

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Cub Scout Pack 1

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bill Bronson, Mary Jolley and Bob Jones. Commissioner Burow was excused. Also present were the Deputy City Manager, City Attorney, Deputy Director of Park and Recreation, Directors of Fiscal Services, Planning and Community Development, and Public Works, Police Chief, and the Acting City Clerk.

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

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from Neighborhood Council representatives.

BOARDS & COMMISSIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Cyndi Baker, 500 Montana Avenue NW, member of the Police Department Citizens' Academy, along with Cleve Loney and Judy Tankink, announced \$38,000 was raised for the Great Falls Police Department canine, and a naming contest will begin after Labor Day.

PUBLIC HEARINGS

3. RESOLUTION 9935, VACATE A PORTION OF 13TH STREET NORTH AND A PORTION OF 11TH ALLEY NORTH.

Planning and Community Development Director Mike Haynes reported that this is a request to consider Resolution 9935 related to the proposed abandonment of public right-of-way – specifically 13th Street North between 10th Avenue North and 11th Alley North and a portion of 11th Alley North east of 13th Street North in favor of the four abutting private property owners.

The subject right-of-way is not used or needed for the street network and abandonment will allow the abutting property owners to better secure their properties and utilize the land for parking or storage. A utility easement will be retained in favor of the city for a 6-inch water main in 13th Street North.

Subsequent to final abandonment is the replat of the property including dedicating the previously mentioned utility easement. On June 28, 2011, the Planning Advisory Board recommended the City

Commission approve the abandonment. The City Commission approved Resolution of Intent 9934 to vacate the subject property on July 19, 2011, and set this public hearing for today.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9935.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9935.

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

Commissioner Jolley questioned if the amended plat will need to come before the Commission at a later date. Mr. Haynes responded the amended plat does not come before the Commission, but the properties must be replatted to incorporate the newly acquired land.

Mayor Winters called for the vote.

Motion carried 4-0.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Amended Plat of Amended Plat of a portion of Lot 8, Block 36 and all of Block 37, First Addition to Great Falls.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

4. RESOLUTION 9939, INTENTION TO VACATE A PORTION OF 1ST AVENUE NORTHWEST AND A PORTION OF RAILROAD STREET.

Planning and Community Development Director Mike Haynes reported that this item relates to the abandonment of public right-of-way – specifically a portion of the 1st 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.

Like the previous agenda item, 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's home to Faster Basset Coffee and Crepes.

If the City Commission ultimately approves the abandonment, the applicant will record an amended plat dedicating utility easements to the City for existing water mains, sewer mains and storm drains. 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.

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

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9939 on first reading and set the public hearing for September 6, 2011.

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 4-0.

5. RESOLUTION 9941, ANNUAL TAX LEVY.

Fiscal Services Director Melissa Kinzler reported the City received the taxable valuation from the Montana Department of Revenue on July 29, 2011 and can now set the annual mill levy. The total mill levy for tax year 2011, Fiscal Year 2012, is 183.24 mills totaling \$14.2 million. Ms. Kinzler reviewed a breakdown of the various mills.

Ms. Kinzler reported the actual valuation revenue received from the Montana Department of Revenue equates to \$869,000. This means the City has an additional \$569,000 in newly taxable property revenue. Recent annexations and new developments that are currently receiving city services may be the reason for the increase in the property valuation.

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9941.

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 4-0.

CONSENT AGENDA

6. Minutes, August 2, 2011, Commission meeting.
7. Total Expenditures of \$4,512,116 for the period of July 23 through August 10, 2011, to include claims over \$5,000, in the amount of \$4,294,343.
8. Contracts list.
9. Lien Release list.
10. Set public hearing for September 6, 2011 for consideration of the Trade or Sale of City-owned

property: Lot 3, Block 13, Broadwater Bay Business Park (Yaw-Kinney property).

11. Set public hearing for September 6, 2011, to consider lease of park land to the American Legion Baseball Club.
12. Set public hearing for September 20, 2011, on Resolution 9938 to Levy and Assess Properties within Special Improvement Lighting Districts.
13. Award contract to Phillips Construction LLC for the Northwest Storm Drain Improvements Phase 2 – 6th Street NE Inlets project in the amount of \$83,794. **OF 1617.1**
14. Award contract to HDR Engineering, Inc. for the Wastewater Treatment Plant Permit Required Upgrades not to exceed \$236,000. **OF 1633**
15. Approve Change Order #1 in the amount of \$32,353 for Tamietti Construction Co. for the Historic 10th Street Bridge Coatings, Phase II project. **OF 979.6**

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda, as presented.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, asked for clarification on Item 15. Public Works Director Jim Rearden responded the contract was awarded based on a \$50,000 grant from the State Historic Preservation program, with additional funding to be provided by Preservation Cascade. After bids were received, Preservation Cascade decided to fund coatings for three spans of the bridge. The original contract indicated a change order would be needed, depending on the amount of available funds. The project is in progress, two spans have been completed, and the third span is waiting for paint.

Mr. Gessaman commented that the fourth page of the lease on Item 11 does not indicate the year the lease would terminate. Deputy Park and Recreation Director Patty Rearden explained the park is intended to be used in the summer every year and cancelling in December would give plenty of time to plan for use of the property.

Mr. Gessaman noted Item 7 includes consulting services costs of \$8,306 for ECP, bringing the total to approximately \$20,000, and noted the FY 2011-2012 general liability premium was \$769,908.

Mike Witsoe, 510 11th Street South, discussed the proposed trade or sale of the Yaw-Kinney property and requested documents from the sale of the property by Miller to the City of Great Falls.

Brett Doney, 3048 Delmar Drive, noted the community support from Pacific Steel & Recycling and believes the Yaw-Kinney proposed project will benefit the city.

Cyndi Baker, 500 Montana Avenue NW, reported Pacific Steel & Recycling was one of the major donors to the canine project, and agreed they are a good community partner with the City of Great Falls.

Motion carried 4-0.

PETITIONS AND COMMUNICATIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Sam Steffan**, 1060 55th Avenue South, representing motorcycle riders in Great Falls and the surrounding communities, reported plans to commemorate the 10th anniversary of 9/11 with the annual tribute ride throughout Great Falls.
- B. **Cleve Loney**, Representative of House District 25, thanked General Livingston for a superb job with the Blue Angels Air Show and commended the City Police Department for traffic control. He also requested support from the public for the Children's Advocacy Center, especially in light of the recent child abuse in the community.

On behalf of the City Commission, Mayor Winters thanked General Livingston for his participation in the air show and commended the Police Department for an outstanding job.

- C. **Ron Gessaman**, 1006 36th Avenue NE, noted that no dollar amounts were provided for Items 16, 17, 18, and 19 of the August 2, 2011 City Commission Agenda, and no dollar amounts were provided for Item 5, the Annual Tax Levy, on the current agenda. He noted that percentage numbers are difficult for the public to conceive how much money is represented. He questioned why City employees were given raises. He again requested a document authorizing ECP to obtain funds from the City. Mr. Gessaman also discussed a letter from Montana Refining Co. regarding their ECP contract.
- D. **Mike Witsoe**, 510 11th Street South, discussed sales of City properties, the Historic 10th Street Bridge, tourist traffic, and the recent Town Hall meeting on large motor vehicles.
- E. **Stuart Lewin**, 615 3rd Avenue North, discussed concerns regarding ECP. He believes the City needs stronger representation in ECP litigation. The continued loss of money affects all City programs.

City Attorney Jim Santoro commented the ECP legal team continues to evolve with experts. The City is the plaintiff in a lawsuit filed against Southern, and this litigation is currently in the discovery phase.

Commissioner Jones believes the City Attorney is doing an excellent job and progress is being made. Though there are a lot of issues, the City Commission will work through them. Representatives of the City will not attend SME closed-door sessions because that information cannot be shared.

- F. **Sam Steffan**, 1060 55th Avenue South, believes that Canadians should not be referred to as "Canucks".
- G. **Kathleen Gessaman**, 1006 36th Avenue N.E., believes the current staff and commission are doing a

very good job, but citizens are frustrated because consideration of their input in 2005 could have avoided the current ECP issues.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Jennifer Reichelt reported on Thursday, August 18, 2011, the existing ordinance for the Railyard Skatepark is rescinded and the new skate park rules go into effect. The changes include allowing bikes and safety equipment is highly encouraged rather than mandatory.

Ms. Reichelt also reported FEMA, the Department of Natural Resources and Conservation, and City and County staff will provide a presentation and answer questions on the new floodplain maps on Wednesday, August 24, 2011 in the Gibson Room at 7 p.m. The community outreach meeting is a great opportunity to understand what the maps mean for the community and residents of Great Falls and Cascade County.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Jolley asked Representative Cleve Loney why there wasn't the normal increase in entitlement payments from the State this year. Representative Loney responded there were no raises.

Ms. Jolley questioned the use of the money that wasn't distributed. Representative Loney explained one of the reasons there were no increases is a \$3.3 billion unfunded liability.

Commissioner Jones reported City representatives will attend the Southern board meeting in Billings on Friday, August 19, 2011.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Jolley moved, seconded by Commissioner Jones, that the regular meeting of August 16, 2011, be adjourned at 7:58 p.m.**

Motion carried 4-0.

Mayor Winters

Acting City Clerk

Minutes Approved: September 6, 2011