

# City Council Work Session

June 21, 2010  
5:30 PM  
Council Chambers

## ATTENDANCE:

Mayor/Council (please check) x Hanel, x Ronquillo, x Gaghen, x Cimmino, x Pitman, x McFadden, x Ruegamer, x Ulledalen, x McCall, x Astle, x Clark.

ADJOURN TIME: 8:56 p.m.

## Agenda

<b>TOPIC #1</b>	<b><i>Storm Damage Report</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Public Works Director Dave Mumford reported that crews were called out after the storm and tornado that occurred the previous evening to assist with damages in the Heights, downtown and the Poly/Virginia Drive areas. He said crews worked to clear storm drains and mud, debris from the entrance at Billings Clinic, and some underpasses. He advised it was a 100-year storm in a two-hour event, which meant the storm and resulting damage was significant. He reported about slight overflow at the wastewater plant due to a power outage, and explained how water and wastewater levels were impacted and that he was working with EPA on those issues. He reported that the landfill sustained some flooding and staff was working with the neighboring residents to clear debris. He said cleanup efforts would continue.

Councilmember Pitman and Mayor Hanel publicly thanked the Public Works Department for its assistance in the cleanup efforts. Mr. Mumford suggested a coordinated effort with the County to clean up the area around MetraPark. Mayor Hanel advised that it had been discussed with County Commissioners. Mayor Hanel asked Mr. Mumford to confirm that the City was not able to assist private residents with pumping mud or water from their basements. Mr. Mumford advised that was correct.

Ms. Volek advised that a damage report was provided at council desks that covered city property not included in Mr. Mumford's report.

Fire Chief Paul Dextras reported that activation of the City-County Emergency Operations Center worked well and all public safety personnel coordinated efforts and acted in a professional manner. He recognized the Communication Center staff that handled an extraordinary number of calls, and complimented Communication Center Manager Anne Kindness for the professional level of service by her staff. Chief Dextras advised that fire personnel staffed all reserve apparatus and responded to the emergency calls that came in as a result of the storm. He reported that the Heights fire station sustained some damage, along with some equipment damage, and the west end station also sustained some damage in the basement when the sump pump could not keep up with the water flow. He complimented the professional manner of the firefighters during the situation.

Councilmember Pitman asked Chief Dextras whether the Fire Department assisted with pumping water from basements. Chief Dextras said they made sure hazards were addressed, such as power or gas being turned off, but did not pump basements. Councilmember Pitman thanked Chief Dextras and the Fire Department for their assistance.

Communication Center Manager Anne Kindness reported that the Center handled 841 calls during a three and one-half hour period during the incident. She said one issue that came up repeatedly was people calling, especially from the mobile home community, to find out where they could seek shelter. Councilmember Pitman advised that that issue had been discussed earlier that day with officials because the Metra was considered a shelter.

Police Chief Rich St. John reiterated the comments made by Chief Dextras and praised the professionalism and coordination of the communication center, police, and fire personnel. He said officers worked to secure the scene on Main Street. He reported on the status of Main Street that was partially closed to allow clean-up. He said he heard, but had not been able to confirm, that the State was going to run the clean-up and traffic control on Main Street. He reported that the National Guard was also present for 72 hours to assist with security for businesses that had been damaged. Chief St. John advised that the Sheriff’s Office secured and was responsible for the Metra. Councilmember McCall asked if the concert goers that were at Pioneer Park earlier in the day were advised to leave or if they left on their own when the rain started. Chief St. John said he believed people left on their own and the concert ended when the rain started. Mayor Hanel stated that the tornado warning sirens went off which alerted people to leave the area. Councilmember Gaghen commented that the coordination came together very well and commended the emergency personnel for their response to the storm.

Councilmember Pitman expressed appreciation on behalf of businesses and residents along Main Street for the assistance provided by all public safety and City crews.

Chief St. John reported that some vehicles sustained hail damage and there was minor water leakage in City Hall.

Mayor Hanel read an emergency declaration that was signed earlier that day. He explained it was the proper protocol that allowed the City to request emergency assistance. Councilmember Pitman commented that it was remarkable that there were no injuries from the tornado despite the debris in the air during the storm.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

<b>TOPIC #2</b>	<b><i>Radio Implementation Plan - GeoComm</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Fire Chief Paul Dextras introduced consultant Lex Rudder from GeoComm, who had been working with the City on the transition from the current radio system to a VHF system. He said the project was getting close to the point when an RFP could be issued after funding was secured.

Mr. Rudder explained the report distributed at the meeting. He said a plan was developed that allowed the City to implement a change, and it could be used as an RFP when the project got to that stage. He advised that having a plan allowed the City to apply for grants, and that most of them required an existing plan. Mr. Rudder reviewed items that were contained in the report and

would have to be addressed prior to an RFP publication. Ms. Volek added an explanation of the purpose of seeking the implementation of an alternate system. She reminded the Council that a request for funding assistance was submitted to the federal government. Mr. Rudder explained the process to have it accepted by the state, which made it a final plan.

Councilmember Ulledalen asked about the costs of the system and maintenance. Mr. Rudder advised that the rule of thumb was that annual maintenance would be 15-20% of the cost of the system. Councilmember Ulledalen asked how that compared to the current costs. Mr. Rudder stated he did not have that information. Ms. Volek advised that she would get that information to Council. Mr. Rudder added that the majority of the maintenance cost was the software maintenance and updates.

Councilmember Pitman asked Mr. Rudder about the estimated cost of the system. Mr. Rudder advised that the costs depended on the time of year the bid was put out and that his company provided estimates based on retail pricing. Mr. Rudder commented that it was probably fair to say that the system was paid for every ten years.

Councilmember Gaghen asked about the radio sites described in the report and whether the sites had been presented to the County as well. Mr. Rudder said the only discussion had been with the Big Sky Radio Consortium.

Councilmember McFadden asked if the maintenance program could be bid separately. Mr. Rudder explained that the maintenance was usually part of the package from the manufacturer. Ms. Volek explained that the primary vendors tended to have designated providers in the area.

Councilmember McCall asked Mr. Rudder or Ms. Volek to identify some of the Federal funding agencies. Mr. Rudder explained that the normal grants ranged from 90/10 to 75/25 and referred to the section of the report that listed some of the agencies.

Councilmember Ulledalen asked about the specifications of the bid process to allow multiple vendors to bid. Mr. Rudder provided an explanation of what would be required to match the State system and options that would be considered. Councilmember Ulledalen asked Mr. Rudder if he was aware of systems that were installed and it was then discovered they would not work. Mr. Rudder said he knew that there were times when things did not work out. Councilmember Clark asked if there was a group that could advise whether a system would work. Mr. Rudder explained how a non-vendor consultant would work with the City.

Councilmember Ulledalen said Mr. Rudder's information indicated that a system would cost almost \$9 million and if grants were obtained, the City's match could be up to \$2 million, yet he had heard that an analog trunk system could be built in conjunction with the County for about \$2 million. Mr. Rudder advised that he did not think that would work.

Councilmember Ulledalen asked Ms. Volek what the County and the rest of the state was doing. Ms. Volek explained that the County was already on the VHF system and there was a Montana network. She said Billings was the only city in the State on 800 MHz.

Chief Dextras stated that being able to enhance operability in the community required implementing the new system. He said money had not been set aside for a system, so the Federal grants would be vital. He added that the maintenance of the system would have to be well planned.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

<b>TOPIC #3</b>	<b><i>Fire/Building Codes</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Ms. Volek advised that the presentation was a result of a request by Council at the May 24, 2010, meeting when adoption of the fire code was postponed to July 12. She introduced Fire Marshall Mike Spini. Councilmember Ulledalen advised that he brought it up because he heard comments in the community about the two iterations of the building code, not really the fire code. He said the cumulative effect was the increased cost passed on to the community. He said he wanted to know the consequence of the code before it was adopted.

Mr. Spini advised that he would speak on the Fire Code and Building Official Kim Palmieri would address the building codes. Mr. Spini reported that the fire code was adopted by the County in the spring. He explained that although the PowerPoint presentation issued by the International Code Council indicated there were 270 changes to the code, only about 100 of those changes were significant. He referred to primary concerns of crowd manager and residential sprinkler systems. He assured the Council that the fire code would not require sprinklers and the statement in the PowerPoint was misleading. Mr. Spini explained how the crowd manager provision would be handled with large events, and the types of events that would require crowd managers. Mayor Hanel suggested public education to civic groups if the fire code was adopted.

Mr. Kim Palmieri described the building code adoption requirements. He advised that the energy code could cost up to \$7,000 per structure as estimated by the homebuilders association. He described the energy code changes and noted that a primary change was that basement walls had to be insulated, regardless of whether the walls were finished or unfinished. He added that the new regulation applied only to new construction or new additions to homes.

Mr. Palmieri reviewed the four codes that would likely be adopted by the State, and the associated costs to builders. Councilmember McCall asked how builders reacted to the codes. Mr. Palmieri advised that builders knew the codes were adopted at a state level. He reviewed the International Residential Code that would require sprinklers in one and two-family homes if the code was approved. He noted that the code would apply only to new construction and the cost of a system as estimated by a local installer was about \$7,000. Councilmember Gaghen asked if the current code already required sprinkler systems in multiple-family dwellings. Mr. Palmieri explained what the current building code required, and what the state's proposed code contained which left some multi-family dwellings out of that requirement.

Ms. Beaudry reminded the Council that the City adopted energy efficiency goals when it applied for the energy conservation grant, which would allow homeowners to realize a 30% savings on energy, which could offset the increased up-front costs.

Ms. Volek suggested the Council consider asking the State to not adopt the code that required the residential sprinklers when it developed the legislative agenda. Assistant Fire Chief Frank Odermann advised that some states had done that. He said he would like to provide a presentation at a future work session.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

A ten-minute recess was taken at 7:15 p.m.

<b>TOPIC #4</b>	<b>Public Comment</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Mayor Hanel commended staff that participated or assisted with the recent wellness run/walk.

The public comment period was opened. Mayor Hanel advised that comments would be limited to three minutes.

- **Brandon Demars, 2964 Gregory Drive S**, spoke in favor of disc golf in Pioneer Park. He reported there were approximately 5,000 members on a Facebook page, and those members had been asked to assist with clean-up in any way they could after the previous evening’s storm.

Councilmember Astle asked how many people played disc golf in Billings. Mr. Demars said he believed it was thousands, but someone else could answer that. He said he knew it was adults as well as kids.

Councilmember Ruegamer asked Mr. Demars about the complaints that trees were being destroyed. Mr. Demars said he did not believe it was that damaging to the trees. He stated that if the course was removed from the park, people would probably continue to play and would use the trees as targets, which would result in further damage.

Councilmember McFadden asked if boy scouts were going to help with the trees as part of a project. Mr. Demars advised that he, and probably others, were willing to assist with that.

Councilmember Cimmino restated the consultant’s survey results and reviewed the Facebook statements. Mr. Demars advised that he corrected his initial statements.

- **Joel Anderson, 512 Avenue C**, advised that he supported disc golf in the park. He said he bought his house to be near the park and the course. He stated that he disagreed with moving the course to another location and requested reconsideration of the previous vote to remove disc golf from Pioneer Park.

Councilmember McFadden said he heard complaints from nearby residents about bad language in the park and asked Mr. Anderson if he heard the noise at his home. Mr. Anderson said he did not. Councilmember McFadden asked if it was a problem when players went into neighboring yards to retrieve discs. Mr. Anderson said he thought many of those issues came from the previous design and the current course would not really allow discs to get into yards

Councilmember Ruegamer asked Mr. Anderson if he would play at another location if the Pioneer Park course was removed. Mr. Anderson said he would, but likely not as often.

Councilmember Ronquillo explained that councilmembers voted to remove the course because of the park neighbors, and asked if he had contacted any of those neighbors in favor of the sport to ask them to speak to the Council. Mr. Anderson explained that one of his neighbors wanted to attend but could not. Councilmember Ronquillo spoke of the erosion

and damage at the park, and the lack of money for new course and maintenance. Mr. Anderson stated that it could be restored and he did not see that as a major issue.

Councilmember Astle asked Mr. Anderson if he ever played multiple rounds. Mr. Anderson advised that he did sometimes.

- **Larry Dillon, 1028-1/2 Lewis Avenue**, advised that he used to work for the Parks Department and from his perspective, did not think that damage was irreparable. He said one thing he learned while working for the Parks Department was that success was measured by how many used the park, so disk golf was a wild success and should be retained. He said having other courses was also a good idea. He stated that permanent tee pads would help alleviate the damage.
- **Liz Welch, 225 Avenue D**, said she was four doors from Pioneer Park on the east side and bought there on purpose. She said they put up with park effects, and were still glad the park was used the way it was. She advised that she read the master plan that reported 33,000 rounds of disc golf were played annually, talked with PRPL staff and walked the park. She stated that some of the erosion around the tees happened when a volunteer group prepared the area to pour concrete tee pads, and then had to wait for rainy weather to end, and by the time they could pour the concrete, they were told not to by the Parks Department. She said those same people were willing to correct those problems at their own expense. She commented that the plan would realign the holes to minimize damage, and would reduce the footprint by 33%. She said the realignment provided safety for other park patrons.

Councilmember McFadden asked if Ms. Welch also thought it was important that students from Senior High were able to walk to the park rather than have to drive to another course. Ms. Welch responded that she thought it was critical that they could do that. She said she has seen numerous groups walk to the park and very few people drove to the course.

- **David Southern, 618 Avenue F**, stated that he also chose to live by the park and the disc golf course. He said he felt disc golf was critical to Pioneer Park. He said he was dismayed that the Council had voted against keeping disc golf in the park and appreciated the Councilmembers that were willing to reconsider their vote.

Councilmember Gaghen asked Mr. Southern if he knew if it was correct that Rocky Mountain College had outlawed disc golf on campus. Mr. Southern said that was not correct; he understood there was a movement to establish a course on campus.

Councilmember Ruegamer asked what Mr. Southern thought about another venue in Billings. Mr. Southern said he felt it would be a good addition to the current parks system, but he would not use another one to the extent that he used Pioneer Park.

- **Chris Blackwell, 432 Alderson**, advised that he relocated from Louisiana, and chose his residence based on the park and disc golf. He said the public transportation to Pioneer Park was important and the course had a unique and challenging terrain. Mr. Blackwell stated that he felt the master plan was well done. He noted that volunteers could move the course and replant damaged areas.

Councilmember McCall asked how many parties could be playing at the same time without interfering with each other. Mr. Blackwell said there could be as many groups as there were holes. He noted that at Pioneer Park, there were times when people were waiting to tee off so there were probably more than 12 groups. He said that although there was not someone overseeing the play, he was not aware that there had been any problems.

- **Joshua Bradshaw, 325 S. 32<sup>nd</sup> Street**, stated that he was not a disc golf player, but thought it was a vital sport and a good location for youth.

- **Genoa Dillon, 1028-1/2 Lewis Avenue**, stated that she supported disc golf even though she did not play. She said availability of recreational activities was very important for young people.
- **Jeremy Hicks, 1713 Clark**, stated he was a senior at Senior High, and played at least once per day. He said he hoped the course would stay in Pioneer Park.

Councilmember McFadden asked Mr. Hicks where he got the shirts. Mr. Hicks responded that he and his friends made them to show their support of disc golf in Pioneer Park.

- **Olivia Stockman, 937 N. 24<sup>th</sup> Street**, stated that tree damage was an argument of convenience, considering that the park plan included paving a parking lot over green space. She said she enjoyed disc golf and was also an ultimate Frisbee player. She said the money for the plan was wasted if the Council did not listen to the results. She asked why the results were not taken to heart and if that was a good expenditure of taxpayer money. She said disc golf was an alternative to drugs and gangs, and if there was a problem, it was a success problem because golf was successful in the park.

Councilmember Astle advised that he voted against the \$86,000 expenditure for the master plan. He explained that disc golf was just one piece of the master plan that was not accepted. Mayor Hanel explained there was a lot of history behind the issue and not all the current Councilmembers were on the Council at the time the vote was taken to fund the master plan. Councilmember Gaghen stated that she voted for the master plan because she valued the green space and open area in Pioneer Park. She said that although there was opposition to the idea of funding a master plan, there was enough support to approve the expenditure. She pointed out that the overall master plan was accepted with the exception of retaining disc golf. Councilmember Ulledalen stated it was complicated and the Councilmembers that opposed the study did so because they felt there was no point in paying for a study when there were no funds to pay for what the study would recommend. He said they actually wanted the Parks Department to spend the \$86,000 on park improvements, but were told they could not do that without a master plan.

- **Anya Fiechtl, 512 Avenue C**, said she was disappointed in the decision to remove disc golf from Pioneer Park. She said disc golf was a great asset for the community and knew people were very passionate about it. She said the park would be about half as full of people if disc golf was removed. She encouraged reconsideration of the Council's decision and hoped compromises could be reached.
- **Emily McCullogh, 203 S. Crestwood**, stated that Senior High classed played disc golf for their physical activity and some of the West High classes went to Pioneer Park as well. She said she knew of people from outlying areas that came to Billings to play disc golf.
- **Steven Klippenstein, 582 Sahara Drive**, said he played disc golf a lot during the summer. He said he felt it was a safe and inexpensive activity. He stated that he was not opposed to changing the course to make it safer and would assist with the work. He noted that Skyview High School also utilized the disc golf course at Pioneer Park. He said he had never seen drugs associated with disc golf.

Councilmember Ulledalen commented that other courses would take pressure off Pioneer Park. He asked Mr. Klippenstein for suggestions of locations in the Heights. Mr. Klippenstein suggested High Sierra Park or Sahara Park near Aronson. He said he felt the wear and tear at Pioneer was due to the fact that the tee areas were usually muddy so the golfers stood outside those muddy areas.

Councilmember Ruegamer clarified that no councilmember ever said anything about drugs, alcohol or gangs related to disc golf; the comments were made by a neighbor.

Councilmember Cimmino commented that she was impressed with the offer by the group to assist with storm clean-up efforts. She explained that the Council's role was to ensure that programs were administered and managed appropriately. She asked if Mr. Klippenstein would like a location in the Heights. Mr. Klippenstein said there were a lot of players in the Heights and he thought having multiple courses was a good idea.

Councilmember Ulledalen asked if Heights players would use the bike path to get to a course at Coulson Park. Mr. Klippenstein said he did not think many Heights kids knew about the park. He said the undeveloped area along Aronson Avenue would be a good location.

- **Mariah Welch, 225 Avenue D**, stated that she was 13 years old and lived near the park. She said she played disc golf at Pioneer Park at least weekly. She said students from Senior High went to the park after school quite often.
- **Nathan Perius, 833 Constitution**, said he was an active member of the St. Bernard's Parish and that the youth pastor took kids to play disc golf weekly. He said no course could replace Pioneer Park even though he would love to have one in the Heights. He said the Pioneer Park topography could not be matched.
- **Amy Lingren 2823 6<sup>th</sup> Avenue North**, asked if the Council was going to reconsider keeping disc golf in Pioneer Park.

Mayor Hanel explained that action could not be taken at a work session, and councilmembers could vote at a regular business meeting to reconsider the item at a future meeting.

- **Joe Splinter, 937 N. 24<sup>th</sup> Street**, distributed a list of individuals willing to help with storm clean-up efforts. He said the disc golf players were trying to find solutions. He said there were a lot of people that would also like to help with the solution to the previous day's storm damages. He pointed out that the park plan noted that of the 3000 police calls in the park area, only two were related to disc golf. He referred to an email from Judge Fagg that indicated he felt crime was mitigated by having disc golf in that area.

Councilmember McCall commented that she wanted people to understand that the councilmembers that voted against disc golf in Pioneer Park were not necessarily against the sport. She said there was also passion on the part of people that wanted to protect the park. She said people needed to be willing to use other parks as well if other courses were developed. She added that the Council was also trying to find a solution. Mr. Splinter advised that the group was taking steps to become more organized and to raise funds.

Councilmember Ulledalen said he had suggested that the activity get organized and could use the Par 3 golf course a model. He suggested dues, a board of directors and some organization. Mr. Splinter agreed. Councilmember Ulledalen commented that damage being done at Phipps Park needed to be addressed as well.

Councilmember Ronquillo stated that the groups needed to work with the Parks Department as well. He added that he appreciated the input. He stated that other locations were necessary to alleviate the damage to Pioneer. Mr. Splinter stated that there were constructive solutions to the problem and he hoped the Council was open to reconsideration.

Mayor Hanel expressed appreciation for the group's offer to assist with clean-up efforts.

Councilmember Gaghen said she appreciated Mr. Splinter's comments, that he was not angry with the councilmembers, and his willingness to work toward a solution. She advised



that she contacted New York's Central Park staff and was told there was not a disc golf course there, but an ultimate Frisbee area. Mr. Splinter said that disc golf and ultimate Frisbee were the same in his mind.

Councilmember Pitman mentioned that removing it from the master plan did not ban it from the City. He said the issue was not about disc golf, it was about the master plan and how it was managed within the park system. Mr. Splinter said the confusion would have come from the removal of disc golf from the master plan.

Councilmember Ulledalen said that resulted in questions about enforcement.

Councilmember Cimmino related information about how disc golf was viewed in Texas.

There were no other speakers, and the public comment period was closed.

Additional Information:
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