

Regular City Commission Meeting

Mayor Pro Tempore Jones presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Girl Scout Troops 3112, 3127 and 3236

ROLL CALL: City Commissioners present: 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, Deputy Director of Planning and Community Development, Executive Director of the Housing Authority, Police Captain, and the City Clerk.

PROCLAMATION: Commissioner Jolley read a proclamation for Year of the Girl and Mayor Pro Tempore Jones read a proclamation for Made In Montana Week.

*** 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. Robin Baker**, NC 6, discussed the neighborhood's concerns and noise violations from the 8 Ball, and progressive enforcement. She inquired the status of the issued citations and was informed both cases were deferred for a period of six months. Should violations occur during that time, the deferred prosecution agreements could be revoked.

Ms. Baker invited the City Commission and City staff to the council's meeting tomorrow at 7:00 p.m. at Sunnyside School.

- B. John Sturgeon**, NC 3, provided a copy of a fundraiser flyer for playground equipment at Jaycee and Skyline Parks entitled "Party for the Parks" scheduled for April 14th at the Hideout Lounge.

BOARDS & COMMISSIONS

2. REAPPOINTMENT, DESIGN REVIEW BOARD.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission reappoint Todd Humble to the Design Review Board for a three-year term through March 31, 2015.

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

Ron Gessaman, 1006 36th Avenue NE, was curious what the backgrounds were of the current board members including Mr. Humble. As that information was not available this evening, it was suggested that Mr. Gessaman submit a written records request for that information. Commissioner Bronson added that Bruce Forde is a landscaping architect and Jean Price is a retired art teacher.

Mr. Gessaman commented that it is difficult to find information on the new website.

There being no one else to address the Commission, Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

PUBLIC HEARINGS

4. **RESOLUTION 9957, CLOSURE OF A PORTION OF 6TH STREET NORTHEAST.**

Planning and Community Development Deputy Director Wendy Thomas reported that the applicant, Montana Refining Company (MRC), has requested that the City close the last 300 feet of 6th Street Northeast before its terminus at the railroad just south of 17th Avenue Northeast to 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 that will provide superior access for Public Works to the pipe yard. Public Works is in support of the street closure and mutual commitments will be memorialized in a Development Agreement.

At its January 10, 2012 meeting, the Planning Advisory Board unanimously recommended approval of the street closure.

Staff recommends that the City Commission adopt Resolution 9957.

Mayor Pro Tempore Jones declared the public hearing open.

Speaking in opposition to Resolution 9957 were:

Kathy Gessaman, 1006 36th Avenue NE, reviewed the explanations set forth in the Resolution and Agenda Report to close the subject property. She doesn't believe there is a problem with the current access, and noted that it is a popular place for trucks to turn around. She expressed opposition because MRC did not keep its contractual obligations with ECP and there were no guarantees set forth in these documents that MRC would keep its word and construct an access road.

Commissioner Burow commented that if MRC didn't comply, the City could reverse the street closure.

City Engineer Dave Dobbs reviewed the sections in the Agreement that address Ms. Gessaman's concerns.

Ron Gessaman, 1006 36th Avenue NE, sees no reason for the closure. He feels the 60 foot right-of-way for 30 feet of access is an unfair trade. The documents should reflect that the access be completed before the road is closed. He also expressed trust issues with MRC.

John Hubbard, 615 7th Avenue South, believes MRC wants the road closed and the Westgate property for more holding tanks. He expressed concern about the refinery blowing up.

Speaking in favor of Resolution 9957 were:

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that Public Works has determined that it is in the City's best interest to improve access and make it safer. It would also help a leading business's tax base and supports a number of activities in the community.

Steve Malicott, Great Falls Area Chamber of Commerce, commented that the Montana Refining Company is a member in good standing with the Chamber of Commerce.

Jeff Short, Montana Refining Company, asked if he could answer any questions.

Commissioner Burow commented that, if the Agreement is approved, it should be with the stipulation that modifications come back before the public and Commission for approval.

Commissioner Bronson clarified that, pursuant to state law, should there be a need for modifications, staff would negotiate the terms with MRC and bring the Agreement back before the Commission for consideration.

There being no one else to address the Commission, Mayor Pro Tempore Jones closed the public hearing.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9957.

Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the Agreement for Closure of a Portion of 6th Street Northeast.

Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

5. RESOLUTION 9962, AMENDING RESOLUTION 9910 ESTABLISHING A POLICY CONCERNING APPOINTMENTSTO BOARDS AND COMMISSIONS.

Deputy City Manager Jennifer Reichelt reported that the Great Falls Housing Authority (GFHA)

Board submitted a request that the appointment policy be revised to allow GFHA tenant members to serve five consecutive two-year terms equal to the regular, non-tenant member terms. Language was also added regarding boards and commissions making recommendations for vacant positions, clarifying language that the Commission has final authority over all appointments, and that the Commission may interview advisory board and commission applicants, all consistent with past practice.

Staff recommends that the Commission adopt Resolution 9962.

In response to Commissioner Bronson's interpretation of paragraph 5, Deputy Manager Reichelt and City Attorney James Santoro clarified that the resolution pertains specifically to Commission appointments to City boards and commissions.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 9962.

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

Ron Gessaman, 1006 36th Avenue NE, thinks it is poor policy to modify a general policy to give special consideration to the GFHA. The GFHA is asking the City to do something that he thinks is contrary to the legislative intent of § 7-15-4432, MCA.

There being no one else to address the Commission, Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

6. **RESOLUTION 9961, ESTABLISHING THE BOUNDARIES OF THE PROPOSED DOWNTOWN URBAN RENEWAL DISTRICT AND IDENTIFYING THAT THE AREA IS "BLIGHTED" AS DEFINED BY MONTANA STATUTE (OF 1636).**

Planning and Community Development Deputy Director Wendy Thomas reported that the Great Falls City Commission adopted the Downtown Master Plan in October, 2011. The Plan provides a strategically focused, goal driven "blueprint" for the future growth and development of downtown. The Plan included a recommendation to re-establish a Downtown Tax Increment Financing (TIF) District to provide a dedicated source of funding for public improvements to implement plan strategies. Establishing a TIF District is a multipart process: (1) Document existence of conditions that discourage economic investment; (2) Create an Urban Renewal District; and (3) Create a TIF District.

After consulting with Janet Cornish, a statewide expert on TIF districts, City staff conducted an analysis of the proposed area by examining police data, building permits, site conditions and growth policy text. Staff found that five of the fifteen conditions currently exist in the proposed district. The Resolution establishes that the proposed Downtown Urban Renewal District is "blighted" and identifies the area as a proposed urban renewal district.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Resolution 9961.

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

Motion carried 4-0.

CONSENT AGENDA

7. Minutes, February 21, 2012, Commission meeting.
8. Total expenditures of \$2,630,315 for the period of February 16-29, 2012, to include claims over \$5,000, in the amount of \$2,474,875.
9. Contracts list.
10. Lien release list.
11. Grants list.
12. Set public hearing for April 17, 2012, on Resolution 9955 Establishing Water, Sewer and Storm Drain Utility Service Rates effective May 1, 2012.
13. Approve cancellation of City of Great Falls checks that remain outstanding and unpaid for a period of one year or longer as authorized by § 7-6-4303, MCA.
14. Approve 2011 Funding Agreement with the Montana Department of Transportation for Air Quality Equipment.
15. Award bid to Montana Refining Company in the amount of \$133,750 to supply emulsified asphalt.

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

Mayor Pro Tempore Jones asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, inquired and received clarification of three payments listed on Agenda Item 8. With regard to Agenda Item 9A, Mr. Gessaman inquired if other methods of acquiring the generator were considered. Mayor Pro Tempore Jones clarified that the contract was to provide service to relocate electrical power. Regarding Item 12, Mr. Gessaman referred to the asterisks on the Appendix page noting pending negotiations, and commented that the burden shouldn't be shifted for this sewer service from business to residential. Mr. Gessaman further discussed Item 15, and suggested that the City request a discount from Montana Refining Company.

There being no one else to address the Commission, Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

PETITIONS AND COMMUNICATIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Pro Tempore Jones opened the meeting to Petitions and Communications.

- A. **Julie Parker**, 1720 11th Avenue South, commented that noise resumed as of March 3rd when a new music group and DJ's began playing at the 8 Ball. She suggested the DJ's as well as the club owner be cited for noise violations. She requested that the City give this matter its serious attention to safeguard the physical and mental health of the neighbors, and restoring their right to peace in their homes.
- B. **John Hubbard**, 615 7th Avenue South, read a continuation of the letter he wrote to the Supreme Court following receipt of a recent Order.
- C. **Ron Gessaman**, 1006 36th Avenue NE, discussed a recent *Tribune* article regarding ECP's loss of the \$1.4 million dollar deposit, prior staff being held accountable for misrepresentations, and that the citizenry is not going to let this issue go away. Regarding Item 4 on the Agenda, Mr. Gessaman pointed out that there was a typographical error in the Agreement with MRC, and the zoning depicted on the map should be labeled I-1.
- D. **John Sturgeon**, 121 2nd Street NW, inquired how much the proposed water and sewer rate increase was going to cost the residents. Mayor Pro Tempore Jones responded that the average cost for both is \$3.15. Mr. Sturgeon expressed opposition to these rate increases. The Work Session presentation handout was provided to Mr. Sturgeon that identified the issues why the rate increases were being asked for, some of which were being driven by requirements of the EPA or other federal agencies.

Mr. Sturgeon concluded that the City has to get a handle on spending or it will lose citizens. Commissioner Burow pointed out that the City budget, money that has been spent, has decreased the past two years.

- E. **Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, provided an update of new business openings and expansion projects. The Commercial Kitchen Survey results are posted on the GFDA's website. Mr. Doney encouraged the City to join the brand alliance. He also applauded the City for keeping water and sewer rates as low as possible.
- F. **Mike Witsoe**, 510 11th Street South, discussed upcoming events for St. Patrick's Day and Western Art Week. Mr. Witsoe also discussed decibel levels and the hearing impaired. He also inquired about the technical difficulties City-7 was experiencing this evening and was informed the meeting was being videotaped and would re-air.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon provided an overview of his attendance at the Association of Defense Communities with fellow Central Montana Defense Alliance members. He also discussed oil development opportunities and challenges, and efforts of City staff to educate and prepare the City for potential impacts. Detailed reports are forthcoming in upcoming weekly reviews.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson reported that the Weed and Seed Steering Committee unanimously approved the expenditure of up to \$28,000 that will allow the Great Falls Police Department to purchase a number of needed security equipment. Item number one on the list are state of the art sound meters and calibrators that will assist the GFPD in enforcing the City's noise ordinance. He recognized Sgt. Slavik and other staff at the Great Falls Police Department for presenting the list to the Steering Committee and saving the taxpayers money.

19. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Burow, that the regular meeting of March 6, 2012, be adjourned at 8:48 p.m.**

Motion carried 4-0.

Mayor Pro Tempore Jones

City Clerk

Minutes Approved as Amended: March 20, 2012