

# City Council Work Session

July 6, 2010  
5:30 PM  
Council Chambers

## ATTENDANCE:

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

## ADJOURN TIME: 7:40 p.m.

## Agenda

TOPIC #1	<b><i>Distracted Driving Ad-Hoc Committee Report</i></b>
PRESENTER	
NOTES/OUTCOME	

*The audio recording of the meeting did not start until the meeting had been in session for 30 minutes. Minutes for that time period were developed from hand-written notes.*

City Administrator Tina Volek introduced the item and said Deputy City Attorney Craig Hensel would present the proposed ordinance. Mr. Hensel provided an overview of the ordinance. Committee member Patty Fain provided information on the prevalence and effects of cell phone use while driving. Committee member Dr. Michael Dennis reported on statistics of the dangers of distractions and provided letters of support from the medical community.

A video presentation from CNBC was provided.

*The audio recording started at this point.*

The public comment period for that item was opened.

- **Terry Whiteside, 372 Zion Circle**, stated that the amateur radio association supported the ordinance as written. He said distracted driving was the biggest problem and had discussed that with his legislator.
- **Dan Carter, Billings**, advised that he was an MSU-Billings employee and served on the ad-hoc committee as well. He explained that during the nice weather, he rode his bike to work and had had more than one close call with someone that was talking on their phone and driving at the same time. He said he felt the ordinance was a first good step for public awareness. He noted that high school and college students were on the committee and supported the ordinance as well. He said the college student took an informal poll and received favorable results. He added that the public education was important.

Councilmember Gaghen stated that public education was essential and would be part of the adoption of the ordinance. She noted that the committee represented a good cross-section of interests and abilities.

- **Charlie Reed**, stated he was also a committee member and spoke about the importance of five seconds. He asked councilmembers to think what they would have missed in that period of time while driving. He reported that during student driver education, cell phones had to be kept in the trunk of the car.

There were no other speakers, and the public comment period was closed.

Ms. Volek noted that the item would be on the July 26, 2010, regular meeting agenda.

Councilmember Pitman suggested posting the material was on the City's website.

Councilmember McFadden said it might be true that there was nothing in the U.S. Constitution that indicated people had the right to drive, but citizens had the right to life, liberty and the pursuit of happiness. He stated he was opposed to the ordinance.

Councilmember Cimmino asked about the standpoint of the cell phone industry representative. Councilmember Gaghen explained that the representative favored it and would assist with the public education effort.

Councilmember McCall stated she was a frequent abuser, but after that presentation, she would curtail her behavior further. She thanked the committee for its work.

<b>TOPIC #2</b>	<b><i>Quarterly Updates – Initiatives, Downtown Billings Partnership, Strategic Plan</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Ms. Volek reported that Greg Krueger from the Downtown Billings Partnership may not have been notified of the meeting, but she would be sure to notify him of the next meeting.

Ms. Volek reviewed the Council initiatives that had been completed since December, 2009. She said the completed items would be removed from the list of initiatives. Councilmember McCall asked if there was a separate document that contained all the completed initiatives. Ms. Volek advised there was a separate document.

Ms. Volek provided an update of the strategic plan.

Councilmember Ulledalen asked if the Parks Board was doing anything to develop ideas or options regarding the park district issue. He said the community needed detailed information before asked to vote on it. Ms. Volek said staff was working with the board and there was still work to do.

Councilmember Clark asked who examined the possible use of CTEP funds for transit instead of roads. Ms. Volek advised that she understood the MPO and Policy Coordinating Committee were looking at it. Councilmember Ulledalen explained that the PCC was not considering it, but the Planning Board had commented that it should be considered. He stated he did not think there would be support for that option. Ms. Volek advised that a complete transit study had been done and routes were adjusted. She said there was no other funding for additional routes. Councilmember Clark asked how much support came from passengers. Ms. Volek advised it was less than 20%.

Councilmember Cimmino asked about the acronym BHAG. Ms. Volek explained it was a Big Hairy Audacious Goal and that Dehler Park was an example of that type of community project.

Councilmember Ulledalen commented that the radio system replacement could make the budget situation much worse and much sooner. He said the proposed plan was too expensive, so a Plan B was needed from staff. He said his concern was not just the capital cost but also the annual maintenance costs. Ms. Volek advised that federal funding would be sought for that project, but it could also be part of the discussion to address the upcoming budget deficit as part of the June 14 Council initiative. Ms. Volek spoke about the need for the Technology Replacement Plan to incorporate advance funding for expensive equipment just like the Equipment Replacement Plan.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

TOPIC #3	<b><i>Public Comment on Non-agenda Items</i></b>
PRESENTER	
NOTES/OUTCOME	

- **Joe White, Billings, MT**, spoke about a newspaper story that the City applied for a \$14 million police training grant. He said he opposed it on the grounds that population growth should be avoided. He said the police and City government was already corrupt and it would be a clear target for those that corrupted it because small counties would come to Billings and would be prey for the police department. He suggested it be located at MSU-Bozeman or the Montana Law Enforcement Academy, even though he did not know where that was.

Ms. Volek advised that she was not aware of any plans for a police training facility, but a fire training facility was listed as a priority. She said the City was working in conjunction with the College of Technology on that and it was still in the idea stage.

- **Don Willis, 2431 Constellation Trail**, expressed appreciation to the City, Big Sky EDA, and the Governor's Office for working with his company on a recycling center. He explained that his company wanted to build a recycling center with refuse directly from the garbage truck, with no sorting. He said the recycling center would realize a 90% - 95% recycling rate, which would extend the life of the landfill by a factor of 10, generate up to 191 jobs, along with additional jobs for related businesses. He said a long-term contract was needed for 100% of the landfill refuse. He said the tonnage would need to be delivered to his facility, and what was not used, would be picked up by the Solid Waste Division and taken to the landfill. He advised that his company's operation would not interfere with the methane gas agreement currently in place. He asked the Council to place up for bid the current and future refuse that was sent to the landfill and the current and future sludge cake already at the landfill, assuming the proper equipment was or would be installed. He spoke of a tipping fee that had been an issue with past recycling proposals, which was a hindrance to meet recycling goals. He said it had been made clear that a tipping fee would not be charged. Mr. Willis provided copies of business plans to Ms. Volek for distribution to the Council.

Councilmember Cimmino asked who paid for pickup of waste that could not be recycled. Mr. Willis advised that the City would.

Councilmember Ulledalen asked about the company's capital structure. Mr. Willis said the facility would cost about \$21 million to build and the company was discussing building one in Montana and other states. He said they were not looking for any public funds.

Councilmember Ulledalen asked again if the company had enough money to build all those facilities and could show the City the money. Mr. Willis said they could.

Councilmember McFadden asked about potential negative impacts that neighbors would deal with. Mr. Willis advised that they had six sites under consideration and would work with the City to determine the preferred site. He said the facility needed at least 15 acres and a 150,000 square foot building. He explained that the recycling was done indoors and sludge cake processing could produce odors, but they would do their best to contain it indoors. He noted it should emit less smell than the sugar beet factory.

Councilmember McCall asked Mr. Willis to speak about past success. Mr. Willis advised that most of his experience was with composting. He explained the relationship with composting and recycling the waste.

Councilmember McCall asked if the company had any plants running at the current time. Mr. Willis stated they did not have any running at the current time. He said they intended to put all 13 plants into place within the next three years. He said they had agreements with 25% of the impacted cities.

Mayor Hanel asked about leaching. Mr. Willis explained that it was put back on top of the compost piles.

Councilmember Gaghen asked if the other cities were of similar size. Mr. Willis advised that they were the same size and all with close rail access. He explained that Billings was selected because Montana had federally-mandated state recycling goals and no means to meet them. He said the Governor's office assisted them with appropriate connections in Billings.

Councilmember Ronquillo asked Mr. Willis about outlets for some products such as metal and glass. Mr. Willis explained that metals would go to Pacific Recycling and Golden Steel; glass would be crushed; textiles and tire shred would go to customers already in place; organics would be composted, plastics would go to California and Colorado manufacturers or would extrude into other products within the facility; styrofoam would be melted down and resold to polystyrene manufacturers.

Councilmember Gaghen asked if the rail lines had been involved in the plan. Mr. Willis explained that the main products would go by rail and other products would go by truck, possibly 25-35 trucks per day. He said they would engage in rail contracts when there was sufficient product.

Councilmember Pitman asked how the products would be distributed to the recycling companies. Mr. Willis advised that trucks would be filled throughout the day and the local companies would pick them up.

Councilmember Cimmino asked if he could disclose sites. Mr. Willis said Sanderson Stewart could provide a list of the sites but noted that the list included farmland in Lockwood, the former Midland Packing plant, one on the west end and one of the Heights.

Councilmember Clark asked if there were other companies doing that on a similar scale. Mr. Willis said they were not aware of any single stream recycling companies. He stated that the sorting machines were relatively new and most recycling centers did not have the machinery or a large enough facility. He added that many areas were running out of landfill space.

Councilmember McFadden asked how that would affect the public relations of Billings. Mr. Willis advised it should be a positive impact and they hoped to use Billings as a training facility.

Councilmember Ulledalen asked Mr. Willis about his composting experience. Mr. Willis advised he worked for High Test Seeds in Pennsylvania, and MBS, Direct Enterprises, and Crop Production Services in Indiana.

Councilmember Gaghen asked Mr. Willis if they had worked with Schnitzer Corporation, the company that purchased Golden Recycling. Mr. Willis explained that he was aware they were interested in expanding, and it was suggested to them that they build their expanded facility along with the recycling facility at the Lockwood location. Councilmember Gaghen pointed out that Lockwood was outside the City limits, and Schnitzer had been an anchor in the East End TIF area.

Councilmember McFadden asked if Mr. Willis had consulted with City staff. Mr. Willis advised he had been working with Public Works Director Dave Mumford since November, and almost all issues had been worked out. He said Mr. Mumford would essentially select the best site.

Councilmember Ruegamer asked if a bid or request for proposals process was needed to give the trash away. Ms. Volek explained that there were companies that did some recycling in the City so it was necessary to go to bid. She said she and Mr. Mumford had begun to work on an RFP document to present at a future work session to determine if there was sufficient interest. She said Mr. Mumford had also been approached by another interested firm.

Councilmember Ulledalen commented that there was nothing about the capital structure in the proposal and he felt that was important to know if they could carry out their plans. Mr. Willis said financial information could be provided. Councilmember Cimmino asked about their source of capital. Mr. Willis said it was a combination of lenders and investors and he could provide that with his capital information.

There were no other speakers, and the public comment period was closed.

Councilmember Pitman announced that the Medical Marijuana Ad Hoc Advisory Committee would meet at 1:30 p.m. on Thursday, July 8.

<b>TOPIC #4</b>	<b><i>Executive Session – Pending Litigation</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

The council moved to Executive Session for an update of pending litigation at 7:05 p.m.

*Councilmember McCall left the meeting.*

The regular meeting was reconvened and adjourned at 7:40 p.m.

Additional Information: