

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 Planning, Library, Public Works, Park and Recreation, Fiscal Services, Police Chief, Acting Fire Chief, Acting Community Development Director, and the City Clerk.

PRESENTATIONS: Jayci Kolar, Weed and Seed, provided an update to the City Commission regarding the Weed and Seed Program.

Mayor Stebbins presented the Annual CAFR Award to Fiscal Services Director Coleen Balzarini. This was the City's 12th consecutive year to receive this honor.

NEIGHBORHOOD COUNCILS**West Bank Urban
Renewal Project.**

1. **Phyllis Hemstad and Robert Mehlhoff**, representatives from Neighborhood Council 2, stated they supported the West Bank Urban Renewal Project. However, they wanted to ensure that West Bank Park would be protected and not eliminated or reduced in a land swap of any type; that West Bank Park would be improved; and that Neighborhood Council 2 would be included in the discussions and the process.

PUBLIC HEARINGS**Res. 9624,
Nuisance
Abatement, GF 1st
Add., B462, L7.
Adopted.**

2. **RESOLUTION 9624, NUISANCE ABATEMENT, GF 1ST ADDITION, BLOCK 462 LOT 7.**

Acting Community Development Director Jeff Jenkins reported that OCCGF 8.49.040 authorizes the City to declare a property a nuisance if certain conditions were met and to take action to remedy the nuisance. Staff received a complaint on July 12, 2006, regarding property located at 510 11th Street South (legally described as GF 1st Addition, Block 462, Lot 7). Following an inspection of the property, a letter was sent to the property owner requesting that the situation be remedied. A final inspection of the property was completed on October 3, 2006. Staff found that the nuisance remained and initiated the abatement process.

Mayor Stebbins declared the public hearing open. **Mike Whitsoe**, 510 11th Street South, explained that he had been cleaning up the property and requested the City Commission grant him an additional day to finish. City Manager John Lawton explained that City staff would continue to work

with Mr. Whitsoe and as long as progress was being made to remedy the nuisance staff would not take additional action. He recommended the City Commission adopt Resolution 9624 which would give staff the necessary authorization in the event Mr. Whitsoe did not completely remove the nuisance.

Stuart Lewin, 615 3rd Avenue North, said that the nuisance on Mr. Whitsoe's property did not compare to the nuisance the proposed coal fired plant would do to the area.

There being no one further to address the City 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 adopt Resolution 9624.

Motion carried 5-0.

Res. 9628, Land Development Principles and Guidelines for East End Development. Conducted public hearing.

3. RESOLUTION 9628, LAND DEVELOPMENT PRINCIPLES AND GUIDELINES FOR EAST END COMMERCIAL AND RESIDENTIAL DEVELOPMENT.

Planning Director Ben Rangel reported that during the past several months, there has been public discussion and debate regarding plans to develop commercial and residential projects at the east end of 10th Avenue South and how that might affect long term interest to secure a flying mission at Malmstrom Air Force Base. In January 2006, a "Discussion Paper" was prepared by the City to assist in framing the issues and providing relevant information. An outcome of the lengthy debate has been a set of development principles and guidelines, as facilitated by Dan Rice and supported by the involved property owners, the involved developers and the Great Falls Area Chamber of Commerce Board of Directors.

The City further documented these principles and guidelines in an additional paper, dated November 2006. The intent was to apply the principles and guidelines during the land development review processes involving subdivision, annexation and zoning of properties near the east end of 10th Avenue South.

Mayor Stebbins declared the public hearing open. Those addressing the City Commission were as follows:

John Brutosky, 1618 11th Avenue South, asked if development was halted why voters should be asked to compensate the land owners.

Joe Briggs, Cascade County Commissioner, reiterated the County's position as stated in the Cascade County Growth Policy which "was given

the importance of Malmstrom AFB to the economic vitality of the region, the potential reduction in Minuteman forces and the potential value of future flying missions at Malmstrom, it was vital for Cascade County to actively pursue the reopening of its runway. Those efforts should include, but were not limited to, protecting the runway's Accident Potential Zones as described in the 1994 Malmstrom AFB AICUZ study from encroachment by any non-compatible land uses." He suggested that to resolve this issue and to secure the future of the base, the land should be purchased. He suggested that remaining BRAC funds and some CDBG Funds could be available to offset the costs of the land acquisition. He added that an additional study to determine the impact of potential development should be conducted and that the City Commission not act on this Resolution until the study was completed.

Chip Beck, 4241 2nd Avenue North, representative of the Military Affairs Committee, thanked staff for preparing Resolution 9628, but disagreed with any decision that might impact or potentially impact a future flying mission at Malmstrom. He stated that the guidelines mortgage the future and deem a tremendous asset in the community worthless. He added that it was not a question of "if" but "when" Malmstrom will have a new flying mission. In closing, he cautioned that the timeline stipulated in the Resolution did not follow that of the military when they considered which missions would be located at the individual bases.

Gloria Smith, 8 Cheyenne Drive, concurred with Mr. Beck and with a guest editorial in the Great Falls Tribune written by former Mayor Randy Gray. Mr. Gray suggested purchasing the land in order to protect future missions at Malmstrom and to be fair to the current property owners.

Greg Schwandt, 2708 Evergreen Drive, member of the Committee of 80, concurred with Mr. Beck's testimony. He stated that if the community could spend \$2.5 million on swimming pools, then certainly the community could spend \$400,000 to purchase the land and protect the future of Malmstrom. Mr. Schwandt then read a letter from Mike Brown who was a former aide to Senator Burns. In Mr. Brown's letter, he encouraged the City Commission prohibit any encroachment in the clear zones and asked them to protect the future of the runway.

Gloria Bedker, 3333 17th Avenue South, Neighborhood Council 5, read a letter supporting the adoption of Resolution 9628 from Neighborhood Council 5.

Teresa Olds, President of the Great Falls Chamber of Commerce, stated that in light of the outcomes of the 2005 BRAC and the recent changes in the US Senate with the election of Jon Tester, it was imperative that the Chamber take a lead to help define, craft and communicate a Military Development Strategy. The impetus would be to maintain the viability of

the military presence by securing additional missions relative to Malmstrom's military assets. Additionally, the Chamber Board of Directors welcomed the introduction of any new data or facts and applauded the efforts of the Great Falls Development Authority in commissioning additional studies that would provide more up-to-date data.

Dan Heustis, 2901 4th Avenue North, stated that many people, along with the Great Falls Tribune, Planning staff, Neighborhood Council 5, and the Great Falls Development Authority, supported Resolution 9628. He hoped doing nothing was not an option.

John Stevens stated that no matter what the community decided the military would do what they want anyway. He suggested that the Commission not hold up development and adopt Resolution 9628.

Mike Whitsoe, 510 11th Street South, stated that if Malmstrom was closed, Great Falls would severely suffer.

Stuart Lewin, 615 3rd Avenue North, concurred with Mr. Heustis but wondered why the City would agree to protect the view of the Highwood Mountains for this project, but eliminate the view with the construction of the Highwood Generating Station.

Warren Wenz, concurred with Mr. Beck and Mr. Schwandt. He added that if the base closed, Great Falls would be done.

There being no one further to address the City Commission, Mayor Stebbins closed the public hearing.

OLD BUSINESS

NEW BUSINESS

**Audit Report.
Accepted.**

4. AUDIT REPORT, FY 2005 – 2006.

Kelby Donnelly, of Junkermier, Clark, Campanella, Stevens, P.C., Certified Public Accountants, reported that they conducted the City's FY 2005-2006 Annual Audit and based on the information, the general purpose financial statements present fairly, in all material respects, the financial position of the City, as of June 30, 2006, and the results of its operations and the cash flows of its proprietary fund types ended in conformity with generally accepted accounting principles.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission accept the FY 2005-2006 Comprehensive Annual Financial Report and Independent Auditor's report as presented.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Ord. 2933, Amend OCCGF 6.8 pertaining to animals. Accepted on first reading and set the public hearing for January 2, 2007.

5. ORDINANCE 2933, AMENDING OCCGF TITLE 6 CHAPTER 8 PERTAINING TO ANIMALS.

Chief Prosecutor Kory Larsen reported that after months of hard work by the members of the Blue Ribbon Committee for Animal Control Issues, the City was presented with a proposed amended animal ordinance. It was very broad in its scope but presented a community consensus for changes to the animal ordinance. After a staff review, some small tweaks were made and the proposed ordinance was presented to the Commission at a work session earlier this year. The Commission decided that some areas required public comment and input and a public comment period was set. Many community members made comments by email, by letter and by phone and in person. The amended ordinance covers all of the issues and provides a more appropriate fine structure for animal control.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 2933 on first reading and set the public hearing and final reading for January 2, 2007, at 7 pm.

Motion carried 5-0.

Ord. 2957, Sign Code revisions. Adopted.

6. ORDINANCE 2957, SIGN CODE REVISIONS.

Acting Community Development Director Jeff Jenkins reported that Ordinance 2957 would amend the Official Codes of the City of Great Falls (OCCGF) Title 17, Chapter 60 pertaining to signs. The proposed revisions address minor housecleaning items; provide additional clarification; and add a provision to address signage if a premise was subsequently subdivided.

Specific changes included:

- Signs for home occupations, family day cares, adult group homes and other approved home uses would not require sign permits, provided size and location standards were met.
- All references to specific dollar amounts for fees and costs were deleted and instead payment of fees and costs would be as set by Commission resolution.
- To be consistent with the narrative description in the Code, Exhibit 60-6 was revised to note that one free-standing pole sign would be allowed per premise frontage for premises exceeding 50,000 square feet in area.
- Reference was made to the appropriate section of the Code that addresses signs for home occupations, family day cares and the like.

- Clarification was provided that on-premise signs were authorized for approved commercial uses in residential zoning districts, neighborhood commercial zoning districts, and central business periphery zoning districts.
- A new provision was added to address signage if a premise was subsequently subdivided.
- If a sign permit was revoked and the sign was not removed, the City may remove the sign and the sign owner may then reclaim the sign within ten working days. After that time, the sign may be destroyed. The requirement that the owner pay a \$50 fee to reclaim the sign was removed.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2957.

Motion carried 5-0.

Res. 9623, Support federal recognition of the Little Shell Tribe of the Chippewa Indians. Adopted.

7. RESOLUTION 9623, SUPPORTING THE FEDERAL RECOGNITION OF THE LITTLE SHELL TRIBE OF THE CHIPPEWA INDIANS OF MONTANA.

City Clerk Peggy Bourne reported that in 1984 the Little Shell Tribe of Chippewa Indians of Montana petitioned the Department of the Interior, Bureau of Indian Affairs, Office of Federal Acknowledgements (OFA) for federal recognition, and has made several supplementary submissions to the OFA since then. On July 14, 2000, the OFA issued its favorable Proposed Findings to acknowledge the Tribe and requested additional information from the Tribe and the Little Shell Tribe responded to the OFA's comments and requests and awaits the OFA's review and analysis of the documentation. Federal recognition is expected to bring benefits and services to the Little Shell people, including health care and child welfare services.

In an effort to demonstrate community support for this formal recognition, leadership of the Little Shell requested local governments to adopt resolutions of support and forward them to the appropriate federal agency. In 2001, the State Legislature adopted a House Joint Resolution showing support. In 2004 and again in 2005 Cascade County adopted resolutions supporting the Little Shell recognition. In October 2006, Governor Schweitzer signed a declaration supporting recognition of the Tribe.

Resolution 9623 was submitted to honor the request of the Little Shell Tribe of Chippewa Indians for the City Commission to support the Tribe's efforts to obtain recognition by the federal government.

James Parker Shield, Vice-Chair of the Little Shell Tribe, thanked the City Commission for this consideration.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Beecher, that the City Commission adopt Resolution 9623.

Motion carried 5-0.

**Res. 9629,
Community
Recreation Center
Office Space Fees.
Adopted.**

8. RESOLUTION 9629, COMMUNITY RECREATION CENTER OFFICE SPACE FEES.

Park and Recreation Director Jim Sullivan reported that the second floor of the Community Recreation Center has been leased by Big Brothers and Sisters since December of 1999. On November 13, 2006, staff received written notice that they would be terminating their lease in 30 days per the termination agreement in the lease. Staff proposes entering into a Use Permit. Adoption of Resolution 9629 would set the price for a Use Permit at \$7/square foot.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission approve Resolution 9629, Community Recreation Center Office Space Fees.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

9. Minutes, December 5, 2006, Commission meeting.
10. Total Expenditures of \$2,155,364 for the period of November 16 through December 13, 2006, to include claims over \$5000, in the amount of \$1,907,167.
11. Contracts list.
12. Engaging RW Beck as independent engineers to review the Highwood Generating Station project for an estimated cost of \$78,000. (OF 1472)
13. CDBG Policies, and approve the 2007-2008 Community Development Block Grant Funding Priorities.
14. Professional Services Agreement with Interstate Engineering, Inc., in the amount of \$217,500 for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools. (OF 1501)
15. Concession/Café Use Permit with Cian Enterprises, Inc., at the Community Recreation Center.
16. Final Payment to Forde Nursery in the amount of \$1,990.25 and the State Miscellaneous Tax Division in the amount of \$18.60 for the North Entry Landscaping—Phase II Project. (OF 1306.4)
17. Final Payment to Ed Boland Construction in the amount of \$61,280.29 and the State Miscellaneous Tax Division in the amount of \$618.99 for the 1st and 2nd Avenues North Water Main Replacement. (OF 1450)
18. Final Payment to Wickens Construction, Inc. and the State Miscellaneous Tax Division in the amount of \$122,175 for the Northeast Regional Stormwater Retention Pond Extension. (OF 1058.2)

19. Engineering Services Contract with Thomas, Dean, Hoskins, Inc. for the Sunnyside/East Pressure Zone Pump Station and Elevated Water Tank and Water Main River Crossings in an amount not to exceed \$42,500. (OF 1494.2)

Commissioner Hinz asked the City Manager to explain what Item 12 was and the process used to select the consultant. City Manager John Lawton explained that in order for the City to secure 25 percent of the Highwood Generating Station's output, the City was required to finance 25 percent of the costs to construct the facility. The City plans to acquire the financing through the sale of revenue bonds. He added that the project has reached the point where the City needed to complete the financing and in order to do that the underwriters and bond buyers required an independent review of what has been done on the project to date. If approved, RW Beck would conduct a thorough evaluation of the reasonableness of the cost estimates and the price of electricity. The scope of the contract was designed to increase the knowledge base of the project and to give the City an impartial assessment of the project.

Fiscal Services Director Coleen Balzarini reported that the process used to select RW Beck for this project included soliciting proposals from five nationally qualified firms which included RW Beck, Black and Veatch, Burns and Roe, HDR and Sargent & Lundy. All the firms responded to the request for proposals and phone interviews were conducted with the two top ranked firms based on the written proposals. After evaluating all the information, Staff recommended the City accept RW Beck's proposal.

Mayor Stebbins asked for the direction of the Commission regarding the Consent Agenda. **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Consent Agenda as presented.**

Motion carried 5-0.

BOARDS & COMMISSIONS

Park and Recreation Board, appoint Austin and Timmer; reappoint Hickey and Simmons.

20. APPOINTMENTS AND REAPPOINTMENTS TO THE PARK AND RECREATION BOARD.

The terms of Leslie Postlethwait and Wyman Taylor expire December 31, 2006. Ms. Postlethwait served on the board since 1998 and was not eligible for reappointment. Mr. Taylor was appointed in 1999 and also was not eligible for reappointment. Therefore, it was necessary to appoint two new members to fill their positions. The terms of Doug Hickey and David Simmons expire on December 31, 2006. Both Mr. Hickey and Mr. Simmons were eligible for and interested in reappointment.

Commissioner Jovick-Kuntz moved, seconded by Commissioners

Beecher and Rosenbaum, that the City Commission appoint to the Park and Recreation Board Tim Austin and Kelly Timmer for three-year terms, beginning January 1, 2007, and expiring December 31, 2009; and reappoint Doug Hickey and David Simmons for three-year terms expiring December 31, 2009.

Motion carried 5-0.

**Health Board,
Appoint Hoffman
and reappoint
Meeks.**

21. APPOINTMENT AND REAPPOINTMENT, HEALTH BOARD.

Iva "Boots" Wiseman served on the City-County Health Board since 1999. Ms. Wiseman was not eligible for reappointment, therefore; it was necessary to appoint one member to the Board. Lyle Meeks served on the Board since 2004. Mr. Meeks was interested in and eligible for reappointment.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Raymond Hoffman and reappoint Lyle Meeks to the City-County Health Board for three-year terms, expiring December 31, 2009.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

**Highwood
Generating Station
and Electric City
Power.**

25. HIGHWOOD GENERATING STATION AND ELECTRIC CITY POWER.

The following people addressed the City Commission regarding the Highwood Generating Station and Electric City Power.

John Hubbard, Richard Liebert, 289 Boston Coulee Road, Neil Taylor, 3417 4th Avenue South, Larry Rezendes, 2208 1st Avenue North. Lisa Hardiman (sp), 3726 4th Avenue North, Larry Crawl (sp), 210 24th Avenue South, Rick Van Loss (sp), 606 Adams Blvd, Jeff Monheim, 3709 20th Avenue South, Charles Boccock, 51 Prospect, Larry Vaccaro, Merton Freyholtz, Gildford Montana, Arthur Dolman, 3016 Central Avenue, Stuart Lewin, 615 3rd Avenue North, Ron Mathsen, 122 Treasure State Drive, Vicky Freyholtz, Gildford Montana, Sandy Dimauro, 4215 7th Avenue North, Alena Nardinger, 812½ 13th Street North, John Stevens, and Carol Fisher, 500 53rd Street South.

Their comments (except for Mr. John Stevens) were in opposition to the proposed coal fired plant.

Christmas.

Mr. Mike Whitsoe, wished everyone a Merry Christmas.

Adjourn.

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of December 19, 2006, adjourned at 9:40 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk