



**VISION STATEMENT:**  
"The Magic City: A diverse,  
welcoming community  
where people prosper and  
business succeeds."

**WORK SESSION AGENDA  
JANUARY 18, 2022**

**COUNCIL CHAMBERS**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**CLOSED EXECUTIVE SESSION (5:00 PM - 5:30 PM)**

- 1. COVID-19 Update by Unified Incident Command (UIC).**  
(Presented by: John Felton, Yellowstone County Health Officer)  
- Public Comment
- 2. Project ReCode Update.**  
(Presented by: Nicole Cromwell, Zoning Coordinator)  
-Public Comment
- 3. 2021-2022 Council Adopted Priorities Progress Report.**  
(Presented by: Chris Kukulski, City Administrator)  
-Public Comment
- 4. City Council and Leadership Team Development.**  
(Presented by: Chris Kukulski, City Administrator)  
-Public Comment
- 5. Vision / Objectives Discussion.**  
(Presented by: Chris Kukulski, City Administrator)  
-Public Comment

**COUNCIL DISCUSSION:**

- 1. Future Priorities Process Discussion.**
- 2. City Council Work Session 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 or as set by the Mayor. 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.

## City Council Work Session

**Date:** 01/18/2022  
**Title:** Zoning Code Update - Second Report on Code Implementation  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### RECOMMENDATION

Planning staff recommends the City Council receive and review this second implementation report on the new Zoning Regulations adopted by the City Council last year. As part of the public hearings and development of the code, it was understood there would be a period of adjustment and fine-tuning during the first year of the new code. The new code was adopted on final reading on January 25, 2021, and implementation began on the effective date of February 25, 2021.

For this second report, planning staff is monitoring for possible improvements as well as covering the successes of the new code during the first 10 months of code implementation. Staff has been tracking some minor code errors (spelling, cross-references, inconsistencies) as well as some issues that will require continued monitoring by staff. These issues may result in future proposals to amend the code to adjust these new rules. Staff is preparing a "housekeeping" ordinance to correct the minor code errors and will bring that to the Council later this winter. The current docket for zoning items for the Council is full (five zone changes) so it will likely move forward in March or April depending on the number of applications Planning receives in the next 60 days.

### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

In January 2021, the City Council repealed the previous 1972 zoning regulations and adopted an entirely new set of zoning districts and code to help implement the adopted 2016 Growth Policy. The drafting and public hearing process, initiated by the City and County and guided by the Planning Board, took 3.5 years. The community effort included the hiring of a consultant team to assist Planning staff and a citizen-led Steering Committee and Working Groups through the drafting process. All topics from the mundane to the controversial were included during these deliberations. The result of this effort is a modern zoning code that was tailored to fit the Billings community and to lead it closer to community growth goals of housing choices, place-making, walk-ability, resiliency and prosperity.

It was acknowledged at the final public hearing during adoption that Planning staff would continue to review and track issues related to code implementation. Planning staff has compiled a list of errors as well as a list of code issues we are tracking for possible future amendments to the new code. This is not to imply the new code has serious flaws or is not working as it was intended - very good is not the enemy of perfect. These few errors and issues are minor in comparison to the positive effect the new code has had on residential projects and several major commercial projects in the first 10 months of the new code. Several times a week, Planning staff is providing information to homeowners and designers about building additions, new garage space and outdoor living spaces that are now allowed by the new zoning. These incremental investments would have previously required zoning variances or zone changes for these owners to accomplish a small improvement to their property. As the demand for housing has increased substantially in 2021, builders and developers are not the only beneficiaries of the new code flexibility, that also provides less reliance on old metrics such as minimum lot area and large property line setbacks more appropriate to a rural development pattern.

### New Developments in 2021

The City has issued more new construction building permits in 2021 (746) than in any prior year - going back to before 1995. The added property value to the city's tax base 2021 is over \$277 million dollars in new construction. This new construction will add over 1,200 new dwelling units - 446 single family homes, 141 townhome dwellings and 668 new apartments. Additions and remodels for residential homes is also keeping pace with 282 remodeling permits issued adding over \$7.5 million dollars in value to existing neighborhoods. Residents have been taking advantage of the new rules that expand the area available on their lots for buildings (lot coverage increases), and re-discovered the investment value of in-town lots in Billings' first neighborhoods. Re-investment in Billings neighborhoods is happening at a brisk pace. Re-investments will help sustain and increase property values in these neighborhoods, and sustain the city's ability to renovate and replace the infrastructure over the long term. Commercial additions, remodels and re-use of existing commercial buildings have kept pace with the residential work. Substantial re-development and infill commercial projects are underway including the rehab of the Big Bear Sports retail space for 5 new stores, and new restaurants on King Ave East, Shiloh Road, Grand Avenue and King Ave West area. A new Albertson's grocery store and pharmacy is under construction at 54th St West and Grand Avenue and a major remodel at the Four Seasons

Plaza on Main Street is underway to bring in Shamrock Foods.

Planning staff worked with property owners during the first 6 months of the new code and map, checking for zone district errors. Over 62,000 tax parcels needed to be updated and translated to new zoning districts as part of the new zone code adoption. Since adoption, City and County staff as well as property owners have located and corrected map errors including updating all City-owned park parcels to the new Public 1 (P1) zone district, updating the YWCA to a Public 3 - Civic Campus (P3), correcting "bleed over" district errors especially where districts change on side property lines. In all, about 24 parcels had errors corrected over the last 10 months.

The issues we are tracking for future code amendments are included in the attached table. In general, the issues concern Building and Siting Standards for some Neighborhood zone districts including maximum building width, minimum front lot line coverage and build-to zone averaging.

### **Implementation**

Planning staff is meeting internally twice a month to review code implementation, increase the core knowledge of each planner and help to resolve complex or complicated development questions. This twice-a-month staff training has also helped develop the attached table of errors and issues that need to be monitored and tracked for possible future amendments to make the code even better than it is right now. Planning staff is also working closely with Engineering and Public Works staff to ensure we are tracking any inconsistencies across city code sections and regulatory jurisdictions. A prime example is the zoning-based assessment rates the Council uses to fund arterial street construction and storm water management. The Council approved an amendment to the city code in 2021 to update the arterial street funding section to incorporate the new zone districts. The new assessment fees were subsequently adopted and have helped even out the previous disparity of assessment fees based on the excessive number of zone districts in the previous zoning code.

Every day, the new zoning code is implemented in dozens of permit reviews, clarifications to clients and customers, re-build letters to lenders and insurers, and customer questions at the Planning counter. The results of these everyday decisions will become clearer as we proceed through the coming years of the new code and the development potential it provides to the city and to neighborhoods. Proportionate compliance for landscaping on commercial sites is being implemented for several remodel projects including the Albertson's on N 27th Street, the Pier One building (Skechers) on S 24th St West, and for a new City Brew facility on Gabel Road, to name just a few. The community will appreciate the street frontage landscape improvements on these and several other remodel and upgrade projects in Billings in the coming year.

### **STAKEHOLDERS**

Planning staff has kept in constant contact with the development community as we implement the new code. This includes design professionals, engineering firms, the Home Builders Association, and the many real estate professionals throughout Billings. Through these daily, weekly and monthly conversations, we have tracked minor errors and cross-reference issues as well as the other items to be cognizant of with the new zoning code. We have compiled this into a table format that is attached to this report and will help us through the next few months of exercising the new code. First and foremost, we have not experienced any major issues with the new zoning code, beyond some site specific design challenges. Implementing new processes does present challenges for applicants and staff as we iron-out issues and concerns. The flow charts created for the Administrative section of the new code (27-1600) do assist with smoothing the review and procedures. We have not had any reports from the development community about any serious or major problems with the code.

The following issues are being tracked and monitored by Planning staff.

#### **Inter-code Consistency**

The City Code consists of 28 chapters regulating everything from how Council meetings are run to how developers handle storm water management. Whenever a major section is repealed and updated, some inconsistencies will occur within the other code chapters. Planning staff has identified a few of those consistency issues within the Subdivision regulations (Chapter 23) and the new zoning code. In addition, codes implemented by other departments like Fire have proven some consistency challenges also. Planning staff intends to continue to review other city code sections to see if additional code sections have conflicts.

Building activity and permitting has significantly increased in 2021 - just in time to put the new zoning code through its paces.

1. **Block Face Average - Built-to Zone (N1-2, NX1-3)** The site design requirements for these zone districts has both a Build-To Zone - a range measured from the front lot line to where the building can be placed and a Block Face Average to be used whenever an infill project is proposed. This infill project could include a remodel or re-build of a structure. The previous zoning regulations required a minimum setback, but no maximum. Build-

To zones are ideal because they provide enough flexibility to fit most types of site design, but enough predictability to make a street or neighborhood feel consistent. The Block Face Average is a tool intended to help infill - rebuilds or remodels - fit within the fine grain of an established street. The Block Face Average requires measuring the building setbacks on the two adjacent lots on either side of the subject parcel to come up with an average setback for the infill project. The Block Face Average overrides the Build-To Zone. In theory this should result in a better fit for the neighborhood. In practice, so far, staff has found the result to be less than ideal. Two main factors are effecting this result: lots with "missing teeth" and utility locations. Planning staff will continue to review this regulation and will present alternatives if needed at the 7-month report to Council.

2. **Front Load Garages in Mixed Residential (NX1-3)** One of the key elements in the zoning code update was to better balance the interface areas between residential uses, pedestrians and vehicle traffic. This all happens between the small area between the front of a building and the street curb. Getting the right balance of elements that gives safety to walkers, bicyclists, driver's and residents is essential. Mixed residential zones typically will have more residents per linear foot of street frontage so giving more safety to walkers and residents is important. One of the ways you minimize conflicts between cars and people on foot is to dedicate space for each one. A side-by-side townhome apartment that dedicates more than half of the linear street frontage to driveway openings, is not a safe place for walking. This development pattern is apparent in many of the multi-family developments built in the last decade. The HBA has requested the city re-evaluate the prohibition on street front loading garages in the Mixed Residential zone districts. Planning staff, the HBA and other stakeholders will continue to monitor and evaluate this item.
3. **Administrative Relief for Setbacks** - Administrative Relief is available from any minimum (or maximum) setback up to 5 feet in reduction or increase. Staff believes some clarifying language is needed in this section to ensure staff and designers know when this applies and when a Board of Adjustment variance is needed instead. For example, most districts require a minimum 5-foot side property line setback. Administrative Relief should not be available to reduce this setback to zero. This should receive a variance approval from the Board of Adjustment.
4. **Rebuild of Existing Residential Uses in Mixed Use zones** - Mixed use zone districts do have existing residential uses including single family, two family and multi-family dwellings. The current code does not allow the re-establishment of a residential-only use if it is destroyed or abandoned. The re-build would have to include a ground-floor street front commercial use in the new building. The code does allow re-build for any nonconforming residential use in a Neighborhood zone district, but does not allow this in the mixed-use zone districts. These mixed use districts include Neighborhood Mixed Use, Corridor Mixed Use, Downtown Support, Central Business District, and two EBURD zone districts.
5. **Zone Change Application Required for All Annexations** - The code requires submittal of a zone change upon requesting annexation. Prior to the new code requirement, the city had one "default" zone district. Staff believes with some criteria in place, a zone district for property that has petitioned for annexation to the city could be set without the need for the property owner to submit a zone change. Larger parcels that trigger a Planned Neighborhood Development would not qualify for this exemption from a zone change application. This exemption would most likely apply to property that is surrounded or adjacent to the existing city limits, the city zoning is not variable in the area, the parcel is already developed, or the parcel already has an identical city zone district such as Light Industrial, Heavy Commercial or Heavy Industrial.
6. **Implementation of the new Special Review Criteria** - Planning staff, advisory boards and the City Council are learning the new decision criteria for special review uses. The current code is not clear on how existing developed sites should be handled when a re-development includes a special review use. Special review uses not only include bars and casinos, but churches, day care centers, retirement communities and drive-through restaurants in some districts. The code should be clarified on what site elements must be brought into compliance with the new code in particular landscaping, signs, and off-street parking design. There should also be flexibility to allow site difficulties related to physical constraints to guide whether conformance with new standards is required.

Alternatives to resolve these code issues will be presented at the third and final warranty report to the Council later in 2022.

## ALTERNATIVES

City Council may:

- Give general direction to staff on the issues presented in the work session memo or other items staff may monitor in the near future.

## FISCAL EFFECTS

The Planning Division budget will not be effected by providing this Zoning Code update. Ongoing management and monitoring of the zoning code, as well as developing proposed amendments or adjustments that need formal action, will take staff time. However, this work is expected in any regulatory implementation process.

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**Attachments**

Table of Warranty Items

City Zoning Regulations  
Warranty Reporting to City Council January, 2022

Table 1. – Minor wording corrections and internal reference error corrections

Code Section	Error	Proposed Correction
27-1404.B.3	Implies double-sided sign total area counts as max permissible sign area	Clarify the sign area visible from one side is the sign area permissible even if the sign has multiple sides – as long as only one side is visible from any direction
27-1802.E.2(a)	Eave thickness set at six inches should be eight inches	Insert eight inches – this was a transcription error from EBURD code
27-1802.E.2(a)	Interrupting walls for Flat Roof type not included	Insert Interrupting Walls language from EBURD code
Table 27-300.3	Omitted the word “more” for garage entrance percentage	Add the word “more” back into the table
Table 27-1000.1	Cross reference to Outdoor Sales Lot incorrect	Replace reference 27-1009 with reference to 27-1005.M and 27-1008.P
27-1009.D.2	Bond amount in ordinance	Replace with bond amount to be set by Council in resolution for fees
27-1209.A.4	Not all fences require a planning permit – some require a Building permit	All fences over 30 inches but 7 feet or less in height require a permit from the planning division. Building permit required for fences/walls over 7 feet
27-1209.B	Fence height	Specify fence height is measured from the property interior not exterior
27-1408.D.2(a)	Temp sign location cross reference	Replace with correct ref 27-1402.E
27-1408.C.4(a)	Additional word “applicant”	Delete the word “applicant”
27-1628.C.2(b.3)	Refers to “special review” and not zone change	Change to “zone change”
27-1628.E.2(c)	Refers to BMCC 2-223 incorrect	Should refer to BMCC 2-231 et seq for Ordinance and Resolution procedures
27-303.C Tables 27-300.3(N1); 27-300.6 (NX1); 27-300.7 (NX2/NX3)	Allows driveways off any street Implies driveways not allowed off front street	Correct or adjust tables to ensure all neighborhood districts allow for a driveway off a front street (public or private)
Table 27-1000.1	Artisan Manufacturing PL in NMU CMU and CMU2	PL applies only to EBURD districts – remove PL and replace with P

27-1203.B.(1.d)	Incorrect cross reference	Correct cross reference to 27-1208.D not 27-1204.D
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Table 2. – Sections to Monitor for Possible Future Changes

Code Section	Issue	Possible Fix
27-300	Min Street Frontage/Principal Structure conflict with Sub Regs at 23-404 (32 ft on ROW) for residential	De-conflict the Sub Regs and Zoning
27-400	Min Street Frontage/Principal Structure conflict with Sub Regs at 23-404 (44 ft on ROW) for commercial	De-conflict the Sub Regs and Zoning
27-300	Sub Regs only allow a max number of units on dead-end street = 30, max lots = 20	De-conflict the Sub Regs and Zoning
27-300 27-1802.B(3.d)	Block Face Averaging	Remove BFA or modify to set max BTZ as max in all cases
27-308	Ground Floor Unit Width max 16 ft for Multi-Unit Bldgs	Increase Ground Floor Unit width to allow more generous ground floor units in a multi-story bldg – OR - only set maximum building width at street front and no unit width
27-1614	Admin allowance to adjust any setback within a 5-ft area	Clarify this allowance can apply to front and side adjacent to street (go to zero feet) if an existing structure on the lot is setback less than 5 feet, but only allow adjustment down to 3 feet in any side or rear yard (without alley). Rear yard with alley can go to zero feet.
27-1000	Existing SFR, Duplex or MFR in MU zone district – rebuild?	Clarify when an existing SFR, Duplex or MFR can be re-built without a ground floor commercial use
27-307 & 27-308	Attached garage entrance only allowed on rear or side adjacent to street façade in NX districts (HBA)	Covered parking can be in detached structures – carports or garages. Study provision for front-load - local examples of good design or similar cities.
27-305	Max building width of 80 feet conflicts with max lot width of 120 feet (HBA)	Eliminate max building width and allow buildings up to 110 ft (120 lot width – 10 feet for two 5-foot side setbacks = 110 ft)
27-1618	Landscape Plan required for all new development (HBA)	Clarify that new residential 1 & 2 family development does not

		need to show landscaping on site plan but requires compliance with Street Frontage landscaping (1 tree/ 40 linear feet of frontage)
27-303.I	Yard Treatment requires 60% of all front, side and rear yards to be landscaped.	Difficult to impossible to enforce – no permit requirement for paving or residential landscaping. Remove this requirement; OR modify the requirement to only apply to the front yard
27-1615	All annexations require a ZC application	Develop criteria to allow no ZC app where lots already developed and adjacent zoning is not variable
27-1623	Special Review – conditions for existing developed sites	Clarify that special review uses may trigger full compliance with site development landscaping, parking and sign codes. Compliance with these new code requirements is the default for special review uses on existing developed sites.



Billings  
PLANNING  
& COMMUNITY  
SERVICES

**City Council Work Session**

**Date:** 01/18/2022  
**Title:** 2021-22 Council Adopted Priorities Progress Report  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes

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**RECOMMENDATION**

Read the updated 2021-22 priorities progress report and ask clarifying questions.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

March 12, 2021, the city council adopted the latest set of priorities for 2021 and 2022. Staff is prepared to answer any questions regarding the attached progress report.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

NA

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**Attachments**

Council Priorities Progress Report

# Adopted 2021/2022 City Council Priorities Progress Report

January 14, 2022

## #1 PRIORITY

- ✚ **Improve the safety of Billings** – *Voters approved the 2021 public safety mill levy on November 2, 2021. 61% voted for and 39% voted against the levy. The levy provides ~\$7.1 million annually to implement strategies to improve the safety of Billings including the Center for Public Safety Management (CPSM) recommendations. The additional tax dollars begin to be collected in November 2022. Budget amendments will be presented to the Council January 24 to begin implementing some of the financial investments during the current fiscal year.*
  - Determine Council’s support to implement the policy implications recommended in the Center for Public Safety Management (CPSM) law enforcement analysis. *A strong majority of Council supported the CPSM police department analysis. Eighty (80) of the 102 recommendations have been completed, are underway or are contingent upon Council approval of a budget amendment scheduled for January 24 consideration.*
  - Resolve criminal justice facility space deficiencies. *The city purchased the Stillwater building on October 15. The architect team is under contract. Community and department engagements are scheduled throughout the first quarter of 2022. We expect to move the first group of employees into the building in early 2023. The facility will meet our anticipated criminal justice space needs for several decades.*
  - Understand and determine the Council’s level of support for the policy implications recommended in the CPSM fire department analysis. *A strong majority of Council supported the CPSM fire department analysis. Of the 34 recommendations, 18 are implemented, 10 are in progress, 4 require negotiated changes to the labor contract, 2 are tied to the state of MT (1 legislative and 1 wildland interface in the Billings region). Implementing the medical response teams is arguably the most impactful recommendation for FD. The requested budget amendment launches this program by funding the program’s leader. The firefighter/paramedics will be included in the 2023 budget.*
  - Determine policy level support to Implement Code Enforcement, Legal and Municipal Court strategies to improve safety. *The 2021 PSML includes resource investments to increase the capacity of code enforcement, legal department, and the municipal court. The city’s first full time code enforcement manager started in her new role January 10. We are working through code enforcement, legal, and municipal court space challenges to implement our public safety strategies as soon as possible.*
  - Analyze funding options and determine the best methods to improve the safety of Billings. *The FY2022 budget includes the full implementation of our recently negotiated BUFSA (Billings Urban Fire Service Area) agreement between the City and County. The agreement increased the city’s revenue by ~\$453,000 over the previous agreement. The new BUFSA payment ties the City’s FD budget and the taxable value of properties within the BUFSA together. The 2021 PSML was created to meet our community’s public safety needs. The ballot also included a 3% marijuana tax to assist the county and city, however the revenue is not expected to cover anticipated increased costs. A collaboration between the city, county and state will add \$3M to the City’s \$1M over the next three (3) years to fight violent crime increases related to the pandemic.*

*Data collection to better understand who or what are “cost causers” may help us shift some of these costs in the future. We know that both alcohol and drugs create millions of dollars of annual cost, but very little of the taxes collected on these substances is shared with the city. Therefore, property owners within the city limits are paying for nearly all services impacted by alcohol and drugs.*

- *Adopt massage and spa facilities business license ordinance. The Council adopted this ordinance April 26, 2021. To date, 58 solo practitioner applications have been reviewed and granted. Eight (8) businesses have been fully licensed, four (4) have been denied, and one (1) is in the review process. Additionally, 68 solo practitioner applications have been reviewed and granted. We suspect that there are three (3) businesses that have not applied for a license and may need to.*
- *Support critical partnerships w/Substance Abuse Connect (SAC), Yellowstone County, and Continuum of Care partnerships and determine options for addressing substance abuse and mental health needs. I am a member of the executive board for SAC. Grants have been received to fund a Mobile Response Team (MRT) in 2022. SAC will be updating the Council during the first quarter of 2022. The discussion will include the police and fire chief’s along with our downtown partners.*
- *Continue improving sidewalk and trails network improving safe routes to schools. Annually, approx. \$1.8M is spent constructing and rebuilding sidewalks within the city. \$400,000 for ADA ramps, \$700,000 to improve sidewalk and \$700,000 tied to development and road reconstruction projects. We are conducting a Safe Routes to School Plan Update focused on the 22 elementary schools in Billings Public Schools. The Plan Update will contain a prioritized list of Safe Routes projects so that projects can be equitably implemented across the city. A Phase 2 Safe Routes to School Plan will begin in 2022 and will consider Billings Public Schools middle schools, private schools, and County schools in the Billings Urbanized area.*

## ONGOING CRITICAL PROJECTS

### **Break ground on west side water treatment plant and visionary reservoir project.**

*The City has entered contracts with two (2) contractors: COP Construction to construct the raw water pipeline and Garney to construct the Water Treatment Plant. The material supply issue will be a factor with these projects, but they are moving forward into the construction phase. The city is pursuing a \$50M BRIC grant and should hear the results in June/July 2022. Any construction work started before the grant award would not be eligible so the construction will start after we receive the results of the grant. Given the high construction costs that we are seeing, the estimate for the work has increased beyond the current budget. The project team is undertaking a value engineering process to reduce the costs. This work will be completed before the grant award.*

### **Continue airport terminal reconstruction project, building Montana’s greatest airport.**

*The airport project is moving as aggressively as the supply chain will allow. Delays in finishing materials has shifted the opening of the Phase 2 area (Concourse A and Great Room) to April 1, 2022. With the opening of the Concourse A, the airlines will begin to use the new Gates and Passenger Loading Bridges, but the concession spaces will lag a few additional months before opening, although temporary services will be available. The contractor will then move to Phase 2B which includes connecting the new Concourse and Great Room to the older building and adding an additional skylight over the new screening que area. Once that is done in the early summer the TSA screening will be moved up to the new space that dumps out onto the new concourse. The Phase 3 work will follow and take place in the old screening area and includes demolishing the old stairs*

and escalator and rebuilding the area into the new reception hall. At the same time the Phase 4 work will begin which is the demolition and rebuild of the Concourse B area. Projected completion of the total project is likely in the last quarter of 2023. The staff has done an excellent job of receiving over \$30 million in FAA grants for the project and anticipates some additional dollars from the Infrastructure Bill will go towards the project as well.

- ✚ **Continue progress to break ground on the Inner-Belt Loop (IBL) and Skyline Trail projects.** *The enclosed link <https://ci.billings.mt.us/2964/BUILD-Grant-2021> provides the month-by-month update to the IBL and Skyline Trail BUILD grant projects.*
- ✚ **Resolve conflicts with Heights Water District (HWD) to improve development and redevelopment opportunities within the Billings Heights area.** *We are currently on hold, several negotiation sessions were held between the city and HWD however the HWD recently changed their board leadership. Debi Melling and I have a meeting scheduled with their interim manager Larry Brewster for early February.*

## HIGH PRIORITIES

- ✚ **Create a park and trail development program and analyze all park and trail funding options to build excellent parks and trails throughout the city.** *Park and trail development and operations funding options were presented to the Council March 15, 2021. Staff continues to apply for grants to fund trails, but local funding is still needed to create a consistent program and to get projects ready for grant applications.*

*The 2021 legislature passed a law sunsetting Park District 1 (PD1) in 2024 unless voters decide to continue the funding system. Approx. 1/3 of the parks funding comes from this source (~\$3.1M). We should not wait until 2024 to ask voters to approve whichever funding approach the council determines is best. To make sure we are asking voters to consider the correct level of funding, we first need to determine:*

- 1 – Are current operation, maintenance, & replacement levels meeting your expectation?*
- 2 – Does the council want to invest in developing additional parks and trails?*
- 3 – As the city moves forward with the next phase of the recreation center project, what level of support will the facility receive from general taxpayers?*

*To help answer these questions, we all need to remind ourselves what is in the 2017 Comprehensive Parks and Recreation Master Plan and council should consider defining your vision/objective for parks, trails, open space and recreation facilities. That answer will guide our staff and the council as you answer the three questions and determine what voters will be presented with in 2023 or 2024.*

- ✚ **Complete Billings Bypass Corridor Study in preparation for utility extensions and development.** *The Billings Bypass is under construction now by MDT and all the various phases (Yellowstone River Bridge, Johnson Lane Interchange, Railroad Bridge Crossing) are estimated to be completed by 2025. The Billings Bypass Corridor Study ([www.billingsbypasscorridor.com](http://www.billingsbypasscorridor.com)) is looking at the northern section of the corridor from the Yellowstone River north to Highway 312 and Main Street. The study is meant to determine future access, utility needs, and development guidance along the corridor anticipating future development to be in the city. Completion of the study is expected in Spring 2022.*
- ✚ **Define strategy to complete cost of services studies to help fund police, fire, parks and trails, storm water and transportation infrastructure in partnership with Yellowstone County.** *Except*

*for negotiating a more equitable cost sharing for regional fire services with Yellowstone County, we have not made headway on accomplishing this priority.*

- ✚ Regulate medical marijuana dispensaries/storefronts. Analyze land use and financial impacts of legalized recreational use of marijuana in the City and recommend policy improvements.** *Regulations were developed, vetted and adopted by the city council in late 2021 and were in place prior to the January 1, 2022, deadline. This week, we rolled out the business license application process. We won't know until March 31 if we need to conduct a lottery to determine who will receive the 8 medical marijuana dispensaries allowed.*
- ✚ Stimulate redevelopment within downtown and other business districts.** *Project Re-Code became effective in March 2021. The new code has several provisions to promote redevelopment. More work needs to be done to incentivize infill development projects. Utilization of the Downtown Urban Renewal District and its TIF provision for support of redevelopment projects in the Downtown continues to move forward through the Council project approval process. I believe we should consider setting a goal of developing 1,000 housing units within the core of our city over the next 5 years. Residents are one of the most significant keys to improving both safety and business viability within our downtown. The market is proving that there is a meaningful demand for housing downtown.*
- ✚ Resolve city hall facility space deficiencies (see criminal justice center space needs).** *We purchased the Stillwater building on October 15. This facility is expected to meet the city's space needs for several decades into the future. We need to discuss if the council would like to define the vision/objectives for this project beyond meeting the space needs of the organization. Community and department engagements are scheduled throughout the first quarter of 2022. We expect to move the first group of employees into the building in early 2023.*
- ✚ Participate in the 2021 legislative process to support adopted legislative priorities and pass legislation to improve the safety of Billings.** *The city succeeded in passing legislation to help move state prisoners out of county jails and into State facilities. This legislation, and our ongoing dialogue with the Dept. of Corrections is working (unfortunately, our need for jail space continues to grow at a faster pace than the jails capacity). We hosted two (2) well attended Zoom legislative sessions and we participated directly in shaping legislation throughout the session with the help of Greg Dorrington and Aimee Grmoljez. We have already begun meeting with legislators in preparation for the 2023 legislative session. Approx. 35 individuals attended our November 10 regional legislative breakfast and approx. 100 attended last evenings public safety forum to discuss crime issues that are negatively affecting our community.*
- ✚ Monitor the implementation of project Re-Code, according to the staff recommended schedule (4, 7, and 12 months).** *The Council received the four-month progress report in August 2021. The next update is scheduled for January 18, 2022.*

**Date:** 01/18/2022  
**Title:** City Council & Leadership Team Development  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes

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**RECOMMENDATION**

Consider my request to improve the efficiency of electronic communications between the mayor and city council and staff. Determine if the city council wants to spend time developing stronger working relationships between council members and members of the city administration and director team.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The mayor, city council, administration and department directors regularly interact with one another to lead our city. This group will be working together for the next two years. Two documents are enclosed to help improve communications between this large group. First, I am asking for your grace as I make a second attempt to clarify how we can improve electronic communications between the council and staff (see enclosed). Second, I encourage the council to make a commitment to discuss, either during this meeting or at a future meeting, the Council & Leadership Team Expectations and Obligations Quad.

The foundation of all effective relationships is trust. I recently wrote a quote on my office erase board that says "You cannot move beyond the speed of trust." I've understood for several decades how trust is the most important commodity a local government has with its citizens. Trust is significantly impacted by the relationships that exist between city leaders. I believe we can speed up the development of trust between us, if set aside time to build professional relationships. Therefore, I ask that you consider my feedback and offer your perspective Tuesday evening.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

NA

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**Attachments**

Electronic communications memo  
DRAFT Council & Leadership Team Quad



## Electronic Communication Between City Council and Staff

January 13, 2022

The following guidelines are intended to facilitate effective communication between city councilmembers and staff that respect the council's authority to determine city policy while enabling the staff to successfully allocate time and resources to carry out the operation of city services.

**All emails** -- To help us more efficiently respond to Council emails, please direct all communications to the city administrator. If your question pertains to a particular department, please also include the department director. Therefore, all questions regarding departments overseen by the city administrator should be sent to the city administrator and the department director with a cc to the assistant city administrator and executive secretary (wynnette). For all questions regarding departments overseen by the assistant city administrator, please send to the assistant city administrator and the department director and cc the city administrator and executive secretary.

Communications specifically pertaining to council meetings and work session agenda packets, minutes, meeting time, location and technology should be sent to the city clerk and deputy clerk with a cc to the city administrator and assistant city administrator.

All questions and answers that pertain to the council as a whole should be shared with the full council. This will allow everyone to benefit from the information and reduce duplicate questions and answers.

Please do not email staff below department directors. The administration and director will determine which staff is best suited to respond to inquiries and promptly forward your email to that person if needed. Employees typically drop what they are doing to be responsive to council requests. Sending inquiries to non-directors can cause inefficiencies and make it harder for supervisors to manage staff workloads and duties.

**Questions critical to agenda item decisions** – We will work diligently to provide responses as soon as possible. Questions received during the work week will typically receive a response before the weekend. Questions received over the weekend will be responded to on Monday.

**Urgent questions** – We will do our best to answer urgent questions as soon as possible. Please feel free to call or text me (and/or Kevin) if an email requires urgent attention.

**Questions from citizens** – Councilmembers should be clear regarding who they would like to communicate with the citizen: the councilmember or a staff person. Please avoid looping citizens into email strings as often staff members need to coordinate with one another to provide a thorough and accurate response, and this is more difficult when citizens are included in the email thread. (You can email the citizen separately to let them know you have asked staff to help answer their question.) Once the response is determined to be accurate, staff can send it directly to the citizen and/or the councilmember, whichever you prefer.

**Operational questions** – Before asking operational questions, please consider how much time will be needed to answer them and if they relate to larger policy-level issues or day-to-day matters better left to staff.

**Weekly Report** - To prevent general questions that are not time-sensitive from interfering with other priorities, we will be answering them in my brief Weekly Report as much as possible. This will allow everyone to benefit from the information. With few exceptions, the staff and I develop the weekly written report. The mayor and council are the primary audience. It is purposely concise and meant to cover highlights of the week and critical meetings scheduled for the next week. The reports, which are posted on our website and available to the public, also function as a record that we can refer to when needed.

**Department Reporting Responsibilities** -- All department directors report directly to either the city administrator or assistant city administrator as follows. The city's email protocol for staff is last name first initial @billingsmt.gov

**City Administrator – Chris Kukulski**

- Assistant City Administrator – Kevin Iffland
- Finance Director – Andy Zoeller
- City Attorney – Gina Dahl
- Human Resources Director – Karla Stanton
- Public Works Director – Debi Meling
- Planning and Community Services Director – Wyeth Friday
- City Clerk – Denise Bohlman
- Public Information Officer – Victoria Hill
- Administrative Assistant – wynnette Maddox

**Assistant City Administrator – Kevin Iffland**

- Fire Chief – Pepper Valdez
- Police Chief – Rich St. John
- Aviation and Transit Director – Kevin Ploehn
- Information Technology Director – David Watterson
- Parks, Recreation and Public Lands Director – Mike Whitaker
- City-County Library Director – Gavin Woltjer
- Chief Building and Facilities Manager – Jessica Iverson
- Parking Division Manager – Tracy Scott
- Fleet Services Div. Manager – Mark Balt

Thank you for your leadership as we work together to help our city thrive.

# DRAFT 2022 City Council & Leadership Team Expectations & Obligations Quad 12/7/21

<p style="text-align: center;"><b>Council expectations of Staff</b></p>	<p style="text-align: center;"><b>Staff expectations of Council</b></p> <ul style="list-style-type: none"> <li>• Be respectful of staff and their recommendations</li> <li>• Come to meetings prepared, whenever possible share your questions/ideas to help staff prepare</li> <li>• Once a decision is made – speak with one voice</li> <li>• Set a vision for the city. If desired by the council define the objective/s for significant projects</li> <li>• Make decisions based on the overall city benefit</li> <li>• Focus questions on the issue being discussed</li> <li>• Have realistic expectations that are connected to our capacity</li> <li>• Recognize, we are on the same team</li> </ul>
<p style="text-align: center;"><b>Council obligations to Staff</b></p>	<p style="text-align: center;"><b>Staff obligations to Council</b></p> <ul style="list-style-type: none"> <li>• Respect each council member and the council as a body</li> <li>• Provide accurate and thorough information</li> <li>• Provide clear candid advice</li> <li>• Anticipate problems and opportunities</li> <li>• Be good stewards of city resources</li> <li>• Listen and implement council's decisions to the best of our ability</li> <li>• Be collaborative</li> </ul>

# 2013 Commission & Leadership Team Expectations & Obligations Quad

## Commission expectations of **Staff**

- Be diligent and prepared
- Communicate simply and thoroughly
- Minimize surprises
- Be ethical and objective
- Be dedicated
- Be creative and take risks
- Be experts in your field
- Implement policy skillfully
- Understand the value of citizen trust of our local government

## Staff expectations of **Commission**

- Provide clear direction - speak as a "policy body"
- Realistic expectations - time & resources to do a good job
- Acknowledge work; workload; professional perspective
- Provide the opportunity for constructive dialogue and feedback
- Minimize surprises and frontload questions when possible.
- Provide mutual respect
- Be prepared

### **Commission obligations to Staff**

- Act in a transparent, ethical, respectful manner
- Be prepared and ask good questions
- Respect constraints
- Set policy, goals and priorities - then fund
- No ad hoc decisions

### **Staff obligations to Commission**

- Anticipate issues and provide options and solutions
- Maximize our resources
- Providing accurate and complete information - candid advice
- Coordination amongst our staff
- Provide sound recommendations with highest probability of success
- Mutual respect
- Be available and to listen
- Carry out whatever decision is made

**Date:** 01/18/2022  
**Title:** Vision / Objectives Discussion  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes

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#### **RECOMMENDATION**

Decide if the council wants to set aside time to reaffirm or create a new vision for the city. Also discuss how the council and leadership team can be more effective determining the council's vision and/or objective/s for critical projects.

#### **BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The City's vision is - The Magic City: A diverse, welcoming community where people prosper and business succeeds. I often hear members of our council, organization and our community say we don't have a vision for Billings. I realize that just because one exist on paper, it doesn't mean anything if people don't know it and more importantly see it as authentic and real.

I also hear comments that the council were not asked or did not provide a vision or objectives for critical large scale community issues and projects. Most recently, examples include city hall, the recreation center, parks and trails and the west end reservoir.

This item is placed on the agenda to gage your interest in pursuing these conversations and get your feedback on how we could best move forward.

#### **ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

#### **FISCAL EFFECTS**

It may be best to find an excellent facilitator who can help guide these discussions.

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