

**COMMITTEE OF THE WHOLE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
MARCH 30, 2011, 1:35 PM**

Members present: Ed Childers, President; Stacy Rye, Vice President; Dick Haines; Lyn Hellegaard; Bob Jaffe; Marilyn Marler; Renee Mitchell;; Pam Walzer; Jason Wiener; Jon Wilkins and Cynthia Wolken

Members absent: Dave Strohmaier

Others present: John Hendrickson, Dave Dewing, Marty Rehbein, Laval Means

I. Administrative Business

Approve minutes dated March 21, 2011 will be available at a later date and [March 23, 2011](#) minutes

Minutes dated [March 23, 2011](#) were approved as submitted. Minutes from March 21, 2011 will be available at a later date.

II. Public Comment on items not listed on the agenda--None

III. Regular Agenda

A. Consider a regular and an emergency ordinance to adjust ward boundaries. ([memo](#))—Regular Agenda (Laval Means) (Referred to committee: 02/28/11) **HELD IN COMMITTEE**

MOTION: The committee recommends the city council set a public hearing on April 25, 2011 to determine whether adjustments to ward boundaries are necessary and to consider an emergency and a regular ordinance amending MMC 1.16 entitled “Election Wards” amending section 1.16.010 revising and updating ward boundaries based on new population statistics and repealing section 1.16.020 entitled “Precinct Boundaries” which contains outdated provisions relating to precinct boundaries enacted as an emergency in order to have new ward boundaries in place before the opening of filing for city offices.

Dave Dewing, Senior GIS Analyst from the Office of Planning and Grants, gave a [presentation](#) on the new proposed ward boundary changes. He stated they received the new census block data on March 15, 2011. The new population for the six wards is 66,788. From the projected populations from the last 10 years with the city through the building permits, they came within 5-10 people of what the Federal census survey. The changes made to the ward boundaries were: from Ward 2 and Ward 1, Ward 4 to Ward 3, and Ward 5 to Ward 6. The city attorney suggested staying within +/-3 percent.

The proposed Ward boundary changes are:

- The change from Ward 2 to Ward 1 included the area from Orange Street to the Bitterroot Branch of Montana Rail Link tracks and from the north tracks of Montana Rail Link to the to the Clark Fork River.
- The change from Ward 3 to Ward 4 included from Higgins to Mansfield and from Beverly to Woodworth.
- The change from Ward 5 to Ward 6 included South to Fort Missoula and from Reserve to Suzanne. This area included a couple of apartment complexes and assisted living areas.

Lyn Hellegaard asked why the area from Brooks and Reserve in the shape of a triangle wasn't considered instead of the Fort Missoula piece. Mr. Dewing stated he looked at the largest polygons first and thought the Fort Missoula piece was a good place to start.

Renee Mitchell stated the area Ms. Hellegaard pointed out would be a better fit with the natural boundaries rather than the Fort piece. She would like to see the Fort Missoula piece stay in Ward 5.

Jon Wilkins stated he has some concerns about the residents of the Woodford and Beverly area. The people living in this area don't know which ward they are in because they move every two years between Ward 3 and Ward 4.

Stacy Rye asked if the council needs to make any changes. Jason Wiener stated there is a US Supreme Court decision that says in redistricting state legislatures there is a plus or minus 5 percent. The redistricting commission looks at 3 percent as criteria.

Ms. Rye stated there are people in the district who don't know if they should call the ward 3 reps or the ward 4 reps. In addition, there may be the East Missoula area coming into the city in 2015 or 2020 to add to the Ward 1 growth. Her preference would be to leave Ward 2 alone and find different population to put in Ward 1.

Laval Means from the Office of Planning and Grants, discussed with Jessica Miller in Special Projects and Annexations about the agreements coming up in the near future. The agreement with East Missoula will not come up until 2024 and El Mar Estates is slated for 2016 if they meet the 50 percent change over existing units. She also stated the closest to zero is best after a census year so there is room for expansion over the next 10 years.

Mr. Dewing stated both of those annexations will bring in about 2500 people to the city.

Mr. Wiener asked Ms. Means when the county's technology district expires on the Canyon River Village. Ms. Means stated she doesn't have any information.

Mr. Wiener asked Ms. Rehbein if there is a charter requirement to change the boundaries every two years. Marty Rehbein stated there is no charter requirement. The principal concept is one man one vote or one woman one vote. The idea is if you have unequally a portion districts that you are disenfranchising people because more people will be represented by one person than another district. The narrower the window close to the census gives you more room in order to not make big shifts in the future.

Mr. Wiener motioned to set the public hearing for April 25 to determine whether adjustments to ward boundaries are necessary and to consider an emergency and a regular ordinance amending MMC 1.16.020.

Mr. Childers asked Ms. Rehbein if the 25th of April will work for the public hearing. Ms. Rehbein stated the 25th of April will work great but the council must decide on the 25th of April what the ward boundaries are going to be in time for the first day of filing. The committee may set the public hearing today and hold this item over for discussions on other proposals next week before the public hearing.

Mr. Wiener asked what the timing is on determining if a candidate is eligible. Ms. Rehbein stated she is not sure but could ask the elections office.

Mr. Wiener suggested the council set the ward boundaries before the filing date in case the emergency ordinance fails and if someone files for office before the regular ordinance takes effect.

Pam Walzer stated there is a different level approval for the emergency versus the regular ordinance. Once the council sets and passes an ordinance it doesn't take effect for 30 days.

Ms. Hellegaard stated she won't support the motion as she likes Ms. Rehbein's suggestion about holding over the motion until next week to talk about some different proposals.

Mr. Wilkins asked if they are only setting the public hearing on the ordinance. Mr. Childers stated yes.

Bob Jaffe stated they know they need to set a public hearing and know they need to set the ward boundaries. He feels there is no reason not to set the public hearing.

Ms. Rye asked for the current map, proposed map and any other proposals available to them before the meeting next week.

Mr. Wilkins asked for some clarification on if the council can get away with not doing anything to the ward boundaries. Mr. Dewing stated this would be a question for the City Attorney as he has been adamant about being within plus or minus 3 percent since he began in 1993.

Ms. Rye asked how many people are in the Woodworth block. Mr. Dewing stated there are roughly 228 people. He tries to keep ward 3 big as it is an internal ward and it doesn't see much growth except a few multiplexes.

Ms. Rye stated she would like to see the University go back and forth between Ward 1 and Ward 3 then adjust the boundary back to South Avenue. She asked Ms. Means about the Canyon Creek subdivision on when it will be fully annexed. Ms. Means did not have any information.

Mr. Childers asked for Ms. Rye to get a map to Mr. Dewing for the council to consider at next the meeting. Ms. Rye stated she would like to see the University move back to Ward 1 and adjust the boundary back to South Avenue for Ward 3.

Ms. Walzer stated whether there is a 3 percent or 5 percent they need to make an adjustment. She would like to see more scenarios before she makes a recommendation.

Mr. Childers stated within reason he is sure Mr. Dewing would do any type of map for council but they would need to get him the information. Mr. Childers is happy with the new proposed Ward 5-6.

Ms. Mitchell stated she supports keeping Fort Missoula in Ward 5 and changing to Lyn's idea.

Ms. Walzer asked about the section east of the Mansfield-Woodworth intersection. Mr. Dewing stated this is the university area which picks up the places around the golf course.

Ms. Walzer stated this area would more reasonable because people who live in this area are not going to be around to be affected. Mr. Dewing stated if they decided to use this block it would put Ward 3 over by 120 people. He also stated his boundaries stay North and South. He pulled Fort Missoula piece to Ward 6 because it was close to the populous of Ward 6. He took the Woodworth and Beverly because it was a clean break plus it stays within the precincts. The 340 area is a bad polygon which goes to the other side of South Avenue.

Mr. Wiener called for the question. The motion was approved unanimously.

The motion on setting the public hearing for April 25 passed unanimously. This item will be discussed next week in committee and Mr. Wiener will be chairing the meeting.

B. Administration and Council discuss legislative matters. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 01/24/11)

Jason Wiener stated HB 513 to require buying gold and silver in large quantities was defeated by the vote of 52-48.

SB 306 has yet to be scheduled for floor action but was marked as a "watch" bill according to Missoula-In-Session. He would like the council to oppose it and communicate it to lobbyist. This bill changes language that was created by an initiative and was confirmed by a subsequent initiative. The subsequent initiative in 2004 passed the initiative which would have repealed the provisions made some of the changes that are proposed in this law failed in Missoula County with 13,720 votes for repeal and 38,187 in opposition. This is the biggest municipality downstream from this area targeted for development if this passes.

Mr. Wiener motioned to oppose SB 306 cyanide leaching. The motion passed unanimously.

Mr. Wilkins stated the for-profits were tabled.

Ms. Mitchell stated she sent an email to the committee regarding HB 352 the bottled water bill. If an establishment is in violation of water purity regarding the nitrates that they are given a 5 year window and she thinks this is a bad bill. If a restaurant has bad nitrates there is probably a sewage problem nearby and they need to take care of it. She is encouraging anyone else to send an email to the committee.

IV. Held in committee

1. Mayor's Update – Ongoing in Committee. (Mayor Engen)
2. Updates from Council representatives on the Health Board, Community Forum, Transportation Policy Coordinating Committee, other boards and commissions as necessary. – (Ongoing in Committee)
3. Joint meeting of the Mayor, City Council and County Commission; a facilitated quarterly OPG review as directed in the [Interlocal Agreement](#) (Agenda)—Ongoing (Mayor Engen)
4. Joint meeting between the Missoula City Council and the Missoula County Public Schools' Board of Trustees ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/17/07)
5. Examination of Office Planning and Grants ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 09/08/08)

V. Adjournment

The meeting was adjourned at 2:25 PM

Respectfully submitted,

Nikki Rogers
Deputy City Clerk