

Regular City Commission Meeting

Mayor Winters presiding

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

**PLEDGE OF ALLEGIANCE – Girl Scout Junior Troop 3236**

**MOMENT OF SILENCE**

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

**PROCLAMATIONS:** Commissioner Bronson read a proclamation for Down Syndrome Awareness Month, Commissioner Jones read a proclamation for Week Without Violence and Mayor Winters read a proclamation for Anti-Bullying Day.

**\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio/video 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. MINOR SUBDIVISION WITH AMENDED PLAT OF LOT 6, TRACK “B” VALLEY VIEW HOMES, SECTION ONE.**

Planning and Community Development Director Mike Haynes reported that this is a request to approve a minor subdivision with an amended plat for a ±0.61-acre property at 10<sup>th</sup> Avenue Northwest and 9<sup>th</sup> Street Northwest (just off the Northwest Bypass) in the C-2 (General Commercial) zoning district. The owners are proposing to subdivide the subject property into two lots. Proposed Lot 6-A would be ±0.41 acres and accommodate the existing dental office and its associated off-street parking on the property and proposed Lot 6-B would be ±0.20 acres and accommodate the existing coffee shop - Amy’s Morning Perk - and its associated off-street parking. This action would leave each business on a separate platted lot with each lot meeting minimum standards of the C-2 zoning district.

The Planning Advisory Board recommended that the City Commission approve the amended plat at a public hearing held on September 13, 2011.

**Commissioner Jolley moved, seconded by Commissioners Bronson and Burow, that the City Commission approve the Amended Plant and accept the Findings of Fact.**

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the

public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

**PUBLIC HEARINGS**

**OLD BUSINESS**

4. **ORDINANCE 3080 TO REZONE FOUR LOTS LOCATED NORTH OF CRESCENT DRIVE WEST OF 6<sup>TH</sup> STREET SOUTHWEST.**

Planning and Community Development Director Mike Haynes reported that this is a request to set a public hearing for November 1, 2011, to consider Ordinance 3080 that would rezone four lots containing ±13.32 acres from C-2 (General Commercial) to I-1 (Light Industrial). The subject properties are located on the north side of Crescent Drive west of 6<sup>th</sup> Street NW and comprise a cell tower, storage units, a landscape business, a grain elevator and a vacant building that was formerly used for daycare. The City Commission did hold a public hearing for this rezoning on September 6, 2011, but it was subsequently discovered that the notice of public hearing was not published in the newspaper as requested. In order to meet statutory requirements for public notice this item must be re-advertised and a new public hearing set to legally take final action on the rezoning.

Mr. Haynes noted that there was an associated minor subdivision of the easternmost lot (Mark 22LA) into two lots. Due to different public notice requirements, the action taken on September 6, 2011, was the final action needed to approve the minor subdivision.

**Commissioner Jones moved, seconded by Commissioners Burow and Jolley, that the City Commission accept Ordinance 3080 on first reading and set a public hearing for November 1, 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**

5. **RESOLUTION 9944, INTENTION TO ADOPT THE DOWNTOWN MASTER PLAN AS AN ATTACHMENT TO THE 2005 CITY OF GREAT FALLS GROWTH POLICY.**

Planning and Community Development Director Mike Haynes reported that this is a request to adopt Resolution of Intent 9944 to adopt the Downtown Master Plan as an attachment to the 2005 Growth Policy, and set a public hearing for October 18, 2011. The process to draft the Downtown Master Plan has taken about a year and has involved over 100 members of the community devoting

nearly 1,100 hours serving on four working groups and on the steering committee to create this plan. Citizen participants and staff involved in the planning process were recently recognized by the Montana Association of Planners with the 2011 Professional Achievement Award. However, while creation of the Downtown Master Plan is an achievement in itself for the plan participants and for City staff, the key to any successful plan is implementation. The Plan not only identifies five goals, 26 objectives and 82 strategies that would lead to an active, vibrant, livable, visually-appealing and economically-strong downtown, it proposes mechanisms for bringing stakeholders together, funding and managing improvement projects downtown, and provides timeframes for implementation and potential partners to work toward those common goals.

The Planning Advisory Board unanimously recommended that the City Commission adopt the Downtown Master Plan at a public hearing held on September 13, 2011.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9944 and set a public hearing for October 18, 2011.**

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

**Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, spoke in support of the Downtown Master Plan. He commended the Planning and Community Development Department staff, and encouraged Commission support of each stage of the plan to keep the momentum going.

Motion carried 5-0.

### **CONSENT AGENDA**

6. Minutes, September 20, 2011, Commission meeting.
7. Total expenditures of \$2,947,663 for the period of September 10-28, 2011, to include claims over \$5,000, in the amount of \$2,718,813.
8. Contracts list.
9. Postpone bid award for the Tree and Stump Removal project.
10. Approve the Community Based Policing Agreement with the Great Falls Housing Authority.
11. Award construction contract to United Materials of Great Falls, Inc. in the amount of \$230,185 for the 27<sup>th</sup>, 30<sup>th</sup> and 32<sup>nd</sup> Street North Water Main Replacements. **OF 1599.1**
12. Award construction contract to Tamietti Construction Company in the amount of \$310,900 for the Lower River Road Landslide. **OF 1611.4**
13. Approve Final Payment to Tamietti Construction Company and the State Miscellaneous Tax Division in the amount of \$3,235.30 for the Historic 10<sup>th</sup> 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.**

Commissioner Jolley inquired about a payment to United Materials listed on Item 7. Public Works Director Jim Rearden responded that the Animal Foundation paid for the portion of curb and gutter in front of their property.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired how much overtime had been paid, historically, with regard to Item 10. Police Chief Cloyd Grove responded that he would have to research pay records.

Regarding Item 9, Mr. Gessaman inquired about usage of green ash trees. Park and Recreation Director Marty Basta responded that staff is trying to diversify the urban forest to minimize future thermal impact incidents.

With regard to Item 7, Mr. Gessaman inquired about payments made from the Street District, Other Admin, Police Special Revenue and Electric funds.

Mr. Rearden responded that the final payment for United Materials was approved at the September 20<sup>th</sup> Commission meeting. That agenda report has a breakdown of costs and what the City and the Animal Foundation paid for.

Ms. Reichelt responded that the payment from the Other Admin fund to All State Signs was for the entryway signage.

Chief Grove responded that K-9 donated funds are accounted for through the Police Foundation for training, cement for kennels, updating the cars and to proceed with the program.

Ms. Kinzler explained the expenses and internal service charges that added up to the total amount of the payment from the Electric fund.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, asked when the City pays Southern's bill if it knew exactly what the payment was for. Commissioner Jones responded that a pre-payment is made earlier in the month and a final payment is made later in the month, after adjustments are made.

Mr. Lewin inquired about the blended rate. Ms. Kinzler responded that the City has asked for, but has not received, information from Southern on how it comes up with the blended rate.

Mr. Lewin advised the City not to pay Southern's bill until it is known exactly what it is for. Mr. Santoro stated that the matter is in litigation, and the City should not breach its contracts pending the outcome of this litigation. Mayor Winters and Commissioners Bronson and Jones concurred and added that a team of attorneys is advising the City on the litigation strategy and handling the matter in the best way it can for the community.

Commissioner Jolley commented that she is feeling uncomfortable with the responses to Mr. Lewin. Several people are running for office, and everyone should be entitled to their opinion.

Ms. Kinzler explained that Southern's bill shows the per megawatt charge for consumption based

on meters with a 4% loss. Southern's accountant has confirmed that Southern is not charging the City for stranded costs that are directly related to ECP at this point.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, inquired about postponement of the bid on Item 9. Park and Recreation Director Marty Basta responded that the postponement is to review the bids to make sure the contractors are qualified, have the equipment, and can remove the trees safely. Staff will also be interviewing the companies. Mr. Witsoe inquired the size of the trees to be removed. Mr. Basta responded that the trees are from 7 inches to 2.5 feet DBH (Diameter Breast High).

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

Motion carried 5-0.

### PETITIONS AND COMMUNICATIONS

#### 14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **John Hubbard**, 615 7<sup>th</sup> Avenue South, believes government officials should be held accountable for losing money.
- B. **Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to an ad in a newspaper and noted that Benefis was not listed in the top 100 hospitals for patient experience. Regarding paying Southern's bills, Mr. Gessaman commented that ECP should be paying the bills and not the City of Great Falls. There should be some document that indicates that ECP is going to pay its obligation to the City that continues to accumulate.
- C. **Judy Tankink**, 3620 9<sup>th</sup> Avenue North, announced that a County Commission meeting is scheduled tomorrow to discuss the draft Malmstrom joint land use.
- D. **Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, urged the Commission to stop allowing slanderous comments by persons at the podium. Mr. Doney discussed the many things that Benefis has done for this community just in the last few months.
- E. **Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, commented that the First Amendment to the Constitution allows people to speak their minds.
- F. **Mike Witsoe**, 510 11<sup>th</sup> Street South, discussed past and upcoming community events. He encouraged the Commission to work together with the public. Mr. Witsoe also commented that he heard electricity is being generated from methane at the landfill in Helena.

### CITY MANAGER

#### 15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Jennifer Reichelt reported that the Commissioners were wearing pink t-shirts for the second annual Fire Fighters Care Enough to Wear Pink campaign. The t-shirts will be sold through the month of October to raise funds for local charities. She also announced that cat

adoptions from the Animal Shelter cost only \$25 through the month of October. Ms. Reichelt congratulated Planning and Community Development Department staff for the Professional Achievement Award they received for the Downtown Master Plan.

### **CITY COMMISSION**

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

Commissioner Bronson reported that he had the privilege of reading “The Forgotten Five” proclamation at a ceremony held at the Highland Cemetery to honor Herbert Novotny. The family expressed appreciation to the Great Falls City Commission.

Commissioner Burow commented that he was appreciative of the slides shown at the Work Session making him aware of all the things the City was doing to help revitalize downtown buildings and living quarters for residents.

### **ADJOURNMENT**

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jolley, that the regular meeting of October 4, 2011, be adjourned at 8:25 p.m.**

Motion carried 5-0.

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Mayor Winters

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City Clerk

Minutes Approved: October 18, 2011