

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

*“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES.”*

AGENDA

COUNCIL CHAMBERS

April 28, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Pitman

ROLL CALL

MINUTES – April 14, 2008

COURTESIES – New Website Announcement – David Watterson

PROCLAMATIONS – National Prayer Day, May 1, 2008

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 12 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) **Water System Backup Power – Phase I.** (Opened 4/15/08) Recommend Colstrip Electric, Inc., \$390,268.00, for Schedules I and II; and reject all bids for Schedule III.

(2) **Yard Waste Containers for Solid Waste Division.** (Opened 4/15/08) Recommend Rehrig Pacific Company, \$51.00 per container.

(3) **Airport Improvement Program (AIP) 34 Airport Perimeter Security Fence Project.** (Opened 4/15/08) Recommend delay of award until 5/12/08.

B. **Change Order #8, SID 1379-Utility and Street Improvements to King Avenue West, Knife River Corporation \$336,315.25.**

C. Certified Local Government Program Grant Contract with the State of Montana Historic Preservation Office for historic preservation activities, \$5,500 (4/1/08 – 3/31/09). Local matches: City of Billings - \$1,031.00; Yellowstone County - \$1,000.00; City of Laurel - \$469.00.

D. Confirmation of Police Officer Brian Krivitz.

E. Street Closures:

(1) Chase Hawks Association Burn the Point Parade and Street Dance, August 29, 2008 – Parade: standard downtown parade route; Street Dance: North 22nd Street and 2nd Avenue North to 32nd Street North, and 3rd Avenue North to North 27th Street.

(2) Downtown Billings Association Events:

(a) Alive After 5 – Thursdays, 3 p.m. to 9 p.m., 6/5/08 through 8/21/08, various downtown locations;

(b) Strawberry Festival - 3 a.m. to 7 p.m., 6/14/08; N. 28th between 1st and 3rd Aves. N.; 2nd Ave. N. from alley west of N. 27th to N. 29th; N. 29th from 1st to 2nd Aves. N.;

(c) Farmers Market – Saturdays, 6 a.m. to 1 p.m., 7/19/08 through 10/04/08; N. 28th from 1st to 3rd Aves. N.; 2nd Ave. N. from alley east of N. 27th to N. 29th; N. 29th from 1st to 2nd Aves. N.;

(d) Farmers Market – Wednesdays: 3 p.m. to 9 p.m., 8/6/08 through 8/27/08; N. 28th from 2nd to 3rd Aves. N.;

(e) Harvestfest - 6 a.m. to 5 p.m., 10/11/08; N. 28th from 1st to 3rd Aves. N.; 2nd Ave. N. from alley east of N. 27th to N. 29th;

(f) Holiday Parade – 7 p.m., 11/28/08; standard downtown parade route;

(g) Christmas Stroll – 4 p.m. to 9:30 p.m., 12/5/08; N. 28th from 1st to 3rd Aves. N.; 2nd Ave. from alley east of N. 27th to N. 29th.

F. Acceptance of donation from First Interstate Bank to help send School Resource Officers to National Conference, \$1,400.00.

G. Acceptance of donation from various donors to the Ballpark Construction Fund - \$23,169.00; and Ballpark Maintenance Fund - \$11,600.00.

H. (a) Acceptance of donation from Pepsi Cola Bottling Company of Billings for upgrades to the scoreboard at Dehler Park, \$200,000.00.

(b) Change Order #1, Upgrades to Dehler Park scoreboard, Sign Products, Inc., \$108,317.00.

I. Acceptance of donation from Billings Mustangs Booster Association for purchase and installation of six cash drawers and two beer dispensing stanchions for concession areas at Dehler Park, \$4,242.00.

J. Resolution authorizing condemnation of property on King Avenue East from South Billings Boulevard to Orchard Lane.

K. Resolution of Intent to construct W.O. 02-08, Milton Lane School Route.

L. Second/final reading ordinance for Zone Change #829: A zone change from Agriculture-Open Space (A-1), a county zoning district, to Planned Development with three underlying zoning districts - Mixed Use (MU); Multi-family Residential (MF-R); and Single Family, Residential Multi-Family (Four-plex) (MF-4) located at 4345 King Avenue West. Lenhardt Property, LP; Lenhardt Farm, LLC and Lenhardt Enterprises, LLC, owners, Engineering, Inc. and Bill Cole agents.

M. Second/final reading ordinance amending nuisance weed regulations.

N. Exempt Amended Plat of Tract 1, Certificate of Survey 1815.

O. Final Plat Approval

- (1) Amended Plat of Stardust Acres Subdivision, Lot 4, Block 1
- (2) Twin Oaks Subdivision

P. Bills and Payroll

- (1) March 28, 2008
- (2) April 4, 2008

REGULAR AGENDA:

- 2. PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #OP-08-02:** A variance from the Site Development Ordinance, Sections 6-1203(j) regarding off-street parking for a new medical facility located at 708 Broadwater Avenue, Broadwater L.L.C., owner; Collaborative Design Architects, agent. Staff recommends approval with conditional deed restrictions. (**Action:** approval or disapproval of staff recommendation.)
- 3. PUBLIC HEARING AND APPROVAL OF AGREEMENT** with Real Estate Dynamics, Inc. for King's Green Subdivision, Phase III, for the construction of 14 new homes. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
- 4. PUBLIC HEARINGS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE FY2008-2009 ANNUAL ACTION PLAN.** Staff recommends delaying final action until May 12, 2008. (**Action:** approval or disapproval of staff recommendation.)

5. **PUBLIC HEARING AND FIRST READING ORDINANCE** repealing Ordinance 07-5441 and creating the South Billings Boulevard Urban Renewal District. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation #08-01: a 114-acre property located north of King Avenue West between 48th Street West and Shiloh Road and described as Tracts 1A-5A, C/S 2063. Lenhardt Property, LP; Lenhardt Farm, LLC and Lenhardt Enterprises, LLC, owners and petitioners. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #836:** A zone change from Residential 8000 to Residential Professional on Lots 4, 5, and 6, Block 19, of Lampman Subdivision, generally located on the northeast corner of South 32nd Street West and Rosebud Drive. Lais Development, Inc., applicant and agent. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
8. **PUBLIC HEARING AND RESOLUTION** annexing a 20.6-acre property located north of Alkali Creek Road and described as: Tracts 1A, 1B, and 1C, Certificate of Survey 2055, Amended, (Annexation #08-06). Best Development Corp., petitioner. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.)
9. **PUBLIC HEARING AND SPECIAL REVIEW #858:** A special review for expansion of a church facility on an existing 5.939-acre parcel of land zoned Residential 9600 and described as: Tracts 2A-1 and 3A-1, Certificate of Survey 1876 located at 4125 and 4135 Grand Avenue. King of Glory Lutheran Church, Inc., applicant; Engineering, Inc., agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
10. **PUBLIC HEARING AND SPECIAL REVIEW #859:** A special review to allow an all beverage license without gaming on property described as Lots 7-12 and 14-24, Block 9, Billings Original Townsite; and Lot 13A, Block 58, Fosters Addition, Amended, less 642 square feet. Yellowstone Art Center Foundation, owner; James Healow, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

11. (a) **PUBLIC HEARING AND FIRST READING ORDINANCE – Model Cable TV Ordinance.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
- (b) **PUBLIC HEARING AND FIRST READING ORDINANCE** repealing existing Cable TV Franchise Ordinance and enacting new Franchise Ordinance with Bresnan Communications. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
12. **CINCO DE MAYO CELEBRATION MODIFIED STREET CLOSURE REQUEST** extending time of closure from 10:00 p.m. to 12:00 midnight, May 3, 2008, 100 block of 26th Street North. Don Luis Restaurant, applicant. 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>**

Boards & Commissions Calendar

MAY:

5/01/2008	EMS Commission Human Relations Commission	7:00 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
5/05/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
5/06/2008	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 th Floor Library Council Chambers Airport Terminal
5/07/2008	Board of Adjustment	6:00 p.m.	Council Chambers
5/08/2008	Library Board Committee on Homelessness CANCELLED	NOON 2:00 p.m.	3 rd Floor Library 3 rd Floor Library
5/12/2008	Energy & Conservation Commission Council REGULAR MEETING	3:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Road Council Chambers
5/13/2008	Parking Advisory Board Council Agenda Setting Meeting Planning Board	4:00 p.m. 5:30 p.m. 6:00 p.m.	CH Conference Room CH Conference Room 4 th Floor Library
5/14/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 rd Street
5/15/2008	Tourism Business Improvement District Board	8:30 a.m.	Chamber of Commerce 815 S. 27 th Street
5/19/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
5/20/2008	Yellowstone Historic Preservation Bd	8:00 a.m.	4 th Floor Library
5/26/2008	MEMORIAL DAY – CITY OFFICES CLOSED		
5/27/2008	Traffic Control Board Council REGULAR MEETING	NOON 6:30 p.m.	4 th Floor Library Council Chambers
5/28/2008	Development Process Advisory Brd Council Agenda Review Meeting	1:00 p.m. 5:30 p.m.	CH Conference Room CH Conference Room

	Planning Board	6:00 p.m.	4 th Floor Library
<u>JUNE:</u>			
6/02/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
6/03/2008	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 th Floor Library Council Chambers Airport Terminal
6/04/2008	Board of Adjustment	6:00 p.m.	Council Chambers
6/05/2008	EMS Commission Human Relations Commission	7:00 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
6/09/2008	Energy & Conservation Commission	3:00 p.m.	Billings Operations Ctr. 4848 Midland Road
	Council REGULAR MEETING	6:30 p.m.	Council Chambers
6/10/2008	Parking Advisory Board Council Agenda Setting Meeting Planning Board	4:00 p.m. 5:30 p.m. 6:00 p.m.	CH Conference Room CH Conference Room 4 th Floor Library
6/11/2008	Parks/Recreation/Cemetery Board	11:30 a.m.	Community Center 360 N. 23 rd Street
6/12/2008	Library Board Committee on Homelessness	NOON 2:00 p.m.	3 rd Floor Library 3 rd Floor Library
6/16/2008	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd Street
6/17/2008	Yellowstone Historic Preservation Bd	8:00 a.m.	4 th Floor Library
6/19/2008	Tourism Business Improvement District Board	8:30 a.m.	Chamber of Commerce 815 S. 27 th Street
	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Avenue
6/23/2008	Council REGULAR MEETING	6:30 p.m.	Council Chambers
6/24/2008	Traffic Control Board Planning Board	NOON 6:00 p.m.	4 th Floor Library 4 th Floor Library
6/25/2008	Development Process Advisory Brd	1:00 p.m.	CH Conference Room