

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

PROCLAMATIONS: Mayor Stebbins read the following proclamations: Fair Housing Month, Crop Walk Day, Equal Pay Day and Sexual Assault Awareness Month.

NEIGHBORHOOD COUNCILS

1. SWEARING IN CEREMONY.

NC Swearing-in.

Erin Tropila was unable to attend the meeting. The swearing-in ceremony will take place at a future meeting.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Good Neighbor Award.

2A. Bob Stubbs, NC 4, reported on the Good Neighbor Award. The ceremony honoring two recipients will take place on April 24, 2006.

Bloomingtondale Park.

2B. Phyllis Hemstad, NC 2, thanked staff for their work on the Bloomingtondale project.

PUBLIC HEARINGS

CDBG and HOME Program Funds. Approved funding recommendations.

3. CDBG AND HOME PROGRAM FUNDS.

Community Development Director Mike Rattray reported that the City Commission approved the 5-year Consolidated Plan on April 19, 2005. Each year an Annual Action Plan must be submitted to the U.S. Department of Housing and Urban Development (HUD) that contains the proposed use of CDBG and HOME funds for the coming fiscal year. CDBG project proposals were received in February of 2006. The Community Development Council met to hear presentations from the applicants and then formulated recommendations which they presented to the City Commission at a work session.

The HOME project proposals were also received in February of 2006 and presented to the City Commission during the work session on March 21,

2006.

Mayor Stebbins declared the public hearing open. No one appeared to speak in opposition to the funding recommendations. **Richard Cornwell**, 509 1st Avenue South; **Carrie Pepos**, 2108 4th Avenue South; and **Cynthia Corda**, Consumer Counseling Services, spoke in support of the funding recommendations.

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

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission approve the proposed use of funds for the 2006/2007 Community Development Block Grant and the HOME Investment Partnership Program for inclusion in the Proposed Annual Action Plan.

Motion carried 5-0.

NEW BUSINESS

Res. 9561, Intent to Annex T20N R4E Sec 17, Marks 10 and 10B. Adopted.

ORDINANCES/RESOLUTIONS

4A. RESOLUTION 9561, INTENT TO ANNEX T20N R4E SEC 17, PARCEL MARKS NOS 10 & 10B.

Ord. 2935, Zoning for T20N R4E Sec. 17, Marks 10 and 10B. Accepted on first reading and set the public hearing for May 2, 2006.

4B. ORDINANCE 2935, ESTABLISH ZONING ON T20N R4E SEC 17 PARCEL MARKS NOS 10 AND 10B.

Planning Director Ben Rangel reported that a portion of the block located along the south side of 10th Avenue South and between 26th and 29th Streets South had never been annexed to the City. The unincorporated enclave, comprised of two acres, was entirely surrounded by the incorporated area of the City and consisted of two parcels owned by Zollie Kelman.

Additionally, Mr. Rangel reported that the City Commission expressed an interest in annexing unincorporated enclaves to the City. These unincorporated enclaves have been a source of confusion and inconsistent code application. An example was County fireworks requirements differ significantly from City requirements in the type of fireworks that can be sold, the time period during when they may be sold, and the type of fireworks that can be discharged. Equity issues also arise where property in the midst of an urban setting was not subject to the same code requirements for community decay, weed control and signage. These properties also benefit from readily available public improvements, such as paved roadways, curb and gutter, and sidewalks

which in many cases have been funded by taxpayers within the City. MCA 7-2-4501 states that a city may include as part of the city any platted or unplatted tract or parcel of land that is wholly surrounded by the city upon passing a resolution of intent, giving notice, and passing a resolution of annexation. Further, Section 7-2-4502, MCA, provides that wholly surrounded land is annexed, if so resolved by the city or town council, whether or not a majority of the real property owners of the area to be annexed object.

In a letter dated February 28, 2006, from Steven Potts, attorney representing the property owner, Zollie Kelman, Mr. Potts requested the annexation process be postponed until a declaratory judgment could be decided. After reviewing Mr. Potts' letter and definitions and land use designations in the Unified Land Development Code, the City Attorney directed staff to proceed with processing the annexation unless directed otherwise by a court of competent jurisdiction.

In a letter dated March 16, 2006, Planning Staff also heard from Michael Maeder, requesting any action to annex subject property not become effective until after July 4 in order for him to proceed with planned fireworks sales for this calendar years.

The existing vehicle display and sales lot was a permitted use in the proposed C-2 general commercial district and would be allowed to continue following annexation. Fireworks stands could continue to operate from the site in accordance with City standards.

The Planning Board/Zoning Commission on March 14, 2006, conducted a joint public hearing on the annexation and establishment of City zoning on the property. No proponents or opponents spoke at the public hearing. At the conclusion of the public hearing, the Planning Board passed a motion recommending the City Commission annex the land and the Zoning Commission approved the requested zoning.

Mayor Stebbins asked if anyone wanted to comment on this issue.

Michael Maeder, owner of Liberty Fireworks, asked the Commission to delay action on this item until after the 4th of July. He explained that he already purchased the inventory for the fireworks stand that was usually on that piece of property and if the property was annexed, much of the inventory could not be sold because it was not legal in the City limits. Further, he asserted that the City targeted only enclaves he used for firework stands and not those used by his competitors.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the City Commission adopt Resolution 9561.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz that the City Commission accept Ordinance No. 2935 on first reading and set a public hearing for May 2, 2006, to consider adoption of Ordinance 2935.

Commissioner Hinz clarified that the action was only to set the public hearing on the issue.

Motion carried 5-0.

Res. 9558, Intent To Modify SLD-A 1294. Adopted.

5. RESOLUTION 9558, INTENT TO MODIFY THE BOUNDARIES OF SPECIAL IMPROVEMENT LIGHTING DISTRICT – ALLEY LIGHTING “SLD-A” NO. 1294 AND INSTALL FOUR (4) 70 WATT HPS ALLEY LIGHTS ON DISTRIBUTION POLES BETWEEN 38TH STREET NORTH AND 40TH STREET NORTH ALONG 4TH ALLEY NORTH

Fiscal Services Director Coleen Balzarini reported that property owners in the general location of 4th Avenue North between 38th Street North and 40th Street North petitioned for the installation of four 70 watt HPS alley lighting units on 28 foot distribution poles with overhead wiring. There are twenty-nine (29) properties within the proposed boundaries of the alley lighting district.

In order to provide alley lighting for the petitioned area within a timely manner, staff proposed entering into a lease agreement with Northwestern Energy rather than City ownership of the alley lights.

A modification to the boundary lines of SLD-A 1294 was required in order to include the properties as requested. The estimated annual assessment would result in \$12.22 for an average lot size of 7,925 square feet.

Additionally, Mrs. Balzarini reported that during the original consolidation of SLD 1294-A some properties were included in the district in error. To correct this, the properties located at Lots 1 through 16, Block 12, West Great Falls Addition will be removed from the district.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher, Hinz and Rosenbaum, that the City Commission adopt Resolution 9558 and set a public hearing date for May 2, 2006, at 7:00 p.m.

Motion carried 5-0.

Consent Agenda.

CONSENT AGENDA

Approved as printed.

6. Minutes, March 21, 2006, Commission meeting.
7. Total expenditures of \$842,584 for the period of March 15-22, 2006, to include claims over \$5,000 in the amount of \$695,175.
8. Contracts list.
9. Set public hearing for April 18, 2006, on Resolution 9549, Mansfield Theatre Fees and Rates.
10. Set public hearing for May 2, 2006, on the Justice Assistance Grant recommendation.
11. Set public hearing for May 2, 2006, regarding a lease agreement for a portion of Clara Park.
12. Set public hearing for May 2, 2006, regarding a lease agreement for a portion of City property adjacent to the Gore Hill Water Tower.
13. Authorize co-sponsorship in the amount of \$500 for use of the Convention Center for the Great Falls Community Ice Foundation Event, Frozen Explosion.
14. Approve Inter-local Agreement with the Montana Department of Labor and Industry, Building Codes Bureau.
15. Award construction contract in the amount of \$673,125 to Phillips Construction for the 1st, 2nd, 3rd, and 5th Avenues Northwest Water Main Replacement. (OF 1435).
16. Postpone bid award for the Wastewater Treatment Plant Cogeneration Plant Project. (OF 1404).
17. Award contract in the amount of \$70,850.30 to Great Falls Sand and Gravel, Inc., for the Community Recreation Center Parking Lot. (OF 1443).
18. Award bid in the amount of \$154,611 to Forde Nursery for Schedule A of the Bloomingdale Park Landscaping project. (OF 1306.6).
19. Award bid to DPC Industries, Inc., for anhydrous ammonia in the amount of \$145 per 148-lb. cylinder.
20. Award bid to Thatcher Company for liquid aluminum sulfate in the amount of \$271 per dry ton.
21. Award bid to DPC Industries, Inc., for liquid chlorine in the amount of \$559 per ton.
- 21A. Approve Terms and Conditions for a natural gas supply contract.

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

Motion carried 5-0.

BOARDS AND COMMISSIONS

Historic Preservation Advisory Commission.

22. APPOINTMENTS, HISTORIC PRESERVATION ADVISORY COMMISSION.

Aart Dolman has served on the Historic Preservation Advisory

Appointed Clark and reappointed McKinney.

Commission since May of 2000 and is not eligible for reappointment. Therefore, it was necessary to appoint one new member to fill his vacancy. Jerry McKinney was appointed to the Historic Preservation Advisory Commission on December 21, 2004, to fill the remainder of a three-year term. Mr. McKinney was eligible for and interested in reappointment.

Commissioner Hinz moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission Gerald Clark and reappoint Jerry McKinney for three-year terms, expiring April 30, 2009.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS**Streetlights.**

26A. Clay Braden, 2708 4th Avenue NW, reported that some street lights were out in the vicinity of the Crossroads Café. He also stated that he's noticed that some street lights were on during the day. Mr. Braden suggested that when City staff noticed these things, to call it in.

Streetlights.

26B. Phyllis Hemstad, NC 2, concurred with Mr. Braden and asked that this gets taken care of.

Fiscal Services Director Coleen Balzarini explained that Northwestern Energy should be contacted regarding the street lights, and, if they had already been contacted, the delay in repairing them could be due to the need for special equipment. She also explained that street lights were not metered, so those that were on during the day did not result in a higher cost to the City.

EPA Investigation.

26C. John Hubbard asked if the City Commission knew the outcome of the EPA investigation on the Weissman property. Mayor Stebbins stated that this was not something the City Commission would hear about and suggested Mr. Hubbard contact the EPA.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of April 4, 2006, adjourned at 7:48 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk