

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM**PLEDGE OF ALLEGIANCE**

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

NEIGHBORHOOD COUNCILS

NC 2.

1. **Phyllis Hemstad, NC 2**, thanked the City for placing the speed checkers on the street and avenue by West Elementary. She reported that it made a difference in the way people drove in the area. Ms. Hemstad invited everyone to Bloomingdale Park before winter to see its developments. Neighborhood Council 2 is also looking forward to working with the City on developing West Bank Park.

PUBLIC HEARINGS

Res. 9774 and Ord. 3017, annexation and zoning for South 75 Feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street S.W. and 17th Avenue S.W. Adopted.

- 2A. **RESOLUTION 9774 ANNEXES THE SOUTH 75 FEET OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION AND PORTIONS OF 15TH STREET SW AND 17TH AVENUE SW.**
- 2B. **ORDINANCE 3017 ASSIGNS CITY ZONING OF R-3 SINGLE-FAMILY HIGH-DENSITY DISRICT.**

Planning Director Ben Rangel reported that property owner, Anthony Schneiderhan, has requested his home, located at 1505 17th Avenue SW, be annexed into the City in order to receive City services.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9774 to annex, and to adopt Ordinance 3017 to assign R-3 Single-family residential zoning. Mr. Rangel also requested that the City Commission approve the annexation agreement.

The Planning Board/Zoning Commission unanimously recommends City Commission approval.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9774 and Ordinance 3017.

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

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9774 and approve the Annexation Agreement, all related to the South 75 feet of Lots 17-21, Block 17, University Addition and portions of 15th Street S.W. and 17th Avenue S.W.

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

Motion carried 4-0.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3017.

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

Motion carried 4-0.

Res. 9776 and Ord. 3019, annexation and zoning for the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palidade Addition and Abutting Unincorporated Portion of Flood Road. Adopted.

3A. RESOLUTION 9776 ANNEXES THE AMENDED PLAT OF TRACT 3, BLOCK 14 AND BLOCK 15, BELVIEW PALISADE ADDITION AND ABUTTING UNINCORPORATED PORTION OF FLOOD ROAD

3B. ORDINANCE 3019 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH-DENSITY DISRICT.

Planning Director Ben Rangel reported that the Board of Deacons for Valley Community Bible Church has submitted for City Commission approval an amended plat, the annexation of the area within the plat, the assignment of City zoning and the granting of a conditional use permit for its existing worship facility located on properties they own in Southwest Great Falls, along Flood Road. The Board would like to receive City services to accommodate sanctuary and school expansions.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9776 to annex, and to adopt Ordinance 3019 to assign R-3 Single-Family Residential Zoning and to grant a conditional use permit for a worship facility. The City Commission is also asked to approve the amended plat, findings of fact and annexation agreement.

The Planning Board/Zoning Commission unanimously recommends City

Commission approval.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9776 and Ordinance 3019.

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

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9776, and approve the Amended Plat, Findings of Fact and Annexation Agreement, all related to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road.

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

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3019.

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

Motion carried 4-0.

Res. 9781 and Ord. 3021, annexation and zoning for the Unincorporated Portion of Parcel 2 in Beebe Tract 35, located at the Northwest Corner of the Intersection of 2nd Avenue North and 57th Street North. Adopted.

4A. RESOLUTION 9781 ANNEXES THE UNINCORPORATED PORTION OF PARCEL NO. 2 IN BEEBE TRACT 35, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 2ND AVENUE NORTH AND 57TH STREET NORTH.

4B. ORDINANCE 3021 ASSIGNS ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISRICT.

Planning Director Ben Rangel reported that Robert & Marilee Taylor own a parcel of land located in the northwest corner of the intersection of 2nd Avenue North and 57th Street. They are interested in annexing the parcel to accommodate the renovation of an existing structure for a vehicle sales and rental business. A portion of the newly surveyed parcel is already in the City and currently zoned C-1 Neighborhood Commercial. The Taylors have requested the entire parcel be designated C-2 General Commercial when the unincorporated portion is annexed.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9781 to annex, and to adopt Ordinance 3021 to assign C-2 General Commercial zoning. The City Commission is also asked to approve the improvements agreement.

The Planning Board/Zoning Commission unanimously recommends City Commission approval.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9781 and Ordinance 3021.

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

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9781, and approve the accompanying Improvements Agreement all pertaining to Parcel No. 2 in Beebe Tract 35.

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

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3021.

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

Motion carried 4-0.

Ord. 3022, to Create Great Falls International Airport Tax Increment Financing Industrial District. Adopted.

5. ORDINANCE 3022, TO CREATE GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT.

Planning Director Ben Rangel reported that the Great Falls International Airport Authority is interested in having a Tax Increment Financing Industrial District created for the Airport. This interest was presented to the City Commission during a public work session on May 6, 2008.

The funds from the District are proposed to be used for the various activities and types of industrial improvements allowed for and authorized in State law, which are intended to foster the attraction, growth and retention of secondary, value-adding industries at the Airport.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting the public hearing, Mr. Rangel requested that the City Commission adopt Ordinance 3022 which would:

1. Establish a tax increment industrial program at the Airport;
2. Create the Airport Tax Increment District;

3. Establish the boundaries of the district;
4. Approve the district plan;
5. Establish the types of activities for use of tax increment funds; and,
6. Establish January 1, 2008, as the base taxable year.

Mayor Stebbins declared the public hearing open. Speaking in favor of Ordinance 3022 were:

Cynthia Schultz, Great Falls Airport Authority, 2800 Terminal Drive, reported the unanimous support of the Airport Authority Board to work with the City to find solutions for the current inadequate infrastructure. The industries identified in the Plan that are secondary, value adding industries will create jobs that will, in turn, reinvest in the tax base and bring returns into the community.

Brett Doney, Great Falls Development Authority, reported that the GFDA strongly supports this effort. It is part of the Master Plan that the Airport Authority has been working on. Mr. Doney believes this to be a positive step forward. The Airport continues to be an asset for the entire region. Mr. Doney also noted concerns with tax increment financing that may be addressed during the next legislative session.

Kathy Harris, Stelling Engineers, 614 Park Drive South, thanked City staff for their assistance. Stelling Engineers is working with the Airport to develop the District and offer support for the creation of the District. Ms. Harris reported that it is increasingly competitive to attract industries and this will be a way to position Great Falls and the Airport to attract special industries.

Speaking in opposition to Ordinance 3022 was **Ron Gessaman**, 1006 36th Avenue N.E. Mr. Gessaman commented that he is opposed to all tax increment financing districts. Mr. Gessaman also commented that he did not hear any discussion about the consideration that will need to be given to long term costs as noted in the agenda report. He is also concerned about the fiscal impact to other local and State taxing jurisdictions.

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

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3022.

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

Motion carried 4-0.

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

Ord. 3025. Accepted on first reading and set final reading for November 18, 2008.

6. ORDINANCE 3025, TO CREATE THE CASCADE COUNTY COMMUNITY HEALTH DISTRICT.

City Attorney David Gliko reported that the purpose of the Ordinance is to create a multijurisdictional health service district, pursuant to § 7-11-1101, et seq., MCA. This will enable a newly created Cascade Community Health District to assume flexibility and independence and to provide expanded health services throughout the City of Great Falls and the County of Cascade.

Michael Young, 1227 25th Avenue S.W., speaking in his capacity as Chairman on behalf of the Community Health Care Clinic Board of Directors and City/County Health Board, reported that creation of an independent health district will assume all of the functions of the current City/County Health Department, City/County Health Board and the Community Health Care Clinic, which is a federally funded clinic that is a division within the City/County Health Department that has its own nine man Board of Directors. The purpose is to provide autonomy and flexibility in the management of the Department, expansion of health services, dental care and future mental health services. The Clinic currently sees approximately 18,000 patients per year. Mr. Young reported that the County is proposing the same resolution. He urged the City Commission to accept this Ordinance and set a public hearing.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 3025 on first reading, and set final reading for November 18, 2008.

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

Ron Gessaman, 1006 36th Avenue N.E., suggested clerical errors in the Ordinance be cleaned up before the public hearing.

Motion carried 4-0.

Res. 9793, Relating to Financing of Certain Proposed Projects; Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code. Adopted.

7. RESOLUTION 9793, RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

Fiscal Services Director Coleen Balzarini reported that staff recommends the approval of Resolution 9793 to be in compliance with Internal Revenue Service declarations. The West Bank Tax Increment District has a number of infrastructure and developer projects that are set to proceed soon. There is a rail crossing that materials have been ordered for that the City intends to reimburse itself with the tax increment financing that will be brought before the Commission at a future date. Ms. Balzarini asked for the Commission's approval to declare to the IRS the City's intent to reimburse itself for these expenses.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9793.

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

Brett Doney, Great Falls Development Authority, appreciates the City's support of the West Bank project. The continued investment there is already attracting a hotel and new restaurant. Mr. Doney reported that the County has made great progress in cleaning up the contamination on their site. He sees great things happening there.

Motion carried 4-0.

Res. 9791. Adopted and set public hearing for December 2, 2008.

8. RESOLUTION 9791, INTENT TO CREATE TOURISM BUSINESS IMPROVEMENT DISTRICT.

Fiscal Services Director Coleen Balzarini reported that the structure of this District is similar to the Business Improvement District, although this only applies to the hotels and motels within the area. It does not encompass all the properties within a specific area, but only the hotels and motels. Ms. Balzarini reported that there was in excess of 60% support from the individuals that will be assessed, and she requested that the Commission adopt this Resolution and set a public hearing.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9791 and set public hearing for the creation of Tourism Business Improvement District No. 1307 for December 2, 2008.

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

Motion carried 4-0.

Res. 9794, Conditional Use Permit for Collins Mansion. Accepted on first reading and set public hearing for December 2, 2008.

9. RESOLUTION 9794, CONDITIONAL USE PERMIT FOR COLLINS MANSION.

Planning Director Ben Rangel reported that Samuel and Andrea Gouchenour are the owners of the Collins Mansion which is located in West Great Falls, at 1003 2nd Avenue N.W. They have applied for a conditional use permit to allow the mansion to serve as a community center. Community centers, which can accommodate special events such as receptions, weddings, rehearsal dinners, anniversaries and retirement parties, are permitted in residential zoning districts, upon processing and approval of a conditional use permit.

Mr. Rangel requested that the City Commission accept Resolution 9794 on first reading and to set a public hearing for December 2, 2008.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission accept Resolution 9794 on first reading and a set public hearing for December 2, 2008.

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

Phyllis Hemstad, NC 2, reported that NC 2 supports the conditional use permit.

Motion carried 4-0.

Res. 9795, To Change the Graphic Image (Logo) and Establish a Policy for Its Use for the City of Great Falls. Denied.

10. RESOLUTION 9795, TO CHANGE THE GRAPHIC IMAGE (LOGO) AND ESTABLISH A POLICY FOR ITS USE FOR THE CITY OF GREAT FALLS.

Assistant City Manager Cheryl Patton reported that Resolution 9795 would establish a single graphic image for the City of Great Falls. The image suggested would be a slightly modified version of the official City seal, which is designated in Section 1.4.040 of the official codes of the City of Great Falls. For approximately the past 20 years, the City has been primarily using a logo that was designed between 1987 and 1989, as well as the City seal for its graphic images. Staff is suggesting that only a single visual representation be designated rather than having distinctly different images used.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission deny Resolution 9795 changing the graphic image (logo) and establishing a policy for its use for the City of Great Falls.

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

Commissioner Bronson noted that he, personally, does not find a reason to change the logo. After looking at what was proposed and comparing it to what City staff has utilized over the past 24 years, the proposed new logo does not reflect what this City is about, and what its history and culture are about.

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

Norma Ashby, 3233 3rd Avenue South, provided a history of the logo. A competition was held in 1982-1984 among graphic artists. Dan White was the winner and he captured major elements of Great Falls, including the falls, the buffalo skull representing Charlie Russell, Lewis & Clark, Square Butte, the sky, the railroad tracks and, at that time, the smokestack. Ms. Ashby suggested that it was an excellent time, once again, to hold a contest among the many talented graphic artists in Great Falls. This is especially timely as the City prepares for its 125th anniversary in 2009. Ms. Ashby reported that, if the Commission agrees with the contest idea, she is prepared to ask the Great Falls Ad Club Board of Directors to coordinate the contest for the City. If approved, representatives from the Ad Club would work with the City in establishing guidelines for the new logo/seal.

Mike Witsoe, 2612 1st Avenue South, agreed with Commissioner Bronson's comments. He added, "if it isn't broke, don't fix it."

Motion carried 4-0.

**Res. 9799, Joint Land Use Study (JLUS).
Adopted.**

11. RESOLUTION 9799, JOINT LAND USE STUDY (JLUS).

Kim Thiel-Schaff, Great Falls Development Authority, reported that City staff and the Great Falls Development Authority recommend that the City Commission approve Resolution 9799, which authorizes the City's participation in the Joint Land Use Study (JLUS) for Great Falls and Malmstrom Air Force Base (MAFB). Cascade County has recently approved Resolution 08-86, which mirrors this resolution. By adopting this resolution, the City agrees to support and participate in the Office of Economic Adjustment's Joint Land Use Study for MAFB. The City would further then acknowledge that Cascade County take the role of project sponsor and be the grantee, and that the GFDA has the expertise on staff to be the grant point of contact. The purpose of the JLUS is to ensure that only compatible development occurs near MAFB in the accident potential zones and areas impacted by high noise. This process will study the need to protect MAFB's operational capacity. The City would further agree to assign staff to participate in the various activities on the committees to be established as part of this process, and participate in meeting the 10% match

requirement through non-federal sources. Ms. Thief-Schaff explained that City staff time will count towards meeting the match requirement.

Commissioner Beecher moved, seconded by Commissioners Bronson and Rosenbaum, that the City Commission adopt Resolution 9799.

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

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

12. Minutes, October 21, 2008, Commission meeting.
13. Total expenditures of \$2,240,401 for the period of October 13-29, 2008, to include claims over \$5,000, in the amount of \$2,009,906.
14. Contracts list.
15. Grant list.
16. Lien Release list.
17. Award contract to Dick Anderson Construction, Inc. for the Water Treatment Plant Headhouse Floor Replacement project in the amount of \$544,450. (OF 1332.6)
18. Approve Grade Crossing Construction and Maintenance Agreement for the 4th Avenue Northwest Improvements with Burlington Northern Santa Fe Railway Company in the amount of \$274,439. (OF 1488)
19. Approve Addendum for Municipal Golf Course Concessions Contract with Michelle Kazda, K & M, Inc.
20. Approve Permit to Verizon Wireless for location of Antenna and Associated Equipment at 33rd Street Reservoir.

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

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

Phyllis Hemstad, NC 2, requested an explanation of Item 18. City Engineer Dave Dobbs explained that this standard agreement is between the City and Burlington Northern Santa Fe Railroad to bring 4th Avenue N.W. from 3rd Street N.W. to the area north of the new Federal Courthouse. It will also be a permanent access to the Federal Courthouse and West Bank Park. Ms. Hemstad inquired about parking. Mr. Dobbs explained that the existing parking lot in West Bank Park will be moved over.

Motion carried 4-0.

BOARDS & COMMISSIONS**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****CITY MANAGER****22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Assistant City Manager Cheryl Patton thanked Norma Ashby for her history of the City logo. City staff researched the existing logo and could find no instance where City Commission took official action to approve it. The contest idea is a good one.

PETITIONS AND COMMUNICATIONS**23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

HGS.

23A. Ed McKnight, 906 3rd Avenue North, reminded the Commission that at the last meeting he asked about the money spent on the development of Highwood. Mr. McKnight thanked Commissioner Beecher for answering his questions and commented that there were other costs that could be found in the financial records of the City of Great Falls. Mr. McKnight commented that his point was not to get at the exact number, but to get to the quality of information disseminated by the City. The responses Mr. McKnight received regarding the water credits were not acceptable to him. He reminded the Commission that they took an oath of office and are held to a higher standard. Mr. McKnight further commented that the audited reports are his source of information and made a comparison to Enron.

HGS.

23B. Tim Gregori, General Manager of Southern Montana Electric G&T, in response to Mr. McKnight's comments regarding energy imbalances, commented that with the advent of the Energy Policy Act of 1992 electric utilities provide services to their customers on the basis of their actual usage. He explained that when you go out to the market to buy electricity, you are not able to buy exactly what people are going to use because you do not know. A predetermined amount of electricity is purchased and delivered to the electric grid to meet that particular group of customers' needs. At the end of every accounting period, you balance up the amount of energy used by those customers to the amount of energy that was delivered. You take the difference between those two figures and, on an hourly basis, you go back to the electric market and determine what the price was for electricity at that time. There are times on an hourly basis when that is higher than what you paid for it, and there are times when it is lower. You reconcile on an annual basis. You do that continually because the contracts transcend multiple years. Commissioner Beecher's answer that it will move over time was correct. The answer to whether the City made money on the

imbalances is yes.

Alternative Energy.

23C. Brett Doney, Great Falls Development Authority, in response to a comment at a prior meeting that the City should be pursuing alternative energy development, commented that a big portion of GFDA’s marketing efforts does go after alternative energy development throughout the 10 county trade area. Mr. Doney provided handouts for the Commission and public setting forth the GFDA’s alternative energy development efforts.

CITY COMMISSION

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the regular meeting of November 5, 2008, be adjourned at 8:00 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: November 18, 2008