

# 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

May 22, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Jim Ronquillo

ROLL CALL

MINUTES – May 8, 2006; May 11, 2006.

COURTESIES

PROCLAMATIONS

- May 21-27: National Public Works Week

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, and #10 - #12 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.		Homelessness Committee	5/22/06	
2.		Homelessness Committee	5/22/06	
3.		Homelessness Committee	5/22/06	
4.		Homelessness Committee	5/22/06	
5.		Homelessness Committee	5/22/06	

6.		Homelessness Committee	5/22/06	
7.		Homelessness Committee	5/22/06	
8.		Homelessness Committee	5/22/06	
9.		Homelessness Committee	5/22/06	
10.		Homelessness Committee	5/22/06	
11.		Homelessness Committee	5/22/06	
12.		Homelessness Committee	5/22/06	
13.		Homelessness Committee	5/22/06	
14.		Homelessness Committee	5/22/06	
15.		Homelessness Committee	5/22/06	
16.		Homelessness Committee	5/22/06	
17.		Homelessness Committee	5/22/06	
18.		Homelessness Committee	5/22/06	
19.		Homelessness Committee	5/22/06	
20.		Homelessness Committee	5/22/06	

**B. Bid Awards:**

**(1) W.O. 03-10: 6<sup>th</sup> & Central Traffic Signal.** (Opened 5/9/06).

Recommend rejecting all bids and authorizing Staff to restructure the project in an attempt to bring the construction costs within the budgeted funds available.

**(2) W.O. 05-07: Central Avenue & Shiloh Road Traffic Signal Installation.** (Opened 5/9/06). Recommend Ace Electric, \$55,467.79.

**(3) Wastewater Treatment Plant Electrical Transformers.** (Opened 5/9/06). Recommend delaying award to 6/12/06.

**C. Change Order #5, W.O. 04-11: South Billings Boulevard, JTL Group, Inc., \$1,138.98.**

**D. Amendment #1, Professional Services Contract, Landfill Master Plan Update,** Great West Engineering, \$65,000.00.

**E. Amendment #4, Professional Services Contract, W.O. 02-10: Bench Connector Project,** Morrison-Maierle, Inc, \$48,303.00.

**F. Amendment #12, Professional Services Contract, W.O. 05-14: Walter Pump Station,** Morrison-Maierle, Inc., \$199,708.00.

**G. Contract** with EFJohnson for 800 MHz Maintenance, \$426,258.00, term: 3 years.

**H. Contract** with Eide Bailly for Audit Services, \$165,300.00, term: 3 years.

**I. Compensation Agreement** for Private Contract #532: Lift Station Improvements for Vintage Estates Subdivision, Rick Dorn, Developer, \$198,196.00.

**J. Reimbursement Agreement** for Private Contract #560: Falcon Ridge Estates Subdivision, First Filing, Phase I, Falcon Ridge, LLC (Dennis Buscher), Developer, \$16,715.60.

**K. Development Agreement** for C/S 566, Tract 1C, Jeff Essmann, owner.

**L. Agreement** for the transfer of the operation of certain rural special improvement districts (RSIDs): #535L, #548L, #558L, #560L, #562L, #569L, and #579L from Yellowstone County to the City of Billings and including them in the annual light district assessments.

**M. Professional Services Contract** with CTA Architects and team for the Downtown Transit Operations Center, \$571,913.25. (Delayed from 5/8/06).

**N. Memorandum of Understanding** with BikeNet for St. Vincent Healthcare Mission Fund Grant Application for Ponderosa School Trail, \$200,000.00.

**O. Memorandum of Understanding** with BikeNet for PPL Montana Community Fund Grant Application for Big Ditch Trail, Phase 2, \$10,000.00.

**P. Recreational Trails Program Grant Application** for Lampman Strip Park, \$35,000.00.

**Q. Acceptance of Economic Development Initiative Grant Funds** from the U.S. Dept. of Housing and Urban Development for Garfield School Renovation, #B-06-SP-MT-0550, \$99,000.00.

**R. Acceptance of Bikenet Donations:**

(1) \$21,000.00 for a portion of the CTEP required matching funds for the Big Ditch Trail, Phase 1.

(2) \$25,000.00 for a portion of the CTEP required matching funds for the Bannister Drain Trail.

**S. Acceptance of Donations:**

(1) Proceeds from the June 2, 2006 fundraiser by Mission Ridge Independent Living to the Billings Fire Dept.

(2) Animal Shelter Landscape Project Donations from: Olsen Nursery (\$3,000 value), Tvetene Turf, Inc., (\$400 - \$600 value), Frontier Fencing (\$2200 value).

(3) Donations from three anonymous donors to send one School Resource Officer to the National Conference in Palm Springs/LaQuinta, CA in July, \$900.00.

**T. Confirmation of Police Officer:** Brian Heinze.

**U. Street Closure** for Memorial Day Parade on May 29, 2006, United Veterans Council, sponsor, assembly at Albertson's parking lot on the corner of Central and 24<sup>th</sup> St. W, down Central Ave to Mountview Cemetery.

**V. Resolution** supporting the federal application by the Downtown Billings Partnership to designate the City of Billings a *Preserve America Community*.

**W. Resolution** allowing non-profit organizations holding valid Park Use Permits at City ballfields (i.e. Athletic Field) to display sponsor signage as a means of raising funds, setting a fee to be charged by the City for such advertising displays and establishing an effective date.

**X. Resolution** relating to \$851,000 Pooled Special Improvement District Bonds, Series 2006 (SIDs 1368, 1370 and 1373), authorizing the issuance and calling for the public sale thereof on 6/12/06.

**Y. Second/final reading ordinance** expanding the boundaries of Ward II to include recently annexed property in Annex #06-04, the contiguous City-owned land known as Tract 2B of Amended Tract 2, C/S 727, located on Alkali Creek Rd.

**Z. Second/final reading ordinance** expanding the boundaries of Ward I to include recently annexed property in Annex #06-05, the remaining tract of corrected C/S 3223, Amended Tract 1, McCall Development Inc., petitioners.

**AA. Preliminary Plat** of Josephine Crossing Subdivision, generally located east off of Mullowney Lane, directly south of Elysian Road, north of the Yellowstone river (south of the West Billings I-90 Interchange); conditional approval of the plat, approval of the variances and adoption of the Findings of Fact.

**BB. Preliminary Plat** of Lake Hills Subdivision, 13<sup>th</sup> Filing Amended, generally located on Annandale Road, between Greenbriar Road and Cherry Hill Road; conditional approval of the plat and adopting of the Findings of Fact.

**CC. Final Plat** of Ironwood Estates Subdivision, 4<sup>th</sup> Filing.

**DD. Final Plat** of Kingston Place Subdivision.

**EE. Final Plat** of St. Thomas Subdivision.

**FF. Bills and payroll.**

- (1) April 21, 2006
- (2) April 28, 2006
- (3) May 8, 2006

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

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND SPECIAL REVIEW #813:** A special review to operate a 50-bed private correctional facility (SIC #8744) in the South 27<sup>th</sup> Street Corridor zoning district on a 4.266-acre parcel of land described as: Lot 1, Vernwood Subdivision and located at: 1001 South 27<sup>th</sup> Street. Corner Construction Company, owner; P. Bruce Harper, (Alternatives, Inc.), agent. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** vacating portions of S. 22<sup>nd</sup> Street, 2<sup>nd</sup> Ave. S., 3<sup>rd</sup> Ave. S, and the alley between S. 22<sup>nd</sup> Street and S. 23<sup>rd</sup> St. ConocoPhillips, petitioner. Staff recommends approval of the vacation and acceptance of an easement for public utilities running through the vacated streets. (**Action:** approval or disapproval of Staff recommendation.)
4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #776:** A zone change request from Public to Planned Development on a 60.27 acre parcel of land described as: the NE4NW4NW4, S2NW4NW4 & LOT 3-4 LESS C/S 3223 in Section 20, Township 1S, Range 26 East (a/k/a the proposed Josephine Crossing Subdivision). McCall Development, 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.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #777:** A zone change request from R-6,000 to Residential Multi-Family on a .92 acre parcel described as: Lots 1-10, Block 1 of Green Acres Subdivision and Lot 1, Block 14 of Suncrest Acres Subdivision 3<sup>rd</sup> Filing. Azalea Co., owner, Matt Brosovich, 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.)
6. **PUBLIC HEARING AND SPECIAL REVIEW #810:** A special review to allow an all-beverage license with gaming in a Controlled Industrial zone on a 1.82-acre parcel of land described as Unit 12A, Block 1 Transtech Center Subdivision and located at: 3429 Transtech Way. Bottrell Family Investments, LP, the owner; James Bennett, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND SPECIAL REVIEW #811:** A special review to locate a Church in a Residential-9,600 zone on a 5.595-acre parcel of land described as: Lot 2A, Missions United Subdivision and located at: 2425 Shiloh Road. St. John's Lutheran Ministries - Kent Burgess, owner; CTA Architects & Engineers - Jim

Shepard, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

8. **PUBLIC HEARING AND SPECIAL REVIEW #812:** A special review to locate five (5) Community Residential Facilities (assisted living facilities) for more than eight (8) persons in a Residential-9,600 zone on a 4.761-acre parcel of land described as: Lot 1, Missions United Subdivision and located at: 2511 Shiloh Road. St. John's Lutheran Ministries - Kent Burgess, owner; CTA Architects & Engineers - Jim Shepard, agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
9. **PUBLIC HEARING AND VARIANCE #CC06-01:** a variance from the Site Development Ordinance Sections 6-1203(u) re: concrete driveways and curb and gutter on Lot 1, Block 1, Bitterroot Subdivision. Susan J. Zurbuchen, owner. Staff recommends denial of the variance and requiring the owner to sign the Waiver of Right to Protest creation of an SID before issuance of a building permit. (**Action:** approval or disapproval of Staff recommendation.)
10. **DISPOSITION** of the Naval Reserve Center. Staff recommends rejection of the Navy's offer to repair the buildings and abate the environmental hazards identified in its 4/24/06 letter and report and request that the Navy remove all environmentally hazardous material and an outbuilding from the premises and repair the damaged areas. (**Action:** approval or disapproval of Staff recommendation.)
11. **APPROVAL** of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) FY2006 Annual Action Plan. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)
12. **DISCUSSION** of City Administrator Salary. (**Action:** direction to Staff.)
13. **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)**

**MAY:**

5/22/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
5/23/2006	Traffic Control Board	NOON	4 <sup>th</sup> Floor Library
	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
	Special Work Session	6:00 p.m.	3 <sup>rd</sup> Floor Library
5/24/2006	Development Process Advisory Review Board (DPARB)	1:00 p.m.	CH Conference Room
5/25/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
5/29/2006	MEMORIAL DAY – CITY OFFICES CLOSED		
5/30/2006	Agenda Review/Special Work Session	6:00 p.m.	3 <sup>rd</sup> Floor Library
5/31/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North

**JUNE:**

6/01/2006	Human Relations Commission	12:15 p.m.	CH Conference Room
6/05/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
6/06/2006	Community Development Board	3:00 p.m.	4 <sup>th</sup> Floor Library
	Zoning Commission	4:30 p.m.	Council Chambers
	Aviation & Transit Commission	5:30 p.m.	Airport Terminal
	Board of Adjustment	6:00 p.m.	Council Chambers
6/07/2006	Policy Coordinating Committee	8:00 a.m.	4 <sup>th</sup> Floor Library
6/08/2006	Library Board	11:30 a.m.	Library

6/12/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
6/13/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
6/14/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
6/15/2006	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
6/19/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
6/20/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
6/22/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
6/26/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
6/27/2006	Planning Board Traffic Control Board	6:00 p.m. NOON	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
6/28/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room