

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

August 22, 2005

6:30 P.M.

**CALL TO ORDER – Mayor Tooley
PLEDGE OF ALLEGIANCE – Mayor Tooley
INVOCATION – Councilmember Peggie Gaghen
ROLL CALL
MINUTES – August 8, 2005
COURTESIES
PROCLAMATIONS
BOARD & COMMISSION REPORTS
ADMINISTRATOR REPORTS – Tina Volek**

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 14, & #15 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) Large Format Copier/Scanner and Printer for Public Works Dept - Utilities. (Opened 8/9/05). Recommend Selby's ESSCO, \$34,401.50.

(2) W.O. 04-13, Filter Building Expansion and Improvements. (Opened 7/26/05). Delayed from 8/8/05. Recommend delaying until 9/12/05.

B. Amendment #2, Professional Services Contract, W.O. 05-01: Public Works Projects including Water and Sewer Replacement Projects, Morrison-Maierle, Inc., \$38,500.00.

C. Contract with Golden Valley County for Library Services 2005/2006, \$1.70 per item circulated, term: 1 year.

D. CTEP Project Specific Agreement, STPE 1099(47) - Jackson Street Sidewalks, \$69,515.00 CTEP grant; \$75,485.00 local match.

E. Agreement to extend the term of the Inter-Creditor Agreement between the City and six banks for an additional five years.

F. Authorization to apply for INTERCAP Loan through Montana Board of Investments for W.O. 03-02, Contract #1 and W.O. 02-14, \$288,780.00 to pay for two sidewalk projects.

G. 2005 Heritage Trail CTEP Project Applications:

- (1) Big Ditch Trail
- (2) Gabel Road Connector Trail
- (3) Swords Park Trail

H. 2005 CTEP Project Application for Milton Lane as a school route improvements project, \$125,000.00 CTEP funds, \$488,500.00 local match.

I. Acknowledge receipt of petition to vacate Conrad Road between S. 30th Street West and S. 32nd St. West, Harold Miller ETAL, petitioners; Engineering, Inc., agent, and setting a public hearing date for 9/12/05.

J. Street Closure requests:

(1) Native American Development Corporation: "Just Do it" Health Walk, September 23, 2005, Sky Point on the corner of 2nd Ave. N and N. Broadway down 28th St. through 1st Ave. S and cross streets from 2nd Ave. S to South Park.

(2) O'Hara's Family Restaurant Fundraiser for the Optimist Club, September 10, 2005, 33rd St. between Montana Ave and 1st Ave. N.

(3) Beartooth Harley Owner's Group: 911 Remembrance Ride, September 11, 2005, Frontage Road down Montana Ave, 2nd Ave N between 26th and 27th Sts, 27th St. to 4th Ave N onto Main Street and follow Hwy 312 to Huntley.

K. 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. (Delayed from 8/8/05).

L. Resolution to adopt the Revised Stewart Park Master Plan.

M. Resolution to adopt the Lampman Parkway Master Plan.

N. Resolution of Intent to create SID 1372: public improvements consisting of water, sanitary sewer, storm drain, curb, gutter and street improvements on Winter Green Dr., W. Antelope Tr. And Antelope Pl. in Summerhill Sub. and setting a public hearing date for 9/12/05.

O. Resolution relating to \$4,515,000.00 Sewer System Revenue Bonds (DNRC Water Pollution Control State Revolving Loan Program), Series 2005; authorizing the issuance and fixing the terms and conditions thereof.

P. Second/final reading ordinance amending BMCC Section 7-1504(c), providing that the MDU Franchise does not preclude MDU from challenging any fee or tax.

Q. Resolution setting the annual public safety, general obligation debt service parks and general obligation debt service streets mill levies for FY 2005-06.

R. Preliminary Plat of Ironwood Estates Subdivision, 4th filing, generally located east of Molt Road, west of Ironwood Estates Subdivision, 3rd filing., Dan Wells, owner; Engineering, Inc., agent, conditional approval of the preliminary plat, approval of the variances and adoption of the findings of fact.

S. Preliminary Plat of Legacy Subdivision, generally located on 52nd St. West midway between Grand and Central Aves, DC Capital Real Estate, owner; Engineering, Inc., agent, conditional approval of the preliminary plat, approval of the variances and adoption of the findings of fact.

T. Bills and Payroll.

- (1) July 25, 2005
- (2) July 29, 2005.

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed properties in 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 approval. **(Action:** approval or disapproval of Staff recommendation.)
3. **PUBLIC HEARING AND SPECIAL REVIEW #790:** a special review to allow on-premise beer service without gaming on Block 2, Lot, 10 Claimstake Subdivision, located at 2701 Enterprise Ave., Suite 1. Delbert L. Bailey and Timothy Dernbach, owners; Tim Mohr, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
4. **PUBLIC HEARING AND SPECIAL REVIEW #791:** a special review to allow the change from one nonconforming use (gasoline service station) to another nonconforming use (automobile sales) on Lots 18, 19, Block 1, Descro Subdivision.

J and D Industries, owner, John Bonner, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

5. **PUBLIC HEARING AND SPECIAL REVIEW #792:** a special review to permit the location of a cabinet maker in a Highway Commercial zone of Southgate Planned Development on Lot 7A, Block 2, Southgate Subdivision. Willie Dowdle, owner; Blaine Poppler of Coldwell Banker, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #761:** a zone change from Residential 7,000 to Residential 5,000 on Tract 1A of C/S 1335, located at 1545 Hawthorne Lane. First Free Will Baptist Church, owner; Wesley Prouse, agent. Zoning Commission recommends denial of the zone change and adoption of the determination of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #762:** a zone change from Residential 9,600 to Neighborhood Commercial on Lots 3A and 4, Block 1, Missions United Subdivision, located at 2117 and 2223 Shiloh Rd. St. Vincent's Healthcare, owner; Jim Shepard of CTA Architects and Engineers, 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.)
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #763:** a zone change from Community Commercial to Highway Commercial on Lot 4, Block 1, North Pointe Square Subdivision, located at 2376 Main St., (former K-mart retail center site). KMT DIL, LLC, owner; Michael Dockery, 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.)
9. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #764:** a zone change from Residential 9,600 to Residential 7,000 and Residential 6,000 on portion of Tract 123 of Sunny Cove Fruit Farm, located at the northeast intersection of Grand Ave. and 60th St. West. Mark Kennedy of Kenmark Corporation, owner and applicant. Zoning Commission recommends denial of the zone change and adoption of the determination of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.)
10. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #765:** a zone change from Residential 7,000 to Residential 5,000 on Tracts 1 and 2 of C/S 3190, located at 120 Wicks Lane. Ernest and Francisca Shaw, 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.)

11. **PUBLIC HEARING AND RESOLUTION CREATING A DOWNTOWN BUSINESS IMPROVEMENT DISTRICT** for litter control, snow removal, graffiti removal, security and other services. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
12. **SOUTH 27TH STREET CORRIDOR REDEVELOPMENT 2005-2.**
 - (A) **RESOLUTION** authorizing disposal of City-owned land described as: Lots 1-8, Block 226, O.T. Staff recommends delaying authorization indefinitely. **(Action:** approval or disapproval of Staff recommendation.)
 - (B) **AWARD OF BID** for purchase of subject property. No bids were received. Staff recommends delaying sale of subject property indefinitely. **(Action:** approval or disapproval of Staff recommendation.)
13. **RESOLUTION APPROVING THE SANDSTONE DEVELOPMENT AGREEMENT.** (PH held 7/25/05. Action delayed from 7/25/05). Staff recommends approval of the resolution and development agreement. **(Action:** approval or disapproval of Staff recommendation.)
14. **APPROVAL OF A PROJECT COORDINATOR** for implementation of an east downtown Billings Tax Increment Finance District and Shiloh Road Corridor Project. Staff recommends approval for one year, with a 1-year renewal. **(Action:** approval or disapproval of Staff recommendation.)
15. **BID AWARD: ONE NEW QUICKRANGE SELF-CONTAINED, TWO-LANE, PREFABRICATED SHOOTING RANGE FOR POLICE DEPARTMENT.** (Bids opened 8/19/05). Recommendation to be made at meeting.
16. **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:

8/22/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/23/2005	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 th Floor Library 4 th 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 st 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 th Floor Library Council Chambers Airport Terminal Community Center 360 N. 23 rd 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 th Floor Library
9/14/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
9/15/2005	Library Board	NOON	Library
9/19/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
9/20/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 th 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 th Floor Library 4 th Floor Library

9/28/2005	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 st Avenue North CH Conference Room
-----------	---	-------------------	---