

City Council Work Session

5:30 PM
Council Chambers
November 21, 2011

ATTENDANCE:

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

ADJOURN TIME: 8:50 PM

Agenda

TOPIC #1	Urban Chickens
PRESENTER	Dave Klein
NOTES/OUTCOME	Table indefinitely

- Request from public at September 29 City Council to consider allowing up to six (6) hens – proposed Billings ordinance is modeled on Missoula's Ordinance.
- Denied in June by City Zoning.
- Animal Control Board held October 25 meeting w/ no opponents.
- Community conversations in November discussed issue.
- Benefits of chickens as provided by requesting groups were presented.
- Concerns from animal control & public were presented.
- Of 10 subdivision covenants Klein examined, nine (9) forbade chickens with one saying allowed if allowed by City.
- What next? Duck, goats, pot-bellied pigs.
- Housing, impounding, care needs—hen associations have offered to help, from catching chickens, to helping YVAS build a shelter, to help with education.
- Who will enforce? Health Department would help with a packet if City required people to come in to apply for a permit, which Animal Control recommends.
- Two (2) to 15 chickens are allowed in other cities.
- Mesa, AZ
- Chickens always allowed
- Fifty (50) complaints in 2010
- Require 75 feet for coop and 40 feet from fence from neighbors
- Animal Control does not pursue or impound chickens
- Helena, MT
- Domestics okay within 25 feet of house
- Austin, TX
- Complaints on rodents & snakes infestations
- Most complaints about noisy roosters. Require at least two (2) fowl.
- Run under health & animal protection programs.

- Las Vegas, NV
- Half acre lots required – doesn't recommend residential lots
- San Francisco, CA
- May be attracting more wildlife.
- As long as neighbors respectful.
- Most groups not against it. Working well but adding work to Animal Control officer
- Seattle, WA
- Up to eight (8) domestic fowl
- Composting waste is concern – home or elsewhere? How regulated?
- Missoula, MT
- Started two (2) years ago, with 75 active chicken permits and 12 complaints, mostly loose
- \$15 permit fee per year
- Multi family homes require all in building to agree before allowed
- Bozeman, MT
- Require notice to neighbors. If >50% object, don't get
- Used Bozeman MT example as a basis. Concern if allowed, we don't want it to be problem, and more control equal less problems. Permits should require inspection before occupied.
- In packet is sample ordinance, not reviewed by Animal Control Board or Zoning groups.
- Ruegamer: If problem, how many times visit? Dave: First complaint, call after 3-5 days to follow up. First offense \$110, second offense \$150, third offense \$500. Never had an animal seized by Court.
- Ruegamer: More work? Dave: Yes, inspections and enforcement problems.
- Ruegamer: Complaints confidential? Dave: First page of department report is public document.
- Pitman: Cost? Dave: About two (2) hours per enforcement complaint-- \$60-\$80 in salary plus gas, probably mostly for waste issues. Suggests permits cost \$50 first time and \$15 subsequent years.
- Gaghen: RiverStone letter says waste disposal of concern, involves more burden of time to them, as well.
- McCall: Obviously have residents who have chickens now. How many complaints?
- Dave: Small until public realized not allowed. Planning had 18, 12 of which were removed. Animal Control has had two (2) loose chickens complaints.
- Cimmino: No recommendation? Dave: Animal Control Board has two (2) members not been available. Other three (3) against.
- Clark: Think people complained when found out. People always thought they could have three, which is not true.
- Public comment:
- Doug Ruebke, 110 S. 31st: researched, including New York City concluded not good thing. He moved in from county to city and now might have chickens next door. Visited three (3) growers, animals smell. Issues with water and sewer, effect of where waste can be put. As board member, would vote against. Handout
- Joe White, 926 N. 30th: Support allowing chickens for food supply. Distribution would help control food diseases in eggs. Would help feed hungry. Need careful control of waste, rodents. Fine should probably be \$25, then \$50, then \$75, not \$110. Neighbors by some percentage vote should be allowed to ban. Neighborhood boundary control of predators.

Schools, churches and neighborhoods might want. Kinder to chickens then caging, more like a family pet.

- Kevin Nelson, 4235 Bruce Ave: Concern about chickens. Support private property rights but not if infringing on mine. Some will be irresponsible, bring rodents and predators. Maybe should live in county if want. No immediate relief for neighbors. Complaint takes five (5) days, followed by second cite, then court. Happens with barking dogs & cats. People have to write down when dogs offend. Dog barks all summer long, this needs immediate relief. If problem, cite them. People have to put up with impact with no relief.
- Tom Zurbuchen, 1747 Wickes Lane: Most people constructed in county, have deed restrictions prohibiting chickens. They are important; people rely on them when buying property. Chickens would be allowed, but other livestock not. Would open city up to lawsuits on other animals. Thanks for proposed Ordinance Item 7, which keeps chickens away from windows. Items 5 and Item 6 allow them to run around during day when could crow as early 4 a.m. Should be kept enclosed 8 pm to 8 am. Undeveloped parks could be fenced and used to raise animals.
- Gaghen: Stated concerns in Community Conversations. Asked Mr. Zurbuchen to repeat his comments from the Community Conversations about predators not just showing up in yard. Mr. Zurbuchen: has lived in city since 1984 when annexed, and had animals next door and they do not bother him. Hen cackling about eggs isn't same as other birds however. Predators don't understand private property. Has seen wolverines come through his property. He is not predator proof although coops may be.
- Astle: Raised on 500 block of Parkhill Drive, neighbors had horses and chickens, vermin, rodents everywhere. Some parks fenced to keep animal out.
- McFadden: Is the City open to litigation? Has it been documented that any other city sued for having ducks. Mr. Zurbuchen: Not looked. McFadden: Does Kentucky Fried chicken attract predators?
- Vince Ruegamer: How did he find out deed restrictions? Mr. Zurbuchen: In title insurance documents.
- TJ Wierenga, 2215 Beloit: Most of cities found existing nuisance codes to be effective. As far as predators, not nearly as close to mountains as other cities with predators, and in other cities, it is not case. St. Andrew Presbyterian has large compost bin that takes chicken waste. Salvation Army willing to take. Chickens eat lot of foods that create green house gases. Sell bags of manure at hardware stores and nurseries. Take 12 chickens a day to produce what one, 40-pound dog does. Only 2-3 % will take advantage of use. Willing to do test for six (6) months. Want it to work. Asks people who interested to raise hand in audience.
- McFadden: How compost with Salvation Army? Ms. Wierenga: Would work it out, not enough waste now to do, is working at St. Andrews.
- Cimmino: Potential of rodent infestation and who will pay for pest control, since City doesn't have resources in case mice, rodents, etc., bite a child? Ms. Wierenga: Had gardens and chicks, only time seen mice, is with compost. Chickens eat mice.
- Cimmino: Thought of chicken eating mouse and then eating egg doesn't appeal. Ms. Wierenga: Caged chickens fed far worse foods, eggs subject to salmonella outbreaks.
- Diane Kay Bachmann, 2213 2nd Ave. North: On Animal Control Board. Speakers on chickens have spoken eloquently. Great thing if done right. At last Animal Control Board meeting discussed limiting number of temporary permits. Problem is if 15 permits for a year, people will ask why they can't have them. A lot of poor people tend to have stray cats and

dogs, while Animal Control has too few officers to handle. People will get chickens without permits. Concern about nuisances, no fences, still concern that people live small areas and will want chickens regardless whether city approves or not.

- Cimmino: Speaking on behalf of Animal Control Board or self? Ms. Bachmann: Both. Cimmino: Support or oppose? Ms. Bachmann: Way situation is now with limited officers, at this time as an opponent.
- Ulledalen: Can get fair recommendation from Animal Control Board, if three (3) spoken against it? Ms. Bachmann: Believe tried to be fair. Still willing with Council, Zoning Commission and proponents' help could be proponent if carefully address problems people have raised. Really concerned about numbers of officers. Raised here, there will be complaints. Maybe could support.
- Ruegamer: Didn't understand answer. Mayor: Answer is, looked at it.
- Pitman: Already voted against? Ms. Bachmann: No, the Zoning Commission did. Can't say yes would be prejudiced, trying to look at it from all sides, looking at it from Animal Control.
- Clark: How many times before Board? Dave: Twice, no votes against.
- Carole Braaten, 183 Lexington Drive: Think can't make objective opinion at this time, Doug and Dave against it. Works elsewhere. Causes few calls at first, not going to create that many calls to regulate. Can't prohibit people from having dogs because some people don't take care of them. People feed birds all time, and food attracts rodents all time. Chickens clean up ground; people don't want to leave food where rodents could get into it.
- Volek: Take forward?
- Ruegamer: At previous hearing, people said code ambiguous. What find out? Brent Brooks: Three sections of code, when taken together, make clear chickens prohibited. Could show it in court. Deed restrictions and covenants discussed and they are not overridden by city action.
- Astle: If against covenant, up to Home Owners Association or resident to go to court at higher cost? Brooks: Yes.
- Ulledalen: Delay action until complete priority based budgeting, could come back with recommendations to reduce code or animal control staff to spare other staff.
- Astle: Saying no. Not enough people to enforce what got.
- McCall: Agree with Astle. Gaghen, Mayor, Ruegamer agree.

TOPIC #2	Infill Development Policy
PRESENTER	Wyeth Friday
NOTES/OUTCOME	Put on December 12th agenda

- Council strategic plan resulted in need to address infill.
- Workshop was held in April of 2011. Second day, interested persons moved into committee of 15-25 people who helped draft policy.
- The Ad Hoc Committee met throughout summer, posted everything on website.
- Held public meeting on November 10 to take public comment on policy, other meetings to get comments from interested groups.
- Effort is to encourage development and redevelopment of urban parts of the city that could take advantage of existing services without extensions

- Initial analysis conducted and mapping of vacant properties or those with land worth more than structures on it.
- Examples of infill include:
 - CTA, which used existing property and additions
 - Brosovich development in midtown another example, using single and multi-family housing.
 - Brewer Dental in Heights on old car lot being replaced by larger retail.
 - RiverStone construction next to existing building
 - Housing authority's WhiteTail Square in the Heights near Lake Elmo that was recently completed. This was in conjunction with the Lake Elmo street improvements, sidewalk, curb and gutter.
 - FIB on 6th Avenue
 - Met Transfer Center downtown.
- Draft Policy looked at as roadmap to move forward with strategies to promote infill. Says city is interested in moving forward in this direction and, if City Council says it wants to proceed, committee could look at an annual basis at some sections to go forward.
- Policy has four (4) segments: Resolution, policy statement, goals and implementation strategies. Goals look at larger picture, assuring compatibility with existing neighborhoods. Looked at as where it would work. Some neighborhoods built out, others have space to build out.
- Addressing safety, health and environmental benefits. Looked for transit, police, fire and infrastructure. Why doesn't city work with resources it has for database of properties that incorporates existing information in central location where people could identify issues, existing possibilities?
- Implementation: Providing resources, developing incentives, ensure compatibility and enhance livability. Some companies are familiar with code, others aren't. Could bring in outside firms to review.
- Segment on policy review ad progress. Committee proposes annual review, showcasing and recognizing what had been done and policy. Could be done by staff as well as committee members on ground. Keeps track what has and hasn't been done.
- Ulledalen: Any discussion of state or city codes being an impediment for redevelopment? Like area around North Park where there are small lots, vacant lots, where would have to rezone or reduce fees to subsidize action. Wyeth: Impediment discussion because people not sure how things could be resolved, as there is more than one solution in code. Some is education related. How use code? In some neighborhoods, look at city related zone changes. Task Forces and neighbors want to be part of discussion of lot changes. Concerns about fees for city and utility services. Any way for city to respond? CIP is process now; is there a way to respond more quickly?
- Ronquillo: Concern about vacant houses boarded up four (4) or five (5) years. Discussed? Wyeth: Candi working on another ordinance to discuss. This might encourage redevelopment as opposed to being sure boarded up as part of overall redevelopment scheme versus dealing with the current structure.
- McCall: Planning Department & staff did excellent job putting coalition of stakeholders together. Every sector involved. Good job.

- Pitman: Important to keep talking, because interdependent on each other. Don't want promote infill when it causes problems elsewhere. Working together as community is important.
- Cimmino: As advocate for managed growth, important policy. Page 4, subsection 4, would like to add City Zoning Commission and Yellowstone Historic Commission need to be added. CTA excellent example of what can be done.
- Wyeth: Asking for guidance on when bring resolution before you.
- Public Comment
- Joe White, 926 N. 30th: Supports infill development before expand into country. Need caution because of air supply and ground stability problems. Salty, dry, cold ground is probably is in one of the worst conditions in country, need greater than anywhere else. Urges air parks, open spaces to ensure air and land stability rather than infill. Open space near grocery store in Lockwood allows livestock. Highway needs to be inspected because of deterioration.
- Kevin Nelson, 4235 Bruce Avenue: One critical item to infill is that people feel safe. Is police presence needed to be safe, as determined Downtown, or people will move. Argue government shouldn't be in development. Private enterprise will see the opportunity and will take care of it. South 27th Street disaster is because the government interfered. Heights didn't need government intervention, it did fine on its own. Another concern is condensed zoning. On Clark and Howard there are residences with subunits, such as 401 ½, which causes crowding, impact on older neighborhoods because of impacts on parking, etc.
- Clark: Would like to see this on the December 12 agenda.
- Pitman: Would like to wait until first of year, so new council members can be educated on and work on it. Appropriate for next council to work on process.
- Gaghen: Asks staff about timing – better before beginning of year, or comfortable in “schooling” new council? Wyeth: council should decide. On this track because some council members who are leaving interested in proceeding while still there. Staff can handle either way.
- Mayor: Now that explained, with council having history, having to explain again, easier if action taken before year end? Wyeth: If council acts on it, the new council will help choose items to pick off later in year.
- Ulledalen: Picking up three (3) new people. Staff has put together a framework; as each item comes up, will have to deal with it. Wyeth: Some issues come back, laying it out and then putting on ground.
- Astle: In deference to council members who have worked on it, especially Mr. Clark, think they ought to be able to vote on it.
- McCall: Agree.
- Cimmino: Worked on other issues, marijuana and chickens. Benefit to both year-end and introducing new council members to concept.
- McFadden: Get done what we can, don't want things to be dragging into budget.

TOPIC #3	Zoning Text Amendments
PRESENTER	Nicole Cromwell
NOTES/OUTCOME	Place on Future Council Agendas

- Presenting basket of three major categories of proposed changes resulting from (1) State amendments requiring local updates; (2) Initiatives from council, changes from county (will meet again next Monday with them).
- Council initiatives and housekeeping changes.
- Horizontal siding required on accessory building, unless residents get variance. Suggest change to allow vertical siding when already on main building
- Correction facilities: Where allowed or not by special review? Three (3) ordinances through legal review.
- Clarify whether City Code Section 607 dealing with livestock, does or doesn't include fowl and poultry?
- Clarification in Code chart specifying how much space needed for additional housing units?
- Consider removing Code Section 1700 referring to fees being adopted by ordinance; would like to remove because now adopted by resolution.
- Maximum accessory footprint guide inside and outside City needs to be divided into two (2) sections. One would apply to the city; one would apply to the county.
- North and South Shiloh Corridor Study require periodic review.
- Weed section of Code needs to be amended to identify what type of mechanical equipment needed to clear weeds, so information can include whole gamut of mechanical tools.
- Pitman: Include kill or remove? Nicole: If spray, must be cut down to four (4) inches.
- Astle: Abandon chickens? Nicole: It would just be adding the word poultry and fowl to the first sentence of that supplementary section that deals with livestock, so people don't have to know three (3) parts to the Code.
- Gaghen: Current chicken owners be grandfathered? Nicole: We get complaints; we have not issued any citations.
- Ronquillo: Have safety mill levy, should charge correctional facility charge. Concerned about one facility's use of police services. Nicole: Can't initiate a payment in lieu of taxes (PILT) through zoning. Codes don't allow any more private correctional facilities on South 27th Street, and limits them to other zones by special review. Brent: Don't know of any city or county code to charge PILT. Committee in late 1980s looked at imposing fees on non-profits. Could review or request AG's opinion.
- Clark: Don't have control over government correctional facilities? Nicole: Any public agency can use public land contrary to zoning.
- Astle: Looking at private facilities, are people incarcerated more than 24 hours are in state custody? Brent: Most inmates are on inmate status, and revoked from program and sent back to where incarcerated. Astle: Since state correctional facility, why not contact the State? Brent: Can check with Chief St. John, but gut feeling easier and better if police respond immediately. Clark: not escape, whenever fights. Brent: Response time would be shorter for police department. Could ask St. John for comment.
- McFadden: If property of State, perhaps county (sheriff) would like to respond and work it out with state. Brooks: Maybe Memorandum Of Understanding (MOU) and will check with Chief on that, also.
- Legislative Changes
- Review criteria for City/County consideration of zone change. Need to make sure wording regulations comply with State statutes.

- Protest provisions relating to unit ownership counting on zoning and definitions of townhomes conflict with City ordinances, so need to change or adopt.
- County has three (3) areas they need to work on, to review criteria, public provisions for zone changes, and enforcement of zoning. How to enforce?
- Neighborhood Manners & Discretionary Changes
- Fence height in front yard. Suggest change from three (3) to four (4) feet. Mayor: Why three (3) feet? Nicole: In place since 1972. Three (3) foot fence could be stepped over. Mayor: Had to do with accessing yard in fire. Cimmino: Height increased foot for transparent fence only, not block? Nicole: Would apply to all fence types. McFadden: Isn't there fence and shrub restriction on corners? Nicole: Couldn't have taller fence in clear zone area.
- RV Parking: Largest single source of complaints, most about RVs parked on street because can't comply on driveways because don't have depth to park and still have 20 feet from property line. Suggest reducing front setback to eight (8) feet. Give adequate sight distance for neighbor backing out. Not over sidewalk. Still need distance from door, window and side property line. Mayor: Require certain kind of material underneath? Nicole: Required now. Clark: Can leave in front yard? Nicole: Yes, if hooked up. Eight (8) feet good enough. This is just a proposal it is up to council to initiate.
- Update clear vision zones for certain situations, such as streets and alleys. Suggesting elimination of five (5) foot minimum along property frontage from driveway and alley clear visions. Would keep clear vision triangle, but take tail off because it doesn't improve traffic safety to any great degree. Mayor: Not lot of opposition.
- Neighborhood manners possible first initiative for any commercial development within 50 feet of residential zone:
- Additional setbacks from residential zones, have set back 30 feet, not 15, if separated by alley, have set back 15 feet from the alley property line.
- Also deals with noise generation, lighting, signage, outdoor activities, such as loudspeakers within 50 feet of a residential zone.
- McFadden: Would it cover complaints such as in 2200 block near Rosebud, where they can hear car dealership call system? Nicole: Grandfathered except in certain conditions like significant replacement or expansion of a building or parking area.
- Cimmino: Review any changes in weed abatement process? Nicole: Section of code refers to snow removal, etc., but can remove only if owners live out of town. Could apply to weeds. Cimmino: Hoped to simplify, not complicate. Nicole: Get citation in some cities, not mowed. Clark: How many times cited through summer? Nicole: Eighty-five (85) – less than 10% of notices.
- Ulledalen: Outdoor activities? Nicole: None allowed at all. If within certain number of feet of building, could only have certain number of feet of lighting. Ulledalen: Prohibit lighting on signs, like built interior lighted sign, light reflected off neighbors' wall? Nicole: Require cutoff light over 150 watts, or over property line. Would require additional training, after hours work by staff. Ulledalen: Generator noises? Nicole: That is included. Clark: Noise from bars, loud speakers? Nicole: Build in a procedure with coordination with police department would be needed.
- Public comments:

- Tom Zurbuchen, 1747 Wicks Lane: Can't match siding over five (5) years old. Accessory buildings look worse than metal building. Also flat siding looks better. Doing siding looks different better than trying to match. Batten board looks better than equal siding or metal, even if not same color.
- Kevin Nelson, 4235 Bruce Avenue: Ask that lighting issue be clarified. Cutoff lighting cannot extend beyond center line of street in residential neighborhood, as when someone shines lighting at another's house. Should allow for code enforcement or police to cite statute because at night. Glad thinking about noise. Industry developing sound blankets and air conditioners can't hear more than 10-15 feet away.
- Nicole: Two (2) ordinances already initiated—housekeeping. Try to bring forward in three (3) categories. Formally initiate in December or January, so can get drafts legally reviewed. First batch end February, second batch end March, third batch end of April.
- Ulledalen: Increase amount RV parking in the city? Nicole: Already happening, unless prohibited by codes.

TOPIC #4	MPO & Federal Transportation Bill
PRESENTER	Candi Beaudry
NOTES/OUTCOME	Staff to Send Letter to Federal Government

- US Senate Environmental & Public Works Committee unanimously passed out Transportation Bill new version.
- Funding for Metropolitan Planning Organizations (MPOs) moved to other pots of money.
- Enhancement fund for sidewalks, pathways, etc., can now be used for bridges and roads.
- Deficit reduction made by reducing number of MPOs and allocation of spending.
- Don't know how transit is addressed, but MPOs in two (2) groups: Tier I is for populations of more than 1 million, including combined MPOs. Tier II is MPOs for populations of more than 250,000, meaning smaller MPOs such as Billings can be eliminated.
- Will continue to exist for two (2) years and could petition state to be MPOs if can show planning capacity.
- Tom Lynch, Transportation Director of Senator Baucus' office believes Billings has fighting chance of being considered, depending on Governor. If not designated, money will go to state and city will lose control. Regardless of spending cuts, the city will lose control if we are not designated the MPO. Transportation planning, even though city has better idea of transportation planning funds. Monies receive for FAU, CTEP; CMAC would flow through the state and not to our jurisdiction. Will compete statewide. Transportation funds are 50% of Billings' funding, looking at major loss of staff.
- Ulledalen: Two (2) year hiatus? Candi: Two (2) years after adoption of the bill.
- Cimmino: Get in writing? Candi: Lynch helped draft the bill, reiterated with County Commissioners, not sure if willing to do that. Said if uncomfortable with it, could look at population percentage per state. If Billings makes up 13 % of population, be enough to have MPO. Cimmino: With less than one (1) million populations, none in Montana.
- Candi: One Commissioner suggested not going forward with letter because in favor of Federal spending cuts. Main concern is local control.
- Volek asks for planning capacity to be explained. Demonstrated only able to match half of what allocated.

- Ulledalen: Doing something Lynch trying to protect in bill with rural communities. Candi: Governors lobbying but interpreted money should be coming to state level. Everyone to be cut back but State recipient. Only (two) 2 year bill, little consolation because of length of time took to pass this bill.
- Ulledalen: Carbon County News article mentioned more private public partnerships, like TIER, combination bill. Candi: Four (4) sections for Moving Ahead for Progress (MAP) in 21st Century. Taking to Planning Board, which is MPO. Don't think Commission wants weigh in. If Council interested, suggested letter from Lynch gives Senator more options. Missoula Mayor, Great Falls City Administrator both have signed letters. Once MPO agrees, City Administrator will sign unless hear otherwise from Council because if short time frames.
- Gaghen: Asked if other counties considered? Candi: Don't think so.
- Ulledalen: Issue is local control. Not here for Complete Street, but similar step in having no say where money goes. Candi: As much as four (4), two (2) year cycles to develop rules, year to appeal, if don't qualify, get another year to appeal.
- McCall: Where bill now? Candi: Led to believe going quickly. Can find out and let council know. McCall: Helpful. Candi to include additional information, results from MPO for next Council packet.
- Cimmino: Airport affected? Tom Binford, Aviation/Transit Director: When look at what Congress has done now, included 2012 appropriations for FAA and Planning separately. Better than being done all at once. Transit up 3%, FAA also, losing Airport construction. Doing appropriations while need to do appropriations for Defense, etc., not likely to happen by end of year. FAA has had 23 continuing resolutions; there are policy disagreements still in place. Focusing through Associations, FAA and colleagues, everyone taking watch to see approach. Don't know what is going to happen.
- Ulledalen: Carbon County article said funding same as last year when trying to reduce \$51 to \$35 million. Tom: Appropriations are only for 12 months. Based on fees, collected from passengers, for airport improvements.
- Cimmino: Recommendation to submit second letter, not first? Candi: Yes. Fourth graph revised at Tom Lynch's recommendations.
- Public comment: None

- ADDITIONAL INFORMATION:

- General Public comment:
- Tom Zurbuchen: Increased Bresnan bill 25 cents for Channel 7, is tonight's meeting being recorded? Need to seriously re-evaluate connection with Channel 7 – wanted to stay home to watch and couldn't.
- Ulledalen: City needs to demand additional accountability for Channel 7 – need to step up to plate. Serve notice with additional money, higher level of service expected.
- Astle: Should be on Channel 8 because of school board meeting same night being carried on Channel 7. Voted against increase.
- Mayor: Inquire into Channel 7, feedback from station.
- McCall: School Board and city same night? Should Council consider moving to Tuesday night? What would it take, problem for staff, when could take vote? Go to new council. People here and in community want to see both.

- Cimmino: Agree. Members from other group not interested. Need to step up.
- Ulledalen: Originally proposed, lost interest. Asked council for support at meeting, ended up special session. Not convinced it will help School Board until they figure out what want to accomplish. Can accommodate schedule to address issues. Table this idea until they have their feet under them organizationally.
- McCall: Disagree. Think doesn't hurt to review.
- Mayor: When attend numerous meetings, people often say too bad aren't on separate nights.
- Clark: What does Charter or Code say? Brent: Not part of Charter.
- Cimmino: Valid points. Interested timing because not only swearing in Council, School has growing pains with new superintendent, board member. Would like to look into it as well.
- Astle: Monday night was night available and had fewest conflicts. When people running for office, consider that. Don't understand why when working well so far and no huge problems. Why not ask the other why don't they change? Not in favor, not sure how react if do change.
- Clark: Hopefully School District will settle on night. No good to change when their meetings are on many different days.
- Gaghen: Originally balance between work sessions and business sessions, with city meeting in work session when School District 2 was in business session. Don't often see citizens attending both groups.
- Ulledalen: Any two (2) School Board members can call meeting, they have to establish own decorum, not playing back and forth.
- McCall: Two (2) different things.
- Pitman: Need to find out what Channel 7 can do and whether it would be simpler moving to another night. Get information, move into discussion.
- McCall: Dinner for outgoing members Thursday Jan 19 or 26th? Decision is 19th. Cimmino offers to help.
- Adjourn at 8:50 p.m.

A blurry, out-of-focus photograph of two chickens in a wire-mesh enclosure. One chicken is reddish-brown with a prominent crest, and the other is a lighter, tan color. They are surrounded by straw bedding and green foliage in the background.

URBAN CHICKENS

Billings Backyard Hen Initiative
Magic City Hens

- Requests Council to consider changes to the Zoning Regulations allowing up to six (6) hens (no roosters) per household within the City Limits.
- Requests Council to consider a proposed Ordinance, similar to Missoula, MT, for requirements of hen owners.

History

- June 7, 2011 City Zoning
 - Voted unanimously against request
- July 19, 2011 Animal Control Board
 - Information presentation
- September 29, 2011 City Council
 - Request Council consideration
- October 25, 2011 Animal Control Board
 - Open discussion/public comments
- November 8th, 9th, 10th, 2011
 - Community information meetings

Benefits

(Provided by the requesting groups)

- Sustainable food source
- Ecologically friendly
- Food security (not dependant on infrastructure)
- Emergency preparedness without refrigeration
- Waste is a valuable fertilizer
- Quiet and friendly
- Keep biomass out of landfill
- Cottage businesses
- Save money, time, energy
- Education to children (where food comes from)
- Better tasting eggs with hens having healthier diet
- Hens eat table scrapes, garden scrapes, grasshoppers, flies, wasps, and mice

- Health benefits
 - Gets people outside and off the couch
 - Eliminate “therapeutic antibiotic” use in eggs
 - Decreases salmonella risk
 - Limit or eliminate pesticides, antibiotics, growth hormones and the like
 - Superior source of protein
 - Homegrown eggs contain 7x more beta carotene, 2x more omega-3 fatty acids, 3x more vitamin E, 1/3 less cholesterol and $\frac{1}{4}$ less saturated fat.

Concerns

(Animal Control & Public Comment)

- Neighbor/neighborhood conflicts
 - Additional Animal Control workload
 - Waste/odor complaints
 - Loose complaints
 - Noise complaints
 - Feed/Feathers blown into neighbors yard
- Rodents
- Insects

- Neglected/Abandoned animals
- Butchering/Disposal diseased carcasses
- Predators (possible additional complaints)
 - Skunks
 - Raccoons
 - Raptors
 - Snakes
 - Bobcats
 - Dogs/Cats

- Real Estate Values
- Subdivision Covenants
- Proximity to schools, churches, day cares
- Ecological damage
 - Phosphates & nitrates seepage and runoff
- Zoonotic Diseases
 - Center for Disease Control
 - Recommends children under age of 5, persons with weaker immune systems, including the elderly, pregnant women, diabetics, patients receiving chemotherapy, and those infected with HIV have no physical contact with fowl because of their low immune systems.

- Next request?

- Ducks
- Turkeys
- Potbellied pigs
- Pygmy goats
- Livestock

- Housing, impounding, care needs
 - Billings Animal Control
 - Equipment and supplies for handling
 - Training
 - Disease recognition
 - Handling
 - Care/housing
 - Other applicable laws
 - Yellowstone Valley Animal Shelter
 - Coop/kennel needs
 - Feed

Other Cities

- Enforced by various departments
 - Health
 - Animal Control
 - Zoning
 - Code

- **Regulations**
 - Permit required
 - Restriction on number of animals
 - Distance from adjoining property/residence
 - Requirement of neighbor permission
 - Lot sizes
 - Coop requirements
 - Feed storage
 - Waste storage and disposal
 - Care/housing
 - Slaughtering and disposal

Mesa, AR

- Chickens always been allowed.
- Occasional complaints about distance requirements, unsanitary premises, chickens running loose, less than fifty (50) in 2010.
- Animal Control does not pursue chickens or impound chickens.
- Requirement of 75' coop and 40' fence/enclosure from the neighbor's house allows for more space and less chance of complaints, 20' might create some complaints.

Helena, MT

- Domestic animals such as cattle, horses sheep, goats, pigs, ducks, geese or chickens (except common household pets) within twenty five feet (25') of the dwelling.
- Enforce noise violations.
- Have had some incidents of dogs killing chickens. Dogs were at large and attacked chickens on owner's property.

Austin, TX

- Receive more fowl related complaints than any other type of animal enclosure related complaint, most often due to noisy roosters.
- Two (2) or more fowl must be maintained in an enclosure and at least 50' from any adjacent residence (structure on adjacent property).
- Animal Protection Program can humanely trap and relocate loose fowl.
- Rodent and/or snake infestation due to fowl.
- Typically require 2 – 3 site visits when a fowl enclosure violation is present.

Las Vegas, NV

- Recommend in a residential neighborhood to not allow poultry.
- Parcels of land zoned for livestock sit on approximately $\frac{1}{2}$ acre or more of property.
- Unlawful to keep poultry within three hundred fifty feet of any dwelling of another person unless a written unrevoked consent authorizing the keeping of such poultry.
- Also limitations for pigeons.

San Francisco, CA

- No urban agriculture ordinance supporting chicken or any other livestock. More like benign neglect.
- Haven't had complaints about folks keeping 3 – 4 hens in their yards for eggs.
- Enforcement is complaint driven.
- Believe there is increased wildlife interest in outdoor facilities.
- Stated so far, so good. It makes people happy in these economic times, providing they are respectful to neighbors.

Seattle, WA

- Up to eight domestic fowl may be kept on any lot.
- Lots greater than 10,000 square feet that include either a community garden or an urban farm, an additional fowl is permitted for every 1,000 square feet of lot.
- No roosters.
- At least 10 feet away from any structure that includes a dwelling unit on an adjacent lot.
- Allow farm animals – cows, horses, sheep and other similar farm animals on lots of at least 20,000 square feet.
- Allow bees, goats, potbellied pigs.

Missoula, MT

- Have about 75 active chicken permits.
- This year have had 12 chicken calls/complaints.
- Official stated they have not been a problem so far.
- 20' feet to any residential structure occupied by someone other than the chicken owner, custodian, or keeper.
- \$15.00 per year permit fee. Permit requires permission of others in multi-family or multiple owner parcels.

Bozeman, MT

- Less than 6 chickens
- \$25.00 permit fee
- No closer than 5' to property line
- No closer than 20' to an inhabited neighbors structure
- Require inspection by Animal Control for 7 or more up to 15
- Notification to adjacent neighbors of intent to keep chickens



Infill Development Policy

City of Billings

City Council Work Session

November 21, 2011

5:30 pm

Infill Policy History

- April 2011 Workshop
- Ad Hoc Committee formed
 - Representation from staff, banking, downtown, appraisal, community health, realty, interested individuals, developers
- Policy Drafting
- Public Meeting
- Council Consideration



Infill Defined

Infill development means development of under-utilized or vacant parcels that are connected to or able to take advantage of existing infrastructure.

It is:

- Urban in nature
- Within the City limits
- Designed and constructed to be compatible with existing neighborhoods
- Provides amenities that enhance the quality of life in the community





Why Infill?

- Billings has vacant and underutilized property today that is surrounded by maintained roads and utilities, law enforcement patrols, fire department protects, garbage trucks pass, school bus and transit routes pass, etc.
- Infill development has been proven to promote housing and retail choices, encourage economic development, and support the efficient use of existing municipal infrastructure and services.



Infill



Infill



Infill



Infill



Infill



Infill



Infill



Draft Infill Development Policy

Think of the Policy as a Road Map



- Strategies are highway exit options for community to try
- Some are City government responsibility
- Some are private sector/citizen responsibility
- All require community participation before implementation is considered
- Some, the community will implement
- Some, the community may decide not to exit and keep going

Draft Infill Development Policy

- Draft Policy Document contains 4 Sections:

- Resolution
- Policy Statement
- Goals
- Implementation





Draft Infill Development Policy - Goals

- Encourage and support efficient and strategic public and private investments
- Capitalize on development opportunities by reforming regulations to create incentives and provide additional land use predictability
- Ensure compatibility with and work to enhance existing neighborhood amenities by implementing neighborhood plans, involving residents early in planning processes, and striving for a shared vision of the future
- Find ways to include safety, health, environmental, and transportation benefits for the community when considering any infill development plan

Draft Infill Development Policy - Implementation

- Provide Resources
- Develop Incentives
- Ensure Compatibility
- Enhance Livability

- **Policy Review
and Progress**



QUESTIONS?





Zoning Regulations Proposed Amendments

City Council

Work Session

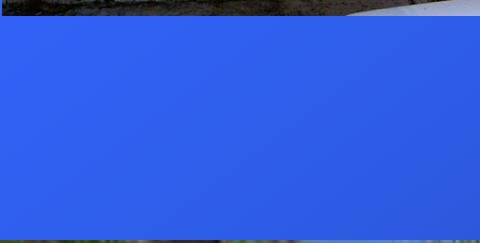
November 21, 2011



Proposed Changes



- City Council Initiatives and Housekeeping Changes
 - Vertical Siding – CM Pitman
 - Correctional Facilities – CM Ronquillo
 - Livestock and Poultry
 - Area for residential zones
 - References to Fees – artifact
 - Subsections for accessory buildings – City & County
 - North and South Shiloh Corridor – housekeeping
 - Non-zoning – Nuisance vegetation – method of cutting





Proposed Changes

➤ Legislative Changes

- Municipal zoning
 - Review criteria for zone changes
 - Method of protest for unit owners – condos and townhomes
 - Removing conflicting definitions & provisions – unit ownership
- County zoning
 - Review criteria for zone changes
 - Public notice provisions for zone changes
 - Enforcement of zoning

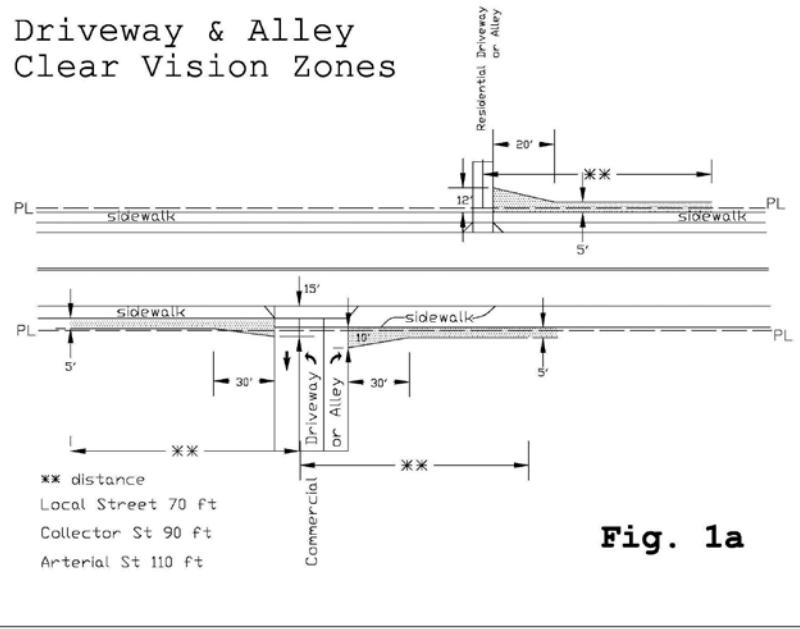


Proposed Changes



- Neighborhood Manners and Discretionary
 - Fence height in front yard – max 3 feet – suggest 4 feet
 - RV parking standards – front yard setback = 20 feet – suggest 8 feet
 - Update clear vision for driveways and alleys – suggest elimination of 5-foot minimum along property frontage
- Neighborhood Manners
 - Additional setbacks from residential zones
 - Noise generation
 - Lighting
 - Signage
 - Outdoor activity – loudspeakers, concerts, merchandise storage, waste handling

Driveway & Alley Clear Vision Zones





Proposed Changes



- City Council may:
 - Initiate all of the proposed changes
 - Initiate some but not all of the proposed changes
- Initiation of the amendments should be done at a Regular Council meeting by a majority vote
- Initiation of the amendments does not indicate approval or disapproval of the amendment – provides time for drafting and review of amendments
- Zoning Commissions will conduct hearings and make recommendations to the City Council and the Board of County Commissioners



4th Floor Library
510 Broadway



Billings, MT 59101
406-657-8246

PLANNING AND COMMUNITY SERVICES DEPARTMENT

Memorandum

To: Mayor and City Council
Cc: Tina Volek, City Administrator
From: Candi Beaudry, Director
Date: 11/23/2011
Re: MAP-21, Letter to Senator Baucus Requesting Amendment

On Monday night, November 21, City Council agreed that City Administrator Tina Volek could sign the letter from the Billings, Missoula and Great Falls Metropolitan Planning Organizations to Senator Max Baucus requesting amendments to the transportation reauthorization bill, MAP-21. The letter, which is attached, informs the Senator of how concerned the Montana MPOs are of potentially losing their status. It requests that the Senator carry an amendment to the bill that would do one of three options:

1. Remove the requirement for governor's approval of the MPO; or
2. Grandfather previously designated smaller MPOs in rural states; or
3. Guarantee existing MPOs continued existence by defining eligibility by percentage of state population or by service to a discreet (non-adjacent) metropolitan planning area.

On Tuesday evening, November 22, the Yellowstone County Board of Planning, which serves as the designated MPO, also approved the signing of the letter by its President, Dennis Cook. The signed letter, which included signatures from the Missoula Transportation Policy Coordinating Committee and the Great Falls City Administrator, was forwarded to Dave Lewis, Senator Baucus' State Representative, by email on Wednesday.

I have been told by an organization closely following this bill that it will go to the Senate Banking Committee for a markup of the transit portion of the bill (Senator Tester is on that Committee) soon after Thanksgiving. Then it will go to the Commerce Committee for a markup on the freight and rail portion. This will put it on the main Senate floor after the holidays and early next year.

November 10, 2011

The Honorable Max Baucus
511 Hart Senate Office Building
Washington, DC 20510

Dear Senator Baucus;

On behalf of the Cities of Billings, Great Falls, Missoula and our Metropolitan Planning Organizations (MPOs), we wish to thank you for your thoughtful work on MAP-21, the Senate's two-year transportation authorization bill. The bill contains many worthwhile reforms to the way we build and maintain our transportation system, yet we are also gravely concerned about certain changes to the metropolitan planning program and MPO designation requirements.

As the bill is currently written, metropolitan planning areas with fewer than 200,000 people will no longer be eligible for MPO status. This rule would make all three of Montana's MPOs ineligible, despite the fact that our metro areas are independent regional centers with the same transportation challenges as larger metro areas across the country.

Our Metropolitan Planning Organizations represent Montana's largest communities—regional centers of commerce and employment. Each community possesses its own character and set of land use and transportation challenges that local planners and engineers are uniquely equipped to address. Continuing to coordinate transportation planning between our cities, the surrounding counties, transit agencies and the Montana Department of Transportation through the metropolitan planning process is crucial for making transportation investments that make sense for and are supported by our citizens.

While we are confident that our MPOs have the technical capacity to function as Tier II or even Tier I MPOs and could seek such a designation from the Secretary of the U.S. Department of Transportation, we request that you guarantee our eligibility by offering an amendment to MAP-21 that removes the requirement for approval by a state governor, or recognizes MPOs in more rural states for the important regional centers that they are. We suggest an amendment that either:

1. Removes the requirement for governor's approval of the MPO; or
2. Grandfathers previously designated smaller MPOs in rural states; or
3. Guarantees existing MPOs continued existence by defining eligibility by percentage of state population or by service to a discreet (non-adjacent) metropolitan planning area.

Thank you for your support for our communities and the great State of Montana on Capitol Hill. Please do not hesitate to contact us or our staff if we can be of assistance in the refinement of MAP-21.