

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 and John Rosenbaum. Commissioner Beecher was excused. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Planning, Library, Acting Park and Recreation Director, Police Chief, Fire Chief, Public Works Director and the Assistant to the City Clerk.

PROCLAMATIONS: Mayor Stebbins read a proclamation for the 25th Annual Native American Art Show.

NEIGHBORHOOD COUNCILS

Bloomingtondale Park and West Bank Urban Renewal Plan.

1A. Robert Mehlhoff, NC2, invited the City Commission and other representatives of the City, to the rededication of Bloomingtondale Park, on April 27, 2007 from 2– 3 p.m. Mr. Mehlhoff noted that this was a great example of what can be done when the City and Neighborhood Councils work together.

Mr. Mehlhoff also expressed his positive reaction to the West Bank Urban Renewal Plan.

PUBLIC HEARINGS

Res. 9625, Cost Recovery, 510 11th Street South. GF 1st Add., B462, L7. Adopted.

2. RESOLUTION 9625, COST RECOVERY, 510 11th STREET SOUTH.

Community Development Director Mike Rattray reported that the owner(s): Gary Witsoe (owner’s agent Michael Witsoe), of property at Lot 7, Block 462, GF 1st Addn, was issued a “Notice of Hearing” to appear at 7 p.m., March 6, 2007 before the City Commission. The hearing was to show cause why they should not be liable for the costs incurred in abating the property. Mr. Rattray noted a total of \$1,079 in charges were due on the property.

Mayor Stebbins declared the public hearing open. No one spoke in support of Resolution 9625. Those appearing to speak in opposition were as follows:

Jane Witsoe, 510 11th Street South, stated she opposed the way the officials came for her belongings and gave details of the property being taken.

Mike Witsoe, 510 11th Street South, noted his brother was the agent for the property and was out of town. He was discouraged with the manner in which the property was taken.

Mary Jolley, 1910 2nd Avenue North, agreed with the prior testimony and

urged the Commission to forgive this debt.

Stuart Lewin, 615 3rd Avenue North, noted it was good to get the property cleaned up but thought the Witsoe’s had learned their lesson and hoped the Commission would consider helping them out.

Mike Rattray, Community Development Director, noted that Staff inspected the property recently and debris was already accumulating.

There being no one further to address the Commission, Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9625, assessing \$540 against the property. In the event the City has to revisit the property, then the remaining \$539 would be assessed.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 3-1 (Jovick-Kuntz dissenting).

Res. 9636 and Ord. 2961, final plat, annexation and zoning for Eagle’s Crossing, Phase II. Adopted.

- 3A. RESOLUTION 9636, FINAL PLAT AND ANNEXATION OF EAGLE’S CROSSING, PHASE II.**
- 3B. ORDINANCE 2961, ESTABLISH CITY ZONING UPON THE FINAL PLAT AND ANNEXATION OF EAGLE’S CROSSING, PHASE II.**

Planning Director Ben Rangel reported that Resolution 9636 annexes Eagle’s Crossing Phase II, which consists of 49 single-family residential lots located immediately west of Eagle’s Crossing Phase I. Ordinance 2961 assigns a zoning classification of R-3 single-family high density district. The accompanying Agreement contains terms and conditions associated with annexation.

Mr. Rangel also reported the City Zoning Commission, at the conclusion of a public hearing held June 13, 2006, unanimously recommended the City Commission assign the requested zoning classification.

The Planning Board during a meeting held September 12, 2006, passed a motion recommending the City Commission approve the final plat of Eagle’s Crossing Phase II and the annexation of the property subject to the following conditions: applicant sign an annexation agreement; pay all fees; any errors or omissions be corrected; and final engineering documents approved.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9636 or Ordinance 2961. Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9636 and approve the Final Plat and Annexation Agreement all related to Eagle’s Crossing, Phase II.

Motion carried 4-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Rosenbaum and Hinz, that the City Commission adopt Ordinance 2961.

Motion carried 4-0.

Res. 9637 and Ord. 2962, final plat, annexation and zoning for Eagle’s Crossing, Phase III. Adopted.

4A. RESOLUTION 9637, FINAL PLAT AND ANNEXATION OF EAGLE’S CROSSING, PHASE III.

4B. ORDINANCE 2962, ESTABLISH CITY ZONING UPON THE FINAL PLAT AND ANNEXATION OF EAGLE’S CROSSING, PHASE III.

Planning Director Ben Rangel reported that Resolution 9637 annexes Eagle’s Crossing Phase III, which consists of 30 single-family residential lots located immediately west of Eagle’s Crossing Phase I. Ordinance 2962 assigns a zoning classification of R-2 Single-family high density district. The accompanying Agreement contains terms and conditions associated with annexation of the subdivision.

Mr. Rangel also reported that the City Zoning Commission, at the conclusion of a public hearing held June 13, 2006, unanimously recommended the City Commission assign the requested zoning classification.

The Planning Board during a meeting held September 12, 2006, passed a motion recommending the City Commission approve the final plat of Eagle’s Crossing Phase III and the annexation of the property contained therein subject to the following conditions: applicant sign an annexation agreement; pay all fees; any errors or omissions be corrected; and final engineering documents approved.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9637 or Ordinance 2962. Mayor Stebbins declared the public hearing closed and asked for direction

from the Commission.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Rosenbaum and Hinz, that the City Commission adopt Resolution 9637 and approve the Final Plat and Annexation Agreement all related to Eagle’s Crossing, Phase III.

Motion carried 4-0.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2962.

Motion carried 4-0.

Res. 9639, Res. 9643 and Ord. 2960, final plat, annexation and zoning Upper/Lower River Road Water & Sewer District. Adopted.

- 5A. RESOLUTION 9639, FINAL PLAT AND ANNEXATION OF SERVICE DISTRICT NO. 1 (EXCLUDING PARCELS 1, 2 &3), UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT (ULRRWSD).**
- 5B. RESOLUTION 9643, ANNEXATION OF BNSF R/W LOCATED IN SERVICE DISTRICT NO. 1, UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT.**
- 5C. ORDINANCE 2960, ESTABLISH CITY ZONING TO THE VARIOUS PROPERTIES WITHIN SERVICE DISTRICT NO. 1, UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT.**

Planning Director Ben Rangel reported that Resolution 9639 annexes Service District No. 1 (Excluding parcels 1, 2 & 3) of the ULRRWSD and Resolution 9643 annexes a segment of BNSF Railroad R/W located in Service District No. 1. Ordinance No. 2960 assigns a zoning classification of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, and PUD Planned unit development districts to the various properties within said District.

At the conclusion of the January 23, 2007 public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission assign the requested zoning and the Planning Board passed a motion recommending the City Commission annex property subject to compliance to the Memorandum of Understanding dated November 3, 2004, and the Interlocal Agreement dated October 18, 2005, between the City and the ULRRWSD.

Mayor Stebbins declared the public hearing open.

Rolland Leitheiser, 136 Sharon Drive, supported the Resolutions and

Ordinance, noting the approval of the projects by the residents in the area had changed from 8 percent when the project started to 80-90 percent now. He also reported the second phase was being reviewed by the City and grant agencies.

John Stephenson-Love, 300 40th Avenue South #29, supported the Resolutions and Ordinance and noted how gratifying it was having so many people being served.

Stuart Lewin, 615 3rd Avenue North, noted the commendable efforts of these two people, and the number of projects similar to this would likely increase in the future due to growth in the area. He emphasized the need for the County and City to work together on a Growth Policy.

There being no one further to address the Commission, Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission adopt Resolution 9639 related to Service District No. 1 (excluding Parcels 1, 2 and 3), Upper/Lower River Road Water & Sewer District.

Motion carried 4-0.

Commissioner Hinz moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9643.

Motion carried 4-0.

Commissioner Hinz moved, seconded by Commissioners Rosenbaum and Jovick-Kuntz, that the City Commission adopt Ordinance 2960.

Motion carried 4-0.

OLD BUSINESS

Ord. 2950, Land Development Code Amendments. Adopted.

6. ORDINANCE 2950, GREAT FALLS LAND DEVELOPMENT CODE AMENDMENTS.

On February 6, 2007, the City Commission conducted a public hearing on Ordinance 2950 regarding amendments to the Great Falls Land Development Code. After the public hearing was closed, a motion was approved to table the ordinance. Ordinance 2950 amended various chapters of the City Land Development Code to address editorial, typographical and housekeeping items; to provide additional clarification and consistency; to refine wording and definitions; to reduce some procedural steps and requirements; and, to expand some provisions.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2950, with the exception that Items A. “Legislative Findings,” and B. “Purpose” in Section 17.20.5.040 Large Format Retail Stores be retained; that in Section 17.44.3.030 (B) (3) the original wording be retained; and, in Section 17.8.120, the definition of “Tree, protected” read: “Tree, protected” means a tree on public property that may be threatened with removal or damage during a construction project.

Commissioner Hinz noted that the Commission was appreciative of the work and dedication staff committed to answering the Commission’s questions.

Commissioner Rosenbaum noted he was pleased that the language for big box stores was retained from the original Land Use Code.

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

NEW BUSINESS

Ord. 2963, Zoning on Northview Addition, Phase 2. Public hearing set for April 3, 2007.

7. ORDINANCE 2963, ESTABLISH ZONING UPON NORTHVIEW ADDITION, PHASE 2.

Planning Director Ben Rangel reported that Ordinance 2963 would assign a zoning classification of PUD Planned unit development district to Northview Addition Phase 2. The proposed development consists of 18 residential lots along the easterly extension of 38th Avenue Northeast located immediately east of 9th Street Northeast.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2963 on first reading and set a public hearing for April 3, 2007, to consider adoption of Ordinance 2963.

Motion carried 4-0.

Ord. 2964, Zoning on Cottage Gove Addition, Phase 2. Public hearing set for April 3, 2007.

8. ORDINANCE 2964, ESTABLISH ZONING UPON COTTAGE GROVE ADDITION, PHASE 2.

Planning Director Ben Rangel reported that Ordinance 2964 would assign a zoning classification of PUD Planned unit development district to Cottage Grove Addition Phase 2. The proposed development consists of 10 residential lots along the northerly extension of 49th Street North located immediately north of 8th Avenue North.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2964 on first reading and set a public hearing for April 3, 2007, to consider adoption of Ordinance 2964.

Motion carried 4-0.

**Ord. 2965,
Amending OCCGF
9.90 Fireworks
Policy. Public
hearing set for
March 20, 2007.**

9. 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.

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission accept Ordinance 2965 on first reading and set a public hearing for March 20, 2007, at 7:00 p.m.

Motion carried 4-0.

**Ord. 2967, Great
Falls West Bank
Urban Renewal Plan.
Public hearing set
for March 20, 2007.**

10. 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 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 held a meeting during which the Urban Renewal Plan was presented and during which the Planning staff reviewed with the Board the goals and strategies of the urban renewal plan and compared them with the Growth Policy. The Planning Board unanimously concurred and recommended that the West Bank Urban Renewal Plan conforms to the Growth Policy.

Mr. Rangel also reported copies of the plan were available for public review either through the Planning Office or the City website.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission accept Ordinance 2967 on first reading and set a public hearing for March 20, 2007.

Motion carried 4-0.

**Ord. 2968,
Amending OCCGF
Title 2, Chapter 50,
Section 040
pertaining to
Neighborhood
Council candidate
requirements.
Accepted on first
reading and final
reading set for
March 20, 2007.**

11. 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 and commission candidates. Currently, neighborhood council candidates do not have to be “qualified electors” in a city election to file for office which means they do not have to meet residency requirements to register to vote or actually register to vote. 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 Jovick-Kuntz moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission accept Ordinance 2968 on first reading and set a final reading for March 20, 2007, at 7:00 p.m.

Motion carried 4-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

- 12. Minutes, February 20, 2007, Commission meeting.
- 13. Total Expenditures of \$1,408,534 for the period of February 16-28, 2007, to include claims over \$5000, in the amount of \$1,269,300.
- 14. Contracts list.
- 15. Professional services agreement with Interstate Engineering, Inc., in the amount of \$19,700 for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools, Amendment No. 1, Splash Decks. (O.F. 1501)
- 16. Construction contract to PEC, Inc. in the amount of \$120,791 for the Sanitary Sewer Trenchless Rehabilitation. (O.F. 1425.6)
- 17. Change Order No. 2 to NewMech Companies, Inc., in the amount of \$8,129 for the Contract 02 – General Construction for the Wastewater Treatment Plant Cogeneration Project. (O.F. 1404)
- 18. Postpone bid award for one new 2007 tandem axle roll-off cab and chassis.
- 19. Bid award for one new 2007 tandem axle truck with a new 2007 rearload refuse packer to I-State Truck Center in Great Falls in the amount of \$149,137, including trade-in.

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

Motion carried 4-0.

Preliminary Plat, Castle Pines Addition, Phase 5. Approved.

20. PRELIMINARY PLAT, CASTLE PINES ADDITION, PHASE 5.

Planning Director Ben Rangel reported that Neighborhood Housing Services was working with NeighborWorks to acquire 21 lots in the subdivision to accommodate construction of “self-help” homes. Funding arrangements stipulate the homes be constructed outside the city limits. Therefore, although the subdivision and annexation would be processed simultaneously, upon filing the final plat, the lots would be sold, homes constructed and infrastructure installed, with annexation becoming effective, in phases, when the homes were ready for occupancy. Zoning for the subdivision would be further addressed as the final plat together with accompanying annexation documents were considered.

Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission approve the Preliminary Plat of Castle Pines Addition Phase 5 and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.

Motion carried 4-0.

Dorothy Richardson Award.

22. CITY MANAGER REPORT.

City Manager stated he had no City Manager report; however, Commissioner Hinz had a statement.

Commissioner Hinz read a letter announcing Dona Stebbins was the recipient of the 2007 Dorothy Richardson Award for Resident Leadership – Rocky Mountain District.

Positive outlook for Great Falls.

23. CITY COMMISSION REPORT.

Commissioner Rosenbaum noted things seemed to be going pretty well especially with projects such as the Upper/Lower River Road Water and Sewer District annexations, the contract awards for the pools and Co-Gen project.

Highwood Generating Station.

24. PETITIONS AND COMMUNICATIONS.

24A. The following people provided testimony in opposition to the Highwood Generating Station. **Larry Resentes** (2208 1st Avenue North); **Colanthe Wilson-Plant**; **Cheryl Reichert** (51 Prospect Drive); **Dr. Charles Christensen**; **Mike Witsoe** (510 11th Street South); **Mary Jolley** (1910 2nd Avenue North); **Carol Fisher** (500 53rd Street South); **Sandra Dimauro**

(4215 7th Avenue North); **Ken Thornton** (31 Paradise Road); **Charles Boccock** (Great Falls); **Ron Gessaman** (1006 36th Avenue NE); **John Hubbard**; **Stuart Lewin** (615 3rd Avenue North); **Catherine Gessaman** (1006 36th Avenue NE). The comments generally pertained to mercury emissions, overall efficiency of coal plants, renewable resources, the Lewis & Clark Portage Route and the R.W. Beck study.

Brett Doney (3048 Delmar) spoke in support of the plant, and commended the City for their “control of destiny.”

St. Patrick’s Day, Russell Auction and Daylight Savings Time.

24B. Mike Witsoe (510 11th Street South) gave community reminders about the St. Patrick’s Day Parade, supporting the Russell Auction and the Daylight Savings Time.

Adjourn.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Hinz moved, seconded by Commission Rosenbaum that the regular meeting of March 6, 2007, be adjourned at 9:00 p.m.**

Motion carried 4-0.

Mayor Dona R. Stebbins

Cindy Kenczka, Assistant to the City Clerk