

**ADMINISTRATION AND FINANCE COMMITTEE  
CITY COUNCIL CHAMBERS  
140 WEST PINE STREET  
MISSOULA MONTANA  
May 2, 2012, 1:05-2:00pm**

**Members present:** Cynthia Wolken, Chair; Jason Wiener, Bob Jaffe, Alex Taft, Adam Hertz, Dick Haines, Ed Childers. Mike O'Herron.

**Members absent:** Caitlin Cople, Jon Wilkins.

**Others present:** Kaila Szpaller, Marty Rehbein, Kevin Slovark, Steve King, Andrew Scott, Brentt Ramharter, Jeanette Feltus, Scott Paasch, Tina Schmaus, Judge Kathleen Jenks, Kelleen Roseboom, Jim Nugent.

**I. Administrative Business:**

Cynthia Wolken thanked everyone for helping during her absence.

**A. Approve Committee Minutes:** *Will be submitted at a later date.*

**B. Public Comment on items not listed on the agenda-None**

**II. Consent Agenda**

**A. Approve claims (accounts payable). -Consent Agenda (Brentt Ramharter)**

**MOTION:** The committee recommended the City Council approve **claims** totaling \$721,503.41 (**Detailed claims**)

**B. Resolution modifying the boundaries for the Saturday Market located on Pine Street in downtown Missoula. (memo) – Regular Agenda (Ed Childers) (Referred to committee: 04/23/12)REMOVE FROM AGENDA**

**MOTION:** The committee recommends the City Council consider a resolution of the Missoula City Council amending resolutions 6138 changing the official name of the 'Missoula People's Market' to the "Missoula Saturday Market" and amending the market boundaries to include the north side of Pine Street from Higgins Avenue generally to the middle of the block as shown on exhibit A.

Marty Rehbein, City Clerk, requested approval to amend the Saturday Market boundaries to include the whole of Pine Street from Higgins to Pattee Street.

Ed Childers moved to approve the resolution and said downtown business owners have embraced the market as it brings folks to downtown and helps everyone's business.

Upon a voice vote, the motion passed unanimously.

**C. Approve to ratify the contract with Missoula Correctional Services for the period of one year (to begin as soon as possible), to provide a Misdemeanor Probation program to the City of Missoula's Municipal Court. (memo)—Regular Agenda (Tina Schmaus) (Referred to committee: 04/16/12)REMOVE FROM AGENDA**

**MOTION:** The committee recommends the City Council approve and authorize the Mayor to sign a contract with Missoula Correctional Services in the amount of \$172,935.00 for the period of one year commencing June 1, 2012 and ending June 30, 2013 to provide a misdemeanor probation program in Missoula Municipal Court.

Judge Kathleen Jenks, Missoula Municipal Court, described the proposed program. She said the misdemeanor supervision program would have limited enrollment and would not involve most people who come into Municipal Court. It is mainly for multiple DUI and violent offenders. The

probation would go into effect after sentencing and would monitor court ordered compliance. It will be a very important tool to address the DUI problem in our community which is increasing. Many of the DUI accidents you read about involve people who have been through our court system numerous times.

Ms. Wolken said she agrees it needs to be brought forward and asked what the benefit is of having it on a contract.

Ms. Jenks said there are two benefits with this contract the probation services have the power to arrest people who have been found to be in violation. They can be held for up to 72 hours and that is something that can't be done in house. The 2<sup>nd</sup> benefit is that an independent agency will present evidence to the court. She said she doesn't like the court to be placed in the position of doing the investigation and providing testimony. The cost is \$20 per month to the offender. It sounds like a small amount but we can't put someone in program that can't pay for it. Yellowstone County charges \$100.00 per month for their probation program. She expressed concerns about spending a lot of time proving whether or not someone could pay the fees.

Adam Hertz wanted to know how Missoula Correctional Services was chosen and why it was not put out to RFP.

Ms. Jenks said the service was in place, they have the training and experience and it has been used by District Court.

Mr. Hertz feels the fees are way to low. If someone has to give up drinking and driving they could afford the \$100.00 per month fee. He does not like the idea of subsidizing drinking and driving.

The committee and Judge Jenks discussed whether there will be more costs associated with the program after year one. At this time the answer is uncertain, as the amount of supervision any one individual will need is difficult to predict. It may take a few extra steps for people who are used to a lower court standard.

Jim Nugent, City Attorney, suggested changing the contract start date to June 1, 2012 and ending June 30, 2013.

Ms. Schmaus agreed to make the change.

Marilyn Marler thanked Judge Jenks and doesn't feel like its subsidizing drinking and driving. She said we don't know if they have a car or if they have money for alcohol. She would like to follow the courts recommendation.

Ms. Jenks stated it's not the norm for a person with a 2nd DUI to own a car. At that point they don't have a car or a license and usually drive other people's cars. Whether or not they have the ability to pay the fees, the City can't prove it, and that means the court can't order it.

Mr. Childers thanked Ms. Jenks and Ms. Schmaus and would like to measure the programs effectiveness and asked them to come back in the future and give Council an update.

Bob Jaffe referred to The Alliance with Youth program in Great Falls. People get assigned a series of things they need to do weekly. They have to report in regularly and when done there is a graduation

Ms. Jenks said it sounds like a drug or alcohol court and we may need to set up something like that in the future.

Jason Wiener suggested an RFQ instead of an RFP.

Mr. Nugent stated when you have a sole source provider you are within your legal rights to go with the sole source provider and in the future see if there are other alternatives. He is comfortable with using Missoula Correctional Services.

Mr. Wiener referred to 6 pages of testimony Council had received and will email on to the Court. He moved the contract.

Mr. Hertz said he would support the first year and would like to look for ways to self fund the program.

Upon a voice vote, the motion carried unanimously.

### III. Regular Agenda

- A. Discuss the Capital Improvement Program for Fiscal Year 2013. ([memo](#))—Regular Agenda (Brentt Ramharter) (Referred to committee: 04/16/12)**HOLD FOR CONTINUED DISCUSSION**

Steve King, Public Works Director, reviewed CIP projects [S-02-S-09](#) and will return next week to finish.

### IV. Held in committee

1. Approve claims. (Ongoing) (Consent Agenda)
2. Approve journal vouchers. (Ongoing) (Consent Agenda)
3. Approve budget transfers. (Ongoing) (Consent Agenda)
4. Amend Council rules to change the Council's regular meeting schedule to two meetings per month ([memo](#)).—Regular Agenda (Marty Rehbein) (Referred to committee: 06/07/10)
5. Discuss the disposition of surplus city land. ([memo](#))—Regular Agenda (Nancy Harte) (Referred to committee: 10/25/10)
6. Review the city's current policy for charging the public for various city-produced documents ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 12/06/10)
7. Review Missoula's insurance experience, particularly work comp; propose improvements if warranted. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 05/09/2011)
8. Amend the FY 2012 budget to appropriate expenditures that were not identified in the original budget. ([memo](#))—Regular Agenda (Brentt Ramharter) (Referred to committee: 04/02/12)
9. Authorize the negotiated sale of pooled special sidewalk, curb, gutter and alley approach bonds (not to exceed \$825,000), Series 2012A and set a public hearing for the use of the city's SID Revolving Fund to secure this transaction. ([memo](#))—Regular Agenda (Brentt Ramharter) (Referred to committee: 04/02/12)
10. Resolution calling a public hearing on the proposed modification of the Missoula Urban Renewal Plan for Urban Renewal District II (The Urban Renewal Plan) to approve a proposed project as an Urban Renewal Project and set forth the council's intention to finance a portion of the project through the issuance of Tax Increment Urban Renewal Bonds. ([memo](#))—Regular Agenda (Chris Behan) (Referred to committee: 04/02/12)
11. Review and approve updates to the City Council rules. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 04/09/12)

### V. Adjournment

The meeting was adjourned at 2:00 pm

Respectfully submitted,

*Dee Andersen*  
Administrative Secretary