

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

PROCLAMATIONS: National Public Works Week and Montana Click It or Ticket Campaign

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

School Zone Safety project.

George Littlefield, Neighborhood Council 4, updated the Commission on his project relating to school zone safety.

PUBLIC HEARINGS

Res. 9562 and Ordinance 2936, annexation, zoning and the final plat for Discovery Meadows Addition Phase 2. Adopted.

2A. RESOLUTION 9562, ANNEXATION OF DISCOVERY MEADOWS ADDITION PHASE 2.

2B. ORDINANCE 2936, ZONING FOR DISCOVERY MEADOWS ADDITION PHASE 2.

Planning Director Ben Rangel reported that Resolution 9562 annexes Discovery Meadows Addition Phase 2 which is located along 48th Street North.

The City-County Planning Board had previously 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 the classification of the area would be "R-3" single-family high density. The applicant also requested that Block 2, consisting of eight lots, be granted a conditional use permit to allow duplexes to be constructed.

At the conclusion of a combined public hearing held March 14, 2006, the Planning Board/Zoning Commission unanimously recommended the City Commission approve the final plat and the annexation of Discovery Meadows Phase 2, subject to the applicant signing an Annexation Agreement; paying relevant fees; correcting any errors or omissions on the final plat noted by staff; and receiving final approval of the engineering documents.

The Zoning Commission unanimously recommended the City Commission approve R-3 single-family high density district zoning and approve a conditional use permit to allow two-family residences to be constructed on the lots.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9562 or Ordinance 2936. Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9562 and approve the final plat and Annexation Agreement all related to Discovery Meadows Addition Phase 2.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission adopt Ordinance 2936.

Motion carried 5-0.

Res. 9563 and Ordinance 2937, annexation and zoning Beebe Tracts 22 and 23 and the western portion of Tract 21. Adopted.

3A. RESOLUTION 9563, ANNEXATION OF BEEBE TRACTS 22 AND 23 AND THE WESTERN PORTION OF TRACT 21.

3B. ORDINANCE 2937, ZONING FOR BEEBE TRACTS 22 & 23 AND THE WESTERN PORTION OF TRACT 21.

Planning Director Ben Rangel reported that Resolution 9563 annexes Beebe Tracts 22 and 23 and the western portion of Tract 21. The property is located along the north side of 3rd Avenue South between 44th and 46th Streets. The applicant intends to construct a church and accompanying parking lots on the property.

The Planning Board conducted a public hearing on the annexation and rezoning on January 11, 2005. At the conclusion of the hearing, the Planning Board passed a motion recommending the City Commission annex the land and rezone it to "B" Residence Use, "B" Area District (now R-3 single-family high density district with a conditional use permit allowing a worship facility), subject to the applicant paying applicable fees; signing an annexation agreement that requires: 1) the installation of a sidewalk around the property, 2) preparation of a detailed drainage plan; and 3) approval for the location of the approaches to the parking lots; paying applicable public roadway lighting facilities and street maintenance assessments; and participating in the installation of, and paying the proportionate share of future storm drainage facilities.

Mayor Stebbins declared the public hearing open.

Chuck Paul, administrator for the Church, thanked staff for their work on this project. No one appeared to speak in opposition to Resolution 9563 or Ordinance 2937. Mayor Stebbins declared the public hearing closed.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9563 and approve the Annexation Agreement related to Beebe Tracts 22 and 23 and the westerly portion of Tract 21.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Ordinance 2937.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 2938, rezone GF 10th Add., B738, L4-7. Set public hearing for June 6, 2006.

4. ORDINANCE 2938, REZONE GF 10TH ADDITION, BLOCK 738, LOTS 4-7.

Planning Director Ben Rangel reported that Dave Dickman, representative for owners, Elerine McDonald and David Blackwell, applied to rezone property located along 3rd Avenue South and 15th Street South in order to construct a 10,000 square foot office building.

On April 25, 2006, the Zoning Commission held a public hearing on the requested zone change during which several people voiced concerns about increased traffic and their preference for businesses located in the new office building to operate from 9 am to 5 pm.

The Zoning Commission recommended the City Commission approve the request to rezone from R-3 single-family high density district to C-1 neighborhood commercial district, and to amend the official zoning map to reflect the zone change, subject to the applicant and property owners consolidating the lots into a single lot through an amended plat.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2938 on first reading and set a public hearing for June 6, 2006, to consider adoption of Ordinance 2938.

Motion carried 5-0.

Res. 9568, Relating to Electric City Power, Inc., establishing a financial assurance reserve fund. Adopted.

5. RESOLUTION 9568, A RESOLUTION RELATING TO ELECTRIC CITY POWER, INC., ESTABLISHING A FINANCIAL ASSURANCE RESERVE FUND AND DETERMINING USE OF SUCH FUNDS.

Fiscal Services Director Coleen Balzarini reported that Electric City Power, Inc., (ECPI) submitted a small customer pilot program license application to the Montana Public Service Commission (PSC). The Administrative Rules of the PSC require ECPI to demonstrate its financial integrity. Since ECPI has not existed long enough to provide an investment grade bond rating or two years of audited financial statements, it was determined to provide a cash deposit of \$100,000 to act as a performance bond. Resolution 9568 authorizes the transfer of \$100,000 from General Fund Reserves into this fund.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Hinz, that the City Commission adopt Resolution 9568 authorizing the establishment of a financial assurance reserve fund as security for residential and small commercial electric supply customers for ECPI in the amount of \$100,000.

Motion carried 5-0.

Consent Agenda. Approved as printed.

CONSENT AGENDA

6. Minutes, May 2, 2006, Commission meeting.
7. Total expenditures of \$1,128,156 for the period of April 25-May 9, 2006, to include claims over \$5,000 in the amount of \$626,658.
8. Contracts list.
9. Set public hearing for June 6, 2006, on Resolution 9569, Conditional Use Permit for GF 1st Addition, Block 467, Lot 7.
10. Set public hearing for June 6, 2006, on Resolution 9573, which would establish a zoning permit determination fee.
11. Change Order 1 in the amount of \$1,946 and Final Payment in the amount of \$2,642 to McLees Incorporated and the State Miscellaneous Tax Division for the Community Recreation Center Roof project (OF 1443.1)
12. Construction Contract with Ed Boland Construction in the amount of \$824,100 for the 1st and 2nd Avenues North Water Main Replacement project (OF 1450).
13. Construction Contract with Dave Kuglin Construction in the amount of \$428,780 for the Sludge Basin Rehabilitation Project Phases 2 and 3 (OF 1332.5).
14. Construction Contract with Birkenbuel Construction for the construction of sand bunkers and mounds on four holes at Eagle Falls Golf Club in the amount of \$20,900.
15. Reject bid for the Interactive Firearm Training System.
16. Labor agreement with the Montana Public Employees Association.

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

Motion carried 5-0.

BOARDS AND COMMISSIONS

Golf Advisory Board. Appointed Baker.

17. APPOINTMENT, GOLF ADVISORY BOARD.

John VanHorn was appointed to the Golf Advisory Board as an At-Large Representative on April 5, 2005, to fill the remainder of a three-year term through March 31, 2007. Mr. VanHorn resigned from his position on the Board; therefore, it was necessary to appoint one member to fill the remainder of his term.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Philip D. Baker as an At-large representative to the Golf Advisory Board to fill the remainder of a three-year term expiring March 31, 2007.

Motion carried 5-0.

Advisory Commission on International Relationships. Appoint Smith.

18. APPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.

Bill Wilson and Marilyn Swenson have both resigned their position on the Advisory Commission on International Relationships. Mr. Wilson and Ms. Swenson were both appointed on August 3, 2004, for three-year terms through March 31, 2008. Only one application was available for consideration at this time. It is recommended the City Commission consider this application while we continuing to seek other citizens interested in applying.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Jamie Smith to the Advisory Commission on International Relationships to fill the remainder of a three-year term through March 31, 2008.

Motion carried 5-0.

CITY COMMISSION

Special Olympics

21A. Commissioner Hinz welcomed all the Special Olympic athletes to Great Falls.

Lethbridge AB Centennial

21B. Mayor Stebbins reported that she attended the Lethbridge, Alberta, Centennial Celebration. She added that the hospitality was excellent and all Great Falls residents should welcome our friends

from the north whenever they see them in town.

PETITIONS AND COMMUNICATIONS

**Click It or Ticket
Campaign and
Weissman property
fire.**

22. **John Hubbard**, disagreed with the “Click It Or Ticket” campaign stating that there were cases when people were killed because they wore a seat belt. He also expressed concern about the owners of the Weissman property burning toxic waste. Chief McCamley stated he would look into it although he was aware they did have a permit from the State to smelt aluminum.

ADJOURNMENT

Adjourn

There being no further business to come before the Commission, the regular meeting of May 16, 2006, adjourned at 7:40 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk