

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

October 9, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Brewster

ROLL CALL

MINUTES – September 24, 2007

COURTESIES

PROCLAMATIONS

- **Fire Prevention Week – October 7–13, 2007**
- **Rimrock Opera's *The Girl of the Golden West Month* – October 2007**
- **National Community Planning Month – October 2007**
- **White Cane Safety Day – October 15, 2007**

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 5b, and 6 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) Purchase of Seven (7) 2008 Truck Cabs and Chassis with Refuse Compactor Bodies for the Solid Waste Division (Opened 9/11/07) Recommend:

Schedule I – Two Units, Tri-State Truck & Equipment, \$443,580.00

Schedule II – Two Units, Northwest Truck & Trailer, \$291,382.00

Schedule III – Three Units, Tri-State Truck & Equipment, \$667,092.00

(2) Replacement of 17 City Vehicles Scheduled in the City's Equipment Replacement Program for FY 2007/2008. (Opened 9/25/07)

Recommend:

Schedules I & IV with trades & Schedules II & VIII without trades, Archie Cochrane Ford, \$151,490.00.

Schedules VII & XI with trades & Schedules III, V, & VI without trades, Denny Menholt Chevrolet, \$141,309.00.

(3) Gasoline and Diesel Fuel Products Supply (Opened 9/25/07) Recommend Town & Country Supply Association, \$2,019,550.50 based on Oil Pricing Information Services (OPIS).

(4) Cascade Pump 20 MF and 200 HP Motor – Wastewater Plant (Opened 9/25/07) Recommend Cascade Pump Company, \$91,000.00.

(5) SID 1379 – Utility and Street Improvements to King Avenue West from S. 31st Street West to Shiloh Road (Opened 9/25/07) Recommend JTL Group, Inc., \$4,971,752.50.

B. Declaring surplus property and authorizing the Aviation and Transit staff to sell two aircraft and rescue fire fighting trucks through a competitive bidding process.

C. Approval of lease renewal for storage space at the Billings International Airport to the Bureau of Land Management, revenue first year \$3,532.95, revenue subsequent years adjusted by CPI.

D. Assignment and Transfer of west end hangar ground lease from John M. and/or Marcia N. Nash to James C. and/or Gail G. Heatherly.

E. Acceptance of Internet Crimes Against Children (ICAC) grant award in the amount of \$250,000.00.

F. Approval of contract with the State of Montana Department of Public Health and Human Services, Developmental Disabilities Division, for MET Transit specialized transportation, revenue FY07/08 of up to \$161,039, with three possible annual extensions.

G. Maintenance Agreement between the City of Billings and the State of Montana for state-owned highway within the city limits, 2-year term (7/1/07-6/30/09), annual revenue \$500,000; and **Special Projects Contract Maintenance Agreement** between the City of Billings and the State of Montana, 2-year term (7/1/07-6/30/09), annual revenue \$300,000.

H. Acknowledging receipt of petition to annex #07-24: 5.0 acres of Tract 1B, Certificate of Survey 1335, Amended, generally located just south of the intersection of Wicks Lane and Hawthorne Lane, William Hanser, owner and petitioner, and setting a public hearing date of 10/22/07.

I. Acceptance of Donation: Approval and acceptance of in-kind volunteers and landscaping materials from Billings Heights Rotary Club for trees and shrubs for Castle Rock Park, \$2,000 landscape materials and 150 volunteer hours.

J. Second/final reading ordinance for Zone Change #823: A zone change from Residential 9600 to Neighborhood Commercial, Residential Professional, and Residential Multi-Family Restricted located on the southwest corner of the intersection of Central Avenue and Brookshire Boulevard, Legacy Homes, Inc., owner; Engineering, Inc., representative. Approval of zone change and adoption of Findings of Fact.

K. Second/final reading ordinance for Zone Change #824: A zone change from Residential 9600 to Neighborhood Commercial, Residential Professional, and Residential Multi-Family Restricted located west of the corner of the intersection of Central Avenue and Brookshire Boulevard, Lydia Kramer Real Estate Management Trust, Douglas and Raymond Kramer, Powers of Attorney, owners; Engineering, Inc., representative. Approval of zone change and adoption of determination of the 12 criteria.

L. Preliminary Plat of E. D. King Subdivision, 2nd Filing, generally located on the southeast corner of Avenue E and Zimmerman Trail, conditional approval of the plat and adoption of the Findings of Fact.

M. Final Plat of Central West Subdivision.

N. Final Plat of Amended Lots 5 and 6, Block 11, Lake Hills Subdivision, 17th Filing.

O. Final Plat of Amended Lots 15A, 15B, 15C, and 15D; Block 3; Vista Heights Subdivision, 2nd Filing.

P. Bills and Payroll

- (1) September 7, 2007
- (2) September 14, 2007
- (3) August 1 – 31, 2007 (Municipal Court)

REGULAR AGENDA:

2. **CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #820:** A text amendment to Section 17-705(C), BMCC, Commercial Sign Regulations. (Continued from 9/24/07) Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
3. **CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #821:** A text amendment to Sections 27-703, 27-705(c), 27-706(b), and 27-708, Electronic Signs. (Continued from 9/24/07) Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
4. **PUBLIC HEARING AND AGREEMENT** with Lockwood Area/Yellowstone County Water and Sewer District for treatment and disposal of wastewater. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
5. (a) **PUBLIC HEARING AND APPROVAL** of quitclaim deed to Cabella's and South Billings Center, LLC, for property legally described as Lots 2A-2 and 2A-3, Block 1, of Amended Plat of Lot 2A of Amended Plat of Lots 2, 3, 4, & 5, Block 1, Miller Crossing Subdivision, at no cost to the City. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)

(b) **APPROVAL AND ACCEPTANCE** of quitclaim deed from South Billings Center, LLC, for property legally described as Lot 2A-1, Block 1, of Amended Plat of Lot 2A of Amended Plat of Lots 2, 3, 4, & 5, Block 1, Miller Crossing Subdivision. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
6. **2007 CTEP PROJECT APPLICATIONS** funding construction of various community pedestrian and/or bicycle facilities. Staff recommends Council formulate a recommendation. (**Action:** approval or disapproval of staff recommendation.)
7. **PUBLIC HEARING AND RESOLUTION** creating Special Improvement Lighting Maintenance District 303 – King Avenue West from 31st Street West to Shiloh Road. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
8. **PUBLIC HEARING AND RESOLUTION** vacating a portion of South 12th Street West in exchange for dedication of an equal area of property from MDU at no cost to the City or MDU. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)

9. **PUBLIC HEARING AND RESOLUTION** vacating a portion of an alley between N. 29th Street and N. 30th Street north of 10th Avenue North for a value of \$71,750.00. Billings Clinic, petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
10. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annex #07-10: a 400.94-acre parcel legally described as the S1/2 SE1/4 of Section 8, T1N, R26E and the S1/2 SW1/4 of Section 9, T1N, R26E, Tract 1 of Certificate of Survey 2017, generally located northwest of the Lake Hills Golf Course and north of Matador Avenue in Billings Heights. Frank Sindelar, petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
11. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annex #07-21: an 8.868-acre parcel legally described as Tract 1C, Certificate of Survey 2991, generally located west of the intersection of Central Avenue and 29th Street West. Raymond and Douglas Kramer, Powers of Attorney for the Lydia Kramer Real Estate Management Trust, petitioners. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
12. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include recently annexed property in Annex #07-22: an 8.868-acre parcel legally described as Tract 1B, Certificate of Survey 2991, generally located on the southwest corner of the intersection of Central Avenue and 29th Street West. Todd Icopini, petitioner. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
13. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.** (*Restricted to ONLY items not on this 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)

Visit our Web site at:
<http://ci.billings.mt.us>

CALENDAR

(Council AND Boards & Commissions)

OCTOBER:

| | | | |
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| 10/01/2007 | Council WORK SESSION | 5:30 p.m. | Community Center 360 N. 23 rd St |
| 10/02/2007 | 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 |
| 10/03/2007 | Board of Adjustment | 6:00 p.m. | Council Chambers |
| 10/04/2007 | EMS Commission | 7:30 a.m. | Main Fire Station |
| | Human Relations Commission | 12:15 p.m. | CH Conference Room |
| 10/08/2007 | COLUMBUS DAY – CITY OFFICES CLOSED | | |
| 10/09/2007 | Parking Advisory Board | 4:00 p.m. | CH Conference Room |
| | Planning Board | 6:00 p.m. | 4 th Floor Library |
| | REGULAR Council Meeting | 6:30 p.m. | Council Chambers |
| 10/10/2007 | Parks/Recreation/Cemetery Bd | 11:30 a.m. | Community Center 360 N. 23 rd St. |
| | Council Agenda Setting Meeting | 5:30 p.m. | CH Conference Room |
| 10/11/2007 | Library Board | NOON | Library |
| | Committee on Homelessness | 2:00 p.m. | 3 rd Floor Library |
| 10/15/2007 | Energy & Conservation Commission | 3:00 p.m. | Billings Operations Ctr. 4848 Midland Rd. |
| | Council WORK SESSION | 5:30 p.m. | Community Center 360 N. 23 rd St |
| 10/16/2007 | Yellowstone Historic Preservation Board | 8:00 a.m. | 4 th Floor Library |
| 10/18/2007 | Public Utilities Board | 6:30 p.m. | Public Works-Belknap 2251 Belknap Ave |
| 10/22/2007 | REGULAR Council Meeting | 6:30 p.m. | Council Chambers |
| 10/23/2007 | Planning Board | 6:00 p.m. | 4 th Floor Library |
| 10/24/2007 | Development Process Advisory Review Board (DPARB) | 1:00 p.m. | CH Conference Room |
| | Traffic Control Board | NOON | 4 th Floor Library |
| 10/25/2007 | Yellowstone County Board of Health | 7:00 a.m. | Community Health Center |
| | (Note: November and December meetings to be combined at a date decided in October) | | |
| 10/30/2007 | Council Agenda Setting Meeting | 5:30 p.m. | CH Conference Room |

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| 10/31/2007 | Housing Authority | NOON | 2415 1 st Avenue North |
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NOVEMBER:

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| 11/01/2007 | EMS Commission Human Relations Commission | 7:30 a.m. 12:15 p.m. | Main Fire Station CH Conference Room |
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| 11/05/2007 | Council WORK SESSION | 5:30 p.m. | Community Center 360 N. 23 rd St |
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| 11/06/2007 | Community Development Board Zoning Commission Aviation & Transit Commission | 3:00 p.m. 4:30 p.m. 5:30 p.m. | 4 th Floor Conf. Rm. Council Chambers Airport Terminal |
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| 11/07/2007 | Board of Adjustment | 6:00 p.m. | Council Chambers |
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| 11/08/2007 | Library Board Committee on Homelessness | NOON 2:00 p.m. | Library 3 rd Floor Library |
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11/12/2007 VETERAN'S DAY – CITY OFFICES CLOSED

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| 11/13/2007 | Parking Advisory Board Planning Board REGULAR Council Meeting | 4:00 p.m. 6:00 p.m. 6:30 p.m. | CH Conference Room 4 th Floor Library Council Chambers |
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| 11/14/2007 | Parks/Recreation/Cemetery Bd Council Agenda Setting Meeting | 11:30 a.m. 5:30 p.m. | Community Center 360 N. 23 rd St. CH Conference Room |
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| 11/19/2007 | Energy & Conservation Commission Council WORK SESSION | 3:00 p.m. 5:30 p.m. | Billings Operations Ctr. 4848 Midland Rd. Community Center 360 N. 23 rd St |
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| 11/20/2007 | Yellowstone Historic Preservation Board | 8:00 a.m. | 4 th Floor Library |
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11/22/2007 THANKSGIVING DAY – CITY OFFICES CLOSED

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| 11/26/2007 | Parking Advisory Board REGULAR Council Meeting | 4:00 p.m. 6:30 p.m. | CH Conference Room Council Chambers |
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| 11/27/2007 | Council Agenda Setting Meeting Planning Board | 5:30 p.m. 6:00 p.m. | CH Conference Room 4 th Floor Library |
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| 11/28/2007 | Development Process Advisory Review Board (DPARB) Housing Authority Traffic Control Board | 1:00 p.m. NOON NOON | CH Conference Room 2415 1 st Avenue North 4 th Floor Library |
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