

City Council Work Session

October 5, 2009
5:30 PM
Community Center

ATTENDANCE:

Mayor/Council (please check) x Tussing, x Ronquillo, Gaghen - excused, x Brewster, x Pitman, x Veis, x Ruegamer, x Ulledalen, x McCall, x Astle, x Clark.

ADJOURN TIME: 7:25 p.m.

Agenda

TOPIC #1	<i>Public Comment</i>
PRESENTER	
NOTES/OUTCOME	

- None

TOPIC #2	<i>Community Development Board Funding Priorities</i>
PRESENTER	
NOTES/OUTCOME	

Community Development Manager Brenda Beckett explained that a public hearing was usually held separate from Council action. She asked if council wanted it combined. It was Council consensus to combine the hearing and action at the same meeting. Mayor Tussing commented that Ms. Beckett would always present the information at a work session anyway. Ms. Beckett said that was correct.

Ms. Beckett reviewed the comparison of the past two years and the award information. She noted that the average award declined from the previous year, which she believed was the intent of the Council. Ms. Beckett noted that organizations still had to provide reports and build capacity.

Councilmember Clark asked if she was saying that if an entity got money one year, it would not get any the next year. Ms. Beckett explained that the money should be viewed as a several-year project, meaning that funds were for new projects. She advised that some organizations that provided home repair received annual allocations because it was based on need. She noted that five organizations received funds for the current year.

Councilmember McCall asked if evaluations were done in addition to the annual report. Ms. Beckett said the evaluations were done annually and there were about 20 activities to monitor, compared to 35-40 with the past allocation process.

TOPIC #3	<i>Yellowstone Historic Preservation Board Update</i>
PRESENTER	
NOTES/OUTCOME	

Planning and Community Services Manager Candi Beaudry advised that a presentation would not be made that evening.

TOPIC #4	<i>Mayor's Committee on Homelessness Presentation</i>
PRESENTER	
NOTES/OUTCOME	

Ms. Beckett advised that a full version of the ten-year plan was available if anyone wanted to review it. She explained that she previously worked in the mental health field and was surprised at hers and others' biases concerning homelessness such as: 1) homeless people wanted to be homeless, but the truth was that about half were seeking housing and permanent employment; 2) homeless did not want to work, while one-third were working; and 3) if it was built it they would come, referring to homeless shelters, but homeless people were already here – 60% had been here for more than two years and 20% had been in Billings their whole lives. Councilmember Brewster asked if there was a way to find out how many homeless came to Billings via Greyhound Bus. She said data concerning that was included in the report. Ms. Beckett stated that while people questioned why the homeless issue was addressed, it cost too much to not do anything based on the services that were provided to homeless individuals. She advised that data indicated that it cost \$15,534 per homeless person for year in Billings, while other communities indicated that it could cost up to \$40,000 per year. She said chronically homeless individuals cost up to \$150,000 per year, and the total cost of the public services for homeless was \$54 million. Ms. Beckett explained that providers had indicated that some services were underreported so those figures could actually be higher.

Ms. Beckett advised that Billings was the pilot program for a state initiative that started in 2005. She said several agencies worked with the Mayor's Committee on Homelessness and there were 33 BARN (Billings Area Resource Network) members. She noted there were 53 service providers and most interacted together for referrals.

Ms. Beckett reviewed accomplishments regarding homeless issues and the plan development. She introduced VISTA Volunteers that had been associated with the project: Julia Guarino, Mike Dummeyer, and Jessica Mowry.

Ms. Beckett explained Continue of Care Funding provided by the Federal Government. She noted that Billings received 10% of the state's allocation with 90% going to communities west of Billings. Ms. Beckett reviewed the basic elements of the plan and advised that Committee members were committed to taking specific action to implement the plan. She noted that the plan was not online, but could be put there for public access.

Ms. Volek commented that the plan was a result of tremendous work from Ms. Beckett and her staff. She asked Ms. Beckett how much time was devoted to the plan. Ms. Beckett responded that she probably spent about 1000 hours per year on it and once the VISTA Volunteers came on board, they took on a good deal of the work.

Councilmember McCall said it was a good product and thought the business consortium and job training efforts were essential. She suggested involvement of the Big Sky Economic Development Authority in addition to the Chamber that was already involved. Ms. Beckett advised that the Board of County Commissioners should also be involved.

Councilmember Clark stated he knew the groups worked very hard. Ms. Beckett mentioned that about 300 people were involved in the initiatives.

Ms. Beckett advised that the public hearing on the item would be held October 13 and action was scheduled for October 26, 2009.

TOPIC #5	<i>High Sierra Park Master Plan Update (Dog Park)</i>
PRESENTER	
NOTES/OUTCOME	

Parks Planner Mark Jarvis explained that the Friends of Billings Dog Park formed in 2008, and consisted of seven citizen members and one Parks Board member. He reported that the goal was to create three dog parks in the City, and if the High Sierra Master Plan was approved, the group would begin fundraising efforts. He explained that the Master Plan Policy required a revision in the master plan if there were any major changes. He advised that a public meeting was held at Castle Rock Middle School and invitations for it were sent to the High Sierra subdivision residents, with about 20 people in attendance that were supportive of the project. He reported that the Parks Board recommended approval at its September 9 meeting.

Mr. Jarvis provided examples of the typical configurations of dog parks, and the rules and expectations.

Mr. Jarvis explained that the parks were usually open sunup to sundown and were generally not locked after operating hours. He showed examples of varied levels of development with amenities. He said essentials were water for humans and pets, a pick-up station, rules, seating and shade. He noted that the rules were most important. He explained that a recent needs assessment indicated that 80% of the households had one or more dogs, and a place was desired to take dogs because parks did not allow them.

Mr. Jarvis explained that High Sierra Park was conveniently located and had an area large enough that a park could be developed that would not intrude with the neighborhood. He advised that a parking lot was already in place that would be incorporated into the dog park, along with all the land to the west of it. He said there was a growing demand and interest in development of a dog park. Councilmember Brewster asked if there was enough development there to allow access to that parking lot now. Mr. Jarvis said that was possible and with increased activity, it would be a safer area. He noted it was underutilized at the current time.

Mr. Jarvis advised that funding would be raised by the Friends of Billings Dog Park and volunteers would build it, with assistance of City crews as time permitted. Councilmember Pitman asked if the committee was a non-profit group and who was in charge. Mr. Jarvis explained it was a volunteer group, chaired by Sue Bressler and it worked with staff as an advisory group. Councilmember McCall asked how much money was needed for the park. Mr. Jarvis explained that with the amenities, \$130,000 would be needed for High Sierra, but the other location being considered at Riverfront Park would cost less because it was a wooded area and grass and irrigation were not needed. He reported that the committee wanted to raise \$300,000-400,000 to develop three dog parks. Mr. Jarvis advised that a third location on the west end was not yet in place.

Councilmember Brewster commented that High Sierra could also be a good disc golf course location.

Councilmember Pitman asked about PetSmart sponsorship. Mr. Jarvis explained that the board was considering it and the manager sounded positive about it.

TOPIC #6	<i>Public Access to Council Emails</i>
PRESENTER	
NOTES/OUTCOME	

City Attorney Brent Brooks presented a resolution and draft policy. He said he recognized that time was required to consider it, so immediate feedback was not expected. He explained that the policy was the result of a July, 2009, Council initiative, and was based in part on Missoula's procedure that did not include a formal, written policy. He referred to paragraphs #1 and #2 that were the essence of the policy, and to items #3 and #4 that directed the City Administrator to implement rules that allowed public access. He referred to item #5 that indicated the policy did not overrule the open records act procedures. He noted that Missoula and School District #2 followed that procedure, but he was not aware of anyone else that did.

Ms. Volek recognized the contributions of Information Technology Manager David Watterson and City Clerk Cari Martin. She noted that an item would be added that the policy would be reviewed every three years.

Mayor Tussing asked if it applied to personal email accounts. Ms. Volek explained that the City of Missoula website included an address, along with individual addresses of City Councilmembers. She said a City email address would be developed that could be used for communication to all councilmembers posted on the web simultaneously and councilmembers would also be able to send information to all council with that address as well. She said the Missoula City Clerk reviewed and posted emails on a daily basis, but there were issues with censorship and timeliness with getting the information available on the web site. She explained that if the policy was adopted, she would prepare procedures and bring them back for review.

Mayor Tussing stated he still did not understand how the City would access emails that went to the personal accounts. Ms. Volek said it would be up to council to share the correspondence. Councilmember Pitman commented that rather than use the ex-parte process, correspondence could be posted at that general site. Ms. Volek noted that it would not include all emails, but only those that were sent to all councilmembers. She said the City could not access personal email accounts, so councilmembers would be encouraged to have a City email account to separate personal and business matters. Mr. Watterson confirmed the process of sending email correspondence to the general account so it could be posted to the City web site. Mayor Tussing stated that problem was that he maintained a City email account for City business, but when he receive unsolicited personal correspondence he could not respond without violating the personal use policy.

Ms. Volek advised that the posting to the website would be instantaneous and it would become a public document, so council had to be careful with personal information or other privileged information. Mr. Brooks commented that was why Missoula screened the emails before posting, and a notice would be included that warned the public that their emails could be posted.

Councilmember Veis stated that the language in the policy seemed to indicate that he had to disclose personal emails. He encouraged all councilmembers to conduct all City business with the City account in order to not subject personal email accounts to the policy. Mr. Brooks stated that he felt the Supreme Court would probably rule that personal account emails should be disclosed if they dealt with business. Councilmember Veis stated he felt the policy should clearly state that councilmembers should or must have a City account.

Mayor Tussing asked about disclosure if there was a legal matter. Mr. Brooks explained that in that situation, the individual would have to produce them for court disclosure.

Mr. Watterson agreed that all council should have a City account and staff could provide training if necessary. He explained the email tracking and retention abilities with the City account.

Ms. Volek stated that if the policy was adopted, it would be the most publicly transparent policy that the City knew about.

Councilmember Pitman stated he agreed with Councilmember Veis that councilmembers should be required to have a City account as part of taking the office.

Councilmember Veis suggested adding a provision that it was okay for council to forward personal email messages to a personal account from a City computer or account. Ms. Volek explained that was in the electronic use policy and would have to be reviewed. Councilmember Pitman asked if the intent was only for employees. Ms. Volek stated that there had been questions about whether councilmembers were city employees, but Councilmember Veis's suggestions made that clear. Councilmember Brewster stated that incidental communication of a personal nature was not a conflict of interest, and there should be a way to allow it.

Councilmember Ulledalen advised that he had heard that the School District #2 policy was very restrictive and damaged its credibility. He said the public needed to understand that opinions could be disclosed but council should not have to do it if it did not pertain to general City business. Ms. Volek explained that emails to or from individual councilmembers would not automatically be disclosed, but something with broader interest may be forwarded to the central email address for posting to all councilmembers and the website. Councilmember Pitman commented that it was a good way to hear what was going on around the City and the common issues. Councilmember Veis asked if there was a way to provide access to his City account, but to make it read-only because he did not want anyone to be able to fake his email responses. Mr. Watterson said it could be accomplished if that was Council's desire. Councilmember Ulledalen asked when it could become libelous if a complaint was received about an individual employee. Mr. Brooks advised that was a danger of not having some ability to screen emails. Councilmember Veis suggested establishing some criteria to screen the messages. Ms. Volek explained that Missoula screened only the messages going to the general inbox for everyone and it took about 10 minutes per day. Mr. Watterson explained the procedure that could be followed if the emails were to be screened and then posted or if they were immediately posted without screening.

Mayor Tussing asked Councilmember Pitman if he was concerned about the electronic issues to avoid criticism. Councilmember Pitman stated the City needed to be proactive. Councilmember Ulledalen stated he felt it would slow down the email traffic, which was good and bad.

Ms. Volek voiced her concern about someone making an untrue allegation about a councilmember, an employee or the organization, and sending that to all council made it a public record. She suggested including a disclaimer that libelous, inappropriate or privileged communication could be removed from the website.

Councilmember Veis advised that the electronic devices policy would be delayed and this one could be delayed as well and considered together. Council consensus was to delay the item.

Ms. Volek advised that she understood council wanted the messages delivered to the general address screened to ensure they did not violate anyone's rights. Council consensus was to screen the emails.

Additional Information:

Councilmember McCall referred to an email from Pete Hansen about microphones and not being able to hear council meetings on TV. Ms. Volek explained that the plenum above

councilmember desks confined sound to the council area. She said future plans might take care of that. She advised that council had to be sure to speak right into the microphone. Councilmember Veis stated that the microphones were designed to be used that way and sidebars or talking when leaning back would not be picked up. Councilmember Astle noted that the speakers in the audience area needed to be checked because it was hard to hear in that area as well.