

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

June 11, 2007

The Billings City Council met in regular session in the Council Chambers on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Ron Tussing called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Brewster gave the invocation.

ROLL CALL – Councilmembers present were: Ronquillo, Gaghen, Stevens, Brewster, Ruegamer, Ulledalen, Boyer, Jones, Clark. Councilmember Veis was excused.

MINUTES – May 29, 2007. Pending approval. Councilmember Ulledalen asked for verification that Mayor Tussing had not recused himself from Agenda ITEM W. Mayor Tussing stated he would review his notes.

COURTESIES – None

PROCLAMATIONS - None

ADMINISTRATOR REPORTS – Tina Volek

- City Administrator Tina Volek reported that copies of five (5) exparte communications were in the binder at the back of the Council Chambers. The first item was a letter from the South Side Neighborhood Task Force concerning an agreement with Alternatives, Inc. regarding payment in lieu of taxes and allowing a member of the Southside Task Force to attend Alternatives, Inc.'s board meetings. Ms. Volek said the City was a defendant in a case that had been filed by Alternatives, Inc. in the matter, but the City had not been served to date. The second item was a revised bond sale staff report regarding ITEM 9 that Pat Weber would be presenting later that evening. The third item was a corrected budget spread sheet regarding ITEM 2. The fourth item was additional documentation regarding ITEM 1B2, which was the bid award for water and sewer replacement projects. The fifth item was a revised council memo regarding ITEM 1A, which was appointment of John Hines to the Mayor's Committee on Homelessness.
- Ms. Volek also noted an executive session regarding pending litigation would be held directly after the meeting that evening in the City Hall Conference Room.
- Ms. Volek reminded Council of the Agenda Setting Meeting Tuesday night at 5:30 p.m.
- Ms. Volek noted the regularly-scheduled Work Session for July 2, 2007, had been rescheduled for July 30, 2007.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 1 and 9 ONLY.
Speaker sign-in required. (Comments offered here are limited to 1 minute per speaker. 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.)

(*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. There were no speakers. The public comment period was closed.

CONSENT AGENDA:

1. A. Mayor's appointments:

Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	John Hines	Mayor's Committee on Homelessness	06/11/07	12/31/08

1. Unexpired term of Tim Smith (Homeless)

B. Bid Awards:

- (1) **Current Model Year Fire Apparatus.** (Opened 5/29/07)
Recommend Sutphen Corporation, \$285,936.28.
- (2) **W.O. 07-01 Water and Sewer Replacement Projects.** (Opened 5/29/07) **Schedule I:** Recommend COP Construction, \$2,088,981.40. **Schedule II:** Recommend Chief Construction, \$1,565,300.55.
- (3) **SID 1375 Claremont Road Improvements** (Opened 6/5/07)
Recommend delay of award until 6/25/07.
- (4) **SID 1377 Greenbriar Road Improvements** (Opened 6/5/07)
Recommend delay of award until 6/25/07.

C. Approval of securities pledged by Sterling Savings Bank and US Bank as collateral for certificates of deposits, MIA, and repurchase accounts.

D. Contract with Ace Electric for replacement of the Park 3 Garage control equipment, \$59,075.00.

E. Contract Amendment with Firefighters Local 521 IAFF for a 2007-2008 COLA of 3% - \$234,047.25 per year.

F. Resolution # 07-18558 closing Special Improvement/Sidewalk Bond Debt Funds to SID Revolving Fund - \$8,844.28.

G. Acceptance of Vehicle Lease Agreement with Underriner Motors for six (6) vehicles for the City County Special Investigations Unit.

H. Acceptance of Federal Aviation Administration Airport Improvement Program Grant 33.

I. Memorandum of Understanding (MOU) between the City of Billings and Billings Public Schools for two (2) middle school resource officers (7/1/07 - 6/30/08).

J. Memorandum of Understanding (MOU) between the City of Billings and Billings Public Schools for three (3) high school resource officers. (7/1/07 – 6/30/08).

K. Right-of-Way Easement with Rimrock Credit Union for Lot 4, Flanagan Subdivision.

L. W.O. 04-33: Lake Elmo Drive (Hilltop Road to Wicks Lane) Right-of-Way Acquisition:

(1) **Parcel 21:** Portions of Tracts 1 and 2 of Third Amended Plat of Certificate of Survey 239 (Siewert Acres), Jerry T. Klundt and Karen L. Klundt, \$17,912.00.

(2) **Parcel 45:** Portion of Tract 1-A, Amended Tract 1 of Certificate of Survey 332, Brad C. Hudson and Darlene A. Hudson, \$10,150.00.

(3) **Parcel 52:** Portion of Lot 22, Block 2 of Broadmoor Subdivision, Tasneem F. Khaleel and Shafiq A. Khaleel, \$8,000.00.

(4) **Parcel 54:** Portion of Lot 24, Block 2, of Broadmoor Subdivision, Tasneem F. Khaleel and Shafiq A. Khaleel, \$9,050.00.

M. Subordination of Rental Rehabilitation Loan for Diane Miller, dba Bad Osprey, Inc., \$26,855.85.

N. Street Closure: Yellowstone Health Partnership Fun Run/Walk: 8:00 a.m., June 23, 2007 – Start at S. 26th Street and 2nd Ave. S, right on S. 25th Street, right on 6th Ave. S., right on S. 37th St., right on 2nd Avenue S., right on S. 28th St., right on 9th Ave. S., right on S. 31st St. into South Park.

O. Grant Application Request to submit 2007 Commercial Equipment Direct Assistance Program (CEDAP) application and accept award, \$5,432.00.

P. Grant Application Request to submit 2007 Justice Assistance Grant (JAG) application and accept award, \$82,370.00.

Q. Second/Final reading ordinance #07-5414 for Zone Change #806: A zone change from Residential 15000 (R-150) and Residential Manufactured Home (RMH) to Entryway General Commercial (EGC) generally located on the southwest corner of King Avenue East and Orchard Lane.

R. Second/Final reading ordinance #07-5415 for Zone Change #804:A zone change from Residential Professional (RP) to Residential Multi-Family Restricted (RMF-R) on the southern 3.93 acres of Tract 1A, Certificate of Survey 2991, and located on the southeast corner of the intersection of Central Avenue and Brookshire Boulevard and addressed as 2810 Central Avenue. CBE Properties, LLC, owner.

S. Preliminary Subsequent Minor Plat of Central West Subdivision generally located on the southeast corner of the intersection of Central Avenue and Brookshire Boulevard and addressed as 2810 Central Avenue, conditional approval of the plat and adoption of the Findings of Fact.

T. Preliminary Plat of Riverfront Pointe Subdivision, Amended, generally located on the east side of Mullowney Lane, south of Frontier Drive, conditional approval of the plat and adoption of the Findings of Fact.

U. Cancellation of checks and warrants, \$26,285.04.

V. Bills and payroll.

- (1) May 11, 2007
- (2) May 18, 2007

(Action: approval or disapproval of Consent Agenda)

There were no separations. Councilmember Gaghen moved for approval of the Consent Agenda, seconded by Councilmember Ronquillo. There was no discussion. On a voice vote, the Consent Agenda was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION approving and adopting the FY 2007-2008 Budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Pat Weber, Financial Services Manager, referenced the budget spreadsheet the Councilmembers received that evening and gave a brief PowerPoint presentation. Mr. Weber stated the City was not successful at awarding a contract this year for the \$11 million ball field, so the money would be re-budgeted for next year.

Mr. Weber stated FY08 revenues for all funds totaled \$217,083,673, and referenced the breakdown of the different revenue sources. He reviewed revenue comparisons of all funds from FY05 to FY08; revenues of the six major funds - Airport, Solid Waste, Wastewater, Water, Public Safety, and General Fund; and proposed taxes/fee changes for water and wastewater rate increases, street maintenance fees, storm sewer fees, individual PMD rate changes, and individual SLMD rate changes.

Mr. Weber stated the expenditures for all funds totaled \$231,483,397, which included Debt Service, Capital, Operation and Maintenance, Personal Services, and Interfund Transfers. He reviewed the expenditure comparisons of all funds from FY05 to

FY08 and expenditures of the six major funds - Airport, Solid Waste, Wastewater, Water, Public Safety, and General Fund.

Mr. Weber said there would be a total of 20 new staffing positions added - Police (2), Animal Shelter (1), Fire (3), Water/Wastewater (5), Solid Waste (5), Airport (3), and Information Technology (1); and two staffing positions eliminated - Code Enforcement (1) and Street/Traffic (1). Also referenced in Mr. Weber's presentation were the major CIP projects, which included an emergency generator for the airport terminal; airfield paving; terminal improvement projects; Aronson Avenue extension; Rimrock Road reconstruction; Zone 4 water reservoir; and the Downtown Transfer Center.

Mr. Weber stated the revenues for the General Fund totaled \$28,726,715, and the expenditures totaled \$29,927,150. He said the City would be spending some reserves, due to the advance for the new fire station. Mr. Weber pointed out the revenues for the Public Safety Fund totaled \$30,220,579, and expenditures totaled \$30,371,892. He said the largest expenditure in the Public Safety Fund was for personal services, which included salaries and benefits.

Councilmember Stevens asked Mr. Weber to e-mail his budget presentation to the Councilmembers.

Mayor Tussing advised people in the audience and those viewing from home that even though Mr. Weber's presentation was brief, the Council had attended five previous budget sessions and had spent a tremendous amount of time reviewing the budget. He said they have had presentations from all City departments and have asked a lot of questions.

City Administrator Volek stated the public hearing had been advertised and must be held. She said at the conclusion of the public hearing, the Council may vote to adopt the budget or postpone adoption until June 25, 2007. She said the new budget year would begin on July 1, 2007, and good fiscal practice would be to adopt the budget prior to that date. She said if the Council would like to have additional discussion on the budget, there would be an opportunity at the June 18th Work Session.

Councilmember Ullidalen asked if Mr. Weber's presentation reflected the final state entitlement numbers. Ms. Volek said it did, and the increase was approximately 4%. Mr. Weber stated the spreadsheet also included the additions and expenditures.

Mayor Tussing stated there was a representative present from every city department if there were any questions.

The public hearing was opened. There were no speakers. The public hearing was closed.

Councilmember Ronquillo moved to approve the FY2008 budget, seconded by Councilmember Ruegamer.

Councilmember Clark made a substitute motion to delay approval of the budget until the June 25th meeting to allow further discussion at the June 18th Work Session, seconded by Councilmember Stevens.

Councilmember Clark stated he felt there were areas of the budget that required further discussion, specifically the area pertaining to the City Council.

Councilmember Brewster said he would like to receive a narrative from Staff on the reasons the reserves needed to be used. He said when the Public Safety Levy was proposed, he was under the impression the City would have five to six years of adequate revenues.

Ms. Volek addressed Councilmember Brewster's question by stating there had been a planned use of reserves, and more information would be provided at the Work Session on June 18th.

On a voice vote, the substitute motion to postpone the vote on the budget until June 25th was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION setting FY 2008 mill levy rates for the Transit Operating Fund, Library Operating Fund, and Public Safety I Fund. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) City Administrator Volek advised that the General Fund had been inadvertently omitted from the listing but that it was included in the staff report and resolution. Ms. Volek stated all of the funds had remained at the same level since 2001, and the General Fund had been capped by the City Charter.

There was no staff presentation. Councilmember Clark asked if the item could be postponed until June 25th. Mr. Weber said it could and advised that all of the levies were set by the Charter. Councilmember Clark said he thought Councilmember Veis had additional questions that needed answered.

Ms. Volek said Mr. McCandless had addressed Councilmember Veis's questions in a memo that was in the Friday packet. She said Mr. Cochrane was in the audience to answer any questions, and Staff would be prepared to review the items on June 18th, if necessary.

The public hearing was opened. There were no speakers. The public hearing was closed.

Councilmember Clark moved to postpone voting on ITEM 3 until June 25, 2007, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND RESOLUTIONS setting annual FY 2008 assessments for the Business Improvement District-Resolution #07-18565; Park Maintenance Districts-Resolution #07-18559; Light Maintenance Districts-Resolution #07-18560; Fire Hydrant Maintenance-Resolution #07-18561; Street Maintenance-Resolution #07-18562; Residential/Commercial Collection, Disposal, and Landfill Fees-Resolution #07-18566; Storm Sewer-Resolution #07-18563; and Arterial Construction-Resolution #07-18564. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed.

Councilmember Jones moved for approval of the Staff recommendation, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE(S) #CC07-02: (1) a variance from the Site Development Ordinance Section 6-1208(h)(2) allowing driveway widths greater than 24 feet in a multifamily-zoned district; and (2) a variance from the Site Development Ordinance Section 6-1208(j)(2) allowing curb cuts serving the same property to be separated by less than 25 feet of full

height curb. Regal Land Development, Inc., Developer. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed.

Councilmember Boyer moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

6. PUBLIC HEARING AND RESOLUTION #07-18567 vacating an undeveloped portion of Moose Hollow Lane located in Aspen Gateway Subdivision, 2nd Filing, at no cost to the developer. Lloyd Detienne, Developer/Owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) There was no Staff presentation. Ms. Volek stated the property was originally donated to the City by Mr. Detienne and was being vacated to allow Mr. Detienne to re-subdivide his property.

Councilmember Brewster asked for the location of Moose Hollow Lane. The location was confirmed as being located near the former Heights K-Mart.

The public hearing was opened. There were no speakers. The public hearing was closed.

Councilmember Ulledalen moved for approval of the Staff recommendation, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously approved.

7. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annex #07-08: an approximate 4.27 acre parcel legally described as Tract 3, Certificate of Survey 2298, located in Section 4, Township 1S, Range 25E. Hope Evangelical Church, Owner. Benjamin Gonzales, Agent. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) There was no Staff presentation. The public hearing was opened. There were no speakers. The public hearing was closed.

Councilmember Ruegamer moved for approval of the Staff recommendation, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

8. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward I to include recently annexed property in Annex #07-09: an approximate 14.08 acre parcel located at the southeast intersection of King Avenue East and Calhoun Lane. Miller Trois, LLC, owner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) There was no Staff presentation. Ms. Volek noted that the recommended approvals on ITEMS 7 and 8 were incorrectly presented as conditional.

The public hearing was opened. There were no speakers. The public hearing was closed.

Councilmember Brewster moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

9. SALE OF BONDS totaling \$12,500,000 for the purpose of paying the costs of designing, constructing, and equipping the new baseball stadium relating to previously approved \$10,700,000 General Obligation Bonds Series 2007A and \$1,800,000 General Obligation Bonds Series 2007B. (Opened 6/11/07)

Recommendation to be made at meeting. Resolution # 07-18568. Ms. Volek announced the City had received excellent bids. She explained the \$10.7 million in General Obligation Bonds, Series 2007A, would be repaid by the voters over a 20-year period, and the \$1.8 million in General Obligation Bonds, Series 2007B, would be repaid over a period of three to ten years by the donors to the ballpark project. Ms. Volek said the donors would make donations totaling \$2.5 million; but because the City needed the funds upfront to build the stadium, there would be interest to pay. She said the \$2.5 million would become \$1.8 million once the interest was deducted and the time value line was taken into consideration.

Councilmember Brewster asked if it would be based on a 10-year payback, and if the interest would be reduced if it was paid back in three years. Mr. Weber advised a 10-year bond could not be called for six years. Ms. Volek added some of the donations would be made over a 3-year period. Mr. Weber said the money must be left in the Debt Service Fund. Councilmember Brewster asked if the accrued interest would be used on the line item budget for the project, and Mr. Weber said the accrued interest had already been calculated into his figures.

Councilmember Ulledalen asked Mr. Weber if everyone had gotten the bonds insured. Mr. Weber said not everyone bid them insured.

Mr. Weber explained there was a bond rating call with Moody's last Wednesday. He said they received an A rating. Mr. Weber said there were nine bidders on the larger issue and five on the smaller issue. The interest rate for the \$10.7 million was 4.4567%, and the interest rate for the \$1.8 million was 4.1828%. He said the interest rates were very good. Mr. Weber said they are recommending Stifel Nicolaus & Company for the \$10.7 million issue, and RBC Capital Markets for the \$1.8 million issue.

Councilmember Ulledalen pointed out that even though the bonds received an A rating, because the bonds were bid insured, the bonds would hit the market with an AAA rating. He said that was part of the reason for the lower interest rate.

Councilmember Ruegamer asked for an explanation of the term 'insured'. Mr. Weber replied the bidders had an opportunity to buy insurance at their own cost. He said the insurance was a safety factor in case the City would default on the bonds. Councilmember Ulledalen said he was surprised that insurance was purchased on General Obligation Bonds that already had excellent security. Ms. Volek said the reason may be because the company had not worked in the Montana market before and wanted the added security.

Mayor Tussing asked Attorney Brooks if each series needed to be specified in the motion. Attorney Brooks replied it would be necessary to call out each series.

Councilmember Stevens moved for approval of staff recommendation awarding the 2007A Series bonds to Stifel Nicolaus and the 2007B Series bonds to RBC Capital Markets, seconded by Councilmember Gaghen. On a voice vote, the motion was unanimously approved.

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

- JOYCE BAKER, 83 CHARLENE STREET, stated she attended the March 26, 2007, council meeting, and said an initiative was approved to have Public Utilities address the concerns of the people living on Charlene Street regarding the removal of the 6-foot security fence behind their properties. Ms. Baker said she received a letter from Mike Rubich inviting comments from the residents. She said she sent Mr. Rubich eight petitions and a letter on May 1st and never received a response. Ms. Baker said without the fence the traffic entered Charlene Street from the bike path. She said Vince Ruegamer visited the neighborhood and agreed the fence should be re-installed for security reasons. She said Mr. Ruegamer advised her to contact Jim Ronquillo. She said she contacted Mr. Ronquillo but did not get anywhere on the subject with him.

Mayor Tussing asked City Administrator Tina Volek or Public Works Director Dave Mumford to respond. Mr. Mumford stated discussions about the fence had been held with the neighbors at a public meeting. Mr. Mumford advised the fence was moved because the bike trail went through utility property. He said Homeland Security required the property be secured so the fence was moved back and another section of fence was removed. He said if the fence was re-installed, it would create a long corridor with no quick way out, which could be considered a safety issue.

Mayor Tussing asked Ms. Baker what problems she was having as a result of the fence being removed. Ms. Baker said people were taking shortcuts across the vacant lot at all hours of the day and night, which disturbed her dogs. She said she had two pigmy goats poisoned by someone who would have had to enter her yard. She said there were a lot of drug dealers in the area, and the residents did not get any help from law enforcement. Ms. Baker said she and her neighbors were afraid. She said the section of fence had been there for 30 years, and she did not understand why it had to be removed.

Mayor Tussing commented there are many areas in Billings with bike paths that do not have fences between the property owners and the path. He said he felt it was the property owner's responsibility to put up a fence if they had people trespassing on their property. Ms. Baker said the bike path had created a safety issue for the residents on Charlene Street, and she felt the City should take some responsibility.

Councilmember Stevens asked Ms. Baker if her backyard was fenced. Ms. Baker said it was and offered to provide a diagram of the area but realized she had left the diagram at home. Mr. Mumford explained that the same chain link safety fence still existed behind the properties, and the only section removed was on the vacant lot the City owned. He said the neighbors' yards were completely fenced.

- JERRY BAKER, 83 CHARLENE STREET, requested the fence be re-installed along the vacant lot on Charlene Street for neighborhood security reasons. He said the security and integrity of the street had changed since the fence was removed.

Mr. Baker said the 6-foot security fence kept the traffic out of the area, and he would like to see the fence put back.

▪ HAROLD EYRE, 914 WYOMING AVENUE, said he represented Living Independently for Today and Tomorrow (LIFTT), which was a non-profit agency that advocated for disabled individuals in Billings and the surrounding areas. He expressed concerns over the lack of police enforcement of improperly signed handicapped parking spaces, especially those at local, state, and federal government agencies in the Billings area. He said he appreciated the effort being made, but that LIFTT continued to receive complaints regarding the parking issue. Mr. Eyre distributed photographs of proper and improper signage and copies of guidelines from the 2005 Montana Code Annotated (MCA) relevant to signage. He asked the City to abide by the parking signage codes.

Mayor Tussing asked Mr. Eyre if he had a list of locations in the city not appropriately signed. Mr. Eyre said he did not have a written list but named the Yellowstone County Courthouse, Driver's License Bureau on 27th Street, Women's Prison, King Avenue East Prison, Metra, and every post office.

Mr. Eyre stated if a penalty sign was not posted, the disabled parking space could not be enforced. Mayor Tussing asked Ms. Volek or Attorney Brooks if the City had jurisdiction on any property not belonging to the City. Ms. Volek said she would need to do some research on the subject. Ms. Volek gave Mr. Eyre her card and asked that he provide her with a written list of businesses in violation of the code so a letter could be sent to them.

Mr. Eyre said the Chamber of Commerce sent e-mails to all businesses in the area and possibly they could send out information on the proper signage for handicapped parking spaces.

Councilmember Jones asked Mr. Eyre if he had taken the issue to the State Legislature. Councilmember Jones said he did not realize a person could not be ticketed for parking in a disabled parking space unless the space had the penalty sign posted. Mr. Eyre said he had not taken the issue to the legislature, but it was his next step.

Councilmember Stevens asked who was responsible for enforcing the code in private parking lots and on public streets. Mr. Eyre said the MCA stated the City Police should enforce the law if someone without a permit had parked in a disabled parking space.

Police Lieutenant Bedford confirmed that the police could not write a ticket for illegally parking in a handicapped parking space unless the space had a penalty sign posted.

Councilmember Stevens asked if it was a violation not to have the proper penalty signage posted. Mr. Mumford said when site plans were reviewed, the proper signage was required on the plans; but Staff did not return to the site over time to check if the proper signage was still present. Councilmember Stevens asked if Staff checked to make sure the building was done in accordance with the site plan. Mr. Mumford said the building was checked at the time of occupancy.

Councilmember Jones said he agreed with Councilmember Stevens that there should be some type of follow-up by Code Enforcement on a regular basis to ensure that proper handicapped signage requirements were being met.

There were no speakers. The public comment period was closed.

Council Initiatives

- Councilmember Ruegamer asked to comment on the Baker's situation by the water treatment plant. He said the area was very large, and he was amazed people walked on the trail at night. He said putting the fence back up would not hurt anything, and he did not see how the City would have any liability. He said people on the trail during the day were men and women with children. Mr. Ruegamer said before any kind of decision was made to have the fence re-installed, Council needed to look at the area. Councilmember Stevens said the residents on Charlene Street were afraid, and something needed to be done immediately.

- Councilmember Stevens MOVED that the area by the water treatment plant be re-fenced for the comfort, safety, and peace of mind of the residents on Charlene Street, seconded by Councilmember Brewster.

Councilmember Ruegamer again stated that re-fencing the area needed to wait until councilmembers had the opportunity to look at the area. He said Council needed to hear from Attorney Brooks concerning the legal liability if the fence was put back up and from the water department regarding accessibility to the area for maintenance. Councilmember Boyer commented she needed to look at the area before voting.

On a voice vote, the motion to re-install the fencing failed. Councilmembers Ronquillo, Gaghen, Ruegamer, Ulledalen, Boyer, and Jones and Mayor Tussing voted "no".

- Councilmember Stevens MOVED to have staff provide Council with examples of Code Enforcement Letters sent to property owners reflecting a more positive, friendly approach, seconded by Councilmember Brewster. The motion was approved.

- Councilmember Ruegamer MOVED to have staff provide a report to Council on the pros and cons of fencing the vacant, city-owned lot on Charlene Street, seconded by Councilmember Jones. The motion was approved. Councilmember Ronquillo voted no.

- Councilmember Ruegamer began a discussion on the letter from the South Side Neighborhood Task Force concerning Alternatives, Inc. Attorney Brooks recommended submitting the letter to Attorney Krogh for review and discussion. Mayor Tussing asked Attorney Brooks for a follow-up report to Council.

ADJOURN - The meeting was adjourned at 7:55 p.m.