

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

August 12, 2013

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

ROLL CALL: Councilmembers present on roll call were: Cromley, Ronquillo, Pitman, Cimmino, McFadden, Bird, McCall, Ulledalen, and Astle. Councilmember Crouch was excused.

MINUTES: July 22, 2013 – Councilmember Astle moved for approval, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

COURTESIES:

- Up With People – Promotion Representatives Grant Hamilton (Denver), Jolien Roelandt (Belgium), and Giselle Kuri Currasco (Mexico City) thanked the Mayor and the City of Billings for the wonderful hospitality. Up With People was a global education and arts organization and had not been to Billings for 20 years. They currently had 100 members representing 20 countries. While in Billings they would perform 1500 hours of community service and would be holding anti-bullying workshops in the middle schools. They would be volunteering at the Habitat for Humanity Re-Store, Montana Rescue Mission, Billings Food Bank, and Head Start. Their sponsors were First Interstate Bank, the Kiwanis, Montana Rescue Mission, the Homer and Mildred Scott Foundation, and MSU-B. They would hold two shows (9/6 and 9/7), as well as a VIP reception on September 6. Tickets were available through the Alberta Bair Theater and on the Up With People website. Proceeds would go to the Montana Rescue Mission and the Kiwanis.
- Mayor Hanel recognized the Big Sky Little League All Stars for their accomplishments this year. They did extremely well and even though they did not quite make it to the World Series, they had everything to be proud of. Mayor Hanel said he hoped the ball team members and coaches would be able to attend a future meeting and be recognized for their accomplishments. They represented Billings and the region in a wonderful way.
- Councilmember Ronquillo thanked Tim Goodrich for bringing the Blues Fest to South Park for the third year. It was a very good show, and there were approximately 1,000 people in attendance. He also thanked Mike Yakowich and his crew for setting up and tearing down.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

Ms. Volek commented on the following items.

- **Referenced the newly-installed HD cameras in the council chambers.** She said it was the beginning of the implementation made possible by the 25¢ fee per cable bill. It provided better cameras and allowed the crew to focus on individuals from a remote location. She said by-lines were also being put under people's pictures.
- **Item 1A1 – Bid Award for 2014 Landfill Compactor:** Council received an e-mail from City Administrator, dated 8/12/13, forwarding request from second lowest bidder to delay the bid award to Titan Machinery. Copy of e-mail was filed in the ex-parte notebook.
- **Item I – Approval of Sale of Tract 2, C/S 3426, located at 2229 Blue Creek Road to Shawn and Jill Egan:** Copy of Buy-Sell Agreement was sent in August 9 Friday Packet. Copy was filed in the ex-parte notebook.
- **Item L – Resolution Amending Resolution 12-19192 allowing City Administrator to establish monthly on-street parking fees:** Copy of resolution was inadvertently left out of agenda packet. Council received copy this afternoon via e-mail and paper copy was on Council's desk and filed in the ex-parte notebook.
- **Item M – Resolution Referring Ordinance No. 13-5611 permitting boards, commissions and committees to have administrative duties if allowed by state and federal law or interlocal agreement to the municipal election on November 5, 2013:** Copy of resolution was inadvertently left out of agenda packet. Council received copy this afternoon via e-mail and paper copy was on Council's desk and filed in the ex-parte notebook.
- **Item 5 – IAFF Local 521 7/1/2013 – 6/30/2015 Union Contract:** Council received e-mail from City Administrator today asking that item be postponed until council meeting of August 26 to allow Local 521 time to vote on the tentative contract agreement. Copy of e-mail was filed in ex-parte notebook.

Mayor Hanel asked Ms. Volek for the status on the unsatisfactory chip seal application involving several blocks in Ward V. Ms. Volek asked Public Works Director, Dave Mumford, to comment. Mr. Mumford advised there were problems with last year's chip seal application with Hard Drives. They had been in negotiations with Hard Drives to keep the situation out of litigation. The City would be paying for materials in an amount within the City Administrator's signing authority, and he would include the amount in a Friday Packet. Hard Drives would be paying for all labor, and hopefully they would be starting the repair within the next week. There was no perfect solution to chips that did not embed, but they believed they had a long-term solution that would give it the 15 to 20 years they were hoping for. Mr. Mumford said about 1/3 of the product did not stick.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #5 ONLY.

Speaker sign-in required. (Comments offered here are limited to one (1) minute.

Please sign in at the cart located at the back of the council chambers or at the podium.

Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

The public comment period was opened.

- **Gary Smith, 8725 Cutthroat Drive, Billings, MT**, referenced Item 1A1 and said he represented Tractor & Equipment (T & E), the local Caterpillar dealer. He questioned the recommendation of the bid award to Titan Machinery for the landfill compactor. The specs sent out specifically asked for a Tier 4 Emission Technology engine, and T & E's bid complied; however, he believed the product from Titan Machinery did not comply. Caterpillar was the leader in construction equipment world-wide and was on the cutting edge of technology. With that, came a price, and they were definitely not the lowest price. The difference between the Tier 4 Final mandated specifications for NOx emissions was about 80% less than the old Tier 4 Interim, so there would be an 80% NOx reduction in T & E's engine versus their engine. When he asked about the guaranteed repurchase numbers, he was told they would not be available until after the meeting that evening. Mr. Smith recommended the bid award to Titan Machinery be re-evaluated and the bid re-opened.

Councilmember Ulledalen asked Mr. Smith for T & E's bid amount. Mr. Smith said their product was a Caterpillar 836K model compactor. Their gross bid was \$869,912 with a \$62,500 trade-in, for a net bid of \$807,412.

Ms. Volek noted the issue she forwarded to council earlier was the e-mail from Humdinger, the third bidder. Titan bid two items, one of which did not meet specifications. Ms. Volek summarized the bid results, as follows:

Vendor	Bid	Trade	Net Bid
Titan Machinery	\$644,805	\$41,425	\$603,380 (did not meet specs)
Titan Machinery	\$683,545	\$41,425	\$642,120
T & E Equipment	\$869,912	\$62,500	\$807,412
Humdinger	\$795,000	\$45,000	\$750,000

Councilmember Cromley asked Mr. Smith if he was saying the equipment offered by Titan did not meet the specs. Mr. Smith referenced Page 1 of the required specs that stated the engine shall be US Tier 4 Final Technology. He said Titan would have to answer that question, but he did not feel it met the specification.

- **David Weller, 3703 Hayden Drive, Billings, MT and Art Logan, 3947 Rimrock Road, Billings, MT.** Mr. Weller said he was the store manager for Titan Machinery in Billings. They bid the Bull Mac RC1172 roller, which they found to be completely within the requirements of the Solid Waste Division. There was question about the Tier 4 Final versus the Tier 4 Interim. The industry was currently at the Tier 4 Interim, which was where the vast majority of manufacturers had put their

equipment. He disagreed with the 80% improvement from Interim to Final Tier 4, and said it would be more like 8% or 10%. There was not that big of an issue. Going from Tier 1 emissions down to Tier 4 Interim had been huge, and they were well within the current guidelines set by the EPA.

Councilmember Bird asked for an easier to understand explanation relating to Mr. Smith's indication that Titan's equipment did not comply with specifications. Mr. Weller said they took an exception to that and told the Solid Waste Division they were at Tier 4 Interim, which was the current industry standard for equipment manufacturers. The emissions levels were to get rid of two things; particulate matter (black smoke from a diesel engine) and nitrous oxide. Both had been decreased dramatically by all manufacturers of engines throughout the construction and trucking industry.

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

1. CONSENT AGENDA

A. Bid Awards:

1. 2014 Landfill Compactor (Opened 7/23/2013) Recommend Titan Machinery; \$642,120.

2. SID 1395, Boca Raton Road. (Opened 7/23/2013) Recommend delay of award until August 26, 2013.

3. W.O. 12-45, 3MG Staples Reservoir Liner and Baffle Replacement. (Opened 7/23/2013) Recommend Abhe & Svoboda, Inc.; \$906,548.

B. Contract with New Dawn for Criminal and Civil Case Management Software, \$61,968; annual expense -\$4,089.

C. Agreement with 3M Company Security Systems Division for Phase II of the RFID Upgrade Project for the new Library; \$171,727.

D. Vehicle Lease Agreement with Underriner Motors to lease six vehicles for the City County Special Investigations Unit (CCSIU), July 1, 2013-June 30, 2014; total - \$30,600; budgeted through FY14 Drug Forfeiture Fund.

E. Cooperative Agreement with Department of Natural Resources & Conservation Southern Land Office providing City of Billings Fire Department assistance and resources, as needed; and reimbursement to the City of Billings for response costs (8/12/13 - 8/11/14).

F. CTEP Project Specific Agreement with Montana Department of Transportation for the Shiloh Conservation Area Path Project; CTEP Grant - \$415,000; City of Billings

Match provided by Public Works Department - \$64,325; Additional Contribution - \$1,367,761; total funds available - \$1,847,086.

G. Amendment #2, W.O. 12-05: 5-Mile Creek Lift Station Replacement. Professional Engineering Services Contract, Morrison-Maierle, Inc. (MMI), \$21,525.

H. Approval of annual Funding Agreement with Adult Resource Alliance of Yellowstone County (formerly Yellowstone County Council on Aging).

I. Approval of Sale of Tract 2, C/S 3426, located at 2229 Blue Creek Road, to Shawn L. and Jill R. Egan, contingent upon execution of an acceptable sales agreement and Perpetual Right-of-Way Easement agreement; \$250,000.

J. Grant Applications Request to submit project applications for the Laurel Road Bike/Pedestrian Improvements, Broadwater Trail and Highway 3 Pathway projects to MDT for funding under the competitive Transportation Alternatives (TA) Program.

K. Joint City/County Grant Application Request to submit 2013 Justice Assistance Grant (JAG) application and **accept** award for equipment purchases; \$65,371 (Billings Police Department - \$54,646 ; Yellowstone County Sheriff's Office - \$10,725).

L. Resolution #13-19297 amending Resolution #12-19192 to allow the City Administrator to establish monthly on-street parking fees, up to 12-hour parking spaces.

M. Resolution #13-19298 referring Ordinance 13-5611 permitting boards, commissions and committees to have administrative duties if allowed by state or federal law or interlocal agreement to the municipal election on November 5, 2013.

N. Second/Final Reading Ordinance #13-5612 for Zone Change #913: a zone change from Community Commercial (CC) to Residential Manufactured Home (RMH) on Lot 13 of Kuhlman Subdivision, an 8,832 square foot parcel of land. Duane and Carol Long (Long Brothers Trucking), owners; Heather Long, agent. Approval of the zone change and adoption of the determinations of the 10 criteria.

O. Second/Final Reading Ordinance #13-5613 for Zone Change #914: a zone change from Residential 9,600 (R-96) to Residential 8,000 (R-80) on proposed Lot 1, Block 4, Falcon Ridge Estates Subdivision 2nd Filing, a 1.67 acre parcel of land. Falcon Ridge II, LLC, owner; Dennis Buscher, agent. Approval of the zone change and adoption of the determinations of the 10 criteria.

P. Preliminary Plat Six-Month Extension for Skyview Ridge Subdivision, 1st Filing; generally located south of Wicks Lane, west of Governor's Boulevard, and north of Constitution and Kootenai Avenues in the Heights; setting a new expiration date of January 13, 2014.

Q. Preliminary Major Plat of Josephine Crossing Subdivision, 4th Filing, generally located south of Elysian Road, and west of S. 12th St. West in Josephine Crossing Subdivision; McCall Development, Inc., owner/subdivider; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact.

R. Final Plat of High Sierra Subdivision, 7th Filing.

S. Final Plat of Amended Lot 21, Block 3, and Lot 21, Block 4, Twin Oaks Subdivision, 2nd Filing.

T. Exempt Plat Approval of Amended Tract 1 of Zimmerman Acreage Tracts, 1st Filing; generally located on Grand Avenue at 48th Street West; Grace Montessori Academy, owner.

U. Bills and Payroll:

1. July 16, 2013
2. July 23, 2013

Councilmember Astle separated Consent Agenda Item 1A1. Councilmember Cromley separated Consent Agenda Item H. Councilmember Cimmino said she had been directed by her employer to abstain from Items 1A3, F, G, J, U1 and U2.

Councilmember Pitman moved for approval of the Consent Agenda except for Items 1A1, 1A3, F, G, H, J, U1 and U2, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

Councilmember Astle referenced Item 1A1 and asked Mr. Mumford if it had been a bid process or an RFP. Mr. Mumford said it had been a bid through purchasing. Councilmember Astle asked if the Tier 4 Interim met the specifications of the bid. Mr. Mumford said he had not read the bids, but it was his understanding Titan Machinery had met the specifications.

Councilmember Ulledalen asked if the bid specified Tier 4 Interim, Tier 4 Final, or just Tier 4. Mr. Mumford said he was not sure.

Councilmember Bird said the answer to Councilmember Ulledalen's question was important to know because the bid process needed to be very clear about what they were looking for. If there were any kind of distinction, as it appeared in this case, the process concerned her for not being as clear and literal as possible.

Councilmember Pitman said he was seeing red flags and asked if there would be a problem delaying the item so they could clarify and make sure they knew what they were talking about. Mr. Mumford said there would be no issue with delaying it. He believed it was clear but he did not personally read the bid so he could not definitively say.

Councilmember Ulledalen said if the specs said Tier 4, they should accept the recommendation but it seemed to him someone had injected an element in the bid that was not part of the spec. Mr. Mumford said he believed it did but he could not be sure because he did not have the bid in front of him. Delaying two weeks for clarification would not be a problem.

Councilmember Bird said the same could be said if looked at from the other side. The language needed to be clear and specific. She felt they needed to know specifically what the bid process required in terms of the applicant's response.

Councilmember Astle moved to delay Item 1A1 for two weeks, seconded by Councilmember Pitman. Councilmember Astle said that way they would know what the bid said and know that everyone had been treated fairly. The e-mail they received that day indicated the cheapest price was not always the best one, but there were rules they had to live by. On a voice vote, the motion was unanimously approved.

Councilmember Cromley referenced Item H and said he needed to abstain because he was on the board of the Alliance. Councilmember Astle moved for approval of Item H, seconded by Councilmember Ronquillo. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item 1A3 and said it was an HDR Engineering project, so she would abstain from any deliberations on the item. Councilmember Pitman moved for approval of Item 1A3, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item F and said she needed to abstain from participation on the item. Councilmember Pitman moved for approval of Item F, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item G and said another engineering firm had received the bid; but because her employer participated she would need to abstain. Councilmember Pitman moved for approval, seconded by Councilmember McCall. Councilmember Pitman said he understood conflict of interest and having to recuse themselves, and asked if they were at that level or getting to a point where Councilmember Cimmino should not have to be recusing herself on items just because it was an industry event. City Attorney Brent Brooks said they were currently re-examining their ethics ordinance because of the particular issue. He said he hesitated to provide a preliminary statement. There may be two parallel worlds – the work world Councilmember Cimmino was in; and the City's requirements. Attorney Brooks advised they would be back in touch with Councilmember Cimmino and the Council concerning the issue. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item J and said she needed to abstain. Councilmember Pitman moved for approval of Item J, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item U1 and the invoices submitted by other engineering firms to include COP Construction (#767398), Dowl-HKM (#767412), Morrison-Maierle (#767500), Sanderson Stewart (#767548), and Terracon (#767578) and said she would abstain. Councilmember Pitman moved for approval of Item U1, seconded by Councilmember Astle. On a voice vote, the motion was approved 9 to 0.

Councilmember Cimmino referenced Item U2 and the invoices submitted by Dowl-HKM (#767696), Great West Engineering, Inc. (#767728), Jacobs Consultancy, Inc. (#767747), Montana Civil Contractors, Inc. (#767783), Morrison-Maierle (#767793), Rimrock Engineering, Inc. (#767816), Sanderson Stewart (#767819), and Tetra Tech, Inc. (#767839) and said she would abstain. Councilmember Pitman moved for approval of Item U2, seconded by Councilmember Astle.

Mayor Hanel referenced Item U2 and asked for an explanation of the approximate \$6,200 payable to the Missoula Library for the Heritage Quest. Ms. Volek said she did not have an answer; however, she knew the City had joined with the State Library System in regard to the catalog, and it could be part of that. She said she would provide the information to Council via e-mail on Tuesday. On a voice vote, the motion was approved 9 to 0.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #13-19299 approving a street name change for South 12th Street West south of Midland Road, to Songbird Drive. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Ms. Volek advised there was no presentation, but staff was available to answer questions.

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

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

3. PUBLIC HEARING AND RESOLUTION #13-19300 assessing the cost of abatement for properties located at 3310 1st Avenue South and 417 and 423 Miles Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Ms. Volek advised at least one councilmember received a voice mail in regard to the item, and Ms. Millar may wish to address it. She noted the abatements had been ordered by the Municipal Court. Planning Director, Candi Millar, said she was forwarded a voice mail from Councilmember Ulledalen, and the caller's issue was that the emergency abatements were giving Code Enforcement more authority than should be allowed, and there was some abuse of authority. Ms. Millar clarified neither were emergency abatements. They were court-ordered, and the property owners had been properly noticed and given their due process. They tried to proceed with voluntary abatement but due to several circumstances the owners opted not to do voluntary abatement, go through the court order, and let the "chips fall as they may." Ms. Millar clarified again they were not emergency abatements. She spoke with the Finance Director whose staff wrote the council memo and clarified with them that they were not emergency abatements.

Mayor Hanel complimented Ms. Millar's staff on the way they handled the matter on Miles Avenue. He was present during the removal of the property and junk that had been there for years. Staff was very professional, very courteous to the neighbors, and very careful when removing the owner's property not to cause further damage. Ms. Millar said it was a city effort with assistance from many other city departments.

Councilmember Ronquillo said the abatement at 3310 1st Avenue South had been started, then stopped, and then started again and asked why. Ms. Millar said she did not know what the situation was but she did know the abatement was delayed in part because the new owner had said he would abate it but never did, so the City stepped in and the court ordered the abatement. Councilmember Ronquillo said they were doing a good job now cleaning it up.

Councilmember Ulledalen told Ms. Millar he thought the public wanted abatements done and in some cases thought the City was too lenient or took too long to get things done. The complaint he received was not broad-based. It was an anonymous complaint; he tried to return the call to get more details but was not successful.

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

Councilmember Ronquillo moved for approval of Item 3, seconded by Councilmember Bird. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND FIRST READING ORDINANCE amending Billings Montana City Code, Article 24-400, Stopping, Standing and Parking, permitting the City Administrator to determine installation of parking meters or signs in meter zones and establish limited time parking. Parking Advisory Board recommends approval. (Action: approval or disapproval of Parking Advisory Board recommendation.)

Ms. Volek advised there was no presentation, but staff was available to answer questions. She noted the item was discussed with the City Council at the July 15 work session.

Councilmember Ronquillo said on First Avenue North by Pug Mahon's the parking meters had been removed on the south side, but there were still meters on the north side. He said it looked like a "hit and miss" situation. Ms. Volek said she understood there was still some striping that needed to be done. Councilmember Ronquillo said someone had torn all the sacks off the 2-hour parking, and he did not know if it was still in effect. Assistant City Administrator, Bruce McCandless, said there were a few stragglers outside the mapped meter zone that would be removed within the next few days. Councilmember Ronquillo asked if the sacks that had been torn off near Pug Mahon's would be put back on. Mr. McCandless said the meter map amendment would add that block on the north and south sides. At the request of the property owners, the meters would remain in place and would look like and operate just like they had before the meter elimination trial.

Councilmember McCall asked Mr. McCandless if the area in front of Pug Mahon's would not be metered. Mr. McCandless said at the request of the property owners in the area it would be metered. Councilmember McCall said the last time she had talked with Matt they had been removed and it was the 2-hour honor system; and asked if now they were going back to the meters. She asked Mr. McCandless if she had talked with Matt recently. Mr. McCandless said the last time he talked with Matt was a couple of months ago, and Matt specifically said he wanted meters because they were self-policing and they caused turnover. He did not want the 2-hour signed parking because it required an enforcement officer to get by there approximately every two hours to enforce it. Mr. McCandless said Matt was very clear to him. Councilmember McCall said Matt was very clear to her also, so it would be a good idea to verify it with him. Mr. McCandless said he would contact Matt the following day.

Councilmember Bird asked if they were ever going to get to the point where they were not doing the parking shuffle and asked for an update on where they were and where they were headed on a parking commission. Ms. Volek advised the agenda item to put it on the November ballot was scheduled for August 26. It was her understanding the Parking Advisory Board and staff were looking at related issues and getting ready to

move forward if the Council agreed to put it on the ballot. Councilmember Bird asked if there was anything they could read to better understand the bigger picture before being asked to vote on it. She would appreciate any information or direction to become better informed.

Councilmember Ulledalen said they were trying to reassemble a train wreck. The assumption was that a Parking Commission in downtown parking management was best practices; and Missoula, Great Falls, Helena, and possibly Bozeman had recognized it as something that worked. Parking shuffling was one of the details that would need to be dealt with. Part of the problem was they had been going on for at least nine years making decisions and voting on the piecemeal. One of the issues was they did not have any kind of a parking strategic plan for downtown. They just kept doing the "band-aid and duct tape thing." If they had a commission in place they could task them and let them start fixing things. He felt it would be a mistake at that point to start putting "more bailing wire and duct tape on something." They needed to delay it for the time being and hopefully the citizens would vote for a commission.

Councilmember Bird said she was not interested in delaying progress. She would like to have a better sense of what the progress was in terms of infrastructure.

Greg Krueger, Downtown Billings Development Director, advised Council they were bringing in a woman who had turned downtown Cedar Rapids, Iowa, around from being in the same boat as Billings. They were also bringing in Dennis Burns of Kimley-Horn & Associates, who was the "guru" of downtown parking, on September 24, 25, and 26 for the downtown conference. They would like to set aside time with councilmembers to directly talk with both individuals. Councilmember Bird said just having access to these two individuals would be much more suited to her interest and all of the information she would need.

Councilmember Pitman asked if it would be appropriate to include the City Administrator or the Assistant City Administrator. It seemed that Mr. McCandless knew more about it, it was his forte, and it went against everything they had been doing as far as the City Administrator and micro-managing. Ms. Volek said the normal process was that the Assistant City Administrator presented recommendations and she reviewed them and made the final determinations. She thought they already had a process where both of them would be involved.

Councilmember Ulledalen said he had heard that the downtown group was going to have a town hall meeting on parking issues on Tuesday evening, September 24. Mayor Hanel confirmed with Mr. Krueger that the meeting would be publicized. Councilmember Ulledalen said Mr. Burns was a nationally-recognized expert. He had been in a meeting with Mr. Burns and the Parking Director from Missoula; and it was quite an eye opener to realize what was happening in other places that Billings did not have.

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

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

Councilmember Ronquillo advised the Parking Advisory Board would be having another meeting the following day at 4:00 p.m. in the City Hall Conference Room if anyone was interested in attending. Mr. McCandless said they would be going through

the dozen or so questions presented to Council a month or so ago and trying to come to some resolution on those issues that would come to Council in the form of a recommendation if the ballot issue passed.

5. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 521 7/1/2013-6/30/2015 UNION CONTRACT. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) Councilmember McCall moved to postpone the IAFF Union Contract until August 26, 2013, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.*)

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

COUNCIL INITIATIVES

- **Astle:** Said he had been encountering multiple builders, contractors, and architects who said the total delay in getting a building permit was the Fire Department. They were talking to him as individuals and not as a group. The complaint was the Fire Department was “dragging its feet.” They were afraid to come public with it because then the Fire Department would really drag their feet. Councilmember Astle asked if it could be looked into.

City Administrator Volek said the Fire Marshall’s Office did the plan review in addition to handling fire investigations. She believed they were still within the six week window, and she would talk with Ms. Millar and report back to the Council.

Councilmember Ulledalen said he understood street naming was also done by the Fire Department and asked if someone else could handle it to free up time for the Fire Marshall. Ms. Volek said the Fire Department did it due to the emergency response implications. She said there was someone in the GIS group that was capable of handling it, and she would work to see if they could bring that about. Now that the construction industry had picked back up, it was time to look at it.

Councilmember Ronquillo said when he worked for MDU there was a committee made up of utility representatives that worked with Paul Gerber of the Fire Department and met once a month to discuss street naming issues. It might not be a bad idea to start the committee again. Ms. Volek said she would work with staff on the issue and report back.

- **Bird:** Asked if re-striping of streets and intersections occurred every year. Ms. Volek advised a section of the city was done every year. Councilmember Bird said the intersection of Moore Lane, the railroad tracks, and Monad did not have a line and absolutely no marking for a pedestrian crossing. There had been a sizeable increase in pedestrian traffic in that part of town, and it was a real safety concern for her. Ms. Volek advised she would get a brief explanation of the process from Public Works and forward it to Council.

Councilmember Ulledalen said that particular intersection could be state-controlled. Ms. Volek said she would find out.

- **Cimmino:** Said she had been asked several times the past week if the Engineering Division staff would know if there were any plans to put in a traffic light or any type of traffic control measure at the corner of 24th Street West and Overland right in front of the Jakes Restaurant. She said 24th Street heading west to Gabel Road was a blind corner where people traveled quite rapidly. Ms. Volek advised she would obtain an answer. Councilmember Cimmino asked to have an answer within 30 days.

Councilmember Cimmino said she had seen the new slides at Rose Park; they were absolutely fabulous, and they looked wonderful. She noticed in the entrance area where fees were paid there were probably 20 to 25 handwritten posters of regulations taped on the windows. She asked if the Parks Director could provide an improved curb appeal just to the area where fees were paid with information such as "Welcome to Rose Park", hours of operation, and the fees. She said she felt the handwritten rules and regulations taped on the windows would become overlooked and suggested condensing all of the handwritten rules and regulations into a pamphlet to be given to those paying to use the facility. Ms. Volek said they would investigate it. It may not be something they would get done this year since the season was nearing an end, but they would look into for next year.

- **Pitman:** Referenced Councilmember Bird's comment on striping, and asked if it needed to be an initiative in order to ask staff to look into a plan for striping that intersection. Ms. Volek said she would look into it, and if the striping needed to be done they would ask for a Council initiative.
- **Bird:** Said she was contacted by a constituent concerned about the sale of alcohol at the American Legion Tournament recently held at Dehler Park. She asked what the rules were in terms of the sale of alcohol at youth activities. She said she also thought there would be big, fun events held at Dehler Park this summer, and she hoped Dehler Park would be used for more than just baseball. Ms. Volek said part of the City's capacity to run the stadium rested on the fact they had contracted with the Mustangs organization to do the day-to-day operations of the park. Ms. Volek said she would talk with City Attorney Brooks about the sale of alcohol. It had been a tradition for a long time, so she would presume it was legal. Ms. Volek said there were many organizations that used Dehler Park. The Mustangs, the American Legion, and the university all had seasons that took priority according to the contracts. Any other events would need to be coincided with the baseball game schedules. There was also a size issue with one previous concert where the ticket sales were not adequate and the event was moved to Alberta Bair Theater. Ms. Volek said she would find out if there were any events scheduled. Councilmember Bird said her constituent also told her she had overheard multiple complaints from the out-of-town people attending the American Legion tournament that alcohol was being sold at a youth activity. She said even if it were legal, the appropriateness needed to be discussed. She noted alcohol was not sold at the MSU-B games. Ms. Volek advised the revenue from alcohol sales at the Mustangs games helped support the Mustangs organization. She would talk to Mr. Roller and provide an explanation to Council.

- **Ronquillo:** Said they were holding the “Eat and Meet” again for Phillips 66 on September 12 at the Gazebo in South Park. Council would receive invitations. In addition to the food, this year they were setting up booths to include the Parks Department, Fire Department, Southside Task Force, Friendship House, RiverStone Health, and the Audubon Society. Hours would be 5:00 p.m. to 7:00 p.m.

There was no further business, and the meeting adjourned at 7:46 p.m.



CITY OF BILLINGS

BY Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk