

City Council Work Session

5:30 PM
Council Chambers
August 6, 2018

ATTENDANCE:

Mayor/Council (please check) x Cole, x Cromley, x Yakawich, x Brewster, x Ewalt, x Joy, x Friedel, x Gibbs, x Ronning, X Clark at 5:45, x Brown.

CM excused:

ADJOURN TIME: 9:05 p.m.

Agenda

TOPIC #1	Quarterly Updates
PRESENTER	Various Department Heads
NOTES/OUTCOME	

Billings Industrial Revitalization District (BIRD)

- Tim Goodridge: emphasize Liberty and Vine store on Montana Avenue. Opening day on the street reconstruction and street lights. Parks and Recreation donating money for street tree planting.

Downtown Billings Partnership (DBP)

- Maisie Sulser: report in the packet. Labor Temple open. Pocket Park build. New restaurant on 1st Ave. north. Sawyer building occupied. Alberta Bair Theater, Stillwater Building and Art House development agreements progressing.
- Ronning: Art walk was amazing. Questions about: TIF working group involves who? Sulser – describes statewide representation. How does DBP notify downtown that OBSD is being discussed? Some owners complaining that they don't know about the meetings. Sulser: business owner list, social media, etc. What One Big Sky District (OBSD) functions were public meetings? Sulser: August 20 scheduled for open public meeting, all invited.
- Joy: what is in the Stillwater Building? DA and how does it fit in downtown plan? Sulser: all projects have DA, specifies what owner needs to do, what DBP expects before reimbursement, boilerplate.
- Yakawich: encouraging report. What are the learned lessons from recent successes? Sulser: up-cycle, more people wanting to be downtown, OBSD encouraging.

South Billings Urban Renewal Association (SBURA)

- Debbie Keller: Midland Rd should be done by fall. Negotiating for the Popelka land, appraisals are lower than asking price. Want to bring together a broad group to talk about future. Chuck Barrett, new board member. Amend Park planning starting.
- Yakawich: questions about land purchase. Friday: land report is right, Midland Road land also being considered, consulting team being selected.

Budget

- Andy Zoeller, Finance Director: revenues and expenses very close to approved,

- property values up so taxes are up.
- Brewster: Police Department budget within 2%, why didn't vacancy savings bring them in lower than this? Zoeller: Extra duty on large events.
- **Health Fund**
- McCandless: larger than planned reserves. No increases in premiums for 2019.
- Brown: why large reserves, thought committee was trying to reduce them.
- McCandless: fewer large cases, will probably mean rate freeze next year and committee considering premium holiday and other options to consider in Sept.
- **Initiatives**
- Cole: park funding should be shown as partially complete because only Centennial has been addressed.
- Yakawich: USS Billings \$15,000 donation – how to obtain. Zoeller: Already been invoiced and check prepared.
- **Strategic / Work Plan**
- Kevin Iffland, Assistant City Administrator: highlights in the strategic plan report and work plan progress.
- Brewster: Babcock agreement with Art House, similar to Dehler Park agreement, including a small building maintenance committee to make sure that it's being maintained properly.
- Friedel: 6 months ago, possible shooter around a school, how are parents being notified? Iffland: SD2 has a system, don't know if it was activated. Dave Mumford, Public Works Director: emergency notification system paid by City.
- Ronning: homelessness committee disbanded and problem persists and worse with possible violence. How can we improve this? Cole: Community Innovations being reinvigorated, Ronning: want to make sure that we're taking actions, not just meetings. Page 29 – public safety guide – emergency response? Iffland: think it's created, in the EOC, will locate a copy and distribute.
- Joy: where are we on the cost of services study? Friday: Council presentation early 2018, directed staff to prepare a scope of services and RFP. First step is to talk with all depts. to obtain and use our own data if possible. Joy: affordable housing in TIF districts? Friday: EBURD and DBP study on workforce housing study completed late 2017, some projects completed at market rates, but still affordable to many.
- Ewalt: Police Department is running how many officers short? Iffland: 10 or 11 right now. Hiring process and POST qualified.
- Cole: full staffed early in the year but now short quickly. Normal? Iffland: Needed to fill a couple new positions and normal retirements.
- Ronning: short 10 positions from number authorized? Iffland: Yes.
- **City-wide Park District 1 Projects**
- Mike Whitaker, Parks Director: presentation.
- Friedel: issue at South Park Splash Park? Whitaker: Programming of circulating system, not able to use all features at the same time; company will be here tomorrow.
- Clark: when start moving dirt in Centennial? Whitaker: Award const. work around Jan 1.
- Joy: Parks comprehensive plan called for a fee policy; starting one? Whitaker:

Recommended in the plan but have not worked on it enough to bring it to Council for decisions.

- Ewalt: Centennial ball fields will be rebuilt? Whitaker: No, they will stay but will probably enhance them.
- Brewster: used to repair equipment in neighborhood parks but now tearing them out and not replacing it. Plan to replace in Primrose Park? Whitaker: FY 19 budget includes funding for Primrose Park equipment replacement.
- Cole: infrastructure improvements include dog park? Whitaker: Meeting with the committee already. Will have perimeter fence and some features.
- Brown: work will include berms along St. John? Whitaker: Yes.
- Yakawich: thanks for repairs in South Park. What are punch list items and are we paying for remedies? Whitaker: Designers local and from Florida. Local contractors built it. Drainage bad, how will we hold them accountable? Whitaker: Designer has E&O insurance but CTA has been outstanding working through issues. Will probably expand concrete area to keep water there instead of in planting area. Have met with Legal and others about contractor accountability.
- Ronning: PRPL clean paint from the Rimrocks? Whitaker: PRPL works on it but several community groups help a lot.

Code Enforcement Update

- Nicole Cromwell: presentation.
- Friedel: ones that moved up because others moved down or out? Cromwell: Most because they were impacting neighbors worse or not being able to work with owners. Is Mobile-Pod on street right of way OK? Cromwell: No.
- Cromley: property at 10th and Broadwater not on the dirty dozen list? Cromwell: Prosecuting them now, not a code enforcement issue. Unsecured refrigerators on 10th. Call them in.
- Ronning: Property 2, are there children in the home? Foster children removed in 2017.
- Yakawich: public education could help.
- Cole: owners required to remove weeds in sidewalks and curb/gutter? Cromwell: Required to cut to 4" and notice goes out when growth is over 12".
- Ewalt: SD 2 has to follow code? Cromwell: Yes. Problem with location of solar panels at Skyview north side.

Public Comment:

- Kevin Nelson, 4235 Bruce Avenue, Billings, Montana: change of heart about convention center on Midland, but don't think it will work downtown either. Billings doesn't compare to competitors. Clean up the town, get rid of drug dealers, pimps, whores, etc. Ronning: do not use the term whore. Few prostitutes in Billings. Most are victims of traffic

TOPIC #2	Rimrock Subaru Tax Abatements
PRESENTER	Kevin Iffland
NOTES/OUTCOME	

- Patrick Klugman, Big Sky Economic Development (BSED): Rimrock Subaru application. Explains change in process.

- Friedel: taxable value of the property? Klugman: do not have current value, but will get. Want to see value before demolition and value as reconstructed. Was dealership closed while under construction, so 19 employees are new or returning.
 - Yakawich: why is this project worth the tax incentive? Klugman: Jobs, new higher investment, revitalization of old building/site, apprenticeship program with City College.
- Public Comment:**
- Kevin Nelson, 4235 Bruce Avenue, Billings, Montana: oppose the tax abatement. City loses large amount of tax as well as schools lose. Budget trouble in the future. If this business doesn't pay tax, everyone else makes up for it.

TOPIC #3	City Nuisance Code Amendments
PRESENTER	Wyeth Friday / Nicole Cromwell
NOTES/OUTCOME	

- Wyeth Friday, Planning Director: 4th review in work session, plan to have Council consider adoption in September. Current code challenged by Municipal Court, right of entry was flawed and needs corrections. Trying to stay consistent with State Code. Right of entry is deleted because other methods/practices are required, not dropping it but reordering it.
 - Cole: 9 comments by email. Talk about them later.
 - Friday: agree, will return comments or changes later.
 - Cromley: seems like we're only dealing with residential units, not commercial or accessory. Friday: designed for human occupancy is intended to be broader.
 - Joy: purpose section talks about remediation, may want to use "abatement" instead.
 - Yakawich: could some Councilors meet as a committee, work on it and then bring it back to entire Council. Cole: good idea, set up a meeting and notice it. Any volunteers? Cole, Cromley and Yakawich volunteer.
 - Cole: only remedy is action in Municipal Court? Yes. Any other way to assess more than \$9500? State District Court?
 - Brooks: City can take these cases to District court, usually use Municipal court because more familiar with the law and District court prefers we handle it here first.
- Public Comment:**
None

7:57 pm break. Reconvene 8:07 pm.

TOPIC #4	Legal Process and Protocol for Governing Body
PRESENTER	Brent Brooks
NOTES/OUTCOME	

- Brent Brooks, City Attorney – presentation. Introduces Thomas Pardy.

- Yakawich: MMIA coverage and Bozeman information Must cooperate with MMIA. We are often successful.
- Cole: coverage disputes happen.
- **Public Comment:**
- Kevin Nelson, 4235 Bruce Avenue, Billings, Montana: Delaney case, City of Bozeman sued lawyer's E&O.
- Cole: attorney assigned by MMIA is still the city's attorney, so malpractice claims would come from the city.

TOPIC #5	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- Ronning: Ward 4 news - Boulder Arrowhead little league won game today, will be on ESPN on Thursday.
- **Public Comment:**
- None

TOPIC #6	Public Comment on Items Not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- Kevin Nelson, 4235 Bruce Avenue, Billings, Montana: last TIF meeting, cleaning storm ditch along King Avenue East. CM Joy said that butterflies and birds are important and ditch should not be cleaned. Trees need to be removed to let water flow. Trees have raised concrete and damaged it. Talk to Mumford about maintenance.
- Joe Fedin, 2533 River Oaks, Billings, Montana: BSC Inc., want to be on the September 4 work session agenda. Reviews past few months experiences. Concept presentation, putting it in place will take time and work, so want to know that Council supports it.
- Councilmembers want something in print prior to the meeting. An outline of the proposal is acceptable to most.
- Mr. Fedin: want to propose a lease, 8:30-4:00 5x week and program in conjunction with the City of Billings. 27 key points for negotiation presented at the first meeting with Mayor, Ewalt, Yakawich. Will put something together but it may not be complete by September 4.
- Brown: nothing off the table, but want to see printed proposal first.