

# 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

December 12, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley

PLEDGE OF ALLEGIANCE – Mayor Tooley

INVOCATION – Councilmember Peggie Gaghen

ROLL CALL

MINUTES – November 28, 2005

COURTESIES

PROCLAMATIONS

BOARD & COMMISSION REPORTS

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, and #4 through #9 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.	<b>Recommendations to be made at meeting</b>	Board of Adjustment	01/01/06	12/31/09
2.		Board of Adjustment	01/01/06	12/31/09
3.		Board of Adjustment	01/01/06	12/31/09
4.		Board of Appeals	01/01/06	12/31/09
5.		Board of Appeals	01/01/06	12/31/09

6.		Board of Ethics	01/01/06	12/31/09
7.		Board of Health	01/01/06	12/31/08
8.		City/County Planning Board	01/01/06	12/31/07
9.		Community Development Board	01/01/06	12/31/09
10.		Community Development Board	01/01/06	12/31/09
11.		Community Development Board	01/01/06	12/31/07
12.		EMS Advisory Commission	01/01/06	12/31/09
13.		EMS Advisory Commission	01/01/06	12/31/09
14.		Housing Authority	01/01/06	12/31/10
15.		Housing Authority	01/01/06	12/31/07
16.		Human Relations Commission	01/01/06	12/31/09
17.		Parking Advisory Board	01/01/06	12/31/09
18.		Parking Advisory Board	01/01/06	12/31/09
19.		Parking Advisory Board	01/01/06	12/31/09
20.		Parks/Rec/Cemetery Board	01/01/06	12/31/09
21.		Parks/Rec/Cemetery Board	01/01/06	12/31/09
22.		Police Commission	01/01/06	12/31/08
23.		Public Utilities Board	01/01/06	12/31/09
24.		Public Utilities Board	01/01/06	12/31/09
25.		Traffic Control Board	01/01/06	12/31/09
26.		Traffic Control Board	01/01/06	12/31/09
27.		Yellowstone Historic Preservation Board	01/01/06	12/31/07

11\* - Unexpired term of Dorothy Nelson (At Large)

**B. Awards:**

**(1) Seven (7) new 40-Cubic yard Capacity Roll-Off Containers.**  
(Opened 11/22/05). (Delayed from 11/28/05). Recommend Rule Steel, \$48,580.00.  
**(2) Parking Enforcement Handheld Computers and Management Software.** (Opened 11/29/05). Recommend Cardinal Tracking, Inc., \$58,192.00.

**C. Amendment #4, Professional Services Contract, W.O. 00-15: Grand Avenue Widening from 8<sup>th</sup> Street West to 12<sup>th</sup> Street West, Kadrmas, Lee & Jackson, \$93,946.77.**

**D. Amendment #1, Cobb Field Stadium Design and Feasibility Study Consultant Contract, HNTB Montana Inc., \$20,000.00.**

**E. Amendment #1, Non-Commercial Aviation Ground Lease, Agri-Systems Inc., increase leasehold size, \$895.00/year.**

**F. Amendment #1, Non-Commercial Aviation Ground Lease**, Sarpy Creek Land Company, LLC, change the leasehold legal description and location by moving the leasehold twenty feet to the north, \$0.00.

**G. Contract for Professional Services**, Wastewater Plant Air Quality Permit, Brown and Caldwell, \$32,751.00.

**H. Grazing Lease** with Aaron Meyer, 205 acres adjacent to the Landfill, \$615.00/year, term: 5 years with option to renew for one additional 5-year term.

**I. W.O. 05-10: Stewart Park Trail – Billings**, Federal Aid No. STPE 1099(40), Contract for Professional Engineering Services, Engineering, Inc., \$51,043.00. (Delayed from 11/28/05)

**J. W.O. 05-12: Big Ditch Trail – Billings**, Federal Aid No. STPE 1099(49), Contract for Professional Engineering Services, Engineering, Inc., \$33,356.00. (Delayed from 11/28/05)

**K. Resolution** authorizing construction bids for SID 1372: Summerhill Subdivision for construction of curb and gutter, sanitary sewer mains, sanitary sewer services, water mains, water services, and necessary street improvements fronting lots on Winter Green Drive, West Antelope Trail, and Antelope Place.

**L. Second/final reading ordinance** providing that the BMCC be amended by revising portions of Section 4-400 of said code; updating language for definitions, small animal permits, noisy animals, potentially dangerous animals, quarantine procedures, dogs at large, vaccination of small animals for rabies, impoundment, penalty requirements and issuance; establishing a deadline for registration of a dangerous animal and providing proof of vaccination.

**M. Second reading ordinance for Zone Change #770:** A zone change from Residential Manufactured Home to R-6,000 on a 1.858 acre tract of land described as Lots 21A & 22A of Pemberton Subdivision and located at North Lakeview Drive & Lake Elmo Drive. Don and Diane McLennaghan, applicants and Tom Mulford, agent. Approval of the zone change and adoption of the determinations of the 12 criteria.

**N. Second reading ordinance for Zone Change #771:** A text amendment to BMCC Sections 27-703, 27-705(a), 27-705(b) and 27-707(b); City sign code definitions, signs permitted and exempt signs, adoption of the revisions as an amendment to the zoning regulations and setting a time period for the regulation to be effective.

**O. Second reading ordinance** amending Section 2-204 of the BMCC, providing that the Deputy Mayor and Deputy Mayor Pro Tempore be elected at the City Council's first regular meeting following each City general election.

**P. Preliminary Plat** of Copper-Falcon Subdivision generally located west of Molt Road, south of Phipps Park, fronting the north side of Rimrock Road, between 6<sup>th</sup> and 66<sup>th</sup> Streets West, Golden Acres Partners, owners, conditional approval of the plat and adoption of the findings of fact and conditions of approval.

**Q. Preliminary Plat** of Copper Ridge Subdivision, 2<sup>nd</sup> Filing, generally located north of Rimrock Road and about ¼ mile west of the intersection of Molt Road and Rimrock Road, Gary E. Oakland, owner, conditional approval of the plat, approval of the variance and adoption of the findings of fact.

**R. Preliminary Plat** of Kingston Place Subdivision, generally located south of the intersection of Wicks Lane and Bench Boulevard, directly north of Anchor Avenue, Kings Heights LLC, owners, conditional approval of the plat, approval of the variances and adoption of the findings of fact.

**S. Bills and Payroll.**

- (1) November 14, 2005
- (2) November 18, 2005

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

**REGULAR AGENDA:**

- 2. PUBLIC HEARING AND RESOLUTION** annexing a 0.91-acre parcel of property located on the east side of Blue Creek Road at the intersection of Santiago Blvd, described as Tract 1C, C/S 566, Tract 1 2<sup>nd</sup> Amended (and all adjacent right-of-way of Montana Highway #416 (Blue Creek Road)), Jeffrey V. Essmann, petitioner, Annex #05-10. (Delayed from 11/14/05 at request of petitioner.) Staff recommends approval of the public services report and resolution. **(Action:** approval or disapproval of Staff recommendation.)
- 3. PUBLIC HEARING AND RESOLUTION** renaming 34<sup>th</sup> Street West between Colton Boulevard and Grand Avenue to Zimmerman Trail. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
- 4. COMMITTEE RECOMMENDATION** for amending BMCC Sections 18-302 and 27-601 by adding definitions, providing for the allowance of restoration project vehicles and providing for a procedure whereby property owners may store such vehicles for limited periods of time, establishing an effective date and providing a severability clause. Citizen's Committee on Antique and Classic Car Restoration recommends approval. **(Action:** approval or disapproval of Committee recommendation.)
- 5. INNER BELT LOOP PLANNING STUDY.** Staff recommends supporting the study. **(Action:** approval or disapproval of Staff recommendation.)

6. **REVISED DRAFT INTERLOCAL LIBRARY AGREEMENT.** Ad Hoc Library Interlocal Agreement Committee recommends approval of the revised draft agreement and submitting the approved agreement to the Board of County Commissioners. **(Action:** approval or disapproval of Ad Hoc Library Interlocal Agreement Committee recommendation.)
7. **2005-06 CTEP PROJECT APPLICATIONS.** Staff recommends the Council formulate a recommendation so the Mayor can take it to the Policy Coordinating Committee (PCC) meeting. **(Action:** approval or disapproval of Staff recommendation.)
8. **RESOLUTIONS** adopting three (3) property tax incentive programs and operating guidelines:
  - (A) Resolution creating a Tax Incentive Program for New and Expanding Industry.
  - (B) Resolution creating a Tax Incentive Program for Remodeling, Reconstructing or Expanding Buildings or Structures and repealing Resolution 89-16126.
  - (C) Resolution creating a Tax Incentive Program for Remodeling, Reconstructing or Expanding Certain Commercial Property.Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
9. **LEGAL SERVICES** to review the Tussing Settlement Agreement. Recommendation to be made at meeting.
10. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.** (Restricted to ONLY items not on the 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**

## **EXECUTIVE SESSION: EVALUATION of Interim City Administrator**

*(NOTE: Additional information on any of these items is available in the City Clerk's Office)*

## CALENDAR

### (Council AND Boards & Commissions)

#### DECEMBER:

12/12/2005	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
12/13/2005	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
12/14/2005	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
12/15/2005	Public Utilities Board	7:30 p.m.	Public Works-Belknap 2251 Belknap Ave
12/19/2005	<del>Council WORK SESSION</del>	5:30 p.m.	<del>Community Center 360 N. 23<sup>rd</sup> St.</del>
	NOTE: Work Session CANCELLED to hold rescheduled Regular Meeting. REGULAR Council Meeting	6:30 p.m.	Council Chambers (Rescheduled)
12/20/2005	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
12/22/2005	Yellowstone County Board of Health	TO BE ANNOUNCED	
12/26/2005	CHRISTMAS DAY OBSERVED – CITY OFFICES CLOSED		
12/27/2005	Planning Board <del>REGULAR Council Meeting</del>	6:00 p.m. 6:30 p.m.	4 <sup>th</sup> Floor Library <del>Council Chambers</del>
	NOTE: Rescheduled to 12/19/05		
12/28/2005	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room

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<http://ci.billings.mt.us>