

# City Council Work Session

5:30 PM  
Council Chambers  
January 22, 2013 (Tuesday)

## ATTENDANCE:

Mayor/Council (please check) x Hanel, x Ronquillo, x Cromley, x Cimmino, x Pitman, x McFadden, x Bird, x Ulledalen, x McCall,  Astle, x Crouch.

ADJOURN TIME: 7:10 PM Council will convene in an executive session to discuss litigation.

## Agenda

<b>TOPIC #1</b>	<b>City Ward Boundaries</b>
<b>PRESENTER</b>	Bruce McCandless, Assistant City Administrator
<b>NOTES/OUTCOME</b>	

- Bruce McCandless: Additional map work done from last meeting. Reviewed C2. Looked at reconfiguring Heights and southwest portion of Ward III. Doing either or both would affect the intersection between Wards I, III, V and potentially IV. In conjunction with City Council subcommittee, created Plan E, equalizing the population. The population variance is a little higher, but just over 3%. One Ward being 1.5% lower and the neighboring Ward is 1.5% higher.
- Mayor: How does it affect ward representatives?
- Bruce: No impact. Also reviewed Plan D. CM Bird had asked for a comparison of wards with House legislative districts. Just a question of whether wish to have the House legislative district boundaries to help form City ward boundaries. Substantial problem in Heights, where only one House District (44) is within the City limits.
- McCall: No decisions should be made on the location of existing Council Members. If a plan is chosen where she is displaced, that is just the reality and she would deal with it. Asked to go back to Plan D, which Bruce explained moved east to west, capturing the City as it grew and displacing two Council Members. CM McCall said the tree streets were part of the downtown and could fit in Wards I or III.
- Ulledalen: Plan E made the most sense to him. Any opposition to it?
- Mayor: Agreed, equal division of population.
- Cimmino: Agreed. Asked what would happen to Airport even though it has no population.
- McCandless: That is an oversight on this Map/Plan. The Airport is within the City limits and it could be part of Wards I or IV, but there is no population.
- Pitman: Could live with either Plan D or Plan E. Prefers Plan D because it takes the Rims away as a dividing point. The City will grow in the West and North, so Plan D takes that into account. Plan D is better for the future of the City.
- Ulledalen: Could live with either, but Plan D created a hodge-podge in Ward III to try to represent such a diverse area.

- Ronquillo: Preferred Plan E, although he would prefer to get all of the Southside instead of the Heights area.
- Cimmino: Preferred Plan E, with the Airport colored like Ward I.
- Bruce: The Airport could be in either Wards I or IV.
- McCall: Makes more sense to go to Ward IV because it is located in the northwest section.
- Pitman: Addressed the diversity comment stating the Heights is very diverse and as an elected official it is up to council members to represent the City overall and pay special attention to the needs of the citizens of their ward. Diversity isn't a bad thing. He acknowledged there are challenges in that each ward represents a larger population base than the total population in most cities in Montana.
- Bruce: Thanked Council and Tom Tully for assistance with Maps.
- Pitman: Fast or slow track to address this now?
- Bruce: Understood the consensus was fast track for ward boundary changes for 2013 election. Schedule first reading of ordinance setting new boundaries for second meeting of February with second reading during the first meeting of March. New ward boundaries will be effective approximately 2 weeks before gathering Petition signatures.
- Pitman: Fast tracking and looking at Plan E.
- Bird: Suggested talking with Election Commissioner, Brett Rutherford, to be sensitive to their new software and his involvement in process.
- Brent: He and Bruce met with Brett and thought he was okay with it.
- Mayor: Consensus is Plan E.
- Public Comment:
- **Tom Zurbuchen, 1747 Wicks Lane:** Questioned staying with boundaries and keeping up with wards. Boundaries aren't straight and there are population inequities. He prefers Plan E. Ward IV gains Rehberg Ranch and other wards lost people. Ward II loses, but lines are straight and easy to read. Encourages adopting Plan E and putting Airport in Ward I.
- Bruce: Didn't try to develop wards following House District boundaries. CM Bird asked to see a map of the current wards overlying the House District boundaries. They don't match up at all. Did not try to equalize population in that scenario.
- Public Comment Period Closed.

<b>TOPIC #2</b>	<b>Forfeiture of Office</b>
<b>PRESENTER</b>	Brent Brooks, City Attorney
<b>NOTES/OUTCOME</b>	

- Brent Brooks: Gave presentation. Friday packet contained memo, ordinances and State statute for review. Issue has been on Council initiatives since about 2004. Last initiative review suggested Council wanted to see the material again. Issues that office vacancy may cause and how they can be remedied, without changes, are possible. Ordinance changes description of what circumstances lead to office forfeiture. Options included are to do nothing; pass the proposed ordinance with minor suggested changes; create an Ad Hoc Committee of residents and council members; or appoint a Council subcommittee to address it. A Council subcommittee may be a better option because it can be formed quickly when a need arises.

- Ulledalen: Can the City adopt the State law to address the City problem without forcing us to use it?
- Brent: Yes, it would. Most changes in ordinance originated from the State law, but State law language is a little weak. State law doesn't completely address the physical, health issue. The proposed draft ordinance does contain language related to health issues.
- Ronquillo: Council needs to address the issue and ordinance is a good solution and good protection.
- Brent: Issue is easier to address when there isn't a crisis.
- McCall: Section 2 deals with suffering from mental disorder according to State statute. Hard for Council or Legislature to define either mental or physical disorder. It is not defined.
- Brent: Hopefully the afflicted council member will make their own decision to resign from office so the Council can proceed with finding a replacement. Ordinance deals more effectively with illness that limits ability to represent.
- Cimmino: Noticed that the word "felony" has been stricken from ordinance? If one is convicted of a felony and serving time, they would not be able to serve. Why was this removed?
- Brent: Not stricken, just moved to another section of the ordinance. Trying to be uniform with State statute, but strengthens where needed.
- Pitman: Liked the ordinance. Gives Council the discretion to allow a leave of absence. Also deals with insurance that can be extended through COBRA. Prior council members may not have resigned because they needed the insurance.
- Brent: Will check on COBRA length.
- Tina: Need direction from Council. Ordinance also deals with absence due to armed forces duty assignment.
- McCall: Move forward with ordinance with suggested changes.
- Cimmino: Along with the language addressing any military service deployment.
- Brent: Will look at the language currently under Section 7 and make certain it sufficiently addresses military service.
- Mayor: Consensus to have staff draft an ordinance and submit it for Council review and action.
- Public comments:
  - **Tom Zurbuchen, 1747 Wicks Ln.:** Ward II had a gravely ill council member. Involved in the preliminary recall petition, but didn't pursue it because the council member needed the City's health insurance. In that situation, the citizens of Ward II had the right to keep or petition for removal of a council member. If this proposed ordinance is passed, the decision will be taken away from the voters and placed in the decisive hands of government. If a like situation arises now, there have been changes due to the Health Care Act and COBRA.
- Public comment period closed.

<b>TOPIC #3</b>	<b>2012 CTEP Project Review</b>
<b>PRESENTER</b>	Lora Mattox, Transportation Planner

NOTES/OUTCOME	
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- Lora Mattox: Last year of this process due to Federal law changes. Have more money than project requests. There are 7 projects and it is possible to fund all of these projects. Good news that for the next 3 years, should any existing or proposed projects have overruns, those costs may be covered, too. Six projects are City-sponsored. Hope Church sidewalk could be a private contract and church needs to work with City staff. If Council approves this project, it will become a City-sponsored project.
- Vern Heisler: Shiloh conservation area project, capital improvement program. CTEP would be used for a trail system to go through the Shiloh conservation area and connect the King Ave. West area. This is a storm water project and is for flood control. The City purchased this land from Yellowstone County for this project. Map shows approximate design and location of trails. CTEP project is a small part of the total investment in the flood control area.
- Cimmino: Were the Friends of the Dog Parks looking at this property for a second location?
- Tina: Yes. When planning was completed for this site, determined there was insufficient room for this and a dog park.
- Mark Johnson, Hope Church pastor: Have 2 acres on south side of property (56<sup>th</sup> and Grand) to be turned into a public park. This is located on the far west side of the trail system and the Church would like to see this property used for that purpose. CTEP would build perimeter sidewalk. The Church is currently raising funds to develop the area into a park for soccer teams and Little Guy football to utilize.
- Hanel: There are no existing sidewalks on the north side (Grand Avenue) of church?
- Johnson: No sidewalks. It is irrigated and will be installing underground sprinkling and then the sidewalk would be installed.
- Ulledalen: What purpose would sidewalks serve?
- Mattox: The future trails plan shows connections at this intersection, near future school and other new subdivisions. This would provide pedestrian amenity along two very busy arterial roads. This is a part of the future trail system.
- McFadden: How long is this stretch of sidewalk?
- Mattox: Shorter than ¼ mile. Need easement on the 56<sup>th</sup> Street side of property. All for public use.
- Darlene Tussing: Next several projects are cooperative with schools, providing access for children to cross to the school areas. 1) Pavement along ditch south of St. John's Ministries area and accesses Arrowhead school and Poly Vista Park. Currently there is a graveled trail, in need of pavement. 2) Poly Drive school trail. Applied for "Safe Routes to School" funding for the infrastructure last year, but was not funded. There are 2 vehicular egress points and is dangerous to pedestrians. School wants to retain loop drive for delivery and ADA, but project would eliminate the current exit and connect it to the alley so there is only one car exit next to the pedestrian crossing. 3) Wayfaring and directional signage would help people find trails and distances to destinations like Downtown. A study would need to be done and coordinated with City staff. BikeNet would provide a match for CTEP. 4) Swords Park outlet. There is an access on east side leading to Boothill Cemetery and is a dead end. The proposed trail would follow 6<sup>th</sup> Ave. bypass, off street, so people can travel from the park, around the corner to 6<sup>th</sup> Ave. and better connect to Downtown.

- Pitman: This is an area where signage is needed. Has multiple trails and it would be nice to know where each trail leads.
- Tussing: Agreed.
- McFadden: Would trail connect to the underpass Hwy 3 and Alkali Creek into Two Moon Park?
- Tussing: It would be close to it and you could get there from Swords Park with the new trail.
- Cimmino: Is \$120,000 a little conservative compared to other projects that have been done?
- Tussing: Engineering gave us an estimate. Checked it through 2 sources, but this one could use any excess contingency funds, if needed. A retaining wall may need to be built and will create additional expense. 5) Ponderosa Trail. Trail would connect Kings Green Subdivision, which already has a paved trail, but ends at the edge of the subdivision. This project would extend the trail, through intervening property to Ponderosa school. Eventually would like to connect to King Ave. East trail that leads to Amend Park, etc. Project would be matched from SBURD, TIF district.
- Lora: Bike/Pedestrian Advisory Committee recommends funding all projects. Provided a priority list. Recommendation from TAC and the Planning Board are to fund all projects. On the Jan. 28<sup>th</sup> Council agenda.
- Ronquillo: Friendship House has 62 children. City removed stop signs on 28<sup>th</sup> and crossing the street to the park is dangerous. Is it possible to obtain CTEP funding for pedestrian crosswalks?
- Lora: Would likely be eligible. Recommended starting with PWE for the potential project. City has 3 years to spend excess funds. If the approved projects don't use all of the money, in-house projects will probably be recommended. This project would be eligible.
- Ronquillo: Pedestrian crossing signs are installed, but need the crosswalks.
- Ulledalen: Bulb-outs or a refuge island would slow the traffic and make it easier for pedestrians.
- Lora: Correct.
- Ronquillo: Remember to come to the southwest corridor district next year. Might be able to pay for the trail completion near Ponderosa School.
- Public comments: none

<b>TOPIC #4</b>	<b>Legislative Report</b>
<b>PRESENTER</b>	Ed Bartlett, Lobbyist
<b>NOTES/OUTCOME</b>	

- Ed Bartlett: Where would you like me to begin?
- Hanel: Have your updated report. What can be shared on PMD?
- Ed: Very little on that. Only one is in draft form and being introduced so far. Most do not have drafts to review. There are 2200 bills now and 450 of those bills have been introduced. Tracking now, so as bills are introduced we can have a discussion. Pension committee met, reviewed the material the interim committee reviewed. At least a dozen bills on this subject so far.
- Hanel: What is the status of LC0946 from Representative Kary on special districts?

- Ed: Bruce McCandless and I met last week with 3 representatives, in person, along with Harold Blattie from MACo. Some of the changes CM McCall and Bruce gave to Representative Kary were not incorporated into the drafted bill. Representative Kary is still receptive. Hopeful that during the Committee process, it will give the City a chance to voice concerns and make some changes to the bill. Should the bill pass, the City would have to start over with Special District and could not collect any fees. Bill has not been introduced yet. A related bill, HB 185, is set for hearing and was introduced by Clayton Fiscus. Basically states if you have an existing park district, a City cannot collect additional fees or assessments until it has a referendum.
- Ulledalen: Why wouldn't that impact any SIDs formed using a waiver of protest? Isn't that the same thing? Would need an affirmative vote of residents in that district? What would that do to our development process?
- Ed: Would impact a number of districts. The bill isn't clear enough to prohibit that.
- Ulledalen: Why wouldn't it affect the park just created at Yellowstone Club Estates, the Yellowstone Family Park, park maintenance district.
- Ed: Don't know about that. Bruce, do you have a thought on that?
- Bruce: No, I don't. SIDs are carved out of the Special District law. However, Park Maintenance District to maintain the Yellowstone Family Park, we had not thought about that. Need to check to see if the bill would affect that park district also.
- McCall: What was Harold Blattie's attitude during meeting and did he state that MACo would support the bill as is?
- Ed: Positive attitude. Stated he didn't support any retro-activity or do-over provision, but going forward the bill would be an improvement for cities and counties for future districts. Not certain it was his position or MACo's position.
- McCall: When I met with Representative Kary, he had the opinion that MACo would back this all the way. What was Doug's reaction to Harold's comments about not being retro-active?
- Ed: Don't recall him stating specifically anything about that. Doug's position was he was firm the bill would be introduced by Doug and supported by Doug to require that.
- Ulledalen: Understand the bill would not impact the SID component that builds the park, but why wouldn't it impact the park maintenance districts incorporated with any future parks? If bill passes, we will have to adjust our development guidelines, programs and methodologies to account for that.
- Bruce: The transition section to this proposed bill, states the changes are that the requirement for an election apply only to districts that have been formed prior to the effective date of the bill. Any future special districts created under this law would not have to go through the election process, it would go through the normal creation process, ie., notification of property owners, public hearing and estimate of assessments, etc. Will check the transition language to be certain.
- Ed: Senate Bill 4, sponsored by Sen. Jim Peterson, reduces reappraisal cycle to 2 years. Concerns are the cost to implement it. Are legislators willing to trade that expense for improvement that would come from a shortened cycle. Others are proposing 3 or 4 year cycles, but it appears most are supportive of reducing the 6-year cycle.
- McCall: Have you seen the fiscal note?

- Ed: I have and it's expensive.
- McCall: Often different departments within the State will put an excessively high fiscal note on a bill in order to kill it.
- Ed: Will be attending the hearing. Do you want me to make a statement in general support or not make a statement at all? I hope we would not oppose the bill.
- Mayor: Believe the Council has supported reducing to a 3 or 4-year cycle.
- Bruce: The fiscal note says in FY14 and FY16 the cost would be \$7.5 million. In FY15 and FY17, it would reduce to \$2.2 million, not sure why there is a large variance.
- Mayor: Consensus to have Ed speak about a reduction to 3 to 4-year cycle.
- Ed: SB111 allows more cities to participate in distribution of funds from the urban highway program. Fiscal note would increase 16 larger urban communities by 3-6 more communities, one of those communities is Glendive. Concerned by the dollar impact to all existing urban communities, including Billings. Not certain about amount of impact. This bill has passed the Senate 28-22, on its way to the House. Have asked if there is a possibility to increase the fund and there probably isn't.
- Tina: Staff received an email from Missoula's Mayor asking the City of Billings to join them in opposing the bill. Missoula estimates this bill would cost them \$50,000. This is pass-through Federal urban money for roads. Commissioner Kennedy has estimated \$100,000 for Billings.
- Ed: Urged the Council to assess the actual dollars before opposing the bill because it's big against little cities.
- Hanel: Consensus that we oppose the bill and for Ed to monitor it as it moves to the House.
- Ed: Administratively do more research on cost and decide how best to oppose it. Supported SB77 on behalf of the City concerning increases in bid limits from \$50,000 to \$100,000 before requiring bid contracts.
- McCall: Not a question, but an update. Meeting last week with Governor, Lieutenant Governor, and budget director with the Executive Committee for the League of Cities and Towns and a MACo executive. Talked about the pension options. Administration is supportive of considering a compromise such as employers paying 1% more. Would use Treasure State Endowment Program (TSEP) and the coal trust fund. Administration will produce a white paper of their proposal.
- Hanel: Back to Special District law by Representative Kary – where does the MLCT stand? Have you had conversations with Alec?
- Ed: Alec strongly opposed the proposal.
- Public comments: none

<b>TOPIC #5</b>	<b>Public Comment on Items not on the Agenda</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	<b>None</b>

Additional Information: