

Regular City Commission Meeting

Mayor Pro Tempore Bronson presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the 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.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

Tourism Business Improvement District (TBID) budget and work plan. Approved.

2. **TOURISM BUSINESS IMPROVEMENT DISTRICT BUDGET AND WORK PLAN.**

Sandra Johnson-Thares, 808 5th Avenue North, reported that the 2009/2010 Tourism Business Improvement District budget and work plan is based on projected revenues of collecting the \$1.00 assessment per hotel room rented in the City of Great Falls.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or opposition to the 2009/2010 Tourism Business Improvement District budget and work plan.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Jolley, that the City Commission approve the 2009/2010 Tourism Business Improvement District Budget and Work Plan.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Use of JAG funds and MOU with Cascade County. Approved.

3. JUSTICE ASSISTANCE GRANT (JAG) FOR 2009/2010.

Police Chief Cloyd Grove reported that the Justice Assistance Grant is a yearly grant that provides law enforcement with the ability to purchase or contract for items that it is in need of that isn't covered in the budget. This particular grant is shared between the Great Falls Police Department and the Cascade County Sheriff's Office. A Memorandum of Understanding is required to perform the functioning through the Justice Department. This year the grant will be evenly split to pay for air cards for mobile data systems which allow for quicker data responses through the system.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or opposition to the use of the JAG funds.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept the recommendation of staff for the use of the 2009-2010 Justice Assistance Grant, and approve the Memorandum of Understanding with Cascade County for execution by the City Manager.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Sale of City property, Parcel A, NE1/4, Sec. 14, T20N, R3E, PMM. Approved.

4. SALE OF CITY PROPERTY, PARCEL A, NE1/4, SEC. 14, T20N, R3E, PMM.

Community Development Director Mike Rattray reported that the land under consideration is a 2.14 acre parcel of land located at the south end of River Drive, immediately south of the Warden Bridge. A formal bid opening was conducted on July 15, 2009. One bid was received from Double Bogey, LLC, in the amount of \$95,500. Mr. Rattray recommended that the Commission approve this land sale.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of the sale of City property.

Speaking in opposition to the sale of City property was **Ron Gessaman,**

1006 36th Avenue NE. For informational purposes, Mr. Gessaman referred to Agenda Report 17 from the last Commission meeting and inquired why the interested person was identified as Northern Vending, Inc. and this Agenda Report 4 identifies Double Bogey. Mr. Rattray responded that the letter expressing interest was from the people operating Northern Vending. When they submitted their bid, it was in the name Double Bogey LLC.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the sale of Parcel A, NE1/4, Sec. 14, T20N, R3E, PMM, Great Falls, Montana, to Double Bogey LLC in the amount of \$95,500.00.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded. He noted that sale of City property requires a four-fifths vote.

Motion carried 4-0.

Res. 9846. Adopted.

5. RESOLUTION 9846, LEVY AND ASSESS STREET MAINTENANCE DISTRICT.

Fiscal Services Director Coleen Balzarini reported that this Resolution is for an annual street maintenance assessment. The request is for a 5% increase. The funds will care for 372 miles of streets and alleys within the City of Great Falls.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or opposition to Resolution 9846.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9846.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Res. 9847. Adopted.

6. RESOLUTION 9847, LEVY AND ASSESS SPECIAL IMPROVEMENT GENERAL BOULEVARD MAINTENANCE DISTRICT NO. 3570.

Fiscal Services Director Coleen Balzarini reported that this Resolution is also an annual assessment for the General Boulevard District. There are about 15,000 street trees in the district. The assessment will raise slightly less than \$300,000, and there is no request for an increase this year.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners.

Commissioner Jolley discussed a call she received from a constituent who was concerned about the maintenance of the trees. He expressed that if the City charged more, then regularly scheduled maintenance could be performed. He also suggested privatizing those services.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or opposition to Resolution 9847.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9847.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Res. 9848. Adopted.

7. RESOLUTION 9848, LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.

Fiscal Services Director Coleen Balzarini reported that this Resolution requests a 10% increase for the annual assessment. There hasn't been an increase in this District for at least seven years. The assessment is used to provide the maintenance of the dedicated park land that runs throughout Portage Meadows.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of Resolution 9848. Speaking in opposition to Resolution 9848 were:

Kathy Gessaman, 1006 36th Avenue NE, inquired why the numbers were different for the projected revenue in Fund 268 than the numbers in this Resolution with the 10% increase. Ms. Balzarini responded that the way the

assessment is levied is a factor on the square footage. What the Commission is approving is a 10% increase in that factor. The projected budget may have included delinquent collections from previous years.

Ms. Gessaman inquired why the internal service charge increased from \$8,759 to \$10,000. Ms. Balzarini responded that it is for the actual maintenance of the property.

Ron Gessaman, 1006 36th Avenue NE, inquired why Fund 268 was projected to lose \$6,229. He commented that the reserves for the fund have been depleted, and it doesn't seem this Resolution covers the costs. The numbers seem bogus to him. He also inquired about the projection of investment earnings. Ms. Balzarini responded that the surplus funds were drawn down before increasing the assessment to the property owners. Cost are going up, as well as spending down the surplus. She further responded that she couldn't answer his question regarding the \$500 investment earnings.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9848.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Jolley asked if, procedurally, the Commission could move to adopt the Resolution with a change to increase the assessment to 15%. Acting City Attorney Chad Parker responded that it has to be accepted or rejected in the form it is presented. The Commission could make recommendations to staff to present at a later time. Commissioner Rosenbaum added that the Commission cannot take action on something the public didn't have notice of.

Motion carried 4-0.

**Res. 9831 and Ord. 3038.
Adopted.**

8A. RESOLUTION 9831, ANNEX TRACT 2 OF CERTIFICATE OF SURVEY 4591, LOCATED IN NE1/4, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST (LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF RIVER DRIVE NORTH AND 52nd STREET NORTH).

8B. ORDINANCE 3038, ASSIGNS ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT.

Interim Planning Director Bill Walters reported that Steel Etc. has moved its recycling and salvage business out of the downtown area to a site at River Drive North and 52nd Street North. Steel Etc. has petitioned to annex a

portion of its new site in order to obtain City services.

At the conclusion of a public hearing held April 28, 2009, the Planning Board passed a motion recommending the City Commission annex a 4.676 acre parcel owned by Steel Etc., and the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of I-2 Heavy Industrial district as provided in Ordinance 3038 upon annexation of subject parcel.

Following the public hearing this evening, Mr. Walters requested that the City Commission adopt Resolution 9831 and Ordinance 3038, and approve the accompanying Annexation Agreement.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

Speaking in opposition to Resolution 9831 and Ordinance 3038 were:

Stuart Lewin, 615 3rd Avenue North, opposes this annexation request because he doesn't believe it has been adequately considered by the Planning Board. He encouraged the Commission to be proactive in its relationship with the river for a clean and healthful environment. Mr. Lewin suggested that the Commission table this matter to consider attaching requirements to avoid long term problems. Mr. Lewin reported that he contacted DEQ regarding what degree it was considering the possibility of the industrial site affecting the aquifer. He was informed DEQ didn't have any program in effect that will consider that.

John Hubbard, 615 7th Avenue South, discussed his prior employers and commented that he was not impressed with the DEQ or EPA. He discussed appropriate ways to recycle so as not to contaminate ground water.

Speaking in favor of Resolution 9831 and Ordinance 3038 were:

Bob McIntyre, 3321 Arbor Way. Mr. McIntyre reported that he is a partner in the Steele Etc. operation. Steele Etc. is asking for annexation of approximately four acres. The remaining 14 acres is where the primary part of the salvage work will be done. For Commission consideration today is the four acres where the buildings are for City sewer and water services. He stated that Steele, Etc. is proud of the work it has done, and it has a new state of the art operation. Mr. McIntyre requested Commission approval.

Sandra Guynn, Chair NC 4, reported that the council unanimously approved recommending the annexation and rezone of this property at a meeting in December. The council continues to unanimously support this decision.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9831, and approve the Annexation Agreement, all pertaining to Tract 2 of Certificate of Survey 4591, located in the NE1/4, Section 4, Township 20 North, Range 4 East, Cascade County, Montana.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Jolley referred to the Planning Board recommendation on Page 4 of the Agenda Report to provide the appropriate easements traversing Tract 2 to accommodate existing and proposed public and private utilities, and inquired if that language needed to be included in the Annexation Agreement. Mr. Walters responded that was a condition of approval. Before the annexation documents are recorded, he will coordinate with Public Works to make sure easements are in place.

Commissioner Jolley referred to the Annexation Agreement language and inquired why the City agreed to not annex Tract 1 for 10 years. Mr. Walters responded that the language was negotiated between staff and the applicant. Realistically, he doesn't see too many additional annexations occurring in the area in the next 10 years.

Commissioner Rosenbaum discussed similar instances.

Mayor Pro Tempore Bronson noted that he doesn't believe anyone on the Commission is unmindful of the concerns Mr. Lewin expressed. When it comes to the environmental issues that Mr. Lewin raises, they are properly under the jurisdiction of the State of Montana or the federal government. For the City to discuss proposing additional conditions to an annexation request, he doesn't believe would withstand a legal challenge.

Commissioner Rosenbaum added that the closure of the existing facility and the new state of the art facility is something to applaud.

Motion carried 4-0.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3038.

Mayor Pro Tempore Bronson asked if there was any further discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS**

Ord. 3042. Adopted.

9. ORDINANCE 3042, AMENDING OCCGF TITLE 10, CHAPTER 30, PERTAINING TO ONE-WAY STREETS AND ALLEYS.

Public Works Director Jim Rearden reported that Ordinance 3042 pertains to a portion of 25th Alley NE, which extends from 6th Street NE to 8th Street NE. It is bordered on the north by 20 residences, and on the south by an open field adjacent to Wal-Mart. The alley has been plagued by speeding and excessive traffic volume for many years. Several years ago the City installed speed bumps and parking blocks to narrow the alley, which has helped, but the problem still persists. Mr. Fred Dahlman of 632 25th Avenue NE has circulated a petition to convert the alley to a one-way from east to west in an effort to divert most of the North Middle School traffic. He received signatures from 15 of the 20 residents, and also presented the issue to NC 3. Mr. Rearden requested that the City Commission consider approval of this Ordinance to convert the alley to a one-way.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3042 on final reading.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Jolley asked if people were speeding both ways down the alley. Mr. Rearden responded that the issue is that most people are trying to avoid the intersection of 8th Street and 25th Avenue NE. There is a lot of additional traffic from people shortcutting through the alley.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, was curious if there was a study done to determine which way the one-way should be. The way it is proposed seems wrong to him. Mr. Rearden responded that most of the traffic comes up 6th Street and shortcuts from west to east to North Middle School. Going from east to west will divert most of that traffic. Also, sanitation pickup is simpler going east to west.

Fred Dahlman, 632 25th Avenue NE, reported that he is the person that approached NC 3 regarding this situation. Mr. Dahlman discussed the problems and what the City previously installed in the alley. He explained that in December two individuals speeding down the alley took out 90% of his neighbor's fence and storage shed. There was lumber found under Mr. Dahlman's bedroom window and lumber over the house of the neighbor's where the fence was hit. These individuals were taken by ambulance to the hospital. He proposed making this alley a one-way from east to west for the reasons Mr. Rearden stated. People use the alley for a short cut. Mr. Dahlman discussed safety concerns of the people that use the alley to enter their garages, stepping out of their gates to empty trash, as well as their children and grandchildren. He understands that it will be hard to enforce. The neighbors have agreed to try to make this one-way work. He requested the Commission's favorable consideration.

Kathy Gessaman, 1006 36th Avenue NE, suggested considering a four-way stop be installed across from North Middle School. Mr. Rearden responded that, normally, a four-way intersection has to have fairly balanced traffic from each direction. There is much more traffic on 8th Street than on 25th Street. Ms. Gessaman commented that he may want to reconsider that because it is entering a school district from a 35 mph to a 25 mph zone. It may help people maintain that 25 mph speed limit.

Mayor Pro Tempore Bronson applauded Mr. Dahlman and his neighbors for working with the City, trying to come up with a solution and being good citizens.

Motion carried 4-0.

Ord. 3043. Accepted on first reading, and set a public hearing for September 1, 2009.

10. ORDINANCE 3043, TO REVISE THE DESCRIPTION OF THE BOUNDARY OF THE INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT.

Interim Planning Director reported that the City of Great Falls, through the adoption of Ordinance 3022 on November 5, 2008, enacted and approved the Great Falls International Airport Tax Increment Financing Industrial District. The Montana Department of Revenue, which is responsible for the certification of the Tax Increment Financing Industrial District, notified the City in May that the legal description for the International Airport Tax Increment Financing Industrial District was inaccurate. In addressing the issue over the past several weeks, the Airport's consultant, who prepared the original description of the boundary of the Airport Tax Increment Industrial District, worked with representatives of the Montana Department of Revenue and City staff to correct the description reflected by Exhibit "A" attached to Ordinance 3043.

Mr. Walters requested that the City Commission accept Ordinance 3043 on first reading, and set a public hearing for September 1, 2009.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3043 on first reading, and set a public hearing for September 1, 2009.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public, keeping in mind that a public hearing will be held September 1st.

Ron Gessaman, 1006 36th Avenue NE, referred to the agenda report where it noted that in addressing the issue the Airport consultant who prepared the original description of the boundary will be doing the work. Mr. Gessaman commented that the Airport Authority is a part of the City, and if it is paying this consultant again, then he is opposed to this consultant doing the work.

Motion carried 4-0.

Ord. 3044. Accepted on first reading, and set a public hearing for August 18, 2009.

11. ORDINANCE 3044, SOCIAL HOST ORDINANCE.

Acting City Attorney Chad Parker reported that this proposed Ordinance comes about as a result of the ineffectiveness of the State laws that are currently applicable in the context of minors in possession of alcohol. There are three primary statutes that address the issue: Endangering the Welfare of Children, Unlawful Transactions with Children, and Minor in Possession of Alcohol. Those statutes do not address the premise where the events are taking place. There is no accountability for the individuals who are holding that setting for the people who they know are going to consume alcohol at the location. Mr. Parker reported that there have now been 25 states that have accepted social host ordinances to attack this problem, as well as countless counties, cities and towns. Supplementary studies further attribute social host liability laws with decreased alcohol related traffic fatalities and impaired driving. He believes this Ordinance will attach liability to those individuals who knowingly provide a premise for those minor individuals who they know are going to be consuming alcohol. Mr. Parker requested that the City Commission accept Ordinance 3044 on first reading, and set a public hearing for August 18, 2009.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3044 on first reading, and set a public hearing for August 18, 2009.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Rosenbaum discussed the definition terms and phrases of premises, with or without permission, and knows or reasonably should have known. He commented that those phrases, when trying to hold the responsible persons responsible, has a tendency to be guilty before the process. Mr. Parker responded that without the phrasing, knowingly or reasonably should have known, the Ordinance would be unconstitutional. It is essential for the state of mind element in this Ordinance to make it a criminal charge. The reasonably should have known language will take into account past events at that location, the individuals who are involved there, the contact person who owns, leases or rents the location, and their knowledge base of that element of the offense.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, commented that he is also concerned with the reasonably should have known phrase, as well as the noted statistics. Mr. Gessaman read a portion of a publication from a California Inter-Agency Steering Committee and noted that “penalties that apply only when responsible adults know of an illegal conduct involving minors and alcohol all references to or should have known have been removed based on recent court rulings involving a San Diego County case.” With regard to the statistics, Mr. Parker responded that 25 states have enacted state law, but does not take into account the number of other states that have enacted ordinances at the county and city levels. The information that Mr. Gessaman discussed from California was what the actual challenge was about. His research was that California had not placed the knowingly or reasonably should have known language in the San Diego statute. The criticism that was posted on the web was prior to the information that we have now about the final case. The knowingly or reasonably should have known language is what is required.

Motion carried 4-0.

Ord. 3045. Accepted on first reading, and set final reading for September 1, 2009.

12. ORDINANCE 3045, CREATING TITLE 2, CHAPTER 51 OF THE OCCGF, ESTABLISHING A YOUTH COUNCIL.

Neighborhood Council Coordinator Patty Cadwell reported that a Youth Council has been a vision for three years. It materialized through a Weed and Seed strategy. A Youth Council has been in place for about one year. It came about by applications that Weed and Seed put out to the four high schools. Twenty-one applications were received, with four to six core members actively participating in the Youth Council. During the past year they have conducted surveys of their fellow high school students. They are compiling the results of that survey and will present that information to the Commission in the future. By a grant through Weed and Seed, they will be attending a Youth Leadership Conference in Chicago in the next few weeks. They are interested in and working on establishing a Youth Center in Great

Falls. They are also working on a video survey of residents of the north side and Black Eagle, which is part of the Weed and Seed site. The Youth Council will fall under the guidance of the Neighborhood Council Office and will exist similar to the Neighborhood Councils. Ms. Cadwell reported that there are many organizations in favor of a Youth Council. The Youth can learn as well as contribute to what happens in the City. Ms. Cadwell recommended that the Commission accept Ordinance 3045 on first reading, and set the final reading for September 1, 2009.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3045 on first reading, and set final reading for September 1, 2009.

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

Motion carried 4-0.

Res. 9854. Adopted.

13. RESOLUTION 9854, INTENT TO VACATE 30th STREET NORTHWEST.

Interim Planning Director Bill Walters reported that Paul Vanhorn has submitted a petition to vacate 30th Street NW, a stub, dead end, graveled roadway off of Central Avenue West. Mr. Vanhorn owns all three parcels currently abutting 30th Street NW. Mr. Walters requested that the Commission adopt Resolution 9854, setting a public hearing for September 1, 2009, when the final resolution vacating 30th Street NW, together with the involved Amended Plat, will be considered.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9854.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Jolley asked if the City was giving away the alley. Mr. Walters explained that when the City vacates an alley it reverts to the abutting owners.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

Res. 9856. Adopted.

14. RESOLUTION 9856 INTENT TO VACATE 4th ALLEY SOUTH WITHIN BLOCK 419, GREAT FALLS ORIGINAL TOWNSITE.

Interim Planning Director Bill Walters reported that the owners of the block accommodating the Meadow Gold Dairies facility have submitted a petition to vacate 4th Alley South between 3rd and 4th Streets South. The Dairy has loading docks that open up on the alley which oftentimes is blocked with truck trailers being loaded and unloaded. During a meeting on July 14, 2009, the Planning Board recommended the City Commission vacate the involved portion of 4th Alley South and approve the accompanying Amended Plat.

Mr. Walters requested that the Commission adopt Resolution 9856, setting a public hearing for September 1, 2009, when the final resolution vacating 4th Alley South, together with the involved Amended Plat, will be considered.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9856.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Jolley asked if the neighbors would be notified about the public hearing and was responded to affirmatively.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

Before proceeding to the Consent Agenda, Mayor Pro Tempore Bronson called a brief recess.

**Consent Agenda.
Approved.**

CONSENT AGENDA

15. Minutes, July 21, 2009, Commission meeting.
16. Total expenditures of \$4,618,629 for the period of July 16 - 28, 2009, to include claims over \$5,000, in the amount of \$4,364,884.
17. Contracts list.
18. Lien Release list.
19. Set public hearing for August 18, 2009, on the 2009/2010 Business Improvement District Budget and Work Plan.
20. Postpone award of construction contract for the 2009 CDBG Sidewalk Replacement until August 18, 2009. **OF 1565.2**
21. Postpone construction contract for the 2009 CDBG Handicap Ramps until August 18, 2009. **OF 1565.1**
22. Award construction contract to United Materials of Great Falls, Inc. for the Central Avenue – 7th to 9th Street Mill and Overlay in the amount of \$91,900. **OF 1573.2**
23. Award construction contract to Dick Anderson Construction, Inc. for the Coating Improvements at the GFWWTP and Lift Station #15 in the

amount of \$569,000. **OF 1374**

24. Approve Engineering Contract Addendum with NCI Engineering Co. for the Lift Station and Wastewater Treatment Plan Rehab Projects in an amount not to exceed \$137,870. **OF 1374.5**
25. Approve final payments to Treasure State Roofing and the State Miscellaneous Tax Division for the Wastewater Treatment Re-Roof Projects in the amount of \$8,434.75. **OF 1457.4**

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

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, pointed out a clerical error in the roll call of the minutes of July 21, 2009, in that the Library Director was present.

Mike Witsoe, 2612 1st Avenue South, wondered why Items 20 and 21 were being postponed. Public Works Director Jim Rearden explained that the funds have been approved in Washington, D.C., but we are awaiting state approval.

Motion carried 4-0.

BOARDS & COMMISSIONS

Final Amended Plat of Lot 3, Twilite Theater Tracts and accompanying Development Agreement. Approved.

26. **FINAL AMENDED PLAT OF LOT 3, TWILITE THEATER TRACTS AND ACCOMPANYING DEVELOPMENT AGREEMENT.**

Interim Planning Director Bill Walters reported that on July 7, 2009, the City Commission conditionally approved the Preliminary Amended Plat of Lot 3, Twilite Theater Tracts, an eight lot subdivision of a 7.5 acre parcel formerly occupied by the Twilite Outdoor Theater along Smelter Avenue NE. The involved property is presently zoned C-2 General Commercial district wherein commercial development has occurred on three of the proposed lots with five lots remaining to be developed.

On July 14, 2009, the Planning Board passed a motion recommending the City Commission approve the Final Amended Plat and accompanying Development Agreement.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission approve the Final Amended Plat of Lot 3, Twilite Theater Tracts and accompanying Development Agreement.

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

Motion carried 4-0.

27. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

28. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

29. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Pro Tempore Bronson opened the meeting to Petitions and Communications.

SME.

29A. Neil Taylor, 3417 4th Avenue South, commented that Executive Director Coleen Balzarini told the ECP Board members at the last meeting that SME Electric G&T had received a favorable bond rating. It was reported in the *Tribune* that John Rosenbaum essentially said the same thing. Mr. Taylor stated that he did a Fitch Rating search on the internet and it has no record of SME ratings. He asked if staff or the Commissioners could back up what has been publicly stated. Fiscal Services Director Coleen Balzarini responded that all she can tell him is that the information was conveyed when there were financial investors in attendance. She doesn't know why Fitch doesn't have it listed. It could have been from a number of other rating agencies. Mr. Taylor stated that Fitch Ratings is a clearinghouse for all the rating agencies. He recommended that staff and the Commissioners look into that to back up what has been told.

ECP.

29B. Kathy Gessaman, 1006 36th Avenue NE, inquired when the ECP consultants would be speaking to the public. Assistant City Manager Cheryl Patton responded that the press release went out today. The meeting will be at 7:00 p.m. on August 11, 2009, in the Gibson Room.

Animal Shelter.

29C. Donna Zook, 2718 Carmel Drive, commented that while campaigning, she has been asked about the status of the Animal Shelter. Assistant City Manager Cheryl Patton responded that City staff and the members of the planning committee for the Animal Foundation have been meeting regularly. They are working out agreements that will be brought back to the City Commission. Ms. Zook commented that she heard rumors that breaking ground on the Animal Shelter is scheduled for this autumn.

Ms. Patton responded that she believes that was the timeline the Foundation was planning. She hasn't heard any updates from the Foundation.

Proper Recycling.

29D. John Hubbard, 615 7th Avenue South, commented that he wanted to clarify that he wasn't against Steel Etc., or scrap yards, he was just saying keep it clean.

City Budget.

29E. Ron Gessaman, 1006 36th Avenue NE, discussed the budget that was passed several weeks ago. Mr. Gessaman believes it to be an unsustainable budget. He discussed revenues, expenditures and reserve numbers for: Fund 217 – Lighting District, Street District, Park & Recreation - Special Revenue, Portage Meadows, Community Development and Fund 281 – Permits. He also pointed out that various reports show that the operating cash flow in the general fund is down to 12%, and it should be at 17%.

CITY COMMISSION

30. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Beecher requested that staff prepare a brief description and response to the figures discussed by Mr. Gessaman's figures. He believes it to be a good, balanced budget. In response to a couple of points made at the last meeting regarding how ECP is reporting its activities, Commissioner Beecher again challenged those individuals to discuss those points with the City's auditors at the JCCS firm. He also commented that in the initial audit meeting last week, ECP was again designated for special emphasis and review by the auditors. In response to accusations that the Fiscal Services Director lied, Commissioner Beecher reported that, in reviewing the tapes that were being discussed by the individual making those allegations, those allegations are absolutely not true. He stated that there is a printout available at the City Clerk's Office that categorizes each point that was falsely made. Commissioner Beecher concluded that his nephew and family recently visited from San Diego. They attended the Children's Museum and could not speak highly enough of the activities and content in that facility. He expressed kudos to those individuals involved in the development and maintenance of the Museum.

Commissioner Rosenbaum thanked Shumaker Contractors, Joe Aline, Gene Shumaker and Bill Tamietti, and the Public Works and Engineering Departments for the fine job on the recently completed overpass, new bridge and landscaping. It is a credit to our community, and great addition to the trail.

Commissioner Jolley commented that she believed Mr. Gessaman was actively reading from the budget. She thinks he had the same reaction that she did reading it the first time. The City does spend from the reserves. There are enterprise funds that are barely adequate, which was the term used in evaluating five year financial trends. She commented that "it takes very

tough decisions to spend within our means” and she thinks the Commission is trying to get to that. There is no doubt to her that Electric City Power has lost many millions of dollars.

Mayor Pro Tempore Bronson acknowledged the services performed by Veolia Water North America. Veolia is under contract with the City of Great Falls to operate the Wastewater Treatment Plant. Veolia recently paid for two hours for the families of the 341st and Red Horse Squadron to enjoy the Electric City Water Park. He believes Veolia deserves special credit for doing something for these folks. It is also a reminder to all of us that we oftentimes acknowledge the people that are in the service to our country overseas, but we forget that they have families here at home that need our support as well.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the regular meeting of August 4, 2009, be adjourned at 8:53 p.m.**

Motion carried 4-0.

Mayor Pro Tempore Bronson

City Clerk

Minutes Approved: August 18, 2009