

City Council Work Session

**5:30 PM
Council Chambers
March 4, 2019**

ATTENDANCE:

Mayor/Council (please check) x Cromley, x Yakawich, x Neese, x Ewalt, x Joy, x Friedel, x Gibbs, x Ronning, x Clark, Brown.

CM excused: Brown Mayor Cole absent, Deputy Mayor Yakawich presiding.

Kevin Iffland, Assistant City Administrator, stated the Airport now had free wifi. He added the money for snow removal had run out and he had signed an amendment for \$80,000 of additional snow removal money.

ADJOURN TIME: 9:00 pm

Agenda

TOPIC #1	New Billings Symphony Orchestra Executive Director Introduction and Updates
PRESENTER	Ignacio Barron Viela, Executive Director and Scott Brown, Co-Treasurer and Board Member
NOTES/OUTCOME	

- Mr. Viela and Mr. Brown provided a presentation on the history of The Billings Symphony, future goals, scheduled events and 2018-2019 Impact Statement.
- Cromley: asked the value of the two complimentary passes given to Council to ensure they were within the rules of allowable gifts. Mr. Brown stated they were worth \$28, and Council could use one and give one away.
- Neese: asked for clarification on the endowment fund. Mr. Brown stated it was about 9% and the board took a 4.5% draw every year in order to preserve the capital.
- Neese: asked for clarification on the attendee demographics. Mr. Viela stated it depended on the programming.
- Mr. Brown: stated Anna Paige, Arts and Entertainment reporter, indicated that certain concerts attract younger people, so the symphony was looking into adding concerts to attract a younger demographic.
- **Public Comment:**
- None

TOPIC #2	Customer Assistance Programs (CAP) for Water and Wastewater
PRESENTER	Jennifer Duray, Public Works Assistant Director
NOTES/OUTCOME	

- Ms. Duray gave a presentation on CAP funding, customer needs, delinquency costs, assistance programs, and Montana Code requirements. Discussed

funding options and staffing costs. Affordability program could reduce costs (staff, disconnect & reconnects costs, etc.).

- Cromley: costs of variations? Duray: Difficult without guidelines, other municipalities about \$18 discount per month, \$150,000 annual.
- Ronning: Salvation Army & Family Services helps people also? Duray: Yes.
- Neese: delinquency costs and how do we keep City costs down? Duray: guess around \$150,000. Could take donations from people to help those in need.
- Neese: talked to other companies about costs and benefits? Duray: uncertain.
- Clark: other customer assistance programs in MT? Duray: could not find any other cities that have a program.
- Ewalt: delinquencies most prevalent what time of year? Duray: pretty even all year.
- Yakawich: grant funding? Duray: would not count on grants, very difficult to obtain.
- Ewalt: water and sewer? Duray: up to Councils discretion.
- Cromley: public interest? Duray: shut off days, people asking for help.
- Neese: program would not affect Heights residents? Duray: could be sewer, but not water.
- Neese: 3% delinquency rate seem normal? Duray: includes any late payments, etc. Phone calls help and are more effective than other areas. Shut off rate only about .5%.
- Yakawich: next step? Duray: Council discretion on how to proceed.
- Clark: HRDC would take 15%, would like to see staff costs.
- Ronning: citizens helping those in need pay for bill? Duray: could use 3rd party, or establish fund to be overseen by staff.
- Yakawich: Council consensus – come back with options.
- **Public Comment:**
- None

TOPIC #3	Solid Waste Alley Collection Conversion to Curbside
PRESENTER	
NOTES/OUTCOME	

- Dave Mumford, Public Works Director: presentation on safety issues, operational issues and costs. Review Phase 1-3, neighborhood maps, locations affected, and how to move forward.
- Gibbs: how have changes worked: Mumford: have not had complaints. Gibbs: Options for assistance? Mumford: 90s are much easier to handle, do have assistance program.
- Clark: wish we would have heard about this before Gazette article. Mumford: article got ahead of us.

- Joy: concerned about people parking where cans used to be. Mumford: don't see more trouble with parking when cans are gone. Will still need to do maintenance in alleys for debris being left there.
- Cromley: branches, etc. still be picked up? Mumford: yes, will still be running those trucks. Large items have small additional costs, can call PW to schedule.
- Neese: parking affect pick up? Mumford: depends on area, can handle majority of streets. Broadwater street pick up affecting traffic? Mumford: cars can still get around trucks.
- Ronning: neighbors were skeptical, but now think they were good changes.
- Friedel: 300s were very hard to maneuver. Notification process? Mumford: 2-4 weeks notice of moving or size change. Friedel: wat will happen to 300s? Mumford: have buyers for them.
- Joy: rumor that PW will hire additional staff for program. Mumford: no changes to staff or budget.
- Friedel: status on past discussion about purchasing orange bags for extra trash? Mumford: already pick up extra trash unless very large.
- Neese: alleys could be vacated for personal use if trash pick-up not needed? Mumford: would have to look at each request individually.
- **Public Comment:**
- None

TOPIC #4	Project Re-Code
PRESENTER	Wyeth Friday, Planning Director
NOTES/OUTCOME	

- Mr. Friday: brief overview of process and regulations. Steering committee been working for 18 months, 10-12 months remaining. Introduced Woody Woods and Greg McCall.
- Ewalt: clarification on tree issues? Woods: in commercial zones, looking at tree set back. Looking at reducing amount but grouping so that business can be seen. Nicole Cromwell, Planner: current code has 4 different landscaping requirements. Zoning is not uniform – re-code will create fair playing field.
- Neese: website not up to date. How will re-code protect neighborhoods? Friday: new residential zones and not as many zones. Currently have a lot of variances in neighborhoods, re-code will normalize areas.
- Ronning: meeting posted clearly on website? Meetings during times public can attend? Friday: not on front page of website, but can steer navigation on webpage. Building lists of people attending in order to notify. Meetings held at various times.
- Ronning: thanks Ms. Cromwell and volunteers involved.
- **Public Comment:**

- Steve Warlich, 2511 1st Avenue North, Billings, Montana : short term rentals addressed? Cromwell: major part of re-code. Adding basic language to get handle those. Neese: how will short term rentals be addressed? Cromwell: will be in code, parameters have not been defined.
- Kevin Nelson, 4235 Bruce Avenue, Billings, Montana: landscaping issues related to Bretz RV and tire shop on Garden Avenue.

TOPIC #5	Addition of Second Municipal Court Judge
PRESENTER	Kevin Iffland, Assistant City Administrator
NOTES/OUTCOME	

- Iffland: reviewed current structure, costs of adding a judge, staffing, space issues, City Attorney office needs, and workload. Election costs and timeline.
- Friedel: additional attorney being requested? Clarification of court officer. Iffland: yes, two would be needed if addition of 2nd Municipal Court judge. Police department provides officer during all court sessions per State law. Friedel: County has 10 courts and only 1 officer. Bailiffs' job? Britannia Park, Court Administrator: Download tickets, prepare all documents, bonds and warrants, starting at 5 am. Court officer is at the discretion of the judge.
- Clark: how long does processing take from arrest until see judge? Parks: typically the next day except weekends.
- Gibbs: backlog issue? Park: have not seen noticeable increase. Council brought up addition, not Municipal Court.
- Ronning: would two courts run at different times free up judges? Park: when not in court, judges have paperwork to do.
- Neese: how many hours per week is court held? Park: approximately 30 hours.
- Friedel: County court model has two judges working alternating time.
- Joy: Judge Kolar give feedback? Iffland: Judge Kolar indicated workload did not necessitate additional judge. State Law allows part time judge being hired and not elected.
- Friedel: part time judge hired as relief but is in permanent role. Iffland: FY16 Council authorized part time judge and part time judge was hired through HR process as employee.
- Cromley: does Council have authority to create position to be appointed? Brent Brooks, City Attorney: must be elected.
- Clark: part time judge employee of City Administrator or Judge Kolar? Iffland: employee of City.
- Friedel: part time judge under CA authority? Iffland: yes.
- Ronning: how much business does CM Friedel have with Municipal Court? Friedel: very little.

- Yakawich: who decides if additional judge is needed? Brooks: collectively Judge, staff, CA and Council. Iffland: Judge Kolar and staff have indicated there is not a need for another judge. Work load indicates the same.
- Neese: night court? Park: no night court, more court means more overtime.
- Neese: Who decides how many hours worked per week? Park: Judge Kolar.
- Neese: backlog and timing? Park: up to the defendant to decide fast track or long term.
- Neese: can staff measure timeline process and report to Council? Iffland: will check.
- **Public Comment:**
- None
- Council consensus: would like to see more information on 3/25/19 meeting.
- Joy: seems a burden on staff, do not support requiring quick action.

TOPIC #6	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- None

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

- Yakawich: encourages good decorum during public comment.
- **Norman Miller, 4507 Palisades Park Drive, Billings, Montana:** supports OBSD asks Council to reconsider vote.
- **Keith Hart, 220 Mountain View Boulevard, Billings, Montana:** created petition supporting OBSD, have over 500 signatures. Way Council handled was inappropriate.
- **Jen Gross, Senate District 25 representative:** excited to see bill regarding OBSD, encourage Council to reconsider vote. Overview of some legislative items: Human trafficking bill moving on, infrastructure progress, Medicaid expansion high on list, budget, disability services.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, Montana:** have issues with overpayment issues with Steve Zeier and public records requests. Iffland: Moulton Bellingham doing audit.
- **Andy Patton, DBP president:** encourages Council to reconsider OBSD vote.
- **Randy Hafer, 702 N. 23rd, Billings, Montana:** supports OBSD, begs Council to reconsider vote.
- **Steve Warlich, 2511 1st Avenue North, Billings, Montana:** unsure of Council standing, City needs to grow. City losing travelers. Encourages Council to reconsider.