

# 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

September 25, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Ronquillo

ROLL CALL

MINUTES – September 11, 2006.

COURTESIES

PROCLAMATIONS

- September 25: Family Day – A Day to Eat Dinner With Your Children
- October 8-14: Fire Prevention Week

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: #1 and #17 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 Appointment:**

	Name	Board/Commission	Term	
			Begins	Ends
1.	Bruce MacIntyre	Homelessness Committee	09/11/06	12/31/10

1. Unexpired term of Joseph McClure

**B. Bid Awards:**

(1) **2007 4-Wheel Mechanical Broom High Dump Sweeper.**  
(Opened 9/5/06). Recommend Western Plains, \$155,462.00 including the trade for Unit #1253.

**C. Change Order #9 -- W.O. 04-13: Filter Building Expansion and Improvements,** COP Construction, \$6,349.72.

**D. Two West End Hangar Ground Leases** with John M. and Marcia A. Nash, term: 20 years.

**E. Pledged Collateral** on Certificates of Deposits, US Bank Repurchase Account, and US Bank Municipal Investor Account.

**F. C. Amendments to Agreements with Wells-Fargo:**

- (1) Buy-Sell Agreement
- (2) Drive-up Bank lease.

(delayed from 9/11/06).

**G. Acknowledging receipt of petition to vacate** portion of Zimmerman Trail and Lyman Avenue abutting Lot 6, Scott Subdivision, Ronald Sanchez and Traci Albright, petitioners, and setting a public hearing for 10/23/06.

**H. Resolution** on East Billings Urban Renewal District, declaring blight, intent to create the district and setting a public hearing for 10/10/06.

**I. Resolution** on expanding the N. 27<sup>th</sup> Urban Renewal District, declaring blight, intent to create the expanded district and setting a public hearing for 10/10/06.

**J. Second/final reading ordinance** expanding the boundaries of Ward V to include recently annexed property in Annex #06-12: a 14.5-acre parcel described as Tract 1 of Corrected Amendment of Tracts 1 and 3 and Remainder Tract 2 to be the Amendment of Tracts 1, 2, and 3, C/S 1648, Bell Family Trust, owner.

**K. Preliminary plat** of E. D. King Subdivision, generally located on the north side of Grand Avenue and east of Zimmerman Trail; conditional approval of the plat, approval of the variance and adoption of the findings of fact.

**L. Preliminary subsequent minor plat** of Amended Lot 7, Block 2, Lake Hills Subdivision, 1<sup>st</sup> filing, generally located at the northwest corner of the intersection of Wicks Lane and Inverness Drive in the Heights; conditional approval of plat and adoption of the findings of fact.

**M Preliminary subsequent minor plat** of Normal Subdivision, 3rd filing, generally located west of N. 27<sup>th</sup> St. between Poly Drive and 12<sup>th</sup> Ave. North; conditional approval of plat and adoption of the findings of fact.

**N. Final plat** of Bellville Subdivision.

**O. Bills and payroll.**  
(1) September 1, 2006

(Action: approval or disapproval of Consent Agenda.)

## **REGULAR AGENDA:**

2. **PUBLIC HEARING** on FY 2005-2006 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDB) and HOME Programs. (Action: public hearing only.)
3. **PUBLIC HEARING AND RESOLUTION** vacating portions of 8<sup>th</sup> Avenue North and the alley between 7<sup>th</sup> Avenue North and 8<sup>th</sup> Avenue North for a value of \$584,250.00. Billings Clinic, petitioner. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** annexing a 65-acre parcel generally located south of Rimrock Rd. between 50<sup>th</sup> and 54<sup>th</sup> Streets West and described as Tracts 1 & 2, C/S 2054 and Cynthia Park (a county park), Blue Diamond Ranch Partnership LLC, owner/petitioner, Annex #06-13. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTIONS levying and assessing FY2007 assessments:**
  - A. Encumbrances, Obstructions, or Encroachments on, over, across or above the streets, avenues, sidewalks, or alleys of the City of Billings
  - B. Cost of cutting and/or exterminating weeds.
  - C. Park Maintenance Districts 4030 - 4033.Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
6. **PUBLIC HEARING AND RESOLUTIONS relevying and reassessing various assessments:**
  - A. Respreding assessments for SIDs 1332 and 1341 for a property split

- B. Respreading assessments for SIDs 1332, 1341 and 1353 for a property split
- C. Respreading assessment for SID 1346 for a property split
- D. Respreading assessment for SID 1356 for a property combination
- E. Respreading assessment for SID 1360 for a property combination
- F. Respreading assessment for SID 2203 for a property split
- G. Respreading assessments for SIDs 2301 and 2399 for a property split

Staff recommends approval. (**Action:** approval or disapproval of the Staff recommendation.)

7. **PUBLIC HEARING AND RESOLUTION** renaming Broadview Drive, north of Uinta Park Drive to Twin Oaks Drive. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
8. **PUBLIC HEARING AND RESOLUTION** regarding petitions for *Reduction of Arterial Construction Fee Assessments* on eight (8) parcels. Staff recommends approval of the reduction for six parcels and denial of the reduction for two parcels due to failure to meet the criteria. (**Action:** approval or disapproval of Staff recommendation.)
9. **PUBLIC HEARING AND SPECIAL REVIEW #824:** A special review to construct a wireless communication antennae support structure of 125 feet in height in a Community Commercial zone on a leased portion of a 4.792-acre tract of land described as Tract 2A1, C/S 1965, generally located at Main Street & Roundup Road. Ernie and Leann Dutton, owners; Verizon Wireless, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
10. **PUBLIC HEARING AND SPECIAL REVIEW #825:** A special review to construct a senior housing community in a Residential-9,600 zone on a 14.77-acre tract of land described as Corrected and Amended Tracts 1-3 of C/S 1648 and generally located at the Southwest corner of Central Avenue & Shiloh Road, north of Bell Avenue. Robert & Bonnie Bell, owners; Carl Sanders of Mountain West Senior Housing, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
11. **PUBLIC HEARING AND SPECIAL REVIEW #826:** A special review to construct a four-plex in a Residential-6,000 zone on a 11,850-square foot tract of land described as the West 79 feet of Lot 2, Block 1, Algeo Subdivision and located at 818 Avenue B. Derwood and Beverly Schrotberger, owners; Michael Stock, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

12. **PUBLIC HEARING AND SPECIAL REVIEW #827:** A special review to construct a reinforcing steel fabrication facility in a Controlled Industrial zone on a 1.84-acre tract of land described as Lot 3, Block 5, Tierra Yellowstone Industrial Subdivision and generally located South of Gabel Road at the intersection of South 29<sup>th</sup> Street West. Tony Creek, LLC, owner; Engineering, Inc., agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
13. **PUBLIC HEARING AND SPECIAL REVIEW #828:** A special review to locate an all-beverage liquor license with gaming in a Controlled Industrial zone on a 4.14-acre tract of land described as Lot 11, Block 1 of Broso Valley Park Subdivision and located at 3398 Broso Park Drive. Big Horn Resorts, LLC, owner; Doug Braham, Divide Development and Engineering, Inc., agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
14. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #790:** A zone change from Residential-9,600 to Neighborhood Commercial on a 0.913- acre parcel of land described as the North 1 acre (less 3,795 sq ft for street) of the E2 of Lot 2 in the NE4 of Section 9, Township 1 South, Range 26 East and located at 4130 State Avenue. Guy & Lloyd Romero, owners; George Esparza and Valerie Dangerfield, agents. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
15. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #791:** A City Council-initiated zone change to correct the zoning from Public to Residential-9,600 on a 20,022 square parcel of land described Lots 19 and 20 of Block 61, Lake Hills Subdivision, 27<sup>th</sup> Filing and located at 241 and 301 Glenhaven Drive. Lloyd & Leon Irvine and Laura Dimmler and Robert Guisti, owners; City of Billings, agent. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
16. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #792:** A City Council-initiated zone change to correct the zoning from Agriculture-Open Space to Public on a 202-acre parcel of land described as Tract 1 of C/S 2432 and Tracts 1-8 & 11 of C/S 2037 and generally located on Airport Property. City of Billings, owner/agent. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
17. **CITY ADMINISTRATOR CONTRACT** with Tina Volek. (Delayed from 9/11/06) **(Action:** approval or disapproval of contract.)

18. **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)

### **SEPTEMBER:**

9/25/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
9/26/2006	Agenda Setting Meeting	5:30 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
	Traffic Control Board	NOON	4 <sup>th</sup> Floor Library
9/27/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North
	Development Process Advisory		
	Review Board (DPARB)	1:00 p.m.	CH Conference Room
9/28/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street

### **OCTOBER:**

10/02/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
10/03/2006	Community Development Board	3:00 p.m.	4 <sup>th</sup> Floor Library
	Cobb Field Stadium Steering		
	Committee	3:00 p.m.	PRPL – 390 N. 23 <sup>rd</sup> St.

	Zoning Commission	4:30 p.m.	Council Chambers
	Aviation & Transit Commission	5:30 p.m.	Airport
10/04/2006	Policy Coordinating Committee	8:00 a.m.	4 <sup>th</sup> Floor Library
	Board of Adjustment	6:00 p.m.	Council Chambers
	Public Forum on Animal Shelter	6:00 p.m.	3 <sup>rd</sup> Floor Library
10/05/2006	EMS Commission	7:30 a.m.	Main Fire Station Conf. Rm 2300 9 <sup>th</sup> Ave. N.
	Human Relations Commission	12:15 p.m.	CH Conference Room
10/09/2006	COLUMBUS DAY – CITY OFFICES CLOSED		
10/10/2006	Parking Advisory Board	4:00 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
10/11/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
	Agenda Setting Meeting	5:30 p.m.	CH Conference Room
10/12/2006	Library Board	NOON	Library
	Homeless Committee	2:00 p.m.	3 <sup>rd</sup> Floor Library
10/16/2006	Energy & Conservation Commission	3:00 p.m.	BOC Conference Room
	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
10/17/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
10/19/2006	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
10/23/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
10/24/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
	Traffic Control Board	NOON	4 <sup>th</sup> Floor Library
10/25/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North
	Development Process Advisory		
	Review Board (DPARB)	1:00 p.m.	CH Conference Room
10/26/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center
	(Note: November and December meetings to be combined at a date decided in October)		
10/31/2006	Agenda Setting Meeting	5:30 p.m.	CH Conference Room