

**City of Billings**  
**Weekly Legislative Report**  
**Tenth Week of the Montana Legislature**  
**March 10, 2011**

As of today, March 10<sup>th</sup>, 1051 bills have been introduced (of the 2202 bill draft requests filed). Today is the 54<sup>th</sup> Legislative Day, of the 90 day Session. For this Report I highlight the following bills:

- HB 68, to revise the Medical Marijuana Act, introduced by Rep. Sands, is pending executive action. HB 43, introduced by Rep. Gary MacLaren, would specify employers' rights to test and discharge employees related to employees use of medical marijuana. It was heard in the Senate Business Committee on March 2nd. HB 161, introduced by the Speaker, to repeal the marijuana initiative, passed the House, and will be heard in the Senate Business Committee on March 11<sup>th</sup>. Another bill revising the Medical Marijuana Act which is pending action in the House is Rep. Berry's HB 429. SB 154, introduced by Sen. Dave Lewis, to regulate the medical marijuana provider supply system, is pending in the Senate. The City supports bills to repeal the Medical Marijuana Act and supports bills to regulate and control medical marijuana use.
- HB 230, introduced by Rep. Steve Gibson, would transfer the Board of Crime Control from the Department of Justice to the Department of Corrections. This Bill passed the House 94 to 4 and will be heard in the Senate Judiciary Committee on March 15<sup>th</sup>. The City has not yet taken a position on this Bill.
- HB 231, introduced by Rep. Randy Brodehl, would permit cities with career paid firefighters to have the option for a supplementary volunteer fire department. This Bill passed the House and was heard in Senate Local Government for March 7<sup>th</sup>. The City supports this Bill.
- HB 307, introduced by Rep. Tom Burnett, would prohibit building codes from requiring mandatory sprinkler systems primarily in single family residential housing. This Bill has passed the Legislature and will be transmitted to the Governor. The City supports this Bill.
- HB 316 and HB 317 are companion bills, introduced by Rep. Cook (R. - Conrad), to decrease the amount of distributions in numerous statutory appropriations, including the local government entitlement programs, to eliminate the three-fifths vote required to reduce the amount of the entitlement share to be distributed, and to sunset statutory appropriations at certain times. The City opposes these Bills. A separate but related bill pending action is the \$90 million general obligation bond bill (HB 439) for state government building projects, including a new building at MSU-B.
- HB 325, introduced by Rep. Keith Regier, would eliminate class 8 business equipment property tax without any reimbursement to local governments. It is pending action in the House. The City opposes this Bill.
- HB 334, introduced by Rep. Scott Reichner (R.-Big Fork), will be the primary workers compensation bill considered to accomplish reform.

- HB 390, introduced by Rep. Margie MacDonald, to provide inspection and oversight for dog breeding operations is pending Executive Action. The City supports this Bill.
- The several TIFD bills introduced by Rep. Elsie Arntzen, HB 560, HB 561, HB 562, and HB 564, have been referred to the House Taxation Committee. The Hearings have been scheduled for March 15<sup>th</sup>. The City will oppose these Bills.
- SB 91, introduced by Sen. Taylor Brown, would allow a new city to incorporate even if it does not have a post office (for example, Lockwood). SB 91 will be heard in House Local Government on March 15<sup>th</sup>. It is tied to passage of HB 426 with a contingent voidness clause. HB 426, by Rep. Gary MacClaren (R.- Victor) would require consent of large industrial facilities (for example, oil refineries) before such properties could be included within the boundaries of a newly incorporated city. HB 426 was heard in Senate Local Government Committee on March 7<sup>th</sup>.
- SB 152, sponsored by Sen. Taylor Brown, at the request of the City, would increase penalties for sexual assault. It passed the Senate 48 to 0 and passed the House, on March 10<sup>th</sup>, 89 to 10.
- SB 251, introduced by Sen. Kaufmann (D. - Helena), was amended to prohibit texting, but not cell phone use, while driving. The Bill was re-referred to the Senate Highways Committee and is pending Senate action.
- SB 234, introduced by Sen. Sonju (R. - Kalispell), would negatively impact the ability and cost of cities to provide solid waste services when a private entity is providing similar services. It will be heard in House Local Government on March 17<sup>th</sup>. The City has suggested amendments.
- SB 358, introduced by Sen. Ed Buttrey, would revise urban renewal and tax increment financing district laws, provide for creation of targeted economic development districts, and allow counties to create urban renewal areas and economic development districts. The City has not taken a position on this Bill.
- SB 367, introduced by Sen. Vincent, would establish nutrient standards variances. It has broad support from interested parties, including the League of Cities and Towns and MACO. It passed the Senate 50 to 0.
- SB 372, introduced by Sen. Bruce Tutvedt, would adopt a phased reduction of the business equipment tax making them contingent upon state collections of income tax, and provide a 90% reimbursement to local governments. The City has not taken a position on this Bill.
- SB 392, introduced by Sen. Kim Gillan, would increase the class eight business equipment tax exemption amounts, and would provide reimbursement to local governments for tax year 2012 losses. It was heard in Senate Taxation Committee on March 10<sup>th</sup>.

I look forward to discussing these and other legislative matters of interest to City Council. Please contact me if you have any questions or would like information on any particular topic or bill.

Ed Bartlett, City of Billings, Lobbyist, cell: 406-431-6014



*From the Desk of .....*

**Cari Martin  
City Clerk**

P.O. Box 1178  
Billings, MT 59103  
(406) 657-8210 FAX (406) 657-8390  
email: martinc@ci.billings.mt.us

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## **MEMORANDUM**

**TO: Mayor and City Council**  
**FROM: Cari Martin, City Clerk**  
**SUBJECT: March 14<sup>th</sup> Regular Agenda Item #5 – Moore Lane Proposed  
SID 1369**  
**DATE: March 11, 2011**

**Attached is correspondence received during the protest period for SID 1369 that ended at 5:00 p.m. on March 4.**

**Also included are e-mails sent to Mayor and Council on March 9 in favor of the proposed SID.**

**Thank you.**

**Martin, Cari**

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**From:** Brad Mailloux [brad@watcopools.com]  
**Sent:** Wednesday, March 09, 2011 11:05 AM  
**To:** .Mayor & Council  
**Cc:** 'Rick '  
**Subject:** Proposed Moore Lane SID

Hello,

I cannot attend the meeting on March 14<sup>th</sup>, so I wanted to email you my opinion on this SID. I am in favor of this SID as I believe it will increase property values, save money on repairs for service our vehicles and increase walk-in business traffic. The shape the street is in today is terrible and has been for a number of years. I know other businesses as well as myself will probably build new buildings in the future if this SID is approved which will also greatly enhance the whole area. Thank you

**Brad Mailloux**

WATCO POOLS

308 Moore Lane

A Division of BKM Enterprises, Inc.

Ph: (406) 245-5175

Fax: (406) 248-5477

800-334-2470

[brad@watcopools.com](mailto:brad@watcopools.com)

**Martin, Cari**

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**From:** ROBERT TEHLE [byte78@imt.net]  
**Sent:** Wednesday, March 09, 2011 9:10 AM  
**To:** .Mayor & Council  
**Subject:** March 14th SID 1369 Moore Ln

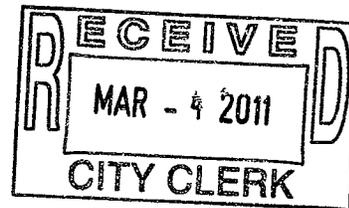
I'm Robert Tehle the owner of Alpine Plumbing Heating & Cooling at 306 Moore Lane. I'm writing in reference to Item #12.5. I am contacting the council members to voice my support of the creation of SID 1369.

I feel this would be a great asset to our business to have better streets and services plus increased traffic count and more convenience for our retail customers. I will be able to pay for these upgrades with reduced parking lot maintenance from ice and water that is unable to drain and no septic tank maintenance. I also foresee increased sales from more traffic. This will put Moore Lane on the map. It's a total win win situation.

Regards,

Robert Tehle

K & K Investments  
Floyd and Kay King  
846 Melville Rd.  
Big Timber, MT 59011



City Clerk  
City of Billings  
210 N. 27<sup>th</sup> Street  
Billings, MT 59101

Re: Moore Lane SID

March 3, 2011

Dear Sir;

Please be advised that we wish to protest the creation of the special improvement district on Moore Lane. As property owners, we feel that the city is expecting the landowners to pay too much of the costs. Moore Lane is, as Engineer Chris Hertz has explained to us, an arterial road. The road gets a great deal of traffic that does not stop at the Moore Lane businesses. The manager of the business which leases our building has been at the Moore Lane location for 26 years. He believes that approximately 80 percent of the traffic is driving from Central Ave. to the Laurel Highway. If the road is improved, there could be even more traffic driving Moore Lane. It is unfair of the city to expect us to pay for so much of a project which builds a main Billings street.

I do not believe, along with the business people with whom I have talked, that a turning lane is necessary. There are many busy streets without turning lanes and motorists just expect to have to deal occasionally vehicles with turning in and out of businesses. With the difficult economic times, the city could certainly consider eliminating the additional expense of a turning lane.

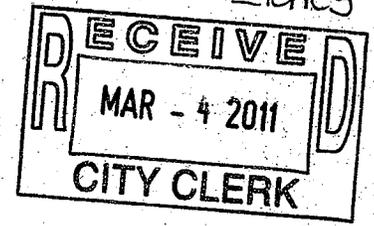
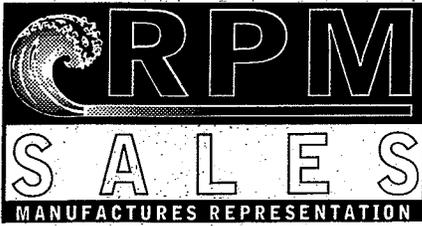
Also, I would think the city could waive the requirement for a 7 foot sidewalk. There is little foot traffic on the road and it would be sufficient to have a 4 foot sidewalk.

Than you for considering this protest.

Sincerely yours,

A handwritten signature in cursive script that reads "Kay R. King". The signature is written in dark ink and is positioned above the typed name.

Kay and Floyd King



2 Moore Lane | Billings, MT 59101 • P.O. Box 1654 | Billings, MT 59103 • Phone: (406) 256-9969 | Fax: (406) 256-9987

**March 4, 2011**

**City Of Billings  
City Clerk  
Billings, MT**

**RE: SID 1369 Moore Lane**

**To Whom It May Concern:**

**I have received formal notice from the Public Works Department, Engineering Division, of a planned SID involving my property. According to Chris Hertz, P.E. Staff engineer with the Public Works Department, property owners with a Central Avenue address are exempt.**

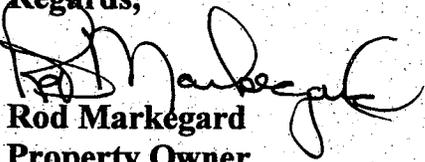
**I notified Chris that our legal address is actually 1038 Central Ave. I purchased this property to relocate a business. This is not a retail business, however numerous packages are received. Due to the corner location and the traffic, the rear entrance to the business was best suited for parking and mail deliveries.**

**Inquiring with the Postal Service to relocate the mail box, they said this delivery was on a different route an address change would be needed. In conversation with the city, changing the address needed the blessing of the Billings Fire Department. The address change was approved.**

**The Tax ID # DO1448 noting 2 Moore Lane is for convenience. As previously stated our legal address is 1038 Central Ave. We should not be envolved in the present proposed SID.**

**Therefore I protest the SID if my Central Avenue property is implicated in the proposed SID 1369 Moore Lane.**

**Regards,**

  
**Rod Markegard  
Property Owner**

**Martin, Cari**

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**From:** Brookstone Monument Company [brookstone@180com.net]  
**Sent:** Thursday, March 03, 2011 3:35 PM  
**To:** .Mayor & Council  
**Subject:** Moore Lane SID

To all Council members  
Moore Lane SID  
249 Moore Lane  
Brookstone Monument Co.

We are opposed to the widening of Moore Lane because we have nothing in writing that tells us precisely how the construction will be done.

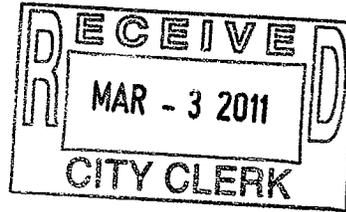
We have 62 ft. of street frontage. We have semi-trucks unload granite on our property. When we have trucks unload or have 3-4 cars parked in our parking lot along the north, the drive way exit (if it is only 20ft.) would be completely blocked. We have requested two (2) 30 ft. drive ways and we are given the answer that "no promise can be made". This answer concerns us that if the SID passes the property owners on Moore Lane will not be given consideration as to what is best for their business.

Moore Lane has primarily industrial businesses on it. Seven foot sidewalks seem a little extreme for our situation. If we have to have the sidewalks, we have to give up a parking space at our business. This would further limit our parking as well make it more difficult for customers.

Nothing has been mentioned in the meetings about the taxes that each business has been paying into the arterial street and street maintenance fund. Should these funds not significantly reduce each property owners cost?

We feel that we are property owners without a say. Therefore, we oppose the Moore Lane SID.  
Thank you for your time.

Sincerely,  
Dennis and Marlene Newton  
Brookstone Monument Co.



March 3, 2011

City of Billings City Council,

This is a Formal Protest of SID 1369 Moore Lane

Moore Lane is an Old Established Industrial Neighborhood.

The SID as it is proposed would adversely affect the use of our property.

It would also be a financial hardship for us in these difficult economic times

The needs of the businesses on Moore Lane need to be considered.

We own 121 Moore Lane

Best Regards,

Donald E. Mueller

A handwritten signature in cursive script that reads "Donald E. Mueller".

John M. Mueller

A handwritten signature in cursive script that reads "John M. Mueller".

T.J. Mueller

A handwritten signature in cursive script that reads "T.J. Mueller".

March 3, 2011



To whom it may concern;

I am writing this letter in protest of the proposed SID on Moore Lane.

I own the following properties on Moore Lane:

131-135 A,B,C,D,E,F,G,H,I

139 A,B,C

141

This project as proposed would cause undo hardship upon these properties.

Thank you for your Vote NO.

Sincerely,

Dave Heine

A large, stylized handwritten signature in black ink, written over the printed name "Dave Heine". The signature is cursive and somewhat abstract, with large loops and flourishes.

# Fax Transmission

To: CHRIS HERTZ, PE

No. of pages incl. this one:

CHRIS, 406.657.3095

Fax Number: 237.6291

Voice: 406.657.8231

cc: MOORE LANE PROPERTY OWNERS

From: MARK WEST COMPANY Serving Since 1968  
DENNIS R. MASBRUCH, C.E.O.



Date: 12.22.10

If you do not receive all pages, please contact:

MARK WEST COMPANY  
P.O. BOX 20631, BILLINGS, MT 59104  
PHONE 1-406-259-7104, FAX 1-406-259-9199

Subject: PROPOSED S.I. D. MOORE LANE  
CENTRAL AVE → LAUREL HIGHWAY

Special Instructions: CLASSIFIED DOCUMENTS -

GREETINGS: IF RECEIVED IN ERROR,  
I PROTEST PLEASE NOTIFY THE ABOVE  
PHONE NUMBER IMMEDIATELY

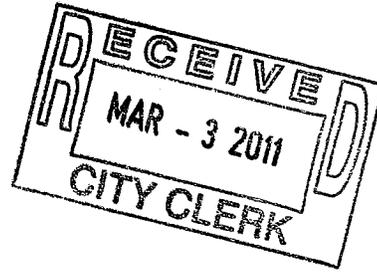
1. DRIVERS SPEED NOW. WILL BE WORSE WITH SMOOTH NEW STREET. DANGEROUS 2 PROPERTY USERS!  
2. WILL RESTRICT ALREADY LIMITED PARKING  
3. AS I BASICALLY DONATE III MOORE LANE 2 BARK. (BILLINGS ANIMAL RESCUE + KARE - A TOTALLY NON GOVERNMENT FUNDED SHELTER I CAN'T AFFORD THE S.I. D.  
IF MAJORITY SAY YES GET SOME OBAMA FUNNY FEDERAL MONEY (OFFM) THANK

**MISSION STATEMENT:**

"Commitment to our values empowers us to provide services and products that maximize everyones success."  
Integrity • Service • Quality • Dependability

Armstrong Pest Control  
260 Moore Ln  
Billings, MT 59101

March 3, 2011



To the City Council of Billings:

I am Mark Milton, owner of the property at 260 Moore Lane. I am opposing the SID charging property owners on Moore Lane for the entire cost of reconstructing the street. Moore Lane is an arterial street allowing access across the railroad tracks to Laurel Road, a Business Loop of I90. There are a lot of semi trucks and large commercial vehicles in and out of businesses on Moore Lane. The proposed large sidewalks, turning lane, and limited curb cuts would hinder truck traffic in and out of the businesses. I feel the city should be responsible for a large portion of the costs involved. Zimmerman Trail extension was partially funded by a city-wide tax. Why can't Moore Lane receive some of these funds?

Thank you,

A handwritten signature in black ink, appearing to be "Mark Milton".

Mark Milton, President  
Armstrong Pest Control

**Martin, Cari**

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**From:** Terry Bergstrom [TerryB@stevensbrothersmech.com]  
**Sent:** Thursday, March 03, 2011 10:38 AM  
**To:** .Mayor & Council  
**Subject:** Proposed Moore Lane SID

In regard to the improvements suggested for Moore Lane the following issues present problems for our business at 234 – 240 Moore Lane:

- 1) To widen the street for a turn lane will cut into our already to small parking area
- 2) Allowing for only one 16' driveway entrance to our property would make deliveries difficult; we own a 50' combined length semi that would be difficult to negotiate in the proposed area. We do not have a separate exit. One way in and one way out.
- 3) This is an industrial neighborhood where a continuous curb is not necessary. We need a continuous driveway.

We bought this property because it was an industrial area without residential restrictions. To make the proposed changes will definitely disrupt our business and possibly force a relocation if we cannot continue our day to day business.

We object to the middle turn lane and access to our property.

Respectfully,

Stanford M Stevens  
Stevens Brothers Mechanical  
234 – 240 Moore Lane

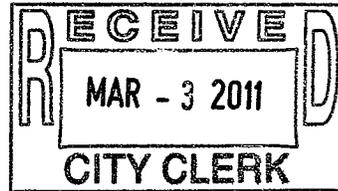
Item 5



PO BOX 1463 - BILLINGS, MT 59101  
300 MOORE LANE - BILLINGS, MT 59103  
406-248-3546 - FAX 406-248-9099  
www.montanasupply.com

3/3/11

Public Works Department  
Engineering Division



SUBJECT: SID 1369 Moore Lane

My name is Joel Desin, owner of the property located at 300 Moore Lane and Montana International Supply Co.

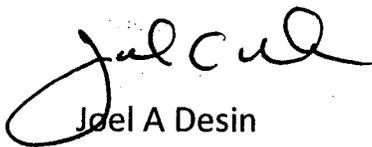
I am writing to protest the intention to create SID 1369 on Moore Lane

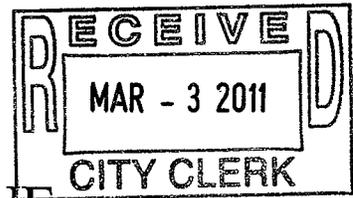
Moore Lane is a main connecting thoroughfare needed and used by many motorists, much like Shiloh Road.

I would happily pay for the city sewer service and the connection cost, but I believe the City of Billings should cover the cost of the street reconstruction or improvements.

The intended SID 1369 is not solely a benefit for owners/businesses on Moore Lane, but rather a much needed improvement for Billings residents and visitors using this popular connecting street.

Sincerely,

  
Joel A Desin



CITY OF BILLINGS  
SID 1369 MOORE LANE

We the undersigned Property Owners Protest SID 1369 Moore Lane

Name

Property Address

<u>Donald E. Smith</u>	<u>171 Moore Lane</u>
<u>John M. Queller</u>	<u>121 Moore Lane</u>
<u>J. M. Smith</u>	<u>121 Moore Lane</u>
<u>Carl Kemp</u>	<u>131 Moore Lane</u>
<u>Carl Kemp</u>	<u>139 Moore Lane</u>
<u>Carl Kemp</u>	<u>141 Moore Lane</u>
<u>Bob Baithl</u>	<u>309 Moore Lane</u>
<u>Pat Moberg</u>	<u>1038 Central (Legal) 2 Moore Lane (two lots)</u>
<u>Kay B. King</u>	<u>108 Moore Lane</u>
<u>Stan Olson</u>	<u>270 Moore Lane</u>
<u>Mark Miller</u>	<u>260 Moore Ln</u>
<u>Dennis Newton</u>	<u>249 Moore Ln</u>
<u>Jan E. E</u>	<u>216 Moore Ln</u>
<u>Jan E. E</u>	<u>222 Moore Ln</u>
<u>Don Stewart</u>	<u>212, 140, 141 Moore Ln</u>
<u> </u>	<u> </u>