asked who would receive noise complaints. Mr. Brooks responded that the Police Department received most of the non-construction noise complaints.

Councilmember Brown clarified that unless there was a waiver to the time limit for noise in areas outside and beyond the central business district and EBURD, the event or noise must cease per the time limits set forth in the ordinance, no matter what the source of the noise. Mr. Brooks responded affirmatively. He stated that some of the noise restrictions for some businesses would have been addressed during special review processes.

Ms. Volek stated the noise ordinance had been revised during a period of time of increased roofing activity during a hot summer. She stated the revisions were made in cooperation with the Homebuilders Association. She stated the City understands that businesses are trying to increase their traffic by offering certain entertainment, however, that often impacts residential areas of which had been established long before the business entered into the area. She continued that was one reason for additional revisions to the noise ordinance.

Mayor Hanel asked what would happen if the noise was generated from within a building, but the doors were open to the outside, allowing noise to be heard on the outside of the building. Mr. Brooks responded the Police Department would respond to complaints and investigate. He continued that that noise would not be exempt just because it was generate from inside the building.

The public hearing was opened.

- **Carrie LaSeur, 525 O'Malley Drive, Billings, Montana**, stated she has lived with construction in her neighborhood since 2013, wherein construction often begins earlier than 7 A.M. She requested a revision to the start time to 8 A.M. She stated 45 decibels causes health problems and the noise created by the commercial-sized HVAC units cycled every 5 minutes, 24 hours a day, 7 days a week at between 50-55 decibels. She asked for clarification on emergency exemptions and emergency generators. She stated that the emergency generators in her neighborhood operate at 70 decibels from her back door. She supported revising the noise ordinance. Mayor Hanel asked if there was any kind of buffer wall around the HVAC unit and the only change she sought was to the allowable construction start time to 8:00 A.M. Ms. LaSeur stated there was not a buffer and 8:00 A.M. start time was desired. Councilmember Yakawich asked about the City's responses to her complaints. She stated the Police Department would respond and the noise activity would be better for a while, but different crews and contractors would arrive and soon the noise activities would return.
- **Vince Ruegamer, 509 14<sup>th</sup> Street West, Billings, Montana**, voiced his support for revising the noise ordinance. He stated he lives near a neighborhood bar that has had outdoor entertainment during the summer months and the noise was disturbing to himself and his neighbors. He stated 10 P.M. was too late and he

asked that the limit of 4 waivers per year not be used 4 consecutive nights in a row.

Councilmember Sullivan asked if the revisions to the noise ordinance would be enough to curb the noise complaints for construction in subdivisions. Mr. Brooks stated it may be best to receive input from Building and Planning Divisions. He cautioned Council about changing the construction start times from 7 A.M. to 8 A.M., as this had been addressed with DPARB and Homebuilders Association in the past and it would likely be met with objection. Ms. Volek stated that during summer months concrete workers needed to pour before the heat of the day. She suggested Council postpone making a decision on Item 6 for 2 weeks to allow staff time for additional.

- **Jerry Richter, 1601 Custer Avenue, Billings, Montana**, stated bands should not be allowed in the parking lots of bars that are located near residences. He stated he lives 400 feet from a bar that has a band in the parking lot nearly every week, sometimes twice a week during the summer. He stated the bars discontinue the bands playing according to the timelines of the noise ordinance, but he wished for patio band entertainment to cease. He stated that businesses should not be allowed to disturb the peace of the residential neighborhoods. He suggested bands be limited to inside the bars with the doors shut or bars could relocate. He supported revising the noise ordinance.

Councilmember Sullivan stated that according to a decibel chart for which he was referring, live rock music was approximately 100-115 decibels, which was approximately 16 times louder. He continued that unless there was a 4 piece band, the limits set by the ordinance should cover noise violations without a waiver.

Councilmember Friedel stated that the 80 decibels limitation applied for during the day and 60 decibels applied for the evenings, without a waiver, to which they were limited to 4 waivers a year.

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

Councilmember McFadden moved for approval of Item 6, seconded by Councilmember Friedel. Councilmember Sullivan moved to amend the motion to remove the residential portion of the noise ordinance for additional revisions, leaving the commercial and industrial portions of the ordinance as recommended, seconded by Councilmember Cimmino. Councilmember Cromley stated he would rather delay revising the noise ordinance until all changes could be included and moved for a substitute motion to delay action on Item 6 until the October 23<sup>rd</sup> regular business meeting, seconded by Councilmember Sullivan. Councilmember Sullivan withdrew his amended motion and Councilmember Cimmino withdrew her second. Brent Brooks, City Attorney, suggested that should the substitute motion be approved, that the public hearing be continued and not closed on first reading to allow the public additional comments the next time. Councilmember Brewster stated he wished to include provisions for sound deadening barriers around HVAC systems and generators. Mayor

Hanel stated the matter need to go to a work session prior to a regular meeting for additional discussion. Mr. Brooks stated that the public hearing would need to be continued and suggested that municipal court penalties be considered for serious offenders. Mr. Brooks reiterated his understanding of the Council's wishes as addressing commercial HVAC systems and generators in residential areas with sound deadening barriers. Councilmember Friedel asked whether residents bordering commercial properties took precedence for the noise level. Mr. Brooks referred to the section of the ordinance that stated, "at boundaries between zones, the lower of the decibel levels shall be applicable." Councilmember Sullivan called for the question, seconded by Councilmember Cimmino. On a voice vote, the question was unanimously approved.

On a voice vote, Councilmember Cromley's substitute motion was unanimously approved.

**7. APPROVAL OF APPOINTMENT of Interim City Administrator. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Councilmember Cimmino moved to approve the appointment of Bruce McCandless as Interim City Administrator, effective October 1, 2017 at 12:01 A.M., until such time as a new city administrator can be hired, seconded by Councilmember Clark.

Councilmember Cromley asked if there were any other nominations, to which there were none. On a voice vote, the motion was unanimously approved.

**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.)**

The public comment period was opened.

- **Vince Ruegamer, 509 14<sup>th</sup> Street West, Billings, Montana**, stated Better Billings Foundation had proven their profitability of the Oasis Water Park and he supported refunding the money. He congratulated Tina Volek on her retirement.
- **Kristin Lundgren, United Way, 4251 Iron Horse Trail, Billings, Montana**, invited Council to a meeting at United Way to hear about how the community will be impacted State's budget cuts on at 7:00 PM, Tuesday, October 3<sup>rd</sup>. She thanked City staff for participating in the Day of Caring.

The following individuals testified in favor of reconsidering the failed pig ordinance:

- **Carol Walsh, 1036 Burlington Avenue, Billings, Montana**, thanked Councilmembers Sullivan and Friedel for their responses to her emails. She stated she had researched pot bellied pigs extensively and believed from previous testimonies that Animal Control, Animal Control Board and the Police

Departments were not objecting to pot bellied pigs in the city limits. She addressed the feral hog comments and concerns and said she did not understand why the Council did not pass the ordinance as there had appeared to be no one from the public that spoke in objections to pot bellied pigs in the city limits during the public hearing. She urged the Council to reconsider allowing domesticated pot bellied pigs in the city limits and provided information from other cities throughout the United States that allowed pot bellied pigs. She stated she did not support special use permitting.

- **Catherine Stecker, 112 Jefferson Street, Billings, Montana**, gave an emotional plea for the Council to reconsider allowing pot bellied pigs in the city limits so she could keep hers. Brent Brooks, City Attorney, offered advice that Council could reconsider, but a Council initiative to place on a future meeting would be needed or Council could direct staff for specific information to be brought forth. He cautioned that reconsideration was a concern when it came to giving public notice. Ms. Volek stated that a motion for reconsideration would need to be brought by a Councilmember who voted on the prevailing side or in opposition.
- **Kelly Francis, 1312 Paul Revere, Billings, Montana**, stated that pot bellied pigs fit the definition of a small, domesticated animal per current City ordinance. She urged Council to reconsider its position concerning pot bellied pigs in the city limits.
- **Angela Penninger, 1632 Fantan, Billings, Montana**, stated she had a pet pot bellied pig and had never considered that they were not allowed in the city limits. She urged Council to reconsider allowing pot bellied pigs in the city limits.
- **Elizabeth Rogers, 1714 Giants Way #3, Billings, Montana**, stated she had a pot bellied pig as an emotional support animal. She urged Council to allow pot bellied pigs in the city limits.
- **Cassandra Blair, 8699 US Highway 212, Roberts, Montana**, brought one of her pot bellied pigs to the podium and stated it had been in the Council chambers the entire time and had not been disruptive or detected. She supported the Council reconsidering its position against allowing pot bellied pigs in the city limits.
- **Linda Blair, 8699 US Highway 212, Roberts, Montana**, stated she is a breeder and gave specifics about the nature and behaviors of pot bellied pigs. She supported the Council reconsidering its position against allowing pot bellied pigs in the city limits.
- **Daniel Zolnikov, House Representative, P. O. Box 50403, Billings, Montana**, stated that pet foxes had been considered at the legislature, however, was not passed. He stated pot bellied pigs were obviously domesticated and he found the topic trivial. He stated that some constituents who had expressed their objections to pot bellied pigs were not well educated on the subject and likely thought of pot bellied pigs as the smelly, dirty livestock version. He continued that it was the job of the Council to educate constituents. He urged Council to reconsider their position against allowing pot bellied pigs in the city limits.

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

**COUNCIL INITIATIVES:**

- Councilmember Cimmino directed staff to prepare a study for the High Sierra Dog Park giving an itemized expense proposal for a shelter, restroom, and repairs to the water fountain and gate, seconded by Councilmember Yakawich. Councilmember Sullivan moved to amend the motion to make the minor repairs immediately from the current budget and to consider the larger items during the budget process for FY19, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.
- Councilmember Sullivan directed staff to research a special use permit to allow "existing" pot bellied pigs to remain in the City limits, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

There was no further business, and the meeting adjourned at 10:37 PM.



CITY OF BILLINGS

BY: Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

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