

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, 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 City Clerk.

PROCLAMATIONS: Mayor Winters read Proclamations for “21st Annual Lewis & Clark Festival” and “*Great Falls Tribune* 125th Anniversary”

NEIGHBORHOOD COUNCILS

NC 1.

1. SWEARING IN CEREMONY.

Mayor Winters swore in William George Thomas as a representative of Neighborhood Council 1.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

BOARDS & COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from any members of the Boards and Commissions.

PUBLIC HEARINGS

**Ordinance 3052.
Adopted.**

4A. ORDINANCE 3052, REZONES LOTS 20A, 22A, 24A AND 28A, BLOCK 3, FINLAY’S SUPPLEMENT TO PROSPECT PARK ADDITION.

**Amended Plat of Lots
20A, 22A, 24A and 28A,
Block 3, Finlay’s
Supplement to Prospect
Park Addition.
Approved.**

4B. AMENDED PLAT OF LOTS 20A, 22A, 24A AND 28A, BLOCK 3, FINLAY’S SUPPLEMENT TO PROSPECT PARK ADDITION.

Planning and Community Development Director Mike Haynes reported that on March 23, 2010, the Planning Advisory Board, acting as the Zoning Commission, recommended approval of an amended plat with a zoning of

PUD for property located at the northeast corner of 21st Avenue South and 17th Street South. The property is owned by NeighborWorks and the replat and rezoning is to allow development of 4 two-family dwelling units with each unit on a separate lot. The development will have the appearance of four duplexes, but will actually be eight fee-simple residential units on eight lots.

Subsequent to the recommendation of approval by the Zoning Commission, staff accepted a minor revision to the site plan to allow parking pads to be five feet from the alley in lieu of 20 feet to accommodate the applicant's desire for larger backyards.

Mr. Haynes requested that the City Commission adopt Ordinance 3052, rezoning the subject property from R-3 (Single-Family High Density) to PUD (Planned Unit Development District) and to approve the Amended Plat of Lots 20A, 22A, 24A & 28A, Block 3, Finlay's Supplement to Prospect Park Addition.

Mayor Winters declared the public hearing open. No one spoke in opposition to Ordinance 3052.

Speaking in support of Ordinance 3052 were:

Al Henry, Director of Operations for NeighborWorks, 509 1st Avenue South, commented that approval of this matter gives NeighborWorks an increased opportunity to serve people that it hasn't been able to in the past with a target market of singles, couples and small families.

Robert Smith, 802 6th Avenue North, reported that he is with AmeriCorps Vista working with NeighborWorks and Great Falls Development Authority and is an architect in training. He believes the project is innovative and attractive to Great Falls and one the community should support.

Robin Baker, Chair NC 6, residing at 1518 11th Avenue South, commented that the council expressed concerns regarding the dirt roads, increased traffic and traffic patterns. She requested continued support to develop infrastructure in this area.

Mayor Winters closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3052.

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

Commissioner Burow inquired and was informed the subject property is located within the City limits. The property located east of the block is

located outside the City limits.

Motion carried 5-0.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the Amended Plat of Lots 20A, 22A, 24A and 28A, Block 3, Finlay's Supplement to Prospect Park Addition and accompanying Findings of Fact.

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

Motion carried 5-0.

Resolution 9885.

Adopted.

(Item 5 was mistakenly listed on the Agenda under Public Hearings, and should have been listed under the title of Ordinances/Resolutions.)

OF 1455.3

5. RESOLUTION 9885, AUTHORIZING THE LOAN AGREEMENT WITH THE MONTANA BOARD OF INVESTMENTS FOR \$600,000 TO FINANCE COSTS ASSOCIATED WITH PUBLIC WORKS ENGINEERING AND OPERATIONS BUILDING ADDITION AND REMODEL.

Fiscal Services Director Coleen Balzarini reported that this loan application was made to the Board of Investments to remodel the Public Works engineering and operations building. The total cost of the project is estimated to be \$1,002,932. The Montana Board of Investments has agreed to loan the City of Great Falls \$600,000. The remainder will be paid with monies from an energy savings grant in the amount of \$131,000 and with other internal monies already available.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9885.

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

Commissioner Jolley commented that she and Commissioner Burow toured the facility. It is a nice project with a wonderful interest rate.

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

Ron Gessaman, 1006 36th Avenue NE, inquired how the Sanitation department would be paying \$7,700 when the fund was at a deficit. Public Works Director Jim Rearden responded that the sanitation portion of the project is within the \$600,000 that is being borrowed.

Mr. Gessaman referred to the map of the building and inquired why the halls were so wide and requested information regarding the bathrooms. Mr. Rearden responded that the hallways were designed 30-40 years ago. There is no remodeling being planned for the bathrooms.

Mr. Gessaman inquired about federal rules regarding equalization of facilities. Mr. Rearden responded that the facilities were modified for handicap accessibility a number of years ago.

Mr. Gessaman requested that the architectural engineer confirm that the work being performed meets federal requirements.

Motion carried 5-0.

2010 Byrne Justice Assistance Grant and MOU with Cascade County. Approved.

6. 2010 BYRNE JUSTICE ASSISTANCE GRANT.

Police Chief Cloyd Grove reported that this is an annual grant from the Department of Justice. This year the grant is in the amount of \$24,031 to be equally shared with Cascade County. The City and the County have agreed to use the funds to pay for monthly charges for air cards associated with mobile data units.

Mayor Winters declared the public hearing open. No one spoke in favor of or opposition to the 2010 Byrne Justice Assistance Grant.

Mayor Winters closed the public hearing.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission approve the Memorandum of Understanding with Cascade County for use of 2010 Justice Assistance Grant funds and authorize the City Manager to execute the MOU, approve grant conditions and sign all associated documents.

Motion carried 5-0.

OLD BUSINESS

Verified Motions to Amend Water Right Claim for Claims 41QJ-123408 and 41QJ-123411. Approved. OF 1510

7. AMENDMENT TO WATER RIGHT CLAIMS.

Dave Schmidt, Principal and Senior Water Rights Specialist with Water Right Solutions, Inc., 303 Clarke Street, Helena, reported that he prepared these amendments. He believes there would be substantial risk if the matter were to be litigated. Therefore, his recommendation is that the Commission approve of the amendments.

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

Commissioner Jolley commented that the staff report doesn't mention litigation as an option. Mr. Schmidt responded that litigation could, potentially, be part of a case. There would be substantial risk going forward with litigation. Commissioner Jolley asked who would be involved in litigation. Mr. Schmidt responded that the Water Court can call things in on

its own motion. However, there are currently no objectors.

City Attorney James Santoro explained that the process started with a procedure in the Water Court after what appeared to be a computer issue with a zero in a column. The Water Court, DNRC and the City held conference calls to amicably resolve the situation. It amounted to numbers being shifted in columns, and there was no loss or decrease of water.

Mr. Schmidt added that the City had a 1966 and a 1971 water right. The maximum volume put to beneficial use was used before July 1, 1973. Basically, the second two water rights were filed to increase the capacity of the diversion structure from about 50 cfs to about 73 cfs. It was purely a flow rate issue. As the decree process moved along, the computer kicked out a remark that the City claimed zero volume. It was claiming zero volume because all it wanted was the flow rate. After meetings with DNRC, it was decided to take pieces of that volume and attach those to the 1966 and 1971 rights since the rights are supplemental to one another. It was basically to satisfy the DNRC's computer to get the issue remark withdrawn. That recommendation was presented to the Commission at a work session. The Commission agreed with that method of resolving the issue.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the two Verified Motions to Amend Water Right Claim and authorize the City Manager to execute the documents and submit them to the Department of Natural Resources and Conservation for forwarding to the Montana Water Court.

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

Commissioner Burow inquired what costs were associated with these amendments, and if this was part of what the discussion was a few years ago about giving up or losing some water rights.

Mr. Schmidt explained that water rights were limited to what the beneficial use was prior to July 1, 1973, or the population standards as set forth by DNRC. The population standards gave the City slightly more water, so that is the way the City went. There was no giving up or giving away water rights. It has been addressed numerous times over numerous issues. Mr. Schmidt further explained this is simply a claim amendment that is accepted by the court, and there are no particular fees associated with this action.

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

Ron Gessaman, 1006 36th Avenue NE, recalled that Mr. Schmidt's firm was paid to do water right filings several years ago and was paid for work performed in April. He asked if Mr. Schmidt was paid for the same work

twice.

Mr. Schmidt responded that work was performed associated with a change in point of diversion and existing water rights. It had to do with changing the point of diversion of the reserved right that was granted to the City with a priority date of July 1, 1985.

Fiscal Services Director Coleen Balzarini clarified that there are some fees being charged by Water Right Solutions to make the changes to this claim. She explained that DNRC had accepted it at the time that it was originally submitted. Subsequent to that time frame, and as this basin went into the adjudication process, DNRC asked for additional information.

Charles Overkill, no address provided, commented that everyone is entitled to clean water that should be distributed efficiently.

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

**Consent Agenda.
Approved.**

CONSENT AGENDA

8. Minutes, June 1, 2010, Commission meeting.
 9. Total expenditures of \$2,551,881 for the period of May 22 through June 10, 2010, to include claims over \$5,000, in the amount of \$2,315,622.
 10. Contracts list.
 11. Lien release list.
 12. Set public hearing for July 6, 2010, on Resolution 9887, Establishing a Reduced Speed School Zone for 9th Street North.
 13. Award bid for the purchase of a 100' Aerial Platform.
 14. Award construction contract in the amount of \$102,870 to United Materials of Great Falls, Inc for the 11th Street SW Mill and Overlay.
- OF 1573.7**

City Manager Greg Doyon requested that Item 13 be pulled for separate discussion. Commissioner Jones requested a separate vote as well.

Commissioners Jolley and Burow requested that Items 9, 10 and 11 be pulled for further discussion.

With regard to Item 9, Commissioner Jolley requested that future payments from the electric fund indicate what amount was from proceeds of the electric fund and what amount was borrowed from the general fund to make these payments.

Commissioner Burow inquired about payments to Advanced Litho Printing and was informed that one invoice is received and the payment is split among funds.

With regard to Item 13, Mr. Doyon noted that the need to postpone the decision on the aerial apparatus to allow the Fire Department time to review the bids was previously discussed. That review has been done and the agenda was revised to allow the Commission to take action this evening.

Fire Chief Randy McCamley reported that the purpose of this project was to replace the out of service 85 foot Snorkel articulating boom aerial fire apparatus. This 40 year old piece of equipment was taken out of service in March of this year because it was no longer safe to operate as an emergency apparatus. The new apparatus being proposed to purchase shall provide a far greater margin of safety to the community and the firefighters for the next 30 years.

On June 2, 2010, the department received a bid from "Hughes Fire Equipment" representing Pierce Fire Apparatus and one from "Big Sky Fire Equipment" representing Smeal Fire Equipment for a 100 foot aerial platform fire apparatus. While Big Sky Fire Equipment was the low bid at \$808,496, it was the recommendation of staff and the Ad Hoc Fire Apparatus Committee to award the bid to Hughes Fire Equipment because Big Sky Fire Equipment's bid did not meet the City's apparatus specifications and requirements.

Funding for the new fire truck will be a loan from the City's Central Garage fund for the total amount. Repayment of the loan will come from the City's general fund with an annual payment of approximately \$120,000. The Fire Department has also submitted a grant application to the Department of Homeland Security that, if awarded, would be an alternative funding source for the repayment of the loan, less the 30% grant matching portion, leaving an outstanding loan balance of approximately \$266,000. It is important to note that the aerial truck being recommended is a demonstrator apparatus which the Fire Department will receive at a substantial discount compared to a new, custom built apparatus. The Fire Department estimates taking possession of this truck within the next 30-45 days.

Chief McCamley recommended that the City Commission approve awarding the bid to Hughes Fire Equipment.

Commissioner Burow requested clarification on Items 10B, 10D and 10F.

With regard to Item 10B, Mr. Doyon commented that Matthews Cremation was shipping materials in to repair the deficiencies of the crematorium at the Animal Shelter. He also read the scope of work. Police Chief Grove added that a new burning device has been installed and the electrical portion of the incinerator is working properly.

With regard to Item 10F, Park and Recreation Director Marty Basta commented that the Commission previously approved the use of \$150,000 from the Park Trust Fund and the School District approved a similar amount to reconstruct the Hurd tennis courts and resurface the eight tennis courts at CMR. The funds were placed into a project fund. As the expenses occur, they are being paid for out of that fund. This contract is to resurface eight tennis courts at CMR.

With regard to Item 10D, Public Works Director Jim Rearden commented that the Ella Avenue tank has a leak under a major support column that cannot be repaired from outside the tank. Liquid Engineering will inspect, find and repair the leak from inside the tank.

Commissioner Burow inquired about Item 11. Fiscal Services Director Coleen Balzarini responded that a mortgage was placed on the rental property that received CDBG funding to make improvements. The loan is now paid and the City is releasing the mortgage lien.

With the exception of Item 13, Commissioner Jones moved, seconded by Commissioners Bronson and Burow, that the City Commission approve the Consent Agenda as presented.

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

Ed McKnight, 906 3rd Avenue North, commented that he thought the Commission had to pass an ordinance to borrow money for ECP to go into debt to pay the power bills. He was informed that was incorrect. Mr. McKnight expressed his thoughts and concerns regarding the payment to Southern referenced on Item 9. Ms. Balzarini responded that any cash that is at a deficit is borrowed from pooled cash by the Electric City Power fund and interest is paid on that borrowing. The interest rate is based on pooled investments. The internal rate of return is the rate of interest charged on borrowings from internal funds. Ms. Balzarini suggested that Mr. McKnight's series of questions be provided in written form so that she could answer them all at one time. Mr. McKnight continued expressing his concerns about ECP's debt and money owed to the general fund. He suggested that it would be a symbolic gesture if Mr. Gregori were asked to take the energy payment from the deposit rather than ECP continuing to borrow monies from the general fund.

Mayor Winters noted that there was an Electric City Power Board meeting last evening wherein most of Mr. McKnight's concerns were discussed. The Board weighed the possibilities and consequences. He assured Mr. McKnight that the City Manager, City Attorney, Electric City Power Board and City Commission are working in a positive direction with regard to ECP.

Ron Gessaman, 1006 36th Avenue NE, began referring to Items 8 and 9, and was informed by Commissioner Jolley that the correct date he was asking about was October.

With regard to Item 10B, Mr. Gessaman asked and was informed that the crematorium repairs would be paid from this year's budget.

Regarding Item 14, Mr. Gessaman noted there was only one bidder. He asked why the engineer's estimate wasn't noted. Public Works Director Mr. Rearden responded that the unit prices were compared with previous years. There is only one contractor in town that has the ability to do this quantity of work and the cost was comparable to prior years.

Mike Witsoe, 510 11th Street South, opined that a crematorium should last 30-40 years. He inquired if the crematorium at the Animal Shelter was not built correctly or was used improperly causing it to fall apart.

Motion carried 5-0.

With regard to Item 13, Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve and award the bid in the amount of \$889,162 to Hughes Fire Equipment for the purchase of a 100 foot Fire Apparatus Aerial Platform and authorize the City Manager to execute the bid contract documents.

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

Commissioner Jones complimented Chief McCamley, the Ad Hoc Committee and everyone that was involved for the very thorough research and report in making this recommendation. Commissioner Jones suggested increasing the amount taken from the equipment revolving program by \$40,000 for tools to fully equip this truck so that, upon receipt, it would be operational.

Commissioner Bronson concurred with Commissioner Jones' and Chief McCamley's comments. He added that the Ad Hoc Committee deserves a tremendous amount of thanks for the amount of work they did to make sure the bid met the specifications for the purchase of this magnitude.

Commissioner Jolley inquired if \$40,000 could be taken from the equipment revolving fund if it wasn't dedicated to the Fire Department. Mr. Doyon responded that the draft budget is before the Commissioners. Changes should be made and incorporated in that process with appropriate feedback from Fire Chief McCamley and Fleet Manager Tom Hugg. Tonight is not the appropriate time to do that.

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

Mike Witsoe, 510 11th Street South, asked several questions about warranty information on the new truck, as well as what the plans were for the retired fire truck. Chief McCamley suggested that Mr. Witsoe stop by Station 1 to get all the specifications in writing regarding the truck and maintenance records.

There being no one else to address the Commission regarding Item 13, Mayor Winters called for the vote.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

ECP.

15A. Ed McKnight, 906 3rd Avenue North, discussed the Burns and McDonnell report and ECP's loss on net imbalances while SME experienced a profit. He noted that on November 5, 2008, Tim Gregori remarked that the City made money on imbalances. Mr. McKnight commented that he would like to see the cost of service study that Mr. Gregori said was performed. He went on to read additional comments made by Mr. Gregori said date and that a member of the Commission agreed with Mr. Gregori's statement. Mr. McKnight reported that he made quite an issue of this a number of times. He asked that his calculations be handed out again to the Commissioner that said he agreed with Mr. Gregori's statement. Mr. McKnight concluded that, "when the City decides the future of Electric City Power, shouldn't it decide the credibility and integrity of the man who set the City up with this operation."

ECP.

15B. Ron Gessaman, 1006 36th Avenue NE, expressed his disappointment with last night's Electric City Power Board meeting. He discussed motions that were passed on May 3, 2010, but heard no discussion at last night's meeting. Mr. Gessaman asked what customers had been spoken to regarding raising the rates and what the responses were.

Fire Truck purchase and purpose, and his lawsuit.

15C. John Hubbard, 615 7th Avenue South, suggested that the tools be taken off the old fire truck for use on the new fire truck. He opined it wasn't feasible for fire trucks to respond to heart attack calls. Chief McCamley explained that fire trucks respond to EMS calls because of fire station locations, firefighters being trained EMTs and paramedics, and that they can get to medical emergencies sometimes several minutes before the ambulance does. It takes more than one ambulance attendant and one ambulance driver to attend to a medical emergency. The firefighters also provide advanced life support. Every second counts for a positive medical outcome.

Mr. Hubbard inquired about Weissman's property and was informed that there was no update from DEQ at this time.

Mr. Hubbard discussed his lawsuit being time barred resulting in no justice.

SME.

15D. Aart Dolman, 3016 Central Avenue, thanked the Great Falls Fire and Police Departments for being capable of taking care of Great Falls' citizens on any given emergency. Mr. Dolman discussed his disappointment with the content of Southern's attorney's response to his January request for Southern's records retention policy. Mr. Dolman reported that on May 20th he went to Billings to attend Southern's Board meeting. He was stopped by police in the parking lot and was not allowed to enter the building. He is planning on attending the Friday meeting and requested a copy of Southern's agenda. City Clerk Lisa Kunz responded that she received the agenda today, scanned it and emailed it to him, along with the minutes of April 2008 through April 2010.

GFFR.

15E. Charles Overking, no address provided, commended the Fire Department for its operational excellence.

Upcoming Events.

15F. Mike Witsoe, 2612 1st Avenue South, encouraged attendance at the Lewis & Clark Festival, Mission Mountain Band, Alive@5, Taste of Great Falls, Belt and Augusta rodeos and the Farmer's Market. He also reminded everyone to sign up for the Fourth of July parade.

CITY MANAGER

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory Doyon thanked the Commissioners for their attentiveness during his proposed budget presentation at tonight's work session. If they have any questions or follow-up as they review the proposed budget, he encouraged them to contact staff.

CITY COMMISSION

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to the \$5,000 report and payments from the Electric Fund, Commissioner Jolley clarified that she didn't request a daily amount, but a monthly amount paid from the Electric Fund, and an amount borrowed from the general fund to make the payments of Electric City Power. Ms. Balzarini responded that the only way she can show her the cash flow is by looking at what comes and goes out of that fund on a particular day. Ms. Balzarini advised that she would prepare a one page report to show Commissioner Jolley.

ADJOURNMENT

Adjourn.

There being no further business to come before the regular Commission meeting, **Commissioner Burow moved, seconded by Commissioners Bronson and Jolley, that the regular meeting of June 15, 2010, be adjourned at 8:52 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: July 6, 2010