

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Knights of Columbus

MOMENT OF SILENCE

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

PRESENTATION: The American Legion Montana Boys State – Governor and Lieutenant Governor

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

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Karen Grove, NC 8, provided flyers inviting the community to the council's ice cream social next Tuesday. Ms. Grove also complimented City staff for the fast clean up after the Fourth of July parade.

- * City Manager Greg Doyon recommended that Item 15 listed of the agenda be moved from the Consent Agenda to New Business.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission move Item 15 from the Consent Agenda to the New Business portion of the agenda.

Motion carried 5-0.

BOARDS & COMMISSIONS

2. APPOINTMENT, GREAT FALLS HOUSING AUTHORITY BOARD.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission appoint Jon McCarty to a five-year term beginning July 5, 2011, and ending June 30, 2016, to the Great Falls Housing Authority 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. MINOR SUBDIVISION – AMENDED PLAT OF THE AMENDED PLAT OF A PORTION OF LOT 2, MCLEAN GARDEN TRACTS, LOCATED AT 2712 LOWER RIVER ROAD.

Planning and Community Development Director Mike Haynes reported that this is a request to approve an amended plat for a residential property in the R-1 (Single-Family Suburban) zoning district at 2712 Lower River Road. The applicant/owner is proposing to subdivide the ±0.9-acre residential lot into two lots. Proposed Lot 1 would be a vacant lot available for new residential development and proposed Lot 2 would accommodate the existing single-family home. Both lots meet minimum standards of the R-1 zoning district.

The Planning Advisory Board recommended that the City Commission approve the amended plat at a public hearing held on June 14, 2011.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission approve the Amended Plat of the Amended Plat of a Portion of Lot 2, McLean Garden Tracts adjoining Great Falls, a subdivision in the NE¼ Section 23, 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 or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Cyndi Baker, 500 Montana Avenue NW, member of the Police Department Citizens' Academy, reported that, as part of the K-9 fundraising campaign, a public "meet and greet" with the dogs has been scheduled for July 9th from 2 to 4 p.m. in front of Walmart.

Cleve Loney, Representative of House District 25, commented that he received numerous calls and emails from people in his district requesting that the Commission not cut park equipment from the budget. He noted he would provide the name of a person that said she would begin a fund raising effort for the equipment.

PUBLIC HEARINGS

5. GREAT BEAR INNOVATION PARK – PHASE 1.

A. RESOLUTION 9922, TO ANNEX.

B. ANNEXATION AGREEMENT.

C. ORDINANCE 3076, TO ASSIGN CITY ZONING.

Planning and Community Development Director Mike Haynes reported this is the public hearing to consider three actions pertaining to the approximately 125-acre subject property located on the east side of Black Eagle Road, currently known as the Great Bear property. Resolution 9922 is to annex and subdivide the subject property, and there is an accompanying Annexation Agreement. Ordinance 3076 would establish a zoning of I-2 (Heavy Industrial) on the property.

The subject property is proposed to be a rail-served industrial park that is primarily focused on agri-

processing businesses. The developer is proposing to take advantage of the existing rail line that runs just north of the subject property and serves the Malt Plant by constructing rail spurs to lots on the subject property. The property owner, Dali Inc. (Joe Stanek), owns an additional 863 acres to the east of the subject property that would accommodate future phases of a rail-served industrial park.

Dali Inc. also owns 60 acres of property to the west of the subject property identified as Lot 5. The 40-acre MaltEurop property and 60-acre Lot 5 comprise the Central Montana Technology & Agriculture Park (TIFD). Dali Inc. intends to request that the District be expanded to include the 125-acre Great Bear property with the intention of developing Lot 5 for smaller “incubator business” industrial lots and the Great Bear site for the larger rail-served lots.

At a public hearing held on May 25, 2010, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assigning I-2 zoning to the subject property, and subdividing the 125-acre property into five lots ranging in size from five to 66 acres with the largest lot expected to be further subdivided in the future.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 9922, the Annexation Agreement and Ordinance 3076.

Speaking in support of Resolution 9922, the Annexation Agreement and Ordinance 3076 were:

Brett Doney, Great Falls Development Authority, thanked the Planning and Community Development Department for recommending I-2 zoning. He reported that the Black Eagle Road project is out to bid. The project expenses for engineering studies came from the TIFD; the funds did not go to the Great Falls Development Authority. Mr. Doney also encouraged the Commission to consider expansion of this TIFD.

Mike Witsoe, 510 11th Street South, inquired about the tax increment financing district and how many years it would be before taxes are paid, and if future industrial park users will use the connection to the rail spur.

Joe Stanek, 3735 Bottle Bay Road, Sagle, Idaho, thanked City staff and the City Commission for entertaining the annexation petition. He explained the area and how he anticipates it will be subdivided for future businesses in hopes of bringing more industry into Great Falls.

Stuart Lewin, 615 3rd Avenue North, spoke in support of this project because it is industrial development, is good for the city and county, and because the location is away from the river.

There being no one else to address the Commission, Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9922.

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

Commissioner Jolley inquired if approval of the application for tax increment financing would come before the Planning Board or City Commission. Mr. Haynes responded that the ultimate decision is made by the City Commission. He believes the road to the Malt Plant will be completed first because it benefits both property owners in the TIF district.

Commissioner Burow thanked Mr. Stanek for investing in Great Falls.

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the Annexation Agreement for Great Bear Innovation Park – Phase 1.

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

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3076.

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

Motion carried 5-0.

6. **TRACT OF LAND IN THE VICINITY OF 11TH STREET NORTHWEST AND VALLEY VIEW DRIVE.**
 - A. **RESOLUTION 9924, TO ANNEX.**
 - B. **ANNEXATION AGREEMENT.**
 - C. **ORDINANCE 3077, TO ASSIGN CITY ZONING.**

Planning and Community Development Director Mike Haynes reported this is the public hearing to consider three actions pertaining to one single-family lot that comprises an unincorporated enclave at Valley View Drive and 11th Street NW. Resolution 9924 is to annex the subject property, and there is an accompanying Annexation Agreement. Ordinance 3077 would establish a zoning of R-2 (Single-Family Medium Density) on the property consistent with the rest of the neighborhood.

At a public hearing held on May 10, 2011, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assigning R-2 zoning to the subject property.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9924, the Annexation Agreement and Ordinance 3077.

Mayor Winters declared the public hearing closed.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9924.

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

Motion carried 5-0.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission approve the Annexation Agreement for Lot 1-A, Block 17, NE¼ Section 3, Township 20 North, Range 3 East, P.M. Great Falls, Cascade County, Montana.

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

Motion carried 5-0.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3077.

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

Motion carried 5-0.

7. **WADSWORTH PARK LEASE AGREEMENT WITH BOY SCOUTS OF AMERICA.**

Park and Recreation Director Marty Basta reported this is the public hearing to consider a lease of a portion of Wadsworth Park to the Boy Scouts of America as a recreational facility for scouting activities. The Sun River Skeet Club previously leased the property for over 30 years. The Skeet Club constructed a log building, water and sewer systems and power to the property. The Boy Scouts have agreed to conduct ordinary day-to-day maintenance of the property and necessary repairs to the log building. The terms of the lease are five years with a five year renewal clause, and a \$450 annual payment.

Mayor Winters declared the public hearing open.

No one spoke in opposition to the Wadsworth Park Lease Agreement with Boy Scouts of America.

Speaking in support of the Wadsworth Park Lease Agreement with Boy Scouts of America were:

Kyle Roberts, 3206 1st Avenue North, District Executive for the Boy Scouts and Cub Master for Cub Scout Pack #1; **Ron Colwell**, 1304 Delea Drive, Volunteer Cub Scout Day Camp Director; **Ryan Haney**, 2723 4th Avenue North, Assistant Senior Patrol Leader of Troop #7; and **Lonnie Atkins**, Scout Master of Troop #7, all expressed appreciation for the Commission's consideration of this lease.

Stuart Lewin, 615 3rd Avenue North, inquired if there were safety concerns about skeet shooting in the area.

Mr. Basta clarified that firearms are not allowed on City parkland. Commissioner Jones added that at one time there was a police pistol range and a skeet club in the area. Both groups have relocated.

There being no one else to address the Commission, Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Wadsworth Park 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

*

15. SET PUBLIC HEARING FOR JULY 19, 2011, ON RES. 9933 BUILDING PERMIT FEES.

Planning and Community Development Director Mike Haynes reported that this is a request to set a public hearing for July 19, 2011, to consider a new fee schedule for building, plumbing, electrical, mechanical, sign and other miscellaneous permits. This action follows the status update Mr. Haynes presented at the June 7, 2011, City Commission Work Session on the condition of the Building Fund.

The two options are for the new fee schedule to take effect August 1, 2011; or, for half the fee increase to take effect August 1, 2011, and the new fee schedule to take effect on February 1, 2012, with the General Fund subsidizing the estimated difference to the Building Fund of \$56,000 to avoid a negative fund balance.

Mr. Haynes requested direction from the Commission regarding which option to proceed with to advertise the public hearing.

Commissioner Bronson inquired if the Commission could move forward with setting both options for public hearing on July 19, 2011.

Mr. Doyon responded that the idea was to narrow down the options, but that there was no reason that would prohibit the Commission from scheduling both.

Mr. Haynes added that it complicates the issue in terms of the public hearing ad, and with the calculations of the interim fees.

Commissioner Bronson noted that he would rather hear the comments from folks in the community at the public hearing and not limit the options.

Mr. Doyon reminded the Commission that one of the options utilizes monies from the general fund to offset fees.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission set a public hearing to consider Resolution 9933-A and Resolution 9933-B for new permit fees for July 19, 2011.

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

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, suggested the motion be amended to look at other options such as a graduated increase or to borrow from a fund and pay it back with interest.

Motion carried 4-1 (Commissioner Jolley dissenting).

ORDINANCES/RESOLUTIONS

8. ORDINANCE 3078, CASCADE RIDGE SENIOR LIVING FACILITY.

Planning and Community Development Director Mike Haynes reported this is first reading of Ordinance 3078 and request to set a public hearing for August 2, 2011, that would rezone ±4.244 acres, located on the north side of 15th Avenue South right-of-way just north of the Great Falls Clinic Specialty Center, from PLI (Public Lands and Institutional) zoning to R-6 (Multifamily High Density) zoning. The subject property comprises ±7.59 acres that would be subdivided into two lots. The west ±3.347 acres are occupied by the Gift of Life Housing Center, and the vacant and unimproved east ±4.244 acres would accommodate development of the Cascade Ridge low-income senior rental housing project. The proposed project would comprise up to 56 one and two bedroom units with 40 units proposed in Phase 1 of the development. The development partners in this project are Benefis Health Systems and Mountain Plains Equity Group.

The project is a LIHTC (Low Income Housing Tax Credit) project and has already been allocated tax credits by the Montana Board of Housing's HFA (Housing Finance Agency). These tax credits help finance such projects by providing investors with federal tax credits as part of their return on investment making such affordable housing projects, affordable. It is also proposed that the project will be exempt from property taxes.

Staff recommends approval of this project based on its benefit to the community in terms of new construction, roadway improvements, provision of needed services and compatibility with the Medical District Master Plan, while acknowledging that, like all exempt properties, it will not generate property tax revenues.

At a public hearing held on June 14, 2011, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve the rezoning and minor subdivision.

Commissioner Jones noted that he reviewed the Master Plan. He expressed several concerns and requested that Mr. Haynes look into those items and report to the Commission prior to the public hearing.

Mr. Haynes responded that 15th Avenue South will ultimately connect with 14th Avenue South, so that technicality will have to be worked out. There is no annexation agreement. It is simply subdividing one lot into two lots and a re-zoning to accommodate the development of the Cascade Ridge project. He explained the status of the right-of-way and improvements to the area. It has always been anticipated that the connection would be made in the Master Plan.

Commissioner Jones would also like staff to negotiate with Benefis to complete the curb and gutter and sidewalks on the south side of the street.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3078 on first reading and set a public hearing for August 2, 2011.

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

Motion carried 5-0.

9. **ORDINANCE 3079, REPEALING TITLE 9, CHAPTER 3, ARTICLE 10, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO SKATE PARK RULES AND REGULATIONS.**

Park and Recreation Director Marty Basta reported that the action requested is to accept Ordinance 3079 on first reading and to set a public hearing for July 19, 2011. Ordinance 3079 would repeal Title 9, Chapter 3, Article 10, Section 020 of the Official Code of the City of Great Falls (OCCGF), pertaining to skate park rules and regulations.

Ordinance 2878, establishing Skate Park Rules and Regulations, was adopted in 2004 following the construction of the City of Great Falls' Riverside Railyard Skate Park. These rules prohibited bicycles and made helmet and footwear use mandatory. Enforcement of the Ordinance has been problematic for the Great Falls Police Department requiring an unreasonable police presence at the skate park. Since the opening of the Riverside Railyard Skate Park there has been a growing movement to allow bicyclists access to the skate park.

Staff conducted several meetings with skate park users, parents, other interested parties and the City Commission regarding the skate park rules.

On June 13, 2011, the Park and Recreation Advisory Board reviewed the proposed rule changes and recommended approval by the City Commission. Following the work session presentation on June 21, 2011, the City Commission directed staff to proceed with rescinding Ordinance 2878 and implementing the Park and Recreation administrative rules as presented. The City Risk Manager and MMIA have reviewed the proposed rules and voiced support for the changes.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3079 on first reading and set a public hearing for July 19, 2011.

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

Commissioner Jolley noted she was pleased with this change.

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

Mike Witsoe, 510 11th Street South, encouraged bikers and boarders attendance at the public hearing.

Motion carried 5-0.

10. **RESOLUTION 9932, AUTHORIZING THE RATE COMPONENT FOR ELECTRIC CITY POWER CUSTOMERS.**

City Manager Greg Doyon provided the Commissioners with a draft rate sheet that should have been attached to Resolution 9932 as Exhibit A, and noted that it would be made available to the public immediately after the meeting. He reviewed the rate sheet prepared by rate consultant Jim Williams. He explained that when the initial rate structure was adopted it set fixed rate contracts causing the losses. The terms of the contracts are expiring effective July 1. It is time to look at the rate structure and make the necessary adjustments to ensure ECP will not be continuing on with the losses. The ECP Board will be able to make a recommendation at its July 11, 2011, meeting prior to the scheduled public hearing.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission set a public hearing on Resolution 9932 for August 2, 2011.

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

Commissioner Jolley received clarification that Block 3 customers will not pay the higher rate for debt reduction.

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

Ron Gessaman, 1006 36th Avenue NE, clarified that only two contracts expire on June 30th. He noted the amount in the proposed budget anticipated to be collected for the debt service fee, and estimated ECP only collecting 12-15% of the debt. Mr. Gessaman suggested that a spreadsheet be prepared indicating the amount each customer ran up in debt and to ask those customers to pay per megawatt during the next year enough to recover the debt. He asked that these issues be addressed prior to the public hearing.

Stuart Lewin, 615 3rd Avenue North, disagreed with Mr. Doyon's comment that the problem was because ECP had fixed contracts with its customers. Mr. Lewin commented that the City was losing money from the beginning. He referenced pilot program customers and commented that they were paying less than what the City was paying for the power from day one. This was against the ordinance. The way the ECP Board handled this will cost the taxpayers a lot of money.

Mike Witsoe, 510 11th Street South, commented that it has been 18 months and he still does not know the amount of money lost.

Motion carried 5-0.

At the request of Mayor Winters, Mayor Pro Tempore Jones read items 11 through 22 of the

Consent Agenda.

CONSENT AGENDA

11. Minutes, June 21, 2011, Commission meeting.
12. Total Expenditures of \$3,866,159 for the period of June 9-29, 2011, to include claims over \$5,000, in the amount of \$3,615,640.
13. Contracts list.
14. Lien release list.
15. * Item 15 moved to "New Business."
16. Set public hearing for July 19, 2011, on Res. 9930 Intent to Increase Property Tax.
17. Set public hearing for July 19, 2011, on Res. 9931 Annual Budget Resolution.
18. Set public hearing for August 2, 2011, on Res. 9925 to Levy and Assess Street Maintenance District.
19. Set public hearing for August 2, 2011, on Res. 9926 to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570.
20. Set public hearing for August 2, 2011, on Res. 9927 to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195.
21. Award contract in the amount of \$437,939 to Liggett Construction for the 6th Street Northeast and 7th Street South Water Main Replacements. **OF 1601**
22. Approve final payment to Gregoire Construction and the State Miscellaneous Tax Division in the amount of \$2,474.66 for the 2010 CDBG Handicap Ramps. **OF 1588.1**

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

Cyndi Baker, 500 Montana Avenue NW, discussed last year's and upcoming proposed rates and/or fees and opined that there isn't any appetite in this City for increases. Ms. Baker suggested that Item 16 be pulled from the consent agenda and that the Commission vote no.

Ron Gessaman, 1006 36th Avenue NE, commented that the payment in Item 12 to First Interstate Bank was for the \$1.5 million dollars that was borrowed without the approval of the citizens via a vote. With regard to Item 17, Mr. Gessaman read paragraph C of page 8 of the Proposed Budget for Fiscal Year 2012. He commented that this fiscal year the public has had virtually no input on what is in the budget. Mr. Gessaman further pointed out typographical errors. He requested that City staff do a better job getting things right.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Stuart Lewin**, 615 3rd Avenue North, clarified that he was not being critical of the City Manager or City Commission in his earlier comments, but was trying to express that it was important to get the ECP facts straight because of the pending litigation and decisions being made on how to recover some of the money. With regard to Ms. Baker's earlier comment regarding not raising taxes, Mr. Lewin noted that, based on ECP's losses, it will be difficult for the City Manager and City Commission to figure out how to tighten belts and still provide services the City should provide.
- B. **Senator Edward Buttrey**, 2712 Granite Hill Lane, introduced Patrick Thompson, Sr., owner of FXX. He provided information regarding what the business FXX, LCC does, issues regarding permits and zoning, and a proposed solution. He urged the City Commission to find a way to save this business before it relocates to another city.
- C. **Representative Cleve Loney**, 93 Brandy Wine Lane, concurred with Senator Buttrey's comments.
- D. **Wendy Storrusten**, 437 22nd Avenue NE, urged the Commission to reconsider funding parks in the Riverview area.
- E. **Barbara Howse**, 529 24th Avenue NE, also spoke in support of funding the parks for a place for children to play.

Commissioner Bronson clarified that the City has not withdrawn funding from any parks. There has been a concern expressed by an inspector that the playground equipment in three of the parks was a danger to the public. At the work session this evening, there was discussion that there is money to replace the playground equipment in the Elk's Riverside Park. The Commission will be tasked with figuring out how to restore playground equipment in the other two parks.

Ms. Howse encouraged the Commission to consider placing playground equipment at Jaycee Park.

Ms. Storrusten noted that she was informed by the Park and Recreation Department that funding wasn't available for playground equipment at the Jaycee or Skyline Parks.

Mr. Basta responded that funding has not been cut. Park and Recreation made a request for funding to replace the playground structures at Jaycee and Skyline Parks. He is awaiting the outcome of the budget review by the Commission.

Ms. Storrusten pointed out that Elk's Riverside Park is located very close to another park. She urged the Commission to install park equipment in Riverview first.

- F. **Cyndi Baker**, 500 Montana Avenue NW, reported that she attended a public memorial for October Perez, the little girl who was beaten by her mother's boyfriend. On behalf of the family, she provided a petition on the table in the back of the room requesting that an investigation be

conducted why DFS felt that her case did not meet their standards for further investigation.

- G. Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, expressed that the Broadwater area should have been included in the downtown master planning process as it is a mixed-use area. He also presented a proposal to strengthen Great Falls economic development.
- H. Brad Livingston**, 2704 Big Ranch Road, explained a recent water emergency at his house and expressed appreciation for the City staff that responded and went above and beyond their duties to help and rectified the situation.
- I. John Hubbard**, 615 7th Avenue North, reported that he is pressing charges against certain individuals for trying to build the coal plant. He asked the public to get involved and contact officials.
- J. Mike Witsoe**, 510 11th Street South, commented that he contacted the U.S. Department of Justice, Civic Rights Division, today to discuss the ADA complaint form he processed in 2010. He reported that his mom never ran for mayor because of her hearing loss, and that he is also hearing impaired. He suggested several different pieces of equipment be used during public meetings. Mr. Witsoe commented that rumor has it that many families “got busted” for having chickens after the last Commission meeting and inquired if it was due to Ms. Grove’s comments.
- K. Karen Grove**, 1816 1st Avenue North, clarified that she wasn’t “outing” any secret chicken people. She mentioned it because she had seen chickens around town. Her point was people need to know they are breaking the law, which most of them did not know. Also in response to Mr. Witsoe’s comments about discrimination and interfering with people’s rights, Ms. Grove explained that she had to quit taking her granddaughter to Commission meetings because a couple of people scared her and also because she doesn’t take her granddaughter anywhere she would be subjected to bad language.

Chief Grove also commented that he didn’t know what Mr. Witsoe was talking about. He wasn’t aware of any effort to enforce the chicken ordinance after the last meeting.

CITY MANAGER

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

CITY COMMISSION

25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson asked if Mr. Haynes would address the issues presented by Senator Ed Buttrey.

Mr. Haynes noted that he hasn’t seen the handout.

City Manager Greg Doyon commented that Mr. Haynes should be given an opportunity to review the document before commenting. He added that he appreciates the comments tonight. It was an

unfortunate situation that the tenant was misinformed by the property owner, and could have been remedied initially if they would have checked to determine if it was an appropriate location. Mr. Haynes will check the status of the appeal to see what we can do to assist in a timely manner.

Senator Buttrey responded that his issue was if the rules cannot be adjusted for anybody, then the City will have an issue with creating business.

After further discussion, the City will continue to work with Mr. Thompson on this issue.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jones, that the regular meeting of July 5, 2011, be adjourned at 9:32 p.m.**

Motion carried 5-0.

Mayor Winters

Acting City Clerk

Minutes Approved: July 19, 2011