

City Council Work Session

February 20, 2007
5:30 PM
Community Center

ATTENDANCE:

Mayor/Council (please check) x Tussing, Ronquillo, Gaghen, x Stevens, x Brewster,
x Veis, x Ruegamer, x Ulledalen, x Boyer, x Jones, Clark.

ADJOURN TIME: 8:20 p.m.

Agenda

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

- None

TOPIC #2	<i>Teleconference with Jani McCall</i>
PRESENTER	Jani McCall
NOTES/OUTCOME	

- Councilmembers moved to the conference room for the teleconference with City Lobbyist Jani McCall. Ms. McCall reported there are a lot of changes to the appropriations. The local government is not interested in HB2, except for the special funding portion. Ms. McCall stated that the best news from last week was that SB320, which deals with the fire codes in order to maintain local control, passed in the Senate. . She noted the resort tax is scheduled for Thursday. The Chamber will send an alert message and ask for members to contact their legislators. The Session starts at 12:30 p.m. and volunteers may be needed to manage/touch bases with the senators.
- Ms. Mc Call said she spoke to Roy Brown on Friday and he is very close to voting for the resort tax. She stated that most of the bases were covered with the legislators, maybe just a "thank you" for support should be sent out to each legislator. Mayor Tussing stated he would try to attend Wednesday for the MMIA training and then to the capital on Thursday. Ms. McCall said the 11:00 p.m. – 12:30 p.m. session is the most critical time. She also noted that the League’s local option bill in taxation will be discussed. Ms. McCall stated that as a member of the MLCT, she needed to make an appearance so she would attend and will share the information on counties and sound supportive on the local option. Councilmember Jones commented that he thought that the City was going to stay neutral on this because of revenue sharing. Mayor Tussing said he did not think that the City could get a broad sales tax passed; supporting the MLCT could dilute

support for the resort tax. Ms/ Mc Call said that the bill would probably not get out of committee, but it still needed to be supported to avoid repercussions from other cities.

- City Administrator Tina Volek stated that Bozeman was going to support the Accommodations Tax remaining in the bill and drop the Revenue Sharing. Ms. McCall agreed and said there was still a need for other cities to show support on Thursday. This will support local control and local option but point out that Billings supports SB320. The consensus of the Council was to support that testimony.
- Ms. McCall stated that on SB484 Senator Essman would build a new regional workforce training facility. The support would be needed and would still need to go through appropriations. HB655 is for an incumbent worker-training program.
- Councilmember Boyer asked for an explanation with reference to a concern with what they're going to do with the training money. Ms. McCall said the bill would request \$3.6 million in HB5 to construct a new building at the MSU-B COT. This would probably leverage private dollars too. Councilmember Jones stated that the Council would need to support this bill. The consensus of the Council agreed.
- Ms. McCall asked City Attorney Brent Brooks for an explanation on HB693 and HB694, which are both about public documents and cost recovery. Mr. Brooks said that HB694 requires a five (5) day response, which is not practical on law enforcement and health information. Ms. Volek said she had received emails from one person since 2003 and she asked the requestor if he understood the cost and numbers.
- Ms. McCall asked if she should "live" with an amendment for a longer time or try to kill it. She said she would talk with Brent, MLCT, and MACO tomorrow. Mr. Brooks agreed and said he would email other large city attorneys and ask their opinions.
- Ms. McCall reported that she was "copied" on racial profiling bill email (HB781) from Police Chief Rich St. John. Ms. Volek said she will review the content with the Council. This issue would require a lot of data collection, report gathering and be expensive. A loss of state grant funds is threatened for non-compliance. The consensus decision of the Council was to oppose the bill.
- Councilmember Gaghen asked about a similar effort on SB247, which allows certain driving offenses to be removed from the record. Councilmember Stevens said serious offenses such as i.e., DUI, etc. should not be off the record, Police Chief St John reported that the police chiefs and county attorneys are opposed.
- Planning Director Candi Beaudry reported that SB684 reduces documentation requirements that would be solved through litigation and said this should not be changed. She said that SB508 allows schools to impose impact fees which are explicit, while the existing statute is vague. This also amends subdivision statute to allow exactions at this time. Ms. Volek asked if there was time to work on SB508. Ms. McCall said it would be helpful if Ms. Beaudry sent a message to the committee for support. She also reported it would probably be in the committee that afternoon on other bills. She said she did not know what other cities are supporting. The consensus of the Council was to stay neutral.
- Ms. Beaudry said that SB496 & HB588 could be dealt with later as there was no action yet. Mr. Brooks asked what HB588 was trying to accomplish. He said that this bill had already been reviewed with the exempt plats before filing. He added that it requires verifying legal access. Ms. Beaudry said this is a bad bill as it resurrects occasional sale and that the Montana Association of Planners (MAP) opposes it. Ms. Mc Call said she

would check with MLCT and MACO for consistency. The consensus of the Council was in agreement.

- Councilmember Ulledalen asked about the Dutton bill on annual sessions. He said he “leaned” on the Chamber to support it. Ms. McCall said that for HB620 the City should probably not get overly involved. She said she had not heard the testimony, but she will check with others.
- Ms. McCall reported that the Citizen Self-Defense and Firearms Act was heavily amended.

Mayor Tussing stated he still has concerns with items such as (1) reverse proof that it was self-defense; (2) no permits for concealed weapons and (3) allowing displaying a weapon to intimidate others. Ms. McCall said that the bill had passed the committee, was on a second reading, and was referred back to the committee before third reading. She encouraged everyone to email to Corey Stapleton and Roy Brown to help reinforce that he’s powerful and the Council needs his support. The consensus of the Council was in agreement.

TOPIC #3	<i>Board & Commission Reports</i>
PRESENTER	
NOTES/OUTCOME	

- There were no board and/or commission reports.

TOPIC #4	<i>Quarterly Budget Report</i>
PRESENTER	Bruce McCandless
NOTES/OUTCOME	

- Deputy City Administrator Bruce McCandless gave a short review about variances. Councilmember Veis asked for a report with reference to what were the variances.

TOPIC#5	<i>Initiative Review</i>
PRESENTER	Tina Volek
NOTES/OUTCOME	

- City Administrator Tina Volek stated that she had just received the consultant’s report. Staff is still looking at electronic sign boards. The 9:30 p.m. public comment ordinance was tabled.
Mayor Tussing suggested a standardized qualification review on boards and commissions to include checking records. Ms. Volek said that this can be considered, but the City will have to pay for the record checks because the police records cannot be used for this.
- Ms. Volek reported that animal control laws are being worked on (page 5) and applied for with Safe Routes money for Chandelier Circle. Also, the casinos overlay zone report to the Council is in April and on page 6 the Steering Committee was recreated. A \$.25 charge per ticket may be problem that Staff is exploring with bond counsel.

- Councilmember Brewster asked if Alkali Creek was completed. He requested that it not be marked “completed” until it’s really done. Ms. Volek said she would check with Public Works Director Dave Mumford. She also reported that everything else was in progress or previously marked as complete. Mayor Tussing requested next time the report be included in the Friday packet.
- Councilmember Boyer asked about the Wal-Mart landscaping project shown on page 7 of the report. Ms. Beaudry said Wal-Mart was cited for noncompliance with landscaping requirements. Councilmember Brewster said he wanted a copy of the final, revised agreement so he can share with the Heights Task Force.
- Councilmember Boyer asked about the Rimrock Foundation contact for the \$1500 donation. Ms. Beaudry said she has the check and let the foundation know that the City would accept it. Councilmember Boyer asked the Council if whether to accept the check should be voted on by the Council.. Ms. Volek said it will be included on the March 12th agenda.

TOPIC#6	<i>Transportation Plan Update</i>
PRESENTER	Scott Walker
NOTES/OUTCOME	

- Planner Scott Walker said this report was being given due to project cost increases of 30% - 40%. He noted there must be a fiscally constrained plan, i.e. that there is enough money to cover the projects over the plan's 20-year period. Mr. Walker said the project list had not changed; the list is just continuing them. He asked the Council to refer to the Table 18 revenue table projects funding for 20 years. He said this would be updated again before 20 years, and probably would be re-written in 2009. Mr. Walker noted that he was reporting the examined projects to the FHWA and that they were complying with the Federal Transportation Act. He also noted that the fiscal constraints referred to in Table 12 = \$275 million in long-range projects, while Table 13 shows \$17 million in short-range projects. Table 18 shows over \$300 million in revenue, so the project totals are balanced.
- Mr. Walker said MDOT has looked at the plan and approved it. FHWA is reviewing the plan now. Staff is ready to move ahead; the plan won’t cause any project delays – especially Shiloh Road. This was required to be done by March 15th and the deadline was met. The Policy Coordinating Committee (PCC) will review it on March 8 and the 30-day public review ends March 2. On Monday (February 26th), the Council needs to take action and approve the plan, so the Mayor can take the recommendation to the PCC meeting.
- Councilmember Gaghen asked if the cost increases were due entirely to inflation. Mr. Walker stated they were and if there was no new highway bill, inflationary cost increases would still have required the plan to be amended. Councilmember Stevens asked for an explanation of the scores on the long-range list. Mr. Walker reported the explanation as follows: LOS = level of service; NR = not ranked because money is already going to the project; ADT = average daily traffic; System warrant = accident frequency; the higher the score = higher priority project. The total equals all combined rankings. Councilmember Stevens said she was still confused about the system warrants as the Inner Belt Loop has

a score of ten (10) but it has not been built. Mr. Walker said that he thinks it relates to the incomplete links for the Inner Belt Loop and if it's not done, it ranks higher. He emphasized that all project funding for projects rated NR would lose funding if the plan is not amended.

TOPIC#7	<i>Mayor's Report on 4th & Broadway</i>
PRESENTER	Mayor Tussing
NOTES/OUTCOME	

- Mayor Tussing reviewed the slide show presentation that he gave in Charleston. The presentation gives comments suggested by urban designers, including the developer building the new library that will receive the land in exchange and the leased city office space. The developer suggested making a 5th Ave. North, just in that block to create additional parking and storefronts. He said some people believe that every dollar spent on roads decreases your quality of life and discourages high rises. He encouraged the library to be built on the ground floor and discouraged a parking structure. He reported that traffic designers advised that traffic deaths exceed fire deaths on wide streets. It was important to have a downtown library, a community gathering place and was surprised there were no branches. He stated people were against tall buildings as he felt it would sap energy and discourage redevelopment. This area needed a positive approach to encourage people that would be walking the area.
- Councilmember Veis asked if the developer had ever been in Montana. Mayor Tussing stated he had. He suggested spending the money on a survey to determine what development residents want and not to wait for a developer to come along and make the decision. Mayor Tussing further explained that one variation on the parking theme was that some parking was needed for residential. However, a mixed use was more desirable.
- Councilmember Stevens requested Mayor Tussing email the documents to all Councilmembers. Councilmember Ruegamer asked if a summary was available. Mayor Tussing said he would email the summary to everyone. He said that large Midwest cities are still losing population; they envy Billings because we're growing at a reasonable rate. City Administrator Tina Volek reported the next meeting is 7:30 p.m. on Friday at the GW Building conference room. Ms. Volek noted there is still interest from a hotel group for remaining property. She said Stockman Bank is holding up the decision on what size building until the hotel decides. This dictates the amount of parking. They are looking at buying the library and converting it to a hotel. However, it would be expensive to create an atrium.

TOPIC#8	<i>Executive Session: Litigation Report</i>
PRESENTER	
NOTES/OUTCOME	

- Everyone returned to the conference room at 7:22 p.m. for an executive session on the litigation report. Active and recently-closed litigation was reported to Council. There were no actions taken.

Additional Information:

- There was no additional information.