

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Marine Corps League

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bill Bronson, Bob Jones, Mary Jolley and Fred Burow. Also present were the City Manager; Deputy City Manager; Interim City Attorney; Directors of Fiscal Services, Park and Recreation, Planning and Community Development, and Public Works; Police Investigations Captain; and the City Clerk.

PROCLAMATIONS: Mayor Winters read proclamations for 601st Tactical Control Association Reunion Week and VETS4VETS Month.

*** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. ***

NEIGHBORHOOD COUNCILS

1. **SWEARING IN – NEIGHBORHOOD COUNCIL 7.**

Mayor Winters performed the swearing in ceremony for Tracy Houck and Amber Colton Garder, representatives of Neighborhood Council 7.

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mike Vohs, Neighborhood Council 7, reported that he would keep the Commission apprised of the council's efforts to work with the U.S. Postal Service to clean up its store front on the corner of 2nd Avenue/2nd Street North.

Mayor Winters read and presented a card he received to Director Marty Basta thanking the Park and Recreation Department for its pride and care of City parks.

BOARDS & COMMISSIONS

3. **MINOR SUBDIVISION WITH AMENDED PLAT OF LOTS 13 & 14, BLOCK 452, GREAT FALLS ORIGINAL TOWNSITE.**

Planning and Community Development Director Mike Haynes reported that this is a request from NeighborWorks to subdivide two standard 50' x 150' City lots into three lots for development of three townhomes. The location is one block north of Carter Park at the northeast corner of 3rd Street South and 5th Avenue South. The zoning is M-2 (Mixed-Use Transitional) that allows townhome development subject to the Townhouse Special Standards outlined in Sec. 17.20.6.050 of the Land Development Code. The project is to be called the Carter Park Townhomes and construction will be a partnership between NeighborWorks and Great Falls College MSU.

Approval of the project is subject to review by the Design Review Board and a requirement that covenants be established to ensure that property owners meet shared maintenance responsibilities.

The Planning Advisory Board recommended that the City Commission approve the amended plat at its meeting on August 14, 2012.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve with conditions the Amended Plat of Lots 13 & 14, Block 452, Great Falls Original Townsite, Section 12, Township 20 North, Range 3 East, Cascade County, Montana, and accept the Findings of Fact.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any inquiries from the public.

Mike Vohs, Neighborhood Council 7, reported that the council is in support of this project.

Mike Witsoe, 510 11th Street South, inquired the project location, and how NeighborWorks acquired the property from Weissman's.

Sheila Rice, NeighborWorks, responded that the property is located at 301 and 305 5th Avenue South. NeighborWorks acquired the property from the Weissman family several years ago. She is confident this will be a positive addition to the area.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Joan Redeen, Business Improvement District, thanked the City for supporting the BID's downtown beautification efforts. She encouraged everyone to take a walk by the 1st Avenue North underpass. Ms. Redeen shared information and invited the Commission to attend the 2012 Montana Downtown Conference hosted by the Great Falls BID October 24-26, 2012.

PUBLIC HEARINGS

5. RESOLUTION 9977, NEW OR EXPANDING INDUSTRY TAX BENEFIT FOR MONTANA EGGS, LLC, LOCATED AT 1401 STUCKEY ROAD.

Planning and Community Development Director Mike Haynes reported that this is the public hearing to consider Resolution 9977 to approve an application for a New or Expanding Industry Tax Benefit. Montana Eggs, LLC, has submitted an application affirming they qualify for the tax benefit and requesting that the City Commission approve the tax benefit for approximately \$1.6 million in taxable investments in the expanded egg-washing, sorting and grading facility at 1401 Stuckey Road.

The requested New or Expanding Industry Tax Benefit would provide Montana Eggs, LLC, with property tax abatement on a portion of the additional City property taxes generated by the new

investment as assessed by the Department of Revenue. Director Haynes reminded the Commission that in July, 1998, the City Commission established a policy to approve tax abatements for qualifying new and expanding industries.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 9977 were **John Wipf**, part-owner of Montana Eggs, and **Brett Doney**, Great Falls Development Authority.

No one spoke in opposition to Resolution 9977.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9977.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

6. **RESOLUTION 9975, RESTORATION, REHABILITATION, EXPANSION, AND NEW CONSTRUCTION OF QUALIFIED HISTORIC PROPERTIES TAX ABATEMENT FOR LAWYERS, GUNS & MONEY, LLC, LOCATED AT 114 3rd STREET SOUTH.**

Planning and Community Development Director Mike Haynes reported that this is the public hearing to consider Resolution 9975 to approve an application for tax abatement on the remodeling and rehabilitation of a qualified historic property. Lawyers, Guns & Money, LLC, has submitted an application affirming they qualify for the tax benefit and requesting that the City Commission approve the tax benefit for improvements estimated at \$1 million to the Baum-Trinistich building at 114 3rd Street South otherwise known as the "Owl Cigar Building." The application was accompanied by a Certification from the State Historic Preservation Officer that the project meets the Department of Interior's standards for rehabilitation.

Director Haynes noted that the legal description for the property was corrected on the Resolution and Agenda Report to read north 90 feet of lots 8 & 9, Block 369, Great Falls Original Townsite. He also reminded the Commission that a policy was established by the Commission in 1995 to approve tax abatements for the restoration, rehabilitation and expansion of qualifying historic buildings.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 9975 were **Joan Redeen**, Business Improvement District, **Mac Smith**, member of the LLC, **Brett Doney**, Great Falls Development Authority, and **Mike Witsoe**, 510 11th Street South.

No one spoke in opposition to Resolution 9975.

Mayor Winters declared the public hearing closed.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9975.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

7. **REIMBURSEMENT OF ELIGIBLE PUBLIC INFRASTRUCTURE EXPENSES FROM THE WEST BANK TAX INCREMENT FINANCING DISTRICT (OF 1499).**

Planning and Community Development Director Mike Haynes reported that this is a request to consider an application for reimbursement of eligible expenses from the West Bank Tax Increment Financing (TIF) Fund. On September 16, 2008, the City Commission approved a process and application form for considering such requests from the private sector.

On May 7, 2012, James Talcott Construction, Inc. submitted a formal application for reimbursement of \$110,197 for public infrastructure investments made at the West Bank One development that comprises the Staybridge Suites Hotel, FASTER Basset & Front Brewing Company and the Kobe Restaurant now under construction. Planning staff reviewed the application in accordance with the process approved by the City Commission in 2008 and found the application to meet and exceed all standards, considered the exceptional quality of the West Bank One development, and the competing needs for TIF revenues to construct public improvements especially to the West Bank Park as established in the 2011 West Bank Park Master Plan.

At its meeting on August 14, 2012, the Planning Board recommended that the City Commission approve reimbursement to James Talcott Construction, Inc. in the amount of \$95,197 now and the remaining \$15,000 as funds become available for infrastructure improvements in the West Bank One development and reimbursement to Recreational Trails Incorporated in the amount of \$15,000 upon completion of a \$30,000 concrete segment of trail in the West Bank Park.

At the agenda setting meeting the Commissioners requested the Planning Advisory Board's recommendations be separated into two motions with the priority being to reimburse the private sector developer.

Therefore, the requested actions are that the City Commission approve reimbursement of \$110,197 to James Talcott Construction, Inc. and approve reimbursement of \$15,000 to Recreational Trails Incorporated when the funds are available.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission approve reimbursement of \$110,197 to James Talcott Construction, Inc. from the West Bank Urban Renewal Fund.

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Bronson reviewed staff's recommendation as adopted by the Planning Advisory Board. He noted that part of the Board's recommendation was that any increment over and above that needed to pay off bonds be used for improvements to the West Bank Park subject to formal application by the City's Park and Recreation Department.

Director Haynes commented that it was his understanding the process was established for reimbursement to the private sector. A request for public improvements could be made directly by the Park and Recreation Department. Staff recommended, and the Planning Advisory Board generally supported, that a priority for future TIF funds in excess of those needed to pay off bonds be for improvements to the West Bank Park.

Mayor Winters asked if there were any inquiries from the public.

Brad Talcott, President of James Talcott Construction, discussed his comments expressed at the Planning Advisory Board meeting. He commented that Talcott Construction is in full support of everything that happens to the West Bank Park. Recreational Trails Incorporated is equally deserving of the funds and he prefers the \$15,000 be made available now for the River's Edge Trail.

In response to Commissioners Bronson and Burow, Mr. Talcott confirmed that his preference is for Recreational Trails Incorporated to receive \$15,000 now, and Talcott Construction will wait for its \$15,000 until the tax increment monies become available.

Commissioner Jolley inquired if the \$110,197 was to reimburse Talcott Construction for work completed. Mr. Talcott responded it was funds spent or that will be spent for completion of the project.

Manager Doyon recommended that the Commission proceed with the main motion. Talcott's project is substantially complete, and the trail project hasn't commenced yet. He suggested that during the next budget cycle as they look at potential tax increment, Park and Recreation bring the trail project back for consideration. His preference is that the Commissioners have the opportunity to look at certain improvements consistent with the West Bank Park Plan.

Doug Wicks, 2127 4th Avenue South, provided background information about Recreational Trails Incorporated (RTI), a 501(c)(3) non-profit organization, that has assisted the City in creating the trail over the years. Since 1990 RTI has secured 20 grants to design and construct short pieces of the trail that have grown together to become the River's Edge Trail. RTI has secured private sector donations to meet the required grant matches. Mr. Wicks urged the Commission's support of the concrete trail project as being a small, first step in implementing the West Bank Park Master Plan. The concrete trail segment has been engineered as part of the Bay Drive project. Using private donations, RTI hired TD&H to complete specifications and contract documents for the project. RTI is ready to release those specs and documents to the Builders Exchange upon Commission approval of the project. He hoped motion 2 on the agenda report would be approved by the Commission.

Commissioner Jolley pointed out that there is only one completed application from Talcott Construction before the Commission. She would feel more comfortable having a completed application from RTI for consideration.

Brett Doney, Great Falls Development Authority, relayed a concern about the Planning Advisory Board action. GFDA is working with developers on other properties in this TIF district. Unless directed otherwise, GFDA will continue to inform developers they can make a proposal to the City for TIF reimbursement for infrastructure needed for their projects.

Commissioner Bronson commented that the Board's recommendation is not saying that another developer is going to be precluded from making an application and going through the process, but that TIF funds may also be used to improve public aspects of the West Bank Park that, in turn, help attract the private developers.

Diane Stinger, 1400 4th Avenue NW, requested clarification on Mr. Wicks' comment that he did submit an application for TIF funds.

Director Haynes responded that the process established in 2008 was for private sector developers to ask for reimbursement. Attached to the agenda report is the written request from RTI for a 50% reimbursement for the project.

Commissioner Bronson moved, seconded by Commissioner Jones, to amend the main motion that the City Commission approve reimbursement of \$95,197 to James Talcott Construction, Inc. now, and an additional \$15,000 when the funds become available for eligible public improvements.

After further discussion about RTI's application, the application process and interpretation of the policy established in 2008, Commissioner Burow suggested tabling this item to get clarification of the questions raised.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission table consideration of this item for September 18, 2012.

There being no one else to address the Commission, Mayor Winters asked the will of the Commission with regard to tabling this item until September 18, 2012.

Motion to Table carried 5-0.

8. AUTHORIZATION TO INITIATE TAX INCREMENT FINANCE INDUSTRIAL DISTRICT (TIFID) FOR PHASE I AGRITECH PARK (OF 1656).

City Manager Greg Doyon reported that this is a request to initiate the process, for future consideration, of a Tax Increment Financing Industrial District for the Agri-Tech Park that Great Falls Development Authority is currently working on. Mr. Doyon noted that consultant Janet Cornish has been used in the past to develop tax increment districts, and he encouraged the Commission to continue to utilize her in this matter.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission authorize the City Manager to commence the process of establishing a Tax Increment Finance Industrial District for the Great Falls Agri-Tech Park Phase I and the Montana Advanced Bio Fuels property, and further move that the City Manager retain the services of a consultant to assist with the process.

Stuart Lewin, 615 Third Avenue North, submitted a written letter in opposition to Items 8 and 10.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

9. **ANNEX PORTIONS OF THE SUN RIVER AND 13TH AVENUE SW AND ASSIGN ZONING TO 1359 13TH AVENUE SW AND PORTION OF ABUTTING 13TH AVENUE SW RIGHT-OF-WAY AND SUN RIVER.**
- A. **RESOLUTION 9985, RESOLUTION OF INTENT TO EXTEND CITY BOUNDARIES TO INCLUDE A SEGMENT OF 13TH AVENUE SW AND A PORTION OF THE SUN RIVER, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST.**
- B. **ORDINANCE 3095, TO ASSIGN CITY ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT TO PROPERTY.**

Planning and Community Development Director Mike Haynes reported that this is a request to adopt Resolution of Intent 9985 to annex the single-family residential lot at 1359 13th Avenue SW and portions of the 13th Avenue SW right of way and the Sun River, accept Ordinance 3095 on first reading that would establish a zoning of R-1 (single-family low density) on that property, and set a public hearing for October 2, 2012, to take final action on annexation and initial zoning. The residential lot contains a single-family home and is located between 13th Avenue SW and the Sun River adjacent to and west of the Beacon Bar.

The subject property is in an unincorporated enclave and annexation of the 13th Avenue SW right of way west to 14th Street SW is needed to achieve contiguity. Annexation into the City would allow the property owner access to water and sewer services.

At a public hearing held on June 12, 2012, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assign R-1 zoning to the subject property.

Due to problems the applicant had with securing funds for the infrastructure improvements, the earlier public hearing was vacated. The applicant is now ready to proceed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9985.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3095 on first reading and set a public hearing for October 2, 2012.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

10. ORDINANCE 3097, TO ASSIGN CITY ZONING TO AGRI-TECH PARK ADDITION.

Planning and Community Development Director Mike Haynes reported that this is a request to set a public hearing for October 2, 2012, to consider Ordinance 3097 that would assign initial zoning of I-2 (Heavy Industrial) to ±196.549 acres of property upon annexation to the City, the annexation agreement and final plat. The subject property is located north of 18th Avenue North, west and east of 67th Street North. The subject property is located adjacent to Giant Springs State Park and conservation land owned by PPL Montana and maintained by Montana Fish, Wildlife and Parks.

The applicant, Great Falls Development Authority, proposes to develop the property which is now crop land with a rail-served heavy industrial park containing 10 lots, and is requesting initial zoning of I-2 Heavy Industrial on the entire property.

Proponents of the project have argued the City needs shovel-ready, rail-served heavy industrial lots. Opponents have argued that proximity to the Missouri River and its scenic overlooks, Giant Springs and the Rivers Edge Trail, as well as concerns over stormwater impacts on Whitmore Ravine, make this location unsuitable, or at least undesirable, for industrial development.

At a public hearing held on July 10, 2012, the Planning Advisory Board/Zoning Commission recommended that the City Commission annex the subject property into the City with an initial zoning of I-2. On August 7, 2012, the City Commission approved the preliminary plat for the project. On August 28, 2012, the Planning Advisory Board recommended approval of the final plat for the project.

Director Haynes noted that his department received a letter from Stuart Lewin today expressing opposition to items 8 and 10 of the agenda. Copies were provided to the City Commissioners prior to this meeting.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission accept Ordinance 3097 on first reading and set a public hearing for October 2, 2012.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any inquiries from the public.

Diane Stinger, 1400 4th Avenue NW, commented that further industrializing the property near Giant Springs will irretrievably lose the experience that residents and visitors experience when visiting Giant Springs. Sight may be able to be mitigated, but sound and smell cannot.

Susan Colvin, 287 McIver Road, agreed with Ms. Stinger's comments. She added that Mr. Stanek's lawsuit should be considered, and an industrial park should be located by the Malt Plant. Ms. Colvin also commented that the government has spent millions of dollars for the intermodal system in Shelby. Shelby will be the transportation hub with most of the development going there.

Hilary Ransdell-Lewin, 2304 2nd Avenue South, inquired if Mr. Lewin's letter was provided to the Commissioners and was responded to affirmatively. She asked to read Mr. Lewin's letter.

Mayor Winters noted that the Commissioners had copies of the letter for the record.

Brett Doney, Great Falls Development Authority, expressed appreciation to the Planning Advisory Board and City staff. In addition to the restrictive covenants outlined in the Annexation Agreement, Mr. Doney noted that GFDA has committed \$250/acre to Recreational Trails Incorporated for maintenance of the trails. He also reported that GFDA is in support of the intermodal in Shelby, commenting that anything that benefits the highline will benefit Great Falls. In response to comments that GFDA stood in the way of development at Great Bear Park, Mr. Doney quoted from the GFDA Board minutes that the Board unanimously approved a license agreement to Dali LLC on October 5, 2011. GFDA has met all of the commitments made in the north industrial area and continue to support the development in the area.

Rudolph Tankink, 3620 9th Avenue North, commented that Great Falls needs more jobs. He believes the businesses will be built so as not to interfere with the environment of the River's Edge Trail or Giant Springs.

Cyndi Baker, 500 Montana Avenue NW, commented that she heard the speakers say they support one of the industrial parks that are properly located, and that they are saying they are not anti-growth.

Doug Wicks, 2127 4th Avenue South, would like to see lots 9 and 10 moved into Phase II; Whitmore Ravine being one of the reasons.

Mike Witsoe, 510 11th Street South, read Stuart Lewin's letter in opposition to this item in his absence.

There being no one else to address the Commission, Mayor Winters asked the will of the Commission with regard to setting the public hearing for October 2, 2012, on Ordinance 3097.

Motion carried 4-1 (Commissioner Burow dissenting, noting the public hearing was already held).

11. **RESOLUTION 9987, TO LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that the Tourism Business Improvement District (TBID) was established by Resolution 9792 on December 2, 2008. Its overall purpose is to utilize assessments through the TBID tax assessment and direct those monies for the purpose of promoting tourism, conventions, trade shows and travel to the City of Great Falls. As required by statute, the TBID presented a proposed work plan and budget to the City Commission on July 17, 2012. Following the August 7, 2012, public hearing, the City Commission accepted the 2013 TBID budget and work plan. The last step in the process is to adopt the assessment resolution. The assessment requested for 2013 will generate approximately \$414,514 in revenue.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9987.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

12. **RESOLUTION 9988, TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that the Business Improvement District (BID) was originally created in 1989. The BID's overall purpose is to utilize tax dollars through the BID tax assessments to improve and revitalize the downtown area. As required by statute, the BID presented a proposed work plan and budget to the City Commission on July 17, 2012. Following the August 7, 2012, public hearing, the City Commission accepted the 2013 BID budget and work plan. The last step in the process is to adopt the assessment resolution. The assessment requested for 2013 will generate approximately \$196,524 in revenue.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9988.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

13. **RESOLUTION 9989, TO LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS IN THE CITY FROM JUNE 1, 2011, TO MAY 30, 2012.**

Fiscal Services Director Melissa Kinzler reported that each year nuisance weed violations are reported to the Public Works Department. The nuisance weed program involves investigation and notification of verified weed and grass violations. The investigation process involves an on-site inspection followed by the determination of the legal ownership of the properties. Once ownership of the properties has been established, notification letters of nuisance weed violations are prepared and mailed. Owners are given seven business days from the date of the notification letter to comply with the weed ordinance. After the allotted time has expired, properties are once again inspected. Properties found not in compliance are documented and scheduled for cutting by the City crew. Photographs are taken before cutting to verify violations and again when the work is done.

Notices of weed violations were mailed to 2,329 property owners between June, 2011, and May, 2012. Of those notices sent out, 73 properties were cut by City crews. There are 28 remaining property owners to assess for non-payment for a total amount of \$11,260. Any payments made prior to the processing of the tax file will be applied accordingly to avoid placing an assessment on the property owner's tax bill.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9989.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public.

Mike Witsoe, 510 11th Street South, inquired about cutting nuisance weeds versus grass, and whether City staff was trespassing on property to mow without prior notice.

Director Rearden explained the complaint process, grass or weeds over eight inches tall can be cut, and ample notice is given prior to anyone proceeding onto the property.

Commissioner Burow added that staff is following the ordinance.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

14. RESOLUTION 9991, TO LEVY AND ASSESS THE ABATEMENT OF DISEASED TREES IN THE CITY OF GREAT FALLS.

Fiscal Services Director Melissa Kinzler reported that each year the City Forester conducts an inspection to determine if there is an existence of nuisance and diseased trees. If the City Forester finds that any tree is diseased, or has a fungus or harmful insect, the owner or person in control of such property is notified and directed that the nuisance be removed, burned, buried or otherwise effectively treated in the approved manner. The notice provides that if such nuisance is not abated by the owner within the time provided, the Park and Recreation Department shall proceed to have such nuisance properly abated or eliminated.

The cost of abatement incurred by the City and not reimbursed by the owners on or before September 15th of each year is reported to the City Commission. Staff recommends adoption of Resolution 9991 for a total amount of \$6,528 to be assessed. Any payments made prior to the processing of the tax file will be applied accordingly to avoid placing an assessment on the property owner's tax bill.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9991.

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Jolley inquired about the term "tax lien." Director Kinzler commented that the request is to levy, so it is a lien on the property.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

CONSENT AGENDA

- 15.** Minutes, August 21, 2012, Commission meeting.

16. Total expenditures of \$2,840,679 for the period of August 16-29, 2012, to include claims over \$5,000, in the amount of \$2,613,273.
17. Contracts list.
18. Grant list.
19. Set public hearing for October 2, 2012, on Resolution 9992 for Conditional Use Permit for a Contractor Yard, Type 1 at 424 8th Avenue SW.
20. Approve contract for specific stop loss coverage between the City of Great Falls and Robert Feld Brokerage Services and American Fidelity Insurance Company.
21. Award contract in the amount of \$54,475 to David W. Kuglin Construction for the 2011 Miscellaneous Storm Drain Improvements, 600 Block 1st Alley North. **OF 1631.3**

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as submitted.

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Burow commented that payment to Boland Well Systems is listed on Item 16 for the tree removal contract. It's been a while since the work has been done.

Manager Doyon responded that staff is recommending final payment because the pending issues have been addressed with the contractor.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Cyndi Baker**, 500 Montana Avenue NW, commented that there is an impression that decisions are made prior to the scheduled public hearing. She suggested conducting the public hearing first and then scheduling second reading.
- B. **Paul Stephens**, 820 3rd Avenue North, concurred with Ms. Baker's comments. He added that government is at war with environmentalist. Heavy industry no longer rules this town as it did for 100 years. He suggested it is time to encourage tourism, renewable and sustainable businesses, transition to green economy, and to get rid of nuclear missiles.
- C. **Diane Stinger**, 1400 4th Avenue NW, clarified that she is not opposed to development, and that she is in favor of the jobs an industrial park could bring to Great Falls. She thinks an industrial park should be located north where Mr. Stanek's and the public funds have already been spent. She is in

favor of further developing our tourism industry.

- D. **John Hubbard**, 615 7th Avenue South, discussed the property in Item 3, and the dispute between him and the Weissmans.
- E. **Mike Witsoe**, 510 11th Street South, made local event announcements. He inquired the total cost of the military signage. Mr. Witsoe discussed several projects and commented that he is investigating the bidding process.

CITY MANAGER

23. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon introduced David Nielsen, appointed as the Interim City Attorney.

CITY COMMISSION

24. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters responded to previous speaker comments.

25. **COMMISSION INITIATIVES.**

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of September 4, 2012, at 9:39 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: September 18, 2012