

SPECIAL MEETING OF THE BILLINGS CITY COUNCIL

July 30, 2003

The Billings City Council met in special session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Charles F. Tooley called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by the Mayor.

ROLL CALL – Councilmembers present on roll call were: McDermott, Gaghen, Brown, Brewster, Iverson, Kennedy, Poppler, Ohnstad, and Jones. Councilmember Larson was excused.

Mayor Tooley noted that the AGENDA for the evening consisted of two items: the decision on a new City Administrator and the issue of re-opening wading pools in both Highland Park and Veterans Park. The Council requested the wading pool issue to be added to this agenda this evening for discussion and action. Since Monday evening's meeting, Staff has researched the options available to the Council and has determined that it would be illegal for the City to knowingly re-open these pools and would jeopardize the liability coverage of the City. Councilmember Poppler moved to rescind her request to re-open the two wading pools, seconded by Councilmember Gaghen. On a voice vote the motion was unanimously approved.

1. DISCUSSION AND FINAL DECISION regarding the selection of a new City Administrator. (**Action:** decision on which candidate to offer a contract.)

Mayor Tooley explained that the City Council has been engaged in the search for a new City Administrator since March 2003 when former City Administrator Dennis Taylor resigned to take a similar position in Eugene, Oregon. The services of a professional management consultant – Jim Mercer were engaged to assist the Council in the search process. Last week the City Council interviewed three finalists: Craig Whitehead from Sioux City, Iowa; John Fischbach of Fort Collins, Colorado and Kristoff Bauer, the appointed Interim City Administrator for the City during the vacancy period. Since the interviews, the Council has conducted additional research on the candidates' credentials and met in two separate executive sessions to discuss their findings. The purpose of this evening's item is to make a final decision on which candidate to extend a contract offer.

Councilmember Kennedy moved to offer a contract to Interim City Administrator Kristoff Bauer, with salary and benefit terms to be negotiated, seconded by Councilmember Brown. Councilmember Kennedy said he didn't feel that Mr. Bauer was qualified at the beginning of the search process, but during the course of the last three months as interim administrator, he has seen Mr. Bauer "grow" into the position. Councilmember Kennedy said he believes that Mr. Bauer represents a "clean slate" and a chance for the Council and the City Administrator to "grow" together and for the Council to get back more of the control it desires.

Councilmember Poppler said she is pleased to offer her support for Mr. Bauer. As an attorney, she has been impressed with his careful scrutiny of the City's contracts and his negotiation skills. Councilmember Poppler noted that his business degree should be

useful in keeping the City's budget under control. She believed that he will bring new ideas to the Council as he has not "done it all before".

Councilmember McDermott stated that she believed any of the three candidates could handle the job of city administrator well. She said she is satisfied with Mr. Bauer's credentials and his performance in the interim and will support the motion.

Councilmember Brewster said he was impressed with all of the final candidates who interviewed with the Council. He noted that Mr. Bauer will bring a fresh approach and is an "agent for change".

Councilmember Iverson said she also supports Mr. Bauer. The other two candidates were well qualified also. Councilmember Iverson stated that Mr. Bauer's only weakness seemed to be lack of experience. She said that over the last few months he has however shown that he is a "people" person and makes good decisions. She also noted that the City is fortunate to have a lineup of experienced senior staff that will help him grow into the position.

Councilmember Gaghen said she was impressed with the credentials and accomplishments of Mr. Whitehead and Mr. Fischbach. She said she saw evidence of the positive ways they kept their communities on target or advancing. She noted that she sees potential in Mr. Bauer because of his broad background.

Councilmember Brown said he has been pondering this matter for quite some time, noting that he looked at Mr. Bauer in the beginning at felt that it may not work out. There are eighteen (18) candidates for City Council and after seeing Mr. Bauer at the council candidate orientation and working with him over the past few months, he said he felt that Mr. Bauer would listen to and work well with the Council.

Councilmember Ohnstad said he talked with a councilmember in Shoreline, Washington who worked with and knew Mr. Bauer. That councilmember's comments were that it was "a wonderful decision". Councilmember Ohnstad noted this is a wonderful opportunity for an internal candidate.

Councilmember Jones said he had some questions about Mr. Bauer's appointment as interim administrator. He said he has been impressed by what he has done in the interim and will support the motion.

Mayor Tooley said the decision came down to experience, education, familiarity and exposure to the position. He noted that Mr. Bauer is extremely well educated, both in business and in the law with a wide variety of experience in different aspects of City government, handling a number of diverse tasks in his former position with Shoreline. He said he has a lot of confidence in Mr. Bauer's versatility and ability to adapt to the position.

On a roll call vote on the motion to offer Kristoff Bauer a contract of employment as city administrator, with terms to be negotiated, the motion was unanimously approved. All councilmembers present voted in favor of the motion, those members being McDermott, Gaghen, Brown, Brewster, Iverson, Tooley, Kennedy, Poppler, Ohnstad, and Jones.

2. A. **RE-OPENING the wading pools** in Highland Park and Veterans Park for the rest of the summer and including the necessary lifeguards. (**Action:** approval or disapproval of re-opening the subject wading pools.)

MINUTES: 07/30/2003

- B. **RESOLUTION calling for the use of Council Contingency funds** for the cost of lifeguards at these pools. (**Action:** approval or disapproval of resolution.)

SEE COMMENTS AND ACTION ABOVE.

ADJOURN —With all business complete, the Mayor adjourned the meeting at 6:22 P.M.

THE CITY OF BILLINGS:

By: _____
Charles F. Tooley MAYOR

ATTEST:

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