

# City Council Work Session

5:30 PM  
Virtual Meeting  
(Tuesday) May 12, 2020

**ATTENDANCE:**

**Mayor/Council** (please check) ✓ Cole, ✓ Shaw, ✓ Yakawich, ✓ Neese,  
✓ Ewalt, ✓ Joy, ✓ Choriki, ✓ Purinton, ✓ Ronning, ✓ Boyett, ✓ Brown  
**CM excused:**

**ADJOURN TIME: 9:34 PM**

## Agenda

<b>TOPIC #1A</b>	<b>Budget Presentation – Human Resources</b>
<b>PRESENTER</b>	Karla Stanton, Human Resources Director

- Karla Stanton: gave stats, 940 full time employees, 278 temporary positions. Introduced Human Resources (HR) staff and their roles. She outlined the HR budget. Stated that turnover doubled this past year to 14%, which was very unusual. Overview of average age and years of service. Health and dental plan review. Expect challenge with collective bargaining negotiations. Communication key.
- Chris Kukulski, City Administrator: HR established a self-funded health plan. Karla: City contributes \$846, employees pay much smaller amount.
- Chris: saves taxpayers millions of dollars. Promotes wellness.
- Purinton: asked about the average starting pay for new employees.
- Karla: stated there were so many positions, that the salary ranges varied greatly per position, but could provide a median salary to Council in the days that follow. HR is doing a salary study this year.
- Neese: asked that the committee work toward increasing the pay for positions that are at the low. Also, higher paying positions may need to pay more for healthcare.
- Karla: committee has looked at that, continually reviewing.
- Shaw: why are people leaving?
- Karla: they are typically leaving for better pay,
- Ewalt: were some of those that left because of retirement?
- Karla: yes, some are.
- Ewalt: other than police vacancies, are other positions difficult to fill.
- Karla: mechanics, electricians, bus drivers and communications center very hard to retain.
- Mayor: How long do we usually keep them?
- Karla: generally lose people between 1-5 years, if they stay that long they stay for a very long time.

- Discussion held about hiring outside legal counsel to negotiate in collective bargaining.
- Karla and Chris K. strongly disagreed that there was any benefit to that.

<b>TOPIC #1B</b>	<b>Budget Presentation – Legal</b>
<b>PRESENTER</b>	Brent Brooks, City Attorney

- Brent Brooks: provide presentation with overview of makeup of the Legal Department (15 individuals); provided stats for caseloads, and comparisons per year and the case comparisons of other cities. Warrant requests, revocations of sentence, criminal misdemeanors cases increased in 2019. Funding sources for City Attorney’s office. New prosecutor FTE request/recommendation. Unsustainable caseload, new prosecutor would help. Overview of annual grants, time spent applying for grants and documenting expenditures.
- Joy: Caseload management software – tech improvements – how is it paid for?
- Brent: Justware is used for public records requests and well known for years in the criminal caseload management. In 2021 Journal Technologies will not be supporting this software. Will have to do something in FY22 budget.
- Ronning: shared questions regarding domestic violence (DV) cases. City’s responsibility, treatment options,
- Brent: misdemeanor cases, victim witness specialists help, assist with protection for victims.
- Ben Halverson, DV Prosecutor: Recidivism rates are in great numbers. Most will reoffend within 2 years and increases over 10 years. Treatment is not very effective. Try to identify the most dangerous, empower victims to leave and stay safe. Work with victims to create healthy relationship goals. Violence Against Women grant, works with Police Department, allows targeting cases, not recognized offence until 1985. Municipalities can be held liable for not following laws in prosecution. DV is not an addiction problem or a mental health problem, it’s a personality disorder.
- Purinton: does injury severity change how prosecuted? Ben: first 2 offences are misdemeanor unless much more serious. Strangulation considered higher than misdemeanor.
- Purinton: would like to see caseload numbers with new prosecutor position. Brent: will provide to Council.
- Mayor: much higher than AVA standard. Are things being plead out since there are such high numbers? How to prevent?
- Brent: requested prosecutor since 2007, increased population increases cases.
- Ben: trained to identify most dangerous offenders, 20% of active caseload felony probationers. We are responding to crime, not preventing it.
- Neese: 1400 cases annually, more police officers increases cases. Attorney’s office needs additional prosecutor, maybe 2-3. Where will they go? No room.
- Brent: Miller Building possibility, Civil Attorney could work from home.

<b>TOPIC #1C</b>	<b>Budget Presentation - Police</b>
<b>PRESENTER</b>	Rich St. John, Police Chief

- Rich St. John: Gave a presentation, 2021 budget: \$26,195,458. Overview of costs, Personnel, O & M, Capital, Transfers, and Debt Service breakdown. 2019 calls for service 94,709.
- Mayor: Public Safety Mill Levy thoughts?
- Rich: do not want to go backwards, may not be the right time to ask for a large amount of money, postpone big ask for a better time.
- Purinton: breakdown of amounts from general fund, PS1 and PS2?
- Andy Zoeller, Finance Director: PS1 and PS2 around \$13 million, remaining nearly \$29 million from General Fund.
- Neese: more Police Officers impacts Attorney's office.
- St. John: changes in justice system affects all departments, Municipal Court, Attorneys office, etc.
- Neese: how is that personnel services of 8% used?
- St. John: Cost of living, STEP increases, overtime expenses, comp cash out.
- Ewalt: fully staffed and working?
- St. John: 8-10 in various stages in training. Soon to be hitting the streets.
- Ronning: other city has a licensed counselor goes out on mental health calls to free up Police officer. Resources for prevention?
- St. John: currently discussing grant for counselors, peers to ride with officers provide stabilization and free up officers. Need a place to take people, ER and jail not appropriate. Crisis center current policy. Treatment/clean and sober housing lacking.
- Brown: overtime reduction since fully staffed?
- St. John: yes, it already has.
- Mayor: if PS mill levy does not pass, how will Police handle it?
- St. John: no place to take offenders for detox or care. Resources needed for treatment, housing and care.

**Mayor Cole called for recess at 7:30 pm**

**Mayor Cole called the meeting back to order at 7:36 pm**

<b>TOPIC #1D</b>	<b>Budget Presentation - Fire</b>
<b>PRESENTER</b>	Bill Rash, Fire Chief

- Rash: presentation. 161 employees. Funds are: Fire 911, Public Safety answering points, Internal Services Radio communications fund, Fire Programs fund. Overview of operating budget, O & M, Capital, transfers, and personnel cots breakdowns.
- Mayor: PS mill levy thoughts?

- Rash: level of service needed, do not want to slide backwards but need to maintain.
- Ronning: what is a primary issue for Council to focus on in the public safety mill levy for Fire?
- Rash: able to continue maintenance of services provided to date, maintain personnel. Thankful to keep and maintain what we currently provide.
- Purinton: please send PowerPoint to Council. PS mill levy ask?
- Rash: would like to see 2 new fire stations, additional staffing, etc. Would follow up with all previous asks at the appropriate time.
- **Public Comment: None**

<b>TOPIC #2</b>	<b>2020 Public Safety Mill levy</b>
<b>PRESENTER</b>	Chris Kukulski, City Administrator

- Chris Kukulski: 2020 Mill levy options. Move forward or no. Anticipates using \$3 million in General Fund reserves, 15 mills would fill the deficit and cost a median home \$42.73 per year. Current mill levy fixed at \$8.2 million/equates to 60 mills, currently at 40.17 mills. Could fix the mill levy rather than dollar amount to reduce the loss that occurs to inflation. PS 2 ballot language discussion. 6-12 month hold is an option.
- Mayor Cole: options - original version \$200-300 per median home (Cadillac plan) or bring down to \$150 per home.
- Neese: want to move forward with some sort of PS mill levy and should poll the others.
- Shaw: wants to go for the Cadillac version, but not just to maintain current plan.
- Ronning: supports a PSML, is good with going with Cadillac version or something else. Safety will not improve by doing nothing. The message has everything to do it – communication has got to be on point. Let the public know that if we go smaller, there will be more asking soon to come.
- Kukulski: this is not a Cadillac – it’s a Silverado work truck.
- Ewalt: with certain conditions met - would be onboard.
- Boyett: all need to say yes, in order to move forward.
- Purinton: Top priorities list are all Public Safety. Must present something for public safety.
- Joy: Feedback from constituents has centered around what can be accomplished with the extra money. Ward III areas are very impacted. Does not believe it will pass in Ward III.
- Brown: Does not think the PSML will fail on the first try. Have to preserve what we have. Supports of fixing.
- Yakawich: worried that this will not come to fruition. Will not vote for PD1, but will support PS2 needs to be fixed – 15 mills to get something comfortable for people to pay. If it is shot down, it will hurt the City.

- Shaw: Is council thinking about going back to the people in a couple of years? Would not sit well with her if the City keeps coming back for more and more money.
- Brown: Have to communicate this is a stop-gap effort. Not comfortable waiting another year and burn through \$3 million and not try for a safety net.
- Ronning: agrees. Need a truthful government. Build trust, do not take away trust.
- Neese: Agrees, have to be upfront with public. Smaller ask to get us through the pandemic.
- Choriki: Motion to direct staff to put forward a re-write of 2004 mill levy to set to 60 mills and then consider when and what a second mill levy would look like after that.
- Mayor: clarify - 60 mills would be?
- Choriki: Converting \$8.2 million to a 60 mill level.
- Kukulski: we already have 40 mills, this will only add 20 mills, will pick up about \$4 million more.
- Neese: Choriki is supporting to move forward. Will second motion. Repeal and replace (not new) so we are at current level of support for police and fire so it doesn't keep eroding.
- Mayor: This would raise \$4 million of new money and leave a \$3 million deficit. Would have to decide where to make cuts. Came into this discussion to support staff's recommendation to wait until 2021. Surprised by Council's support for a PSML. Wish there was better data and polling. Decide what to do in short term, money would not be seen for quite awhile. Concerned about the amount of time to get us there. Has been very slow so far. Election wouldn't happen until September? What would happen if COVID makes a second or third wave through the community? Has no problem with increasing PD1. Expects opposition no matter what.
- Ronning: follow up with Neese. Repeal and replace – if this was not passed by voters we would not lose \$8.2 million. Whether unanimous or not by council the messaging to the public is most important.
- Mayor: have to think about funding for promotion campaign. Lost a lot of time already. Chamber has said it was their preference if we wait until 2021. Limited ability to raise money for a promotional campaign.
- Ewalt: Agrees with Ronning about being truthful and honest. Agrees with Yakawich about the PD1 – to go to the people for vote.
- Brown: not comfortable putting both on the ballot at the same time. Wants to protect PD1. Worries putting PD1 with the PS of 2004, it will likely be shot down.
- Choriki: Agrees with Brown, do not want to put PD1 on the ballot, would be willing to put a park mill levy on the ballot later.
- Mayor: election process – question to staff
- Kukulski: asked for Legal department help.
- Brent Brooks, City Attorney: recalled an alternative ballot in the past, will check with Rutherford in Election Office tomorrow about options.
- Neese: should be 2 separate votes. Repeal and replace PS and repeal and replace PD1 and fund Parks through mill levy.

- Council discussed options and how they would like to see the City move forward.
- Andy Zoeller, Finance Director: Fix PS 2 levy at 60 mills, no shift to Parks and Rec option would mean City would have to go back for additional money in 2022 with that plan.
- Yakawich: still working on budget and can do some cuts.
- Mayor: Motion is to repeal and replace PS 2 and bring back proposal
- Choriki: recommend Council vote on motion and then look to another motion.
- Neese: Called the question. Approved
- CM Choriki's motion approved 10-1, CM Shaw opposed.
- Neese: motion to repeal PD1 to replace with Park District mill levy to cover entire Parks budget for a ballot vote. Ewalt second.
- Ewalt: 20 mills
- Mayor: Direct staff to do an investigative analysis for a Park's mill levy equivalent to Park's budget. Not sure City can repeal PD1 on a ballot.
- Brent Brooks, City Attorney: would have to work out language to remove PD1, but could be done.
- Shaw: getting very complicated. Public Safety should be kept separate from Parks.
- Ronning: communication is key.
- Council discussed the ballot options and how to keep the issues clear.
- Ewalt: called the question. Approved 9-2, Joy and Yakawich opposed.
- Motion to direct staff to move forward with ballot. Approved 7-4, Shaw, Yakawich, Choriki and Joy opposed.
- **Public Comment:**
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana:** PMD 1 is funded by real property, people who use parks (apartments dwellers, trailer courts, etc.) don't pay property taxes.
- **Anna O'Donnell, 131 Avenue B, Billings, Montana:** City is in a Public Safety crisis. Citizens remember 2004 and it doesn't seem like we saw results. Don't talk about Parks at the same time as Public Safety.
- Chris: Direction seems to be how many mills to repeal and replace PD1 to cover all Park's costs. Will keep this simple
- Mayor: Want the math but need the language for 2 items and make sure the legal research is done soon. Have less than a month – may mean more meetings to address timing issues.
- Chris: Will be drafts, ask for grace on notice. June 8<sup>th</sup> is the last night Council can decide what to do.
- Yakawich: Repeal and replace is equal to 20 mills (\$60). This is an opportunity – talk with the constituents.
- Mayor: moving the PD1 over will increase another 20 mills to the homeowners, so now it is \$120 per property.
- Neese: talking about "just filling the gap" sends the wrong message.
- Ronning: protects our reserves also.
- Council discussed various ways to present the language and ballot to the citizens.

- Neese: when is raise for Councilmembers? Look at skipping longevity steps and COLA.
- Chris: Council raise goes into effect after next election cycle – 2022. Salary’s very complex issue.
- Neese: a lot of companies are doing pay cuts, layoffs. We need to show the we are doing everything we can to help citizens.

<b>TOPIC #3</b>	<b>Council Discussion</b>
<b>PRESENTER</b>	

- None

<b>TOPIC #4</b>	<b>Public Comment on Items Not on the Agenda</b>
<b>PRESENTER</b>	

- None