

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

November 28, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley

PLEDGE OF ALLEGIANCE – Mayor Tooley

INVOCATION – Councilmember Dick Clark

ROLL CALL

MINUTES – November 14, 2005

COURTESIES

- Finance & Administrative Services – GFOA Certificate, MMIA First & Second Class Cities Safety Award

PROCLAMATIONS

BOARD & COMMISSION REPORTS

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, and #12 through #17 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) Sale of Used City Transit Buses. (Opened 11/15/05).

Recommend Ron Kindsfather for Bus #1843, \$1326.00; Transit Sales International, Bus #1845 - #1852, \$15,888.00. No bids were received on Bus #1681 and #1749.

(2) Seven (7) new 40-Cubic yard Capacity Roll-Off Containers. (Opened 11/22/05). Recommend delaying award until 12/12/05.

(3) Vehicles, City of Billings. (Opened 11/15/05). Recommend Frontier Chevrolet for Schedules I and IV with no trades, \$50,690.00 and Archie Cochrane Ford for Schedules II and III with trades and Schedule V with no trade, \$94,860.00.

(4) 4th & Broadway Redevelopment – 2005. (Opened 11/15/05).
Recommend delaying to 12/12/05.

B. Final Change Order #1, Airport Paving Project. Hardrives Construction, Inc., deduct \$19,563.77.

C. Final Change Order #1, Airport Parking Lot Revenue Control System, Yellowstone Electric, deduct \$1,553.91.

D. Amendment #9, AIP 30 Engineering Services, Morrison-Maierle, Inc., \$535,030.00 for engineering design, survey, and construction administration services for the Terminal Ramp Rehabilitation, Overlay of Runway 10R/28L, and Airport Incursion Road Rehabilitation and Drainage Upgrade projects for the airport.

E. W.O. 05-10: Stewart Park Trail – Billings, Federal Aid No. STPE 1099(40), Contract for Professional Engineering Services, Engineering, Inc., \$51,043.00.

F. W.O. 05-12: Big Ditch Trail – Billings, Federal Aid No. STPE 1099(49), Contract for Professional Engineering Services, Engineering, Inc., \$33,356.00.

G. W.O. 05-15: Howard Heights Storm Drain, Contract for Professional Services, Interstate Engineering, Inc., \$119,490.00.

H. Local Telephone Service Contract, One Eighty Communications, \$66,852.02, term: 3 years.

I. Compensation Agreement, Private Contract #540: Riverfront Pointe Subdivision, Phase I, Regal Land Development, Inc., \$399,069.39 including a 10% construction contingency.

J. City-County Special Investigations Unit (CCSIU) Agreement, Yellowstone County, term: 1/1/06 – 12/31/06.

K. W.O. 00-15: Grand Avenue Right-of-Way Agreements:

(1) Reifschneider Investments Inc., c/o The Rax Restaurant, a tract of land located in Lot 4, Block 2, Cellan Acre Tracts, \$0.00.

(2) KRV Partnership LLP, a tract of land located in Tract C, C/S 114 Amended, \$0.00.

L. Acceptance of State Highway Traffic Safety Grant Contract #2006-09-02-03 & 2006-11-03-03, Montana Dept. of Transportation, \$47,250.00, term: 10/01/05 – 9/30/06.

M. Approval of Architectural Fees for Passenger Loading Bridge Replacement Project, CTA Architects and Engineers, \$258,421.61.

N. Authorization of Sale of Surplus Property -- kitchen equipment in the new Crime Prevention Center located in the former Sidney's Restaurant at Rimrock Mall.

O. Assignment and Transfer of West End Hangar Ground Leases:

- (1) Lot 5: From Martin Elshire to Moore, Scott and Tostenrud, LLC, \$0.00.
- (2) Lot 7: From Martin Elshire to Julia Holdings, LLC, \$0.00

P. Amendment of Lighting Agreement for Lighting District #97, Northwestern Energy, recommend a six-month extension.

Q. Preliminary Plat of Falcon Ridge Estates Subdivision, generally located north of Rimrock Road and west of Molt Road in West Billings; recommend approval of the preliminary plat and adoption of the findings of fact.

R. Cottonwood Grove Subdivision, First and Second Filings, Amendment to the Subdivision Improvements Agreement; recommend denial of the request.

S. Final Plat of Amended Lot 3A of Amended Lot 1, Block 1, Goodman Subdivision, Second Filing.

T. Final Plat of Greenfield Subdivision.

U. Final Plat of Amended Lot 18B of McKay Acres Subdivision.

V. Final Plat of Reiter-Beswick Subdivision.

W. Bills and Payroll.

- (1) October 1 - 31, 2005 (Court)
- (2) October 28, 2005
- (3) November 4, 2005

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE providing that the BMCC be amended by revising portions of Section 4-400 of said code; updating language for definitions, small animal permits, noisy animals, potentially dangerous animals, quarantine procedures, dogs at large, vaccination of small animals for rabies, impoundment, penalty requirements and issuance; establishing a deadline for registration of a dangerous animal and providing proof of vaccination.. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)

3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #769: A zone change from Residential Manufactured Home to Community

Commercial on an 11.87 acre portion of Tract 2 of C/S 1163. MHC Casa Village, LLC, applicant and Terry Seiffert, agent. Zoning Commission recommends denial of the zone change on first reading and adoption of the determinations of the 12 criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.)

4. **PUBLIC HEARING AND SPECIAL REVIEW #794: (see zone change #769 above)**
A special review to allow parking for camping purposes in a Community Commercial zone described as an 11.87 acre portion of Tract 2 C/S 1163. MHC Casa Village, LLC, applicant and Terry Seiffert, agent. Zoning Commission recommends denial. **(Action:** approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING AND SPECIAL REVIEW #795:** A special review for a beer & wine license with gaming in an existing building in a Community Commercial zone described as Tract 3 of C/S 2631 and located at 3213 Grand Avenue. Calmont, LLC, applicant and Ken Kunkel, agent. Zoning Commission recommends denial. **(Action:** approval or disapproval of Zoning Commission recommendation.)
6. **PUBLIC HEARING AND SPECIAL REVIEW #796:** A special review to change from one nonconforming use, a muffler repair shop, to another nonconforming use a general auto repair shop for Soelter Auto in an R-6,000 zone described as Lot 1, Block 4 and all of Block 1, Central Avenue Addition and located at 640 St. John's Avenue. Michael & Colleen Manion, owners and Ernie Dutton, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND SPECIAL REVIEW #797:** A special review to allow an all beverage license with gaming in a Community Commercial zone described as Lot 5A-1, Block 2 Descro Central Subdivision and located at 2545 Central Avenue. Qayum Investment Properties, LLC owners and Ernie Dutton, agent. Zoning Commission recommends denial. **(Action:** approval or disapproval of Zoning Commission recommendation.)
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #770:** A zone change from Residential Manufactured Home to R-6,000 on a 1.858 acre tract of land described as Lots 21A & 22A of Pemberton Subdivision and located at North Lakeview Drive & Lake Elmo Drive. Don McLennaghan, applicant and Tom Mulford, agent. Zoning Commission recommends approval of the zone change on first reading and adoption of the determinations of the 12 criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.)
9. **PUBLIC HEARING AND FIRST READING ZONE CHANGE #771:** A text amendment to BMCC Sections 27-703, 27-705(a), 27-705(b) and 27-707(b); City sign code definitions, signs permitted and exempt signs, adoption of the revisions as an amendment to the zoning regulations and setting a time period for the regulation

- to be effective. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
10. **PUBLIC HEARING AND RESOLUTION** transferring Zimmerman Trail ownership from Highway 3 South to the Billings' city limits from Yellowstone County to the City of Billings. Staff recommends approval of the transfer of Zimmerman Trail ownership through a quitclaim deed. **(Action:** approval or disapproval of Staff recommendation.)
 11. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Section 2-204 of the BMCC, providing that the Deputy Mayor be elected at the City Council's first regular meeting following the City General Election. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
 12. **APPROVAL** of the Fair Housing Action Plan for FY05-06. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
 13. **RESOLUTION** adopting the *Cobb Field Feasibility Study Report* and preliminary planning recommendations for the repair or replacement of Cobb Field Stadium in Athletic Park. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
 14. **LIBRARY EXPANSION/GSA LEASE.** Staff recommends terminating further negotiations with the GSA for interim U.S. District Court space. **(Action:** approval or disapproval of Staff recommendation.)
 15. **PRELIMINARY PLAT** of Twin Oaks Subdivision. Staff recommends conditional approval of the plat, approval of the variances, and adoption of the Findings of Fact. **(Action:** approval or disapproval of Staff recommendation.)
 16. **PRELIMINARY PLAT** of Bellville Subdivision, generally located north of Wicks Lane, west off of Brewington Lane at the terminus of Kyhl Lane.
 17. **RESOLUTION** setting the annual salary of the Municipal Court Judge.
 18. **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)

NOVEMBER:

11/28/2005	REGULAR Council Meeting	6:30 p.m.	Council Chambers
11/30/2005	Housing Authority	NOON	2415 1 st Avenue North

DECEMBER:

12/02/2005	Human Relations Commission	NOON	CH Conference Room
12/05/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
12/06/2005	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
	Traffic Control Board	NOON	4 th Floor Library
12/08/2005	Library Board	NOON	Library
12/12/2005	Parking Advisory Board	4:00 p.m.	CH Conference Room
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
12/13/2005	Planning Board	6:00 p.m.	4 th Floor Library
12/14/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
12/15/2005	Public Utilities Board	7:30 p.m.	Public Works-Belknap 2251 Belknap Ave
12/19/2005	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23rd St.
	NOTE: Work Session CANCELLED to hold rescheduled Regular Meeting.		
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
	(Rescheduled)		
12/20/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 th Floor Library

12/22/2005	Yellowstone County Board of Health	TO BE ANNOUNCED	
12/26/2005	CHRISTMAS DAY OBSERVED – CITY OFFICES CLOSED		
12/27/2005	Planning Board	6:00 p.m.	4 th Floor Library
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
	NOTE: Rescheduled to 12/19/05		
12/28/2005	Housing Authority	NOON	2415 1 st Avenue North
	Development Process Advisory		
	Review Board (DPARB)	1:00 p.m.	CH Conference Room

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<http://ci.billings.mt.us>