

# CITY OF BILLINGS

**CITY OF BILLINGS' MISSION STATEMENT:**  
***TO DELIVER COST EFFECTIVE PUBLIC SERVICES***  
***THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE***

## AGENDA

## COUNCIL CHAMBERS

**March 27, 2006**

**6:30 P.M.**

## **CALL TO ORDER – Mayor Tussing**

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

## **INVOCATION – Councilmember Ed Ulledalen**

## ROLL CALL

## **MINUTES – March 13, 2006**

## COURTESIES

## PROCLAMATIONS

- Fair Housing Month – April
- Donate Life Month - April

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #6 & #7 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.	Steven Tucker*	Library Board	3/27/06	12/31/07
2.	Dr. John Kominsky	EMS Commission	3/27/06	12/31/09

\*Unexpired term of Sharon Zahn

**B. Bid Awards:**

**(1) W.O. 03-23: Turn Lane Construction for Yellowstone River Road and Hawthorne Lane.** (Opened 2/28/06). (Delayed from 3/13/06). Recommend JEM Contracting, Inc., \$333,395.55.

**(2) SID 1372 – Summerhill Subdivision.** (Opened 2/28/06). (Delayed from 3/13/06). Recommend rejecting all bids.

**C. Change Order #1 – Airport Restaurant Kitchen Floor Replacement,** Fisher Construction, \$12,291.00.

**D. Amendment #2, W.O. 01-06: Arlene Corridor Improvements,** Professional Services Contract, Kadrmas, Lee & Jackson, Inc., \$79,700.00.

**E. Contract with State of Montana Historic Preservation Office for Certified Local Government Program,** \$5,500.00.

**F. Agreement with Billings Housing Authority to fund one officer,** term: 7/1/05 through 6/30/06.

**G. Declaring surplus property** and authorizing the Police Dept. to release one Marantz Model 225 body wire to the Chippewa Cree Tribal Law Enforcement.

**H. Acknowledging receipt of petition to annex #06-02:** the north 19 acres of Tract 1, C/S 2776, generally located west of Highway 87N, north of intersection of Highways 87N & 312, 4A's, LLC – Dean Luptak, Secretary, petitioner, and setting a public hearing date for 4/10/06.

**I. Street Closures:**

**(1) March of Dimes Walk America Event:** 2<sup>nd</sup> Ave. N and 3<sup>rd</sup> Ave. N from N. 15<sup>th</sup> St. to N. 34<sup>th</sup> St., on 4/29/06.

**(2) St. Vincent Healthcare Heart and Sole Race,** 12<sup>th</sup> Ave. N and N. 30<sup>th</sup> St.; 11<sup>th</sup> Ave. N and N. 30<sup>th</sup> St.; N 32<sup>nd</sup>. St and Locust; Grandview and Ash; Poly and University; Poly and Medical Center; Elevation and N. 29<sup>th</sup> St.; Elevation and N. 30<sup>th</sup> St., Avenue F and Virginia Ln; Beverly Hills Blvd and Virginia Ln; N. 32<sup>nd</sup> St. and Parkhill; and 10<sup>th</sup> Ave. N and N. 30<sup>th</sup> St. on 6/10/06.

**(3) Chase Hawks Association Burn the Point Parade and Street Dance.** Parade: established downtown parade route. Street Dance: N. 27<sup>th</sup> St. to N. 29<sup>th</sup> St. from 1<sup>st</sup> Ave. N to 3<sup>rd</sup>. Ave. N. on 9/1/06.

**J. Resolution of Intent to Annex #06-04:** contiguous land known as Tract 2B of Amended Tract 2, C/S 727 and located on Alkali Creek Rd., City of Billings, owner, and setting a public hearing on 4/24/06.

**K. Resolution of Intent to Create PMD #4033:** Falcon Ridge Estates, First Filing and Falcon Ridge Subdivision, First Filing and setting a public hearing for 4/24/06.

**L. Second/final reading ordinance** providing that the BMCC Section 24-411 be amended to limit RV parking on commercial lots.

**M. Preliminary Plat** of Reflections at Copper Ridge, generally located one-quarter mile northwest of the intersection of Molt Rd. and Rimrock Rd., conditional approval of the preliminary plat, approval of the variances and adoption of the Findings of Fact.

**N. Preliminary Plat** of Falcon Ridge Estates Subdivision, 2<sup>nd</sup> Filing, generally located one-quarter mile northwest of the intersection of Molt Rd. and Rimrock Rd., conditional approval of the preliminary plat, approval of the variances and adoption of the Findings of Fact.

**O. Preliminary Plat** of Amended Lot 5, Block 10, Parkland West Subdivision, 6<sup>th</sup> Filing, generally located on the west side of S. 32<sup>nd</sup> St. West, midway between Central Ave. and Banff Ave., conditional approval of the preliminary plat, approval of the variances and adoption of the Findings of Fact.

**P. Final Plat** of Copper-Falcon Subdivision.

**Q. Bills and Payroll.**

- (1) February 24, 2006
- (2) March 3, 2006
- (3) February 1 – 28, 2006 (Municipal Court)

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

## **REGULAR AGENDA:**

### **2. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**

**#774:** A zone change from Residential-9,600 to Residential-7,000 on Lot 123 of Sunny Cove Fruit Farms in the proposed Foxtail Village Subdivision, 2<sup>nd</sup> Filing. Kenmark Corporation, applicant Engineering, Inc., 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.)

### **3. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**

**#775:** A zone change to allow changes to the regulations pertaining to signage within the Medical Corridor Permit Zoning District. Billings Clinic & St. Vincent Healthcare, applicants; Mary Scrim Dyre and Doug James, agents. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)

4. **PUBLIC HEARING AND SPECIAL REVIEW #807:** A special review to allow an all-beverage liquor license with gaming in a Highway Commercial zone described as Lot 1, Block 1 of Vaquero Subdivision, and located at 5435 Midland Rd. Jerke Real Estate, applicant; Roger Tuhy, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** adopting amendments to the 2006-2011 *Capital Improvement Plan (CIP)*, *Equipment Replacement Plan (ERP)* and *Technology Replacement Plan (TRP)*. Staff recommends approval of the amendments presented by Staff at the 3/6/06 Work Session. (**Action:** approval or disapproval of Staff recommendation.)
6. **FIRST READING ORDINANCE** providing that the BMCC be amended by adding a section 13-505; providing for a procedure whereby city contractors can be debarred from bidding on city contracts, establishing an effective date and providing a severability clause. Staff recommends approval. (Public hearing held and closed on 2/13/06. Action delayed from 2/13/06). (**Action:** approval or disapproval of Staff recommendation.)
7. **RESOLUTION** setting the annual salary for a part-time assistant judge as allowed under Ord. #06-5361. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
8. **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**

*(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)

#### MARCH:

3/27/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
3/28/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
3/29/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North

#### APRIL:

4/03/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
4/04/2006	Community Development Board Zoning Commission Aviation & Transit Commission Board of Adjustment	3:00 p.m. 4:30 p.m. 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal Council Chambers
4/05/2006	Policy Coordinating Committee	8:00 a.m.	4 <sup>th</sup> Floor Library
4/06/2006	EMS Commission	7:30 a.m.	Main Fire Station Conf. Rm 2300 9 <sup>th</sup> Ave. N.
	Human Relations Commission	12:15 p.m.	CH Conference Room
4/10/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
4/11/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
4/12/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
4/13/2006	Library Board	11:30 a.m.	Library
4/17/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
4/18/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
4/20/2006	Public Utilities Board	7:30 p.m.	Public Works-Belknap 2251 Belknap Ave
4/24/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
4/25/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library

4/26/2006	Traffic Control Board Housing Authority Development Process Advisory Review Board (DPARB)	NOON NOON 1:00 p.m.	4 <sup>th</sup> Floor Library 2415 1 <sup>st</sup> Avenue North CH Conference Room
4/27/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street