

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 J. Winters, Robert Jones, Bill Bronson and Mary Jolley. Commissioner Burow was excused. Also present were the City Manager, City Attorney, Directors of Fiscal Services, Library, Park and Recreation, Planning and Community Development, Public Works, Fire Chief, Police Chief and the Acting City Clerk.

NEIGHBORHOOD COUNCILS

NC 9.

1. SWEARING IN CEREMONY.

Mayor Winters swore in Gilbert Day as a representative of Neighborhood Council 9.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

BOARDS & COMMISSIONS

**Joseph Tropila
reappointed to the Police
Commission.**

3. REAPPOINTMENT, POLICE COMMISSION.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission reappoint Joseph Tropila for a three year term through June 30, 2013 to the Police Commission.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Cable 7.

Kathleen Gessaman, Secretary/Treasurer, Cable 7, reporting on behalf of Aart Dolman, Chair, Cable 7, stated that for Cable 7 to stand alone, Mr. Dolman believes it is important that Kevin Manthey, Manager, Cable 7, work full time for at least two years on the City payroll. The Board suggests that any money the City receives from the Cable 7 franchise fees, over and above the budgeted \$656,000 this year, would go toward this payroll expense. The Board is hopeful that Cablevision (which is taking over from Bresnan) will be able to increase their revenues and thereby

increase the franchise fee. If the Manager works full time, Cable 7 can focus on new programming and replacing equipment that is over 25 years old. She added the Board is hopeful Cable 7 will be able to receive a larger portion of the franchise fee more in line with larger cities in Montana. Ms. Gessaman passed out Mr. Dolman's written concerns.

PUBLIC HEARINGS

Res. 9880. Adopted.

5. RESOLUTION 9880, INTENT TO INCREASE PROPERTY TAX.

Accounting Supervisor Melissa Kinzler reported that prior to the adoption of the City's annual budget, the City is required to hold public hearings on 1) the intent to budget an increase in revenue from property taxation, and 2) the proposed annual budget. Section 15-10-203, MCA, requires the City to hold a public hearing before passing a resolution stating its intent to increase property tax revenues. Section 15-10-420, MCA, authorizes a property tax increase of "one-half of the average rate of inflation for the prior 3 years." The Consumer Price Index showed a 2.284% average increase as provided by the Montana Department of Administration. Therefore, the City is allowed and is proposing a 1.142% property tax increase. Sections 15-10-420 and 2-9-212(2)(a), MCA, also allow property tax levy increases for premium contributions for group benefits. The City is proposing an additional 1.06% property tax levy increase for health insurance premiums.

Ms. Kinzler reported the total proposed allowable property tax levy increase is 2.202%. Additional action will be needed to set the actual tax mill levies. The setting of the tax levies is scheduled for August 17, 2010 or when the Montana Department of Revenue has certified taxable values for the City of Great Falls.

Ms. Kinzler explained the fiscal impact of the proposed increases for inflation and the permissive mill levy for a residential home with a taxable market value of \$100,000 would be approximately \$4.97 for the inflation factor and \$4.61 for the permissive mill levy for a total of \$9.58 a year. The fiscal impact of not authorizing the increase for inflation mills to the General Fund would result in a revenue shortfall of \$248,775 for the proposed budget. That would require reducing proposed expenditures by approximately \$250,000 in the General Fund proposed budget, or increasing non-property tax revenues by that same amount.

Staff recommends that the City Commission conduct the public budget hearing on the Intent to Increase Property Tax Revenue, and adopt Resolution 9880.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 9880.

Speaking in opposition to Resolution 9880 were:

Neil Taylor, 3417 4th Avenue South.

John Hubbard, 615 7th Avenue South.

Mike Witsoe, 510 11th Street South.

Cyndi Baker, 500 Montana Avenue N.W.

Ed McKnight, 906 3rd Avenue North, questioned if mill levies change when the value of a house changes. Ms. Kinzler responded that is correct.

Charles Ohlerking, 402½ 2nd Avenue South, commented the public should have access to information for tax increases.

Mayor Winters closed the public hearing.

Commissioner Jolley moved, seconded by Commissioners Bronson and Jones, that the City Commission adopt Resolution 9880, Intent to Increase Property Tax.

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

Commissioner Jolley commented that health insurance costs go up and the City of Great Falls needs to raise taxes to continue the same services. However, the City of Great Falls is limited to the amount of taxes that can be raised at this time, and she noted that is a good thing.

Mayor Winters commented he is not in favor of raising taxes at all. However, there is a need in order to continue to provide the common services enjoyed by everyone.

Motion carried 3-1 (Mayor Winters dissenting).

6. RESOLUTION 9881, ANNUAL BUDGET RESOLUTION.

Res. 9881. Tabled for August 3, 2010.

City Manager Greg Doyon gave a PowerPoint presentation on the FY 2011 annual budget. He reported the City Commission held several work sessions in February where the departments each presented their top challenges and goals for the ensuing fiscal year. The Commission Work Session on March 2nd set budget priorities based on what was heard from the departments. Mr. Doyon stated he presented an overview of his budget recommendations at a meeting June 3rd and indicated he would like the City to reduce some General Fund subsidies. Consensus was also given for direction to include the permissive medical levy and the inflationary factor in the budget. Mr. Doyon commented the budget document indicates the Commission's service priorities in the community.

Mr. Doyon noted the Commission gave direction to minimize tax and fee

increases; there was some discussion about freezing wages across the board; direction was given that fees for services rendered in departments be equitable and fair; staffing concerns for Fire and Police were expressed; there was a strong desire to keep the equipment revolving fund solid and look at capital needs, since the City is weak from a facility standpoint. He noted the City has addressed some capital needs through the use of Stimulus funds over the last year. Mr. Doyon commented the budget is a maintenance budget to keep current services at the same level.

Mr. Doyon reported there was continued discussion about community priorities that relate to subsidies to other funds. Some lines were drawn this year including multi-sports which was reduced to zero; the golf subsidy was reduced from \$240,000 to \$100,000. Natural resources, swimming pools and recreation were level-funded. Mr. Doyon noted there was a big discussion about how to preserve the Nat asset, yet assure that is a wise investment. He expressed support for a community group that is working to support the Nat. Mr. Doyon stated the City will be doing a facility assessment before making an additional investment. He reported an increased subsidy to the Planning and Community Development Department. Some transportation funding was lost as a result of the merger of the two departments.

Mr. Doyon reported full time employees will increase from 479.56 to 483.21; four of those positions are funded through a COPS grant for three years, and then the City must fund those positions for one year. He believes the expectation is those positions will be retained.

Mr. Doyon noted 76% of City employees are unionized. Over the last several months the Commission has ratified several agreements including MPEA, Crafts, and Fire. Employees are the most valued resource.

Mr. Doyon reported total City-wide revenues are projected to be down over 3% at \$96 million. Forty-six percent of those revenues are derived from charges for services. Fifteen percent of the City's total revenues are derived from property taxes.

Mr. Doyon added total expenses are expected to be \$103,416,000, a reduction of 12% from the prior year adjusted budget. The difference between the revenues and the expenditures is related to carry-overs from uncompleted projects last year and capital outlay related to Stimulus funding. General government is about 27% and public safety is about 19%. He added very low debt service is carried, and last year the parking garage debt was retired.

Mr. Doyon reported the General Fund is looking at less than 1% increase in revenues. He added that most flexibility to meet service demands comes from property taxes.

Mr. Doyon stated the proposed increase for the tax levy is from \$10.6 million to \$11.1 million, a little over 2.2%. The historical annual average of \$300,000 for new construction is also appropriated for next year. The statutory authorized increase of 1.142% for inflation is about \$128,000. The permissive medical levy is about \$120,000. He noted the budget is monitored and adjustments can be made through the course of the year.

Mr. Doyon reported the approximate \$54,000 undesignated General Fund expenditures are no longer available after ratification of the fire fighter's agreement.

Mr. Doyon reported on the Animal Shelter. He explained the prior commission directed the City Manager to try to establish a public/private partnership with the Animal Foundation. The current Commission directed the City Manager to discontinue that effort after a proposal by the Foundation. At that time the options were to either issue an RFP for someone to operate the Animal Shelter and/or the City just continue to operate the Shelter as best as possible, keeping in mind the recommendations offered by the nationally recognized consultant. A draft RFP will be brought before the Commission for consideration. In the meantime, the City will do the best job possible, improving the facility and being mindful of its lifespan and the long-term desire of the community and the Commission. He noted the recent significant increases in the Animal Shelter budget, largely because employees have been folded into the City wage scale and benefits. Increases will also be used to address critical needs for the animals and the workers.

Mr. Doyon reviewed proposed utility rate increases (water-5%, sewer-7.5%, residential sanitation-3%, street assessments-5%). He explained the City annually looks at operational increases and capital needs to project rates to meet service requirements. He noted the Commission will be receiving a proposal to adjust fees at the Recycling Center. He added Public Works will likely continue to provide recycling by a private/public partnership, with reduced hours and adjusted fees to recoup expenses. That facility is not in good shape and, once the sanitation fund is in a better position, the City will look at options. Mr. Doyon noted the proposed fees will be set at a later date.

Mr. Doyon reported on Park and Recreation increases. He explained that the significant increase in Portage Meadows assessments is because the City is not recouping the maintenance/operation costs at that site. Mr. Doyon stated that when the City is supporting these funds with the General Fund, the ability to appropriate those dollars to other places is reduced.

At the last ECP meeting, Mr. Doyon reported the Commission gave staff marching orders to get ECP viable, presumably by appropriately adjusting rates, and to see if there is a way to identify an exit strategy. He stated there are many considerations for the community. At the August 2, 2010 ECP

meeting the Commission will consider the projected rate, and the rate will have to be adopted at a City Commission meeting at a future date.

Fiscal Services Director Coleen Balzarini reported the City Commission, in their role as Electric City Power Board, directed staff to begin discussions with customers for early implementation of rate increases. Customers currently have contracts in place through June 30, 2011. The only way to increase those rates is to have a discussion with those customers to open their contracts and modify those rates prior to the end of their term. The rate increases are necessary to cover current year expenses, as well as make progress towards the reduction of prior years deficits.

Ms. Balzarini reported that during FY 2011 budget development, revenues were estimated at \$11,275,000. This amount will be adequate to pay \$10,940,000 in the following expenses (page 147 of the proposed budget): energy supply expenses of \$10,168,000; renewable energy credit purchases (which are statutorily required) are estimated to cost \$164,000; deferred imbalance expenses for items that have received a cash outlay in the past but are now being expensed of \$328,000; fund operating expenses (both direct and internal services charges) of \$54,940; (she noted there are internal service charges of \$32,494 included in that operating expense for the services provided by Fiscal Services for billing, collection, etc.); debt service principal, interest, and cost of issuance of \$225,000. She stated the surplus of revenue over expenses (\$328,000) would be applied to those prior year's deficits.

Ms. Balzarini explained that, assuming 164,000 MWh's of consumption (the average annual consumption of ECP customers for each of the last three years), the proposed rate per MWh is \$68.71. She noted this would include energy, transmission, losses from energy delivery, debt service, operating costs, and purchase of the renewable energy credits. She stated that currently customers pay \$59.63, but for individual customers the price ranges from \$55 to \$71 per MWh.

Ms. Balzarini explained that any rate increases will have to be approved by the Commission through the rate change process which includes a resolution, public notice, public hearing and finally, adoption.

Mr. Doyon added that this has been a difficult issue for the community, and staff is committed to working through it with this commission and is working hard to do that.

Mr. Doyon explained there will be a public hearing on the budget, and then adoption or continue budget action to a date determined by the Commission, consistent with State law. There will also be a process for adopting that taxable valuation in the mill levy resolution tentatively scheduled for August 17, 2010.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 9881.

Speaking in opposition to Resolution 9881 were:

Neil Taylor, 3417 4th Avenue South.

Cyndi Baker, 500 Montana Avenue N.W.

Travis Kavulla, 725 49th Street South.

Rachel Kaizer, 111 27th Street South.

Larry Rezendes, 2208 1st Avenue North.

Ed McKnight, 906 3rd Avenue North.

Julia Becker, 4212 Clark Avenue.

Charles Ohlerking, 402½ 2nd Avenue South.

Richard Liebert, 289 Boston Coulee Road.

Robert Durden, 520 4th Avenue North.

Ron Gessaman, 1006 36th Avenue N.E.

Kathleen Gessaman, 1006 36th Avenue N.E.

John Hubbard, 615 7th Avenue South.

Mike Witsoe, 510 11th Street South.

Mayor Winters closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission table action on Resolution 9881 for August 3, 2010.

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

Commissioner Bronson explained the Commission agreed at the July 6, 2010 meeting to defer making any final decisions on the budget until the August 3, 2010 meeting to allow Commissioner Burow time to review the tape of this meeting.

Commissioner Jolley commented she has a lot of concerns about ECP and hopes there will be a good discussion at the August 2, 2010 meeting. She also expressed concern the City Manager has emphasized turning ECP around as opposed to shutting it down.

Mayor Winters commented he is also opposed to the 13.9% increase in the electric utility fund.

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

MOU for Utility Connections and Fire Protection and Emergency Services for the Great Falls AgriTech Park, Phase 1. OF 1591. Tabled.

7. MEMORANDUM OF UNDERSTANDING FOR UTILITY CONNECTIONS AND FIRE PROTECTION AND EMERGENCY SERVICES FOR THE GREAT FALLS AGRITECH PARK, PHASE 1.

City Manager Greg Doyon reported the MOU is between the City of Great Falls and the Great Falls Development Authority (GFDA) to promote and expedite development in a proposed industrial park, named the Great Falls AgriTech Park, adjacent to 8th Avenue North, in the area of a proposed ethanol plant. The MOU sets forth terms for obtaining water and sewer service, as well as fire protection and emergency services, prior to annexation into the City. GFDA has requested annexation be delayed until near the end of development of individual lots in order to assist in obtaining funding for infrastructure. At the June 1, 2010 Work Session, the Commission seemed to indicate they would be receptive to an agreement.

In terms of fiscal impact, Mr. Doyon noted properties that will eventually sign an annexation agreement will spell out the cost associated with fire protection and water and sewer expenses.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Memorandum of Understanding with the Great Falls Development Authority for utility connections and fire protection and emergency services for the Great Falls AgriTech Park, Phase 1, and authorize the City Manager to execute the documents.

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

Commissioner Jolley questioned if ‘the proposed ethanol plant’ suggested the ethanol plant was in the near future. Mr. Doyon responded he believed the proposed ethanol plant was referred to as a point of location. Commissioner Bronson added the affected area is within the general vicinity of where the proposed ethanol plant has been discussed for years.

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

Neil Taylor, 3417 4th Avenue South, asked if there is adequate sewerage in terms of the collection system from that point to the transfer pump station. If there isn’t adequate sewerage, Mr. Taylor asked for assurance that the developer/development would pay for that infrastructure.

Public Works Director Jim Rearden responded there are two locations on the northeast interceptor sewer that are currently at or near capacity. For any further development in that area, that capacity must be addressed.

Richard Liebert, 289 Boston Coulee Road, asked what implications are involved with annexation.

Mr. Doyon responded that coordination with the County for a subdivision and creation of a Tax Increment Financing District (TIF) would assist with infrastructure. Typically the value of agricultural land for these types of proposed developments is not quite as robust as in other types of industries. Therefore, it would probably be some time before annexation.

Mr. Liebert questioned if the proposed AgriTech Park would be contiguous. Mr. Doyon responded he believes that is correct.

Joe Stanick, P.O. Box 443, Ahualoa, Hawaii, stated he is a private investor and, when visiting family in Great Falls, heard that a value-added ag park was being considered on the north bank of the Missouri River with Archer-Daniels-Midland as the project anchor-tenant. Mr. Stanick reported a TIF District has been approved to create a value-added ag park, and 1,000 acres have been purchased with private funds and rezoned by the County. He noted the park is adjacent to the City, and was recently approved by the Planning Commission. The property has become a master utility corridor for seventeen different power companies. Mr. Stanick reported Montgomery Energy was one of the two players in the TIF program, but their hedge fund investor fell through. As of last week, he has a tentative agreement to purchase Montgomery Energy. Plans are to finish creating a value-added ag park with rail access. He added GFDA is considering giving the ag park some rights to their easement that will connect the park with the BN line. Mr. Stanick requested postponing the MOU for thirty days so his professional staff can make a presentation of their plans to the Commission.

Ron Gessaman, 1006 36th Avenue N.E., questioned special treatment of the AgriTech Park regarding development and annexation. He also questioned the fire protection services agreement with the City.

Commissioner Bronson noted both he and Commissioner Burow represent the City on the GFDA board, as well as Cascade County Commissioner Joe Briggs. He reported there have been significant discussions about the development of an agricultural technical park before the GFDA board over the last several months. The reason for the GFDA proposal is there are people interested in that part of town for potential development. The proposal is not in competition with the Great Bear development park referred to by Mr. Stanick. Mr. Bronson expressed support for the Commission to vote on the proposal this evening.

Commissioner Jolley also commented the parks are not in competition. She believes Mr. Stanick's property may be ready before the AgriTech Park because the MOU is basic and doesn't include funding.

Mr. Stanick commented the sewer and water are an issue. He doesn't

believe a cultural heritage study or geotech work have been done. The AgriTech Park is located next to residential and Malmstrom Air Force Base and sits above grade from Giant Springs. Mr. Stanick stated he doesn't understand the justification for two 1,000-acre ag parks within a city the size of Great Falls. The City commissioned an ag tech park in 2003 through a TIF District, with sewer capacity in excess of what is needed. Mr. Stanick noted he must go through the annexation process upfront, whereas the GFDA is allowed to use a MOU that will allow delayed annexation. Regarding the proposed ethanol plant, Mr. Stanick stated he can provide that also. He noted there is competition. He believes the GFDA is needed in the community, but should not be involved in development.

Commissioner Jolley asked the City Code requirements for extending sewer and water to a non-annexed property.

Public Works Director Jim Rearden responded there is a list of conditions under which that can occur.

Jeremiah Johnson, GFDA, residing at 3915 15th Avenue South, commented the GFDA is not in the development business and is not looking to compete in the development business. He explained GFDA is trying to accommodate the needs of local agri-processing, industrial-based businesses that need rail service. The purpose of developing the AgriTech Park is there are current, locally-based companies looking to either expand or relocate, in addition to marketing to potential companies. The goal is to have shovel-ready sites with rail service.

Mayor Winters commented he believes there is no harm to postpone the MOU.

Motion failed 1-3 (Mayor Winters, Commissioners Jolley and Jones dissenting).

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission table the Memorandum of Understanding with the Great Falls Development Authority for utility connections and fire protection and emergency services for the Great Falls AgriTech Park, Phase 1, with authorization for the City Manager to execute the documents, until August 17, 2010, with additional information from staff.

Motion carried 3-1 (Commissioner Bronson dissenting).

**Labor Agreement
between the City of
Great Falls and the City
of Great Falls Public
Employees Crafts**

8. LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE CITY OF GREAT FALLS PUBLIC EMPLOYEES CRAFTS COUNCIL.

Human Resources Manager Linda Williams reported on a three-year labor

Council. Approved.

agreement between the City of Great Falls and the Crafts Council. The Crafts Council consists of five separate unions who have agreed to bargain collectively. Ms. Williams reported these are some unsung heroes who provide essential services. She noted a list is available on page 28 of the Contract for the varying positions. This is the largest collective bargaining agreement with 176 employees. Ms. Williams thanked the negotiating team for their contributions to achieve a successful session.

Ms. Williams explained the health insurance is exactly what was negotiated with Montana Public Employees Association (MPEA) and approved at the July 6, 2010 City Commission meeting. The amount contributed for health insurance by the City that is reported as wages to the Public Employees Retirement System (PERS) is capped at \$783 per month. Any increases during the term of the agreement will be shared with the City paying 90% and the employees paying 10%.

Ms. Williams reported that for each year of the three-year contract there is a percentage increase: 1.5%-July 1, 2010; 2%-July 1, 2011; and, 1.75%-July 1, 2012. The average annual salary for Crafts Council employees is almost \$34,500. All of the unions have deferred a portion of their increase over the years, therefore, to add that pension back, their salary is about \$38,700. A 1.5% increase is equivalent to \$.28/hour, or \$580/year.

Three of the five unions voted to defer a portion of the increase for each of the three years to increasing their pension. The Carpenters' Union notified the City on July 7, 2010 that they will no longer accept pension contributions in lieu of wages. Therefore, the \$1.55 the City was contributing toward the one carpenter on staff will be added back onto his base wage.

The Crafts Council has three steps: an entry level; an increase after six months; and, a journeyman rate. After 12 months, employees make the same rate, whether they have been here 12 months or 30 years. She added the first two steps were increased 5% each.

Ms. Williams noted there was a minor adjustment on two of the Teamster classifications to increase their wages by an additional \$.05/hour; their goal was to get those positions closer to what the refuse drivers make. The title of the Greenskeeper position was changed to 'Golf Superintendent' and the rate was increased to the same as the other foreman covered by the agreement.

Ms. Williams reported the Crafts have voted to ratify the agreement.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Labor Agreement between the City of Great Falls and the City of Great Falls Public Employees Crafts Council, and authorize the City Manager to execute the Agreement.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

Ord. 3056. Accepted on first reading and set public hearing for August 17, 2010.

9. ORDINANCE 3056, PROVIDING MISCELLANEOUS AMENDMENTS TO TITLE 17 – LAND DEVELOPMENT CODE.

Planning and Community Development Director Mike Haynes reported on proposed amendments to Title 17, the Land Development Code. He noted that the Land Development Code is a living document that evolves over time as definitions, land uses, technologies, administrative procedures and organizational structures change. The proposed changes were reviewed by the Planning Advisory Board on June 22, 2010 and recommended for approval.

Mr. Haynes stated proposed changes generally reflect the revised organizational structure, in addition to corrections, clarifications and reorganizations found necessary or beneficial in the course of interpreting and implementing the Land Development Code on a daily basis.

Mr. Haynes reviewed a chart summarizing the changes including a total of 114 changes from the Planning Department to the Planning & Community Development Department, and from Planning Director to Director of Planning & Community Development; new or clarified definitions in Chapter 8 and Appendix F; reducing the minimum number of meetings that must be held by the Planning Board to avoid being forced to hold meetings when there are no cases to be considered; adding, as an appendix to the Final Plat, a statement advising purchasers of real property to consult a geotechnical engineer on soil conditions before initiating construction. The intent is consumer education and protection. All property owners should know that, prior to any development, an engineer's assessment of slopes, soils and groundwater conditions will provide information for them to make sound decisions on grading the property, building retaining walls and building foundations to protect their real estate investments. This item was the subject of most discussion for the Planning Board, and the statement was crafted by the Planning Board as a compromise to staff's recommendation for a more explicit statement on the face of the plat. Additional changes include eliminating the use "specialty sales" that duplicate the "general sales" category; clarifying that "USE" variances are not permitted; moving "nonconforming billboards" and "nonconforming signs" regulations into Chapter 60 so all sign regulations are in the Signs Chapter; revising Exhibit 36-2 to correct curb-length dimensions for angled parking spaces and updating minimum width of handicap parking spaces; and, revising Exhibit 60-11 to clarify that free-standing sign area allocation is based on lot

frontage, not building frontage.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3056 on first reading and set public hearing for August 17, 2010.

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

Commissioner Jolley questioned why the City, as a chartered form of government, should conform to the Montana Code.

Commissioner Bronson responded that State law requires all communities, even chartered governments, must conform to State laws with respect to land use and zoning. The substantive law with respect to planning and zoning land use must conform to State law.

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

Motion carried 4-0.

Ord. 3057. Accepted on first reading and set public hearing for August 17, 2010.

10. ORDINANCE 3057, PROVIDING MINOR AMENDMENTS TO TITLES 2, 5, 8, 9, 10, 12, 13 AND 15 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS TO REFLECT DEPARTMENTAL CHANGES AND TECHNICAL EDITS.

Planning and Community Development Director Mike Haynes reported on proposed amendments to City Code beyond those recommended to the Land Development Code in Ordinance 3056. The Planning Advisory Board did not review these proposed changes, as their purview is limited to Title 17. The proposed changes again reflect the revised organizational structure, in addition to corrections and clarifications.

Mr. Haynes reviewed a chart summarizing all the changes that generally reflect changes from the Community Development Department to the Planning and Community Development Department, and Community Development Director to Director of Planning and Community Development; changing City-County Planning Board to Planning Advisory Board; changing Assistant City Manager to Deputy City Manager; and, correcting miscellaneous typographical errors.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3057 on first reading and set public hearing for August 17, 2010.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

11. Minutes, July 6, 2010, Commission meeting.
12. Total expenditures of \$3,465,817 for the period of July 1-15, 2010, to include claims over \$5,000, in the amount of \$3,177,095.
13. Contracts list.
14. Lien release list.
15. Set public hearing for August 3, 2010, on Resolution 9893, Establishing Sanitation Service Rates.
16. Set public hearing for August 3, 2010, on the 2010/2011 Tourism Business Improvement District Budget and Work Plan.
17. Set public hearing for August 3, 2010, on the 2010/2011 Business Improvement District Budget and Work Plan.
18. Award contract in the amount of \$278,400 to A.T. Klemens, Inc. for the Mansfield Theatre Air Conditioning. **OF 1587**
19. Award construction contract in the amount of \$73,408 to Dick Olson Construction, Inc. for the South Parking Structure Deck Reseal and Painting project. **OF 1259.1**
20. Award construction contract to David W. Kuglin Construction in the amount of \$184,670 for the 35th Street South Sanitary Sewer Upsizing. **OF 1420**
21. Approve final payment in the amount of \$15,792.17 to Insituform Technologies, Inc, and the State Miscellaneous Tax Division for the Sanitary Sewer Trenchless Rehabilitation, Phase 12. **OF 1425.9**
22. Approve final payment in the amount of \$13,513.11 to Central Plumbing & Heating, Inc. for the Grande Vista Storm Drain Improvements. **OF 1520**
23. Approve Change Order No. 1 in the amount of \$9,121 to Central Plumbing & Heating, Inc. for the Great Falls Police Department Shooting Range Improvements. **OF 1365.1**

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. No one responded.

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

Ron Gessaman, 1006 36th Avenue NE, questioned agenda item #15, referring to a recommendation to increase residential service rates by 3%, convenience center rates by 50%, and no increase to commercial rates. He asked the Commission to review documentation to determine how these rate increases were created.

Referring to agenda item #15, Commissioner Jolley asked why the City is

no longer willing to accept paint cans.

Public Works Director Jim Rearden responded the City could raise the price to accept paint cans. However, it is simple for residents to dry out paint cans and dispose of them in their residential garbage can. He noted there will be some education provided to the public with that change.

Motion carried 4-0.

PETITIONS AND COMMUNICATIONS

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters stated Petitions and Communications are an opportunity for comment, not an inquisition. Comments must be specific to the parameters of the Commission. Comments must also be civil and must stay within the five minute limit.

Mayor Winters opened the meeting to Petitions and Communications.

Newspapers.

24A. Charles Ohlerking, 402½ 2nd Avenue South, commented on a lack of diversity in newspapers available in Great Falls.

Apology, Community Events.

24B. Mike Witsoe, 510 11th Street South, apologized to the Commission, the staff, and the public for being too energetic and loud with his comments. Mr. Witsoe commented on community events including the Farmer's Market, Alive @ Five, Montana State Fair, Pet and Doll Parade, and the GFHS, CMR, and Central Class of 1970 40th Class Reunion.

SME.

24C. John Hubbard, 615 7th Avenue South, commented on the court's ruling that SME's rezoning was illegal. Mr. Hubbard expressed frustration over the lack of accountability and justice.

SME, Southern

24D. Ron Gessaman, 1006 36th Avenue NE, requested a copy of the agendas for the upcoming SME and Southern meetings. Mr. Gessaman reported Southern will propose selling about 600 acres of land at their meeting. He also commented on an editorial in the *Great Falls Tribune*.

CITY MANAGER

25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory Doyon recognized Human Resources Manager Linda Williams for 30 years of service, and he also noted the retirement of Don Hesse of Public Works with 35 years of service.

Mr. Doyon responded to a comment by Commissioner Jolley regarding an inclination toward rate setting. He stated the Commission gave that

direction on May 3, 2010 by a 5-0 vote.

CITY COMMISSION

26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters apologized for tactless comments of some speakers directed at Fiscal Services Director Coleen Balzarini.

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 July 20, 2010, be adjourned at 10:48 p.m.**

Motion carried 4-0.

Mayor Winters

Acting City Clerk

Minutes Approved: August 3, 2010