

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

July 28, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing
PLEDGE OF ALLEGIANCE – Mayor Tussing
INVOCATION – Councilmember Clark
ROLL CALL
MINUTES – July 14, 2008
COURTESIES
PROCLAMATIONS
ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, and 3 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. Mayor’s Appointments:

Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Gay Easton	Yellowstone Soil Conservation District	07/01/08	06/30/11

B. Bid Awards:

(1) W.O. 07-22, King Avenue East Street Improvements. (Opened 7/1/08). Delayed from 7/14/08. Recommend Knife River contingent upon receipt of Letter of Credit securing the improvements, \$3,068,058.05.

(2) W.O. 02-08, Milton Lane School Route – Billings.
(Opened 7/15/08). Recommend Knife River, \$339,595.55.

(3) MET Transit Downtown Transfer Center. (Opened 7/15/08). Recommend Fisher Construction, \$3,153,100.

C. Contract with Montana Department of Transportation for FY 2009 Operating Assistance through the Federal Transit Administration Section 5317 New Freedom Grant Program, \$10,401 grant revenue.

D. Approval of Assignment of B & J Properties Limited, LLC West End Hangar Ground Lease and Non-Commercial Aviation Ground Lease to First Interstate Bank for financing purposes, with no financial impact to the City.

E. Approval of two West End Hangar Ground Leases with Pacific Tank and Pipeline, Lots 1 and 2, Taxilane “D”; revenue first year \$1,022.12 each.

F. Landfill Gas Sales Agreement with Montana Dakota Utilities, estimated annual net revenue to the City - \$500,000. (Delayed from 6/23/08).

G. Reimbursement Agreement for Private Contract No. 594; Lot 1, Block 1 of Arlene Subdivision, Phase I – Zimmerman Homes, \$17,701 total reimbursement to Best Development Corp.

H. Grant Acceptance and Approval of the Billings West Wicks Lane Water, Sanitary Sewer, and Storm Sewer Design and Construction Agreement between the Department of the Army and the City of Billings, estimated cost to the City - \$122,500.

I. Amendment No. 6, W.O. 04-12- Alkali Creek Road Slope Stability, Professional Services Agreement with Kadrmas, Lee & Jackson, \$156,700.

J. Acknowledge Receipt of Petition to Vacate a portion of North 19th Street and set a public hearing for August 25, 2008.

K. Approval and Acceptance of Quitclaim Deed from Yellowstone County, Certificate of Survey 2350, Tract 2.

L. Declaring Surplus Property and authorizing the Police Department to release one Whelen lightbar with control box and two red lenses to the rural fire fighting unit in Waco, MT.

M. Approval of Downtown Revolving Loan Fund recommendation for Steven J. and Joni Harman for purchase and renovation of buildings located at 2605 Minnesota Avenue; lesser amount of \$250,000 or 20% of total project costs.

N. Street Closures:

(1) Billings Association of Realtors Quality of Life Run – August 23, 2008; 5:00 a.m. to 10:00 a.m.; 5-mile: start at Masterson Circle, east along Airport Road, down North 27th Street, west on Rimrock Road, south on Virginia Lane, through Pioneer Park, north on 3rd Street West, east on Parkhill Drive, south on N. 32nd Street, finish at N. 32nd Street and Division; 2 mile: start at MSU-B on Rimrock Road, south on Virginia Lane, through Pioneer Park, north on 3rd Street West, east on Parkhill Drive, south on N. 32nd Street, finish at N. 32nd Street and Division.

(2) Montana Marathon – September 21, 2008; 5:00 a.m. to 2:30 p.m.; start on Molt Road, east along Sam Snead Trail and Walter Hagen Drive, south on 54th Street West, east on Rimrock Road, south on 46th Street West, east on Rangeview, north on 38th Street West, east on Poly Drive, south on Patricia Lane, east on Colton Boulevard, south on 17th Street West, east on Parkhill Drive, south on 3rd Street West, finish at Daylis Stadium.

O. Approval of Donation from Ales for Trails for Swords Park Trail, Phase II, \$25,000.

P. Resolution clarifying the legal description of the South Billings Boulevard Urban Renewal District.

Q. Preliminary Subsequent Minor Plat of Gabel Subdivision, 3rd Filing, located on approximately 11.35 acres on the south side of Gabel Road south of the intersection of Transtech Way and Gabel Road, conditional approval of the plat and adoption of the Findings of Fact.

R. Final Plat of Amended Lot 2A, Block 1, Shiloh Crossing Subdivision.

S. Final Plat of Foxtail Village Subdivision, 2nd Filing.

T. Bills and Payroll

1. June 27, 2008

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. RESOLUTION APPROVING AND ADOPTING FOURTH QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2007/2008 (Budget Item #3 delayed from 6/23/08 and 7/14/08). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **RESOLUTION RELATING TO \$7,400,000 SEWER SYSTEM REVENUE BOND SERIES 2008; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING FOR SPECIAL REVIEW #863:** A special review to allow the location of a beer and wine license with gaming on a 42,148 square-foot parcel of land in a Controlled Industrial zone described as Lot 4A, Studer Acreage Subdivision, located on the southeast corner of the intersection of Cel Avenue and South 32nd Street West. George Frank, owner; Design Lab Architects, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING FOR SPECIAL REVIEW #864:** A special review to allow an all-beverage liquor license with gaming on a 38,072 square-foot parcel of land in a Controlled Industrial zone described as Lot 6A, Block 3, Midland Subdivision, 4th Filing, located on the southeast corner of the intersection of South 29th Street West and King Avenue West. Eagle-Fairview Investment Company LLC, owner; Montana Stewards, LLC (Town Pump), agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #845:** A zone change from Residential 9600 to Residential 6000 on a .85-acre parcel located on the southeast corner of the intersection of Monroe Street and Madison Avenue and addressed as 203 Monroe Street. Daniel Dimich and Patricia Rodriguez, applicants; Charles Hamwey, agent. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #846:** A zone change from Residential 9600 to Residential Professional on a 16,843 square-foot parcel generally described as Lots 1 and 2, Block 20, Kober Subdivision, 4th Filing, and located at 1702 Colton Boulevard. Sunday Creek Land Company, Ronald Scariano, owner; Heather McDowell, Crowley Law Firm, agent. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
8. **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

Additional information on any of these items is available in the City Clerk's Office.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.