

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

NEIGHBORHOOD COUNCILS

**Nancy Weinzettel
appointed to NC 4.**

1. Drawing, Neighborhood Council District No. 4. Due to tie votes between the write-in candidates for the fifth seat on Neighborhood Council District 4, a drawing was held. Commissioner Rosenbaum drew Nancy Weinzettel's name.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission appoint Nancy Weinzettel to Neighborhood Council District 4 for a two year term effective January 1, 2008.

Motion carried 4-0.

NC 4.

2. **Sandra Guynn, NC 4**, inquired if the letter to the County regarding the Home Place had been sent. Interim City Manager Cheryl Patton responded that the letter was sent and a copy would be provided.

PUBLIC HEARINGS

Res. 9729 and Ord. 3001, annexation and zoning for South Park Addition, Phase II. Adopted.

3A. RESOLUTION 9729 ANNEXES SOUTH PARK ADDITION, PHASE II.

3B. ORDINANCE 3001 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH-DENSITY DISTRICT.

Planning Director Ben Rangel reported that North Park Investments is the property owner and developer of South Park Addition Phase II. On November 6, 2007, the Commission approved the Preliminary Plat and Findings of Fact for the subdivision, which is located in southwest Great Falls between Grande Vista Park and Flood Road, and consists of 18 single family residential lots.

The developer is now ready to proceed with the final plat of Phase II, its annexation and the assignment of City zoning.

After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9729, which would annex the subdivision, and adopt Ordinance 3001, which would assign R-3 Single-family residential zoning, and 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 9729 and Ordinance 3001.

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 9729 and approve the Final Plat and Annexation Agreement.

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

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3001.

Motion carried 4-0.

Res. 9731, Intent to Vacate Cul-de-sac in 15th Street Bridge Addition. Postponed and Reset Public Hearing for April 15, 2008.

4. RESOLUTION 9731, INTENT TO VACATE CUL-DE-SAC IN 15TH STREET BRIDGE ADDITION.

Public Works Director Jim Rearden reported that staff is awaiting a finalized re-plat with signatures prior to conducting a public hearing.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission postpone and reset the public hearing for April 15, 2008.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS**ORDINANCES/RESOLUTIONS**

Ord. 3002, Rezones Lots 1-7, Block 26, Huy's Addition; Res. 9730, Expressing Intent to Vacate Segment of 10th Alley South between 20th and 21st Streets South. Adopted Res. 9730, and accepted Ord. 3002 on first reading and set public hearing for April 15, 2008.

5A. ORDINANCE 3002, REZONES LOTS 1-7, BLOCK 26 HUY'S ADDITION.

5B. RESOLUTION 9730, EXPRESSING INTENT TO VACATE SEGMENT OF 10TH ALLEY SOUTH BETWEEN 20TH AND 21ST STREETS SOUTH.

Planning Director Ben Rangel reported that the owners of lots along the southside of 9th Avenue South between 20th and 21st Streets have applied through their representative, The Velmeir Companies, to rezone the referenced lots from residential to commercial zoning.

The overall plan is to relocate the residences, combine the lots with other lots fronting 10th Avenue South and to build a new CVS Pharmacy at the corner of 10th Avenue South and 20th Street. There is also interest to vacate and provide alternative access for a portion of 10th Alley South between 20th and 21st Streets.

Mr. Rangel requested the Commission adopt Resolution 9730 expressing intent to vacate a portion of 10th Alley South, accept Ordinance 3002 on first reading, and to set public hearing for April 15, 2008, to consider rezoning the referenced lots.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3002 on first reading and set public hearing for April 15, 2008.

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9730.

Mayor Stebbins asked if there was any discussion amongst the Commission. Commissioner Jolley asked why the motions weren't split. Mr. Rangel clarified there should be two separate motions. The motions were correctly re-read as reflected herein.

Motion carried 4-0.

Consent Agenda.
Approved as printed.

CONSENT AGENDA

6. Minutes, March 4, 2008, Commission meeting.
7. Total Expenditures of \$1,760,867 for the period of February 19 – March 12, 2008, to include claims over \$5,000, in the amount of \$1,539,792.
8. Contracts list.
9. Lien Release list.
10. Set public hearing for April 1, 2008, on Resolution 9732, Budget Amendment Resolution.
11. Approve Engineering Services Contract with Thomas, Dean, and Hoskins, Inc. in an amount not to exceed \$47,200 for the Water Treatment Plant Headhouse Floor Replacement.

Commissioner Jolley moved, seconded by Commissioner Bronson, that Item 7 be removed, and the City Commission approve the remaining items on the Consent Agenda.

Motion carried 4-0.

Commissioner Jolley stated that she does not believe they have an Ordinance that allows this Commission to approve payments to SME and, therefore, will not vote for Item 7 because it contains a payment to SME.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission approve Item 7 on the Consent Agenda.

Motion carried 3-1. (Commissioner Jolley dissenting.)

BOARDS & COMMISSIONS

12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Interim City Manager Cheryl Patton reported that the new City Manager, Greg Doyon, will start work on Monday, March 24, 2008.

CITY COMMISSION

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Rosenbaum jokingly stated that he just got back from Green Bay and he had tried out for the quarterback position. He didn't make it, so he'll be remaining here.

Commissioner Jolley stated that she had the pleasure of hitting the first golf ball at the opening of the golf season in Great Falls. Commissioner Jolley was applauded.

PETITIONS AND COMMUNICATIONS

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

Ordinance 3002, left turn lane from 20th Street onto 10th Avenue South, and left turn arrows on 10th Avenue South.

15A. Art Vender, NC 9, 1606 8th Avenue South, requested that, upon final adoption of Ordinance 3002, CVS donate the land needed to provide a left turn lane from 20th Street onto 10th Avenue South. Mr. Vender explained that 20th Street is very heavily used due to the high school traffic. NC 9 feels this should have been done when Walgreens was built. He requested that this be done when 10th Avenue South is widened so people are able to make a left turn safely off 20th Street onto 10th Avenue South. Mr. Vender further requested that the Commission help persuade the State of Montana to install left turn arrows on 10th Avenue South at the time of reconstruction.

Sunshine Week. SME. ECP.

15B. Richard Liebert, 289 Boston Coulee Road, commented that it is Sunshine Week in the United States. He commended the appointment of Commissioners Bronson and Jolley and stated they bring great talent and experience to the Commission. He was glad they were part of the process for selecting a new City Manager. Mr. Liebert also commended the City for sponsoring the Gracious Space civil discourse session. He thought that might be a stepping stone to go toward a vision process. Mr. Liebert stated that at the January 7, 2008, ECP Board meeting, he inquired why there still wasn't a developmental agreement. In March, 2007, he asked the ECP Board if they had a development agreement and was informed no, not at the time, that it was still in draft form. In August, 2007, Mr. Liebert stated that he talked with Mr. Lawton and was told there still was no agreement because they were waiting on financing. Mr. Liebert read a response that he received from Mr. Pancich regarding a development agreement. When he attended the ECP Board meeting this month, Mr. Liebert stated that he was told the Assignment and Assumption Contract would serve the purpose of articulating the development agreement. He read an email he sent to Ms. Patton and her response that referred him to the Wholesale Power Contract between the City and SME. Mr. Liebert stated that agreement is a contract between the City's exchange of electricity, and it has nothing to do with building the Highwood Station, the development, the obligations, the money or the loans involved in getting HGS built. Mr. Liebert stated that it is imperative that the City get a contract or agreement similar to what the other coops of SME have. In the interest of the Sunshine Laws, Mr. Liebert asked for the Mayor's help in instructing staff to locate a pending development agreement for him to see and requested a response.

- Supreme Court Decision.** **15C. John Hubbard**, 615 7th Avenue South, read highlights of news articles. Mr. Hubbard stated he previously read the Supreme Court decision to the City and County Commissions that ordered the EPA to quit building coal fired plants because it is against the Clean Air Act. Mr. Hubbard stated \$1.5 million dollars has been wasted, and suggested building dams or windmills instead. Mr. Hubbard stated that the City keeps hiring cops, but believes there is no justice because they write tickets for cracked windshields, but they won't stop over taxation.
- Construction Labor. SME. HGS. Sunshine Week.** **15D. Ron Gessaman**, 1006 36th Avenue N.E., commented that he has sat in these chambers and listened numerous times to the continued cries for construction jobs. Mr. Gessaman read a March 12th article in the Tribune regarding the Hilton Inn. He stated the article read that wind, weather and a tight labor supply have set back construction, and that skilled labor is in short supply in Great Falls. Mr. Gessaman inquired if Great Falls has a shortage of construction labor in this town, why is the Commission continually saying we need more construction jobs. Mr. Gessaman referred to an April 1, 2007, article regarding Alstom and carbon capturing. He also referred to a February 27, 2008, article that read the same pilot plant will be starting up next week. Alstom said carbon capture should be available by 2019. Mr. Gessaman stated that, if SME is planning on carbon capture with this process at HGS, they are not going to do it very quickly. Mr. Gessaman also said this is Sunshine Week to honor the public's right to get information from all government entities. He stated that he recently attended the hearing in the courthouse where a challenge was made by the City. He didn't think what the City had to say fits in very well with Sunshine Week.
- Item 7. Itemized bills on the Consent Agenda.** **15E. Charles Bocoek**, 51 Prospect Drive, inquired about Item 7 that was pulled from the Consent Agenda and wanted to know how much the total amount was, as well as SME's portion of the bill, and what it was paid for. Mayor Stebbins stated that the report states it was a payment for energy supply expenses. Mr. Bocoek requested an explanation. Coleen Balzarini responded that the bill to SME is for the cost of energy that is provided through the PPL contract for Electric City Power customers, as well as the transmission charges that provide payment to NorthWestern Energy for the distribution lines. The fees are all paid to Southern Montana, and in turn, Southern Montana pays NorthWestern Energy and PPL. Mr. Bocoek requested that, in the future, itemized bills to SME on the Consent Agenda for whatever purpose be put out to the public to be aware of.
- SME. HGS.** **15F. Roger Norgaard**, 221 Glenwood Court, read part of an article that stated the estimated cost of the power plant has risen from its original projected cost of \$465 million to nearly \$800 million and that figure does not include any cost that may be associated with the carbon sequestration which may be required by the time construction begins. Mr. Norgaard discussed the environmental groups that have filed legal actions against SME and the RUS to prevent construction of coal plants, and have successfully prevented RUS from loaning money to coops for the purpose of constructing coal fired

plants. He stated that the SME Board is seeking financing from private lenders but the financial risks and liabilities with these types of loans are unknown at this time. Mr. Norgaard asked the Commission if any one of them knew who wrote the article. He stated that it was written by Yellowstone Valley Electric Cooperative's General Manager and that they own 40% of the project. He concluded by saying "you can see from the article that he has some real concerns, as do we."

ECP. SME. HGS.

15G. Aart Dolman, 3016 Central Avenue, pointed out that he attended the March 3, 2008, ECP meeting and discovered that there were three agreements that he did not know about before. Mr. Dolman submitted a written letter requesting that all contracts, agreements, correspondence and emails between SME and the City of Great Falls be made available for the public to read. He specifically referred to commitments by the City of Great Falls and the SME relationship which former City Manager Mr. Lawton referred to in his February 27, 2008, memo that states there is a new scenario in which Great Falls would not have a separate ownership interest in the project but would have the same interest as the five coop members. Mr. Dolman stated that since the physical properties held by SME cannot cover the required investment for this project, it is obvious to him that this is a liability issue. Mr. Dolman continued reading his letter. He also referred to and read a portion of an article from the *Missoula Independent*. He quoted the author of the article, Mr. Ochenski, saying "The phrase 'government out of control' would be fully applicable to the actions of city officials in their far-too-cozy relationship with the plant developers." He stated that when he travels out of Great Falls people negatively inquire what the folks in Great Falls are doing with this kind of a project.

HGS. Water Rights.

15H. Stuart Lewin, 615 3rd Avenue North, commented that he was in Fort Benton today and several people asked how things were coming with the coal plant and hoped the matter had been finally settled and would not be built. Mr. Lewin stated that he can't understand how this Commission is not actively involved in getting the City out of this mess. Mr. Lewin stated the loss of water rights is a bigger issue. Mr. Lewin said the City's historic water rights have been reduced 50% over this past year. Mr. Lewin stated that, as far as he knows, there was not an open discussion amongst the people about this. He stated that he has heard by many that they don't understand the complex water rights. Mr. Lewin stated if it is too complex to understand, the Commission needs to hire water rights attorneys to represent and protect the City's interest. Mr. Lewin stated that August 2 or 3 is the key date to appeal the application that amended the water rights. He asked the Commission to reconsider and find out the mistakes they made. Mr. Lewin stated that he believed the Commission has given away their future. He stated that he had seen correspondence from the Helena advisors that were hired that indicated to him they had a conflict of interest. Mr. Lewin stated that if this goes through, the PPL rights that were not superior to the City's rights will become superior, and will substantially limit the water use out of the river. Mr. Lewin suggested having a work session to find out what the

Commission did, what it could do better, and to get some real lawyers that understand water rights to represent this City.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the regular meeting of March 18, 2008, be adjourned at 7:48 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk