

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

PROCLAMATION: Commissioner Bronson read a proclamation in support of Get Fit Great Falls

NEIGHBORHOOD COUNCILS

1. SWEARING IN CEREMONY.

Mayor Winters administered the oaths of office to Neighborhood Council representatives: Bill Thomas, NC 1; Phyllis J. Hemstad, NC 2; Lori Fay, NC 3; Michael Brainard and Karen Grove, NC 8; and, Joseph A. Leggett, NC 9.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

BOARDS & COMMISSIONS

3. APPOINTMENTS, ELECTRIC CITY POWER BOARD OF DIRECTORS.

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission reappoint Mayor Winters, Commissioners Jolley, Bronson, Burow and Jones for one-year terms through December 31, 2012, to the Electric City Power Board of Directors.

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

Commissioner Jones noted the stay of proceedings during Southern’s bankruptcy process, and feels it is appropriate for the board of directors to remain the same.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

4. APPOINTMENT, CITY-COUNTY HEALTH BOARD.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission

appoint Bill Bronson as the Mayor's representative to serve on the City-County Health Board for a three-year term through December 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 4-0-1 (Commissioner Bronson abstained).

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

6. NORTHVIEW ADDITION, PHASE 7.

A. RESOLUTION 9950, ANNEXING SAID PROPERTY.

B. ORDINANCE 3083, ASSIGNS CITY ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT.

Planning and Community Development Director Mike Haynes reported that this is a request to take final action on Resolution 9950 to annex ±3.2 acres of real property, Ordinance 3083 to assign an initial zoning of Planned Unit Development (PUD) to that property, and the Final Plat and Annexation Agreement all pertaining to Northview Addition, Phase 7.

Northview Addition Phase 7 will contain 12 single-family lots and an extension of 40th Avenue NE to the east. When the Northview Addition subdivision was preliminarily platted in 2007 the developer anticipated development in seven phases. Due to the slow housing market, the developer subsequently elected to proceed more conservatively, annexing and final platting more, smaller phases than anticipated in the preliminary plat. Final development of the Northview Addition subdivision will probably be completed in nine or 10 phases.

The City was able to secure donation of the right-of-way to make the 12th Street NE connection to 36th Avenue NE. That short roadway segment is under final design at Public Works and will be constructed next year. It will improve traffic circulation in the area by providing two access points into Northview Addition from 36th Avenue NE, but will not provide full connectivity until 12th Street NE is extended to accommodate final phases of the development.

At a public hearing held on November 8, 2011, the Planning Advisory Board/Zoning Commission recommended that the City Commission annex the subject property into the City, approve subdivision of the property as previously outlined, and assign PUD zoning to the property.

Mayor Winters declared the public hearing open.

No one spoke in support of or opposition to Resolution 9950 and Ordinance 3083.

Mayor Winters closed the public hearing.

Commissioner Bronson moved, seconded by Commissioners Jolley and Jones, that the City Commission adopt Resolution 9950 and approve the Final Plat and Annexation Agreement all pertaining to Northview Addition, Phase 7.

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 Jones, that the City Commission adopt Ordinance 3083.

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

Motion carried 5-0.

7. 2011 JUSTICE ASSISTANCE GRANT.

Interim Police Chief Tim Shanks reported that Congress allocated funds to be disbursed under the Justice Assistance Grant Program, established within the Bureau of Justice Assistance (BJA), US Department of Justice. The 2011 Justice Assistance Grant (JAG) has been announced and an application for funding has been entered into the grant system. This grant requires that the City share the proceeds with the Cascade County Sheriff's Department based upon a mutually agreed upon Interlocal Agreement. Sheriff and Police Department staff have agreed that the funds this year be used to provide Mobile Digital Cameras, VHF radio/technology upgrades, Mobile Data Terminals and Mobile Data Terminal Air Cards that are compatible with current equipment used in each Department.

The current total JAG allocation is \$50,959. The Cascade County Sheriff's Office will receive \$11,650 and the City of Great Falls will receive \$39,309. The Cascade County Commission has signed and approved the Interlocal Agreement in preparation for the City Commission's review and approval. The City and County have been using JAG funds for several years to pay for upgrades of mobile data equipment, air cards, mobile digital cameras for patrol vehicles, and radio equipment.

Mayor Winters declared the public hearing open.

Ron Gessaman, 1006 36th Avenue NE, inquired about the timing of the public notice in the *Tribune*. City Attorney James Santoro responded that 48 hours is considered reasonable notice.

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

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission approve the Interlocal Agreement and authorize the City Manager to execute the Interlocal Agreement.

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

Motion carried 5-0.

OLD BUSINESS

8. **2012/2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) POLICIES AND FUNDING PRIORITIES.**

Planning and Community Development Director Mike Haynes reported that this item is to set 2012-2013 CDBG funding allocations that will provide the Community Development Council (CDC) with parameters for funding before they hear requests to fund specific projects and programs in February and March, 2012.

Staff is recommending a slight increase in the percentage of funds devoted to Public Facility Improvements with an expectation that major applicants for funding will include Public Works and Park and Recreation for much needed improvements to eligible City infrastructure and facilities projects.

Staff is also recommending a slight decrease in the percentage of funds devoted to Affordable Housing, that this funding continue to support administration of the CDBG Revolving Loan Funds and fund that proportion of the work the City's Code Enforcement Officer conducted in eligible Census Tracts. That, in turn, will reduce expenses to the Building Fund that the City is working hard to stabilize.

It is also recommended that \$25,000 be devoted to Economic Development. The only application expected is from the Great Falls Development Authority for Microenterprise and/or Small Business Consulting. To be eligible, that funding would have to be tied to demonstrated new low to moderate income (LMI) job creation.

It is further recommend that the City continue to fund Public Services at 15 percent - the maximum permitted - given the need and the competitive nature of this category.

Finally, staff recommends the maximum 20 percent be set aside for Administration of the CDBG program. While federal funding is shrinking, the requirements for recipient communities to manage projects and account for, monitor, and report on, the allocation of federal dollars is constantly increasing. Administration funds cover salary and benefits for two full-time employees to administer the CDBG program and the federally-mandated fair housing program. It also covers operating expenses for CDBG, fair housing and the three revolving loan programs. Any funds set aside, but ultimately not used, for administration will supplement eligible programs and projects at the end of the reporting period.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission reaffirm the Community Development Block Grant Policies and the Citizen Participation Plan, and set the 2012/2013 CDBG Funding Priorities.

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, expressed appreciation for staff's three percent recommendation for economic development. He explained that the proposed use of the intended funds would be for small business technical assistance programs.

Sheila Rice, NeighborWorks, commended City staff for its fairness and support of neighborhood housing.

Ron Gessaman, 1006 36th Avenue NE, inquired about the recommended percentage for administration costs, and inquired if that percentage included staffing the code enforcement officer.

Mr. Haynes responded that the administration percentage is capped at 20 percent. He estimated that half of the code enforcement officer's salary and benefits would come out of the affordable housing percentage.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

CONSENT AGENDA

Prior to reading the Consent Agenda items, Mayor Winters announced that he would be taking over Commissioner Burow's position on the Great Falls Development Authority Board, and he thanked Commissioner Burow for his service.

9. Minutes, December 20, 2011, Commission meeting.
10. Total expenditures of \$1,517,353 for the period of December 15-28, 2011, to include claims over \$5,000, in the amount of \$1,324,863.
11. Contracts list.
12. Approve construction and escrow agreements with the Montana Department of Transportation for the reconstruction of Smelter Avenue from 3rd Street Northwest to Division Road. **OF 1337.**

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.

Commissioner Burow inquired if the payment to AVI Systems listed in Item 10 was the last of the electronic equipment needed for City 7.

City Manager Greg Doyon noted that there would probably be needed electronic equipment

upgrades in the future.

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

Ron Gessaman, 1006 36th Avenue NE, commented that Item 9, the action Minutes of the December 20, 2010 meeting refer to the audio/video recording for additional detail, but the audio/video recording hasn't been posted for public viewing.

City Clerk Lisa Kunz responded that the delay was due to new equipment technical difficulties, but that meeting recording was posted for viewing today.

Mr. Gessaman also mentioned the AVI Systems payment listed in Item 10 and noted the total cost of the equipment purchases for City 7. Also with regard to Item 10, Mr. Gessaman noted the payment to Boland Well Systems and inquired how the project was going.

Mr. Doyon responded that the Park and Recreation Director wasn't here this evening to respond; he would check on the status and follow up.

Mr. Gessaman noted the payment to Arcadis listed in Item 10 and requested an update.

Public Works Director Jim Rearden reported that the study was completed by the consultant and is scheduled as a topic for the January 17, 2012 work session. After a brief discussion, the Commission requested the report be made available for review prior to the work session.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Judy Tankink****, 3620 9th Avenue North, discussed the status of the large motor vehicle ordinance and suggested, if safety was an issue, to collect data from the police and insurance companies to demonstrate a need in the community. Ms. Tankink believes there are enough laws already on the books.

In response, Commissioners Bronson and Jones discussed improvements since the matter has been publicized, and that it was decided to wait until Springtime to revisit the matter after hearing back from Neighborhood Councils.

- B. **Erin Kolczak****, 3001 2nd Avenue North, expressed opposition to animal ordinance changes identifying pit bulls specifically. Ms. Kolczak commented that she is a Certified Vet Technician and a Pit Bull owner. She discussed information she compiled in a handout and opined that breed specific legislation opens the City of Great Falls up to liability.
- C. **Brett Doney****, Great Falls Development Authority, residing at 3048 Delmar Drive, discussed "The Fire Within" program. Nominations can be submitted on the GFDA's website for the "Inspire"

award for women business owners in established businesses, and the “Aspire” award for women business owners who recently started a new venture until February 1, 2012. Mr. Doney also reported that Great Falls climbed substantially in the rankings in a metro areas performance study.

- D. **John Hubbard**, 615 7th Avenue South, discussed ECP’s losses and believes the prior administration should be charged with misappropriation of tax dollars. Mr. Hubbard also expressed disappointment with a Supreme Court Order he recently received.
- E. **Ron Gessaman**, 1006 36th Avenue NE, discussed items he feels the Commission did not complete in its first term – community gardens, industrial wastewater rate study, agreement with the Animal Foundation, and ECP. He expressed the Commission was unfair to Get Fit Great Falls for not approving a memorandum of understanding. Mr. Gessaman also discussed recent earthquake activity in Ohio and the controversy regarding injection wells. He inquired if City Code contained language to prevent something similar from happening in Great Falls.

Mayor Winters responded that the City Codes would be looked into. He also clarified that the City Commission expressed its support of Get Fit Great Falls in the form of a proclamation at this meeting.

CITY MANAGER

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that two finalists, Capt. Dave Bowen and Capt. Brian Lockerby, have been selected for the Police Chief position. Second interviews are scheduled next week. He thanked the panelists for their participation during the recruitment process.

Mr. Doyon asked the Planning and Community Development Director to address a recent article in the *Tribune* about Bowser Brewing Company.

Mr. Haynes reported that the owner of Bowser Brewing opened for business sometime after Christmas without being licensed by the State, without a City-issued Safety Inspection Certificate and without a Certificate of Occupancy. The Montana Department of Revenue, Liquor Control Division, advised the owner to cease operation immediately and obtain the required licenses.

Within 24 hours, the Planning and Community Development Department staff accommodated the owner by:

- First, the plumbing inspector inspected the property for a needed correction to the floor drains and approved a temporary fix to installing strainers;
- Second, a temporary Certificate of Occupancy was issued in lieu of a final Certificate of Occupancy that will be issued once the permanent strainers and a carbon dioxide detector are installed;
- Third, the State was notified that the business had been issued a Certificate of Occupancy;
- Fourth, the State issued the owner a Domestic Brewery License; and
- Fifth, the City issued the owner a Safety Inspection Certificate upon receiving a copy of the State license.

CITY COMMISSION

15. 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 Burow moved, seconded by Commissioner Bronson, that the City Commission appoint Commissioner 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 4-0-1 (Commissioner Jones abstained).

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

In response to Mayor Winters’ comment about taking his place on the Great Falls Development Authority Board, Commissioner Burow commented that his appointment should be on its upcoming meeting agenda.

Mr. Doyon responded that he would check on the appointment process.

Mayor Winters expressed his appreciation to the Commission, City staff and public for support during his first term.

17. COMMISSION INITIATIVES.

Commissioner Burow commented that he didn’t think the Risk Manager position needed to be filled at this time for reasons he discussed with the City Manager.

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 January 3, 2012, be adjourned at 8:35 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: January 17, 2012

