

City Council Work Session

5:30 PM
Council Chambers
Date: August 18, 2014

ATTENDANCE:

Mayor/Council (please check) X Hanel, X Cromley, X Yakawich, X Cimmino, X Pitman, X McFadden, X Bird, X Swanson, X McCall, X Crouch, X Brown

Agenda

Empire Parking Garage Tour – 4:45 p.m. to 5:20 p.m.

All except CM Brown and Bird attended the tour.

TOPIC #1: Billings Livability Partnership MOU

- Candi Millar: Material in Friday packet. History of the federal efforts for livable communities. In 2009, President Obama asked certain Federal Agencies to see what they could do to streamline the Grant Funding Processing and bring everybody on common ground. The Partnership for Sustainable Communities was developed. That is between 3 departments – HUD (Housing Urban Development), DOT (Department of Transportation), and EPA (Environmental Protection Agency). They formed this partnership in order to break down these bureaucratic barriers, and also to form common ground in which they could evaluate the funding programs they had. They developed 6 principles of livability. They are: Provide more transportation choices; promote more equitable portable housing; enhance economic competitiveness; support existing communities; coordinate policies and leverage investments; and value our existing communities. Hard to go against these principles but when the partnership from Region 8 came into town for a transit workshop, BSEDA, Planning Office, MET Transit, and a lot of non-profits attended because they were interested how transit would serve their affordable housing developments. BSEDA took the lead on the meetings and Sarah Hudson led us through a strategic planning process. We developed our own principles of livability for Billings. There are seven:

(Listed in Appendix B – Billings Livability Partnership Goals in Friday Packet)

1. Promote more transportation choices.
2. Promote equitable, affordable housing choices.
3. Enhance economic competitiveness.
4. Support our diverse community and the many vibrant neighborhoods within it.
5. Increase community awareness of livable communities.
6. Coordinate efforts to leverage and align federal, state, regional and local policies and investment.
7. Promote broad engagement in community planning.

Our membership grew to almost 30 partners. These include, civic, non-profit, and trade organizations. We have meetings every other month and usually have 12-15 of the partners come. These meetings are a way for us to communicate (network) and see what all of our partners are doing in terms of programs and projects that address livability. We lend support when asked. The federal grants ask us, "What is your community doing in terms of these livability principles?" "How do you demonstrate the support for them?" We now have a mechanism to respond to those requests. MOU (Memorandum of Understanding) documents

that commit to the principles of livability. We started this process a year ago and have 5 signed MOU's. Had asked the County Commissioners to sign for full disclosure. They declined the offer because they are concerned how the Federal Government seems to emphasize renewable energies over extractive energies. Took the request and filed it as a letter. They didn't really act on it. Did get signed MOU'S from Riverstone Health, CTA. BSEDA is working on it. North Park Children's is another signatory. MOU's are a little different. The local Billings Livability Partnership is an informal group. We don't elect our Board of Directors. The MOU is an agreement saying that we are committed to these principles of livability, and we would support projects and programs that align with those. One of the grants that we applied for was the HUD Community Challenge Planning Grant a couple of years ago. We were unsuccessful but we did a debrief with them. They said we didn't have the demonstrative community commitment. They recommended the MOU. So we put this together. Our Attorney had a look at it in January. There are some minor edits in the draft. Staff is asking Council whether we should put this on your regular agenda for action.

- Mayor Hanel: Do you sense there is going to be any conflict as far as future funding opportunities with these provisions?
- Candi Millar: The only conflict we have heard of is the issue with the renewable energy.
- McCall: In terms of disclosure, I served on the Big Sky EDA Board as an ex-officio and on the EDC as a voting member. When this proposal was brought to court in May fully by Steve Arveschoug, the Director and staff in support of this. I did make the motion to approve the principles and the MOU. It was Commissioner Kennedy who also spoke to that very positively, and seconded the motion. There were only five descending votes. As Candi has indicated, the Commissioners later on in the budget process spoke with Mr. Arveschoug and have concerns. A recommendation was brought back to the Big Sky EDA-EDC indicating that these decisions should be made by Government entities and not by organizations such as Big Sky EDA-EDC. There were only 11 votes. 2 of us voted against and 9 voted to table it. The Livability Principles are excellent.
- Cromley: Could you give us an example of some of the 20 potential partners still out there. Are you still seeking additional people?
- Candi Millar: Yes, still seeking additional. Have a website that talks about all of our partners. Want to get an MOU from the EBIRD itself. There is a lot of housing organizations like the Housing Authority of Billings, Habitat for Humanity. We would like to get them signed on. There are some private firms that would be helpful like Sanderson and Stewart, O2 Architects who are involved in the development of certain residential areas. We do have all the cemeteries offices as partners. They have not indicated whether they would sign.
- Cromley: Have either of the hospitals been approached?
- Candi Millar: No. Riverstone has and we were hoping they would bring it forward through the Helping by Design Committee. We do have more work to do. It would be helpful if the City of Billings lead the way.
- Cimmino: Is the Billings Chamber of Commerce involved?
- Candi Millar: They are noticed but they don't attend. It is worth pursuing. What is very important, this is public/private and we really want businesses behind it.
- Mayor Hanel: So your questions are to keeping this on the Agenda for future meetings and would like support?
- Candi Millar: Yes. Would like to put the MOU on for Council approval.
- Mayor Hanel: Ms. Volek, go ahead and proceed.
- McFadden: What would be the end payoff?
- Candi Millar: There is money involved. In some cases, very large sums of money. There is a DOT Tiger Grant on the horizon the Transportation Policy Coordinating Committee has

approved. That would be for improving our underpasses under the railroad tracks – at least \$20M.

Public comments:

- Kevin Nelson – 4235 Bruce Ave: Great first livability project would be to mitigate problems created by Highlands Industries.

TOPIC #2: 2014 Unified Planning Work Program

- Scott Walker: The Planning Division is presenting the Draft 2015 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization for City Council review and recommendation to the Billings Policy Coordinating Committee (PCC). The UPWP is primarily for the purpose of programming the federal dollars Billings receives from the Federal Highway Administration (FHWA) for transportation planning. These funds are passed through the Montana Department of Transportation (MDT). However, all planning activities are included in the UPWP so that it represents a comprehensive document of the Urban Transportation Planning Program. This UPWP proposes planning activities for Federal Fiscal Year 2015, which runs from October 1, 2014 through September 30, 2015.

This UPWP corresponds directly with the Planning Division's annual work plan. Significant changes in this year's program include upgrading computer hardware and software, replacing aged traffic count equipment, and undertaking a Zimmerman Trail bicycle-pedestrian access study, a downtown rail corridor study, and a west end traffic study. The Transit Section is in Chapter II of the UPWP. The document is consistent with past programs in its overall content and format. Can't use all of the available fed funding because we don't generate enough local money to match it. This plan is made up of 12 work elements defined through the MPO. We are then eligible to request reimbursement from Montana Dept. of Transportation quarterly for dollars that we spend through this program. Each element has a different percentage rate of reimbursement.

Our funding sources are the same throughout each year.

FINANCIAL IMPACT:	\$ 183,000	Planning Dept. Fee Revenue
		(City of Billings)
	\$ 50,000	Planning Dept. Fee
		(Yellowstone County)
	\$ 405,000	Yellowstone County (Mill)
	<u>\$1,249,011</u>	Federal Planning (PL) Allocation
	\$1,887,011	Total Program (UPWP)

All the elements have to be related to transportation and/or transportation planning because this is through the Federal Highway Administration.

Gave a Power Point on Work Elements. See handout (Billings Urban Area) in August 15, 2014 Friday Packet.

Our 2014 goal was to complete our transportation plan which has been done. The Downtown Railroad Mitigation Plan surfaced at the end of 2013. As well as the feasibility study and how rail and vehicles interface in downtown Billings.

PROPOSED ACTIVITIES – FISCAL YEAR 2015

PL Eligible Activities

- Another new study that may begin in 2014 is a Non-Motorized Trail Feasibility Study for the development of a bicycle/pedestrian trail adjacent to Zimmerman Trail from Highway 3 to Rimrock Road.

- A Railroad Corridor Study is proposed to review the functionality of the existing underpasses at 13th St. and 21st St. in downtown Billings and to study the inclusion of two bicycle/pedestrian overpasses. This study will also review the potential for transportation connectivity with the abandoned 5th St. Right-of-Way.
- Staff is also proposing a West End Traffic Study that further identifies issues targeted in the 2014 LRTP which include traffic accessibility, dealing with increased subdivision activity, more detailed modeling process and road capacity.

Locally Funded Activities

- Staff will be involved in the coordination through completion of all planning studies undertaken. This includes contract negotiations, coordination of citizen advisory groups, public meetings, overseeing contract deliverables and project wrap-up.
- Scott Walker: We hope to look at a study that pulls together a lot of the ideas of what the Federal Tiger Grant is after. If we can pull together a study that talks about along with redoing both of the underpasses that we talked about in our Transportation Plan, but also other things maybe from a bicycle/pedestrian standpoint, maybe from a traffic (inaudible) standpoint that we can highlight in a study. So when the next round of Tiger Grants come forward, we can really hang our hat on a study that is fully vetted by the public and all of our elected officials. We have as a community, applied for at least two Tiger Grants in the past, with no success.
- The Zimmerman Trail Access Study- The importance of Zimmerman Trail to our community. With all bike/pedestrian things that we have accomplished over the past two years, the marathon loop is closing. What we are seeing and planning for, there will be a time when we need to get from the top of the rims to the bottom safely from the bike/pedestrian standpoint. We know that Zimmerman Trail is not going to be wide enough to safely hold bikes and pedestrians. Looking at other options. This plan will point us in the direction of the best option.
- West End Traffic Study - This has been pointed out by our Transportation Plan. A lot of the north/south traffic, Rimrock Rd. to the interstate (Shiloh Rd for example) our plan did a good job of pointing out some future deficiencies. This study would take into consideration when the inner belt loop is officially put into place. There will be quite a flow of traffic ending up in the west end. There are roads that are very efficient in that area and we want to identify those and come up with some ideas that will benefit safety in intersections. Our traffic counters are getting old and we would like to update.
- McFadden: Would this ever be implicated down in the neighborhoods? A citizen called about the traffic at 10th and Cook. Maybe a yield or a stop sign in. There is so much traffic coming through and more accidents at certain intersections.
- Scott Walker: We haven't ended up with a scope of work so we are not really focused on what the study would be. Big picture, we are looking at the big traffic flow picture from north to south. If anybody has questions on traffic flow, traffic counts or accidents, they could call us. Could also find out if the City has any future projects.
- Cimmino: The traffic count equipment would coincide with the engineering intern that was switched over to Public Works Dept.?
- Scott Walker: Have taken a summer position. They were employed about 4 months through the summer to do traffic counts. Our office has a partnership with our Public Works Dept. and we supply dollars for an Engineering Tech. This Tech. position does a lot of the traffic counting already for Public Works. We are incorporating that position into our office as well.
- Swanson: Went to a quarterly meeting with the west end group that is primarily interested in traffic around Zimmerman Trail. Would like to see the Traffic Dept. communicate with that group. They had some interesting ideas on how to help mitigate the traffic.
- Scott Walker: We have been in contact with this group (Rimrock Task Force).

- Yakawich: These studies are already in your fiscal budget to do. Each one will take a period of time. Are these contracted out?
- Scott Walker: Yes. Currently with the Highway 3 Plan Study, and the Zoo Drive to Riverfront. Both of those are consultant projects.
- Yakawich: When these studies are done, they will be brought back to Council at some point?
- Scott Walker: Yes. In many cases, if anyone on the Council has an interest in serving on anyone of the oversight committees of what we plan on doing, you are welcome.

Public Comment:

- Kevin Nelson: Optimist Park heavily used. Narrow streets, little off-street parking. Council should find money to improve traffic/parking. Additional accusations about conflicts of interest - people on SBURA board conflict of interest, recommending projects that benefit where they live.

TOPIC #3: Council Discussion

- McCall: Forgot to bring printed material. Will sponsor an Initiative next week. Four-plex between Poly and Rimrock Drive, near 13th St. West. Council approved four-plex in 1970s, leased it for years, putting it up for sale, found out that it isn't zoned properly. Treated politely by staff. Council minutes and old Gazette article show that rezoning was approved. Council Initiative could grandfather the property or owners could proceed with zone change. Will send the material to other Council Members this week. Impacts only that lot. Have copies of the minutes where it was approved.
- Cromley: Passed around 4 proposed Amendments to the last draft of the NDO. Would like to reconsider this matter. Explains the proposals. No discussion needed but would like for Council to consider the changes.
- Brent Brooks – AG Office verbally said that AG will not issue an opinion, waiting for a written confirmation.
- Swanson: Passed out a NY Times article about the Presidential Executive Order that prohibits discrimination against LGBTQ by certain federal contractors. Referred to Sec. of Labor to write rules.
- Brent Brooks: Will look at Sec. of Labor website to see if/what work has been done and to keep updated on it.
- Pitman: Schedule for when Council will discuss Initiatives process?
- Tina Volek: Researching, looking at historic record. Will get back in a few weeks.
- Yakawich: Liked comments from Mike Whitaker about transients and the homeless in parks. This is a critical issue for our community.
- Tina Volek: There are a group of individuals who are going to Reno, Nevada this month to look at a community assistance center. Similar to the program we learned about in San Antonio. CM Yakawich had set up a meeting with some representatives of the Native American community. In addition to that, there is a staff committee that is working on a summit to be held in late October. We will be bringing details back to the Council with some requests for assistance in funding.
- McCall – Issue is not on the MLCT annual conference but will investigate whether it can be added.
- Swanson: Check with Urban Land Institute for info.
- Bird: Cromley's request for NDO reconsideration – whole conversation about NDO revolved around same-sex relationships based on Bible and arguing about who is having sex with whom. The rest of us don't have to deal with that, which is inequality. Statements that there is

no documentation of discrimination ignore heart-felt testimony. There is no legal protection for LGBT in Montana and Billings. No specifics about what religious freedoms will be lost if City passes NDO. Questions for staff: Where are we at with facilities study? Status of Galles building? Citation for towing company trucks stored at their home; what is the problem with doing this in blue-collar community? Need to better understand why this is citable.

- McFadden: Tow truck drivers need to have their trucks at their homes – safety issue.
- Bird: Carl Bolt emailed about Sacagawea and Central Park and Little League – conflicts between City and LL.... Future Work Session topic.
- Tina Volek: Have worked with a number of people over the years. Mr. Brown is trying to get a contact going for us with another Little League. Part of the issue is unlike most cities, the Little Leagues rather than the City, run the various Leagues and gets the money that ensues from team registration and events. We do provide a basic minimum level of maintenance and then any additional, they are asked to provide. What we do ask is that they be aware of any structure that is built becomes the property of the City, and that we do have codes and requirements in terms of getting building permits. We are happy to meet with them.
- Bird: Scheels opening Sept. 6. Fed Ex has done a great construction job. Both will generate lots of traffic and can't imagine how it will all work well. Concerned that some people are saying that they will threaten the PS Levy if NDO passes or doesn't pass. Women's suffrage passed in 1920.
- McFadden: 32nd Street West over the canal. What is the status of the improvement?
- Tina Volek: Will report back to you on that matter.
- McCall: Acknowledge Cromley for drafting proposed changes to NDO.
- Tina:
 - Reminder to return parking information card.
 - Reminder that Buffalo Dedication is on Saturday, Aug 30 at the airport.
 - Community conversations tentatively scheduled: 7:00, Sept 9 at Oasis, Sept 10 at VFCU at 11am and at Little Horn State Bank on Central at 7:00.
- Bird: Would Moose Lodge allow a south side event on the 11th?
- Yakawich: Senior Center?
- Mayor Hanel: Another issue we had with the Senior Center was the Deed. It says that the improvements are the City's. Council may need to know about it and may want to change the agreement.

Public Comment: None

TOPIC #4: Public Comment on Items not on the Agenda

Public Comment:

- Dick Pence – 4307 Palisades Park Dr.: Discussion about NDO reconsideration. Long term issue and we're in this discussion as well because we realize it impacts the future of our City. Challenge CMs to read "The Homosexual Agenda." Language sometimes used is disrespectful.
- Break at 7:35 – 7:50
- Kevin Nelson - 4235 Bruce Ave: Regular Meeting on April 14 in the meeting minutes when I had a concern about Mr. Swanson's potential conflict of interest, and Mayor Hanel stated that he had faith in the Council that they were mature professionals who understood conflict of interest and would take appropriate action should it be necessary. An article appeared in the Outpost last week. Under disclosure, "My husband Al Swanson is a City Council Member in

Ward IV and I was PR person for NIOT 20th Anniversary gathering celebration in June". This is your Ordinances. Personal Interest means any interest arising from blood or marriage. Such interest and disqualifying himself/herself participating in the deliberation as well as in the voting. Mr. Swanson failed to disclose that his wife was the PR person as she claims in this article. He voted, he participated in the deliberations, and for that he violated several City Codes under Section 2-700 of our Ethics Code. I have stood here many times and will continue to stand here again when I see our Government officials having a conflict of interest, failing to disclose them, failing to refuse himself from the votes. You breech the public's trust that they have placed in you to make decisions in a good faith effort.

- Kim Woeste – 2542 Lewis Ave: Have been a Faith leader in the Billings community for over 20 years and currently working as the Chaplain at Rocky Mountain College. I drafted a letter to the City Council Members. I was not speaking on behalf of recruitment, enrollment, or retention at Rocky Mountain College but I was speaking on behalf of students and potential students of Rocky Mountain College who have expressed concern about whether Billings is a safe environment for them if they are members of the LGBT Community. I received a phone call from a newly enrolled Rocky Mountain College student who did express that concern. I shared with her that the community of Rocky Mountain College is very supportive and we will make every effort to provide for her the same fair compassionate, safe, supportive living and learning environment that we provide for all Rocky Mountain College students. The Administration has stood firmly against bullying and intolerance. If hours and hours of testimony aren't enough, what is it going to take for you to continue to consider a fully inclusive NDO for this community?
- Tom Jones – 519 Carriage Cir: Would like to thank the City Council for its time and effort regarding the NDO regardless of how you voted. Your time and effort are commendable. I may disagree with many of the items that are approved by the City Council, but I recognize and respect the sacrifices that each of the Council Members make. As a one-time elected official I know the commitments each of you make outside of these meetings and the reactions from the constituents, positive or negative that you will remember over your lifetime.
- Carol Mick – 2902 Ramada Dr: The town that I have lived in all of my life, I have done everything I could possibly do to make sure that the people I meet do not have to be afraid to walk the streets or use the bathroom facilities. I am 62 years old, a DAV Veteran, and I am wondering if maybe I have lived a little too long to see us go backwards. I am discriminated in a place I live. I don't want me or my friends to be singled out. I have good friends that have left this town because they were scared. Two tried to commit suicide. We have people who historically have done awesome things for this country. If you look into their past, they were LGBT.
- Jennifer Strong – 411 Glen Dr: CM Yakawich, thank you for mentioning the transient issue. Lived in Tulsa for a while and I went to the University there. I took a course on Mission to the Poor. As part of that, we went to all of the agencies and learned about how they served the homeless community and less fortunate. It was a great experience. I have served with the homeless for several months. One of the agencies was called the Tulsa Day Center. They provided a place during the day for people to be. There is a group of churches, a national movement called "Love, Inc." and are networking churches together to help the less fortunate. Not as individual churches but as a group. Might consider talking to your own congregations in helping the homeless if you are part of a church.
- Marty Elizabeth Ortiz – 707 1st St. W: Last week I stood before you and asked you to protect me and 6 of you said no. What I heard was, "No we are not ready to protect you. We don't understand this. We don't think that you should be protected." I was hurt by you and your decision. Then this week I saw this post from a friend and want to share. "Maybe this is completely stupid, but I feel as if I am going to cry..." You talked about how beautiful Billings

was, but this has left a bad taste in my mouth. How could you let this happen in the home of NIOT? I am asking you to do the right thing and bring the Ordinance back.

- Ben Burdick – 703 N.26th St.: I posted that article that Marty is talking about. I came out as Trans to my family, school and community about three years ago. I am now 18 years old. I have been classified as homeless for two years. I received help from several school programs as well as several different friends and acquaintances within the community. To tie in with the transient issue, there are studies that show of homeless youth, at least 40% of them identify as LGBTQ and I was one of them for the longest time. It wasn't until recently that I have my own place now. Had my own job until recently in which my transgender status became an issue and I was forced to quit. I am now looking for work in a more supportive environment. I want to thank all of you for taking the time to consider this. I want you to remember that even though you see so many people, that everyone is an individual and everyone has their own story.
- Tanner Simonson – 713 N. 26th St: I am a self-employed mechanic and I have been for the past three years since I dropped out of High School due to bullying because of my LGBT status. Even if the Ordinance doesn't come back, there is still going to be a problem. I don't want to deal with people judging me because of something I can't change.
- Kari Beebe – 712 N. 26th St.: In response to the Reno homeless problem. I lived there for four months but what I was reminded was the Reno Sparks Mission. It is not just a non-profit, it is a Christian organization. They gave over 4,000 hot meals last year and a few thousand shelter beds. The Reno Gospel Mission was started in 1964. The Montana Rescue Mission came to Billings in 1955. It was called Christ's Rescue Mission. I do feel like the Council has given this NDO an extensive amount of energy, time and resources. I do see that there are so many pressing issues before our City. You have such a great responsibility on your shoulders and I appreciate this. This whole process has truly intrigued me. I do appreciate each one of your service as you have contemplated this. The less fortunate needs your help. To the ACLU, you have provided a lot of orange shirts and buttons and I would extend the challenge to go ahead and give money towards this problem in Billings. As for me, I haven't had money to go and get a decent colored shirt with a lot of advertising on it. My funds go to the Rescue Mission and to help people in desperate situations. I want to give my money to people that are really going to help the community. That is my challenge to the ACLU. Let's partner and take care of this homeless problem.
- McFadden: What percentage of the homeless people are down on their luck and would like to get back on their feet, compared to the percentage of the "inebriates"?
- Kari Beebe: I can't give you that answer. I do know there are a lot of success stories. For an individual I have called for help from the Montana Rescue Mission before to see if they could get in, I was told "they have been given chance after chance and they have come back inebriated and that is against our rules". That was my personal experience.
- Bird: Did Reno have a place where people could go instead of wandering around the City?
- Kari Beebe: I know that the Gospel Mission is just like our Rescue Mission. They have the beds and hot meals. In Reno there are men shelters as well as a women's shelter which is similar to Billings. Billings as small as we are, does such an exemplary job comparatively, but Reno has such a larger problem because of the gambling.

ADJOURN TIME: 8:15