

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, Fred Burow, Bob Jones and Bob Kelly. Also present were the City Manager; City Attorney; Directors of Fiscal Services and Planning and Community Development; Police Chief; City Engineer; and the Deputy City Clerk.

AGENDA APPROVAL: City Manager Greg Doyon noted a correction to Agenda Report 9. Good Eats Café and Catering LLC was formerly known as Cian Enterprises, Inc. The lease agreement is correct. He also requested removal of contract B of Agenda Report 4 from the agenda. No changes were proposed by the City Commission. The agenda was approved with the requested change to the contracts list.

PRESENTATION: Mayor Winters presented Tristan Krum with a Resolution of Commendation, Appreciation and Gratitude for achieving the high rank of Eagle Scout.

PROCLAMATIONS: Mayor Winters read proclamations titled Constitution Week, Vets4Vets Month, and See You at the Pole Day.

**** 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, September 1, 2015, Commission meeting.
3. Total expenditures of \$2,981,847 for the period of August 19 – September 2, 2015, to include claims over \$5,000, in the amount of \$2,719,469.
4. Amended Contracts list.
5. Lien Release list.

6. Approve Final Payment in the amount of \$443,900.16 to Planned and Engineered Construction, Inc. and \$4,483.84 to the State Miscellaneous Tax Fund for the Sanitary Sewer Main Trenchless Rehabilitation, Phase 18. **OF 1674.1**

Commissioner Burow moved, seconded by Commissioners Jones and Kelly, that the City Commission accept the Consent Agenda, with the exception of Agenda item 3 for further clarification.

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

Regarding item 3, Commissioner Burow questioned the on-line catalog expense for the Library.

City Manager Greg Doyon responded that he believes the expense is an annual access fee charged to the Library for the on-line catalog. He noted that he would provide an explanation to the Commission the next day.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

7. **APPOINTMENT, BOARD OF ADJUSTMENTS/Appeals BOARD.**

Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Krista Smith to the Board of Adjustment/Appeals for the remainder of a three-year term through September 30, 2016.

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

Motion carried 5-0.

8. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

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

PUBLIC HEARINGS

9. **LEASE AGREEMENT WITH GOOD EATS CAFÉ AND CATERING LLC (FORMERLY KNOWN AS CIAN ENTERPRISES, INC.) FOR CITY-OWNED PROPERTY LOCATED IN THE COMMUNITY RECREATION CENTER.**

Fiscal Services Director Melissa Kinzler reported the City of Great Falls Park and Recreation

Department has held an agreement with Cian Enterprises, Inc. for use of an area in the Community Recreation Center since January, 2007. During this time, Cian Enterprises, Inc. changed its business name to Good Eats Café and Catering LLC. The agreement between the City of Great Falls and Good Eats Café and Catering LLC provides for a lease of an area in the Community Recreation Center including the café, kitchen and adjoining large meeting room for the purpose of providing concessions/café services to citizens of Great Falls and visitors to the community.

The five year lease has the following rental schedule:

- September 2015 through December 2016: \$1,800 plus utility costs, per month
- January 2017 through December 2018: \$1,850 plus utility costs, per month
- January 2019 through December 2019: \$1,900 plus utility costs, per month

Utility Costs are estimated to be approximately \$650 per month.

Good Eats Café and Catering LLC agrees to maintain the leased premises, including the building and improvements. The City agrees to maintain the foundation of the building and all structural components. The City also agrees to provide maintenance, repair, and snow removal of the parking lots and sidewalks adjacent to the leased premises.

As required by the Official Code of the City of Great Falls (OCCGF), before final consideration of the lease of City property, the City Commission shall hold a public hearing. Approval of the lease shall require a 4/5 vote of all members of the City Commission.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to the lease agreement with Good Eats Café and Catering LLC.

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

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve a lease agreement of City owned property located within the Community Recreation Center with Good Eats Café and Catering LLC.

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

Motion carried 5-0.

10. LEASE AGREEMENT WITH A CHILD'S WORLD LLC FOR CITY-OWNED PROPERTY LOCATED IN THE COMMUNITY RECREATION CENTER.

Fiscal Services Director Melissa Kinzler reported the agreement between the City of Great Falls and A Child's World LLC provides for the lease of an area on the lower level of the Community Recreation Center to operate a day care. It includes access to the outside play area and gymnasium upon availability.

The five year lease has the following rental schedule:

- September 2015 through December 2016: \$1,400 per month
- January 2017 through December 2018: \$1,450 per month
- January 2019 through December 2019: \$1,500 per month

A Child's World agrees to maintain the leased premises, including the building and improvements. The City agrees to maintain the foundation, building, and all structural components. The City also agrees to provide maintenance, repair, and snow removal of the parking lots and sidewalks.

The City of Great Falls Park and Recreation Department has held an agreement with A Child's World Day Care for use of an area in the Community Recreation Center since November of 2003.

As required by the Official Code of the City of Great Falls (OCCGF), before final consideration of the lease of City property, the City Commission shall hold a public hearing. Approval of the lease shall require a 4/5 vote of all members of the City Commission.

Mayor Winters declared the public hearing open.

No one spoke in support of the lease agreement with A Child's World LLC.

Speaking in opposition was:

Ron Gessaman, 1006 36th Avenue NE, noted that he was only in opposition to one provision of the lease agreement. He believes a license from the state is the most important requirement for daycare. He questioned the general phrase in item 4 requiring a license. A provision should be included in the lease to protect the City should the state license be lost.

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

Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission approve a lease agreement of City owned property located within the Community Recreation Center with A Child's World LLC.

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

Commissioner Bronson responded that he believes item 4 of the lease requires the lessee to maintain that licensure.

City Attorney Sara Sexe referred the Commission to item 6 requiring all permits and licenses to operate the business.

Mayor Winters called for the vote.

Motion carried 5-0.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS****11. RESOLUTION 10105, LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that the Business Improvement District was originally created in 1989, renewed in 1999 and re-created for a third term in 2009, each for periods of ten years by petition of the property owners within the District. The BID's overall purpose is to improve and revitalize the downtown area by utilizing and directing the assessment dollars collected through the BID tax assessment.

On July 7, 2015, the BID presented a proposed work plan and budget. At the public hearing held on July 21, 2015, the City Commission moved to adopt the 2015/2016 Work Plan and Budget for the BID. The assessment amount requested by the BID through their work plan and budget was approximately \$205,000. The actual assessment for 2015/2016 based on the above assessment formula will generate \$271,578.33 in assessment revenue. The increase in this year's assessment revenue is attributed to the increased market values of land and improvements as set forth by the Department of Revenue for the State of Montana.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10105.

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

Commissioner Kelly believes there is a blessing and a curse that the best guess was \$205,000, and the actual revenue will generate \$271,578.33. He noted there were no BID representatives present.

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

Ron Gessaman, 1006 36th Avenue NE, inquired where the additional money collected will be designated.

Director Kinzler responded the BID will make that determination. She noted they will only receive half of the amount in December and the balance in June.

Mr. Gessaman questioned if the BID is required to receive Commission approval for an amendment to their budget.

City Attorney Sara Sexe responded the Commission approved the BID budget on July 21, 2015. If there are significant changes to the budget, a budget amendment would be required to show the

additional expenditures.

Mayor Winters called for the vote.

Motion carried 5-0.

12. **RESOLUTION 10106, LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that the Tourism Business Improvement District was established by Resolution 9792 on December 2, 2008, for a period of ten years by petition of the property owners within the District. Its overall purpose is to utilize assessments through the TBID tax assessment and direct those monies for the purpose of promoting tourism, conventions, trade shows and travel to the City of Great Falls.

On July 7, 2015, the TBID presented a proposed work plan and budget. Following the public hearing held on July 21, 2015, the City Commission moved to adopt the FY 2015/2016 Work Plan and Budget for the TBID.

The assessment amount requested by the TBID through their work plan and budget was approximately \$420,000. The actual assessment for FY 2015/2016, based on the assessment formula, will generate \$409,708 in assessment revenue.

Commissioner Kelly moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10106.

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, inquired if the TBID must adjust their budget due to not receiving the forecasted revenue, and how will the public know what has been cut from the budget.

Director Kinzler responded that she believes they will be adjusting their budget as revenue is received. She noted there may be some delinquent revenue received.

Mayor Winters called for the vote.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

13. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. **Ron Gessaman**, 1006 36th Avenue NE, reported that he received complaints from the public for not providing a picture or PowerPoint at the last Commission meeting with regard to the discrepancy in width of 36th Avenue NE that he had discussed.

He also questioned why no information has been provided with regard to the stay granted Calumet at the July 23, 2015, Special City Commission meeting. He noted Calumet will be starting the crude unit of the new expansion by the end of September, which may double the affluent coming from the refinery. A result from the stay will be even more important to the water quality coming out of the sewage treatment plant. He also noted that Calumet recently told Neighborhood Council 3 that all of the units in the new expansion will be started by January.

Mr. Gessaman noted that he is still waiting for responses on the co-gen. He requested staff review the packet of information delivered from Citizens for Clean Energy.

- B. Kathy Gessaman**, 1006 36th Avenue NE, inquired the kind of work being done by the horseshoe pits.

City Engineer Dave Dobbs responded the project is the replacement of sanitary sewer Lift Station No. 2.

CITY MANAGER

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to the leases at the Recreation Center, City Manager Greg Doyon noted that approximately a year ago the Deputy City Manager conferred with a commercial realtor regarding other options for those spaces in the building, and was informed the City should be thankful there are tenants for the building because of the amount of vacancies in the downtown area.

In response to comments from Ron Gessaman, Manager Doyon noted that materials for the Commission from residents are accepted through the City Clerk's office and distributed to the Commission prior to a meeting. Some residents also choose to provide materials for Commission review at the meeting.

Manager Doyon stated that he would follow up with the status of the Calumet stay. He reported that he received a draft response on the co-gen summary, but requested a more adequate response for the questions that have been received. Staff will review the material that was provided, which may involve the City reconsidering how the facility will be used.

Manager Doyon expressed appreciation to Deputy City Clerk Lucy Hallett for her support efforts to City Clerk Lisa Kunz. Ms. Hallett is retiring at the end of the month.

CITY COMMISSION

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters reported that on Thursday, September 17th at 10:00 a.m. representatives from the Stephen Siller Tunnel to Towers Foundation, an organization begun in memory of a fallen 9/11 firefighter, will pay a special visit to Contract Flooring Carpet One in Great Falls, to personally thank them for their generous support of the Foundation's Building for America's Bravest

(BFAB) program. The BFAB program builds hi-tec “smart homes” for service members returning from war who have been catastrophically injured. Contract Flooring Carpet One and its manufacturing partner, Mohawk, have committed to providing flooring materials & installation for 46 of these “smart homes”. The goal is to collect a donation of \$10.00 or more from each customer to ultimately enable the building of at least two more “smart homes”.

The Commission read and presented a Resolution of Commendation, Appreciation, and Gratitude to Deputy City Clerk Lucy Hallett, on behalf of City Clerk Lisa Kunz.

16. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Kelly, to adjourn the regular meeting of September 15, 2015, at 7:50 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

Deputy City Clerk Lucy Hallett

Minutes Approved: October 6, 2015