

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, Acting Police Chief, Acting Fire Chief, Interim Director Park and Recreation, and the City Clerk.

PRESENTATION: Distinguished Budget Award

PUBLIC HEARINGS

**Res. 9544,
Annexation of
Castle Pines
Addition, Phase III.
Adopted.**

**1A. RESOLUTION 9544, ANNEXATION OF CASTLE PINES
ADDITION, PHASE III.**

**1B. ORDINANCE 2927, ZONING FOR CASTLE PINES
ADDITION PHASE III.**

**Ordinance 2927,
zoning for Castle
Pines Addition,
Phase III. Adopted.**

Planning Director Ben Rangel reported that last September the City Commission conditionally approved the preliminary plat of Castle Pines Phase III, a 16 lot single family residential subdivision located in the vicinity of 27th Avenue South and 15th Street South. He explained that Neighborhood Housing Services (NHS) was working with NeighborWorks to acquire at least twelve and possibly all sixteen of the lots in the subdivision to accommodate construction of self-help homes. Funding arrangements stipulate the homes be constructed outside the City limits, but NHS indicated once the homes were completed and ready for occupancy, they would be annexed. Therefore, although the subdivision and annexation would be processed simultaneously, the lots would be sold, homes constructed and infrastructure installed, with annexation becoming effective when the homes were ready for occupancy.

The petitioner asked that the property be zoned R-3 Single-family high density district.

The Planning Board unanimously recommended the City Commission assign the requested zoning classification and approve the final plat and the annexation subject to the following conditions: the applicant signs an annexation agreement; pay all applicable fees and charges; and any errors or omissions on the final plat be corrected. Conditions 1 and 2 have been fulfilled and Condition 3 will be fulfilled prior to filing of the plat.

Mayor Stebbins declared the public hearing open. No one spoke in

opposition to Resolution 9544 or Ordinance 2927. **Sheila Rice, Neighborhood Housing Services**, spoke in support. Mayor Stebbins declared the public hearing closed.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9544, approve the final plat of Castle Pines Addition, Phase III and the accompanying Annexation Agreement incorporating a provision entitling the owner reimbursement for a portion of the infrastructure cost in 27th Avenue South.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Ordinance 2927.

Motion carried 5-0.

OLD BUSINESS

Res. 9545, Golf Fees. Adopted as amended.

2. RESOLUTION 9545, GOLF FEES.

Patty Rearden, Interim Park and Recreation Director, reported that at the January 17, 2006, City Commission meeting, the Commission held a public hearing regarding the proposed 2006 golf fees. At the conclusion of the hearing, the Commission tabled the item in order to consider the input received and to obtain additional information.

Mrs. Rearden stated that the recommended fees were based on the Operational Review and Recommendations Report prepared by the National Golf Foundation (NGF). In addition to the fees recommended by NGF, staff proposed a season cart rental pass in the amount of \$600. All season passes (greens fees, cart rental and trail fees) would be valid March 15 through October 31.

The Park and Recreation Advisory Board supported the golf fee recommendations. The Golf Advisory Board supported the proposed season passes, punch cards, daily greens fees, daily trail fees and cart rental fees as recommended by NGF. However, they suggested alternative fee levels for the season trail fee, cart storage fees and tournament fees.

Resolution 9545 was presented to the City Commission with the following amendments:

- Anaconda 10-play, 18-hole package (anytime) - \$202
- Anaconda 10-play, 9-hole package (weekday) - \$117
- Anaconda 10-play, 9-hole package (anytime) - \$126
- Anaconda or Eagle Falls 10-play, 18-hole package (weekday) -

\$202

- Anaconda or Eagle Falls 10-play, 18-hole package (anytime) - \$216
- Anaconda or Eagle Falls 10-play, 9-hole package (weekday) - \$126
- Anaconda or Eagle Falls 10-play, 9-hole package (anytime) - \$133
- Season trail fee be set at \$250
- Storage for gas cart be set at \$220
- Storage for electric cart be set at \$250
- Eagle Falls 18-hole Green Fee be set at \$24 for weekday and \$27 for weekend
- Anaconda Hills 18 hole weekend Green Fee be set at \$24
- Eagle Falls 9 hole weekend Green Fee be set at \$16
- Anaconda Hills 9 hole weekday Green Fee be set at \$13
- Juniors shall pay a 9-hole Green Fee for 18 holes at all times and for both courses
- The Tournament Fee shall be a non-refundable \$100 and season pass holders shall pay a \$14 18-hole Green Fee at either course and an \$8 9-hole Green Fee at either course
- All other fees would remain as originally recommended by NGF

Commissioner Beecher moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission remove Resolution 9545 from the table and adopt Resolution 9545 as amended.

Rolland Leitheiser, 136 Sharon Drive, **Mr. Dennis Petrak**, 1909 Colorado Avenue, and **Terry Morton**, 3440 5th Avenue South, urged the Commission to deny the resolution because the fee increases would deter golfers from continuing their memberships and the revenues from the courses would ultimately decrease.

Commissioner Beecher empathized with the golfers stating that no one liked to see prices increase. However, he added, the Commission compared the proposed 2006 golf fees with other golf courses around Montana and found that they were competitive. He agreed that staff should look into establishing a “payment” plan for those who wished to purchase season passes. Commissioner Beecher explained that the City would be monitoring the activity at the golf courses and would take additional action if needed. He also stated that the City was working on other improvements to the courses.

Commissioner Hinz stated that the Commission would be appointing an ad hoc committee to look into the golf-related issues and make recommendations for improvement.

Commissioner Jovick-Kuntz concurred with Commissioner Beecher.

She listed annual membership costs as follows:

- \$525 for 18-holes at Larchmont in Missoula;
- \$525 for 18 holes at Bill Roberts in Helena;
- \$750 for 18-holes at Fox Ridge in Helena;
- \$525 for 18-holes at Peter Yegen Jr., in Billings; and
- \$725 for 18 holes at Lake Hills in Billings.

She concluded, stating that at the Great Falls municipal courses, golfers could play 36-holes for \$525.

Commissioner Rosenbaum concurred with the previous statements.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 4-1 (Mayor Stebbins dissenting).

NEW BUSINESS

**Engage Bear
Stearns as
Underwriter for
Highwood
Generating Station.
Approved.**

3. ENGAGE BEAR STEARNS AS UNDERWRITER FOR HIGHWOOD GENERATING STATION.

City Manager John Lawton explained that the function of the underwriter was to package and sell bonds. He added that underwriters have to set it up so the bonds will sell which meant spreading the risk and establishing layers of security. If the underwriter does not do its job, the bonds won't sell. Mr. Lawton clarified that the bonds cannot not be backed by City taxpayers which would require a vote of the public and was not contemplated.

Fiscal Services Director Coleen Balzarini reported that in December 2005, the City released a request for proposals (RFP) for underwriting services necessary to market and sell bonds in order to finance construction of the Highwood Generating Station. Responses to the RFP were received from six firms. A review of the written responses led to interviews of four firms. The interview panel consisted of the City Manager, Fiscal Services Director, Project Financial Advisor and SME General Manager. The firms interviewed were Bear Stearns, Citigroup, Lehman Brothers/Piper Jaffray and Morgan Stanley.

Mrs. Balzarini explained that Staff recommended retaining Bear Stearns as the senior underwriter.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve engaging Bear Stearns as senior underwriter related to the City of Great Falls' share of the financing for the construction of Highwood Generating Station and authorize the City Manager to finalize the terms of the engagement.

Duane “Red” Urquhart spoke in support of engaging the underwriter and of the proposed plant. **Lisa Hardimann**, 3724 4th Avenue North, and **Ken Thornton**, 31 Paradise Lane, spoke in opposition to the construction of the coal-fired plant.

Commissioner Hinz stated that while she had reservations about the coal-fired plant, she would support this motion to engage an underwriter for the bonds.

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

ORDINANCES AND RESOLUTIONS

Res. 9550, Accident Potential Zones and Associated Land Development near MAFB. Adopted.

4. RESOLUTION 9550, ACCIDENT POTENTIAL ZONES AND ASSOCIATED LAND DEVELOPMENT NEAR MAFB.

City Manager John Lawton reported that with the recently announced commercial and residential development near the Accident Potential Zones, public discussion and debate centered around the interest to answer the questions, “Do we want to keep all of our options open for the potential reopening of the former runway at Malmstrom Air Force Base for future flying missions; or do we want to allow economic development to occur within the described Accident Potential Zones?”

He explained that there were two specific viewpoints or rationale driving these questions which included: 1) The runway was an irreplaceable valuable asset and needed to be preserved to make certain we have a long- term, viable military presence; and, 2) The chances of overcoming all the obstacles to reopening the runway were small and we needed to “move on” as a community and allow development we know we can get.

Planning Director Ben Rangel reported that the Planning Office and the City Manager’s Office prepared a discussion paper to help frame the issues. The paper was intended to provide accurate and relevant information to assist open public discussion; assist in the development of position statements; and assist in the development of a public strategy or strategies.

At the time the initial discussion paper was prepared, it was fully recognized that it may spur additional questions and comments, thus creating the need to provide additional information and clarification. The initial discussion paper has done just that. In response, the paper has been revised. It was suggested in the paper that it serve as the basis for an initial information meeting of all major players and stakeholders, including base supporters, property owners, City and County officials and the general public. This initial meeting could also serve as a

listening session to allow all to voice their issues of interest and concern. Depending on the outcome, those entities interested in doing so would then be encouraged to develop “position statements” to help establish community consensus along with helping to frame a possible strategy to jointly address the issue. Perhaps this could lead to creation of a “working group” representing each of the interested entities to, in turn, structure a “Strategy Plan.”

Mr. Rangel stated that the overall intent of the suggested decision-making process was to develop consensus and to develop an action plan that fairly and equitably addressed identified issues and concerns and that Resolution 9550 presented the City Commission’s interest and position regarding this public discussion and debate.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9550.

Owen Robinson, Great Falls Development Authority, and **John Stevens**, spoke in support of the Resolution.

Motion carried 5-0.

**Ord. 2928, Amend
OCCGF 2.26
pertaining to the
Civic Center
Advisory Board.
Accepted on first
reading.**

**5. 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 Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 2928 on first reading and set the second and final reading for February 21, 2006.

Motion carried 5-0.

**Ord. 2929, Rezone
GF 11th Addition,
B806, L1-5.**

**Accepted on first
reading and set
public hearing for
March 7, 2006.**

**6. ORDINANCE 2929, REZONE GF 11TH ADDITION, BLOCK
806, LOTS 1-5.**

Planning Director Ben Rangel reported the owners of Lots 1 – 5, Block 806, Eleventh Addition, applied to rezone the lots from R-3 Single-family high density district to C-2 General commercial district. The applicant intended to remove the existing residential structures and combine them with adjoining property to the south to accommodate a proposed 14,820 square foot Walgreens Pharmacy.

On January 10, 2006, the City Zoning Commission conducted a public hearing to consider the rezoning request. Most of the individuals speaking in opposition to the rezoning request expressed concerns about the potential increased traffic that could result from the proposed project. Some expressed concerns with depreciation of property values. In addition, the Board was provided copies of numerous petitions protesting the rezoning signed by parties involved in the businesses which would be displaced by the new development. At the conclusion of the hearing and after considering several different motions ranging from approval of the request with conditions, to tabling the request until a traffic study could be conducted, the Zoning Commission passed a motion recommending the City Commission deny the rezone request. It appeared that most Zoning Commission members did not oppose the Walgreens project but were uncomfortable voting in favor of the rezoning without more information about possible traffic volume increases and ways to mitigate any potential traffic volume problems. Nonetheless, its official motion was for denial.

After the Zoning Commission Hearing, the applicant hired the firm of Robert Peccia & Associates of Helena to conduct a traffic analysis for the proposed project. The analysis was expected to be done by the third week in February, so that the results could be made available to the City Commission. As such, the applicant requested the City Commission hearing on the rezoning be scheduled for March 7, 2006.

Montana Code Annotated 76-2-305 provides that a zoning amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city council if a protest against the change was signed by the owners of 25 percent or more of those lots 150 feet from a lot included in a proposed change. Staff determined 45 percent of the owners of lots within the 150 foot legal protest area have objected to the rezoning. Therefore a super-majority vote of the City Commission was needed to approve the rezoning ordinance.

**Commissioner Beecher moved, seconded by Commissioners Hinz
and Rosenbaum, that the City Commission accept Ordinance 2929**

on first reading and set a public hearing for March 7, 2006, to consider Ordinance 2929.

Motion carried 5-0.

**Ord. 2930,
Annexation to
continue water
and/or sewer
service. Accepted
on first reading.**

**7. 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 Jovick-Kuntz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 2930 on first reading and set the second and final reading for February 21, 2006.

Clayton Braden, 2708 4th Avenue NW, stated that in 1957 the City Commission adopted a resolution requiring that properties be annexed prior to receiving city water and sewer service. He asked if the City was revoking that resolution. City Manager John Lawton stated that this ordinance would give the Commission the authority to discontinue water and sewer service to individual properties that have not been annexed into the City. He stated that this ordinance does not pertain to wholesale customers.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

8. Minutes, January 17, 2006, Commission meeting.
9. Total expenditures of \$1,705,117 for the period of January 11-30, 2006, to include claims over \$5,000 in the amount of \$1,433,961.
10. Contracts list.
11. Set public hearing for February 21, 2006, for the lease of a portion of Wadsworth Park with the Sun River Skeet Club.
12. Set a public hearing for February 21, 2006, on Resolution 9542, Cost Recovery at 714 6th Avenue South and legally described as GF Townsite, B472, L4.
13. Labor Agreement with Plumbers and Fitters Local 41.
14. Matching grant in the amount of \$8,600 from the Park Special Revenue Fund to Great Falls Lion's Club for purchase and construction of a new play structure in Lion's Park.
15. Change Order 2 in the amount of \$7,258.11 with Wadsworth Builders for the Turf Seeding Phase of the Electric City Soccer Park. (OF 1395.4)
16. Bid award for the North Entry Landscaping Phase II to Forde Nursery in the amount of \$39,702, contingent upon State Department of Transportation concurrence. (OF 1306.4)
17. Postponed bid award for one new 2006 Sewer-Vacuum, Trailer Mounted.
18. Postponed bid award for one new 2006 Sewer-Jet Cleaner, Truck-mounted.
19. Awarded bid for one new 2006 Four Wheel Drive Front-End Loader to Modern Machinery of Missoula, Montana, for \$126,890 including trade-in.

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

Motion carried 5-0.

BOARDS AND COMMISSIONS

**Golf Ad-hoc
Committee.
Appointed
Swanson, Walsh,
Leitheiser, and
Rose as
representatives
from the golfing
community, and
Gilbert and Rudio
as resident-non-
golfers.**

20. APPOINTMENTS, GOLF AD HOC COMMITTEE.

The City Commission expressed interest in creating an Ad-Hoc Committee to advise them and the City Manager on specific and timely issues associated with the future management and operation of the two municipal golf courses. Besides the appointments of a chairman and six members made by the City Commission, staff proposed the City Manager appoint two staff members to serve on the Committee.

The Committee would convene for a limited time period to accomplish certain tasks. It was not recommended that the Committee become a permanent advisory committee to the City Commission. The Golf Ad-

Hoc Committee would not duplicate the advice or purpose of the Golf Advisory Committee.

The Golf Ad-Hoc Committee would be asked to:

- develop a Mission Statement for the operation of the municipal golf courses;
- advise the City Manager and staff on the development of a Request For Proposals (RFP) for Management and Operation of the two municipal courses;
- assist in reviewing and evaluating any proposals received; and
- prepare a recommendation to the City Manager and the City Commission for their consideration concerning future management of the courses.

Staff proposed that the 9-member Golf Ad-Hoc Committee include the following representatives:

- Four persons familiar with the game of golf and golf course management and course condition;
- Two City residents with financial, management or legal expertise but are not golfers;
- Two staff members appointed by the City Manager; and
- Commissioner Jovick-Kuntz as chair.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission appoint Diane Jovick-Kuntz as chairman, Dr. Carl Swanson, Mike Walsh, Rolland Leitheiser, and Marilyn Rose as representatives from the golfing community, and John Gilbert and Aaron Rudio as resident-non-golfers.

Motion carried 5-0.

**Airport Authority.
Appointments of
Mangan and
Walhart.**

21. AIRPORT AUTHORITY APPOINTMENTS.

The terms of Michael Carter and David Zoanni expired December 31, 2005. Mr. Zoanni was eligible but was not interested in reappointment. Mr. Carter served two full terms since 1999, and was not eligible for reappointment. Therefore, it was necessary to appoint two new members to the Board.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission appoint Ray Walhart and Jeff Mangan to the Regional Airport Authority for three-year terms through December 31, 2008.

Motion carried 5-0.

**Housing Authority
Appointment of
Joe Boyle.**

22. GREAT FALLS HOUSING AUTHORITY BOARD.

Dawn Bentley McKenney was reappointed to the Housing Authority Board for a five-year term through May 31, 2010. Ms. McKenney submitted her letter of resignation; therefore, it was necessary to appoint one member to fill the remainder of her term.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Joe Boyle to the Great Falls Housing Authority Board to fill the remainder of a five-year term through May 31, 2010.

Motion carried 5-0.

NEIGHBORHOOD COUNCILS

**Agenda placement
and CALEA.**

24A. Bob Stubbs, Neighborhood Council 4, thanked the Police Department for their presentation regarding the CALEA process. He also encouraged the Commission to move Neighborhood Council reports to the beginning of the agenda.

**Neighborhood
Watch and
fireworks.**

24B. Audrey Finlayson, Neighborhood Council 4, announced a Neighborhood Watch Block Captain meeting and expressed concern about the fireworks at the Legion Park ballpark.

PETITIONS AND COMMUNICATIONS

**Parking at the
Park Manor.**

27. Eve Heim-Hagen and Kathy Royland, 100 Central Avenue, expressed parking concerns for residents at the Park Manor (formerly The Downtowner). The concerns were: people attending events at the Civic Center often parked in the private parking lot designated for Park Manor residents; people attending events at the Civic Center also park in front of Park Manor making it difficult for residents to be picked up and dropped; residents (many of whom are disabled) must walk down the alley behind Park Manor to access their parking lot and often encounter vehicles speeding down the alley. Both Ms. Heim-Hagen and Ms. Royland asked that a speed bump be placed in the alley and that the parking concerns be addressed. City Manager John Lawton stated he would look into their concerns.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of February 7, 2006, adjourned at 9:28 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk