

City Council Work Session

March 16, 2009

5:30 PM

Community Center

Meeting was inadvertently not recorded. Minutes are from handwritten notes only and some dialogue may be missing.

ATTENDANCE:

Mayor/Council (please check) Tussing, Ronquillo, Gaghen, Brewster, Pitman, Veis, Ruegamer, Ulledalen, McCall, Astle, Clark.

ADJOURN TIME: 8:20 p.m.

Agenda

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| TOPIC #1 | Public Comment |
| PRESENTER | |
| NOTES/OUTCOME | |

There were no speakers.

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| TOPIC #2 | Legislative Report |
| PRESENTER | |
| NOTES/OUTCOME | |

City Lobbyist Ed Bartlett joined the meeting by phone and provided a review of his weekly report on the following items:

- Reappraisal – the committee is considering changes similar to 2003.
- Local Government Committee has not acted on SB 294.
- The Senate Taxation Committee has not acted on SB 486.
- The House Taxation Committee has not yet received amendments for HB 476 and it is uncertain when they will take action. Representative Arntzen has not completed amendments.
- Stimulus – there is no support for specific projects but there is support for providing money to cities and counties. The most popular are a per capital and gas tax formulas, both with minimums for some cities.
- The hearing on the local option tax bill is March 18. Each side will be allowed less than an hour. Ms. Volek and others are working to get citizens to appear. Montana Board of Realtors Association will support the bill. The strongest opponents are the Montana Taxpayers Association and Montana Farm Bureau.

Councilmember Ruegamer asked when the red light camera bill hearing was scheduled. Mr. Bartlett advised that the Senate Highways and Transportation Committee would hold its hearing March 24. Councilmember McCall advised she would attend that hearing while she was in Helena for appropriations.

Councilmember McCall asked if Senator Essman had asked for updated Department of Revenue information on income from the proposed local option tax. She suggested Mr. Bartlett ask Senator Essman if he wanted it.

Mayor Tussing stated that the stimulus sounded positive for Billings. He asked if \$6 million was to be spent on transportation. Mr. Bartlett said that after the stimulus-designated entities and projects were funded, a small amount would be left. Mayor Tussing advised he hoped Shiloh was not being counted as a city project and he did not want to miss out on any funds.

Councilmember McCall asked if there was a strategy for the local option tax. Ms. Volek advised that Alec Hansen of Montana League of Cities and Towns was working on one and Mr. Bartlett should consult with him.

Mr. Bartlett advised that the Legislature was working on HB2.

Mr. Bartlett explained that the disaster bill from Bozeman would apply an adjustment to the base value while recovering from disaster. He noted it would be beneficial to any city that faced a disaster.

Mr. Bartlett advised that the riverbed bill introduced by Senator Story affected small users with a one-time easement from the State for use of a navigable river that was below the low water mark. He said Senator Story informed him that it included municipalities. Mr. Bartlett advised it was not at the top of anyone's list.

Councilmember Ruegamer reported that he and Ms. Volek, along with Alec Hansen and a representative from Missoula testified in Helena. He said they also talked with Representative Arntzen for about 20 minutes regarding a compromise.

Mayor Tussing asked if the bill from Bozeman allowed for loans for green or alternate energy. Mr. Bartlett advised that he was not familiar with it. Mayor Tussing advised he would provide information to Mr. Bartlett.

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| TOPIC #3 | <i>Bench Boulevard</i> |
| PRESENTER | <i>Vern Heisler</i> |
| NOTES/OUTCOME | |

Yellowstone County Commissioners Kennedy, Reno and Ostlund were present for the discussion. Deputy Public Works Director Vern Heisler advised that the City was moving forward on the joint project with Yellowstone County. He referred to a memo in the Friday packet to update Council, Commissioners, MDT and staff. He advised there had been six meetings on the topic in the last 30 days. Mr. Heisler explained that the project was split into two phases – 1) road, sidewalk and bridge; 2) underpass/overpass to be built in the future when funds became available. He noted that part of Bench would be built when the 6th & Main to Lake Elmo project was done.

Mr. Heisler stated that at a March 10 meeting, the County indicated it was willing to wait to build the bridge until the rest was built at the end of the 2010 calendar year. He said a design

consultant could complete its task and MDT would be able to review it in that time period. He added that the County would donate up to \$1 million for the project and easement and the City would provide the remaining match.

Mr. Heisler explained that the next step was a scope meeting, and then the City would send a letter to MDT to request the split into the two phases. He noted that three agreements would have to be in place between the City and MDT; the City and Yellowstone County; and with Morrison Maierle to take it up to the construction when the state took over.

Commissioner Kennedy advised that the project could be started sooner than 2010. Mr. Heisler stated that more would be learned in the scoping session.

Commissioner Reno challenged the City to move faster toward construction. He stated that a bridge could be built by the end of the year with Council's approval. Commissioner Kennedy stated that an over or underpass was needed to keep traffic constant through Bench Boulevard and onto 6th Avenue. He noted that if the project was split, a commitment was needed that the project would be a PCC priority since the Federal Transportation Bill was coming up.

Councilmember Brewster asked about the effect on Main Street Traffic if more was added at Bench. He said the appeal of the project was to have an over or underpass to relieve traffic. Commissioner Ostlund stated that the project was phased from the start because the bridge was needed. He mentioned possible traffic options.

Councilmember Brewster commented that it would create a mess without the second phase and would end up just being an outlet for the Metra. Councilmember Ulledalen asked how much of the project was for the benefit of the County to relieve traffic at the Metra and how much of it was a traffic project for the City. He said only the bridge project should go forward.

Commissioner Reno referenced a letter sent to the City asking for a commitment by April 1.

Councilmember McCall commented on the rapid schedule provided by Mr. Heisler and said she sensed at the March 10 meeting that the projects could be designed at the same time.

Councilmember Pitman stated that between that project, the Aronson Avenue extension, and the Inner Belt Loop, traffic could be alleviated. He noted that Bench Boulevard was undeveloped so there could be concerns about dumping traffic onto it.

Commissioner Ostlund advised that it was always a City/County project and funds could be subject to repayment if the project did not proceed. He stated that Bench was the third phase, and the Inner Belt Loop was a pipe dream to complete in less than 10 years without funding. He encouraged careful consideration of the Bench project.

Commissioner Kennedy stated that the City and County had joint discussions about Bench, the Airport, and that project. He noted that part of the Inner Belt Loop could be in the County and a City/County partnership would be necessary there as well. He cautioned that splitting off might not be favorable to the legislative delegation.

MDT Representative Stefan Streeter commented on Mr. Heisler's and Commissioner Ostlund's comments. He said it was correct that if the project was cancelled, funds would have to be repaid. He advised that an environmental document was being prepared by MDT. He added that it was an important community issue and teamwork was important.

Councilmember Pitman asked if money would still be available if the project was pushed back to 2010. Mr. Heisler said it would be pushed back depending on the cost. Councilmember Ulledalen stated he would like to see the list of postponed projects.

Councilmember Ronquillo asked when the northern Bench money would be available. Mr. Streeter explained that Bench from Hilltop to the Metra and then to Main could be funded. Commissioner Kennedy added that the Highway Commission recommended \$15 million to finish Shiloh Road. He said urban dollars could be moved to finish Bench to Highway 87, and an appropriation for the overpass could be sought.

Mr. Heisler advised that a scope and construction meeting was the next step. Mayor Tussing asked if anyone objected to that meeting. There were no objections.

Councilmember Gaghen asked what costs had to be repaid. Mr. Streeter answered it was \$700-800,000 and City matched.

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| TOPIC #4 | Work Force Housing Ad Hoc Committee |
| PRESENTER | Landy Leep |
| NOTES/OUTCOME | |

Planning Director Candi Beaudry introduced committee members Landy Leep and Barbara Seely to present the committee's recommendations. She said Council direction was needed.

Mr. Leep reported that the first task of the committee was to define workforce housing. He said the committee determined that it would target workers at the 80-120% of median income level who should be able to afford homes priced at \$125-185,000. He noted that Billings already met housing in the \$155-185,000 range, but needed to meet \$125-155,000 range. Mr. Leep noted that prices increased 38% since 2001, and in 2008, Billings was most affordable Montana city.

Mr. Leep reported on the October, 2008, Housing Summit which included breakout groups that discussed five key issues: Housing Financing, Design Standards and Development Process, Incentives and Regulatory Barriers, Getting Neighborhood Buy-In, and Housing Costs. He said the committee hoped the recommendations allowed development of workforce housing when developers were interested in new projects. He explained that the main tool to achieve that was a development agreement with incentives to insure housing was priced for workforce. He noted that water and wastewater development fees were separate and based on lot size.

Mayor Tussing asked where incentives would come from for the development agreement (recommendation #2). Mr. Leep responded that it was not cash from the city, but it would come from easing up on parkland, sidewalk improvements, etc.

Councilmember Ulledalen said alternatives for stormwater management were seen in other communities. Mr. Leep said the DEQ level would make it stricter. Ms. Beaudry said Public Works Department was looking at ways to make it easier for development in that price range. She said developers would also be asked for suggestions.

Councilmember Brewster commented that when some things like intersections were offset, it limited the subdivision.

Councilmember Ulledalen asked what could be done to be able to build nice mobile home parks. Mr. Leep said they were not popular but could be done tastefully with the City and a developer. Ms. Beaudry noted there was a 6000 square foot minimum lot size and the recommendation was to reduce the requirement.

Mr. Leep requested an initiative to investigate development of workforce housing using the committee's recommendations. Ms. Beaudry explained the recommendations could be included

in the Planning Department's work plan but would need cooperation with Public Works Department.

Mr. Leep pointed out that Councilmember Ronquillo served on the committee. Councilmember Ronquillo commended the committee for a good job.

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| TOPIC #5 | <i>Billings Brand</i> |
| PRESENTER | |
| NOTES/OUTCOME | |

Billings Chamber of Commerce President John Brewer was present to discuss ways the City could implement the Billings Brand. Mr. Brewer explained how the Billings Brand was developed and pointed out that Mayor Tussing and Parks, Recreation and Public Lands Director Mike Whitaker served on the branding committee. Mr. Brewer advised that the Chamber and Visitors Bureau was developing ads that positioned Billings as the starting point and the heart of adventure. He explained the work the committee did with citizens in the form of billboards, envelopes, and ads on medical/shopping hubs for new visitor guides.

Mr. Brewer reviewed the activities of the brand champions over the past couple of months as they worked to promote the brand. He encouraged the City to integrate the brand as possible such as adding it to letterhead and promotion in the City Link publication. He noted that Spokane, Washington used license plate frames that contained the city brand for all city-owned vehicles.

Mr. Brewer advised that the Chamber was working with the airport to add a visitor information center that would be funded by the Chamber. He stated that the Chamber was willing to serve as a resource for development, and marketing throughout the community, and a number of the efforts were starting to work.

Councilmember Ulledalen asked if the clip art at www.brandbillings.com could be used. Mr. Brewer said it could.

Councilmember Pitman advised that he obtained gifts for the visit to Washington DC and it was nice to see something that had Billings on it.

Councilmember McCall asked when the current city logo was developed. Ms. Volek said it was in the 1970s and it may be time to consider a change.

Mayor Tussing asked if staff needed direction or if a formal vote was needed. It was consensus to have Ms. Volek present options for incorporating the Billings Brand with minimal expense. Suggestions included a slide on Channel 7, updating letterhead and using it as a screensaver.

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| TOPIC #6 | <i>Animal Shelter Transfer</i> |
| PRESENTER | <i>Martin O'Neil, Jack Nickels and Nicole Thompson</i> |
| NOTES/OUTCOME | |

Mr. O'Neil introduced Executive Director Jack Nickels and Assistant Director Nicole Thompson. He expressed appreciation for the support given the YVAS during the past 18 months. Mr. O'Neil advised that the transition team has worked with Assistant Police Chief Tim

O'Connell and Animal Shelter staff members Dave Klein and Fred McCracken during the past six months and it was time well spent.

Mr. Nickels stated that City staff was phenomenal to work with through the transition and he looked forward to working with the Animal Control Division. He advised that the YVAS would not make many changes while settling in and would retain current employee Christi Dworshak, along with new employee Faye Pigar. He reported that Ms. Thompson had an animal science degree and a good customer service background, along with many years of nonprofit work that included grant writing and public/private partnerships. He noted that she would coordinate volunteers to assist staff.

Mr. Nickels said he hoped the shelter became a community involvement point that assisted with pets and educational projects. He said he hoped that in a year's time when he returned to Council, he could report of good things happening.

Ms. Thompson spoke about turning the shelter into an adoption agency which the City had not been able to do in the past.

Councilmember Ruegamer stated that the Council heard testimony from groups that opposed the YVAS and there would probably have been opposition to any group in the same situation. He asked if YVAS had a strategy to bring groups together. Ms. Thompson explained that she had met some of the groups working at the shelter and hoped to continue working with them. Mr. Nickels advised they would work on outreach with other organizations.

Councilmember Astle asked which entity received the fine if a dog was picked up during regular Animal Control hours, but released after hours. Mr. Nickels advised that a dog would not be released until Animal Control had evaluated it.

Mr. Nickels advised that the YVAS took over March 22 and officially opened March 23 at noon. He said the shelter would be open 40 hours each week, likely 12 noon-7 p.m. six days each week, closed Wednesdays.

Councilmember Astle asked about the effects of the puppy mill on the number of volunteers. Mr. Nickels explained that it could impact volunteerism down the road. He noted that 16-20 volunteers indicated interest at the past Saturday's street fair and out of every ten, there would probably be one or two serious volunteers. He stated that a core of five to seven volunteers would be ideal and there were two or three in place already. He said they could fill in with people from group homes and service groups.

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| TOPIC #7 | <i>Social Host Ordinance (Police Dept)</i> |
| PRESENTER | <i>Sgt. Scott Conrad, Kristen Lundgren, Jessica Bradley (West High Student)</i> |
| NOTES/OUTCOME | |

Police Sgt Scott Conrad provided the definition of social host. He said it was a person who owned or leased property and was in charge of and organized any activity at which an underage person consumed or possessed alcohol. He said the ordinance was in place in Helena and Bozeman and Great Falls were working on it. He explained that the current criminal statutes prohibited the provision of alcohol to minors, but did not address providing the premises to drink. He stated that it would have to be proven that the adult knowingly provided the location for the party.

Councilmember Gaghen asked how it was handled if someone's parents were gone and other kids showed up with alcohol. Sgt. Conrad advised that officers used discretion and issued minor in possession citations as appropriate.

Sgt. Conrad advised that Kristen Lundgren of United Way was present and supported the ordinance. Ms. Lundgren reported that 70.3% of kids indicated that alcohol was easy to get and only 4% of them got it from a stranger. Sgt. Conrad said the goal was to decrease youth access by targeting not only liquor sales outlets, but parents who allowed parties.

Councilmember McCall referred to the statistics that 54.1% of Montana youth used marijuana. Ms. Lundgren said they hoped to reduce that usage.

Councilmember Pitman expressed his concern that a social host could be a landlord. Sgt. Conrad advised the responsibility fell on whoever had the contract. Councilmember Astle suggested clarification of that.

Mayor Tussing asked if state law covered the use of drugs in the same way and if it did not, he felt it should be included. Sgt. Conrad agreed that was a good idea. Deputy City Attorney Craig Hensel commented that the law already existed. Mayor Tussing advised that Nebraska had a statute that people could be arrested if they were on the premises where drugs were present. He said that could get kids and people who maintained the premises and covered all age groups. Mr. Hensel advised that the parent or guardian was covered. Mayor Tussing said it did not cover adult hosts. Sgt. Conrad advised that the proposed ordinance was focused on alcohol and there was a separate one for drugs. Mr. Hensel explained that anyone over 18 who encouraged use of alcohol could be covered in state statutes, but he could look at it.

West High School Senior Jessica Bradley described a party for a 16 year old when the mother hosted the party and did not take anyone's keys. She said that type of problem needed to be stopped.

Councilmember Astle stated there was an all-city graduation party to avoid accidents.

Councilmember Pitman said he did not want to send the message that drinking was not okay but other drugs were.

Mayor Tussing stated he wanted to see the statutes. He asked about the statutes related to drugs.

Councilmember Gaghen asked about punishment. Mr. Hensel advised there were mandated programs, fines and community service.

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| TOPIC #8 | <i>Washington D.C. Report</i> |
| PRESENTER | <i>Councilmembers Gaghen, Pitman, McCall, and Astle</i> |
| NOTES/OUTCOME | |

Councilmember Pitman stated he felt it was valuable to have the face-to-face time with the delegation in Washington D.C. He said it provided a chance to explain the process in detail. He reported that an explanation was provided of Shiloh and Alkali Creek Road projects, how past money was spent and what else was available.

Councilmember Gaghen reported they were part of a group of 100 in the Wednesday morning meeting who tried to make a cause heard. She said Senator Baucus took a break from a national hearing to attend and there was strong support for the Councilmember attendance. She

said she felt it was extremely valuable regarding stimulus funding and a worthwhile use of the budgeted account.

Councilmember McCall advised that during the previous year's visit, all three of the delegation commented that it was important to show a presence. She said she had never seen a response as what the City delegation received, and it obviously produced.

Mayor Tussing asked what the group did on Thursday. Councilmember Gaghen explained that the group was originally scheduled to meet with Representative Rehberg that day.

Mayor Tussing commented that the trip could have been taken with less than six people. Councilmember Astle responded that the City could have sent no one. He stated that the issue could have been brought up before the group left. He noted that he paid all of his wife's expenses for the trip.

Councilmember Astle said the Montana and Washington staff members of the legislative delegation were different and the Washington staff did not know Montana. He commented that the delegation relied on its staff.

Councilmember Gaghen stated that local staff had heard from Senator Baucus that he saw the importance placed on it and there was value to reporting. Mayor Tussing disagreed. He said if reporting, he wanted to hear it. He said justification was not wanted.

Councilmember Ruegamer state he thought it should not have gone to the newspaper after the group left. He said six may have been too many, but it should have been discussed. He explained that when the group went two years ago, they visited with Senator Tester about the Federal Reserve and saved \$500,000. He said he was not sure if they got enough time and the right staff with them and that two years ago when the first group went, Billings was behind other cities. He said the group needed to discuss the issue and come up with some answers.

Councilmember Ulledalen asked about an appropriate number. Mayor Tussing responded that he would not have objected to three people.

Councilmember Pitman stated the issue was a distraction not only at the Council level, but with the delegation. He said the conversation should have been held ahead of time.

Mayor Tussing commented on the price of the motel rooms. Ms. Volek stated they had a AAA rate and it was actually low.

Councilmember McCall advised that she traveled to Washington D.C. as part of her employment with Yellowstone Boys and Girls Ranch and the City did not pay her expenses.

Councilmember Pitman suggested setting up a committee to make a decision as a governing body.

Councilmember Brewster commented it was important how many were sent. He said the school board only sent one person. He said the group could be rotated.

Councilmember Ulledalen commented that the group could be limited to three.

Mayor Tussing stated that departments restricted travel. He said the trip was discussed before there was any information on layoffs and prior to the newspaper article about the City's budget.

Additional Information: