

# City Council Work Session

5:30 PM

Council Chambers

Date: September 15, 2014

## ATTENDANCE:

Mayor/Council (please check) x Hanel, x Cromley, x Yakawich, x Cimmino, x Pitman, x McFadden, x Bird, x Swanson, x McCall, x Crouch, x Brown

## Agenda

### TOPIC #1: MMIA (Montana Municipal Interlocal Authority)

- Alan Hulse: Created in 1980s, when cities found it impossible to buy commercial insurance. Banded together to create coverage. Owned and regulated by members. 15-person board with Reps from across the State. Billings has had a seat on the board since 1986; one of seven large cities to do so. Smaller cities have group Reps. Assessments are used to pay claims and 0 if not used, credited back to cities. \$4.5M in last two years. Other differences are, there is an informal process for resolving issues with members. There is an appellate process of peers who listen to staff and city explanations of whether there should be coverage. Outcome can then be appealed to entire board. Also offer unique coverages, which Board decides. In recent years, added land use coverage. Also, employment liability added in 2002. Also added sewer backup coverage in 2009, not always covered. Handle 200-250 claims per year, creating issues with constituents. Will pay \$1,000 if not liable, and will pay all of the damages that are legally owed. Because of structure, pay for losses of municipalities in Montana regardless of situations. We do a lot of training. Will be meeting with 10-12 committees over the next two months to do regional training in conjunction with the Local Government Center. Meet with clerks and treasurers, do Legal CLEs, Executive Forum for Mayors and Managers, presence with MACO to do risk training at Montana Law Enforcement Academy. Law enforcement about 10% of claims per year, and 30% of money set aside to pay claims. Try to focus on liability risk management, including policies, training where we see problems to lessen costs for Billings and other communities. Packet distributed to Council. Not necessarily lowest cost; a commercial carrier can bid lower, but we try to be stable. Liability rates are 4% less than five years ago. Workers comp only 5% more, and property rates are 14.4% less than what we charged 5 years ago. This is a result of members working to keep costs low. Here to help, and we are a partner.
- Mayor Hanel: What is the most common claim?
- Alan Hulse: Sewer back-ups are 25%. Followed by trips and falls, sidewalks, potholes and other road hazards.
- Mayor Hanel: Swimming pools included?
- Alan Hulse: Pools are severity claims, same with law enforcement – 10% of claims, 30% of our incurred dollars. Also parks, employment practices and land use (subdivisions).
- Mayor Hanel: Is the State supportive financially? Know there were concerns at one time.
- Alan Hulse: University still funds Local Government Center, 2-year process. If not funded by legislature we will figure out a solution.
- Mayor Hanel: Training fine, I hope you support.
- Alan Hulse: Tremendous resource in government.

- McCall: Thanks for attending. Have been actively involved with the league.
- McFadden: Concern that if lawsuit filed against one city, filed against all because pool. Taxpayers from all over State are paying for lawsuits that sometimes aren't even in their town. Intrinsic problem. What is strategy for keeping MMIA from being a target for lawsuits? See some cases settled too easily; invitation to other attorneys. Does MMIA have a plan to protect the taxpayers and itself of the various cities of the State of Montana from becoming an easy target?
- Alan Hulse: Don't know that there is a sure-fire strategy to protect from frivolous lawsuits. Maybe second guessing, but one of the factors considered is just what is described. That is, is this going to set a precedent? Is it going to invite additional lawsuits? Also take economics and attorneys' advice because a bad decision also opens doors. For example, a bad ruling resulting in subsequent lawsuit. Until law changed, only way to get district court was by going above head. We create a defense for this particular lawsuit.
- McFadden: Personally thinks judges too generous with the public's tax dollar.
- Yakawich: Would like packet with a list of statistics. Curious that as a body, keep an eye on cities, if we build something that may create liability, would MMIA comment, or is it more reactive?
- Alan Hulse: Both. We won't tell you how to run your operation. Every choice includes knowing risks and doing it anyway. Look at insurance and indemnification in contracts.
- Tina Volek: A couple of years ago we had a situation involving a rock ledge above the City. This ledge was reached by a hand rail and a set of very steep steps with a severe drop if you didn't make the jump from the rocks to the flat table rock. This was used for evening parties. We worked with MMIA to address that issue. Posted it properly so we have done everything we can to limit that liability. This is an example of how MMIA is available to us when we have a question or an issue we often check with them in advance.
- Brown: Talked about training – are there roadblocks, timing issues?
- Alan Hulse: Timing on both sides. Have been working with department heads in the City quarterly on work comp and last year talking on liability. More difficult in a larger community.
- Cimmino: Just received material, made comment not all claims honored. What happens is you don't honor a claim?
- Alan Hulse: Provide coverage under our liability program. Workers comp driven by laws. Liability spelled out under policy; cover for errors, omissions, professional liability, and auto liability for all employees and Council acting in scope. Also describe exclusions, probably not as vast as in a commercial policy. In the earlier years, did not cover employment practices, land use practices, special events, and willful acts. Occasionally interpret ad to say not covered, and city, if it disagreed, can appeal. Also have option of legal action. Happens rarely.
- Cimmino: Brent, example of claim not honored.
- Brent Brooks: We participate on claims committee; if 3<sup>rd</sup> party files claim, can appoint an investigator. If evolves into litigation, determines reasonable settlement. Adjustors have certain amount of liability to settle cases. A lot of steps built into claims. One way cities as group protected on claims committee reach litigation. Claims are investigated.
- Tina Volek: MMIA does not cover Airport.
- Mayor Hanel: Are there others not covered?
- Alan Hulse: Combination boards where City does not control, such as City/County Weed District. If the City doesn't control that Board by having majority members appointed by the City, or some oversight, they are not a covered party. We don't cover air navigation but cover premises liability. Off-premises liability, i.e. mutual fire aid, not covered commercially, so wrote program.
- McCall: BUFSA?
- Tina Volek: Covered because City employees.

### Public Comment:

- Kevin Nelson – 4235 Bruce Ave: Sharing some portion or all of losses. Question I raised. My understanding is one of reinsurers is GEM, a national liability pool. What happens when there is a national claim? For example, City of Bozeman, \$3 million for Delaney. Bozeman did not have coverage, MMIA settled with Bozeman for \$2M. Why and did it affect us?
- Mayor Hanel: To discuss another city's claim, not without consultation. The other question asked, why are there closed door meetings when there is litigation involved and personnel issues, not required?
- Brent Brooks: Not good to reveal strategy in open meeting. That's why MMIA claims committee meetings are closed, ultimately would cost taxpayers money. When information is inappropriately disclosed, would cost the taxpayer's money.
- Mayor Hanel: Able to comment on GEM versus MMIA?
- Brent Brooks: That is something Mr. Hulse would need to respond to.
- Alan Hulse: Government Entities Mutual is a non-profit, Captiva Agency which MMIA affiliates with. If GEM loses, cannot come back to MMIA, unlike MMIA, which can collect additional monies. GEM acts as a private insurer regulated in Washington.

### **TOPIC #2: Rotomilling**

- Dave Mumford: RAP (Reclaimed Asphalt Pavement), comes in a few varieties:
  - 1) Cold in place: Goes through batch plant while moving. If doing 20-30 miles per time. Not used that extensively because lack of such projects in MT.
  - 2) Central Plant Recycle: Give millings to plants to include in new asphalt.
  - 3) Direct street reconstruction: County uses, city does limited amount with Parks.
  - 4) Subgrade preparation.

Under asphalt recycling guidelines, can use up to 15% in overlay. Tend to use up to 15% in gravel mix, good base product. We did Dorothy Lane that way.

Other place used base gravel in small amount of patch was section of 17<sup>th</sup> at Rimrock. Mixed with gravel to save costs and laid on alleys and gravel street. Millings have to be clean, no dust or dirt, so on big projects take off top two inches and give to Yellowstone County. Used in Stewart Park and Riverfront Park parking lots. Both in time have broken up. Using now on shooting range for PD to provide better surface road at landfill. Millings can't be stockpiled. They bind together and have to regrind. Yellowstone County reuses quickly. Question asked: Why don't we use on City roads? Yellowstone uses. Same question, why not MDOT. Not used on anything but rural farm to market roads, not major roads. Trying to give wear surface on gravel roads. Need minimum six inches; Yellowstone County adds 8-10 inches. Hard to match to valve boxes, manholes, etc. Sensitive to water because of porous surfaces. County uses on high crown roads, where flows almost immediately in to burrow pits. When in City you have to over excavate, ground has to be very level, packed base. After County is done, have to sand to prevent opal tracking and chip seal in second year to smooth. With asphalt can cut but this comes out in chunks that leave rough areas. Potential issues: Susceptibilities of soft spots and have to dig up, by time brought in everything, almost if not more expensive than asphalt in the urban area. Breaks with heavy turning, County only uses on roads with heavy use and trucks so constantly pounded back into place. Parking lot tracks. Highly dependent on installation – Yellowstone County very good. Uneven and substandard street. People want smooth surface, don't even like manholes.

Showed road on north side of Knife River pit in Power Point. Part of road done by MDOT to give good access to roundabout; other part done as millings is deteriorating. Comes down to

quality and how long it lasts. Looking for 25 years with maintenance; rotomilled roads would not last half that long. Question is using as often as can to be efficient, but doesn't have application. Last year went to seminar on RAP. Don't recommend outside rural areas. Not efficient in urban areas.

- McFadden: Working with millings in alleys?
- Dave Mumford: Worked on alley off Rimrock road, watching; have had to recompact. Some potential there, want to give it a couple of years.
- McFadden: Extreme conditions?
- Dave Mumford: If you do in a regular alley that is flat, we know it will fall apart in a few months. Needs to be steep so water will roll off, can't drain into private property. County has to burrow ditches.
- Brown: The intent of millings was gravel roads, which have no time to blade regularly. Intent was to use millings and get couple of years. Stewart Park, better than mud holes. Could it be used in those situations? My alley has potholes. Not enough man hours to handle. Wouldn't millings work in those situations so they wouldn't have to blade all the time?
- Dave Mumford: Thickness problems and utility issues. Blading in with gravel at least 2x a year. Trying to use those surfaces. Will still break down because alleys flat, way above driveways. When mixed in might be able to keep flush. Parking lots – How do you deal with public? If City only mills, how to stop private parking lots from doing it. Trying to find places like Parks. Private sector would track into road. Best answer do it right once so stays and done. Realistically in urban area believe needs to be certain standard and everybody pay it.
- Brown: I would rather see something in parks and alleys so there are not so many potholes.
- Dave Mumford: Would have to contract out because the other pavement and striping uses existing personnel.
- Cimmino: Black gravel at Stewart and Riverfront Parks. Understand you get what you pay for. Every year pay \$1.3-3M for chip seal. My road was chip sealed but loose gravel ends up in my driveway. What is the difference between millings and chip seal?
- Dave Mumford: Chip seal is oil and chips with rock leaving oiled surface, and will be swept up. Millings would fall apart.
- Cimmino: As Heights Rep, would like to pave parking lot at the Dog Park. Would that be millings or chip seal?
- Dave Mumford: Chip seal puts new wear surface on existing road. Extends life 15-20 years. Cannot work outside of ROW (Right of Way). We get audited. If millage, who do we allow in the private sector to do that?
- Tina Volek: Reminder to Council, one of the projects we had on the list this year for the Park Maintenance District money is the resurfacing and rebuilding of some parking lots in Stewart Park. The Parking Board may have already met and are bringing back new recommendations in regards to some of the questions the Council raised. A very significant project. May be an indication that the milling didn't work as well as we had hoped and we are now looking at paving those roads for better use.
- Pitman: People I talk to have a concern about gravel roads being graded and sprayed. Wouldn't it be cheaper if rotomilling that will only last 10 years? How does grading compare?
- Dave Mumford: It is 6-8 inches, and creates problems. People need to build roads correctly within the City. Pot holes in chunks when we mill. If try to do correctly even with driveways, digging out 16 inches of sub base, this costs millions and ends up with road costs same as paving. Shows Dorothy Lane on Power Point example. Cheaper to pave with asphalt than millings. Holes you can't grade. Would love to get rid of gravel roads and alleys.

- Pitman: One way to try to address constituents is with Dorothy Lane. Went without sidewalks, curbs, storm drains. Put in ribbing to keep in place.
- Dave Mumford: Trying alternatives like Josephine to hold water in rain gardens. Proud that Engineering staff came up with concrete ribbons and other ways to work with neighbors to cut costs. Put in with cost of new houses. Trying to help older neighborhoods. If recycled asphalt worked, would use it. Not cost-efficient process. Won't hold.
- Yakawich: Constituent asked about milling machine. Using often?
- Dave Mumford: Yes, added to gravel in alleys and gravel streets about 50%. Big projects used for bedding and give to County.
- Yakawich: Are we selling millings to Yellowstone County?
- Dave Mumford: No. We just provide to them as a way to get rid of millings. Milling machine is used where we have small areas that are breaking up.
- Brown: We will only get use for a couple of years. So would be there every year ripping it out and putting it down again.
- Dave Mumford: Yes, that's departments concern.
- Mayor Hanel: Staff on milling machine does good job.
- Dave Mumford: Good at what they do. Buying the machine part of business plan, saved \$\$.
- Mayor Hanel: Tried to explain to contractors used for patching, not roads.
- Dave Mumford: Missoula being sued for not contracting out work. Try to ensure in Billings not infringing on them.
- Mayor Hanel: Update on Grand?
- Dave Mumford: Moving along better than anticipated. Working 24 hours day. Engineering is sending out info every Friday. Anticipating being done this fall. On 21<sup>st</sup> St. now. Next year will overlay after any trench settling occurs. Same with 27<sup>th</sup> St.
- Mayor Hanel: Ask newspaper to update the public.

Public Comment:

- Kevin Nelson, 4235 Bruce Ave. – Yellowstone County abusing taxpayers when going to fall apart next year.
- Mayor Hanel: No comment.
- Kevin Nelson: If don't use right away, rock. If use right away, fall apart. Thinks roads in Billings with sidewalk and curb with gravel and storm drains. If Yellowstone County perfected to point they have and areas of the city are gravel, biggest trouble is getting SID. Should provide one demo project to County spec and see how it works. Going to break the City if we do this? Have you driven down Cabela's road, falling apart and only 5 years old. Road to jail in better shape. To say have City spec need we have to follow, have some new roads in Billings not so good and they are just as smooth as the rotomilled roads that the Council is doing. Council should find route and put down to County standard.
- Cimmino: What area would you recommend we try as a pilot program?
- Kevin Nelson: Get a list of streets; City staff could do to Yellowstone County spec. Some in Heights. Let staff determine. Drive out by State shops on N Mulowney.

**TOPIC #3: North Elevation Residential Historic District**

- Lora Mattox - Historic Preservation Officer (HPO): Gave brief background on the Yellowstone Historic Preservation Board. Board established 1993. Was an interlocal agreement between County, City of Laurel, City of Billings and a portion of the Crow Reservation that is in the

County. The agreement came together to establish a certified local government. This is a program through the State and the National Park Service. That allows us through the State to get \$5,225/year to do Historic Preservation activities in Yellowstone County. City is required from State to match those funds through in-kind and money from Planning. Yellowstone County provides a local match and Laurel provides a cash match with all of that coming together to provide \$7,200 a year, with \$6700 going to Western Heritage Center. Have four local members' and five specialist members. We develop a work plan.

Project I want to talk about has been in our work plan the past 5 years. We go out for special grants. Have done several projects in past. Held an archive workshop last fall. With all the documents in the City and the County, how do we address the storage issue and to be able to use those documents and have them accessible?

2 Nationally and locally listed districts:

    Billing's Original Town site (55 properties)

    Old Towne Historic District (44 properties)

26 individually listed properties

Working with North Elevation Task Force to identify residential district to list as first on National Historic neighborhood. 128 properties, each with its own map, photos, list of reasons for being historic. District is historic because of architecture, etc. Named for Developer Austin North. Architecture is Craftsman, Tudor, 4-Square and some by Cohagen. McKinley School is in district, not yet on register, although Broadwater is.

Grant offered to us. During sequestration when lost money but funds were reallocated and state preservation office came to individual groups and do one-tune grant. Every local government said to go for grant. Applied for \$5,000. Not enough to do all 128 properties. All local match, 40% was in-kind. State offered another \$7,000, complete application and take to state and national. Short on local match. Asking for \$2,000 from Council to complete project and get national historic listing.

Mayor Hanel: Any one object to be in this historic district?

Lora Mattox: Neighbor's west of Moss Mansion tried doing work without including neighbors. Trying in this case to work with owners. Complete neighborhood buy-in. Public workshop in November.

Mayor Hanel: If goes through, what restrictions would be placed on home owners for remodel, replacement, etc.

Lora Mattox: Honorarium unless using Federal dollars. When Stockman Bank tore down Safeway, had to come through board because Federal project. None on residential. Being on register gives history, pride of neighborhood, strongly believes that it raises property values. Two thirds of neighbors would have to come together and request review. Asking for \$2,000 from City would bring total to \$14,000. That would provide incentive to do work by consultants. Department to do copies. With in-kind and City contribution, looking at \$17,500.

- Pitman: SBR or Council contingency?
- Tina Volek: Too late for SBR. Would have to identify funding from an existing source in the budget already. Council Contingency is one option. Any other kinds of funds Lora?
- Lora Mattox: Have not looked yet. State is excited about this project and will work with us on making sure this district gets listed.
- Cromley: All of North Elevation Subdivision is in the Task Force?
- Lora Mattox: Yes, the whole Historic District is within the Task Force. Will double check the North Elevation boundary and make sure it is right.
- Yakawich: Give credit to Shauna Kerr and Mike Tuss. Gave a lot of time. When you say State is excited, what does that mean?
- Lora Mattox: Billings way low in listed neighborhood, although may have more individual listings. Adding 128 to national register all at once.

- McCall: I fully support and would urge the Council to use Council Contingency funds for this.
  - Mayor Hanel: Is this one of the larger among other residential areas in Montana.
  - Lora Mattox: Can't think of any larger.
  - Brown: Heard all pros, any cons for property owners?
  - Lora Mattox: Will have to ban together to pay for signs. Not required to open your house for tours. Can do general maintenance. Can't think of anything negative. Property values raise.
  - Brown: Down the road, if a contractor wants to build apartments, does this limit possibilities?
  - Lora Mattox: No. Unless neighborhood petitioned by 2/3 vote to have review.
  - Mayor Hanel: Money you are asking for is one-time?
  - Lora Mattox: Yes.
  - Cimmino: Use to serve on board. Want to point out 4 entities City being asked to provide funding, which is appropriate, already paying through facilities and staffing. In terms City Council Contingency, could use General Fund?
  - Tina Volek: Yes. Not certain this has been discussed with the Council, but has been discussed publicly in our Public Safety meetings. Because we believe of the charter decision, our tax revenues this year are not going to be the increase of 1% we anticipated. They are going to be ½% less than they were last year because of centrally assessed property numbers changing. Have plans to use the unbudgeted GF reserves to continue Public Safety, or to offset costs in the Public Safety Levy would be the staff recommendation.
  - Crouch: Agree with McCall, small amount of buy-in.
  - Brown: \$2,000 cash, or \$2,000 in-kind? Can someone volunteer labor?
  - Lora Mattox: Asked for money to provide consultants cash incentive since can't pay going rate.
  - Brown: Need cash, something to meet state requirement?
  - Lora Mattox: No state requirement, just complete project.
  - Pitman: Would we have to make a decision at our next meeting as an Initiative?
  - Tina Volek: If it is to be a Council Contingency item, this requires under these Ordinances, a Resolution. We have already provided you with the Agenda for next Monday, September 22, if you would like to add to that, it would require ¾ vote of the Council. Can work on that or put on the next meeting which would be October 7.
  - Lora Mattox: Will talk with State.
- Public Comment:
- Candi Millar -1115 N. 31<sup>st</sup> St.: Did not realize I was in this district until grant came through and if any benefits, I would accrue them. In favor.
  - Swanson: Exact boundaries?
  - Candi Millar: North of 12 St. N., and then it doglegs onto Beverly Hills, then down an alley behind CM Cromley's house. Follows alley down to Parkhill, separating houses facing North 32nd from the houses that face Parkhill. Follows alley. Lower corner is Avenue B on N 30<sup>th</sup> street, all the way east to N. 27<sup>th</sup> St. Includes McKinley.
  - Lora Mattox: We make adjustments as they look at contributing amount, contributing structures within the District. For example, took out State Park and did some reconfiguring as we fine-tuned the project.
  - Pitman: Seems this should go over one block because that entire corridor along there have a lot of significant homes and structures. Is it because they are commercial?
  - Lora Mattox: Yes and because significantly altered, they may not be contributing to the District.
  - Kevin Kooistra – Western Heritage Center: In 1990s, the North Elevation Task Force was concerned with the growth of the hospital corridor, and interest in creating district because of pride. Task force came to Yellowstone Preservation Board, and that is what made this project so unique. North Elevation Task Force has had in sight for 15 years; neighbors contributed

historic property record forms. Some, who have moved in the last 2-3 years, may not be familiar.

- Mayor Hanel: Council direction.
- Yakawich: Staff recommendation to bring forward through contingency funds for first October meeting.
- Cimmino: Abstains.

#### **TOPIC #4: Budget Quarterly Update**

- Postponed until next meeting. Pat Weber is ill.  
Public Comment: None.

#### **TOPIC #5: Homelessness Summit**

- Tina Volek: Passed out a copy of Proposed Agenda for a summit on transiency. Three months ago, Ms. Harmon held a Downtown Billings Alliance meeting on issues in the downtown involving transients. More than 100 people attended that session in which the Mayor, Police Chief St. John and I spoke. At that time, we had become aware that there was money that was going into the Montana Health Foundation from the sale of Blue Cross/Blue Shield and their facilities since they have disbanded. There is \$157M that will be allocated to one or two issues according to the Health Foundations Executive Director. They are not certain what that will be. My personal feeling is that there are probably no two issues more important in Montana, than substance abuse and mental health, as far as health issues go. What became clear, and what grew out of that meeting was an Ad Hoc Committee including these individuals, who have been looking at these issues and investigating possible solutions. We have identified a full range of issues and options. The mother house of all activities is San Antonio – Haven for Hope. This is a Multi-Disciplinary Agency – Multi Building Campus. Went to Reno, Nevada two weeks ago - Northern Nevada from Volunteers of America who operate the homeless facility as well as operating places like Independence Hall in the Heights, and a facility in Sheridan, WY for detoxification. Picked Reno because it was nearby, but also because it has a demographic fairly similar to ours. There are three native tribes that are housed in that area. One within the City limits of Sparks. They are somewhat isolated in an area with a set of extreme environments like ours. Warm in the summer, cold and snowy in the winter. They have a large influx of individuals who come to town because gamble and lose everything. We went and toured. Their Mayor was the person who spearheaded this in their Government, because he had a son who was addicted to methamphetamine and was homeless. Ms. Harmon found they had few people on the street. They like San Antonio have a campus. This campus costs \$12M + to build. It costs \$1.9M/year to operate. This is split among the County, the 2 cities (Reno and Sparks), and Volunteers of America. Reluctant to tell you we couldn't sustain something like that, unless we had some private partnership. One feature we saw, they do have a detox facility which has up to a 72 hr. hold on individuals who are intoxicated. They have a law similar to the ones that Montana has. It basically says if somebody could go out and fall down in a snow storm and die of exposure, they would consider them to be held under a civil hold. Sure the Council has heard about this issue from businesses downtown. Want to highlight some things that may be fairly telling in this area. We have our beautiful new library, and a few weeks ago Ms. Harmon related to me, we had a woman who was attempting to urinate in front of it and was intoxicated, fell over and passed out in that position with her pants down. Obviously very unhappy circumstance for parents who are bringing their small children. Another person I know had hers and her neighbor's small children at a parade when somebody came up to the building and began urinating. In the City Hall last week, we had a couple male/female that were in the women's restroom. The male walked out in front of the staff, wearing only a long t-shirt. We also have had numerous other concerns expressed. Last Friday I was out at the Fire Dept. talking to the firefighters on the Public Safety Levy answering



their questions. One of them asked the Chief, what they could do to stop someone who was making on an average 3 calls a day to the Fire Dept. for help. Think you can see the kind of issues that are starting to affect not only the downtown, but there are transients over most of the City. We would like to have a discussion with many of the people who were at the meeting in May, and talk with them about what Billings should do to address its transient situation. Tonight you have in front of you a list of the laws affecting the State of Montana in regard to transiency and of course the first law says it is not illegal to be a transient in the State of Montana. The second law says public intoxication is not a criminal offense unless a person does not commit a criminal offense solely by reason of being intoxicated. A peace officer has to follow a set of standards which may be to take them to their home, an approved private treatment facility, or another healthcare facility. The Police Dept. can't speak too highly of the assistance that we get right now from the Crisis Center. There are also many other agencies in town. I think we have in place a lot of infrastructure that means we don't necessarily have to have the kind of campus that they have in San Antonio and Reno, which is very expensive. I do think we are at the point where we need to do some public discussion about what we want to do with transients. One thing may be to put in place some additional laws. In the packet is also a program called SIP (Serial Inebriate Program) from San Diego. Basically handles some of the issues that we are seeing here. You also have a copy of an Agenda that Ms. Beckett prepared for a proposed seminar that we would like to do on Oct. 29-30. Have been provided the old MSU rooms downtown. Would like to bring in the Head of Haven for Hope, the San Antonio Facility, and the two police officers who are active and who operate the SIP program in San Diego, as public speakers for that event. Hoping to do two half days so we can get the business community to partner with us on this. An afternoon of one day with an evening reception for the Presidential Volunteer Service Awards. Then day two, a working group. We may need to focus a little bit more rather than having just general public sessions, to talk about legislation, and a project concept, and revenue generation. Ms. Harmon has said that she would be willing to find volunteers who would give us support for the reception, and the morning breakfast on the second day. Ms. Beckett believes she can contribute some money to paying for the airfare and the hotel services, for the two individuals we would like to invite to this event. There is \$6,000 in non-departmental funds if Council would agree to help pay for the rest of the cost of bringing in these individuals. We spend a lot of our time and our revenue dealing with limited number of people who are transients. By this, I do not mean people who are homeless. We are not looking at families. The vast majority of these people are inebriated or mentally ill. The inebriates cannot get into most of the regular facilities in town. If we did not have the Crisis Center, we would be in a tough way. But the Crisis Center cannot keep people more than 23 hours, 59 minutes, and 59 seconds. What we hear is when housing issues are resolved, when people are allowed to come down long enough, some of them may go home to where they live, and come in from other places to party here. One of the great ironies is, I was in Reno and walked into their men's shelter, and there was a sign on the wall that says they are hiring in the Bakken. Is a serious issue. This is one way to address it, and then it is up to the community to decide how it wants to address this problem and what it needs to do. Other things discussed, and part of this program including legal constraints and potential legislation. There are programs in other communities where they identify serial inebriates, and then have a "Do Not Sale" list that goes out to restaurants and bars, gas stations, convenience stores. We think we should use the resources of the community to identify what they believe would help. Would like to do this Summit in October because it may require legislative changes, and we need to prepare those. Our Lobbyist said he will participate in this session, and we can identify some things. Will not be a solution today or tomorrow, but over the course of several months. Hoping the Council will support to hold the conference and to approve using some of the non-departmental funding if necessary.

- Mayor Hanel: We must do something. The downtown has expanded, and has been enhanced so much over the last few years. It is a problem.
- Tina Volek: The jail is completely full. There is no room for people we have arrested for public intoxication. Another possibility, a warming center that is operated in Bozeman by HRDC. It allows people to come in off of the street. Mr. Zabroki has an excellent program where there is food and shelter. There were six different places you could get food. Now five. I do not envision this being a center that the City would operate. This would be an ideal contractual arrangement of some kind. Volunteers of America took us to this facility, and there are ample private providers out there. Maybe find a way that we could build in or relocate some of the facilities like the HUB, and The Crisis Center, so we could deal with people. Finally the last thing that we as a group have talked about, is the need to strengthen our referral service so that beds that are sitting empty right now in existing facilities, once somebody has detoxed, they could be moved into and helped with their recovery.
- Swanson: Strongly agree we should pursue this. This program will need to involve a lot of different parts like the San Diego program did. Also gave a lot of good statistics about who these people are.
- Brown: What is the goal?
- Tina Volek: On day two (handout for Draft Summit Agenda), breakout sessions for Legislation, A Project concept, and Revenue sources. Our goal is to have those committees then take forward the project and determine where things will end.
- Brown: Concern is that this talk has gone on forever. Is this to actually start developing a plan that the Council, City, or resident would back and move forward on?
- Tina Volek: That would be my hope. Who knows what is in the private sector. Think we need to utilize the services we already have, and their concepts, and agree how we are going to deal with this.
- Lisa Harmon: Have been to the San Antonio Haven for Hope twice. Was built six years ago. Has been fully operational for 5 years. This is not a one size fits all. The Haven for Hope uses a recovery oriented service of care. So does Reno. When you are taken to the detox center, there is a course of treatment. Either it is mandated because they do have a Public Intoxication Ordinance, or they have been cited for drunken disorderly. They are mandated to go to the facility. Either to sober up for 24 hours, or it could be 72 hours. There is a menu of options depending on where you are on a scale of maybe citations. The City of Reno and Sparks Law Enforcement Sheriffs and AMR are able to drop off at the detox center, and you can self-refer. We have both a social and enforcement issue. Our downtown officers in particular, are out on calls that require skills that have to deal with mental illness and addiction. It is hard to do that sometimes with Law Enforcement. We don't have a choice to not do something.
- Cimmino: Every time you pick up a newspaper, there is someone cited for a ninth DUI. Obviously there is a problem. When you go down Montana Ave. and you are going to spend the day at the Museum, etc., to see someone with an open container, public intoxication, public urination, public defecation, those are all crimes. A lot of these people come here to party. At whose expense? Tina, a price of what the summit is going to cost? Suggested video conference to save money.
- Tina Volek: We have not come up with a price. Just starting to plan. Basically to help pay for airfares and the rooms, and the last day we would like to have at least one, or maybe two or three professional facilitator who would work with the group to bring ideas together.  
We have been meeting on an almost weekly basis trying to plan this out to a position where we could come up with a concept.
- Pitman: It is really important that we move forward. There are two aspects we need to pay attention to. 1) Is to get the Legislative candidates and our Legislators to this. A lot of them don't realize how restraining the law is. 2) Probably long term, but as we go into next month to

Montana League of Cities, we have to start talking to them. When we are there as Council Members, they are looking at us for answers.

- Tina Volek: Missoula has a significant issue as well. They would probably join with us too.
- Cromley: Tina, what has happened with the meeting from May at The Northern? The Ad Hoc Committee has been meeting on a regular basis? Have they come up with proposals or minutes?
- Tina Volek: No. This is really the proposal. We followed up immediately after that meeting. Ms. Harmon may have been keeping her members informed on this.
- Lisa Harmon: After the May meeting, we started an Ad Hoc informal group to discuss a multi-pronged approach that was on the issue of transiency and panhandling. One was that we would host a summit. It was very apparent when 100 people showed up to talk about the issue. Knew we would have to come together and discuss this issue again. We also immediately looked at enabling legislation. Is it time to look at the public intoxication ordinance? Is it time to consider restricting single serve alcohol in the central business district above 6%? Do we need to look at the continuing of care, and why those dollars don't come to Billings yet we are the largest City and we serve so many that are addicted and have mental health issues and disabilities, etc. Who are the establishments that are selling to inebriates? We plotted a map, had 1000 calls to service in what we call the epicenter of where there is a lot of activity of public drunkenness, panhandling, and transiency. That is 6<sup>th</sup> Ave. N and 27<sup>th</sup>. We also produced a video on constructive and right giving. We call it "Have a Heart, Give Smart". Really trying to combat the issue from the service end, from providers to establishments to enforcement. The facility in Reno, Law Enforcement loves it and supports it with part of their budget. So does Haven for Hope. Because at the end of the day, it saves them money. There is a website Real Change.org. It has the efforts that the City under the leadership of Tina Volek, Community Development Division, and Brent Brooks has been attending our meetings. We document what we have done to date.
- Cromley: Is 8 hours long enough for a seminar? Assume there will be additional preparation between now and then. I think the preparation is important.
- Lisa Harmon: Yes. We want to do preparatory series for people prior to them attending. So they would understand the difference between transiency, homelessness, panhandling, and would actually have some study materials on what we can do. We can cite for disorderly but not public intoxication. What can and can't we do so that when we walk into this summit, we won't talk about the same old things that are happening. But we start at a point of departure and really talk about innovation and new programming that is going to deliver something new. We are going to do a series with our service providers; we have over 40 of them in the City. If you don't serve inebriated individuals, it may mean lowering your barriers so people can come in for service. It may mean changes in the way that we operate. We are bringing innovative strategies so we can learn and maybe implement some that have results and success.
- McFadden: Would like to comment on the overall goals of this program. I believe the public would be much more receptive to it if this were a rehabilitation oriented effort rather than a flop house. Like the idea of the San Antonio project that they do include a detox center.
- Bird: Think first summit meeting should not be video/teleconferencing. From my experience with training, that first meeting is the most important. The first meeting is critical to be in the same room to develop those relationships. Critical with a meeting like this. This is a relationship oriented issue. Since Missoula is having a similar problem, has there been any thought about inviting them to participate? Seems that might be a way to develop supportive opportunity between the two communities who are really struggling with this. Maybe some cost sharing too.

- Tina Volek: Would be glad to contact Missoula. Can send out an e-mail to all cities and ask if anyone is interested. Two things that we wanted to be certain about. 1) That Council is supportive of this; and 2) Space may be an issue.
- Swanson: San Diego story in the packet has a lot of detail about their programs. Looks like facilities are scattered all over the area. They went into a lot of details about each program. Suggested reading that material.
- Tina Volek: We continue to seek other places. Particularly western communities of various sizes. Talked to the Assistant City Manager in Flagstaff, AZ. They have the benefit of having a state mental health center in their area which is very useful to them in terms of having a place to take people. Lisa has also looked at Gallup, New Mexico. The Albuquerque Mayor is looking at a program in his community. San Francisco has picked up the SIP Program. Some of these groups have been together as long as six years. We are growing as a community and we are in an economy that attracts people from outside of our limits. Is the Council willing for us to go forward?
- Brown: Lisa, I will back this because you are involved. I would like to see what you plan for this event.
- Lisa Harmon: I have 250 members, 400 property owners, and they are at their wits end and we need to support them.
- Yakawich: As a City Council we have to be behind this.
- Crouch: At that first session in May, the understanding was that there was going to be something, get together, and bring in some other help. We as a Council need to be a part of it.
- Cimmino: When this two day summit takes place, who is invited?
- Tina Volek: The first day particularly when the out of town speakers are the focus, this will be open to everyone. Very concerned we get a good balance on day two. So we have talked about inviting leaders. What we found in the first session that Ms. Harmon put together was, people wanted to recount their stories. We were trying to look at specific groups that needed to be invited and brought to the table. We may have some space limitations. So many people have said they are interested. There will be some specific invitations. A lot will depend on how much we figure out we can actually accommodate in the rooms that we have available.
- Mayor Hanel: We all are aware of the problem. It won't get any better until we do something.  
Public Comment: Marty Elizabeth Ortiz – 707 1<sup>st</sup> St. W. - Good idea. Transient not homeless. Need to use compassion. Some cities prohibit feeding homeless, cannot condone. Business drives progress but cannot side against people with humanity. Substance abuse and Schizophrenia is a problem.  
 LGBT has not come up, when know it is present.  
 A few weeks ago you were talking about a license to sell alcohol. A lot of times we don't have solutions for people to recreate without alcohol. If you are not an alcoholic, or recovering alcoholic, then it is not an issue. Where are those people that have issues with substance abuse supposed to go?

## **TOPIC #6: Council Discussion**

- Pitman: People are thinking the Safety Levy was ending and this new Safety Mill Levy would replace it. I explained it was at its financial capacity.
- Tina Volek: It is capped.
- Pitman: As we continue with the discussion we need to be more careful how we are stating that.
- Mayor Hanel: Pretty clear it will be around and is not going away.

- Swanson: Attended all four of the meetings we had and would like to compliment you and your staff. It is hard for me to realize the vision. We had four meetings and probably 30-40 people there. 61,000 voters. Do we have a program in the plan that we are following that we can address those people?
- Tina Volek: The primary plan is to appear in front of as many groups as possible. This election is going to be very expensive in terms of the cost of advertising. Would like to have Mr. Buchanan at a future meeting to discuss.
- Yakawich: I attended only a couple of the Safety Mill Levy sessions. Tina did a great job. My concern too is, like CM Swanson, how do we get the message out to the public more? Maybe Oct. 6, have one final presentation?
- Cromley: We have to be cautious that we should leave it to the committee that is promoting it. We are not promoting it.
- Mayor Hanel: Was at one of these meetings this evening. We can't advertise. It is not something we are allowed to do. Private dollars, committees, volunteers, people who want to put their money on the table, they can advertise but we as a municipality cannot spend tax dollars for advertising.
- Crouch: Have been pleased with the Gazette and the local TV stations. They have been doing great work with this whole idea.
- Cimmino: In reference to the email you sent the Council informing us that the Billings Chamber of Commerce is on board. Have they participated in any outreach programs to promote this idea?
- Tina Volek: I know they have informed their membership of their recommendation, and we have been invited to attend three different groups that they sponsor. Thursday we are making a presentation at their annual meeting.

**TOPIC #7: Public Comment on Items not on the Agenda:** None

**ADDITIONAL INFORMATION:**

**ADJOURN TIME:** 9:04 pm