

City Council Work Session

5:30 PM
Council Chambers
September 17, 2012

ATTENDANCE:

Mayor/Council (please check) x Hanel, ☐ Ronquillo, x Cromley, x Cimmino, x Pitman, x McFadden, x Bird, x Ulledalen, x McCall, x Astle, x Crouch.

ADJOURN TIME: 7:12 p.m.

Agenda

TOPIC #1	EMS Commission
PRESENTER	Tina Volek
NOTES/OUTCOME	

- Tina: presentation in response to a Council initiative. Reviews the essential elements of the ordinance and the membership. County hosted a meeting to talk about a county EMS board but there is insufficient interest to form a new committee.
- Bird: hospital representatives but no one from AMR?
- Tina: no.
- Astle: council representative is non-voting?
- Tina: correct.
- Astle: does city have representation on the county and other local emergency services boards?
- Tina: yes, explains who represents city to them.
- McCall: any citizen involvement in those boards? Concern if there isn't any.
- Tina: think there is on the Local Emergency Planning Committee (LEPC).
- Ulledalen: discussions are often technical, so public participation isn't always needed.
- Tina: staff recommendation is to eliminate the commission and work with the county and others on existing boards.
- Pitman: need a council initiative or put on agenda?
- Tina: staff will put it on a future agenda.
- Public comments: none
- Hanel: consensus to proceed?
- Cimmino: valuable to recruit new members. More substance about why it should be eliminated.
- Tina: only one (1) applicant last time.
- Ulledalen: I was part of the group that created the commission. AMR's parent company was bankrupt and city might have to respond to having no service from private company or hospitals. Wanted a body of people up to speed in case that happened. Nothing further for the commission to work on after the crisis passed. Difficult to get and keep members without a purpose.

TOPIC #2	MMIA Overview
PRESENTER	Alan Hulse
NOTES/OUTCOME	

- Alan Hulse, MMIA CEO: history with the organization. MMIA overview, what we do. Risk retention pool, not an insurance company. Four (4) programs: work comp program (January 1986), liability program (April 1986), property program (July 1998) and employee benefits (health) program (October 2004). Created in 1986 from cities' initiative. Board make-up. Number of cities in the different programs. Describes how pools work. Goals are to stabilize rates, but be price competitive, and to provide coverage that the members need. Examples are coverage for skateboard parks and no-fault sewer backup
- Ulledalen: damage from sewer backup is much higher than \$1000 payment from MMIA, heard \$30,000-\$40,000.
- Alan: don't know but can check on it. Many homeowners don't buy the sewer backup endorsement, so this may not cover all damages. Experimental program, may adjust the amount in the future. Continues presentation – provide risk management training and services. A lot of focus on police agencies. Pooling works financially. Six (6) years history is that liability increased 7%, workers comp. every class code is less, property is lower, averaged 5% annual increase in health plan. Rate stability is in light of double digit increases in the reinsurance rates that provide protection above what the pool covers.
- Ulledalen: how much reinsurance increase is due to fewer reinsurers and how much to lower investment earning rates?
- Alan: don't know for sure. Unemployment insurance rates are up in part due to a large company leaving the market. Property rates are up due to high losses and lower returns on investments.
- Astle: picture of MMIA reserves.
- Alan: well reserved. Liability and workers comp reserved at 85% confidence level. Under-reserved in workers' comp but hope for savings due to state law changes in 2011.
- McFadden: concerns about litigious people, attorneys and cities being easy targets. Think that MMIA could be tougher.
- Alan: always a risk of losing, try to defend the ones that have merit but sometimes get it wrong. Level of complexity of cases and defense has increased.
- McFadden: any lobbying effort for tort reform?
- Alan: yes and no. Always at the legislature. Gave an example of seat belt liability law.
- Hanel: excellent deliveries at the Mayor's Academy. Also observed the city attorney training and it's helpful. Explain relationship with MSU and training?
- Alan: work with Local Government Center (Montana State University) for the past 10-15 years. More involved in the past four-six (4-6) years after participating in a grant funded program.
- McCall: describe the defense attorney selection?
- Alan: pool of 25-35 members that MMIA hires for client cities. Good rates and expertise. Don't hire attorneys who sue other member cities. Conduct a defense attorney training.
- Tina: alternating years training for supervisors from MMIA.
- Public comments: none

TOPIC #3	Subdivision Regulation Amendments
PRESENTER	Juliet Spalding
NOTES/OUTCOME	

- Juliet Spalding: subdivision regulations update on subdivisions for rent or lease. Background on subdivisions and review requirements and process. Twenty (20) year old Attorney General (AG) advice was that land leases were subject to review, not buildings on a single lot. January 2012 AG opinion is that multiple buildings on a single lot are subject to review. Outlines things that need to be considered when reviewing subdivisions. New proposal: redefine subdivisions for rent or lease (SRL); define building/structure/other improvement; exclude certain structures/improvements; procedures keyed to the number of individual units with water and sewer facilities; update so they must comply with development standards; exempt from master site plan review. Public review and Planning Board public hearing and review. No recommendation from the Planning Board. Board's objection is that single building with many units would be exempt but two (2) buildings with few units would have to be reviewed. Hope to change the state law in the 2013 Legislative session so that SRLs have the same process as condominiums.
- Hanel: what prompted this?
- Juliet: two (2) jurisdictions in Missoula County interpreted it differently, so requested a single opinion for guidance. Several lawsuits that left the question open.
- Pitman: are we spinning wheels due to new AG and Legislative session within a few months. Need to make these changes now?
- Brooks: AG opinion is state law until changed or overturned. So, in order to comply with the law, should make the changes now even though may have to change it later. AG would have to have a new request and new evidence and we don't know if Legislature is going to be able to agree on resolution.
- Cimmino: theoretical situation; restaurant franchise, requests a patio special review (SR) process, will they also have complete the SR and the subdivision process?
- Juliet: no, the patio is accessory to the restaurant (leased part of the building) but if a second restaurant was to open in the same building, would have to be reviewed.
- McFadden: encroachment on private property rights. Mobile Home Park has to install streets to city standards, paid for by tenants. Misgivings about the change.
- Juliet: hope the Legislature fixes it but must comply with the law. City already reviews mobile home park subdivisions.
- McCall: not surprised that Missoula is the origin.
- Public comments: none

TOPIC #4	Downtown Circulator
PRESENTER	Candi Beaudry
NOTES/OUTCOME	

- Candi Beaudry: study commissioned by Planning, MET and Downtown Alliance. Concept was developed decades ago. Opportunities to get university and hospital employees and patients/customers downtown. Enhance downtown and businesses.

Loose group that assembled to work on the topic. Feasibility study is posted on the Planning/Transportation planning page. Circulator is usually a bus, serving a small area, limited route, short headway. Examples of downtown circulators. Surveyed employees and students, 351 responded. Preferred option is 20 minute headway route that operates while MET usually operates. Peak hour route (10am – 2 pm) with a 10 min headway with expansion of that route during lunch hour. Operating costs are \$677,000/yr exclusive of equipment. Equipment would cost \$30,000 - \$100,000 each and routes would need three (3) units during peak.

- Astle: how would ticketing work and fee?
- Candi: survey said that people would be willing to pay \$1.50, but marketing says to make it free. Approach employers, downtown alliance and university about funding the operating costs. Pilot project to determine true demand. Leasing might be best, operator to be determined
- McFadden: bike racks on the busses?
- Candi: will be considered.
- Cimmino: where would operating costs come from? Did survey allow cab company responses?
- Candi: not from the city. City could participate as a partner, but hope that private organizations would fund most of it. One (1) cab company has indicated interest in operating the service. Comments posted on-line. Diverse opinions about usefulness and costs. Committee's next step is going to the various entities to talk about funding a pilot project. Most city staff participation is done.
- McCall: Rocky Mountain College isn't on the map. More isolated than MSU-B.
- Candi: considered RMC and airport service. Pilot project should be a smaller route, but RMC would be great to include.
- McFadden: jump on even for short rides?
- Candi: yes.
- Cimmino: MET is under airport management.
- Tina: airport passengers need to be at airport one-two (1-2) hours before flights and many flights leave early in the a.m. Difficult to integrate that into a route system.
- Ulledalen: park and ride considered?
- Candi: can't imagine where the parking would be. Idea is good in that people would only have to park once.
- Pitman: any council action needed?
- Candi: none unless grants or other funding becomes available, then council would have to approve.
- Public comments:
- Greg Krueger, Downtown Billings Partnership: been part of the discussion since late 1990s. Might actually work now. Support MET; don't support anything that would compete with it. Possibility of a BID transit zone. May talk with downtown hotels about circulator that could replace their own shuttle services.

<h3 style="margin: 0;">Additional Information:</h3>

- None

EMS COMMISSION

September 17, 2012

EMS Commission

- **BMCC 2-535:** EMS commission shall serve in an advisory capacity to the city council in all aspects of formulating city policy and/or ordinances concerning emergency medical services. The primary, initial responsibility of the **commission** shall be to review existing city ordinances and policies and make recommendations to the mayor and city council that will improve the city's ability to provide the appropriate level of emergency medical services as required by community need. Additionally, the **commission** shall continuously review the current local organizations which provide emergency medical services and shall assess their ability to provide necessary and appropriate services to the community. The **commission** shall present an annual written status report to the city council summarizing the **commission's** on-going review and assessment.

EMS Commission

- 9 Members
 - 1 Senior citizen (termed out 12/12)
 - 5 At-large (1 vacant & 1 termed out 12/12)
 - 1 County representative
 - 1 Representative from each hospital
- Fire Chief (non-voting)
- Council liaison (vacant)

EMS Commission

- 2/13/12 Council Meeting:

Following City/County meeting discussion, staff and Commission directed to begin the process of changing the City Emergency Medical Services Commission into a Countywide Emergency Services Commission.
- Original job complete;
- Greater needs exist in unincorporated areas such as Homewood

EMS Commission

- 5/3/12 County meeting with rural fire departments, hospitals, RiverStone Health & other EMS units resulted in no interest in another Countywide committee.
 - Hospitals coordinate bi-monthly meetings to discuss service issues;
 - Billings Fire Department has internal EMS group;
 - Local Emergency Planning Committee (LEPC) can coordinate other meetings as needed.

EMS Commission

- Staff recommends thanking members for service and amending ordinance to delete commission;
- Fire Department to work with County on future issues.

EMS Commission

- Questions?

EMS Commission

- BMCC 15-703.5 Response Time Standards – Reports Required:
The **ambulance** service **provider** must meet or exceed the response time standards listed in subsection 15-703(3). The **ambulance** service **provider** must quarterly **provide** to the city administrator an internally reconciled response time report on a form **provided** by the city, which will include:
 - (1) Total number of responses by priority.
 - (2) All late responses and compliance percentage by priority.
 - (3) Detailed documentation of exemption requests for unusual factors beyond the contractor's control, specifically severe weather conditions, declared disasters or periods of unusually high demand for emergency service.
 - (4) Total combined system performance.



City of Billings

2012 Subdivision Regulation Amendments

Subdivisions for Rent or Lease

City Council Work Session
September 17, 2012



What is a Subdivision?



Montana Subdivision and Platting Act (76-3-101 et seq., MCA)

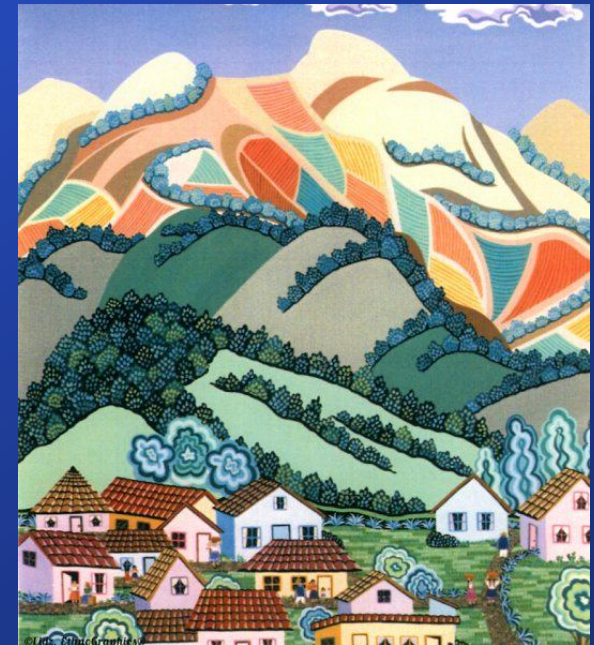
- ✓ Subdivision is any division of land that creates one or more parcels containing less than 160 acres that can be sold, rented, leased or otherwise conveyed
- ✓ Subdivisions include condominium/townhome developments, manufactured/RV parks, and parcels of land for rent/lease.



Purpose of the MT Subdivision & Platting Act (76-3-102, MCA)



- ✓ Promote public health, safety and welfare
- ✓ Lessen street congestion
- ✓ Provide for adequate, efficient public facilities
- ✓ Protect rights of property owners
- ✓ Require development in harmony with the natural environment
- ✓ Establish uniform monumentation standards





Subdivision Review Criteria

(76-3-608(3), MCA)



- ✓ Impacts on: Agriculture, Agriculture Water User Facilities, Local Services, the Natural Environment, Wildlife, Public Health and Safety
- ✓ Compliance with survey laws and local regulations
- ✓ Provision of easements for utilities
- ✓ Legal and physical access





When is Review Required?



- ✓ Unless otherwise exempt all subdivisions must be reviewed based on the review criteria
- ✓ Exemptions (found in 76-3-201 – 209, MCA) include:
 - Boundary line adjustments, family transfers, agricultural covenants, court orders, cemetery plots
 - Condominiums/townhomes that comply with zoning
 - State or airport lease lands
 - Highway or utility parcels
 - One or more parts of a building, structure or other improvement for sale, rent or lease



Building/Structures for Rent or Lease



One or more parts of a building, structure or other improvement for sale, rent or lease

- ✓ 1995 AG letter interprets this exemption to apply to one or multiple buildings
- ✓ “Parcels for rent/lease” in subdivision definition to mean just that, NOT buildings for rent/lease
- ✓ Land leases such as manufactured home parks, RV campgrounds etc. were not exempt, but all other rentals situations were exempt from review (to become known as ‘Subdivisions for Rent or Lease’)



How our current Regulations define SRL



- ✓ Article 23-600 of the City Subdivision Regulations states:



“A subdivision for rent or lease is created when any portion of a parcel is rented or leased for the purposes of situating a temporary or permanent residential or commercial structure owned by the renter or lessee.”



AG Opinion issued 1/13/12



- ✓ Re-defined the definition of what is a 'subdivision for rent or lease' by interpreting what is exempt and what is not...

One or more parts of a building, structure or other improvement for sale, rent or lease was interpreted to mean a singular building, structure or other improvement

Developments that have more than one building for rent or lease on a single tract of land (whether for residential or commercial use) are not exempt from subdivision review and therefore are SRLs



What it means and what to do about it...



- ✓ Developments where multiple buildings are being rented/leased such as apartment complexes, self-storage complexes, business parks, etc., in addition to RV/mobile home parks, are now to be reviewed as subdivisions for rent or lease.
- ✓ Updates to City Subdivision regulations needed to be compliant with State law



Things to Consider



- ✓ SRLs need to be reviewed as subdivisions, BUT the review process is not explicitly defined
- ✓ AG opinion points to MCA 76-2-102 (Statement of Purpose) as reasons for applying the Subdivision and Platting Act.
- ✓ How can we best comply with State law to evaluate and mitigate true impacts?





Article 23-600, BMCC Proposed Updates Include



- ✓ New definition of SRL
- ✓ Definition of 'building, structure, or other improvement' based on definition of "Occupied Structure" found in MCA Section 45-2-101 (State Criminal Law)
- ✓ Exclusion for certain structures/improvements
- ✓ Review procedures for SRL based on the number of individual units with water and/or wastewater facilities (attempt to tie to purpose of MSPA)



Proposed Updates Include



- ✓ Other development standards to bring SRLs into alignment with other subdivisions (street standards, and when applicable, traffic study requirements, and parking and landscaping plans)
- ✓ City SRLs are exempt from Master Site Plan review process





Review Timeline



- ✓ June-July: interdepartmental review
- ✓ August- present: Draft on website, public presentations
- ✓ August 14: Planning Board review
- ✓ August 28: Planning Board public hearing and recommendation
- ✓ October 9: City Council public hearing and 1st Reading of Resolution
- ✓ October 22: City Council 2nd Reading

Downtown Circulator - Feasibility Study

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What is a “Circulator”

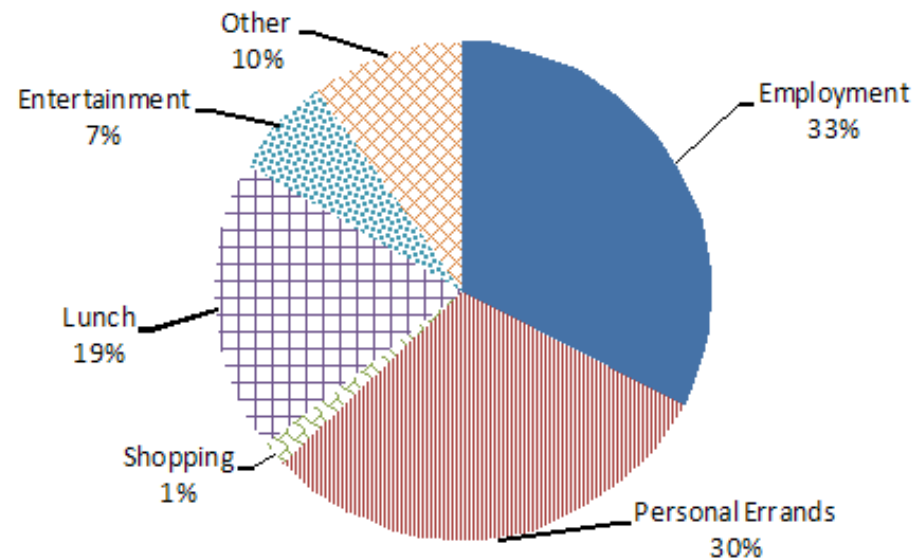
- Bus system
- Limited route
- Short “headway” (10 – 20 minutes)
- Examples of Downtown Circulators
 - Boulder, Colorado
 - Boise, Idaho
 - Colorado Springs, Colorado

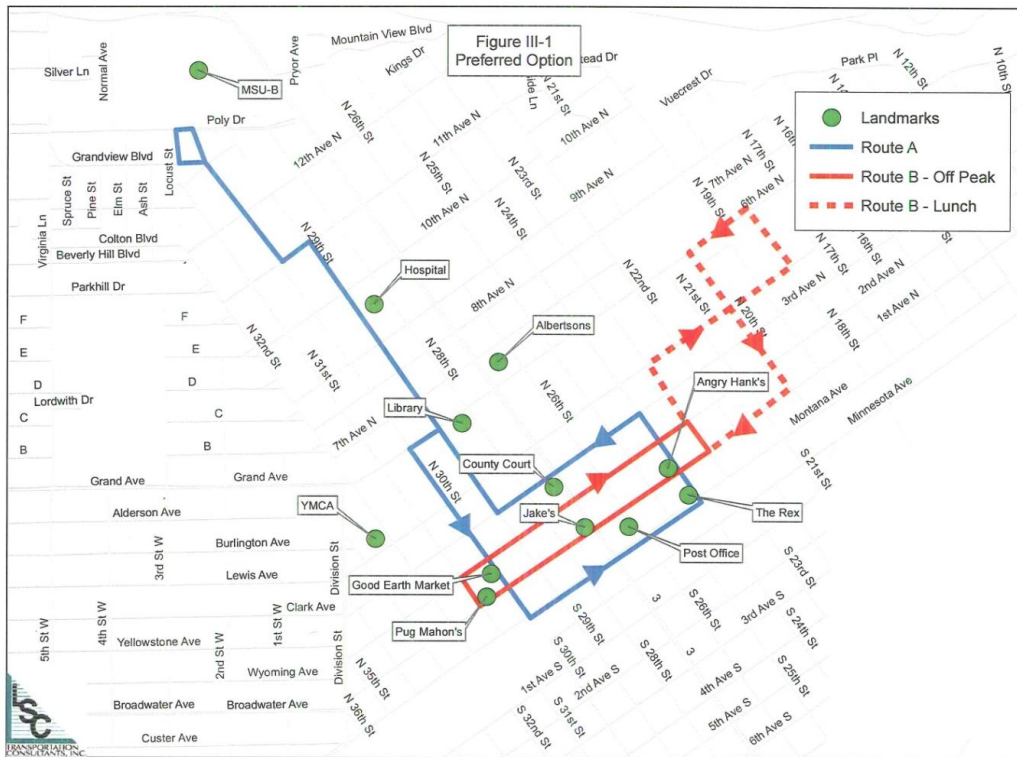
Employee and Student Survey

- 351 respondents

- Location of employment
- Demographics (age and income)
- Commute mode
- Work schedule
- Purpose for using circulator
- When and how often would they use circulator
- Appropriate fare
- Destination

Figure II-4
Main Purpose for Riding





Operations Plan

Preferred Service

- 2 separate routes
- Downtown route – Route A
 - 20 minute headway,
 - Operates 6 a.m. – 7 p.m.
 - weekdays only
- East end route – Route B
 - 10 – 20 minute headway
 - Expanded coverage at noon
 - Operates until 11 p.m.
 - Weekdays only, could add Saturday service

Costs - \$677,025 per year

- Route A - \$293,378
- Route B – (10 a.m. – 2 p.m.) - \$90,270
- Route B – (6 a.m. – 10 p.m. and 2 p.m. to 11 p.m.) \$293,378



Vehicle Needs

- 3 required
- Easy boarding
- Either purchased or leased
 - New - \$50,000 - \$100,000
 - Used - \$30,000 - \$60,000

Potential Operators

- MET
- Rodney Willson, LLC
- Rimrock Stages

Marketing

- Branding
- Promotion to users



Potential funding partners

- Downtown Billings Partnership
- Billings Clinic
- St. Vincent Hospital
- Montana State University – Billings
- City of Billings

Performance Monitoring

- Ridership
- On-time performance
- Financial data