

JOURNAL OF COMMISSION WORK SESSION
June 21, 2011

City Commission Work Session

Mayor Winters presiding

CALL TO ORDER: 5:45 p.m.

ROLL CALL: City Commissioners present: Michael J. Winters, Bill Bronson, Fred Burow, Mary Jolley, and Robert Jones. Also present were the City Manager; Deputy City Manager; City Attorney; Directors of Fiscal Services, Park and Recreation, Planning and Community Development, and Public Works; Executive Director of the Housing Authority; Police Chief; and the Administrative Secretary.

1. BUDGET DISCUSSION

Municipal Court Judge Nancy Luth presented a PowerPoint state-of-the-court presentation. She displayed a slide of a crowded open court room where it is difficult for people to hear and understand. She compared staff with Billings, Bozeman, and Missoula. Missoula is the largest city court in the state with one elected full-time judge, one appointed part-time judge, one office manager, ten full-time clerks, and two part-time clerks. Great Falls is third largest with one elected full-time judge, one court supervisor, and six full-time court clerks. Judge Luth reported 7% of all traffic tickets in Montana are written by the Great Falls Police Department.

City Court fees collected in 2010 were \$1,736,525.56. Approximately \$104,000 was provided as restitution to victims; the City received \$1.4 million; the State received surcharges of \$122,000; Victim Witness received \$60,000; and Public Defender fees totaled \$4,115.

Judge Luth reviewed the daily court room schedule including open court, answering phones, and taking payments. She explained the room is too small and too narrow to be an efficient court room.

Judge Luth reported DUI open court is held on Monday, in addition to status hearings which are hearings to guarantee those people who initially failed to comply can appear to show treatment progress for domestic violence, DUI's, alcohol, MIP's, and community service. She has seen people 10-11 times at those hearings but believes they are making a difference. She added that she saw between 13 and 26 people on Mondays in March after prisoner arraignments and DUI's. Also, SCRAM bracelets are used to monitor alcohol consumption 24/7 and cost between \$10-\$12/day.

Judge Luth noted that Tuesdays are the busiest court days. Open court, judge trials, changes of pleas, and restitution hearings are held on Wednesday. With open court, it is difficult to start jury trials on Thursday and Friday until 1 pm. Orders of Protection hearings are also held on Thursday. She added that prisoners are handled every day.

Judge Luth also reviewed court schedules from the other three cities. Some of them use web cam arraignments. She stated that Great Falls has not done that because she likes to have the people in open court with their entire file.

Judge Luth stated she wanted to provide an overview of City Court issues to make the Commission aware if the time comes when the facilities and staff require changes.

Commissioner Jones stated that it is unfortunate City Court must reside in the basement facilities. Commissioner Burow noted that City Court handles crime in addition to traffic violations. Judge Luth responded that all misdemeanor crime and traffic offenses that occur within the city limits are handled by City Court.

Commissioner Bronson questioned the security situation in City Court. Judge Luth responded the court has full-time officer (part-time security and part-time warrant). She noted he has been used more for court security. Also, cameras are very helpful. However, there is not a secure situation between the offices and the court room.

Commissioner Jolley asked if the officer is a police officer or a court officer. Judge Luth responded that he is a police officer assigned to do security work for the Court. He also does part-time warrant work. He is also used as a security officer for jury trials. She added another person in the Police Department serves subpoenas for Court.

Commissioner Bronson questioned if there has been an increase in trials or pre-trial work since the creation of the State Public Defender program. Judge Luth responded there has been an increase in pre-trial work. Also, with the DUI situation becoming more difficult, there has also been a large increase in pre-trial work.

City Manager Greg Doyon reported the biggest challenge is space needs. Long-term facility planning for a public safety building may meet that need. Leasing space could also be an option.

2. SKATE PARK DISCUSSION

Park and Recreation Director Marty Basta presented a PowerPoint presentation on the Riverside Railyard, including the mixed use of the facility and the ongoing vandalism. The 27,000 square foot skate park opened in 2004 at a cost of about \$650,000 and is rated one of the five top skate parks in the Northwest. However, there has been a continual problem with graffiti; the fence has been damaged; serious fires have occurred in the Girl Scout building, shingles have been torn off, and the new front door was destroyed; and picnic tables have been destroyed and will not be replaced until the vandalism situation improves. Writing and paint on walls in restrooms requires cleanup, and trash cans, shrubs, and the drip water system have been destroyed. About \$11,000 worth of vandalism has occurred since the park opened.

In 2007 users of the skate park were invited to a town hall meeting held in the Gibson Room. Skaters reported that others, not users of the park, were doing the damage. Solutions recommended and implemented included lighting the park at night and removing graffiti on the outside of the park but not the bowls.

A shared-use presentation was made on December 7, 2010, for skateboarders and BMX bicyclers, and the ongoing vandalism was also discussed. At the request of the Mayor, a meeting of about 50 users, parents, and interested people was held at the skate park on May 26, 2011. Graffiti, safety concerns, and possible shared use were discussed. Attendees once again stated

the damage was not being done by users. Some of the BMX bicyclists offered to help police the park if it were legal for them to be there. The overwhelming majority of attendees were in favor of shared use.

A follow-up meeting was scheduled with a smaller group of users and interested parties to review the skate park rules set by ordinance in 2004. Rules were drafted and presented to the Park and Recreation Board on June 13, 2011; the Board recommended the rules be adopted.

Mr. Basta explained that shared use of the Riverside Railyard includes scooters which are like skateboards with handles. He distributed a copy of the existing skate park rules and a copy of the proposed rules. The rules adopted in 2004 were very specific that the park was a skate park, and bicycles, scooters, and motorized vehicles were not allowed. Also, helmets and safety gear were mandatory; violations could result in trespass citations and seizure of equipment.

The significant changes to the proposed rules state that safety equipment is strongly recommended. MMIA noted the new rules could limit or reduce liability by recommending rather than making mandatory rules established by ordinance. Prohibiting offensive language was added, in addition to recommending adult supervision for users 12 years and younger.

Mr. Basta stated requirements must be enforced. The proposed rules are intended to minimize enforcement. They are similar to rules at swimming pools and the dog park, established by the Park and Recreation Department, and can be adjusted.

Deputy City Manager Jennifer Reichelt commented the proposed rules also allow bicycles.

Mr. Basta reported options include rescinding the skate park ordinance and implementing the proposed rules or leaving the ordinance as is. However, he recommended security cameras, lighting, and signage for either option to help the ongoing vandalism. The existing graffiti at the park could be removed, but trying to keep it removed will take a major effort. A recent proposal by a local artist to paint over the graffiti with urban art was a cost over \$8,000. However, the art could be destroyed and will require maintenance. An estimate to fence and lock the park at night was just under \$20,000. The park could also be staffed and charge a user fee.

Mr. Basta stated staff favors rescinding the ordinance, implementing the new rules, pursuing funding through Weed and Seed for security cameras, lighting, and signage. Long term goals to be considered include fencing and locking the park at night.

Mayor Winters recommended a 90-day suspension of the ordinance to determine the success of the proposed rules. He also requested opinions from audience members.

Ricky Lopez, 623 4th Street South, thanked the Commission for providing a skate park. He supports bicycles in the park, but agrees with Mr. Basta's concerns. He has encountered results of vandalism, but doesn't believe a fence will control the problem. A camera would need to be staffed and would be vandalized. Funds should be used where needed. He noted that the skateboarders have had problems because the cement is cracked. He added that it is difficult to help police the park when bicyclers are not legally allowed.

Tony Grever, 1021 2nd Avenue North, expressed appreciation to Mr. Basta and the Commission

for listening to the users of the park, but is discouraged by the vandalism. The skate park provides an activity and exercise. He supports lighting until 2 a.m., which would help users self-police the park. The park belongs to the City and fencing would allow it to be shut down.

Ian Marsh, 1553 North Jessup, Portland, OR, grew up in Great Falls. He noted that skateboarding is his profession, and he has traveled to numerous locations around the world. The Riverside Railyard made his life; without it he was doing drugs. He supports lighting and fencing.

Melane Guidotti, 4 17th Ave. South, commented that all kids don't like Little League or soccer, and the skate park provides another option.

Ms. Reichelt stated that the users of the park and staff have had good ideas and comments. The process has shown that the current ordinance does not work. Rules are needed that work and are understandable and enforceable.

Mayor Winters suggested a temporary suspension of the ordinance. Commissioner Bronson believes there may be legal concerns for suspending an ordinance. The current ordinance is clear the park is a skate part, not a bike park. If the ordinance is rescinded and a series of rules are adopted, the Park and Recreation Department could enhance or add to them.

Commissioner Jolley supported rescinding the ordinance and establishing rules that can be changed by the Park and Recreation Department. Lieutenant Allen of the Police Department has asked for park rules that are enforceable by the police. She supports the proposed rules.

Commissioner Jolley questioned if the park can be open all night if lighting is on. Mr. Basta responded that all parks are open from dawn to dusk.

Commissioner Bronson recommended directing staff to prepare the appropriate language to rescind the ordinance, proceed with the proposed rules, and consider security cameras, lighting, and signage. Fencing is a possibility at a later date. The graffiti/art issue may have to continue to be addressed.

Commissioner Jones agreed with the recommendations but believes fencing will be inevitable to protect the City's investment.

Commissioner Burow also agreed with the recommendations.

ADJOURN

There being no further discussion, Mayor Winters adjourned the work session of June 21, 2011, at 6:46 p.m.