

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”

WORK SESSION AGENDA

COUNCIL CHAMBERS

March 4, 2019

5:30 P.M.

CALL TO ORDER: Mayor Cole

- 1. New Billings Symphony Orchestra Executive Director Introduction and Updates**
- Public Comment

- 2. Customer Assistance Programs for Water and Wastewater**
- Public Comment

- 3. Solid Waste Alley Collection Conversion to Curbside**
- Public Comment

- 4. Project Re-Code**
- Public Comment

- 5. Addition of Second Municipal Court Judge**
- Public Comment

COUNCIL DISCUSSION:

PUBLIC COMMENT on “NON-AGENDA ITEMS”. *Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

ADJOURN:

Note:

- This meeting is an “informal” meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session at the end of a Work Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4)(a), MCA, “to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position” of the City of Billings.

Council Work Session

1.

Meeting Date: 03/04/2019

TITLE: New Billings Symphony Orchestra Executive Director Introduction and Updates

Department: City Hall Administration

Presentation: Yes

PROBLEM/ISSUE STATEMENT

The new Billings Symphony Orchestra Executive Director, Ignacio Barrón Viela, will provide a brief introduction and update of activities at the Billings Symphony Orchestra.

RECOMMENDATION

No action will be required by City Council on this item

Council Work Session

2.

Meeting Date: 03/04/2019

TITLE: Customer Assistance Programs for Water and Wastewater

Department: Public Works

Presentation: Yes

PROBLEM/ISSUE STATEMENT

Staff has been researching Customer Assistance Programs (CAPs) to find options to assist low income customers with their water and wastewater bills. Various CAP options and funding options will be presented.

RECOMMENDATION

Staff will need direction on whether to proceed with developing a customer assistance program.

Attachments

Presentation

Water and Wastewater Utility Customer Assistance Program (CAP)



**Public Works Department
City of Billings, MT.**



Pieces of the Puzzle...

The Missing Piece

- Customer Assistance Program for Water and Wastewater Utilities
 - Meet community need
 - Reduce use of resources
 - Build community relations

Pieces of the Puzzle...

What does the customer pay for?

- Operations
 - Infrastructure
 - Equipment
 - Staffing
 - Regulations
 - Expansion



Pieces of the Puzzle...

What can the customer afford?

- 2% - 2.5% of monthly income per utility
 - Current average monthly bill \$69.09
 - Current Montana poverty level monthly income for a family of four \$2,145.83
 - \$85.83 - \$107.29 is the expected affordable range for a water utility bill
- On average 3% of customers fall into payment delinquency each month



Pieces of the Puzzle...

What does delinquency cost the utility?

- Approximately 200 employee hours per month
 - Courtesy Calls
 - Utility service visits (shut-off and service restoration)
 - Additional payment processing
- Interference with positive public relations



Pieces of the Puzzle...

How are CAPs funded?

- Funding
 - Grant
 - Rate Fees
 - General Fund
 - Social Funding
- How much funding is needed will depend on the type of program and eligibility rules put in place





Pieces of the Puzzle...

How are the funds distributed?

- Type
 - % of income
 - Set allowance (credit)
 - Discount
 - Voucher (crisis)
 - Adjustment (rate reduction or special rate tier)
- Eligibility
 - Income guidelines
 - Crisis/ hardship
 - Other Criteria



Pieces of the Puzzle...

How is a CAP Administered?

- Internally
 - Additional staff
 - Banking/ accounting
 - Potential Committee
- Third Party Partnership
 - Established assistance program management experience
 - Join existing program model
 - Predictable management fee



Pieces of the Puzzle...

How does an assistance program work?

- LIEAP (locally managed by HRDC)
 - Income based eligibility guidelines
 - Set allowance distribution
 - Annual application
- Community Need
 - MT Share had 2700 accepted applicants by May of 2018 in Yellowstone County
 - The 2017 US Census showed 10.8% of Billings residents living at or below poverty level



Pieces of the Puzzle...

Important information in Montana

- Montana Code Annotated States
 - Consumers are required to pay the full and established rate for service
 - Service may not be reestablished after it is discontinued unless the full amount due and any interest or penalty is paid in full
 - Rates for service shall be uniform for like services
- Compliance
 - Some administrative authority through the Home Rule
 - Avoid challenges



Pieces of the Puzzle...



Questions or Comments?

Council Work Session

3.

Meeting Date: 03/04/2019

TITLE: Solid Waste Alley Residential 300 Gallon Container Conversion

Department: Public Works

Presentation: Yes

PROBLEM/ISSUE STATEMENT

Public Works will present the operational plan to convert alley residential 300 gallon shared containers to 96 gallon containers. Some areas will be converted from the alley to curbside collection; however, the majority of areas will continue service in the alley, but with individual 96 gallon containers rather than a 300 gallon container. We will explain the overall plan, reasons for the conversion, budgetary impacts, and next steps.

RECOMMENDATION

No action will be required by Council on this item.

Attachments

Presentation

A globe made of green leaves is positioned in the upper left, with a group of metal trash cans in the foreground. One trash can is tipped over, and its lid is on the ground. The scene is set against a white background with a green horizontal band on the right side.

Public Works Solid Waste Alley Collection

March 4, 2019

The Questions We Will Answer:



What is the Plan?

- **Not all alley 300s will be converted to curbside!**
- High priority safety issues will be addressed first
- Lower priority safety issues will be addressed next
- The majority of 300s will be converted to 90s but remain with alley pickup
- This transition is for residential only
 - **Multi-family (triplex or larger) would continue to use their 300 or metal container**



What is the Plan?

Changes are for residential only

Phase 1 – Safety issues causing a large number of problems

(estimated completion = 3/31/19)

- **Replace 190 alley 300s with curbside 90s (150 completed to date)**

Phase 2 – Back-in alley safety issues causing a moderate number of problems

(estimated completion = 6/30/20)

- **Replace approximately 300 alley 300s with curbside 90s**

Phase 3 – Other residential 300s

(estimated completion = 6/30/21)

- **Replace 5,700 alley 300s with alley 90s**

Will continue to have about 1,000 300s to service multi-family & commercial customers.



Example of a Phase 2 Change Needed



$\frac{3}{4}$ of the street has 90s, requiring trucks to go up the street



$\frac{1}{4}$ of street has alley 300s requiring trucks to back in to pick up alley



Why? - Safety Issues



- 300s often drop into trucks causing injuries to drivers when removing the containers
- 410 hours of work are missed every year due to work injuries handling the 300 gallon containers



- Customer injuries due to large, heavy lids
- 300s blow into traffic
- Dead-end alleys
 - Backing into alley from a busy road
 - Backing from alley to street
 - Backing into areas with limited view (corners, trees, poles, etc.)



Why? - Equity Issues

Residential Customers that have a shared 300 gallon container receive unlimited service for the same price as residential customers who have a 96 gallon container

- Many customers serviced by shared 300s do not pay their fair share
 - Should be 3 households sharing one 300 gallon container, but it is actually about 1.7 households per container
 - Illegal dumping/non-paying persons use the 300s
 - Customers put more garbage in containers than they are paying for
 - Businesses run from the home
 - Basement apartments or 2 residences on the same lot
- Customers serviced by 96 gallon containers pay for extra pickups and extra containers



Why? – To Save Money

- \$445,000 in workers compensation claims in last 10 years related to handling 300s
- Upgrades needed for garbage trucks
 - = **\$25,000/truck for all new trucks**
 - **cannot retro existing trucks**
- 96 gallon container = \$46.34 (3 = \$139)
- 300 gallon container = \$269
- Lids on 300s need replaced often (\$98 each)
- Damage to garbage collection vehicles
- Narrow alleys result in damaged fences, poles, eaves, garages, wires, & cables
- For some alleys, need to send solid waste pickups w/ plows & sanders into alleys ahead of garbage truck
- Garbage trucks tear up alleys and increase repair costs utilizing street maintenance funding



Payback period is approximately 2 years

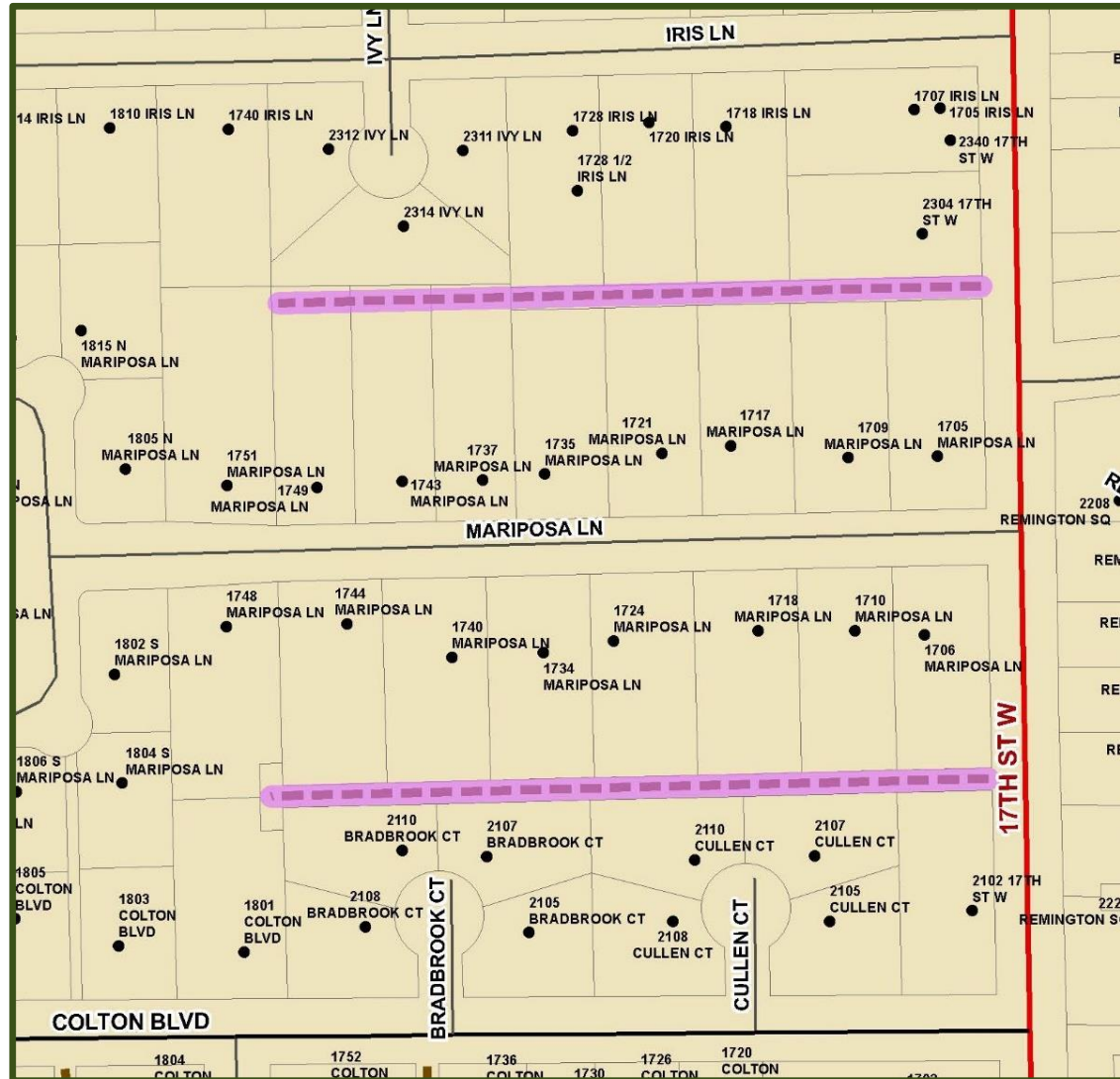
Why? Operational Issues

- Solid waste industry is moving away from 300s nationwide resulting in less options for containers/trucks
- Same trucks can be used for 90s as are used for 300s and truck arm modifications are not needed to pick up 90s
- Less abuse of waste where 90s are present
- Have about 1,000 300s that need to be replaced now
- Picking up 300s is inefficient
 - Spend more time packing and dumping 300s than driving to each 90 and dumping
- Receive numerous complaints every week about 300s and alleys.



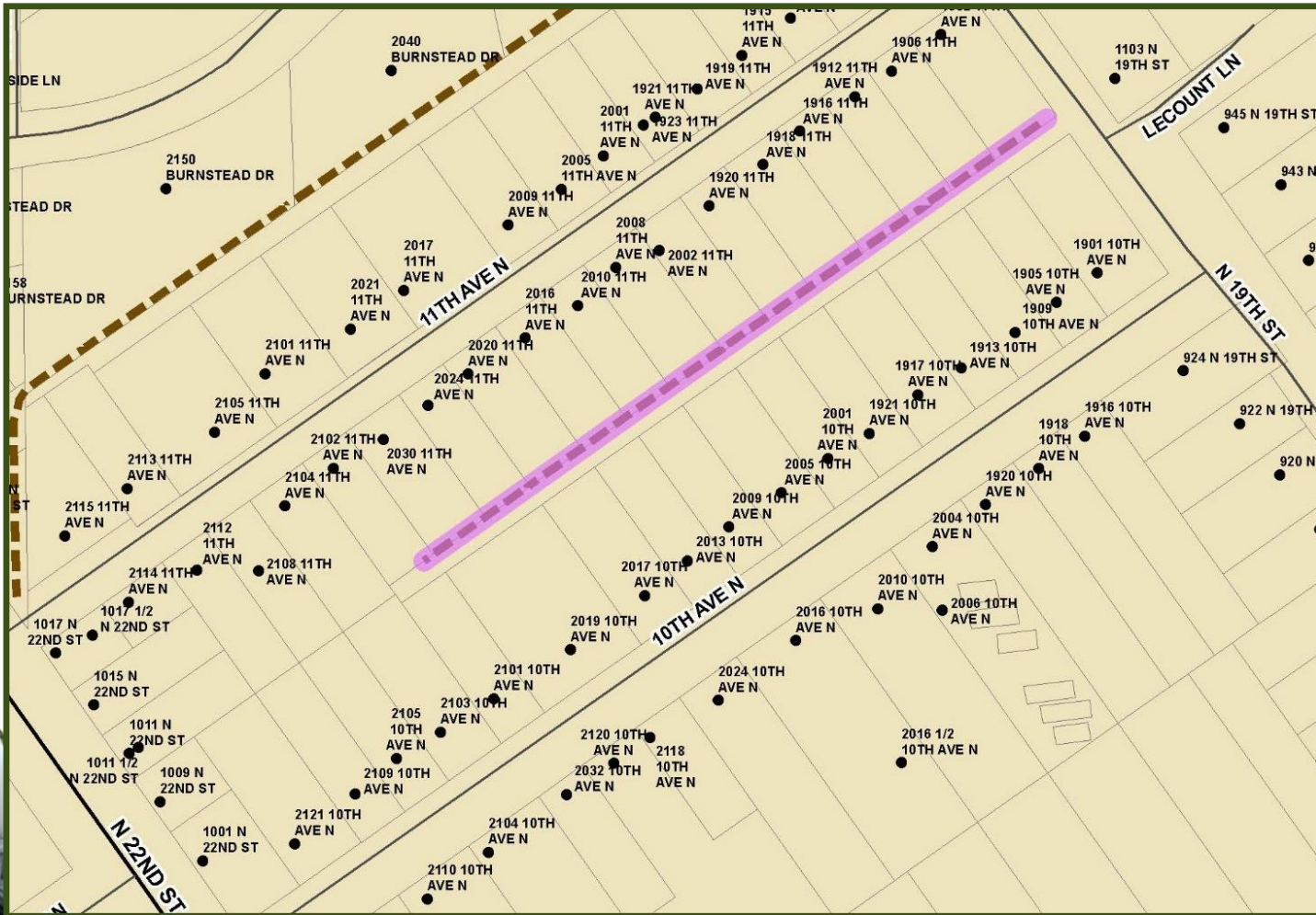
Where Are We Making Changes?

Phase 1 Priority



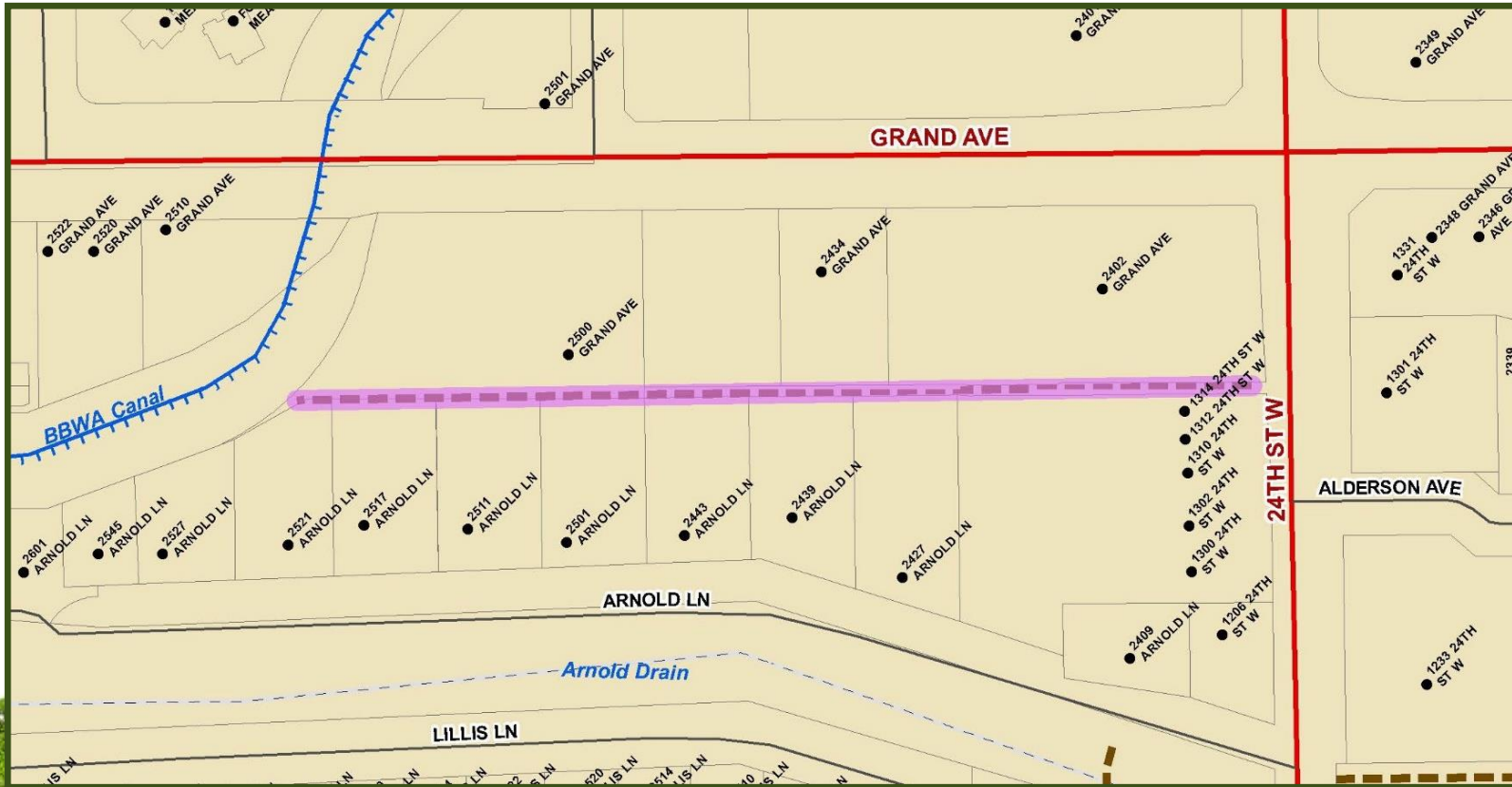
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Phase 1 Priority



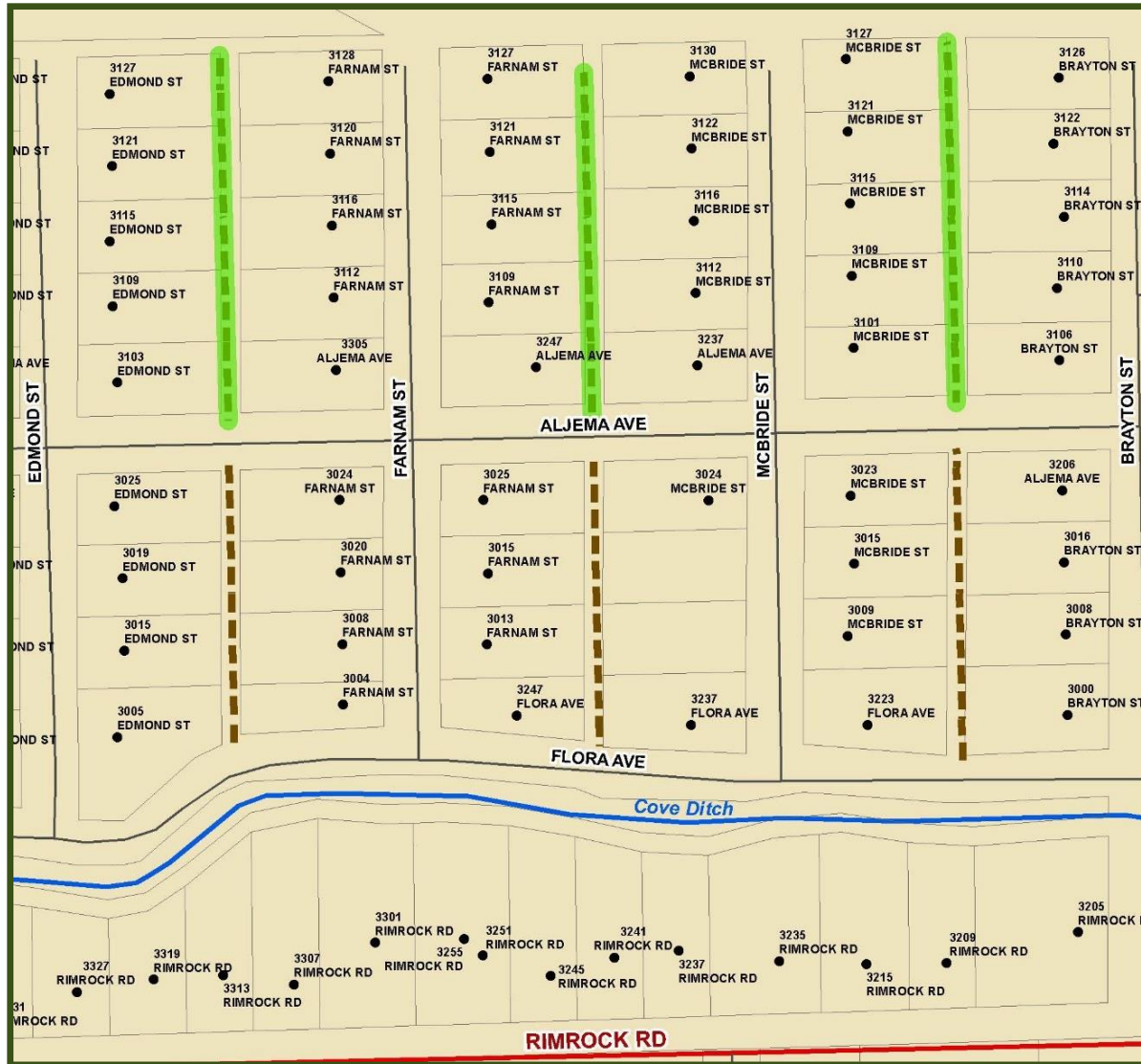
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Phase 1 Priority



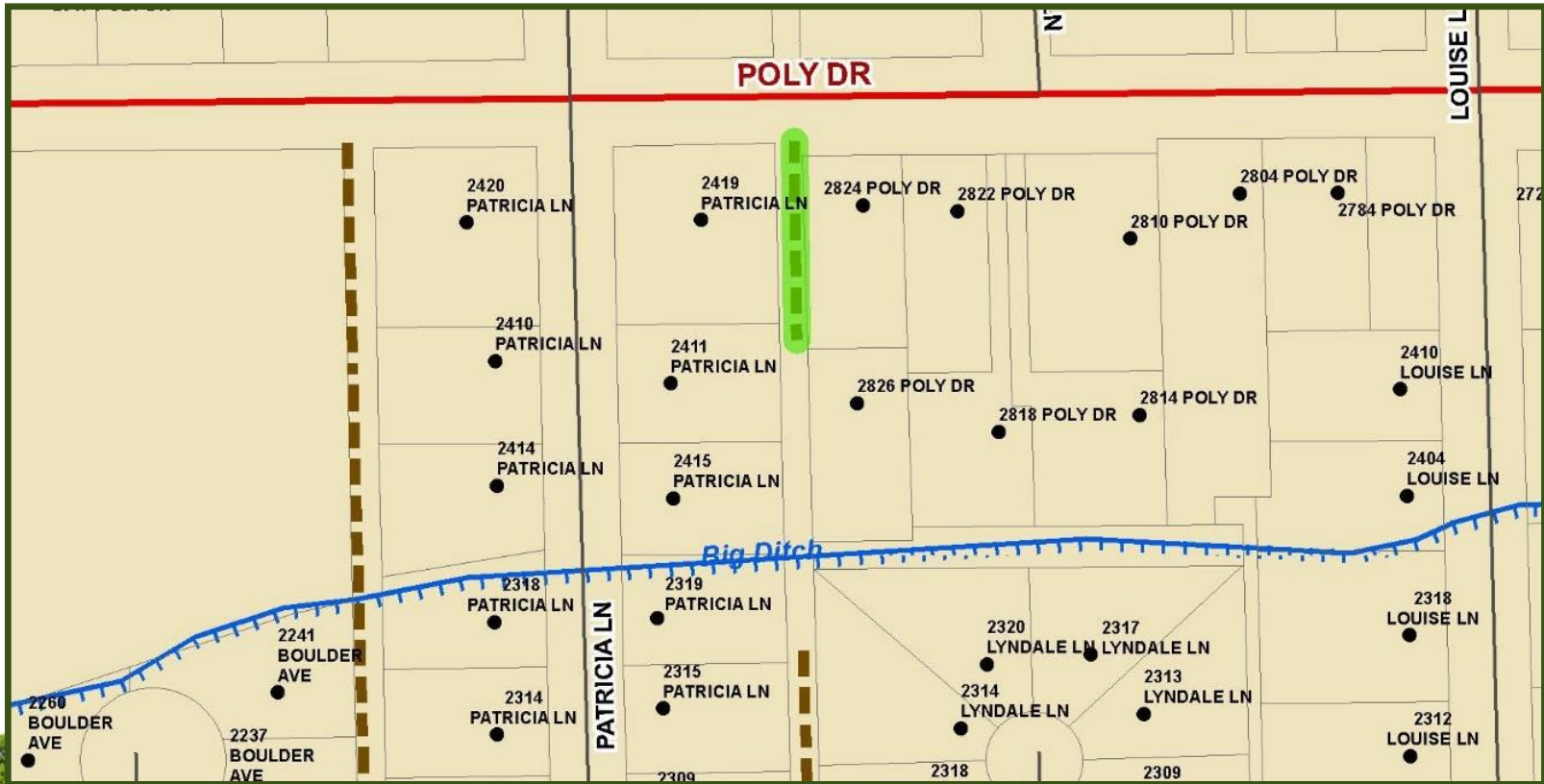
Where Are We Making Changes?

Phase 2 Priority



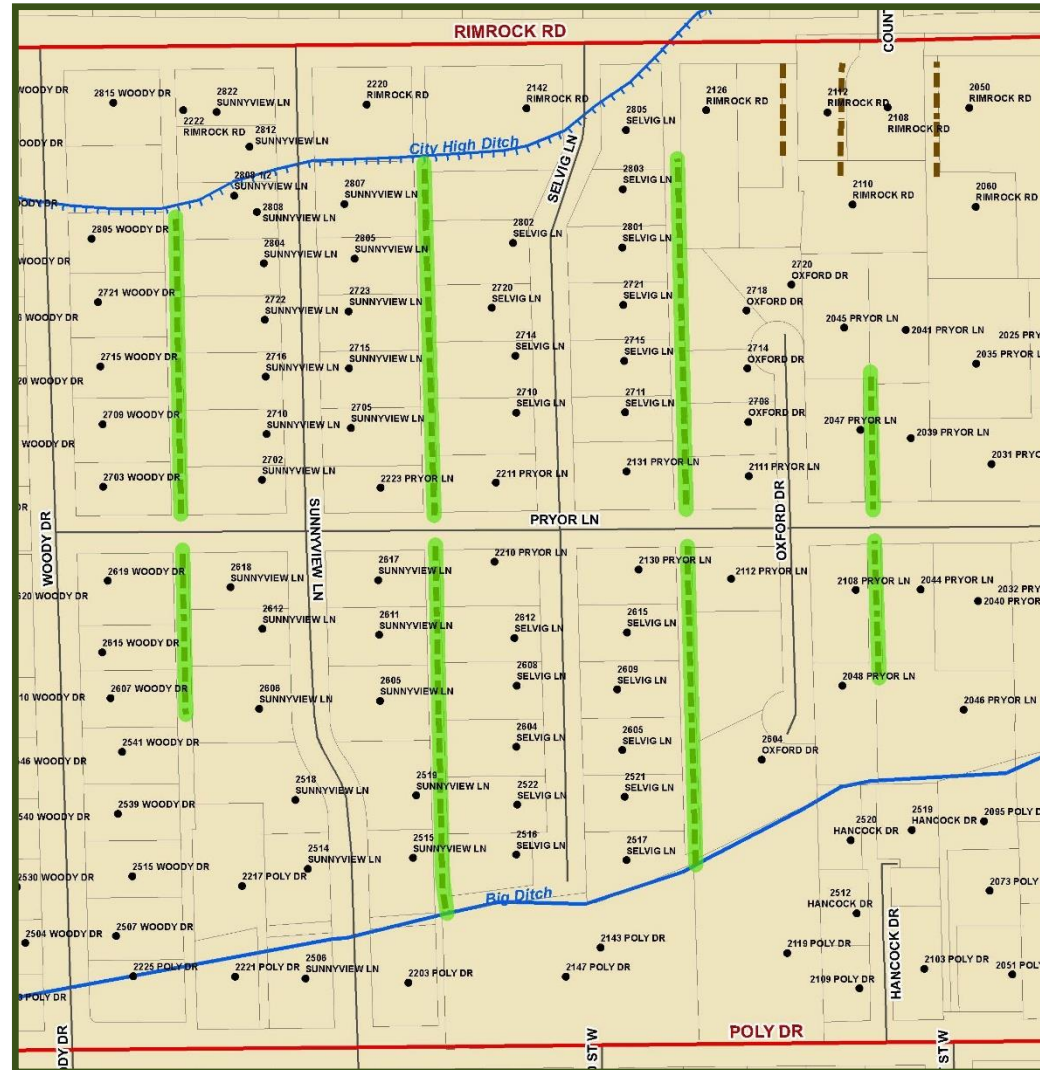
Where Are We Making Changes?

Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



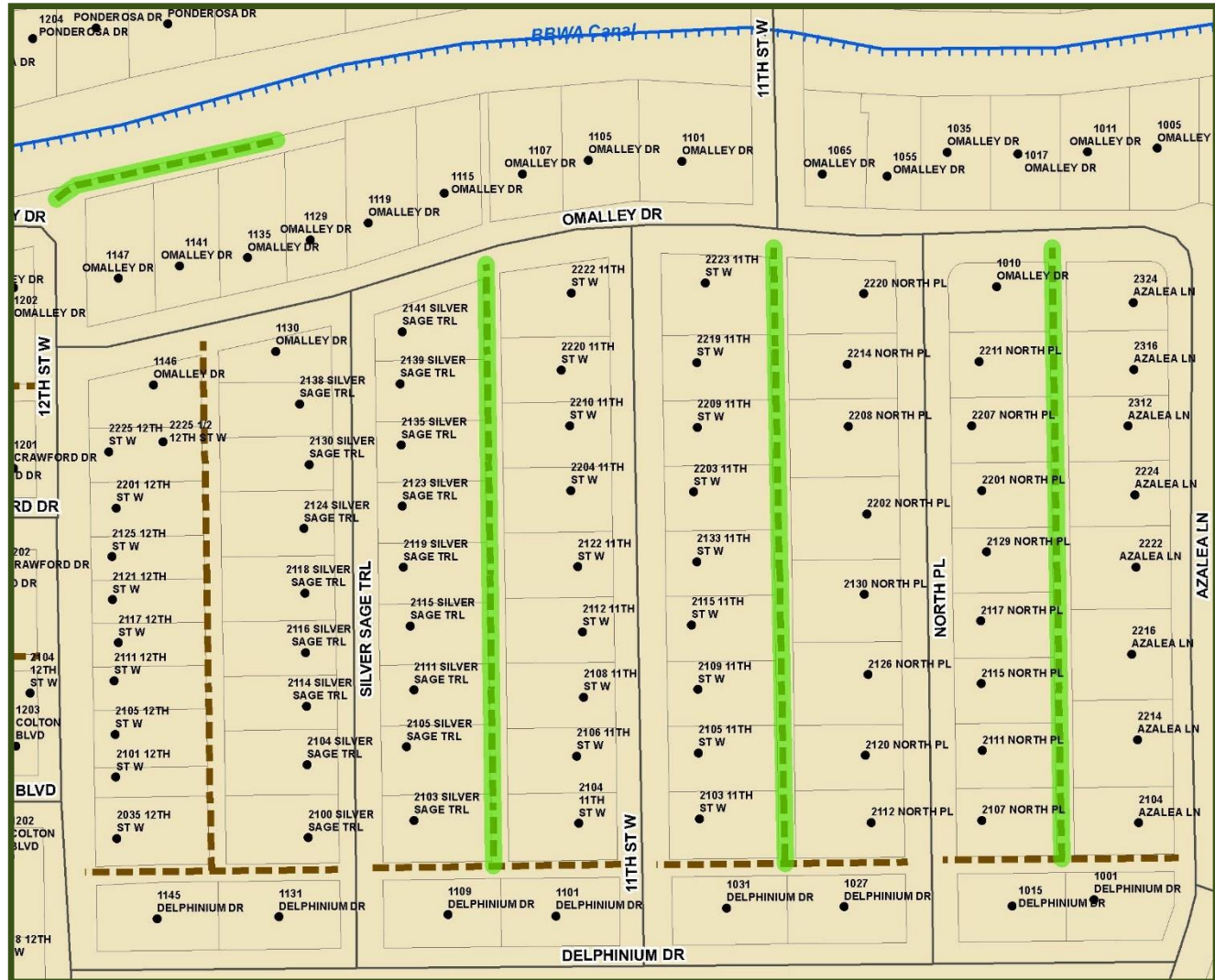
Where Are We Making Changes?

Phase 2 Priority



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Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



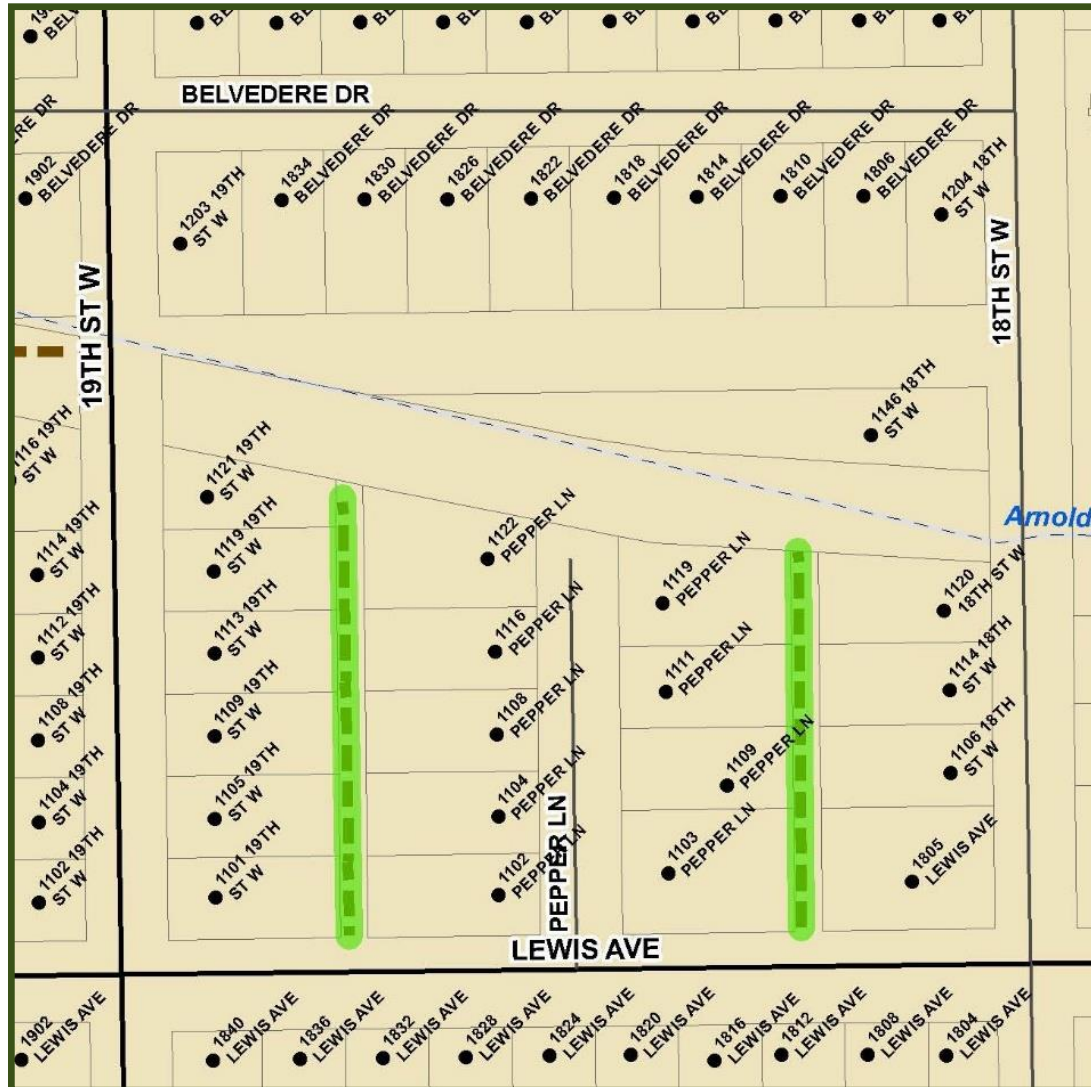
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Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



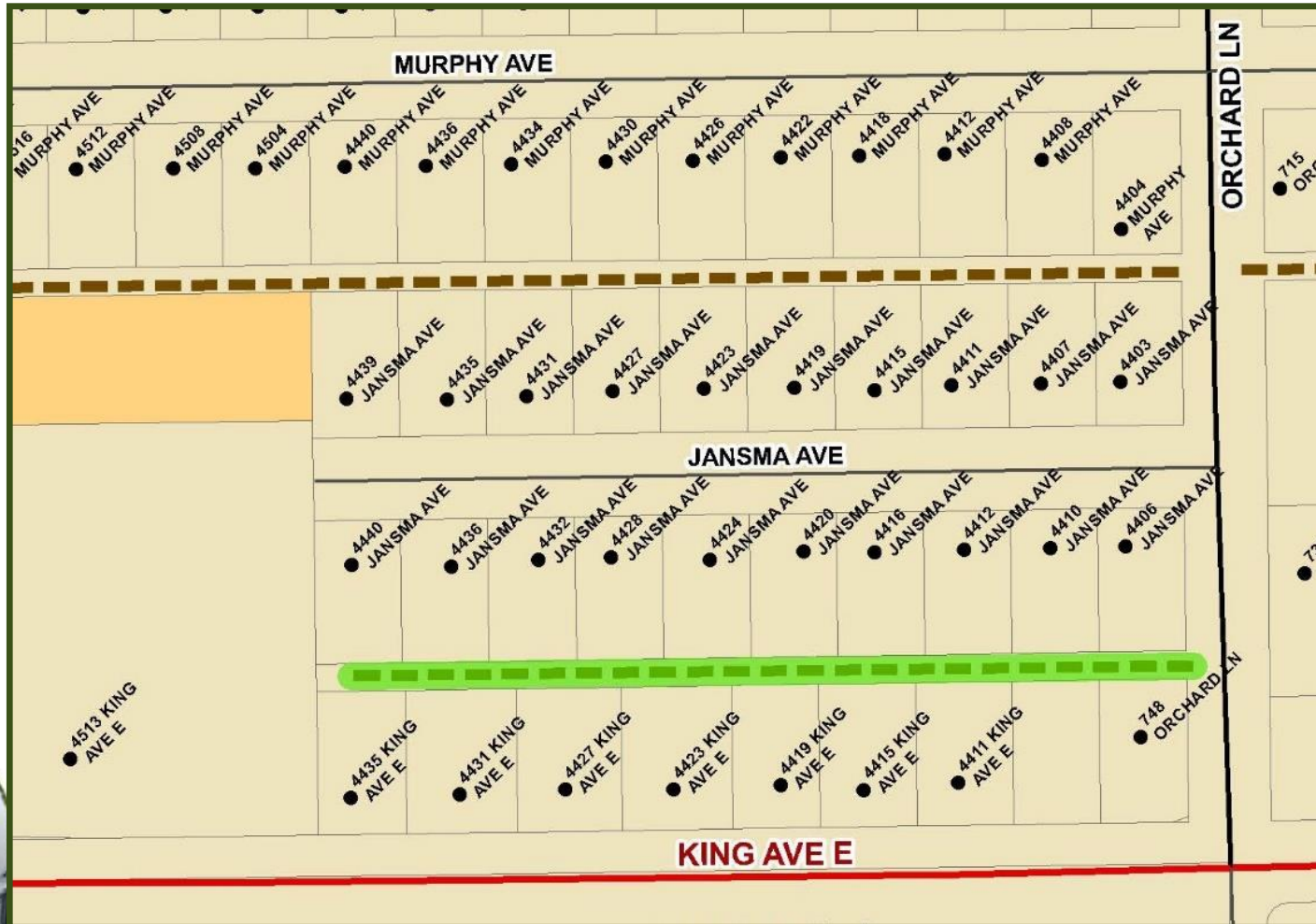
Where Are We Making Changes?

Phase 2 Priority



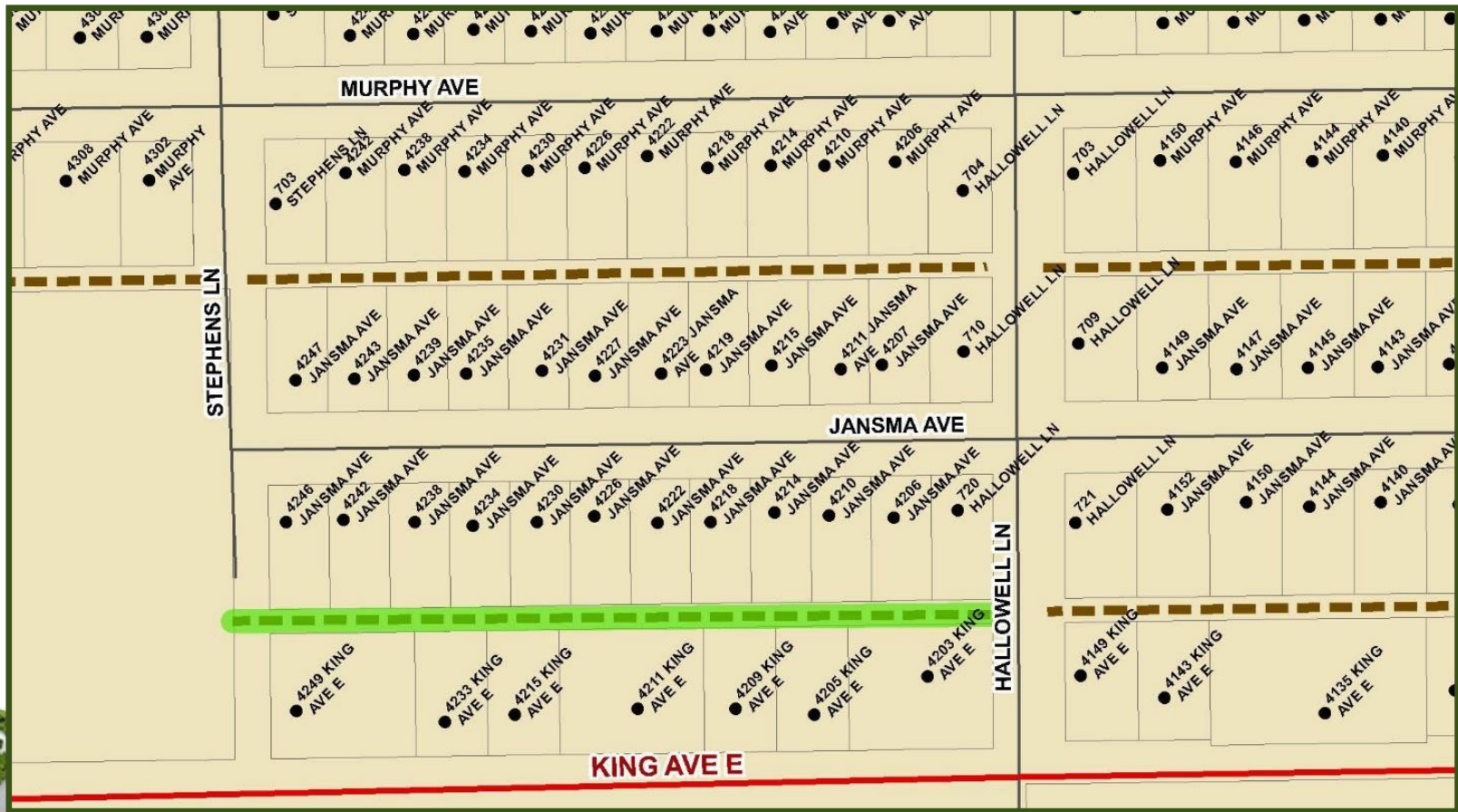
Where Are We Making Changes?

Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



Where Are We Making Changes?

Phase 2 Priority



How Will We Move Forward?

Notification

Letter sent to all affected residents 2-4 weeks prior to making changes in an area

Phase 1 Changes

Changes can be made within existing budget

Phase 2-3 Changes FY 20

Request increase in container budget of \$180,000 regardless of staying with 300s or changing to 90s

Phase 3 Changes FY 21

Will request the same container budget amount as FY 20 and then decrease budget for FY 22





Thank You!



Council Work Session

4.

Meeting Date: 03/04/2019

TITLE: Update on Project Re: Code Process and Working Group Activity

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

Planning Division staff in coordination with the Project Re: Code Steering Committee has provided a brief memo to the City Council updating it on the progress and status of the Project Re: Code effort. The Project Re: Code is a complete overhaul of the City and County zoning regulations that started in late 2017 and is expected to be completed by late 2019 or early 2020.

Staff has placed this item on this Work Session Agenda as an opportunity for City Council to ask questions regarding the information contained in the memo, and the zoning code update process and activities to date.

RECOMMENDATION

Staff has no recommendation and no action by City Council is needed at this time. Staff will be available for questions at the Work Session for this item.

Attachments

Project Re-Code Update



CITY COUNCIL WORK SESSION ITEM
CITY OF BILLINGS, MONTANA
Monday, March 4, 2019

TITLE: Project Re: Code - Zoning Regulation Revisions
DEPARTMENT: Planning and Community Services
PRESENTED BY: Wyeth Friday, AICP, Director

This memo is to provide the City Council a progress report on Project Re: Code, a complete update of the City of Billings Zoning Regulations. This item is on the City Council Work Session for March 4 to provide for Council questions. Project Re: Code began in August 2017 to update the City and County zoning regulations. The Yellowstone County Board of Planning, in coordination with the City Council and Board of County Commissioners, initiated the process in May/June of 2017. The City and County are providing some financial support. A Steering Committee of representatives from the community was appointed by Planning Board President Darell Tunnicliff, and has been coordinating the overall effort with City-County Planning Division staff, a consultant team, and through four Working Groups focused on various subject areas of the code.

Background

The current zoning regulations adopted for the City date from May of 1972 – more than 45 years ago. Over these several decades, the code has been amended, added to, and merged with the County’s zoning regulations. The document now spans more than 450 pages and represents volume-wise at least 1/3 of the entire current City Code. Since 1972, the policies and goals of the City have changed considerably, most recently through the City’s adoption of the 2016 Growth Policy. The City’s zoning regulations need to reflect where Billings is today and where it wants to be tomorrow.

There are many challenges residents, developers, boards and commissions, and staff encounter using the current zoning. These range from over-sized lot requirements, small lot coverage allowances, and suburban style setback requirements even in our core urban neighborhoods. These challenges have resulted in many variances for existing development in our most stable neighborhoods, and have left us with no tools to address aesthetic and architectural elements of residential and commercial construction to support infill and new development that fits into existing neighborhoods. Further, the City’s Analysis of Impediments to Fair Housing Choice in 2013 indicated a need to ensure the zoning provided access and equity to Billings’ residents for housing across its many neighborhoods.

Action Steps to Date

Code Separation: After preliminary review and discussion, the City and County separated the City zoning code from the County zoning code in September 2017. Twenty-two years ago (1997), the City and County merged the codes to ease implementation. Changes to the code over the last 20 years fractured this “unified” code and made it difficult to determine what code does or does not apply inside or outside the City limits. The City and County had also diverged in some areas of their approach to land use regulations.

Code Assessment: The consultant team of SAFEBuilt Studios, Codametrics and High Plains Architects completed a full review of the City’s current zoning code in the fall of 2018 and identified problem areas related to legal issues, duplicative code sections, organization of the code, and areas where new technology or best practices could improve the code.

Working Group Section Reviews: Four Working Groups are focused on updating specific sections of the code: Landscaping, Signage, Urban Issues and County Issues. These groups have spent the past year learning about the subject areas, discussing local issues to be addressed, and are now beginning to review new code section drafts.

The Urban Issues and County Issues groups both have been working on new proposed Zoning Districts and Uses that will update and replace most of the current residential and commercial districts – resulting in fewer overall districts as well as making the new districts fit better with existing development and current and future needs of Billings. Examples include commercial districts that fit better with adjacent residential areas, mixed-use districts that allow commercial and residential uses to be combined in a single development, and fewer residential districts to protect neighborhood character and help build new neighborhoods.

The Landscaping Code Working Group has been most recently focused on County Landscaping requirements, per County Commission direction, but also has worked toward the concept of a single landscaping code for all zoning jurisdictions versus the multiple landscaping codes we have now for various zoning districts across the City and County.

The Sign Code Working Group first reviewed the multiple existing sign codes across zoning districts in the City and began the effort of evaluating condensing the sign requirements into fewer districts and fewer different code sections. The Group is now getting into the details of sign types, sizes, etc. in different districts.

Activity Planned through June 2019:

- The Urban Issues Working Group plans to complete new City Districts and Uses draft documents.
- The Urban Issues Working Group will begin its review of the new Zoning Map where the new Districts will line up and translate from the existing Districts.
- The Sign Code Working Group is discussing what types of signs to allow and at what scale in each of the new zone districts.
- The Landscaping Working Group will start focusing on a new Landscape and Site Development code for Billings. This is planned to include off-street parking regulations (currently in another part of the city code)
- County Landscaping Regulations Moving Toward Adoption – The County Commissioners specified that landscaping regulations for the County be fast tracked for adoption in early 2019.
- The County Issues Working Group plans to complete the new Districts and Uses draft documents for the County.

Council Work Session

5.

Meeting Date: 03/04/2019

TITLE: Addition of Second Municipal Court Judge

Department: City Hall Administration

Presentation: Yes

PROBLEM/ISSUE STATEMENT

The Mayor and City Council will be presented information on adding a second Municipal Court Judge, including ordinance changes needed, costs, current Municipal Court workload and election information.

RECOMMENDATION

City Council will be asked to provide guidance to staff on continuing to pursue the addition of a second Municipal Court Judge, not to continue, or other direction.

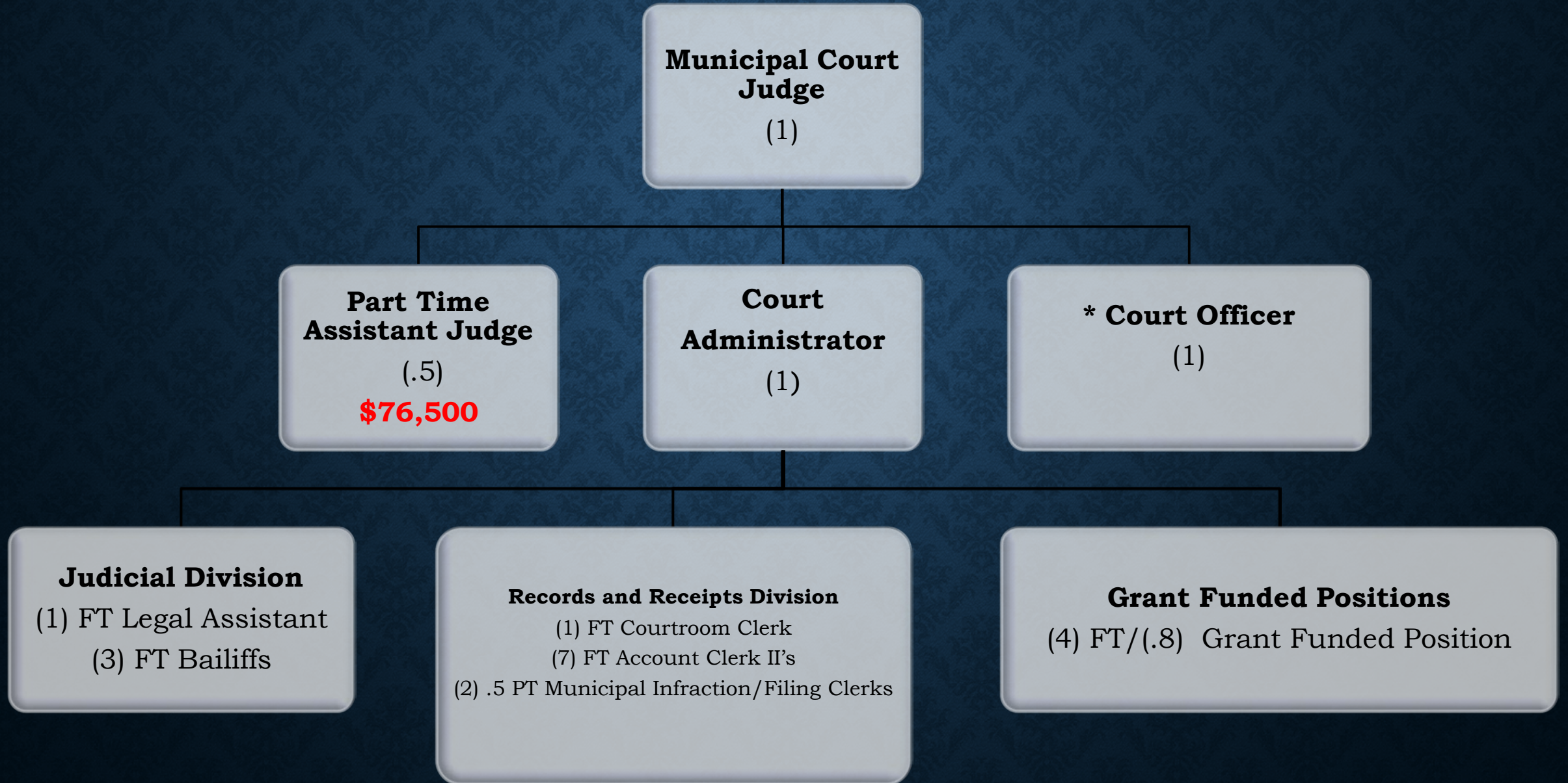
Attachments

2nd Muni Court Judge

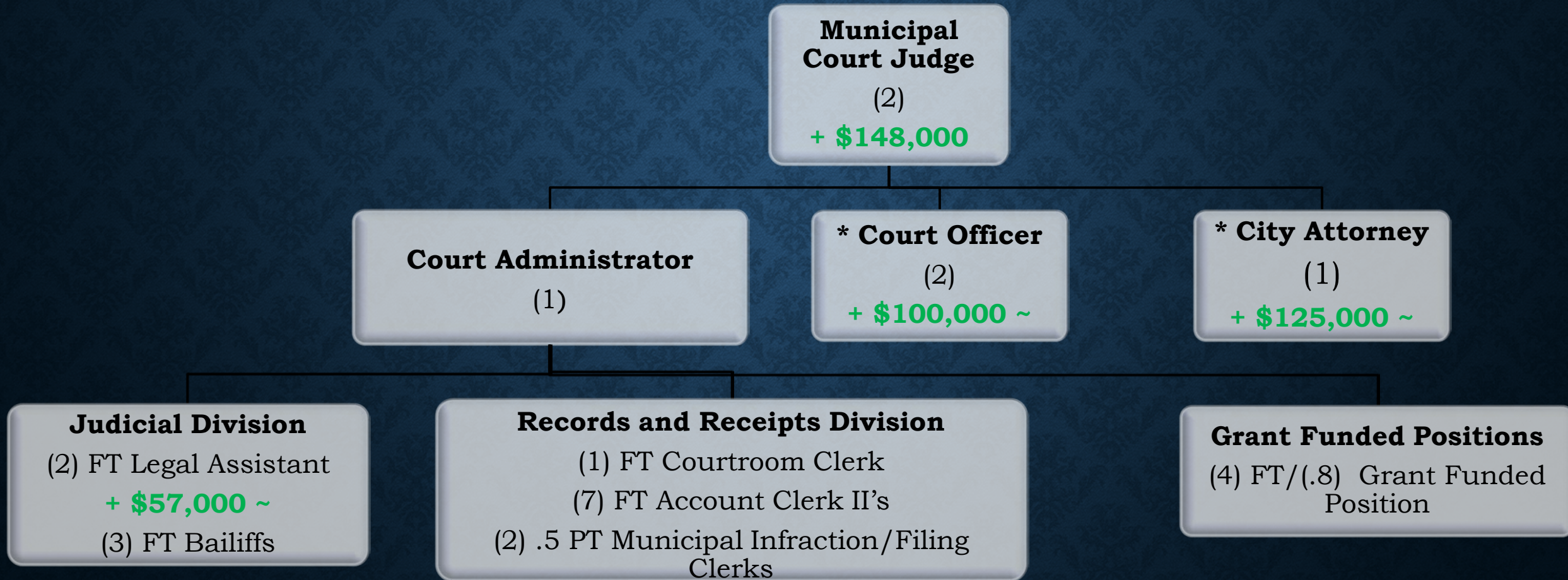
2ND MUNICIPAL

COURT JUDGE

CURRENT STRUCTURE



ADDING A FULL TIME JUDGE



Net New + \$354,000

OFFICE SPACE & EQUIPMENT NEEDS

- Upgrading Second Courtroom

- 2nd Judicial Assistant

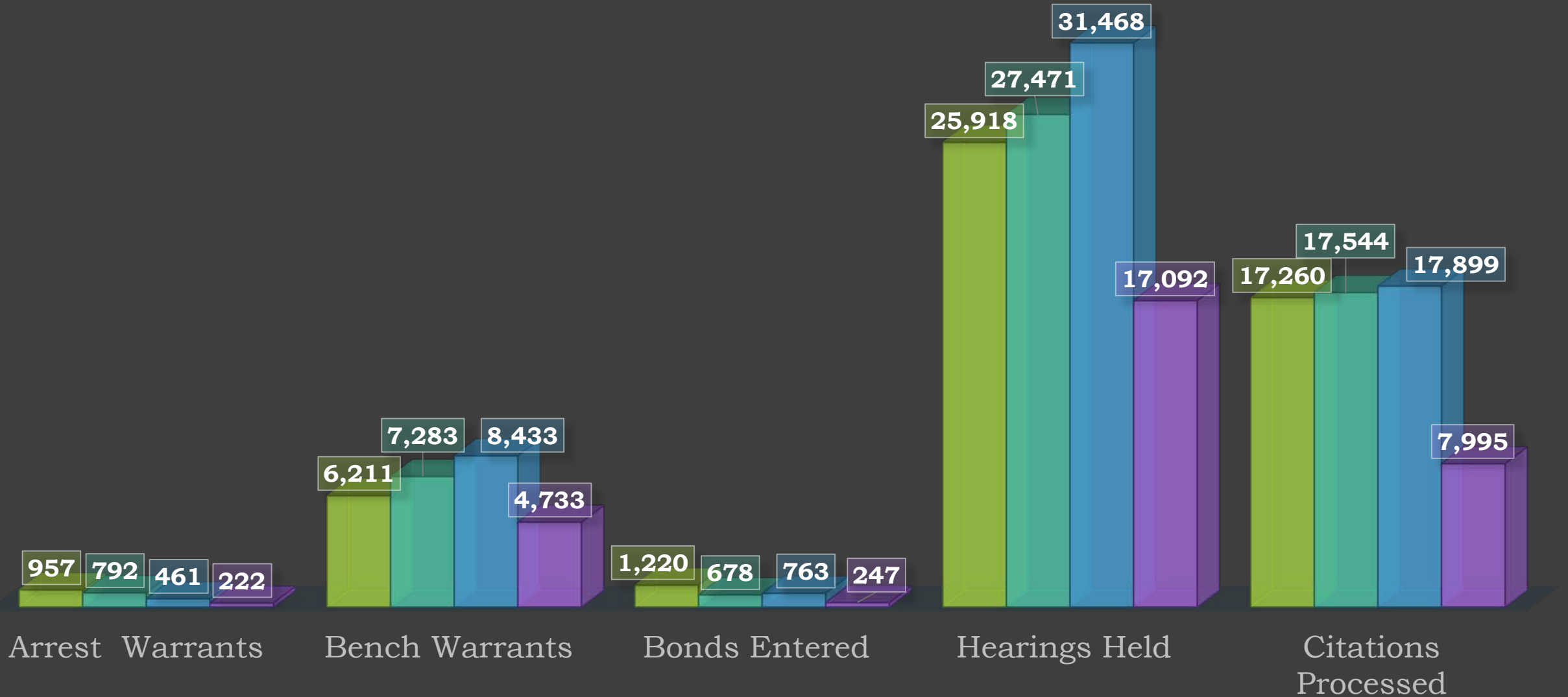
- City Attorney

- Court Officer

\$105,000 - \$200,000+

WORKLOAD

FY 16 FY 17 FY 18 FY 19 YTD



LOGISTICS

- ORDINANCE CHANGE (BMC Sec. 2-232 – 2-236)
 - Adopted by majority vote of members present at two (2) meetings of the city council not less than twelve (12) days apart
 - No ordinance other than an emergency ordinance shall be effective until thirty (30) days after second and final adoption
 - Best Case – in effect May 8
 - SEC. 10-202 (a) Municipal Court Judges
 - There shall be one ~~(1)~~ (2) full-time elected municipal court judge

ELECTION

ELECTION TIME LINE (2019)

- **APRIL 18** First Day for Candidates to File for Office
- **JUNE 17** Deadline for Candidates to File for Office
- **SEPT 10** Municipal Primary Nominating Election
- **NOV 05** Municipal General Election

ELECTION COST ~ **\$15,000**

SUMMARY

Current Costs - \$76,500~

Reoccurring Costs – \$430,000~

One Time Costs - \$105,000-\$200,000~

No Space for additional office/courtroom needs