

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM**PLEDGE OF ALLEGIANCE** - Boy Scout Troup 26**MOMENT OF SILENCE**

ROLL CALL: City Commissioners present: Michael J. Winters, Robert Jones, Bill Bronson and Mary Jolley. Commissioner Burow was excused. Also present were the City Manager, Deputy City Manager, Chief Prosecutor, Directors of Fiscal Services, Library, Park and Recreation, Planning and Community Development, Public Works, the Executive Director of the Housing Authority, Fire Chief, Police Chief and the City Clerk.

PROCLAMATIONS: Mayor Winters read Proclamations for National Preparedness Month, 9/11 We Shall Never Forget Remembrance Day, Cataract Mill/Graham & Ross Week and Constitution Week.

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

NC 8.

Karen Grove, Chair NC 8, paid honor to Traci Hronek and community members that helped make the Pea Pod Community Garden a reality. She also thanked the Rice family, Neighborhood Councils 7 and 8, Weed & Seed and the City. She provided Mayor Winters a check for the permit fee.

Sheila Rice reminded the Commission that this is a temporary solution to a long term problem. She looks forward to working with City staff and community members on a long term solution for community garden permits.

Traci Hronek advised that she has been contacted by others interested in doing the same.

BOARDS & COMMISSIONS

Amended Plat and Findings of Fact. Approved.

2. AMENDED PLAT, FINDINGS OF FACT, ALL RELATED TO LOTS 5-11 & 16-26, BLOCK 15, REPLAT OF LINCOLN HEIGHTS ADDITION, AND LOTS 1-2, BLOCK 4, DEACONESS ADDITION.

Planning and Community Development Director Mike Haynes reported that the Planning Advisory Board recommended approval of the amended plat at its meeting held August 24, 2010. The property is owned by Benefis Health System and is located on the block immediately north of the Orthopedic Center and the new Benefis Medical Building under construction at 1401 25th Street South. The subject block is bound by 12th & 13th Avenues South and 25th & 26th Streets South.

The request is to replat 22 lots into one lot to accommodate a new parking lot for Benefis Health System.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Amended Plat and Findings of Fact, related to the Amended Plat of Lots 5-11 & 16-26, Block 15, Replat of Lincoln Heights Addition and Lots 1-2, Block 4, Deaconess Addition.

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

Motion carried 4-0.

Minor Plat and Findings of Fact. Approved.

3. MINOR PLAT, FINDINGS OF FACT, ALL RELATED TO AIRPORT DRIVE ADDITION.

Planning and Community Development Director Mike Haynes reported that the Planning Advisory Board recommended approval of the minor plat at its meeting held August 10, 2010. The property is owned by the City of Great Falls and is located on the south side of Airport Drive. This is the site of the former Flight Services Station building. Staff is recommending approval to subdivide one ±3 acre lot into two ±1.5 acre lots. Lot 1 will contain the Flight Services Station building and surface parking lot. Lot 2 will be an undeveloped lot that the City will sell or lease for new development.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Minor Plat and Findings of Fact, related to the Minor Plat of Airport Drive Addition, located in the NW¼ & NE¼ of Section 21, Township 20 North, Range 3 East, P.M.M.

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

Motion carried 4-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

Res. 9895. Adopted.

5. RESOLUTION 9895, LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES.

Fiscal Services Director Coleen Balzarini reported that each year the Utility

Department staff reviews all unpaid utility services. The utility services that have not been paid are lienable charges. Multiple notices are sent to the property owners and individuals residing in rental properties of the lien on the property. This year unpaid utility services total approximately \$15,000.

Ms. Balzarini requested that the Commission conduct a public hearing and approve Resolution 9895.

Mayor Winters declared the public hearing open.

No one spoke in support of or opposition to Resolution 9895.

Mayor Winters declared the public hearing closed.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9895.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

\$140,000 appropriation to assist GFDA with installation of infrastructure in the Great Falls Agri-Tech Park. Approved. OF 1591

6. CITY COMMISSION TO CONSIDER AUTHORIZING THE USE OF \$140,000 APPROPRIATED FROM UNSCHEDULED DEVELOPMENT IN THE WATER AND SEWER FUNDS, TO ASSIST THE GREAT FALLS DEVELOPMENT AUTHORITY WITH INSTALLATION OF INFRASTRUCTURE IN THE GREAT FALLS AGRI-TECH PARK.

City Manager Greg Doyon reported that on March 18, 2010, the Great Falls Development Authority President Brett Doney invited City and County Commissioners to tour the proposed Great Falls Agri-Tech Park location. At a work session held June 1, 2010, Mr. Doney provided additional detail about the project and an overview of Great Falls Development Authority's efforts and financing needs. During this meeting, Mr. Doney requested \$140,000 for water and sewer improvements. At its August 17, 2010, meeting, the City Commission approved a Memorandum of Understanding for Utility Connections and Fire Protection and Emergency Services.

Mr. Doyon requested that the Commission designate funds budgeted for unscheduled development from the water and sewer funds in the amount of \$70,000 each to be applied to this project.

Brett Doney, President of the Great Falls Development Authority, reported

that progress has been made on the Agri-Tech Park project. Approval of the service agreement at the last meeting has allowed the GFDA to finalize a \$300,000 grant from HUD to be used for the first extension of the water line.

For the first 200 acres of the park, it is GFDA's intent to go through the annexation, subdivision and rezoning process. Mr. Doney discussed vacating the current TIF district and re-creating a TIF district comprising the Montana Ethanol site and the first 200 acres of the Agri-Tech Park. The Loy Family Trust will donate the easement for the water line.

Mr. Doney noted that the contributions from the City in the amount of \$140,000, HUD monies in the amount of \$300,000, and \$100,000 that Cascade County has appropriated in its budget totals a \$540,000 for extension of City water and sewer. The development of lots and infrastructure will be done in phases - water, sewer and then rail.

The City and County money will be used by GFDA as a match for a grant application to the Economic Development Administration. He hopes those monies will fund the sewer work.

Commissioner Jolley asked for clarification whether City annexation would occur at the same time services are rendered. Mr. Doney responded that annexation is being pursued right now for the first 200 acres of the park.

Commissioner Jolley inquired if the first several lots could be sold without a railroad. Mr. Doney responded that he is working with private developers to move ahead with developments with I-2 heavy industrial zoning and municipal water and sewer. The goal is to sell the lots for rail.

Commissioner Jolley asked where he would get the millions of dollars for the rail. Mr. Doney responded that the lots were purchased for \$8,000 per acre and will be sold for \$25,000 per acre. The difference will help pay for the rail. At the time a tax increment financing district is set up, he will propose that a portion of the tax revenue go to the taxing authorities and a portion be set aside for the next phase.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission authorize the City Manager to designate \$70,000 from the Water Fund-Unscheduled Development and \$70,000 from the Sewer Fund-Unscheduled Development appropriations for infrastructure construction in the Great Falls Agri-Tech Park to be released only after a development agreement is approved by the City Commission.

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

Mayor Winters asked if there were companies interested right now in building at the park.

Mr. Doney responded that there are several companies in the City that have wanted to expand but don't have a site. There are also two agricultural operations that would be new to Great Falls if sites were available. He is confident that the first four to six lots would sell within two years.

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

Cyndi Baker, 500 Montana Avenue NW, expressed that \$25,000 per acre is pricing Great Falls out of being competitive with other cities.

Mr. Doney explained that the competition is the Dakotas, Southern Alberta, Idaho, Eastern Washington and parts of Utah. The lots ranged from \$3,000 to \$125,000 per acre near the large metropolitan centers. The lower he can offer the lots the more competitive Great Falls will be. He believes they can be competitive based on what is produced in the Golden Triangle.

Kathy Gessaman, 1006 36th Avenue NE, inquired if the \$140,000 would be assessed on the properties sold in the next few years.

Mr. Doyon responded no, it is a direct allocation for the purpose of extending sewer and water.

Ms. Gessaman expressed concern due to the recent rate increases. She doesn't believe a business should be given a grant of money at the expense of the taxpayers.

Ms. Gessaman also noted that the northeast sewer interceptor is over capacity now.

Public Works Director Jim Rearden responded that there are a couple of segments of the northeast sewer interceptor that are at or near capacity. Depending on the users that come into the industrial park, there may be some upgrades and oversizing required. Currently, the only source for that is from the sewer fund.

Ron Gessaman, 1006 36th Avenue NE, noted that at the work session an established business offered to pay to establish City water and sewer service to their facility. They didn't ask the City for money. Mr. Gessaman commented that the money Mr. Doney referred to earlier all comes from the taxpayers and it shouldn't be used to subsidize private developers.

Cleve Loney, 93 Brandy Wine Lane, thinks this is a great deal. He believes this is the first time he has heard that Great Falls wants to grow. He commended the Commission.

Steve Malicott, President of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, noted that the Chamber previously addressed this issue and written statements in support were submitted. Mr. Malicott reaffirmed the Chamber's support of the Agri-Tech Park as it brings opportunity to Great Falls that is not currently available.

Scott Patera, board member of the Great Falls Development Authority, residing at 712 43rd Street North, encouraged support of this request. He believes it is an opportunity to attract businesses to Great Falls.

Cyndi Baker, 500 Montana Avenue NW, inquired and was informed this project is not duplicating or in competition with another developer.

Jim Rafferty, 100 Central Avenue, discussed being a native of Great Falls. He expressed that Mr. Doney has done a good job and wished him continued success. Mr. Rafferty encouraged the Commission's support of this project to bring opportunities to Great Falls.

Sheila Rice, 913 3rd Avenue North, expressed support of this project. Affordable housing and economic development are essential partnerships.

Motion carried 3-1 (Mayor Winters dissenting).

Mayor Winters explained that there has been a lot of talk about great jobs coming to town yet nothing has transpired.

ORDINANCES/RESOLUTIONS

Ord. 3058. Accepted on first reading and set public hearing for October 5, 2010.

7. ORDINANCE 3058, ASSIGN CITY ZONING TO GREAT FALLS INDUSTRIAL PARK.

Planning and Community Development Director Mike Haynes reported that Ordinance 3058 relates to assignment of I-2 heavy industrial zoning, upon annexation into the City, of ±20.6 acres of property located on 33rd Avenue NE. The subject property is the Public Works Compost Facility. Its primary purpose will be to compost yard waste. It will also be used to dry alum sludge from the water plant before disposal at the landfill. In the future the site could be used as a waste transfer station.

On August 10, 2010, the Planning Advisory Board recommended approval of a minor plat and the Planning Advisory Board, acting as the Zoning Commission, recommended approval of assigning I-2 zoning to the subject property upon annexation.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3058 on first reading, and set public hearing for October 5, 2010.

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

Motion carried 4-0.

Res. 9896. Adopted.

8. RESOLUTION 9896, LEVY AND ASSESS COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS.

Fiscal Services Director Coleen Balzarini reported that this is an annual action requested of the Commission. There were over 2,900 notices of weed violations mailed to property owners. There are 42 remaining property owners that did not take care of the weeds themselves. The City cut the weeds, billed the owners and gave them an opportunity to repay the City. At this point those billed costs have not been paid.

Mayor Winters asked if weed cutting was billed at \$200 per hour.

Ms. Balzarini responded affirmatively and noted that there are a lot of costs associated with inspecting, notifying and cutting. The \$200 fee per hour was approved by a prior Commission in 2000.

Public Works Director Jim Rearden added that the cost was set at that level not only to cover administrative costs, but to deter being used as a lawn care service.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9896.

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

Commissioner Jolley noted that Housing and Urban Development was listed. She inquired and was informed that payment would be made when the property is sold.

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

Ron Gessaman, 1006 36th Avenue NE, expressed that the fee was unrealistic.

Ms. Balzarini again noted that the Commission approved the \$200 per hour rate in 2000. Regardless of how many weed properties are cut, the charge is \$200 per hour.

Motion carried 4-0.

Res. 9897. Adopted.

9. RESOLUTION 9897, LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT (BID).

Fiscal Services Director Coleen Balzarini reported that this is an annual assessment that the downtown business owners have voluntarily levied against themselves. There is a formula that is applied to determine what the amount of the assessment will be. This year the amount is \$174,964. The Downtown Business Improvement District is now in its third ten year term. The budget and work plan have already been approved by the Commission. Ms. Balzarini requested that the Commission now approve the assessment.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9897.

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

Motion carried 4-0.

Res. 9898. Adopted.

10. RESOLUTION 9898, LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

Fiscal Services Director Coleen Balzarini reported that this is the second year for the Tourism Business Improvement District. This year the assessment is slightly double from last year. It is based on the number of room occupancies that occurred over the past year. The money is used to promote tourism and bring events to Great Falls. The TBID was voluntarily created by the motel/hotel association members in the City of Great Falls.

Commissioner Jolley moved, seconded by Commissioners Bronson and Jones, that the City Commission adopt Resolution 9898.

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

Motion carried 4-0.

Consent Agenda.
Approved.

CONSENT AGENDA

11. Minutes, August 17, 2010, Commission meeting.
12. Total expenditures of \$3,090,715.97 for the period of August 12 – September 1, 2010, to include claims over \$5,000, in the amount of \$2,699,235.38.
13. Contracts list.
14. Approve abandonment of utility easement, Certificate of Survey No.

4425.

15. Approve final payment in the amount of \$918.26 to Paradise Fencing and Construction, Inc. and \$9.28 to the State Miscellaneous Tax Division for the Water Treatment Plant fences, irrigation and lighting project. **OF 1307.1**
16. Award contract to Tennis & Track Company for the Elk's Riverside Park Tennis Courts project in the amount of \$286,298. **OF 1598**
17. Award contract to Phillips Construction, LLC for the Portage Meadows Storm Drain Extension 4th Avenue North – 7th Avenue North project in the amount of \$141,823. **OF 1590**
18. Award contract to Gregoire Construction for the 2010 CDBG Sidewalk Replacement project in the amount of \$46,000. **OF 1588.2**
19. Award contract to Gregoire Construction for the 2010 CDBG Handicap Ramps project in the amount of \$42,000. **OF 1588.1**

Commissioner Jolley requested that Item 12 be removed for discussion. She inquired and was informed the \$650,000 payment not listed under the Electric Fund has been paid.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

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

Ron Gessaman, 1006 36th Avenue NE, with regard to Item 12, inquired and was informed that the deposit requirement has not increased from \$700,000 to \$900,000.

Commissioner Jolley also noted that the \$6,000 payment for bond counsel was not listed.

Ms. Balzarini responded that both payments were listed on the prior report due to the date range.

Commissioner Jolley inquired if the financial totals for the Electric City Power Board meeting would be up to date.

Ms. Balzarini responded that the totals would be through July.

With regard to Items 17, 18 and 19, Mr. Gessaman noted that the engineer estimates were not included on the agenda reports.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, recognized Pacific Steel & Recycling for stepping up and filling the gap on the Tennis Court project.

Mike Witsoe, 2612 1st Avenue South, with regard to Item 14, inquired and was informed where the utility easement was located. With regard to Items

18 and 19, Mr. Witsoe inquired if the contracts were for different areas. Public Works Director Jim Rearden responded that one contract is for sidewalk replacement and the other is for handicap ramps. Work on the projects begins this time of year because CDBG funds are allocated this time of year.

Motion carried 4-0.

PETITIONS AND COMMUNICATIONS

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

Pea Pods Community Garden, tribute to Erik Iversen.

20A. Cyndi Baker, 500 Montana Avenue NW, suggested that guidelines be established for the Pea Pods Community Garden prohibiting political signs on the property. Ms. Baker also paid tribute to Erik Iversen who recently passed away.

Local business expansion, SBA event.

20B. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, thanked the City for helping three local businesses and recognizing them for their expansion – Gaelectric, JM Grain and Vision Net. Mr. Doney invited anyone interested to attend a presentation regarding the Small Business Administration 504 program and loan guarantees at 4:00 p.m. on Thursday at the Staybridge Inn. He also announced that construction ground breaking for the MATL will take place in Shelby on Monday. Mr. Doney also discussed his upcoming travel plans for the next six weeks.

Inspection of the Weissman property.

20C. John Hubbard, 615 7th Avenue South, asked if he could be present when DEQ inspects the Weissman property. City Manager Greg Doyon responded that he would provide Mr. Hubbard with the contact name and phone number of the case manager. Mr. Hubbard requested a black board for the Commission Chambers.

Upcoming events.

20D. Mike Witsoe, 2612 1st Avenue South, reminded everyone about upcoming events. He also reminded everyone that school is in session and to watch for kids.

Condolence to Sandra Guynn, text messaging.

20E. Ron Gessaman, 1006 36th Avenue NE, expressed condolences to Sandra Guynn, Chair of Neighborhood Council 4, whose husband, Gary Guynn, recently passed away. Mr. Gessaman discussed the dangers of text messaging while driving. He suggested the County and City adopt an ordinance prohibiting text messaging while driving. He also suggested that the City Manager direct City staff and police not to be text messaging while driving City vehicles.

Labor pool.

20E. Charles Overking, no address provided, noticed that many young people are discouraged because they cannot find a job. Mr. Overking suggested a labor pool would help the local economy.

CITY MANAGER

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon thanked Fire Chief McCamley and the firefighters that brought the apparatus to the Civic Center. He hoped the Commissioners had an opportunity to look at it. He believes it is important for them to see the fruits of their decision making.

CITY COMMISSION

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from the Commissioners.

ADJOURNMENT

Adjourn.

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jones, that the regular meeting of September 7, 2010, be adjourned at 8:30 p.m.**

Motion carried 4-0.

Mayor Winters

City Clerk

Minutes Approved: September 21, 2010