

# City Council Work Session

5:30 PM  
Council Chambers  
September 17, 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, x Brown.

**CM excused: None**

**ADJOURN TIME: 10:02 pm**

## Agenda

<b>TOPIC #1</b>	<b>Noise Ordinance Report and Recommendations</b>
<b>PRESENTER</b>	Dr. Dan Autenrieth
<b>NOTES/OUTCOME</b>	<p>Brent Brooks, City Attorney - opening comments, introduction of Dr. Dan Autenrieth, MSU-B</p> <p>Autenrieth goes through PowerPoint</p> <p>Current City of Billings noise ordinance overview</p> <p>Comparison cities</p> <p>Comparison City of Billings noise limits chart</p> <p>Comparison chart of noise levels</p> <p>Methods of measurement</p> <p>Methods of enforcement</p> <p>Permits or waivers for non-exempt activities</p> <p>6 Recommendations</p> <p>Recommendations for review charts – maximums and averages</p> <p>Specific noise issues</p> <p>Public Comments on noise ordinance study</p>

- Mayor asking for clarification on what Council needs to do.
- McCandless – provide staff direction in form of items of change in ordinance.
- Brewster – address the relative change in reduction in dba. Autenrieth - Perceived loudness is not that significant as percentage change. Perception change is around 3 dba.
- Mayor – how could changes in recommendations look in real life? Autenrieth - Normal conversation 50 dba, Laughter 60 dba.
- Yakawich – recommendation on training, machine, what type of training? Korell – no training for reading sound or noise
- Yakawich – instrument in office? Lieutenant Brian Korell – yes, instrument kept in office.
- Autenrieth – one noise meter could be adequate, current instrument is not reliable, graduate students involved in developing training tailored to law

- enforcement, how to setup meter and calibrate, site location, execution and what to do with information, decision flow chart.
- Mayor – are there private parties in Billings who do this testing? Autenrieth – explaining qualifications that would be adequate if there was someone in Billings area.
  - Joy – any benefit to naming a type of noise (music)? Autenrieth – not to parse out different types of noise.
  - Joy – snow removal starts early, snow blower, snowplows, is it louder in winter. Autenrieth – cold temps increase propagation of sound, also depends on ground cover.
  - Ronning – types of sound from personal perspective? Autenrieth – sound is a physical property, noise is unwanted, disturbing, or harmful sound
  - Brown – what is major complaint in Billings? Autenrieth – vehicle noise, pockets of establishment noise.
  - Mayor – impact on issues around Wendy’s Field? Autenrieth – does not fix stadium noise issue, community coming together to solve issue
  - Ewalt – percentage of population on how many sleep at night/day (shiftwork)? Autenrieth – no answer
  - Mayor – current ordinance and waivers/exemptions? Brooks – clarification of recommendation of dba levels.
  - Friedel – push for downtown living, future proposal would have to address. Brooks – direction from Council, balancing issues, exempting areas of city.
  - Cromley – stats on number of noise complaints? Brooks – police can answer questions. Korell – 581 cfs noise complaints, 24 cfs documentation, 2 sound readings.
  - Cromley – important to know complaints and dba readings on those complaints. Autenrieth – if available, would not be clear, dba levels have not been documented.
  - **Public Comment:**
  - Kevin Nelson, 538 Bruce Avenue, Billings, Montana – letter speaks for itself, if disturbed, sleep deprivation. City is a contributor to drug dependency from sleep deprivation, vehicle noise, enforcing current laws would help. Vehicle noise, jake brakes, social media could solve and spread word.
  - Kris Prinzing, 925 Delphinium Drive, Billings, Montana – idea of nuisance policy good, music, parties, events, vehicles, county property noise that abuts City property. Normal and ok as far as noise, exemptions mushroom the norms, noise waivers for sound maxs and time, max # of waivers not to entity but to area, sustained noise definition.
  - Yakawich – what has impacted you as far as noise? Kris – music, events, establishments.
  - Mayor – Highlands golf course? Kris – loud events.
  - Gerald Kessler, 237 Avenue B, Billings, Montana – stadium noise, noise during practice has changed, noise at games and strictly PA system. Blanket exemptions. Mayor – limited sympathy of people moving there, noise level has changed. Kessler –new PA system, 2 years ago. Yakawich – Kessler was reason for bringing professor in.

- Kessler – school has made steps, did make attempts to keep noise down.
- Connie Wardell, P.O. Box 21432, Billings, Montana – support a nuisance ordinance, both for people for planning event and people complaining, it doesn't pick up dog barking.
- Jerry Richter, 1601 Custer Avenue, Billings, Montana – ambient noise, live band in building, can be heard in another home.
- Autenrieth – community noise – no choice in the noise, ambient sound – background noise.
- Friedel – question for legal, music inside, sound outside, establishment does it have restrictions? Brooks – modify noise ordinance to address, yes special review condition.
- Mayor – any recommendations of not wanting to proceed.
- Ewalt – no to #5 police enforcing and training.
- McCandless – bring back after conversations with Chief/Planning.

**Recess at 7:23 pm, reconvene at 7:30 pm.**

<b>TOPIC #2</b>	<b>Gambling and Liquor License Regulation</b>
<b>PRESENTER</b>	<b>Wyeth Friday</b>
<b>NOTES/OUTCOME</b>	PowerPoint presentation Research conclusions and recommendation

- Friedel – how many business licenses in City of Billings? Andy Zoeller, Finance Director – approximately 9600.
- Yakawich – how many gambling machines 10 years ago? Friday – Not significantly less.
- Yakawich – could there be some licenses out there that aren't being used, if dormant license not being used what do they have to do to activate?
- Brown – machines per capita for other cities? Friday – can check.
- Brown – are we getting casinos because of population? Friday – uncertain.
- Friedel – wonder about crime at casinos.
- Gibbs – what tools are available? Friday – tools in memo.
- **Public Comment:**
- Cary Smith, 6133 Timbercrest Drive, Billings, Montana – task force interest, safety, schools, traffic, City look, revenue, looked at other cities, separate approve for casinos, bars, taverns, business license issued for bar and separate for casino, (all in handout to council). Joy – what is goal of task force with recommendations? Smith – concerned with casino spread on west end around residential areas, cluster of casinos, look of City. Joy – how would you like to look? Smith – not major businesses as casinos. Gibbs – legislative front proposals? Smith – nothing.
- Brown – business licenses, limiting aspects of two businesses licenses.
- Smith – more restrictive on gaming license, grandfathering clause.
- Brewster – 1320' separation might be very restrictive.
- Connie Wardell, P.O. Box 21432, Billings, Montana – when Billings expands, casinos expand.
- Clark – friends ask what's with all the casinos?

- Brown – interesting list from task force, issue is where they are popping up, Council has little recourse.
- Mayor – more information about other cities, options for limiting, groups that need to be consulted.
- Joy – would casinos let them run into ground if overly regulated.
- Clark – moratorium on new casinos (community commercial).
- Brooks – could be possible, interim zoning ordinance.
- Brewster – move forward with moratorium.
- Ronning – clear understanding, correlation to casinos and crime.

<b>TOPIC #3</b>	<b>Public Safety District</b>
<b>PRESENTER</b>	<b>Andy Zoeller</b>
<b>NOTES/OUTCOME</b>	Power Point presentation

- Brewster – legality of enacting PSD.
- Cromley – exempt properties would be most affected.
- Ewalt – 12% is that all exempt properties.
- Brown – if we got rid of PS mils, how is one raised or lowered.
- Yakawich – go out for vote, non-profit does pay fees, why are non-profits exempt
- Cromley – could be used to pay a portion pf PS.
- Clark – only raising a portion anyway because of major funding out of general fund.
- Brewster – obligation to consider all options.
- Clark – charter obligates City to look at all options.
- Friedel – cut costs.
- Ronning – if nonprofit is heavy user of PS, look at businesses that may be next to heavy use businesses.
- **Public Comment:**
- Connie Wardell, P.O. Box 21432, Billings, Montana – Healthcare facilities will be affected.
- April Keippel, St. Vincent Healthcare – St. Vincent serves the community in many different ways.
- Mitch Goplan, Billings Clinic – Billings Clinic his paying for a full time police officer and employs security to help in the area. Spending \$1.2 million for Crisis Center and security.
- Dan Brooks, Billings Chamber of Commerce – always good to seek ways to increase public safety.
- Denise Smith, Montana Rescue Mission – have worked hard to be a better neighbor to the community. Work with Police Department to get people off the streets and safe.
- Clark – talking about police, but PS includes fire.
- Yakawich – wonder if are we spinning our wheels.
- Ronning – nonprofits would have to raise money to pay for taxes.
- Joy – what nonprofits do in our community is enormous.
- Mayor – if we tax nonprofits, will they look at services they provide to community, raise money for special needs.

- Clark – relieve some costs off residential property owners, under Mayors option residential owners would go up.

<b>TOPIC #4</b>	<b>Council Holiday Schedule</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Council approved vacating December 17<sup>th</sup> work session and having regular meeting instead.
- **Public Comment:**
- None

<b>TOPIC #5</b>	<b>Council Discussion</b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

- Joy – casinos are a difficult issue, but they remain in business. Would like to entrepreneurs bring forth new ideas.
- Ronning – Montana Film Festival successful at Babcock theater. Thanks Mayor for sponsorship and McCandless volunteering.
- Clark – sandwiches Wednesday night? McCandless – sure.
- **Public Comment:**
- None

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

- None