

# 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

January 9, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing  
PLEDGE OF ALLEGIANCE – Mayor Tussing  
INVOCATION – Councilmember Peggie Gaghen  
ROLL CALL

### MINUTES

- December 12, 2005,
- December 19, 2005,
- December 30, 2005,
- January 3, 2006

ELECTION OF DEPUTY MAYOR PRO TEMPORE  
COURTESIES

PROCLAMATIONS

BOARD & COMMISSION REPORTS

ADMINISTRATOR REPORTS – Tina Volek

### **PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #7 thru #9 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. Amendment to Legal Advertisement Agreement, Billings Times.

**B. Application for Substitution of Certificate of Deposits in Lieu of Cash Retainage** as security for the performance of a public works contract with COP Construction.

**C. Compensation Agreement** for Private Contract No. 544 – Copper Ridge Subdivision, First Filing, \$488,634.00.

**D. Compensation and Reimbursement Agreements** for Private Contract No. 546 – Tracts 1C-2 and 1D of C/S 1479 (Town Pump), \$15,296.75 from the City and \$10,526.84 from property owners.

**E. Vehicle Lease Agreement** with Laurel Ford for Laurel Police Dept. participation in the High Intensity Drug Traffic Area (HIDTA) Task Force, \$4,200.00, term: 12 months.

**F. W.O. 04-33: Lake Elmo Road Right-of-Way Acquisition**, Professional Services Contract for right-of-way services, Right of Way Acquisition Group, LLC, \$222,550.00.

**G. Contract** with QWEST Communication for wireless enhanced 9-1-1 services and Emergency Preparedness Network Services, \$25,615.85 one-time set up charge and \$3,953.12/month.

**H. CTEP Project Specific Agreement – Highland School Sidewalks**, Federal Air Project #STPE 1099(48), Montana Dept. of Transportation, \$40,000.00 grant.

**I. Contract** with DialPro Northwest to provide an automated phone system for the Municipal Court, \$74,120.00.

**J. Acceptance and approval** of the 2006 High Intensity Drug Trafficking Area (HIDTA) Award #I6PRMP606 from the Office of National Drug Control Policy/Eastern Montana Drug Task Force, \$160,659.00.

**K. Acceptance** of Warranty Deed for right-of-way acquisition along Shiloh Road from Firelake Corp., \$644.49.

**L. Authorization** of grant application submittal to the Montana Board of Crime Control (MBCC) for the Byrnes, Criminal Justice Records Improvement (CJRI) – RFP #06-10(K) Funds, \$35,000.00 to purchase *Law Enforcement Data Analysis* Software.

**M. Authorization** of grant application submittal to the Montana Board of Crime Control (MBCC) for Stop Violence Against Women Act (VAWA) Funds – RFP #06-9, \$55,000.00.

**N. Acknowledging receipt of petition to annex #06-01:** Lots 5, 6, 26 – 28, 38 and 40, Sunny Cove Fruit Farms, located south of Rimrock Rd. between 58<sup>th</sup> and 62<sup>nd</sup>

Sts. W, Thomas E. Romine and Paul V. Hoyer, petitioners, and setting a public hearing for 1/23/06.

**O. Confirmation of Police Officer:** Jon Kristjanson.

**P. Authorization** of architectural/engineering services Request for Proposals for Fire Station #7.

**Q. Declaring surplus equipment** and authorizing the Fire Department to dispose of the equipment to surrounding volunteer fire departments.

**R. Declaring surplus self-contained breathing apparatus (SCBA) equipment** and authorizing the Fire Department to dispose of the equipment per the Fire Act grant application.

**S. Authorization** of application for a Certified Local Government (CLG) grant from the Montana State Historic Preservation Office, \$5,500.00.

**T. Lease** for storage space with Peter Yegen Jr. Yellowstone County Museum Foundation, \$1,226.82/year adjusted annually by CPI-U, term: 5 years

**U. Resolution** creating Special Service District #22 for sanitary sewer services only for Lot 1, Block 1, MHC Subdivision and the remainder of Tract 2, C/S 1163.

**V. Resolution** creating Special Service District #23 for sanitary sewer service for Lot 4, Block 1, Wal-Mart Subdivision.

**W. Second/final reading ordinance** expanding the boundaries of Ward I to include recently annexed property described as a 0.906-acre parcel of property located on the east side of Blue Creek Road at the intersection of Santiago Blvd., described as Tract 1C, C/S 566, Tract 1, 2<sup>nd</sup> Amended (and all adjacent right-of-way of Montana Highway #416 (Blue Creek Road), Jeffrey V. Essmann, petitioner. (Annex #05-10).

**X. Second/final reading ordinance** amending BMCC Sections 2-213, 2-214, and 2-222, updating procedure for amending agenda at the council meeting, moving board and commission reports to the work session and updating public participation language.

**Y. Second/final reading ordinance** amending BMCC Chapter 26: Water and Wastewater Utilities; revising public utilities to public works, revising definition of "special benefit facilities", revising definition of "harmful contribution", revising remedies and penalties under Section 26-610 to allow the City to recover costs associated with discharge violations.

**Z. Final plat** of Lincoln Subdivision.

**AA. Final plat** of Amended Lot 3B, Block 10, Parkland West Subdivision, 6<sup>th</sup> Filing.

**BB. Bills and Payroll.**

- (1) December 2, 2005
- (2) December 9, 2005
- (3) December 16, 2005
- (4) November 1, 2005 (Court)

(Action: approval or disapproval of Consent Agenda.)

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND VARIANCE #CC05-02:** a variance from BMCC Section 6-1206: curbs, gutters and sidewalks in all zones, regarding Lot 10, Block 1, Valley View Subdivision, located at 411 S. 24<sup>th</sup> St. W. Buffalo Wild Wings Bar and Grill Restaurant, applicant. Staff recommends denial. (Action: approval or disapproval of Staff recommendation.)
3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #772:** a zone change from Residential Manufactured Home to Residential 6000 on Lot 6, Block 3, Superior Homes Subdivision, located at 406 Roxy Lane, Ann Bustell, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
4. **PUBLIC HEARING AND SPECIAL REVIEW #799:** a special review for the production and storage of hydraulic cement and concrete materials in a Controlled Industrial zone on Lot 2, Block 6, Tierra West Industrial Park Subdivision, 2<sup>nd</sup> Filing, generally located at the northeast corner of Hesper and South 32<sup>nd</sup> Street W. Cretex Concrete products West, Inc. (dba Elk River Concrete Products), Steve Wagner, applicant, Engineering, Inc., agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** pursuant to BMCC Chapter 12: Eminent Domain, declaring public purpose and use, describing the properties to be taken and authorizing City officials to proceed with condemnation of six properties on Grand Avenue. Staff recommends approval. (Delayed from 12/19/05). (Action: approval or disapproval of Staff recommendation.)
6. **PUBLIC HEARING AND RESOLUTION** endorsing the establishment of a methamphetamine treatment program in Yellowstone County, within the city limits of Billings by Alternatives, Inc. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
7. **FIRST READING ORDINANCE** amending BMCC by repealing Chapter 23, Sections 23-101 through 23-1501, declaring them to be null, void and of no effect, and adding

- a new Chapter 23 with sections to be numbered 23-101 through 23-1107, providing comprehensive subdivision regulations. Planning Board recommends approval. (PH held 12/19/05. Action delayed from 12/19/05). **(Action:** approval or disapproval of Planning Board recommendation.)
8. **PRELIMINARY PLAT** of Bellville Subdivision, generally located north of Wicks Lane, west off of Brewington Lane at the terminus of Kyhl Lane. (Reconsidered and delayed from 12/12/05). Staff recommends conditional approval of the plat, approval of the requested variances and adoption of the findings of fact. **(Action:** approval or disapproval of Staff recommendation.)
  9. **4<sup>TH</sup> & BROADWAY REDEVELOPMENT – 2005.** (Opened 11/15/05. Delayed from 11/28/05). A recommendation will be made at meeting. **(Action:** approval or disapproval of Staff recommendation.)
  10. **CHANGE ORDERS #1 AND #2: CONTRACT FOR CLASSIFICATION AND COMPENSATION STUDY,** Associated Employers of Montana (AEM) and Employers Association Inc. Recommendation to be made at meeting. **(Action:** approval or disapproval of Staff recommendation.)
  11. **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**

## **EXECUTIVE SESSION**

## **ADJOURN**

***(NOTE: Additional information on any of these items is available in the City Clerk's Office)***

<h2 style="margin: 0;">CALENDAR</h2> <h3 style="margin: 0;">(Council AND Boards &amp; Commissions)</h3>
---

**JANUARY:**

1/09/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
1/10/2006	Council Agenda Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
1/11/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
1/12/2006	Library Board	NOON	3 <sup>rd</sup> Floor Library
1/16/2006	MARTIN LUTHER KING DAY – CITY OFFICES CLOSED		
1/17/2006	Yellowstone Historic Preservation Board Council WORK SESSION	8:00 a.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Community Center 360 N. 23 <sup>rd</sup> St
1/23/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
1/24/2006	Traffic Control Board Council Agenda Meeting Planning Board	NOON 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library CH Conference Room 4 <sup>th</sup> Floor Library
1/25/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room
1/26/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street

**FEBRUARY:**

2/02/2006	Human Relations Commission	12:15 p.m.	CH Conference Room
2/06/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
2/07/2006	Community Development Board Zoning Commission Aviation & Transit Commission Board of Adjustment	3:00 p.m. 4:30 p.m. 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal Council Chambers

2/08/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
2/09/2006	Library Board	11:30 a.m.	Library
2/13/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
2/14/2006	Council Agenda Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
2/16/2006	Public Utilities Board	7:30 p.m.	Public Works-Belknap 2251 Belknap Ave
2/20/2006	PRESIDENT'S DAY – CITY OFFICES CLOSED		
2/21/2006	Yellowstone Historic Preservation Board Council WORK SESSION	8:00 a.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Community Center 360 N. 23 <sup>rd</sup> St
2/22/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room
2/23/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
2/27/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
2/28/2006	Traffic Control Board Council Agenda Meeting Planning Board	NOON 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library CH Conference Room 4 <sup>th</sup> Floor Library

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