

REGULAR MEETING OF THE BILLINGS CITY COUNCIL
February 22, 2010

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 Thomas Hanel called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Mayor Hanel gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle, Clark.

MINUTES: February 8, 2010, approved as distributed.

COURTESIES: Councilmember Astle was presented a Skyview cap from Police Chief St. John.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek advised the City had not received signed documents from Morningside Homeowners' Association and asked that Item F be postponed for two weeks.
- Ms. Volek referenced Item M and the list of names of the remaining appointees to the Distracted Driving Ad-Hoc Committee that was on Council's desk that evening. Ms. Volek listed the proposed names as follows: Councilmember Gaghen, who would serve as Chairperson; Councilmember Clark; Timothy J. Beeter of Farmers Insurance; Dr. Michael Dennis of Riverstone Health; Charlie Reed of School District #2; Jake Wilson, student representative from Senior High; Dan Carter and Tyler Harris of MSU-B; and Patricia Fain and Roger Janssen, public representatives. Ms. Volek advised the member of the cellular telephone industry who had been nominated had withdrawn his application so an additional applicant would be brought to Council for approval on March 8, 2010. She stated the names of those nominated were also in the ex-parte notebook in the back of the room for public view.
- Ms. Volek reminded Council of the Executive Session on pending litigation that would be held in the City Hall Conference Room following the regular meeting.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 ONLY.
Speaker sign-in required. (Please sign up on the clipboard located at the back of the Council Chambers. 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.)

The Public Comment period was opened.

- **Monty Patterson, 1202 Bench Boulevard**, said he was the Compliance Officer for the Plumbers & Pipefitters Union. He said he had solicited the City's help in getting Conoco to release information on the tank fire. He said the public and his workers were pleased with the released information, and thanked Mayor Hanel, Councilmember Pitman, and Assistant Administrator Bruce McCandless for their quick response to his request.

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

1. CONSENT AGENDA

A. Mayor Hanel recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1	Terry Madtson	Board of Adjustments	02/22/10	12/31/13
2.	Neil Kiner	Board of Adjustments	02/22/10	12/31/13
3.	Thomas Dennis	Board of Appeals - Plumber	02/22/10	12/31/13
4.	No Applicants	Board of Appeals - Architect	02/22/10	12/31/13
5.	No Applicants	Board of Appeals - Electrical Contractor	02/22/10	12/31/13
6.	Tarey Lyn Mayn	Board of Ethics	02/22/10	12/31/13
7.	No Applicants	Community Development Board	02/22/10	12/31/13
8.	Curtis Haney	Exchange City Golf Corporation	02/22/10	12/31/11
9.	No Applicants	Housing Authority - Resident Commissioner	02/22/10	12/31/13
10.	No Applicants	Human Relations Board	02/22/10	12/31/13
11.	Stephen Marsh	Human Relations Board	02/22/10	12/31/10
12.	No Applicants	Human Relations Board	02/22/10	12/31/10
13.	Bernard Rose	Library Board	02/22/10	12/31/13
14.	No Applicants	Mayor's Commission on Homelessness	02/22/10	01/31/13
15.	No Applicants	Parking Board	02/22/10	12/31/13
16.	No Applicants	Tourism BID Board	02/22/10	06/30/10
17.	Dan Wagner	Zoning Commission	02/22/10	12/31/11

- 11. Unexpired term of Gregory Kohn
- 12. Unexpired term of Everall Fox
- 14. Unexpired term of Patrick Chappel
- 16. Unexpired term of Linda Gallagher
- 17. Unexpired term of Michael Larson

B. Bid Awards:

- 1. Chemicals– Polyaluminum Hydroxychloride (PACL) for Water Treatment Plant.** (Opened 2/9/10) Recommend delay of award until March 8, 2010.

- 2. Primary Digester Boiler Replacement at Wastewater Plant.** (Opened 2/9/10) Recommend Rolin Adkins High-Tec Boilermakers, Inc.; \$108,830.
- 3. Passenger Facility Charge Funded Gate B4 Concrete Ramp Project.** (Opened 2/9/10) Recommend Knife River Construction; \$577,407.20.
- C. Recommendation of Approval** of the Blue Creek Transportation Study to the Policy Coordinating Committee.
- D. Amendment A,** State Historic Preservation Office (SHPO) Preserve America Grant, extending the grant deadline to May 31, 2010, to allow an additional 2 months to complete the National Register Nomination for the Old Town Historic District.
- E. Amendment #12,** Contract for Engineering Services for Passenger Facility Charge (PFC) Projects - Taxiway A South Rehabilitation, Vehicle Access Road Improvements, and Gate B4-PCC Ramp; Morrison-Maierle, Inc.; \$332,909.
- F. Easement** with Morningside Homeowners' Association for the move of Alkali Creek and stabilization of Alkali Creek Road; \$127,480.50.
- G. Acceptance of Donation** to the Police Department from the Sam's Club Foundation to help fund School Resource Officer training, \$2,500.
- H. Approval of Grant Application Requests** to submit MDT TransADE application for \$100,000; MDT 5317 New Freedom application for \$65,000; and MDT Section 5316 Job Access Reverse Commute (JARC) application for \$150,000, for paratransit operating assistance; and **Acceptance** of grant awards.
- I. Approval of Grant Application Request** to submit 2010 Internet Crimes Against Children (ICAC) operational continuation application for \$220,782; and **Acceptance** of grant award.
- J. Approval of Grant Application Request** to submit application to the State Coal Board for funding of the 25th Street Pedestrian Bridge over the Montana Rail Link tracks to connect Montana Avenue in the historic district of downtown Billings with the Minnesota Avenue Old Town Neighborhood District; \$100,000.
- K. Approval of Applications for State Revolving Fund Loans** for Wastewater Improvements - \$3,500,000 and Water Improvements - \$3,500,000.
- L. Subordination of Housing Rehabilitation Loan** for Housing Development Associates for the Eighth Avenue Apartments, \$1,357,500.
- M. Approval** of Distracted Driving Prevention Ad-Hoc Advisory Committee Members and **extension** of the committee's reporting date to City Council to May 24, 2010.

- N. **Approval** of (1) proposed lot line adjustments to create two new parcels and a new certificate of survey on the city-owned Briarwood Sewer Lift Station site; (2) utility right-of-way easements with Montana Dakota Utilities and Yellowstone Valley Electric Co-op; and, (3) **Resolution of Intent #10-18913** to sell one of the parcels and setting a public hearing for March 22, 2010.
- O. **Second/Final Reading Ordinance #10-5504** changing the name of the Public Utilities Board to the Public Works Board.
- P. **Resolution #10-18914** adopting a "Recommended Fund and Working Capital Balances Policy" and a "Fund Balance Policy for the General Fund."
- Q. **Resolution #10-18915** authorizing the sale of \$232,000 in bonds to finance remaining costs related to SID 1389, Clubhouse Way Improvements.
- R. **Bills and Payroll:**
 - 1. January 22, 2010
 - 2. January 29, 2010

Councilmember Cimmino separated Items R1 and R2. City Administrator Volek reminded Council that staff recommended separating Item F. Councilmember McCall moved for approval of the Consent Agenda, excluding Item F to be postponed for two weeks, and Items R1 and R2, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino noted for the record that she was abstaining from voting on R1 and R2 due to possible conflicts of interest with Check #s 728831 and 728995. Councilmember Pitman moved for approval of Item R1, seconded by Councilmember Gaghen. On a voice vote, the motion was approved 10 to 0. Councilmember Pitman moved for approval of Item R2, seconded by Councilmember Ruegamer. On a voice vote, the motion was approved 10 to 0.

Councilmember McCall moved to remove Item F from the agenda and postpone action for two weeks, seconded by Councilmember Pitman. Councilmember Pitman asked if the agreement was in place, and if the City was just waiting on a signature. Ms. Volek advised that was correct. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE AMENDING THE BMCC BY ADDING CHAPTER 28, ARTICLES 28-100 THROUGH 28-700, CONTAINING SECTIONS 28-101 THROUGH 28-715, REGULATING THE CITY'S STORMWATER COLLECTION SYSTEM THROUGH THE DEVELOPMENT OF A STORMWATER MANAGEMENT PROGRAM; INCLUDING ISSUANCE AND ENFORCEMENT OF PRIVATE AND PUBLIC CONSTRUCTION STORM WATER POLLUTION PREVENTION PLANS TO ADDRESS CONSTRUCTION SITE STORMWATER, ENFORCEMENT OF ADOPTED BEST MANAGEMENT PRACTICE (BMP)

CONSTRUCTION STANDARDS, ENFORCEMENT OF POST CONSTRUCTION STORMWATER BMP MAINTENANCE, AND THE DETECTION AND ELIMINATION OF ILLICIT DISCHARGES. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Boris Krizek, Environmental Engineer, provided a brief overview of the intent and purpose of the ordinance. He said the ordinance was drafted to give the City the authority to enforce requirements of the State of Montana and to be in compliance with the Federal Clean Water Act. Mr. Krizek said one of the main purposes of the ordinance was to minimize non-stormwater discharges into the storm drain system and to minimize pollutants in the stormwater discharges. He said it would also establish legal authority to conduct inspections, surveillance, monitoring and enforcement procedures to address illicit discharges and connections to the City's stormwater system, as well as establish legal authority to develop and enforce a program to reduce pollutants from construction activities including redevelopment and post development sites. He said it would also provide an equitable distribution of costs for the program. Mr. Krizek advised staff would be proposing a stormwater fee schedule at a later date.

Mayor Hanel asked if violations would be heard through the municipal infraction court. Mr. Krizek advised not at this time because it was a federal program, and a violation would be considered a criminal offense. He said they were still looking at whether the code court would work with the stormwater program, which may require modified language in the ordinance at a later date.

Councilmember McFadden asked if passing the ordinance would save taxpayer money in the future. Mr. Krizek advised the City would be in compliance, which would save the City money. Councilmember Ulledalen clarified that this item had been discussed in length at a work session, and it was being done in anticipation of increased federal regulations. Public Works Director Dave Mumford advised if they could control the illicit discharges and the people dumping things they should not be dumping, the City's cost and responsibility to clean up the stormwater before it went into the river should be considerably less. He said Mr. Krizek was working on ways to mitigate what was going into the system.

Mayor Hanel asked Mr. Krizek to explain how these requirements came about. Mr. Krizek advised the EPA's Clean Water Act was amended in 1987 to address stormwater issues nationwide, and it was determined that pollution from municipalities was significant to watersheds and federal and state water bodies. He said, as a result, the EPA pushed forward the amendments, which resulted in the state drafting a general permit in 2003. Mr. Krizek said it was all based on pollution prevention and Best Management Practices to mitigate the problems. City Administrator Volek advised staff was continuing to work with the congressional delegation staff to provide them with information on the program with the hope staff could bring to Council at a future work session recognition of the impact and the discussion of what, if anything, the City could do about it.

Councilmember Ronquillo asked Mr. Mumford if the City was still considering holding its toxic waste roundup more than once a year. Mr. Mumford advised they were requesting just over \$100,000 in the upcoming Solid Waste budget for 2011 to construct a permanent hazardous waste site where people could dispose of hazardous materials all year long.

Councilmember McFadden said he had seen storm drain grates marked and labeled with “No Dumping, Goes Straight to the River” or pictures of fish and asked if there were plans to mark more drains and let people know what not to put down the drains. Mr. Krizek advised there had been two labeling programs; one in the downtown area and one in the Heights area that were both done as Eagle Scout projects. He said public outreach, participation, and education were another part of the program; and they would continue with the labeling.

Councilmember Clark asked if staff would have the authority to confront or inspect illegal hook-ups to the storm sewers. Mr. Krizek said there were illicit connections to the system that were done years ago. He said it would give them the authority to go on-site and rectify the problems.

The public hearing was opened.

- **Joe White, Billings, MT**, said he was concerned with the City’s stormwater runoff, pollution, and disease. He said a full-scale study was needed on pollution and disease. He said he could hardly walk through the streets because of pollution. He said it was good to clean up the ditches to control the disease in the City.

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

Councilmember Ruegamer moved for approval of Item 2, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING FOR ALTERNATIVES TO THE SKATE PARK RESTROOM PROJECT. STAFF RECOMMENDS INSTALLATION OF A PRE-CAST CONCRETE RESTROOM CONTAINING SEPARATE MALE AND FEMALE RESTROOMS AND THE INSTALLATION OF THE NECESSARY PUBLIC UTILITIES INCLUDING WATER, SEWER, ELECTRICAL AND RE-CONFIGURATION OF THE IRRIGATION SYSTEM AND INSTALLATION OF A CONNECTING SIDEWALK. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Jon Thompson, City Parks Superintendent, advised that at the February 8, 2010, meeting, Council directed staff to provide alternatives for building a restroom facility at the skatepark. Mr. Thompson gave a brief summary of the history of the skatepark explaining that when the skatepark was built in 2004, the eastern half of the property remained undeveloped because there was no money available to build restrooms or a concession area. He said once staff began looking into building a restroom facility, they looked into refurbishing the Galles building. He advised that in 2005 there was an allocation of CDBG monies for \$50,000 to go towards refurbishing the building; but once the project was started, it was determined that \$50,000 would not be enough, so another allocation of CDBG monies in the amount of \$30,000 was received in 2006. He said there was also \$50,000 in park improvement bond issue dollars remaining from a 2002 project that was added, for a total of \$130,000. Mr. Thompson advised that it was determined that the Galles Building was in very bad condition, and \$130,000 was still

not enough to renovate it. He said in 2008 staff asked Council to re-allocate the monies to build a restroom on the skatepark site.

Mr. Thompson began his PowerPoint presentation explaining Alternatives 1 through 5, which included the pros and cons of each, the costs associated with each, photographs of restroom buildings for Alternatives 3, 4 and 5, and the proposed location on the site. His summarization of the alternatives and associated costs were as follows:

- Alternative 1 – Do not build a restroom - \$0
- Alternative 2 – Vault toilet not allowed - \$0
- Alternative 3 – Two-room pre-cast concrete restroom - \$84,860 (may be less)
- Alternative 4 – One-room pre-cast concrete restroom - \$71,065
- Alternative 5 – Two-room concrete block restroom constructed on-site - \$109,771

Councilmember Ruegamer asked why an architect was needed to design a square building. Mr. Thompson said it was staff's understanding that since it was a public facility, plans would have to be submitted to the Building Department for review before a building permit could be issued and without stamped architect plans, it could not be submitted. Councilmember Ruegamer asked if they knew how many females used the park. Parks Director Mike Whitaker advised they did not have a definite number, but there were roughly 14,000 households that visited the skatepark in a six-month period. Councilmember Ruegamer asked why the porta-potty they previously had in place was legal but a vault toilet was not. Mr. Thompson said the porta-potty was considered portable, moveable, and temporary.

City Administrator Volek said she wanted to note for the record that a memo from Randy Hafer of High Plains Architects had been placed on their desks that evening encouraging the Council to provide a permanent facility that was durable, vandal resistant, and fire proof; and that it connect to public water and sewer. She said Mr. Hafer advised he was not certain it would be possible to build a facility that met the listed criteria for less than what was being discussed, and it was essential that a permanent restroom be installed at the park this summer. Ms. Volek advised a copy of Mr. Hafer's memo was also in the ex-parte notebook in the back of the room.

Councilmember Gaghen responded that she had seen a lot of girls using the skatepark or watching other skateboarders. She said she felt it was important to have a facility with a separate section for each gender.

Councilmember Ronquillo said Riverstone Health was constructing a new building right across the street. He asked if they could match the design of the front of the new Riverstone Health building if Alternative 3 was chosen. Mr. Thompson said it would depend on what sort of treatment Riverstone Health used. Councilmember Ronquillo said in 2004 they thought the Galles Building would be feasible to install a concession stand and restroom; but after viewing the building, he realized it would not be cost effective, and the building would probably have to be torn down. He said he did not want the kids to have to use the restroom in the bookstore across the street.

Mayor Hanel said he also visited the Galles Building that day and, in his opinion, the building was beyond renovation. He said he spoke with a couple businesses near the skatepark about allowing the skaters to use their restrooms, and the response was not positive at all. He said none of them liked the projected costs of building a restroom,

but the appearance of that area of Billings was very important as people entered the City, and it was important to make an appropriate and professional decision.

Councilmember McFadden asked if a one-room building could be upgraded to a two-room building. Mr. Thompson said he would have to do some research, but he felt it would be costly.

Councilmember Pitman said the contingency fund was there in case costs went up, but the costs were predicted to go down. Mr. Thompson said they felt they could bring the restroom in for under the costs presented. He said the contingency fund was put in as a standard procedure in case they hit unforeseen obstacles when installing the water and sewer lines and the electrical.

The public hearing was opened.

- **Kevin Nelson, 4235 Bruce Avenue**, said if the City was going to redirect revenue away from residents with a tax increment district, this project would qualify. He said there was a park master plan in the East End TIF District. He said it was the perfect scenario for what the funds were used for – redevelopment, rehabilitation, public use, public good, water, and sewer. He said there were a lot of other places the CDBG funds could be used in other parts of the community.
- **Joe White, Billings, MT**, said he had no preference on the alternatives, but separate facilities were needed for females and males.
- **Randy Hafer, 631 North 26th**, said he worked on Minnesota Avenue. He said he felt it was absolutely critical to get the facility in place this summer. He said it had been an ongoing problem for a long time; and he felt Alternative 3 was the way to go.

Councilmember Ulledalen said there was always the assumption there was a really cheap solution hiding out there somewhere, and asked Mr. Hafer if there was one. Mr. Hafer said he would know if there was a cheap solution, and there was not one. He said there was nothing that would meet the criteria for less.

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

Councilmember McCall moved for approval of Item 3, for Alternative 3, to the Skatepark Restroom Project, seconded by Councilmember Gaghen. Councilmember Ulledalen asked Councilmember Astle if he had received any additional information on the company in Missoula who may be able to build the restroom for less money. Councilmember Astle said he called Missoula Concrete, who supposedly invented the system being talked about, and they thought they could do it cheaper; but after two weeks and multiple e-mails, he had not received a definite response from them so he could not say if they could do it cheaper.

Councilmember McFadden said he felt they needed to put in a two-room facility because in case they installed a one-room facility first and then realized it was a mistake, it would cost twice as much to upgrade to a two-room facility. He also said he

did not think the girls or moms of the skateboarders would really want to use the same facility as the males.

Councilmember Cimmino asked why an architect was necessary on a pre-fabricated building. Ms. Volek advised the recommended Alternative 3 would not need an architect. She said an architect was only required if a building was constructed from base. Ms. Cimmino asked why the hookups were so expensive when the utilities were already there. Mr. Thompson advised it was not just a matter of going in and hooking on to the water main and bringing it in. He said it would require installing a backflow preventer and water meter. He said the current backflow preventer was built undersized, so it needed replaced; the concrete pad and stand needed to be rebuilt; and then they would need to go back under ground to a 7-foot depth and bring the water to it. He said a 6-inch sewer line would be run into the site, which added cost.

Councilmember Pitman referenced the \$1000 for landscaping and said there were a lot of non-profits willing to do that type of work.

Councilmember McCall said she would definitely support the motion because in the long run it would be the wisest decision. She said she also toured the Galles Building, and it should probably be bulldozed. She said the area was being revitalized, and they needed to be cognizant of that.

Councilmember Ruegamer said he wanted to be very clear that the Subway had bent over backwards to accommodate the skateboarders and received horrible vandalism in return, so the City owed it to Subway to provide another bathroom. He said no business needed to tolerate what they have had to tolerate. Councilmember Ruegamer said he was leaning towards the uni-sex bathroom because there would only be one bathroom to wreck, and he had no doubt it would be vandalized; but he knew he was in the minority.

Mayor Hanel commented it would not be just skateboarders using the restroom, but also other members of the public.

Councilmember Ronquillo commented it was important not to block the view from First Avenue South with trees and shrubs. He said the Police Department needed a clear vision of the park when they drove by.

On a voice vote, the motion to approve Alternate 3 was unanimously approved.

4. PUBLIC HEARING CONSIDERING MOVING CITY COUNCIL WORK SESSIONS FROM THE COMMUNITY CENTER AT 360 N. 23RD STREET TO THE COUNCIL CHAMBERS. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Volek advised the item was in response to a City Council initiative. She said after speaking with the City Clerk and the Municipal Court staff, it appeared feasible to move the meetings to the chamber. She said on the third Monday of the month, Channel 7 was already televising the School District meeting, so the City meeting would move to Channel 8. She said the cost to the City would be an additional \$50 to pay for Channel 7 staffing.

The public hearing was opened.

- **Connie Wardell, 1302 24th Street West**, said there were concerns about items discussed at work sessions that were not televised because the public was

uninformed unless they came to the work sessions or read the minutes on line. She said she had seen great improvement in the Council relationships when the work sessions moved to the Community Center.

- **Kevin Nelson, 4235 Bruce Avenue**, said to exercise effective citizenship, people needed to be part of the process. He said the current work sessions did not allow citizens to be an integral part of the decision making. He said location did not make a difference to him, but he would like to see public comment taken after each agenda item instead of at the beginning of the agenda and a further explanation of each item printed on the agenda.
- **Joe White, Billings, MT**, said he preferred the Community Center because it had better air and acoustics. He said he agreed that public comment should be held after each agenda item. He said they needed better skirting on the Council tables and the seating area, and a podium with a microphone. He said the setting was more casual at the work sessions.

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

Councilmember Astle commented that everything they discussed was available on-line, at City Hall, and at the reference desk of the library. He said e-mails were also available to the public. He said he wanted to clarify that they were not hiding anything.

Councilmember Ulledalen moved for approval of Item 4 moving the Council Work Sessions to the Council Chambers so they would be televised, seconded by Councilmember Ruegamer.

Councilmember Clark said the problem televising from the Community Center was that there was no sound system. He said the Community Center was more casual, and the interaction was better. He said he did not feel they should be moved on a permanent basis. Councilmember Cimmino asked if the motion included a trial period. Councilmember Ulledalen said he did not intend that because Council could bring it up anytime. He said they were under no obligation if it did not work. Councilmember Ulledalen said there were a lot of people who regularly watched the regular council meetings. He said it would still be an informal meeting, and the only differences would be that it would be televised and be more informative. He said he did not see a good reason to not televise the work sessions.

Mayor Hanel said he had spoken with people who commented it was difficult to hear conversation in the Community Center, the lighting was not the best, and the seating arrangement was not very accommodating. He said the setting in the Chamber was very professional, and the lighting and sound system were good. Mayor Hanel said the only burdens would be a minimal cost to the City and staff having to set up and take down.

Ms. Volek suggested if the Council decided to do this on a trial basis, it would be a good idea to say for how long so the Community Center could hold the location on Monday nights in case Council decided to move back.

Councilmember McCall said she would oppose the motion. She said the good part about holding the work sessions in the chamber would be that they would be televised; but on the other hand, the Community Center was a friendlier environment and provided an easier exchange for staff, council, and the public. She said they heard

over and over from people who attended the Community Conversations that they appreciated that the Council was willing to come out of their comfort zone and seek the public's input. She said she thought the chamber provided an intimidating atmosphere and would be more rigid. She said she did not feel it was worth the trade-off, and the Community Center provided easier access.

Councilmember Ulledalen responded that if they had dozens and dozens of people showing up at the work sessions, it would be great; but they did not. He said whenever they have had significant issues, they had more people coming to the chamber than to the work sessions, so he did not feel people were intimidated by the council chamber location.

Councilmember Clark said he agreed with Mr. Nelson that public comment needed to be added after each item, especially at the work session. He said it was easier to get into the Community Center, and the parking was better. He said not one person at the task force meeting that week thought the work sessions should be moved.

Councilmember Ruegamer said he asked people who had testified at council meetings if they were intimidated. He said they told him they were not. He said he had never seen the Community Center packed.

Councilmember McCall said she agreed with Mr. Nelson and Mr. White that one minute of public comment before the work session was not enough, and a change was needed.

On a roll call vote, the motion to move the work sessions to the Council Chambers was approved 6 to 5. Councilmembers Ronquillo, Pitman, McFadden, Ruegamer, Ulledalen, and Mayor Hanel voted in favor. Councilmembers Gaghen, Cimmino, McCall, Astle, and Clark voted against.

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required.
(*Restricted to ONLY items not on this printed agenda. Please sign up on the clipboard located at the back of the Council Chambers.*)

- **Connie Wardell, 1302 24th Street West**, said when someone cared enough to come and make a comment on a consent agenda item, she felt they should have more than one minute. She said about two years ago the School District began allowing people to make their comments after the discussion or presentation. She said they were asked to sign in a head of time and specify which agenda item they wanted to comment on and when they wanted to speak.

Mayor Hanel mentioned that the timer was no longer used. He said during the comment period at the beginning of the meeting, they had been very lenient and courteous regarding the time; but an occasion could arise when the timer was necessary. Councilmember Ulledalen said there also had to be some reasonable order to the public comment periods.

- **Kevin Nelson, 4235 Bruce Avenue**, said he had three issues. (1) When the City installed the light poles on King Avenue East, they were for sodium pressure. Then Council decided to put in LED lights. Two weeks ago Dave Mumford said the LED lights were not meant to illuminate enough to meet the standard for lighting streets; but none of the fixtures were ever changed on King Avenue East to accommodate LED lighting. Mr. Nelson asked if the lighting on King Avenue

East was now substandard. (2) Mr. Nelson said in Helena on Friday the Cities of Billings, Great Falls, and Missoula made a presentation to the Revenue and Transportation Committee because they were concerned about the indirect costs being charged back by DOT on road projects. He said Mr. Lynch commented that this year their indirect costs back to the Cities would be approximately 13.67. Mr. Nelson said the cities were incurring upon their own people in administering SID's and proposed asking DOT to do the entire project for them to eliminate all the indirect costs. (3) Mr. Nelson said when he came to the meeting that evening, he crossed the railroad tracks and the red arms were down. He said the train had passed, and people were walking around the arms and across the tracks. He said he remembered hearing there would be some type of safety barrier so people could not go around so something had gone amiss with the plan.

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

COUNCIL INITIATIVES

- **Clark:** Moved to allow the public to testify after discussion of each work session agenda item beginning with the March 1st work session, seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **Clark:** Moved to use contingency funds to pay the Little League's \$11,000 water connection fee for the new ballpark and place the item on the next Council agenda, seconded by Councilmember McFadden. The motion passed 10 to 0. Councilmember McCall recused herself from the vote because of her husband's involvement with the Little League.

ADJOURN - The Business Session ended at 8:31 p.m., and Council moved to the scheduled Executive Session, which adjourned at 10:19 p.m.

City of Billings

By: _____
Thomas W. Hanel, Mayor

ATTEST:

By: _____
Cari Martin, City Clerk