

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS: Mayor Stebbins read proclamations for Sacred Web Recovery and National Night Out.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

Res. 9671 and Ord. 2973, annexation and zoning for property addressed as 1424 and 1426 14th Street Southwest (Herman's Flowers). T20N, R3E, Sec. 15, Mark L. Adopted.

- 2A. **RESOLUTION 9671 ANNEXES MARK L, AN OCCUPIED SINGLE-FAMILY RESIDENCE AND HERMAN'S FLOWERS ADDRESSED AS 1424 AND 1426 14th STREET SOUTHWEST, AND THE ABUTTING SEGMENT OF 14th AVENUE SOUTHWEST.**
- 2B. **ORDINANCE 2973, ASSIGNS ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT.**

Planning Director Ben Rangel reported that in February, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission had decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those who use City services share the burden of paying for them equitably.

A number of properties are involved in this annexation program. This agenda item, as well as the next, involves the first of these properties. This item involves a residence and Herman's Flowers located on one parcel. As a condition for the continued receipt of City water and sewer services, the property owner has provided written consent to the annexation.

On July 17, 2007, the City Commission set a public hearing for this evening. Mr. Rangel recommended the City Commission adopt Resolution 9671 to annex the parcel, and adopt Ordinance 2973 to assign zoning classification of R-1 single-family suburban district. The City Planning Board and Zoning Commission unanimously recommended approval.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9671 or Ordinance 2973. Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9671.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Ordinance 2973.

Motion carried 5-0.

Res. 9672 and Ord. 2974, annexation and zoning for Lot 1, Block 8, University Addition (Airway Motel and Classic 50's). T20N, R3E, NW ¼ Sec. 15, University Addition. Adopted.

3A. RESOLUTION 9672 ANNEXES LOT 1, BLOCK 8, UNIVERSITY ADDITION.

3B. ORDINANCE 2974, ASSIGNS ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT.

Planning Director Benjamin Rangel reported this is the second property to be annexed under Ordinance 2930. This item involves the Airway Motel and Classic 50's businesses located along 14th Street Southwest. As a condition for the continued receipt of City water and sewer services, the property owner has provided written consent to the annexation.

On July 17, 2007, the City Commission set a public hearing for this evening. Mr. Rangel recommended the City Commission adopt Resolution 9672 to annex the parcel, and adopt Ordinance 2974 to assign zoning classification of C-2 general commercial. The City Planning Board and Zoning Commission unanimously recommended approval.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9672 or Ordinance 2974. 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 9672.

Motion carried 5-0.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2974.

Motion carried 5-0.

Res. 9676 and Ord. 2976 annexation and zoning upon narrow strip of land abutting the south boundary of Lots 3-8, Block 3, 7th Supplement to Skyline Heights Addition. Adopted.

4A. RESOLUTION 9676 ANNEXES A NARROW STRIP OF LAND ABUTTING THE SOUTH BOUNDARY OF LOTS 3-8, BLOCK 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION.

4B. ORDINANCE 2976, ASSIGNS ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT.

Planning Director Ben Rangel reported that Gene Shumaker and Joe Aline were the developers of Skyline Heights Addition in north Great Falls. During the initial platting and annexation of 7th Supplement to Skyline Heights Addition an adjoining narrow strip of land was inadvertently left out. Steps are now being taken by the developer to add the strip of unincorporated land into the subdivision, to annex it, and to assign City zoning.

On July 3, 2007, the City Commission set a public hearing for this evening. Mr. Rangel recommended the City Commission adopt Resolution 9676 which would annex the parcel, and to adopt Ordinance 2976 which would assign a City zoning classification of R-2 single family. Mr. Rangel further recommended the City Commission approve the amended plat that incorporates the strip of land. The City Planning Board and Zoning Commission unanimously recommended approval.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9676 or Ordinance 2976. Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission

Commissioner Hinz moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Resolution 9676.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Ordinance 2976.

Motion carried 5-0.

Res. 9677 and Ord. 2977, final plat and annexation agreement all related to Northview Addition Phase 3. Adopted.

5A. RESOLUTION 9677 ANNEXES NORTHVIEW ADDITION PHASE 3.

5B. ORDINANCE 2977 ASSIGNS A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT TO NORTHVIEW ADDITION PHASE 3.

Planning Director Ben Rangel reported in February, 2007, the City Commission approved the preliminary plat of Northview Addition Phases 2 – 7. That subdivision was located just east of the Countryside Village mobile home park. Jim Workman Construction Company had received approval for Phases 1 and 2 of the subdivision, and is now ready to proceed with Phase 3, which consists of 18 single-family residential lots.

On July 17, 2007, the City Commission set a public hearing for this evening. Mr. Rangel recommended the City Commission approve the final plat and annexation of Northview Addition Phase 3 and the City Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned Unit Development to same, upon annexation to the City.

Mr. Rangel recommended the City Commission adopt Resolution 9677 which would annex this subdivision, and to adopt Ordinance 2977 which would assign a City zoning classification of PUD Planned Unit Development. Mr. Rangel further recommended the City Commission approve the final plat of the subdivision and the annexation agreement. The City Planning Board and Zoning Commission unanimously recommended approval.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9677 or Ordinance 2977. Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9677.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission adopt Ordinance 2977.

Motion carried 5-0.

Res. 9664, Levy and Assess Street Maintenance District. Adopted.

6. RESOLUTION 9664, LEVY AND ASSESS STREET MAINTENANCE DISTRICT. ANNUAL STREET MAINTENANCE ASSESSMENT FOR FISCAL YEAR 2007/2008.

Fiscal Services Director Coleen Balzarini reported that this is an annual street maintenance resolution that she recommended be passed following the public hearing. Public notice was posted in the Tribune on July 20th and July 27th as required by statute. The intent is to increase the street maintenance assessment by 10% this year, which will affect an average property owner in the district about \$6.00 per year.

Mayor Stebbins declared the public hearing open. No one spoke in support of Resolution 9664.

Those speaking in opposition to Resolution 9664 were:

John Hubbard, (615 7th Avenue South?), asked if this is another street tax. It was Mr. Hubbard's belief a recent street tax passed for the original town site, taxes went up for the schools, and now another street maintenance tax.

Fiscal Services Director Colleen Balzarini answered that this is an annual assessment. The street maintenance district covers the entire city. There are different categories within the street maintenance district, i.e. commercial properties, residential properties and cemeteries. All properties within the City limits pay some form of street maintenance fee. It is an annual assessment, and is the only assessment being asked to set this year.

Mr. Hubbard stated he is getting taxed twice for the same thing and his street still looks like Beirut, and inquired if this tax was for curbs and sidewalks.

Mayor Stebbins answered this tax is just for street maintenance.

Mary Jolley, 1910 2nd Avenue North, asked is this assessment increased every year, and what was the increase last year.

Commissioner Jovick-Kuntz answered the increase is 10% for five years. This is the last year for the 10% increase.

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 Resolution 9664.

Motion carried 5-0.

Res. 9665, Levy and Assess Special Improvement Boulevard Maintenance District No. 3570. Adopted.

7. RESOLUTION 9665, LEVY AND ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENANCE DISTRICT NO. 3570. ANNUAL BOULEVARD MAINTENANCE ASSESSMENT FOR FISCAL YEAR 2007/2008.

Fiscal Services Director Coleen Balzarini reported that this is also an annual maintenance assessment. The boulevard district does not encompass the entire city. It encompasses mostly the original town site as well as areas beyond Central Avenue West. There is no increase requested this year. The assessment will remain the same.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9665. 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 9665.

Motion carried 5-0.

Res. 9666, Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195. Adopted.

8. RESOLUTION 9666, LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195. ANNUAL PORTAGE MEADOWS MAINTENANCE ASSESSMENT FOR FISCAL YEAR 2007/2008.

Fiscal Services Director Coleen Balzarini reported that the Portage Meadows Maintenance District provides maintenance to the common areas of the Portage Meadows development. There is no increase requested. It will be the same assessment as the previous year.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9666. Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9666.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

GF Community Ice Foundation – approve grant funds.

9. GRANT FUNDS TO GREAT FALLS COMMUNITY ICE FOUNDATION TO ASSIST IN BRINGING PUBLIC WATER AND SEWER SERVICES TO THE NEW ICE RINK FACILITY.

Fiscal Services Director Coleen Balzarini recommended the City Commission approve a grant to the Great Falls Community Ice Foundation to assist in bringing public water and sewer to the facility. There will be a grant in the amount of \$150,000. It is anticipated the cost of bringing those extensions to the facility will be \$400,000. The City is proposing to have utility funds carry the cost of the extensions that will be reimbursed at a later date. Staff has been working with the Great Falls Ice Foundation to assist them in getting this done and to comply with all of the City regulations. This project meets virtually all of the criteria of Resolution 9351 regarding City participation in community enhancement projects.

Andrea Hedges, P.O. Box 2869, President of the Great Falls Community Ice Foundation and Director of Women's Hockey and Girls' Hockey, stated she never thought it would be so complex or costly to freeze water. This venture started in 2002. In 2004, the ice users – youth hockey, figure skaters, women's hockey, men's hockey, and the ice boosters who raise money for the ice programs, formed a plan and founded the Great Falls Community Ice Foundation. Their mission was to provide affordable ice for the youth and adults in Great Falls and the surrounding areas. In 2006, the Ice Foundation ordered a building, secured a low-interest loan from Mountain West Bank, and secured eight acres of land from Flying J. The Ice Foundation raised a total of \$460,000. Phase I consists of one sheet of ice and will cost \$1.9 million; Phase II consists of concessions, a pro shop and locker room area that will cost \$500,000 (five year plan); and Phase III is the second sheet of ice that will cost approximately \$1 million (ten year plan). So, the total project cost is \$3.5 million. Ms. Hedges went on to say this is not a temporary bandaid for the ice problem, it is going to be the solution. The historical economic impact over 120 days is approximately \$1.1 million. Ms. Hedges stated if it can generate that much more revenue in Great Falls over 120 days, think of how much more it can bring if it is a year round facility, which is the ultimate goal.

Ms. Hedges thanked the City and County Governments and everyone in the room for recognizing recreational ice.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission approve the grant.

Commissioner Hinz added that she sees this as the best way to move forward with this hugely beneficial project for mostly our youth.

Those speaking in favor of the approval of the grant were:

Danielle Jacobs, 1406 4th Avenue North, and **McKenzie**, 517 Deer Drive, thanked the Commissioners as figure skaters for giving them the opportunity to ask for this. Both stated skating is what they do and is a part of them.

Michael Witsoe, 510 11th Street South, stated this is one good one for the City. Fifty-eight years ago he skated at Gibson Park and the arena. Through hard work, now we will have ice again. Mr. Witsoe congratulated this asset and all the people of the Ice Foundation.

Carol Fisher, 500 53rd Street South, stated she is a hockey mom and thanked the Commissioners for making the decision to approve this grant. Ms. Fisher stated this will be a great asset to the community, and will be a huge plus economically. Ms. Fisher opined that any money put towards kids pays off in the end.

No one spoke in opposition to approving the grant.

Motion carried 5-0.

Ord. 2978, zoning for Pine Hill Minor Subdivision. Accepted on first reading and set public hearing for September 4, 2007.

10. ORDINANCE 2978, ESTABLISH ZONING UPON PINE HILL MINOR SUBDIVISION. ASSIGNS ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO PINE HILL MINOR SUBDIVISION.

Planning Director Ben Rangel reported that Nancy Clough is the owner and developer of the property that is located on the west side of Huckleberry Drive, just south of Bel-View Palisade Addition. Mr. Rangel reported that Ms. Clough recommended the City Commission assign a zoning classification of PUD Planned Unit Development district to Pine Hill Minor Subdivision being annexed to the City. Ms. Clough does propose to develop a two lot subdivision consisting of 14 single-family homes entitled Pine Hill Addition. Ms. Clough's overall proposal includes the subdivision, its annexation and the establishment of City zoning. Mr. Rangel recommended the City Commission accept Ordinance 2978 on first reading, and set a public hearing for September 4, 2007, to consider assignment of City zoning, and approve the final plat, the subdivision and its annexation.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2978 on first reading and set a public hearing for September 4, 2007, to consider adoption of Ordinance 2978.

Motion carried 5-0.

Res. 9679, Amending Res. 9634 to Establish Five Minute Public Comment Period, and Prohibiting Racist, Discriminatory and Incitingly Violent Speech. Adopted.

11. RESOLUTION 9679, AMENDING RESOLUTION 9634 TO ESTABLISH FIVE MINUTE PUBLIC COMMENT PERIOD, AND PROHIBITING RACIST, DISCRIMINATORY AND INCITINGLY VIOLENT SPEECH.

Assistant City Attorney Chad Parker reported that the three minute limit for public comment during the Petitions and Communications agenda period has appeared too restrictive and, therefore, deemed it necessary to amend the limit to five minutes. Further, recent public comments require the prohibition of certain types of speech to include any racist, discriminatory

and incitingly violent speech.

Because of the many occasions when the Mayor and Commission have found it necessary to extend a public speaker's time beyond the three minute limit and in the spirit of allowing full public participation, it is deemed proper to amend Resolution 9634 to change the three minute limitation to five minutes, unless specially authorized to exceed such five minute limit by the Mayor with the concurrence of the City Commission.

Also, and in addition to the prohibitions stated in Resolution 9634, it is deemed proper to prohibit racist, discriminatory and incitingly violent speech because of recent loud, outrageous and heinous comments made during the Petitions and Communications agenda period.

Mr. Parker recommended the City Commission adopt Resolution 9679.

Commissioner Beecher moved, seconded by Commissioners Rosenbaum and Hinz, that the City Commission adopt Resolution 9679.

Commissioner Rosenbaum stated three minutes was deemed too short a period for some people. Commissioner Rosenbaum explained that it is not the time frame, it is the subject matter. A lot of times the subjects are such that the City Commission has absolutely nothing to do with, i.e. the federal government, fuel prices and global warming.

Commissioner Beecher made a comment in the spirit of civility that it is fair game to stand up and disagree or criticize the City Commission, and it is fair game to disagree or criticize a City Department, as being all in the bounds of good democratic undertaking. However, Commissioner Beecher stated he is not comfortable with personal names being mentioned. There is just no room for that in a good democratic process.

Mayor Stebbins stated that she found a comment in the Tribune this morning to be rather enlightening. The podium there is for citizens to speak on matters of City interest. It is not a stage, and it is not a pulpit. By enabling people to speak at greater length, it is her belief the Commission is fulfilling its mission.

Mayor Stebbins then welcomed public comment.

Mary Jolley, 1910 2nd Avenue North, stated to Mayor Stebbins that it had always been within her power to limit public comments to issues that the Commission had the ability to do something about. Ms. Jolley stated that Mayor Gray would say we can't do anything about that, and say it in a nice way, and people responded to him. Ms. Jolley also stated she was not sure what Commissioner Beecher was talking about regarding using personal names.

Commissioner Beecher responded that, if you were criticizing him as a City Commissioner, then that would be fine. But, if you criticize Bill Beecher for doing something, then that becomes something of a personal issue.

Ms. Jolley then inquired who Chad was.

Chad Parker introduced himself and stated he is the Assistant City Attorney standing in for David Gliko this evening.

Ms. Jolley quoted Mr. Parker as saying the resolution amends the former limit on time. Ms. Jolley inquired if that meant the public was no longer allowed to be impertinent, and if the three minute limit was repealed.

Mayor Stebbins answered if the resolution was passed, then it will be repealed.

Ms. Jolley stated the language of the resolution left out homophobic and a few other things.

Mayor Stebbins answered the term discriminatory was added and that pretty much covers it.

Ms. Jolley stated that it sounded like something a grade school, high school or a community college would enact. She expressed that she hadn't attended all of the meetings, but that she hadn't heard anything discriminatory, and inquired if the Commissioners had.

Mayor Stebbins and Commissioner Beecher both answered that they had.

Ms. Jolley asked if that language could be stricken or taken out and thought that should be understood that people shouldn't be able to rant and rave or talk about things the City has no jurisdiction over.

Mayor Stebbins answered it should be understood.

Commissioner Beecher stated it should be understood, but many times it is not.

Ms. Jolley stated she observed the Commissioners speaking more tonight among themselves. Ms. Jolley also stated to Mayor Stebbins that it has only been in the past couple of months that public comment on agenda items had been allowed. Ms. Jolley opined that if the Commission asked for public comment before every vote, it would cut down on public comments at the end. Ms. Jolley stated she is against the language of this resolution. Ms. Jolley quoted Mr. Parker saying the Mayor could extend the five minute time limit if the Commissioners concurred, and compared it to the last meeting when the Mayor informed the people there was a three minute limit and that she would give them more time if they were making good points.

Ms. Jolley asked if Mayor Stebbins was going to judge how much time somebody gets because she deemed them good points or not good points.

Mr. Parker read a quote from Chief Justice Berger who made progressive movements in the Supreme Court since the beginning part of the twentieth century. Freedom of speech is vital to our system. The Constitution of the United States is a sacredly, divinely inspired document in many regards. Without freedom of speech we could not exist in this society as we had hoped to. However, under the Constitution, we have never been allowed to say whatever we want, regardless of other people's sensibilities, habits or manners. Mr. Parker believes Resolution 9679 sufficiently addressed prohibition of racist, discriminatory and incitingly violent speech that the Commission had seen and heard in the recent past. Mr. Parker stated that this is a balance that he is trying to present and not a further prohibition on speech within these chambers. The time can be further extended beyond five minutes if deemed appropriate, but the judge of that content is the City Commission.

Ms. Jolley inquired what cases Mr. Parker cited.

Mr. Parker answered Madison School District vs. Wisconsin Employment Commission, as well as Bethel School District vs. Frazier.

Ms. Jolley said that sounds like something the school districts would do. Ms. Jolley stated she had been coming to Commission meetings for two years and must have missed the ones where racist or incitingly violent comments were made. Ms. Jolley asked if the time period is extended to five minutes, will the Commission limit the number of speakers.

Commissioner Beecher stated no, the number of speakers will not be limited.

Ms. Jolley stated the Commission shouldn't pick and choose who gets more than five minutes of public comment period.

Pamela Morris, 2201 8th Avenue North, stated she is against this resolution. Ms. Morris doesn't think it is necessary for the City of Great Falls to tie the hands of the citizens. Ms. Morris stated that it hadn't been done before, and is only being done under this current leadership. Ms. Morris stated that because we have a gadfly or Socrates in the midst, all that does is make the City council meetings more exciting, more people on television, and brings some pizzaz to this otherwise stale enterprise that we are involved in. She informed the Commission that she is a retired English teacher and knows how to control a group. If one is a leader, one does not need to have policemen escorting people out in order to have public comment. She requested Mayor Stebbins add language to the agenda to make certain it adds citizen input before any vote is made so that the public won't feel muzzled.

Aart Doleman, 3016 Central Avenue, stated that he believed that it is the prerogative of the Mayor in all civility to lay the rules of the discussion or debate. Mr. Doleman stated what concerns him most is what one commissioner said about global warming. This is a democratic society. The public has the right to bring up any subject. Two hundred and forty communities have spoken out against the federal government's policy on global warming.

Ed McKnight, 906 3rd Avenue North, stated the Mayor who presides over the Commission is in control of everything, everyone and every word spoken in here. The three minute rule accomplished nothing but hard feelings. Mr. McKnight stated the Mayor allows you to speak, unless she allows you to speak more. It changes nothing. Mr. McKnight stated that it had always been in the Mayor's power to stop racist or impertinent speech, and the amount of time spoken is irrelevant. Mr. McKnight stated that the rule should be totally repealed, and go back to a "Mayberry" kind of way and all get along.

Kevin Willems, 207 30th Avenue N.E., stated this is the second Commission meeting he has been to. He commented that the last three speakers took less than three minutes to make their comment. Five minutes is more than ample. Information is brought out, the Commission collects it and thinks through it and then addresses it further.

Brett Doney, 3048 Delmar Drive, thanked the Commissioners for adding the language about prohibiting racist comments. Mr. Doney stated at the last meeting he attended he was disgusted and embarrassed for the City.

John Hubbard, (615 7th Avenue South?) said to cut the dung, we are talking about him and his racist comments. Mr. Hubbard stated that these rules about how long people can talk is totally against the first amendment right and freedom of speech. Mr. Hubbard said he had mentioned things the City can't handle - 50 missiles being taken out of the northern tier, and we can't win a war by being a sissy. He stated it isn't for the Commission to do something about. It is for somebody out there in "TV" land to say this dummy is right. He stated he does it for the betterment of the community and to open the public's eyes.

Susan Kahn, 1708 Alder Drive, stated that the big issue around the three minute rule is the enforcement of it. Ms. Kahn stated that there is nothing mentioned in the wording about what the enforcement is as far as plain clothed men physically removing people, and inquired what the policy and procedure is for that.

Mayor Stebbins responded the policy is when your time is up, I ask you to step down.

Ms. Kahn inquired then in the case of Susan Overfeld, did she refuse to do that.

Mayor Stebbins answered yes she did, and she became violent with the police officer.

Ms. Kahn stated she has heard comment before about uniformed men, and that would be a good step.

Michael Witsoe, 510 11th Street South, requested that if someone represented a group of people, the Commission should allow more time. Mr. Witsoe stated that an election is coming, and it seems the Commission is making changes after 21 months. Mr. Witsoe thanked the Commissioners for this resolution.

Commissioner Hinz clarified that this resolution only applies to the end of the meeting during Petitions and Communications. It does not apply to any other item on the agenda. This five minute rule is only at the end of the meeting. It does say that in the resolution. The Chair has the prerogative to extend that debate. The Chair does not need the vote of the rest of us.

Motion carried 5-0.

Consent Agenda.
Approved as printed.

CONSENT AGENDA

12. Minutes, July 17, 2007, Commission meeting.
13. Total Expenditures of \$4,212,987 for the period of July 18 through August 1, 2007, to include claims over \$5,000, in the amount of \$3,865,711.
14. Contracts list.
15. Award construction contract to Shumaker Trucking & Excavating for the Mount Olivet/Mountain View Water Main Loop in the amount of \$139,899.
16. Award construction contract to Phillips Construction for the 7th and 3rd Avenues North Water Main Replacement in the amount of \$931,824.
17. Award construction contract to Phillips Construction for the Milwaukee Right-of-Way Storm Drainage Improvements, Phase 2 in the amount of \$48,321.
18. Approve Change Order No. 1 to Phillips Construction for the Horizon Park and Central Avenue West Water Main Replacements in the amount of \$25,000.
19. Approve Change Order No. 5 to NewMech Companies, Inc. for the Contract 02—General Construction for the Wastewater Treatment Plant Cogeneration Project in the amount of 73,507.
20. Approve emergency purchase of one tandem axle truck with sideload refuse packer.
21. Award contract to Talcott Construction for the Mitchell Pool Renovation in the amount of \$1,083,985.

22. Approve Change Order No. SI-1 to Talcott Construction for the Mitchell Pool Renovation in the credit amount of \$96,100.
23. Approve Change Order No. SII-1 to Talcott Construction for the Jaycee and Water Tower Rehabilitation in the credit amount of \$46,800.
24. Declare property surplus to allow it be sold at auction.
25. Approve increase in annual funding commitment to Great Falls Development for a total of \$100,000 through debt reduction.
26. Approve Management and staff agreement with the Great Falls Housing Authority.
27. Approve contract for Employee Group Health Insurance Specific Stop Loss Coverage.
28. Approve Engineering Services Agreement for an extension to River's Edge Trail adjacent to Bay Drive with Thomas Dean and Hoskins, Inc. in the amount of \$19,720.

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

Commissioner Rosenbaum commented that the construction on the pools is a positive move.

Mayor Stebbins inquired if there was any comment from the public regarding the consent agenda.

Mary Jolley, 1910 2nd Avenue North , asked for more specifics on Item 27.

Human Resource Manager Linda Williams responded that this is specific stop loss coverage for individuals covered under the City's group health plan for certain claims over \$150,000.

Ron Gessaman, 1006 36th Avenue N.E., commented that there were not enough details for the public about Item 19, and requested that the agenda be displayed on the screen.

Public Works Director Jim Reardon responded that attached to the agenda report and also available on the City's website is the actual Change Order document. That document outlines the specific Change Order items that make up the \$73,507.

Michael Witsoe, 510 11th Street South, asked if Item 19 was regarding the methane generating plant.

Public Works Director Jim Reardon answered yes, Item 19 is for the methane gas generator.

Mr. Witsoe asked if this cost was over and above the original guesstimation, or if there was a problem that needed an additional \$73,000.

Public Works Director Jim Reardon answered there were items that came up during the course of the project and stated the project is still under budget.

Mr. Witsoe then inquired about Item 20 and wondered why the truck wasn't put out to bid.

Mayor Stebbins answered the truck burned up.

Mr. Witsoe then inquired about Items 21-23 and whether these costs are the first or second bids, or was it the final cost for just the Mitchell pool.

Commissioner Rosenbaum answered Talcott Construction is the prime bidder. The project was over budget and some adjustments were made.

Mr. Witsoe inquired what the credit was for.

Mayor Stebbins answered that some of the systems were still in shape to continue with.

Mr. Witsoe inquired why the water tower pool wasn't open if it wasn't under construction.

Park and Recreation Director Jim Sullivan answered that it was not open. Mr. Sullivan explained that he couldn't dictate when the contractor begins, and in the bidding process some costs were eliminated for cost savings to the City. Then the prime contractor and sub-contractor made a decision it would be more economical to start Mitchell and Tower at the same time.

Mr. Witsoe then inquired when the City auction is.

Public Works Director Jim Reardon answered the City auction is August 11th. Anything estimated to be valued over \$1,000 needed to be declared surplus by the City.

Motion carried 5-0.

BOARDS & COMMISSIONS

**Great Falls Development
Authority Ex-Officio
Members Appointed.**

29. REAPPOINTMENTS, GREAT FALLS DEVELOPMENT AUTHORITY.

City Manager John Lawton recommended the City Commission confirm the re-appointments of Commissioners Bill Beecher and Diane Jovick-Kuntz as ex-officio members of the Great Falls Development Authority and Mike Rattray as the staff liaison.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission confirm the re-appointments.

Motion carried 5-0.

**Regional Airport
Authority Board
Member Appointed.**

30. APPOINTMENT, REGIONAL AIRPORT AUTHORITY.

Appoint one member to fill the remainder of the three-year term through December 31, 2007.

City Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission appoint James Morin to the Regional Airport Authority to fill the remainder of a three-year term through December 31, 2007.

Commissioner Hinz commented that the Commission interviewed five candidates and they were all very qualified people.

Motion carried 5-0.

31. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

32. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager John Lawton reported that at the last Commission meeting Kevin Willems came and spoke about a problem that was occurring in his neighborhood. Mr. Willems described a situation where there were lots across from where he lives at 139 29th Avenue N.E., and 140-148 30th Avenue N.E., that were being used as a dirt track for ATV's and motorcycles. He described a situation where there was a lot of dust and noise from that property. Mr. Willems spoke with the City about these issues. Mr. Lawton visited the area, talked to a neighbor, and looked at what was happening with the dust coming from these properties. Mr. Lawton explained that the dust builds up the turf on people's lawns so that it actually raises the turf over time above the level of the sprinkler heads and sooner or later they have to replace the sprinkler system. It is doing damage and going to cost people money in this neighborhood. Staff discussed various ways to deal with this problem. City ordinances aren't ideally suited for something like this. This problem is particularly difficult. It is a serious problem for the neighbors and the City shouldn't allow this to take place because it interrupts the lives and the enjoyment of people's property in their neighborhood. Mr. Lawton stated that a nuisance complaint has been drafted and, if necessary, will be filed in District Court. If the complaint is filed, the City will ask the District Court for an injunction to stop this kind of use of the property and removal of these dirt tracks. Mr. Lawton stated that the City will continue to work with the neighbors.

CITY COMMISSION**33. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins introduced four guests who are students from Romania, Andrei Filimon, Alexandria Iacobescu, Monika Szekely and Radu Negrea.

PETITIONS AND COMMUNICATIONS**34. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

City Manager, SME and PPL.

34A. Stuart Lewin, 615 3rd Avenue North, read a letter to the public that he wrote to the Commissioners regarding hiring a City Manager before the election. Mr. Lewin further inquired about the 1.4 million approved to set aside in a fund to be available to PPL and SME. If the City is not able to build the coal fired plant and the water credits cannot be used, Mr. Lewin inquired will this agreement that was just entered into allow SME or PPL to grab that 1.4 million out of the general fund to pay these past debts on the water credits.

Mr. Lawton answered no.

Mr. Lewin asked if that is specifically laid out in the agreement just signed.

Mr. Lawton answered the 1.4 million has absolutely nothing to do with the water credits. The City has a contract with SME to purchase electricity. These contracts go through 2011. The City sells that electricity to its customers. The Southern Montana group buys the electricity from PPL, Montana. This 1.4 million secures those contracts.

Mr. Lewin asked for a copy of the agreement regarding the 1.4 million.

Mr. Lawton answered the 1.4 million is a requirement of SME. The City has contracts with SME to purchase electricity. The 1.4 million is a requirement of PPL. The City is putting up those amounts, in its own deposits, in its own funds, from which it draws interest. This is a requirement of doing business.

Coleen Balzarini stated an agreement was signed and she believed it was on the website.

Mr. Lewin stated he was quite concerned about the money in the general fund that could be reached by these people.

Mr. Lawton corrected Mr. Lewin that this money was not taken from the general fund. These are deposits that remain as investments of the City.

City Manager and SME. 34B. Mary Jolley, 1910 2nd Avenue North, asked if there would be an outside or special audit done before the next City Manager is hired.

Mayor Stebbins answered that all of the audits are outside audits and there would not be a special audit.

Ms. Jolley stated that when she inquired about the water credit agreement a couple of months ago Mr. Lawton said it basically didn't exist. Ms. Jolley stated that if the plant is not built, SME was allowed within 60 days to ask for the water credit back. Ms. Jolley stated that she attended the ECP board meeting last night and there is a City policy that states if City appointed board members don't attend three meetings they should be replaced. She stated there are at least two people that have missed three meetings. She suggested thinking about new ECP board members. Ms. Jolley stated that at last night's meeting Mr. Lawton explained the customers, addendums and HB 25. Ms. Jolley inquired of the Commissioners if Mr. Lawton had explained to them that ECP is contemplating buying more power even if this plant isn't built.

City Manger John Lawton stated Ms. Jolley made a false statement when she said the water agreement did not exist. That is not true. Mr. Lawton explained what he did say was that there was no specific terms for repaying the water agreement if the power plant is not built.

Ms. Jolley asked if the agreement does say 60 days.

Mr. Lawton answered that he does not have the agreement in front of him. He stated there are no specific terms. The City does not interpret that language as requiring the water credit be returned in 60 days.

City Manager. 34C. Pamela Morris, 2201 8th Avenue North, read an email she received from Colonel Rich Liebert, the chair of CCE. Ms. Morris stated that she heard there is no real contract with the company that has been hired for the City Manager search. As a NC representative, Ms. Morris requested that the City Commission appoint a representative from each of the neighborhood councils to be a part of the City Manager selection process, and that the public be able to participate.

Fourth of July fireworks and ECP. 34D. Aart Doleman, 3016 Central Avenue, thanked the Commission for putting some sense into the Fourth of July firework show. Mr. Doleman stated he attended the ECP board meeting last night and is concerned. He stated he was appointed Police Commissioner by the Havre City Council in 1983 because the Havre Daily News filed a lawsuit alleging that the police commission was meeting in secret and not taking any minutes, and there wasn't an agenda. He was not impressed that there were no minutes last night, and could not find an agenda. Mr. Doleman

stated the minutes and agenda should be published well in advance because this is State law.

ECP.

34E. Ron Gessaman, 1006 36th Avenue N.E., stated that he attended the ECP board meeting last night and is disappointed in this group. Mr. Gessaman talked to the members several times about not following their by-laws. He stated he checked the website and found that this Commission passed Resolution 9530 on November 15, 2005. That resolution provided for the by-laws of ECP. That makes this Commission responsible for ECP following those by-laws. Mr. Gessaman stated the by-laws are incomplete, they have vacant spots, and indicate the board meeting will be held in a post office box. Further, the Board will cause to have an agenda and the previous minutes posted before each meeting. Mr. Gessaman stated that the July minutes were not available yesterday, and it is time that the City Commission take its responsibilities seriously with respect to the Electric City Commission which is a part of the City of Great Falls. Mr. Gessaman stated if it becomes necessary to file a lawsuit to get the information that is required, then that could happen. He stated he found it interesting in Sunday's Tribune that 25 years ago the City budget was 22.75 million dollars. He stated Mr. Lawton is spending 88 million per year and taking in 84 million, and that according to the CPI index that is a 6 percent increase in the City's budget.

Animal micro-chipping and registration.

34F. Andrea Deligdish, 3016 Central, commented that several weeks ago she asked about the dogs and the cats being micro-chipped and if the City had a "gadget" to determine where these animals lived and who they belonged to. Ms. Deligdish stated that she had her cat registered at the animal shelter and was shown a "gadget that pipes into four or five micro-chipping companies." Ms. Deligdish requested that an article be placed in the paper explaining the registration process.

Mayor Stebbins stated that we are due to get the report from the shelter consultant from the Humane Society of the United States with specific recommendations regarding disease control and cleaning protocols.

Chief Grove stated that her name is Kim Stanton and she did an excellent job. The priority was to look at the shelter itself and see what the City needed to do. She brought in a lot of protocol and suggestions on how the City should clean the shelter. Her report should be here in another week.

Tax increases.

34G. John Hubbard, (615 7th Avenue South), stated that he is convinced the country is run by criminals. He read an August 2, 2007, Tribune article regarding a 42 million rate hike. Mr. Hubbard stated he can't afford to live in this country anymore. Mr. Hubbard referenced Resolution 9596 that increased his taxes \$134.18 for two properties. He stated now there is another tax for the schools and street tax, and he inquired what

happened to the lottery money. Mr. Hubbard said the price gouging of the power companies has to be stopped. He asked Corky Grove to arrest all the CEO's of the gas company, the water company and the electric company.

Election.

34H. Michel Witsoe, 510 11th Street South, stated in 13 Tuesdays is the election. Mr. Witsoe inquired whether the buses will run for voters and whether it will be free. Mr. Witsoe requested an answer by the next meeting whether the Commission will wait to hire a new City Manager until after the election.

**SME, Highwood
Generating Station
contracts and water
credits.**

34I. Ed McKnight, 906 3rd Avenue North, asked if there is no specific agreement to repay the water credits, does the City have any idea right now what that amount will be to repay.

City Manager John Lawton read a paragraph of the agreement that Ms. Jolley was talking about earlier. Southern shall give the City written notice of intent not to construct Highwood Station and the City shall commence making payments toward the rate subsidy within 60 days after receiving the notice from Southern. It does not say how many payments, what the payments will be, or over what period of time. All of those things were left to be negotiated in the event the Highwood plant is not built. At that time the City will have a better idea of the capability of the electric fund to carry that cost, not the general fund. Mr. Lawton stated this does not obligate the general fund. The customers who are receiving the benefit of this subsidy are primarily the City and its departments, which flows directly to the tax payers and the rate payers, the Great Falls public schools, which flows directly to the tax payers, and the Airport and Montana Air National Guard are both governmental agencies supported by the tax payers. Fed Ex is a private company receiving this benefit because it is part of the Airport. At the time this was set up, the City did not know exactly what its customer load would be or what the exact prices would be that it would pay for electricity, so this was set up as a shock absorber that would absorb that risk for the first block of electricity to enable the City to get started on some kind of a businesslike basis. The City always anticipated to be repaid from the electricity funds over a long period of time.

Mr. McKnight asked if the new customers signed up are also going to be subsidized.

City Manager John Lawton answered no. The contracts since then are cost-based contracts that are paid as you go. The load fluctuates throughout the day. Mr. Lawton explained that he was not saying that the City makes money all the time consistently, but over time the electricity contracts will pay for themselves.

Mr. McKnight inquired what the annual electric bill is for the City.

Coleen Balzarini answered \$3 million and that includes street lighting and waste water.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of August 7, 2007, be adjourned at 9:35 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk