

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

May 23, 2005

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Pro Tem Don Jones called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by the Mayor Pro Tem, followed by the Invocation, which was given by Councilmember Dave Brown.

ROLL CALL – Councilmembers present on roll call were: Gaghen, McDermott, Brown, Ruegamer, Veis, Boyer, Ulledalen, Clark and Jones. Mayor Tooley and Councilmember Brewster were excused.

MINUTES – May 9, 2005. APPROVED AS PRINTED

COURTESIES -- City Administrator Kristoff Bauer introduced the following individuals:

- John Brewer, President of the Billings Area Chamber of Commerce. He noted the mission statement of the Chamber to build the quality of life and grow the economy through the sales and marketing of tourism and stated that the City has been a good partner in the past working with the Chamber to develop events involving such groups as the American Bowling Congress, Gold Wing Road Rider Association, Family Motor Coach Association and many others. He said the Chamber will be announcing a couple of major events in the next few weeks. Mr. Brewer said two new individuals have joined the staff of the Chamber. The new staff members introduced themselves and are: Cama Humphrey, responsible for Event Marketing and Corey King, responsible for Destination Marketing.
- Russell Floan, Asst. City Administrator Tina Volek's father. Ms. Volek said her father is here visiting from California.
- The Bauer family. Mr. Bauer introduced his wife Chrystal and children Zaith, Ren, Sage and Beth.
- Mayor Pro Tem Jones acknowledged former councilmembers Marion Dozier and Jack Johnson in the audience.

PROCLAMATIONS

- May: Foster Care Month

BOARD & COMMISSION REPORTS – Animal Control Board

- Kevin Walsh, Chair of the Animal Control Board said the Board's last update to the Council was on January 24th. He reminded the Council of the upcoming public meeting on May 26th at 6:00 p.m. at the Community Center. The items to be discussed are proposed ordinance changes and the fee changes. Mr. Walsh noted the public is welcome and encouraged to attend to offer their comments on these items. He also summarized the Board's actions and the steps it took to arrive at the proposed ordinance changes.

The proposed ordinance changes apply primarily to animal control regulations concerning dogs and cats. The Council Work Session on April 18th concerned the proposed ordinance changes and many public comment speakers expressed their displeasure at the changes. He added many speakers were also in favor of the changes. Mr. Walsh reminded the Council of recent fee changes that were enacted at the April 25th meeting that promoted responsible pet ownership. Using statistics from 2002-2004, Mr. Walsh illustrated why the Board is proposing changes to regulations concerning dogs and cats. He noted proper and adequate control of the cat population needs to be immediately addressed.

ADMINISTRATOR REPORTS – Kristoff Bauer

- Mr. Bauer noted that a revised resolution for Item I was placed on the desks of the councilmembers tonight.
- He reminded the Council that the next work session is Tuesday, May 31st. Budget questions will be addressed at that meeting.
- Mr. Bauer asked the Council to add three (3) items to tonight’s agenda: (1) the final plat for Parkland West Subdivision 6th Addition, (2) the Settlement Agreement and Mutual Release (for Police Chief Ron Tussing), and (3) a resolution declaring a City Emergency and Waiving Competitive Bidding Requirements (for the collapsed storm drain behind the Sheraton Hotel and Downtown Post Office).

LATE ADDITIONS:

1. Councilmember Clark noted that both Police Chief Ron Tussing and his wife Darlene were in the audience this evening. Councilmember Clark MOVED to ADD the Settlement Agreement and Mutual Release concerning Chief Tussing to the agenda as Item #2, seconded by Councilmember Ruegamer. On a voice vote the motion was unanimously approved. The item was added as Item #2.
2. Councilmember Clark MOVED to ADD the final plat for Parkland West Subdivision 6th Addition to the agenda as Item #8, seconded by Councilmember Gaghen. On a voice vote the motion was unanimously approved. The item was added as Item #8.
3. Councilmember Clark MOVED to ADD the resolution declaring a City Emergency and Waiving Competitive Bidding Requirements concerning the collapsed storm drain behind the Sheraton Hotel and Downtown Post Office to the agenda as Item #9. On a voice vote the motion was unanimously approved. The item was added as Item #9.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: #1 (and newly added) #2, #8 & #9 ONLY. Speaker sign-in required. (Comments offered here are limited to 1 minute per speaker. Comment on items listed as public hearing items will be heard **ONLY** during the designated public hearing time for each respective item.)
(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)

- TOM ZURBUCHEN OF 1747 WICKS LANE said along with the settlement agreement for the police chief, the council should also be reviewing the actions of the City Administrator relating to the settlement I and not let this matter go through the summer without resolution. He also asked if the questions that Councilmember McDermott asked about the Police Department have been answered. Mr. Zurbuchen also stated that it is the City Administrator's duty to organize and administer the Police Department and asked if that has been done.
- MICHAEL ERICKSON OF 990 S. HEIGHTS LANE said at the end of tonight's meeting the City will have turned a shameful page in its history. The lack of communication between two City officials and a 15-month dispute has impacted the community as well as both individuals. He wondered if the City Administrator was insubordinate to the Council by delaying resolution to this dispute. He quoted a councilmember saying he hoped it was true that "the Council will do whatever we have to do to make it better."
- MARY WESTWOOD OF 2808 MONTANA AVENUE said she is happy this episode (concerning Mr. Bauer and Mr. Tussing) will be over tonight, noting that life and politics have become mixed. She said she has worked in the human resource industry and believes personnel matters should remain private until the time when the supervisor has made a decision. Ms. Westwood said the Council bears a lot of the responsibility for letting this issue get out of hand. Politics should never come into play when two people's lives are affected she stated.

CONSENT AGENDA:

1. A. Bid Awards:

(1) **Airport Business Park Pavement Rehabilitation.** (Opened 5/10/05). Recommend Hardrives Construction, Inc., \$119,431.00.

(2) **Primary and Secondary Anaerobic Digester Cleaning Project.** (Opened 5/10/05). Recommend Walker Centrifuge Services, \$78,575.00.

B. Approval of Recreational Trails Program Grant application for a maximum of \$70,000.00 for a portion of the Gabel Road Connector Trail Project. (20% match required, \$17,500 maximum).

C. Approval of the Coal Trust Fund Program Grant application for \$1,765,419.00 to construct a new access road, parking, utilities and related improvements in Coulson Park.

D. Approval of Right-of-Way Agreements for Grand Avenue Widening:

(1) W.O. 00-15, Parcel 111: Leann Davis Lane, Marilyn Davis Bunce and Gary L. Davis, A tract of land located in Lot 2, Block 1, Cellan Acre Tracts in SW4 of Section 31, T1N-R26E, \$0.00.

(2) W.O. 00-15, Parcels 138 & 139: Chris Bakwin, Parcel 138: A tract of land in the east 25 feet of Lot 12, Lot 13 and the west 17 feet of Lot 14, Block 2, Sunset Subdivision, 2nd filing., \$29,300.00. Parcel 139: a tract of land in Lot 14, except the west 17 feet, Lots 14-16, Block 2, Sunset Sub., 2nd Filing, \$62,950.00.

E. Resolution 05-18265 authorizing an interfund loan from the Solid Waste Fund to the Public Safety Fund for acquisition of land at 1524 54th Street West for the new Fire Station, \$200,000.00.

F. Resolution of Intent 05-18266 to expand Park Maintenance District #4005 in High Sierra Sub., 3rd and 4th Filings and setting a public hearing date for 6/13/05.

G. Resolution of Intent 05-18267 to expand Park Maintenance District #4014 in Goodman Sub., 2nd, 3rd and 4th Filings and setting a public hearing date for 6/13/05.

H. Resolution de-annexing an approximate 2-acre parcel described as S2N2SW4NE4NE4 of Section 27, T1N-R26E from the City of Billings (Annex #04-14). Staff recommends approval of withdrawal of the application at the request of the applicant.

I. Resolution 05-18268 relating to refunding Special Improvement District Bonds, authorizing the issuance and calling for the public sale thereof.

J. Street closure for Yellowstone Art Museum *Arts and Crafts SummerFair*, July 8-10, 2005, north lane of 6th Avenue from 19th Street to 22nd Street.

K. Street closure for St. Vincent Healthcare's *Heart and Sole Race*, June 11, 2005, 12th Ave. N. by Yellowstone Medical Center entrance, Elevation Ave. and N. 29th and N. 30th Sts., Poly Dr. and Medical Center Dr, Grandview Blvd. and Ash St., Poly Dr. and University Ave, N. 32nd St. and Locust St., Poly Dr. and N. 27th St. to Virginia Ln. and N. 30th St. and Grandview Blvd. and Poly Dr. and 7th Ave. N.

L. Street closure for Jaycee's *Western Days Craft Fair and Street Dance*, June 18, 2005, N. 26th St. to N. 27th St. on 2nd Ave. N.

M. Street closure for Jaycee's *Western Days Car Show*, June 18, 2005, N. 25th St. to N. 26th St. on 2nd Ave. N.

N. Street closure for Jaycee's *Western Days Parade*, June 18, 2005, established downtown parade route.

O. Final Plat of OCSS Subdivision.

P. Final Plat of High Sierra Subdivision, 4th filing.

Q. Bills and Payroll.

(1) April 22, 2005

(2) April 29, 2005

(3) May 6, 2005

(Action: approval or disapproval of Consent Agenda.)

Councilmember Brown separated Item E from the Consent Agenda. Councilmember Gaghen moved for approval of the Consent Agenda with the exception of Item E, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

Councilmember Gaghen moved for approval of Item E of the Consent Agenda, seconded by Councilmember McDermott. Councilmember Brown said he has concerns about interfund loans. He said he thought it is legal, but passing money between two separate funds should bear market rate interest charges like a bank. City Administrator Kristoff Bauer said the funds in the Solid Waste Fund are not available for use other than to be held in reserve for the future closure of the landfill. The funds are currently invested, but the rate of return is very low. This proposal will provide an improved return on the investment for the Solid Waste Fund and allow the Public Safety Fund to utilize those funds at a lower rate than normally available. Councilmember Brown asked if there are sufficient funds in the reserves to fund the future cell closure. Public Works Director Dave Mumford said the cost of the regulations to close the cell and any needed reserves required for any eventual methane gas extraction may use most of the reserves. On a voice vote, the motion was approved with Councilmember Brown voting "no".

REGULAR AGENDA:

2. CONSIDERATION of Settlement Agreement and Mutual Release for Police Chief Ron Tussing. Staff recommends approval of authorizing the Mayor to execute the agreement. (Action: approval or disapproval of Staff recommendation.)

Councilmember McDermott moved to authorize the Mayor or his designee to execute the settlement agreement for Police Chief Ron Tussing submitted to Council, seconded by Councilmember Boyer. On a voice vote, the motion was approved with Councilmember Brown and Mayor Pro Tem Jones voting "no".

2. 3. PUBLIC HEARING AND FIRST READING ORDINANCE extending the boundaries of Ward V to include the recently annexed properties in Annex #05-03: approximately 25 acres located south of the intersection of 52nd Street West and Grand Avenue. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Brown moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

3. 4. PUBLIC HEARING AND FIRST READING ORDINANCE extending the boundaries of Ward IV to include the recently annexed properties in Annex #05-02: a portion of the W2W2SW4 of Section 32, T1N-R25E containing 40.5 acres located on the east side of 54th Street West, north of Grand Avenue. Staff

recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ruegamer moved for approval of the Staff recommendation, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

4.5. PUBLIC HEARING AND RESOLUTION 05-18269 creating PMD 4026, Uinta Park Subdivision. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Parks and Recreation Director Don Kearney reported there were no valid protests to the creation of this Park Maintenance District. He said there are waivers of protest filed on the entire subdivision. He noted there were questions from some of the affected property owners. City Administrator Kristoff Bauer noted that additional training for the real estate community will begin this week on changes in Subdivision Improvement Agreements, another step toward calling attention to the inclusion of waivers of protest in closing documents.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Veis moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

5.6. PUBLIC HEARING AND RESOLUTION 05-18270 approving use of Council Contingency Funds up to \$46,000 for Police Department deep cleaning/repairs. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no staff report. Councilmember Brown asked if the department does not regularly budget for cleaning. Mr. Bauer said general maintenance is budgeted but a process for routine scheduled maintenance, such as the deep cleaning has not been budgeted. This is a "catch up" for deferred maintenance in the building, response to clean up in the former evidence area after some chemical handling and response to environmental hazards identified by the Staff.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Boyer moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. Councilmember Gaghen noted that this must be viewed with gravity if in fact there are environmental hazards to the Staff working in this area. She expressed concern about the replacement of just the contaminated ceiling tiles rather than all of them. Deputy City Administrator Bruce McCandless said the ceiling tile concerns affect both the 1st and 3rd floor police areas. The reason for replacing only a portion of the tiles is because not all of them are damaged or stained and no airborne contaminants were found during the testing conducted by the State.

Councilmember Clark asked if bids have been received for the work. Mr. McCandless replied "yes". Facilities Manager Saree Couture confirmed the area size of the ceiling tile replacement is approximately 4,000 square feet, and the cost is approximately \$1.50 per square foot.

Councilmember Brown asked about the results of the contaminant study. Ms. Couture said the testing included molds, asbestos and particulate testing. The results

were negative for all those items. She added, the results confirm that the concerns do not originate in the air handling system. Years of dust and dirt were the main sources of contamination. She said the recommendation is a good step in providing a cleaner and safer environment.

Councilmember Brown asked about the status of the Council Contingency Fund. Mr. Bauer said the fund currently has \$75,000. This project is \$46,000 leaving a balance of \$29,000 with just one month in the fiscal year to expend the funds. On a voice vote, the motion was unanimously approved.

6-7. PUBLIC HEARING AND RESOLUTION 05-18271 adopting a DEANNEXATION POLICY. Staff recommends adoption of the deannexation policy. (Action: approval or disapproval of Staff recommendation.)

Planning Manager Candi Beaudry said the Council directed Staff to prepare a *Deannexation Policy* to provide guidance when requests for deannexation came before them. She said state law authorizes the Council to approve deannexation and the statutory requirements include:

1. A petition, signed by a majority of qualified electors who voted in the last City election or by owners of not less than three-fourths in value of territory to be excluded, has been filed with the City Clerk
2. The territory to be excluded is within the existing City limits and on the border of the City
3. Granting the petition is in the best interest of the City
4. The exclusion of the territory will not mar the symmetry of the City.

Ms. Beaudry said the review criteria for exclusion of the territory may be considered in the best interest of the City if the territory:

1. Is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without an unreasonable expenditure of personal or public funds
2. Is not adjacent to public rights-of-way
3. Is not encumbered by any indebtedness of any improvement district of which the territory is a part
4. Is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits
5. Is not adjacent to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map.

Ms. Beaudry said the Staff is recommending that all of the five criteria be met before deannexation is recommended.

The public hearing was opened. TOM ZURBUCHEN, 1747 WICKS LANE, said one of the criteria – not adjacent to public right-of-way – would make the property landlocked with no legal access. He said this would be ridiculous. He added that the Heights Water District was created without any served areas within the City limits, so saying property connected to the Heights Water District and in the City limits shouldn't be deannexed is ridiculous. There are a lot of Heights Water District customers not in the City limits.

There were no other speakers. The public hearing was closed. Councilmember Ulledalen moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was approved with Councilmember Brown voting “no”.

8. FINAL PLAT of Amended Lot 4, Block 10, Parkland West, 6th Addition. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no staff report. Councilmember Clark moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

9. RESOLUTION 05-18272 declaring a City Emergency and waiving competitive bidding requirements regarding the storm drain collapse behind the Sheraton Hotel and Downtown Post Office. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Public Works Director Dave Mumford said a section of the storm drain located at the east end of the Sheraton Hotel and running toward the U.S. Post Office collapsed. The line was found to be full of debris causing a sink hole leading to the collapse. He said the Post Office has sustained some damage due to roof drains that drain into the system, backing up the drainage into the second floor. The system is being pumped and monitored. Mr. Mumford said there are several alternatives to repairing the system, including possible re-routing of the pipe. The original pipe is outdated clay pipe that is breaking in many places and could be filled and left in place without causing problems. There are additional concerns due to ground saturation and the entire power system for the Sheraton Hotel that is on top of the area. The affected pipe is 4 feet from the footings of the hotel and the Post Office building. Digging could cause portions of the buildings to collapse or compromise the Sheraton’s power supply.

Mr. Mumford said the Staff is recommending that the City obtain three quotes, but not go through the formal bidding process. Councilmember Boyer asked what funding would be used to pay for the project. Mr. Mumford said the Grand Avenue storm drain project could be delayed, so that funding could be used for this project. The Grand Avenue project funding would then be reinstated into the CIP for a later time.

Councilmember Gaghen moved for approval of the Staff recommendation, seconded by Councilmember McDermott. On a voice vote, the motion was unanimously approved.

~~7~~ 10. PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required. (Restricted to ONLY items not on the printed agenda; comments limited to 3 minutes per speaker.)

- FRANCIS HARRIS OF THE TERRACE said she has read every letter to the editor and news story in *The Gazette* concerning the Tussing/Bauer dispute. She said it would be “foolish, fool hardy and lacking in good judgment to let Mr. Bauer go” at this time, stating that under no circumstances should that happen. She said the salary that has been paid to him could be considered his “training” and now that he is acquainted with the City, those monies would be considered well spent. She reminded the Council that the bottom line is not money, but getting everything

“cleared up”. Ms. Harris said the police chief seems satisfied with the settlement offer. *The Gazette’s* opinion that everyone should know everything at all times is absolutely not right. She also spoke on the issue of police brutality, noting there is enough prejudice against native Americans in the City and they seem to be subjected to a good deal of police brutality and harassment as well. She reminded the audience that Billings was once Crow Indian land.

- RANDY HEINZ OF 810 STEFFANICH DR. spoke briefly on the proposal for Pow Wow Park. He said it would be a disservice to the community to destroy the wildlife habitat that now exists in the park. He said the people that enjoy the wildlife also enjoy the supposed “hardships” inherent in walking through the park. Mr. Heinz said he hoped concerned citizens will attend the final town hall meeting this Thursday, May 26th at Alkali Creek School.
- MICHAEL ERICKSON OF 990 S. HEIGHTS LANE said he is addressing the email he received from Councilmember McDermott regarding the arrest record documentation she received anonymously. Mr. Erickson said he intends to state the facts clearly and stated this incident occurred over 15 years ago, to which he pled guilty and spent 8 months in prison. Mr. Erickson said he takes offense at the inaccuracies and the fact that the Council has made this the business of the City. Councilmember Gaghen said it is a policy of the Council to share information that is sent to them individually so there is “broad spread understanding” of issues.
- MARION DOZIER OF 3923 3RD AVENUE S said she had a few remarks regarding the Tussing/Bauer dispute. Ms. Dozier said this is a sad time for the City because it involved two good men. The police chief has accepted a settlement. This is not a time to dismiss the city administrator, but to allow him to do his job. The City needs time “to let the dust settle”. Mr. Dozier suggested the Council could review the goals with Mr. Bauer and review his progress in six months. The City has huge projects going on and it is not a time to go along with the hysteria. She reminded the Council that a new Council will be elected in November. If the Council deems it necessary to replace the city administrator, perhaps the new Council should do that.
- MARY WESTWOOD OF 2808 MONTANA AVENUE said she is speaking to an attempt by the Council to aggravate an already bad situation. Ms. Westwood said she heard the Council when they selected Mr. Bauer and the Council stated that they wanted someone young and that “they could mold”. Mr. Bauer has proved to be a surprise being much more intelligent, independent and willing to stand up to powerful vocal interests. As a citizen of Billings, that is what she wants in a City Administrator. She urged the Council to move on and learn from this experience and have a better City as a result. Ms. Westwood said she hopes this Council has the wisdom to make the right decision in this case. If they don’t, the citizens can make their own decision in November.

COUNCIL INITIATIVES

- COUNCILMEMBER RUEGAMER: Councilmember Ruegamer moved to direct Staff to move ahead with determining what will be done with the Naval Reserve Center in North Park, seconded by Councilmember McDermott. Councilmember Ruegamer noted the center would be a good place to house the Police Department. Councilmember McDermott noted the inside of the building has state-of-the-art

computer connections and over \$1 Million in improvements and agrees with Councilmember Ruegamer's suggestion. Councilmember Gaghen said it would be a waste to not utilize the space in a practical way and she echoed Councilmember McDermott's sentiment. Mr. Bauer noted that he and several other Staff members have toured the building and plan to make an evaluation of the space and a recommendation to the Council on how the facility could be used. He said the proximity of the Police Department to other City functions is always a concern. On a voice vote, the motion was unanimously approved.

- **COUNCILMEMBER BOYER:** Councilmember Boyer moved to ADD to the June 13th agenda discussion/review of City Administrator Kristoff Bauer's contract, seconded by Councilmember Brown. Councilmember Clark said this discussion should take place in front of the whole Council. Assistant City Administrator Tina Volek noted that the Mayor is planning to attend a National Conference of Mayor's event on June 13th. Councilmember McDermott made a substitute motion to delay this action to a Council meeting with a full Council and the Mayor in attendance, such as 6/27/05, seconded by Councilmember Gaghen. Councilmember Ruegamer said this is too critical an issue to discuss without the full Council present. Councilmember McDermott said a full Council may not be possible, but the Mayor should be present. Councilmember Ruegamer said appropriate notice and time is needed relating to this subject. Councilmember Gaghen noted the settlement with Chief Tussing is still in process and the Council should complete that phase of the process before moving forward because there still may be some unforeseen circumstance. Councilmember Boyer said the Council has told the community they would address this issue and she said two weeks is plenty of time. Councilmember Brown noted that the substitute motion requires a full Council and that may not happen for some time. There should be more flexibility in the motion. Councilmember McDermott amended her substitute motion to not require a full Council but to require a quorum and the Mayor. Councilmember Gaghen, maker of the second, concurred. On a roll call vote for the amended substitute motion, the motion failed 4-5 with Councilmembers Gaghen, McDermott, Ruegamer and Clark voting "yes" and Councilmembers Brown, Veis, Boyer, Ulledalen, and Mayor Pro Tem Jones voting "no". Councilmember Ruegamer asked if a supermajority is required on this vote. City Attorney Brent Brooks said it was not required. On a voice vote on the original motion (to add this item to the June 13th agenda), the original motion was approved with Councilmembers Gaghen, McDermott, Ruegamer and Clark voting "no".
- **COUNCILMEMBER CLARK:** Councilmember Clark moved to authorize Staff to proceed with an RFP for a consultant/architect on the Cobb Field project (to stay with the project through completion), seconded by Councilmember Ruegamer. Councilmember Veis asked if this consultant would also be doing the study that is proposed. Councilmember Clark replied that was his intent. Councilmember Brown asked the cost would be. City Administrator Kristoff Bauer said this project is in the CIP for \$67,000. Councilmember McDermott said there are additional funds from the CD Board for a total of \$70,000. On a voice vote, the motion was approved with Councilmember Brown voting "no".

Councilmember Brown noted the ordinance that pertains to acceptable noise levels, especially concerning loud car stereos. He said he was mentioning this to remind the community of the ordinance and possibly prevent someone from having to face the judge and pay a fine.

ADJOURN — With all business complete, the Mayor adjourned the meeting at 8:09 P.M.

THE CITY OF BILLINGS:

By: _____
Donald W. Jones, MAYOR PRO TEM

ATTEST:

BY: _____
Marita Herold, CMC/AE, City Clerk