

# 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

June 25, 2007

**6:30 P.M.**

## **CALL TO ORDER – Mayor Tussing**

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

## INVOCATION – Vince Ruegamer

## ROLL CALL

## **MINUTES – May 29, 2007**

June 11, 2007

## COURTESIES

- **Eagle Scout Recognition for Nicholas Peter**

## PROCLAMATIONS

- **July 4-7, 2007 - Gold Wing Riders Association/Canadian Appreciation Days**

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, 4, 5, 6, 7, and 8 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.		Library Board	06/25/07	12/31/07

## 1. Unexpired term of Steven Tucker.

**B. Bid Awards:**

**(1) SID 1375, Claremont Road Improvements.** (Opened 6/5/07). Recommend H.L. Ostermiller, \$297,665.92.

**(2) SID 1377, Greenbriar Road Improvements.** (Opened 6/5/07). Recommend H.L. Ostermiller, \$140,188.70.

**(3) W.O. 05-02 2005-2006 Miscellaneous/Developer Related Improvements.** (Opened 6/12/07). Recommend CMG Construction, Inc. \$429,845.00.

**(4) W.O. 05-14 Walter Pump Station Improvements.** (Opened 6/12/07). Recommend COP Construction, \$2,798,325.00.

**(5) W.O. 06-18 Broadwater Subdivision Improvements, Phase V.** (Opened 6/12/07). Recommend JTL Group, Inc., \$594,500.00.

**(6) W.O. 07-03 2007 Street Maintenance Contract No. 2.** (Opened 6/12/07). Recommend Riverside Sand & Gravel, Inc., \$1,111,111.11.

**(7) Airport Terminal Building Roofing Project.** (Opened 6/12/07). Recommend Commercial Roofing, \$371,800.00.

**(8) Airport Paving of the Overflow Parking Lots.** (Opened 6/12/07). Recommend JTL Group, Inc., \$288,178.35.

**C. Contract for Professional Services** with HDR Engineering, Inc. for Water System Emergency Power Supplies, \$74,639.00.

**D. Approval** of 3-year lease with Montana GSE, Inc. for lower level commercial airport terminal building space (July 1, 2007 – June 30, 2010).

**E. Approval** of hourly rate increase with Guardian Security for Library guard service to \$15.70 for the third year of a 3-year contract.

**F. Approval** of Police Department request to purchase Crime Analysis Reporting Software from Omega Group, \$37,890.00.

**G. Agreements** for Landfill Use with Bighorn County, Carbon County, Musselshell County, Stillwater County, Treasure County, Town of Columbus, Town of Fromberg, Town of Hysham, Town of Bridger, Town of Joliet, City of Laurel, and City of Red Lodge (7/1/07 – 6/30/08); and **Amendment #1** to the 3-year Landfill Use Agreement with Yellowstone County.

**H. Amendment #13, W.O. 05-14 Walter Pump Station Improvements.** Professional Services Contract, Morrison-Maierle, Inc. \$359,668.00.

**I. W.O. 04-33 Lake Elmo Drive (Hilltop to Wicks Lane) Right-of-Way Acquisition:**

**(1) Parcel 1:** Portion of Tract 2, Certificate of Survey 205, Joe Ann Black. \$9,218.50.

(2) Parcel 6: Portion of Lot 6, Welsh Subdivision, Jack Leonard Welsh & the Heirs and Devisees of Darlene D. Welsh, Deceased; and Quincy & Sarah Clark. \$4,150.00.

(3) Parcel 7: Portion of Lot 7, Welsh Subdivision, Jack Leonard Welsh & the Heirs and Devisees of Darlene D. Welsh, Deceased; and Quincy & Sarah Clark. \$1,800.00.

(4) Parcel 8: Portion of Lot 8, Welsh Subdivision, Quincy & Sarah Clark. \$2,000.00.

**J. Street Closure:** Gold Wing Road Riders request temporary street closure for parade on Thursday, July 5, 2007, from 3:00 p.m. to 7:00 p.m. originating at Faith Chapel; turning right on Shiloh Road; right on Rimrock Road; right on 38<sup>th</sup> Street West; left on Poly Drive; right on North 30<sup>th</sup> Street; ending at 1<sup>st</sup> Avenue North and North 30<sup>th</sup> Street.

**K. Acceptance of Donation:** Approval and acceptance of donation from BikeNet to the Big Ditch Trail Project, \$10,100.00.

**L. Acceptance of Donation:** Approval and acceptance of donation from St. Vincent's 2006-2007 Heart and Sole Run to the Main Street Underpass Project, \$10,000.00.

**M. Resolution** adopting the continuance of Resolution #06-18421 adopted by Council on May 22, 2006, for park ball field fence advertising, and extending the one-year time period indefinitely.

**N. Second/final reading ordinance expanding Ward V (Annex #07-08)** for Tract 3, Certificate of Survey 2298, containing approximately 4.27 acres located at Grand Avenue and 56<sup>th</sup> Street West. Hope Evangelical Church, owner.

**O. Second/final reading ordinance expanding Ward I (Annex #07-09)** for property described as: NW1/4 of Section 16, and the SW1/4 of Section 9, T1S, R26E and located on the southeast corner of the intersection of King Avenue East and Calhoun Lane. Miller Trois LLC, owner.

**P. Preliminary Subsequent Minor Plat** of Amended Lot 1, Block 1, Grand Avenue School Subdivision generally located on the south side of Grand Avenue between 13<sup>th</sup> and 14<sup>th</sup> Streets West, School District No. 2, owner, approval of the plat and adoption of the Findings of Fact.

**Q. Preliminary Major Plat** of King Meadows Subdivision generally located on the southeast corner of the intersection of King Avenue West and 48<sup>th</sup> Street West, conditional approval of the plat, approval of the variances, and adoption of the Findings of Fact.

**R. Bills and Payroll**  
(1) May 25, 2007  
(2) June 1, 2007

(Action: approval or disapproval of Consent Agenda.)

**REGULAR AGENDA:**

**2. RESOLUTION** approving and adopting the FY 2007-2008 Budget. Staff recommends approval. Delayed from 6/11/07. (Action: approval or disapproval of staff recommendation.)

**3. RESOLUTION** setting FY 2008 mill levy rates for the General Fund, Transit Operating Fund, Library Operating Fund, and Public Safety I Fund. Staff recommends approval. Delayed from 6/11/07. (Action: approval or disapproval of staff recommendation.)

**4. RESOLUTION** relating to \$10,700,000 General Obligation Bonds, Series 2007A and \$1,800,000 General Obligation Bonds, Series 2007B; determining the form and details and authorizing the execution and delivery of the bonds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**5. APPROVAL OF PURCHASE** of 13 patrol cars by June 28, 2007, at 2006-2007 State bid prices currently pending Council approval in the FY08 Equipment Replacement Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**6. APPROVAL OF PURCHASE** of Lots 1-6, Block 1, Rolle Subdivision; Tract 1A, C/S 1434; and Tract 1B-1 of Amended Tract 1B of C/S 1434 (less 1B-1A and Block Otter Subdivision) for the purpose of maintaining the property as undeveloped. Brian Kurth and Black Otter Ventures, LLC, sellers. \$631,806.00. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**7. APPROVAL** of the Downtown Billings Partnership Annual Work Plan and Contract with the City. (Action: approval or disapproval of staff recommendation.)

**8. APPROVAL** of contract for City Hall Chiller System Rooftop HVAC Upgrade (Opened 6/19/07). Recommendation to be made at meeting.

**9. PUBLIC HEARING AND RESOLUTION** to file for the annual Federal Transit Administration Section 5307 Grant for federal transportation planning, capital, training, demonstration, and/or operating assistance. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**10. PUBLIC HEARING AND RESOLUTION ORDERING IMPROVEMENTS** for W.O. 05-17 Highland School Sidewalks-Billings, Federal Aid No. STPE 1099(48), constructing sidewalks and associated public improvements along 11<sup>th</sup> Street West, O'Malley Drive, and Azalea Lane between Poly Drive and Delphinium Drive; a permanent crossing at 11<sup>th</sup> Street West and Poly Drive; and sidewalks along Beverly Hill Boulevard funded through a Safe Routes to School grant. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)

**11. PUBLIC HEARING AND RESOLUTION CREATING SID 1378, CLEVENGER AVENUE IMPROVEMENTS.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)

**12. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #807:** A zone change from Residential 6,000 Restricted to Community Commercial and Residential Professional (RP), and located on the southeast corner of Zimmerman Trail and Avenue E. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.)

**13. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #808:** A zone change from Residential Multifamily to Planned Development, and located on North 26<sup>th</sup> Street bordered by 7<sup>th</sup> Avenue North, North 25<sup>th</sup> Street, and North 26<sup>th</sup> Street. Thomas Towe and Court E. Ball Partnership, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.)

**14. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #809:** A zone change from Public to Community Commercial, and located on the southeast corner of 14<sup>th</sup> Street West and Grand Avenue. School District No. 2, owner. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.)

**15. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #810:** A text amendment to Section 27-601, Parking and Storage Regulations, regulating parking and storage in residential zoning districts and commercial or industrial zoning districts. Zoning Commission recommends approval of Zone Change #810, including Section 27-601(a)7 if a permitting system or similar system to control personal recreational vehicles on residential property is developed and denial of Section 27-601(b)7. (**Action:** approval or disapproval of Zoning Commission recommendation.)

**16. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #811:** A text amendment to Section 27-1502(b) Amendments to Chapter, Applications for map amendments. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)

**17. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #812:** A text amendment to Special Review Uses, Sections 27-306; 27-601; 27-612; and 27-613, revising commercial and industrial use regulations. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission 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>**

**2007 CALENDAR**  
**(Council and Boards & Commissions)**

6/18/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
6/19/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
6/21/2007	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
6/25/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
6/26/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
6/27/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board Housing Authority	1:00 p.m. NOON NOON	CH Conference Room 4 <sup>th</sup> Floor Library 2415 1 <sup>st</sup> Avenue North
6/28/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street

**JULY:**

7/02/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
7/03/2007	Zoning Commission Aviation & Transit Commission	4:30 p.m. CANCELLED	Council Chambers
7/04/2007	INDEPENDENCE DAY – CITY OFFICES CLOSED		
7/05/2007	Board of Adjustment EMS Commission	6:00 p.m. 7:30 a.m.	Council Chambers Main Fire Station Conf.
Rm		2300 9 <sup>th</sup> Ave. N.	
	Human Relations Commission	12:15 p.m.	CH Conference Room
7/09/2007	Energy & Conservation Commission	3:00 p.m.	Billings Operations Ctr. 4848 Midland Rd.
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
7/10/2007	Community Development Board Parking Advisory Board Council Agenda Setting Meeting Planning Board	3:00 p.m. 4:00 p.m. 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library CH Conference Room CH Conference Room 4 <sup>th</sup> Floor Library
7/11/2007	Parks/Recreation/Cemetery Bd Community Development Board	11:30 a.m. 3:00 p.m.	Community Center 360 N. 23 <sup>rd</sup> St. 4 <sup>th</sup> Floor Library

7/12/2007	Library Board Committee on Homelessness	11:30 a.m. 1:30 p.m.	Library 3 <sup>rd</sup> Floor Library
7/16/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
7/17/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
7/23/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
7/24/2007	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
7/25/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board Housing Authority	1:00 p.m. NOON NOON	CH Conference Room 4 <sup>th</sup> Floor Library 2415 1 <sup>st</sup> Avenue North
7/26/2007	Yellowstone County Board of Health	CANCELLED	
7/31/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room

**AUGUST:**

8/01/2007	Board of Adjustment	6:00 p.m.	Council Chambers
8/02/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
8/06/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
8/07/2007	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
8/08/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
8/09/2007	Library Board Committee on Homelessness	NOON 1:30 p.m.	Library 3 <sup>rd</sup> Floor Library
8/13/2007	Energy & Conservation Commission	3:00 p.m.	Billings Operations Ctr. 4848 Midland Rd.
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/14/2007	Parking Advisory Board Council Agenda Setting Meeting Planning Board	4:00 p.m. 5:30 p.m. 6:00 p.m.	CH Conference Room CH Conference Room 4 <sup>th</sup> Floor Library
8/16/2007	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
8/20/2007	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St

8/21/2007	Yellowstone Historic Preservation Board	8:00 a.m.	4 <sup>th</sup> Floor Library
8/22/2007	Development Process Advisory Review Board (DPARB) Traffic Control Board	1:00 p.m. NOON	CH Conference Room 4 <sup>th</sup> Floor Library
8/23/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
8/27/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
8/28/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 <sup>th</sup> Floor Library
8/29/2007	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North