

# 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

**July 24, 2006**

**6:30 P.M.**

## **CALL TO ORDER – Mayor Tussing**

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

## **INVOCATION – Councilmember Ed Ulledalen**

## ROLL CALL

## MINUTES

- **June 26, 2006 Special Meeting**
- **June 26, 2006 Regular Meeting**
- **July 10, 2006 Regular Meeting**

## COURTESIES

## PROCLAMATIONS

## ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2 and #14 thru #17 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) Airport ARFF Vehicle Replacement.** (Opened 7/11/06). Recommend Rosenbauer Fire Fighting Technology, \$1,268,150.00.

**(2) W.O. 05-12: Big Ditch Trail – Billings, Federal Aid No. STPE 1099(49), MDT CN5908.** (Opened 7/11/06). Recommend CMG Construction, Inc., Base bid and Bid Alternate #2, \$105,730.00 and 30 calendar days, contingent on CTEP concurrence.

**B. W.O. 04-18: Park II Expansion and Park I & II Repairs**, Amendment #2, Professional Services Contract with Collaborative Design Architects, \$\$50,000.00.

**C. W. O. 05-20: Aronson Avenue 30% Design Study**, Professional Services Contract with HKM Engineering, Inc, \$178,598.00.

**D. W.O. 06-07: Construction Materials Testing**, Professional Services Contracts with Rimrock Engineering, Inc., and Terracon, Inc., each contract not to exceed \$75,000 and terminate on 12/31/08.

**E. Project Development and Construction Agreements with MDOT:**

- (1) North Bench Boulevard Corridor – Billings
- (2) Zimmerman Trail -- Billings

**F. Acknowledging receipt of petition to vacate** portions of Zimmerman Trail abutting Lots 1, 2, and 4, Scott Subdivision and setting a public hearing for 8/14/06.

**G. Acknowledging receipt of petition #06-11 to annex** a 36-acre parcel described as Tract 1, C/S 3273, generally located on the west side of 46<sup>th</sup> St. W, south of Rimrock Rd., and setting a public hearing for 8/14/06.

**H. Acceptance of donations** from the family and friends of Roger Stewart III to provide a memorial bench at the downtown Billings Skate Park in memory of Roger Stewart III, \$1,025.00.

**I. Resolution of Intent** to create an expanded park maintenance district (PMD) #4025 in Rehberg Ranch Estates Subdivision, 2<sup>nd</sup> filing, and setting a public hearing date for 8/28/06.

**J. Resolution** relating to \$380,000 Pooled Sidewalk Bonds, Series 2006, authorizing the issuance and calling for the public sale thereof.

**K. Second/final reading ordinance** expanding the boundaries of Ward IV to include recently annexed properties in Annex #06-06, described as 5.651 acres in C/S 1011, Tr. B Amended, and adjoining rights-of-way in Grand Ave. and Zimmerman Trail, generally located east of 34<sup>th</sup> St. W and north of Grand Ave., Rocky Mountain Community Church, petitioner.

**L. Second/final reading ordinance** expanding the boundaries of Ward IV to include recently annexed properties in Annex #06-08, described as two portions of C/S 1834, Tract 3-C-1, generally located north of Rimrock Rd. at 50<sup>th</sup> St. W, Aviara, Inc., petitioner.

**M. Preliminary plat** of Amended Lot 14, Block 1, Chrysalis Acres Subdivision, generally located on the west side of Monarch St. between Cecropia Ave. (north) and Bruce Ave. (south), conditional approval of the plat and adoption of the Findings of Fact.

**N. Preliminary plat** of Twin Oaks Subdivision, generally located directly adjacent to the north of Uinta Park Subdivision, south of Wicks Lane, conditional approval of the plat and adoption of the Findings of Fact.

**O. Final plat** of Amended Lot 10, Block 3, Midland Subdivision, 5<sup>th</sup> filing.

**P. Bills and payroll.**

- (1) June 23, 2006
- (2) June 30, 2006
- (3) June 1 – June 30, 2006 (Municipal Court)

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

## **REGULAR AGENDA:**

2. **RESOLUTION** submitting the question of issuance of up to \$12,500,000 General Obligation Bonds for the design, construction and equipping of a new professional baseball stadium and related improvements in Athletic Park to City of Billings' voters. The Ballpark Steering Committee and the Parks, Recreation & Cemetery Board recommend approval. (Delayed from 6/26/06). **(Action:** approval or disapproval of the joint committee and board recommendation.)
3. **PUBLIC HEARING AND RESOLUTION FOR ANNEX #06-10:** a 288-acre parcel described as: N2 of Section 20, T1N-R26E and C/S 1904, State of Montana Dept. of Natural Resources and Conservation (DNRC), petitioner. Staff recommends conditional approval. **(Action:** approval or disapproval of Staff recommendation.)
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to included the recently annexed property in annexation #06-07: 57 acres in T1N-R26E-S23: N2NE4 Less C/S 515 and C/S 1335, but including C/S 999, generally located south of Wicks Lane between Hawthorne Lane and Bitterroot Drive, Felton Associates LLC, owner and petitioner. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to included the recently annexed property in annexation #06-09: 2.1371 acres in T1S-R25E-S23: NE4 described as C/S 2771, Tract 2, generally located on the south side of Hesper Road west of S. 32<sup>nd</sup> St. W, Rice

Wagon, LLC, petitioner, Brady Wagner and Carrie Orr-Wagner, owners. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)

6. **PUBLIC HEARING AND SPECIAL REVIEW #818:** A special review to allow a drive through service in a Community Commercial zone adjacent to a Residential-6000 zone on Lots 19-24, Block 2, Evergreen Subdivision and located at 1447 Grand Ave. Ryan Hendrickson, owner; Engineering, Inc., agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND SPECIAL REVIEW #820:** A special review to allow an outdoor patio lounge in a Central Business District (CBD) zone on Lots 1 & 2, Block 111, O.T. and located at 2501 Montana Avenue. Computers Unlimited, Michael Schaer, owner; A & E Architects, James Bos, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
8. **PUBLIC HEARING AND SPECIAL REVIEW #821:** A special review for a Church and Senior Retirement Home in a Residential-9,600 zone on Lot 1, Block 3 of High Sierra Subdivision, 2<sup>nd</sup> Filing and located at the intersection of West Wicks Lane and Sierra Granada Blvd. Atonement Lutheran Church, owner; CTA Architects & Engineers, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
9. **PUBLIC HEARING AND SPECIAL REVIEW #822:** A special review to locate a Beer and Wine license with gaming and an outdoor patio lounge in a Controlled Industrial zone on C/S 1551, and located at 1737 King Avenue West Unit #5, RSP Holdings, owner; Roger Tuhy, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
10. **PUBLIC HEARING AND SPECIAL REVIEW #823:** A special review to locate a Beer and Wine license with gaming in a Entryway Light Industrial zone on Lot 10 (to be 10A), Block 1 of Montana Sapphire Subdivision, and located at 4121 Kari Lane. Montana Sapphire, LLC, owner; Roger Tuhy and Holly Jerke, agents. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)
11. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #778:** A text amendment to BMCC Section 27-310(i), changing the size, height, and bulk for detached accessory structures within all residential zoning districts within the Billings city limits. Yellowstone County Board of Planning initiated the

amendment on May 9, 2006. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

12. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**  
**#783:** A zone change from Controlled Industrial to Residential-6,000 on Lots 17 & 18 of Block 32 of Highland Addition, and located at 109 South 39<sup>th</sup> Street. Dave Hagstrom, owner. Zoning Commission recommends approval and the adoption of the determination of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
13. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE**  
**#784:** A zone change from Residential-9,600 to Residential-6,000-Restricted on Lot 1, Block 1 and Lot 1, Block 2 of Arlene Subdivision, and located at 3410 and 3416 Poly Drive. City of Billings' Public Works Department, owner; David Mumford, agent. Zoning Commission makes no recommendation. (Action: approval or disapproval of Zoning Commission recommendation.)
14. **FIRST READING ORDINANCE** amending the BMCC by revising Sections 23-304, 23-308 and 23-410, providing a procedure for review of subsequent minor subdivisions and providing updates to regulations on provisions of utility easements for subdivisions. Planning Board recommends approval of the amendments to Sections 23-304 and 23-308 and postponing amendments to Section 23-410 to an unspecified date. (Public hearing held 7/10/06; action delayed from 7/10/06). (Action: approval or disapproval of Planning Board recommendation.)
15. **BID AWARD: W.O. 03-10: 6<sup>th</sup> STREET W AND CENTRAL TRAFFIC SIGNAL.**  
(Opened 7/18/06). Staff will make a recommendation at the meeting. (Action: approval or disapproval of Staff recommendation.)
16. **4<sup>TH</sup> AND BROADWAY REDEVELOPMENT – 2005 Update** (Delayed from 7/10/06). Ad Hoc Committee will report the status of negotiations and requests additional guidance from the City Council regarding development incentives and a time extension. (Action: direction to Ad Hoc Committee and Staff.)
17. **NAVAL RESERVE CENTER DISPOSITION.** Staff recommends: (a) approval of the Navy's offer to abate the visible and damaged asbestos, and (b) asking for Congressional assistance to abate the remaining materials and demolish the structures. (Action: approval or disapproval of Staff recommendation.)
18. **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**

**(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)**

#### **JULY:**

7/24/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
7/25/2006	Planning Board Traffic Control Board	6:00 p.m. NOON	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
7/26/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room
7/27/2006	Yellowstone County Board of Health	CANCELLED	
7/31/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St

#### **AUGUST:**

8/01/2006	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
8/02/2006	Policy Coordinating Committee	8:00 a.m.	4 <sup>th</sup> Floor Library
8/03/2006	Human Relations Commission	12:15 p.m.	CH Conference Room
8/07/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/08/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library

8/09/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
8/10/2006	Library Board	NOON	Library
8/14/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
8/15/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
8/17/2006	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
8/21/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/22/2006	Planning Board Traffic Control Board	6:00 p.m. NOON	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library
8/23/2006	Development Process Advisory Review Board (DPARB)	1:00 p.m.	CH Conference Room
8/24/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
8/28/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/30/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North