

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona R. Stebbins, Bill Bronson, John Rosenbaum and Mary Jolley. 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, Interim Library Director, the Fire Chief, Police Chief, and the City Clerk.

PROCLAMATION: Mayor Stebbins read a Proclamation for YWCA Week Without Violence.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9866. Adopted.

2. RESOLUTION 9866, REMODEL TAX BENEFITS, 907 SMELTER AVENUE NORTHEAST.

Community Development Director Mike Rattray reported that approval of the resolution will allow for the taxes generated by this project to be added to the existing tax base over the next five years in increments of 20 percent each year.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9866.

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, inquired about County approval, and whether the School District was getting the right to approve this request. Mr. Rattray responded that the application provided by the Department of Revenue is a four part application. It only goes to the two local governing bodies. The City and County take action separately by resolution.

Mr. Gessaman asked if he was saying the School District has no say, and were they giving up their taxes? Mr. Rattray responded that the School District does not pass a resolution relative to this. Only the City and County mills are affected by approval.

Mr. Gessaman read section (1) of § 15-24-1501, MCA. His understanding of that section is that the School District is having taxes taken away and having nothing to say about this. In addition, he is concerned that the Resolution is not in accordance with State law because it does not contain a schedule. Mr. Rattray responded that this resolution has been passed since the late-1980's and has never had one returned by the Department of Revenue. The resolution meets all of the criteria of the DOR.

Mr. Gessaman also disagreed with staff's recommendation for adoption of Resolution 9866 for a remodeling tax benefit. He said the law doesn't say complete replacement of a building. He believes the City is stretching what is allowed under § 15-24-1501, MCA. He believes this to be similar to the issue about parliamentary procedure. He stated he may be laying out the groundwork for someone to sue this Commission. Mr. Rattray responded that this Resolution does comply with the statute in that this property was destroyed by fire and it is truly a reconstruction.

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

3. Minutes, September 15, 2009, Commission meeting.
4. Total expenditures of \$3,205,707 for the period of September 2-30, 2009, to include claims over \$5,000, in the amount of \$2,906,532.
5. Contracts list.
6. Award bid for Bay Drive Trail (Phase I) ARRA Project to United Materials of Great Falls in the amount of \$339,218.15. **OF 1306.5**
7. Approve the cancellation of unpaid checks over one year old.
8. Award construction contract to Paradise Fencing and Construction, Inc. in the amount of \$97,411,39 for the Water Treatment Plant fences, irrigation and lighting. **OF 1307.1**
9. Award construction contract to United Materials of Great Falls, Inc. in the amount of \$886,516.25 for Phase II – 7th and 8th Avenues South water main replacement. **OF 1515.1**
10. Award construction contract to Central Plumbing and Heating, Inc. in the amount of \$214,138,14 for the Grande Vista Storm Drainage Improvements. **OF 1520**
11. Approve final payment to Planned and Engineered Construction, Inc. and the State Miscellaneous Tax Fund in the amount of \$9,577.20 for the Sanitary Sewer Trenchless Rehabilitation. **OF 1566**

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

With regard to Item 7, Commissioner Jolley asked if the terms unclaimed checks and unreturnable bonds meant the same and was responded to affirmatively.

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

Ron Gessaman, 1006 36th Avenue NE, asked if the contract price on Agenda Item 5B was an increase from the previous year. Chief Grove responded it was an increase negotiated with the School administration for hours after duty that officers are employed to work. Mr. Gessaman asked what the percentage of increase was. Chief Grove didn't have that information in front of him.

With regard to Agenda Item 7, he noted that the list must be entered into the minutes of the City Commission proceedings. There was a similar item on the July 21, 2009, agenda, with the same notation. When he looked at the July 21st minutes, the list was not attached. City Clerk Lisa Kunz responded that, pursuant to statute, the list is attached to the written minutes. The personal information is not posted on the web.

Mr. Gessaman commented that this has been done twice in a three month period. He asked if there was a regular schedule and what was the dollar amount written off. Fiscal Services Director Coleen Balzarini responded that this listing of checks is from the court. The court has a separate checking account with regard to bonds that have been posted. It is a separate listing and so it has separate action taken on it. Typically, it is done once per year. The July agenda was for the master checking account for all the other City operations. The City attempts to contact the person of an outstanding check two times. The check will be canceled in the event the person comes in and did not cash the check. The City will reissue another check. She does not know what the total dollar amount is without doing some research.

Regarding Items 6 and 8, Mr. Gessaman commented he couldn't understand why the engineer's estimates were off by so much. Also regarding Item 6, he inquired what "one responsive bid was received" meant? He asked how many bids were received if only the responsive bid was listed. City Clerk Lisa Kunz responded that only one bid was received in response to the Invitation to Bid.

Motion carried 4-0.

BOARDS & COMMISSIONS

12. APPOINTMENT, BOARD OF ADJUSTMENT.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to appoint Jeffrey M. Foster to the Board of Adjustment to

**Jeffrey M. Foster
appointed to the Board
of Adjustment.**

a three-year term through September 30, 2012.

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

Motion carried 4-0.

**Charles Fulcher and
David A. Campbell
appointed to the Parking
Advisory Commission.**

13. APPOINTMENTS, PARKING ADVISORY COMMISSION.

Commissioner Jolley moved, seconded by Commissioner Bronson, to appoint Charles Fulcher and David A. Campbell to the Parking Advisory Commission.

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

Mayor Stebbins and Commissioner Jolley extended a welcome to the new members of the Parking Advisory Commission.

Motion carried 4-0.

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon reported that he received a notice of retirement from Cheryl Patton effective December 31st. Mr. Doyon extended his gratitude to Ms. Patton for her help in his transition. She will be deeply missed.

PETITIONS AND COMMUNICATIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

**Board appointments,
meeting attendance,
SME.**

16A. Ron Gessaman, 1006 36th Avenue NE, commented that he believes it behooves the people who are appointed to show up and be present when they are appointed. Mr. Gessaman referred to the minutes of the last Commission meeting and commented that no one spoke in support of or opposition to Resolutions 9849, 9850 and 9865. Again, he believes when a resolution is being supported by someone and being acted upon, the person should appear at the Commission meeting. Next, with regard to Mr. Hubbard's comments regarding a Supreme Court ruling, he referred to an October 1st *USA Today* article regarding the EPA now establishing rules to cut emissions at factories and power plants. Lastly, Mr. Gessaman read a

quote from a local blog regarding an SME cooperative's annual meeting. He asked if anyone could remember how many times Tim Gregori said that ECP's financing for the power plant was no problem.

**Upcoming projects/
Development.**

16B. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, reported that he just came back from an annual Economic Development conference and wanted to update everyone and share some good news: Rainbow Dam groundbreaking; City staff working with BNSF to make the Bay Drive extension of the River Trail happen; several Brownfield loan fund deals are in the works, including two downtown projects that he hopes to close on in the next few months; two downtown projects are in development, a restaurant in the Quality Inn, and Steve Alley has started on the other half of his Central Avenue building; the Holiday Inn Express broke ground, so Great Falls will have its first water park hotel; the Department of Energy approved the loan guarantee for the MADL; and, finally, he just closed on a loan with Ashlon, a company that partnered with Cascade County to test Canadian battery technology.

ECP's rate structure.

16C. Donna Zook, 2718 Carmel Drive, referred to a September 27th *Tribune* article regarding Huntley Cooperative. She inquired how much of a rate increase did ECP have in 2008 in comparison to YVEC.

Ms. Balzarini responded that ECP's rate structure was slightly different during the transition period into the blended rate. Those rate increases being referred to were the actual final blended rates that the cooperatives pay. ECP has a transitory rate, but would be similar to those percentages.

Ms. Zook requested a copy of the rates.

Ms. Balzarini answered that the 2009 rates are posted on the City's website.

Ms. Zook requested 2008 rates.

Ms. Balzarini responded the rates were not comparable in 2008. She explained that prior to January, 2009, ECP had a pass through rate. ECP was responsible for the fixed price of the contracts, plus any imbalance sales out into the market. There was not a fixed rate from Southern Montana. ECP was totally responsible for those blocks of power being provided from PPL through Southern Montana. Ms. Balzarini invited Ms. Zook to meet with her to get the information she is requesting.

**Written response to
accusations at prior
meeting.**

16D. Aart Dolman, 3016 Central Avenue, thanked Commissioner Beecher for sending him a letter in response to his request. He requested that, in the future, individual staff members in communication with the public be refrained by the Commissioners.

**Corrected NC 8 meeting
days.**

16E. Karen Grove, 1816 1st Avenue North, pointed out that the correct times for NC 8 meetings are the third Thursdays of each month at the Pre-

Release Center at 6:30 p.m., not the third Tuesdays, as reflected in the last meeting minutes.

CITY COMMISSION

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins thanked the anonymous poet who recently sent her mail.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the regular meeting of October 6, 2009, be adjourned at 7:40 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: October 20, 2009