

City Council Work Session

March 19, 2007
5:30 PM
Community Center

ATTENDANCE:

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

Jones out of town on business and Stevens is ill.

ADJOURN TIME: 8:

Agenda

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

- Ad-Hoc Athletic Pool Replacement Committee Chair Mary Westwood, asked for official recognition for the Committee from the Council. Ms. Westwood reported that in order to receive donations, etc. official recognition for the Committee from the Council was needed. The Ad-Hoc Athletic Pool Replacement Committee has 15-16 members. The Committee will meet approximately every two (2) weeks. Ms. Westwood stated the Committee was reaching out to community. Mayor Tussing asked if the Committee had accepted any donations. Ms. Westwood explained they had not accepted donations. The donations go to the city for accountability and tax deductible.

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

- City Lobbyist Jani McCall reported that the Shiloh Road Bill was heard this afternoon. There were a few questions and County Commissioner Bill Kennedy handled them. House Representative Elsie Arntzen asked how the City will maintain the Shiloh Road Bill and how would it be prioritized. Ms. McCall stated she would ask Public Works Director Dave Mumford and email the answer to Council.
- Ms. McCall reported that Senator Essman's sales tax bill SB554 would be heard this week on 3/22, 8 or 9 in Senate Taxation. She said she will fax the results to City Administrator Tina Volek this evening and requested that the Executive Secretary forward the information to the Council as soon as possible. She noted that there are lots of questions and concerns due to the complexity of the issue. Ms. McCall also reported that County Commissioner Ostlund does support the issue. Councilmember Ruegamer

asked which bill was more favored by Legislature than the resort tax bill. Ms. McCall stated she did not know.

- Ms. McCall asked the Council if they wanted to support HB 235 Dutton – hotel BID. Consensus support from Council. Council asked who receives the money. Ms. McCall stated she will check and report.
- Ms. McCall stated the HB259 restricts the greywater use systems. There was not any priority.
- Ms. McCall noted that on the SB169 Laslovich there was no apparent impact on Billings, but Yellowstone County’s contribution goes up slightly.
- SB 215 – no effect on Billings
- SB 245 – no short term effect.
- LC 1911 Sesso – Tax increment will be introduced soon. Should have someone from Billings available to respond to questions.
- SB 432 – financial impacts undisclosed and needs clarification. Unfunded mandate.
- Lockwood looking for a plant to produce the product. Give Legislature more information on impacts and ask for language clarification.
- Councilmember Gaghen asked what is Dutton’s HB633 on lottery liquor? What does it do? Please provide a summation. Mayor Tussing explained that HB340 is the “make my day” law. He said someone needs to keep track of it. The prosecution has the burden of proof on it not being self-defense. You would not be able to ban guns in Council or Courts. The definition of “harm” is not adequately defined. Ms. McCall said it was referred to Senate Judiciary but no hearing scheduled. Passed house 57-42. The police are really upset. Rich St. John testified against it in the House. Would be helpful to have more when it’s in Senate.
- City Attorney Brent Brooks stated the City received correspondence from the police and attorneys. He stated the City should oppose. He explained that this goes way beyond 2nd Amendment right to bear arms. He stated there would be extra costs for police, sheriff and county attorney. Mr. Brooks asked the Council if was “OK” to sign off on the letter. Consensus to approve.

TOPIC #3	<i>Board & Commission Reports</i>
PRESENTER	None
NOTES/OUTCOME	

- There were no Board & Commission Reports.

TOPIC #4	<i>Report on Washington Trip</i>
PRESENTER	Bruce Putnam
NOTES/OUTCOME	

- Bruce Putnam reported that all the attendees were well received by the Senators and Congressmen. He noted that there was ample time given the attendees from the Senators. Mr. Putnam stated that there was lots of interest in the City’s projects but do not know what the result will be in a Congress that has stated it wants to restrict earmarks. He also noted that all three (3) days were very busy due to the fact that this was the time of year to be referred to committees. Otherwise, everything seemed to be on track.
- Councilmember Boyer noted that all expressed appreciation and pointed out that other cities had visited and Billings had not until now. Senator Baucus focused on Cobb Field. Councilmember Boyer further noted that all the staffers were receptive. She reported that the message was that Council was the policy body and needed to be in Washington. Councilmember Ruegamer expressed that Mr. Putnam organized the Council well. He also noted that the Council understood that the senators would tell us what we wanted to hear. Other cities were also lined up to see the legislators. Governor Tester would not promise any results but did promise to work hard. Councilmember Ruegamer reported that the Naval Reserve Center caught the Governor’s attention and Senator Baucus gave the Council more time than his Staff wanted him to.
- City Administrator Tina Volek reported that unfortunately the Council did not see Senator Rehberg but talked with the Staff. She said the FCC has written rules on cable franchise fees and may restrict or prohibit fees. There will be an April 17, 2007 hearing held. Ms. Volek said that Mr. Putnam and Senator Rehberg’s Staff was working on this. Overall, everything was fast paced and very productive. The Council made “good” contacts with the Staff and that was really important. Councilmember Boyer said she invited each of them to visit the City for a day and go on a tour. She said they all seemed interested and said the City should do this.

TOPIC#5	<i>Transportation Improvement Plan</i>
PRESENTER	Candi Beaudry
NOTES/OUTCOME	

- Planning Director Candi Beaudry said that a Transportation Improvement Plan (TIP) was required to be updated every two (2) years. She stated it was “fast tracked” in order to keep up with the Transportation Plan amendments that were approved last week. The scheduled projects and funds were spread out over the next five (5) years. She noted the TIP addresses only the projects with identified revenue. There were two (2) changes from the 2005 plan. The MDT added local projects that had state funding sources and no federal dollars. Ms. Beaudry explained that some of the funding sources have been “banked” in order to accumulate enough dollars to complete the projects. The Federal earmarks are designated by MT. There were no changes to priorities from 2005. The Transit projects also had no changes from 2005. However, there were some projects

coming to Council for the April 9th meeting. Ms. Beaudry said she thought there would be a special meeting of the PCC. The date had not been set yet. The MDT notified the Planning Department that the date needed to be set now as there was only three (3) weeks to go and explained the rushed schedule for the Council consideration.

TOPIC#6	<i>Baseball Stadium Design Update</i>
PRESENTER	Mike Whitaker PRPL Director and Tom Tingle, HNTB
NOTES/OUTCOME	

- HNTB Tom Tingle reported that the current design review had 3,500 seats that were fixed, picnic and berm seating with multi-use provisions. The main entry was at 9th and 27th located behind the home plate. The alternate gates were on the north side that was the Bermed stadium. Mr. Tingle stated that when entering the stadium you would walk in at the same level as the concourse. There would be no obstructions to view the field, except the press box right located behind the plate. Mr. Tingle showed the standard and special features of the park, future skyboxes and community room. Councilmember Veis asked if there was fundraising before the construction.
- PRPL Director Mike Whitaker stated the infrastructure will be in place so the City will not have to pay a premium when they're added. Councilmember Ruegamer asked if the skyboxes could be built in phases. Mr. Tingle stated that was not recommended because the City would have to pay a premium. He stated that multi-use was being accommodated. He will make recommendations on shade and rain structures but not finished with the design yet. On the Clubhouse designs there was good progress to date. He said the Steering committee was providing good guidance. There are not detailed renderings yet. Mr. Whitaker said the demo-contractor was mobilized today.
- Councilmember Clark commented that the elevation change was surprising. Mr. Tingle said this shows where the ramps and stairs are and the high/low points.
- Councilmember Gaghen pointed out that it looks like the teams would have to access field in a non-secure area. Mr. Tingle answered yes, the team will have to cross the concourse and be accessible to the public.
- Councilmember Brewster asked why there were two (2) clubhouses. Mr. Tingle stated because they were trying to keep the teams separate. He explained because of the size of the park, plumbing was available on both sides of the park.
- Councilmember Veis asked what was the capacity? Mr. Tingle said there are 3,200 seats and picnic. This could be increased for standing room or special seating and could probably hold 5,000.
- Councilmember Boyer asked which councilmembers are on the steering committee? Mr. Whitaker answered, Councilmembers Jim Ronquillo, Vince Ruegamer and Dick Clark.
- City Administrator Tina Volek stated they are working with the Bond counsel on tax deductibility. This will come to Council soon.

TOPIC#7	<i>Review of Draft Zoning Amendments (re: Parking & Storage, Special Review Uses, Zone Change/Special Review Application Requirements & Simplification of City Sign Code)</i>
PRESENTER	Nicole Cromwell
NOTES/OUTCOME	

- Zoning Coordinator Nicole Cromwell said that several zoning amendment drafts were presented and reviewed by the Legal Department. She noted that the Planning Department met with BOCC for the first discussion and another discussion was set for 3/29. Ms. Cromwell stated that the department can start with parking and storage, then answer questions or can keep going after that or suspend until BOCC has reviewed more.
- 27-601: have existing code and proposed. 1st section is definitions, specific to this section of code. Draft would remove definitions from the section and put in the overall definitions section and modernize them. New definitions include “salvage” “trash” “consecutive” Separate sections for residential zones/uses and commercial/industrial zones/uses.
- City Administrator Tina Volek asked if page 1, Item #3 requires asphalt or concrete. Ms. Cromwell stated gravel is required. She explained that some in City have gravel drives because other code sections allow gravel. Legal advises to use the most restrictive.
- Councilmember Brewster asked if the hobby car code was being deleted. Ms. Cromwell stated the Hobby Car Code did not pass the ordinance stage. She explained more personnel was needed in order to administer a code like that. The Ad-hoc Committee dissolved the code without advancing its recommendations. She noted that prior to 1997, the code allowed hobby cars in backyards. She said that most complaints are about illegal commercial operations or genuine junk vehicles, not about classic car enthusiasts.
- Councilmember Veis asked about the garage sale definition. Ms. Cromwell stated the code is in a different code section and it will remain.
- Councilmember Gaghen asked about RV’s for sleeping/lodging, etc. Ms. Cromwell stated it happens a lot and have lots of neighborhood complaints, especially in the summer. BOCC wants to allow living for 10 days. Councilmember Boyer asked how does this work with the WalMart lots and the City’s new code. Ms. Cromwell stated that is just commercial use restriction and this section doesn’t control that. Could try a number of days, but it is more difficult to administer. Councilmember Veis asked about the number of complaints last year? Ms. Cromwell stated 500 because each initial complaint generated dozens of retaliatory complaints. The commercial and industrial standards: #2 limits salvage operations to 3 zoning districts and three specific uses, identified by SIC codes. It is the same for open storage (not in a building).
- Mayor Tussing and Councilmember Veis asked if a short number of days for overnight in RV in residential zone would help to reduce the number of complaints. Ms. Cromwell said yes.

- Gaghen: trouble with many people not having enough room for RV parking, forcing them on to street.

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

- The Council adjourned to the executive session at 8:00 p.m.

Additional Information:

- Councilmember Veis asked about the performance contracting and Strategic Planning. City Administrator Tina Volek reported that the strategic plan will be presented in May. She said she had talked with department directors about a member for energy subcommittee and Mark Evangeline was working on it.
- Councilmember Veis asked if space was needed in the budget for the energy audit. Ms. Volek said normally not. It was only needed to pay for the audit if the City decided to not proceed with the audit recommendations.
- Councilmember Veis asked if the airport decides to replace lighting, does the City have to come up with money. Ms. Volek said yes and would have to pay back with energy savings. This would realistically be done in the 2009 budget. Councilmember Veis asked if Intercap could be used. Ms. Volek said yes, but there may be a dollar limit.
- Councilmember Boyer asked if the letter from BOCC on Lockwood had been received. Ms. Volek said she had not seen the letter yet. Councilmember Ruegamer stated he wanted to hear from the residents of Lockwood, not just the BOCC. Councilmember Brewster commented that the BOCC represents the Lockwood people, so that's the proper group to ask for City action. Councilmember Veis noted that the City needs to state official position so Lockwood can incorporate. City Administrator Tina Volek reported that she thought that Steering Committee was going to survey or hold election. Also put them in contact with Local Government Center. No action so far.
 Mayor Tussing commented that the Council really needs to take action since the City does not have any intention to annex Lockwood. Planning Director Wyeth Friday stated that the Lockwood Steering Committee talked with Winslow and election they want to hold can't be done in a single election. The Committee talked with a Bozeman group about a survey and BOCC seems interested.
- Veis: they won't seriously pursue incorporation unless Council says we're not going to annex and won't do it for a period of X years.
- Boyer: put on Council agenda, not a work session and with a public hearing.
- Wyeth: annexation policy says that Lockwood is uncertain, but still in a logical area to annex. If Council took it off the map, any future consideration would have to first deal with the map/policy before starting actual annexation.