

# City Council Work Session

5:30 PM  
Council Chambers  
August 21, 2017

**ATTENDANCE:**

**Mayor/Council** (please check) x Hanel, x Cromley, x Yakawich, x Cimmino, x Brewster, x McFadden, Friedel, Swanson, x Sullivan, x Clark, x Brown.  
CM excused: CM Friedel and Swanson

**ADJOURN TIME:** 8:07 pm

## Agenda

<b>TOPIC #1</b>	<b>Bicycle Pedestrian Advisory Committee (BPAC)</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Ed Gulick, BPAC Member: overview of BPAC accomplishments and goals. Current trails and proposed trails, public in support.
- Cimmino: referenced communities that have amenities we do not? Bozeman, Missoula, Fort Collins, CO.
- Sullivan: bike trail in county? Fairgrounds is only one. county gas tax may be viable funding source. Ditch use agreement? Planning phase only, just ideas at this point.
- Brown: percent of bicyclists? Biking to work – 2%. \$350,000 per mile for bike paths seems high. Why? Mile is long distance for path, \$80 per linear.
- Mayor Hanel: people thinking about moving to Billings ask about bike/walk paths. Poly Drive very busy.
- Brown: utilize bike paths being added in newer subdivisions? Yes, put into transportation plan. More networks in newer parts of town.
- **Public Comment:**  
None

<b>TOPIC #2</b>	<b>Public Safety District</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Tina Volek, City Administrator: Public Safety District initiative to tax all properties including non-profits. 10% response of right to protest. PowerPoint overview of policies and options.
- Sullivan: created spreadsheet of incidents, calls for service. Estimated amount per call, etc.
- Mayor Hanel: strongly recommend Public Safety Mill Levy
- Sullivan: some big box stores, night clubs seem like public nuisance, lots of calls. Can we increase business/license fees for problem businesses?

- Volek: ordinance revolves around predictable parts, liquor, etc.
- Clark: initial idea was to lower burden on property owner by having everyone pay. Seems way off track from initial plan. Does everyone pay aerial street fees? Yes.
- Volek: does Council want staff to look at taxing large retail business's? Certain lower income areas with more issues?
- Cromley: mentioned attorney generals plan? Helena attempted to assess fire fees to State property located in City. Affected non-profits? Don't think so. Primarily government agencies. Current districts assess nonprofits? Not sure, will check.
- Brent Brooks, City Attorney: attorney general opinion can be emailed to Council for review.
- Brewster: looking for different ideas than presented. May need to revisit during strategic planning. Info on general revenue
- McFadden: not business's fault for shoplifting, transients etc.
- Brown: thought we were just figuring out how everyone pays.
- Rich St. John, Police Chief: top 5 calls are box stores, theft, bottom 5 are transient calls. ORCA losing millions in product, marshalling resources. Policies don't actively stop criminals. Surveillance, taking license plates, etc. #1 traffic incidents. Educate the stores on how to protect themselves.
- Brown: traffic cams? Were very close but legislature said no.
- Yakawich: 6,000 shoplifting and theft calls per year? St. John: Yes, theft not burglary, robbery, etc. Elaborate on theft policies? Several misdemeanors, limit of \$1,500 to be felony. No jail, instructions from court to get fingerprinted at later date. Maximum \$500 fine. Law is problematic.
- Yakawich: can business' arrest and take criminal to jail? Citizen's arrest possible. Private security is not certified law enforcement. Policy is not exposing employees to danger during shoplifting. Staff at Alpha House, Passages, Alternatives are contract facilities for the Department of Corrections, so probation officers can order them to go jail for revocation of bail. Police Department must take them to jail. Proposing an older police car and training to escort to jail themselves.
- Sullivan: officers available for off-duty work? Yes, separate pay schedule billed to organization. Billings Clinic in negotiation with DBA to have similar program. No extra officers at this point.
- Clark: off track from original topic. Looking for ways to finance Public Safety to get rid of property tax portion of mill levies. Outside businesses pay enough for benefits? Volek: No health care, but can look into other benefits.
- Cimmino: Non-profits don't pay money into police and fire protection fund? Volek: do not pay property taxes, just assessments. Cherry Creek on list of police calls? No, the calls seem to have gone down and did not make list.
- Sullivan: individual addresses are not lumped together on list of calls.
- Brown: how many cars could be provided to businesses and how much would it save? Would use police cars ready to go to auction. Uncertain of selling or loaning cars. Would pay off in long run to save time/money of police officers

having to go on call. Several hundred hours tied up in Alternative, Passages, Alpha House calls.

▪ **Public Comment:**

Connie Wardell, P.O. Box 21432, Billings, Montana: so many non-profits and businesses in City do not pay property taxes. Task Force needed to research and come up with ideas.

<b>TOPIC #3</b>	<b>Enhanced Safety Zones</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Rich St. John, Police Chief: CM Sullivan requested information. Area designated by legislature or ordinance to identify areas which are correlated with speed related crashes. Violations will have enhanced fines in those areas. \$50 more or double current fine. Re-evaluated every few years. Some jurisdictions found no change and let lapse. Current information would indicate King and Shiloh as top crash area. Intersections are biggest issues, not necessarily speed issues.
- Brown: school zones more expensive? Yes, and construction zones.
- Sullivan: Senior High School dangerous area? No. Council could designate any area as enforcement zone and notify public. Bond schedule set by Supreme Court, not sure about flexibility. Municipal Court schedule can be changed by ordinance.
- Sullivan: is Council allowed to require mandatory amounts? Brent Brooks: Council has legislative authority and could pass a resolution for certain zones. Judges can double fine in certain zones and could be approached about adding zones. Council could designate certain zones with higher offenses and fines.
- **Public Comment:**  
None

<b>TOPIC #4</b>	<b>Solutions for Higher Crime Areas</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Tina Volek: chart from earlier shows areas with issues. Question if Council is willing to double tax someone already paying for Billings Industrial District (BID). Sullivan suggested having it be part of business fee. Would need to research that issue.
- Brent Brooks: fee across the board like a tax or fee based upon service provided?
- Mayor: would be nice to see fire call numbers also.
- Brown: possible to come up with average for locations? Have a number of allowable calls and anything above that has a fee? Volek: have looked into consistent problems that are not corrected. Could continue to research.

- St. John: have discussed consistent alarm calls could be charged an amount. Alarm companies have tried to differentiate legitimate alarms from accidental.
- Cromley: need to look at number of calls in comparison with amount of business and customers.
- Yakawich: does the Police Chief have any solutions? Proactive policing, get ahead of the curve before crimes occur, Neighborhood Watch, Crime Prevention, etc. Engage with community to protect themselves. Statistics on DUI have declined, attribute to 24/7 program. Council allowance of a fully staffed Police Department has helped. Would like to arrest shoplifters immediately, instead of having to get a warrant.
- Brown: ideas for community education? Training on how to avoid thefts. PSA's, media, social media.
- **Public Comment:**
- Connie Wardell, P.O. Box 21432, Billings, Montana: special review of bars, casinos and big box stores could require specially trained security. Could require these types of businesses to meet special requirements to reduce calls.
- Sullivan: citizen ad-hoc committee may be good idea.
- Brewster: need legal opinion on if Council can implement policy. Someone may challenge it as a tax not a fee. Like idea of forming a committee.
- Brown: would like to pursue businesses using police cars to transport.
- Mayor: staff needs to research legal ramifications of tax vs fee.
- Volek: would need to see an initiative.
- Brewster: is it possible to levy a public safety fee that replaces the voter levy, revenue neutral, and the process involved.

<b>TOPIC #5</b>	<b>2018 Unified Planning Work Program (UPWP)</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Scott Walker, Transportation Planner: overview of 2018 Federal Fiscal Year, work elements, and funding sources.
- Brown: update of transportation plan covers all of Billings transportation needs? Federal required to have transportation plan. Last one in 2014, required every 4 years. Covers what City foresees traffic will be.
- Yakawich: mentioned community values, elaborate? List special studies from transportation plans. Solicit public input and what they would like to see. Issue with the downtown one-way street that turns into two-way? Has been discussion for years about turning one-way into two-way. Want to look into options.
- Cimmino: \$325,00 earmarked? That is for the entire work element, including staff time. Contract is for \$200,000 to go out to consultants. \$25,000 for public participation plan. Include studies for Marathon Loop? Nothing related to Marathon Loop in this work program. Transportation Improvement Plan done annually? Annually or as needed.

- **Public Comment:**
- Connie Wardell, P.O. Box 21432, Billings, Montana: don't see significant traffic issues downtown. Need to consider striping, traffic signals. Downtown one-way streets are least of the issues. West End is bigger issue.

<b>TOPIC #6</b>	<b>Council Discussion</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Sullivan: status of appropriated money to upgrade Council sound system? RFP is ready to go out.
- McFadden: congratulated Fire Department on their public presence. Use to be at Mustangs games. Would like to reconsider a fire truck at the games. Rash: public interaction very important. Would like to include a public safety message. Firefighters would love to be more public. Unsure of history regarding Mustangs games. McFadden: policy changed when someone complained.
- Clark: discussed in union negotiations, gets carried away. Takes longer to get to a call if at baseball game. Volek: due to cost issues, couldn't afford some programs. Rash: would need to be responsible and supervised.
- Mayor: strong public relations important. Heart & Sole Run has strong Fire Department presence and is very well received.
- Cimmino: opportunity to have public presence would be a good cause.
- Yakawich: Easter egg hunt, etc. good idea.
- Yakawich: October 12<sup>th</sup> volunteer dinner for Boards and Commissions members.
- Cimmino: need for an initiative regarding public safety, etc. Brown: will be bringing forth an initiative.
- **Public Comment:**  
None

<b>TOPIC #7</b>	<b>Public Comment on Items not on the Agenda</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Dennis Ulvestad, 3040 Central Avenue, Billings, Montana: would like to see police briefings/training happen at different location. Large presence of police cars downtown makes people wonder why the police are not working.