

**REGULAR MEETING OF THE BILLINGS CITY COUNCIL**  
**April 27, 2009**

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, Montana. Deputy Mayor Ed Ulledalen called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Clark gave the invocation.

**ROLL CALL** – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Brewster, Veis, Ruegamer, McCall, Ulledalen, Astle, and Clark.

**MINUTES** – April 13, 2009, approved as distributed.

**COURTESIES** – Councilmember Ronquillo congratulated students from MSU-B College of Technology on their creation of a virtual 3D model of the historic Babcock Theater Building.

**PROCLAMATIONS**

- Silver Star Banner Day, May 1, 2009
- Building Safety Week, May 3-9, 2009
- National Crime Victims' Rights Week, April 26-May 2, 2009
- National Women's Health Week, May 10-16, 2009

**ADMINISTRATOR REPORTS**

- Ms. Volek said the final staff report for Agenda Item G, the final addendum to the settlement agreement with Rimrock Foundation was sent in the Friday packets. She said a copy was also filed in the Ex-Parte Notebook.
- Ms. Volek referenced a letter on councilmember desks that evening from Sanderson Stewart asking that Item P, the preliminary minor plat of Lenhardt Square Subdivision, 1<sup>st</sup> Filing, be postponed until May 26, 2009. She said a copy of the letter was filed in the Ex-Parte Notebook.
- Ms. Volek referenced the memo from Assistant City Administrator, Bruce McCandless, regarding First Interstate Bank Development Agreement, Section 4.05, and said a copy of the memo was in the Ex-Parte Notebook.
- Ms. Volek advised a staff report regarding approval of stimulus funds for water and wastewater was sent in the Friday packet and asked that council add the item to that evening's agenda. She said a copy of the staff memo was filed in the Ex-Parte Notebook.
- Ms. Volek referenced a staff report on councilmember desks that evening regarding approval of a joint use utility right-of-way agreement for the Shiloh Road project and asked that council add the item to that evening's consent agenda. She said a copy of the staff memo was filed in the Ex-Parte Notebook.

- Ms. Volek referenced a letter from a private individual to a councilmember regarding questions and comments concerning Item 6. She said a copy of the letter was also available in the Ex-Parte Notebook.

Councilmember Veis moved to add the item for approval of stimulus funds for water and wastewater to the consent agenda, seconded by Councilmember Pitman. On a voice vote the motion was unanimously approved.

Councilmember Veis moved to add the item for approval of a joint use utility right-of-way agreement to the consent agenda, seconded by Councilmember Gaghen. On a voice vote the motion was unanimously approved.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 6 ONLY. Speaker sign-in required.** (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. 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.)*

- **Joe White, Billings, MT**, said he opposed Item #6, the Development (Reimbursement) Agreement with First Interstate Bank. Mr. White said they had enough money. *The rest of Mr. White’s testimony was inaudible.*
- **Kevin Guenthner, 1006 Aronson Avenue**, said he represented First Interstate Bank and reported that the project was moving along as planned. He said they still expected an October 1 completion and a couple of months to get everyone moved in. He stated that First Interstate was committed to the investment in that area and urged the Council to approve the agreement.
- **Keith Cook, 2491 Aspen Way**, said he was the president of First Interstate Bank, and emphasized how excited the bank was about the project. He thanked Councilmembers Ronquillo and Gaghen, Mayor Tussing, Ms. Volek, BIRD, Downtown Billings Partnership, the task force, and the businesses and residents for their support. He said approval of the agreement would help encourage future development in the downtown area.

Councilmember Ronquillo commented that the construction site was kept clean and he appreciated the project that would benefit that area.

- **Kevin Nelson, 4235 Bruce**, said First Interstate Bank claimed to support the School District, but chose to build in the tax increment district, where all of the property taxes were used for their personal gain and the school district would not receive any revenue. He said it showed that they did not support schools.
- **Aaron Sparboe, 602 Poly**, said First Interstate Bank worked hard to bring the project to the East TIFD. He said the dollars generated by that would stay within the community and would help to reshape that neighborhood.

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

**CONSENT AGENDA:**

1. A. Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Emelie Eaton	Yellowstone Conservation District Board	4/27/09	06/30/11

\*Unexpired term of Gay Easton

**B. Bid Awards:**

(1) **Purchase of new landfill loader for the Solid Waste Division.** (Opened 4/14/09). Recommend Torgerson’s LLC; \$95,285.

(2) **W.O. 08-01 – Water and Sewer Replacement Projects.** (Opened 4/14/09).

**Schedule 1:** Recommend COP Construction; \$715,188.00

**Schedule 2:** Recommend Western Municipal; \$1,816,487.00

**Schedule 3:** Recommend COP Construction; \$4,038,141.00

**Schedule 4:** Recommend Western Municipal; \$1,249,698.50

(3) **W.O. 08-11 – Waste Water Treatment Plant Administration Building Air Conditioner Replacement.** (Opened 4/14/09). Recommend Norpac Sheet Metal, Inc.; \$61,473.

**C. Consulting Contract** with GeoComm for a joint project between the State of Montana Interoperability Montana Project and the City of Billings for assessment of the current 800 MHz System radio communications used between public safety agencies, \$71,695. State of Montana contribution - \$45,000; City of Billings contribution - \$26,695.

**D. Approval and Acceptance of Grant** from the Montana Department of Transportation, Highway Traffic Safety Division, for the purchase of four radar units for the Motorcycle Traffic Enforcement Program, \$5,456.

**E. Approval** of 5-year Airport Business Park Building and Ground Lease with the State of Montana Department of Environmental Quality, November 1, 2008, through October 31, 2013; \$59,178.36 first year revenue; subsequent years adjusted according to the CPI-U.

**F. Compensation Agreement** for Private Contract No. 599 – Emmanuel Baptist Church Sanitary Sewer Extension; Emmanuel Baptist Church, \$67,522.22.

**G. Final Addendum** to Settlement Agreement with Rimrock Foundation for construction of public gravel alley; cost to City of Billings - approximately \$7,000 to \$8,000; Rimrock Foundation contribution – up to \$18,000.

**H. Approval** to send two police officers to Anchorage, AK to attend the Western Identification Network Board of Directors’ meeting, May 21-22, 2009.

**I. Approval** of State Revolving Fund Backed Loan Application for W.O. 04-26, Zone 4 Reservoir, \$8,387,000.

**J. Approval** of grant application and acceptance of the 2009 Justice Assistance Recovery Grant (JAG Recovery) for various supplies and equipment; \$222,508 total award with \$174,866 to Billings Police Department, and \$47,642 to Yellowstone County Sheriff’s Office.

**K. Street Closures:**

**(1) Central Heights PTA Community Fun Run**, May 30, 2009, 8:30 a.m. to 10:30 a.m., commencing at 120 Lexington Drive, proceeding west on Eldorado Drive, south on Pueblo Drive, east on Alamo Drive, north on Lexington Drive, east on Eldorado Drive, north on S. Santa Fe Drive, east on Concord Drive, south on Birchwood Drive, west on Beloit Drive, northwest on Fair Park Drive, southeast on S. Santa Fe Drive, south on Berthoud Drive, west on Pueblo Drive, north on Pueblo Drive, east on Beloit Drive, northwest on Lexington Drive, west on Dallas Drive, north on Pueblo Drive, east on Eldorado Drive, and south on Lexington Drive.

**(2) Cinco de Mayo**, May 1, 2009, 3 p.m. to 10 p.m., 100 block of North 26<sup>th</sup> Street.

**L. Resolution of Intent #09-18807** to construct W. O. 08-30, Poly Drive Sidewalk Improvements – Billings, Federal Aid No. STPE 1099(61) and set a public hearing for May 26, 2009.

**M. Second/final reading Ordinance #09-5490 authorizing closure of hazardous fire areas and updating references to the Fire Code:** providing authority to the Billings Fire Department to close hazardous fire areas, and updating the Billings City Code with appropriate language to provide the enforcement mechanism to manage hazardous fire areas.

**N. Second/final reading for Social Host Ordinance #09-5491:** amending Chapter 18 of the Billings City Code adding Article 12, holding a

person accountable for organizing a party or event in which underage consumption of alcohol takes place.

**O. Second/final reading Ordinance #09-5492 authorizing a Municipal Treatment Court Administrative Fee:** authorizing a \$25.00 court fee to help defray administrative costs incurred by Municipal Court for processing misdemeanor criminal offenses in Billings Adult Misdemeanor Drug Court, Billings Adult Misdemeanor DUI Court, and Billings Adult Misdemeanor Mental Health Court.

**P. Preliminary Minor Plat** of Lenhardt Square Subdivision, 1<sup>st</sup> Filing, a 33.8 acre tract described as Tract 1A of C/S 2063, Amended, located in Section 10, T1S, R25E; generally located north of King Avenue West, across from the Montana Sapphire Subdivision; **approval of two variance requests:** (1) allowing a 56 foot right-of-way dedication along 44<sup>th</sup> Street West and Monad Road adjacent to the subdivision; (2) allowing a total 8.5 foot right-of-way for boulevard and sidewalk along 44<sup>th</sup> Street West and Monad Road; and adoption of the Findings of Fact. M & K Blue One, LLC, applicant; Sanderson Stewart, engineer.

- Q. Bills and Payroll**
- (1) March 27, 2009
  - (2) April 3, 2009

**R. Joint Use Right-of-Way Easement** for Northwestern Energy, Montana Dakota Utilities, QWest, and Bresnan Communications in Ann Ross Park, Blocks 1 and 4, The Village Subdivision as part of the Shiloh Road Construction Project. **(Item added to consent agenda at beginning of the meeting.)**

**S. Acceptance of \$750,000 of Water and \$750,000 of Wastewater State Revolving Funds** under the American Recovery and Reinvestment Act of 2009. **(Item added to consent agenda at beginning of the meeting.)**

Councilmember Veis separated Items B3, E, and P. Councilmember Ronquillo separated Item K2. Councilmember Clark moved for approval of the consent agenda with the exception of Items B3, E, K2, and P, seconded by Councilmember McCall. Councilmember Brewster asked for a copy of the contract with GeoComm as part of Item C. He asked if the study would be done before a decision was made about partnering with the State. Ms. Volek explained that the plan was to complete the study, then decide. She said there had been questions about VHF systems and whether the City gained sufficient capability from that system to make it worthwhile for the City to participate in that plan.

Councilmember Veis asked if the same discount and rate adjustments would pertain to Item I, the State Revolving Fund Back Loan Application for WO

04-26, as provided in the item added to the agenda that evening regarding revolving funds for water and wastewater. Mr. Mumford said it applied to just one project because the State had a limited amount to allocate. Councilmember Veis asked if what was considered that evening was the extent of ARAA funds from the SRF and all that could be expected. Mr. Mumford said that was correct.

On a voice vote the motion was unanimously approved.

Councilmember Clark moved for approval of Item B3, seconded by Councilmember Astle. Councilmember Veis asked if it would be wise to re-bid the project since the bid had come in higher than the engineer's estimate. Mr. Mumford advised that he did not think a better bid would be received because the design had to be changed to even get the bids. He said he felt it was a good bid, based on what needed to be done. Councilmember Veis asked if Mr. Mumford knew why the other bid submitted was non-responsive. Mr. Mumford said he did not know. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Item E, seconded by Councilmember Ruegamer. Councilmember Veis stated he would recuse himself from the vote because he was employed by the Department of Environmental Quality and worked in that building. On a voice vote, the motion was approved 9-0.

Councilmember Clark moved for approval of Item K2, seconded by Councilmember Ruegamer. Councilmember Ronquillo offered an open invitation to the Cinco de Mayo event. Councilmember Astle questioned the address of the closure. Councilmember Ronquillo said the address was correct. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved to delay Item P to May 26, 2009, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

## **REGULAR AGENDA:**

### **2. PUBLIC HEARING AND RESOLUTION APPROVING AND ADOPTING THIRD QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2008/2009. STAFF RECOMMENDS APPROVAL. (ACTION: APPROVAL OR DISAPPROVAL OF STAFF RECOMMENDATION.)**

Ms. Volek advised that staff did not have a presentation but was available to answer questions. Councilmember Astle moved for approval of the resolution approving and adopting third quarter budget amendments for Fiscal Year 2008-2009, seconded by Councilmember Ronquillo. Councilmember Veis asked why that type of expenditure was not included in the Municipal Court's budget because it seemed like the normal course of what they did. Ms. Volek explained that it was a special circumstance because an individual had been accused of misdemeanor sexual assault and was sent to Warm Springs to be treated and stabilized before being brought to trial. She said that was a considerable amount for the extensive treatment required and more than what was in the budget for that type of expenditure. Councilmember Veis commented that it seemed like something that

could be expected in that department. Ms. Volek responded that she believed they had never had someone committed for such an extended period. Councilmember McCall mentioned that those types of mental health issues typically went through the County and it was rare to involve the City. Ms. Volek said that was due to it being a misdemeanor case. Councilmember Veis asked if the General Fund would be used for that expense. Ms. Volek said the Municipal Court's budget was in the General Fund, and the revenue collected by that department went to the General Fund. Councilmember Veis asked if there was any way to control those costs. City Attorney Brent Brooks explained it was a criminal offense where a person was charged with misdemeanor sexual assault and then was sent to Warm Springs for a "Fitness to Proceed" analysis. He said the individual was there for considerable time before being determined to be fit to face the disposal of the case. Mr. Brooks noted that it happened more often in the criminal system. Councilmember Veis stated he understood what the money was for, but did not understand why it was budgeted that way, because any time that situation occurred, a budget amendment would be necessary and there was no control over the expenditure. Ms. Volek advised that individuals were committed for a specific period of time. She said the Court staff talked with Administration prior to committing the individual. She noted that rather than carrying the funds in the budget, it was handled on an individual basis. Councilmember Gaghen asked if there was a limit on the amount of time an individual was at the state hospital because an extended stay could be quite costly. Mr. Brooks explained that State Statute included a time limit. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING AND RESOLUTION #09-18808 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT. A RESOLUTION THAT AUTHORIZES THE APPLICATION AND ACCEPTANCE OF \$1,884,898 IN GRANT FUNDS TO BE UTILIZED BY MET TRANSIT TO CONTINUE THE FLEET REPLACEMENT PROGRAM, RENOVATION OF THE BUS WASH, PURCHASE AND INSTALLATION OF CCTV SURVEILLANCE CAMERAS FOR THE BUS FLEET, AND REPLACEMENT OF MOBILE RADIOS. STAFF RECOMMENDS APPROVAL. (ACTION: APPROVAL OR DISAPPROVAL OF STAFF RECOMMENDATION.)** Transit Manager Ron Wenger reported that because the City was a regular recipient of FTA operating funds, it was allocated American Recovery and Reinvestment Act funds in the amount of \$1,884,898. He said the funds had to be utilized for transit capital projects, with one exception that was discovered after the staff memo was created. He said up to 10% of the funds could be used for paratransit operating expenses, so the adjustment was made to put \$180,000 in an operating line item and the van line item was reduced by that same amount. He said that was advantageous considering their operating situation. Mr. Wenger stated that the total allocation did not change, only the line items were adjusted.

The public hearing was opened. There were no speakers, and the public hearing was closed. Councilmember McCall moved for approval of Item 3, the resolution authorizing the application and acceptance of a Federal Transit Administration Grant through the American Recovery and Reinvestment Act, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARINGS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS AND THE FY2009-2010 ANNUAL ACTION PLAN. COUNCIL ACTION IS SCHEDULED FOR MAY 11, 2009.** Community Development Manager Brenda Beckett advised that her presentation would be brief since the information was presented in detail at a recent work session. She stated there were four full-time staff members from her Division and they worked closely with a nine-member Community Development Board. She stated that everything they did was to benefit low income households for affordable housing. She reviewed the budget for the upcoming allocation and the program goals. She reviewed the five public service activity recommendations from the Community Development Board and noted that council action was scheduled for May 11.

The public hearing was opened.

- **Mary Burst, 3074 Lake Elmo Drive**, said she was the Vice President of Forever Families, one of the organizations recommended to receive funding from the Community Development Block Grant. She thanked the Board for the recommendation and urged approval of the recommendations. She also invited Councilmembers to the Forever Families Resource Center.

There were no other speakers and the public hearing was closed.

**5. PUBLIC HEARING AND RESOLUTION #09-18809 FOR ANNEXATION #09-02: .74 ACRES OF LOT 26, BLOCK 19, LILLIS HEIGHTS SUBDIVISION, GENERALLY LOCATED AT 4739 RIMROCK ROAD, ON THE NORTHWEST CORNER OF RIMROCK ROAD AND RIM POINT DRIVE, MCS PROPERTIES, LLC, PETITIONER. STAFF RECOMMENDS APPROVAL WITH CONDITIONS. (ACTION: APPROVAL OR DISAPPROVAL OF STAFF RECOMMENDATION.)**

Ms. Volek advised that the annexation was requested to acquire sanitary sewer on the property. She said staff did not have an additional report, but was available for questions. Councilmember Veis stated he noticed that it did not extend for the entire road and left a jog in the road. He asked if there was something to do to clean that up. Planning Director Candi Beaudry reported that she consulted with engineering staff and they recommended not annexing the south part of Rimrock Road. She explained that the City was required to annex the right-of-way adjacent to the property being annexed, and east of there, the City had only half of the right-of-way. She said engineering staff did not want to



annex that part of the road until the adjoining properties requested annexation. She said they were not in support of annexing additional right-of-way.

The public hearing was opened. There were no speakers, and the public hearing was closed. Councilmember Ruegamer moved for approval of Item 5, seconded by Councilmember Astle. Councilmember McCall said she would abstain from any discussion or vote because the property owner was a friend and colleague. She said the property owner contacted her a few months ago and she put them in contact with staff. On a voice vote, the motion was approved 9-0.

**6. DEVELOPMENT (REIMBURSEMENT) AGREEMENT WITH FIRST INTERSTATE BANK. STAFF RECOMMENDS APPROVAL. (ACTION: APPROVAL OR DISAPPROVAL OF STAFF RECOMMENDATION.)**

Ms. Volek advised that the item was thoroughly discussed at the previous week's work session and a detailed presentation would not be made that evening. She reminded Council that if it intended to include Section 4.05 in the proposed agreement, it had to be amended. Councilmember Veis moved for approval of the development (reimbursement) agreement with First Interstate Bank, seconded by Councilmember Ronquillo. Councilmember Ruegamer advised that he would recuse himself from the vote because he was employed by First Interstate Bank for twenty years and still had stock in the company. Councilmember Brewster moved to amend the motion to include Section 4.05, seconded by Councilmember McCall. Councilmember Brewster commented that the bank had other options rather than using that method to recoup tax dollars, and he was glad that with the weak economy, they chose to stick with the TIF District. He said he felt it was a good idea to offer them a sense of security. Councilmember Astle commented that the area where the bank was building was blighted and it would be a jewel in the area. Councilmember Veis stated that the idea of a catch-up provision was one thing, but that language was too convoluted to figure out what was going on. He said he read the first sentence of that section numerous times and still did not feel it was clear. He was concerned about future councils or staff having to interpret it. On a voice vote, the amendment was approved 8-1. Councilmember Veis voted 'No.' On a voice vote, the amended motion was approved 9-0.

**7. PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.**  
*(Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)*

- **Kevin Nelson, 4235 Bruce**, asked Council to review the transcripts of the meeting to see if the public hearing was held for Item #2 because he did not believe the public hearing was opened.

Deputy Mayor Ulledalen said he thought the hearing was opened and asked the City Clerk if it was. The City Clerk responded that it was not in her notes. Mr. Nelson asked for the review and to re-notice the hearing if it was not held. Councilmember Brewster noted that the item could be

reconsidered.

- **Jeffrey Cummins, 3538 Lynn**, presented a petition signed by the 12 resident owners in his neighborhood that requested assistance in solving the traffic and gravel street conditions of Lynn Avenue, one block east of the Career Center. He stated that the street was heavily traveled by students and was also used by the school buses going to the Career Center. Mr. Cummins stated that earlier that day he counted 231 one-way trips by vehicles of students. He invited any councilmember to drive down that street any day to see what he was talking about. Councilmember Ulledalen asked if the residents had considered an SID.

Councilmember Veis asked who the Public Works Department should contact to discuss the matter. Mr. Cummins advised that he wanted Councilmembers and the School District to participate in a resolution. Mr. Cummins agreed to be the contact person for the neighborhood. Councilmember Clark advised that they had been working on that problem for about three years and the only alternative suggested by the City was to pass an SID to pave it. He added that a grader went down the street every few months. Councilmember Astle explained that vehicles could enter and exit the career center at Lynn. Mr. Cummins noted that the petition included three options to deviate the traffic from that street. Ms. Volek advised that she would contact Mr. Cummins.

- **Kevin Costin, 3546 Lynn**, said the School District used to have a closed gate between the school and Lynn Avenue that prevented the current traffic problems. He said he felt the gate was the least expensive solution to the problem. He noted that 36<sup>th</sup> Street was paved and some people used that street to enter the Career Center rather than Lynn Avenue.

Councilmember Gaghen asked if the school district had been asked to close the gate. Mr. Costin stated that the school wanted to keep the gate open.

- **Peter Heltberg, 3531 Lynn**, said their street was a mess, and asked the Council for their help.

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

## **Council Initiatives**

- **Councilmember Brewster** moved to allow students from a government class at Skyview High School to speak to the Council at a work session for 15 minutes about the need for improvement of an ingress-egress road at Skyview, seconded by Councilmember Gaghen. Ms. Volek reminded Council that beginning May 4, the work sessions were intended for budget review and an alternative was to invite them to do their presentation prior to a regular meeting. Councilmembers agreed to schedule the presentation at the beginning of a work session. On a voice vote, the motion was unanimously approved.

- **Councilmember Pitman** moved to assist in the development of a youth master plan to engage youth starting at age 12 to learn about leadership in the community and how they could make a difference, seconded by Councilmember Gaghen. Councilmember McCall stated she would recuse herself from the discussion and vote because she was directly involved with an agency that would be involved in the project. Councilmember Pitman explained that it was already supported by School District #2, the Chamber, MSU-B, and the Parks Department, and they were working on things to get youth actively involved. Councilmember Gaghen noted that there was no financial outlay required for the support. Councilmember Veis asked how that was different from the program provided by the Chamber. Councilmember Pitman said he was not sure. Councilmember Clark asked what was involved in the project on behalf of the City. Councilmember Pitman said there was no funding, or staff requirement other than anyone who wanted to do so could help out with mentoring or part of the project. He said the City would be allowing its name included as an active participant. Councilmember Brewster stated that in the past, they had shied away from that kind of thing because even though that one did not require anything, the next one could. He said if one project was considered, they had to consider all of them and he felt it was best to stay away from them so he would not support the initiative. He said he did not have anything against the program, but he did not see that as part of the City's role. Councilmember Pitman said he did not feel approval of that would make a future obligation and the option to say 'no' was always available. Councilmember Ulledalen said he echoed Councilmember Brewster's comments and would not support the initiative. Councilmember Clark asked if there were other non-profit groups that actually ran the program. Councilmember Pitman said there were, but the whole idea was to get the leadership involved with the youth to actively engage them. Councilmember Gaghen commented that it was helpful that the National League of Cities and Towns was designing some the program and it was a continuation of what the United Way was attempting to incorporate. She said she was comfortable with supporting the project. On a voice vote, the motion failed 5-4. Councilmembers Ronquillo, Brewster, Ulledalen, Ruegamer, and Clark voted 'No.'
- **Councilmember Veis** moved to form an ad hoc committee to promote annexation east of the East End TIF District, seconded by Councilmember Ronquillo. Councilmember Veis referred to the presentation at the previous work session by Marty Connell of the BIRD about the possible annexation session. He said he did not necessarily like how they wanted to incentivize it, but felt there was a way to do it. He suggested a committee of councilmembers, BIRD members, and representatives from Public Works, Planning, and Downtown Billings Partnership. He recommended a report back to Council in mid-August to possibly meet the desired September 19 annexation date. Ms. Volek advised there was a procedure within the Council's code that a resolution was needed to set up

an ad hoc committee and that resolution could be prepared and included on the May 11 agenda. On a voice vote, the motion was unanimously approved.

- **Councilmember Ruegamer** inquired about his past initiative to add a 25 cent surcharge to ticket sales at Dehler Park. He said he figured that if it had been added the previous year, they would have made about \$25,000-\$30,000. Ms. Volek said staff was discussing it with bond counsel because it could impact the taxability of the bonds. Councilmember Ruegamer asked if an answer would be provided prior to the baseball season. Ms. Volek said it should be ready soon. Councilmember Clark added that the tickets had already been printed and season ticket holders had already paid for their tickets. He said it may have to wait for the next year.
- **Councilmember Brewster** advised that when he was on Council before, he had an initiative to direct staff to develop alternatives for older, existing neighborhoods that had unpaved roads. He said a resident from one of those older neighborhoods informed him that the Planning Department indicated the initiative was only for new construction. He asked staff to look into that.
- **Councilmember Ulledalen** moved to hold a joint meeting with the Parks Board or direct a small number of councilmembers to attend a Parks Board meeting to discuss issues about developing or selling undeveloped parkland and future uses for parkland, seconded by Councilmember Brewster. He said he that he felt it was time to revisit that topic and asked for Council's preference. Councilmembers Astle and Gaghen indicated they preferred to invite the Parks Board to a work session. Councilmember Astle stated he wanted to see a map of the parks. Councilmember McCall said she agreed that the discussion should occur at a work session. She noted that community events regarding the citizen's survey would be held and because parks were an issue of the survey, she wanted to keep it all together. Ms. Volek noted that the Parks Department was in the process of creating development guidelines to eliminate some of the past problems. Councilmember Ulledalen stated the problems were not with the new subdivisions, they were with the older ones that had numerous development agreements and outdated language that typically created neighborhood disagreements. Councilmember Veis moved to invite the Parks Board to the work session when the Parks budget was discussed, seconded by Councilmember Ronquillo. On a voice vote, the motions were unanimously approved.
- **Councilmember Brewster** moved to hold the public hearing and reconsider Item 2, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.
- **Councilmember Astle** withdrew his previous motion for approval for Item 2, seconded by Councilmember Clark.

The public hearing for Item 2 was opened.

- **Kevin Nelson, 4235 Bruce**, stated that the room was empty and the Council was disenfranchising the right of people to participate in an agency action that could affect them. He said the public hearing was not opened when the item was discussed and it needed to be continued when people could participate. He suggested setting the item aside and re-advertising the public hearing for another Council meeting.
- **Councilmember Veis** moved to continue the public hearing for Item 2 at the May 11, 2009, meeting, seconded by Councilmember McCall. Councilmember McCall stated she agreed with Mr. Nelson that since the room was empty it needed to be continued. On a voice vote, the motion was approved 8-2. Councilmembers Ruegamer and Astle voted 'No.'

**ADJOURN** – The meeting adjourned at 7:50 p.m.