

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

September 11, 2017

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Sullivan gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown.

MINUTES: August 28, 2017 – Not yet ready for approval.

COURTESIES:

- Rich St. John, Police Chief, presented Sandy Petesch with an award for her role in helping children during a recent arrest. Officer Foster had commended Ms. Petesch for her assistance with the children during the arrest and stated she had made the children comfortable in her home until Child Protective Services arrived. Ms. Petesch stated she had been very impressed with the way the Police Department and DEA had handled the situation.
- Mayor Hanel commended staff for their work during the Burn the Point event. He added that it had been a very successful event.
- Mayor Hanel thanked Councilmember Yakawich for his work in assisting with a Day of Remembrance for 9/11.

PROCLAMATIONS:

- Mayor Hanel declared September 22, 2017, as American Indian Heritage Day.
- Mayor Hanel declared September 17 - 23, 201, as Constitution Week. He stated it was the 230th anniversary of the drafting of the Constitution for the United States of America.

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek reminded Council of a special litigation meeting on Monday, September 18th, 2017.
- Ms. Volek also reminded Council of a meeting with Hammes Company representatives regarding One Big Sky Center on Monday, September 25th, 2017. Councilmember Cimmino asked if the meeting would be televised. Ms. Volek answered affirmatively. Councilmember Cromley reminded staff that he had requested details on the loan that the City had made to MontDevCo. Ms. Volek stated she would check on the information.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2 and 3 ONLY.
Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign in at the cart located at the back of the council chambers or 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 meeting.)

The public comment period was opened.

- **Don Olson, current owner of Babcock Theater**, in reference to Item 2, thanked staff and Council for their support and help in the Babcock Theater transfer agreement.

The following citizens gave testimony opposing the zone change ordinance in Item K:

- **Dr. Kedric Cecil, 4411 Murphy Avenue, Billings, Montana.**
- **Colton Deitrich, 3110 Edmond Street, Billings, Montana.**
- **Nancy Moore, 3 Bridlewood Drive, Billings, Montana.**
- **Jason Smith, Montana Advanced Caregivers, 4515 Palisades Park Drive, Billings, Montana.**
- **Jeffrey Hill, 3855 Avenue D, Billings, Montana.**
- **Heather Watts, 1105 Parkhill Drive, Billings, Montana.**
- **Sara Rose, 1126 Miles Avenue, Billings, Montana.**
- **Amber Eubank, 5522 Forest Hills Drive, Billings, Montana.**
- **Laura Kephart, 215 Calhoun Lane #2, Billings, Montana**
- **Charlie Charette, 1022 Avenue D, Billings, Montana.**
- **Melanie Charette, 1022 Avenue D, Billings, Montana.**
- **Cheryl Jones, 3779 Glanz Avenue, Billings, Montana.**
- **Tyler Starkweather, 910 10th Street West #225, Billings, Montana.**
- **Penny Ronning, 3014 Glacier Drive, Billings, Montana.**
- **Richard Abromeit, Montana Advanced Caregivers, 1101 Maggie Lane, Billings, Montana.**

- **Steve Zabawa, SafeMontana, 2540 Phyllis Lane, Billings, Montana**, in reference to Item K, spoke in favor of prohibiting medical marijuana storefronts and dispensaries within City limits.
- **Connie Wardell, P.O. Box 21345, Billings, Montana**, in reference to Item 1A1, commended Council on their work with moving forward to provide snowplowing in the City. In reference to Item K, Ms. Wardell suggested that the City provide a bus that would visit medical marijuana dispensaries monthly. Ms. Wardell also recommended grandfathering the two existing dispensaries.

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

1. **CONSENT AGENDA**

A. **Bid Awards:**

1. **Snow Plowing on Local Streets.** (Opened 8/29/17) Recommend CMG Construction, not to exceed \$400,000 in FY18.
2. **Airport Operations Building Roof Replacement.** (Opened 8/29/17) Recommend Commercial Roofing, \$269,000.
3. **Cummins/Detroit Diesel Engine Overhauls for MET Transit.** (Opened 8/29/17) Recommend Council approve the bids submitted by Cummins Rocky Mountain and American Fleet, Inc.
4. **MET Transit Building Roof Replacement, Phase 1.** (Opened 8/29/17) Recommend Commercial Roofing, \$133,787.

B. **Acceptance of Donation** to the ~~Billings Police Foundation~~ Billings Police Department from Denny Rehberg, \$5,000 and The Billings Police Foundation, \$2,500 for the purchase of the police firearms range targeting system, \$7,500.

C. **Resolution 17-10659** declaring an emergency and authorizing the payment of repair costs of the pipeline at the Wastewater Treatment Plant.

D. **Resolution 17-10660** adopting data-driven, standardized contract limits reflecting current local market conditions and to continue selling properties acquired through the foreclosure programs.

E. **Resolution 17-10661** appointing Tourism Business Improvement District (TBID) Board of Trustees.

F. **Second/Final Reading Ordinance 17-5694 for Zone Change 957:** a zone change from Community Commercial (CC), Residential Multi-Family-Restricted (RMF-R), Residential 5,000 (R-50), Residential 7,000 (R-70), Residential 9,600 (R-96) and Public (P) to Planned Development (PD) on an approximate 66 acre parcel of land described as: Lots 3 and 4, Western Sky Subdivision. Mont Vista, LLC, owner; KLJ Engineering, agent. Approval of the zone change and adoption of the findings of the 10 criteria.

G. **Second/Final Reading Ordinance 17-5695 for Zone Change 960:** a zone change from un-zoned to Residential 7,000 (R-70) and Residential 5,000 (R-50) on Tract 2A of C/S 2465 (R-70) and Tract 1 of C/S 1871 (R-50), a 116.18 acre parcel of land, generally located north of Rimrock Road and west of Copper

Ridge Subdivision. Gary Oakland, owner; Mac Folgelsong, agent. Approval of the zone change and adoption of the findings of the 10 criteria.

H. **Second/Final Reading Ordinance 17-5696** expanding Ward III (Annexation 17-03) for an approximate 18 acre parcel located at the southeast corner of the intersection of Santiago Boulevard and Blue Creek Road south of the Yellowstone River. Jamey Eisenbarth, owner.

I. **Second/Final Reading Ordinance 17-5697** approving the separation of the City and County Unified Zoning Regulations.

J. **Second/Final Reading Ordinance 17-5698** amending BMCC, Article 26-600, Industrial Waste Discharge.

K. **ORDINANCES PROHIBITING MEDICAL MARIJUANA STOREFRONTS:**

1. **Second/Final Reading Ordinance for Zone Change 959:** amending text in Section 27-304, Billings, Montana City Code (BMCC), prohibiting land uses contrary to local, state or federal law.

2. **Second/Final Reading Ordinance** amending Section 7-1700, BMCC, relating to medical marijuana dispensaries and storefronts, updating the City Code to remove inconsistencies with state and federal laws.

L. **Final Plat Approval** of Blue Creek Storage Subdivision.

M. **Final Plat Approval** of Sunnyside Subdivision, 4th Filing.

N. **Bills and Payroll:**

1. August 14, 2017

2. August 21, 2017

Councilmember McFadden separated Items 1K1 and 1K2 for discussion.

Councilmember Cromley separated Item 1N1 in order to abstain.

Councilmember Cromley asked staff why Items 1K1 and 1K2 were placed on the Consent Agenda instead of the Regular Agenda. Ms. Volek stated it was procedure to place it on the Consent Agenda since it was a second/final reading and did not require a public hearing.

Councilmember Brown separated Items 1N1 and 1N2 in order to abstain.

Councilmember Cimmino separated Items 1A1, 1B and 1 E for discussion and 1C to abstain.

Councilmember Sullivan moved for approval of the Consent Agenda, with the exception of Items 1A1, 1B, 1C, 1E, 1K1, 1K2, 1N1 and 1N2, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 1C, seconded by Councilmember Sullivan. On a voice vote, the motion was approved 10-0, Councilmember Cimmino abstained.

Councilmember Sullivan moved for approval of Item 1N1, seconded by Councilmember Clark. On a voice vote, the motion was approved 9-0, Councilmembers Cromley and Brown abstained.

Councilmember Sullivan moved for approval of Item 1N2, seconded by Councilmember Clark. On a voice vote, the motion was approved 10-0, Councilmember Brown abstained.

Councilmember Cimmino asked Dave Mumford, Public Works Director, in reference to Item 1A1, if the amount of \$400,000 was for one year of snow plowing. Mr. Mumford stated that the contract was for one year with extensions allowed. He stated that staff would come to Council each year for extensions. Councilmember Cimmino stated she understood CMG Construction was under new leadership. Mr. Mumford stated that the company had a different owner, but the management had remained the same. Councilmember Cimmino clarified the bid was for snow plowing and would not include snow removal.

Councilmember Friedel asked for clarification on snow plowing only occurring in snow events of over three inches. Mr. Mumford stated that snow plowing would be determined in each case when the City received over three inches of snow. Councilmember Friedel clarified that it could potentially cost \$400,000, but only if enough situations occurred to dictate snow plowing.

Councilmember Cimmino moved for approval of Item 1A1, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino, in reference to Item 1B, clarified that the agenda should reflect that \$5,000 was a donation from Denny Rehberg and the other \$2,500 was from the Billings Police Foundation for a police firearms targeting system. Councilmember Cimmino moved for approval of Item 1B, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino, in reference to Item 1E, asked if the TBID was a non-profit 501(c)(3) board. Alex Tyson, Visit Billings, stated that the TBID was a 501(c)(3). Councilmember Cimmino asked if TBID was permitted to run campaigns or provide

donations to campaigns. Ms. Tyson stated that TBID did not practice giving donations or offer endorsements. Councilmember Cimmino moved for approval of Item 1E, seconded by Councilmember Yakawich. On a voice vote, the motion was unanimously approved.

Councilmember McFadden, in reference to Items 1K1 and 1K2, made an amendment to grandfather the two existing dispensaries, seconded by Councilmember Cromley. Councilmember Brown asked if there were more than two dispensaries and if they would need to be named in the amendment. He questioned if a business license would be issued to the dispensaries. Councilmember McFadden stated he thought that was correct. He added if the businesses moved or had different owners, the rule would no longer apply.

Councilmember McFadden stated zoning was meant to provide the City a method of order for businesses and neighborhoods. He added that causing a facility to go out of business was not the intent of zoning regulations. He stated it would be easier to regulate and control the businesses if the dispensaries were kept within the jurisdiction of the police department.

Councilmember Brewster stated he did not want to get rid of medical marijuana, but questioned the feasibility of allowing businesses that went against zoning regulations. He added that he would like to see legal input that could help the Zoning Department with the current zoning issues.

Councilmember Swanson questioned if allowing two dispensaries would be giving them a monopoly on the industry. Councilmember McFadden stated he was not looking at the financial aspect of the businesses and was only concerned with the zoning issues.

Councilmember Brown asked for legal counsel opinion on allowing the existing dispensaries to remain in the City limits. Brent Brooks, City Attorney, stated that by grandfathering the two existing dispensaries it would significantly change the ordinance, therefore, he would recommend having another public hearing. He stated that staff could provide Council with additional information on grandfathering. He stated it could cause issues with other dispensaries feeling that they did not have the same opportunity. Mr. Brooks added that Bozeman limited the number of dispensaries allowed, which could be an option for Billings. He stated that making a decision immediately could be short-sighted without allowing staff an opportunity to provide more information. Mr. Brooks added that business licenses had always been prohibited in situations that were against federal, state or local law. He stated that Council had chosen the prohibition route over the regulatory route in March, but staff could provide information showing different options. He added it would be wise to postpone voting on the amendment, since it varied so drastically from the original ordinance.

Ms. Volek stated if Council would like staff to investigate the case more thoroughly, they would need to direct staff on what they would like investigated.

Councilmember Friedel stated he was concerned that the amendment could allow other "illicit" businesses to slip through. Mr. Brooks stated the business license section of the ordinance would dictate which businesses would be allowed. Councilmember Friedel questioned how long the ordinance had been in effect and how a dispensary business had received a business license in the past.

Councilmember Clark asked if staff knew there were only two dispensaries. Ms. Volek stated that the two facilities referred to had identified themselves and she was not aware if there were any other dispensary businesses existing. Wyeth Friday, Planning Director, stated that the Zoning Department had been working with three different dispensaries and had been denying business licenses to them because they did not comply with local, state or federal laws. He stated that the business license portion of the agenda item was not the same as the zoning issue. He stated the ordinance issue came mostly from the business license issue.

Councilmember McFadden asked legal counsel for clarification on the best procedure to use going forward. Mr. Brooks stated if Council moved to approve Councilmember McFadden's amendment, it would go into effect 30 days later unless Council moved to reconsider or withdrew the amendment and asked for additional information.

Councilmember Cimmino reminded Council that the last vote had been 7-4 and it had not been unanimous. She stated that Councilmembers had looked at the topic very closely and she had made a motion to postpone the ordinance for 30 days in order to explore other options. She added that she would like more information.

Councilmember Cromley made a substitute motion to delay action on Items 1K1 and 1K2 until October 9, 2017, in order to give Councilmember McFadden an opportunity to make an initiative indicating the changes he sought, seconded by Councilmember McFadden.

Councilmember Brewster stated he would feel more comfortable bringing the information back to a Work Session so that Council could take their time working on an option.

Councilmember Clark stated he had tried to make a substitute motion earlier, but had not been given an opportunity to speak. Mayor Hanel asked if Councilmember Cromley would forfeit the opportunity to make the substitute motion. Councilmember Cromley answered affirmatively.

Councilmember Clark made a substitute motion to delay action until the Work Session on October 2, 2017, seconded by Councilmember Cromley. Councilmember Brewster stated that the item would need to be brought to a Council business meeting in order to take action on the item. Councilmember Clark made a revised motion to discuss the items at a Work Session on October 16, 2017 and take action on the October 23, 2017 Regular Business meeting, seconded by Councilmember Cromley.

Councilmember Brewster asked staff if that would provide adequate time for them to prepare the information requested. Mr. Brooks responded affirmatively. He reminded Council that significant changes may need to go back to the Zoning Commission for their approval. Ms. Volek reminded Council that there would need to be sufficient time between meetings to allow for advertising of a public hearing.

Councilmember Clark made a revision to his motion to discuss the items at the Work Session on October 16, 2017 and take action on November 13, 2017, seconded by Councilmember Cromley.

Councilmember Brown asked for clarification on what was being requested from staff. Mr. Brooks stated that he understood staff was to provide information about grandfathering, history of business licenses, and the possibility of returning to the Zoning Commission with alternative information. Councilmember Clark also asked for information on how many dispensaries existed. Mr. Brooks stated that staff would try to obtain that information with the assistance of Code Enforcement. Councilmember Clark stated that perhaps dispensaries needed to come forward so that Council would have an accurate number.

Councilmember Cimmino asked if it would be easier to deny the item on the agenda so Council could "start fresh" with the new options. Mr. Brooks stated that was certainly an option that Council could consider. Ms. Volek stated that if Items 1K1 and 1K2 were denied, staff would have to start over with the Zoning Commission and that process could take several months.

Councilmember Friedel asked if Council could pass the ordinance and make amendments to it at a later date. Mr. Brooks stated that if the ordinance was passed as presented, it would go into effect in 30 days, and would not include any amendments. He added that Council could move to reconsider, but that could be a very complicated process.

Councilmember Clark stated that he understood that by leaving the ordinance as it was currently written, the businesses would be able to continue operating their dispensaries while Council researched options that worked for everyone. Mr. Brooks stated the current business license laws dictated that businesses could not engage in marijuana dispensaries operations.

Mr. Friday stated he was unclear about the idea of grandfathering dispensaries, because the businesses that were dispensing, were not legal, based on current business license regulations. He stated the zoning portion of the ordinance was in order to be consistent with current business license regulations. He stated that marijuana dispensaries were not legal to operate under the current business license regulations. He continued that even without Council action on Items 1K1 and 1K2, it would still not be legal to operate a dispensary. He added that grandfathering would not apply in the same way as usual because current business license regulations do not allow for dispensaries based on non-compliance with state, federal or local law.

Mayor Hanel stated he would not support Councilmember Clark's substitute motion and thought that Council was overstepping their authority. He stated that the place to start, would be with the Federal government, and work their way down. He stated grandfathering a business to operate illegally would create an unfair situation for other businesses.

On a roll call vote, Councilmember Clark's substitute motion was approved 6-5, with Councilmembers Yakawich, Brewster, Friedel, Swanson and Mayor Hanel voting in opposition.

Councilmember Cromley made a motion to discuss Item 1K2 at the Work Session on October 16, 2017 and take action on November 13, 2017, seconded by Councilmember Cimmino. On a voice vote, the motion was approved 7-4, with Councilmembers Yakawich, Brewster, Friedel, and Mayor Hanel voting in opposition.

Mayor Hanel called for recess at 8:15 pm.

Mayor Hanel called the meeting back to order at 8:38 pm.

REGULAR AGENDA:

2. TRANSFER AGREEMENT with Downtown Billings Partnership (DBP) and Babcock Theater, LLC, and acquisition of green room and personal property, \$127,977.

Ms. Volek began a brief presentation, giving an overview of the Babcock Theater. She stated City Council had approved funding of \$1.9 million in Downtown Tax Increment Financing District (TIFD) funds for the Babcock Building acquisition and Phase 1 improvements in 2008. She stated that in exchange the City was to receive the theater by 2016, later extended to 2017, to allow for maximum historic preservation. She stated that the green room had been built in the basement adjacent to the theater and had been advised to be included in the purchase. She stated that proposals would be issued for the alternatives of sale or management.

Mr. and Mrs. Olson, current Babcock Theater owners, presented Council with a brief PowerPoint presentation showing the progress of the renovations to the Babcock Theater and its history.

Councilmember Yakawich thanked staff and the Babcock Ad-Hoc Committee for their work. Councilmember Yakawich asked for clarification about the green room. Ms. Volek stated it included an office area, a living room with sofas, a kitchen, a laundry room, a dining area and a pair of dressing rooms with attached bathrooms. Mr. Olson, stated that the green room was located in the basement underneath the bridal shop and Doc Harpers Tavern. Councilmember Yakawich asked if the owners above the green room were okay with the sale of the theater. Ms. Volek responded affirmatively.

Councilmember Cimmino stated that the owners had been provided with \$1.9 million in TIFD funding. She added that one of her constituents had asked if the City would be able to apply for TIFD funding as the new owner. Ms. Volek stated that she was unsure if TIFD funding could be used more than one time on a property.

Councilmember Brewster moved for approval of Item 2, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

3. RESOLUTION 17-10662 amending the boundaries of SILMDs 152 and 217. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated staff did not have a presentation, but was available for questions.

Councilmember Yakawich asked for clarification on Item 3. Dave Mumford, Public Works Director, stated that the boundary amendment would allow staff to remove the SILMDs from the old district and move them to a new district. He added this would lower the amount of the assessments for the district.

Councilmember Sullivan moved for approval of Item 3, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND RESOLUTIONS SPREADING ASSESSMENTS on the following:

- A. **Encroachments RESOLUTION 17-10663**
- B. **Park District 1 RESOLUTION 17-10664**
- C. **Park Maintenance Districts RESOLUTION 17-10665**
- D. **Road Maintenance District 6 RESOLUTION 17-10666**
- E. **Weed Abatement RESOLUTION 17-10667**

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated staff did not have a presentation, but was available for questions. She stated that a single public hearing could be held, but asked that Council vote separately on each item.

The public hearing was opened.

There were no speakers, and the public hearing was closed.

Councilmember Brewster stated that last year Council had been given dollar amounts for Park District 1 and this year the report only stated that assessments were based on the budget that was approved. He added that his figures indicated \$2,080,297, but Council had wanted to keep the amount to \$2 million. Andy Zoeller, Interim Finance Manager, stated that the amount should be \$2 million. Councilmember Brewster questioned the math. Mr. Zoeller stated that he would be happy to email his work to Council.

Councilmember Sullivan moved for approval of Item 4A, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 4B, capped at \$2 million, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 4C, seconded by Councilmember Cimmino. Councilmember Sullivan stated he was opposed to Item 4C as they were all located in Ward IV. He added that the report stated it would increase the park land. He stated that there had not been an increase in park land and was not confident in the numbers. On a voice vote, the motion was approved 9-2, with Councilmembers Sullivan and Swanson voting in opposition.

Councilmember Brewster moved for approval of Item 4D, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich moved for approval of Item 4E, seconded by Councilmember Brewster. Councilmember Cimmino asked for clarification on how tall weeds could get before the owner was notified. Ms. Volek stated they were notified when the weeds were 12 inches high. Councilmember Cimmino asked how much money was assessed for mowing the property. Ms. Volek stated that the assessments depended on the size of the lot. Councilmember Yakawich asked how staff addressed chronic violators. Mr. Friday stated that staff had to follow the current ordinance for the notification process. He stated there had been more focused expectations for certain properties and was encouraged by the low numbers. Councilmember Yakawich asked if the City was also held responsible for the weeds in their own property. Mr. Friday stated that staff was working together to identify with maps City-owned properties that needed care. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND RESOLUTION 17-10668 adopting annual Special Improvement Light Maintenance District assessments for FY18. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated staff did not have a presentation, but was available for questions.

Councilmember Yakawich asked if constituents needed to specify which poles needed repair. Mr. Mumford stated the City assessed for basic maintenance and operational costs. He added that the actual replacement of poles required a re-assessment which would have to be on a ballot for approval if over 3%. He stated the costs of replacements would fall to the property owner. He added the City would take care of repairs, but not replacements.

The public hearing was opened.

There were no speakers, and the public hearing was closed.

Councilmember Sullivan moved for approval of Item 5, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

6. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward IV to include recently annexed property in Annexation 17-05: a 119 acre parcel located at the northwest corner of the intersection of Rimrock Road and 70th Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated that staff did not have a presentation, but was available for questions.

Councilmember Cimmino asked how close this property was to the City of Laurel. Mr. Friday stated the property was located at 70th Street and Laurel Road. He added that it was quite a distance from Laurel.

The public hearing was opened.

There were no speakers, and the public hearing was closed.

Councilmember Swanson, moved for approval of Item 6, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

7. POT BELLIED/MICRO/MINI PIGS:

A. PUBLIC HEARING AND FIRST READING ORDINANCE allowing pot bellied/micro/mini pigs in the City limits. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated that staff did not have a presentation, but was available for questions.

The public hearing was opened.

- **Catherine Stecher, 112 Jefferson Street, Billings, Montana:** stated she owns a pig and has not received any complaints. She stated pigs are very smart, quiet and easy to have as pets. She encouraged Council to allow pigs in the City limits. Councilmember Swanson asked if there were certain kinds of pigs that should be allowed. Ms. Stecher stated pot bellied and Juliet pigs stayed smaller in size. Councilmember Yakawich stated he had walked by Ms. Stecher's yard and thought the pig was very quiet. He added that her neighbors stated the pig was very quiet and even played with their dogs through the fence.
- **Jeannette Vieg, Animal Control Board member:** stated she thought pigs would be a small niche animal that would not cause problems. Councilmember Sullivan stated that feral pigs were a large problem in some areas and was concerned about what would happen to unwanted pigs. Ms. Vieg stated that Animal Control Board members thought that the animals would be very tame and easily managed if they were found or abandoned. Councilmember Cimmino asked if local veterinarians boarded pigs. Ms. Stecher stated that reputable breeders offered to take the pig back if for any reason the owner no longer wanted it. She added that she had not had a need to board her pig.
- **Tom Stinchfield, Animal Control Supervisor:** stated he did not think allowing pigs in the City would be a problem. He added the ordinance clearly defined the rules for having a pig. Councilmember Brown asked what would happen if pet stores started selling pigs that were not "mini" pigs. Mr. Stinchfield stated the pig would need to have vaccinations and be spayed or neutered, therefore the veterinarians could verify the type and size of pig. He added that pig breeders had indicated they only sold to owners and not to pet stores. Councilmember Cromley asked for clarification on the management of dogs versus pet pigs. Mr. Stinchfield stated pigs were generally quieter and more easily managed. He stated he, personally, had not had a lot of experience with pigs, he could only share what he had heard from pig owners.

There were no further speakers, and the public hearing was closed.

Councilmember Yakawich moved for approval of Item 7A, seconded by Councilmember Cromley. Councilmember Sullivan stated he was willing to allow a limited number of pet pigs for emotional therapy reasons, but did not support allowing everyone to have one as a pet. Councilmember Yakawich stated he had not heard anything negative from the constituents with which he had spoken and did not think pigs would have a negative impact. He added that the Animal Control Board had researched extensively and he respected their recommendation.

Councilmember Cimmino asked if other Montana cities allowed pigs within the City limits. Mr. Brooks stated there were some that allowed it, but he did not remember which cities.

Councilmember McFadden stated the reason there were feral pigs in Texas was due to the warmer climate and did not think feral pigs would be an issue in Billings. Councilmember Cromley stated there had been a unanimous decision by the Animal

Control Board to allow pot bellied pigs in the City limits and he thought that Council should support their recommendation. He added that the ordinance specified the breeds and the sizes allowed. He stated that chickens and bees had not been an issue since Council had voted to allow them within the City limits.

On a roll call vote, the motion failed 5-6, with Councilmembers Brewster, Friedel, Sullivan, Clark, Brown and Mayor Hanel voting in opposition.

B. RESOLUTION amending Resolution No. 12-19226, establishing an annual pot bellied/micro/mini pig permit fee, assessed by Animal Control Division. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

There was no action needed, since Item 7A failed.

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 in at the cart located at the back of the council chambers or at the podium.)*

The public comment period was opened.

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

COUNCIL INITIATIVES:

- Councilmember Cimmino stated she had received a letter asking staff to acknowledge the decades of service by Terry Smith. Ms. Volek stated she had attended a retirement party for Mr. Smith, but would research the matter further.
- Councilmember Cromley requested an informal policy requiring that if any Councilmembers cell phones rang during the Council meeting, they would bring donuts to the next meeting, seconded by Councilmember Cimmino. Councilmember Friedel made an amendment to include voting about which donut shop to purchase them. Councilmember Sullivan called the question, seconded by Councilmember Friedel. On a voice vote, the motion was unanimously approved.
- Councilmember Yakawich reminded Council that the Boards and Commissions appreciation dinner would be held on October 12, 2017, at 6:00 pm. He added it would be held at the Parks Community Center and would be catered by Tiny's Tavern.

There was no further business, and the meeting adjourned at 10:06 pm.



CITY OF BILLINGS

BY: *Thomas W. Hänel*
Thomas W. Hänel, Mayor

ATTEST:

BY: *Denise R. Bohlman*
Denise R. Bohlman, City Clerk