

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 Assistant City Manager, City Attorney, Directors of Community Development, Planning, Public Works, Park and Recreation, and Library, Acting Director for Fiscal Services, Police Chief, Fire Chief, and the City Clerk.

**NEIGHBORHOOD COUNCILS**

1. No reports or announcements.

**PUBLIC HEARINGS**

**Res. 9604 and Ord. 2944 annexation, zoning and the amended plat of T20N R4E Sec. 4, Parcel Mark No. 4B. Adopted.**

**2A. RESOLUTION 9604, ANNEXATION OF PARCEL MARK NO. 4B, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST.**

**2B. ORDINANCE 2944, ZONING FOR PARCEL MARK NO. 4B, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST.**

Planning Director Ben Rangel reported the owners of Western Ranch Supply requested to annex a wholly surrounded 5 acre enclave which is located at 4000 River Drive North. The project includes the renovation of an existing building on the premises, provision of a large fenced exterior retail display area and a paved customer parking area.

The surrounding incorporated property is zoned I-2 Heavy industrial district and Staff, therefore, recommended this land be zoned the same.

On April 11, 2006, the Planning Board/Zoning Commission conducted a joint public hearing on the annexation and zoning requests. At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission zone the property I-2 heavy industrial district and the Planning Board passed a motion recommending the City Commission approve the annexation request subject to the applicant pay all applicable fees, provide an accurate metes and bounds survey description of the property, and sign an annexation agreement.

Mayor Stebbins declared the public hearing open. No one appeared to speak in opposition to Resolution 9604 or Ordinance 2944. **Mark Macek**, 801 9<sup>th</sup> Street South, spoke in support. There being no one

further to address the City Commission, Mayor Stebbins declared the public hearing closed.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9604 and approve the accompanying Annexation Agreement.**

Motion carried 5-0.

**Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz that the City Commission adopt Ordinance 2944.**

Motion carried 5-0.

**Res. 9592, Vacate a Segment of 20<sup>th</sup> Street South in Vo-Tech Add., B1, L2-3, and B2-4. Adopted.**

**3. RESOLUTION 9592, VACATE A SEGMENT OF 20<sup>th</sup> STREET SOUTH IN VO-TECH ADDITION, BLOCK 1, LOTS 2 AND 3, AND BLOCKS 2, 3, AND 4.**

Planning Director Ben Rangel reported that staff at the MSU-College of Technology proposed that the City vacate a segment of 20<sup>th</sup> Street South right-of-way and rededicate and realign the roadway as shown on an amended plat. Mr. Rangel added that this realignment provided for an s-curve in the roadway to realign 20<sup>th</sup> Street South along the east boundary of Prospect Park Addition. In addition, the lots contained in the area were being aggregated from 7 lots to 4 lots. MSU-College of Technology representatives stated that the smaller lots have become a dumping ground for concrete rubble, tree limbs, grass clippings and some trash.

The Planning Board considered the vacation and Amended Plat during a meeting held July 11, 2006, and unanimously passed a motion recommending the City Commission vacate subject rights-of-way and approve the amended plat.

Mayor Stebbins declared the public hearing open. No one appeared to speak in opposition to Resolution 9592. **Jason Gerard**, 1500 2<sup>nd</sup> Avenue South, spoke in support. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

**Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9592 and approve the Amended Plat of Lots 2 and 3, Block 1 and Blocks 2, 3, and 4, of Vo-Tech Addition and the accompanying Findings of Fact.**

Motion carried 5-0.

**Addendum  
Agreement, West  
Ridge Addition,  
Phase II. Adopted.**

**4. ADDENDUM AGREEMENT, ADDITION OF TWO UNITS TO PUD IN WEST RIDGE ADDITION, PHASE II.**

Planning Director Ben Rangel reported that G & J Development submitted a request to add two dwelling units to the previously approved planned unit development (PUD) condominium project currently under construction on Block 11, West Ridge Addition Phase II, which is located between 35<sup>th</sup> and 36<sup>th</sup> Avenues NE and 2<sup>nd</sup> and 3<sup>rd</sup> Streets NE. Mr. Rangel explained that the original Annexation Agreement for West Ridge Addition Phase II obligated the applicant to develop the PUD substantially in accordance with the site plan. Adding two units to a 32-unit condominium project would seem to be insignificant. However, to accommodate the two additional units, some building setbacks from roadways and between structures would be reduced. Staff determined this increase in density to be a significant enough change that it should be subject to the same review and approval as the original PUD. He added that the Planning Board recommended the City Commission approve the request.

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

**Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission approve the Addendum Agreement to add two dwelling units to the PUD in West Ridge Addition Phase II.**

Motion carried 5-0.

**Res. 9596 - Assess  
the Boulevard  
Maintenance  
District. Adopted.**

**5. RESOLUTION 9596, ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENANCE DISTRICT.**

Budget Officer Melissa Kinzler reported that State law requires the City Commission to conduct a public hearing and adopt a resolution in order to assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

The General Boulevard Area assessment for fiscal year 06/07 will be \$289,725 the same amount assessed in FY 05/06. This will result in an assessment of \$61.71 for an average lot of 7,500 square feet.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9596. Mayor Stebbins declared the public hearing closed.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9596.**

Motion carried 5-0.

**Res. 9598 - Assess  
the Street  
Maintenance  
District. Adopted.**

**6. RESOLUTION 9598, ASSESS STREET IMPROVEMENT MAINTENANCE DISTRICT.**

Budget Officer Melissa Kinzler reported that in order to provide for the necessary assessment support, State law requires the City Commission to conduct a public hearing and adopt a resolution authorizing and setting the assessment. MCA 7-12-4421, states: "...assessments for the costs and expenses of maintaining streets, alleys and public places shall be made against all of the property embraced within each district by one of the methods provided in 7-12-4422."

The Street Maintenance assessment for fiscal year 06/07 will increase by 10 percent, which was recommended to finance street reconstruction projects. The anticipated collections would total \$2,387,479 resulting in an assessment of \$67.09 for an average lot of 7,500 square feet.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9598. Mayor Stebbins declared the public hearing closed.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9598.**

Motion carried 5-0.

**Res. 9597 - Assess  
Portage Meadows  
Maintenance  
District. Adopted.**

**7. RESOLUTION 9597, ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT.**

Budget Officer Melissa Kinzler reported that State law requires the City Commission to conduct a public hearing and adopt a resolution in order to assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

The Portage Meadows Area assessment for fiscal year 06/07 will remain at \$19,786, the same amount assessed in FY 05/06. This will result in an assessment of \$105.81 for an average lot of 4,503 square feet.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9597. Mayor Stebbins declared the public hearing closed.

**Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9597.**

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**Ord. 2946,  
Amending OCCGF  
13.06 Pertaining to  
Water Service  
Lines. Adopted.**

**8. ORDINANCE 2946, AMENDING 13.06 PERTAINING TO WATER SERVICE LINES.**

Public Works Director Jim Rearden reported that Ordinance 2946 would amend OCCGF 13.06 Section H. He explained that the Ordinance would allow water service lines from a meter pit to the building be either copper or HDPE, 200 psig meeting AWWA C-901 Standards. Since the first reading of the Ordinance, staff requested the Ordinance be changed to allow the materials option only for service lines longer than 100 feet if the meter is installed at the property line. Additionally, the requirement that the first 10 feet of pipe from the house is to be copper, if the owner uses HDPE pipe, was eliminated.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2946.**

Commissioner Hinz asked what the difference was in longevity between the copper and the HDPE pipe. Mr. Rearden stated that copper had a great track record and there was limited information regarding HDPE pipe.

Motion carried 5-0.

**Ord. 2949,  
Amending OCCGF  
9.20 and 12.14  
pertaining to  
intoxicating  
beverages in public  
places. Accepted on  
first reading and  
public hearing set  
for September 5,  
2006 at 7 pm.**

**9. ORDINANCE 2949, AMENDING OCCGF 9.20 AND 12.14 PERTAINING TO INTOXICATING BEVERAGES IN PUBLIC PLACES.**

City Clerk Peggy Bourne reported that Ordinance 2949 amends the existing city code that pertains to events held on public lands where alcohol is to be consumed. The proposed ordinance eliminates a conflict with a resolution that established the street closure policy and provides for more events to be held in City parks such as corporate picnics, wedding receptions, family reunions and class reunions.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that Ordinance 2949 be accepted on first reading and the public hearing and final reading be set for September 5, 2006, at 7 p.m.**

Motion carried 5-0.

**Res. 9579, Annual  
Tax Levy. Adopted.****10. RESOLUTION 9579, ANNUAL TAX LEVY.**

Budget Officer Melissa Kinzler reported that MCA 15-10-202 requires the Montana Department of Revenue send a certification to each taxing authority of the total taxable value within the jurisdiction of the taxing authority by the first Monday of August. The statement and the certified millage are necessary for the City to determine compliance with MCA 15-10-420.

She added that the proposed mill levy was 140.94 mills, which provides for the same mills levied in the previous year plus:

- a 1.424% tax levy increase as allowed by MCA 15-10-420 for inflation; and,
- tax revenue growth from the \$2,873,541 in newly taxable property resulting from new construction.

**Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9579.**

Motion carried 5-0.

**Res. 9605,  
Submitting to the  
Electors the Request  
to Authorize  
General Obligation  
Bonds to Fund  
Swimming Pool  
Repairs. Adopted.****11. RESOLUTION 9605, SUBMITTING TO THE ELECTORS THE  
REQUEST TO AUTHORIZE GENERAL OBLIGATION  
BONDS TO FUND SWIMMING POOL REPAIRS.**

Assistant City Manager Cheryl Patton reported that the community swimming pools were built and/or renovated in the 1960s. Due to the fact that the pools systems and infrastructure have deteriorated over time, the City was faced with significant capital and maintenance issues. The "rehabilitation project" was estimated to cost just under \$2.3 million and General Obligation Bond financing was necessary to fund it. She added that adoption of Resolution 9605 authorizes submitting to the electors of the City of Great Falls a ballot question on November 7, 2006, in conjunction with the general election. The election would determine whether or not to issue \$2,270,000 of General Obligation Bond financing over a term of ten years to fund repairing and rehabilitating the Mitchell, Water Tower and Jaycee Pools.

**Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9605.**

Commissioner Hinz explained that this action allowed the citizens to make the decision. Mayor Stebbins concurred stating that the survey showed that the Great Falls citizens were willing to embrace clean activities for the kids.

Motion carried 5-0.

**Consent Agenda.  
Approved as  
printed.**

**CONSENT AGENDA.**

12. Minutes, August 1, 2006, Commission meeting.
13. Total expenditures of \$2,189,736 for the period of July 21 through August 2, 2006, to include claims over \$5,000 in the amount of \$1,989,300.
14. Contracts list.
15. Set public hearing for September 19, 2006, on Resolution 9599 to Levy and Assess Special Maintenance Lighting Districts.
16. Set public hearing for September 5, 2006, on Resolution 9600, Establishing Sanitation Service Rates for FY 2006/2007.
17. Set public hearing for September 19, 2006, on Resolution 9601, to Levy and Assess a Tax on All Real Estate in Special Improvement Lighting District – City-owned Lighting 1302 Along Beargrass Drive within Meadowlark Addition 3.
18. Set public hearing for September 19, 2006, on Resolution 9602 to Levy and Assess a Tax on all real estate in Special Improvement City-Owned Lighting District 1304 within Eagles Crossing Phase I.
19. Set public hearing for September 19, 2006, on Resolution 9603 to Levy and Assess a Tax on all real estate in Special Improvement City-Owned Lighting District 1306 along Camas Drive within Meadowlark Addition 4.
20. Set public hearing for September 5, 2006, for consideration of the sale of city-owned land located at Lots 3A through 3H, Amended Plat of Lot 3, Medical Tech Park (located southwest of the Centene development site).
21. Set public hearing for September 5, 2006, for the 2006/2007 Business Improvement District Budget.
22. Contract for the Mansfield Theater Lobby Exclusive Concessions Agreement to Miss Linda's School of Dance.
23. List of property declared as surplus to allow it to be sold at auction.
24. Agreement with the Montana Department of Transportation for Maintenance of Traffic Signals on State Routes.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Consent Agenda as printed.**

Motion carried 5-0.

**CITY COMMISSION**

**School Zones and  
Cross Walks.**

27. Commissioner Beecher reminded everyone that school would be starting soon and to pay special attention to the speed limit in school zones and to the cross walk activity.

**PETITIONS AND COMMUNICATIONS**

28. John Hubbard expressed concern about the increase in taxes especially for those on fixed incomes.

**Adjourn**

**ADJOURNMENT**

There being no further business to come before the Commission, the regular meeting of August 15, 2006, adjourned at 7:37 p.m.

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Mayor Dona R. Stebbins

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Peggy Bourne, City Clerk