

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM**PLEDGE OF ALLEGIANCE**

ROLL CALL: City Commissioners present: Dona Stebbins, Sandy Hinz, Diane Jovick-Kuntz, Bill Beecher and John Rosenbaum. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Public Works, and Planning, Acting Directors of Park and Recreation and the Library, Acting Police Chief, Fire Chief, Fiscal Services Operations Supervisor, and City Clerk.

PROCLAMATIONS: Mayor Stebbins read proclamations for YWCA Week Without Violence and Red Ribbon Week.

PRESENTATION: Lynn Turville, Mercy Home Coordinator, presented Officer Jonathan Runner with this year's law enforcement award for outstanding service to victims of domestic violence.

NEIGHBORHOOD COUNCILS

1. There were no reports or announcements from Neighborhood Council representatives.

PUBLIC HEARINGS

Res. 9690 and Ord. 2984, annexation and zoning for Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition. Adopted.

- 2A. **RESOLUTION 9690 ANNEXES LOTS 1A AND 10A, BLOCK 14, FINLAY'S SUPPLEMENT TO PROSPECT PARK ADDITION.**
- 2B. **ORDINANCE 2984 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY, HIGH-DENSITY DISTRICT.**

Planning Director Ben Rangel reported that Michael & Tammy Gittins and Earl & Helen Burow are the owners of property near 19th Street and 21st Avenue South. This year, the City installed a water main in a portion of 21st Avenue South. These owners would like to annex their property to receive City water services.

On September 18th, the City Commission set the public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested the Commission adopt Resolution 9690, which would annex the subdivision and adopt Ordinance 2984, which would assign a zoning classification of R-3 Single family residential, and approve the 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 9690 and Ordinance 2984.

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

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9690 and approve the Annexation Agreement.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Ordinance 2984.

Motion carried 5-0.

Res. 9692, Create Special Improvement Lighting District. Adopted.

3. RESOLUTION 9692, CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1310.

Fiscal Services Operations Supervisor Martha Cappis reported that adoption of Resolution 9692 allows the City to proceed with the installation of 12 street lights in Meadowlark Addition No. 5, as requested by the developer in September of 2007. It is expected to go out to bid in mid-November and the cost of construction and the ongoing maintenance will be assessed against the properties within the district.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9692.

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

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9692.

Motion carried 5-0.

Res. 9678, Cost Recovery, 826 2nd Avenue South. Adopted.

4. RESOLUTION 9678, COST RECOVERY, 826 2ND AVENUE SOUTH.

Community Development Director Mike Rattray reported that approval of Resolution 9678 will result in placing a lien on the property located at 826 2nd Avenue South, as a result of a condemnation action taken by the City building official, in the amount of \$9,128.

Mayor Stebbins declared the public hearing open. No one spoke in favor of

Resolution 9678. City Clerk Lisa Kunz stated that Mr. Robert Mullens filed his written objection to Resolution 9678 on October 15, 2007. Copies of said objection were provided to the commissioners, along with his evidence index and supporting documentation.

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

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Resolution 9678.

Motion carried 5-0.

Res. 9703, Cost Recovery, 1416 4th Avenue North. Adopted.

5. RESOLUTION 9703, COST RECOVERY, 1416 4TH AVENUE NORTH.

Community Development Director Mike Rattray reported that approval of Resolution 9703 will result in placing a lien on the property located at 1416 4th Avenue North in the amount of \$5,823. This was a residence condemned by the City building official.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9703.

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

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9703.

Commissioner Hinz asked Mr. Rattray to explain under what circumstances properties are condemned. Mr. Rattray complied and stated his staff receives a complaint or numerous complaints about the property from the neighbors, his office verifies whether the complaints are legitimate, requests entry into the residence and then conducts a formal inspection of the residence. The property owner is sent a detailed letter listing the conditions that need repair. They are given 60 days to obtain a building permit to complete the repairs. The building permit is good for six months to complete the repairs. If the property owner challenges the condemnation and opts not to conduct the repairs, they have 30 days to challenge the condemnation, and they can file an appeal with the Board of Appeals.

Motion carried 5-0.

Justice Assistance Grant (JAG) Recommendation. Approved.

6. JUSTICE ASSISTANCE GRANT (JAG) RECOMMENDATION.

Captain Carpenter reported that this grant allows the police department to

continue purchasing the mobile data terminals for the patrol cars, which is an extremely vital function of law enforcement.

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

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

Commissioner Hinz moved, seconded by Commissioners Rosenbaum and Jovick-Kuntz, that the City Commission accept the recommendation and approve the Memorandum of Understanding for execution by the City Manager.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9704 and Ord. 2992, Intent to Annex and Zoning for Segments of 6th Street SW and Interstate Spur 315, in NE1/4, Section 15, Township 20 North, Range 3 East. Adopted Res. 9704 and accepted Ord. 2992 on first reading and set joint public hearing for November 20, 2007.

7A. RESOLUTION 9704, INTENT TO ANNEX SEGMENTS OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315, NE1/4, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST.

7B. ORDINANCE 2992, ASSIGNS ZONING CLASSIFICATION IN ACCORDANCE WITH TITLE 17-LAND DEVELOPMENT CODE, CHAPTER 8, SECTION 60.

Planning Director Ben Rangel reported that a segment of 6th Street SW, near the Sun River Bridge and a segment of Interstate Spur 315 located between Exit 0 and Fox Farm Road, are currently located outside of the City limits. These roadway rights of way are contiguous to the City limits. As such, State statute allows cities to annex government land, if the land is adjacent to the City. This action will also address the Commission's interest to annex unincorporated enclaves into the City.

The City has a request to annex the rights of way from the State Department of Transportation.

The action requested this evening is to adopt Resolution 9704, intent to annex, which sets public hearing for November 20th to consider annexation, and to accept Ordinance 2992 on first reading and to set public hearing for November 20th to consider assignment of City zoning.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Resolution

9704 and set public hearing for November 20, 2007.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2992 on first reading, and set public hearing for November 20, 2007.

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

8. Minutes, October 2, 2007, Commission meeting.
9. Total Expenditures of \$1,037,004 for the period of September 28-October 10, 2007, to include claims over \$5,000, in the amount of \$799,165.
10. Contracts list.
11. Grants list.
12. Approve Professional Services Agreement with NCI Engineering Co. in the amount of \$121,070 for the 4th Avenue Northwest Improvements. OF 1488.
13. Award contract to Dick Anderson Construction in the amount of \$422,455 for the Giant Springs Storm Drain Outfall Rehabilitation. OF 1458.
14. Approve Interlocal Agreement with the Montana Law Enforcement Testing Consortium.
15. Approve Labor Agreement with the Great Falls Police Protective Association.

Commissioner Beecher moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission approve the Consent Agenda as presented.

Mayor Stebbins inquired if there was any comment from the public regarding the consent agenda. No one responded.

Motion carried 5-0.

BOARDS & COMMISSIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY COMMISSION**18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Rosenbaum commented on the job well done on the highway between Ulm and Emerson Junction.

PETITIONS AND COMMUNICATIONS**19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

Breast Cancer. Wind Power.

19A. Kathleen Gessaman, 1006 36th Avenue N.E., pointed out that October is Breast Cancer Awareness Month. Ms. Gessaman thanked Sletten Cancer Institute and Benefis Healthcare Foundation and generous donors for promoting the sixth annual breast cancer awareness dinner on October 9th. Ms. Gessaman stated that she met with investors yesterday regarding wind power in Cascade County.

HGS.

19B. Robert Boettcher, Big Sandy, stated he wanted to make a comment about the Highwood Generating Plant. Mr. Boettcher referred to Cheryl Reichert's guest opinion in the Tribune on Sunday. He stated there is a non-profit organization in Helena called Arrow that recently completed a study called Repowering Montana and encouraged the Commission to read it.

ECP.

19C. Ed McKnight, 906 3rd Avenue North, stated he took exception to something that happened at the last commission meeting. He opined that it is deceptive for the City to base the rate that it is saving on Electric City Power by claiming that the City uses a residential rate, and refuted by Tim Gregori. He stated that he assumed nobody made any effort to find out which one of them is right. Mr. McKnight asked Commissioner Kuntz where she received the information that ECP has saved us one million dollars. Commissioner Kuntz answered that it was from documentation received from Fiscal Services Director Coleen Balzarini.

Vote.

19D. John Hubbard, 615 7th Avenue South, stated he is satisfied the country is run by criminals, the power company is run by extortionists, and the community is run by fools. He encouraged people to get out and vote.

Tribune Articles. ECP.

19E. Ron Gessaman, 1006 36th Avenue N.E., referred to Tribune articles regarding a business in Bozeman, four billion dollars being paid as a settlement associated with American Electric Power Company, and what he took exception to at the last meeting by Mr. Gregori. Mr. Gessaman used his electric bill as an example to point out distribution and transmission charges.

Community Development.

19F. Morgan Holly, 715 11th Street South, stated that he is doing the best he can to raise his 10 kids, and every one has been in trouble and in jail. Mr.

Holly said every house he has lived in people from Community Development have written him up to clean up his property. He couldn't pay the fines because he had too many kids to get out of jail. He stated he lost his house that was foreclosed on and he lost his job, and had to live in a tent behind his kid's house.

HGS.

19G. George Golie, 316 20th Avenue South, stated he supports the Highwood Generating Plant. Mr. Golie said people are still arguing over the rates. Mr. Golie read a list of Electric City Power customers. He said it was the customer's choice to get power from ECP, because the supply of power costs less.

**NC. 9th Street Divider.
Transportation to Vote.**

19H. Mike Witsoe, 2612 1st Avenue South, stated that he is the new representative for the south side neighborhood council. Mr. Witsoe thanked the City for the divider on 9th Street, and would like to see one installed on 3rd Avenue South. Mr. Witsoe stated that the bus station will give people a free ride to the fairgrounds to vote, and thanked the Great Falls transit system.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of October 16, 2007, be adjourned at 7:55 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk