

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

December 12, 2016

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

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark and Brown.

MINUTES: November 14, 2016 – Councilmember Yakawich moved for approval, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

November 28, 2016 - Councilmember Brewster, in regards to Item 5, requested that a sentence be added regarding his request for scheduled inspections at regular intervals to ensure field maintenance. Councilmember Brewster moved for approval, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Mayor Hanel welcomed Mark "Curley" Helmbrecht from the Billings Road Dogs. Mr. Helmbrecht stated that the Road Dog organization had recently completed its 32nd Annual Toy Run and had raised over \$50,000 worth of toys for local children. Mayor Hanel thanked the organization for their hard work and effort for the community. Mr. Helmbrecht presented Mayor Hanel with a Road Dog Toy Run t-shirt.
- Chief Dextras stated that active shooter situations were becoming more common in the United States. He stated that Fire Departments and EMS personal could become more aggressive in entering a "warm zone" to assist patients that might be impacted during the situation. Chief Dextras stated that the Fire Department had received a grant from Phillips 66 that allowed the department to purchase helmets and vests. He added that Phillips 66 had been very supportive and an important part in the purchase. Chief Dextras and Lieutenant Cady thanked Phillips 66 for their generous donations. Chief Dextras stated that Phillips 66 worked very closely with the City. He stated the donation of helmets and vests would allow the Fire Department to respond at the appropriate time during an active shooter incident to help the Police Department and could help save lives. Chief Dextras stated that Phillips 66 had also donated an inflatable fire safety house that would help teach children about fire safety and how to get out of a house safely during a fire. Chief Dextras and Lieutenant Cady presented Ray Rigidon and Ryan Wegner a plaque honoring their generosity and continued support. Lieutenant Cady stated that Phillips 66 truly cared about the community. He stated that due to the grant, the Police Department would be able to train the Fire Department how to safely enter a "warm or active zone" and help treat patients. He stated that this response could save lives. Mr. Rigidon stated that Phillips 66 loved to invest in the communities that they worked and lived in. He stated that through education, environmental causes and safety they were working to help improve the community.

PROCLAMATIONS:

- There were no proclamations.

ADMINISTRATOR REPORTS - TINA VOLEK

- Ms. Volek did not have any items to discuss for the Administrator report.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 3, 4 & 5 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign in at the cart located at the back of the council chambers or 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.

- **Leif Welhaven, 4637 Neibauer Road, Billings, Montana**, in reference to Item 3, stated that he would like to see the Council come together collectively and endorse ACT.
- **Tom Day, 1250 Poly Drive, Billings, Montana**, in reference to Item 3, stated that he had seen ACT work in other areas and encouraged Council to support the ACT Initiative.
- **Tyler Crennon, 2601 Patricia Lane, Billings, Montana**, in reference to Item 3, stated that he believed ACT would support bringing local talent to Billings. He added that it would boost the City's tourism industry. He stated that 69% of local businesses favored the local option tax.
- **Mike Nelson, 19 N. Broadway, Billings, Montana**, in reference to Item 3, stated that he was in favor of ACT and would like to see Council support it.
- **Kelly McCandless, 532 Republic Avenue, Billings, Montana**, in reference to Item 3, stated that she was involved in marketing the community as a tourist destination. She stated that tourists were using the City's services and not paying for them. She stated that ACT offered the opportunity to shift some of the funding burden off of taxpayers. She encouraged Council to support ACT.
- **Emily Petroff, 1085 Backbay Drive, Billings, Montana**, in reference to Item 3, stated that ACT would allow communities to address their needs as identified by the citizens. She stated that business owners were challenged with finding good employees and ACT could help keep kids and future employees here in the City.
- **Paul Foster, 3099 Thousand Oaks, Billings, Montana**, in reference to Item 3, stated that he endorsed ACT, which would allow communities to address their needs, as identified by the citizens. He stated that he was seeking to hire world class staff and he urged Council to endorse the ACT Initiative.
- **Bob Wilmouth, 40 Heatherwood Lane, Billings, Montana**, in reference to Item 3, stated that he was looking for a way to get Rocky Mountain College to go from good to great. He stated that the ACT Initiative would help the City to go from good to great.

- **Bill Cole, 3733 Tommy Armour Circle, Billings, Montana**, in reference to Item 3, stated that the local option tax would allow development of regional parks, rivers, downtown, etc. He stated that development took many dollars and ACT could help.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, in reference to Item 4, stated that some language had been removed regarding amending the City Charter and allowing the citizens to vote. He stated that government needed to operate under the same rules as local citizens and encouraged Council to get a petition to allow any Charter changes. In reference to Item 5, he stated that materials must be in the public's hands 48 hours before making a decision. He stated that if Council made any decisions about Dehler Park it would be against state law.
- **Connie Wardell, P. O. Box 21432, Billings, Montana**, in reference to Item 5, stated that the public had not had enough time to read the materials and Council should not make a decision on the Dehler Park contract. In reference to Item 3, she stated that it would not be a good idea to endorse a bill that was not completed.
- **Lisa Harmon, Downtown Billings Alliance**, in reference to Item 3, stated that ACT was an opportunity for local leaders and citizens to come together to affect change in the City. She asked for Council's support of ACT.

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

1. CONSENT AGENDA

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

1. Approval

	Name	Board/Commission	Term	
			Begins	Ends
1	Charles Bushey	Animal Control Board	01/01/17	12/31/20
2	No Application	Animal Control Board	01/01/17	12/31/20
3	Peggie Gaghen	Aviation & Transit Board	01/01/17	12/31/20
4	Chuck Tooley	Aviation & Transit Board	01/01/17	12/31/20
5	David Hummel Jr.	Aviation & Transit Board	01/01/17	12/31/20
6	Jane Van Dyk	Bicycle & Pedestrian Advisory	01/01/17	12/31/19
7	Eddie Schmidt	Billings BID	01/01/17	12/31/20
8	Michael Tuss	Billings BID	01/01/17	12/31/20
9	Dave Hagstrom	Board of Adjustments*	01/01/17	12/31/17
10	Dave Hagstrom	Board of Appeals - Builder*	01/01/17	12/31/19
11	Edward Arnold Jr.	Board of Ethics	01/01/17	12/31/20
12	Catherine Grott	Board of Ethics	01/01/17	12/31/20
13	Rebecca Noell	Community Development	01/01/17	12/31/20
14	Joe Stockburger	Community Development-Low Mod*	01/01/17	12/31/17
15	Mike Boyett	Housing Authority	01/01/17	12/31/21

16	No Application	Housing Authority - Resident Comm*	01/01/17	12/31/17
17	No Application	Housing Authority - Resident Comm	01/01/17	12/31/18
18	Amaya Costas	Human Relations Commission*	01/01/17	12/31/19
19	Tajin Perez	Human Relations Commission*	01/01/17	12/31/19
20	Lita Pepion	Human Relations Commission	01/01/17	12/31/20
21	David Darby	Library Board*	01/01/17	12/31/18
22	Francis Morris	Parks, Recreation & Cemetery Board	01/01/17	12/31/20
23	Chuck Platt	Parks, Recreation & Cemetery Board	01/01/17	12/31/20
24	Tim Warburton	Parks, Recreation & Cemetery Board	01/01/17	12/31/20
25	Jim Ronquillo	Parks, Recreation & Cemetery Board	01/01/17	12/31/20
26	Sean Lynch	Billings Parking Board*	01/01/17	12/31/19
27	No Application	Billings Parking Board*	01/01/17	12/31/19
28	David Goodridge	Planning Board - Ward 1	01/01/17	12/31/18
29	No Application	Planning Board - Ward 2*	01/01/17	12/31/17
30	LaVerne Bass	Planning Board - Ward 3	01/01/17	12/31/18
31	Darell Tunnicliff	Planning Board - Ward 4	01/01/17	12/31/18
32	Patrick Klugman	Planning Board - Ward 5	01/01/17	12/31/18
33	Bill Enright	Public Works Board	01/01/17	12/31/20

* 9 Unexpired term of James Olson

*10 Unexpired term of vacant position

*14 Unexpired term of Michelle Zahn

*16 Unexpired term of vacant position

*18 Unexpired term of vacant position

*19 Unexpired term of vacant position

*21 Unexpired term of Jeana Lervick

*26 Unexpired term of Brian Rossiter

*27 Unexpired term of Kevin Odenthal

*29 Unexpired term of vacant position

B. Professional Services Contract for W.O. 17-06 Midland Road Improvements
engineering design and construction services; HDR Engineering, Inc.; \$706,961.

C. Approval of the proposed Exchange City Golf Corporation (ECGC) 2017 annual budget and fee structure for Par 3 Golf Course.

D. Acceptance of the Billings Library Foundation and Phillips 66 funds for the "Community Crates" project for the STEAM (Science, Technology, Engineering, Art, Math) programming at the Billings Public Library; \$22,000.

E. Resolution of Intent to issue revenue bonds for the upgrade of the wastewater treatment plant.

F. Preliminary Subsequent Minor Plat of Amended Lot 3, Block 1, Gabel Subdivision, 4th Filing, described as approximately 117,920 Square feet (2.7 acres) parcel of land generally located on the south side of Gabel Road, 1/4 mile west of South 32nd Street; Bottrell Family Investments, LP, owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

G. Final Plat Approval of Pemberton Subdivision.

H. Bills and Payroll:

1. November 7 and 9, 2016
2. November 14, 2016
3. November 21, 2016

Councilmember Brown separated Item 1H3 in order to abstain.

Councilmember Yakawich asked for clarification on the US Bank charges on Item 1H2. Ms. Volek stated that departments used bankcards to allow them to make purchases. She stated that using bankcards allowed purchases to be paid without making departments issue separate payment vouchers. She stated that department heads monitored the purchases and that using bankcards saved the City a substantial amount of money. Councilmember Sullivan asked if the City had a 3rd party software to monitor purchases. Ms. Volek stated that the City did not have software that reviewed purchases, but staff did audit the purchases.

Mayor Hanel separated Item 1A1 for discussion.

Councilmember Cimmino separated Items 1B, 1E and 1H3 in order to abstain.

Councilmember Sullivan moved for approval of the Consent Agenda, with the exceptions of Items 1A1, 1B, 1E and 1H3, seconded by Councilmember Swanson. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved for approval of Item 1H3, seconded by Councilmember Sullivan. On a voice vote, the motion was approved 9-0, with Councilmember Cimmino and Brown abstaining.

Councilmember Sullivan moved for approval of Item 1E, seconded by Councilmember Brewster. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

Councilmember Sullivan moved for approval of Item 1B, seconded by Councilmember Brewster. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

Mayor Hanel, in reference to Item 1A1, congratulated the citizens for their participation on the boards and commissions. He stated that there were over 300 volunteers that contributed their time and energy to provide their advice and recommendations. He stated that in past years, the City had been begging for volunteers but now they had enough applicants that they had to make decisions on which applicants to choose. Councilmember Yakawich moved for approval of Item 1A1, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

- 2. PUBLIC HEARING AND FIRST READING ORDINANCE** amending the boundaries of Ward V to include recently annexed property in Annexation #16-05: a 17-acre parcel of land described as Tract 3 and a portion of Tract 4 and Tract 5, Certificate of Survey 1648, located west of Shiloh Road and between Central Avenue and Bell Avenue, just west of Legends West Subdivision; Janet R. Bergman, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated that staff did not have a presentation, but was available for questions.

The public hearing was opened.

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

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

3. AUTHORIZE COMMUNITY TRANSFORMATION (ACT) INITIATIVE

- A. RECONSIDERATION** of the Motion to Table the Endorsement of the Authorize Community Transformation (ACT) Initiative. Staff recommends disapproval. (Action: approval or disapproval of staff recommendation.)

Mayor Hanel asked for clarification on voting on Item 3A. Ms. Volek stated that Council had voted to table the ACT Initiative at a previous Council meeting. She stated that in order to remove this item from the table, Council needed to vote no on Item 3A. She stated that a vote in opposition of Item 3A would allow Council to proceed to Item 3B, which would allow Council to endorse the ACT Initiative. Ms. Volek stated that an approval vote would keep the Initiative on the table. Councilmember Brewster called a point of order. He stated that Council was back to the original motion since Council had reconsidered the Motion to Table.

Ms. Volek stated that staff did not have any additional presentations, but was available to answer questions.

On a roll call vote, the motion failed 5-6, with Councilmembers Cromley, Yakawich, Cimmino, Sullivan, Swanson and Mayor Hanel voting in opposition.

B. APPROVAL to Endorse the Authorize Community Transformation (ACT) Initiative. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Ms. Volek stated that staff did not have any additional presentations, but was available to answer questions.

Councilmember Yakawich moved for approval of Item 3B, seconded by Councilmember Swanson. Councilmember Friedel stated that he was not in favor of any sales tax or taxes in general. He stated that he thought the citizens of his Ward and the citizens of Billings were overburdened with taxes. He stated that he would vote against any new taxes. Councilmember McFadden stated that he thought people in Billings, especially Ward 3, had a disdain for new taxes and have proven it with opposing votes on the past few ballots. He stated he would be voting against Item 3B. Mayor Hanel stated that he would speak in favor of the motion. He stated that he thought it was only fair to allow the citizens to speak on the issue through a ballot. He stated that this was an opportunity for citizens to decide for themselves if they would like the Initiative to pass and if it did, later decide what projects they would like to use the money towards. Councilmember Sullivan stated he was concerned about adding an incremental tax without allotting an opportunity for property tax relief. He stated that according to the City survey, 60% of people stated they approved a local option authority tax. He stated that about 1/3 of those had caveats attached to the approval. He stated that with the proper authority property taxes could be lowered. Councilmember Sullivan made an amendment to support the ACT Initiative but would like the opportunity to lower property taxes, seconded by Councilmember Cimmino. Councilmember Clark stated that he did not agree with the way ACT was set up. He stated that Council should have the authority to do an ad-hoc committee but should not be forced to do it. He added that a local option tax did not have to be approved as an endorsement of ACT, but could be voted for in Council's Legislative Priorities. He stated that he would not support ACT since it did not state exactly what would be taxed. Councilmember Swanson stated that he was in support of the ACT Initiative. Councilmember Sullivan called a point of order, stating that he had made an amendment and Council needed to discuss the amendment. Councilmember Cromley stated that he would speak against the amendment. He stated that he thought it was premature to put guidelines and restrictions on the bill. He stated that there would be a lot of great minds working on the bill for the State and they would not propose a tax that would be less than palatable by the voters. Councilmember Brown stated that he would not support the amendment either. Councilmember Yakawich stated that he would support the amendment and thought that Council needed to give the bill an opportunity. On a roll call vote, Councilmember Sullivan's amendment failed 8-3, with Councilmembers Cromley, Brewster, McFadden, Friedel, Swanson, Clark, Brown and Mayor Hanel voting in opposition.

Councilmember Clark reminded Council that they would be able to add this item to their legislative priorities. Councilmember Yakawich stated that he had not seen such a large group of people come together to promote a vision. He stated that he was in support of giving the people the opportunity to take the Initiative as far as it

would go. Councilmember Brewster stated that a resort tax would provide income tax relief as part of the law. He stated that it would also support infrastructure. He stated that ACT was a generalized tax that could not be used for police, fire or equipment and he would not be supporting it. Councilmember Cimmino asked if there had been any development in the proposed language or an identified legislative representative. Ms. Volek stated that she was not a member of the ACT Board and could not answer that question. Councilmember Cimmino asked Brent Brooks, City Attorney, if she could ask an ACT Board member a question. Mr. Brooks stated that the public comment period had been closed. Councilmember Swanson stated there was not a community in the state with a population over 5,500 that had been able to succeed with a local option tax. He stated that the resort tax had done very well for Red Lodge. Councilmember Brown stated that he was uncomfortable endorsing a bill that was undeveloped. Mayor Hanel stated he had seen the success in other communities and would support letting the citizens decide how to implement the bill.

On a roll call vote, Item 3B was approved 6-5, with Councilmembers Brewster, McFadden, Friedel, Clark and Brown voting in opposition.

4. 2017 MONTANA LEGISLATIVE PRIORITIES. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Bruce McCandless, Assistant City Administrator, began a brief PowerPoint presentation giving an overview of the policy. He stated that having Council define their priorities would help lobbyist Ed Bartlett, Councilmembers and staff to know what is generally acceptable. He reviewed the procedures utilized during the Legislative session. Mr. McCandless stated that there were over 2,000 bills being introduced to the legislative staff. He added that not all of those would be introduced as a bill, but staff would present those items to Council and ask for a stance on the items.

Councilmember Yakawich asked Mr. Bartlett for guidance on how to be more successful in getting bills passed. Mr. Bartlett stated that he attempted to do that by providing written reports to Council on a weekly basis and making bi-weekly phone calls during work session meetings. He added that Council could contact him, Ms. Volek or Mr. McCandless at any time as well. Councilmember Brewster stated that he would like to receive an email when issues about the Entitlement Program came up.

Mr. Bartlett stated that it would be a very difficult budget session and that local communities, municipalities and counties would need to be cautious about how much was taken from them. Mayor Hanel stated that Council was welcome to attend and testify if possible. Councilmember Clark asked for clarification on changes made regarding elected officials bringing forth changes to the Charter. Mr. McCandless stated that there had been changes in the election laws that occurred in 2013. He added that the change had been an inadvertent error that would be corrected in the next bill. Councilmember Cimmino asked for clarification on the City not having the ability to change the Charter, but instead needing to be petitioned by

the people. Mr. McCandless stated that a staff member had noticed two references to governing body in two different sections and thought they were repetitive, therefore, they struck one of them. He stated the one that was struck would no longer allow City Councils or County Commissioners to propose changes to their own Charter. He stated that the way it worked currently was that governing bodies could propose changes, but the changes must be approved by the voters.

Councilmember Clark moved for approval of Item 4 and added the infrastructure coalition goals as an additional legislative priority, seconded by Councilmember Cromley. On a voice vote, the motion was approved 9-2, with Councilmembers McFadden and Friedel voting in opposition.

5. APPROVAL of Facility Management, Operation and Use Agreement with Mustangs Baseball, LLC, (Dehler Park). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Councilmember Yakawich asked for clarification on a citizens' concern about the legality of making a decision on Item 5, due to the public not having sufficient notice. Mr. Brooks stated that he would recommend Council provide any changes that they would like to see made to the agreement. He stated that the agreement could be postponed until the following Council meeting when the strike through version had been submitted to staff.

Ms. Volek began a brief PowerPoint presentation, showing comparisons of teams with similar league placements. She stated that she had requested a copy from Ogden, Utah, but had not received a reply. She gave Councilmembers a handout showing a breakdown of the Pioneer League teams and various proposals. Ms. Volek gave a brief overview of the current agreement and proposed amendments.

Councilmember Cimmino stated that the park had been marketed as a multi-use park at a cost of \$12 million. She stated that corporate sponsors had stepped forward to reduce the cost of the bond by \$2 million. Ms. Volek stated that sponsors had also funded the scoreboard. Councilmember Cimmino asked how it would change if the negotiations occurred with the Ball Club and they would receive revenue on the naming rights. Ms. Volek stated that it would not take effect until the current contracts had expired. She stated that Mr. Heller, Main Street Baseball owner, indicated that the value of the field naming rights was slim without the park naming rights included. Councilmember Clark asked for clarification on how the agreement with Mr. Dehler had changed from 20 years to 25 years. Ms. Volek stated that the contract had been renegotiated in April of 2012 and included the park naming rights for the following 20 years. She added that there was a section included that discussed naming amenities. Councilmember Sullivan asked why the park naming was included in discussions if it was already handled in the contract. Ms. Volek stated that the contract had the option of two 10-year extensions.

Ms. Volek stated that the current contract went through December of 2017 and added that Mr. Heller was anxious to have a new contract before proceeding

with any improvements. She stated that Mr. Heller had agreed to increase the amount the Ball Club paid towards routine maintenance if the City would increase its contribution as well. Ms. Volek stated that staff was looking for Council recommendation on how they would like to proceed.

Councilmember Brewster asked why the rent was considered income if the rent amount was going into a capital fund. He stated that it seemed like spending authority was being limited in the agreement and asked if the money would accumulate if it was not spent. Ms. Volek stated that she had a \$25,000 limit on what she was allowed to authorize. She stated that any repairs needed, that went over that limit, would need to be approved by Council and the Ball Park Committee. Ms. Volek stated that staff had consulted Ms. McCrady at Dorsey & Whitney, and she had recommended the rent amount be \$60,000 to keep the current tax exemption status. Ms. Volek stated that Council could decide how the money could be spent and that staff was looking for guidance on how Council would like to proceed. Councilmember Brewster stated that he would like to see the amount accumulate and roll over to a different account every five years. Mayor Hanel asked if there had been a situation in the past where the money had not been available. Ms. Volek stated that there had been a \$38,000 balloon payment that was supposed to be paid and it had not been paid. Mayor Hanel stated that he wanted to stress the importance of building up a fund for maintenance issues. Councilmember Clark asked how much money was in the capital fund. Ms. Volek stated that it was in excess of \$400,000. She added that turf replacement would be needed in about two years and would cost approximately \$300,000. Councilmember Friedel stated that it was important to make sure money was available for repairs.

Councilmember Cromley asked for clarification on what areas of the park could be named. Ms. Volek stated that it had originally been called Cobb Field at Athletic Park. She stated that the field was not a part of the contract. Councilmember Cromley stated that the current contract was due to end in 2026 and Main Street Baseball would still have naming rights six years afterwards. Ms. Volek stated that staff's intent would be to have naming rights travel with the contract and would look into the matter further. Councilmember Cromley asked for clarification on if Ms. Volek had found any ball clubs that had park naming rights. Ms. Volek stated that Great Falls allowed their Ball Club to rename the stadium, but the area and grounds would remain named Legion Park. Mayor Hanel stated that the contract with the Ball Club was good for 10 years, but the name of the Park expired in 2032. He stated that there could be a different Ball Club in place by the time the current name expired. Councilmember Sullivan stated that perhaps any amenity naming would need to expire at the same time as the current contract. He added that naming rights could be more or less lucrative in 10 years. Councilmember Brown asked for clarification on the 10-year contract terminating or extending after the term had expired. Ms. Volek stated that there was an option of two additional 10-year extensions at the time of termination. Councilmember Sullivan suggested that the naming rights be left out of the current contract and be added into a contract at a later date.

Councilmember Cimmino stated that when the City had removed Athletic Pool to build Dehler Park, they had promised the citizens that they would build another swimming pool. She reminded Council of that obligation. Ms. Volek stated that the City had donated the land for the private swimming pool in the heights. She added that she had researched building an indoor pool and had extensively looked for opportunities. She stated that a pool was included in the long term parks plan. Mike Whitaker, Parks Director, stated that the Parks Department would be making a presentation to Council on January 17 regarding the long term parks plan. Councilmember Friedel stated that his main concern was the percentage the City would receive for naming rights. Councilmember Brown stated that he was concerned with potential changes in the City and thought they should worry about naming rights at a later date. Ms. Volek stated that Mr. Heller thought that the naming rights had the potential of being worth more money. She stated that she had researched naming rights percentages and had not been able to find comparable situations. Councilmember Cimmino asked for clarification on how long the agreement had been in negotiations. Ms. Volek stated that Mr. Heller had approached her with changes in December 2015.

Ms. Volek clarified that the primary changes presented by Council thus far had been legal language changes and adding members to the Ball Park committee. She asked if Council had any further amendments that they would like to see. Councilmember Brewster stated he thought it was fair for the City to try to maximize the amount it received from the naming rights. He stated that the circle track near Roundup paid \$12,500 per year in taxes to the County and the drag strip near Acton paid \$15,800 per year in taxes. He stated that \$60,000 in rent for the Ball Club was a good deal.

Ms. Volek added that First Interstate Bank paid \$15,000 for a logo on the scoreboard for the Missoula Osprey team. Councilmember Cromley stated that he thought the City needed some expert advice on the market value of the park. Councilmember Sullivan stated that he would like the City to receive one-half of the net proceeds from any marketing fees that the team may pay. Councilmember Friedel stated that he was more concerned with the percentage the City received instead of the worth of the naming rights. Councilmember Cromley stated his concern was how the contract should be negotiated. Councilmember Brown stated that he would support Councilmember Sullivan's idea of the City receiving one-half of the net proceeds from any marketing fees that the team may pay.

Councilmember Brewster gave an overview of his recommendations to include: expansion of the Committee that reviews the capital improvements, quarterly inspections and to allow rent to accumulate. Councilmember Sullivan added his recommendation that the City receive one-half of the net proceeds from any marketing fees that the team may pay.

Councilmember Yakawich asked if Council could call Mr. Roller up to the stand to ask questions. Ms. Volek reminded Council that Mr. Roller was employed by the Mustangs and not by the City of Billings, therefore, some questions may put him in an uncomfortable position with his employer. Councilmember Friedel called

the question. Councilmember Clark made a motion to postpone a decision until December 19, seconded by Councilmember Sullivan. 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 here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.)

The public comment period was opened.

Connie Wardell, P. O. Box 21432, Billings, Montana, asked if the legislative priorities information provided to Council by Mr. Bartlett was available to the public. Mayor Hanel stated that the information was provided in the Friday packet and was online as well. She stated that there was a lack of funding for the upcoming legislative session. She added that the Coal Trust Fund was an important topic to discuss. Ms. Wardell stated that she had heard people complaining about the increasing park fees.

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

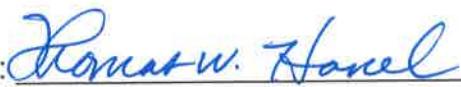
COUNCIL INITIATIVES:

There were no Council Initiatives.

There was no further business, and the meeting adjourned at 9:00 pm.

CITY OF BILLINGS



BY: 
Thomas W. Hanel, Mayor

ATTEST:

BY: 
Denise R. Bohlman, City Clerk