

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, Park and Recreation, Planning and Community Development, and Public Works; Police Chief; and the Deputy City Clerk.

PRESENTATIONS: John Cummings, MMIA, presented Training/Development Coordinator Mark Willmarth and Risk Manager Angela Swingley with the Bob Worthington Risk Management Achievement Award for providing frontline liability, risk management, and injury prevention training to the employees of the City of Great Falls.

No one appeared for the Great Falls Community Food Bank presentation.

**** 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.

Kathleen Gessaman, NC 3, discussed council concerns including better nighttime visibility for the inner sidewalk in the roundabout, and potentially hazardous conditions for pedestrians crossing after the free right turn from Smelter Avenue to 10th Street N.E.

CONSENT AGENDA

2. Minutes, November 19, 2013, Commission meeting.
3. Total expenditures of \$5,047,536 for the period of November 9-27, 2013, to include claims over \$5,000, in the amount of \$4,810,781.
4. Contracts list.
5. Grants list.
6. Set public hearing for December 17, 2013, to obtain comments on the housing and community development needs of the City of Great Falls.
7. Approve the Community Based Policing Agreement with the Great Falls Housing Authority.

8. Approve Change Order No. 1 in the amount of \$4,729.88 and Final Payment in the amount of \$14,336.83 to Detailed Construction Company and \$144.82 to the State Miscellaneous Tax Division for the Renovation of the 911 Center Phase I. **OF 1667**
9. Approve Final Payment in the amount of \$2,436.04 to Kuglin Construction and \$24.61 to the State Miscellaneous Tax Division for the 2013 Street Drainage Improvements. **OF 1653.3**
10. Approve Final Payment in the amount of \$139,701.35 to Central Plumbing & Heating, Inc. and the State Miscellaneous Tax Division for the CMATP Sanitary Sewer Extension. **OF 1658.1**
11. Approve Final Payment in the amount of \$368,829.84 to United Materials of Great Falls, Inc., and the State Miscellaneous Tax Division for the CMATP Great Bear Avenue Paving Improvements, Phase 2. **OF 1658.1**
12. Approve Change Order No. 1 in the amount of \$4,584 and Final Payment in the amount of \$6,072.66 to United Materials, Inc., and the State Miscellaneous Tax Division in the amount of \$61.34 for the Riverview School Bike/Ped Path. **OF 1596**
13. Postpone bid award for the Depository and Banking Services.

Commissioner Kelly 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, commented that Katie Hanning spoke after the City Manager, rather than during Petitions and Communications, as reflected in the Minutes; he questioned the increased amount paid to Veolia under Enterprise Funds in item 3; and he noted that thanks should be given to the Board of Trustees of the Great Falls School District for the Riverview School Bike/Ped Path.

Public Works Director Jim Rearden responded he would research why the Veolia amount is much larger than usual.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

15. RESOLUTION 10041, GOLF FEES.

Park and Recreation Director Marty Basta reported that the request is for a 6% across-the-board golf fee increase. While the golf course fund has seen some revenue improvements, the golf courses still struggle to fund capital outlay and debt service payments without General Fund support. The golf courses are making two debt service payments for past improvements, totaling \$240,000 for FY 2014. The first and largest Golf Series 1998 debt, representing 77% of the total debt payment—approximately \$185,000—will be paid off in 2016. The remainder of the debt will be paid off in 2020.

With the additional pressure on General Fund dollars and the desire to make the golf courses self-sustaining, the FY 2014 budget was balanced without General Fund support. The allocation does not fund equipment or capital needs. The 6% increase in golf fees is expected to generate approximately \$85,000, which could be used for equipment replacement or to supplement increased operating expenses and debt service payments.

The Golf Advisory Board voted to recommend that the City Commission approve the proposed 6% fee increase at their November 25, 2013, meeting. Staff recommends the City Commission approve Resolution 10041 and set the fees for the 2014 golf season.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10041 was:

Roger Curtis, 1600 2nd Avenue South, believes citizens have great opportunities to play golf in the City, and the 6% fee increase will help make golf continue to be a good recreation for the City.

Kathleen Gessaman, 1006 36th Avenue NE, questioned if the \$36,000 that was taken out of the golf fees fund for the ECP debt would be repaid.

Director Kinzler responded that amount was part of the \$1.4 Million ECP deposit that was written off for the CD that was surrendered.

Manager Doyon noted that it is unlikely there would be an automatic adjustment to compensate for that loss.

Ron Gessaman, 1006 36th Avenue NE, questioned the breakdown for the use of the increased revenues. He noted the proposed fee increases vary from 4.35% to 10% from the current fees.

Manager Doyon responded that a breakdown was not provided because a rate increase does not guarantee how much money will be raised. Seasonal fluctuations affect revenue. He noted a philosophical dispute with the Park and Recreation Director regarding the use of the funds, which will ultimately be decided by the Commission during the budget process.

Director Basta explained that fees are rounded to avoid making change at the club houses. Overall, the fee is 6%.

Mr. Gessaman believes that if golfers are required to pay additional fees, they should get better maintenance and better service.

Manager Doyon commented that the golf courses owe the General Fund \$1.3 Million, due to cycles of the golf courses.

No one spoke in opposition to Resolution 10041.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10041 regarding Golf Fees.

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

Commissioner Burow believes golfers get what they pay for because the fees keep the golf courses open and operating.

Mayor Winters called for the vote.

Motion carried 5-0.

OLD BUSINESS

16. **DEVELOPMENT AGREEMENT PERTAINING TO GREAT FALLS APARTMENT (PREVIOUSLY REFERRED TO AS TALUS APARTMENTS).**

Planning and Community Development Director Craig Raymond reported that on October 1, 2013, the City Commission scheduled a public hearing to consider Ordinance 3114 and Resolution 10040 which would annex certain property into the City limits and assign zoning to the subject property. The project applicant is also seeking approval for an amended plat. Prior to the public hearing, it became apparent that certain affected parties to this project were not comfortable with proceeding with the public hearing and the land use action proposal as it existed at that time. The City has been working with the developer in order to address those concerns and provide for a thoughtful process that would satisfy the concerns of the developer, the seller, and the general public welfare.

The Development Agreement is an agreement between the City and the developer of a 216-unit apartment complex. It provides for certain dedication of rights-of-way, construction of water, storm water and sanitary sewer facilities, as well as construction of public streets. The agreement also includes certain financial surety requirements the developer will be required to provide to the City, commitments of participation by the City to the developer, as well as a provision requiring a fugitive dust control plan that will be required to be approved by the City prior to any excavation work. All of these requirements are contingent upon successful acquisition of property by the developer, and approval by the Commission of future annexation agreements, annexation resolutions, zoning ordinances, and plat amendments that will be considered after a public hearing on January 7, 2013.

Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission approve the Development Agreement between Great Falls Apartment, LLC and the City of Great Falls regarding property located on Lot 2, Medical Tech Park Minor Subdivision, in the SE1/4, Section 18, T20N, R4E, P.M.M., Cascade County, Montana.

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

Commissioner Burow questioned how the Development Agreement was advertised.

Director Raymond responded that no specific advertisement was done for the Development Agreement since a public hearing is not required. Typical advertising will be done for the January 7, 2013, public hearing.

Director Raymond noted the Development Agreement is contingent on the developer purchasing the property from the seller, and approval by the Commission of Resolution 10040, Ordinance 3114, and the plat amendment.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

17. **DISSOLUTION OF ELECTRIC CITY POWER, INC.**
 - A. **DISSOLVE ECPI AND ARTICLES OF DISSOLUTION.**
 - B. **ORDINANCE 3115, AN ORDINANCE REPEALING TITLE 5, CHAPTER 20, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) TITLED "ESTABLISH AND OPERATE AN ELECTRIC UTILITY."**

City Manager Greg Doyon reported that the City Commission, sitting as the Electric City Power, Inc. Board, voted last night to recommend dissolution of ECPI, pursuant to OCCGF 5.20.120, which requires a 4/5 vote. Dissolving the corporation terminates the existence of ECPI, but allows staff to move forward to take all action to wind up and liquidate the affairs of ECPI.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the dissolution of Electric City Power, Inc., and approve the Articles of Dissolution, and authorize the City Manager to take all action to wind up and liquidate the affairs of ECPI.

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

Kathleen Gessaman, 1006 36th Avenue NE, thanked the Commission for persevering to this long-awaited event. She discussed personal experiences since 2005 associated with ECPI. She believes the Commission should appoint an ombudsman to represent public interest before the Attorney General, should the public have a valid complaint regarding future ventures that the City pursues.

Ron Gessaman, 1006 36th Avenue NE, questioned billing previous ECPI customers for their percentage of renewable energy credits owed to the State of Montana. He noted that there is no

mention of outstanding receivables, debts owed by former customers, or cancelled contracts. He discussed citizen access and the Commission listening to citizens.

Commissioner Bronson reported that a dissolved corporation continues its corporate existence, but does not carry on any activities except those that are necessary or appropriate to wind up and liquidate its affairs. MCA §35-2-725 sets forth a number of subjects appropriate in the winding up and liquidation process. Any assets are preserved and protected. The corporation also has the right to minimize its liabilities. Dissolution does not prevent commencement of any legal proceedings in the name of ECPI, nor does it prevent ECPI from being sued as a corporate entity.

City Attorney Sexe agreed that the existence of a corporate entity allows limited activities as set forth in the statute. Any potential asset of the corporation, which may be an account receivable, would be transferred to the only remaining member, which is the City of Great Falls.

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

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3115 on first reading and set public hearing for December 17, 2013.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Ron Gessaman, 1006 36th Avenue NE, thanked the Commission for instructing Manager Doyon to write the letter to Calumet regarding the jaywalking complaint. He discussed a recent *Tribune* article on pedestrian safety. Mr. Gessaman believes that staff and the Commission looked at the golf fund differently than ECP. He also displayed a copy of a picture and *Tribune* article regarding the Mayor talking on a cell phone.

CITY MANAGER

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon congratulated Training/Development Coordinator Mark Willmarth and Risk Manager Angela Swingley on receiving the Bob Worthington Risk Management Achievement Award. He commended them for their efforts to reach out to employees with a program that has had good results in reducing insurance costs for the City. He also thanked the Commission for good discussion during the fee review as efforts are made to work through the City's financial challenges.

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Burow discussed consideration of differing ideas when making decisions and 20/20 hindsight.

21. 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 December 3, 2013, at 7:53 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

Deputy City Clerk Lucy Hallett

Minutes Approved: December 17, 2013