

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, Bill Beecher and Mary Jolley. Also present were the City Manager, Assistant City Manager, Acting City Attorney, Directors of Community Development, Fiscal Services, Park and Recreation, Planning and Public Works, Interim Library Director, the Fire Chief, Police Chief, and the City Clerk.

PROCLAMATION: Mayor Stebbins read Proclamations for Constitution Week, Suicide Prevention Month and Vets4Vets Month.

NEIGHBORHOOD COUNCILS

NC 7.

1A. Aaron Weissman, Chair NC 7, requested that the City Commission request a traffic study for Park Drive along Gibson Park from the Montana Department of Transportation. NC 7 would like the study to include recommendations to reduce the speed limit and move the pedestrian crosswalk to Gibson Park to 4th Avenue North. Additionally, Mr. Weissman discussed SB 88. He presented a petition signed by 64 Whittier School area residents requesting a traffic study around the school be studied and reconfigured to maximize safety around the school. He requested that this study specifically include recommendations for reduced speed limits, erecting four-way stop signs, etc., as well as 9th Street being designated as part of the Whittier School zone. Mr. Weissman also discussed the recent violence in the NC 7 neighborhood. He reported that the council is working to build up the north side neighborhood watch and build better relationships with neighbors.

NC 8.

1B. Karen Grove, Chair NC 8, reminded NC 8 area residents that meetings resume in September, and are held the third Tuesday of each month at the Great Falls Transition Center. In response to a question asked at the mayor/commissioners forum, she reminded the public that a main function of neighborhood councils is to be a spokesperson to the City Commission. She encouraged people to attend their neighborhood council meetings to present issues and concerns.

PUBLIC HEARINGS

Res. 9849. Adopted.

- 2. RESOLUTION 9849, LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY-OWNED RESIDENTIAL LIGHTING NO. 1303.**

Fiscal Services Director Coleen Balzarini reported that this was a newly created lighting district at the request of the owners and developers of Bootlegger Addition, Phase I. This resolution is for the maintenance assessment as well as the debt service assessment on the installation of (8) - 100 watt lights that were previously approved.

Mayor Stebbins declared the public hearing open.

No one spoke in support of or opposition to Resolution 9849.

Mayor Stebbins closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9849.

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

Motion carried 5-0.

Res. 9850. Adopted.

3. RESOLUTION 9850, LEVY AND ASSESS SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY-OWNED RESIDENTIAL LIGHTING NO. 1305.

Fiscal Services Director Coleen Balzarini reported that this resolution is for the installation of five (5) – 100 watt lights in the Water Tower Park Addition. The creation of this district and installation of the lights was at the request of the developer. This resolution is also for the annual maintenance costs, as well as for the debt service payments, required to pay for the lights that were installed.

Mayor Stebbins declared the public hearing open.

No one spoke in support of or opposition to Resolution 9850.

Mayor Stebbins closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9850.

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

Motion carried 5-0.

Res. 9851. Adopted.

4. RESOLUTION 9851, LEVY AND ASSESS PROPERTIES FOR WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICTS.

Fiscal Services Director Coleen Balzarini reported that this item is an annual maintenance resolution. It provides for the cost of maintenance and energy supply for approximately 9,420 roadway lights in 26 special improvement lighting districts.

Mayor Stebbins declared the public hearing open.

No one spoke in support of or opposition to Resolution 9851.

Mayor Stebbins closed the public hearing.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9851.

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

Motion carried 5-0.

Res. 9865. Adopted.

5. RESOLUTION 9865, COST RECOVERY FOR HAZARDOUS SIDEWALK AT 2226 7TH AVENUE NORTH.

Public Works Director Jim Rearden reported that after receiving a complaint about a tripping hazard on June 11, 2008, City engineering staff inspected the sidewalk located at 2226 7th Avenue North and noted severely heaved, cracked, and broken sidewalk that posed a danger to pedestrian traffic. A letter was sent June 12, 2008, to the property owner condemning the sidewalk. A certified letter was sent on April 21, 2009. That letter came back unclaimed. Repairs were then made that included replacement of 525 square feet of sidewalk. Staff recommends approval of Resolution 9865.

Mayor Stebbins declared the public hearing open.

No one spoke in support of or opposition to Resolution 9865.

Mayor Stebbins closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9865, to assess the total charges of \$3,475.28 against the property listed in the Resolution with interest and penalties on the unpaid balance.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

**COPS hiring grant.
Accepted.**

6. COPS HIRING GRANT.

Police Chief Cloyd Grove reported that while preparing for the 2009 Public Safety Mill Levy election, the Police Department looked at available sources for funding that could be used to provide additional officers to the Department and be used to reduce the amount of mill increase sought. One funding avenue was a Community Oriented Policing (COPS) Grant that had received additional funding through the American Recovery and Reinvestment Act to fund jobs that were lost and to create new positions that met the COPS requirement. The City's application was completed and submitted in April, 2009. The City received notice that the application had been accepted in July, 2009.

This grant will allow the Police Department to re-institute officer positions within the Great Falls Housing, law related education, and special projects areas, and to institute a new position for a community education officer. The City must agree to maintain these positions for one year after the term of the grant expires.

The grant will provide unmatched funding in the amount of \$837,148.00 to provide salary, benefits, and future salary increases for four sworn officer positions dedicated to community oriented policing. The grant will provide this funding for a period of 3 years, after which the City must provide sustainability for one additional year at a current cost of \$225,401. The Great Falls Housing Authority Board has agreed to fund the Housing position the fourth year. There will be an initial financial impact on the City of approximately \$36,000 for training the newly hired officers. With careful coordination and budget allocation, the Department will be able to cover these initial costs.

Staff believes that these positions contribute to the overall mission of the Department by building positive partnerships and relationships with community members, businesses, and organizations.

Chief Grove recommended that the City commission accept the COPS grant that has been awarded to the Great Falls Police Department to hire four officers in order to provide the following positions to the community: Housing Officer, Law Related Education Officer, Special Projects Officer and Community Education Officer.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission accept the COPS grant award and direct the

City Manager and Chief of Police to execute the acceptance letter and proceed with the implementation of the award.

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

Commissioner Beecher commented that he was in favor of accepting this grant because it provides four positions that the City wouldn't otherwise be able to have for at least three years. With attrition, he believes this provides a source of trained officers to fill those particular positions. He sees the benefits, with very little risk.

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

Ron Gessaman, 1006 36th Avenue NE, inquired whether the four positions had anything to do with the four police officers that were hired as reported in last Wednesday's *Tribune*. Chief Grove responded that the four officers that were hired replaced four officers that had left. It took several months because the Department had to wait for the Academy for two officers, and the hiring process took several months. The four officers with regard to this grant are four additional officers to provide the positions in community oriented policing.

Aaron Weissman, 315 4th Avenue North, commented that this is a no brainer. The jobs are paid for three years, and there is time to investigate ways to pay for the fourth year. He, as well as NC 7, strongly urges the Commission to accept this grant.

Nancy Hampton, commented that she is a community volunteer and area coordinator with Neighborhood Watch, but is here tonight as a private citizen. She urged the Commission's support of the COPS grant. Ms. Hampton expressed that "we all need the extra community policing officer positions for a healthy balance in the City."

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Res. 9840. Adopted.

7. RESOLUTION 9840, ANNUAL TAX LEVY.

Budget Officer Melissa Kinzler reported that the City received the taxable valuation for the City of Great Falls from the Montana Department of Revenue. Accordingly, the City can now compute and set its annual mill levy. On July 21, 2009, a public hearing on the Intent to Increase Property Taxes by 1.112% was held in accordance with § 15-10-203, MCA.

The total mill levy for the Tax Year 2009 (Fiscal Year 2010) is 169.04 mills totaling \$12,905,335. This includes mill levies of 2.12 mills for Soccer Park

debt service payments and 5.01 mills for Swimming Pool debt service payments which is \$544,442 of the \$12.9 million.

The total mill levy for 2008 (Fiscal Year 2009) generated revenue of \$11,714,330. The differences between the mill levy of \$11.7 million and \$12.9 million are:

- \$1,026,130 for newly taxable property (this includes the amount from the release of the Downtown Urban Renewal Tax Increment District),
- \$112,728 for inflation, and,
- \$ 52,147 for the increase in the revenue needed for the swimming pool debt payment.

The Fiscal Year 2010 Budget was adopted July 21, 2009, with the 1.112% increase in property tax increase included. Setting the mill levy for Tax Year 2009 (Fiscal Year 2010) is the last step in the adoption of the Fiscal Year 2010 City of Great Falls Budget.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9840.

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

Motion carried 5-0.

Ord. 3044. Adopted, as amended.

8. ORDINANCE 3044, SOCIAL HOST ORDINANCE.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3044 as amended.

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

Commissioner Bronson commented that there seems to be an inconsistency between the definition of “gathering,” and the word “gathering” used in the context of “social host.”

Acting City Attorney Chad Parker responded that he has addressed Commissioner Bronson’s concerns in a subsequent amendment to the Ordinance, so that the language of numbers 15 and 4 of said Ordinance are consistent. Mr. Parker further noted and explained what amendments have been made to the Ordinance since first reading. Mr. Parker requested the City Commission to adopt Ordinance 3044 as amended.

Mayor Stebbins asked if there was any further discussion amongst the Commissioners.

Commissioner Rosenbaum commented that he finds it difficult to support this Ordinance. He commented that it may be a tool, but is a bandaid on a problem that won't change the social demeanor of the community.

Commissioner Bronson commented that he believes the City can effect a little bit of appropriate change through the adoption of this Ordinance. He discussed positive comments he heard from members of the public in recent weeks.

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

Aaron Weissman, NC7, commented that he believes this Ordinance to be a valuable tool, and one that will help public safety in Great Falls. It will help define the obligations as members of society, and not just the rights. He urged the Commission's support of this Ordinance.

Ron Gessaman, 1006 36th Avenue NE, discussed prior meetings and action on this matter, as well as his interpretation of Robert's Rules of Order.

Mr. Parker responded that at the August 18th meeting, the motion to take this matter from the table was not seconded. It could be interpreted in one way that the motion could have died at that time. However, subsequent comment from Commissioner Rosenbaum that he believed the matter should be addressed with a full commission present, could be reflected as a desire to postpone the vote, and that is why it has been brought back as a motion to adopt Ordinance 3044. Robert's Rules clearly allows some flexibility for the Commission to express its true desire throughout the process. He believes that is exactly what has happened here tonight. The Ordinance, as amended, can be voted on this evening.

Mr. Gessaman provided information regarding parliamentary procedure. He believes the Commission to be in violation of Robert's Rules. He also noted the addition of § 16-6-305, MCA, for reference in the Ordinance. He read a portion of said statute and expressed that the Commission is creating another Ordinance that is already covered by State law.

Al Recke, 609 33rd Avenue NE, commented that this Ordinance will be one more tool to educate, enforce and make our community safer. He believes the DUI Task Force would like to work with the City to educate the citizens of Great Falls that it is really inappropriate for parents to host a party with alcohol being served to underage individuals. Mr. Recke urged the Commission's adoption of this Ordinance.

Motion carried 4-1 (Commissioner Rosenbaum dissenting).

**Consent Agenda.
Approved.**

CONSENT AGENDA

9. Minutes, September 1, 2009, Commission meeting.
10. Total expenditures of \$999,740 for the period of August 18 –

September 9, 2009, to include claims over \$5,000, in the amount of \$795,105.

11. Contracts list.
12. Lien release list.
13. Approve Contract Amendment No. 1 to NCI Engineering for the 3rd Avenue Northwest Roadway Improvements in the amount of \$172,030. **OF 1488**
14. Approve final payment to United Materials of Great Falls and the State Miscellaneous Tax Division in the amount of \$52,378.27 for the 1st Avenue North and 5th Avenue South Water Main Replacement. **OF 1570**

Commissioner Jolley moved, seconded by Commissioner Beecher, 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.

Ron Gessaman, 1006 36th Avenue NE, with regard to Item 10, noted that the payment of \$36,757.98 to the Cascade County Election Department was for the failed public safety mill levies. He also stated his opposition to the final payment to Shumaker Trucking & Excavating for the Skyline Heights Storm Drain Improvements due to area residents informing Shumaker at the time of development that the storm drain was inadequate. The taxpayers shouldn't have to pay for this now.

Motion carried 5-0.

BOARDS & COMMISSIONS

Preliminary Subdivision Plat of New Castle Addition. Approved.

15. PRELIMINARY SUBDIVISION PLAT OF NEW CASTLE ADDITION.

Interim Planning Director Bill Walters reported that last November the City Commission approved the New Castle Condominium Subdivision consisting of 27 proposed condominium units at the southeast corner of the intersection of 13th Street South and 24th Avenue South. The developer, Harold Poulsen, now intends to subdivide said property into 24 lots for single-family residential units as represented by the Preliminary Plat of New Castle Addition.

At the conclusion of a public hearing held August 25, 2009, the Planning Board passed a motion recommending the City Commission approve the Preliminary Plat of New Castle Addition and accompanying Findings of Fact subject to fulfillment of stipulated conditions.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Preliminary Subdivision Plat of New Castle Addition and the accompanying Findings of Fact, subject to fulfillment of stipulated condition.

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

Motion carried 5-0.

**Preliminary Plat of
Castle Pines Addition
Phases VIII-IX.
Approved.**

**16. PRELIMINARY PLAT OF CASTLE PINES ADDITION
PHASES VIII-IX.**

Interim Planning Director Bill Walters reported that property owner, Harold Poulsen, has submitted an application to develop two more phases of Castle Pines Addition. Phases VIII and IX subdivide 6.94 acres of land into 25 single-family residential lots on either side of 29th Avenue South between 13th and 16th Streets South. Mr. Poulsen is working with NeighborWorks which proposes to acquire 10 or more lots in the subdivision to accommodate construction of "self-help" homes.

At the conclusion of a public hearing held August 25, 2009, the Planning Board passed a motion recommending the City Commission approve the Preliminary Plat of Castle Pines Addition Phases VIII-IX and accompanying Findings of Fact subject to fulfillment of stipulated conditions.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the Preliminary Plat of Castle Pines Addition Phases VIII-IX and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.

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

Motion carried 5-0.

**Christopher Ward
appointed to the Board
of Adjustment.**

17. APPOINTMENT, BOARD OF ADJUSTMENT.

Commissioner Jolley moved, seconded by Commissioner Bronson, to appoint Christopher Ward to a three-year term beginning October 1, 2009, and expiring September 30, 2012, to the Board of Adjustment.

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

Motion carried 5-0.

**Thor Swensson
appointed to the Great
Falls Planning Advisory
Board.**

18. APPOINTMENT, GREAT FALLS PLANNING ADVISORY BOARD.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, to appoint Thor Swensson to fill the remainder of a three-year term through December 31, 2011, to the Great Falls Planning Advisory Board.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded. Mayor Stebbins thanked Art Bundtrock for his service to the Great Falls Planning Advisory Board.

Motion carried 5-0.

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

**Annual Labor Day
picnic.**

21A. Ole Stimac, 57 Country Lane, thanked everyone who attended the 27th Annual Labor Day picnic.

**HGS, Clean Air Act,
Accountability.**

21B. John Hubbard, 615 7th Avenue South, discussed the September 1 *Tribune* article regarding the City writing off losses relating to the coal fired plant. Mayor Stebbins clarified that the article references a portion of the debt. Mr. Hubbard commented that it was a great loss of taxpayer money. He again discussed the Supreme Court ruling regarding carbon dioxide and violation of the Clean Air Act. He suggested there should be an accountability law.

SME.

21C. Ron Gessaman, 1006 36th Avenue NE, discussed correspondence from YVEC dated August 27, 2009. He expressed disappointment that said letter wasn't discussed at the August 31st ECP Board meeting or the September 1st City Commission meeting. He couldn't identify the date stamp on the letter and found that suspicious. He inquired when the letter was received by the City Manager, and what would the City's share be.

Election.

21D. Mike Witsoe, 2612 1st Avenue South, reminded everyone the election polls just closed. He discussed derogatory comments made by a candidate regarding other candidates' qualifications. Mr. Witsoe stated that he did not accept any campaign contributions, and campaigned solely on his name and

his honesty.

CITY COMMISSION

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Bronson, that the regular meeting of September 15, 2009, be adjourned at 8:16 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: October 6, 2009