

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

May 24, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Ruegamer

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

MINUTES -- May 10, 2010 - Pending

COURTESIES

- American Legion - Youth Sports
- Exchange City Golf Corporation Annual Distribution
- Recognition of Police Department Volunteers

PROCLAMATIONS -- None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek advised that wording for agenda Item ID should be a receipt of a petition to *discontinue* an alley, not a petition to *vacate*.
- Ms. Volek advised that questions had been raised regarding Item 10, adoption of the International Fire Code. She noted that a memo from Fire Marshall Mike Spini that addressed some questions had been placed on Council desks and it, along with letters of support from local architects, was available for public viewing in the ex-parte notebook in the back of the room.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #5 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.)

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

1. CONSENT AGENDA -- Separations:1I, 1J, 1O, 1Q1, 1Q2

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Tom Binon	Board of Ethics	05/24/10	12/31/12

1. Unexpired term of Rebekah Wales

B. Bid Awards:

1. Sanitary Sewer for Airport Quick Turnaround (QTA) Car Rental Facility. (Opened 5/11/10). Recommend Hample Excavation, Inc., \$153,842.23.

C. Amendment, W.O. 05-15, Howard Heights Storm Drainage, Professional Services Contract, Interstate Engineering, Inc., \$75,000.

D. Acknowledge receipt of petition to discontinue the alley located in Block 28, Billings Old Town, bounded by 4th Avenue North, 3rd Avenue North, North 11th Street, and North 12th Street, Trail Creek Properties, LLC, petitioner; and set a public hearing date of June 14, 2010.

E. Approval of temporary property easement with Stockman Bank on Lots 7 & 8, Block 53, Foster's Addition.

F. Utility Easement with Montana Dakota Utilities for installation of gas transport line at the City landfill.

G. Street Closures:

1. Downtown Billings Association Events:

1. Alive After 5, 6/3/10, 3 p.m. to 9 p.m., 2nd Avenue N. from N. Broadway to N. 29th Street;
2. Alive After 5, 6/17/10, 3 p.m. to 9 p.m., N. Broadway between 1st Avenue North and 2nd Avenue North;
3. Alive After 5, 6/24/10, 3 p.m. to 9 p.m., N. 25th Street between Montana Avenue and 1st Avenue North;
4. Alive After 5, 7/1/10, 3 p.m. to 9 p.m., N. 26th Street between 4th Avenue North and 6th Avenue North;
5. Alive After 5, 7/15/10, 3 p.m. to 9 p.m., N. 24th Street between 3rd Avenue North and 4th Avenue North;
6. Alive After 5, 7/29/10, 3 p.m. to 9 p.m., N. 29th Street between Montana Avenue and 1st Avenue North;
7. Alive After 5, 8/5/10, 3 p.m. to 9 p.m., N. 30th Street between 1st Avenue North and 2nd Avenue North;
8. Alive After 5, 8/12/10, 3 p.m. to 9 p.m., N. 28th Street between 1st Avenue North and

- 2nd Avenue North;
 - 9. Alive After 5, 8/19/10, 3 p.m. to 9 p.m., N. 31st Street between 4th Avenue North and 6th Avenue North;
 - 10. Strawberry Festival, 6/12/10, 3 a.m. to 7 p.m., N. 28th Street from 1st Avenue North to 3rd Avenue North, 2nd Avenue North from the alley West of N. 27th Street to N. 30th Street, N. 29th Street from 1st Avenue North to 3rd Avenue North;
 - 11. Harvestfest, 10/9/10 or 10/16/10 (rain date), 6 a.m. to 5 p.m., North 28th from 1st Avenue North to 3rd Avenue North, 2nd Avenue North from the alley West of N. 27th Street to N. 29th Street;
 - 12. Holiday Parade, 11/26/10, 7 p.m., standard parade route;
 - 13. Christmas Stroll, 12/3/10, 4 p.m. to 9:30 p.m., North 28th Street from 1st Avenue North to 3rd Avenue North, 2nd Avenue North from the alley east of N. 27th Street to N. 29th Street.
- 2. St. Vincent Healthcare Heart and Sole Run, 6/12/10, 6 a.m. to 1 p.m., beginning on N. 30th Street across from St. Vincent Healthcare, south to 7th Avenue North, west on Avenue B, through Pioneer Park, north on Virginia Lane, west on Parkhill Drive, north on 17th Street West, west on Colton Boulevard, north on 21st Street West to Poly Drive, east on Poly Drive, ending on Poly Drive north of Grandview Park.**
- H. Acceptance of Donation** to Parks Department from Ewals family, \$1,200.
- I. Resolution** amending Resolution 10-18911 to add two at-large members to the Medical Marijuana Ad-Hoc Committee and ask the Ad-Hoc Committee to make recommendations to staff of options for regulating caregivers. **FAILED 4-5. Councilmembers Cimmino, McFadden, Ruegamer, Ulledalen, and Clark voted 'No.'**
- J. Resolution #10-18939** authorizing the issuance and fixing the form and detail of the Department of Natural Resources and Conservation loan and bonds for W.O. 08-22, Construction of UV Disinfection System for the Effluent of the Wastewater Treatment Plant. **APPROVED 8-0. Councilmember Cimmino recused herself.**
- K. Resolution #10-18940** approving the form and detail of the Department of Natural Resources and Conservation loan and bonds for the 2010 Annual Water Rehab Projects.
- L. Resolution #10-18941** authorizing the Financial Services Manager to set the parameters of the Series 2000 Airport Revenue Bonds.
- M. Resolution #10-18942** adopting procedures to implement the Red Flags Rule.
- N. Recommendation of Approval** to the Policy Coordinating Committee for the 2010-2014 Transportation Improvement Plan.
- O. Second/Final reading ordinance** adopting the International Fire Code (IFC), 2009 Edition, as the Billings Fire Code. **TABLED TO 7/12/10. Mayor Hanel voted 'No.'**
- P. Final Plat** of ZooMontana Subdivision.
- Q. Bills and Payroll:**
- 1.** April 23, 2010 -- **APPROVED 8-0. Councilmember Cimmino recused herself.**

2. April 30, 2010 -- **APPROVED 8-0. Councilmember Cimmino recused herself.**

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

REGULAR AGENDA:

2. **PUBLIC HEARING AND SPECIAL REVIEW #881:** a special review to allow a three-plex multi-family dwelling in a Residential 6,000 (R-60) zone, on Lots 7-12, Block 238, Billings Original Town, and located at 902 S. 32nd Street. Larry and Marlene Thiel, owners; Dave Hagstrom, Agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED.**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Section 21 of BMCC related to Solid Waste regulations. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annex #10-02: a 1.911 acre parcel located on the west side of Zimmerman Trail and north of Grand Avenue; KZ Bar Limited Partnership, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
5. **APPROVAL** of Grievance and Arbitration language allowing final implementation of all agreements in the MPEA Billings Police Unit Collective Bargaining Agreement. 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 back of the Council Chambers.)

- **Erica Smith, 2702 8th Avenue N.,** spoke against medical marijuana and stated that she had envisioned strict regulation and distribution of it after voter approval. She stated that the Legislature needed to amend the law.
- **Barry Smith, 2702 8th Avenue N.,** said he was an orthopedic surgeon and believed caregivers needed to meet standards similar to doctors, dentists and other professions that required certification. He recommended a balanced voice on the ad hoc committee because the doctor on the committee was in favor of medical marijuana.
- **Andrew Boyce, 2186 Rangeview,** stated he was an oral surgeon that dispensed pain medication and explained how difficult it was to discern which patients needed pain medication when he was on call and dealt with patients of other doctors. He said it worried him that caregivers did not know if their patients really needed the marijuana. He said regulations and control were needed.
- **Rebecca Boyce, 2186 Rangeview,** said the medical marijuana regulations were too loose. She advised that she was part of a group that would try to get the initiative back on the ballot.

COUNCIL INITIATIVES

Astle moved to add two people to the Medical Marijuana Ad-Hoc Committee and have the committee report back with zoning recommendations. The motion died for lack of a second.

Cimmino moved to ask the Zoning Commission to review the medical marijuana act and how it could be implemented in the local jurisdiction. The motion died for lack of a second.

Ulledalen moved to direct the Medical Marijuana Ad-Hoc Committee to review the zoning options presented to Council in November, 2009, and to bring back a recommendation to the Council, seconded by Councilmember Clark. On a voice vote, the motion was approved 8-1. Councilmember Cimmino voted 'No.'

ADJOURN -- The meeting adjourned at 9:09 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.