

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, Bob Jones, Bill Bronson, Fred Burow and Bob Kelly. Also present were the City Manager and Deputy City Manager; City Attorney; Directors of Fiscal Services, Planning and Community Development, and Public Works; Human Resources Manager; Police Chief; and the City Clerk.

**PROCLAMATION:** A Resolution of Appreciation was prepared and will be delivered to the family of Bob Deming for his service to the City of Great Falls and its citizens.

**\*\* 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**

- \* Commissioner Bronson announced that, at the request of the City Clerk, Item 7 was pulled from the agenda and will not be considered at this meeting.
- 2. Minutes, October 15, 2013, Commission meeting.
- 3. Minutes, October 24, 2013, 10 am and 1 pm Special Commission meetings.
- 4. Total expenditures of \$3,684,186 for the period of October 1-30, 2013, to include claims over \$5,000, in the amount of \$3,363,125.
- 5. Contracts list.
- 6. Lien release list.
- ~~\*7. Approve Community Based Policing Agreement with the Great Falls Housing Authority.~~
- 8. Award contract in the amount of \$1,965,146 to Williams Civil Division, Inc. for the 18<sup>th</sup> Street South Storm Drain Improvements Phase 1B – UGF, 11<sup>th</sup> Avenue South & 18<sup>th</sup> Street South Storm Drain. **OF 1462.1**

9. Approve Change Order No. 1 in the amount of \$19,685.40 to United Materials of Great Falls, Inc. for the CMATP Great Bear Avenue Paving Improvements, Phase 2. **OF 1658.1**
10. Approve Labor Agreement with the Great Falls Police Protective Association.
11. Approve Labor Agreement with the International Brotherhood of Electrical Workers.

**With the exception of Item 7 that has been pulled from the agenda, Commissioner Bronson moved, seconded by Commissioners Jones and Kelly, that the City Commission approve the Consent Agenda as otherwise presented.**

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.

### **BOARDS & COMMISSIONS**

#### **12. APPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission appoint Kathryn Kruithoff to the Advisory Commission on International Relationships for a three-year term through March 31, 2017.**

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.

#### **13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from representatives of boards and commissions.

### **PUBLIC HEARINGS**

#### **14. LEASE OF CITY-OWNED PROPERTY, 1100 15<sup>th</sup> STREET NORTH.**

Public Works Director Jim Rearden reported that this item is the consideration of a lease of City-owned property at 1100 15<sup>th</sup> Street North. One proposal was received from Interpass Industrial, Inc. that was for less than anticipated and required additional work to the property to be performed by the City. Staff is recommending that the bid for lease be rejected and further recommends that the property be offered for sale and that proceeds from the sale be used in the sanitation fund to aid in refurbishing the fleet of trucks.

Mayor Winters declared the public hearing open.

Speaking in opposition to staff's recommendation to reject the bid for the lease of City-owned property at 1100 15<sup>th</sup> Street North were:

**Ryan Wood**, 140 Hilger Street, Geraldine, MT, owner of Interpass Industrial, commented that he operates a small fabrication facility that will employ 15 to 25 employees within a year. He explained that the work of his company compliments the work of Lo-N-Bro and ADF and will be an economic benefit to the City of Great Falls. Mr. Wood suggested that he be allowed to occupy the property until such time as the property is sold and he receives a 60 to 90 day notice to vacate.

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, agreed with Mr. Wood's suggestion that would allow him to get his business established in Great Falls.

No one spoke in support of staff's recommendation to reject the bid for the lease of City-owned property at 110015<sup>th</sup> Street North.

Mayor Winters closed the public hearing.

**Commissioner Burow moved, seconded by Commissioner Kelly, that the City Commission reject the bid from Interpass Industrial, Inc. for the lease of City-owned property at 1100 15<sup>th</sup> Street North.**

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

Commissioner Kelly thanked Mr. Wood for his comments. He suggested that City staff explore the opportunities to sell the property for the City to maximize this unused asset.

Commissioner Bronson also commented that he appreciates the interest, but the Commission has an obligation to maximize the rate of return from the property. Unfortunately, the lease bid will not allow that to happen in light of the costs Director Rearden explained the City will have to absorb with regard to improvements.

Commissioner Burow commented that their job is to get the best return for the taxpayers. He opined that the City shouldn't be in the lease business.

Mayor Winters welcomed Mr. Wood and his business to the community.

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

Motion carried 5-0.

### **OLD BUSINESS**

15. **ADDENDUM 1 TO PROFESSIONAL SERVICES AGREEMENT, PASCOE ENERGY CONSULTING, LLC.**

City Manager Gregory T. Doyon reported that this item is a request to consider adoption of an addendum to the Professional Services Agreement with Pascoe Energy Consulting that the Commission approved on August 6, 2013. In September he received a letter from Mr. Pascoe indicating it was likely he was going to exceed the hours projected. On October 24, 2014, Mr. Pascoe explained to the Commission the complexities associated with securing gas and power supplies for the City of Great Falls.

Manager Doyon noted that the City needs his technical expertise. He requested that the Commission approve the addendum that would amend the agreement from 23 hours up to 100 hours, plus an additional \$100 for expenses.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve Addendum 1 to the Professional Services Agreement with Pascoe Energy Consulting, LLC.**

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

Commissioner Burow commented he doesn't agree with approving an addendum that is more than double the original contract amount.

Commissioner Bronson commented that the nature of Mr. Pascoe's business is very complex and that there are contingencies that sometimes cannot be anticipated. He is satisfied that Mr. Pascoe has done an excellent job for the City.

City Attorney Sara Sexe added that Mr. Pascoe provided expertise that was not within the capacity of City staff. He was very helpful in negotiating favorable terms for the City, as well as balancing the public interest and confidentiality issues.

To keep this matter in perspective, Manager Doyon further added that the City had an opportunity to transition to another supply of gas and electric through the competitive process to save money. When you think of the City's horrific experience the past 10 years in the electric supply business, this is money very well spent.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that any professional that does a job should be paid. If the City wasn't satisfied at any point with Mr. Pascoe's work, the City could have stopped him from doing the job and informed him the City wasn't going to pay for additional hours. Mr. Gessaman suggested that rather than extending the original agreement that expired, staff should have negotiated a new agreement.

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

Motion carried 4-1 (Commissioner Burow dissenting).

## **NEW BUSINESS**

## **ORDINANCES/RESOLUTIONS**

## **PETITIONS AND COMMUNICATIONS**

### **16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. John Hubbard**, 615 7<sup>th</sup> Avenue South, doesn't think the *Tribune* is informing the public about the officials responsible for the City's failed power business. He also discussed misappropriation of

public funds, and conspiracy to obstruct justice. He began discussing the Federal Government shut down and was reminded to keep his comments to matters within the jurisdiction of the Commission. With regard to the upcoming Veterans Day holiday, Mr. Hubbard read a poem titled "For What Do They Die?"

- B. Alma Winberry**, 423 15th Street South, read a letter she authored about her personal background and employment, made accusations against Mayor Winters, and requested a response to her inquiry regarding the authorization and legality of the transfer of monies to ECP. Mayor Winters responded to misstatements made directly against him.
- C. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, disagreed with the City Attorney's comments regarding how the public will be notified about the City's electric contract. He commented that on the night the electric contract was awarded at the School District, the public learned the details of the contract. Mr. Gessaman also noted he didn't appreciate the motorcyclist waking him and his neighbors the morning of October 27<sup>th</sup>.

#### **CITY MANAGER**

**17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

#### **CITY COMMISSION**

**18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

**19. COMMISSION INITIATIVES.**

Mayor Winters proposed directing staff to begin the process of dissolving Electric City Power, Inc.

#### **ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Kelly, to adjourn the regular meeting of November 5, 2013, at 7:55 p.m.**

Motion carried 5-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: November 19, 2013