

# CITY OF BILLINGS

## **CITY OF BILLINGS VISION STATEMENT:**

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

## AGENDA

## COUNCIL CHAMBERS

May 26, 2009

**6:30 P.M.**

## **CALL TO ORDER – Mayor Tussing**

## **PLEDGE OF ALLEGIANCE – Mayor Tussing**

## **INVOCATION – Councilmember Ronquillo**

## **ROLL CALL**

## **MINUTES – May 11, 2009**

COURTESIES – Skyview High School Student Presentation

## PROCLAMATIONS

## ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2(a), and**

**2(b) 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. Bid Awards:**

**(1) W.O. 08-23, West Wicks Lane Water, Sanitary Sewer, and Storm Drain Improvements.** (Opened 5/12/09). Recommend Knife River, \$324,240.

**(2) Well Pump Replacements, Wastewater Treatment Plant.** (Opened 5/12/09). Recommend Star Service, \$128,400.

**(3) Airport Terminal Building Roof Replacement.** (Opened 5/12/09). Recommend rejection of all bids and authorization to seek new bids.

**(4) Taxiway "A" East Rehabilitation Project, funded by American Recovery and Reinvestment Act.** (Opened 5/12/09). Recommend Riverside, \$947,432.55.

**(5) AIP 035 – General Aviation Taxilane Rehabilitation.** (Opened 5/26/09). Recommend delay of award to June 8, 2009.

**B. Approval** of members of the ad hoc committee to promote annexation east of the East End TIF District.

**C. Approval** of contract with Innoprise Software, Inc. for replacement of the existing Enterprise Software System, five year term, \$90,000 per year.

**D. Approval** of License and Service Agreement with Destiny Solutions, Inc. for agenda management software, \$19,950; annual maintenance fee second year forward, \$3,200.

**E. Approval** of Facility Use Agreement for Dehler Park between the Billings Mustangs and Montana State University-Billings.

**F. Approval** of Facility Use Agreement for Dehler Park between the Billings Mustangs and the American Legion.

**G. Approval** of 20-year combined Ground Lease with the Bureau of Land Management for a new fire station site and the existing tanker base/dispatch center at Billings Logan International Airport; May 1, 2009 – April 30, 2028; \$86,668.50 first year revenue; subsequent years adjusted according to the CPI-U.

**H. Approval** of two-year contract extension with EideBailly LLP for audit services for fiscal years 2009 and 2010, \$116,300.

**I. Perpetual Right-of-Way Easement** with Billings Clinic for construction of a sewer main along Shiloh Road between Howard Avenue and Broadwater Avenue for W.O. 07-16, Shiloh Road Corridor Water and Sewer System Improvements, at no financial impact to the City.

**J. Approval of Quarterly Report for Pledged Collateral** for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account, and US Bank Certificates of Deposit.

**K. Approval of** Downtown Revolving Fund Loan to EB Ventures, LLC, to remodel Yellowstone Garage Building for restaurant space, not to exceed \$200,000.

**L. Approval** of Downtown Revolving Fund Loan extension of promissory notes of William and Marcia Honaker, secured by the Securities Building and the Securities Building Parking Lot, approximately \$300 additional interest income.

**M. Approval** of application and acceptance of Internet Crimes Against Children (ICAC) Continuation Grant, \$200,000.

**N. Resolution of Intent** to expand the Downtown Business Improvement District No. 0001 to include the new MET Transfer Center, and set a public hearing for June 22, 2009.

**O. Resolution** rescinding Resolution of Intent to Create No. 09-18813, Special Improvement Lighting Maintenance District 307, and cancelling the public hearing set for June 8, 2009.

**P. Second/final reading ordinance expanding the boundaries of Ward IV** to include recently annexed property in Annexation #09-02, a .74-acre property described as Lot 26, Block 19, Lillis Heights Subdivision, and located at 4739 Rimrock Road; MCS Properties, LLC, owner and petitioner.

**Q. Preliminary Minor Plat** of Lenhardt Square Subdivision, 1<sup>st</sup> Filing, a 33.8 acre tract described as Tract 1A of C/S 2063, Amended, located in Section 10, T1S, R25E; generally located north of King Avenue West, across from the Montana Sapphire Subdivision; **approval of two variance requests:** (1) allowing a 56 foot right-of-way dedication along 44<sup>th</sup> Street West and Monad Road adjacent to the subdivision; (2) allowing a total 8.5 foot right-of-way for boulevard and sidewalk along 44<sup>th</sup> Street West and Monad Road; and adoption of the Findings of Fact. M & K Blue One, LLC/Lenhardt Property, LLC, applicant; Sanderson Stewart, engineer. (Delayed from 4/27/09).

**R. Preliminary Subsequent Minor Plat** of Kuhlman Subdivision, Amended Lot 6, a .46-acre tract described as Lot 6, Section 22, T1N, R26E, generally located at 512 Josephine Drive; **approval of variance request** allowing a 30-foot street right-of-way for Kuhlman Drive; and adoption of the Findings of Fact. Troy Boucher, applicant, Blueline Engineering, LLC, engineer.

**S. Final Plat** of Flanagan Subdivision, Amended Lot 5.

**T. Bills and Payroll**

- (1) April 24, 2009
- (2) May 1, 2009
- (3) February 1, 2009-April 30, 2009, Municipal Court

(Action: approval or disapproval of Consent Agenda.)

**REGULAR AGENDA:**

2. **BENCH BOULEVARD PROJECT – 6<sup>TH</sup> AVENUE NORTH TO LAKE ELMO ROAD, PHASE 1; CM 1099 (32)**
  - (a) **MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF BILLINGS AND YELLOWSTONE COUNTY** regarding local funding match requirements; Yellowstone County - \$1,000,000 and road easement valued at \$175,000; City of Billings - \$526,185. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
  - (b) **AMENDMENT #1 TO THE GENERAL PROJECT DEVELOPMENT AND CONSTRUCTION AGREEMENT BETWEEN MONTANA DEPARTMENT OF TRANSPORTATION AND THE CITY OF BILLINGS**, amending the contract dated September 10, 2001, to split the project into two phases. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
3. **PUBLIC HEARINGS FOR AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE FY2008-2009 ANNUAL ACTION PLAN** to accept additional funding of \$190,430 from the American Recovery and Reinvestment Act. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** ordering construction of the improvements identified in W.O. 08-30, Poly Drive Sidewalk Improvements – Billings, Federal Aid No. STPE 1099(61). Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING FOR SPECIAL REVIEW #876:** A special review to allow a drive-through window for a new coffee shop in an existing multi-tenant building in a Community Commercial zone adjacent to Residential 7000 and Residential 6000 zoning districts, on Lots 25-27, Block 5, Central Heights Subdivision, located at 2156 Central Avenue; Michael Stock, owner; Rob Veltkamp, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
6. **PUBLIC HEARING FOR SPECIAL REVIEW #877:** A special review to allow a drive-through window for a Burger King restaurant in a new building in a Community Commercial zone adjacent to a Residential 7000 zoning district, on Lot 2, Sweet Subdivision, 2<sup>nd</sup> Filing (aka C/S 263 Tract 5), located at 2434 Grand Avenue, just west of the CVS Pharmacy under construction at 24<sup>th</sup> Street West and Grand Avenue; Montana CVS Pharmacy, owner; Food Service Concepts and Morrison-Maierle, agents. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

7. **PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #OP-09-01:** A request for a variance to allow access through the alley at a new Burger King restaurant on Lot 2, Sweet Subdivision, 2<sup>nd</sup> Filing, at 2434 Grand Avenue; Montana CVS Pharmacy, owner; Food Service Concepts and Morrison-Maierle, agents. Staff recommends approval subject to the condition that the alley be paved from the west edge of the Burger King site (Lot 2) all the way to 24<sup>th</sup> Street West. (**Action:** approval or disapproval of staff recommendation.)
8. **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**

*Additional information on any of these items is available in the City Clerk's Office.*

*Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.*

**Visit our Web site at:**  
**<http://ci.billings.mt.us>**