

City Council Work Session

5:30 PM
Council Chambers
April 3, 2017

ATTENDANCE:

Mayor/Council (please check) Hanel, Cromley, Yakawich, Cimmino, Brewster, McFadden, Friedel, Swanson, Sullivan, Clark, Brown.

CM excused: Cimmino

ADJOURN TIME: 9:12 p.m.

Agenda

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

- Ed Bartlett: Senate approved HB 2, slightly amended, by a 29-2 vote on 2nd reading. Next reading Tuesday, then back to House.
- HB 473 (gas) passed 56-44 and will go to floor for third reading Thursday, then on to Senate.
- Both local option bills (Senate Bill 331 and HB 577) tabled in the House and Senate Taxation Committees.
- Brewster: Curious about 473, process to get money confusing, with annual applications. Can we bond projects or do they have to end in the year the revenue comes out? Bartlett: Confusing on new revenue, but does not affect existing revenue divided on population and miles. Does not know answer. Asked Tina Volek, City Administrator, who does not know, but will consult with Bruce McCandless, Assistant City Administrator, who is ill, and get back to Council with an answer.
- **Public Comment:**
None

TOPIC #2	VISTA Program
PRESENTER	Brenda Beckett, Community Development Manager
NOTES/OUTCOME	

- Amy Jo Dailey, Pacific Cluster Area Manager: Manages 10 states in area who cover Vista and Senior Corps program from Montana west. Learned there are 4500 Mayors, Tribal Officials and others signed on in support of national service. Recognizes Brenda Beckett's "amazing" work since 2009. Brought in more than 100 Vistas, 40% of whom have stayed and the rest who have gone on to graduate school. Homeless Initiative book made by Billings VISTAs is one of finest demonstrations of output of VISTA in making community change. Her first visit to Montana, saved the best for last. Swanson: how long VISTA in effect? Dailey: 1965. Brewster: appreciate young folks and work do in community, reach out and touch people in community. Mayor: Region has benefitted from young people and their work.
- Sara Sadowski, Governor's Office Volunteer Service, former VISTA: Any former Vista's on Council? Cromley: 1963-65 in Peace Corps in India. Getting things done is motto – dual mission: to meet needs and exporting Montanans to other locations and developing contributors. Developing leaders. Thank you.
- Yakawich: Know Governor has served Montana scholarship—touch on it
- Sidowski—100 scholarships for Montana high school students who have volunteered 100 hours in last year, \$1,000 off tuition.
- VISTA Volunteers introduce themselves. Group photos of VISTAs and visitors with Council.
- **Public Comment:**
 - Connie Wardell, P.O. Box 21432, Billings, MT: Best way to attract young people to Billings, MT, these are the ones we want to bring here.
 - Jim Coursin, 410 15th St West, Billings, MT member CD Board, with CM Brewster: Thanks Council for continued support of program. Have Connie to dedicate funds and without Council, would not have it. Thanks for continued effort. Also on board Community 7, which last month hired former VISTA volunteer from New Hampshire. Mayor: Investment paid back.
 - Regina Grandin, Executive Director Big Brothers and Sisters: has their first VISTA, grown their program and worked on fund-raising.

TOPIC #3	City Administrator Search Firm RFP
PRESENTER	Liz Kampa-Weatherwax, Purchasing Agent
NOTES/OUTCOME	

- Liz Kampa-Weatherwax, Council provided with copy RFP at Committee's Request.

- Brewster: Committee reviewed and recommends to Council for approval, if consensus, will move forward. Opportunity for individual changes, so it can go out.
- Sullivan: Insurance high, given this is for professional services. Could attract reputable firms if dropped. Brent Brooks, City Attorney: In 2006 Council committee determined \$1.5 million appropriate insurance for consultants. If Council believes low risk of malpractice, could lower to \$1 million per claim. Consulted agency who has assisted 2006 committee. Anything below \$1 million, question experience. Tell consultant can pass cost onto City. Sullivan: Hate to go too high and miss 1 and 2 person shops. Friedel: Liability insurance cost difference very little, based on own experience, hundreds, not thousands of dollars. Kampa-Weatherwax: Don't have to have level until selected.
- Yakawich: Sending out RFP for consulting service, which will bring information back to Council, which will have preliminary discussion. Timeline? Brewster: Select, work with community, staff and senior staff, come up with characteristics for new administrator. Firm will advertise, collect applications, do pre-screening, filter out to 10-15 for Council which will narrow down to 4-5 for interview. Consultant will help with interview process. Yakawich: Why invest in this?
- Brewster: Resources with organization and administrators, help gather information, help create questions all will answer, help facilitate Council review, keep out of legal trouble, etc. Mayor thanks committee. Clark: Take 7 months or more, according to schedule. Kampa-Weatherwax: Conservative estimate 7 months start to finish. Clark: Each CM gets to appoint one person to committee by April 24 forwarded to CM Brewster. No other Council questions.
- **Public Comment:**
- Connie Wardell, P.O. Box 21432, Billings, MT: Fantastic document Liz Kampa-Weatherwax put together, heard and incorporated into document. Insurance important, do not want 1 to 2 man shop, based on experience with School Superintendent. Don't have resources. Some firms know who wants to move, who they deal with. Like wants to hear about managers placed in comparable sized cities. Like to see people placed MT, WY, N & S Dakota, Idaho and Utah, who understand our laws. Let's you know if firm understands life style and person need. Document says the City shall interview, follow up with questions, individual CM's may follow up with individual questions, not just staff. Brewster: Questions not meant be sole question, meant to bring out follow up, need ask same question so everyone gets it, need to follow up individually on company and resident. Council has even sent people out to communities and can work through with consultant. Sullivan: Some of best ideas and avenues come from 1-man shop, want to get it right, Council and committee wants to cast wide net. Ms. Wardell: Has contacts and know what doing.

- Kevin Nelson, 4235 Bruce Avenue, Billings, MT: What is budget? Brewster: \$25-30,000. More to bring people in.
- Mayor: Opposition to moving forward? Seeing none, please move forward. Yakawich: Wants written-out timeline. Brewster: Can provide.

TOPIC #4	Snow Plowing on Side Streets
PRESENTER	David Mumford, Public Works Director
NOTES/OUTCOME	

- Dave Mumford: Only plow 3 inches or more, about five storms, not hauling, just plowing. Removal 3X as much effort. Mayor: Plowing without removing, problem doesn't go away. Friedel: Plowing down side road, have get out own driveway.
- Mumford: Would strongly suggest snow gates, help with driveways. Clark: If already cleared driveway, may get plowed back in. Mumford: Gates don't hold all levels and on down-side of driveway, get snow.
- Cromley: What if use private contractors, for all season? Mumford: Most would have bring in equipment take more wear and tear than in summer. Because local streets, going to have to keep up slightly to not catch manholes and mail boxes, leave an inch or so on ground.
- Cromley: Who decides when plow? Mumford: Street maintenance staff would decide when to call contractor out.
- Sullivan: If switch between contractors year to year, who owns gates? Mumford: Gates belong to city, but hope for 3-year contracts. Assessments could be part of street maintenance district #2 @ \$7.88 per year, with admin fees absorbed, contractor charges separately tracked, and 1-time cost \$1.38 for gates. Separate method if don't need in 1 year, could create third street maintenance district to track individually and asses. Initial cost \$10.71 to created 40% reserve so carry payments on first year, then go back to \$7.88. Would allow to track fund. Either way, can track streets, if Council wants to go forward. Mayor: Charges come off? Mumford: Yes. Yakawich: Why not absorb gate cost in contract? Mumford: Could, but would have to pay next year if another contractor. Friedel: No plowing a year, what cost per household? Mumford: Save amount, but if no snow, have money no charge next year. Mumford: Council always has right to hold back assessments either way with no snow. Friedel: If use half, only have to come back half year.
- Swanson: bid? Mumford: Yes.
- Brown: Logistics, not money issue for him. Mumford: Issues first year or two, be difficult. 2-3 years ago stopped picking up leaves, now not having issues. Now, even on arterial roads, people parked and blocked in. Will need to work

with Code on helping elderly, now yelled at for not plowing, if plow, will get yelled at for plowing people in. Most remember when bigger, heavier cars could get around.

- Brown: Does the \$425K include insurance, etc. Mumford: \$460K this year, based on Knife River costs for hauling, included supervisors, etc. Issue is how many mph you could plow, lose about 25% for breaks, travel, etc., but guess.
- Brown: How would insurance work if cars damaged? Mumford: Same as construction contracts, liability from contractors.
- Clark: More chance cars going to get damaged then when block off for roadwork. Increase costs? Mumford: Likely not, plow now, drivers handle. Clark: Now driving main streets, these residential. Mumford: One of few cities not plowing, can do. Clark: What exactly cost time when plowing was allowed by Administrator? Mumford: Could get - not as expensive as all this time. Kemp: Took full weekend. Volek: Notified CC in advance.
- Cromley: How notify? Mumford: Public info notices, residential won't be plowing as fast as main street, communities have maps show where plows have been and are going. Hope contractors have vehicle locators. Possibly not that sophistication in first year
- Friedel: With smart phones, hope to get program together so know where plowing. A map, even hand-held map, since prevalent, would help, would consider getting out and moving vehicle. Make sure all avenues used to notify. Mumford: Not going to be able to tell everyone when plow, no time to do between now and when bids go out for first year. Friedel: Amber alert when people buzzed, able to use that technology. Mumford: no idea.
- Brewster: No way to warn everyone, some vehicles never move anyway, Friedel: If exists, use. Brewster: Don't want to spend money on it. If talking problems, need to include potholes to repair, numbers to bring.
- Mumford: If had 3 inch storm this year, not sure where been. 28-inch storm and cold weather stayed. Want community plow all roads, or as in arterials, where hit at 3 inches. Saying when get bigger storms, could contract, need for arterials in big storm where haul. Interested in bigger storms, or all the time? Mixed sense. Brewster: Don't want do every 3 inches, look at Dec. and Jan. storms of six inches or more. This winter and one prior were unusual because of cold, and one huge storm biggest in 85 years. Talking about this because of storm.
- Mayor: Impossible question how much to plow—packed down and rutted, second storm, going to peel blacktop. Three inches not much snow. Mumford: Three inches and three inches in two weeks, packed down, if three two days in a row, can move. Want to provide community. First time people yelled at him when out dinner with family. On arterials, plow continuously to keep clear, this

different. If Council wishes to think some more could come back with other options.

- Sullivan: One idea if 3 inches and Google says two weeks of sun, let go, accumulation and cold weather are problems. Have snow ER routes, how do they coincide? Fixed if declare ER. Mumford: Arterials and collectors handled, no designated snow routes, could declare ER and plow. Last time, too late to address, then 3-4 inches added. Sullivan: If declare snow ordinance? Volek: Allows tow. Sullivan: Have to change ord. Mumford: Happens when people can't get around, buries. Sullivan could rewrite ord.? Mumford: Yes. Sullivan Liability for 6-inch ruts, any damage? Brooks: Submit claim, but like other obstacles, ask how fast going, your fault, can submit, likely submitted MMIA for claims investigation and if City liable, would pay for damage.
- Sullivan: Some roads north Rimrock darn near impassable.
- Brown: 3 inches not enough snow. If have 3 get 3 and take off all going to have three off. How create rule? Mumford: Tricky. Reality is supervisor on call drives and says enough to plow. Have trust staff make decision. Brown: Would tracking help? Mumford: Vehicle locators show where vehicle is, blade down, sanders working, somebody calls, can show. Brown: What cost fit contractors? Mumford: Have to discuss with them. Most have so know where vehicles are.
- Mumford: Showed Sioux Falls, SD video on snow gates, gates down as go by driveway, then dump. Streets narrow depending on winter. At 28 inches, gate won't hold, great 4-5 inches. Looked at \$460 K + \$90K for gates.
- Mayor: No sure answer for problem, even if money there, up to staff to determine. Not something Council can decide, not simple. Volek brings up private roads – Mumford: Not be charged.
- Clark: Arterials extra charge? Mumford: Entire city pays to be hauled.
- Volek: Direction? Mayor: Need time to consider, because of costs and potential for mild winter. Friedel: Move forward option 1, no extras fee to taxpayers for mild winter. Brewster: need to look at cost for businesses and non-profits.
- Clark: Option 1 doesn't allow money to roll over? Mumford: would not be spent if not used because it's a contract.
- Sullivan: missed work hurts our economy.
- Brown: increase to 6 inches of snow change budget? Mumford: would have to look. Mumford: would like to look into plowing main roads first, move to residential after arterials finished. May have to use reserves.
- Bill Kemp, Streets/Traffic Superintendent: only have so many people to use and they are busy plowing and sanding. Any additional work could be contract labor.
- Mayor: If all mechanisms in place and not use snow removal, could hold for another year. Brewster: Live on collector 33 years, bought snow blower, people

on collectors drive too fast, end up in yard. Sometimes not worth subsidy. Mayor: Do good job, never going to satisfy anyone. Overall, main thoroughfares cleared off, traffic moved. Mumford: Proud of crews. Worked hard. Better off four ruts not three. Staff that spends hours watching, could trust to decide when need things, could have contractors on but need additional funding.

- Brown: Probably got 100 emails, almost to letter, ER vehicles can't get in. Anything accurate? Mumford: Talked to Fire and Police, plowed in and out of fire stations, hospital ERS, people said ruts pain, got no calls that Police, Fire AMR could not get ER. Got calls all three agencies because of ruts, not snow. Brown: Talking now about adding street maintenance and PW makes call if more than three inches, causes ruts. Likes a lot. Talking 2/3 \$460k? Mumford: Not sure that much. Brown: Favors.
- Mayor: Pay attention to specific problems areas.
- Brown: Staff experienced, should be making call. Swanson agrees PW has authority, let us know so support. Mayor: Need more \$\$, bottom line. Clark: Place drifted in, woman called said couldn't get out, then was at work. Mumford: Always care for drifts with staff, dangerous allow on streets like in Rehberg Ranch.
- Volek: Is consensus to determine the budget to give PW staff enough funding to at its own discretion when to plow, paying special attention to areas with repetitive problems? Mumford: Use contractors.
- Yakawcihi: Address all streets
- Mayor: Strong opposition? Volek: Come back May 23 with PW budget presentation.
- **Public Comment:**
- Connie Wardell, P.O. Box 21432, Billings, MT: as property manager, three inches is magic number, don't want wait for six. Better have fees go forward. Budget six plows at 20 inches, and years don't plow takes through years when plow 8. Advantage of having that, if call, be next days. People who do this start 4 a.m. if situation have call in, be halfway through day before get in. When retail and restaurants hurt, day care problems, school closes, community cost when can't plow residential when had kind of years we had. If plow at three inches, will have money. In 1999 w/freeze and thaw. Storm sewers froze, hard get out. Older person in car getting stuck in ice ruts, bigger problems, don't wait, cycles of 3-4 years.
- Bill Manske, 3181 Fairmeadow Drive, Billings, MT, Rimrock Plumbing: came with prepared statement, cannot come to another meeting, going to be taken care of? Don't want to come back but if have to will and bring others. Issues have been addressed from businesses, people being stranded, not being able to make it to work because of ruts, this is City's problem. Choose not to plow streets, danger

to everyone on streets. Not going through another year like last winter. After hearing everyone's comments and reasonable judgment, hope to trust Council to act on this before next winter. If get promise, won't waste his time or other people's time to bend arm further. Only thing want tell them, not a politician, don't usually write letters, didn't realize public comment, couldn't believe how many people talked to him about it. Literally thinking about moving because don't plow. Mayor: Thanks for business, beneficial, concern and that of many others taken seriously. Must change, next step come up remedy and come up resources, equipment, funds, etc. so experienced staff can make decision. Come back.

TOPIC #5	Unified Zoning Regulations
PRESENTER	Wyeth Friday
NOTES/OUTCOME	

- Friday: Document in Friday packet, few slides today. City and County joined in unified code. Nicole Cromwell not able be there, will be involved going forward. Shows unified zoning areas, points out City and surrounding County in place since 1972. Code in place since 1997.
- Code had been amended and added to. Policies, planning documents and strategic plans changed lot in this time. Much of code has remained unchanged. Seen lots variances for lot size, coverage, set backs, in extremely stale neighborhoods so property can be bought and sold, maintained neighborhoods. Minor issues, but must be addressed through variances. If code changed, could keep neighborhoods as are, without variances. Have few architectural standards within code. Concerns in developments about how new potentially \$60K/yr over 1.5 to 2 years. Have \$35K in current fiscal year and look additional \$\$ city/county levy out of reserve. Because process involves steering committee, would do RFQ to see what consultants available to fit into sections over a couple of years.
- Brown: Increase budget and bring additional \$ in? Friday: Funding from County levy (\$35k), fees for service, and transportation planning which is matching program setting up local funds to be matched on transportation issues. Zoning only gets 20% back. Little piece, but need to talk Commissioners. Discussed in January pre-budget session, will need to talk to Commissioners and asked for additional fund in FY 18.
- growth fit in neighborhood. Could go with architectural standards, or other ways to determine how to keep older buildings within standards. Extremely old multi

family units in single-family locations where unrecognized but require rezoning Council has to deal with. No changes toward stable uses.

- Things looking at, seeking input: Code separation, taking into account City and County needs. Good way to manage process. Mechanically easier, don't have to put code changes through both bodies. Brewster: When discover, going to point out to Council whether closer to City or County, discuss which better? Friday: Yes. One example is landscaping codes across several districts, not all same, cause confusion. Also challenges not a level want, or too much.
- Process oversight: Talked County Planning Board with City representation, would put together steering committee to help guide process, along with other people from community. How to start.
- Need some outside assistance. Looked at other communities, see need of consultants to help committee as lead.
- Funding approach: \$155K cost too high. Looked at other communities, could be potentially \$60K/yr over 1.5 to 2 years. Have \$35K in current fiscal year and look additional \$\$ city/county levy out of reserve. Because process involves steering committee, would do RFQ to see what consultants available to fit into sections over a couple of years. Brown: Increase budget and bring additional \$ in? Friday: Funding from County levy (\$35k), fees for service, and transportation planning which is matching program setting up local funds to be matched on transportation issues. Zoning only gets 20% back. Little piece, but need to talk Commissioners. Discussed in January pre-budget session, will need to talk to Commissioners and asked for additional fund in FY 18.
- Direction: Proceed with separation? Planning Board form steering committee Consider contributing City funds toward code revision in FY 18&19?
- Brewster: Will Planning board report periodically? Friday Yes, similar to recent process with Planning board steering committee, which walked subdivisions through process. Bigger project. Going to have to have subcommittees on landscaping, signage, etc. Brewster: Hate see deep process out of alignment with what the Council wants.
- Yakawich: Appreciate work subdivision. Want stress working together. Why pay outside consultant \$120K? Staff top-notch, qualified. \$120K hire someone in office for year? Friday: Staff competent, but looking other communities on how they work on things, sometimes with outside help with experience in other areas. Working internally on where do and don't need help. Don't know actual amount, but has value. When did EBURD had engaged oversite committee, but brought in expert in area of form-based code. Understand thought of trying to do local. Yakawich: New, but see outside box, get college grad use for three years.
- Brown: When separate City and County codes, work over and meld back? Friday: Something have to discuss. County interested in maintaining some

separation, but not 100%. Few things have some differences. Basic material may be confusing.

- Brown: How much save City and homeowners when annex if bring in outside consultant. Will this address things like bringing streets up to code? Friday: some yes, but thing is zoning code wouldn't get into road standards, something continue to work on. Would help with how neighborhoods work with residential and commercial crossover between City and County. Can't monetize. Mayor: Unified Growth Policy also would help make things blend. Friday: Yes. Lockwood has own growth, some interest in aligning things.
- Friday: Wanted direction. Mechanical separation and funding okay before go to County.
- Volek: Direction to proceed? Mayor: depending on public comment, yes.

Public Comment:

- Connie Wardell, P.O. Box 21432, Billings, MT: People want City and County work together more, in past, when needed help with City department through County funding, County not planning to have department. Timing all wrong. City and County coming together more. Subdivision plan was to help people plan ahead. Silly to let City and County separate. Looking new administrator, lot time put into that effort, not time to put into City and County efforts. New administrator may have new ideas on how to handle planning and zoning, may discourage new CA. Put on hold couple years, let CA work with you to come up with plans.
- Bill Cole, 3733 Tommy Armour, Billings, MT, served on Planning Board: echoes concerns about separation. Understand some of benefits. Helped put together Shiloh Zoning District ended with different standards on two sides road, district that covers be helpful. When unified district established, covered four miles from boundaries, on west almost congruent, in south still four miles apart. Talk about what County can do to extend that zoning district.

TOPIC #6	Human Relations Commission Proclamation
PRESENTER	Tina Volek
NOTES/OUTCOME	

- Volek: Letter presented March 13, question about how Council would like staff to proceed. Strategic Plan will be brought back later.
- Brown: Continue not to support hate crimes, not just starting that now, never been condoned. Mayor: More information than what presently have would be helpful. Questions for staff? None.
- Kathy Walters, 3104 Radcliffe, Billings, MT: good point always have but never stated against hate crimes. Whitefish, Bozeman and Missoula have stated

opposition. Billings has not. Local business owner and radio announcers issued hate. Good, decent thing to do, welcoming, won't put up with it, don't go into policy. Welcome everyone, support everyone. Mayor: Support, not affect businesses. Walters: don't mention business, says Council wants reiterate stands for everyone. Always have, NIOT started here.

- Brewster: staff present a draft?
- Cromley: Commission forwarded other proclamations? Ms. Walters: Have and will forward. Meet second Thursday every month, 12:15 City Hall Conference Room, get information by next meeting. Cromley: First Thursday.
- Yakawich: Appreciate service. Do a lot of proclamations. Have to reiterate that did Martin Luther King Day, Mayor addressed bigotry, many shared podium or stood with Native, Asian or African American communities. Nice to have stood up. Don't want to belabor point about swastika on Rims and got totally different view. They responded quickly. Sounded like we responded when heard. Kathy: Agree threw in latest thing. Thompson frustrated because not notified. Kathy: Human Relations Board didn't have enough members to hold quorum. HR Commission is there to file complaint if discriminated against, forms on line.
- Brewster: Ask staff to draft and consider later. Brooks: Word version of proclamation helpful. Mayor: Don't disagree. Don't want to stand for something not right. When contacted NW Montana issues said do not come to Billings.
- **Public Comment:**
- Pat Leikum, 4044 Ryan, Billings, MT: waited for this topic although freezing. Seen at events where stood individually. Time for Council to as leader stand up together to say will continue to be fair all population, color, transgender. When did not pass NDO, hurt large population, did not consider what happens when you are a person who lives in a different culture. Founding member NIOT, served Human Relation Commission, Human Rights board, bi-racial children who fight three times week. Mayor: Did not say isn't problem. Don't appreciate lecture to council, do fine job. Not asking for response. Lose support if keep it up.

TOPIC #7	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- Sullivan: Complaints about Billings Clinic parking in northern neighborhoods, and Senior High people taking up parking spots. Volek: Discussed before with neighborhoods, but costs made them not interested. Sullivan asks for information.
- Mayor: Letter dated March 28 from Arbor Day Foundation, selected as 2017 Arbor City. Volek to get and pass to PRPL.

TOPIC #8	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

None.