

City Council Work Session

April 2, 2007
5:30 PM
Community Center

ATTENDANCE:

Mayor/Council (please check) x Tussing, x Ronquillo, x Gaghen, x Stevens, x Brewster, x Veis, x Ruegamer, x Ulledalen, x Boyer, x Jones, x Clark.

ADJOURN TIME: 7:58:43

Agenda

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

- There were no public comments.

TOPIC #2	<i>Teleconference with Jani McCall</i>
PRESENTER	Jani McCall
NOTES/OUTCOME	

- City Lobbyist Jani McCall reported that HB235 (Dutton) passed the 2nd reading in the Senate. She noted the final reading is tomorrow. Ms. McCall reported the following:
 - ❖ HB340 and HB405 were tabled.
 - ❖ There was a discussion on HB832. The Council advised Ms. McCall to leave the HB832 alone for now, as long as the 95 mills remain in place.
 - ❖ The HB836, Infrastructure Bill missed the transmittal.
 - ❖ SB130, Fire Code Bill still had no executive action but should be passed eventually.
 - ❖ SB251 passed committee but the bill was still not scheduled for floor action.
 - ❖ SB432 (biodiesel) was tabled in committee. Senator Essman's sales tax bill will probably be tabled in committee.
 - ❖ HB 636 prohibits law enforcement quotas for evaluating officers passed Senate Judiciary and will probably pass.
 - ❖ HB781 revising racial profiling, passed Senate Judiciary and will probably pass the Senate.
 - ❖ There are two (2) bills for hearing this week – SB184 on 4/5 and SB201 on the subdivision regulations (Smartgrowth Bill) hearing tomorrow. The Council wants

to oppose. Ms. McCall stated there are no hearings or other needs for Billings to attend in Helena.

- Legislative Representative for the City of Billings Bruce Putnam asked if the Council was “OK” on priorities. He noted there was a discussion on the FCC letter going to Congressman Rehberg’s office opposing the new FCC cable television rules. He explained that when in Washington, D.C., the Staff asked for city comments/concerns for the planned hearing on April 17th. He stated there were many sources used to formulate the letter. Mr. Putnam and Councilmember Brewster participated in a conference call on Friday with the Conference of Mayors. He stated it is time for the City Attorneys to join others to appeal to the Federal Circuit Court and have the City “heard”.
- Councilmember Brewster reported that the rule applies to new franchises, but not cable operators. He explained the rule will apply to the cable operators when renewing. He stated the total build-out was not an issue. The cost of services for free school cable was in question as the cable operators want to withhold that value from the City franchise fees.
- Mr. Putnam noted that it would be at least one year and more likely 18 months or longer to litigate and the rules are in effect during that time. Councilmember Brewster commented that Congress could intervene, but only if they think it’s critical that they act soon.
- Mr. Putnam said he had got involved over a year ago and started with Senator Burns. He explained it is wise to pay attention to them if we want them to pay attention to us.
- Councilmember Brewster stated the franchise fee is an extra charge that competitors don’t have to pay (satellite receivers), but they occupy the R/W and therefore they’re different and they should pay.

TOPIC #3	<i>Board & Commission Reports</i>
PRESENTER	
NOTES/OUTCOME	

- There were no board and commission reports.

TOPIC #4	<i>King Avenue West Improvements</i>
PRESENTER	David Mumford
NOTES/OUTCOME	

- Public Works Director Dave Mumford passed out handouts. He explained the proposal to reconstruct King Avenue West from 31st Street West to Shiloh Road was included in the City’s CIP for 2012 and 2013. Steve Corning asked if we could work together to accelerate the project. He noted the Council would have to look at what acceleration would do to the City financing and if the City would have to do this project instead of the water/sewer replacement in FY 2008. He explained there would be more funding available for replacements in FY 2009. There are four (4) groups of properties that would be in an SID. The Golden Meadows and Long property are over 40% of the property. The developer wants interest reimbursement if they finance the project. Mr.

Mumford stated that this was never handled this way before because it was mostly small projects with a short period of time. The interest at 5.5% = \$1.1 million over 5.5 years until the City would have built anyway. This cost is less than the anticipated construction cost escalation between now and 2013. Developer is also willing to pay for design costs. This yields about \$1 million savings. If we allow a new pump station instead of gravity, it will save an additional \$1 million. Only one lift station would be needed. If we do this, we have a list of activities to complete. Council asked to make the decision to do this, or not. Development/reimbursement agreement will be brought to Council.

Developer would like to select a designer so we don't have to do it (slower) and they will pay. Bidding by this fall and complete construction by fall 2008.

- Councilmember Boyer noted that the SID for Olympic Park and 31st – 32nd properties had not planned for this. Mr. Mumford stated the Olympic Park project has waivers of protest but could still complain. Others could complain too and they don't have waivers. Olympic park cost is about \$100,000 over 12 years. Councilmember Jones asked if this included rebuilding 32nd intersection. Mr. Mumford stated yes. Councilmember Veis asked when would the City have to pay the interest costs. Mr. Mumford stated one payment in 2013 (original planned construction year). Mayor Tussing inquired if the City had done this before. Mr. Mumford noted the City had told others that the City can not reimburse in the time they wanted. He explained that Mr. Brosovich on 8th St. West wanted reimbursement and asked for interest. He stated he explained to Mr. Brosovich that the City did not pay interest because it's a short time frame.
- Councilmember Gaghen commented that some people think that City is helping private developers too much. She explained people wanted to know if the City could borrow from the state. She explained that was not possible. She emphasized that it was important to communicate all advantages to the public so they understand. Mayor Tussing asked if the City wouldn't benefit from the improvement enough, without demanding interest reimbursement. He suggested everyone needs to be prepared to respond to public on this subject. Mr. Mumford explained by building six (6) years early it would increase the tax base sooner and employ people sooner. Councilmember Ulledalen noted these are commercial properties that contribute more in taxes than residential. Councilmember Ruegamer commented that every project we do benefits someone. He inquired if there was any reason why we should not do this? Mr. Mumford stated not really. Councilmember Veis asked what assurance do we have that construction cost will remain under \$4million? He asked if the City would want a ceiling in the reimbursement agreement so we can stop the project if needed. Mr. Mumford stated the interest costs will be slightly higher but there should still be savings. Mr. Corning commented that we'll know after the design is completed and we can stop it at that point. It should be OK with a ceiling. Councilmember Clark asked what the cost for smaller owners around 31st would be. Mr. Mumford stated the estimate is about \$150,000 to be distributed among 5 property owners.
- See handouts.

TOPIC#5	<i>Updates to the Urban Planning Area</i>
PRESENTER	Juliet Spalding
NOTES/OUTCOME	

- Planner Juliet Spalding stated that the CIP and annexation policy updates in 2006 showed discrepancies between them and the urban planning area boundaries. The proposal from planning is to amend some of the urban planning area boundaries and the annexation policy boundaries. Updated the urban planning area map. Memo sent to Council, with map, on Friday. Ms. Spaulding asked for Council guidance on expanding and shrinking some of the boundaries. She stated that urban planning studies usually are done by the developer, but she was recommending that the recommended expansions be done by the Planner preparing the studies. Councilmember Stevens inquired that if someone lives in the County and does not want to be annexed, do we force annexation? Ms. Spaulding stated not usually but state law allows some unilateral annexations. She explained that the owners are not usually happy about it. City Administrator Tina Volek explained the Staff knows the Council doesn't like doing these, so we stay away from them unless there's a strong public purpose. Councilmember Veis commented that at one time, the City was going to map the City lands and county islands and could warn these people a year or two ahead of time of impending annexations. Planning Director Candi Beaudry stated that the map was shown last year but since that time, many of the islands have annexed. Councilmember Veis stated the east end TIF will probably cause the next round of island annexations.
- Ms. Volek asked for permission to proceed. The consensus agreed.

TOPIC#6	<i>Board & Commission Review</i>
PRESENTER	
NOTES/OUTCOME	

- City Administrator Tina Volek introduced Assistant City Attorney Bonnie Sutherland.
- Ms. Sutherland reported that the Board & Commission Review was last reviewed in September, 2006. Ms. Sutherland noted that the large document given to everyone in September where the Council asked for follow-up information and recommendations there were many necessary ordinance changes. She explained that the summary on the desk was which boards are required and not required. Ms. Volek commented that all but one say that they serve useful functions. Most say they're working well. She explained it would require more time to consider and discuss which ones to keep and ones to discard. She also explained that the Staff is the primary cost. Councilmember Ruegamer stated he would like to hear from the department directors about the boards that they deal with. Ms. Volek said she would ask the department directors for their comments.
- Councilmember Jones asked about the CHRB function. Ms. Volek stated this is not an official board for the city. This membership is one requested councilmember that CHRB asks for. Councilmember Ronquillo commented that if the Council grants the CHRB money this year, they'll draw from 2 sources and I'm against that. Mr. Russ apologized for behavior last year.

- City Administrator Tina Volek explained most CHRB activities have been assumed by others. We'll have a competitive process again this year.
- Councilmember Gaghen noted a large part of it came because the City receives HUD and HOME money. She stated the original purpose was good.
- Councilmember Stevens stated the legal field says these problems still exist, but there are other ways for people to resolve them. The CHRB is not the only resource.
- Councilmember Veis the following is a list of those not required by law: (1) Aviation and Transit Board may need to go away. (2) Animal control board could go but ad-hoc group may need to remain. (3) Human Relations Board floundering. (4) Parking – ad hoc could function well. (5) Traffic control board could go. (6) Historic preservation we receive some money and have to have the board.
- Councilmember Jones stated CHRB not responsive. The Staff reviewed and it appears as if the state takes care of what needs to be done and if we can do it internally with Staff, let's do it that way.
- Councilmember Ronquillo stated it sounds good. He explained the *Gazette* gives him \$140,000/year of free advertising. He noted the City still doesn't need to support.
- Councilmember Stevens inquired as to which ones we did not hear from. Ms. Volek responded the housing authority, ethics, aviation and transit, parks, public utilities departments.
- Councilmember Stevens commented it was a good questionnaire. However, let's hear from all boards before making a decision to keep or discard.
- Mayor Tussing explained the Human Relations board is politically sensitive, have tried to encourage them and guide them, suggested they do some research. But chairman's response indicates they still want to hear complaints and if they don't reform, may need to get rid of them.
- Councilmember Ruegamer stated if they don't cost a lot of money should keep them because it gets people involved with their community. It is a good survey and responses. He requested a copy for review of the responses.
- Councilmember Gaghen advised she had attended one meeting and was impressed with the issues that they deal with. She agreed that the Council needs to hear from all before we decide to dissolve any of them. She suggested that the Council might learn from other cities too.
- Councilmembers Stevens suggested that if someone should attend some of them before eliminating boards.
- Councilmember Jones stated that he would like to create a youth or teen board.
- Councilmember Veis stated that boards are OK but sometimes tough to find people to serve. He suggested to keep the ones that are important to Council and appoint people who are interested to them.
- Councilmember Stevens said we need to do a better job of recruiting applicants. City Administrator Tina Volek stated the application form has been revised.
- Assistant City Attorney Bonnie Sutherland explained that important questions were not asked on the old forms. She stated the form was more of a checklist. She suggested that are a few that we need to ask for more information. Perhaps need to review these and suggest changes. This does need a vote but tell us if you want changes.

- Councilmember Stevens stated that asking for dates of military service may be the same as asking for age. May need to be removed from questionnaire.
- Councilmember Veis commented that the applicants may not like the length of the application or that they are consenting to a security investigation.
- Ms. Volek said she would review at home and send the Council comments by 4/16. She said that some boards are working on their own operating/membership manuals. She asked the Council if they want uniform manuals or individual ones.
- Councilmember Stevens asked if these are the same as volunteers for the city.
- Ms. Sutherland stated that the background investigation of applicants for some of our boards are important. Councilmember Stevens suggested to tone down the language, but ask for what we need. Councilmember Clark commented that boards need the freedom to form their own manuals. Councilmember Brewster stated there should be some common operating procedures.
- Ms. Volek explained to the Council that the Staff will soon work on budgets, so this may not come back until late summer or fall. Ms. Sutherland commented that she wants some feedback on the handbook.

Additional Information:

- Councilmember Veis asked the Mayor if he brought the list of opportunities. Mayor Tussing said, “Yes, but let those who want to leave go now and we’ll talk later.”
- Councilmember Ronquillo stated the Homelessness convention was good and the Harvest Church ball field rebuilding went well. He reminded everyone that the Easter egg hunt was this weekend.