

# **REGULAR MEETING OF THE BILLINGS CITY COUNCIL JANUARY 14, 2002**

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.

**OATHS OF OFFICE CEREMONY:** Mayor and Newly-elected Councilmembers: Municipal Judge Mary Jane Knisely administered the oath of office to Mayor Tooley and Councilmembers McDermott, Brown, Brewster, Iverson, Poppler, and Jones. The Mayor and each newly elected councilmember signed the oath of office and introduced family and friends in the audience.

## **ELECTION of Deputy Mayor and Mayor Pro Tem.**

Mayor Tooley asked for nominations for the position of **Deputy Mayor**. Councilmember Iverson nominated Councilmember Larson, seconded by Councilmember Ohnstad. Councilmember Brown nominated Councilmember Poppler, seconded by Councilmember Kennedy. There were no other nominations. Nominations were closed. City Clerk Marita Herold distributed ballots. City Administrator Dennis Taylor collected ballots for tabulation, Ms. Herold tabulated the ballots, witnessed by Mr. Taylor, and announced Councilmember Doris Poppler was selected as Deputy Mayor on a 6 to 5 vote.

Mayor Tooley asked for nominations for the position of **Mayor Pro Tem**. Councilmember Iverson nominated Councilmember Kennedy, seconded by Councilmember Larson. Councilmember Jones nominated Councilmember McDermott, seconded by Councilmember Bradley. There were no other nominations. Nominations were closed. The City Clerk distributed ballots. The City Administrator collected the ballots for tabulation, Ms. Herold tabulated the ballots, witnessed by Mr. Taylor, and announced Councilmember Shirley McDermott was selected as Mayor Pro Tem on a 6 to 5 vote.

**CALL TO ORDER** - Mayor Charles F. Tooley called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by the Mayor, followed by the Invocation, which was given by Councilmember Brewster.

**ROLL CALL** – Councilmembers present on roll call were: McDermott, Bradley, Brown, Brewster, Iverson, Kennedy, Poppler, Ohnstad, Jones and Larson.

**MINUTES – December 10, 2001.** Approved as printed.

**COURTESIES** – None

**PROCLAMATIONS** – Mayor Tooley. None

**BOARD & COMMISSION REPORTS.** None

**ADMINISTRATOR REPORTS** – Dennis Taylor.

- Mr. Taylor congratulated the newly sworn in members of the Council and the new Deputy Mayor and Mayor Pro Tem on their appointments.
- He introduced Kristoff Bauer, the new Assistant City Administrator.
- Mr. Taylor informed the Council that Human Resources Director Laura Marshall has resigned effective February 8<sup>th</sup>. She has accepted a new position as Human Resources Manager for Blackfoot Electric Telephone Co. in Missoula.
- He said he was in Helena last week and was encouraged by several events there that have significant impact on the City of Billings and the State of Montana. Montana Department Of Transportation has committed to beginning a certification program and making it available to the larger urban communities in Montana. This program gives Billings the opportunity to take on projects formerly reserved for the MDOT and to complete them in a faster, better fashion and with a lower cost. The second event involved the Department of Revenue's invitation to City representatives to voice their concerns and issues regarding development of new state tax policy. He categorized this is another indication there is a beginning to involvement of municipalities in a dialog with state government about ways to grow better and higher paying jobs.
- Mr. Taylor noted that copies of the briefs submitted to the Montana Supreme Court regarding the appeal of Judge Baugh's decision on the Right-Of-Way Ordinance case were on Council desks this evening. He said this indicates that the first argument is in place, with the Montana League of Cities and Towns "friend of the court" brief on our behalf to follow. City Attorney Brent Brooks will be available at the next Agenda and Executive Leadership Team meetings to answer any questions or concerns of this brief, he said.

## **CONSENT AGENDA:**

### **1. A. Bid Awards:**

**(1) Overhauls of MET Transit Detroit Diesel Engines.** (Opened 12/11/01). Recommend Interstate Detroit Diesel for Schedules I thru III, \$60,297.51.

**(2) Parking surveillance Equipment.** (Opened 12/18/01). Recommend KENCO Security, \$23,718.85 for installation and a 3-year maintenance agreement.

**(3) Banking Services.** (Opened 12/21/01). Recommend US Bank for 3 years, with option to extend agreement 2 additional years.

**(4) South Billings Boulevard Trunk Water and Sewer Project.** (Opened 1/8/02). Recommend COP Construction, base bid \$1,498,642.00.

**B. C.O. #1, AIP #18, Empire Sand and Gravel, (deduct) \$244,236.85.**

**C. C.O. #3, Billings Depot Parking Lot Improvements, Eggart Engineering and Construction, (deduct) \$11,425.21, and 3 additional days.**

**D. C.O. #1, SID 1350: street and utility improvements to Lake Hills Drive,**

**Gleneagles Drive and Pinehurst Road**, Empire Sand and Gravel, (increase) \$3,375.00 and 0 days.

**E. C.O. #1, SID 1351: street improvements to Vaughn Avenue**, Flack 'N Flack Construction, (increase) \$7,840.90 and 0 days.

**F. C.O. #1, SID 1355, Schedule II: street improvements to Greenbriar Road**, Empire Sand and Gravel, (increase) \$4,310.00 and 0 days.

**G. C.O. #1, W.O. 91-09: Cottage Lane/12<sup>th</sup> Street West Storm Drain Improvements**, Empire Sand and Gravel Co., Inc, (increase) \$11,838.74 and 8 additional calendar days.

**H. C.O. #2, W.O. 93-19: Montana Avenue Landscaping STPE 1020(12)**, Scott Long Construction Inc., (increase) 13 additional calendar days and \$0.

**I. C.O. #2, Central Avenue Water/Sewer Extension, Phase I**, COP Construction, (increase) \$11,222.25 and 0 days.

**J. C.O. #1, Water Plant Improvements, Contract XIII, Schedule II**, Sletten Construction, (increase) \$6,721.42 and 0 days.

**K. Lease Agreement** with Mike R. Hennessy, dba Mann Mortgage for office space in Park One Parking Garage, Term: 3 years.

**L. Commercial Non-Aviation Ground Lease** with VoiceStream Wireless, Term: 5 years and 8 months.

**M. Ground Lease** with Alex Hilsendeger for construction of a warehouse in the Airport Business Park, Term: 20 years.

**N. Lessor's Acknowledgement and Subordination** for Overland West, parent company of Hertz Car Rental.

**O. Tax Increment Revolving Loan Fund Loans.**

(1) \$35,000 Loan to Old Chamber Development, LLC, for paving the parking lot north of the Old Chamber Building at 301 North 27<sup>th</sup> Street. Term: 10 years.

(2) Increase Urban Frontier Development LLC Loan from \$200,000 to \$250,000 due to cost overruns in construction on the building at One South Broadway. Term: 20 years.

**P. Acceptance of Quit Claim Deeds:**

(1) International Church of the Foursquare Gospel, Tract 5 of a new survey, fka Tract 1, C/S 2797 and Tract 1-2, C/S 2686.

(2) Barbara G. McGregor Revocable Trust and Douglas W. McGregor Revocable Trust, Tract 4 of a new survey, fka Tract 1, C/S 2797 and

Tract 1-2, C/S 2686.

**Q. Encroachment Agreement** with Montana Power Company for the bike trail that crosses over their gas pipeline along the corridor that extends from Coulson Park to Mystic Park, \$0.

**R. Encroachment Agreement** with Cenex for the bike trail that crosses over their gas pipeline along the corridor that extends from Coulson Park and along Charlene St., \$0.

**S. Martin Luther King Celebration:** 3<sup>rd</sup> Avenue North: N27th St to N 29<sup>th</sup> St, on January 21, 2002 from 6:30 p.m. to 7:00 p.m.

**T. Montana Women's Run Street Closures:** 2<sup>nd</sup> Avenue North from N29th Street to Division, Division Street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues North, 3<sup>rd</sup> Avenue between Division and N20th Street, and N20th Street between 3<sup>rd</sup> and 2<sup>nd</sup> Avenues North on May 11, 2002 from 8:30 am to Noon.

**U. Yellowstone Art Museum Street Closure:** East lane of North 27<sup>th</sup> on March 2, 2002 between 5:30 p.m. and 1:00 a.m. for valet parking for the annual art auction.

**V. Resolution 02-17786** authorizing \$5,000 from Council Contingency for the Billings Area Relay Team (BART) to help fund the celebration activities supporting the Olympic Torch Run on January 28, 2002.

**W. Resolution of Intention 02-17787 to Create** Park Maintenance District (PMD #4015) for Howard Heights Subdivision and setting a public hearing date for 2/11/02.

**X. Resolution 02-17788 Creating** Special Service District #20: Lots 1A1 and 2A1, Block 3, Amended Lots 1A and 2A of Block 3, Amended Plat of Lots 3-4, Block 1 and Lots 1-3, Block 3, Cenex Park Subdivision, for sanitary sewer service only.

~~**Y. Confirmation of Disciplinary Action** pursuant to City Charter Sections 4.03 E and F on the disciplinary action of City of Billings Captain Gary Puckett. SEE REGULAR AGENDA ITEM #10.~~

**Z. Preliminary Minor Plat** of Amended Lot 1, Block 1, Rehberg Subdivision, 2<sup>nd</sup> filing, generally located at the southeast corner of Poly Drive and Rehberg Lane.

**AA. Preliminary Plat** of Superior Homes Subdivision Amended, generally located at the intersection of Lake Elmo Road and Sharron Lane.

**BB. Final Plat** of Four Pines Subdivision.

**CC. Final Plat** of Heritage Walk Townhomes Subdivision.

**DD. Bills and payroll.**

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

There were no separations of the Consent Agenda. Councilmember Larson moved for approval of the Consent Agenda, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

**REGULAR AGENDA:**

**2. PUBLIC HEARING FOR VARIANCE #OP01-02: a variance from the Site Development Ordinance for Lots 13-14, Block 34, Foster's Addition, Subdivision, located at 723 North 31<sup>st</sup> Street. Victoria Scott, petitioner. Staff recommends denial. (Action: approval or disapproval of staff recommendation.)**

Public Works Director Dave Mumford introduced the variance request from the site development parking regulations for the Bed and Breakfast at 723 North 31<sup>st</sup> Street. He advised that staff is recommending denial because in past practices, and in keeping with consistency, self imposed variances are generally denied. He stated that Public Works would have no objections if the Council wishes to grant the variance with no other restrictions.

The public hearing was opened. VICTORIA SCOTT, 723 NORTH 31<sup>ST</sup> STREET, handed out a letter of support from neighbors Roger and Sharie Clawson. She stated that her venture would be a good business for downtown Billings, bringing revenue and people to the downtown area and asked for the Council's approval of the variance.

MARY WESTWOOD, 2808 MONTANA AVENUE, a resident of downtown Billings, spoke in support of this proposed business stating that "this is just the kind of thing we want" and believes that when the downtown area becomes alive, parking will be at a premium everywhere. She said that the most successful downtowns that she has visited all have that same problem. She also stated that this is a wonderful use of the historic houses and urged support of the variance.

There were no other speakers. The public hearing was closed. Councilmember McDermott moved to approve the variance, seconded by Councilmember Bradley. Councilmember McDermott echoed the comments of Ms. Westwood. She stated that she spoke with the chairman of the North Elevation Task Force who said he had no problems with the variance. She urged support of the variance. On a voice vote, the motion was unanimously approved.

**3. PUBLIC HEARING to consider proposed changes in the County's Air Pollution Control Regulations. County staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Director of Yellowstone County Air Pollution Control Steve Duganz introduced the three changes in the County's Air Pollution Control Regulations as: 1) eliminating the emergency episode plan regarding sulfur dioxide (all sulfur dioxide sources in Yellowstone County are under the jurisdiction of the State) that will eliminate 15 pages of regulations, 2) correction of a typo in the open burning regulation (item 15 should be

item 17), and 3) changing the definition of “public nuisance” to be the same as the public nuisance definition of the state. He stated that these changes are minor and have been approved at the Air Pollution Control Board level. He is asking for Council approval prior to submission for environmental review and finalization.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Bradley moved for approval of the staff recommendation, seconded by Councilmember McDermott. On a voice vote, the motion was unanimously approved.

**4. PUBLIC HEARING AND SPECIAL REVIEW #714: a special review to allow the construction of two assisted living facilities on Lots 22-25, Block 2, Howard Heights Subdivision, generally located at the west end of Lily Valley Circle. Rod Lorenz and Timothy & Karen McFadden, owners; Sandy Graham and Bernadette Brown, agents. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.)**

City Planning Department Planner Nicole Cromwell stated the reason for denial from the Zoning Commission was a lack of detail on several items on the site development of the property. She called attention to the “after-submission” materials from the applicant included in the packet that sought to address some of those items. With the aid of overhead illustrations, she described the general location as North of Hilltop off of Lily Valley Circle (yet to be constructed). The primary construction area is Shamrock Lane, a developing residential neighborhood in the Heights. To the west of the proposed site is an existing residential development along Nutter Boulevard. She displayed the revised site plan submitted January 2, 2002 showing how they have met the parking requirements, providing a total of 18 spaces (which is two above the requirement) including the requirement for handicapped parking. Another issue, she noted, was the screening from the surrounding residential neighborhood, which includes a 6 foot wood or vinyl fence on the north and west property lines, and a portion of the east property line. She added that landscaping along several property lines and the frontage on Lily Valley Circle was another issue that they addressed. Also included was permission to use two residential style 90-gallon dumpsters for each of the facilities with appropriate enclosures for each. The last item, she noted, was the style of the facilities. The pictures that were submitted represent a duplex type of architecture rather than a multi-family housing style. Ms. Cromwell pointed out that there is an exceptional need for this type of facility in Billings. The 75 and older population has grown by 45 percent. She stated that these folks need this type of facility, which assists that group of people in several critical areas. She noted that there are only two facilities, both with waiting lists, like this in the Billings area now. Councilmember Brewster asked if all of the concerns of the Zoning Commission have been met. Ms. Cromwell stated that the emergency access to an arterial street may still be a concern. Councilmember Brewster noted that an emergency access is being constructed at the Baptist Church that could be used for the facilities.

The public hearing was opened. KALEN BROWN, 1026 EVERGREEN DRIVE, stated that he felt all the issues of the Zoning Commission have been addressed and requirements met. He reiterated that the parking requirement of 14 spaces was met and exceeded with a total of 18 spaces. He stated that they have

permission from the Trinity Church of the Nazarene (next door to the site) to use their parking lot if needed. The fencing recommended by the DRC and landscaping of 10 percent of footage of the site plan was met. The recommendation for 2 - 90 gallon curbside containers meets the waste disposal requirement. They will be stored in an enclosure behind the house as approved by the Solid Waste Division. He added that there is an emergency vehicle access road between Bryant and Sapphire Avenues. Mr. Brown emphasized that this facility is not a nursing home. He stated that it is a home for retired persons that are in need of assistance. He wants to provide a residential type facility that will maintain the dignity and comfort of the elderly and that will resemble their homes as much as possible in a neighborhood environment. He added that these facilities are quiet and clean and provide opportunities for the elderly to model citizenship to our communities. He closed with a letter addressed to the Mayor and City Council from Dr. William Rosen, a Medical Director for several skilled Nursing Home facilities, endorsing the need for this type of facility. Councilmember Brown asked if this facility would be a tax paying entity. (Speaker) Mr. Brown said "yes".

BERNADETTE BROWN, 1026 EVERGREEN DRIVE, will be the manager of the facility. She stated that she is currently employed at Edgewood Vista. The managers for that facility advised Ms. Brown there currently is a 1-1/2 to 2 year waiting list for their facility. She explained in detail the level of care residents will be receiving, which she categorized as level "A". If a resident changes to a category "B" level, they will continue to be assisted and not asked to leave the facility, however, level "C" residents will not be admitted, she said.

The public hearing was closed. Councilmember Brewster moved for disapproval of the Zoning Commission recommendation, or approval of the Special Review, seconded by Councilmember Bradley. Councilmember Brewster commented that the owners have worked hard to address all the issues raised by the Zoning Commission and this is a good proposal and facility that will be good for the community. He stated that it is a great addition to the Heights and he recommended approval of the facility. On a voice vote, the motion was unanimously approved.

**5. PUBLIC HEARING AND SECOND READING ORDINANCE 02-5179 FOR ZONE CHANGE #686: a zone change from Residential Multi-Family to Residential Professional on Lot 1, Rex Subdivision, 2<sup>nd</sup> filing, located at 917 Lake Elmo Drive. Dustin Timmons, owner; A. L. Koelzer, agent. Zoning Commission recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

There was no staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Iverson moved for approval of ordinance on second reading, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

**6. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #687: a zone change from Residential Multi-Family to Residential 9600 on Tract C, C/S 793. Ron S. Hill Living Trust, owner and agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)**

Planning staff member Candi Beaudry said that the applicant, Ron Hill, is requesting a zone change from Residential Multi-Family to Residential 9600. The property is completely surrounded, with the exception of the Lake Hills Golf Course, by residential development, which is mixed zoning including Residential 9600. Mr. Hill is requesting this zone change for the purpose of restricting development on the subject property to single-family homes only as allowed by the Residential 9600 classification. He feels this is compatible with and will lessen the density of the neighborhood. The Zoning Commission is recommending approval of the zone change, stating that it will retain and improve the residential area and promote in-fill development. She added that while the Planning Department goes along with the Residential 9600 zoning as compatible, they point out that it will lessen the amount of Residential Multi-Family zoning in the City of Billings. The property is currently vacant. She noted that the only person opposed to this zone change is George Schneider, who is the former owner of the property, and he informed the Planning Department that the property was originally meant as a parking lot for the Lake Hills Golf Course clubhouse.

The public hearing was opened. RON HILL OF SPECIALIZED CONSTRUCTION, NO ADDRESS GIVEN, stated that the primary goal is to have happy homeowners. He said that his company has done substantial development in the area and does not want to see problems in the future regarding a 950 unit development under the Residential Multi-Family classification. Single-family homes would provide less of a density impact.

There were no other speakers. The public hearing was closed. Councilmember Kennedy moved to approve the Zoning Commission recommendation, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

**7. PUBLIC HEARING AND RESOLUTION 02-17789 annexing #01-20: Lots 1-4, Block 5; Lots 1-4, Block 6; Lots 1-4, Block 8; Lots 1-4, Block 9; Lots 1-5, Block 7; Lots 11-19, Block 10, Lots 3-8, Block 11, Daniels Subdivision, 2<sup>nd</sup> filing; generally located along Peony and Columbine Drive, east of Hawthorne Lane and south of Mary Street. B & R Development, petitioners. Staff recommends approval of the public services report and conditional approval of the annexation. (Action: approval or disapproval of staff recommendation.)**

Planning staff member Bruce McCandless introduced this as a petitioned annexation with a recommendation for conditional approval. The condition is that the petitioner conform to a 1995 Development Agreement and a 1983 Subdivision Improvement Agreement. There are 36 lots in the annexation and the total property is about 10 acres in size, zoned Residential 7000 which permits single-family and two family dwellings. This is the third annexation in a series of annexations and the third phase of development. He said the City Department comments are generally supportive of the annexation and development. All city services would be provided upon annexation as they are already provided to the neighboring property. The city facilities will be extended by the developer of the property, which includes the development of a neighborhood park that was provided for in the 1995 agreement. He noted this will be accomplished through the creation of a Special Improvement District and maintained through the creation of a Park Maintenance District. Financing for the capital facilities will be



through the developer for those items covered by the SID previously mentioned. Financing for the general city services will be through taxes and fees that the present and subsequent property owners would pay. He cautioned the Council about the fiscal impact analysis report stating the possibility that the cost of city services would exceed the amount of revenue derived from those taxes, saying the report is very limited and not in depth. He stated that despite the fiscal analysis this still remains a good in-fill development and the Planning staff recommends approval.

Councilmember Poppler asked about the impact on the school district in that area. Planning Director Ramona Mattix commented that there is a possibility that the school that was previously closed will be reopened therefore the impact would be lessened. Councilmember Bradley asked for clarification of the connection between the 1983 Subdivision Improvement Agreement and the 1995 Development Agreement. Mr. McCandless explained that due to a change in the developer after the 1983 agreement, the Development Agreement was executed between the new developer and the city to address the responsibilities of the developer with regard to construction of streets, water and sewer lines, storm water run-off, etc. This agreement is still in place and the Planning Department is recommending that it be enforced with the current development.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ohnstad moved to approve the public services report and for conditional approval of the annexation, seconded by Councilmember Bradley. On a voice vote, the motion was unanimously approved.

**8. PUBLIC HEARING AND SECOND READING ORDINANCE 02-5180 expanding the boundaries of Ward II to include recently annexed property: two parcels of Lake Elmo Road Right-of-Way between Main Street and Bench Boulevard, (Annex #01-19), Yellowstone County, petitioner. Staff recommends approval. (Action: approval or disapproval of ordinance on second reading.)**

There was no staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Larson moved for approval of ordinance on second reading, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

**9. RESOLUTION 02-17790 annexing an unplatted 27 acres in T1N-R25E-S23: SE1/4, NW1/4, (Annex 01-14), Zella Yegen Trust B and C, owners. Action tabled from 9/24/01. Staff recommends approval of the public services report and conditional approval of the annexation. (Action: approval or disapproval of staff recommendation.)**

Bruce McCandless of the Planning Department stated that this item was the subject of a public hearing in September 2001, therefore there is no public hearing this evening. Councilmember Brewster asked about the changes that were negotiated previously. Mr. McCandless stated that the changes were involved with the infrastructure improvements. He said the new proposal will include an on-site park and linear trail from the park to Hawthorne Lane. There will be a proportional share of cost for construction of a storm sewer in Hawthorne Lane, which will appear in the draft of

the Capital Improvement Plan in 2003 to construct the storm drain trunk, and also an agreement for a proportional share of constructing a left turn lane at Hawthorne Lane and Yellowstone River Road.

Councilmember McDermott moved for approval of the staff recommendation, seconded by Councilmember Kennedy. On a voice vote, the motion was unanimously approved.

**10. DISCIPLINARY HEARING pursuant to 7-33-4124 M.C.A on the suspension of City of Billings Fire Captain Gary Puckett. Staff recommends approval of disciplinary action. (Action: approval or disapproval of staff recommendation.)**

Fire Chief Marv Jochems said the Billings Fire Department has rules and regulations that cover all aspects of the Fire Department and how it functions. Included in the regulations is a disciplinary section, both in the policy manual and labor contract that addresses the process to follow in such cases. He stated the appropriate process in this particular case has been explicitly followed, the notice to appear has been given and the due process hearing has been conducted. He noted that on two occasions in a twelve month period Captain Gary Puckett failed to report for duty. On January 10, 2001 Captain Puckett failed to report for duty, and was given a verbal warning at that time. Again on December 9, 2001, Captain Puckett did not report for duty. He stated the disciplinary action is both fair and consistent. The two-shifts suspension is approximately a \$1,056.00 loss for Captain Puckett. Fire Chief Jochems said he believes this disciplinary measure will change the behavior of Captain Puckett and recommends that the Council uphold the disciplinary action that he has imposed.

Mayor Tooley explained that the Council is required to hold the disciplinary hearing under Montana Code Annotated even though it is an archaic law that should have been superceded by the City Charter. He restated, there is a disciplinary process that Fire Chief Jochem has indicated and an appeals process and "we must comply with it until the law is changed". Mayor Tooley said the disciplinary hearing is therefore required and the public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Bradley moved for approval of the staff recommendation, seconded by Councilmember Kennedy. Councilmember Bradley asked for an explanation as to why the shifts were missed. Fire Chief Jochems explained in the last instance Captain Puckett stated he was traveling back from California and had the wrong calendar and thought he was to report the next day. Councilmember McDermott asked whether someone must be brought in when someone misses a shift. Fire Chief Jochems said it depended on whether they were "below minimum man or above minimum man" whether someone is brought in at additional expense. There was no further discussion. On a voice vote, the motion was unanimously approved

**ADJOURN** – With all business complete, the Mayor adjourned the meeting at 8:39 P.M.

MINUTES: January 14, 2002

By: \_\_\_\_\_  
Charles F. Tooley    MAYOR

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, City Clerk, CMC/AE