

Regular City Commission Meeting

Mayor Pro Tempore Jones presiding

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

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

**PROCLAMATION:** Mayor Pro Tempore Jones read a proclamation for Down Syndrome Awareness 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 representatives of Neighborhood Councils.

#### **CONSENT AGENDA**

2. Minutes, September 17, 2013, Commission meeting.
3. Total expenditures of \$2,056,248 for the period of September 10-25, 2013, to include claims over \$5,000, in the amount of \$1,857,112.
4. Contracts list.
5. Award contract in the amount of \$361,712 to United Materials of Great Falls, Inc., for the CMATP Great Bear Avenue Paving Improvements, Phase 2. **OF 1658.1**
6. Award contract in the amount of \$116,833 to United Materials of Great Falls, Inc., for the 6<sup>th</sup> Street NE Curb and Gutter Extension. **OF 1653.5**
7. Award contract in the amount of \$380,000 to Planned and Engineered Construction, Inc. for the Sanitary Sewer Trenchless Rehabilitation, Phase 17. **OF 1566.4**

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission approve the Consent Agenda as submitted.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to Item 6 and noted that due to the rezoning for Westgate Mall property the addition of sidewalks along 17<sup>th</sup> Avenue NE was removed.

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Burow noted that Item 4H, the construction agreement for historic 10<sup>th</sup> Street Bridge column removal, is paid by Preservation Cascade, not the City of Great Falls.

There being no further comments, Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

### **BOARDS & COMMISSIONS**

#### **8. APPOINTMENT, GOLF ADVISORY BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission appoint Mark Johnson as a Non-League member to the Golf Advisory Board to fill the remainder of a three-year term beginning October 1, 2013, through March 31, 2014.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Kelly commented that, although Kelly Gilligan was not selected this time, he is qualified for the position and he hopes Mr. Gilligan maintains his interest for the position.

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

Hearing none, Mayor Pro Tempore Jones 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 10022, BUDGET AMENDMENT RESOLUTION.**

Fiscal Services Director Melissa Kinzler reported that the City of Great Falls, Electric City Power (ECP) and Southern Montana G& T, through its attorneys, reached a Settlement Agreement and Release that will permanently sever the City's relationship with Southern Montana G&T. Approval of Resolution 10022 will amend the Fiscal Year 2013 budget to authorize two actions needed due to the settlement. Section 1 of the budget amendment authorizes the reclassification of advances to ECP from various City funds to operating transfers. The money from the advances was used for the \$1.4 million dollar security agreement. The various funds will never receive the money that was advanced to the Electric Fund. The \$1.4 million dollar security deposit was drawn by PPL and released by First Interstate Bank. The loss was expensed in Fiscal Year 2012.

Section 2 of the budget amendment authorizes the transfer of cash from the General Fund to the Electric Fund to reduce the cash deficit in the ECP/Electric Fund. As of June 30, 2013, the Electric Fund had a cash deficit of \$5,553,054.48. Since there will not be any operating revenue to repay the deficit, the General Fund will need to make an operating transfer to the Electric Fund to cover the deficit.

Mayor Pro Tempore Jones declared the public hearing open.

Speaking in opposition to Resolution 10022 were:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that the requested action will write off \$6.9 million dollars, monies that could have been used elsewhere in the City. He suggested that no one from this Commission or the previous Commission took any action for years to stop the losses despite Ordinance 2925 requiring ECP to cover costs at all times.

**Aart Dolman**, 3016 Central Avenue, commented that he stands in opposition because he believes this is not a City debt, it's a customer debt. He opined that what the Commission is being asked to do is not legal.

**Richard Liebert**, 289 Boston Coulee Road, commented that there has to be accountability and transparency. He suggested the companies that owe ECP be compelled to reach a settlement. He inquired the amount debtors owe to ECP.

**Alma Winberry**, 423 15<sup>th</sup> Street South, commented that ECP has been draining the City budget for years. She opposed the budget transfer and the City paying for ECP's debts.

No one spoke in support of Resolution 10022.

Mayor Pro Tempore Jones closed the public hearing and asked the will of the Commission.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10022.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Bronson deferred to Manager Doyon to follow up some of the questions and comments made.

Manager Doyon explained that the City was facing a \$61 million dollar lawsuit, plus legal expenses, if the City was unsuccessful. While he does not minimize the settlement amount of \$3.25 million dollars, it is a lot less than the potential liability the City was facing if it maintained its litigation and prepared for trial. The Commission deliberately and willingly focused on the primary concerns of separating from Southern, stopping the losses and getting out of the electric supply business. There was knowledge that if ECP were to litigate against its existing customers, that would have compounded the difficulty in Court during the City's efforts to extricate itself from Southern.

He further clarified that he has not forgotten what the companies owe ECP. A meeting has been held with one of the companies, and a meeting is scheduled with another company. These

companies knew that ECP was selling power at a loss. This Commission asked for a voluntary rate increase which was rejected by those companies.

The action requested tonight has been reviewed by the audit committee. There have been five special emphasis audits done on Electric City Power, and another one is upcoming. There is a level of accountability that is going on within the City to follow the funds to identify how they were used. The City's attorneys have talked with the Trustee's attorneys and the question about mismanagement of funds has been asked. He has asked for Nancy Temple's forensic audit report, and understands that there wasn't anything in the report to give the impression that there was something improperly done.

Manager Doyon pointed out that if there was something that occurred that was criminal in nature he would have referred it along with the City Attorney to the appropriate law enforcement agencies. Bad policy does not equate to criminal behavior.

Another special emphasis audit is scheduled this year. These issues have been reviewed by legal counsel. The auditors would not have allowed the City to transfer funds to address the deficiencies without it being legal.

Commissioner Burow commented that early on the Commission had attorneys working on contract issues. Judge Neill made it clear that if the City didn't pay its bills the Court would put the City in receivership. He commented that everything this Commission has done has been straightforward and open, and the settlement was the best outcome compared to facing \$60 million dollars.

Commissioner Bronson commented that the auditors that have worked with the City on this for many years have indicated they are comfortable with the action requested and find it acceptable.

Mayor Pro Tempore Jones commented that this Commission operated with integrity from the beginning by replacing the ECP Board members, and getting out financial reports that people could read and understand. What they have dealt with was poor policy. Speaking for himself, the City needs to take immediate step to get out of the electric business. He concluded that litigation against ECP customers will need to be carefully thought about. Litigation could last another four to five years with some of the larger companies.

Mayor Pro Tempore Jones further commented that the remaining four cooperatives are being held to their contracts by bankruptcy trustee Lee Freeman and they can't remove themselves from Southern. The City had one opportunity and the Commission took that opportunity. It was an expensive opportunity, but it relieved the City of debt under contract of more than \$60 million dollars. Most of the customer contracts ran their terms. The three companies in question are those that went with IESS, a subsidiary company of SME. The City has made contact with all three companies, met with one and has a meeting scheduled with another to address those particular debts.

There being no further comments, Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

11. **RESOLUTION 10039, ESTABLISHING SANITATION SERVICE RATES EFFECTIVE OCTOBER 8, 2013.**

Public Works Director Jim Rearden reported that, if approved, Resolution 10039 would establish new sanitation rates. Director Rearden reviewed several PowerPoint slides. He noted that the last residential increase was \$0.30 per month in 2010 and the last commercial increase was in 2008. The largest single budget item is landfill costs. The rates are set per contract with Montana Waste and High Plains Landfill. The landfill rate that the City pays is \$24.20 per ton, which is about a 23.5% increase over the last 10 years. The City currently has about 17,000 total customers, 15,000 of those are residential customers. The primary capital needs are trucks and containers. Even with the proposed increase, Great Falls would still have some of the lowest rates in the State.

Approval of Resolution 10039 would increase average residential customer bills by \$1 per month, senior rates would increase by \$0.69 per month, and commercial rates would increase depending on container size ranging from approximately \$1.84 to \$5.08 per month. The increases would provide approximately \$300,000 annually to fund the purchase of one new truck per year.

Mayor Pro Tempore Jones declared the public hearing open.

No one spoke in support of Resolution 10039.

Speaking in opposition to Resolution 10039 were:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that the competition hasn't raised rates in 13 years.

Director Rearden responded that it has been a substantial time since Montana Waste raised its rates. He noted however that Montana Waste controls the landfill as well.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, attributed the requested increase to the ECP settlement. He opposes any rate increases.

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

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission adopt Resolution 10039 Establishing Sanitation Service Rates Effective October 8, 2013.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Bronson commented that Resolution 10039 has nothing to do with Electric City Power. The City, like everyone else, suffers the increases in fuel and equipment costs. To provide effective sanitation services and also provide funding for capital improvements, the City has to occasionally raise its rates to do that.

Commissioner Kelly agreed and thanked Director Rearden for staff's efficient use of the assets they currently have.

Commissioner Jones inquired of Director Rearden the amount of monies going into the sewer treatment plant.

Director Rearden responded that the current contract is over \$14 million dollars to meet federal regulatory requirements.

Commissioner Burow expressed opposition to any government entity being in competition with private enterprise.

There being no further discussion, Mayor Pro Tempore Jones called for the vote.

Motion carried 3-1 (Commissioner Burow dissenting).

12. **FINAL PLAT AND DEVELOPMENT AGREEMENT FOR GREAT BEAR NO. 2 SUBDIVISION, PHASE II.**

Planning and Community Development Director Craig Raymond reported that this is a public hearing to consider approval of the final plat of Great Bear No. 2 Subdivision, Phase II, located north of the ADF International project site and generally east of US Hwy 87.

The final plat applies to ±48 acres of land and Phase II will comprise of Heavy Industrial lots accessed from the proposed Great Bear Avenue (Lot 4) which has in fact been dedicated to the City as public rights-of-way in accordance with the conditions of approval during Phase I of this project.

The Planning Advisory Board recommended the City Commission approve the final plat for Great Bear No. 2 Subdivision, Phase II at a public hearing held on August 13, 2013.

Director Raymond requested that the Commission conduct the public hearing but consider tabling final action until the City receives the signed Development Agreement.

Mayor Pro Tempore Jones declared the public hearing open.

Speaking in support of the Final Plat and Development Agreement for Great Bear No. 2 Subdivision, Phase II, was **Richard Liebert**, 289 Boston Coulee Road. Mr. Liebert applauded Mr. Stanek's persistence. He also spoke in support of the ADF project and hopes a master rail plan will be implemented in the future.

No one spoke in opposition to the Final Plat and Development Agreement for Great Bear No. 2 Subdivision, Phase II.

Mayor Pro Tempore Jones closed the public hearing and asked the will of the Commission.

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission table final action on the Final Plat until the City reports it has a signed Development Agreement from the developer.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Burow inquired of the developer when the City could expect the signed Development Agreement.

**Joe Stanek**, P.O. Box 443, Holualoa, Hawaii, commented that he signed the Phase II agreement and thought he had sent it to Director Raymond. He is scheduled to sign the Development Agreement tomorrow morning in the office of Planning and Community Development.

Hearing no further discussion, Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

13. **LOT 2, MEDICAL TECH PARK MINOR SUBDIVISION, IN THE SE1/4, SECTION 18, T20N, R4E, P.M.M. - - TALUS APARTMENTS.**
  - A. **RESOLUTION 10040, AMENDED PLAT, AND ANNEXATION AGREEMENT.**
  - B. **ORDINANCE 3114, ASSIGNS CITY ZONING OF R-6 MULTI-FAMILY HIGH DENSITY TO THE EASTERLY LOT OF THE PROPOSED SUBDIVISION AND M-1 MIXED-USE DISTRICT TO THE WESTERLY LOT.**

Planning and Community Development Director Craig Raymond reported that late last week the Planning and Community Development Office received notice that the owner of the subject property has some concerns regarding the Annexation Agreement. He requested that the City Commission vacate this public hearing and reschedule public hearing on this matter for Tuesday November 19, 2013.

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission vacate the public hearing on Resolution 10040 and Ordinance 3114 and reset the same for public hearing on Tuesday, November 19, 2013.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

In response to Commissioner Burow's inquiry, Director Raymond informed the Commission that the applicant will be responsible for the readvertising costs.

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

Motion carried 4-0.

### **OLD BUSINESS**

14. **TRACT 1 AND TRACT 3, CERTIFICATE OF SURVEY 4705, AND MARK 14R, ALL LOCATED IN THE N1/2NE1/4, SECTION 36, T21N, R3E (SKYLINE HEIGHTS APARTMENTS).**
  - A. **RESOLUTION 10020 AND ANNEXATION AGREEMENT.**
  - B. **ORDINANCE 3108, ASSIGNS CITY ZONING OF R-5 MULTI-FAMILY RESIDENTIAL**

**MEDIUM DENSITY DISTRICT TO TRACT 1 AND TRACT 3, AND PUBLIC LAND AND INSTITUTIONAL DISTRICT TO MARK 14R.**

Planning and Community Development Director Craig Raymond reported that on August 6, 2013, the City Commission conducted a public hearing on Resolution 10020 and Ordinance 3108 where, if approved, would provide for the annexation of certain property and apply City zoning to same. Subsequent to the closing of the public hearing, and during the deliberation process, the City Commission determined that more information was needed in order to fully consider relevant facts. At that time the City Commission tabled further action until September 3, 2013.

On September 3, 2013, at the request of the project applicant and City staff, the City Commission postponed further action until October 1, 2013, so that staff and the developer's engineering team could work together to develop an appropriate response to the Commission's questions.

Director Raymond reported that supplemental information has been provided, along with the original agenda report dated August 6<sup>th</sup>, that addresses the storm water and traffic concerns. The proposed storm water drainage plan appears to actually improve storm water issues that may exist in the area by detaining storm water and releasing it at a controlled rate which is slower than that experienced currently from the undeveloped site. Director Raymond further reviewed a summary regarding the traffic impact.

City Engineer Dave Dobbs reported that Public Works staff has met a number of times with the developer and his consultant in order to generate a solid plan to address storm drain concerns. On September 23, 2013, staff received the storm drainage plan and reviewed the report and concurs with the consultant's findings and most of the details in the proposed drainage plan.

**Joe Murphy**, Big Sky Civil and Environmental, 1505 14<sup>th</sup> Street SW, representing the developer of the proposed Skyline Heights Apartments, reported that his firm was retained for the purpose of studying the storm water of the property and area to see what alternatives could be looked at and concluded from the study. Based on the City's recommendation, his firm looked at detaining the difference between the five year storm over undeveloped property versus a 100 year storm over developed property. That results in a storm run-off release rate of .25 cubic feet per second (cfs) from the property, which is roughly one-tenth of what would normally be allowed from a development within the City. He explained the location of the proposed detention pond, and noted a restricted orifice plate would be placed on the storm pipe. He explained that the details are not completely worked out, although calculations were developed and a preliminary packet was submitted to the City Engineer's Office. If the City Commission allows this project to go forward, he will be submitting a formal detailed engineering plan.

Commissioner Burow questioned the firm's guarantee so that the City isn't stuck with additional storm drain improvement costs.

Mr. Murphy responded that construction would not be allowed to go forward until his firm completes the design of the project. They have only done a preliminary analysis at this point. If the project is allowed to proceed, his firm's designs will have to be approved by the City's engineers. Based on their preliminary findings, they believe this will work.



Commissioner Bronson commented that, should the Commission agree to the proposal this evening, standard practice would be followed under the Development Agreement that nothing would be allowed to go forward until the City Engineer's Office was satisfied that the plans that were submitted were satisfactory and did comply with the concerns that have been expressed.

Engineer Dobbs agreed and added that the utility and grading plans would also need to be approved. He further explained that what the developer has proposed would significantly reduce the gallons per minute run off than what the normal discharge rate is.

Commissioner Kelly inquired if the property wasn't annexed into the City and the owner decided to build whatever the County would allow, would the County require similar type of retention. Engineer Dobbs responded that the County does not have storm drain requirements. Whatever water ran off the property would run into the City system in an undetained form. Commissioner Kelly concluded that approval would mitigate the problem by annexing that piece of property and making it subject to City requirements going forward.

**Commissioner Kelly moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10020, and approve the Annexation Agreement all pertaining to Tract 1 and Tract 3, Certificate of Survey 4705, and Mark 14R.**

Mayor Pro Tempore Jones asked if there was any further discussion amongst the Commissioners. Hearing none, Mayor Pro Tempore Jones asked if there was any public comment for or against the requested annexation.

**Damon Carroll**, 81 10 Mile Lane, respectfully requested that the Commission approve his project and allow him to make a living in this town.

Commissioner Bronson inquired if it was still Mr. Carroll's intention to follow through with the commitment made to the Planning Advisory Board/Zoning Commission on May 7, 2013, that he would file a restrictive deed on the opposing lot to the effect that no high rise multi-family dwelling would be constructed there. Mr. Carroll responded affirmatively and noted that he also intends to request annexation of that lot in the future.

**Jeremy Trebas**, 2509½ 7<sup>th</sup> Avenue North, spoke in favor of approving this annexation.

**Curt Erpenbach**, 1020 34<sup>th</sup> Avenue NE, commented that he lives down the hill from Mr. Carroll's proposed apartments and is adamant that this be done properly. Mr. Erpenbach expressed what he has gone through the past 11 years cleaning his basement every time there was a 100 year rain, which happened seven times. Mr. Erpenbach further expressed concerns regarding city code and the levels or stories of the proposed apartment, enforcement of a restrictive covenant, water run-off and retention, pipe and outlet restriction.

Mr. Erpenbach suggested that the proper infrastructure be installed before any annexation is approved.

**Joe Murphy**, Big Sky Civil and Environmental, 1505 14<sup>th</sup> Street SW, addressed the inquiries of Mr. Erpenbach regarding grading, depth of the detention pond, maintenance of piping and preventing debris from plugging the orifice, and the slope of the pipe having adequate cleaning

velocity.

**Rachel Erpenbach**, 1020 34<sup>th</sup> Avenue NE, discussed the number of times their house flooded, the measures they have taken to prevent further flooding, and the financial and emotional impact the flooding has had on her family. She doesn't want to be further penalized by development on property adjacent to their neighborhood that may add to the problem. Mrs. Erpenbach does not feel comfortable that her and her neighbors' houses are protected by a detention pond that may or may not work. She urged the Commission to reject this annexation.

**Bill Albrecht**, 1012 35<sup>th</sup> Avenue NE, discussed the original proposed three-story project and the variance process.

Commissioner Bronson clarified that the way the project is structured now, Mr. Carroll is not required to obtain a variance. He is not constructing the type of a facility that in order to get it done would require a variance.

Director Raymond further clarified that Mr. Carroll removed his application for the three-story variance. Mr. Carroll will be required to submit plans that meet the definition of a two-story building. If he submits anything other than that, he would have to apply for and obtain a variance before a building permit is issued.

Mr. Albrecht expressed frustration that the information he printed referred to a three-story building.

Director Raymond commented that what is before the Commission this evening is a Resolution, an Annexation Agreement, and an Ordinance to annex the property and to assign R-5 zoning. As such, if Mr. Carroll intends to build anything other than a two-story structure, by definition, he would have to obtain a variance.

**Suzanne Babbitt**, 1108 35<sup>th</sup> Avenue NE, suggested that the streets be widened and fixed and sidewalks be installed in the area before further expansion is allowed. She expressed concerns about traffic and water, and opined the proposed apartment building will be left vacant, full of mold, and will be an eyesore. She doesn't want that next to her home.

**Brian Marler**, 1608 Palm Court, Apt. 7, commented that he started construction of his home about four months ago in the 34<sup>th</sup> Street NE development in the Water Tower Park Addition. He expressed concern with apartment renters being able to see in his backyard.

**Jerry Hayes**, 1113 35<sup>th</sup> Avenue NE, commented that the proposed development is directly behind his property. He discussed a time when his sump pump was going off every seven minutes. His foundation is moving. He has done what he can to stop the water from getting down to the foundation, but the problem is the water is coming up. He suggested the current water issues be addressed before considering the possibility of adding further insult.

**Fran Albrecht**, 1012 35<sup>th</sup> Avenue NE, resubmitted her original petition protesting rezoning from County Residential 1 and B-2 General Business to City of Great Falls PUD Planned Unit Development and PLI Public Lands and Institutional and proposed opening of current cul-de-sac at 14<sup>th</sup> Street NE to join 36<sup>th</sup> Avenue NE for proposed Skyline Apartments containing 48 signatures, along with another petition protesting R-5 Multi-Family Residential Medium Density zoning

containing 57 signatures. She noted that two of the seven property owners within 150 feet of the zoning change signed the petition.

**Lee Janetski**, 83 Sun River Road, commented he understands the frustrations expressed by those dealing with water and flooding in their homes. He pointed out that, by Mr. Carroll constructing a 24-unit apartment on the property, it might be the start of retaining some of the water from going onto other property. If the apartment is not allowed to be built he believes these homeowners will have a greater water problem than what they've already incurred. He urged the Commission's approval of this annexation.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired when funding would become available for upgrades to 36<sup>th</sup> Avenue NE. He also opined the average delay of 10 to 15 seconds at the two-way stop controlled intersections was deceiving. Mr. Gessaman also discussed Mayor Winter's comments at the May 29, 2013, agenda setting meeting, recognizing the traffic problem. The three-level living building meets the two-story requirements of R-5 zoning, but noted the high water table could be another issue.

There being no one further to address the Commission, Mayor Pro Tempore Jones asked if there was any further discussion amongst the Commission.

Commissioner Burow inquired if the newer installed curb and gutter and storm drains were not working.

**Curt Erpenbach** responded that he thinks the last contract work has helped. His house hasn't flooded in the last two and one-half years. He now has a retaining wall, and the curb and gutter isn't flowing over nearly as much.

Engineer Dobbs commented that several hundred thousand dollars have been spent on infrastructure to upsize pipes and add inlets to the area. Infrastructure on 36<sup>th</sup> Avenue NE currently isn't funded. It is a County road the City inherited and will be an expensive rebuild.

Mayor Pro Tempore Jones called for a recess at 9:40 p.m.; the meeting was called back to order at 9:46 p.m.

After follow up discussion from the Commission, Mayor Pro Tempore Jones called for the vote.

Motion carried 4-0.

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission adopt Ordinance 3108.**

Motion carried 4-0.

## **NEW BUSINESS**

## **ORDINANCES/RESOLUTIONS**

## **PETITIONS AND COMMUNICATIONS**

**15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. Aart Dolman**, 3016 Central Avenue, read a letter he authored as a candidate for City Commission requesting the City Commission appoint a three-member panel to hear his complaint about his prior request to be placed on a Commission agenda not being approved.

With regard to “getting out of SME,” Mr. Dolman opined that the problem has been all along that “we, as critics, have never been given the opportunity to discuss our objections.”

He concluded that the wholesale power agreement is a piece of property for which the city can be held accountable for many years to come.

- B. John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed misappropriation of public funds and government corruption.
- C. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that he hasn’t heard from the City how the sale of the dams will affect the RFP for electricity. He commented that members of the Commission should prove that they were told by a lawyer to break the law before Judge Neill ruled. Mr. Gessaman suggested televising more meetings. He read portions of the May 29, 2013, agenda meeting that he taped and transcribed regarding the Skyline Apartment project.
- D. Alma Winberry**, 423 15th Street South, read a statement she authored regarding City officials and suggested those on the current Commission should withdraw from this election.
- E. Michael Shell**, 1012 2<sup>nd</sup> Avenue North, expressed appreciation for public wifi in the Commission Chambers. He would also like to see more cable access, and he suggested more use of social media.

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

City Manager Greg Doyon announced that Barbara Japlin Kyle of Sacramento, California, donated \$1,000 to the Park and Recreation Department. He read a portion of her letter expressing her life-long love of tennis that all started at Kiwanis Park 63 years ago. Manager Doyon also noted thank you letters received from Roosevelt Elementary School for the Park and Recreation Department’s assistance in putting in a natural playground.

Deputy City Manager Jennifer Reichelt announced that Lynn Formell has been appointed as the new manger of the Animal Shelter.

Deputy Manager Reichelt also noted that the City does have some Facebook pages and has seven different social media sites for departments.

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

Commissioner Bronson thanked Greg Doyon, Jim Rearden, Jim Turnbow and Mike Jacobson for the information they compiled for his testimony before the legislature’s interim finance committee

on the issue of infrastructure. He and County Commissioner Briggs emphasized that a lot of cities/counties costs are driven by federal mandates. The committee was receptive to starting to work with the State agencies, and if necessary the EPA, as part of the discussion on what the legislature can do to assist cities and counties in meeting infrastructure needs.

Mayor Pro Tempore Jones thanked the public for attending the meeting.

**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 Kelly, to adjourn the regular meeting of October 1, 2013, at 10:24 p.m.**

Motion carried 4-0.

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Mayor Pro Tempore Bob Jones

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City Clerk Lisa Kunz

Minutes Approved: October 15, 2013