

City Council Work Session

July 16, 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, Boyer, x Jones, x Clark.

Boyer was excused.

ADJOURN TIME: 7:55 p.m.

Agenda

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

- No comments, however, City Administrator Volek requested to add an item to the Agenda: Cottonwood Park and school board meeting, which will be item #8.

TOPIC #2	<i>Board and Commission Reports</i>
PRESENTER	
NOTES/OUTCOME	

- None

TOPIC #3	<i>Zoning Text Amendments (Casino Overlay District)</i>
PRESENTER	
NOTES/OUTCOME	

- Candi Beaudry: talked with Council in April about a proposed code and Council asked staff to proceed with revisions to zoning code. Used restrictions that were in proposed ordinance, and mapped them and assess the impacts. Definitions; overlays with separation requirements from schools, parks, etc, from residential uses and from each other; allowed in most commercial zones; still require a special review; prohibit casinos where motor vehicle fuels are sold.
- Councilmember Clark: 20 machines? Definition should include any number of machines, not exactly 20.
- Candi Beaudry: do you really want to capture the 2 machine casinos?

- Councilmember Ulledalen: Bozeman casino avoided the definition by installing 19 machines.
- Councilmember Stevens: agree
- Councilmember Veis: how many with fewer than 20?
- Alyshia Banks (planning intern): if 10 machines, 9 casinos would be added to those covered by the definition, if 5 machines, all but four would be included in the definition. Five factors define casinos, and any that are met defines the business as a casino, but if you want us to drop the number of machines, we can do it.
- Councilmember Veis: price of licenses will require a lot of machines, but lets define with fewer machines.
- Candi Beaudry: we'll move it to 5 machines. Map shows where the casinos are located and where there are separation limits. Few areas available for the casinos if we use these separation limits; along interstate, downtown because we have waived separation in that area and it carries forward in this code and small area in the Heights. Recommendation is for six areas for overlays, including the "downtown" area, east to MetraPark.
- Councilmember Veis: allow a casino outside of overlay?
- Candi Beaudry: No and any present ones outside the overlay would be nonconforming, so they could not be replaced or expanded.
- Councilmember Ruegamer: none on Grand?
- Candi Beaudry: no, they all fail the separation limits. Red Door might qualify and any individual property that meets the separation requirements could apply to create an overlay zone even if outside of the recommended zones.
- Councilmember Ruegamer: if we don't allow casinos along Grand, there would be a lot of empty buildings. Overly restrictive on where businesses can locate?
- Councilmember Brewster: nonconforming use doesn't go away, so the overlay would protect the value of the existing ones.
- Councilmember Veis: proposed overlay areas – need to find other ones that can be created, such as on Grand and more space on Main Street. Don't want to make over 70 nonconforming businesses. Need to disburse the "clusters".
- Alyshia Banks: restrictions shown here reflect where we have restricted or allowed alcohol service on site.
- Councilmember Veis: clusters are fine but there needs to be better distribution around the community. It doesn't seem like the clusters are very well designed.
- Councilmember Stevens: over saturate the downtown with casinos?
- Mayor Tussing: philosophy question is do we want them clustered or not and if we do, do we want them disbursed over the community?
- Councilmember Ulledalen: complaints come from residents, and we don't get complaints that there aren't enough casinos. Casinos can run off other businesses. These restrictions protect residents and those businesses. We have the opportunity to define what we will have on Shiloh (for example). A collection of casinos will tend to drive off other types of businesses. You tend to define an area by what type of businesses you allow in their first. We need to set standards.
- Councilmember Brewster: should make this decision based on defensible, objective criteria or we subject ourselves to lawsuits. Need to buy into the criteria.
- Councilmember Stevens: Ed; OK for you because you wouldn't get any new ones in your ward.

- Alysia Banks: May not be a cap on gaming, but there is on alcohol service permits. In 2002, the Department of Revenue combined gaming establishments and liquor licenses. Prior to 1985, there was no gambling in MT. Twenty five years ago, there were only two states in the US that had legalized gambling. Today, only two states (Utah and Hawaii) do not have gambling. Responsible gaming devices – comparable to seat belts in cars; at one point we’ll decide that we want more responsible gaming, just like society decided that we wanted seat belts.
- Councilmember Stevens: let Planning play with residential or other limits so that more areas on Grand and Main can have the casinos.
- Councilmember Ulledalen: want to protect residents. We’ve let the alcohol service and casinos creep and we need to have tools to control it.
- Candi Beaudry: we’ll look at lower residential limit (100’) and see if that gives us more clusters such as on Grand and Main.
- Councilmember Gaghen: Will east TIF allow them?
- Candi Beaudry: Yes, the County has rejected casino overlay districts.
- Councilmember Ulledalen: not restricting how many casinos there are or how much gambling there is, but saying how we want our community to look and to function in the future.
- Alysia Banks: presented more stats about gaming in US and Montana.
- City Administrator Volek: staff will bring proposal forward.
- Councilmember Veis: add to definition; if more than 60% of revenue is from gaming, you’re considered a casino.

TOPIC #4	<i>Central Business District Sign Code Amendments</i>
PRESENTER	
NOTES/OUTCOME	

- Aura Lindstradt: presented this at a March work session and has updated according to your comments. Three alternatives: urban design committee, a property owner/sign committee and staff recommendation which has no significant changes other than allowing more projecting and wall signs. Showed pictures of what the building identifier signs would look like if that proposal was adopted. Urban design committee would have made signs more restrictive, including not allowing signs above 2nd floor and a 5 year amortization on existing, non conforming signs.
- Councilmember Clark: why no signs over 2nd floor?
- Aura Lindstradt: downtown should be pedestrian oriented and pedestrians don’t look up. Property owners say they should be allowed on landmark buildings like Wells-Fargo and FIB.
- Greg Krueger: developers needed clearer regulations and wanted to allow projecting signs on Broadway like are allowed on Montana Ave. Urban design committee went a little wild and got really restrictive. DBP does not endorse the urban design committee proposal. Property owners countered with very liberal sign regulations. Alternative 3 is similar to what DBP initially wanted – projecting signs and a little more wall signs.
- Aura Lindstradt : option three allows projecting and wall signs of any size as long as they fit within the maximum allowable sq. ft. for the property.

- Councilmember Veis: what was in the packet?
- Aura Lindstradt : option 1 was in the Friday packet, option 2 was handed out tonight and option 3 still needs to be developed.
- Councilmember Stevens: consensus is for option 3?
- Greg Krueger: yes, DBP support, including the owner of the W-F building as long as that sign could be considered legal but nonconforming.
- Councilmember Gaghen: corporate entities require certain signs?
- Greg Krueger: yes, but the Crowne Plaza sign is the max allowed by corporate and it is smaller than allowed by our present code.
- Councilmember Gaghen: plastic trees at casinos considered signs?
- Aura Lindstradt : no they're landscaping.
- City Administrator Volek: move forward with option 3?
- Consensus: yes

TOPIC #5	<i>Code Enforcement Letter Update</i>
PRESENTER	
NOTES/OUTCOME	

- Candi Beaudry: took a stab at modifying the code enforcement letters to make them less offensive.
- Councilmember Stevens: don't like "courteously"
- Consensus: agree.
- Councilmember Stevens: vast improvement and like that we're appealing to civic pride.
- Councilmember Veis: "request" too weak when we really mean that it has to be done.
- City Administrator Volek: we'll revise and put in Friday packet and will start using it unless told to do otherwise by Council.
- Consensus: OK

TOPIC #6	<i>Charlene Street Fencing Update</i>
PRESENTER	
NOTES/OUTCOME	

- Dave Mumford: bike trail starts in Heights and wraps around water plant. Homeland Security required City to build new fence between plant and trail. Bought 2 houses, tore them down and restored the land. Don't allow vehicles and don't sign it as park or for public use but do allow public access. Shows photos of the property and other water dept. property where public access is allowed and property is maintained. \$11,500 cost to fence front and back of the property on Charlene, with gate so we can maintain the

property. Would not allow any public access to the land and would make maintenance more difficult. Want to continue buying adjacent land when it becomes available.

- Councilmember Ruegamer: looked at the property and owner approached me. Didn't know that we wanted to buy more property. Thinks that the landowner has given up a little on city fencing the property. Initial concern was that kids would play on the property. Owner has 5 dogs that protect the land.
- Councilmember Stevens: putting in lots of trails and they do cause some problems. We need to recognize that. This lady had goats poisoned.
- Councilmember Ronquillo: Fence does not need to be installed. Dogs protect the property. Lots of traffic due to the trail but little or no night use. Mystic park: had to install no camping signs but the bike path isn't the reason why there was camping or that the goats were poisoned; family disputes and criminal element lives in the neighborhood.
- Councilmember Ruegamer: no sidewalks in the area so the trail is the only pedestrian facility.
- Councilmember Gaghen: does not understand the perceived threat and there are other factors that are causing the problem that the owner experiences.
- Councilmember Clark: problems were there before the trail was built or city bought the lots; no fence.
- Consensus: do not construct a fence on the Charlene St. property owned by Water dept.

TOPIC #7	<i>City Website Design</i>
PRESENTER	
NOTES/OUTCOME	

- Introduction by Bruce McCandless
- David Watterson: handouts are the powerpoint presentation and the council goals. Reviews Council strategic focus and 2 goals. Staff response to the goals, initially from ITAC and IT staff. RFP and committee that included CM Stevens, recommend that contract be awarded to CivicPlus. Company has developed over 200 websites, mostly for local governments and non profits.
- Councilmember Gaghen: how do emergency notifications get posted?
- David Watterson: communications center can do it, police, fire, etc. Flexible entry.
- Councilmember Jones: convinced me, show me the dollars
- David Watterson: continues with showing features; costs and savings; 4 possible financing methods but recommended one draws from a variety of budgeted sources in the GF and IT.
- Consensus: bring the purchase and financing method including Council Contingency to the August 13th City Council meeting.

Additional Information:

- City Administrator Volek: School board is considering buying 10 acres in Cottonwood Park as was envisioned when the Forbes' donated the land to the City. On the school board agenda tonight. Planning to offer the City \$200,000 but that is probably low by today's land cost comparisons. Seeking authority to obtain a market analysis of land value and to negotiate with the District for the price and location of 10 acres. Consensus: agree.
- Mayor Tussing: Frances Harris didn't hear me offer public comment at the beginning of the meeting. Will Council allow her to comment now? Yes.
Frances Harris: bus schedule changes are all wrong. Causes students and workers to arrive late. Doing this because Transportation Dept. is requiring it? Don't do it.

City Administrator Volek: explains that bus schedule changes are required due to an arbitrator's ruling that says bus drivers get 15 minute breaks. No choice but to change schedules. Trying to do as little damage to ridership as possible, but have to comply with arbitrator.