

City Council Work Session

September 18, 2006

5:30 PM

Community Center

ATTENDANCE:

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

CONVENE TIME: 5:30 P.M.

ADJOURN TIME: 9:00 P.M.

Agenda

TOPIC #1

PUBLIC COMMENT

PRESENTER

NOTES/OUTCOME

- KURT SIGMAN OF 1695 VIEWCREST said Sheriff Maxwell is allowing convicts and inmates to use North Park for recreation. He asked why they guard the prisoners taking them to and from the park but do not guard them while they are at the park. Mr. Sigman said he finds it disturbing that inmates are allowed to use the park without supervision.
- JOE WHITE OF 926 N. 30TH said he objects to the process used to sell the property at 4th & Broadway. He presented his written statement to the Council.
- BILL KENNEDY OF 902 PARKHILL said he supports the CTEP project. He said the 12th Street ditch in Laurel is crossed by a foot bridge which will hopefully be replaced at a cost of \$54,000.
- DAVE BROWN OF 544 WIGWAM TRAIL said the Public Safety Mill Levy has discrepancies including the cumulative and permanent amounts. He gave the discrepancy amounts for each year starting in 2006 until 2010.
- CLAYTON FISCUS OF 1111 MAIN said he would be glad to do a presentation for the Council. He said his issue is that the ballot language is deceptive. Mr. Fiscus asked the Council to invite “them” to a meeting in order to “put on their show”.
- BRITTON FRISBY OF 1687 VIEWCREST said she has concerns regarding the Silverleaf Center housing with unguarded inmates during the day and allowing the inmates to spend time at North Park. Ms. Frisby said she knows these are “low risk” inmates, but said that does not take away from the fact that they are inmates. She asked that the inmates being treated at the Rimrock Foundation be guarded at all times while out of the center.
- SHIRLEY MC DERMOTT, NO ADDRESS GIVEN said the County inmates are turned over to the Rimrock Foundation and then allowed to roam the park with only counselors to supervise. Councilmember Ronquillo asked whose liability would cover an incident in the City park with a County inmate. City Administrator Tina Volek said the Sheriff and/or County are liable. She

added that these inmates are in the custody of the Sheriff's Dept. Ms. Volek said she was informed by the Sheriff's Dept. that they are misdemeanor violators who are being treated in this program rather than being sent to other programs in the State. Councilmember Stevens said there are many people coming and asking for help and asked what can the Council do to help them? Ms. Volek said in other states, the Sheriff's Dept. would have considered it totally its responsibility. City Attorney Brent Brooks suggested the citizens acquire the agreement between the County and the Rimrock Foundation to see who is responsible. He said the City cannot tell the County what to do, but the City can look at the agreement and express concern to those in charge.

- PATTY DRISCOLL OF 724 N. 16TH said she thinks people are “over-reacting” to the inmates in the park. She says the treatment process will save the people money in the long-run because they won't have to pay for incarceration.
- SUE DUNCAN OF 939 ½ N. 24TH ST. said there have been two Gazette articles on this subject, which gave the details of the treatment center. She said these are low-level criminals that are hand-picked and only 8 people at a time are in the center. Ms. Duncan said there are work-release inmates working actual jobs. If the inmates visiting the park need guards, then they should also provide guards for all work-release inmates.
- CLIFF DECKARD OF 2121 8TH AVE. N. said he lives next door to the Rimrock Foundation house. He said he is not in favor of inmates playing basketball in the park. Mr. Deckard also said there are code violations at Rimrock Foundation. He listed the 10-minute parking violations, and the required fencing around the facility as violations. Mr. Deckard stated that he notified Code Enforcement and was told that they don't enforce those violations. Planning Director Candi Beaudry said the use is allowed in the Residential/Professional zone where Rimrock Foundation is located. She said screening is a typical condition for special review and added that Planning is keeping a “close eye” on the Rimrock Foundation to make sure they meet the code requirements.
- ROB PASCAROLA OF 1810 CHANDELIER CIR. spoke on the Big Ditch Trail easement from his house to the Trail. He said the original plan for the easement was to make a connection to the Big Ditch Trail. Mr. Pascarola said the neighborhood children could use the connection as a safe route to school. He encouraged the Council to move forward on this trail connection.

TOPIC #2	Board & Commission Reports
PRESENTER	None
NOTES/OUTCOME	
TOPIC #3	Update on Cobb Field and Public Safety Mill Levy
PRESENTER	John Brewer & Bruce McCandless
NOTES/OUTCOME	
<u>Cobb Field Presentation</u>	
<ul style="list-style-type: none"> • Chamber of Commerce President John Brewer said he is co-chairman along with Randy Bishop and Gary Roller of the Mustangs, of the new ballpark committee. He said they are a private political action committee (PAC) that has been formed with private money in order to achieve a “yes” vote on the new ballpark project. He said Jeff Ballard, Rick Devore, Jim Duncan, Karen Sandford-Gall, Michael Gray, Michael Golleg, Woody Hahn, Scott Hudson, Roger Huebner, Bruce McIntyre, Brian Stiller and Barb Rupp-Ryan are the committee members. Mr. Brewer said a lot of time has been spent on fundraising, noting they have collected 1,000 support signatures which have been entered into a database. Mr. Brewer said they encouraged the supporters to register to vote or to sign up for absentee 	

ballots if necessary. He said they have produced a fact sheet with answers for the community regarding the new ballpark. Mr. Brewer said they have also produced 1500 yard signs, 57,000 direct contact cards and flyers, set up a website www.ournewballpark.com, along with T-shirts and walking billboards. Mr. Brewer added that they have produced 10 and 30-second TV spots. Mayor Tussing asked the size of Mr. Brewer's budget. Mr. Brewer said their budget is \$80,000 to \$100,000 with a lot of in-kind support.

- Randy Bishop showed the Council a PowerPoint presentation which he said has been given to service clubs and any interested groups. Mr. Bishop said he had 112 Rotarians at the field today to see the presentation. He noted said the ballpark is home to the Mustangs, the MSU-Billings Yellowjackets and the American Legion's Royals and Scarlets. He listed the current deteriorating conditions at Cobb field:
 - Poor drainage in the field
 - Out-of-date irrigation system
 - Stairways
 - Grandstands
 - Structural issues
- Mr. Bishop said the City has spent nearly \$2 Million over 20 years for "band-aid" repairs. He said the new ballpark to be established after the November 7th vote will have a \$1 Million repair/maintenance trust. Mr. Bishop said the Billings Mustangs are affiliated with a major-league baseball club which has set the guidelines for the stadiums of the minor-league baseball teams. He said the proposed ballpark meets the minimum requirements of the league. Mr. Bishop explained there will be 3500 fixed seats in the new stadium, compared to the current 3600 seats. He noted the new plan has over-flow seating in the grass berms. Mr. Bishop said the construction phase will be spread over 2 baseball seasons or 15-months, adding that a recessed field costs less to construct than building a multi-storied stadium. Mr. Bishop said the plans comply with the American with Disabilities Act (ADA). He noted that the stadium can be used for more functions than just baseball, adding that the ballpark is a "tourist magnet".
- Mr. Bishop said Billings needs to win a bond issue and this bond will cost less than most people have heard. He said the average homeowner of a \$150,000 home will pay about \$2.00 per/month, which is not cumulative or permanent. Mr. Bishop said the Cincinnati Reds will not pay for the stadium, but will put a lot of money into the community - about \$625,000 a year in salaries. He said the Billings Clinic has volunteered to share its parking lots, since most of the games are in the evening. Mr. Bishop said a survey shows 52% of the voters would vote "yes" on the ballot at \$13 Million.
- Councilmember Veis asked that they let people know it is the Council that can reduce the bond below \$12.5 Million. Mr. Brewer asked if the Council would like that slide eliminated from the presentation. Councilmember Veis said not to remove the slide, but that it just may not be true.
- Councilmember Ronquillo asked if there would be water table problems with the recessed ballpark. Mr. Brewer said the engineers told them they can go 8-9 feet down without any problems. Interim Parks and Recreation Director Gene Blackwell said that two test wells have showed water well below 13 feet. Mr. Brewer said the grass berms which would be created from the recessed field, would hold about 1,000 spectators as over-flow seating. He added that a new ballpark would be an appealing addition to our community. Councilmember Gaghen complimented the committee on its excellent work toward building a new ballpark.

Public Safety Mill Levy Presentation

- Fire Chief Marv Jochems said the following presentation has been made "all around the

community”. He said the presentation has been changed several times because of positive feedback from the community. Chief Jochems said the levy presentation made in 2004 “could’ve been done better”.

- Deputy City Administrator Bruce McCandless said his portion of the presentation represents the City fund structure with various charts and graphs. He emphasized that only the police, firemen, emergency communications and animal control are paid out of the public safety fund. Mr. McCandless said the market value of property has increased 16.6%, but the taxable value has only increased 4.1%. He added that property taxes equal only 37% of the total General Fund revenue. Mr. McCandless said the City Charter caps the number of mills that the City can levy. He pointed out that the City is growing but there will be fewer public safety personnel if this mill levy is not approved. Mr. McCandless stated that the average \$200,000 home has a tax bill of \$2,610, but only \$600 of that amount is levied and of that amount \$500 is for the Public Safety levy.
- Captain Joe Bryce from the Police Dept. said the Public Safety levy funds go strictly for public safety. Capt. Bryce said in 1974, there were 101 officers with 34,765 calls for service. He said currently there are 126 officers with 60,505 (estimated) calls for service in 2006. Capt. Bryce noted that, “if we lose the levy, the Dept. would have to cut \$2.2 Million from the budget and eliminate 30% of the Dept.” He said if the levy is lost the following could result:
 - Response time will be increased
 - Eliminate and/or prioritize calls
 - Eliminate School Resource Officers
 - Less detectives and
 - Fewer Housing Authority Officers
- Chief Jochems said in 1974 there were 112 firefighters covering 18 square miles with 1500 calls and a 4-minute response time. He said currently there are 110 firefighters (which includes 6 new hires from the 2004 mill levy) covering 84 square miles with 11,000 calls and an 8-minute response time. Chief Jochems said the new fire station will cost about \$1.5 Million. He noted if the levy does not pass, it will mean a reduction in force by 37 firefighters. Chief Jochems said if he has to cut \$2 Million he will not cut equipment necessary to do the job. He added that he would have to close 2 fire stations because he would not have the personnel to man the stations. Chief Jochems said the response time would continue to lengthen, property loss per capita will increase, rescue and EMS response time will slow, and insurance costs may increase. He said the Fire Department’s 5-year plan is to build an additional West-end Station, add 15 firefighters and add a fully equipped engine.
- Ms. Volek explained to the Council that after speaking with Attorney General Mike McGrath, he says he did not intend to say that elected officials cannot express their opinions; they just cannot use public money for things like brochures advocating a position.
- With the presentations and discussion completed, Mayor Tussing called for a short recess.

TOPIC #4	CTEP Projects
PRESENTER	Nick Bailey & Candi Beaudry
NOTES/OUTCOME	
<ul style="list-style-type: none"> • Transportation Planner Scott Walker said the Planning Dept. would present the background and the future plans for CTEP. He said there are 7 projects on the docket this year. Mr. Walker said the following steps are the process the Dept uses: 	

- Press release in June announcing funds available
- 60-day application period; a government sponsor is required
- 7 applications this year: one in the County, one joint project and 5 in the City
- Review process
 - Technical Advisory Committee (TAC) review and recommendation
 - Planning board review
 - Board of County Commissioners (BOCC) review
 - City Council review
 - Montana Dept. of Transportation (MDT) review
- Mr. Walker said CTEP has \$1.6 Million in requests, while he currently has about \$581,000 available this year. Mayor Tussing asked if any group could apply. Mr. Walker said anyone can apply with a government sponsor since they are using Federal money. He added that any project within the City limits would require the Council's approval. Mr. Walker noted the City becomes responsible for long-term maintenance of the CTEP Projects.
- Staff Engineer Nick Bailey made a presentation on Lake Elmo Road-Hilltop to Wicks Ln. as a CTEP project. He said the project is being brought forward for a school route and pedestrian enhancement. Mr. Bailey said the area has been identified as low-to-moderate income property. He said currently the students walking to school are forced to walk on the shoulder of the street, noting that the pedestrian features approved by the Council are:
 - Multi-use path
 - Sidewalks and drive approaches
 - Street crossing enhancements
 - Pedestrian level street lighting
 - Landscaping/streetscaping elements.
- Mr. Bailey said \$384,630 in CTEP funds would be used which would primarily offset property owner assessments. He noted the total estimated construction cost is \$2.7 Million. Mr. Bailey said that Staff has met with property owners on several occasions, and the neighbors were apprised of the need to remove trees in order to complete the project, adding that as many trees as possible would be saved. Councilmember Stevens asked when the project would begin. Mr. Bailey said the earliest construction start would be fall of 2007 or as late as summer of 2008. Councilmember Clark asked for the source of the match. Mr. Bailey said City money plus property owner assessments would be the source of the match.
- Planning Division Manager Candi Beaudry said the remaining 6 projects are being promoted by the Planning Dept. except the one in Laurel. The following projects are being brought forward for the Council's recommendation to Policy Coordinating Committee (PCC):
 - Trail connections to Big Ditch Trail from neighborhoods – estimated cost \$85,000
 - Lampman Strip Park – estimated cost \$305,000
 - Main Street underpass at Alkali Creek – estimated cost \$700,000
 - Striping and parking lanes – various locations – estimated cost \$116,450
 - Swords Park Trail Phase 2 – estimated cost \$528,000
 - Laurel ditch crossing – estimated cost \$53,750
- Ms. Beaudry said the Technical Advisory Committee (TAC) has recommended 3 projects. Mr. Walker told the councilmembers that a decision is needed by November 1 in order to advise the PCC of the Council's choice. He also suggested giving the Mayor some flexibility to negotiate with other members of PCC. Councilmember Ulledalen said the City is limited by the contractors and asked why asphalt will not be bid. Mr. Walker said it is "pretty routine" to bid both concrete

and asphalt. Public Works Director Dave Mumford said if the trails are along roads, then Public Works can maintain them as needed, but in the parks, PRPL has asked for concrete in order to reduce long-term maintenance costs. Councilmember Boyer asked what the process is from this point. Mr. Walker said the Council can go with the TAC recommendation and be done, the Council could come up with its own priorities to give to the Mayor to take to the PCC in October or early November.

TOPIC #5	4th & Broadway Development Discussion
PRESENTER	Bruce McCandless
NOTES/OUTCOME	

- Deputy City Administrator Bruce McCandless said the Downtown Billings Partnership (DBP) offered to act on the City’s behalf to get a developer for the remaining property. DBP asked what types of incentives the City is willing to offer in order to attract buyers. Councilmember Ulledalen said the City could market the property better, but Council needs to decide what it can offer. City Administrator Tina Volek said Planning, Public Works and the Library met last week to discuss the space need requirements. Mayor Tussing said at the U.S. Conference of Mayors’ Design Institute – 4th and Broadway could be our “project”. Councilmember Veis said it was a good idea and suggested putting this subject back on a Work Session agenda after October 20th. Councilmember Ruegamer said the Council needs to be “enhancers” and developers propose things they will do and ask what the Council will do. Councilmember Veis said broad guidelines should be possible. Councilmember Boyer said the Council should be proactive.
- Library Director Bill Cochran said there are 3 dynamics that are happening in the Library neighborhood. He said the 4th & Broadway development process has been reactive, but has not considered the impact on the Library. He said the Library has service delivery plans for a downtown presence and branches on the West-end and the Heights. Mr. Cochran said the Library is the “landlord” for the Planning and Public Works Depts. and their operations and added that they have not been considered for space. In the meantime, the building is degrading.
- Ms. Volek said sometimes expansion is not what is needed, but just reconfiguration. She added that the addition of Library branches has not been addressed in quite some time. Councilmember Ronquillo asked if the City could trade land for streets that the Billings Clinic wants. She said the City could proceed with looking for alternatives.

Additional Information:

- Ms. Volek asked who would be attending the Thursday evening joint City/County meeting. She said the committee has agreed to set regular meeting dates.
- Councilmember Ruegamer said the City Council should attend the Chamber meetings with the Legislative candidates.

Respectfully submitted
Tami Greeley, Deputy City Clerk