

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, Bill Beecher and John Rosenbaum. 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 Fire Chief, Police Chief, and the City Clerk.

PROCLAMATIONS: Mayor Stebbins read proclamations for National Alcohol and Drug Recovery Month and National Native American Wellbriety Month.

PRESENTATION: Judge Luth provided an update regarding the Municipal Court's Annual Canned Food Drive. She explained that, pursuant to a letter by Ed McLean, the Judicial Standards Commission issued an advisory opinion stating that courts cannot use the power of a judicial position to raise money for charities, no matter how well intentioned. Judge Luth disagreed with Chairman McLean's opinion that the Municipal Court's Canned Food Drive was violative of Canon 25 of the Canons of Judicial Ethics. Commissioner Bronson shared her opinion and requested a copy of said letter.

Gail Carlson, Executive Director of the Great Falls Food Bank, expressed her gratitude to the City Commission and Judge Luth for supporting the Great Falls Food Bank throughout the years through the City Court Food Drive. By allowing the citizens to pay fines in lieu of donations, more than 23 tons of food has been brought into the emergency food system. More than three quarters of their inventory comes from donations. Ms. Carlson stated that she understands this decision was beyond the Commission's control, but wanted to stress that this decision has a tremendous impact on feeding the hungry in the community.

NEIGHBORHOOD COUNCILS

NC 4.

1. Sandra Guynn, NC 4 Chair, thanked City Manager Doyon for attending a NC 4 meeting and for any assistance he could provide with regard to the 10th Avenue North issues. Ms. Guynn also thanked Ben Rangel and Bill Walters for their presentation on rezoning 38th Street and the River Drive North property. She learned that the property is actually located within NC 8 boundaries and recommended that NC 8 be given an opportunity to address the issues before the public hearing if they so desired. Ms. Guynn also reported there will be a bike route in place next year from 8th Avenue North, west of 38th Street. She also reported that the property owner of The Home Place is currently in non-compliance with property he owns in Sun Prairie. Citations have been ordered, but not yet issued. It is her understanding that The Home Place will be part of any legal proceeding that property owner is dealing with. Additionally, the property east of Bundi Gardens is in the process of being cleaned up.

PUBLIC HEARINGS

Lease of a Portion of Highland Park to the Electric City BMX Association. Approved.

2. LEASE OF A PORTION OF HIGHLAND PARK TO THE ELECTRIC CITY BMX ASSOCIATION.

Park and Recreation Director Marty Basta reported that this item is to conduct a public hearing to grant or deny the lease of a portion of Highland Park to the Electric City BMX Association. At the request of the City, Electric City BMX has moved its activities from Sand Hills Park to Highland Park. The Highland Park property is located just south of the Multi-Sports Complex on 21st Avenue South between 9th and 13th Streets and is better suited for this type of recreational activity. The Park and Recreation Advisory Board approved a matching grant to assist with the costs of the new BMX track and related amenities. Interest in BMX racing has gained a lot of popularity in recent years and was an event featured in this year's Olympic games. The five-year, three-acre property lease to the Electric City BMX Association takes an undeveloped and unutilized piece of park land to provide an excellent recreational opportunity for Great Falls youth.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission approve the lease of a portion of Highland Park to the Electric City BMX Association.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to the lease of a portion of Highland Park to the Electric City BMX Association.

Hearing no public comment, Mayor Stebbins declared the public hearing closed and called for the vote of the City Commission.

Motion carried 5-0.

Res. 9765. Adopted.

3. RESOLUTION 9765, LEVY AND ASSESS PROPERTY FOR UNPAID UTILITY SERVICE.

Fiscal Services Director Coleen Balzarini reported that this is an annual process that Fiscal Services brings before the City Commission. The proposed resolution is for properties throughout the City that have utility charges that are still unpaid. She explained that the owner has not changed, and it is typical that the property is vacant or in probate. Ms. Balzarini requested Commission approval to levy a lien against the properties for the method of collection.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9765.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9765.

Hearing no public comment, Mayor Stebbins declared the public hearing closed and called for the vote of the City Commission.

Motion carried 5-0.

**Res. 9778, Ord. 3013.
Adopted.**

4A. RESOLUTION 9778, ANNEX PARCEL MARK NO.'S 6 AND 8 AT THE INTERNATIONAL AIRPORT AND ABUTTING SEGMENTS OF COUNTY ROAD RIGHT-OF-WAY.

4B. ORDINANCE 3013, ASSIGN ZONING CLASSIFICATION OF GFIA GREAT FALLS INTERNATIONAL AIRPORT DISTRICT.

Planning Director Ben Rangel reported that the Great Falls International Airport Authority has requested that two parcels of land it owns be annexed and assigned City zoning. One parcel is 2.5 acres in size and is located along the north boundary of the airport. The second parcel is 94 acres in size and is located along the west boundary of the airport. The Airport Authority is interested in having all of its property incorporated into the City in preparation of creating a Tax Increment Financing Industrial District for the airport. The majority of airport property was annexed in 1994-95.

On August 5, 2008, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9778, which annexes the two parcels and adjoining roadways, and to accept Ordinance 3013, which assigns City zoning of GFIA Great Falls International Airport.

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

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9778.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9778.

Hearing no public comment, Mayor Stebbins declared the public hearing closed and called for the vote with regard to Resolution 9778.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3013.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Ordinance 3013.

Hearing no public comment, Mayor Stebbins closed the public hearing and called for the vote with regard to Ordinance 3013.

Motion carried 5-0.

OLD BUSINESS

Ord. 3014, public hearing vacated and rescheduled for September 16, 2008.

5. ORDINANCE 3014, CHANGE THE TITLE OF THE AIRPORT ZONING CLASSIFICATION FROM GFIA GREAT FALLS INTERNATIONAL AIRPORT TO AI AIRPORT INDUSTRIAL.

Planning Director Ben Rangel reported that on August 5, 2008, the City Commission accepted Ordinance 3014 on first reading and set public hearing for this evening to consider the requested code amendment. Unfortunately, publication of the hearing notice did not occur on time. Mr. Rangel requested that the City Commission vacate the public hearing for Ordinance 3014 and to reschedule the hearing for September 16, 2008, to consider changing the title of the airport zoning classification.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission vacate the public hearing on Ordinance 3014 scheduled for September 2, 2008, and reschedule the public hearing for September 16, 2008.

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

Motion carried 5-0.

Ord. 3015, public hearing vacated and rescheduled for September 16, 2008.

6. ORDINANCE 3015, REZONE PARCEL MARK NO. P1, SECTION 5, T20N, R4E.

Planning Director Ben Rangel reported that on August 5, 2008, the City Commission accepted Ordinance 3015 on first reading and set public

hearing for this evening to consider the rezoning request. Again, and unfortunately, publication of the hearing notice did not occur on time. Therefore, Mr. Rangel requested that the City Commission vacate the public hearing for Ordinance 3015 and to reschedule the hearing for September 16, 2008, to consider the request to rezone the former City compost site located near the corner of 38th Street and River Drive North.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission vacate the public hearing on Ordinance 3015 scheduled for September 2, 2008, and reschedule the public hearing for September 16, 2008.

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

Motion carried 5-0.

NEW BUSINESS

**2008 Community
Transportation
Enhancement Program
Projects list. Approved.**

7. 2008 COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS.

Planning Director Ben Rangel reported that in June, 2008, and on behalf of the City Commission, the Great Falls Planning Board solicited proposals from the community for use of this year's Community Transportation Enhancement Program or CTEP funds. These are federal gas tax dollars provided to the State of Montana which are, in turn, distributed to Montana cities and counties by the State Department of Transportation. Funds can be used for trails, sidewalks, landscaping and historic preservation projects.

Following the receipt of verbal presentations from each of five project applicants and individually completing evaluation sheets, the Planning Board jointly prioritized the proposals for the City Commission's consideration and recommended that four of the five proposals receive funds.

The Planning Board unanimously recommends the City Commission's approval of the list of CTEP proposals for funding.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the prioritized list of 2008 Community Transportation Enhancement Program projects as recommended by the Planning Board.

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

Commissioner Jolley inquired what the streetscape project on 1st Avenue North was that was not recommended for approval. Mr. Rangel answered that the project was on 1st Avenue South between 2nd and 3rd Streets and involved landscaping of that segment of the Avenue similar to the streetscape improvements currently on Central Avenue. Commissioner Jolley inquired who requested the funds. Mr. Rangel responded that the applicant was the Business Improvement District. Commissioner Beecher inquired if that project was more than the unallocated portion. Mr. Rangel responded affirmatively. Commissioner Beecher then asked what happens to those funds. Mr. Rangel answered that the monies go into an unallocated contingency fund that could be used in two possible ways: (1) helping the existing projects already approved by the Commission that may, because of the time it takes to implement these CTEP projects, require additional funds to complete, and (2) in some instances the monies could be added to next year's allocation in the event there is a project that is right at the tail end of projects receiving funding, where, if additional funds could be added to make it whole, it would be looked at and a recommendation made to the Commission to use the unallocated portion.

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

Mike Witsoe, 2612 1st Avenue South, asked how much money was left unallocated. Mayor Stebbins responded \$66,693. Mr. Witsoe asked if the funds could be used, along with another \$50,000 until federal funding was available, to help fund bringing back Saturday bus service. Mr. Rangel responded that, while that proposal may be worthwhile, unfortunately it is not an activity that is eligible for use of these enhancement monies.

Hearing no other public comment, Mayor Stebbins called for the vote of the City Commission.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Ord. 3018, accepted on first reading and set public hearing for October 7, 2008.

- 8. ORDINANCE 3018, ASSIGN CITY ZONING 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.**

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 its 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.

Mr. Rangel requested that the City Commission accept Ordinance 3018 on first reading and to set public hearing for October 7, 2008, to consider assignment of City zoning, and to approve the amended plat and its annexation.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3018 on first reading and set public hearing for October 7, 2008.

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

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

9. Minutes, August 19, 2008, Commission meeting.
10. Total expenditures of \$2,222,727 for the period of August 20-28, 2008, to include claims over \$5,000, in the amount of \$1,946,128.
11. Contracts list.
12. Postpone construction contract for the Library Landscaping project to allow further time for bid analysis and review. OF 1508.1
13. Award construction contract for the Skyline Heights Storm Drain Improvements to Shumaker Trucking and Excavating Contractors, Inc., in the amount of \$131,831. OF 1282.1
14. Approve final payment for the 10th Street Bridge Lighting CTEP project to Liberty Electric and the State Miscellaneous Tax Division in the amount of \$6,995.43. OF 1180.6

Commissioner Jolley moved, seconded by Commissioner Bronson, with the exception of Items 10 and 12, to approve the Consent Agenda as presented.

Motion carried 5-0.

With regard to Item 10, Commissioner Jolley inquired about the payment for reimbursement for the third quarter transit program. Mr. Rangel responded that those are planning funds that are provided from the Federal Transit Administration under a Section 5303 Program. Essentially, the City Planning Board receives those federal funds on behalf of the community. Then, under a contractual arrangement, passes a portion to the Transit District to conduct their transit planning activities. The Transit District requests reimbursement for that work on a quarterly basis.

With regard to Item 12, Commissioner Jolley inquired why the architect estimate was \$3,500, and the bids came in between \$20,000 and \$42,000.

Library Director Jim Heckel responded that is one the reasons for requesting that the bid award be postponed to do some further analysis to determine why the discrepancy was there. The architect's estimation was done approximately a year and a half ago and Mr. Heckel believes there was misunderstanding about what schedule B actually entailed. The bid specification was primarily for benches and furniture outside the plaza. Commissioner Jolley inquired if it could be opened up for bid again. Mr. Heckel answered that he has a choice of pulling it from the bid analysis, or he may drop that portion and re-bid that separately. After analysis, he would make a recommendation to the Commission to either accept the other part of the bid, if the library could come up with the additional money to make up the difference, or to reject the bids.

Commissioner Jolley moved, seconded by Commissioner Bronson, to approve Items 10 and 12 of the Consent Agenda.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

The Redding Addition, Phase II, Preliminary Plat and Findings of Fact. Approved.

15. PRELIMINARY PLAT, THE REDDING ADDITION, PHASE II, LOCATED ALONG THE NORTH BOUNDARY OF 7TH AVENUE NORTH BETWEEN 45TH STREET NORTH AND 48TH STREET NORTH.

Planning Director Ben Rangel reported that Raymond and Linda Redding are the property owners and developers of this subdivision. They have requested Commission approval of the Preliminary Plat and Findings of Fact for The Redding Addition, Phase II. The subdivision is located just east of Morningside School along 7th Avenue North. It consists of 5 single-family residential lots.

The City Planning Board unanimously recommends City Commission approval.

In the future, and as the developers are ready to proceed, the Commission will be requested to consider the final plat of the subdivision, its annexation and the assignment of City zoning.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to approve the Preliminary Plat of the Redding Addition, Phase II, and the accompanying Findings of Fact, subject to fulfillment of the stipulated conditions.

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

Motion carried 5-0.

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

**Fire Fighter Union
Negotiations, Leadership
Great Falls, NC 4.**

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager, Gregory T. Doyon, reported that discussions and negotiations will continue in the form of a mediation scheduled with the Fire Fighters Union. Mr. Doyon reminded the Commission that he will be attending Leadership Great Falls on Thursday and Friday. Mr. Doyon also discussed what he learned at the NC 4 meeting about the council's concerns. Jim Larsen, on behalf of the County, attended the meeting. Mr. Doyon will be following up with the council on what the City's obligations may or may not be with regard to road maintenance. He hoped that he and Mr. Larsen could follow up to provide assistance for the council to address all their concerns.

PETITIONS AND COMMUNICATIONS

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

**Water rights research,
City and SME
documents, recycling.**

18A. Kathleen Gessaman, 1006 36th Avenue N.E., thanked City Clerk, Lisa Kunz, for assisting her in her water rights research and for making the documents between the City and SME available in the Ryan Room. Ms. Gessaman also thanked the City for taking part in recycling old electronics to be held at MSU College of Technology on Saturday.

**HD-TV, President of
NWE, DEQ, voting
machines.**

18B. John Hubbard, 615 7th Avenue South, commented on HD-TV and taking airwaves away from the public. Mayor Stebbins reminded Mr. Hubbard that was a federal mandate. Mr. Hubbard commented that a former PSC employee is now President of NorthWest Energy and believes that is a conflict of interest. Mayor Stebbins again reminded Mr. Hubbard that the City Commission has no control over NorthWest Energy's hiring practices. Mr. Hubbard stated that he received a letter from the DEQ regarding the Weissman property stating the matter is still under investigation. Mr. Hubbard doesn't believe the voting machines work and are a waste of time.

**Alive@5, bus service,
public access television,
rule regarding Petitions
and Communications.**

18C. Mike Witsoe, 2612 1st Avenue South, reminded everyone to attend the last Alive@5 on Thursday and to purchase raffle tickets for a Harley motorcycle. Mr. Witsoe urged the public to buy bus passes and ride the bus. Mr. Witsoe asked for an explanation why more of the franchise funds do not

go to public access television. He also asked for an explanation about the new rule, which he said was similar to the county's rule, about not being able to comment during the Petitions and Communications portion of the meeting if the matter was presented earlier on the agenda.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to Judge Luth's comments, Commissioner Bronson asked if there was a consensus of the City Commission to direct staff to look at the issue of whether or not, by ordinance, they could address the option of the Municipal Judge continuing to follow the practice of the annual canned food drive. He recognizes that it may only be affecting a small area (City ordinance violations), but he would appreciate a report on that and whether or not it would be worth the time. Mayor Stebbins agreed, as well as Commissioners Jolley, Rosenbaum and Beecher. Commissioner Jolley inquired what Boy Scout Troops were in the audience. Troops 151 and 157 were individually introduced and explained that attending this meeting was a requirement of achieving their citizenship merit badges. Mayor Stebbins complimented the Park and Recreation Department and Jon Thompson and his crew for the beautiful flower beds this summer and all their hard work in maintaining those.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Bronson, that the regular meeting of September 2, 2008, be adjourned at 8:14 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: September 16, 2008