

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

ANNOUNCEMENT: Jim Keough and Vinney Purpura announced that the Great Falls Voyagers won the Pioneer League championship and presented the championship trophy that will be on display throughout the year in many businesses in Great Falls. He thanked the Commission for its past support in helping keep the stadium renovated to have professional baseball in Great Falls.

NEIGHBORHOOD COUNCILS

NC 4.

1A. Sandra Guynn, NC 4, thanked Chief Grove and Chief McCamley for their presentations at the Council of Council meeting about the challenges they are facing with their respective budgets. The council is looking forward to additional information about the public safety levy if it should be proposed. Ms. Guynn also thanked the gang unit of the Police Department for their presentation to the council in September. She urged other councils to book the gang unit to talk to their councils. She and her husband were also impressed with how well organized the 1st Annual Crime Prevention Day activities were. Ms. Guynn stated that the council voted at its September meeting to ask the City what it could do to get the property at 4727 2nd Avenue North condemned. The council would like to get this property cleaned up as it is unsafe and unsightly.

NC 7.

1B. Erin Tropila, NC 7, reported that Neighborhood Council 7 would like the City to adopt the disorderly premises ordinance. Every month at their meetings a large amount of time is devoted to problem properties. The same properties come up over and over again. The council supports the first version of the disorderly premises ordinance. Neighborhood Council 7 is also dismayed at the removal of the downtown police officer. She has had many calls and emails from people expressing their fears and anxiety. Ms. Tropila asked the Commission for its reconsideration.

NC 8.

1C. Karen Grove, NC 8, reported that the council met and discussed the proposed rezoning of the park land on 38th Street and voted to ask the City to reconsider rezoning that area and to keep it park land. Ms. Grove read the reasons why the council voted to keep it park land. Ms. Grove also reported that Neighborhood Councils 7 and 8 held a joint welcoming to the new IGA on 1st Avenue North on Saturday and had an

amazing turnout. People are grateful to IGA for bringing the store to that location.

PUBLIC HEARINGS

Ord. 3015. Adopted.

2. ORDINANCE 3015, REZONE PARCEL MARK NO. P1, SECTION 5, T20N, R4E (CITY OWNED PARCEL PREVIOUSLY USED AS COMPOST SITE ON 38TH STREET NORTH.)

Planning Director Ben Rangel reported that the City of Great Falls owns a 10½ acre parcel of land located at the southwest corner of the intersection of 38th Street and River Drive. The City purchased the parcel in 1992 and it was used as a compost site until a few years ago. The parcel was purchased with economic revolving funds for the purpose of land banking it for future possible economic development, provided any future use would be compatible with the adjoining golf course and other recreational uses in the area.

As encouraged by the Great Falls Development Authority, there is interest to rezone the parcel from POS Parks and Open Space to M-2 Mixed-Use Transitional to make the parcel more marketable for development. M-2 zoning allows for commercial, office space, residential and institutional uses and public spaces. It does not permit light or heavy industrial uses. Additionally, the City Commission, via a public hearing process, would have the final say on who the parcel could be sold to. Any private development on the parcel would also be subject to review and approval by the City's Design Review Board.

On September 2, 2008, the City Commission set public hearing for September 16, 2008, to consider Ordinance 3015. At that time, the Commission continued the hearing until this evening to give Neighborhood Council 8 opportunity to discuss the proposed zone change.

After conducting this evening's hearing, Mr. Rangel requested that the City Commission adopt Ordinance 3015.

The City Zoning Commission passed a motion on a 4 to 2 vote recommending City Commission approval of the requested zone change.

Before reconvening the public hearing, Mayor Stebbins stated that three people have previously testified and would appreciate it they would clear the floor for new comments. Mayor Stebbins declared the public hearing open.

Speaking in favor of Ordinance 3015 was **Brett Doney**, President of the Great Falls Development Authority. Mr. Doney recognized the input from the Neighborhood Councils and was pleased the Commission delayed action

to allow time for the councils to meet. Mr. Doney believes this area should be rezoned for three reasons: (1) the land was originally purchased with City economic development funds with the intent to support economic development. He does not know why it was zoned Park and Open Space because it was bought with economic development money. The intent was to put it into use; (2) the City needs a stronger commercial and industrial tax base; and (3) he is seeing great activity in the North Park area. If the City could attract a private company for quality development of the land it could be a gateway to North Park.

Speaking in opposition to Ordinance 3015 was:

Sandra Guynn, Chair of NC 4, read the council's reasons for keeping this area zoned Park and Open Space. Neighborhood Council 4 respectfully requests that the Commission retain this land as Park and Open Space.

Stuart Lewin, 615 3rd Avenue North, stated that he was unaware of a rule that people cannot speak again in favor of an issue. Mayor Stebbins inquired if he had new points to make. Mr. Lewin added that he wanted to point out that he wanted the City to take into account the Missouri River Urban Corridor Plan. One of the principles of the plan was the importance of not developing transportation corridors along the river. Mr. Lewin also commented on the market, a quote from the Pope and a study that showed within decades one-third of the mammal species would be lost on the planet. Mr. Lewin suggested that the City look forward and protect the quality of air, water and life.

Ron Gessaman, 1006 36th Avenue N.E., commented that it seems like greed to him because the Great Falls Development Authority is short on money. In response to Mr. Doney's comments, Mr. Gessaman referred to the map and stated that Central Plumbing was not located in North Park. It does not make sense to him to separate this parcel from the rest of the green parcels in that area on the map. The two roads are the natural dividing line between commercial development and recreational and open park space. Mr. Gessaman does not see how any commercial development could be compatible with the adjacent golf course and other recreational users in the area.

Mike Witsoe, 2612 1st Avenue South, commented that he attended the two neighborhood council meetings and the consensus was not to ruin any more park land. Mr. Witsoe does not believe the City should sell this green, recreational land because when ground is sold, God isn't making any more.

Kathleen Gessaman, 1006 36th Avenue N.E., opposes this ordinance because she does not see a need for it. Ms. Gessaman commented that the property between Coke and Flawless has been for sale for 24 years, is zoned heavy industrial and there is no movement on that property. Ms. Gessaman requested that the Commission table this matter.

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 approve Ordinance 3015 changing the zoning classification from Park and Open Space to M-2 Mixed Use Transitional, subject to the following terms and conditions:

Prior to any sale or lease of land to a third party the City may require the third party to initiate a traffic study to assess any impacts on traffic from any proposed development.

Mayor Stebbins asked if there was any discussion amongst the Commission. Commissioner Bronson explained that his motion was different than what was proposed by the Zoning Commission and Planning Department. He listened to and considered the comments, but believes there are misconceptions about what will happen if this property is rezoned to M-2. An M-2 classification prohibits all industrial uses, whether light or heavy, construction sales, manufactured home sales, nurseries and casinos. What is allowed are certain types of businesses that would involve the manufacture of light products, like a computer assembly software-type business. These businesses cannot emit odors, have radioactive materials in the vicinity or have any hazardous substances. One of the purposes for the M-2 classification was to create a transitional area between industrial zones, such as the Industrial Park, and the lighter commercial or, in some cases, park and open space and residential areas. This is not park land. When the land was originally purchased it was with the idea that over time it would have some type of commercial possibilities. An M-2 classification is consistent with that. Commissioner Bronson also stated he appreciates Mr. Lewin's references to the Missouri River Corridor Plan. However, this particular area was not within the study corridor, and is not near the river to have any such negative impacts on the river. It is easier to generate interest in future development if the City already has the zoning classification in place. Another concern that has been expressed was traffic. He has taken that into consideration and that is why the special condition was stated on any ultimate use. Any development that is ultimately permitted there is going to have to go through a design review.

Commissioner Jolley asked if the two entities that were interested in this property were businesses that would qualify from the list of permitted uses that Commissioner Bronson read earlier. Mr. Doney responded that Centene had looked at it for office operations, and a customer service corporation. There are no current prospects. Commissioner Jolley asked if condominiums could be built there. Mr. Rangel responded that all types of residential units are permitted within an M-2 zoning classification.

Commissioner Rosenbaum commented that this property was commercial development property because in 1996 or 1997 the City sold this property to Pasta Montana to put a metal warehouse building on it. Pasta Montana didn't use it and sold the property back to the City. The City still has the final say when the property is sold on what goes there and how it is landscaped. A further setback from the highway would be appropriate. That could be a priority set when the City has a proposal. The sale proceeds would go into the City revolving economic budget.

With regard to the corridor issue, Commissioner Beecher added that there is a state road and railroad track along the river. This proposed zone change does not infringe on the River's Edge Trail or river corridor. With the constraints that this property has, in his opinion this is the best possible use of the land.

Commissioner Jolley commented that the Design Review Board looks at the plans, but it doesn't come back to the City Commission to approve. Commissioner Jolley was informed that the City Commission would approve the sale and design.

Motion carried 5-0.

**Res. 9775 and Ord. 3018.
Adopted.**

3A. RESOLUTION 9775, ANNEXES SOUTHERLY 45 FEET OF LOTS 1-4, BLOCK 2, AND LOTS 1-4, BLOCK 3 AND ALL OF LOTS 20-28, BLOCK 3, FINLAY'S SUPPLEMENT TO PROSPECT PARK ADDITION.

3B. ORDINANCE 3018, ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO THE UNINCORPORATED PORTION OF SAID AMENDED PLAT.

Planning Director Ben Rangel reported that NeighborWorks of Great Falls has submitted an amended plat, an annexation request and a rezoning request for several parcels of land it owns just south of Sunnyside School. Their interest is to combine 27 lots into 13 parcels, annex the parcels and have single family zoning assigned to each. They propose to use five of the parcels for homes being relocated from the future site of the CVS Pharmacy.

On September 2, 2008, the City Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9775 to annex, and to adopt Ordinance 3018 to assign R-3 Single-Family Residential zoning. Mr. Rangel also requested the City Commission 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. Speaking in favor of Resolution 9775 and Ordinance 3018 was **Al Henry**, 135 River Front Lane, Director of Operations for NeighborWorks. Mr. Henry commented that the mission has always been to renovate neighborhoods and to provide affordable housing. This is a unique opportunity where they get to do both.

No one spoke in opposition to Resolution 9775 or Ordinance 3018.

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

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9775, and approve the Amended Plat, Findings of Fact and Annexation Agreement, all related to the unincorporated portion of the Amended Plat of Lots 1-4, Block 2, and Lots 1-14 & 20-28, Block 3, Finlay's Supplement to Prospect Park Addition and abutting Rights-of-Way.

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

Motion carried 5-0.

Commissioner Jolley moved, seconded by Commissioners Bronson and Rosenbaum, that the City Commission adopt Ordinance 3018.

Motion carried 5-0.

**Res. 9773 and Ord. 3016.
Adopted.**

4A. RESOLUTION 9773, ANNEXES FOXWOOD ESTATES SUBDIVISION, LOCATED SOUTH OF PARK GARDEN ROAD BETWEEN PARK GARDEN ESTATES AND PARK GARDEN LANE.

4B. ORDINANCE 3016, ASSIGNS ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT.

Planning Director Ben Rangel reported that in April, 2008, the City Commission approved the Preliminary Plat for Foxwood Estates. Dahlquist Realtors, doing business as Foxwood Estates, is the property owner and developer of this subdivision. The subdivision is located in southwest Great Falls, between Park Garden Estates and Park Garden Lane. It consists of 14 single family residential lots.

On September 16, 2008, the City Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9773, which would annex the subdivision, and to adopt Ordinance 3016, which would assign R-1 Single-Family Residential zoning. Mr. Rangel also asked the City Commission to

approve the final plat 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 9773 and Ordinance 3016.

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

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9773, and approve the Final Subdivision Plat and Annexation Agreement all pertaining to Foxwood Estates.

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

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3016.

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

Motion carried 5-0.

Res. 9779. Adopted.

5. RESOLUTION 9779, PARKING METER RATE AND METER VIOLATION FINE INCREASES.

Parking Supervisor Kim McCleary reported that Resolution 9779 would increase the parking meter rates from \$0.25 per hour to \$0.50 per hour, and increase the meter violation citation fine from \$3.00 to \$5.00. One of the parking program's goals is to create turnover in parking spaces on the street to allow ample parking for people conducting short term business downtown. Great Falls has a high percentage of employees that work downtown that will park on the street all day long if parking is not enforced. There are two parking garages and six off-street parking lots that provide long-term parking options for people who may want to park for several hours or all day. Without a deterrent and enforcement, people will park for long periods on the street instead of in the off-street parking facilities, creating a loss of revenue for the program and unavailability of parking for shoppers and others that just need some short-term parking to do their business. The trend over the past several years has been a decline in the parking revenue. With the rising costs to operate and maintain the City's parking facilities, staff is projecting a deficit in the parking budget. All the

meter revenue goes into the parking program. The purpose of the meter rate increase is to generate enough revenue to cover the projected costs over the next five years. The recommended meter rate increase will generate approximately \$168,000 of increased revenues annually, which is the minimum necessary to meet the operating and maintenance costs over the next five years. If the projections are accurate, there shouldn't be a need for another rate increase for at least five years. Without the increase, however, improvements required to the parking garages and the off-street lots to make them safe and in good condition will have to be deferred indefinitely. The last increase in the hourly parking meter rate was in 1981. The revenue from citations goes into the general fund. The last increase on the meter violation fine was from \$2.00 to \$3.00 in 1987. After conducting the public hearing, Ms. McCleary asked the Commission to adopt Resolution 9779.

Mayor Stebbins declared the public hearing open. Speaking in opposition to Resolution 9779 were **Jim Mintsiveris**, 5th Street Diner, **John Godwin**, Photo Plus, **Howard Eidson**, 610 18th Street South, **Jim Whittaker**, Hobbyland, **Linda Brave**, 900 5th Avenue North, **John Hubbard**, 615 7th Avenue South, **Orman Puckett**, 2015 6th Avenue South, **Alison Fried**, Dragonfly Dry Goods, **Mike Marzetta**, Hoglund's Work and Western Wear, **Brett Doney**, 3048 Delmar Drive, **Joyce Watson**, Big Sky Quilts, **Carol Olthoff**, Just Stuff in Times Square, **Phil Kiser**, Bert & Ernie's Tavern & Grill, **Mike Witsoe**, 608/624 Central Avenue, **Ike Kaufman**, Kaufmans Mens Wear, **Nancy Hampton**, 600 17th Avenue South, and **Ron Gessaman**, 1006 36th Avenue N.E. Most of the individuals speaking in opposition made suggestions or expressed concerns about the parking meter violation fines not going into the general fund; the City should nurture businesses to come downtown; downtown has a parking perception problem; the parking project is losing money and the City should terminate the parking contract, and put bags over the meters with advertisements; the time duration on meters should be extended for businesses that teach classes; frustrations of out of town, state and country customers eating and shopping downtown and getting citations; see if the private sector is interested in purchasing the parking garages; civic center employees should pay for parking spots; encourage citizens to apply for positions on the Parking Commission Board; increase tickets on a sliding scale for habitual offenders; different time zones throughout the parking district with a maximum rate of \$0.25; the business of parking should be taken away from the City; and, a rate increase will result in further declining meter revenue.

No one spoke in favor of Resolution 9779.

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

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9779.

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

Commissioner Jolley commented that there were a lot of good suggestions made. She doesn't agree with the comments that the downtown area is losing businesses because of the parking meters due to the fact that the meter rate hasn't gone up since 1981. The Commission began discussions about the enterprise fund during the budget process that started in March. For budget reasons, Commissioner Jolley stated she will vote in favor of this resolution because the garages need maintenance. There were good ideas and, during the next budget process, she would like to try something different.

Commissioner Beecher commented that the City needs to keep up on maintenance at its facilities. The reality of moving the enforcement revenue to the general fund leaves a partial hole in the general fund that they use to fund police, public safety, park and recreation, and other services. Commissioner Beecher is in favor of delaying action for two to three months to give the downtown residents, business owners and employees and City staff time to come up with some proposals that would deal with the City's needs to keep public facilities up to par, for the downtown need to keep people from squatting on spots that should be used for customers, and not be a detriment to other services that the City provides to the taxpayers.

Commissioner Bronson commented that his business has been located downtown for a number of years and he sees downtown as rejuvenated. A rate increase will not be the demise of downtown. Commissioner Bronson appreciates the comments and they are well taken. He does not favor the suggestion to abolish the parking commission. Commissioner Bronson proposes looking at the parking issue in light of the whole subject of downtown revitalization. The final analysis is there are budget considerations to deal with. Commissioner Bronson would support an effort to have the BID get involved and look into the suggestions made and to revitalize the parking commission.

Commissioner Rosenbaum commented that the City can't compare downtown shopping to the mall. In light of the budget the City has reality to face. Commissioner Rosenbaum would like to see a group get together, have meetings and get something done in a short period of time.

Mayor Stebbins commented that she loves downtown. For the past 20 years she has been in the advertising business and has many clients that have businesses downtown. Mayor Stebbins stated that she hates parking meters. She encouraged everyone to work together the next 30 days to come up with a rational solution.

Motion carried 3-2 (Mayor Stebbins and Commissioner Beecher dissenting).

OLD BUSINESS**NEW BUSINESS****Emergency Medical Services Performance Contract with Great Falls Emergency Services. Approved.****6. EMERGENCY MEDICAL SERVICES PERFORMANCE CONTRACT WITH GREAT FALLS EMERGENCY SERVICES.**

Fire Chief Randy McCamley reported that over the last three years the City of Great Falls has been working to make improvements to the EMS system serving the community. In January of 2008, the Commission adopted Ordinance 2993 which deals with emergency medical services. This ordinance establishes a provision for a performance contract with a private ambulance company for response and transport of the sick and injured. Since March City staff has been working in contract negotiations with the president of Great Falls Emergency Services, Dave Kuhn, and his staff. Over this time the parties had several discussions and exchanged numerous proposals. The final contract is over 40 pages in length and details the functional and operational responsibility of the transport provider and the City of Great Falls. Among these are contract administration, the roles and responsibilities of the ambulance company and the City, ambulance performance measures, system medical control function responsibility, performance security, an EMS advisory board, fiscal requirements, and it establishes the ambulance transport rates. The initial term of the contract is five years, with up to two (4) year extensions with approval of the City Commission. Chief McCamley reported that Mr. Kuhn was also in the audience and could answer any questions.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission approve the Performance Contract with Great Falls Emergency Services for Citywide Emergency Ambulance Services. Commissioner Bronson added that this motion includes the grammatical corrections to the text of the contract that were made at his request.

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

Commissioner Rosenbaum thanked City staff and the Fire Department and wished everyone the best of luck.

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

Motion carried 5-0.

GFDA Loan Forgiveness. **7. LOAN FORGIVENESS. GREAT FALLS DEVELOPMENT AUTHORITY.**
Approved.

Brett Doney, President of the Great Falls Development Authority, reported that six years ago when the GFDA was formed there seemed to be a need for increased financing tools. At the time the EDA loan fund was the only financing tool to help businesses expand, entrepreneurs to start new business, to help real estate developers and to help attract new businesses to Great Falls. The GFDA created a financing arm – High Plains Financial – with the purpose of creating new financial tools. They are now a certified development corporation by the U.S. Small Business Administration and have access to their 504 program. Regional USDA and EPA Brownfield funds were also created, as well as an established relationship with the Community Reinvestment Fund in Minneapolis for higher risk loans. A lot of the money was used to create those four financing tools and some of the money was used to market the City. The GFDA received two EDA loan fund grants that had match requirements. The GFDA became past due in one of its match requirements and the EDA stated it would pull that loan fund. The EDA loan fund has been critical to practically every major economic development project in recent history. GFDA was short \$138,500. Mr. Doney explained that the GFDA sold its office building downtown and borrowed \$78,000 from First Interstate Bank in order to pay the match requirement. Over the years GFDA, as a new entity, overspent. To pay for that overspending, GFDA borrowed heavily. He has cut the budget by 40 percent. Mr. Doney reported that the financial house is now in order and it is operating at break even. The bank debt has been lowered by \$95,000 in the last 18 months. Because of the situation GFDA is in, it has reduced the effectiveness of the economic development arm of the City and region. Mr. Doney reported that, if the Commission decides to take no action, the GFDA will continue to honor its commitment. If the Commission approves the alternative motion, it will provide the GFDA with some breathing room and GFDA will have a positive cash flow of \$5,000-\$6,000 per year.

Mayor Stebbins asked if the Commissioners had any questions.

Commissioner Jolley asked that No. 4 of Motion 2 be explained. Mr. Doney responded that it is in the City's best interest to insure that its economic development arm have prudent financial management. It takes the \$138,500 match in the EDA loan fund and makes that tool available for the City even if GFDA disappears. It would forgive one-third of that amount each year so long as GFDA is managing itself in a fiscally prudent manner. Commissioner Jolley also asked if GFDA planned on paying the \$20,533.31 that it was delinquent for its 2007 share of expenses related to the Washington consultant, Capitol Decision. Mr. Doney responded that when he was hired, GFDA's share of the consulting contract was \$30,000 per year for a consultant in Washington, D.C. He didn't see that GFDA was getting any value for that. It took a number of months to get out of that

contract and that amount was for the time delay. GFDA has that in its budget to pay.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission deny the request of the Great Falls Development Authority to forgive the current outstanding loan balance of \$246,423.05 and instead approve the following:

- 1) Credit interest and payments made back against the original principal reducing the amount owed from \$250,000 to \$203,132.14;**
- 2) Provide for an interest free loan from inception and going forward;**
- 3) Defer all payments until July 1, 2009; and,**
- 4) If GFDA operates at a profit for each fiscal year of a three year period ending June 30, 2011, then the City agrees to credit back to GFDA each July, beginning July 1, 2009, one-third of the \$135,500 (*sic*) GFDA investment into the EDA loan fund (\$46,166.67 each year).**

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

Commissioner Beecher explained the logic as the City had taken the position several years ago that it wanted GFDA to be the economic development arm for the City of Great Falls and the taxpayers. It is to the City's benefit to have a healthy GFDA. The \$250,000 that was loaned to GFDA would go away any how if GFDA was not in a financially sound position. Had GFDA not put the money in to make the match against the EDA loan fund the City would have had to come up with that money to preserve the loan fund. This is a way to compensate GFDA back to keep that loan fund healthy in the community. There will be a balance that GFDA will continue to pay the City back for three years.

Commissioner Jolley inquired if GFDA operates at a profit would the City credit the money back each year or at the end of three years. Commissioner Beecher answered for each year GFDA makes a profit, it will receive a credit.

Kathy Gessaman, 1006 36th Avenue N.E., commented that to her, it is a matter of fairness. She has seen the City have no problem putting a lien on property. This is disturbing to her to forgive a loan of this magnitude. Ms. Gessaman suggested that the Commission renegotiate the terms of the loan.

Ron Gessaman, 1006 36th Avenue N.E., commented that Mr. Doney made no mention of asking the bank for any loan forgiveness, or negotiated reduction of interest on the debt. Mr. Gessaman pointed out number typos on the agenda report. The realities of the City budget were discussed earlier, and now the City is considering reducing \$62,490.48 revenue per year that will also have an impact on the City budget.

Commissioner Bronson asked Mr. Doney if he had any responses to members of the public. Mr. Doney stated that the bank is charging GFDA a very low interest rate. The bank cannot forgive loans and is forced by regulation to take action if in default.

Motion carried 4-1 (Commissioner Jolley dissenting).

ORDINANCES/RESOLUTIONS

Ord. 3017. Accepted on first reading and set public hearing for November 5, 2008.

- 8. ORDINANCE 3017, ASSIGN ZONING TO THE SOUTH 75 FEET OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION AND PORTIONS OF 15TH STREET SW AND 17TH AVENUE SW, ADDRESSED AS 1505 17TH AVENUE SW.**

Planning Director Ben Rangel reported that property owner Anthony Schneiderhan has requested that his property and home located at 1505 17th Avenue S.W. be annexed into the City in order to receive a new water service.

Mr. Rangel requested the City Commission accept Ordinance 3017 on first reading and to set public hearing for November 5, 2008, to consider assignment of City zoning upon annexation.

Commissioner Bronson moved, seconded by Commissioners Beecher and Jolley, that the City Commission accept Ordinance 3017 on first reading, and set a public hearing for November 5, 2008.

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

Motion carried 5-0.

Ord. 3019. Accepted on first reading and set public hearing for November 5, 2008.

- 9. ORDINANCE 3019, ASSIGN ZONING TO THE AMENDED PLAT OF TRACT 3, BLOCK 14 AND BLOCK 15, BELVIEW PALISADE ADDITION.**

Planning Director Ben Rangel reported that the Board of Deacons for Valley Community Bible Church has submitted for 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.

Mr. Rangel requested the City Commission accept Ordinance 3019 on first reading and to set public hearing for November 5, 2008, to consider assignment of City zoning and granting of a conditional use permit for a worship facility.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3019 on first reading, and set a public hearing for November 5, 2008.

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

Motion carried 5-0.

Ord. 3021. Accepted on first reading and set public hearing for November 5, 2008.

10. ORDINANCE 3021, REZONE INCORPORATED PORTION AND ASSIGN CITY ZONING TO UNINCORPORATED PORTION OF PARCEL NO. 2 IN BEEBE TRACT 35.

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 as C-2 General Commercial when the unincorporated portion is annexed.

Mr. Rangel requested the City Commission accept Ordinance 3021 on first reading and to set public hearing for November 5, 2008, to consider assignment of City zoning.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3021 on first reading, and set a public hearing for November 5, 2008.

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

Motion carried 5-0.

Ord. 3022. Accepted on first reading and set public hearing for November 5, 2008.

11. ORDINANCE 3022, 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 held 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.

Mr. Rangel requested the City Commission accept Ordinance 3022 on first reading and to set public hearing for November 5, 2008.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3022 on first reading, and set a public hearing for November 5, 2008.

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

Brett Doney, President of the Great Falls Development Authority, commented that as the City moves forward with industrial TIF's the GFDA wants to be as competitive as possible. Mr. Doney discussed tax revenues and bonds regarding TIF districts.

Motion carried 5-0.

Res. 9780. Tabled.

12. RESOLUTION 9780, RESCINDING AMENDED RESOLUTION 9749 WHICH CREATED AN ANIMAL ORDINANCE/SHELTER OPERATIONS ADVISORY COMMITTEE.

Assistant City Manager Cheryl Patton reported that Resolution 9780 would rescind or cancel the policy that was set by the City Commission earlier by Resolution 9749. That Resolution created the Animal Ordinance/Shelter Operations Advisory Committee. There has been very little interest in people serving on this Committee.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission table consideration of Resolution 9780 pending completion of talks between the City and representatives of the Animal Foundation concerning the new animal shelter and the City's role or participation in it, and also pending a receipt by the City Commission a recommendation by the City Manager what direction the City will take in that regard.

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

Commissioner Bronson explained that in order to keep faith with the findings that were made by the investigator earlier this year it would be appropriate to have an advisory committee with respect to shelter operations. A representative of the Animal Foundation indicated that his organization felt that an advisory committee was a good idea. The reason the Animal Foundation did not submit any recommended individuals for it was because they felt the membership of this advisory committee should be open to the public at large, and not be limited to particular groups. Once the community knows what the scope of the new shelter is and the City's role in it, Commissioner Bronson believes members of the community will have more interest in serving on the committee.

Commissioner Jolley commented that she originally had the distinct impression that the Animal Foundation did not want this committee.

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

Motion carried 5-0.

Res. 9782. Adopted.

13. RESOLUTION 9782, RE-ESTABLISHING INSURANCE AND BOND REQUIREMENTS REQUIRED BY CONTRACTORS.

Public Works Director Jim Rearden reported that Resolution 9782 will take care of some housekeeping in the area of bonding requirements for contractors. Specifically, contractors that do excavations in a public right-of-way. City Municipal Code, Section 12.12.060, requires a two year warranty on any street openings within a City right-of-way. However, existing Resolution 9295 allows for a bond of only one year duration. New Resolution 9782 will amend the bond requirements for street openings and/or sidewalk repairs requiring a minimum of a two year bond.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9782 repeal Resolution 9295.

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

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

14. Minutes, September 16, 2008, Commission meeting.

15. Total expenditures of \$2,741,767 for the period of September 8-October 1, 2008, to include claims over \$5,000, in the amount of \$2,358,458.
16. Contracts list.
17. Grant list.
18. Set public hearing for October 21, 2008, on Resolution 9783 for consideration of naming the Dog Park.
19. Award construction contract for the West Bank Park Storm Drain Outfall Improvements to Phillips Construction LLC in the amount of \$430,520.
20. Award contract for roof repair of Fire Station 2 and Fire Training Center to McLees Incorporated in the amount of \$85,753.
21. Approve Interlocal Agreement-Memorandum of Understanding with Cascade County Sheriff's Office directing the FY08 Justice Assistance Grant funds to the Cascade County Sheriff's Office.
22. Approve Labor Agreement with the International Association of Fire Fighters, Local 8.
23. Postpone bid award for Animal Shelter Medical Director contract.

With the exception of Item 23, Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission accept the Consent Agenda as presented.

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

Motion carried 5-0.

Commissioner Jolley commented that the fiscal impact statement that the award will keep the medical budget for the shelter at \$10,000 or less seems low to her. Mayor Stebbins explained that one of the primary considerations is the cost of euthanasia. Staff members are being trained to perform euthanasia.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve Item 23 of the Consent Agenda.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

24. APPOINTMENT, CITY-COUNTY HEALTH BOARD.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, to appoint Sue Anne Warren to the City-County

**Sue Anne Warren
appointed to the City-
County Health Board.**

Health Board to fill the remainder of a three-year term through December 31, 2009.

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

Motion carried 5-0.

Patrick Laabs, Stacey Schaefer and Haley Lenington-Leray appointed to the Business Improvement District.

25. APPOINTMENTS, BUSINESS IMPROVEMENT DISTRICT.

Commissioner Bronson moved, seconded by Commissioners Rosenbaum and Jolley, to appoint Patrick Laabs and Stacey Schaefer to four-terms through June 30, 2012, and appoint Haley Lenington-Leray to fill the remainder of a four-term through June 30, 2009, to the Business Improvement District.

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

Motion carried 5-0.

Amended Plat, Findings of Fact and Development Agreement related to a portion of Lot 1, Block 19, Sun River Park Addition. Approved.

26. AMENDED PLAT, FINDINGS OF FACT AND DEVELOPMENT AGREEMENT RELATED TO A PORTION OF LOT 1, BLOCK 19, SUN RIVER PARK ADDITION.

Planning Director Ben Rangel reported that John and Linda Swanson are the owners of a parcel of land located in west Great Falls, near the intersection of 2nd Avenue S.W. and 24th Street. They have requested City Commission approval to subdivide the parcel into two lots to accommodate construction of a new single family home. Two existing residences will remain on the other parcel.

Mr. Rangel requested the City Commission approve the amended plat, which creates the two parcels, and to approve the findings of fact and the development agreement.

The City Planning Board unanimously recommends City Commission approval.

Commissioner Bronson moved, seconded by Commissioner Beecher, to approve the Amended Plat of a portion of Lot 1, Block 19, Sun River Park Addition, Findings of Fact and the Development Agreement.

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

Motion carried 5-0.

27. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**CITY MANAGER****28. DESIGNATE ACTING CITY MANAGER FOR OCTOBER 8-10, 2008**

Mr. Doyon requested and received approval to appoint Mike Rattray as Acting City Manager while he is out of the office attending the League of Cities and Town Conference with other City staff on October 8-10, 2008.

29. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mr. Doyon also thanked Dave Van Son, Chief McCamley and Linda Williams for their assistance with negotiating the Fire Fighters contract. Mr. Doyon addressed the concern about the downtown officer being removed and stated that the City is making due with the resources that it has available. Even during the budgeting process the City could not have anticipated the deployments and issues that have come up since the budget was adopted. Mr. Doyon assured the Commission and public that he will continue to keep an eye on operations in the downtown area. Officers will still be in the patrol areas and responding to calls.

PETITIONS AND COMMUNICATIONS**30. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

Roof inspections, code violations.

30A. Tom Crane, 1027 4th Avenue North, thanked Commissioner Beecher for his follow up after his last visit before the Commission. Mr. Crane explained a situation he experienced when he received hail damage to his home. There were faults and code violations on the roof repair. He had to hire an inspector and expert to sue the installer. Mr. Crane believes if the City performed inspections, it could have issued a stop order.

Public hearing order, breeder permits and green jobs.

30B. Ron Gessaman, 1006 36th Avenue N.E., commented that customarily the proponents at public hearings speak first and then opponents. Mr. Gessaman read portions of articles about more areas implementing breeder permits, and generating green jobs.

Debt, creditors, lawsuit.

30C. John Hubbard, 615 7th Avenue South, commented that he wished his creditors would forgive his debts. Mr. Hubbard also discussed his judgment against the Weissman's and an article about Steel, Etc. moving.

Inflation, downtown parking.

30D. Mike Witsoe, 2612 1st Avenue South, discussed inflation and downtown parking. Mr. Witsoe suggested that out of state people be given courtesy tickets.

CITY COMMISSION

31. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Rosenbaum commented that the price of gas is \$3.09 in Coeur d'Alene. Mayor Stebbins reminded gardeners that there is supposed to be a hard freeze on Wednesday night.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Beecher, that the regular meeting of October 6, 2008, be adjourned at 10:35 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: October 21, 2008