

City Council Work Session

5:30 PM
Council Chambers
April 1, 2013

ATTENDANCE:

Mayor/Council (please check) x Hanel, Ronquillo, x Cromley, x Cimmino, x Pitman, x McFadden, x Bird, x Ulledalen, x McCall, Astle, x Crouch.

ADJOURN TIME: 9:05 P.M.

Agenda

TOPIC #1	Legislative Report
PRESENTER	Ed Bartlett, Lobbyist
NOTES/OUTCOME	

- Ed Bartlett: Attended because Legislature is on Easter break. Reconvenes Tuesday afternoon. Legislature working on budget. HB 2 passed 100-0 in the House and sent to Senate. HB 14 Bonded Building Projects moved to HB 5, Long Range Appropriations bill, so all projects will be paid with cash, not a debt bill. HB 14 has not been tabled. Will be considered further in House Appropriations. It's a significant money bill. State Pay Plan adopted by House. Reduced by about 25% from Governor's proposal. Medicaid expansion bills without Committee recommendation. HB 314 sent to the Governor. Passed in both House and Senate. This bill changes the Special District law. City could give it mild support. Did not affect the City retroactively. Rep. McNiven's bill to allow county sidewalk districts was tabled in Senate Local Government Committee because Legislative Services determined that counties may already do. HB 443, Tax Increment District bill, amended heavily so districts can't go past 30 years. Medical Marijuana bill tabled, as well as statewide handheld cell phone ban. Interim studies are likely on TIFs and firefighter presumptive illness. Only 4 Governor vetoes. Cooperation among parties and Governor. HB 175, School Funding, really significant, passed the Senate – bi-partisan vote. Up for hearing on April 8th. Means a lot to communities, statewide.
- Mayor: HB 540 was tabled. Please elaborate on HB 575, 9-1-1 system.
- Bartlett: Don't recall the money involved in that. Similar bills, but HB 575 was favored. Should not negatively impact the City.
- Ulledalen: State budget headed for deficit; why? When?
- Bartlett: Problem is real; if everything that is slated for adoption were to be adopted, there would be a structural imbalance of \$160 million+ in 2015, if bills pass as they are. Must have a balanced budget. There is too much in there right now. There will be agreements on cuts, not agreement on increases.
- Ulledalen: Relevant to the City so can anticipate cuts from some State grant funding.
- Bartlett: Definitely important. Senate Finance starts hearings on HB 2, Wednesday through Friday. Will know outcome by Friday night.

- Bird: What is likely to happen with retirement legislation?
- Bartlett: Two bills passed House: Teachers Retirement System and PERS. Both keep present system; money infusions from general budget; reduced GABA; and increased employer and employee contributions. House bill has more than 1% employer increase. Employee increase is 1%. Won't pass in their present form, but something will pass or should pass. Pretty significant impact if they are not changed.
- McCall: SB 4 reappraisal-cycle bill tabled. Anything else out there?
- Bartlett: SB 398 changes reappraisal cycle to 2 yrs. and keeps it there. SB 4 was too expensive.
- Public comments: None.

TOPIC #2	New Library Cornerstone Presentation
PRESENTER	Tom Hornung, Secretary of Rimrock Masonic Lodge #149
NOTES/OUTCOME	

- Tina Volek: Library Board heard about it and referred it to Council. Rimrock Masonic Lodge #149 volunteering to set the cornerstone.
- Tom Hornung: Secretary of Rimrock Masonic Lodge #149. Stephen Marsh, also a member of the Lodge, accompanied. Requested the honor of setting the cornerstone of new public library building. National organization brochure and ceremony outline distributed to Council. Lodge will buy the stone, 2'x1' by 4" thick slab, for \$900, fully engraved with Council's message. *Described the ceremony.* Will work with architect to coordinate stone color and set a date for installation.
- McFadden: Library Board set the message? Limit on message?
- Hornung: Message is yours, limited only by space. Only asking that Masonic symbol be placed on the stone indicating it was laid by the Masonic paternity. Council decides location of the stone. Typically, Masons lay cornerstones in the Northeast corner, but does not have to be.
- Ulledalen: What was the last public building Masons set cornerstone? Why not offered for other public buildings?
- Hornung: New Masonic Lodge on Broadwater was the last one. Oversight by the Lodge to have done for other newer public buildings. Not done as frequently as in the past.
- Pitman: Great proposal. Major, significant building and operational changes. Glad that the Lodge asked to do this. Important ceremony. Message should could be short, maybe date and name.
- Bird: Need to carefully consider request. Masons have a reputation that is contrary to a diverse community. May not want to exclusively work with the Masons.
- McCall: Concerned that it is a fraternal order with certain beliefs. Worried about exclusivity and discrimination. What did Bill Cochran's research on the organization reveal?
- Cimmino: Do other organizations do this?
- Hornung: Not aware of any other fraternal or service organizations that lay cornerstones.
- Cimmino: *Directs question to City Attorney Brook.* What do we do if other service clubs want to do similar ceremony?

- Brent Brooks: Broad authority in State law for Cities to accept gifts. More research needed to determine any prohibition to working with a single organization. Gave examples of gifts of land, cash, etc. received by the City. Administrative Order states any gifts or donations valued at more than \$500 must be brought to the Council as a Consent Agenda item.
- Mayor Hanel: *Fully disclosed:* I am a Master Mason, 32nd Degree Scottish Rite, and have been for many years. Also involved in various other organizations that have participated in other public events over the years, such as the Elks Lodge, the JayCees, the Eagles, the Exchange Club, etc. all of which have made contribution, most recently involved with the Rotary Club in a major fundraiser for the City's trail system. The Masons also represent the Shriners. Shriners are very supportive of children with burn centers and for children in need. Not aware of any conflicts. City Attorney's research may provide some clarification. Masons' offer is very generous.
- Ulledalen: Work hard for peace among us. Beliefs of Masons conflict with some religious groups, how to go forward without possibly antagonizing those groups?
- Mayor Hanel: Our business at hand is not to discuss religion. But there is no discrimination other than you must be a believer in God to be a Mason. That's where it stops. One's background and walk in life is that person's business. Not discussed.
- Ulledalen: On the other side of the table, you may have conservative Orthodox faiths in the community. Irrespective of the Masonic beliefs, may not be supportive of this action. How to present in a gracious manner to the public, allow public comment and for that discussion to take place.
- Tina: Gift will require Council approval. Perhaps Council could consider this an initiative to put acceptance on a future agenda. Also according to the State law, Sec. 7-8-103, MCA, does reference "no advertising", will need to research further. Traditionally, public approach has been a plaque. May be in the New Library.
- Bill Cochran: A plaque is not in the budget per se, but Grand Opening/Ribbon Cutting Ceremony Committee is working on it.
- Tina: Working on a bronze plaque. Suggest public discussion and perhaps a public hearing. Still time.
- Pitman: Missed the conversation about exclusivity. Not suggesting this be an exclusive relationship. It's a community building and all should be accepted. Masons are the only organization that has offered something. There are 4 corners to this building. No one else has come forth. Why exclude one to appease all. People offer to place items all of the time, a bench, a cobblestone or a memorial. Was done with the baseball park – sold all of those stones. Didn't have criteria. If one wanted to buy a stone and put it in the park, was allowed to do that. Simple request, no harm. Why does a Council initiative need to be done? Why not just put it on the Consent Agenda? What is the timeframe?
- Hornung: Do not have a timeframe. Will work with Library Board and architect. Laying the cornerstone could easily be included in the ribbon cutting ceremony and is not exclusive to involving other groups and religions.
- McCall: What is Mr. Cochran's opinion, as director of the Library? What was the Board's research and opinions?

- Bill Cochran: Didn't bring research, but prepared a report for the Board and recalled from memory. Many national public buildings have Masonic cornerstones. Conducted some research about libraries and buildings in Montana. Longstanding tradition, but it's declining. During previous Council meetings gave names of other public libraries around the country that have had Masonic cornerstones in the last 10 years. Some communities have had no issue with the ceremony, but haven't done for many years, making the action more controversial because in Montana the practice has not been frequent. Concerned that in the spirit of inclusiveness, all parts of the building would find sponsors, but may be fair to say the Masons do have a well-known tradition for cornerstones. Not aware of any other group that does this. In terms of a ceremonial cornerstone, the Masons are the ones that do that. Would not expect any other groups to come forward with that. Because it is the tradition for the Masons to lay cornerstones for public buildings, the Board did not feel they should make the decision alone because it is a City-owned building.
- McCall: Library Board and Foundation have done a fantastic job. Thought there would be some consensus or recommendation.
- Bill: The consensus was that Council would be best to make this decision.
- Bird: A new question for City, though it's an old tradition. It is controversial for some. Stay neutral. Let the library have its plague.
- McFadden: If there are objectors, they need to voice it at Council meeting.
- Cromley: Will Library Board reconsider and make a recommendation to Council?
- Bill: The Board heard presentation, discussed it, and decided that since it's a public building, the Council needs to do it. If this had been a proposal from a literacy or educational organization, etc. to further the mission of the library, Board would have been comfortable making decision.
- Cromley: Understand Council needs to make the decision. Would be helpful to have a recommendation. Possible for Board to make one?
- Bill: Can put it back on an agenda for the Board.
- McCall: Agree that an initiative is the way to go. If there is controversy or support, Council can hear it.
- Cimmino: Library Board is an advisory board to the Council. Would make their recommendation to Council and Council will make final determination. Don't see any controversy. As a non-partisan governing board, need to remain neutral.
- Tina: Building is under construction, not done recently on a City building. What is the deadline for decision?
- Bill: Depends on where the stone is located. Northeast corner of the building will be nearly invisible. Masons probably prefer it be closer to the main entrance. Gives the City more time to decide because it's part of the entry area, not integral to the structure.
- Tom Hornung: The glossy brochures have a picture of a cornerstone being placed for a Methodist church. There is absolutely no exclusion of any religious organizations.
- Public comments: None.

TOPIC #3	New Library Name Recommendation
PRESENTER	Bill Cochran, Library Director
NOTES/OUTCOME	

- Bill Cochran: Staff report for April 8 Council meeting to name the library. Gave a short background history of past names for the library.
- Bill Lamdin, Naming Committee Chair: Wanted a clear, easily recognized and easy to find name. Committee and Board recommend, “Billings Public Library”.
- Tina: This is on the next Council meeting agenda for approval.
- Bill Cochran: The City and County legal departments should be asked to modify the interlocal agreement for the name change.
- Public comments: None.

TOPIC #4	Water and Wastewater Rate Changes
PRESENTER	Dave Mumford, Public Works Director
NOTES/OUTCOME	

- Dave Mumford: Presented proposed FY14 budget. Starting early because public needs adequate notice and FY14 budget is being finalized, so need to know rates and total revenue. Have nearly 30,000 customers, plus the Heights area. Gave background info. on the utilities and overview of budget and current rate structure. Presented issues faced by water and wastewater operations. Fire hydrant fee going on water bills instead of tax statement and that’s the only increase in water; no volume rate increase. Holding water rates for third year in a row, but do need to increase the wastewater rates.
- Pitman: Why isn’t the fire hydrant fee separated from the water fee? This is the type of bookkeeping that confuses people. Why doesn’t it say these pennies are for a fire hydrant fee, not a water rate increase?
- Dave: Equitable way to distribute the costs. When on tax statements, it was based on taxable value. This is volume/usage fee.
- Tina: Councilmember Pitman, do you mean you would like to see the fire hydrant fee as a separate line item on the bills sent to customers?
- Pitman: Yes.
- Dave: Will look at how the fee can be stated separately but still tied to water use. May need to redefine it from fire hydrant fee to suppression fee. Wastewater rate needs to increase. For large residential customers such as 4-plexes and above, apartment buildings, retirement and nursing homes, etc. presently billed as commercial user. Residential use is residential. First phase of plant upgrade is needed by 2016. A total of \$65M needed in revenue bonds, \$58M for the construction of plant. Still collecting less than .01/gal. to collect and treat wastewater.
- McFadden: How do Billings’ fees compare to other cities in the State?
- Dave: Overall, Billings is on the very end of the cost system.
- Bird: How do we know what meter size a home has?

- Dave: Most residential are ¾” and hotels are 2”– 4”. Base the size on the amount of water going into the structure. No 8” with the exception of Conoco-Phillips Refinery. Monthly average increases are \$4.30/month, mostly from the fire hydrant/suppression fee. Wastewater up \$1.80/mo. for a total of \$5.10/mo. overall increase. Average house uses approximately 10,000 gal. of water a month. Working with the Heights Water District; Lockwood sewer; and finishing system development fees, based on 10-year CIP; sending out public notices. Will come to the Council for public hearing on 5-13 for rate approval in time for the budget. Rate increase in effect on July 1.
- Bird: What happens if Council doesn’t approve the increases? Good suggestion to show the fire hydrant fee separate from volume charge. Life of a new plant?
- Dave: Not asking for more money overall, but it’s on the water bill vs. tax statement. It is just being done in a different method. There is no increase for water, only the hydrant fee. This is the first year the charge will be going from a tax statement to the monthly water bill.
- Tina: Had sufficient reserves, so for this year’s budget did not have to charge the fee and absorbed the reserves. Those have now been absorbed and looking for the fee to take place. It was a transitional year.
- Dave: In the past, fees were collected by Finance and Finance transferred back the budgeted amount for the hydrant/fire suppression system. Finance built up a reserve over what was collected and what was needed. Used the reserve last year to not put the fee on the assessment bill. But this year it will go on the monthly bills. Wastewater fee increase needed for a new plant. Should be the last large rate increase. If Council doesn’t increase rates, the plant expansion can’t proceed. Projected lifespan is 30 years. DEQ always coming up with new treatment requirements. State and Federal requirements will continue to increase the plant.
- Pitman: US representatives and staff don’t understand treatment standards and issue is not resolved. This is a financial thing that could strangle the City. This will cost a lot of money -- \$100 million or something.
- Dave: If we try to meet the full standards for 20 years from now, it is over \$300 million to do it. Reality is no matter what is done, it is beyond drinking water quality. Reality is going toilet to tap – just recycling and that is how you would deal with wastewater, because it would be drinking water at the end. Los Angeles does this now and many other communities. Still don’t have a resolution with DEQ, still working with them and EPA.
- Pitman: Think this needs to come back to a work session. Thorn in my side is the 3rd tier of the water bill. Seems punitive. It was intended to conserve water and slow down need for plant expansion. I think it has done that. \$500 and \$600 water bills in the summer hurts. People start shutting off their water and we turn into a brown city. No code stating must have green grass. Frustrating to state we are a vibrant welcoming place, except all of our yards are burned up and our trees are dying. Understand we are in a drought situation and trying to get people to conserve water, that is a quick way to get people to do it – by hitting their pocketbooks. But, a lot of money is invested into people’s property and some of that value is green. Water bills are exceeding all other utility bills. How much money is made from water in the 3rd tier? Would like to see what needs to be sold in volume to keep the status quo if 3rd tier isn’t there.

- Dave: Time-wise it would be impossible to meet schedule and change the rate tier system. Tiered system was not put into place to solely conserve water. If we are in a drought situation, would ration people. Tier system has an added bonus of getting people to use less water. During the winter, 18 million gal./day of water is produced. During the summer peak over 60 million gal./day to pour on the ground is an issue. We allow for that and it is the peaking factor. Why should a person who has a small yard or is a senior couple using less water, subsidize what it takes to build a plant, the reservoir system, the pumping and piping system, for someone who wants to use a lot of water. Under the old system, those low-users were paying a premium rate to allow the high-users to have what they wanted. It was not spreading the cost to who is using the water. Less than 1/3 of our customer base is experiencing \$500/mo. water bills. To reach a \$500/mo. water bill, would have to use 138,000 gal. of water during that month. Someone has to pay for the system it takes to deliver that much water. Asking someone using 10 ccf., instead of 50 ccf. to pay 50% more to subsidize the high-end user, doesn't make sense. Trying to avoid that scenario. Trying to spread water use to those forcing the system to produce that supply. If a person has a 10,000 sq. ft. city lot and have a \$500/mo. water bill, the water would have to be 3 ft. deep across that lot to use that much water. Not making the yard green, it is an excessive use of water. So, tiers can be looked at again, if that is the Council's directive, but would require redistributing costs back to low-users.
- Cimmino: I am a Heights Water District customer, had a \$500 monthly bill a few years ago due to an overuse situation. Will Heights MOU have to change?
- Dave: No, just the rate they are charged.
- Public comments: None.

TOPIC #5	Priority Based Budgeting
PRESENTER	Rich St. John, Police Chief
NOTES/OUTCOME	

- Tina: Items to address:
 - January 4th memo on cost efficiencies and quarterly reporting --Chief St. John has a presentation responding to Council questions and issues in January 4th memo;
 - Discussion of Friday packet items; and
 - Budget retreat plans.
- Rich St. John: PBB questions about animal shelter: Continue to fund or allocate funds elsewhere? Currently paying animal shelter costs \$248,000/yr. They are doing a fantastic job. Complaints are almost non-existent. Staff is pleased with the separate operation. Facility is well-maintained and better staffed now that YVAS has taken it over. Could suggest City stop paying and they operate by fees and donations, but the \$248,000 is well spent.
- Tina: Believe YVAS operates inexpensively and not reasonable to expect them to run on donations. Low kill shelter. Do a very good job. Pleasure to work with them.
- Pitman: YVAS doesn't pay rent?
- Rich: No. Estimated cost at \$248,000, includes animal housing.

- Tina: YVAS does the licensing fee and splits with the City, as well as the utilities. YVAS has purchased most all of the equipment for the shelter and upgrades. Very good partnership.
- Rich: Recommended leaving that expenditure in place. Concerning consolidating functions with Sheriff, Sheriff can't use civilians to train deputies due to professional standards and internal affairs. PD will look into civilianizing training position for cost-savings. Consolidating training will not be a good fit. Moving forward with consolidation of records management -- New World software. Can do better with in-house radio maintenance, instead of outsourcing. Looking at sharing and consolidating inventory management to save money and put more deputies/officers on the street. Voter-approved consolidation is an option, but voted down many years ago. Negligent behavior fees, usually associated with fire depts. Around the country some fire depts. are charging for haz-mat cleanups and extraordinary rescues, i.e. water or rims rescues. Controversial and may inhibit people calling when they should. False alarm charges are not popular. But will hold people accountable. Adding personnel, need 9 officers to create a new beat. An officer is \$70k and car is \$40k.
- Cimmino: Is \$70k for a seasoned officer?
- Rich: \$70k is for a first-year graduate with equipment and fringe benefits. City provides uniforms, body armor, weapons, etc.
- Hanel: Any other impacts from adding 9 officers?
- Rich: Affects entire justice system. Will generate more work which impacts clerical staff, attorneys, judges, jail, etc. More officers will cause a ripple effect.
- Ulledalen: How long to hire 10 new officers? Is the City competitive, etc.?
- Rich: Usually have 3-5 top applicants for each position. Hire A+ people and we are competitive.
- Cimmino: Tina, you stated something about \$70K is lower than the national average. Isn't that also based on population in a sq. mi. radius?
- Tina: That is a standard that is used nationally. But number quarrel was not with the Chief's number per officer, but the number of officers. He is saying 3 to add 1 new position, nationally it is considered 5-7 officers to add 1 new position. Here it is done through efficient scheduling with a lower number. So we hire 3 here, nationally they hire 5-7.
- Cimmino: Chief, what is the total number of sworn personnel?
- Rich: 141 authorized, sworn officers, including the Chief. Have 2 vacancies to fill.
- McCall: How many beats should we have based on the size of Billings? How many officers on each beat?
- Rich: Would like to have 11 beats. By contract, required to have at least 1 officer per beat. There will be 11 officers minimum per day, and on the best days we may have between 15-18/day. On the West End, extremely long distances to go and stretch to Ironwood Subdivision and further. Would subdivide larger beats, especially on the West End. Eleven beats would be very workable, but 12-15 would be great!
- Mayor Hanel: Where does the beat that reaches to Ironwood begin?
- Rich: Starts around 13th or 17th St. W.

- McFadden: On the police budget, have had citizens comment that should always use metallic handcuffs and seldom use the plastic zip ties for restraint.
- Rich: Have basically gone to that practice. Flex cuffs remain available for large crowd situations where quick restraints are needed. Have transitioned entirely to metal cuffs.
Addressed the Mayor's inquiry about overtime monies for the past fiscal year. All areas are within the budget with the exception of the detective command staff, which is over by several thousand dollars. Watch closely, but is incident driven. Had 2 officer-involved shootings, a couple of homicides and the cases have to be worked. Not considering fatality accidents. It was a pretty busy year in 2012.
- Cimmino: What is the total expenditure?
- Rich: Didn't total.
- Pitman: Will you email to Councilmembers?
- Rich: Will email the entire Powerpoint presentation.
Addressed Councilmember Ulledalen's inquiry concerning how many officers are needed to develop some creative solutions. Here are some things that other departments are using:
 - Hot spot enforcement: doing right now. It's a geographic approach. Identifying where the problem areas are and throwing resources at that. Use the crime analyst to direct very narrow patrol areas and it is data driven.
 - Closed circuit TVs to monitor some areas. It's a deterrent and is being used in Europe and some other bigger cities, i.e. New York City.
 - Social Media is huge. Already using Facebook. May have seen "Internet Crimes against Children" task force was instrumental in getting a handle on what was going on at the high schools with the help of our assigned detective. Is in the middle of social media. There are programs to text tips, too.
 - Enlistment of taxi drivers: (TOP – Taxis on Patrol) Give them some additional training. Gives PD additional eyes on the streets.
 - Neighborhood Watch is moving to an online forum to expand to more people and make it easier for them to become involved.
 - Hide it, Lock it or Lose it concept. This is a Public Service Announcement suggesting locking up cars and buildings.
 - Part-time officers: Need to look at liability exposure – who will carry certification? Practically need to be full-time officers, they have to go to academy. Can we use retired officers? Do retired officers want to be aggressive crime fighters? Probably not. There are some communities that utilize retired officers to help fill in spots.
 - Red light enforcement: Using cameras at intersections to deter driving through red lights.
- Pitman: Presented to the Heights Task Force when garage doors are left open, officers are waking people to close them. Simple solution.
- Rich: Most crime prevention is common sense. Don't make yourself an easy victim. Bike patrol is out in neighborhoods doing the same thing – knocking on doors.
- Mayor Hanel: Speaking of part-time officers, are not trying to tie in Reserves?

- Rich: Part-time officer would be a paid position. Reserves are not. Under Montana State law both must have the same qualifications as a full-time, certified officer. Can get spendy. Will have to spend money on the frontend if you want a Reserve force. That's why we don't do it.
- Pitman: PBB discussions always come down to this. Figure out the budget and make the public safer. Our citizens have a responsibility to hide it, lock it or lose it. Every time an officer is called to investigate a burglary from an open garage or unlocked car, is a waste of resources, when it likely could have been prevented if some initiative was taken. Perhaps more PSAs to raise awareness needs to be done. Years ago no one used to lock their doors, but it has become a necessary norm.
- Mayor Hanel: Received correspondence from a citizen asking why officers are taking patrol vehicles to their private residence. Chief, would you explain what the benefits are to this practice?
- Rich: Very beneficial because resources are pre-deployed throughout the City, if needed. The tornado incident is a good example. If we didn't have patrol car available near that location, the Police Department would have been cut off from the area. Resident officers were able to respond quickly and make a presence immediately at that incident. Also gives the Police Department high visibility. Equipment is taken care of better. There are a lot of vehicles purchased every year, but more vehicles are getting more miles put on them. Are not abused. When sold, receiving top dollar for used police cars. All benefits the community. During a hostage situation, response is immediate. That goes back to the Columbine tragedy. Had that happened in Billings at that time, the same outcome would have been likely. Officers would have had to go to the barn, collect vehicles and equipment, and make their way to the scene. Patrol officers would have set up a perimeter and in the meantime people would have been dying. That was the industry standard and it isn't done that way now.
- Ulledalen: Pleased to have officers living in his neighborhood and happy to see their patrol vehicles in the neighborhood. Wouldn't see their presence otherwise.
- Rich: *Continues with presentation.*
 - Neighborhood Traffic Radar Program: Will meet with traffic engineers. Basically give the neighborhood radar guns, monitor traffic, write down license numbers and then the Police Department follows up.
 - Chicane bubbles can be installed to constrict a 2-lane road into one. See it on Lewis Avenue to slow people down.
 - 3D cardboard cut-outs of children can be placed to slow people down, too.
- Cimmino: Are the 3D cardboard cut-outs really a deterrent?
- Rich: When researched "creative solutions", this was one of the things people are doing that are somewhat effective.
- Tina: At least one school crossing guard is using them.
- Rich: Also to address the red light enforcement issue –
 - Photo enforcement is very controversial, but proven effective in many communities. Recommended by many traffic safety agencies.
 - Increased yellow light time.

- All red clear center. There is a red light in all directions for a period time to allow everyone to get stopped and out of the intersection.
- More visible traffic lights. Make them larger, eliminate reflection, larger backdrops, clear away foliage, etc.
- Properly marked intersections. Confusion causes people to go through red lights to just get out of the way when in the wrong lane.
- Signage. Lights at single light intersection.
- Re-timing traffic signals.

Not matter what direction is taken, the public needs to be educated and the Police Department will follow up with enforcement.

- Mayor Hanel: Is the enforcement for cell phone usage where we expected it to be? Does it need to be stepped up?
- Rich: Was hit hard. Annual report showed a significant enforcement effort in all phases of traffic enforcement to include cell phones. It's tough given the task and the numbers of cell phones out there. If that is Council's number one focus, will make it happen.
- Bird: Given the potential solutions presented, what are realistic and practical in addressing our traffic situations, in your opinion?
- Rich: Most effective and cost-efficient is the timing of the lights. Give people a chance to get stopped and allow time for the intersections to clear. Too many people are trying to get to the same point at the same time. If there is a break in the action, that will help. Public education and then directive patrol. All within our arsenal now.
- McFadden: Some of the traffic signals have countdowns. Who is that meant for? Pedestrians or motorists?
- Dave Mumford: It is for the pedestrians.
- Ulledalen: Is it possible to get countdown timers for yellow lights similar to those on the pedestrian crosswalks?
- Dave: There are methods to do that. Currently under the manual unifying traffic control devices, which is what the Federal guidelines have to be used under State statute, is not an approved method. Canada uses it. There are a few cities that are trying it. Would have to petition the Federal Highway Administration for an experimental project and work it through that.
- Ulledalen: How long would that take?
- Dave: Took 2 years to put up the Historic District signs on 27th Street because are not an approved Federal highway sign. State was very cooperative, but took almost 2 years to get them approved. Addressed the questions about the "all red, clear all" intersections, currently have an "all red" cycle on every signal. Recognized intersections need to clear. The yellow cycles or "dilemma zone" determined. Motorists need to determine how much time to adequately stop or get through the intersection when light is yellow.
- Ulledalen: Seems we have a culture of bad driving habits. No matter the amount of technology, just bad driving behaviors.
- Dave: Not a matter of drivers not knowing what to do. It's whatever drivers can get away with due to limited enforcement on the streets. Very difficult to have enough enforcement

to catch bad drivers. How do 9 officers cover all the streets for a city of 110,000 people and do everything else they are expected to do?

- Ulledalen: Noticed Highway Patrol or Sheriff's Officers have pulled someone over within city limits. Are there limits to their jurisdiction? If they write a ticket, where does that money go?
- Rich St. John: They have jurisdiction in the City. Monies go to Yellowstone County Justice Court.
- Cromley: Isn't the major problem the change in the State law concerning red lights?
- Rich: Yes. Agree 100% with Dave's comments earlier. Also exacerbated by problematic language – there are 9 subsections in the State code, which is basically “running a red light”. Seeing the circular yellow light or arrow, one may not enter an intersection when the red signal is exhibited. However, the language goes on to say that when facing a red light, must stop before entering the intersection before it turns red. Must stop before entering a crosswalk on the near side of the intersection. Basically you have to enter the intersection on a red light. If you are anywhere in the intersection, based on sub (2) and sub (3) you are good. If they get into the intersection, can't write a ticket.
- Cromley: Montana the only state with this type of law? Is it standard?
- Rich: Montana is not the only state to have this law. Language is defined in some highway traffic safety manuals. This is a “permissive” yellow rule. Can enter the intersection on yellow and if it turns red on you, you are good to go. The flip side is a “restrictive” yellow rule. If light turns red any time you are in the intersection, you have violated it. Montana has “permissive” yellow rule.
- Ulledalen: Where are other agencies in the State with this rule? When is it a big enough problem we move forward with a law change in the next legislature?
- Rich: Problem is we are the only urban center in a rural state. Other cities in the state do not experience the problems we have. They do not have the larger arterials or traffic volume. Sheriff doesn't really do traffic enforcement. Highway Patrol is pretty much on the Highways/Interstates.
- Tina: There have been 2 legislative sessions since this rule was enacted. At the time the City had already approved the red light activity and was in the process of implementing it. Bozeman had it implemented at that time and was ruled to be grandfathered. We did not actually have the red lights in, Billings was not grandfathered and had to withdraw. The Council had approved the contract, too. Also need to consider the 300,000 to 500,000 visitors, annually, make an enormous difference in traffic situation. Visit roundabouts when a visitor navigates a roundabout. Very interesting to watch.
- Brent Brooks: There are restrictions even for sub-governing entities. Section 7-1-114, MCA, or around there, it states, if the State has taken affirmative control over a particular issue, then the City is not authorized to override it. That's over simplified, but is the essence of what the State has specifically, affirmatively stated – cannot have red light cameras. We would be challenged and likely lose if we tried to enact an ordinance on that. Best way would be to convince a future State legislature to change that back.
- Rich: *Presented corrected figures that indicated 2:1 warnings and citations at intersections.*
- Cimmino: The email received over the weekend contained the wrong information?

- Rich: There was a calculation problem. Bad data. Disregard that information and go with what is presented tonight. *The accident totals affiliated with intersections were shown.* Roundabouts have improved safety. If there is an accident where the roundabouts are located, it is a sideswipe or angled hit, not catastrophic accidents. By Council initiative, a red light detail was conducted. Sixty (60) man hours were put into that effort for two weeks. Total cost was \$2,077. Seventeen (17) citations and 7 warnings issued in that detail alone.
- Cimmino: Where were the officers posted?
- Rich: Don't know. Two people worked 4 hrs/day for 10 days. Don't know if they checked the data driven stuff. 24th Street West and King Ave. is our biggest accident area, but where would one place a police officer at that busy intersection? Don't really know where those were all written.
- Bird: Thoughts about a roundabout on 8th and Lewis? Has this been proposed before?
- Dave Mumford: Have looked at it. There is room to install. Issue is the hill when it is icy. Roundabouts are best on flat grades. Hill is a concern and it has been looked into.
- Ulledalen: What about streets that seem too wide? Invites speeding. Have to be that way because defined as arterial?
- Dave: Have been working on new standards with Planning Department. Roads are narrower than they used to be. Trying to narrow by adding bike lanes. Good to do multi-use to get more people out there. By striping the center and striping bike lanes, people drive slower. Feels constricted, causes people to drive slower. Trying with reduce speeding with striping.
- Cimmino: Prime example is Nutter Blvd. in the Heights.
- Dave: Correct.
- McCall: That was part of the whole initiative on complete streets, the guidelines, has been very effective.
- Dave: We started before that. Alkali Creek Road was one of the first we did, not the new section, but the piece we left, it was so wide, did a center line and a parking stripe. Noticed a 5 mi./hr. drop in speed immediately. Does help. Cannot stripe over old striping as it shows up in headlights and confuses people. But are re-striping whenever overlaying or chip sealing. Doing as much as possible.
- Tina: *Reviews contents of Friday packet.* Numbers contained on the initial budget spreadsheet are still being compiled and may not be available until closer to the budget approval time. Information will be updated as it becomes available. Mr. Weber provided key numbers. Police Dept. is seeing a \$470,000 increase in liability lines, which was the result of a new charge imposed by MMIA and secondarily they are paying an additional \$112,000 in 2014 for their portion of the 800 mhz system. Totals \$582,000. Big part of the difference between the \$900,000 that would have had to be made in the PD and \$120,000 cut in Fire Dept., if stay with flat-line budget.
- Cimmino: Concerning the 800 mhz radio system, stated the difference is \$112,000. Didn't we allocate \$600,000 earlier this year from Council contingency funds?
- Tina: "Yes. That was for the base system. This is the "per unit" charge to the department for the devices they use. It is prorated over a period of time. \$600,000 went toward the

base system in the communications department. Packet has a copy of the presentation made on the 11th.

- Bird: So liability insurance . . .
- Tina: Police Department portion of the liability insurance increased \$400,000+, almost \$500,000.
- Bird: And the Fire Department's is . . .
- Tina: Don't have that number. Can get it for you. These are only police statistics. But accounts for the difference between the \$900,000 in PD (the majority of it) and the \$120,000 in Fire.
- Bird: It's the liability insurance?
- Tina: Liability insurance and 800 mhz radio system charges.
- Bird: There still seems to be a significant difference. Doesn't make sense to me.
- Tina: There is. That accounts for almost \$600,000 of it, just those two items which were charged to the PD, but have not been charged to Fire.
- Bird: So liability insurance is \$473,043.
- Tina: Additional.
- Bird: And 800 mhz radio system was \$112, 240, additional for the Police only.
- Tina: There were smaller amounts in Fire. So that accounts for \$700,000+ . . .
- Bird: That's an increase over what was paid last year for liability insurance?
- Tina: Yes. From the adopted FY13 to the next year anticipated.
- Bird: Fairly significant increase in liability insurance for PD and not for Firefighters.
- Tina: Correct. Based on history.
- Bird: The radio system, that's just the cost we are incurring because it is new.
- Tina: Additional to the radio system, yes.
- Mayor Hanel: Just seeing these numbers. Prediction for MMIA for future service?
- Tina: My understanding is the overall number has not increased that greatly, but the proportion charge to different departments, based on their experience, has. Mr. McCandless reviews every month with depart. heads on related liability issues and how they can be affected. He also addresses Worker's Comp. claims, etc. Have had some significant incidents in the past year.
- Bruce McCandless: General rate for liability program is expected to be about 5%. However, Billings experience actually is better than most of the pool, so will almost offset rate increase by the experience modification factor. Doesn't mean that no department increases just because the overall doesn't increase. Depends on their claims. Do the same thing with the Departments as MMIA does with the different cities in the pool. Charge them based upon their experience. Have been claims against PD or arisen out of PD. Those claims are assigned back to those departs. Not an overall increase, but an increase to PD, based on claims.
- Tina: As a staff, fairly vigilant about costs in this area. Have had conversations with private insurers about liability. Outcome is there would not be significant cost savings over a period of time. There are control issues. Bozeman is also looking at a local private

insurer. No conclusions. Would be brought to Council in FY14 for implementation in FY15.

Remainder of packet was copies of asked for presentation. Additional materials provided by Mr. McCandless about the arbiter's ruling in the issues of firefighter and public employees salary disputes. Would it be more cost-effective to move management of the weed control program from code enforcement to park and rec.? Had a brief conversation with Mike Whitaker. He stated he would have to add at least a part-time staff member to handle the paperwork involved with that program. Presently, this program is staffed by a part-time employee in code enforcement dept. Both positions are in the general fund. Would not see a cost benefit to moving the program from one dept. to another because an additional part-time person would be added no matter which dept. was responsible for program.

- Cimmino: Obviously this position is seasonal, part-time and temporary. Quite frankly, Parks Dept. receives \$15,000 revenue. They want to keep the revenue. If code enforcement can't afford it, but Parks Dept. wants to keep the revenue, can they do that?
- Tina: They certainly could do it. Parks Department revenue offsets the cost of doing the mowing. Costs are absorbed. The \$15,000 covers the cost of mowers and employees to do the mowing. Is actually less expensive for the taxpayers now than when it was being contracted, because there are minimum insurance requirements. Those minimum insurance requirements were added by the contractors when they bid the project. City covers itself. Proven to be more cost-effective to put in a City dept. than to contract. So \$15,000 profit is not technically a profit because it offsets the costs of employees and equipment.
- Cimmino: Then if it is more cost-effective to contract out to a private contractor . . .
- Tina: No, it isn't. It's less cost-effective because contractors have to pay for the liability insurance; \$1.5M per occurrence and \$750,000 per claim.
- Brent Brooks: According to Sec. 2-9-108, states \$750,000 per claim and \$1.5M per occurrence and \$1.5M is what we focus on.
- Cimmino: But both are funded by the General Fund.
- Tina: Correct. So would simply be moving from one dept. to another. It would not eliminate the need for part-time staff. Cost would be added to the cost of operation for Parks Dept.
- Cimmino: Was staff's recommendation to look at the probability as an option to delete position. Was staff's recommendation, not Council's.
- Tina: Won't disagree with that.

Last item is to set a date for the budget retreat. On May 6th, will make the first budget presentation, an overview. After that, normally meet on a weekly basis on the budget. On the weeks with a business session, those budgetary work sessions are held on Tuesdays. Staff would like to find a way to deal more effectively with the questions the Council has, rather than do the routine presentation as done in the past. Recognizing the focus at this time is on the General Fund and Public Safety Fund. Could set up retreat on Tuesday, May 14th. That's the work session immediately following the Council work session. Or could have discussions in whatever form the Council desires through June 3rd, with the public hearing process starting after that, leading to the budget adoption before July 1st.

Could also hold a budget work session or budget retreat if the Council wished on Monday, June 3rd. All work sessions in May are reserved for budget items only. Need Council's direction.

- Mayor Hanel: Based on schedule of events, it seems June 3rd would be best.
- Tina: Would be having discussions prior to that with Council concerning individual departments.
- Mayor Hanel: June 3rd is the consensus.
- Tina: Beginning at 4:00 on June 3rd. Will look for a City venue for that meeting so there is no charge.
- Cimmino: What about the Community Center?
- Tina: Will check with them.
- Ulledalen: To make a successful retreat, need to have purpose. What do we want to accomplish, and need broad participation. How do we line up an agenda? Obviously a lot of questions. Don't want to be in the same rut we are in here. Need some ideas of what is wanted from the retreat. Need a buy-in from at least 6 or 7 people, or why do it
- Mayor Hanel: Agreed. Need good feedback and legitimate agenda or we cancel. Are responsible to participate in the input to staff and amongst each other. Need an agenda that is worthwhile.
- Ulledalen: If we are going to do this, maybe need 2 retreats. One at the beginning of the process and one before the conclusion of the process so we are not left like we were a couple of years ago. Didn't know if we were going to have an approved budget. Would be nice to have 2 to 3 questions from everybody that they would like to see answered. Give a one-line theme sentence that everyone would submit to say, "This is what I would like to take away from the budget retreat." Then collate responses. See if there is some continuity in the questions and draw a line, if do not receive a response from 6 or 7 people, then no point in moving forward.
- McCall: Agreed. But in terms of timing, can't be frivolous. Cannot have staff going 100 different directions at this point. Whatever the questions, have to be well thought out and specific.
- Tina: The sooner staff can receive those questions, the more likely staff can provide adequate answers.
- Ulledalen: We are talking June. Everyone should have at least one question to submit.
- Bird: Impose a deadline when Council should respond to staff with questions.
- McCall: Two weeks?
- Mayor Hanel: How about by April 15th.
- Tina: That will be helpful. It has been tradition when there are new Councilmembers for staff to make a presentation about what their dept. does to help orientate people. Subsequently, the second year, focus on changes. Because this is a public process, encourage all depts. have staff give a brief presentation, even though our main focus will be on General Fund and Public Safety Fund depts. Suggest pairing depts. in meetings when want a deeper presentation on a General Fund item. Public Works has many divisions, and is often lengthy, but can cut it back, so there is at least some public

discussion of the dollars that are coming. Helps inform the public about budget for the coming year. Will do overview on May 6th.

- Mayor Hanel: Please send email to all Councilmembers not in attendance at this meeting so are aware of procedure discussed concerning forum for the retreat.
- Ulledalen: Who to submit question? Tina or wynnette?
- Bird: Just respond to the email that is sent.
- Tina: If Council would like to volunteer to help collate questions, that would be helpful.
- Bird: Happy to do that.
- Mayor Hanel: We have seen the cost of the additional police officers and knowing there are sworn officers ... the officers at the airport. Are they sworn?
- Tom Binford: Correct.
- Mayor Hanel: Their benefits, equipment, so forth, retirement . . . how does it fall in with the BPD?
- Tom: They are sworn officers. Many are retired from Sheriff’s Department, Police Department. Cheaper officer by far, but the responsibilities are pretty focused on just the airport. Get support from the Police Department, if needed. Pretty much handle it, unless backup is needed.
- Mayor Hanel: Their retirement is into the same retirement system?
- Tom: No. They are teamsters at the airport. Different union entirely.
- Tina: The richer benefit is toward Police Officers because it is anticipated that a very physical job is going to take a toll on an individual. Both police and fire look at the physicality of those jobs and take into account for someone who works until age 50 in one of the Public Safety units has worked a long time, compared to an employee in another division that may actually reach their prime in terms of expertise and experience. That is taken into account in the PERS system.
- Tom: For instance, have 2 cars at the airport. Don’t take them home. Eight (8) officers, 1 supervisor. Costs are way different. Reason officers are at the airport is to support the TSA screening functions. Have to stay to support passenger screening. If didn’t have to support the screening function, may go with more of a security officer that writes tickets, does enforcement, things like that. They can arrest for a felony at the screening area.
- Mayor Hanel: Because they belong to the Teamsters, their retirement is considerably different vs. public safety employees.
- Tina: Exactly.
- Public comment: None.

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

- Ulledalen: Received a letter from Tim Goodridge and Mike Schaer. They have concerns about changes in the noise ordinance. Are specifically concerned about impacting the Central Business District and the Magic City Blues outdoor concert venue. *Distributed copies of the letters for Council consideration.*

- Tina: This may have been resolved earlier today. City Ordinance has set noise controls from 8:00 a.m. to 8:00 p.m. and 8:00 p.m. to 8:00 a.m. Police Department has traditionally issued a permit that allows events for restaurants or bars to have bands in their areas and those normally end at 10:00 p.m. Mr. Goodridge has been discussing with the building trades the issue of the noise ordinance, because the 8:00 a.m. time limit has been very hard in the last few summers because of the heat for people to work on construction projects within those hours. Have been talking with them about accommodating their needs, while meeting the needs of individuals in the community that are upset because someone is pouring concrete at 5:30 a.m. Have been talking with the various groups about extending those hours. One suggestion was to put a 10:00 p.m. cap on things. Mr. Goodridge has already made arrangements for this year's event for the Bluesfest. He went to Mr. Mumford, and because this noise ordinance is going to be brought to Council in May, he should probably be exempt this year. Can work with him next year as he begins his planning process. The suggested changes are designed to make the construction trade's hours better to work within – i.e., 7:00 a.m. to 10:00 p.m., possibly without having to have a special permit during the summer months.
- Mayor Hanel: How long does the Bluesfest intend to go?
- Tina: They have booked acts until Midnight. This has always been the case. They are the exception. Should treat all the venues the same. But caught them in mid-cycle. Feel it would be fair to let it go until Midnight.

Additional Information:
