

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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, Public Works, Deputy Director of Park and Recreation, 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. **SWEARING IN JUDY ANN TANKINK, NEIGHBORHOOD COUNCIL #4.**
2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

George Littlefield, NC 4, thanked the City and County Commissions and staff for installing the 35 mph speed limit signage on 10th Avenue North.

BOARDS & COMMISSIONS

3. **AMENDED PLAT OF TRACT 3, OF THIRD AMENDED PLAT OF LOT A, REPLAT OF LINCOLN HEIGHTS, SECTION 18, TOWNSHIP 20 NORTH, RANGE 3 EAST (ALBERTSON'S STORE #2037).**

Planning and Community Development Director Mike Haynes reported that this is a request by New Albertson's Inc. to subdivide its property at 10th Avenue South and 23rd Street South – addressed as 2250 10th Avenue South – into two lots. Proposed Lot 3-A encompasses the existing grocery store and most of the parking lot. Proposed Lot 3-B, in the northeast corner of the site, encompasses the fuel center and some associated parking spaces. The subdivision application is driven by the company's federal tax planning strategy and would accrue tax benefit for the applicant. The proposed subdivision will not affect existing uses on the site and proposed Lots 3-A and 3-B meet all standards of the C-2 zoning district in which the property is located including lot size, setbacks, parking and landscaping.

At its January 11, 2011, meeting, the Planning Advisory Board recommended approval of the amended plat.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Amended Plat of Tract 3, of Third Amended Plat of Lot A, Replat of Lincoln Heights, Section 18, Township 20 North, Range 3 East, Cascade County, Montana, and accept

the Findings of Fact.

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

Commissioner Burow inquired about dividing lots from the alley to the street. Mr. Haynes referred to the lots in the staff report and noted that there are no traffic circulation issues.

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

Motion carried 5-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports or announcements from representatives of Boards and Commissions.

PUBLIC HEARINGS**5. RESOLUTION 9912, CONDITIONAL USE PERMIT FOR AN INDOOR SPORTS AND RECREATION LAND USE (INDOOR ARCHERY RANGE) AT THE PROPERTY ADDRESSED AS 1205 3RD STREET NORTHWEST.**

Planning and Community Development Director Mike Haynes reported that Resolution 9912 pertains to a proposed conditional use permit to allow an indoor archery range to operate in the M-2 Mixed-Use Transitional zoning district at 1205 3rd Street Northwest. The existing building on Daryl Rogers' property is home to Rogers Jewelers and Outlaw Embroidery that occupy about 3,000 square feet of the building. The indoor archery range would occupy the remaining 3,812 square feet of the building that is currently vacant.

While the total combined parking requirement for the three businesses would technically exceed the 40 paved parking spaces on site, staff has determined the parking to be adequate based on shared use and the different times of the day each business will generate traffic.

The Planning Advisory Board recommended approval of the Conditional Use Permit at its January 11, 2011, meeting.

Mayor Winters declared the public hearing open.

No one spoke in support of or opposition to Resolution 9912.

Mayor Winters closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9912.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

6. **RESOLUTION 9914, ESTABLISHING WATER, SEWER AND STORM DRAIN UTILITY SERVICE RATES EFFECTIVE APRIL 1, 2011.**

Public Works Director Jim Rearden reported that the requested action is to set a public hearing for March 15, 2011. Public notices will be published and mailed. The new rates are proposed to take effect on April 1. The proposed rate increases will result in an approximate \$2.43 per month increase for the average residential user with the proposed 5% fee increase for water, and 7.5% fee increase for sewer. With the proposed fee increase, Great Falls still has the lowest rates of the seven largest cities within the state.

Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission set a public hearing on March 15, 2011, for Resolution 9914 to establish water, sewer, and storm drain utility service rates effective April 1, 2011.

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

Cyndi Baker, 500 Montana Avenue NW, commented it was her understanding from the work session that these fee increases would be set for the next five years.

Mr. Rearden responded that staff prepares a five year projection for a capital improvement plan. Approval of Resolution 9914 sets the rates for one year only.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

7. **RESOLUTION 9910, AMENDING RESOLUTION NO. 9484 ESTABLISHING A POLICY CONCERNING APPOINTMENTS TO BOARDS AND COMMISSIONS.**

Deputy City Manager Jennifer Reichelt reported that Resolution 9910 will update the current policy regarding boards and commissions. Proposed changes include eligibility for reappointment, establishing citizens inability to serve simultaneously on more than one board or commission unless otherwise approved, and allowing the City Manager to approve an internal recruitment/appointment procedure.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9910.

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

Cyndi Baker, 500 Montana Avenue NW, expressed concern about citizens not being able to serve on more than one board and appointments made by the City Manager. She also inquired what the City Manager's internal appointment procedure would be.

Ms. Reichelt responded that the City Manager's Office would review the individual circumstances and make a recommendation to the City Commission.

Commissioner Jolley clarified that the City Manager does not make appointments to boards. He will prepare a policy for City employees to serve on boards at his discretion. The City Commission makes the appointments.

In response to Commissioner Burow, Ms. Reichelt explained that in order to serve on more than one board, a recommendation would have to come before the City Commission for approval.

Ron Gessaman, 1006 36th Avenue NE, commented that he does not see the sense in passing Resolution 9910, that Resolution 9484 accomplished the same thing, and that neither resolution addressed automatic reappointments without giving others the opportunity to apply.

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

Motion carried 5-0.

CONSENT AGENDA

8. Minutes, February 1, 2011, Commission meeting.
9. Total Expenditures of \$1,866,862 for the period of January 27 through February, 2011, to include claims over \$5,000, in the amount of \$1,641,732.
10. Grant list.
11. Approve cancellation of outstanding and unpaid checks that remain outstanding for a period of one year or longer.
12. Approve Engineering Contract with NCI Engineering Co. for engineering services for the Lift Station #10, #12, and #25 Can Replacements and Miscellaneous Improvements in an amount not to exceed \$175,580. **OF 1457.5**
13. Approve final payments to Coleman Construction, Inc. and the State Miscellaneous Tax Division for the Agri-Business Park Sewer Lift Station #30 Generator Slab & Drainage Improvements in the amount of \$2,225. **OF 1348.8**
14. Approve a two-year addendum for the Municipal Golf Course Concessions Contract with Michelle Kazda, K & M, Inc.
15. Approve bid award for three new 2011 single axle flatbed trucks to Bison Ford of Great Falls in the amount of \$187,542.

Commissioner Jolley moved, seconded by Commissioner Jones, 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, pointed out that he is still waiting for an answer to the question he raised during petitions and communications in Item 8, and that payment 15 of 24 was made to Dorsey and Whitney in Item 9. Regarding Item 12, Mr. Gessaman expressed his opposition to NCI or Neil Consultants based on prior engineering services for lift stations, and that this contract should have went out for bids. Mr. Gessaman also reviewed the work history of the lift station in Item 13 since awarded in 2005.

After discussion, Mr. Rearden commented that he would research Mr. Gessaman's comments regarding Item 13 and respond later. But, he reported that City staff feels comfortable with NCI being awarded this work.

With regard to Item 14, Mr. Gessaman commented that he was opposed to granting contract extensions when substantial sums of money are involved without bidding.

Commissioner Jolley agreed with Mr. Gessaman's comment about bidding, but noted she was glad the concessions were run by someone other than the City.

Commissioner Burow suggested a friendly amendment to the main motion that Item 12 be pulled from the agenda and action postponed.

Commissioner Jolley moved, seconded by Commissioner Jones, to approve the Consent Agenda as written, with the exception of Item 12 for separate discussion and vote.

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

Mike Witsoe, 2612 1st Avenue South, concurred with pulling Item 12, suggested postponing Item 14, and inquired if dealerships from out of state submitted bids for Item 15.

Mr. Rearden responded that six bids were received from dealerships within the state.

John Hubbard, 615 7th Avenue South, inquired what checks were being canceled in Item 11. Fiscal Services Director Melissa Kinzler responded vendor checks and two payroll checks that have been outstanding for longer than a year. If someone came forward with proof of identification, the check would be reissued.

There being no one else to address the Commission, Mayor Winters called for the vote regarding approving the Consent Agenda, except for Item 12.

Motion carried 5-0.

Commissioner Burow moved to postpone action on Item 12 until the next Commission meeting.

Motion failed for lack of a second.

Commissioner Jolley moved, seconded by Commissioner Bronson, to approve Consent Agenda Item 12.

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

Commissioner Burow commented that there was no use having public comment if the Commission wasn't going to follow up with their concerns.

Mayor Winters reiterated that Mr. Rearden would look into it and get back to the Commission.

Commissioner Jones noted that he was fine with having the Public Works Director research the issues and report back to the Commission.

Commissioner Burow commented that the Commission is not gaining anything by having it researched and brought back if the contract has already been approved.

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

Ron Gessaman, 1006 36th Avenue NE, thanked Commissioner Burow.

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

Motion carried 3-2 (Mayor Winters and Commissioner Burow dissenting).

PETITIONS AND COMMUNICATIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. Fallon Watts**, 2125 7th Avenue North, commented that she was recently pulled over for speeding on 10th Avenue North between 38th and 57th Streets. Ms. Watts doesn't believe she was given adequate notice of the reduced speed limit change to 35 mph.

Mayor Winters noted that he had addressed the concerns she expressed to him with appropriate City staff.

City Manager Greg Doyon explained that the speed limit change was the result of this Commission responding to a complaint for well over a year. He also reported that attempts were made to notify the public of the speed limit change.

Ms. Watts inquired why no additional signage was provided after her contact with the City.

Mr. Rearden responded that signs were replaced on the existing poles. Additional flagging or other notice of a speed change could be provided.

- B. John Watts**, 2125 7th Avenue North, suggested it was negligent on the part of the City for not putting a radar controlled sign up warning the public of the reduced speed limit change on 10th Avenue North. He reported that he asked Malmstrom Air Force Base to file a complaint against the City because he believes it was a speed trap. Mr. Watts complimented Kevin Manthey of City 7, and expressed disappointment with the change to ceiling cameras.

City Attorney James Santoro clarified that there were no speed traps; enforcing the law is for public safety. Mr. Doyon added that the Public Affairs Office at Malmstrom Air Force Base was notified about the speed limit change.

- C. Ron Gessaman**, 1006 36th Avenue NE, suggested the City Flag be displayed on the wall for a couple of meetings. He discussed an airline magazine ad depicting Detroit, Michigan, entryway signage wherein every military group was represented on the sign. Mr. Gessaman inquired who would be attending the Southern meeting on Friday. He also inquired how much money ECP lost the month of December.
- D. Fallon Watts**, 2125 7th Avenue North, again discussed the reduced speed limit and commented that when changes are made there needs to be a better plan to support the community.
- E. John Hubbard**, 615 7th Avenue South, commented that he has a hard time giving respect to a Commission that keeps raising taxes. He discussed the recession, raising taxes, and accountability. Mayor Winters reminded him to discuss matters this Commission had control over.
- F. Mike Witsoe**, 2612 1st Avenue South, made note of the new ceiling cameras. Mr. Witsoe also discussed two items contained in the last City Manager's Weekly Review, a letter regarding closed captioning and an Order from the Water Court.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mr. Doyon reported that he would be attending the Southern meeting on Friday as the trustee, along with Mayor Winters and Commissioner Jones. He reviewed items on the Southern meeting agenda and advised that, unless directed otherwise, he would be voting no on the power supply agreement under Item V, and if asked, will be voting no to guaranteeing a line of credit under Item VI. He further reported that the City Attorney has requested Southern's long term contracts so that the City could better understand what its requirements were under the contracts. Mr. Doyon commented that, as the Commission knows, he did retain the services of Jim Williams of Basin Creek Power, a well known energy consultant in the State of Montana. He explained that the reason he asked at the last ECP meeting if could hire a consultant was because Southern raised its rates 4.5% in December. His goal is to somehow stop the losses at the level they are occurring. ECP customers are also asking for information about the City's direction with regard to what will occur after June 30. Mr. Doyon concluded that he hoped to schedule a special ECP Board meeting to go over Mr. Williams' findings.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from the City Commissioners.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jolley, that the regular meeting of February 15, 2011, be adjourned at 8:26 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: March 1, 2011