

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, Diane Jovick-Kuntz, Sandy Hinz and John Rosenbaum. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Planning, Public Works, Library, Park and Recreation, Fiscal Services, Police Chief, Fire Chief, and the City Clerk.

**FIREFIGHTER OATHS** were given to Jeremy Virts, Troy Weir and Adam Marsh.

**PROCLAMATIONS:** Mayor Stebbins read proclamations for Freedom from Bullying Week, Red Ribbon Week and YWCA Week Without Violence. Police Officer Steve O’Brien was presented with the Officer of the Year Award by Gayle Carlson of the YWCA and Chief Grove.

**NEIGHBORHOOD COUNCILS**

**School Zone Fines.**     **1A.** **Audrey Finlayson**, NC 4, asked if the money received from fines for school zone violations assisted paid for Police Officers to receive school zone related training. Fiscal Services Director Coleen Balzarini explained that the money received from fines went into the General Fund and the Police Department is funded by the General Fund.

**Problem Property.**             Ms. Finlayson also reported that NC 4 has been working with Cascade County to improve the property located at 4300 2<sup>nd</sup> Avenue North.

**Swearing-in of Jean Stone, NC 5.**     **1B.** Mayor Stebbins swore in Jean Stone, a new Neighborhood Council 5 representative.

**PRESENTATION**

**Water and Sewer Annexation Policy.**     Planning Director Ben Rangel provided an overview on the Water and Sewer Annexations Policy.

**PUBLIC HEARINGS**

**Ord. 2955, Amends OCCGF 12.14 Pertaining to Temporary Street Closures and Parades. Adopted.**     **2. ORDINANCE 2955, AMENDING OCCGF 12.14 PERTAINING TO TEMPORARY STREET CLOSURES.**  
 City Clerk Peggy Bourne explained that the City Commission adopted Ordinance 2949 on September 5, 2006, excluding the section pertaining to temporary street closures. The Commission indicated that the petition requirement for temporary street closures for events in the downtown area

appeared unfair when compared to the requirements to close off most of the downtown area for parades. The Commission directed staff to propose another ordinance that established a fair and balanced procedure for all temporary street closures, including parades, residential block parties and downtown events.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Ordinance 2955. Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

**Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission adopt Ordinance 2955.**

Motion carried 5-0

**Res. 9614,  
Establishing Street  
Closure, Park  
Rental and Special  
Events with  
Alcoholic Beverage  
Permit Fees.  
Adopted.**

**3. RESOLUTION 9614, ESTABLISHING STREET CLOSURE, PARK RENTAL AND SPECIAL EVENTS WITH ALCOHOLIC BEVERAGE PERMIT FEES.**

City Clerk Peggy Bourne reported that Resolution 9614 establishes fees associated with permits established by Ordinances 2949 and 2955 relating to alcoholic beverages in public places, temporary street closures, events in city parks, and parades.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Resolution 9614. 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 9614.**

Motion carried 5-0.

**Res. 9616, To  
Vacate An Unused  
Portion of 26<sup>th</sup>  
Street South Right-  
of-Way in T20N  
R4E Sect. 18 Mk  
6B. Adopted.**

**4. RESOLUTION 9616, TO VACATE AN UNUSED PORTION OF 26<sup>th</sup> STREET SOUTH RIGHT-OF-WAY (T20N R4E SECTION 18 Mk 6B).**

Planning Director Ben Rangel reported that Resolution 9616 vacates an unused segment of 26<sup>th</sup> Street South right-of-way abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East. The Amended Plat of Lot 1A, Block 1, Forest Glen South will add the vacated right-of-way and Parcel Mark 6B to the abutting Lot 1A. The vacation of subject right-of-way would leave a full 80 foot right-of-way for the s-curve of 26<sup>th</sup> Street South which was reconstructed to a four-lane minor arterial in 1996.

Mayor Stebbins declared the public hearing open. No one spoke in

support of or opposition to Resolution 9616. 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 No. 9616 and authorize the appropriate City officials to execute the involved Amended Plat.**

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**Ord. 2956  
Repealing OCCGF  
8.07 Pertaining to  
Smoking in Places  
of Employment and  
Public Places  
Except for  
Designated Smoking  
Area Distance  
Requirements.  
Accepted on first  
reading and final  
hearing set for  
November 8, 2006.**

**5. ORDINANCE 2956, REPEALING OCCGF 8.07 PERTAINING TO SMOKING IN PLACES OF EMPLOYMENT AND PUBLIC PLACES EXCEPT FOR DESIGNATED SMOKING AREA DISTANCE REQUIREMENTS.**

City Clerk Peggy Bourne reported that in 1999 the City Commission adopted an ordinance prohibiting smoking in public places and places of employment. In 2005, a state law went into effect superseding the City ordinance. Upon adoption, Ordinance 2956 would repeal most of the City ordinance and businesses and places of employment would then follow the guidelines set forth in state law. One section Staff proposed the City retain was requiring designated smoking areas be placed at least 20 feet from a public building.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2956 on first reading and set the final reading for November 8, 2006.**

Motion carried 5-0.

**Consent Agenda.  
Approved as  
printed.**

### **CONSENT AGENDA**

- 6.** Minutes, October 3, 2006, Commission Meeting.
- 7.** Total Expenditures of \$1,149,133 for the period of September 29 through October 11, 2006, to include claims over \$5,000 in the amount of \$976,645.
- 8.** Contracts List.
- 9.** Grants List.
- 10.** Set public hearing for November 21, 2006, on Resolution 9557 for Water, Sewer, and Storm Drain Rate and Fee Changes.
- 11.** Bid award for one new large rotary mower to Midland Implement Co. Inc. of Billings in the amount of \$57,652.

12. Final Payment for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Avenues Northwest Water Main Replacement Project to Phillips Construction and the State Miscellaneous Tax Division in the amount of \$28,889.21 (OF 1435).
13. Construction Contract for the 2<sup>nd</sup> Avenue Southwest Sanitary Sewer Main Extension to Phillips Construction in the amount of \$179,748. (OF 1391.1)
14. Use of \$101,820 in Community Transportation Enhancement Program (CTEP) funds to fully fund the monument lighting of the Historic 10<sup>th</sup> Street Bridge. (OF 1180.6)

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

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

**Board of  
Adjustment  
/Appeals.  
Reappointed  
Haffner and Kunz.**

#### **15. REAPPOINTMENTS, BOARD OF ADJUSTMENT.**

Robert Haffner was appointed in October of 2003 and John Kunz was appointed in May of 2005. Mr. Haffner and Mr. Kunz were both interested in and eligible for reappointment.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum that the City Commission reappoint Robert J. Haffner and John A. Kunz to the Board of Adjustment/Appeals for three-year terms expiring September 30, 2009.**

Motion carried 5-0.

### **PETITIONS AND COMMUNICATIONS**

**Boys and Girls Club  
Activities.**

**19A. Keri Pepos**, reported on the Boys and Girls Club activities she participated in this past summer.

**19B. John Hubbard** thanked the Fish and Game for offering hunters safety courses. He also provided two DVDs for the City Commission to view pertaining to emissions from coal fired plants. Finally, he expressed concern of the cost of living and the fact that many people must work two or three jobs to make ends meet.

Adjourn

**ADJOURNMENT**

There being no further business to come before the Commission, the regular meeting of October 17, 2006, adjourned at 7:48 p.m.

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Mayor Dona R. Stebbins

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Peggy Bourne, City Clerk