

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona R. Stebbins, Bill Bronson, John Rosenbaum and Bill Beecher. Also present were the Assistant City Manager, Acting City Attorney, Directors of Community Development, Fiscal Services, Park and Recreation, Planning and Public Works, Interim Library and Planning Directors, the Assistant Fire Chief, Police Chief, and the City Clerk.

PRESENTATION: Preservation Officer Ellen Sievert presented the Official City of Great Falls Ornament: Great Falls 125th Anniversary, Vinegar Jones Cabin

NEIGHBORHOOD COUNCILS

1. There were no miscellaneous reports or announcements from neighborhood council representatives.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 3046. Accepted on first reading and set public hearing for December 1, 2009.

2. ORDINANCE 3046, ASSIGN CITY ZONING TO CASTLE PINES ADDITION, PHASE VIII.

Interim Planning Director Bill Walters reported that in September the City Commission conditionally approved the Preliminary Plat of Castle Pines Addition, Phases VIII-IX. The developer of Castle Pines Addition, Harold Poulsen, has requested approval of the final plat and annexation of Phase VIII of the Preliminary Plat. The subdivision consists of 14 single-family residential lots along 29th Avenue South between 15th and 16th Streets South. Ordinance 3046 assigns a City zoning classification of R-3 Single-Family district to Castle Pines Addition, Phase VIII.

Mr. Walters requested that the Commission accept Ordinance 3046 on first reading and set a public hearing for December 1, 2009, when the final plat and annexation documents will also be considered.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3046 on first

reading, and set public hearing for December 1, 2009.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

Res. 9871. Adopted.

3. RESOLUTION 9871, A RESOLUTION SUPPORTING CONGRESSIONAL RECOGNITION OF THE LITTLE SHELL TRIBE OF CHIPPEWA INDIANS IN MONTANA.

Commissioner Bronson reported that in 2006 the City Commission passed Resolution 9623 supporting federal recognition of the Little Shell Tribe of Chippewa Indians. Recently, it was made aware that the Office of Federal Acknowledgements (OFA), despite having made preliminary findings in support of recognition of the Tribe in 2000, has now come to the conclusion that the Tribe is not entitled to federal recognition.

Senators Baucus and Tester, and Congressman Rehberg have spoken out publicly about the long delays in the administrative process. Senator Tester has commented that the system is “broken.”

Commissioner Bronson proposed at the agenda meeting that the Commission reaffirm its support, and to recognize that the only way for the Tribe to receive recognition is through the congressional process.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9871.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

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

James Parker Shield, reported that Great Falls serves as the headquarters for the Little Shell Chippewa Tribe. The largest population of tribal members resides in the Great Falls area, and they see the City of Great Falls as one of their strong partners in their effort to obtain federal recognition. The process through the Bureau of Indian Affairs is broken. The United States Senate is conducting a hearing tomorrow about the process. He noted that the recognition would benefit the community as a whole.

John Gilbert, 3509 14th Avenue South, commented that he is a small business owner in Great Falls. Living in the City of Great Falls for the past six years has been a pleasure. Mr. Gilbert reported that he is a Little Shell Tribe member, past-chairman of the Tribal council, and has been to Washington D.C. to represent the Little Shell Tribe on the federal recognition committee. He did not think they were being treated fairly. The

Department of Interior has made a gross mistake on behalf of the Little Shell people. All members across the state were saddened by the negative determination. On behalf of the Little Shell people, he thanked Commissioner Bronson for coming forward with this resolution.

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

4. Minutes, October 20, 2009, Commission meeting.
5. Minutes, October 23, 2009, Special Commission meeting.
6. Total expenditures of \$1,543,994 for the period of October 15-29, 2009, to include claims over \$5,000, in the amount of \$1,330,958.
7. Contracts list.
8. Lien release list.
9. Award construction contract to Phillips Construction LLC in the amount of \$53,674 for the Gore Hill Sanitary Sewer Relocation. **OF 1425.3**
10. Approve Change Order No. 1 in the amount of \$3,000.28 and final payment in the amount of \$3,465.28 to River City Concrete and final payment to the State Miscellaneous Tax Division in the amount of \$35 for the 2009 Valley Gutters and Handicap Ramps. **OF 1485.7**
11. Approve the Utilities Agreement with the Montana Department of Transportation for the reconstruction of 10th Avenue South, from 26th to 20th Street. **OF 1447**

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

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

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

Kathy Gessaman, 1006 36th Avenue NE. With regard to Item 7b, Ms. Gessaman inquired if CTA Architects and Engineers would include energy efficiency standards in their design and was responded to affirmatively.

Ron Gessaman, 1006 36th Avenue NE, raised an objection to the minutes concerning his comments on agenda items 2 and 3 that the minutes, in his opinion, were inadequate. With regard to Item 6, Mr. Gessaman requested an explanation for the NorthWestern Energy and Montana Waste Systems charges. He was informed that the charge for September to Montana Waste System was the monthly tipping fees at the High Plains Landfill, and that the bill from NorthWestern Energy for Special Lighting Districts was for the cost of distribution and lease fees as a replacement factor. Those charges are approved by tariff from the Public Service Commission statewide.

Mr. Gessaman recalled that a prior representation was made that the charges were exclusive to Great Falls and were not statewide.

Motion carried 4-0.

BOARDS & COMMISSIONS

**Minor Plat of Salvation
Army Addition.
Approved.**

12. MINOR PLAT OF SALVATION ARMY ADDITION.

Interim Planning Director Bill Walters reported that the Salvation Army has leased property from the City at 17th Avenue South and 9th Street for their recreation facility and softball field since 1975. In preparation of the possible sale of the property to the Salvation Army, the City has caused to be prepared the Minor Plat of Salvation Army Addition which consolidates various parcels and updates the description of the involved property. The portion of the Minor Plat not leased by the Salvation Army is the City Pet Cemetery which the City intends to retain and for which a variance is needed for an access easement.

The Planning Board has recommended the City Commission approve the Minor Plat of Salvation Army Addition and the involved variance.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission approve the Minor Plat of Salvation Army Addition and grant a variance allowing access for Lot 2 through an easement provided within Lot 1 of said Minor Plat.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

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

Ron Gessaman, 1006 36th Avenue NE, inquired if the water service to the Pet Cemetery would continue, and was informed the irrigation and maintenance would continue. Mr. Gessaman commented that he did not see the access easement on the Minor Plat. Park and Recreation Director Marty Basta responded that the property was recently surveyed by Woith Engineering. The City will retain a 20' easement on the eastern boundary of Lot 1 for access to the Pet Cemetery.

Motion carried 4-0.

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Assistant City Manager Cheryl Patton introduced Mike Haynes, the new Planning Director, and welcomed him to the management team as well as to the City of Great Falls.

PETITIONS AND COMMUNICATIONS**15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**Great Falls Airport
Authority Board/Cynthia
Schultz.**

15A. Kevin O'Donnell, 614 Park Drive South, **Ed Buttrey**, 27 Granite Hill Lane, **Ben Ives**, 750 6th Street SW, **Dave Bertelson**, 1209 Buena Drive, and **Rod Jackson**, 217 19th Avenue NW, all expressed opposition to the Great Falls Airport Authority Board's recent decision to not renew Cynthia Schultz's contract. Everyone spoke very highly of the many accomplishments and projects completed under her leadership as Airport Director. They urged the City Commission to do what it could to work with the current director on a new contract that will be suitable to both parties so that the community wouldn't be jeopardized by losing an asset.

**Standard & Poor's
report, ECP.**

15B. Ron Gessaman, 1006 36th Avenue NE, discussed the Standard & Poor's BBB rating as reported by the *Tribune*, and disagreed with prior statements made that the rating was favorable. Mr. Gessaman discussed contents of the report regarding the cost of the plant and busbar cost of power from the project in 2012, also being more than what has been previously stated. Mr. Gessaman also read blog comments from today's *Tribune* article regarding last night's ECP Board meeting.

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

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the regular meeting of November 3, 2009, be adjourned at 7:43p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: November 17, 2009