

## 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**

**August 9, 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: Ronquillo, Pitman, Cimmino, McFadden, Ruegamer, Ulledalen, McCall, Astle, and Clark. Councilmember Gaghen was excused.

**MINUTES: July 26, 2010**, approved as presented

**COURTESIES --** none

**PROCLAMATIONS --** none

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

- Ms. Volek advised that two additional street closure requests were received after finalization of the agenda and sent in the August 6 Friday Packet for: (1) Billings Food Bank Open House, August 21, 2010, 9 a.m. to 9 p.m., closure of North 22nd between 3rd and 4th Avenues North; and (2) Billings Clinic Foundation Classic, 12 a.m. (midnight) August 27 to 5 p.m. August 29, 2010, N. Broadway between 3rd and 4th Avenues North, and alleys at North 27th and North 28th between 3rd and 4th Avenues North and at North 28th and North 29th between 3rd and 4th Avenues North. She asked that those two items be added to the Consent Agenda. Ms. Volek advised that those items were available for public viewing in the ex-parte notebook at the back of the room.
- Ms. Volek referenced Item 1H, the Second/Final Reading Ordinance regulating use of electronic communication devices while driving. She said there were eight emails sent to the Council - two in opposition and six asking for further research. She advised that Councilmember Gaghen, who was chair of the committee, requested postponement of the item to August 23 since she was not able to attend that evening's meeting.
- Ms. Volek referenced Item 3, the Planning mill levy. She said one email was sent to the Council in favor of it.
- Ms. Volek reported there were several items related to Item 5, the medical marijuana zoning code text amendment as follows:

1. A letter from the South Side Neighborhood Task Force, dated June 18, against medical marijuana in the city limits. The letter was sent to the Council in the July 23 Friday Packet;
2. A letter from Mort Reid, Kathy Adler and James Haney to Medical Marijuana Providers in favor of medical marijuana in the city limits. She said the letter was faxed to the Mayor and Council and sent in the July 16 Friday Packet;
3. A July 15 memo from Bruce McCandless with the Medical Marijuana Ad-Hoc Committee's recommended zoning ordinance, moratorium and prohibition. She said the memo was sent in the July 16 Friday Packet;
4. A July 15 letter from William Mort Reid to Mayor Hanel asking the Mayor to refrain from further public debate and to abstain from voting on the issue;
5. A July 7 letter to Councilmember Pitman from Bill Cole regarding comments and possible changes to the proposed zoning ordinance;
6. Emails sent to the Mayor and Council. She said that as of 3 p.m. that day, there were 34 emails in favor of zoning outside the city limits, two against zoning outside the city limits, and eight miscellaneous emails referencing research and statistics.

Ms. Volek noted that copies of all those items were available for public viewing in the ex-parte notebook at the back of the room.

Councilmember Clark moved to add the street closure requests from Billings Food Bank and Billings Clinic Foundation Classic to the Consent Agenda as Items 1E6 and 1E7, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

Councilmember Ulledalen moved to postpone Item 1H to August 23, 2010, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 2 & 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. For Items not on this agenda, public comment will be taken at the end of the agenda.)

- **Janice Linn, Highway 3**, requested that the distracted driving procedure start over because the public did not know about the public comment period.
- **William Foote, 39 Praire View Drive**, stated that the converstation, not the phone, was the distraction while driving. He questioned the cost of implementation of the distracted driving ordinance.
- **Brian Kenat, 345 Miles Avenue**, stated it was an insult to take away his choice regarding cell phone usage while driving, even though he wore a hands-free device.
- **Ken Peterson, 424 48th Street West**, advised that a bill to ban cell usage failed in committee during the last Legislative session.
- **Chuck Barthuly, Better Billings Foundation**, advised he was available to answer questions on an agenda item.
- **Item 5, Medical Marijuana Zoning Code Text Amendment**. The following people spoke in opposition or in favor of the proposed zoning ordinance.

1. Pam Christianson, Billings
2. Ken Peterson, 424 48th Street West
3. Bob Hilliard, 2540 Lillis Lane
4. Laura Needham, 1710 Cobble Creek
5. Scott Needham, 1710 Cobble Creek
6. Barbie McClause, 1030 Bluegrass Drive
7. James Knox, 661 Garnet
8. Barry Smith, 2702 8th Avenue North

- 9. Kevin Nelson, Billings
- 10. Joseph Yates, 417 Lavender
- 11. William Foote, 37 Praire View Drive
- 12. Ann Bustell, 306 Joy
- 13. Mort Reid, Billings
- 14. Connie Wardell, Billings
- 15. Carri Bernard, Westfield Drive
- 16. Mark Higgins, 814 Ahoy

1. **CONSENT AGENDA** -- Separations: 1K1

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

|   | Name                | Board/Commission           | Term     |          |
|---|---------------------|----------------------------|----------|----------|
|   |                     |                            | Begins   | Ends     |
| 1 | No Applications     | Board of Appeals           | 08/09/10 | 12/31/13 |
| 2 | No Applications     | Board of Appeals           | 08/09/10 | 12/31/13 |
| 3 | Kathleen Candelaria | Community Development      | 08/09/10 | 12/31/14 |
| 4 | No Applications     | Emergency Medical Services | 08/09/10 | 12/31/10 |
| 5 | No Applications     | Housing Authority          | 08/09/10 | 12/31/13 |
| 6 | No Applications     | Human Relations            | 08/09/10 | 12/31/10 |
| 7 | No Applications     | Human Relations            | 08/09/10 | 12/31/14 |
| 8 | No Applications     | Traffic Control            | 08/09/10 | 12/31/10 |

- 4. Unexpired term of Dr. Peter Light
- 6. Unexpired term of Everall Fox
- 8. Unexpired term of Keith Lang

**APPROVED.**

B. **Bid Awards:**

- 1. **Airport High Speed Runway Broom.** (Opened 7/27/2010). Recommend Team Eagle, Inc., \$523,000.00. **APPROVED.**
- 2. **W.O. 08-14 WWTP Storm Drain Modifications.** (Opened 7/27/2010) Recommend Castlerock Excavating, Inc., \$169,062.00. **APPROVED.**

C. **Approval** of annual Funding Agreement with the Yellowstone County Council on Aging. **APPROVED.**

D. **Memorandum of Understanding (MOU)** between the Big Sky Economic Development Authority, City of Billings, and the Billings Industrial Revitalization District, Inc. for implementation of the East Billings Urban Renewal District. **APPROVED.**

**E. Street Closures:**

- 1. Montana Governor's Cup Marathon.** September 6, 2010, 6 a.m. to 3 p.m.; Molt Road to Buffalo Trail, back onto Molt Road, left on 62nd Street West, west on Sam Snead Trail to Walter Hagen, onto 54th St. West, left on Rimrock, right on 46th Street West, left on Rangeview Drive, left on 38th Street West (partial street closure), right on Poly Drive, right on Patricia Lane, left on Colton, right on 17th Street West, left on Parkhill Drive to Virginia, right on 3rd Street West, finishing at Daylis Stadium. Full street closure on 3rd Street West from 6:00 a.m. to 12:00 noon. **APPROVED.**
  - 2. Don Luis 10-Year Celebration.** Saturday, August 21, 2010, 1:00 p.m. to 9:30 p.m.; North 26th Street between Montana Avenue and 1st Avenue North. **APPROVED.**
  - 3. Billings Parks and Recreation Department Dash for Dog Parks Fun Run.** Saturday, August 14, 2010, 6 a.m. to noon; beginning at the Skyview High School Parking Lot, traveling on High Sierra Boulevard, west on West Wicks Lane and ending at High Sierra Park. **APPROVED.**
  - 4. Friendship House of Christian Service Neighborhood Event.** Wednesday, August 18, 2010, 4 p.m. to 8 p.m.; 8th Avenue South between South 31st and 32nd Streets. **APPROVED.**
  - 5. Billings Association of Realtors Quality of Life Run.** Saturday, August 21, 2010, 7 a.m. to 11 a.m.; 5-Mile : begins atop the rims near Masterson Circle down N. 27th, west on Rimrock Rd, south on Virginia Lane, through Pioneer Park, north on 3rd Street West, east on Parkhill Drive, south on North 32nd Street ending at Division and Grand; 2-Mile : begins at the MSU-B parking lot, west on Rimrock Road, south on Virginia Lane, through Pioneer Park, north on 3rd Street West, east on Parkhill Drive, south on North 32nd Street ending at Division and Grand. **APPROVED.**
  - 6. Billings Food Bank Open House.** Saturday, August 21, 2010, 9 a.m. to 9 p.m., North 22nd Street between 3rd and 4th Avenues North. **ADD-ON ITEM AT MEETING. APPROVED.**
  - 7. Billings Clinic Foundation Classic.** Friday, August 27 to Sunday, August 29, 2010, street closure: N. Broadway between 3rd Avenue North and 4th Avenue North, beginning at 12 a. m. (midnight) August 27 until 5 p.m. August 29, ; alley closure : North 27th and North 28th alley between 3rd and 4th Avenues North, and the alley on North 28th and North 29th between 3rd and 4th Avenues North, 9 p.m. August 27 through 5 a.m. August 29. **ADD-ON ITEM AT MEETING. APPROVED.**
- F. Acceptance of Donation** to the Fire Department for purchase of smoke and carbon monoxide detectors; \$500. **APPROVED.**

- G. Approval and acceptance** of the Domestic Violence Unit and Victim Witness Assistance Program Grants awarded by the Montana Department of Justice and Board of Crime Control; Domestic Violence grant award \$50,739 with City's cash match of \$36,019; Victim Witness Assistance grant award \$36,739 with City's cash match of \$35,184. **APPROVED.**
- H. Second/final reading ordinance** regulating the use of electronic communication devices while operating a motor vehicle. **POSTPONED TO 8/23/10.**
- I. Resolution #10-18974** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot, 1125 Broadwater Avenue, during the Big Sky Polka Club's Polkafest, September 3-5. 2010. **APPROVED.**
- J. Final Plat Approval**
1. Sahara Sands Subdivision, 1st and 2nd Filings, Amended. **APPROVED.**
  2. Riverfront Pointe Subdivision, Block 10, Amended Lot 16 **APPROVED.**
- K. Bills and Payroll:**
1. July 13, 2010 -- **APPROVED 9-0. COUNCILMEMBER CIMMINO RECUSED HERSELF FROM THE VOTE.**
  2. July 19, 2010 -- **APPROVED.**

**REGULAR AGENDA:**

2. **RESOLUTION #10-18975 AWARDED THE SALE FOR RE-FUNDING SERIES 2010 GENERAL OBLIGATION BONDS.** Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.) **APPROVED AWARD OF SALE TO ROBERT W. BAIRD.**
3. **PUBLIC HEARING AND FIRST READING ORDINANCE AMENDING THE CITY CHARTER TO ADD A 1-MILL PLANNING LEVY TO BE DECIDED BY THE VOTERS AT THE NOVEMBER 2, 2010, GENERAL ELECTION.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**
4. **PUBLIC HEARING AND RESOLUTION #10-18976 TO EXCLUDE PROPERTY TO DE-ANNEX A PORTION OF BROADWATER AVENUE LOCATED BETWEEN 56TH AND 58TH STREETS WEST IN TRAILS WEST SUBDIVISION.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

5. **MEDICAL MARIJUANA ZONING CODE TEXT AMENDMENT.** Ad-Hoc Committee and staff recommend initiating a zoning text amendment and referring the "restrictive" ordinance to the Zoning Commission for review and recommendation. (Action: approval or disapproval of Ad-Hoc Committee and staff recommendation.) **APPROVED INITIATING A ZONING TEXT AMENDMENT AND REFERRED THE "RESTRICTIVE" ORDINANCE TO THE ZONING COMMISSION FOR REVIEW AND RECOMMENDATION WITH CHANGES TO REMOVE COMMUNITY COMMERCIAL AS AN OPTION AND TO CHANGE THE RESIDENTIAL ZONE BUFFER FROM 300' TO 1000'.**

**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.*)

- **Kevin Nelson, Billings** , spoke about the EBURD Master Plan and Downtown Billings Partnership.

### **COUNCIL INITIATIVES**

**McCall:** moved to direct staff to bring a one-year extension of the medical marijuana moratorium as a future agenda item, seconded by Councilmember Cimmino. **APPROVED.**

**ADJOURN** -- 9:31 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.*