

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

September 12, 2016

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 5:30 p.m. and served as the meeting's presiding officer. Councilmember Swanson gave the invocation.

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Brewster, Cimmino, McFadden, Friedel, Sullivan, Swanson, Clark, and Brown.

RECESS TO CLOSED EXECUTIVE SESSION*

*Note: The closed Executive Session is solely for the purpose of discussing litigation strategy in which the only parties are NOT public bodies or associations, as described in Section 2-3-203(1) and (2). The meeting is closed, as allowed by Section 2-3-303, MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

The meeting was called back to order at 6:30 pm.

MINUTES: August 22, 2016 – Councilmember Brewster moved for approval, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

COURTESIES: There were no courtesies.

PROCLAMATIONS:

- Mayor Hanel read a proclamation announcing September 17, 2016 as the 229th Anniversary of the drafting of the Constitution of The United States of America. Mayor Hanel declared September 17th through September 23rd as "Constitution Week".
- Mayor Hanel read a proclamation declaring Monday, September 12th through Monday December 26th, 2016, as "Jersey Day" to raise funds for the Blankets & Bears Program that provides pillows, blankets and stuffed animals to children in need. Mayor Hanel stated that companies could encourage employees to donate \$1.00 or more each Monday to wear a jersey to work. Sandy McCaffree, Founder of Blankets & Bears, stated that 811 "bundles" were delivered to foster care, homeless and poverty stricken children in 2015.

ADMINISTRATOR REPORTS – TINA VOLEK

- Ms. Volek stated the agenda had been revised to reflect the bid award recommendation for Item 1A1 and to add an Executive Session.

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, in regard to Item 1D, stated that the City needs to pay an outside engineering firm to do inspections on the project. He stated that using the same firm hired to do the work and to do the inspections does not make sense.
- **Michael Millsop, General Delivery, Billings, Montana**, stated that Council needs to do more to help the homeless population.

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

1. CONSENT AGENDA

A. Bid Awards:

1. Fire Station #5 Roof Replacement. (Opened 9/6/2016) Recommend Perfect 10 Roofing, \$46,995.00.

2. MET Transit Bus Five-Year Tire Mileage Lease Program. (Opened 7/26/2016) Recommend Bridgestone America Tire Operations, First Year Cost \$17,962.

B. Change Order #1 - AIP-52 Pond D Storm Drainage System Project, COP Construction Company, \$444,014.68.

C. Approval of lease renewal of the Non-Commercial Aviation Ground Lease with St. Vincent Healthcare, revenue first year \$5,081.28, revenue subsequent years adjusted by CPI-U.

D. Amendment #3, W.O. 14-11: Water Reclamation Facility Nutrient Upgrade, Expansion & Improvements, Professional Services Contract, HDR Engineering, \$6,907,400.

E. Confirmation of Probationary Police Officers - Nathan Contreras, Aaron Edwards, Brad Mansur, and David Nienhuis.

F. Recommendation of approval to the Policy Coordinating Committee (PCC) of the 2017 Unified Planning Work Program (UPWP).

G. Recommendation of approval to the Policy Coordinating Committee (PCC) of the Metropolitan Planning Organization (MPO) Boundary Update.

H. Second/Final Reading Ordinance expanding Ward IV (Annexation #16-04) for an approximate 11-acre parcel of land described as Lot 8, Sunny Cove Fruit Farms, located on the southeast corner of Rimrock Road and 62nd Street West. Tule Ridge Development, owner/petitioner.

I. Final Plat Approval of Copper Ridge Subdivision, 6th Filing.

J. Final Plat Approval of Superior Homes Subdivision.

K. Bills and Payroll:

1. August 10, 2016

2. August 15, 2016

3. August 22, 2016

Councilmember Yakawich separated Item 1B for discussion.

Councilmember Brown separated Items 1K1, 1K2 and 1K3 in order to abstain.

Councilmember Friedel separated Item 1E for discussion.

Councilmember Cimmino separated Item 1D and 1K2 in order to abstain.

Councilmember Cromley moved for approval of the Consent Agenda, with the exception of Items 1B, 1D, 1E, 1K1, 1K2 and 1K3, seconded by Councilmember Sullivan. On a voice vote, the motion was unanimously approved.

Councilmember Yakawich, in reference to Item 1B, asked for more information on the drilling procedures. Kevin Ploehn, Airport Director, stated that two tunnels were being installed for drainage and there were issues with the rock being too hard for the drill bits to penetrate. Mr. Ploehn stated that new equipment was needed for the process. He stated that it would be a more complicated process, but was necessary in order to move forward with the project. Councilmember Yakawich moved for approval of Item 1B, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

Councilmember Friedel, in reference to Item 1E, welcomed the new officers who had completed their probationary period. Councilmember Friedel moved for approval of Item 1E, seconded by Councilmember Sullivan. Mayor Hanel stated that 9 new officers were being sworn in and ensured the public that the City was doing everything it could to fulfill the public safety needs. On a voice vote, the motion was unanimously approved.

Councilmember Sullivan moved for approval of Item 1K1, seconded by Councilmember Brewster. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

Councilmember Sullivan moved for approval of Item 1K2, seconded by Councilmember Brewster. On a voice vote, the motion was approved 9-0, with Councilmembers Brown and Cimmino abstaining.

Councilmember Sullivan moved for approval of Item 1K3, seconded by Councilmember Brewster. On a voice vote, the motion was approved 10-0, with Councilmember Brown abstaining.

Councilmember Sullivan in reference to Item 1D, asked for clarification on who would do the inspections. Dave Mumford, Public Works Director, stated that the engineering firm hired would be assisting City staff during inspections. He stated that the firm had electrical experience that the City staff did not. Mr. Mumford stated that City staff would be performing the regulatory inspections. Councilmember Sullivan moved for approval of Item 1D, seconded by Councilmember Brewster. On a voice vote, the motion was approved 10-0, with Councilmember Cimmino abstaining.

REGULAR AGENDA:

2. PUBLIC HEARING to receive input on the City's FY15-16 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, began a brief PowerPoint presentation giving an overview of the *Draft* Comprehensive Annual Performance Evaluation Report (CAPER). She presented information on funding for the Community Development Block Grant (CDBG) and the financial resources that had been received. Ms. Beckett reviewed the programs one-year and five-year goals and percentages that had been achieved.

Councilmember Yakawich asked where the increase in services needed were derived. Ms. Beckett stated that some of the needs were due to an increase in population, as well as some families that had previously been employed in the Bakken area.

Councilmember Yakawich asked what role Community Development had with The Home Center. Ms. Beckett stated that Community Development allocated VISTA resources to The Home Center, but did not provide any funding. Councilmember Yakawich asked if first time rental assistance had ever been discussed. Ms. Beckett stated that Community Development had not been involved in rental assistance and it would require some changes from the City Council to adjust from grants to loans.

The public hearing was opened.

- **Pat Leikam, CDBG Chairperson**, stated that the program had exceeded their goals and thanked the staff and board members for their efforts. She also thanked Council for their support.
- **Michael Millsop, General Delivery, Billings, Montana**, asked why churches were more supportive to these programs than the government.

Ms. Beckett stated that there was a reduction in federal resources from the HUD programs due to a nationwide shift in identifying other priorities. She stated that government agencies were choosing to concentrate their money in larger areas, like Detroit and New Orleans. She stated that Billings, on a national need level, was doing pretty well compared to larger areas. Ms. Beckett stated that due to less future federal funding, the community was stepping up to meet some of the needs.

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

3. PUBLIC HEARING AND RESOLUTION creating SID 1401, 62nd Street West Turn Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Mr. Mumford began a brief PowerPoint presentation showing the area of the proposed turn lane. He stated that as construction was moving forward, it would generate enough traffic to require a left turn lane be implemented. He stated that Phase 1 of the development had received a waiver of protest. He added that 62nd Street West was a state-owned road and they did not accept cash in lieu, therefore, the waiver of protest had been added during the development process. Mr. Mumford stated that in the future, the City would hold the holdings, so that this issue did not arise again in the future. Mr. Mumford stated that the developer of Phase 3 would pay their portion in cash and the remaining \$275,000 would be in an SID. Mr. Mumford stated that many of the homeowners had stated that they were not aware of the subdivision improvement agreement and that the Public Works department had received quite a few letters of protest. Mr. Mumford stated that Phase 2 of the development had not been required to participate in the improvements. Mr. Mumford stated that the Phase 1 development

would not be allowed to move forward without the implementation of a turn lane due to safety issues. He added that the original developer had contributed almost \$16,000 toward improvements of 62nd Street West and Rimrock Road. He added that the intersection is in the Capital Improvements Program for the summer of 2017. He stated there had been questions about Copper Ridge being included in the SID, but that Copper Ridge was too far out to be included. Mr. Mumford stated that approximately 81% of the Phase 1 residents had protested or sent letters of protest. He stated that it was unfortunate that the waiver of protest had not been made more obvious during the filing process. He stated that the Phase 3 development would be paying cash; therefore, the amount was slightly lower due to financing costs.

Councilmember Sullivan asked if the turn lane improvements would be necessary if expansion of 62nd Street West were to take place. Mr. Mumford stated that the turn lane would be required even with expansion possibilities. He stated that expansion plans were too far in the future to be reliable. Councilmember Cromley asked if the waiver of protest had been included in the title reports. Mr. Mumford stated that most of the protesting homeowners had indicated they were unaware of the waiver, but that it was in fact included in the closing documents. Ms. Volek asked for clarification on the amount owed per property. Mr. Mumford stated that it was approximately \$2,600 per property spread over 15 years. Councilmember Brown asked if the value of the properties would increase with the turn lane improvements. Mr. Mumford stated he did not think the value would change. Councilmember Brown asked who would pay for the improvements if Council did not approve the SID. Mr. Mumford stated that the Public Works department would ask the developer to pay for the turn lane and would require the improvements be completed for safety. Councilmember Cimmino stated that there should have been a level of responsibility from the developer to communicate the subdivision improvement agreement to the homeowners. Councilmember Cromley asked how many valid protests had been received. Mr. Mumford stated that there were zero valid protests. Councilmember McFadden stated that it was unfortunate the homeowners were unaware of the documents included in their closing documents, but that they had bought the houses with a waiver of protest included. Mr. Mumford stated that if the developer had given a cash contribution, it would have been included in the price of the house at the time of sale. Councilmember McFadden added it was a tough situation for the homeowners, but he did not see anything that Council could do to help.

Mayor Hanel asked legal counsel for clarification on an SIA. Brent Brooks, City Attorney, stated that almost all subdivisions that came before Council for approval had a Subdivision Improvement Agreement (SIA) document and a waiver of right to protest document that included special improvement district items, such as: streets, curbs, gutters, sidewalks, parks, and parks maintenance districts. At the end of the agreement, there was a list of items that were binding upon the purchaser. He stated it was a contractual document between the developer and the City. He stated all of the elements in the contract were binding on the subsequent purchaser of the property. He stated it was a binding contract passed from the developer to the future lot owners.

Mayor Hanel asked if the proposed location had safety issues. Mr. Mumford stated that the turn lane would remove cars from the 55 mph traffic flow and would decrease the risk of accidents. Councilmember Sullivan asked if Council could choose to not approve the turn lane. Mr. Brooks stated that Council was not required to approve the SID, but the decision could directly impact future waivers of right to protest and SIDs that came before Council. Mr. Brooks stated that inconsistency could lead to further difficulty in the future.

Mayor Hanel asked if Mr. Brooks could recall a time when Council had not supported an SIA. Mr. Brooks responded he could not recall a time, perhaps in part because of the inconsistency it would create. He stated that he would be able to research it further if Council desired.

The public hearing was opened.

- **Jim Decker, 3145 Golden Acres Drive, Billings, Montana**, stated that the improvements were not in the closing documents he received. He stated the proposed location for the turn lane did not have the greatest amount of traffic and was not an area that needed a turn lane. He stated that a new subdivision to the west was drawing traffic further out than the proposed turn lane location. He stated that he was opposed to paying for the turn lane and had generated a petition of other property owners that were also opposed to it. Councilmember Yakawich asked if the SIA documents were enclosed in Mr. Decker's closing documents. Mr. Decker stated he could not find any SIA documents in his closing paperwork.
- **Michael Millsop, General Delivery, Billings, Montana**, asked what the difference was between valid and invalid protests.
- **Nick Longon, 6212 Golden Eagle Way, Billings, Montana**, stated the homeowners in the area were not aware of the SIA and that he was opposed to paying for the turn lane improvements. He stated that there were other neighborhoods in the area that should be involved in the financial burden. Councilmember McFadden asked how many units were going to be developed in the Phase 3 location. Mr. Longon stated that it would be 34 units and they would be sharing in the cost of the turn lane. Councilmember Brewster asked for clarification on where these documents could be found in the closing paperwork. Mr. Brooks stated that SIA is not generally located in the closing documents, but there was a reference in the title report to the SIA and the waiver of protest.
- **Tom Halton, 6305 Master Road, Billings, Montana**, stated that he had purchased five lots from the developer and had not been made aware of the SIA. He stated the developer did not disclose the information and had benefited financially from it. He questioned if a traffic study had been done to justify the need for a turn lane. Councilmember Brown stated there were numerous neighborhoods in the area that would benefit from the turn lane and did not understand the reasoning behind Phases 1 and 3 having to pay for it exclusively. Councilmember Yakawich asked if Mr. Halton had received a waiver of protest in his closing documents. Mr. Halton stated he was not aware of whether he had or not.
- **Karla Ova, 6337 Western Bluffs, Billings, Montana**, stated that most of the traffic turned further west from the proposed turn lane. She stated there was more of a need for a turn lane further west of where it was proposed to be. She asked if a transportation analysis had been done for the area. Mr. Mumford stated that a traffic analysis had been done by Sanderson Stewart.
- **Jason Hagadon, 6321 Masters Boulevard, Billings, Montana**, stated that Masters Boulevard did not need a turn lane. He stated that most of the traffic turned further west. He added that the developer was only paying for 22% of the turn lane improvements costs, leaving the rest to be paid for by the homeowners. Councilmember Yakawich asked if Mr. Hagadon had received a waiver of protest in his closing paperwork. Mr. Hagadon stated that he did not recall receiving it.
- **Terrill Moore, 3149 Golden Acres Drive, Billings, Montana**, urged Council to oppose the turn lane improvements. He stated that the lack of disclosure from the developer felt deceptive.

- **Jim Gallup, 3115 Golden Acres, Billings, Montana**, stated he had not looked through his title documents since closing, but stated that there was nothing that caught his eye during the closing process. He stated he did not understand why the homeowners had to pay so much toward the improvements instead of the developer.
- **Rick Stabio, 3212 Golden Acres Drive, Billings, Montana**, stated that he was unaware of a waiver of protest in his closing documents. He asked if there was going to be a roundabout added to the intersection at Rimrock Road and 62nd Street West and wondered if that would slow traffic down enough to no longer need a turn lane. Mr. Mumford stated there were tentative plans to add a roundabout to the area, but it would only reduce speed in the roundabout, not before and after it. Mayor Hanel asked who owned that area of Rimrock Road and 62nd Street West. Mr. Mumford stated that the City owned one leg, the County owned two legs, the State owned one leg, and the center was owned by Yellowstone Country Club. Councilmember Cimmino asked if the area was in the Capital Improvement Program (CIP) and if the area had been annexed to the City. Mr. Mumford stated that it was in the CIP and there were some portions that had been annexed, but the southern area still belonged to the County. He stated that the City owned a small portion of the area, but much of it was State and County owned. Councilmember Cimmino asked what the funding source would be for future improvements. Mr. Mumford stated that a small portion would be arterial fees, but the majority of the funding would come from developers in the area. Councilmember Clark asked for clarification on how much the homeowners would be paying for the turn lane improvements. Mr. Mumford stated that Phase 1 would be paying about \$2,644 and that it would be spread over 15 years. He stated that if they paid it up front like Phase 3, it would be about \$2,300. Councilmember Yakawich stated that there were two entrances into the subdivision and asked why it was decided to install the turn lane at this particular location. Mr. Mumford stated that a traffic analysis report had been done and it had determined that the proposed location was the most appropriate.
- **Jeff Ferber, 6235 Gray Hawk Way, Billings, Montana**, questioned if the traffic assessment had been completed for the entire area or just the one neighborhood. He stated that Council had a choice to either vote with the homeowners or with the developer. He stated that his house had flooded three times since he bought it and he felt like he had been deceived by the developer.
- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, stated that street improvements should be paid for by the people that live on the particular street receiving the improvements. He stated that he understood the City had implemented an SID policy that stated, residents that did not live on 62nd Street West, should not pay for improvements.
- **Jim Decker, 3145 Golden Acres Drive, Billings, Montana**, stated that there was an agreement in his closing paperwork that discussed a pipeline coming through his development. Mr. Decker stated that the pipeline would probably never be built, but the disclosure was included in his documents. He stated that there was not any paperwork discussing the SIA in his closing documents. Councilmember Clark asked if there was a waiver of protest in his documents. Mr. Decker stated that he could not find one. He stated that communication was the basis of good business and this development had not had good communication from the developer.

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

Councilmember Sullivan moved to table Item 3 indefinitely, seconded by Councilmember Brown. Ms. Volek clarified that to table indefinitely meant to take something off

of the table for future consideration unless it regenerates in a different way at a future date. Councilmember Cromley stated that he believed the motion to table an item indefinitely could not be debated. Mr. Brooks stated that he thought Councilmember Cromley was correct, but would take a short recess to research the rule further. Mayor Hanel called a recess at 8:40 pm. Mayor Hanel called the meeting back to order at 8:54 pm.

Councilmember Sullivan made a substitute motion to table Item 3 for 30 days in order to gather the waiver of protest documents from the homeowners and to receive further legal counsel. Ms. Volek recommended that Councilmember Sullivan table Item 3 until the Council meeting on October 11th. Councilmember Sullivan agreed to table Item 3 until October 11th, seconded by Councilmember Swanson. Councilmember Brown wondered if it was Council's job to verify the legality of the homeowners' paperwork. Mayor Hanel stated that it would give the homeowners time to research their documents and give Council time to meet with legal counsel. Councilmember Sullivan stated that this was the second time he had seen a similar situation in his Ward and would like to see if there were any other ramifications with SIDs/SIAs before making a decision. He stated he would like the homeowners to have an opportunity to get their paperwork in order to see what was and was not included. On a roll call vote, the motion failed 6-5, with Councilmembers Cromley, Brewster, Cimmino, McFadden, Clark and Brown voting in opposition.

Mr. Brooks stated, in regard to Councilmember Sullivan's motion to table Item 3 indefinitely, that according to Robert's Rules, a motion to postpone can be debated, but a motion to table cannot be debated. He reminded Council that they can suspend the rules by a 2/3 majority vote. He added that a vote in favor of tabling Item 3 indefinitely would mean defeating the current SID. He stated that it could be brought before Council again at a later date. Councilmember Sullivan moved to suspend Council rules to allow debate on the motion to table Item 3 indefinitely, seconded by Councilmember McFadden. On a voice vote, the motion was approved 10-1, with Councilmember Brown voting in opposition. Councilmember Clark stated that he thought Council should either approve or disapprove Item 3 and that tabling the topic was avoiding their responsibility.

On a roll call vote, the motion to table Item 3 indefinitely, failed 7-4, with Councilmembers Cromley, Yakawich, Brewster, Cimmino, Friedel, Clark and Mayor Hanel voting in opposition. Councilmember Cromley moved for approval of Item 3, seconded by Councilmember Yakawich. On a voice vote, the motion was approved 8-3, with Councilmembers McFadden, Sullivan and Brown voting in opposition.

4. PUBLIC HEARING AND RESOLUTION amending Downtown Parking Rates. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Tracy Scott, Parking Director, began a brief PowerPoint presentation and reviewed the current parking revenue and expenses. She gave an overview of current parking rates and proposed increases for parking garages and on-street parking. Ms. Scott stated that the new solar powered parking meters would accept credit card payment in addition to coin payments. Councilmember Friedel asked if the new parking meters would be smart phone friendly. Ms. Scott stated she was currently researching different mobile phone compatibility options. Councilmember Sullivan asked if there had been any opposition to the rate increases. Ms. Scott stated she had not received any negative comments. She stated that there was free parking available within walking distance of the downtown area. Councilmember Friedel asked how long it would take before the machines paid for themselves and what their life expectancy was. Ms. Scott stated that the parking meters should pay for themselves within six months and she was unsure of the life expectancy, but would research the answer.

Ms. Volek added that this was an Enterprise fund and was required to pay for itself. She stated that staff was in the process of making necessary improvements for repair and maintenance of the parking garages. Ms. Scott added that the drainage system in Park III had failed and caused damage in the City Hall conference room. She stated that the drainage pipes were being replaced. Councilmember Cimmino asked if the money would be coming from the CIP fund. Ms. Volek stated that the failure was not anticipated, therefore, the funds had not been budgeted. Councilmember Cimmino asked why Parking Division received \$100,000 annually from the Tax Increment Fund (TIF). Ms. Volek stated that Greg Krueger would be better able to answer that question.

The public hearing was opened.

- **Greg Krueger, Downtown Billings Alliance, Development Director**, stated they had used revenue bonds as opposed to tax increment bonds in the expansion of Park II. He stated that \$100,000 had been pledged from the TIF to help pay the bond. He stated that the bond would retire in 2032 and that the money would go back into the TIF. He stated that privately owned parking garages were being negatively affected by the City's low parking rates and that parking rates needed to be increased. Mr. Krueger added that the new technology in the parking meters would be worth the cost.
- **Lisa Harmon, Downtown Billings Alliance, Executive Director**, stated that they had held two downtown parking forums in July and not many people attended. She stated that most of the people that attended had not opposed the rate increase, but had indicated they wanted to be able to pay with a cell phone. She stated that "smart" meters had the ability to keep up with technology changes and hoped to see better signage and parking options with the newer meters.
- **Michael Millsop, General Delivery, Billings, Montana**, thanked Council for their time.

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

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

5. PUBLIC HEARING AND RESOLUTIONS SPREADING ASSESSMENTS. 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.

A. Park District 1

Councilmember Cimmino asked why Parks had increased their request to \$4,300,000. Mike Whitaker, Parks Director, stated Parks had only requested \$2,040,000. He stated that it had remained between 1.8 to 2 million dollars for the last several years.

Councilmember Cromley moved for approval of Item 5A, seconded by Councilmember Yakawich. Councilmember Friedel asked why Parks was asking for more than 2 million dollars. Mr. Whitaker stated that Parks had not planned to go over 2 million dollars, but after adding all of the maintenance projects together, it had totaled \$2,040,000. Councilmember Friedel asked what that amount included. Mr. Whitaker stated the items that were presented during the budget presentation included: east and south maintenance shop repairs, park roads and parking area repairs, Ponderosa playground replacement, Rose Park preschool playground replacement, park irrigation automation at Gorham, Ponderosa and Evergreen Parks, cemetery and mausoleum accessibility, ongoing maintenance, current staffing and seasonal employees,

vegetation management and various park amenities. Councilmember Friedel stated he had received pictures of overflowing trash cans and asked why Amend Park was not being maintained. Mr. Whitaker stated that the City currently had an agreement with Amend Park Development Council (APDC) to manage the day-to-day operations. Ms. Volek stated that Council had requested the APDC agreement be re-visited at a Council meeting in January. Mr. Whitaker stated that he would address the concerns during the next AMDC meeting. Councilmember Cimmino asked if the budget increase had been discussed during a recent Parks survey. Mr. Whitaker stated that the survey had been in response to a Land and Water Conservation Fund (LWCF) grant funding request to show what the community saw as its top priority. He stated that they received \$75,000 from the state to put toward the South Park playground in response to the survey results.

Councilmember Brewster moved to amend Item 5A to limit the budget amount to 2 million dollars, seconded by Councilmember Sullivan. Councilmember Clark asked for clarification about the amount budgeted for the cemetery. Mr. Whitaker stated that there was a request for funding which included mausoleum wheelchair accessibility. Councilmember Clark stated he did not think PMD funds should be being used at the cemeteries. On a voice vote, the motion to amend was approved 9-2, with Councilmembers Cromley and Yakawich voting in opposition.

Councilmember Clark moved to amend the motion to remove the \$40,000 budgeted for wheelchair accessibility to the cemetery. Councilmember Clark's motion died for lack of a second. Ms. Volek stated that Rose Park pool structure had been damaged due to a fire. She wanted to disclose that Mr. Whitaker was working on numbers that would substitute the Rose Park Pool bath house reconstruction for most of the items that had been listed previously. She stated that staff did not have numbers yet, but that it would be profitable for the City. Councilmember Brewster reminded Council that they were only levying assessments with Item 5A and not approving projects. On a voice vote, Councilmember Cromley's amended motion was unanimously approved.

B. Park Maintenance Districts

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

C. Road Maintenance District 6

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

D. Encroachments

Councilmember Yakawich asked for clarification on what encroachments were. Ms. Volek stated that encroachments are areas that abut the street, avenue, sidewalk or alley. She stated that it could be land that was owned by the City, but being used by a business. Councilmember Yakawich moved for approval of Item 5D, seconded by Councilmember Cromley. On a voice vote, the motion was unanimously approved.

E. SILMDs

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

F. SID 2909

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

The public hearing was opened.

- **Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana**, stated that a politician can always justify his actions. He stated that City Council's intent to create PMD 1 had a purpose and a dollar amount of 2 million or less per year. He stated that Parks had identified 9 million dollars in deferred maintenance. He stated that when Parks had requested more than 2 million dollars in 2014, previous Councilmembers had required the Parks department to re-do the budget to keep it under 2 million dollars. He stated that Council should do the same with Item 5A.

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

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.

- **Michael Millsop, General Delivery, Billings, Montana**, stated that City Hall has security issues that need to be addressed.

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 10:14 pm.



CITY OF BILLINGS

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

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