

City Council Work Session

5:30 PM
Council Chambers
October 7, 2013

ATTENDANCE:

Mayor/Council (please check) Hanel, Ronquillo, Cromley, Cimmino, Pitman, McFadden, Bird, Ulledalen, McCall, Astle, Crouch.

ADJOURN TIME: 7:37 p.m.

Agenda

TOPIC #1	Flood Plain Ordinance
PRESENTER	Kim Palmieri, Building Official
NOTES/OUTCOME	

- Kim Palmieri: *Gave presentation.* At the Oct. 15 meeting, Council will be asked to approve new flood management rules, required in order to stay in the National Flood Insurance Program. Sponsored by the Federal Emergency Management Agency and the State's DNRC. Revisions done periodically. Last time it was revised was approximately 13 years ago. Length of regulations has changed quite a bit, but not a lot of substantive changes. Maps have changed, thereby affecting individual properties. Yellowstone County and Laurel must also adopt or cannot participate in the National Flood Insurance Program. *Flood Insurance Rate Map (FIRM) maps were shown.*
- Ronquillo: Can Building tell which lots are within the boundaries and whether a person can build in those areas?
- Kim: If lot is in floodplain, builder has to contact engineer or surveyor and plot the elevation and building on the site plan. If it's in the floodplain, builder has to follow regulations in order to build. Cannot develop in the floodway at all. That's the major portion of the stream that is reserved for a flood event. It is possible to build within the flood fringe, per regulations.
- Mayor Hanel: Showing the new maps?
- Kim: Yes, and there are some changes from old maps. Most of the changes are within Yellowstone County and small areas in the City. Urge Council to adopt new floodplain regulations. If not adopted, City will not be in the Flood Insurance Program and homeowners cannot get insurance through that process.
- Mayor Hanel: Many inquiries from homeowners?
- Kim: Not many. Usually just want to know if they're in floodplain and if so, what map page.
- McFadden: City is upgrading aerial photography, will Building benefit from them?
- Candi Millar: Aerial photos being done, but not used by FEMA.
- Bird: Did you say there was no development allowed in a floodway or floodplain?

- Kim: The floodplain contains a floodway and flood fringe. No development in a floodway. In the flood fringe, which is in the floodplain, development can occur.
- McCall: What's the impact on insurance if the stream course changes and a home previously out of the floodplain is now in the floodplain? Due to the movement of the creek, will they lose their insurance or ability to get insurance?
- Kim: Can buy it if included in floodplain. Normally required to get flood insurance.
- Astle: Flood insurance is covered only by the Federal government if not in a floodplain, not required to have it.
- Tina: Council will receive revised flood ordinance in the Friday packet.
- Public comments: None.

TOPIC #2	Parks Volunteer Programs: Refresh the Rims & Park Ranger Pilot Program
PRESENTER	Mike Whitaker, Director of Parks, Recreation and Public Lands
NOTES/OUTCOME	

- Mike Whitaker: *Introduced Chris Waite, Volunteer Coordinator.*
- Chris Waite: Gave highlights of things done since May and upcoming opportunities. Over 700 volunteers have given about 3,000 hours of work.
- Ronquillo: Volunteers did a great job cleaning up South Park. Very appreciative of the work being done.
- Chris: Starting Park Ranger Program this fall. Giving an extra set of eyes and ears for the Department. Targeting areas where park employees don't often go. Visible ambassadors for department and serve as park hosts. Rangers will walk; work in pairs; visit park at least weekly for a minimum of 4 hrs./wk.; and report issues to PRPL. Eight people have signed up for the pilot project. Will be working for a month or so, depending on weather. Will focus on Phipps, Riverfront/Coulson, Swords Rimrock, North, South, Pioneer, Castlerock and Rose Parks. Gives a positive association with the parks. Also starting "Refresh the Rims", Oct 19th, 9:00 to noon. In partnership with MSU-Billings, Outdoor Adventure Leadership Program will come to be team leaders. Volunteers will be pre-assigned age/ability appropriate work locations. Over 100 volunteers are signed up so far, but still looking for more. Email him to volunteer.
- Ulledalen: Gave an atta boy from all of us. Know we have needs, volunteering gives ownership. Tap into retired professionals. Want an e-brochure to help Councilmembers engage with citizens to volunteer.
- Chris: Will do.
- Cromley: Will Rangers be identifiable?
- Chris: Yes, will wear a logoed T-shirt and name badge.
- Cromley: How do you pick up small pieces of glass?
- Chris: Brooms or handwork, lots of different ways to do it.
- Mayor Hanel: Doing a great job. What is your background?
- Chris: Came from Greybull, WY, as a Recreation Director. Worked a lot with volunteers.

- Bird: Really good stuff; outstanding investment of money from the park maintenance district 1.
- Public comments: None.

TOPIC #3	Municipal Court Space
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Tina Volek: In May there was a Council initiative to identify municipal court options and costs. In the Friday packet there was a report.

Five options:

1. Wait for space and site master plan;
2. Relocate Municipal Court - buy or lease a building (been approached on one building for \$2 million) (Leasing is \$17 to \$20/sq. ft. = \$170,000.yr. to \$240,000/yr.);
3. Relocate some or all of the PD (a vacated federal building would be set up nicely to handle the police department operation) or could also move PD to the Operations Center or put in other leased space. This would vacate the first floor or third floor or both to provide space;
4. Relocate some or all of the other City Hall offices, i.e., IT, Administration, Finance or City Attorneys to Park One;
5. Reconfigure court space.

Staff recommendation is to wait for the site and space master plan.

There is a State statute that limits the bonding capacity of each fund to a percentage of its budget. Right now that limit in the General Fund is about \$2.5 million for all General Fund departments. Need to be cautious about using that money and use it on most pressing needs. There is an unbudgeted reserve in the General Fund and staff recommends it be earmarked to allow for operations at this time.

- Cimmino: Please provide where this building is located.
- Tina: It's the Crane Building for \$2 million.
- Bird: Missing pages 2 and 3, not in the Friday packet.
- Tina: Apologize for the missing pages. Will get Councilmembers a revised copy in the morning.
- Bird: What does "early in the year" mean?
- Tina: January or February, 2014.
- Ulledalen: Initiative was to identify any low hanging fruit. Anyone that can reasonably fit into Park 1 space should be considered.
- Tina: Will look again, if the City has a Parking Commission, they could be relocated there.
- McCall: Arraignment scheduling?
- Britannia Park: Have open court arraignments on Tuesdays and Thursdays in the front courtroom and in the back. Also arraignments at the jail on Mondays, Wednesdays and Fridays. Treatment Court is held all morning on Wednesday. Have had up to 150 people for arraignments, but recently it has been 80-90 people at arraignments and getting people through the process faster.
- Cromley: Possible to consider adding a judge and staff for night court?

- Brittania: Currently have 3 pro tem judges. Two judges operate at the same time for jail and treatment courts. Night court was attempted many years ago and not successful, but not finding the records. Night court would require additional staffing or overtime pay.
- Mayor Hanel: Night court was attempted many years ago and it was not successful.
- Pitman: If Council does nothing, site and space master plan will proceed?
- Tina: Yes.
- Public comments: None.

TOPIC #4	Priority Based Budgeting / Strategic Planning
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Tina Volek: Have a signed contract with Dr. James Sipe. Is it okay with the Council that Dr. Sipe comes here on Nov. 18 or 19 for initial session? He will have two sessions with Council, one by phone. A month later he will have a group session and then Mid- to late January to finish the process. Will work with staff and leadership team simultaneously. At the final meeting everyone is combined and final discussions are held and a timetable is given for implementation. That has been a very successful process.
- Astle: Meeting will be post election, so invite 3 new councilmembers. Nov. 18th is preference.
- Tina: Will start at 5:30, last 3-4 hours, but Councilmembers will have already been interviewed by phone.
- Public comments: None.

TOPIC #5	Holiday Schedule
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Tina Volek: Presented a draft schedule for November and December. Dr. Sipe's second session might be Dec 17. There would be a Work Session on the first Monday, December 2 and regular business meetings on the 9th and 16th; leaving the week of the 23rd open. In January, the 1st falls in the middle of the week, a 5th week, and that is normally a bye week. Could adopt the revised schedule with the work session on December 2 and then 2 regular business meetings following, then the weeks of the 23rd and 30th there would be no meetings. Would pick up the new year with a Work Session on January 6th with a new Council; another Work Session on the 20th and business meetings on the 13th and 27th. What direction would Council like to take on this timetable?
- Council: Prefer to not meet Nov. 25. Business session on Nov. 18, Sipe on Nov 19. Okay with December schedule as Work Session would be on the first Monday, December 2 and regular business meetings on the 9th and 16th; leaving the week of the 23rd open.
- Ulledalen: What is the likelihood of having meaningful agendas for meetings 2 weeks in a row? Could we meet once in Dec. and meet again with Sipe on Dec. 16?
- Tina: Will check with staff to see if that interferes with various commission schedules or bid awards and report back.
- Pitman: In January will there be a special business session to have the swearing in first?

- Tina: In the past have held a special session prior to the first Work Session, just like we did tonight.
- Public comments: None.

TOPIC #6	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- Pitman: Happy to see that the Council Discussion topic made it to the agenda.
- Crouch: Sacramento asks ministers to give meeting blessing. May Billings do the same?
- Mayor Hanel: No rule against it, but not practiced.
- Brent Brooks, City Attorney: No rule against it, but have advised Council to avoid specific deities or denominations. Keep neutral. Know that it has been unsuccessful in some communities. If it appears there is not a mixture of clergy representing different faiths, can cause a pitfall. Councilmembers have done well to keep prayers neutral.
- Cromley: Think it's a good idea. Would do it if allowed. Prefer a guest minister.
- Bird: When are we getting our chairs?
- Tina: Ordered but don't know delivery date, will get it.
- Bird: Galles building project progress?
- Tina: Two efforts to sell. Second one didn't have time limits. Can check with IHN about progress.
- Bird: Status of new Pickle Barrel on 32nd?
- Tina: Talked with architect. Bids too high on original design, wanted to redesign and rebid. Will check on status.
- Pitman: Supposed to be getting quarterly reports on MDU landfill gas. Could we get one?
- Tina: Will get it. Have been approached by MDU and have some people coming from headquarters after the League meeting.
- Ronquillo: Thanked for tree cutting behind Frasier Towers.

TOPIC #7	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- Marty Connell, BIRD, Inc., 2903 Radcliffe Drive, Billings, MT: Sent letter to Council last week about Jerry Ray's situation. Carefully crafted the East Billings code. It's reviewed annually. People can get involved. Developer looking at a 50-80 unit multiplex workforce housing project in the rail spur village; will go away if zoning is changed back to industrial. Keep EBURD in place.
- Cimmino: Reviewing as a public input item?
- Mayor Hanel: Correct.

- Kelly McCarthy, represent FIB, 625 Yellowstone Ave., Billings, MT: Serves on the BIRD Board as a representative of First Interstate Bank. In 2007, began looking for a location for the new operations center. Chose to build it in the revitalization district of East Billings. In 2009, opened the doors to \$18 million, 65,000 LEED certified facility. The operations center replaced an ill-kept trailer park that had police calls almost daily. The Operations Center has conference facilities open to the public free of charge. Proud to be the flag ship project in the area and look forward to modernization and revitalization of the neighborhood. It would be a major disappointment if Council reverses direction.
- Mathew McDonald, 3210 Harrow Drive, Billings, MT: Spoke with Jerry Ray a couple of times. Misinformed about impacts of the code. Advised him to follow the rules, submit an application for TIF money to help with landscaping or construction requirements. Felt TIF gave Mr. Ray ample opportunity to assist, but he refused.
- Joe Markell, Owner of Red Oxx Manufacturing, 240 Parkhill Drive, Billings, MT: His business was the 3rd TIF project. Adopted and used form based code, worked well and easy to implement. Have about 22 trees on the property and lost only 4 parking places. Big gain for the district. During the hot temperatures and storm control, the landscaping worked like a charm. No flooding on our business property during past storm, but there was across the street. Very satisfied with the flexibility of the plan. Workforce living. Turned out very well because of the code.
- McCall: Tina, in Jerry Ray's letter, he references a petition. Know what that contains? EBURD project has been spectacular.
- Tina: No and haven't seen letter either. Rezoning suggested to him and he may pursue that instead of petition.
- Scott Jucerek, 3685 Spartan Circle, Billings, MT: Landowner in district and a member of the BIRD board. Mr. Ray and others were given plenty of opportunity to comment. Will have the annual review for possible changes. Went through the proper channels. Many man hours spent making sure everyone was informed. Mr. Ray hasn't hired professional architect. Nicole Cromwell's response and drawing are spectacular. Don't know how we can please the guy.
- Ken Kunkel, 1905 Poly Drive, Billings, MT: BIRD Board member for about 5 years. Emphasized the hours spent on the zoning and master plan. Hope Council will support efforts and plan. Landscaping is the only issue – a few more trees and appealing design is all that's needed. Unfortunate that one owner is complaining about code's application to one small corner lot. Asked the Council to support the master plan.
- Steve Zier, 1514 Lynn Avenue, Billings, MT: Reinforced that regulations aren't unduly restrictive, lots of public input. Trying to make the place more attractive to bring more people to this area and provide good in-fill development.
- Astle: All or nearly all landscape regulations built by the landowners. The businesses of the BIRD area made up their rules and adopted it as their master plan.
- Steve Zier: Correct. The landscape regulations are a part of the EBURD code. Self-imposed.
- Jeff Hunnes, 2117 Iris Lane, Billings, MT: Attorney responding to letter and petition to rescind EBURD code. Have not been provided copies of the petitions to rescind the code. There are two districts, RSV and RSVMS districts are disputed. Code is supposed to encourage the redevelopment and growth into a nicer neighborhood. Corner lots set the

tone because they're visible. Parking originally not allowed on corner lot. Changed due to landowner concerns, but landscaping requirements are higher. Mr. Ray's parcel, consists of 2 lots, should meet the landscaping requirements of the code. Mr. Ray doesn't want to use administrative process to amend the code. Mr. Ray's letter and petition is a reaction to an appeal of a variance that was granted by the board of adjustment. A variance creates a precedent. City staff recommended denial of a variance because only 1 of 7 criteria for hardship was met in the application. The variance, like the petition, asks the City to go back to controlled industrial zoning. The effect will nullify the efforts to change and improve this neighborhood.

- No further comments, public comment period closed.

Additional Information:
