

City Council Work Session

5:30 PM
Council Chambers
June 15, 2015

ATTENDANCE:

Mayor/Council x Hanel, x Cromley, x Yakawich, x Cimmino, x Pitman, x McFadden,
□ Bird, x Swanson, x McCall, x Crouch, x Brown.

ADJOURN TIME: 7:22

Agenda

TOPIC #1	Fatality Marker Program
PRESENTER	Dave Mumford, Public Works Director
NOTES/OUTCOME	

- The fatality marker program consists of national and state programs under the American Legion. There are two types of markers: American Legion white crosses and private memorials. Most cities do not currently have fatality marker programs. Private memorials are those that are placed privately to memorialize a fatality. The City does not allow white cross markers, due to constrained rights of way and safety issues. The City allows private memorials for approximately one month, then they are disassembled and retained for family if requested. Mr. Mumford noted that there is no data showing that fatality markers reduce future accidents. The only white cross markers in town are on Zimmerman Trail, and those were placed there by the County when the County owned Zimmerman Trail; the City has not yet removed them. Mr. Mumford stated that he believes the crosses should be removed within a year or so by the state or the American Legion, once new road construction takes place in that location.
- Crouch: Has the private memorial around King and 32nd been removed? Yes. Sometimes they return. The City tries to be respectful of memorials, but does encourage their placement.
- Pitman: White crosses are on request, not automatic. Shrines are becoming more hazardous, so why not use crosses as a simple controlled way to show respect rather than sometimes elaborate private memorials. Mr. Mumford stated that the private memorials are typically temporary (a month or so) whereas white crosses are permanent when placed by American Legion. Limits for displays on private property? Not that Mr. Mumford is aware of. No time limit for displays on private property; the City does not deal with those. Potential agreement with American Legion unreasonable? Still have concerns over having too many items in the rights of way (maintenance issues, driver distractions).
- Hanel: The process works fine as-is.
- McCall: Agrees with Mayor Hanel.

- Yakawich: OK. Transition – maybe the policy could eventually be written down, appreciates being respectful of the program.
- Cimmino: Clarify state program? Official program adopted in 2001. State authorizes white markers, American Legion installs and maintains them.
- Brown: Normally a non-issue? Correct; has not been an issue at all.
- Ms. Volek: could give Council the state highway policy on a Friday and Council could adopt an initiative if desired.
- Dave: American Legion doesn't object one way or another, just wanted to know city's official policy. They're OK with "no."
- Cromley: likes white cross markers on highway; doesn't like idea of white cross markers in the City
- Pitman: received email question regarding policy. American legion is OK with yes or no answer.
- **Public comments:** none

TOPIC #2	Charter and Channel 7
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Memo in Friday packet about Charter. Channel 7 opposes moving channels but if approved, wants 5 things as part of the deal. Staff recommendation is to approve the channel move but only if Charter agrees with the Channel 7 demands.
- Cromley: staff recommendation? City Staff recommends approving channel move only if Charter agrees with Channel 7 demands.
- Cimmino: Bresnan network sold to Cablevision, Cablevision sold to Charter. City not required to authorize channel move, but would do so as a courtesy.
- Hanel: primary reason for change is due to competition? Think so – speculate that the lower channels numbers are more desirable.
- Pitman: many people watch TV 7. Large marketing effort by TV 7. Community 7 becoming Community 189? Charter traditionally doesn't deal directly with channel 7, rather through the City
- Cimmino: agree with CM Pitman. Protect identity and branding of Community 7.
- Tim Herrington, GM of Channel 7: not entirely opposed to doing this. Respect what Charter is trying to accomplish. Trying to be a "good neighbor" with Charter. If Charter will do what we request, there will be benefits. On-line viewing is increasing – replaces TV viewing.
- Yakawich: Sense that Channel 7 approves of move, asks for overview of the channel. Public Education and Government Access Station. Reach about 32,000 households. Lost about 17% over the last two years of video viewership, but picking up subscribers for online viewing. Has served almost every non-profit in Billings. Large range of programming.
- Tim and CM Cromley: One of the few municipalities with HD channel on Charter. 507 (HD Channel) would hopefully remain. Odd that standard channel would move from 7 to

189 but HD would stay at 507? Not really...Charter does a tier/category system. Tim – understand and the move is OK. Respects what Charter is trying to do.

- Cimmino: identity will remain as Channel 7? Yes; wouldn't want to rebrand or start over.
- McCall: most communities in Montana have already moved their local channels? Yes. Local channels from city to city will be in the same location.
- Brown: converter boxes? Currently have converter boxes. Were asked to rent set top boxes to monitor quality of programming. Charter has been a great partner to Channel 7. Reasonable requests? Yes, but Charter may question the request for an additional HD channel.
- Hanel: when would this be on the agenda for Council action? July 13 is probable date.
- Brown: if Charter doesn't want to allow for Channel 7's requests, do we involve attorneys? We could.
- Yakawich: who is the Channel 7 staff? Non-Profit 501c3, have four staff members; 2 full-time (Tim Harrington, GM and Roberta) (Part-Time: Oscar Heinrick, and Sara Harrington). Would like to hire another full-time production member.
- **Public comments:**
- Kevin Nelson, 4235 Bruce Ave, Billings, MT: only access to channel 7 is through Charter? Get that coverage through other cable providers? Tim: Yes although many people now watching on the internet.
- Joe Schmidt, PO Box 134, Billings, MT: horrible cable company. Should be able to get community channels like 7 without charge. Shouldn't have to buy cable at a high price to watch this channel.

TOPIC #3	Public Safety Levy
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Council last discussed Public Safety Levy on January 10. Council directed staff to meet with community groups to discuss public safety. Talked with many groups. Consensus: 10 year levy implementation is too long. Raising charter cap is probably little help and not enough to provide for all of City's needs. Very little consensus outside of that topic. Issues raised/discussed: taxpayer fatigue, split Police and Fire votes, proceed with election, wait until reserves are lower, use professional PR organization, use Blue Ribbon Committee, look at community conversations and talk around the City. Current financial situation since January: received \$3.1m more for the general fund than originally anticipated (\$2m settlement, police and fire used \$1.1m less than what was budgeted for 2014); transferring \$1.2m from general fund to public safety fund since levy did not pass. Still waiting to hear from State about reappraisal. Barring emergency, should be able to wait until FY17 to re-evaluate public safety needs.
- Yakawich: explain Blue Ribbon Committee. When should council appoint them? Traditional approach to public levies. Look at personnel needs, timing, group of citizens could split off from Blue Ribbon and initiate fundraising campaign. Community conversations have frequently taken place in the past and Blue Ribbon members could

engage in these conversations. Council could choose when to set this up, but recommend the end of this year to have everything in order and ready to begin.

- Brown: talking about FY17, would funds then be available in FY18? Depends on when campaign is run and when it is voted on.
- McCall: suggest that Councilmembers invite people to the community conversations. Agree with delay.
- Hanel: levy for County detention facility failed by considerable margin; keep this in mind when thinking about future public safety levies. Previous City public safety levy failed by a margin of less than 1,000 votes. Timing must be right.
- Yakawich: council should act by December to set up Blue Ribbon Committee so sitting council makes that decision.
- Cimmino: agree but might be better to skip Blue Ribbon Committee and instead create citizen committee so they could raise money.
- City Administrator Volek: would look forward to a Council initiative in the future to carry forward some or all of these plans.
- **Public comments:**
- Tom Zebruchen, 1747 Wicks Lane, Billings, MT: Agree with staff recommendation to wait on Public Safety Levy, but annual increases are too large. Not just public safety that is hurting; general fund is in trouble so it needs equal attention. Don't cry wolf.
- Kevin Nelson, 4235 Bruce Avenue, Billings, MT: Interim Committee work – might benefit Billings. Need better operating rules – can't have \$1 million fire trucks chasing ambulances around town. Maybe a Blue Ribbon Committee could address ways to save money.
- Joe Schmidt, PO Box 134, Billings, MT: Taxes are too high.

TOPIC #4	Building Reserve Workout Plan
PRESENTER	Candi Millar, Planning and Community Services Director
NOTES/OUTCOME	

- Friday packet memo; reserves in building fund will exceed amounts allowed by state law by about \$300k. Already taken steps to reduce revenue and increase expenses. Will comply by next year. Situation isn't as bad as originally thought due to higher payroll costs than early prediction; this increased expenditures. Dropped roofing and siding permit costs to reduce revenues about \$125,000 (changed permit fees from \$45 to \$20). Expect several retirements this year in the Planning Department; new hires will come in at a lower salary.
- Hanel: change to budget was unplanned and due to storms, permit fees? Yes: 10,000 roofing and siding permits issued last year.
- Brown: Permits fees do not affect zone/code budgets? Correct, they are separate budgets and the permit revenue cannot be shared among different departments (must be kept in Planning department). New software will come out of FY15 and FY16 budgets.
- Pitman: consider refunding to builders who got permits last year? No, issuing 10,000 refunds would be a problem. Changes put in place will be sufficient to bring revenues to proper levels.
- **Public comments:** none

TOPIC #5	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- Crouch: has heard comments on taxes recently – since public safety levy failed by low numbers, should do it again with more public education. Never seen such level tax obligations and no major increases.
- Hanel: talk about sessions today and tomorrow. City Administrator Volek: Community Recovery Summit being held jointly between the Downtown Partnership, the City of Billings, and the Rocky Mountain Tribal Council. Could be of interest: discussing efforts of committees, presentation on substance abuse recovery. Free to attend.
- Yakawich: Exciting and successful conference last Saturday talking about human trafficking prevention; great community turnout and proud of sponsors. Other note: long waits at landfill scales. Impacting city employees and businesses. City Administrator Volek stated than an additional scale is being installed at the landfill (on the 6/22 agenda) and the new scale will help alleviate wait times.
- Cimmino: Asked for email copies of slide presentations from Ms. Volek. Tom Binford, Airport Director, will be retiring toward the end of July.
- McFadden: Received email from resident at 23 Lewis Ave. Alley used for parking in that area have very rough conditions. Ms. Volek stated that alley grading will take place when road grading has been finished, but she will confirm this with Mr. Mumford.

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

- Kevin Nelson, 4235 Bruce Avenue, Billings, MT: CityLink says since 2010, growth has been close to 4% per year. Census bureau says it has been 4.7% over 4 years. Misleading info.
- Joe Schmidt, PO Box 134, Billings, MT: Follow-up on Pioneer Park: little yellow paint was dumped, but public safety problems still exist. Will meet with Ms. Volek at Pioneer Park to discuss the issues.
- Doug (Last name and address inaudible) : Received 2015 MSU College of Business research project on Traumatic Brain Injuries and Post Traumatic Stress. Will present this research for publication at the next Billings Brain Injury Alliance group meeting on Tuesday at 7:00pm at the Lift Office.
- Steven Muse, 2048 Willet Drive, Billings, MT: construction restrooms aren't being used at home construction sites; waste is mounting. There is a rule on this but it's not being enforced.
 - Candi Millar: correct that there is a code in Uniform Plumbing Code that requires toilets for construction workers. Doesn't dictate who provides it, who

cleans/maintains it, what type of construction requires one, will require some work and time to get rules in place and to enforce.

- Cimmino: should be simple to solve; maybe include information when permits are issued?
- Cromley: plumbing code requires it but if there's no plumbing work being done, would it apply? Unsure if this applies to other types of construction.
- Yakawich: complainant living near problem? No, complainant works throughout Billings. Issue seems to be with home builders, rather than commercial projects.
- Brown: does Council need to do anything about this at this point? Ms Millar: No, additional research needs to be conducted and will be conducted in a rapid manner.