

REGULAR MEETING OF THE BILLINGS CITY COUNCIL
February 28, 2011

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, and Clark.

MINUTES: February 14, 2011 – Councilmember Cimmino moved for approval, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Councilmember Cimmino presented Councilmember Ruegamer with a University of Montana Grizzlies blanket in honor of his 70th birthday.
- Mayor Hanel wished Councilmember Ronquillo and his wife a happy anniversary.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK: None

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 and #2 ONLY.
Speaker sign-in required. (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. For Items not on this agenda, public comment will be taken at the end of the agenda.)

The public comment period was opened.

- **Nash Emrich, 230 Avenue C, Billings, MT**, spoke on Agenda Item I. Mr. Emrich said he was the president of BikeNet and thanked Council for considering BikeNet's donation.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, spoke on Agenda Item B1. Mr. Nelson asked if the milling machine had been purchased and if it would be used for the project. Public Works Director Dave Mumford advised the machine was on order but would not be delivered until mid-summer and would not be part of the project.
- **Roger Huebner, 304 Eastlake Circle, Billings, MT**, spoke on Agenda Item D. Mr. Huebner said he was a citizen of Billings and a partner in the local office of Eide Bailly. He asked Council to consider that Eide Bailly had a local presence in Billings with 70 employees who lived and spent their hard-earned money in Billings and who gave back to the community by contributing their time and

expertise to a variety of organizations. He said Eide Bailly had served as the City's audit firm for the last several years and during that time they had always stuck to their original bid even when the scope of the audit changed. Mr. Huebner said the current length of the proposed bid was six years, which was much longer than the norm for governmental audits that normally ran for two to three years. He said six years was a long time to exclude local talent from participating in local work.

Councilmember Pitman asked Mr. Huebner how long their contracts with the City had been. Mr. Huebner answered the last contract was for three years.

City Administrator Volek said Eide Bailly had been the City's auditor for eight years. She said the last contract was for five years, and the prior contract was for three years. She said it was considered good practice in local government auditing to change auditors periodically because auditing firms each looked at things in different ways. Ms. Volek mentioned last year the audit was led by an individual from Denver and not from the Billings Eide Bailly office. She said the difference in prices submitted was approximately \$26,000.

Mayor Hanel advised the contract was put out as a Request for Proposals (RFP) and did not display any disappointment or dissatisfaction in service received by Eide Bailly. Ms. Volek advised an RFP was based on the response first and when there were similar responses the sealed envelopes with pricing were opened.

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:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Robert Pumphrey	Animal Control Board	02/28/11	12/31/12
2	No Applications	Board of Adjustments	02/28/11	12/31/13
3	No Applications	Board of Adjustments	02/28/11	12/31/13
4	No Applications	Board of Appeals - Architect	02/28/11	12/31/13
5	No Applications	Board of Appeals - Electrical	02/28/11	12/31/13
6	No Applications	Board of Appeals	02/28/11	12/31/14
7	No Applications	Board of Appeals - At Large	02/28/11	12/31/14
8	No Applications	Board of Ethics	02/28/11	12/31/14
9	No Applications	Community Development -Low Mod	02/28/11	12/31/14
10	No Applications	Community Development - At	02/28/11	12/31/12

		Large		
11	Dr. Christian Ball	EMS Board - Billings Clinic	02/28/11	12/31/14
12	No Applications	Housing Authority Resident Comm	02/28/11	12/31/13
13	No Applications	Human Relations Commission	02/28/11	12/31/14
14	Jim Peters	Mayor's Committee on Homelessness - Librarian	02/28/11	12/31/14
15	Perry Roberts	Mayor's Committee on Homelessness - Housing	02/28/11	12/31/13
16	John Armstrong	Mayor's Committee on Homelessness - Philanthropy	02/28/11	12/31/14
17	Luke Kobold	Mayor's Committee on Homelessness - Health Care	02/28/11	12/31/14
18	No Applications	Mayor's Committee on Homelessness - Lending Industry	02/28/11	12/31/14
19	No Applications	Parking Advisory Board	02/28/11	12/31/14
20	No Applications	Parking Advisory Board	02/28/11	12/31/14
21	No Applications	City/County Planning - Ward V	02/28/11	12/31/12

1. Unexpired term of Sandy Weiss
2. Unexpired term of LaVern Bass
3. Unexpired term of Terry Madtson
10. Unexpired term of Sandy Weiss
15. Unexpired term of Patrick Chapel

B. Bid Awards:

1. **W.O. 11-03, 2011 Street Maintenance Program, City Overlay.** (Opened 2/15/11). Recommend Riverside Contracting; \$881,913.17.
2. **W.O. 08-27, Solid Waste Landfill Phase 2 Closure** (Opened 2/15/2011); Recommend COP Construction; \$576,320.

C. Professional Services Contract with Farr Associates for development of a form-based code for the East Billings Urban Renewal District; \$49,000.

D. Audit Services Contract with JCCS for a six-year term (FY 2011-2016); \$368,000.

- E. Approval** of Limited Commercial Aviation Building and Ground Lease with Jack Bolme; 1/1/2011-12/31/2016; \$33,010.80 first year revenue with the rate adjusted annually according to Consumer Price Index for All Urban Consumers.
- F. W.O. 10-03, 32nd Street West and Broadwater Avenue Improvements**
Right-of-Way Acquisition: Parcel 1: Portion of Tract 2, Certificate of Survey 1161 (113 SF); Apostles Evangelical Lutheran Church, \$847.50.
- G. Street Closures:**
- 1. St. Patrick's Day Parade and Street Fair**, March 12, 2011. Parade: assemble 8:00 a.m., begin 11:00 a.m. - noon, established downtown parade route; Street Fair: 10:00 a.m. to 2 p.m., North Broadway between 1st and 3rd Avenues North.
 - 2. Yellowstone Rimrunners Shamrock Run**, March 13, 2011, 11:30 a.m. to 1:45 p.m., beginning at 3rd Street West and Avenue B, north onto 3rd Street West, west onto Parkhill to Nordbye, turning around going east on Parkhill, right on 3rd Street West, ending at Pioneer Park.
 - 3. Hope 2 One Life, Inc. World Water Day Walk**, March 19, 2011, 7:30 a.m. to 1:00 p.m. beginning at the MSU-Billings Campus; 1-mile walk will remain on campus, 5K walk will proceed west on Marbara Lane to Virginia Lane; north on Virginia Lane; west on Park Lane; south on Highwood Dr.; east on Woodland Dr.; north on Raymond Place; east on Highland Park; north on Virginia Lane; east on Marbara Lane; through the campus using the tunnel at 27th Street to Mountain View Blvd.; south on 27th Street; and end at the MSU-B Campus.
- H. Authorization** to purchase three paratransit vans from Harlows Bus Sales, Inc. under the multi-year van replacement program approved by Council on 2/8/2010, for a total of \$231,090.96.
- I. Acceptance** of \$64,000 donation from BikeNet to help finance the 25th Street Pedestrian Bridge (\$25,000); the Broadwater Trail Connection (\$35,000); and design and engineering of a short section of trail north of Airport Road through Swords Park tying into Alkali Creek Road and Airport Road bike/pedestrian underpasses (\$4,000).
- J. Grant Application Request** to submit 2011 Internet Crimes Against Children (ICAC) operational continuation application for \$225,253 and accept award.
- K. Approval of Resolution #11-19031** creating a 3-Member Council Subcommittee on State Legislation consisting of Mayor Hanel, Deputy Mayor Ulledalen, and Councilmember McCall.

L. Grant Application Request to submit Misdemeanor Probation Domestic Violence Grant application for \$62,862 and accept award; required City of Billings match - approximately \$18,000 (hard match-\$1,600; soft match-\$16,400)

M. Second/final reading ordinance #11-5530 expanding Ward I (Annexation #11-01) for the south 310 feet of Lot 24, Sugar Subdivision located at 766 Calhoun Lane. Almon R. Blain, Jr., owner.

N. Bills and Payroll:

1. January 28, 2011
2. February 4, 2011
3. May 1, 2010 to December 31, 2010 - Municipal Court

Councilmember Ruegamer separated Agenda Item D, and Councilmember Cimmino separated Agenda Items F, N1 and N2.

Councilmember Astle moved for approval of the Consent Agenda with the exception of Items D, F, N1 and N2, seconded by Councilmember Pitman.

Councilmember Clark referenced Item 1A and said they needed to make the public aware there were still vacancies on many of the City's boards and commissions.

Councilmember Ruegamer referenced Item D and asked Financial Services Manager Pat Weber if the price could go up if the scope changed and if it was something they needed to worry about. Mr. Weber advised one never knew what governmental accounting standard regulations would do. He said if regulations changed in the middle of a contract in all fairness to the other party, the City would re-negotiate because it was nothing the other party would have had control over. Councilmember Ruegamer asked if Eide Bailly had ever wanted to re-negotiate their contract. Mr. Weber said Eide Bailly always charged the City what they originally said they would charge. Councilmember Ruegamer asked if the \$26,000 difference was over five or six years. Mr. Weber advised it was over 6 years.

Mayor Hanel referenced Item L and asked Police Chief St. John if they were still within the time frame to submit the application since the staff report indicated the application deadline was February 18, 2011. Chief St. John advised the paperwork had already been sent in with the understanding it needed Council approval to move forward. He said they were well within the guidelines.

On a voice vote, the motion was unanimously approved.

Councilmember Ruegamer moved for approval of Item D, seconded by Councilmember Astle.

Councilmember Pitman made a substitute motion to base the contract on a 3-year term.

City Administrator Volek advised the price was contingent on a 6-year contract and changing the length of the contract would require re-negotiation so they would probably need to go out with a new RFP.

Councilmember Cimmino seconded the substitute motion and said according to the staff report, the state limited the contracts for three years and asked for clarification.

Mr. Weber said the last contract was a 3-year contract with a 2-year extension that needed to go back to Council for approval. He said currently he was asking for 6 years, which included a 3-year contract that the state allowed and then a 3-year extension that could be signed by the Mayor and did not need to be brought back for Council approval. Mr. Weber said he was bypassing the second step in the process by allowing the Mayor to sign the extension without Council approval. He said he spoke with several firms who said part of their bidding was based on a 6-year contract, so if they changed the contract to three years, he would need to go back out with another RFP in fairness to all who submitted a proposal.

Councilmember Gaghen said she saw it as a cost savings to use an extension, and felt it only practical to go with the recommended contract.

Councilmember Cimmino said she specifically remembered one of the reasons they wanted to go with three years was to have a "pair of fresh eyes", so with the extension of three years, they would have the "same pair of eyes" for six years. Mr. Weber advised they had the "same pair of eyes" for the past eight years.

Councilmember Clark asked how they could circumvent state law. Mr. Weber said they were not circumventing the law. He said basically they were saying it was a 3-year contract with a 3-year extension signed by the Mayor and the extension would not be required to go back to the Council. He said previously they had a 3-year contract with a 2-year extension and the extension was required to go back to the Council for approval. Mr. Weber said he was trying to make one less decision for Council and less paperwork for himself.

Councilmember Ruegamer said he would like to keep Eide Bailly because they had done a great job, but the bottom line was they had received a lower bid and he did not see how they could circumvent that process.

Mr. Weber agreed that Eide Bailly had been a great partner with the City and staff had nothing but good to say about them, but unfortunately the RFP process came out the way it did.

Councilmember Pitman withdrew his substitute motion. Councilmember Cimmino, who seconded the substitute motion, was in agreement with the withdrawal.

Councilmember Cimmino made a substitute motion to approve the contract for three years, but have the 3-year extension come back to Council for review, seconded by Councilmember Pitman.

Councilmember Gaghen said she would need clarity whether the bid given for a 6-year term would still be upheld and if they were bound to comply with their original bid. She said the longer term would have been considered when giving their prices. Mr. Weber said the RFP was not written for a 3-year contract with a 3-year option. He said he could go back out with an RFP for a 3-year contract with a 3-year option, but part of the reasons for the pricing was they knew they would not have to do another proposal in three years and incur additional costs.

Councilmember Ulledalen said it was also a staffing issue, because they had to hire people to be available from a business standpoint to do the work.

Councilmember Pitman asked if it would bind a future council. Attorney Brooks said all contracts would bind future councils. He said the difference of opinion appeared

to him to be whether to have a 3-year contract with a 3-year extension given to the same company or a 3-year contract with a 3-year extension going back to Council to determine which company they wanted for the additional three years. He said if that was correct, staff would need to go back out with a new RFP.

On a roll call vote, the substitute motion failed 7 to 4. Councilmembers Ronquillo, Gaghen, Ruegamer, McCall, Ulledalen, Astle, and Mayor Hanel voted in opposition to the substitute motion. Councilmembers Pitman, Cimmino, McFadden, and Clark voted in favor of the substitute motion.

On a voice vote, the original motion was approved 8 to 3. Councilmembers Cimmino, Pitman, and Clark voted 'no'.

Councilmember Cimmino referenced Item F and said on Page 1 in Subsection 8 of the right-of-way agreement, it indicated it was to construct Aronson Avenue and it should say 32nd Street and Broadwater. Mr. Mumford advised he would have it corrected. Councilmember Cimmino moved for approval with the correction of the street language, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

Councilmember Cimmino referenced Items N1 and N2 and said she would be abstaining from two invoices, #741140 and #741349, due to her employment.

Councilmember Pitman moved for approval of Items N1 and N2, seconded by Councilmember Ruegamer. On a voice vote, the motion was approved 10 to 0.

REGULAR AGENDA:

2. RESOLUTION #11-19032 granting preliminary approval for issuance of revenue bonds to finance the costs of acquisition, construction and installation of energy efficiency improvements at Rocky Mountain College, and setting a public hearing date of March 28, 2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised there was no staff presentation, but staff was available to answer questions.

Councilmember Clark moved for approval, seconded by Councilmember Astle.

Councilmember Ruegamer asked, for the sake of clarity, if they were the same thing as industrial development revenue bonds. Assistant City Administrator Bruce McCandless advised they were the successor of industrial revenue bonds and were limited obligations. He said the security provided for the bond holders was provided by the borrower, which was Rocky Mountain College.

On a voice vote, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION #11-19033 approving and adopting Second Quarter Budget Amendments for FY2010/2011. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Tina Volek advised there was no staff presentation, but staff was available to answer questions.

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

Councilmember Gaghen moved for approval of Item 3, seconded by Councilmember Ronquillo.

Councilmember Pitman referenced Fund 211, Street and Traffic Fund, and asked Mr. Mumford to explain the \$96,000 and what it went for. Mr. Mumford said there were two contracts and they had currently only used half for \$47,000. He said the contracts were with Knife River and CMG. He said Knife River was used to remove the snow from the sidewalks and haul the snow from Main Street and CMG assisted with the snow removal in the residential neighborhoods.

City Administrator Volek referenced the second item on the list from Fund 202. She said there were protested taxes in the tax increment district downtown that previously sunsetted, and they would be paying out the protest that was settled to the County, which would be redistributed to the various entities, including the County and the City. She said staff would be proposing that the \$60,000 it would be receiving be used for the match approved earlier with the BikeNet donation.

Councilmember Pitman referenced Fund 211 and asked if it would put in the budget as a plan. Ms. Volek said she thought it would be part of the plan for next year. She said since the contracts were each under \$50,000 they were within the signing authority Council had designated to the City Administrator, so she signed them and Council was notified.

On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #872: A zone change from Residential 7000 to Residential Professional on two parcels of land described as Lot 1A and Lot 1B of Rush Acreage Tracts Subdivision located at 1910 and 1918 Shiloh Road. Billings Urban Fire Service Area (BUFSA), owner; Dan Schwarz, Deputy County Attorney, representative. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

Zoning Coordinator Nicole Cromwell began her PowerPoint presentation showing the zoning map of the subject property and surrounding properties, as well as photographs. She said the parcels were acquired prior to the City's plan to build and staff a fire station at 54th Street West and Grand Avenue and the thought had been that the County and BUFSA would assist the City by providing the land and another fire station would be built at that location. She said when Shiloh Road was redesigned and constructed, there was not a full opening onto Shiloh Road so the land was currently surplus county property. Ms. Cromwell noted the Zoning Commission had conducted a public hearing on February 1, 2011, and was forwarding a recommendation of approval based on the following 12 criteria for zone changes:

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following goals of the Growth Policy:
• Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)

The proposed zoning would permit the existing residential use to continue and would allow the property to be developed for office space or community service businesses

with increased site design standards dictated by the Shiloh Corridor Overlay District. Surrounding land uses are compatible with the proposed zoning.

- More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)

The proposed zoning will permit office space or service businesses along the west side of Shiloh Road, which will provide more business choices within the surrounding neighborhood.

- Coordinated economic development efforts that target business recruitment, retention, and expansion. (Economic Development Goal, page 6)

The proposed zoning will encourage new businesses along the west side of Shiloh Road and allow a transition to residential development to the north and west.

2. Is the new zoning designed to lessen congestion in the streets?

There should be no immediate effect on traffic congestion. The existing dwelling likely generates between 10 and 15 vehicle trips per day and the owner is not proposing any change in the near future. Any future development for commercial purposes will require a traffic impact analysis. The access points have been designated by a 2002 subdivision approval. New accesses will need to be fully reviewed to ensure future traffic is mitigated to the extent practicable.

3. Will the new zoning secure safety from fire, panic and other dangers?

The subject property is currently serviced by all city services including police and fire. There should be no effect on these services.

4. Will the new zoning promote health and general welfare?

The proposed zoning would permit the dwelling to continue and would allow the owner to market the property for commercial development. Increased residential use of the property is not likely given the frontage on an arterial street. The County intends to offer the property for sale if the zoning is approved.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning prevent overcrowding of land?

The proposed zoning, like all zoning districts, contains limitations on the maximum percentage of the lot area that can be covered with structures. The proposed RP zone allows 50% lot coverage and the current R-70 zone allows up to 30% lot coverage. The proposed RP zone requires a 10 foot side setback – the current R-70 requires a 5-foot side setback. The RP zone does not require a rear setback unless adjacent to a residential zone. Any building in an RP zone that shares a boundary with a residential

zone will require a minimum 15-foot setback. In this situation, a 15 foot setback from the north, west and south property lines would be required for structures on the subject property.

7. Will the new zoning avoid undue concentration of population?

The new zoning does avoid undue concentration of population. The existing zoning, R-70, allows single family dwellings on lots of at least 7,000 square feet and duplex dwellings on lots of at least 9,600 square feet. This lot could accommodate up to 7 single family homes or 5 duplexes. The proposed zoning of RP allows single family dwellings only and could accommodate up to 9 single family dwellings. Residential uses do not include service businesses such as assisted living or similar facilities. The new zoning should avoid undue concentration of population.

8. Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?

Transportation: The proposed zoning may have some impact on the surrounding streets, and a traffic impact study will be required depending on the commercial development that is built on the property in the future.

Water and Sewer: The City will be able to provide water and sewer to the property through existing lines.

Schools and Parks: There should be no impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by city fire and police. There should be no impact to these services from the new zoning.

9. Does the new zoning give reasonable consideration to the character of the district?

The proposed zoning will allow the existing single-family dwelling to remain on the property until it is redeveloped for commercial uses. The adjacent lots have been developed or will be developed for assisted living facilities. Office uses allowed in the RP zone as well as community services is in character with the existing development.

10. Does the new zoning give consideration to peculiar suitability of the property for particular uses?

The subject property is suitable for the requested zoning district. The location is on an arterial street between major intersections. The new zoning allows the existing residential use to continue.

11. Was the new zoning adopted with a view to conserving the value of buildings?

Surrounding residential property to the north and west exhibits higher taxable land value. The existing dwelling, constructed in 1903, although rated in average condition, will likely need future investment to maintain the quality of the structure. The new zoning

will allow the owner to consider future redevelopment of the property.

12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?

The proposed zoning will permit the current development to continue and could allow future development for commercial uses. This is the most appropriate use of the lot.

Mayor Hanel asked if there was any opposition at the Zoning Commission public hearing. Ms. Cromwell said there was not.

The public hearing was opened.

- **Daniel L. Schwarz, no address given**, said he was the Chief Deputy County Attorney for the Civil Division in Yellowstone County. He said a neighborhood meeting was held and they received no negative comments. He said they felt it would serve to be a very good buffer with regard to the special review, which surrounded that type of zoning, and the more high density development to the south. He said the County would auction the property and in order to maximize the return to the BUFSA residents they owed a fiduciary duty to, they were seeking the zone change to maximize the value of the property.
- **Commissioner Bill Kennedy, no address given**, asked the Council to approve the zone change.

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

Councilmember Astle moved for approval of Item 4, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

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

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT**, referenced documents from the last meeting regarding General Fund projections for FY12-16, Police and Fire. He said taxes were fairly flat with very small increases but the revenue side for licenses and permits showed an increase of almost \$500,000 and charges for services showed an increase of almost \$500,000. He said expenditures showed salaries and benefits going from \$6.5 million in 2012 to almost \$8 million in 2016. Mr. Nelson said Police salaries were going from \$14,600,000 to \$17,700,000, which was almost a \$3 million increase in four years. He said Fire salaries were going from \$12.6 million to \$15.3 million. He asked if the City was really ready to move salaries forward at a 6% and 7% rate each year and then ask the residents to pay higher license and permit fees and additional charges for services. He

said he wondered if the City would be overburdening the taxpayers. He said he felt there was a lot of turmoil all over, and he did not know if the money would be there.

Mayor Hanel told Mr. Nelson it would be very helpful if he would submit his questions in advance to allow Council and staff to be prepared to answer his questions.

- **Joe White, Billings, MT**, asked for the status of damages to be awarded to him for \$2 million and \$1 million. He said he had a room full of children that needed to be kept alive. He said he turned on CNN and the president of the World Bank specifically brought up his case and said the United States was not going the way he expected. He said he invited a phone call (inaudible) and specifically mentioned Mr. White's father's work concerning Indians in this area (the remainder of Mr. White's testimony was inaudible.)
- **Kelly McCann, no address given**, said he was chairman for the St. Patrick's Day parade and asked if this was the time to comment on Item G1. Mayor Hanel advised the opportunity had already passed but asked Mr. McCann to continue. Mr. McCann extended a thank you to the Council and Ms. Volek for their continued support of the event and thanked Councilmember McFadden for his ongoing support on behalf of the Irish American population of Billings.

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

COUNCIL INITIATIVES

- **Councilmember Ruegamer**: MOVED to ask staff to bring forth the advisability of taking all of the parking meters out of downtown and making it all 2-hour parking, seconded by Councilmember Pitman. Councilmember Ruegamer said he did not want a study because a study had already been done. He said he received a call from one of the County Commissioners who was in Naperville, IL, who said Naperville had removed all of their parking meters from downtown allowing no parking before 9:00 a.m. and allowing 2-hour parking after 9:00 a.m. Councilmember Ruegamer said it would help with snow removal and he really wanted to see the revenues, expenses, and net income that was generated by the parking meters. He said he would be happy to hear the Parking Board's opinions on it.

City Administrator Volek advised that Mr. McCandless attended the Parking Board meetings, and he told her they had already been discussing it.

Councilmember Gaghen said there was also some conversation amongst the downtown business community of having parking limited during the evening hours for snow removal purposes.

Councilmember Ruegamer said there was no sense in duplicating the effort and withdrew his motion. Councilmember Pitman, who seconded the motion, was in agreement.

- **Councilmember McCall**: Said she felt Mr. Nelson had reasonable questions about the General Fund and Safety Fund projections and said she would

appreciate a response and the rationale for it at the next work session or regular council meeting.

- **Councilmember Ulledalen:** Said, after looking at the General Fund projections for five years, he would like Mr. Weber to go back to the spreadsheet and show which departments the deficits hit. He said he was just talking about the General Fund. Ms. Volek advised she used a very conservative 1% growth in property value for next year in the calculations, and they would certainly go back and provide the basis for the decisions on the recommendations for the revenue items. She said they were anticipating the continual rise in health insurance costs which made up the majority of the two public safety issues. She said the General Fund was Parks and Recreation, Municipal Court, Public Safety Funds, Council, Administration, and Code Enforcement. Ms. Volek advised the remaining departments had always balanced their own revenues against expenditures and would continue to do so.
- **Councilmember Astle:** MOVED to direct legal staff to provide an opinion on withholding NorthWestern Energy's payments for non-compliance with their contract. He said there were banks of streetlights on 1st Avenue North that were not being maintained. The motion was seconded by Councilmember Ulledalen. On a voice vote, the motion was unanimously approved.
- **Councilmember Ulledalen:** Said he had a clarification from the presentation at the work session by the Parks Board. He said he spoke with Richard DeVore, and the existing park maintenance districts (PMD) raised approximately \$700,000. He said the initial thought was to do away with the existing park maintenance districts and roll them into the levy. He said currently one of the proposals they planned to bring forward was the idea of leaving the existing park maintenance districts in place and levying \$1 million on everyone else. He said at \$2 million it would have been around \$25 to \$30 a year on a \$200,000 house so on \$1 million it would be about half that and if there was already a park maintenance district, it would stay in place. City Administrator Volek said she had asked the Parks Department to look at another alternative and provide her with the cost of basic park improvements because there were three or four parks in the community that had more than the basic park improvements. She said SID's would not be touched but they would consider a base park fee that would look at the basic PMD and relieve the PMD property owners from all of them. She said the three or four neighborhoods contracted with a higher level of park improvements would make up the difference and probably still pay less in overall costs. She said some parks just had a sidewalk, grass and trees, and some parks were extraordinarily developed, which raised a reasonable question about whether it was fair to relieve those neighborhoods of their entire burden when they had agreed to develop a more advanced, well-developed park.
- **Councilmember Ronquillo:** MOVED to have staff provide a breakdown on how much vandalism occurred in each of the city parks and the cost the City incurred to repair the vandalism. He said if they planned to do a park maintenance fee, the people should know how much damage was occurring in the parks. He said if people knew how much money was being spent on vandalism, there might be 'more eyes' on the street and people would call in and report vandalism.

Councilmember Ulledalen seconded the motion. On a voice vote, the motion was unanimously approved.

- **Mayor Hanel:** Said he would like to recognize City Clerk Cari Martin. He said through budgetary matters, the City was less one position in administration. He said some of the council meetings went quite long requiring a lot of recording and transcription, which put an extra burden on Ms. Martin. He said he would like to recognize Ms. Martin on behalf of the Council for her work. City Administrator Volek advised there had been a part-time deputy city clerk but the individual had assumed a full-time position with the City so as a cost-saving measure, Ms. Martin volunteered not to fill the position and see how it worked. She said Ms. Martin would now be attending all council meetings, and it would eliminate the need, they hoped, for one person. Ms. Volek said she felt it was also due in large part to the fact that Ms. Martin implemented the computerized agenda, which had saved hundreds if not thousands of hours in copying and costs.

There was no further business, and the meeting adjourned at 7:43 p.m.



CITY OF BILLINGS

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk