

# City Council Work Session

April 16, 2007  
5:30 PM  
Community Center

**ATTENDANCE:**

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

**ADJOURN TIME:** 9:00 p.m.

## Agenda

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

- GENE AYERS commented that Riverfront Park and Lake Josephine need to be handicap accessible. He noted that the waterfowl need to be “cleaned” up. He also requested that this be an item on the agenda. Mr. Ayers passed out a letter to the Council.
- Councilmember Ulledalen stated that a master plan was just started and this would be a good time for public input. He commented that New York City starting using dogs to run off the waterfowl.
- See handout.

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| <b>TOPIC #2</b>      | <b><i>Teleconference with Jani McCall</i></b> |
| <b>PRESENTER</b>     | <b><i>Jani Mc Call</i></b>                    |
| <b>NOTES/OUTCOME</b> |                                               |

- City Lobbyist Jani McCall reported that HB833 was heard in Senate Tax today. There were 115 pages of amendments and they all passed the committee. Ms. McCall stated that the Chamber will oppose and the County will decide by tomorrow. She stated there will be a new version available by the morning. Ms. McCall explained that it would be helpful if Deputy City Administrator Bruce McCandless could look at them and comment. She further explained that the administration was viewing this as a way to get their signature issues on the floor. Representatives Gillan and Story voted yes, Senators Essman and Gephardt voted no. The Chamber opposed the bill due to content as it was viewed as anti-business. The SB201 amending the subdivision act will be on the house floor in a day or two. Ms. McCall explained that the last few days of session will be focused on school funding and property tax reductions.
- Councilmember Ruegamer inquired about the taxpayer initiative on SB320. Ms. McCall replied that the statewide initiative is the only way. City Administrator Tina Volek asked

if anyone from Billings should go to Helena. Ms. McCall stated no but this could change depending on what happens with the tax bills.

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| <b>TOPIC #3</b>      | <b><i>Board &amp; Commission Reports</i></b> |
| <b>PRESENTER</b>     | <b>None</b>                                  |
| <b>NOTES/OUTCOME</b> |                                              |

- There were no Board and Commission Reports.

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| <b>TOPIC #4</b>      | <b><i>FY07-08 Community Development Board Budget Recommendations</i></b> |
| <b>PRESENTER</b>     | <b>Duane Loken, Chair of Community Development Board</b>                 |
| <b>NOTES/OUTCOME</b> |                                                                          |

- Chair of Community Development Board Duane Loken stated he has been with the Community Development Board for four (4) years. He explained that each year the funding levels go down, but the Board believes in their cause and works together to determine the best use of the funds. Each organization's application is reviewed, site visits are made, hearings are held, and the decisions are made based on the organization and what services it provides to our low-income community. He noted that this year the funds available are less than half of the total grant requests. Mr. Loken referenced a letter in each councilperson's packets explaining the philosophy of the Board and the funding criteria placed on each of the organizations. Mr. Loken commented Staff does a great job helping the Board.
- Councilmember Ruegamer said he is not clear what the Board does and asked Brenda Beckett if the Board advises her of its allocations. Mr. Loken responded that the Board is strictly an advisory board to the Council. The Board provides recommendations for the level of funding each organization should receive. The Community Development staff administers the funds and, throughout the course of the year, handles the grant writing applications to HUD to generate the funds. Councilmember Ruegamer asked if the Board works with Ms. Beckett to generate the list or if the Board creates the list and then advises Ms. Beckett of its recommendations. Ms. Beckett responded that Staff advises the Board on limitations, grant eligibility, etc., but the Board and Staff work together. She stated everybody applies for the funds, and the Staff strongly advises the Board on the areas that must have a certain allocation for compliance. The Staff does not make any recommendations for public services. Mr. Loken added that the Staff keeps the Board advised as to what organizations meet the criteria. They know the rules. Councilmember Gaghen advised that since the early 80's, Community Development monies have been possible to allocate 15% of total budget to public service entities. The process has been modified and has been made much more efficient through the years.
- Councilmember Boyer asked what is meant by task force enhancement. Ms. Beckett explained that the Task Force Enhancement Fund was put together to supplement the \$10,000 that City Council has already delegated in their budget to support the task force newsletters. She noted approximately 1,400 pieces of mail go out every year.
- See handout.

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| <b>TOPIC#5</b>       | <b><i>Review of draft zoning amendments (Wind Turbine Regulations, Special Review Uses and Casino Overlay District)</i></b>           |
| <b>PRESENTER</b>     | <b><i>Wyeth Friday-Zoning Amendments (Wind Turbine Regulations) &amp; Candi Beaudry-Review Uses &amp; Casino Overlay District</i></b> |
| <b>NOTES/OUTCOME</b> |                                                                                                                                       |

- Planning Director Wyeth Friday noted with reference to the zoning amendments on wind turbines a draft has been completed and responses have been received. He explained there is a need to balance the needs for more and greener power with public health and safety. He commented codes used were from Mason City, IA and Great Falls, MT. He noted this only applies in the city and county zoning jurisdictions. This goes through requirements for both types of systems. The system displays lot layout and how wind systems might not work on standard residential lots. Councilmember Gaghen commented visual effects. Mr. Friday explained the draft code requires muted colors and larger ones will need shadow flicker study. He explained the next steps are reviews by governing bodies, legal staff, energy companies and conservation commission and consultants. Councilmember Stevens inquired about the pricing for a home system. Mr. Friday commented the ranges are from \$10k to \$15k. He stated some systems do net metering, some use battery storage and the price would depend on your setup. Councilmember Ulledalen commented that home systems have a 20-30 year payback and only a 15 year lifespan. He explained that it does not have an economic payback so a person would have to do it because they want to use less commercial power. City Administrator Tina Volek commented that Russ Doty says there are federal grants available for local government energy systems. She explained she would write the grant if she knew what the council wants to apply for. NWE has some requirements if we want to net meter. Ms. Volek noted that she will have energy commission also review.
- Planner Nicole Cromwell parking and storage regulations and special review uses: passes out allowed and special review uses table from 27-306. Would allow cabaret licenses without review (pg 15) but would still have to meet separation requirements. Could allow special review if they don't meet separation. Looked at all other conditions that require special reviews and proposed changes are highlighted in yellow on the handout. County Commission reviewed and agreed to the proposal. But, there are a lot of changes from the present code. Open storage and display of commercial products is restrictive now, although there are still a lot of grandfathered uses that don't have to comply. Auto repair shops, for example, can't store vehicles that they are repairing. Changes would allow storage if the cars are screened, etc. Same for other uses and districts. Allowing more open storage, but will apply storage requirements that help to mitigate negative effects. NC zone limits floor area to 3,000 sq. ft. for many uses. Proposing to change that to 10,000 sq. ft. but still limit storage to 25% of floor area. Must still meet all other NC limits.
- Planning Director Candi Beaudry explained the Casino overlay district draft is modeled from Bozeman and Missoula ordinances. It defines casinos since the state law does not do it. She noted it goes over key elements of restrictions that includes 600' separation from schools, etc. and 300' from the residential zone and from each other. This does not

allow where motor vehicles fuels are sold. Reviews alternatives on separation, number of machines, allow them where gas is sold, etc. and shows a map that shows practical effect of regulations. The draft reviewed staff recommendations that included 20 machines, 150' from residential zones, eliminate SR if other requirements are met, 600' from parks, etc. and 300' from each other, prohibit onsite fuel sales and limit size and location of overlay districts. The Council wants to keep 300' from residential zones, but look at 225', wants to encourage clustering rather than separation, require SR for all applications. The most important issue is still location and extent of casino zones.

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| <b>TOPIC#6</b>       | <i>Calamity Jane Reservoir Overview</i> |
| <b>PRESENTER</b>     | <i>Rick Leuthold, Engineering, Inc.</i> |
| <b>NOTES/OUTCOME</b> |                                         |

- Engineering, Inc. engineer Rick Leuthold explained that during Willard Frasier's term as mayor, the City experienced a water shortfall, leading to a federal study. He stated a there a series of options that are highlighted in the booklet that was provided to the Councilmembers is a 1980 study.
- Mr. Leuthold explained that the Calamity Jane plan description is taking water from the river near Park City, pump the water to the top of the ridge (Clapper's Flat), through 20 miles of canals, northwest of Laurel into the Canyon Creek drainage. At that point, the water is either treated and/or sent to Billings or pumped into the reservoir for storage.
- Mr. Leuthold explained the Billings Bench plan description is taking water from the river at the BBWA outtake, run north to area around 32<sup>nd</sup> and Gabel; treat at that point for seasonal use.
- He explained the Laurel plan is pumping plant and treatment at Laurel and then piped to Billings. This is a potential for joint use. He commented there is not much emphasis on this plan.
- Mr. Leuthold noted that they also looked at gravity feeding water to the Calamity Jane Reservoir. The CIP has a project for looking at other water sources, including wells or off-stream storage. He noted the reservoir has potential for a 100 square mile drainage area. He suggested could possibly have gravity feed the reservoir if water is taken from the River at Big Timber. Mr. Leuthold stated that hydro-generation or wind-generation could help offset costs of pumping water from any point. The infiltration of water from the reservoir was a big issue but it could help to recharge aquifer in the valley above the River.

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| <b>Additional Information:</b> |
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- City Administrator Tina Volek stated on to a more mundane subject of the cost of the meals for work sessions. She commented that it started with sandwiches and moved toward more expensive meals.
- Councilmember Stevens explained that my complaint was mainly about quality, not that they were sandwiches every week. She stated she will not eat any food from the Main Street Deli.
- Councilmember Brewster stated he was "OK" with not eating.

- Councilmember Boyer commented that \$200/meal is too much. She offered to pick up the meals if that's the problem.
- Councilmember Ruegamer stated he will not eat food from Tiny's, but wants to make it easy on Ms. Volek.
- Mayor Tussing requested the cost for delivery. Ms. Volek explained she could not find it and the cost may not be a direct charge because there's a minimum check and delivery may take cut from the restaurant and not charge us.
- Councilmember Jones suggested deducting \$10.00 from their checks if this did not pose a problem. Ms. Volek commented she didn't think it would be but she would check and let everyone know.
- Councilmember Ulledalen asked what account is used to pay for meals. Deputy City Administrator Bruce McCandless stated he did not know the exact account but will check and respond to Council.
- Ms. Volek stated she would email the Council the email address for the Café Courier to review to see what restaurants would deliver and the cost.