

# City Council Work Session

January 19, 2010

5:30 PM

Community Center

## ATTENDANCE:

**Mayor/Council** (please check)  Hanel,  Ronquillo,  Gaghen,  Cimmino,  Pitman,  McFadden,  Ruegamer,  Ulledalen,  McCall,  Astle,  Clark.

**ADJOURN TIME:** 7:30 p.m.

## Agenda

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

- None

Mayor Hanel apologized to Councilmembers for mispronouncing their names during the January 11 meeting.

<b>TOPIC #2</b>	<b><i>Tourism Business Improvement District (TBID) Update</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Chris Johnson, Chair of TBID, advised that the Board's mission was to put heads in beds to generate dollars for Billings. Billings Chamber of Commerce and Visitor's Bureau President John Brewer provided background regarding the formation, funding, staffing and membership of the Tourism Business Improvement District.

Mr. Brewer reviewed promotional activities and noted that everything revolved around the trailhead identity. He mentioned a new website [www.visitbillings.com](http://www.visitbillings.com) that was launched two months ago with the hope of targeting people in Idaho, Wyoming, North and South Dakota and Nebraska. He reviewed the services provided to groups that booked events in Billings.

Mr. Brewer provided an overview of the difference in booked room nights after creation of the TBID and commented that the data indicated it was working. He pointed to a 2.3% increase from 2006 to 2007. Councilmember Gaghen asked about the number of rooms available. Mr. Brewer said he did not have that information, but guessed about 2,000 rooms were available each day. Councilmember McFadden asked how events were promoted. Mr. Brewer provided examples of promotional activities for events scheduled in Billings.

Mr. Brewer explained the TBID was wrapping up a two-year project with Randall Marketing regarding marketing the leisure industry and random visitors. He said results would be reported during an event at the Hampton Inn February 16.

Mr. Brewer reviewed upcoming events in Billings that included: Antiques Road Show and Women of Faith. He stated that most leads for conventions/events came from local residents/businesses.

Councilmember Ruegamer stated that four employees seemed like a lot of people for the revenue the Board generated. Mr. Brewer explained that the manpower and resources were needed to meet one-on-one with event planners and to attend trade shows to promote Billings. He said that although the staff had doubled, the results had doubled as well.

Councilmember Pitman asked how people could utilize resources for events that were already planned in Billings, such as the Montana League of Cities and Towns conference that will be held in Billings in 2011. Mr. Brewer reviewed promotional ideas that could be used such as a special web site and postcards prior to the event, and then ways to roll out the red carpet when the group was in town.

Councilmember Cimmino advised that according to her calculations, there were 730,000 available rooms per year. She asked if the Northern Hotel would be part of that also. Mr. Brewer said it would and there had already been site visits from groups that could hold events there in the future. Mr. Brewer explained that results of tourism efforts did not include leisure travel that was not tracked.

<b>TOPIC #3</b>	<b><i>Beartooth RC&amp;D Presentation</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Councilmember Ulledalen commented that he served on Board. He said the two things to pay attention to during the presentation were what the organization did for Billings and what it did for the outlying areas. He said the interesting part was that meetings were held in the outlying areas and a tour of the area was typically part of it.

Carla Lawrence introduced herself as Coordinator of the Beartooth Resource Conservation and Development and introduced Chris Mehus, Economic Development Director and Office Manager. She provided an overview of activities and workings of the Beartooth RC&D. She distributed brochures that highlighted all eight of the RC&Ds in Montana and noted that the five counties served by Beartooth RC&D were Yellowstone, Big Horn, Carbon, Stillwater and Sweet Grass. She reviewed the Board membership and representation by county.

Mr. Mehus provided additional information about the partnership with Big Sky Economic Development Authority and the projects of the Beartooth RC&D. Councilmember Gaghen commented that Lee Arbuckle's seed harvester and the floating islands had international potential. She asked if Beartooth RC&D worked with BSEDA to coordinate efforts to promote those projects. Mr. Mehus said that partnership was in place on almost every project. He noted that other resources were also utilized. Councilmember Ulledalen commented that things could be pitched to BSEDA and then taken from there, however, smaller communities did not have that opportunity, but the RC&D was the resource for those outlying areas.

Mayor Hanel stated that he had personally used the services of the RC&D and was very happy with those services.

Mr. Mehus explained the funding sources that included grants and matching funds from communities served. He said the City of Billings' fee for the current year was \$9,136. He pointed out that a grant from the U.S. Department of Commerce was \$52,000 and the amount

had not changed since 1997. He stated that decreased funding impacted the services they could provide and they probably needed to do a better job of selling themselves.

Councilmember McCall noted that funding approval was on the January 25 agenda. She asked if RC&D was eligible for any stimulus recovery funds. Mr. Mehus explained he had received several calls about the availability of funds, but had not yet seen any stimulus money directed to a business. He said RC&D was directed to submit projects to specific agencies and after significant time put into that effort, very little funding was obtained.

Councilmember Ulledalen stated that RC&D also did feasibility studies. Mr. Mehus talked about a feasibility study and assistance that was provided to local businesses.

Councilmember Gaghen asked Mr. Mehus about the operating budget. Mr. Mehus explained that about \$700,000 ran through the accounts during the past few years, but about half of that amount was grants that passed through. He said the RC&D's actual budget was about \$270,000 each year and that covered the five employees and travel throughout the region.

<b>TOPIC #4</b>	<b><i>Social Host Ordinance</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Mr. Brooks referred to a memo from him and Deputy City Attorney Craig Hensel regarding amendments to the Social Host Ordinance that were requested by Council through an initiative. He stated that two alternatives were prepared for council consideration, and staff recommended approval of Alternative #1. He said the revisions were underlined in both versions of the ordinance. Mr. Brooks added that other criminal statutes could apply to situations that fell under the Social Host Ordinance. He advised that Police Chief Rich St. John and Officer Scott Conrad had reviewed the ordinance. Mr. Brooks advised that Council could direct staff to bring one or both alternatives forward for approval.

Councilmember Clark asked Chief St. John if the ordinance had been used since it had been implemented. Chief St. John advised that it had been used quite a bit and about \$600-\$1,000 restitution had been recovered in the year since it was implemented. He stated he felt it was effective and preferred Alternative #1 if changes were made. He pointed out that if no changes were made, the language in Section 18-1203 allowed officer discretion, and if the social host component could not be determined, other citations could be issued. Councilmember Astle asked Chief St. John if he wanted the change or if he wanted to leave it alone. Chief St. John responded that he wanted to leave it alone. Councilmember Gaghen asked if parents were still held responsible if a party was held in the home when the parents were out-of-town. Chief St. John explained that regardless of the language, if the parents were out of town and reasonably would not have known, a citation would not be issued to the parents. He said the key was whether the parents knew or reasonably should have known. Mayor Hanel stated that it appeared Alternative #2 would make it difficult for the Police Department to enforce. Chief St. John agreed.

Councilmember Ronquillo asked how glue sniffing might fit in with the ordinance. Chief St. John advised that the Social Host Ordinance was specific to alcohol and other violations would have to be considered for that situation.

Ms. Volek asked if Council had direction for staff. Councilmember Pitman explained that he brought the issue up because the president of the landlord association had brought it to his attention, so he felt clarification was necessary to address absentee landlords. Councilmember

Pitman said his preference was to consider Alternative #1. Councilmember consensus was to keep the current ordinance without any changes.

Councilmember Ronquillo asked about instances where property managers took care of the property. Chief St. John said if an employee knew a party was going on, the employee would receive the citation. Mr. Brooks advised that the ordinance was another tool to make the property occupants more responsible and for the landlords or property managers to make sure they knew what was going on in the buildings. Chief St. John added that it also provided a deterrent for graduation parties at the end of the school year.

<b>TOPIC #5</b>	<b><i>Storm Drain Ordinance</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Environmental Engineer Boris Krizek introduced the ordinance related to storm drain issues that would be presented to Council at a future business meeting. He said the purpose and intent was to protect and enhance the water quality of the river, groundwater, and wetlands, and to minimize non-stormwater discharges to storm drains, to minimize pollutants in stormwater discharges, and to require the removal of illicit connections to the City's stormwater system. Mr. Krizek's PowerPoint presentation included a map of the stormwater system and an overview of what was to be achieved with the ordinance. He said that EPA was behind the program so the City did not really have a choice whether the ordinance was implemented.

Mr. Krizek explained that Billings was one of seven Montana cities that had a small municipal separate storm sewer system known as an MS4. Councilmember Ronquillo asked about situations when a person drained snowmelt and possible oil from cars parked at the curb into the storm drain, and another person with a carpet cleaning business that drained the dirty water into the drain. Mr. Krizek advised that was part of the public education that would take place. He said the ordinance would allow citations in those instances.

Councilmember McFadden asked how EPA determined that city stormwater was the biggest pollutant in the rivers. Mr. Krizek explained that it was the result of studies done by the EPA. He explained the difference between a point source location and non-point sources that were difficult to address. Public Works Director Dave Mumford added that the laws were based on who could be controlled, so point sources were targeted. He said one problem was the discharge from agricultural areas outside the city. Councilmember McCall asked what businesses like a carpet cleaner should do with its discharge. Mr. Krizek explained that the business could discharge it into the sanitary system because of the cleaning process for that type of discharge. Councilmember Ronquillo asked about the de-icer used on the streets. Mr. Mumford advised that it was EPA approved and did not result in anything that affected the biological system of the river.

Councilmember Clark asked if storm detention ponds were being used with new development. Mr. Mumford explained that developers were asked to do that and the concept was part of a best practice management manual.

Mr. Krizek reviewed the major components of the ordinance. He reviewed the stormwater issues and challenges included in the Public Works Business Plan. He noted that a projected cost to address quantity and quality challenges was \$160 million. He added that DEQ updated the City's general permit for the next five year period, beginning January 1, 2010. Councilmember Cimmino asked if that \$160 million was in addition to the January 4

presentation about \$260 million. Mr. Mumford explained they were two different projects; one was stormwater and the other was wastewater. He said the requirements would blend them together, but they were two different issues.

<b>TOPIC #6</b>	<b><i>Work Session Meetings</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Ms. Volek explained that there had been some discussion about moving the work sessions to the City Council Chambers. She said Channel 7 could tape the work sessions on nights they could not be covered live. She said some councilmembers were concerned that it was a formal environment in the Council Chambers that might not be comfortable for individuals making presentations. She asked the Council for its preference.

Councilmember Ruegamer said he supported moving. He stated he felt coming before the Council was intimidating to some people, and the large room at the Community Center resulted in a huge chasm that exemplified the chasm that some people felt existed between the voters and the Council.

Councilmember McCall stated she liked the idea that all the sessions would be taped, but she felt the recent changes to the physical setup made it more accessible, even though they were still too spread out. She said she felt putting it back in the chambers made it a rigid environment and the present location could become more accessible at the present location as they went along. She noted that results from the citizen survey indicated the need for more communication with the public.

Councilmember McFadden stated that citizens that spoke to the Council did not necessarily want to be on television, and for their benefit, he preferred leaving the meetings at the Community Center.

Councilmember Clark stated he liked the meetings at the Community Center because the sessions were less formal. He said the Council Chambers were too rigid for an informal setting.

Councilmember Astle suggested leaving it at the Community Center, but wanted the chairs rearranged so everyone was closer together and could be seen. He said the work sessions should not be televised because the cameras kept people from showing up.

Councilmember Ulledalen suggested moving to the Council Chambers and trying it for a year. He said that even though attendance was low at work sessions, hundreds of people watched the meetings on television and access was being denied to the people that would watch. He said the other problem was that staff made presentations and discussion was held at work sessions, then at the regular meetings, very little was said and people wondered why. He said if it was on TV, people could watch and know what was going on. He said he agreed with televising the meetings.

Mayor Hanel stated he would support moving the meetings to the Chambers.

Councilmember Ruegamer said he did not think the cameras were an issue. He said he did not remember many people ever testifying at work sessions. He stated that he felt it would be good for the meetings to be televised because it fit with the transparency issue and he knew people watched the meetings on TV.

Councilmember Pitman stated that if the work sessions were moved to the Council Chambers, they needed to be honest and say the meetings were not informal gatherings. He said they were not supposed to make decisions, yet that evening staff was directed not to pursue

changes to the Social Host Ordinance. He commented that in a sense, a decision was made that should not have been made because they were not in a formal setting. He said that if the format was going to be changed, a regular meeting should be held every Monday night that would allow longer public testimony. He said people did not testify because they were limited to one minute prior to the meeting. Mayor Hanel clarified that the action that evening was not a vote and the Council was allowed to provide direction during work sessions, which was done. He noted that nothing out of order was done that evening.

Councilmember McCall stated she felt Councilmember Pitman made a good point. She said the public might be confused if votes were taken at one meeting and not the other. She added that if the change was made, a quarterly review could be done because she felt a year was too long to try it.

Councilmember Ulledalen said a lot of people did not know of the work sessions and the difference could be stated at the beginning of each meeting. He said the biggest issue was that it was the best way to get the information to the public in a manner that was already used.

Councilmember Ronquillo said he agreed that they could determine in three months whether meeting in the Council Chambers was effective.

Councilmember Clark explained that work sessions were held in the Chambers in the past and then were moved to provide better interaction with staff. He said he felt the sessions would end up being formal and would not be as valuable to the Council.

Councilmember Astle stated that work sessions could be announced at regular meetings so people were aware of the schedule. He said the agenda was also published on the web site.

Councilmember Cimmino asked if the work sessions were held in lieu of agenda review sessions. Councilmember Clark explained that those sessions were discontinued and the work sessions used to be held in an informal session prior to the regular meetings. Councilmember Cimmino asked about extra costs of having weekly meetings in the Council Chambers. Ms. Volek advised that it would cost about \$50 more each month. She added that there would be impacts to staff if regular meetings were held weekly. She explained that on nights when the City Council and School District meetings conflicted, the City Council meetings would be televised on Channel 8 instead of Channel 7. She said the built-in equipment at City Hall made it more viable to televising the meetings than having someone present to tape them at the Community Center.

Councilmember Clark asked about conflicts with Court if the meetings started there at 5:30 p.m. Ms. Volek said she mentioned it to Judge Knisely and did not have strong objection. She said she also knew that the 5:30 start time presented challenges to Councilmembers so the start time could be considered as well. Councilmember Gaghen stated she felt a consistent time should be set if the meeting location was changed. She said she felt there was value in the informal meetings and she agreed that having a regular meeting each week would put a strain on staff. She noted that if regular meetings were held weekly, there would be the need to return to agenda setting meetings to be able to ask questions and obtain detailed information.

Councilmember McFadden asked how staff felt about it. Ms. Volek responded that she had not discussed that with department heads. She said the difference was the prolonged presentations and she felt staff was adaptable.

Councilmember McCall suggested setting the tables up in a U shape and felt the work sessions could be modified to be made more accessible in the current location.

Councilmember Ruegamer stated he did not accept the assumption that having work sessions in the Council Chambers meant they were automatically regular sessions. He said he felt it should be put on the agenda for a public hearing and voted on.

**Additional Information:**

Councilmember Ulledalen said meetings with the school district had been hit and miss and it appeared they were not really interested in meeting, but he was recently contacted about resuming the meetings. He explained the purpose of the meetings for the new Councilmembers and suggested having Ms. Volek try to schedule a meeting between the two bodies.

Ms. Volek advised she had a brief discussion with County Commissioner Kennedy about another City/County meeting, and with Council's agreement, she would try to schedule a meeting. Council agreed that a lunch meeting seemed to work best.