

# 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

October 23, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Vince Ruegamer

ROLL CALL

MINUTES – October 10, 2006

COURTESIES

PROCLAMATIONS

- October: National Breast Cancer Awareness Month

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #8 thru #10 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	10/23/06	12/31/08

2.	Patt Leikam	Human Relations Commission	10/23/06	12/31/08
3.		Exchange City Golf Corporation Board	10/23/06	12/31/06

1. Unexpired term of Laura Dimmler (Academia background)
2. Unexpired term of Gordon Belcourt
3. Unexpired term of Todd Harkness

**B. Bid Awards:**

**(1) One 2007 Current Model 48,000 GVW 8-Yard Dump Truck.**  
(Opened 10/10/06. Delayed from 10/11/06). Recommend Motor Power Equipment Co., \$75,810.00.

**C. W.O. 07-01: 2007 Water and Sewer Replacement Project, Professional Services Contract, Morrison-Maierle, Inc., not to exceed \$649,615.00.**

**D. W.O. 04-36: Briarwood Sanitary Sewer Main Extension:**

(1) Right-of-Way Agreement AND perpetual Right-of-Way Easement with Blue Creek Baptist Church, Inc., \$2,150.00.

(2) Right-of-Way Agreement AND perpetual Right-of-Way Easement with George E. Oliver, Jr. and Richard L. Oliver, \$3,350.00.

(3) Right-of-Way Agreement AND perpetual Right-of-Way Easement with John Harvat Egeland, \$6,700.00.

**E. Airline Operating Permit with Pinnacle Airlines.**

**F. Acceptance and approval of the 2006 Native American Project award, Office of National Drug Control Policy (ONDCP), \$75,000.00.**

**G. Authorization to bid and sell five (5) used MET Transit buses, bus parts and one (1) rebuilt Transit bus engine.**

**H. Approval of the Montana State Library subgrant from South Central Federation of Libraries, \$1,272.76.**

**I. Acceptance and approval of donations:**

(1) In-kind donation from CMG Construction, Inc. and Fisher Sand & Gravel, Inc. for Big Ditch Trail, Phase I, \$5,010.00 value.

(2) In-kind donation from Land Design, Inc., for Stewart Park Trailhead Signage Construction, \$3,500.00 value.

(3) Grant from Fannie Mae American Dream Fund on behalf of Billings Partners for American Indian Homeownership, \$2,500.00.

(4) Donation of activity table, book bench and seating unit from Friends of the Library, \$3,744.99 value.

**J. Resolution of Intent** to dispose of a portion of Lot 10, Block 5, O'Leary Subdivision, City of Billings, owner, and setting a public hearing for 11/27/06.

**K. Second/final reading ordinance** expanding the boundaries of Ward IV to include recently annexed property in Annex #06-13: a 64.714 acre parcel described as Tracts 1 and 2, C/S 2054, and Cynthia Park; Krutzfeldt Ranch LLC, owner.

**L. Exempt Plat** in Rehberg Ranch Estates Subdivision, approving the common boundary line adjustment on Lot 38-A and 39-A, Block 5 of Rehberg Ranch Subdivision, Second Filing.

**M. Unnamed Certificate of Survey** located in T1N-R25E-S32: NESE, approving the exempt plat for agricultural purposes.

**N. Final Plat** of Chrysalis Acres Subdivision.

**O. Final Plat** of Greer Subdivision.

**P. Bills and Payroll.**

- (1) September 22, 2006
- (2) September 29, 2006
- (3) August 1, 2006 – August 31, 2006 (Municipal Court)
- (4) September 1, 2006 – September 30, 2006 (Municipal Court)

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

## **REGULAR AGENDA:**

- 2. PUBLIC HEARING AND SPECIAL REVIEW #829:** A special review to locate an all beverage liquor license with gaming in a new multi-tenant building in a Community Commercial zone described as: Lot 6D, Block 2 of Circle Fifty Subdivision and located at 3839 Grand Avenue. Grand Plaza, LLC, owner and Bob Pulley and Dan Pendergrass, agents. Zoning Commission makes no recommendation. **(Action:** approval or disapproval of Special Review.)
- 3. PUBLIC HEARING AND VARIANCE #OP06-02:** A variance from the Site Development Ordinance, BMCC Section 6-1203(j) regarding off-street parking for an affordable housing project at the southeast corner of 8<sup>th</sup> Avenue South and

South 28<sup>th</sup> Street, homeWORD, Inc., applicant. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.)

4. **PUBLIC HEARING AND RESOLUTION** vacating a portion of Zimmerman Trail and Lyman Avenue abutting Lot 6, Scott Subdivision, Ronald Sanchez and Traci Albright, petitioners, \$6,277.10. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
5. **CONTINUANCE OF PUBLIC HEARING AND RESOLUTION** vacating portions of 8<sup>th</sup> Avenue North and the alley between 7<sup>th</sup> Avenue North and 8<sup>th</sup> Avenue North for a value of \$584,250.00. Billings Clinic, petitioner. (Continued from 9/25/06). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
6. **CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE** relating to the creation of the East Billings Urban Renewal Area; and adopting an urban renewal plan, including a tax increment provision. (Continued from 10/10/06). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
7. **CONTINUANCE OF PUBLIC HEARING AND FIRST READING ORDINANCE** modifying the Urban Renewal Plan of 27<sup>th</sup> Street District Urban Renewal Area to include certain property formerly part of the Downtown Redevelopment District in order to establish the *Extended North 27<sup>th</sup> Street District Urban Renewal Area*; adopting a modified urban renewal plan therefor, including a tax increment provision; approving an urban renewal project therein and authorizing the issuance of tax increment urban renewal revenue bonds of the City to finance costs thereof. (Continued from 10/10/06). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
8. **RESOLUTION** amending Res 06-18437 authorizing an increased purchase offer of \$294,000.00 to the owner of property described as Lot 3, Sunset Subdivision, 5<sup>th</sup> Filing and located at 1048 Grand Avenue, to be condemned in the Grand Avenue widening project. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
9. **VARIANCE from** BMCC Section 23-1009(D) regarding parkland dedication for Offsite parkland for Silver Creek Estates Subdivision. Staff recommends denial. (Action: approval or disapproval of Staff recommendation.)
10. **2006 CTEP PROJECT APPLICATIONS** to be submitted to the Montana Department of Transportation for funding from the Community Transportation

Enhancement Project (CTEP) program. (Delayed from 10/10/06). Staff recommends the Council formulate a recommendation for the Mayor to take to the Policy Coordinating Committee (PCC). (**Action:** approval or disapproval of Staff recommendation.)

11. **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)**

### **OCTOBER:**

10/23/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
10/24/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
	Traffic Control Board	NOON	4 <sup>th</sup> Floor Library
	Board of Ethics	4:00 p.m.	CH Conference Room
10/25/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North
	Development Process Advisory		
	Review Board (DPARB)	1:00 p.m.	CH Conference Room
	Electronic Signs Ad Hoc Committee	1:00 p.m.	4 <sup>th</sup> Floor Library
10/26/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center
	(Note: November and December meetings to be combined at a date decided in October)		

**NOVEMBER:**

11/01/2006	Policy Coordinating Committee	8:00 a.m.	4 <sup>th</sup> Floor Library
11/02/2006	Human Relations Commission	12:15 p.m.	CH Conference Room
11/06/2006	Community Development Board Council WORK SESSION	3:00 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Conf. Rm. Community Center 360 N. 23 <sup>rd</sup> St
11/07/2006	ELECTION DAY – CITY OFFICES CLOSED		
11/08/2006	Zoning Commission Aviation & Transit Commission	4:30 p.m. 5:30 p.m.	Council Chambers Airport Terminal
11/08/2006	Parks/Recreation/Cemetery Bd Board of Adjustment	11:30 a.m. 6:00 p.m.	Community Center 360 N. 23 <sup>rd</sup> St. Council Chambers
11/09/2006	Library Board Homeless Committee	NOON 2:00 p.m.	Library 3 <sup>rd</sup> Floor Library
11/10/2006	VETERAN'S DAY – CITY OFFICES CLOSED		
11/13/2006	Energy & Conservation Commission Parking Advisory Board REGULAR Council Meeting	3:00 p.m. 4:00 p.m. 6:30 p.m.	BOC Conference Room CH Conference Room Council Chambers
11/14/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
11/20/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
11/21/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
11/22/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 <sup>st</sup> Avenue North CH Conference Room
11/23/2006	THANKSGIVING DAY – CITY OFFICES CLOSED		
11/27/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
11/28/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
11/29/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North