

# CITY OF BILLINGS

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

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## AGENDA

COUNCIL CHAMBERS

August 8, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley

PLEDGE OF ALLEGIANCE – Mayor Tooley

INVOCATION – Councilmember Richard Clark

ROLL CALL

MINUTES – July 25, 2005

COURTESIES

- American Water Work Assn, 5-year Director's Award
- Mayor's Award to Water Treatment Plant employees for lifesaving rescue
- VFW presentation

PROCLAMATIONS

BOARD & COMMISSION REPORTS – Animal Control Board

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1, #8 & #9 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) **W.O. 04-13, Filter Building Expansion and Improvements.** (Opened 7/26/05). Recommend delaying award to 8/22/05.

~~(2) **Sole source purchase of Indoor Firing Range, Shooting Ranges International, \$197,328.00.**~~

B. **Professional Services Contract** to complete Class and Compensation Plan, Associated Employers of Montana and Employers Association, Inc., \$31,700.00.

**C. Professional Services Contract** for a stadium feasibility study, stadium conceptual plan and cost estimate, HNTB Architecture, Inc., \$55,000.00 for the preliminary design and feasibility study and \$5,000.00 for the bond election process services and completion of the design and construction of the stadium (if funded) for 10.25% of the project total amount.

**D. ADA Settlement Agreement** with U.S. Dept. of Justice – Civil Rights Division, Disability Rights Section.

**E. Agreement** with Yellowstone County Council on Aging for the senior programs at the Billings Community Center, \$21,000.00.

**F. FY2006/2007 City/State Maintenance Agreement and Special Projects Contract Overlay Agreement**, \$500,000.00/year for regular street maintenance and \$300,000.00/year for overlay contract maintenance.

**G. Amendment #8, AIP #29**, engineering design, survey, and contract administration for the construction of Taxiway “G”, design of Commercial Ramp Improvements, study of Runway 7/25 expansion and development of specifications for purchase of a front-end loader for the airfield snow removal and sanding operations, Morrison-Maierle, \$376,416.00.

**H. Contract** with Montana Dept. of Public Health and Human Services – Developmental Disabilities Division, for specialized transportation for developmentally disabled individuals, term: extend 1 year through 6/30/06, \$179,770.00.

**I. Aviation Building and Ground Lease** with FES Development, LLC, term: 1 year with a one-year renewal. \$17,850.00 for first year and subsequent year adjusted by the CPI-U.

**J. Concession Agreement** with Airport Gifts for the Airport gift shop concession, term: 5 years.

**K. Executive Hangar Ground Lease** with Sarpy Creek Land Company, LLC, term: 20 years, \$4,020.00 for first year, adjusted annually by CPI.

**L. Revocable Permit and Non-Recorded Easement Agreement** with UNAVCO for plate boundary observatory GPS monitoring program, term: 15 years, \$0.00.

**M. Commercial Aviation Ground Lease Renewal** with Edwards Jet Center, term: 1 year, \$11,059.00.

**N. Commercial Aviation Ground Lease Assignment**, from Jon Marchi to Whitefish Credit Union to secure financing, \$0.00.

**O. Zone 4 Reservoir Appraisal** establishing a fair market value of \$137,024.00 for a portion of Tract 1, C/S 3030 for the purpose of constructing water storage and pumping facilities and authorizing Staff to obtain the property from GSK Partners, LLP.

**P. Revolving Loan** for Northern Plains Resource Council, \$212,000.00.

**Q. Street Closure:** Western Wheel Bar Customer Appreciation Celebration, August 27, 2005, Minnesota Ave. between S. 27<sup>th</sup> St. and S. 28<sup>th</sup> St.

**R. Tax Increment Fund Housing Grant** to Marchi-Tolliver Partnership, \$72,000 for twelve units of the Terrace Apartments located at 300 N. 25<sup>th</sup> St.

**S. Acknowledging receipt of Annexation Petition #05-08:** 33.71 acre parcel described as Tracts 1 and 2, C/S 3190, located at 120 Wicks Lane, Ernest and Francisca Shaw, petitioners, and setting a public hearing for 9/12/05.

**T. Resolution of Intent to Create Park Maintenance District #4030,** King's Green Subdivision – Second and Third filings, and setting a public hearing for 9/12/05.

**U. Resolution of Intent** to dispose of City property described as Lots 4-6 and the east ½ of Lots 1-3, Blk 184, O.T. and setting a public hearing date for 9/12/05.

**V. Second/final reading ordinance for Zone Change #760:** a zone change from Residential Manufactured Home to Highway Commercial on property described as Tract 2, C/S 529 and located at 2202 Main Street, approve the zone change and adopt determinations of the 12 discussed criteria. Terrance Luff, owner; Jim Carroll, Downtown Realty, agent.

**W. Second/final reading ordinance** extending the boundaries of Ward IV to include the recently annexed properties in Annex #05-04: a 10.532-acre parcel located near the northeast corner of Grand Avenue and 60<sup>th</sup> Street West intersection, known as Tract 123 of the Sunny Cove Fruit Farms property, aka the proposed Foxtail Subdivision, 2<sup>nd</sup> Filing.

**X. Preliminary Plat** of Amended Lot 3B, Block 10, Parkland West Subdivision 6<sup>th</sup> filing, generally located south of Central Avenue at the northeast intersection of South 32<sup>nd</sup> St. W., Avanta Federal Credit Union, owner; Engineering, Inc., representative, approval of the preliminary plat, adoption of the findings of fact and approval of the variances.

**Y. Preliminary Plat** of St. Thomas Subdivision, generally located on the southeast corner of Colton Blvd. and Woody Dr., conditional approval of the preliminary plat and adoption of the findings of fact.

**Z. Preliminary Plat** of Lincoln Subdivision, generally located on the east side of Lincoln Lane at 605 Lincoln Lane, conditional approval of the preliminary plat and adopting of the findings of fact.

**AA. Final Plat** of Alkali Creek Subdivision, 5<sup>th</sup> Filing.

**BB. Bills and Payroll.**

(1) July 14, 2005

(2) July 19, 2005

**(Action:** approval or disapproval of Consent Agenda.)

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #05-07:** an undeveloped 172-acre parcel located east of the Ironwood Subdivision along Molt Road between the Yellowstone Country Club and the Rims, described as Tract 1, C/S 3030, GSK Partners, LLC petitioner. Staff recommends conditional approval. **(Action:** approval or disapproval of Staff recommendation.)
  
3. **SID 1368: A SPECIAL IMPROVEMENT DISTRICT FOR PUBLIC IMPROVEMENTS ALONG ANNANDALE ROAD BETWEEN GLENEAGLES BLVD. AND CHERRY HILLS ROAD AND CONSISTING OF WATER, SEWER, STORM DRAIN AND STREET IMPROVEMENTS:**
  - (A) **PUBLIC HEARING AND RESOLUTION** creating SID #1368: Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
  - (B) **PROFESSIONAL SERVICES CONTRACT** with Engineering Inc., \$96,781.71. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
  - (C) **RESOLUTION** authorizing construction bids for the project. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
  
4. **PUBLIC HEARING AND RESOLUTION** creating Park Maintenance District #4028 for the purpose of maintaining the park in Vintage Estates Subdivision. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
  
5. **PUBLIC HEARING AND VARIANCE #OE05-01:** a variance from BMCC Section 22-407.1(4), requiring a maximum of one (1) A-frame sign shall be allowed for each business. The sign must abut the business exterior wall within four (4) feet of the business entrance and be no closer than one (1) foot from the entrance. Two (2) or three (3) businesses may share a temporary sign. The subject location is Lot 6, Block 93, O.T, generally located between First Avenue North and Second Avenue North and between North Broadway and North 29<sup>th</sup> Street. Rock Creek

- Coffee Co. LLC, applicant. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
6. **PUBLIC HEARING AND RESOLUTION** approving and adopting budget amendments for FY 2004/2005. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
  7. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC Section 7-1504(c), providing that the MDU Franchise does not preclude MDU from challenging any fee or tax. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
  8. **SALE OF CITY PROPERTY** to SAE Express for \$128,340.00. Staff recommends authorizing Staff to negotiate a revised sale of \$93,340.00 and provide an additional \$35,000.00 credit for the trade property. (**Action:** approval or disapproval of Staff recommendation.)
  9. **RESOLUTION FOR A CORRECTION TO FY2005/2006 BUDGET.** Staff recommends adopting corrected Exhibit A of the FY 2005/2006 budget. (**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)

### **AUGUST:**

8/08/2005	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
8/09/2005	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
8/10/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
8/11/2005	Library Board	NOON	Library
8/15/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/16/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
8/18/2005	Public Utilities Board	7:30 p.m.	Public Works-Belknap 2251 Belknap Ave
8/22/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/23/2005	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
8/24/2005	Development Process Advisory Review Board (DPARB)	1:00 p.m.	CH Conference Room
8/31/2005	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North

### **SEPTEMBER:**

9/02/2005	Human Relations Commission	NOON	CH Conference Room
9/05/2005	LABOR DAY – CITY OFFICES CLOSED		
9/06/2005	Community Development Board Zoning Commission Aviation & Transit Commission Council WORK SESSION  Board of Adjustment	3:00 p.m. 4:30 p.m. 5:30 p.m. 5:30 p.m.  6:00 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal Community Center 360 N. 23 <sup>rd</sup> St Council Chambers
9/12/2005	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
9/13/2005	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library

9/14/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
9/15/2005	Library Board	NOON	Library
9/19/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
9/20/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
9/26/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
9/27/2005	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
9/28/2005	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room