

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

SPECIAL SESSION AGENDA

COUNCIL CHAMBERS

January 3, 2011

5:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Clark

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

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek referenced Item #1 – Approval of Resolutions declaring emergency to remove sandstone boulders from public and private property and awarding contract to Accurate Concrete Cutting. – Two resolutions were forwarded in the Friday Packet delivered on December 30th; one for Shady Lane and one for Granite Avenue. She said copies were filed in the ex-parte notebook.
- Ms. Volek referenced Item #2 – Approval of Resolution appointing ad-hoc committee to recommend placement of 30” x 40” painting of Sacrifice Cliff donated by Mike McFadden. She said the resolution was forwarded in the Friday Packet delivered on December 30th, and was filed in the ex-parte notebook.
- Ms. Volek referenced Item #3 – Approval of appointment of Municipal Court Judge. She said an e-mail to Mayor and City Council from Kathleen Toohill, dated 1/3/11 in favor of appointing Colette Davies was on their desks and filed in the ex-parte notebook.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 2, and 3.

Speaker sign-in required. (Comments offered here are limited to one (1) minute per speaker. 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. Please sign up on the clipboard located at the podium.)
The public comment period was opened.

- **Sheila Kolar, 3003 Country Club, Billings, MT**, said she felt she was the best candidate for the municipal court judge and said she could begin the duties immediately.
- **Vicki Dunaway, 1303 Granite, Billings, MT**, spoke on Item 1 and said she was concerned that the lowest estimate for the removal of rocks from the face of the rims did not include netting. She said she needed reassurance that the rocks would not continue to fall.
- **Colette Davies, 2335 Crimson Lane, Billings, MT**, said she was honored to be the interview committee's recommendation for the position of municipal court judge. She said it was a once in a lifetime opportunity, and she appreciated the support from the community.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT**, asked what the funding source was for Item 1. He said the staff memo indicated funding would come from the General Fund and the property owners. He asked if all other taxpayers could rely on payments from the City.
- **Dale Vermillion, 3020 Shady Lane, Billings, MT**, referenced Item 1 and said he had lived at his residence on Shady Lane for 40 years and had never had problems with falling rocks before now. He said it was a different situation because the rocks would continue to fall, and he appreciated the fact that it had been designated as an emergency.
- **Margaret Vermillion, 3020 Shady Lane, Billings, MT**, referenced Item 1 and said it had been very stressful. She said it was extremely uncomfortable sleeping in their house and she had been staying at her son's ranch. Ms. Vermillion asked Council to follow staff's recommendation.

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

Councilmember Pitman made a motion to move Item 3 to the first item on the agenda, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

SPECIAL AGENDA:

1. **Approval** of Council sub-committee's recommendation for appointment of Municipal Court Judge. (Action: approval or disapproval of Council sub-committee's recommendation.) **SHEILA KOLAR WAS APPOINTED MUNICIPAL COURT JUDGE ON A 7 TO 3 ROLL CALL VOTE. COUNCILMEMBERS RONQUILLO, GAGHEN, PITMAN, CIMMINO, MCFADDEN, MCCALL AND ULLEDALEN VOTED IN FAVOR OF MS. KOLAR. COUNCILMEMBERS RUEGAMER, CLARK AND MAYOR HANEL VOTED IN OPPOSITION.**

2. **Approval of Resolution #11-19016** appointing a 5-member ad hoc committee to make a recommendation to the Council on the appropriateness and placement of a 30" x 40" painting of Sacrifice Cliff donated by Mike McFadden. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

3. **Approval of Resolution** declaring an emergency to stabilize or remove sandstone boulders from public and private property and **award** a contract for removing and stabilizing the sandstone boulders at 1313 Granite and Shady Lane to Accurate Concrete Cutting, Inc. for \$189,225. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- **1313 GRANITE - MOTION FAILED 5 TO 5. COUNCILMEMBERS PITMAN, CIMMINO, RUEGAMER, ULLEDALEN AND CLARK VOTED IN OPPOSITION. COUNCILMEMBERS RONQUILLO, GAGHEN, MCFADDEN, MCCALL AND MAYOR HANEL VOTED FOR APPROVAL.**
- **SHADY LANE – MOTION FAILED 5 TO 5. COUNCILMEMBERS RONQUILLO, PITMAN, RUEGAMER, ULLEDALEN, AND CLARK VOTED IN OPPOSITION. COUNCILMEMBERS GAGHEN, CIMMINO, MCFADDEN, MCCALL AND MAYOR HANEL VOTED FOR APPROVAL.**

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

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce, Billings, MT**, said there should have been a public hearing advertised and held for Item 3. He asked why Four Square Properties tax assessments were considerably less than the properties directly across the street.

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

COUNCIL INITIATIVES

- **Ulledalen:** MOVED that the annexation policy include references to geological factors that made development undesirable and include mandatory insurance or deed restrictions, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

ADJOURN – The meeting adjourned at 8:35 p.m.