

# 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**

**FEBRUARY 12, 2007**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing**  
**PLEDGE OF ALLEGIANCE – Mayor Tussing**  
**INVOCATION – Councilmember Larry Brewster**  
**ROLL CALL**  
**MINUTES – January 22, 2007**  
**COURTESIES**  
**PROCLAMATIONS**  
    ▪ **February 18 – 24: National Engineers Week**  
**ADMINISTRATOR REPORTS – Tina Volek**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 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:**

|    | Name         | Board/Commission           | Term     |          |
|----|--------------|----------------------------|----------|----------|
|    |              |                            | Begins   | Ends     |
| 1. | Skip Godfrey | Human Relations Commission | 01/01/07 | 12/31/09 |

|    |              |   |          |          |
|----|--------------|---|----------|----------|
| 2. | Bill Iverson | Yellowstone County Board of Planning (Ward 1) | 01/01/07 | 12/31/08 |
| 3. | Donna Forbes | Yellowstone County Board of Planning (Ward 3) | 01/01/07 | 12/31/08 |
| 4. | Bill Lucas   | Yellowstone County Board of Planning (Ward 4) | 01/01/07 | 12/31/08 |
| 5. | Fred Rogers  | Yellowstone County Board of Planning (Ward 5) | 01/01/07 | 12/31/08 |

1. Beginning term was listed as 12/31/09
2. Yellowstone County Board of Planning terms were listed as 4 year terms instead of 2 year terms.

**B. Bid Awards:**

(1) **W.O. 06-20: Downtown Billings Wayfinding Signage.** (Opened 1/23/07). Recommend Epcon Sign Company, \$191,567.80.

(2) **W.O. 06-11: Heated Storage Addition.** (Opened 1/12/07). Recommend High Tech Construction, \$547,400.00

**C. Change Order #1, AIP #29: Taxiway G Improvements, Empire Sand and Gravel, deduct \$54,585.11.**

**D. Amendment #1 to Scheduled Airline Operating Agreement & Terminal Building Lease:**

- (1) Big Sky Airlines
- (2) Horizon Air
- (3) Northwest Airlines
- (4) SkyWest Airlines
- (5) United Airlines

extending the contract expiration date to 6/30/07.

**E. W.O. 05-20: Aronson Avenue, Professional Services Contract with HKM Engineering, Inc., \$316,199.00.**

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

(1) Parcel 81: Portion of Lot 15, Block 1, Arrowhead Sub., Gary A. Leapoldt, \$2,450.00.

(2) Parcel 80: Portion of Lot 16, Block 1, Arrowhead Sub., Troy C. Wolff, \$2,550.00.

(3) Parcel 79: Portion of Lot 17, Block 1, Arrowhead Sub., Clarence H. Hein, \$1,750.00.

- (4) Parcel 69: Portion of Lot 3, Block 4, Arrowhead Sub., Joseph A. Deigert, \$2,250.00.
- (5) Parcel 72: Portion of Lot 6, Block 4, Arrowhead Sub., Roberta A. Mee, \$2,400.00.
- (6) Parcel 36: Portion of Lot 16, Barkley Subdivision, Richard A. Fox and Judy K. Fox, \$3,950.00.
- (7) Parcel 5: Portion of Lot 2, Windsor Sub., Hanson Brothers, \$6,200.00.

**G. Memorandum of Understanding (MOU)** with Beartooth Resource Conservation and Development Area, Inc. (RC&D), \$8,380.00.

**H. Acceptance of Easement** on Lots 1-2, Block 1, Cellan Acre Tracts, Gammy Group, LLP, owners, \$0.00.

**I. Revolving Fund Loan** to Kimberly A. Pettit d/b/a The Rims Montessori Academy for Children, \$19,575.00.

**J. Approval of Grant application submittal and finalization** for a subgrant from the Montana Board of Crime Control, Stop Violence Against Women (VAWA) Funds, \$60,000.00.

**K. Acceptance of Donation** to Animal Shelter, Donald and Carol Roberts Foundation in memory of Virginia K. Weston, Inc., \$500.00.

**L. Acceptance of Donation** to Southwest Cop Shop, Jim Brown, \$3,000.00.

**M. Approval of Certified Local Government (CLG)** Grant application for a grant from the Montana State Historic Preservation Office, \$4,031.00.

**N. Acknowledging receipt of Annex petition #07-02:** a petition to annex 13.01 acres described as Lot 65A-4, Amended Plat of Lot 65A of Amended Plat of Amended Lots 65-68, 93-100 and 125-128, Sunny Cove Fruit Farms, Mary Kramer, petitioner, and setting a public hearing for 2/26/07.

**O. Acknowledging receipt of Annex petition #07-03:** a petition to annex 3 parcels totaling 2.44 acres and described as (1) N2 of Lot 3 & All of Lot 4, Sandra Subdivision and 63,784 sf combined with Lot 15A, (2) S2, Lot 7, Sandra Subdivision, and (3) N2, Lot 7, Sandra Subdivision, City of Billings, petitioner, and setting a public hearing for 3/26/07.

**P. Resolution of Intention to Create Park Maintenance District #4036:** Josephine Crossing Subdivision and setting a public hearing for 3/12/07.

**Q. Second/final reading ordinance** amending BMCC Section 23-1101; providing updates to regulations on requesting a variance from the subdivision regulations.

**R. Second/final reading ordinance for Zone Change #793:** a zone change from Residential Multi-family (RMF) to Neighborhood Commercial (NC) on 14,000 sf of an existing parcel of land described as: S/2 of Lots 13 through 21, Block 59 Foster's Addition and located at 632 North 26<sup>th</sup> Street aka Skyline Court Condominiums. Thomas Towe and Court E. Ball Partnership, owner; Susan Lovely, agent. (Delayed from 1/22/07). Approval of the zone change and adoption of the determinations of the 12 criteria.

**S. Second/final reading ordinance for Zone Change #795:** A zone change from Residential-7,000 to Neighborhood Commercial (NC) and Residential Multi-family-Restricted (RMF-R) on a 4.69 acre parcel of land described as: Tracts 1 – 5, Brittain Acres Subdivision and located at 803 Yellowstone River Rd., and 821 & 823 Bench Blvd. Big Sky Floral Supply, owner. Approval of the zone change and adoption of the determinations of the 12 criteria.

**T. Subdivision Plats** for Scott Subdivision, Lots 1, 2, 4 and 6 and vacated portions of Zimmerman Trail.

**U. Preliminary Major Plat** of Grand Peaks Subdivision generally located East of the intersection of Grand Ave. and 54<sup>th</sup> St. W, adjacent to Bishop Fox Sub., conditional approval of the plat, approval of the variance and adoption of the Findings of Fact.

**V. Bills and Payroll.**

- (1) January 5, 2007
- (2) January 12, 2007
- (3) January 19, 2007

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

**REGULAR AGENDA:**

**2. PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property described as: Annex

#07-01: an 11,160 square foot parcel of property described as Lot 3, Block 7, Kimble Subdivision, Second Filing and located at 215 Garden Ave. and including all adjacent right-of-way of Garden Avenue. Staff recommends conditional approval. **(Action:** approval or disapproval of Staff recommendation.)

3. **PUBLIC HEARING AND RESOLUTION OF INTENT** to adopt the Highland Neighborhood Plan as part of the Yellowstone County and City of Billings 2003 Growth Policy. Planning Board recommends approval. **(Action:** approval or disapproval of Planning Board recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** portions of Marbara Lane, Silver Lane, Yucca St. and North Rim Rd. MSU-Billings, petitioner, \$115,164.99. Staff recommends approval of: (a) the vacation, (b) the Quit Claim Deed to MSU-B for Normal Avenue, and (c) a right-of-way Easement for public utilities running through the vacated streets and Normal Ave. **(Action:** approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** creating SID 1377: water, sewer, curb & gutter and street improvements to Greenbriar Rd. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
6. **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)

### **FEBRUARY:**

|           |   |                   |  |
|-----------|---|-------------------|--|
| 2/12/2007 | Energy & Conservation Commission  | 3:00 p.m.         | Billings Operations Ctr.<br>4848 Midland Rd.               |
|           | REGULAR Council Meeting   | 6:30 p.m.         | Council Chambers   |
| 2/13/2007 | Council Agenda Setting Meeting  | 5:30 p.m.         | CH Conference Room   |
|           | Planning Board  | 6:00 p.m.         | 4 <sup>th</sup> Floor Library                              |
| 2/14/2007 | Parks/Recreation/Cemetery Bd  | 11:30 a.m.        | Community Center<br>360 N. 23 <sup>rd</sup> St.            |
| 2/15/2007 | Committee on Homelessness   | 1:30 p.m.         | YCCHD Conf. Rm.<br>123 S. 27 <sup>th</sup> St.             |
|           | Public Utilities Board  | 6:30 p.m.         | Public Works-Belknap<br>2251 Belknap Ave                   |
| 2/19/2007 | PRESIDENT'S DAY – CITY OFFICES CLOSED                                     |                   |  |
| 2/20/2007 | Yellowstone Historic Preservation Board                                   | 8:00 a.m.         | 4 <sup>th</sup> Floor Library                              |
|           | Parking Advisory Board  | 4:00 p.m.         | CH Conference Room   |
|           | Council WORK SESSION  | 5:30 p.m.         | Community Center<br>360 N. 23 <sup>rd</sup> St             |
| 2/22/2007 | Yellowstone County Board of Health  | 7:00 a.m.         | Community Health Center<br>123 So. 27 <sup>th</sup> Street |
| 2/26/2007 | REGULAR Council Meeting   | 6:30 p.m.         | Council Chambers   |
| 2/27/2007 | Council Agenda Setting Meeting  | 5:30 p.m.         | CH Conference Room   |
|           | Planning Board  | 6:00 p.m.         | 4 <sup>th</sup> Floor Library                              |
| 2/28/2007 | Housing Authority<br>Development Process Advisory<br>Review Board (DPARB) | NOON              | 2415 1 <sup>st</sup> Avenue North                          |
|           | Traffic Control Board   | 1:00 p.m.<br>NOON | CH Conference Room<br>4 <sup>th</sup> Floor Library        |

### **MARCH:**

|           |                            |            |  |
|-----------|----------------------------|------------|--|
| 3/01/2007 | EMS Commission             | 7:30 a.m.  | Main Fire Station                              |
|           | Human Relations Commission | 12:15 p.m. | CH Conference Room                             |
| 3/05/2007 | Council WORK SESSION       | 5:30 p.m.  | Community Center<br>360 N. 23 <sup>rd</sup> St |

|           |  |   |   |
|-----------|--|---|---|
| 3/06/2007 | Community Development Board<br>Zoning Commission<br>Aviation & Transit Commission                  | 3:00 p.m.<br>4:30 p.m.<br>5:30 p.m.     | 4 <sup>th</sup> Floor Library<br>Council Chambers<br>Airport Terminal                       |
| 3/07/2007 | Board of Adjustment  | 6:00 p.m.                               | Council Chambers  |
| 3/08/2007 | Library Board<br>Committee on Homelessness   | 11:30 a.m.<br>1:30 p.m.                 | Library<br>3 <sup>rd</sup> Floor Library  |
| 3/09/2007 | Community Development Board  | 3:00 p.m.                               | Tentative – Call for Info.  |
| 3/12/2007 | Energy & Conservation Commission<br><br>Parking Advisory Board<br>REGULAR Council Meeting          | 3:00 p.m.<br><br>4:00 p.m.<br>6:30 p.m. | Billings Operations Ctr.<br>4848 Midland Rd.<br>CH Conference Room<br>Council Chambers      |
| 3/13/2007 | Council Agenda Setting Meeting<br>Planning Board   | 5:30 p.m.<br>6:00 p.m.                  | CH Conference Room<br>4 <sup>th</sup> Floor Library   |
| 3/14/2007 | Parks/Recreation/Cemetery Bd   | 11:30 a.m.                              | Community Center<br>360 N. 23 <sup>rd</sup> St.   |
| 3/19/2007 | Council WORK SESSION   | 5:30 p.m.                               | Community Center<br>360 N. 23 <sup>rd</sup> St  |
| 3/20/2007 | Yellowstone Historic Preservation Board  | 8:00 a.m.                               | 4 <sup>th</sup> Floor Library   |
| 3/22/2007 | Yellowstone County Board of Health<br><br>Community Development Board                              | 7:00 a.m.<br><br>9:00 a.m.              | Community Health Center<br>123 So. 27 <sup>th</sup> Street<br>4 <sup>th</sup> Floor Library |
| 3/23/2007 | Community Development Board  | 9:00 a.m.                               | 4 <sup>th</sup> Floor Library   |
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| 3/28/2007 | Development Process Advisory<br>Review Board (DPARB)<br>Traffic Control Board<br>Housing Authority | 1:00 p.m.<br>NOON<br>NOON               | CH Conference Room<br>4 <sup>th</sup> Floor Library<br>2415 1 <sup>st</sup> Avenue North    |