

**REGULAR MEETING OF THE BILLINGS CITY COUNCIL**  
**September 14, 2015**

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

City Administrator Tina Volek stated that City Clerk Guenther was ill this evening and former Deputy City Clerk Deanna Shirek was filling in for her. Ms. Volek also welcomed new Deputy City Clerk Toni Keehner to the staff.

**ROLL CALL:** Councilmembers present on roll call were: Cromley, Yakawich, Pitman, Cimmino, McFadden, Bird, McCall, Swanson, Crouch and Brown.

**MINUTES:** August 24, 2015: Councilmember Cromley moved for approval, seconded by Councilmember Crouch. On a voice vote, the motion was unanimously approved.

**COURTESIES:**

- Mayor Hanel announced that Secretary Mavis of the US Navy visited Billings. Secretary Mavis named the USS Billings and USS Montana during his visit. Major Hanel thanked all citizens, military members and Councilmembers who were present during the ceremony.
- Mayor Hanel also thanked Councilmember Yakawich for organizing Patriot Days on the County Courthouse lawn.
- Councilmember Crouch announced Rosh Hashanah and wished peace for members of the Jewish community.

**PROCLAMATIONS:**

- Mayor Hanel welcomed Bill Cochran, Library Director, and read a proclamation declaring September as Library Card Sign-up Month. Mr. Cochran stated that the Billings Public Library received an honorable mention in the Library Journal publication. Mr. Cochran thanked everyone who helped achieve that honor.
- Mayor Hanel read a proclamation declaring September 17-23 as Constitution Week.

**ADMINISTRATOR REPORTS - TINA VOLEK**

- Ms. Volek did not have any items to discuss.

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

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

**1. CONSENT AGENDA -**

**A. Bid Awards:**

- 1. Airport Improvement Program (AIP) Storm Drain Tunnel Boring Project.**  
(Opened 9/1/2015) Recommend Brannan Construction Company, \$1,567,227.20.
- 2. W.O. 15-38, Solid Waste CNG Short-Term Fueling Station Procurement.**  
(Opened 8/25/2015). Recommend rejecting sole bid from EFS West, \$395,055.

**B. Approval of the revised Assignment on Lot 9 Lease, assigning to Yellowstone Bank; and approval of Amendment One to Lot 8 Lease revising Lessee's name to EBH, LLC.**

**C. Approval of one-year Commercial Aviation Ground Lease with United Parcel Service (2/1/2015-1/31/2016); first year revenue - \$14,791.20; revenue subsequent years adjusted by Consumer Price Index for All Urban Consumers (CPI-U).**

**D. Approval of the purchase of eight (8) replacement police vehicles from Bison Ford Motor Company of Great Falls for \$27,488.08 each, or a total cost of \$219,904.64, budgeted in the 2016 Equipment Replacement Plan.**

**E. Approval to initiate a street name change for Cortez Avenue and set a public hearing date for October 13, 2015.**

- F. **Adult Resource Alliance of Yellowstone County (formerly Yellowstone County Council on Aging) Funding Agreement Renewal for FY2015-2016; \$26,780.**
- G. **Recommendation of approval to the Policy Coordinating Committee for Draft 2016 Unified Planning Work Program.**
- H. **Confirmation of Probationary Police Officers** - Brandon Lange and Nicholas Lam.
- I. **Storm Drain Easement** on Lot 31A, Panoramic Heights Subdivision Amended.
- J. **Revolving Loan Fund** to Art House Cinema & Pub; \$30,000.
- K. **Acceptance of Donation** to Police Department for School Resource Officer Training, Downtown Exchange Club of Billings, \$2,400.
- L. **Resolution** authorizing the sale of Special Improvement District bonds (SID 1398), \$51,000.
- M. **Second/Final Reading Ordinance for Zone Change #938:** A zone change from Residential 9,600 to Residential 7,000 on a 7.8 acre parcel of land described as: Lot 1, Block 5, and Lot 5, Block 2, Grand Peaks Subdivision, and generally located at 54th Street West and Grand Peaks Drive. Grand Peaks, LLC, owner; Sanderson Stewart, agent. Approval of the zone change and adoption of the determinations of the ten criteria.

**N. Bills and Payroll:**

- 1. August 10, 2015
- 2. August 17, 2015

Councilmember Yakawich separated Item 1J for clarification.

Councilmember Cromley separated Item 1F in order to abstain.

Councilmember Brown separated Item 1N2 in order to abstain.

Councilmember Cimmino separated Items 1A2 and 1N1 in order to abstain.

Councilmember Pitman moved for approval of the Consent Agenda except for Items 1A2, 1N1, 1N2, 1J, and 1F, seconded by Councilmember Brown. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich separated Item 1J to ask Pat Weber, Finance Director, to clarify who is on the Revolving Loan Fund Committee. Mr. Weber stated that the committee consists of himself, Greg Krueger, Steve Tostenrud, and Kim Olsen. Mr. Weber stated that the loan is for The Arthouse Cinema & Pub to help with downtown renovation costs.

Councilmember Yakawich moved to approve Item 1J, seconded by Councilmember Cimmino. On a voice vote, the motion was unanimously approved.

Councilmember Pitman moved to approve Item 1F, seconded by Councilmember Yakawich. On a voice vote, the motion was approved 10-0, with Councilmember Cromley abstaining.

Councilmember Pitman moved to approve Item 1N, seconded by Councilmember Cromley. On a voice vote, the motion was approved 9-0, with Councilmembers Brown and Cimmino abstaining.

Councilmember Pitman moved to approve Item 1A2, seconded by Councilmember Yakawich. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

#### **REGULAR AGENDA:**

- 2. PUBLIC HEARING AND RESOLUTION approving and adopting Budget Amendments for FY15. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

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

Councilmember Brown asked for clarification. Mr. Weber and Ms. Volek explained that the payments included in the amendments had accrued back in FY15, therefore the FY15 budget needed to be amended.

The public hearing was opened.

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

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

3. **PUBLIC HEARING AND RESOLUTIONS SPREADING ASSESSMENTS**  
**on the following Special Improvement Districts:**

- A. **SID 1382 – curb and gutter, water, storm drain, and multi-use path on Colton Boulevard between 38<sup>th</sup> Street West and Zimmerman Trail.**
- B. **SID 1397 – paving Treasure Drive from Donna Drive to City High Ditch.**
- C. **SID 2907 – development and miscellaneous public improvements in various locations around the City.**
- D. **SID 2908 – sidewalks along Poly Drive between 32<sup>nd</sup> Street West and 38<sup>th</sup> Street West.**

**Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Volek and City Attorney Brent Brooks stated that all topics under Item 3 could be held in a single public hearing, but must be voted on individually.

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

Councilmember Yakawich asked for elaboration on the overall picture. Mr. Weber stated that the Public Works Department creates the SID. The Public Works Department advertises for bids, and then the Finance Department sells SID bonds for a certain interest rate. Once construction is complete, City engineers send over details of what work was completed. On an SID, assessments are included on a property owner's tax bill over 15 years. Sidewalks have the same process, except that the assessments are spread over 12 years.

Councilmember McFadden asked if property owners are aware of these amounts. Mr. Weber stated yes, property owners are notified.

Councilmember McFadden asked if property owners are aware that improvements will be made. Mr. Weber stated yes, property owners are notified.

Councilmember Bird asked Mr. Mumford about construction on Poly near 32<sup>nd</sup> and 38<sup>th</sup> Street West. Mr. Mumford replied that the SIDs under Item 3 were not in that area.

Councilmember Bird also stated that a constituent complained about a bump sign in the middle of the sidewalk along Poly. Mr. Mumford stated that he would look into it.

The public hearing was opened.

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

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

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

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

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

**4. PUBLIC HEARING AND RESOLUTIONS SPREADING ASSESSMENTS on the following:**

**A. Park District 1**

**B. Park Maintenance Districts**

**Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Mike Whitaker, Director of Parks, Recreation and Public Lands began a PowerPoint presentation for Item 4A. Mr. Whitaker stated that 66% of the assessments would be going toward deferred maintenance projects with the remaining 34% going toward ongoing maintenance. Staff is recommending upgrading six restrooms and making them ADA compliant. Staff is also recommending updating the fall protection on playgrounds to meet national standards. Staff recommends replacing the playground equipment at Hawthorne Park. Additionally, staff would like to resurface athletic courts in parks. Staff also recommends automating irrigation as well as replacing the water pump at Rose Park. Ongoing maintenance assessments would continue to fund the Volunteer Coordinator, arborist, park maintenance worker, and seasonal employees.

Mayor Hanel complimented Trail's End Park and stated that it looked very nice. Mr. Whitaker replied that the park was the result of an ideal partnership between BCBS of Montana, Kiwanis, and the Parks Department. Over 200 volunteers helped with improvements.

Councilmember Cimmino asked if the \$400,000 for park irrigation would be equally divided between Poly Vista and Veteran's Parks. Mr. Whitaker replied that the

greater amount would be going toward Veteran's Park. Councilmember Cimmino asked if this would be brand new equipment. Mr. Whitaker stated yes, the sprinkler system will be fully automated and will reduce the City's water consumption by about 30%. Councilmember Cimmino asked if any of the \$50,000 for aquatics would include cosmetic upgrades to Rose Park. Mr. Whitaker stated that cosmetic updates are proposed for the three year plan and should take place sometime in FY17 or FY18.

Councilmember Bird stated that she is disappointed that the bathrooms at Rose Park and South Park are not going to be dealt with earlier. Councilmember Bird also commended the Trail's End Park public and private partnering.

Councilmember Brown asked for clarification about setting the assessments. Ms. Volek clarified that without this assessment, none of the previously mentioned projects will be able to be completed.

Councilmember Yakawich asked if the assessments are made annually. Mr. Whitaker stated that is correct. Ms. Volek added that assessments are levied annually. If a project is not completed, those funds will be carried forward into the next year's budget and the project will be slated for completion in that year.

Councilmember Bird stated that she supported this assessment but wanted to know if the restrooms at Rose Park and South Park could be prioritized. Mr. Whitaker stated that the Parks Board does recognize the need, but felt that the improvements discussed previously would reach a larger amount of park users.

Councilmember Cimmino agreed with Councilmember Bird regarding the restrooms needing improvement.

The public hearing was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT:** stated that this fund was set up for deferred maintenance, not ongoing maintenance.

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

Councilmember Bird moved for approval of Item 4A, seconded by Councilmember McCall. Councilmember Yakawich asked for clarification about the difference in ongoing and deferred maintenance. Ms. Volek explained that several of the items listed, such as tree removal and weed maintenance, had not been completed in previous years due to funding. On a voice vote, the motion was approved 9-2 with Councilmembers Brown and Pitman voting in opposition.

Mr. Whitaker gave a brief PowerPoint presentation demonstrating the Park Maintenance District's fund assessments and expenditures.

Councilmember Bird asked for clarification on why the four Park Maintenance Districts listed have these costs associated with them. Jon Thompson, Superintendent of Parks, stated that High Sierra Park now has a dog park and the department is now installing a disc golf course, which requires more maintenance. Lutheran Park assessments have not been raised in quite a number of years and the park has been using reserve funds. Vintage Estates Park has had increases in water costs. Falcon Ridge Park is growing and new park land is being created.

Councilmember Pitman asked if High Sierra Park could become a general fund park. Mr. Thompson responded that High Sierra Park is a large community park, not a neighborhood park. In addition, the number of properties paying into the park is quite large. 572 properties pay into the High Sierra District, and the average cost of services they pay is \$93. Ms. Volek clarified that these PMDs were created at either the behest of the property owner, the original developer, or the residents in that area. Therefore, to make the park a general fund park, Council would need to dissolve that PMD and then move to put the park into the general fund expenditures. Mayor Hanel added that the financial picture would change because the money that is received from PMDs would not be the same as funds received from the general fund.

The public hearing was opened.

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

Councilmember McCall moved for approval of Item 4B, seconded by Councilmember Cromley. Councilmember Brown asked Mr. Whitaker if the PMD list Council was given was the same list they received last year. Councilmember Brown then stated that "it appears without raising a lot of funds we were able to balance it out?" Mr. Whitaker replied that the balance resulted from a combination of watering less and having a wet spring the last two years. Councilmember Pitman complimented Mr. Whitaker on a balanced budget for PMDs. On a voice vote, the motion was unanimously approved.

5.

**PUBLIC HEARING AND RESOLUTION adopting annual Special Improvement Light Maintenance District assessments for FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

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

The public hearing was opened.

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

Councilmember McCall moved for approval of Item 5, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

6.

**PUBLIC HEARING AND RESOLUTION assessing the annual fee for encumbrances, obstructions, or encroachments on, over, across, or above the streets, avenues, sidewalks, or alleys of the City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

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

Councilmember Yakawich asked for clarification about property owners paying for encroachments. Mr. Weber stated that a property owner would contact Public Works to make arrangements for encroachments.

The public hearing was opened.

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

Councilmember Pitman moved for approval of Item 6, seconded by Councilmember Crouch. On a voice vote, the motion was unanimously approved.

7.

**PUBLIC HEARING AND RESOLUTION setting Road Maintenance District 6 assessments for FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Volek stated that Road Maintenance District 6 is to maintain a secondary fire access road in Briarwood subdivision. Ms. Volek stated that staff did not have a presentation, but was available for questions.

Councilmember Cimmino asked if the access road was a requirement under the Subdivision Improvement Agreement. Ms. Volek stated that this road is necessary in case the first access road to the subdivision would be blocked. Councilmember Cimmino replied that the access road would be a benefit for the property owners.

The public hearing was opened.

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

Councilmember Cromley moved for approval of Item 7, seconded by Councilmember McFadden. On a voice vote, the motion was unanimously approved.

8. **PUBLIC HEARING AND RESOLUTION setting General Obligation (GO) Debt and Public Safety (PS) 2 mill levy rates for FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Ms. Volek stated that the proposed mills would generate revenue required to pay interest and the principal on General Obligation (GO) bonds and for Public Safety 2 (PS2).

The public hearing was opened.

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

Councilmember McCall moved for approval of Item 8, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

9. **PUBLIC HEARING to receive input on the City's FY14-15 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. No action is necessary.**

Brenda Beckett, Community Development Manager, presented a brief PowerPoint showing an analysis on housing needs and five year goals. The programs provide assistance to low income, homeless, elderly, minorities, and those with disabilities.

Councilmember Cimmino congratulated Ms. Beckett on all of her hard work and discussed the completion of King's Landing. The average sale price in this neighborhood was \$146,000. Councilmember Yakawich asked what Council can do to further help the program. Ms. Beckett stated that the Council has done amazing things for the department.

The public hearing was opened.

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

10. **PUBLIC HEARING AND RESOLUTION setting mills for General Fund, Library, Transit, and Public Safety 1. Staff recommends holding the public hearing, indefinitely tabling the resolution, and directing staff to prepare the FY17 budget to include hiring additional public safety personnel. (Action: approval or disapproval of staff recommendation.)**

Pat Weber, Finance Director, began a PowerPoint presentation and gave an overview of the of the different mill levy options listed below:

### *(Now Option 1)*

- Indefinitely tabling the “Amended Mill Levy Resolution”
- Resolution 15-10467 remains in place (passed in June)
  - 74 General Mills
  - 5 Library Mills
  - 10 Transit Mills
  - 20 Public Safety I Mills
  - 109 Total Mills

### *(Now Option 2)*

- Pass the “Amended Mill Levy Resolution”
  - 67.64 General Fund Mills
  - 4.57 Library Mills
  - 9.17 MET Mills
  - 18.28 Public Safety I Mills
  - 99.66 Mills

### *Option 5 (Now Option 2)*

- Decrease mills to 99.66 which equates to a 3.5% increase in taxes
  - Newly taxable value increased the taxable value by 3.5%
  - General Fund 67.64, Public Safety I 18.28, MET 9.17 and Library 4.57
  - Extends need for Public Safety Levy ~ Fiscal Year 2019
    - Election fall of 2017 or spring of 2018
  - \$636,400 increase in real property tax revenue per year
    - Not cumulative.
  - Assumes no significant change in taxable value due to the economy or taxable value appeals

## Add Staff in FY17

This could be done in FY17 and FY18 or all in FY17 given Council directive.

- Six Police Officers
- Six Firefighters
- 4 911 Dispatch Operators
- Plus Additional Equipment

## Why Staff in FY17?

- Tax Year 2015=Budget Year 2015-2016
  - Collect Taxes in December 2015 and June 2016
  - Funds would then be available to hire in Budget Year 2016-2017
  - Planned during preparation of the FY17 budget

Councilmember Pitman asked how much money was currently in the City's unobligated reserves. Mr. Weber stated that the City has \$12 million in unobligated reserves. Councilmember Pitman asked what the yearly cost would be of hiring six police officers, six firefighters and four 911 dispatchers. Mr. Weber stated that six police officers and six firefighters would cost about \$850,000 with benefits, but not including cars and equipment. The four dispatchers would cost about \$200,000 - \$250,000.

Ms. Volek added that the City expected the second Public Safety levy to last ten years, but the funds will likely last through FY19 or FY20. The existing unbudgeted reserve is being used to cover the existing costs of operations. Annexation is also concerning until the City increases its Public Safety force. Ms. Volek also noted that the City has not added a 911 dispatcher in over 16 years.

Councilmember Cimmino asked how the Charter settlement affected public safety funding. Mr. Weber stated that most of that money went to the general fund.

Councilmember Pitman asked if the City could use reserves for public safety hiring. Mr. Weber stated that it would not be his recommendation, but the City could use reserves for public safety hiring.

Councilmember Brown stated that spending down reserves could buy the City a couple years before the City would have to seek additional public safety money. Mr. Weber stated that the funds would depend on tax appraisal, and those amounts are not certain.

The public hearing was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, MT:** Stated that he did not think the numbers added up and that he came up with much different figures.
- **Terry Odegard, 2101 Lake Hills Drive, Billings, MT:** Stated that his concern is trust with the Council. Mr. Odegard spoke with police officers who stated that they are backed up. Mr. Odegard feels that the City needs to slow down the growth until it can catch up on its public safety. Councilmember McCall agreed with Mr. Odegard that the City needs more police officers, and asked how he felt about the options presented. Mr. Odegard stated that he would like to see more police officers and dispatchers hired, but does not support hiring more fire fighters.
- **Roberts Saunders, 3148 Golden Acres, Billings, MT:** Urged against voting for Option #1, which he believed was a modified form of the public safety mill levy. Mr. Saunders stated that Billings is a safe city and urged Council to listen to the taxpayers.
- **Jim Gransbery, 1142 Princeton, Billings, MT:** Stated that "Option #1 is telling the public that you really do not care what they think." Mr. Gransbery stated that he voted in favor of the public safety mill levy, but believes that if Council passes Option #1, the public will repay them politically. Councilmember Yakawich asked "if by remaining at 99.66, are we saying to the community that we will take as little as necessary and that we can follow up later with a public safety mill levy?" Mr. Gransbery replied that he believes the community will respond appropriately.
- **Dennis Ulvested, 3040 Central Ave, Billings, MT:** Stated that he supports Option #1, and believes that the City needs the policemen and firemen now. Mr. Ulvested also stated that the City should not continue to annex additional property.
- **Dick Pence, 4307 Palisades Road, Billings, MT:** Stated that Council needs to vote for Option #2 to retain the trust of the taxpayers.
- **Connie Wardell, PO Box 21432, Billings, MT:** Stated the she believes that her property appraisals are fair. Ms. Wardell stated that she supports Option #1 and that Billings desperately needs more police officers.

- **Richard Clark, 1207 25<sup>th</sup> St West, Billings, MT:** Stated that he supports Option #2, and thinks that the City needs to spend down some of the reserves.

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

Councilmember McCall moved for approval of the staff recommendation to indefinitely table the resolution and direct staff to prepare the budget for FY17 including the additional public safety personnel. Councilmember Bird seconded Councilmember McCall's motion. Councilmember Pitman made a substitute motion to amend the resolution to 99.66 mills. Councilmember McFadden seconded Councilmember Pitman's motion. Councilmember McCall stated that she would not support the substitute motion. Councilmember McCall stated that there were about 1,000 people that did not support the mill levy. Councilmember McCall stated that she did not want to leave the Council without adding the public safety personnel that the City needs. Councilmember Bird stated that she supported Option #1 and believes that public safety is an overwhelming issue. Councilmember McFadden stated that he supported the substitute motion and believes that Council should keep taxes as they are for now. Councilmember Crouch stated that he would vote against the substitute motion because he hears citizens asking for more police. Councilmember Pitman stated that the City can afford to hire these public safety staff due to the balanced budget and having plenty of reserves. Councilmember Pitman stated that the Council can reduce the mills to 99.66 and still increase their revenues. Mayor Hanel thanked the citizens who attended the Council meeting. Mayor Hanel stated that he feels the substitute motion is just "kicking the can down the road" and Billings is not going to stop growing. Mayor Hanel stated that he believes that Billings is moving forward and he will not support the substitute motion. Councilmember Brown stated that he believes that this truly comes down to a trust issue and that Council needs to honor the previous vote. Councilmember Brown stated that he will support the substitute motion. Councilmember Cimmino stated that she would like to spend down reserves and asked if she was able to amend the motion. Mr. Brooks stated that a substitute motion cannot be amended. Councilmember Yakawich stated that will he vote in favor of the substitute motion. On a voice vote, Councilmember Pitman's substitute motion failed by a vote of 6-5, with Councilmembers Cromley, Yakawich, Pitman, McFadden and Brown voting in favor and Councilmembers Cimmino, Bird, McCall, Swanson; Crouch and Mayor Hanel voting in opposition. Council returned to Councilmember McCall's original motion. On a voice vote, Councilmember McCall's original motion failed by a vote of 6-5 with Councilmembers Bird, McCall, Swanson, Crouch and Mayor Hanel voting in favor, and Councilmembers Cromley, Yakawich, Pitman, Cimmino, McFadden and Brown voting in opposition.

Ms. Volek requested a brief recess to allow staff to confer.

Councilmember Cimmino asked if she could make a motion to reconsider. Mayor Hanel stated that a motion to reconsider could be discussed after the recess.

Mayor Hanel called for a recess at 9:00 p.m.

Mayor Hanel called the meeting to order at 9:20 p.m.

Ms. Volek stated that Council could make a motion to reconsider. The effect of what the Council did by voting against Option #1 was to void the recommendation to indefinitely table the resolution. In June, Council adopted a resolution that had the same effect as Option #1, so with no other option in place, the resolution adopted in June would stand and the mill levy would be set at 109 mills. Mayor Hanel clarified that the budget was approved by motion and by majority of the Council. The previously approved budget allowed for 109 mills.

Councilmember Cimmino moved to reconsider Councilmember Pitman's substitute motion, seconded by Councilmember Pitman. Councilmember Swanson asked for clarification from Ms. Volek regarding the June budget. Ms. Volek stated that, barring any other action of the Council, the budget would remain as approved in June. Reconsideration may occur by anyone who voted with the majority in the original vote. Ms. Volek stated that since Councilmember Cimmino voted with the majority on the substitute motion, she could then make a motion to reconsider. Councilmember Bird asked Councilmember Cimmino to clarify the purpose of reconsidering. Councilmember Cimmino replied that the purpose is to reduce the mills and still provide the ability to hire additional public safety personnel. Councilmember Bird asked if the motion to reconsider would only be an opportunity to discuss the topic again. Mr. Brooks responded that if approved the motion to reconsider would place the substitute motion back on the floor as if it had not been voted on, and then Council could consider, deliberate and vote on that substitute motion. Councilmember McFadden stated that he would consider hiring new police officers in the new budget process, so he will continue to support this substitute motion. Mr. Brooks clarified that Council was only voting to reconsider at this point, and not on the merits of the motion. Councilmember Pitman called for the question, seconded by Councilmember Brown. On a voice vote, the motion to call the question was unanimously approved. On a voice vote, Councilmember Cimmino's motion to reconsider was approved 6-5, with Councilmembers Cromley, Yakawich, Pitman, Cimmino, McFadden and Brown voting in favor and Councilmembers Bird, McCall, Swanson, Crouch, and Mayor Hanel voting in opposition.

Councilmember Cimmino moved to approve the substitute motion and reduce the mills to 99.66, seconded by Councilmember Pitman. Councilmember Bird asked how much of a revenue increase would occur with the previously approved budget. Mr. Weber stated that the increase would be approximately \$600,000. Mayor Hanel asked how many years the City could fund public safety with the proposed 99.66 mills. Mr. Weber answered that the City could fund public safety through FY17 or FY18 if no additional public safety employees were hired. Councilmember Yakawich asked how many police officers and 911 dispatchers could be hired with \$600,000. Mr. Weber stated that roughly four officers and two dispatchers could be hired but that the City

would be spending about \$1.6 million more than its revenue intake. Councilmember Bird asked whether Council was willing to commit the entire unobligated reserves to public safety as a one-time expenditure. Councilmember Pitman followed up by saying that the Council's intention was to spend down reserves. Councilmember Pitman moved to call the question, seconded by Councilmember Cromley. On a voice vote, the motion to call the question was approved 10-1, with Councilmember Bird voting in opposition. Councilmember Pitman repeated that the motion was to amend the mill levy resolution to 99.66 mills. On a voice vote, the motion was approved 6-5 with Councilmembers Cromley, Yakawich, Pitman, Cimmino, McFadden, and Brown voting in favor and Councilmembers Bird, McCall, Swanson, Crouch, and Mayor Hanel voting in opposition.

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

The public comment period was opened.

- **Connie Wardell, P.O. Box 21432, Billings, MT:** Would like to encourage Council to look into the use of grey water. Councilmember McFadden asked if there are any low interest loans or tax breaks for people to use grey water. Ms. Wardell replied that she does not know, but thinks it is very reasonably priced. Ms. Volek stated that the City is having a study done and will present the results to Council.

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

**COUNCIL INITIATIVES:** There were no Council initiatives.

There was no further business, and the meeting adjourned at 9:44 pm.

CITY OF BILLINGS

BY:   
Thomas W. Hanel, Mayor

ATTEST:

BY:   
Billie Guenther, City Clerk

