

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bill Bronson, Bob Jones and Fred Burow. Commissioner Kelly was excused. Also present were the City Manager and Deputy City Manager; City Attorney; Directors of Fiscal Services, Park and Recreation, Planning and Community Development, and Public Works; Police Investigations Captain; and the City Clerk.

AGENDA APPROVAL: No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

PROCLAMATIONS: Mayor Winters read a proclamation for Montana Retired Educator Day, and Commissioner Bronson read a proclamation for March for Meals Month.

**** 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.

There were no miscellaneous reports and announcements from Neighborhood Council representatives.

CONSENT AGENDA.

2. Minutes, February 17, 2015, Commission meeting.
3. Total Expenditures of \$1,137,910 for the period of January 31 through February 18, 2015, to include claims over \$5,000, in the amount of \$932,540.
4. Contracts list.
5. Grants list.
6. Set public hearing for April 21, 2015, on Resolution 10097, Establishing Water, Sewer, and Storm Drain Utility Service Rates effective May 1, 2015.
7. Award contract in the amount of \$475,505 to Planned and Engineered Construction Inc. for the Sanitary Sewer Trenchless Rehabilitation, Phase 18. **OF 1674.1**

Commissioner Burow 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. Hearing none, Mayor Winters asked if there were any comments from the public.

Ron Gessaman, 1006 36th Avenue NE, referred to Item 4E and inquired if Mr. Pascoe has produced a document truing up the electrical contract for the past year.

City Manager Greg Doyon reviewed the terms of the addendum and explained that he has relied on consultant Bill Pascoe to assist the City with load forecasting, regulatory issues and reconciling billing with Barrett Minerals.

With regard to Item 6, Mr. Gessaman suggested that at the public hearing on Resolution 10097 staff mention who would be entitled to low income residential rates.

There being no further comments, Mayor Winters called for the vote.

Motion carried 4-0.

BOARDS & COMMISSIONS

8. **APPOINTMENT, MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.**

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission appoint Tracy Houck to fill the remainder of a three-year term through December 31, 2015, to the Mansfield Center for the Performing Arts Advisory Board.

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

Motion carried 4-0.

9. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

PUBLIC HEARINGS

10. **RESOLUTION 10055, TO CREATE CITY-OWNED SPECIAL IMPROVEMENT RESIDENTIAL LIGHTING DISTRICT NO. 1309, STONE MEADOWS ADDITION, PHASE II.**

Fiscal Services Director Melissa Kinzler reported that staff received a signed petition from Stone Meadows Inc. and Silver Stone Enterprises, developers of Stone Meadows Addition Phase II, requesting the creation of a street lighting district. Resolution 10054, the resolution of intention to create the district, was adopted by the City Commission on February 3, 2015.

Staff mailed letters regarding the City's intention to create City Owned Special Improvement Residential Lighting District No. 1309 along with a copy of the published legal notice and

outlined the protest procedures to each person, firm or corporation, or a known agent having property located within the boundaries of the proposed district. During the 15 day protest period, no protest letters were received by the City regarding the creation of Special Improvement Lighting District No. 1309.

The estimated annual assessment for construction will be \$104.02, and the ongoing estimated annual maintenance assessment will be \$99.20 for an average sized lot.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 10055.

Speaking in opposition to Resolution 10055 was:

Ron Gessaman, 1006 36th Avenue NE, disagreed that the proposed fixtures are night sky friendly.

City Manager Doyon reported that he will be reviewing the resolution that created the City's street light policy, and recommending that it be amended or repealed. He questioned whether the City needed to continue providing this service. There are options for developers through NorthWestern Energy.

There being no further comments, Mayor Winters closed the public hearing and asked the will of the Commission.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10055.

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

Commissioner Burow commented that NorthWestern Energy is in this business. He doesn't believe the City needs to be in this business any longer.

There being no further comments, Mayor Winters called for the vote.

Motion carried 3-1 (Commissioner Burow dissenting).

OLD BUSINESS

NEW BUSINESS

11. WEST BANK PARK URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR WEST BANK PARK.

Planning and Community Development Director Craig Raymond reported that this item is a request to approve the use of Tax Increment Financing (TIF) funds from the Westbank Urban Renewal District.

In 2007, the City of Great Falls adopted the West Bank Urban Renewal and Tax Increment Financing District Plan. The West Bank TIF District encompasses property on the west bank of the Missouri River north and south of Central Avenue West between 3rd Street NW/SW and the Missouri River. West Bank Park, a City-owned recreation and open space facility, is within the West Bank TIF District, and has a recently adopted Master Plan to guide improvements within the park.

On December 29, 2014, the Park & Recreation Department made formal application for TIF funds to augment a number of grants that have been received for West Bank Park improvements to implement elements of the Master Plan. TIF participation requests must be determined to be in compliance with and follow the recommendations of the Urban Renewal Plan, as well as be determined eligible for TIF participation in accordance with the Montana Code Annotated. Staff determined the work is eligible and appropriate, and that there is adequate funding in the TIF to fund the project.

On February 10, 2015, the Planning Advisory Board voted unanimously to recommend to the City Commission that the City authorize the projects and improvements and associated funding from the West Bank Urban Renewal TIF District.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the use of up to \$460,000 in West Bank Urban Renewal TIF District funding for improvements to West Bank Park.

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

Ron Gessaman, 1006 36th Avenue NE, commented he was in favor of this expenditure. He hopes the proposed park restroom will be open to the public and won't be locked.

Jana Cooper, TD&H, 1800 River Drive North, supports the project and commented this is a great use of public funds.

There being no further comments, Mayor Winters called for the vote.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

PETITIONS AND COMMUNICATIONS

12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. **Ron Gessaman**, 1006 36th Avenue NE, read portions of Mike McGrath's 2005 Attorney General Opinion No. 12.

CITY MANAGER

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that he and Mayor Winters will be attending the executive forum in Helena the next few days, and he reminded the Commission of the change of command ceremony scheduled for Saturday at Montana Air National Guard.

CITY COMMISSION**14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from the City Commission.

15. COMMISSION INITIATIVES.

There were no Commission initiatives.

16. CLOSED EXECUTIVE SESSION (Litigation Strategy - - Grant Noonkester, d/b/a Par Golf Construction, Plaintiff/Counterdefendant vs. City of Great Falls, Defendant/Counterclaimant Cause No. ADV-05-1536)

City Attorney Sara Sexe requested that, pursuant to Montana Code Annotated 2-3-203(4)(a), this portion of the meeting be closed to discuss a strategy to be followed with respect to litigation the City is involved in. She believes an open meeting would have a detrimental effect on the litigation position of the City of Great Falls.

Commissioner Burow moved, seconded by Commissioner Jones, that the Commission recess to a closed executive session to discuss litigation issues.

Hearing no objection, Mayor Winters, Commissioners Jones, Bronson and Burow, City Manager Doyon and Deputy City Manager Reichelt, met in executive session with Kevin Meek and City Attorney Sexe in her office at 7:30 p.m. and reconvened into an open meeting at 8:03 p.m. Mayor Winters called the meeting back to order.

City Attorney Sexe reported that she and outside counsel Kevin Meek discussed litigation strategy with the Commission that is currently pending in the matter of Grant Noonkester, d/b/a Par Golf Construction, versus the City of Great Falls.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of March 3, 2015, at 8:04 p.m.**

Motion carried 4-0.

Mayor Michael J. Winters

City Clerk Lisa Kunz

Minutes Approved: March 17, 2015