

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 City Clerk.

PROCLAMATION: Mayor Stebbins read a proclamation for Spay Day USA.

FIREFIGHTER SWEARING IN: Colton D. Walter

NEIGHBORHOOD COUNCILS

NC 2.

1. **Phyllis Hemstad**, 931 1st Avenue N.W., NC 2, stated that before its summer recess, the council asked for a listing of the meetings for West Bank Park and the Urban Renewal Project, and has not received that information. The council wants to attend meetings and be involved in that process. Ms. Hemstad also relayed a suggestion from a member of the council that, for people on fixed incomes, the City should have a golf membership sale to help sell its merchandise.

Mayor Stebbins requested that Neighborhood Council 2 be given a list of the meeting places and times regarding West Bank Park.

PUBLIC HEARINGS

**Res. 9726, Golf Fees.
Adopted as Amended.**

2. RESOLUTION 9726, GOLF FEES.

Park and Recreation Director Martin Basta reported this is a continuation of the public hearing and to receive public comment on golf fees. On February 5, 2008, the Commission conducted a public hearing on Resolution 9726 and heard comments regarding proposed golf fees. At that hearing, the City Commission voted to remove Option 1 and to continue the public hearing to February 19, 2008, to allow staff additional time to develop an option based on a tiered approach for season passes. After an analysis by staff, it was determined that the tiered approach was extremely complicated and would be very difficult to administer. Therefore, that option is not being recommended by staff. Mr. Basta recommended a \$50 fee increase for all season passes. Couples would increase \$100 or \$50 per person. Junior fees would be excluded. Mr. Basta stated that this recommendation also includes increasing green fees at both golf courses one dollar for nine holes and two dollars for 18 holes. This proposal also

includes a \$50 discount to first time season pass buyers as a marketing strategy to promote the sale of season passes. Staff has estimated the proposed fee increases will generate approximately \$80,000.

In fiscal year 2007, the golf course fund failed to meet bond coverage by approximately \$158,000. In addition to the fee increases, staff will continue its efforts to increase revenue through improved sales and to reduce expenditures to strengthen the bottom line and bond coverage for the golf course fund.

Mayor Stebbins declared the public hearing open. Speaking in favor of Resolution 9726 was **Dennis Petrak**, 1909 Colorado Avenue, Black Eagle. Mr. Petrak stated that he can go along with the increase. However, he suggested that, in order to improve the memberships at the golf courses, the City offer not just the first time buyers a \$50 discount, but also anyone who buys a membership from March 1 – April 15. Mr. Petrak stated that the City has a perishable product that is only on the shelf for six months per year. The City should try to sell all the memberships it can up front. If the City could do so by offering a deal to the players, Mr. Petrak believed that everyone would benefit.

Speaking in opposition to Resolution 9726 was **Kathleen Gessaman**, 1006 36th Avenue N.E. Ms. Gessaman stated that she could not go along with this until it was clarified why the City spent \$40,000 from the golf fund for a security deposit required by Southern Montana Electric on behalf of ECP. Ms. Gessaman inquired if that \$40,000 was part of the \$158,000 bond coverage that the golf fund didn't cover. Ms. Gessaman stated that it doesn't seem right that money was taken out of that account, and then say the golfers aren't coming up with enough funds.

City Manager John Lawton clarified that the deposit is owned by the golf fund. The cash does not leave the golf fund. Interest accrues to the golf fund. It has nothing to do with not meeting bond covenant. The bond covenant has to do with revenue. It doesn't have to do with the cash that is in the fund on the balance sheet. It has to do with annual revenues. This amount has no impact on the lack of coverage for the bond covenant.

Commissioner Jolley said that \$40,000 wouldn't be available though for marketing or anything like that. Mr. Lawton responded that it is a deposit, a savings account, that has to stay with the golf fund.

Mr. Lawton further pointed out that golf courses use electricity because water is pumped for irrigation. Statewide, irrigation is one of the large electricity users in Montana. That is why that amount is related to electricity in the golf fund.

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 9726.

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

Commissioner Bronson asked for clarification on the motion as stated, and inquired if it included the \$50 discount for first time season pass buyers.

Mayor Stebbins responded yes.

Commissioner Jolley commented that it is included in the staff report, but it is not included in the resolution. She stated that she thinks they are actually giving the people who are trying to market the golf course some leeway. Commissioner Jolley further asked what the Commissioners thought about the \$50 discount for March 1st through April 15th for present season pass holders and asked if they would consider that too.

Commissioner Beecher responded that he could see that that short window would have a stampede in it. He stated he didn't know if it would encourage that much more usage by existing season pass holders. Commissioner Beecher suggested the Commission give staff the ability to look at that and, if it does have merit, let them implement it just like the \$50 first time fee.

Commissioner Rosenbaum stated that he made the motion with the assumption that the \$50 reduction on the season passes for the first time buyers was included in the motion because it was in the text.

Commissioner Rosenbaum moved to amend his motion to include the \$50 discount to first time season pass buyers. Commissioner Beecher seconded the amendment.

Commissioner Rosenbaum further commented that, as far as the \$50 reduction for the other players, he thinks it has merit but isn't sure it wouldn't dive into the total revenue that they are looking to get this year to apply to the principal and interest and continue to get the golf debt paid down.

Mayor Stebbins agreed. In looking at the other golf course comparisons in the state, the Great Falls' season passes are a vast bargain compared to other courses. Currently, the pass for Anaconda Hills is \$400 and will increase to \$450; Eagle Falls is \$450 and will increase to \$500; Bill Roberts in Helena is already \$565; Fox Ridge is \$750; the Peter Yegen course in Billings is \$625; and, Lake Hills is \$760. There is a great disparity between other city courses in Montana. Because of that, Mayor Stebbins stated that she is disposed to support the increase.

Commissioner Jolley thanked fellow Commissioners for thinking about the discount for the season buyers. She stated that she read the 2005 golf report and got excited when reading about Anaconda and what it could be some day. She stated that she knows the City is not committed to doing anything radical with Anaconda, but it is exciting and she is going to vote for the increase too.

Commissioner Bronson pointed out that Commissioner Jolley referred to the National Golf Foundation Study which he said he has also reviewed and said it has some excellent ideas. He stated that he knows some of them have been implemented up to this point in time. But, he said the Commission is in a situation now where fees need to be in place very shortly for the start of the season. Commissioner Bronson further stated that this Commission will be addressing the whole issue during the budget and the budget hearings that are coming up. This will be the Commission's opportunity to address a lot of long term issues and solutions for the courses. He concluded that what is done here tonight will not be the end of the Commission's efforts to continue with this enterprise.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9731, Adopted and set public hearing for March 18, 2008.

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

Public Works Director Jim Rearden reported that Resolution 9731 sets a public hearing for March 18th to consider vacation of a public right-of-way in the 15th Street Bridge Addition. Mr. Rearden stated that the approximate 250 foot long right-of-way is between the City Recycling Center and Pepsi Bottling Company, both off of 15th Street North. The cul-de-sac that was planned in this right-of-way was never built and is no longer deemed necessary. The vacation of this right-of-way is prompted by the proposed sale of the Recycling Center property. It is estimated that it would enhance that property and add square footage to that property as well.

Mr. Rearden requested the Commission adopt Resolution 9731 and set public hearing for March 18, 2008.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9731 and set public hearing for March 18, 2008.

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

Motion carried 5-0.

Ord. 2998, Accepted on first reading and set public hearing for March 4, 2008.

4. ORDINANCE 2998, AMENDING OCCGF 15.50 TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE.

Fire Marshal Doug Bennyhoff reported that § 7-33-4208, Montana Code Annotated, stated that municipalities must adopt local fire codes that meet the minimum standard that the state has adopted. Municipalities are allowed to adopt more stringent fire code requirements at a local level, but cannot be more lenient. Mr. Bennyhoff stated that the International Fire code, which he is recommending for adoption, is a companion code of the International Building Code currently used by the building officials and meets the criteria stipulated by the state.

Mr. Bennyhoff stated that from the date of the public hearing and final adoption until the effective date 30 days later, industry may choose to have plans and premises reviewed under either the 2003NFPA 1 Uniform Fire Code or the 2006 International Fire Code. During that 30 day period, use of the International Fire Code is recommended.

Mr. Bennyhoff requested the Commission accept Ordinance 2998 on first reading and set public hearing for March 4, 2008.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 2998 on first reading and set public hearing for March 4, 2008.

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

Motion carried 5-0.

Ord. 3001, Accepted on first reading and set public hearing for March 18, 2008.

5. ORDINANCE 3001, ASSIGN CITY ZONING TO SOUTH PARK ADDITION PHASE II.

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. It 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.

Mr. Rangel requested the Commission accept Ordinance 3001 on first reading and to set public hearing for March 18, 2008, to consider

assignment of City zoning and approval of the final plat of the subdivision and its annexation.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 3001 on first reading and set public hearing for March 18, 2008.

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

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

6. Minutes, February 5, 2008, Commission meeting.
7. Total Expenditures of \$978,219 for the period of January 22 through February 13, 2008, to include claims over \$5,000, in the amount of \$802,857.
8. Contracts list.
9. Grants list.
10. Approve final payment for the 2007 CDBG Handicap Ramps to Kuglin Construction and the State Miscellaneous Tax Division in the amount of \$3,597.70. OF 1507.1
11. Award Construction Contract to Inituform Technologies, Inc. in the amount of \$157,387 for the Sanitary Sewer Trenchless Rehabilitation, Phase 12. OF 1425.9
12. Approve final payment for the Contract 02-General Construction for the Wastewater Treatment Plant Cogeneration Project to NewMech Companies, Inc. and the State Miscellaneous Tax Division in the amount of \$5,000. OF 1404
13. Approve Labor Agreement with the International Brotherhood of Electrical Workers Local #233.
14. Appoint Interim City Manager for the period of March 1-24, 2008.

Commissioner Jolley requested that Item 9 be pulled from the Consent Agenda for further discussion.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda, except for Item 9, as presented.

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

Ron Gessaman, 1006 36th Avenue N.E., commented that he has concerns about Items 7 and 12. Mr. Gessaman stated that his concern on Item 7 involves the \$5,800 expenditure for water rights consultation, and wanted to know what that expenditure was for. On Item 12, Mr. Gessaman stated that it is not clear to him why the City is paying this company when it

hasn't started up the cogeneration facility. He added that the City should be keeping that money until the facility starts up to make sure it gets what it pays for, especially in view of the fact that it is nine months past the expected completion date. Mr. Gessaman said there is no indication in the agenda report what the expected completion date was, whether the contractor had to pay any penalties, or whose responsibility it was to arrange for the permit from the DEQ.

Commissioner Jolley asked if there were any answers for Mr. Gessaman.

Public Works Director Jim Rearden stated that, with regard to Item 12, the facility has been completed and tested for operational purposes. What his department is waiting for is the air quality permit. Mr. Rearden stated that he has a draft permit that is out for comment through February 21. He expected the DEQ to make its decision after that date and stated he also expects DEQ to issue the permit, hopefully by March 15.

Fiscal Services Director Coleen Balzarini stated that, with regard to Item 7, the payment to Water Right Solutions was actually a split payment. There were two items being paid to Water Right Solutions. The other payment was under the Fiscal Services section for \$5,407. Water Right Solutions bills the City on a monthly basis for its services. The work that Water Right Solutions did for the electric utility fund had to do with the zone change request. Dave Schmidt from Water Right Solutions was contracted through the City of Great Falls. At Southern Montana's request, he appeared to speak about the water at the zone change request hearing. The payment under Fiscal Services was for general water rights. Ms. Balzarini explained that, at a work session a while ago, a presentation was made to the Commission on where the City is at with its water rights and the adjudication process. She concluded that is what the payments were for.

Commissioner Jolley stated that she would like another work session on water rights.

Mayor Stebbins commented that it is a complex issue and stated she doesn't think that would go amiss.

City Manager John Lawton added that the amount that was paid on behalf of Southern Montana will be billed to Southern Montana. The City will be reimbursed.

Mayor Stebbins stated that Commissioner Jolley pulled Item 9.

Commissioner Jolley stated that it is a grant for \$3,000 from the Montana Historical Society for brochures for the Railroad Historic District walking tour and asked where that district was located.

Planning Director Ben Rangel responded that this is a grant from the Montana Historical Society to go to the Historic Preservation Office and the Historic Preservation Commission. Upon receiving the \$3,000 grant, they propose getting a match from Russell County to prepare walking brochures. It is similar to a walking brochure that has already been prepared for the downtown area. Mr. Rangel said he can't tell Commissioner Jolley the exact boundaries of the historic railroad district. But, essentially, he said it includes the area from about 3rd Avenue South by Applebee's along the railroad track, up to the 6th Street area where the former Park and Recreation Office was.

Commissioner Jolley said she didn't even know it was in Great Falls and was concerned about what the Commission was paying for.

Mr. Rangel responded it is for a local walking brochure.

Assistant City Manager Cheryl Patton commented to Commissioner Jolley that this is a grant coming from the State to the City for the specific project. It is not money that the Commission is expending out.

After discussion, Commissioner Jolley had no opposition to Item 9.

Motion carried 5-0.

BOARDS & COMMISSIONS

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mansfield Center for the Performing Arts Advisory Board.

Carl Donovan, 1509 13th Avenue South, Mansfield Center for the Performing Arts Advisory Board, updated the Commission on the upcoming Made in Montana Marketplace Tradeshow. Mr. Donovan also stated that the load-in door is complete between the theatre and the Convention Center and is saving labor costs and damage to the facility. It is a great asset and everyone that has used it is appreciative. Mr. Donovan said the Convention Center needs to be renovated. The last renovation was 18 years ago. The facility is starting to show its wear. The plan is to break this down into affordable phases. The Advisory Board has also noted that air conditioning in the theatre is a popular request from the public. There are also maintenance issues with the cooling towers in the convention center. Staff is exploring the most effective and cost efficient ways to address both problems and the best way to serve the public. Mr. Donovan further reported that the Mansfield Center for the Performing Arts and Pretty One Productions are collaborating again for the upcoming community summer theatre program. This July's production will be Peter Pan with all its flying effects. Funds from this year's production will be used to purchase lighting equipment that is needed. For the development of a live theatre audience, the Mansfield Center for the Performing Arts

partnered with the Great Falls Community Center Association to present the Montana Repertory Theatre.

Mayor Stebbins stated when they have the bottom line costs, she would like to see those.

CITY MANAGER

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY COMMISSION

As the presiding officer, Mayor Stebbins switched Petitions and Communications with the City Commission's Miscellaneous Reports and Announcements.

PETITIONS AND COMMUNICATIONS

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

Great Falls International Airport Authority Board.

18A. Ben Ives, #17 Country Lane, thanked the Commission for giving him the opportunity to spend six years on the Great Falls International Airport Authority Board. He stated it was a rewarding experience and it gave him the opportunity to give back to the community that he lived in for the past 33 years. Mr. Ives also congratulated the Commission on the appointment it made in filling his position, that being Mr. Owen Robinson. He said he thinks Mr. Robinson is very astute and is a successful businessman and has a lot to offer to the Airport Board. Mr. Ives said he worked hard to get the Commission to approve an appointment process. He said with Mr. Robinson's appointment, he feels that that process was ignored and circumvented by the Commission. Mr. Ives said the process was never meant to usurp any of the Commission's or the Mayor's authority to appoint. The purpose was to try to help the Commission with any pitfalls that the Airport Authority Board may see. One such being: Mr. Robinson is a paid director of the Airport's bank. That is a conflict of interest. Thus, he said Mr. Robinson will be precluded from joining in any discussions or decisions when it comes to other financial institutions. Another thing was, and Mr. Ives said he didn't mean to sound scolding, that he hoped Mr. Robinson's political aspirations would be good for the community and not be overshadowed by allegations of, as the Commission on Political Practices calls it, abuse of power, by having the mayor involved in his appointment seeing as he was her campaign manager.

Mayor Stebbins stated she begged to differ with him. Mr. Robinson was a campaign contributor, not her manager.

**Insurance Settlement,
Havre Highway, Parkdale
basketball court.**

18B. John Hubbard, 615 7th Avenue South, commented that he is still angry. Commissioner Jolley interrupted and asked Mr. Hubbard if he talked to the State Auditor about his insurance settlement. She stated that it is her understanding that if insurance companies do business in Montana, they must have some type of mechanism for what happens if they go bankrupt. Commissioner Jolley added that it is probably a good time to talk to, not a present State Auditor, but the other people running for that position. She told Mr. Hubbard, “you know how they like to help people during an election year.”

Mr. Hubbard wondered if anything happened on the bus issue with the bus stopping on Havre Highway in the middle of the road.

Mayor Stebbins responded that it is a State Highway issue.

Mr. Hubbard also inquired about the Parkdale basketball park that has the fence down, but said it is winter and the kids probably aren't playing much basketball. He stated that he visited John Lawton's office today to take a picture of the \$5,500 desk, to make sure it is still there when he is gone.

HOG Rally.

18C. Sam Steffan, 1060 55th Avenue South, stated that he is here representing the Big Sky Chapter of Harley Owners Group, also known as HOG. Mr. Steffan thanked Mayor Stebbins, outgoing Commissioners Sandy Hinz and Diane Jovick-Kuntz, for the letter of endorsement that they provided his chapter for their proposal to host the 2008 State HOG Rally in Great Falls. He also thanked John Lawton and Chief Grove and his motorcycle patrol for their endorsements in hosting the Montana State Harley rally. He stated they were successful and they will host this rally June 26-28, 2008. He is anticipating about 600 Harley enthusiasts from all over the United States. The theme this year will be prairies, peaks and pirates. He also thanked the Downtown Great Falls Association for hosting a street party the evening of June 27th. There will be a parade and all the motorcycles will be parked downtown. The public is invited. Mr. Steffan said on Thursday evening there will be a party at the Harley dealership on 10th Avenue South and participants will be able to dig for treasure. The theme is “discovering your treasures under the Big Sky.” He encouraged all of the downtown business association people to display a sign welcoming all of the Harley people to Great Falls. Especially the Downtown Business Council because they will be having a treasure hunt that includes a lot of downtown business people. Mr. Steffan asked that the City of Great Falls proclaim June 26-28, 2008, as HOG week in Great Falls.

Cable 7.

18D. Ron Gessaman, 1006 36th Avenue N.E., said that it appears to him that Channel 7 has some new video equipment. Mr. Gessaman said that he understood from a couple of work sessions ago that Channel 7 was having monetary problems and wondered if they got a grant, and wanted an explanation of who to thank for this new equipment.

Assistant City Manager Cheryl Patton responded that the City bought two new cameras. They are owned by the City of Great Falls, not Cable 7, to be used in this facility for the broadcasts.

CITY COMMISSION

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

**Proclamation of
Appreciation for City
Manager John Lawton.**

Mayor Stebbins stated that this is Mr. Lawton's final Commission meeting as City Manager. Mayor Stebbins asked Mr. Lawton to join her at the podium. She read a Proclamation of Appreciation to Mr. Lawton and presented him with a clock.

City Manager John Lawton thanked everyone. Mr. Lawton stated that this was, indeed, an honor. Over the past 18 years, he stated that he has enjoyed almost every minute of his job. Tonight, in particular, he said he even enjoyed the golf public hearing. The whole process with golf this time was the way it should work. There was a lot of input, give and take, a lot of public discussion and, as it ended up, it was a very congenial decision. He believes that is a good tribute to the City, to staff, to the Commission and to the community as a whole. Mr. Lawton said we can solve problems very amicably and in a way that benefits everybody. He stated that he has enjoyed it, and wondered if maybe he could squeeze out a couple more years. Mr. Lawton concluded that it is an art to recognize when you should leave, and he said he believes that time has come. He doesn't have any regrets. He is not looking back. But he can say that he will miss it very deeply.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of February 19, 2008, be adjourned at 7:55 p.m., in honor of City Manager John Lawton.**

Motion carried 5-0.

Mayor Stebbins

City Clerk