

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Girl Scout Troop 3121

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bill Bronson, Fred Burow, Bob Jones and Mary Jolley. Also present were the City Manager, Deputy City Manager, City Attorney, Directors of Fiscal Services and Public Works, ~~Interim~~ Police Chief, and the City Clerk.

INTRODUCTION: Mayor Winters introduced Jordan Purinton, job shadow student from Great Falls High School

**** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. ****

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. Johnathon Kenneway, NC 3,** reported that traffic issues, Riverview storm drainage project, and improvements planned for Jaycee and Skyline Parks were topics discussed at the last council meeting. He announced that the next council meeting is March 1, 2012 at 7 p.m. at Riverview Elementary School, and he welcomed everyone to attend.

BOARDS & COMMISSIONS

2. APPOINTMENT TO THE COMMUNITY DEVELOPMENT COUNCIL.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission appoint Scott Anderson to the Community Development Council to fill the remainder of a two-year term beginning February 7, 2012, and expiring October 31, 2012.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

3. APPOINTMENTS, REGIONAL AIRPORT AUTHORITY BOARD.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission appoint Brad Talcott and Richard Swensen to three-year terms beginning February 7, 2012, through December 31, 2014, to the Regional Airport Authority Board.

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

Commissioner Burow commented that the six candidates the Commission interviewed were very qualified, and hoped they would sign up to serve on other boards.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

4. APPOINTMENT, COUNCIL OF COUNCILS.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission appoint Bill Bronson and Fred Burow to serve as Commissioner representatives on the Council of Councils for one-year terms.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. RESOLUTION 9915-CORRECTED- TO ANNEX NORTHVIEW ADDITION, PHASE 5.

Planning and Community Development Director Mike Haynes reported that the City Commission adopted Resolution 9915 on April 5, 2011, but it did not reflect a late change made by the applicant to the Phase 5 boundary. The final plat filed with the Clerk and Recorder's Office was accurate. For legal purposes, Mr. Haynes requested that the City Commission adopt Corrected Resolution 9915 and attachment consistent with the final plat documents.

Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission adopt Corrected Resolution 9915 to annex Northview Addition, Phase 5.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, commented that the agenda report does not identify the quarter acre parcel. He also inquired about access to 12th Street NE once it connects to 36th Avenue.

Director Haynes responded that as the phases get developed 12th Street NE will be completed as part of the network in the neighborhood.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

7. **RESOLUTION 9954, TO REDEFINE THE COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM (CTEP) PROJECT SELECTION PROCESS.**

Planning and Community Development Director Mike Haynes reported that CTEP funds currently comprise 10% of Federal Surface Transportation funds and are used for projects that enhance traditional transportation systems. In Montana, CTEP funds are allocated on a per capita basis and have, over the years, funded more than \$8.2 million in landscaping, bike and pedestrian facility, streetscape and trail improvements in Great Falls.

Director Haynes explained that the prior processes of reviewing and ranking applications, and making recommendations to the City Commission were somewhat cumbersome and time-consuming. After a recent staff review of the CTEP process staff has identified ways to make it more focused, targeted and expedited. The recommendation is that planning staff prioritize projects the community has already identified as key in plans such as the Growth Policy, Downtown Master Plan, Missouri River Corridor Plan and Transportation Plan. Planning staff would then seek private and public partners to meet the 13.42% match requirement and bring recommendations directly to the City Commission for action. Planning staff will continue to manage CTEP construction projects. All funding recommendations will continue to come before the City Commission for final action.

Another benefit of speeding up the process will be to help the City allocate dollars and encumber projects expeditiously in case the CTEP program is eliminated or funds rescinded. Discussions are now underway at the State and Federal levels that could have significant impact on this funding. Staff wants to be sure all funds received are spent for the benefit of this community.

The Planning Advisory Board was advised of this initiative at its January 10, 2012, meeting. There were no serious objections. Staff will keep the Planning Advisory Board apprised of projects that staff recommends for CTEP funding.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Resolution 9954.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any inquiries from the public.

Kathy Gessaman, 1006 36th Avenue NE, prefers the current process remain with input from the nine-member Planning Advisory Board made up of citizens in the community.

Director Haynes responded that it was a unanimous recommendation of approval of the Planning Advisory Board; there will be a public process before the City Commission; and what staff is

proposing is to implement projects that have already been identified by the community.

Commissioner Bronson also noted that, whether or not there is Planning Board review, it is ultimately up to the City Commission to make decisions on these projects. This Commission, with the assistance of the Planning Board, has adopted a number of important plans that Director Haynes previously mentioned. It is incumbent upon the Commission, working with staff, to carry out these plans with CTEP funds to the maximum extent possible. To the extent there may be modifications to some of the adopted plans, there will be Planning Board input.

Commissioner Jones concurred with Commissioner Bronson.

Ron Gessaman, 1006 36th Avenue NE, expressed opposition to Resolution 9954 because he feels the projects are so far along that the Commission has little opportunity to consider what the public has to say. He expressed concern about funds being used for infrastructure.

Commissioner Bronson commented that he doesn't see this project as a diversion of funds from traditional projects. He pointed out that one of the changes being discussed at the national level is restricting the use of these funds in areas like historic preservation.

Director Haynes clarified that the word infrastructure pertains to transportation infrastructure such as sidewalk and trail network.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

8. **RESOLUTION 9956, INTENTION TO CLOSE A PORTION OF 6TH STREET NORTHEAST.**

Planning and Community Development Director Mike Haynes reported that the applicant, Montana Refining Company (MRC) is requesting that the City close the last 300 feet of 6th Street Northeast before its terminus at the railroad just south of 17th Avenue Northeast. The road closure will allow MRC to better secure its property for the benefit of public safety.

The 300 foot segment of 6th Street Northeast serves only two properties; the refinery and Public Works' pipe yard. As a condition of approval, MRC will construct an alternate access at the west end of the pipe yard for Public Works.

The Planning Advisory Board heard this request at a meeting held on January 10, 2012, and unanimously recommended approval of the street closure.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9956, and set a public hearing for March 6, 2012.

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

Commissioner Bronson commented that all the Commission is being asked to do tonight is to set

the public hearing for March 6th to consider the substance of the request.

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

Kathy Gessaman, 1006 36th Avenue NE, expressed concern that the resolution doesn't include language that MRC will improve access to the City's property before the road is closed as promised by MRC representatives at a Neighborhood Council meeting. She also noted that the City and MRC lease approximately 30 feet of property from Burlington Northern that the City uses to store pipe and equipment. She believes there will be additional rail spurs added in that section and the City will lose access to that property.

Director Haynes responded that it is a stated condition of approval that MRC provide that access, and that language is not typically included in the resolution language.

Public Works Director Jim Rearden commented that proposed spur lines that he has seen have been on the MRC property, not on the City of Great Falls' 30 feet of property that has been leased from Burlington Northern for decades. He has not seen any proposal from MRC to put anything on that property.

Mayor Winters commented that Ms. Gessaman made a good point. If there is to be an agreement, there should be wordage to support it.

In response to City Manager Greg Doyon, Director Haynes commented that a Development Agreement will be entered into with MRC upon City Commission approval.

Ron Gessaman, 1006 36th Avenue NE, commented that the agenda report doesn't represent what Neighborhood Council 3 heard a month ago about rail spurs capable of holding 16 to 30 rail cars each. He doesn't believe the primary reason for street closure is public safety as represented in the agenda report. Issues should be examined now instead of waiting until the public hearing.

Mike Witsoe, 510 11th Street South, inquired if the City was giving up its access and right to the property, and if MRC will run pipes to additional tanking facilities at the Westgate property.

Director Haynes responded that the City is not abandoning the right-of-way. The request is a street closure that could be reversed at any time if that was the will of the Commission. If MRC is to develop the Westgate property it has acquired, that would require a public hearing process.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

9. **RESOLUTION 9958, ESTABLISHING THE TERMS AND CONFIRMING THE NEGOTIATED SALE OF \$900,000 IN TAX INCREMENT REFUNDING REVENUE BONDS WITHIN THE WEST BANK URBAN RENEWAL DISTRICT AND DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER AND FISCAL SERVICES DIRECTOR.**

Fiscal Services Director Melissa Kinzler reported that, as part of the West Bank Urban Renewal

District Plan, the City Commission adopted Resolution 9843 that authorized a note up to \$900,000 to West Bank Properties, LLC. The amount of note issued was \$761,463. At the same time, the City Commission approved a Development Agreement between West Bank Properties, LLC and the City of Great Falls. As part of the Agreement, the City agreed to use its best efforts to issue additional bonds in a principal amount sufficient to redeem the note and to pay the costs associated therewith as soon as sufficient tax increment was available and market conditions allowed. Staff has determined that sufficient tax increment is now available and market conditions allow the issuance of additional bonds. The bonds will refund the note to West Bank Properties, LLC.

Resolution 9958 establishes the terms, conditions and documentation for a private, negotiated sale and authorizes the City Manager and Fiscal Services Director to enter into and execute a bond purchase agreement. The form of the bonds and the final terms and conditions will be brought back to the City Commission under separate resolution for final approval.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9958.

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

Commissioner Jolley commented that the term of the loan extended to 2034, and asked if staff anticipated extending the TIF District in order to pay off the bond.

Director Kinzler responded that staff is not anticipating extending the TIF District.

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

Brett Doney, Great Falls Development Authority (GFDA), thanked City staff and City Commission for the creative financing that allowed the Staybridge development to proceed. GFDA was able to use EDA funds to make a loan to Staybridge for a bulk of the TIF funds. When the bonds get issued, the developer will get paid by the City, and then GFDA will get paid back. That money will be used to make loans to other businesses. This is a model to use for other business projects.

Commissioner Jolley commented that this developer took a risk and she is glad it is working out for him.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

CONSENT AGENDA

10. Minutes, January 17, 2012, Commission meeting.
11. Total expenditures of \$2,932,696 for the period of January 7 through February 1, 2012, to include claims over \$5,000, in the amount of \$2,605,059.
12. Contracts list.

13. Lien release list.
14. Approve the Municipal Golf Course Concessions Contract with K&M, Inc. to provide concessions services at Eagle Falls and Anaconda Hills Golf Courses.
15. Award contract in the amount of \$135,998 to Forde Nursery, Inc. for the Contract Planting for Boulevard Trees project.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented.

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

Commissioner Burow inquired about a City 7 equipment purchase on Item 12C.

Deputy City Manager Jennifer Reichelt explained that the recent problems City 7 was experiencing was due to the newly installed technology not being compatible with the antiquated equipment. This equipment purchase should insure that meetings are aired effectively to home viewers and that the on-line and television recordings work properly.

Commissioner Burow expressed concern that all the equipment wasn't identified originally, and hoped there wouldn't be any additional equipment costs.

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

Kathy Gessaman, 1006 36th Avenue NE, commented that she believes the City 7 equipment expenses exceeded what the Cable 7 Board projected to be \$15,000 to \$25,000 in 2010 to get the system working properly.

Ron Gessaman, 1006 36th Avenue NE, inquired what types of trees would be planted and what guarantees would be provided with regard to Item 15.

Director Basta responded that nine different tree species will be planted to replace the ash trees. The guarantees are set forth in the contract requirements. He further commented that he has a list of the tree species and addresses available upon request.

Mike Witsoe, 510 11th Street South, requested that the awarding of the contract in Item 15 be postponed. In response to Mr. Witsoe's inquiries, Director Basta read the bid tabulation information. Mr. Witsoe suggested a subjective review be conducted of the submitted bids. Director Basta noted the contract documents set forth the requirements Mr. Witsoe discussed. He has no reason to believe the low bidder will not meet those obligations.

Commissioner Burow clarified that the three landscaping companies received the same invitation to bid information, the contract would be the same no matter which company it was awarded to, and insurance or a bond is required in the event the contract requirements are not fulfilled.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Orrin Loftin**, 3805 7th Street NE #114, discussed his proposal concerning the XL Pipeline project.
- B. **Brig. Gen. Brad Livingston**, 2704 Big Ranch Road, expressed appreciation to the City Commission, manager and staff, citizens of Great Falls and surrounding areas on behalf of the members of the Montana Air National. The Air Force recently announced that Great Falls will not be without an Air National Guard Unit; rather, in 2014 Great Falls will be the proud home of eight C-130 cargo aircraft.
- C. **Ron Gessaman**, 1006 36th Avenue NE, discussed a Tribune article about Monday evening's ECP meeting. Mr. Gessaman commented that ECP is a separate corporation with its own Tax ID number, and suggested it needs to get its own money other than from the taxpayers of the City of Great Falls. Mr. Gessaman also read a portion of the July 17, 2007 minutes - the prior City Manager explanation about the \$1.4 million dollar certificates of deposit with 1st Interstate Bank. He pointed out that in none of the subsequent minutes is there any pledge of that money as collateral to PPL for Southern's debt.
- D. **John Hubbard**, 615 7th Avenue South, discussed ECP's losses, and believes past administration should be held accountable for the disservice to the community.
- E. **Mike Witsoe**, 510 11th Street South, congratulated the newly elected officials, and new Chief of Police.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon commented that he asked Director Kinzler to start assembling the budget calendar. He asked the Commission to begin thinking about how the Commission would like him to prepare the budget for the upcoming year.

Manager Doyon also commented that it was a major victory for this community to retain a flying mission. He commended Dave Weissman, Central Montana Defense Alliance, and Senators Baucus and Tester.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters commented that a retreat is scheduled Thursday for staff and the Commission.

Commissioner Burow commented that spending was cut the last two budgets.

Jordan Purinton commented that his experience has been interesting and informative.

19. **COMMISSION INITIATIVES.**

Mayor Winters asked the Commission's consent to ask the City Manager's Office to proceed with exploring options for a City of Great Falls' license plate. The Commissioners concurred.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jones, that the regular meeting of February 7, 2012, be adjourned at 8:30 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: February 21, 2012