

****ATTENTION****

The City Council meeting will be held in a hybrid format that includes both in-person AND Zoom. Councilmembers may choose to attend the meeting virtually or in person at the **Royal Johnson Community Room at the Billings Public Library, 510 N. Broadway**. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: www.billingsmt.gov and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
 - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. *(On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)*
 - Online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
 - On the City's website at www.billingsmt.gov and click on "Watch Meetings Online" on the homepage.
 - In-Person.
 - Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email: Council@billingsmt.gov.
 - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Attend the meeting in person.
- Attend the meeting virtually through Zoom by entering the Webinar ID and Passcode indicated below. Click on *Zoom Meeting Instructions* and *Zoom Hybrid Meeting Details* below for more information. The link will allow you to attend, view and participate in the meeting on your computer, laptop or smart phone. (You must have the Zoom App on your device [Click Here to Download Zoom App](#)) To provide public comment at the appropriate time, click on the "raise hand" icon located at the bottom of the screen and the moderator will unmute your device.
 - **Don't have a smart phone, computer or laptop?** That's okay -- you can attend a Zoom meeting using your **landline phone**. Call the Zoom phone number, **1.253.215.8782** to join the meeting and follow the operator's instructions. Want to give public comment? Simply "*raise your hand*" by pressing *9 and the moderator will give you permission to speak when it is your turn. **Note this is a long distance toll number and charges may apply depending on your plan.*
- Click Here for [City Council Zoom Hybrid Meeting Details and Schedule](#)
- Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

Webinar ID: 844 0317 5335

Passcode: 261749

Or join by phone: US: +1-253-215-8782

Please contact Denise Bohlman, City Clerk, at bohlmand@billingsmt.gov, or at 406.657.8205, with any questions.



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

WORK SESSION AGENDA
FEBRUARY 7, 2022

5:30 P.M.

Council Chambers are Closed.
The meeting will be held remotely via
virtual meeting room and in-person at the
Royal Johnson Community Room at the
Billings Public Library. Please see
coversheet for details and instructions
for viewing and participation.

CALL TO ORDER: Mayor Cole

1. **Disaster and Emergency Services (DES).**
(Presented by: KC Williams, DES Coordinator)
-Public Comment
2. **Small Cell Wireless Facilities.**
(Presented by: Stacy Tenney, Deputy City Attorney and Debi Meling, Public Works Director)
-Public Comment
3. **FY21 Audit.**
(Presented by: Andy Zoeller, Finance Director)
-Public Comment
4. **Budget Work Session Dates.**
(Presented by: Andy Zoeller, Finance Director)
-Public Comment
5. **Council and Leadership Team Retreat.**
(Presented by: Chris Kukulski, City Administrator)
-Public Comment
6. **Highlight Upcoming Agenda Items of Council Interest.**
(Presented by: Chris Kukulski, City Administrator)
-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 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: 02/07/2022
Title: DES Program
Presented by: Chris Kukulski, City Administrator
Department: City Hall Administration
Presentation: Yes

RECOMMENDATION

No action or direction needed - Department of Emergency Services (DES) Coordinator KC Williams will provide the Council background and an update on the community's DES preparedness and services.

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

KC Williams will provide the Council background and an update on the community's regional DES preparedness and services.

Yellowstone County Disaster & Emergency Services (YC DES) is the lead agency for Billings, Laurel, Broadview, and Yellowstone County coordinating comprehensive emergency management. In collaboration with local, tribal, state, and federal government we build, sustain, and improve our ability to prepare for, protect against, respond to, recover from, and mitigate hazards. YC DES is organizationally situated within the Montana DES which is within the Montana Department of Military Affairs. The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS) provides guidance and grant oversight. We recognize that comprehensive emergency management requires strong partnerships with public, private, and non-profit partners, as well as with individual citizens. Engaging the whole-community results in robust planning intended to minimize the impact to our populations affected by disasters.

The following information is in response to the recommendations from the Center for Public Safety Management (CPSM) study for the Billings Fire Department that directly tie to DES:

- **Recommendation 14** - The Billings Fire Department should conduct a formal fire risk assessment that concentrates on the city's downtown, strip commercial establishments, big-box occupancies, high-rise structures, and industrial, processing, and institutional properties. (See discussion on pp. 29-32.)
 - The DES office already has a very robust Multi-Hazard Mitigation Plan that identifies the key infrastructure assets
 - This Multi-Hazard Mitigation Plan should be used by the Fire Department to enhance any Threat or Risk analysis specific to the department functions
 - The Multi-Hazard Mitigation Plan also contains several mitigation project suggestions that even Public Works should look into
- **Recommendation 31** - The City of Billings should initiate an effort with the City of Laurel, the Town of Broadview, and Yellowstone County to establish an Emergency Management Leadership Team to support planning and operational assignments in the joint County-Municipal Emergency Management process. (See discussion on pp. 92-93.)
 - I have already begun this project. I formed the YC Emergency Management Advisory Group exactly for this purpose.
 - We have already had our first meeting on January 5th of this year and our next meeting is scheduled for March 9th
 - First meeting included, Billings Fire, Billings PD, YC Sherriff Dept, Billings Public Works, YC Public Works, Billings Administration, City and County Elected Officials, and DES
- **Recommendation 32** - The City of Billings should designate a city Emergency Manager from a key department (Police, Fire, or City Administrator's Office) who would be responsible for implementing the city's emergency management planning and operational efforts in cooperation with Yellowstone County. (See discussion on p. 93-94.)
 - I am the person currently responsible for implementing the city's emergency management planning and operational efforts
 - I have been asking for an additional FTE for this office since I arrived
 - Chief Valdez and I have discussed this several times and both agree additional support is needed

- Due to the way Federal and State organizational structures and funding incorporates DES into the government system, it would be best for this position to be a part of the County DES department and be dedicated to emergency management functions
 - I already have a job description created
 - If the City would fund all or part of this FTE
 - The FTE becomes eligible for EMPG reimbursement at 50%
 - It strengthens the DES relationship within the City's organization
 - It provides a significant step forward towards complete resolution of recommendation #32
 - Having an emergency management department exclusively for the city would require a duplication of documentation and work that could be avoided by positioning this FTE in our county DES
 - The current DES office (ME) has 100% the same responsibility to the City of Billings as it does for Laurel, Broadview, and Yellowstone County
- **Recommendation 33** - The City of Billings should initiate an effort in which every city department develops and exercises a Continuity of Operations Plan (COOP). (See discussion on p. 94.)
 - This is a very true statement and a very important project
 - The additional FTE in DES would allow more time to be dedicated to assisting each department with this project
 - I have initiated conversations with State DES already to get State assistance for COOP projects for both Billings and the County
- **Recommendation 34** - The City of Billings and Yellowstone County should conduct an operational and architectural review of the Emergency Operations Center facility and make immediate plans to either initiate a comprehensive renovation of the facility or begin an effort to relocate the Joint County-City EOC to a more functional facility. (See discussion on p. 94.)
 - This is currently under way

ALTERNATIVES

N/A

FISCAL EFFECTS

None

Attachments

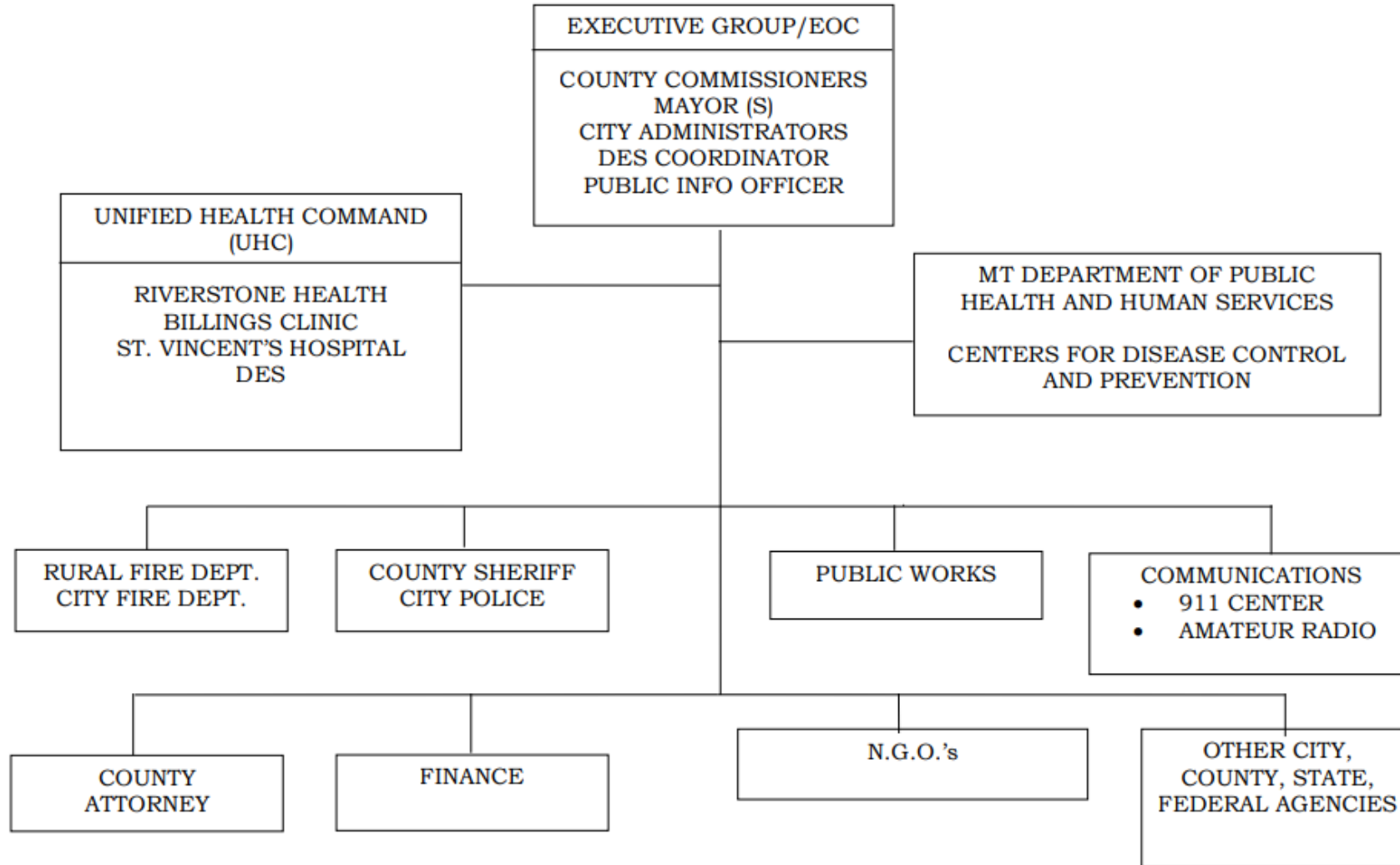
Emergency Management



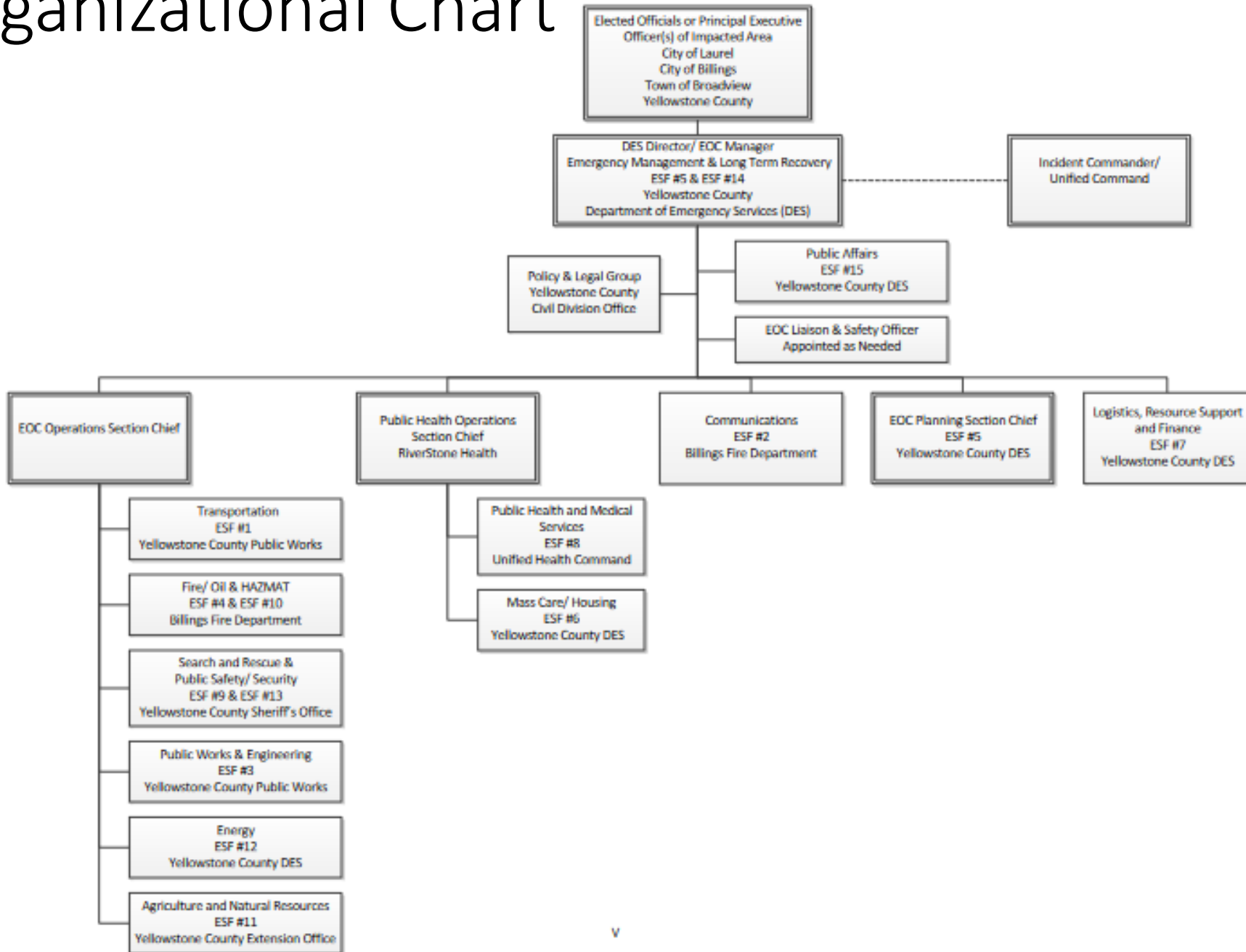
Yellowstone County DES

- Yellowstone County Disaster & Emergency Services (YC DES) is the lead agency for Billings, Laurel, Broadview, and Yellowstone County coordinating comprehensive emergency management.
- In collaboration with local, tribal, state, and federal government we build, sustain, and improve our ability to prepare for, protect against, respond to, recover from, and mitigate hazards.
- YC DES is organizationally situated within the Montana DES which is within the Montana Department of Military Affairs. The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS) provides guidance and grant oversight.
- We recognize that comprehensive emergency management requires strong partnerships with public, private, and non-profit partners, as well as with individual citizens. Engaging the whole-community results in robust planning intended to minimize the impact to our populations affected by disasters.

DISASTER AND EMERGENCY CHAIN OF COMMAND



EOC Organizational Chart



ESF Positions

I. YC EOC

a. ESF positions

i. Public Works

1. ESF 1: Transportation
2. ESF 3: Public Works & Engineering
3. ESF 4: Firefighting
4. ESF 5: Emergency Management
5. ESF 7: Logistics and Resource Support
6. ESF 14: Long Term Community Recovery

ii. Fire Department

1. ESF 2: Communications
2. ESF 4: Firefighting
3. ESF 5: Emergency Management
4. ESF 9: Search and Rescue
5. ESF 10: Oil and Hazardous Materials

iii. Law Enforcement

1. ESF 1: Transportation
2. ESF 2: Communications
3. ESF 5: Emergency Management
4. ESF 9: Search and Rescue
5. ESF 10: Oil and Hazardous Materials
6. ESF 13: Public Safety and Security

iv. Executive Leadership

1. ESF 5: Emergency Management
2. ESF 7: Logistics and Resource Support
3. ESF 14: Long Term Community Recovery
4. ESF 15: External Affairs



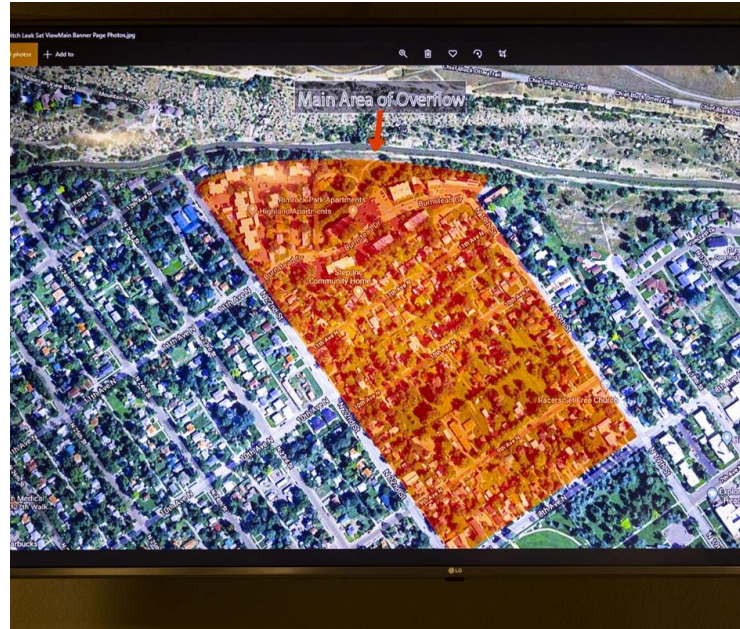
Denton, MT Fire -



Amtrak Derailment & Partial Derailment in Billings



Transportation Accidents



Ditch Failure and Flooding

Planned Events

Top Left – Billings

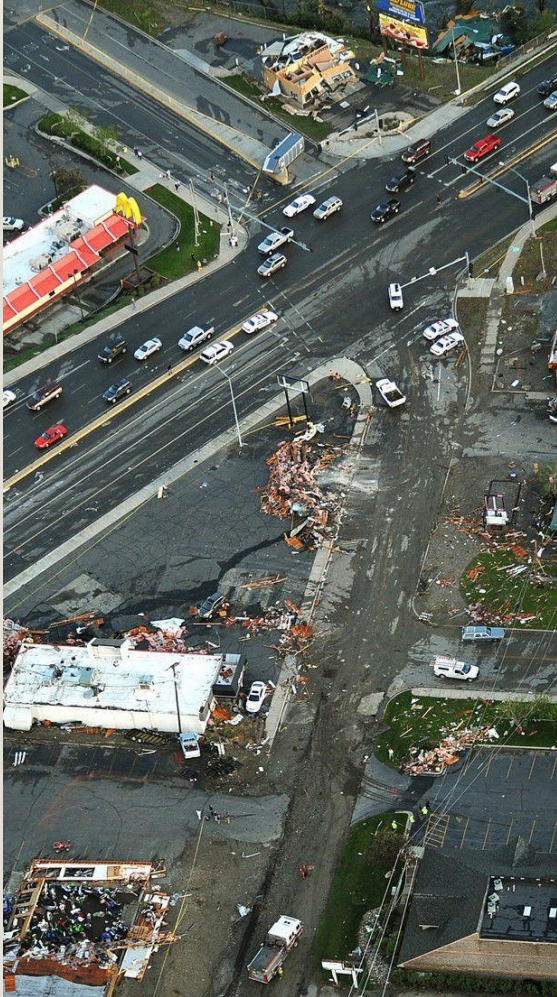
Top Right – Las Vegas

Bottom Left - Montana Fair

Bottom Right - Houston

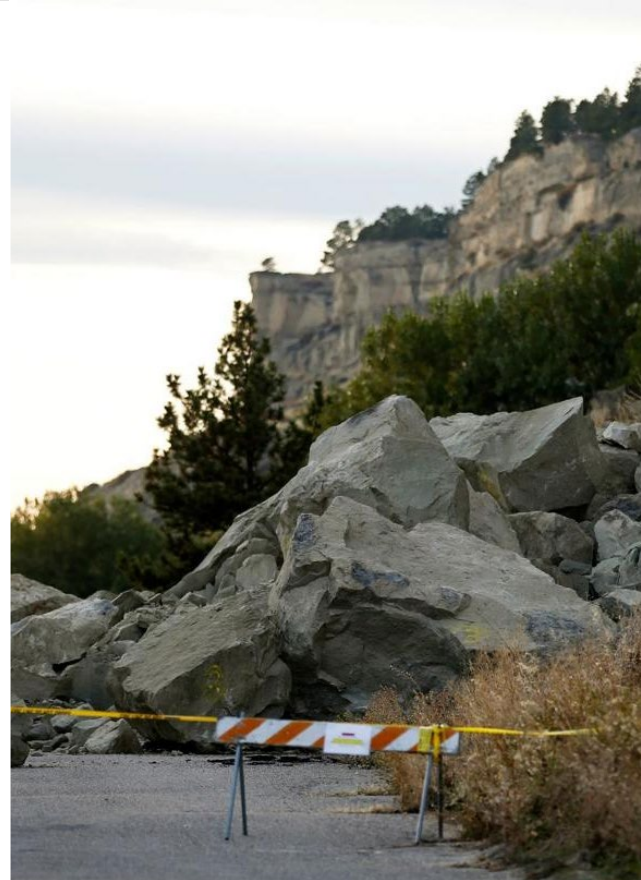
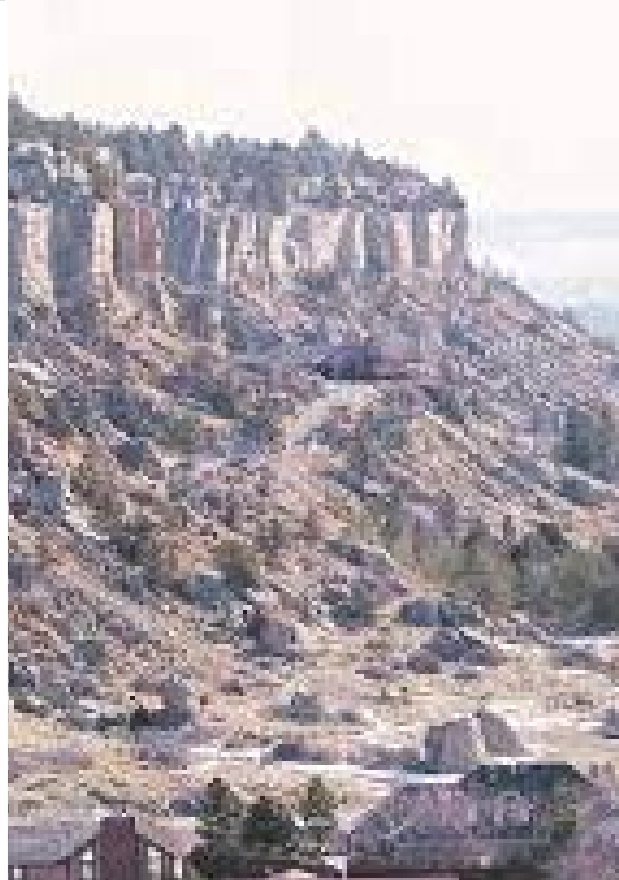


Tornadoes and Weather-Related Disasters

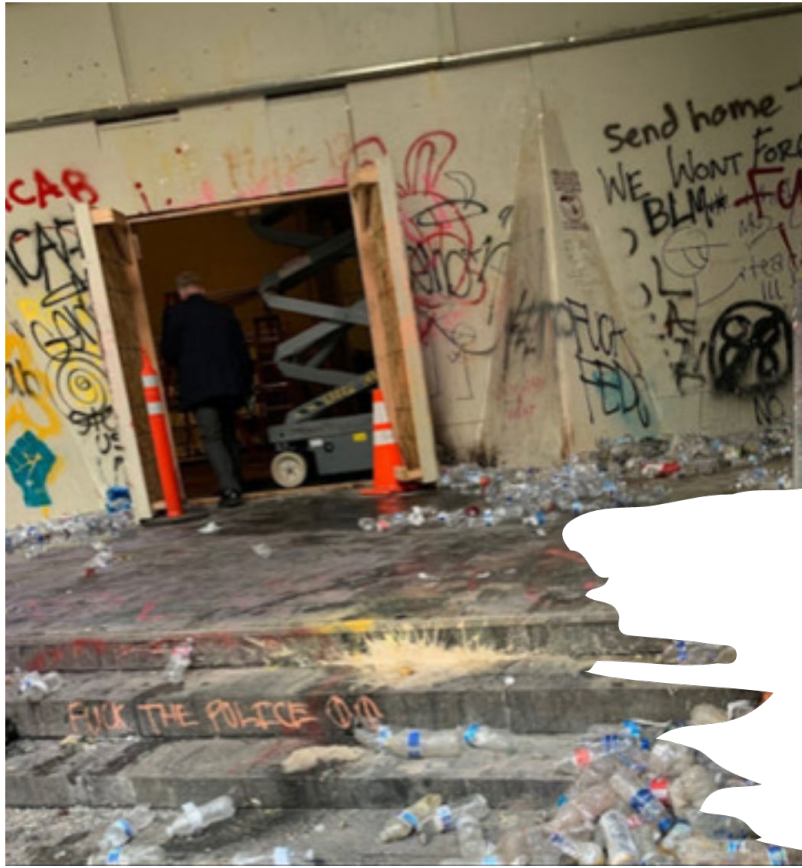




Hazmat Incidents



Rockslides



Civil Disturbance

Marshall Fire – Boulder Co., CO (FINAL)

Situation: The Marshall Fire has burned 6,026 (-193) acres since Dec 30 with eight inches of snowfall falling in the vicinity Friday and Saturday. Boulder OEM reports the fire is now 100 (+26)% contained with hot spots still existing around some impacted structures. The fire area received significant snow fall 12/31/21 into 1/1/22. Warm temperatures have made the roads less hazardous. Evacuations continue to be lifted in impacted areas.

Lifeline Impacts: (FEMA RVIII SLB, as of Jan 3, 2:00 p.m. ET)

Safety & Security:

- Approx. 7k evacuations remain in effect of Boulder Co. (pop. 97k)
- 1,000 (+9) structures destroyed; 135 (+8) structures damaged
- One (1) of the three (3) reported missing persons has been found alive. Two persons remain missing (Boulder Co Sheriff, Jan 02, 4:00 p.m. ET)

Food, Water, Shelter:

- 1 shelters open with 14 (-22) occupants (ARC Midnight Shelter Count as of 7:00 a.m.)
- Boil Water Advisories remain for the towns of Louisville and Superior
- No significant impacts to wastewater systems. (CDPHE, Jan 2, 12:00 p.m. ET)

Health & Medical:

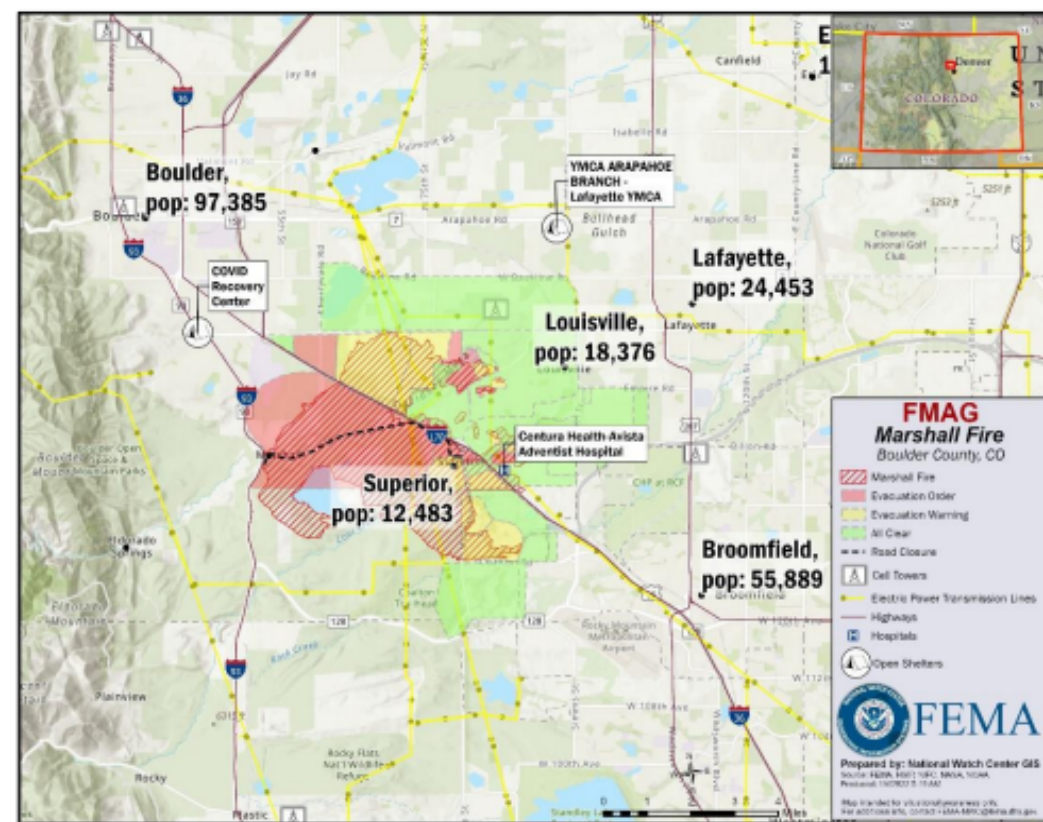
- One (1) fire-related fatality has been confirmed; one (1) injury to a responder (FEMA RVIII SLB, as of Jan 3, 4:00 p.m. ET)
- Avista Adventist Hospital evacuated; will remain closed indefinitely

Energy:

- Boulder Co.: Under 1% (DOE Eagle-I, as of 5:00 a.m. ET)

Transportation:

- Highway 170 closed through Evacuation Order area
- The McCaslin Blvd exits have reopened on US 36.



Response:

- FEMA Region VIII: RWC at Enhanced, RRCC at Level III (Wildfire): IMAT & LNOs deployed
- Additional PDAs scheduled
- CO Governor declared State of Emergency; National Guard activated
 - Approved: FMAG Marshall Fire; FEMA-4634-DR-CO
- Boulder EOC at Full Activation (Wildfires); Boulder County Disaster Center opened yesterday
- CO EOC at Full Activation (COVID-19)
- FEMA NWC & Region VIII continue to monitor



Severe Weather and Tornadoes – Central U.S.

Current Situation: Severe weather impacted the central U.S. on Dec 10 & 11; preliminary reports of 38 tornadoes, 258 wind, and 20 hail reports across several states. 18 counties in KY were impacted by tornadic activity and debris fields.

Lifeline Impacts:

Safety and Security:

- Damage to 2 nursing homes and some emergency response facilities in AR and TN
- Factory and distribution center workers trapped in KY and IL, search and rescue operations will resume in the morning

Health & Medical:

- Fatalities/Injuries: KY- 40 confirmed fatalities, 50 unconfirmed fatalities or people unaccounted for, unknown number of injuries; TN – 4 confirmed fatalities, 4 injuries; AR- 2 confirmed fatalities, 18 injuries; MO - 2 confirmed fatalities, 2 unconfirmed fatalities, 9 injuries

Food, Water, Shelter:

- Shelters: KY-8/188, TN- 3/8
- KY: Water tower in Graves County destroyed, bottled water being delivered; substantial damage to water and waste systems in Hickman County
- TN: Boil water advisories in effect in Gibson and Weakley counties

Energy:

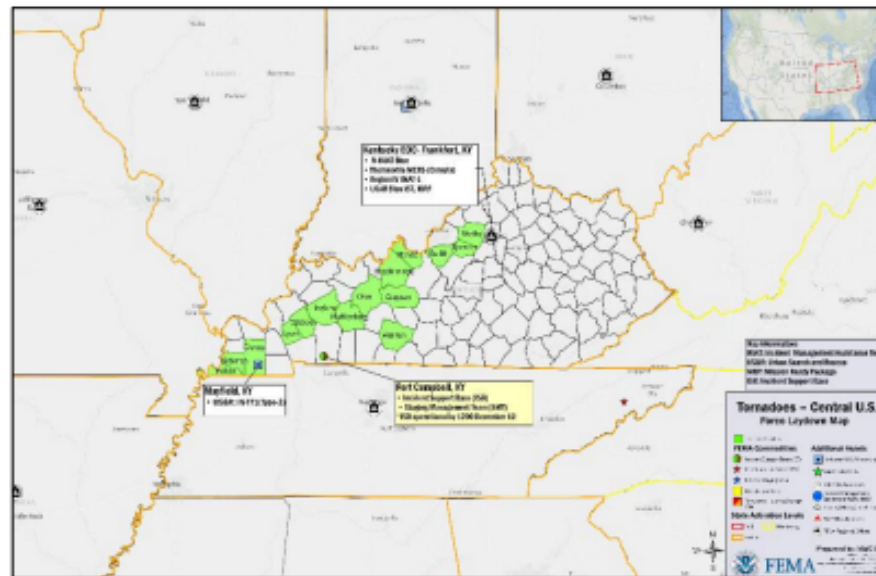
- Power outages: AR – 5k (-7.4k) customers (0.4%) without power statewide; KY – 32.8k (-24.4k) (1.6%); TN – 25.5k (-54.7k) (1.0%); minimal power outages in IL and MO (DOE Eagle-I as of 5.00 a.m. ET)

Communications:

- KY: 6 PSAPs down, 3 being rerouted, multiple tower sites on generator power; SatColt (satellite cell on light trucks) and generator deployed to Mayfield
- TN: Lake County 911 system down; Obion County only has radio systems and limited cellular coverage

State / Local Response:

- KY, TN, & AR Governors declared a state of emergency
- AR, KY, MO, IL, & TN EOCs at Partial Activation
- KY National Guard activated



FEMA / Federal Response:

- Emergency Declaration FEMA-3575-EM-KY approved; provides emergency protective measures (Category B), for 15 counties
- Region IV RWC at Enhanced Watch; IMAT-1 deployed to KY
- NWC, Region V, VI, & VII RWCs continue to monitor
- National IMAT Blue deployed to KY EOC
- MERS teams and personnel deployed to KY EOC
- 20 IA House Inspectors staged at Paducah, KY
- Logistics: 52 generators to KY; ISB & SMT deployed to ISB in Ft Campbell, KY; deploying Delta IRR commodities package
- USAR: IST Blue MRP and equipment cache deployed to KY EOC; NIMS Type 3 task force (IN-TF1) deployed to Mayfield, KY
- USACE: Planning and Response Team (PRT) providing support



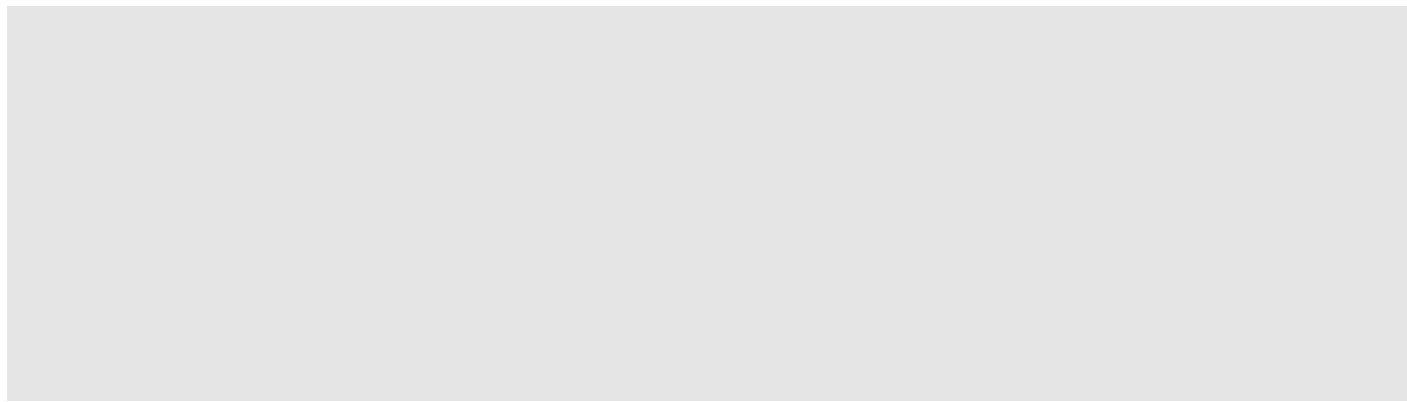
Plans

<u>Name of Plan</u>	<u>Required</u> <u>Y/N</u>	<u>Date Implemented</u>	<u>Date Reviewed</u>	<u>Date Expired</u>
Yellowstone County Emergency Operations Plan	y	9/1/2019		9/1/2024
Yellowstone County Hazmat Plan	y	9/1/2020		9/1/2025
Multi-Hazard Mitigation Plan	y	9/11/2019		9/11/2024
Source Water Protection Plan	y	12/31/2019		12/31/2024
Point of Distribution Plan	y	Due before June 30, 2022		
Medical Countermeasures Plan	y	5/3/2021		5/3/2025
Threat Hazard Identification and Risk Assessment	y	10/31/2021		10/31/2022
Stakeholder Preparedness Review	y	10/31/2021		10/31/2022
Communications Plan	y	3/25/2019		3/25/2022
Cyber Security Plan	y	Due before October 2022		
National Qualification System Objectives	y	Stage I due in FY2022		
Continuity of Government Plan (COGP)	y	We do not have one		
Continuity of Operations (COOP)	n	We do not have one		
Agricultural Security Plan	n	Started in 2020 but delayed by COVID		
County Wildland Fire Protection Plan	y	2/28/2006		2/28/2011
Emergency Alerting System Plan	y	7/1/2019		7/1/2022
All-Hazards Incident Resource Management Plan	n	In progress		
Emergency Sheltering & Evacuation Plan	y	We do not have one		
Debris Management Plan	y	We do not have one		
Mass Fatality Management Plan	y	We do not have one		

Grants

1. Emergency Management Performance Grant (EMPG)
 2. State Homeland Security Grant (SHSGP)
 3. Non-Profit Security Grant (NSGP)
 4. Building Resilient Infrastructure and Communities (BRIC)
 5. Flood Mitigation Assistance Grant (FMA)
 6. Hazard Mitigation Grant – Post Fire (FMAG)
 7. Hazard Mitigation Grant – Post Fire COVID (FMAG-COVID)
 8. Hazardous Fuels Reduction Grant
 9. RFC/VFC Grant
 10. FEMA Post Disaster Assistance Grants
 11. Hazardous Materials Emergency Preparedness (HMEP)
1. Hazardous Materials Instructor Training (HMIT)
 2. Supplemental Public Sector Training (SPST)
 3. Assistance for Local Emergency Response Training (ALERT)
 4. Community Safety (CS) Grant
 5. CARES Act Funding (DES primary assist)
 6. ARPA Funding (DES consultative assist)
 7. Private industry grants to DES
 - a. Exxon
 - b. Phillips
 - c. CHS
 - d. Riverstone Health
 - e. Other

THANK YOU FOR YOUR TIME



City Council Work Session

Date: 02/07/2022
Title: Small Cell Wireless Facilities in the Right-of-Way
Presented by: Stacy Tenney
Department: Legal
Presentation: Yes

RECOMMENDATION

No action is required of Council as this presentation is informational only.

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

Cellular (or mobile) broadband technology is the wireless industry's marketing term for technology that allows devices to connect to the internet wirelessly using cellular networks. The latest generation of wireless broadband technology is called "5G" and is generally understood as the fifth-generation cellular network technology that provides internet access with faster and lower-latency (i.e., more responsive) connections. 5G has increased bandwidths; thus, it is considered transformational from 4G (fourth-generation cellular technology) because it allows more wireless devices to be connected at the same time and information retrieval at 100x higher speeds. As such, 5G wireless networks are expected to be used increasingly for general internet service at home as well as used to advance commercial innovation (e.g., smart cities, autonomous vehicles, remote medical surgeries, virtual energy grids, wearable technology -- all applications from the convenience of a wireless device) and to increase economic and educational expansion. Unlike 4G technology, which is installed on macro cell towers miles apart, 5G technology will require the installation of hundreds of thousands of "small cell" wireless facilities (small cells) densely and closely situated. To best integrate 5G across the nation, the Federal Communications Commission (FCC) issued *Declaratory Ruling and Third Report and Order*, FCC 18-133 (the "*Small Cell Order*") (which was predominantly upheld by the 9th Circuit in 2020) which preempts local government requirements prohibiting, or having the effect of prohibiting, the deployment of small cells in the public right-of-way (ROW). Because the impacts of 5G and its deployment are so different from previous generations of cellular broadband technology, City staff will be discussing this issue with the intent of bringing an ordinance for City's Council's consideration to establish reasonable, uniform, and comprehensive standards and procedures for small cells' deployment in the ROW consistent with federal law (presently, Montana has no state laws governing small cell wireless facilities).

STAKEHOLDERS

City of Billings, internet/telecommunications service providers

ALTERNATIVES

No action is required at this time therefore no alternatives were analyzed.

FISCAL EFFECTS

The FCC has determined that excessive fees by many localities has delayed 5G deployment and issued the Small Cell Order preempting local authorities from charging fees other than those fees that are cost-based and non-discriminatory; in essence, the City may not profit by deployment of 5G technology in the ROW.

The FCC has issued "safe harbor" fee amounts, as follows: 1) \$500 for non-recurring fees, including a single upfront application that includes up to five Small Cell Wireless Facilities (with an additional \$100 for each Small Cell Wireless Facility beyond five); 2) \$1000 non-recurring fees for a new pole (i.e., not a collocation) intended to support one or more Small Cell Wireless Facilities; and 3) \$270 per Small Cell Wireless Facility per year for all recurring fees, including possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.

The FCC's two principal rationales for limiting fees above these "safe harbor" amounts are: 1) that when local governments charge fees in excess of their costs, they take funds of wireless service providers that would otherwise be used for additional 5G deployment in other jurisdictions; and 2) and that high fees also reduce the availability of service in the jurisdiction charging the fee.

Attachments

Small Cell - Presentation

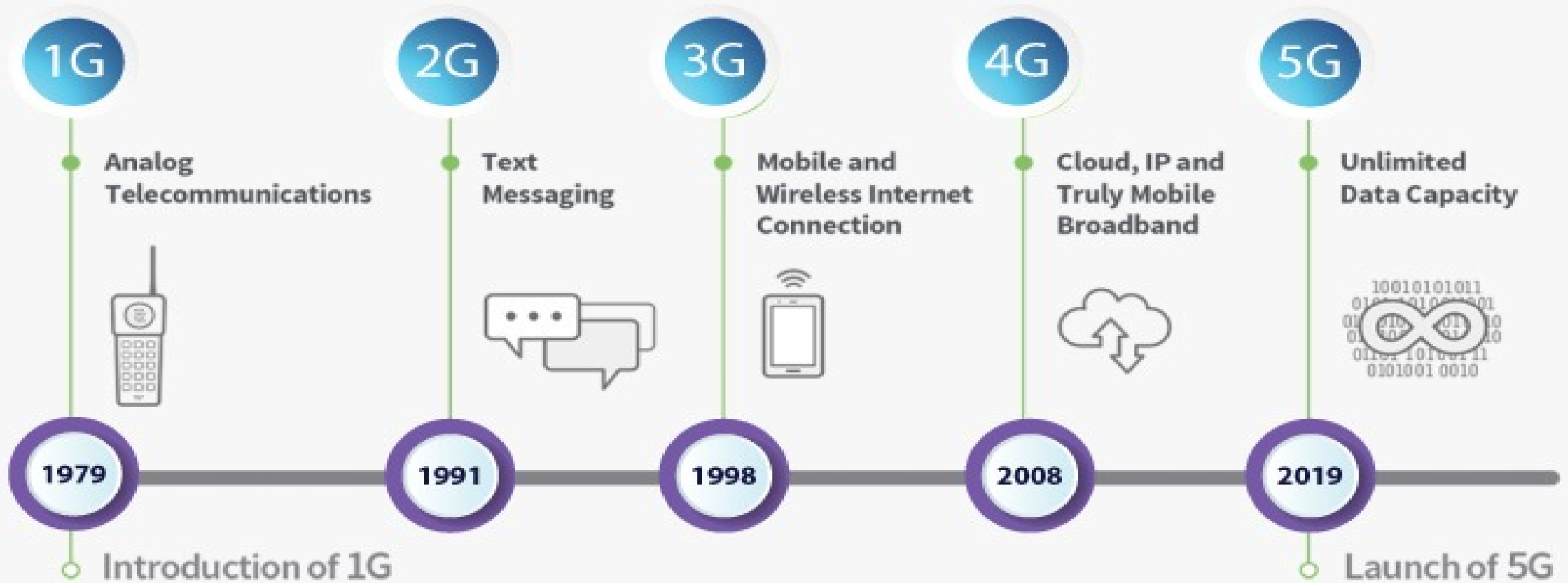


Ordinance Governing Small Cell Wireless Facilities in the Public Right-of-Way

City Council Work Session
February 7, 2022

Presented By: Debi Meling, Public Works Director and Stacy Tenney, Deputy City Attorney

Evolution of Wireless Technology



4G Macro Cell facilities to 5G Small Cell Technology

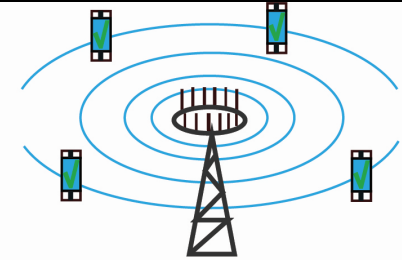
Telecommunication companies are rolling out 5G (5th technology) and adding to 4G coverage

Designed to densify coverage through “small cells” placed closely together (e.g., every 800ft.)

Small cells are antenna and related equipment that telecommunication providers deploy to increase their overall network capacity and to extend wireless coverage.

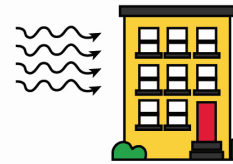
4G

High Powered Antenna
Towers broadcast signals over
long distances



PROBLEM

mm waves can't
travel well through
buildings and obstacles



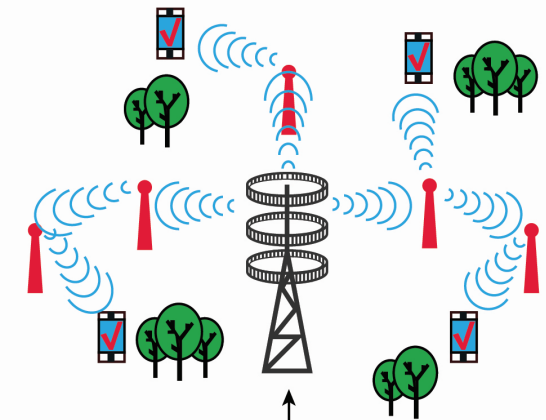
mm waves tend to be
absorbed by plants and
rain



5G

SOLUTION

Using thousands of low power
emitting base stations to transmit signals
around obstacles



Massive MIMO (Multiple
Input Multiple Output)

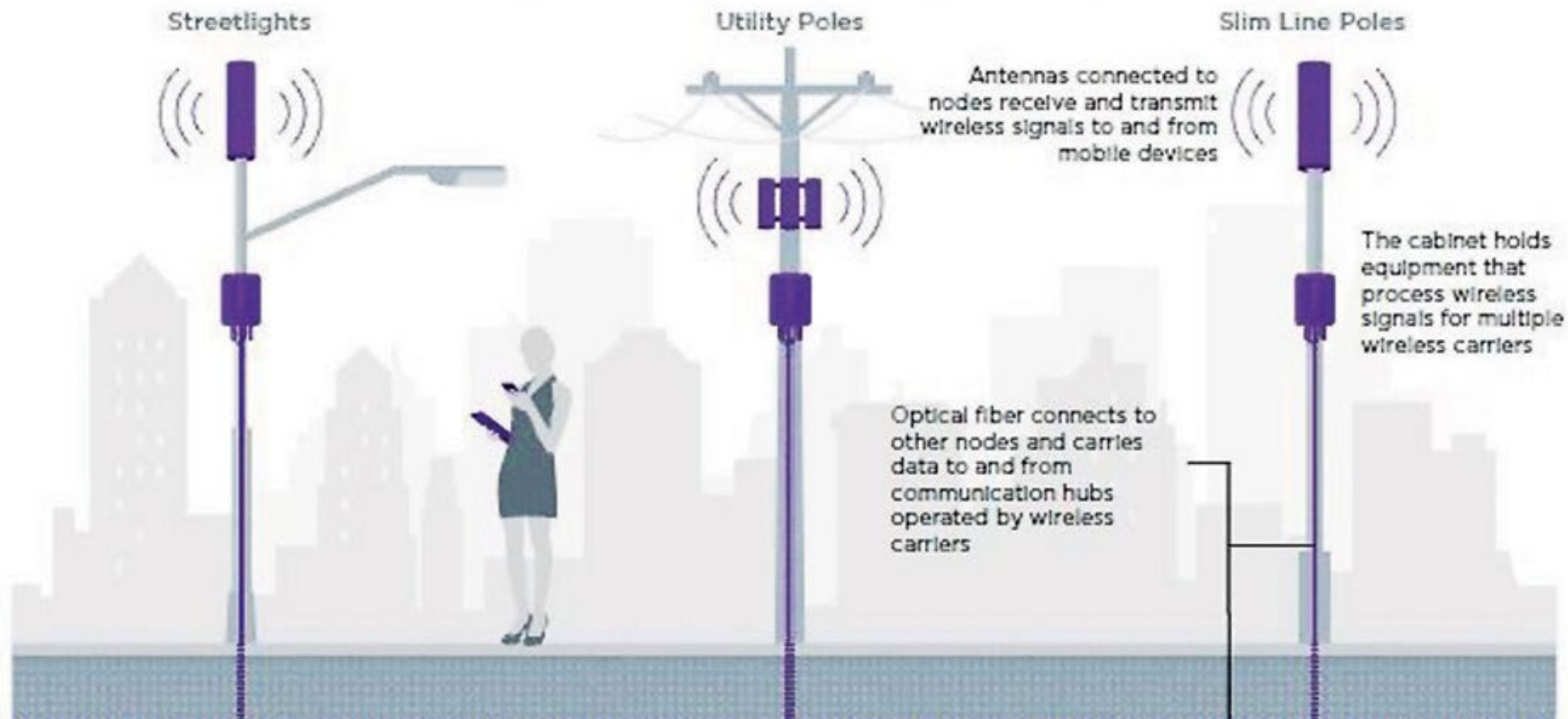
Overview of 5G's Significance and Characteristics

5G will have three revolutionary characteristics:

- 1) Data transfer speeds will be up to 100 times more rapid than 4G, allowing consumers to transmit and download content astonishingly faster than ever imagined.
- 2) 5G will dramatically reduce latency, which will allow consumers to stream content without delays and glitches.
- 3) 5G will materially increase device connectivity and capacity abilities, allowing consumers to communicate simultaneously with greater numbers of users and devices.

What Are Small Cell Deployments?

Small cell deployments are complementary to towers, adding much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather



What is Right-of-Way?

Right-of-way (or ROW) is real property dedicated to the public in trust for public use or acquired in fee by the City for purposes of maintaining streets and street improvements, including utility easements which are permitted for use by utilities.

Access to ROW is necessary for optimal 5G small cell deployments

ROW access is crucial because of:

- 1) fiber optic cables (5G fiber optic backhaul is necessary to flawlessly stream bandwidth-intensive applications)
- 2) power sources;
- 3) structures or space for structures to which small cells can be attached (e.g., utility poles, streetlight poles and other structures)

Structure Options in ROW:

- 1) Installing their own poles and structure and attaching small cells to them;
- 2) attaching small cells to city-owned poles and structures (whether existing, replacements, or to-be-constructed); and
- 3) contracting with public utilities to attach to the utility's poles and structures.

Federal
Telecommunications
Act of 1996
authorizes wireless
providers to have the
absolute right to
place Small Cell
wireless facilities in
the ROW, subject to:

Design Review of
the Small Cell

Density (Location)
Standards

Recoupment of
Costs of Application
Review and ROW
Management

Fees charged to Providers cannot effectively prohibit deployment

Fees for application review, right-of-way access and attachment to public property are allowed but must be cost-based and objectively reasonable. The FCC has established the following “safe harbor” fees amounts:

- **One-time fees:** \$500 for an application covering up to five small cell attachments to existing public property; \$100 for each additional attachment; and \$1,000 for a new pole containing small cell equipment.
- **Recurring fees:** an annual fee of \$270 per unit to cover costs, such as right-of-way maintenance.

The FCC says it believes cities will be able to justify charging higher amounts only in very limited circumstances, and that providers are unlikely to take a city to court if its fees do not exceed these amounts.

Small Cell Wireless Ordinance

- Ordinance governs the placement of all small wireless telecommunication facilities in the public right-of-way.

- Overseen by Public Works Director or designee.

- Establishes application and approval process for small wireless telecommunication facilities in the public right-of-way to promote efficiency in the expansion of wireless service and coverage within the City to serve residents and businesses.

- Imposes reasonable time, place and manner regulations upon the installation of wireless telecommunication facilities within the public right-of-way.

- Prevents visual and physical obstructions that create safety hazards.

- Protects the aesthetics and character of the locations where wireless telecommunications facilities are installed.

City Council Work Session

Date: 02/07/2022
Title: FY2021 Annual Audit
Presented by: Andy Zoeller, Finance Director
Department: Finance
Presentation: Yes

RECOMMENDATION

No Council action is needed on this item.

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

Each year the City's financial statements are audited by an outside independent auditor. The fiscal year 2021 audit is complete, the City received a clean audit opinion with no findings. The Annual Comprehensive Financial Report (ACFR) is available online at: <https://www.ci.billings.mt.us/475/Budgets-Financial-Reports>. The City's auditor JCCS P.C. will be at City Council to present the results of the FY 2021 audit. To help more easily navigate the ACFR, I have provided a summarized table of contents.

Section	Page Number	Content Description
Auditor's Report	Pgs 1-2	This is the auditor's opinion related to our financial reporting.
Management Discussion & Analysis	Pgs 3-12	This is a brief high level overview of the ACFR.
Government Wide-Statements	Pgs 13-15	These are the financial statements of the City as a whole, all funds combined.
Fund Financial Statements	Pgs 16-27, 134-192	These are where you will find the financial statements for each individual fund.
Notes & Supplemental Information	Pgs 28 -133	The notes provide greater detail about different elements of the financial statements. Here you can find detailed information about investments, debt, capital assets, and other major elements of the financial statements.
Statistical Section	Pgs 193-221	This section is made up of a variety of historical financial statistics that can be helpful when looking for financial trend data.
Single Audit Section	Pgs 221-233	This is the information related to the audit of the City's Federal Grants.

ALTERNATIVES

No future action by City Council is necessary.

FISCAL EFFECTS

The City's auditor will present FY21 audit information to the City Council. No fiscal effects related to the presentation of audit information

City Council Work Session

Date: 02/07/2022
Title: FY2023 City Council Budget Work Sessions
Presented by: Andy Zoeller, Finance Director
Department: Finance
Presentation: No

RECOMMENDATION

Staff will be seeking feedback from City Council about the proposed budget work session calendar.

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

Staff is proposing 5 budget work sessions on the following dates:

Monday, May 2nd -- Work Session - Overview & Department Presentations
Tuesday, May 3rd -- Work Session - Department Presentations
Monday, May 16th -- Work Session - Department Presentations
Tuesday, May 17th -- Work Session - Department Presentations
Monday, June 6th -- Work Session - Wrap up
Monday, June 27th -- Regular Meeting -- Adoption

ALTERNATIVES

No Council action is needed, but feedback on the proposed calendar is appreciated.

FISCAL EFFECTS

There are no fiscal impacts that result from this discussion.

Date: 02/07/2022
Title: Select dates for a council and staff leadership team retreat
Presented by: Chris Kukulski, City Administrator
Department: City Hall Administration
Presentation: Yes

RECOMMENDATION

Narrow dates for the upcoming priority and visioning retreat.

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

During our last Council work session, the Council agreed to set aside time to both set priorities for 2022 and 2023 and also expand the capacity and effectiveness of the Council and staff leadership team. I have spoken with a number of facilitators and community leaders to find a facilitator to help us. As we prepare for the sessions, I want to narrow the potential dates. Please share dates in mid-March to mid-April that should not be considered as well as preferences you have. I suggest we set aside 1 1/2 days (8:00am - noon the following day). We may choose to reduce the time, but it is easier to reduce the timeline rather than to extend. What days of the week? Friday, Saturday or some other configuration?

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

I anticipate a budget of \$5,500.00 for a facilitator, materials and refreshments.
