

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

PROCLAMATIONS: Mayor Winters read proclamations for Arbor Day and Montana Indian Education Days.

**** 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.

There were no miscellaneous reports and announcements from Neighborhood Council representatives.

BOARDS & COMMISSIONS

2. INTRODUCTION OF NEW MEMBERS.

Mayor Winters introduced Sean Johnson, Advisory Commission on International Relationships, and David Nelson, Golf Advisory Board.

3. RECOGNITION OF OUTGOING MEMBERS.

Mayor Winters thanked Fid Fitterer and Thomas Babinecz for their service on the Golf Advisory Board.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

5. VICTORY CHRISTIAN CENTER.

A. RESOLUTION 9918, TO ANNEX.

B. ORDINANCE 3072, ASSIGN ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY.

C. RESOLUTION 9920, CONDITIONAL USE PERMIT FOR A WORSHIP FACILITY.

Planning and Community Development Director Mike Haynes reported that this public hearing is to consider annexation, zoning and a conditional use permit (CUP) pertaining to the proposed new Victory Christian Center to be built at 13th Street South and 29th Avenue South just south of the Castle Pines residential subdivision.

On February 22, 2011, the Planning Advisory Board/Zoning Commission recommended annexing the ±13.59 acre subject property into the City; assigning R-3 (single-family, high-density) zoning to the property consistent with Castle Pines subdivision to the north; approving a conditional use permit to allow a worship facility in the R-3 zoning district; and approving a minor subdivision of one lot into two lots. The property owner proposes a three-phase development of the property to ultimately include a sanctuary, theater, fellowship hall, offices, gym and classrooms, with restrooms and other ancillary facilities. The plan is also to provide an outdoor sports and recreation area on the proposed ±3.46 acre Tract 2 at the east end of the property. The CUP will apply only to Tract 1. There is no plan submitted yet for Phase 2.

Mr. Haynes further reported that there are escrowed funds from the Castle Pines project to extend 13th Street South to the north boundary of the subject property and Victory Christian will be responsible for other roadway and utility extensions to serve the property and the on-site improvements, and that Neighborhood Council 6 expressed concerns regarding traffic and water pressure but is in support of the proposed development.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolutions 9918 and 9920 and Ordinance 3072.

Speaking in support of Resolutions 9918 and 9920 and Ordinance 3072 were:

Marty Erdman, P.O. Box 1415.

Robin Baker, Chair NC 6, expressed concerns about infrastructure, being informed no money was in the escrowed account, parking and traffic on 13th Street South. Ms. Baker commented that NC 6 did give its approval. However, what was preliminarily presented to the council was not what was presented at this meeting. At the request of Mayor Winters, Ms. Baker provided her written questions to Mr. Haynes for him to respond to her in writing.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9918, and approve the Minor Plat and Annexation Agreement all pertaining to Victory Christian Center Tracts.

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

Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3072.

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

Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9920.

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

Motion carried 5-0.

6. FINAL PLAT OF NORTHVIEW ADDITION, PHASE 5.

A. RESOLUTION 9915, TO ANNEX.

B. ORDINANCE 3070, ASSIGNS ZONING CLASSIFICATION OF “PUD” PLANNING UNIT DEVELOPMENT DISTRICT.

Planning and Community Development Director Mike Haynes reported that this is the public hearing to consider three actions pertaining to the ±3.276 acre proposed Northview Addition Subdivision Phase 5 that will comprise five single-family lots on the north side of 37th Avenue NE, and six condominium units on the south side of said Avenue.

On May 25, 2010, the Planning Advisory Board/Zoning Commission recommended approval of the annexation, initial zoning and final plat for Northview Addition Subdivision Phase 5 consistent with previous phases of the project.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9915 and Ordinance 3070.

Mayor Winters declared the public hearing closed.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9915 and approve the Final Plat and Annexation Agreement all pertaining to Northview Addition, Phase 5.

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 3070.

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

Motion carried 5-0.

(Acting City Clerk note: the sign-in sheets for Resolution 9915 and Ordinance 3070 were removed from the Commission Chambers by someone at this Commission meeting.)

7. FINAL PLAT OF NORTHVIEW ADDITION, PHASE 6.

A. RESOLUTION 9919, TO ANNEX.

B. ORDINANCE 3073, ASSIGNS ZONING CLASSIFICATION OF “PUD” PLANNED UNIT DEVELOPMENT DISTRICT.

Planning and Community Development Director Mike Haynes reported that this is the public hearing to consider three actions pertaining to the ±1.59 acre proposed Northview Addition Subdivision Phase 6 that will comprise six single-family lots, three lots on either side of the extended 40th Avenue NE.

On February 22, 2011, the Planning Advisory Board/Zoning Commission recommended annexing the ±1.59 acre subject property into the City and assigning PUD (Planned Unit Development) zoning to the property.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9919 and Ordinance 3073.

Mayor Winters declared the public hearing closed.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 9919 and approve the Final Plat and Annexation Agreement all pertaining to Northview Addition, Phase 6.

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 Commissioner Jolley, that the City Commission adopt Ordinance 3073.

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

Motion carried 5-0.

8. **CASTLE PINES ADDITION, PHASE IX.**
 - A. **RESOLUTION 9916, TO ANNEX.**
 - B. **RESOLUTION 9917, TO ANNEX.**
 - C. **ORDINANCE 3071, ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY.**

Planning and Community Development Director Mike Haynes reported that this is the public hearing to consider four actions pertaining to the ±3.137 acre proposed Castle Pines Addition Subdivision Phase 9 that will comprise 11 single-family lots fronting the extended 13th Street South and 29th Avenue South. Resolution 9916 is to annex the proposed future right-of-way of 13th Street South and 29th Avenue South and one residential lot simultaneously with the final plat; Resolution 9917 is to annex the remaining 10 residential lots that will be sold to NeighborWorks for its “self-help” program after the 10 homes are constructed; Final plat and annexation agreement pertaining to Castle Pines Phase 9; and, Ordinance 3071 is to assign R-3 (single-family, high-density) zoning to the property upon annexation.

On February 22, 2011, the Planning Advisory Board/Zoning Commission recommended approval of the annexation/initial zoning/final plat and major subdivision for Castle Pines Subdivision Phase 9 consistent with previous phases of the project.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolutions 9916 and 9917 and Ordinance 3071.

Mayor Winters declared the public hearing closed.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9916.

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 Resolution 9917.

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 Bronson, that the City Commission approve the Final Plat and Annexation Agreement all pertaining to Castle Pines Addition, Phase IX.

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 Bronson, that the City Commission adopt Ordinance 3071.

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

Motion carried 5-0.

9. **ORDINANCE 3068, REVISIONS TO TITLE 17, CHAPTER 20 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS BY ADDING SECTION 175 TITLED COMMUNITY GARDENS.**

Planning and Community Development Director Mike Haynes reported that Ordinance 3068 pertains to amending the Land Development Code for Community Gardens. The issue of Community Gardens, zoning and the conditional use process arose last summer during discussions regarding the Pea Pods Community Garden now established at 901 3rd Avenue North. Out of those discussions came a directive that Planning Staff review regulations regarding Community Gardens and possibly propose code amendments to simplify establishing Community Gardens which it was generally agreed are beneficial to City neighborhoods. The result of this process is proposed Ordinance 3068 that would liberalize where Community Gardens may be established and most importantly allow Community Gardens to be established in residential neighborhoods without a Conditional Use Permit.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Ordinance 3068.

Speaking in support of Ordinance 3068 were:

Maranna Dean, 601 Riverwood Court; **Amy Grisak**, 2809 Wells Fargo Drive; **Star Shine**, 1200 32nd Street South #50; **Mike Witsoe**, 2612 1st Avenue South; **Keern Haslem**, 806 7th Avenue North; **Jim Weber**, 701 4th Avenue North; **Richard Liebert**, 289 Boston Coulee Road; **Justin Konan**, 1523 Colorado Avenue; and **Stuart Lewin**, 615 3rd Avenue North.

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 Ordinance 3068.

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

Commissioner Bronson noted that Ordinance 3068 began as an initiative of this Commission a year ago in response to the difficulties faced by the organizers of Pea Pods. He commended Mike

Haynes and his staff, and recognized the individuals that spoke tonight that represent a number of organizations in the community actively promoting community gardens.

Motion carried 5-0.

(Acting City Clerk note: due to the sign-in sheets for Ordinance 3068 being removed from the Commission Chambers by someone at this Commission meeting, correct spelling of names and addresses of persons commenting at this public hearing could not be verified.)

10. **URBAN CHICKENS.**

A. **ORDINANCE 3066, AMENDING TITLE 17 TO PERMIT URBAN CHICKENS AS AN ACCESSORY USE IN CERTAIN RESIDENTIAL ZONING DISTRICTS.**

B. **ORDINANCE 3067, TO DEFINE URBAN CHICKENS.**

C. **ORDINANCE 3069, AMENDING TITLE 6 TO ESTABLISH REGULATIONS FOR KEEPING CHICKENS.**

Planning and Community Development Director Mike Haynes reported that this public hearing is to consider Ordinances 3066, 3067 and 3069 pertaining to Urban Chickens. Ordinance 3066 relates to proposed amendments to Title 17, Zoning Code, that would allow Urban Chickens to be kept as an accessory use in the R-2, R-3, R-5, R-6 and R-9 zoning districts subject to special standards. The Planning Advisory Board, acting as the Zoning Commission, considered these amendments on February 22, 2011, and recommended by a vote of 4 to 3 that the City Commission not adopt Ordinance 3066 based on their finding that the keeping of Urban Chickens is not appropriate or desirable in the City of Great Falls. Ordinance 3067 comprises an amendment to the definition of livestock to exclude Urban Chickens and a new definition for Urban Chickens. Ordinance 3069 comprises a new Chapter 12 (Chickens), that would establish specific requirements for licensing, limits on maximum number of chickens kept, setback requirements for coops, and standards for keeping of chickens pertaining to fencing, shelter, sanitation, food and water. If the Commission ultimately adopts these Ordinances, the Police Department will bring a Resolution to set fees for inspections, licensing and violations to the Commission before the Ordinances take effect.

Staff recommendation is to adopt Ordinances 3066, 3067 and 3069 if the Commission finds that keeping of chickens is appropriate in residential areas outside the R-1 zoning district in the city, or to deny the three Ordinances if the keeping of chickens is found not to be appropriate.

Mayor Winters noted the number of hours spent drafting these ordinances, and the number of comments and correspondence received regarding this issue. Mayor Winters declared the public hearing open.

Speaking in opposition to Ordinances 3066, 3067 and 3069 were:

Curt Ammondson, 1400 1st Street South; **Bob Deming**, 802 Sandpiper Drive; **Sally Mcmillan**, 1815 8th Avenue North; **Knud Grosen**, 13 Prospect Drive; **Karen Grove**, 1816 1st Avenue North; **Betty Ammondson**, 1400 1st Street South; **Nick Bourdeau**, 49 Prospect Drive; **Henry Nemec**, 108 13th Avenue South; and **Jerry Dailey**, 2812 4th Avenue North.

Written correspondence in opposition to urban chickens was received from **Fred Rauch II**, Chairman, on behalf of Neighborhood Council 1, **Maria Mathews**, 2737 Carmel Drive, **Diana and Dick Anderson**, no address provided, and **Nora Gray**, 2114 3rd Avenue North.

Speaking in support of Ordinances 3066, 3067 and 3069 were:

Dr. Cheryl Reichert, 51 Prospect Drive; **Emil Neumann**, 1309 Avenue B NW; **Justin Konan**, 1523 Colorado Avenue; **Alma Winberry**, 423 15th Street South; **David Stratton**, 2120 3rd Street South; **Mike Kerry**, on behalf of his father, **Thomas Kerry**, no address provided; **Heidi Kaululaau**, 704 Riverview Drive East; **Lynn Evans**, 2 Cree Way; **Anitra Hall**, 3508 14th Avenue South; **Laura Lynn**, 620 7th Street North; **Lori Fay**, 308 Riverview 4 West; **Keern Haslem**, 806 7th Avenue North; **Linda Mathisen**, 1905 17th Avenue South; **Charles Bocock**, 51 Prospect Drive; **Eric Bakly**, 1413 27th Avenue South; **Liz Rice**, 1704 Central Avenue; **Jim Pankratz**, 4001 Ox Bow Road; **Pat Sullivan**, 108 25th Street North; **Reed Fournier** and **Shawn Varner**, attend Valley View Elementary School; **Edward Varner**, 1225 Buena Drive; **Channing Hartelius**, 825 4th Avenue North; **Andrea Deligdish**, 3016 Central Avenue; **Mark Grabofsky**, 3515 8th Avenue South; **Erik Bakley**, on behalf of his daughters, **Melissa** and **Emily Bakley**, 1413 27th Avenue South, provided written letters in support; **Arlyne Reichert**, 1409 4th Avenue South; **Richard Liebert**, 289 Boston Coulee Road; **Mary Quint**, 904 24th Avenue SW; **Christianna Varner**, 1225 Buena Drive; **Delores Brower**, 124 17th Avenue NW; **Stuart Lewin**, 615 3rd Avenue North; **Cyndi Baker**, 500 Montana Avenue NW; **Ray Herigon**, 601 34th Street NW; **Coleen Palmer**, 3815 4th Avenue South; **Austin** and **Anika Hammat**, 1132 18th Avenue SW; and **Mike Witsoe**, 2612 1st Avenue South.

Mayor Winters called a recess at 9:17 p.m. The meeting reconvened at 9:22 p.m.

Continuation of speakers in support of Ordinances 3066, 3067 and 3069 were:

Pat Herigon, 601 34th Street NW; **Mary Thibaudeau**, P.O. Box 1823; and **Meagan Varner**, 1225 Buena Drive.

Written correspondence in support of urban chickens was received from **Arlyne Reichert**, 1409 4th Avenue South, **Jim Forzley**, no address provided, and **Ron and Kathy Gessaman**, 1006 36th Avenue NE.

Mayor Winters declared the public hearing closed.

Commissioner Bronson commented that he consulted with Mr. Haynes. He requested that he proceed with Ordinance 3069 first as it is the substantive ordinance change. Depending on the vote on Ordinance 3069, action on the other two ordinances may be a moot point.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Ordinance 3069 with the following amendments:

1) **New Section 2 and 3 of Section 6.12.030:**

2. **Notice to Neighbors:** The applicant shall notify all adjacent property owners, inclusive of those separated by rights of way, of the application for the Urban Chicken license. For the purposes of this section, the Animal Control Officer shall provide a form to the applicant

indicating the relevant properties. The applicant must disclose to the owners of the adjacent properties the number of chickens the applicant proposes to raise, and information demonstrating compliance with the shelter and distance requirements of this Chapter. The applicant shall submit the completed form to the Agency as part of the application, and the form shall be maintained as part of the applicant's file.

3. Notice to Neighborhood Council: The applicant is also encouraged, but not required, to notify the Neighborhood Council in the area in which the applicant's property is located.

2) New Section 6.12.110:

Nuisance Control and Abatement: Licensees under this Chapter shall not allow any chickens to be a nuisance to neighbors, including but not limited to: noxious odors from the chickens or their shelter or enclosure, noise of a loud and persistent and habitual nature, attraction of flies, rodents, or other pests, or attraction of predators. The Animal Control Agency shall determine whether or not a nuisance exists on a case-by-case basis. The Agency may undertake such corrective action as it deems necessary, including revocation of the license as provided for in 6.12.030(B)(5) above.

3) New Section 6.12.120:

No Slaughter Within Public View: No chickens shall be slaughtered within the public view.

4) New numbered Section with grammatical changes:

~~6.12.110~~ 6.12.130 Penalties and Violations

A. Any violation of this chapter shall be punishable pursuant to Section 1.4.070 of this Code, except that no jail sentence shall be imposed.

B. In addition to any penalties specified in this Chapter, the Court may, in its discretion, ~~may~~ order any of the following conditions:

1. The Court may order relinquishment to the Animal Shelter for subsequent disposition of a any chicken(s) deemed to be a public safety risk and/or a repetitive nuisance that has not been abated, or a any chicken(s) determined to be that is a victim (s) of cruelty, neglect or abandonment, ~~to the Animal Shelter for disposition.~~

2. Upon finding of chicken cruelty or neglect (including provoking, poisoning, abandonment of a chicken), the ~~court~~ Court may order no chicken ownership for a determinate period.

3. Violations of this Chapter may result in immediate impoundment of the chicken(s).

4. Violation of any provision of this chapter may result in revocation of any license(s).

5. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500.

Commissioner Bronson explained why he proposed the amendments to Ordinance 3069.

Commissioner Jolley inquired and was informed by Commissioner Bronson that a certified letter was sufficient in providing notice.

Commissioner Jones commented that the added notice provision meant nothing.

Commissioner Jolley expressed that it encouraged neighbors to have a discussion.

Commissioner Burow concurred with Commissioner Jones. He suggested this issue be put on the ballot to let the voters decide. In response to the discussion about property rights, Commissioner

Burow commented that certain rights are given up as part of living in a city.

Mayor Winters commented that he would like to see a compromise. He noted the calls and emails he received were overwhelmingly in opposition to having chickens within the City limits.

Commissioner Jones noted that the City of Great Falls does currently allow chickens. There was a blue ribbon committee that rewrote the animal ordinance in 2007. At that time there were special zones, or larger lots, to accommodate chickens. No one came before the Commission at that time and disagreed. He noted that he doesn't support Commissioner Bronson's amendments; there needs to be "teeth" in this Ordinance, not just dialog between neighbors. He also noted the calls and emails received regarding this subject.

Commissioner Jolley noted that she supports Commissioner Bronson's amendments. She pointed out that in 2007 the word "poultry" was added to the definition of livestock. There was no discussion about that one word addition.

Mayor Winters commented his greatest fear is the fact every time government takes away a privilege you won't get it back. If it was on the ballot, all voices would be heard.

Commissioner Bronson noted his research on this matter and commented that neighbor consent would be too onerous. In response to discussion about putting this matter on the ballot, Commissioner Bronson opined that the Commission is elected to make difficult judgments. These decisions should be made by the elected representatives of the people.

Mayor Winters called for the vote on Commissioner Bronson's motion on Ordinance 3069.

Motion failed 2-3 (Mayor Winters and Commissioners Burow and Jones dissenting).

Commissioner Jolley moved that the City Commission adopt Ordinance 3066.

Motion failed for lack of a second.

Commissioner Jolley moved that the City Commission adopt Ordinance 3067.

Motion failed for lack of a second.

(Acting City Clerk note: due to the sign-in sheets for Ordinances 3066, 3067 and 3069 being removed from the Commission Chambers by someone at this Commission meeting, correct spelling of names and addresses of persons commenting at this public hearing could not be verified.)

Mayor Winters called a recess at 10:07 p.m. The meeting reconvened at 10:12 p.m.

OLD BUSINESS

11. GREAT FALLS ANIMAL SHELTER MANAGEMENT AND OPERATION REQUEST FOR PROPOSALS.

City Manager Greg Doyon reported that the City Commission directed staff to issue a request for proposals (RFP) to operate the animal shelter and animal control operations. The purpose of the RFP was to consider proposals for shelter management and animal control operations through the

use of a third party provider.

The Commission expressed concerns about the City's handling of shelter operations. Specifically, the Commission was concerned about operating costs, building maintenance (physical plant), fees, community relations, staff turnover and the amount of euthanasia occurring at the facility. There was a hope that retaining an outside group to operate the shelter would be more efficient, cost effective and better for certain types of programming.

The City issued its first RFP on October 18, 2010, and no responses were received. Feedback from both the Commission and the public was that the RFP was too onerous. A second, scaled-back RFP was issued on January 17, 2011. The City received responses from the Animal Welfare Reform Cooperative (ARC) and the American Pet Association (APA). Both proposers were asked to make a presentation to the Commission and answer questions at a Work Session March 15, 2011, and respond in writing to questions prepared by staff based on their proposals.

The second RFP did not include the option of providing Animal Control Services. The City, under the direction of the Police Department, will continue to perform those functions.

If the Commission directs staff to begin negotiations, the process may take a month to six weeks and may involve additional Commission direction/intervention. It is important to note that subcontracting does not take the City out of the animal shelter business entirely. While it does shift the responsibility to a third-party provider, the public will still expect the City to address any concerns arising from shelter operations.

As staff begins the negotiation process, there are important things to include and take into account. The City will be required to negotiate a conflict resolution process into the agreement regarding policy and funding. By having an outside provider, the City will lose a certain amount of control over certain aspects of the shelter. These policy differences could equate to cost increases for the City. The City should also cap any contracted amount by the rate of inflation used by the City calculating its own property tax cap. Finally, the subcontractor must perform to the satisfaction of the community as stated in the agreement.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission authorize the City Manager to begin negotiations for the operation and management of the Great Falls Animal Shelter with the Animal Pet Association (APA), subject to the following conditions:

- 1) That the APA work with the City and local welfare organizations and animal welfare enthusiasts to develop a volunteer program for the purpose of enhancing Shelter services and operations;**
- 2) That the City Manager negotiate a conflict resolution process into the Operation and Management Agreement; and**
- 3) That any final agreement incorporate a cap for the contracted amount by the rate of inflation used by the City for calculating its own property tax cap.**

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

Commissioner Bronson commented he was impressed with both proposals. The APA offered the City a smaller budget for operation and proposed a mechanism by which public dollar contributions could be reduced over time. He emphasized the importance of developing a volunteer program.

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

Pam Hendrickson, 1321 5th Avenue North, noted that she has been involved with homeless dog rescues for the past 10 years, and was here to advocate for volunteer programs at the Animal Shelter. She opined that the current management of the Shelter was inhumane. Ms. Hendrickson compared the two proposals, and spoke in support of the Animal Welfare Cooperative.

Nora Norum, 1410 Country Home Lane, one of the founders of the Animal Welfare Reform Cooperative (ARC), noted that ARC members contacted nine out of the 10 references listed on the APA's website. They were informed that they had never heard of the APA; the only experience they had with the APA was the pet retrieval tag system; and one woman refused to talk to them about the APA. If an organization has been in practice for 20 years, she believes they should have an abundance of references, not just a handful that don't pan out. The APA's assertions regarding donations are not based on any kind of market research or study. ARC's proposal did not make any statements that they could not base in reality. She urged the Commission to reconsider and choose a local group.

Christian Cornelius, 1122 4th Avenue NW, urged the Commission to get a volunteer program back at the Shelter.

Cyndi Baker, 500 Montana Avenue NW, spoke in support of the local group as having a vested interest in this community.

Linda Metzger, 32 Windy Ridge Lane, concurred with the prior speakers' comments.

Lora Faulk, 616 Joshua Street, also concurred with the prior comments, and noted that there needs to be a change with the current Shelter management. If the local group was chosen, she would spend her extra time volunteering at the Shelter.

Mike Witsoe, 2612 1st Avenue South, discussed adopting Persian cats and being a volunteer at the Animal Shelter in his past. Mr. Witsoe urged the Commission to trust the local group.

Written correspondence was received from **Linda Say**, 2807 16th Avenue South, in support of a hands-on volunteer program, and **Pam Hendrickson**, 1321 5th Avenue North and **Jody Voegel**, no address provided, in support of volunteer programs and the Animal Welfare Reform Cooperative.

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

Motion carried 3-2 (Mayor Winters and Commissioner Jolley dissenting).

Commissioner Jolley commented that she also checked the APA's website and informed Mr. Doyon that there are some things that need to be investigated.

Mr. Doyon responded that concerns will be followed up on. If there are problems, he will let the Commission know and provide alternatives.

Commissioner Bronson pointed out that the action tonight was for staff to begin negotiations. There are no guarantees that an agreement will be reached.

With regard to Item 10, **Channing Hartelius**, 825 4th Avenue North, made a point of parliamentary procedure. He noted that Commissioner Bronson's amendments were defeated. Action should have been taken then on the main motion. Having the impression that the urban chicken ordinance is defeated is not the case. The only vote was on the amendments of Commissioner Bronson. Still before the Commission would be the actual ordinance as it exists.

Commissioner Bronson responded that in normal parliamentary procedure that would be the case. However, the way he framed the motion, that may not be true.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

12. **ORDINANCE 3074, REZONES LOTS 1A1 AND 1B2, MOUNT OLIVET ADDITION, SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M. (THE GRANDVIEW AT BENEFIS).**

Planning and Community Development Director Mike Haynes reported that Ordinance 3074 pertains to a proposed rezoning to accommodate the proposed Grandview at Benefis project in the medical district located at 29th Street South and 18th Avenue South.

On April 22, 2011, the Planning Advisory Board/Zoning Commission recommended approval of rezoning ±42.9 acres of the subject project from PLI Public Lands and Institutional to PUD Planning Unit Development. The project, when complete, will provide a continuum of care to include independent living units, assisted living units, special care units for the memory impaired, a nursing home, an adult daycare program, and services and accessory uses.

The staff recommendation for rezoning to PUD is subject to 14 conditions of approval. Staff was notified today that Benefis has some concerns regarding some of the conditions, but does want to proceed to the public hearing that will be scheduled for May 3, 2011. In the meantime, staff will endeavor to work with the applicant to resolve any outstanding issues.

Benefis has presented to Neighborhood Councils 5 and 6 where concerns were expressed about traffic circulation, parking, drainage, storm water and dust control during construction.

Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission accept Ordinance 3074 on first reading and set a public hearing for May 3, 2011.

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.

CONSENT AGENDA

13. Minutes, March 15, 2011, Commission meeting.
14. Total Expenditures of \$3,864,881 for the period of March 10-30, 2011, to include claims over \$5,000, in the amount of \$3,509,356.
15. Contracts list.
16. Grant list.
17. Approve Consultant Services Agreement Addendum 2 with Thomas, Dean and Hoskins, Inc. in the amount of \$23,969 for additional construction oversight and related design on the Bay Drive Bike/Ped Path Phase II project. **OF 1126.9**
18. Approve Construction Contract Award to Western Municipal Construction, Inc. in the amount of \$560,210 for the Valeria Way Storm Main Replacement, Phase I. **OF 1463**
19. Approve Final Payment to James Talcott Construction, Inc. and the State Miscellaneous Tax Division in the amount of \$15,185 for the Lift Station #15 Bar Screen Replacement. **OF 1374.6**

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

Due to Mayor Winters' dry throat, Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Richard Liebert**, 289 Boston Coulee Road, thanked the City for sponsoring the Earth Day celebration to be held April 16th in the Civic Center. He believes volunteerism to be essential. He encouraged staff to perform due diligence in the Animal Shelter operations and management. Regarding Item 10, Mr. Liebert expressed that there is room to negotiate without putting this matter on the ballot.

CITY MANAGER

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that he appreciated the opportunity to go on a Bosslift last Saturday. He appreciated the opportunity to witness the efforts of some of our employees that are

also committed to serving in the National Guard. He thanked the men and women that serve our country.

CITY COMMISSION

22. 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 April 5, 2011, be adjourned at 10:57 p.m.**

Motion carried 5-0.

Mayor Winters

Acting City Clerk

Minutes Approved: April 19, 2011