

City Council Work Session

October 18, 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: 8:25 p.m.

Agenda

TOPIC #1	<i>Library Board & Committee Report</i>
PRESENTER	
NOTES/OUTCOME	

Library Director Bill Cochran invited everyone to attend the grand opening of the pilot project of the MSU-B College of Technology Community Library. He provided a brief description of the services offered at that location. He reported that after the hybrid Bookmobile was fully implemented, the vehicle it replaced would be parked in a single location in the Heights as another pilot project for that area.

Mr. Cochran introduced Leslie Modrow, Development Director of the Library Foundation. Ms. Modrow announced that a donor stepped forward to lead a major fundraising campaign and provided a leadership gift of \$2 million, with one stipulation that the building design had architectural significance. She said the Foundation was confident that the gift would help it reach a goal of \$5 million in private funds for a new Library. She stated that the study to determine the feasibility of a capital campaign was well received.

Mayor Hanel congratulated Ms. Modrow on the donation. Councilmember Gaghen said the work toward the project was commendable and she expected support for the project.

Mr. Cochran confirmed that the donor did not have an interest in the design or layout of the interior of the building, and was not interested in any change in name or operation, but was simply interested in the exterior and that it was architecturally appealing.

Councilmember McCall said she was proud of Mr. Cochran and Ms. Modrow for their leadership, and expressed gratitude for the generosity of the anonymous donor.

Mr. Cochran introduced Library Trustee Bernie Rose to present the Library Board's recommendation. He introduced additional Board members present: Lyn McKinney, Lloyd Mickelson, and Shari Nault. He also asked current and past Foundation Board members to stand and be recognized.

Mr. Rose began his PowerPoint presentation with an explanation of the process that started eight months ago when a committee was formed. He reviewed the committee membership. He explained that part of the planning process was a phone and internet survey. He presented the results that favored the current downtown location, and listed the preferred

amenities. Mr. Rose pointed out that the survey results indicated there was very little interest in the library being a shared facility.

Mr. Rose reviewed the evaluation criteria and related scores for size, proximity, location and accessibility. He advised that the current location received the most points, followed by several alternative locations. He displayed a diagram of the current location and the recommended addition of area currently owned by Underriner Motors.

Mr. Cochran advised that students and faculty of MSU-Bozeman would work on the design of the facility. He reported that the Library Board adopted motions at the most recent meeting to utilize the existing building site and acquire additional property in the same block, and to accommodate the donor's desire for a new building.

Mr. Cochran spoke about the recommendation of the Board to acquire the land on the same block that was previously occupied by Underriner Motors. He explained the process and the status of discussions about it with Billings Clinic.

Mayor Hanel asked about the area the Billings Clinic was interested in using for an exchange. Ms. Volek commented that staff was concerned with closing 9th Avenue due to access for emergency services.

Councilmember McCall asked the Billings Clinic personnel to speak about their uses for those properties.

Jim Duncan of Billings Clinic explained that the Clinic was somewhat surprised when the Underriner properties south of 6th Avenue became available because even though the Clinic had acquired some of them in 2004, Underriner had a lease on them through 2019. He advised that the Clinic had already made a commitment to sell lots to Stockman Bank prior to any discussion with the City, but thought Stockman Bank might be willing to trade property as well. He mentioned that the Clinic was not aware of the \$2 million gift, so the initial thought was to reduce the cash outlay by working out a property trade. He said the most desired property for the clinic was on 9th Avenue N. between the Clinic and the hospital. He said the Clinic wanted the City to consider relocation of 9th Avenue as a collector street to 10th Avenue. Mr. Duncan spoke about desired property at N. 28th across from the Emergency and Trauma Center.

Councilmember Astle asked if there would be access to the Cherry Tree Inn if 9th Avenue North was closed off. Mr. Duncan advised that because everything had happened so fast, they had not had the chance to discuss the project with Cherry Tree Inn or St. Vincent's Hospital, but they would.

Councilmember McCall asked Mr. Duncan to describe the properties the Clinic wanted. Mr. Duncan said there were three properties: 9th Avenue North between N. 28th and N. 29th; North 28th, just north of 10th Avenue North, and North 28th, between 7th and 8th Avenues North.

Mr. Cochran advised that part of the agreement with Stockman Bank when the City sold the bank a portion of the parking lot south of the Library, was that the City had the option on that property, as well as the lot adjacent to the north side of the Library.

Councilmember Pitman commented that was another opportunity when all the pieces of the puzzle came together and the community won. He asked Public Works Director Dave Mumford about using North 28th for drainage retention. Mr. Mumford advised that he was not sure how the Clinic intended to fix the problem, but he was willing to work with them.

Mayor Hanel asked about traffic control on 10th Avenue North and N. 27th. Mr. Mumford advised that there were multiple parties and issues that had to be considered before anything could be changed. He advised that it would be expensive to move two signals on N. 27th.

Councilmember Astle asked if there were environmental concerns at the former Underriner Building. Mr. Duncan advised that a Phase II environmental review was done when the properties were acquired and those would be updated.

Mr. Duncan advised that McKinley School was the Clinic's partner and they would do everything possible for the kids.

Councilmember McCall stated she thought it was a good opportunity for the community. She urged staff to work closely with the Clinic to accomplish that. Ms. Volek stated that Staff was already working on it. Mayor Hanel commented that he felt 10th Avenue N. was a safer route for the emergency vehicles.

Councilmember Clark stated that having served on the site selection committee, he knew that the committee's recommendation was to try to obtain the nearby property and keep the Library at the same location. He said he felt the land trade made sense to him.

Ms. Volek advised that the staff recommendation would be to have an item at a future Council meeting to accept the report and direct staff to proceed. She said she understood the Foundation would be the entity that received the donation, and would proceed to hiring an architect to work on the design.

Councilmember Gagen asked if the architectural department of MSU-Bozeman had any participation in the design of the Bozeman Library because it was widely admired. Mr. Cochran advised that it was involved in the process.

Mr. Cochran introduced the President of The Friends of the Library.

The public comment period for that item was opened.

- **Evelyn Noenning, 3119 Henesta**, stated that it was an exciting time for the Library and the City to be involved in a legacy project. She thanked the Council for its consideration and cooperation.
- **Blaine Jensen, 1516 Virginia Lane**, stated that he represented the Yellowstone Valley Citizens Council's Green Library Committee. He said they were interested in the Library planning and review, and would like it built to LEED Gold or Platinum standards. He said that would save taxpayer dollars and make Billings a more desirable place to live. He distributed fact sheets that contained the YVCC's recommendation regarding the site selection.
- **Joe White, Billings, MT**, spoke of the status of his appeal to use the Stockman property for a museum. He said he had a superior right and had a congressional order against the bank. He suggested detailed studies regarding compatibility of the Library and hospital. He stated there was not enough air for the hospital.
- **Kevin Nelson, 4235 Bruce Avenue**, he said he was in Sioux Falls, South Dakota, and saw an old hospital that was expanded and turned into a pleasant campus. He said closing the streets could be done and was being done in other communities. He suggested knocking down the old building and starting over.
- **Stella Fong, 806 Poly Drive**, encouraged the Council to make the right decision to bring the best resource to the City.
- **Kim Olson, 2112 Fairview Place**, encouraged the Council to work with the community and neighbors to pull the project together.
- **Shari Nault**, urged the Council to move quickly on the project.

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

TOPIC #2	<i>Federal Appropriations & Capital Improvements Funding</i>
PRESENTER	
NOTES/OUTCOME	

Ms. Volek advised that work had begun on the state legislative program and it was time to start working on the federal program. She distributed a copy of last year's request and noted that status information was still not available on most of the items. She advised that Mr. Mumford would discuss his memo provided with the last Friday Packet.

Mr. Mumford explained that a new Capital Improvement Plan would begin and the process associated with it. He said he hoped for direction from the Council because there were millions of dollars worth of projects needed or required in the future. He said the Public Works capital program was over \$50 million each year. He reviewed the changes of the past three years. He reviewed stormwater projects that needed attention, and said the federal focus needed to be shifted in that direction. He spoke about partnering with the Parks Department on storm detention and parks combinations and said that was one area where staff needed direction whether it should continue.

Councilmember Pitman referred to the request just heard from Billings Clinic about shutting down parts of streets to address drainage and asked if there were other places where that might be beneficial. Mr. Mumford said they were looking at some lots in Howard Heights Subdivision area that could be used for stormwater detention. He said they wanted to focus on areas that had flooding issues.

Mr. Mumford advised that they wanted to concentrate on reservoirs in the water department and balancing the system. He said a new water plant had been included in the CIP for many years, but staff was looking at how to delay building it. He spoke about other options that could be considered.

Mr. Mumford advised that the City needed to move forward with wastewater discharge work to meet new DEQ standards. He reviewed the proposed projects of the first phase and the possible options to address the issue. He talked about taking the summer discharge out of the river to avoid extremely high wastewater fees charged to residents. He requested comments from Council through Ms. Volek.

Mr. Mumford reviewed road projects. He advised that he wanted to move forward with getting the City certified to receive federal highway funds. He explained that would lower ICAP significantly and would place the responsibility and control of the projects on the City. He said direct appropriations could be administered by the City. Mayor Hanel asked how that certification would affect staffing levels. Mr. Mumford stated that the City would still have minimal staffing levels and would contract the excess work to the private sector.

Councilmember McFadden asked about status of the Zimmerman tunnel project. Mr. Mumford explained it was in the design study stage and he hoped three options would be available for review after the first of the year. He said there was still \$7 million in appropriations for Zimmerman Trail.

Councilmember McCall asked how many cities in the country were certified. Mr. Mumford said there were not many. He explained that the City had to have some cash flow

because it had to pay for the project and then receive reimbursement. He noted that the City had some cash flow available.

Mr. Mumford explained that safety and capacity projects would be addressed first. He stated that staff wanted to slow down the Inner Belt Loop project. He explained it was actually ahead of schedule according to the Council initiative from Councilmember Brewster three years ago. He said the design was done and right-of-way could be acquired now, but based on the appraisals, he did not expect anyone would be anxious to sell at the appraised price. He explained his concern that maintenance funds would be stretched too thin and how it could impact the arterial fee. He advised that bond counsel was concerned about using arterial fees for bonds because the City was not authorized by State law to do that and it had not been challenged in court and confirmed. He noted that bond counsel would not provide a clean opinion without some changes to state law. He said bond counsel wanted the City to seek legislation, but he was reluctant to do that with the 2011 legislature because it was going to be a very contentious session. He said he was afraid they could lose the arterial fee altogether.

Ms. Volek asked Mr. Mumford to provide a further explanation of how the arterial fee was used. Mr. Mumford reviewed projects such as: rehab programs, ADA program compliance, traffic signals and overlays. He advised that there was \$3 million per year in the fund and it cost about \$3.5 million per mile for arterial road design and construction.

Mr. Mumford mentioned his concerns regarding street maintenance with the current staffing levels. He said the state would soon turn over Airport Road, Bench Connection, Rimrock Road, and Shiloh Road, which meant more miles to maintain with less staff than three years ago. He said he wanted staff to get on its feet with those new roads before adding more.

Ms. Volek reminded Council about the federal requests and if federal funds did not come through, the City would have to pay for them. She said staff was not asking to cancel the Inner Belt Loop, just a delay to follow the timeline set in the initiative.

Councilmember Pitman said Mr. Mumford commented that things had changed in the last three years, but a recent change in the Heights was the Father's Day tornado that virtually isolated the Heights. He stated that he thought the maintenance of the Inner Belt Loop would be easier, so he did not understand that reasoning. He added that if federal funds were accepted, the City would not have control over it, so he did not think federal funds were desirable. He stated that he felt it was a safety issue as well. Mr. Mumford said he did not think that road would help with maintenance and he saw it differently than Councilmember Pitman did. He stated he disagreed that the Father's Day storm isolated the Heights because Aronson was available and it was a freak storm. He said he felt it was a good project, but was concerned with using all the available funds especially when the bond situation was not good.

Councilmember Cimmino stated that the project had already been on the books for a long time and the cost would probably increase as it was delayed. Mr. Mumford advised that he had been watching and the costs had not increased significantly, but with the bond market, interest rates would add to the cost of the project, and he doubted if a \$12 million bond could be sold in the current market. Councilmember Cimmino stated that City voters had been told it was a City project and she did not want to have to tell it differently.

Councilmember Ronquillo asked about using millings for unpaved streets. Mr. Mumford explained that they could be used on a roadway that had good drainage.

Councilmember Ulledalen commented that he thought what Mr. Mumford suggested was smart; the City had been working at breakneck speed for six years and some projects that had

been in process for years did not make a lot of sense. He said he felt staff needed to reorient their budgets and identify the best projects.

Councilmember Clark asked when it would be known if the City obtained the federal certification. Mr. Mumford said it should be next summer. He explained the current process and how much more expensive it was to work with MDT and federal funding. He stated that staff needed to have the time to think better and evaluate the projects better, rather than reacting.

Councilmember Astle stated that the Federal Government predicted that housing would not recover until at least 2012. He added that what Mr. Mumford proposed about the Inner Belt Loop still kept it on the original five-year plan.

Councilmember Ulledalen commented that the extra time would allow the City to pay off its Intercap Loans.

Councilmember Pitman stated that he thought staff had received good direction on roads such as Lake Elmo and Dorothy Lane. He said that at the September 20 meeting regarding the legislative agenda, Mr. Mumford indicated that arterial fees could be used for bonds. He asked if it should be put back on the legislative agenda. Ms. Volek said she wanted to talk with Senator Gillan first, and the item could be put on the list later if needed. Mr. Mumford advised that he did say that bond counsel knew how King Avenue East was paid for, but he did not want to expose it to Legislative attack.

The public comment period for that item was opened.

- **Tom Zurbuchen, 1747 Wicks Lane**, advised that on September 23, 2008, Dave Mumford presented the Inner Belt Loop plan to the Heights Task Force and indicated it would be completed in three years. He said it was supported by lots of Heights residents that had been waiting for something like that. He said the road was needed for other reasons than a storm. He asked how the Council could promise it, and then rip it away from us. He said it would provide fire protection for Rehberg Ranch by providing road access from Station 6. He said it would benefit more than the Heights. He commented that if the project was delayed, the money would be spent somewhere else. He urged the Council to stand its ground and stand with the commitment made.
- **Kevin Nelson, 4235 Bruce Avenue**, said he wondered why the road and sidewalks had not been completed on Grand by the new cancer center. He said he thought the millings should be used on gravel streets, and then maintenance for them would be done. He stated that Jim Lynch of MDT said Billings could not be certified for federal funds because of the minimum 250,000 population requirement.

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

TOPIC #3	<i>Holiday Schedule</i>
PRESENTER	
NOTES/OUTCOME	

Ms. Volek reviewed the schedule for November and December meetings. She advised that in past years, the Council modified the December schedule so there were no meetings held the week after Christmas. It was agreed to schedule a work session December 6, and regular

meetings December 13 and December 20, and then not have any meetings the week of December 27. It was also agreeable to not have any meetings on November 29, which would normally be free of meetings because it was the fifth Monday of the month.

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

TOPIC #4	<i>Public Comment on Non-Agenda Items</i>
PRESENTER	
NOTES/OUTCOME	

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue**, suggested Council reconsider the decision to spend \$200,000 for a trail on Broadwater. He said that was an opportunity to use the street millings for much less cost. Mr. Nelson stated that the weed and rocks on King Avenue West were not native grasses. He said it was a maintenance issue that would slam the City, especially when the City was citing people for not cutting their weeds. He suggested removing the rocks and cutting the weeds.

Councilmember Ulledalen advised that there were some native grasses planted in the portion that was not being cut with a weedeater now, but had to be hand weeded. He said it would look better as the grass matured.

- **Tom Zurbuchen, 1747 Wicks**, stated he agreed with Mr. Nelson that the City needed to maintain its property. He referred to a pump station on Airport Road, where the City would not cut the weeds in the boulevard.

Ms. Volek advised that Mr. Mumford informed her that area was still state-owned property and she would check into it.

- **Joe White, Billings, MT**, spoke about damages from the City regarding his daughter, Dimbo, who had turned 18. He advised that he applied to three courts over her competence, and did not receive any replies. He said he made a declaration on her competence, and he was willing to be her legal guardian.

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

Additional Information:

Councilmember Ronquillo announced a fundraiser on November 7 at the South Park Senior Center in honor of Veteran’s Day.