

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Cub Scout Pack 26 Cubmaster

MOMENT OF SILENCE

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

NEIGHBORHOOD COUNCILS

NC 7.

1. SWEARING IN CEREMONY.

Mayor Winters swore in BreAnna Lopuch as a representative of Neighborhood Council 7.

NC 7.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Aaron Weissman, Chair NC 7, reported that NC 7 recently discussed the snow and ice conditions of City streets. The Council agreed that it was not prudent for the City to spend money plowing all the streets on an ongoing basis. He encouraged the City to enforce the existing ordinance for snow removal on sidewalks to improve the livability of the City.

BOARDS & COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

Memorandum of Understanding with Rural Fire Departments Regarding Use of City Fire Hydrants, and Resolution 9910.

4. MEMORANDUM OF UNDERSTANDING WITH RURAL FIRE DEPARTMENTS ON USE OF CITY FIRE HYDRANTS.

***9. RESOLUTION 9910, AMENDING RESOLUTION 9484 ESTABLISHING A POLICY CONCERNING APPOINTMENTS TO BOARDS AND COMMISSIONS.**

Postponed.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission postpone Item 4, Memorandum of Understanding, between the City of Great Falls and the four (4) adjacent Cascade County Rural Fire Departments regarding the use of City fire hydrants, and Item 9, Resolution 9910, amending Resolution 9484, establishing a policy concerning appointments to Boards and Commissions, to allow the Commission more time to discuss these particular issues.

Mayor Winters asked if there was any discussion amongst the Commissioners. No one responded.

With regard to Item 4, City Manager Greg Doyon reported that there is ongoing dialogue between the City and the County. In brief, the rural fire departments have been accessing the City's water supply. The City is proposing guidelines for the rural fire departments' continued use. The guidelines are not to burden the rural fire departments, but to protect the City's water supply system.

With regard to Item 9, Mr. Doyon explained that the City Manager's Office receives and processes the applications for the various boards and commissions for the City Commission to review and make a determination. He argued that it should be left up to him, as the employer, to determine if the board position would be a conflict for that employee.

Commissioner Bronson commented that the particular language of number 5, as drafted, may be too harsh. There are policy issues that the Commission could address as well. After internal dialogue, Resolution 9910 can be brought back for public comment and a vote.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote to postpone Items 4 and 9.

Motion carried 5-0.

**Bid Award for One New Cold Milling Machine to Tractor & Equipment Co. of Great Falls.
Approved.**

5. BID AWARD, 2010 COLD MILLING MACHINE.

Public Works Director Jim Rearden noted a correction in the Agenda Report that the Street Division overlays approximately 60 blocks, not miles, of streets every year. He reported that this unit replaces a 1992 model which has experienced numerous break downs during the last few seasons. It is no longer manufactured, making parts hard to find. Funds for its replacement are available in the Street Division's equipment revolving schedule. The milling machine is an integral part of the Division's street overlay program. This machine is required for milling all curb lines and transitions prior to the asphalt overlays. When it is out of service it severely disrupts the street maintenance schedule. Only one contractor in the City has a milling machine. It is imperative that the City have its own mill. The City's unit cost for milling will be \$2.64 per square yard with the new machine. This

compares with average bid pricing by local contractors of \$6.02 per square yard. At that price differential and an annual production of approximately 60,000 square yards, the new machine will pay for itself in approximately one and one-half years. Mr. Rearden pointed out that, even though the City does some of the work itself, one-half of the Street Division's annual budget is spent with local contractors and suppliers.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission approve the bid award for one new 2010 Cold Milling Machine to Tractor & Equipment Co. of Great Falls for \$294,700.

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

Commissioner Bronson inquired where the estimated costs were derived from as noted under fiscal impacts in the agenda report. Mr. Rearden responded that the estimate was taken from local and Montana Department of Transportation (DOT) bids for local projects. With regard to the square yard cost, Commissioner Bronson noted that a local contractor believed the bids to be more in the \$3.00-\$3.75 range. Mr. Rearden explained that it is a blended rate between the City and DOT contracts let over a three year period.

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

Motion carried 4-0 (Commissioner Bronson abstained).

Bid Award for Six New 2011 Police Pursuit Vehicles to Whiteside Chevrolet of St. Clairsville, Ohio. Approved.

6. BID AWARD, SIX NEW 2011 POLICE PURSUIT VEHICLES.

Public Works Director Jim Rearden reported that Whiteside was the low bidder and met all bid specifications. The vehicles will be delivered FOB to Great Falls as part of the bid. A 5% State bidders preference applies only to construction related contracts, and does not apply in this instance to equipment or vehicle purchases.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the bid award for six new 2011 police pursuit vehicles to Whiteside Chevrolet of St. Clairsville, Ohio for \$126,000.

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, inquired if the opportunity was provided to local dealers to submit bids.

Commissioner Jones explained that requests for proposals were sent out to local car dealerships. One of the local dealerships for the past 15 years has received the award for the police vehicles. This particular year, the bid fell short.

Commissioner Bronson added that, from all of the bids received, two were from local auto dealerships. Whiteside submitted the low bid and with the offer to essentially be responsible for delivery costs.

Mr. Rearden clarified that bid specifications were sent out to five dealerships within the state. Two were received from local bidders.

Mike Witsoe, 2612 1st Avenue South, discussed his work history for car dealerships. He inquired what the dollar amount would be for warranty and service work.

Mr. Rearden noted that the difference in bid amounts was \$4,900. The cars are pre-checked by the dealership. City Chevrolet will perform the warranty work and will be reimbursed for that work.

Commissioner Burow inquired the difference of an Impala versus an Impala 9C1 in the bids submitted by Whiteside and City Chevrolet.

Mr. Rearden responded that Whiteside's bid met all of the specifications including diagnostic equipment.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Ord. 3063. Accepted on first reading and public hearing set for February 1, 2011.

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

Planning and Community Development Director Mike Haynes reported that the requested action is to set a public hearing for February 1, 2011, to amend Title 15 of the Official Code of the City of Great Falls pertaining to Buildings and Construction to reflect replacing the 2003 International Property Maintenance Code with the 2009 edition as adopted by the International Codes Council. The International Property Maintenance Code governs condition and maintenance of all existing properties, buildings and structures to insure they are safe, sanitary and fit for occupation and use.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3063 on first reading and set a public hearing for February 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.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, applauded Mr. Haynes for reaching out to the real estate community in the interview process for a new building inspector. If it hasn't been done already, Mr. Doney encouraged notification to the realtors and home builders of this code change.

Motion carried 5-0.

Ord. 3064. Accepted on first reading and second and final reading set for February 1, 2011.

8. ORDINANCE 3064, AMENDING TITLE 1, CHAPTER 4 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS BY ADDING SECTION 045 TITLED "CITY FLAG."

Mayor Winters reported that, at the December 1, 2010, agenda setting session, he expressed his desire for the City of Great Falls to have an official flag as a symbol of pride for the community. At its December 15 and 29, 2010, agenda setting sessions, the City Commission discussed the design for an official flag and requested staff to research the matter. It was determined that the City logo would be used. The logo captures major elements of Great Falls, including the falls, the buffalo skull representing Charlie Russell, Lewis & Clark, Square Butte, strip farming, the big sky, the railroad tracks and, at one time, the smokestack. The Official Flag of the City of Great Falls will be displayed in the Commission Chambers. Additionally, replicas of the flag may be used by elected officials and City staff for purposes of representing and publicizing the City of Great Falls in city-related events. The cost for the design of a City of Great Falls flag and accessories is approximately \$400. The City Clerk's Office is in receipt of an anonymous donation in the amount of \$300 for costs specific to the creation of an official flag.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3064 on first reading and set second and final reading for February 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.

Kathy Gessaman, 1006 36th Avenue NE, commented that she would prefer the City seal versus the City logo. She suggested that the word "Montana" be a lighter color.

Mike Witsoe, 2612 1st Avenue South, commented that, if the logo wasn't copyrighted, a downtown business could produce other silkscreen items of the logo.

John Nelson, 301 20th Avenue South, submitted a written letter in support of Ordinance 3064.

Commissioner Bronson pointed out that the Commission will have a couple of weeks to consider ~~his~~ these comments. The final decision will not be made until February 1st.

Motion carried 5-0.

(*Item 9 – postponed with Item 4 above.)

Res. 9913. Adopted.

10. RESOLUTION 9913, ESTABLISHING PROCEDURES AND A FEE SCHEDULE FOR COPIES AND RESEARCH OF PUBLIC RECORDS.

Deputy City Manager Jennifer Reichelt reported that this Resolution will set a standard fee schedule which will be applied to members of the public and outside organizations who request copies of documents and information from the City. There is an implied cost to provide these services which requires City staff to conduct research and gather documents. Costs include compiling records, staff time, paper, copy supplies and maintenance expenses. State law authorizes the City to charge for these fees. This procedure provides conformity across all City departments. The fees are consistent with what is already being charged by nearby communities. The only new fee that will be charged is for staff time if the time takes more than 30 minutes. Also, members of the public can request records electronically.

Commissioner Jolley moved, seconded by Commissioners Bronson and Jones, that the City Commission adopt Resolution 9913.

Mayor Winters asked if there was any discussion amongst the Commissioners. No one responded.

City Manager Greg Doyon added that the City does receive large right to know requests. It would be rare that staff time would be involved. Most of the time the records are accessible. Usually, he is at the front end of large requests. He explained that he refers people to the City Clerk to visit and understand how much time the City needs to gather the records and what form they are in, and to get an approximate cost.

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

Stuart Lewin, 615 3rd Avenue North, spoke in opposition to Resolution 9913. He discussed prior administration and the lawsuit filed against the City regarding access to records. Mr. Lewin encouraged the City to devise a system wherein public records would be easily accessible to everybody. He explained the process of requesting medical records during lawsuits.

Mike Witsoe, 2612 1st Avenue South, inquired about criminal case record requests from Municipal Court, as well as accident reports. Mr. Witsoe suggested that this matter be postponed for two weeks to inform attorneys and insurance companies.

City Attorney James Santoro clarified that the Municipal Court and the Prosecutors' Office already have established fee schedules.

In response to Mr. Witsoe's comments regarding civil litigation, and Mr. Lewin's comments regarding the cost of obtaining medical records, Commissioner Bronson explained that the reason that is the case is because the legislature had to step in a number of years ago and establish a fee schedule similar to what the Commission is being asked to do tonight to come up with a balance between the rights of those that needed access to medical information for litigation, but balancing that against the fact that the medical profession incurred costs in terms of their administrative staff time in getting records prepared for litigation. In the City of Great Falls, in most instances, that can be a very serious demand on the time of our medical profession. The legislature stepped in and created a fee schedule to create a balance. That is what staff is proposing to offer here tonight. With regard to civil litigation, the Court would, in a dispute, order the party seeking that information to pay a reasonable cost associated with the request. No one has suggested that this type of a fee schedule is inappropriate in terms of the public's right to know in getting access to information.

Mr. Witsoe again suggested that this item be postponed.

Daniel G. Dust, 1401 5th Avenue South, inquired if Mr. Haynes could address an issue regarding investigation into missing paperwork in the Community Development Department that he discovered last September.

After discussion with Mr. Doyon and Mr. Doyon pointing out that this was not the proper forum for that discussion, Mayor Winters respectfully suggested that the proper way to resolve Mr. Dust's concerns was for him to make an appointment with the City Manager. Belaboring a prior incident doesn't have anything to do with this Resolution.

Mr. Dust continued that he spoke at a City Commission meeting last year and was listed as John Hubbard in the minutes on the City's website. He thanked the Gessamans for discovering that error.

John Hubbard, 615 7th Avenue South, spoke in opposition to Resolution 9913, commenting that the citizens pay taxes to provide these services.

Kathy Gessaman, 1006 36th Avenue NE, expressed concern that this may cause undue financial hardship on citizens. She described situations where she reviewed records a couple hours per day for several weeks. She inquired if she would now be charged the \$15 per hour fee.

City Attorney James Santoro read item 7 of Resolution 9913.

City Clerk Lisa Kunz added that someone needs to be present to maintain the integrity of the records.

Ms. Gessaman suggested that the City Clerk have discretion regarding charging or waiving the fee for supervision.

Ron Gessaman, 1006 36th Avenue NE, commented he was concerned what kind of precedent was being established. Mr. Gessaman complained that the records request form on the City's website was not an active PDF.

Ms. Kunz responded that the City's web developer is working on creating an active form for the City's website.

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

Commissioner Jolley commented that she was slightly concerned about the charge for City staff being present during examination of documents. However, she thinks the fees are reasonable and would like to see how it works out. She concluded that she has extreme respect for the City Clerk to see that this works properly.

Mr. Doyon commented that he takes offense when accusations are made that staff is trying to restrict access. This process should have been in place a couple of years ago to address the requests the City has been receiving because most reasonable people would understand that there is a cost to perform research. Mr. Doyon explained that he held it back because he felt the public would be upset, and that it would be interpreted as some way to be hiding something going on with ECP. The City Clerk does not have a full-time assistant in her office. The proposed fees are reasonable.

Mayor Winters also believes that the fees are reasonable. He also noted that he takes offense to the accusation of double taxation.

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

11. Minutes, January 4, 2011, Commission meeting.
12. Total Expenditures of \$2,594,729 for the period of December 24, 2010, through January 12, 2011, to include claims over \$5,000, in the amount of \$2,423,321.
13. Contracts list.
14. Lien Release list.
15. Set public hearing for February 15, 2011, on Res. 9912, Conditional Use Permit for an Indoor Sports and Recreation Land Use (Indoor Archery Range) at 1205 3rd Street Northwest.
16. Award construction contract to United Materials of Great Falls, Inc. in the amount of \$157,890 for 33rd Avenue NE Drainage Improvements and Paving. **OF 1553.1**
17. Approve training agreement with the Blackfeet Nation.

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, inquired why the paving project in Item 16 was being paid from the water fund.

Public Works Director Jim Rearden responded that this particular 20 acre parcel on 33rd Avenue NE will serve many functions. The first of which is use by the Water Department for a place to deposit sludge. Other potential uses are a transfer station, a hazardous waste depot, wastewater plant sludge processing, other waste reduction processes, and many other potential uses regarding waste products within the City.

Mr. Gessaman disagreed that was justification to use money from the water fund. He inquired what the potential solid waste uses were and if it included aluminum material.

Mr. Rearden clarified that the Water Treatment Plant sludge is being dried there and then hauled to the landfill. Wastewater sludge is a possibility. It hasn't been fully vetted, but other communities are doing it. There are many other possibilities including biofuels and composting.

Mr. Gessaman suggested the matter be fully vetted to make sure there are no heavy metals and aluminum containing materials blowing in the wind.

With regard to Item 17, Mr. Gessaman commented the agenda report wasn't clear how many police officers will be training. He inquired if this will have an effect on local staffing, and if this will be setting a precedent of "farming out our police officers to go all over the U.S. to collect funds for the Police Department."

Police Chief Cloyd Grove responded that he has staff specialized in certain training. These officers train officers throughout the state. The Blackfeet Nation has requested specialized training. The contract provides for reimbursement to cover the costs and provide for the officers while they are there.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS**18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

Fiscal responsibility.

18A. Cyndi Baker, 500 Montana Avenue NW, discussed comments she heard while attending meetings at the Capital in Helena and the Department of Corrections (DOC) in Deer Lodge. She was concerned she hasn't heard this Commission or department heads asking staff to increase productivity and be more efficient, with the exception of Commissioner Bronson at the last meeting regarding the CDBG administration fees. Ms. Baker compared the CDBG administrative fee of 20% to the 6.2% for the Department of Corrections.

Ms. Baker heard testimony from Bozeman, Missoula and Kalispell regarding what they have done to increase efficiencies and that mandates of HB 162 were burdensome. It seems to her the City of Great Falls has a disconnect with what is going on with the rest of the country. There are a lot of budget cuts, holding the line against tax increases, etc. Yet, it seems Great Falls is business as usual. Ms. Baker stated that the Commission can do better. She encouraged the Commission to challenge City staff to save money and to keep that at the forefront during the Commission's goal setting retreat.

Mayor Winters responded that this Commission has certainly spoken in favor of fiscal responsibility. Mayor Winters pointed out that the Park and Recreation Department is staffed 25% of the national average of similar sized communities. The Police and Fire Departments are short officers. The legal department handles more cases than any other community in the state with one civil attorney and a prosecutors division. The City Clerk has no full-time assistant. Judge Luth handles more cases than any other city judge with one assistant. Other cities have two or more judges. Mayor Winters concluded that he takes exception when he hears that the Commission isn't asking City staff to be fiscally responsible.

Injustice.

18B. John Hubbard, 615 7th Avenue South, discussed being misquoted in the newspaper regarding a comment he made about past administration.

Mayor Winters informed Mr. Hubbard that he was sympathetic to what has happened in his life. The anger that he has will never go away until he resolves that within himself. The healing process comes from within. He would like to see Mr. Hubbard rise above being angry.

Mr. Hubbard continued that he is sick of watching injustices, increases in taxes and misappropriation of funds.

Sign safety.

18C. Daniel G. Dust, 1401 5th Avenue South, expressed concerns about the ball park not being a safe facility. He recommended the rusty light poles be replaced. Another sign company installed signs on the poles. He doesn't believe an inspection was performed. Mr. Dust explained a series of events with a recent downtown sign installation. He complained that he brought this and several other items to Mr. Haynes' attention and has not heard back yet.

Mayor Winters responded that his comments were well taken. He encouraged Mr. Dust to set up an appointment with the City Manager. Mr. Dust requested that Commissioners attend as well.

GFFR, transportation study, West Bank, downtown master plan.

18D. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, commended the Fire Department for its quick response and investigation to allow the Tap House Lounge and Grill to reopen quickly. Mr. Doney reported that the transportation study is underway, and he encouraged the Commission to participate when the consultant returns in February. Mr. Doney commented that he is impressed with the development at West Bank. He is also excited about the downtown master plan which a lot of people are participating in. The GFDA will use the West Bank plan to attract private investment in the urban renewal area. He believes the same thing can be done for downtown.

Item 6, bus transportation, and snow removal.

18E. Mike Witsoe, 2612 1st Avenue South, made apologies to owners of local auto dealerships. He opined that the Commission made a mistake not awarding the Item 6 bid to a local auto dealer. At this point Commissioner Jolley called point of order noting that petitions and communications was for comments the Commission could do something about, and something that wasn't on this agenda.

Mr. Witsoe commended bus drivers for navigating City streets due to recent weather and road conditions. He offered bus passes for those interested in going for a ride. Mr. Witsoe also discussed responsibility of shoveling sidewalks, and certain ice melt destroying sidewalks, boulevard and trees.

Attendance at upcoming Southern meeting, TIF money and West Bank Park, HB 104, ECP.

18F. Ron Gessaman, 1006 36th Avenue NE, expressed a concern of Richard Liebert's and was informed that the Mayor, Commissioner Jones and Manager Doyon would be attending the upcoming Southern Board meeting. With regard to the work session, Mr. Gessaman commented that he heard nothing about TIF money going towards the West Bank park. He reminded the Commission that TIF money was previously promised to develop West Bank park. Mr. Gessaman noted an article in the *Tribune* today regarding HB 104, and he pointed out that Brett Doney's testimony was in opposition to Commissioner Jolley's. Mr. Gessaman complimented City Attorney Santoro for his recent correspondence to Southern Montana. He also noted that the memo regarding deposit requirements was for 2009. He inquired if there was a different total deposit requirement for 2010. Mr. Gessaman concluded that he was still waiting for an explanation to his

inquiry as to how ECP gets the right to take money from the City's "piggy bank."

CITY MANAGER

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mr. Doyon reported that he and Deputy City Manager Reichelt will be out of the office Thursday and Friday. Park and Recreation Director Marty Basta will be Acting City Manager in their absence.

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

In response to a comment regarding money spent, Commissioner Burow noted that a \$700,000 grant was recently received for a Fire Department ladder truck. If it is used once to save someone's life, it was worth it.

ADJOURNMENT

Adjourn.

There being no further business to come before the regular Commission meeting, **Commissioner Jolley moved, seconded by Commissioner Bronson, that the regular meeting of January 18, 2011, be adjourned at 9:05 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: February 1, 2011