

Billings City Administrator Weekly Report

June 30, 2022

- 1. Mark Your Calendar** – There will be a closed Executive Session for litigation update held on **Monday, July 11th at 4:30 PM.**
- 2. Massage Facility License Update** – The ordinance was passed by City Council on 4/26/2021. Since that date, the City has experienced the following results related to that ordinance:
 - 5 facilities applied and were denied after inspection and review of online advertisements
 - 12 facilities applied and were approved after inspection and review
 - 70 solo practitioners applied and received the exemption from inspection and the lengthy application
 - 1 facility voluntarily closed prior to adoption of the ordinance
 - As of today, there are no suspected illicit massage facilities within city limits
 - Additionally, some facilities outside of the city limits have closed as well

The City has been sued as a result of the ordinance in a case where an applicant applied, was inspected, and was approved.

- 3. Council Project Oversight Committee Volunteer Needed** - The Billings Metropolitan Planning Organization (MPO) is launching a year-long update of the Billings Urban Area Long Range Transportation Plan (LRTP). The City Council in May approved a contract with Kittelsen & Associates to update the 2018 Billings LRTP. The Billings MPO is required to develop a LRTP every five years to meet the requirements of the Federal Highway Administration. As part of the LRTP process, a Project Oversight Committee (POC) is being established to provide guidance and input as the plan is developed. This POC will be in addition to many stakeholder and public input processes that will occur during plan development. Staff would like to invite an interested City Councilmember to serve on the POC. It would likely involve one meeting per month and time to review information and documents for meeting discussion. Please email Wyeth Friday, Fridayw@billingsmt.gov and Scott Walker, Walkers@billingsmt.gov if you are interested in serving in this capacity on behalf of the Council.
- 4. Council “Adopting” or “Receiving” Studies and Plans** – Please see the attachment regarding this issue.
- 5. Citizen Police Advisory Board** – This newly created board which meets monthly has had four meetings. Joe Stout, BID Supervisor at Downtown Billings Business Improvement District has been elected as the chairperson. The board is in the process of learning about police operations through review of reports, statistics, and staff presentations. There have been no other actions taken at this point. (See attached report.)

6. From the PIO Desk

Billings officers to face off against fire fighters in 2nd annual charity softball game:

<https://ci.billings.mt.us/CivicAlerts.aspx?AID=2340>

City of Billings in the news –

Construction costs for Stillwater Building up 40%; city looking for ways to offset increased costs:

https://www.kulr8.com/news/construction-costs-for-stillwater-building-up-40-city-looking-for-ways-to-offset-increased-costs/article_64891e12-f864-11ec-8ef3-6f1717f0db4c.html

Billings adopts its budget, sparring over how best to use portion of public safety mill levy

https://billingsgazette.com/news/local/billings-adopts-its-budget-sparring-over-how-best-to-use-portion-of-public-safety-mill/article_a40e788a-f66f-11ec-8ea5-eb32774fb838.html

LISTEN: Cameron McCamley of the Billings Fire Department talks on KBEAR about the 4th of July, closure of the Rims, preventing hot car deaths, cooking fires, and fire pit safety

<https://youtu.be/iMH0bnjOsqA>

City of Billings asks for your input

<https://newstalk955.com/city-of-billings-asks-for-your-input/>

What is the quality of life in Billings?

<https://www.yourbigsky.com/billings-beat/what-is-the-quality-of-life-in-billings/>

Electric car charging stations coming to Billings airport

<https://www.yourbigsky.com/billings-beat/electric-car-charging-stations-coming-to-billings-airport/>

Case for Council to Adopt Plans

Council has raised the question of why the City Council can't just accept or receive various plans and studies completed for the City by staff and in coordination with staff and consultant teams. Specifically, Council has raised this question in relation to transportation related studies or plans, but this issue could carry over into any number of City supported studies or plans completed for short- and long-term infrastructure and program execution for the benefit of the community.

One position presented is that by adopting a plan the City is committed to executing the entire plan and all projects or programs included in the plan. A plan is just that, a plan. It does not constitute a commitment or contract; it is a strategy or proposal for achieving something. A plan execution is fully dependent on obtaining funding and other elements, including Council approval of different aspects of that plan. While, generally, staff would consider fully executing any plan or study a best-case scenario, there are many checks and balances beyond adopting a study or plan that must occur before a project can be completed, including obtaining funding, approving design, and contracting for construction of a project. Further, why would the city embark on many of its studies and plans if not because it is committed to the specific improvements the plan is designed to study and implement?

The following sections and bullets are an effort by staff to explain the need for Council to continue adopting plans and studies if it is to help the community keep its options open to secure funding at the local, state, and federal level. In some cases, it is necessary to adopt plans and studies to ensure the city is following regulatory requirements to remain in good standing with federal agencies that oversee local programs.

Objective and Logical Support for Plan Adoption

- Adoption is active and provides commitment and direction from Council to staff and the community.
- *Accept* or *Receive* does not provide the same direction to staff and indicates no commitment to the community.
- Informational items vs. real action items
 - The Bicycle and Pedestrian Advisory Committee Annual Report or the Par 3 Golf Course annual report are passive – Council could *accept* or *receive* these reports without significant consequences
 - The Downtown Traffic Study and its Alternative Prioritization and Public Preference Plan or the 5th Avenue Corridor Study are active – projects may

result from these that qualify for city funding, state funding, grant funding

- Adoption indicates commitment and is often required to make the City eligible to apply for grants
- Adoption does not mean individual projects do not come back to Council for review and approval to move forward. There are other checks and balances, and city processes that occur for a project to be funded and built. The Capital Improvement Plan is a perfect example of how specific projects move from studies and plans into an actual funding program to be built. Another example would be grant applications that must be approved by Council to fund projects identified in a given adopted plan.

Code or Regulatory Support for Plan Adoption

- From a federal planning perspective, there are some items that require formal adoption by the City/MPO pursuant to the Code of Federal Regulations (CFRs):
 - Long Range Transportation Plan – 23 CFR 450.324
 - Unified Planning Work Program - 23 CFR 450.308
 - Transportation Improvement Program – 23 CFR 450.326
 - Public Participation Plan - 23 CFR 450.316
- If the City wants to be able to use Federal funds for projects called out in a local plan – like the Safe Routes to School Study, 5th Avenue Corridor Study, etc., the City needs plans to be adopted.

This is illustrated in what will be, and has been, included in notice of funding opportunities (NOFOs) for the federal grants. All of these grant programs are going to want to see a project included in a locally adopted plan. Example: The Safe Streets 4 All (SS4A) NOFO – there was the option to apply for a planning grant to develop a safety plan that meets the program requirements; but if a community already had an adopted plan that met these requirements then applying for project funding is the next step. Without that adopted plan, that community wouldn't be able to directly apply for project funding.

- MCA in 76-1-600 requires a community that has a Growth Policy for it to be adopted by the governing body.

Therefore, staff recommends Council understands the level of support (active or passive) a plan/study deserves or requires so that regulations are followed, opportunities are not missed, and a clear message is sent to the public and staff regarding Council's expectations on how to use the information. This does not preclude future Councils from changing policy direction if it sees fit. However, it is also important to reiterate that some plans require adoption pursuant to federal regulations to access funding for the community. Additionally, it is important to understand the requirements of partnerships with outside agencies (federal, state, or other).

Board & Commission Annual Report to City Council

Purpose: The annual report is to make a written report of a board or commission activity to the mayor and city council as authorized by majority vote of the entire membership of the board or commission.

Name of Board or Commission: Citizen Police Advisory Board

Name of Presiding Officer: Joe Stout, Chairman

Name of Person or Persons filling out report: Chief St. John

Meeting schedule: Monthly

Major Board or Commission accomplishments of the preceding year: New Board and operational for four months.

Major Board or Commission challenges of the preceding year: Months long process establishing the framework of the board with culmination of council approval.

Major Board or Commission goals for the upcoming year: Continue PD orientation and begin work on core tasks.

Requests for staff or city council: None

Changes to city ordinance or state law affecting the board or commission that should be considered:

None

Anything else that board, commission or presiding officer want to comment on: _____

None
