

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

PROCLAMATIONS: Mayor Stebbins read a Proclamation acknowledging Addiction Counselor's Day and presented Kris Dunn with a Proclamation of Appreciation for her contributions to the Weed and Seed Initiative.

NEIGHBORHOOD COUNCILS**Good Neighbor Day.**

1A. Bob Stubbs, Neighborhood Council 4, stated that the Council of Councils met on August 29 and had a good discussion on "Good Neighbor Day" which will be held September 29 from 12 – 3 pm at Heren Park. He encouraged the City Commission to attend.

Neighborhood Council 8 meeting.

1B. Karen Grove, Neighborhood Council 8, thanked the Alive @ 5 committee for organizing a great series of events. She also announced that Neighborhood Council 8 changed their September meeting date to September 12, 2006, and it will be held in the Gibson Room of the Civic Center.

PUBLIC HEARINGS

Res. 9612, Res. 9613 and Ord. 2948 annexation, zoning and the Minor Subdivision Plat of East Great Falls Retail Center Addition. Adopted.

2A. RESOLUTION 9612, ANNEXATION OF PORTION OF 10th AVENUE SOUTH, US HIGHWAY 87/89, AND 50th and 52nd STREETS SOUTH.

2B. RESOLUTION 9613, ANNEXATION OF EAST GREAT FALLS RETAIL CENTER ADDITION.

2C. ORDINANCE 2948, ZONING FOR EAST GREAT FALLS RETAIL CENTER ADDITION.

Planning Director Ben Rangel reported Resolution 9612 annexes portions of 10th Avenue South, U.S. Highway 87/89, and 50th and 52nd Streets South. Resolution 9613 annexes the East Great Falls Retail Center Addition located along the south side of 10th Avenue South at 57th Street. Ordinance 2948 assigns a zoning classification of C-2 general commercial district to the property. The accompanying annexation agreement contained conditions and terms associated with the annexation.

Mr. Rangel added that in order to provide contiguity, the annexation also involved approximately 21 acres of Montana Department of Transportation rights-of-way for 10th Avenue South and U.S. Highway 87/89 and short segments of rights-of-way for 50th and 52nd Streets South. The Minor Plat consisted of Lot 1 (26 acres) and Lot 2 (21.5 acres) with the southerly extension of 57th Street South located between the two lots.

Mr. Rangel reminded the City Commission that earlier this year, several property owners petitioned to subdivide and annex approximately 50 acres of land along the south side of 10th Avenue South at 57th Street for a two-lot commercial subdivision titled East Great Falls Retail Center Addition. At that time, the application also included a request for a conditional use permit to allow a Wal-Mart Supercenter on one of the two lots in the subdivision. However, in April, Wal-Mart chose to withdraw its plans. Regardless, the property owners (KYSO Corporation, Prairie Kraft Specialties, Anna Sherer, Charles Wiley and Marilyn Wiley) wanted to proceed by completing the subdivision, annexation and zoning processes for East Great Falls Retail Center Addition. They withdrew the application for the conditional use permit for the large format retail store (Wal-Mart Supercenter).

On February 28, 2006, the Planning Board/Zoning Commission conducted a joint public hearing on subdividing, annexing, establishing City zoning and granting a conditional use permit for a large format retail store (Wal-Mart Supercenter) associated with the East Great Falls Retail Center Addition. At the conclusion of the public hearing, motions by the Planning Board to conditionally approve the minor plat and annexation and by the Zoning Commission to establish a City zoning classification of C-2 general commercial district and to grant a conditional use permit for the Wal-Mart Supercenter failed on a tie vote of 4 – 4. It appeared most of the negative votes were associated with the conditional use permit for the Wal-Mart Supercenter.

Mayor Stebbins declared the public hearing open. No one appeared to speak in opposition to Resolution 9612, Resolution 9613 or Ordinance 2948. Those speaking in support included: **Tom Berkner**, 1800 Beech Drive; **Paul Stevens**, 820 3rd Avenue North; **Dan Huestis**, 2901 4th Avenue North; **Clay Braden**, 2708 4th Avenue NW; and **Robin Baker**, 1518 11th Avenue South.

Mr. Braden, during his testimony, questioned whether the Accident Potential Zone for the Malmstrom Air Force Base runway was impacted with this annexation. Mr. Rangel stated that a small sliver of land was within that zone, however, only uses that were permitted in the Accident Potential Zone would be permitted upon that portion of land.

Robin Baker questioned if this annexation would impact the South

Arterial project. Mr. Rangel stated that the South Arterial was recognized and considered with this annexation and that the developer dedicated right-of-way to the South Arterial Project.

There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed and asked for discussion from the Commission. Commissioner Jovick-Kuntz pointed out that the C-2 zoning classification allowed casinos, gas stations and other types of businesses the community may not want at a primary entrance to Great Falls.

Mayor Stebbins concurred with Commissioner Jovick-Kuntz and asked if the Commission had any controls after the zoning was established. Dan Huestis responded stating that the developers want to do the development right and will incorporate businesses that reflect the highest and best use of the property.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9612.

Motion carried 4-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9613 and the accompanying Minor Subdivision Plat and Annexation Agreement all pertaining to East Great Falls Retail Center Addition.

Motion carried 4-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the City Commission adopt Ordinance 2948.

Motion carried 3-1 (Commissioner Jovick-Kuntz dissenting).

Res. 9589 and Ord. 2945 annexation, zoning and the final plat of South Park Addition Phase 1. Adopted.

3A. RESOLUTION 9589, ANNEXATION OF SOUTH PARK ADDITION PHASE 1.

3B. ORDINANCE 2945, ZONING FOR SOUTH PARK ADDITION PHASE 1.

Planning Director Ben Rangel reported Resolution 9589 annexes South Park Addition Phase 1, which consists of 18 single-family residential lots located between Grande Vista Park and Flood Road. Ordinance 2945 assigns a zoning classification of R-3 Single-family high density district, to South Park Addition Phase 1, upon annexation.

The City–County Planning Board at the conclusion of a public hearing

held September 14, 2004, recommended the subdivision be assigned a zoning classification of "A" Residence Use, "B" Area District on the preliminary plat. With the adoption of the Unified Land Development Code approved by the City Commission September 6, 2005, the classification of the area would be "R-3" Single-family high density.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9589 or Ordinance 2945. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9589 and approve the final plat and Annexation Agreement all related to South Park Addition Phase 1.

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Ordinance 2945.

Motion carried 4-0.

**Business
Improvement
District 2006/2007
Budget. Approved.**

4. BUSINESS IMPROVEMENT DISTRICT (BID) 2006/2007 BUDGET.

Business Improvement District member Phil Kiser explained that the BID submitted their 2006/2007 budget for approval by the City Commission. According to State statute, the City Commission must hold a public hearing on objections to the budget. Following the approval of the budget, the Commission will be asked to levy an assessment to all properties within the district to defray all costs. The assessment requested is according to the assessment formula approved with the creation of the district.

It was noted that statute also requires the City Commission to review and approve a work plan associated with the budget. However, a work plan was not submitted because of the transition between executive directors at the BID.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to the Budget. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed and asked for Commission discussion.

Commissioner Jovick-Kuntz explained that because a portion of her salary is paid by the Business Improvement District she would abstain

from voting. However, she added, she would like to see City staff work closely with the Board and the new executive director to ensure the open meeting law is followed. Additionally, she asked the BID to send copies of their minutes to the City Commission because the Commission was not aware of the issues the BID was dealing with.

Mayor Stebbins expressed concern about not receiving a work plan with the budget. She asked if the Commission had to act on the budget this evening. City Manager Lawton stated that the Commission could postpone action until the next City Commission meeting. Additionally, Mr. Lawton suggested that the Commission may consider adding stipulations to the assessment resolution that the BID would have to meet before the City would release funds to them.

Commissioner Beecher stated that a budget could be considered a work plan. The only thing missing were goal statements and action steps. Therefore, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the 2006/2007 Business Improvement District budget.**

Motion carried 2-1-1. (Mayor Stebbins dissenting and Commissioner Jovick-Kuntz abstaining).

Sale of City-Owned Land, L3A through 3H, Amended Plat of L3, Medical Tech Park. Approved.

5. SALE OF CITY-OWNED LAND, L3A THROUGH 3H, AMENDED PLAT OF L3, MEDICAL TECH PARK.

Community Development Director Mike Rattray reported that Staff advertised that the City was accepting bids for the purchase of two lots in the Medical Tech Park. One bidder responded with a bid of \$192,013 for one of the lots. The bid was opened August 16. The bidder, SBC Archway, LLC plans to construct and lease a 10,160 square foot, Class-A, office facility. The start date for construction is approximately October 1, 2006, and completion date is estimated to be July 1, 2007.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to the sale of City-owned land, L3A through 3H, Amended Plat of L3, Medical Tech Park. Mayor Stebbins declared the public hearing closed.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the sale of Lot 3D, of the Amended Plat of Lot 3, Medical Tech Park, to SBC Archway, LLC, in the amount of \$192,013.

Motion carried 4-0.

**Res. 9600,
Establishing
Sanitation Service
Rates for Fiscal
Year 2006/2007.
Adopted.**

6. RESOLUTION 9600, ESTABLISHING SANITATION SERVICE RATES FOR FISCAL YEAR 2006/2007.

Fiscal Services Director Coleen Balzarini reported OCCGF 8.32.350 requires the Commission to adopt a resolution establishing rates to defray the costs of sanitation services for the fiscal year. Staff proposed that all sanitation rates increase approximately 3 percent. These rates will go into effect September 6, 2006.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9600. Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9600, Establishing Sanitation Service Rates for FY 06/07.

Motion carried 4-0.

**Ord. 2949,
Amending OCCGF
9.20 and 12.14
Pertaining to
Alcoholic Beverages
in Public Places.
Adopted.**

7. ORDINANCE 2949, AMENDING OCCGF 9.20 and 12.14 PERTAINING TO ALCOHOLIC BEVERAGES.

City Clerk Peggy Bourne reported that Ordinance 2949 amends the Official Codes of the City of Great Falls (OCCGF) 9.20 and 12.14 pertaining to alcoholic beverages in public places. The ordinance also removes all conflicts found in the street closure policy which was established by Resolution 8504 and codifies the policy within OCCGF 12.14.

Mrs. Bourne added that since the Commission considered the Ordinance for first reading at the August 15, 2006 meeting, staff heard from a concerned business owner who requested that a notification requirement be added to the ordinance for businesses located in the downtown area. The business owner also presented a petition containing 37 signatures supporting this requirement.

In response to this request, staff amended Ordinance 2949 to require a petition for downtown events and for events held in residential areas, requiring the event organizer to demonstrate that the adjacent residents have been notified.

Staff added one additional amendment which gave the City the authority to tow vehicles that may be parked in the area designated for a special event. This issue has come up several times during the Taste of Great Falls, the 4th of July Celebration and other events.

Mayor Stebbins declared the public hearing open. No one appeared to

speak in opposition to Ordinance 2949. **Les Rispens**, 2324 2nd Avenue North, supported the ordinance and the amendments to it. Mayor Stebbins declared the public hearing closed and asked for Commission discussion.

Commissioner Jovick-Kuntz stated she did not think the petition requirement was fair for events downtown. She explained that the way the ordinance was amended, people planning a parade were exempt from the petition requirement and the impact a parade had on downtown businesses was far greater than an event that affected one block. She asked staff to revisit the street closure portion of the ordinance.

Commissioner Jovick moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2949 as amended. Additionally, that the Commission delete OCCGF 12.14.060 pertaining to temporary street closures and direct staff to revisit this policy in conjunction with the parade ordinance and bring back an all encompassing proposal to the Commission.

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

**Financial
Commitments,
Great Falls
Development
Authority and High
Plains Financial,
Inc. Approved.**

8. FINANCIAL COMMITMENT- GF DEVELOPMENT AUTHORITY AND HIGH PLAINS FINANCIAL, INC.

Community Development Director Mike Rattray reported that the Great Falls Development Authority requested the City assist in providing some of the local matching funds necessary for the Economic Development Administration revolving loan fund. He added that for a number of years the Great Falls Development Authority operated a successful economic development revolving loan fund that was initially financed by the Economic Development Administration. Currently this loan fund has a net worth of approximately \$5.5 million. One of the requirements of the Economic Development Administration is that all their loan funds receive local matching funds. A past audit of the revolving loan fund noted a deficiency in the matching funds which must be provided as soon as possible. The Development Authority resolved all the matching funds necessary, with the exception of \$138,500 which could be resolved by approval of the two financial commitments proposed.

The first financial commitment pertains to a Line of Credit. The Development Authority requested that High Plains Financial, Inc. be allowed to draw a line of credit balance of \$65,000, however, to do so the City Commission needs to take official action to reauthorize the Line of Credit because the maturity date has expired.

The second financial commitment is for the City to guarantee a loan. The Development Authority is negotiating a \$73,500 loan from First Interstate Bank to provide the remaining balance required for the matching funds. The bank has requested the City guarantee the loan. The Development Authority plans on paying off the majority of the loan within the next 60 days from proceeds received from the sale of their current office building. After paying off the building and other debt, sufficient funds are expected to be available to pay the First Interstate Bank loan down to approximately \$35,000. The closing on the sale of the building is scheduled to take place by September 30, 2006. The remaining balance is to be financed over a five year period.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the City Commission: 1) reauthorize the High Plains Financial, Inc. Line of Credit to utilize the remaining balance of \$65,000 and extend the due date to April 30, 2007, and; 2) authorize the City to be the guarantor to a \$73,500 loan to the Great Falls Development Authority from First Interstate Bank.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

Res. 9608, Res. 9609 and Ord. 2952 annexation, zoning Parcel Mark No. 1B, and a portion of 10th Avenue South, Sec. 16, T20N R4E (a portion of 10th Avenue South and 47th Street South.) Adopted Res. 9608 and Res. 9609; and accepted Ord. 2952 on first reading setting a public hearing for October 3, 2006.

9A. RESOLUTION 9608, ANNEXATION OF MARK NO. 1B IN SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST.

9B. RESOLUTION 9609, ANNEXATION OF A PORTION OF 10TH AVENUE SOUTH IN N½ SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST.

9C. ORDINANCE 2952, ZONING FOR PARCEL MARK NO. 1B AND A PORTION OF 10TH AVENUE SOUTH, BETWEEN 40TH STREET SOUTH AND 47TH STREET SOUTH, SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST.

Planning Director Ben Rangel reported Resolution 9608 sets a public hearing for October 3, 2006, to consider annexation of subject Mark No. 1B. Resolution 9609 sets a public hearing for October 3, 2006, to consider annexation of a portion of 10th Avenue South between 40th Street South and 47th Street South. Ordinance 2952 assigns a zoning classification of C-2 general commercial district to subject properties upon annexation to the City. Mr. Rangel added that it has been an objective of the City Commission to address and eliminate wherever possible enclaves that are completely surrounded by the City. The parcel in question is such an enclave.

On August 8, 2006, the Planning Board conducted a public hearing and at its conclusion passed a motion recommending the City Commission annex Parcel Mark No. 1B and portion of 10th Avenue South between 40th Street South and 47th Street South and the Zoning Commission passed a

motion recommending the City Commission assign a zoning classification of C-2 general commercial district upon annexation of subject property and right-of-way.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9608.

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9609.

Motion carried 4-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2952 on first reading and set a public hearing for October 3, 2006, to consider adoption of Ordinance 2952.

Motion carried 4-0.

**Ord. 2951,
Amending OCCGF
10.48.220 and 230
Pertaining to Bus
and Passenger
Loading Zones.
Accepted on first
reading and public
hearing set for
September 19, 2006
at 7 pm.**

**10. ORDINANCE 2951, AMENDING OCCGF 10.48.220 AND 230
PERTAINING TO BUS AND PASSENGER LOADING ZONES.**

Assistant City Attorney Kory Larsen reported that Ordinance 2951 will ease enforcement of the ordinances related to parking in school bus zones and passenger zones while addressing the safety concerns and traffic flow issues. As an added benefit, the changes also make these sections easier to explain to the public.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that Ordinance 2951 be accepted on first reading and the second and final reading be set for September 19, 2006 at 7 pm.

Motion carried 4-0.

**Ord. 2947, Establish
zoning for lots in the
Amended Plat of
Highland Park
Addition Block 28.
Accepted on first
reading and public
hearing set for
October 3, 2006, at
7 p.m.**

**11. ORDINANCE 2947, ESTABLISH CITY ZONING UPON
AMENDED PLAT OF SOUTH ½ OF VACATED ALLEY AND
LOTS 7-12 BLOCK 28 HIGHLAND PARK ADDITION.**

Planning Director Ben Rangel reported that, if adopted, Ordinance 2947 would assign a zoning classification of I-1 Light industrial district to the Amended Plat of the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, upon annexation to the City

Mr. Rangel explained that the Zoning Commission, at the conclusion of a combined public hearing held July 11, 2006, unanimously recommended the City Commission assign a zoning classification of I-1 light industrial

district upon the Amended Plat of the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition upon the annexation of the area contained therein.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission accept Ordinance 2947 on first reading and set a public hearing for October 3, 2006, to consider adoption of Ordinance No. 2947.

Motion carried 4-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA.

12. Minutes, August 15, 2006, Commission meeting.
13. Total expenditures of \$3,472,835 for the period of August 16-22, 2006, to include claims over \$5,000 in the amount of \$3,185,543.
14. Contracts list.
15. Set public hearing for September 19, 2006, on Resolution 9607 to Levy and Assess Properties for Unpaid Utility Service.
16. Awards contract for Northeast Regional Stormwater Retention Pond Extension to Wickens Construction, Inc. in the amount of \$122,650. (OF 1058.2)
17. Approve Change Order No. 1 in the amount of \$2,875.30 and Final Payment in the amount of \$34,366.47 to Great Falls Sand & Gravel, Inc. and the State Miscellaneous Tax Division for the Community Recreation Center Parking Lot. (OF 1443)
18. Approve Prioritized List of 2006 Community Transportation Enhancement Program projects for use of Great Falls CTEP allocations.
19. Approve support of Military Appreciation Picnic in the amount of \$500.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission approve the Consent Agenda as printed.

Motion carried 4-0.

PETITIONS AND COMMUNICATIONS

Experience Works

- 23A. **John Stevens**, provided information about a program called Experience Works. He explained that this program provides people who are 55 or older an opportunity to get back in the work place.

**Boulevard
Assessment**

- 23B. **John Hubbard** stated he opposed the Boulevard Assessment the Commission approved at their meeting on August 15. He added that he opposes all tax increases. Assistant City Manager Cheryl

Patton explained that the boulevard assessment did not include an increase this fiscal year.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of September 5, 2006, adjourned at 8:22 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk