

City Council Work Session

July 20, 2009

5:30 PM

Community Center

ATTENDANCE:

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

ADJOURN TIME: 7:20 p.m.

Agenda

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

- None

TOPIC #2	<i>Arterial Street Lighting Funding</i>
PRESENTER	
NOTES/OUTCOME	

Deputy Public Works Director Vern Heisler referred to a poster that displayed the location of the arterial street lights. He noted there were 2400 street lights within 70 light districts. Mayor Tussing asked if Mr. Heisler knew how many were owned by the City. Mr. Heisler responded that he did not have that information with him.

Mr. Heisler commented that it was possible to form a city-wide arterial district. He said it would take a couple of months or more for staff to split out the districts. He explained that the option was investigated before and referenced a 1998 study by Marvin and Associates. He said an ordinance would be required to implement an arterial district. Mr. Heisler advised that a city-wide arterial district would reduce the number of light maintenance districts, and a large light maintenance district would provide a more simplified structured tracking system from the current process of tracking lights from 70 districts.

Mr. Heisler explained that assessments would be on all taxable land area within the city boundaries and significant input would be sought to determine how the assessments were made. He advised that many of the intersections were not included in the current maintenance districts, but Public Works staff felt that the intersections should be included in a city-wide district. Mr. Heisler referred to the map and noted that there were arterials that did not have lights. He said the question was if the Council wanted to include construction costs of new lights on those arterials, or whether it was left for maintenance only. Councilmember Clark asked if Broadwater, west of

24th Street West would be one of those areas that would have construction as well as maintenance of the lights. He said he received numerous complaints about the lack of lighting in that area.

Councilmember Astle asked if there were cost estimates for a city-wide district. Mr. Heisler advised that cost estimates had not been determined yet. He said the purpose of his presentation was to determine if it was possible, which he felt it was. Mr. Heisler said whatever assessment method was used would determine the cost per property owner. City Administrator Volek explained that some of the lights in the maintenance districts were owned by Northwestern Energy and a phased program would probably be needed if those lights were rolled into it due to the renewal schedule with Northwestern Energy. Ms. Volek explained that when the arterial fee for street maintenance and construction was established, a committee was formed to look at ways to put it all together and that same process could be needed for a light maintenance district. Councilmember Brewster asked if the County would be asked to pay a portion for arterials that were not solely owned by the City. Councilmember Pitman asked if the City was keeping up to date with the costs. Ms. Volek responded that whether the County contributed would depend on whether it was only operation and maintenance or if it would include construction costs. She added that actual billing amounts were used to assess the properties, so the costs were current.

Councilmember Clark said he did not think it would make a difference whether the lights were owned by the City or Northwestern Energy because what taxpayers currently paid would be split among the whole city. Councilmember McCall asked if most of the districts were owned by Northwestern Energy. Ms. Volek said she thought the City owned about one-third of the districts. Councilmember McCall asked how that change came about. Ms. Volek explained that she did not know the whole history, but knew that Northwestern Energy was the traditional developer and some areas were covered by other energy companies. Councilmember Brewster said he thought the utility companies fronted the money for the lights and then rated it out over an indefinite period.

Councilmember Ulledalen asked how it was determined which arterials had lights. Mr. Heisler explained that some of the lights were likely part of development projects. Councilmember Astle asked about Main Street. Mr. Heisler advised that some sections were paid by Montana Department of Transportation and he thought that was one area.

Councilmember Ulledalen said he struggled with how much of the desire for the lights was for safety of drivers and how much of it was to illuminate businesses for vandalism deterrence. He said if that was the case, commercial property owners should possibly pay a disproportionate amount versus residential areas that may not want the lights. He said he also wondered about the logic of having them on all night. Mr. Heisler advised that safety was the primary factor because arterial roads usually had higher speeds and traffic all night long. Councilmember Clark stated that if commercial properties were paying more on the arterial street maintenance, the same procedure could be used for the lighting.

Councilmember Brewster explained that the concept was discussed eight years ago and the Council said 'no' right away and felt it was the cost of doing business for commercial properties. Councilmember Pitman pointed out that not all arterials were lined with businesses. Mayor Tussing commented that he was more sympathetic to the residences than he was to the businesses because the commercial properties benefitted more from the lights.

Councilmember Veis asked if the Shiloh maintenance district could be assessed based on zoning instead of the proposed method of using frontage. Mr. Heisler said he felt there were several options that could be considered. Ms. Volek asked Councilmember Veis if he was

thinking of the current arterial ordinance. She said there were underlying zoning districts that could impact the assessments.

Councilmember Veis stated he felt an arterial lighting district would open a huge can of worms because people would want lights on all arterial streets and capital for construction would be needed. Councilmember Brewster stated he felt that people who lived on arterials should pay as much as residential property owners paid.

Councilmembers agreed to research the concept further. Councilmembers Ronquillo and McCall volunteered to serve on a group to study the matter. Mayor Tussing advised that Ms. Volek would select appropriate staff as well as citizens.

Councilmember Gaghen stated that the downtown lighting district was an ongoing issue because the costs for that area were much higher. Mayor Tussing commented that all lighting districts probably needed to be included. Councilmember Ulledalen stated that he knew downtown property owners paid higher arterial street maintenance fees and that issue could come up as well if the lights were addressed.

Ms. Volek confirmed that a resolution would be presented for Council consideration to form an ad hoc committee.

TOPIC #3	<i>Bench Boulevard Letter</i>
PRESENTER	
NOTES/OUTCOME	

Ms. Volek referenced the document regarding TIGER Grant regulations. She clarified that projects had to be a minimum of \$20 million, but there was a process to exempt that if the jurisdictions chose to. She noted that the County Commissioners were interested in a letter of support for a project. She asked Mr. Heisler to report on the meetings he had attended. Mr. Heisler reported that he attended meetings that included County and MDT representatives. He said Phase I of Bench would be bid by the end of 2010 and the letter was talking about Phase II, the underpass at 6th and Main. He said the project was estimated at \$25 million, with the hope of including intersection improvements on Bench north of Lake Elmo. He said there was not enough time to acquire the property for the Bench North, but there was enough room at some of the intersections that they could be included in the TIGER Grant.

Mayor Tussing asked Mr. Heisler if it was his opinion that was the best way the community could use the TIGER Grant monies. Mr. Heisler responded he felt that was a reasonable next step when the upcoming deadlines were considered, and that it was a project that had been split into phases and had the buy-in with the County and the City. Councilmember Ulledalen asked if a local match was required for the TIGER Grant. Mr. Heisler stated there was no local match requirement. Mayor Tussing advised that he recently learned that people should have contacted the City Administrator if they had ideas for projects for TIGER funds. He said that at a February meeting, there was sentiment to construct the trail under Main Street to connect the other existing trails. He said he had been unable to contact those individuals after he found out they needed to talk with the City Administrator. He said he thought those individuals preferred to use CTEP funds but the County was balking that and he understood about \$200,000 would be lost if the project did not go forward. He said the group suggested using TIGER money if the CTEP funds were not used. Councilmember Veis pointed out that the project was not a \$20 million

project. Mayor Tussing said that was correct and the waiver would have to be used. Councilmember Astle stated that it was part of the Bench connection. Mayor Tussing advised that he discussed the matter with Commissioner Kennedy who indicated the City should apply for FEMA funds for that project.

Councilmember Veis explained that the Montana Department of Transportation would apply for the grant and wanted a letter of support from the City. Ms. Volek advised that the competition for the funds was at the state level. Mr. Heisler explained that MDT Planning was originally going to write the grant, but instead the County was going to write it with assistance from the Big Sky Economic Development Authority. Councilmember Brewster said if the grant was not sought, it was not likely that the underpass would be built in the foreseeable future. Councilmember Pitman stated he thought it was important for the City to send a letter of support. Councilmember McCall said she thought it was important to get the support of the County to put in the other underpass for the trails. Councilmember Veis commented that Commissioner Kennedy was convinced FEMA money could be obtained for that project and would probably not support including it with the TIGER Grant application. Mayor Tussing noted that FEMA money required a half million dollar match and CTEP funds could not be used for the match. He added that he had only heard from one person on Bench and that person was against that. Ms. Volek said Commissioner Kennedy expressed concern that the City would compete against the County for the funds because she understood there would be a single application through the State. She said she thought the Commissioners were moving forward as a group.

Councilmember Ulledalen commented that he agreed with Councilmember Brewster that the only way the underpass would be built was if it was included in that project because he did not see the City getting the match without shutting down a lot of projects for a number of years. Councilmember Astle suggested adding the request to include pedestrian underpass in the support letter. Councilmember Brewster disagreed and said he thought it should be done informally. Councilmember Veis stated he would contact Commissioner Kennedy to discuss it with him. Ms. Beaudry advised that enough funding had been cobbled together for the pedestrian underpass using CTEP funds and other contributions, and it was within \$100,000 of the local match. She said the FEMA grant was not feasible because of the large match requirement and it was not certain that the funds could be used for that type of project. She added that Transportation Planner Scott Walker was scheduled to meet with County Commissioners the following day to discuss using CTEP funds for the underpass.

Ms. Beaudry advised that the TIGER Grant was due September 15 and she understood BSEDA was writing it because MDT decided not to write it. Mayor Tussing confirmed that the tunnel would connect several trails because he had heard it referred to as the 'tunnel to nowhere.' Ms. Beaudry said the project was restructured to ensure the connection with Earl Guss Park. Councilmember McCall asked about the match requirement. Ms. Beaudry advised that it was about 13% of \$2.5 million. Mayor Tussing asked when the fail-safe time was when the money already spent would be lost. Ms. Beaudry said that had not been determined, but the project had been hanging out there for six years and if it did not go forward, the money would have to be returned and there was no guarantee it could be obtained for something else. Councilmember Veis stated that it would probably be easier to proceed the way Ms. Beaudry described instead of trying to include it in the TIGER Grant because the Phase II scope would have to be changed to include the underpass. Mayor Tussing stated he would still like to communicate the City's desire to have that project completed and supported by the County. Councilmember Veis agreed to accompany Mr. Walker to the meeting with the Commissioners.

TOPIC #4	<i>Ad Hoc Annexation Committee</i>
PRESENTER	
NOTES/OUTCOME	

Councilmember Veis reported that it was a big committee that worked very hard. He said the intended scope of the committee was not a realistic solution and General Fund dollars would not be used to promote annexation in that area. He said within that scope, the only thing to report was that they would not do that. He said he believed the scope and timeframe would be changed and an amended resolution would be brought forward.

Councilmember Ulledalen asked if the committee could work to develop an infill policy. Councilmember Veis said the committee decided to promote infill in that area only and it would be necessary to have an infill committee to promote it in all areas. He said the incentives for that district would come from that district, would be specific for that district and would be funded from sources within that district. Ms. Volek advised that Planning Staff was working on an infill policy and should have it ready by the fall.

Councilmember Gaghen stated that one of the major challenges of the committee was that there was a sense from the TIF District that incentives were needed from the City. She said Ms. Beaudry suggested allowing a spread for some of the fees like system development fees. Councilmember Ronquillo said it was sad that the County owned some of that land and did not want to invest in upgrading the water system. Councilmember Veis stated he thought the Commissioners would be happy to have that area annexed.

TOPIC #5	<i>Citizens Survey</i>
PRESENTER	
NOTES/OUTCOME	

Councilmember McCall provided an update on the plans for the community conversations scheduled during September. She distributed a flier designed by the work group. She explained that tentative locations for the community conversations were being identified in various sections of the community. She advised that four presentations had been given to date and invitations were sent to the task forces. She reported that the presentation was given to the Golden Kiwanis earlier in the day and it went well and good questions were asked. Councilmember Clark asked to be informed of scheduled presentations so Councilmembers could attend if they wished.

Councilmember McCall explained the planned format for the community conversations that included stations where a particular topic could be discussed. Mayor Tussing stated that the problem was that there was no way to quantify some of the issues, such as what the savings would be if specific services were reduced. Councilmember McCall said those things could not be quantified in that way, but the intention was to generate discussion and suggestions to get the information back to the Council, then back to the public.

Councilmember McCall reviewed questions that would be discussed at the community conversations. Councilmember Ruegamer pointed out that questions about a park maintenance district and lifting the mills were confusing to people who might not understand what those items were. Councilmember Ulledalen suggested coming up with clear questions to present at the community forums to get a view from the different parts of the City.

Councilmember McCall reviewed the areas that the work group identified for discussion as: community quality and opportunity, public safety, sustainability, civic engagement and trust, and policy options. She said the items met very well with strategic plan goals. She noted that the discussion would be a little more detailed than the general outline, and asked for input from Council concerning the questions. Councilmember Ulledalen suggested including some of the items that would have to be considered in the next five years such as a city-wide park maintenance district, the Library, traffic, plowing, road priorities, trail priorities, and traffic enforcement. He added that an internal issue was equipment and technology replacement budgets. Councilmember Brewster added the issue of how development was paid. Councilmember McCall said the sessions would last only two hours so the questions that could be addressed would be limited. Councilmember McCall advised that Leadership Montana people would facilitate the discussion tables. Councilmember Brewster stated that information needed to be provided about what would be done with money from mills that were in the general fund if a separate park maintenance district was formed. Councilmember Clark suggested a breakdown of how the funds were spent.

Councilmember Gaghen suggested providing the definition of a mill to the public because she was not sure if people understood it.

Councilmembers reviewed and briefly discussed the topics for discussion. Councilmember McCall advised that the next step was to compile the suggestions, develop questions and distribute them to Council via email. Mayor Tussing asked what the committee felt the Council's role was in the community conversation meetings. Councilmember McCall said the work group discussed having department directors available at the meetings to provide information, but not to engage in a question and answer session to defend the City, and Councilmembers should be actively engaged at the discussion tables. Councilmember Ulledalen stated that Councilmembers should be present at the meetings that included their areas. Councilmember Pitman stated that Councilmember presence provided credibility to the process. Councilmember Gaghen commented she felt there was value to attending the conversations from other wards as well. She said she wondered if the new Billings Brand should be used in survey materials.

Councilmember Ulledalen stated that the school district needed to be included because schools were relative to growth and future development.

TOPIC #6	<i>Goal Setting</i>
PRESENTER	
NOTES/OUTCOME	

Councilmember Ulledalen advised that there was considerable overlap between the survey results and the strategic plan goals. He stated that the information from the survey and community forums needed to be reviewed with staff to determine which items would be identified as future goals. Councilmember McCall stated that it would coincide with development of the department business plans. Ms. Volek suggested scheduling a half-day session to update the strategic plan. Councilmembers agreed to have Ms. Volek schedule an early October meeting to update strategic planning so departments had feedback to assist with business plan development.

Additional Information:

Councilmember Clark asked if anyone planned to attend the national conference. Councilmembers Gaghen and McCall indicated their intention to attend.