

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 Mary Jolley. Commissioner Beecher was excused. Also present were the City Manager, 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 City Clerk.

PROCLAMATIONS: Commendation for 50th Anniversary of the Great Falls Symphony and Charles M. Russell Month

NEIGHBORHOOD COUNCILS

**NC 4 – Tax Help
Montana Staff and
Volunteers awarded
Good Neighbor Award.**

1. Sandra Guynn, Chair of NC 4, presented Tax Help Montana staff and volunteers with Neighborhood Council 4’s Good Neighbor Award.

PUBLIC HEARINGS

**Res. 9811 and 9812, and
Ord. 3030. Adopted.**

**2A. RESOLUTIONS 9811 AND 9812, ANNEXES CASTLE PINES
ADDITION, PHASE VII.**

**2B. ORDINANCE 3030, ASSIGNS ZONING CLASSIFICATION OF
R-3 SINGLE-FAMILY HIGH-DENSITY DISRICT.**

Interim Planning Director Bill Walters reported the City Commission conditionally approved the Preliminary Plat of Castle Pines Addition, Phases VI – VIII last March. The developer of Castle Pines Addition, Harold Poulsen, has requested approval of the final plat and annexation of the final phase of the Preliminary Plat. The subdivision consists of 13 single-family residential lots along 28th Avenue South and 16th Street South. Three of the lots in the subdivision will be annexed immediately through Resolution 9811. The annexation of the remaining 10 lots, described in Resolution 9812 and being acquired by NeighborWorks as sites for self-help program homes, will become effective upon completion of construction of those 10 homes. Ordinance 3030 assigns a City zoning classification of R-3 Single-Family District to Castle Pines Addition, Phase VII.

Mr. Walters requested that the City approve the final plat and annexation agreement for the subdivision.

Mayor Stebbins declared the public hearing open.

No one spoke in favor of or opposition to Resolutions 9811 and 9812 and Ordinance 3030.

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

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolutions 9811 and 9812, and approve the final subdivision plat of Castle Pines Addition, Phase VII and the accompanying Annexation Agreement.

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

Commissioner Jolley asked if the staff report wording regarding the homes being constructed “outside” the City limits was a typo. Mr. Walters answered the report was correct. The particular program involved is related to a rural-type building program. The homes have to be constructed before being annexed into the City. Resolution 9812 will not become effective until after the 10 homes are constructed and the document is recorded at the Clerk and Recorder’s Office.

Motion carried 4-0.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3030.

Motion carried 4-0.

Res. 9813. Adopted.

3. RESOLUTION 9813, FOR CONDITIONAL USE PERMIT TO ALLOW WIND TURBINE ON LOT 2A, BLOCK 1, VO-TECH ADDITION.

Interim Planning Director Bill Walters reported that the Montana State University – College of Technology has applied for a conditional use permit to allow erection of a 120 foot tall wind turbine on the southern part of the school’s campus. The involved property is presently zoned PLI Public Lands and Institutional District wherein a wind turbine is permitted upon processing and approval of a conditional use permit. Based upon input from City staff, citizens in the neighborhood and consultants working for MSU COT, the location of the proposed turbine has vacillated. At the public hearing held January 13, 2009, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow a 120 foot wind turbine to be erected on Lot 2A, Block 1, Vo-Tech Addition, at least 500 feet from the west right-of-way of 20th Street South and at least 200 feet from the south boundary of said Lot 2A.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Resolution 9813 were:

Fred Burow, 1926 21st Avenue South, and **Terry Poupa**, 1920 20th Avenue South, expressed concerns about the location of the wind turbine. They both suggested that it be moved further east closer to the Social Security building.

Speaking in favor of Resolution 9813 were:

Joe Schaffer, 105 35th Avenue N.E., Acting Dean of MSU-Great Falls College of Technology, stated that the aspirations for the project are to accomplish three main goals. First, the turbine will serve as a demonstration project in green energy production for public facilities and institutions in semi-urban settings. Second, the college received a \$2 million U.S. Department of Labor grant for the development of wind and industrial energy technology programs. Thirdly, with the recent expansion, the utility costs have also expanded. The Governor charged state agencies with reducing its consumption of energy by 20% by the year 2010. This turbine will help offset the energy costs associated with the newly constructed trades building. Mr. Schaffer clarified that the college's current plans are to install a 120 foot wind turbine tower. When the blade is at its upmost position, the turbine will extend over 140 feet. He encouraged the Commission to provide some leeway in the conditional use permit to allow the specific location to be determined as part of the geotechnical analysis that will be done with the installation process. The intent is to keep it as close to that original site and the Zoning Commission's recommendation as possible. Regarding the noise concerns, Mr. Schaffer explained that a 50 kilowatt turbine emits about 64 decibels at 100 feet. At 200 feet it drops significantly below the ambient noise in many rooms.

Mark Mathison, 1006 8th Avenue North, Student President at MSU-Great Falls, commented that, on behalf of all the students, they would like to see this project go forward for the green benefits, economic benefits and for the future of the educational opportunities it will provide.

Joann Heninger, 1917 20th Avenue South, stated that she wasn't in support or against the project. She encouraged the Commission to look at all sides of the project, not just the good and the bad. Ms. Heninger doesn't like the noise and suggested the turbine be as far east as possible.

Richard Liebert, 289 Boston Coulee Road, stated that this is a great opportunity for the College of Technology. Mr. Liebert mentioned that there is stimulus money for fire and police departments to become energy independent.

Brett Doney, Great Falls Development Authority, congratulated Joe Schaffer and the team at the College of Technology for being awarded the Department of Labor grant. The wind turbine is the beginning of an industrial technology program.

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

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9813.

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

Commissioner Bronson commented that the geotechnical study to determine the exact, appropriate location was yet to be done. This resolution is setting limits of at least 500 feet from the west right-of-way of 20th Street and at least 200 feet from the south boundary. If the study indicates that a location further to the east was more appropriate, he assumes the resolution, as it is drafted now, is sufficient to allow that without having to consider a revision to the permit or resolution. Mr. Walters responded that was correct, and that was the Zoning Commission's intent also.

Commissioner Jolley inquired if the resolution should be amended to reflect the correct height of the tower. Commissioner Bronson responded that it was his understanding in this industry that when talking about a 120 turbine, the extended height of the blade can be higher. Commissioner Rosenbaum clarified that the turbine will be at 120 feet. Mr. Schaffer agreed with Commissioner Bronson.

Regarding the language at least 500 feet from 20th Street, Commissioner Jolley asked whether this was the original location. Mr. Schaffer responded this was the original location as identified by the consultants.

Commissioner Rosenbaum asked when the geotechnical study is done, will it also determine the decibel pattern at that distance. His understanding is the wind will carry the sound away from the residential area. Mr. Schaffer responded that he has been going off of the specifications of the manufacturer. He will consider a noise study in the request for proposals.

Commissioner Bronson noted that the Planning Department is considering an Ordinance regarding locations of wind turbines within the City to address concerns.

Motion carried 4-0.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS**

Res. 9814. Adopted.

4. **RESOLUTION 9814, ESTABLISHING THE TERMS AND CONFIRMING THE NEGOTIATED SALE OF \$2,000,000 IN TAX INCREMENT REVENUE BONDS FOR PUBLIC IMPROVEMENTS WITHIN WEST BANK URBAN RENEWAL DISTRICT, AND DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER AND FISCAL SERVICES DIRECTOR.**

Fiscal Services Director Coleen Balzarini reported this resolution, if approved, will allow the City to issue up to \$2 million in debt to provide public improvements that will support the federal building in the West Bank Urban Renewal District. It does authorize a negotiated sale rather than a competitive bid. There are conditions in the resolution that must be met before completing the negotiated sale. Assuming the taxes come in at the level of the Department of Revenue's valuation, the \$2 million is supportable from the anticipated revenues generated from the property taxes of the federal building. This will allow the City to complete the projects the Commission authorized, with the exception of all of the park improvements. Ms. Balzarini requested authorization of this resolution and noted that a final resolution will be forthcoming after the negotiation is complete.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9814.

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, commented that one of the conditions in the agenda report does not correspond with the resolution. He requested clarification on what the maximum interest rate will be. Ms. Balzarini responded that the average interest rate will not exceed 6.25%.

Brett Doney, Great Falls Development Authority, complimented Coleen Balzarini and City staff, as well as D.A. Davidson, for stepping up and making this happen in very difficult credit markets.

Ms. Balzarini told the Commission that the final resolution will state the interest rate to be 6.25%.

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

5. Minutes, February 17, 2009, Commission meeting.
6. Total expenditures of \$1,776,764 for the period of February 12-25, 2009, to include claims over \$5,000, in the amount of \$1,590,784.
7. Contracts list.
8. Award bid for three new 2009 extended cab ¼ ton pickup trucks to Bison Motors in the amount of \$51,334.62.
9. Approve final payment for Phase I – 7th and 8th Avenues South Water Main Replacement, in the amount of \$30,625.92, to United Materials, and \$309.35 to the State Miscellaneous Tax Fund. **OF 1515.**
10. Approve professional services agreement in the amount of \$83,932 with CTA Architects Engineers for Engineering and Operations Office modifications. **OF 1455.3.**

Commissioner Jolley 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 or any inquiries from the public. No one responded.

Motion carried 4-0.

BOARDS & COMMISSIONS

11. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon reported that the pilot program was discussed at the ECP Board meeting last evening. It was his understanding that the Board members participating in the program have agreed to donate the difference of that rate as compared to what the rate would have been through NorthWestern Energy. He stated he also understood the City staff that participated in the pilot program also agreed to donate their savings. Assistant City Manager Cheryl Patton reported that the difference in her rates totaled \$6.77 for 14 months of participation.

Mr. Doyon commented on his recent trip to Washington, D.C. A trip report on how that went is forthcoming. One thing to watch long term is what happens with MAFB and its primary mission with ICBM's. Mr. Doyon stated that there will probably be a change in our nuclear posture. He reported that some of the preliminary numbers with regard to the deactivation of one squadron that was here will have a severe impact on our local economy.

Mr. Doyon further commented that there is a lot of confusion about the stimulus monies. He stated Great Falls is slated to receive about \$248,000 in additional CDBG monies, and the Great Falls Housing Authority was awarded \$1.2 million for a HUD allocation. He was shown a candidate list of potential road projects within urban areas from the Department of Transportation. Also, the City may be receiving up to \$500,000 for a water/sewer project on Upper/Lower River Road through TSEP. There are other opportunities that the City could look at, and he will keep the Commission informed.

PETITIONS AND COMMUNICATIONS

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

ECP Pilot Program.

13A. Kathy Gessaman, 1006 36th Avenue NE, commented that the public concern is not how much the ECP pilot program customers saved compared to NorthWestern Energy, but how much less did they pay than what it cost the City for that electricity taking into account all of the costs. The pilot program customers' savings are small compared to the amount of debt accumulated.

Open Government.

13B. Richard Liebert, 289 Boston Coulee Road, thanked the City Commission for appointing a uniformed officer at the meetings. He also thanked Greg Doyon for calling for greater public participation at the Chamber of Commerce luncheon held last week. Mr. Liebert inquired why an open meeting was not convened regarding the City's suit against the Public Service Commission. Mayor Stebbins asked if he knew the concept of representative government. Mr. Liebert responded that he understands the concept of open meetings, government and records. Commissioner Jolley commented that she shares Mr. Liebert's feelings regarding open government, especially decisions having to do with spending money. Commissioner Rosenbaum commented that this was part of an ongoing process and did not see this as new business.

Stimulus Funds.

13C. Brett Doney, Great Falls Development Authority, commented that, despite the recession, there has been good prospect activity in the community. He was also pleased to report that the Small Business Administration approved the SBA 504 loan to StayBridge Suites. If the omnibus spending bill passes, there will be \$950,000 for infrastructure improvements on Black Eagle Road. He was thankful to our congressional delegation for their work on that. Mr. Doney also reported that his executive committee submitted three appropriation requests to the congressional delegation for an additional \$1.5 million to complete the rebuilding of Black Eagle Road to support all of the industrial development in that area, another \$1.5 million for infrastructure for a new heavy industrial park, and \$1 million for equity for a loan fund. The Board will

also be considering supporting an earmark submitted by the Cascade County Conservation District for \$6.8 million to resolve the Whitmore ravine issue by MAFB. Mr. Doney requested that the Commission take into account the GFDA's need for loan funds when putting to work the extra CDBG money.

Agenda Item 10, City funds, rights.

13D. Ron Gessaman, 1006 36th Avenue NE, commented that it wasn't identified in agenda report Item 10 where the money would come from to put the architectural study to work. Mr. Gessaman quoted the City Manager at the previous work session and asked for an itemized identification of which City funds were bleeding. Mr. Gessaman commented about the recent coverage of Susan Overfield's appeal, and noted he was happy the public still has First Amendment rights. He was also happy to see a uniformed officer in the chambers.

Taxes.

13E. John Hubbard, 615 7th Avenue South, stated his opposition to any new taxes. Mr. Hubbard commented that he thinks the Federal Building should be a museum. He also noted that not one politician has attacked deregulation.

CITY COMMISSION

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson corrected a misconception mentioned by Mr. Liebert and others that this body does not set the dress code for police officers.

Commissioner Jolley requested an update from Ms. Balzarini of the PSC work session that she attended today. Ms. Balzarini answered that the PSC staff recommended that the PSC respond to the District Court filing by the City.

Mayor Stebbins congratulated Yetta Niss on her 100th birthday March 11th. She also congratulated the Great Falls Symphony on its 50th anniversary and encouraged all to attend the concert on March 7th. Mayor Stebbins invited the public to attend the 41st Russell Auction in Great Falls.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Jolley moved, seconded by Commissioner Bronson, that the regular meeting of March 3, 2009, be adjourned at 8:13 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: March 17, 2009