

## CITY OF BILLINGS

### CITY OF BILLINGS VISION STATEMENT:

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

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### AGENDA (Revised)

COUNCIL CHAMBERS

August 22, 2011

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Clark

ROLL CALL

MINUTES: August 8, 2011

COURTESIES

PROCLAMATIONS

ADMINISTRATOR REPORTS - TINA VOLEK

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2, #9 and #10 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute. 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. For Items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:

A. **Bid Awards:**

1. **W.O. 10-30, Broadwater Avenue and 32nd Street West Right Turn Lane.** (Opened 8/9/2011) Recommend Riverside Sand and Gravel; \$168,239.
2. **Yellowstone Family Park Improvements.** (Opened 8/9/2011) Recommend delay of bid award until September 12, 2011.
3. **W.O. 10-31, 29th Street West and Central Avenue Traffic Signal Improvements.** (Opened 8/9/2011) Recommend Ace Electric; \$153,796.33.

- B. **Approval** of One-Year Maintenance Agreement between the City of Billings and EF Johnson for maintenance and repair of current radio system; 152,979.61.
- C. **Amendment #3**, W.O. 10-08: Water Treatment Plant Clearwell Improvements, Professional Services Contract, Morrison-Maierle, not to exceed \$85,495.
- D. **Approval** of 5-Year Non-Commercial Aviation Ground Lease with St. Vincent Healthcare; 9/1/2011 - 8/31/2016; revenue first year - \$4,762.56; revenue subsequent years adjusted by CPI-U.
- E. **Acknowledging Receipt of Petition to Annex #11-02:** 16.94 acres located on the South Frontage Road, west of the intersection of Sugar Avenue and South Frontage Road addressed as 3128 South Frontage Road. Knife River, Inc., owner; Land Use Consulting, agent; and setting a public hearing date of September 12, 2011.
- F. **Street Closures:**
  - 1. Yellowstone Art Museum Oktoberfest. Saturday, October 1, 2011, from 8:00 a.m. to 10:00 p.m.; N. 26th between 4th Ave. N. and 6th Ave. N.
  - 2. Yellowstone Family Dental Miles of Smiles 5K/10K Race. Saturday, September 10, 2011, 8:00 a.m to 12:00 noon; 5K : starting at 1690 Rimrock Road, proceeding east on Rimrock to Park Lane, turning around and heading back on Rimrock Road, ending at 1690 Rimrock Road. 10K : starting at 1690 Rimrock Road, proceeding south on 17th St. W., west on Poly Drive, south on Elizabeth, east on Colton Boulevard, north on Nina Clare, east on Poly, north on 17th St. W., ending at 1690 Rimrock Road.
  - 3. Holy Rosary Church, Little Flower Church, and Our Lady of Guadalupe Church Picnic/Potluck Community Builder. Saturday, September 10, 2011; noon to 10:00 p.m.; South 34th Street between 2nd Ave. South. and 3rd Ave. South.
  - 4. Waddell & Reed and the Western Heritage Center - Honoring our History Traveling Exhibit. Friday, September 23, 2011, from 12:00 a.m. until Saturday, September 24, 2011, at 11:30 p.m.; south of Montana Avenue on North 29th Street.
- G. **Acceptance of Donation** from the Yellowstone County DUI Task Force to the Police Department for purchase two new Intoxilyzer I-300's for the purpose of investigating alcohol related crimes; \$1,000.
- H. **Approval** of grant award to Rimrock Foundation to be used for purchase of equipment supporting the Bokashi Composting Processing Center at The Salvation Army; \$100,000.
- I. **Approval and acceptance** of Operation Medicine Cabinet Montana Prescription Drug Collection and Disposal Grant, \$1,000.
- J. **Approval** of River Rock Estates Subdivision Master Plan.

- K. **Second/Final Reading Ordinance** approving the Empire Parking Garage and Northern Hotel Projects as Urban Renewal Projects in the Expanded N. 27th Street Urban Renewal District Area - 2008.
- L. **Resolution** approving a Bond Anticipation Note with US Bank to provide interim financing to construct park improvements in Yellowstone Family Park (SID 1369) in anticipation of the issuance and sale of bonds in the amount of \$1,260,000.
- M. **Resolution** amending Resolution #11-19044 correcting the legal description for the vacations of portions of Shaw Circle in Twin Oaks Subdivision, 2nd Filing.
- N. **Resolution** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot, 1125 Broadwater Avenue, during the Big Sky Polka Club's Polkafest, September 2-4, 2011.
- O. **Final Plat Approval** of Twin Oaks Subdivision, 2nd Filing.
- P. **Preliminary Major Plat** of Josephine Crossing Subdivision, 2nd Filing, generally located south of Elysian Road and east of Mullowney Lane; McCall Development, Inc., owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact.
- Q. **Preliminary Major Plat** of Whisper Ridge Subdivision generally located on the north side of Rimrock Road between Clear View Drive and 54th St. West; Aviara, Inc., owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact.
- R. **Preliminary Subsequent Minor Plat** of Amended Lot 4A, Block 2, Goodman Subdivision, 4th Filing, generally located on the southeast corner of Avenue C and 41st St. West, just northwest of the Shiloh Road/Grand Avenue intersection. Randall Swenson, Jeff Muri, LLC, and Bearcreek Investments, LLC, owners; EEC, Inc., agent; conditional approval and adoption of the Findings of Fact.
- S. **Amended Plat of BDC Heights Subdivision** for the relocation of an access easement/driveway on Main Street.
- T. **Bills and Payroll:**
  - 1. July 22, 2011
  - 2. July 29, 2011

#### **REGULAR AGENDA:**

- 2. **RESOLUTION** approving a 25-cent per month per subscriber Public Education and Government (PEG) fee to be paid by Bresnan Communications to support Channel 7 Operations. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **PUBLIC HEARING AND RESOLUTION** setting mill levy rates for Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, and General Obligation Debt Service Series A Baseball Stadium, and General Obligation Debt Service Series B Baseball Stadium for tax year 2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** authorizing the sale of parkland described as Parcel A - 1.012 acres, Parcel B - .122 acres, and Parcel 3 - .11 acres within the undeveloped area of the Twin Oaks Subdivision to The Oakland Companies for a total amount of \$3,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** adopting the Complete Streets Policy. Healthy By Design Advisory Committee and Ad Hoc Committee recommend approval. (Action: approval or disapproval of Healthy By Design Advisory Committee and Ac Hoc Committee recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #878:** A zone change request from Entryway Light Industrial (ELI) to Highway Commercial (HC) on a 12.99-acre parcel of land described as Lots 3 and 5, Block 1, Montana Sapphire Subdivision and generally located in the Montana Sapphire Subdivision at 4300 Montana Sapphire Drive; Montana Sapphire, LLC, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND SPECIAL REVIEW #891:** A special review to allow a drive-through window for a new coffee or food kiosk in a new building in a Neighborhood Commercial (NC) zone adjacent to a Residential 9,600 (R-96) zone on Lots 6 and 7, Block 9, Central Acres Subdivision, 5th Filing, generally located on the northeast corner of the intersection of Central Avenue and 32nd Street West; Gerald Neumann, applicant. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.)
8. **PUBLIC HEARING AND SPECIAL REVIEW #892:** A special review to allow the addition of one dwelling unit within an existing duplex dwelling at 721 and 723 N 16th Street in a Residential 6,000 (R-60) on a 7,000 square foot parcel of land legally described as Lots 52 and 53, Block 1, North Park Subdivision; Jonathon Kober, applicant. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)
9. **RESOLUTION** setting new parameters for the SID 1360 (Gabel Road) refunding. Staff recommends approval. (Action: approval or disapproval of staff recommendation). (This item was added to the agenda at the Council meeting.)
10. **APPROVAL** of commitment of \$100,000 annually for three years of EBURD TIF funds as match for Community Challenge Planning Grant. Staff recommends approval. (Action: approval or disapproval of staff recommendation). (This item was added to the agenda at the Council meeting.)

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign up on the clipboard located at the podium.)

**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.*