

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 and Public Works, the Police Chief, Fire Marshal, and the City Clerk.

FIREFIGHTER SWEARING IN: Colton D. Walter and Joshua D. Kulbeck

NEIGHBORHOOD COUNCILS

- NC 1.** 1. Swearing In Ceremony, Steven Bonilla, Neighborhood Council 1.
- NC 7.** 2A. **Aaron Weissman, NC 7 Chair**, commented that neighbors and landlords in the area are in favor of a disorderly residence ordinance as discussed at the work session. Mr. Weissman thanked everyone for their efforts to begin lighting Gibson Park.
- NC 4.** 2B. **Sandra Guynn, NC 4 Chair**, thanked the Planning Department for the memo regarding the possible annexation of 10th Avenue North from 38th to 57th Streets. Ms. Guynn reported that clean up efforts with the County have progressed on the property east of Bundi Gardens.

PUBLIC HEARINGS

- Res. 9736 and Ord. 3003, Annexation and Zoning for Lots 34 and 35A, Beebe Tracts and a Segment of 2nd Avenue North from 52nd Street North through the Intersection of 57th Street North. Adopted.**
- 3A. **RESOLUTION 9736, ANNEXES LOTS 34 AND 35A, BEEBE TRACTS AND A SEGMENT OF 2ND AVENUE NORTH FROM 52ND STREET NORTH THROUGH THE INTERSECTION OF 57TH STREET NORTH.**
- 3B. **ORDINANCE 3003, ASSIGNS ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO PROPERTY.**

Planning Director Ben Rangel reported that in February, 2006, the City Commission adopted Ordinance 2930 regarding the annexation of parcels receiving water and/or sewer services, but located outside the City limits. The Commission has decided to annex these parcels to more effectively provide services and, as a matter of fairness to current City residents, to make certain that those who use City services help to equally pay for the cost of providing them. A number of properties have already been annexed under this program. This agenda item involves Murph's Bowling Alley & Nightclub on 2nd Avenue North, near 57th Street. As a condition for the continued receipt of City water

services, the property owner has provided written consent to annex.

On May 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 9736, which would annex the involved parcels and segments of 2nd Avenue North and 57th Street North and to adopt Ordinance 3003, which would assign C-2 General Commercial zoning.

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

Mayor Stebbins declared the public hearing open. **Sandra Guynn**, NC 4, 3624 9th Avenue South, spoke in support of Resolution 9736 and Ordinance 3003. No one spoke in opposition.

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

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9736.

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

Motion carried 5-0.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3003.

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

Motion carried 5-0.

**Res. 9737 and Ord. 3004,
Annexation and Zoning
for Bootlegger Addition
Phase I. Adopted.**

**4A. RESOLUTION 9737, ANNEXES BOOTLEGGERS ADDITION
PHASE I.**

**4B. ORDINANCE 3004, ASSIGNS ZONING CLASSIFICATION OF R-3
SINGLE-FAMILY HIGH DENSITY TO PROPERTY.**

Planning Director Ben Rangel reported that in January, 2008, the City Commission approved the Preliminary Plat of Bootlegger Addition, Phases I & II. The subdivision is located in North Great Falls, just west of Bootlegger Trail and between Northview Addition and Eagle's Crossing Addition.

The property owners and developers, McIntyre Enterprises and Murphy Real Estate, are now ready to proceed with Phase 1, which consists of 26 single family residential lots.

On May 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 9737, which would annex the subdivision and to adopt Ordinance 3004, which would assign R-3 Single-Family Residential zoning, and to approve the final plat and annexation agreement.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9737 and Ordinance 3004.

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 9737 and approve the Final Plat and Annexation Agreement all related to Bootlegger Addition Phase I.

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

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3004.

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

Motion carried 5-0.

Res. 9739, Res. 9740 and Ord. 3006, Annexation and Zoning for Castle Pines Addition Phase VI. Adopted.

5A. RESOLUTIONS 9739 and 9740, ANNEXES CASTLE PINES ADDITION PHASE VI.

5B. ORDINANCE 3006, ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY TO PROPERTY.

Planning Director Ben Rangel reported that in March, 2008, the City Commission approved the Preliminary Plat of Castle Pines Addition, Phases VI-VII. The subdivision is located in South Great Falls along the east side of 13th Street South, near 27th Avenue South.

Harold Poulsen, the property owner and developer, is now ready to proceed with Phase VI, which consists of 23 single family residential lots.

On May 6, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested the City

Commission (1) adopt Resolution 9739, which would annex a segment of 13th Street South and a majority of Phase 6, (2) adopt Resolution 9740, which would separately annex 10 lots for NeighborWorks “self-help” program homes, (3) adopt Ordinance 3006, which would assign R-3 Single-Family Residential zoning, and (4) approve the final plat and annexation agreement.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9739 and Ordinance 3006.

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 Resolutions 9739 and 9740, and approve the Final Plat and Annexation Agreement all related to Castle Pines Addition Phase VI.

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

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3006.

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

Motion carried 5-0.

Res. 9744, Cost Recovery, 209 2nd Avenue North. Adopted.

6. RESOLUTION 9744, COST RECOVERY, 209 2ND AVENUE NORTH.

Community Development Director Mike Rattray reported that approval of this resolution will place a lien on the property located at 209 2nd Avenue North in the amount of \$1,628.79. The property was condemned by the City building official. This property was subject to a U.S. Bankruptcy proceeding and the Court requested that the City secure the property. The City incurred costs in sanitation clean up.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9744.

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 9744.

Mayor Stebbins asked if there was any discussion amongst the Commission. Commissioner Jolley read a portion of the staff report wherein it stated the owner gave approval for demolition to a private contractor. Mr. Rattray responded that the Bankruptcy Court became the owner, requested City staff to secure and clean up the building, and recognized that the City would have a cost recovery. Commissioner Jolley reiterated that the bank will pay the costs and Mr. Rattray responded affirmatively that there will be a lien on the property.

Motion carried 5-0.

Sale of City-Owned Park Land, Blocks 21 and 22 of Highland Park Addition. Approved.

7. SALE OF CITY-OWNED PARK LAND, BLOCKS 21 AND 22 OF HIGHLAND PARK ADDITION.

Park and Recreation Director Marty Basta reported that this agenda item is to conduct a public hearing for the sale of park land to Williamson Fencing. The 2.7 acre Highland Park property lies outside of the City limits, has no utilities, has had a history of maintenance issues associated with illegal dumping and off-road vehicle usage. The Park and Recreation Advisory Board approved the sale of Highland Park property and further approved the use of proceeds to fund water slides, benches and trees at the Jaycee and Water Tower neighborhood swimming pools. The Highland Park property was appraised at \$40,000. Bids were opened on April 30, 2008, with three bidders responding. The highest bid was received from Williamson Fencing for \$55,001, approximately 38% over the appraised value.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to the sale of city-owned park land.

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 approve the sale of city-owned park land, Blocks 21 and 22 of Highland Park Addition.

Mayor Stebbins asked if there was any discussion amongst the Commission. Commissioner Jolley asked how the City acquired land outside of the City limits.

Mr. Basta responded that the City owns quite a substantial amount of properties outside of the City limits. Some of the properties were donated to the City for future park use. Mr. Basta did not know the history of this particular parcel. Commissioner Jolley asked if all City land that isn't developed with buildings considered undeveloped park land per se. Mr. Basta

answered no.

Motion carried 5-0.

OLD BUSINESS

Res. 9749, Creating an Animal Shelter/Enforcement Advisory Committee. Postponed and reset for June 17, 2008.

8. RESOLUTION 9749, CREATING AN ANIMAL SHELTER/ENFORCEMENT ADVISORY COMMITTEE.

Mayor Stebbins opened the hearing for public comment. Speaking in favor of Resolution 9749 was **Jan Cahill**, 746 33rd B Avenue N.E. Mr. Cahill thanked Mr. Doyon for meeting with him and for his openness to information from a variety of people. Mr. Cahill made it clear that he was speaking with Mr. Doyon as a person who is a member of the Humane Society and not on behalf of the Board of Directors. Mr. Cahill stated that the Board viewed Resolution 9749 as an opportunity to work with the Animal Foundation and three Neighborhood Council representatives with the idea that they are all trying to achieve the same goal which is the health and welfare of animals in both the City of Great Falls and Cascade County. Mr. Cahill asked the City Commission to look favorably upon this resolution.

No one spoke in opposition to Resolution 9749.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission postpone consideration of Resolution 9749 until the next regular meeting for the purpose of considering amendments to the text of the resolution.

Commissioner Bronson explained that there has been public discussion and reflection in a news article about this proposed resolution. The article accurately conveyed that this Commission was not yet of one mind on this particular resolution. That simply reflects a lot of the discussions that this body has already had in connection with the proposed City budget whether or not the City should give up the responsibility of enforcement of animal control. There has also been discussion about whether the City will be a participant in the construction of the new animal shelter. In recognizing that there was not yet a consensus on this resolution, and in recognition of the good of the community, Commissioner Bronson felt it appropriate to have a higher degree of consensus on this issue. He made an effort to draft amendments to Resolution 9749 that would address the concerns of the Commission, but also create a better scope of the mission for this proposed advisory group. With that in mind, Commissioner Bronson stated that he would provide the ideas to City staff and then have a public hearing and make a final decision.

Commissioner Jolley thanked Commissioner Bronson for spending time on this issue.

Commissioner Rosenbaum stated that the Commission discussed traveling to Bozeman or possibly Missoula or Billings in the near future to look at the new shelters that have been built elsewhere. Commissioner Rosenbaum stated that the Commission wants to do the best thing possible and come up with the most efficient facility with the dollars and the commitment the City has to make on behalf of the citizens and pet owners.

Mayor Stebbins asked Commissioner Bronson to restate his motion.

Commissioner Bronson moved, seconded by Commissioner Jolly, that the City Commission postpone consideration of Resolution 9749 until the next regular meeting for the purpose of making and presenting amendments to the resolution.

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 3008, Rezone a 40' wide strip of land being added to the rear of Lots 1-5, Block 1, Taylor Addition. Accepted Ord. 3008 on first reading and set public hearing for July 1, 2008.

9. ORDINANCE 3008, REZONE A 40' WIDE STRIP OF LAND BEING ADDED TO THE REAR OF LOTS 1-5, BLOCK 1, TAYLOR ADDITION.

Planning Director Ben Rangel reported that Taylor Land Partnership LLP and five lot owners have submitted an amended plat and rezoning request. Their interest is to add a 40 foot strip of land to the rear of five residential lots in Taylor Addition. The additional strip of land will serve as a private access easement to the rear of the lots. The lots are located in Southeast Great Falls along 13th Avenue South between 39th and 43rd Streets.

Mr. Rangel requested the City Commission to accept Ordinance 3008 on first reading and to set public hearing for July 1, 2008, to consider assignment of City zoning, and to approve the amended plat.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3008 on first reading, and set public hearing for July 1, 2008.

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

Motion carried 5-0.

Res. 9748, Annual Special Improvement District (SID) Revolving Fund Analysis. Adopted.

10. RESOLUTION 9748, ANNUAL SPECIAL IMPROVEMENT DISTRICT (SID) REVOLVING FUND ANALYSIS.

Fiscal Services Director Coleen Balzarini reported that this item is an annual resolution. City staff looks at the cash reserves that are set aside for special improvement district debt service payments. The reserves are required to not fall below five percent of the original bonds outstanding and can't exceed 10% of the current bonds outstanding due to IRS and State regulations. The money is used if it is necessary to make loans to those individual debt service funds. This year there are no loans that are necessary. All the funds that are in the reserve are within the criteria that are specified.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9748.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. Commissioner Jolley asked if it was City policy to keep an extra amount. Ms. Balzarini responded that there are surplus funds. On the other hand, if the City issues additional special improvement district debt, the bond entities and the buyers of those bonds will look at how much money is in the fund. It is more than what is needed, but less than the max. The Commission does have the ability to transfer \$115,000 to the general fund. Commissioner Jolley asked if, in six months, they could change their minds and use \$40,000. Ms. Balzarini responded yes that this is an annual analysis to make sure the City is in compliance with the minimums and maximums. Another resolution could be presented later if the Commission chooses to use the money.

Commissioner Rosenbaum added that, historically, the Commission has kept that in good shape because the default rate and delinquency rate that has to do with bonding also has to do with the interest rate.

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

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

11. Minutes, May 20, 2008, Commission meeting.
12. Total expenditures of \$2,056,768 for the period of May 12-28, 2008, to include claims over \$5,000, in the amount of \$1,807,230.
13. Contracts list.
14. Approve sponsorship of up to \$500 for use of the Mansfield Center for the Performing Arts to the Harvard Glee Club concert on June 15, 2008.
15. Adopt the North Central Montana Military Road Map.
16. Approve final payment to PEC, Inc. and the State Miscellaneous Tax Division for the Sanitary Sewer Trenchless Rehabilitation in the amount of \$12,509.31. OF 1425.6

17. Award construction contract in the amount of \$629,312.50 to United Materials of Great Falls for the Phase I – 7th and 8th Avenues South Water Main Replacement. OF 1515
18. Award contract for Asphaltic Concrete Material to United Materials of Great Falls in the amount of \$570,750.

With the exception of Item 12, Commissioner Jolley moved, seconded by Commissioner Beecher, to approve the Consent Agenda.

Motion carried 5-0.

Commissioner Jolley inquired why Marathon Oil Company was suing the City and how long the suit has been pending. City Attorney David Gliko answered that the neighborhood around Carriage Trade Cleaners were experiencing ground water contamination. It was identified as a petroleum product leakage from a gas station owned by Marathon Oil. Marathon Oil interpleaded the City of Great Falls as a party defendant on the theory that the City's sewer lines were in part responsible for the transmission of the petroleum leakage saturating the neighborhood ground's soil. The expert finally determined that the sewer lines were under pressure and the petroleum leakage from the gas station could not possibly penetrate the sewer lines and, therefore, be in any way responsible for the transmission of the petroleum contamination. In a recent settlement conference the City was finally recognized as not being at fault in any way for the contamination and the parties agreed to dismiss the City from the lawsuit without any damages to be paid. However, there were legal fees attached to the City's defense.

Commissioner Jolley asked what investigative funds for Pat Brinkman under Police Special Revenue were for. Police Chief Grove responded that sum of money was for drug investigations.

Commissioner Jolley asked about the amount listed for Veolia Water, Co-Generation System, and whether it was a monthly charge. Public Works Director Jim Rearden responded that was a one time charge related to the co-generation system for 35 different invoices that Veolia incurred to put the co-generation system in place that were outside of the construction contract.

Commissioner Jolley referred to the Electric Fund payment to SME and stated that there is not an ordinance to buy power without being concerned what it costs the City.

Commissioner Jolley stated that she is all right with the other items after the explanations, with the exception of the SME payment.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, to approve the adoption of Item 12 on the Consent Agenda.

Motion carried 4-1. (Commissioner Jolley dissenting.)

BOARDS & COMMISSIONS**19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****CITY MANAGER****20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon expressed kudos to Doug Wicks and Nancy Johnson who won an award at the Intermountain Jazz Conference in Missoula for their poster of River's Edge Trail. Planning staff in the mapping department had input and help with that. Mr. Doyon updated the City Commission that he met with Congressman Rehberg this past week and talked about initiatives that he is starting to learn about from the Commission. Mr. Doyon plans on compiling a list for the congressional delegation members that will be comprised from City staff, the Airport Authority and the GFDA, to have something ready to pass along if the City was in the midst of an initiative that could use federal assistance.

PETITIONS AND COMMUNICATIONS**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

United Materials, SME.

21A. Pamela Morris, 2201 8th Avenue North, requested that the City call upon United Materials to clean up after themselves around the neighborhood adjacent to them so that the City is not further encumbered. Ms. Morris also asked that rather than have the consent agenda include the total expenditures as in Item 12, that electric payments be a separate item for individual discussion.

Great Falls Portage Route.

21B. Aart Dolman, 3016 Central Avenue, commented that he was concerned about the National Historic Landmark, the Great Falls Portage Route, being placed on the 10 most endangered list. Great Falls was on record so differently a few years ago with the 10th Street Bridge. Tourism in this town is a major industry. Mr. Dolman requested that, in future planning, City staff take those factors and the impact into consideration, because having placed Great Falls Portage Route as one of the 10 most endangered historic sites in this country cannot do this community any good.

Transit System, Cost of Power, SME.

21C. Richard Liebert, 289 Boston Coulee Road, commended the Commission for its deliberation on the Animal Shelter resolution. He thanked Mayor Stebbins for the PSA on Habitat for Humanity. Mr. Liebert urged the community and City and County leadership to promote the Great Falls transit system. Mr. Liebert commented that he wanted to correct a misconception that SME quoted in the newspaper that wind energy costs \$70 megawatts for generation. He stated the cost is \$49 for Montana/Dakota Utility, and opined

the Highwood plant may cost \$70/\$80. As the senate is debating cap and trade right now it could even be higher. Even if that bill doesn't get passed this year it is setting the stage for future action. Mr. Liebert discussed the affidavits of SME's minutes. He understands trade secrets and proprietary information, but believes redacted minutes or an abstract report from City staff should be provided to see what discussions City staff is engaged in.

**Pay increase, Inflation,
EPA Investigation.**

21C. John Hubbard, 615 7th Avenue South, thanked Mary Jolley for working for the people. Mr. Hubbard commented that he was shocked that the County officials voted themselves a 3% pay increase. Mr. Hubbard discussed the inflated costs of fuel, food and medicine and the politicians not doing anything about it. Mr. Hubbard discussed the lack of response from the EPA regarding the investigation of his former employer's property.

CITY COMMISSION

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Rosenbaum followed up that the payment to SME was for power consumed and sold.

Mayor Stebbins thanked Mayor Pro Tempore Bronson for standing in for her at the last meeting.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioners Rosenbaum and Jolley, that the regular meeting of June 3, 2008, be adjourned at 8:10 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: June 17, 2008