

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE – Girl Scout Troop 3262

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael J. Winters, Robert Jones, Bill Bronson, Mary Jolley and Fred Burow (arrived at 6:05 p.m.). Also present were the City Manager, Deputy City Manager, City Attorney, Directors of Fiscal Services, Library, Park and Recreation, Planning and Community Development, Public Works, the Executive Director of the Housing Authority, Fire Marshal, Police Chief and the City Clerk.

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports or announcements from neighborhood council representatives.

BOARDS & COMMISSIONS

**Marion Smith
reappointed to the Great
Falls Transit District
Board.**

2. REAPPOINTMENT, GREAT FALLS TRANSIT DISTRICT BOARD.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission reappoint Marion Smith to the Great Falls Transit District Board for a four-year term beginning December 1, 2010, through November 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 4-0.

**Janet McLeod appointed
to the Advisory
Commission on
International
Relationships.**

3. APPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS (ACIR).

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Janet McLeod to the Advisory Commission on International Relationships to fill the remainder of a three-year term through March 31, 2013.

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, ACIR Treasurer, reported that ACIR will be hosting a Russian Delegation, consisting of three Supreme Court Justices, a District Court Judge and a City Court Judge, December 3-11, 2010. Ms. Baker announced that a presentation by the delegates will be held at a public reception on December 10, 2010, from 4 - 6 p.m. at the Great Falls Public Library.

Mayor Winters reported that he and City Manager Greg Doyon recently accepted an invitation to visit Lethbridge for a Friendship City exchange.

Mr. Doyon commented that his expectations were exceeded by the trip. They met members of the Twinning Society, which is an international twin city organization. Great Falls is classified as a Friendship City because there can only be one sister city in another country and that happens to be Culver City, California. People shared how much they visit Great Falls for shopping, access to the airport, and recreation. Staff discussed challenges facing their community similar to ours, as well as economic concerns. Mr. Doyon also commented that he better understands and appreciates why there is a Canadian Flag in front of our Civic Center. During a presentation of the colors, they sang our National Anthem first. It was touching and demonstrated the value of the relationship.

Motion carried 4-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

Commissioner Burow arrived at the meeting at 6:05 p.m.

PUBLIC HEARINGS

Res. 9902 and Ord. 3061.
Adopted.

5A. RESOLUTION 9902, ANNEXATION OF SERVICE DISTRICT NO. 3 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT.

5B. ORDINANCE 3061, ASSIGNS CITY ZONING TO SERVICE DISTRICT NO. 3 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT.

Planning and Community Development Director Mike Haynes reported that Resolution 9902 pertains to the proposed annexation of approximately 37 acres of land in the Upper Lower River Road area, and Ordinance 3061 pertains to the proposed assignment of R-1, R-2 and R-3 zoning (depending on lot size) to 38 parcels. This is the third phase of annexations resulting from a planning process that began in 1996, at which time the City-County Health Department and DEQ initiated a groundwater study in the area that found that private septic systems and two sewage lagoons were impacting

groundwater. The study also found that a Water & Sewer District should be established to plan and implement a public water and sewer system in the area.

In 2001, property owners in the area voted to create the Upper/Lower River Road Water & Sewer District and elected a five-member board tasked with exploring a water and sewer system and ways to finance it. Ultimately, it was agreed that properties in the area would annex into the City and connect to the City's water and sewer system.

In 2003, after property owners defeated a proposed \$5.7 million bond to extend water and sewer services to the area, the District determined to divide the area into smaller "Service Areas" and take a phased approach to extending utilities.

The District is responsible for establishing Service Areas, gathering the requisite number of signatures authorizing annexation, submitting the annexation request to the City and funding and coordinating water and sewer system projects with Public Works.

The City Commission approved Service District #1 that comprised 170 parcels in 2007 and Service District #2 that comprised 81 parcels in 2009. This request is to approve Service District #3 that would bring the total number of parcels annexed into the city in this area to 289.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 9902 and Ordinance 3061.

Speaking in favor of Resolution 9902 and Ordinance 3061 was:

Roland Leitheiser, 136 Sharon Drive, Vice-President of the Upper/Lower River Road Water & Sewer District, commented that he supports approval of this phase. Annexation is necessary before moving to the next step.

Mayor Winters declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9902 and annexation of Service District No. 3 of the Upper/Lower River Road Water & Sewer District.

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 3061.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

Res. 9903. Adopted.

6. RESOLUTION 9903, CONDITIONAL USE PERMIT TO ALLOW A COMMUNITY GARDEN AT 901 3RD AVENUE NORTH.

Planning and Community Development Director Mike Haynes reported that Resolution 9903 pertains to the proposed conditional use permit to allow the Pea Pods Community Garden to operate in the R-9 Mixed Residential District at 901 3rd Avenue North. Pea Pods is required, as a condition of approval, to operate the Community Garden in accordance with the Memorandum of Understanding attached to the Resolution.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9903 was:

Cyndi Baker, 500 Montana Avenue NW, expressed that she wasn't an opponent but was concerned the Memorandum of Understanding didn't address political signs.

Commissioner Bronson responded that the property in question is private property and this body has no authority to tell the owners that they can or cannot put up political signs.

Speaking in favor of Resolution 9903 was:

Sheila Rice, 913 3rd Avenue North, commented that she owns the property with her brother and sister. The community garden is a neighborhood gathering place that is valuable and positive in this mixed use neighborhood.

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 9903.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

Res. 9904. Adopted.

7. RESOLUTION 9904, CONDITIONAL USE PERMIT FOR A DUPLEX AT 1024 2ND AVENUE SOUTH.

Planning and Community Development Director Mike Haynes reported that Resolution 9904 pertains to the proposed conditional use permit to allow a “stacked” duplex in the R-3 Single-Family Zoning District at 1024 2nd Avenue South.

The Planning Advisory Board acting as the Zoning Commission recommended approval of the proposed Conditional Use Permit. Neighborhood Council 7 also supports the approval of the duplex at this location.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 9904.

Speaking in favor of Resolution 9904 was:

Betty Mader, 18 Angus Ranch Road, reported that she bought the property to improve the neighborhood, provide work to the unemployed and provide housing.

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

Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 9904.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

Res. 9906. Adopted.

8. RESOLUTION 9906, GOLF FEES FOR 2011 GOLF SEASON.

Park and Recreation Director Marty Basta reported that the golf course fund financial status has shown a significant improvement over the last three years. This improvement is attributable to efforts in marketing and promotions as well as an increase in the customer base.

The Park and Recreation staff presented a financial report to the Golf Advisory Board including a proposed 6% increase in golf course fees. Golf fees have not been increased since the 2009 season. The Board voted unanimously and recommended that the City Commission adopt the 6%

increase in golf fees. The fee increase is projected to generate approximately \$85,000 that will be used towards capital needs, maintenance equipment upgrades, as well as general fund loan and bond payments.

The 6% increase amounts to 2% per year and would be implemented for the 2011 season.

Mr. Basta compared golf fees around the state and noted that Great Falls' golfers continue to enjoy the lowest green fees and membership fees in the state.

Mayor Winters declared the public hearing open.

No one spoke in support of or opposition to Resolution 9906.

Mayor Winters closed the public hearing.

Commissioner Burow moved, seconded by Commissioners Bronson and Jones, that the City Commission adopt Resolution 9906.

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

Commissioner Jones commended Mr. Basta and his staff for an excellent job. He has heard a lot of compliments regarding course maintenance and play this year.

Mayor Winters commented that he doesn't believe in raising fees. He also complimented Mr. Basta for a good job in bringing the golf course funds up to where they should be.

Motion carried 4-1 (Mayor Winters dissenting).

OLD BUSINESS

NEW BUSINESS

Staff directed to advise potential applicants that no funding will be available for public facility and infrastructure projects beyond those funds which have already been committed to Upper/Lower River Road Phase IV and that

9. 2011/2012 COMMUNITY DEVELOPMENT BLOCK GRANT POLICIES AND FUNDING PRIORITIES.

Planning and Community Development Director Mike Haynes reported that this item is the additional step in the CDBG funding allocation process that was identified last cycle as being of value in giving the City Commission an earlier opportunity to give staff big picture input on how CDBG funding may be prioritized this cycle based upon current conditions and community needs.

the remaining funds will be directed towards administration, housing, public services and economic development needs.

Staff will conduct a workshop for potential applicants on December 1, 2010, and the Needs Hearing will come before the City Commission on December 7, 2010. The City Commission will be asked to set percentage funding allocations on January 4, 2011, giving the Community Development Council the parameters for funding before they start hearing presentations from applicants on funding requests for specific projects and programs.

HUD regional staff confirmed our assumption of receiving the same funding in 2011/2012 as the previous cycle, although HUD staff reiterated that with imminent changes in Congress there are no guarantees when it comes to future CDBG and HOME funding.

In terms of projected expenditures for 2011/2012, the major item is that the Upper Lower River Road Water and Sewer District intends to request the final \$332,000 of the \$1 million committed by the City in the Memorandum of Understanding dated August 19, 2003. If the City Commission commits the funds requested by the District in 2011/2012, that would represent the entire 33% allocation for public facilities and infrastructure projects made last cycle. In that case, staff would recommend no additional public facility or infrastructure projects be funded in 2011/2012.

If approximately \$1 million funding is received, less 33% allocated to infrastructure and 20% to administration, a balance of 47% would be left to be allocated to housing, public services and economic development.

Mr. Haynes requested that the City Commission direct staff not to accept applications for public facilities and infrastructure projects beyond the commitment to Upper Lower River Road Phase 4. In addition, given that the Needs Hearing is scheduled for the next City Commission meeting, staff would welcome a macro-level discussion on how remaining funds might be apportioned and prioritized between competing community needs.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission direct staff to advise potential applicants that no funding will be available for public facility and infrastructure projects beyond those funds which have already been committed to Upper/Lower River Road Phase IV and that the remaining funds will be directed towards administration, housing, public services and economic development needs.

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.

ORDINANCES/RESOLUTIONS

Ord 3060. Accepted on first reading and set public hearing for December 21, 2010.

10. ORDINANCE 3060, ESTABLISH CITY ZONING FOR MARKS 6A, 7 & 8, LOCATED IN SWNW SECTION 3, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, AND ABUTTING RIGHTS-OF-WAY AND SEGMENTS OF THE NORTHWEST BYPASS AND STUCKEY ROAD.

Planning and Community Development Director Mike Haynes reported that Ordinance 3060 pertains to assignment of I-1 Light Industrial zoning to the ±4 acre Montana Eggs property at 1401 Stuckey Road upon the proposed annexation of the subject property and the NW Bypass and Stuckey Road rights-of-way required to achieve contiguity.

Montana Eggs is requesting annexation in order to receive water and sewer services that will allow the existing facility to be expanded into a USDA certified egg washing, grading, processing and packaging facility for an estimated 60 million eggs annually.

Approximately 2,830 linear feet of water main and 3,040 linear feet of sewer main will need to be constructed to bring services to the Montana Eggs site. The up-front costs for extension of utilities along the NW Bypass and Stuckey Road will be shared by the City and Montana Eggs with the understanding that property owners that annex in the future in that corridor will be required to pay their fair share of the water and sewer main costs.

On September 21, 2010, City Commission approved the Memorandum of Understanding with Montana Eggs that established general agreement on annexation, extension of water and sewer services, on-site stormwater management, building permits, and maintenance and future improvements to Stuckey Road.

At the November 9, 2010, public hearing the Planning Board/Zoning Commission recommended approval of the annexation and assignment initial zoning.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3060 on first reading and set a public hearing for December 21, 2010.

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.

Res. 9869. Adopted.

11. RESOLUTION 9869, TO SATISFY NOTICE REQUIREMENTS, DESIGNATE AN ADA COORDINATOR, AND ESTABLISH A SECTION 504 AND AMERICANS WITH DISABILITIES ACT (ADA) AS AMENDED, COMPLAINT RESOLUTION PROCEDURE.

Human Resources Manager Linda Williams reported that there are two federal laws that provide comprehensive civil rights protections to individuals with disabilities – the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. These laws prohibit federal grantees, such as the City, from discriminating based on disabilities. There are administrative requirements for state and local governments with 50 or more employees to give notice of the ADA requirements, designate an ADA coordinator and establish a complaint resolution procedure.

Adoption of Resolution 9869 would fulfill administrative requirements of the City as a federal grant recipient.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9869.

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 36th Avenue NE, inquired if there was a coordinator in the past.

Ms. Williams responded affirmatively.

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

12. Minutes, November 3, 2010, Commission meeting.
13. Total Expenditures of \$2,518,497 for the period of October 28 through November 10, 2010, to include claims over \$5,000, in the amount of \$2,295,879.
14. Contracts list.
15. Set public hearing for December 7, 2010, for Community Development Block Grant Community Needs.
16. Approve Change Order No. 1 in the amount of \$3,035.75 to Great Falls Sand and Gravel, Inc., for the Broadwater Bay Park Parking Lot Expansion. **OF 1606**
17. Approve final payment in the amount of \$43,011.33 to United Materials and the State Miscellaneous Tax Division for the Bay Drive Bike/Ped Path Phase I project. **OF 1306.5**
18. Approve final payment in the amount of \$49,086.87 to Dick Anderson

Construction, Inc., and the State Miscellaneous Tax Division for the Wastewater Treatment Plant Miscellaneous Improvements. **OF 1374.7**

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.

Ron Gessaman, 1006 36th Avenue NE, commented that Item 12, the Minutes, appears to him to have no mention of the petition presented by Mr. Lewin under section 17B.

City Clerk Lisa Kunz noted the document name and that it was referenced in the second sentence of section 17B.

With regard to section 17C, Mr. Gessaman doesn't think the summary accurately reflected the City Attorney's response to his inquiry.

With regard to Item 16, Mr. Gessaman commented that it appears to him that someone did not define the job very clearly.

Park and Recreation Director Marty Basta responded that the original design for the approach into the parking lot was steeper than staff was comfortable with so the engineer altered the design to make it a smoother transition.

Mr. Gessaman discussed the number of days referenced in the agenda report to complete the project and, again, expressed that staff wasn't doing a good job of defining and estimating projects.

City Engineer Dave Dobbs explained the short time frame for this project. If the City would have chosen to not take on the challenge, the money would have been forfeited. He apologized the project was 2.7% over budget, but noted the \$3,000 funding was available.

Mayor Winters complimented Mr. Rearden and the work of the Engineering Department.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

Domestic violence awareness.

19A. Cyndi Baker, 500 Montana Avenue NW, encouraged the City Commission to do whatever it could to raise the issue of domestic violence in public.

City 7.

19B. Kathy Gessaman, 1006 36th Avenue NE, expressed that she was puzzled to learn the City Commission decided to go with the option of a government access station rather than continuing with the public access station. She inquired if the decision was made at the agenda setting meeting.

Commissioner Jolley thanked Deputy City Manager Jennifer Reichelt for her memorandum, and she noted that this does not require formal action by the City Commission. She reported that she is in favor of proceeding with the government access channel.

City Manager Greg Doyon added that, since this has been a sensitive subject, proposals were made to the Commission with several options. The recommendation was to change the channel to City 7 and purchase the improvements to make that happen. He wanted to make sure the Commission felt it had enough discussion and time to deliberate about the options and give staff direction. Under the budget resolution, the City Manager has the authority to go ahead with that option as recommended.

Commissioner Bronson noted that he had already indicated to the Deputy City Manager that he was in agreement with the proposal to purchase the equipment and also proceed with the live streaming option.

Commissioner Burow concurred with Commissioners Jolley and Bronson. In response to Ms. Gessaman, he added that he understood from the Cable 7 Board that they had filed to disband.

Commissioner Jones noted that he told Ms. Reichelt he was in favor of option 4 after her presentation at the work session.

Mayor Winters also agreed with improving the system and proceeding with option 4. In response to Ms. Gessaman, he commented that he was under the impression that Cable 7 had disbanded and vacated the 501(c)3 status.

Crosswalk enforcement.

19C. Ron Gessaman, 1006 36th Avenue NE, commented that it appears to him that there is a crosswalk enforcement problem. He suggested City enforcement of laws. Mr. Gessaman complimented the *Tribune* and Rich Ecke for the three recent stories regarding Electric City Power.

CITY MANAGER**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon commented that one thing Lethbridge does differently than Great Falls is they do their own residential and industrial

development. They purchase areas, put in the infrastructure, and then sell the residential lots.

Planning and Community Development Director Mike Haynes introduced Wendy Thomas as the new Deputy Director of the Planning and Community Development Department.

Mr. Doyon also reported that long term employee, Coleen Balzarini, has accepted a new position with the McLaughlin Research Institute. He recognized her service and expressed appreciation for her tenure with the City.

Mayor Winters congratulated Ms. Balzarini, and he thanked her for her years of service.

In response to Cyndi Baker's comments, City Attorney Jim Santoro reported that one of the Assistant City Attorneys recently attended a Department of Justice domestic violence conference. The prosecutors' office has policies in place regarding domestic violence and assaults. From a prosecutorial standpoint it is a high priority and is taken seriously.

CITY COMMISSION

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Also in response to Ms. Baker's comments, Commissioner Bronson added that the City is very intent on prosecuting these types of offenses as vigorously as possible. A lot of times, either out of fear or intimidation, the victims are not willing to support the City in the prosecution. That makes it difficult for the prosecution to proceed.

ADJOURNMENT

Adjourn.

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jolley, that the regular meeting of November 16, 2010, be adjourned at 7:05 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: December 7, 2010