

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, Public Works, Library, Fiscal Services, Police Chief, Fire Chief, Interim Director Park and Recreation, and the City Clerk.

PRESENTATION: Proclamation of Commendation and Appreciation to Chief Jones upon his retirement.

PRESENTATION: Electric City Soccer Park Update. Public Works Director Jim Rearden and representative from the Soccer Foundation, Kreg Jones, updated the Commission on the Electric City Soccer Park.

PUBLIC HEARINGS

Res. 9542, Cost Recovery, GF Townsite, Addition, B472, L4. Adopted.

1. RESOLUTION 9542, COST RECOVERY, GF TOWNSITE ADDITION, BLOCK 472, LOT 4.

The owner of the property at 714 6th Avenue South was issued a "Notice of Hearing" to show cause why he should not be liable for the costs incurred in razing and cleanup of a structure located on the property. The total cost for the removal was \$4,602.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Resolution 9542. Mayor Stebbins closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9542.

Motion carried 5-0.

Wadsworth Park Lease. Sun River Skeet Club. Approved.

2. LEASE, WADSWORTH PARK (PORTION) WITH SUN RIVER SKEET CLUB.

Interim Park and Recreation Director Patty Rearden reported that the Sun River Skeet Club requested to continue their lease for a portion of Wadsworth Park. Staff proposed a two-year lease that included a fee increase from \$300 to \$450 annually. Staff also recommended that this be the final lease with the Sun River Skeet Club because the use was in conflict with other park uses, as evidenced by observed shot fall north of the levee. Therefore, the lease did not include a renewal clause. It was

recommended in the lease that the Club be proactive in developing new facilities at the Great Falls Shooting Sports Complex.

Further, Mrs. Rearden stated that in 1998 the City Commission approved Resolution 9873, Wadsworth Park Master Plan. It was recommended at that time that the Sun River Skeet Club be allowed to continue their existing lease which expired September 5, 2000, and if requested, grant a three year extension. After that time, a lease could be granted annually, at the discretion of the City. Eventually, the Sun River Skeet Club would be required to relocate its facility due to the conflict with other park uses.

The Park and Recreation Board approved the two year renewal at its September 21, 2005, board meeting.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to the proposed lease. **Ted VanTighem**, President of the Skeet Club, asked the City to consider extending the lease if the Skeet Club demonstrated a good faith effort to relocate.

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

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission approve a two year lease of a portion of Wadsworth Park with the Sun River Skeet Club.

Commissioner Jovick-Kuntz explained that she met with several members of the Skeet Club and they expressed concern that the board of the Great Falls Shooting Sports Complex would not enter into a lease with them. Chief Jones explained that the Board was made up of representatives from each of the shooting clubs located at the Great Falls Shooting Sports Complex, and they decided to enter into Memorandums of Understanding rather than leases. He added that could be changed, but the current make up of the board did not feel it was necessary.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 5-0.

NEW BUSINESS

ORDINANCES AND RESOLUTIONS

**Ord. 2928, Amend
OCCGF 2.26
pertaining to the
Civic Center
Advisory Board.
Adopted.**

**3. ORDINANCE 2928, AMEND OCCGF 2.26 PERTAINING TO
THE CIVIC CENTER ADVISORY BOARD.**

City Clerk Peggy Bourne reported that in 1997 the City Commission created the Civic Center Advisory Board. Since that time, some of the responsibilities that were originally incorporated into the Board's scope

of duties have changed. The proposed ordinance eliminates the specific list of duties and replaces it with broad language pertaining to the overall function and operation of the Civic Center as the Mansfield Center for the Performing Arts as well as a convention center. This broad language allows the advisory board to be flexible and adapt to issues as they arise. Additionally, she added, the original ordinance included language that would insinuate the board was a governing board rather than an advisory board. Staff proposed eliminating that language in order to bring the Board in line with the City Commission's other advisory boards.

Finally, Mrs. Bourne reported that the ordinance would change the name of the board to be the Mansfield Center for the Performing Arts Advisory Board.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Ordinance 2928 on final reading.

Motion carried 5-0.

**Ord. 2930,
Annexation to
continue water
and/or sewer
service. Adopted.**

**4. ORDINANCE 2930, ANNEXATION TO CONTINUE WATER
AND/OR SEWER SERVICE.**

City Attorney Dave Gliko stated that staff presented Ordinance 2930 for consideration which would require property owners who receive city water and/or services on parcels outside the city limits to consent to annexation of such parcels as a requirement for continuation of water and/or sewer service. It was the intention of the City to implement such annexation on several parcels located outside city limits.

Mr. Gliko added that it has been the policy not to allow water and/or sewer services outside the City limits without annexation. However, a number of parcels located outside the city limits have received such services through utility connections made over 20 years ago. To remain consistent with the City policy of requiring annexation before the extension of water and/or sewer service, it was deemed necessary to annex all parcels located outside the city limits receiving such utility service. MCA 69-7-201 authorizes cities to require annexation of such parcels as a condition of the continuation of existing water and/or sewer service. The Montana Attorney General opined the city must adopt an ordinance requiring such annexation as a condition for the continuation of water and/or sewer services before taking action on such annexation. Therefore, it was recommended the City Commission adopt Ordinance 2930 prior to annexation of those parcels located outside the city limits as a condition of the continuation of city water and/or sewer service.

Commissioner Rosenbaum moved, seconded by Commissioner

Beecher, that the City Commission adopt Ordinance 2930 on final reading.

Suzann Kummert, 5817 2nd Avenue North, stated she received City water and was not annexed into the City. She added she did not oppose this Ordinance as long as she received additional City services after she paid City property tax. City Manager John Lawton responded stating that this ordinance did not annex or target specific properties. Rather, it gave the City Commission another tool to address issues of wholly surrounded properties within the City that were not annexed. He explained that when specific properties were identified, Staff would go through the formal annexation process which included public hearings and official notifications.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 5-0.

Ord. 2931, Zoning for Meadowlark 4 Addition. Set public hearing for March 21, 2006.

5. ORDINANCE 2931, ESTABLISH ZONING UPON MEADOWLARK 4 ADDITION.

Planning Director Ben Rangel reported that upon annexation, Ordinance 2931 would assign a zoning classification of R-3, single-family, high-density district, to Meadowlark 4 Addition. The proposed development consisted of 18, single-family residential lots located southwest of Grande Vista Park and immediately east of Flood Road.

The Zoning Commission, at the conclusion of a public hearing held June 14, 2005, unanimously recommended the City Commission assign the requested zoning classification at such time the City approved the final plat and the annexation.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2931 on first reading and set a public hearing for March 21, 2006, to consider adoption of Ordinance 2931.

Motion carried 5-0.

Ord. 2932, Zoning for West Ridge Addition, Phase III. Set public hearing for March 21, 2006.

6. ORDINANCE 2932, ESTABLISH ZONING UPON WEST RIDGE ADDITION, PHASE III.

Planning Director Ben Rangel reported that upon annexation Ordinance 2932 would assign a zoning classification of R-2, single-family, medium density district, to West Ridge Addition, Phase III. The proposed development consisted of 18, single-family, residential lots located immediately west of Skyline Education Center.

The Planning Board, at the conclusion of a public hearing held October 22, 2002, unanimously recommended the City Commission assign the requested classification.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission accept Ordinance 2932 on first reading and set a public hearing for March 21, 2006, to consider adoption of Ordinance 2932.

Motion carried 5-0.

Res. 9547, Intent to Vacate northerly segments of 3rd Ave South abutting Sunrise Court. Adopted.

7. RESOLUTION 9547, INTENT TO VACATE NORTHERLY SEGMENTS OF 3RD AVENUE SOUTH ABUTTING SUNRISE COURT.

Planning Director Ben Rangel reported that adoption of Resolution 9547 would set a public hearing for March 7, 2006, to consider vacating two segments of unused right-of-way on 3rd Avenue South abutting the south boundary of Sunrise Court Addition. The Amended Plat of Sunrise Court Addition would add the vacated rights-of-way to the abutting Blocks 3 and 4.

The involved portion of 3rd Avenue South was dedicated and annexed as part of the Second Supplement to Sunrise Terrace Addition in 1959 and the Sunrise Court Addition in 1976. No public roadway improvements were located within the rights-of-way requested to be vacated and it was determined retention and eventual improvement of subject rights-of-way served no practical or functional purpose. The Great Falls Housing Authority was interested in using the vacated rights-of-way to improve the parking arrangement for the Sunrise Court public housing complex. Upon vacating the two rights-of-way, the segments shall become a part of Lot 1, Block 3 and Lot 1, Block 4, Sunrise Court Addition owned by the Great Falls Housing Authority. The southern 20 feet of the vacated rights-of-way would be designated as a utility easement to accommodate existing utilities.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9547.

Motion carried 5-0.

Res. 9554, Rescinding approvals associated with Source Giant Springs Addition.

8. RESOLUTION 9554, RESCINDING APPROVALS ASSOCIATED WITH SOURCE GIANT SPRINGS ADDITION.

Planning Director Ben Rangel reported that adoption of Resolution 9554 would rescind City Commission action taken on May 7, 1996, adopting

Adopted.

Resolution 8799, annexation of Source Giant Springs Addition and approval of an annexation agreement and Minor Plat.

Mr. Rangel explained that Source Giant Springs conducts a bottled water operation from a building located in the proposed Source Giant Springs Addition and in 1996, in order to qualify for a \$100,000 economic development loan, Source Giant Springs, Inc., represented by David F. Brown, submitted a petition to annex approximately 5.5 acres.

None of the legal documents associated with the subdivision and annexation were filed with the Cascade County Clerk and Recorder's Office. Without recordation the subdivision plat and annexation of Source Giant Springs Addition has not been recognized or considered validated.

Source Giant Springs bottled water operation presently receives no City utility services including water or sanitary sewer.

David F. Brown, President of Source Giant Springs, Inc., indicated that the \$100,000.00 economic development loan had been paid back and requested the City rescind the annexation actions taken.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher and Rosenbaum, that the City Commission adopt Resolution 9554.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

9. Minutes, February 7, 2006, Commission meeting.
10. Total expenditures of \$1,054,083 for the period of January 27 – February 13, 2006, to include claims over \$5,000 in the amount of \$877,276.
11. Contracts list.
12. 2006 Citizen Participation Plan for use in funding HUD programs.
13. Engineering Services Contract with Thomas, Dean and Hoskins in an amount not to exceed \$69,000 for engineering services to be preformed on the Water Treatment Plant Upgrades. (OF 1332.2).
14. Contract with McLees, Inc., in the amount of \$50,894 for the Community Recreation Center Roof. (OF 1443.1).
15. Engineering Services Amendment 3 with Neil Consultants in the amount of \$9,315 for additional engineering design services and construction management services for the Agricultural Business Park Sanitary Sewer Main Extension. (OF 1348.1)
16. Engineering Services Amendment 1 with Neil Consultants in the amount of \$44,640 for engineering services to be performed on the Water Treatment Plant Sludge Basin Rehabilitation Phases II and

III. (OF 1332.5)

17. Bid award for one new 2006 sewer-jet cleaner, truck mounted, to the lowest responsible bidder meeting qualifications, Utility Specialties, Inc., of Butte, Montana, in the amount of \$161,990.
18. Bid award for one new 2006 sewer-vacuum, trailer mounted, to the lowest responsible bidder meeting qualifications, Utility Specialties, Inc., of Butte, Montana, in the amount of \$79,419.
19. Bid award for three new front deck mowers to the lowest responsible bidder meeting qualifications, Midland Implement of Billings, Montana, in the amount of \$47,913.
20. Purchase of Golf Course Management Software and Point of Sale System from Vermont Systems.

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

Motion carried 5-0.

BOARDS AND COMMISSIONS

Park and Recreation Board.

**Appointed
Knudson and
Thies.
Reappointed
Trovatten.**

21. APPOINTMENT, PARK AND RECREATION BOARD.

The terms of Scot Vance and Sue Hennessey expired on December 31, 2005. Mr. Vance served on the board since 2000 and was not eligible for reappointment. Ms. Hennessey was originally appointed on October 21, 2003, but was not interested in reappointment. Therefore, it was necessary to appoint two new members to fill their positions. The term of John Trovatten expired on December 31, 2005. Mr. Trovatten was eligible for and interested in reappointment

Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission appoint Ruthann Knudson and Bryan Thies for three-year terms, expiring December 31, 2008; and reappoint John Trovatten for a three-year term expiring December 31, 2008.

Motion carried 5-0.

**Business Improvement District.
Appointed Longin.**

22. APPOINTMENT, BUSINESS IMPROVEMENT DISTRICT.

Joseph Boyle was appointed to the Business Improvement District on March 3, 2005, for a four-year term. Mr. Boyle was appointed to the Great Falls Housing Authority Board on February 7, 2006; therefore, he resigned from the Business Improvement District.

At the time of Mr. Boyle's appointment to the BID, Anthony J. Longin's

application was the only other application considered. Due to a clerical error, Mr. Longin was informed by letter that he was appointed to the BID when in fact, the Commission actually appointed Mr. Boyle. It was recommended that the Commission consider the appointment of Mr. Longin to the BID to replace the vacancy created by the recent resignation of Mr. Boyle. The Business Improvement District supported this appointment.

Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission appoint Anthony Longin to the Business Improvement District to fill the remainder of a four-year term through June 30, 2007.

Motion carried 5-0.

NEIGHBORHOOD COUNCILS

**NC 8 February
meeting**

24. Karen Grove, Neighborhood Council 8, reported that they cancelled their next meeting in order for the members to attend a Meth Conference at the University of Great Falls.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of February 21, 2006, adjourned at 7:48 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk