

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, Bill Beecher and Mary Jolley. Also present were the Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Library, Park and Recreation, Planning, Public Works, the Fire Chief, Police Chief, and the City Clerk.

PROCLAMATION: Mayor Stebbins read a Proclamation for Hats-On-For Cancer Day. CMR students Jayme, Tana and Seth requested business support by allowing employees to wear a hat to work on May 26 in exchange for a donation to the Relay for Life team in support of cancer research. Money envelopes will be distributed around town prior to May 26.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARING

**Sale of City property.
Approved.**

2. SALE OF CITY PROPERTY, LOT 3G OF AMENDED PLAT OF LOT 3, MEDICAL TECH PARK.

Community Development Director Mike Rattray reported that on May 6, 2009, the City conducted a bid opening for the purpose of selling Lot 3 of Medical Tech Park. One bid was received in the amount of \$195,684 from Premier Care Pediatrics. Staff recommends the City Commission approve this sale.

Mayor Stebbins declared the public hearing open.

No one spoke in favor of or opposition to the sale of City property.

Mayor Stebbins closed the public hearing.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the sale of Lot 3G of the Amended Plat of Lot 3, Medical Tech Park, to Premier Care Pediatrics in the amount of \$195,684.

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

Motion carried 5-0.

OLD BUSINESS

**Res. 9829, as amended.
Adopted.**

3. RESOLUTION 9829, AS AMENDED, CIVIC CENTER ROOM RATES.

Park and Recreation Director Marty Basta reported that Resolution 9829 is to establish fees for the Mansfield Center for the Performing Arts at the Civic Center. Fees for the Mansfield Convention Center, Missouri Room, Gibson Room and Commission Chamber were last increased in 2002. Fees for the Ryan and Rainbow Rooms have been in place since 1997. Fees for the Mansfield Theater were last increased in 2006. The room rental fees have not kept pace with operating cost increases, thus requiring increased general fund tax dollar support. Tax dollar support for FY10 is estimated to be \$215,000. Following the public hearing on May 5, 2009, action on Resolution 9829 was postponed. Resolution 9829 has since been amended such that box office services are required for all events contracted by non-residents of Great Falls. The 5% gross ticket sales box office fee has also been included. The Mansfield Center for Performing Arts Advisory Board recommends the City Commission approve the proposed fee increases.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9829, as amended, with further amendments as follows:

Box Office Services:

Required for all events contracted by non-residents of Great Falls. Non-residents are prohibited from sub-contracting through residents or other local groups for ticketing services. The City will have exclusive rights to all electronic ticketing for all events held in the Civic Center regardless of whether the event sponsor is a resident or non-resident.

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

Commissioner Bronson explained that non-residents would be prohibited from sub-contracting through a Great Falls resident or another Great Falls group for ticketing services. His concern was that if that recommendation was not included in the text of the Resolution, the City could run into problems with the interpretation. The second part of his proposed amendment makes it clear that the exclusive rights apply regardless of whether the event sponsor is a resident or non-resident.

There was a consensus at the last meeting to make a distinction between for-profit and non-profit groups. To bring the language more into compliance with what is an appropriate legal standard, City Attorney Gliko advised that it was better to make a distinction between a resident and non-resident as opposed to a for-profit or non-profit group.

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

Motion carried 5-0.

NEW BUSINESS

Revised Fire Protection and Emergency Services Fee Schedule. Approved, subject to conditions. OF 1472.2.

4. REVISED FIRE PROTECTION AND EMERGENCY SERVICES FEE SCHEDULE BETWEEN SOUTHERN MONTANA ELECTRIC G&T AND CITY OF GREAT FALLS FIRE RESCUE.

Fire Chief Randy McCamley reported that this item would revise the current fee schedule. He reminded the Commissioners that the City Commission approved a Fire Services Agreement with SME last June. In August, the Commission approved the fee schedule. Since the project got underway for a couple of months, and then SME changing course in the design and scope of the plant, he had been asked to reconsider the fire protection and EMS fee schedule that has been in place. Chief McCamley recommended that the City Commission approve the adjusted fee schedule during the hiatus of construction to \$3,000 per month for fire and EMS protection, plus the cost of a response should there be any type of fire or EMS response to the site.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Revised Fire Protection Emergency Services Fee Schedule for Highwood Generation Station effective February 1, 2009.

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

With regard to the agenda report, Commissioner Jolley inquired about the "additional \$23,583" referenced on page 2. Commissioner Jolley thought it would be more appropriate to get something other than an email from Mr. Gregori. She read Mr. Gregori's email regarding a fee waiver. Since the Commission wasn't informed about this until last month, Commissioner Jolley doesn't believe the City should refund money before that date. She thought it would be more appropriate to table this matter until more information was received.

Fiscal Services Director Coleen Balzarini responded that the City billed and Southern had paid the full amount for February. Because nothing has been going on at the site, Southern asked that the City Commission consider a retroactive reduction in that fee. With regard to the email from Mr. Gregori, Ms. Balzarini reported that he asked her who to speak or write to. She felt that was adequate knowing that at the April work session he had mentioned that he would be asking for a reduction.

Commissioner Jolley asked Chief McCamley if the City had figured in the \$283,000 per year when considering the public safety mill levy. Chief McCamley responded that he did propose the \$283,000 in the budget as new revenue. He never counted on the \$283,000 toward hiring the additional 16 firefighters. The City will still have to come up with the matching portion of the SAFER grant over the five years and beyond.

Commissioner Bronson asked how Chief McCamley came up with the \$3,000 per month figure. Chief McCamley responded that this agreement is unique for the Fire Department. He looked at the project and what is currently going on at the site. He figured 10-15% of the original contracted fee as a retainer fee during the construction hiatus. In addition, any responses to the site would be based on an hourly fee for personnel, equipment and supplies.

Mayor Stebbins commented that it was her understanding when construction on the generating facility resumes that the City would revert to the original contract. Chief McCamley responded that was his understanding and intention. He reminded the Commission that the original agreement states it would be reviewed as needed or annually to determine if the fees were in line with the services provided.

Commissioner Beecher stated that he wants his motion to stand. He believes this is a reasonable request. There are no services being provided at this time. This would be considered with any type of relationship the City might have if an operation went into a profile where the City's coverage was not required. He believes this item should be looked at in that light and not an anti-SME situation.

Commissioner Rosenbaum commented that he also wants his second to his motion to stand. He believes Mr. Gregori's email is clear, to the point, and is a reasonable request. Montanans doing business with Montanans, and taking people's personal agendas out of the equation, is how the City would want to be treated as a customer.

Commissioner Jolley commented that she is not against coal or gas plants. She is against the way SME's business has been presented to the City.

Commissioner Bronson commented that if this is to be retroactive, he assumes a reimbursement will be due SME should the City approve this item tonight. Ms. Balzarini responded that SME has not requested a reimbursement. She anticipates the money will be on account with the City until it is used up, unless the agreement is canceled in its entirety.

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

Kathy Gessaman, 1006 36th Avenue NE, thanked Commissioner Jolley for asking questions, and especially for asking how long this delay was

supposed to be. On April 21st Mr. Gregori led everyone to believe it would just be for a couple of months. If that was the case, she asked why the City would need to void a contract. Her understanding of the initial contract was that SME anticipated slow periods in the construction when the Fire Department wouldn't be needed. But, the Fire Department would need this money to build up to meet the needs of a distant plant. From the information she received from the City, she believes the City was counting on the contract money to meet the SAFER grant match for the 16 extra firemen. Ms. Gessaman does not believe \$3,000 per month is sufficient.

Ed McKnight, 906 3rd Avenue North, discussed Montanans doing business with Montanans and how to treat customers. He believes in reciprocating with the type of business person he is dealing with. He stated that he has made numerous complaints about Tim Gregori and disagrees with comments he has made. Mr. McKnight doesn't believe Tim Gregori would reciprocate if the City asked to get out his contract.

Neil Taylor, 3417 4th Avenue South, believes that if the City tried to get out of the wholesale power contract with SME it would result in litigation. He suggested if the City was going to accommodate Mr. Gregori by approving this agreement, the City should add the proviso in the agreement that Mr. Gregori has to accommodate the City in the event ECP goes out of service.

Ron Gessaman, 1006 36th Avenue NE, commented that he would appreciate the City Commissioners paying attention when he talks. Mr. Gessaman stated that, according to the agreement, in order to facilitate development of the facility, SME must be assured that fire protection and emergency services will commence at the time of commencement of construction. Now, Tim Gregori asks by email how to change the contract. Mr. Gessaman noted that the contract clearly says any notice to the City required in this agreement shall be accomplished in writing by first class mail and faxed to the City Manager and Fire Chief. The contract also says that fees shall be reviewed and approved by the City Commission annually, not when Mr. Gregori wants them reviewed. He noted that there is a dispute between the DNRC and DEQ about when construction commenced. He stated that there were pictures in the *Tribune* of people working at the site on October 15th. He asked why the City did not receive money for the months of October and November. If construction stopped in January, he asked why it took Tim Gregori three months to ask for relief. Mr. Gessaman referred to January and May agenda reports that referenced the projected Fire Department revenues that took into account the contract money when discussing and considering the SAFER grant. He doesn't believe Tim Gregori or SME are being fair to the City, Great Falls Fire Rescue or to the taxpayers of Great Falls.

Commissioner Bronson explained that, contrary to prior comments, based on changed circumstances contracts are renegotiated all the time. Commissioner Bronson prefers the fee agreement be approved subject to the

conditions that any amounts paid to date are not going to be reimbursed, and that the agreement will be renegotiated upon notice of commencement of any construction at the Highwood Generating Station. He asked Commissioners Beecher and Rosenbaum if they would agree to those amendments.

Commissioner Beecher responded that he believes the amendments are reasonable and supports those amendments. Commissioner Rosenbaum concurred.

Commissioner Jolley asked if Commissioner Bronson would add who the contract was with, Southern, formerly known as SME, or the SME that is now building the plant. Commissioner Bronson responded Southern Montana Electric Generation and Transmission Cooperative.

Ms. Balzarini clarified that the original contract the City Commission approved is still in place. At the City Commission's request, a separate fee schedule was prepared. What the City Commission is acting on tonight is a change in the fee schedule, not a change in the contract.

Amended Motion carried 4-1 (Commissioner Jolley dissenting).

ORDINANCES/RESOLUTIONS

**Consent Agenda.
Approved.**

CONSENT AGENDA

5. Minutes, May 5, 2009, Commission meeting.
6. Total expenditures of \$2,062,010 for the period of April 25-May 9, 2009, to include claims over \$5,000, in the amount of \$1,848,633.
7. Contracts list.
8. Lien Release list.
9. Set public hearing for June 16, 2009, on Res. 9836 for Conditional Use Permit to allow a Day Care Center on Lot 1A, Block 3, Sunrise Court Addition, addressed as 5115 3rd Avenue South.
10. Set public hearing for June 2, 2009, to consider sale of Lot 3H of the Amended Plat of Lot 3, Medical Tech Park.
11. Approve the use of \$11,571 in additional CTEP funds and award bid for the 5th Street South Streetscape to Liggett Construction in the amount of \$163,520. **OF 1508.**
12. Accept bid from Thatcher Company for the liquid aluminum sulfate in the amount of \$318.33 per dry ton for FY 2009/2010.
13. Accept bid from Hawkins Water Treatment Group for anhydrous ammonia in the amount of \$1.49 per pound for FY 2009/2010.
14. Accept bid from Thatcher Company for the liquid chlorine in the amount of \$530.77 per ton for FY 2009/2010.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, that the City Commission approve the Consent

Agenda as presented.

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

Ron Gessaman, 1006 36th Avenue NE, noted the purchase of ¼ ton pickups on Item 6. Mr. Gessaman opined that ¼ ton pickups would have been sufficient instead of the ¾ ton pickups that were purchased a few meetings ago for another department.

Motion carried 5-0.

BOARDS & COMMISSIONS**15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****CITY MANAGER****16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****PETITIONS AND COMMUNICATIONS****17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

Children's Museum.

17A. Kathy Gessaman, 1006 36th Avenue NE, discussed a May 8 *Tribune* article and her attendance at the Children's Museum opening of "Green City." Pacific Steel and Recycling donated the funds for the new space and paid for the admissions for the open house that day. She also discussed the recycled art that was donated.

ECP.

17B. Ed McKnight, 906 3rd Avenue North, asked Commissioner Rosenbaum what he thought of Commissioner Bronson's statement that the reason the City was so far in the hole was not because of anything done wrong by ECP in setting rates below cost, but because it was the legislature's fault. Mr. McKnight requested to examine what Commissioner Rosenbaum was writing. Mr. Rosenbaum responded that he would comment during the appropriate time of the meeting.

Taxes, pine beetles.

17C. John Hubbard, 615 7th Avenue South, commented that he has asked several times why there was an original townsite and boulevard tax and has not received an answer. He also inquired what the City would do about the City trees and pine beetles. Mr. Hubbard discussed his asthma and his friend killed in a motorcycle wreck.

Power outage, election.

17D. Ron Gessaman, 1006 36th Avenue NE, discussed the recent power outage. He was discouraged with the Great Falls Police Department for not helping to control traffic where the signal lights were out. Mr. Gessaman

suggested that the City pass an ordinance for emergency backup power for patients that require respirators. He also discussed the upcoming elections and asked if the members of the City Commission up for reelection would share now what their plans are for the upcoming election.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

In response to Mr. McKnight, Commissioner Rosenbaum read what he had written down during the meeting. Also in response to Mr. McKnight, he stated that he does not understand what the relationship was to Mr. Bronson's statements. Instead of spending time pursuing the negative side of things, he suggested that Mr. McKnight spend more productive time fixing things.

Commissioner Jolley stated that residents have watched dollars being spent without an explanation. According to the adopted budget, the City invested in a 250 megawatt coal plant. She stated that she was not against coal development, but she is against the elected body just saying that it is not a coal plant now.

In response to Mr. Gessaman, Commissioner Beecher commented that it has been clearly stated in the *Tribune* that he was not going to run again. In response to Mr. McKnight's statement about buying power for more than what NorthWestern charges, Commissioner Beecher explained that there was an analysis done by the Fiscal Services Department that shows the actual power used versus the actual power billed. The City was not paying more. A profit was made the first quarter of this year. He is confident that will continue. It has been his experience that the information that has been made public seems to be ignored because it doesn't say what some of the recipients want to hear.

Mayor Stebbins reported that she volunteered at the neuter/spay clinic at the Fairgrounds. There were over 200 volunteers that neutered/spayed 443 cats. Another clinic will be held in the fall for dogs. Mayor Stebbins also discussed supporting the fundraising efforts for Paris Gibson Square because the Square has a very active after school program for children that focus on arts.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Jolley moved, seconded by Commissioners Beecher and Bronson that the regular meeting of May 19, 2009, be adjourned at 8:11p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: June 2, 2009