

City Council Work Session

5:30 PM
Council Chambers
February 16, 2016

ATTENDANCE:

Mayor/Council (please check) Hanel, Cromley, Yakawich, Cimmino, Brewster, McFadden, Friedel, Swanson, Sullivan, Clark, Brown.

All attending except Brown.

ADJOURN TIME: 10:50

Agenda

TOPIC #1	Beartooth RC&D
PRESENTER	Earl Atwood, Office Manager
NOTES/OUTCOME	

- Earl Atwood, office manager. Hope Council supports funding agreement. Introduces Sue Taylor, new Eco Developer director. Outlines programs.
- Cimmino: annual fee about \$9000? Yes, up slightly this year over last.
- Yakawich: work with Crow Tribe? Yes, started working through Bruce McIntyre, Billings Chamber.
- Swanson: RC&D board member, do good work in rural areas.
- Hanel: thanks for good work.
- **Public comments:** none

TOPIC #2	State Legislation
PRESENTER	Ed Bartlett, City of Billings Lobbyist
NOTES/OUTCOME	

- Ed Bartlett: represented city since 2008. City is primary client. Interim, work with 4-5 committees,
- Recorder started at 5:50 p.m.
- Bartlett: hands out 2015 legislative session City issues
- Cimmino: didn't have a sponsor for local option. No, worked with others but it didn't happen.
- Yakawich: contract for your services? Yes. Concerned about time that you spend with other clients –lots of work to do and now live in Helena. Bartlett: comfortable with the time spent on Billings and little for other clients. Better able to attend meetings and meet people.
- Yakawich: 16 legislators from Yellowstone County? Bartlett: 20 legislators represent the Billings area and can increase to as many as 30.
- Yakawich: make sure that we inform legislators. Bartlett: we do and will do again.
- Cimmino: summary of how the city's issues were addressed, or not.

- **Public comments:**
- Kevin Nelson: 4235 Bruce Avenue, Billings, MT - RTIC Dec. meeting asked the legislative staff to look at WY local sales tax and whether it could work in MT.

TOPIC #3	Liability Issues at Dehler Park
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Volek: Mustangs have installed and replaced nets. Exceed baseball standards.
- Brent Brooks, City Attorney: mutual indemnification and insurance – good risk management.
- Clark: know people have been injured. Who takes responsibility for medical costs?
- Brooks: can try to obtain that info from Mustangs and what is their approach to injuries.
- Volek: will respond in writing
- Cimmino: Crouch initiative. Thought that the question was broader – injuries from trips, slips, etc? Brooks: City usually requires liquor liability coverage and insurance.
- Hanel: lots of energy and great ideas from new owners.
- Volek: Representative from AMR present at games.
- **Public comments:** none

TOPIC #4	Amend Park Development Council Contract Renewal
PRESENTER	Tina Volek, City Administrator
NOTES/OUTCOME	

- Volek: Park Board meeting last week, recommending that the contract with APDC not be renewed this year. Must act Feb 22 or March 14 if Council wants to terminate contract. Parks, Rec. and Cemetery Board voted 4-3 to not renew.
- Hanel: disappointed that strong relationship has declined. What is the background?
- Volek: relate history as she knows it. APDC numbers have diminished. Several options available to Council.
- Hanel: someone from city should have monitored the agreement compliance. Irritated for everyone involved.
- Sullivan: agreement should be void for non-compliance. City has more of these agreements – who monitors them?
- Volek: Par 3 is the only comparable agreement and they make presentations to Council. Had 2 meetings and people did not attend.
- Cromley: any exchange of money between city and APDC? No. Could City really do the scheduling and other work? Could possibly see reductions in operating costs if City got involved.
- McFadden: total revenue? \$231k. think city could slightly lower fees.
- Cimmino: need to hear from advocates and want to see costs from PRPL.
- Mike Whitaker: Director of Parks, Recreation and Public Lands, presents proposed budget. City mows and irrigates park. Purchased equipment to fill holes to eradicate

ground squirrel problem. Park is responsible for lines, scheduling etc. Turf is in poor condition. Buildings are in need of repair.

- Brewster: city responsible for field equipment? Would city be able to obtain same level of donations? Volek: donations are only \$600/yr and the city would be responsible for the equipment.
- McFadden: have to buy separate liability coverage? Whitaker: teams provide coverage.
- Yakawich: not convinced that contract was breached. Why is Council being informed just now? Whitaker: magic city soccer association contacted PRPL last fall. Slowly declining turf condition.
- Rick DeVore: Park Board Chair - January complaints from soccer parents. Board decided to look at agreement and APDC operations. Revenue numbers don't add up. Current situation is not working, City is an obvious choice to take over.
- Swanson: Park Board recommend non-renewal and for city operate? DeVore: want to terminate the agreement but City Council decide how to manage facility in future.
- Sullivan: tell us about the 3 negative votes. DeVore: know that one thinks city was partially responsible for enforcing agreement, prefer others talk for themselves.
- Rich Lorenz: 990 Bianco Circle, Billings, MT - unable to attend January board meeting, so that was source of feeling board was ambushed with the problems.
- Hanel: any legal issues from canceling agreement? Brooks: 3 options - give notice and terminate, serve notice of breech, 30 days to bring deficiencies up to status.
- Cromley: City could give notice of termination and make other agreement? Yes.
- **Public comments:**
- Greta Besch-Moen: 1015 Moon Valley Road, Billings, MT - president of Yellowstone Soccer Assoc. – 4000 players. Surprised by Park Board action. YSA recommends that Park Board meet with APDC and work on the problems. If City doesn't renew agreement, ask that YSA and others be involved with PRPL for future maintenance and operations.
- Yakawich: do you have faith in APDC? Greta: have faith in the soccer community to do things right.
- Cromley: think there are volunteers who can do this well? YSA will provide a board member.
- Peter Habein: 2934 S. Gregory, Billings, MT - YSA board member and assisted APDC with City agreement. Amend Park developed privately, unlike GF and Helena facilities. Concerned that soccer will get pushed out by other groups wanting to use the land – PRPL will face pressure to do that. Suggest that City talk with all parties over next few weeks to reform the agreement and operation.
- Hanel: thanks for testimony.
- Cromley: how much other use goes on at the park? Habein: Lacrosse, balloon fest. Welcome them but don't interfere with soccer or impair turf.
- Terry Stapleton: 2015 Eastridge Drive, Billings, MT - representing Magic City Soccer, fees increase every year but field quality decreasing. Awkward to direct questions to APDC since he is director of her club.
- Todd Preston: 2620 Highwood, Billings, MT - ask Council to allow APDC one year to fix the problems.

- Lou Morris, Park Board member: 3385 Avenue F, Billings, MT - voted to terminate the agreement because 1 person is running the organization and if there really are more people willing to serve, let's see to that before city continues with them.
- Cathy Grott, Vice Chair Park Board: 1225 Juniper Drive, Billings, MT - Heard lots of complaints about poor facilities, etc and fees were increasing. Research on APDC shows they're not functioning.
- Kevin Nelson: 4235 Bruce Avenue, Billings, MT – City should take liability for park and keep it maintained up to standards. Hanel: use Park funds to maintain? Nelson: Yes
- Sara Campbell: 746 Avenue B, Billings, MT - suggest that city maintain the fields but APDC board be filled and they run the scheduling. Fees need to be public knowledge and more consistent.
- Ken Cunningham: 5609 Walter Hagen Drive, Billings, MT - on APDC board many years ago. Wanted to disband, city told us we couldn't. Dennis P. only one left to run things. Organization can raise money for better facilities and field.
- Cromley: think city should defer action for 1 year (January 2017) and have them revise everything and come back to city with full plans. City continues the same level of service and APDC retains operations but must come up with a plan.
- Swanson: need outline of business plan.
- Brewster: can sympathize with soccer orgs fears that park will be used for other sports. Think that if city takes it over, city has a bigger obligation than outlined by the park dept., but City should terminate the contract.
- Sullivan: think contract needs to end, groups come together, good ideas, should have some multi-use fields. Park operate it for a year and have groups bring us proposal in 2017.
- Clark: don't believe the park budget. Let APDC run it for another year with provision that all groups work out a plan by early 2017.
- Cimmino: one abstention at park board. If could have voted, might have been a tie vote. Was Amend Park part of the park district 1 deferred maintenance projects? No, but Council would need to terminate or amend the APDC/City agreement in order for City to spend PD1 funds there.
- DeVore: I didn't vote but would have voted to terminate.
- Yakawich: agree with Cromley's proposal. Implore all soccer associations pull together and bring city a good plan. Fair fees and business plan.
- Brooks: Council needs to make formal decision at a business meeting, organizations need to agree what they will do over next year and the APDC needs to reestablish itself with the Sec. of State.
- Sullivan: city should not punt this for a year. Groups come back in 6 – 12 months with solutions for long term. Think Brewster agrees.
- Volek: To clarify: renew contract and require meeting January 23, 2017 to present a business plan and allow Council to make determination of intent in regard to contract.

TOPIC #5	Committee Appointments
PRESENTER	
NOTES/OUTCOME	

- Volek: points out boards/committees that the CMs serve on and are there volunteers for them?
- Cimmino: Independence house isn't an official advisory board but they would like the Council to participate. Leave on the list.
- Hanel: PCC – whatever Council wants. Beartooth RC&D needs new member since Swanson wants to step back. Cimmino wants to stay on Bright and Beautiful and Clark as alternate. BSEDA – Yakawich. Community Development Board: Brewster and Cimmino as alternate. Policy Coordinating Committee – Brewster and Clark as alternate. MT League of Cities and Towns – Hanel. DBP – Sullivan as Council rep and alternate. RC & D – Yakawich.
- **Public Comments:** none

TOPIC #6	Public Comment Periods
PRESENTER	Brent Brooks, City Attorney
NOTES/OUTCOME	

- Brooks: time limits, sources and best practices. Recommend 3 minutes per item, except total of 3 minutes for all/any non-agenda items. Add alternative ways to express opinions.
- Brewster: suggest 1 minute for consent items, with up to 3 minutes for multiple items. Leave everything else at 3 minutes. Council could initiate changes with an initiative? Yes.
- **Public comments:**
- Kevin Nelson: 4235 Bruce Avenue, Billings, MT - comment section for anything not on the agenda should be at the meeting start. School district allows comments at the beginning on anything, then commenter can leave.
- Hanel: any strong opinions on this? No.
- Brooks: City code would have to be amended.

TOPIC #7	Outgoing Councilmember Recognition Dinner
PRESENTER	
NOTES/OUTCOME	

- Tina: suggest February 29 and the Library has opening in community room. Or, go further into March? Cimmino can't attend on 2/29. Tina will look for other dates, in March.
- **Public Comments:** none

TOPIC #8	Public Comment on Items Not on The Agenda
PRESENTER	
NOTES/OUTCOME	

- Hanel: Rimrock Rd and water line burst, street repair needs to be smoothed. On 3rd at the end of the alley behind city hall. On-line utility bills, still mail a statement to people who pay on-line, including a return envelope. Electronic receipt instead of mailed?
- Clark: street dept marking potholes with paint before crews patch them.
- Cromley: Carmike sent gift cards to Councilmembers valued over \$50. Brooks: could send back since it goes against City ordinance.
- **Public comments: none**

TOPIC #9	Council Discussion
PRESENTER	
NOTES/OUTCOME	

None