

City Council Work Session

5:30 PM
Council Chambers
February 7, 2011

ATTENDANCE:

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

ADJOURN TIME: 8:55 for regular session, 9:30 for executive session

Agenda

TOPIC #1	Legislative Report
PRESENTER	
NOTES/OUTCOME	

- Ed Bartlett: HB 316 includes entitlement reduction, other cuts that will be incorporated into HB 2. Workers comp bills this week, main one will be HB 334. Medical marijuana bills continue to be highlighted; HB 68 in committee, waiting for other bills to catch up with it; HB 43 moving ahead without waiting for others – employer’s bill; Lewis bill on regulating and taxing will be heard Friday. Other repeal bill was heard last week; not likely to proceed unless reform legislation fails to pass. Primary seat belt law heard last week most supported it. Statewide ban on cell phone and texting while driving. SB 234 and SB 236 considered this week; solid waste bills supported by Allied Waste. SB 240 by Moss on street light maintenance districts and LED lighting. Prohibit sprinklers in 1 and 2 family residences voted out of committee. SB 91 and LC 1283 Lockwood incorporation; LC would prohibit incorporation of large industrial and ag lands without consent, just like with annexation.
- Pitman: 3 mile limit on annexations related to SB 91 and LC 1283? No.
- Hanel: ban MMJ. Passed out of committee but don’t think that it will ultimately pass.
- Pitman: please keep an eye on this.
- Clark: state cell phone ban less strict than ours? Yes.
- Gaghen: appreciate your testimony last week and hope state law will incorporate the elements in our ordinance.
- Tina: LC 1150/ HB 400 prohibiting fire charges for crash response? Have not found out why the bill is introduced. Will still do that.
- Ruegamer: convey to Arntzen: who is she representing?
- Clark: HB 301 dead? No, and I think that it may pass committee.
- Mumford: SB 234 and SB 236 – will oppose at the hearing on Wednesday. 234 would disallow the petition for trash service unless cities buy the service. (Sonju) 236 would prohibit cities requiring contracts in order to clean up or serve city.
- Cimmino: email from Volek on 3 HBs; HB 307? Don’t understand the amendment but he reads it.

- McCandless: grave concerns from city staff about no limitation on the number of living units that would be excluded from sprinkler requirement.
- Hanel: concern about the amendment.
- Tina: SB 240 results?
- Ed: hearing was confused and confusing. Question about whether the City of Billings and utility services have a dispute. No answer at this time. Doty appeared and supported. Didn't progress once disclosed that utility companies would do the billing.
- Mumford: concerns about lighting intensity and requirement for general election vote.
- Cimmino: HB 231- status? Passed committee on Friday.
- Pitman: how did Legislators respond to the TIF presentation? A few questions, small attendance, no reaction from Legislators.

Public comments: none

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TOPIC #2	Animal Control Board Proposed Changes
PRESENTER	
NOTES/OUTCOME	

- Dave Klein: board has been meeting 1 ½ years and will give 9 slide presentation.
- Ruegamer: YVAS review and comment? No, they have a copy but have not commented at this point. Still drafting and changing.
- Klein: unnecessary language being removed, moving some cites to infractions instead of criminal. Not proposing to prohibit breed specific. Dangerous and potentially dangerous animals definitions. More than one person may be required to substantiate a barking complaint. Outlines some of the requirements for dangerous animal or one that attacks person. Insurance requirements increase. Require spay or neutering, collars/leash and markings. Fees for registering dangerous and potentially dangerous animals.
- Pitman: barking is natural. Barking in addition to other bad behavior, nothing isolated from others. Rabbits? Never in the changes.
- McFadden: exception if the dangerous animal is actually breeding stock?
- Ulledalen: like higher fees because these animals cause the extra work. Recover your enforcement costs.
- Astle: some way to enforce liability insurance requirement? Ordinance says person must inform us or we can pursue.
- Ronquillo: chickens? Not against the animal control ordinance but Code Enforcement may have restrictions. Tina: zoning ordinance outlaws farm animals.
- Gaghen: thanks to Doug, who was attacked attacked by a vicious dog, became involved and trying to strengthen the ordinance.

Public comments: none

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TOPIC #3	CAFR Presentation
PRESENTER	
NOTES/OUTCOME	

- Pat Weber: recognizes Jim and Niki, welcome Donna. Thank all of them. New GASB pronouncement on ending fund balance. Findings on page 197 – 200. Won't cost as much to close the landfill and we overstated the post-closure cost, so we have a finding.
- Ronquillo: can we use the excess closure trust to open new cells? No, state won't let us pull it out of the trust.
- Pitman: how much goes into the trust? About \$130,000/yr.
- Ulledalen: explains to Council that if annual deposits are not made to the trust for 3-4 years in order to let the required cash catch up to the present reserve, that means SW will have \$130,000 more per year to use on operations, including opening new cells.
- Weber: non-monetary findings summary. Note on RFP responses and recommendation to hire a new auditing firm: Junkermier, Clark, Campanella and Stevens (JCCS) from Bozeman, already audit Bozeman and Great Falls.
- Hanel: negotiate with Eide Bailly?
- Tina: probably not and doing so would violate the RFP process.
- Pitman: staff recommendation to us? Will come to the City Council on 2/28.
- Ruegamer: wasted evening to reveal such small findings, you're doing a good job. Good idea to switch auditors occasionally.
- Hanel: please introduce the accountants. Check.

Public comments: none

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TOPIC #4	Byron Nelson Park Master Plan (Yellowstone Family Park)
PRESENTER	
NOTES/OUTCOME	

- Mark Jarvis: park in YCCE, worked with owners since November, money for plan comes from homeowners. Park Board recommends plan approval.
- Stacey Robinson, consultant: good attendance at meetings, project on the fast track, working only since November. Name change is requested by the neighborhood. 381 homes in the immediate service area (40 are east of 54th). Ran process through the holidays and still had good attendance.
- Michael Verseman: 3 distinct use areas. Physical characteristics. Describes improvements, including revising the corner of Bobby Jones and 54th – attractive entry, play structures and surface, shelter that is installed at higher elevation than play area, augment the slope in the NW area, boulder play area, loop walking trails, berming and screening for safety and a pedestrian crossing of 54th.
- Stacey: developed a video for the neighborhood promoters to use for creating an SID/PMD.
- Pitman: bathrooms? No, not in a neighborhood park.

- Stacey: price is not well defined, but best estimate is \$1million to \$1.2 million. Average cost per home is about \$2900 or about \$20/mo. PMD might be about \$3.50/mo. to \$7.66/mo.
- Ulledalen: great job using a problem site and making it a nice park.
- Pitman: soccer fields in high demand, will PRPL schedule?
- Mark Jarvis: practice fields, not for official play.
- Gaghen: surprised there isn't a basketball play area.
- Stacey: there is – a multi use court area.
- Ulledalen: use this as a model for other undeveloped parks.
- Ruegamer: like these new features in the park.

Public comments:

Stacey Robinson, Land Design, Inc., 3529 Gabel Road, Billings MT 59102: interesting process because traditional plan was introduced but the nontraditional one was the one adopted.

Sterling Starr, 3713 Tommy Armour Circle, Billings MT 59106: gives history and background, including more recent PRPL identifying vacant park land that should be sold and neighborhood fear about losing the park and having multifamily housing built on the land. Wouldn't fit in our neighborhood.

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TOPIC #5	Stormwater Management Manual & Stormwater Facility Plan Update
PRESENTER	
NOTES/OUTCOME	

- Debi Meling: talks directly from the slide program. Don't make the problems worse; fix the existing areas, opportunistic improvements and education and understanding.
- Ronquillo: will storm drain work be done with Newman Lane improvements? Don't know but will look at it when the road is designed.
- Debi: describes stricter enforcement for drainage and NPDES permit.
- Astle: permitting due to what? Lawsuits, permitting, swept up in national trends.
- Pitman: snow melt part of the same issue? All goes to the river and has to meet discharge standards.
- Clark: water quality is the reason for the ponds, etc? Yes.
- Deb: more oversight in all phases, will meet permit, less damage downstream, no CO until work is done, downstream neighbors will be happier, costs may not be as high as predicted because lots of people already doing things that the plan recommends to improve water quality. Biggest new feature is that the storm water facilities will be built by developers according to City standards and then deeded to and maintained by the City. Costs and regulations may conflict with sustainability, so have been working to ID ways to make sustainable facilities.
- Ruegamer: complaints about mosquitoes in ponds. New standards and new ponds will drain.

- Deb: photos and descriptions of small catch and detention areas – used in Coeur d’Alene and Spokane.
- Astle: gravel soils in Coeur d’Alene, but not here. They have to be constructed properly to work here.
- Cimmino: roadside swale in Coeur d’Alene; why not used on Lake Elmo? Lake Elmo had to accommodate parking; higher priority for the neighborhood, so design was a compromise.
- Mumford: used to let people build and didn’t care too much what happened to storm water. There will be costs to development but trying to work with developers to keep costs down. Innovative methods vs. building pipe.
- Ulledalen: postage stamp subdivisions are hard to fit together and make these plans work. At some time, need to force more properties into master plans.
- Pitman: city policy changing, away from curb and gutter to more innovative designs that handle water better. Working with the county commissioners?
- Mumford: working with city-county planning. County has their own MS4 permit and we help them out as much as we can.
- Ulledalen: we need tough standards for rural areas that annex to the city.
- Mumford: agree.

Public comments: none

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TOPIC #6	Yellowstone Valley Animal Shelter Contract Renewal
PRESENTER	
NOTES/OUTCOME	

- Tina: communicated with Liz Honaker, now asking Council approval for staff to renegotiate contract.
- Pitman: concerned about continued subsidy.
- Tina: will talk with them but as long as they operate as they do, probably won’t be able to reduce costs very much. Can talk with them about changes but probably still can’t operate without a subsidy from city.
- Clark: expensive for us to take it back, so don’t mind subsidizing them.
- Ruegamer: agree
- Ulledalen: get it done. We pay even if we run it and it’s really nice to not get the calls from public.

Public comments: none

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TOPIC #7	Quarterly Updates
PRESENTER	
NOTES/OUTCOME	

- Greg Krueger: DBP report, sent in early January. Rather spend time talking about budget amendments that will be considered in February. Four areas of budget changes, for pedestrian wayfinding, appraisals, façade improvements and large development projects, in total adding \$1.8 million.
- Tina: MLCT conference – Crowne Plaza is the conference hotel, want to keep it downtown. Eight to nine Councilmembers will work on steering committee.
- Ruegamer: need to be thinking about a keynote speaker.
- Tina: budget, initiatives and strategic plan update.
- Ruegamer: set the MLCT steering committee meeting now.
- Tina: will notice it this week and meet next week, Wednesday Feb 16 at 3:00. Will send out meeting notice.
- Ronquillo: 9/22/08 initiative to annex Riverfront and Phipps Park.
- Tina: need to send a letter to owner and say we're interested.
- Clark: thinks there are other things that can be removed from the list. Work on doing it.

Public comments: none

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TOPIC #8	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- None

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Additional Information:

- Ulledalen: talked with Alec Hansen a couple of weeks ago and took notes. Will share them when I get them typed.
- Ronquillo: Gainan's tour as part of the MLCT conference?
- Cimmino: how do we set the budget for City costs?
- Tina: usually just the cost of the President's reception and that can often come from one of the corporate sponsors. City may have no out of pocket expenses.

TOPIC #9	Pending Litigation (Executive Session)
PRESENTER	
NOTES/OUTCOME	