

# City Council Work Session

September 2, 2008  
5:30 PM  
Community Center

## ATTENDANCE:

Mayor/Council (please check) X Tussing, X Ronquillo, X Gaghen,  Stevens, X Pitman, X Veis, X Ruegamer, X Ulledalen, X McCall, X Astle, X Clark.

ADJOURN TIME: approximately 8:00 p.m.

## Agenda

TOPIC #1	<i>Public Comment</i>
PRESENTER	
NOTES/OUTCOME	

- **Martin Oneil, 5216 Rocky Mtn Blvd**, said he was with the Yellowstone Valley Animal Shelter and he and other Board Members came to introduce themselves to allow Councilmembers to put faces to names. He distributed contact information for the YVAS. He said they had been at it since Fall 2007 and it was not something they jumped into. He advised the Board consisted of an attorney, two CPAs, a veterinarian, and business owners. He said the YVAS did not want to be a problem for the City, but part of the solution.
- **Liz Honaker, 208 N. 29<sup>th</sup> Suite 206**, said she was one of the Directors of the Yellowstone Valley Animal Shelter and was an attorney who had practiced law for 15 years and a Billings native.
- **Sarah Grau, 2619 Woody**, said she was also on the Board for the YVAS. *The remainder of her testimony was inaudible.*
- **Marilyn Bartlett, 3717 Fairmeadow Ct.**, said she was new in town and the CFO at EagleNest as well as a CPA and certified in other financial areas. She said her expertise was more fundraising and finance. She added that she was on the Board of Directors for the (*inaudible*) Foundation for Animal Assistance in Helena for six years. She explained that body raised funds for domestic and wildlife animal programs. She stated she also served on the Board of Directors and as Treasurer of Pampered Paws, a fundraising group for the animal shelter.

Councilmember Gaghen pointed out that Ms. Bartlett had another link to the City. Ms. Bartlett said her husband was Ed Bartlett, the City's lobbyist.

- **Curt Sauber, 4425 Pine Cove**, said he was a retired businessman and animal lover and thought he brought something to the YVAS Board. *The remainder of his testimony was inaudible.*
- **Lisa Harmon, 2815 2<sup>nd</sup> Avenue North**, said she was on the Board of Directors for Yellowstone Valley Animal Shelter. She said she taught high school French and German for four years, ran a gourmet cookie business and had fundraising and marketing

experience. She noted that she would be going to a conference in Belgium in October to speak about downtown management.

- **Kevin Nelson, 4235 Bruce**, referenced Item #7, the Executive Session, and asked what parties were involved in that item. He said Council was aware that he and his wife submitted a letter at a previous Council meeting requesting some procedure to have their SID paid for with arterial street or tax increment dollars and he had not received a letter from the City Council in regard to that matter. He said he wondered why something in writing had not been sent to him as to whether they were eligible for that type of reimbursement.

City Administrator Volek advised that the Executive Session that evening was the City Council, herself and City Attorney Brent Brooks. Mr. Nelson asked who the litigants were. Ms. Volek said it was a quarterly update for the City Council on the status of various lawsuits against the City. Mr. Nelson asked what the lawsuits were. Ms. Volek responded that she did not have the list with her; that Mr. Brooks would have it later that evening. Mr. Nelson asked if Mr. Brooks could name the people involved in the lawsuit. Ms. Volek responded that she was sure he could, but he was not present at the meeting yet and she did not have that list.

Ms. Volek advised she would check with staff regarding Mr. Nelson’s letter. She said there was preliminary discussion about it and a more thorough background review would be done. She noted that Mr. Nelson’s SID was created previously for water and sewer in his neighborhood. She said research would have to be done to determine if Mr. Nelson was a consenting party and even if he was not, the SID was already pre-existing and she believed it would be up to the neighborhood committee to determine if they wished to reimburse it. Councilmember Gaghen asked Mr. Nelson when the SID was implemented. Mr. Nelson said it was four years ago. Councilmember Gaghen said it was before the actual suggestion of a TIF District in that area. Mr. Nelson said he wanted to know if he could have the same opportunity as Cabela’s. Councilmember Gaghen said there was a difference and it would take longer than they had. She said the legal answer would be provided.

The public comment period was closed.

<b>TOPIC #2</b>	<b><i>Downtown Billings Partnership</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Mr. Greg Krueger from Downtown Billings Partnership distributed a document, “Timeline and Outline for Expansion of the N. 27<sup>th</sup> Street Tax Increment District” and said he was available to answer questions regarding it. He said the most important point of concern for him was the timeline because it was very tight. He said he intended to take boundary and plan changes to the Planning Board in early October; and hoped for approval of the ordinance that amended the boundaries by November 24, which would allow capture of 2008 as the tax base year. He said he had made several presentations to the Council regarding the need for the N. 27<sup>th</sup> Street District and asked for support of the timeline.

Councilmember Veis said he knew they had talked about the N. 27<sup>th</sup> Street District and it was larger than he thought it would be and asked why the area was so large. Mr. Krueger said

the boundaries were set to try to keep them in a straight line and the area as proposed included some good projects. He said the taxable value was substantial and there would not be a loss to the tax base because the area included a lot of churches and residential that would not increase much in value during that period.

Councilmember Veis asked about the east side. Mr. Krueger said the intention was to butt up against the east TIF so there was a natural transition between the two. He said he believed there would be housing projects that overlapped the districts and they wanted to facilitate projects from both tax increment districts.

Councilmember Veis asked about the south side. Mr. Krueger explained that it was to capture the Deering Clinic expansion because there was talk that it would be a privately-owned facility that Deering leased. He noted that it was going in that direction at the current time, but Minnesota Avenue was the area they intended to capture because there was an incredible amount of opportunity there that was mostly vacant lots. Councilmember Veis asked what goals were intended for south of the railroad tracks. Mr. Krueger said parking and transportation were planned, with the possibility of shuttle lots. He said some housing was planned as well; and financing was authorized for a housing project in the area. He added that the parking lot behind the old Arcade Bar should be developed as either a shuttle lot or something else and a couple of developers were interested in that lot. He said the Quiet Zone implementation would benefit those proposed housing projects.

Lisa Harmon, Executive Director of the Downtown Alliance commented that the downtown historic district would be expanded to incorporate most of Minnesota Avenue so those buildings would qualify for historic tax credits. Ms. Harmon said the cooperative security program would be in that area as well.

Mr. Krueger advised that the Partnership voted to approve the Legacy Project application for the Babcock Theatre and a development agreement would be created and hopefully distributed to Councilmembers in the next Friday packet, with anticipated Council action for September 22. Councilmember Veis indicated he wanted to see the development agreement prior to the Council meeting. Mr. Krueger said the buy/sell on the Babcock expired September 25, so they wanted the development agreement done by the end of the current week.

Councilmember Ronquillo asked what would happen if the City had to take over a property that had received historical benefits. Mr. Krueger said that was an area that had to be addressed in the development agreement. He said he was not too clear on the use of historic tax credits by the developers but it would be addressed with the development agreement.

Councilmember Ruegamer asked if Mr. Krueger wanted the Council action completed on September 22. Mr. Krueger said that was correct. Councilmember Ruegamer said he asked for personal financial statements from the principals and wanted to know if they would personally guarantee it. Mr. Krueger said he did not believe they would, but he had the financial statements. Councilmember Ruegamer said it was imperative that the development agreement did not allow the developers to sell the property if they wanted out; it had to go back to the City.

Councilmember Astle asked Mr. Krueger if he could explain what was planned for the Babcock building. Mr. Krueger advised it would be renovated to provide leasable spaces and a second goal was to renovate the theatre so it would be a public theater similar to Alberta Bair. He noted that those details would be in the development agreement.

<b>TOPIC #3</b>	<b><i>Quarterly Budget Report</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Financial Services Manager Pat Weber advised that the last Friday packet included unaudited 4<sup>th</sup> quarter financial reports. He said month 13 adjustments were still being made and expenditures would go up due to construction payments that were still being received and made. He noted that most operating funds would not go up.

Councilmember Veis asked if the '08 encumbrances were the month 13 payments. Mr. Weber said they were not, they were for things like contracts awarded in June that were encumbered. He explained that the payments referenced were for expenses that may have been incurred in May or June but not invoiced until July and proper accounting was to put them in the period in which they were incurred. Councilmember Veis asked if actual year to date for '08 would go up. Mr. Weber said that was correct for anything related to construction

<b>TOPIC #4</b>	<b><i>Council Initiatives</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

City Administrator Volek distributed a list of initiatives and pointed out that a number of them were completed. She said in the past, permission was asked of Council to remove completed items after the list was reviewed, and she was asking for that again.

Councilmember Veis asked about Lampman Park. Ms. Volek advised that Parks Director Mike Whitaker was out of town and she was unable to check on that prior to the meeting. She said her understanding was that the Billings Tennis Association was looking at another site and it was not likely that would progress at Lampman Park. She said she believed the tennis association was looking for an indoor facility to replace the one lost on Rimrock Road.

Councilmember Ruegamer asked if the only problem with the surcharge he proposed was that it had to be added to everything. Ms. Volek responded that it would be added to tickets at Alberta Bair and Moss Mansion, and direction would be asked of the Council if that was to proceed. She said she would have to confer with Dorsey & Whitney because she did not know what income from that would do to the tax exempt status. Councilmember Ruegamer asked if it could be designed so that prices at ABT or Moss Mansion did not go up but were structured so that the ticket prices were reduced by \$ .25, and then a \$ .25 surcharge was added because his only concern was that he wanted money to go into a maintenance fund for Dehler Park. Ms. Volek said lowering the ticket prices at ABT and Moss Mansion would mean a loss of revenue to those organizations. Councilmember Ruegamer said the surcharge could be returned to them or a similar fund could be created for those entities by adding the surcharge to the existing ticket prices. He noted that if that practice was in place when Cobb Field opened in 1948, a bond issue would not have been needed for the new stadium.

Councilmember Veis referenced the initiative regarding amending PCC and stated that he did not believe it was complete yet because Councilmembers were going to attend a PCC meeting in the near future. Ms. Volek said from the staff standpoint, the task was completed. It was agreed to make the notation that the item was in progress by Council.

Councilmember Astle referenced the item regarding whether the state resort tax was discriminatory. He asked for a better legal opinion. City Attorney Brooks advised he would email the legal opinion to Councilmembers. Councilmember Astle asked Mr. Brooks if he believed that the tax was not discriminatory and Mr. Brooks said it was not, based on his research.

Councilmember Veis asked to have the Council initiatives back on the work session agenda in two weeks. Councilmember McCall suggested sorting the initiatives by completed and in-progress and by date. Councilmembers agreed.

Councilmember Ruegamer advised he received a call from a gentleman who lived on \$900/month and planned to attend the next Council meeting to ask about a freeze on the water rate proposal. Ms. Volek explained that the rates were set so that the lowest volume users would likely benefit from it and received a very minimal increase. Councilmember Pitman asked if information was available regarding increased revenue from the water rate changes. Ms. Volek said the first bills were just sent with the increase so it would take a few months to get a true picture.

Councilmember Clark referred to the speed limit on Central Avenue and the Traffic Control Board's recommendation of 35 mph to 32<sup>nd</sup> Street West and 45 mph from 32<sup>nd</sup> Street West to Shiloh which was where the school kids were speeding and the object of the discussion.

<b>TOPIC #5</b>	<b><i>Employee Residency</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Human Resources Director Karla Stanton advised that research was done on employee residency and she credited Assistant City Attorney Bonnie Sutherland for her assistance and research. Ms. Stanton stated there were 840 City employees and 256 of them lived outside the City limits. She reviewed a handout with the breakdown of bargaining and non-bargaining employees who lived outside the City limits. Ms. Stanton explained that MCA Code 7-33-4107 gave cities or towns the option to require firefighters to be eligible voters in the city where they were employed. She said to keep the bargaining issues in mind as the information was reviewed.

Councilmember Veis asked why it was a bargaining point if it was the City's option. Ms. Stanton responded that it could be required for new employees but it could not be required for existing employees unless it was bargained because it was a condition of employment.

Ms. Stanton advised that another statute required a person to be a Montana resident for one year, and a resident of the county at least six months prior to employment as a police officer, but another statute also allowed a waiver of that requirement.

Councilmember Pitman asked for a legal description of a resident since the issue kept coming up.

City Attorney Brooks said even though a person could have several residences, the permanent one was where they represented it to be -- whether they were employed there, paid taxes, registered vehicles, etc. He said there were several criteria and not just one answer to determine residency. He said he would provide that statute and criteria to Councilmembers.

Ms. Stanton reviewed legal cases regarding residency requirements and noted that a rational relationship to a legitimate governmental interest was needed for the residency requirement to be constitutional.

Ms. Stanton reviewed the impact of collective bargaining agreements. She said residency was a term and condition of employment so it had to be bargained with those employee groups. She noted that the condition could be in place for new hires. She said there could also be a requirement that if an employee who lived outside the City limits sold their house; they had to move to a residence within the city limits. Councilmember Veis asked how that could be tracked. Ms. Stanton responded that it would be difficult to track.

Councilmember McCall asked if it was a good thing to look at considering the competitive job market. Ms. Stanton said she believed it was limiting and the pools of applicants were shrinking.

Councilmember Gaghen stated that current voting regulations required people to vote based on their current residence which she believed could help with monitoring if the residency requirement went forward.

Financial Services Manager Pat Weber added that he recently filled an accountant position in his department and from the eight applicants, only two were qualified, and he recruited and hired someone who did not reside in the City limits. He said the same vacancy would have attracted 50-70 applicants five years ago. He said the City's starting salary was no longer competitive based on information he gathered from local CPA firms.

Ms. Stanton displayed comparisons of other Montana cities which showed some had requirements for firefighters only. Councilmember Clark said his son-in-law was on the Lewistown Fire Department and had to live within a five-minute response. He noted that a small town could have that requirement but Billings could not, but it could be tightened a bit from the one-hour response time it took from Red Lodge.

Councilmember Astle asked Mr. Weber if he was saying that there were no good accountants within the City or if the City was too cheap to pay what an accountant was worth. Mr. Weber said the City was unable to hire them at the starting wage and he had to start the person he hired at a higher wage on the scale. Councilmember Astle asked if the pool existed if the City had the money to pay it. Mr. Weber said he believed it did. Ms. Stanton added that the Airport recently had the same problem and ultimately changed the job to an Accountant II and was able to hire at that level.

Ms. Stanton pointed out Kalispell's residency requirement to live within the County and within 3 air miles or 15 minutes for positions requiring emergency response. She added that the City also gave a hiring preference to applicants who resided within the City. Mayor Tussing asked if a hiring preference had to be bargained. Ms. Stanton said it would not for new hires.

Councilmember Ruegamer asked how many fire and police employees there were. Ms. Stanton responded there were 112 firefighters, 105 police, about 175 non-bargaining employees, and 360 teamsters. City Administrator Volek pointed out there were several sets of employees who served both City and County: the Library, the Planning Department operation, and the 911 dispatch. She advised that some issues raised were that there was a lower cost to live in some of the surrounding communities and for some departments, such as emergency dispatch, that had difficulty attracting employees, a high percentage of employees were from outside the City limits and those departments felt it would be more difficult to fill open spots if they were forced to only recruit within the City.

Councilmember Clark asked which entity paid the salary for the City/County departments. Ms. Volek explained that there was a contractual arrangement between the City and County and it was an interlocal agreement. Councilmember Clark said those individuals

were City employees. Ms. Volek said both the City and County collected mills to support the Library.

Councilmember Veis asked if Kalispell's emergency response employees included water operators. Ms. Stanton said she believed it was only emergency police and fire employees. She added that the Kalispell Human Resources Director indicated he believed that residence requirement would be challenged and was not confident it would withstand the challenge. She said she did not believe the new-hire piece could be challenged because it could be made a condition of employment.

Councilmember McCall asked if the City could implement a requirement similar to Kalispell's that employees had to reside in Yellowstone County. Ms. Stanton said the problem would be to determine what to do with individuals who lived outside the county. She said they could be grandfathered and new hires could be required to live within the County as a condition of employment. Councilmember Veis said it seemed to be okay to require that of some employees such as fire, police, water operators, and snow removal, and other employees could be exempt from living within 15 minutes. Councilmember McCall stated that dispatch would be considered emergency staff and consideration should be given Ms. Volek's comments about the difficulty of filling those positions.

Councilmember Ronquillo stated it should be looked at differently; those people were given a paycheck from the City and were spending the money in other communities. Councilmember McCall said she understood that, but there was a competitive job market and quality people were needed.

Councilmember Gaghen said what could muddy things was if the requirement was to live in the County and to consider that Custer was 50 miles away, while people who lived in Carbon County could be closer. She said she preferred to tighten that up. She said she believed it troubled the constituency that the employees who lived away were an outward drain and were not contributing to the tax base and overall operational fees. Mayor Tussing suggested adding a question to the Citizen Survey whether City employees should be required to live in the City.

Councilmember Ronquillo advised that when he worked at MDU, there were employees who lived outside the City and at times bad weather prevented them from traveling to work and it resulted in having to pay overtime to cover that shift. He said it would be good to know what it cost in overtime for people who did not work due to bad weather, travel, etc. Ms. Stanton said that would be hard to determine because in many cases, vacation days would have been used.

Councilmember Clark advised that people in the bargaining units could be required to live within the City limits as new hires, but the current employees could not be held to that requirement.

Councilmember Astle said he advertised for a half-time position at his business and received 60+ applicants. He said he felt the worry about people living in the City was a legitimate concern that was a temporary problem and was possibly a knee-jerk reaction. He said there were issues with a three-mile distance that Kalispell used, because it was not clear if the three mile radius was from City Hall or the outer boundaries of the City limits. He suggested a set distance. He noted there were complaints about people using the City's roads and not contributing to the tax base and now the talk was of taking Billings tax money home with them. He said he felt a response time for emergency responders was accurate.

Councilmember Pitman said he liked the idea of a hiring preference to encourage people as opposed to forcing them to live in the City to work here. Mayor Tussing said it was tough to determine equally qualified applicants. He said there were frequent situations when applicants

lived outside the City with the intention of moving to the City if hired. He said a hiring preference might not have as great an effect as hoped.

Councilmember Clark said he had a problem with the department heads living outside the City limits. He said they could not complain that they did not make enough money to live within the City limits.

Councilmember Pitman asked how many vehicles were going to areas outside the City. Ms. Volek advised that it was an issue under review. She said City cars were issued to people on duty or on call; some people in the Police Department had standing on-duty assignments, and the Deputy Chief and Chief each had a vehicle. She pointed out that the City vehicles were allowed for business use only.

Mr. Weber said there was a meeting scheduled the next day regarding city-owned vehicles from a tax standpoint. He said people could be taxed for having a City vehicle.

Councilmembers agreed to place the item on the Council Initiative list for further work on it.

<b>TOPIC #6</b>	<b><i>City Administrator Performance Review Subcommittee Report</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Councilmember McCall reported as chair of the subcommittee. She distributed the form used the previous year and noted that the committee recommended using that same format. Discussion followed regarding whether a signature line should be included. Five Councilmembers indicated they did not think the signature was necessary and the remaining wanted the signature or did not have an opinion. Councilmember Pitman said he felt names needed to be on the evaluation which was different from a signature. Mayor Tussing asked if the evaluations would be public documents. City Administrator Volek said she elected to keep them private because it was the only time a candid discussion could be held with Councilmembers and she preferred the candidness to do an effective job.

Councilmember McCall advised the subcommittee discussed goals and objectives for the City Administrator and each Councilmember could list two goals that would be summarized by the subcommittee. She said those goals and objectives would be provided for Ms. Volek to work toward for the following year. Councilmember Veis asked if the prioritized goals from the strategic plan could be used. Councilmember Ulledalen said the exercise to develop ten key action steps would result in commonality. Councilmembers agreed to use the strategic plan goals.

Councilmember McCall explained that past evaluations were completed by City Council and department heads. She said the subcommittee discussed expanding it to include 18 community groups. Councilmember Veis said he disagreed with most of the groups on the list because it reached too far and included people who had no real idea how things were going. Councilmember Gaghen agreed. Councilmember Ulledalen noted that some of those stakeholders had inherent conflicts with the City and he felt it was not a realistic idea. Mayor Tussing said an announcement could be made at the next Council meeting that the evaluation was in process and if citizens had comments they could email their Councilmembers. Councilmember McCall said she was thinking along the same lines.

Councilmember Ruegamer said he wanted the input from the community groups. He said he envisioned compiling them separately from department heads and Councilmembers because he felt the more information, the better. He said he would expect community groups to evaluate only what they knew about Ms. Volek. He said it could not hurt to get their perception of the job she's doing.

Councilmember Clark said he agreed with the Mayor about the process. He said he wanted to take the community stakeholder part out. Councilmember Veis stated that the community stakeholders would have contacted Councilmembers if Ms. Volek was not doing a good job. Councilmember Gaghen said they would hear poles of the spectrum.

Councilmember Clark commented that Ms. Volek's self-evaluation would occur based on the discussion with her about her evaluation. Councilmember Pitman stated that employees were typically harder on themselves than supervisors. He said the Charter stated that knowing what the City Administrator did was the Council's main job. He said knowing how she interacted with staff was their job and community members knew how to find Councilmembers if they wanted to express an opinion.

Councilmember Astle stated that the Council represented five wards and the City at large and people were to direct complaints there. He said he agreed with the public announcement, but felt the community groups were not worthwhile because they would let Council know if there was a problem and would not wait for the evaluation process.

Councilmember McCall stated she felt it was a good idea to have Ms. Volek complete a self evaluation. She said she felt community evaluation was important and it could be obtained in various ways. She said the announcement was a good alternative.

There was consensus to eliminate the specific list of community groups and make the public announcement instead. Mayor Tussing suggested designing something for the Citizen Survey for further evaluations.

Councilmember Ulledalen advised he felt it would be difficult to get a good, fair cross-section of public input. Councilmembers agreed it would not be difficult to filter that out if people were disgruntled about something that may not be related to performance. Mayor Tussing stated specific information could be taken into consideration and the opportunity needed to be available. He said it would be a mistake to act like input was not wanted or would be considered.

Councilmember Ruegamer asked if what was being said was that community leaders that often interacted with Ms. Volek would not evaluate her, but disgruntled citizens would be allowed to send their complaints. He said he was not against the self-evaluation. Mayor Tussing asked Ms. Volek about her interactions with some of the community leaders identified. Ms. Volek indicated she did not have much interaction with some on the list.

There was Council consensus to eliminate the community leader input but keep the City Administrator self evaluation portion of the process.

Councilmember McCall reviewed the timeline for the evaluation process. She said the evaluation committee would finalize the evaluation process and form and take it to the September 15 Work Session. Councilmember Veis asked if an updated strategic plan would be in the September 12 Friday Packet and the prioritized goals would be reviewed at the September 15 meeting.

City Attorney Brooks suggested an opportunity for public comment on the final criteria by placing it on the Consent Agenda to allow for the public comment. Councilmembers agreed it could be done at the September 22 Council meeting and that it changed the timeline because letters and requests for input could not be sent until after that meeting.

Councilmember McCall said she would re-work the timeline with those particular dates. It was consensus that the signature or name on the evaluations was optional.

<b>TOPIC #7</b>	<b><i>Executive Session – Litigation Update</i></b>
<b>PRESENTER</b>	
<b>NOTES/OUTCOME</b>	

Councilmember Veis asked Mayor Tussing if City Attorney Brooks could review the list of lawsuits that would be reviewed during the Executive Session. Mr. Brooks said it was ongoing litigation involving the City. He listed those cases as:

- D’Alton vs. City of Billings
- Leonard, Gauthier & Hagan vs. City of Billings
- Camrud vs Jacobs, Tussing and City of Billings
- Doornek vs. City of Billings
- Sunday Creek Land Co. LLC vs. City of Billings
- Knife River vs. Lais Development vs. City of Billings
- Rimrock Foundation vs. City of Billings (case was settled)
- Bechtold vs. City of Billings
- City Council Authorized Condemnations
  - City of Billings vs Reger Land and Investment
  - Briarwood Sewer
  - Aronson Avenue Extension across the BBWA Ditch

The City Council adjourned to Executive Session for further discussion.

Deputy Mayor Ulledalen called the Work Session back to order to discuss the Rimrock Foundation vs. City of Billings issue. Mr. Brooks noted that the case was settled and the Council approved the payment, but there were certain conditions that Rimrock needed to meet with its construction of the facility at that location. He said there was an issue about construction of the alley and a response from Rimrock Foundation’s attorney was expected at any time. Mr. Brooks said the City was waiting to see if Rimrock planned to construct the alley.

**Additional Information:**

There was no additional information.