

CITY OF BILLINGS

CITY OF BILLINGS' MISSION STATEMENT:
*TO DELIVER COST EFFECTIVE PUBLIC SERVICES
THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE*

AGENDA

COUNCIL CHAMBERS

March 28, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley
PLEDGE OF ALLEGIANCE-- Mayor Tooley
INVOCATION – Councilmember Ed Ulledalen
ROLL CALL
MINUTES – March 14, 2005
COURTESIES
PROCLAMATIONS – Mayor Tooley
BOARD & COMMISSION REPORTS
ADMINISTRATOR REPORTS – Kristoff Bauer
LEGISLATIVE REPORT – Kristoff Bauer

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: #1 and #3 ONLY.

Speaker sign-in required. (Comments offered here are limited to 1 minute per speaker. 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.)

(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)

CONSENT AGENDA:

1. A. Bid Awards:

(1) **Willett Reservoir Painting.** (Opened 3/1/05). Recommend Maguire Iron, Inc., \$462,447.00 (and provide a 10% project contingency of \$46,245.00)

(2) **One New Current Model 2005 800 KW Skid-Mounted Diesel Generator Set and a 2,000 Gallon Above-Ground Storage Tank with 250-Gallon Base-Mounted Diesel Day Tank.** (Opened 2/22/05; Delayed from 2/28/05 and 3/14/05). Recommend rejecting the sole bid of Cummins Rocky Mountain LLC as non-responsive.

(3) City Property Sale at Southwest Corner of 6th Avenue North and Division Street, Lots 44-46, Block 7, Amended West Side Addition, 2nd filing. (Opened 3/15/05). Recommend sale of property to Phil Taylor, \$80,000.00.

(4) Self-Contained Breathing Apparatus for the Fire Department. (Opened 3/22/05). Recommendation to be made at meeting.

B. C.O. #1, AIP 28 Project: East Ramp Rehabilitation and Runway 7 Earthwork, Donnes Inc., Deduct \$29,134.60.

C. Amendment #1, W.O. 04-11: South Billings Boulevard Phase 1 Design, Professional Services Contract, Morrison-Maierle, Inc., \$18,960.00.

D. Amendment #2, W.O. 04-12: Alkali Creek Road Reconstruction, Professional Services Contract, Kadrmas, Lee & Jackson, Inc., \$2,071.00.

E. W.O. 04-34: Canyon Creek Ditch Evaluation, Professional Services Contract, Morrison-Maierle, Inc., \$34,968.00.

F. Hazardous Waste Collection Events, Professional Services Contract, Philip Services Corporation, \$37,175.00.

G. W.O. 04-29: Trans Tech Trail, Amendment to Easement with Bottrell Family Investments, to amend the location of the trail, \$0.00.

H. Resolution amending Res 02-17849 establishing fees for services at the Billings Animal Shelter.

I. Resolution relating to financing of certain proposed projects (SID 1366); establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

J. Authorization for Mayor to sign the downtown Business Improvement District petition.

K. Approval of *Amend Park* Naming requests as proposed by the Amend Park Development Council.

L. Street Closure request from Yellowstone Rimrunners for the Montana Women's Run on Saturday, May 7, 2005. Closures are: 2nd Ave N from N. 20th St. to Division St., Division St. between 2nd and 3rd Aves N., 3rd Ave N between Division St and N. 20th St., and N. 20th St. between 3rd and 2nd Aves N.

M. Riverfront Park Irrigation Runoff Repairs, Application for proposed work in Montana's Streams, Wetlands, Floodplains and other water bodies, authorizing Mayor to sign the application.

N. Acknowledging receipt of petition to vacate a street bulb portion of Indian Trail south of Alkali Creek School and setting a public hearing for 4/25/05.

O. Final Plat of Hardy Subdivision, Amended Lot 5, Block 1.

P. Bills and Payroll.

- (1) February 25, 2005
- (2) March 4, 2005
- (3) March 11, 2005

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving tax benefits for the building located at 1106 S. 29th St. W, Northland Automotive Bldg, Myriad Properties, LLC , owner. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
3. **APPROVAL of Amendments** to Subdivision Improvement Agreements for:
 - (1) Broso Valley Subdivision
 - (2) Shiloh Park Subdivision
 - (3) William D. Pierce SubdivisionStaff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC Section 22-1003 providing for an arterial construction fee, providing for a procedure whereby fees can be determined, imposed and appealed, establishing an effective date and providing a severability clause be amended for clarification. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND SPECIAL REVIEW #778:** a special review to modify a condition of approval of Special Review #771 to allow a building more than 10% larger than previously approved on Lots 1-6 & 19-24, Block 1, Houser Sub., located at 1425 Broadwater Ave. (Maverick Club). CNJ Distributing, owner; Charles B. Goldy, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)

6. **PUBLIC HEARING AND SPECIAL REVIEW #779:** a special review to allow an all beverage liquor license with food service and gaming on C/S 1136, Tract A1, for CJ's Barbeque, Bar & Grill in the former Wild West Theater at 2520 Central Avenue. Macerich Rimrock Limited Partnership owner; Mary Dyre, agent. Zoning Commission recommends conditional approval and waiver of the 600-foot separation requirement. **(Action:** approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #754:** a city-initiated zone change for lands affected by the recently adopted South Shiloh Corridor Overlay District regulations established in BMCC Sections 27-1427 thru 27-1453. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.)
8. **PUBLIC HEARING AND FIRST READING ORDINANCE** extending the boundaries of Ward I to include the recently annexed properties in Annex #05-01: five (5) wholly surrounded properties along South Billings Boulevard described as:
 - Tract 1, Popelka Industrial Tracts Subdivision, First Filing
 - Tract A, C/S 289 in Sugar Subdivision, Lot 20
 - Tract A, C/S 289 in Sugar Subdivision, Lot 19
 - Tract 19B-1, C/S 289 in Sugar Subdivision, Lot 19
 - Tract 19B-2, C/S 289 in Sugar Subdivision, Lot 19.Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
9. **PUBLIC HEARING AND RESOLUTION CREATING SID 1373:** a special improvement district for public improvements along South Billings Boulevard between King Avenue and Underpass Avenue and consisting of curb, gutter, sidewalk and street improvements. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
10. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.** (Restricted to ONLY items not on the printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

COUNCIL INITIATIVES

ADJOURN

(NOTE: Additional information on any of these items is available in the

City Clerk's Office)

CALENDAR
(Council AND Boards & Commissions)

MARCH:

3/28/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
3/29/2005	Traffic Control Board	NOON	4 th Floor Library
3/30/2005	Housing Authority	NOON	2415 1 st Avenue North

APRIL:

4/01/2005	Human Relations Commission	NOON	CH Conference Room
4/04/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
4/05/2005	Community Development Board	3:00 p.m.	4 th Floor Library
	Zoning Commission	4:30 p.m.	Council Chambers
	Aviation & Transit Commission	5:30 p.m.	Airport Terminal
	Board of Adjustment	6:00 p.m.	Council Chambers
4/07/2005	EMS Commission	7:30 a.m.	Main Fire Station Conf. Rm 2300 9 th Ave. N.
4/11/2005	Parking Advisory Board	4:00 p.m.	CH Conference Room
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
4/12/2005	Planning Board	6:00 p.m.	4 th Floor Library
4/13/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
4/14/2005	Library Board	11:30 a.m.	Library
4/18/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
4/19/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 th Floor Library
4/21/2005	Public Utilities Board	7:30 p.m.	Public Works-Belknap 2251 Belknap Ave
4/25/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers

4/24/2005	Traffic Control Board	NOON	4 th Floor Library
4/26/2005	Planning Board	6:00 p.m.	4 th Floor Library
4/27/2005	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 st Avenue North CH Conference Room
4/28/2005	Yellowstone County Board of Health	7:00 a.m.	Community Health Center