

# 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**

**August 27, 2007**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing  
PLEDGE OF ALLEGIANCE – Mayor Tussing  
INVOCATION – Councilmember Clark  
ROLL CALL  
MINUTES – August 13, 2007  
COURTESIES  
PROCLAMATIONS  
ADMINISTRATOR REPORTS – Tina Volek**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 3, and 4, 13, and 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) **W.O. 06-09 Big Ditch Trail, Phase 2 (CTEP), Arrowhead Chandelier Connector (Safe Routes to School).** (Opened 8/14/07) Recommend JTL Group, Inc, \$162,000.00.
  - (2) **W.O. 07-08 Gabel Road & Zoo Drive Intersection Improvements.** (Opened 8/14/07) Recommend JTL Group, Inc., \$301,360.00.
  - (3) **Mobile Data Terminals - Panasonic Toughbooks for Police Department.** (Opened 8/14/07) Recommend Portable Computer Systems, \$112,445.04, for a 4-year lease with a \$1 buyout.
  - (4) **Staples Reservoir Interior Coating System.** (Opened 8/14/07) Recommend Purcell Painting & Coatings, \$546,658.64.

**B. Contract** with Red Oak Consulting for Water/Wastewater Rate & Fee Study; \$178,186.00.

**C. Contract** with Thyssen-Krupp Elevator for city-wide elevator service and maintenance (3-year contract); \$146,377.00.

**D. Contract** with Northwestern Energy for light district ownership, energy, and maintenance for Special Improvement Light Maintenance District 301 – Josephine Crossing Subdivision.

**E. Contract Amendment #1** to the Professional Services Contract with Great West Engineering for Tier 2 landfill-gas emissions analysis; \$20,000.00.

**F. Development Agreement** with MWSH BILLINGS LLC, for Certificate of Survey 1648, Amended Tract 1.

**G. Lease** with Edwards Jet Center Montana, Inc. for Airport Commercial Lot 8; \$16,446.12 first year annual revenue.

**H. Lease renewal** with Edwards Jet Center Montana, Inc. for Airport Commercial Lot 2; \$11,727.24 annual revenue.

**I. Lease renewal** with FES Development, L.L.C. for Airport hangar at 2431 Overlook Drive; \$19,110.00 first year annual revenue.

**J. Approval** and acceptance of the Domestic Violence Unit and Victim Witness Assistance Program Grants awarded by the Montana Department of Justice, Board of Crime Control.

**K. W.O. 04-33 Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition:**

(1) Parcel 9: Portion of Tract A, Certificate of Survey 622, Fronteer Real Estate Group, Co-Trustees Rick Rosekelly and Sue Marshon. \$10,050.00.

(2) Parcel 26: Portion of Lot 20, Amended Plat of Lot 11, Kuhlman Subdivision, Ludmilla M. Tallmadge, \$15,600.00.

(3) Parcel 50: Portion of Lot 22, Block 1, Broadmoor Subdivision, Mabel M. Dolan, \$7,087.50.

(4) Parcel 53: Portion of Lot 23, Block 2, Broadmoor Subdivision, Rita J. Reinert, \$7,550.00.

(5) Parcel 78: Portion of Lot 18, Block 1, Arrowhead Subdivision, Todd and Julie Grebe, \$4,042.50.

**L. W.O. 04-36 Briarwood Sanitary Sewer Main Extension** approval of Right-of-Way Agreement and Perpetual Right-of-Way Easement with Robert

B. Johnson and Michele R. Johnson with changes as recommended by staff, \$3,517.50.

**M. Street Closures:**

(1) Parade of Homes BikeNet Benefit Concert, 5:30 p.m. – 8:30 p.m., September 22, 2007, Josephine Crossing Neighborhood near the intersection of Mallowney Lane and Elysian Road.

(2) Holy Rosary Catholic School Barnyard Bingo and Street Fair, 8:00 a.m. – 6:00 p.m., September 9, 2007, Custer Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets West.

**N. Acceptance of donation** from ConocoPhillips to the Southwest Corridor Cop Shop, \$1,545.00.

**O. Approval** of sale of City surplus property by public auction on September 29, 2007, at the Billings Operations Center, 4848 Midland Road.

**P. Resolution** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, for Bureau of Land Management large-scale fire fighting cache staging and tanker base operations, July 16, 2007, through October 31, 2007, in the Billings Airport's Business Park.

**Q. Resolution** designating the alley in Block 90, Billings Original Town, located between 1<sup>st</sup> and 2<sup>nd</sup> Avenues North, one-way northbound.

**R. Second/Final reading ordinance** adopting the International Fire Code (IFC), 2006 Edition, as the Billings Fire Code.

**S. Bills and Payroll**

(1) July 30, 2007

(2) August 3, 2007

(Action: approval or disapproval of Consent Agenda.)

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTIONS** creating a Tourism Business Improvement District and appointing a Board of Trustees. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **RESOLUTION** awarding sale of bonds relating to \$168,000 Pooled Special Improvement District Series 2007 to US Bank, 5.05% true interest rate. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

4. **CHANGE ORDER #1**, New Baseball and Multi-Use Stadium at Athletic Park, Langlas & Associates, Inc., for a decrease of \$454,758.00. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #813:** A zone change from Residential 9600 to Planned Development generally located on the southeast corner of the intersection of Rimrock Road and Avalon Road; including the Yellowstone Racquet Club. TenFish Company, owner; Engineering, Inc., representative. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #816:** A zone change from Residential 7000 to Neighborhood Commercial on a 1.14-acre lot addressed as 848 Wicks Lane and generally located on the south side of Wicks Lane, east of Bench Boulevard. Colleen Baker, owner. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #817:** A zone change from Public to Residential 8000 on 48,799 square feet of property located north and south of the Lake Hills Golf Course Clubhouse on the east side of Clubhouse Way; north of Lake Hills Drive. Lake Hills Golf Club, owner; Patrick Ludden, representative. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. (**Action:** approval or disapproval of Zoning Commission recommendation.)
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #818:** A text amendment to Section 27-623, Zoning Compliance Permits Required. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
9. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #819:** A text amendment to Section 27-1429 and Map Amendment to Section 27-1430, Extension of Shiloh Corridor Overlay, extending the South Shiloh Corridor Overlay District along the south side of King Avenue West between Shiloh Road and 32<sup>nd</sup> Street West. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

10. **PUBLIC HEARING AND SPECIAL REVIEW #848:** A special review to add an outdoor patio lounge to a location with an existing on-premise all beverage liquor license zoned Community Commercial described as Lots 1 through 6, Block 1, Houser Subdivision; located at 1425 Broadwater Avenue and known as Doc & Eddy's Plaza. CNJ Distributing, owner; Tom Williams, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
11. **PUBLIC HEARING AND SPECIAL REVIEW #850:** A special review to expand a location with an existing on-premise all beverage liquor license zoned Controlled Industrial described as Lot 2A, Sugar Subdivision, located at 4900 Laurel Road and known as the Muzzleloader Café and Powderhorn Lounge. Marlon Engberg and Rick Steinmetz, owners; Jerry Jones, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
12. **PUBLIC HEARING AND SPECIAL REVIEW #851:** A special review for expansion of a church facility on a 20-acre parcel of land zoned Residential 9600 described as Tracts 5A-1 and 5A-2, Certificate of Survey 1648, located at 328 South Shiloh Road. Emmanuel Baptist Church, owner; Durward K. Sobek and Ray Cucancic, agents. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
13. **APPROVAL AND AWARD OF FIELD LIGHT SALVAGE** from the existing Cobb Field to the American Legion Baseball organization. Delayed from August 13, 2007, Council agenda. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
14. **APPROVAL AND AWARD OF RED DIRT AND SOD SALVAGE** from the existing Cobb Field to the Montana District 1 and American Legion Baseball. Delayed from August 13, 2007, Council agenda. 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 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>

**AUGUST:**

8/27/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/28/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
8/29/2007	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North

**SEPTEMBER:**

9/03/2007	LABOR DAY – CITY OFFICES CLOSED		
9/04/2007	Community Development Board Zoning Commission Aviation & Transit Commission Council WORK SESSION	3:00 p.m. 4:30 p.m. 5:30 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal Community Center 360 N. 23 <sup>rd</sup> St
9/05/2007	Board of Adjustment	6:00 p.m.	Council Chambers
9/06/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
9/10/2007	Energy & Conservation Commission  REGULAR Council Meeting	3:00 p.m.  6:30 p.m.	Billings Operations Ctr. 4848 Midland Rd. Council Chambers
9/11/2007	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 <sup>th</sup> Floor Library
9/12/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
9/13/2007	Library Board Committee on Homelessness	NOON 1:30 p.m.	Library 3 <sup>rd</sup> Floor Library
9/17/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
9/18/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
9/24/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
9/25/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room

	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
9/26/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board Housing Authority	1:00 p.m. NOON NOON	CH Conference Room 4 <sup>th</sup> Floor Library 2415 1 <sup>st</sup> Avenue North
9/27/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street

**OCTOBER:**

10/01/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
10/02/2007	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport
10/03/2007	Board of Adjustment	6:00 p.m.	Council Chambers
10/04/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
10/08/2007	COLUMBUS DAY – CITY OFFICES CLOSED		
10/09/2007	Parking Advisory Board Planning Board REGULAR Council Meeting	4:00 p.m. 6:00 p.m. 6:30 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library Council Chambers
10/10/2007	Parks/Recreation/Cemetery Bd  Council Agenda Setting Meeting	11:30 a.m.  5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St. CH Conference Room
10/11/2007	Library Board Committee on Homelessness	NOON 1:30 p.m.	Library 3 <sup>rd</sup> Floor Library
10/15/2007	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 <sup>rd</sup> St
10/16/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> 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 <sup>th</sup> Floor Library
10/24/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board	1:00 p.m. NOON	CH Conference Room 4 <sup>th</sup> Floor Library

10/25/2007	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
10/30/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room
10/31/2007	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North