

Regular City Commission Meeting

Mayor Winters presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE** – Girl Scouts

**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, City Engineer, Directors of Fiscal Services, Park and Recreation and Planning and Community Development, the Executive Director of the Housing Authority, Interim Library Director, Fire Chief, Police Chief and the Acting City Clerk.

**PROCLAMATIONS:** Mayor Winters read Proclamations for Fair Housing Month, One Day Without Shoes, and Knights of Columbus Appreciation Days.

**PRESENTATION:** The Government Finance Officers Association of the United States (GFOA) has presented a Distinguished Budget Presentation Award to the City of Great Falls for its annual budget for the 17th year. On behalf of the City Commission, said award was presented to Melissa Kinzler and Krista Artis of the budget office.

## **NEIGHBORHOOD COUNCILS**

### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

## **BOARDS & COMMISSIONS**

**Jean Price reappointed to the Design Review Board.**

### **2. REAPPOINTMENT, DESIGN REVIEW BOARD.**

**Commissioner Jolley moved, seconded by Commissioners Bronson and Jones, that the City Commission reappoint Jean Price to the Design Review Board for a three-year term through March 31, 2013.**

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

**Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, reported receiving multiple complaints at Investor Forums from local, national and regional companies regarding the design review process.

Commissioner Jolley asked City staff if someone who disagrees with the Design Review Board can bring their recommendation to the City Commission.

Planning and Community Development Director Mike Haynes responded that there is always an appeal procedure.

Commissioner Bronson suggested the Planning and Community Development have a public forum to explain the design review process.

**Brad Talcott**, James Talcott Construction, residing at 2801 Fourth Avenue North, commented that the design review process has changed too far from general appearances and landscape requirements. He reported the Staybridge Suites project was the most difficult and challenging process they have experienced in getting a project approved. Because of the additional expense incurred by the design review, it would have been very easy to take the project elsewhere if other locations were available. He explained he was unaware of an appeal process.

Mayor Winters commented that the Staybridge Suites is a beautiful attraction that enhances the river's edge.

Mayor Winters called for the vote.

Motion carried 5-0.

**Lonnie Yingst and Cam Cherry appointed to the Golf Advisory Board.**

### **3. APPOINTMENTS, GOLF ADVISORY BOARD.**

**Commissioner Jolley moved, seconded by Commissioners Bronson and Jones, that the City Commission appoint Lonnie Yingst as a non-league member and Cam Cherry as the Women's Golf Association member to the Golf Advisory Board for three-year terms through March 31, 2013.**

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

**Carol Lindseth reappointed and Coral Charbonneau and Natalia Hager appointed to the Advisory Commission on International Relationships.**

### **4. APPOINTMENTS, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

**Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission reappoint Carol Lindseth and appoint Coral Charbonneau and Natalia Hager to the Advisory Commission on International Relationships for three-year terms through March 31, 2013.**

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

**Sandra Erickson**, past Chair, introduced Coral Charbonneau and Natalia Hager to the City Commission.

Commissioner Bronson was glad to see a Russian speaker in the group, as one has been needed for a long time.

Mayor Winters called for the vote.

Motion carried 5-0.

#### **5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Sandra Erickson**, community volunteer for the Advisory Commission on International Relationships, distributed an invitation to a Tuesday, April 27, 2010, speaking engagement entitled "Citizen Diplomacy and World Affairs." Keynote speaker, Ambassador Mark Johnson, will speak on the importance of citizen diplomacy and global affairs and their relation to the lives of Montanans. The non-partisan event will be held in the Missouri Room and is free of charge.

### **PETITIONS AND COMMUNICATIONS**

#### **6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

#### **Cable 7.**

**6A. Aart Dolman**, 3016 Central Avenue, read and submitted a letter from Cable 7, informing the City Commission that Cable 7 has formed a new board interested in the development of community television. The board members include Aart Dolman, President; Neil (Jerry) Taylor, Vice President; Kathleen (Kathy) Gessaman, Secretary; Coleen Balzarini, Treasurer; Pat Herigon; Ray Herigon; Lt. Col. (ret.) Richard Liebert; MSgt. Eric Peterson; and, Kevin Manthey, Cable 7 Manager.

Mayor Winters applauded Mr. Dolman on his efforts to get Cable 7 back on track.

Commissioner Burow thanked the Cable 7 Board for their efforts, and encouraged the City Commission to support funding Cable 7. He noted that he has been contacted by a lot of people who want more programming on Cable 7.

#### **Economic Development Administration Funding.**

**6B. Brett Doney**, Great Falls Development Authority (GFDA), residing at 3048 Delmar Drive, reported that this is the last fiscal year that Great Falls will qualify for Economic Development Administration (EDA) funding. He explained that the City will qualify for 60% of requested funds; however, the City will be required to fund the remaining 40%. Mr. Doney noted that CDBG funds count as local money for the EDA.

Mr. Doney reported the GFDA has invested in preparation for the Industrial Park and recession recovery. At the end of 2009, a staff position was eliminated and since that time over \$80,000 has been put into new marketing initiatives. He added they are carefully monitoring the Defense Alliance and the Nuclear Posture Review that was released this date.

**Defense Reductions and  
EPA/Weissman  
concerns.**

**6C. John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed concerns about cuts in defense at a time of war. He asked if additional information had been received regarding Mr. Weissman and the EPA.

City Manager, Greg Doyon, reported that he had not received any new information.

**ECP/SME.**

**6D. Kathy Gessaman**, 1006 36<sup>th</sup> Avenue N.E., stated the Electric City Power (ECP) meeting last evening was excellent. She also reported on the Southern Montana Electric (SME) regional meeting held March 31, 2010. She noted that SME is planning to attempt to change its tax status from a non-profit to a for-profit cooperative. Also, during Phase 1 of the proposed gas plant, SME is planning to use well water rather than purchasing City water. Therefore, an eight-mile utility extension will not be needed; however, a \$1.2 million water credit debt to SME remains. She also noted that the City's ownership was reduced to 4.33% when SME recombined with Southern. Therefore, of 40 megawatts for Phase 1 of the gas plant project, the City would own less than two megawatts. Ms. Gessaman submitted a copy of a *Great Falls Tribune* newspaper article written by Richard Ecke. She emphasized Mr. Ecke's last comment that the developer has options to move the gas plant to a different site zoned for industrial, if SME loses a Montana Supreme Court decision to zone the plant's location as industrial.

**ECP/SME.**

**6E. Aart Dolman**, 3016 Central Avenue, submitted a DVD that includes statements made by Tim Gregori, SME Manager, at a meeting March 31, 2010, relating to the future of the proposed gas plant project and the community. Since reorganization is scheduled to be discussed at the next SME meeting, Mr. Dolman recommended the City Manager attend and provide a firsthand report. He expressed concern that the transition from the Highwood Generating Station coal burning plant to a gas plant was a \$2.5 million transition that was fixed. He requested a full accounting of what happened to the fixed \$2.5 million. He also requested a copy of the Burns & McDonnell bibliography of references for Electric City Power.

Mr. Doyon reported the Burns & McDonnell bibliography is available in the City Clerk's office and on the City website.

**Gibson Room Audio  
concerns and SME/ECP.**

**6F. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, reported audio problems at the preceding Work Session in the Gibson Room.

Mr. Gessaman noted topics to be discussed at the next SME meeting in Billings include the conversion of SME from a non-profit to a for-profit cooperative. He expressed concern that a for-profit cooperative will file a Form 1120 Corporate Income Tax Return and that information will not be available for review. He encouraged representation at the next SME meeting.

Mr. Gessaman reported that the use of well water was discussed at the SME meeting last Wednesday. He noted the proposed well is a 602 Well, and only one 602 Well is allowed per individual/corporation in an aquifer. He explained that the expected 35 gallons per minute will make it difficult to meet the water requirements, even for the first phase.

Mr. Gessaman reported that a member of the public at the ECP meeting last evening stated \$2,000 was lost per working day over the last four years. Mr. Gessaman explained that the February, 2010, figures show a loss of \$2,000+ per day. He noted that rates have not been increased, though two contracts allow increases prior to June 30, 2011.

Commissioner Burow requested the Commission direct the City Manager proceed with rate increases to the Pilot Program customers to reflect the cost of the power, plus an appropriate profit margin.

Mr. Doyon stated that proposal will be included in the next Agenda Meeting.

**Commission Chambers  
audio concerns and ECP.**

**6G. Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, discussed difficulty hearing in the Commission Chambers. He reminded everyone of the Americans with Disabilities Act.

Mr. Witsoe expressed concern regarding the money lost by ECP. At the ECP meeting last evening, a loss of \$2 million was reported between Fiscal Years 2005-2009. He requested a proper accounting of ECP.

Mayor Winters stated that Mr. Witsoe's points are well taken and comments will be taken under advisement.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**Contract Amendment  
No. 1, Engineering and  
Operations Office  
Modification. Approved.  
OF 1455.3**

**7. CONTRACT AMENDMENT NO. 1, ENGINEERING AND  
OPERATIONS OFFICE MODIFICATION.**

City Engineer, Dave Dobbs reported that, on March 3, 2009, the City Commission approved a Professional Services Agreement with CTA Architects Engineers for modifications to the Engineering and Operations

offices of the Public Works Department. He explained that the motion before the City Commission this evening would add \$14,417 to the original contract. Of that amount, approximately \$10,000 would be used to incorporate the design of energy conservation measures made possible by an Energy Efficiency & Conservation Block Grant received from the U.S. Department of Energy. The remaining \$4,400 is for additional hours needed to accommodate requests and design changes from Public Works staff during the preliminary design phase.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Contract Amendment No. 1 in the amount of \$14,417 to CTA Architects and Engineers for the Engineering and Operations Office Modification, and authorize the City Manager to execute the necessary documents.**

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

Mayor Winters called for the vote.

Motion carried 5-0.

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**Ord. 3048. Adopted.**

**8. ORDINANCE 3048, AMENDING OCCGF 15.50 TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE.**

Fire Chief Randy McCamley reported Ordinance 3048 would allow the Fire Department to utilize updates in the 2009 International Fire Code. This Ordinance was originally presented in March and has been posted and advertised over the last two weeks. Staff is requesting adoption of Ordinance 3048.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3048.**

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

**Spencer Woith**, Great Falls Homebuilders, residing at 1725 41<sup>st</sup> Street South, asked if the 2009 International Fire Code will affect residential sprinklers.

Fire Marshall Doug Bennyhoff explained that the Residential Sprinkler Code is dictated by the Residential Code. The 2009 International Fire Code pertains to commercial sprinklers. The International Residential Sprinkler

Code will be presented to the City Commission in the near future.

Motion carried 5-0.

**Consent Agenda.  
Approved.**

**CONSENT AGENDA**

9. Minutes, March 16, 2010, Commission meeting.
- \*10. Total expenditures of \$2,201,125 for the period of February 27 through March 31, 2010, to include claims over \$5,000, in the amount of \$1,811,130. (\*Corrected \$5,000 Report adopted by City Commission May 4, 2010, Agenda Item 13)
11. Contracts list.
12. Grant list.
13. Approve declaration of property as surplus.
14. Award construction contract in the amount of \$17,247 to Electric City Concrete, LLC for the 23<sup>rd</sup> Street Sidewalk. **OF 1508.2**
15. Approve bid award for one new 2010 Asphalt Distributor Unit to Modern Machinery of Missoula in the amount of \$125,100.

**With the exception of Item 15 for separate discussion, Commissioner Bronson moved that the City Commission approve the Consent Agenda as presented. Commissioner Jolley seconded, but asked if Item 10 could also be pulled for separate discussion. Commissioner Bronson accepted Commissioner Jolley's request as a friendly amendment to his motion.**

Mayor Winters asked if there were inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, with regard to item #14, referenced an article addressing new capital projects at Malmstrom Air Force Base (MAFB). He noted that City Engineer, Dave Dobbs, recently reported that costly runoff issues must be addressed soon. Mr. Gessaman reported that MAFB is currently installing new sidewalks that slope back toward the grass.

Mayor Winters called for the vote for Items 9 and 11 through 14 of the Consent Agenda.

Motion carried 5-0.

With regard to Item 10, Commissioner Jolley reported that she will not support payment to SME until rate increases cover expenses.

Mayor Winters called for a vote for Item 10 of the Consent Agenda.

Motion carried 3-2 (Commissioners Jolley and Burow dissenting).

With regard to Item 15, Commissioner Bronson reported the City Commission rejected a bid for an asphalt distributor last year and requested

an evaluation of whether it was more efficient to solicit bids for asphalt work being done by the City. He questioned if it was appropriate to approve the current bid and asked that Mr. Doyon report on the matter.

Mr. Doyon explained that a policy is currently in place for the volume of work to be done using City staff and equipment compared to the competitive bid process. He noted that certain maintenance projects can be done more cost effectively by City staff.

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

Mayor Winters called for a vote for Item 15 of the Consent Agenda.

Motion carried 5-0.

### **CITY MANAGER**

#### **16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon reported that Vision Expo is scheduled for April 17th in the Civic Center. He explained that Vision Expo is a unique visioning process that will provide information on the City's values, what the City could be like in the next 20 years, and action steps that can be taken to create the vision. He noted that the River's Edge Trail was a project identified years ago that has been very successful.

Mr. Doyon reported he has referred Design Review Board questions from an organization to Planning and Community Development Director, Mike Haynes. Mr. Doyon noted the City Commission will be provided an opportunity to understand the design review process. Comments on the process include those that say there is too much regulation and those that say there is not enough regulation. He added that the policy can be changed.

Mr. Doyon also reported that representation at the Southern meetings was discussed at the ECP Board meeting last evening. He expressed concern of subjecting the City to further litigation because of the relationship between the two entities. He explained that he does not recommend sending a representative until the relationship can be clarified.

### **CITY COMMISSION**

#### **17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Burow requested that a Request for Proposals (RFP) to operate the Animal Shelter be added to the next City Commission agenda.



Commissioner Jones commented that additional discussion is needed before considering privatization of the Animal Shelter and addressing the Animal Foundation.

Commissioner Bronson concurred with Commissioner Jones's comments and noted the proper forum for requesting items be placed on the agenda is the Agenda Meeting.

Commissioner Burow agreed to continue discussion.

Commissioner Burow noted that improvement must be made to address the sound system in the Gibson Room.

Mr. Doyon explained that improvements were made about one and one-half years ago; however, additional options will be considered.

Commissioner Jolley expressed frustration that representation is not being considered at the SME Board meetings. She recommended sending the City Attorney who could decide what information could be made public.

Mr. Doyon explained that the City Commission wants information to make good decisions. He added that discussion last evening included drafting a letter to obtain clarification from the Southern Board about what could be discussed.

Commissioner Jolley suggested the City Attorney attend as an observer.

Mr. Doyon explained that having the City Attorney attend would create an expectation that he could report back to what has occurred. He added the City doesn't want to wander into waters that could get us in trouble again.

Mayor Winters explained that the primary strategy is to determine an exit strategy and not incur additional expense for the City.

### **ADJOURNMENT**

**Adjourn.**

There being no further business to come before the regular Commission meeting, **Commissioner Burow moved, seconded by Commissioner Bronson, that the regular meeting of April 6, 2010, be adjourned at 8:23 p.m.**

Motion carried 5-0.

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Mayor Winters

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Acting City Clerk

Minutes Approved: April 20, 2010