

# 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

September 26, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley  
PLEDGE OF ALLEGIANCE – Mayor Tooley  
INVOCATION – Councilmember Larry Brewster  
ROLL CALL  
MINUTES – September 12, 2005  
COURTESIES  
PROCLAMATIONS  
▪ Sept. 23: American Indian Heritage Day  
▪ Oct 9-15: Fire Prevention Week  
BOARD & COMMISSION REPORTS  
ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #12, #13 & #14 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) **9-1-1 Plant Equipment Telephone System Upgrade for the City of Billings Joint City/County 9-1-1 Center.** (Opened 9/13/05). Recommend Qwest Communication, \$104,111.40.
  - (2) **One (1) New Current Model 24” x 40” Radial Stacking Conveyor for City of Billings Street/Traffic Division.** (Opened 9/13/05). Recommend Western Plains, \$25,900.00.
  - (3) **W.O. 05-01A: Michigan Street Reconstruction (Water and Sewer Replacement) Project.** (Opened 9/6/05). (Delayed from 9/12/05). Recommend JEM Contracting, \$93,043.00.

**(4) Truck Chassis, Tilt Cabs for the Solid Waste Division.** (Opened 8/23/05). (Delayed from 9/12/05). Recommend Tri-State Truck & Equipment for Schedules I – III; Schedule I: \$109,141.00, Schedule II: \$107,353.00 and Schedule III: \$106,198.00.

**B. Contract** with Mailing Technical Services for full range of mailing services for the City, term: 3 years with an option to renew for an additional 2 years.

**C. Contract** with Associated Employers of Montana and Employers Association, Inc. to complete the classification and compensation plan, \$31,700.00.

**D. Lease Agreement** with Macerich Rimrock Limited Partnership for space for the Cop Shop West, \$0.00, term: 3 years.

**E. Agreements with Wells Fargo Bank:**

(1) Sale and Purchase Agreement of existing automatic teller (ATM) site of the City of Billings.

(2) Temporary Leaseback Agreement from the City to Wells Fargo, \$4,062.50/month.

(3) Wells Fargo ATM Site Lease of the Park II Garage Space from the City to Wells Fargo, \$2,850.00/month with a 2.5%/year inflator; term: 13 years with an option to renew for two 10-year terms.

**F. W.O. 00-15: Grand Avenue Right-of-Way Agreement** with Welborn Land & Livestock Company on a tract of land located in Lot 1, Block 2, Algeo Subdivision, \$0.00.

**G. Approval** of the 2005 Edward Byrnes Justice Assistance Grant (JAG), \$92,924.00 and authorization for the Mayor to sign the award documents.

**H. Magic City Blues Festival** Street Closure request, Montana Avenue between the 2300 and 2500 Blocks from 9:00 a.m. on Friday, August 11, 2006, until 5:00 p.m. on Sunday, August 13, 2006.

**I. Approval** of the Domestic Violence Unit and Victim Witness Assistance Subgrants from the Montana Board of Crime Control (MBCC); (Domestic Violence grant: \$55,000.00; City match: \$49,962.83. Victim Witness grant: \$38,000.00; City match: \$62,406.48.)

**J. Resolution of Intent to Sell** City-owned real property described as Lot 8A, Block 13, Lake Hills Subdivision, 18<sup>th</sup> filing and setting a public hearing date for 10/24/05.

**K. Preliminary Plat** of Amended Lots 1 and 2, Block 3, Reiter-Beswick Subdivision, Timothy G. and Teresa A. Lehman, owners; approval of preliminary plat and adoption of the findings of fact.

**L. Bills and Payroll.**

- (1) August 26, 2005
- (2) September 2, 2005

(Action: approval or disapproval of Consent Agenda.)

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING** on the FY 2004 Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program Comprehensive Annual Performance Evaluation Report (CAPER). (Action: public hearing only.)
- 3. **PUBLIC HEARING AND RESOLUTIONS** regarding the original spread assessments on the following Special Improvement Districts:
  - (A) **SID 1358**: construction of curb, gutter, sidewalks, sanitary sewer mains, sanitary sewer services, water mains, water services and necessary street improvements to portions of C/S 793, Deep Power Subdivision and Lake Hills Subdivision.
  - (B) **SID 1365**: installation of water, sanitary sewer, storm drain and street improvements in Lake Hills Subdivision, 25<sup>th</sup> filing.
  - (C) **SID 1366**: construction of a park, city water supply, concrete parking lot and storm drain in Rimrock West Estates Subdivision, 1<sup>st</sup> – 5<sup>th</sup> filings and C/S 1350.
  - (D) **SID 1371**: installation of water, sanitary sewer, storm drain and street improvements in Blue Meadow Acreage Tracts, Monty's Place Subdivision, C/S 369 Amended, C/S 369 Third Amended and C/S 1188.
  - (E) **SW 2401**: miscellaneous sidewalk, curb and gutter improvements located in areas throughout the City.
  - (F) **SW 2402**: sidewalks in the Washington School area.  
Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
- 4. **PUBLIC HEARING AND RESOLUTIONS** regarding the respread of assessments on the following Special Improvement Districts:
  - (A) **SID 1258**: (Combining tax codes), paving, widening, curb, gutter, sidewalk and storm drain extension located in Maltese Sub. and Hansen Sub.
  - (B) **SID 1332 & 1341**: (Combining tax codes); SID 1332 is for curb, gutter, sidewalk and street improvements in Circle Fifty Sub., SID 1341 is for park improvements located in Circle Fifty Sub.
  - (C) **SID 1332, 1341 & 1353**: (Combining tax codes); SID 1332 is for curb, gutter, sidewalk and street improvements in Circle Fifty Sub., SID 1341 is for park improvements located in Circle Fifty Sub., SID 1353 is for water, sewer, storm drain, curb, gutter, and street improvements located in Circle Fifty/Hancock Grand Sub.

- (D) **SID 1341 & 1353:** (Splitting tax codes); SID 1341 is for park improvements located in Circle Fifty Sub., SID 1353 is for water, sewer, storm drain, curb, gutter, and street improvements located in Circle Fifty/Hancock Grand Sub.
- (E) **SID 1346:** (Splitting tax code); streetscape improvements located on N. Broadway, Montana Avenue to 4<sup>th</sup> Ave. N.
- (F) **SID 1356:** (Splitting tax code); water, storm drain, curb, gutter, and street improvements located in Studer Acreage Tracts Sub.
- (G) **SID 1360:** (Respread based on actual costs); installation of water, sanitary sewer, storm drain and street improvements in Transtech Center Subdivision, Gabel Subdivision - 2<sup>nd</sup> filing, Tierra Yellowstone Industrial Park, Subdivision, Gabel Road Commercial Center Sub., Parkco Industrial Sub., Millennium Market Sub., and Broso Valley Sub.
- (H) **SW 2001:** (Combining tax codes); Broadwater Phase I Sidewalk, Curb and gutter located in Normandy Addition, 3<sup>rd</sup> filing.
- (I) **SW 2011:** (Combining tax codes); sidewalk, curb and gutter in Foster Addition.
- (J) **SW 9898:** (Combining tax codes); miscellaneous sidewalk, curb and gutter improvements in Non-Task Force areas throughout the City. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTIONS** fixing the amount of the annual special assessments for FY2006 and levying and assessing special assessments for:
- (A) **Encumbrances, obstructions or encroachments** on, over, across or above the streets, avenues, sidewalks or alleys of the City;
- (B) **Weed Cutting and removal;**
- (C) **Park Maintenance Districts:** PMD #4005, #4012, #4014, #4023, #4026, #4027 and #4029. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annex #05-08, described as: a 33.71 acre parcel described as Tracts 1 and 2, C/S 3190, located at 120 Wicks Lane, Ernest and Francisca Shaw, petitioners. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
7. **PUBLIC HEARING AND RESOLUTION** annexing Grand Acre Park and right-of-way, an undeveloped 0.363-acre parcel located on Broadwater Avenue, west of 52<sup>nd</sup> St. W, DC Capital Real Estate, LLC petitioner. (#05-09). Staff recommends approval of the resolution with conditions. (**Action:** approval or disapproval of Staff recommendation.)
8. **PUBLIC HEARING AND RESOLUTION** revising the *Heritage Trail*, The Greater Billings Non-Motorized Trail Plan. Staff makes no recommendation. (**Action:** approval or disapproval of resolution revising the plan.)

9. **PUBLIC HEARING AND SPECIAL REVIEW #793:** a special review for an All Beverage liquor license with gaming in a Community Commercial zone described as Lots 20 & 21 of Block 1, Murn-Morrow Subdivision, located at 1720 Grand Avenue. Mayflower of China, Shelly Ma, owner; Angelina and Patrick Cormier, agents. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
10. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #766:** a text amendment to the Unified Zoning Regulations, amending BMCC Sections 27-201 and 27-306, adding a definition of limited Pharmaceutical manufacturing and setting limited pharmaceutical manufacturing uses allowed in Highway Commercial and Controlled Industrial Zoning Districts. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
11. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Section 11-102; providing for new Council Ward boundaries, establishing an effective date, repealing all previous ward boundaries and providing a severability clause. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
12. **UPDATE ON SPECIAL REVIEW #782:** a special review to permit a temporary go-kart track on a property zoned R-9600 and located at 1235 West Wicks Lane. Harvest Church, owner; Glenn Fournier, agent. **(Action:** council update report only; no action necessary.)
13. **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. (Public hearing held 8/22/05). **(Action:** approval or disapproval of Zoning Commission recommendation.)
14. **PROFESSIONAL SERVICES CONTRACT** with Peaks to Plains Design P.C. for Castle Rock Park Spray Ground Facility, \$32,382.00. (Delayed from 9/12/05). Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
15. **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)

### SEPTEMBER:

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

### OCTOBER:

10/03/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
10/04/2005	Community Development Board Zoning Commission Aviation & Transit Commission Board of Adjustment	3:00 p.m. 4:30 p.m. 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Council Chambers
10/06/2005	EMS Commission	7:30 a.m.	Main Fire Station Conf. Rm 2300 9 <sup>th</sup> Ave. N.
10/07/2005	Human Relations Commission	NOON	CH Conference Room
10/10/2005	COLUMBUS DAY – CITY OFFICES CLOSED		
10/11/2005	Parking Advisory Board Planning Board REGULAR Council Meeting	4:00 p.m. 6:00 p.m. 6:30 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library Council Chambers
10/12/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
10/13/2005	Library Board	NOON	Library

10/17/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
10/18/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
10/20/2005	Public Utilities Board	7:30 p.m.	Public Works-Belknap 2251 Belknap Ave
10/24/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
10/25/2005	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
10/26/2005	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room
10/27/2005	Yellowstone County Board of Health (Note: November and December meetings to be combined at a date decided in October)	7:00 a.m.	Community Health Center