

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

August 14, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing
PLEDGE OF ALLEGIANCE – Mayor Tussing
INVOCATION – Councilmember Nancy Boyer
ROLL CALL
MINUTES -- July 24, 2006
COURTESIES
PROCLAMATIONS
ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #9 through #13 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:**
(1) **Human Relations Commission**

| | Name | Board/Commission | Term | |
|----|-------------------|----------------------------|----------|----------|
| | | | Begins | Ends |
| 1. | Gwendolyn Kircher | Human Relations Commission | 08/14/06 | 12/31/09 |

1. Unexpired term of Rev. David Jernigan

- B. Bid Awards:**
(1) **W.O. 06-03, Contact #2: 2006 Street Maintenance.** (Opened 7/25/06). Recommend JTL Group, Inc., \$518,848.89.
- C. Change Order #3, W.O. 05-01A: Michigan Street,** JEM Contracting, Inc., \$2,300.00.
- D. Contract for Library Services,** Golden Valley County, term: 7/1/06 – 6/30/07, \$4,962.30.
- E. Funding Agreement** with Yellowstone County Council on Aging (YCCOA), \$21,000.00.
- F. Assignment and Transfer** of West End Hangar Ground Lease from Brian Bross to Bonnie Daniels.
- G. Contract Extension** with Montana Dept. of Public Health and Human Services – Developmental Disabilities Division to 6/30/07.
- H. Agreement** with Montana Supreme Court and acceptance of the donation of up to \$1500 for youth scholarships for low income families to register for PRPL summer youth programs.
- I. Approval** of purchase of thirteen (13) police vehicles from Bison Motor Company as determined per State bid, \$284,804.00.
- J. Purchase Of An IBM i5 Server**
(1) Approval of purchase of an IBM i5 Server through the State of Montana WSCA agreement, \$96,185.12.
(2) Authorization to apply for an INTERCAP loan for \$125,000.00 through the Montana Board of Investments to pay for a new i5 (AS400) and associated costs plus four integrated x series servers.
- K. Acceptance** of FAA Airport Improvement Program (AIP) #31 grant, \$1,204,742.00.
- L. Affordable Housing Development Agreement** with Menola Land, Sage Tower LLC for a \$175,000.00 loan at 1% and amortized over 20 years.
- M. Acceptance** of a \$500.00 memorial gift donation from Linda Bell (and friends) in memory of Michael Bell, for trees to be planted at Heritage Park.
- N. Approval** of Domestic Violence Unit Grant (\$52,000.00) and Victim Witness Program Grant (\$38,000.00).

O. Acknowledging receipt of petition #06-12 to annex a 14.077-acre parcel described as Tract 1, C/S 1648 and including adjoining road tracts, generally located near the southwest intersection of Central Ave. and Shiloh Rd., Bell Family Trust, owners, and setting a public hearing for 8/28/06.

P. Resolutions of Intent to create:

- (1) SILMD 290: S. 32nd Street West
- (2) SILMD 299: Vintage Estates Sub.
- (3) SILMD 300: Bellville Sub.

and setting a public hearing date for 9/11/06.

Q. Street Closures:

- (1) Black Otter Hill Climb: intersection of Airport Road and Swords Bypass Road to the top of the trail, August 19 – 20, 2006.
- (2) Western Wheel Bar Customer Appreciation Celebration: Minnesota Ave. between S. 27th and S. 28th Streets, August 26, 2006.
- (3) Billings Association of Realtors 2 and 5-Mile Run: Masterson Circle on Hwy 3, down Airport Rd., right on 27th St; right on Rimrock Rd; left on Virginia Ln; through Pioneer Park from Zimmerman Center to the SE corner of the park, left on 3rd St. W., right on Parkhill; right on 32nd St., disbanding at the corner of 6th Ave. N. and 32nd St. in the Transwestern parking lot, August 26, 2006.
- (4) Billings Clinic's Classic Street Party: N. Broadway between 3rd Ave. N. and 4th Ave. N.; as well as the alley that runs between 3rd Ave. N. and 4th Ave. N. August 24-27, 2006.

R. Second/Final reading ordinance for Zone Change #778: A text amendment to BMCC Section 27-310(i), changing the size, height, and bulk for detached accessory structures within all residential zoning districts within the Billings city limits. Yellowstone County Board of Planning initiated the amendment on May 9, 2006.

S. Second/Final reading ordinance for Zone Change #783: A zone change from Controlled Industrial to Residential-6,000 on Lots 17 & 18 of Block 32 of Highland Addition, and located at 109 South 39th Street. Dave Hagstrom, owner.

T. Second/Final reading ordinance amending the BMCC by revising Sections 23-304 and 23-308, providing a procedure for review of subsequent minor subdivisions.

U. Second/final reading ordinance expanding the boundaries of Ward II to included the recently annexed property in annexation #06-07: 57 acres in T1N-R26E-S23: N2NE4 Less C/S 515 and C/S 1335, but including C/S 999, generally located south of Wicks Lane between Hawthorne Lane and Bitterroot Drive, Felton Associates LLC, owner and petitioner.

V. Second/final reading ordinance expanding the boundaries of Ward III to include the recently annexed property in annexation #06-09: 2.1371 acres in T1S-R25E-S23: NE4 described as C/S 2771, Tract 2, generally located on the south side of Hesper Road west of S. 32nd St. W, Rice Wagon, LLC, petitioner, Brady Wagner and Carrie Orr-Wagner, owners.

W. Preliminary Plat of Gunn Estates Subdivision, 2nd Filing, generally located on the north side of Lux Ave. between Calhoun Lane and Orchard Lane, conditional approval of the plat and adoption of the findings of fact.

X. Preliminary Plat of Amended Lot 3, Block 1, Yellowstone Ridge Sub., generally located north of Rimrock Rd. at the intersection of 54th St. W. and Rocky Mountain Blvd., conditional approval of the plat, approval of the variance and adoption of the findings of fact.

Y. Final Plat of Lake Hills Subdivision, 13th Filing Amended.

Z. Bills and payroll.
(1) July 14, 2006
(2) July 21, 2006

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

- 2. PUBLIC HEARING AND RESOLUTION** annexing a 36-acre parcel described as Tract 1, C/S 3273, generally located on the west side of 46th St. W, south of Rimrock Rd., Jim Boyer and Paul Bromenshenk, petitioners. (#06-11). Staff recommends conditional approval. **(Action:** approval or disapproval of Staff recommendation.)
- 3. PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annex #06-10: a 288-acre parcel described as: N2 of Section 20, T1N-R26E and C/S 1904, State of Montana Dept. of Natural Resources and Conservation (DNRC), petitioner. Staff recommends conditional approval. **(Action:** approval or disapproval of Staff recommendation.)
- 4. PUBLIC HEARING AND VARIANCE #OP06-01:** a variance from the Site Development Ordinance, Section 6-1203(j) regarding parking spaces on Lots 1-5, Block 1, Cellan Acre Sub., Tract S, generally located at the northeast corner of Grand Avenue and 11th St. W, between Grand Ave. and Ave. B. Rich Hageman

- (Dairy Queen), applicant. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTIONS** vacating portions of Zimmerman Trail abutting Lots 1, 2, and 4, Scott Subdivision, Lot 1 parcel: \$2,669.10; Lot 2 parcel: \$2,618.26; and Lot 4 parcel: \$3,017.60. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
 6. **PUBLIC HEARING AND RESOLUTION** adopting the *Gateway Business Park Plan*. Planning Board recommends approval of the plan with Alternative #2 as the preferred implementation strategy. **(Action:** approval or disapproval of Planning Board recommendation.)
 7. **PUBLIC HEARING AND RESOLUTION** approving tax benefits for Golden Recycling and Salvage, Inc. Staff recommends conditional approval. **(Action:** approval or disapproval of Staff recommendation.)
 8. **PUBLIC HEARING CONTINUED AND FIRST READING ORDINANCE FOR ZONE CHANGE #784:** A zone change from Residential-9,600 to Residential-6,000-Restricted on Lot 1, Block 1 and Lot 1, Block 2 of Arlene Subdivision, and located at 3410 and 3416 Poly Drive. City of Billings' Public Works Department, owner; David Mumford, agent. (Delayed from 7/24/06). Zoning Commission makes no recommendation. **(Action:** approval or disapproval of Zoning Commission recommendation.)
 9. **BID AWARD: W.O. 05-12: Big Ditch Trail – Billings, Federal Aid No. STPE 1099(49), MDT CN5908.** (Opened 7/11/06; delayed from 7/24/06). Staff recommends CMG Construction, Inc., Base bid and Bid Alternate #2, \$105,730.00 and 30 calendar days, contingent on CTEP concurrence. **(Action:** approval or disapproval of Staff recommendation.)
 10. **PROPOSAL** from Koch Financial Corporation to finance the Park II Expansion at a rate of 5.48%. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
 11. **WASTEWATER SERVICE AGREEMENT** with Lockwood Water and Sewer District, initial term: 15 years. (Delayed from 7/10/06). Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
 12. **RESOLUTION** creating the *Energy & Conservation Commission*, defining the duties and making appointments. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
 13. **RESOLUTION** awarding the sale of \$380,000.00 Pooled Special Sidewalk, Curb, Gutter and Alley Approach Bonds, Series 2006. (Opened 8/14/06).

Recommendation to be made at meeting. (**Action:** approval or disapproval of Staff recommendation.)

14. **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>

CALENDAR

(Council AND Boards & Commissions)

AUGUST:

| | | | |
|-----------|------------------------------------------------------|------------------------|----------------------------------------------------------------|
| 8/14/2006 | Parking Advisory Board REGULAR Council Meeting | 4:00 p.m. 6:30 p.m. | CH Conference Room Council Chambers |
| 8/15/2006 | Yellowstone Historic Preservation Board | 8:00 a.m. | 4 th Floor Library |
| 8/17/2006 | Public Utilities Board | 6:30 p.m. | Public Works-Belknap 2251 Belknap Ave |
| 8/21/2006 | Council WORK SESSION | 5:30 p.m. | Community Center 360 N. 23 rd St |
| 8/22/2006 | Planning Board Traffic Control Board | 6:00 p.m. NOON | 4 th Floor Library 4 th Floor Library |
| 8/23/2006 | Development Process Advisory Review Board (DPARB) | 1:00 p.m. | CH Conference Room |

| | | | |
|-----------|------------------------------------|-----------|------------------------------------------------------------|
| 8/24/2006 | Yellowstone County Board of Health | 7:00 a.m. | Community Health Center 123 So. 27 th Street |
| 8/28/2006 | REGULAR Council Meeting | 6:30 p.m. | Council Chambers |
| 8/30/2006 | Housing Authority | NOON | 2415 1 st Avenue North |

SEPTEMBER:

| | | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 9/04/2006 | LABOR DAY – CITY OFFICES CLOSED | | |
| 9/05/2006 | Community Development Board Zoning Commission Aviation & Transit Commission Council WORK SESSION Board of Adjustment | 3:00 p.m. 4:30 p.m. 5:30 p.m. 5:30 p.m. 6:00 p.m. | 4 th Floor Library Council Chambers Airport Terminal Community Center 360 N. 23 rd St Council Chambers |
| 9/06/2006 | Policy Coordinating Committee | 8:00 a.m. | 4 th Floor Library |
| 9/07/2006 | Human Relations Commission | 12:15 p.m. | CH Conference Room |
| 9/11/2006 | Parking Advisory Board REGULAR Council Meeting | 4:00 p.m. 6:30 p.m. | CH Conference Room Council Chambers |
| 9/12/2006 | Planning Board | 6:00 p.m. | 4 th Floor Library |
| 9/13/2006 | Parks/Recreation/Cemetery Bd | 11:30 a.m. | Community Center 360 N. 23 rd St. |
| 9/14/2006 | Library Board | NOON | Library |
| 9/18/2006 | Council WORK SESSION | 5:30 p.m. | Community Center 360 N. 23 rd St |
| 9/19/2006 | Yellowstone Historic Preservation Board | 8:00 a.m. | 4 th Floor Library |
| 9/25/2006 | REGULAR Council Meeting | 6:30 p.m. | Council Chambers |
| 9/26/2006 | Planning Board Traffic Control Board | 6:00 p.m. NOON | 4 th Floor Library 4 th Floor Library |
| 9/27/2006 | Housing Authority Development Process Advisory Review Board (DPARB) | NOON 1:00 p.m. | 2415 1 st Avenue North CH Conference Room |
| 9/28/2006 | Yellowstone County Board of Health | 7:00 a.m. | Community Health Center 123 So. 27 th Street |