

## 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 24, 2011**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Cub Scout Pack #36

**INVOCATION:** Councilmember Ruegamer

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

**MINUTES:** October 11, 2011, approved as submitted

#### **COURTESIES:**

- Councilmember Gaghen explained she had purchased the Mayor look-a-like “Tom-o-lantern” on display at a fundraiser for the Scottish Rite Hearing and Language Clinic.
- Councilmember Gaghen congratulated Karla Ulledalen for receiving the ‘Best in Field’ recognition for massage therapy for the second time.

#### **PROCLAMATIONS:**

- Pink Day in support of Breast Cancer Research, October 27, 2011
- Food Day, October 24, 2011
- Extra Mile Day, November 1, 2011
- Anti Bullying Awareness Month, October 2011

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

Ms. Volek commented on the following items filed in the ex-parte notebook in the back of the room:

- E-Mail from David Christianson sent to Mayor and Council that day regarding “facts about marijuana” from the Office of National Drug Control Policy.
- E-Mail from David Christianson sent to Mayor and Council that with an attached letter from the U.S. Department of Justice to Governor of Rhode Island regarding

the violation of federal law regardless of state laws permitting medical marijuana activities.

- Power Point presentation for Agenda Item 2 that would be given by Brenda Beckett, Community Development Manager.

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

- **Kelly Fulton, 616 Clark Avenue, Billings, MT**, said he was the organizer for the Run Turkey Run street closure request and was available to answer questions.

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

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

A. **Bid Awards:**

1. **Private Contract #631, Infrastructure Construction for Kings Green Subdivision, Phase IV.** (Opened 10/11/2011 and delayed until 10/24/2011); Recommend Knife River; \$241,388.30. **APPROVED**

B. **Amendment #2, W.O. 09-28, Water Treatment Facility Back-up Power, Phase II**, Professional Services Contract, HDR Engineering, Inc.; \$82,400. **APPROVED 10 TO 0. CM CIMMINO ABSTAINED FROM VOTING.**

C. **Professional Engineering Services Contract** for design and construction administration of W.O. 12-01, 2012 Water and Sanitary Sewer Replacement Projects; Sanderson Stewart; not to exceed \$766,533. **APPROVED**

D. **Approval** of amendments to the Scheduled Airline Operating Agreement and Terminal Building Lease with Horizon Air (dba Alaska Airlines), United Airlines, Delta Air Lines, and Allegant Air, extending the Agreement expiration date to June 30, 2012. **APPROVED**

E. **Street Closures:**

1. **Yellowstone Rimrunners Run Turkey Run 5K and 1-Mile Event.** Thursday, November 24, 2011; 8 a.m. to noon; (1) 5K begins on 2nd Ave. N. at N. 30th heading east on 2nd Ave. N. to Broadway, north on Broadway to 3rd Ave. N., west on 3rd Ave. N. to N. 34th, south on N. 34th to 2nd Ave. N., east on 2nd Ave. N., and back to the

start. The runners then retrace the same route to Broadway and 3rd Ave. N. but follow 3rd Ave. N. to Division, across Division to Clark Ave., west on Clark Ave. to 4th St. W., south on 4th St. W. to Yellowstone Ave., east on Yellowstone Ave. to Division, across Division to 2nd Ave. N., finishing on 2nd Ave. N. midway between N. 30th and N. 31st. (2) 1-Mile begins at 2nd Ave. N. and N. 31st and follows the same route as the first loop of the 5K. **APPROVED**

**F. Approval** of donation of the 2011 Montana League of Cities and Towns Fun Run/Walk proceeds to BikeNet for the Swords Park Trail Improvement Project; estimated net proceeds and donation - \$400 to \$600. **APPROVED**

**G. Second/Final Reading Ordinance 11-5542 expanding Ward II (Annexation #11-03)** for 14.87 acres legally described as Tract 2D of C/S 2776, Amended; Wayne Laufer, petitioner. **APPROVED**

**H. Second/Final Reading Ordinance #11-5543** adopting proposed amendments to the City of Billings Subdivision Regulations, Article 23, BMCC, in accordance with State law. **APPROVED**

**I. Preliminary Minor Subsequent Plat** of Amended Block 2, Lot 1, Midland Subdivision, 1st Filing, located on the north side of King Avenue West, just west of 24th Street West on the westend Wal-Mart site; Wal-mart Real Estate Business Trust, Owner; Premier Food Service, Inc., subdivider; Sanderson Stewart, agent. **APPROVED**

**J. Preliminary Minor Subsequent Plat** of Amended Lots 2A-4-A, 2A-5A, 3A, and 4E, Block 1, Shiloh Crossing Subdivision, located on the east side of South Shiloh Road, south of King Avenue West. Shiloh Crossing, LLC, owner; Sanderson Stewart, agent. **APPROVED**

**K. Bills and Payroll:**

1. September 23, 2011 **APPROVED 10 TO 0. CM CIMMINO ABSTAINED FROM VOTING.**
2. September 29, 2011 **APPROVED**

**REGULAR AGENDA:**

**2. RESOLUTION #11-19122** granting the City Administrator signature authority to sell Neighborhood Stabilization Program (NSP) properties through the end of the NSP program in March 2013. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**3. PUBLIC HEARING FOR INTERIM ZONING ORDINANCE #11-5544** extending the moratorium enacted by Ordinance #10-5512 and extended by Ordinance #10-5523, continuing the prohibition on the opening of any new establishments that grow, sell, or distribute medical marijuana for an additional 12-month period. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

**4. PUBLIC HEARING AND FIRST READING ORDINANCE** for a 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.) **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**, confirmed with council that the location of the proposed new library would be adjacent to the current library if approved by the voters.

### **COUNCIL INITIATIVES**

There were no initiatives.

**ADJOURN:** The meeting adjourned at 8:03 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.*