

**REGULAR MEETING OF THE BILLINGS CITY COUNCIL**  
**August 23, 2010**

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

**ROLL CALL** - Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, McFadden, Ruegamer, McCall, Ulledalen, Astle, and Clark. Councilmember Cimmino was excused.

**MINUTES:** August 9, 2010 - approved as presented.

**COURTESIES:**

- Councilmember Pitman reminded everyone that school was starting and to slow down when driving in school zones.
- Councilmember Ronquillo thanked Mayor Hanel and Councilmembers Ruegamer, Gaghen, and Clark for helping with the fundraiser for a new gazebo in South Park. He said they raised about \$1,000.

**PROCLAMATIONS** - None

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek referenced Item K – Resolution fixing the form and detail of the 2010 Re-funding General Obligation Bonds. She said Dorsey & Whitney had asked that the second sentence in Paragraph 5.06 on Page 9 of the resolution be removed, as it was included in error. She said a copy of Page 9 was on their desks that evening with the second sentence highlighted and in the ex-parté notebook in the back of the room.
- Ms. Volek referenced Item N – 2nd & Final Reading Ordinance regulating the use of electronic communication devices while operating a motor vehicle. She said seven e-mails had been sent to Mayor and Council since the regular council meeting of August 9th and as of that day at 4:30 p.m. - one in favor of the ordinance; three requesting further research; and three against the ordinance. She said copies were available in the ex-parté notebook in the back of the room.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY.**

**Speaker sign-in required.** (Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

*(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.

- **Janice Linn, Highway 3, Billings, MT**, spoke in opposition to Item N, regulating the use of electronic communication devices while operating a motor vehicle. She said there were multiple legal and procedural problems with the passage of the ordinance. She said the ordinance, as written, was too vague because it exempted any person reporting an emergency and asked for the definition of an emergency. She said the courts would be tied up with people explaining their various family emergencies fighting tickets. She said there was no cost analysis of police man-hours needed to write the tickets, court costs, signage, public education, and the loss to businesses after the out-of-towners were alienated from Billings. She said she e-mailed Attorney Craig Hensel because it was not legal to pass a new law without completing all the terms of Montana Code 2-3-104, which had not been done. Ms. Linn asked if in 1-year's time there was no difference in the number of accidents, what then.

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

1. **CONSENT AGENDA**

A. **Bid Awards:**

1. **SID 1391 - Lynn Avenue Improvements** (Opened 8/10/10) Recommend J & J Concrete; \$124,784.

B. **Agreement with New World Systems, Inc.** for support of public safety software (11/1/10 through 10/31/13). Annual expense: 1st year - \$170,224; 2nd year - \$178,732; 3rd year - \$184,093.

C. **Agreement** with Yellowstone County Sheriff's Department to provide New World Public Safety data processing services. (7/1/10 - 6/30/11); Annual revenue - \$91,947.

D. **Agreement** with Billings Housing Authority to fund one Police Officer; 7/1/2010 - 12/31/2010.

E. **Memorandums of Understanding** between the City of Billings and Billings Public Schools for two (2) middle school resource officers and three (3) high school resource officer (7/1/10 - 6/30/11).

F. **Amendment #1, Airport Gift Shop Concession Agreement**, extending term of the agreement to December 31, 2010.

G. **Contract Amendment** between State of MT Department of Public Health and Human Services – Developmental Disabilities Division and MET Transit extending

contract term an additional year from 7/1/10 through 6/30/11. Estimated revenue - \$90,000.

**H. Amendment** to Inter-Creditor Agreement adding Stockman Bank as a new participant and extending term to October 2, 2015.

**I. Street Closures:**

**1. Holy Rosary Church Fundraiser** - Custer Avenue between 5th and 6th Streets West; Sunday, September 12, 2010, 6 a.m. to 6 p.m.

**J. Acceptance of Donations** for construction of an Incident Command System (ICS) Training Center from Exxon Refinery-\$4,000; Lockwood Fire Department-\$3,000; Yellowstone County Rural Fire Council-\$4,000; Yellowstone County DES-\$4,000; Riverstone Health Director of Emergency Services-\$4,000; Total - \$19,000.

**K. Resolution #10-18977** fixing the form and detail of the 2010 Re-funding General Obligation Bonds.

**L. Resolution #10-18978** authorizing the execution and delivery of \$1,790,000 of economic development revenue bonds for Community Option Resource Enterprises Inc. (COR Enterprises).

**M. Second/final reading ordinance #10-5520 (RESOLUTION #10-18979)** amending the City Charter to add a 1 mill planning levy to be decided by the voters at the November 2, 2010, general election.

**N. Second/final reading ordinance #10-5521** regulating the use of electronic communication devices while operating a motor vehicle (Postponed from 8/9/10).

**O. Final Plat Approval** of Danube Court Manufactured Home Park allowing 62 spaces for manufactured homes on approximately 9.72 acres of land.

**P. Final Plat Approval** of Miller Crossing Subdivision, 3rd Filing.

**Q. Bills and Payroll:**

- 1. July 23, 2010**
- 2. July 30, 2010**

Councilmember Astle separated Item K, and Councilmember Pitman separated Item N. Councilmember Clark moved for approval of the Consent Agenda with the exception of Items K and N, seconded by Councilmember Astle. On a voice vote, the motion was unanimously approved.

Councilmember Astle moved to remove the second sentence of Paragraph 5.06, Page 9, of the resolution for Item K, seconded by Councilmember Clark. On a voice vote, the motion was unanimously approved.

Councilmember Pitman referenced Item N and said he wanted to stay consistent with supporting the ban for texting only. He said he was concerned with testimony where it was said “this was a good start” and had concern where it would go from there. Councilmember Pitman said there were already laws that dealt with distracted driving and said he would not be supporting the ordinance.

Councilmember Gaghen moved to approve the banning of electronic communication devices while operating a motor vehicle, namely texting and hand-held, seconded by Councilmember McCall. Councilmember Gaghen said she felt through the work of the committee and the very compelling testimony presented, it was a very worthwhile effort. She said the City of Bozeman had contacted Billings because they were looking at what Billings was doing. She said she felt the legislature was paying heed to what was being done. Councilmember Gaghen said from a safety factor, it was a very significant and worthwhile effort. She thanked the community and Council for their support.

Mayor Hanel told Councilmember Pitman that in consulting with legal counsel and other communities who had passed an ordinance banning texting only, he had been advised it caused mass confusion with enforcement because it could not be determined exactly if a person was texting or just holding their phone or reading an e-mail, etc. He said he felt that was why they had gone to the level to include all hands-free. Councilmember Gaghen responded that Officer Harper sat on the committee representing the Police Department and that was the advice given through Chief St. John that it would make their job less difficult if the ordinance included both hand-held and texting.

On a voice vote, the motion was approved 8 to 2. Councilmembers Pitman and McFadden voted ‘no’.

## **REGULAR AGENDA:**

**2. PUBLIC HEARING FOR VARIANCE: A variance from the Subdivision Improvements Agreement for Ironwood Subdivision, 2nd Filing, requiring installation of sidewalk along property frontage located at 5835 Ironwood. Neal and Sally Johnson, owners. Staff recommends denial. (Action: approval or disapproval of staff recommendation.)** City Administrator Tina Volek advised staff had no presentation but was available for questions. Mayor Hanel advised Council had received a drawing indicating the lots in question in their packets and asked if there had been any changes. Ms. Volek advised there had been no changes.

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

Councilmember Ulledalen moved for approval of staff’s recommendation to deny the variance request, seconded by Councilmember Ruegamer.

Councilmember Astle asked why in this day of trails and sidewalks someone would not want to install a sidewalk. Public Works Director Dave Mumford said that because there was already a trail behind the property owners’ house, the property

owners felt they had fulfilled their obligation. Mayor Hanel said he understood another reason the property owner requested the variance was because there were presently sidewalks on three sides of their property. Mr. Mumford said there were sidewalks on the end where the other street came out and then behind and a partial sidewalk along one of the lots.

On a voice vote, the motion to deny the variance was approved 9 to 1. Councilmember McFadden voted 'no'.

**3. PUBLIC HEARING AND RESOLUTION #10-18980 RELATING TO AIRPORT QUICK TURN AROUND FACILITY AND AIRPORT REVENUE BONDS SERIES 2010B approving the Quick Turn Around Facility as a recovery zone facility project; authorizing the issuance of the airport revenue bonds as economic recovery zone facility bonds; and authorizing the negotiated sale. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

City Administrator Tina Volek advised staff had no presentation but was available for questions.

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

Councilmember McCall moved for approval of Item 3, seconded by Councilmember Gaghen. Councilmember Astle said he wanted to make it clear none of the money would come out of the city coffers or out of the city taxpayers' pockets and was being paid for by the rental car companies. City Administrator Volek confirmed it would be paid by the rental car companies based upon passenger use.

On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND FIRST READING ORDINANCE amending the boundaries of Ward V to exclude the portion of recently de-annexed property in Annexation #10-01: a Broadwater Avenue road tract located between 56th Street West and 58th Street West. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

City Administrator Volek advised staff had no 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 4, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

**5. PUBLIC HEARING AND SPECIAL REVIEW #884: a special review for allowing the addition of an outdoor patio to an existing bar and casino, King's Korner Casino, 501 Hilltop Road, currently zoned Highway Commercial and generally located on the north side of Hilltop Road just east of the Lake Elmo Drive overpass; Michael Schmechel, agent; Zoning Commission recommends conditional approval and a waiver of the 600 foot separation to Bench Elementary School. (Action: approval or disapproval of Zoning Commission recommendation.)**

Zoning Coordinator Nicole Cromwell began her PowerPoint presentation showing the zoning map and an aerial view and photographs of the subject property and the surrounding properties. Ms. Cromwell said the Zoning Commission held a public hearing on August 3, 2010, and voted 5-0 to recommend conditional

approval and a waiver of the 600-foot separation to Bench Elementary School. She said the school was 500 feet north of the parking lot for King's Korner Casino, and there was no direct physical connection between the school and the subject property. She said a manufactured home court, an office building, and residential property provided substantial physical barriers between the two locations and completely obstructed the view. She said in order to access the subject property from Bench Elementary School, a person would have to travel to Main Street, travel south on Main Street, and turn onto Hilltop Road. She said the new outdoor patio would be fenced to restrict access, and some modifications would be made to the parking lot; but for the most part, the rest of the site would remain as is. Ms. Cromwell said Mr. Schmechel intended to include a restaurant with beer and wine, some gaming, and outdoor dining. Ms. Cromwell advised the Zoning Commission was recommending approval of the waiver and with the following eleven conditions.

1. The special review approval shall be limited to Lots 2B and 2C, Block 1, Dicono Subdivision generally located at 501 Hilltop Road.
2. Any expansion of the proposed patio, building, building occupancy or parking lot greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
3. The development of the outdoor patio shall be in substantial conformance with the submitted site plan.
4. All new site lighting on the building, in parking areas or outdoor patio shall have full cut-off shields so lighting is projected to the ground and not on to adjacent properties.
5. The owner shall provide a fence of at least 4 feet in height around the outdoor patio lounge. The fence shall have at least one, exit-only gate to provide an emergency exit. Access to the outdoor patio lounge area shall be through the main indoor area of the business.
6. The owner is allowed to have background music and un-amplified live outdoor entertainment on the outdoor patio lounge. Background music is amplified music not audible beyond the outdoor patio lounge.
7. There shall be no outdoor public address system or outside announcement system of any kind.
8. A solid waste storage area shall be enclosed on three (3) sides by a sight-obscurring fence or wall and by a sight-obscurring gate on the remaining side. This enclosure shall be constructed of normal fencing materials. No chain link or wire fencing will be used for sight-obscurring enclosure.
9. The owner will install 6 (six) trees as required for the 63 provided parking spaces. The trees may be installed within the existing landscaped area. Trees must be installed so they do not block the clear vision areas at the private drive and Hilltop Road.
10. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
11. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

Councilmember Pitman asked if the noise ordinance of 10:00 p.m. would be in effect. Ms. Cromwell said that was correct. She said background music was defined in the staff report as music that was amplified but not audible beyond the patio.

Councilmember Ronquillo asked if the City would provide them with a cut-off time if the property owner wanted to hire a band. Ms. Cromwell said a band could not have amplifiers or speakers. She said the recommended condition was unamplified live music.

The public hearing was opened.

- **Joe White, Billings, MT**, said he opposed outdoor patios and the waiver from the school. He said there was insufficient air to hold bodies in and it was not just a matter of someone walking back and forth. He said the influence of alcohol had worsened, and there would be indecent exposure and smells from the bodies. (The remainder of Mr. White's testimony was inaudible.)

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

Councilmember Pitman moved for approval of Item 5 based on the Zoning Commission's recommendation, seconded by Councilmember Ruegamer. Councilmember Pitman said one of the benefits of the neighborhood was the great aroma that came from Blues BBQ across the street. He said he felt the proposed development would fit in nicely. On a voice vote, the motion was unanimously approved.

**6. PUBLIC HEARING AND SPECIAL REVIEW #885: a special review to allow four (4) new assisted living buildings with 16 dwelling units in each building, for a total of 64 units, in a Residential 7,000 (R-70) and Residential Multi-family-Restricted (RMF-R) zone within the Shiloh Corridor Overlay District; legally described as Tract 2 of Rush Acreage Tracts Subdivision and Lots 5 and 6 of Block 6, Rush Subdivision, 2nd Filing, generally located at 4040 Parkhill Drive. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)** Zoning Coordinator Nicole Cromwell said the application was to add a south campus to the existing Tenderest Assisted Living located on Shiloh Road and Parkhill Drive. She began her PowerPoint presentation showing the zoning map of the area and an aerial view and photographs of the subject property and the surrounding properties. She also showed the proposed site plan and the location of an existing drive approach off of Parkhill that would be expanded and upgraded and the location of a proposed second exit from the property onto Shiloh Road through the Billings Urban Fire Service Area District property. She said the second access was not essential, but would help with traffic circulation. Ms. Cromwell said the project would be completed in four phases. She showed the building elevations and said the buildings would be similar in size and design. Ms. Cromwell advised the Zoning Commission held a public hearing on August 3, 2010, and received no opposition. She said the Zoning Commission was recommending approval based on the following conditions.

1. The special review approval shall be limited to Tract 2, Rush Acreage Tracts and Lots 5 and 6, Block 6, Rush Subdivision, 2nd Filing generally located at 4040 Parkhill Drive.
2. Any expansion of the proposed building, building occupancy or parking lot greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
3. The development of the assisted living facilities shall be in substantial conformance with the submitted site plan.
4. All site lighting on the building, in parking areas and under the covered porches shall have full cut-off shields so lighting is projected to the ground and not on to adjacent properties.
5. The west façade of the buildings in Phases 1, 2 and 3 and the east façade of the building in Phase 4 shall provide an architectural relief as required in Section 27-1407(d) of the Unified Zoning Regulations.
6. Pedestrian crossing signs shall be posted at the drive approach entrance on Parkhill Drive. These signs will alert drivers entering and existing to watch for pedestrians on the public sidewalks.
7. The applicant will comply with all absolute criteria and achieve the minimum number of points for relative criteria in the Shiloh Corridor Overlay District as outlined in Section 27-1401 through 27-1423 of the Unified Zoning Regulations.
8. The applicant will apply for a Master Site Plan Approval as required by Section 27-622 of the Unified Zoning Regulations.
9. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
10. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

Councilmember Pitman asked Ms. Cromwell if the County Commissioners had approved the access through the Billings Urban Fire Service Area District property. Ms. Cromwell said there could be a hammerhead turnaround if access was not available. She said it was not a critical feature of the special review approval and the site plan. She said the Fire Department had conducted a review and had no concerns even without the second access through the Billings Urban Fire Service Area District property. Councilmember Ulledalen said the County had indicated they would approve the proposed sale of the BUFSAs property but it had not been finalized. Ms. Cromwell said it had not been finalized and would be a public bidding process, so the owner may not acquire the property.

The public hearing was opened.

- **Quentin Eggart, Eggart Engineering Company, 6809 King Avenue West, Billings**, said he did not have a presentation but wanted to clarify the easement on the south side of the property across the BUFSAs property. He said it was currently a utility easement only and not an access and utility easement. He said they had asked to have access added to it at the County level, and the

Commissioners said they thought they might put the land up for sale. He said they did not have the approval to date and if the County did not give them the access agreement or they did not purchase the property, a hammerhead turnaround would be put in at the south end of the project to allow fire trucks to turn around.

- **Joe White, Billings, MT**, said he had strong reservations about the development. He said there were concerns about the air conditions with the condensed housing. He said a little girl came to him after her death and told him she choked to death in one of the townhouses and an old man in a wheelchair said there was not sufficient air in the houses. (The remainder of Mr. White's testimony was inaudible.)

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

Councilmember Astle moved for approval of Item 6 based on the Zoning Commission's recommendation, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

**7. PUBLIC HEARING AND RESOLUTION #10-18981 GRANTING A TAX ABATEMENT TO RIMROCK II LLC, DBA MERCEDEZ-BENZ OF BILLINGS for a building remodel and expansion at 3045 King Avenue West. Staff recommends approval. (Action: approval or disapproval of staff recommendation)** Assistant City Administrator Bruce McCandless said the application for a tax incentive was in accordance with city resolution and state code. He said in 2005 the City Council adopted three resolutions providing tax incentives allowed by state law, and the subject application fell under the remodel, reconstruction or expansion of an existing building. Mr. McCandless advised the applicant estimated \$1.5 million worth of remodeling and expansion would be done to the existing property, and they intended to hire up to 25 additional full-time employees. He said the estimate of the tax abatement was very tentative because the Department of Revenue (DOR) typically established taxable value in an amount less than the market value, so if \$1.5 million worth of improvements were done, it would be unlikely that the DOR would value the improvements at \$1.5 million. Mr. McCandless said the estimated abatement would be worth about \$15,500 per year and about \$6,360 would be City tax based on the abatement during the construction period and the four years following on the improvement value only. He said in the fifth and subsequent years, 100% of the improvement value would be taxed. Mr. McCandless said the applicant and a representative from the Big Sky Economic Development Authority were present to answer any questions regarding the application.

Mayor Hanel asked for the approximate time of construction. Mr. McCandless said the applicant would be able to answer that question.

The public hearing was opened.

- **Joe White, Billings, MT**, said he opposed the tax abatement and said a Mercedes Benz was the most luxurious car in the world and did not need tax abatements. He said they should be for newly developed businesses and not established business. (The remainder of Mr. White's testimony was inaudible.)

- **Brandon Berger, Big Sky Economic Development**, said the construction was expected to start in September and last about six to eight months.

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

Councilmember Ruegamer moved for approval of Item 7, seconded by Councilmember McCall. Councilmember Clark said he would vote in favor but had a problem with giving the tax abatements after the applicant had already decided to do the project. He said they were giving away the tax money even though the applicant would do it with or without the tax abatement.

Councilmember McCall said she would definitely vote in favor and felt it was a very legitimate request. She said it had been something that was established some time ago and provided incentives to bring more business to Billings. She said it would benefit the community in the long run, and it was also about the public-private partnership.

Councilmember Ruegamer said he would support it. He said other places throughout the country were closing dealerships, and Billings was opening a Mercedes dealership, which spoke well, not only for Billings, but for the dealership. He said he had always liked the idea, it was only the taxes on the addition, it was a four-year deal, and they would add 25 new employees. He said he saw no downsides.

Councilmember Clark said he did not think the tax break had anything to do with it, because they were going to do the project anyway and had planned it for months. He said a lot of times a building was built before they ever asked for the tax break.

Councilmember Ruegamer said the program had been in effect for at least ten years, and he did not care how and when they found out about it. He said he was glad they were doing it. Councilmember Ruegamer asked Mr. Arveschoug how long the program had been in effect. Mr. Arveschoug said he thought it dated back to 1995.

Councilmember McFadden said between the 25 new employees and those employed for the construction of the project, the City would more than get its money back on the \$6,000 tax break.

Mayor Hanel said he would like to see more of it, and said he agreed with Councilmember Ruegamer. He said it was the type of business recognizable for the community as a progressive step.

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. Please sign up on the clipboard located at the back of the Council Chambers.*)

The public comment period was opened.

- **Brian Kenat, 345 Miles Avenue, Billings, MT**, requested a 2-way stop sign for vehicles traveling east and west on Miles Avenue at the intersection of Miles Avenue and 4th Street West. He said many people treated Miles Avenue and 4<sup>th</sup> Street West as through streets; and at least once a year he had to be the first responder to accidents in the intersection. He said there was currently a 2-way stop sign at the corner of 4<sup>th</sup> Street West and Howard, and he was told it was

installed because someone had been killed at that intersection. Mr. Kenat said he really preferred not to have to respond to a fatality in front of his house.

Councilmember McFadden asked Mr. Kenat if he had a preference as to what street stopped. Mr. Kenat said he wanted to stop people on Miles Avenue mostly because at 4<sup>th</sup> Street West and Howard there was already a 2-way stop sign so it would keep it consistent.

Councilmember Ruegamer said everyone thought the north/south streets in that area were through streets. Mr. Kenat said 5<sup>th</sup> Street West and 6<sup>th</sup> Street West were through streets so people thought the rest were, as well.

City Administrator Volek advised she would pass the information along to Public Works and obtain an answer for Mr. Kenat.

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

## **COUNCIL INITIATIVES**

- **CLARK:** Said he would like to see a program at a work session in the near future on why the City issued permits to have external loud sound going until midnight or later at businesses that were located next to residential neighborhoods.

City Administrator Volek advised permits were issued through the Police Department for events that normally closed at 10 p.m. She said staff was currently working on the noise ordinance that dated back to the 1970's, and they would be bringing the item forward.

Councilmember Clark said there had been a lot more complaints this summer and more and more bars were having loud rock bands in their parking lots.

Councilmember McCall commented that the larger Billings became, the more outdoor summer concerts would be held, which were enjoyed by a lot of people.

Councilmember Ruegamer said the concerts were not the problem; it was the volume of the music. He said the noise was overpowering. He said he thought the concerts were great, but the noise level needed to be brought down.

Mayor Hanel asked Deputy City Attorney Bonnie Sutherland about the noise levels that were allowed by ordinance. Ms. Sutherland said increased levels of noise could be permitted, and it sounded like staff was working on the current ordinance to address the issue.

Councilmember Clark said he did not think it was what the normal person would call a concert. He said it was just a band out beating the heck out of the drums and the horns in parking lots.

- **ASTLE:** Said he received a call every time there was an accident at 29<sup>th</sup> Street West and Central. He said he heard when they reduced the speed limit from 45 mph to 35 mph they did not want to study it for a signal because it would sooner or later be a 4-lane.

Councilmember Clark said he had spoken with Dave Mumford, and installation of a signal was scheduled for that corner. He said it was suppose to be installed this summer, but they were running a little behind.

- **ASTLE:** Said in the middle of July they were told the restroom at the skate park was going to be installed the first of August, and to date there was no sign of a restroom. City Administrator Volek said she would check on the status.
- **GAGHEN:** Said she thought the fair was very successful with all the quick change and innovation that was required. She pointed out that Bill Dutcher's mother had passed away during fair time, and she thought a card of sympathy and accolades for a successful fair should be sent to Mr. Dutcher on behalf of the Council. Councilmember Ruegamer suggested Councilmember Gaghen write a letter for the Council to sign. Councilmember Gaghen said she would be glad to do it but it would be more appropriate coming from the City Administrator or the Mayor. Mayor Hanel said he would see to it that Mr. Dutcher received a card from the City Council and the City of Billings.
- **HANEL:** Asked at what point in time the City would assume the responsibility of maintaining the landscaping on Shiloh Road from the State. City Administrator Volek said she thought it was after the first year, because the State had a warranty on the project itself. She said she would double check on it and report back to Council via e-mail. Mayor Hanel said he thought it would be worth mentioning that if it continued in its current state, a lot of the landscaping would have to be replanted. Councilmember Pitman asked if it was a year from completion of the project. City Administrator Volek said she thought it was from each section because each section was done separately. She said she would check. Councilmember Clark said he thought Dave Mumford had said they would take over maintenance of the whole project at one time.

There was no further business, and the meeting adjourned at 7:39 p.m.

CITY OF BILLINGS

By: \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

By: \_\_\_\_\_  
Cari Martin, City Clerk