

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Boy Scout Troop 26

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

PROCLAMATION: Mayor Winters read a proclamation for Made In Montana Week.

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

NEIGHBORHOOD COUNCILS

- 1. SWEARING IN CEREMONY, BONNIE M. HAMAN, NEIGHBORHOOD COUNCIL 6.**
- 2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Dorothy Schmidt, Chair NC 2, thanked the community for its support and donations received for West Bank Park.

BOARDS & COMMISSIONS

- 3. APPOINTMENTS, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

Commissioner Burow moved, seconded by **Commissioner Bronson**, that the City Commission reappoint **Christina Barksy** and appoint **Sean Johnson** to the Advisory Commission on International Relationships for three-year terms through **March 31, 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, GOLF ADVISORY BOARD.**

Commissioner Jolley moved, seconded by **Commissioner Jones**, that the City Commission reappoint **Steve Villeaux** as the Non-League member for a three-year term through **March 31, 2014**, and appoint **Kevin O'Connell** as the Men's Golf Association member, and **William David Nelson** as the Malmstrom Golf Association member to the Golf Advisory Board for three-year terms beginning **April 1, 2011**, through **March 31, 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.

5. REAPPOINTMENTS, PARKING ADVISORY COMMISSION.

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission reappoint Darren Brown and Phil Kiser to the Parking Advisory Commission for three-year terms through April 30, 2014, and direct staff to re-open applications for the remaining position on the commission for a period of 30 days.

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.

6. REAPPOINTMENTS, DESIGN REVIEW BOARD.

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission reappoint Jule Stuver, as an architect member, and Bruce Forde to the Design Review Board for three-year terms through March 31, 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.

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

8. RESOLUTION 9914, ESTABLISHING WATER, SEWER AND STORM DRAIN UTILITY SERVICE RATES EFFECTIVE APRIL 1, 2011.

Public Works Director Jim Rearden reviewed PowerPoint slides. He explained that rates are determined by setting a five year capital improvement program for each utility. A five year cash flow is then established to fund operations and maintenance. The water rates are driven by the age of the system; the wastewater rates are driven by regulatory requirements. Mr. Rearden reported that the proposed rate increases will result in an approximate \$2.43 per month increase for the average residential user with the proposed 5% fee increase for water, and 7.5% fee increase for sewer. With the proposed fee increase, Great Falls still has the lowest rates of the seven largest cities within the state. The new rates are proposed to take effect on April 1.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9914 were:

Cyndi Baker, 500 Montana Avenue NW, requested that the Commission consider the working poor, single parents, Taxed Enough Already, and retired seniors that have not received Social Security raises.

John Hubbard, 615 7th Avenue South, commented that good government does not raise taxes during a recession.

Written letters in opposition to Resolution 9914 were received from: **James Clark**, 3404 1st Avenue North, **Charles Platis**, 214 11th Street SW, **June McFerrin**, 1401 Park Garden Road, and **Gerald Boerner**, 3011 2nd Avenue South.

Speaking in support of Resolution 9914 was **Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, who expressed that it is more expensive to not invest in this infrastructure. Gradual increases to improve the system are better for residents and businesses.

A written letter in support of Resolution 9914 was received from **David A. Campbell**, 515 Central Avenue.

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9914, establishing water, sewer and storm drain utility service rates to include increases of 5%, 7.5% and 0% respectively to become effective April 1, 2011.

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

Commissioner Burow expressed opposition to an increase to the water rate.

Commissioner Jones noted that an important use of this money goes towards the maintenance that is critical to the water system and water supply to the public.

Commissioner Jolley pointed out that some of the increases are necessary due to federal mandates. There is not extra money in the general fund to cover shortfalls in the water fund.

Mayor Winters commented that he does not support rate increases at this time.

Commissioner Bronson commented that, to provide safe water and sewer systems to this community, he was in support of annual, modest rate increases.

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

9. WEST BANK MASTER PLAN.

Park and Recreation Director Marty Basta reported that the City Commission passed Ordinance 2967 establishing the Great Falls West Bank Urban Renewal Plan including a Tax Increment Financing provision. West Bank Park is included in the Renewal Plan and Tax Increment District. The final West Bank Park Master Plan was presented to the City Commission at a work session on January 18, 2011, by staff and CTA Architects. Some of the elements recommended in the Master

Plan include an amphitheatre, improved trails, improved site amenities, a natural playground for children, a non-motorized boat launch, and a beach volleyball court for young adults. Phase One of the Plan would provide for the basic park infrastructure including roadways, parking, signage, irrigation and landscaping. Some of the other amenities would be provided in subsequent phases.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of the West Bank Park Master Plan.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt the West Bank Park Master Plan.

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

Commissioner Jolley reported that she received one call expressing concern that there weren't enough amenities for the elderly.

Commissioner Bronson commented that the only way he sees this succeeding is further community support in terms of time, resources and financing.

Mayor Winters commended Park and Recreation staff. He believes the character of a community is reflected in its park system.

Motion carried 5-0.

OLD BUSINESS

10. CDBG AND HOME PROGRAM PROPOSED USE OF FUNDS.

Planning and Community Development Director Mike Haynes reported that this item relates to the recommendations from the Community Development Council (the CDC) on the proposed use of funds for the 2011/2012 CDBG and HOME programs, for inclusion into the Annual Action Plan.

The City does not know what federal dollars will ultimately be received, but the CDC did provide two funding recommendations; one based on the funds received last year and one based on a 20% cut in funding. Some administrative adjustments will have to be made when the final funding is known which could be a significantly greater cut than 20%. In order to meet the HUD requirements for allocating CDBG and HOME funds, Mr. Haynes recommended not deviating from the current timeline.

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission accept the proposed use of funds for the 2011/2012 Community Development Block Grant Program and HOME Program for inclusion in the Annual Action Plan and set the public hearing for April 19, 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.

NEW BUSINESS
ORDINANCES/RESOLUTIONS

11. URBAN CHICKENS.

- A. ORDINANCE 3066, AMENDING TITLE 17 TO PERMIT “URBAN CHICKENS” AS AN ACCESSORY USE IN CERTAIN RESIDENTIAL ZONING DISTRICTS.**
- B. ORDINANCE 3067, AMENDING TITLE 6, CHAPTER 8, SECTION 005 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 is first reading of 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. At the meeting held February 22, 2011, the Planning Advisory Board, acting as the Zoning Commission, recommended that the City Commission not adopt Ordinance 3066.

Ordinances 3067 and 3069 are companion Ordinances that would amend Title 6, Animals, and are therefore outside the purview and not subject to Planning Board action. 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, limit 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.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission deny Ordinance 3066.

Commissioner Burow expressed his belief that current ordinances are sufficient regarding chickens in rural areas; allowing chickens to be kept throughout the City will create issues.

Commissioner Jones noted that this has been a controversial ordinance. He met and discussed this matter with both sides of the issue. He doesn't believe the areas chickens are allowed within the City limits should be expanded at this time.

Commissioner Bronson commented he had serious reservations about these proposals. If the

Planning Board makes a recommendation, that matter should be vetted before the City Commission at a public hearing. He would like the opportunity to hear from members of the public on both sides of the issue at a public hearing. He concluded that he has been debating in his own mind an alternative to the proposal that went before the Planning Board/Zoning Commission, but has not yet had time to put his thoughts to paper and discuss it with the Planning Department.

Commissioner Jolley commented that she also wants to hear comments from the public.

Mayor Winters noted the amount of time spent on this issue. He expressed his belief that this matter should have been resolved between the neighbors.

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

Hearing none, Mayor Winters called for the vote.

Motion failed 2-3 (Mayor Winters and Commissioners Bronson and Jolley dissenting).

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission accept Ordinance 3066 on first reading and set the public hearing for April 5, 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 4-1 (Commissioner Burow dissenting).

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission accept Ordinance 3067 on first reading and set the public hearing for April 5, 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 4-1 (Commissioner Burow dissenting).

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3069 on first reading and set the public hearing for April 5, 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 4-1 (Commissioner Burow dissenting).

12. **ORDINANCE 3068, AMENDING 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 this is first reading of Ordinance 3068 pertaining to community gardens. Proposed Ordinance 3068 liberalizes where community gardens may be established and allows community gardens to be established in residential neighborhoods without a Conditional Use Permit (CUP). Instead, the garden organizers would provide a dimensioned site plan and a user agreement between the property owner and the community garden group.

Mr. Haynes noted that removing the requirement for conditional use approval does eliminate the public hearing process and with it opportunity for neighbors to oppose a community garden, opportunity for the Commission to deny or impose additional conditions with a CUP, and the opportunity to revoke a CUP if conditions are not being met.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3068 on first reading and set a public hearing for April 5, 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.

13. **TRACT 1 OF VICTORY CHRISTIAN CENTER TRACTS.**

A. **ORDINANCE 3072, ASSIGN CITY ZONING OF R-3 SINGLE FAMILY HIGH DENSITY DISTRICT.**

B. **RESOLUTION 9920, ESTABLISH A CONDITIONAL USE PERMIT FOR A WORSHIP FACILITY ON TRACT 1 OF VICTORY CHRISTIAN CENTER TRACTS.**

Planning and Community Development Director Mike Haynes reported that this item relates 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 (CUP) to allow a Worship Facility in the R-3 zoning district and approving a minor subdivision of one lot into two lots.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3072 on first reading and set a public hearing for April 5, 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.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission set a public hearing for April 5, 2011, on Resolution 9920.

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

Commissioner Jolley inquired about the Sunnyside water pressure.

Public Works Director Jim Rearden responded that a 12 inch water main was extended from the Sunnyside area to the Castle Pines area. There is adequate water pressure to serve that area.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

14. ORDINANCE 3073, ASSIGN CITY ZONING TO NORTHVIEW ADDITION, PHASE 6.

Planning and Community Development Director Mike Haynes reported that this item relates to the proposed Northview Addition Subdivision Phase 6 that will comprise six, single-family, residential lots located along the westerly segment of 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 consistent with previous phases of the Northview Addition Subdivision.

While the Northview Addition will ultimately feature a grid-pattern street network that will provide easy and convenient ingress and egress to the subdivision, the slow absorption rate of homes in the subdivision precludes constructing the street network in advance and instead requires that the streets are constructed as the project develops.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3073 on first reading and set a public hearing for April 5, 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.

15. ORDINANCE 3071, ASSIGN CITY ZONING TO CASTLE PINES ADDITION, PHASE IX.

Planning and Community Development Director Mike Haynes reported that this item relates to the proposed Castle Pines Subdivision Phase 9 that will comprise 11 single-family lots fronting the

extended 29th Avenue South and Castle Pines Drive.

On February 22, 2011, the Planning Advisory Board/Zoning Commission recommended annexing the ±3.137 acre subject property into the City and assigning R-3 (Single-family high density) zoning to the property consistent with previous phases of the Castle Pines Subdivision.

Of the 11 lots, 10 lots will be acquired by NeighborWorks to accommodate construction of 10 homes in the “self-help” program with the remaining lot to be sold to a separate buyer.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3071 on first reading and set a public hearing for April 5, 2011.

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

Commissioner Burow inquired about Fire Department response times, and whether any thought was given to a location for a future fire station.

Mr. Haynes responded that is an ongoing discussion with the Fire Department as the City expands. They have only had preliminary discussions regarding where a new fire station might potentially be located.

Assistant Fire Chief Steve Hester explained the national standard for response times. Great Falls Fire Rescue response times are outside the national standard for outlying areas. He noted the difference in property protection level as well.

City Manager Greg Doyon added that the City of Great Falls has grown incrementally over a longer period of time. Eventually, it all adds up. Staff will be discussing this in terms of how to incorporate impact of essential services into expanded development. At some point, there will be criteria the Commission will look at in order to make an estimation of whether they can effectively cover those new properties.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

CONSENT AGENDA

16. Minutes, March 1, 2011, Commission meeting.
17. Total Expenditures of \$1,352,083 for the period of February 23 through March 9, 2011, to include claims over \$5,000, in the amount of \$1,182,390.
18. Contracts list.
19. Grant list.
20. Award construction contract to Tamietti Construction Co. in the amount of \$55,897 for the Historic 10th Street Bridge Coatings, Phase II. **OF 979.6**

Commissioner Jolley moved, seconded by Commissioner Bronson, 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, inquired if stimulus money was used in Item 20.

City Manager Greg Doyon explained that Preservation Cascade applied for and received grant funding from the Department of Commerce.

Commissioner Burow added that the City is a pass-through entity for the money for the 10th Street Bridge.

Cheryl Reichert, 51 Prospect Drive, commented that she a member of the Preservation Cascade Board. She emphasized that Preservation Cascade has keep its promise in that no local tax dollars have been spent on the bridge. The funds were received by Preservation Cascade through a competitive grant that was specifically designated for historic projects around the State of Montana.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. Scott Bielen**, 3609 7th Avenue North, commented that he is owner of the Beer Baron. He reported that there has been an issue with him trying to put a mobile food business on property he owns on 2nd Avenue North. In December, 2009, there was nothing in City Code that prevented him from putting this project together. He has since been told by the Community Development Department that their interpretation of City Code does not allow him to operate a mobile food business in a C-5 zoning district. Mr. Bielen believes his proposed business has been miscategorized. He discussed the investment he has in the property and trailer. Mr. Bielen expressed frustration that his phone calls to the Community Development Department haven't been returned. He pointed out that the Commission has the authority to amend a City Code. Mr. Bielen concluded by comparing the Community Development Department not allowing his business downtown, but allowed a sexually oriented business to be located downtown against City Code.

Mayor Winters informed Mr. Bielen that the Commission would revisit this matter.

In response to Commissioner Burow, Mr. Bielen explained that he would have to move his trailer every night to re-supply the water, and drain the gray water pursuant to City Code.

In response to Commissioner Jolley, Mr. Bielen advised that the property at issue is located at 213-

215 2nd Avenue North.

- B. Micky Kelleher**, 3805 Countryside Village, complained of potholes and cars being damaged. Ms. Kelleher also expressed concern about the Pin & Cue abandoned building.

Mayor Winters responded that potholes of extreme danger should be reported to the City Manager who would relate the information to the appropriate department, and that the Pin & Cue is a privately owned building.

- C. Mike Witsoe**, 510 11th Street South, reminded everyone about upcoming events: art week, gun show and St. Patrick's Day.
- D. John Hubbard**, 615 7th Avenue South, discussed the tragedy in Japan, the need for mud flaps on trucks, and the dangers of using a cell phone while driving. He discussed being referred to the County Attorney's Office regarding his request for an accountability law. Mr. Hubbard further discussed an incident with federal marshals that occurred in his neighborhood several weeks ago.

CITY MANAGER

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that severe pot holes should be reported to the Public Works Department. Regarding the water and sewer rates, he reported that there is a low income rate which is 90% of the regular rate. Mr. Doyon welcomed the new Building Official, Craig Raymond.

CITY COMMISSION

23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters thanked the Boy Scouts and the public in attendance.

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 March 15, 2011, be adjourned at 8:29 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

