

Regular City Commission Meeting

Mayor Winters presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE** – Lewis and Clark Honor Guard

**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, City Attorney, Directors of Fiscal Services, Park and Recreation, Planning and Community Development, and Public Works, Executive Director of the Housing Authority, the Police Chief and the City Clerk.

**PROCLAMATION:** Mayor Winters read a proclamation for 22<sup>nd</sup> Annual Lewis and Clark Festival “History: Live It Up!”

**\*\* 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.**

**Judy Tankink**, NC 4, invited citizens to attend the council meeting scheduled for June 23, 2011, at 6:30 p.m. at the Heritage Baptist Church. A River’s Edge Trail update will be presented by Andrew Finch.

**Karen Grove**, Chair NC 8, invited everyone to attend an ice cream social at Memorial Park on July 12, 2011, from 6:30 to 8:30 p.m.

### **BOARDS & COMMISSIONS**

#### **2. APPOINTMENTS, BUSINESS IMPROVEMENT DISTRICT.**

**Commissioner Jolley moved, seconded by Commissioners Bronson and Jones, that the City Commission reappoint Steve Alley and appoint Andrew Ferrin and Garry Hackett to the Business Improvement District for four-year terms beginning July 1, 2011, and expiring June 30, 2015.**

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. REAPPOINTMENT, POLICE COMMISSION.**

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission reappoint Thomas Meeks to the Police Commission for a three-year term through June 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. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from members of boards and commissions.

**PUBLIC HEARINGS**

5. **BEEHIVE ASSISTED LIVING FACILITY.**

A. **RESOLUTION 9921, TO ANNEX.**

B. **ANNEXATION AGREEMENT.**

C. **ORDINANCE 3075, TO ASSIGN CITY ZONING.**

Planning and Community Development Director Mike Haynes reported this is the public hearing to consider three actions pertaining to proposed property comprising buildings 5 and 6 of the BeeHive Assisted Living facility on 15<sup>th</sup> Avenue South between 24<sup>th</sup> and 25<sup>th</sup> Streets South. The ±0.96 acre subject property is currently part of an unincorporated enclave in the Medical District. The request is to annex the property into the City, approve the annexation agreement, and assign a zoning of R-5 which is consistent with the property to the west.

The developer presented the project to Neighborhood Council 5 on February 21, 2011, and received a vote of support for the project and its associated improvements.

On April 26, 2011, the Planning Advisory Board/Zoning Commission recommended approval of annexing the property into the City and assigning it the R-5 Multifamily Residential Medium Density zoning.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9921, the Annexation Agreement and Ordinance 3075.

Mayor Winters declared the public hearing closed.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9921.**

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

In response to Commissioner Burow, Mr. Haynes commented that BeeHive is a tax paying organization.

Motion carried 5-0.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Annexation Agreement for BeeHive Assisted Living Facility.**

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

Motion carried 5-0.

**Commissioner Burow moved, seconded by Commissioners Bronson and Jolley, that the City Commission adopt Ordinance 3075.**

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**

**6. CHANGE ORDER NO. 2 AND FINAL PAYMENTS FOR THE ENGINEERING AND OPERATIONS OFFICE MODIFICATION (OF 1455.3).**

Public Works Director Jim Rearden reported that construction on this project began in July, 2010. As construction progressed, several errors and conflicts or inconsistencies between sheets of the plans were discovered. The items were brought to the attention of the architect to make clarifications, specify suitable materials, and propose changes to construction methods. This change order provides for additional environmental abatement of lead based paint, adding structural elements, revisions to the HVAC system, revisions to walls and ceiling finishes.

Sletten submitted 23 items of work for a potential change order totaling \$39,659.65. Public Works, CTA and Sletten negotiated a settlement for these items. In summary, three and one-quarter items totaling \$14,742.09 were absorbed by Sletten, four and one-quarter items were paid by CTA to Sletten, and City staff agreed to pay \$20,290.29 for the remaining fifteen and one-half items.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve Change Order No. 2 for \$20,290.29 and final payments of \$20,424.98 to Sletten Construction and \$206.31 to the State Miscellaneous Tax Division for the Engineering and Operations Office Modification (OF 1455.3), and authorize the City Manager to execute the necessary documents.**

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

Commissioner Burow noted that staff did a good job negotiating and getting the accountable parties to pay their share.

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

Motion carried 5-0.

7. **URBAN CHICKEN ORDINANCE COMMITTEE RECOMMENDATIONS.**

Urban Chicken Ordinance Committee Chairman, Commissioner Bill Bronson, reported that the Commission is being called upon to consider the recommendations of the sub-committee appointed by the Commission on April 19, 2011, with respect to Ordinance 3069 and consideration of the subject of referendum. The Urban Chicken Ordinance Committee (“committee”) consisted of Mayor Winters, Commissioners Bronson and Jones, and public member and local attorney Channing Hartelius. The committee met on May 3 and June 14, 2011, and discussed and debated the recommendations, and solicited and considered public comment on these issues. The committee, by a 2-1 vote, recommends that the City Commission make no changes to current City ordinances regarding “urban chickens;” and, by a 3-0 vote, that the City Commission not refer any “urban chicken” ordinance to Great Falls voters via referendum.

Mayor Winters stated that the Committee has recommended that the City Commission make no changes in current City ordinances regarding “urban chickens.” Because this recommendation comes from a committee of the City Commission, Robert’s Rules of Order do not require a second, only that the full Commission vote to either accept or reject the recommendation.

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

Commissioner Jolley commented that the majority of persons that appeared at hearings were in favor of the original ordinance as proposed by the Planning and Community Development Department. She agrees.

Commissioner Bronson noted that he does not support this recommendation, and believes the issue will be back before the Commission at some point in time.

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

**Charles Bocoek**, 51 Prospect Drive, **Howard Eitzen**, 610 18<sup>th</sup> Street South, **Alma Winberry**, 423 15<sup>th</sup> Street South, **David Stratton**, 2120 3<sup>rd</sup> Street South, **Ronald Mathsen**, 122 Treasure State Drive, **Channing Hartelius**, 825 4<sup>th</sup> Avenue North, **Neil Taylor**, 3417 4<sup>th</sup> Avenue South, **Aart Dolman**, 3016 Central Avenue, **Cheryl Reichert**, 51 Prospect Drive, urged the Commission to deny this recommendation of the committee.

**Curt Ammondson** and **Betty Ammondson**, 1400 1<sup>st</sup> Street South, spoke in support of this recommendation of the committee.

Mayor Winters noted that he is not a “chicken hater.” There is an ordinance on the books that, to the best of his knowledge, was put there legally.

Commissioner Jolley commented that she attended the 2007 hearings regarding changes to the animal ordinance. The staff report highlighted the changes and there was no mention that the word

“poultry” was added under the definition of livestock. Because changes were made at the public hearing, the matter came back for a third meeting and, at that meeting, there was no call for public comments. Commissioner Jolley inquired about a sunset provision regarding veto power.

Commissioner Jones stated this matter has gone through the democratic process. He is of the opinion that this matter needs to be put to bed tonight.

Commissioner Burow concurred with Commissioner Jones. Citizens can take the initiative to get this on the ballot for the community to vote on.

Mayor Winters reiterated that the issue under Commission consideration is the Committee’s recommendation that the City Commission make no changes in current City Ordinances regarding “urban chickens.” He asked what the will of the Commission was with regard to the Urban Chicken Ordinance Committee Recommendation No. 1.

Motion carried 3-2 (Commissioners Bronson and Jolley dissenting).

Commissioner Bronson explained that, pursuant to Robert’s Rules of Order, the motion that was made by Commissioner Jones to deny Ordinance 3069, seconded by Commissioner Burow, at the April 19, 2011, Commission meeting, is again before this body.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public with regard to the motion to deny Ordinance 3069. Hearing none, Mayor Winters called for the vote with regard to the motion to deny Ordinance 3069.

Motion carried 3-2 (Commissioners Bronson and Jolley dissenting).

Mayor Winters stated that the Committee has recommended that the City Commission not refer any “urban chicken” ordinance to Great Falls voters via referendum. Because this recommendation comes from a committee of the City Commission, Robert’s Rules of Order do not require a second, only that the full Commission vote to either accept or reject the recommendation.

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

Commissioner Jolley suggested that the original ordinance as drafted by the Planning and Community Development Department be referred by the City Commission to the voters via a referendum.

In response to Commissioner Burow, City Attorney James Santoro commented that he didn’t believe referring this ordinance for referendum would set a precedent. Commissioner Burow noted that he would not object to putting this on a ballot in its original form.

Commissioner Bronson commented that the Commission is not legally obligated to refer any ordinance to the voters in the event of a deadlock or a 3-2 position by the Commission. Referring this matter via referendum is not consistent of his notion of a representative form of government. He expressed concern that, should the Commission ever reach a deadlock and start doing this, it may set a form of precedent and expectation that all controversial issues will be submitted for public vote.

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

**Aart Dolman**, 3016 Central Avenue, **Alma Winberry**, 423 15<sup>th</sup> Street South, and **Mike Witsoe**, 510 11<sup>th</sup> Street South, spoke in support of referring the “urban chicken” ordinance to Great Falls voters via referendum.

**Karen Grove**, 1816 1<sup>st</sup> Avenue North, inquired about monitoring and enforcement of properties with chickens; and, if it went to a vote of the people would the veto provision as suggest by Commissioner Jones be included.

In response to Ms. Grove, Commissioner Bronson commented that the committee recommendation being voted on tonight is that the matter not be referred to the voters by referendum. If the motion passes, that will be the end of the matter. Should this body reject the committee’s recommendation, then this Commission will have to take further action regarding the ordinance language to be put on the ballot.

Mayor Winters reiterated that the issue under Commission consideration is the Committee’s recommendation that the City Commission not refer any “urban chicken” ordinance to Great Falls voters via referendum. He asked what the will of the Commission was with regard to the Urban Chicken Ordinance Committee Recommendation No. 2.

Motion carried 3-2 (Commissioners Burow and Jolley dissenting).

Mayor Winters asked what the pleasure of the Commission was concerning the status of the Urban Chicken Ordinance Committee.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission disband the Urban Chicken Ordinance Committee.**

Motion carried 5-0.

Mayor Winters thanked the committee members for their time, and recognized Mr. Channing Hartelius for his service as an ad hoc member.

Mayor Winters called a short recess at 8:29 p.m., and reconvened the meeting at 8:38 p.m.

### **NEW BUSINESS**

#### **8. CONTRACT AWARD, NEW WORLD SOFTWARE.**

Police Chief Cloyd Grove reported that the current New World program is an old DOS based platform that the company will discontinue to maintain and service in the next two to three years. It is time to transition the software into a modern windows based package that will provide better usability, more flexibility, and will be supported. A team of fire, police, county and IT staff explored other software vendors. The Public Safety team recommends staying with New World Systems. Employees who use the software are familiar with the product and will benefit from the added field reporting module. New World Systems offered to add the price of the software into the maintenance cost and extend the contract.

Fiscal Services Director Melissa Kinzler added that the I.T. Department has reserves in its equipment revolving schedule to cover upfront costs, the increased maintenance cost for the first year and equipment that needs to be purchased.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission award a ten (10) year contract in the approximate amount of \$230,000 annually and an initial one-time allocation of \$54,000 for travel/training costs to upgrade New World Systems for Public Safety, and authorize the City Manager to execute the agreements.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired about the amount estimated for travel time for training.

Ms. Kinzler responded that, based on past experience, staff estimated travel expenses to be \$2,500 - \$3,000 per trip. The contract included staff traveling to Great Falls for training. The Police Department has budgeted for the cost of initial training.

Motion carried 5-0.

## **ORDINANCES/RESOLUTIONS**

### **CONSENT AGENDA**

9. Minutes, June 7, 2011, Commission meeting.
10. Total Expenditures of \$2,839,655 for the period of June 1-15, 2011, to include claims over \$5,000, in the amount of \$2,729,230.
11. Contracts list.
12. Lien release list.
13. Set public hearing for July 5, 2011, for a Wadsworth Park Lease Agreement.
14. Award contract to Oswald Construction Company in the amount of \$96,200 for the Mansfield Theater Sound System Renovation project. **OF 1603**

**Commissioner Bronson 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.

In response to Commissioner Jolley with regard to the Property Room.Com agreement on Item 11, Chief Grove explained that company will receive a portion of the proceeds of the sold items.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired about the criminal justice information network

services payments split among funds on Item 10.

Ms. Kinzler explained that the payment is split depending on who is using their services.

With regard to Item 13, Mr. Gessaman inquired who would be responsible for the maintenance costs of the building.

Park and Recreation Director Marty Basta responded that, during the past year that the Boy Scouts of America have been renting the property, they have made numerous improvements to the property, including interior renovation of that building. He doesn't anticipate costs to the City.

**Carl Donovan**, 1509 13<sup>th</sup> Avenue South, Chairman of the Mansfield Center for the Performing Arts Advisory Council, thanked the Commission for its consideration of Item 14. The sound system was a much needed improvement to enhance the quality of performance for the theater patrons, to save production costs for presenters and promoters, and to broaden the facility use and revenue base by attracting conventions and other events.

Motion carried 5-0.

### **PETITIONS AND COMMUNICATIONS**

#### **15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

- A. Bob Church**, 715 55<sup>th</sup> Street South, urged the Commission to emphasize that the City's firework ordinance will be enforced this Fourth of July holiday.
- B. Ron Mathsen**, 122 Treasure State Drive, discussed concerns he has with various speed limits at certain locations within the City.
- C. Aart Dolman**, 3016 Central Avenue, discussed concerns he had with what he read in the June 1, 2011, court hearing transcript, as well as the June 15, 2011, Tim Gregori letter to Greg Doyon. He suggested that the Commission investigate what transpired with regard to the wholesale power agreement and the City's loan for its 25% interest for possible civil and criminal improprieties, or contact the attorney general to conduct a federal investigation. He further urged the City to vote against the thirteen million dollar loan being proposed at Southern's upcoming meeting.
- D. Karen Grove**, 1816 1<sup>st</sup> Avenue North, thanked the City Commission, department heads and the Park and Recreation Department staff on behalf of her grandchildren for providing a safe and fun environment at Mitchell Pool.
- E. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, spoke fondly of George Engler, a known conservationist, who recently passed away. Mr. Lewin suggested salaries for the Commissioners for their time spent learning and dealing with City issues. He also noted that it was obvious to him that PPL is a major player in the electric business, and eventually there will not be any competition. It is not clear to him that the City of Great Falls can get out of the contract with Southern.
- F. John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed repealing deregulation, and an investigation for



misappropriation of tax money. Mr. Hubbard commented that he would not run for mayor or commissioner because he couldn't raise taxes during a recession. He thanked Todd Semansky and Marty Basta for looking at his trees for Dutch Elm disease and Pine Beetles.

- G. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, discussed the *Sunday Tribune* article regarding ECP customers. He hopes the City will not get involved in matters it knows nothing about in the future. Mr. Gessaman also commented that he felt it was a mistake for the City not to refer the chicken ordinance via referendum so that it has control of the wording on the ballot.
- H. Mike Witsoe**, 510 11<sup>th</sup> Street South, announced upcoming events and encouraged public participation.

### **CITY MANAGER**

#### **16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that he continues to work on the budget. He and staff met with residents to hear concerns about drainage issues in the 36<sup>th</sup> Avenue NE area. He provided a brief report on his trip to Billings for the Southern Board meeting on Friday. The Southern Board voted to increase its rates another 4.2%. He also reported that Southern called a special meeting for Tuesday on what he suspects will be the Phase 2 financing of the plant. He received approval from the Commission to reschedule the budget work session to Wednesday after the agenda setting meeting.

### **CITY COMMISSION**

#### **17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Jones noted he found it unbelievable what took place at the Southern Board meeting he attended with the City Manager.

### **ADJOURNMENT**

There being no further business to come before the regular Commission meeting, **Commissioner Jones moved, seconded by Commissioner Jolley, that the regular meeting of June 21, 2011, be adjourned at 9:43 p.m.**

Motion carried 5-0.

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Mayor Winters

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City Clerk

Minutes Approved: July 5, 2011

