

# City Council Work Session

December 4, 2006  
5:30 P.M.  
Community Center

**ATTENDANCE:**

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

**ADJOURN TIME:** 7:05 P.M.

## Agenda

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

- CAL SPANGLER, 1345 ELAINE ST. asked that the Council include Early Childhood on a future Work Session Agenda and to reconsider the Naval Reserve Center (NRC) building lease. Mr. Spangler thanked the Council for its help.
- SCOTT ANDERSON, 3150 MCMASTERS RD, Executive Director of Billings Public School District (SD 2) spoke for the Superintendent and the District about Early Childhood. He asked the Council to consider the NRC building lease. Mr. Anderson stated this would benefit many in the school district and community.
- PAT GOWEN, 3527 GLENFINNAN RD, Director of Special Education, School District #2 stated she also supports reopening the NRC for an Early Childhood program. Ms. Gowen noted that the program has a staff of 35 and 150 toddlers with disabilities. She also noted the Rimrock School currently houses the Early Childhood program, but this site will no longer be available due to all-day kindergarten classes.
- Councilmember Ruegamer stated he is concerned about giving the program “a pig in a poke”, i.e. the electric system not working, heating system malfunctioning, etc.
- MARY WESTWOOD, BILLINGS, MT voiced her concern that the Athletic Pool replacement project is not forgotten. Ms. Westwood also stated that the “group” is together to work on this and hopefully will have a proposal after the New Year.
- JOE WHITE, 926 N. 30<sup>TH</sup> ST stated that there are gas fumes in the hotel and earthquakes due to the parking garage construction.
- Mayor Tussing asked if there is any new information on the NRC building. City Administrator Tina Volek stated that the counselors asked the Staff to open the building for the Early Childhood group to look at the property. Ms. Volek recommended that the City look at other possible uses for the land. School District 2 is selling the Crossroads School, which is also an adequate facility for the Early Childhood Program. She also asked the City to consider her recommendation of selling the NRC site to the 9-1-1 Center. Ms. Volek said if the City’s finances were better, it could support the Early

Childhood Program’s use of the NRC. She noted that allowing this use would mean the City is assuming a school district program.

- Mayor Tussing asked if the liability issues were resolved. Ms. Volek stated that the consultant is examining what is left after the Navy completed its asbestos removal work. She also stated no report has been received to date. Mayor Tussing asked if there was any chance of using the Crossroads School. Mr. Spangler and Mr. Anderson both replied that this was not possible.
- Councilmember Stevens stated she and Councilmember Veis discussed this issue with the Early Childhood group. Councilmember Stevens stated that the Early Childhood group requested a 25-year lease, but she would only support a short-term lease of NRC. Councilmember Veis requested information on the cost of a remodel versus new construction. He stated the abatement schedule and cost will not be available until January 2007 and he doesn’t want to be “backed” into a corner.
- Councilmember Clark stated he thought the City was going with the Congressional delegation for the request of additional monies. Ms. Volek replied it is a federal request and a realistic cost estimate is now being prepared. She also stated she had another concern about the Early Childhood group using the NRC facility, and that is the proximity of the jail release inmates to the NRC. Councilmember Brewster inquired whether the 9-1-1 Center wants to purchase the property. Ms. Volek replied “yes”. Councilmember Boyer stated this is a wonderful program and it is needed. Councilmember Boyer asked if the City can get all the mitigation done through the federal appropriation, then lease the building to the Early Childhood group. Ms. Volek replied that the request is for remediation and demolition. Councilmember Ruegamer stated that the building is a wreck and the City would not be doing them a favor. Mayor Tussing commented that he is not sure if the City can absolve itself of the liability even if Early Childhood releases the City.
- Mr. Spangler requested, once again, to be on a work session agenda so they can debate and give more information to the City. He also stated that the abatement cost will be available then. Councilmember Brewster noted that the Staff will provide the abatement and demolition dollar estimate and then the Council can decide whether to put this issue on a future work session agenda.

<b>TOPIC #2</b>	<b>Board &amp; Commission Reports – Zoning Commission</b>
<b>PRESENTER</b>	<b>Nicole Cromwell</b>
<b>NOTES/OUTCOME</b>	

- Zoning Coordinator Nicole Cromwell reported that Angela Cimmino was not available this evening. Ms. Cromwell stated there are five members of the board, including: Ed Workman, Vice-Chair, Tom Grimm, Mike Boyett, Leonard Dailey, and one position is currently vacant. The City Zoning Commission had a very active period from November 2005 to November 2006. During that time, the Commission processed 34 special review requests and 24 zone changes. Five of these zone changes were text amendments to the Unified Zoning Code. The five amendments to the zoning code included changes to the landscaping requirements for the Shiloh Road Corridor, changes to the sign code in the Medical Corridor, a minor amendment to the sign code, changes to accessory building regulations and the proposed changes to sexually-oriented business regulations. She said

the special review request applications were dominated by liquor licenses or to permit a change in a current liquor license. These 12 liquor license applications represented 35% of the total number of special review requests. The Planning & Community Services Department also handled daily requests for review of the zoning code and its enforcement. From November 2005 to November 2006, the planners reviewed 1,664 building permit applications (residential and commercial), 249 applications for sign permits, 22 applications for temporary uses, two medical corridor permit applications.

- Councilmember Boyer stated that there is sometimes a problem with a quorum showing up. Ms. Cromwell replied a change would require Council initiative, because it is in the zoning code. She said sometimes they do end up with tie votes when an even number of members show up. She also reported that the members are diligent and show up or they will notify the staff. The vacant position formerly held by Mike Boyette has been advertised. Ms. Volek stated that seven may be an ideal number and asked the Council if they wanted a report on the options. Councilmember Clark asked if the law requires a Zoning Commission. Ms. Cromwell replied, “No, it’s only an advisory group, but an advisory group is required. This advisory group could also be the Planning Board.”
- Mayor Tussing asked if the Zoning Commission has the last word in other cities. Ms. Volek replied “no”. Mayor Tussing asked about previously-considered alternatives. Planning Director Candi Beaudry stated the Board of Adjustment (BOA) can advise on some issues, however the City/County Board wouldn’t work for City Zoning Commission because of the County members. Councilmember Boyer stated she remembered this discussion, however she thought there would be a conflict for the Planning Board to do both subdivisions and zoning.
- Councilmember Clark said he served on the Zoning Commission for a long time. This entity gives the public an opportunity to “practice” before “presenting” before the Council. Mr. Clark also stated that it is “tough” to have people participate on a board that is only advisory. Councilmember Brewster asked if the Zoning Commission can hold the only hearing. Ms. Beaudry stated that there must two hearings. Ms. Volek advised that if requested, the Staff can re-present the board and commission information to the Council.
- See handout.

<b>TOPIC #3</b>	<b>Pre-Budget Discussion</b>
<b>PRESENTER</b>	<b>Bruce McCandless</b>
<b>NOTES/OUTCOME</b>	

- Deputy City Administrator Bruce McCandless explained that the purpose of this session was to discuss with the Council the upcoming budget preparation season and also request some guidance on various issues. He further explained that this work session meeting was originally scheduled on the agenda to have a “place holder” for a discussion that the City would obviously had to have in case the Public Safety Levy issue was overturned.
- Mr. McCandless asked for the Council’s input/reaction on department presentations, Chamber involvement and public meetings/hearings. He also asked the Council if it would want the Staff to present suggestions on how to engage the public on the budget during the preparation process. He offered for consideration, the following outline:

- **Budget Schedule**
  - Budget Schedule January      Guidelines & schedule
  - Jan. – March                      Dept. requests
  - April                                  Admin. review
  - May – June                         Council review
  - July 1                                 Budget Adoption
- **Budget Process**
  - City Administrator overview
  - Dept. presentations
    - More emphasis on \$ and direct service impacts
  - Outreach
  - Chamber of Commerce Committee
    - Advise staff on process and priorities
    - Advise Council
  - Public input
    - Focus groups
    - Public meetings/hearings
- **Budget Priorities**
  - Strategic Plan
    - Highest priority
  - Community Development
  - Initiatives
- **Strategic Plan**
  - Cost of services study
    - Cost of services study is probably the first, big step toward identifying costs of growth
  - Impact fees
    - Impact fees study may have to be contracted because of the detailed financial and service information required by statute, plus an ongoing committee will need Staff support
  - Citizen complaint/request system
    - 1 element will probably be a citywide software entry, referral, response, report and inquiry system
  - Citizen survey
    - Citizen survey – called for by draft plan and also important baseline information for one of the initiatives from staff (i.e. performance measures)
  - Public Service Announcements (PSAs) for Plan and Values
    - Public service announcements or other advertising
  - Infill policy and mapping
    - Infill policy – internal or consulting resources, plus public outreach on acceptable standards in the policy (there will be negative neighborhood/public reaction to almost all infill proposals)
  - Acquire open space (trails)
    - Acquiring land, or even appraising it costs money
  - Heritage Trail plan review

- Heritage Trail plan review process and cost depends on what level of review the Council wants.
- **Community Development**
  - Neighborhood outreach/coordination
  - Downtown development
    - 4th and Broadway
    - Library
    - Dept. relocations
    - Parking
    - MET transfer center – MDU – GSA/Courts
    - Tax increment district(s)
  - Library / COT partnership
- **Initiatives**
  - Water and wastewater master plan and rates
    - Identify projects, preliminary or final designs, rates to support the plan. May require consultant assistance.
  - Street maintenance districts
    - Services
    - Assessments
  - Dept. operational reviews
    - FY 07: Planning/Building
    - FY 08: PRPL
  - Performance measurement and reporting
  - Classification and compensation plan
  - Public safety
    - Levy enhancements
    - Emergency communications
- Deputy City Administrator McCandless asked if the revised budget format was agreeable to the Council. He also asked if the process should be repeated with the change that the departments will go into more detail on the money and the effect on the operations, rather than focus on services. Councilmember Boyer stated it seemed to go too long and perhaps the report could be compressed next year. Councilmember Stevens commented that tours would help and to focus on the dollars. Councilmember Brewster agreed the focus should be on the dollars, and if necessary, holding a single Saturday meeting to consolidate the programs.
- Mr. McCandless asked if the Council sanctions working with the Chamber on reviewing the budget after the Council receives it or should public budget hearings be held. Councilmember Clark stated that in the past budget hearings, only one representative from the Chamber attended the budget hearing. Councilmember Ruegamer suggested it would be a good idea to increase public participation and get more people involved. Mayor Tussing stated that public participation is a great idea in concept, but he expected little public participation. He suggested that perhaps “important groups” could be notified. Councilmember Brewster interjected that the public is more interested in capital than operations. Mr. Clark agreed with Councilmember Brewster that the budget hearings should be presented to the Council with public participation. He added that the

Chamber Board should not be involved in the budget creation. Councilmember Boyer suggested that someone be assigned to this process to relay the information back to the Chamber Board.

- Mr. McCandless asked the Council if there were any other items that the Council would like to have investigated in addition to those listed in the attached report.
- Councilmember Ulledalen asked how long since BUFSA had been “tweaked”? Mr. McCandless stated there was an increase from \$700,000 to \$800,000, but no other changes. Councilmember Ulledalen asked for information on the extent to which the City is extending out beyond boundaries. Councilmember Brewster stated he would like to see a citywide Park Maintenance District. Councilmembers Jones and Brewster requested a printout of the report.
- See handout.

<b>TOPIC #4</b>	<b>Use of Undeveloped Property Update</b>
<b>PRESENTER</b>	<b>Brent Brooks</b>
<b>NOTES/OUTCOME</b>	

- City Attorney Brent Brooks reported that Bob Worthington, CEO of MMIA was consulted to inspect the park property. Mr. Worthington said there are no undue risks to the City for its continued use for mixed uses, and suggested the City should maintain the signage and have MMIA periodically review the land for new uses to mitigate impacts, etc. Mr. Worthington also suggested the City enforce the applicable ordinances.
- Councilmember Brewster suggested that signs be revised to say it’s a “park”, not just undeveloped land.
- Mr. Brooks reported the Council can change permitted uses. He noted that MMIA said the current uses the City allows are okay, including 4-wheel drives, etc. Mr. Brooks said that use of the land compared to the land condition doesn’t present additional liability.
- Councilmember Brewster suggested closing the upper elevation to 4-wheel use, but allowing the low land to be used that way. He stated it would not disturb the residents and a sign could be posted to disallow all use after 7 p.m.
- Councilmember Brewster said he will bring this forward as an initiative.

<b>TOPIC#5</b>	<b>Review of the 2007 Federal Affairs Program</b>
<b>PRESENTER</b>	<b>Bruce Putnam</b>
<b>NOTES/OUTCOME</b>	

- Bruce Putnam said the “Congressional world” has changed and it alters the federal affairs requests. Mr. Putnam handed out a Federal Funding Projects Requests list to the councilmembers highlighting the old items and some new ones. (See attachment) The net effect of Congressional changes is that requests that are outstanding are unlikely to be acted upon until after January 4, 2007. Mr. Putnam stated he would highlight each of the projects and addressed Council comments or questions afterwards. The following is a list of the Federal funding projects requests:

- The Naval Reserve Center Environmental Remediation and Demolition - request estimate is for \$700,000. The project was proposed by Finance and Administrative Services. These city-owned facilities were originally built and occupied by the Department of the Navy and have significant environmental problems. The funding is being sought to deal with these issues.
  - Councilmember Boyer asked if the City would be provided with more information in the coming months. Ms. Volek reported that these items will not officially be submitted to the Staff until sometime in the middle of January 2007.
- Rimrock Road Improvements from: (A) 17<sup>th</sup> Street West to Rehberg Road, (B) Rehberg Road to Shiloh Rd. This major east/west arterial connection has been reconstructed from 27<sup>th</sup> to 17<sup>th</sup> Street West. This will complete the upgrade of the last 2.5 miles of Rimrock Road. The requested estimates are (A) \$5,000,000 and (B) \$4,000,000. The project was proposed by the Public Works Department.
- Water Treatment Plant Backup Power. This will provide for a series of 4-5 large portable generators to provide emergency power to critical water facilities and place Billings in compliance with federally-mandated water system vulnerability standards. The request estimate is \$750,000. The project was proposed by the Public Works Department
  - Mr. Putnam reported that this project is a good “lame duck” example of what happens when you change parties. There will be more information on this project in the coming months.
- Railroad Project. This project funds a long-range planning project to relocate the railroad’s main line out of downtown Billings. The request estimate is \$300,000. The project was proposed by the City Council.
  - Mr. Putnam reported that the railroad project is a carryover project. There was some dollars earmarked, but it will probably not be funded until after the first of the year. He directed questions to Marion Dozier who was in the audience. There were no questions.
- Crime Scene Investigation Council. This is a public safety vehicle and the necessary equipment to make it functional would be purchased to serve as a mobile lab and office for public safety staff. It will replace a 1981 vehicle that is undersized and worn out. It would be used onsite at serious crimes and accidents. The request estimate is \$250,000. The project was proposed by the Police Department.
  - Councilmember Stevens stated the crime scene vehicle had to be towed to one crime scene and towed back from two others. Councilmember Boyer commented that after touring the Police Department and seeing where some of these monies had gone that these are phenomenal facilities.
- Digital Video Cameras. This project will purchase digital in-car video equipment for 70 patrol cars. This will be a significant improvement over inadequate VHS equipment presently used. It will assist the Department in prosecuting crimes, enhance officer safety and increase officer accountability. The request estimate is \$465,000. The project was proposed by the Police Department.

- Airport Taxiway Pavement Rehabilitation and Storm Drainage Improvements. This involves the replacement of the last section of pavement in the critical aircraft movement area on the airfield, and the necessary upgrade of the storm water surface drainage area. The request estimate is \$2,200,000. The project was proposed by the Aviation and Transit Department.
  - Aviation & Transit Director Tom Binford stated he was officially told that this request didn't make it through this FY budget process.
- Transit Bus Wash Facility Rehabilitation. This is for replacement of the 1983 equipment that has outlived its useful life. This facility serves a fleet of 40 vehicles, thousands of times each year. The MET equipment is simply worn out. The GPS equipment is new. The request estimate is \$250,000. The project was proposed by the Aviation and Transit Department.
- Transit Mobile Data Terminals and GPS/AVL Equipment. This purchase of mobile data terminals is for the Paratransit and fixed-route coaches. It allows operators to change scheduled rides/requests, monitor progress of the on-route coaches, and alerts dispatchers to alterations in schedule items, thereby enhancing operational efficiency and safety. The request estimate is \$250,000. The project was proposed by the Aviation and Transit Department.
- West Billings Flood Mitigation and Groundwater Recharge Plan. This study would prepare a comprehensive mitigation plan that identifies solutions for both flooding potential and groundwater recharge needs. It would include engineering designs, but not construction plans. The request estimate is \$350,000. The project was proposed by the Planning Department.
- “Housing First Project” (Homes for the Homeless). Funding is being sought to augment a “food stamp bonus program grant” to construct a “housing first” project in Billings. This would be a demonstration project for other Montana communities. The request estimate is \$400,000. The project was proposed by the Planning Department.
  - Mayor Tussing stated he thought this request came from the Homelessness Committee, but he was not aware it would be federal request. Ms. Volek commented that the grant received to date is not enough. The housing would be for individuals who are not yet in treatment. She also reported that this program would be a “high-use”, “high-intensity” program. Planning & Community Services Director Candi Beaudry stated that \$300,000 has been received from the state and they have requested \$500,000 from a foundation. Councilmember Boyer requested more information on this project. Ms. Volek stated that there were a couple of emails on this matter and she would forward these emails to her.
- Support for MSU Billings. COT Library project. MSU-Billings is going to pursue appropriations for the joint library project for the College of Technology Campus. The City's role again would be to support their request. There is no request estimate. The project was proposed by the Library and City Administration.
  - Deputy City Administrator Bruce McCandless stated this is an ongoing appropriation for the COT-library joint project. MSU-B is the requestor, but the City could be in a support position. Councilmember Clark stated

the appropriation is on the next City Council meeting on December 11, 2006. Ms. Volek stated it will reduce the reserves by approximately one year's operations. Councilmember Ruegamer asked if the City has two libraries, will there be two of each book. Ms. Volek stated popular books will have multiple copies anyway. There will be "focus" collections at each library and collections will be moved back and forth to meet the demand. Councilmember Jones asked, "Why is the City providing only support rather than both entities asking for the money?" Mr. McCandless said there is some logic for MSU-B to take the lead because the structure is on the COT campus. The support role, openly declared, is probably stronger than a joint request.

- West Wicks Lane Sewer/Water Infrastructure Improvements. This funding is being requested by Harvest Community Foundation, for improvements to accommodate property owners, including the City, in the 1200 block of West Wicks Lane. The money would be used to extend 1,170 linear feet each of 8-inch sanitary sewer main and 12-inch water main; 660 linear feet of storm drain; and associated valves and manholes. The request estimate is \$250,000. The project was proposed by the City Council.
  - Mr. Putnam stated that Ken Woosley was present to answer any questions. Mayor Tussing asked if this was so the church can build the pool. Mr. Mumford replied, "Yes." Ms. Volek said that the increased cost estimate is due to time. Mr. Woosley reported that this makes it clear that this is the "foundation" and not the church. This requires at least a 40% match. The City owns the property on the opposite side of the street.
- Mr. McCandless reported this item will be on City Council agenda on December 18th and the Council can proceed how it wants at that time. He also stated each brief description has a multi-page questionnaire that goes with it and there are 31 questions that must be answered for every project that is shown on the summary. The details will not be completed until the Council approves the summary. Councilmember Boyer asked if after the list is submitted the Council could meet with the delegation. Ms. Volek replied it may be difficult to bring them here, but the Council may need to make the trip to Washington, DC. Mr. McCandless said the Council may be able to visit individual Congressional members when they are here; this just needs to be coordinated months ahead.
- Mayor Tussing asked what happened to the ballpark project. Councilmember Clark noted that Senator Baucus reported to the Steering Committee that although Senator Burns sponsored the \$500,000 for Cobb Field he will continue to support the project. Ms. Volek said the omission was just noticed and the Staff would add this item back to the list.
- Mayor Tussing asked which projects are new vs. carryover. Mr. McCandless stated that NRC, the Planning Dept.'s two projects, and the COT/Library are new. All the others are carryovers.
- Mayor Tussing requested information on where the new ones came from and will the Council see the results from the CIP meetings before the City Council is asked to approve the federal list. Ms. Volek stated that the Staff will not have the full results. She also reported that the Heights meeting indicated the Inner Belt Loop was the highest priority.

Mr. Mumford stated the CIP does not contain the project because it is in the County. Councilmember Jones suggested coordinating with the Board of County Commissioners (BOCC). Ms. Volek stated that it could be done that way, but the BOCC is gone this week so it cannot occur until at least next week.

- Ms Beaudry reported that the West End Flood project is mostly in the County. Mayor Tussing asked if the County has a federal lobbyist.
- Councilmember Brewster noted that when talking about the Inner Belt Loop, he would like to hear a plan to bring it into the City so that the City can move that project forward.
- Councilmember Boyer asked if the Transit MDT/GIS is a carryover. Mr. McCandless replied that it was.
- See handout.

<b>Additional Information:</b>
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- Ms. Volek reported that she received a request from Municipal Court to add an item to the December 11th agenda. This addition requires a 2/3 supermajority. The grant request is for \$250,000 and requires a \$50,000 match that is in-kind from the cooperating agencies and the City. She said this is the application only; the Council would later be asked to accept the grant, if it is awarded. Councilmember Boyer asked when does the City pay for the Coordinator if the grant is approved, but then expires. Ms. Volek reported she does not know because the grant was just delivered today. Councilmember Ulledalen asked if it is administered by the court or by the contractors. Ms. Volek stated the coordinator and treatment professionals are “contractors.” She reported she will explain more at the City Council meeting on December 11<sup>th</sup>.
- Councilmember Ruegamer suggested dinner after the December 18<sup>th</sup> meeting with the City Council and Staff. He recommended Walkers Grill. Councilmember Brewster agreed.
- With discussion completed the meeting was adjourned at 7:05 p.m.