

## **REGULAR MEETING OF THE BILLINGS CITY COUNCIL**

**December 19, 2011**

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

**ROLL CALL:** Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, and Clark. Councilmember Astle was excused.

### **MINUTES:**

- November 28, 2011 – Councilmember Cimmino moved for approval of the minutes, as submitted, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.
- December 12, 2011, pending

### **COURTESIES:**

- Councilmember Ruegamer presented Mayor Hanel with a water pitcher he felt was "more elegant" than the plastic pitcher currently being used.
- Councilmember Ulledalen acknowledged the fact that the inserts regarding the distracted driving ordinance were finally in the water bills for December.
- Mayor Hanel presented outgoing Councilmembers Gaghen, Ruegamer, and Clark with plaques on behalf of the City of Billings and thanked them for their service.
- Mayor Hanel recognized Councilmember Pitman and Councilmember McCall on their re-election to the City Council.
- Mayor Hanel thanked the Salvation Army for their bell ringers and the Marines for their Toys for Tots Program and the community for their contributions to both causes.
- City Administrator Volek thanked Councilmembers Gaghen, Ruegamer, and Clark for their service on the Council the past eight years and their many contributions to the City of Billings.

**PROCLAMATIONS:** None

### **ADMINISTRATOR REPORTS - TINA VOLEK**

City Administrator Volek commented on the following items.

- **Item 1A1 - Bid Award for Hybrid Diesel-Electric Bookmobile.** Per the staff report, a recommendation was to be made at the meeting. She said a memo from Bill Cochran, Library Director, recommending bid award to OBS, Inc. for \$278,630 was on Council's desks. She noted a copy was filed in the ex-parte notebook.
- **Item 2 – Public Hearing and Resolution Creating a City-Wide Park District.** As of 5:00 that day, 67 e-mails had been sent to Mayor and Council in favor of creation of the district, 70 e-mails had been sent to Mayor and Council in opposition to the creation of the district, and 8 protest letters had been received after the protest deadline of 5:00 p.m. on December 16th. She noted copies were filed in the ex-parte notebook. She said 4,619 valid protests had been received, for a taxable valuation percentage of 8.54. Councilmember Clark asked how many protest letters came in without signatures. Ms. Volek advised 31 unsigned letters were received. She said staff tried to contact the property owners and eight letters were resubmitted with signatures.

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

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute. 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. For Items not on this agenda, public comment will be taken at the end of the agenda.)

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

**1. CONSENT AGENDA**

**A. Bid Awards:**

**1. Hybrid Diesel-Electric Bookmobile.** (Opened 12/13/2011) Recommendation to be made at meeting.

**2. Concessionaire to Operate a Public Parking Concession at Billings Logan International Airport.** (Opened 12/06/2011) (Delayed from 12/12/2011)  
Recommend Standard Parking for a five-year contract (1/2/2012 - 1/1/2017).

**B. Change Order #2 - Naval Reserve Demolition,** CTA Architects and Engineers, \$3,000.

**C. Contract** with Center for Priority Based Budgeting to conduct a priority-based budgeting process for the City of Billings; \$38,000, plus travel expenses.

**D. Agreement** with Billings Housing Authority to fund one Police Officer; 1/1/2012 through 6/30/2012.

**E. Agreement** transferring ownership, maintenance, and operation of 12-inch water line located in Riverside Road from State Avenue to King Avenue East and in King Avenue East from Riverside Road to east of the Yellowstone County Detention Facility; 8-inch water line located in King Avenue East from Riverside Road west to near the Yegen Drain; and 10-inch sanitary sewer line along King Avenue East to the southeast corner of the Yellowstone County Detention Facility from Yellowstone County to the City of Billings. Transfer includes \$25,500 operation and maintenance fund from the County to the City.

**F. Confirmation of Probationary Police Officers Clint Anglin and Benjamin Beck.**

**G. Subordination of Housing Rehabilitation Loan** for Julie Ann Galles, \$20,000.

**H. Subordination of Housing Rehabilitation Loan** for Linda K. Wetzel, \$20,000.

**I. Approval** of extension of preliminary plat approval date for three years for Golden Acres Subdivision; setting a new expiration date of February 23, 2015.

**J. Final Plat Approval**

1. Sunny Cove Fruit Farms, Amended Lot 6A
2. Sheldon Wolf Subdivision

**K. Bills and Payroll:**

1. November 28, 2011

Councilmember McCall separated Consent Agenda Item 1A1. Councilmember Clark moved for approval of the Consent Agenda with the exception of Item 1A1, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

Councilmember McCall moved to accept the recommendation from Bill Cochran to award the bid for the Hybrid Diesel-Electric Bookmobile to OBS, Inc., seconded by Councilmember Gaghen. Councilmember Cimmino asked for a brief overview of the vehicle.

DeeAnn Redman, Assistant Library Director, said the proposed bookmobile would provide environmental advantages and alternative energy. She said the bookmobile would be a test for other city vehicles and would be the first hybrid vehicle in the city fleet. She said they were including as many environmental features as possible, including recycled materials. Ms. Redman said the current bookmobile had been in service since 1995. Councilmember Gaghen asked for the current mileage. Ms. Redman said she did not have that information with her. She said the bookmobile also served outlying areas such as Broadview, Custer, and Pompey's Pillar so the mileage was not all from in-town driving. Councilmember Gaghen asked if the current bookmobile would be sold. Ms. Redman advised through the Equipment Replacement

Plan (ERP) they arranged to retain the vehicle to use for determining a good location for a future branch library. She said it would serve as a mini branch, particularly in the Heights area.

Mayor Hanel asked City Administrator Volek to explain for the public's benefit where the money would come from to keep the vehicle and where the money would come from for the new vehicle. Ms. Volek advised part of the new bookmobile was being paid for through a Federal grant in excess of \$1M received for energy efficiency projects. She said the City had an Equipment Replacement Plan that charged departments over a period of time to build up funds necessary to buy large pieces of equipment without having to borrow money. She said instead of having the money from the sale of the old vehicle to go towards the purchase price of the new vehicle, the Library would begin again to compile money for future bookmobile replacement. She confirmed none of the funds for construction of the new library would be used to purchase the new bookmobile. She said the library construction would be funded by contributions from private individuals in the amount of \$5 million and General Obligation Bonds issued by the City of Billings. She said the bonds were strictly controlled and dedicated only to the construction of the library.

On a voice vote, the motion was unanimously approved.

## **REGULAR AGENDA:**

### **2. PUBLIC HEARING AND RESOLUTION #11-19130 creating a city-wide park district. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)**

Parks Board Member Rick DeVore advised that the Parks Board was a group of dedicated, hardworking volunteers who had spent the past 18 months at the direction of City Council to come up with a plan to try to solve the dilemma of how to fix the parks. He said they held 18 different meetings to come up with a plan to present to Council so they could receive some direction.

Councilmember Ruegamer asked why the vote was done on a weighted basis. Finance Director Pat Weber said the weighted averages were used based on the method of assessment. He said if they would have chosen square footage of a lot, it would have been a one-to-one vote; but since it was done on taxable value, a single residence would have a lot smaller taxable value than a big box store. He said the big box store had a higher taxable value and a larger percentage of the total taxable value. Councilmember Ruegamer asked if the method of assessment was based on state law. Mr. Weber said that was correct.

Mr. DeVore said the reason for developing a city-wide park district was because the General Fund parks averaged over one million visitors each year, which created a lot of wear and tear. He said since 2003 there had been no funding increases for parks except for energy and wages. He said since then they had acquired 27 new parks through subdivisions, park maintenance districts, and development. He said they had been given 30 miles of multi-use trails to maintain; they had incurred increased costs due to inflation for gasoline and wear and tear on the vehicles, and they had not had adequate funding for preventative maintenance in the parks, which all added up to the \$9 million of deferred maintenance. Mr. DeVore said the 2009 Parks and Recreation Needs Assessment, which was a "statistically valid survey" of Billings residents, showed

that 97 percent of the households in Billings believed that well-maintained parks added to the quality of life in the community. He said 83 percent of the households in Billings believed that Parks and Recreation was an essential service. Mr. DeVore advised that the City Council had acknowledged the need to repair and maintain the parks by approving the Resolution of Intent to Create a Park District on November 14, 2011, based upon the information the Parks Board and Parks staff had presented. He said as of last Friday 8.54 percent of the assessed values of the properties in the proposed district protested the assessment. Mr. DeVore said the assessment method was not new. He said similar methods were used and approved by the City Council on an annual basis to fund street maintenance, fire hydrant repairs, and even the Yellowstone Family Park in April 2011. Mr. DeVore commented they paid approximately \$9,000 to have the notices sent to the property owners versus having to pay between \$30,000 and \$60,000 for a public election. He said the public election dollar amount would depend on whether it was included on the ballot with another item or if it were the only item on the ballot. Mr. DeVore said the Parks Board was asking for Council to do the right thing, which was to save the parks. He said the proposal was about repairing and maintaining the parks and not about the method of assessment. He said even though there was controversy about the approval method, there was little controversy about the need to fund, repair, and maintain the parks.

Councilmember Ulledalen asked for an explanation on how the 27 new parks were created and funded. Parks Director Mike Whitaker explained most of the new parks came from developers putting parks in new subdivisions. He said they had to pull staff from the General Fund parks to maintain the subdivision parks and even though the park maintenance districts paid to have the staff there, it decreased the number of staff available to maintain the General Fund parks.

Mayor Hanel asked Mr. Whitaker to explain the difference between general use parks and other parks. Mr. Whitaker advised the parks were funded by two methods – (1) The General Fund, which funded the community and larger, regional parks such as Pioneer Park, South Park, North Park, and Optimist Park, and (2) Park Maintenance Districts funded mainly small neighborhood parks developed over the past ten years. Mr. Whitaker said that evening they were discussing a city-wide assessment district to better fund the General Fund parks.

Councilmember Ruegamer commented that Mr. DeVore made two points that needed to be emphasized – (1) The Parks Board was made up of common citizens interested in parks and not a special interest group; and (2) It was not about the process but about saving the parks. He said they would hear a lot of negative testimony that evening about the process.

Mayor Hanel thanked Mr. DeVore and the Parks Board Members for their service. Mr. DeVore recognized Parks Board Members Darwin George, Cathy Grott, Tom Iverson, Rachael Cox, Margy Bonner, Todd Royal, Gary Gray, and School District No. 2 representative Mark Wahl.

Councilmember Cimmino asked Mr. DeVore about the 18 meetings he said were held where the park maintenance district concept was presented to the general public. She said she had copies of all of the minutes for the past two years and she saw only five meetings where the proposed park maintenance district was discussed. Mr. DeVore said there were a lot more than five meetings. Councilmember Cimmino asked if the

minutes were available on the city website. Mr. DeVore said Melanie Trang was the secretary who kept notes at every one of the meetings, but he was not sure how it was put on the city website. Mr. Whitaker advised the minutes from the board meetings were on the city website and the Parks and Recreation website. Mr. Whitaker confirmed there were 18 meetings and said he would pull up the dates. He said there was a lot of discussion on all possible funding sources, so the agendas may not be specific to the park district. Councilmember Cimmino referenced the "statistically valid survey" where 97 percent of households maintained that parks were an absolute amenity to the community and asked how many people actually responded to the survey that made up the 97 percent. Mr. DeVore said he could not remember for sure, but he thought between 3,000 to 4,000 surveys were sent. He said the 97 percent was based on the people who returned the form. Mr. Whitaker added that Cathy Grott, who served on the Parks and Recreation Board, taught a methods class in research and was available to answer any questions on a statistically valid survey.

Councilmember Pitman asked Mr. Whitaker to define deferred maintenance. Mr. Whitaker said deferred maintenance was maintenance they could not do with the current budget such as fixing the cracks on the tennis courts and repairing slides at the pool. Councilmember Pitman said he became frustrated when he heard the comments that the parks were falling apart or were downgraded. He said he felt the city had incredible parks, and they had invested a lot of money in them. He said he was concerned they were trying to show a trail maintenance volunteer coordinator, two more staff for park maintenance, and keeping the restrooms open longer as deferred maintenance. He said they might be things they would like to have but were not fully deferred maintenance. Mr. Whitaker said there were two categories in the spending report – (1) one-time park improvements, which were truly deferred maintenance; and (2) ongoing improvements, which would keep them from getting into the same situation again. He said they looked at the needs assessment, and the community told them it loved the trails. He said they worked with the Chamber on an asset management plan, and that was how they came up with the numbers to maintain the trails they had.

Councilmember Gaghen asked if many of the deferred maintenance needs were related to safety. Mr. Whitaker said they were, and if they shut down a waterslide, it would be from a safety prospective. He said as fiberglass aged, there was more risk for splinters. He said another example would be playground equipment they had to remove due to safety issues. Mr. Whitaker said the Parks Board looked at safety as one of their top concerns.

Councilmember Pitman said as many things that had been taken out of the parks, they had put a lot back in and asked how many new playgrounds and equipment had been installed in the parks. He said he did not want the public to think that everything was being drained out of the parks with nothing being put back. Mr. Whitaker said they were able to replace the playground equipment at Central Park using a block grant, and other relatively new playground sites were in park maintenance district parks. He said Ironwood recently put in a playground as part of its park development. Councilmember Gaghen said North Park had relatively new playground equipment installed possibly five or six years ago. Mr. DeVore commented that the majority of the new park maintenance district parks had new equipment, but the homeowners who lived within the bounds of the parks were paying for it. He said if something fell apart, it

would be fixed by the Parks Department staff, but the homeowners would pay for it and it would not come out of the General Fund.

Councilmember Gaghen asked for the number of people currently paying into park maintenance districts. Mr. Whitaker said the number was approximately 5,500.

Mayor Hanel requested clarification on the two resolutions Council received. City Administrator Volek said the first version was distributed with the agenda packet, and it did not have a specific dollar amount for the money to be raised, no sunset provision, and no indication what the commitment of the City was to the General Fund for the ongoing contribution to Parks. She said several councilmembers asked for an alternate ordinance setting a \$2 million cap, including a 5-year sunset provision, and pledging the City would not, except under ordinary circumstances, decrease the amount currently given to the Parks Department through the General Fund. Ms. Volek asked that the motion and vote be specific to either the original resolution or the alternate resolution.

Councilmember Cimmino asked Ms. Volek to state for the record what the actual budget was for the Parks Department from the General Fund approved by Council for FY2012. Ms. Volek advised it was \$4.1 million. Councilmember Clark asked if that included the funds from the park maintenance districts. Mr. Whitaker said it did not. Councilmember Gaghen asked what additional funds the park maintenance districts provided. Mr. Whitaker said the approximate amount was \$750,000, or 15 percent of Parks' existing budget.

Mayor Hanel said he believed there were 36 existing park maintenance districts and asked if all the properties within those districts were being assessed. Mr. Weber said he hired an intern two summers ago to work with the GIS Coordinator and check the boundaries with all the tax codes to see who was paying and who was not. He said at that time there were properties within the districts that were not paying, but it had been taken care of and all were accounted for.

The public hearing was opened.

The following people testified in favor of the creation of the park district. Their comments included that the parks meant a lot to them, a strong vibrant park system was good for Billings, parks and trails provided recreational and health benefits, parks and green spaces increased property values, and the City needed to look to the future by taking care of its current parks.

- Russ Fagg, 3053 Thousand Oaks, Billings, MT
- Mike Penfold, 3552 Prestwick Road, Billings, MT
- Marcia Clausing, 3016 Gloxinia Drive, Billings, MT
- Mike Garvey, 2923 Montys Circle, Billings, MT
- Leslie Modrow, 320 Clark Avenue, Billings, MT
- Cara Schaer, 1109 N. 32<sup>nd</sup> Street, Billings, MT
- Jack Johnson, 1562 38<sup>th</sup> Street West, Billings, MT
- Brad Coutant, 223 Wyoming Avenue, Billings, MT
- Bob Jones, 3203 Laredo Place, Billings, MT
- Margy Bonner, 4613 Toyon Drive, Billings, MT
- Nash Emrich, 230 Avenue C, Billings, MT

- William Dimich, 2917 Lohof, Billings, MT
- Doug Habermann, 3209 Durland Drive, Billings, MT
- Spencer Stone, 1101 N. 22<sup>nd</sup>, Billings, MT
- Patrick Neary, 322 Future Circle, Billings, MT
- Karen Sanford Gall, 3110 E. MacDonald, Billings, MT
- Paul Cox, 2159 N. Slope Trail, Billings, MT
- Doug Ruebke, PO Box 30834, Billings, MT
- David Strong, 206 Avenue B, Billings, MT
- Rick DeVore, 2614 Park Ridge Lane North, Billings, MT
- Darlene Tussing, 3033 Demaret, Billings, MT
- Cathy Grott, 1225 Juniper Drive, Billings, MT
- Becky Bird, 117 Ardmore Drive, Billings, MT
- Darwin George, 2113 Alderson Avenue, Billings, MT
- Rachel Cox, 2159 N. Slope Trail, Billings, MT
- Tom Iverson, 2717 Hoover, Billings, MT

The following people testified in opposition to the creation of the park district. Their comments included that they supported recreation and the parks but did not approve of the protest process, felt it was unfair, felt the matter should be taken to the vote of the people via ballot, felt they did not use the parks so should not have to pay for them, felt they could not afford the assessment, and felt the City was being financially irresponsible.

- Dave Bovee, 424 Lewis Avenue, Billings, MT
- Mike Brockie, 545 Beverly Hill Boulevard, Billings, MT
- Calvin Hertoghe, 2719 Hoover Avenue, Billings, MT
- Ken Peterson, 424 48<sup>th</sup> Street West, Billings, MT
- Boyd Strissel, 3323 Harlou Drive, Billings, MT
- Burt Gigoux, 1710 Janie Street, Billings, MT
- Larry Seekins, 380 Camel Place, Billings, MT
- Gary Carter, 4104 Jansma, Billings, MT
- Doug Kary, 415 W. Wicks Lane, Billings, MT
- Bruce Simon, 217 Clark Avenue, Billings, MT
- Tom Binon, 127 Antelope Trail, Billings, MT
- Dan Thelen, 1124 Avenue D, Billings, MT
- Kim Mathiason, 1205 Howard Avenue, Billings, MT
- Jim Berg, 233 Wicks Lane, Billings, MT
- Roxie Blinco, 526 Beverly Hill Boulevard, Billings, MT
- Madeline McCaslin, 2642 Clark Avenue, Billings, MT
- Dean Kile, 1619 Cook Avenue, Billings, MT
- Bob Spangel, 330 Cape Cod, Billings, MT
- Frank Ewalt, 2131 Phoebe Drive, Billings, MT
- Joy Stevens, 531 Indian Trail, Billings, MT
- Caroll Smith, 1828 Alderson Avenue, Billings, MT



- Marion Dozier, 3923 3<sup>rd</sup> Avenue South, Billings, MT
- Kevin Nelson, 4235 Bruce Avenue, Billings, MT
- Don Jones, 1945 Clark Avenue, Billings, MT
- Ron Hill, 2242 West Skokie, Billings, MT
- Gary Finn, 2036 Fairway Drive, Billings, MT

(Mayor Hanel called for a recess at 9:00 p.m. The meeting was called back to order at 9:15 p.m.)

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

Councilmember Ulledalen moved for approval of Item 2 with the original resolution, seconded by Councilmember McCall. Councilmember Ulledalen said they could approve to create the district that evening and asked how much time they would have to set the levy and work on the details. Finance Director Pat Weber said what they were doing that evening was creating the district, and they would have until the first meeting in September to discuss the levy and the other details. Councilmember Ulledalen said there were a lot of details that needed to be gone over, and the accountability for them belonged with the Council. He said they should bring it back on the agenda in a reasonable amount of time and discuss all of their questions, issues, and the limits they would like to see imposed. He said he was concerned with the 5,000 plus homes already paying into a park maintenance district, and there should be some offset or trade-off for them. He said they needed to bring it all back and fine tune it.

Councilmember Ruegamer said he would support the motion. He said he had commented he would not support it until the City sold some parkland, and the City was in the process of selling parkland headed up by Al Koelzer. He said he thought the district should sunset so the people could vote on it again. Councilmember Ruegamer said the Parks staff was going to have to show people what they had done with the money. He said he thought there should be a cap on the amount and the resolution should include language about not cutting from the General Fund. Councilmember Ruegamer said after reviewing the list, he felt they could cut some of the maintenance costs, and the revenues from the waterslides and the batting cage should be used for maintenance on the waterslides and batting cage.

Councilmember Ronquillo said he agreed with Councilmembers Ruegamer and Ulledalen that they should take another look at the repairs and sharpen their pencils. He said they usually repaired equipment by putting band-aids on it and they always had to go back and redo it. He also commented there were no transients living under the 6<sup>th</sup> Street West bridge as someone had indicated, and they should charge a toll on the "bridge to nowhere" being built on Minnesota Avenue, South 25<sup>th</sup>, and Montana Avenue so the people using it would pay for the maintenance of it. Councilmember Ronquillo said he would support the motion.

Councilmember Pitman asked what the hurry was to approve the resolution that night if they had a lot of questions and needed to fill in some blanks. He said when their questions were answered it would not take much of a process to get it set up. He said they had time, and he hated passing something with a lot of blank lines in it.

Councilmember McFadden said he felt it was very important to raise money for the parks and maintain them properly; however, it was far more important that they upheld and defended certain democratic principles. He said he could not support it unless it went to the vote of the people.

Mayor Hanel said he had heard through testimony that evening that it was not a democratic method, and he strongly disagreed. He said he thought it was one of the best and most democratic meetings they had held since he became mayor. He said he respected and appreciated all of the testimonies. He said Billings was a beautiful city, and there was never an appropriate time to ask the taxpayers for money. Mayor Hanel said he would support the motion.

Councilmember McCall said she supported the motion, and they were making an important commitment to the future vitality of the city's parks. She said she thought every property owner had the opportunity to voice whether they wanted to support it or not. She said they had a lot of work ahead of them, but tonight was the night to make the commitment to the parks.

Councilmember Cimmino said they had listened to testimony from 6:55 p.m. to 11:10 p.m. She said she loved to read and do research and when the issue surfaced, she did a lot of research and read every single master plan the Parks Department had for community parks including the Briarwood Park, the Parks 2020 Plan, the Castlerock Master Plan, Centennial Park, High Sierra Park, Howard Heights Park, etc. She said she was specifically looking for how the maintenance considerations were being addressed. She read the following quote from a consultant study: *"Inadequate funding for operations and maintenance is probably the most critical issue facing park and recreation agencies today. Without an ongoing commitment to maintenance of facilities a vicious cycle of deferred maintenance and premature replacement sets in, resulting in an even greater cost burden to taxpayers. The City of Billings has been directly affected by decreased funding and manpower while trying to operate and maintain an ever-growing park system. This erosional process must be arrested at a minimum, or optimately reversed, if we are to maintain a functional parks and recreation program. In the case of new development, this means that a commitment to realistic operations and maintenance funding must go hand-in-hand with any construction funding."* She said the source was the Amend Park Master Plan completed on November 7, 1984, by Sandy Fischer of Fischer & Associates, which was 27 years ago. She said the reality had been with the Billings community based on the viewpoint of one consultant study for 27 years, and the deferred maintenance had not happened overnight. She said she supported the parks, used the parks, and raised her family in Billings, but she also supported the vote of the people and would vote against the motion.

Councilmember Clark said he had been on the Council a long time and this was the most difficult decision to come before them. He said he had listened and it was tough to decide. He said the parks needed to be taken care of.

Councilmember Gaghen said she echoed Councilmember Clark's comments on the difficulty of the decision. She said she appreciated the e-mails and phone calls. She said it was very vital to get on with the issue facing them for far too long. She said the dollars needed to be watched carefully and assessed periodically. She said overall they needed to keep the City vibrant and looking ahead to the future generations so she would be supporting the motion.

Attorney Brooks pointed out that MCA 7-11-1013(2) indicated that if a special district was created, there had to be a resolution passed within 30 days of the end of the protest period, which was December 16.

On a roll call vote, the motion was approved 7 to 3. Councilmembers Ronquillo, Gaghen, Ruegamer, McCall, Ulledalen, Clark and Mayor Hanel voted in favor. Councilmembers Cimmino, Pitman, and McFadden voted in opposition.

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

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

### **COUNCIL INITIATIVES:**

- **Ronquillo:** Referenced the residence that burned at 309 S. 38<sup>th</sup> Street. He said it had been boarded up but someone removed the plywood and the blue tarp. He said it was still a hazard, and they needed to get it cleaned up. Ms. Volek advised she would notify staff.
- **Mayor Hanel:** Said he had not received the overtime report he had requested several times. Ms. Volek advised she sent it to him late that afternoon. Mayor Hanel said he had requested that all councilmembers receive a copy. Ms. Volek said she would see that they received a copy.
- **Cimmino:** Referenced receipt of the city credit card policy she had requested. She said the policy she received went into effect October 2010 and asked if there was a policy in place before that date. Ms. Volek advised she would need to do some research.
- **McFadden:** Asked for the history on the decorated tree in Founder's Park. Parks Superintendent Jon Thompson said the tree was planted in 1934 as a city Christmas tree. He said it was intended to be lit every Christmas season but the tradition stopped during World War II. He said the tradition started up again about three years ago. He said there was a plaque by the tree providing the date it was planted and that it was meant to be the community Christmas tree. He said the lights and electrical lines were donated, and the City paid for the electricity. He said they used LED lights, so the cost was minimal.

There was no further business, and the meeting adjourned at 11:33 p.m.



CITY OF BILLINGS

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

ATTEST:

BY: Cari Martin  
Cari Martin, City Clerk