

SPECIAL MEETING OF THE BILLINGS CITY COUNCIL
February 22, 2011

The Billings City Council met in special session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer. Councilmember Pitman gave the invocation.

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

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek advised the special business meeting was being held to hold a conference call with the city lobbyist. She said special business meetings had been scheduled for 5:30 p.m. every Monday evening. She said on the Monday evenings when regular business meetings were scheduled at 6:30 p.m., the special business meeting would begin at 5:30 p.m. She noted at the completion of the conference call, the Council would recess until 6:30 p.m. when the regular session would begin.
- Ms. Volek advised there were no items in the ex-parte notebook for review.

SPECIAL AGENDA:

1. Legislative Review Conference Call with Ed Bartlett

Mr. Bartlett referenced his report sent to Council in their packets on February 17, 2011. He said both the House and Senate were busy wrapping up floor sessions in anticipation of the transmittal date, which was Thursday of that week.

Mr. Bartlett referenced the following bills he said were of interest to the City.

- **SB91**: Any unincorporated area with a desire to incorporate without a post office. He said it was introduced by Senator Taylor Brown to address the situation for the Lockwood area. He said that day the bill passed the second reading on a 50 to 0 vote and was amended before it came out of committee to place a contingent void on SB91 if HB426 did not pass and get approved by the Governor.
- **HB426**: A bill that said if an area wanted to incorporate, certain properties had the ability to give consent before being included within the boundaries of the newly-incorporated area. He said the properties included agricultural tracts larger than 160 acres and land and facility use for electric power generation, refining, or smelting. Mr. Bartlett said the bill passed the House 9 to 0 the previous day and was on its way to the Senate.

- SB234: A bill revising the conditions under which a municipality provides garbage and solid waste services when a private motor carrier is providing the same or similar service at the time of annexation. Mr. Bartlett said it was not a good bill that had been amended and Public Works Director Dave Mumford felt the amendments made it worse. He said the bill was passed out of the Senate on a 39 to 11 vote and was on its way to the House. He said they hoped to amend it further before it left the House.
- Sexual Assault Bill: A bill carried by Taylor Brown on behalf of the City went through the Senate without any problems. He said the bill would be heard by the House Judiciary Committee on March 3.

Mr. Bartlett said budgetary bills and revenue bills were not required to meet the transmittal date and they were expecting all of the appropriation sub-committees to continue their work next week and start making temporary decisions and recommendations to the full House Appropriations Committee as to what the budget should look like.

- HB334: A vehicle for workers compensation reform. He said there was a lot of talk about what was necessary to make it a better bill before workers compensation reform was passed.

Councilmember Clark: Asked for the status of the medical marijuana bill.

Mr. Bartlett: Said he thought repeal was not likely. He said the Speaker of the House's bill strongly passed the House, and the Senate was more inclined to want medical marijuana regulation and control rather than repeal. He said two factions were currently going on in the legislature (1) just do a repeal and either start over or just repeal and not worry about passing some kind of meaningful regulation; or (2) use repeal as a backup of what really needs to be done which is strict regulation and reform.

- HB43: A bill giving all employers, including local governments, strong rights to regulate and control medical marijuana in the workplace, including prohibiting it. He said HB43 passed the House easily and was set for first hearing in the Senate on March 2.
- Mr. Bartlett said the other regulation bills that were ongoing and pending would not be stuck in the transmittal deadline and would be considered after transmittal. He said he was hopeful and predicting that there would be some meaningful regulation on medical marijuana, as well, after the transmittal.

Councilmember McCall: Asked for an update on the four TIFD bills that had been referred to House Taxation and the status on the drafts.

Mr. Bartlett: Said the four drafts had been converted into bills. He said they went to Taxation so would not be subject to transmittal deadlines. He said he was hoping to meet with Elsie Arntzen that day but it did not happen so he had no news. He said the bills would be scheduled soon for hearings in House Taxation.

Councilmember Pitman: Asked Mr. Bartlett if there was any sense from the Governor where he was with medical marijuana.

Mr. Bartlett: Said the 'hallway talk' on third floor of the Capitol was that he was waiting to see what reached his desk before making any decision, and the 'hallway talk' was that he would support regulation and control by putting sideboards on the initiative from several years ago.

Councilmember Gaghen: Asked how Mr. Bartlett foresaw the nullification laws being suggested to challenge the Federal and State Governments.

Mr. Bartlett: Said there were a number of them and if any of them actually passed and the Governor did not veto them, the opinion of most in the legal profession was that they were unconstitutional and would not hold up in the courts. He said the topics on the nullification bills were Fish and Wildlife, Fish and Game, property ownership, and health.

Councilmember Ruegamer: Asked for the status of HB316 and HB317.

Mr. Bartlett: Said he could see HB317 being amended and passed. He said his prediction for HB316 was that it would not likely pass as a 10% cut. He said both bills were currently not being considered because they were both revenue bills that did not have to meet the transmittal deadline.

Councilmember McCall: Referenced SB234, Solid Waste Services, and asked Mr. Bartlett if he felt they should look at each of the committee members who would hear the bill and get individuals from other cities to try to work with them and try to make them understand what would happen with the bill. She said she felt scripted talking points that could be sent out would be very helpful.

Mr. Bartlett: Said he and Alec Hansen both felt that would be a good idea and said contact from back home would be very important.

Councilmember Gaghen: Referenced SB251 and said the bill came out of committee with only texting. She said she felt the committee that worked on putting the measure together for Billings felt it was hopeless as far as enforcement and would rather see it fail and start over again in two years.

Mr. Bartlett: Said some people he had spoken with had said texting only would be very difficult, if not impossible, to enforce. He said the bill was getting lost in the number of bills being considered and there was not much talk going on about it.

There were no further questions or comments for Mr. Bartlett.

PUBLIC COMMENT on Agenda Item 1 Only. Speaker sign-in required. Comments offered here are limited to one (1) minute per speaker. Please sign up on the clipboard located at the podium.

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

PUBLIC COMMENT on Non-Agenda Items Only. Speaker sign-in required.

Comments offered here are limited to three (3) minutes per speaker. Please sign up on the clipboard located at the podium.

The public comment period was opened.

- **Steve Arveschoug, Big Sky Economic Development**, said the Chamber of Commerce had spent a considerable amount of time launching the *Montana's Trailhead* brand. He said the Chamber had done a lot of work marketing it, and BSEDA was starting to incorporate it into their materials. He said they had partnered with the Chamber to extend the brand to a license plate that had launched about three weeks prior. He provided the Council with their own personalized license plates to hang in their offices and said if they wanted to purchase an actual license plate for their vehicles, they could do so at the courthouse. He said the proceeds in large part supported trail development in the community.

Mr. Arveschoug said on Forbes.com, the top 25 American cities were named and rated for pursuing an active retirement lifestyle. He said the cities were graded on the number of health care facilities in the community, the safety of the community, and the level at which the community volunteered and engaged in the community. He said Billings ranked fifth for the best active lifestyle for people who wanted to retire.

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

COUNCIL INITIATIVES: None

There was no further business, and the meeting adjourned at 6:00 p.m.

CITY OF BILLINGS

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk