

City Council Work Session

5:30 PM

Council Chambers

September 5, 2017 (Tuesday)

ATTENDANCE:

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

CM excused: CM Friedel

ADJOURN TIME: 7:38 p.m.

ADD ON TOPIC – ISO Classification

- Bill Rash, Assistant Fire Chief: ISO (Insurance Services Office) Classification, private firm that review and assigns fire departments with various classifications. Gather information and perform onsite visit. City covers very large area, and classification has been difficult. Received a classification of 3/10 to City and BUFSA properties that are located within 5 road miles of a Billings Fire Station. Class 10 was retained for properties located beyond 5 road miles from fire station. Class 3 rating placed fire department in 7th percentile.
- Mayor Hanel: Commends the Fire Department for a job well done. What rating are other cities in Montana? Bozeman is a Class 3. Billings covers larger area, plus very large amount of visitors for work and travel reasons.

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| TOPIC #1 | One Big Sky Update |
| PRESENTER | |
| NOTES/OUTCOME | |

- Bruce McCandless, Assistant City Administrator: summary of Hammes Company process and schedule until end of year. Suggested meeting with Council on 9/25 or 9/26. Overview of phases and timeline of completion of phases.
- Mayor: question date of response December 11 not the end of the year? Have informed financial advisors, bond council that City will need consultation through that period of time. Will look at agreement.
- Cimmino: will minutes be available for meeting? Do not think so. Have provided an overview of what was discussed. Will minutes be required in the future? Will pass on request, but most of the agencies involved are public firms or private non-profit companies.
- Cromley: status of \$250,000 loan to MontDevCo and details of usage? Will get information for Council.
- Yakawich: thankful for report. 9/26 meeting with Council location? Hammes will be available when Council prefers.
- Yakawich: Would like them to come to Council meeting. Usually discourage discussion at Business Council meetings.
- Volek: could check with Community 7 and possible record a meeting with them at 5:30 in Council Chambers and a meeting earlier in the day as well.

- Sullivan: suggest starting meeting early on 9/25 in chambers and allow discussion and public comment.
- Mayor: State budget concerns overlapping development process? McCandless: State is familiarizing themselves with types of incentives currently offered. Uncertain of discussions with State, but developers seem up to date on financial condition of State and City. Market analysis performed to indicate size and capability of support.
- **Public Comment:**
- Terry Odegard, 2101 Lake Hills Drive, Billings, Montana: concerned about Council having time to do due diligence. Disappointed in amount of information presented. Would like to see Council take time to talk to constituents.
- Mayor: meeting will be open to public? Yes.

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| TOPIC #2 | Downtown Pedestrian / Vehicle Safety Study |
| PRESENTER | |
| NOTES/OUTCOME | |

- Dave Mumford, Public Works Director: responding to Council initiative. Limited downtown accident data. Pulled together data and info from several different sources. Looking at a larger area than downtown and bigger issues than pedestrian/bike safety. Consult and coordinate with MDT. Propose a \$200,000 study. Want to publish RFP next month and conclude by spring, work into the FY 2019 budget but some will be long range changes. PW will give options.
- Brewster: downtown traffic calming – look at putting more traffic on 1st Ave South, 6th Street North/South? Mumford: need MDT to look at state routes, changes on 2nd and 3rd. Change one and it impacts many other streets.
- Cimmino: 9 studies underway? Yes. May be able to save and use money from those projects but not all.
- Sullivan: has been people getting injured, well spent money.
- Brown: need a consultant instead of City doing it? Yes, don't have the personnel resources to complete the plan.
- Yakawich: North & South 6th included? No.
- **Public Comment:**
- Jeff Essmann, 3131 Masters Road, Billings, Montana: spend more money and include 6th and 13th railroad/street underpasses. Designed in the 60's and have not kept up with growth. Would be nice to be able to close Montana Avenue for events and need to re-direct traffic.

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| TOPIC #3 | MDT Project Review |
| PRESENTER | |
| NOTES/OUTCOME | |

- Stefan Streeter, MDT District Administrator: update on all of the projects that MDT is involved in. 1st Ave N. signals and intersections completed soon. ADA sidewalk project along 1st Ave. South, 27th to State and along Laurel Rd to King

West. Zimmerman Trail ready for work by end of 2018 including roundabout and trails. 27th St. from airport to the freeway – having to buy some right of way for sidewalks; lighting, signals, pavement, sidewalks, ADA compliance. 1st Ave. N. from Division to 9th. Tie into traffic study at intersection with Exposition. Freeway rebuild from 27th to Lockwood; will expand to 3 lanes, including new bridges. Rebuild airport road and main intersection in design. Looking at Central/6th St. reconfiguration. Main St. pavement rebuild from METRA to Hwy 87; next summer. Billings bypass Phase 1 to contract next year. Intersections on 56th St. W. 62nd and Rimrock rebuild planning. Will eventually change all luminaires to LED. Railroad crossing at 27th being studied again.

- Cimmino: thanks for info over the years. Thought Zimmerman pedestrian tunnel could not be done due to steepness? Funding issue was more than steepness. Underpass will cross Zimmerman trail. Found funding for that project.
- Hanel: West Laurel interchanges moving west? Yes, structures that take a sharp 90-degree turn will be taken out. Will tie into field at end of Golf Course Road.
- Cromley: cost of 13 signals? \$2.5 million. 27th and Montana Ave being replaced? Yes, scheduled for 2018/2019.
- Yakawich: 27th/railroad intersection? Undetermined date for construction.
- Cimmino: railroad/27th address ambulance services? Maybe, depending on solution.
- **Public Comment:**
- Randy Hafer, 702 North 23rd Street, Billings, Montana: formerly involved with 27th/railroad studies. Past studies killed lots of adjacent businesses. Use caution when researching options.

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| TOPIC #4 | Charter Review |
| PRESENTER | |
| NOTES/OUTCOME | |

- Tina Volek, City Administrator: apologize for late info, especially from Chris Tweeten (email sent to wrong address accidentally). Charter amendment by voter approval. 10-year form of government review, next scheduled one is 2014. Council can adopt an ordinance, create a charter commission, commission recommend changes. Petition. City Attorney contacted Montana Bar. Bar declares some risk of conflict. Recommended Mr. Tweeten proposal to study for City.
- Brewster: can Council hire an outside attorney for certain tasks, when it appears that attorney advice is compromised by his/her role as City Administrator (CA) subordinate. Not a problem while Volek in office, but want to avoid future problems.
- Volek: slippery slope if Council hires attorney. Voted on by taxpayers, if change occurs, should also be worked on by taxpayers.
- Cromley: original initiative was to give Council control over attorney instead of CA, don't want to spend money on contract and don't think it's a good idea.

- Vole: Tweeten made estimate of \$5,000-\$10,000.
- Cimmino: needed outside attorney for CA contract.
- Sullivan: echo what CM Brewster said. Not reflection on current administrator. May need citizens to look at charter change.
- Clark: charter commission would have to be elected? Yes
- Brown: issue is when City Council needs legal advice regarding the City Administrator. We can continue doing that? Brent Brooks, City Attorney: yes, can hire outside attorney for CA contract work, ethics board, etc.
- Brown: in the case of hiring a new administrator, if need to terminate him/her, need legal advice about how to proceed, have to go through City Attorney to get that attorney? Brooks: Council has in the past but not required.
- Cromley: don't think there's a problem. Council can hire attorney as needed to advise on CA contract or other.
- Hanel: don't think that Council should employ the City Attorney, but should be able to hire for certain tasks. Process in place to review entire charter and Council could initiate it. Don't see need for change at this time.
- Brewster: if Council decides it wants charter to be reviewed, should identify 3-4 issues that it wants studied before it starts the process.
- **Public Comment:**
- Terry Odegard, 2101 Lake Hills Drive, Billings, Montana: visiting with constituents, idea about charter change to go to a single ward representative and more wards.
- Yakawich: charter review could have occurred 4 years ago, no traction with public then. No traction then, what has changed? Odegard: change happens.

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| TOPIC #5 | Ordinance Review |
| PRESENTER | |
| NOTES/OUTCOME | |

- Brooks: contracted with MuniCode Corp to review all codes. Ready to start reviewing Billings. Establish department contacts. Will report again after talking with the reviewer. Estimate about 30 days. Worthy goal to reduce pages in the code. Lots of overlapping ordinances.
- **Public Comment:**
None
CM Sullivan departs approximately 7:05 pm.

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| TOPIC #6 | On-Line Business Licenses |
| PRESENTER | |
| NOTES/OUTCOME | |

- Bruce McCandless, Assistant City Administrator: memo in Friday packet briefing describing business license policy. Staff recommendation: 1st time applicants need to be made in person, but renewals can be done online.

- Clark: how well are applications reviewed for legal violations? Review is done during initial application. If business moves, required to reapply. If no changes occur, no review is performed. How was original license of a certain business given if outside of City regulations? Not sure, hope business is honest on application. Staff reviews application and location. Particularly for home businesses. Commercial business deals mainly in occupancy issues.
- Volek: staff concluded that businesses have assumed the application can be used as a business license. Staff discussing importance of notifying people that it is only a receipt, not a license. Fire Department also wants to be included in process earlier in process.
- Clark: does staff question type of business? Yes. Having a meeting on issues and procedures. Will ask about procedures for applications.
- Clark: who takes application and fees? Finance Department. Application is entered by clerk into Enterprise, then Planning, Fire, and Building Departments review. Occupancy, type of business changes are all reviewed.
- McCandless: departments met today to discuss procedures. Discussing making it clear to applicants that business may not operate until actual license arrives.
- Brown: online renewal will be convenient, but will occupancy changes, type of business changes still be reviewed? Should not be less vigilant with online applications. License will not be given until business is reviewed. Change of location and use should be reviewed.
- Yakawich: his personal business license states "tax permit". No health code requirements, etc. Seems confusing. Food service establishments do get sent to Riverstone for review.
- Brooks: ordinance has basis of costs. Safety issues are at front of review. Business license is geared towards the facility or premise, as opposed to the profession. Lawsuit in the 80's by attorney who thought the City was encroaching on State regulatory authority and the courts agreed. Application and renewal documents has bold printing asking if applicant is in compliance with State, Federal and local laws and ordinances.
- **Public Comment:**
None

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| TOPIC #7 | Council Holiday Schedule |
| PRESENTER | |
| NOTES/OUTCOME | |

- Volek: November and December calendars in front of CMs. Reviews proposals for December.
- Council: OK on Monday following Thanksgiving (11/27), so retain usual schedule. December as proposed. Work session on 12/4, business meetings on 12/11 and 12/18. Special meeting on January 2nd to swear new CMs and Mayor, adjourn and move into work session.
- **Public Comment:**
None

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| TOPIC #8 | Council Discussion |
| PRESENTER | |
| NOTES/OUTCOME | |

- Yakawich: September 11 Community celebration of life on courthouse lawn. About 40-minute ceremony.
- Hanel: thanks to staff and Council, especially Councilman Sullivan for USS Billings celebration. Also compliments on Burn the Point.
- Cimmino: Volek retirement letter received by all Council.
- **Public Comment:**
None

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| TOPIC #9 | Public Comment on Items not on the Agenda |
| PRESENTER | |
| NOTES/OUTCOME | |

None