

# 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**

**June 12, 2006**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing  
PLEDGE OF ALLEGIANCE – Mayor Tussing  
INVOCATION – Councilmember Larry Brewster  
ROLL CALL  
MINUTES – May 22, 2006.  
COURTESIES  
PROCLAMATIONS  
ADMINISTRATOR REPORTS – Tina Volek**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, and #12 through #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) **Wastewater Treatment Plant Electrical Transformers.** (Opened 5/9/06). Recommend rejecting all bids.
  - (2) **Airfield Concrete Ramp Joint Repair.** (Opened 5/23/06). Recommend rejecting sole bid received as non-responsive.
  - (3) **Supply Carpet Tile for the Terminal Concourse for Billings Logan International Airport.** (Opened 5/23/06). Recommend Commercial Marketing Associates, \$76,230.00.
  - (4) **Restriping Airfield Markings (Runways and Taxiways) for Three (3) Years.** (Opened 5/23/06). Recommend United Rentals, \$103,166.60.

(5) **Water Treatment Plant Electrical Distribution Modifications.** (Opened 5/23/06). Recommend Ace Electric, \$255,100.00.

(6) **W.O. 05-04: Terrace Estates Subdivision, 3<sup>rd</sup> Filing, Drainage Improvements.** (Opened 5/23/06). Recommend Donnes, Inc., \$47,800.00.

(7) **W.O. 04-18: Expansion and Repairs of Park II.** (Opened 5/23/06). Recommend delaying award to 6/26/06.

(8) **Purchase of Eighteen (18) Passenger Shelters for Billings METropolitan Transit.** (Opened 5/23/06). Recommend Brasco International, Inc., \$60,822.00.

(9) **Mileage Tire Leasing Program.** (Opened 5/23/06). Recommend Bridgestone/Firestone, term: 5 years.

(10) **2006 Billings Water Service Replacement Project.** (Opened 6/06/06). Recommend delaying to 6/26/06.

**B. Amendment #12, Professional Services Contract, W.O. 05-14: Walter Pump Station,** Morrison-Maierle, Inc., \$199,708.00. (Delayed from 5/22/06).

**C. Professional Services Contract** for architectural and engineering services for Fire Station #7, CTA Architects and Engineers, \$106,510.00 and not to exceed an additional \$10,619.00 for potential reimbursable fees.

**D. Contract** for Billings Adult Misdemeanor Drug Court services, Community Solutions, Inc., term: date of execution to 4/30/07.

**E. Agreement** with Billings Housing Authority to fund one Police Officer, \$36,151.00, term: 7/1/06 to 12/31/06.

**F. Vehicle Lease Agreement** with Underriner Motors for City/County Special Investigations Unit (CCSIU), 6 vehicles for \$25,200.00, term: 7/1/06 to 6/30/07.

**G. FY 2006/2007 Landfill Use Agreements:**

- (1) Bighorn County – 1 year
- (2) Town of Bridger – 1 year
- (3) Carbon County – 1 year
- (4) Town of Columbus – 1 year
- (5) Town of Fromberg – 1 year
- (6) Town of Hysham – 1 year
- (7) Town of Joliet – 1 year
- (8) City of Laurel – 1 year
- (9) Musselshell County – 1 year
- (10) City of Red Lodge – 1 year
- (11) Stillwater County – 1 year
- (12) Treasure County – 1 year
- (13) Yellowstone County – 3 years

**H. Memorandums of Understanding for SROs:**

- (1) MOU between city of Billings and Billings Public Schools for three (3) High School Resource Officers (SROs), \$60,000.00, term: 7/1/06 to 6/30/07.
- (2) MOU between city of Billings and Billings Public Schools for two (2) Middle School Resource Officers (SROs), \$50,000.00, term: 7/1/06 to 6/30/07.

**I. CTEP Project Specific Agreements:**

- (1) Bannister Drain Trail, \$384,328.00
- (2) Big Ditch Trail II, \$170,500.00
- (3) Milton Lane School Route, \$525,000.00

**J. Revolving Fund Loan to Yellowstone Community Cooperative; increase from \$140,000.00 to \$167,000.00.**

**K. Street Closures:**

- (1) Yellowstone Art Museum *Arts and Crafts Summerfair*: north lane of 6<sup>th</sup> Ave N from 19<sup>th</sup> St. to 22<sup>nd</sup> St., July 7-9, 2006.
- (2) Downtown Billings Association *Movie Nights*: 2<sup>nd</sup> Ave N. from N. 29<sup>th</sup> to N. 28<sup>th</sup> (traffic diverted left only onto N. 29<sup>th</sup>) on June 24, July 22, August 26 and Sept. 23, 2006
- (3) Billings Area Chamber of Commerce *Harley Owners' Group (H.O.G) Parade*, July 1, 2006, route: from Al Bedoo Temple/Shrine Auditorium to Metra Park.
- (4) Billings Area Chamber of Commerce *Harley Owners' Group (H.O.G) Rally*, July 1, 2006, downtown area – under Skypoint.

**L. Cancellation of outstanding checks and warrants, \$9,730.38 and bad debts, \$13,139.39.**

**M. Acknowledging receipt of petition to annex #06-06: C/S 1011, Tr. B Amended, located east of 34<sup>th</sup> St. W and north of Grand Ave., Rocky Mountain Community Church, petitioner, and setting a public hearing for 6/26/06.**

**N. Acknowledging receipt of petition to annex #06-08: two portions of C/S 1834, Second Amended, located north of Rimrock Road at 50<sup>th</sup> St. W, Aviara, Inc., petitioner, and setting a public hearing for 6/26/06.**

**O. Acknowledging receipt of petition to vacate a portion of Kyhl Lane across the north portion of Brewington Park and through a portion of C/S 485, Tract A, Steve Kerns, petitioner, and setting a public hearing for 6/26/06.**

**P. Resolution assessing residential/commercial collection, disposal and landfill fees for FY2007.**

**Q. Resolution** increasing the amount of the Inter-Fund Loan from the General Fund to the Property/Liability Insurance Fund, \$133,500.00 increase, with repayment in August 2006.

**R. Resolution** to close Special Improvement/Sidewalk Bond Debt Funds to the SID Revolving Fund, \$43,681.97.

**S. Resolution** creating the Electronic Signs Ad Hoc Committee.

**T. SECOND/FINAL READING ORDINANCE FOR ZONE CHANGE #776:** A zone change request from Public to Planned Development on a 60.27 acre parcel of land described as: the NE4NW4NW4, S2NW4NW4 & LOT 3-4 LESS C/S 3223 in Section 20, Township 1S, Range 26 East (a/k/a the proposed Josephine Crossing Subdivision). McCall Development, Engineering, Inc., agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria.

**U. SECOND/FINAL READING ORDINANCE FOR ZONE CHANGE #777:** A zone change request from R-6,000 to Residential Multi-Family on a .92 acre parcel described as: Lots 1-10, Block 1 of Green Acres Subdivision and Lot 1, Block 14 of Suncrest Acres Subdivision 3<sup>rd</sup> Filing. Azalea Co., owner, Matt Brosovich, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria.

**V. Preliminary plat** of Bergquist Subdivision, Amended Lots 2 & 3, Block 1, generally located at 531 and 561 Pemberton Lane; conditional approval of the plat and adoption of the findings of fact.

**W. Final plat** of Gunn Subdivision.

**X. Final plat** of Amended Lot 15, and the east half of Lot 16, Block 3, Rolle Sub.

**Y. Bills and payroll.**

(1) May 12, 2006

(2) May 19, 2006

(3) May 26, 2006

(4) April 1 – 30, 2006 (Municipal Court)

**(Action:** approval or disapproval of Consent Agenda.)

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting budget amendments for FY 2005/2006. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** approving and adopting the budget for FY2007. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTIONS** setting annual assessments for FY2007 for:
  - (A) Park Maintenance Districts
  - (B) Light Maintenance Districts
  - (C) Property Safety Water Supply (i.e. Fire Hydrant maintenance)
  - (D) Street Maintenance
  - (E) Storm SewersStaff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** setting the annual Arterial Construction Fee Assessment Rates for FY2007. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
6. **PUBLIC HEARING AND RESOLUTION** setting the annual All-Purpose Mill Levy and Mill Levies for Library Operating, Transit Operating, and Public Safety Funds for FY2007. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
7. **PUBLIC HEARING AND VARIANCE #CC05-03:** a variance from the site development ordinance, Section 6-1208(h)(3) re: driveway width and Section 6-1203(j)(2) re: curb cuts. Staff recommends delaying to 6/26/06. **(Action:** approval or disapproval of Staff recommendation.)
8. **PUBLIC HEARING AND VARIANCE #CC06-03:** a variance from the site development ordinance, Section 6-1208(i)(11) re: curb cut regulations. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
9. **PUBLIC HEARING AND RESOLUTION** amending Res. 01-17659: a resolution setting fees and rates for City-owned parking garages and meters. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)

10. **PUBLIC HEARING AND FIRST READING ORDINANCE** re: fair ballot language. Staff recommends taking no further action at this time. **(Action:** approval or disapproval of Staff recommendation.)
11. **PUBLIC HEARING AND RESOLUTION** on the appeal of the assessment of the arterial construction fee, James A. (Ziggy) Ziegler, applicant. Staff recommends approval of a resolution denying the request. **(Action:** approval or disapproval of Staff recommendation.)
12. **RESOLUTION** authorizing condemnation of six properties on Grand Avenue. (Delayed from 5/08/06). Staff recommends approval of the resolution authorizing condemnation of five (5) properties on Grand Ave. from 8<sup>th</sup> St. W to 12<sup>th</sup> St. W. **(Action:** approval or disapproval of Staff recommendation.)
13. **VARIANCE #CC06-01:** a variance from the Site Development Ordinance Sections 6-1203(u) re: concrete driveways and curb and gutter on Lot 1, Block 1, Bitterroot Subdivision. Susan J. Zurbuchen, owner. (PH held on 5/22/06 and closed. Action delayed from 5/22/06). Staff recommends denial of the variance and requiring the owner to sign the Waiver of Right to Protest creation of an SID before issuance of a building permit. **(Action:** approval or disapproval of Staff recommendation.)
14. **RESOLUTION** relating to \$851,000.00 Pooled Special Improvement District Bonds, Series 2006 (SIDs 1368, 1370, and 1373); awarding the sale thereof and approving certain matters with respect thereto. Staff recommendation to be made at meeting. **(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>**

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

6/12/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
6/13/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
6/14/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
6/15/2006	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
6/19/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
6/20/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
6/22/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
6/26/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
6/27/2006	Planning Board Traffic Control Board	6:00 p.m. NOON	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
6/28/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room

**JULY:**

7/03/2006	Council WORK SESSION	CANCELLED	
7/04/2006	INDEPENDENCE DAY – CITY OFFICES CLOSED		
7/05/2006	Policy Coordinating Committee Zoning Commission Aviation & Transit Commission Board of Adjustment	8:00 a.m. 4:30 p.m. CANCELLED 6:00 p.m.	4 <sup>th</sup> Floor Library Council Chambers  Council Chambers
7/06/2006	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station Conf. Rm 2300 9 <sup>th</sup> Ave. N. CH Conference Room

7/10/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
7/11/2006	Planning Board Community Development Board	6:00 p.m. 3:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
7/12/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
7/13/2006	Library Board	11:30 a.m.	Library
7/17/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
7/18/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
7/24/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
7/25/2006	Planning Board Traffic Control Board	6:00 p.m. NOON	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
7/26/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room
7/27/2006	Yellowstone County Board of Health	CANCELLED	
7/31/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St