

REGULAR MEETING OF THE BILLINGS CITY COUNCIL MONDAY, MAY 10, 1999

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 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, followed by the Invocation, given by Councilmember Mark Kennedy.

ROLL CALL – Councilmembers present on roll call were: McDermott, Bradley, McDanel, Iverson, Kennedy, Johnson, Ohnstad, Elison and Larson. Councilmember Deisz was excused. Councilmember Deisz arrived later in the meeting.

MINUTES – April 26th. The Minutes were approved as printed. The Committee of the Whole Minutes were approved as corrected. Councilmember McDanel said he made a motion for the Parks Board item to be brought back to council this evening as a resolution of intent. That motion was not reflected in the Minutes, nor is the item on the agenda this evening. Councilmember McDanel moved to direct staff to bring a resolution of intent to the council on June 14 for discussion and debate, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

COURTESIES – Police Dept. Police Chief Ron Tussing presented Officer Harper with the Medal of Merit for his actions related to an event that occurred on November 28, 1998 involving a suicidal subject who had brandished a knife and pointed a shotgun at the officer. The family was evacuated to safety and Officer Harper spent the next four hours negotiating with the individual and was able to resolve the situation without injury or force.

Mayor Tooley introduced his wife Joanie and in-laws – Bill and Alice Stapleton, in the audience this evening. This is the Stapleton's first trip to Montana.

PROCLAMATIONS – Mayor Tooley proclaimed the following:

1. May 15: Poppy Day
2. May 19: Operation Life Saver Day
3. May 16 – May 22: National Public Works Week

ADMINISTRATOR REPORTS – Bill McGill.

There were no Administrator Reports.

CONSENT AGENDA:

1. A. **Bid Awards:**
 - (1) **AIP 17 – Taxiway “A” Shoulder Rehabilitation.** (Opened 4/20/99). (Delayed from 4/26/99). Recommend JTL Group, \$607,151.00.

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- (2) **W.O. 95-10: Grand Avenue Improvements – 5th Street West to 8th Street West.** (Opened 4/27/99). Recommend COP Construction, \$1,497,861.60.
- (3) **W.O. 98-02, #2: Broadwater Subdivision Improvements, Phase I.** (Opened 4/27/99). Recommend JTL Group, Inc., Alternate A, \$1,381,714.50.
- (4) **W.O. 98-13: South 29th Street West Sanitary Sewer Extension.** (Opened 5/4/99). Recommend COP Construction, \$142,969.00.
- (5) **HVAC Maintenance – Parmly Billings Library Building.** (Opened 5/4/99). Recommend delaying award to 5/24/99.
- (6) **1999 City of Billings Water and Sewer Line Replacement Projects – Bid Schedules No. 1 and 2.** (Opened 5/4/99). Recommend delaying award to 5/24/99.
- (7) **City of Billings PUD 1999 Capital Improvement Project.** (Opened 5/4/99). Recommend delaying award to 5/24/99.
- (8) **W.O. 99-06: 20th & King Reconstruction.** (Opened 5/4/99). Recommend delaying to 5/24/99.
- (9) **Security for the Parmly Billings Library Facility.** (Opened 5/4/99). Recommend delaying to 5/24/99.

B. Addendum to Lease Agreement with Downtown Billings Associates, Inc. for fenced in area in Park One for storage, additional 12 months to 6/30/2000, \$0.

C. Amendment #8 to Professional Services Contract, HDR Engineering, Inc., (Clearwell Project, Secondary Pump Station Rehab), \$70,756.00.

D. Amendment #1 to Professional Services Contract, Interstate Engineering, Inc., SID 1339: Southwest Park Subdivision Drainage Improvements, \$5,968.00.

E. Development Agreement with Macerich Company for removal of traffic signal on Central Avenue at Rimrock Mall entrance.

F. Railroad-Highway Grade Crossing Signal Agreements:

- (1) STPRP 1099[3642]: Monad Road
- (2) STPRP 1023(01)[4099]: Sugar Avenue
- (3) STPRP 1099[4101]: 3rd Avenue North

G. Change Order #1, MET Transit Garage Facility Addition, Jones Construction, Inc., \$20,519.00.

H. Change Order #1, Terminal Carpet Replacement Project, Pierce Flooring, \$11,040.00.

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I. Change Orders #1 and #2, Streetscape Improvements along Montana Avenue, Sylvan Nursery, Inc. Change Order #1: \$4633.00 and 0 days; Change Order #2: \$11,354.75 and 0 days.

J. Lease Agreement with Associated Employers of Montana for rental space at 2910 Third Ave N from 5/10/99 to 5/31/2001, \$29,044.05.

K. Lease Agreement with World Class Travel for rental space at 216 North 29th Street from 6/1/99 to 4/30/2005, \$9,870.00.

L. Professional Services Contract with HDR Engineering, Inc. for Phase I of the Water Treatment Plant Upgrade, \$175,000.00.

M. Acceptance of a Juvenile Accountability Block Grant from the State of Montana Board of Crime Control to establish a Child and Family Intervention Project in Billings, \$106,924 (with matching funds of \$12,076).

N. Rims Closure for 4th of July Fireworks: July 2 – 4.

O. Declaring Surplus property and authorizing sale at public auction on June 5, 1999.

P. Confirmation of Police Officers:

- (1) Misti Robertson
- (2) Randy Minkoff

Q. Resolution 99-17448 relating to \$60,000 1998 School Route Improvements Bonds, authorizing the issuance and calling for the public sale thereof and authorizing the pledge of the revolving fund to the security thereof.

R. Resolution 99-17449 relating to \$685,000 Broadwater Subdivision Improvements, Phase I, (W.O. 98-02, Contract #2) Bonds, authorizing the issuance and calling for the public sale thereof and authorizing the pledge of the revolving fund to the security thereof.

S. Final Plat of Weber Tracts Subdivision.

T. Bills and Payroll.

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(Action: approval or disapproval of Consent Agenda.)

There were no separations of the Consent Agenda. Councilmember Ellison moved for approval of the Consent Agenda, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION vacating public right-of-way in 2nd Avenue North, east of North 9th Street in Industrial Subdivision, 2nd filing. Staff recommends approval. (Action: approval or disapproval of resolution.)

The public hearing was opened. CLIFF HANSEN OF 1281 LONESOME PINE said he is President of Billings Truck Center. Mr. Hansen asked the council to delay action on this request until several unresolved issues are settled. He said his business owns the property on the northeast edge of the right-of-way that is proposed to be abandoned. He stated that they do not believe the issue should not be considered by the council at this time. When the petitioner requested their signature for this vacation, they asked that a full survey be completed to correctly mark the area in question. Billings Truck Center is now currently having this done. The right-of-way was annexed, nor was it listed in any way in the annexation resolution 90-16325. He noted that he faxed their concerns to the current city attorney and have not received a reply. He said he had requested clarification of the city boundaries in August 1998 as well. Mr. Hansen said the entire right-of-way from 9th street over should be considered at the same time by the appropriate legislative body.

There were no other speakers. The public hearing was closed. Councilmember Larson moved for approval of the staff recommendation, seconded by Councilmember Johnson. Councilmember Deisz asked staff to address the concerns expressed by Mr. Hanson. Acting City Administrator Bill McGill said this is the first time the City Attorney has seen the documentation referred to by Mr. Hanson. Councilmember Deisz asked if there would be a problem delaying action, continuing the hearing and considering the item in two weeks. No urgency or problems were noted. Councilmember Deisz made a substitute motion to continue the hearing in two weeks to get clarification from the City Attorney on the issues identified by Mr. Hanson, seconded by Councilmember Kennedy. On a voice vote the substitute motion was unanimously approved. ITEM POSTPONED AND HEARING CONTINUED TO 5/24/99.

3. PUBLIC HEARING AND SECOND READING ORDINANCE 99-99-5085 FOR

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ZONE CHANGE #643: a zone change from Agricultural-Open Space (County) to Community Commercial, Residential Professional, Residential 7000 and Residential 9600 (City) on the W2W2SW4 of Section 34, Township 1 North, Range 25 East, generally located on the northeast corner of Grand Avenue and 38th Street West. Hancock Properties, Inc., owner; Engineering, Inc., agent. Zoning Commission recommends approval. (Action: approval or disapproval of ordinance on second reading).

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember McDermott moved for approval of the ordinance on second reading, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND SECOND READING ORDINANCE extending the boundaries of Ward IV to include the recently annexed property of Annex #98-03: a parcel in the W2W2SW4 of Section 34, Township 1 North, Range 25 East, Hancock Properties, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Bradley moved for approval of the ordinance on second reading, seconded by Councilmember Iverson. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND RESOLUTION 99-17450 creating SIMD 4011: maintaining the trees, planters, and landscaping planters installed on Montana Avenue as part of SID 1334. Staff recommends approval. (Action: approval or disapproval of resolution.)

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember McDanel moved for approval of the resolution, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

6. ALLOCATION OF FY 1999-2000 Community Development Block Grant (CDBG) and HOME funding. CD Board recommends allocation of \$1,039,299 in CDBG funding and \$497,167 in HOME funding as outlined. (Action: approval or disapproval of CD Board recommendation.)

Councilmember Deisz moved for approval of the CD Board recommendations, seconded by Councilmember Kennedy. Councilmember McDermott extended her thanks to the CD Board for their work. On a voice vote, the motion was unanimously approved.

7. FINAL BOND RESOLUTION relating to Airport Revenue Refunding Bonds, Series 2000. Recommendation to be made at meeting. (Action: approval or disapproval of resolution.)

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Finance Director Nathan Tubergen said there are a few unresolved issues to be worked out yet and recommended that action be delayed for two weeks to allow for further negotiations.

Councilmember Iverson moved to postpone action on this item for two weeks, seconded by Councilmember Larson. On a voice vote the motion was unanimously approved. ACTION POSTPONED TO 5/24/99.

8. DISCUSSION relating to the City of Billings Tax Increment Revolving Loan Program, modifying and renaming the program and making certain other findings related thereto. Staff recommends approval. (Action: presentation and discussion).

Finance Director Nathan Tubergen said he has been working with the Downtown Development Corporation (DDC) since July 1998 on this program. He noted that the City was concerned with several issues in the current proposal: (1) does the City have the ability to borrow money and turn around and loan it to the private sector; (2) the Revolving Loan fund is part of the Urban Renewal Plan and won't be handled as the Tax Increment Fund – which will be disbanded in 2008, when the City meets its bond obligations. This program will continue on beyond that date. (3) the banks have asked to be able to make loans up to the assets of the Revolving Loan Fund, which currently \$1.6 Million.

Mark Burnham of US Bank said the Downtown Development Corporation (DDC) is proposing to expand the existing loan program. Doing so would do a number of things – create and retain jobs, new and rehabilitated housing and commercial development, reduction in vacancy, increase taxable value in the downtown, increase pedestrian activity in the downtown, etc. Mr. Burnham said the program would be implemented loaning to qualified borrowers. Borrowers must be credit worthy, the projects must be economically viable, no loan would be given for over \$250,000 or up to 10% of a project, the maximum term of the loan would be 20 years, the banks would participate with the Revolving Fund on a dollar-for-dollar basis, each loan would be personally guaranteed and have adequate collateral. Mr. Burnham said the City would have no risk over and above the assets pledged by the Revolving Loan Fund. The DDC staff will underwrite and review for the loan committee. That committee will make formal recommendations to the City and council will have final approval on the loan.

The banks will annually review the loan rate to the City. Initially it would be set at 5% and would be adjusted annually, depending on market conditions. The City can then turn around and loan that money to applicants at 1% above the rate they are charged. Mr. Burnham said it is their hope the proposed program will accomplish the following: recreate and revitalize the Revolving Loan Fund; expand the eligible uses of the plan; expand the amounts of funding available for lending; allow the DDC to perform more of the loan underwriting, better publicize the availability of the program, increase investment in the downtown, and allow the banks to participate in the community reinvestment through community development loans in the downtown area.

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Councilmember Kennedy asked what the length of this agreement would be. Mr. Burnham said the initial agreement would have a 3-5 year term, then be reviewed annually after that. Councilmember Kennedy said the makeup of the loan committee is a concern to him, noting that a downtown property owner needed to be a member. Mr. Burnham said Steve Corning is a member of the DDC and is a downtown property owner. Councilmember Kennedy asked if the property owner membership on the loan committee language could be included. Mr. Burnham said it could.

Councilmember Deisz asked for a clarification of the membership of the loan committee. He understood the membership to comprise the following: existing members – a banker, Mr. McCandless (DDC) and one city representative (Finance Director). He asked if the Downtown Billings Partnership has reviewed the resolution or ordinance. Mr. Burnham said they have reviewed the preliminary information, but not the ordinance. Councilmember Deisz asked who is going to receive and review all the applications. Mr. Burnham said the loan committee will receive all applications and review them with the City. Councilmember Deisz asked if there is a review process for an applicant that is turned down. Mr. Burnham said they could set up a formal denial process or appeal process, noting they didn't envision the need for it, but it could be set up if the Council desired to have such a process. Councilmember Deisz asked how this new program will be utilized and promoted differently than over the past ten years. Mr. Burnham said the program was not actively promoted in the past. They will utilize the DDC and the members of the Partnership to actively solicit applications. Councilmember Deisz said he had the same concern Councilmember Kennedy had – did the downtown property owners buy into the program and where is their representation on the loan committee. Mr. Burnham said the downtown property owners have bought into the program. They have reviewed the work program and the downtown Revolving Loan Fund Program document.

Councilmember Iverson asked if the loan procedure would be the same as currently in place. Mr. Tubergen said the final decision would be up to the Council. Detailed procedures will be worked out with Mr. McCandless of the DDC. He said basically the applicant will apply with the DDC, then the application will go through the loan committee for review and recommendation, then to City Council for approval.

Councilmember Deisz asked about the City's liability, since it will be in second place on the loans behind the banks. Mr. Tubergen said there is some risk – up to the value of the Revolving Loan Fund assets of \$1.6 Million. He noted that backup security for the loans will be critical. Councilmember Larson emphasized that the ordinance calls for the loans to be secured with collateral, so it is not an unsecured loan situation.

9. FIRST READING ORDINANCE imposing a moratorium on enforcement of recreational vehicle storage/use ordinance, and setting a public hearing date. (Action: approval or disapproval of ordinance on first reading.)

Councilmember Iverson moved for no moratorium on RV parking/storage

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enforcement, seconded by Councilmember Kennedy. Council Elison said the options presented are not appropriate ones because the only option in the moratorium is to basically stop enforcing the entire ordinance for the entire summer period. He didn't think that was acceptable, nor was complete abandonment. "I don't think our current, detailed ordinance is a solution either... I go back to the simple idea of 'KISS' – keep it simple. Why do we need to define things so dramatically? A very simple ordinance would be possible simply saying that the storage of trailers and recreational vehicles is allowed, providing they meet building setbacks appropriate to that property. Building setbacks are designed to keep things off the street, to protect the boundary between two adjacent property owners, to provide that what you are doing on your property is not directly influencing what the neighbor can do on their property. I think it handles a lot of our problems," he stated.

Councilmember Johnson said he agreed with Councilmember Elison. This is an important consideration by both owners and non-owners of RVs. He noted that he thought the feelings were split about 50/50 on this issue. He favored the motion on the floor to reject the moratorium. He urged staff to work with citizens this summer to see what can be done as a follow-up of the 1997 efforts.

Councilmember Deisz said the community is divided on this issue. He was concerned about equal enforcement of the law. He agreed there should not be a moratorium, safety issues should be enforced and the council should amend the existing ordinance, to enforce safety issues and setbacks.

Councilmember Larson said he is against a moratorium and believed the current ordinance should be enforced. But he wanted to see a commitment to review the current RV ordinance and get away from the issue of new or attractive RVs, etc. and get down to the issue of safety. He said the community needs to buy into and support the regulations, so a public hearing is needed. Some common ground between strict regulations and liberal rules needs to be found. He noted that a moratorium would not accomplish this.

On a voice vote, the motion for no moratorium was unanimously approved.

Councilmember Johnson moved to leave the regulations as presently constituted, with enforcement of current standards to be continued this summer and direct staff to work with the community, come back to the council within 6 months with improved and/or additional standards, seconded by Councilmember McDermott.

Councilmember Elison said it is too late. "We don't want to go through another summer with the same ordinance in place and the same fight going on. We've been doing this for years. We need to fix the ordinance. We need to do something about it and not 6 months from now. Staff doesn't want to go out and deal with the population because they are getting hammered the same way we are getting hammered... They cannot come back to us with a consensus of what the law should be... We have to take the bull by the horns and write an ordinance. Saying we are going to put it off another summer season, during which the RV parking issue becomes a major issue, is to avoid the problem. I think we need to have options and a new ordinance ASAP," he stated.

Planning Director Kerwin Jensen said it would take in excess of 30 days, by the time the ordinance went through first and second readings and the notice period. He said that unless there is involvement in the process by members of both sides of the issue in the community, there would be just as many people upset by the new ordinance as the current ordinance. Mr. Jensen said it is important to continue enforcing the regulations because there won't be any new regulations in place by this summer. He reminded the council that this is the same process that former Community Services Director Fred Alley went through in 1997, when the regulations were modified and made less stringent.

Councilmember McDanel said it was his guess that the Planning Department could meet with members of both sides of the issue until "the proverbial cows come home" and still not reach consensus. He agreed that it is time for the council to stand up, make a decision on the issue and move forward it. Councilmember McDanel made a substitute motion to direct staff to prepare an ordinance and come back to council in 60 days, seconded by Councilmember Deisz. Councilmember Elison said it all comes back to the fact that the existing regulations are too specific. Councilmember Elison made a substitute motion to include a revision to Section 27-601(c) to read as follows: Storage of trailers and recreational vehicles. Snowmobiles, boats, or other recreational vehicles and campers, camper trailers or motor homes, and utility/sport trailers ~~whose manufacturers specifications do not exceed eight (8) feet in width and twenty seven (27) feet in length~~ shall be parked or stored as follows: (1) on private property, providing they meet building setbacks appropriate to that property, deleting the current (1) and (2)(a) and (2)(b) and (2)(c) and make the new (2) the unit shall not be parked any nearer than five feet from any door, window, or other opening of a dwelling which provides light, air, entrance to, or exit from the dwelling as needed to preserve the health, safety, and general welfare of the occupants of the dwelling; and delete the current (2)(d), directing staff to prepare the ordinance as proposed, the legal department would review it for legal purposes and the Planning Department would review it for enforceability and to report back to council in 2 weeks, seconded by Councilmember Deisz. On a voice vote, the substitute motion was unanimously approved.

10. DISCUSSION on moratorium on billboards within Billings City limits. (Johnson/Tooley). (Action: discussion and direction to staff).

Councilmember Johnson said this issue is one of national concern. It is a concern of the council's in large part of the West End Master Plan that is being developed and the letter from John Eisen of JGA Architects, who are working on this Plan. The number of permits has increased dramatically over the last year. Former City Administrator Mark Watson in his exit interview with The Billing Gazette said the council, more than anything else, "make some decisions on values... One of the biggest decisions is they will be figuring out how best to preserve the natural beauty in the valley." Councilmember Johnson said Mr. Watson also spoke of the need to control growth, preserve natural resources and protect the Rims. "To live in a community, we all need to give up some of

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the rights to preserve what we are all proud of,” quoted Councilmember Johnson of Mr. Watson’s comments. He noted that he recognizes that billboard are an important issue related to the development of a west end plan, to the transportation plan, to a strategic plan, etc. He referred the council to some photos of new billboards that have been erected in the City, noting they are getting bigger and more plentiful in the areas where they are presently allowed. Councilmember Johnson asked the council to consider a moratorium on billboards during the time the West End Plan is developed, thereby providing time for the Council to review the current regulations concerning billboards in the City, especially in terms of overall size, height, distance apart, number of billboards, etc. He noted he did not suggest a ban at this time, but suggested perhaps a time would come when existing billboards would be amortized out.

Councilmember Johnson moved for approval of a temporary moratorium on construction/permitting of new billboards until the West End Plan is completed and accepted by the council, seconded by Kennedy. Councilmember Kennedy asked if this moratorium would constitute an emergency, thereby any permits “in the hopper” could be in jeopardy. City Attorney Brent Brooks said a public hearing and an ordinance would be required to effect the moratorium. Councilmember Kennedy asked what happens between now and the public hearing – fair game for billboards, under current regulations. Mr. Brooks said that was correct. The ordinance imposing the moratorium could be effective immediately upon passage, but not until the ordinance process was completed.

Councilmember McDanel asked what action the council could take this evening that would have some “stopping power” for permitting additional billboards. He asked if there was a change in procedure that could be effected or makes the ordinance retroactive. Mr. Brooks replied that a moratorium couldn’t be enacted this evening. He said the ordinance can be amended from what it is currently stated, but requires the full ordinance process. He advised against changing the process in order to slow permits up, “you are treating prospective permit applicants differently than past permit applicants. I would not feel comfortable defending the City Council’s position on that matter... You would be creating some serious legal difficulties for the City, if now we are suddenly enacting a different administrative process,” he stated.

Councilmember Larson made a substitute motion to direct staff to prepare an ordinance imposing a moratorium on billboards within city limits and setting in motion the public hearing, seconded by Councilmember Elison. Councilmember Larson said he is hearing a lot of support for the council taking aggressive action on this issue. He said council would get an opportunity with the public hearing to get a strong sense of where the community is at on this issue.

Councilmember Deisz reminded the council that the new sign code had not been adopted after eight (8) drafts and two (2) years of participation by citizens. “I resent the fact that you tell us that we have to give us our rights to live in this valley and that this is not anti-business. It is anti-business; it is anti-sign business... There are many businesses in Billings and sign businesses that do not own the billboards, but do make

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their living by putting up the billboards, so you are affecting more than just the people who own the billboards...," he stated. He said if the council chooses to revisit the sign code, then do it. But to impose a moratorium is sidestepping the real issue and hurting businesses in the process.

Councilmember Johnson said he felt the substitute motion is very much like the intent of the original motion and he urged the council to support it. Councilmember Kennedy said this is an example of another one of his frustrations with this Council – the tendency to legislate on the floor. "We try to make changes here in the middle of a session. I realize there are concerns... I think most businesses want to see some regulation or some agreement to operate in, so they know the boundaries... We don't have boundaries and I just want you to know it will be a long process. I expect that we get a fair hearing, not just one slant. Last time, it was slanted from the industry and it was a very painful public hearing," he stated. He urged the council to not back down this time. On a voice vote on the substitute motion, the motion was approved. Councilmember Deisz voted "no".

11. DECISION on Consultant for City Administrator Search process. (Action: direction to search committee.)

Councilmember Kennedy, Chair of the Administrator Search Committee, said the committee (Councilmembers McDermott, McDanel, Larson and Kennedy), met last week and came up with a revised scope of work to submit to the consulting firms that submitted original proposals to assist in the search process. The new proposals should be based on the revised scope of work:

- Advertising the position
- Screening Candidates resumes
- Preliminary Reference Checks on up to 20 candidates and intensive reference checks on the top 5 or more candidates
- Describe each finalists' areas of expertise
- Coordinate finalists' interviews
- Advise and assist with negotiations

Councilmember Kennedy said it is the committee's intent to have a list of all of the qualities the council feels the new Administrator should have. From those, a list of 5 top qualities will be devised by consensus at the Agenda meeting next Monday. Also at that meeting, the committee hopes to recommend a search consultant to the council for approval.

Councilmember McDanel clarified that the intense reference checks on the top 5 finalists would be on the five finalists selected by the council, not the consultant. Councilmember Kennedy said he will be contacting the consultant firms tomorrow and present them with the new scope of services. Councilmember Deisz said the council shouldn't be that concerned with the cost of the search for a new Administrator. The position is the CEO position of a \$120 Million corporation. "I am disappointed that we are

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going back to the firm idea, after this council unanimously decided that we were going to do this search ourselves. I have a question for everyone on the council tonight – what are you exactly going to tell the firm we are looking for? To my way of thinking, this whole process is backwards. We have a person that is running the ship right now... I don't know what the rush is. I think we need to get our ducks in a row before we submit this to a firm," he stated.

Councilmember Larson said the point of the scope of services is because the firms submitted a wide variety of proposals to assist in the search process. Because they are not uniform, it is difficult to compare them. The scope of services the committee put together is the minimum amount of services that would be required from the firm, submitted in a uniform manner so that the proposals can be compared. He reminded the council that the emphasis in the scope of services is that the successful proposer would be working "with" the council, not "for" the council in the search process.

Councilmember McDanel said the committee is asking for consensus, compromise, "head nodding", etc. from the council regarding "is this the list of things you want Councilmember Kennedy to call these companies with tomorrow, and tell them 'this is the new scope of work', and we need that direction from this council." Councilmember Kennedy moved for approval of the proposed scope of services, seconded by Councilmember McDanel. On a voice vote, the motion was unanimously approved.

ADJOURN – With all business complete, the Mayor adjourned the meeting at 9:10 p.m.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AE CITY CLERK