

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

***“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES.”***

AGENDA

COUNCIL CHAMBERS

February 25, 2008

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Boy Scout Troup 27.

INVOCATION – Councilmember McCall

ROLL CALL – Councilmembers present on roll call were: Gaghen, Pitman, Stevens, Veis, Ruegamer, McCall, Ulledalen, Astle, and Clark. Councilmember Ronquillo was excused.

MINUTES – February 11, 2008, approved as distributed.

COURTESIES – Ron Palmer and Ray Capp, employees of the City of Billings Street and Traffic Division, were recognized by Interim Fire Chief John Staley and Public Works Director David Mumford for their quick action to pull an employee of Total Rental out of the burning business and extinguish his burning clothing and hair.

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek advised an item for Ironwood Estates, in conjunction with a settlement of an arbitration between two parties, was included in the Friday packet. She asked that Council consider adding it to the agenda that evening and said it would require a three-quarter vote of the Council.
- Ms. Volek advised over the weekend Council received answers to a series of questions and an amended agreement with the Mustangs for the operation of the new ballpark (Item 2).
- Ms. Volek advised an e-mail correspondence from Mr. Kent had been distributed concerning Item 2.
- Ms. Volek advised supplemental correspondence for Items 13, 15a, and 15b had been distributed.
- Ms. Volek advised additional information for Item 19a through 19d had been distributed.

- Ms. Volek advised the Agenda Review Meeting for March 10, 2008, would be held the following evening at 5:30 p.m. in the City Hall Conference Room.

Ms. Volek advised all of the additional items were filed in the Ex-Parte Notebook in the back of the room for public view.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, 3, 4, 5, 6, 10b, 13, and 20 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: **Separations: 1A2, Q**

1. A. Bid Awards:

(1) New Rotating Assembly for the Alpha Laval DS-401 Centrifuge – Wastewater Plant. (Opened 2/12/08) Recommend Alpha Laval, Inc, \$210,000.00.

(2) Scoreboard at Billings New Baseball and Multi-Use Stadium. (Opened 2/5/08) Delayed from 2/11/08. Recommend Sign Products, Inc., \$189,253.00. **APPROVED.**

(3) Revolving Door Replacement for Billings Logan International Airport. (Opened 2/12/08) Recommend General Contractors, Inc., \$526,183.00.

(4) 2008 Miscellaneous Improvement Projects – Airport. (Opened 2/12/08). Recommend delay of award until 3/10/08.

B. Change Order #3, New Baseball and Multi-Use Stadium at Athletic Park, Langlas & Associates, Inc., decrease of \$21,860.00.

C. Professional Services Contract for Mixing Zone/TMDL Study, Wastewater Plant, Great West Engineering, \$182,000.00.

D. Professional Services Contract for Water Treatment Facility L-Structure Improvements, HDR Engineering, \$206,743.00.

E. Contract for MT Department of Public Health and Human Services funding for a Housing First Project, CDFA 10.561, \$300,000.00.

F. Utilities Agreement and City/State Storm Drain Agreement with MT Department of Transportation for W.O. 03-25, Rimrock Road Construction from

Shiloh Road to 54th Street West, Utilities Agreement - \$49,273.64 cost to the City; Storm Drain Agreement - no cost to the City.

G. Amendment #1, Airport Restaurant and Lounge Concession Agreement, Air Host Billings, Inc., extending agreement until 10/31/2014, approximate \$105,000 annual revenue.

H. Amendment #3, Scheduled Airline Operating Agreement and Terminal Building Lease, United Airlines, \$10,207.56 annual revenue.

I. Approval of west end hangar ground lease with Brian Taylor, Lot 14, 20-year lease, \$1,531.12 first year revenue, subsequent years adjusted by CPI.

J. Acknowledge receipt of petition to vacate a portion of alley within Block 261, Billings Original Townsite, generally located between North 19th and 20th Streets and 4th and 6th Avenues North, Turnbull ITC LLC, owner and petitioner; and setting a public hearing for March 24, 2008.

K. W.O. 05-20, Aronson Avenue Extension Right-of-Way Acquisition:

(1) Tract 1B of Amended Tract 1, C/S 2055, Best Development Corporation, Inc., \$0.00.

(2) Tract 2B of Amended Tract 2, C/S 2592, Harry and Sara Jo Axline, \$11,340.00.

(3) Lot 5B of Amended Lot 5, Block 16, Hilltop Subdivision, 2nd Filing, Richard L. and Patricia M. Nixon, \$0.00.

L. Street Closure: St. Vincent's Health Care Foundation "World Water Day – Walk for Water", March 29, 2008, 8:00 a.m. to 12:00 noon, commencing at the Student Union Building at MSU-B, west on Marbara Lane, south on Virginia Lane, west on Highland Park Drive, south on Raymond, west on Poly Drive, north on Upper Highwood Drive, east on Park Lane, south on Virginia Lane, across the MSU-B campus, through the North 27th Street Tunnel, around Mountain View Boulevard, through the North 27th Street Tunnel, and back to the Student Union Building.

M. Acceptance and approval of donations:

(1) Donation from Mr. Dave Pauli, Regional Director, The Humane Society of the United States, Northern Rockies Region, toward the establishment of a dog park, \$1,000.00.

(2) In-kind donation from Tell Net Systems for installation of upgraded wiring for voice and data networking infrastructure at the New Baseball and Multi-Use Stadium, \$7,920.00 value.

N. Approval of pre-application for U.S. Department of Commerce – Economic Development Administration Grant for Public Works and Economic Development Facilities Program, up to \$350,000.00.

O. Resolution of Intent #08-18678 to adopt the North Park Neighborhood Plan, setting a public hearing date for March 10, 2008.

P. Second/final reading Ordinance #08-5454 expanding the boundaries of Ward I to include recently-annexed property in Annex #08-02: an approximate 54-acre parcel described as Tract 2-B-1, C/S 1121; King Business Park LLC, Richard Dorn, Samuel Rankin, and Hannah Elletson, owners.

Q. Preliminary Plat of Amended Lot 3B, Block 14, Sunnyside Subdivision, 3rd Filing, generally located on the northeast corner of the intersection of North 23rd Street and 10th Avenue North, conditional approval of the plat and adoption of the Findings of Fact. **APPROVED**.

R. Final Plat of Trailshead Subdivision.

S. Final Plat of E.D. King Subdivision, 2nd Filing.

T. Bills and Payroll.

- (1) January 25, 2008
- (2) February 1, 2008
- (3) September 1 – September 30, 2007 (Municipal Court)
- (4) October 1 – October 31, 2007 (Municipal Court)
- (5) November 1 – November 30, 2007 (Municipal Court)
- (6) December 1 – December 31, 2007 (Municipal Court)

U. Dedication of Right-of-Way Easement for Ironwood Estates, Subdivision, 2nd Filing. **ADD-ON ITEM**

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

REGULAR AGENDA:

2. BALLPARK AGREEMENT WITH BILLINGS MUSTANGS, Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.

3. MAINTENANCE AND TRANSFER OF RIGHT-OF-WAY AGREEMENT for the Shiloh Road Corridor between Montana Department of Transportation and City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.

4. **RESOLUTION #08-18679** approving up to \$2,000 of council contingency funds for Branding Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

5. **RESOLUTION #08-18680** amending Resolution #07-18636 and amendment to the City of Billings/Downtown Billings Partnership Development Agreement allocating remaining funds in the 1976 downtown Tax Increment District. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

6. **2008 ANNUAL BUDGET** for Exchange City Golf Corporation. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

7. **PUBLIC HEARING AND RESOLUTION #08-18681** approving the FY09-FY13 Capital Improvement Plan (CIP); Equipment Replacement Plan (ERP); and Technology Replacement Plan (TRP) Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

8. **PUBLIC HEARING AND RESOLUTION #08-18682** amending FY08 Budget for Airport Capital Projects. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

9. **PUBLIC HEARING AND RESOLUTION** creating SILMD 304 – Downtown Area. Staff recommends continuing the public hearing and delaying action until March 10, 2008. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

10. (a) **PUBLIC HEARING AND RESOLUTION #08-18683** creating SID 1383, Cherry Hills Road Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

(b) **PROFESSIONAL SERVICES CONTRACT** for SID 1383, Cherry Hills Road - water, sanitary sewer, storm drain, curb and gutter, and street improvements, Engineering, Inc., \$119,562.41. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

11. **PUBLIC HEARING AND RESOLUTION #08-18684** vacating portions of S. 24th Street, 4th, 5th, and 6th Avenues South, and alleys within Blocks 173 and 179 of Billings Old Town for a value of \$121,123.70; ConocoPhillips, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

12. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annex #08-05: property described as Lot 1, Sylvia Subdivision, 1094 Lincoln Lane, generally located on the west side of Lincoln Lane, north of the Target Shopping Center in

Billings Heights, First Citizens Bank, owner and petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**.

13. FIRST READING ORDINANCE FOR ZONE CHANGE #831: A zone change from Controlled Industrial to Central Business District in an area with general boundaries from the east side of North 25th Street to North 20th Street, and the south side of 6th Avenue North generally south to the railroad right-of-way. Public Hearing was held on January 28, 2008; action delayed until February 25, 2008. Staff recommends withdrawing the application and allowing the Salvation Army to pursue the variance request. (Action: approval or disapproval of Staff recommendation.) **APPROVED**.

14. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #832: A zone change from Residential 9600 to Residential 7000, and located on the southeast corner of the intersection of Hilltop Road and Agate Avenue in Billings Heights; Steve Zimmerer, owner and applicant. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**.

15. (a) PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #833: A zone change from Residential 7000 to Residential 6000 on the southern half of Tract 2, C/S 3303, located at 927 Bench Boulevard; Gene and Joy Culver, owners; Engineering, Inc., agent. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**.

(b) PUBLIC HEARING AND SPECIAL REVIEW #855: A special review to allow 10 four-plex, multi-family dwellings on a 3.978 acre parcel in a proposed Residential 6000 zone and an existing R60 zone on Tract 2 of C/S 3303, located at 927 Bench Boulevard; Gene and Joy Culver, owners; Engineering, Inc., agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED - ADDING 11TH CONDITION "THE EFFECTIVE DATE OF THIS APPROVAL IS CONCURRENT WITH EFFECTIVE DATE OF ZONE CHANGE #833", AND AMENDING CONDITION #1 TO INCLUDE "SUBJECT TO APPROVAL OF CITY ENGINEER'S OFFICE."**

16. (a) PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #834: A zone change from Residential 7000 to Residential 6000 on Tract 1, C/S 1531, located at 1442 Bench Boulevard. Gene and Joy Culver, owners; Engineering, Inc. agent. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **APPROVED**.

(b) PUBLIC HEARING AND SPECIAL REVIEW #856: A special review to allow seven four-plex, multi-family dwellings on a 3.055 acre parcel in a proposed Residential 6000 zone and an existing R60 zone on Tract 2 of C/S 193

and Tract 1 of C/S 1531; Gene and Joy Culver, owners; Engineering, Inc., agent. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

17. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #835: A zone change from Entryway Light Industrial to Controlled Industrial on Tract 1, C/S 2560, located on the southeast corner of King Avenue West and Shiloh Road. Zoning Commission recommends approval and adoption of the determinations of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

18. PUBLIC HEARING AND SPECIAL REVIEW #854: A special review for an all beverage license for the sale of alcohol beverages with gaming and a restaurant on a 1.92 acre parcel of land in the Controlled Industrial zone on property legally described as Lot 1, Block 1A, Tierra Yellowstone Industrial Subdivision generally located at 3178 Gabel Road. Zoning Commission recommends conditional approval. (**Action:** approval or disapproval of Zoning Commission recommendation.) **APPROVED.**

19. (a) PUBLIC HEARING AND RESOLUTION #08-18685 accepting the Lenhardt Square Property Urban Planning Study and maintaining the boundaries of the Billings Urban Planning area to include a 114-acre property legally described as Tracts 1-5, C/S 2063; Lenhardt Property, LP, Lenhardt Farm, LLC, and Lenhardt Enterprises, LLC, property owners. Yellowstone County Board of Planning recommends acceptance of the Lenhardt Square Property Urban Planning Study, approval of the Urban Planning Area boundary to include the subject property, and approval to include the subject property within the Red Limits of the Annexation Map. (**Action:** approval or disapproval of Yellowstone County Board of Planning recommendation.) **APPROVED.**

(b) PUBLIC HEARING AND RESOLUTION #08-18686 revising the 2007 Limits of Annexation Map to include the Lenhardt Square Property. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.) **APPROVED.**

(c) PUBLIC HEARING AND RESOLUTION annexing a 114-acre property located north of King Avenue West between 48th Street West and Shiloh Road and described as: Tracts 1-5, C/S 2063, (Annex #08-01). Lenhardt Property, LP; Lenhardt Farm, LLC; and Lenhardt Enterprises, LLC, owners and petitioners. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.) **DENIED.**

(d) PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #829: A zone change from Agriculture-Open Space (A-1), a county zoning district, to Planned Development with three underlying zoning districts - Mixed Use (MU); Multi-family Residential (MF-R); and Single Family, Residential Multi-Family (Four-Plex) (MF-4) located at 4345 King Avenue West. Lenhardt Property, LP; Lenhardt Farm, LLC; and Lenhardt Enterprises, LLC, owners, Engineering, Inc. and Bill Cole agents. Zoning Commission recommends approval

and adoption and determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **CONTINGENT UPON APPROVAL OF 19C.**

20. RIMROCK FOUNDATION SPECIAL REVIEW #800. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED.**

21. 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

- **Tussing:** MOVED to place the Lockwood Water and Sewer Agreement on the March 24, 2008, agenda for further consideration, seconded by Councilmember Gaghen. **APPROVED.**

ADJOURN - The meeting adjourned at 1:20 a.m.

(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>**