

Billings City Administrator Weekly Report

October 21, 2021

- 1. FY23 Proposed CIP (Capital Improvement Plan)** – the FY23 Proposed CIP is available online at billingsmt.gov/cip. This is where you will find the most up to date information available on the CIP. If revisions are made to the proposed CIP, the most current version will be available online.
- 2. Violent Crime-Economic Stabilization Resolution Edit** – Please see the attached Resolution. We adjusted the draft to better reflect that the state, county, and city will not be granting money to one another. Each entity is responsible for funding their service commitment to deal with the surge in crime related to the pandemic.
- 3. Airport Land Sale to Northwestern Energy** – After three (3) previous discussions with Council on the proposed NorthWestern Energy new substation site, located just south of Airport Road and north of Black Otter Trail, the attached presentation highlights everything NorthWestern Energy is willing to do to get Council approval to buy the land from the Airport following the release of the land for disposal by the FAA.
- 4. BRIC Grant** – As previously announced, Public Works was not a recipient of the \$50 million Building Resilient Infrastructure and Communities (BRIC) grant for the west end water project for the last award cycle. Below is more information on the BRIC grant, a recommended path forward, and an opportunity to provide input.

BRIC Program Basics

The BRIC program supports states, local communities, tribes, and territories to undertake hazard mitigation projects, reducing the risks the community faces from disasters and natural hazards. FEMA states that the BRIC grant program “seeks to categorically shift the federal focus from reactive disaster spending toward research-supported, proactive investment in community resilience so when the hurricane, flood or wildfire comes, communities are better prepared.”

Fiscal Year 2020 BRIC Grant Selections

In July 2021, FEMA announced the selections for the available Fiscal Year 2020 BRIC grant funding. FEMA selected 22 large competitive projects based on the highest composite score until the available funding amount had been reached. In total, a little over \$377 million was awarded for an average award amount of \$17.1 million. The selected projects range from \$1.93 million to the maximum award amount of \$50 million. Almost all the selected projects mitigated floods in some way. No drought mitigation projects were selected. Interior states received no awards as the selected projects were in coastal states. It was also noted that if a community had not experienced major impacts from the hazard, the projects did not score as well even though BRIC is meant to be a proactive mitigation grant.

Review of Billings 2020 BRIC Grant Application

Interior states voiced their concerns to FEMA and Montana's Disaster and Emergency Services (DES) was one of these voices. Sara Hartley, Montana State Hazard Mitigation Officer, and her team have also been great partners with the city and very supportive of our project. The state DES team met with Public Works and our grant consultant, HDR, to review the technical feasibility and effectiveness and cost-effectiveness summary from FEMA. Ms. Hartley also was able to set up a technical and quantitative review in which we were able to meet directly with FEMA to go over our application. FEMA made suggestions on how we can improve the application and submit again. Overall, it was very encouraging, and FEMA seemed excited about our project. FEMA also mentioned that our project made it to the National Technical Review process, which means our project did very well in the process.

The Catch

The 2020 BRIC application for the west end project included the intake, pump station, pipeline, water treatment plant, and reservoir. Communities cannot award or start construction on any part of the project to be eligible for BRIC funding. Also, a project must have a Benefit-Cost Analysis (BCA) or at least 1.0. The BCA is a method that determines the future risk reduction benefits of a hazard mitigation project and compares those benefits to its costs. When we ran the BCA with any part of the project removed, we cannot get the BCA above 1.0. This means, we either have to delay the intake and water plant projects by about 6 months to submit for the BRIC grant again or not submit for the BRIC grant.

Public Work's Recommendation

Even though we were encouraged by FEMA's feedback, our chances are still relatively low of being selected for the BRIC grant in the next round of awards. There will be even more applications this year than there were last year, and we believe a push by FEMA to award to small, impoverished communities. Also, the Notice of Funding Opportunity (NOFO) for this year did not substantially change from last year's NOFO despite the interior states' lobbying of FEMA for change. However, it is \$50 million at stake and if there is a chance we have any shot at the grant, we believe we owe it to the citizens of Billings to try again and go after this grant. Thus, Public Works' recommendation is to submit for the BRIC grant again and delay the intake and plant until the next round of grant selections are announced next July. Further supporting this recommendation is that we are seeing very high construction prices right now and it may be prudent to delay the project until prices stabilize. With the inflated costs, the difference on a project this size could be tens of millions of dollars spent unnecessarily.

Next Steps

If the Council desires, we can have a BRIC grant discussion at the November 1st Council meeting. However, we cannot wait until November to start working on the grant. Public Works along with our consultant must start the grant process this week as it is due to the state by December 10, 2021, and there are extensive grant application requirements. Unless we hear concerns from several Council members, we will proceed with the grant preparation.

Direction Needed from Council

Please provide feedback via email regarding if there is a desire for a BRIC grant discussion to be added to the November 1, 2021, Council work session.

5. **Pacific Steel and Recycling** – Pacific Steel and Recycling is in the planning process to construct its own storage facility for the material it currently sends to the municipal landfill. This change allows more opportunity for the reuse of ASR (auto shredder residue). Currently, Mary Green, a communications consultant, is working with the company to create a communications program for the project as it moves forward. Some of the city staff met with her this week and she will be reaching out to others to set up meetings. She can be reached at mgreen@magc.info or calling 304-932-7673.
6. **Stillwater Building Update** –
 - Issued design Request for Proposals and issued Request for Qualifications for repair, maintenance and custodial on 10/14/2021
 - Took possession of the building at 4:21 PM on 10/15/2021
 - Letter sent to Yellowstone County concerning ownership change and whom to direct facilities questions, concerns, or requests
 - Access, camera, and fire monitoring controls turned over to the City of Billings 10/15/2021
 - Annual testing and inspection of system will occur in October
 - Drafting a Request for Qualifications for real estate/leasing contracts and services
 - Investigation and examining any parking strategies for city employees and citizen access
 - Drafting proposal for potential long-term lease in building
7. **Public Safety Mill Levy Presentation**
 - Public Works Board – October 18 at noon.
 - West End Task Force – October 19 at 7:00 PM
 - Rimrock Neighborhood Task Force – October 20 at 7:00 PM
 - Billings NextGen – October 21 at 3:30 PM
 - Southside Task Force – October 21 at 7:00 PM
 - Century 21 Agents – October 28 at 4:30 PM

Enjoy the gorgeous fall we are having!

RESOLUTION NO. 21-__

A RESOLUTION OF INTENT TO COMMIT FUNDS DIRECTED TO A PUBLIC SAFETY PLAN IN CONCERT WITH YELLOWSTONE COUNTY AND THE STATE OF MONTANA TO ADDRESS VIOLENT CRIME IN BILLINGS, YELLOWSTONE COUNTY, MONTANA

WHEREAS, violent crime in Billings has increased by over 70% during the COVID-19 pandemic in both 2020 and 2021; and,

WHEREAS, the Courts are experiencing backlogs due to this increased crime and due to COVID-19 related processes; and,

WHEREAS, these court backlogs have resulted in criminal defendants remaining in pretrial or pre-revocation hearing status longer, resulting in more criminal defendants being released pretrial or pre-revocation hearing because of jail occupancy limits and because defendants are released into the community for a longer time.

WHEREAS, the National Police Services Survey conducted between October 2020 and December 2020 indicates that only 31% of 3000 households in Billings felt safe in downtown Billings at night compared to 74% who felt safe in their neighborhood at night; and,

WHEREAS, a Billings Chamber of Commerce survey between April 2021 and May 2021 indicates that 89% of businesses responded that their business was impacted by public safety issues and concerns and 53% were impacted moderately or greatly; and,

WHEREAS, Billings is experiencing economic instability related to an increase in COVID-19 related crime, including violent crime; and,

WHEREAS, more law enforcement is needed to address the crime increase and more prosecutors and more criminal defense attorneys are needed to reduce case backlogs; and,

WHEREAS, considering these challenges, the State of Montana has indicated a willingness to aid Billings and Yellowstone County by dedicating up to \$2 million of its ARPA funds for the next three years to address pandemic-related issues resulting in increased crime, court backlogs, and extended pre-trial or pre-revocation hearing status of defendants; and,

WHEREAS, the Billings City Council intends to work cooperatively with the State of Montana and Yellowstone County to address these issues by committing an additional \$1 million to fund resources for law enforcement and prosecution services over the next three years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BILLINGS, MONTANA:

The City Council intends to dedicate an additional \$1 million to fund resources for law enforcement and prosecution services over the next three years starting January 1, 2022, in coordination with Yellowstone County dedicating an additional \$1 million and the State dedicating \$2 million of its ARPA funds to temporarily provide for supplemental resources within the criminal justice systems of the City of Billings and Yellowstone County.

APPROVED AND PASSED by the Billings City Council this _____ day of _____, 2021.

CITY OF BILLINGS

By _____
William A. Cole, Mayor

ATTEST:

Denise Bohlman, City Clerk

**AIRPORT LAND SALE
TO
NORTHWESTERN ENERGY**

**AGREED TO CONDITIONS BY NORTHWESTERN ENERGY
FOR CITY COUNCIL MEETING ON OCTOBER 25, 2021**

TERMS AGREED TO BY NORTHWESTERN ENERGY

- WILL BUILD 5 FOOT HIGH BERM ON NORTH SIDE
- DEVELOPING LANDSCAPE PLAN FOR CITY REVIEW
- PAY THE APPRAISED PRICE OF \$223,000 (\$15,170 PER ACRE)



PLACE 10 FOOT WALL AROUND SUBSTATION UTILIZING ONE OF THE WALL TEXTURES BELOW

Option 1: Brick Texture



Option 2: Cobblestone Texture



Option 3: Ledgestone Texture



WALL COLORS TO CHOOSE FROM



Pueblo



Taupe



Sand



Natural



Charcoal



Titanium



Desert Tan



Buff



White*



Rustic Red*

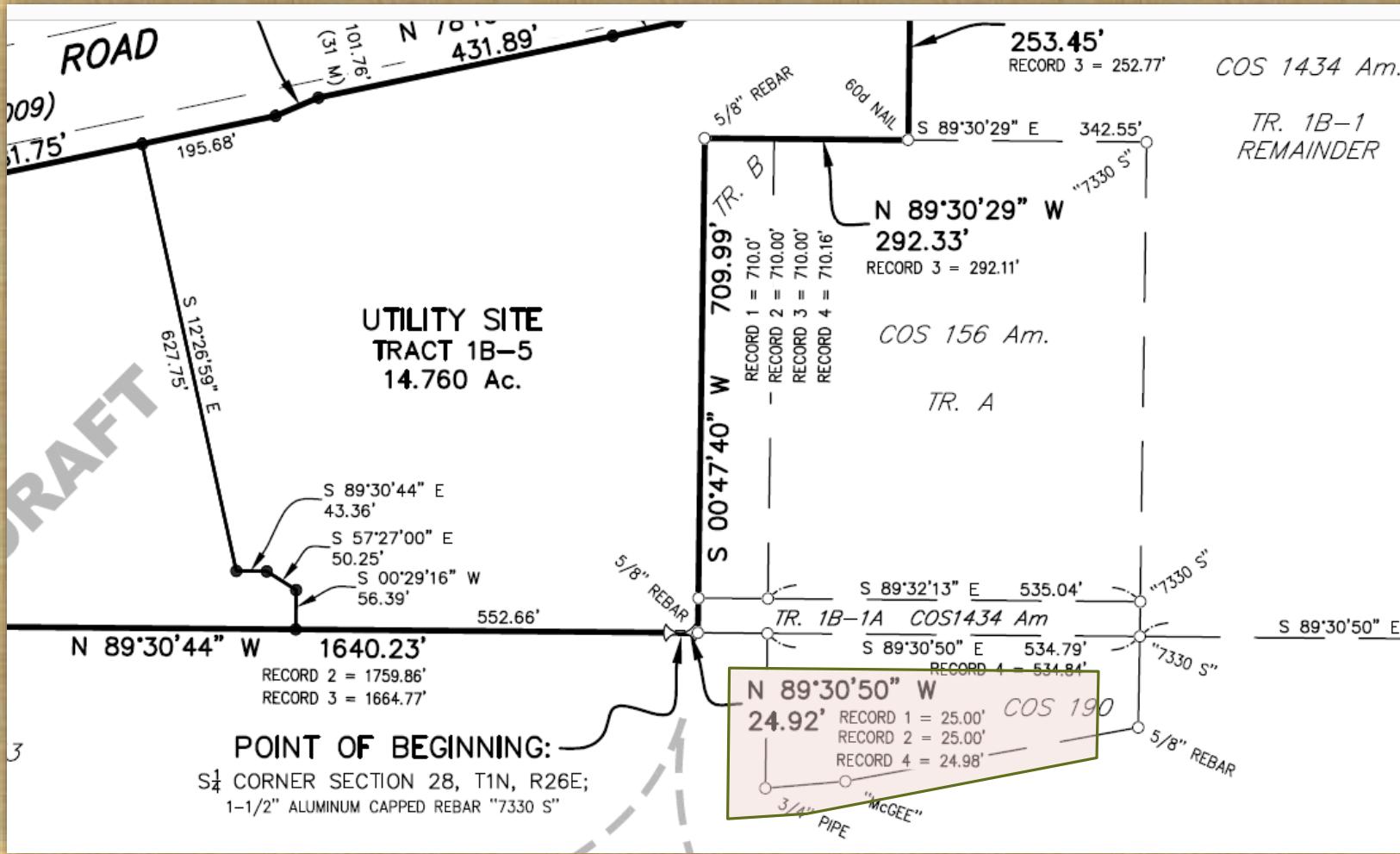


Dark Terra Cotta*



Terra Cotta*

DONATION OF 2.2 ACRES FOR PARKING AND PAVE/STRIPE 20 PARKING SPOTS AND ENTRANCE



TERMS AGREED TO BY NORTHWESTERN ENERGY

- NORTHWESTERN ENERGY WILL PROVIDE THAT THE CITY MAY REACQUIRE THE PARCEL AT NO COST IF PARCEL IS NOT NEEDED IN THE FUTURE.
- NORTHWESTERN ENERGY WILL AGREE TO ENTER INTO A PERPETUAL AIR RIGHTS EASEMENT TO PROTECT THE APPROACH PATH TO THE BILLINGS LOGAN INTERNATIONAL AIRPORT.

CITY COUNCIL APPROVAL WILL

- ALLOW THE FAA TO BEGIN THE PROCESS OF RELEASING THE LAND FOR PURCHASE BY NORTHWESTERN ENERGY.
- ALLOW NORTHWESTERN ENERGY TO CONTINUE ITS PLANNING PROCESS FOR THE SUBSTATION AND THE AGREED TO WALL AND LANDSCAPING.
- NORTHWESTERN ENERGY WILL BE ABLE TO UPDATE THEIR BUDGET NUMBERS TO REFLECT THE CHANGES AGREED TO.
- ALLOW STAFF AND NORTHWESTERN ENERGY TO WORK ON FINALIZING ALL TRANSFER OF OWNERSHIP DOCUMENTS.

THANK YOU!