

# City Council Work Session

June 15, 2009  
5:30 PM  
Community Center

**ATTENDANCE:**

**Mayor/Council** (please check)   x Tussing, x Ronquillo, x Gaghen, x Brewster, x Pitman,  
x Veis, x Ruegamer, x Ulledalen, x McCall,  Astle,  Clark.

**ADJOURN TIME:** 8:10 p.m.

## Agenda

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| <b>TOPIC #1</b>      | <b><i>Public Comment</i></b> |
| <b>PRESENTER</b>     |                              |
| <b>NOTES/OUTCOME</b> |                              |

- **Bruce Simon, 317 Clark Ave,** said he was a member of the Parking Advisory Board. He stated that he was disappointed that Council did not address the formal letter from the Parking Advisory Board asking for a change in policy during the June 8 Council meeting. He said he the Parking Advisory Board hoped for a response.

Mayor Tussing stated that he agreed the Council should have responded but did not. He said he believed there were greater needs in the General Fund at the present time and did not want to short another area.

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| <b>TOPIC #2</b>      | <b><i>Outer Belt Loop</i></b> |
| <b>PRESENTER</b>     |                               |
| <b>NOTES/OUTCOME</b> |                               |

Councilmember Veis reported on a recent PCC discussion of all city/state projects. Stefan Streeter of Montana Department of Transportation advised that the environmental review document was in process for the outer belt loop. He noted that the PCC would receive a letter concerning the financial component. He explained that the Area Transportation Plan had to be updated to include a financial commitment to the project. Mr. Streeter advised that phasing could be necessary and the project was in the \$160 - \$260 million range, depending on the options and routes. He added that the MDT MPO had to be updated as well. He advised that \$20 million in earmarks was still committed to it, even though that was not enough. He said the order of the projects depended on the funding package.

John Schaaf, engineer for the project, advised that MDT was working with David Evans from Denver who was doing the environmental work. He said phasing would break it into more manageable chunks and things were progressing slower than they preferred. Mr.

Streeter added that it was about 1-1/2 years away from a decision, but a commitment was needed from the community leaders.

Councilmember Ulledalen reported that at the May 12 PCC meeting, it was discussed that this was a 15-20 year old decision, and was designed to get trucks routed around Billings. He added that initially, there was enough money to get from the interstate to Highway 312, but due to the length of time and inflation, there was not enough money to go further than the Shepherd Road. He asked if that accomplished the original objective. He asked about the City's expected commitment since it was in the county. Mr. Streeter advised that it was in the county, but also in the MPO area, so there would have to be a commitment through PCC funding. He explained that earmarks were made over the course of time, and it was his understanding that design and right-of-way funds were always sufficient, but there was never enough to get through construction. He said the lowest estimate to cross the river to get to Highway 312 was about \$60 million, with about \$20 million set aside in earmarks.

Councilmember Veis reported that Commissioner Kennedy wanted to make it clear that the project was not designed to put the traffic on Main Street.

Mr. Streeter advised that in the next two weeks, the City should receive a letter requesting PCC action.

Councilmember Pitman commented that the plan kept moving because it encroached on development. He said a crucial component was getting the bridge over the river before more development occurred.

Councilmember Ulledalen commented that the Bench connector was expected to carry a lot of Shepherd traffic and he wondered if that belt loop would eliminate some of that. Mr. Streeter said he believed the driving force was to get the trucks off Main Street due to the tight turns near the Metra. He said it was to connect the Camino-Real trade route, which went from Canada to Mexico.

Councilmember Ulledalen asked that the project cost and match amounts be included in the letter from MDT. He continued that it was important because the City would have to make choices between projects. Mayor Tussing stated he would like to know alternatives if the project was not constructed.

Mr. Streeter advised that the environmental document was expected to be complete at the end of 2010, followed by another six months for review. He added that the design and right-of-way acquisition would likely take another two years, so the project was a long way from the construction stage. Councilmember Ulledalen commented that a realistic timeline was 8-10 years until completion.

City Administrator Volek asked if the City would owe money if it chose not to proceed. Mr. Streeter explained that Federal dollars would have to be paid if the City chose not to proceed. He stated that the document would determine whether the project went forward and if the document determined it should not, the City would not owe anything.

Councilmember McCall asked about the cost of the environmental study. Mr. Streeter answered it was about \$3 million.

Mr. Streeter provided an update of the following projects: Airport Road; Alkali Creek Road; Shiloh Road - Poly Drive south and Canyon Creek, and the middle portions; Rimrock Road; Lockwood Southeast; and Pine Hills Interchange.

Councilmember Veis reported that Mr. Streeter gave the same presentation at the PCC meeting. He said it was time to start discussion about the next phase of new highway development.

Councilmember Ronquillo asked for an update on the Bench connection. Mr. Streeter explained that Phase I could move forward because the agreement was made with the County; and MDT contracted with Sanderson Stewart for design of Bench North which connects to the county project and goes to Hilltop. He said he thought there was enough funding for both of those projects, but not enough to do the section north of Hilltop. He stated that the State hoped to have the Bench North project ready for construction when the first phase was complete. Councilmember Ulledalen asked if right-of-way acquisition was needed. Mr. Streeter responded that the project required a lot of it, some of it could be temporary construction easements and some could be permanent.

Ms. Volek announced there was an upcoming meeting with the Heights Task Force regarding Bench. She added that staff was attempting to visit with Senator Baucus about the Transportation Plan renewal.

Councilmember Ulledalen asked about the City match for the projects. Mr. Streeter said the Bench Connection Phase I included a \$500,000 commitment from the City; Phase II of the connection was estimated at \$20 million and by agreement, the match was the City's responsibility, but it depended on where the project was when it was time to be built. He said the Bench North project was an urban route and the State would provide the match for that. Councilmember Veis stated that the State might include Phase II of the Bench Connection as part of an application for discretionary ARRA funds, titled a TIGER grant. Councilmember Ulledalen stated that it was necessary to know the cost so a future council was not obligated to something. Ms. Volek stated the County may ask for the City's support for the TIGER grant, but she understood that the City could be competing for about \$2.8 million for the Main Street underpass and Council would need to determine which project it supported. Mr. Streeter advised there were a lot of specific criteria for the TIGER grant.

Councilmember Ulledalen asked if there was any indication about the impacts on development if the outer belt loop was built. Transportation Planner Scott Walker advised that traffic information would be available.

Councilmember Ulledalen asked about the 10 and 20 year rules. Mr. Streeter explained the benchmark of 10 years to move from design to right-of-way acquisition; 20 years to reach a continuance and the 30 year rule was that the highway had to be built.

Mr. Streeter noted that spikes were put in place at the 6<sup>th</sup> Street Underpass to help alleviate the pigeon problem.

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| <b>TOPIC #3</b>      | <b><i>Graffiti in the Parks</i></b> |
| <b>PRESENTER</b>     |                                     |
| <b>NOTES/OUTCOME</b> |                                     |

Parks Superintendent Jon Thompson stated that graffiti in the parks was an ongoing and pervasive problem throughout the city. He displayed un-edited slides of various graffiti instances in the parks. He said anything and everything was being tagged and much of it was gang graffiti. Mr. Thompson said he had not seen graffiti at that scale in over 20 years of his

experience. He advised that the Parks Department was spending almost \$30,000 per year for graffiti removal. He explained that sandblasting was done for about a week to remove graffiti from the rocks on the Rims and there were many methods and products used to remove it from other surfaces. Councilmember McCall asked how the trees were treated to remove the graffiti. Mr. Thompson explained that different paint colors were used to try to make it look natural.

Mr. Thompson explained that everything was photographed when it was found and major incidences were reported to the Police Department. He said it was the Parks Department goal to get the graffiti removed within 48 hours, with the exception of the rocks on the Rims. He noted that the same taggers tagged many sites around town.

Councilmember McCall advised that she was contacted by the manager of the Petro Lewis Building who informed her that the building had been tagged numerous times. She said the manager stated that the Police Department could not respond to every incident because they were busy with other things. She said that business's frustration was that the graffiti kept appearing, they received letters from the City advising there would be a fine if it was not removed, they would paint, and then the graffiti appeared again.

Councilmember Ronquillo stated that Mr. Thompson provided a good report and he hoped the Billings Gazette would report the information regarding how much the City spent to deal with the graffiti issue. He said there were problems with the system because he felt that if offenders were caught, they should have to remove the graffiti. He noted that lots of eyes and ears were needed to try to prevent it from happening.

Councilmember Pitman asked what the \$30,000 covered. Mr. Thompson responded that it included labor, parts and equipment. He said there were also overhead costs that exceeded that figure.

Councilmember McCall asked for an electronic copy of the information Mr. Thompson presented. She commented that it was a huge problem and a group should be put together to brainstorm how to stop it. She noted that the private sector's help was needed as well.

Councilmember Ulledalen suggested a work session presentation by Police or Sheriff Department staff on gang activity and graffiti. Councilmember Ruegamer suggested including judges with that presentation. He agreed that offenders should have to remove the graffiti as part of their court sentence.

Councilmember Brewster stated that Kampgrounds Of America had offered to assist with graffiti removal on the Rims. Ms. Volek advised that by the time the offer came, the graffiti had been removed. She said they could be asked to assist in the future.

Councilmember Gaghen stated that she would like it emphasized that the gangs were preying on citizens and how costly it was. Councilmember McCall suggested contacting other communities for find out how they handled the issue.

Mr. Thompson advised that the downtown police officer started patrolling some of the close-in parks, including Dehler Park. He noted that supervising people to remove the graffiti would be problematic due to staffing limitations. He added that some of the removal materials were toxic, so there could be liability issues.

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| <b>TOPIC #4</b>      | <b><i>Parking Needs Assessment</i></b> |
| <b>PRESENTER</b>     |  |
| <b>NOTES/OUTCOME</b> |  |

Assistant City Administrator Bruce McCandless explained that it had been more than ten years since the last parking needs assessment was done. He said the study was intended to identify available parking resources, what the City controlled, and the demands for additional facilities. He introduced Richard Rich from Rich and Associates, the firm that conducted the study.

Mr. Rich reviewed the timeline and milestones of the study and the process used. Mr. Rich reported that the study found there were 3,722 available parking spaces with 44% of them controlled by the City. He noted that the benchmark was that at least 50% of the parking supply be public. He said five-year projections indicated a shortage of about 2000 parking spaces in five years. He said additional projections showed a decline in the shortage with the addition of two new facilities. Mr. Rich explained that the shortfall was determined by land uses and the number of spaces needed for that use by blocks in the study area. He noted that people were able to find parking spaces outside the area or were not driving their vehicles. Mr. Rich advised that the winter weather conditions during the study could have impacted the occupancy numbers. Councilmember Veis asked if the analysis assumed that people were not expected to walk more than one block to their destination from their parking space. Mr. Rich responded that the analysis indicated the person should be able to park on the block of their destination. Mr. Rich advised that during the study, the peak occupancy occurred between 10am and noon which was unusual.

Councilmember Pitman asked how the weather conditions were factored into the study. Mr. Rich explained that the occupancy study provided an indication of the parking situation and suggested having it updated by Parking Division staff for a more accurate picture.

Mr. Rich reviewed the data collected regarding parking violations. He said employees using on-street parking affected the available parking for businesses. Mr. Rich suggested enactment of an anti-shuffling ordinance that kept employees from moving around to other two-hour spaces.

Mr. Rich reviewed suggested practices that provided transportation alternatives. He noted that any new structures built should include things like bike racks, pedestrian lockers, etc. He suggested better access to the parking information on the City's website and links with other organizations such as the Downtown Billings Association.

Mr. Rich reviewed types of parking signage and wayfinding signs. He stated that some of the current signs were too small.

Mr. Rich suggested consideration of the automated cashier system and explained the two types of cashierless systems. He stated that larger cities were transitioning to those types of machines. He noted that it would be challenging to retrofit the garages for the systems. Councilmember Veis asked about savings for an automated system. Mr. Rich advised there should be a gain of about \$200,000 to \$300,000 per year.

Councilmember Ulledalen commented that in an earlier presentation, it was stated that automating three of the garages would increase each garage's cash flow \$40-60,000. He said there had not been any explanation for not going in that direction. He added that there were waiting lists for monthly spaces and it seemed to make sense to eliminate the hourly spaces and turn them into monthly spaces so the entire garage could be automated. Mr. Rich advised that automation would work well in Park I and Park IV, but Park II and Park III should be studied. Councilmember Ulledalen commented that money was being left on the table and the Parking Advisory Board should consider that concept. Mr. Rich stated that the occupancy blocks would have to be studied to determine if the hourly parking could be

eliminated from the garages. Councilmember Veis asked how long it took for people to get used to the machinery. Mr. Rich said the infrequent visitors could have problems, but regular users would be okay.

Mr. Rich suggested removing the security cameras because of the perception that they were monitored and that was a liability to the City.

Mr. Rich discussed pros and cons of selling Park IV. He said it made sense to sell it due to the low number of transient parkers and the funds could be directed to an additional structure that would be needed sooner than predicted by the CIP. Councilmember Ulledalen commented that selling Park IV was the only way to finance another parking structure. Mr. Rich advised that the need to build additional parking structures depended on the new Federal courthouse and whether the County would construct parking. He noted that a parking structure at 4<sup>th</sup> and Broadway could help, but the demand was in the core area south of 4<sup>th</sup> Avenue North.

Mr. Rich suggested maintaining the meters on the streets from a financial standpoint as well as putting parking meters back on Montana Avenue to resolve the perceived inequity with other downtown areas.

Councilmember Veis stated he echoed Mayor Tussing’s comments that there was greater need in the General Fund for the parking transfer, but Council could consider phasing it in the future. Mayor Tussing stated he thought the request should have been submitted earlier in the budget process. Councilmember McCall agreed and said it should be kept on the burner. Councilmember Brewster disagreed and said increased taxes or services cuts would be needed to repay those funds. Councilmember Ruegamer stated he wanted to hear from Ms. Volek and the Finance Division about the effects. Mayor Tussing suggested a cost benefit analysis.

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| <b>TOPIC #5</b>      | <b><i>Final Legislative Report</i></b> |
| <b>PRESENTER</b>     |  |
| <b>NOTES/OUTCOME</b> |  |

Mayor Tussing announced that a report was in the Friday packet. He asked City Lobbyist Ed Bartlett to emphasize important items from it. Mr. Bartlett said he would be happy to answer any questions. He thanked City Administration and Council for its support during the legislation session.

Mr. Bartlett referred to the attempts to pass the local option tax. He noted although that tax did not pass, there were many issues that did, one being SB 294, the revenue bonding for roads that would help Billings and other cities around the state. He reported that there would be 20 interim studies, including property reappraisal, before the next session and Billings should pay attention to a number of them because many of them would likely result in proposed legislation.

Councilmember Ulledalen asked if it was worthwhile to start lobbying for the next session. Councilmember Brewster commented that he thought the lobbying helped and the session was successful even though the local option tax did not pass, but many other initiatives were passed.

City Administrator Volek stated that Mr. Bartlett did a good job and would continue in that role for the next two years. She stated there would be turnover among legislators due to

term limits and new and continued relationships with newer legislators had to be formed. Mr. Bartlett suggested involvement with the Reapportionment Commission. He stated that urban area influence could be important.

Councilmember Ruegamer commented that lobbying should begin again. He stated that commitments were needed from legislators and they needed to be held accountable. He mentioned that a couple of the legislators indicated they would work with the City on certain issues, but did not once they got to Helena.

Councilmember Ulledalen asked if there was anything that could be done prior to elections to put the issues out front rather than waiting until after the election. He mentioned that some of the legislators who attended previous meetings with Council were clueless about the City's issues. Councilmember Pitman commented he felt the discussions were good, but he was unsure if the Council should support any individuals. He suggested education and influence. Councilmember McCall stated that a smaller informal meeting could be less intimidating for those individuals and an alternative format should be considered.

Councilmember Ulledalen stated that there was an increasing sense that a local option tax would never pass and he wondered if that affected the City's credibility. Mr. Bartlett advised that he felt statewide tax reform would eventually occur and the local option should stay in the discussion, however, he agreed that it should not be lobbied during the next session. Councilmember McCall advised that the City and its partners needed to be on the same page about the issue.

Councilmember Ulledalen suggested going after the bed tax because it was as close to a tourist tax as the City would get. Mr. Bartlett advised that he was convinced that the next session was not the time to push the local option tax, but he thought some reform was possible. He indicated he would visit with the Montana Taxpayers Association to see if common goals existed.

Ms. Volek suggested having Mr. Bartlett continue to track the interim committees. Mr. Bartlett noted that a special session could be called if the revenue projections continued to decline substantially. Councilmember McCall suggested reading the monthly newsletter, The Interim. Mr. Bartlett advised he would send a copy to each Councilmember.

Councilmember Ruegamer stated that he received a general timeline on redistricting and could provide a copy to anyone who was interested. Mr. Bartlett said they would start meeting during the current year, but would not do much until at least 2010. He referred to public meetings in 2010 and 2011.

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| <b>TOPIC #6</b>      | <b><i>Sky Ranch Condominiums Complaint (Kinnard Letter)</i></b> |
| <b>PRESENTER</b>     |   |
| <b>NOTES/OUTCOME</b> |   |

Ms. Volek reported the area in question was City property and that boulders could be placed at the area to prevent vehicle access. She said the estimated cost was \$4200 if staff did the work. Councilmembers agreed to proceed and suggested posting signs that prohibited vehicle access. Councilmember Ruegamer suggested contacting the media to let them know the work was being done so they could help get the word out that vehicles were not allowed. Ms. Volek advised that she would notify the Sky Ranch residents of the plans.

Councilmember Pitman asked about the possibility of citing offenders. Ms. Volek explained the concept of a designated area for off road vehicles.

**Additional Information:**

Councilmember Ronquillo reported there would be a fundraising event at the Council on Aging, June 25, 4-7 p.m. and all volunteers were welcome.