

****ATTENTION****

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. 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.com7tv.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 [Zoom Meeting IDs and Passcodes](#)
- Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

Please contact Denise Bohlman, City Clerk, at bohlmand@billingsmt.gov, or at 406.657.8210, with any questions.



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

**WORK SESSION AGENDA
AUGUST 21, 2023**

COUNCIL CHAMBERS

5:30 P.M.

CALL TO ORDER: Mayor Cole

PUBLIC COMMENT ON ALL ITEMS. This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

1. Small Cell Wireless Facilities.

- Presented by: Debi Meling, Public Works Director

-Public Comment

2. Zoning Text Amendments.

- Presented by: Nicole Cromwell, Zoning Coordinator

-Public Comment

3. Tax Increment Finance (TIF) Policy.

- Presented by: Wyeth Friday, Planning Director

-Public Comment

4. Public Safety Updates.

- Presented by: Chris Kukulski, City Administrator

-Public Comment

5. 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, 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: 08/21/2023
Title: Small Cell Wireless Facilities in the Right of Way
Presented by: Debi Meling
Department: Public Works
Presentation: Yes
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

This presentation is for information only and no action will be taken.

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

City staff presented to the City Council last year about the emergence of small cell facilities across the country and what it would mean for the City of Billings. Over the course of the year, staff has developed a plan for allowing small cell facilities to be installed within the City of Billings rights of way. Staff will present the plan which includes recommendations for an ordinance amendment defining small cells as encroachments; a resolution addressing standards for installation, encroachment application procedures, a license agreement and other steps for installation; and fees associated with the small cell facilities. After discussion, the staff will present the ordinance and resolution at subsequent council meetings for approval.

ALTERNATIVES

This presentation is for information only and no action will be taken.

FISCAL EFFECTS

There are no fiscal effects for this presentation as no action will be taken.

Attachments

Presentation

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

City Council Work Session
August 21, 2023

Presented By:

Debi Meling, Public Works Director

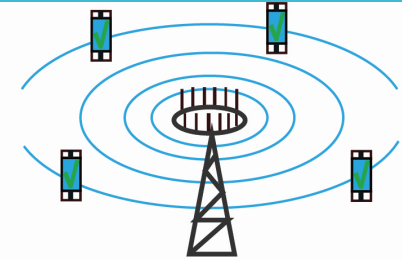
Stacy Tenney, Deputy City Attorney

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

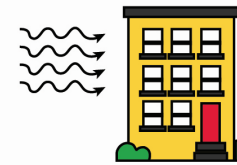
High Powered Antenna
Towers broadcast signals over
long distances



PROBLEM

5G

mm waves can't
travel well through
buildings and obstacles

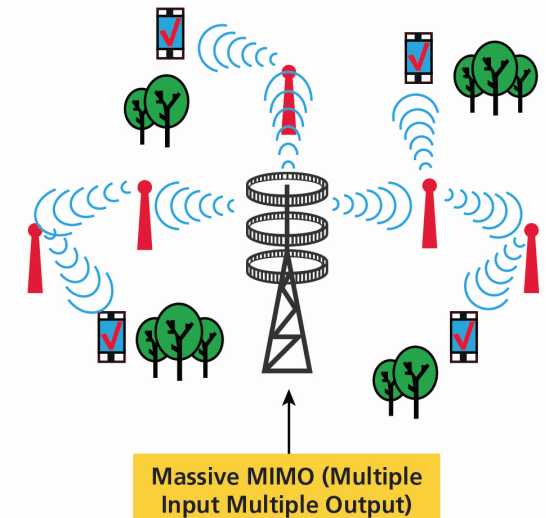


mm waves tend to be
absorbed by plants and
rain



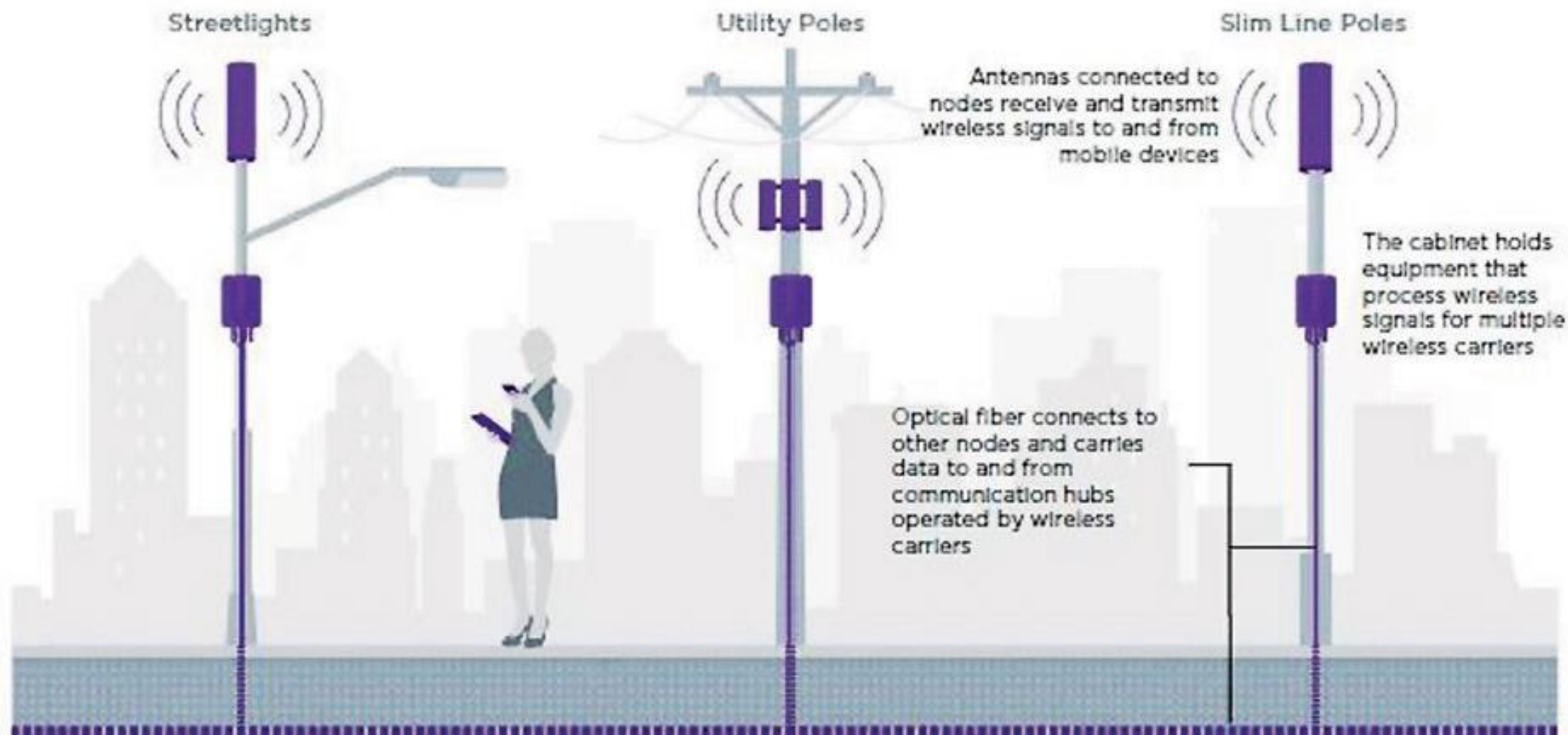
SOLUTION

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



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



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.

What needs to be in place?

Resolution

- Uniform standards ✓
- Encroachment permit application and procedures ✓
- License agreement ✓
- Other steps as may be required ✓

Ordinance

- Includes small cell structures as encroachments

Small Cell Wireless – Ordinance modification

Add to 22-407:

An applicant seeking to install and operate a small cell wireless facility in the public right-of-way shall obtain a revocable encroachment permit and enter into a license agreement with the City prior to constructing, attaching, and operating a small cell wireless facility in the public right-of-way.

Next Steps

Resolution

Sept 2023

Ordinance

PH and 1st Reading - Sept 2023

2nd Reading – Oct 2023

In effect – 30 days later



City Council Work Session

Date: 08/21/2023

Title: Discussion and Review of Zoning Text Amendment for provision of Open Space in Mixed Residential Developments and Planned Neighborhood Developments (PNDs)

Presented by: Nicole Cromwell

Department: Planning & Community Services

Presentation: Yes

Legal Review: Not Applicable

Project Number: N/A

RECOMMENDATION

Planning staff recommends the City Council have a policy discussion on the requirement for mixed residential developments and new Planned Neighborhood Developments (PNDs) to provide developed open space and recreation areas. The Council conducted a public hearing on the 1st reading the draft amendment on July 24, 2023, and voted to review the amendment at a future Council Work Session. The current zoning regulations effective in February 2021, have this requirement in place and the text is in need of amendment to clarify and expand the requirement to include more specific types of open space and recreation areas. The Council initiated the amendments on April 24, 2023.

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

The new 2021 code incorporated the requirement to provide open space and recreation space in mixed residential developments of 3 acres or more and within any new property annexed to the city through the Planned Neighborhood Development (PND) process. Previously, the only way to require open space within a neighborhood was through the subdivision process. Some multifamily developments did not need to go through a subdivision process and the subdivision regulations allow the developer to "opt-out" from providing any on-site park or recreation space by giving the city an equivalent cash amount in lieu of dedicating parkland. The previous codes - zoning or subdivision - never required the development of dedicated parkland. The current subdivision regulations and state law still do not require development of parkland. The code for new multifamily developments over 3 acres does not specify any amount of open space or that it must be developed. There are three choices of open space type allowed for mixed residential developments. The language is also vague and hard to implement. Council directed staff to correct the code language to eliminate the vagueness and to be more specific on the size of open space and base it on the total area of multifamily development.

The Planned Neighborhood Development (PND) zone change process requires a minimum of 2 percent of the net area be designated as open space. The PND regulations refer to "net" area instead of gross area because this area can be counted towards the subdivision requirement for parkland. This subdivision requirement is based on net area. There are 5 types of open space to choose from in the PND process, but two of those are restricted to mixed use type developments. This code section requires development of the open space and continued maintenance either by a homeowner's association or by the city if it is accepted as public parkland. Most of the open space designated through the PND process has not been accepted as public parkland because of its size and intended uses. The City Council has expressed concern the types of open space designated through the PND process are too small or provide little recreational opportunity in these new neighborhoods. The Council directed staff to increase the minimum percentage and put in some criteria for choosing an open space type.

The proposed recommended changes to Sections 27-307, 27-308 (Mixed Residential zone districts) and 27-800 (Planned Neighborhood Development process) accomplishes the following:

- Identifies the minimum park area of 6,500 sf for each 3 contiguous acres of mixed residential development.
 - Creates an exemption if a developed public park or publicly accessible open space area is within 1/2-mile
- Requires mixed residential developments of more than 3 acres to provide open space equal to 5% of the gross area of mixed residential development
- Provides more definition for parklets, greens, linear parks, plazas and squares
- Requires a proposed linear park to be in accordance with the adopted Trail and Bikeway Master Plan
- Developments with internal trails or looped paths would not be recognized as a linear park

After Council discussion at the July 24, 2023, public hearing, there were some topics that warranted further discussion and clarification. Staff proposes the Council have a policy discussion with the following yes or no prompts. These high level discussion will provide direction to staff consistent with council's consensus on policy issues.

Council consensus on these questions will guide staff in developing alternative language for council consideration related to open space in mixed residential developments and through the PND process.

- PND required open space area should be increased from 2% of net area?

If yes, then proposed ordinance accomplishes this by increasing the requirement to 5%.

If no, then council should amend the ordinance to identify a different percentage or leave as the now required 2%.

- Open space designated as a plaza, square, parklet, green, or linear park must be improved -- grass, trees, benches, playgrounds, etc.? (Natural areas are not intended to be developed)

If yes, then proposed ordinance accomplishes this.

If no, then council should amend the ordinance to allow some of these open space types to remain unimproved.

- Linear parks should make other infrastructure connections?

If yes, then proposed ordinance accomplishes this.

If no, then Council should amend the ordinance to allow linear parks to be internal to developments.

- Exemptions to developed open space requirements in mixed residential developments should be offered? (Further discussion on adequate definitions is provided below in a different bullet point of this staff report. This question is intended to focus solely on whether an exemption should even be considered).

If yes, then ordinance accomplishes this.

If no, then Council should amend the ordinance to strike subsection (b) Exemption - or craft a more narrow set of criteria for exemption.

The Council was concerned at the public hearing about the broadness of the exemptions in the draft, and the lack of some definitions to guide a determination of "exemption". If Council chooses to leave the exemption in place, language can be crafted to narrow the criteria for an exemption. For example, the intent of the open space area in mixed residential developments is to meet the everyday needs of the residents - outdoor activities such as dog walking, cooking and eating meals, child's play area close to home, small social spaces such as picnic tables or sheltered seating. An exemption should provide residents of these developments with the same amenity and usefulness as on-site open space. Staff would recommend the exemption should only apply to public parks with similar amenities and as close as possible to the subject development.

- Parks are compatible adjacent to arterials?

If yes, then ordinance accomplishes this

If no, then Council should amend the ordinance to prohibit linear parks serving as a buffer from N districts and arterials.

Follow up on items raised during Council July 24, 2023, meeting not covered in above policy discussion and contained within the draft related to exemptions:

- Developed public park
- Public accessible open space

These two terms are not defined in the zoning code. The Council should discuss whether staff should add terms to the Zoning code to clarify the open space requirements and to make them more consistent with terms used within the existing city code. If these terms remain in the proposed amendment for exemptions, definitions should be added. Or, it may be the Council's decision to simply require that public owned parkland with amenities must be within a certain distance. Using language similar to this in the ordinance revision itself would not require creating new definitions. Staff is supportive of a limited allowance reflective of city owned parkland with developed amenities.

STAKEHOLDERS

Zoning Commission June 6 and July 11, 2023

The Zoning Commission discussed the draft amendment on June 6, and was concerned with potential loopholes created by specifying a certain minimum acreage when the requirement would kick in, the lack of flexibility for mixed residential development in subdivisions that have already dedicated parkland or are within walking distance of a developed park. The Commission also expressed concern that open space did not have a minimum "depth or width" provision so un-useable areas might be designated for recreation. The Commission was also concerned with the added burden this places on mixed residential developments especially considering the crisis in housing the Billings

area is currently experiencing. Mr. Doug Wild from the Home Builders Association also expressed concerns with the proposed revisions in light of the housing challenges.

Planning staff revised the draft amendment to address these concerns except for the potential to cost burden new mixed residential developments where no open space has been previously dedicated or developed. Until the 2021 zoning code amendments, open space provisions for new developments were exclusively handled through the subdivision process. The subdivision regulations do not require development of any dedicated parkland, only that it be provided. The open space dedicated through subdivision also must meet the city's standards for area, suitability for active recreation, and other park policies set by the city. In many cases, this leads a developer to provide cash-in-lieu of parkland dedication. While this provides revenue to the Parks Department, it does not provide the types of open space that are most usable for everyday outdoor activities in apartment communities such as outdoor dining, pocket park areas to accommodate a variety of recreation (sand boxes, play structures, benches, small areas fenced for dog play, etc.). Developers who provide these small spaces have to arrange for long term maintenance and cover liability. These amenities do add cost to monthly rents.

The Zoning Commission received the staff report on this particular amendment on July 11, 2023. The Commission also received testimony from John Halverson of Sanderson Stewart. The Zoning Commission asked about how this would be administered and whether the exemptions provided any loopholes that could be exploited. Staff pointed out the potential loopholes were closed in the re-drafted amendment. The Commission members had some concern the requirements may push up the costs of renting an apartment or may deter builders from developing new mixed residential neighborhoods. Staff explained the provisions are modest - 5% of the gross area of 3 acres is only 6,500 square feet. Mr. Halverson stated he wanted to make sure that a developer could put in several small parklets that equal 6,500 square feet in total but not each parklet is 6,500 square feet. Staff explained this is how they would calculate the submitted plans for open space areas as a cumulative amount for all areas for open space and recreation.

City Council hearing July 24, 2023

The City Council conducted a public hearing and received the Zoning Commission recommendation on July 24, 2023. The Council had concerns regarding the language used for the exemption for mixed residential developments. Council members had concern with the radius to a developed park area that may include a multi-lane arterial street. This would make access to the park area from the residential development potentially hazardous. The City Council also was concerned with some terms such as "publicly accessible" and "open space" that were not defined in the zoning code and may be interpreted in multiple ways. The City Council was concerned there needed to be more fine detail in some parts of the proposed amendments. Testimony during the hearing was received from Doug Wild and John Halverson who also provided testimony to the Zoning Commission. Mr. Wild was concerned with the code requirement to connect what may be a private trail to a public trail system. Mr. Wild was in favor of the exemptions since it recognizes the previous public and private investment in recreational space. Mr. Halverson was concerned the Council was trying to fix a problem that had already been eliminated by the new code provisions. The results of the new code provisions are not yet evident in many areas because the code is so new. Mr. Halverson stated the Council might want to wait and see the results of the new code especially for new mixed residential areas.

The Council voted to send the proposed ordinance to a work session for more discussion. Planning staff has prepared some policy questions (see Background Section above).

ALTERNATIVES

The City Council made provision of local open space and recreation areas a priority during the last Growth Policy update (2016). These growth guidelines include the following:

Essential Investments:

- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- It is important to factor in maintenance costs when programming public spaces and infrastructure

Community Fabric:

- Outdoor public spaces provide casual and relaxing gathering areas for people
- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the

environment

Strong Neighborhoods:

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces

Home Base:

- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

Other policy documents adopted by the City Council also echo these goals and strategies including numerous Neighborhood Plans (West Billings, Billings Heights, Central Terry, North Park, South Side, Southwest Corridor), the Comprehensive Parks Master Plan (2017) that identified the following:

- Newly developed neighborhoods with no access to recreational space
- Limits on funding for on-going maintenance of existing parks
- Limitation on resources to develop "legacy" parks (legacy = dedicated but undeveloped)
- Priority focus on small scale park amenities
- Changing demographics - increase in adults over 55 and over 70

Planning staff has provided some bullet points in the Background section above that will guide the discussion on what parts, if any, of the proposed draft need to be amended, deleted, clarified or new sections added. The list above is meant to illustrate the existing adopted City policies that support more access to open space and recreation areas.

FISCAL EFFECTS

The Planning Division budget may affect the Planning Division budget. Municode is the official codification company for Billings. Every amendment to the code has a fee that has usually been assessed and paid for by a department or division. However, the City Code is not particular to one Division or Department. It is utilized by many City staff and is designed to benefit and protect all City residents. It is appropriate and accurate for the cost sharing of codification costs for zoning code updates through the general fund.

Attachments

Current Code Section 27-803 Open Space in PNDs

Draft Ordinance Open Space in NX and PND

Current Code Sec 27-307 and 27-308 Open Space requirements

Sec. 27-803. Private open space requirements.

All PNDs must provide open space to ensure the walkability, sociability, and safety of residents and visitors.

- A. *Natural features.* Where significant tree canopy or natural feature exist on the site, the open space shall be located in order to preserve the maximum amount of the existing trees or natural feature and maximize buffers from waterways and natural features.
- B. *Types of open space.* The following types of open space are required.
 - 1. The PNDs are required to provide one of the following:
 - (a) *Plaza.* A plaza must share street frontage with a CMU, NMU, NO, NX or P2 zone district. A plaza may provide areas for seasonal shopping or similar community activities. A plaza may be used to meet the required minimum dedication of open space for a subdivision. A plaza will be developed with landscaping and pedestrian facilities throughout.
 - (b) *Square.* A square is similar to a plaza except it is surrounded by street frontage on all sides. A square must be developed with landscaping and pedestrian facilities throughout. A square may be used to meet the required minimum dedication of open space for a subdivision.
 - (c) *Parklet.* A parklet is a landscaped open space with a minimum seventy (70) percent living plant material and at least twenty (20) feet of street frontage.
 - (d) *Green.* A green is a larger, landscaped space, with at least fifty (50) feet of street frontage.
 - (e) *Natural area.* A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.
 - 2. All of the above required open space may be counted towards the minimum required dedication of open space for a subdivision.
- C. *P1 district designation.* The open space must be zoned with the P1 zoning district.
- D. *Trails.* New trails and trail connections shall be provided through and within the site, and any existing trails surrounding the site shall be continued through the PND, in accordance with the city open space and trail plans and master transportation plan, or as otherwise required.

(Ord. No. 21-5748 , § 3(Exh. A), 1-25-21)

ORDINANCE 23-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Sections 27-307, 27-308 and 27-802 and 27-
803 related to the provision of open space in multifamily
zone districts and in Planned Neighborhood Development
applications, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Section 27-1628, BMCC, provide for amendment to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. ZONE TEXT AMENDMENT. The text of Section 27-307 be amended to revise the requirements for provision of open space in developments of three acres or more as follows:

Sec. 27-307. - NX1 district.

D. Supplemental regulations.

5. Open space.

(a) One or more of the following open space types equal to or more than 6,500 square feet must be provided for every each three (3) contiguous acres of NX1 district or combination of NX1, NX2 or NX3 districts :- All abutting land owned or under contract for purchase by owners of the subject property shall be considered part of the calculation of contiguous acres. Previously exempt parcels, may be subject to this subsection if contiguous parcels are added to the existing development.

(b) Exemptions

(i) Developments of less than three contiguous acres are exempt from this requirement. See above for the calculation of area.

(ii) NX1 or a combination of NX1, NX2 or NX3 developments where the most distant structure is ½-mile (radius) or less of a developed public park or publicly accessible open space are exempt from providing open space.

(iii) Developments within a subdivision that dedicated and developed public parkland.

(c) Unless otherwise exempt, developments of more than 3 contiguous acres, shall provide a developed open space type or types equal to or greater than 5% of the gross contiguous area. For example, a contiguous six-acre development consisting of both NX1 and NX3 districts must provide and develop at least 13,068 square feet of one or more of the open space types. Fractions of square feet shall be rounded up to the next whole number. Developments of 10 or more contiguous acres shall provide at least two types of open space, one of which shall be a "Green" as defined below.

(a) (i) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage. Parklets are

intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.

(b) (ii) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.

(c) (iii) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

(iv) Linear park with trail or bike path. A linear park with a developed trail or bike path is allowed if it is identified in the Billings Area Bike and Trail Master Plan or provides a connection between two existing trails or bike paths already developed and part of the master plan. Linear parks with trails or bike paths that are circular, internal only to the development and do not connect to adjacent trails or bike paths will not be considered.

Section 3. ZONE TEXT AMENDMENT. The text of Section 27-308 be amended to revise the requirements for provision of open space in developments of three acres or more as follows:

Sec. 27-308. - NX2 and NX3 district.

D. Supplemental regulations.

5. Open space.

(a) One or more of the following open space types equal to or more than 6,500 square feet must be provided for every each three (3) contiguous acres of NX2 or NX3 district or combination of NX1, NX2 or NX3 districts ∴. All abutting land owned or under contract for purchase by owners of the subject property shall be considered part of the calculation of contiguous acres. Previously exempt parcels, may be subject to this subsection if contiguous parcels are added to the existing development.

(b) Exemptions

(i) Developments of less than three contiguous acres are exempt from this requirement. See above for the calculation of area.

(ii) NX1 or a combination of NX1, NX2 or NX3 developments where the most distant structure is ½-mile (radius) or less of a developed public park or publicly accessible open space are exempt from providing open space.

(iii) Developments within a subdivision that dedicated and developed public parkland.

(c) Unless otherwise exempt, developments of more than 3 contiguous acres, shall provide a developed open space type or types equal to or greater than 5% of the gross contiguous area. For example, a contiguous six acre development consisting of both NX2 and NX3 districts must provide at least 13,068 square feet of one or more of the open space types. Fractions of square feet shall be rounded up to the next whole number. Developments of 10 or more contiguous acres shall provide at least two types of open space, one of which shall be a "Green", "Plaza" or "Square" as defined below.

(a) (i) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage. Parklets are

intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.

(b) (ii) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.

(c) (iii) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

(iv) Linear park with trail or bike path. A linear park with a developed trail or bike path is an area of at least 30 feet in width that has a trail or bike path that is constructed in manner compliant with city adopted construction specifications. The designation and development of a linear park is allowed if it is identified in the Billings Area Bikeway and Trail Master Plan or provides a connection between two existing trails or bike paths already developed and part of the Billings Area Bikeway and Trail Master Plan. Linear parks with trails or bike paths that are circular, internal only to the development and do not connect to adjacent trails or bike paths will not be considered. Such amenity may be part of a "Green" or "Natural areas" as defined herein.

(v) Plaza. A plaza must share street frontage with a CMU, NMU, NO, NX or P2 zone district. A plaza may provide areas for seasonal shopping or similar community activities. A plaza will be developed with landscaping and pedestrian facilities throughout.

(vi) Square. A square is similar to a plaza except it is surrounded by street frontage on all sides. A square must be developed with landscaping and pedestrian facilities throughout.

Section 4. ZONE TEXT AMENDMENT. The text of Section 27-802, Table 27-800.1. Types of Planned Neighborhood Districts, and Section 27-802.B.3 Minimum District Mix are amended as follows:

Sec. 27-802. - Zoning districts.

Table 27-800.1. Types of Planned Neighborhood Districts.

Zoning Districts															
Required Min. Acres	Types of PND	CMU1	CMU2	NMU	NO	NX1	NX2	NX3	N1	N2	N3	RMH	P1	P2	P3
10	Mixed-Use MU PND Choose at least 2 districts: Pick 1 MU and Pick 1 NX or 1 N Min. % of net acres	L	L	P	P	P	P	L	P	P	P	P	2 5	P	P
															3 buildings
10	Mixed Residential MR PND Choose at least 2 districts: Pick 1 NX and Pick 1 N Min. % of net acres	-	-	L	P	P	P	P	P	P	P	P	R	P	P
													2 5		3 buildings
10	Neighborhood N PND Choose at least 2 N/NX districts Min. % of net acres	-	-	L	L	L	L	L	P	P	P	P	R	P	P
													2 5		3 buildings

B.3 Minimum district mix regulations.

(a) Unless Table 27-800.1 indicates otherwise, each type of planned neighborhood development requires a combination of at least two (2) development zoning districts with a percentage mix of ~~eight-eight (88)~~ eighty-five (85) percent maximum and ten (10) percent minimum measured by total net parcel area, plus the minimum required open space (~~two (2)~~ five (5) percent minimum). ~~For example, an applicant with a 12-net acre lot may choose to create a Neighborhood PND (N-PND) with a mix of: (1) 10.56 acres (eight-eight (88) percent) N3, 1.2 acres (ten (10) percent) N2, and the required .24 acres of P1 open space.~~

Section 5. ZONE TEXT AMENDMENT. The text of Section 27-803. Private Open Space Requirements is amended as follows:

Sec. 27-803. - Private open space requirements.

All PNDs must provide open space to ensure the walkability, sociability, and safety of residents and visitors.

A. *Natural features.* Where significant tree canopy or natural feature exist on the site, the open space shall be located in order to preserve the maximum amount of the existing trees or natural feature and maximize buffers from waterways and natural features.

B. *Types of open space.* The following types of open space are required.

1. The PNDs are required to provide one or more of the following:

(a) *Plaza*. A plaza must share street frontage with a CMU, NMU, NO, NX or P2 zone district. A plaza may provide areas for seasonal shopping or similar community activities. A plaza may be used to meet the required minimum dedication of open space for a subdivision. A plaza will be developed with landscaping and pedestrian facilities throughout.

(b) *Square*. A square is similar to a plaza except it is surrounded by street frontage on all sides. A square must be developed with landscaping and pedestrian facilities throughout. A square may be used to meet the required minimum dedication of open space for a subdivision.

(c) *Parklet*. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material and at least twenty (20) feet of street frontage. Parklets are intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.

(d) *Green*. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.

(e) Linear park with trail or bike path. A linear park with a developed trail or bike path is an area of at least 30 feet in width that has a trail or bike path that is constructed in manner compliant with city adopted construction specifications. The designation and development of a linear park is allowed if it is identified in the Billings Area Bikeway and Trail Master Plan or provides a connection between two existing trails or bike paths already developed and part of the Billings Area Bikeway and Trail Master Plan. Linear parks with trails or bike paths that are circular, internal only to the development and do not connect to adjacent trails or bike paths will not be considered. Such amenity may be part of a "Green" or "Natural areas" as defined herein.

(e) (f) *Natural area*. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

2) All of the above required open space may be counted towards the minimum required dedication of open space for a subdivision.

Section 6. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 7. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 8. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this ____ day of July 2023.

PASSED, ADOPTED and APPROVED on second reading this ____ day of August 2023.

CITY OF BILLINGS

BY: _____
William A. Cole, Mayor

Attest:

BY: _____
Denise R. Bohlman, City Clerk

Zone Change _____, Text Amendment for Open Space provisions in NX districts and PND applications

Current Code Section 27-307.D.5 - NX1 districts

5. *Open space.* One of the following open space types must be provided for every three (3) contiguous acres of NX1 district:

(a) *Parklet.* A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage.

(b) *Green.* A green is a larger, landscaped space, with at least fifty (50) feet of street frontage.

(c) *Natural area.* A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

Current Code Section 27-308.D.5 – NX2/NX3 districts

5. *Open space.* One of the following open space types must be provided for every three contiguous acres of NX2 or NX3 district:

(a) *Parklet.* A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage.

(b) *Green.* A green is a larger, landscaped space, with at least fifty (50) feet of street frontage.

(c) *Natural area.* A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

City Council Work Session

Date: 08/21/2023
Title: City Council Interest in Review/Changes to City Tax Increment Finance (TIF) Policy
Presented by: Wyeth Friday
Department: Planning & Community Services
Presentation: Yes
Legal Review: No
Project Number: NA

RECOMMENDATION

No formal action is expected at this Council Work Session, but staff is expecting direction from the City Council on whether it wishes to consider review and changes to the City TIF Policy in 2023.

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

The City Council adopted the current Tax Increment Finance (TIF) Policy on July 9, 2018 and Council, staff and the three Urban Renewal Districts in Billings have been applying the Policy to urban renewal projects and programs. The City Council first passed a Council Initiative in October 2016 to have staff provide information to Council regarding Tax Increment Financing (TIF) and to give recommendations to the Council on developing policies and criteria for use of TIF funds. Staff made presentations on the initiative at Council Work Sessions in February, June and November of 2017. At the Work Session in November 2017, Council directed staff to draft a TIF Policy the Council could adopt through a resolution. Staff presented a draft policy at the Council's April 9, 2018 Regular Business Meeting and Council decided to delay action on the Policy at that meeting and form an ad hoc City Council initiated Committee (The TIF Policy Working Group) to rework the Policy and bring it back for Council action at its July 9 meeting. The Working Group met three times from late April through late May 2018 and ultimately provided the TIF Policy attached to this memo that was adopted by the City Council.

City staff and the three urban renewal district advisory boards and their representatives over the past few years have noted City Council comments and concerns with some elements and topics the policy addresses as TIF project requests have been brought to the Council for action. While Council has continued to utilize the TIF Policy through many TIF project actions and staff finds it to be a solid guide and reference for urban renewal processes in Billings, staff wanted to be proactive and request input from the Council on whether these warranted spending staff and Council time and resources to review the Policy and consider changes to it. The areas that City staff and the three Districts have noted Council discussion on during TIF application actions, include:

- **Section 2 a. Financial Assistance Through TIF. A minimum of \geq \$5 of private investment for every \$1 if public investment is the preferred threshold to be met for each TIF application.** This section has been discussed and debated extensively regarding the ratio - is it 20% public to private or is it 16.66%, etc? Should this ratio be revisited - increased or decreased and better clarified regarding what it means?
- **Section 2 b. Financial Assistance Through TIF. Grants may be made for uses listed in Part 1 above benefiting any government owned land or buildings and for profit and non-profit businesses.** There has been discussion at Council about applications made by non-profits as to how the applications are presented since there is not a tax increment implication with tax exempt organizations as well as whether there should be some sort of specific criteria for non-profit applications. It is important to note that schools are non-profit entities and the urban renewal plans for some of the Districts specifically call out support for schools and school facilities.
- **The practice of including the purchase price of a property in the private sector ratio of the private to public investment ratio presented in TIF applications.** While land purchase costs have not been historically reimbursed in TIF applications, all three urban renewal districts have processed applications where the recent purchase of the property is included in the private sector investment contribution in the applications.

- **Return on investment period for TIF project awards.** Each urban renewal district has included in its TIF request materials provided to Council a calculation of an estimated rate of return for the increased taxes of a redeveloped or developed property to return the TIF grant back to the District in the form of new tax value. This has been something the Council has valued to be included and has discussed the payback periods and how they affect the Districts and future tax values for the taxing entities. Obviously, larger awards can take longer to reach this payback threshold, although it depends a lot on the project and the TIF grant being considered what the payback period is.

These are the elements City staff and the three Districts have heard raised at Council and wanted to share in terms of a discussion of review and changes to the TIF Policy. There may be other portions of the Policy the Council is aware of that have been points of concern or discussion. Staff finds the overall format and content of the Policy continues to be applicable and a good resource, and only a few areas might be the focus of some amendments.

ALTERNATIVES

This item is for information only at the Work Session. Staff is expecting the Council to provide direction tonight to staff on whether further review and amendments be developed with City Council and staff involvement to amend the TIF Policy.

FISCAL EFFECTS

There are no fiscal effects from discussing amendments to the City TIF Policy.

Attachments

City TIF Policy

RESOLUTION NO. 18-10750**A RESOLUTION OF THE CITY OF BILLINGS FORMING A
POLICY FOR THE ADMINISTRATION OF URBAN
RENEWAL AREAS OR DISTRICTS (URD) IN THE CITY.**

WHEREAS, MCA, Title 7, Chapter 15, Part 42, Section 51 declares: General powers of municipalities in connection with urban renewal. Every municipality shall have all the power necessary or convenient:

- (1) To carry out and effectuate the purposes and provisions of this part and part 43;
- (2) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part and part 43, and to disseminate blight clearance and urban renewal information;
- (3) To organize, coordinate, and direct, within the municipality, the administration of the provisions of this part and part 43 as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively;
- (4) To exercise all or any part or combination of powers granted in this part or part 43; and

WHEREAS, the City of Billings reviews and adopts Urban Renewal Plans for each of its Urban Renewal Districts, and those Plans specify goals for each Urban Renewal District; and

WHEREAS, the City of Billings may establish local policies that guide the establishment, operations, funding and governance of urban renewal districts; and

WHEREAS, development of TIF (Tax Increment Financing) Policies would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

That the City Council now makes and adopts the following TIF Policy:

CITY OF BILLINGS TAX INCREMENT FINANCE POLICY

1. PERMITTED USES OF TIF FUNDS. TIF funds may be used for costs outlined in MCA, Title 7, Chapter 15, Part 42, Section 88. Urban Renewal Plans adopted by the City may limit what TIF funds may be spent on in any Urban Renewal District. Eligible costs may include, but are not limited to:
 - a. Land acquisition and assemblage, demolition and removal of structures, relocation of occupants, analysis to determine needs of an urban renewal area, administrative cost for redevelopment activities.
 - b. Public infrastructure, including, but not limited to: streets, storm drains, parking, public buildings, water and sewer lines, sidewalks, utility connections.
 - c. Private infrastructure with public benefit, including, but not limited to, building façades, windows, doors, fire suppression or alarm systems, storm drainage, environmental remediation, parking, and ADA access.

2. FINANCIAL ASSISTANCE THROUGH TIF. All financial assistance must be approved by the City Council prior to any activity receiving funding. Financial assistance should be requested prior to beginning construction. All activity (design and construction) must be completed prior to issuance of TIF funds from the City Finance Department. Financial thresholds and assistance tools are as follows:
 - a. A minimum of \geq \$5 of private investment for every \$1 of public investment is the preferred threshold to be met for each TIF application. The City Council reserves the right to approve any application that does not meet this minimum. The City Council also may make exceptions for projects of less than \$100,000, and for publicly owned projects, properties or facilities.
 - b. Grants may be made for uses listed in Part 1 above benefitting any government owned-land or buildings and for profit and non-profit businesses.
 - c. Bonding may be available at the discretion of the City Council.
 - d. All TIF grants will be formalized by a development agreement that must be signed by the grantee before the City will reimburse eligible expenses.

3. URD MANAGEMENT. Each URD in the City of Billings will be managed as follows:
 - a. Each URD should maintain a non-profit advisory board to make recommendations to the City Council regarding TIF expenditures. Unless specifically authorized by a Memorandum of Understanding (MOU) referenced in 3(b) below, a majority of board members must own or lease property within the district, or must represent such owner or lessee, and may include representation from residential or commercial property owners or lessees. Advisory Boards must carry insurance for their members and provide proof of insurance to the City.
 - b. A MOU must be executed between the advisory board and the City Council that defines the board's roles, responsibilities, authority, and processes, including for hiring and maintaining board support staff. The MOU must

contain language addressing conflict of interest situations for board members whose property may directly benefit from a TIF expenditure and for board support staff. The MOU also must include language that if there is the appearance of a conflict of interest the issue will be reviewed by City legal staff before moving forward.

- c. Training for all URD advisory boards will be conducted biannually in coordination with City staff and URD support staff. The training must include, but is not limited to: review of URD and TIF laws, Administrative Rules, ethics, conflicts of interest, meeting management, and maintenance of minutes and records.
- d. URD financial reporting will be consistent across all URDs and be set by coordination between the City Finance Director and the Planning and Community Services Director, and URD support staff.
- e. TIF application review and City Council staff report preparation will be conducted by the Planning and Community Services Department Director, in coordination with the Assistant City Administrator, Finance Director, and URD support staff.

PASSED by the City Council and APPROVED this 9th day of July, 2018.



CITY OF BILLINGS

BY: William A Cole
William A. Cole, Mayor

ATTEST

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

Date: 08/21/2023
Title: Public Safety Update
Presented by: Chris Kukulski, City Administrator
Department: City Hall Administration
Presentation: No
Legal Review: No
Project Number: N/A

RECOMMENDATION

Code Enforcement, Fire and Police will provide updates on our progress to improve the safety of Billings.

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

See the attached semi-annual reports and presentation slides from PD, PD and code enforcement.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

N/A

Attachments

Fire Semi-Annual Report 2023
Police Semi-Annual Report 2023
Code Enforcement PSML Update
Fire PS Update PowerPoint



Semi - Annual
Report
2023





We are... The City of Billings organized the first Billings Fire Department in 1883. Billings Fire has 177 personnel, including firefighters, paramedics, EMTs, dispatchers, administrative staff, and fire prevention staff.

We proudly serve... All residents, businesses, and organizations within our response area including the Billings Urban Fire Service Area (BUFSA).

Missions Statement

The Billings Fire Department is dedicated to utilizing the latest education, methods, and technology in providing outstanding emergency services.

Vision Statement

The Billings Fire Department aspires to be the finest provider of emergency services.



Total Calls for Service

10,253



EMS/Rescues

5,379



Fires/Service /Other

4,874



BFD & 9-1-1 Employees

177



Apparatus & Vehicles

39



Billings Population

119,960



Service Area ISO Rating

3/10



Response Area - 91.47 sq miles

45.72 sq miles (city)
44.44 sq miles (BUFSA)
1.31 sq miles (Landfill)





EMS

The EMS division is currently working on the completion of the CPSM recommendations. We are finishing the development of Mobile Response Teams. These teams have taken many medical calls off the first due Engine Companies: saving fuel and decreasing maintenance issues from wear and tear. The Mobile Response Teams leave them available for other priority calls. This model supports the need for ISO coverage and a possible change to the rating.

The Crisis Response Unit will be implemented with a soft opening on Labor Day. One EMT has been hired for our portion of fulfilling the contract, and another should be hired soon. We hope to work out all the kinks of developing a public-private partnership and the challenges that may arise with implementation and development. Substance Abuse Connect and Rimrock Foundation have been excellent to work with.

We are also anticipating the community's needs, getting ready for an aging population, and the impacts on the fire department and pre-hospital system. This is driving the need for more Paramedics in the Fire Service. We have partnered with MSU City College and have procured funding to support education. The MSU Board of Regents fully supports and understands this critical need. We currently have a new Medical Control Physician. Dr. Whitney Gum has already begun to insert herself into learning our system and has already completed a ride-along with Engine 3. She is a hands-on physician who represents Med Flight and Lockwood Fire Department. Currently, the Billings Fire Department has 37 Paramedics, of which 30 are credentialed, and 5 paramedics are currently in the precepting process. Additionally, 5 Billings firefighters are supported by the MSU Board of Regents to attend the Sprint Paramedic program through MSU City College mentioned above. This would give the Billings Fire Department a total of 40 credentialed Paramedics. The Billings Fire Department is now included in accreditation areas of hospital programs that are directly impacted by pre-hospital care.





Mobile Response Teams

The new MRT program has proven wildly successful since its inception. The program is geared toward taking pressure off our engine and truck companies to keep them at a higher state of readiness, more efficient multi-company training and reduce wear and tear and fuel consumption.

The squads comprise one captain and one paramedic for a two-person team that runs 24 hours per day and 365 days per year. All personnel meeting these qualifications are assigned to the squads on a rotating basis to reduce “burnout.” The squad’s primary mission is to capture high-acuity EMS calls with our private partner, American Medical Response. AMR responds to low-acuity calls without the help of BFD. In addition, all personnel are considered dual roles, meaning they are suppression ready and equipped to help with all other calls from fires to rescues to HAZMAT, provided they are not tied to a medical call.

In terms of call volume, Squad One has responded to approximately 1,600 calls since December 1, 2022, with an anticipated 2,500 to 3,000 total responses for the calendar year. Squad Two began service on July 10th and will service the west end as it is assigned to fire station five. We anticipate Squad Two responding to just as many as Squad One, if not more. Also, before the program's implementation, Engines One and Two responded to Engine Six’s area approximately 10% of their time in any calendar year. With Squad One assigned to the east end of town, that number has been dramatically reduced to less than 1%, keeping all east-end units in their response areas significantly more often. We anticipate Squad Two providing the same benefits for the west end. On another note, it has taken until the end of June to receive our intended vehicle for this program, the smaller, more agile Ford Interceptor. The smaller SUV should produce the desired results in fuel consumption rated at 20 miles/gal. Until recently, we have been using the original 2012 Ford F550, which has a gas mileage of 6 miles/gal. compared to a large fire engine rated at 5 miles/gal.

Lastly, the crews' morale has increased considerably as they have witnessed firsthand the benefits of our new program. Overall, we are ecstatic about the results for our community and look forward to continued success.

MRT Stats

Call count Squad 1: 1,383

Call Count Squad 2: 182

Average Response Time: 6:18





Training

Highlights:

- 10 Person recruit academy (12 if you include Lockwood)
- 6 Person Officer Development Program (ODP)
- 6-Person Engineer Development Program (EDP)
- Drone Pilots

ISO Numbers:

Facility Training (individual employee hours):
3882.5 Total hours-161.77 days

Company Training (individual employee hours):
5106.11 Total Hours- 212.75 days

Special Programs:

ODP- 6 Members completed, 140 hours, 840 hours.
EDP- 6 members enrolled, 5 completed 80 hours,
480 total hours.

Drone Pilot BPD and BFD: 32 hours, 4 BFD pilots
for a total of 128 hours.

Development Program (individual employee) totals:
1,448 Hours

Recruit class:

10 members enrolled, 10 Completed. 480 hours per member,
4,800 total hours
Recruit Program total: 4,800 hours

Wildland training:

Wildland Refresher: 195 hours
Pack test (3 miles, 45lbs pack under 45 minutes): 96 personnel



Hazmat

In June, The Montana Regional Hazmat Teams, of which the Billings Fire Department is a member, completed a nearly five-year-long project to supply each of the six state hazmat teams with a state-of-the-art remote Unmanned Aerial System, otherwise known as a drone. On behalf of the six regional hazmat teams, a \$300,000 Homeland Security Grant was secured by the Billings Fire Department to license and train FAA-



certified drone pilots and purchase six DJI Matrice 300 drones equipped with a high-quality optical camera, a thermal imager, and an optional hazardous materials monitor. The drone aircraft and pilots are positioned in Billings, Bozeman, Great Falls, Helena, Kalispell, and Missoula.

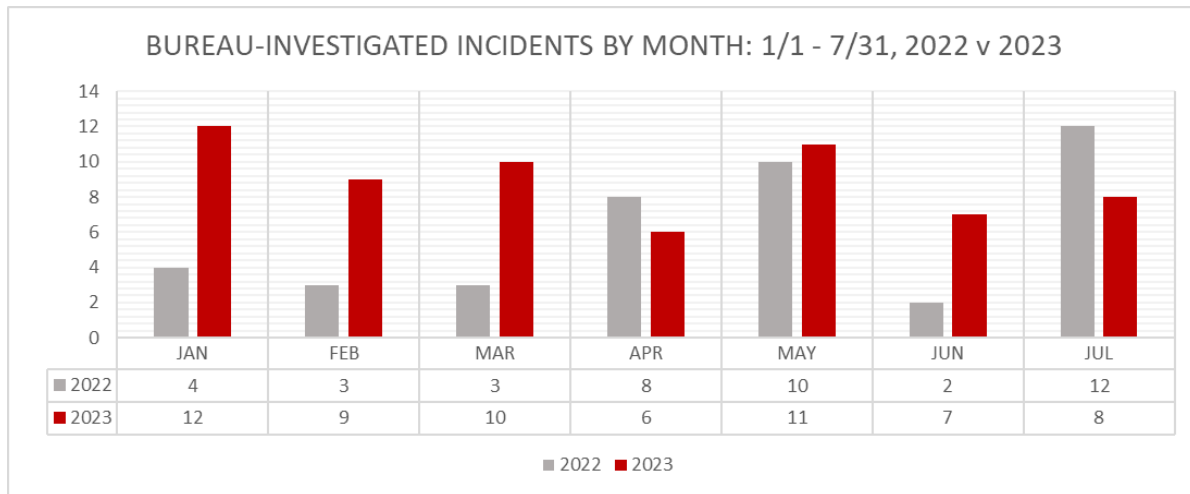
The purpose of this program is to have the ability to rapidly access potential hazmat scenes, such as the recent railroad derailment near Billings, and assess those scenes for hazards such as fire, trapped victims, and hazardous materials. Additionally, the UAS aircraft has been used to search for stranded boaters on the Yellowstone River and guide first responders to the victims in the dark. Also, the Billings Fire Department's drones and pilots have assisted the Billings Police Department, mapped changes in the condition of the BBWA water canal, and searched for a missing mountain biker lost in the uneven terrain surrounding the rims on Billings' West End. The drone will likely also see service sizing up wildfires, doing damage surveys on buildings, and providing additional safety and situational awareness at structure fires.

In order for the Billings Fire Department to obtain grant funding and start this statewide program, Engineer Mark Solberg had to author a Civil Rights/Civil Liberty Plan for the Department of Homeland Security to ensure that citizens' civil rights would not be violated through the use of grant funds. Additionally, significant amounts of research went into selecting an aircraft that could meet the flight time and payload requirements of these missions. This process was significantly slowed by the outbreak of COVID-19 however, Engineer Solberg was finally able to obtain the necessary clearances and paperwork with DHS and secure a vendor willing to travel to each regional hazmat team and train their personnel. The UAS program is one more example where the Billings Fire Department utilizes the latest technology to deliver outstanding customer services to the citizens of Billings and those who visit here. For more information on the Billings Fire Department's drone program, please visit our web link at: <https://www.billingsmt.gov/2986/UAS>





Fire Prevention Bureau



The Fire Prevention Bureau has investigated 63 incidents so far this year compared to 42 incidents last year at this time.



To date for 2023, The Fire Prevention Bureau has conducted 543 inspections.



The Fire Prevention Bureau has processed 42 fire protection plans in total. 21 Fire Alarm plans. 20 Fire Sprinkler plans. 1 Clean Agent plan.



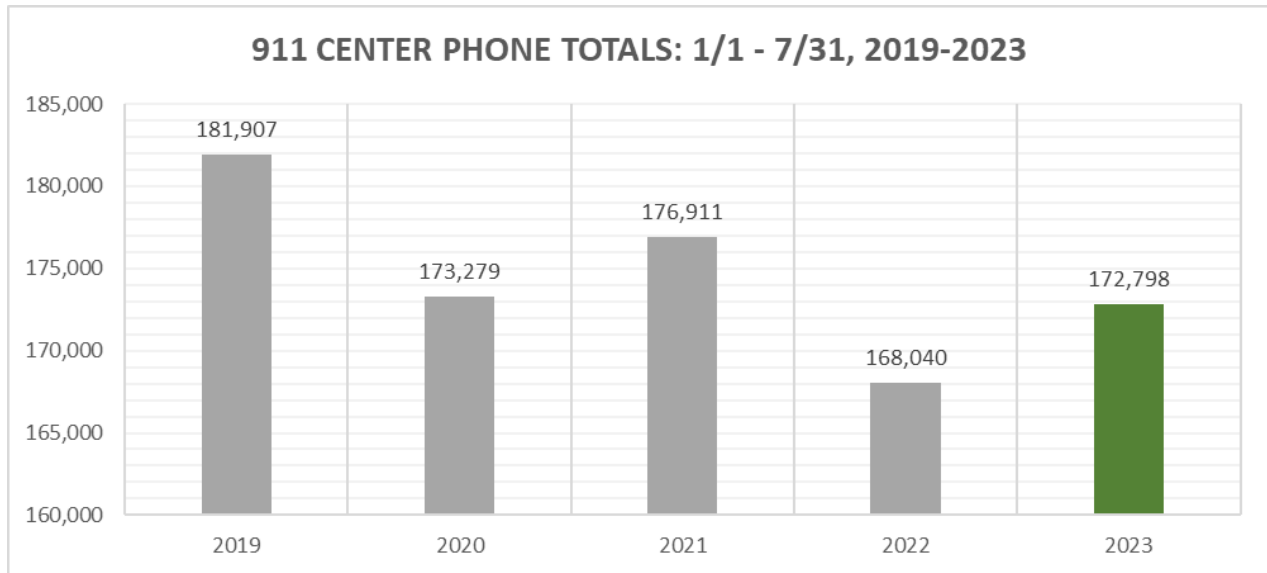
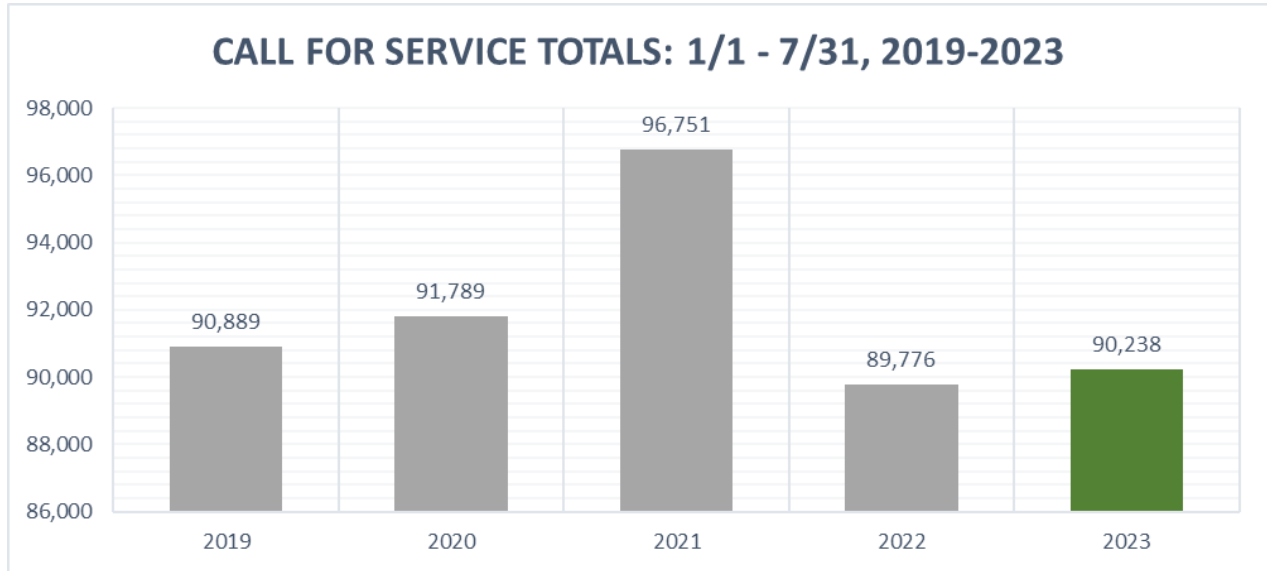


9-1-1 Center

- We continue to hire new personnel at a steady rate. We are finding great success using the NEOGOV program but continue to struggle with applications showing up for interviews and demonstrating competency in pre-employment testing. To date, we are at 70% staffing. We hope to achieve 100% staffing, reenergize full capacity call taking and dispatching, and then proceed to over-hiring to accommodate anticipated retirements and resignations.
- Supervisors have assumed a much-modified tasking and including scheduling that brings us closer to a 24/7/365 model of applied supervision.
- Implementation of the new city radio system is ongoing and on-schedule with a timeline of full implementation and use in January of 24.
- We continue to prioritize medical calls using existing protocols and continue to work towards the refinement of that process.
- We have purchased and over the next 12-18 months will implement advanced FIRE and POLICE priority dispatch protocols (similar to those medical calls already prioritized). This will benefit the training of new employees (using one standard program for all call-taking and priority dispatch activities instead of 4) and is anticipated to cut our initial onboarding and training time in half. In addition, this will include a substantial revision to FIRE and POLICE dispatch procedures that also offer expanded prioritization options for what amounts to more demand for resources than what resources are actually present and available.
- 911 Phone handling system is coming up on expiration and will be required to be updated in the next FY or so. We are exploring this system and working with the vendor to establish a timeline and compatibility issues with some of our existing systems.
- Our top 3 challenges include an increasing volume of phone calls and requests for emergency services and adjusting our staffing to try and meet this demand efficiently, refining and expanding the matrix of prioritization for the daily and moment by moment prioritization of fire and medical and law enforcement calls to limited (and sometime no) available resources, and continually training new staff on evolving protocol requirements that are present in such a dynamic and complicated environment.



9-1-1 Center





Therapy Dog Program

Deputy Fire Marshal Becky Biggins is the handler for Winston. Winston is currently in training and will be a fully operational Therapy Dog soon. Winston will be the first K-9 in Billings Fire Department. He will be serving the 1st responders of Billings Fire Department to aid in mental health and also serving the public to help teach fire safety.

A study out of UCLA Health on therapy animals showed the following benefits of adding a therapy dog program:

- **Physical benefits:** Lowered blood pressure, breathing slows in those who are anxious, release of hormones like phenylethylamine that regulates overall mood and can help with depression.
- **Mental benefits:** Helps people relax and decompress, provides comfort, and is a happy distraction. Petting animals also promoted the release of serotonin, prolactin, and oxytocin. These hormones all play a part in elevating mood.





Semi - Annual Report 2023

2305 8TH AVENUE N .
BILLINGS, MT . 59101
(406) 657-8423
www.billingsmt.gov/fire

sbn



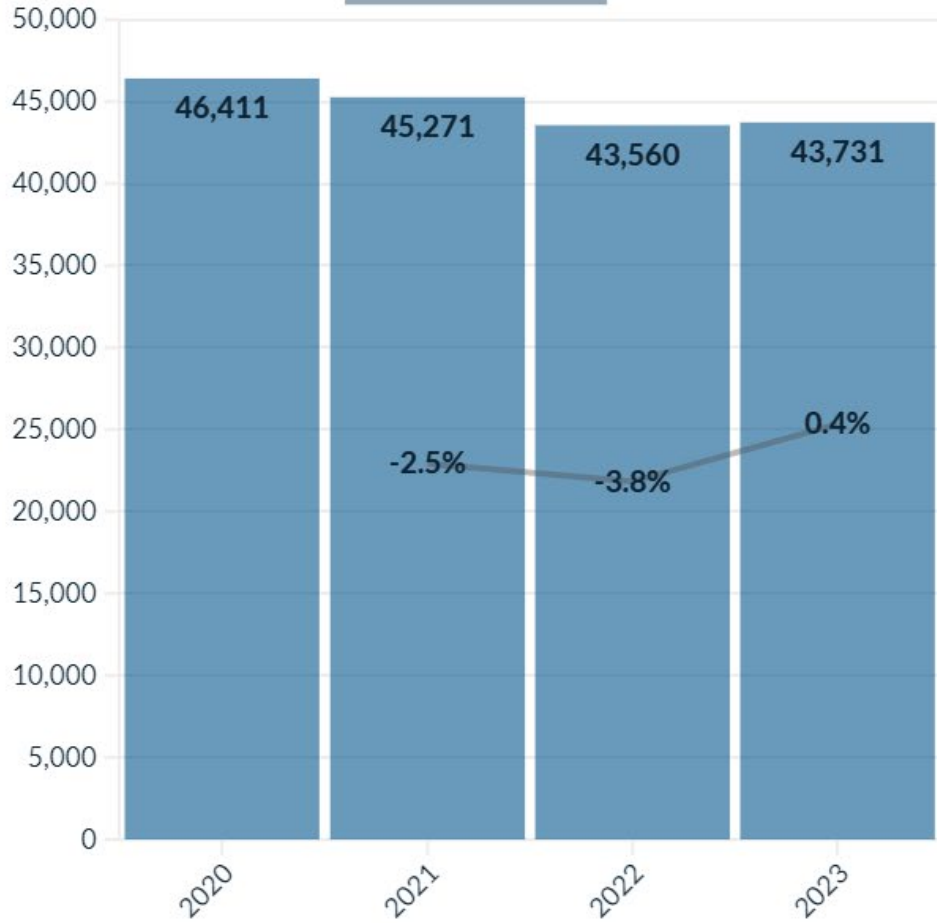
BILLINGS POLICE DEPARTMENT PUBLIC SAFETY UPDATE

Rich St. John
Chief of Police

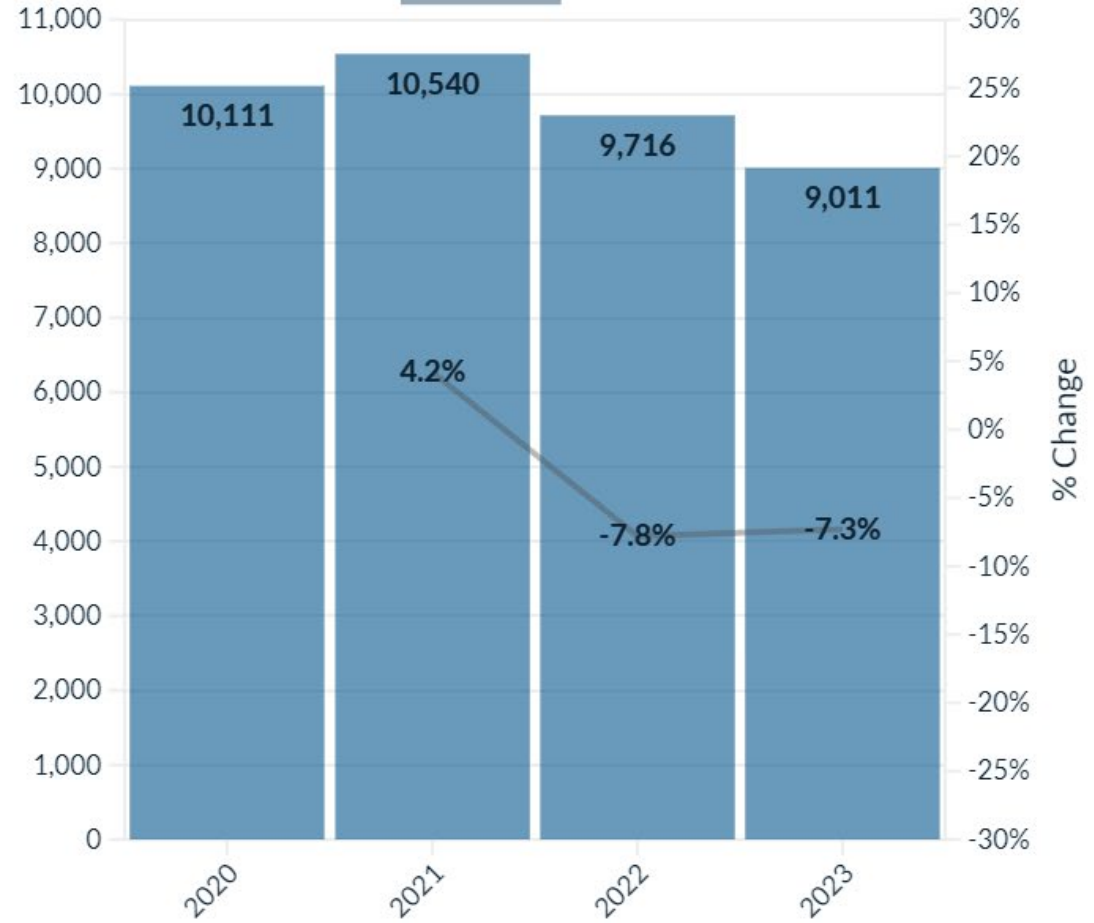


■ CHANGE ■ VALUE

INCIDENTS



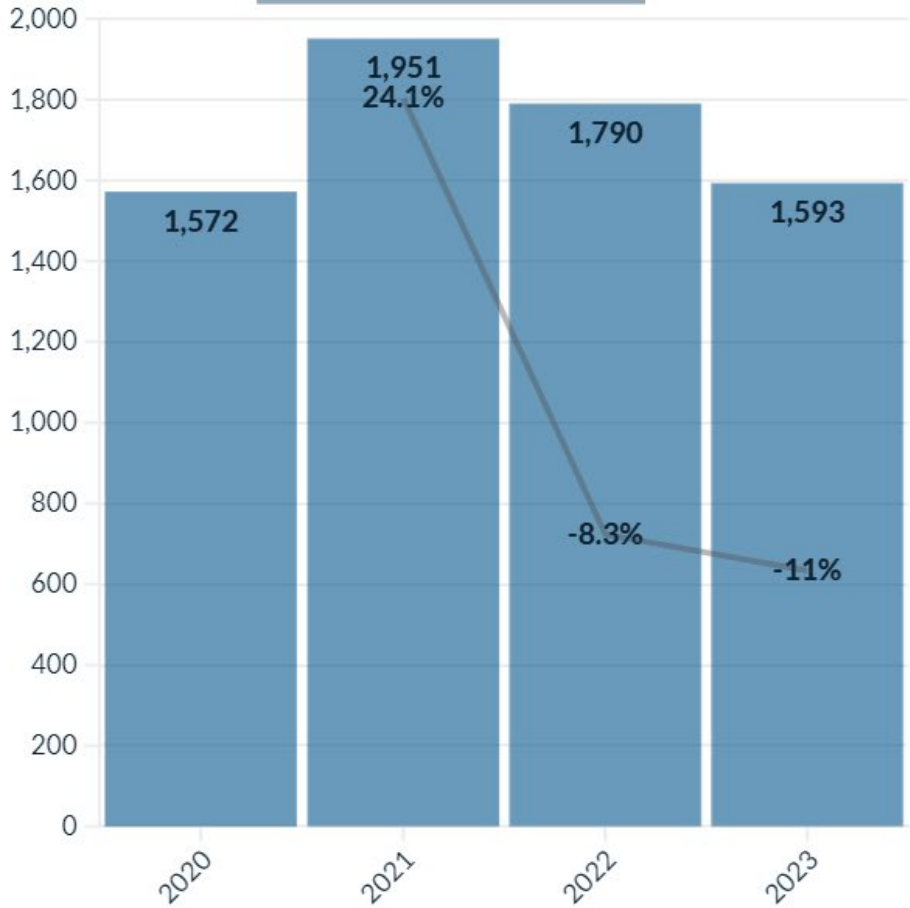
CASES



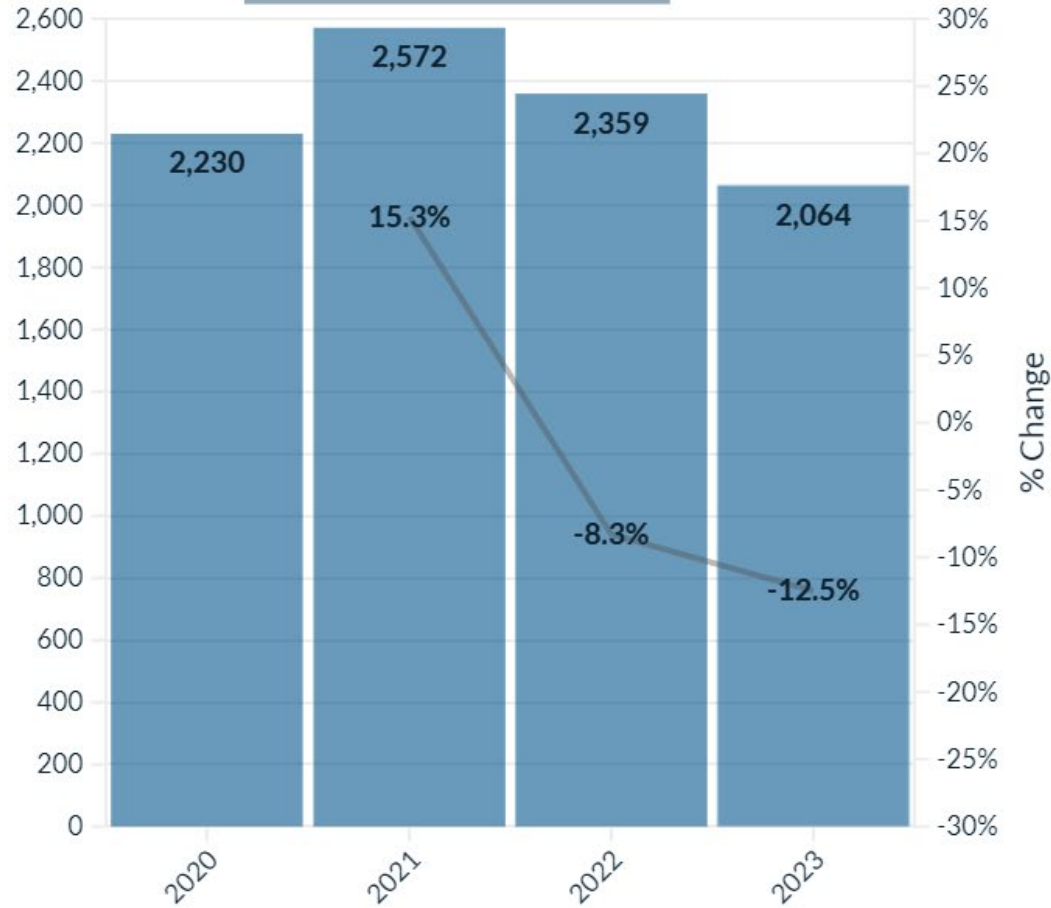
CALLS FOR SERVICE/CASES

JAN 1 – JUNE 30 DATA FOR EACH YEAR

VIOLENT CRIMES

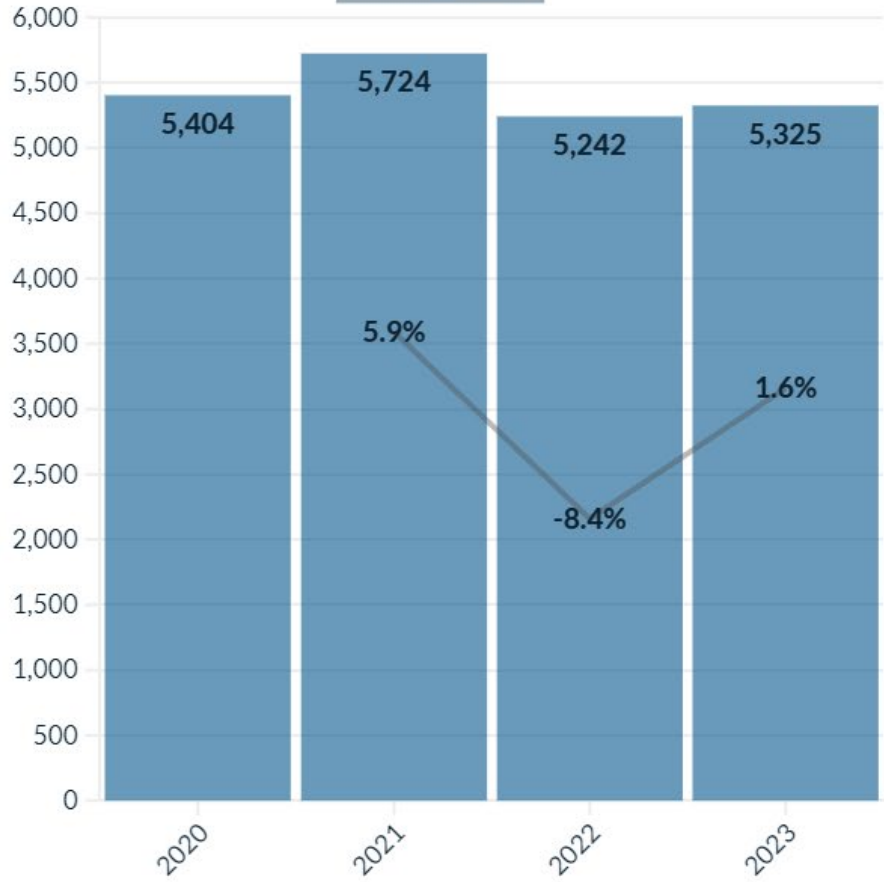


PROPERTY CRIMES

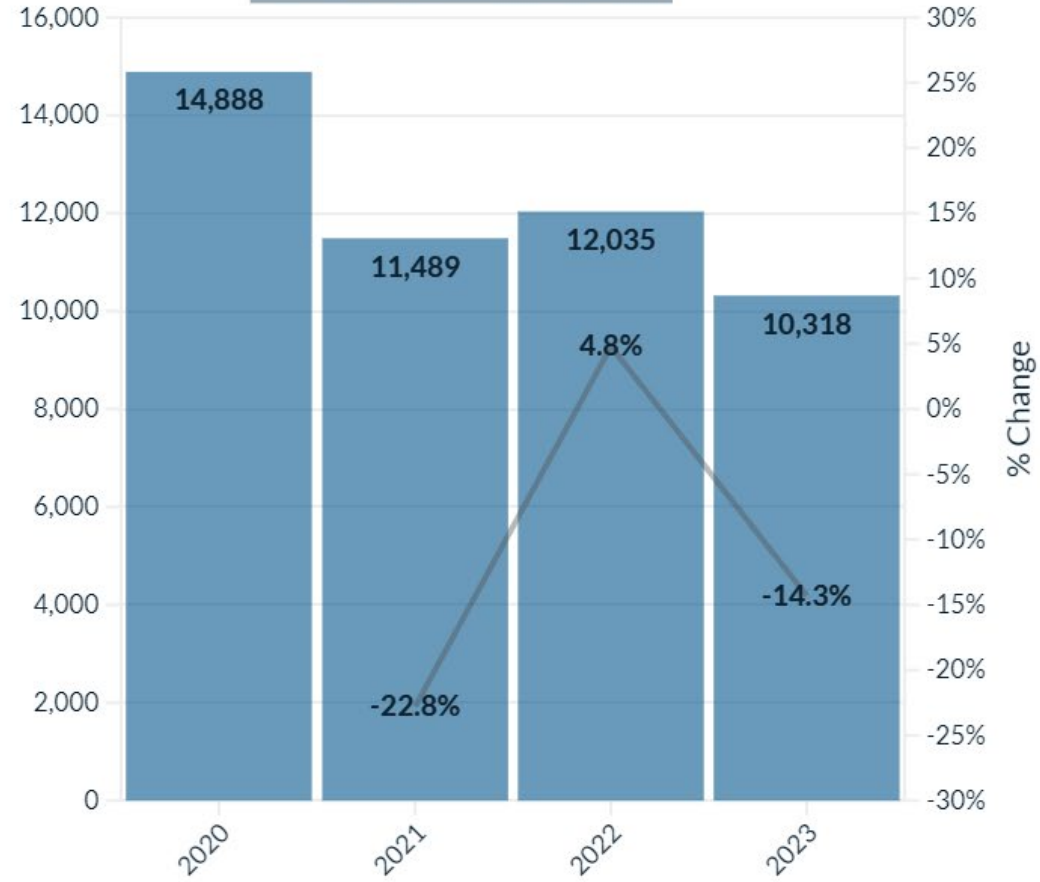


VIOLENT/PROPERTY CRIMES
JAN 1 – JUNE 30 DATA FOR EACH YEAR

ARRESTS



CITES & WARNINGS



ARRESTS/CITES

JULY 1 – DEC 31 DATA FOR EACH YEAR

Warrant Information

Notifications (3W) and Remand Rejections (1R)

3W designation: When officers are out with a person who has one or more warrants, but the warrants could not be served.

1H 2023: 877

1H 2022: 805

1R designation: When officers arrest a person on a warrant but upon arrival at the jail were not able to remand so person is given a notice to appear in court for a later date.

1H 2023: 155 (established 9/21/22)

Adult

- ▶ **1H Warrants issued that remain active: 1,876**
 - ▶ **Misdemeanor: 1,045**
 - ▶ **Traffic: 576**
 - ▶ **Felony: 225**
 - ▶ **Summons: 10**
 - ▶ **Other: 20**
- ▶ **1H adult arrests on warrants: 2,985**
 - ▶ **Municipal, misdemeanor: 1,406**
 - ▶ **Municipal, traffic: 416**
 - ▶ **Contempt of court, felony: 369**
 - ▶ **Revocation of suspended/deferred sentence: 337**
 - ▶ **Violations of conditions of release: 125**
 - ▶ **Warrant, other jurisdiction: 198**
 - ▶ **Probation violation, felony: 122**
 - ▶ **Warrant, failure to appear: 11**
 - ▶ **Parole violation, felony: 1**
- ▶ **Total 1H adult arrests: 6,116 (2,477 NTA)**

Juvenile

- ▶ **Total 1H juvenile arrests: 554**
- ▶ **Juvenile warrant arrests: 9**
Municipal traffic, 1, other jurisdiction, 2,
Municipal misdemeanor, 6.

WARRANT INFORMATION



PSML Update

Tina Hoeger

Code Enforcement Division Manager

August 21, 2023



Abatement Data Chart

Category	FY 22 (2 nd half)	FY 23 (to date)	FY 24 (to date)
Number of Abatements	6	22	4
One-year Abatements	0	14	3
Paid by Owner	3	2	1
Assessed to Taxes	3	4*	0
Unpaid	1	0	0
Success Rate	84%	100%	100%
Court -Ordered	3	17	3
Voluntary	3	5	1
Self-Corrected (Court-ordered)	0	5	1
Self-Corrected (Voluntary)	0	1	0
CE Cleanup	3	16	1
Recycling (lbs.)	0	39,881	0
CE Combined Hours	0	394.5	31.5

*We have 9 more properties to assess pending council approval at the September 11 meeting.

FY23 – 6 properties were billed out. All 6 were paid in full either directly by the owner or tax payment.



Mystic Park Cleanup

History

- Large encampment by the river near the water treatment facility
- Two smaller camp areas were also located
- BPD and CE located the camp
- Individuals advised to leave – given time to collect belongings
- CE returned and cleared a path to all three camps

Resources Used

- ATVs provided by Parks Dept. and BPD
- Grizzly provided by Street Dept.
- Sheriff's Labor Detail workers (3)
- Claw truck from Solid Waste
- Entire CE staff



Mystic Park Cleanup

July 26, 2023

Pre-Cleanup



Post-Cleanup





Code Enforcement Graffiti, Abatement, and Nuisance Tracker Map

- Map created in May 2023. Currently internal use only.
- Data start date: January 2022 – present
 - MSUB interns (2) loaded basic data into the map
- Replaces the Dirty Dozen List. Map reflects the following:
 - All abatements
 - All nuisance properties cases
 - All graffiti complaints made to code enforcement
 - Includes private property and city property
 - Billings Police is now forwarding copies of their graffiti reports as well
 - Gang graffiti identification:
 - Street Crimes Unit gang officer access/coordination



Code Enforcement Graffiti, Abatement, and Nuisance Tracker Map Demonstration

Abatement

- Active
- In Compliance

Gang Graffiti Location

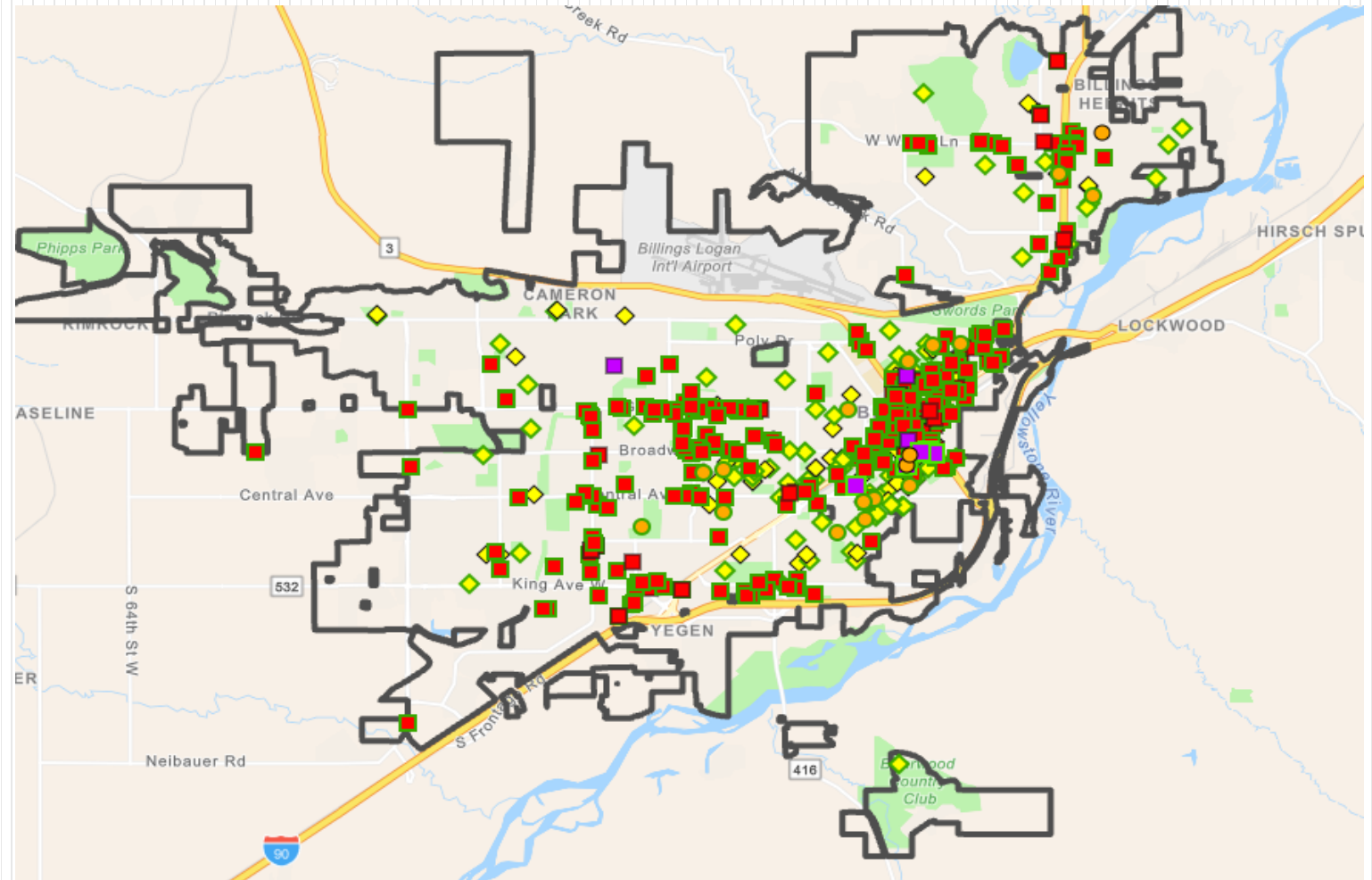
- Active
- In Compliance

Graffiti Location

- Active
- In Compliance

Nuisance Property

- Active
- In Compliance





Education

- Continuing with monthly topics for the neighborhood task force meetings
- Facebook Live – Josephine Crossing – July 24th
 - Closed group for the homeowners' association at their request
 - Answered code enforcement related questions that apply to the neighborhood
 - Victoria Hill and Tanya Punt
- Co-speakers with Todd Corne at BHCC – August 17th
 - Todd Morgan and Chris Simpson
 - Answered questions regarding graffiti, commercial businesses, etc.



Current Projects

- Ordinance updates with newly assigned city attorney Todd Corne
 - Graffiti, nuisance properties, boarded structures, commercial vehicles, VPRO
 - Additional nuisance cases for District Court
- Large impact graffiti abatement project coming September 2023
 - Approximately 50 adult treatment court participants volunteer day
- Buck thorn removal project in partnership with Parks and Recreation
 - \$25,000 grant awarded
 - Education and media piece

PUBLIC SAFETY UPDATE

2023



2022 VS 2023 CALLS FOR SERVICE

2022

- Fires: 68
- EMS: 9123
- Service/Other: 1217

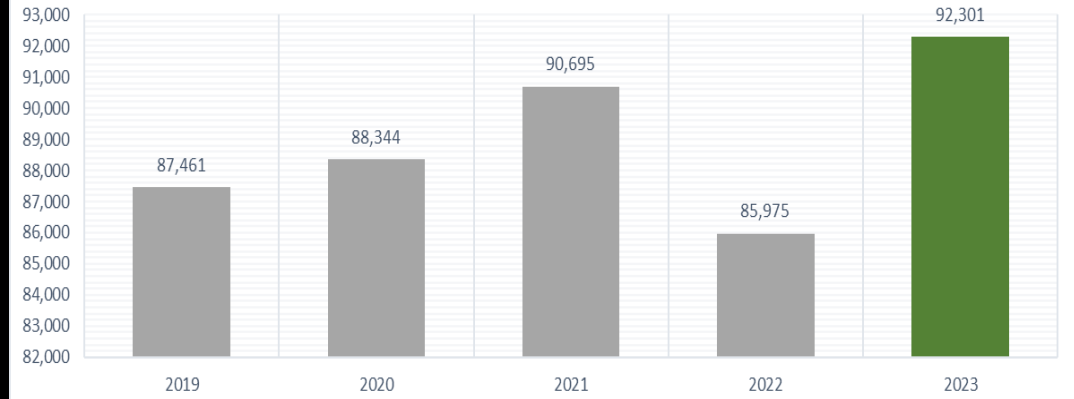
2023

- Fires: 80
- EMS: 8576
- Service/Other: 1602

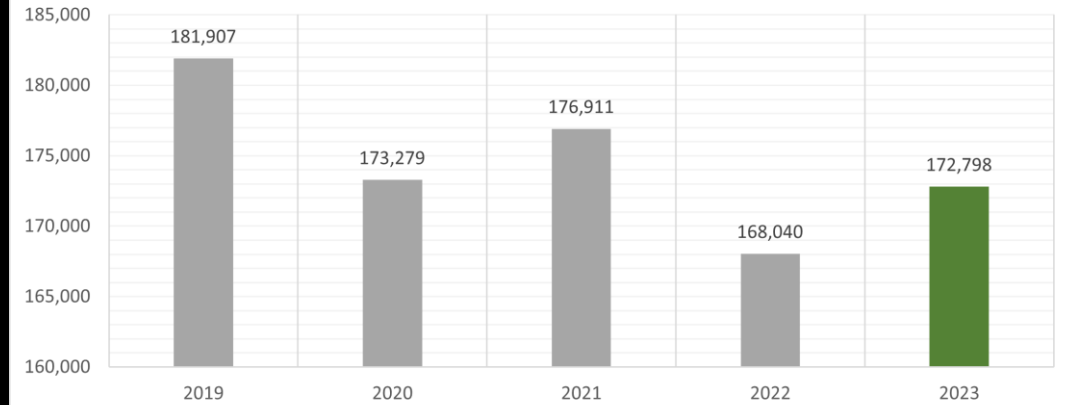


9 - 1 - 1 CENTER

CALL FOR SERVICE TOTALS: 1/1 - 7/31, 2019-2023



911 CENTER PHONE TOTALS: 1/1 - 7/31, 2019-2023

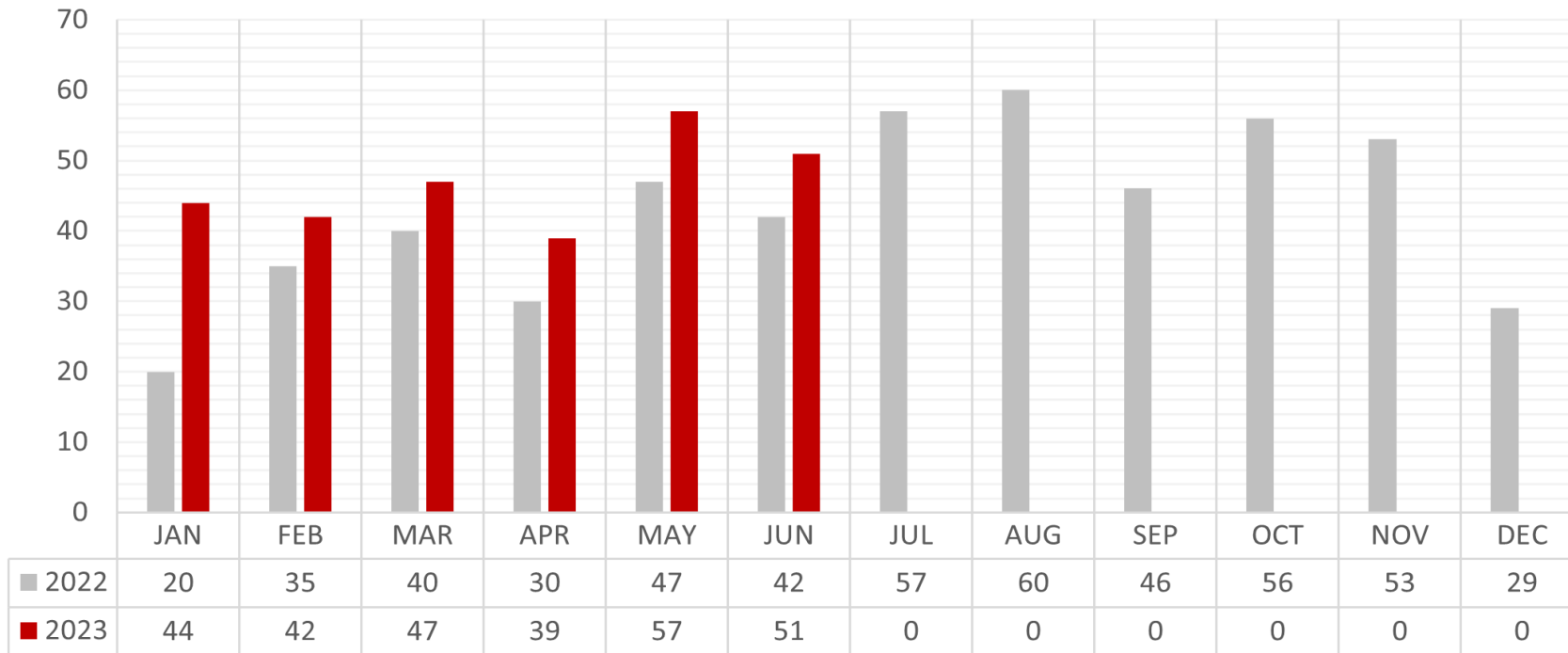


9-1-1 CENTER

- Implementing the new radio core
- New Police and Fire dispatch protocol system
- Proximity dispatching

FALSE ALARMS

FALSE ALARM VIOLATIONS BY MONTH: 1/1 - 7/31, 2022 & 2023



■ 2022 ■ 2023

TRAINING

Highlights

- 10 members hired and completed the recruit class
- Total training hours for recruit class: 4,800 hours
- Facility Training (individual employee hours: 3882.5 hours – 161.77 days)
- Company Training (individual employee hours: 5106.11 hours – 212.75 days)



- Over 1,600 calls as of July 31st
- 2nd squad in service July 10th
- Keeps Engines in the service area more often
- Intended vehicles in service in early July
- CRU start date of September 4th



MOBILE RESPONSE TEAMS

QUESTIONS?