

**REGULAR MEETING OF THE BILLINGS CITY COUNCIL**  
**October 14, 2008**

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

**ROLL CALL** – Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Stevens, Veis, Ruegamer, McCall, Ulledalen, Astle, and Clark.

**MINUTES** – September 22, 2008, approved as distributed.

**COURTESIES** – Mayor Tussing presented a plaque to Councilmember Stevens in recognition of her service to the City Council.

**PROCLAMATIONS**

- Community Planning Month, October 2008
- National Co-Op Month, October 2008

**ADMINISTRATOR REPORTS:**

- Ms. Volek referenced Item 3 and advised that Revised Terms and Conditions were sent in the Friday packet, and a new resolution regarding the bond sale held earlier that day was distributed that evening. She said those documents were also filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 4 and said a protest from Beverly Meged was sent in the Friday packet and filed in the ex-parte notebook in the back of the room. She added that a summary of information related to that SID was also provided in the Friday packet.
- Ms. Volek referenced Item 6 and said Page 2 was missing from the agenda packet. She advised it was sent in the Friday packet and filed in the ex-parte notebook in the back of the room.
- Ms. Volek referenced Item 6 and said a protest letter was received late Friday afternoon from B.J. Salvesson, President of the Cherry Creek II Homeowners Association regarding SILMD 305. She noted that copies were distributed that evening and filed in the ex-parte notebook in the back of the room.

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2, and 3. Speaker sign-in required.** (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

*(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)*

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

**CONSENT AGENDA:**

**1. A. Mayor's appointment:**

Mayor Tussing recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Linda Gallagher	Tourism BID Board	10/13/2008	12/31/12

1. Vacancy due to term expiration.

**B. Bid Awards:**

**(1) 2009 4-Wheel Mechanical Broom High Dump Sweeper** (Opened 9/16/08). Delayed from 9/22/08. Recommend Western Plains I, using Unit #1252, valued at \$10,000, as a trade-in, for a total bid of \$180,627.

**(2) Sixteen (16) car and light truck class vehicles for City fleet.** (Opened 9/23/08). Recommend Archie Cochrane Ford for Schedules I, III, IV, V, VI, IX, XI, XII & XIII without trades, \$311,413; Rimrock Auto Group for Schedules II, VII, VIII & X without trades, \$85,113.29.

**(3) W.O. 03-07, Alkali Creek Multi-Use Path -- Segment 1B (Main Street Tunnel).** (Opened 9/30/08). Recommend delay of action until 10/27/08.

**(4) W.O. 05-17\*, Highland School Sidewalks Poly Drive at 11<sup>th</sup> Street West** (\*Billings Federal Aid Project No. STPE SRTS 1099(48) MDT CN5909). (Opened 9/30/08). Recommend Riverside Sand & Gravel, \$149,748.30. **(5)**

**W.O. 06-22 Water Treatment Facility L-Structure Improvements,** for L-Structure upgrades at the Water Treatment Facility. (Opened 9/30/08). Recommend Williams Brother Construction, \$1,016,000.

**(6) W.O. 07-06, Aronson Avenue & Governor's Boulevard Traffic Signal Installation.** (Opened 9/30/08). Recommend Ace Electric, \$161,999.20.

**(7) W.O. 05-09, Wastewater Treatment Plant Generator Installation.** (Opened 10/14/08). Recommend delay of award to 10/27/08.

**C. Change Order #2, Water System Backup Power Project, Phase I,** Colstrip Electric, \$108,977.

**D. Contract** with State of Montana Department of Public Health and Human Services, Developmental Disabilities Division for specialized transportation provided by MET Transit for developmentally disabled individuals. One-year term, \$100,000 estimated revenue for FY 2008-09.

**E. Approval** of Limited Commercial Aviation Building and Ground Lease with Billings Clinic, five-year term, \$26,460 first year revenue.

**F. Assignment** of MET Transit's Bus/Bench Advertising Concession Agreement to Blair Unlimited, Inc. from Mark Blair, dba Blair Unlimited, with no financial impact to the City.

**G. Amendment #1, Professional Services Agreement for Water System Emergency Power**, HDR Engineering, Inc., \$97,800.

**H. Amendment** to State Highway Traffic Safety FY 2008 STEP agreement, extending the agreement to September 30, 2009, and increasing the total amount to \$28,000, with no City match required.

**I. Approval** of Right-of-Way Easement dedication for Sweet Subdivision, 24<sup>th</sup> Street West and Grand Avenue.

**J. Resolution #08-18760** approving an agreement for payment or reimbursement between Rocky Mountain College and First Interstate Bank relating to \$10,200,000 Higher Education Revenue Note, with no financial impact to the City.

**K. Second/Final reading ordinance #08-5479 for Zone Change #847:**  
A zone change from Residential 9600 to Residential 6000 Restricted on property described as Tracts 1 & 2 of Certificate of Survey 3139, Tract 1-B of Certificate of Survey 2379, and an unplatted parcel in the NE1/4 of Section 5, Township 1 South, Range 25 East, generally located south of Grand Avenue and west of 56<sup>th</sup> Street West. Dorn-Wilson Development, Douglas and Deborah Frank, and Ronald Frank, owners; Engineering, Inc., agent.

**L. Second/Final reading ordinance #08-5480 for Zone Change #848:**  
A zone change from Agriculture-Open Space, a county zoning district, to Planned Development with two underlying districts – Community Commercial and Residential Multi-Family – on property described as Tracts 6-A and 7-A, Certificate of Survey 2314 and Tract 1-A, Certificate of Survey 2702, generally located on the south side of Grand Avenue between 30<sup>th</sup> Street West to west of Zimmerman Trail. Yegen Grand Avenue Farms, Inc., owner and petitioner.

**M. Preliminary Subsequent Minor Plat** of North Pointe Subdivision, 2<sup>nd</sup> Filing, five lots on approximately 4.8 acres for commercial development located on the northwest corner of U.S. Highway 87 and Main Street; Vacant Land, LLC, owner; Engineering, Inc., agent; conditional approval of the plat and adoption of the Findings of Fact.

**N. Bills and Payroll**

- (1) September 5, 2008
- (2) September 12, 2008
- (3) September 19, 2008

**(Action: approval or disapproval of Consent Agenda.)**

Councilmember Ruegamer separated Items B4 and F. Councilmember Stevens separated Item B3.

Councilmember Clark moved for approval of the Consent Agenda with the exception of Items B3, B4 and F, seconded by Councilmember McCall. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Item B3, seconded by Councilmember Astle. Councilmember Stevens stated she was concerned with how high the estimates were and asked how the project would proceed and how it would be funded. Planning Director Candi Beaudry stated she realized the bids were about \$1 million more than the estimate. She said a delay was requested to allow the Planning Department staff to investigate a possible funding source which involved a lengthy process. She said the requested delay was October 27, but a 60-day delay was needed due to the process involved. Councilmember Ruegamer asked about the scope of the project. Ms. Beaudry responded that it was a tunnel under Main Street and included some connections but not all the way to the existing Kiwanis Trail. Ms. Beaudry advised she was not party to the final bid numbers but knew it was approximately \$1 million more than the estimated amount. Public Works Director Dave Mumford advised \$833,000 was available for the project and the low bid after it was bid a second time, was just under \$2 million. Mr. Mumford said the second bid allowed more options for the contractors to provide the bore.

Councilmember Clark moved to amend the original motion to delay action on the item until November 24, 2008, seconded by Councilmember Ruegamer. Mayor Tussing advised that he would recuse himself from the vote on the item due to his wife's involvement in the project. On a voice vote, the amendment was approved 10-0.

On a voice vote, the amended motion was approved 10-0.

Councilmember Clark moved for approval of Item B4, seconded by Councilmember Astle. Councilmember Ruegamer asked about the location of the sidewalk for the project. Mr. Mumford said the sidewalk was on both sides of the street and that was worked out with the neighborhood. Mr. Ruegamer said he felt the west side sidewalk was extra and would not be used. On a voice vote, the motion was unanimously approved.

Councilmember Clark moved for approval of Item F, seconded by Councilmember Astle. Councilmember Ruegamer asked Transit Manager Ron Wenger if the City received income from the bus bench advertising. Mr. Wenger advised it did, and the estimated revenue was about \$90,000 for the current year. City Administrator Volek explained that the item was simply a change of the business name. Councilmember Gaghen asked if more benches were planned. Mr. Wenger explained that about 25 additional sites were added since the last time the contract was approved. He said it was based on current ridership and location. Councilmember Gaghen said she felt it was a win-win for the City.

On a voice vote, the motion was unanimously approved.

## **REGULAR AGENDA:**

**2. TRANSFER of Rehberg Ranch sanitary sewer lift station, force main, treatment lagoons, and effluent storage ponds and dispersal system to the City of Billings. Delayed from 9/8/08 and 9/22/08. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)** City Administrator Volek advised that staff did not have a presentation but was available to answer questions. Councilmember Ulledalen stated that the original plan contained a golf course that would treat part of the sewage and asked how that changed the impact on the City because a golf course was no longer planned. Public Works Director Dave Mumford explained that the original plan was to shoot the sewage through underground cannons. He said those were available, but land application would be done on the natural ground. He said it was possible, but more difficult. He noted that had been worked out with DEQ.

Councilmember Clark asked if it was always planned for the City to take it over. Mr. Mumford responded that it was and once accepted, it would be part of the City's wastewater system. Mr. Mumford added that sewer would be eventually run to that area through Alkali Creek Road. Councilmember Stevens asked if that would be another Briarwood in regard to the sewer or if they would wait until Alkali Creek built out to it. Mr. Mumford responded that they hoped to be able to wait until Alkali built out that far unless the system failed.

Councilmember Astle moved for approval Item 2, the Rehberg Ranch wastewater facilities transfer to the City of Billings, seconded by Councilmember Pitman. On a voice vote, the motion was unanimously approved.

**3. RESOLUTION #08-18761 relating to Special Improvement District Bonds 1385; awarding the sale and approving the form and detail of the bonds. Delayed from 9/22/08. Bids opened 10/14/08. Recommendation to be made at meeting. (Action: approval or disapproval of staff recommendation.)** Financial Services Manager Pat Weber reported that one bid for the bonds was received that day. He explained that S&P would not rate the bonds due to their concern with language in the Montana Code regarding SIDs. He explained that the interest rate for the bonds was higher than originally anticipated. He said the bonds would be backed by the \$4 million in the revolving fund and the interest in the property, which was recently appraised for \$11 million. Mr. Weber advised that if the bid from D.A. Davidson was not accepted, public works projects would be cut until that project was paid for. He said staff's recommendation was acceptance of the bid from D.A. Davidson. He referenced a letter from Springsted, Inc. that also recommended acceptance of the bid.

Mayor Tussing asked what would happen if the bonds were not sold. Mr. Weber responded that was the risk D.A. Davidson took and they would likely market the bonds to individuals.

City Administrator Volek reviewed the three items for consideration by Council as: 1) the revised notice to bidders and revised terms and conditions; 2) acceptance of the bid from D.A. Davidson for SID 1385 at a true interest rate of 7.96583%; and 3) approval of the resolution awarding the sale and fixing the form and details for SID 1385 bonds. She noted that separate action was needed on each item.

Councilmember Clark asked Mr. Weber what he thought the interest rate would

have been if the bonds had been rated. Mr. Weber responded that he thought around 6%. Councilmember Astle asked about calling the bonds in four or five years when the economy had straightened out. Mr. Weber explained there was a six-year call provision in the sale. He said the first six years were at approximately 6%, which was about the same as if they had been rated. He said the 8% came in if the bonds were held the entire 20 years. Councilmember McCall said she understood that the lower rates started immediately and escalated over time. Mr. Weber advised that was correct and reviewed the first six years of interest rates.

Councilmember Ulledalen asked if there was any discussion about a sinking fund provision that enabled the City to pay off the longer maturities without calling the whole issue. Mr. Weber said that discussion was not held.

Councilmember McCall asked about the total interest cost if the bonds were called at six years and for the whole twenty years. Mr. Weber said the additional interest for those six years was about \$800,000 more than estimated. Councilmember McCall asked if the bonds were discounted. Mr. Weber said they were and the terms were amended after the rating was not secured. He said they were increased from 1.75% to 2.5%, which took approximately \$50,000 of the bond proceeds.

Councilmember Ruegamer asked if they were tax-free municipal bonds. Mr. Weber said they were.

Councilmember McCall moved for approval of Revised Notice to Bidders and Revised Terms and Conditions of SID 1385, seconded by Councilmember Ruegamer. Mayor Tussing said he received a call from a citizen about awarding the bid before having the money. He explained that the City routinely found out what the bids were before the bonds were sold. He added that he did not feel it was an unreasonable way to do business. He said he would support the sale because he did not feel it was an unreasonable risk.

Councilmember Ruegamer said he would support it as well even though the rate was high. He said the City paid the price for other people's mistakes and that was the cost of doing business now.

On a voice vote, the motion was approved 10-1. Councilmember Veis voted 'No'.

Councilmember McCall moved to accept the bid from D.A. Davidson for SID 1385 bonds at a true interest rate of 7.96583%, seconded by Councilmember Ruegamer. On a voice vote, the motion was approved 10-1. Councilmember Veis voted 'No'.

Councilmember McCall moved for approval of the resolution awarding the sale and fixing the form and details for SID 1385 bonds, seconded by Councilmember Ruegamer. On a voice vote, the motion was approved 10-1. Councilmember Veis voted 'No'.

**4. CONTINUED PUBLIC HEARING AND RESOLUTION #08-18762 approving the original spread of Special Improvement District 1380. Action delayed from 9/22/08. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)** City Administrator Volek advised that the Friday packet contained a memo from her which included several documents regarding this item. She stated there was a November 15, 2007, affidavit from the City Clerk which

showed the Notice of Intent to Create a District was mailed to all property owners in the district and that section seven of that notice listed the cost-per-unit at \$1078.95. She said an engineer's estimate was provided to Council which outlined the reasons for the changes; an accounting was included from the Finance Department of the actual project cost, along with the protest as mentioned earlier. Ms. Volek noted that a well was installed rather than connection to the City water system which reduced the project cost by about \$6,000 and the well would cost residents substantially less in the future because they would not have to pay for City water. She said a connection to the City water system meant an additional assessment of \$27 per property. She advised that the total cost now was \$972.96 per property owner, or less than \$100 per year spread over the 15 years if the cost was not paid in full.

Councilmember Veis said the information provided was helpful but it seemed that the concerns rose from a meeting where the agent for the City indicated the cost of the project would be about \$33,000. He asked if there was any documentation from that meeting. Ms. Volek advised there was a letter in the packet that indicated the estimate in July, 2006, was that the project could be done for \$33,000 excluding the system development fees of \$10,000 for a 1-1/2" meter. She said that at the time, four filings of the subdivision were to be included in the project and made part of Terra West PMD 4008. She said it turned out that it was set up only for maintenance and only to maintain 2.6 acres in the northwest corner, so the project had to be completed with an SID and could only include the third and fourth filings. She referenced two engineering reports that were also provided to Dr. Bütz. She said the difference was engineering costs. She said a private engineer was hired to expedite the process which raised the total cost to \$69,823 from the original estimate of \$51,000. She said administrative fees that went with creating a new SID had to be added and because of the higher amount, were increased from \$7,000 to \$12,000, which brought the new total to \$82,000 or \$1078.95 per property. Ms. Volek stated that number was sent to the property owners and a public hearing was held December, 2007, and no one spoke at that meeting and the SID was approved.

Councilmember Veis said that what was said was that a public meeting was held and the people were told it would be \$33,000. Ms. Volek stated that was a staff estimate without the engineer's costs. Councilmember Veis asked if another public meeting was held after it was discovered that it would cost more. Ms. Volek said the information was provided to some of the neighbors and a formal notice was sent, but another meeting with property owners was not held. Councilmember Veis stated that even though a meeting was held, the extra step was not taken to have another one when things changed.

Mayor Tussing advised he received communication from Dr. Bütz and it was more extensive than what was provided by Ms. Volek. Ms. Volek said she provided a condensed version of the information for brevity purposes.

Mayor Tussing announced it was a continuation of the previous public hearing so anyone who previously testified was on record, but he would allow them to speak again after new speakers if they had additional testimony from their previous comments. The public hearing was continued.

- **Tom Kilwein, 379 Delta Circle** said \$33,000 was all he ever knew of the project and he did not see a spreadsheet. He said he wondered who would foot the bill

when the well went dry and he asked how that decision was made because they did not know anything about it. He said he did not understand how the extra costs were added after the meeting and he was trying to get insight into what happened.

City Administrator Volek advised she thought the well was believed to be more cost effective and there was no reason to believe it would fail any time in the near future. Mayor Tussing asked if the City would be liable to provide water the well would have provided or if another SID would be created to do whatever was necessary to provide that water. Ms. Volek said she knew of no fund in the City that could substitute for that well. She noted that people who had park maintenance districts were annually billed for the cost of their services and she anticipated it would be spread over a number of years if there was a well failure. She stated that Park staff was unavailable to attend the meeting that evening to address those specific questions.

Councilmember Clark asked if the contract would have been \$10,000 less without the well. Ms. Volek advised the cost of the well and control box was \$5,805; the boring under Energy Drive was \$6,125; and the sprinkler system was approximately \$24,000.

Councilmember Stevens asked if the citizens were given the option of the well. Ms. Volek said she thought it was decided by staff but the individual most involved in the process had retired and she had relied on his notes on the project. She said she believed the well was chosen as a less expensive option.

Councilmember Veis asked if the connection fee was known. Ms. Volek responded that the estimate of the system development fee was \$10,816 for a 1-1/2" meter. Councilmember Veis said that did not provide a savings because the well and boring costs were more. Ms. Volek stated she thought the boring might have been needed in addition to the system development fee. Councilmember Veis said he thought the system development fee included that installation. Public Works Director Dave Mumford noted it would not and he could not estimate that without knowing where the connection would have been made.

Mayor Tussing said Ms. Volek was saying that the well was not cheaper initially, but there was long-term savings because City water was not being charged. Mayor Tussing asked if there was an estimate of that savings. Financial Services Manager advised that the water costs would be about \$27 per year for maintenance through the park maintenance fees and over time the residents saved that amount each year. Councilmember Clark asked if the residents would be charged for the electricity for the well. Mr. Weber said they would but he did not know that cost.

- **Dr. Michael Bütz**, stated his additional testimony regarded a memo from Councilmember Clark which outlined the City's response to the concerns of the residents. He said the real issues were notice, a proper discussion and the level of cost. He stated that he polled the neighborhood and none of the neighbors received the notice. He stated that a public hearing was held July 14, 2006, where all views were aired and the notice given at that time was detailed and mailed to their homes. He said they expected the same type of notice if there was a change and they had no knowledge of any changes. He said the week before



the December Council meeting he got wind of the increase to \$82,000. He noted he was on his way out of town and would not be there so he asked other neighbors to attend and also asked Councilmembers Jones and Clark to take it off the agenda. He said he realized his neighbors did not know about the cost change. He said neighbors attended the meeting that night and did not see it come up on the agenda nor did they hear the call for public comment. He added that his wife watched the meeting on TV and did not see it come across, even though he saw it in the minutes. He said his concern was that nobody received notice of the change and when he did it was too short a time to understand what was going on.

Councilmember Stevens asked Dr. Bütz to review the sequence of events because she was not at the last Council meeting. Dr. Bütz reviewed the timeline beginning February, 2006, when a petition was filed with Yellowstone County to request improvement of that strip of road to September, 2008, when the notice of assessment was received. Councilmember Stevens asked when the dollar amount was changed. Ms. Volek referenced documents provided in the Friday packet that included engineer estimates dated September and October, 2007. She pointed out that the first estimate did not include engineering costs but the October estimate did, which was when the professional engineer was retained and those costs were included. Ms. Volek advised that the City Clerk's office not only sends the notices, but keeps copies of documents returned for incorrect addresses, etc. and nothing was returned from that mailing. She added that the Clerk indicated to her that one individual came to her office and acknowledged that he received the letter from the City but did not think it was important and failed to open it. She said the mailing was sent during the holiday season and she believed it could have been lost among the flow of people's mail. She said she had confidence in the City Clerk that the mailing was sent as the affidavit indicated.

- **Pat Kilwein, 379 Delta Circle**, said she did not receive a letter regarding the increase. She said the only notice received was about the first meeting. She said the letter that came two weeks prior to the previous meeting that included the final costs was the only letter they received. She said she and her husband took the initiative to look for the disclosure and it was still not a full disclosure. She said she wanted a full disclosure of the costs and what it would have been with and without the well. She said there was no guarantee that a well would not dry up. She noted there was a fire hydrant on the corner of Future and Energy Boulevard that could have been used for a connection to City water. She said the exorbitant prices of the trees, landscaping, automatic irrigation system, and the meter was expensive. She said it was \$24,450 for the automatic irrigation system. She said it was the question of being notified and the exorbitant prices.
- **Julie Lortz, 3114 Daystar**, stated the neighbors were willing to pay their share when the cost was \$400 per property. She said the issue was that there was no second meeting. She said that was a grave oversight and the City needed to take responsibility for those who acted on its behalf and did not do so in accordance to what they should have.

The public hearing was closed.

Councilmember Ulledalen moved for approval of Item 4, seconded by Councilmember Ruegamer.

Councilmember Astle asked for clarification of the costs and the number of property owners. He said he calculated the cost at about \$74,000 not \$82,000 based on the assessment per property. Mr. Weber explained that the original engineer's estimate of \$82,000 was used to calculate the assessment sent to property owners prior to the September 22, 2008, meeting. He stated that since that time, he was able to get final costs of the project which totaled \$75,891.19, which was \$972 per property. He said the bonds for that project were sold at 5.1% and by law, another one-half percent had to be added for the 15 year payments, which brought the interest rate to 5.6%, or approximately \$68 per year. Councilmember Astle asked if that showed on the property tax statement. Mr. Weber said it did.

Councilmember McCall commented that it was an unfortunate situation and she was not inclined to support it because there were glitches in the system. She stated that somehow the system failed and either protocol was not followed or it needed to be evaluated and fixed. She said it was clear the communication did not occur as it should have and that was something that needed to be addressed.

Mr. Weber advised that bonds were sold for the project and if Council did not approve the SID, there would be debt service on the cost of the project and a discussion would be needed regarding how to pay it.

Councilmember Clark advised he was involved in the project and it was poorly handled. He noted that the people in Terra West were not kept abreast of the project after the change of Parks personnel and the people were surprised by the final cost.

Councilmember Stevens said that was similar to what happened with Pow Wow Park. She expressed her concern that the price tripled and should have been discussed with the people. She said the people were not given an option about the well. She said she would not support it and if the City had to figure out a way to pay for it, that was the price to pay for not involving the citizens.

Councilmember Ruegamer stated that if the Terra West residents did not pay for the project, he and a lot of other taxpayers around Billings would have to pay for it and that was not fair. He said someone was going to get an unfair treatment and that was what Council had to decide.

Councilmember Stevens asked if the citizens at Terra West would have had the option of doing nothing if the price was too high. Councilmember Ruegamer said that was not relevant because it was done.

Councilmember Veis stated his concern that the City had a meeting and said one thing, then went back and said something else. He said the City's accountability was in question and those were the types of issues that seeded discontent and mistrust in government. He said it was obvious that the changes should have prompted another meeting with the residents. He stated he agreed with Councilmember Ruegamer that it was not fair that the rest of the City had to pay for that but accountability had to be injected into the system. He said in that situation, the residents were obviously very concerned and the City did not hold up its end of the bargain with the citizens regarding what it was trying to do.

Councilmember Astle moved to amend the motion to split the difference of the overage cost of approximately \$42,000 between the City and the Terra West residents, seconded by Councilmember Ruegamer.

Mayor Tussing asked Ms. Volek if 76 individual letters were mailed with a notice. Ms. Volek answered that was correct. Mr. Weber advised that after the last meeting, he met with the City Clerk and reviewed the documentation. He said it contained a copy of the legal ad, and a copy of the letter and names of addresses of property owners it was sent to. Councilmember Veis said his point was that it changed significantly and even though people may have received the letter, they may not have read it because they attended the meeting that informed them of the \$33,000 project cost and believed that was what the letter said. He said there were significant changes in the cost and a letter was not sufficient. Ms. Volek said she accepted the responsibility for it. She said there were residents who were anxious for the project to progress and she encouraged its completion. She said she should have forced the individuals involved to hold a second hearing, but the legal notice was provided that included the accurate numbers in it. She acknowledged that a second hearing should have been held, but they were under some pressure because of the extended period of time to get that done.

Councilmember Stevens said the notice of the proposed assessment did not include a dollar amount. Ms. Volek said the legal ad was attached to the notice and included the dollar amount.

Mayor Tussing said he would support the amendment because he felt it was a good compromise.

Councilmember McCall asked if Dr. Bütz could respond to the amendment. Dr. Bütz stated that he hesitated to speak on behalf of his neighbors but felt it was a reasonable way to handle things. He said it was the Council's strong effort to hear what was said and to split the difference.

Councilmember Ruegamer stated he hated that because it meant the other taxpayers in Billings would have to pay it and they were not getting anything out of it. He said he would vote for it because it was the only answer he could see but it was not easy to swallow. Councilmember McCall agreed, but said the City had to be more accountable and that would push it toward that.

Councilmember Stevens stated that the dollar amount was buried in the public notice and she did not consider that sufficient notice when the cost changed significantly.

On a voice vote, the amendment was unanimously approved. Councilmember Veis confirmed that the Council's action would be to spread an assessment of approximately \$54,000. Mr. Weber said that was correct, he would calculate the difference between the final cost and the original estimate of \$33,000.

Councilmember Gaghen commented that citizens were urged to communicate on issues and the City had to be accountable in the same way.

On a voice vote, the amended motion was unanimously approved.

**5. PUBLIC HEARING AND RESOLUTIONS levying and assessing FY2009 assessments:**

**(a) Encumbrances, Obstructions, or Encroachments on, over, across or**

**above the streets, avenues, sidewalks, or alleys of the City of Billings.**

**(b) Cost of cutting and/or exterminating weeds.**

**Staff Recommends approval. (Action: approval or disapproval of staff recommendation.)** City Administrator Volek advised there was no staff presentation on Item 5a but staff was available to answer questions. She stated that Planning Director Candi Beaudry had a presentation for Item 5b. She advised that a single public hearing could be held, but the two items needed separate action.

Ms. Beaudry reported that the assessments provided in the agenda packet were for individuals who were billed after weed removal/cutting was done at their property by the City's contracted mower. She requested that the public hearing be opened that evening and continued until November 10. She said that the public hearing did not normally require notification of the affected people, but notices were sent to people who had charges from both 2007 and 2008, and the letter incorrectly listed the hearing date as Monday, October 14, not Tuesday, October 14. She said that could have caused confusion and was the reason for the requested continuance.

Ms. Beaudry advised that the Code Enforcement Division billed over \$220,000 in weed mowing charges for that two-year period. She said over 1,200 notices were sent out and although the majority of them were paid, approximately \$95,000 was unpaid and would be assessed to property taxes. She noted that she voided a significant number of the 2007 bills for various reasons. Ms. Beaudry explained that the code was updated for 2008 to clarify the process; it extended the time from seven to 10 days to give residents time to mow after being noticed; and provided the authority to appeal directly to her rather than the City Administrator, but at all times, residents had the opportunity for final appeal at court. She said all inspections were photographed; properties were marked with paint to ensure the correct property was cut; the wording of the notice was changed; a secretary was hired to verify addresses; and before and after pictures were taken by the mower to ensure that the right property was mowed thoroughly and correctly. Ms. Beaudry said staff worked with the individuals to extend the timeframe they could cut the weeds or to set up payment plans. She said she worked with them extensively to make sure the process was properly followed. She noted that she was aware of at least 10 protests. She said of all those she had talked with, she carefully reviewed the records and determined none of those charges should be voided.

Ms. Beaudry said the Council would be acting on assessments and pointed out that if the assessments were not paid by the individual who was properly noticed and properly billed, they would have to be paid by the remaining taxpayers. Ms. Beaudry advised that all the files were available in electronic format however she was unable to access them at the meeting due to technical difficulties.

Councilmember Veis asked if the encroachments and weeds were an annual event. Ms. Beaudry said they were.

Councilmember Veis asked if the current year's assessment would be missed if the item was delayed to November 10. Ms. Beaudry responded that the assessment would be done in May/June 2009. Ms. Volek clarified that staff's recommendation was to approve the encroachments that would be assessed in November but to delay the weed assessment action which meant they would be assessed in the spring of 2009.

Councilmember Gaghen asked if interest would accrue if the assessment was not done until spring. Ms. Beaudry said it would not accrue and there would be time to set up payment plans if individuals were interested in doing that.

Mayor Tussing referenced a property he received emails about from an individual who did not own it. Ms. Beaudry said that was an issue they dealt with because Department of Revenue was five months behind in its update of tax roles so there were some notices sent to property owners that no longer owned the property. She said that was the case Mayor Tussing referred to. She advised that those charges were voided because the new owner had not been properly notified due to the incorrect information from Department of Revenue. Councilmember Ulledalen said he also received those emails and could not find the information on the Yellowstone County website. Ms. Beaudry advised that a system was utilized that interfaced with the Department of Revenue tax codes.

Councilmember Astle asked if the assessments went on taxes if they were unpaid. Ms. Beaudry said they did. He asked about assessing tax-exempt entities. Ms. Beaudry responded they were subject to assessments even if they were not subject to pay property taxes.

The public hearing was opened.

- **Ryan Dunster, 3315 4<sup>th</sup> Avenue S**, said he had a rental property that was tagged several times in the past and he always took care of it. He said he did not get the notification for the weeds in time because he had moved to Colstrip and then was on vacation. He stated he talked with Don Vegge who said the first notice was sent to the wrong address and they found his new address and sent a second notice there. He advised that Mr. Vegge told him he had to go through the process to try to get the assessment voided. He said that by the time he found out, the weeds were cut and he had a huge bill. He said he knew it was an eyesore but not intentional.

Mayor Tussing asked Mr. Dunster how long he had owned the property. Mr. Dunster responded it was four or five years. Mr. Dunster advised he lived there for the first year and took care of it but since he did not live there, he did not know that the weeds were bad and he did not get notification in time.

Councilmember Stevens asked Mr. Dunster who took care of the mowing now that he lived in Colstrip. Mr. Dunster responded that his renter was responsible and he did not know why the renter did not take care of it because that was part of their agreement. Councilmember Stevens suggested asking the renter to pay the mowing assessment.

- **Kurt Haeker, 3315 38<sup>th</sup> St. West**, said the property could be under his company name, Montana Assets. He said he mowed lawns as a kid and charged about \$5 each. He said the bill on his property was between \$500-600 for under a third of an acre and that was absurd. He said he would not pay the full amount. He said he got into a lot of fights and arguments with his business and a lot of them he just paid but he would not pay this one because it was a matter of principle. He stated he would pay half of it and if the City chose to pursue it, they would have to meet in Court. He said a different contractor was needed or the City should do the mowing itself. He said the property was a subdivision he did, Venus Circle.

Councilmember Veis asked Mr. Haeker if Ms. Beaudry had explained how the City got to where it was with the contractor. Mr. Haeker said she did not but he

would not pay \$550 to mow a third of an acre. Mayor Tussing asked why he did not mow it himself. Mr. Haeker advised he took out a warranty deed on the property as security for a loan. He said he received the notice but he was actually the lender on it and it should have been sent to the owner. He said he sent a letter to the City to explain it but they did not understand how title worked. Mayor Tussing asked if he was saying that it was not his responsibility and if so, how long had it not been. Mr. Haeker said it was not his responsibility; he had a beneficial interest in the property and it was similar to the bank foreclosing on a trustee. He said he got the notice but would not pay it.

Councilmember Astle asked Mr. Haeker if he passed the notice on to the other party. Mr. Haeker said he did not. Councilmember Astle asked if he was aware that if the property was sold and a lien was against it that would come out of the proceeds. Mr. Haeker said the City could put a lien and charge a statutory interest on it and when it was time to sell the property, he would file a suit to quiet title and would win.

Councilmember Ruegamer pointed out that the City was not in the business of mowing lawns. He said it was the responsibility of the property owner to mow the lawn. Councilmember Gaghen stated that the mower was selected through a bid process and the contract was awarded to the person who was able to provide the service.

Councilmember Stevens said the Council discussed the cost the previous year and agreed it was high. She said she recalled there was only one bidder. Ms. Beaudry said that was correct and it was a two-year contract that expired in April, 2009. Councilmember Stevens said the City was not happy with the charges but did not have a choice. She stated the bid would be opened in the spring unless it was decided to do it internally. Councilmember Clark said it was complicated because most bidders could not get the liability insurance.

Councilmember Ulledalen said Council was open to suggestions about how to deal with those issues because they got phone calls from residents about vacant lots that were not mowed and the question was who should pay to take care of them.

- **Leora (inaudible) Lux Avenue**, said she lived in a new subdivision and moved into the house September, 2007. She said there was the possibility that the notice went to a different address because they had some mix-ups with mail in the neighborhood. She said grass was planted in the front yard in March, 2008, and she told neighbors to stay off of it. She said a six-foot fence was built in April, 2008 and the weeds were cut in May, 2008. She said she thought the neighbors mowed the lawn because there were footprints in the lawn since it was muddy from rain earlier in the day. She said she contacted Ms. Beaudry when she got the bill to find out how they could be charged so much for cutting a 25' x 60' area and to explain why they did not get a warning. She said she was told that the warning was sent two weeks before the contractor was sent to cut. She said she asked about the notice and apparently no physical contact was made, just a written notice posted to the door or mailed via regular mail.

Ms. Beaudry displayed a picture of the lawn prior to mowing. Leora said there was grass under the weeds and the weeds were weed whacked, not mowed, and

left all over the sidewalk afterward. She said there was a patch of weeds along the side of the house that were not cut and when she asked Ms. Beaudry why, she was told a complaint was not received for that lot.

Councilmember Stevens asked why Leora did not mow the weeds to allow the grass an opportunity to grow. Leora said it happened so fast and if they had received a notice, they would have figured out what to do.

Councilmember McCall asked if the contract mower was expected to clean up the weeds or grass. Ms. Beaudry said the contract only required them to mow and complaints were received that it was not cleaned up afterward.

- **Carolee Cooke, 6030 Sam Snead Trail**, said she owned rental property at 4223 Stone. She said the current renter had been there since 2000 and was a good renter. She said she did not recall getting a notice about the mowing or a \$300 bill for the charges or she would have contacted Ms. Beaudry then. Ms. Cooke said her renter told her she had received a letter because she called him about it and he said he took care of the problem. He said he did not know why the City billed for weed removal. Ms. Cooke stated that her renter spent a whole day pulling out trees and bushes and cleaned up the alley. She said she understood the notices were all complaint driven by other neighbors. She distributed before and after pictures and said nobody in the neighborhood would complain about the before picture. She displayed a picture of what it looked like after her renter spent a day cleaning it out. She pointed out it was 11 minutes of weed cutting for over \$300 and the contractor also managed to cut the weeds at the neighboring property. She said she felt the charge was in error because the vegetation in the alley was what drove the complaint and her renter took out as much as he could and thought the situation was taken care of.

Councilmember Veis asked why there were still 2007 assessments after he was sure they went through that the previous year. Ms. Beaudry explained that the charges assessed to taxes had to get to the Finance Department about 1-1/2 months before and the weed season ran to the end of October in 2007. She said beginning in 2008, the season ended in September. She said there were remnants for September and October of 2007 that fell under the previous set of rules and the same level of documentation did not exist as with the new regulations.

- **Kevin Anthony, 4223 Stone** said he spent eight or nine hours pulling bushes from the alley. He said the pictures showed there was 11 minutes worth of work done by the contractor.

Mayor Tussing asked if complaints were taken on bushes or just weeds and grass. Ms. Beaudry explained the nuisance vegetation code specified untended vegetation over 12 inches high and did not include bushes.

Ms. Volek asked Ms. Beaudry to outline the basis for the charges by the contractor. Ms. Beaudry said there were several one-hour minimums for the tractor hours, mower hours, weed eater hours and truck hours. She said she had waived some of the minimum charges in situations when there were multiple lots side by side so the truck charge was assessed only once. She said she agreed the cost was extraordinary but it was the cost the City was stuck with because of the bid. Ms. Volek advised that one alternative was to work cooperatively with an internal department to do the work. She said it was almost a full-time duty and deterred

employees in other departments from other duties that needed to be done. She said if it could not be worked out, it may have to be bid.

Councilmember Ulledalen commented that the City could hire employees to do the mowing based on the average collection from each year.

- **Michael Firman, 1028 Wiloma Dr.** spoke about 517 Kuhlman where he owned a business. He said he did not deny that there were weeds there, but he had been battling cancer for the last three years and had not even opened the business the previous two years. He said he wanted to know the price of the mowing and who got the two \$80 inspection fees. He said he did not have the money to pay for the mowing and suggested it be taken from the garbage collection fees he had been charged the last 25 years. He said it was the same with highway commercial taxes and he did not have access to the highway. He said he did not have the money and if it was put on his taxes, it could be collected from his heirs. He said he did not pay it because he did not have the money and his medical expenses were a higher priority.
- **Brandon Hill, 2000 and 1681 Gleneagles** said he represented his dad, Ron Hill. He said one bill was received for both lots and his dad no longer owned 1681 Gleneagles. He said the mowing was started at 2000 Gleneagles on July 5 but was not finished because they experienced a mechanical failure. Mr. Hill said his dad was willing to pay the weed eating but it did not seem right to have to pay to have the interior of the lot mowed when it was started prior to the mower breakdown. He said his dad had a bunch of lots and always kept up on them. He said there was considerable administrative time dealing with the bill for the lot he did not own.

Mayor Tussing said he understood that he was not being charged for the lot he did not own. Mr. Hill said that was correct, but he did not think he should be charged full price for the other lot that was partially mowed. Mayor Tussing asked how long it was from when Mr. Hill started mowing the lot to when the City mowed it. Mr. Hill said he started on it July 5 and the City's contractor mowed it July 9. He said the machine was not repaired in time to complete the mowing so he was willing to pay for the weed eater portion.

Councilmember Stevens commented she felt sorry for the person with the nice manicured lawn next to the lot that contained weeds well over one foot high. She asked why Mr. Hill waited until July to mow. Mr. Hill said they usually mowed their lots around July 4<sup>th</sup> each year and then later in the summer. Mr. Hill said the neighbor violated City ordinance by allowing his water to water Mr. Hill's field. Councilmember Stevens said she did not believe there was a City ordinance on that and he could discuss that with the neighbor privately.

Councilmember Ulledalen said he received complaints from people who took care of their yards and vacant lots full of weeds spread more to the properties. He said he wanted to make it clear that Councilmembers received calls from people who wondered why they had to put up with that.

- **Rick Eashman, 4231 Jansma** spoke about mowing done on his rental property at 310 Jefferson. He said he did not deny that the lawn was mowed by the City, but it was excessive. He said it was a 25' x 35' lot that contained a shed in the middle of it and the bill was \$323.
- **Ronald Broadbent** stated he owned a lot by Lake Elmo. He said the cost was



excessive. He said he received a bill in September, 2007, for \$500 to cut a lot that was not even 600 square feet. He said the mowing was done in 2007 and there was something wrong with the dates because he received the notice June 12 and checked the lot Father's Day weekend and it was cut. He explained that over the years, neighbors cut the weeds for him. He added that he checked the lot before he left town Father's Day weekend and he was sure it was done then, but he did not know who cut the weeds. He said the bill reflected an inspection of June 8 when it was not mowed, a second review on June 22, and then the contractor cut it on June 27. He said there was something wrong with the dates because he was there prior to the 27<sup>th</sup> and it was already done. He said Council should put themselves in his place because he got a bill in September for \$500 to cut a lot that he saw was done before June 27.

Mayor Tussing asked Ms. Beaudry if she had discussed that with Mr. Broadbent. Ms. Beaudry said she had not. She explained the billing was done later than the work in 2007 when there was not adequate staff to process it and the length of time it took for the contractor to submit the bills. She advised that a notice was sent to Mr. Broadbent June 12, with a deadline of June 19 to mow and the second inspection was done June 22, and the mower cut the lot June 27.

Councilmember Veis asked why it took until September for Mr. Broadbent to be billed for the June 27 mowing. Ms. Beaudry explained that the contractor sent bills two to three weeks after the cutting. She added there was a big problem with weeds that year and that was why a weed secretary was requested for 2008 to get the billing out in a timely manner. Councilmember Veis said a large number were done the previous year and that was one that should have been presented sooner. Mayor Tussing advised that he would ask Ms. Beaudry to check further.

Councilmember Astle asked if it was possible that it was mowed twice.

Councilmember Veis said the reason for the changes in the regulations were because people disputed the height of the weeds and the pictures taken during inspections were not dated. Mr. Broadbent said his past notices included mowers he could contact to get the low mowed at a reasonable rate.

Councilmember Ulledalen said Keel Drive where the lot was located was a very nice neighborhood and a vacant lot that was not being taken care of could result in multiple complaints. Mr. Broadbent said the last few years he waited for the notice from the City, then went and cut it himself. Councilmember Astle said that meant that he waited until someone complained before he did it. Mr. Broadbent responded that he did not know it was complaint driven until the current year.

The public hearing was closed. Councilmember Stevens moved to reopen the public hearing, seconded by Councilmember Veis. On a voice vote, the motion was unanimously approved.

Councilmember Veis moved to continue the public hearing on the cost of cutting and exterminating weeds and levying and assessing FY 2009 assessments to November 10, 2008, seconded by Councilmember Ruegamer. On a voice vote, the motion was approved 10-1. Councilmember Astle voted 'No'.

Councilmember Ruegamer moved for approval of the resolution regarding the annual encroachment assessments for FY 2009, seconded by Councilmember

Stevens. On a voice vote, the motion was unanimously approved.

*A brief recess was taken 8:42 p.m. to 8:52 p.m.*

Councilmember Ronquillo commented that the City was bending over backward to assist residents with the tree cleanup after the recent storm. He noted that the ordinances required trees to be cut, bundled and put out with trash for pick-up, but the City was not requiring that and offered to pick the trees up from the gutter. He said he felt sorry for the people with weeds, but they knew they had to be cut. He said the City could be a stickler and require people to adhere to the rules but were not doing that to provide needed assistance. Councilmember Ruegamer said he seconded that thought.

Councilmember Gaghen said she was pleasantly surprised at the City's efforts to help people with the cleanup after the recent storm. She applauded the efforts of the City services.

Councilmember Stevens said she experienced a different type of garbage collection in a different City and appreciated the services provided by Billings.

**6. PUBLIC HEARING AND RESOLUTION #08-18764 to Create SILMD 305, King Avenue West from 31<sup>st</sup> Street West to Shiloh Road. Staff Recommends approval. (Action: approval or disapproval of staff recommendation.)** City Administrator Volek advised that staff did not have a presentation on the item but was available to answer questions.

Councilmember Veis referenced Mr. Salveson's letter and said he attended a meeting and had several conversations with Mr. Mumford about that area and there was never any mention of an SID in the area except for the properties that benefitted from the improvements on King Avenue West. Mr. Mumford explained an SID was not being created, but the maintenance for all the lights along the road was assessed to the adjacent property owners. He said Mr. Salveson was correct, there was no discussion of an SID; it was a maintenance district.

Councilmember Clark asked if properties that did not face King Avenue West were assessed the same as the ones that did. Mr. Mumford responded that they were because it was not an SID. Councilmember Stevens said she remembered the discussion from before and that residents were concerned they would be charged for the King Avenue improvements but were assured they would not. She said she felt like it was splitting hairs with the maintenance district and the residents had no idea it was coming and there was no reason they would have expected it. Mr. Mumford explained it was already voted on previously but it was subsequently determined that some property owners were not notified. He added that during the meetings, there was discussion that there would be maintenance of the lights. He added that the waiver of protest was on file for that subdivision and they were not assessed for the construction costs.

Councilmember Stevens asked if the residents would have had the right to say they did not want streetlights in that area. Mr. Mumford responded 'no.' He advised that the subdivision agreement created when Olympic Park was done waived a right to protest for all improvements on the roads.

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

was closed.

Councilmember Stevens moved for approval of Item 6 to create light maintenance district SILMD 305, seconded by Councilmember Gaghen. On a voice vote, the motion was approved 10-1. Councilmember Veis voted 'No'.

**7. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annex #08-08; 55.45 acres described as Tracts 7-A and 6-A-1, Certificate of Survey 2314 and Tract 1-A-1, Certificate of Survey 2702, generally located on the south side of Grand Avenue between 30<sup>th</sup> Street West to west of Zimmerman Trail. Yegen Grand Avenue Farms, Inc., owner and petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)** City Administrator Volek advised that staff did not have a presentation but was available to answer questions.

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

Councilmember Pitman moved for approval of Item 7, expanding the boundaries of Ward V, seconded by Councilmember Ruegamer.

Councilmember Ronquillo asked if a gravitational sewer was in the area. Mr. Mumford said that was along Grand Avenue and he assumed it would be gravitational. Councilmember Ronquillo said he received complaints that there was not a lift station in the area but Public Works trucks were pumping the sewer in the area at least once each week and people wanted to know what that was costing. Mr. Mumford explained that the sewer along Grand Avenue was very deep gravity flow and there was not a lift station there to pump so he did not know what would be pumped. He noted there were jet trucks that periodically jetted all the lines and cleaned them to keep things flowing. Councilmember Ronquillo said he would get correct information regarding the complaint.

On a voice vote, the motion was approved 9-2. Councilmembers Clark and Astle voted 'No'.

**8. PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required. (Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)**

- **Kevin Nelson, 4235 Bruce Avenue**, said Councilmember Ruegamer was worried about the taxpayers that evening concerning \$20,000 on a measly park maintenance district. He said if the Council was diligent and had properly applied for the tax increment district the first time, they would not have had to withdraw the district and the Cabela's site would have been done and bonds sold at 5.5% interest. He said it cost the City at least \$800,000 more and there was a good chance it would increase to \$1.5 million that someone else had to make up. He said in the previous ones they were willing to cut a deal. He wondered if the Ward I Councilmembers who were willing to stand up and fight for what happened in another ward would request a budget amendment and put back in at least half of that money because there would be an additional \$1.5 million that had to be made

up before any of those funds could flow into the neighborhoods as promised. He said that in the hurry to get things done, they failed to assess or could have assessed property on the north side of the street. He said in the hurry, that property was improved for free and that assessment could have been offset and there would have been even more taxpayer savings. He said this body was always in such a hurry to get things done so instead of going from the September 7 development agreement that said \$1.7 million was needed for the system improvement, it was almost to \$7 million which was four times the value of what it should have been done and almost \$5 million had to be made up by someone. He said Councilmember Ruegamer was so worried about the taxpayers for \$20,000 and left \$5 million on the table.

- **Sandra Wulff, Billings**, said she wanted to revisit September 22 when Council approved the contract with YVAS. She said Ms. Volek stated that 5% of the animals could leave the shelter unaltered and the contract stated that anything under six months of age could leave the shelter unaltered. She said the contract did not address micro chipping, leukemia testing, parvo testing or vaccinating the animals – things the shelter currently did. She said the City could only hold YVAS to what was in the contract and she wanted to go on record that if the animals were not altered before they left the shelter, there would be a population explosion. She said the Last Chance Cat Sanctuary received a call from a city resident she had been assisting. She said the woman had one cat which produced 11 kittens that were living under a trailer and she could not care for them. Ms. Wulff said she had trapped 19 cats there that were taken to the animal shelter. She added she had trapped about six semi-feral cats that were feeding out of dumpsters. She said she wanted Council to be aware that if the animals went out unaltered there would be a huge problem. She noted that YVAS Vice President O'Neill said that all animals that went through the door would be spayed or neutered, according to the September 22 meeting minutes, but that was not in the contract. She added that Liz Honaker, President of the YVAS, stated that the spay/neuter policy would be exactly the same as the current shelter and would be in compliance with state and city law. Ms. Wulff said the state and city laws had a huge loophole and YVAS would use that and the animals would leave the shelter unaltered.

### **Council Initiatives**

- Councilmember Ronquillo thanked Ms. Beaudry for her organization of the workforce housing event recently held at the Depot.
- Councilmember Stevens referenced Ms. Wulff's comments about trapping cats in the community. She asked why people called her, not the animal control operation. Ms. Volek responded that the City provided traps for a rental fee and that fee could be a deterrent to people who preferred to have someone trap the cats and take them to the shelter. She said the animal control officer roles would be re-evaluated once the privatization was in place. Councilmember Ulledalen commented that a greater problem was that trapped cats might have to be kept for a couple of days until the animal shelter was open. He said the inconvenience may be more of a deterrent than a fee. He said the issue of how to deal with feral

cat populations was something else that might have to be addressed. Ms. Volek advised that expanded shelter hours could address some of the issues.

- Councilmember Ulledalen advised he attended the last PCC meeting and the County Commissioners thought there was to be a joint meeting with the City and County about Bench Boulevard. Ms. Volek said that discussion was scheduled for the October 20 work session and Council direction would be requested prior to any further discussion. She noted that Mr. Mumford met with MDT on the issue and would report to Council at the work session.
- Councilmember Ulledalen suggested a brief report from people who attended the recent MCLT meetings.
- Councilmember Gaghen acknowledged Councilmember Stevens' final meeting and wished her well. Councilmember Stevens said it was a pleasure serving and wished Council well with the tough job it faced.

## **ADJOURN**

The meeting adjourned at 9:17 p.m.

CITY OF BILLINGS

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

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