

Amended

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, Planning, Park and Recreation, Library, Police Chief, Fire Chief, Public Works Director, and the City Clerk.

INTRODUCTION: Audrey Finlayson, RSVP, introduced Gary Nowell who is the At-Risk Youth AmeriCorps VISTA serving one year with RSVP.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

Ord. 2950, Land Development Code Amendments. Tabled to February 20, 2007, meeting.

2. **ORDINANCE 2950, LAND DEVELOPMENT CODE AMENDMENTS.**

Planning Director Ben Rangel reported that the City Commission adopted the Land Development Code on September 6, 2005. With just over a year of experience working with it, staff identified a number of items and provisions warranting further consideration. The majority of proposed amendments could be placed into one of these categories:

- typographical/editorial/housecleaning/debugging items
- clarification/consistency items
- improve and refine wording and definitions for better Code application, interpretation and enforcement
- reduce some procedural steps and requirements
- expand provisions for better Code application

Following a public hearing on January 9, 2007, the Planning Board/Zoning Commission recommended to the City Commission that the amended Land Development Code be approved, as presented, with the exception that items A. "Legislative Findings" and B. "Purpose" in Section 17.20.5.040 large format retail stores be retained and that an economic analysis and a building size cap of 100,000 square feet be added to the referenced section.

Mayor Stebbins declared the public hearing open. No one spoke in support of the Ordinance. Those speaking in opposition to the Ordinance were:

Bill Spahr, 2020 4th Avenue South, stated that limiting business, especially the size of a business was silly. He suggested that if the reason for limiting the size of business was aesthetics, there were ordinances in place that would assist with that. If the reason was economic, he asked what business it was of the City Commission to establish monopolies. He added that if the reason was social, the City Commission would be limiting where people in Great Falls could gather and spend their money. He asked the Commission to deny the 100,000 square foot cap and put an end to social engineering.

Dan Huestis, 2901 4th Avenue North, encouraged the City Commission to reject the notion of being gatekeepers by determining the size of businesses. He added that consumers need to make the ultimate decision as to what businesses they would support.

John Stevens concurred with the previous speakers.

Aaron Weissman, 315 4th Avenue North, stated he wanted growth in Great Falls and encouraged the Commission to omit the 100,000 square foot limitation to the size of businesses.

Richard Liebert, 289 Boston Coulee Road, stated he'd like to see responsible growth in Great Falls and suggested the Commission keep the legislative findings in 17.20.5.040 and encourage infill when large retail stores want to locate in Great Falls.

Heather Polermo (sp), 4116 3rd Avenue North, asked why other Montana communities were growing but Great Falls was not and who would review and use the economic analysis should they be required. She stated that the large retail stores help bring familiarity to those moving to Great Falls because other communities have the same stores. She added that the large retail stores help smaller businesses because oftentimes smaller stores relocate near large retail stores which generate more traffic for the smaller stores.

Robin Baker, 1518 11th Avenue South, stated she supported the requirement for an economic analysis and suggested that large retail national chain stores were used to this requirement. She added that studies would not impede growth. They would provide additional information that community leaders could use to implement planned growth.

Susan Hillstrom, 607 3rd Avenue SW, asked the Commission to adopt the Ordinance with the legislative findings intact. She added that removal of the legislative findings would leave the City vulnerable to legal challenges by developers because the conditional use process would be discriminating. The legislative findings gives the City tools for a full review which the Growth Policy requires. She added she also supported the requirement for an economic analysis because it would give the Commission additional

information necessary to make sound decisions.

Dave Campbell, 1034 17th Avenue SW, stated that Great Falls was on the verge of growth and the public would decide what types of retail stores they would support. He stated that the Ordinance was anti-growth and encouraged the Commission to vote against it.

Michael Enk, 6432 43rd Avenue SW, stated that planned and orderly growth was good for Great Falls. He discouraged eliminating the Legislative Findings because it would not be in the best interest of the City, and he supported the Planning Board's recommendation. He added that an economic analysis could give a basis for reasonable decision-making, and the decisions needed to be based on the impact a business would have on the local economy.

Carla Stone, 11 9th Street South, asked the Commission to err on the side of caution and keep the Planning Board recommendations in the Ordinance because she did not want unrestricted, unregulated growth.

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

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission table action on Ordinance 2950 for two weeks.

Commissioner Rosenbaum explained that Ordinance 2950 encompasses many different amendments and he wanted to have additional time to review each of them prior to taking final action on the Ordinance.

Commissioner Jovick-Kuntz opposed the changes recommended by the Planning Board as they pertained to large retail stores. The existing ordinance, she stated, allows the Commission to make decisions on a case-by-case basis through the conditional use process.

Commissioner Hinz stated in order to build a retail facility that exceeds 60,000 square feet, the Commission must grant a conditional use which involves a public process as well as entering into an agreement where the Commission could impose certain conditions. She added that the Commission has many tools that provide for regulated and sustainable growth, and she did not agree that the Commission needed to regulate the size of a store.

Commissioner Beecher and Mayor Stebbins concurred. There being no further discussion, Mayor Stebbins called for the vote. Motion carried 5-0.

Ord. 2958, Repealing 3. ORDINANCE 2958, REPEALING CERTAIN SECTIONS OF THE

Certain Sections of the OCCGF that were Replaced with the Land Development Code. Adopted.

OFFICIAL CODES OF THE CITY OF GREAT FALLS THAT WERE REPLACED WITH THE LAND DEVELOPMENT CODE ORDINANCE.

City Clerk Peggy Bourne reported that the City Commission adopted the "Land Development Code" which replaced OCCGF Title 17, but did not remove any other affected sections of the code book. In order to reduce confusion and conflict between other Titles, certain sections of OCCGF needed to be repealed.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Ordinance 2958. Mayor Stebbins declared the public hearing closed.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Ordinance 2958 on final reading.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

Res. 9638 and Ord. 2960, Intent to Annex and zone a segment of BNSF Railroad R/W in conjunction with Upper/Lower River Road Water & Sewer District 1. Accepted on first reading and public hearing set for March 6, 2007.

4A. RESOLUTION 9638, INTENT TO ANNEX SEGMENT OF BNSF RAILROAD R/W IN CONJUNCTION WITH UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT.

4B. ORDINANCE 2960, ESTABLISHING CITY 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 UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT 1.

Planning Department Director Ben Rangel reported that in 1996 the Cascade County City-County Health Department and State Department of Environmental Quality initiated an 18-month groundwater pollution study in the Upper and Lower River Road and Donovan Park areas. The area is occupied by about 3,000 residents and is the largest area in Cascade County with this type of density having neither a public water or sewage system. No imminent health hazards were found as a result of the study. However, it was determined that impacts to the area groundwater were being caused from individual sewage septic systems and two aging sewage lagoons serving the Pearson Addition and the Trailer Terrace Mobile Home Court in the Donovan Park area.

In 2001, property owners along Lower and Upper River Roads voted to create a water and sewer district and elected a board of directors to find the best

solutions to the water and sewer problems and the money to pay for it. The District and the City entered into a Memorandum of Understanding where it was noted the most cost effective manner of providing water and sewer services to serve the District was to connect to the City's water and sewer systems. All the parcels within Service District 1, which are not used for agricultural or industrial purposes and not publicly owned, are being annexed under MCA 7-2-4601. Additionally, a 4.259 acre segment of BNSF right-of-way between Pearson Addition and Lower River Road was also proposed to be annexed.

The Planning Board/Zoning Commission on January 23, 2007, conducted a joint public hearing on annexing and establishing City zoning on the proposed area. At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve the requested zoning and the Planning Board passed a motion recommending the City Commission annex Service District 1, excluding parcels 1, 2 & 3 of the ULRRWSD located in Sections 23 through 26, Township 20 North, Range 3 East.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9638.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission accept Ordinance 2960 on first reading and set a public hearing for March 6, 2007, to consider adoption of Ordinance 2960.

Motion carried 5-0.

Ord. 2961, Establish City Zoning on Eagle's Crossing, Phase II. Accepted on first reading and public hearing set for March 6, 2007.

5. ORDINANCE 2961, ESTALBISH CITY ZONING UPON EAGLE'S CROSSING PHASE II.

Planning Director Ben Rangel reported that Ordinance 2961 assigns a zoning classification of R-3 Single-family high density district, to Eagle's Crossing Phase II, upon annexation. The proposed development consists of 49 single-family residential lots located immediately west of Eagle's Crossing Phase I which is located along the west side of the Bootlegger Trail approximately 2800 feet north of 36th Avenue NE.

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

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2961 on first reading and set a public hearing for March 6, 2007, to consider adoption of Ordinance

2961.

Motion carried 5-0.

Ord. 2962, Establish City Zoning on Eagle's Crossing, Phase III. Accepted on first reading and public hearing set for March 6, 2007.

6. ORDINANCE 2962, ESTABLISHING CITY ZONING UPON EAGLE'S CROSSING PHASE III.

Planning Director Ben Rangel reported Ordinance 2962 assigns a zoning classification of R-2 Single-family medium density district, to Eagle's Crossing Phase III. The proposed development consists of 30 single-family residential lots located immediately west of Eagle's Crossing Phase I which is located along the west side of the Bootlegger Trail approximately 2800 feet north of 36th Avenue NE.

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

Commissioner Hinz moved, seconded by Commissioner Rosenbaum that the City Commission accept Ordinance 2962 on first reading and set a public hearing for March 6, 2007, to consider adoption of Ordinance 2962.

Motion carried 5-0.

Consent Agenda. Approved as printed.

CONSENT AGENDA

7. Minutes, January 16, 2007, Commission meeting.
8. Total Expenditures of \$1,879,776 for the period of January 17-31, 2007, to include claims over \$5000, in the amount of \$1,597,252.
9. Contracts list.
10. Lien Release List
11. Grant List
12. Agreement with Industrial Automation Consulting, Inc., in the amount of \$70,900 to provide services to design and implement control improvements at the Water Treatment Plant.(OF 1332.2)
13. Agreement with NorthWestern Energy in the amount of \$72,148 for installation of electrical service to the Medical Technology Park, Lot 3. (OF 1417.1)
14. Bid Award for one new 2007 tandem axle dump truck to I-State Truck Center of Great Falls for \$64,720 including trade-in.
15. Postpone bid award for one new 2006 or 2007 Tandem Axle Truck with New 2007 Rearload Refuse Packer.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

**Preliminary Plat,
Northview Addition
Phases 2 through 7.
Preliminary Plat
approved.**

16. PRELIMINARY PLAT, NORTHVIEW ADDITION, PHASES 2 THROUGH 7.

Planning Director Ben Rangel reported that Northview Addition, Phases 2 through 7, is located along the east side of 9th Street Northeast and north of 36th Avenue Northeast. The subdivision consists of 80 internal lots for single-family residences and 3 lots around the perimeter to contain a total of 21 duplex condos. Northview Addition Phase I, which was annexed in July of 2006, is being built as planned with 9 duplex condos along the west side of 9th Street Northeast. The Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Plat.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Preliminary Plat of Northview Addition Phases 2 through 7 and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.

Motion carried 5-0.

**Golf Advisory
Board. Reappointed
Motil and Baker.**

17. REAPPOINTMENTS TO THE GOLF ADVISORY BOARD.

Karen Motil was appointed to the Golf Advisory Board as the Women's Representative in 2004. Phillip Baker was appointed in 2006 as an At-Large representative to fill the remainder of a three-year term. Both Ms. Motil and Mr. Baker were eligible for another term. Therefore, it was recommended they be reappointed to serve another term.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Karen Motil as the Women's Representative and Phillip Baker as the At-Large Representative to the Golf Advisory Board for three-year terms expiring March 31, 2010.

Motion carried 5-0.

**February 20, 2007
Commission meeting
time.**

19. CITY MANAGER'S REPORT.

City Manager John Lawton reminded the City Commission that the time for the February 20, 2007, City Commission meeting was changed because of a production in the theater. The meeting will be held at 5:30 p.m. instead of 7:00 p.m.

Multi-Sports

Mr. Lawton also reported that for the past couple of years, the Softball Association contracted with the City to manage and operate the city-owned

Management.

softball complex. This arrangement also provided for a transfer of about \$40,000 earmarked for the softball program to the Association. Currently, Mr. Lawton added, the Softball Association was not interested in continuing this arrangement. Mr. Lawton suggested that with softball season quickly approaching, Park and Recreation Department plan the season and manage and operate the fields. He requested that in the meantime, the City Commission think about the governance of the softball fields. The Commission may want to create a Softball Advisory Board or use the Park Board to offer that public level of governance and oversight to the softball program.

Park and Recreation Director Jim Sullivan concurred and explained that during this transition, staff was exploring ways of increasing the revenue stream from the softball program as well as increasing the use of the complex by allowing activities that would compliment softball to use the facility.

Commissioner Jovick-Kuntz agreed that staff should begin planning for this year's season and the idea of an advisory board appealed to her. Mayor Stebbins and Commissioner Beecher concurred.

**Highwood
Generating Station.****21. PETITIONS AND COMMUNICATIONS.**

The following people provided testimony regarding the Highwood Generating Station. **Larry Resentes; Roger Norguard** (221 Glenwood Court); **Jeff Monheim** (3709 27th Avenue South); **Dr. Charles Christensen; Susan Colvin** (287 McIver Road); **Ken Thornton** (31 Paradise Road); **Ron Mathsen** (122 Treasure State Drive); **Karen Gessaman** (1006 36th Avenue NE); **Richard Liebert** (289 Watson Coulee Road); **Ron Gessaman** (1006 36th Avenue NE); **Ed McKnight** (506 3rd Avenue North); **Aart Doleman; Marla Merriman** (420 14th Street NW) and **John Hubbard**. The comments generally pertained to the Environmental Impact Statement, alternative energy sources, Tribune coverage of the project, pollution, operating costs and technology to be used at the Highwood Generating Station.

Speakers time limit.

Aart Doleman and Richard Liebert (289 Watson Coulee Road) spoke in opposition to the 3-minute rule for public comments at the end of each Commission agenda.

Fireworks.

Ralph Sutich (1201 6th Avenue South) asked the Commission to ban fireworks in Great Falls.

Adjourn.**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bill Beecher moved, seconded by Commission Hinz that the regular meeting of February 6, 2007, be adjourned at 9:14 p.m.**

Motion carried 5-0.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk