

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 Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Library, Park and Recreation, Planning, Public Works, the Assistant Fire Chief, Police Chief, and the Acting City Clerk.

PROCLAMATIONS: Mayor Stebbins read Proclamations for Peace Officers' Memorial Day and Police Week, National Preservation Month, and National Day of Prayer

NEIGHBORHOOD COUNCILS

NC 4 – Great Falls Pre-Release Center awarded Good Neighbor Award.

1. Sandra Guynn, Chair of NC 4, presented Paul Cory, Executive Director, and Curtis Thompson, Personnel Committee of the Great Falls Pre-Release Center, with Neighborhood Council 4's Good Neighbor Award. This is the second time they have been nominated for this award.

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

PUBLIC HEARING

Justice Assistance Grant (JAG) for 2009. Approved.

3. JUSTICE ASSISTANCE GRANT FOR 2009.

Police Chief Cloyd Grove reported that this annual Justice Assistance Grant (previously called the Law Enforcement Block Grant) is shared with Cascade County, and this year the City and the County have agreed to purchase mobile data cameras for patrol cars. The County also needs a server to download the video from those cameras.

Mayor Stebbins declared the public hearing open.

No one spoke in favor of or opposition to the Justice Assistance Grant for 2009.

Mayor Stebbins closed the public hearing.

Commissioner Jolley moved, seconded by Commissioners Rosenbaum and Beecher, that the City Commission approve the Memorandum of Understanding between Cascade County and the City of Great Falls for use of 2009 JAG funds and authorize the City Manager to execute the MOU.

Motion carried 5-0.

Res. 9829. Postponed.

4. RESOLUTION 9829, CIVIC CENTER ROOM RATES.

Park and Recreation Director Marty Basta reported that fees for the Mansfield Convention Center, Missouri Room, Gibson Room and the Commission Chambers were last increased in 2002, while fees for the Rainbow and Ryan Rooms have been in place since 1997. Fees for the Mansfield Theatre were last increased in 2006 and the room rental fees have not kept pace with operating cost increases, thus requiring increased general fund tax dollar support. Tax support costs for Fiscal Year 2010 are estimated to be \$215,000. Additionally, staff recommends that all events on sale to the general public be required to use the Mansfield Box Office services. Staff believes this would be more convenient for the patrons and would also secure ticket purchase monies should the event be cancelled. The Mansfield Center for Performing Arts Advisory Board reviewed the proposed fee increases at its February 20, 2009 meeting and recommended approval by the City Commission.

Mayor Stebbins declared the public hearing open. Speaking in opposition to Resolution 9829 was:

R.J. Haffner, 1916 Mountain View Drive, inquired as to what type of events would be required to use the Box Office. Mr. Basta responded that the current proposal would require all events to use box office services, without exception. Mr. Haffner said he was strongly opposed because many informal fundraisers would be inconvenienced, as well as lose funds.

Dona Hughes, Mansfield Events Office Supervisor, commented that the proposal is actually for those events that are on sale to the general public. Several fundraisers where sales are conducted on a hand-to-hand, private basis would not be included. Ms. Hughes said they are hoping to better serve the general public with those events where the ticket buyer is expecting to buy the ticket at the window, since the event is at the Civic Center. Also, they want to be assured the public's investment is protected.

Commissioner Bronson asked if the proper distinction should be for-profit vs. non-profit events. Mayor Stebbins suggested the intent of this proposal is to protect the public from independent promoters that come in, sell tickets, and skip town with the proceeds. She also suggested that it should not be a mandatory requirement for local events to use the services at the Box Office.

Gordon Johnson, 205 Glenwood Court, suggested the Box Office staff maintain a file of 501(c)3 forms for those non-profit groups who wish to use their services.

Carolyn Valacich, 1700 32nd St. South, stated that she would agree with Maestro Johnson's suggestion as a solution to the ambiguity of this proposal. Sometimes a non-profit would benefit from the services of the

Box Office, and sometime they would not.

Speaking in favor of Resolution 9829 were:

Carl J. Donovan, 1509 13th Ave. South, a volunteer usher and Vice-Chair of the Mansfield Center for Performing Arts Advisory Board, stated that he believes the public would be better served by this proposal, but he also supports the suggestion that would protect the public from independent promoters. Mr. Donovan gave a brief history of how the fees were established. He explained that the Mansfield Center is dependent on rental fees, ticketing services, and general fund subsidy. He noted that the fee request is a small step to avoid the imminent need to cut services, and the ticketing policy is a step to address the public's request to purchase tickets at the Box Office for an event held at the Mansfield Center and to secure the ticket buyer's investment. Mr. Donovan reported the Advisory Board is concerned about the leaking roof in the Missouri Room, and the heating, ventilation and air-conditioning systems in the Theatre and Convention Center.

Mayor Stebbins closed the public hearing and asked for the will of the Commission.

Commissioner Bronson asked if the consensus was to require use of Box Office services for for-profit, independent event concert promoters.

Ms. Hughes agreed that those events are primarily of concern, however, the other challenge is those events that produce a large walk-up that have to be turned away if the event promoter is a non-profit.

Commissioner Bronson stated that prior to entertaining a motion, he would suggest all non-profit organizations be left out from being required to participate at this time.

Ms. Valacich agreed this proposal would address her concerns.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9829 as presented by staff with an amendment to require use of Box Office services for for-profit, independent event concert promoters, and an option available for non-profit organizations.

Commissioner Jolley questioned why the staff report mentions 5% of gross, and it was not included in the Resolution.

Assistant City Manager, Cheryl Patton, noted that there was nothing in the resolution that indicates 5% gross as the charge for Box Office fees. She said the comment is included in the Agenda Report, but it was not in the resolution. She suggested staff bring Resolution 9829 back to the next

commission meeting.

Commissioner Bronson withdrew his motion, and Mr. Beecher withdrew his second.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the Commission postpone consideration of Resolution 9829 until the next scheduled meeting.

Commissioner Bronson explained that he believed there was a consensus among the Commission to support the amendment as proposed as part of the original motion, and the Commission needs to address the concerns of Commissioner Jolley.

Motion carried 5-0.

Res. 9821, 9822 & Ord. 3033. Adopted.

5A. RESOLUTION 9821, ANNEXES A SEGMENT OF BNSF RAILROAD R/W.

5B. RESOLUTION 9822, ANNEXES SERVICE DISTRICT NO. 2.

5C. ORDINANCE 3033, ESTABLISHES CITY ZONING.

Interim Planning Director Bill Walters reported that Service District No. 2 of the Upper Lower River Road Water & Sewer District consists of segments of Lower and Upper Roads and 81 parcels involving 54 property owners. Being annexed simultaneously with Service District No.2 is a 6900 foot segment of the BNSF right-of-way. The Planning Board at the conclusion of a public hearing held March 10, 2009, passed a motion recommending the City Commission annex Service District No. 2 and the Zoning Commission passed a motion recommending the City Commission assign City zoning to Service District No. 2 as provided in Ordinance 3033. The action requested of the Commission is to adopt Resolution 9821, which annexes the involved BNSF right-of-way, Resolution 9822, which annexes Service District No. 2, and Ordinance 3033, which assigns City zoning to property within Service District No. 2.

Mayor Stebbins declared the public hearing open.

Speaking in favor of Resolutions 9821 and 9822 and Ordinance 3032 was **Rolland Leitheiser**, 136 Sharon Drive, board member for the Upper Lower River Road Water & Sewer District. Mr. Leitheiser explained that this project has been in process for at least 12 years. The first phase has been completed and annexed; this is the second phase. Mr. Leitheiser said the District is requesting the effective date of Resolution 9822 be August 1, 2009 because they have CDBG funds to pay for lower and moderate income private services into houses that must be used prior to annexation.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolutions 9821 and 9822, with an effective date for Resolution 9822 being after August 1, 2009, upon filing Resolution 9822 with the County Clerk & Recorder.

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

Mayor Stebbins asked Mr. Leitheiser if he had stated that he would lose funding if Resolution 9822 became effective after August 1st. Mr. Leitheiser answered that the CDBG money must be spent prior to annexation and he believes the work can be completed by August 1, 2009.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Ordinance 3033.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 3035. Adopted.

6. ORDINANCE 3035, APPROVING ADDITIONAL PUBLIC IMPROVEMENTS WITH RESPECT TO THE WEST BANK PROPERTIES URBAN RENEWAL PROJECT TO BE FINANCED WITH TAX INCREMENT REVENUES.

Fiscal Services Director Coleen Balzarini reported that the City Commission accepted this ordinance on first reading April 21, 2009. She explained that Ordinance 3035 expands the types of public improvements that are eligible under the West Bank Properties Urban Renewal project, the StayBridge component of that project. She noted that the amount authorized is up to \$900,000, and that amount will not change.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3035 on Final Reading.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, expressed concerns that the Great Falls West Bank Urban Renewal Plan does not authorize funding for relocation of utility lines. He also noted that the Montana Urban Renewal Law § 7-15-4288 does not say anything about the burial of existing lines. He commented that he is opposed to tax increment financing.

Motion carried 4-1 (Commissioner Jolley dissenting).

Ord 3037. Accepted on first reading, and public hearing set for June 2, 2009.

7. ORDINANCE 3037, ASSIGN CITY ZONING TO NORTHVIEW ADDITION, PHASE 4.

Interim Planning Director Bill Walters reported that the City Commission conditionally approved the Preliminary Plat of Northview Addition, Phases 2–7 on February 6, 2007. He said the developer, Jim Workman Construction Co., has requested approval of the final plat and annexation of Phase 4 of the Preliminary Plat. The subdivision consists of 2 lots on either side of 37th Avenue Northeast immediately east of 9th Street Northeast, with each lot to contain 6 residential condominium units. Ordinance 3037 assigns a City zoning classification of PUD Planned Unit Development district to Northview Addition, Phase 4. The action requested of the Commission is to accept Ordinance 3037 on first reading and set a public hearing for June 2, 2009, when the final plat and annexation documents will also be considered.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3037 on first reading, and set a public hearing for June 2, 2009.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, reported that he lives adjacent to Northview Addition and is concerned that all 7 phases of this Addition and Bootlegger Addition, Phases I & II, currently have to feed down to the intersection of 9th St. and 36th Ave. NE. After each phase of Northview Addition, he stated there have been promises that there will be some relief on 36th Ave. NE because the avenues are planned to extend to the Bootlegger Trail. Mr. Gessaman commented this agenda report states the avenues will be extended to 12th St. NE. Mr. Gessaman asked for clarification and a timeframe for relief of traffic congestion.

Mr. Gessaman also expressed concerns about park lands. He noted that the agenda report states the City is again accepting fees in lieu of park land. He said that park lands and open space are components of an attractive city and in recent years the City has accepted money in lieu of park land in many developments. He noted there was no provision for any park land from 36th Ave. NE to Eagles Crossing, which includes Northview Addition,

Bootlegger Phases I & II, and Eagles Crossing (potentially 350 houses).

Motion carried 5-0.

Res. 9834. Adopted.

8. RESOLUTION 9834, A RESOLUTION CALLING FOR A MAIL – IN ELECTION AUTHORIZING THE CITY TO EXCEED THE MILL LEVY LIMIT ESTABLISHED IN § 15-10-420, MCA, TO EXPAND THE FIRE DEPARTMENT PUBLIC SAFETY SERVICES.

Assistant Fire Chief Steve Hester reported that Resolution 9834 will enable the City to hire 16 additional front line firefighters that will be added to the Department's current Emergency Services staff. The Department of Homeland Security, through a Staffing for Adequate Firefighting and Emergency Response grant (SAFER) will help fund this endeavor. The SAFER grant will pay for over \$1.7 million for these firefighters over a 5 year period. Great Falls Fire Rescue's current firefighter staff levels are substantially below national staffing standards for fireground operations. He noted that this is proclaimed by the National Fire Protection Agency and the Occupational Safety and Health Administration, and was adopted by the Department of Homeland Security. The staffing shortfall was officially recognized by DHS by awarding the City with the SAFER grant. The grant was to supplement the operation and not to supplant it. Therefore, the City must put a mil levy before the voters in order to meet its financial obligation with additional firefighters. If approved, the resolution will allow the City to conduct an election allowing the City to exceed the mil levy provided according to § 15-10-420, MCA. The root purpose of the entire project was to provide sufficient firefighters at the scene of an emergency to safely and efficiently protect life and property.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9834.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

John Hubbard, 615 7th Avenue South, commented that he does not begrudge the Fire Department new staff and equipment; however, he stated his opposition to raising taxes.

Ron Gessaman, 1006 36th Avenue NE, noted the State Statute involved is § 15-10-425, MCA rather than 420.

Commissioner Jolley asked for clarification on the State Statute correction referenced by Mr. Gessaman.

Commissioner Bronson explained that in the text of the resolution the authorization is made pursuant to 425. The mil levy limit is set out in § 15-

10-420. In order to exceed it, you have to adopt a resolution pursuant to § 15-10-425. Resolution 9834 accurately states the City is doing this by submitting it to the voters.

Motion carried 5-0.

Res. 9835. Adopted.

9. RESOLUTION 9835, A RESOLUTION CALLING FOR A MAIL – IN ELECTION AUTHORIZING THE CITY TO EXCEED THE MILL LEVY LIMIT ESTABLISHED IN § 15-10-420, MCA, TO EXPAND THE POLICE DEPARTMENT PUBLIC SAFETY SERVICES.

Police Chief Cloyd Grove reported that Resolution 9835 would allow the Police Department to expand both its sworn staff and non-sworn staff, increasing them by 10 police officers and 7 staff members. The Police Department is significantly below the average of western cities of our size. The average for those cities currently is 2 officers per 1,000 people, and the Great Falls Police Department sits at 1.3 officers per 1,000 people. The addition of officers would allow the department to withstand impacts that are created when an individual moves from the Police Department to another location leaving a vacancy because it takes months to train them so they can provide the appropriate response to an occurrence. The civilian staff would also allow the department to withstand those impacts because it takes time to train them to handle the situations that occur within the Police Department. It would also allow the department to submit data to the State and Federal government on time, which has not been possible over the last year. The department also requests to raise funds for equipment and training that cannot currently be funded with our budget. The total amount needed is \$1,403,474, an approximate 19.5 mil levy increase. The 19.5 would be the upper limit, and the increase would not be used in a particular year if it isn't needed. Taxable valuation for a \$100,000 house would be approximately \$58.69; taxable valuation for a \$200,000 house would be \$117.39.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9835.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

Kathleen Gessaman, 1006 36th Avenue NE, asked if both Resolution 9834 and 9835 will be on one mail-in ballot, rather than two separate mail-in elections. Mayor Stebbins said that they would be on one ballot, but separate ballot issues.

John Hubbard, 615 7th Avenue South, reminded everyone that these ballot issues will raise property taxes.

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

15. (*Clerical correction made on June 16, 2009, Item 8C, naming Great Falls Redi-Mix (original bidder), instead of Great Falls Sand & Gravel (sister company of Redi-Mix.)

- 10. Minutes, April 21, 2009, Commission meeting.
- 11. Minutes, April 29, 2009, Special Commission meeting.
- 12. Total expenditures of \$1,163,736 for the period of April 11-29, 2009, to include claims over \$5,000, in the amount of \$1,034,427.
- 13. Contracts list.
- 14. Set public hearing for May 19, 2009, on sale of city property defined as Lot 3G of Amended Plat of Lot 3, Medical Tech Park.
- 15. Approve annual contract bid award to Great Falls Sand & Gravel to supply asphaltic concrete material on a per unit basis, up to \$625,250.
- 16. Appoint Greg Doyon as the City representative on the North Central Montana Defense Alliance.

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

Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 5-0.

BOARDS & COMMISSIONS

Gerald Clark and Douglas (Jerry) McKinney reappointed to the Historic Preservation Advisory Commission.

17. REAPPOINTMENTS, HISTORIC PRESERVATION ADVISORY COMMISSION.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission reappoint Gerald Clark and Douglas (Jerry) McKinney for three-year terms through April 30, 2012, to the Historic Preservation Advisory Commission.

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

Motion carried 5-0.

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

Earth Day.

20A. Ron Mathsen, 122 Treasure State Drive, said ‘thank you’ to the City for helping sponsor a successful Earth Day. The line of traffic at 3 pm, and comments from those who participated, showed there is a concern to recycle e-waste and keep it out of the landfill. Several people said they were very disappointed to lose plastic and glass recycling. Mr. Mathsen challenged the Commission to work in their positions as leaders in Great Falls to try to attract private recycle business; both Kalispell and Missoula have done so.

Earth Day.

20B. Kathleen Gessaman, 1006 36th Avenue NE, also expressed appreciation for the City’s support of Earth Day. There was a great ad in the Sunday *Great Falls Tribune* that thanked all of the sponsors (over 100 sponsors and volunteers), including the City.

**Earth Day,
ECP.**

20C. Ron Gessaman, 1006 36th Avenue NE, expressed his appreciation to the public for supporting Earth Day. Mr. Gessaman also commented that the ECP Board, at their meeting the previous evening, suggested the City should incur the expense of hiring a consultant to decide the future of ECP. Mr. Gessaman said this operations plan is a responsibility of ECP and should have been commissioned and funded by ECP when it was created. He also said it was reported at the same meeting that Coleen Balzarini is a trustee to SME because she has a letter of appointment from the City Manager. Mr. Gessaman said that the bylaws do not give the City Manager authority to provide a trustee letter of nomination.

Mansfield Center.

20D. Ken Thornton, 31 Paradise Lane, thanked the Commission for their efforts in considering a wind-powered ordinance for Great Falls. He said he was impressed at the work session at the thought going into the process of developing an ordinance. Since Great Falls is usually rated either the 1st, 2nd or 3rd windiest city in the country, this is a very important consideration for the City, especially with the energy problems we are now experiencing. In reference to an earlier comment regarding the heating and air conditioning problems in the Mansfield Center, Mr. Thornton said he has worked on shows and attended many events, and he agreed there is a significant problem with the ventilation system. He said he has heard that plywood was put over the air-handling systems on the roof when it was modified years ago. He explained that the heating and cooling load must be considered in an auditorium. Each person is assigned 300 watts (the amount of heat energy each person produces). When an auditorium is filled with a couple thousand people, the heat becomes stifling. Since most events are held when the temperature is 60 degrees or less, the auditorium needs to be able to take in fresh air and modified with heat. Mr. Thornton said he believes the system is in place; it just needs to be fixed and modified. He said he believes this would be considered an energy upgrade under the stimulus package, and hopes the City will consider hiring someone to look at the system to determine if it can be upgraded.

**Pine Beetle,
Tea Party**

20E. John Hubbard, 615 7th Avenue South, asked what the City plans to do about the pine beetle dilemma. Commissioner Beecher explained that articles have been in the newspaper; information is available.

Mr. Hubbard also commented on the recent tea party. He said that was about overspending, bailing out the bureaucrats, bailing out people who give CEO's \$2 million bonuses, and the car companies and everyone else going under. He expressed frustration that we have a form of a dictatorship, rather than a democracy.

CITY COMMISSION**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Rosenbaum expressed appreciation to the Public Works Department for removing the snow for the car show; it was a great car show. Several people asked, "Where is our motorsports park?" He said that has been a few years, but maybe a fresh generation will look to see if there is any interest.

Mayor Stebbins said she would like to thank the Police and Fire Departments, and the Public Works Department. Two weeks ago we had over two feet of snow on the ground. The emergency operations center opened and it ran smoothly. She said many people at the car show asked her to thank the Public Works staff for removing all that snow.

ADJOURNMENT**Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of May 5, 2009, be adjourned at 8:30 p.m.**

Motion carried 5-0.

Mayor Stebbins

Acting City Clerk

Minutes Approved: May 19, 2009