

JOURNAL OF COMMISSION WORK SESSION
July 21, 2009

City Commission Work Session

Mayor Stebbins presiding

CALL TO ORDER: 5:30 p.m.

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the City Manager, City Attorney, Directors of Fiscal Services, Library, Public Works, the Deputy Park and Recreation Director, the Police Chief, Fire Chief and the City Clerk.

1. TOURISM BUSINESS IMPROVEMENT DISTRICT BUDGET AND WORK PLAN

Bob Dompier, Chairman of the Tourism Business Improvement District reported that the TBID is still in start-up mode. He explained that the TBID started collecting funds in January and the fiscal year ended in June, so this first year of funding is only based on half a year. Mr. Dompier reviewed expected revenues and expenses of the budget. The current goal is to bring new people to town. As an example, the TBID will help promote and fund getting extra sporting tournaments to town. However, the TBID has not sought applications for those events yet. After a full year of collecting, Mr. Dompier projected a budget of \$400,000-\$500,000.

Mayor Stebbins asked what kind of marketing the TBID was using on its work plan. Mr. Dompier responded that the TBID will advertise in Canada, and may co-sponsor advertising with CVB and Russell Country Tourism Region. A lot of the TBID marketing will be to help pay for the Four Seasons' fees to attract events to Great Falls.

Commissioner Beecher inquired what the make-up of the organization was. Mr. Dompier responded that pursuant to state statute, it is strictly hotels. He estimated by the end of the year there will be seven or eight Tourism Business Improvement Districts in Montana.

Commissioner Bronson inquired if Billings, who has been up and running longer, was using the same approach of helping facilitate events by paying event fees. Mr. Dompier responded that because Billings is a much larger city and takes in about \$600,000 - \$800,000 per year, it has the power to buy some events. Billings also works closely with the CVB.

Commissioner Jolley inquired about limitations. Mr. Dompier responded that there were not a lot of limitations on how the money could be spent.

Mr. Dompier concluded that he could see the TBID as being real positive for Great Falls.

2. SOCIAL HOST ORDINANCE

Chief Prosecutor Chad Parker reported that after representatives from the DUI Task Force, Great Falls Police Department and himself attended a federal conference last August for underage drinking prevention, they started working on how to attack the problem. He explained that the DUI policy for adults was changed several years back and how that has helped the trial case load.

DUI's are categorized as a traffic offense in Montana, but MIP's are prosecuted under the criminal code and, if convicted, it stays on a record for 75 years. There are no provisions to expunge the record upon turning 18 or 21. They tried a program to mitigate the harm from that imbalance, but it wasn't having the effect they wanted. They started to understand that it wasn't necessarily the children who were always the ones at fault. It had to be somewhere, at someone's house or some other location getting the alcohol from an adult.

Mr. Parker provided a PowerPoint presentation regarding what the proposed social host ordinance was, what it was not, and reviewed definitions and statistics comparing Montana with other states.

Commissioner Rosenbaum commented that he understands the direct involvement. But, under the definition of "premises," the City could be liable for parks because it reads with or without permission or compensation. Mr. Parker responded that the City may be offering the park for rent, but the term of control is what the evidence will require.

The City of Billings' Social Host Ordinance went into effect May 27, 2009. He doesn't believe there have been any problems or challenges. Upon consideration, Mr. Parker hopes the Commission will pass it here as well, and that media efforts similar to Ventura County's can be used to educate the community.

Commissioner Bronson asked if the penalty language would withstand a challenge with regard to not offering deferred prosecutions. Mr. Parker responded that it would and that and he makes that statement with a lot of other alcohol offenses. The ordinance doesn't impose any direct jail time from the start, primarily because if it is a City ordinance, then the City has to pay for jail time. It is focused more towards fines.

Commissioner Beecher asked if the County was interested in pursuing this ordinance. Mr. Parker responded that the County does not have the authority to enact such an ordinance.

In conclusion, Mr. Parker reported that a person convicted of violating this chapter shall be responsible for reimbursing the cost of enforcement services. That will be assessed as a restitution request, and there will be a hearing on it.

Mayor Stebbins asked if the statutory limit was the upper limit on the fine and was responded to affirmatively. Commissioner Bronson added that there are also court costs and restitution.

Commissioner Rosenbaum inquired about the language "reasonably should have known." Mr. Parker responded that there is a lot of case law supporting both knowing and reasonable knowledge.

After further discussion, the Commission concurred that Mr. Parker should proceed with the Ordinance.

3. RECYCLING FOLLOW-UP

Public Works Director Jim Rearden followed-up his July 7th Work Session presentation to respond to a couple of questions. Mr. Rearden reported that the alternatives were to close down all recycling and transfer programs; close down the transfer site, but continue recycling programs; discontinue recycling programs, and continue with the transfer site; or, provide a means to pay for transfer and recycling programs that is equitable to all residents. Mr. Rearden spoke with Pacific Recycling and Montana Waste and is awaiting information from both. He reviewed the Convenience Center revenue numbers from a proposed assessment and explained that if private companies could provide either the recyclable collection or transfer functions for less costs, those functions would be bid out. Mr. Rearden explained that a resolution could be proposed at the August 4th Commission meeting and that the \$1 per month assessment would be added to the September utility bills. After discussion, it was the consensus of the Commission to wait pending additional information and firm numbers.

ADJOURN

There being no further discussion, Mayor Stebbins adjourned the work session of July 21, 2009, at 6:40 p.m.