

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

June 27, 2011

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember McFadden

ROLL CALL

MINUTES: June 13, 2011

COURTESIES

PROCLAMATIONS

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2, #5, #6, #7, #11 and #12 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute. 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.)

1. CONSENT AGENDA -- Separations:

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Ronald Spence	Tourism BID Board	07/01/11	06/30/15
2	Chris Johnson	Tourism BID Board	07/01/11	06/30/15

B. Bid Awards:

1. **IP-9 Elevator Project, Billings Logan International Airport.** (Opened 6/14/2011) Recommend Fisher Construction; \$223,500.
 2. **SID 1369, Moore Lane Improvements.** (Opened 5/24/2011) (Delayed from 6/13/2011) Recommend HL Ostermiller; \$882,956.90.
 3. **W.O. 10-29 Wasterwater Treatment Plant West Mechanical MCC Replacement and Improvements.** (Opened 6/14/2011) Recommend delay of award until July 11, 2011.
 4. **2011 Flatbed Truck with Hydraulic Telescoping Crane for Street/Traffic Division.** (Opened 6/14/2011) Recommend I-State; \$91,919.
 5. **W.O. 11-05, Chapple Area Water Main Improvements.** (Opened 6/14/2011) Recommend Ahanu Construction; \$830,065.
- C. Change Order #2 (Final),** W.O. 09-14 Wicks Lane and St. Andrews Drive Traffic Signal, Ace Electric, \$5,491.53.
- D. Contract** with Reporter Big Sky for paper and office supplies; three-year contract with three, 1-year options to renew.
- E. Agreement** between City of Billings and American Medical Response (January 2011 - December 2011 renewable annually).
- F. Agreement** with Billings Housing Authority to fund one Police Officer; 7/1/2011 - 12/31/2011.
- G. Development Agreement** with homeWORD for acquisition of property and construction of a low-income, multi-family housing complex.
- H. Annual Agreements** for Landfill Use with Bighorn County, Carbon County, Musselshell County, Stillwater County, Treasure County, Town of Columbus, Town of Fromberg, Town of Hysham, Town of Bridger, Town of Joliet, City of Laurel, City of Big Timber, and City of Red Lodge (7/1/11 – 6/30/12); and 3-year Landfill Use Agreement with Yellowstone County (7/1/11 – 6/30/14, with annual amendments).
- I. Approval** of 5-year lease agreement with the Crime Prevention Center to occupy space in the Park I Garage at \$0 rent.
- J. Approval of Sublease Agreement** by and between Edwards Jet Center Montana, Inc. and Rocky Mountain College; and **Airport Operating Permit** by and between City of Billings and Rocky Mountain College.
- K. Amendment #16, Airport Terminal Circle Road Paving Project.** Engineering Design Services Contract, Morrison-Maierle, Inc., \$9,761.

L. Street Closures:

- 1. Magic City Soul Run 3K & 10K** - Saturday, August 13, 2011, 6:30 a.m. to 1:00 p.m., South Park starting at 6 Ave. S., to S. 34th, to 4 Ave. S., to S. 35th and back to South Park (3K ends). 10K continues from S. 35th to State Ave., to Jackson St., to Monroe St., to Bruce St., to Phillip St., to S. Billings Blvd; turning around and following course in reverse back to South Park.
- 2. Billings Clinic Classic Street Party** - N. 28th between 3rd Ave. N and 4th Ave. N; Alley at North 27th/28th between 3rd Ave. N. and 4th Ave N.; and Alley at North 28th/29th between 3rd Ave. N. and 4th Ave. N.; Midnight 8/26/11 through 5:00 a.m. 8/28/2011.
- 3. Harvest Church Freedom 5K Walk/Run** ; Saturday, July 2, 2011; 7:00 a.m. to 11:00 a.m.; commencing at Harvest Church and proceeding northwest on West Wicks Lane, east on Matador, south on Vesca Way, east on Sierra Grande Boulevard, south on Fantan Street, west on Wicks Lane, ending at Harvest Church.

M. Resolution authorizing closure of Debt Service Funds for SID 1315 - Lampman Sub. Water Improvements; SID 1326 Pemberton Sub. Sewer; and SID 1338 Agate Avenue Sanitary Sewer to the SID Revolving Fund.

N. Resolution accepting the terms and conditions of the InterCap Loan obtained to finance SIDs 1369 & 1391.

O. Resolution adjusting fees charged at the Animal Shelter.

P. Second/Final Reading Ordinance providing that the BMCC be amended by revising portions of Sections 4-300 and 4-400 of said code updating language for definitions; keeping of wild animals; impoundment of abused, mistreated, or neglected animals; potentially dangerous animals; small animals at large; small animals in city parks or public lands; loosing of animals; vaccination of dogs/cats for rabies; small animal owner's promise to appear; registration; proof of vaccination; animal control officer, disposition of unclaimed animals, and penalties.

Q. Preliminary Minor Subsequent Plat of Amended Lot 9-A, Block 1, Montana Sapphire Subdivision described as five lots on approximately 11 acres of land for commercial or industrial development generally located on the southwest corner of Shiloh Road and King Avenue West; Montana Sapphire, LLC, owner; Rimrock II, LLC, subdivider; Sanderson Stewart, representing agent; conditional approval and adoption of the findings of fact.

R. Cancellation of Checks and Warrants, \$5,223.17.

S. Bills and Payroll:

1. May 27, 2011

2. June 23, 2011

REGULAR AGENDA:

2. **EMERGENCY ORDINANCE BANNING MEDICAL MARIJUANA STOREFRONTS** in the City of Billings. (1) If the preliminary injunction in the Lewis and Clark County case is denied and SB 423 becomes effective, staff recommends approval of the emergency ordinance banning the sale of medical marijuana or marijuana-infused products in Billings storefronts. (2) If a decision on the preliminary injunction is not made by June 27, staff recommends postponing action on the emergency ordinance to a meeting on July 1 or later. (3) If the preliminary injunction is approved, staff recommends denial of the emergency ordinance on storefronts and direction to staff to begin working on extending the moratorium emergency ordinance when it expires in November 2011. (Action: approval or disapproval of staff recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** for submitting to City voters in November 2011 the issue of general obligation bonds in the amount of up to \$16,300,000 for the purpose of paying costs of designing, constructing, and equipping a new downtown Library building. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** approving and adopting Fourth Quarter Budget Amendments for Fiscal Year 2010/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
5. **RESOLUTION** approving and adopting the Fiscal Year 2012 City of Billings Budget. Public Hearing held on 6/13/2011. Staff recommends approval and adoption. (Action: approval or disapproval of staff recommendation.)
6. **RESOLUTIONS** setting annual FY2012 assessments for Park Maintenance Districts; Light Maintenance Districts; Fire Hydrant Maintenance; Street Maintenance; Storm Sewer; Tourism Business Improvement District; Business Improvement District; and imposing annual all-purpose mill levy and mill levies for Library operation, Transit operation, and Public Safety Funds. Delayed from 6/13/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
7. **RESOLUTION** setting annual FY2012 assessments for Arterial Construction Fees. Delayed from 6/13/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #876:** A zone change from Residential 7,000 to Residential Multi-Family Restricted on a 20,235 square foot parcel of land containing an existing 4-plex multi-family dwelling originally constructed in 1955. The subject property is legally described as Lot 25 and the west 14 feet of Lot 26, Block 1, Arrowhead Subdivision generally located at 519 Crow Lane in Billings Heights; Trenton Parks, applicant. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval fo Zoning Commission recommendation.)

9. **PUBLIC HEARING AND APPROVAL** of a new Subdivision Improvements Agreement for King Place Subdivision, Amended Lot 1A, Block 1. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
10. **PUBLIC HEARING AND FIRST READING ORDINANCE** approving the Empire Parking Garage and Northern Hotel Project as Urban Renewal Projects in the Expanded North 27th Street Urban Renewal Area - 2008. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
11. **APPROVAL** of the sale of Lots 9-12, Block 142, Original Town of Billings, to RiverStone Health in the amount of \$70,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
12. **MPEA/POLICE 7/1/2011 - 6/30/2013 UNION CONTRACT** . Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

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.*)

COUNCIL INITIATIVES

ADJOURN

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.