

## COUNCIL ACTION SUMMARY

### 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**

**October 11, 2011**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Astle

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

#### **MINUTES:**

- September 12, 2011, approved as amended correcting COLA percentage rate to 2.5% in FY12 of the Teamster Union Contract.
- September 26, 2011, approved as modified to clarify Councilmember Gaghen's statement using the word 'thorough' during the discussion of urban chickens. She said she felt staff always gave the greatest effort to be thorough and comprehensive in reports, and her point was that they also look at communities that decided not to allow urban chickens. She said she did not question the thoroughness and validity of what was presented by staff.

#### **COURTESIES:**

- Mayor Hanel thanked city staff, city council, and vendors for their assistance during the recent Montana League of Cities and Towns Conference.
- Mayor Hanel recognized Councilmember Ruegamer for his lifetime service award presented by the president of the Montana League of Cities and Towns for his commitment, leadership, and standard of excellence.

#### **PROCLAMATIONS:**

- Councilmember Ruegamer referenced the \$10,000 Council Contingency put towards the League Conference to help pay for the jackets and President's Reception. He said they would probably put at least \$7,000 back because they raised at least \$7,000. Councilmember Ruegamer said there were 341 attendees representing 58 of 129 incorporated cities in Montana. He asked Ms. Volek to provide an accounting report in two weeks.

## ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- Item G – Approval of proposed Yellowstone County/ City of Billings Redistricting and Apportionment Plan establishing new House and Senate Districts. Copy of proposed Redistricting Plan presented and discussed at the September 19<sup>th</sup> work session was in ex-parte notebook for public review.
- Item 2 – Permanent Ordinance Defining and Prohibiting Medical Marijuana Storefronts. Due to confusion with agenda item, a public hearing was not advertised. The ordinance anticipated a public hearing, and staff recommended action be postponed until October 24 to allow proper notice of public hearing. She said reconsideration of the Medical Marijuana Moratorium would also be on the agenda for October 24. Councilmember Ruegamer asked if they had to have a public hearing. Ms. Volek said the ordinance anticipated there would be a public hearing. She said the ordinance could be amended and Council could proceed without one. She said it was an item of significant public interest. Attorney Brooks said the ordinance required a public hearing on first reading, and it needed to be advertised for public notice requirements. Councilmember Ruegamer said for the record they had already heard 40 hours of testimony, and they would hear the same things from the same people.
- Copy of 2012 Budget was distributed to each Councilmember that evening and was also available for public review at the Library Reference Desk and in the City Clerk's Office.

Councilmember Ulledalen moved to postpone Item 2 until the October 24, 2011, meeting, seconded by Councilmember Astle. On a voice vote, the motion was approved 10 to 1. Councilmember Ruegamer voted in opposition.

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

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

### **1. CONSENT AGENDA -- Separations: C, J, L1 and L2**

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

#### **APPROVED**

	Name	Board/Commission	Term	
			Begins	Ends
1	Cheri Milne	Tourism BID Board	10/11/11	06/30/15

1. Unexpired term of Chris Johnson

**B. Bid Awards:**

1. **Three-Year Maintenance Agreement for Elevator/Escalator Maintenance Services.** (Opened 9/13/11) (Delayed from 9/26/11) Recommend ThyssenKrupp Elevator; \$20,388 for first 12 months, and \$21,586.44 for remaining two years once the new IP-9 elevator is added to the Agreement. **APPROVED**
2. **IP-5 Building Exterior Repainting Project for Billings Logan International Airport.** (Opened 9/27/11) Recommend ACOM Painting; \$33,490. **APPROVED**
3. **W.O. 11-03, 2010 Street Maintenance Program, City Crack Seal.** (Opened 9/27/11) Recommend Hardrives Construction, Inc.; \$133,452.46. **APPROVED**
4. **Private Contract #631, Kings Green Subdivision, Phase IV, Infrastructure Improvements.** (Opened 10/11/11) Recommend delay of award until 10/24/11. **DELAY APPROVED**

**C. Professional Services Contract for W.O. 11-10, North 25th Street Pedestrian Bridge,** Engineering Design and Construction Administration Services; Morrison-Maierle, Inc.; \$156,500 contingent upon CTEP concurrence. **APPROVED 9 TO 2. COUNCILMEMBERS RONQUILLO AND MCFADDEN VOTED IN OPPOSITION.**

**D. Approval** of Scheduled Airline Operating Permit with ExpressJet Airlines. **APPROVED**

**E. Approval** of Scheduled Airline Operating Permit with Mesaba Aviation, Inc. dba Mesaba Airlines. **APPROVED**

**F. Acceptance of Right-of-Way Easement** from Rodney Markegard for construction of sidewalk, curb, and gutter on the southwest corner of Moore Lane and Central Avenue. **APPROVED**

**G. Approval** of the proposed Yellowstone County/City of Billings Districting and Apportionment Plan establishing new House and Senate Districts. **APPROVED**

**H. Acceptance of Donations** from Cablevision Systems Corporation for \$2,500 and Montana Dakota Utilities Company for \$1,000 for support of the 2011 Montana League of Cities and Towns Conference. **APPROVED**

**I. 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 - \$41,606; Victim Witness Assistance grant award - \$30,126. **APPROVED**

**J. Resolution of Intent #11-19118** to create SILMD 310, Bench Boulevard Connector, Main to 1,000' East of the Intersection; and set a public hearing date for November 14, 2011. **APPROVED**

**K. Second/Final Reading Ordinance #11-5541 expanding Ward I (Annexation #11-02)** for 16.94 acres located at 3128 South Frontage Road and legally described as Tract 1 of Certificate of Survey 1591 and Tract 1 of Certificate of Survey 1596; Knife River, Inc., owner; Land Use Consulting, agent. **APPROVED**

**L. Bills and Payroll:**

1. September 2, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED**
2. September 9, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED**
3. September 16, 2011 **APPROVED**

**REGULAR AGENDA:**

**2. PERMANENT ORDINANCE** defining medical marijuana "storefront" businesses and prohibiting the operation of medical marijuana storefronts in the City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **ACTION POSTPONED UNTIL OCTOBER 24, 2011.**

**3. PUBLIC HEARING AND RESOLUTION #11-19119** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**4. PUBLIC HEARING AND RESOLUTION #11-19120** granting a tax abatement to Golini Real Estate, LLC, DBA All American Pharmaceuticals, for building expansion at 2376 Main Street. Staff recommends approval. (Action: approval or disapproval of staff recommendation) **APPROVED**

**5. PUBLIC HEARING AND FIRST READING ORDINANCE** adopting proposed amendments to the City of Billings Subdivision Regulations, Article 23, BMCC, in accordance with State law. Planning Board recommends approval. (Action: approval or disapproval of Planning Board recommendation.) **APPROVED**

**6. PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annexation #11-03: 14.87 acres legally described as Tract 2D of C/S 2776, Amended, and generally located west of Highway 87 and north of the existing commercial development that includes American Pharmaceuticals in the Billings Heights; Wayne Laufer, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**7. PUBLIC HEARING AND RESOLUTION #11-19121** authorizing energy efficiency improvements at the Billings Logan International Airport and at certain city-owned parking garages and approving the Energy Performance Contract with McKinstry Essention, Inc. and Lease-Purchase Agreement with U.S. Bank Equipment Finance, Inc.; Estimated Airport improvements - \$1,399,068. Estimated parking garage improvements - \$578,311. 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. Comments here are limited to 3 minutes. Please sign up on the clipboard located at the podium.*)

The public comment period was opened.

- **Joe White, Billings, MT**, referenced the new Federal Building and Aldrich Lumber and said he was opposed because of land stability and air control. He said the building would be unlivable. He also spoke on a veteran's home. He said Candi Beaudry had been appointed as the administrator and asked what the timeline was for looking for an assistant. (Much of Mr. White's testimony was inaudible.)
- **MacKensey O'Hara, 3 7<sup>th</sup> Street West**, said she was one of several members of the Montana Conservation Corp in the audience. She said part of their service was to attend a public meeting. Ms. O'Hara said they made up three different crews, and they had been in the Sawtooth Mountains in Idaho, the Shoshone National Forest in Wyoming, BLM Land near Havre, and they were about ready to start helping low income residents with housing winterization in Billings. Each one of the members introduced themselves and gave his/her hometown. There were representatives from California, Rhode Island, Virginia, Washington, New York, Kentucky, and Massachusetts.

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

### **COUNCIL INITIATIVES**

- **Hanel:** Moved to have the proceeds from the 5K Run on the Rims during the Montana League of Cities and Town Conference be moved to go towards the Swords Rimrock Trail Fund and placed on the next consent agenda, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.
- **Ruegamer:** Moved to have staff give a brief presentation at a work session on the status of the green yard waste recycling containers, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.
- **Ronquillo:** Moved to have staff write a thank you letter to the sponsors of the recent Blues Fest held in South Park, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

**ADJOURN:** The meeting adjourned at 8:07 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.*