

City Council Work Session

5:30 PM
Council Chambers
April 15, 2013

ATTENDANCE:

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

ADJOURN TIME: 8:10 p.m.

Agenda

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

- Ed Bartlett: Things moving fast in Helena, talking about money. HB 2 passed the Senate, 32-18. About 90 amendments were requested, 30 amendments were offered, about $\frac{1}{2}$ passed, not a lot of difference in total dollars. HB 454, Governor's pension bill, was amended and passed the House, heard in Senate Finance and Claims Committee, no action. Will likely be amended further, perhaps employers will pay 1% more, plus .1%/year for 10 years to hit a maximum of 2%. HB 454 is thee "pension reform" bill of the session and is likely to pass. Senate debating HB 13, State "employees pay" bill. HB 5 contains the MSU-B science bill. All university buildings were removed from HB 14, bonding bill, and placed in HB 5, long range building bill. Several of those projects were amended out of HB 5 and one of those was the MSU-B science building. Don't know what will happen next. HB 443, tax increment finance district bill, when introduced, was no more than 15 years for a TIF district. Amended in the House to 30 years for a maximum term of 40 years, then back to 30 years. Senate Taxation Committee tabled this bill. Believed it will stay tabled. SB 239, merges aerospace, technology and industrial tax increment districts into one district. Passed the Legislature and transmitted to Governor. Resolution SJ 30, to conduct an interim study of TIF districts for the interim, will be coming up after this session closes. Passed Senate Tax Committee, 9-0. SB 398, to change reappraisal to 2 year cycle from current 6 year cycle. Passed Senate and heard in House Finance. SB 324 is a comprehensive revision of subdivision laws concerning lease or rent issue. Passed Legislature and transmitted to Governor. SB 175, school funding bill, passed House 2nd reading 60-40 with amendments, probably to lower the cost.
- Hanel: What revisions in the GABA on HB 454?
- Bartlett: Will be amended. Don't have the details.
- Tina: Heard at Chamber meeting GABA would be held until the fund was actuarially sound again. Would not be increased automatically.
- Ronquillo: SB 290 passed? What authority does it give cities/counties?

- Bartlett: Passed Legislature, transmitted to Governor. Requires a hearing on land use change, if requested, but don't know that there will be any impact from it.
- McCall: Purpose of bill was to create a forum for people to express concerns, doesn't force a solution.
- Ronquillo: Wells contaminated in the area.
- McCall: Alec Hansen represented the League, was at the hearing for SB 108, charitable endowment tax credit. Was in House Appropriations Committee and passed. Very important bill for communities.
- Bartlett: Passed 3rd reading today by a wide margin.
- Public comments: None.

TOPIC #2	Noise Ordinance
PRESENTER	Craig Hensel, Deputy City Attorney
NOTES/OUTCOME	

- Tina Volek: Last 2-3 summers contractors complained about not allowing noise increase before 8 a.m. or after 8 p.m. Also received complaints from homeowners. Staff worked on revisions with Homebuilders Association, heavy contractors and DPARB. Should allow work to occur earlier and later, but still limit noise outside of these hours. Council received complaints about Magic City Blues Festival. Should be exempt from any changes because permit is already approved. Allow higher noise to midnight in downtown? Staff will present now, and if Council agrees this evening, will go forward to next week's business session on a first hearing, be adopted in May and become effective June 13th. If Council wishes for further work to be done on this ordinance, it may be best to allow the ordinance to remain "as is" for another season and work on a permit basis to allow some exceptions for construction on a case-by-case basis.
- Cimmino: How do changes apply to other downtown celebrations?
- Tina: Most events are concluded by 10 p.m., that includes concerts at the ballpark, etc. Need Council guidance.
- Craig Hensel: Per Tina's request is re-drafting the noise ordinance. Most of the language in noise ordinance was enacted 45 years ago, in 1967. Presents enforcement problems for the Police Department. Whatever the offending source of the noise, it may be over the acceptable decibel limits in the grid, but ambient noise often exceeds that level. The offending noise has to be at least 10 dB(A) over the ambient noise. If there is a complaint about a neighborhood generator and passing traffic is just as loud, it presents an enforcement problem for the Police Department. Decibel level thresholds contained in the code are extremely conservative and unworkable.

Any duplicative language in the code, was struck in the re-draft. Sound levels were changed and the permissive daytime and nighttime noise limits from 7:00 a.m. to 8:00 p.m. Met with construction industry and developed compromise. An example of ambient traffic noise at the corner of North 27th Street and Second Ave. No. has a reading of 74 dB(A) at 11:00 a.m. during the week, per Joe Wolf, a construction hygienist from the State of Montana, Department of Labor and Industry. A notable amendment is that construction activities are specially added as an exemption from noise limits. Any construction/maintenance activities between 7 a.m. and 8 p.m. would be permissible, and not subject to the noise limits in the code. From an enforcement look, an offending source

of noise to be in violation of the code, must be at least 10 dB(A) louder than ambient noise. The noise must be notable and distinct enough to be 10 decibels louder than ambient noise.

Presently, the code contains generic language that says one can apply to the City for relief from limitations of the noise permit. Police Department has an open-container/noise ordinance request form routinely used for events such as Fix at Six, Alive after Five, Bluesfest, etc. Sought to develop specific criteria for the permit. City Administrator, via an Administrative Order, will designate members of the appropriate departments to review permits. A building permit will go to the Building Department; if it's for work in the right-of-way, will go to Engineering; if it is for an event in the parks, will go to Parks Department; if it's an event that is going to be held with a flatbed trailer involved, will go to the Police Department.

If directed to go to First Reading, would prepare an Administrative Order that designated criteria for waiver from the noise requirements; where they are going to go and who is going to review them. If applicant's waiver is denied, can appeal to City Council.

Options are: 1) Proceed to First Reading/Public Hearing on proposed amendments; or 2) give further direction; or 3) retain the existing ordinance and make no revisions. Staff recommends proceeding with First Reading/Public Hearing on proposed amendments.

- McCall: Change for construction and maintenance doesn't identify which days it applies. Potential problem with contractors working weekends?
- Craig: No differences between weekdays and weekend days. If Council wishes to have that amendment placed, it can be done.
- McCall: Could this become an issue with companies that choose to work on the weekend?
- Tina: Contractors are working weekends now. Could change ordinance but don't know how the industry and businesses will react. If one lives in a neighborhood that is under construction, it is predictable there will be construction noise in that neighborhood. Reviewed a "reasonable person" standard. When it comes to noise, not many "reasonable" people. Decided not to proceed with that. It is another alternative. Noise cannot exceed what a "reasonable" person would consider to be a nuisance.
- Ronquillo: Utilities work 24/7, so need an exemption for them. Need to share the rules with all contractors.
- Craig: There is an exemption for emergency work in the current code and in the proposed draft amendments changed the definition to, "unanticipated work, maintenance, or construction required to restore property to a safe condition following a public calamity, metrological event, accident or any other event which interrupts essential services or utilities, endangers persons or property or adversely affects infrastructure."
- Astle: Roofers follow storms and don't care about local restrictions. If you are a roofer, there are days you don't want to be on the roof past 7 a.m., it is too hot.
- Pitman: Concerned about availability of equipment to measure decibel levels.
- Craig: Police Department has 2-3 dB meters. Many officers trained. Meters require periodic calibrations for accuracy.

- McFadden: Can contractors apply for exemptions?
- Craig: The waiver procedure would cover all noisy activities, City Administrator designates which departments review and waivers can be issued.
- Cimmino: Letter from Gene Burgad, owner of the Rex, wanting to know how City will handle this year's Magic City Blues Festival and other outdoor entertainment by businesses along Montana Avenue.
- Craig: Saw the letter and one from Tim Goodridge, sponsor of the Blues Festival. Festival for last few years would have exceeded the limits, but received Police Department's permit. Waiver provision replaces it. Need guidance about downtown events.
- Ulledalen: Does it make sense to have specific standards for Central Business District? Housing has grown over last few years. Neighborhood bars want to do the same type of event and causes complaints.
- Craig: Could have a separate grid, standard or criteria for downtown. Present ordinance only differentiates between zoning classifications. Waiver process will cover it when Council sets the standards.
- Pitman: How will people know the standards to comply with them? Obviously, the trains downtown, etc., are going to raise the ambient noise in that neighborhood more than in other neighborhoods. How do we do that?
- Craig: Hard for the ordinary person to know, unless you own a dB meter. Code enforcement is always complaint driven. Receive a noise complaint, the Police Department responds with a dB meter to see if they can get a reading. Once proved a violation of the dB threshold for that time of the day in that zoning classification, and were distinct enough to be 10 dB above ambient noise, the offender would be told to cease and assist and/or cited. Hard to know.
- Hanel: How serious is noise problem in a given year, on a scale of 1 to 10? Need changes soon, but need to consider builders' needs. Don't want to put a clamp on progress.
- Tina: Hotter summers increasing the complaints, probably 5. Last summer Public Utilities had to do some work on Montana Avenue. They approached the hotel affected by the work with alternatives, would they rather the City turn off the water supply to the business during the day or at night. They preferred the work be done at night. Flexibility built into the new code. Would be concerned about delaying the ordinance due to the fast-approaching construction season. If cannot pass/adopt soon, would rather stay with what we have. Could amend the new code anytime.
- Bird: Only concern is that 7 a.m. may not be early enough in the summer. City needs to be open to changes or waivers with notice to surrounding owners.
- Tina: New ordinance raises the dB limits. Time limits are similar to other MT cities. Very early morning work is going to cause complaints. Construction workers can come onsite and set up earlier, just not able to start the noisy part of the job before 7:00 a.m. But 5:30 a.m. in a residential neighborhood is a pretty tough go, for anyone with small children, elderly family members, etc. will get complaints on those. But 7:00 a.m., most people are up by then.

- Ulledalen: Need to move forward with updating this, leave room for changes. Central Business District may need more flexibility. Appeal process needed. Last fall when complaints were received, wasn't just the noise . . . it was that the lights were turned on, equipment was cranked up, radios were loud and there was yelling, and swearing. Personally visited work site at 5:45 one morning and the operation was in full swing; backhoes were running, dump trucks were coming and going, and saws were running, etc. Work in existing neighborhoods needs special consideration and needs to have tighter controls.
- Tina: This is especially going to happen with the encouragement of in-fill.
- Astle: What is the current ambient noise at 6 a.m.? No violations for construction during the day? Alive after Five from 5-10? Why tell the Squire Lounge they can't have same noise at same time because of residential area? It places them in a non-competitive situation. Agrees to go forward with re-drafting Ordinance.
- Tina: Ambient noise rises and falls. In Section 104 in the Ordinance, it sets limits. The dB standard has been 55 in residential area, it is now proposed to 60 from 7 a.m. to 8 p.m. It is measured 25 feet from the site or from the property line, whichever is greater. Higher dB standards, but still conservative. Need reason in its application.
- Pitman: Move forward on this. There is an appeal process. If Council receives a lot of appeals, can consider changes and address with staff.
- Ronquillo: High Plains and Orchard noise problem handled by this change. Utility companies work 10 hour shifts and includes weekend days. Enforce July 4 for late fireworks?
- Tina: Problematic to enforce outside the City limits if the source of the noise is generated in the County.
- Craig: Enforcing July 4 is a problem because of the scale of violations. It is a violation of the fire code. Every year this problem is revisited to see what is needed for enforcement, staffing. Criminal violations.
- Ulledalen: Grandfather current irritants?
- Craig: No grandfathering, limits are for everybody in all zoning classifications, but Db levels are higher and there is a waiver process.
- McCall: Agreed, need to adopt new code. Would like to treat Central Business District differently. Community needs to know about the waiver process.
- Tina: Can present a model for downtown noise limits.
- Cimmino: Aug 11, 2010 concert at Dehler Park, loud and late and near homes. Waiver for that type of event?
- Craig: Absolutely. Waiver will contain the criteria. That way when the Police Department receives complaints, they can respond that a waiver was granted and the venue will be over at _____ p.m.
- Bird: Agreed, flexibility is needed. Do not want to do anything that may adversely affect promoting the downtown area or Dehler Park. Great downtown events.
- Ulledalen: "Reasonable person" standard is lacking. Special entry sign that states, "expect some noise". Homebuilders could police themselves and help with advertising that noise will occur.

- Tina: Bruce just received a text message that “Alive After 5” is over at 8:00 p.m. So it fits within the timeframe.
- Public comments:
- **Denise Smith, Homebuilders Association:** Thanked Ms. Volek and Mr. Hensel who met with contractors and understood their challenges. Good contractor participation in the discussions. Contractors can help with notices to residents about noise. Like the waiver process, will see what concerns are raised during this first year. There are cities that allow for 6:00 a.m. construction, Helena being one of them. Good compromise proposal.
- Ulledalen: Bring Council feedback so adjustments can be made.
- Mayor: Advise contractors about the waiver process so exceptions can be made.
- Denise Smith: Interested in working with the City Administrator in the development of the waiver process and continued dialogue.
- Tina: Staff appreciates Ms. Smith’s involvement. This item is scheduled for public hearing at next Monday’s Council meeting.
- Public comment: None.

TOPIC #3	Nuisance Ordinance
PRESENTER	Craig Hensel, Deputy City Attorney
NOTES/OUTCOME	

- Craig Hensel: Since 2004, has been a nuisance ordinance. Intended to give enforcement tool to clean up properties to prevent urban blight. To address vacant, abandoned, rundown houses. Ordinance provides criminal and civil penalties. Petition can be filed with Municipal court concerning a structure or property declared a nuisance and order specific terms of abatement. If owner of the property is unable or unwilling to act, allows the City to get an abatement order to go onto the property and clean it up. Has worked well in a variety of instances. This is used as a last resort after Code Enforcement has made several attempts to work with the property owners to get it cleaned up.

There was some confusing language concerning civil versus criminal penalties. Proposed ordinance amendments clean that up. Also expands City’s ability to act in emergency situations, without a court order. Situations wherein property is causing imminent danger of serious injury to persons or property. Allows City to abate if owner is unwilling to act or cannot be located. Provides alternative methods of service for 10-day violation notices. Code Enforcement is citing everyone investigated. They work very hard to get offenders into compliance and are successful in those attempts 90-95% of the time. Very few are cited into Court. Requires City to give someone a 10-day notice before a petition is filed. Service of this notice had to be personally served or send the notice via certified mail. Has caused problems. In some instances, people are absolutely inaccessible to Code Enforcement officers. Amendments provide that, after good faith efforts, if service cannot be made via these methods, City can, using standard US mail, mail a notice to the property owner AND post the notice on the property in a conspicuous place.

- Ronquillo: Keeping a paper trail on these properties is important.

- Craig: Things are very well documented. It takes a year and a half to 2 years before a Court Order is obtained. Amendments to serving notice will make that easier. Will allow service to be made even for citizens who will not cooperate and are evasive.
- Bird: If service is made by posting in a conspicuous location, is there a consequence if property owner removes from conspicuous posting?
- Craig: Under proposed ordinance, City is required to give a 10-day advance notice before the petition can be filed. After petition is filed, they have every opportunity to come into Court and contest it. As far as serving the petition on them, City will follow the Civil Rules of Procedure and serve them via prescribed publication methods, i.e. 3 times in a 21-day period, i.e. the *Billings Times*. Posting is just for the 10-day notice to be served.
- Cimmino: In some cases, notice may be too short. Some people not capable of correcting the problem in such a short time due to medical problems, etc. Should be considered.
- Craig: Certainly. Code Enforcement's goal is to bring people into compliance. When people are willing to work with Code Enforcement, they will help them find resources, i.e. churches, social services, etc. Under this remedy, would never seek to incarcerate someone. They would be served:
 - a notice;
 - then a petition with summons or via publication;
 - then given a court date to attend and if they don't show up for that;
 - then the City would seek a default judgment;
 - serve it on the property owner and they have an additional 10 days to respond.
- Bird: Code Enforcement works with people for a long time before citing or getting court order to abate.
- Craig: Yes, usually 7 or 8 months.
- Astle: Favored amending ordinance to make the process move more smoothly.
- Craig: The last amendment provides for utilization of City Staff/Equipment in the demolition and abatements. It is more cost-effective and reasonable than hiring private contractors.
- Tina: Correction -- noise and nuisance ordinances are scheduled for May 13.
- Hanel: Thanked Code Enforcement Division for their professionalism and work.
- Officer Punt: Code has worked on one property for 13 years, 2 ½ by her. Made many, many attempts to contact the property owner, the property owner's family members and neighbors were talked with about what City was trying to accomplish and to open dialogue with everyone in the area.
- Public comments: None.

TOPIC #4	Industrial Waste Discharge Amendments
PRESENTER	Boris Krizek, Public Works Environmental Engineer
NOTES/OUTCOME	

- Boris Krizek: Presented amendments to pretreatment ordinance. Pretreatment is the removal of potential toxic and harmful pollutants from industrial and commercial wastewater before it enters municipal sewer system. EPA mandates implementation of general pretreatment regulations. Necessary to safeguard the water quality of the Yellowstone River, City employees and protect the City's infrastructure investment. Program was adopted by Council in 1985. EPA approved program in 1986 and local

limits were developed in 1988. Those limits pertain to “pollutants of concern”. Local limits were codified in 1992 and pretreatment augmentation regarding ordinance language in 1996, followed by an EPA legal authority review in 2008. EPA audited City ordinance language and identified a number of issues needing to be addressed to remain in compliance. A mixing zone study was conducted in 2009. A mixing zone is the area where wastewater discharged from a permitted facility enters and mixes with a stream or water body; it is an established area where water quality standards may be exceeded as long as acutely toxic conditions are prevented and all beneficial uses, such as drinking water, fish habitat, recreation, and other uses are protected.

This presentation will be followed up with some EPA correspondence and action. EPA will look at local limits the City proposes in ordinance language to make certain the City is in compliance with the latest regulations of 40 CFR. A 30-day public comment period will follow. Ordinance will be submitted to Council for first reading. Then the second and final reading of the ordinance by Council after review and approval by EPA and the 30-day public comment period.

Billings will be better equipped to handle future businesses and industry that comes into the City with amended ordinance.

- Ronquillo: Refinery waste will be pretreated so City doesn't have a problem treating? Any problems from Lockwood waste?
- Boris: Refinery will be City's first Significant Industrial User, so need appropriate limits. Lockwood had to adopt their own program. City helps them implement.
- Pitman: So this is addressing the refinery issues, are there current industrial users on the system that this will affect the way they are doing business now?
- Boris: May be some City doesn't know about. If gases or something like that are found in the collection system, will do an investigation. City may require a permit, but not shut them off. Limits address metals, i.e., zinc, mercury, silver.
- Ronquillo: GW Sugar dike broke and discharged into ditches and the river. How was City impacted?
- Boris: Most of the discharge ended up in the stormwater system, which is separate from the sanitary sewer system. EPA developed a remedy.
- Pitman: When will ordinance be available to review?
- Boris: Next step is to meet with Region 8 EPA to review the ordinance language and the local limit calculations, but can share a draft with Council.
- Public comments: None.

TOPIC #5	CDBG/HOME Allocations
PRESENTER	Brenda Beckett, Community Development Manager
NOTES/OUTCOME	

- Brenda Beckett: Presented the Community Development Board recommendations for 2013-2014. Community Development Division has 4 full time staff. Community Development Board presently has 9 board members, 6 of which represent low-income neighborhoods. HUD programs are designed to provide decent housing, civil liberties environments and economic opportunities. Have to affect low-income households or

areas. According to 2010 Census, Billings has some expansions of low-income areas, including some areas that have become more severe with poverty. In the fourth year of the 5-year consolidated plan. Analysis of Impediments to Fair Housing Choice was just completed. Have a lower amount of CDBG / HOME funding - \$812,846, due to the sequestration of funds. Started to look at program income and how it could change the bottom line each year. Been an immediate benefit, \$624,426.

The application process is very long, beginning in December 7, 2012. Applications due in January. Task force input is taken in February and March. Budget recommendations are received from the CD Board in April, and then delivered to Council in April. City Council will hold a public hearing on April 22 and take action on the recommendations. New program year begins July 1.

Over time, receiving decreased responses from task forces. Community members are interacting with government in different ways, including Twitter and Facebook and groups online. People working more, so less time to spend attending community meetings, etc. Have the same trend with home repair programs and first time homebuyer program.

On the CDBG side of funding, recommended the following:

- Maximum allowed for the administrative cap;
- Expand the administrative support for the VISTA program, \$50,000;
- Housing Rehabilitation loans, \$350,000;
- Foreclosure Acquisition / Rehabilitation loans, \$250,000;
- Manufactured Home Repair, \$? (remaining).

Remodel of HUD foreclosed home on Conway in the Heights is completed. Staff is reviewing buyers now.

Wish to eliminate the Special Assessment Grant Program. Under this program only about \$30,000 was spent in any given year since its inception. Have been storing money over the last couple of years and reprogramming it. HUD called the City on it and said that practice cannot continue. Either it is an active program or not. When assessed, isn't an active program and recommend it be discontinued. Program covers curb, gutter and sidewalk improvements in low-income neighborhoods. All SIDs attached. Low use program. TIF districts are the only areas that will have a lot of SIDs and those can be covered through those programs.

On the HOME side of funding, recommended the following:

- Maximum allowed for the administrative cap;
- CHDO minimum is required, allocate \$48,000 to Homeword;
- First Time Homebuyer: \$? (remaining).

Looking at new affordable housing, existing housing opportunities and expanding partnerships. Very happy to be implementing the Revolving Loan Fund, which may have saved the First Time Homebuyer program. Believe will be able to close 15 home loans because of that.

- Ronquillo: Complimented First Time Homebuyers' education classes. Attendance is good.

- Brenda: City assists with some of the costs for the First Time Homebuyers' classes. Darrell LaMere is doing a great job educating prospective homebuyers.
- Cimmino: What is the funding allocation for first time homebuyers program and when can people start applying for those and taking the courses?
- Brenda: Courses are available year-round. Funding allocation is before the fourth quarter fiscal allocation begins.
- Public comments: None.

***** *Brief Break* *****

TOPIC #6	Quarterly Updates
PRESENTER	Various Presenters
NOTES/OUTCOME	

- **BIRD, Inc.:**

Steve Zier: Annual BIRD meeting is April 17th. Under budget about 5%. BIRD office is located at 1413- 4th Ave. North, Suite C. Exhibition Gateway Master Plan Steering Committee is engaged. Goal is to have personal contact with every property owner in this district before end of the calendar year. Goal is about 14% accomplished. FY14 budget submitted. Working with the Planning Department to inform designers, contractors, property owners, lenders and developers on benefits of locating in the EBURD. Currently revising EBURD.com and Billings BIRD.com websites.

- Cimmino: Website is excellent and very informative, very user-friendly.
- Steve: *Continued with presentation.* Drafted Exhibition Gateway Master plan will be presented to Council and County Commissioners soon.
- Ronquillo: When will new project on 4th Ave. N. and 19th Street be complete?
- Steve: GSA is moving into the facility.
- Ronquillo: Parking problems will occur, what is being done? Parking lot development occurring?
- Steve: Significant interest from adjacent property owners and tenants who are seeking surface parking, either privately owned or there has been some discussion of some sort of TIF allocations – anyone in that part of town is welcome to come to the BIRD with a TIF application for reimbursement for eligible expenses. May or may not include parking.
- Ronquillo: Specific rules for building a parking lot?
- Steve: EBURD has development and landscape requirements.
- Ronquillo: Tina, does City have anything regulatory for that?
- Tina: It is the EBURD code that Council adopted.
- Steve: The EBURD code is part of the zoning regulations.
- Tina: It is an overlay like South Billings Boulevard.
- Bird: What is the parking demand going to be in that area?
- Steve: Approximately 190 spaces are on-site at the GSA building. Will be around 400 employees utilizing facility.
- Bird: Is a parking garage an option in that part of town?

- Steve: Not planning a garage due to demand and land availability.
- Tina: In contrast, the annual payment on the Empire Garage will be about \$1 million/year. Very heavy burden on the BIRD, to look at a City-owned parking structure. Traditionally, Federal government does not pay for employee parking.
- Public comments: None.
- **Downtown Billings Partnership:**
 - Greg Krueger: Submitted written report on Friday. Available to answer questions.
 - Public comments: None.
- **Budget:**
 - Tina Volek: First quarter report was submitted on Friday for Council Review. Available to answer questions.
 - Public comments: None.
- **Initiatives:**
 - Tina Volek: Provided to Council in Friday packet. If Council agrees, will remove completed items.
 - Pitman: Right-of-Way Inner Belt Loop, don't want to suggest that all of the land has been acquired. Only Phase I is complete. Don't want it off the radar. Phase II hasn't been completed. Please indicate "in progress". Also, "going out of business" – could be designated as completed.
 - Public comments: None.
- **Strategic plan:**
 - Tina Volek: Report passed to Council this evening. Only changes are on pg. 3, under the trail development, maintenance and connectivity. Noted enough money was raised through grants from Recreation Trails, Downtown Rotary and Parks Foundation to install vault toilet and cistern at Swords Park trailhead. May 2nd the Downtown Rotary will be holding an event to update the Yellowstone Kelly gravesite.
 - Public comments: None.
- **Cell phone statistics:**
 - Tina Volek: Information is contained in the Friday packet. Any concerns will be conveyed to the Chief of Police.
 - Ronquillo: At a task force meeting, the visiting officer was asked about cell phone ban. Response was pretty much don't do that anymore because don't want to confiscate the phones and create liability, so not much enforcement. Do we take the phones from offenders?
 - Tina: Will check into that with the Chief. There was a concentrated effort by a special group to look at the cell phone issue. The Department may have focused the enforcement in that area.
 - Bird: Why are they giving warnings? Can we get the data about how many of these warnings issued to out-of-town guests? See many drivers using phones and texting, warnings don't make sense. Can signs be placed on traffic signals?
 - Tina: Probably out-of-town residents. Will get that data from the Chief.
 - McCall: Signage is small, could larger ones be installed?

- Tina: May be State law restrictions, but will check. Will check if signs can be hung on traffic signals.
- Ulledalen: Lots of police officers on phones. Would it be good public relations to buy hands-free devices for the police? Doesn't look good when they are on their phones.
- Tina: Allowed under the ordinance.
- Pitman: Thought City already bought them. Other departments are viewed doing the same.
- Tina: If you witness this, get the vehicle number and let me know.
- Cimmino: One day last week, saw 12 people texting from Main Street to King Avenue. Can that be reported as a citizen report?
- Tina: If it is a City truck and vehicle number, it will be followed up with the Department Head. As for general public, would be tough to enforce because by the time an officer could reach an offender, they are gone.
- Public comments: None.
- **New Library Construction Project:**
- Bill Cochran: Written report provided last week. Project budget shows asbestos inspection and removal cost of \$97,000, roof does not have asbestos, so not expecting any additional cost for asbestos abatement, a \$60,000 savings. Security system purchase will be before the Council on Monday night.
- Astle: When is the tour?
- Bill: Monday, April 29 at 5:30. On work session calendar.
- Ronquillo: Security for old or new library?
- Bill: New library, three parts to it.
- Hanel: Does not include fire protection?
- Bill: Was part of the general contract and it's being installed.
- Public comments: None.
- **City-Wide Park District 1 Project:**
- Mike Whitaker: Received 1st half taxes, won't get 2nd half until June.
 - Pool slides at Rose Park are under construction.
 - Restroom projects will bid in June.
 - Upgrading fall protection within the next month or two to be submitted for RFP. Fall protection replacement at 36 playground sites.
 - Hired volunteer coordinator, will start May 6th.
 - Weather is prohibiting restrooms from being opened right now.
 - Hired an arborist. Will interview for park maintenance worker (equipment operator). This position is funded by the Park Maintenance District.
 - Weed management – purchased a spray truck and will start spraying when weather allows.
 - Due to the quality, were able to replace 75 tables with 90 tables and those will be installed by end of May.

- Cimmino: Complimented the work at Rose Park. RFP for fall protection; thought PRPL staff was going to install.
- Mike: The RFP is to purchase the materials and a contractor will install.
- Mayor Hanel: Trying to get the slides here in time for the pools to open?
- Mike: Yes. Obtaining the submittal drawings from the slide manufacturer has been difficult. They have promised to get those submittals within a day or 2. Hoped to have them two weeks ago. Has slowed down the project. Still within our time period. Pool will open June 5.
- Astle: Any bench installation plans? Gorham Park spraying weeds?
- Mike: Yes, will buy benches with the savings from the tables and install. Yes, Gorham is included under the general fund and will be sprayed.
- McCall: Bids in by June for repair/remodel of the restrooms?
- Mike: Hope to go out for bid the first part of June and award the contract toward the end of June.
- McCall: Then will the work be done?
- Mike: Will be done shortly after that.
- Ronquillo: South Park has sand on walkway, need it moved back to playground equipment.
- Mike: Will look into it.
- McFadden: Tennis on the upswing? What is the progress of the court repairs?
- Mike: Making repairs now at Rose Park, but 2nd year of the Park Maintenance District is when most major tennis court replacements will be done. New courts will be installed at Castle Rock and Pioneer Parks. This year will be doing repairs only.
- Bird: What is the pool season? No reason to open pools during week when school starts, but could they be opened on weekends through Labor Day? Would be worth it to keep open at least until then.
- Mike: June 5 for 12 weeks. Weekend operation difficult because lifeguards may not be available. The lifeguards are usually high school age. Usage in August falls off due to fall sports starting.
- Public comments: None.

TOPIC #7	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- None.
- Tina: Litigation session was not listed on the agenda, and not advertised properly. Suggested not holding the session tonight.

Additional Information:
