

# 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**

**July 9, 2007**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing**  
**PLEDGE OF ALLEGIANCE – Mayor Tussing**  
**INVOCATION – Mayor Tussing**  
**ROLL CALL**  
**MINUTES – June 11, 2007**  
**June 25, 2007**  
**COURTESIES**  
**PROCLAMATIONS**  
**ADMINISTRATOR REPORTS – Tina Volek**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 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.		Human Relations Commission	07/09/07	12/31/09
2.		Human Relations Commission	07/09/07	12/31/10

1. Unexpired term of Skip Godfrey
2. Unexpired term of Jean Smith.

**B. Change Order #4, W.O. 04-13: Water Treatment Plant Maintenance Building Construction, Schedule II, Williams Brother Construction, \$34,468.00.**

**C. Approval** of the Assignment and Transfer of the West End Hangar Ground Lease from Picacho Aviation, L.L.P. to Ted E. Whiting and Sally A. Whiting, as Trustees of the Ted E. Whiting Trust, dated November 14, 2000.

**D. Approval** of Downtown Revolving Loan Committee's recommendation of loan to Clock Tower Inn, LLC, for expansion of restaurant, addition of patio, and modifications to garbage and storage areas. \$40,000.00.

**E. Agreement** with Billings Housing Authority to fund one Police Officer for the period July 1, 2007, through December 31, 2007.

**F. Acknowledge receipt of petition to vacate** the north/south alley located on Lots 1A-12A, Amended Plat of a portion of Lots 1 through 12, Block 38, Town of Billings; and Lots 13-24, Block 38, Town of Billings, Billings Food Bank, Inc. petitioner; and setting a public hearing date of August 13, 2007.

**G. W.O. 04-33, Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition:**

(1) Parcel 22: Portion of Unit No. 1 of Imperial Park Condominium, Lot 1, Block 1, of Windsor Imperial Subdivision, Wayne A. Michel and Ella Marie Michel. \$6,100.00.

(2) Parcel 58: Portion of Tract 1-A of Certificate of Survey 1113, Amended Tract 1, Donald W. Bender and Madeline Bender. \$3,800.00.

**H. Street Closures:**

(1) The Railyard Ale House & Casino Concerts, (a) July 13, 2007, 2:00 p.m. - 10:00 p.m., closing one parking lane and one driving lane on the south side of the 2500 block of Montana Avenue; (b) July 15, 2007, 2:00 p.m. - 10:00 p.m., closing one parking lane and two driving lanes on the south side of the 2500 block of Montana Avenue.

(2) Yellowstone Art Museum Arts and Crafts Summerfair, July 13, 2007, 10:00 a.m., through July 15, 2007, 8:00 p.m., closing the driving lane on the north side of 6<sup>th</sup> Avenue North between 19<sup>th</sup> and 22<sup>nd</sup> Streets North.

(3) Big Sky State Games 5K Run, July 20, 2007, 6:00 p.m. - 7:00 p.m., beginning at the Daylis Track, north on 3<sup>rd</sup> Street West, west on Parkhill Drive, turning around at 12<sup>th</sup> Street West, east on Parkhill, south on 3<sup>rd</sup> Street; ending at the Daylis Track.

(4) Big Sky State Games Triathlon, July 22, 2007, 6:15 a.m. - 11:00 a.m., beginning at Lake Elmo State Park, right on Riveroaks, right on Lake Elmo Drive, right on Meadowlark, left on Cody Drive, right on Wicks Lane, right on Fantan, left on Siesta, left on High Sierra Boulevard, left on Wicks Lane, left

on Cody Drive, right on Meadowlark, left on Lake Elmo Drive, left on Riveroaks, left on Interlachen, left on Eagle, left on Constellation, right on Riveroaks, ending at Lake Elmo State Park.

(5) Big Sky State Games Cycling Race, July 22, 2007, 6:00 a.m. – 2:00 p.m., Black Otter Trail.

**I. Acceptance of Donation:** Approval and acceptance of donation from BikeNet for a portion of the match for the Main Street Underpass project, \$36,000.00.

**J. Resolution** amending Resolution 07-18548 approved by City Council on April 23, 2007, for the annexation of Lots 1-5, Block 1, Western Sky Subdivision (Annexation #07-07), correcting error in the legal description.

**K. Second/Final reading ordinance for Zone Change #807:** A zone change from Residential 6,000 Restricted to Community Commercial and Residential Professional for Tract C1, Certificate of Survey 1011, and located on the southeast corner of Zimmerman Trail and Avenue E and adopt the determinations of the 12 criteria.

**L. Second/Final reading ordinance for Zone Change #808:** A zone change from Residential Multi-family to Planned Development, and located on North 26<sup>th</sup> Street bordered by 7<sup>th</sup> Avenue North, North 25<sup>th</sup> Street and North 26<sup>th</sup> Street and adopt the determinations of the 12 criteria. Thomas Towe and Court E. Ball, owners.

**M. Second/Final reading ordinance for Zone Change #809:** A zone change from Public to Community Commercial, and located at the southeast corner of 14<sup>th</sup> Street West and Grand Avenue and adopt the determinations of the 12 criteria. School District No. 2, owners.

**N. Second/Final reading ordinance for Zone Change #810:** A text amendment to the Unified Zoning Regulations, Section 27-601, Parking and Storage Regulations, regulating parking and outside storage in residential and some commercial zoning districts. The Zoning Commission approved Zone Change #810 with the exceptions that a permitting or similar system control use of personal recreational vehicles on residential property, Section 27-601(a)7 and Section 27-601(b)7, on June 5, 2007

**O. Second/Final reading ordinance for Zone Change #811:** A text amendment to the Unified Zoning Regulations, Section 27-1502, Amendments to Chapter, Applications for map amendments. The Zoning Commission approved Zone Change #811 amending Section 27-1502(b) on June 5, 2007.

**P. Second/Final reading ordinance for Zone Change #812:** A text amendment to the Unified Zoning Regulations, Special Review Uses, Sections

27-306, 27-601, 27-612, 27-613. The Zoning Commission approved Zone Change #812 amending Sections 27-306, 27-601, 27-612, 27-613 on June 5, 2007.

**Q. Preliminary Subsequent Minor Plat** of Amended Lot 1, Block 4, High Sierra Subdivision, 2<sup>nd</sup> Filing, generally located on the northeast corner of Wicks Lane and High Sierra Boulevard, Harvest Evangelical Church, owner, conditional approval of the plat and variance and adoption of the Findings of Fact.

**R. Preliminary Plat** of Lot 4, Block 2, Goodman Subdivision, 4<sup>th</sup> Filing, generally located on 41<sup>st</sup> Street West between Avenue B and Avenue C. Jeff Muri, Randy Swenson, and Steve Repac, owners, conditional approval of the plat and adoption of the Findings of Fact.

**S. Final Plat** of MK Subdivision generally located on the northwest corner of Grand Avenue and 54<sup>th</sup> Street West, Mary Kramer, owner.

**T. Bills and payroll.**

(1) June 8, 2007

(2) June 15, 2007

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

## **REGULAR AGENDA:**

**2. PUBLIC HEARING AND RESOLUTION** approving and adopting the budget amendment for Fiscal Year 2006/2007. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.)

**3. PUBLIC HEARING AND FIRST READING ORDINANCE** for proposed amendments to City Code Section 6-1200 modifying allowable driveway widths, curb cut locations from an intersection, and curb cut separation on arterial roads. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation.)

**4. 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>**

**2007 CALENDAR  
(Council and Boards & Commissions)**

**JULY:**

7/02/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
7/03/2007	Zoning Commission Aviation & Transit Commission	4:30 p.m. CANCELLED	Council Chambers
7/04/2007	INDEPENDENCE DAY – CITY OFFICES CLOSED		
7/05/2007	Board of Adjustment EMS Commission	6:00 p.m. 7:30 a.m.	Council Chambers Main Fire Station Conf.
Rm	2300 9 <sup>th</sup> Ave. N. Human Relations Commission	12:15 p.m.	CH Conference Room
7/09/2007	Energy & Conservation Commission REGULAR Council Meeting	3:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Rd. Council Chambers
7/10/2007	Community Development Board Parking Advisory Board Council Agenda Setting Meeting Planning Board	3:00 p.m. 4:00 p.m. 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library CH Conference Room CH Conference Room 4 <sup>th</sup> Floor Library
7/11/2007	Parks/Recreation/Cemetery Bd Community Development Board	11:30 a.m. 3:00 p.m.	Community Center 360 N. 23 <sup>rd</sup> St. 4 <sup>th</sup> Floor Library
7/12/2007	Library Board Committee on Homelessness	11:30 a.m. 1:30 p.m.	Library 3 <sup>rd</sup> Floor Library
7/16/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
7/17/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
7/23/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
7/24/2007	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
7/25/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board Housing Authority	1:00 p.m. NOON NOON	CH Conference Room 4 <sup>th</sup> Floor Library 2415 1 <sup>st</sup> Avenue North
7/26/2007	Yellowstone County Board of Health	CANCELLED	
7/31/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room

**AUGUST:**

8/01/2007	Board of Adjustment	6:00 p.m.	Council Chambers
8/02/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
8/06/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/07/2007	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal
8/08/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
8/09/2007	Library Board Committee on Homelessness	NOON 1:30 p.m.	Library 3 <sup>rd</sup> Floor Library
8/13/2007	Energy & Conservation Commission  REGULAR Council Meeting	3:00 p.m.  6:30 p.m.	Billings Operations Ctr. 4848 Midland Rd. Council Chambers
8/14/2007	Parking Advisory Board Council Agenda Setting Meeting Planning Board	4:00 p.m. 5:30 p.m. 6:00 p.m.	CH Conference Room CH Conference Room 4 <sup>th</sup> Floor Library
8/16/2007	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
8/20/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/21/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
8/22/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board	1:00 p.m. NOON	CH Conference Room 4 <sup>th</sup> Floor Library
8/23/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
8/27/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/28/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
8/29/2007	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North