

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, Chief Prosecutor, Directors of Community Development, Fiscal Services, Park and Recreation, Planning and Public Works, Assistant Library Director, the Fire Chief, Police Chief, and the City Clerk.

PRESENTATION: Todd Carmichael announced that the Great Falls Lions Club is hosting Lions Family FunFest at Lions Park on July 11, 2009, from 11 a.m. to 3 p.m. The event is for the whole family. Mr. Carmichael thanked the Park and Recreation Department for all the help. He was hopeful there would be a good turnout to make it an annual event.

NEIGHBORHOOD COUNCILS

NC 8.

1. Karen Grove, NC 8, invited everyone to an ice cream social on July 15th at Memorial Park from 6:30-8:00 p.m. She also reported that there will be a chalk coloring contest for kids in the park.

PUBLIC HEARINGS

Ord. 3034. Public hearing conducted; City Commission action continued to July 21, 2009.

2. ORDINANCE 3034, TO ADD PROVISIONS FOR WIND-POWERED ELECTRICITY SYSTEMS TO THE LAND DEVELOPMENT CODE.

Interim Planning Director Bill Walters reported that Ordinance 3034, if adopted, will amend the Land Development Code to permit certain types of wind-powered electricity systems within the City subject to compliance with specified standards and conditions.

Mr. Walters explained that some of the key provisions of Ordinance 3034 are: (1) Size – Small wind-powered electricity systems are defined as having a rated capacity up to 100 kilowatts (kW). Large wind-powered electricity systems are defined as having a rated capacity over 100 kilowatts (kW) which are not allowed in the City; (2) Sites – Systems rated up to 10kW and having a maximum height of 80 feet are allowed in all residential zoning districts. Systems rated up to 100 kW and having a maximum height of 125 are allowed in all commercial, mixed-use, and industrial zoning districts; and, (3) Minimum setback – Minimum setback for systems 80 feet or less in height shall be 110% of the tower height. Minimum setback for systems more than 80 feet in height shall be 200% of the tower height.

The Ordinance also contains provisions pertaining to appearance and sound.

At the conclusion of a public hearing held March 10, 2009, the City Zoning

Commission unanimously passed a motion recommending the City Commission adopt the provisions contained in Ordinance 3034.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Ordinance 3034 was **Scott Palmer**, 122 23rd Avenue NE. Mr. Palmer disagreed with the setback rule and suggested looking at the way the turbines are manufactured instead.

Speaking in support of Ordinance 3034 was:

Keith Allen, Master Electrician and Business Manager for International Brotherhood of Electrical Workers Local 233 stated that the union supports this Ordinance as long as the permit section of the Code clarifies that the installation is subject to applicable building, electrical and mechanical permits. He believes it is important for the City to educate the community as to the need to have the wind-powered electricity systems constructed by licensed electricians. The work either needs to be done by the homeowner and inspected, or by a licensed electrical contractor. He further expressed that it is a violation of law for the homeowner to take out the permit and have someone else perform the work.

Ken Thornton, 31 Paradise Lane, stated that he was in favor of the Ordinance, except for the designated heights. He would rather see more safety in engineering requirements. Mr. Thornton pointed out that technology is changing rapidly. If the Ordinance is passed, he suggested it be revisited in six months to one year as the industry changes.

Ron Gessaman, 1006 36th Avenue NE, stated that he was not in support of or opposition to Ordinance 3034. He pointed out that Exhibit A, item 3 was confusing to him. Mr. Walters explained that not all electricity producing systems have turbines. In cases where there are turbines, height is measured to the highest point. In other instances, it would be the maximum height of the tower itself. Mr. Gessaman suggested that the paragraph be re-worded to state the maximum of either the tower or the tip of the highest piece of equipment.

Mike Witsoe, 2612 1st Avenue South, commented that he was in support of Ordinance 3034, but believes it needs some tweaking. Mr. Witsoe inquired if the permit process would require neighbor approval.

Mayor Stebbins closed the public hearing.

Commissioner Bronson explained that he has been researching this subject and finds it interesting that it is a significant issue in various parts of the country. There was some consensus about safety requirements and permitting noise, and no consistency about setbacks. He favored an Ordinance, rather than a review on a case-by-case basis, to avoid

inconsistent standards. His inclination is to continue the public hearing for at least two weeks, get additional input, and consider some amendments at the next meeting.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission continue the public hearing until the next regularly scheduled meeting of the City Commission for the purpose of acquiring additional information from interested parties and considering amendments to the Ordinance.

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

Commissioner Rosenbaum commented that the conditional use process works better in other instances. The Commission's charge here is public safety and welfare. He suggested that posting bonds be entertained. That way the company would be accepting responsibility.

Assistant City Manager Cheryl Patton pointed out that the Mayor had already closed the public hearing and the appropriate motion would be to continue action for two weeks.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to amend his motion that the City Commission continue taking any action on this matter until the next regularly scheduled meeting of the City Commission.

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

Commissioner Jolley commented that she was prepared to vote in favor of this Ordinance this evening. She attended the Planning Board meeting and heard the concerns about aesthetics. Commissioner Jolley believes the setbacks are not just for safety, but to make sure that it doesn't disturb the neighbors. She would prefer larger properties for the installation a wind-powered electricity system.

Mayor Stebbins concurred with Commissioners Bronson and Rosenbaum and that this matter warrants further research and discussion.

Commissioner Bronson requested those who have particular suggestions or amendments to the language submit them to the City Manager's Office so that they are available for all of the Commissioners to review.

Motion carried 3-1 (Commissioner Jolley dissenting).

Res. 9833. Adopted.

3. **RESOLUTION 9833, TO RE-CREATE A BUSINESS IMPROVEMENT DISTRICT WITHIN THE CITY OF GREAT FALLS.**

Fiscal Services Director Coleen Balzarini reported that this Resolution will re-create the Business Improvement District. It was originally created in 1989. State statutes require that it be re-created every 10 years. In order to do that, petitions of the owners within the district have to exceed 60%. The City received petitions from 72% of the owners. The notice of intent to re-create and this public hearing were published in the Tribune on June 5 and 12, 2009. Ms. Balzarini requested that the City Commission conduct the public hearing and consider this Resolution to re-create the district.

Mayor Stebbins declared the public hearing open.

No one spoke in opposition to Resolution 9833.

Speaking in favor of Resolution 9833 was **Sheila Rice**, 913 3rd Avenue North. Ms. Rice commented that the BID has done a lot of good for downtown and believes there is great opportunity lying ahead. She complemented the BID Board of Directors for personally collecting signatures. Ms. Rice urged the Commission's support of this Resolution.

Mayor Stebbins closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9833.

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

Commissioner Rosenbaum commended the BID for assessing themselves in this tough economic time. He has seen the list of accomplishments over the years and finds it incredible. It has been a positive part of downtown renovation.

Mayor Stebbins commented that she is fully supportive of the BID and its re-creation.

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

Labor Agreement with the Great Falls Police Protective Association. Approved.

4. APPROVE TWO-YEAR LABOR AGREEMENT WITH THE GREAT FALLS POLICE PROTECTIVE ASSOCIATION.

City Manager Greg Doyon reported that the Commission is being asked to ratify a labor agreement between the City and the Great Falls Police Protective Association. The term of the agreement is two years, from July 1, 2009 – June 30, 2011. Mr. Doyon discussed the issues that came up during negotiations and the major changes made to this agreement. He was pleased to report that they were able to conclude the negotiations in two sessions. Mr. Doyon expressed appreciation for Officer Gerhart's leadership on his team, as well as the City personnel that participated.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the labor agreement between the City of Great Falls and the Great Falls Police Protective Association, and authorize the City Manager to execute the agreement.

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

Motion carried 4-0.

Energy Consultant Proposal Awarded to Burns & McDonnell.

5. ENERGY CONSULTANT PROPOSAL AWARD.

City Manager Greg Doyon reported that this request is to engage the firm of Burns & McDonnell to perform a review of Electric City Power. Discussions have been ongoing over the past year to determine what the City's direction will be with ECP. It was also discussed at the budget work session, and at a work session to discuss the draft RFP. The desire of the Commission at that point was to hire a professional to help assess not only where the City is at with ECP and the relationship with Southern, but also where the City is going with this. Eight proposals were received in response to an RFP that was issued in April. Burns & McDonnell was ranked number one by the committee that was comprised of the City Manager, Commissioners Bronson and Jolley, and ECP Board members, Golie and Ebeling. The committee interviewed Burns & McDonnell via tele-conference and is making this recommendation. The engagement of that firm will be \$59,660. Mr. Doyon reviewed the scope of work and tasks to be completed. His expectation is that, after task 3, to take a look at their analysis. At that point there may be an alternative that is evident. After conferring with the City Commission, then the firm will proceed with task 4.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission authorize the City Manager to engage the firm of Burns & McDonnell to perform a comprehensive review of Electric City Power and offer recommendations regarding its future operations.

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.

Larry Rezendes, 2208 1st Avenue North, stated his position that the City of Great Falls has no authority to do anything other than shut down Electric City Power. Mr. Rezendes continued to read a several page statement.

Ron Gessaman, 1006 36th Avenue NE, asked where the money would come from in the current budget to pay for the consultant. City Manager Doyon responded that what he proposed to the Commission was utilizing funds from the City Manager's contingency fund. Mr. Gessaman asked what opportunity the public would have to interact with the consultant. Mr. Doyon responded that the firm indicated they wanted a process that was transparent and engage the parties that have concerns about the City's involvement. He is not sure how that will materialize. He will recommend that they have a session with interested members of the public to provide input when they interview Commissioners, staff and ECP Board members. Mr. Gessaman asked if the scope of work would be re-written. Mr. Gessaman believes this consultant has a conflict of interest and is opposed to the hiring of this particular consultant.

Mike Witsoe, 2612 1st Avenue South, discussed prior comments and called the Commissioners and ECP Board members incompetent people. He believes the contract will be filled with misinformation. Mr. Witsoe stated that he wanted to discuss the Soccer Park lease under the heading of "Old Business."

Ed McKnight, 906 3rd Avenue North, asked if the consultant would have access to the "secret box." Mr. Doyon responded that he conferred with City Attorney, Dave Gliko, and his opinion was that if Southern/SME do not allow access, that is their prerogative since they labeled it trade secrets. Mr. Doyon added that he doesn't believe it is critical for the long term decisions that need to be made. Mr. McKnight asked what the timeframe would be for the consultation to be completed. Mr. Doyon responded three months from the point of engagement. Mr. McKnight suggested that the results of an election in four months should be taken into consideration and could negate the need for a consultant.

Motion carried 4-0.

Request to submit an Application to DNRC modifying the City's water reservation 41 K 71890. Approved.

6. APPLICATION TO MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) MODIFYING THE CITY'S WATER RESERVATION 41K 71890.

Fiscal Services Director Coleen Balzarini reported that in March, 2005, a Raw Water Agreement was entered into with Southern Montana. That

agreement allows Southern Montana the use of 3,200 gallons per minute of the City's water reservation. The agreement also allowed the City to make and application to DNRC to move a point of diversion and place of use from its original location to where Southern Montana would need to access that water. Since that time there has been a request from Southern Montana's consultant asking the City Commission to authorize an application to DNRC to add an additional point of diversion. There is no request for additional water, nor is there a request for a reduction in the amount of water that was agreed to in the original contract. The reasons for the additional point of diversion are outlined in the consultant's letter. The costs associated with the request would be reimbursed by SME.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission approve the request to authorize Water Right Solutions to prepare and submit the application to DNRC modifying the City's Water Reservation 41K 71890 by adding an additional point of diversion, and authorize the City Manager to execute the application prior to submittal.

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

Commissioner Jolley asked Ms. Balzarini if the City would need to negotiate in any way with PP&L regarding this new point of diversion. Ms. Balzarini responded that there would be a public process. PP&L was initially contacted and didn't anticipate anything different than what was already agreed to. Commissioner Jolley commented that the Water Service Agreement was for a 250 mW coal plant. The PP&L negotiations performed by Harley Harris were still in the "secret box," so she was inclined to not vote for this. Ms. Balzarini responded that the outcome of the negotiations and what all the parties agreed to do is part of the agreement on file with DNRC. Commissioner Jolley concluded that perhaps she was remembering emails to Commissioners about SME that were not in the secret box.

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

Kathy Gessaman, 1006 36th Avenue NE, asked if the new diversion point was on PP&L land. It was her understanding that it needed to be hydraulically connected to its source on the Missouri River, and assumed it was a well on PP&L land. Ms. Balzarini responded that irregardless of where the water is drawn, authorization from DNRC is needed to make that draw. She doesn't believe it is on PP&L land. Ms. Gessaman reported that the application will be posted on the DNRC website, as well as under public notices in the Tribune.

Ron Gessaman, 1006 36th Avenue NE, asked where the new diversion point was that would belong to the City. Ms. Balzarini responded that it would be part of the application. Mr. Gessaman referred to PBS&J's letter

and opined that since SME was having approval problems with the Army Corps of Engineers, this was an attempt to circumvent the process. He finds it unusual that the City doesn't know where the new location is going to be since it is the City's water that is going to be diverted to the new location.

Mike Witsoe, 2612 1st Avenue South, agreed with the previous speakers' comments. Mr. Witsoe suggested holding off on this matter pending additional information.

Motion carried 3-1 (Commissioner Jolley dissenting).

Ord. 3038. Accepted on first reading and set public hearing for August 4, 2009.

7. ORDINANCE 3038, ASSIGN CITY ZONING TO A TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF RIVER DRIVE NORTH AND 52ND STREET NORTH.

Interim Planning Director Bill Walters reported that Steel Etc. is in the process of moving 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 the subject parcel.

Mr. Walters requested that the City Commission accept Ordinance 3038 on first reading, and set a public hearing for August 4, 2009, when the annexation documents will also be considered.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3038 on first reading, and set a public hearing for August 4, 2009.

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

Commissioner Rosenbaum commented that this was a great move and great for the City of Great Falls.

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

John Hubbard, 615 7th Avenue South, asked what was going to happen with the old yard that he believes to be toxic. Mayor Stebbins directed him to the owners of the property.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

Res. 9837. Adopted.

8. **RESOLUTION 9837, AUTHORIZING THE LOAN AGREEMENT WITH THE MONTANA BOARD OF HOUSING FOR \$20,516 TO FUND THE INSTALLATION COST OF FIVE (5) CITY-OWNED STREET LIGHTS IN WATER TOWER PARK ADDITION.**

Fiscal Services Director Coleen Balzarini reported that on February 3, 2009, the City Commission approved creation of the Special Improvement Lighting District. On June 2, 2009, the contract was approved for installation of the lights. There are five lights to be installed that are owned by the City. The cost will be reimbursed by the property owners within that lighting district. The source of money is a borrowing from the Montana Board of Investments in the amount of \$20,516.

Ms. Balzarini requested that the City Commission authorize the loan agreement.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9837.

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.

Kathy Gessaman, 1006 36th Avenue NE, asked if these lights would be the latest LED technology. Ms. Balzarini responded that this district is too small and is cost prohibitive.

Ed McKnight, 906 3rd Avenue North, asked if he heard the cost correctly that it would cost \$20,000 for five lights and was responded to affirmatively.

Motion carried 4-0.

Res. 9842. Adopted.

9. **RESOLUTION 9842, RESOLUTION RELATING TO \$750,000 WATER SYSTEM REVENUE BONDS (DNRC DRINKING WATER STATE REVOLVING LOAN PROGRAMS), CONSISTING OF \$416,300 SUBORDINATE LIEN TAXABLE SERIES 2009A BOND AND \$333,700 SERIES 2009 B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.**

Fiscal Services Director Coleen Balzarini reported that these were American Recovery and Reinvestment Act Bonds. As noted, a portion is a grant and a

portion is a loan. In order to receive the grant, the City was required to borrow the money at 1.75% for water distribution lines in need of replacement. The borrowing will fund the reserves that are necessary, as well as cost of issuance and construction. In order to enter into this debt, the City had to demonstrate that its fees were adequate to repay the debt and meet coverage required by existing bond resolutions. This ability was confirmed by JCCS under an independent review, as well as DNRC's initial review.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9842.

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

Motion carried 4-0.

Res. 9845. Adopted.

10. RESOLUTION 9845, ESTABLISH NATIONWIDE RETIREMENT SOLUTIONS ("NATIONWIDE") AS AN ALTERNATIVE DEFERRED COMPENSATION PLAN.

City Manager Greg Doyon reported that during the last collective bargaining session with the Firefighters Union, it was requested that the City consider allowing Nationwide to be used as the deferred compensation provider. The current agreement with ICMA was exclusive and will expire allowing the City to extend this option.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9845 to establish Nationwide as an alternative Deferred Compensation Plan.

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

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

11. Minutes, June 16, 2009, Commission meeting.
12. Total expenditures of \$4,884,738 for the period of June 11-30, 2009, to include claims over \$5,000, in the amount of \$4,463,189..
13. Contracts list.
14. Set public hearing for July 21, 2009, on Resolution 9838, Intent to Increase Property Tax, and Resolution 9839, Annual Budget Resolution.
15. Approve Change Order No. 1 for the Wastewater Treatment Re-Roof Projects to Treasure State Roofing in the amount of \$8,425. **OF 1457.4**
16. Postpone construction contract for the 2009 CDBG Handicap Ramps

- until July 21, 2009. **OF 1565.1**
17. Postpone construction contract for the 2009 CDBG Sidewalk Replacement until July 21, 2009. **OF 1565.2**
 18. Approve water meter equipment purchase for FY 2010 to Dana Kepner Co. of Billings in an amount not to exceed \$270,000.
 19. Approve final payment for the North Park Sewer Lift Station #27 replacement to Dick Anderson Construction, Inc., and the State Miscellaneous Tax Fund in the amount of \$10,975. **OF 1374.5.**

Commissioner Rosenbaum moved, seconded by Commissioners Bronson and Jolley, 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.

Kathy Gessaman, 1006 36th Avenue NE, inquired why the SME wire transfer was not included in Item 12. Ms. Balzarini responded the wire transfer was made and will be added to the next meeting's report. Ms. Gessaman asked if the cash on deposit to Southern on that report was a cumulative total or a monthly deposit. Ms. Balzarini responded that the \$5,000 report indicates the amounts of money sent out within that timeframe. The cumulative total is available on the Electric City Power financial balance sheet which is posted on the website each month.

John Hubbard, 615 7th Avenue South, stated his opposition to Item 14. Mr. Hubbard stated that he read that 53% of the people were in favor of the public safety mill levies and said the public has got to be stupid. He reported that he represents the poor people and they cannot afford it. Mr. Hubbard discussed deregulation, his lawsuit and why he is unemployed.

Ron Gessaman, 1006 36th Avenue NE, asked if there were any other items missing from the \$5,000 report.

Mike Witsoe, 2612 1st Avenue South, asked what the first date of publication was regarding Item 14. Assistant City Manager Cheryl Patton responded July 12, 2009. Mr. Witsoe thought there was a 30 day public notice requirement for tax increases. Mr. Witsoe asked if Items 16 and 17 were being postponed because of City financial problems and when would construction begin. Mayor Stebbins responded that the agenda report states that, due to pending approval of CDBG funds on a national level, award of the construction contract will need to be postponed until approval is received.

Commissioner Jolley referred to the budget development process and asked if a step was missed. Ms. Patton responded that usually the public hearing

is set at the same time the City Manager presents the budget. The only inconsistency is that this year the City Manager presented the budget, and the City Commission will set the public hearing at this meeting.

Motion carried 4-0.

BOARDS & COMMISSIONS

Preliminary Amended Plat, Findings of Fact and Agreement, all related to Lot 3, Twilite Theatre Tracts. Approved.

20. PRELIMINARY AMENDED PLAT OF LOT 3, TWILITE THEATER TRACTS, LOCATED ALONG THE NORTH SIDE OF SMELTER AVENUE BETWEEN DIVISION ROAD AND 4th STREET NE.

Interim Planning Director Bill Walters reported that Twilite LLC, the owner of a 7.5 acre parcel formerly occupied by the Twilite Outdoor Theater along Smelter Avenue NE, desires to subdivide the parcel into eight lots. 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.

At the conclusion of the public hearing held June 9, the Planning Board passed a motion recommending the City Commission approve the Preliminary Amended Plat and the accompanying Findings of Fact subject to fulfillment of stipulated conditions. The final amended plat will be processed through the Planning Board and City Commission in the near future.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, to approve the Preliminary Amended Plat of Lot 3, Twilite Theater Tracts, and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.

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.

Kathy Gessaman, 1006 36th Avenue NE, stated that this is in the NC 3 area. She suggested that a temporary third lane be constructed in the area pending the redesign of Smelter Avenue in 2012 to help with traffic. Public Works Director Jim Rearden responded that MDT has jurisdiction over that roadway and has a project planned for 2012. But, staff will look at some interim measures to see if there are ways to improve turning movements.

Motion carried 4-0.

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****PETITIONS AND COMMUNICATIONS****23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

ECP, State Statutes.

23A. Ed McKnight, 906 3rd Avenue North, thanked Commissioner Beecher for requesting the report of ECP's financial condition at the last meeting. Mr. McKnight stated the report is a road map that proves what he has said was correct. Mr. McKnight discussed the contents of the report, state law, oaths of office and code of ethics. Mr. McKnight requested the City Attorney report whether the statute quoted by Commissioner Beecher prohibit questions from being asked here.

Support for on-line organization.

23B. Mike Zaruta, Wilkes-Barre, Pennsylvania, reported that his on-line organization, bluestarwildanime.org, is to help kids in hospitals, and is about arts, community services and green energy. He hopes to pull something together within the community so that he can move here soon to make this dream happen.

Parliamentary procedure.

23C. Aart Dolman, 3016 Central Avenue, 3016 Central Avenue, stated that Commissioner Beecher's statements regarding public behavior at the end of the last meeting offended him. He continued that he witnessed the Mayor attempt to cut Mr. Rezentos' speech short tonight and believed it to be poor parliamentary procedure. Mr. Dolman concluded by reading the leadership philosophy statement of the City.

SME.

23D. Richard Liebert, 289 Boston Coulee Road, thanked the City Commission for allowing citizens to participate in Petitions and Communications as it goes to the fundamentals of the First Amendment. He also applauded having a uniformed police officer in the room to set the tone of respect for both parties. Mr. Liebert asked if the agenda reports for Items 5 and 6 were reviewed by legal counsel and was informed no. Mr. Liebert stated that the proper applicant regarding Item 6 should be SME, not Southern. He suggested that the four cooperatives also be studied by the ECP consultant. Mr. Liebert asked the City Commissioners if they would look in the "secret box." Mr. Liebert read a definition of communications. Mr. Liebert inquired if the City billed for October and November fire service support when SME commenced construction and, if so, did SME pay in a timely manner.

Campaign for Mayor.

23E. John Hubbard, 615 7th Avenue South, physically threw his helmet towards the City Commissioners stating he threw his hat in the ring to be mayor of the fair City of Great Falls. He discussed statute of limitations, his

lawsuit, and loss of his livelihood. Mr. Hubbard further discussed how full of hate and rage he was.

**Privileged documents,
water consultant.**

23F. Ron Gessaman, 1006 36th Avenue NE, asked how the City Manager knew there wasn't anything in the box that would have a bearing on the consultant's job. Mr. Doyon responded that he would ask Southern to cooperate with the review. He has not reviewed the documents. Mr. Gessaman expressed his opposition to the hiring of PBS&J to evaluate proposals for the City's purchase of water rights due to conflicts of interest.

Old Business.

23G. Mike Witsoe, 510 11th Street South, asked that the clock be shut off so that he could discuss Old Business. Mayor Stebbins explained that it would be inappropriate to bring up Old Business since there was no Old Business listed on the agenda.

CITY COMMISSION

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

In response to Mr. Witsoe, Commissioner Rosenbaum explained that the agenda is published prior to the meeting. Only items on the agenda are discussed at the meeting. There was no "Old Business" listed on this agenda.

With regard to the "black box," Commissioner Rosenbaum stated that when it became necessary he would look in the box. Right now, there is nothing that could be affected by what is in there.

Commissioner Rosenbaum responded to Mr. McKnight that if he would have reviewed the tape, he would find that he made an attempt to answer the question.

Commissioner Jolley commented that the term "black box" was not a bad term for the "secret box," as compared to the black box in a plane crash.

Mayor Stebbins thanked the Police and Fire Departments for the extra work on the Fourth of July holiday. She also extended gratitude to Ed Brown and his parade committee for putting together a wonderful parade. Mr. Brown estimated there were 120 entries, and there was a great representation from everyone.

Commissioner Rosenbaum thanked the Bennett family for the fireworks display and Vinney Purpura for the ballpark presentation.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission,

Commissioner Rosenbaum moved, seconded by Commissioner Jolley, that the regular meeting of July 7, 2009, be adjourned at 9:12 p.m.

Motion carried 4-0.

Mayor Stebbins

Acting City Clerk

Minutes Approved: July 21, 2009