

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

ANNOUNCEMENT: Mayor Winters announced that this month marks the 235th birthday of the United States Marine Corps. He invited everyone to join in the Veterans Day ceremony at the Montana Veterans Memorial on November 11, 2010, where Senator Jon Tester will be sounding Taps.

PLEDGE OF ALLEGIANCE – Girl Scout Troop 3278**MOMENT OF SILENCE**

ROLL CALL: City Commissioners present: Michael J. Winters, Robert Jones, Bill Bronson and Fred Burow. Commissioner Jolley was excused. Also present were the City Manager, Deputy City Manager, City Attorney (arrived at 7:30 p.m.), Directors of Library, Park and Recreation, Planning and Community Development, Public Works, the Assistant Fiscal Services Director, Executive Director of the Housing Authority, Fire Marshal, Police Chief and the City Clerk.

NEIGHBORHOOD COUNCILS**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports or announcements from neighborhood council representatives.

BOARDS & COMMISSIONS

Shannon Hoiland and Darren Fike appointed; Steven Hurin, Robert Rudeseal and Maria Valandra reappointed; and term adjustments made to the Community Development Council.

2. APPOINTMENTS AND TERM ADJUSTMENTS, COMMUNITY DEVELOPMENT COUNCIL.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission take the following action regarding appointments to the Community Development Council:

- **Appoint Shannon Hoiland and Darren Fike for two-year terms through October 31, 2012;**
- **Reappoint Steven Hurin, Robert Dean Rudeseal, and Maria Valandra to terms through October 31, 2013; and**
- **Adjust the term-ending date as follows:**
 - **Tina Cabbage from January 31, 2013, to October 31, 2012**
 - **Carrie Kopy from January 31, 2012, to October 31, 2011**
 - **Aaron Kueffler from January 31, 2012, to October 31, 2011**
 - **Susan McCord from January 31, 2013, to October 31, 2013**
 - **Sandie Wright from January 31, 2012, to October**

31, 2011

City Clerk Lisa Kunz noted a typographical error, and requested the motion be amended to accurately reflect Susan McCord's term expiration on October 31, 2012.

Commissioner Bronson moved, seconded by Commissioner Jones, that the motion be amended to reflect Susan McCord's term expiration on October 31, 2012.

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 with amendment carried 4-0.

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from members of board and commissions.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

Memorandum of Understanding with the Great Falls Hebrew Association. Approved.

4. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GREAT FALLS AND THE GREAT FALLS HEBREW ASSOCIATION.

Park and Recreation Director Marty Basta reported that staff recommends that the City Commission approve the Memorandum of Understanding between the City of Great Falls and the Great Falls Hebrew Association for the display and maintenance of a Chanukah Menorah. The Menorah will be part of the City's annual holiday display and represents the diversity of faiths and traditions in the Great Falls community.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Memorandum of Understanding with the Great Falls Hebrew Association.

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

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

Aaron Weissman, 315 4th Avenue North, and Laura Weiss, 609 3rd Avenue North, commented that they rise today in a gesture of friendship with the people of Great Falls. He explained that the holiday season presents many challenges for those that are not of the Christian faith. They feel that, by displaying the Chanukah Menorah with the rest of the community's holiday displays, it is a positive step forward in assuring the City's holiday displays better represent all of its citizens.

Motion carried 4-0.

Memorandum of Understanding with the Great Falls Development Authority. Approved. OF 1552

5. MEMORANDUM OF UNDERSTANDING BETWEEN THE GREAT FALLS DEVELOPMENT AUTHORITY AND THE CITY OF GREAT FALLS REGARDING THE USE OF \$17,500 IN AG-TECH INDUSTRIAL TAX INCREMENT DISTRICT FUNDS FOR THE PURPOSE OF AN ADD-ON FEASIBILITY STUDY TO THE ORIGINAL ACCESS ROAD STUDY.

Assistant Fiscal Services Director Melissa Kinzler reported that on May 17, 2005, the City Commission adopted Ordinance 2911, creating the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District. The original TI District boundaries included the malting plant site. On November 6, 2007, the City Commission approved the annexation and zoning of the Montana Megawatts property, previously owned by Montgomery Energy and now owned by Dali, Inc. On December 4, 2007, Ordinance 2996 amended the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District to include Lot 5, Block 1, International Malting Company, LLC Addition, and the abutting segment of U.S. Highway 87. On August 17, 2010 the City Commission approved a Consultant Services Agreement with Community Development Services of Montana (CDS) to assist the City of Great Falls in completing the steps necessary to expand the Central Montana Ag-Tech Tax Increment District again, including the annexation of properties currently outside the incorporated limits of the City of Great Falls.

On November 18, 2008, the City Commission approved a Memorandum of Understanding between the City and the Great Falls Development Authority (GFDA) to complete preliminary engineering and design work for an access road from US 87 East to Black Eagle Road. On July 21, 2009, the Commission authorized funding of additional engineering services and scope of work to be managed by GFDA in accordance with City requirements. The purpose of the additional services was to identify what volumes the additional traffic on the 33rd Ave NE intersection could accommodate with limited improvements. Subsequently, two appropriations to pave Black Eagle Road have been awarded resulting in increased potential that development in the area is likely to occur in the near future. Detailed planning related to the access road should be addressed to prepare for the impacts resulting from future development. Therefore, the Commission is now requested to authorize funding of an add-on study that

will provide a detailed project description and budget for the preferred access road. The results of the study can be used to secure funding, either through the Great Falls transportation planning process or as an appropriation.

City Manager Greg Doyon added that this has been an incremental process to make sure that the City is looking at all the transportation quarters there to accommodate heavier usage with industrial development. It has been a multi-jurisdictional effort between the Department of Transportation, the City and County.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Memorandum of Understanding between the Great Falls Development Authority and the City of Great Falls regarding the use of \$17,500 in Ag-Tech Industrial Tax Increment District Funds for the purpose of an add-on feasibility study to the original access road study.

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, referred to the letter attached to the agenda report and disagreed that a roundabout is the most viable option.

City Manager Doyon responded that the letter references three options.

Public Works Director Jim Rearden added that it is a complicated intersection. Other alternatives are also being looked at.

Mr. Gessaman continued that it was his understanding the City was going to maintain 33rd Avenue NE as a gravel road.

Mr. Rearden clarified that 33rd Avenue NE will be paved to the extent of the City's property. The purpose of the study is that the potential loop to the industrial area to the north will require the entire area to be paved.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, thanked the North Industrial Task Force. This good working partnership resulted in the northern portion being funded by the congressional delegation.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

Res. 9907. Adopted.

6. RESOLUTION 9907 – GIANT SPRINGS ROAD STATE SCENIC-HISTORIC BYWAY DESIGNATION.

Planning and Community Development Director Mike Haynes reported that Resolution 9907 is a resolution of support for Montana Department of Transportation (MDOT) to designate Giant Springs Road a Montana Scenic-Historic Byway. Montana Department of Fish, Wildlife and Parks, as the principal property owner along the roadway, has taken the lead on the application and, as required by MDOT, is seeking support for their request from the City of Great Falls and Cascade County. The designation is expected to provide a tourism boost in terms of exposure for the scenic roadway and with it Giant Springs Park, the Interpretive Center & the Rivers Edge Trail at state and national levels.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9907.

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

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

Gail Fisher, 2012 5th Avenue South, Executive Director of Russell County Tourism Region, spoke in support of Resolution 9907. She commented that Russell County Tourism Region fully appreciates the value of this designation.

Stuart Lewin, 614 3rd Avenue North, spoke in support of Resolution 9907. He commented that he is a member of Missouri River Citizens that supports the State's efforts of development of parks.

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

7. Minutes, October 19, 2010, Commission meeting.
8. Total Expenditures of \$1,931,130 for the period of October 9-27, 2010, to include claims over \$5,000, in the amount of \$1,702,896.
9. Contracts list.
10. Lien release list.
11. Set public hearing for November 16, 2010, on Resolution 9906 – Golf Fees.
12. Cancel Work Session and Reschedule the time of the November 16, 2010, City Commission meeting to 6:00 p.m.
13. Award bid for one new tandem axle truck with new side load refuse packer to Tri-State Equipment of Great Falls in the amount of \$219,540.
14. Reject bid for construction contract for the Police Department Rehabilitation project. **OF 1567**
15. Award contract to Shumaker Trucking and Excavating Contractors, Inc.

in the amount of \$152,980 for the 11th Alley North Sewer Relocation.
OF 1566.7

- 16.** Approve Change Order No. 1 in the amount of \$13,237.50 to Gregoire Construction for the 2010 Handicap Ramps. **OF 1588.1**

Commissioner Bronson 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 or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 4-0.

PETITIONS AND COMMUNICATIONS

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

1,400 Souls project.

17A. Ted Nault, City-County Health Department Tobacco Use Prevention Specialist, requested that the City Commission participate in the project known as 1,400 Souls to educate and energize community members. It is to raise awareness of the 1,400 Montanans that die each year as a result of tobacco related diseases. The donated shoes represent one of those 1,400 persons that will make up a visual display at the State Capitol on March 8, 2011. The donated shoes will then be donated to another project known as Soles for Souls.

Water rights.

17B. Stuart Lewin, 615 3rd Avenue North, discussed the change made to the historic water rights. He presented a Notice of Objection and Request for Hearing that will be submitted to the Water Court. He requested that the City Commission pass a resolution requesting the Water Court to restore the water right claims to the level they were as originally claimed by Paris Gibson. Mr. Lewin commented that the reduction was made by prior administration based on a recommendation by a water specialist. Recent Supreme Court cases have shown that it can be a positive position to say the water use rights are not just for consumptive uses, but also beneficial uses such as leaving the water in the river for fish, recreation, banking and viewing. Mr. Lewin opined that the water rights are worth over \$350 million dollars

Yellowstone Valley Electric Cooperative vs SME, et al.

17C. Ron Gessaman, 1006 36th Avenue NE, discussed a *Tribune* article and inquired what the City gave away in the negotiated settlement to get out of the lawsuit.

City Attorney Jim Santoro responded that the pleading Mr. Gessaman discussed is an Order dismissing with prejudice Electric City Power and the

City of Great Falls from the lawsuit. The City was released of all liability. The process started in March, and he gave credit to co-counsel, Gerald Murphy, regarding the outcome. Mr. Santoro concluded that he has not yet received a copy of the Order, but would follow up tomorrow.

CITY MANAGER

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that an important factor of being released from that lawsuit is that it will allow the City to focus on the direction from the Commission as well. He noted that he appreciated Gerald Murphy's and Jim Santoro's work getting the City out of the lawsuit, and Yellowstone Valley for releasing the City as well.

With regard to the water rights, he has directed Mike Jacobson to put a request for proposals out to water right consulting firms. His specific request was that an experienced consultant backed by an experienced attorney review prior actions and advise the Commission what the options are. If need be, an additional extension of time could be requested from the Water Court.

In an effort to reach out to the public and educate the building community, the Planning & Community Development Department has created a news letter that is available on-line.

Mr. Doyon discussed a multi-jurisdictional training exercise he attended at the Fairgrounds where the parties demonstrated the steps necessary to prevent exposure to contaminant.

Mr. Doyon also announced he and Mayor Winters will be attending the newly elected Mayor's swearing in ceremony in Lethbridge, Canada, on November 14, 2010, as part of a friendship exchange. The Mayor in Canada is referred to as "Your Worship."

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

ADJOURNMENT

Adjourn.

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jones, that the regular meeting of November 3, 2010, be adjourned at 7:43 p.m.**

Motion carried 4-0.

Mayor Winters

City Clerk

Minutes Approved: November 16, 2010