

# 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

FEBRUARY 26, 2007

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Boy Scout Troop #7, (1<sup>st</sup> Methodist Church, sponsor)

INVOCATION – Councilmember Vince Ruegamer

ROLL CALL

MINUTES – February 12, 2007

COURTESIES

PROCLAMATIONS

- March 8: World Kidney Day

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 AND #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.	Steve Zeier	Traffic Control Board	2/26/07	12/31/07

Unexpired term of Jill Krueger

**B. Bid Awards:**

(1) **Athletic Park Swimming Pool Demolition.** (Opened 2/13/07). Recommend Magnum Contractors LLC DBA Magnum Demolition, \$62,430.00.

(2) **SID #1372: Summerhill Subdivision.** (Opened 2/13/07). Recommend rejecting all bids.

(3) **W.O. 07-03, Contract #1: 2007 Street Maintenance.** (Opened 2/13/07). Recommend delaying to 3/12/07.

**C. Bus/Bench Advertising Concession Agreement** with Blair Unlimited, 40% annual gross sales or minimum annual guarantee of \$50,000.00 (whichever is greater), term: 5 years.

**D. Contract for Professional Services** with Great West Engineering, Inc., for the design and construction administration of Phase 3 landfill cell, \$155,000.00.

**E. Contract for Professional Services** with Engineering, Inc., for SID 1375 (water, sewer, storm drain, curb and gutter and street improvements to Claremont Rd. between Lake Hills Dr. and Gleneagles Blvd.), \$64,920.08

**F. Contract for Professional Services** with Engineering, Inc., for SID 1377 (water, sewer, storm drain, curb and gutter and street improvements to Greenbriar Rd. between Lake Hills Dr. and Hillcrest Dr.), \$26,522.61.

**G. W.O. 06-20: Downtown Billings Wayfinding Signage** Memorandum of Agreement with Montana Dept. of Transportation (MDT).

**H. STPHS 56(61): Various Intersections West of Billings**, City & County Construction Agreement with Montana Dept. of Transportation (MDT).

**I. W.O. 07-04: Garden Avenue Waterline**, contribution and Memorandum of Agreement with Yellowstone County, \$311,782.50.

**J. Reimbursement Agreement** for Private Contract #530 – the Estates at Briarwood Subdivision, First Filing.

**K. Easement with QWest Corporation** for telephone cabinet site for Copper Ridge Sub., 1<sup>st</sup> Filing, Block 1 – Park, \$2,000.00.

**L. Authorization** to submit application for Environmental Protection Agency (EPA) *Smart Growth Implementation Assistance Grant*.

**M. W.O 00-15: Grand Avenue, Right-of-Way purchase from McDonald's Real Estate Company:**

(1) Approval of the subdivision plat

(2) Accept Quit Claim Deed for Lots 1A, 2A and 3A, Amended Lots 1 – 3, C/S 269, located at 1046 Grand Ave.

(3) Accept temporary construction easement  
Downtown Billings Association (DBA) Street Closures:

**N. Downtown Billings Association (DBA) Street Closures:**

(1) *Alive After 5:* June 21, Host: Buchanan Capital, N. 28<sup>th</sup> from 2<sup>nd</sup> to 3<sup>rd</sup> Ave., 3 p.m. to 9 p.m.

(2) *Alive After 5:* June 28, Host: MSU-B Downtown, N. 28<sup>th</sup> from 2<sup>nd</sup> to 3<sup>rd</sup> Ave., 3 p.m. to 9 p.m.

(3) *Alive After 5:* July 5, Host: Special Gold Wing, N. 28<sup>th</sup> from 1wst and 2<sup>nd</sup> Ave. N from 29<sup>th</sup> to the alley west of N. 27<sup>th</sup>, 3 p.m. to 9 p.m.

(4) *Alive After 5:* August 2, Host: Montana Brewing Company, N. 28<sup>th</sup> from 1<sup>st</sup> to 2<sup>nd</sup> Ave., 3 p.m. to 9 p.m.

(5) *Alive After 5:* June 14, Host: The Carlin, N. 25<sup>th</sup> St. between Montana Ave. And 1<sup>st</sup> Ave. N (1 block), 3 p.m. to 9 p.m.

(6) *Alive After 5:* July 19, Host: Pug Mahons, N. 30<sup>th</sup> St. between 1st Ave. N. and 2<sup>nd</sup> Ave. N., 3 p.m. to 9 p.m.

(7) *Alive After 5:* July 26, Host: Tiny's Tavern, N. 24<sup>th</sup>. St. between 4<sup>th</sup> Ave. N and 3<sup>rd</sup> Ave. N. (1 block), 3 p.m. to 9 p.m.

(8) *Alive After 5:* August 9, Host: Monte Carlo Casino, N. 29<sup>th</sup> St. between Montana Ave. and 1<sup>st</sup> Ave. N., 3 p.m. to 9 p.m.

(9) *Alive After 5:* August 16, Host: Western Wheel Bar, Minnesota Ave. between 27<sup>th</sup> St. N and 28<sup>th</sup> St. N., 3 p.m. to 9 p.m.

(10) *Strawberry Festival:* June 9, N. 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Ave., and 2<sup>nd</sup> Ave. from the alley west of N. 27th to N. 29<sup>th</sup>, and N. 29th from 1<sup>st</sup> to 2<sup>nd</sup> Ave., 3 p.m. to 7 p.m.

(11) *Farmers' Market:* Saturdays: July 21 to October 6, N. 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Ave., and 2<sup>nd</sup> Ave. from the alley west of N. 27<sup>th</sup> to N. 29th and N. 29<sup>th</sup> from 1<sup>st</sup> to 2<sup>nd</sup> Ave., 6 a.m. to 1 p.m.

(12) *Farmers' Market:* Wednesday nights: August 1 – August 22, N. 28<sup>th</sup> from 1<sup>st</sup>. to 2<sup>nd</sup> Ave. and 2<sup>nd</sup> Ave. from N. 28<sup>th</sup>. to N. 29<sup>th</sup>, 3 p.m. to 9 p.m.

(13) *Harvestfest:* October 13, N. 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Ave. and 2<sup>nd</sup> Ave. from the alley east of N. 27<sup>th</sup> to N. 29<sup>th</sup>., 6 a.m. to 5 p.m.

(14) *Holiday Parade:* November 23, established Downtown Parade Route.

(15) *Christmas Stroll:* December 7, N. 28<sup>th</sup> from 1<sup>st</sup> to 3<sup>rd</sup> Ave. and 2<sup>nd</sup> Ave. from the alley east of N. 27<sup>th</sup> to N. 29<sup>th</sup>, 4 p.m. to 9:30 p.m.

**O. Resolution** authorizing construction bids for SID 1375: Claremont Rd.

**P. Resolution** authorizing construction bids for SID 1377: Greenbriar Rd.

**Q. Resolution of Intent** to order in W.O. 05-02: 2005 Miscellaneous/Developer-Related Improvements and setting a public hearing for 3/26/07.

**R. Resolution of Intent** to create Expanded Park Maintenance District (PMD) #4025: Rehberg Ranch Estates Sub., 1<sup>st</sup> & 2<sup>nd</sup> Filings, repealing Res 06-18454 and setting a public hearing for 3/26/07.

**S. Second/final reading ordinance** expanding the boundaries of Ward I to include recently annexed property described as: Annex #07-01: an 11,160 square foot parcel of property described as Lot 3, Block 7, Kimble Subdivision, 2nd Filing and located at 215 Garden Ave. and including all adjacent right-of-way of Garden Avenue.

**T.** Extension for Cenex Park Subdivision, Amended Lot 4, Block 4 until May 10, 2008.

**U. Preliminary Plat** of Amended Lot 7, Block 4, Meadowlark Subdivision, generally located between Phoebe Dr. and Willet Dr. south of Sharron Ln.

**V. Bills and Payroll.**

- (1) January 26, 2007
- (2) January 1 - 31, 2007 (Court)

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

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** approving the FY08 – FY12 Capital Improvement (CIP), Equipment Replacement Plan (ERP), and Technology Replacement Plan (TRP). Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** to revise the 2006 Limits of Annexation Map. Annexation Committee recommends approval. **(Action:** approval or disapproval of Annexation Committee recommendation.)
4. **AMENDED LOT 65 A-4, SUNNY COVE FRUIT FARMS SUBDIVISION:**
  - (A) **PUBLIC HEARING AND RESOLUTION** for Annexation #07-02, annexing approximately 13.01 acres, described as Lot 65 A-4, Amended Plat of Lot 65A of the Amended Plat of Amended Lots 65-68, 93-100 and 125-128, Sunny Cove Fruit Farms, located on the northwest corner of the intersection of Grand Avenue and 54<sup>th</sup> St. W south of Cottonwood Grove

Sub., Mary Kramer, owner and petitioner. Staff recommends conditional approval of the resolution. **(Action:** approval or disapproval of Staff recommendation.)

**(B) PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #798:** A zone change from Agricultural Open (AO) to Neighborhood Commercial (NC) and Community Commercial (CC) on an 11.6-acre parcel of land, described as Amended Lot 65A-4, Sunny Cove Fruit Farms Subdivision. Mary Kramer, owner; Charlie Gamble, agent. Zoning Commission recommends approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)

5. **PUBLIC HEARING AND RESOLUTION** approving and adopting a budget amendment for FY 2006/2007. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)

6. **PUBLIC HEARING AND SPECIAL REVIEW #834:** A special review to amend the master plan for a Senior Housing Community, new layout for the site and the buildings on the site in a Residential-9,600 (R96) zone on Tract 1, of Corrected Amendment of Tracts 1 and 3 and Remainder Tract 2 to be Amendment of Tracts 1, 2, and 3, C/S 1648, generally located at the northwest corner of Bell Avenue and Shiloh Road. Robert D. and Bonnie E. Bell Trustees, owners; Carl Sanders, Mountain West Senior Housing LLC, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)

7. **PUBLIC HEARING AND SPECIAL REVIEW #835:** A special review to replace an existing beer and wine license with gaming with an all-beverage license in a Community Commercial (CC) zone on Lots 43 through 50, Block 4, Broadwater Subdivision, and located at 1106 and 1110 Broadwater Avenue. Suds Hut of Billings Inc., owner; Bob Pulley, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)

8. **PUBLIC HEARING AND SPECIAL REVIEW #836:** A special review for a beer and wine license with gaming in a Controlled Industrial (CI) zone on Lots 11A and 12A, Block 1, CBH Industrial Subdivision, and located at 1911 King Avenue West. KRP, LLC, owner; Dan Pendergrass and Bob Pulley, agents. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)

9. **PUBLIC HEARING AND SPECIAL REVIEW #837:** A special review to allow a change from an existing nonconforming use (vehicle repair) to another

nonconforming use, Scott's Lawn Service in a Residential-6000 (R-60) zone on Lot 1, Block 4 Central Avenue Addition and all of Block 1, Central Avenue Addition, 2<sup>nd</sup> Filing, located at 640 St. Johns Avenue. Michael W. and Colleen Mannion, owner; Dick Zier, agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

10. **PUBLIC HEARING AND ZONE CHANGE #797:** A zone change from Residential-6,000 (R-60) to Community Commercial (CC) on a 14,383 square foot parcel of land, described as: Lots 26 and 27, Block 5, Central Heights Subdivision, 4<sup>th</sup> Filing, located at 2156 Central Avenue. Michael D. Stock, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
11. **PUBLIC HEARING AND RESOLUTION OF INTENT** to adopt the Highland Neighborhood Plan as part of the Yellowstone County and City of Billings 2003 Growth Policy. Planning Board recommends approval. (Continued from 2/12/07). (Action: approval or disapproval of Planning Board recommendation.)
12. **2005 TRANSPORTATION PLAN AMENDMENT.** Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
13. **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)

### FEBRUARY:

2/20/2007	Yellowstone Historic Preservation Board Parking Advisory Board Council WORK SESSION	8:00 a.m. 4:00 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Library CH Conference Room Community Center 360 N. 23 <sup>rd</sup> St
2/22/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
2/26/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
2/27/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
2/28/2007	Housing Authority Development Process Advisory Review Board (DPARB) Traffic Control Board	NOON 1:00 p.m. NOON	2415 1 <sup>st</sup> Avenue North CH Conference Room 4 <sup>th</sup> Floor Library

### MARCH:

3/01/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
3/05/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
3/06/2007	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal
3/07/2007	Board of Adjustment	6:00 p.m.	Council Chambers
3/08/2007	Library Board Committee on Homelessness	11:30 a.m. 1:30 p.m.	Library 3 <sup>rd</sup> Floor Library
3/09/2007	Community Development Board	3:00 p.m.	Tentative – Call for Info.
3/12/2007	Energy & Conservation Commission Parking Advisory Board REGULAR Council Meeting	3:00 p.m. 4:00 p.m. 6:30 p.m.	Billings Operations Ctr. 4848 Midland Rd. CH Conference Room Council Chambers
3/13/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room

	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
3/14/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
3/19/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
3/20/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
3/22/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
	Community Development Board	9:00 a.m.	4 <sup>th</sup> Floor Library
3/23/2007	Community Development Board	9:00 a.m.	4 <sup>th</sup> Floor Library
3/26/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
3/27/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
3/28/2007	Development Process Advisory Review Board (DPARB)	1:00 p.m.	CH Conference Room
	Traffic Control Board	NOON	4 <sup>th</sup> Floor Library
	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North