

City Council Work Session

5:30 PM
Council Chambers
May 12, 2015 (Budget Only)

ATTENDANCE:

Mayor/Council (please check) x Hanel, x Cromley, x Yakawich, x Cimmino, x Pitman, x McFadden, x Bird, Swanson, x McCall, x Crouch, x Brown.

Mayor announces Happy Birthday to Tina Volek, recognizes Steve Volek.

ADJOURN TIME: 9:17

Agenda

TOPIC #1	Legal
PRESENTER	Brent Brooks, City Attorney
NOTES/OUTCOME	

- Presentation on FY budget request. 14 people in department; no changes in funding sources. Explains budget differences; personal services and O&M. Domestic Violence grants (separate funding source from the Board of Crime Control). Future challenges: Office of Public Defender funding; increasing complexity of civil cases; providing internal assistance to MMIA Counsel; compilation and summarizing of session laws. Recognizes staff in audience.
- Crouch: deductible for MMIA cases \$50,000? Yes, per case. Comes out of property liability fund.
- Yakawich: O&M: mostly operations and less maintenance? Yes, administrative-type fees, copies, etc. Witness travel expenses paid out of Operations budget.
- Brown: Where do external fees come out of in the budget? MMIA pays for its attorneys and City pays MMIA.
- Cromley: trial numbers? Bonnie Sutherland, Assistant City Attorney: 5 jury trials and 18 bench trials in 2013, 12 jury trials and 3 bench trials in 2014, 5 jury trials and 9 bench trials so far in 2015. Will provide additional stats via email.
- **Public comments:**
- Kevin Nelson, 4235 Bruce Avenue, Billings, MT: somewhat discouraged with city attorney office when stopped in last week. Warrant not served? Response was 2 weeks, too long. Should be sped up.
 - Brent Brooks will respond to Council and Mr. Nelson about time-frame.

TOPIC #2	Library
PRESENTER	Bill Cochran, Library Director
NOTES/OUTCOME	

- Recognizes staff; Dee Ann Redman, Kathy Robbins, Mary Murphrey. Community is embracing new library. Parking lot should be done in 3-4 weeks. New library use increasing. Revenues stable, explains some details on fines/forfeitures. Decreased revenue due to tax collections. No big changes in expenses. SBRs include community strategic planning, seasonal employee, VISTA volunteers and vehicle replacement. Teen services warrant a full time teen librarian in lieu of the SBR for seasonal employees; Administration also recommends this request.
- McCall: Full-time teen librarian position cost? \$59k-\$73 including wages and benefits.
- Pat Weber, Director of Finance: budget adoption resolution will have proposed budget, additions, deletions and adopted budget. Library change will be shown as an addition.
- Yakawich: \$785,000 O&M – how is money spent? Cochran/Murphrey: program supplies, interior and exterior maintenance; will provide copy of this information.
- Crouch: any of the O&M going to west end branch? Will re-evaluate this in the future. Can provide numbers.
 - Robbins: increasingly using it for drop-off of borrowed material and borrowing from the site is declining slightly.
- Pitman: are energy bills lower in new building? Cochran: currently evaluating comparisons and changes, but costs will be lower.
- Pitman: lights are still on all night. Cochran: will look into this and get information.
- Pitman: exterior maint, window cleaning cost? Murphrey: there are monthly, quarterly, and annual cleaning tasks. Will report costs; this is contracted.
- Pitman: easier to clean, more efficient? Murphrey: old building systems didn't work well; hard to tell how much new building is saving since it is not yet complete.
- Bird: single entrance and loitering complaints. Cochran: will be resolved when new parking lot is completed and enforcement is in the area.
- Bird: how is coffee shop doing? Business will likely be better when parking lot is available; currently breaking even. Shop is open 40 hours per week.
- Cromley: 2nd floor meeting room usage? Cochran: Heavily used; regular meeting sessions in these rooms.
- Brown: teen usage of library? Murphrey: went from serving approximately 12 teens/month at old library to 150/month at new library. Can get exact figures.
- Cimmino: Interlocal agreement with County, how often is it re-evaluated? Renegotiated in 2005
- **Public comments:** none

TOPIC #3	Municipal Court
PRESENTER	Judge Sheila Kolar, Municipal Court Judge
NOTES/OUTCOME	

- Court of record since 1996. Treatment courts and highest case total in the state.

- Discussion with CM Cromley about trial setting, settlement, etc. Depends on how case negotiation proceeds.
- Bird: what happens when a case goes to trial? Kolar: never know what will happen, therefore set about 10 per week and one week per month.
- Bird: schedule for non-trial week? Deadlines? Kolar: ABA standards for case resolution.
- Bird: why ask for part time judge when full time is probably needed. Disappointed with conservative approach. Kolar: part time judge is cheaper, and thinks schedule can be managed.
- City Administrator Volek: statute requires 2nd judge to be elected. Starting with PT judge makes sense.
- Crouch: treatment court figures? Kolar: 33% recidivism, lower than national avg. Graduated 16 people from this quarter.
- Yakawich: O&M – what is in that category? Kolar: juries, letters, documentations, copies, travel, training, office supplies, utilities, facilities management. Britannia Park (Court Administrator): generally come in under budget.
- Yakawich: are people being fined appropriately/consistently? Kolar: fines are for punishment, not for generating revenue. Facts of case and defendant history are considered.
- Bird: earlier questions were edgy. I'm an advocate for Courts, and commend work of Municipal Court. Yellowstone County courts in crisis. Court space is limited and not the right kind of space. Council needs to do better for court.
- Pitman: Budget-wise, FT and PT judge: how do we decide whether we need another FT judge and additional staff and additional space? Kolar: bailiffs already work OT, another judge will require additional space. Park: 3-4 people needed to run a courtroom.
- Pitman: space needs, when, how do we have the discussion about when? To what extent can we dedicate fines to space and personnel needs? Kolar: let's try a part time judge for now and evaluate needs.
- Cimmino: CTA space evaluation...due to any specific reasons? Kolar: could be several reasons.
- Brown: Part time judge? Would be about 20 hours per week.
- **Public comments:**
- Stacey Tenney 1730 Hollyhock Street, Billings, MT: Ward 3 resident, testifying as a private citizen. Agree that a second judge is needed. Concern about using pro-tem judges because they're used at same time as FT judge and not when judge is not available. Not using courtroom during entire daytime hours. Concerned about defendant civil rights. Should be seeing an elected judge. Not holding court for required hours. Pro tems being used to get people through heavy arraignment schedules. Will speak again about the SBR.
 - Hanel: what do other courts do with pro tem judges? Caseloads have declined over the last couple of years, so an appointed part time judge could be sufficient. Citizens need to see elected or appointed offician
 - Cromley: who appoints pro tem judges? Since judge appoints a part-time judge, what's the difference? Statute. Purpose of pro tem judges are to fill in when elected judge is not available. Appointed part-time judge would have all powers of the elected judge.

- McFadden: appointed part-time judge would have legal status and be able to act in manners that pro tems cannot.
- Pitman: are you speaking as a citizen or employee? Difficult to separate each.
- Bird: comments are critical for Council to consider. Use of pro tems have been an attempt to alleviate heavy caseload, but is not effective.

TOPIC #4	Municipal Court Space Needs
PRESENTER	Bob LaPerle, CTA
NOTES/OUTCOME	

- McCandless introduces Bob LaPerle, CTA; notes that these are short-term solutions.
- Bob LaPerle, CTA: explains space planning process, examples of muni court and city hall as a whole. 2nd floor remodel and costs. Main issues are space and security.
- Pitman: how does court and council function during construction? LaPerle: most renovation could occur after hours.
- Yakawich: another building in the future? Is this temporary? Volek and LaPerle: moving to new buildings could take quite a while. 3-5 years is an optimistic estimate.
- Cromley: losing any office space? LaPerle: no, just utilizing space differently.
- McCall: like the plan, good use of space. Makes courtroom a multi-purpose room.
- Brown: funding from General Fund? Volek: Yes, and is requested as an SBR
- Bird: this space is not ADA accessible.
- Cimmino: change the color scheme? LaPerle; remodeled areas get new finishes.
- Bird: probably studies that dictate which colors are appropriate or recommended for courtrooms.
- Hanel: great use of space in plan. Really need ADA accessible facilities
- Pitman: only one entrance to common area? LaPerle: current layout shouldn't be greatly affected, lobby will be more open and have more public space.
- Brown: does this project affect public safety down the road? Volek: possibly, but there is also additional revenue available. This is a security issue as well.
- Bird: part of SBR, and will happen if Council approves SBR? Volek: yes. Council will decide on this with the overall budget.
- Cimmino: occupancy limits of current courtroom? Saree Couture (Facilities Manager): 98, with seating for 73. Will re-evaluate occupancy limits with new remodel.
- Yakawich: as a Councilmember, does not see the need for remodeling. Does this space limit functionality of the Courts? Judge Kolar: there is an operational security issue. Ultimately up to the Council. Remodel would be conducive to Court operations.
- Brown: main security issue is in the hearing room in the back.
- McCall: look at broad needs of the City. This isn't just about Council meetings and Court proceedings. Room could be used for a variety of purposes.
- Bird: this is about the bigger picture. Space is not user-friendly.

- Cimmino: this plan addresses only the needs of the Municipal Court? LaPerle: correct, and only certain offices are being moved.
- **Public comments:**
- Stacey Tenney, 1730 Hollyhock Street, Billings, MT: private citizen. Oppose spending public money for this. Same comment as CM Yakawich. Security and processing problems are due to court schedule that masses people on Tuesdays and Thursdays. Dark courtroom most M,W,F afternoons. Back courtroom just remodeled (paint, carpet, chairs). Concerned that City will spend money on this, but cannot hire additional Police officers. PT judge could work in the afternoons in this courtroom and do a lot of business. Courtroom is underutilized.
- Bonnie Sutherland, 2730 Custer, Billings, MT: private citizen. 3 months since back courtroom was remodeled. Building isn't perfect but timing of this improvement is wrong. People going to back courtroom have been screened through security. Courtroom workload has declined by 10,000 cases since last year. Waiting lines are 100% due to court scheduling. Security has improved greatly, and no noticeable security issues.
 - Hanel: part of your opposition due to having to move offices?
 - Sutherland: absolutely not
 - McFadden: spend \$300k elsewhere such as for police officers? Can that be done?
 - Sutherland: it's doable, but should check with other staff.
 - Volek: four Police positions are opened. Problem: have money in the budget currently, but in 18 months, will no longer have a place for these officers if levy does not pass.
 - Hanel: \$300,000 would only carry City through 1.5 years of paying for a police officer. This remodel would be a one-time expense.

TOPIC #5	Administration & Administrative Services
PRESENTER	Bruce McCandless, Assistant City Administrator
NOTES/OUTCOME	

- Thanked those who contributed to the budget preparation. Explains where each department falls under the budget. Budget comparison between FY15 and FY16. Discusses Administration, Mayor and Council, Parking, IT, Fleet Services, Facilities Management. Expected challenges for each division.
- Cimmino: increase in Mayor and Council budget due to? McCandless: facilities, IT, health insurance costs, others.
- Cimmino: new City website being done by in-house or outsourced? Plan is to continue working with Civics Plus.
- Cromley: when was website last updated? Last website renovation was approximately four years ago.
- Cromley: revenue for service lots is less than expenses. Is this typical? Yes, with service lots. Garages typically make higher revenue.

- Yakawich: O&M expenses...where is it being used in Fleet Management? Fleet management uses a complex inventory system.
- Yakawich: can departments state where O&M budgets are being allocated? Staff can add this detail.
- Hanel: SBR for new generator in City Hall? Saree Couture: Fleet maintains this and it is recommended to be replaced.
- Brown: is City using outside companies for printer maintenance or does IT manage this? Individual departments can provide additional information. Copier maintenance is done outside of the City.
- Brown: Fleet rebuilding done in-house? Larry Deschene (Fleet Services Manager): major rebuilds are done outside.
- McCall: important to remember that City is a really good steward of public funds and does a good job with budget management
- Cimmino: zero budget increase? Try to keep costs constant from previous years. Some costs are uncontrollable (such as fuel), but try to keep them as constant as possible.
- **Public comments:** None

TOPIC #6	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- None

TOPIC #7	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- None