

City Council Work Session

May 17, 2010

5:30 PM

Council Chambers

ATTENDANCE:

Mayor/Council (please check) Hanel, Ronquillo, Gaghen, Cimmino, Pitman, McFadden, Ruegamer, Ulledalen, McCall, Astle, Clark.

ADJOURN TIME: 7:42 p.m.

Agenda

TOPIC #1	Public Comment
PRESENTER	
NOTES/OUTCOME	

Electronic recording did not start until 5:48 p.m. as noted below. The public comments made prior to the start of the recording are included and transcribed from brief handwritten notes of the Assistant City Administrator.

- **Jim Gingery, Bozeman**, Montana Medical Growers Association, complimented the Council for using the ad-hoc committee. He said goals to follow the law were challenging. He stated he liked that the City was involving a cross section of the community including caregivers and patients. He commented that most communities wanted to be informed. He suggested a reward to locate the people that vandalized the marijuana businesses. He stated that medical marijuana was here to stay, so the community needed to work together with it.

Councilmember Ronquillo stated that he appreciated that they wanted to follow the law, but the traveling clinics flooded the market, and it was too easy for people to get. He asked if help was needed to control it. Mr. Gingery responded that the medical board of review would meet later this month and would discuss the traveling clinics. He explained that the clinics started because there weren't enough referring physicians, especially in rural areas. He commented that illicit referrals needed to be handled by the medical board.

Councilmember McFadden advised that he visited with some caregivers that had storefronts, but did not have much training or education, and asked what was being done about that. Mr. Gingery stated he was a real estate professional by trade and knew that education was needed. He said work had begun on formal training programs.

Councilmember Ulledalen advised that the public was concerned about monitoring how much was sold legally and illegally. He asked if accountability was built into the system. Mr. Gingery explained that a legitimate caregiver had to keep track of sales, so taxes were paid correctly. He said it was a gray area about how caregivers got started and caregiver to caregiver transfers. He explained that caregivers tracked plants, harvests, and the amount of product sold. He added that he was not in favor of identifying patients and what they consumed, but it was okay to monitor caregivers. He stated that caregivers should not be

treated differently. Councilmember McFadden commented that Mr. Gingery's organization had a long way to go to achieve accountability. Mr. Gingery agreed, but pointed out that the organization just formed the previous October.

The recording started at this point of the meeting.

Councilmember Gaghen asked if the product was given away. Mr. Gingery explained that he used a sliding scale according to patient ability to pay, which meant some patients did not pay for it. He said many other caregivers operated similarly.

Councilmember McCall stated that most caregivers had reported that they were self-educated, but she wondered if there should be a minimum level of medical training. Mr. Gingery advised that it would probably be discussed at the state level and his organization was in favor of that type of direction.

Councilmember Pitman said he had a discussion with a physician about recommendations versus prescriptions. He asked how caregivers could be certain the recommendation was valid. Mr. Gingery explained that the state determined whether the recommendations were valid and caregivers did not have to make that determination. Councilmember Pitman asked if the physician recommended the type of plant to use. Mr. Gingery said they did not because there was not much research available yet. He explained that testing labs were going up, which should help determine which strain and dosage control.

Councilmember Ulledalen asked what the organization was doing about legal liability. Mr. Gingery stated that insurers were providing coverage and it was expensive.

Councilmember Astle asked how many licensed caregivers were in Montana and how many of them were in the Montana Medical Growers Association. Mr. Gingery advised there were 12,000 patients and about 3,000 caregivers. He said he thought there were 1,200 caregivers that had less than three patients. He noted that many of the caregivers were spouses of someone with an illness and they grew their own product, so those types of situations needed to be considered during zoning discussions. He said he did not know how many were from Yellowstone County.

Councilmember Gaghen asked if there were other associations beside MMGA. Mr. Gingery advised that there were a lot around the state and his organization supported those that did the right things.

Councilmember Ruegamer commented that the council had spent about 12 hours on this topic and would likely spend more time on it. He said they had spent a half-hour on it at that evening, while three department heads were waiting to talk about budgets. He said the City should not be put on hold while medical marijuana was discussed. He suggested moving the comments to the end of the meeting so councilmembers were able to focus on the budget discussions. He said it stunned him that the Council spent so much time on this when it had important business to consider.

- **Michael Kuchera, 906 Broadwater**, advised that he owned a horticulture business. He asked if the City would accept contributions for parks and schools if one came from local caregivers.

Mayor Hanel suggested he consult with the City's legal counsel or City Administrator about the process.

- **Kevin Nelson**, referred to the 2009 CAFR reports and noted that the school district added only a few employees since 2000, Yellowstone County reduced employment, and the City increased at least 100 employees over the same 10 year period, which included public service levy employees. He said the SAVA Committee was dealing with how to fund the retirement system, so he requested a moratorium on hiring new employees. He commented it was a big issue for future councils.

There were no other speakers, and the public comment period was closed.

TOPIC #2	<i>Municipal Court Budget</i>
PRESENTER	
NOTES/OUTCOME	

Melinda Balter, Court Administrator advised she and Judge Mary Jane Knisely would present the budget. Ms. Balter reviewed the jurisdiction of the municipal court and the type of violations that went through it. She reviewed the civic infraction process and said it seemed to be working to reduce the number of people appearing in court.

Ms. Balter reviewed case statistics for the previous year. Councilmember Clark asked if all of the 38,200 cases went to the judge. Ms. Balter said some were handled at the court window and did not need to go before the judge, but about 50% of the cases went before the judge, and about 1-2% of the cases set for jury trial went to trial. She explained the circumstances that resulted in dismissal.

Mayor Hanel asked about costs for mental health commitments. Judge Kinsely explained that if the State Hospital had to determine competency during an average 90-day commitment, the cost was about \$56,000, plus officer costs for transportation. She stated she would support legislation that made those costs a state responsibility. She said she believed the community commitment was a better choice. Ms. Volek agreed with Judge Knisely and stated it was an issue that she hoped the legislature would address. Councilmember McFadden asked if some cases traveled between court levels. Judge Knisely said it could be done, but they had not been very successful with that.

Ms. Balter reviewed the staffing and noted that the new position funded during FY10 had really helped with the heavy workload. Councilmember Clark asked how long the treatment courts had been in existence. Judge Knisely responded it was six years for Drug Court; three years for DUI Court, and in the second year of Mental Health Court.

Ms. Balter reviewed projected revenue. She noted that projections were done in December and it was difficult to predict fines, collections and fees for the next year. Councilmember Ruegamer complimented the Court for using a collection bureau to try to maximize fine collections. Mayor Hanel asked about the significant differences in the \$1.00 administrative fee category. Ms. Balter explained that it could be due to older cases that had been delayed. She said she would check on the accuracy of that data. Judge Knisely advised that the \$1.00 fee was a statutory surcharge set by the Legislature.

Ms. Balter reviewed the projected operations budget and supplemental budget requests.

Judge Knisely detailed the treatment court budgets, funding sources, and accomplishments. She explained that the supplemental budget request for drug court funding had been requested and approved the past two years, but the funds were not needed or used. She predicted the same for the coming year, and explained that it was part of a sustainability plan.

She advised that the drug treatment court was chosen as a mentor court for other courts throughout the nation.

Judge Knisely noted that the additional FTE provided the previous year had improved public access to records and the services provided. She said the additional .5 FTE were requested to take care of fines that were phoned in to City hall. She pointed out that the revenue collected to date had already exceeded the previous year's total. She stated that the Civil Infractions Ordinance had reduced the number of people appearing in court.

Judge Knisely stated that the Court was in good shape with staffing and budgets.

Councilmember Pitman asked if there would be a financial impact from medical marijuana. Judge Knisely advised that she did not know, but it was something that could be absorbed. She stated that many young people were coming to court on possession charges and many young people had medical marijuana cards.

Councilmember McCall asked about the SAMHSA funding. Judge Knisely advised it was a three-year grant and did not require a hard match.

Councilmember McFadden asked if Passages or Alpha House added to caseload. Judge Knisely responded that those facilities actually helped to reduce it. She explained the assistance provided by those entities.

Councilmember Pitman asked if the .5 FTE employee was actually for two part-time employees. Judge Knisely and Ms. Volek explained that the request was for two .25 FTEs and because they were temporary positions, they were not reported in the FTE count in the budget overview. Judge Knisely commented that the additional employee the previous year had helped reduce the overtime.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

TOPIC #3	<i>Police Department Budget</i>
PRESENTER	
NOTES/OUTCOME	

Police Chief Rich St. John reported that the overall budget reflected an increase of 2.6% from FY10. He said most of the increase was attributed to personnel costs as a result of the recently- negotiated contract. He reported that there was a slight increase in O&M that was due to increased charges for services from other departments. He reviewed capital, transfers and revenue from other funds. He reported that O&M expenses for the other funds increased as a result of increased grant funds.

Chief St. John reviewed the use of the public safety mill levy and said what was planned, was done.

Chief St. John reviewed the staffing level and noted that with the exception of the deputy chief position that would remain vacant, the staffing was full. He referred to the annual report that was indicative of the work of the Police Department.

Councilmember Clark asked if the O&M expenses in the other funds group was handled for the entire state. Chief St. John explained that the other departments submitted invoices for reimbursement. He noted that those other departments had to submit a budget. He stated that Tim West was the ICAC administrator and handled that function.

Councilmember Ronquillo referred to the annual report that indicated only one person was convicted of the sale of dangerous drugs, but higher numbers for other drug offenses. Chief

St. John explained the different categories and the reporting requirements for the various agencies. He said the most accurate reporting was the Police Department's actual data.

Mayor Hanel commented that the DUI enforcement seemed to fluctuate and asked if an active DUI enforcement campaign still existed. Chief St. John advised that a detail still existed, not as intense as in the past. He said the community meetings indicated that traffic was a significant concern. He added that there was heightened awareness from citizens regarding DUIs and he felt enforcement was holding steady.

Councilmember Astle complimented the visibility of the patrol cars in the community. Chief St. John stated that was a result of the direct support from the Council and Administration.

Councilmember Ulledalen asked how the increased staffing from the public safety levy would be maintained. He asked about future retirements. Chief St. John explained that the large number of retirements had leveled out. He said the department was staying on top of purchasing and maintaining equipment. He stated that a new addition to the department was Mark Balter, who stayed on top of the equipment budget and saved money for the department.

Councilmember McCall asked to see the next report on the Internet Crimes Against Children (ICAC). Chief St. John said he would provide it, and that Tim West would like to verbalize it to the Council.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

TOPIC #4	<i>Fire Department Budget</i>
PRESENTER	
NOTES/OUTCOME	

Fire Chief Paul Dextras introduced Senior Administrative Coordinator Kathy Gibson and credited her for the budget preparation and keeping the department running. He reviewed the staffing of the Fire Department and the Communications Center. He complimented dispatch personnel and manager Ann Kindness for their work. He added that it was a lean organization with most resources in suppression. Chief Dextras reviewed the types of services provided, and noted that it was expected that the volume and importance of medical services would increase due to an aging population. Chief Dextras reviewed partnerships with various entities.

Chief Dextras reviewed annual statistics and noted that they were not uncommon and mirrored departments throughout the country. Councilmember Astle asked if fire call volume included BUFSA calls. Chief Dextras responded that it did, and noted that the same services were provided to the BUFSA that were provided in the city.

Chief Dextras reviewed revenue and expenditures.

Councilmember Ruegamer asked if the department could charge out of town people for accidents or other incidents where the Fire Department responded. Chief Dextras explained that it could be done and a company that made those projections indicated that Billings could generate up to \$140,000. He said the problem was that it ended up being small dollars for large headaches because people typically felt like they already paid for that service. He added that an agency was needed to collect from people outside the community. He said he personally felt it was a revenue stream that was not being activated. He said a majority of insurance companies had funds set aside to reimburse fire departments for services, but there was significant public backlash if the fees were assessed.

Councilmember Astle explained that insurance companies paid up to \$250.00 per fire and with the low number of fires, it was probably not enough revenue to make up for the headache. Chief Dextras said he agreed that it was a good concept, but not very practical.

The public comment period for that item was opened. There were no speakers, and the public comment period was closed.

Additional Information:

Councilmember McCall advised that it was past time for Ms. Volek's quarterly performance evaluation. She asked for five volunteers to do the past and current quarters and then the full Council would do the last quarter. Councilmembers Ruegamer, Gaghen, Pitman, Clark and Mayor Hanel volunteered.

Councilmember Gaghen announced that a University of Montana student documentary film on medical marijuana would air on PBS, May 25, at 8 p.m.

Councilmember Clark reminded Council of the Montana League of Cities and Towns legislative session the next day.

Councilmember Ruegamer announced that Z Pizza would open in the Babcock Building by the end of the month.