

City Council Work Session

5:30 PM
Council Chambers
September 16, 2013

ATTENDANCE:

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

ADJOURN TIME: 7:03 p.m.

Agenda

TOPIC #1	Complete Streets Benchmarking Report
PRESENTER	Wyeth Friday, Planning Division Manager
NOTES/OUTCOME	

- Wyeth Friday: Represented Complete Streets Committee. Council passed the Complete Streets policy in August of 2011. To encourage healthy active living; reduce traffic congestion; and improve the safety and quality of life of the City's residents by providing different types of infrastructure and facilities for safe, convenient and comfortable routes for walking, bicycling and public transportation. Policy calls for a variety of items to be completed as it is implemented. Data collection; progress reporting; benchmarks; measurements to determine whether it is effective and how it is being implemented over time. The environment working group has a wide variety of representatives from MDT's local regional office; Lisa Harmon with the Downtown Billings Association / BID; Big Sky Economic Development; Riverstone Health; City Engineering and Planning staff. They have been working on the benchmark report this past year. Riverstone Health was very involved in getting this put together through grants and various interest groups helped move this project forward. Executive summary was in the Friday packet. Full report is online at the City's Planning Department website and also at HealthybyDesignYellowstone.org in association with Riverstone Health. Report will be updated every 3 years. City/County Alternatives Mode Coordinator will update it using the same template and layout developed by this group.

Report contained before and after photos of completed projects. A new pedestrian system (HAWK) was installed on 4th Avenue North near the GSA building and is the first of its kind in Montana. Installed due to the amount of pedestrian activity surrounding the new GSA building. Report reviewed a variety of data: pedestrian, bicyclist and transit passengers. In September of 2012, pedestrian counts were gathered. This was the only thing that was outside of the normal data gathering that the City is already doing – whether it was trail counts, sidewalk inventory, traffic counts, etc. In working with the City Engineering Department and others on the committee, certain intersections were chosen to do specific pedestrian counts. These are areas where there is either already pedestrian activity or there may be anticipated changes to the area in the near future that

may affect the type of activity there. An example is 38th and Rimrock Road. A signal will be placed there with the Rimrock Road project. The committee reviewed what the activity is now and then will look at it again in the future after the light has been installed. Another area was Philip and Calhoun near Newman School. The Newman Lane project is nearly complete and will improve the pedestrian circulation in that area. Bicycle and trail counts are already being done on a regular basis.

MET transit has numbers for past years and will continue to provide data, including the types of users and bike rack usage. The data will indicate how those patterns may be changing.

Bike lane miles were increased in the City. There were some big multi-area projects in 2010 and 2011. A lot of areas of the City were striped for bike lanes. Was coordinated with Engineering whenever there was reconstruction or overlay of streets. It's information that can be used for benchmark reporting and referral to track progress.

Reviewed sidewalk deficiencies. System is already in place with Engineering Department. They continue improving it and put in place the infrastructure.

Reviewed existing bike lanes and multi-use trail pathways and system for tracking their use.

MET transit routes were reviewed for where they intersect bike paths where citizens can switch from one mode of transportation to another. MET has placed more shelters and benches in those areas.

The health component data concerning physical activity levels for Yellowstone County was derived from information Riverstone Health provided from periodic health assessment it conducts. In 2010 Yellowstone County's percentage of total population meeting physical activity recommendations was ahead of the United States average, but below that of other areas in Montana.

The report also contained information about Affordable Housing and Transportation. The average household income in Billings is \$51,000 for a household size of 2. Housing and transportation, combined, account for nearly 52% of the household's income is expended for these two expenses.

The report was nominated and received the Professional Project and Planning Award for 2013 at the Montana Association of Planners Conference in Helena.

- McFadden: In reviewing the numbers shown in the pedestrian and cyclists counts, doesn't it appear that a lot of money has been spent for very few people?
- Wyeth: The areas counted for this report, are places where projects have been completed or will be. Trying to capture a before and after. In some cases, nothing has been spent yet. There may be a project or there may not be. In the instance of 38th Street and Rimrock Road, knew a light would be placed there. Wanted to capture data there. In terms of the numbers, the numbers were gathered during the weekday when traffic counts would be highest and then during the weekend it drops. Some numbers do look low. Look at the whole area where this is occurring. In some places the infrastructure is more complete as people are moving through and there are other areas where it is not. There will be differences in usage partly because of that.
- McFadden: Complete streets and the money spent on them, is supposed to enhance ridership on the buses. Is that happening? Why or why not?
- Wyeth: I'll try to answer that as best as I can with the information I have. The MET transit usage was quite high. There were changes in scheduling a few years ago and usage

fell off. It is now beginning to rebound as the schedules were again adjusted. Overall usage is increasing, but there was a scheduling challenge and they lost quite a few riders for awhile.

- McFadden: So scheduling for a bus route is what puts more riders on the bus, but we cannot come up with a direct correlation between money spent on complete streets and bus ridership.
- Wyeth: Not an exact correlation. Do track bike rack usage on the buses and the different types of passengers boarding and departing from the bus. Have a better sense of whether there is more usage of the bike racks and whether there is infrastructure in place for that to be done. There is a correlation, but it is not iron-clad. Trying to look at the big picture to see how it is changing. In some areas not one particular thing can be credited with change.
- McFadden: But your report is seeing a positive correlation between the number of bicycles on the front rack of the bus and the fact that their destination is going to have a bike trail.
- Wyeth: Starting to look at that. Seeing that with the crossings at the trails and the transit routes. It's pretty new.
- Bird: Apologized for not seeing the presentation. Prior to preparing the Complete Streets Benchmark Report, what was your assessment related to pedestrian / bicycle culture in our community?
- Wyeth: Before the policy was adopted, I think we were already starting to see a change in that more people were interested in biking and walking. There was more interest in commuting by these means to get to and from work. Didn't make a distinction, tried to look at bike lanes vs. trails because this was a "complete streets" report. Trail usage is out there, too, but it is separate from the streets corridor. There is a trend, and we saw this when the bike trail master plan was updated a couple of years ago, before this report was done. It was a slow movement, but it was moving in a positive direction. The timing has been good. Now able to look back and see changes. Trend was there and that's why the timing was good.
- Bird: Assuming that part of the basis for embracing complete streets; it is not just about what is happening now, but about increasing the livability of the community to allow for safer pedestrian and cyclist transports throughout the City. Need to keep this in mind when looking at the investment. This is not a reactive investment, but a proactive investment to make positive changes now, to pay off in the future. It is apparent that during the last couple of years the rate of pedestrian and bicycle traffic has grown. If we are going to be attractive to people who are looking for quality of life or lifestyle, particularly younger people who are active, this is an investment in our future. Was there any discussion about the hostile driving culture in Billings? Did that go into the need for looking at an investment in our pedestrian and bicycle traffic in the community? We are not a bicycle or pedestrian-friendly community.
- Wyeth: The discussion about the driving behavior has been 2-way. Both from motorist to cyclists who do not follow traffic rules. Riverstone Health received a CTEP grant from our previous round of grants to do an education campaign for both drivers and cyclists in terms of following the rules and improving safety. There was a lot of positive response from doing the outreach to drivers and cyclists. Awareness needs to be a part of it.

- Ulledalen: Struggling with the 38th and Rimrock Road numbers in the report, that indicate only 11 kids crossed at Arrowhead. Seems very low just from personal observation. The map that shows no sidewalks, demonstrates a part of the problem. Can enhance 38th and Rimrock, but if there are children living on Audubon or Palisades Park or any of the streets above there, and they have to walk down the icy streets 5 blocks to get to that intersection, that is a problem. The City annexed county subdivisions that did not require sidewalks and there is no way to get to Rimrock, safely. There are 250 vehicles, twice a day, going in and out of Arrowhead Elementary School because there is no reasonable way to send the child(ren) to school, physically. Don't know what can be done about that. When the trail went in alongside of Rimrock, there were more children using it that were only a block to block and a half off of Rimrock and the parents had the children walk or ride their bikes down to the trail. That traffic picked up significantly. Until the red zones are filled in, it will be tough to have children safely walking to school. This is a challenge with the School District as to where schools get located and there is no way to physically have the children walk to the school.
- Wyeth: A few years ago a Safe Routes to Schools Study was conducted and found there are deficiencies near schools where sidewalks are missing or damaged. With the sidewalk inventory, are able to locate these deficiencies and some may be very challenging to overcome.
- McCall: How many hours during the day were the counts performed?
- Wyeth: Don't recall. There were 2 different days and they were aware of when the school was in session and when it wasn't and that was factored in. Don't know the exact times.
- McCall: Think that is something we have to keep in mind. It's just 1 snapshot of 1 day; a given number of hours. It's an example. The slide about the physical activity recommendations and Billings is lower than the Montana average; was that a comparison of the other 6 large cities? How did that number come about?
- Wyeth: Riverstone Health conducted a community health assessment and have done them in a lot of communities and counties. Not certain how small the communities were that they assessed. Comparisons within the different community health organizations that have done those across the state and it all follows the same standard.
- McCall: Okay, excellent report. Jim and Peggy Gaghan and I had the opportunity to work with the Complete Streets Committee through part of the process. During the 6 years on the Council, there has been a huge difference in public perception and reality of all the positive changes made. There is clearly a difference between how people perceive access in a variety of different ways. Job is getting done. Excellent job.
- Cimmino: What was the funding source for the new pedestrian light at the new GSA building?
- Wyeth: The GSA developer.
- Cimmino: Congratulations on receiving the award from the conference. Was the award given for the plan that was adopted in 2011 or this update report?
- Wyeth: Was specifically for the new benchmark report that came off of the policy. That is what was nominated. The full report is online. When we started coming up with a benchmark report, looked around the country and the state to see who else was doing this and was there an example we could follow. There wasn't. Others were then looking to us for ideas on how to see if they were making progress. This group put it together and no

one else in the state had been doing this. As we were preparing this report, it was a new concept and raised attention of the report.

- Cimmino: Was the Complete Streets done by the professional consulting firm from Bozeman, Alta Planning?
- Wyeth: Alta Planning facilitated the update of our bike and pedestrian trail master plan. This report was put together specifically by the committee group. Alta helped prepare the final report and gave advice, but it was really put together by the committee. Asked Alta to help make it look good and help with the presentation. They did a very good job.
- Cimmino: Want to draw attention to the lack of sidewalks in the Heights area. Have waited for a very, very long time to get sidewalks on Lake Elmo. The next time you are in the Heights, take a drive down Lake Elmo from Hilltop to Wicks Lane. Guarantee you will be very disappointed with the quality of sidewalks that were installed. The overlay was a black asphalt and gravel. It is a maintenance nightmare and the quality of work was very poor. It is unfortunate because that was a multi-million dollar sidewalk project. If that is the definition of what sidewalks are going to be in the future, we need to go back to the drawing board.
- Mayor Hanel: Very good point. Don't know that is the Planning Department's . . .
- Wyeth: No, not directly.
- Mayor Hanel: I'm sure the message will be delivered to the appropriate department.
- Cimmino: Thank you.
- Pitman: So now that we have this benchmark, are we going to look at this yearly, every five years? Where do we go from here?
- Wyeth: The plan is to update the report every 3 years. Going forward, the policy was adopted 2 years ago and the planned timeframe is 3 years. The health assessment is done every 3 years as well. This will allow us to collect as much information as possible.
- McFadden: Drove on the beautiful completed street by Peter Yegan Golf Course and noticed a sidewalk on one side and a bike trail on the other. About 3 feet into the pavement there are white lines, and noticed there was a fellow riding his bicycle with the street traffic within the white lines, which wasn't a bike trail. Is there any way to let cyclists know that the bike trails are for cyclists?
- Wyeth: The roads often don't have bike lane facilities. There are cyclists that are very comfortable riding in the little area between the white lines and the shoulder and then there are those that prefer to stay on the trail. It is their option. There are cyclists very confident riding with traffic in all kinds of traffic situations and they continue to stay on the street even when there are trails available. It happens.
- Mayor Hanel: Very good report with extremely valuable information; very well presented. Congratulated committee for the award. This is very well planned and the details of this report were included in the analysis by Kiplinger Report in selecting Billings as the sixth best place to live in the United States. It is getting national recognition.
- Public comments:
- **John McFadden, 711 Grand Avenue, Billings, MT**, Unfamiliar with term "complete streets". Didn't understand the response to the question Councilmember McFadden had about how to measure effectiveness. As an investment of money, will want a specific way of measuring the return. Please explain how the effectiveness of the "complete streets" was measured. How do you measure the effectiveness of the money spent for the

“complete streets”? What is the “bang for the buck”? Questioned spending money on anything where the results are not measurable.

- Ulledallen: The “complete streets” concept is multi-faceted. It talks about including a variety of modes of transportation in the street designs. There are areas that do not have sidewalks, so to get from school to home, cannot do it safely without sidewalks. Sidewalks and paths are necessary to connect neighborhoods together, etc. The idea about “complete streets” is designed to enhance ridership on buses; don’t think that was ever a point for “complete streets”. The MET bus system was a part of it, but don’t recall anything that said if we have more “complete streets” there will be more passengers on the buses.
- John McFadden: Councilmember McFadden did ask about “bang for buck”. Is there a way to measure that “bang for buck”?
- Ulledallen: That’s part of what the benchmarking process is. It is a way of measuring increased uses of the sidewalks over time. Part of the problem, such as in the Heights or Northwest part of town; some subdivisions were built outside of the City limits, there were no sidewalks – they were not required. So now those properties have been annexed into the City and the City is trying to connect those areas with sidewalks, etc. to increase mobility. Ideally want to be able to have school children able to walk to their schools, safely. In some places, such as Arrowhead School, it is nearly impossible to walk there. So there is a lot of traffic congestion caused by vehicles simply dropping off or picking up school children. Benchmark process allows the City to evaluate where the challenges are and then the City can, over time, remedy those problem areas. This is the benchmark in which to determine future effectiveness of the investment.
- Mayor Hanel: The design is not only about measuring dollars for what you get in return; it is also part of the overall quality of life improvement to the City and community as a whole, but also to enhance better health. It is all tied together.
- Candi Beaudry: Would like to comment on that. Looked at the economics of “complete streets” and it is very difficult to make a direct comparison as to how much “bang for the buck” we are getting for these facilities. If you look at the affordability index, this is a national index that is applied to communities throughout the United States. Will see that 52% of our income is spent on housing and transportation. If you have more transportation choices that are less expensive than driving a vehicle, then you can reduce your transportation costs. This means there is more money available for households to spend in the local economy. This is direct correlation of how “complete streets” can improve our economy.

There were no other speakers and the public comment period was closed.

TOPIC #2	Priority Based Budgeting / Strategic Planning Report
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Tina Volek: Friday packet included a note that the subcommittee selected Dr. James Sipe, from PDI Ninth House, a division of Korn/Ferry Company, to conduct the City’s strategic planning process. Confirmed Friday with Dr. Sipe that he is interested in proceeding. State law allows for a limited solicitation as long as the contract does not exceed \$25,000. If the City had to go through the RFP process, it would add 2 months to

the process and push it past the most useful timeframe for current councilmembers who may be leaving and would be taking their experience with them, as well as getting this accomplished in time for the budgeting process. Dr. Sipe indicated his original estimated cost was \$19,250+ expenses. He will bring this project in under the \$25,000 maximum. Had budgeted \$30,000 for the process. Invitations were sent to approximately 25 firms. Replies were received from 8; ranging in cost from \$13,750, plus travel costs to \$59,514. The subcommittee reviewed the quality of the responses and the costs when making the recommendation. The City Administrator has the authority to sign this contract. Members of the committee were Councilmembers Crouch, McCall, Bird and Cimmino. Their recommendation is to proceed and if it is acceptable to the Council, the contract be signed by the City Administrator when it is prepared.

- Cimmino: Echoed the support of Dr. Sipe. He did the initial strategic plan 7 years ago. He is familiar with the community and staff. He was amenable to work within the budget and the materials he submitted were impressive. Believed that with the additional feedback he will receive this go around, a strong strategic plan will be formulated.
- McCall: Supported Councilmember Cimmino's comments and added there was a really good working committee. It was a fun process, with some excellent applications. There were 3 top applications, but it came down to cost. Dr. Sipe had been here before and did an excellent job helping with the process; a good recommendation. Looking at tying this to the community conversation process for this fall and would like to work with Dr. Sipe and have him help with engaging in a process in the community conversations prior to beginning work with Council and staff.
- Ronquillo: The committee did a good job selecting Dr. Sipe. He was good when he was here years ago and he made the process enjoyable and educational. Spent a lot of hours with him. It is a good decision – he already knows about us and understands the direction the City is trying to go.
- Ulledalen: What may be getting lost is the timeline and benchmarking in terms of priority-based budgeting and strategic planning and ultimately the kick-off campaign to do another public safety levy. There will have to be some hard dates put in place for that process. Can't run it out indefinitely into the future because of the burn rate of reserves. Will there be a discussion about that and when we will build-in the next levy vote?
- Tina: Don't have the timetable readily available, but have scheduled a discussion of the public safety levy for late October. Will be appointing Dr. Sipe with priority-based budgeting and make certain he is aware of what some of the issues are and we need a strategic plan to address some of those issues.
- Mayor Hanel: With the selection of Dr. Sipe, he is expected to be onboard in early October?
- Tina: Will have a contract sent to him by the time he returns from Dubai. Anticipate he will have the process done by mid to late-January. Will allow him to deal with both existing councilmembers and newly-elected councilmembers.
- Public comment: None.

TOPIC #3	Fire Energy Projects
PRESENTER	Pat Weber, Finance Director

NOTES/OUTCOME	
<ul style="list-style-type: none"> ▪ Pat Weber: Fire Chief is on vacation, so filling in. Concerning Councilmember Ulledalen's comment concerning the public safety levy; the committee met and Bruce McCandless sent a draft report. Finalized version will be sent to Tina the first part of October. Public safety levy is being worked on. <p>In 2013, \$1.8 million was transferred from the SID revolving loan fund. \$216,000 was Council approved to be used for fire projects. All of those projects are complete and there are still funds to be used. Placed in the Friday packet are 4 projects the Chief would like to do with the remaining funds.</p> <ul style="list-style-type: none"> ➢ Project No. 1 – New roof for Fire Station No. 1 ➢ Project No. 2 – Air-conditioning unit replacement at Fire Station No. 1 (approx. 27 years old) ➢ Project No. 3 -- Replace single pane windows at Fire Station No. 3 ➢ Project No. 4 – Replace single pane windows and 2 awnings at Fire Station No. 6 <ul style="list-style-type: none"> ▪ Cimmino: So basically there is a balance of \$73,950 that remains. Was the \$216,000 an over guesstimate on the original projects? ▪ Pat: Yes, it was. ▪ Cimmino: Did that include separate restrooms for the female firefighters? ▪ Pat: No, that wasn't part of the \$216,000. The \$216,000 was just for lighting projects and a boiler. All of that came in less than what was anticipated. With the remaining balance, the Chief would like to see these projects completed, if Council does not object. ▪ Cimmino: Wasn't part of the \$216,000 going to be from a rebate the Fire Department would receive because they were investing in energy-efficient materials? ▪ Pat: Don't know about the fire station rebates, would have to check with Saree Couture about that. But we are finishing City Hall with some of that money. That will allow us to get a rebate to Parking and the General Fund. The fire stations may not be large enough and there isn't a lot of lighting, don't know if they could even apply for a rebate. ▪ Cimmino: Understand that the facilities master study that will be considered in the next few months; that Fire Station No. 1 will be upgraded and rebuilt in a new location. ▪ Pat: Haven't heard anything about that. ▪ Tina: That's the first I've heard about it. ▪ Cimmino: Have it on good authority. ▪ Tina: No. ▪ Cimmino: Are we talking about where the Chief and Assistant Chief live during the time they work here. ▪ Tina: We are talking about and have had some discussion about the acquisition of property for a revived dispatch center and it may be that some of the offices would go with the dispatch center. That's the only facility discussions that have been held about moving. ▪ Cimmino: But the current dispatch center we want to upgrade is part of Fire Station No. 1. ▪ Tina: It is. That is correct. ▪ Pat: In the basement, yes. ▪ Cimmino: Okay, thanks. 	

- Mayor Hanel: The monies were allocated at one time and would like to think an individual or individuals exercised good effort to save and spend less than what they intended to leave room for making additional repairs. If a roof needs repair, would support having it repaired now, rather than wait until there are leaks or problems because it was not replaced timely. Is probably the right move.
- Ulledalen: One of the discussions we've had was that the rebate money be used to address capital and deferred maintenance items and not placed into salaries. This is totally on track. Can't just keep kicking down the street these items to future councils. It's a great idea.
- Ronquillo: All 5 fire stations have flat roofs. That design seems to encourage leaks, even with the technology of today, no way to keep moisture out. Leakage is a problem; there was even water problems at Fire Station No. 6 shortly after it was built. Hopefully someone will look at getting rid of the flat roofs. Take a long look at this and remedy that to save future funds.
- Pat: Can ask the facilities manager to give us an idea how much it would cost to do a regular roof for Fire Station No. 1. Guessing it is more than \$40,000. Maybe not.
- Mayor Hanel: There are no objections to the recommendations presented.
- Public comments: None.

TOPIC #4	Park Maintenance Districts
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Tina: On Saturday an email was sent to Council. Before Council this evening, there is a copy of the report on Park Maintenance District charges. In particular, Park Maintenance District charges in 5 newer subdivisions, where it has been discovered that the majority of the assessments for Park Maintenance Districts are being paid only by property owners of developed property. Charges are not being paid by the owners of undeveloped property. This came to our attention via a complaint and it has been investigated quite thoroughly. There appear to be no Council records giving any direction to do that. Spoke with Don Kearney, the prior Park and Recreation Director, and he doesn't recall anything being officially approved. Spoke with Rick Leuthold, an active principle in the engineering industry in town and has developed a number of subdivisions. Also spoke with Gary Oakland, a developer of two of the mentioned subdivisions and none of them are certain why this occurred. This is very unique. Checked with Great Falls and Missoula, who have had small Park Maintenance Districts in the past, but usually only when the subdivision that it represents has been completed. All of those parcels were included in the explanation. Note the breakdown, by neighborhood, of what the Park Maintenance District assessments were for the current budget year; how many parcels were assessed; the anticipated adjusted amount if all parcels are included and the adjusted amount of the assessments. There are significant differences and in some cases, staff recommends, and have set up the Park Maintenance District assessment process for next Monday's agenda, to reflect a charge to all buildable parcels, whether or not there is a house/building on them. Mr. Oakland had questions about the number of parcels and City staff will work with him and other developers involved, making certain they are aware of this, prior to the public hearing next week. Council could amend in some regard. Mr.

Oakland made a plea for Council to relieve neighborhoods with individual Park Maintenance Districts of the overall Park Maintenance fund. He was advised that was an issue Council considered at one time and decided to not proceed on it at that time.

- Mayor Hanel: There are developers that own lots where there is now a Park Maintenance District fee in place. The persons who have purchased a lot; had a home built or bought an existing home; are paying their fair fee, however, the undeveloped lots – no one is paying a fee and in fact that fee is assessed to those who are already developed and none to those undeveloped.
- Tina: That is correct. It might be other than the developer, it could be builders (they are frequently known to buy lots). Will let the homebuilders know this is an issue also, but developers buy lots and hold them for a specific customer who wants to live in a particular neighborhood. Individuals also buy lots they intend to build on in the future. They are also included. It's not just developers, but builders and private individuals as well.
- Mayor Hanel: So what it comes down to is fairness.
- Tina: Yes, equity.
- Mayor Hanel: So those that own a home aren't carrying the full load. When you state undeveloped lots, you mean lots that have services available, ready to develop.
- Tina: Correct. This does not apply to lots in unplatted pieces of subdivisions. It applies only to platted subdivisions with buildable lots.
- Mayor Hanel: No history or records containing information about how this all started.
- Tina: None that could be found. Spoke with Mr. Oakland's manager who has been here since the 1990's and he did not know why. So this goes back for some time.
- Mayor Hanel: This may prove to be painful for some developers, but what is fair is fair.
- Tina: It is an equity issue.
- McCall: Fully agree this is about equity for all property owners. Has been a longtime coming. Had long conversations with Councilmember Ulledalen about this. Analysis and work that has been done is really good and it provides clarity for the first time. It's a good thing and obviously some developers and builders will not be happy about it, but it is equitable and fair.
- Tina: Recognized Pat Weber and his staff; and the Parks Department staff for their hard work in locating the numbers to bring to Council.
- McFadden: Touching on the subject of fairness, to be fair as this is additional tax that is implemented, it should not be retroactive. It should be forward looking and not penalize people who have owned property in the past and try to go back and collect back taxes. That wouldn't be fair. Before we implement this, would like to see a public hearing so people who own this property would have a chance to express their support or objections.
- Tina: Councilmember McFadden raises an excellent point. The staff recommendation is that we believe it would be virtually impossible to determine who owned what in years past and make adjustments. Believe we need to be going forward from now on, rather than trying to go retroactively. There is a time element in it as we must get assessments to the County the first week in October. Next week's meeting is the last opportunity to make the change. An option would be to go forward as we have in the past, for one more year,

but we are going to hold a public hearing Monday night on the assessments. Will personally make sure the developers in these subdivisions are aware of this so they have an opportunity to attend the public hearing and voice their concerns.

- Mayor Hanel: It appears some of the dollars are significant, depending on the subdivision, in terms of a reduction to those who are paying presently.
- Tina: It will be a good thing for the residents of some of the subdivisions.
- Cimmino: The yearly charge would be based on how many lots would be within that subdivision.
- Tina: There are two different methods of assessment and payments. One is a square footage number and don't remember which subdivisions have that method. The rest are an event split among the lots.
- Cimmino: So right away what jumps out – Kings Green, which is considered an affordable housing subdivision has 209 lots; but then you look at Ironwood, which is considered an affluent neighborhood has 215 lots. Their fee is lower because there are more lots to divide the total fees among.
- Tina: That's one of the differences. Either way, a square footage basis or simple lot basis, the more people dividing up the assessment, makes it a smaller assessment per landowner. This will come before Council on Monday night as a public hearing, but if Council wishes to go another route, it would be helpful to have some indication for staff for preparation.
- Public comment:
- **John McFadden, 711 Grand Avenue, Billings, MT**, Read an article in the Billings Gazette that stated the Council had concern about residents that lived in neighborhoods that were paying a special fee and that they might be getting double dipped with new Park Maintenance District. There was also concern about funneling money from the new Park Maintenance District into other City endeavors and they wanted someone to guarantee that would not happen. Finally, some councilmembers were concerned about a "sunset" provision for the Park District. Where can these answers be found?
- Tina: Council decided not to relieve property owners who had already assessed themselves for smaller park maintenance districts from Park Maintenance District 1, so they pay both fees. I am one of those property owners. The issue of funneling money from Parks into other endeavors – first the Park Board and then the City Council have approved a list of deferred maintenance projects for each of the first 3 years of the district. The first year is complete and we are in the second year. The Council is receiving periodic reports on what is being done. For example, restrooms were just purchased for existing parks that don't have them – all maintenance, no new parks. Lastly, the "sunset" provision, the Council authorized the City for projects for 3 years and at the time that ends, staff will come back to the Council – through the Parks Board with another list and get direction from the Council on where they want to proceed. Up to Council to decide if they want to set another levy, reduce it drastically or how they want to handle that. The City had more than \$9 million of deferred maintenance and staff continues to identify additional maintenance beyond that. That is the intent of the maintenance district – to take care of the deferred items.

- John McFadden: You stated you are one of the persons who pays double fees. So as it is set now, those double fees are going to end for you.
- Tina: No, not at this point.
- John McFadden: Unless they come up with some more maintenance projects.
- Tina: There is the Park Maintenance Fee, which is the overall City fee and then there are Park Maintenance Districts. Park Maintenance Districts continue to exist, and all the owners of land surrounding those parks will continue to be assessed. The Park Maintenance District is levied at the pleasure of the Council. The Council could choose to create a smaller levy in some year and do fewer or no projects. But that would be relieved at whatever level it is for all residents of the City. There are 2 different sets of fees. The Park Maintenance Districts for individual neighborhoods are going to go on in perpetuity and neighbors are aware of it when they buy into those park areas. Park Maintenance District is the pleasure of the Council, we have a 3-year plan. At the end of that time Council will decide how they want to proceed.
- There being no other speakers, the public comment period was closed.

TOPIC #5	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- **James Cox, 2822 Poly Drive, Billings, MT**, during the Council meeting last week, there were a number of agenda items voted upon with staff recommendations. There was no discussion as to what staff recommendations were. Ms. Volek stated they were posted at the public library. The library did not have them posted. The librarians on the first floor and at the reference desk on the second floor didn't know anything about them. The second floor reference desk librarian stated they get copies of the agenda and indicated where they were located, but there were no staff memos with them. Checked with the library today for the agenda for tonight's meeting and there were none. How can the public comment on things when they are not aware of what they are? Looked on the website and found the decisions that were made from the previous meeting, but did not see anything for this meeting on the website or for the regular Council meeting for September 23rd.
- Tina: If you look under the City Council portion of the website, there are both agendas and minutes from present and past meetings. The meeting for September 23rd was posted today. It is given to the Council today and it is not posted publically until the Council has it. You should be able to locate it this evening. The staff memos are attached to the agenda. I would be glad to go over it with you and show you where to find them if you would care to see them. There is a packet that is provided to the Council with an Agenda and attached to that are all of the staff reports with their recommendations. After the Council has its meeting, the next morning a brief summary is posted that indicates what Council action was on each item. Then, detailed minutes are posted after they have been transcribed. Would be glad to show you where to locate those.
- Mr. Cox: I did see where the minutes are, but minutes are after the fact, too.
- Tina: Right, but I can certainly show you where the agendas and staff memos are located.

- McFadden: Would like to make a suggestion to anyone viewing this meeting and that is if you are at home and you have access to both your television set and your computer, you can use your computer to go online and view this agenda and if you click on the hyperlinks it will give you the background information that staff has prepared. Also if you are attending the meeting, live, the little white box is a wireless internet connection so you can bring your laptop or tablet and actually view the staff memos online in real time while the Council meeting is in progress.
- Cimmino: Mr. Cox, I want to give you a brief overview of the cheat sheet I use because I'm a very visual person. I like the paper copy, but I also review it on the computer. Every work session Monday Council is given a copy of the Agenda with all the supporting documentation, including staff recommendations, for the following regular business meeting. The morning following the regular business meeting, the City Clerk is very diligent to provide a Council Action Summary and indicate what action took place for each particular item. So the key is if you want to see what is going on next Monday, check online every Monday afternoon because the Agenda and supporting documentation is posted for anybody to see throughout the entire United States.
- Mr. Cox: It's possible it's just a website problem. But I know I can go back and look at my computer's history and see where I tried to access it. I will make certain I am in the right location.
- Ulledalen: There are two sections on the website. One says Agenda and one says Agenda with Supporting Documents. You can pull up the whole pdf Agenda packet and look at each item and see the staff recommendations. For the work sessions, the agenda is posted, but there are no staff recommendations because no votes are taken at work sessions. Work sessions are an opportunity to present information and give questions and receive feedback from the Council.
- Mr. Cox: I came tonight to ask how to find this information for the Agenda for the next time and as of today, the information should be on the website. Thank you very much.
- **John McFadden, 711 Grand Avenue, Billings, MT**, asked who sets the agenda for the City Council?
- Tina: By City Charter.
- Mr. McFadden: Okay, the other thing is the disclosure forms. Has anyone ever heard of disclosure forms that City employees file?
- Mayor Hanel: For what purpose?
- Mr. McFadden: Well I had heard that term and I was wondering what they are? Have you never heard of one?
- Tina: I have heard of them, we require that employees recuse themselves from participation in any project and that is according to our ethics code. That employees and members of the Council, for that matter, recuse themselves from involvement in any activity from which they have a personal benefit or any member of their family.
- Mr. McFadden: Oh, because when I heard it, it was in the connotation that if a person wanted to get information, then they should look at a disclosure form that a City employee filed, for example, to see where the money is coming into the City and where it is going. There is nothing like that? That's wrong information?
- Mayor Hanel: That is public information accessible for anyone at any time.

- Mr. McFadden: And that is online too?
- Mayor Hanel: Um hum.
- Mr. McFadden: I can find those links on the City website?
- Ulledalen: Pull up the City budget and look at it.
- Mr. McFadden: Okay, thank you very much.

There were no other speakers and the public comment period was closed.

Additional Information:

- Bird: Trying to keep the meetings on task and efficient. One thing that happened a couple of meetings ago, there were some things I wanted to throw out for discussion and it wasn't appropriate in the business meeting. So, because this is a work session and perhaps the best avenue for me or any of us to throw out items for discussion. If the work session is the place for us to present questions or talk about whether an initiative is needed, or just general things, is that something that needs an initiative to request another bullet on our work session agenda?
- Mayor Hanel: This does not require an initiative. But you can request staff, under the administrator or assistant administrator, and if there is something you would like to have on the work session for discussion, please let them know.
- Bird: So we need to try, as best as we can, to give the administration a heads up so it can actually be an item on the agenda?
- Mayor Hanel: Correct.
- Bird: Okay, thank you. Tina, they were doing some utility work or light work at the intersection of 29th and 2nd. The light was off – I was headed downtown to go to the parking garage and there was no light. There was a stop sign on the northside of the intersection coming down 29th. There was no stop sign or yield sign on the eastbound lane, so I unfortunately was reprimanded quite aggressively by someone who was at the stop sign at the northside of the intersection, who I think thought that those of us heading eastbound had some kind of traffic control in that lane as well. It could have easily caused an accident. Obviously he was upset because I think he assumed there was some traffic control eastbound. I bring this up because I just kept going because I knew the light was out – I did slow down, but proceeded through. My suggestion is that when we have that, we might want to think about doing some traffic control in both lanes to alleviate the confusion. Don't know how often that happens, but the gentleman was very upset with me.
- Tina: Will be glad to talk with Public Works about that. Also Section 2-222 of Rules of Procedure for Work Sessions, says the City Administrator or designee shall prepare an agenda for each meeting. It would be helpful if items you wished to have placed on the

agenda were brought to administration's attention. Will be glad to work with you on agenda items.

- Ronquillo: We had the same problem on State Avenue and Hallowell with the lights out. Again, they had the red light and we had the yellow light. Courtesy drivers stop anyway at the yellow and then motion for others to go through, and then every other one goes through. Sometimes it's just a little common sense and if you see a flashing yellow light slow down, you never know what the other person is going to do. Proceed with care.
- Bird: There was no light whatsoever here, Jim. Stop signs in the southbound lane, but nothing in the eastbound lane.
- Pitman: We have brought this up and it keeps coming up. It has happened for probably 6 years of frustration on this Council as to when can we have that conversation we just had, that in a sense sometimes needs to happen in this public forum and may not be in time for asking the administrator to get it on the agenda. I am wondering if we can do something before the final public comment period. The problem becomes that if we are doing something now, but we don't give the public any chance to comment on something that has just been brought up. We are past that point, but if we could add right before that, at every work session. I don't know what it would be called, maybe Councilmembers Question and Answer section. And a lot of this may be, "Can you get back to us at another meeting?" because there isn't a lot of notice; but a format like that, followed by a public comment period to where if there is somebody in the public that has that answer or "I have that same question" or "That's a great question, I hope you continue to pursue it". If it doesn't take an initiative, and it is just a Council request on a work session that before public comment there be an opportunity for Council to air or express a feeling; not sure what the title needs to be on that. But if legal staff could find out what we need to do in order to stay within the open meeting laws, but also give the Council a public forum in which we can have an open discussion. I'm not one that if it is a valid conversation or piece that we need to discuss, I'll stay till midnight to discuss stuff. I'm not always "Let's get out of here as fast as we can." We just need to find out what that format is. Sometimes we go beyond that scope and that's the issue I have when we are in our official business meetings and then we get to this point, and instead of it being an initiative, followed by a motion, followed by getting back to us, we get into these conversations of "what about this road?" or "what about this project?" and it isn't appropriate because we are not giving the public a chance to comment on it. Whatever we can do to adjust this agenda, shouldn't take an act of Congress, I think we can find a way to adjust this agenda.
- Mayor Hanel: Yes, we will look into what is required to make these changes.
- Bird: Thank you, I'd appreciate it.