

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

PROCLAMATION: Mayor Stebbins read a Proclamation for National Walk @ Lunch Day. Human Resources Manager Linda Williams invited the public to attend a BCBS free event to promote healthy lifestyles with guest speaker Robert Sweetgall at the Civic Center on April 22, 2009.

NEIGHBORHOOD COUNCILS

**Steve Bolstad, NC 8,
sworn in.**

1. Steve Bolstad was sworn in as a representative of Neighborhood Council District No. 8.

NC 2.

2A. Phyllis Hemstad, NC 2, reported that the council held a special meeting last week. Ms. Hemstad inquired about the \$400,000 allotted for West Bank Park improvements. Ms. Balzarini answered that up to \$400,000 was authorized for the first phase of financing, subject to priorities such as water, sewer, street lines and park improvements. Ms. Hemstad asked if money was being taken out of the park fund for the road. Ms. Balzarini clarified that it was not park money. It was tax increment dollars allotted pursuant to the priorities mentioned. Ms. Hemstad discussed the comments made by County Commissioner Joe Briggs about the County's contamination clean-up process. City Manager Greg Doyon responded that the County has a phased clean-up process. He believes phases 1 and 2 are complete, and the section of the park Ms. Hemstad was referring to was in phase 4. Commissioner Bronson referred Ms. Hemstad to the Montana Department of Environmental Quality. Ms. Hemstad doesn't believe a parking lot should be installed in the park until after a Master Plan was completed. Public Works Director Jim Rearden explained that, as part of phase 1 of the roadway improvements, an existing temporary gravel parking lot was moved temporarily until the Master Plan could be completed. Ms. Hemstad requested that NC 2 be made aware of any discussions about a parking lot before plans are made.

NC 7.

2B. Aaron Weissman, NC 7, read a letter expressing opposition to the proposed closure of 4th Street North. As a solution to the County employee parking problems, Mr. Weissman suggested the City transfer ownership of or lease the 1st Avenue North Parking Garage to the County instead of closing 4th Street North.

NC 3.

2C. Tim Austin, NC 3, invited everyone to attend the neighborhood parks in the Riverview and Valley View areas and to enjoy the equipment. Mr. Austin discussed the grant to connect a bike trail to the River's Edge Trail. He recommended that the bike trail go by the Riverview School next to the new sidewalks, by the neighborhood pool and then across the Northwest Bypass.

PUBLIC HEARING

Res. 9827. Denied, subject to revision and reconsideration.

3. RESOLUTION 9827, SWIMMING POOL FEES.

Park and Recreation Director Marty Basta reported that, as discussed at the recent budget meetings with the Commission, Park and Recreation staff has reviewed current swimming pool fees and developed an increased pool fee proposal to help defray increased operating costs. Three of the City's pools have been rehabilitated with a 2.2 general obligation bond issue that was approved by the voters on November 7, 2006. Spray parks and other amenities at the neighborhood pools were paid for through other funding sources. Cost increases including labor, chemicals and utilities continue to increase the operating costs of the pools. Fees at the pools have not been increased in seven years. The general fund tax dollar support to the pools' operation is now over \$500,000 annually.

The Park Advisory Board reviewed the proposed fee increase at the April 15, 2009 meeting. The Board was opposed to raising admission fees at Jaycee and Water Tower pools. The proposed increase is projected to generate approximately \$77,000 in additional revenue.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Resolution 9827 were:

Tim Austin, 1302 Avenue B NW, commented that when Resolution 9605 for the general obligation bond was passed on November 7, 2006, the improvements for the neighborhood pools included Mitchell, Jaycee and Water Tower swimming pools. Mr. Austin requested clarification of what is now considered neighborhood pools. He read an email from Al Smith, NC 3, opposing increasing the fees to neighborhood pools. Mr. Austin stated he would like to see increased fees for tube and board rentals. He inquired why the new point of sale system was not being used to track rentals.

Mr. Basta responded that there was a great deal of discussion with the Park Advisory Board about concerns of raising fees at the neighborhood pools. The minutes of the meeting reflect that the intent of the Advisory Board was that the fees not be increased at Jaycee and Water Tower pools.

Aaron Weissman, 315 4th Avenue North, stated his opposition to increasing pool entrance fees. He does not, however, oppose pool rental fees. Mr. Weissman recommended looking at Missoula as an example. Missoula's

new water park sells season passes, has a flat \$5 entrance fee and sells a variety of healthy foods

Gene Nader, 216 Riverview Lane, commented that his kids attend Jaycee Park. He stated his opposition to raising the fees. Mr. Nader discussed the Park and Recreation budget with regard to staff and salaries. He commented that the proposed pool fee increase was 40%, and asked the Commissioners if they were willing to decrease their pay by 40%. Mr. Nader requested the budget for the City of Great Falls including entire compensation packages.

Ron Gessaman, 1006 36th Avenue NE, opposed the increase because he believes the money has been squandered. The Electric City Water Park hasn't turned out as was projected, and he heard at a budget meeting that Mitchell Pool used to generate a sufficient surplus to cover any losses at the other pools. Since the wave and flow riders have been installed, there is no surplus money from Mitchell pool, but the wave and flow riders are not losing money.

John Hubbard, 615 7th Avenue South, commented that swimming will be for the elite only. Mr. Hubbard discussed swimming access to rivers that are now closed off to the public. He stated his opposition to the proposed increase.

Ed McKnight, 906 3rd Avenue North, commented that the best community pool he ever attended was free. The reason it was free was because the community decided it wanted it that way. He inquired what input the community had on the pool fee increase. Commissioner Jolley responded that there was a Park and Recreation Board meeting. Mayor Stebbins added that is why the Commission was holding a public hearing tonight.

No one spoke in support of Resolution 9827.

Mayor Stebbins closed the public hearing.

Commissioner Jolley moved that the City Commission adopt Resolution 9827. Motion failed for lack of a second.

Commissioner Bronson referred to the proposal as a complicated schedule and asked why there was no recommendation to increase the tube and board rental fees. Mr. Basta answered that the revenue derived from board and tube rentals is tracked. It generates about \$17,000 per year and is used to pay for manning, replacing and maintaining the inventory of the rentals. The users of that wave attraction are already charged a premium fee for that attraction. Commissioner Bronson asked what Mr. Basta's understanding was as to why the Park and Recreation Advisory Board was opposed to increasing fees at Jaycee and Water Tower pools. Mr. Basta responded that to the best of his recollection there was concern that these pools are heavily

used by children and young adults living in the neighborhoods. Raising fees at those pools could have a negative impact on those neighborhoods that access those pools on a regular basis. Commissioner Bronson asked if there was any data over past years regarding usage when there was increases and whether or not there was an impact on usage. Mr. Basta answered that the data shows in the last seven years the fees have not been increased at the pools. The revenue has not increased commensurate with the increased operating expenses.

Mayor Stebbins shared the concerns expressed.

City Manager Doyon commented that, with regard to increased rates, staff is trying to sustain them. The City is contemplating a public safety mill levy for the Fire and Police Departments. If the public is wondering why the City needs to do that, this is an example of why. Over \$500,000 of general fund monies are being used to offset the debt service and utilization of these swim facilities. That is one of the reasons it was recommended to the Commission.

Commissioner Bronson concurred with Mr. Doyon. He does, however, have concerns about particular categories that have not been increased. His preference is to go back and revisit those categories and then have another discussion.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission deny Resolution 9827, subject to revision and reconsideration of proposed rates being brought back to this body at another time.

Motion carried 3-1 (Commissioner Jolley dissenting).

OLD BUSINESS

Bid award for one new 2009 Asphalt Distributor Unit to Tri-State Truck & Equipment of Great Falls. Denied.

4. BID AWARD, 2009 ASPHALT DISTRIBUTOR.

Public Works Director Jim Rearden reported that action on this item was postponed at the last meeting. The unit proposed for replacement is utilized by the Street Division during routine maintenance activities including chip seals and thin lift overlays. The original unit was purchased in 1979 and included a 1978 Ford cab and chassis with a 1,700 gallon tank, propane asphalt heater and distributor. The unit was originally programmed for replacement in 1994. Instead, the distributor was rebuilt at a cost of about \$10,000. Maintenance costs on the unit have steadily increased from \$470 in 2005, to nearly \$6,000 in 2007. He noted that no repairs have been done this current year in anticipation of the unit being replaced. The unit is 30 years old and is critical to the continued efficient maintenance of the City's street system. Staff recommends that the City Commission approve replacement of the unit.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission deny the bid award for one new 2009 Asphalt Distributor Unit to Tri-State Truck & Equipment of Great Falls for \$125,748.

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

Commissioner Rosenbaum stated that the Commission has expressed an interest in re-evaluating its overlay and chip seal program.

Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 3035 accepted on first reading and set final reading for May 5, 2009.

5. ORDINANCE 3035, APPROVING ADDITIONAL PUBLIC IMPROVEMENTS WITH RESPECT TO THE WEST BANK PROPERTIES URBAN RENEWAL PROJECT TO BE FINANCED WITH TAX INCREMENT REVENUES.

Fiscal Services Director Coleen Balzarini reported that on December 16, 2008, the Commission adopted Ordinance 3027 that identified specific projects that would be financed with the tax increment dollars. That ordinance also indicated that the projects would be approved up to an expenditure of \$900,000. Ordinance 3035 includes additional items to be approved. The dollar amount remains at the maximum of \$900,000. The three areas that have been added are burial of existing cable and phone lines, and relocation and extension of existing gas lines. In the event the developer acquires the property in the urban renewal area currently owned by Pizza Hut, if there are funds remaining those funds would go towards the removal and relocation burial of the utilities in conjunction with that property as well.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3035 on first reading, and set the final reading for May 5, 2009.

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

Commissioner Jolley stated her understanding was that if the Pizza Hut property was purchased by Talcott then this work would be done. Ms.

Balzarini responded that if the Pizza Hut property is purchased, then there will be additional work. At a minimum, the City will be funding the burial of gas, cable and phone lines that weren't approved in the original ordinance.

Commissioner Jolley asked if those lines were Pizza Hut area lines, or was it more work in the original site area. Ms. Balzarini answered that it was more work on the original area that the Commission already approved. The additional utility burials are considered public improvements.

Commissioner Jolley asked if Mr. Talcott was going to pay for that. Assistant City Manager Cheryl Patton responded that she didn't think Mr. Talcott originally asked for the additional improvements. He specified in his application that utility improvements would be water and sewer. It became clear during negotiations for the land that he thought those additional improvements should be part of the agreement.

Commissioner Jolley inquired and was responded to affirmatively that a Development Agreement will come before the Commission in the future.

Motion carried 4-0.

Res. 9826. Adopted.

6. RESOLUTION 9826, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY REVISED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Fiscal Services Director Coleen Balzarini reported that Items 6, 7, 8 and 9 are all interrelated and she would address the over-arching items. Item 6 is the agreement with the Montana Municipal Interlocal Authority (MMIA). Prior to this name change, MMIA was referred to as the Montana Municipal Insurance Authority. MMIA is not an insurance agency.

In July, 1985, the City of Great Falls and other cities and towns found themselves without general liability insurance coverage. MMIA was then created and provided general liability and workers' compensation. A property insurance program was added in 1998, and an employee benefits program in 2004.

This resolution is the over-arching agreement with MMIA, and the following items are the property agreement, workers' compensation agreement and the liability coverage agreement. All agreements include the name change.

The property program agreement includes modifications because the bonds that were issued for the initial start up of MMIA have now been paid off.

In the event a city or town wanted to withdraw from MMIA, the notice requirement to MMIA was changed to 120 days. This change was due to everyone's budget process; it gives everyone a better timeframe to find other insurance and for MMIA to adjust its coverage and stop loss.

The Workers' Compensation program will go into effect on September 1, 2010.

The General Liability Insurance program adds a component that allows MMIA to audit areas that relate to MMIA reporting in regards to those items that it is being asked to cover. The rates are based on that information.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9826, authorizing the adoption and execution of the Revised and Restated Interlocal Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

Motion carried 4-0.

Res. 9823. Adopted.

7. RESOLUTION 9823, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AMENDED AND RESTATED LIABILITY COVERAGE PROGRAM AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9823, authorizing the adoption and execution of the Amended and Restated Liability Coverage Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

Motion carried 4-0.

Res. 9824. Adopted.

8. RESOLUTION 9824, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AMENDED AND RESTATED PROPERTY PROGRAM AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9824, authorizing the adoption and execution of the Amended and Restated Property Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

Motion carried 4-0.

Res. 9825. Adopted.

9. RESOLUTION 9825, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY REVISED AND RESTATED WORKERS' COMPENSATION PROGRAM AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9825, authorizing the adoption and execution of the Revised and Restated Workers' Compensation Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

10. Minutes, April 7, 2009, Commission meeting.
11. Minutes, April 15, 2009, Special Commission meeting.
12. Total expenditures of \$1,886,854 for the period of March 28-April 15, 2009, to include claims over \$5,000, in the amount of \$1,669,229.
13. Contracts list.
14. Set public hearing for May 5, 2009, on Resolution 9829, Civic Center Room Rates.
15. Adopt the Annual Action Plan including the use of the 2009/2010 Community Development Block Grant funds, the American Recovery and Reinvestment Act CDBG funds, and 2009/2010 HOME Program funds as recommended.
16. Approve Change Order No. 1 in the amount of \$5,000 to Dick Anderson Construction, Inc. for the Water Treatment Plant Headhouse Floor Replacement.

With the exception of Items 12 and 14 for further discussion, Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

With regard to Item 12, Commissioner Jolley requested clarification on the payment to SME with regard adding to the deposit. Fiscal Services Director Coleen Balzarini responded that there were two deposit items, one listed in the amount of \$67,301.16, and the other in the amount of \$59,635.90. Commissioner Jolley inquired about the negative energy supply expense amount. Ms. Balzarini explained that was a net payment. Commissioner Jolley asked if the last payment for \$650,000 was for February. Ms. Balzarini explained that the March preliminary payment of \$650,000 was wired on April 10 and, due to the timing of the \$5,000 report, is just now showing up on this report.

With regard to Item 14, Commissioner Jolley inquired about the amount of the subsidy from the general fund. Assistant City Manager Cheryl Patton responded that she believed it was about \$225,000 of general fund monies that went into the Civic Center Events budget.

Commissioner Jolley amended her motion, seconded by Commissioner Bronson, to approve all items on the Consent Agenda as presented.

Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

BOARDS & COMMISSIONS

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

ECP.

19A. Ed McKnight, 906 3rd Avenue North, commented that he supports a community's right to vote and know the truth. He read a quote and a portion of a February, 2008, memo regarding ECP, and discussed ECP's budget. He is interested in how it is true ECP broke even, when he believes he has proven it lost \$900,000. Mr. McKnight discussed ECP's customers, the imbalance charges, and the legislature. He discussed how he knew the information was false with Commissioner-elect Bronson in 2007. Since that time, Mr. McKnight believes he has proven that the cost of power was not what ECP says it was, and NWE does not charge what ECP says it does.

ECP.

19B. Larry Rezendes, 2208 1st Avenue North, believes City government must be accountable to its taxpayers and that the City obey its own laws. With regard to the work session, Mr. Rezendes commented that it would only be valid use of a consultant to conduct an orderly shutdown of ECP. Any other use of a consultant should be by vote of the citizens. He also discussed whether the cost of a consultant was justified.

E-Rase your E-Waste and Earth Day.

19C. Kathy Gessaman, 1006 36th Avenue NE, thanked the *Tribune* for publishing the 'Green Guide' today, as well as all the participant sponsors. Ms. Gessaman encouraged everyone to take advantage of the E-Rase your E-Waste and Earth Day events on Saturday.

ECP. Clean Energy.

19D. Richard Liebert, 289 Boston Coulee Road, commented that ECP should take the fork in the road. In response to comments made by Tim Gregori at the work session, Mr. Liebert stated that Citizens for Clean Energy (CCE) are promoting clean energy, and have an objection to coal. He believes Great Falls will be an energy producing sector like Mr. Doney is advocating. He was intrigued by Mr. Rosenbaum's comments regarding pumped storage. Citizens for Clean Energy have been working on that for several years. CCE is also promoting conservation and energy efficiency.

Earth Day festivities, Pine Beetle workshop.

19E. Ron Gessaman, 1006 36th Avenue NE, commented that the Earth Day festivities will be held at the College of Technology on Saturday from 9 a.m. to 3 p.m. There will also be special charity collections. He encouraged the public to bring newspapers for the Boy Scouts, and cell phones for the YWCA. With regard to the Pine Beetle issue, he announced that the DNRC, Forestry Division, will be hosting a workshop on April 23, 2009, at the Westgate Mall from 6:30-8:30 p.m.

Highwood project.

19F. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, personally thanked City staff for working with him and his wife regarding Pine Beetles. Now that Southern's proposal is moving forward to build a 120 megawatt gas fired generation plant, Mr. Doney encouraged everyone in the community to support a Montana developer building a multi-million dollar plant here. The City and County need that industrial tax base.

Recycling.

19G. Phyllis Hemstad, 931 1st Avenue NW, commented that where she was living in Bradenton Beach, Florida, every three months the city advertised that it would be picking up electronics, batteries, paint, oil, etc., free of charge.

Pine Beetles.

19H. John Hubbard, 615 7th Avenue South, contacted tree businesses regarding information about the Pine Beetles. Mr. Hubbard showed a picture of a forest before and after oil development. He discussed power companies, extortion and recession.

CITY COMMISSION**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Bronson reported on his experiences at the Fire Ops 101 course that he and KFBB reporter, Kelsey Thomas, attended in Richland, Washington. As a result of that activity, he has a much better appreciation as to what our firefighters go through every day regardless of what they are called upon to do. Commissioner Bronson expressed his tremendous admiration, not only for Captains Cook and Jackson who were in their shadows during the activities, but for the fact that if fire rescue teams in Great Falls are anything like those two gentlemen, Great Falls is in very capable hands. He recognized and commended Chief McCamley and Captain Van Son for the fine jobs they do.

With regard to the comment made at the Work Session that a majority of the Commissioners agreed with Commissioner Bronson's memo, Commissioner Jolley stated that if there was an email or phone vote regarding it then she was unaware of it. It reminds her of the email voting of whether this body would sue the Public Service Commission. Commissioner Jolley stated that the City of Great Falls voted publicly over the years to invest in a 250 megawatt coal plant. Millions of dollars of development costs were spent by the City. She is concerned that the City will think that it is okay to shuffle its investment over to a gas plant.

Mayor Stebbins announced that on Saturday she threw out the opening ball for Little League. She is impressed with that organization, and thanked Kent Seaton for asking her to participate. There are over 500 children involved and it is totally run by volunteers. She commended the children and parents, the volunteers and Kent Seaton. She encouraged everyone to attend a Little League game this year.

ADJOURNMENT**Adjourn.**

There being no further business to come before the Commission, **Commissioner Jolley moved, seconded by Commissioner Bronson that the regular meeting of April 21, 2009, be adjourned at 8:43 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: May 5, 2009

