

City Council Work Session

June 16, 2008
5:30 PM
Community Center

ATTENDANCE:

Mayor/Council (please check) x Tussing, x Ronquillo, x Gaghen, x Stevens, x Pitman,
x Veis, x Ruegamer, x Ulledalen, McCall, x Astle, Clark.

ADJOURN TIME: 8:10

Agenda

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

There were no speakers

TOPIC #2	<i>New Code Enforcement Online Complaint Form</i>
PRESENTER	
NOTES/OUTCOME	

Planner Nicole Cromwell described the process for online code enforcement complaints and showed the website path to the new code enforcement complaint form. Councilmember Veis asked why the County code enforcement was included on the City’s website. Ms. Cromwell explained that the zoning code was a unified code and there was a link with the County code enforcement officer because people knew the City and County zoning were both provided. She said there was a reciprocal arrangement with complaints and responses. Ms. Cromwell noted that the only required field on the complaint form was the name of the person who submitted the complaint. She said the complaint had to be described; general address information and the area of the City were required. Ms. Cromwell noted that the submitted complaints were sent to email boxes of the appropriate Code Enforcement Officer as well as the general email box of the Planning and Community Services Department which was checked daily.

Councilmember Stevens asked if the status of a complaint could be checked online. Ms. Cromwell responded that the emails were saved because contact information was usually included and a response could be sent. She said the system hadn’t been developed yet for the “Report a Concern” option on the City’s front page but it would be in the future as the department got used to the individual complaint process. Councilmember Stevens asked if a citizen would ever be able to access status of the report. Ms. Cromwell said ‘maybe.’

Planning Department Director Candi Beaudry explained that it wasn't currently being worked on but for some of the HTE applications, such as building permits and zoning applications, a link would be available to allow people to check the status of permits. She said she wasn't sure how that would apply to code enforcement but when that technology was worked out in the Building Department; it would be applied to other divisions.

Councilmember Veis asked what happened if he selected the "Report a Concern" option. Ms. Cromwell said the information he supplied would get to the Planning Department but required a couple more steps.

Councilmember Astle asked how far behind the department was with weeds. Ms. Cromwell said it wasn't behind, but there was less to deal with to date than the previous year because the precipitation didn't come until the end of May, and there had been almost 4 inches of rain by April of last year. Councilmember Astle asked if it would be prudent for Code Enforcement personnel to publish a story in the Billings Gazette and other news media which explained the code for weeds as well as for tree branches that hung low over sidewalks. He said it was difficult to promote physical fitness if the sidewalks were blocked by tree branches. Ms. Cromwell said an article was published last year and it seemed to help. She noted that a public notice was published in April.

Councilmember Ronquillo said he was going to contact Mr. Vegge to report that Mystic Park was vandalized with graffiti. Ms. Cromwell responded that it had already been reported. She also advised that graffiti could be reported to the Police Department as well.

Councilmember Veis asked if a database was kept of all complaints. Ms. Cromwell explained there was an HTE system where complaints were logged and it could be used as a management tool. Ms. Beaudry added that Ms. Cromwell was provided monthly reports on the types of violations. Ms. Beaudry said those reports could be provided to Council on a monthly basis.

Councilmember Ulledalen said he was contacted routinely by a resident who complained about recreational vehicles parked on his street so when the website went live, he sent a link to his distribution list and the gentleman responded that he would log his own complaints and was happy about it.

Councilmember Gaghen asked where the boundaries began for the west end and downtown. She said she could see that some of her constituents didn't fit exclusively in either of those areas so they needed to know who to contact. Ms. Cromwell responded that the "Quick Links" section contained an area map which showed the enforcement areas.

Councilmember Pitman asked if there was any data on the number of hits on the new website. City Administrator Volek said Staff could provide that information. Assistant City Administrator McCandless said a comparison couldn't be made to the previous site because that one didn't have a counter to track the hits it received.

TOPIC #3	<i>Vertical Siding Text Amendment</i>
PRESENTER	
NOTES/OUTCOME	

Planner Nicole Cromwell advised an amendment to the zoning code was passed in 2006 that prohibited vertical siding on detached accessory buildings over 200 square feet. She said a recent issue came up and there was a desire to change the code. She explained that the original intent was to slow or prohibit large steel garages or pole barns. She noted that many homes had vertical siding and owners wanted to match accessory structures which prompted the need for a discussion about how extensive Council wanted the ordinance. She asked if Council wanted a material prohibition, or wanted the accessory structure to match the principal structure, etc. Councilmember Stevens asked about restrictions on the principal structure. Ms. Cromwell said there wasn't a regulation on it. She said vertical siding could be put on a house. Councilmember Stevens said a house with vertical siding could theoretically have an accessory pole barn if the siding matched. Ms. Cromwell said that could be an outcome of a zone change. She added that certain types of materials could be prohibited. She said the metal vertical siding was what people typically objected to.

Councilmember Veis asked Councilmember Pitman what prompted the complaint. Councilmember Pitman responded that a constituent wanted to build a shed on his property that matched his house, but it exceeded 200 square feet and the current code prohibited it. He said he asked the Planning Department to work on the issue so some outdoor structures could match houses. He said he didn't want to create the issue before the discussion could be held to find out the appropriate way to fix the problem.

Councilmember Stevens said many covenants required that outbuildings matched the house, and that needed to be kept in mind so the code didn't prevent that.

City Administrator Volek advised there were four variance requests in the past two years since the ordinance was put in place and three were granted. Ms. Cromwell said one vertical siding request wasn't granted because as the variance criteria required, there weren't similar buildings in the area to match the proposal, nor was it a hardship. She noted that a hardship which meant there was some reason why horizontal siding couldn't be put on the structure. She said the Board of Adjustment denied the variance for the siding but allowed the resident to build a structure the size he wanted.

Councilmember Ruegamer asked if the City was better off to leave the code alone and continue handling it with variances. Ms. Cromwell said she knew there was concern because some of the aesthetic appeal of the board and batten type of siding wasn't as different as home siding styles. She said there were also questions from residents who had vertical siding on the house gable and wanted to put the same vertical siding on the garage. She said it wasn't considered the same siding if it was less than 50% of the siding. She said discretionary rulings were needed. Councilmember Ruegamer asked if she meant that variances wouldn't be a better way to handle that. He said he was concerned that it opened a can of worms if the code was amended. He said no matter what was done, someone would try to find a way around it. Ms. Cromwell said residents were advised to seek variances now for anything vertical regardless of the material proposed for the structure. Councilmember Ruegamer asked if it was better to keep the variance process. Ms. Cromwell said in the one example when the vertical siding was denied, there may not have been many homes in the area that had vertical siding so it may have been a unique circumstance for that property, but not a hardship.

Ms. Cromwell noted there were strict standards that had to be met to obtain a variance. City Administrator Volek stated there was a fee of \$325 for a variance application and people usually didn't find out about the regulation until they applied for the permit, so the variance

process delayed the project and was a considerable burden. She said another way would remove that burden. Councilmember Pitman said the point was to make it easier on property owners. He said the initial code was put in place quickly to address a specific problem, and it was time to refine it. He said he felt it was more of a housekeeping issue. He said he thought many people ignored that code because he started checking neighborhoods and saw violations.

Councilmember Astle asked if there was a restriction on any kind of steel siding. Ms. Cromwell responded that it applied to detached buildings only.

Planning Department Director Candi Beaudry said too many variance applications usually meant there was a problem with the code. She said a code should be created to allow most people to achieve the objectives the City hoped to achieve. Councilmember Stevens pointed out that variances were usually required due to an oddity with the property, not with a structural detail like siding.

Mayor Tussing asked Ms. Cromwell if suggested language could be proposed for an amendment. Ms. Cromwell replied that the City Attorney's Office would be asked for assistance to draft a change to remain in compliance with State zoning statutes. City Attorney Brent Brooks noted the City had to show there was compelling public interest to change the code.

Councilmember Gaghen said she didn't want to open the door to more of what was restricted with the original code. She suggested identification of the fine line between restriction and what looked acceptable.

Additional Information:

City Administrator Volek advised that the original agenda included Emergency Management Planning. She said Jim Kraft couldn't be present that evening so the topic was postponed to a July meeting.

Mayor Tussing asked if anyone needed to bring anything up before Council went to executive session.

Councilmember Ulledalen brought up Council goal setting/strategy sessions. He said it was a good time to pick that issue up since the budget season just ended. He said his thought was two or three sessions. He suggested Thursday night meetings of approximately two hours in length. Mayor Tussing said he wanted an update on where the City was with the current plan at the first meeting so it was probably necessary to schedule it far enough in advance to allow Ms. Volek to prepare that. Councilmember Veis said work sessions could be used if the agendas were light. Council consensus was to use Mondays if possible and a one-hour time limit could be attempted.

Councilmember Ruegamer said he wanted to know who served on DPARB, when it met and what it did. Ms. Volek said she would provide that information to him.

Councilmember Astle asked if Ms. Volek was able to get information about bridges that crossed the big ditch. Ms. Volek said she would work on that.

Councilmember Gaghen commented that she didn't want the planning session so rigidly set that discussion ended just because the time was up. Councilmember Ulledalen asked if he should moderate or if the group wanted an outside moderator. He suggested starting off with the loose ends from the budget. Consensus was that Councilmember Ulledalen would moderate. Councilmember Astle said because the City was limited to a 74-mill levy and

with the reserve situation as it was, he thought there should be discussion about changing the Charter.

TOPIC #4	<i>Executive Session-Pending Litigation</i>

Council adjourned to Executive Session at 6:15 p.m. and returned to the regular meeting at 8:10 p.m. and immediately adjourned.