

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

READING FOR TROOPS BY COMMISSIONER JONES

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

PRESENTATION: Michael Flaherty, ESGR Chairman for Montana, presented the Freedom Award Nomination (award will be presented in September) to Police Chief Cloyd Grove and the Great Falls Police Department.

NEIGHBORHOOD COUNCILS

NC 9.

1. SWEARING IN CEREMONY, NC 9, GILBERT DAY.

Patty Cadwell, Neighborhood Council Coordinator, reported that Mr. Day was not in attendance. His swearing in will be rescheduled.

NC 7.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Aaron Weissman, Chair, NC 7, reported that an organization to support and advise the Natatorium (Nat) has been created called Citizens for Saving Indoor Swimming in Great Falls (CSI Great Falls). The group stands ready to support the Nat by soliciting donations, advocating for the pool as necessary and coordinating with the people of Great Falls. A web site has also been created: greatfallsnat.org. Also created are a Facebook group and a Twitterfeed. If a bond issue becomes necessary, Mr. Weissman stated CSI Great Falls also stands ready to coordinate that effort. He added donations are being solicited through the People's Park and Recreation Foundation. Mr. Weissman stated plans also include seeking grants to support the Nat once an engineering study determines what needs to be done.

BOARDS & COMMISSIONS

Joe Boyle and Marquita Ogawa appointed to the Great Falls Housing Authority Board.

3. REAPPOINTMENTS, GREAT FALLS HOUSING AUTHORITY BOARD.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission reappoint Joe Boyle for a five year term through May 31, 2015, and reappoint Marquita Ogawa to a two year term through June 30, 2012, as a tenant member, to the Great Falls Housing Authority Board.

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

Motion carried 5-0.

Mitch Tropila appointed to the Library Board.

4. APPOINTMENT, LIBRARY BOARD.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Mitch Tropila for a five year term through June 30, 2015, to the Library Board.

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

Motion carried 5-0.

Jose Martinez appointed to the Parking Advisory Commission.

5. APPOINTMENT, PARKING ADVISORY COMMISSION.

Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission appoint Jose Martinez to the remainder of a three year term through April 30, 2012, to the Parking Advisory Commission.

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

Motion carried 5-0.

Deborah Hanson, Pamela J. Haugen and Kay Silk appointed to the Advisory Commission on International Relationships.

6. APPOINTMENTS, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission appoint Deborah Hanson, Pamela J. Haugen and Kay Silk for three year terms through March 31, 2013, to the Advisory Commission on International Relationships.

Mayor Winters asked if there was any discussion amongst the

Commissioners.

Commissioner Jolley asked if there were two or three appointments. Mayor Winters responded there are three appointments.

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

Mr. Zims, address unknown, noted the agenda states two members rather than three.

Mr. Doyon stated there was a typo on the agenda because the agenda report shows three open positions.

Motion carried 5-0.

Cable 7.

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Aart Dolman, Chair, Cable 7, read the acceptance letter of resignation for Coleen Balzarini, Treasurer. Mr. Dolman also read an excerpt from the July 2, 2010, Weekly Review written by Mr. Doyon to the City Commission regarding Cable 7. Mr. Dolman explained that after the Board members were asked to serve last January, a business plan was presented to the Commission the end of February. At the end of May, the Board received a status quo budget report. The Board believes that is not an acceptable position because additional funding is needed to employ the station operator full time, for a studio and for equipment replacement.

PUBLIC HEARINGS

Res. 9887. Adopted.

8. RESOLUTION 9887, ESTABLISHING A REDUCED SPEED SCHOOL ZONE FOR 9TH STREET NORTH.

Public Works Director Jim Rearden reported that NC 7 has requested the school speed zone around Whittier School be extended to include a portion of Ninth Street North. City staff concurred and submitted the request to MDT who has jurisdiction over the roadway. MDT performed a traffic study and agreed to the extended zone. Resolution 9887 establishes the reduced school speed zone which will extend from Second Avenue North to Fifth Avenue North on Ninth Street.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 9887.

Speaking in support of Resolution 9887 were:

Aaron Weissman, Chair, NC 7, residing at 315 Fourth Avenue North.

Alvina Sayers, 411 Eleventh Street South.

Christine Jackson, 1520 Fourth Avenue North.

Traci Hronek, 917 Fourth Avenue North.
Carlie Boland, 1215 Sixth Avenue North.

Mayor Winters closed the public hearing.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9887.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

**Waiver request for
Conditional Use Permit.
Tabled.**

9. WAIVER OF \$700 APPLICATION FEE FOR CONDITIONAL USE PERMIT FOR PEA PODS COMMUNITY GARDEN.

Planning and Community Development Director Mike Haynes reported that Pea Pods has constructed a community garden at 901 Third Avenue North. The property is located in the R-9 zoning district where establishing a community garden requires conditional use approval.

Referring to the "Use Table" in the Land Development Code, specific land uses in each of the City's zoning districts are prohibited, i.e., not allowed under any circumstances; permitted, i.e., allowed by right in all cases; or allowed with conditional use approval where the use may or may not be appropriate depending on the specific location, surrounding uses, etc. For example, community gardens are prohibited in all commercial zoning districts within the City, permitted by right in the R-1 "Suburban Residential" zoning district, but only allowed with conditional use approval in all other residential zoning districts.

Mr. Haynes noted the public hearing process to obtain a Conditional Use Permit allows neighbors and other interested parties input on a specific application. If the use is found to be appropriate in that instance, conditions of approval may be applied, which in the case of a community garden could control traffic, parking, fencing, hours of operation, etc. He added Pea Pods is agreeable to requesting conditional use approval, albeit after the fact, but claims to be unable to pay the \$700 application fee. They are asking for a fee waiver which only the City Commission has authority to approve.

Mr. Haynes noted that although the Planning and Community Development Department advocates community gardens and supports the concept of a community garden at 901 Third Avenue North, support cannot be given for waiving application fees. While \$700 is relatively insignificant in terms of

the Planning Fund's \$700,000+ annual budget, setting a precedent of waiving fees for non-profits, individuals or businesses that find it difficult to pay application fees, will put further strain on the Planning Fund, and, in turn, the General Fund.

Mr. Haynes stated application fees for Planning Board cases cover only a fraction of the cost to actually process those applications. In this case, the indirect costs for advertising and postage alone are estimated at \$300, to which must be added labor costs for drafting ads, mailing notices, conducting site visits, completing project analyses, writing staff reports, setting and holding public hearings, generating meeting minutes, etc.

Planning application fees have been raised just once in 15 years. Those fees were raised in 2008 for the first time since 1995, but to levels less than recommended by staff. In 2008, application fees were set at 50% of estimated indirect costs plus labor costs, in other words half of what it costs to process applications, without taking into account overhead and operating expenses.

Mr. Haynes stated that while recognizing the benefits of community gardens in preserving green space, beautifying neighborhoods, encouraging social interaction and growing nutritious local food, and applauding the efforts of the property owner and Pea Pod, the budget does not allow waiving this fee or setting a precedent for future fee waiver requests. Staff requests the City Commission not waive the \$700 application fee.

Commissioner Jolley asked for the name of the property owner. Mr. Haynes responded the owner is Sheila Rice. Sheila Rice corrected that statement stating she is a partial owner of a family partnership and a nephew; there are four owners of the property. Mayor Winters asked how long the agreement is in effect. Ms. Rice responded the agreement is for three years.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission postpone consideration of the waiver request of \$700 application fee for Conditional Use Permit for Pea Pods Community Garden pending submission of a proposal to the Weed and Seed steering committee in Great Falls that the Weed and Seed program would pay the fee on behalf of Pea Pods.

Commissioner Bronson explained the Weed and Seed program is sponsored by the U.S. Department of Justice, designed to help communities weed out criminal elements in sections of the community identified as problem areas and reseed these areas with projects, ideas and new strategies to prevent a reoccurrence of criminal or other abnormal behavior in these areas. Commissioner Bronson noted he is a member of the Weed and Seed Steering Committee, along with Cascade County Commissioner Bill Salina. That committee has been a big supporter of the community garden project,

and a major supporter of the Pea Pods project in particular. He added, however, that when a request is made to waive a fee for a Conditional Use Permit, the burden falls on a department that needs those fees to carry out the policies and ordinances of the City. He noted that a representative of the U.S. Department of Justice has determined that payment of this fee would be an appropriate expenditure of Weed and Seed grant monies. The Steering Committee will be meeting within the next week and will consider a proposal to pay the permit fee. He believes there will be overwhelming support.

Commissioner Bronson believes community gardens will be beneficial in the betterment of the community. On the other hand, most areas of the City have zoning regulations that require obtaining a Conditional Use Permit. He added that community gardens in residential areas may present particular issues to the neighborhood and the best way to resolve those issues is through the Conditional Use Permit process.

Commissioner Bronson stated he would be willing to work with the Planning Board and the Zoning Commission to help other nonprofit organizations in the future. He recommended a community discussion to determine standards for possibly waiving fees.

Commissioner Burow expressed concern about setting a precedent for waiving fees. If Weed and Seed pays the fee, he stated that is very commendable.

Commissioner Jolley stated she is not in favor of waiving the fee and hopes Weed and Seed is able to pay it.

Commissioner Jones stated he did not have other comments.

Mayor Winters stated he is in favor of waiving the fee, but is unsure if the proper steps have been taken.

Mayor Winters asked if there were inquiries from the public.

Traci Hronek, Pea Pods garden coordinator and Neighborhood Watch coordinator, residing at 917 Fourth Avenue North, stated she also organized a soup kitchen in the neighborhood. She stated she knew relationships needed to be built within the neighborhood to promote safety, work closely with the Police Department and educate residents on the diversity of life in the area. During the 45+ years she has lived on the same block, she noted neighborhood grocery stores have been removed. In the grocery stores, neighbors knew each other and their needs. A community garden is about bringing a neighborhood together, teaching opportunities, building relationships and collaborating with NeighborWorks, Whittier School, the Weed and Seed project and businesses who have made donations—community mobilization.

Channing J. Hartelius, residing at 825 Fourth Avenue North, commented that Abraham Lincoln stated government should be of the people, by the people and for the people and that many forefathers also had gardens. In essence, the Pea Pods effort is of the people, by the people and for the people. Mr. Hartelius stated that this type of project deserves a waiver and believes the City Commission should waive the fee.

Aaron Weissman, Chair, NC7, residing at 315 Fourth Avenue North, commented that a few months ago the intersection of Third Avenue North and Ninth Street was an empty lot filled with trash, broken glass, weeds and a dream. Because of the dedication of a small group of neighbors led by Traci Hronek, an attractive garden graces the neighborhood. Mr. Weissman applauded Ms. Hronek as a hero to the neighborhood and a benefit to the community. He noted the effort has been done on a shoestring. Mr. Weissman remarked that the community should be doing everything possible to encourage such initiatives. A better use for \$700 than paying for a Conditional Use Permit would be buying water, seeds compost, etc. Mr. Weissman thanked Commissioner Bronson for an out-of-the-box idea. He added that applications for waivers from other groups should be judged on their own merit. He requested approval of the motion to postpone so the Weed and Seed Board can make a decision.

Mayor Winters commented that he believes the Commission agrees the Pea Pods community garden is an excellent idea. He called for a round of applause for Commissioner Bronson's effort of going a step further to find a solution.

Carlie Boland, Weed and Seed Steering Committee member, residing at 1215 Sixth Avenue North, commented the Weed and Seed program has made great contributions and brought people together. She agreed that each application should be considered individually. Ms. Boland believes there is more need for this kind of effort in the community.

Quin Johnson, 520 Logan Street, Helena, (recently moved from Great Falls), commented that the apartment building in Helena where he resides also has a Weed and Seed project larger than Pea Pods. People are coming and going and talking with each other all day. He believes it is a good project for the neighborhood.

Helen Morin, 512 Fourth Avenue South, noted observing a great improvement when driving on Ninth Street. Other landowners are offering land for similar use to avoid the expense of controlling weeds.

Sheila Rice, 913 Third Avenue North, explained that NeighborWorks is not involved with Pea Pods but does support community gardens as a community building tool. Ms. Rice promised to work toward a long term solution for Conditional Use Permits for community gardens. She believes

the City has a great opportunity to make an investment to make Great Falls the place everyone loves to live.

Christine Jackson, a teacher at Whittier School, residing at 1520 Fourth Avenue North, commented that students are growing their own snacks and giving back to the community. They are seeing how to grow a garden, how to get their own food and that it takes more effort than asking for a welfare check. The garden is giving back to the City far more than \$700.

Mike Witsoe, 2612 First Avenue South, presented a penny donation toward the fee waiver from his mother, Jane Witsoe. Mr. Witsoe also asked all other business people in Great Falls to send their pennies if the Commission decides to charge Pea Pods with this fee.

Charles Henry, 3920 Seventeenth Avenue South, stated he would be honored to donate the first \$50 toward the fee.

Mayor Winters stated he would see Mr. Henry's \$50. Mr. Henry and Mayor Winters donated \$50 each toward the Conditional Use Permit fee, to be held on deposit with Mr. Haynes.

Tracy Hronek, Pea Pods garden coordinator and Neighborhood Watch coordinator, residing at 917 Fourth Avenue North, thanked the Commission for their time and though others may want to comment, the issue should be taken before the Weed and Seed board.

Motion carried 5-0.

Management and Staff Agreement with Great Falls Housing Authority. Approved.

10. MANAGEMENT AND STAFF AGREEMENT WITH GREAT FALLS HOUSING AUTHORITY.

Housing Authority Executive Director Kevin Hager reported that in 1978, after hiring a gentleman from Colorado who had housing experience, the Housing Authority Board approached the City Commission and asked to enter into a management agreement for executive management services of the Housing Authority. That agreement was entered into in 1978. In 1980, the City of Great Falls and the Housing Authority amended that agreement to provide all staffing to the Housing Authority. The agreement was again amended in 1990, 1999, 2000 and 2007. The Housing Authority auditor recommended the agreement be looked at every three years. Prior to that recommendation, either the cancellation clause or amendments would trigger reconsideration. Mr. Hager noted all staffing provided to the Housing Authority are reimbursed 100% back to the City Commission. The Housing Authority pays a fee for executive management services that includes expertise from Fiscal and different departments, the City Manager and legal expertise in taking possession of units. That fee is just over \$25,000 per year. Mr. Hager stated the Great Falls Housing Authority is the only authority and City in the State to operate in this way but is common in

the Midwest and the East and has worked extremely well in this community.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission approve the Management and Staff Agreement with the Great Falls Housing Authority for a three-year term effective July 20, 2010.

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

Motion carried 5-0.

Labor Union's last economic proposal. Approved.

11. LABOR CONTRACT NEGOTIATION STATUS REPORT BETWEEN THE CITY OF GREAT FALLS AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL #8.

City Manager Greg Doyon reported the City's current agreement with the International Association of Fire Fighters, Local #8 (Local #8) expired on June 30, 2010. Approximately five unsuccessful sessions have been held in an attempt to reach a new contract. Agreement was made to go into mediation and one mediation session with a State mediator has been held.

Mr. Doyon stated a last, best, and final offer was made to Local #8 in February. His understanding was that offer was not taken back to their union membership for consideration. Mr. Doyon reported the mediator was recommended at that time. In the discussion after the last mediation session, he noted the City was advised to take the Local #8's last economic proposal to the Commission.

Mr. Doyon explained the Commission is being asked to either approve or deny Local #8's last economic proposal. If approved, discussions will continue to formalize an agreement to take back to the membership for ratification. If denied, Mr. Doyon stated the direction will be to continue mediation efforts. The next step is final and binding arbitration, if unsuccessful with the mediation process.

Mr. Doyon reviewed economic data included in the Staff report. Local #8's last offer for year one amounted to 3.63%, which includes 1.5% cost of living adjustment and 2.13% market adjustment. They were also seeking a 2% increase in the engineer rank differential, 4% increase in the captain rank differential, and an 8% increase in the battalion chief differential. The City offered 3.63% as a starting point; the difference occurs in the differentials. Recommendations include a 1% increase in the captain rank differential and a 3% increase in the battalion chief differential. The cost analysis for Local #8 is in the range of about \$223,000 for year one; the City's range is in the ballpark of \$170,000. The difference is approximately \$52,000, about a 1.8% difference in wages.

Mr. Doyon reported Local #8's year two proposal was 2%, with a 90/10 split on health insurance. The City's proposal was 1.75% cost of living. In terms of differentials, the City proposed a 2% engineer rank differential, a 3% captain rank differential, and a 3% battalion chief rank differential. He added Local #8's proposal for year three was 2% and the City's proposal was 2% on the cost of living, with a 1% increase in the battalion chief rank differential.

Mr. Doyon commented that when wages are adjusted with the unions, adjustments usually have to be made with exempt administrative staff.

In summary, Mr. Doyon stated Local #8 is asking for rank differential increases in the first year of the contract – engineer at 2%, captain at 4%, and battalion chief at 8%. The City is proposing the following increases in rank differentials: engineer at 2% in year two rather than year one; captain 1% in year one, 3% in year two, bringing the requested 4% over a two year period; battalion chief 3% in year one, 3% in year two, and 1% in year three, getting up to 7% of the proposed 8% over the three year period. Another difference in the cost of living adjustments is a proposal from Local #8 of 2% in year two, and the City's proposal is 1.75% in year two.

Mr. Doyon requested approval of Local #8's last economic proposal or denial to continue mediation.

Commissioner Burow questioned that the City's last proposal wasn't taken back to the membership for consideration. David Van Son, President of Great Falls Fire Fighters Union, responded the proposal was taken to the membership for discussion but not for a contract ratification vote.

Commissioner Burow asked if the City's last offer was a maximum offer. Mr. Doyon responded that he received a range of comments from the Commission regarding the budget from "hold the line" and "freeze wages", all the way up to "make sure the City is appropriately compensating". He stated that the City's proposal is his recommendation to the Commission.

Commissioner Jolley questioned the differences in the proposals. Mr. Doyon noted the difference is in the rank differentials. The City's year one proposal is a 2% increase in the engineer rank, a 4% increase in captain rank, and an 8% increase in battalion chief rank differential. The year two proposal is a 1.75% cost of living adjustment, a 2% increase in engineer rank, a 3% increase in captain rank, and a 3% increase in battalion chief differential.

Commissioner Jolley asked if the Fire Fighters received a market adjustment every year. Mr. Doyon responded that he could only speak for the last time he negotiated and at that point they received a market adjustment.

Commissioner Bronson stated his understanding of the proposal is that Local #8 is requesting 2%, 4%, and 8% increases for the engineer, captain, and battalion chief ranks in year one. The City's proposal has those same percentages, with the exception of battalion chiefs, spread over three years. In the end, the difference between the City's and the Union's proposal for the battalion chiefs is basically 1%. Over a three year contract, the Union is proposing 8% and the City is proposing 7%.

Mr. Doyon responded there is a difference in year two where Local #8 proposed 2% and the City proposed 1.75% for cost of living.

Commissioner Bronson questioned if the \$52,000 difference in the proposed contracts is the difference in the cost over the life of the entire contract. Mr. Doyon responded the \$52,000 difference in the proposed contracts is for year one.

Commissioner Burow asked the difference in the proposed contracts for year two and year three, and the total impact difference throughout the life of the contract. Mr. Doyon responded that it would be difficult to calculate that out over the life of the contract because of personnel changes, promotions, etc.

Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission deny the Union's last economic offer and direct staff to continue the negotiation process, including final and binding arbitration, if necessary.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public.

David Van Son, residing at 2404 First Avenue North, commented he is honored to be the local President of IAFF Local #8 that represents 61 of the finest fire fighters in the State of Montana. He reported there have been five productive negotiating sessions. The last contract took 28 meetings; to be at this point after five meetings is remarkable.

In response to Commissioner Burow's question, Mr. Van Son responded the City's last, best, and final offer was presented to the membership for discussion. There wasn't a motion on the floor to hold a ratification vote on the City's offer; there was a motion on the floor to continue the negotiation process that led to mediation on June 11, 2010.

Mr. Van Son explained contract negotiations began January 20, 2010. Local #8's proposed wages were set to be ranked #3 in Montana because Great Falls is the third largest city in the State, and Local #8 is the third largest department and third busiest station in Montana. When comparing benefits to the other seven Class 1 cities in the State, Mr. Van Son noted the

City explained the tax base is fourth in Montana. Therefore, the initial proposal was adjusted to be the fourth paid department in the State.

Mr. Van Son reported when comparing benefits for the Class 1 cities, each health insurance policy is different. Though Great Falls may pay more toward health insurance premiums, the fire fighters may be paying more in higher deductibles, higher co-pays, etc.

Mr. Van Son also reported that all other Class 1 cities in Montana pay time and one-half for overtime. He stated that 25 years ago the labor union agreed to work overtime shifts for straight time, resulting in over \$1 million savings to the City over the past 25 years.

Mr. Van Son stated Local #8 is asking to be comparable to fire fighters in the State of Montana. He added the proposed figures are based on 2009 numbers because the other 6 Class 1 cities have negotiated new contracts. With the City's offer in year three, Local #8 will be comparable to the other cities based on 2009 numbers. Spreading those numbers over a three year period, he reported Local #8 will be comparable as #4 in the State using comparables of 2009. He added that is the reason for the initial mark up the first year.

Mr. Van Son also reported Local #8 has been named the most productive fire department in Montana. Not only are 6,000 calls for service answered in a year, but 100% of business inspections are completed for over 3,000 businesses in the City of Great Falls. Also, every fire hydrant is inspected and public education/tours are provided while still providing emergency services to the citizens of Great Falls.

Commissioner Bronson asked the reason the increases must be done the first year rather than over the life of the contract. Mr. Van Son responded Local #8 has been playing catch-up with wages for at least ten years. In 1995, Local #8 was one of the highest paid fire departments in Montana. Currently, their base fire fighters are ranked number six out of seven. He reported every fire fighter rank in Butte-Silver Bow makes more than those in Great Falls; and Great Falls runs twice as many calls, the city is twice the size, and Great Falls has twice as many fire fighters.

Mr. Doyon asked if Butte-Silver Bow has a fire/public safety levy. Mr. Van Son responded he did not know. He stated they had a levy for a ladder tower they purchased several years ago.

Charles Henry, 3920 Seventeenth Avenue South, commented that Great Falls really needs a fire department, a police department, a building inspector's office, and garbage service. He believes both the firemen and policemen need a raise.

There being no one else to address the Commission regarding Item 11,

Mayor Winters called for the vote.

Motion failed 2-3 (Mayor Winters, Commissioners Jones and Bronson dissenting).

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Union's last economic proposal.

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

Commissioner Jolley responded she was happy her motion failed after hearing from Mr. Van Son. She noted something may have to be done with other proposed increases in wages for exempt staff, for instance.

Commissioner Bronson noted his 'no' vote on the first motion is not a reflection on the efforts of Mr. Doyon and Ms. Williams; they have done a wonderful job. He stated he is satisfied that approval of the Union's last economic offer is doing right by the fire fighters.

Mayor Winters asked if there were any inquiries from the public. No one responded.

Motion carried 4-1 (Commissioner Burow dissenting).

**Montana Public
Employees Association
Labor Agreement.
Approved.**

12. LABOR AGREEMENT, MONTANA PUBLIC EMPLOYEES ASSOCIATION.

City Manager Greg Doyon reported that the Montana Public Employees Association Labor Agreement covers approximately 91 employees and is for a three-year term from July 1, 2010 through June 30, 2013. With approval by the Commission, the agreement includes 1.5% cost of living adjustment for the year one, 2% in year two, and 1.75% in year three. He added that the City has also been negotiating capping the City's contribution for health insurance to \$783/month. Any increases over the three-year term are subject to a split where the City will pay 90% and the employee 10%.

Commissioner Jolley asked if the 90/10 split for health insurance increases was started in the last few years.

Human Resources Manager Linda Williams responded the 90/10 split has been around for many years. Capping the health insurance at the base is new this year. She added every contract that was open this year (Crafts, Fire and MPEA) includes this proposal.

Commissioner Jolley noted capping health insurance provides retirement enhancement. Ms. Williams explained the City's contribution will be capped at \$783/month. Reporting to the Montana Public Retirement

Administration will be \$783/month; the 90/10 split on any increases will be treated as any other benefit. Ms. Williams explained there are other payroll expenses. In addition to PERS, Worker's Compensation and unemployment insurance expenses must be paid on that amount.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Montana Public Employees Association Labor Agreement.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Res. 9891. Adopted.

13. RESOLUTION 9891, ANNUAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND ANALYSIS.

Fiscal Services Director Coleen Balzarini reported Resolution 9891 is an annual resolution the Commission is asked to consider. She noted there are a number of special improvement districts throughout the City. Those districts are created for the installation and construction of public infrastructure and are financed through bond issuance. A special improvement district revolving fund is required to be funded at the initial time the improvements are made. The payments for those improvements can extend up to 25 years. At the end of that timeframe there is an analysis done to determine if sufficient funds were collected to make all of the debt service payments. Throughout the life of the revolving fund or the special improvement district, if there are deficiencies at any time, the revolving fund helps take care of those subsidiary funds.

Ms. Balzarini explained that currently there is one fund that has paid all of its debt service payments, has collected all of the assessments from the related property owners, and has a short deficit of \$5,600. The Commission is asked to approve the transfer from the revolving fund over to the specific special improvement debt service fund to make that final payment. She added that, through this resolution, there are still adequate funds available for the protection of the remaining special improvement district funds. The dollar amount is not too high nor too low, but rather falls within the parameters of State statute and IRS regulations.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 9891.

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

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

14. Minutes, June 15, 2010, Commission meeting.
15. Total expenditures of \$5,900,589 for the period of June 5, 2010 through June 30, 2010, to include claims over \$5,000, in the amount of \$5,438,807.
16. Contracts list.
17. Set public hearing for July 20, 2010, on Resolution 9880, Intent to Increase Property Tax, and Resolution 9881, Annual Budget Resolution.
18. Set public hearing for August 3, 2010, on Resolution 9888 to levy and assess Special Improvement General Boulevard Maintenance District No. 3570.
19. Set public hearing for August 3, 2010, on Resolution 9889 to levy and assess Special Improvement Portage Meadows Maintenance District No. 1195.
20. Set public hearing for August 3, 2010, on Resolution 9890 to levy and assess Street Maintenance District.
21. Approve water meter equipment purchases for Fiscal Year 2011 from Dana Kepner Co. of Billings in an amount not to exceed \$270,000.
22. Approve Change Order No. 1 in the amount of \$9,230.35 to Central Plumbing and Heating, Inc. for the Grande Viste Storm Drain Improvements.
23. Award construction contract in the amount of \$687,000 to Sletten Construction Company for the Public Works Engineering Building Office Remodel. **OF1455.3**

Commissioner Jolley moved, seconded by Commissioner Burow, to pull item #17 from the Consent Agenda for further discussion.

Commissioner Jolley requested amending item #17 to set the public hearing for August 3, 2010. She would like more time to consider that item and Commissioner Burow will be away the weeks before that meeting,

Commissioner Bronson commented that Commissioner Burow discussed that with the Commission in advance and, based on State law requirements, doesn't believe there is any problem deferring until August 3, 2010.

Fiscal Services Director Coleen Balzarini agreed the public hearing could be postponed until August 3, 2010, but that will create a tight deadline. Another option would be to hold the public hearing as scheduled and Commissioner Burow could listen to the video tape. The other Commission members could move to continue the public hearing to August 3rd or close the public hearing and take action on August 3rd. That option provides opportunity for two meetings to hear discussion from the public. She added

that if there are any questions from the Commission that are brought up by the public at the July 20th meeting, there would be opportunity to research and provide information at the August 3rd meeting for final action.

Commissioners Jolley and Burow agreed with that option.

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. No one responded.

Motion carried 5-0.

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.

Urban Art Project.

24A. Jean Price, 422 15th Street South, self-appointed director of the Urban Art Project, thanked the Commission for considering all the comments, letters, e-mails, packet, etc. about the Urban Art Project. Included in the packet was the budget for the year. Ms. Price noted she failed to mention in the budget that the City of Great Falls provides the space for the project. She thanked the City for their donation to the Urban Art Project and for considering replacing the \$1,000 stipend to the Urban Art Project when preparing next year's budget.

Fire Fighter Negotiations.

24B. Jeremy Jones, Great Falls Fire Rescue Captain, residing at 300 Swift Road, commented that out of the three negotiating sessions that he has been affiliated with, this session has been the best, well-run session. He thanked Mr. Doyon and Ms. Williams for all their hard work.

ECP.

24C. Aart Dolman, 3016 Central Avenue, presented a report clarifying the expenditures of ECP. He noted that from January through June, 2010, the City has expended \$540,251. Dividing that number by 177 days, the City is losing about \$3,052 per day. By the end of the year, the City stands to lose a little more than \$1 million.

Kelsey Thomas.

24D. Ron Gessaman, 1006 36th Avenue NE, noted this is the last night for Kelsey Thomas, KFBB. Mr. Gessaman thanked Ms. Thomas for the great

job she has done covering the actions of the City Commission.

Animal Shelter.

Mr. Gessaman noted July 5, 2010 was the third anniversary of the takeover of the Animal Shelter by the City. In that time, he reported the City has expended \$514,317 in 2009, \$432,292 in 2008, and \$549,000 in 2010, for a total of approximately \$1.5 million. He added the City expects to spend \$695,000 in the next fiscal year. When the City took over the Animal Shelter, Mr. Gessaman stated, plans were to take over the shelter for 30 to 60 days. In September, 2007, the same plans were restated. In January, 2008, the same plans were restated, and the City stated they were diligently working to find a private entity to operate the Animal Shelter.

Mr. Gessaman stated the Humane Society proposed a three-year contract for \$186,000/year, plus the revenue from the crematorium and licensing fees. He noted the amount the City would have paid to the Humane Society for three years would be less than the budgeted amount for this year. He noted there are approximately \$172,000/year in licensing and crematorium fees. Over three years, that amounts to another year's expenditure. The City would be ahead approximately \$600,000 if they had accepted the Humane Society's offer. Mr. Gessaman commented the City must apply more diligence to projects.

Coal-fired plant.

24E. John Hubbard, 615 7th Avenue South, stated he has voiced concerns over accountability since April 9, 2007 when the Commission voted to build a coal-fired generator and the County also gave approval. He referenced a newspaper article where the Supreme Court told the EPA to not allow such facilities to be built. Mr. Hubbard expressed disapproval that public officials are allowed to gamble with the public's money. He believes the millions of dollars that were lost on that proposed facility are a misappropriation of public funds.

Mayor Winters responded efforts are being made in that regard, just not as fast as is preferred. Mr. Hubbard believes nothing is done until the statute of limitations is up.

Norma Ashby, golf and swimming fees.

24F. Mike Witsoe, 510 11th Street South, called Norma Ashby the "Queen of Great Falls". He stated she represents Great Falls well; he noted she was added to the Hall of Fame of Broadcasters. He also called her the "First Lady of Great Falls". He commented on community events, including Alive @ Five, Taste of Great Falls, First Friday Art Walk, the Pet and Doll Parade and the Rescue Mission's golf tournament. Mr. Witsoe reported the budget includes a 6% increase in golf and swimming fees. He expressed concern over increased fees, especially during a time of depression.

CITY MANAGER

25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory Doyon reported he will be out of the office July 12-13, 2010 attending disaster training in Billings. Public Works Director Jim Rearden will be in charge during that time.

CITY COMMISSION

26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Burow stated he believes the City has one of the best fire departments in the country. However, he hopes a precedent will not be set where all contracts have to be brought before the Commission. He thanked Great Falls Fire Rescue for all their efforts.

ADJOURNMENT

Adjourn.

There being no further business to come before the regular Commission meeting, **Commissioner Jolley moved, seconded by Commissioners Bronson, that the regular meeting of July 6, 2010, be adjourned at 9:28 p.m.**

Motion carried 5-0.

Mayor Winters

Acting City Clerk

Minutes Approved: July 20, 2010