

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Marines Corp League

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bill Bronson, Fred Burow and Mary Jolley. Commissioner Jones was excused. Also present were the City Manager, Deputy City Manager, City Attorney, Directors of Fiscal Services, Library, Park and Recreation, Planning and Community Development, and Public Works, Fire Chief, Interim Police Chief, and the City Clerk.

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

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters asked Mr. Larry Malby to explain a recent incident that happened in his neighborhood.

Larry Malby, 2757 Fern Drive, shared that, while his wife was recently walking their Golden Retriever dog, they were attacked by a Pit Bull dog. She suffered a fractured shoulder and their pet's wounds were treated at the Animal Hospital. Mr. Malby suggested that the City Commission develop a mechanism to hold irresponsible Pit Bull owners accountable for their dog's behavior.

Mayor Winters shared a similar incident. He concluded that Mr. Malby's suggestion would be taken under advisement.

BOARDS & COMMISSIONS

2. APPOINTMENTS, COMMUNITY DEVELOPMENT COUNCIL.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission appoint Jolene Bach and Dave Fink to fill the remainder of three-year terms beginning December 6, 2011, and expiring October 31, 2013, to the Community Development Council.

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 4-0.

3. REAPPOINTMENTS, GREAT FALLS PLANNING ADVISORY BOARD.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission reappoint Thor Swensson and Wyman Taylor to three-year terms ending December 31, 2014,

to the Great Falls Planning Advisory Board.

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 4-0.

4. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Robin Baker, Advisory Commission on International Relationships (ACIR), discussed Captain Auten's presentation at MSU on Redhorse missions around the world. She reported that a return visit by retired ambassador Mark Johnson is scheduled in the Spring. Harold Pereverseff, President of the Lethbridge Twinning Society, would like to schedule a combined economic summit event with the City Commission. Ms. Baker also announced that a Russian delegation will be coming this May and the focus will be agriculture.

PUBLIC HEARINGS

5. **RESOLUTION 9948, CONDITIONAL USE PERMIT FOR A "TWO-FAMILY RESIDENCE" OR MORE SPECIFICALLY, TWO-DWELLING UNITS ON ONE LOT AT THE PROPERTY ADDRESSED AS 264 15TH AVENUE SOUTH.**

Planning and Community Development Director Mike Haynes reported that this is the public hearing for Resolution 9948 that pertains to a proposed conditional use permit to allow a second dwelling unit on a standard 7,500 square foot residential lot at 264 15th Avenue South in the R-3 zoning district. The applicant, Robert Cole, wants to convert an existing two-story garage structure into a separate residential dwelling unit above the garage for his elderly mother. The City Commission has the authority to modify certain regulations as part of the conditional use process, and the applicant is requesting the second dwelling unit and that the standard off-street parking requirement of two spaces per residence be modified to allow the two spaces in the existing garage in lieu of the required four off-street parking spaces for two units.

The Zoning Commission considered the conditional use request at its meeting on October 25, 2011. At that meeting, planning staff recommended approval of the conditional use permit and a modification to allow two parking spaces in lieu of four parking spaces, given the technical challenges of providing the additional spaces. After hearing planning staff's report, testimony from the applicant and one other citizen, and after much board discussion, the Zoning Commission voted to recommend approval of the conditional use, but only if the parking requirement were met by the provision of two additional off-street parking spaces. The dissenting members of the Zoning Commission were not in support of the application.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 9948.

Speaking in support of Resolution 9948 were:

Robert Cole, 264 15th Avenue South, owner of the subject property, thanked the Planning

Department and requested Commission approval of Resolution 9948.

Robin Baker, Chair NC 6, reported that this item was presented and considered at a recent council meeting. The council tabled its recommendation pending requested information from Mr. Cole regarding neighbors' feedback about parking.

Mr. Cole responded that the requirement had been met by the signatures on the petition, and to the satisfaction of the Building Department.

There being no other members of the public to address the Commission, Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Bronson received confirmation from Mr. Cole that he preferred the original staff recommendation as opposed to the Zoning Commission's condition of approval of four off-street parking spaces.

Commissioner Burow noted that the proposal the Commission is being asked to approve includes the installation of the additional parking spaces.

Mr. Haynes clarified that it is the Planning and Community Development Department's responsibility to bring forward to the Commission the recommendation of the Zoning Commission. The Zoning Commission's recommendation is different than that of staff. Staff recommended to the Zoning Commission to allow two parking spaces in lieu of four. The Zoning Commission did not agree with staff and required the additional two parking spaces as a condition of the conditional use approval.

Commissioner Burow expressed concern with making exceptions to regulations in effect.

Commissioner Jolley noted Mr. Cole's proposal to provide the additional required spaces in front of his property. Neighbors have off-street paved parking in front of their properties. She inquired about Public Work's policy not allowing off-street parking in the front of properties.

City Engineer Dave Dobbs explained that Public Works has been consistent since the off-street parking policy went into effect in 2005. The goal is to keep front yards landscaped rather than for parking.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9948 as submitted with paragraph 3 of the Resolution stricken.

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

Commissioner Burow reiterated that should this resolution be adopted, future owners of this property would not have off-street parking requirements.

Motion carried 3-1 (Commissioner Burow dissenting).

6. CDBG & HOME GRANT/CONSOLIDATED PLAN COMMUNITY NEEDS.

Planning and Community Development Director Mike Haynes reported that this is the needs hearing for CDBG & HOME funding. It is an opportunity for applicants to share with the City Commission needs of their organizations that could be funded with CDBG and HOME funds. Staff conducted a workshop for potential applicants on December 1st inviting them to submit eligible applications for funding by the submittal deadline of January 20, 2012.

Deputy Planning Director Wendy Thomas provided the City Commission information regarding projected revenues and potential partners, projects and beneficiaries at the Work Session earlier this evening.

At the meeting on January 3, 2012, the City Commission will be asked to set percentage funding allocations to provide the Community Development Council (CDC) with parameters for funding before the CDC hears requests to fund specific projects and programs in February, 2012. The City Commission will consider recommendations of the CDC in March and April, 2012.

Mayor Winters opened the needs hearing.

Addressing the City Commission were:

Brett Doney, Great Falls Development Authority, provided a hand-out, and discussed statistics and the need for economic opportunities.

Richard Saravalli, Farm in the Dell, commented that about 20 full-time jobs will be created when Farm in the Dell opens this Spring. Mr. Saravalli provided an informational brochure, and noted that funds will be strictly used at the Great Falls Farm in the Dell site.

Mike Dalton, Sunburst Unlimited, Inc., provided a hand-out, and discussed the program components of a licensed community kitchen and food processing plant, green houses and community garden development, as well as a recycling and composting facility.

Kristi Scott, Ursuline Center, discussed the need for funds to complete a \$400,000+ masonry restoration project of the historical Ursuline building. The Ursuline Center has already raised half of the funds.

Gary Trescott, 820 2nd Avenue SW, spoke in support of the grant application for a boiler at the Natatorium. Mr. Trescott has Multiple Sclerosis; he has greatly benefitted from the water therapy program the past 15 years.

Hildreth Grimes, 926 Avenue B NW, also spoke in support of the grant application for the Natatorium boiler. She is 94 years of age and has exercised at the Natatorium for the past 16 years. She suggested increased advertising of the Natatorium.

Marlene Olson, Great Falls Job Service WoRC Program for Temporary Assistance for Needy Families (TANF), provided a hand-out and discussed the program and goals. Ms. Olson requested funds for a scholarship to maintain and add one week to the training program of education for self-sufficiency.

Aaron Weissman, 315 4th Avenue North, discussed the “top 10” reasons the Park and Recreation Department’s grant application for a boiler at the Natatorium should be supported.

Jim Meinert, History Museum, discussed the importance of the History Museum, and that grant monies are needed to update the History Museum’s restroom to ADA standards. The History Museum will match dollar for dollar any grant monies awarded.

Keith Cron, NC 3 and Chamber of Commerce Leadership Great Falls Program, spoke in support of playground equipment for Jaycee and Skyline Parks to promote healthy activities for children in the area. Mr. Cron encouraged participation in the fund-raising efforts of the Leadership Great Falls class project “Partnering for Parks” on Facebook.

Michelle Koppany, Gateway, discussed the importance of parenting education programs that Gateway offers in Great Falls. Ms. Koppany requested funds to be used for scholarships for families that cannot afford the Gateway programs.

Kim Thiel-Schaff, Paris Gibson Square, discussed the history of the Paris Gibson Square building, and the importance of the programs offered. Funds are needed for historic restoration, a boiler and ADA upgrades.

Sheila Rice, NeighborWorks, urged the Commission to keep the funding allocation the same for housing. There is a need for affordable, decent housing in the community.

Diane Trescott, 820 2nd Avenue SW, spoke in support of the grant application for the Natatorium boiler as it helps people of all ages and people with disabilities.

Cyndi Baker, 500 Montana Avenue NW, commented that Ronald Regan once said, “the best social program is a job.” She encouraged support of economic development.

There being no one further to address the Commission, Mayor Winters declared the needs hearing closed.

OLD BUSINESS

7. **AGREEMENT PROVIDING FOR THE EXTENSION OF APPROVAL OF THE PRELIMINARY PLAT OF STONE MEADOWS ADDITION, PHASES 1 AND 2, PREVIOUSLY KNOWN AS BOOTLEGGERS ADDITION.**

Planning and Community Development Director Mike Haynes reported that this is a request to approve the Agreement providing an extension of preliminary plat approval for Stone Meadows Addition Phases 1 and 2, located between Eagles Crossing and Northview Addition. This extension is needed to comply with state law. Due to the current economy and slow absorption rate of new residential units, it makes it challenging for developers to get to final plat within that three year timeframe.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Agreement providing for the extension of the approval of the Preliminary Plat of Stone Meadows Addition, Phases 1 and 2, previously known as Bootlegger Addition.

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 4-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

8. ORDINANCE 3083, ASSIGN CITY ZONING TO NORTHVIEW ADDITION, PHASE 7.

Planning and Community Development Director Mike Haynes reported that this is a request to set a public hearing for January 3, 2012, to consider Ordinance 3083 that would assign initial zoning of PUD (Planned Unit Development) to ±3.2 acres of property that will comprise Phase 7 of the Northview Addition residential subdivision. Northview Addition Phase 7 will contain 12 single-family lots and an extension of 40th Avenue NE to the east. The City was able to secure donation of the right-of-way to make the 12th Street NE connection to 36th Avenue NE. That short roadway segment is under final design at Public Works and will be constructed next year. It will improve traffic circulation in the area by providing two access points into Northview Addition from 36th Avenue NE.

At a public hearing held on November 8, 2011, the Planning Advisory Board/Zoning Commission recommended that the City Commission annex the subject property into the City, approve subdivision of the property as previously outlined, and assign PUD zoning to the property.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3083 on first reading and set a public hearing for January 3, 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 4-0.

9. RESOLUTION 9949, A RESOLUTION ADOPTING THE CASCADE COUNTY PRE-DISASTER MITIGATION PLAN.

Fire Chief Randy McCamley reported that Resolution 9949 formally establishes the City's intent to comply with federal requirements for emergency preparedness and disaster mitigation. Cascade County worked with a third party contractor, Tetra Tech, Inc., and with City staff to prepare a County Pre-Disaster Mitigation Plan. The Plan's focus is to guide and manage hazard mitigation activities. It profiles significant hazards to the community and identifies mitigation projects that can reduce the impact and shorten the recovery of a man-made or natural disaster in Great Falls and Cascade County. Adoption of Resolution 9949 also makes the City of Great Falls eligible for hazard mitigation grant funding.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9949.

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 4-0.

CONSENT AGENDA

10. Minutes, November 15, 2011, Commission meeting.
11. Total expenditures of \$2,225,802 for the period of November 1-30, 2011, to include claims over \$5,000, in the amount of \$1,870,381.
12. Contracts list.
13. Set public hearing for January 3, 2012, on the recommended use of the Justice Assistance Grant (JAG) for 2011.
14. Award bid for two new 2012 Case 590 SN backhoe loaders to Titan Machinery of Great Falls in the amount of \$118, 549.98, including trade-ins.
15. Award contract in the amount of \$145,774.95 to Ironhide, LLC for the 2011 Street Drainage Improvements. **OF 1611.2**
16. Award contract in the amount of \$248,940 to Phillips Construction, LLC for the Great Falls Wastewater Treatment Plant Heating Line Repairs. **OF 1457.6**
17. Approve final payment for the Montana Eggs Utility Extensions to Central Plumbing and Heating in the amount of \$16,698.41. **OF 1610**

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission approve the Consent Agenda as presented.

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 4-0.

PETITIONS AND COMMUNICATIONS

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **John Brutosky**, 1618 11th Avenue South, commented that loud music coming from the 8 Ball Inn is a nuisance. It is extremely aggravating to him that he is subjected to the loud noise at night while he is trying to sleep. Mr. Brutosky discussed the City's noise ordinance.

City Manager Doyon responded that he would get Mr. Brutosky's contact information and follow up with him.

- B. Cleve Loney**, Representative of HD 25, noted a recent article in the newspaper and clarified that realtors rely on disclosure statements from sellers, and what realtors are required to look at with regard to zoning. With regard to Item 5 on this agenda, Mr. Loney inquired how many cars can park in front of the property.

Mr. Haynes responded that the parking requirement is off-street or on-site. Parking on the street does not meet the parking requirement.

Commissioner Burow apologized to realtors about a comment in the newspaper. He wasn't attempting to paint realtors in a bad light. He spoke with the Realtors Association and learned it has a mechanism in place that informs people where to go to get answers.

- C. Cyndi Baker**, 500 Montana Avenue NW, noted that a welcome ceremony to meet the new K-9's may be scheduled in June. Ms. Baker also read a memorial poem to K-9 York who recently passed away.
- D. Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, reported that the Black Eagle Road project will be completed in the Spring. HUD has approved the environmental assessment and a contract can now be awarded for the Agri-Tech Park water line. The brand research is completed and is available for review. Mr. Doney also provided a status update of Downtown Revolving Loan Fund projects.
- E. John Hubbard**, 615 7th Avenue North, discussed Electric City Power contracts, Southern Montana filing bankruptcy, and politicians being held accountable. He also discussed the EPA's investigation of the Weissman property, and opined that "justice should have no statute of limitations." Mr. Hubbard expressed disappointment about the recent City 7 audio malfunctions.
- F. Lyle Heavyrunner**, 1307 2nd Avenue South, discussed his car being towed from the Soccer Complex parking lot. Mr. Heavyrunner inquired if the City or the non-profit organization installed the tow away zone signs, and why the soccer fields are fenced.

Mr. Doyon responded that the City, through a lease, relinquished operational control of the facility to the Great Falls Soccer Foundation.

Mayor Winters noted that Mr. Doyon will look into Mr. Heavyrunner's concerns and follow up with him.

- G. Rudy Tankink**, 3620 9th Avenue North, commented about the Pit Bull owner's responsibility for the attack on the resident. In other communities, dogs are euthanized for attacks like that.

CITY MANAGER

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported the City is working with the Great Falls Development Authority to help overcome the perceptions that the City is not business friendly.

CITY COMMISSION**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters welcomed Acting Police Chief Tim Shanks.

21. COMMISSION INITIATIVES.

Commissioner Bronson discussed Ordinance 3047 that repealed the 20 foot smoking rule from public buildings, and the effect that has had on some City employees with health issues. He would like Mr. Doyon to look into this matter further and make a recommendation to the Commission on how to address it with this building and other City properties in Great Falls.

Mayor Winters noted that some City employees have expressed an interest for a smoking kiosk.

Mr. Doyon noted he has a draft administrative order that only applies to City employees.

Commissioner Bronson discussed adoption of Resolution 9933 on July 19, 2011, which set new building permit fees. Prior to the second fee increase taking effect in February, he would like a report on the status of the building fund, and an opportunity for the building community to weigh in on this again before the Commission takes final actions on this subject.

There were no objections to Commissioner Bronson's initiatives.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jolley, that the regular meeting of December 6, 2011, be adjourned at 9:40 p.m.**

Motion carried 4-0.

Mayor Winters

City Clerk

Minutes Approved: December 20, 2011