

# City Council Work Session

5:30 PM  
 Council Chambers  
 February 19, 2013 (Tuesday)

**ATTENDANCE:**

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

Ronquillo and Cromley were absent.

**ADJOURN TIME:** 7:15 P.M.

## Agenda

<b>TOPIC #1</b>	<b>Legislative Report</b>
<b>PRESENTER</b>	Ed Bartlett, Lobbyist
<b>NOTES/OUTCOME</b>	

- Ed Bartlett: Transmittal deadline coming at the end of the month so things are getting busy. HB 203, Aid to Public Libraries Bill – passed the House 2<sup>nd</sup> reading 73-27, didn't need any help from the City. Passed easily. Will increase State funding substantially to local public libraries. Pension Reform Committee still meeting on Tuesdays and Thursdays for 3-4 hours per session. PEW testified last week, said plans are in bad condition and strongly recommended the Legislature and Governor work on a solution this session. Districting Commission for apportionment and boundary changes for House districts and combining Senate district had a final plan and it was adopted without much dispute. New district boundaries will take effect for 2014 election. HB 314, Special Districts' bill passed committee with amendments. It is now a bill the City can support. SB 239 combines county TIFs into a single economic development TIF. Committee approved 9-0. Rep. Fiscus's Bill HB 185 tabled by House Transportation Committee. Council should be aware of SB 290. Affects counties, not so much cities, specifically Highland Industries. Another Bill would create a new improvement district – walking and biking district – introduced, allowing counties to create this district that is less than county-wide, i.e. Lockwood, it would create sidewalks and lighting. There were no opponents. Hearing coming up on dog breeding (puppy mill) bill. This would require inspections and fees and protections of dogs and indirectly of people. This was tabled in 2011, but is being reintroduced with some improvements. Business equipment tax, HB 472, is coming up for hearing later this week, exempts first \$250,000 equipment from tax.
- Hanel: Prediction on HB 314?
- Ed: Don't see why it won't pass, some improvements and eliminates retroactivity.
- Pitman: Where can we find a redistricting map?
- Ed: Maybe on the Redistricting Commission's website. Can access by going to the legislative website, [leg.mt.gov](http://leg.mt.gov). Go to committees and find redistricting commission. There was essentially no change in Yellowstone County.

- McCall: Who was the legislator who introduced the walking and biking special improvement district bill?
- Ed: Jonathan McNiven from Huntley. Not something that will affect the City, but it does affect Counties. Allows for just portions of a County to implement as needed. It's a good bill.
- Bird: Any information on HB 14, the Bonding Bill and the criminal justice building for Butte-Silver Bow?
- Ed: Came out of subcommittee 4-2, will go to House Appropriations Committee. Does not look for any action until after transmittal. Generally hearing position comments about it. Only negative comments have been because of debt versus tax issue. If everything bonded, it would be \$98 million worth of bonds.
- Bird: Want to know how one city/county was selected to receive a new criminal justice complex.
- Ed: Still haven't discovered details on the request, but Governor's budget office initiated it. It's an office building, not a jail, with matching funds from grants and will be used by local law enforcement and State Highway Patrol.
- Bird: Butte is the only city that is getting 2 capital projects.
- Public comments: None.

TOPIC #2	<b>Contingency Fund Use Follow-up</b>
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Tina: Memo sent to Council in Friday packet. \$1.2 million was transferred from the SID revolving loan fund to the General Fund as one-time money at the recommendation of Council. Felt we were holding more funds than needed in the revolving loan fund. Suggests 4 projects for spending: \$600,000 purchase New World public safety software; replace obsolete software; \$81,000 upgrade City Hall lighting (12-year payback) makes City eligible for a \$92,000 rebate from Northwestern Energy; \$216,000 upgrade lighting in fire stations and a boiler in Station 2 (11-year payback) and may also be eligible for a Northwestern Energy rebate; and \$250,000 to establish a HOME reinvestment revolving loan program for a total of \$1,147,000 of the \$1,228,096 from Council contingency. Will be on the Council's agenda for March 25<sup>th</sup>.
- Bird: Are there limitations on how the rebates are used?
- Tina: No, don't believe so.
- Bird: Rebates can go back into the General Fund or the Contingency Fund?
- Tina: Correct. Would normally go into the General Fund once received.
- Bird: Can it be designated for slides at Rose Park?
- Tina: Yes. Will take awhile to get the rebates. The slide is a timing issue, but could offset that expense.
- Ulledalen: Do the projects leave any money after these commitments?
- Tina: Yes, about \$100,000. Approximately \$60,000 is normally left in the Contingency Fund.
- Pitman: Didn't get the list.
- Tina: Will send it again.

- Bird: Does staff need an initiative or directive from Council for the unspent contingency funds?
- Tina: Funds will rest in the Contingency Fund for the balance of the year until other action is taken. Expense from the Contingency Fund requires a Council resolution under the City ordinances.
- Public comments: None.

TOPIC #3	<b>Quarterly Reports</b>
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Budget:
- Tina: Budget report was in the packet on Friday.
- Initiatives:
- Tina: Again, in the Friday packet. Ask that completed items be removed from the list.
- Pitman: Inner belt loop marked as completed. Is the right-of-way for the entire project or just the first phase?
- Tina: Believe it is just the first phase, but will check and report.
- Downtown Billings Partnership:
- Greg Krueger: Provided DBP quarterly report. Highlighted some items. Cranes are in the downtown area. Empire Garage underway with Northern garage demolition starting soon, valet parking also starting up next month to aid with a temporary parking situation. Northern Hotel has hired an experienced valet. Attended the International Downtown Association Conference, Lisa Harmon was elected as a vice-chair. Downtown Montana Conference highlighted the downtown police project. Great Falls very interested in our City's downtown police program and want to add to their business improvement districts. Revolving Loan fund renewed, money is available. All lines of credit offered by the area banks have been repaid. Focus has been on Empire Garage. Retail space offers have been made and there is interest. Visioning for Downtown; looking for more programming for downtown; 3 grassroots committees have been formed -- Public Art and Murals; Pocket Parks; and a Bike-Friendly Downtown. Two pocket park sites identified. The old bus stop adjacent to First Congregational Church and the alley between Park One and Limber Tree Yoga off of 29<sup>th</sup> Street. Will work with Public Works / Engineering to vacate the alley and create a green space that will still allow maintenance vehicles access. May wrap the traffic signal boxes as a public art project. Applying for grants for these projects. Have secured a grant from the Exchange Club for one of the pocket parks. Volunteer help can make these projects go a long way. Circulator route work continues. Have met with the owners of the new Federal office building. The owners will be petitioning the Council to add them to the Business Improvement Districts safe zone. Great way to link the east end to the core of downtown. DBP is chairing the Rail Traffic Impact Mitigation Committee and working on short-term and long-term solutions. Pleased that Burlington-Northern is involved, as well as businesses that utilize rail transportation. Empire Garage documents are done and will be sought by other cities. DBP operations budget report included.
- Astle: Downtown visioning; pocket parks and bike-friendly downtown. Plans to change use and focus on Broadway as more of a walking, biking mall, rather than vehicular traffic?

- Greg: Looked at it early on but not considering it now. Parking is very important. Looked at Helena's pedestrian mall and it wasn't doing very well at the time and it still struggles. Pedestrian malls in city centers are difficult to maintain. Bike lane might take up some parking.
- Hanel: Has it helped to have BNSF and MRL representatives at table?
- Greg: Yes, good to have both parties. MDT has been participatory as well.
- Strategic Plan:
- Tina: Strategic plan report in the Friday packet, reviewed some of the highlights. Joint leadership meeting scheduled for March 1, at 11:45 A.M., at First Interstate Bank. Also want to talk with Council about school district and City meeting.
- MDU Updates:
- Cimmino: On Page 1 of Budget indicates \$52,000 in FY11; \$57,000 in FY12; \$11,000 in FY13.
- Cell Phone Statistics:
- Tina: Contained in the Friday packet.
- Astle: Reviewing cell phone statistics. Seems strange we're still giving more warnings than tickets. Want to see people held accountable. Not pleased with warnings.
- Cimmino: Does the cell phone ordinance include something about warnings? How do officers decide to issue a warning instead of a citation?
- Brooks: Don't believe the ordinance says anything about warnings. Officer's discretion on tickets and warnings. Perhaps a first time offender is given a warning and then citations are issued thereafter. Will check with Administration and Chief St. John for policy on this.
- Ulledalen: Billings Gazette published a comment from a person about Missoula warning until deadline, then issuing tickets. Billings could do the same. Still don't have prominent signage at entrances to the City indicating no cell phone usage. Graphics are not good on signage. Should funds from Council Contingency Fund be used for more prominent signage?
- Tina: Will talk with PWA and PD. Graphics were donated by a member of the committee who had a graphics background.
- Bird: Are warnings tracked?
- Tina: Yes, I think so.
- Bird: Personally observed people texting too often. Warnings are OK first offense, but 2<sup>nd</sup> or more should be much higher fine than \$110. Giving warnings three years into the new law, why? Particularly to citizens of the City or residents of the County.
- Tina: Would probably have to amend the ordinance to add or change anything about warnings or fines.
- Bird: What is the fine for 2<sup>nd</sup> and subsequent offenses?
- Brent: Fines for second and subsequent offenses are \$300 - \$330. Judge has discretion on the first cite to go as high as \$310.
- Bird: Want data on this.
- Astle: Not wanting to tell police what to do, but want the Chief to talk with officers about more citations, fewer warnings.
- Mayor: Council provided direction. Please forward appreciation to Chief St. John. Council consensus is that until the ordinance can be reviewed and changed, it is the Council's desire that an aggressive approach is expected from the PD on this problem.

- Tina: Will follow up.
- Cimmino: Recalled approximately \$2,000 was spent to publicize the cell phone ban in the form of mail inserts in the water bills. It was advertised and the media covered it on TV, radio and newspapers. Everyone knows it is in effect in Billings. Where are the signs?
- Tina: Major City entrances, South 27<sup>th</sup> Street, Zoo Drive, etc., but they're small. Not aware of the codes for size for something like this.
- Pitman: Dedicated officers to enforce this. Not seeing a whole lot of improvement, but there is an impact. The officers are doing an incredible job. Comfortable with leaving to officer's discretion when to cite.
- New Library Construction Project:
- Bill Cochran: Written report was included in the Friday packet. Steel is up, so crane came down today. Second floor concrete is poured. On schedule or ahead. Trying to ID a time for a tour.
- Ulledalen: Monitors it daily and it seems well managed.
- Tina: Mr. Cochran has worked very closely with A&E and throughout the entire project. Possible tour dates are April 15th, at 4:00, this is a work session date and is Library Week or April 29th, a fifth Monday? 29<sup>th</sup> may be the better day and can start the tour later.
- Council Consensus: April 29<sup>th</sup> would be best.
- Hanel: Please explain what is going to be done with the books in basement, how many are there?
- Bill: Good coverage recently. Last Copy Fiction Depository was a State project established in 1970s. The State asked if the Parmly Billings Library would keep publications in the basement, which does not meet code, has flooded several times, and is not accessible to the public. The State Library paid for shelves and libraries from all over the State and even out of state started sending fiction, of such low demand they didn't want to keep on their shelves any more. That's why the Last Copy Fiction Depository name was chosen. Only 1 copy of each fiction book would have been kept that was not in the Western Library Network. But staff started keeping 2 copies of all the books, should 1 copy be loaned to other libraries, 1 copy would remain on the depository shelves. In 1998, the State Library conducted a study to evaluate the history, purpose and future of the collection. The State Librarian determined it was a good idea at one time, but that time had passed. The State discontinued funding for the depository in 1998. Started transition when new library was started. Brought some copies upstairs into circulation. The Friends of the Library will sell some and have had some success with internet sales. Those proceeds come back to the Library to purchase future materials, fund services or programs, etc. Books written by Montana authors will go to the Montana State Historical Library, in Helena, Montana. Soon will offer the rest to other in-state libraries, finally will sell or give to the public. Finally, anything remaining may be donated to other nations or shipped to a recycler.
- Hanel: The Masons want to place a cornerstone in new library at their own cost. This would signify when the building was constructed, etc.
- Ulledallen: Don't want to open that can of worms for other organizations to come forth in objection, etc.
- Bill: Representatives gave a presentation a couple of months ago to Library Board and want to present to the City Council. Told they only provide cornerstones for public

buildings. The request was not made because it is a library, but because it's a City building. The Library Board recommended they give a presentation to the City Council to be discussed. Researched this practice, there are a good deal of libraries that have Masonic cornerstones, i.e., the Denver library, Nebraska has one, etc. Understands the Masons only place cornerstones in public buildings. The Library Board didn't feel they should take a position since they do not own the new building.

- Pitman: Think cornerstone is a good thing as it shows community investment.
- McFadden: City should be honored to receive this gift.
- Cimmino: Update on renaming?
- Bill: There are a number of naming opportunities -- on a website, name isn't great for marketing, but it's a great story of how it was named so it's difficult to come up with alternatives. Deadline to enter a new library name is this Thursday. Also received about 10 letters, expecting a total of 150 nominations. If it changes, it will have to rise above present name and its story. If the Library Board likes a name, it will bring it to the Council to approve any change. Because the name of the Library is contained in the Interlocal Agreement with the County, the Council may approve the new name after consulting with County Commissioners.
- McCall: The same group that got this initiative passed is hard at work. There are several committees working in terms of getting prepared for the grand opening. There are a lot of activities being planned and it is very exciting.
- Cimmino: Visited the Bozeman Library. They have a coffee shop that is run as a private entity but some of the proceeds go back to the library in exchange for rent. This is a wonderful feature. How will that work here?
- Bill: It is and the Bozeman Library will be used as a model for putting together something here. Another committee will be selected to choose a contractor.
- Pitman: What needs to be done about the cornerstone?
- Tina: We need a formal request in writing or a presentation for the request from the Masons to vote on at a Council meeting.
- Cimmino: If other organizations are interested in providing a cornerstone for the Library, it needs to be opened up to all.
- Bird: Agreed. The Library is a community building. Libraries are the cornerstone of democracy and should be an inclusive event. A dedication day should be organized as an event.
- City-Wide Park District 1 Projects:
- Mike Whitaker: Acknowledged Board Member, Catherine Grott, for her activity on the Board. One-half of annual funding was received in December. The other half will be received in June, 2013. Parks has moved forward with the replacement of waterslides. Interstate Engineering was hired. Also hired High Tech Construction with replacement of two slides. Council will decide at the January 25<sup>th</sup> meeting whether to proceed with the speed slide. Hired A&E to evaluate 9 restrooms for upgrading or replacement. Awaiting the return of the RFP to replace the fall protection at 36 playgrounds. Standards continue to change and the ADA laws continue to be interpreted, our playgrounds are not meeting the current laws and national standards concerning fall protection. Four of our sites meet the current standards.
- Pitman: How often do the standards change? Seems like every 5 years a new standard needs to be met, i.e., sand to pea gravel to wood chips to rubberized matting.

- Mike: Always evolving standards. The ADA laws have really created change for fall protection. The fall protection needs to be soft enough to not cause a life-threatening situation for a child, but firm enough to roll perhaps a wheelchair or apparatus of a disabled child over it.
- Ulledalen: Did Miles City have a suit over fall protection?
- Mike: Yes. Alleged the City didn't provide the proper fall protection. We are being proactive by upgrading now. A volunteer coordinator position is being advertised. Have hired an arborist and he is working on our trees at the cemetery. Will soon advertise for 2<sup>nd</sup> park maintenance worker in March. Moving forward with weed management, but will take 2-3 years to complete.
- Hanel: The arborist is doing a very good job in the cemetery.
- Bird: Can the Council get a tree health report in a few months?
- Mike: The forester can give a report at a work session.
- Bird: Do we have a strategic tree plan? What is the vision for tree additions and replacement? Donate-a-Tree Program needs to be marketed more.
- Mike: Forester developing a memorial tree program and brochure to encourage donations. The brochure will be placed in the City water bills in March or April.
- Pitman: A tree donation program is a great idea for the community to invest in its parks. Some Girl Scout troops are raising monies for trees now. Other civic groups will do the same if they are aware of the need for benches, trees, picnic tables, etc.
- McCall: What is the difference between a forester and an arborist? Council initiative from 2009 to partner with local groups to maintain parks. Still in progress?
- Mike: The forester manages the urban forest and arborist works with / in the trees pruning, etc. Volunteer coordinator will work on the Council initiative.
- Cimmino: Who maintains trees in right-of-way?
- Mike: The Public Works Department. Parks works strictly with trees in the parks.
- Cimmino: Congratulations on the South Park and Yellowstone Family Park gazebos. Dedications soon?
- Mike: Thanked the South Side Task Force for \$37,000 donation for upgrades to the gazebo that really made it nice. If it had not been for the task force, the facility would have been just bare bones. Will have a grand opening for the Yellowstone Family Park this spring, along with an Easter Egg Hunt. Will be doing the landscaping around the gazebo. Have approximately 6,000 hours left on the project for planting.
- Hanel: What is the estimated value of park trees?
- Mike: \$28 million. Have a current inventory of all the trees. Will soon upgrade software and keep better track of the trees. Have about 9,000 trees in our City parks. Will have new tables in the parks in May.
- McFadden: Thanked for new tables in Terry Park.
- Bird: What kind of material will the tables are made of?
- Mike: Tables will be commercial grade, but material is still undecided.
- Bird: Some attention is needed at the Central Heights baseball park.
- Mike: Will look into that.
- Ulledalen: Thanked Parks Dept. and Parks Board for proposing the speed slide at Rose Park. Want to encourage continued proposals of such things to the Council.
- Crouch: Do you have the number of tables from the old ball field?

- Mike: About 200. Saved about 200 picnic tables and if they needed repairing, we used materials from the old stadium.
- Public comments: None.  
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- Tina: Made a couple of announcements: 1) Final meeting of 3-part series on property owner workshops on the Expo Gateway Plan, tomorrow (Wednesday, 20<sup>th</sup>) from 11:00 am to 1:00 pm, lunch is provided at FIB office center. 2) Has contacted the School District about a meeting, but haven't heard from the District. There will not be a legislative teleconference on February 28<sup>th</sup>, as previously expected. Would the 28<sup>th</sup> of February work for Council to meet with SD, if arrangements can be made?
- Council Consensus: Yes.
- Tina: Per a request from Councilmember Bird, gave information on Park 3 and employee parking and handout on parking stats in that garage.
- McCall: Any update on Planning Department's office space?
- Tina: Only 2 respondents to the RFP, tours were conducted last week. Working on it and it will be presented at the March 4<sup>th</sup> work session.
- Ulledalen: Follow-up on Rose Park slide add-on. Can the park slide be included in the Council contingency spending discussion?
- Tina: Slide contingency and change order are on the Feb. 25<sup>th</sup> agenda.
- Cimmino: With the extra slide, will there be a higher charge?
- Tina: Don't know, but will check.
- Ulledalen: Didn't think the costs would go up, but will generate more revenue and usage.
- Bird: Who is responsible for maintenance on the sky bridge between City Hall and the County Courthouse?
- Tina: The City is.
- Bird: Can we get someone to clean it?
- Tina: Yes.
- Bird: Disclosed she attended the Conservation Voters roundtable. Distributed handout and gave updates on legislative priorities. Some issues should also concern the City and County.
- Hanel: Thanked Councilmember Bird for attending.
- Pitman: Concerned about using City funds to copy a group's material. Careful about doing this kind of thing.

TOPIC #4	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	None

Additional Information: Pending Litigation (Executive Sessions)
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