

Regular City Commission Meeting

Mayor Winters presiding

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

**PLEDGE OF ALLEGIANCE** – Marine Corps League

**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, Park and Recreation, Planning and Community Development and Public Works, the Executive Director of the Housing Authority, Fire Marshal, Police Chief and the City Clerk.

**PROCLAMATION:** Mayor Winters read a Proclamation for Made in Montana Week.

**NEIGHBORHOOD COUNCILS**

**NC 3.**

**1. SWEARING IN CEREMONY.**

Mayor Winters swore in John Sturgeon as a representative of Neighborhood Council 3.

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**NC 2.**

**2A. Phyllis Hemstad**, Vice-Chair NC 2, reported that the council has been busy working on the levy issue, industrial park, marijuana zoning and West Bank Park.

**BOARDS & COMMISSIONS**

**City Commissioners appointed to the Electric City Power Board.**

**3. APPOINTMENTS, ELECTRIC CITY POWER BOARD OF DIRECTORS.**

**Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission appoint the current City Commissioners (Mayor Winters, Commissioners Jolley, Bronson, Burow and Jones) to replace the five (5) Electric City Power Directors that resigned or were recently removed by the City Commission.**

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.

**Richard Liebert**, 289 Boston Coulee Road, commended the Commission for taking this bold action, as well as the courage and professionalism of the new City Attorney and the City Clerk’s dedication in terms of the documents the public has been delving into. He also commended the

citizens over the past five years who had the courage to speak at Commission meetings. Mr. Liebert offered assistance to the Commission and ECP Board with information or tasks. He also suggested that the capable Fiscal Services Officer help the Commission with executive duties.

**Aart Dolman**, 3016 Central Avenue, urged the Commission to appoint themselves to the ECP Board. He believes it is important for the community and hopes the new Board will consult with the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented he was happy with the replacement of the Board members and release of the documents. He compared this appointment to the Airport Authority Board.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, commented “bravo.”

**Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, congratulated election winners. Mr. Witsoe thanked the Commissioners, and hopes there will now be transparency and an end to ECP losing money.

Motion carried 4-1 (Commissioner Bronson dissenting).

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Advisory Commission on International Relationships.**

**4A. Sandra Erickson and Robin Baker**, Advisory Commission on International Relationships, reported that the Commission was established in 2000 to promote, facilitate and nurture international relations for the City of Great Falls. The Commission focuses on culture, business, medicine and education. In December, the Commission will be hosting its eighth delegation from Russia funded by the Library of Congress. The Commission also co-hosted Greg Mortenson last year when he visited Great Falls and raised \$20,000 for him in one night. Ms. Erickson invited everyone to attend the “Citizen Diplomacy and World Affairs” event on April 27, 2010. She also reported that the Commission will be joining the first art walk at Times Square in June to promote Norway. Ms. Erickson encouraged the public to contact Kelli Audet at the City to serve on this Board.

**PETITIONS AND COMMUNICATIONS**

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

**Records requests.**

**5A. Aart Dolman**, 3016 Central Avenue, thanked the Commission, City staff, City Clerk, City Attorney and the City Manager for their assistance subsequent to Judge Phillips’ ruling regarding the records. Mr. Dolman noted an SME meeting scheduled for February 19<sup>th</sup> and requested that the Mayor instruct the City representative to ask the Board of Directors for

SME's records retention policy as noted on its IRS 990 form. Mr. Dolman reported that since City officials will be involved in this meeting, he will try to attend that meeting in Billings.

Mayor Winters asked the City Manager and City Attorney to address what is happening this weekend with City staff.

City Manager Doyon responded that months ago he requested a slide show from Southern that he never received. He will make an attempt to try to ask for the information Mr. Dolman is seeking again. Mr. Doyon informed Mr. Dolman that he recommended to the Commission that it not send representatives to Billings to attend this meeting. The Commission has not seated itself yet as the ECP Board of Directors, and there is much to discuss before sending representatives to attend those meetings. In particular, it needs to be determined who the appropriate people are to send and what the expected duties of those representatives will be. Again, there are issues on how to communicate back the items that are on Southern's agenda and board packet material. He wants to make sure the Commission has an opportunity to think strategically how it wants to proceed from this point forward.

City Attorney Santoro concurred. He added there are a lot of issues that need to be looked into, and he needs time to conduct a review to provide legal advice.

Mr. Dolman thought it would be best to hold off his request until the next ECP Board meeting.

Mayor Winters added that the Commission is working with City staff, will have the openness the public is seeking, and will have resolution.

#### **Open meetings.**

**5B. Richard Liebert**, 289 Boston Coulee Road, referred to Montana Code Annotated, Title 2, commenting that the public has a right to attend meetings when public funds are involved. He noted that prior Commissioners and City staff members knew there would be no RUS funding in the fall of 2007. He also discussed the ECP Board not performing a risk analysis and the PSC lawsuit. He commended the Advisory Commission on International Relationships for inviting the Russians. Mr. Liebert reported on a luncheon he attended on Energy Security, Climate Change and National Security.

#### **West Bank, Downtown Loan Fund, JLUS and Economic Summit.**

**5C. Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, reported that the GFDA approved an additional \$125,000 for demolition to support the Staybridge/West Bank development. The first downtown loan for \$100,000 was also approved for a \$1.3 million dollar renovation project. Mr. Doney also discussed the [greatfallsprospector.com](http://greatfallsprospector.com) site selection website and that it is up and running. He thanked the City, County and Malmstrom staff for kicking off the Joint Land Use Study this

afternoon. Mr. Doney announced that the Economic Summit scheduled for next week has been postponed and will be rescheduled in the spring.

**Little Shell Tribe.**

**5D. Robert Rudeseal**, introduced himself as the newly elected Secretary/Treasurer for the Little Shell Tribe. He invited everyone to attend the swearing-in ceremony at the Moose Lodge, March 20, 2010, at 11:00 a.m. Mr. Rudeseal thanked the City for its support in the Tribe's quest for federal recognition.

**Southern's meeting.**

**5E. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, disagreed with the City Manager's and City Attorney's opinion not to send a City representative to attend Southern's annual meeting. Mr. Gessaman inquired about the deadline to apply for the openings on the Advisory Commission on International Relationships, and the time of the meeting in Billings on February 19<sup>th</sup>. Ms. Balzarini and Mr. Doyon responded they did not know the exact time of the meeting.

An unidentified speaker commented that the SME meeting will be on the record as far as the stockholder's meeting. The City will receive a copy of everything that is said and does not need to send a representative to the meeting.

Mayor Winters responded that not attending said meeting was a decision made jointly.

City Clerk Lisa Kunz noted that the information to apply for an opening on the Advisory Commission on International Relationships was on the City's website.

**EPA update, Social Security Office location.**

**5F. John Hubbard**, 615 7<sup>th</sup> Avenue South, inquired and was informed that there was no new information from the EPA regarding the Weissman property. Mr. Hubbard complained about the location of the Social Security Office. Fiscal Services Director Coleen Balzarini clarified that the bus route was modified so there is access via the bus to the Social Security Office.

**Sunshine Week.**

**5G. Kathy Gessaman**, 1006 36<sup>th</sup> Avenue South, commented that it was Sunshine Week and was happy with Judge Phillips' recent Order.

**City election, medical marijuana, upcoming events.**

**5H. Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, again congratulated Mayor Winters for winning the election. He encouraged the City to keep the public informed regarding the medical marijuana issue. Mr. Witsoe reminded everyone about the St. Patrick's Day parade, C.M. Russell Art Show and the car show.

**PUBLIC HEARING****Res. 9874. Adopted.****6. RESOLUTION 9874, ESTABLISHING WATER, SEWER AND STORM DRAIN UTILITY SERVICE RATES EFFECTIVE APRIL 1, 2010.**

Public Works Director Jim Rearden reported that the proposed rates were presented at the January 19, 2010, Work Session. At the Commission meeting later that evening the Commission amended the proposal and set the public hearing date for February 16, 2010. Public notices were mailed and published. The notices regarding the rates contained an error. At the February 16<sup>th</sup> meeting, the public hearing was vacated and rescheduled for March 16, 2010. Proper notices have been resent. The proposed new rates would take effect April 1, 2010. Mr. Rearden discussed capital improvement programs, regulatory requirements, debt payments and maintaining adequate reserves. If approved, the average residential utility bill will increase approximately \$2.30 per month. Even with the proposed increase, the City of Great Falls has the lowest combined rate of the seven largest cities within the state.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9874 were:

**Charles Henry**, 3920 17<sup>th</sup> Avenue South, discussed the average income of Great Falls residents and the current state of the economy. He urged the Commission to keep the prices down.

**Bill Boland**, P.O. Box 7273, discussed his dissatisfaction with City staff for the time involved to cut down a tree in his neighborhood last summer and, more recently, a City road grader attempting to bust up ice next to a curb when it was 50 degrees outside. He was perplexed how the City is spending its money and is therefore opposed to any rate increases for any taxpayers. He also expressed that the Mayor should not be discussing his eating habits during Commission meetings.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed the recession, his set income and opposition to Resolution 9874.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, requested when the Malting Plant contract comes up for renewal, that it pay the same rate as other commercial users.

Written letters of opposition were received from: **Howard Clodfelter**, 2121 1<sup>st</sup> Avenue SW; **L. Gebhardt**, 513 51<sup>st</sup> Street South; **K. Korell**, 1409 1<sup>st</sup> Avenue North; and **Joe Fetta**, no address provided.

No one spoke in support of Resolution 9874.

Mayor Winters closed the public hearing.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9874 Establishing Water, Sewer and Storm Drain Utility Service Rates to include increases of 5%, 7.5% and 0% respectively to become effective April 1, 2010.**

Motion carried 4-1 (Mayor Winters dissenting).

### **OLD BUSINESS**

**Alternative South Arterial Alignment route endorsed for further study and, based on that alternative alignment, endorsed moving to the next step in the transportation planning process.**

#### **7. SOUTH ARTERIAL ALIGNMENT STUDY, 2009.**

Senior Transportation Planner Andrew Finch reported that the item before the Commission is a recommendation by the Great Falls Planning Board to concur with the South Arterial Alignment Study conclusions and recommendations, and endorse moving to the next steps in the process, which includes a financial analysis, formal environmental study and a more detailed design. Mr. Finch provided background information regarding the project from 1994 to the present. The Policy Coordinating Committee (PCC) will consider the alignment study conclusions and recommendations following City Commission action, and will determine future direction and action on the project.

Commission Burow commented that, if the Commission moves ahead with the recommendation, it will still be years before seeing results. Mr. Finch responded that the environmental process could take many years to complete. It was the hope that the pre-environmental process would focus the community to come up with one or more preferred alignments. The study proposes the red alignment.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission not concur in the South Arterial alignment study conclusions and recommendations to the extent of the recommended red alignment and, in the alternative, that this Commission endorse an alternative alignment for further study which he has nominated green alternative 1 and, based on that alternative alignment, endorse moving to the next step in the transportation planning process.**

Commissioner Bronson commended everyone that has worked on this project throughout the last several years. He explained that his alternative motion was to propose an alternative concept that he thinks is worth further investigation before any final decisions are made. He does not believe the Commission should concur in the red alignment as it has been proposed, but to consider his "green alternative." He described the green alternative route that he is suggesting as not being exactly the same as the green alignment depicted in the alignment options. But it is a route that would travel easterly along Fox Farm Road, roughly corresponding to the red and green alignments as they appear. There would be bridge access across the

Missouri River. Under this alternative, the bridge and the route would run south of the current residential developments that are along and above 40<sup>th</sup> Street South, typically referred to as the Pearson Addition and the Prairie Ridge Estates areas. In his suggested alignment, the route would ultimately intersect with 40<sup>th</sup> Street or the Gibson Flats Road east of the current residential developments, and then traverse easterly and eventually northeasterly to the intersection of 57<sup>th</sup> Street. Commissioner Bronson's vision of this, contrary to what has been recommended, is, at most, a 50 mph roadway with the idea that in some areas it might be even slower. His concept is that there will be no commercial construction or development allowed along this pathway with the possible exception of small light commercial at the controlled access points – 13<sup>th</sup> and 26<sup>th</sup> Streets. He also suggested that, to the maximum extent feasible, existing rights-of-way should be utilized. He also envisions bike trails, trees, shrubbery and signage.

Commissioner Bronson explained further that the reason he proposed this alternative was due to the fact that there has been a significant amount of residential development south along Fox Farm Road. He doubts those subdivisions will ever be annexed to the City of Great Falls. There are a lot of people that live out there that work in the City of Great Falls and utilize City services and streets. As time goes on his concern is that there will be significant congestion and public safety problems if there is not an alternative access for those people to get into the City of Great Falls.

He continued that there is an opportunity tonight to start a process as a community to think about what this broader, urban community will look like 10 to 30 years from now.

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

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

**Gene Thayer**, 220 40<sup>th</sup> Avenue South, inquired and was informed by Commissioner Bronson that the bridge in his proposal would cross the Missouri River close to the marina. Mr. Thayer liked that idea better than what the study shows. Mr. Thayer discussed several flaws in the study and doesn't believe it has any credibility. Mr. Thayer suggested that the best solution would be for the City and County governments and interested parties to figure out the best route with the least amount of impact on homeowners. Then, when monies become available, buy and establish the rights-of-way.

**Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, clarified that the Great Falls Development Authority does not have a position regarding the study. The Great Falls Area Chamber of Commerce also voted to not take a position on this study.

**Kelly Parks**, 525 40<sup>th</sup> Avenue South, disagreed with the study and opposed the route because it crosses her property. There is historical significance to the area as it is recognized as one of 11 most endangered historical sites by the National Land Preservation Trust. She doesn't believe the map accurately reflects that area. The study is outdated. She suggested a new study be conducted showing the current residences and subdivisions.

**Kerry Gray**, 2201 47<sup>th</sup> Avenue SW, stated that he is a highway contractor and jokingly commented that no one likes building roads better than he does. He suggested that the original feasibility study be looked at between the northern and southern arterial routes. There are huge flaws in the study. One problem is it left out Gore Hill and Emerson Junction interchanges. The study was also done before Exit 0, which now almost has as much traffic coming from the south area as Fox Farm Road does. According to the Highway Department, the money could be used to do an alignment study both ways. It is a bad project based on bad information. He suggested starting the north-south alignment study over.

**Ray Robinson**, 185 Highwood Drive, commented in the past 12 years he has seen the traffic quadruple from the City limits out to this area. Mr. Robinson discussed access from Gore Hill and safety issues in emergency situations. He discussed several roads and places to cross the river. He disagrees with comments made that truckers won't use the Gore Hill truck route. He suggested that a route be figured out to stop congestion.

**Jeff Ward**, Hallmark Homes, residing at 4505 12<sup>th</sup> Avenue South, commented that he is a builder working on the Prairie View development. He expressed opposition to the proposed route and bridge location, and discussed wildlife and environmental issues. He also stated opposition based on fiscal responsibility and maintenance of the road when it is completed. Mr. Ward noted that he left the last Planning Board meeting with the understanding that the Board didn't have enough information to make a recommendation, but didn't want to stop it, so the Board was going to leave it up to the City Commission. He also noted when he left the meeting at 5:30 it took him 9½ minutes to get home. He asked where the projected growth for Great Falls was going to come from to support this.

**Robin Baker**, 1518 11<sup>th</sup> Avenue South, discussed a conversation she had with County Commissioner Salina and comments made by County Commissioner Beltrone. She thinks truckers as well as cars will use the new route. She believes this is a prime opportunity to address the issue and a great chance to make a long range future plan because Great Falls is growing. Ms. Baker encouraged the Commission to endorse moving ahead with this action knowing that a final route is not part of the final action to keep the process going for future land development.

**Tom Robataille**, 5181 Fox Farm Road, encouraged the Commission to support Commissioner Bronson's suggestion and that more study be given



to where the route should be. All people affected have concerns.

**Roland Leitheiser**, 136 Sharon Drive, concurred with Commissioner Bronson. He commented that Upper River Road and 13<sup>th</sup> Street cannot handle 8,000 to 10,000 vehicles, and a study will have to be part of the project if it moves forward.

**Richard Liebert**, 389 Boston Coulee Road, concurred with the County Commission's vote not to move ahead, but commended Commissioner Bronson's thoughtful and innovative approach. He concluded that he would like to see the federal money used for public transportation and to repair potholes. The green route proposed by Commissioner Bronson bears some more study.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, noted that these trucks are bringing services to this town. If federal money is available, he suggested fixing the potholes.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that he didn't appreciate the City Planning Board passing this matter on to the City Commission.

**Phyllis Hemstad**, 931 1<sup>st</sup> Avenue NW, noted that when she was on the Planning Board there was a proposed Northwest Bypass being discussed, but there wasn't money at that time. She doesn't know why that route wouldn't be feasible because the industrial parks are located in the area.

**Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, recommended the Commission table this matter. He suggested consideration be given to the northern route. Mr. Witsoe concluded that the City Commission should vote no, since most of the road is in the County and the County voted no.

In response to comments made, Commissioner Bronson clarified that when the feasibility study was done seven or eight years ago, it was done in full compliance with Federal Highway Administration standards. At that time, a north arterial did not pencil out. There is nothing that prevents the community from addressing another north arterial study. He reminded everyone that a north arterial would be primarily designed to serve commercial and economic interests. Any north arterial, if it has to cross the Missouri River to the north, would include a bridge that would span a huge amount of territory and would probably be too costly. He also asked people to bear in mind that there is residential development going on south of Fox Farm and those people will need a better access route to the commercial areas of 10<sup>th</sup> Avenue South as well as the medical corridor.

**Kerry Gray**, 2201 47<sup>th</sup> Avenue SW, commented that he has the study, and a north bridge would be about 100 feet longer than a south bridge.

Written letters of opposition to the proposed South Arterial were received from: **George Gallagher**, 4701 Willowdale Lane; **Dave and Margie Maloney**, 704 Grizzly Drive; **Clarence and Allyce Overfelt**, 4970 Lower River Road; **Ron Elkin**, 2412 47<sup>th</sup> Avenue SW; **Margaret Gangner**, 4605 Willowdale Lane; **Daniel Rice**, 1901 Benefis Court; **Dale and Jeanne Pugh**, Ten Riverwood Lane; **Fred Olds**, 35 Comanche Trail; **Mike and Rita Linskey**, 2315 12<sup>th</sup> Street South; and **Kelly Parks**, 525 50<sup>th</sup> Avenue South.

One letter in support of the proposed South Arterial was received from **Russell Myers**, 1722 28<sup>th</sup> Avenue South.

Motion carried 3-1 (Commissioner Jolley dissenting; Mayor Winters abstaining).

Mayor Winters noted that he doesn't know enough about the matter to make an informed decision.

Mayor Winters called for a short recess at 9:30 p.m. The meeting reconvened at 9:35 p.m.

**Payment to Great Falls  
Tennis Assoc. Approved.**

**8. PAYMENT TO GREAT FALLS TENNIS ASSOCIATION.**

Park and Recreation Director Marty Basta reported that the Commission is being asked to approve or deny the payment in the amount of \$150,000 to the Great Falls Tennis Association (GFTA) from the Park Trust Fund. GFTA is interested in partnering with local, public and private entities to reinvest in public tennis courts. Specifically, resurfacing the eight existing City courts at the CMR facility and reconstruction of the Hurd tennis courts at Elk's Riverside Park. The GFTA offered to pay 50% of the cost of improvements through fund raising efforts if the City would pay a like amount. The GFTA also committed to further fundraising efforts to pay for ongoing maintenance of the CMR and Hurd tennis courts as part of their proposal. The Park and Recreation Advisory Board recommended approval of the GFTA request for \$150,000 from the Park Trust Fund for the project contingent on GFTA raising the matching \$150,000 required to complete the project. Since that time, the Great Falls School District approved an expenditure of \$150,000 as a match to City funds for the project.

**Commissioner Burow moved, seconded by Commissioner Bronson, the City Commission approve the payment in the amount of \$150,000 to the Great Falls Tennis Association from the Park Trust Fund.**

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.

**Fred Anderson**, Principal, Great Falls High School, 1609 39<sup>th</sup> Street South, spoke in support of the payment to the GFTA. He pointed out that 44% of the students at Great Falls High qualify for free or reduced lunch and discussed issues of priority being student needs and the current challenge of access for those students to the courts. He noted that tennis is not just a high school sport. It is a wellness issue that goes well beyond high school age community members. He also pointed out the economic impact the courts will create for Great Falls.

Principal Anderson introduced four student tennis players, Ellie Crum and Karch Lockerby from Great Falls High School, and Alex Martinez and Shelby Frieling from CM Russell High School. They all spoke in support and discussed their competitive disadvantage due to lack of availability of tennis courts to practice, the unsafe condition of the courts due to deteriorating surfaces, tennis being a great family activity and lifelong sport, as well as the benefits of hosting tournaments.

**Jim Wilder**, 2000 Centennial Drive, commented that tennis is a family, lifelong sport.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, thought it appropriate that the GFTA pay more for annual maintenance since the capital costs are being provided for by governmental bodies.

**Dave Crum**, 3324 13<sup>th</sup> Avenue South, representing the Great Falls Tennis Association, pointed out that the \$300,000 will resurface the courts at CMR and will build four courts at the Elks Riverside Park location. The GFTA is in the process of raising \$250,000 to add four more courts at the Hurd-Elk's Riverside Park location. The GFTA, School District, along with the City and other partners, will be contributing annually towards maintenance funds.

Motion carried 5-0.

## **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**Ord. 3048.** Accepted on first reading and set final reading for April 6, 2010.

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

Fire Marshal Doug Bennyhoff reported that in 2008 the City of Great Falls adopted the 2006 International Fire Code to maintain a parallel effort of code enforcement with the building department. Staff is recommending adoption of the 2009 International Fire Code as it is a companion code of the 2009 International Building Code currently used by the building officials and creates a seamless working relationship. He explained that, essentially, a building is built with the applicable building codes and

governed throughout its lifespan by the fire codes. Staff believes it is in the best interest of the community to keep the fire code current with the building code. Mr. Bennyhoff recommended that the Commission accept Ordinance 3048 on first reading and set final reading for April 6, 2010.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3048 on first reading and set final reading for April 6, 2010.**

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

Motion carried 5-0.

**Ord. 3050. Accepted on first reading and set final reading for May 18, 2010.**

**10. ORDINANCE 3050, AMENDING TITLE 13 OF THE OFFICIAL CODES OF THE CITY OF GREAT FALLS.**

Public Works Director Jim Rearden reported that the sewer ordinance has not been updated since 1985. In the ensuing 25 years, the Environmental Protection Agency (EPA) has made numerous updates and changes to the Code of Federal Regulations which affects the City's sewer ordinance. An audit of the Industrial Pretreatment Program in 2008 by the Environmental Protection Agency requires the City to update its sewer ordinance to align and comply with updates and changes to the Code of Federal Regulations. Through a detailed process, including a consultant, the EPA Region 8 Office, City Attorney's Office and City Clerk, the ordinance has been rewritten.

The EPA's protocol for updating a municipality's legal authority recommends first reading before the City Commission, and then the EPA formally approves the ordinance and submits a legal notice in the newspaper for a 30 day comment period. After the 30 day comment period, the ordinance will be submitted to the Commission for second reading.

Staff recommends that the Commission accept Ordinance 3050 on first reading, and set final reading for May 18, 2010.

**Commissioner Bronson moved, seconded by Commissioners Jolley and Jones, that the City Commission accept Ordinance 3050 on first reading and set final reading for May 18, 2010.**

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**

11. Minutes, March 2, 2010, Commission meeting.
12. Total expenditures of \$1,918,214 for the period of February 23 through March 11, 2010, to include claims over \$5,000, in the amount of \$1,704,854.
13. Contracts list.
14. Lien release list.
15. Accept proposed use of funds for 2010/2011 CDBG and HOME Program for inclusion in the Annual Action Plan and set public hearing for April 20, 2010.
16. Award contract in the amount of \$313,867 to Rocky Mountain Tree Care Specialists for the Tree and Stump Removal project.
17. Approve purchase of 72 Panasonic Tough Books, mountain hardware and additional software in the amount of \$298,263.
18. Approve Engineering Services Contract Amendment No. 3: Lift Station and Wastewater Treatment Plant Rehab Projects with NCI Engineering Co. in an amount not to exceed \$112,394. **OF 1374.5/.7**
19. Award contract to Kuglin Construction for the Northern Lights Reconstruction in the amount of \$273,710. **OF 1573**
20. Award construction contract for the Bay Drive Trail Phase II, contingent upon Montana Department of Transportation concurrence, to James Talcott Construction in the amount of \$788,009, including Additive Item 201; authorize the use of \$149,864 in Community Transportation Enhancement Program funds and \$23,229 in Storm Drain funds as match. **OF 1126.9**

**With a typographical correction to Item 11, Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the Consent Agenda as presented.**

With regard to Item 11, under 1B, Commissioner Bronson noted the correct spelling of "Kessner."

**Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, with regard to Item 15, commented that he became aware when the agenda was published last week that an additional \$90,000 in CDBG funds had become available because of a carryover from a prior year. City staff has recommended that said monies be put into public facility. Mr. Doney emphasized that a priority should be to create jobs. He pointed out that other cities and the state use CDBG monies from a flexible fund so that when an opportunity presents to create good jobs and benefits money is available. The Agri-Tech heavy industrial park could also use these funds. Mr. Doney commented that the demand for funds is great. He believes the City will go into a tighter budget spiral if it doesn't invest in things that will leverage private investment, from a tax base standpoint and job standpoint. He concluded that most cities rely on a heavy industrial tax base to subsidize the loss on the residential tax base.

Commissioner Bronson commented that it was his understanding that by approving this item on the consent agenda tonight was essentially doing the equivalent of a first reading. After the public hearing on April 20, 2010, if the Commission wishes to set a different set of priorities for the use of those funds, it can do so.

Planning and Community Development Director Mike Haynes responded that it was his understanding this would be the final City Commission action on approving the funding plan for the 2010/2011. The upcoming public hearing will be to discuss the consolidated plan and will solicit the Commission's input on prioritizing future CDBG and HOME funds.

CDBG Administrator Chris Imhoff responded that a combined hearing will be held on April 20, 2010, on the annual allocation and the five year consolidated plan. The consolidated plan containing the annual action plan will be out for public review April 1-30, 2010. The Commission could still alter its allocation following the hearing. In response to the comments made regarding the carryover money going for public facility, Ms. Imhoff commented that a year ago the Commission set aside 35% of the annual allocation for public facility. The bids for the projects came in below the expected amount resulting in a savings. Her logic was to put the \$90,000 into public facility for HUD reporting purposes. She disagreed about the flexible fund noting that it was not provided for in the regulations, nor was it included on a HUD matrix.

Commissioner Bronson commented that he believes that answers his questions. He was concerned because the Commission has not been through all the application requests. Although the Commission traditionally followed the recommendation of the CDC, this Commission may make different recommendations.

City Manager Greg Doyon asked if the additional \$90,000 of the left over appropriation went back through the CDC for a recommendation or was it allocated by staff.

Ms. Imhoff responded it did go back through the CDC.

Mr. Doney disagreed with Ms. Imhoff and concluded that HUD regulations do allow the flexible program.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, discussed the second page of Agenda Report for Item 17. Chief Grove responded that was a typographical error.

With regard to Item 11, Mr. Gessaman withdrew his wife's compliment to the Commission at the last meeting. Secondly, he asked if the Mayor was putting to use the Staff Officer's Guide book that he was given during the last meeting and if he would be returning it to its owner. Mr. Gessaman

requested a report from Mayor Winters regarding his attendance at the Mayor's Academy. He also noted that the discrepancy in the minutes posted on the web was corrected.

Mayor Winters requested that staff clarify whether public comment was required on all agenda items.

Commissioner Jolley commented that there were times in the past when there wasn't public comment, and it created problems.

City Clerk Lisa Clerk added that any item of significant public interest requires public comment before the Commission takes action.

Commissioner Bronson added that, in accordance with an Attorney General's Opinion, public comment is required even on items on the consent agenda.

Mayor Winters commented he stands corrected, but would limit nitpicking.

Commissioner Jolley responded nitpicking is what the City Commission expects at Commission meetings.

Motion carried 5-0.

## **CITY MANAGER**

### **21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon reported that he will be providing a detailed written report on his recent trip to Washington D.C. He and other members of the community met with the congressional delegation and discussed special appropriation requests. He also visited the Pentagon. The parties discussed community issues such as the accreditation issue with the levies and other military affairs. Senator Tester was here last Friday for a follow up discussion on the levy issue. Mr. Doyon believes the magnitude of the issues with certifying the levies is sinking in. Two senators have introduced legislation that will help clarify that the Army Corps of Engineers can, in fact, do certifications. They have formed a coalition with other senators to try to push the issue with the Army Corps and FEMA. Mr. Doyon also looks forward to working with the Commission on how to approach the issues with Southern. He mentioned he received a memo from Southern a couple of years ago that describes what the City can and cannot talk about and would share that with the Board.

**CITY COMMISSION**

**Commissioners Burow  
and Bronson appointed.**

**22. APPOINTMENTS, GREAT FALLS CITIZEN’S COUNCIL.**

Commissioners Burow and Bronson volunteered to serve on the Great Falls Citizen’s Council.

**23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters commended Chief Grove and thanked the police officer for attending the Commission meetings.

**ADJOURNMENT**

**Adjourn.**

There being no further business to come before the regular Commission meeting, **Mayor Winters adjourned the regular meeting of March 16, 2010, at 10:15 p.m.**

\_\_\_\_\_  
Mayor Winters

\_\_\_\_\_  
City Clerk

Minutes Approved: April 6, 2010