

REGULAR MEETING OF THE BILLINGS CITY COUNCIL
August 10, 2009

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 Ron Tussing called the meeting to order at 6:30 p.m. and served as the meeting's presiding officer. Councilmember Ruegamer gave the invocation.

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Brewster, Ruegamer, McCall, Ulledalen, Astle, Clark. Councilmember Veis was excused.

MINUTES – July 27, 2009, approved as presented

COURTESIES – Presentation of the Fire Department Meritorious Award for assistance provided during an injury to Ryan Arnold at a June 15 softball game to:

- Billings Fire Department personnel: Herman Rookhuizen, Marcus Evenson, Drew Abrams
- AMR personnel: Josh Waggener, Whitney Devilbiss
- Billings Clinic personnel: Becky Parnell, Megan McLeod

PROCLAMATIONS – None

ADMINISTRATOR REPORTS – Tina Volek

- Ms. Volek announced that the meeting was not being broadcast live on Channel 7 due to renovations in the Lincoln Center. She advised that the meeting would be taped and aired later.
- Ms. Volek advised that the staff memo for Item D, the firefighter master mechanic, was sent in the Friday Packet and available in the ex-parté notebook in the back of the room.
- Ms. Volek advised that the staff memo for Item K, revising the timetable and scope of the Ad-Hoc Council Committee on East-End Annexation, was sent in the Friday Packet and available in the ex-parté notebook in the back of the room.
- Ms. Volek advised that the staff memo for Item L, creation of an ad-hoc committee regarding arterial street light funding, was sent in the Friday Packet and available in the ex-parté notebook in the back of the room.
- Ms. Volek advised that the organizers of the Petapalooza Festival, Item H2, asked to withdraw the street closure application. She said the application would likely be resubmitted in the spring.
- Ms. Volek referenced an email placed on council desks from Russ Doty related to LED lighting for Item 2. She said a copy of the email was available in the ex-parté notebook in the back of the room.
- Ms. Volek referred to information on boards and commissions that was emailed to council the previous week. She noted that it could be the subject of a council initiative that evening. She said a copy of the information was available in the ex-parté notebook in the back of the room.

- Ms. Volek advised that a resolution was not distributed with the agenda packet for Item 2, but was provided for the July 13, 2009, meeting when a public hearing was held and closed.

Mayor Tussing asked City Attorney Brooks if it was appropriate to separate Item H2 to table it indefinitely. Mr. Brooks responded that would be his recommendation.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2 and 3

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.

- **Merland Erickson, 2208 Shiloh Road**, said he and his wife requested disapproval of SILMD 307. He referenced a November 16, 2002, *Billings Gazette* article about the Shiloh corridor that referred to it as the ‘Path to Prosperity.’ He said just about every article since then had trumpeted the economic benefits to Billings. He advised that Shiloh residents were enduring inconveniences due to the current construction and the advantages were for a much greater community. He suggested considering a plan that distributed the maintenance costs among those that would benefit most by it.

Councilmember Brewster asked Mr. Erickson if he felt it would be fair for the residents of Shiloh to pay an amount equivalent to a residential street lighting district. Mr. Erickson stated that given the nature of Shiloh Road, he would not think it was fair because the ‘Path to Prosperity’ did not include a retired couple. He said that since Shiloh was marketed as an arterial road that benefitted the community, it was significantly different.

- **Russ Doty, 3878 N. Tanager Lane**, referenced the information he provided about LED lights. He advised that he had not had a chance to get together with Mr. Mumford, as was recommended, due to overlapping vacation schedules. He explained that using the figures he provided, a savings of about 29% could be realized from the Shiloh Road lighting if LED lights from a different manufacturer were used. He noted that AASHTO standards could still be met with different lights. He advised that if the standards established at the Rensselaer’s Lighting Research Center were used, there could be an additional 10% savings.

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

CONSENT AGENDA:

1. A. **Bid Awards:**

(1) W.O. 03-04, Jackson Street Sidewalks. (Opened 7/28/09) Recommend H.L. Ostermiller Construction, Inc., \$74,588.80, contingent on CTEP approval.

(2) W.O. 08-20, Contract #2, Miscellaneous Storm Drain Improvements. (Opened 7/28/09). Recommend J & J Concrete for Schedules 1 and 2, \$ 154,156.75.

(3) W.O. 09-17, 24th Street West Concrete Work. (Bids opened 6/23/09 and rejected 7/13/09) (New bids opened 7/28/09). Recommend Winkler Excavating, Inc., \$145,128.75.

B. Approval of Scheduled Airline Operating Permit with Sky West Airlines, approximately \$140,000 FY2010 revenue.

C. Signal Emergency Response Agreement with State of Montana to provide emergency work on traffic signals on State routes within the City of Billings with reimbursement based on labor, materials and equipment as specified in the agreement.

D. Memorandum of Understanding regarding Master Mechanic, 2008-2010 Agreement with IAFF Local 521.

E. Approval of Semi Annual Investment Report.

F. Approval of Quarterly Report for Pledged Collateral for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account and US Bank Certificates of Deposit.

G. Subordination of Housing Rehabilitation Loan for Sheila M. Ross, \$20,000.

H. Street Closures:

(1) Billings Association of Realtors Quality of Life Run, August 22, 2009, 7 a.m. - 11 a.m., 5-mile: start on Poly Drive at Boulder Elementary, east to Virginia Lane, through Pioneer Park, north on 3rd Street West, east on Parkhill Drive, south on N. 32nd Street, finish at N. 32nd Street and Division; 2 mile: start near Rocky Mountain College on Poly Drive, east to Virginia Lane, through Pioneer Park, north on 3rd Street West, east on Parkhill Drive, south on N. 32nd Street, finish at N. 32nd Street and Division.

(2) Petapalooza Festival, October 17, 2009, 8 a.m. - 5 p.m., N. 28th from 1st Avenue N. to 3rd Avenue N, 2nd Avenue N. from N. 27th Street to N. 29th Street, N. 29th Street from 1st Avenue N. to 2nd Avenue N., and standard downtown parade route.

I. Acceptance of Donation from the Billings Mustangs for construction of a concrete deck along the 3rd base side of Dehler Park stadium, \$95,534.

J. Acceptance of Donation from ConocoPhillips to send the Commercial Code Enforcement Officer to the American Association of Code Enforcement Conference in Dallas, TX, October, 2009, \$1,400.

K. Resolution #09-18853 amending Resolution #09-18811 creating an Ad Hoc Council Committee on East-End Annexation Incentives.

L. Resolution #09-18854 creating an Ad Hoc Advisory Committee on arterial street light funding.

M. Final Plat of Lenhardt Square Subdivision, 1st Filing.

N. Bills and Payroll

- (1) July 13, 2009
- (2) July 17, 2009

(Action: approval or disapproval of Consent Agenda.)

Mayor Tussing separated Item 1H2. Councilmember Brewster moved for approval of the Consent Agenda with the exception of Item 1H2, seconded by Councilmember Gaghen. Councilmember Clark recommended going to Dehler Park to check out the new deck funded by the Billings Mustangs. On a voice vote, the motion was unanimously approved.

Councilmember Brewster moved to table Item 1H2, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. RESOLUTION #09-18855 CREATING SILMD 307, Shiloh Road from Rimrock Road to Pierce Parkway. Public hearing held July 13, 2009. Action delayed to August 10, 2009. Staff recommends approval. (Action: approval or disapproval of staff recommendation. Public Works Director Dave Mumford explained that the item was first presented at the July 13, 2009, meeting, and at that time, Council requested a work session discussion about a city-wide arterial lighting district, and whether it was possible to substitute LED lights for the high pressure sodium lights planned by Montana Department of Transportation.

Mr. Mumford explained that the City would not take over ownership and operation of the lights until after construction and the one-year warranty period. He said that allowed adequate time to establish a city-wide fee that could be placed on the project prior to assessing the property owners using the current method. Mr. Mumford advised that the State's presentation indicated that in order to meet the code required by State Statute, twice as many lights would be needed if LED lights were used. He said that after looking at lighting costs, MDT determined it would not be economical to change to LED lights, so the lights would be installed as designed. Mr. Mumford advised that if the Council decided not to form the street light maintenance district, the State would install the lights and operate them for one year, and if the City did not have a way to pay for the maintenance,

the lights would be turned off. He noted that State Statute prohibited the use of other maintenance fees to pay for the street lights so street light maintenance districts were the only method to pay for the lights.

Mayor Tussing stated that, technically, the Council was not voting on the issue of whether LED lights would be used. He asked Mr. Mumford for his opinion about whether it would be better to delay the district until there was a recommendation from the ad-hoc committee or if it would be better to proceed now and change later if the committee's recommendation was contrary to the action taken at that meeting. Mr. Mumford said that the State and Federal Highway Administration wanted to know the City's decision because they were ready to install the lights. Mayor Tussing asked Mr. Mumford what he recommended. Mr. Mumford responded that he would like to have an up or down vote to know if the lighting district was created and there was a way to take care of the lights in the future. He added that if it was changed in the future, it would at least be established and the process would not have to start over.

Councilmember Astle asked if there were other city-wide arterial light districts, specifically concerning King Avenue between 24th Street West and Kohls. Mr. Mumford responded that all lighting districts throughout the City were paid by the adjacent property owners because that was the only method the City had. Councilmember Astle asked if that would be the only district that was paid by everyone in town. Mr. Mumford explained that if a city-wide lighting district was established, he hoped it would include all existing arterial lighting districts to avoid any inequity among the districts. Councilmember Astle stated that was the clarification he wanted.

Ms. Volek asked whether MDT would install the lights if the Council chose not to create the district. Mr. Mumford explained that MDT was required by the contract to install the lights and to turn them on until it was time for the City to take over.

Councilmember Ronquillo stated that everyone knew Shiloh would be developed and the businesses would benefit from the development. He asked if it was possible to adopt the light maintenance district now, and as soon as businesses were established, assess the businesses for the lights and not the residents. Mr. Mumford advised that State Statute was very specific and he did not think it was possible to opt anyone out. Councilmember Pitman stated that as businesses developed on the other side of the street, it would keep breaking it out into smaller amounts. Mr. Mumford noted that it would spread assessments for larger parcels of land if the land was divided into smaller lots as it was developed, but would not reduce the assessments of the other property owners in the district. Councilmember Brewster asked if it was correct that there was not an SID, and only the maintenance costs were included in the light maintenance district. Mr. Mumford said that was correct, the State was paying for the construction costs. Councilmember Brewster stated that in a sense, it was less expensive per fixture than other areas that had to pass an SID for the construction costs in addition to the maintenance costs. He asked Mr. Mumford for the estimated costs to residents. Mr. Mumford said it was as low as about \$5.00 per year but he did not have the exact figures. Councilmember Clark pointed out that the City would pay a large share of it. Mr. Mumford explained that the City would absorb a large share because of the Shiloh Drain, and the intersections were included in the City's responsibility also. He explained that it was configured to minimize the cost to residents. Councilmember Clark stated that meant that all residents of the City were contributing to that portion of the district.

Councilmember Gaghen asked Mr. Mumford if he felt that was the most economical approach to lighting on Shiloh Road. Mr. Mumford responded that staff tried to find the method that was the most equitable and put the least amount of burden on the residents and the largest share on the City and County.

Mayor Tussing advised that had he known the item would be postponed to that meeting, he would not have closed the public hearing when it was held during the July 13 meeting.

Councilmember Pitman moved for approval of the resolution creating SILMD 307, seconded by Councilmember Astle. Mayor Tussing stated that he was disappointed that the City did not hear anything formally from the Governor or MDT Director Lynch. He said he wrote a letter to each of them almost a month ago and thought they would at least provide a courtesy response that they were sending their experts to talk with the Council at a work session, and to contact them with any additional questions, but he had not heard from either of them. Mayor Tussing pointed out that the vote that evening was not whether or not LED lights would be used because that was not the City's decision to make. He reported that he had heard from numerous vendors and the universal opinion from them was that that State was wrong. He commented that the State should be an independent analyzer of it and everyone else was a vendor.

Councilmember Astle stated that he did not disagree with Mayor Tussing's comments about the LED light vendors. He said he liked LED lights but the State made a decision and if the City did not follow the State rules, the City could be setting itself up for a lawsuit. He stated he could not see giving one group an exception but hoped the ad-hoc group recommended a city-wide arterial district because everyone drove on King Avenue, Shiloh, Wicks and other arterials, and if the residents were not paying for those lights, they should be.

Councilmember McCall commented that she understood the concerns of the residents, but the City had set precedent with other light maintenance districts and that was one that should go forward. She stated she was pleased that there was time to research it and there would be an opportunity to change it. She said she and Councilmember Ronquillo were on that ad-hoc committee and looked forward to working on it.

Councilmember Ruegamer said if he understood it correctly, the lights went in no matter what, and it was up to the City whether they were turned on after the warranty period. He said the people who lived on Shiloh would not have to pay anything for at least a year and the City had a year to resolve the issue. He commented that the City would be fool-hardy to not put those lights in.

On a voice vote, the motion was unanimously approved.

3. RESOLUTION #09-18856 RELATING TO \$297,000 POOLED SIDEWALK BONDS, AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE for financing W.O. 02-08, Milton Lane School Route Improvements and W.O. 05-02, Miscellaneous Developer-Related Improvements. Staff recommends approval.
(Action: approval or disapproval of staff recommendation.) Ms. Volek advised that staff did not have a presentation but was available to answer questions.

Councilmember Gaghen moved for approval of the resolution related to \$297,000 pooled sidewalk bonds, authorizing the issuance and calling for the public sale,

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

4. PUBLIC HEARING AND RESOLUTION #09-18857 TO ADOPT THE OLD TOWN NEIGHBORHOOD MASTER PLAN. Yellowstone County Board of Planning recommends approval. (Action: approval or disapproval of Yellowstone County Board of Planning recommendation.) Transportation Planner Lora Mattox stated that the plan was presented at the August 3, 2009, work session. She explained that the plan concerned the Minnesota Avenue area and included three major projects: creation of a historic district, improvements along Minnesota Avenue, and a pedestrian bridge over the railroad tracks near 25th Street. She provided a PowerPoint presentation that displayed the boundary of the area and cost estimates for the proposed projects. She said partial funding would be needed from the City for the striping and ADA ramps, and property owners were willing to do an SID for the other work. She said grants and other funding opportunities would be sought for the bridge project. Councilmember Ronquillo stated that he appreciated the bridge but wanted to know if the City had to pick up the maintenance on it after it was installed. Ms. Mattox responded that it would be a City project.

The public hearing was opened.

- **Stacy Wagner, 3704 Corbin, and 2 S. Broadway**, said she was President of the original Old Town Neighbors, Inc., now grown to include the entire Central Business District. She said the proposal began about three years ago, starting with a small ad-hoc group and then expanded to include Old Town Neighbors, Inc., and a long range plan to move the district forward was supported throughout the district. She encouraged positive consideration and acceptance of the master plan.
- **Randy Hafer, 2728 Minnesota Avenue**, stated he knew the bridge was an issue, but it was an important part of the project as a linkage across the tracks. He reported that work started on those projects back in 2001, starting with a master plan for the bridge and evolving to other things. He said it was not an affluent neighborhood, but there was great neighborhood buy-in and a great deal of volunteer time had been spent on the project. Mr. Hafer said the parking reconfigurations on Minnesota Avenue and the side streets between the tracks and 1st Avenue South was the first project the group wanted to start. He said the project had been discussed with the Parking Division. He noted that there was not a significant need for parking in the area, but the group wanted to clean up the area and make it more attractive, and to be able to provide overflow parking for the rest of downtown. He explained that making it a historic district would enable a contiguous district that contained the original historic commercial heart of Billings. He said there had been a significant investment in the area in the past ten years and they were anxious to keep the process going and urged Council support of the master plan.

Councilmember Astle asked about the semi trucks that often blocked the streets near the mill. Mr. Hafer explained that the plan was to work around the

situation now because the mill had been there a long time and eventually that area would become a less desirable area for that type of business.

- **Joni Harmon, 2605 and 2611 Minnesota Avenue**, said she would like to present herself as a case study for the importance of a plan like the one proposed. She explained that she and her husband made a substantial investment in property on Minnesota Avenue, partly because they knew a plan was in place for streetscaping and to put a historic district in place. She said the property they purchased was a former meat processing plant and potato factory that was converted to nine loft apartments and a quonset hut used for tenant parking. She stated she thought the bridge would be an attraction for tenants. She said she supported the plan and that it helped make her decision to invest on Minnesota Avenue a reality.
- **Lori Reynolds, 2804 Minnesota Avenue**, stated that she owned Granny's Attic on Minnesota Avenue and was present to answer any questions about the plan that she hoped was approved. She said she had a lot of customers from all over the United States and Montana who enjoyed the downtown area, but Minnesota Avenue was a blighted area and would benefit from the plan to clean it up. She stated that many of her customers walked down the different streets and would use the pedestrian bridge.
- **Greg Krueger, Downtown Billings Partnership Development Director**, stated that the project was an approved project for the Urban Renewal Plan and Urban Renewal District created and expanded by the Council late last year. He said he believed there were several funding scenarios for the long-term maintenance of the bridge and also felt the bridge could link the north side of the tracks to the south side of the tracks to enable expansion of the Business Improvement District to that area. He commented that the plan was the culmination of a long process that started at least six years ago and that was the first sign of economic development on that side of the tracks that was actually encouraged by installation of the Railroad Quiet Zone. He commented it was hand in glove.

Councilmember Clark stated that a good job was being done of maintaining one side of the tracks and he wondered if something could be done for the other side. Mr. Krueger explained that State statute required the business improvement district to be contiguous and since the railroad did not want to partner in the process, a number of contracts were in place with property owners on the south side of the tracks to provide that service for the cost of what they would be assessed in the district. He said that once they figured out how to get the business improvement district across the tracks, it would be brought to the Council.

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

Councilmember Ronquillo moved for approval of the resolution to adopt the Old Town Neighborhood Master Plan, seconded by Councilmember Gaghen. Mayor Tussing announced that he would recuse himself from the item because his wife was involved in it. Councilmember Gaghen commented that the plan came about by persistence on the part of the individuals from that area. She said it was a blighted area and it was stimulating to know that they were interested in improving the community.

She said she knew that the plan had been in progress for more than five years and it would attract more and positive things to the City.

Councilmember Brewster stated that he agreed that the maintenance of the bridge had to be addressed. Councilmember Clark stated that he felt the plan was great and should be approved, but he also felt a lot of work was needed in the area.

On a voice vote, the motion was approved 9-0.

5. 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.)

The public comment period was opened.

- **James Knox, 661 Garnet**, stated there had been recent discussion about what boards should be continued and he felt the Ethics Board was one that should be retained. He said there was mention that it was abused and redundant, and he did not know about the redundancy, but if there was abuse, how it was used by the public could be reviewed. He said ethics on the Council was a good thing to maintain.
- **Michele Johnson, 2705 Blue Creek Road**, said it was brought to her attention that the Ethics Board could be abolished and she thought doing that would be a crime. She stated that it was not redundant because the average citizen could not hire an attorney to hold someone accountable for their behavior and having the local option was important. She noted that the board was in the process of rewriting its rules. She stated that as far as abuse, it was up to the Ethics Board to decide if it was being abused. She stated that she had attended Ethics Board meetings and it was a capable group that could decide if it was being abused. She said it would be to the Council's advantage to have an ethics board in place as a sounding board before the City was sued. She said it was an advisory board and could only provide friendly advice, and if it was abolished, the message would be sent to the public that ethics meant nothing and the Council did not want to be held accountable for its behavior. She stated that if Councilmembers were doing the right thing, the Ethics Board should not bother them.
- **Doug Kary, 415 W. Wicks Lane**, stated he was the Chair of the Traffic Control Board and was disgusted about how he found out the board could be eliminated, which he felt was not businesslike in any way, shape, or form. He said the citizen involvement on the board was needed and had been asked for by prior mayors and councils, and if it was no longer needed, that should be discussed with the board. He stated that many discussions did not affect council activity, but affected operations. He said he served on the Board for 7-1/2 years and had never heard one word from the Council. He said he had been chair for four years and had not provided a report to the Council because there was nothing to report. He said if the Council wanted to utilize the Traffic Control Board, the individuals who were appointed to it would be happy to serve, but if not, the Council should let them know.

Councilmember Ulledalen stated that was actually an ongoing process that

started two years ago when each board was asked for feedback regarding whether it should remain as a standing board. He said the Council received a response from Mr. Kary at that time that outlined why it should exist, and it was not fair of him to say that he was unaware of the Council's consideration of the boards. He said that some of the consideration was whether some boards should be reconfigured, and part of the Council's strategic plan was to evaluate boards and commissions, but there was not a foregone conclusion that anything specific would be done.

Councilmember Brewster commented that part of the process was to encourage citizens to express their opinions and sometimes if the process was not started, nothing was heard. He noted that input was gained when the notice was sent or when people heard rumors, even though Council had not taken action, and it was a useful tool even though it raised hackles sometimes. Councilmember Gaghen mentioned there were mixed feelings among the Council about the boards. She noted that Council agreed citizen input was valuable, and that even though some felt that what the boards or commissions did seemed minimal, the people who were appointed to them felt like a part of the city structure and the board provided an avenue for counsel as needed. She said the process would be as open as possible. She encouraged Mr. Kary to hang in there as chairman.

- **Amy Cowley, 546 Avenue F**, stated she had two issues. She asked what the City planned to do about disc golf in Pioneer Park. She advised that she attended the Parks and Recreation Board meeting where the parks assessment was reviewed. She said 97% of the people surveyed wanted the existing parks preserved. She said she understood another survey would be sent out targeting middle, high school, and college-age students that would change the original questionnaire to suit that population. She expressed her concern with the continued cost to the taxpayers.

Councilmember Brewster explained that a master plan for Pioneer Park was being done and public input would be allowed. He said that was the general process that determined what occurred in that park. Ms. Cowley asked how it was determined when to change the master plan once one was in place. She said she was not against disc golf, but felt that the sport should have its own area because of what was generated in that neighborhood and safety concerns. Councilmember Brewster stated that the same concerns had been raised by a number of people, and the master plan process would provide a forum for input concerning what happened in that park. Ms. Cowley asked how the public would be made aware of those public input opportunities. Parks, Recreation and Public Lands Director Mike Whitaker advised that the process would include public meetings and public input and it would be announced in the newspaper. He noted that the Pioneer Park master plan had not been updated for more than 50 years, so it was time to update it. Councilmember Brewster confirmed there would be three or four opportunities for input. Mr. Whitaker advised that he hoped to present a proposal within the next month to hire a consultant to move forward with the update. He added that a website would be developed to track the progress of the update.

Ms. Cowley stated she had a second question. Mayor Tussing advised her than when she stopped talking, he assumed she was finished with her comments but he would allow her more time for her question. Ms. Cowley asked who was

approved or responsible for park maintenance. Councilmember Brewster advised her that Mr. Whitaker was responsible for park maintenance. Ms. Cowley stated that it was reported to police that a citizen was digging a hole in Pioneer Park, and it happened to be one of the people who put the disc golf course in at Pioneer Park without going through the due process, and even though it was not included in the master plan. Ms. Volek explained that this was the second incident of that type and the first time, the complainant was able to provide a license plate number of the person involved and the matter was followed up by the Police Department. Mr. Whitaker explained that after the first incident, he went to the site and determined there was no major damage – it appeared that a small hole was dug and then filled in, so no charges were filed. He said he was not aware of the second incident. Mayor Tussing suggested that any observance of vandalism should be reported to the police immediately and then a follow-up contact could be made to the Parks Department. Ms. Cowley advised that the Police Department was contacted regarding the second incident.

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

Council Initiatives

- **McCall:** Said she visited with a gentleman at the Golden Kiwanis meeting who asked if the City had ever considered forming partnerships with local organizations to help maintain parks. She said that process was in place in Great Falls and parks were named after the groups that maintained them. Councilmember McCall moved to direct staff to research the possibility of partnering with local groups to maintain parks, seconded by Councilmember Pitman. Councilmember Ulledalen stated that since the Parks Superintendent, Jon Thompson, came from Great Falls, he should have some background on that concept so it could be relatively easy to put something together and possibly discussed with the Parks Board. On a voice vote, the motion was unanimously approved.
- **Ruegamer:** Moved to direct staff to present recommendations regarding the Traffic Control Board, the Ethics Board, the Public Utilities Board and the Human Relations Commission. He said the recommendation should address whether the board should be kept, abolished, reconfigured, or merged. The motion died for lack of a second.
- **Brewster:** Stated there was a group of people who lived near Sahara Park that wanted to judge whether there was interest in having a neighborhood park there because the proposed pool facility did not include anything but a pool. Councilmember Brewster moved to direct staff to provide boundary information and an estimate of the cost of development of Sahara Park as a neighborhood park, seconded by Councilmember Pitman. Councilmember Brewster explained that the neighbors in the area wanted the information in the event the pool was not constructed. He said the group hoped to conduct the poll during the month of August. Councilmember Ulledalen said it made sense to do that in the event the pool proposal did not materialize. Councilmember Astle asked for the status on

the pool fundraising. Mr. Whitaker reported that earlier that day, Chuck Barthuly of the Better Billings Foundation requested a meeting with him and Ms. Volek to provide an update on the project. Councilmember Ulledalen commented that there was quite a bit of land there and even if the pool went forward, there would probably be a need for other amenities and development anyway, so it made sense to have a plan in mind. Mr. Whitaker said there were 10 acres there and the pool was expected to use about six acres, so there was enough land to accommodate a pool and a neighborhood park. Councilmember Ulledalen stated that based on the shape of the land, the pool could be located away from the neighbors. Councilmember Gaghen stated that she would strongly support that recommendation. On a voice vote, the motion was unanimously approved.

- **McCall:** Distributed copies of the Citizen Survey PowerPoint CD.
- **Clark:** Asked who determined when public comment was accepted at board or commission meetings. Mr. Brooks advised that he would check the ordinance and would provide the information via e-mail. Councilmember Clark stated that at the last Parks Board meeting, public comment was allowed at the beginning of the meeting, then the survey results were presented, and public comment was not allowed at the end of the meeting. He said he wondered why a group like that would not allow comment after the survey. Mayor Tussing stated that he had the same inquiry from an individual and already spoke with Mr. Whitaker about it. He said it would be a good to know if the chair had latitude. He said in that instance, the individual did not know what the presentation was before the meeting and would not know what to comment on. He asked if it was appropriate to make that person wait until the next month's meeting to make a public comment. Councilmember Pitman said it would be nice to know the rules and if latitude was allowed. He noted that many of the people who came to the Council were fairly nervous about when they were allowed to make public comments and it would be nice if there was some flexibility. Ms. Volek stated that if that was the incident she was aware of, the presentation was made at a special meeting of the Parks Board that was held strictly for that purpose, and public comment was allowed at the beginning of the meeting but the individual was late and missed it. She noted that the agenda had been published in advance and no action was taken that evening. She said the item would be rescheduled for discussion and public comment would be allowed at that time. Councilmember Astle said he thought public comment would be a minimum requirement more than a maximum requirement. Councilmember Brewster stated that he was fairly certain that Roberts Rules allowed the Chair that discretion without objection. Mr. Brooks agreed and said he would check the ordinance and provide recommendations. Mayor Tussing cautioned that they had to be careful so the boards were consistent with how they handled public comment and there was no disparity between them.

ADJOURN – The meeting adjourned at 7:50 p.m.

(NOTE: Additional information on any of these items is available in the City Clerk's Office)