

# Billings City Administrator Weekly Report

March 20, 2020

Dear City of Billings Team,

Thank you for your patience and understanding as we navigate these uncertain times. You are all well aware of how fluid and dynamic this situation is—both personally and professionally. Many departmental changes have been made since the announcement of a positive COVID-19 case in Yellowstone County on March 13. Most of this information can be found on the City's COVID-19 response page: <https://coronavirus-response-billings.hub.arcgis.com/>. For further information, I ask that you speak with the Department Head or Director about internal department changes, work from home options, and/or procedure or policy modifications when working with the public during this time.

Some of the changes you should be aware of are as follows:

- City Hall hours of operation have changed to Monday-Thursday 7am-5pm; closed Fridays until further notice
- Billings Public Library is in partnership with Billings Clinic, St. Vincent's, and RiverStone Health Clinic to provide daycare space for children of medical professionals and first responders' children
- In these unprecedented times of pandemic, the City of Billings will intermittently test different modalities for future City Council meetings in order to practice social distancing while conducting City business. During these scheduled tests, a quorum of Council members will be present. These meetings are for testing purposes only and will **NOT** have any City-related business decisions discussed or acted upon. Please contact Gavin Woltjer, [woltjerg@billingsmt.gov](mailto:woltjerg@billingsmt.gov), with any questions
- See attached COVID19 Impact Documents for additional information

During these unprecedented time of pandemic, I ask each of you to model the behavior of social distancing in the workplace and at home. It is important to understand that the transmission of COVID-19 is highly contagious and symptoms may take anywhere from 2-14 days to manifest. With the closing of bars, gyms, taverns and restaurants, ordered by Health County Officer, John Felton, on Monday, March 16, it is important to continue to support our local businesses by continuing to utilize take-out or delivery services. Transmission of COVID-19 from food to person has not been reported. Additionally, it is important to be mindful of mental and emotional health as we practice social distancing. Unlike the aftermath of 9/11, where human contact became such an important coping mechanism, this situation discourages human contact. But this does not mean that we stop interacting with each other. It is important to keep reaching out to friends and loved ones during this time to see how they are doing.

The challenges thrust upon us today will help define who we are in the future. I am confident that we will overcome these challenges. I am confident that we will all help make our community stronger during and after this event. I am confident that the City of Billings will be a leading voice of action and resolve for all who utilize our services. I will try my best to keep you all informed as the constantly changing information landscape provides insights and answers.

## COVID19 Impact Documents

- RiverStone Health Media Advisory Temporarily Closing Extension 3-20-20
- Governor Closures dated 3-20-2020
- City Operation Modification
- City Council & Advisory Board Meetings & COVID19 Guideline

**COVID19 Impact Documents Continued**

- Mayor & Council Application Meeting Delay
- City Planning Modification
- Postponement Notice of Meetings

**Presentations and additional memos for March 23, 2020**

- Clock Tower Inn – Stella's
- SILMD 326
- SID 1408
- SID 1413
- WO 20-15 Wicks Lane Improvements (Phase 1) – Street Section
- WO 20-02 Missing Sidewalk

Enjoy time with your family – play a game, watch a movie, take a walk outdoors and help a neighbor in need.



## Media Advisory

For immediate release

March 20, 2020

For more information contact:

Donna Healy

Office: 406.651.6419

Mobile: 406.698.2466

### **Amending Health Officer Order Temporarily Closing Some Establishments & Significant Situational Update**

**WHO:** John Felton, Yellowstone County Health Officer, RiverStone Health President/CEO; Jeana Lervick, Yellowstone County Attorney's Office; Dr. Michael Bush, CMO, St. Vincent Healthcare; Dr. Bob Merchant, CMO, Billings Clinic

**WHAT:** Media Briefing on Health Officer Order Amendment

**WHEN:** Friday, March 20, 2020 at 4:00pm

**WHERE:** RiverStone Health, Lil Anderson Center, 1<sup>st</sup> Floor Conference Rooms

**Billings, MT** – John Felton, Yellowstone County Health Officer and President and CEO of RiverStone Health, has issued an amendment to the Order issued on Monday, March 16, 2020 temporarily closing some establishments in Yellowstone County.

The original Order closed some establishments through midnight on Monday, March 23, 2020. In an effort to slow down the spread of COVID-19, this amendment to the Order extends the temporary closure of some establishments through 11:59 pm, April 10, 2020. In addition, the amendment adds other establishments to the list of temporary closures.

The Order extending the length of the temporary closure will be distributed to affected businesses in Yellowstone County after the press briefing.

This press briefing also includes a significant situational update.

**Media outlets may phone in to this press conference by dialing 406. 651.6599. If media organizations wish to cover the conference using Facebook Live, please let us know as you are setting up.**

###

# **Governor Bullock Announces Closure of Dine-In Food Service and Alcoholic Beverage Businesses, and Other Activities that Pose Enhanced Risks to Curtail Spread of COVID-19**

**Directive permits food delivery and take-out**

Friday, March 20, 2020/Categories: [Governor's Office](#)/Tags:

To curtail the spread of the COVID-19 pandemic in Montana, Governor Steve Bullock today announced measures to close dine-in food service and alcoholic beverage businesses and other activities that pose enhanced health risks, effective at 8 p.m. on Friday, March 20, 2020. This Directive expires at 11:59 p.m. on March 27, 2020, the same day that school closures are set to expire, though the date will likely be extended.

**“Both young and older Montanans, in urban and rural communities, have tested positive for coronavirus, making it even more clear that this virus impacts us all and that these actions are imperative to protecting our friends and neighbors,”** said Governor Bullock. **“We face extraordinary health risks – and with it even further risks to our economic and social well-being – if we do not act now. I do not take this decision lightly and it was done so in consultation with public health professionals. Montanans, too, need to take this seriously. It’s up to all of us to stop the spread of this virus.”**

Under the Directive, the following places are closed to ingress, egress, use, and occupancy by members of the public:

- Restaurants, food courts, cafes, coffeehouses, and other similar establishments offering food or beverage for on-premises consumption.
- Alcoholic beverage service businesses, including bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other establishments offering alcoholic beverages for on-premises consumption.
- Cigar bars.
- Health clubs, health spas, gyms, aquatic centers, pools and hot springs, indoor facilities at ski areas, climbing gyms, fitness studios, and indoor recreational facilities.
- Movie and performance theaters, nightclubs, concert halls, bowling alleys, bingo halls, and music halls.
- Casinos.

The places subject to this Directive are permitted and encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing.



# CITY OF BILLINGS

## OFFICE OF CITY ADMINISTRATOR

P.O. BOX 1178  
BILLINGS, MONTANA 59103  
(406) 657-8433  
FAX (406) 657-8390



## FOR IMMEDIATE RELEASE

March 18, 2020

To prohibit the transmission of COVID-19, the City of Billings has modified some services and hours of operation.

Effective immediately:

- City Hall operates Monday through Thursday: 7am – 5pm; closed Fridays.
- Police Department Front Window services offered Monday through Thursday: 7am – 5pm.
- All fire stations and City/County 9-1-1 Center are closed to the public.
- City Planning, Building and Code Enforcement Divisions will remain open to the public.
- Mountview Cemetery will only be conducting direct burials. No graveside services will be allowed at the cemetery. In order to coordinate direct burial service, please call the cemetery staff 406-657-8299.
- All building and picnic shelter rentals, park use permits, and Parks and Recreation offices will be closed to the public until further notice.
- City parking facilities will continue to operate as normal business hours.
- Municipal Courts will continue to operate as scheduled.

Starting Monday, March 23:

- Community Development offices will be closed to the public.

These modifications are to ensure best practices of social distancing. During these unprecedented times, the City appreciates your patience as we continue to develop the best service models. The safety and well-being of our community, customers, and staff is a top priority. Please visit [coronavirus-response-billings.hub.arcgis.com/](http://coronavirus-response-billings.hub.arcgis.com/) website for more information.

Please contact Gavin Woltjer, [woltjerg@billingsmt.gov](mailto:woltjerg@billingsmt.gov), with any questions.

# # #



# CITY OF BILLINGS

**CITY ATTORNEY'S OFFICE**  
P.O. BOX 1178  
BILLINGS, MONTANA 59103

**(406) 657-8205**  
**FAX (406) 657-3067**

## **MEMORANDUM**

**TO:** Honorable Mayor William Cole  
Chris Kukulski, City Administrator  
Kevin Iffland, Assistant City Administrator  
Leadership Team  
Denise Bohlman, City Clerk

**FROM:** Brent Brooks, City Attorney *BB*  
Gina Dahl, Assistant City Attorney

**RE:** COVID-19: Unified Health Command and Centers for Disease Control Guidelines While Conducting City Council and Advisory Board Meetings

**DATE:** March 18, 2020

### **Introduction**

The recent escalating progression of the COVID-19 virus across the country has generated questions about how best to conduct City Council and City advisory board/commission meetings according to state law while also practicing the social distancing guidelines and other guidelines from the local Unified Health Command (UHC) and the National Centers for Disease Control (CDC). There are no absolute answers for conducting City Council meetings in this new, largely unprecedented situation, however, there are some available technologies that can assist in complying with the applicable statutes.

In the interest of keeping this memorandum succinct but hopefully informative and useful, below is a brief summary of the major but not all applicable open meetings and right to observe/participate statutes and City ordinances followed by some brief suggested means of complying while also practicing the evolving UHC and CDC guidelines. There are literally dozens of Montana Supreme Court cases interpreting and applying many of the cited state statutes to specific fact situations but those cases are not included here.

## **Summary of Open Meetings/Right to Observe/Participate Laws in Montana**

**Article II, Section 8 of the Montana Constitution (1972)** provides as follows:

**"Right of participation.** The public has the right to expect governmental agencies to afford such *reasonable opportunity for citizen participation* in the operation of the agencies prior to the final decision as may be provided by law."

**Article II, Section 9 of the Montana Constitution (1972) provides as follows:**

**"Right to know** No person shall be deprived of the right to examine documents *or to observe the deliberations* of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Several other Montana statutes elaborate upon and implement these Montana Constitutional provisions.

### **Public Participation/Observation**

**Section 2-3-101, Montana Code Annotated** (hereinafter MCA), summarizes the State of Montana intent concerning meetings of governmental agencies:

The legislature finds and declares pursuant to the mandate of Article II, section 8, of the 1972 Montana constitution that legislative guidelines should be established to secure to the people of Montana their constitutional right to be afforded reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.

**MCA § 2-3-103** requires state and local governing bodies to develop *procedures for permitting and encouraging the public to participate* in governing body decisions of significant interest to the public before final action is taken. This statute was amended in 2003 to additionally include the requirement that all agendas of state and local governing body public meetings must include a non-agenda public comment opportunity on matters within the jurisdiction of that governing body.

**MCA § 2-3-111** requires that state and *local agencies develop procedures for assisting public participation* that must include a method of affording interested persons reasonable opportunity to submit data, views or arguments, orally or in written form, prior to that agency making a final decision that is of significant interest to the public.

## Open Meetings

**MCA § 2-3-201** provides:

The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that *actions and deliberations of all public agencies shall be conducted openly*. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.

**MCA § 7-1-4131** mostly repeats the above-principles and states:

- (1) When required, the governing body shall conduct public hearings for the purpose of *providing reasonable opportunity for citizen participation prior to final decisions*.
- (2) *At a minimum, a public hearing shall provide for submission of both oral and written testimony for and against the action or matter at issue.* If the hearing is not held before the ultimate decision makers, provision shall be made for the transmittal of a summary or transcript of the testimony received to the ultimate decision makers prior to their determination.
- (3) Public hearings may be held at regular or special meetings of the governing body.
- (4) Petitions and letters received by the governing body or executive prior to the hearing shall be entered by reference into the minutes of the governing body and considered as other testimony received at the hearing.
- (5) Hearings may be adjourned from day to day or to a date certain.
- (6) Except for budget hearings, the governing body may designate a subcommittee or hearing examiner to conduct public hearings.

## Statutory Definition of "Meeting"

**MCA § 2-3-201** defines a "meeting" as:

"... the convening of a quorum of the constituent membership of a public agency or association described in § 2-3-203, whether corporal *or by means of electronic equipment*, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

The companion **City Code** section is virtually identical and provides:

### Sec. 2-212. - Meetings open to the public.

All meetings of the city council and its boards, commissions, committees, subcommittees or other entities created by the city council shall be open to the public except as provided in article 2-600 and state law. "Meeting" means the convening of a quorum of the membership of the city council *or any boards, commissions, committees,*

*subcommittees or other entity created by the city council, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the city council has supervision, control, jurisdiction, or advisory power.*

### **Attendance at City Council/Advisory Board/Commission Meetings**

Attendance is mentioned in three City Code sections:

#### **Sec. 2-205. - Attendance at meetings required.**

The mayor and councilmembers shall have a duty to attend all scheduled and appropriately noticed regular and special meetings. An absence may be excused by the mayor immediately following roll call. The city clerk will note excused and unexcused absences in the official meeting minutes.

#### **Sec. 2-206. - Withdrawal from meeting without leave.**

If the mayor or any city councilmember having appeared at any meeting of the city council, without first duly obtaining leave to do so from the mayor and council, withdraws and absences himself or herself therefrom previous to the adjournment of such meeting, he or she shall be recorded in the minutes as absent.

#### **Advisory Board/Commission Attendance**

**Sec. 2-503** states that City advisory board/commission members may be removed from their position if they fail to attend three consecutive meetings without an excused absence.

### **Application of Montana Laws to City Council and Advisory Board Meetings and Compliance with COVID-19 UHC/CDC Recommendations**

As you can see, emergency or other similar situations are not explicitly mentioned in the Montana Code Annotated or City Code sections concerning public participation and observation in open meetings. However, through the use of modern technology, there are means to comply with these laws.

The definition of a "meeting" in MCA § 2-3-201 suggests that a telephone or computer meeting is permissible. However, the definition must also be read together with the other laws concerning right to participate and observe cited above.

*Telephonic/telephone meetings or "web" or "online" meetings where some or all of the City Council attend a meeting remotely but cannot be seen are not recommended because of the obvious inability of the public to observe the Council's discussions, deliberations and decisions. Identifying who is communicating on a topic of discussion or an actual vote verbally or through a computer software meeting program or service*

does not sufficiently comply with the above laws. I realize this may be a challenge especially for small cities and towns and their legal advisors may have some ideas for their meetings. Obviously, regularly scheduled meetings can be cancelled or continued to a later date unless mandatory time sensitive matters are pending which require immediate or near future action by the governing body or advisory board. Therefore, cancellation is certainly an available alternative especially for advisory boards/commissions. For any assistance it may be to you, it should also be remembered that the Mayor and Council have ultimate supervisory control over all advisory boards/commissions under § 2-509, BMCC

However, if remotely attended meetings are held, *teleconferencing* where all Council or City advisory board members can be visually observed is the preferred method of achieving compliance with the laws previously mentioned. There are many different technologies that can be utilized. For example, during several previous legislative session in Montana, the Mayor and Council have been invited to attend periodic video meetings with local legislators. Those meetings allow for the legislators, Council members and the public to be jointly observed as topics are discussed. Community Channel 7 also livestreams City Council, Board of County Commissioners and School District # 2 Board of Trustees meetings and that technology can be used as well-e.g. Vision Net, Skype, etc.

### **Conclusion**

The main points here are making a reasonable attempt under the current circumstances to achieve the following:

- (1) conducting meetings where the chosen technology allows audio and video observation where the Council or advisory board/commission can all see each other, and
- (2) conducting the meeting where the public can see all of the Council or advisory board/commission.

There are also several methods where the public may email or call-in comments and those can be read aloud for example by the Mayor so the Council or board and other persons watching the meeting can hear the comments. This affords members of the public a reasonable opportunity to observe and participate in matters which are of significant interest to the public. MCA § 2-3-103. The implementation of such a procedure will require planning and perhaps some partnerships with local agencies to provide this service but the technology exists to accomplish this requirement. It is my current understanding that Missoula and Great Falls are doing similar procedures for their meetings

Thank you for the opportunity to provide some review and discussion of the applicable law. As always, feel free to contact me or Assistant City Attorney Gina Dahl if you have questions or suggestions on this issue.



## PLANNING & COMMUNITY SERVICES DEPARTMENT

2825 3<sup>RD</sup> AVENUE NORTH, 4<sup>TH</sup> FLOOR  
BILLINGS, MONTANA 59101  
PHONE: (406)247-8676 FAX: (406) 657-8327



### Dear Mayor and City Council Members:

Due to the significant health risks to our customers, the public and City staff due to the Covid-19 outbreak, we have delayed all board and commission meetings until May meeting dates. This includes our City and County Boards of Adjustment, Zoning Commissions and Planning Board. Several of these entities have pending applications that were coming to them in April. We have reached out to all applicants and agents as we made this decision. We wanted to keep you informed as well of these actions.

While we understand the potential delays this may cause for our customers in time and financial impacts, there are several key reasons for this action:

- Per Centers for Disease Control and Prevention, and Yellowstone County Health Officials statements and actions, the significant health risks of conducting a group meeting to the applicants, the general public and City staff due to the Covid-19 outbreak.
- Based on PCSD staff and City Legal staff understanding of public meeting laws and official bodies taking formal actions, we are not confident we have technology ready to conduct an entire, virtual public hearing that is defensible under the Montana public meeting laws. This could throw one of our applicants into an even longer time period if we were challenged and had to redo a process.
- While some of our Board and Commission members may be able to participate remotely, we do not believe all of them can participate remotely at this time without further help with technology.

We appreciate the need to keep projects moving forward and we are committed to ensuring public meetings run in May that both protects health and ensures a defensible public hearing process. Right now, we need to ensure the integrity of the process as well as the health and safety of our customers, the public, and our staff.

Sincerely,

Wyeth Friday, AICP  
Director, Planning and Community Services Department



## PLANNING & COMMUNITY SERVICES DEPARTMENT



2825 3<sup>RD</sup> AVENUE NORTH, 4<sup>TH</sup> FLOOR

BILLINGS, MONTANA 59101

PHONE: (406) 247-8676 FAX: (406) 657-8327

### FOR IMMEDIATE RELEASE

#### **Planning and Community Services Department Closing Offices to the Public and Continuing Customer Services**

Until further notice, Planning and Community Services Department offices will be closed to the public starting the week of March 23. A soft closure starts Monday, March 23 to inform customers, and a full closure on Tuesday, March 24 at 8 am.

Staff will be at work in the office answering phones, checking email and processing plans and applications. Services will not cease with this change.

To continue to serve customers and the public, there will be a pick up and drop off area set up in the 1<sup>st</sup> Floor Conference Room of the Miller Building where customers for Building, Planning and Code Enforcement may drop off materials and pick up completed plans and applications during regular business hours.

Online tools may be accessed through Citizen Access Portal at <https://services.billingsmt.gov/citizenaccess/>. More application access capability online will be available in the coming weeks.

If you have questions during this transition, please call 247-8676 or visit <https://Planning-Community-Services.>

# # #

# **POSTPONEMENT OR CANCELLATION OF PUBLIC MEETINGS**

Due to public health and safety reasons, the following public meetings will be

## **POSTPONED**

until further notice:

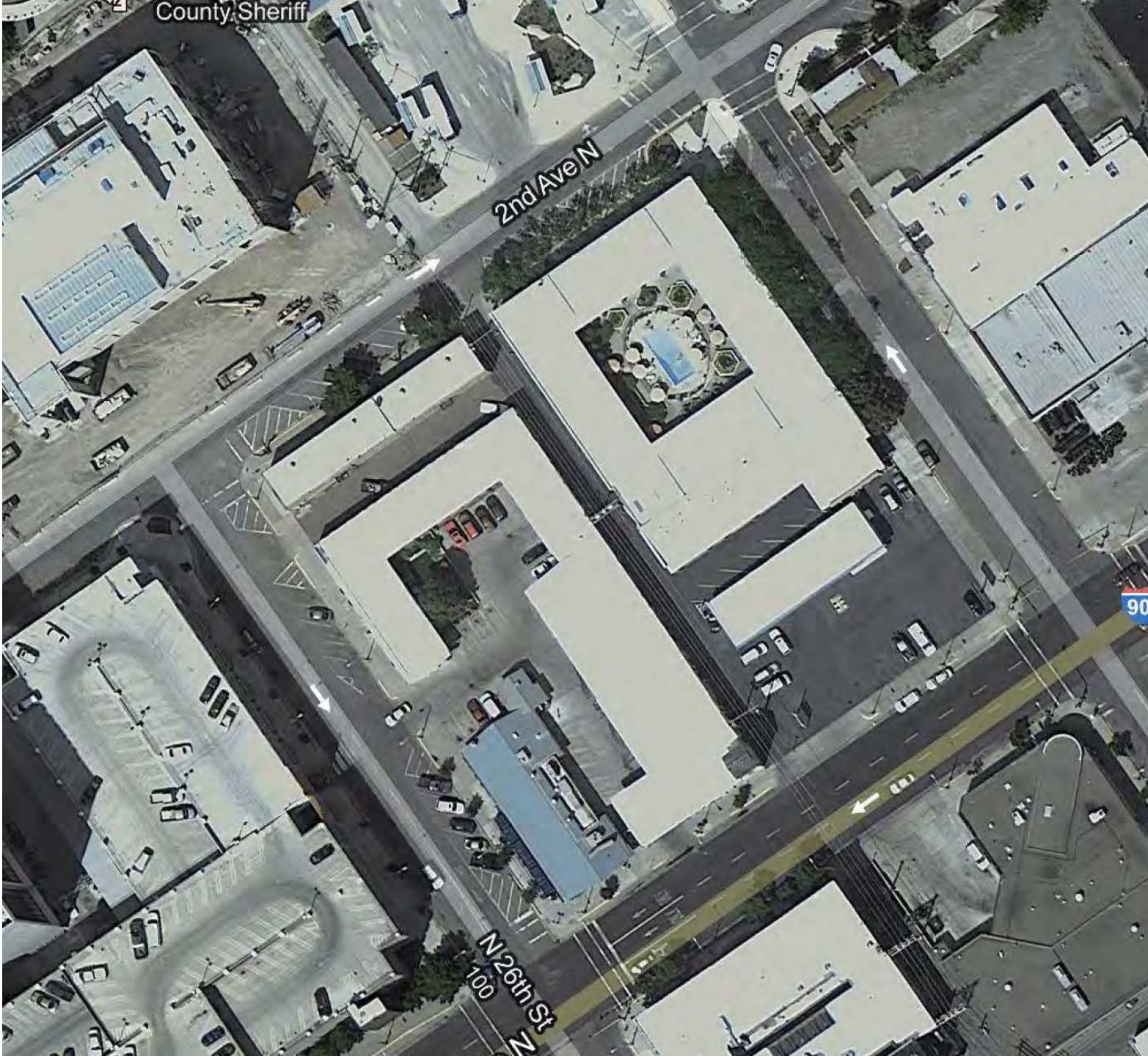
- Bicycle and Pedestrian Advisory Committee – Tuesday, March 24<sup>th</sup> and April 28<sup>th</sup>
- Traffic Control Board – Wednesday, March 25<sup>th</sup>
- City Board of Adjustment – Wednesday, April 1<sup>st</sup>
- Human Relations Commission – Thursday, April 2<sup>nd</sup>
- Billings Parking Board – Wednesday, April 8<sup>th</sup>
- Parks and Recreation Board – Wednesday, April 8<sup>th</sup>
- Billings Public Library Board – Thursday, April 9<sup>th</sup>
- Planning Board – Tuesday, April 14<sup>th</sup> and Tuesday, April 28<sup>th</sup>
- Public Works Board – Wednesday, April 15<sup>th</sup>
- Yellowstone Historic Preservation – Tuesday, April 21<sup>st</sup>

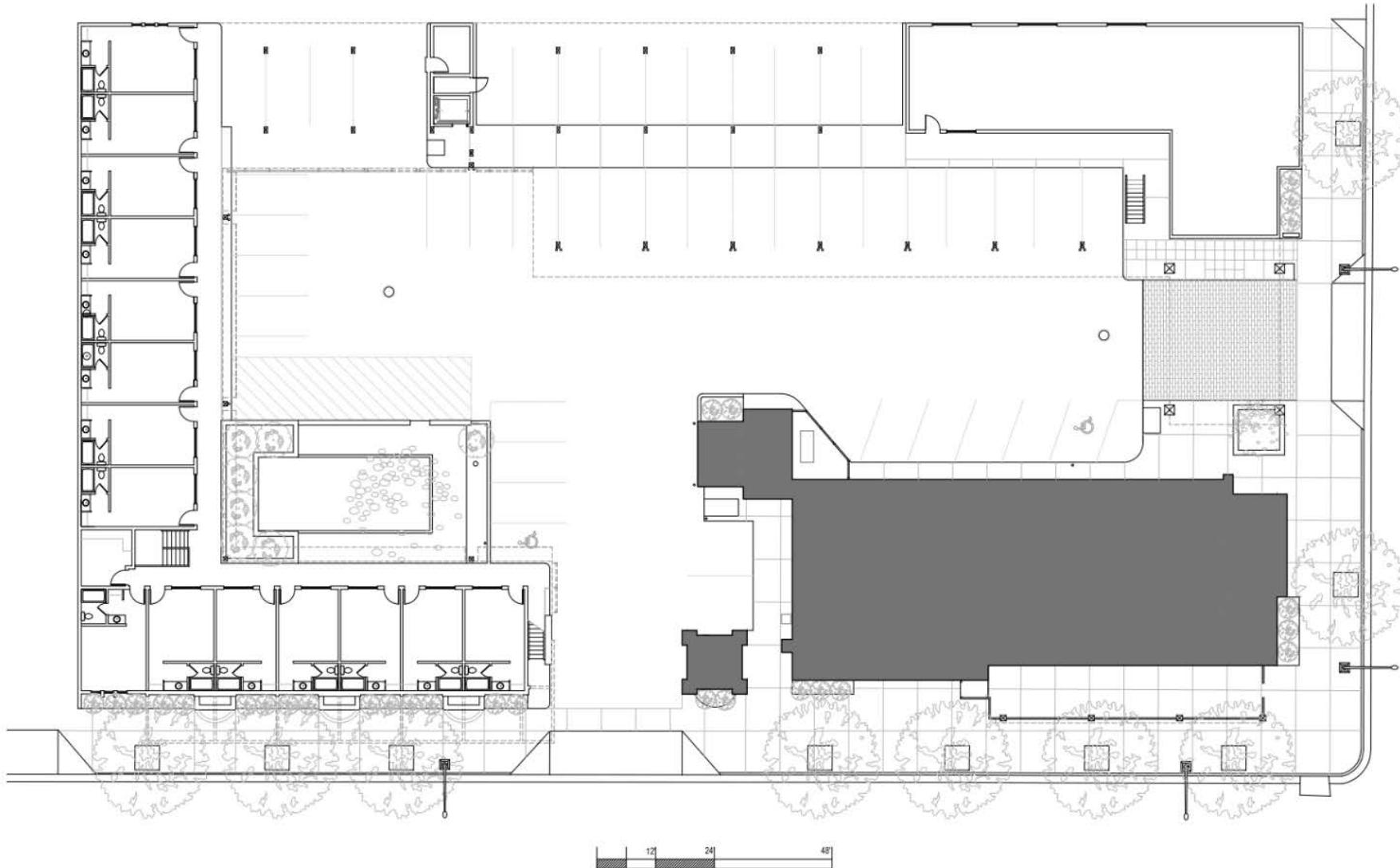
## **CANCELED**

- Aviation & Transit Board – Tuesday, April 7<sup>th</sup>
- Planning Board – Tuesday, March 24<sup>th</sup>
- 2020 Policy Coordinating Committee – Tuesday, April 21st

ClockTower Inn & Stella's Kitchen & Bakery

County Sheriff





CLOCKTOWER INN FACADE IMPROVEMENT STUDY AS-BUILT SITE PLAN

2 north









Previous





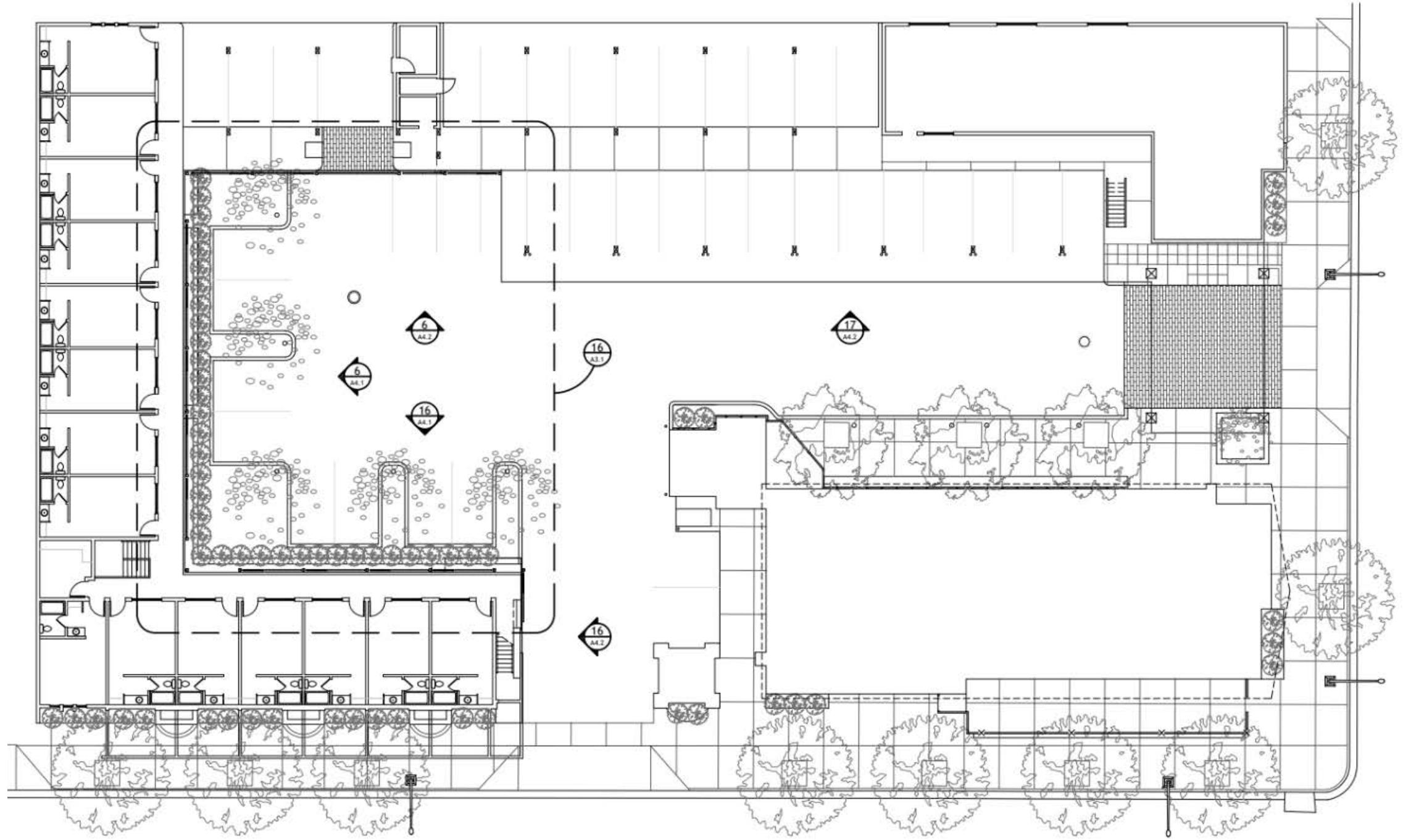


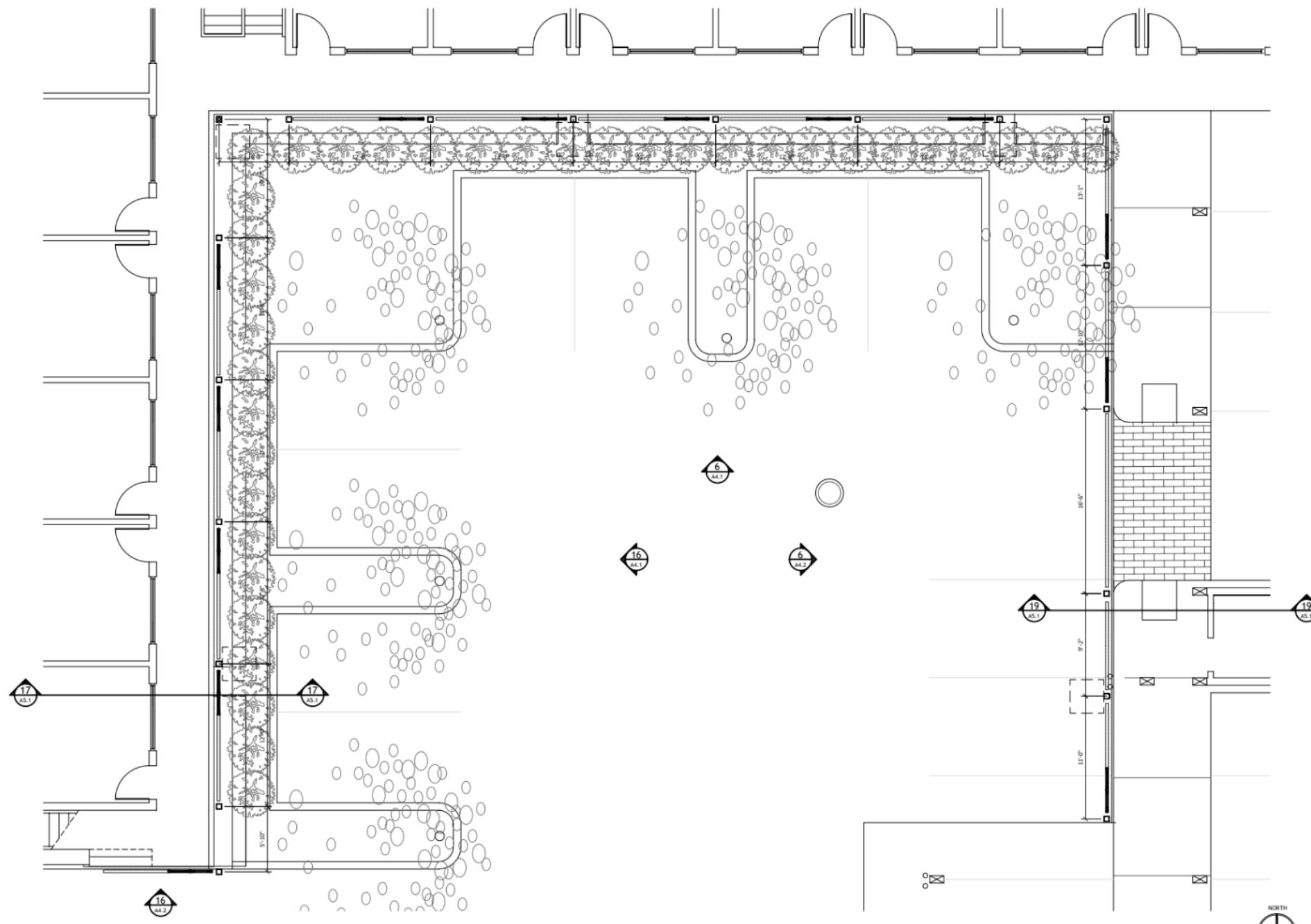






URBAN COURTYARD





16 ENLARGED COURTYARD PLAN- GROUND LEVEL

A2.1 : A3.1

CLOCK TOWER INN FACADE IMPROVEMENTS  
ENLARGED COURTYARD PLAN- GROUND LEVEL  
BILLINGS, MONTANA  
CLOCK TOWER INN

PROJECT N° 14001  
ISSUE DATE 9/11/2009  
REVISIONS

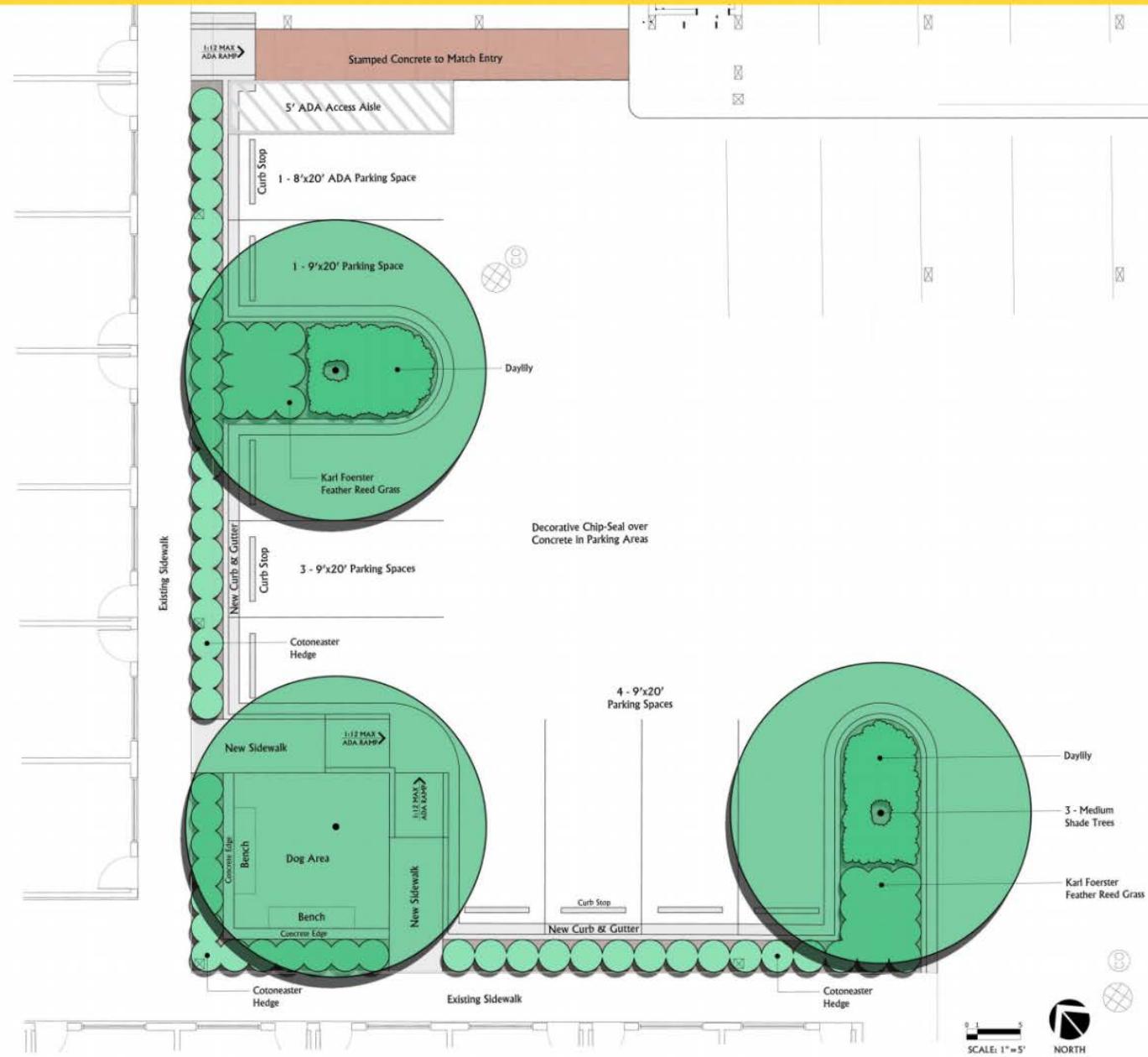
 **NORTH**  
DENNIS LYNN DEPMERIA, AIA  
PRINCIPAL  
128 CLARK AVE., BILLINGS, MT 59101  
MOB 406-855-1929 TEL 406-254-7228

blueboy@bresnan.net

**DESIGN  
DEVELOPMENT**

**A3.1**

1/4" = 1'-0"



## Clocktower Inn North Area Parking Concept

# FOLEY GROUP



**6** NORTH WING- SOUTH EXTERIOR ELEVATION

A2.1 : A4.1

3/16" = 1' - 0"











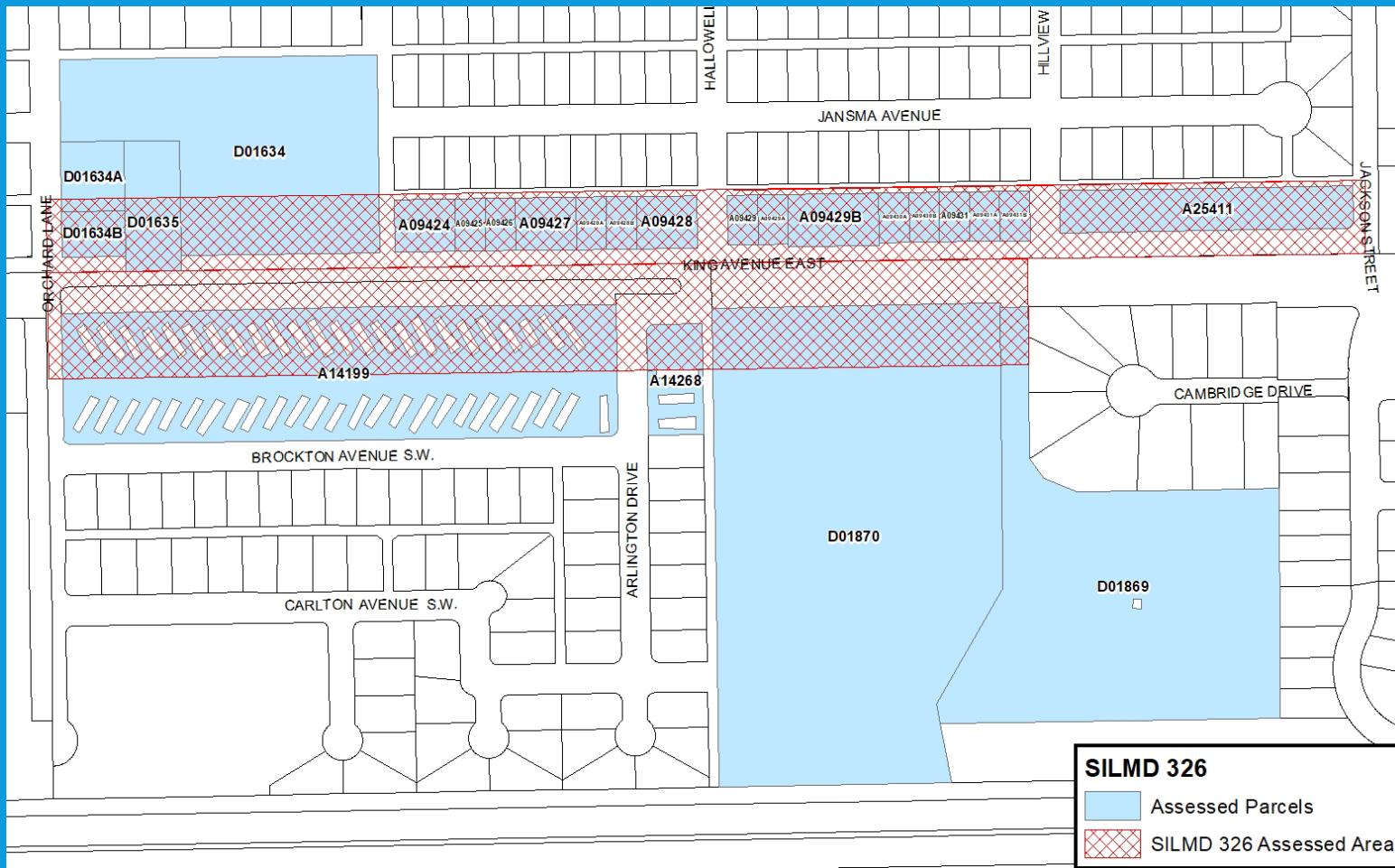
Clocktower Inn Courtyard Perspective Views

# SILMD 326

## KING AVENUE EAST



# SILMD 326 DISTRICT BOUNDARY



# ASSESSMENTS

- Yearly Estimate - \$4,045.96
  - Energy Charges - \$1,523.96
  - Labor, Supplies – \$1,116.00
  - Administration Charges - \$451.00
  - Equipment Reserve Needed - \$355.00
  - Light Pole Reserve - \$600.00
- Assessments do NOT include installation – funded by SBURD TIF
- Assessment based upon square footage within boundary
- \$.00830852 per square foot
  - Typical residential assessment: \$50.00 per year
- 19 Residential Properties, 2 Manufactured Home Park Properties, 2 Vacant Properties, 1 School Property

# PROJECT SCHEDULE

Resolution of Intent: Passed by council Feb 24<sup>th</sup>, 2020

Resolution to Create: March 23, this meeting

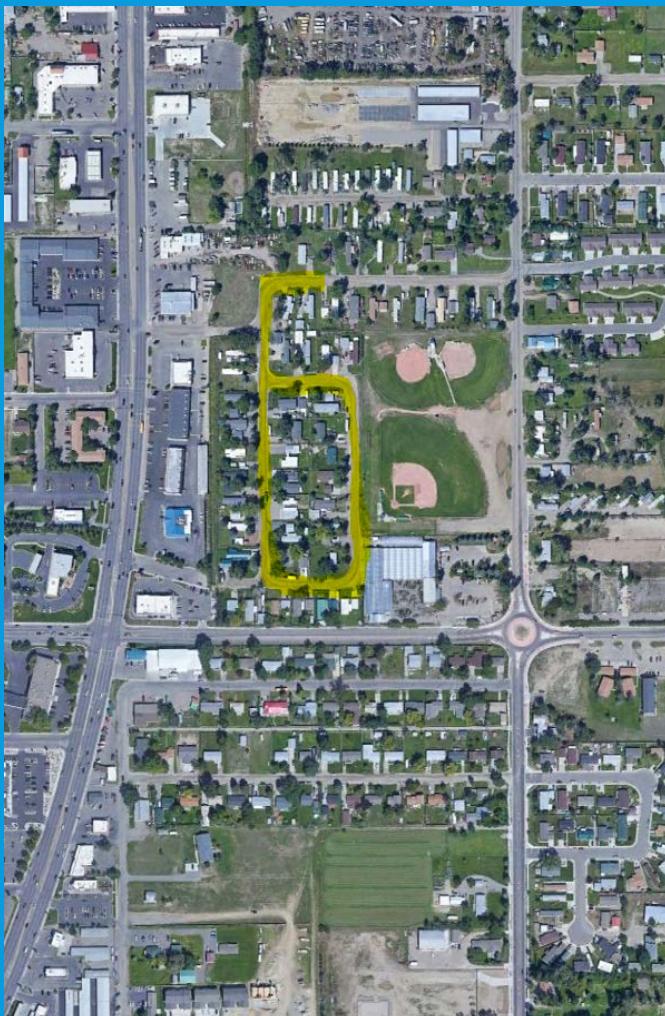
No protests received

Construction complete: Anticipated late Fall

Assessments will be on taxes fall 2020

# SID 1408

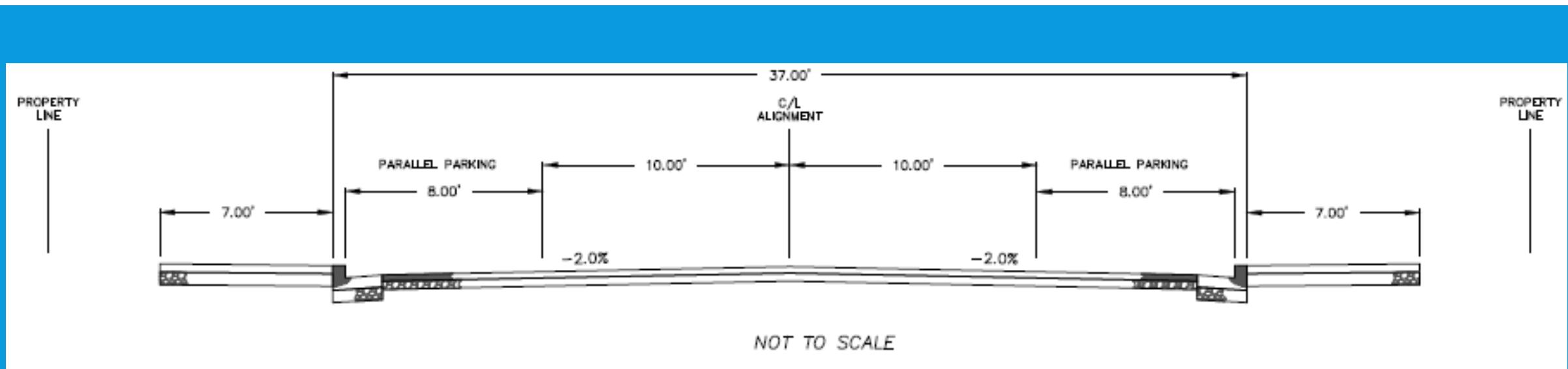
## WANIGAN SUBDIVISION



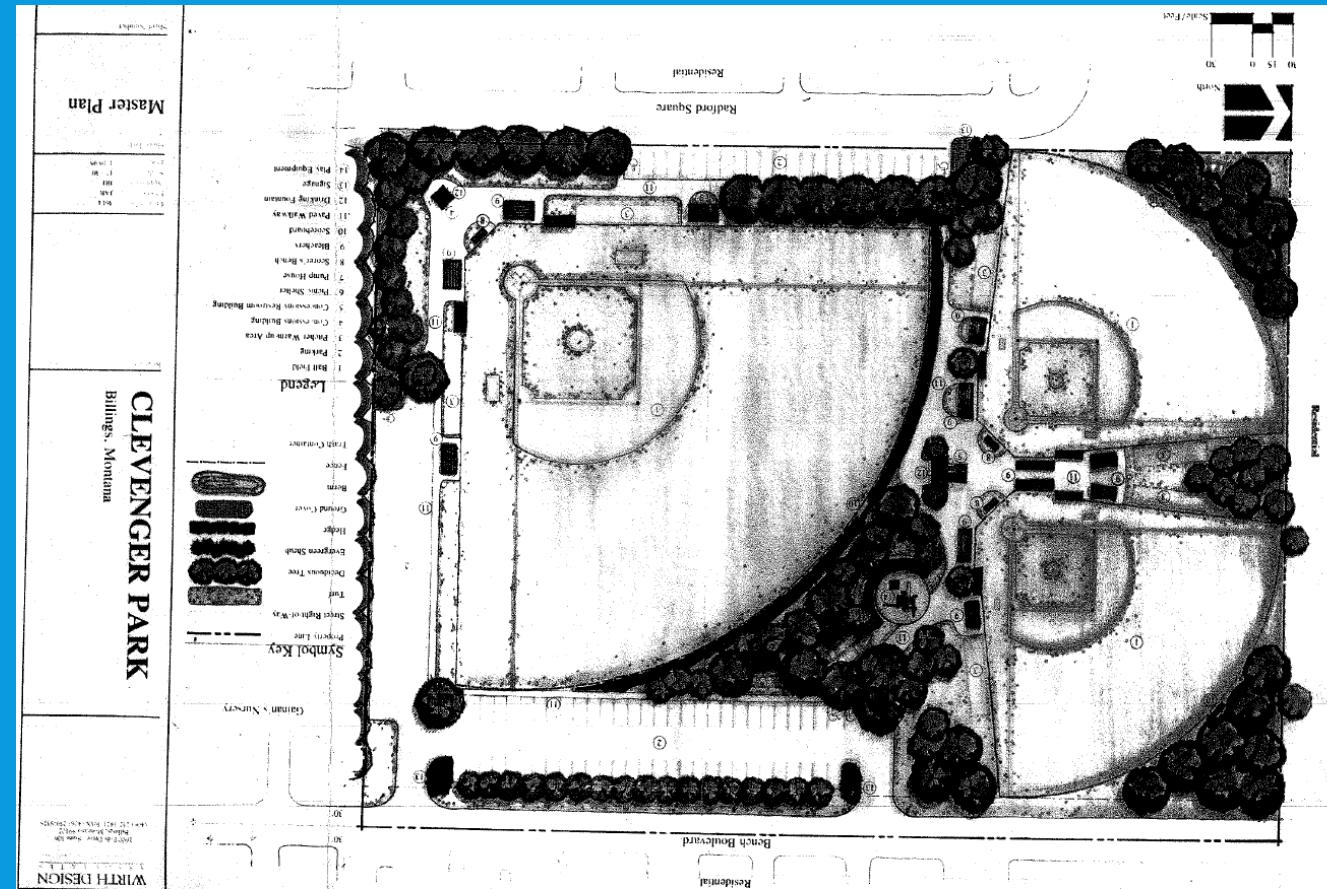
# DISTRICT BOUNDARY



# TYPICAL STREET SECTION



# CLEVINGER PARK MASTER PLAN (FEB 1995)



# FINANCIAL INFORMATION

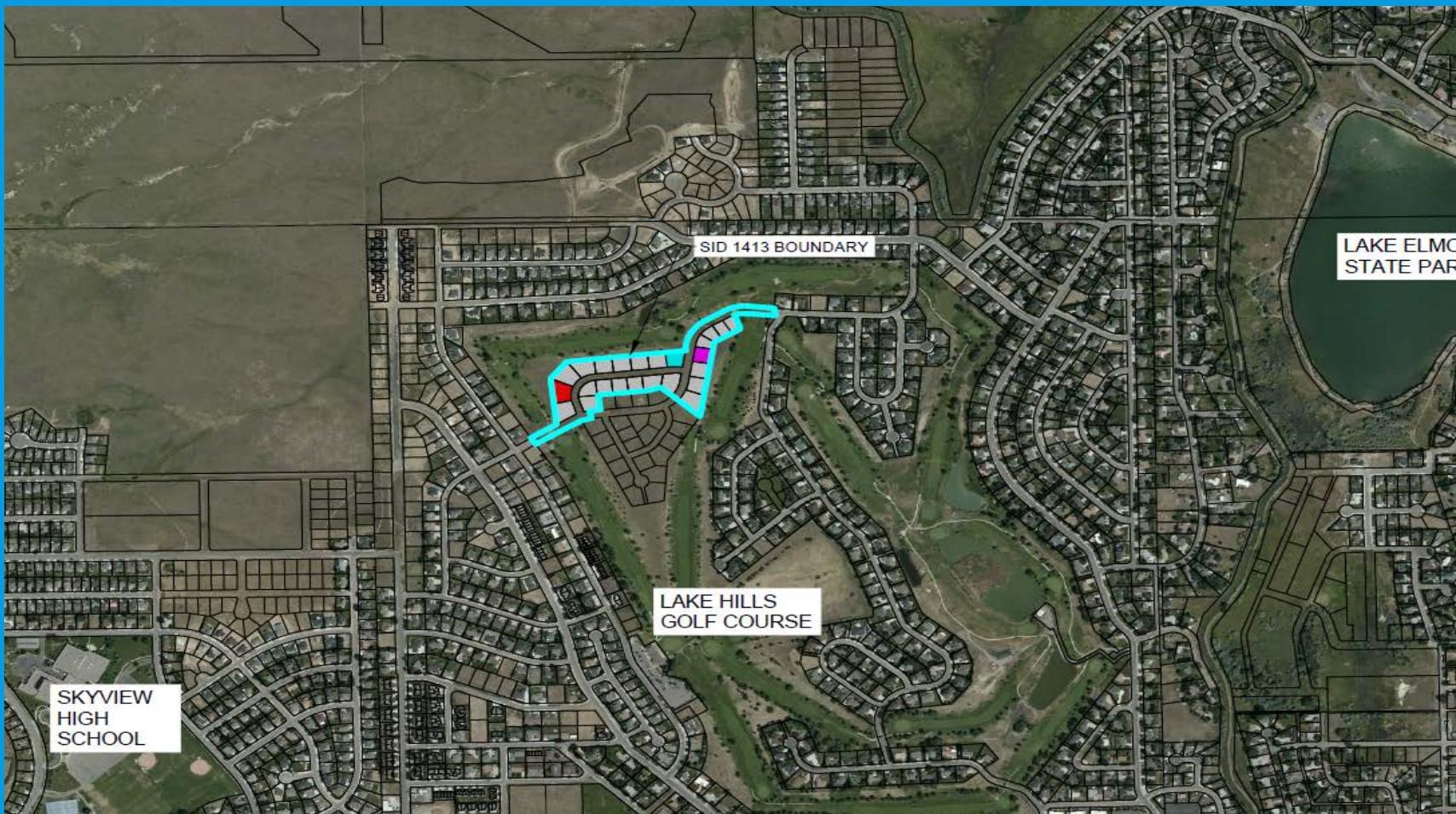
- Total Project Cost - \$1,252,862.51
- 39 Lots in the District
- Improvements to be assessed
  - Curb & Gutter
  - Storm Drain
  - Sidewalks
  - Street Improvements
- City Contribution - \$422,617.24
  - Non-addressed frontage
  - 2' of Sidewalk
- Assessment - \$21,288.34
  - Equal Amount per Lot

# PROJECT SCHEDULE

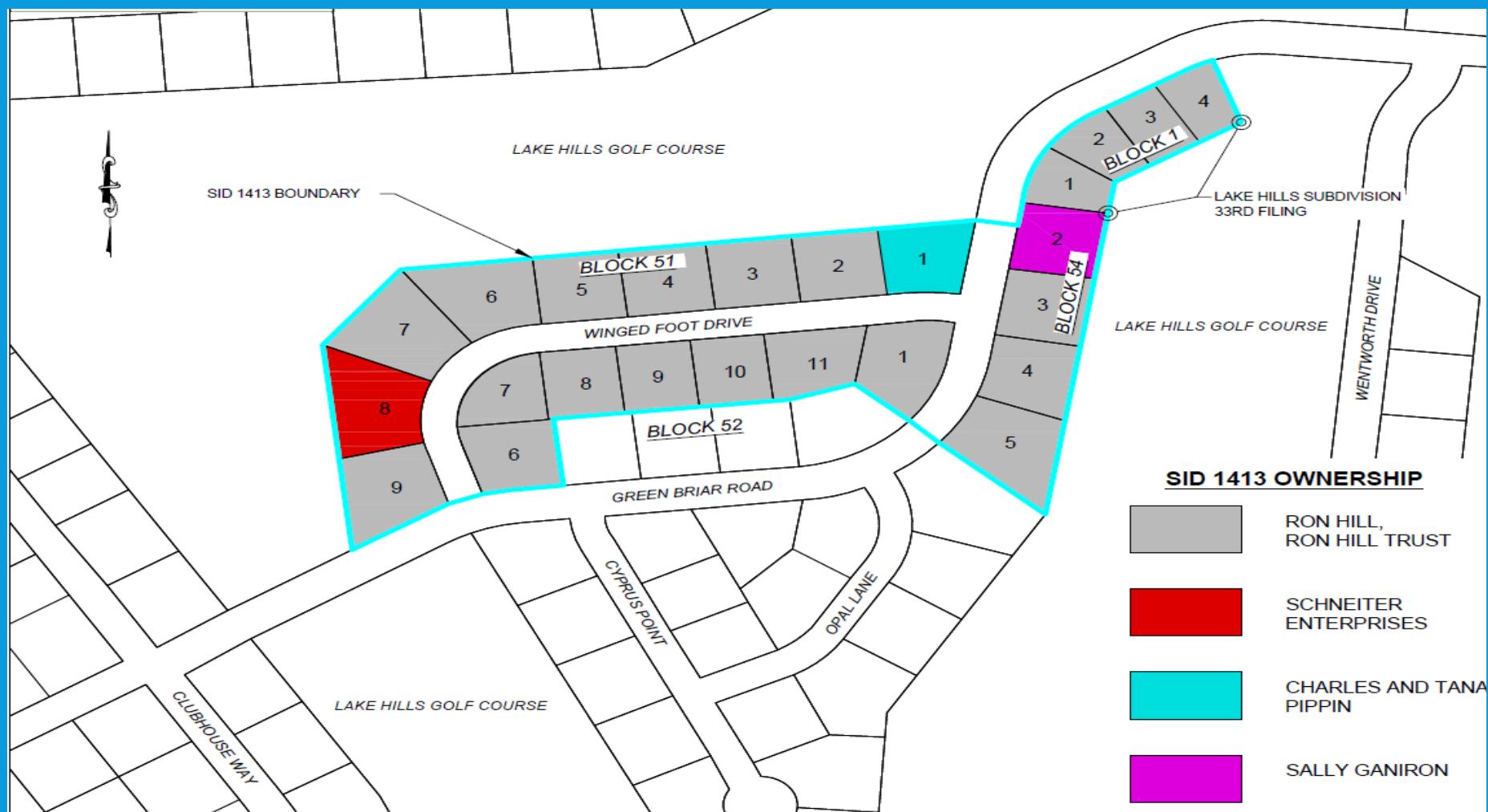
- Resolution of Intent: February 24, 2020
- Resolution to Create: March 23, 2020 – this meeting
  - No protests
- Construction Bid: May 26, 2020
- Construction completed: Late summer 2020
- Assessments on taxes fall 2020

# SID 1413

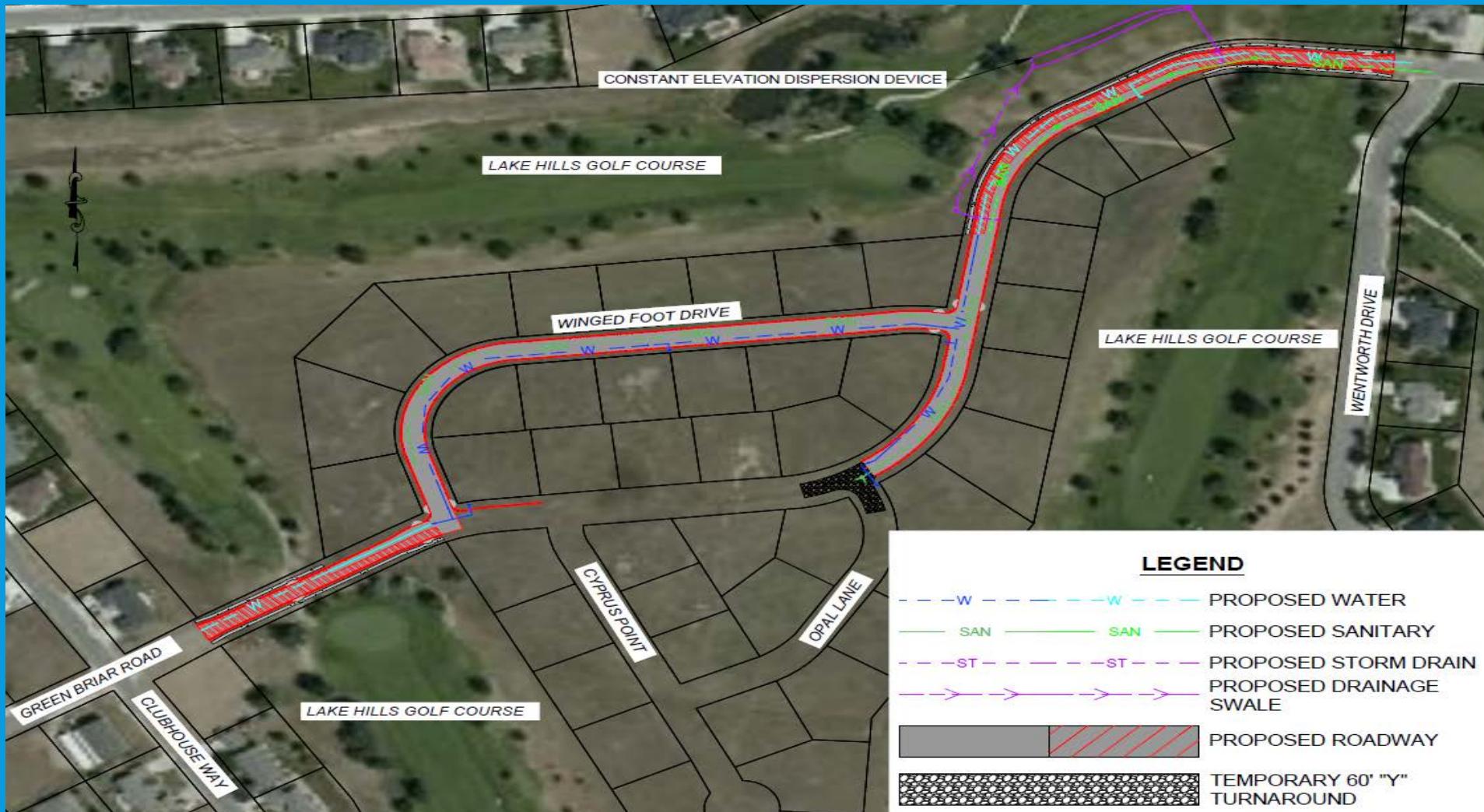
## WINGED FOOT DRIVE AND GREEN BRIAR ROAD



# SID 1413 DISTRICT BOUNDARY



# SID 1413 GENERAL PLAN



# FINANCIAL INFORMATION

- Total Project Cost - **\$1,162,537.61**
  - 24 Lots in the District (21 owned by Ron Hill)
  - Improvements to be assessed
    - Water
    - Sanitary Sewer
    - Curb & Gutter
    - Storm Drain
    - Street Improvements
  - Sidewalks along lots to be installed with building permits
  - City Contribution - **\$243,212.23**
    - Frontage along golf course (not addressed)
    - Curb & Gutter, Street Improvements, Sidewalk
  - Ron Hill Cash Contribution - **\$774,570.65** (Meets raw land requirement of 05-18234)
  - Assessment (3 Properties) - **\$144,754.73**
    - Cost per Square Foot Lot - \$2.96
    - Assessments range from \$42,633.26 to \$58,795.42

# PROJECT SCHEDULE

- Resolution of Intent: February 24, 2020
- Resolution to Create: March 23, 2020 – this meeting
  - No protests
- Construction Bid: Late June 2020
- Construction completed: Late summer 2020
- Assessments on taxes fall 2020



# City of Billings

## PUBLIC WORKS DEPARTMENT

### Engineering Division

2224 Montana Avenue

Billings, Montana 59101

Office (406) 657-8231

Fax (406) 237-6291

## Memorandum

To: City Council  
From: Debi Meling, P.E., City Engineer  
Date: March 19, 2020  
Re: WO 20-15; Wicks Lane Improvements (Phase 1) – Street Section

City of Billings Council Members –

During the March 16, 2020 City Council Work Session, there were suggestions regarding the proposed street section for the Wicks Lane Improvements project. We would like to take the opportunity to address those suggestions.

As staff understood the discussion, the general approach would be to remove the bike lanes, at least in one direction, and install a trail on one side of the street instead of a sidewalk. Some history of how the section was developed may help answer the questions. The minimum street width that is installed in the city is 34 feet unless there is a compelling reason to reduce it. A 34 foot section allows for travel lanes and either parking on one side, shoulders, or bike lanes. Our evaluation indicated that parking would not be needed along this section of Wicks Lane. That leaves available asphalt which we can either stripe bike lanes or stripe it with wide lanes and wide shoulders. Staff determined that striping bike lanes would be an appropriate use of that asphalt. Wick's Lane does show bike lanes in the City's adopted Billings Area Bikeway & Trails Master Plan and we try to construct in accordance with adopted plans.

On a street like Wicks Lane, bike lanes are really for the use of "commuter" bikes or people who are comfortable riding on-street. Kids are allowed and even encouraged to bike on the sidewalk in areas such as Wicks Lane. Riding on sidewalks is only prohibited in business districts as described in BMCC 24-602. In order to accommodate the high number of on-sidewalk bikers, we looked at widening the sidewalk on one side or installing a trail in the place of a sidewalk. Installing the trail on the south side would be extremely difficult due to the existing structures and driveways. Several of the existing buildings were constructed in close proximity to their fronting property line, with elevations up to 2-feet below the existing roadway surface elevation. As a result, providing traversable driveways behind drive approaches is challenging; for example, an 8% slope with a 2-foot grade difference requires 25-feet to daylight. In some cases, this would end the new driveway very near to the structure, presenting potential driveway runoff issues. Because of the grading issues, 7-foot curbwalk is already being planned at the most extreme of the grading constrained areas. Widening to a trail on the south side would exacerbate this problem. Generally, the grades on the north side are more conducive to the wider trail; however, there are areas where the trail width and alignment would be adjusted to accommodate grading constraints. Staff will look at incorporating a trail on the north side into the design.

Please let us know if you have any questions or concerns about the modified section.

Debi



# City of Billings

## PUBLIC WORKS DEPARTMENT

### Engineering Division

2224 Montana Avenue  
Billings, Montana 59101  
Office (406) 657-8231  
Fax (406) 237-6291

## Memorandum

To: City Council  
From: Debi Meling, P.E., City Engineer  
Date: March 19, 2020  
Re: WO 20-02; Missing Sidewalk

There were many questions and concerns raised at the City Council meeting on Monday night regarding the 2020 Missing Sidewalk/Miscellaneous Program and we wanted to address them before the council meeting on Monday, March 23.

### **Specific Property Questions**

1033 Aronson Avenue: Their email to council said that we were going to install a 7' boulevard with a 5' sidewalk and that they are concerned about their mature trees in the front yard. Our office met with the property owner this week and we clarified that we are not going to install a sidewalk with 7' boulevard. We are going to work with them to install a boulevard sidewalk at a boulevard width that will protect the trees.

918 Aronson Avenue: We were in contact with the property owner on February 27<sup>th</sup> and again on March 17<sup>th</sup>. We explained the process to them and that we are going to install a boulevard walk. They have requested a smaller boulevard width.

202 Ashley Court: CM Ewalt asked about this property, which is currently for sale. We have been in contact with the existing property owners and the realtor to explain the project. The realtor indicated that they have contacted the potential new property owners.

1701 Avenue F: The property owner contacted our office on March 17<sup>th</sup>. They were interested in information about hiring their own contractor.

### **Consistency**

There was discussion about consistency during the meeting. We want to clarify that while the constructed sidewalk may not be physically consistent; the process that we use at each property is consistent. Constructing in existing neighborhoods is difficult and we do approach each property with an eye to their specific issues, i.e. drainage, trees, etc. That being said, we are very careful to keep our approach the same to keep equity in a process that is unique for every property.

Our approach is to install 5' sidewalk with a 5' boulevard in every case where it can be done. A boulevard is necessary for a number of reasons:

- It separates pedestrians from vehicles. This creates space in the event a car slides into the curb or leaves the traveling lane for any reason. This separation also creates a safer "feel" for the pedestrian.
- Mailboxes are placed in accordance with USPS standards. Installing a boulevard sidewalk allows mailboxes to be in the boulevard instead of in the sidewalk. There are other obstructions, i.e. power poles, light poles, etc. Boulevards create a space for all of those obstructions.
- Parked cars along the street can create issues for pedestrians and bikers when the doors are opened.
- The boulevard is utilized for snow storage in the winter.

If the 5' sidewalk with 5' boulevard is not possible for some reason (described below), we first look to reduce the boulevard width. If that option is not available or the boulevard gets too narrow to be able to install grass, trees, etc., we look at installing 7' curbwalk. While 7' curbwalk is not the desired standard, it does still have the benefits described above, to a lesser degree than boulevard walk.

The big question is what constitutes a reason to vary from the standard. The following issues are reviewed at each location to determine if construction of an alternate sidewalk design should be used. They include:

- Right of Way constraints
- Grade issues
- Trees and roots
- Existing landscaping (bushes, garden, etc. set outside of boulevard)
- Existing walls
- Existing fences
- Houses/Sheds/Garages set too close to the property line

While many of the above issues can be removed or relocated, we try to balance the installation of the sidewalk with as little disruption as possible. This is where we look at cost as well. If we can build a 6' curbwalk for \$2,000 but it would cost \$5,000 to remove and replace a wall to build 7' curbwalk, we will construct the 6' curbwalk. We prefer not to construct the narrower curbwalk, but it would be extremely difficult to justify the extra foot in a case like this.

#### **Aronson Petition**

The council received a petition from the Aronson neighborhood requesting 5' curbwalk. Our recommendation is to continue to approach the installation in accordance with the process and criteria above. Existing 5' curbwalk in the neighborhood is not a good reason to install sidewalk that is less than desirable. We know more now than we did 30 years ago in almost every way and the reason we continually change standards is to do work better than we used to. Also, Aronson used to be a local street and it changed to a collector about ten years ago so a boulevard or wider sidewalk is appropriate now.

If council desires to reduce the sidewalk width for Aronson, it would be good to provide staff a reason so we could add it to our criteria. Reducing the width without having a criteria will make it very difficult for staff to install anything other than 5' curbwalk in any other neighborhood.

The Resolution Ordering in Improvements is on the agenda Monday, March 23. Staff will not have a presentation as the item is on the consent agenda but we will be available for questions.

Debi