

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

June 27, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley

PLEDGE OF ALLEGIANCE – Mayor Tooley

INVOCATION – Mayor Tooley

ROLL CALL

MINUTES – June 13, 2005

COURTESIES

PROCLAMATIONS

- Homeownership Month - June

BOARD & COMMISSION REPORTS – Development Process Advisory Review Bd.

ADMINISTRATOR REPORTS – Kristoff Bauer

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #17 & #18 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. Mayor’s Appointments:**

Action delayed from 6/13/05.

	Name	Board/Commission	Term	
			Begins	Ends
1.		Human Relations	07/01/05	12/31/09
2.		Human Relations	07/01/05	12/31/06
3.		Animal Control	07/01/05	12/31/09
4.		Board of Adjustments	07/01/05	12/31/09
5.		Board of Adjustments	07/01/05	12/31/09
6.		Library Board	07/01/05	12/31/09

7.		Zoning Commission	06/27/05	12/31/07
8.		Community Development	6/27/05	12/31/07
9.		Board of Adjustments	06/27/05	12/31/05
10.		Parks/Rec/Cemetery	06/27/05	12/31/08

- 2. Unexpired term of Gayle Tompkins.
- 7. Unexpired term of David Gelder
- 8. Unexpired term of Aldo Rowe
- 9. Unexpired term of Danny Graves
- 10. Unexpired term of Sandy Graves

B. Bid Awards:

(1) Wastewater Treatment Plant Administration Building Electrical Improvements. (Opened 6/07/05). (Delayed from 6/13/05). Recommend Ace Electric for Schedules I through VI, \$132,405.00 plus a 10% contingency of \$13,240.00 for a total of \$145,645.00.

(2) Airport Terminal Kitchen Floor Replacement. (Opened 6/14/05). Recommend no action at this time.

(3) Airfield Lighting Control. (Opened 6/14/05). Recommend rejecting all bids and rebidding at a later date.

(4) Airfield Tractor with Pull-Type Field Mower. (Opened 6/14/05). Recommend Yellowstone Implement, \$83,591.00.

(5) Lower Level Airport Terminal Restroom Upgrades. (Opened 6/14/05). Recommend rejecting the sole bid.

(6) Covert Alarm System Replacement for Billings Logan International Airport. (Opened 6/14/05). Recommend Industrial Communication and Electrical, \$27,711.54.

(7) 2005 Castlerock Park Sidewalk Improvements. (Opened 6/14/05). Recommend CMG Construction Inc., \$64,766.00.

(8) Parking Control System for Park 4 Garage. (Opened 6/14/05). Recommend Ace Electric, Inc., \$79,850.00.

(9) W.O. 05-01: 2005 Water and Sewer Line Replacement Project – Schedules 1 & 2. (Opened 6/21/05). Recommendation to be made at meeting.

(10) 2005 Water Leak Restoration Project. (Opened 6/21/05). Recommendation to be made at meeting.

C. Amendment #7, Professional Services Agreement, Airport Business Park Master Plan and Airport Fuel Study, Morrison-Maierle, Inc., \$55,153.00.

D. Professional Services Agreement, W.O. 05-04: Terrace Estates Storm Water Mitigation, Interstate Engineering, Inc., \$19,900.00.

E. Professional Services Agreement, SID 1365: Lake Heights Drive Extension, Engineering, Inc., \$19,453.00.

F. Veterinarian Services Contracts for spay/neuter and minor veterinary services at the Billings Animal Shelter, with: (1) Victoria C. Hamer, DVM, (2) Mark Francis, DVM, (3) Amy Lamm, DVM, and (4) Diane L. Scollard, DVM, term: 7/1/05 to 6/30/06.

G. Lease Agreement for Park I garage ground level space, Associated Employers of Montana, \$32,028.00 revenue, term: 1 year with three one-year options to renew.

H. Approval of Landlord's Consent and Estoppel Certificate for transfer of Stewart Park Antenna Site Lease from 3 Rivers PCS Inc. to MTPCS, LLC, \$2,500 annual rent and \$2,500 use fee for each antenna installed.

I. Memorandum of Understanding with Billings School District #2 for three (3) High School Resource Officers, \$60,000.00 to defray salary and benefits for officers.

J. Memorandum of Understanding with Billings School District #2 for two (2) Middle School Resource Officers, \$50,000.00 to defray salary and benefits for officers.

K. Approval of Right-of-Way Agreements for Grand Avenue Widening:
(1) W.O. 00-15, Parcel 126: Nielsen Enterprises, LLC, a tract of land located in Lot 11, Block 2, Sunset Subdivision, 2nd filing, \$28,100.00.
(2) W.O. 00-15, Parcel 127: Nielsen Enterprises, LLC, a tract of land located in the west 50 feet of Lot 12, Block 2, Sunset Subdivision, 2nd filing, \$13,800.00.

L. Approval of Department of Housing and Urban Development, Economic Development Initiative Grant for West Billings Flood Hazard Assessment, \$297,600.00.

M. Affordable Housing Fund, request from Community Development, Inc. (CDI) for \$300,000.00 HOME funds and \$50,000.00 CDBG funds for a 49-unit, multi-family rental complex known as Lincoln Springs Apartments on Lincoln Lane, terms: 3%, 40-year loan with payback beginning in year 6 after project completion.

N. Affordable Housing Fund, request from Katie Schwend for an additional \$73,195.00 to rebuild the substandard 6-plex property located at 2202-2212 2nd Ave. N., terms: 0% interest, 20-year loan.

O. Acknowledging receipt of petition to vacate Holfeld Lane Right-of-Way, Blake Laughlin, petitioner, and setting a public hearing date for 7/25/05.

P. Street Closures:
(1) Yellowstone County "Captain Clark Signature Days", Yellowstone County Lewis and Clark Bicentennial Commission, N. Broadway between 2nd & 3rd Aves. N (leaving 2nd & 3rd Aves. N open to traffic), July 22, 2005.

(2) YMCA 2005 Montana Marathon, Molt Rd. to Rimrock Rd., Rimrock Rd to 38th St. W, 38th St. W to Poly Dr., Poly Dr. to Virginia Ln., Virginia Ln. to Parkhill Dr., around Pioneer Park to 3rd St. W and disbanding at Daylis Stadium, September 18, 2005.

(3) Deaconess Billings Clinic Classic Street Party, N. Broadway between 3rd & 4th Aves. N, and alley between 3rd and 4th Aves. N, August 25-28.

Q. W.O. 04-12: Alkali Creek Road Right-of-Way acquisition, Tract 2B of Amended Tract 2, C/S 727, Kenneth J. Rolle, Trustee, \$11,264.00.

R. Resolution of Intent to dispose of City-owned property described as Lots 1-8, Block 226, O.T., located on the northwest corner of 8th Avenue South and South 27th Street and setting a public hearing date for 7/25/05.

S. Resolution of Intent to dispose of City-owned property described as Lots 13-19, Block 231, O.T., located on the southeast corner of 8th Avenue South and South 28th Street and setting a public hearing date for 7/25/05.

T. Resolution of Intent to create Park Maintenance District #4029 in Cottonwood Grove Subdivision and setting a public hearing for 7/25/05.

U. Resolution authorizing Commitment Agreements with the Dept. of Natural Resources and Conservation regarding the Sale of \$12,176,000.00 Water System Revenue Bonds, Series 2005 and \$5,650,000.00 Wastewater Revenue Bonds, Series 2005.

V. Second/final reading ordinance amending BMCC Sections 14-301- 14-307, 14-310 and 14-311, providing for the adoption of the 2003 edition of the NFPA1/Uniform Fire Code and updating references to the fire code.

W. Second/final reading ordinance for Zone Change #758: a zone change from R-6,000 to R-Multi-Family Restricted on property described as Lot 1, Robinson Subdivision and located at 416 Orchard Lane. T.J. Van Winkle, owner; Eric Van Winkle, agent.

X. Second/final reading ordinance for Zone Change #759: providing that the BMCC be amended by revising Section 27-305 and 27-306; setting standards for all utility and pipeline transmission and distribution systems, adopting the revisions as an interim zoning regulation and setting a time period for the regulation to be effective. Zoning Commission recommends approval of the zone change and allowing the interim zoning regulation to be effective for a period not to exceed six (6) months.

- Y. Bills and Payroll.**
(1) May 27, 2005
(2) June 3, 2005

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving the filing of an annual Federal Transit Administration (FTA) Section 5307 grant application with the U.S. Department of Transportation for \$1,172,329.00. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
3. **PUBLIC HEARING AND VARIANCE #CC05-01:** a site variance from the Site Development Ordinance, BMCC Sections 6-1203(h)(3), Section 6-1203(i)(4) and 6-1203(i)(7) regarding curb cuts of 77.25 feet and to be 4' 10" from the radius, and backing maneuvers within the right-of-way. Subject property is located on Lots 1-11, 34-46 and the east 10' of Lot 12, Block 26, Yellowstone Addition, 2nd filing being generally located between Central & St. Johns Avenues and between 5th and 6th Streets West. Albertsons, Inc., applicant. Staff recommends approval of the variances. **(Action:** approval or disapproval of Staff recommendation.)
4. **PUBLIC HEARING AND VARIANCE #OP05-02:** a variance from the Site Development Ordinance, BMCC Section 6-1203(r) regarding limited access through the alley. Subject property is located on Lot 3, Block 2, Arrowhead Subdivision, 1st filing and generally located at 1442 Main Street. Park's Martial Arts, applicant. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** approving a Council Contingency Appropriation for joining the Big Sky Economic Development Corporation for \$1,000.00. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending the BMCC by adding Sections 18-1101 – 18-1116; prohibiting graffiti, defining terms, providing for a procedure whereby graffiti can be remediated, establishing an effective date and providing a severability clause. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
7. **PUBLIC HEARING AND RESOLUTION** approving the *Frank Property Urban Planning Study* and expanding the Urban Planning Area to include Tracts 1 and 2, C/S 3139; Tract 1, C/S 2379; and two unplatted tracts containing 50 acres, located near the intersection of Grand Avenue and 58th St. W. Douglas and Ronald Frank,

owners. Planning Board recommends denial. (**Action:** approval or disapproval of Planning Board recommendation.)

8. **STALEY/WESTWARD HO PROPERTY:**

A. PUBLIC HEARING AND RESOLUTION approving the *Staley/Westward Ho Property Urban Planning Study* and expanding the Urban Planning Area to include Tract 1, C/S 1871 and Tract 2A, C/S 2465, 115 acres located at the intersection of Rimrock Rd. and 70th St. W. Larry Staley and Westward Ho, owners. Planning Board recommends denial. (**Action:** approval or disapproval of Planning Board recommendation.)

B. ACKNOWLEDGING RECEIPT OF PETITION TO ANNEX #05-06: a 115-acre property located at the intersection of Rimrock Road and 70th Street West, described as Tract 1, C/S 1871 and Tract 2A, C/S 2465. Larry Staley and Westward Ho, Inc., petitioners and setting a public hearing for 7/11/05. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)

9. **FOXTAIL VILLAGE SUBDIVISION, 2ND FILING:**

A. PUBLIC HEARING AND RESOLUTION approving the *Foxtail Village Subdivision, 2nd filing Urban Planning Study* and expanding the Urban Planning Area to include Tract 123 of the Sunny Cove Fruit Farms property, a 9.32-acre parcel located near the northeast corner of Grand Ave. and 60th St. W intersection. Kenmark Corporation, owner; Mark Kennedy, agent. Planning Board recommends approval. (**Action:** approval or disapproval of Planning Board recommendation.)

B. ACKNOWLEDGING RECEIPT OF PETITION TO ANNEX #05-04: a 9.32-acre parcel located at the northeast corner of the intersection of Grand Ave. and 60th Street West, Tract 123, Sunny Cove Fruit Farms, Kenmark Corporation, petitioner, and setting a public hearing for 7/11/05. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)

10. **PUBLIC HEARING AND SPECIAL REVIEW #784:** a special review to permit an all-beverage liquor license with gaming at a proposed new Town Pump gas station/convenience store/casino located at 3150 King Ave. W in a Controlled Industrial zone described as Tracts 1C-2 and 10, C/S 1479 Amended. Town Pump and Affiliates, LLC, owner; Engineering, Inc., agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

11. **PUBLIC HEARING AND SPECIAL REVIEW #785:** a special review to permit an all-beverage liquor license with gaming to an existing beer and wine license located on Lots 10-18, Block 103, O.T. and generally located at 3324 1st Avenue North in a Community Commercial zone. Greg and Becky Pekovich, owners. Zoning Commission recommends conditional approval and waiver of the 600' separation requirement. (**Action:** approval or disapproval of Zoning Commission recommendation.)

12. **PUBLIC HEARING AND SPECIAL REVIEW #786:** a special review to have a fenced outdoor storage yard for scaffolding and other construction material on Lot 2, Block 2, Holiday Business Park Subdivision and generally located at 1348 Holiday Circle in a Highway Commercial zone. Optima Venture, LP, owner/agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
13. **PUBLIC HEARING AND SPECIAL REVIEW #787:** a special review to locate an all beverage liquor license for on-premise consumption with gaming in a new building on Lot 5-B, Block 3, Midland Subdivision, 3rd filing and generally located at 920 S. 24th Street West in a Controlled Industrial zone. Cape France Enterprises, Joann Cape, owner; Engineering, Inc., agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
14. **PUBLIC HEARING AND SPECIAL REVIEW #788:** a special review to permit a beer and wine license with gaming in a new building on Tract 4D, Studer Acreage Tracts and generally located at 1251 S. 32nd Street West in a Controlled Industrial zone. Doc & Eddy's, George Frank, owner; Charles B. Goldy, Jr. of cbg architects, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
15. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #755:** a zone change from Public to R-7,000 on a 14,673 square foot tract of land formerly known as Holfeld Park and located in the SW4 of Section 27, T1N, R26E, north of Swords Lane and south of Alkali Creek and the Billings Bench Water Association canal. Blake Laughlin and PRPL, owners, Engineering, Inc. agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.)
16. **SANDSTONE DOWNTOWN REDEVELOPMENT DISTRICT:**
 - A. **PUBLIC HEARING AND FIRST READING ORDINANCE** relating to the Downtown Redevelopment District and the creation of a new Urban Renewal Area; authorizing the removal of certain property from the Downtown Redevelopment District, establishing such property as a new 27th Street Urban Renewal Area, adopting an Urban Renewal Plan, therefore including a Tax Increment provision, approving an Urban Renewal Project therein and authorizing the issuance of Tax Increment Urban Renewal Revenue Bonds. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
 - B. **RESOLUTION Approving Development Agreement** with Downtown Billings Investors, LLC for the redevelopment of Lots 5-10, Block 92 O.T. (Sandstone Downtown Redevelopment Project,) providing a subsidy of \$450,000.00 for land, \$2,000,000.00 in Tax Increment Funds (TIF) and

\$1,722,500.00 in Parking Funds and authorizing the mayor to execute said agreement. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)

17. **ANNUAL ASSESSMENTS FOR FY 2006:**
RESOLUTIONS levying and assessing annual assessments and fees for FY 2006 on properties within the City, providing for notice, hearing and final adoption. Staff recommends approval. (Action delayed from 6/13/05). (**Action:** approval or disapproval of Staff recommendation.)
- (A)(1) Arterial Construction Fee
 - (A)(2) Light Maintenance Districts
 - (A)(3) Storm Sewer Maintenance
 - (B) Fire Hydrant Maintenance
18. **APPOINTMENT** of Interim City Administrator. Staff recommends the appointment of an interim City Administrator while the search for a permanent Administrator is conducted and authorizing the Mayor to sign a contract with the individual selected. (**Action:** approval or disapproval of Staff recommendation.)
19. **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)

JUNE:

6/27/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
6/28/2005	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 th Floor Library 4 th Floor Library
6/29/2005	Housing Authority	NOON	2415 1 st Avenue North

JULY:

7/01/2005	Human Relations Commission	Noon	CH Conference Room
7/04/2005	INDEPENDENCE DAY – CITY OFFICES CLOSED		
7/05/2005	Community Development Board Zoning Commission Aviation & Transit Commission Council WORK SESSION	3:00 p.m. 4:30 p.m. CANCELLED 5:30 p.m.	4 th Floor Library Council Chambers Community Center 360 N. 23 rd St
	Board of Adjustment	6:00 p.m.	Council Chambers
7/07/2005	EMS Commission	7:30 a.m.	Main Fire Station Conf. Rm 2300 9 th Ave. N.
7/11/2005	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
7/12/2005	Planning Board	6:00 p.m.	4 th Floor Library
7/13/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
7/14/2005	Library Board	11:30 a.m.	Library
7/18/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
7/19/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 th Floor Library
7/25/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
7/26/2005	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 th Floor Library 4 th Floor Library

7/27/2005	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 st Avenue North CH Conference Room
7/28/2005	Yellowstone County Board of Health	7:00 a.m.	Community Health Center