

# City Council Work Session

March 15, 2010  
5:30 PM  
Council Chambers

## ATTENDANCE:

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

ADJOURN TIME: 7:10 p.m.

## Agenda

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

- **Dennis Himmelberger, 233 Swords Lane** advised that he appeared at an October meeting to complain about a parking problem near a property he owned, and to date, nothing had changed and was probably worse with garbage and the fact that the street had not been swept for about three years because it was always full of parked cars. He said property owners in that area were concerned with the negative impact on their property values. He stated that his corner lot had approximately nine parking spaces around it, but there was never an empty space and he was fortunate to even get in and out of his driveway. He said there seemed to be some confusion with law enforcement regarding how far cars needed to be parked from driveways. He stated that his property was zoned residential, but it did not do any good if a business a block away encroached on that zoning. He referred to regulations in place for home businesses regarding signage, deliveries, parking, etc., that were in place to protect neighborhoods, but he believed the business located a block away had a negative impact on the residential neighborhood. He stated that he did not believe anything had been done since he spoke about the problem in October.

Ms. Volek advised that she had not heard about the garbage complaint and would follow up on that. She explained that the business in question was working in an appropriate zone and had not gone through a significant change to trigger a review for additional parking. She advised that Councilmember McFadden visited with the business owner and a law enforcement officer checked the area, but found no violations, although that was during the afternoon and the problem could be more prevalent in the morning. Ms. Volek reviewed options: two-hour parking, which would also subject residences to that restriction, or a residential parking district that required parking permits.

Councilmember Ruegamer stated that he tried to visit with the business owner but had not been able to make contact with him. He said the problem was with about five neighbors. He said he was going to ask the business owner to have students park farther down the street to leave some spaces at the residences. He said he preferred the two-hour

parking option. Mr. Himmelberger said one of the problems was that the classes turned over at least annually and it was difficult to educate each group of students. He added that the problem had been ongoing for about three years and he had talked with the business owner numerous times. Councilmember Gaghen clarified that the area was on Custer, between 9<sup>th</sup> and 10<sup>th</sup> Street West, and the business referred to was a cosmetology school.

Councilmember McFadden said he asked the owners if the students could park in the vacant theater lot across the street, and the business owner indicated that the students did not want to cross Broadwater Avenue.

Councilmember Pitman asked if the two-hour parking could be in place during limited hours. Ms. Volek advised that she would talk with staff but it probably needed to be initiated by a Council initiative or action by the neighborhood. Councilmember Ulledalen asked about the cost of enforcement. Ms. Volek explained that although the parking enforcement had been expanded and it would be prohibitive to send one individual to that area, it would be done if directed. Mayor Hanel commented that the issue would be followed up by staff and whatever was done would affect property owners too so it would be approached carefully.

- **Kevin Nelson, 4235 Bruce Avenue**, provided a handout relative to his testimony at the previous week's meeting. He said his concern that evening was about emails that week regarding the quick response vehicles and the budget. He referred to a comment from Councilmember Ruegamer that indicated it was not a cost-saving issue, but about a feud between the administration and firefighters. He said he wondered why \$300,000 had to be thrown around to settle a grudge match and he would like to see more integrity from the Council.

Councilmember Ulledalen explained the budget issue, the vehicle size and operations. He advised that departments prepared business plans to determine cost-savings measures and efficient use of resources and the fire vehicle was one attempt to do that.

Mr. Nelson expressed his concern with the content of emails about the fire truck issue. Councilmember Gaghen clarified that the emails Mr. Nelson referred to were in response to negative comments from one resident, and some of Mr. Nelson's comments were taken out of context.

Councilmember Astle referred to Mr. Nelson's complaint the previous week about loud cars and stereos. He pointed out that the ordinance controlled exhaust noise and not stereos.

- **Bill Schaaf, 940 Custer**, stated that his yard was an ocean of garbage, and students parked in front of driveways. He added that he called the school regularly to ask students to move their cars. He said the original intent of the shopping center had changed and he felt it should have had to go before the Council with a parking plan.

Councilmember Ulledalen asked how any restrictions would impact the neighbors. Mr. Schaff explained that most residents were renters and parked on the street as well. He added that the owners of those rental properties did not live there and did not care about the problem.

Councilmember Astle asked about painting the curbs so it was clear where parking was not allowed. Deputy Public Works Director Vern Heisler advised that painting the curb cuts could become a big task in addition to the painting required for

main streets. Councilmember Gaghen asked if pylons could be placed on the street to keep people from parking to allow street sweeping. Mr. Heisler was unsure if that would work.

Councilmember Ruegamer said he wanted to know what could be done instead of what could not be done. Ms. Volek explained that cosmetology schools were regulated by the State and it was possible to talk with the regulatory body about enrollment and the parking problems. She added that the owner of the school also owned some properties in the area, which was a complication with any traffic issue.

Councilmember Ruegamer asked Mr. Schaff for his suggestions for a solution. Mr. Schaff stated that the four nearby properties owned by the cosmetology school owners could be demolished and turned into a screened parking lot. Councilmember Clark asked how much remodeling would prompt a parking review. Ms. Volek said it had to be 25%. Mr. Schaff stated he felt that almost the entire first level, with the exception of the cosmetology school, had been remodeled and it seemed to him it would be at least 25%.

There were no other speakers, and the public comment period was closed.

<b>TOPIC #2</b>	<b><i>Healthy Places Committee Report</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Tracy Neary explained that she served as Director of Mission Outreach and Community Benefit at St. Vincent Healthcare and introduced Hillary Harris and Jennifer Pinnow of Riverstone Health, and (*name inaudible*), a support partner from Billings Clinic. Ms. Neary explained that the Council’s strategic priorities aligned with the Healthy Places Initiative. The group’s presentation included history and studies that led to the initiative, results of the community health assessment, and upcoming activities that included: healthy by design luncheons, a complete streets workshop, and a business nutrition policy survey.

Councilmember McCall stated she supported their work and noted that it tied in closely with results from the citizen survey. She said the Chamber, City, County and Big Sky EDA were scheduled to review joint priorities at a meeting scheduled the end of April and she predicted that would be part of the conversation.

The public comment period for the item was opened.

- **Kevin Nelson, 4235 Bruce** referred to the City code regarding noise, and stated that the excessive noise impacted his health. He suggested the Council address noise issues if it wanted a healthy community.

<b>TOPIC #3</b>	<b><i>Landfill Gas Project Update</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Rick Reid, Regional Manager of Montana Dakota Utilities introduced David Hood, Gas Superintendent and Project Manager of the landfill gas project. He advised that the testing and

engineering work was complete, and drilling began at the landfill the previous week. He said 40 wells were active, and the plan was to drill a total of 60 wells. He said it was working well and as planned, and invited councilmembers to tour the site. Mr. Reid advised that a gathering system would be installed the week of April 5 and would take about eight weeks for completion. He said the expectation was to have gas in August. Mr. Hood advised that the results of three test wells drilled a year ago had met expectations. Councilmember Clark asked if the drills were capped after being drilled. Mr. Hood explained that the holes were drilled and sealed until the gathering was complete.

Councilmember McCall asked about the projected capacity. Mr. Hood advised that the expected flow was about one million cubic feet per day, and in a year's time, 4000 homes could be heated. Mr. Hood explained that the proposal was to drill 240 wells, throughout different parts of the landfill over the course of the 40 years.

Councilmember Pitman asked when the City could expect to receive funds. Mr. Reid advised that the gas flow should start in August and revenue would be paid about 30 days from the start date.

Councilmember Gaghen acknowledged the partnership with the City and MDU and pointed out that the Billings project was the only one in the state. Councilmember McFadden asked if there was any national publicity on the project. Mr. Reid said there was none yet, but a big grand opening was planned. Mr. Hood added that there was some interest from around the country and Canada.

Ms. Volek reported that Mr. Hood also served on the Energy and Conservation Commission and the Development Process Advisory Review Board, in addition to his efforts with the gas wells to generate revenue for the City.

The public comment period for the item was opened. There were no speakers, and the public comment period was closed.

<b>TOPIC #4</b>	<b><i>Planning Division Mill Levy</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Planning and Community Services Director Candi Beaudry explained she was asking for support to place a 1 mill planning levy increase on the county ballot in November, 2010. She provided background information about the Planning Division revenue shortfall and how it had been addressed to date. Ms. Beaudry explained that when the request for the increase was first brought up, the Council indicated it wanted the cost of services study done before considering the mill, but that study was never completed and business plans were developed for each department instead. She stated that the business plan indicated that a serious shortfall would be faced without additional revenue.

Ms. Beaudry clarified that the request was not for additional staff, but for support of community planning. She provided data regarding the current mill levy revenue and stated that the current dollars enabled a federal transportation grant match of \$500,000, even though the City was eligible for much more but did not have the required matching funds. She added that \$163,000 was actually rescinded due to the lack of matching funds. She explained that fees were relied on for funding, but were unpredictable and resulted in unpredictable community planning.

She stated that developers were paying for costs of services that impacted the entire community and were likely paying more than their share.

Ms. Beaudry explained that the planning staff had been reduced and could barely keep up with the regulatory work load and could not take on additional projects. She added that when building activity increased, the current staff would not be able to keep up with the increased workload. She emphasized that the mill increase was not about staff, but was about community planning. Ms. Beaudry pointed out that five of the Council's strategic plan goals were ones that Planning could help with. She stated that Billings was recognized as a progressive and inventive city with a high quality of life, but many citizens expected improvement in the community. She advised that one mill was not a big price to pay for what could be provided, and that one mill amounted to \$3.50 for a house assessed at \$200,000. She requested the Council's support of putting the mill levy on the ballot.

Mayor Hanel asked if it was correct that if the levy was successful, the increase would provide more leverage for federal grants. Ms. Beaudry responded that was correct and displayed a graph of the revenues that would be collected with the increase. Mayor Hanel commented that support from the County Commissioners was critical. Ms. Volek explained that she and Ms. Beaudry had visited about that with the Commissioners, and they indicated they wanted the Council to lend its support first. Ms. Volek expressed her concern that the Planning Division could have additional staff reductions, and when the economy rebounded, the development community's reaction would not be favorable when their demands for review and approval could not be met.

Councilmember Ulledalen asked how much federal funding could be leveraged with the additional mill. Ms. Beaudry explained that with fees and property tax, it could leverage about 50%. Councilmember Clark asked if the County had the final decision. Ms. Beaudry said that was correct, but since 90% of the population lived in Billings, the Commissioners wanted the Council's support.

Councilmember McCall expressed her support and said a stable source of funding was needed to maximize the federal money.

Councilmember Ruegamer stated that the public needed to understand the issue and needed to know what the revenues were and the sources of that revenue. He said it needed to be very specific how the money would be spent.

Mayor Hanel asked how much grant money was not used because of the lack of matching funds. Ms. Beaudry said it was about \$600,000.

Councilmember Ulledalen asked if DPARB or others in the community were consulted about how to get the increase passed, and if alternatives had been discussed. Ms. Beaudry said DPARB had been reviewing the issue for about four months and the response from the development community had been positive. Mayor Hanel mentioned that the issue had been discussed both locally and statewide.

Ms. Volek advised that a resolution of support would be on the April 12 Council agenda.

Councilmember McFadden asked Ms. Beaudry to explain the benefit of planning that could help the economic health of the community. Ms. Beaudry provided a brief explanation that focused on predictability for developers.

Ms. Beaudry reviewed the timeline to get the issue on the November ballot. She said campaigning would not be allowed, but information could be presented to the public.

The public comment period for the item was opened.

- **Marty Connell, 2903 Radcliff Drive**, advised that he had worked with the Planning Department and had a great relationship with it. He said economic times were tough, but a good planning department was needed. He stated that he felt the development community would support the increase, but support was needed from the City and County first.

Councilmember Cimmino asked if the Town of Broadview would participate. Ms. Beaudry explained that Broadview was served by the City/County Planning and would be asked to participate.

- **Susan Gilbertz, 850 Delphinium**, stated that she had been serving on the Planning Board for a year now and was startled to learn that federal money was left on the table. She said she felt she was an average Billings resident, demographically, and felt like the mill increase made sense. She encouraged the Council’s support of the increase.
- **Donna Forbes, 1116 8<sup>th</sup> Street West**, said she had been on the Planning Board for about seven years. She said the Planning staff was phenomenal. She explained that the Planning Board met twice each month, and the Board’s enthusiasm and knowledge was remarkable. She said she agreed with everything said by Mr. Connell and Ms. Gilbertz, and asked for support of the increase.

There were no other speakers, and the public comment period for that item was closed.

<b>TOPIC #5</b>	<b><i>Disposal of Parkland</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Parks Planner Mark Jarvis reviewed a flow chart of the proposed process to dispose of unused parkland. He reviewed the evaluation matrix that could be used to determine whether or not a particular park should be disposed of. He advised that the Parks Board reviewed the proposed procedure and agreed with it. He said the recommendation was to do a trial run with three properties in the fall. He added that the three properties had not yet been identified.

Councilmember Astle asked if the option of a park district would be offered to the residents in the area of a park that could be sold. Ms. Jarvis explained that could be possible, but they had to be clear about the choices because once the park was sold, it would be gone forever.

Councilmember McFadden asked where the proceeds from a sale would go. Mr. Jarvis advised that guidance was needed from Legal and Planning on that.

Councilmember McCall stated she felt the process was long overdue and pleased it was developed. She asked about time needed to get through the trial run. Mr. Jarvis said that was uncertain, but the first three properties should be easily identified and a recommendation could be made to Council by spring 2011. He said the staff review could be quick, but the multiple steps in the process would likely take three to six months to complete.

Councilmember Pitman advised that he was at the Parks Board meeting when the issue was discussed, and felt that waiting until the public hearing to disclose the PMD or SID options was too late. He suggested having that near step 3 of the process shown on the flow chart. Mr. Jarvis said that a recommendation would be developed, and then the public would be informed of the recommendation and options. Councilmember Ulledalen stated it did not have to be an all or nothing decision. He said creative thinking could be used such as selling part of a park and using

the money to develop the remainder. He said he felt something like that would generate more neighborhood support.

Councilmember Ulledalen suggested a maintenance district for undeveloped parkland that was being mowed.

Councilmember Gaghen commented that in early fall 2002, the City tried to randomly sell property, but the proposed process was better and would provide information to the public.

Ms. Volek explained that parks came to the City by a State law that developers had to give the City 10% of the land as parkland. She said in recent years, a closer review was conducted and if the donated land was not suitable for parkland, developers were encouraged to put funds toward development of another nearby neighborhood park.

Ms. Volek advised that staff suggested the review of parkland every three to five years. Councilmember Ulledalen commented that historically, changes in the neighborhoods or City staff resulted in the project being dropped, so credibility had to be rebuilt.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

Additional Information:
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