

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.

PROCLAMATION: Groundhog Job Shadow Day

PUBLIC HEARINGS

**Res. 9538,
Conditional Use
Permit GF
Townsite, B195, L8-
9. Adopted.**

1. RESOLUTION 9538, CONDITIONAL USE PERMIT FOR GF TOWNSITE, BLOCK 195, LOTS 8 & 9.

Ben Rangel, Planning Director, reported that Channing J. Hartelius applied for a conditional use permit to allow the Charlie Russell Manor at 825 4th Avenue North to also serve as a community center. The property is zoned R-9 mixed residential use district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon approval of a conditional use.

On November 22, 2005, the Planning Board conducted a public hearing to consider the conditional use permit request. Citizens speaking at the Hearing included Bob McGregor, 813 4th Avenue North, and Linda Lewis, 820 4th Avenue North, who did not oppose the application, but did express concerns about the parking problems created when the Charlie Russell Manor hosts large special events. Mr. Tom Crane, 1027 4th Avenue North, opposed the conditional use permit because it amounted to further incremental degradation of zoning in the residential neighborhood. Neighborhood Council 7 provided a letter stating it supported the conditional use permit based on assurances by Mr. Hartelius that he would “find and utilize off-street parking in and around the neighborhood...” The Planning Board unanimously passed a motion recommending the City Commission approve the conditional use permit provided the applicant agreed that the primary use of the residence be used as a single family residence with the bed and breakfast and community center operations being considered secondary and the applicant prepare a formal off-street parking plan satisfactory to the Community Development Department.

Mayor Stebbins declared the public hearing open. **Channing Hartelius**, 825 4th Avenue North, spoke in support of Resolution 9538. No one spoke in opposition to Resolution 9538. Mayor Stebbins declared the

public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9538 and the accompanying Agreement.

Commissioner Hinz asked how Mr. Hartelius was going to address the parking issue. Mr. Hartelius replied that he was entering into several lease agreements for parking areas that fit within the parameters set forth by the City.

Motion carried 5-0.

**Res. 9540,
Conditional Use
Permit, West GF
Add., B28, L12-14.
Adopted.**

2. RESOLUTION 9540, CONDITIONAL USE PERMIT FOR WEST GF ADDITION, B28 L12-14.

Ben Rangel, Planning Director, reported the owners of the Collins Mansion at 1003 2nd Avenue NW applied for a conditional use permit to allow the premises to also serve as a community center. Connie Romain owned the Mansion at the time the application for the conditional use permit was submitted, but has since sold the property to Mike and Kristina Hengenius. The property is zoned R-3 single-family high density district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon approval of a conditional use permit.

On November 22, 2005, the Planning Board conducted a public hearing to consider the conditional use application. Mr. Dennis Kuether, 926 2nd Avenue Northwest, spoke as an opponent noting several years ago he signed a consent form to allow a bed and breakfast at the Mansion but adequate parking does not exist to accommodate such functions as weddings and receptions. Neighborhood Council 2 provided a letter which was generally supportive of the Collins Mansion and its operation. At the conclusion of the Hearing, the Planning Board unanimously recommended the City Commission grant the conditional use permit provided the applicant agree that the primary use of the property be a single family residence, with the bed and breakfast and community center operations considered secondary; and to formulate a formal off-street parking plan satisfactory to the Community Development Department.

Mayor Stebbins declared the public hearing open. **Mike Hengenius**, 1003 2nd Avenue NW, spoke in support of Resolution 9540. He added that he signed an agreement with the School District to allow parking at West Elementary School. No one else spoke in support of or opposition to Resolution 9540. Mayor Stebbins declared the public hearing closed.

Commissioner Hinz moved, seconded by Commissioners Beecher

and Jovick-Kuntz, that the City Commission adopt Resolution 9540 and the accompanying Agreement.

Motion carried 5-0.

**Ord. 2926, OCCGF
15.30 amendment.
Adopted.**

**3. ORDINANCE 2926, AMENDING OCCGF 15.30.51
PERTAINING TO MEDICAL GAS REQUIREMENTS.**

Community Development Director Mike Rattray reported that State law requires certified jurisdictions to adopt the same code editions as those adopted by the State. The City complies with this requirement through administrative action. The City adopted the 2003 Uniform Plumbing Code which references the current edition of the NFPA 99C Gas and Vacuum Systems code. However, the City code book states that the City uses the 1999 edition of the NFPA 99C Gas and Vacuum Systems code. The proposed ordinance substitutes the word "current" for the edition year eliminating the need for the City Commission to change a date every three years.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Ordinance 2926. Mayor Stebbins closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Ordinance 2926 on final reading.

Motion carried 5-0.

**Wadsworth Park
Leases. Approved.**

4. WADSWORTH PARK LEASES.

Interim Park and Recreation Director Patty Rearden reported that OCCGF 3.12 requires the City Commission to hold a public hearing to receive comment prior to considering leases of public property. Additionally, Mrs. Rearden stated that in 1998, the City Commission approved Resolution 9873, Wadsworth Park Master Plan which recommended that all existing leases continue in Wadsworth Park, renewable on a year to year basis, until the City was ready to begin actual physical implementation of the Master Plan.

On September 5, 1997, the City Commission approved a five (5) year lease for portions of Wadsworth Park. On September 2000, those leases were all renewed on a year-to-year basis up to a maximum of five (5) years. All Wadsworth Park leases expired September 30, 2005.

With proposed improvements to Wadsworth Park pending, staff recommended that the leases be awarded for two years with a two year renewable clause. This would allow time to secure financing through grants and cooperative agreements to support the improvements.

The Park and Recreation Board, at its September 21, 2005, Board Meeting, recommended that the leases be renewed as proposed. The Golden Triangle Sporting Dog Club, Great Falls Saddle Club, Electric City Archers, and Missouri River Shooters requested the City continue their leases of Wadsworth Park. The two year leases include an increase in fees for Golden Triangle Sporting Dog Club from \$150 to \$225 per year; Great Falls Saddle Club from \$250 to \$375; Electric City Archers from \$100 to \$150; and Missouri River Shooters from \$120 to \$180.

Mayor Stebbins declared the public hearing open. No one spoke in support of the leases. **Clayton Braden**, 2708 4th Avenue NW, suggested that Staff review the lease for the Missouri River Shooters because he understood there was conflict with that activity and the houses in the area. Patty Rearden clarified that the Missouri River Shooters operated in a building on the east end of the property and that Mr. Braden was probably referring to the Skeet Club activities.

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

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission approve the leases of Wadsworth Park with the Golden Triangle Sporting Dog Club, Great Falls Saddle Club, Electric City Archers, and Missouri River Shooters.

Motion carried 5-0.

Res. 9545, Golf Fees. Tabled to February 7, 2006.

5. RESOLUTION 9545, GOLF FEES.

Mayor Stebbins announced that the City Commission would not be taking action on the proposed Resolution 9545. She also stated that each speaker would be limited to a five-minute testimony and asked that everyone be courteous to each other and respect each other's opinions. She then asked for the staff report on Resolution 9545.

Patty Rearden, Interim Park and Recreation Director, reported that the City Commission was asked to conduct a public hearing on Resolution 9545 to hear comments regarding the proposed golf course fees. Resolution 9545 would repeal Resolution 9352 and set fees for the 2006 golf season.

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 \$600. All season passes (greens fees, cart rental and trail fee) 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 at their December 19 meeting. The Golf Advisory Board did not support the recommended season trail fee, cart storage fees or tournament fees and recommended phasing in the fees as follows:

- Season Trail Fee: \$290 in year 2006, \$340 in year 2007, and \$390 in year 2008.
- Gas Cart Storage: \$220 in year 2006, \$295 in year 2007, and \$375 in year 2008.
- Electric Cart Storage: \$300 in year 2006, \$375 in year 2007, \$450 in year 2008.

Additionally, the Golf Advisory Board recommended alternate golf tournament fees.

Board Recommendation:

\$150 Fee (non-refundable)
 \$5 per player assessment
 Season Passes Honored
 Greens Fees:
 Anaconda Hills:
 \$16 weekdays, \$19 weekends
 Eagle Falls:
 \$18 weekdays, \$22 weekends

Staff Recommendation:

\$150 Deposit (refundable)
 N/A
 No Season Passes
 Tournament Greens Fees: (all pay)
 Anaconda Hills:
 \$16 weekdays, \$19 weekends
 Eagle Falls:
 \$18 weekdays, \$22 weekends

The Golf Advisory Board also recommended that the State Two Man Best Ball Tournament hosted by the Men’s Association not be charged the regular fees for tournaments. They proposed that the Golf Advisory Board be charged a \$5 per player assessment fee and the \$150 tournament fee only. Players would not be charged for green fees whether they had a season pass or not.

NGF recommended eliminating the \$150 tournament fee and replacing it with a per person charge based on tournament size, course, day and time. The charge was in addition to the greens fee. NGF also recommended that all players pay full greens fees meaning that no season passes would be honored and that 50 percent of the tournament fee be paid when submitting the tournament application. Fifty percent of the deposit fee would be refunded if the tournament was cancelled.

Mrs. Rearden explained that the golf courses were currently operating at a deficit resulting in bond covenants not being met. Last fall, the City took steps to reduce expenses including the elimination of the golf

superintendent position, recalculation of the personnel budget, reduction in temporary hours, operating cost reductions, and deferment of both principal and interest on an internal debt for a yearly savings of \$160,774. It was imperative that further changes and improvements be implemented to improve the financial health of the golf courses.

Mayor Stebbins declared the public hearing open. Those addressing the Commission regarding Resolution 9545 were as follows:

Bill Korst, 3513 3rd Avenue South, stated that he used to work at the golf courses and was concerned that the City did not have as-builts of the golf courses, that the computerized irrigation system was not hooked up, that the pump house did not have adequate ventilation causing the equipment to wear out faster; and that the City spent a lot of money on fertilizer that was not being used. He added that he mentioned these things because these were areas the City could look at to reduce expenses before they raised the rates.

Rolland Leitheiser, 136 Sharon Drive, read a 4-page testimony highlighting inconsistencies and inaccuracies of the NGF report. He argued that the report twisted information to justify the proposed increases. He asked that the Commission table action on the Resolution in order to review the report more thoroughly.

Dennis Petrak, 1909 Colorado Avenue, reviewed the history of fee increases for the golf courses and the subsequent reduction in memberships sold. He stated that there were issues with the maintenance of the golf courses and suggested that NGF was a prospecting management hungry company. He proposed that the community come together to resolve the issues at the golf courses and asked the Commission to slow the process down in order to get people together to work on solutions. He asked that the fees be accessible and affordable for the working class.

Hal Webb, 3216 4th Avenue South, concurred with the previous speakers. He added that it didn't make sense to him to increase the fees which would reduce the use of the golf courses.

Bob Lander, 1616 4th Avenue North, stated that the City has two great golf courses to play with good concessions and were affordable for most people. He suggested a few ways to increase revenue which included selling yearly privileges to the driving range; to allow people to play during the winter months, weather permitting; to sell separate passes to each of the golf courses or a single pass for both; for the City to lease golf cars to people for the year; and to sell reduced rate season passes to people from out of town if they had a season pass from another golf course. Mr. Lander suggested hiring a golf manager to oversee both golf

courses and expressed concern over the fee paid to NGF for its recommendations.

Gene Cook, 102 Elk Drive, stated that if the City wanted more rounds of golf to be played to manage the courses better. He stated that no one seemed to have authority to take care of issues when they arose. He also suggested providing season passes to students who would be responsible for fixing divots at the courses. Finally, he suggested a \$.50 or \$1 surcharge for those using carts with the revenue being used to pave cart paths.

Terry Morton, 3440 5th Avenue South, stated that the report provided by NGF was good and brought to light the problems the golf courses had. He suggested letting go of the past and work together to solve the problems.

Bob Rowe, 405 Park Drive, stated that the Eagle Falls renovation should have been contracted out rather than staff doing the project internally. He said that the City Commission made a mistake doing it that way and now it was up to the golfers to pay for it. He added that a result of fee increases at the golf courses was a reduction in 739 memberships sold since 1993. He calculated that if the membership fees were the same as in 1992 and the 739 members that quit renewed their memberships, the City would have seen an additional \$2,161,575. He explained that the Commission should have consulted the golfers before spending funds on a consultant.

Michael Kelly, 3108 Evergreen Drive, concurred with the previous speakers. He reiterated that the City should have consulted the golfers and that costs should be cut before prices were raised.

Lane Carlsson, 427 Hwy 89, requested the City Commission reconsider the increase for junior golfers.

Lyle Connolly, 513 20th Street South, stated that if the Commission raised the rates, 70 percent of the members, being seniors, would quit.

Herb Soboczek, 121 11th Street NE, stated there appeared to be a problem with this proposal and recommended the Commission table action on it.

Frank Hyson, 604 36th Avenue NW, stated that last year he paid \$670 for a membership that allowed him to play at both courses. He asked what it would cost for the same benefits.

Jim Filler, 3452 8th Avenue North, suggested that those staff members responsible for the golf course debt take a pay cut until the debt was

paid.

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

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission table action on Resolution 9545 until the next Commission meeting in order to consider the input received and to obtain additional information.

Commissioner Rosenbaum stated that the Commission was there to listen and learn and he appreciated the comments made. Commissioner Jovick-Kuntz concurred.

Motion carried 5-0.

NEW BUSINESS

**Golf Management
Study Contract
Addendum, NGF.
Denied.**

6. CONTRACT ADDENDUM, CONSULTANT SERVICES FOR A REQUEST FOR PROPOSALS WITH NATIONAL GOLF FOUNDATION.

City Manager John Lawton reported that the NGF report came with dozens of recommendations. Staff divided the recommendations into five categories. The first was the point of sale/financial controls which staff was currently considering the recommendations and implementing those they could. The second was marketing. Once again, Mr. Lawton stated, staff was working on the recommendations and implementing them. The third category related to fees which the Commission just considered on the previous item. The fourth item was capital improvements which the report agreed with many of the comments made by the golfing community this evening. Finally, the fifth category was the management structure of the golf courses and the category this contract pertained to.

Mr. Lawton stated that the NGF report did not recommend one management structure over another but offered a range of ideas. Mr. Lawton added that no one on staff had a pre-determined management method in mind and that they proposed that each recommendation be explored further. Mr. Lawton added that the purpose for this contract was to help develop a process to help determine which management method would work best that included parameters, goals and controls.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the contract addendum with National Golf Foundation to prepare a Request for Proposals for management of the City golf course operation and

authorize the City Manager to execute the agreement.

Dennis Petrak, 1909 Colorado Avenue, stated that there was local expertise that could develop the RFP and that before paying a consultant, staff should use local resources.

Gene Cook, 102 Elk Drive, suggested the ad hoc committee be in place before approving this contract. He added that there were local people who could write the RFP.

Paul Stevens, 820 3rd Avenue North, stated that in his opinion Mr. Lawton thought local people were stupid. He asked that the Commission not spend money on anyone outside the State.

Rolland Leitheiser, 136 Sharon Drive, stated that the RFP process was not a bad idea; however, there were local people who could write the RFP. He added that regardless of what decisions were made regarding the operations at the golf courses someone had to be there to enforce them to make them work.

Mayor Stebbins asked for Commission comment. Commissioner Beecher stated the need to change how the golf courses were managed was a comment he heard most often. This contract would provide a process to use in determining which management method was best. He added that community members should not be involved in writing the RFP especially since some of the community groups were interested in submitting a management proposal.

Commissioner Hinz stated she supported postponing the decision on this contract until the ad hoc committee was appointed and researching the issues. She added that she thought the RFP process was the right process to use, but wondered if there was a need to move this quickly on it.

Commissioner Rosenbaum stated that the Commission directed staff to begin looking into the management options and this contract addendum was a result of that request. He stated that there was a need to move this process along because of the on-going debt of the golf courses and while he thought the ad hoc committee would help with that, he saw no problem with NGF beginning the RFP process at this time.

There being no further discussion, Mayor Stebbins called for the vote. Motion failed 2-3 (Mayor Stebbins, Commissioners Jovick-Kuntz and Hinz dissenting).

ORDINANCES AND RESOLUTIONS

Res. 9543, Levy and assess the cost of removing nuisance weeds. Adopted as amended.

7. RESOLUTION 9543, LEVY AND ASSESS THE COST OF REMOVING NUISANCE WEEDS.

Coleen Balzarini, Fiscal Services Director, reported that upon adoption, Resolution 9543 assesses costs incurred in removing nuisance weeds from private properties during 2005. In accordance with OCCGF 8.44.040, property owners were notified in writing of weed violations. Determinations of the existing violations were made. Re-inspections confirmed the weeds had not been removed and were subsequently cut. Property owners were billed for the charges numerous times and payment had not been received.

Additionally, Mrs. Balzarini reported that during the spring and summer season of 2005, 2660 notices of weed violations were mailed to individual property owners. After re-inspections 57 property owners were billed for the costs associated with the removal of those weeds with 33 remaining property owners to be assessed for non-payment after numerous billings. Finally, Mrs. Balzarini stated that one of the property owners paid the assessment therefore staff presented an amended resolution exhibit reflecting that payment.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9543.

Dennis Petrak, 1909 Colorado Avenue, stated that the City should assess itself for the weeds at Anaconda Hills Golf Course.

Motion carried 5-0

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

8. Minutes, January 3, 2006, Commission meeting.
9. Total expenditures of \$1,812,678 for the period of December 28, 2005 through January 4, 2006, to include claims over \$5,000 in the amount of \$1,720,858
10. Contracts list.
11. Lien Release List.
12. Certificate of Completion for \$12,100,000 Sanitary Sewerage System Revenue Bonds, DNRC Revolving Loan Program Series 2002B. (OF 1176.1)
13. Deed for American Avenue as right-of-way and approve revised improvements agreement for Jewel Addition.
14. Final payment for the Water Treatment Plant Chlorination Systems Upgrade Project to AT Klemens, Inc., and the State Miscellaneous Tax Division in the amount of \$1,500. (OF 1199.4)

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

Community Development Council. Reappointed Hoiland and appointed Feldman and Kueffler.

15. APPOINTMENTS, COMMUNITY DEVELOPMENT COUNCIL.

Shannon Hoiland was appointed for a three-year term to the Community Development Council (CDC) on February 4, 2003. Ms. Hoiland’s term expires January 31, 2006. She was interested in and eligible for reappointment.

Cathy Aitken was appointed to the CDC February 1, 2000, with the term expiring January 31, 2006. Chris McGregor was appointed to the CDC on February 18, 2003, with his term expiring January 31, 2007. Both Ms. Aitken and Mr. McGregor moved out of town; therefore it was necessary to appoint two new members to the Community Development Council.

Commissioner Hinz moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City reappoint Shannon Hoiland, and appoint Aaron Kueffler and Elmer Feldman for three-year terms through January 31, 2009, to the Community Development Council.

Motion carried 5-0.

Policy Coordinating Committee. Appointed Rosenbaum.

16. POLICY COORDINATING COMMITTEE.

In the Cooperative Agreement approved by the City Commission on December 6, 2005, the Urban Transportation Planning Process was re-established by acknowledging that both the City Planning Board and the County Planning Board have responsibility for comprehensive and long range planning in the Great Falls urban area. This acknowledgement was primarily reflected in changes to membership on both the Policy Coordinating Committee and the Technical Advisory Committee.

With the dissolution of the Great Falls City-County Planning Board on July 1, 2005, both the City Commission and the County Commission took steps to reestablish planning programs within each of their jurisdictional areas. The City-County Planning Board dissolution and resulting organizational changes also created the need to restructure the Technical Advisory Committee (TAC) and the Policy Coordinating Committee (PCC) of the Great Falls Metropolitan Transportation

Planning Process.

The PCC is responsible for overseeing transportation planning within the Great Falls Urbanized Area and includes representatives from the City, Cascade County, Great Falls Transit District, Montana Department of Transportation (MDT), the Great Falls City Planning Board, the Cascade County Planning Board, and the Federal Highway Administration (FHWA). The City Commission was asked to appoint one of its members as a representative to the PCC.

Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission appoint John Rosenbaum to serve as our representative on the Policy Coordinating Committee.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

- River’s Edge Trail and roadway conditions.** **21A. Herb Soboczek**, 121 11th Street NE, was concerned about pets on the River’s Edge Trail when the trail was near a busy street. He also stated that the road into Anaconda Hills was in bad shape.
- Plants in rights-of-ways.** **21B. Clay Braden**, 2708 4th Avenue NW, stated that some people have planted things in the right-of-way causing traffic hazards.
- Apology.** **21C. Paul Stevens**, apologized for his previous comments and believed Great Falls had an optimistic future. He added that everything bad that has happened in Great Falls was a result of the missiles being located here.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of January 17, 2006, adjourned at 9:28 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk