

Regular City Commission Meeting

Mayor Winters presiding

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

**PLEDGE OF ALLEGIANCE – Marine Corps League**

**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, City Attorney, Directors of Fiscal Services, Park and Recreation, Planning and Community Development, Public Works, Executive Director of the Housing Authority, Fire Chief, Police Chief and the 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.**

### **BOARDS & COMMISSIONS**

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Cyndi Baker**, Advisory Commission on International Relationships, 500 Montana Avenue NW, provided City Manager Greg Doyon and Mayor Winters books from Harold Pereverseff, President of the Lethbridge Twinning Society.

### **PUBLIC HEARINGS**

### **OLD BUSINESS**

**3. ADDENDUM FOR MUNICIPAL GOLF COURSE CONCESSIONS CONTRACT.**

Park and Recreation Director Marty Basta reported that, on February 15, 2011, staff recommended and the City Commission approved a two year Addendum for the Municipal Golf Course Concessions Contract with Michelle Kazda, K&M, Inc. to provide concessions services at Eagle Falls Golf Club and Anaconda Hills Golf Course. However, § 18-4-313, MCA, limits the number of years contracts may be extended to seven years. The two year addendum would extend the contract for a period of eight years. Therefore, staff recommends that the City Commission rescind the two-year addendum approved February 15, 2011, and approve a one year Addendum.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission rescind approval of the two year Addendum for the Municipal Golf Course Concessions Contract with Michelle Kazda, K&M, Inc., approved on February 15, 2011, to provide concessions services at Eagle Falls Golf Club and Anaconda Hills Golf Course.**

Mayor Winters asked if there was any discussion amongst the Commissioners. Commissioner Jolley thanked Ron Gessaman for discussing this at the last Commission meeting.

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

Motion carried 5-0.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission approve the one year Addendum for Municipal Golf Course Concessions Contract with Michelle Kazda, K&M, Inc., to provide concessions services at Eagle Falls Golf Club and Anaconda Hills Golf Course during the 2011 golf season, and approve the City Manager to execute the Addendum.**

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

Motion carried 5-0.

#### **4. COMMUNITY BASED POLICING AGREEMENT.**

Police Chief Cloyd Grove reported that the Housing Authority Board requested minor changes to the Community Based Policing Agreement after it was approved by the Commission on January 4, 2011. The Great Falls Police Department and the Great Falls Housing Authority have had an annual Community Based Policing Agreement in place since the late 1980's. The Great Falls Housing Authority funds one dedicated officer for the purpose of enforcement and investigations in the Great Falls Housing Authority projects. This officer also facilitates the Parkdale Youth Activity Center (PYAC) at the main housing complex. Staff recommends that the City Commission rescind the Community Based Policing Agreement approved January 4, 2011, and approve the Community Based Policing Agreement revised February 3, 2011.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission rescind the Community Based Policing Agreement approved January 4, 2011, Agenda Item 11.**

Mayor Winters asked if there was any discussion amongst the Commissioners. Commissioner Burow inquired what was changed.

Great Falls Housing Authority Executive Director Kevin Hager discussed two minor housekeeping items as set forth in the agenda report.

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

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Community Based Policing Agreement revised February 3, 2011.**

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

Motion carried 5-0.

### NEW BUSINESS

5. **INTER-LOCAL AGREEMENT BETWEEN CITY OF BOZEMAN, CITY OF HELENA, CITY OF GREAT FALLS, AND MISSOULA RURAL FIRE DISTRICT FOR THE PURPOSE OF PURCHASING HAZARDOUS MATERIALS REGIONAL RESPONSE VEHICLES.**

Fire Chief Randy McCamley reported that, as Montana Regional Teams, the Fire Departments of the Cities of Great Falls, Bozeman, Helena, and the Missoula Rural Fire District, have received a \$600,000 Department of Homeland Security grant for the purpose of purchasing (4) four HazMat regional response vehicles that meet the terms and purpose of the Homeland Security Grant.

The Department of Homeland Security's grant guidelines specify that there can be only one recipient of the grant money. The City of Helena has agreed to be such recipient. The Inter-local Agreement allows for the City of Helena to automatically transfer ownership of these vehicles to the other cities.

**Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission approve the Inter-local Agreement with the Missoula Rural Fire District, City of Helena, City of Great Falls, and City of Bozeman for the purpose of purchasing Hazardous Materials Regional Response Vehicles and authorize the City Manager to execute the Agreement.**

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

Motion carried 5-0.

6. **COMMENCE VOLUNTEER RATE INCREASES WITH ECP CUSTOMERS.**

City Manager Greg Doyon reported that at last night's meeting the City Commissioners, acting in the capacity as the Electric City Power Board of Directors, received a presentation from Jim Williams of Basin Creek Power with regard to appropriate rates that the City should be charging its ECP customers in order to prevent the losses that the City is experiencing. While recognizing that the rate required will be voluntary, Mr. Doyon requested approval from the Commission to formally begin engaging the customers. He noted that the revised agenda report sets forth a required public hearing to put into effect the new rates.

Mr. Doyon also suggested that the City Commission postpone the next ECP meeting until staff has an opportunity to confer with the customers, and then reschedule the meeting to review the feedback from customers and to bring Mr. Williams back to discuss the rates after July 1.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission authorize the City Manager to begin discussing voluntary electric utility rate increases with B1 and B2 ECP customers as recommended by the ECP Board on Monday, February 28, 2011.**

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

Commissioner Jolley commented that, due to another commitment, she did not attend the February 28, 2011, ECP Board meeting. However, she listened to the audio of that meeting, discussed same with Mr. Doyon and Mr. Santoro, reviewed the material that was presented, and feels fully informed to vote this evening.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented it was poor policy to note on the agenda report that the proposed rate attachment was not currently available.

Commissioner Jolley responded that there was a revised agenda report. The discussions with customers are being authorized now. The rates to be charged will be defined at the public hearing to set the new rates.

**Aart Dolman**, 3016 Central Avenue, commented that he was impressed with Mr. Williams' presentation. He noted it was the first time he heard of a business plan for ECP.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, commented that he wanted to know the rates before the next Electric City Power Board meeting.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

Mr. Doyon clarified that the draft agenda report was inserted as a placeholder. He followed up with a revised agenda report that specifically addressed an 8.66% rate increase for Block 1, and a 20.96% rate increase for Block 2, in order to stop the current losses the City is experiencing. The revised agenda report also laid out a plan to start evaluating rates post July 1.

### **ORDINANCES/RESOLUTIONS**

#### **7. ORDINANCE 3063, AMENDING INTERNATIONAL PROPERTY MAINTENANCE CODE PERTAINING TO TITLE 15, CHAPTER 5.**

Planning and Community Development Director Mike Haynes reported that this is a request to amend Title 15 pertaining to Buildings and Construction of City Code to reflect updating the 2003 International Property Maintenance Code (IPMC) with the 2009 edition. First reading of the Ordinance was held on January 18, 2011. The public hearing was conducted on February 1, 2011, and final action was set for today. Mr. Haynes explained that the IPMC governs condition and maintenance of all existing properties, buildings and structures to insure they are safe, sanitary and fit for occupation and use in benefit of the health, safety and welfare of the citizens of Great Falls. The IPMC and City Code provide the basis upon which our Code Enforcement Officer responds to citizen complaints about the condition of real property in the City of Great Falls. He reported that staff met with Rick Tryon, Katie Hanning and other representatives from Realtors and Property Managers groups to clarify what the code does and doesn't do, and how City staff enforces codes. He believes all the concerns have been addressed. In summary, the 2009 IPMC mostly expands upon and further defines the role and responsibilities of the Code Official, adds and refines definitions, and clarifies and expands upon conditions that constitute unsafe buildings and structures.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3063 pertaining to adoption of the 2009 International Property Maintenance Code.**

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

Commissioner Jolley pointed out that the 2009 IPMC clarifies that the owner or owner's representative may request modifications when there are practical difficulties complying with code.

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

**Rick Tryon**, 2709 1<sup>st</sup> Avenue North, Government Affairs Director for the Great Falls Association of Realtors, read a letter on behalf of the Great Falls Association of Realtors, Home Builders Association of Great Falls, Income Property Owners & Managers Association and Great Falls Montana Landlord Association, in support of Ordinance 3063.

**John T. Beckman**, 301 Skyline Drive NE, sent a letter dated February 17, 2011, requesting that the code be amended to clarify that minor work can be completed without a permit.

Motion carried 5-0.

**8. ORDINANCE 3070, ASSIGN CITY ZONING OF "PUD" PLANNED UNIT DEVELOPMENT DISTRICT TO NORTHVIEW ADDITION, PHASE 5.**

Planning and Community Development Director Mike Haynes reported that this is a request to set a public hearing for April 5, 2011, to consider Ordinance 3070 that would establish a zoning of PUD for a portion of Phase 5 of the Northview Addition subdivision that is generally located north of 36<sup>th</sup> Avenue NE and west of Bootlegger Trail. The subject property comprises approximately 3.3 acres and will accommodate the extension of 37<sup>th</sup> Avenue NE and the development of 12 residential condominium units; six on the north side and six on the south side of the street.

At the public hearing on April 5, 2011, the City Commission will be asked to approve an annexation resolution, annexation agreement, and final plat for the property along with Ordinance 3070 establishing a zoning of PUD on the subject property.

**Commissioner Jones moved, seconded by Commissioners Burow and Jolley, that the City Commission accept Ordinance 3070 on first reading and set a public hearing for April 5, 2011.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that he resides across the street from this development. He expressed traffic concerns as there is only one exit from the area.

Motion carried 5-0.

**CONSENT AGENDA**

9. Minutes, February 15, 2011, Commission meeting.
10. Total Expenditures of \$2,029,322 for the period of February 9-23, 2011, to include claims over \$5,000, in the amount of \$1,824,984.
11. Contracts list.
12. Lien release list.
13. Set public hearing for March 15, 2011, to consider adoption of the West Bank Park Master Plan. **OF 1585**
14. Approve Award of Agreement for Park and Recreation Exclusive Beverage Rights to Pepsi-Cola Bottling Company.
15. Award contract to Central Plumbing and Heating for the Boys and Girls Club of Cascade County HVAC Renovation in the amount of \$72,866. **OF 1620**
16. Approve final payment in the amount of 5,106.95 to United Materials of Great Falls, Inc., and the State Miscellaneous Tax Division for the 11<sup>th</sup> Street SW Mill and Overlay. **OF 1573.7**
17. Approve Change Order No. 1 in the amount of \$27, 582.10 and final payment in the amount of \$36,367.65 to David W. Kuglin Construction and \$367.35 to the State Miscellaneous Tax Division for the 35<sup>th</sup> Street South Sanitary Sewer Upsizing. **OF 1420**
18. Approve bid award for one new 2011 backhoe/loader to Titan Machinery of Great Falls in the amount of \$65,942, including trade-in.

**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.

With regard to Item 14 and on behalf of Tammy Gittins, Commissioner Burow expressed “kudos” to Pepsi-Cola for its community oriented support.

Also with regard to Item 14, Mayor Winters asked Mr. Basta to explain the process.

Park and Recreation Director Marty Basta responded that the Park and Recreation Department continues to look at alternative revenue sources and expense reductions to keep admission costs affordable for the users of Park and Recreation facilities. He explained that a request for proposals was issued for the exclusive beverage agreement, a committee was formed to review the proposals received from Pepsi-Cola and Coca-Cola, 12 different criteria were applied to the proposals, and the scores were compiled. With the advertising, financial, and daily and special events support, the Deputy Director of Park and Recreation estimated the value of this agreement to be \$250,000 over five years.

In response to Commissioner Jolley, Mr. Basta commented that he would provide the calculation to the Commissioners as to how the \$250,000 number was arrived at.

**Aart Dolman**, 3016 Central Avenue, provided a letter with regard to Item 11. He requested that the motion be tabled to allow public comment on the issuance of the Professional Services Agreement for the analysis of electric utility rates and power supply. He inquired if the \$10,000 payment was a gift, donation, grant or loan to the customers of ECP. He also inquired what authorization Mr. Doyon had to dispense of public money to an organization like ECP.

The Commissioners explained that each one of them was consulted by Mr. Doyon and each one endorsed his decision to hire a consultant. They further explained that Mr. Doyon has the authority to hire consultants and enter into professional services contracts.

Mr. Dolman continued that he didn't believe this agreement should be on the consent agenda and should have a special motion. He also noted that the term of the contract has expired. He, again, expressed there was no public process.

Commissioner Jones explained that a number of things occurred that pushed the Commission to the decision that they needed to know what the rate structures were. He pointed out that the City has continually requested from Southern the opportunity to review contracts, and that Southern had two rate changes that accelerated the rate of money ECP was losing. He discussed with Mr. Doyon the necessity of getting an idea of what the rates should be so that everyone would have that information going into their budget processes. Also, customers needed information to know what direction they wanted to go as of July, 2011.

Mr. Doyon commented that there are certain levels of authority under City policy, and that this was appropriately done. He has authorization up to \$50,000, and this was a professional services contract. Many of the items on the contracts list are for ratification. He noted that Mr. Williams discussed recovery of expenses through a proposed rate recovery process which will occur in Phase 2 as he discussed at last night's meeting.

Commissioner Bronson added that this was a recommendation by Burns and McDonnell over a year ago. Mr. Williams is an excellent analysis. To have the City Manager get someone on board to assist the Commissioners, particularly in the time crunch discussed by Commissioner Jones with respect to Southern's two rate increases, he thinks it was a wise and prudent thing to do.

**Cyndi Baker**, 500 Montana Avenue NW, with regard to Item 14, expressed "kudos" to Marty Basta and the Park and Recreation Department for finding ways to keep costs down for users. With regard to Item 11, Ms. Baker commented that it was an excellent decision to hire a consultant and Mr. Williams gave an excellent presentation.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, addressed Items 10, 11, 13, 14 and 17. His request to reserve the right to discuss last night's ECP meeting until the Petitions and Communications portion of the meeting was granted.

With regard to the payment for cameras in Item 10, Mr. Gessaman inquired if there was feedback from the public as to how the new camera system was working.

Commissioner Burow responded being it is new equipment, everything will need some adjustment.

Commissioner Jolley inquired and received confirmation that the meetings are still on television, in

addition to live-streaming.

Mayor Winters suggested that Mr. Gessaman take his comments up with City staff during the day. Mr. Gessaman continued that the comments he has heard are that it is hard to tell what is going on because the cameras are too far away.

Mr. Gessaman further expressed that it was “past time” to hire a consultant. He objected to the way it was handled. He emphasized that there is a separation between ECP and the City.

Regarding Item 13, Mr. Gessaman noted that in 2002 payment was made to develop a master plan. He questioned why the City conducts these studies when there are no monies to do the work.

Regarding Item 14, Mr. Gessaman commented that, while the school district is removing carbonated, sugared beverages from schools, he believes the City is endorsing those beverages in all the recreational facilities children attend.

Mr. Gessaman gave compliment to the agenda report for Item 17.

**Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, with regard to Item 14, inquired if there will be juices in the machines and who receives the profits; if Item 15 was rebid; and, what brand of loader was awarded in Item 18.

Commissioner Burow noted that the information was covered in the agenda reports.

Mr. Basta responded that patrons will also have a choice of teas, juices and waters at those facilities.

Regarding the Boys & Girls Club, Mr. Basta explained that the project was redesigned and the existing boiler will be used to heat part of the building. That modification allowed them to be able to award the contract using CDBG monies.

Regarding the loader, Mr. Rearden responded that the acceptable low bidder was a Case backhoe by Titan Machinery.

**Cyndi Baker**, 500 Montana Avenue NW, commented regarding Item 14 that the goals of the School District for removing beverages and the Park and Recreation Department for adding beverages was like comparing apples and oranges.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

### **PETITIONS AND COMMUNICATIONS**

#### **19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

- A. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that it was his belief there were irregularities with the way last night’s ECP meeting was noticed and the method in which Mr. Williams was



hired. Mr. Gessaman quoted David Gliko stating in an email of July, 2008, that operating ECP at a deficit was in violation of City Code. He took exception last night to what he thought was Chairman Jones blaming problems of ECP on the critics. He noted the December financials indicated a loss of \$576,041, and inquired what took the Commission so long to hire a rate consultant.

Mayor Winters responded that, since this Commission has been on board, he believes Chairman Jones, the City Attorney and City Manager are moving ECP in the right direction.

- B. **Mike Witsoe**, 510 11<sup>th</sup> Street South, reminded everyone that the Friday Art Walk and St. Patrick's Day Parade are upcoming events. Mr. Witsoe discussed ECP's losses, and his disappointment with the new video/audio equipment in the chambers.
- C. **Cyndi Baker**, 500 Montana Avenue NW, commented that she understands the Commissioners' jobs are voluntary and there are a lot of people that appreciate what they do.

### **CITY MANAGER**

#### **20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

In response to Mr. Dolman's comment that he was not aware there was a meeting that authorized the City Manager to execute an agreement with the consultant, Mr. Doyon clarified that he said he conferred with the Commissioners individually to let them know he was going to hire a consultant and that was within the parameters of City Code. Regarding Ordinance 2925 that comes up frequently, Mr. Doyon noted that he asked this body twice if they wanted him to re-write the Ordinance and the answer was no. Mr. Doyon also commented that he was saddened by the comments made at the work session by the water right consultant. He understands his frustrations but was concerned about his representations. Mr. Schmidt's recommendation was upheld by the attorney. Mr. Doyon concluded that he would do the same thing again to make sure the Commission has the information they need to feel comfortable with the decisions they need to make.

### **CITY COMMISSION**

#### **21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters commented that the questions raised by Mr. Gessaman could have been answered by asking City staff after the agenda and supporting documents were posted on Friday.

### **ADJOURNMENT**

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioners Burow and Jolley, that the regular meeting of March 1, 2011, be adjourned at 8:31p.m.**

Motion carried 5-0.

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Mayor Winters

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City Clerk

Minutes Approved: March 15, 2011