

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Boy Scouts Jaren Hanson and Travis Messer, Troop 1, Anthony Anderson, Troop 26; Venture Scout Kirsten Hanson, Crew 1; and, Cub Scouts Mack Fangmeier, Webelo, Pack 14, and Ricky Schwartz, Tiger Cub, Pack 14, assisted with the flag ceremony.

ROLL CALL: City Commissioners present: Michael J. Winters, Bob Jones, Bill Bronson, Mary Jolley and Fred Burow. Also present were the City Manager, Acting City Attorney, Directors of Fiscal Services, Park and Recreation, Planning and Public Works, Executive Director of the Housing Authority, the Interim Library Director, Fire Chief, Police Chief and the City Clerk.

NEIGHBORHOOD COUNCILS

NC 3 Drawing.

1. COUNCIL 3 DRAWING OF TIE VOTE OF WRITE-IN CANDIDATES.

Due to tie votes between four write-in candidates for the third, fourth and fifth seats on Neighborhood Council 3, Mayor Winters drew the names of John Sturgeon, Larry Boggs and Laura J. Fay.

**Swearing In Ceremony
of Neighborhood Council
Representatives.**

2. SWEARING IN CEREMONY OF NEIGHBORHOOD COUNCIL REPRESENTATIVES.

Mayor Winters swore in three elected and two write-in candidates as neighborhood council representatives.

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

NC 7.

3A. Aaron Weissman, NC 7, introduced himself and commented that he is serving his third term on the council. Mr. Weissman thanked Mayor Winters for including the scouts in the flag ceremony. He reported that the council is working on a goals document for the lower north and south sides of Great Falls that will be presented to the Commission.

NC 8.

3B. Karen Grove, NC 8, welcomed the new Commissioners. Ms. Grove reported that the meetings for Neighborhood Council 8 are held on the third Thursday of each month at 6 p.m. at the Pre-Release Center.

NC 4.

3C. Sandra Guynn, NC 4, welcomed the new Commissioners. Ms. Guynn commented that she liked hearing that the new Commission was open to listening to the neighborhood councils and the public.

PETITIONS AND COMMUNICATIONS**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

Seatbelts, ECP.

4A. Ron Gessaman, 1006 36th Avenue NE, welcomed the new Mayor and Commissioners to a new term. Mr. Gessaman read portions of an article regarding a South Carolina seatbelt program that rewarded drivers with fast food and cash. He suggested a similar program be implemented in Great Falls.

Mr. Gessaman noted that last night's ECP Board meeting was canceled. Mayor Winters respectfully requested that the new Commission be given some slack with regard to ECP until it could get up to speed. At that time, the Commission will report on ECP as it relates to the community.

Mr. Gessaman continued and read portions of ECP's bylaws citing that the regular meetings are to be held the first Monday of every month. City Manager Gregory T. Doyon responded that, as he previously explained, discussions were put on hold with the intent to wait until both bodies could convene to have a discussion about the consultant's report. Mr. Gessaman continued that the Board should have elected a Chair and Vice-Chair at its regular meeting in January.

Mayor Winters responded that Mr. Gessaman's comments will be taken under advisement. No apology is necessary from the City Manager as he was acting in the best interest of the new City Commission.

ECP.

4B. Aart Dolman, 3016 Central Avenue, welcomed the new Commissioners. Mr. Dolman referred to SME's Form 990 and noted page 6 referred to its written document retention and destruction policy. Mr. Dolman requested that staff request a copy of that policy for him. Fiscal Services Director Coleen Balzarini responded that she could make that request on Mr. Dolman's behalf, but there is no requirement to release that policy. Mr. Dolman then requested a written documentation of Ms. Balzarini's request. Mayor Winters directed Mr. Dolman to make his request in writing to the City Commission.

GFDA Board appointments, Downtown Loan Fund, and congressional delegation meeting in Washington D.C.

4C. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, welcomed the new GFDA Board members that the Commission would be choosing later during the meeting. He noted the Board meetings are held the first Wednesday of every odd month at 8 a.m. and are usually held at the Great Falls Area Chamber of Commerce. He welcomed everyone to attend those meetings.

Mr. Doney reported that the new Downtown Loan Fund has received commitments from five banks (\$60,000 each) for a \$300,000 line of credit

to match the \$300,000 from the City.

Lastly, he reported that a team has been sent to Washington D.C. almost every winter to meet the congressional delegation and staff to discuss issues of importance to the Great Falls region. That trip is tentatively set for the week of March 8th and he hopes there will be City participation.

Respect, congratulations and condolences.

4D. John Hubbard, stated he was “Shut Up and Get Out, formerly John Hubbard and John Angry.” Mayor Winters interrupted and respectfully requested Mr. Hubbard state his correct name for the record. Mr. Hubbard responded that he hasn’t thrown him out yet. Mayor Winters responded that wasn’t his intent, but respect will be reciprocal with this new Commission. Mr. Hubbard then stated his name, John Hubbard, 615 7th Avenue South. He congratulated Mayor Winters and also expressed his condolences for being tasked with straightening out issues from the last Commission.

Mayor Winters complimented Mr. Hubbard for doing well in his race for the mayor position and hopes he will keep up his civic interests.

PUBLIC HEARINGS

Res. 9870. Adopted.

5. RESOLUTION 9870, CONDITIONAL USE PERMIT TO ALLOW A WORSHIP FACILITY ON THE SOUTH 51 FEET OF LOTS 1 AND 2, BLOCK 373, ORIGINAL TOWNSITE TO GREAT FALLS (111 6TH STREET SOUTH)

Planning Director Mike Haynes reported that Item 5 is for a Conditional Use Permit to allow a worship facility to operate at 111 6th Street South. The Land Development Code sets forth a table that lists uses by zoning district. Uses are permitted by right, prohibited, or allowed with conditional use approval. The property at 111 6th Street South is zoned C-4 Central Business Core District. In the C-4 zoning district, a worship facility is permitted with conditional use approval.

The River of Hope Church applied for a conditional use permit to allow a worship facility to operate in the existing building at 111 6th Street South. On November 10, 2009 the City Zoning Commission passed a motion recommending the City Commission grant the conditional use permit while noting the impact that worship facilities downtown may have on establishments involved with serving alcohol and/or gaming. Specifically, per state code, approval of the conditional use permit would preclude the issuance of a liquor license to new businesses on 6th Street South if their entrance is within 600 feet of the entrance to the church. Also, per city code, a new casino could not open within a 600 foot radius of the property boundary of 111 6th Street South.

Mr. Haynes requested that the City Commission adopt Resolution 9870 to allow a worship facility to operate at 111 6th Street South.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 9870.

Speaking in favor of Resolution 9870 were:

Aaron Weissman, 315 4th Avenue North, on behalf of NC 7, reported that the council voted affirmatively on this matter provided that the church files a parking plan that meets all of the city's parking requirements. Mr. Weissman suggested in the future that parking plans be filed before requests come before the Commission or Neighborhood Councils.

Mr. Haynes noted that the agenda report states that the church could not meet the minimum parking requirement. However, based on the abundance of on-street parking, other opportunities for parking offered by neighbors and off-peak use of parking spaces by church members, staff determined it was acceptable.

Steve Anderson, 5405 7th Avenue South, owner of the property, commented that he did get parking permission from Pat's Auto Body and Mr. Tune Up which would provide 60 parking spaces. Mr. Anderson noted that he has been in the building since 1974. A lot of the people in that area need help. Victor and Trina Garza reach out to those people, as well as young kids to help them get off the street.

Victor Garza, 3508 7th Street NE, Pastor of River of Hope Church, commented that he wants to work with the city to make the community better. His goal is to help those children that run the streets at night, and to help those that are overlooked and less fortunate to get on the right track. He noted that most days there are not many cars parked on that street. He believes the church will be an asset and not an eyesore.

Mayor Winters closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9870.

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

Commissioner Bronson commented that any organization providing social services is doing the community good and is a strong reason to grant a conditional use permit. He also reminded the Commission that federal law, in the exercise of protecting First Amendment rights to the free exercise of religion, may, in some instances, trump other considerations.

Motion carried 5-0.

OLD BUSINESS**NEW BUSINESS****CDBG Policies Reaffirmed, Citizen Participation Plan Adopted, and the 2010-2011 CDBG Funding Priorities Approved.****6. CDBG POLICIES, ADOPT CITIZEN PARTICIPATION PLAN, AND APPROVE THE 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING PRIORITIES.**

Planning Director Mike Haynes reported that this item relates to CDBG (Community Development Block Grant) funds that are received from HUD (Department of Housing & Urban Development) for use in local communities to assist primarily low and moderate income residents.

Every year, the City of Great Falls, like all entitlement communities, must comply with federal regulations pertaining to receipt, prioritization and distribution of CDBG funds.

Staff is asking the Commission to reaffirm the Community Development Block Grant policies, adopt the Citizen Participation Plan and to approve the 2010-2011 CDBG general funding priorities. Mr. Haynes noted that actual proposed funding commitments will come before the City Commission for consideration later in the year after the Community Development Council (CDC) has ranked and prioritized applications for funding and made specific funding recommendations.

The CDBG policies date back to 1994 and have been reaffirmed annually since then with one amendment in 2005.

The Citizen Participation Plan was adopted with the HUD Consolidated Plan in 2005 and has been reaffirmed by the Commission annually. This year, the five year Consolidated Plan will also be submitted to HUD. Acceptance of the CDBG policies and adoption of the Citizen Participation Plan for use in the 2010-2015 Consolidated Plan is required by HUD.

Based on the national objectives and regulations of the CDBG program, participation by applicants in the CDBG application workshop and testimony given at the community needs hearing held during the December 15, 2009, City Commission meeting, staff is recommending approval of the priorities for the 2010 program year.

Approval of the funding priorities will set the base for the 2010-2011 Annual Action Plan to be submitted to HUD as part of the 2010-2015 Consolidated Plan by May 15, 2010, for the use of the 2010-2011 funds.

Mr. Haynes further noted that an orientation meeting will be held for the Community Development Council on February 4, 2010, at 5:15 pm in the Rainbow Room at the Civic Center. CDBG regulations and goals will be

discussed. The methodology of scoring and prioritizing projects within each funding area will be explained and reviewed. He encouraged anyone interested in acquiring fundamental knowledge about the program and the allocation process to attend that meeting.

Mr. Haynes requested that the City Commission reaffirm the CDBG policies, adopt the Citizen Participation Plan and to approve the 2010-2011 CDBG general funding priorities.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission reaffirm the CDBG Policies, adopt the Citizen Participation Plan, and approve the 2010-2011 Community Development Block Grant Funding priorities.

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

Commissioner Jolley inquired if the percentages were the same as the previous year. CDBG Administrator Chris Imhoff responded that the percentages vary every year depending on projects and prior commitments. She explained what each percentage of the funds was used for leaving little “wiggle room” for changing percentages.

City Manager Doyon asked Ms. Imhoff to explain the portion of the agenda report that states “five percent of the funds are being recommended for use in the Economic Development priority, which historically is not very competitive.” Ms. Imhoff responded that CDBG rules regarding economic development require tracking the jobs created with CDBG money forever. It would be hard to do that for large amounts of funding. She believes the city has attempted to use other sources of funding for economic development and reserving CDBG funds for things it can accomplish. There has been a lot of emphasis to use the funds for ADA projects in the past five years.

Commissioner Jolley asked if Ms. Imhoff was tracking the jobs created by the economic development monies awarded to the Great Falls Development Authority last year and was informed no.

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

Brett Doney, Great Falls Development Authority, urged the Commission to amend the funding priorities or table the motion to a future meeting. He believes the number one need in Great Falls is higher wage job opportunities and to build an industrial tax base for the city to relieve the city’s fiscal constraints. Mr. Doney explained the difficulties of trying to compete with other cities in attracting industries without having “shovel ready” sites or rail served land. He provided Montana Specialty Mills as an example of the difficulty trying to find a place to relocate in Great Falls. If a

site isn't identified for Montana Specialty Mills to build this year, it will relocate elsewhere. Mr. Doney reported that GFDA requested \$400,000 at the CDBG hearing in December to help with the infrastructure of an industrial park. He commented that investing in public infrastructure that increases the value of property and increases the value of the tax base is a much better use of economic development funds.

Chris Imhoff clarified that, due to the timeline for CDBG and HOME, the priorities need to be established now because on February 4, 2010, the Community Development Council (CDC) will start working towards prioritizing the allocations.

Ms. Imhoff also pointed out that CDBG requires 70% of all the funds be spent on low to moderate income persons. There are lists of what are eligible activities. Ms. Imhoff expressed that it would be incredibly hard to use the funding to develop something. She again explained that funding could be used for infrastructure if the company promised it could create so many jobs for low to moderate income persons. She concluded that she truly does not believe what Mr. Doney discussed would be the best use for CDBG funds or would even be eligible.

Motion carried 4-1 (Commissioner Burow dissenting).

**Positron Viper Public
Safety Telephone System
Purchase Approved.**

**7. PURCHASE OF POSITRON VIPER PUBLIC SAFETY
TELEPHONE SYSTEM IN THE AMOUNT OF \$230,666.94 AND
COMMIT TO QWEST AND POSITRON MAINTENANCE
PROGRAMS FOR A TOTAL COST OF \$178,972.59 OVER THE
NEXT FIVE YEARS.**

Police Chief Cloyd Grove reported that staff is asking approval to purchase a new public safety telephone system, as well as approval of the maintenance contracts. The current system was installed in 2004 and is outdated. Qwest advised that it would not be able to satisfy any maintenance contracts this year. The 911 system has not worked on one of the police stations for about two months due to the unavailability of parts or software. Chief Grove explained over the years 911 quarters have been saved in order to purchase items needed. The original amount of this purchase will come from those reserved funds. He also reported that the GFPD applied for and was granted additional state funding in the amount of \$35,231 to help with this purchase.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission approve the purchase of the Positron Viper Public Safety Telephone System in the amount of \$230,666.94 and commit to Qwest and Positron maintenance programs for a total cost of \$178,972.59 over the next five years.

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

Commissioner Jones commended Chief Grove and his supervisors for the professionally operated 911 Center that the city and county enjoy.

Commissioner Burow asked, and was responded to affirmatively, that the purchase of the equipment as well as the maintenance costs will be shared between the four user entities.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

**Corrected Res. 9456.
Adopted.**

8. CORRECTED RESOLUTION 9456, ANNEXING LOT 1, BLOCK 2, FIRST ADDITION TO GREAT FALLS CLINIC ADDITION.

Planning Director Mike Haynes reported that this item is a correction to Annexation Resolution 9456 passed and recorded in 2005. Recently it was discovered that through a scrivener's error the word "Clinic" was missing from the subdivision name in the resolution which should have read "First Addition to the Great Falls Clinic Addition."

Mr. Haynes requested that the City Commission adopt Corrected Resolution 9456 so it can be re-filed with the Clerk & Recorder's Office.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Corrected Resolution 9456.

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

Commissioner Jolley inquired and was informed that "scrivener's error" meant an unintended error in a legal document.

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

Ron Gessaman, 1006 36th Avenue NE, suggested extra time be given to review legal documents.

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

9. Minutes, December 15, 2009, Commission meeting.
10. Total expenditures of \$4,066,461 for the period of December 9-30, 2009, to include claims over \$5,000, in the amount of \$3,748,142.
11. Contracts list.
12. Grant list.
13. Lien Release list.
14. Approve final payment to Dick Anderson Construction, Inc. and the State Miscellaneous Tax Fund in the amount of \$8,145.70 for the Water Treatment Plant Headhouse Floor Replacement. **OF 1332.6**
15. Approve purchase of trail easement from Holman Grain for the extension of River's Edge Trail in the amount of \$1,511.65.
OF 1126.9
16. Approve Mitigation Agreement with the Montana Department of Fish, Wildlife & Parks relating to the Bay Drive Trail Phase II project.
OF 1126.9

Commissioner Jones 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 or inquiries from the public.

With regard to Item 16, Commissioner Jolley inquired if the city had ever entered into a similar agreement with Fish, Wildlife and Parks (FWP) in the past. Mr. Haynes responded that any time an improvement is made that is deemed to affect the river, FWP can require mitigation before issuing a permit.

Commissioner Jolley expressed concern about the cost estimate if it had never been done in the past.

Mr. Haynes clarified that Park and Recreation and Public Works staff will perform the in-kind work using city equipment.

To fully answer Commissioner Jolley, Mayor Winters asked staff to research if the city has ever entered into a mitigation agreement in the past and to report back to the Commission.

Motion carried 5-0.

BOARDS & COMMISSIONS

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon encouraged the Commission to attend the appropriation meeting previously mentioned by Mr. Doney that is set for January 13, 2010, at the Great Falls Area Chamber of Commerce from 9:00-11:00 a.m. It is important for the governing body to be in on those discussions to articulate priorities in terms of funding to get back to Washington D.C.

Due to time limitations, Mr. Doyon noted that the Leadership Philosophy, Vision Statement and Mission Statement, and City Commission goals in connection with the budget objectives were not reviewed or discussed during the work session. He encouraged the Commission to update the stale language therein and make any necessary adjustments.

Mr. Doyon was pleased to report that efforts are moving forward to combine the Planning and Community Development Departments. He jokingly noted that the new, unique name is the "Planning and Community Development Department." He asked for patience while the logistics are worked out.

Mr. Doyon also noted the intent to improve the working relationships with the neighborhood councils. There was some thought to moving supervision of that department under the Assistant City Manager but, after discussions with Mr. Haynes, that department will stay under the direction of Planning and Community Development Department.

CITY COMMISSION

**Commissioner Bob Jones
Appointed Mayor Pro
Tempore.**

19. APPOINTMENT, MAYOR PRO TEMPORE.

Article III, Section 3 of the City Charter sets forth that the Mayor Pro Tempore shall serve in the absence of the elected Mayor. The City Commissioners shall elect from among themselves a Mayor Pro Tempore no later than one month after taking office.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Commissioner Robert Jones to serve as Mayor Pro Tempore effective immediately for a two year term or until the Commission has held an election.

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

Motion carried 5-0.

Commissioners Burow and Bronson appointed as ex-officio members and Greg Doyon appointed as staff liaison to the Great Falls Development Authority.

20. APPOINTMENT, GREAT FALLS DEVELOPMENT AUTHORITY.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission appoint Commissioner Fred Burow and Commissioner Bill Bronson as ex-officio members and appoint Greg Doyon as the staff liaison to the Great Falls Development Authority Board.

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

Motion carried 5-0.

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson noted the young people in the audience and welcomed their attendance to watch democracy in action.

Mayor Winters thanked everyone for attending the City Commission meeting.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, Commissioner Burow moved, seconded by Commissioner Bronson, that the regular meeting of January 5, 2010, be adjourned at 8:30.

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: January 19, 2010