

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PRESENTATION OF THE COLORS

ROLL CALL: City Commissioners present: Mayor 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, Library, Park and Recreation, Fiscal Services, Public Works, Acting Planning Director, Police Chief, Fire Chief and the City Clerk.

SWEARING IN: Mayor Stebbins swore in Neighborhood Council 2 member Dorothy Schmidt.

PROCLAMATIONS: Mayor Stebbins read proclamations for Peace Officer’s Memorial Day and National Public Works Week.

NEIGHBORHOOD COUNCILS

Bloomingtondale Park Rededication.

1A. Bob Mehlhoff, NC2, thanked the people involved with the rededication ceremony for Bloomingtondale Park. He also welcomed new member, Dorothy Schmidt, to the Council and thanked outgoing member Steve White for all his work.

9th Street traffic; Skate Park graffiti and lap swimming.

1B. Aaron Weissman, NC7, expressed concern about 9th Street and the increasing and speeding traffic, particularly between 3rd and 8th Avenues North. He asked the City Commission to look into it and put measures in place that would better protect pedestrians. He also expressed concern about graffiti at the skate park. He added that City ordinance requires graffiti to be removed within 72 hours. However, City officials do not follow the ordinance. He suggested the City incorporate a contest to channel negative urban artists to paint positive things and offer the entire skate park as the canvas. He added that the City could provide an area as a “graffiti wall” for urban artists. Finally, he thanked Patty Rearden for scheduling lap swim sessions at Mitchell Pool.

Vandalism at Memorial Park.

1C. Karen Grove, NC8, stated that Neighborhood Council 8 will be discussing vandalism done to trees at Memorial Park.

PUBLIC HEARINGS

Res. 9645, 9649 and Ord. 2969, annexing and zoning Castle Pines Phase V. Adopted.

2A. RESOLUTION 9645, ANNEXATION CASTLE PINES ADDITION PHASE V AND A SEGMENT OF 13TH STREET SOUTH.

2B. RESOLUTION 9649, ANNEXATION OF CASTLE PINES ADDITION PHASE V.

2C. ORDINANCE 2969, ZONING FOR CASTLE PINES ADDITION PHASE V.

Acting Planning Director Bill Walters reported that Resolution 9645 annexes 11 lots and the roadways within Castle Pines Addition Phase V and the segment of 13th Street South between 24th Avenue South and 27th Avenue South. Resolution 9649 annexes the remaining 10 lots in Castle Pines Addition Phase V on which single-family “self-help” program houses will be constructed. Resolution 9649 will not be recorded until the single-family houses are completed and ready to be occupied, which is anticipated to be in July 2008. Ordinance 2969 assigns a zoning classification of R-3 single-family high density district, to the subdivision.

Mr. Walters added that the Zoning Commission recommended the City Commission approve the requested zoning classification and the Planning Board recommended the City Commission approve the Final Plat and its annexation subject to the following conditions: the final plat correct any errors or omissions noted by staff, the final engineering drawings and specifications be approved by the Public Works Department, the developer sign an Annexation Agreement that contains the following requirements: installation of public improvements within two years of the date of annexation, adherence to the Agreement dated November 7, 1995, pertaining to the Off-Site Improvement Trust Fund, and prohibition of private driveway approaches to 13th Street South from abutting lots.

Mayor Stebbins declared the public hearings open. No one spoke in support of or opposition to Resolutions 9645 and 9649 or Ordinance 2969. Mayor Stebbins closed the public hearing.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9645 and approve the Final Plat and Annexation Agreement all related to Castle Pines Addition Phase V and a segment of 13th Street South.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9649 annexing a portion of Castle Pines Addition Phase V.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Beecher, that the City Commission adopt Ordinance 2969.

Motion carried 5-0.

Res. 9655 and Ord. 2971 annexing and zoning Mount Olivet Minor Subdivision B1, L1A1, 1B1, 1B2 and B2 of the amended plat of L1A and L1B of Block 1. Adopted.

3A. RESOLUTION 9655, ANNEXATION OF MOUNT OLIVET MINOR SUBDIVISION BLOCK 1, LOTS 1A1, 1B1 AND 1B2; BLOCK 2 OF THE AMENDED PLAT OF LOTS 1A AND 1B BLOCK 1.

3B. ORDINANCE 2971, ZONING FOR MOUNT OLIVET MINOR SUBDIVISION BLOCK 1, LOTS 1A1, 1B1 AND 1B2; BLOCK 2 OF THE AMENDED PLAT OF LOTS 1A AND 1B BLOCK 1.

Acting Planning Director Bill Walters reported that Resolution 9655 annexes four lots in Mount Olivet Minor Subdivision and Ordinance 2971 assigns a zoning classification of PLI public lands and institutional district to them. The lots involved consist of 92 acres and are located east of 26th Street South along a segment of 18th Avenue South. Central Catholic High School is currently under construction on one of the lots and uses for the other three lots being annexed have not been identified.

The Zoning Commission conducted a public hearing on September 12, 2006, and at its conclusion passed a motion recommending the City Commission approve the requested zoning.

The Planning Board, at the conclusion of the same hearing held September 12, 2006, recommended the City Commission approve the annexation request subject to the following conditions: correction of any errors or omissions noted by staff on the Amended Plat, approval by the Public Works Department of the final engineering documents, signing an annexation agreement and paying applicable fees.

Mayor Stebbins declared the public hearings open. No one spoke in support of or opposition to Resolution 9655 or Ordinance 2971. Mayor Stebbins closed the public hearing.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9655 and approve the amended plat, Findings of Fact and Annexation Agreement all related to Lots 1A1, 1B1, and 1B2, Block 1, and Lot 1, Block 2, of the Amended Plat of Lots 1A & 1B, Block 1, Mount Olivet Minor Subdivision.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2971.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

4. Minutes, May 1, 2007, Commission meeting.
5. Total Expenditures of \$1,084,867 for the period of April 27 thru May 9, 2007 to include claims over \$5000, in the amount of \$878,813.
6. Contracts List.
7. Grants List.
8. Set public hearing for June 5, 2007, on Resolution 9659 pertaining to animal control fees.
9. Set public hearing for June 5, 2007, on Resolution 9657 pertaining sanitation service rates for FY 2008.
10. Request to raise the subsidy amount in the HOME Down Payment Assistance Program for Neighborhood Housing Services from \$10,000 to \$15,000.
11. Modification of existing Bay Drive Phase II CTEP Project Specific Agreement with the Montana Department of Transportation to include construction and construction oversight. (OF 1126.9).
12. Change Order 4, Contract 02, General Construction for the Wastewater Treatment Plant Cogeneration Project (OF 1404) in the amount of \$27,620.23.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

**Transit Board
Term Correction.**

13. TRANSIT BOARD.

On April 17, 2007, the City Commission jointly appointed Ann Marie Meade to the Great Falls Transit District to fill the vacancy of an elected member who resigned. The term date in the motion was incorrect and should have read December 31, 2008 instead of November 30, 2007.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission correct the board term for Ann Marie Meade on the Great Falls Transit District Board so it expires December 31, 2008.

Motion carried 5-0.

**Preliminary Plat
of Upper River
Road Estates Add.
Approved.**

14. PRELIMINARY PLAT, UPPER RIVER ROAD ESTATES ADDITION.

Woith Engineering, on behalf of the property owners, submitted applications regarding a Preliminary Plat of Upper River Road Estates Addition and for

rezoning the property from the existing City zoning classification of R-1 single-family suburban district to PUD planned unit development district. Upper River Road Estates Addition includes 20 single-family residential lots and one lot where 12 residential condominium units are proposed to be constructed.

The Planning Board conducted a public hearing on the preliminary plat April 24, 2007, and at its conclusion recommended the City Commission approve the Preliminary Plat and the accompanying Findings of Fact, subject to the following: the final plat of Upper River Road Estates Addition correct any errors or omissions noted by staff; the final engineering drawings and specifications be approved by the Public Works Department; a revised building envelope plan showing maximum building heights and lot coverage, as well as, the setbacks for principal and accessory buildings be submitted to the Planning Department for approval; combination of a portion of the remainder parcel of property in Certificate of Survey 3391 with the smaller parcel labeled as "Thayer" on the preliminary plat; a development agreement be approved; and all applicable fees paid.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission approve the Preliminary Plat of Upper River Road Estates Addition and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.

Motion carried 5-0.

**Preliminary Plat
of Meadowlark
Add. 5.
Approved.**

15. PRELIMINARY PLAT OF MEADOWLARK ADDITION 5.

Meadowlark Partners, LLP, submitted applications regarding a Preliminary Plat of Meadowlark Addition 5 and rezoning the addition from the current County "R-2" low density residential district to the City zoning classification of R-3 single-family high density district. The addition consists of 20 single-family residential lots ranging in size from 9,156.80 square feet to 12,276.88 square feet.

The Planning Board conducted a public hearing on the preliminary plat on April 24, 2007 and at its conclusion recommended the City Commission approve the Preliminary Plat of Meadowlark Addition 5 and the accompanying Findings of Fact subject to the following conditions: the final plat of Meadowlark Addition 5 correct any errors or omissions noted by staff; the final engineering drawings and specifications be approved by the Public Works Department; an Annexation Agreement be signed; and all applicable fees paid.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission approve the Preliminary Plat of Meadowlark Addition 5 and the accompanying Findings of Fact subject

to fulfillment of conditions stipulated by the Planning Board.

Motion carried 5-0.

REPORTS AND ANNOUNCEMENTS FROM THE CITY MANAGER

**Resolution 9648
pertaining to
electric rates for
block 1 customers.**

17. City Manager John Lawton responded to a question that was asked at the May 1, 2007, Commission meeting regarding Resolution 9648. Specifically, the question was why the effective date for the rates contained in the resolution would go back to July 1, 2006. Mr. Lawton explained that Resolution 9648 contains rates for a specific customer group, primarily City Departments that were contracted for with SME in an agreement approved by the City Commission. He added that while the 2006 rates charged to City Departments were not formally set by resolution, they were approved by the City Commission during the budget process. Resolution 9648 includes the 2006 timeframe in order to ratify the rates approved through another process and to provide a complete rate picture through electric rate resolutions.

PETITIONS AND COMMUNICATIONS

**Memorial Park, Skate
Park, ECPI
Information requests
and the HGS Record
of Decision.**

19A. **Mary Jolley**, 1910 2nd Avenue North, stated she was sorry to hear about the vandalism at Memorial Park. She also suggested that City staff research the type of paint that could be used at the Skate Park that allows any graffiti to be washed off. She added that she submitted a request for additional information which included why the effective date of Resolution 9648 was July 1, 2006. She thanked Mr. Lawton for responding. She asked how the utility extensions would be paid for out to the Highwood Generating Station and question why the Record of Decision issued by RUS indicated the City would only own 15 percent of the Highwood Generating Station Plant when everything previously released indicated the City would own 25 percent of the plant.

**Highwood Generating
Station.**

19B. **Aart Doleman**, 3016 Central Avenue, stated he attended the Electric City Power Board meeting the other day and learned that the board was strictly advisory. He added that since the City Commission did not make any decisions regarding the plant, it appeared that the City's role in the plant and all decisions regarding it were made by City staff. He also questioned the Record of Decision statement regarding 15 percent ownership of the plant by the City rather than the 25 percent he thought was approved. He added that he was concerned about the actual cost of electricity once CO₂ sequestration was added onto the bottom line.

**Highwood Generating
Station.**

19C. **John Stevens** stated he supported the Highwood Generating Station.

Highwood Generating

19D. **Ron Gessaman**, 1006 36th Avenue NE, explained that he has asked

Station. many questions regarding the Highwood Generating Station and had not yet received a satisfactory response. He provided the City Commission with copies of the letter he sent containing the questions he'd like addressed as well as the replies he's received.

Highwood Generating Station. 19E. **John Hubbard** suggested that the proceeds from the state lottery should be used to fund schools. He also discussed the attributes of politicians and price of gasoline.

Great Falls Legislators and the Highwood Generating Station. 19F. **Brett Doney**, Great Falls Development Authority, thanked the legislative delegation from the Great Falls area for all their hard work during this past session. He added that it appeared the construction of the Highwood Generating Station was moving forward and asked those who opposed the plant to divert their energies towards positive clean energy opportunities that were being discussed.

Highwood Generating Station rezoning. 19G. **Kathleen Gessaman**, 1006 36th Avenue NE, stated that Cascade County was now required to redo the rezoning process for the Highwood Generating Station. She encouraged the County Commissioners to rethink their previous decision to spot zone the area.

Adjourn.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of May 15, 2007, be adjourned at 7:57 p.m.**

Motion carried 5-0.

Mayor Stebbins

Peggy Bourne, City Clerk