

Regular City Commission Meeting

Mayor Pro-tempore Hinz presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

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

**SWEARING IN:** Mayor Pro-tempore Hinz swore in Neighborhood Council Member Sandra Gynn (Council 4).

**PROCLAMATION:** Mayor Pro-tempore Hinz presented a Proclamation for CROP HUNGER WALK DAY.

**NEIGHBORHOOD COUNCILS**

**Park Master Plan and Park Trust Fund.**

**1A. Karen Grove, Tim Austin, Bill Stubbs and Tawny Newt,** Council of Councils representatives, read a letter requesting the City review and update the Park Master Plan since the document was over 10 years old as well as revisit the Park Trust Fund disbursement policy.

**Noah’s Ark Park.**

**1B. Tim Austin, NC3,** thanked the Park and Recreation for new playground equipment at Noah’s Ark Park.

**Heren Park and Good Neighbor Award.**

**1C. Bob Stubbs, NC4,** reminded the City Commission of the Good Neighbor Award to Lee Hickey at their meeting March 22, 2007. He also thanked Park and Recreation for their work at Heren Park.

**Neighborhood Council Funding and signage.**

**1D Bob Mehlhoff, NC2,** asked the City to consider providing a small operating budget for each of the Councils of \$200 annually. Additionally, he’d like the City to purchase sandwich board signs for Councils to use to better advertise meeting times and locations.

**PUBLIC HEARINGS**

**Ord. 2965, Amending OCCGF 9.90 Fireworks Policy. Adopted.**

**2. ORDINANCE 2965, AMENDING OCCGF 9.90 FIREWORKS POLICY.**

Fire Chief Randy McCamley reported that Ordinance 2965 would revise the current fireworks Ordinance the city operates under. These revisions were an attempt to address issues the public raised relating to the use of fireworks within the city limits. More specifically the revisions include: reducing the number of days fireworks can be sold and discharged; setting the time of day fireworks may be discharged; expanding the types of fireworks permitted;

prohibiting the discharge of fireworks from any public property; increasing the fees for fireworks stands; and establishing a fine schedule for fireworks violations.

Mayor Pro-Tempore Hinz declared the public hearing open. Those speaking in support of Ordinance 2965 were as follows:

**Mike Sullivan**, 2004 3<sup>rd</sup> Avenue North, stated he supported the Ordinance and added that people need to take more responsibility when it comes to discharging and cleaning up after fireworks.

**Bob Church**, 715 55<sup>th</sup> Street South, stated that during the past year four independent polls were taken, three by the Tribune and one by the City. All four polls indicated the citizens wanted more restrictions on fireworks. He urged the City Commission to listen to the citizens.

**John Korst**, 118 6<sup>th</sup> Avenue NW, stated he would favor a total ban of fireworks but understood that this ordinance represented compromises between those who supported a ban and those who want to discharge fireworks.

**Sue Strickland**, 609 2<sup>nd</sup> Avenue SW, supported the Ordinance and suggested that firework stand owners be required to hand out information regarding the Ordinance to all patrons.

Those speaking in opposition to Ordinance 2965 were as follows:

**Mary Ann Aafedt**, (unknown address) strongly opposed the ordinance asking the Commission for a total ban. She explained that her neighbor lit off fireworks all night leaving the debris scattered on her front and back lawns. She stated that besides littering, fireworks also led to public endangerment.

**Ralph Sutich**, 1209 6<sup>th</sup> Avenue South #7, asked the Commission to ban fireworks like the City of Helena.

**Rosemarie Robertson**, Sand Coulee, explained that on July 5 she had to avoid driving on some streets in Great Falls because of the large amount of firework debris on the streets. She added that fireworks today have more power and cause more noise. She suggested the City allow citizens to light fireworks off in parks and on the golf courses leaving the residential areas alone.

**Aart Doleman**, 1316 Central, stated he supported a complete ban on fireworks.

**Andree Deligdisch**, 1316 Central, asked if fireworks that went over fifty feet in the air and had a loud noise were legal. Chief McCamley stated it would be difficult to answer without seeing the firework. However, he did say that

generally fireworks that went high in the air with a loud noise or report were legal in the State of Montana and with the adoption of this Ordinance, legal in the City.

Ms. Aafedt asked if someone could send her the State statute regarding fireworks. Mayor Pro-tempore Hinz stated staff would send her the requested information.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, opposed the Ordinance stating that this situation should be addressed at the State level. He added that this Ordinance was not enforceable. He suggested giving firework stand operators a price break if they agreed to hand out information regarding the ordinance.

**Mike Maeder**, 2407 Central Avenue West, sympathized with people who oppose the Ordinance. He agreed with the littering provision of the ordinance and the requirement for children under age 7 to be supervised.

There being no one further to address the City Commission, Mayor Pro-Tempore Hinz declared the public hearing closed.

**Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Ordinance 2965.**

Commissioner Beecher stated he would support a total ban on fireworks but recognized this Ordinance represented a good compromise. He emphasized the need to create an educational piece to be distributed at each of the firework stands. He hoped that between the educational efforts and enforcement, Great Falls residents will see a change. However, if there was not and the number of complaints continued, then the City Commission would revisit the ordinance and perhaps adopt a stricter law.

Commissioner Rosenbaum explained there was a bill in the legislature that would allow counties to adopt fireworks restrictions. However, that bill died in committee. He added that enforcement becomes futile with differences between County and City laws. He hoped that neighbors would respect one another and follow the new ordinance. If the ordinance does not work, then the Commission can always revisit it.

Mayor Pro-tempore Hinz stated that the City Commission and staff looked at this issue thoroughly and that the Ordinance represented a good compromise.

Commissioner Jovick-Kuntz stated that the City has been developing enforcement strategies that included teaming firefighters with police officers, stricter fines and education efforts.

There being no further discussion, Mayor Pro-tempore Hinz called for the vote. Motion carried 4-0.

**Ord. 2967, Great Falls West Bank Urban Renewal Plan. Adopted as amended.**

**3. ORDINANCE 2967, GREAT FALLS WEST BANK URBAN RENEWAL PLAN.**

Planning Department Director Ben Rangel reported that on November 8, 2006, the Commission hired Ms. Janet Cornish of Community Development Services of Montana, to help prepare an urban renewal plan for what was being called the Great Falls West Bank Urban Renewal Program. The Tax Increment Financing (TIF) element of the plan would establish a “base year” of January 1, 2007, for the purpose of segregating and calculating the incremental increase in the taxable value of the district. The funds derived through the increment program will be used for public improvements. Additionally, future EPA funding, private investment and other public and private funding will be used in conjunction with the increment program funding to implement the Urban Renewal Plan.

On February 27, 2007, the City Planning Board reviewed the Urban Renewal Plan and compared it with the Growth Policy. The Planning Board unanimously recommended that the West Bank Urban Renewal Plan conforms to the Growth Policy.

Mayor Pro-Tempore Hinz declared the public hearing open. No one spoke in opposition to Ordinance 2967. Those speaking in support were as follows:

**Bob Mehlhoff, Sue Strickland and Kelly Manzer**, representatives from Neighborhood Council 2, supported the West Bank Urban Renewal Project. They encouraged the City Commission to develop West Bank Park rather than keep it in its native grasses and to involve Neighborhood Council 2 in any discussions involving parks in that district.

**Brett Doney**, Great Falls Development Authority, stated that this Urban Renewal District would open many more opportunities for the area.

There being no one further to address the Commission, Mayor Pro-Tempore Hinz declared the public hearing closed.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2967 as amended.**

Motion carried 4-0.

**OLD BUSINESS**

**Ord. 2968, Amending OCCGF Title 2, Chapter 50, Section 040 pertaining to Neighborhood Council candidate**

**4. ORDINANCE 2968, AMENDING OCCGF TITLE 2, CHAPTER 50, SECTION 040 PERTAINING TO NEIGHBORHOOD COUNCIL CANDIDATE REQUIREMENTS.**

City Attorney David Gliko reported that the Cascade County Election Office requested the City Commission change the election requirements for neighborhood council members so they were the same as those for mayoral

requirements.  
Adopted.

and commission candidates. Currently, the only requirement was that they live in the district for the council they want to be elected to. Requiring neighborhood council candidates to be qualified electors would assist the election office with authenticating write-in candidates for neighborhood council positions.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2968 on final reading.**

Ron Gessaman, 1006 36<sup>th</sup> Avenue NE, stated that this Ordinance took away freedoms of individuals to file for office. He did not support it. City Attorney Gliko responded stating that the City Commission candidates and Municipal Judge candidates were required to be qualified electors as well and that requirement has been in place for many years.

Motion carried 4-0.

**NEW BUSINESS**

**CDBG and HOME Program Proposed Use of Funds and HUD Required Annual Action Plan. Accepted use of funds and public hearing set for April 17, 2007.**

**5. CDBG AND HOME PROGRAM PROPOSED USE OF FUNDS AND HUD REQUIRED ANNUAL ACTION PLAN.**

Chris Imhoff, CDBG Grant Administrator, reported that Federal regulations require that the proposed use of Community Development Block Grant funds and HOME Program funds are included in the Annual Action Plan. The 2007/2008 Annual Action Plan would be available for public review and comment during a 30 day period beginning March 23 through April 21, 2007.

The public hearing on April 17, 2007 will be a forum allowing citizens the opportunity to express their views on the proposed use of federal Community Development Block Grant and HOME Program dollars and each program's policies and performance.

Dale Schwanke, Community Development Council member, thanked staff for making the process easy. Mayor Pro-tempore Hinz thanked him and the other committee members for their work.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission accept the use of funds and set a public hearing for April 17, 2007, on the Proposed Annual Action Plan.**

Motion carried 4-0.

**ORDINANCES AND RESOLUTIONS**

**Ord. 2966, Establish City Zoning on Minor Plat of Fair**

**6. ORDINANCE 2966, ESTABLISHING CITY ZONING UPON MINOR PLAT OF FAIR GUYS ADDITION.**

Planning Director Ben Rangel reported Ordinance 2966 assigns a zoning

**Guys Addition.  
Accepted on first  
reading and public  
hearing set for  
April 17, 2007.**

classification of I-1 light industrial zoning district, to Fair Guys Addition. The minor plat is located on the south boundary of Interstate 15 and just west of Forde’s Nursery and consists of a single 3.57 acre lot. The plat also dedicates a segment of right-of-way for the abutting portion of 22<sup>nd</sup> Street Northwest.

Mr. Rangel added that at the conclusion of a public hearing held November 14, 2006, the City Zoning Commission unanimously recommended the City Commission assign the requested zoning classification.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2966 on first reading and set a public hearing for April 17, 2007, to consider adoption of Ordinance 2966.**

Motion carried 4-0.

**Consent Agenda.  
Approved as printed.**

**CONSENT AGENDA**

- 7. Minutes, March 6, 2007, Commission meeting.
- 8. Total Expenditures of \$1,362,167 for the period of February 28 through March 14, 2007, to include claims over \$5000, in the amount of \$1,148,285.
- 9. Contracts list.
- 10. Lien Release List
- 11. Contribution to the Sun River Watershed Group in the amount of \$3,000.
- 12. Change Order 3 to NewMech Companies, Inc., in the amount of \$21,489.07 for the Contract 02-General Construction for the Wastewater Treatment Plant Cogeneration Project. (OF 1404)
- 13. Construction contract for Horizon Park and Central Avenue West Water Main Replacements to Phillips Construction of Great Falls in the amount of \$596,855. (OF 1437)
- 14. Bids rejected for one new 2007 Tandem Axle Roll-Off Cab and Chassis.

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

Motion carried 4-0.

**BOARDS & COMMISSIONS**

**Mansfield Center  
for the  
Performing Arts  
Advisory Board.  
Appointed  
Buckingham.**

**15. APPOINTMENT TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.**

Al Faechner was originally appointed to the Mansfield Center for the Performing Arts Advisory Board to fill the remainder of a three-year term on October 5, 2004. He was reappointed for a three-year term on December 5, 2006. Mr. Faechner resigned from the Board; therefore, it was necessary to appoint one member to fill the remainder of his term.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Casey Buckingham to fill the remainder of a three-year term through December 31, 2009, to the Mansfield Center for the Performing Arts Advisory Board.

Motion carried 4-0.

Highwood  
Generating Station.

**19. PETITIONS AND COMMUNICATIONS.**

The following people provided testimony in opposition to the Highwood Generating Station. **Ken Thornton** (31 Paradise Road); **Ron Gessaman** (1006 36<sup>th</sup> Avenue NE); **Tim Brown** (2736 Carmel Drive) and **John Hubbard**. The comments generally pertained to the alternative energy sources, pollution, CO2 capture, operating costs and technology to be used at the Highwood Generating Station.

**Brett Doney** and **Owen Robinson** spoke in support of the Highwood Genrating Station stating that it will have a positive impact on the local economy. They also praised the Commission and staff for visionary thinking.

Adjourn.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Rosenbaum moved, seconded by Commission Beecher that the regular meeting of March 20, 2007, be adjourned at 8:38 p.m.**

Motion carried 4-0.

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Mayor Pro-tempore Sandy Hinz

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Peggy Bourne, City Clerk