

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Bronson, John Rosenbaum, Mary Jolley and Bill Beecher. Also present were the City Manager, Assistant City Manager, Acting City Attorney, Directors of Community Development, Fiscal Services, Park and Recreation, Planning and Public Works, the Interim Library Director, Fire Chief, Police Chief and the City Clerk.

NEIGHBORHOOD COUNCILS

**Swearing In Ceremony
of Neighborhood Council
Representatives.**

1. SWEARING IN CEREMONY OF NEIGHBORHOOD COUNCIL REPRESENTATIVES.

Mayor Stebbins swore in four more elected, as well as seven top vote write-in candidates, as neighborhood council representatives.

NC 6.

2. Carl Donovan, NC 6, introduced Catherine Avery, a new Sunnyside area neighbor in a home made possible by Neighbor Works. Ms. Avery discussed her fantastic experience with Neighbor Works and how delighted she was with her house.

PUBLIC HEARINGS

**CDBG and HOME
Grant/Consolidated Plan
Community Needs.
Public hearing
conducted.**

3. CDBG & HOME GRANT/CONSOLIDATED PLAN COMMUNITY NEEDS.

CDBG Administrator Chris Imhoff reported that the purpose of this public hearing was to allow citizens an opportunity to provide input regarding the city of Great Falls' community needs and how CDBG and HOME funds might be used to address those needs. Ms. Imhoff projected that the city will receive approximately \$978,000 in CDBG funds and \$457,000 in HOME funds from HUD for the 2010/2011 program year. These federal dollars are designated for use in the community for projects that primarily benefit low and moderate income persons, or to eliminate slum and blight. No action by the Commission is required tonight. Ms. Imhoff requested that the Commission consider the comments received when prioritizing and allocating the 2010/2011 CDBG and HOME grant funds.

Mayor Stebbins declared the public hearing open. Those addressing the City Commission were as follows:

Sheila Rice, Neighbor Works, 509 1st Avenue South, discussed a two year planning process of developing a program that would address housing needs in Cascade County and Great Falls. Focus groups reviewed data received

from several surveys regarding housing needs in the community. The Housing Plan Sub-Group has been working on a Comprehensive Housing and Community Development Plan for Great Falls to present to the City and County Commissions for consideration of adoption. Ms. Rice emphasized the need for affordable housing in this community. She also discussed other Neighbor Works projects including high school houses, a new student built house, home improvement program, Sunnyside Development, and future townhomes to bring the cost of housing down. She reported that a new project of Neighbor Works is working with other communities to help people who live in manufactured housing communities to form a cooperative to purchase and own the park, which will be known as resident owned communities (ROC).

Ms. Rice thanked CDBG Administrator Chris Imhoff for all of her help, and the City Commission for its longtime support of affordable housing and allocations of CDBG and HOME funds.

Kim Thiel-Schaff, Great Falls Development Authority, 300 Central Avenue, Suite 406, discussed two community needs of concern for GFDA. Last year, the GFDA started a new revolving loan fund with the CDBG allocation of \$50,000. Ms. Thiel-Schaff requested that the City Commission consider the same allocation this year to continue the revolving loan fund for economic development. Second, Ms. Thiel-Schaff respectfully requested that the City Commission consider utilizing a portion of the CDBG allocation to fund infrastructure economic development programs similar to what the Department of Commerce Small City Program allows.

Shannon Marr, Children's Museum of Montana, 22 Railroad Square, reported that the Board intends to apply for CDBG funds in the amount of \$5,000 for scholarships and \$28,500 for building renovations. Ms. Marr asked that the Commission consider this request that serves low to moderate income families.

Kris Kleinschmidt, Accessible Space, Inc., reported that she has worked with seniors and the disabled population in the Great Falls community for over 30 years. As such, on a daily basis she comes into contact with seniors or the physically disabled that desperately need affordable, accessible housing. There is a definite need for more housing in this community. There are 50 people on a waiting list for Southwinds Estates, 20 people for Meadowlark Apartments and 25 people for The Portage. Ms. Kleinschmidt thanked the City Commission for its consideration.

Kevin Hager, Great Falls Housing Authority, reported that there are currently 483 families on the Section 8 housing choice voucher and public housing waiting list. The Section 8 clients who have a subsidy voucher and are trying to rent in the private market are finding it very difficult to find quality housing. Some clients are turning their vouchers back in after not being able to find comparable housing. One Board member is a local principal who reported that he is seeing more and more families who are homeless. Mr. Hager requested that the City Commission look very

favorably at CDBG and HOME grant applications that would provide new quality, affordable housing for low to moderate income citizens of our community. He also thanked the City Commission for its past support.

There being no one further to address the Commission, Mayor Stebbins declared the public hearing closed.

Ord. 3047. Adopted.

4. ORDINANCE 3047, REPEALING TITLE 8, CHAPTER 7, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS.

Commissioner Bronson reported that the Montana Legislature adopted what is commonly referred to as the “Montana Clean Indoor Air Act.” It is designed to protect public health and welfare by prohibiting smoking in enclosed public places and places of employment. The DPHHS has adopted regulations for the purpose of carrying out the intent of the Act. Based on those legislative changes being largely inconsistent with the city’s smoking ordinance, the City Commission repealed most of the provisions of the ordinance, and adopted language prohibiting smoking within a minimum distance of 20 feet from entrances, exits, windows that open, and ventilation intakes.

Last month the Commission heard a presentation from the local tavern and entertainment industry expressing concerns that some of the provisions of this ordinance may be duplicative of the intent and effect of state law. There was also concern that enforcement of the ordinance might be problematic, and that this uniform distance requirement was unrealistic in many instances.

Commissioner Bronson further reported that, after conducting the public hearing, this Commission has the options of repealing the ordinance or deferring action until the new Commission is seated.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Ordinance 3047 were:

Barbara Bessette, 917 2nd Avenue North, Substance Abuse Prevention Coordinator for Gateway Community Services, commented that the Clean Indoor Air Act and the city’s ordinance provide for a clean and healthful environment. Ms. Bessette discussed the harmful effects of second hand smoke. In conclusion, she commented that Great Falls is a great example for the rest of the state. Smoking is not a right, but a clean environment is.

Donna Zook, 2718 Carmel Drive, reminded the Commission that employers are to provide a safe and healthy workplace both inside and outside the entrance of their buildings.

Tammy Mottott, 512 2nd Avenue South, provided a list of names of persons who smoke cigarettes. She agreed that everyone is entitled to clean air. However, she requested that smokers be treated fairly, not be alienated, and to come up with a compromise to the 20 foot rule.

Kathy Gessaman, 1006 36th Avenue NE, asked if anyone has been cited to date for violation of the 20 foot rule and was informed no. Ms. Gessaman provided articles regarding the harmful effects of outdoor second hand smoke.

Lora Wier, Choteau, MT, on behalf of the Montana Public Health Association, Ms. Wier commented that this Commission showed leadership when it passed the set back ordinance. It was a positive and progressive move. For the health of this community, Ms. Wier urged the Commission not to repeal the ordinance. She concluded that public safety and health should trump all other arguments.

Alicia Thompson, 3616 7th Avenue North, Health Officer for Cascade County, acknowledged the difficult position the Commission is in. The model ordinance ensures the health of the community. The people of Cascade County overwhelmingly want this ordinance, but she noted that enforcement is a challenge. She urged the Commission to consider the health of the community and not repeal the ordinance.

Caressa Hewitt, 4139 4th Avenue South, mother of three children, discussed a recent unpleasant situation her family experienced while attempting to patronize a local restaurant. She and her children had to hold their breath to access the building. She commented that she was not asking people to quit smoking, but to move over 20 feet so that her kids and others don't have to hold their breath and suffer. Everyone has a right to breathe.

Carolyn Horst, 3808 Poker Flats Road, reported that she is asthmatic. She discussed Joe's Bar being the sponsor of her volleyball team, but not being able to gather at Joe's with her team after the game due to the smoke in and directly outside the doorways. Since the Act went into effect, Ms. Horst commented that it is nice to go into an establishment with friends and not go home smelling like an ashtray. She encouraged the Commission to not repeal the ordinance.

Daniel Dust, 1401 5th Avenue South, commented that it is common courtesy for smokers to move 20 feet from the doors so that other people don't have to breathe smoke. Since the Clean Indoor Air Act went into effect, Mr. Dust witnessed a woman smoking inside a local bar. He concluded that lack of enforcement was a major problem.

Catherine Avery, 1700 20th Avenue South, commented that she grew up with chain smokers. She fell ill and was prescribed medicine that took one year to clear up away from smoke. She continues to have a reaction upon

coming into contact with smoke. Ms. Avery noted that the law was passed for good reason. The Commission should stand its ground and everything else will adjust.

Aart Dolman, 3016 Central Avenue, pointed out that the Chamber of Commerce and Tavern Association had three years to make changes before the Clean Air Act went into effect. It gives him pleasure to walk downtown and not see smokers hanging around the front of stores. He will not patronize a business if he has to walk through smokers. Mr. Dolman commented that most people are law abiding citizens. He suggested a gradual education process.

Al Recke, 609 33rd Avenue NE, commented that his sister was a smoker for many years and is currently dying from lung cancer. Mr. Recke noted that everyone knows smoking is bad. If enforcement is the problem, address it; don't go backwards. He urged the Commission to not change the ordinance.

Ron Gessaman, 1006 36th Avenue NE, believes that it is a small group of businesses pushing for this change. He doesn't believe the Commissioners that are in favor of this change have adequately addressed Ordinance 2956 that required designated smoking areas be at least 20 feet from a public building, and that the 20 foot rule is not about addressing the pedestrian walking down the street. Mr. Gessaman suggested that Central Avenue taverns that don't have enough space designate a smoking area or combined smoking area in the alley. Mr. Gessaman urged the Commission to not change this rule.

Those speaking in favor of Ordinance 3047 were:

Aaron Weissman, 315 4th Avenue North, commented generally about unenforced ordinances being worse than having no ordinance at all. Mr. Weissman noted that complaint driven ordinances and enforcement process creates a selective application of the laws.

Steve Gillespie, 3445 4th Avenue South, commented that he is a real estate agent and views this ordinance as a private property right issue. He suggested retaining the rule for public buildings, but allow a way for the tavern and entertainment businesses to utilize the rule if they wish. The citizens could then decide if they want to patronize the establishment or not.

Doug Palagi, 121 Riverview C, commented that he is a tavern owner and the 20 foot rule was not an issue until the Clean Indoor Air Act came into effect. He estimated that 75%-80% of his customers are smokers. Mr. Palagi would prefer that smoking not be allowed in front of primary entrances. However, he would like to provide a sheltered environment for his customers that smoke, but will not do so under the current laws and while compliance is an issue.

Ron Bennett, 1801 16th Avenue South, jokingly commented that the solution is five feet from a doorstep, or change the ordinance to make non-smokers stay 20 feet away from smokers.

Ronda Wiggers, 3208 2nd Avenue South, commented that the ordinance is confusing as to who would be cited for a violation, the business owner, property owner or smoker. The ordinance also doesn't mention who the enforcement agency is or what the penalty will be. She noted that 47 states have statewide smoking bans, and six of those have footage requirements. Ms. Wiggers concluded that there is no need for a blanket city ordinance that is hard to enforce.

Steve Malicott, President of the Great Falls Area Chamber of Commerce, read a written statement in support of Ordinance 3047. Mr. Malicott noted that existing state law adequately deals with infiltration of smoke into businesses, and that there is no need to add further regulation to the business owners in the community. The Chamber of Commerce respectfully requests that the Commission repeal Title 8, Chapter 7.

John Hayes, 619 Carol Drive, President of the Cascade County Tavern Association, commented that the CCTA is a meaningful and viable part of the community. Mr. Hayes read § 50-40-102, MCA, and the definition of enclosed public place. Mr. Hayes commented that, in his industry, 80% are smokers. When the Clean Indoor Air Act came into effect, those smokers had to go outside of the establishments to smoke. Mr. Hayes showed several pictures of people who were smoking in violation of the 20 foot rule. He concluded that common sense dictates repeal of the ordinance.

Jim Kizer, 764 33rd Avenue NE, Director of the Great Falls Rescue Mission, commented that he wasn't against the ordinance; he was just opposed to an ordinance that he couldn't legally enforce. His particular situation is that he has no place on the men's shelter side to move smokers that conforms with the 20 foot rule.

Robert Hafner, 1916 Mountain View Drive, R&R Casino Manager, commented that after the Clean Indoor Air Act came in effect, he had to have an employee pick up cigarette butts in front of the business several times a day. To contain the problem, he installed a smoking urn outside. Common sense on this issue is that business owners and managers can't control the way people smoke, all they can do is bait them away from where they don't want them in front of the front door. The 20 foot rule prevents them from controlling the problem.

There being no one else to address the Commission, Mayor Stebbins closed the public hearing.

Commissioner Beecher moved to table action on Ordinance 3047 until January 19, 2010.

Motion failed for lack of a second.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3047.

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

Commissioner Beecher explained that he is not in favor of repealing the existing ordinance. However, recognizing that there are enforcement issues that haven't been adequately dealt with, the existing ordinance could have been amended to make it a more common sense approach and address concerns discussed from both sides of this issue.

Commissioner Rosenbaum agreed, in principle, with Commissioner Beecher. Due to the enforcement problems and the cross-over between the Clean Indoor Air Act and the city's ordinance, Commissioner Rosenbaum suggested a re-write of the ordinance and a different set back scenario.

Commissioner Jolley commented that a couple of years ago she was surprised to learn that people couldn't smoke at an outdoor table of a Central Avenue business. At the time, she thought that the City ordinance applied only to City buildings.

Commissioner Bronson commented that he appreciates Commissioner Beecher's comments but, in this instance, believes that the solutions to the problems can be worked out by the individual business and property owners to address their particular circumstances and still comply with state law.

Mayor Stebbins commented that she is a passionate anti-tobacco person. However, she believes the only fair thing to do for the businesses is to repeal the 20 foot rule.

Motion carried 4-1 (Commissioner Beecher dissenting).

OLD BUSINESS

NEW BUSINESS

2008-2009 CAFR and Independent Auditor's Report. Accepted.

5. 2008-2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) WITH INDEPENDENT AUDITOR'S REPORT.

Fiscal Services Director Coleen Balzarini reported that the Comprehensive Annual Financial Report, commonly referred to as CAFR, for fiscal year 2008/2009 is presented for the Commission's consideration. The audit firm of Junkermier, Clark, Campanella and Stevens (JCCS) performed an independent review of the financial statements prepared by City staff. Ms.

Balzarini further reported that Loran Stensland, representing JCCS, will brief the Commission on the audit findings of the City as a whole, as well as the area of special emphasis for this year. The CAFR will be sent to the Government Finance Officers Association for review in regards to its content and readability. It is anticipated that the 2008/2009 CAFR will receive the certificate of achievement for excellence in financial reporting as it has since fiscal year 1994/1995.

Ms. Balzarini thanked the auditing firm of JCCS, as well as each of the City's departments for their assistance in the annual audit process, and for providing departmental information that is incorporated into the CAFR each year. She mentioned a special thanks to the Assistant Finance Director and the accounting division staff for the hard work and dedication to assembling the volumes of detailed information into the comprehensive document before the Commission tonight.

The CAFR was presented to the City's audit committee last week. The committee's recommendation to the Commission is to accept the CAFR as presented this evening. Copies of the CAFR are available upon request by contacting the Fiscal Services Department or a full version is available on-line at www.greatfallsmt.net.

Loran Stensland, JCCS, provided an overview of his firm's audit opinions and discussed the audit process. JCCS contracts with the City of Great Falls and the State of Montana. The State of Montana provides compliance requirements that JCCS is required to test as part of its audit process. He was happy to report that there were no State compliance findings with this year's audit.

Mr. Stensland commented that the CAFR is about a 200 page document, and that he would focus on an overview of the portion of the CAFR that JCCS provided. Mr. Stensland summarized the auditor's reports which concluded that there were clean audit opinions on the financial statements, and no findings or questioned costs of the administration of federal funds expended by the City of Great Falls. Additionally, he reported that eight different procedures were performed on the electric utility fund.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept the FY 2008-2009 Comprehensive Annual Financial Report (CAFR), inclusive of the Special Emphasis, and authorize staff to submit the related reports to other government agencies and financial institutions as necessary.

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

Commissioner Beecher commented that, as indicated, there were no new issues brought forward in this audit from the previous year. It shows that

the City has done an admirable job of managing finances the last fiscal year. One indication of that is that the general fund reserves were increased by approximately 850,000, or up to about 16%. The Commission's goal was 17%. The trend is very positive in accomplishing that reserve. In comparison to other cities locally and nationally, Commissioner Beecher pointed out that the City of Great Falls' debt level continues to be very low.

Commissioner Jolley commented that JCCS didn't perform an audit of Electric City Power. Mr. Stensland responded that she was referring to the independent accountant's report on applying agreed upon procedures. He added that the electric utility fund was included in the overall audit of the City's financial statements

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

Larry Rezentes, stated that he was a CPA residing at 2208 1st Avenue North. Mr. Rezentes read and provided a written summary of his comments.

Mr. Rezentes concluded that his view of the process is that the City engaging the auditors to perform a special emphasis was to justify its continued involvement in ECP. Mr. Rezentes challenged Mr. Stensland to debate the issues he raised.

In response to Mr. Rezentes, Fiscal Services Director Coleen Balzarini clarified that the electric utility fund is a major fund of the City. As such, it is subject to a heightened level of review during the audit process. In addition to that there was an area of special emphasis above and beyond what would typically be conducted during the audit process itself. She also noted that, at this point, there is no indication from Southern's own audit that the ability to recover the City's cash on deposit would not be a possibility in the future.

Richard Liebert, 289 Boston Coulee Road, inquired if the special emphasis review of ECP would be provided to Burns & McDonnell. He also asked if the auditors used Southern's 990 for 2008 in the examination. Mr. Stensland responded that it was not. Mr. Liebert asked if Southern's 990 document was available to the public for scrutiny. Ms. Balzarini responded that the 990 is required to be posted on Guidestar. At the time it is posted it will be available to the public. Otherwise, the request can be made to Southern.

Ron Gessaman, 1006 36th Avenue N.E., commented that he was unhappy with the agenda report. It noted that the auditors have no recommendations for FY 2008-2009, but the management letter referred to the status of prior year comments – non-compliance with Ordinance 2925.

Mayor Stebbins called a brief recess.

Travis Kavulla, 725 49th Street South, asked if the auditor's report of Southern was a public document and was informed it was not. He asked if Southern's auditor's report comments on the chances of Yellowstone Valley prevailing in the lawsuit. Acting City Attorney Chad Parker responded that he is not certain what the report states. Regardless of that, the matter cannot be discussed because it is being litigated at this point in time. Mr. Kavulla referred to a quote from Terry Holzer. It is problematic to him that no one can cross examine a considerable body of the evidence related to the electric utility fund.

Motion carried 5-0.

Transfer B.A.S.E. funds to the Central Montana Defense Alliance. Authorized.

6. TRANSFER B.A.S.E. FUNDS TO THE CENTRAL MONTANA DEFENSE ALLIANCE (PERATING UNDER THE GREAT FALLS AREA CHAMBER OF COMMERCE).

City Manager Gregory T. Doyon reported that in 2004 as Great Falls prepared for a Base Realignment and Closure round, it generated \$251,000 in contributions to finance efforts to support the ICBM mission at MAFB and convert the MANG flying mission to an F-15 squadron. Originally, the BRAC funds were managed by a steering committee. After the BRAC round, it was transferred to a group appointed by the Commission. On April 13, 2009, the Great Falls Area Chamber of Commerce announced the formation of the Central Montana Defense Alliance. The new Alliance will support existing organizations and mission retention and expansion in the region. The new CMDA Board is comprised of almost the same representatives of the B.A.S.E. Board. The Chamber of Commerce is asking that the remaining funds held in trust be transferred for their utilization.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission authorize the City Manager to transfer the remaining B.A.S.E. funds from the City's custody to the Great Falls Chamber of Commerce for use by the Central Montana Defense Alliance.

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

Motion carried 5-0.

Revolving Loan Fund Agreement between the City of Great Falls and Great Falls Development Authority. Approved.

7. REVOLVING LOAN FUND AGREEMENT BETWEEN THE CITY AND GREAT FALLS DEVELOPMENT AUTHORITY.

Fiscal Services Director Coleen Balzarini reported that the Revolving Loan Fund Agreement between the Great Falls Development Authority and the City occurs as a result of Commission action taken on August 18, 2009 authorizing the establishment of a revolving loan fund in the amount of

\$300,000. The source of this funding is the surplus funds from the now sunsetted tax increment district downtown. The agreement sets forth the terms and conditions under which the City will convey the \$300,000 over to the Development Authority for administration of the loan funds, as well as the requirements of the Development Authority.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission approve the Revolving Loan Fund Agreement between the City of Great Falls and Great Falls Development Authority and authorize the City Manager to execute the Agreement.

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

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

Daniel Dust, 1401 5th Avenue South, commented that he is the owner of Big Sky Sign Service. He expressed disappointment with the Community Development department and doesn't believe money should be going to GFDA until the enforcement issues are straightened out.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Res. 9873. Adopted.

8. RESOLUTION 9873, TO LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS ON PROPERTY ADDRESSED AS 2217 7TH AVENUE NORTH.

Fiscal Services Director Coleen Balzarini reported that typically there is an annual resolution to levy and assess properties for removal and disposal of nuisance weeds. In this particular instance, the property is for sale and the only way to attach the assessment and make it an obligation of the property is by approving this assessment. At the time of the sale of the property, the cost will be recovered.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9873.

Mayor Stebbins 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

9. Minutes, December 1, 2009, Commission meeting.
10. Total expenditures of \$1,380,917 for the period of November 19 through December 9, 2009, to include claims over \$5,000, in the amount of \$1,085,158.
11. Contracts list.
12. Approve final payment for the 3rd, 4th and 5th Avenues North water main replacement to Phillips Construction, LLC, and the State Miscellaneous Tax Fund in the amount of \$7,043.32. **OF 1571**
13. Approve Change Order No. 1 in the amount of \$1,950.11 and final payment in the amount of \$13,261.16 to James Talcott Construction, Inc. and the State Miscellaneous Tax Fund in the amount of \$133.95 for the Water Treatment Plant Backwash Clarifier modifications. **OF 1519.3**
14. Approve Change Order No. 1 in the amount of \$56,072.81 and final payment in the amount of \$71,956.43 to ABC Roofing and the State Miscellaneous Tax Fund in the amount of \$726.83 for the Civic Center re-roof project. **OF 1525.1**

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Consent Agenda as presented.

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

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

Ron Gessaman, 1006 36th Avenue NE, requested an explanation for Item 10, payment #1 to Dorsey & Whitney for bond counsel services. Fiscal Services Director Coleen Balzarini responded that, at the time the HGS coal fired facility was no longer being considered for construction, the terms of the agreement with Dorsey & Whitney activated the need to repay. It will now be expensed out for the next 24 months.

Mr. Gessaman referred to the final payment made to Burns & McDonnell. He commented that several key specific deliverables were not addressed in their report and doesn't believe the payment is justified.

Motion carried 5-0.

BOARDS & COMMISSIONS

John Harding, Ron Kinder and William Roberts reappointed to the Great Falls Planning

15. REAPPOINTMENTS, GREAT FALLS PLANNING ADVISORY BOARD.

Commissioner Bronson moved, seconded by Commissioners Beecher

Advisory Board.

and Rosenbaum, that the City Commission reappoint John Harding, Ron Kinder and William Roberts to the Great Falls Planning Advisory Board for three-year terms through December 31, 2012.

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

Motion carried 5-0.

Rick Tryon reappointed and Jennifer Fritz and Michelle Marra appointed to the Mansfield Center for the Performing Arts Advisory Board.

16. APPOINTMENTS, MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission reappoint Rick Tryon to a three-year term through December 31, 2012, and appoint Jennifer Fritz and Michelle Marra to three-year terms beginning January 1, 2010, through December 31, 2012, to the Mansfield Center for the Performing Arts Advisory Board.

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

Motion carried 5-0.

Russell Motschenbacher reappointed and Charlie Bruckner, Richard G. Kavulla and William (Bill) Ramsey appointed to the Park and Recreation Board.

17. REAPPOINTMENTS, PARK AND RECREATION BOARD.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission reappoint Russell Motschenbacher for a three-year term through December 31, 2012, and appoint Charlie Bruckner, Richard G. Kavulla and William (Bill) Ramsey for three-year terms beginning January 1, 2010, through December 31, 2012, to the Park and Recreation Board.

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

Motion carried 5-0.

Ted Barnes appointed to the Police Commission.

18. APPOINTMENT, POLICE COMMISSION.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Ted Barnes to the Police Commission to fill the remainder of a three-year term beginning January 1, 2010, through June 30, 2012.

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

Motion carried 5-0.

Lee Ebeling and George Golie reappointed to the Electric City Power Board of Directors.

19. REAPPOINTMENTS, ELECTRIC CITY POWER BOARD OF DIRECTORS.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission reappoint Lee Ebeling and George Golie to the Electric City Power Board of Directors for six-year terms through December 31, 2015.

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

Commissioner Jolley commented that she was not going to vote for reappointments and would urge the Commission to, alternatively, re-advertise.

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

Richard Liebert, 289 Boston Coulee Road, read a portion of Resolution 9484. Mr. Liebert suggested that a six year appointment is too long and inappropriate. He discussed the recommendations of the consultants and that appointments now would hamper the efforts of the new commission. Mr. Liebert believes the ECP Board to be ineffective to date.

Travis Kavulla, 725 49th Street South, believes it would be wise to table this item. Mr. Kavulla noted that the Commission has deferred all other ECP related business until the new commission is seated. He also thinks there should be more diversity of opinion on the Board.

Jeff Monheim, 3709 20th Avenue South, requested that the Commission table this item for the new commission to consider these appointments in January.

Aart Dolman, 3016 Central Avenue, referred to the last Commission meeting and noted that acceptance or rejection of the Burns & McDonnell report was deferred until the January meeting; the same issue was discussed at the last ECP Board meeting. Board appointments are premature until the recommendations of the consultants are considered.

Roger Norgaard, 221 Glenwood Court, questioned the wisdom of reappointing Mr. Golie and Mr. Eberling to the ECP Board. He believes the voters of Great Falls have spoken for change and these appointments should be left to the new commission. The consultants' report first needs to be looked at by an unbiased panel.

Neil Taylor, 3417 4th Avenue South, highly recommended that this item be deferred to the new commission, as all other recent ECP business has been.

Larry Rezentes, 2208 1st Avenue North, commented that he is a CPA and that he hasn't seen the ECP Board do anything that he would expect a profit making entity to do. Given the problems of ECP, he doesn't believe the current ECP Board has fulfilled its responsibilities.

Michael Winters, 2609 6th Street NW, commended the Commission for its years of service to the community. Mr. Winters respectfully requested that the reappointments be tabled until the new commission is seated based on the reality of a six year appointment. He provided an example that if three mayors chose to serve one term, there would be the continuity of the ECP Board greater than the City Commission.

Ron Gessaman, 1006 36th Avenue NE, believes these appointments should be tabled until the next commission is seated and until the Burns & McDonnell report is considered. Mr. Gessaman noted that, since all persons were eligible and interested in reappointment, the appointments were made this evening without readvertising. He suggested that the next commission adopt a policy that no reappointments be made without members reapplying.

Daniel Dust, 1401 5th Avenue South, discussed a negative situation he experienced when applying for the Sign Board.

Fred Burow, 1926 21st Avenue South, requested that the Commission table this matter until the next meeting. He explained that the incoming mayor and commissioners need to first work through the recommendations of the Burns & McDonnell report.

John Hubbard, 615 7th Avenue South, commented that the Commission shouldn't reappoint people that already lost the City money.

Commissioner Bronson commented that the only issue before this body is the appointment of two individuals to a Board. The question of whether or not the Commission decides to continue with Electric City Power is a different issue. He sees no harm in reappointing two qualified individuals to sit on the ECP Board for however long the Board continues to exist.

Commissioner Rosenbaum and Mayor Stebbins concurred.

Motion carried 4-1 (Commissioner Jolley dissenting).

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon thanked all of the individuals that worked on the Comprehensive Annual Financial Report. Mr. Doyon told Mayor Stebbins and Commissioners Beecher and Rosenbaum that it has been a pleasure serving them. He wished them well. Mr. Doyon noted that this was also the last meeting of two senior department heads. He expressed a heartfelt thank you to Mike Rattray and Cheryl Patton for their years of service and dedication to the City of Great Falls.

Mayor Stebbins read Resolutions of Commendation, Appreciation and Gratitude to Michael R. Rattray and Cheryl Patton.

Sheila Rice also discussed Ms. Patton's 30 years of service and presented her with The Neighbor Works of America Certificate of Appreciation for Outstanding Service to the Community Development Field Award.

Ms. Patton expressed that this has been an incredible career. She thanked all five City Managers that she has worked for, as well as Mayor Stebbins and the other 10 Mayors that she has served. She commended the City Commissions for giving unselfishly to benefit this community. Ms. Patton also thanked the other 480 public employees that work to make this community a great place to live.

PETITIONS AND COMMUNICATIONS

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

Sign Ordinance.

22A. Daniel Dust, 1401 5th Avenue South, discussed an electrical inspection on an Old Navy sign 10 years ago. Mr. Dust also commented that there is an unsafe sign that needs to come down on 10th Avenue South.

ECP.

22B. Larry Rezendes, 2208 1st Avenue North, commented that he is a CPA. He discussed the potential shut down of Electric City Power and the potential for claims that would come into dispute, and the water credits and amounts recoverable from SME. With regard to the CAFR and Electric City Power, Mr. Rezendes emphasized that a special emphasis is not an audit.

PSC fine against ECP.

22C. Ron Gessaman, 1006 36th Avenue NE, discussed the PSC fine against Electric City Power for failing to have adequate renewable resources. He commented that ECP customers will ultimately pay the fine and that the city of Great Falls is the fifth largest ECP customer. He suggested the fine be contributed from City staff instead of taxpayers.

Incoming Commission.

22D. Michael Winters, 2609 6th Street NW, pointed out that the only thing the Commission done this evening by appointing two representatives to the ECP Board was give the impression that it is going to be business as

usual. He noted that the general public voted for change. He concluded that it isn't going to be business as usual with the next Commission.

Ordinances, lawsuits and accountability.

22E. John Hubbard, 615 7th Avenue South, discussed several City ordinances, ECP and HGS. Mr. Hubbard commented that for Christmas he is drafting his own lawsuit against the Weissman's. He also believes there should be an accountability law for all forms of government. Mr. Hubbard hopes the complexion of City government is a change for the good.

Positive events of this year.

22F. Karen Grove, 1816 1st Avenue North, reflected on events of this year. She reminded everyone that, because of the hard work of Neighbor Works, city of Great Falls and this community, there are several low income families in great houses that they helped build. Ms. Grove also discussed 10 people that she knows that had tragedies happen to them this year and how the generous people of this community came to their aid. Ending on a positive note, Ms. Grove commented "God Bless America, God Bless the city of Great Falls, God Bless the hard working people that keep the city running and the people that voice their opinions."

CITY COMMISSION

23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson recognized the departing Commissioners and Mayor and presented each with a plaque of appreciation. He spoke personal and kind words about how each one uniquely contributed to the City Commission and the city of Great Falls for the betterment of the community.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of December 15, 2009, be adjourned at 10:35 p.m., in honor of Assistant City Manager Cheryl Patton.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: January 5, 2009