

City Council Work Session

REVISED 7/17/17 (ITEM 1 (HRC) ADDED)

5:30 PM

Council Chambers

July 17, 2017

ATTENDANCE:

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

CM excused:

ADJOURN TIME: 8:40 pm

Agenda

TOPIC #1	Human Relations Commission (HRC) Report
PRESENTER	Gwen Kirchner, HRC Board Member
NOTES/OUTCOME	

- Gwen Kirchner, HRC Board member: annual report was delayed delivery due to lack of notice. Didn't have a full board at budget time so didn't make a request. Need a budget for publications and displays. HRC members have had to use personal funds for past items. Reviews the commission's responsibilities. Requests \$200 for the rest of year to participate in the fall events, booth space and printing.
- Hanel: request for money before? No.
- Volek: many boards and commissions and worry that they would all request money.
- Sullivan: who is staff liaison? Karla Stanton.
- Brown: questions about funding past and future. Committee attends functions, but not mandatory. Kirchner: in order to educate, need to attend events. Need finances to be able to investigate complaints.
- Volek: most groups coordinate internally with depts. and are not active in community investigations. HRC founded originally when there was no internal affairs unit in the PD. Internal Affairs Investigation has been instituted to take care of most issues.
- Brown: need to reconsider HRC functions?
- Tina Volek, City Administrator and Brent Brooks, City Attorney: Council can review functions of any boards, at any time. Would require amendment to ordinance.
- Kathy Walters, HRC member: HRC is needed for people who feel marginalized. Need group with unbiased review of facts. HRC is liaison for people who don't feel they have a voice. HRC not associated with any departments.
- Brown: investigate issues then reports back to whom? Final recommendation goes to dept. in question.

- Volek: functions and duties include: Review and study complaints, problems and specific situations arising between groups or individuals which result or may result in tensions, discriminations or prejudice in the city on account of race, sex, age, color, creed, national origin or ancestry and refer all matters to police commission. Think reviewing City depts. is not part of the HRC functions.
- Yakawich: some depts./boards do printing – could do the same here? Volek: don't know about any other commission that uses City money to publish. Will print out items sent to Council.
- Cimmino: glad HRC is here to report. City supports past effort. Recall past stipend for "Not in Our Town" event. Sponsor meeting space, staff liaison would assist with agendas, etc. Kirchner: pop up tent with logo, printing products, etc. needed.
- Cromley: Ethics Board needed funds in the past, where did they come from? Brooks: due to conflict of interest, had to hire outside counsel, so money came from budget.
- Hanel: Question for Brooks – where does commission stand with fundraising? Brent: Council would need to adopt a resolution authorizing commission to fund raise. Who maintains funds?
- Hanel and Brown: contact my wife and will contribute.
- Sullivan: concerned with possible violation of City charter.
- Hanel: encourage Council to research HRC.
- **Public Comment:**
None

TOPIC #2	Animal Control – Pig Ordinance
PRESENTER	Cara Chamberlin, Animal Control Board
NOTES/OUTCOME	

- Hanel: want to skip over this one? Volek: No, go ahead.
- Cara Chamberlin, 933 Yale Avenue, Billings, MT: City resident and Animal Control Board member gives presentation with overview of pigs and policies. Currently have unfair complaint driven system.
- Brewster: why not create zoning district, so owner would have to obtain special review and involve neighbors. State of MT classified as farm animal.
- Sullivan: instead of changing our ordinances, how about some type of special review for pig in residential area? Brooks: consulted with Cromwell. She stated that criteria for objective criteria would be hard, so either allow them or ban them. Chamberlain: difficult to be fair on case by case basis.
- Sullivan: worry about feral pigs if people release them.
- Yakawich: Micro and Pot Bellied pigs different? Bonnie Arvin: raised pigs in past. Teacup, Micro, and Mini just mean smaller. Even that breed can be very overweight and get bigger.
- Cromley: dogs can fight, bite etc. Disposition of pigs? Arvin: important to neuter and spay. Standoffish towards new people, usually won't run away, pretty tame.
- Brown: license fee and how to avoid breeding with large animal? Tom Stinchfield, Animal Control Supervisor: Don't have a recommendation on fee

(Council would set fee) and annual vet check to make sure they are small animals. Require spay and neuter.

- Sullivan: have to stop all pigs to verify they're small? Will be able to after research.
- Clark: already having trouble taking care of dogs, so how does animal control also work with pigs? Stinchfield: don't know where information came from about issues taking care of dogs.
- Yakawich: pig rescues? Yes, local and national organization require rescue. Breeders will usually take back the pig.
- Hanel: what do other MT cities do with pigs? Brooks: Kalispell, Bozeman, other sort-of and Great Falls; no. Brooks will re-send the ordinance that Legal prepared in March.
- Volek: Animal Control Board recommendation? Stinchfield: recommend approval of pigs.
- Brooks: ordinance draft can be up to Council's discretion. Can resend past ordinance for example.
- **Public comments:**
- Kara Walsh, No Address Given: educated herself and found a reputable breeder. Has been lobbying to Council for over 2 years.
- Sullivan: Kara did everything right, but some people buy animals without thinking about the requirements.
- Brown: does it matter to you whether it's a blanket approval or an application for each individual? Would like to see an open ordinance that helps all people.
- Jeannette Vieg, Chair of Animal Control Board: not many people will have them, will not bother neighbors, allowing pigs will be easier to live with than we think.
- Cromley: suggest that staff send ordinance to Council and decide whether or not to pass. Consensus agreement.
- Clark: any other depts. have opinions? Wyeth Friday, Planning Director: don't recommend zoning permit issued case by case.
- Sullivan: neighborhood has covenant prohibiting livestock; who resolves if Council approves the ordinance?
- Cimmino: along with ordinance, would Council have to set fees by resolution? Yes.
- Rich St. John, Police Chief: animal control part of Police Dept., trust Tom Stinchfield, Animal Control Supervisor. Park Ranger will help with animal problems if needed.

TOPIC #3	Oasis Bond Release
PRESENTER	
NOTES/OUTCOME	

- Volek: issued discussed at January 30th Work Session. Mentioned by citizen and picked up by Councilman. \$100k irrevocable letter of credit in effect, to guarantee Better Billings Foundation's performance on new pool. Council could release letter of credit and would also have to amend agreement.

- Sullivan: why a letter of credit instead of a bond? One of three options allowed to Foundation. City donated land, but City wanted to ensure that project was completed.
- Yakawich: BBF is a good foundation and good neighbor. Security for the City and is the City still concerned? Bond secured operations, new operation, new foundation. Foundation was new and was relying on donations. Bond was security that pool would be built and was successful.
- Brown: why 10 years on bond? Not certain, but could be standard amount of time.
- Brewster: gives history, Parks Dept. did a master plan and public participation part was flawed causing animosity by neighbors. BBF received the brunt of dissatisfaction. BBF has done a good job, sees no reason to not release requirement.
- Friedel: risks if we release bond? City does not have periodic reports but seems like viable project.
- Cimmino: voters turned down 3 elections for a pool in the heights and BBF saw opportunity. Neighbors were very concerned with traffic issues. Project seems very successful and pool provided an amenity.
- Swanson: 6 grandsons love the rifle range and the Oasis. Support removing bond.
- Clark: bond did its job, should release it.
- Sullivan: City should investigate requiring reclamation bond to get park back if it does not succeed at some point. Agreement states reversion of land already. City owns park land next to pool.
- Mayor Hanel: BBF has met and exceeded expectations. Also used as a community gathering center. Pool very successful. Support releasing bond.
- Brewster: land still zoned as public.
- McFadden: illogical to hold money to ensure successful, put money back in their pocket to use.
- Brown: should honor the agreement and its terms.
- **Public Comment:**
 - Chuck Barthuly, Better Billings Foundation director and Oasis operations director: Profitable every year, about \$80k, but not our mission. Use it to support kids and families. Teaching 1200 kids how to swim. Park to park program with reading incentives. Employ 75 young adults, payroll \$240,000. Circumstances have changed and appreciate revisiting agreement. Have a track record now. \$50,000 will go into deferred maintenance account and would love to add amenities.
 - Yakawich: neighbors would like to hear about successes. Insurance covers loss? Correct. Met with neighbors about cross walk and parking. Asked employees to park on street to allow customers access to lots and didn't realize employee's cars stayed all day, so switched it after neighbors' concerns.
- Brooks: funding agreement requires 90 days' notice for a change. Irrevocable letter of credit is the easiest for the City to claim against, much easier than a bond. Can give direction now, but need to approve at regular meeting?

- Cromley: if both sides approve changes, no need for 90-day notice? Correct.
- Consensus to bring agreement back for release security, less than 90 days if feasible.

Mayor Hanel called for recess 7:36 pm. Back in session at 7:51 pm.

TOPIC #4	Evidence Building
PRESENTER	
NOTES/OUTCOME	

- Volek: talk with Council about a continuum, starting at the recently approved 911 center (9,000 square feet) for \$3.6 million and ending with evidence facility (11,500 square feet) est. at \$3.5million without furnishings and equipment. Purchased the land, spent \$50k on preliminary planning. Need to be careful about what steps we take on this building. Recommend building that does not share space with public and would like Council to approve architectural designs for new facility. Staff recommendation continues to be to design expansion.
- Hanel: appreciate presentation. Have at least one other offer for another existing building. Council still has more homework to do. Shouldn't make a decision tonight.
- Volek: financing options available, best to use excess reserves for capital not for operating costs.
- Friedel: when we have options, in the driver's seat for finding the best site. Need to continue working on these 3 options and be good stewards of tax dollars.
- Brown: could City do a RFP to request offers for property. Decide if any of them work, or go back to the original plan. Be specific about needs and how the buildings will meet them. Volek: could do that even though not required.
- Sullivan: agree with Brown's proposal. Looked at Pierce and it's a fortress but need to look at other options. Need to spend some money to seek best option, maybe up to \$50k.
- Brewster: need to hire professional to review buildings and help decide if any or all will work.
- Hanel: location is going to be critical.
- Yakawich: support Brown's proposal.
- Clark, Brown: consider RFP for new building by private builder and city lease/purchase? Have not considered with this building. Could consider if Council wishes. Is Council wanting an engineer?
- Sullivan: independent 3rd party to give advice about building.
- Volek: does Council feel comfortable using local architects and Roth-Sheppard?
- Hanel: concern about bias.
- Swanson: ask for track record/clients from Roth-Sheppard.
- Clark: building already designed? No, but Schutz Foss has value engineered to come up with budget amount.

- Brewster: need to continue or will take too long.
- McCandless: under contract with Schutz-Foss. Could request new scope of work from them with assistance from Roth Sheppard with 3 alternatives. Instead of new RFP, could amend existing contract.
- Volek: RFP for potential sites (existing and/or new), hire Schutz-Foss or others to review them and make recommendations to Council.
- Hanel: include other land locations also.
- Saree Couture, Facilities Director: explains background for the work that Schutz-Foss did and why we directed them to BOC. Public is confused by separate locations, therefore, staff directed Schutz-Foss to BOC. Schutz-Foss has done full inventory of entire facility. Starting over would require more work.
- Police Chief St. John: employees' safety, building security and work flow are most important to PD. New location would mean moving all existing evidence, which could affect legal cases.
- Hanel: asks Mr. Brosovich for details on location of proposed building. OK for Council to look at the building? Yes, regular business hours.
- Jake Brosovich, Yellowstone Basin Construction: emailed Council with information on property (2102 2nd Avenue North) that would be suitable for Evidence building. Describes nearby properties and location.
- Volek: can report to Council on recommended course by the August 21 meeting.
- **Public Comment:**
 - Marty Connell, BIRD President: ask building owners to do the work of showing how buildings meet requirements and have Roth-Sheppard review it and recommend.
 - Beth Gartner, Police Department Evidence Building Supervisor: thanks for attention so far. Adjacency to current building, recent audit said that we need to package and store evidence better. Selected the best consultant to review existing space and apply standards. Surveillance system \$100k a year ago with plan to expand it when building is expanded. Long selection process makes situation worst. Hard and expensive to move 65,000 pieces of evidence. Chain of custody important.
 - Cromley: building wasn't designed for evidence? Yes, but mainly as a storage facility, not for processing.
 - Tim Goodridge, East Billings Urban Renewal District (EBURD): love to see evidence facility in the east district, would help economic development.
 - Cromley: agree that building proposers need to do some of the design and cost estimating work.
 - Volek: have been told purchasing is more cost effective. Consider lease instead of own?
 - Hanel: personal opinion is to own.
 - Sullivan: want to evaluate what a lease or ownership does for us. Generally, agree that ownership is best for City Hall, maybe not for Evidence Building.
 - Clark: interested in seeing what a private company can do with building for City and lease/purchase.

TOPIC #5	Council Discussion
PRESENTER	
NOTES/OUTCOME	

- Hanel: noise variance for Burn the Point – necessary for requestor to make a personal appearance to request it? Volek: no, letter would be fine.
- Sullivan: have Public Works check timing for watering landscaping on Shiloh. Afternoon not sensible.
- Hanel: Sacagawea Park watering, spraying on 20th – adjust irrigation heads.
- Friedel: sprinkler spraying on 15th at Spring Creek park.
- Brown: compliment employees for quickly removing graffiti on Rims.
- Yakawich: compliment Mumford for fixing alleys.
- **Public Comment:**
None

TOPIC #6	Public Comment on Items not on the Agenda
PRESENTER	
NOTES/OUTCOME	

- Dennis Ulvestad, 3040 Central Avenue, Billings, MT: Indigenous Peoples Day on agenda but not discussed. Volek: removed from agenda a week ago, working with Rocky Mountain Tribal Association and University to join with them for Native American People's Day. Cannot replace Columbus Day as it is a national holiday.