

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

PROCLAMATION: Mayor Winters read a proclamation for National Nurse Practitioner Week.

**** 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.

There were no miscellaneous reports and announcements from representatives of Neighborhood Councils.

BOARDS & COMMISSIONS

2. APPOINTMENTS, GREAT FALLS PLANNING ADVISORY BOARD.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission appoint J. Scot Davis to fill the remainder of a three-year term through December 31, 2012, appoint Heidi Pasek to fill the remainder of a three-year term through December 31, 2013, and appoint Nathan Wiesenberger to a full three-year term 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 5-0.

3. APPOINTMENTS, BOARD OF ADJUSTMENT.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission reappoint Timothy Peterson and appoint Kim Martin to the Board of Adjustment for three-year terms beginning November 1, 2011, through September 30, 2014.

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.

4. APPOINTMENTS, COMMUNITY DEVELOPMENT COUNCIL.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission reappoint Carrie Koppy and Sandie Wright for three-year terms through October 31, 2014, and appoint Joshua Campbell to fill the remainder of a three-year term through October 31, 2013, and appoint Anita Fisher for a three-year term through October 31, 2014, 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 5-0.

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

PUBLIC HEARINGS

6. ORDINANCE 3080, CRESCENT DRIVE LOTS.

Planning and Community Development Director Mike Haynes reported that this is a request to take final action on Ordinance 3080 that would rezone four lots containing ±13.32 acres from C-2 (General Commercial) to I-1 (Light Industrial). The subject properties are located on the north side of Crescent Drive west of 6th Street SW and comprise a cell tower, storage units, a landscape business, a grain elevator and a vacant building that was formerly used for daycare. Mr. Haynes explained that the City Commission did hold a public hearing for this rezoning on September 6, 2011, but it was later discovered that the notice of public hearing had not been published as requested. First reading of Ordinance 3080 was held again on October 4, 2011, and the public hearing set for this evening. Consistent with statutory requirements, notice for this public hearing was published in the newspaper on October 16, 2011.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Ordinance 3080.

Mayor Winters declared the public hearing closed.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3080.

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

Motion carried 5-0.

7. WESTSIDE LITTLE LEAGUE ASSOCIATION LEASE.

Park and Recreation Director Marty Basta reported that this item is a request to conduct a public hearing for the lease of a portion of Grade Vista Park to the Westside Little League Association. The lease would be \$200 per year for a three year period. The Association has provided improvements to the City park including ball fields, dugouts, fencing, parking lots, buildings and restrooms. The Association provides recreation opportunities to dozens of neighborhood youth.

The Park and Recreation Advisory Board recommended approval of the lease at its October 10, 2011, meeting.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of the Westside Little League Association Lease.

Mayor Winters declared the public hearing closed.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission approve the Westside Little League Association Lease Agreement.

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

ORDINANCES/RESOLUTIONS

8. ORDINANCE 3082, AMENDING TITLE 13 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS.

Public Works Director Jim Rearden reported that Ordinance 3082 would amend Title 13 which is the water and sewer section of the City Code. The U.S. Environmental Protection Agency requires the development of local limits to address pollutants that could interfere with the collection system, treatment plant, or the safety of workers. Local limits are utilized in the Industrial Pre-Treatment Program to establish discharge limits when permits are issued to the industrial users within the City. The local limits were last updated in 1993. Anderson Montgomery Consultants were hired to determine new local limits for the Great Falls system. The Environmental Protection Agency reviewed the new proposed limits, published the legal notice in the *Tribune*, and has approved the new local limits.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3082.

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

Commissioner Jolley inquired and was informed first reading of Ordinance 3082 was conducted at the October 18, 2011, City Commission meeting.

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

9. Minutes, October 18, 2011, Commission meeting.
10. Total expenditures of \$2,003,913 for the period of October 8-26, 2011, to include claims over \$5,000, in the amount of \$1,810,308.
11. Contracts list.
12. Award bid for one new 2012 sewer-jet cleaner, truck mounted, in the amount of \$185,000 with trade-in, and one new 2012 sewer-vacuum, trailer mounted, in the amount of \$91,000 with trade-in to Utility Specialties, Inc. of Butte, Montana, for a total amount of \$276,000.
13. Approve final payment to Phillips Construction, LLC, and the State Miscellaneous Tax Division in the amount of \$799.95 for the Northwest Storm Drain Improvements Phase 2 – 6th Street NE Inlets.
OF 1617.1

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

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

Commissioner Burow inquired about the AVI Systems contract listed on Item 11. Deputy City Manager Jennifer Reichelt responded that City 7 was experiencing audio difficulties at the last Commission meeting. This contract is for the purchase of new equipment to update and streamline taping and scheduling of Commission meetings, as well as public service announcements, and to improve viewing quality.

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

Stuart Lewin, 615 3rd Avenue North, inquired what two checks to Southern listed on Item 10 were being paid for. Fiscal Services Director Melissa Kinzler explained that the \$1,977.58 was being paid to Southern for final reads of customer meters for service received in July. The payment of \$284,681.87 is for the September estimated billing cycle charged at \$72.13 per megawatt.

Mr. Lewin inquired about the blended rate.

City Attorney James Santoro responded that the City has requested the matrix from Southern. The City hired a rate analyst who Southern refused access to look at documents. City officials do not attend Southern's secret meetings where information regarding computing the rates is discussed. This matter is now in federal bankruptcy court, and this type of information may now be disclosed.

Mr. Lewin asked if the checks were being sent to SME or the bankruptcy trustee. Mr. Santoro responded that those payments were remitted to Southern on October 20th. On October 21st, Southern Montana filed bankruptcy with the U.S. Bankruptcy Court.

Mr. Lewin objects to checks being sent before being approved on the Consent Agenda, and without knowing what the checks are for.

Mike Witsoe, 510 11th Street South, inquired about Item 12. Public Works Director Jim Rearden responded the vendor was from Butte, Montana, and trade-ins totaled \$18,000.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. Gaia Purpura**, 2014 1st Avenue SW, read a letter she provided to the City Manager and City Commission. She explained that she purchased her home in 2007 and that the property also included a rental house. She was shocked when she received a notice from the City in 2011 that the rental house on her property was non-conforming and she had to evict the tenants. Without the income from the second house, Ms. Purpura noted that she would be forced into foreclosure. She commented that Mr. Doyon's proposal to allow her to continue to rent the property as long as she owns it was not acceptable. She suggested "grandfathering in the property."
- B. Representative Cleve Loney**, HD 25, suggested looking at a variance to resolve this matter as soon as possible.
- C. Stuart Lewin**, 615 3rd Avenue North, suggested considering the exception of constructive ownership if the City has been accepting taxes as if it was a home for this many years.

Commissioner Bronson responded that, if this is construed as a request for this body to do something, this is not the body to solve the problem. He explained that the City of Great Falls, even being a self-governing authority, has to follow state planning and zoning laws. One can challenge the Planning Department's interpretation of the zoning code by bringing the matter before the Board of Adjustment. State law does not allow the City Commission to be the final decision maker. Commissioner Bronson encouraged Ms. Purpura to petition the Board of Adjustment.

City Attorney James Santoro added that if the decision of the Board of Adjustment is not the remedy sought, then Ms. Purpura would have 30-days to appeal to District Court.

Commissioners Burow and Jones commented that there seems to be a failure of the realtors that were involved in the sale of this property.

Commissioner Jolley commented that public notice of the Board of Adjustment hearing would be in the newspaper that this particular property is asking for an exception to the zoning law and the neighbors will have an opportunity to comment.

Mayor Winters noted that everyone was sensitive to her situation. He encouraged her to take advantage of the appeal process.

- D. Mary Sheehy Moe**, 8 Prospect Drive, member of the Mansfield Center for the Performing Arts Advisory Board, commented that the Board is engaged in a public relations effort to make the public aware that the Mansfield Center for the Performing Arts includes the Mansfield Theater, Convention Center, a variety of public meeting and events rooms ranging from conferences to weddings, and also the Events Office. She thanked Jennifer Reichelt, Patty Rearden, Dona Hughes, and Mark Willmarth for helping the Board with the process of developing a public relations strategic plan.
- E. John Hubbard**, 615 7th Avenue South, inquired why the last meeting aired without audio. Ms. Reichelt explained City 7 was experiencing audio difficulties. It was discovered there was a wiring problem. City 7 is in the process of purchasing new equipment. Mr. Hubbard expressed the City has too many laws. He referred to the Overfield settlement and noted how many times he had been thrown out of the chambers by the prior Commission. Mr. Hubbard also discussed government official accountability, as well as his case against the Weissman's.
- F. Ed Brown**, 2012 8th Avenue South, and **Ted Nault**, 3000 Encino Drive, Veterans, commented that they were irritated, offended and do not feel it is appropriate to paint flags on gutters.

Mayor Winters noted that he followed up on their calls and City Code states the numbers have to be five inch black numbers on a white background, and the U.S. Flag Code prohibits the use of a flag in this situation.

Public Works Director Jim Rearden added that on October 21st the Kalispell businessman was put on notice that the flag or symbol of the flag was unacceptable.

- G. Randy Golightly**, 1212 1st Avenue SW, requested a "cease and desist" be issued; and, that the cost of removing the flags already painted on curbs does not make sense.

Mr. Rearden responded that the businessman would be informed in the morning that no additional symbols would be allowed on the curb paintings.

- H. Jose Martinez**, 1317 7th Avenue South, retired Master Sergeant, takes gross exception to seeing the colors that he has defended being misused. He would like to see the flags removed at the businessman's expense.
- I. Mike Witsoe**, 510 11th Street South, commented that rules are not set in stone and requested that the City do what it can for Ms. Purpura. Mr. Witsoe commended everyone who runs for government office, and he encouraged everyone to vote.

CITY MANAGER

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that he received an inquiry from the International City Managers Association to gauge interest in a sister city in a community in China that he would forward to the Advisory Commission on International Relationships for further discussion.

He also commented that his written report of the Southern Board meeting will be done tomorrow.

CITY COMMISSION

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from the City Commissioners.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Jolley moved, seconded by Commissioner Bronson, that the regular meeting of November 1, 2011, be adjourned at 8:20 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: November 15, 2011