

Regular City Commission Meeting

Mayor Winters presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE – Vets4Vets**

**MOMENT OF SILENCE**

**ROLL CALL:** City Commissioners present: Michael Winters, Bill Bronson, Fred Burow, Mary Jolley and Bob Jones. Also present were the City Manager, Deputy City Manager, City Attorney, Directors of Fiscal Services, Planning and Community Development, and Public Works, Deputy Director of Park and Recreation, Executive Director of the Housing Authority, Fire Chief, Police Chief and the City Clerk.

**PROCLAMATIONS:** Mayor Winters read proclamations for Constitution Week and Vets4Vets. Commissioner Jones read a proclamation for National Preparedness Month, and Commissioner Bronson read a proclamation for the 10<sup>th</sup> Anniversary of 9/11 National Day of Service and Remembrance.

**\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio recording of this meeting for additional detail. \*\***

### **NEIGHBORHOOD COUNCILS**

**1. SWEARING IN CEREMONY.**

Mayor Winters swore in Rudolf Tankink as a representative of Neighborhood Council 4.

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Richard Calsetta**, NC 3, discussed the agenda topics of the council's recent meeting. He encouraged support of the RSVP and senior services programs. Mr. Calsetta expressed disappointment that the old, unsafe playground equipment was removed from JC Park, Elks Riverside Park and Skyline Optimist Park without first informing neighborhood residents of the safety deficiencies found with the equipment and being given the opportunity to possibly make repairs to bring the equipment back up to safety standards acceptable by the inspector pending replacement.

Deputy Director of Park and Recreation Patty Rearden commented staff deemed that no repairs could be made to make the equipment safe. When it failed the safety inspection, staff met with the City's risk manager. City staff determined there was no alternative but to remove the equipment.

City Manager Greg Doyon commented that he advised the Commission to hold off until mid-year before taking any action on the additional assessed property revenue. One set of playground equipment has been replaced. Staff will be making a determination regarding the second set of equipment and will make an effort to get it restored as quickly as possible.

Mr. Calsetta encouraged City staff to attend meetings to keep the neighborhood councils informed.

Jack Stimac, NC 3, asked the Commission to keep in mind the large area that Riverview Park serves when considering the budget and replacing equipment.

### **BOARDS & COMMISSIONS**

3. **AMENDED PLAT, LOT 1A, BLOCK 2, B.N. CAR SHOP ADDITION, GENERALLY LOCATED EAST OF 6<sup>TH</sup> STREET SW, NORTH AND WEST OF CRESCENT CIRCLE.**

Planning and Community Development Director Mike Haynes reported that this is a request to approve an amended plat for property that contains the former Buttrey Warehouse located on the east side of 6<sup>th</sup> Street SW at Crescent Circle. The property is zoned I-1 (Light Industrial).

The applicant/owner is proposing to subdivide the ±12.86-acre property into five lots. Four new lots – Lots 2 through 5 – totaling 1.45 acres would be created along the south boundary of the property adjacent to Ryan's Station with access from Crescent Circle. Lot 1 would be the remaining 11.41 acres that encompasses the existing warehouse building and the surface parking areas. A shared parking agreement will be required to ensure adequate off-street parking will be available for employees, customers and visitors to the existing warehouse and future new development.

The Planning Advisory Board recommended that the City Commission approve the amended plat at a public hearing held on August 9, 2011.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Amended Plat of Lot 1A, Block 2, B.N. Car Shop Addition, a subdivision in the W½ Section 11, T20N, R3E, P.M.M., Cascade County, Montana, and accept the Findings of Fact.**

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

4. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Cyndi Baker**, 500 Montana Avenue NW, member of the Police Department Citizens' Academy, announced the major donors of funds raised for two K-9 police dogs. A naming contest is being held by school children, and she requested submissions by members of the community.

### **PUBLIC HEARINGS**

5. **AMERICAN LEGION BASEBALL CLUB LEASE.**

Deputy Park and Recreation Director Patty Rearden requested that the City Commission conduct a public hearing to consider approval of the American Legion Baseball Club Lease Agreement.

The proposed lease would be for ten (10) years with a five (5) year extension at the City's discretion. The rental rate is five hundred dollars (\$500) per year. The American Legion Baseball Club is responsible for improvements, repairs and maintenance. The City is responsible for water

costs for irrigation, up to a maximum of one thousand dollars (\$1,000) per year. This has been accepted policy with other baseball programs and is recommended in the Park and Recreation Master Plan. The Park and Recreation Master Plan also recommends that the City's responsibility should be to provide land for youth sport organizations.

Bids were not solicited for this lease since City ordinance provides an exception "where the use is to continue for a public purpose and the same is subject to a revision to the City should use ever be changed to any other purpose." In addition, the City acquired this property for the expressed use by American Legion baseball.

Staff recommends approval of the lease, and the Park and Recreation Advisory Board recommended approval at its August 8, 2011, meeting.

Mayor Winters declared the public hearing open.

No one spoke in opposition to the American Legion Baseball Club lease.

Speaking in support of the American Legion Baseball Club lease were:

**Mike Witsoe**, 510 11<sup>th</sup> Street South, reviewed the terms of the lease as reported by Ms. Rearden. Mr. Witsoe commented this lease is a positive for the Park and Recreation Department and the City's use of the land.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, noted he was not speaking in favor of or in opposition to the American Legion Baseball Club lease. In response to his request for clarification, Ms. Rearden commented that this was a renewal of the lease of the same use.

There being no one else to address the Commission, Mayor Winters declared the public hearing closed.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the American Legion Baseball Club Lease Agreement.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commission Burow commented that the lease payment should cover the cost of the water. City Manager Greg Doyon responded that the maintenance, facility improvements and lawn care by the Club probably exceeds the amount the City pays for water.

Ms. Rearden added that the Club has made significant improvements and performs all maintenance. It would cost significantly more than the \$500 difference for the City to maintain.

Mayor Winters requested that Ms. Rearden provide a cost comparison.

Motion carried 5-0.

6. **TRADE OR SALE OF CITY-OWNED PROPERTY: LOT 3, BLOCK 13, BROADWATER BAY BUSINESS PARK (YAW-KINNEY PROPERTY).**

Planning and Community Development Director Mike Haynes reported that this is the public hearing to take action on the trade or sale of the ±1.06 acre City-owned Yaw-Kinney property located behind the Civic Center at 11 River Drive South. City Code specifies procedures for the disposition of City property. The City acquired the property in 2002 for \$250,000. In the appraisal report dated May 31, 2011, McKay Rowen Associates valued the property at \$275,000. In response to an Invitation to Bid, two bids were received, both from Dahlquist Realtors on behalf of Pacific Steel. The primary offer was to trade ±2 acres of land immediately south of the Police Station, valued at \$300,000, for the Yaw-Kinney property. The second “back-up” offer was to purchase the Yaw-Kinney property for the appraised value of \$275,000. City Staff and Pacific Steel prefer the trade option which would leave the City with two acres of developable land on the Civic Center campus and allow Pacific Steel to aggregate the Yaw-Kinney property and the adjacent Big Sky Transfer property for development of new corporate headquarters.

Mayor Winters declared the public hearing open.

No one spoke in opposition to the trade or sale of City-owned Yaw-Kinney property.

Speaking in support of the trade or sale of City-owned Yaw-Kinney property were:

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, inquired how the \$300,000 for the two acres was determined. Mr. Haynes responded that Pacific Steel will acquire the property from the current property owners for \$300,000 and then trade that property to the City for the Yaw-Kinney property.

Mr. Lewin inquired if Mr. Haynes had seen a contract. Mr. Doyon responded that the City did not perform an appraisal of the property that is proposed for trade. Representatives of Pacific Steel will explain how the value was determined.

**Steve L’Heureux**, L’Heureux Page Werner, 1826 3<sup>rd</sup> Avenue North, clarified that Pacific Steel does have a contract to purchase that property that is executable upon Commission approval of the trade of the Yaw-Kinney property.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, questioned the timing, and then referred to this proposal as a “boondoggle.”

Mr. Doyon explained the process of the trade or sale of City property. This is a good opportunity for the City. The City is not losing property. The City is gaining land that will be made available should the community decide it needs an expanded police or justice facility. Nothing has been advanced other than a conceptual idea and a recognition that there is a need for additional space.

Mayor Winters also noted that the Yaw-Kinney building was not suitable for a museum.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, commented that staff should perform its due diligence and look at the contract.

Mr. Haynes commented that the bids specified that the owner of the property had an offer and, if the trade was approved, would close on the sale of that property.

**Scott Blumfield**, Dahlquist Commercial Investment, 500 Country Club Blvd., commented that he wrote the contract. Two acres will be traded for just over one acre and Pacific Steel will be paying \$300,000 for property appraised at \$275,000. Mr. Blumfield further pointed out that the County's tax value on the property is \$460,000.

**Steve L'Heureux**, L'Heureux Page Werner, commented that Pacific Steel's move to downtown is contingent on the Commission's decision because they need more space than they currently have. Mr. L'Heureux provided a PowerPoint presentation depicting the site and rendition of the improved property. Construction is expected to start in the spring with an approximate 10 month completion time. Mr. L'Heureux introduced Pat Kons and Tim Culliton of Pacific Steel & Recycling.

**Pat Kons**, Pacific Steel & Recycling Vice-President of Scrap Operations, commented that approval of the trade is great for the company, culture and heritage to be here in Great Falls. Pacific Steel has 42 branches in nine states. They have many options for a corporate office. Since Pacific Hide and Fur Depot was founded in Great Falls in the late 1800's, they think it is appropriate to renovate and keep their roots in Great Falls.

**Cyndi Baker**, 500 Montana Avenue NW, commented that Pacific Steel & Recycling was a sponsor of the K-9 fund raising project. She noted the large amount of plaques she observed on Pacific Steel's corporate office wall from various organizations. She concluded, "when Pacific prospers, Great Falls prospers."

There being no one else to address the Commission, Mayor Winters declared the public hearing closed.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the trade of the City-owned Yaw-Kinney Property: Lot 3, Broadwater Bay Business Park, for the ±2 acre undeveloped property addressed as 210 1<sup>st</sup> Street South (Parcel ID 526300), and authorize the City Manager to execute the necessary documents.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Burow commented that he appreciates Mr. Lewin's comments. He believes this to be a win-win situation, and supports this project.

Motion carried 5-0.

**7. RESOLUTION 9936 TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES.**

Fiscal Services Director Melissa Kinzler reported that properties in the City of Great Falls which had utility services provided to them prior to June 30, 2011, but remain unpaid, are subject to the City's right to assess the property for the amount owed. The Fiscal Services Department reviews the accounts annually and notifies property owners of the delinquent charges and right to assess the property. The legal owners of the properties were notified in a letter dated June 27, 2011, that

unless these charges were paid within 30 days, they would be levied as a tax against the lot or parcel. A final letter stating the date and time of the public hearing was sent to the owners of the property with charges remaining unpaid on August 19, 2011. This assessment will appear on the property tax bill received from the Cascade County Treasurer. Any payments received prior to the charges being forwarded to the Cascade County Treasurer will be removed from the assessment listing.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9936 was:

**Mike Witsoe**, 510 11<sup>th</sup> Street South, inquired what it costs to put a lien on someone's property.

Ms. Kinzler responded that it is a per page cost to record the document. The cost of filing the lien is not passed on to the customer.

No one spoke in support of Resolution 9936.

Mayor Winters declared the public hearing closed.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9936.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Burow inquired why the recording cost wasn't included in the amount owed.

Ms. Kinzler responded that hasn't been past practice, but could be looked at changing in the future.

City Clerk Lisa Kunz added that the per page fee is for recording the resolution and attachment; it is not a per property fee.

Commissioner Jolley noted that the terms assessment and lien are used. She inquired when this Resolution is recorded with the County if people see a bill on their taxes or a lien on their home.

Ms. Kinzler responded that it is a lien on the parcel of property.

Motion carried 5-0.

8. **CRESCENT DRIVE LOTS CONSISTING OF ± 13.32 ACRES LOCATED NORTH OF CRESCENT DRIVE AND WEST OF 6<sup>TH</sup> STREET SOUTHWEST.**
- A. **ORDINANCE 3080 REZONE FOUR LOTS FROM C-2 GENERAL COMMERCIAL TO I-1 LIGHT INDUSTRIAL.**
- B. **MINOR PLAT OF THAYER DEVELOPMENT AND ACCOMPANYING FINDINGS OF FACT.**

Planning and Community Development Director Mike Haynes reported that this public hearing is to consider Ordinance 3080 that would rezone four lots containing ±13.32 acres from C-2 (General Commercial) to I-1 (Light Industrial) and an amended plat to subdivide the easternmost lot - Mark 22LA - into two lots. The subject properties are located on the north side of Crescent Drive west of 6<sup>th</sup> Street SW and comprise a cell tower, storage units, a landscape business, a grain elevator and a vacant building that was formerly used for daycare.

The owner of Mark 22LA will also be required to obtain a right-of-way encroachment permit from Public Works for the vacant building that was constructed encroaching into the Crescent Drive right-of-way.

Staff is recommending approval of the rezoning based on two major factors: The industrial nature of existing uses on the subject properties, and the location of subject properties between the railroad and golf course to the north and the West Great Falls Levee to the south, that alleviate typical concerns regarding compatibility of industrial with other uses (especially residential).

At a public hearing held on July 12, 2011, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve the rezoning and the minor subdivision.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Ordinance 3080 and minor plat.

Speaking in support of Ordinance 3080 and minor plat was:

**Gene Thayer**, property owner and applicant, commented as a board member of the Great Falls Development Authority that this property has rail that the board hopes will attract businesses.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, thanked Mr. Thayer for “showing up” to discuss his project.

**Jeremiah Johnson**, 1900 Whispering Ridge Drive, commented that the Great Falls Development Authority supports this re-zoning.

There being no one else to address the Commission, Mayor Winters declared the public hearing closed.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3080.**

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioners Jolley and Jones, that the City Commission approve the Minor Plat of Thayer Development and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board.**

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

9. **1<sup>ST</sup> AVENUE NORTHWEST AND A PORTION OF RAILROAD STREET AND ASSOCIATED AMENDED PLAT.**
  - A. **RESOLUTION 9940 TO VACATE A PORTION OF 1<sup>ST</sup> AVENUE NW AND A PORTION OF RAILROAD STREET.**
  - B. **AMENDED PLAT OF LOTS 3 AND 4, BLOCK 598, AND A PORTION OF 1<sup>ST</sup> AVENUE NW, OF THE 5<sup>TH</sup> ADDITION TO GREAT FALLS, AND PARCEL NO. 2.**

Planning and Community Development Director Mike Haynes reported that this public hearing is to consider Resolution 9940 for the abandonment of public right-of-way comprising  $\pm 0.4$  acres and the related amended plat. The subject property is a portion of the 1<sup>st</sup> Avenue NW and Railroad Street rights-of-way located just north of the intersection of Central Avenue West and 3rd Street on the Talcott Properties, LLC site. The subject right-of-way is not used or needed for the street network and abandonment will allow the abutting property owner to incorporate the subject property into their site which is being developed in phases and comprises the Staybridge Suites Hotel and the recently completed commercial building that is home to Faster Basset Coffee and Crepes.

There are other property owners in the vicinity of the subject property who are not part of the application and will not be adversely affected by the abandonment.

The amended plat includes utility easements in favor of the City for underground water, sewer and stormdrain infrastructure.

On July 26, 2011, the Planning Advisory Board recommended the City Commission approve the abandonment.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9940 and the amended plat.

Mayor Winters declared the public hearing closed.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9940.**

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

**Commissioner Jolley moved, seconded by Commissioners Burow and Jones, that the City Commission approve the Amended Plat of Lots 3 and 4, Block 598, and a portion of 1<sup>st</sup>**



**Avenue NW, of the 5<sup>th</sup> Addition to Great Falls, and Parcel No. 2, all located in Government Lot 7 of Section 2, the NW<sup>1</sup>/<sub>4</sub>, and Government Lot 2 of Section 11, T20N, R3E, M.P.M., Great Falls, Cascade County, Montana.**

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

\*\* Item 14 is a public hearing that was inadvertently left under Ordinances/Resolutions on the Agenda.

**14. RESOLUTION 9942, NEW OR EXPANDING INDUSTRY TAX BENEFIT, 1408 52<sup>ND</sup> STREET NORTH.**

Planning and Community Development Director Mike Haynes reported that this public hearing is to consider Resolution 9942 to approve Steel Etc.'s application for a New or Expanding Industry Tax Benefit for approximately \$79,000 in miscellaneous taxable personal property investments. The Department of Revenue has confirmed that equipment purchased for installation and use on that portion of the Steel Etc. property in the City, qualifies for tax abatement with tax year 2011 considered the year of acquisition.

On August 4, 2009, the City Commission approved annexation of the ±4.7 acre developed portion of the Steel Etc. property into the City. On August 17, 2010, City Commission approved the New or Expanding Industry Tax Benefit for approximately \$3.2 million worth of improvements including construction of a new business office building, steel sales building, scrap and recycling building and installation of utilities.

In June, 2011, the Cascade County Commissioners approved property tax abatement on just over \$200,000 of heavy equipment investments on the ±11.2 acre portion of the Steel Etc. property that remains in Cascade County.

The requested New or Expanding Industry Tax Benefit would provide Steel Etc. with property tax abatement on a portion of the additional city property taxes generated by the new investment. The discount on new property taxes would be 50% in years 1-5, 40% in year 6, 30% in year 7, 20% in year 8, and 10% in year 9. In year 10 and in subsequent years 100% of the additional property taxes resulting from the new development would be payable.

The City Commission established a policy to approve tax abatements for qualifying new and expanding industries in Resolution 8967, adopted in July, 1998.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9942 was:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed his opposition to tax breaks to businesses by any local government.

Speaking in support of Resolution 9942 was:

**Karen Grove**, 1816 1<sup>st</sup> Avenue North, commented that Steel Etc. is a local business that donates back to this community. She objects to the term of “moocher” used by Mr. Gessaman.

**Cyndi Baker**, 500 Montana Avenue NW, commented that this will benefit the business and shows that the City values their investment in the community. Steel Etc. is a good partner in this community.

There being no one else to address the Commission, Mayor Winters declared the public hearing closed.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9942.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Bronson commented that he hopes there will be many more businesses like Steel Etc. in this community in the future.

Commissioner Jolley commented that her understanding is this is a State initiated tax abatement.

Mr. Haynes responded that the City Commission passed a resolution in 1988 showing its commitment to approve these benefits. He believes it requires the approval of local governments.

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **10. CONTRACT, CITY WEBSITE DESIGN AND CONTENT MANAGEMENT SYSTEM.**

Fiscal Services Director Melissa Kinzler reported that City staff discussed the increased demand for a SQL Database Specialist at the June 7, 2011, Work Session. City Staff recommended moving the current Website Specialist into the SQL Database role, outsourcing website design, and implementing a Content Management System (CMS) which would give departments the ability to control their own web pages. Commissioners advised City Staff to move forward with the RFP process.

Nine vendors submitted proposals in response to the Request for Proposals. A group of City staff representing various departments was selected to view the vendor presentations/demos and give input/feedback. aHa Consulting was determined to not only be highly capable but also cost effective.

aHa Consulting will meet with City Staff and implement the proposed redesign and CMS over a three month period. Phase I will consist of assessing the current website and the City's needs/requirements. In Phase II, aHa Consulting will be building and designing the City website. Phase III will consist of training departmental Content Managers (those who will be updating the website) and migrating data from the old site to the new site. In the last phase, aHa will conduct testing and then the City will go live on the new website.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission approve the contract between the City of Great Falls and aHa Consulting, Inc. for Web Design and Content Management System for a fee not to exceed \$40,000, and authorize the City Manager to execute the Agreement.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Burow inquired if the bid was \$28,000, why was the Commission being asked to approve \$40,000.

Ms. Kinzler explained that the bid amount included 250 pages of website design. After Phase I, staff will have a better idea of how many pages will need to be converted.

Commissioner Burow commented that he would not like to see a future change order.

I.T. Manager Jon Legan added that a number of pages will be consolidated and City staff will be able to convert pages after aHa creates the template.

Mayor Winters asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired if training costs were included.

Ms. Kinzler responded that training is included in Phase 3 and the cost is included in the \$40,000.

Commissioner Jolley provided Mr. Gessaman with a copy of the aHa proposal.

Mr. Gessaman commented that there will be ongoing costs to maintain the website.

Commissioner Jones explained that the City's full-time webmaster currently updates the site on behalf of all the departments. This company will design a new website and make it easier for upgrades. Department staff will now be responsible for keeping the site up to date.

In response to Mr. Gessaman, Mr. Doyon responded that after City staff is trained to update their own content, the webmaster will be transitioned into another role.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, inquired where the office of aHa Consulting was located and was informed Oregon.

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

#### **11. RESOLUTION 9928 TO LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that this is the final step to assess properties within the Tourism Business Improvement District (TBID). The TBID was created for the purpose of promoting tourism, conventions, trade shows and travel to the City of Great Falls.

The proposed budget and work plan were presented to the City Commission on July 19, 2011. The public hearing was held on August 2, 2011. Staff recommends that the City Commission adopt Resolution 9926 to levy and assess properties within the TBID.

**Commissioner Jolley moved, seconded by Commissioners Bronson and Burow, that the City Commission adopt Resolution 9928.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Jolley inquired why some properties were exempt.

Ms. Kinzler responded that there are exemptions under state statute that has to do with the length/type of stay.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

12. **RESOLUTION 9929 TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that this is the last step to assess properties within the Business Improvement District (BID). The BID was created to improve and revitalize the downtown area. The proposed budget and work plan were presented to the City Commission on July 19, 2011. The public hearing was held on August 2, 2011. Staff recommends that the City Commission adopt Resolution 9929 to levy and assess properties within the BID.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9929.**

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

13. **RESOLUTION 9937 TO LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS IN THE CITY OF GREAT FALLS FROM JUNE 1, 2010, TO MAY 30, 2011.**

Fiscal Services Director Melissa Kinzler reported from May through October of each year nuisance weed violations are reported to the Public Works Department. The Nuisance Weed Program involves investigation and notification of verified weed and grass violations. The investigation process involves an on-site inspection followed by the determination of the legal ownership of the properties. Once ownership of the properties has been established, notification letters of nuisance weed violations are prepared and mailed. Owners are given seven business days from the date of the notification letter to comply with the weed ordinance. After the allotted time has expired, properties are once again inspected. There are 55 remaining property owners who will be assessed

for a total amount of \$17,180.00, for non-payment after monthly billings.

**Commissioner Burow moved, seconded by Commissioners Jolley and Jones, that the City Commission adopt Resolution 9937.**

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

**\*\* 14.** \*\* Item 14 is a public hearing that was inadvertently left under Ordinances/Resolutions on the Agenda. (See Item 14 above under the title of Public Hearings.)

### **CONSENT AGENDA**

- 15.** Minutes, August 16, 2011, Commission meeting.
- 16.** Total expenditures of \$3,424,297 for the period of August 5-31, 2011, to include claims over \$5,000, in the amount of \$2,998,596.
- 17.** Contracts list.
- 18.** Lien Release list.
- 19.** Approve Change Order No. 1 in the amount of \$4,569 to Central Plumbing and Heating for the Boys and Girls Club of Cascade County HVAC Renovation. **OF 1620**
- 20.** Approve Fiscal Year 2012 Traffic Signal and Sign Maintenance Agreements with the Montana Department of Transportation.
- 21.** Award contract to Phillips Construction LLC in the amount of \$217,990 for the Northwest Storm Drain Improvements Phase 1 – Intersection 34<sup>th</sup> and 35<sup>th</sup> Avenue NE & 11<sup>th</sup> Street NE. **OF 1617.1**
- 22.** Approve Change Order No. 1 in the amount of \$70,782.36 and Final Payment in the amount of \$74,001.77 for the 2011 Street Repairs to Great Falls Sand & Gravel Inc. and \$747.49 to the State Miscellaneous Tax Division and authorize the City Manager to make the payments. **OF 1611.1**
- 23.** Approve Change Order No. 2 in the amount of \$19,849 to Central Plumbing and Heating, Inc. for the Montana Eggs Utility Extensions. **OF 1610**
- 24.** Approve Final Payment in the amount of \$1,493.81 to Shumaker Trucking and Excavating Contractors, Inc. and the State Miscellaneous Tax Division for the 11<sup>th</sup> Alley North Sewer Relocation. **OF 1566.7**
- 25.** Approve Final Payment in the amount of \$4,158.20 to Great Falls Sand & Gravel, Inc. and the State Miscellaneous Tax Division for the Broadwater Bay Park – Parking Lot Expansion. **OF 1606**
- 26.** Approve Final Payment in the amount of \$63,370.10 to United Materials of Great Falls, Inc. and the State Miscellaneous Tax Division for the Phase II 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue North Water Main

Replacements. **OF 1599**

27. Approve Final Payment in the amount of \$2,718.35 to Phillips Construction LLC and the State Miscellaneous Tax Division for the 11<sup>th</sup> Street North Utilities Extension/Replacement. **OF 1556**

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda, with the exception of Item 19 for additional discussion.**

With regard to Item 20, Commissioner Jolley thanked Public Works' staff for the summary of costs, and also inquired what the cameras were filming.

Public Works Director Jim Rearden responded that video cameras are used for motion detection to control the light operation.

Commissioner Burow requested clarification on Item 19.

Mr. Doyon referred to the agenda report that identified the add-on controller would improve the efficiency of the building.

Commissioner Jolley commented that the project had to be re-bid because the original bids came in too high. There wasn't enough money to do what they wanted. Installing the controller will make the building more efficient.

Ms. Rearden added that L'Heureux Page Werner donated their services to re-do the bid package. Bids came in low, so they had additional money to pay for the controllers.

Mr. Doyon noted that an answer would be provided when Marty Basta returns. He further clarified that the Commission was ratifying bills that may have already been paid. If the Commission doesn't want staff to pay this change order, then the Commission should note that in the motion to bring this item back at the next meeting for a vote.

Mayor Winters asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired about the cost for the play structure listed on Item 16.

Ms. Rearden responded that approximately \$40,000 would be a sufficient amount for playground equipment at JC and Skyline Parks. Designs proposals were submitted according to a set price.

Mr. Gessaman noted that he has only seen two people playing tennis at Elks Riverside Park on one occasion this week.

Mr. Gessaman commented that the June payments to Southern amounted to \$1,090,512.28, at a cost of approximately \$74 per megawatt.

In response to Mr. Gessaman, Ms. Kinzler commented that the payment is an estimated amount for July.

Mr. Gessaman was responded to affirmatively in response to his comments that the July amount

was lower because some of the customers departed, and that the July deposit that was listed was the third installment.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, inquired the nature of the upgrade with regard to Item 21. Public Works Director Jim Rearden explained that this item is part of the Northwest Storm Drain Study. Improvements include additional inlets and grading to direct storm drain properly away from properties.

Mr. Witsoe inquired if the storm drain pipes were adequate. Mr. Rearden responded that pipe size deficiencies are being corrected.

With regard to Item 23, Mr. Witsoe inquired the nature of the Change Order. Mr. Rearden explained that additional asphalt work will be split between Montana Eggs and the City.

Mr. Witsoe inquired about Item 25 and was informed the parking lot expansion to the north of McKenzie River would accommodate 13 trucks and boat trailers.

There being no further discussion, Mayor Winters called for the vote with regard to accepting the Consent Agenda as presented.

Motion carried 4-1 (Commissioner Burow dissenting).

### **PETITIONS AND COMMUNICATIONS**

#### **28. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

- A. Jack Stimac**, 154 Riverview C, commented that Great Falls is the only place he has been denied access to park his motorcycle in the parking garages unless he buys a monthly pass. He inquired what could be done about that. Mr. Haynes responded that he would research the issue and get back to Mr. Stimac and the Commission.
- B. John Hubbard**, 615 7<sup>th</sup> Avenue South, commented that the *Tribune* misquoted him in a recent article about the amount of losses with regard to the coal plant and ECP. His solution is to hold prior elected officials and City staff accountable for misappropriation of tax dollars.
- C. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, discussed ECP's losses. He commented that during this Commission's term, ECP has had a loss of roughly \$2.5 million that need not have occurred if the decision to end ECP's operation had occurred in January, 2010. Mr. Gessaman referred to Jon Doak's August 30, 2011, letter, and commented that he has never seen any reference to Southern Policy D-11 until now. He suggested that the City take a court reporter and videographer to Southern meetings in Billings for a record of what happens there.
- D. Mike Witsoe**, 510 11<sup>th</sup> Street South, discussed this weekend's Autism walk and other local events.

**CITY MANAGER**

**29. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that he and the Deputy City Manager will be attending a conference in Milwaukee next week. He plans on asking Mr. Santoro to be acting city manager in their absence. Mr. Doyon recommended that the Commission allow him to appoint Commissioner Jones as the Southern Board trustee. He would still attend to take notes. Mayor Winters commented that Commissioners have discussed that and he concurs with that recommendation.

Mr. Doyon also noted that City 7 is having technical difficulties and this meeting probably isn't being aired live.

Deputy City Manager Jennifer Reichelt thanked Colonel Cotton for his service to our community.

**CITY COMMISSION**

**30. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Burow thanked the Great Falls Police Officers that responded to an incident at his residence.

Mayor Winters thanked City employees for the good job they all do.

**ADJOURNMENT**

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jones, that the regular meeting of September 6, 2011, be adjourned at 9:42p.m.**

Motion carried 5-0.

\_\_\_\_\_  
Mayor Winters

\_\_\_\_\_  
City Clerk

Minutes Approved: September 20, 2011