

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Bronson, Mary Jolley, John Rosenbaum and Bill Beecher. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Library, Park and Recreation, Planning and Public Works, the Assistant Director of Fiscal Services, the Police Chief, Fire Chief, and City Clerk.

PROCLAMATION: Mayor Stebbins read a proclamation for National Mentoring Month.

NEIGHBORHOOD COUNCILS

NC 4 – Drawing and Appointment.

1. Appointment, Neighborhood Council District No. 4. Due to tie votes between the write-in candidates for the fifth seat on Neighborhood Council District 4, a drawing was held. Commissioner Bronson drew Cylde Bigelow's name.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission appoint Clyde Bigelow to Neighborhood Council District 4 for a two year term effective January 1, 2008.

Motion carried 5-0.

NC 8 – Christi Fisher sworn in.

- 1A. Christi Fisher was sworn in as a representative of Neighborhood Council District No. 8.
2. There were no miscellaneous reports or announcements from neighborhood council representatives.

PUBLIC HEARINGS

Sale of City-Owned Park Land, Sandhills Park. Approved.

3. SALE OF CITY-OWNED PARK LAND, SANDHILLS PARK.

Park and Recreation Director Martin Basta reported that this public hearing is concerning the sale of 1.38 acres of Sandhills Park located at 16th Avenue South and 23rd Street to the Great Falls Housing Authority for the appraised value of \$228,000. Sandhills Park is the location of a storm water detention basin. All but approximately three acres of the 13.15 acre park is within the detention basin. The Park and Recreation Master Plan had given priority to nearby Sunnyside Park which is surrounded by existing homes and is fully developed. In the past the City had sold or traded portions of this park to further affordable housing. The Housing Authority intends to use the land

to construct 16 affordable housing units. The City supports the Housing Authority's efforts to provide affordable housing in Great Falls in accordance with state law. City Code allows for the sale of City land without bids to another government entity. The proceeds from the sale will be used to fund the construction of the community splash parks located at Jaycee and Dudley Anderson Parks.

The Park and Recreation Board approved the sale of this property at the December 20th meeting.

Mayor Stebbins declared the public hearing open. Speaking in favor of the sale of city-owned park land was **Joe Boyle**, 88 Sun River Road. Mr. Boyle is the Chairman of the Great Falls Housing Authority Board. He urged the Commission to support this endeavor to increase the number of affordable housing apartments in the Great Falls community. Mr. Boyle stated that this project will serve primarily the elderly and small families.

No one spoke in opposition to the sale of city-owned park land.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the sale of city-owned park land: Lot 2A-2, of the Amended Plat of Lot 2A, Block 1 of an Amended Plat of Lot 2, Block 2, Sand Hills Park Addition.

Commission Jolley inquired about a survey that went out in the water bills asking people whether they wanted spray parks.

Assistant City Manager Cheryl Patton responded that options were presented in an informal survey in the utility bill. People were in favor of renovating the neighborhood pools versus changing to only spray parks. The bond issue resulted in paying for the renovation of the pools and the City committed to finding a way to support two spray parks at existing locations.

Motion carried 5-0.

Res. 9708, to Establish Water, Sewer and Storm Drain Utility Service Rates and Fees. Adopted.

4. RESOLUTION 9708, TO ESTABLISH WATER, SEWER AND STORM DRAIN UTILITY SERVICE RATES AND FEES.

Public Works Director Jim Rearden reviewed slides that were previously presented at the December 4, 2007, work session. Mr. Rearden explained that one of the reasons for rate adjustments was the increased cost of construction. Another reason was the health of the system. In 2007 there were 73 water main breaks. Eleven of those were the result of the

Sunnyside pressure conversion. Compared with other cities, Great Falls had the oldest pipes and the highest number of water main breaks. Mr. Rearden stated that at the work session he presented a five year capital improvement program for each utility. The upcoming water utility work consisted of approximately 30 blocks per year of main replacement. An average of \$5.5 million per year was projected to be spent on the water system. The sewer utility included main upsizing and annual lining, including about 10 blocks per year of main rehabilitation at an average of \$2.8 million per year. The storm drain utility included upsizing and extension to the system at an average of \$2.4 million per year. The current total average utility bill is \$39.08 per month, and the proposed rate will increase the total average bill \$1.79 per month. Mr. Rearden concluded that Great Falls' utility rates are the lowest of the largest cities in the state even after the proposed rate increases. If the proposed rates are adopted, the new fees would go into effect on February 5, 2008.

Mayor Stebbins declared the public hearing open. No one spoke in favor of Resolution 9708. **Pamela Morris**, 2201 8th Avenue North, opposed Resolution 9708, stating it appeared that part of the fee would go for the sewer to the Highwood Generating Station. City Manager John Lawton clarified that absolutely no part of the rate increase would go towards the Highwood Generating Station extension of utilities. By agreement with Southern Montana Electric and pursuant to Ordinance 2972, Highwood Generating Station was required to pay all of its own water and sewer extension costs.

Mr. Rearden added that a slide referenced additional industrial needs and uses within the City. He further clarified that any new development pays its own way for water, sewer and storm drain utilities.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9708.

Commissioner Jolley stated that at the work session the wastewater financial summary had a beginning cash balance of \$2 million and an ending cash balance of \$859,000. Commissioner Jolley stated that five percent seems like not enough if the City wanted a higher cash balance. She further stated that cash from the sewer and water funds had been put into the electricity fund. She inquired if the \$859,000 included the long term assets that were really loans to the electricity fund. Mr. Reardon responded that the balance was based on projected capital uses for 2008, and that those uses vary from year to year.

Motion carried 5-0.

OLD BUSINESS**NEW BUSINESS****Appointment, Special Examiner.****5. APPOINTMENT, SPECIAL EXAMINER TO CONDUCT INVESTIGATION INTO ALLEGATIONS REGARDING THE ANIMAL SHELTER.**

City Manager John Lawton reported that this is a proposal to hire a special examiner to review the work that was done by the Police Department in investigating certain allegations made concerning the Animal Shelter. This review would accomplish reviewing the police report; conducting further investigation where necessary; determining the adequacy, fairness and appropriateness of the police report; and, adding any recommendations or conclusions that were necessary as a result of that investigation. This special examiner would be hired by the Commission, report to the Commission, and would have the subpoena powers of the City Commission. Mr. Lawton stated the Police Department did conduct an internal investigation which is standard. Due to the controversial topic and allegations, Mr. Lawton stated that staff recommended steps be taken to go the extra mile to have this reviewed independently.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Elizabeth S. Baker as the special examiner to investigate the report on Animal Shelter operations.

Commissioner Rosenbaum commented that the credibility of the Police Department in most cases would be acceptable and he doesn't believe the City will ever get the support of the complainants anyway. Commissioner Rosenbaum felt the money would be better spent on the animals.

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

Pam Hendrickson, 1321 5th Avenue North, inquired if there was an assurance that Elizabeth Baker was not related to any City employee, Foundation Board member or any Ambassador. Commissioner Jolley stated the recommendation came from Judge Sandefur. Ms. Hendrickson asked what the cost was for the Police Department investigation. City Manager John Lawton responded that it was handled as a routine special investigation of internal affairs and the costs were not tracked separately.

Commissioner Jolley read the Administrative Review portion of the City Charter that gives the City Commission the ability to review or investigate functions or other affairs of the City. Commissioner Jolley stated that this is a City Commission investigation.

Commissioner Bronson commented that he is familiar with Ms. Baker and her partners and she is highly ethical. He stated he has no reason to believe that she would conduct this investigation in anything but a highly ethical manner with the highest standards in mind. Ms. Baker would report to this Commission as to her findings.

City Manager John Lawton stated that any attorney that takes an assignment like this does a systematic check for conflicts.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

**Consent Agenda.
Approved, except for
Items 7 and 15.**

CONSENT AGENDA

6. Minutes, January 8, 2008, Commission meeting.
7. Total Expenditures of \$1,666,587 for the period of January 1 – 16, 2008, to include claims over \$5,000, in the amount of \$1,463,935.
8. Contracts list.
9. Grants list.
10. Set public hearing for February 5, 2008, on Resolution 9726 Golf Fees.
11. Set public hearing for February 5, 2008, on Resolution 9724, Cost Recovery at 308 7th Avenue South.
12. Approve extension of gasoline and diesel fuel contract to Mountain View Co-Op for three years.
13. Approve contract for Engineering Services with Thomas, Dean and Hoskins, Inc. in the amount of \$73,300 for the Water Treatment Plant Backwash Clarifier and Screening System Modifications.
14. Approve the contract for Engineering Services with Industrial Automation Consulting, Inc., in the amount of \$14,893.33 to provide services to design control system improvements and programming services at the Water Treatment Plant.
15. Approve co-sponsorship for the Great Falls Regional Science and Engineering Fair on February 9, 2008, in an amount up to \$500.
16. Postpone bid award for the Great Falls Animal Shelter Medical Director.
17. Reject bids for roof replacement at Fire Station #2.

Commissioner Jolley asked that Items 7 and 15 be removed from the Consent Agenda for further discussion.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission approve the Consent Agenda, except for Items 7 and 15.

Motion carried 5-0.

7. \$5,000 REPORT.

Commissioner Jolley referenced page 2 of the report and inquired about two payments under the Electric Fund to SME – the September and October Energy Imbalance Adjustments. Assistant Fiscal Services Director Melissa Kinzler responded that a bill is received from SME and, after a certain period of time, there is an adjustment for the electric imbalances. Ms. Kinzler stated that it is the finalization of the actual September and October bills; it finalizes the imbalance of what was bought and sold out on the market. Commissioner Jolley asked if it had anything to do with the City buying power that it doesn't sell. City Manager John Lawton stated the way electricity sales work is that a certain amount of electricity is bought and then resold to customers. The demand of customers fluctuates from hour to hour, day to day, month to month. Mr. Lawton explained that there are times during the day when there may be too much electricity and that is what is sold to the market. There are times when there may not be enough electricity and that has to be purchased from the market. He stated that is called going to the imbalance market. Every seller of electricity does this because the use of electricity is not precisely predictable. SME buys the electricity from PPL, and then sells it to the City. The imbalances then are tracked by NorthWestern. It is complex. Mr. Lawton stated that it takes time for the bills to come in for the imbalances and that was why it was listed as an adjustment. Commissioner Jolley asked if the imbalance is when the electricity is bought from SME for a set price, and then when more electricity is needed when it is in more demand, if the City had to pay more for it; or, when less was used, the City paid less for it. City Manager John Lawton answered affirmatively and added that the prices vary. Mr. Lawton concluded that the price for the imbalance electricity fluctuates because it is a market driven function.

15. GREAT FALLS REGIONAL SCIENCE AND ENGINEERING FAIR.

Commissioner Jolley commented that she doesn't have anything against science fairs, but stated the \$500 comes from the Commission's travel budget. Commissioner Jolley stated that she is not in favor of taking money from the Commission's travel budget to donate to others.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept Items 7 and 15 of the Consent Agenda as presented.

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

BOARDS & COMMISSIONS

Community Development
Council Appointments.

18. **APPOINTMENTS, COMMUNITY DEVELOPMENT
COUNCIL.**

Commissioner Bronson moved, seconded by Commissioners Beecher Rosenbaum, that the City Commission appoint Jerome Patton and Maria Valandra for three year terms through January 31, 2011, appoint Susan McCord to fill the remainder of a three year term through January 31, 2010, and reappoint John Martin and Dale Schwanke for three year terms through January 31, 2011, to the Community Development Council.

Motion carried 5-0.

19. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

CITY MANAGER

20. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

CITY COMMISSION

Gregory T. Doyon
appointed City Manager.

21. **CITY MANAGER APPOINTMENT.**

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission approve the Employment Agreement between the City of Great Falls and Gregory T. Doyon as City Manager.

Commissioner Beecher reported that this was a very thorough process. He stated the Commission started out with 50 applicants through the help of the search firm that was employed. It was then narrowed down to 16. The Commission further narrowed that down to six. One candidate withdrew and another one was sick at interview time. Commissioner Beecher stated they all thought the four candidates that were interviewed could do the job. The consensus was that Mr. Doyon was the best candidate of the four. Commissioner Beecher stated that he believed Mr. Doyon would bring enthusiasm and good ideas to our City and the Commission was excited to have him.

Commissioner Stebbins asked if there were any comments from the public. No one responded.

Motion carried 5-0.

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

23A. John Hubbard, 615 7th Avenue South, commented that he lives on a dirt road and his taxes were being raised, and the new City Manager’s salary was out of line. Mr. Hubbard stated he was contacted by Chad Anderson of DEQ and was told the Weissman case was still under investigation.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of January 22, 2008, be adjourned at 7:50 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk