

Regular City Commission Meeting

Mayor Winters presiding

**CALL TO ORDER:** 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

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

**AGENDA APPROVAL:** City Manager Greg Doyon requested removal of contract I of Agenda Report 5 from the agenda. No changes were proposed by the City Commission. The agenda was approved with the requested change to the contracts list.

**PROCLAMATION:** Mayor Winters read a proclamation for Kiwanis International Month in recognition of its 100<sup>th</sup> anniversary.

At the request of Mayor Winters, Sean Lynch of Boy Scout Troop 1 sat with the Commission during the meeting to fulfill requirements for the communications merit badge and citizenship in the community merit badge.

**\*\* 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, July 21, 2015, Commission meeting.
3. Minutes, July 23, 2015, Special Commission meeting.
4. Total expenditures of \$1,782,170 for the period of July 9-22, 2015, to include claims over \$5,000, in the amount of \$1,489,360.
5. Amended Contracts list.
6. Approve Great Falls Police Department/Cascade County Sheriff's Office Interlocal Agreement for division of the 2015 Byrne Justice Assistance Grant (JAG) Program Award.

7. Approve purchase of water meter equipment for Fiscal Year 2016 from Dana Kepner Co. of Billings in an amount not to exceed \$250,000.
8. Approve purchase of one new 2016 Ford F650 to Bison Motor Company of Great Falls for \$91,092.50, including trade-in.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented with the exception of Item I of Agenda Report 5, and Item 8 for discussion.**

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

Regarding Item 8, Commissioner Burow inquired what equipment would be taken off the existing truck and transferred to the new truck. He also suggested selling the tires from the old truck instead of with the trade-in.

Public Works Director Jim Rearden explained that most of the equipment is brand new. The deck of the service body will be transferred from the 1992 Chevy Kodiak to the new truck. He also noted that the old truck could be sold separately rather than being traded in.

Commissioner Burow added Item 8 back into the Consent Agenda to be included with the vote.

In response to Mayor Winter's inquiry, Director Rearden reported that six companies were notified of the Request for Bids.

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

**Richard Liebert**, 289 Boston Coulee Road, suggested that the agenda report identify why the vehicle is being replaced, and that Item 8 be re-bid. With regard to Item 4, Mr. Liebert inquired why the Par Golf settlement payments were being split among funds, when the July 7<sup>th</sup> agenda report set forth that it would be paid from the City Manager's contingency fund.

Fiscal Services Director Melissa Kinzler responded that the agenda report set forth that part of the money would come from the original issuance of the bond which was under the capital projects fund, and the other part would come out of the general fund, which was transferred from the Contingency Fund to Other Admin in the General Fund.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, suggested his comments on page 127 of Item 2 be rewritten. In response to Mr. Gessaman's inquiry regarding payment made to Dorsey & Whitney LLP in Item 4, Director Kinzler reported the funds would come out of the tax increment fund.

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

Motion carried 4-0.

### **BOARDS & COMMISSIONS**

9. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND

**COMMISSIONS.**

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

**PUBLIC HEARINGS****10. RESOLUTION 10101 TO LEVY AND ASSESS SPECIAL IMPROVEMENT GENERAL BOULEVARD MAINTENANCE DISTRICT NO. 3570.**

Fiscal Services Director Melissa Kinzler reported that adoption of Resolution 10101 will allow the City to finance the cost of work, improvements and maintenance of over 15,000 street trees conducted each year in the special improvement boulevard maintenance district. Services provided within the district are tree pruning, removal, and planting. After calculating all factors pertinent to the operation of Natural Resources – Boulevard Division, an increase of 10% is proposed for future tree trimming and planting contracts, which equates to assessed amount of \$350,742.

Manager Doyon added that this assessment is for operations, and does not include capital projects that have been deferred within the Natural Resources Division.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10101.

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 10101.**

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

Motion carried 4-0.

**11. RESOLUTION 10102 TO LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.**

Fiscal Services Director Melissa Kinzler reported that adoption of Resolution 10102 will allow the City to finance the cost of repairs and maintenance in the Special Improvement Portage Meadows Maintenance District. The assessment amount for Portage Meadows will remain the same as last fiscal year. The assessment covers the costs of materials, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning.

Manager Doyon noted that the assessment only covers the cost of providing those services.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 10102 was:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, opined why no one was present to oppose Resolution 10102.

No one spoke in support of Resolution 10102.

Mayor Winters closed the public hearing and asked the will of the Commission.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10102.**

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

Motion carried 4-0.

**12. RESOLUTION 10103 TO LEVY AND ASSESS STREET MAINTENANCE DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that adoption of Resolution 10103 will allow the City to fund the cost of work, improvements and maintenance in the street maintenance district. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, nuisance weed program and funding of the traffic division. For fiscal year 2016 the proposed assessment will increase 10% to provide for the reconstruction of 36<sup>th</sup> Avenue NE from 11<sup>th</sup> Street to Bootlegger Trail and needed future capital projects.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 10103 were:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, agrees 36<sup>th</sup> Avenue NE is in need of an upgrade, but disagrees that future capital improvements be paid with maintenance assessments. He further expressed concerns about road widths from 11<sup>th</sup> Street to Bootlegger Trail.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, spoke in opposition to levies, taxes and assessments.

No one spoke in support of Resolution 10103.

Mayor Winters closed the public hearing and asked the will of the Commission.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10103.**

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

Commissioner Jones commented that Director Rearden went through the importance of the assessment process during the work session this evening. There are about 383 miles of streets.

It's important to support Public Works and its efforts to keep our streets safe and well maintained.

Commissioner Burow inquired about using maintenance funds to rebuild 36<sup>th</sup> Avenue NE.

City Attorney Sara Sexe read a portion of the statute dealing with street maintenance districts.

Director Rearden added that street reconstruction would be contracted out to a private contractor.

Director Rearden clarified that fuel tax money could be used for construction, re-construction and/or maintenance. In effect, it could be fuel tax dollars used to rebuild 36<sup>th</sup> Avenue NE, but the assessment would help offset dollars in the total fund.

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

Motion carried 4-0.

13. **RESOLUTION 10104 TO LEVY AND ASSESS PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICTS.**

Fiscal Services Director Melissa Kinzler reported that there are currently 26 Special Improvement Lighting Districts (SLD's) with approximately 9,420 roadway lights, lighting over 70% of the City. The majority, approximately 97% of the roadway lights, are owned by NorthWestern Energy. The City pays a maintenance and operational fee to NorthWestern Energy for the lights in addition to a fee which covers the electrical transmission and distribution. Adoption of Resolution 10104 will allow the City to fund the operational and maintenance costs required to be made each year in the Special Improvement Lighting Districts. The anticipated assessment amount for the fiscal year is \$1,428,082. Some of the assessment amounts remained the same, some were increased to compensate for the deficit in its cash balance and 13 lighting district assessments were reduced as its cash balances were more than adequate to cover the operational costs.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 10104.

Speaking in opposition to Resolution 10104 were:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, was happy to see the assessments being brought in line with the expenditures. He would like to see less cash being held in the fund.

**John Hubbard**, 615 7<sup>th</sup> Avenue North, commented that NorthWestern Energy bought the dams from PPL and the rate has increased for electricity.

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

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10104.**

Mayor Winters discussed a concern expressed to him from an individual. Mayor Winters spoke with the person who handles taxes and assessments in the Fiscal Services Department who indicated citizens that have concerns about disproportionate charges or no lighting in an area should write a letter to the Fiscal Services Department.

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

Commissioner Bronson commented he was contacted by the same individual, and that he was more than satisfied that staff has been very helpful to this individual in identifying answers to his particular concerns. This individual has asked that the Commission not vote on this item this evening. Commissioner Bronson commented that not voting on this item will set a dangerous precedent. This individual's concerns can be addressed administratively without the Commission having to delay a vote. He further noted that since the City is in the process of gradually lowering the levies, delaying a vote would be unfair to the ratepayer.

Commissioner Burow questioned the high fund balance.

Director Kinzler responded that it is being addressed on a slow basis so that there are not dramatic fluctuations in assessments from one year to the next.

Manager Doyon noted the upcoming changes, and suggested the City's consultant evaluate same as the City moves into next year's budget cycle.

Commissioner Burow suggested tabling this item.

Director Kinzler pointed out that the reserve amount in the special lighting district fund has to be a higher fund balance to pay its bills because the City only receives revenue for the special lighting districts in December and June.

After further discussion, Mayor Winters called for the vote.

Motion carried 4-0.

**14. RESOLUTION 10107 TO LEVY AND ASSESS SPECIAL IMPROVEMENT CITY OWNED RESIDENTIAL LIGHTING DISTRICT NO. 1309.**

Fiscal Services Director Melissa Kinzler reported that on March 3, 2015, the City Commission adopted Resolution No. 10055 which authorized the creation, installation and maintenance costs to be assessed for nine (9) 100 Watt HPS city-owned street lighting units in Stone Meadows Addition Phase II. The City Commission also authorized the City to enter into a loan agreement with the Montana Board of Investments to fund the cost to install those lights.

Adoption of Resolution 10107 will allow the City to finance the cost of installation, operation and maintenance required each year within the City Owned Special Improvement Residential

Lighting District No. 1309.

Public roadway lighting for this district will be installed sometime this summer as provided for in Resolution 10100 for the total assessed cost of \$58,000 plus annual interest. The special assessments for the installation costs of the improvements shall be payable over a term of 15 years. This will result in an annual assessment of \$208.64 for an average size lot. The ongoing annual energy and maintenance costs were estimated to be \$2,777.56. This will result in an assessment of \$99.20 for an average size lot. There are 28 parcels in this district.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 10107.

Speaking in opposition to Resolution 10107 was:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, opposes the outdated concept of installing high pressure sodium (HPS) lights. He commented that the cost of saving energy would offset the cost of installing LED lights. He concluded that Great Falls is not progressive, and the use of HPS lights is not environmentally friendly.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, commented that his friend's house on the northwest side of town does not have sidewalks or lights.

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

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10107.**

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

Commissioner Burow suggested that staff follow up and report the cost difference between LED and HPS lights.

Manager Doyon responded that the research will be performed. He also reminded the Commission that people have the ability to go through NorthWestern Energy to do the lighting district. If the Commission wanted to make a change on those issues, it would require a policy statement direction from the Commission. Staff is working on the prior lighting district resolution.

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

Motion carried 3-1 (Commissioner Burow dissenting).

**OLD BUSINESS**

**NEW BUSINESS****ORDINANCES/RESOLUTIONS****PETITIONS AND COMMUNICATIONS****15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. Richard Liebert**, 289 Boston Coulee Road, commented that Friends of the Library had a well attended picnic today. On behalf of Ken Robison, he extended an invitation to attend the 125<sup>th</sup> celebration at the Library on August 12<sup>th</sup>. Mr. Liebert suggested that progress be made in arranging a meeting between the Commission and Library Board to discuss funding.
- B. Aart Dolman**, 3016 Central Avenue, discussed the Tintina Resources proposed copper mine in Meagher County and concerns of polluting the Missouri River and impacting our drinking water. He inquired if the Meagher County Commissioners have contacted the City Commission regarding the mine development for copper, and was informed they have not.
- C. John Hubbard**, 615 7<sup>th</sup> Avenue South, opined that water rates have increased because of the monies lost in the coal fired generating plant and ECP venture.
- D. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, followed up Mr. Dolman's comments to request that someone from the City be designated to follow what is going on in Meagher County. If the copper mine is built, there will be a question about what the bonding needs to be. He thinks it is in the City's interest to make sure there is enough bonding so that if the water is polluted and the City has to move the intake or spend money to get water for citizens it will be covered by the people making a profit in that mine.
- E. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired about garbage trucks in town with SWS on the side that are picking up City garbage cans. Mr. Gessaman suggested that the time limit rule should also apply to the Commission members.

Director Rearden explained that Solid Waste Systems (SWS), a vendor out of Spokane, Washington, provided a truck for the City to demo.

**CITY MANAGER****16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

**CITY COMMISSION****17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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



18. **COMMISSION INITIATIVES.**

There were no Commission initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of August 4, 2015, at 8:41 p.m.**

Motion carried 4-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: August 18, 2015