

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; Deputy City Manager, Chief Prosecutor; Directors of Fiscal Services, Planning and Community Development, and Public Works; Police Chief; and the Administrative Secretary.

**PROCLAMATIONS:** Mayor Winters read proclamations for National Day of Prayer and National Historic Preservation Month.

*\*\* 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. **APPOINTMENT, BUSINESS IMPROVEMENT DISTRICT.**

**Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission appoint Kris Harrison to fill the remainder of a four-year term through June 30, 2013, to the Business Improvement District Board of Trustees.**

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. **APPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

**Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission appoint Paul Gallardo III to the Advisory Commission on International Relationships for a three-year term through March 31, 2015.**

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

**Sean Johnson**, Chair, ACIR, introduced Mr. Gallardo. ACIR is working to bring more topics of discussion and educational benefits to the community and hopefully a bigger global impact. He reviewed recent speaking opportunities. On May 24, 2012, there will be a public reception for the Tajikistan Open World delegation. Coming out of a civil war, they hope to learn about the Great Falls agricultural community.

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

Motion carried 5-0.

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters did not call for miscellaneous reports and announcements from representatives of Boards and Commissions.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**5. ANNUAL ACTION PLAN INCLUDING USE OF 2012/2013 CDBG & HOME Funds.**

Planning and Community Development Director Mike Haynes reported final action is requested on the allocation of 2012/2013 CDBG and HOME funding. Prior City Commission actions on this item include a Community Needs Hearing set on November 15, 2011, and held on December 6, 2011, after staff's presentation on the CDBG/HOME programs at the City Commission work session earlier that evening; funding allocations were established on January 3, 2012; a Public Hearing set on March 20, 2012 (after CDC reviewed applications, heard presentations from applicants, prioritized needs and made final recommendations); and the Public Hearing held on April 17, 2012. The required 30-day public comment period is closed.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt the Annual Action Plan including the use of the 2012/2013 Community Development Block Grant funds and 2012/2013 HOME Program funds as recommended.**

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

Mayor Winters asked why funding was allocated for Pinski Park and private citizens had to raise funds for Skyline Park playground equipment.

Deputy City Manager Jennifer Reichelt responded Leadership Great Falls has been fundraising for Skyline Park playground equipment and chose not to apply for the CDBG funds.

Commissioner Bronson commended the efforts of the CDC. Although the original parameters included a \$25,000 allocation to be available for economic development projects, the CDC decided other programs had a greater need. The CDC is not opposed to economic development, and the Commission is not anti-business or anti-development.

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

Motion carried 5-0.

## **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**6. ORDINANCE 3088, ADOPTING THE GREAT FALLS DOWNTOWN URBAN RENEWAL PLAN, INCLUDING A TAX INCREMENT FINANCING PROVISION PURSUANT TO SECTIONS 7-15-42 AND 43, MCA.**

Planning and Community Development Director Mike Haynes reported Ordinance 3088 is a request to set a public hearing for May 15, 2012, to consider Ordinance 3088 that would adopt a Downtown Urban Renewal District, including a provision to establish a Downtown Tax Increment Financing (TIF) District. The Downtown Master Plan called for establishing a TIF District as the primary funding mechanism for targeted public improvements Downtown.

At their meeting of April 10, 2012, the Planning Advisory Board unanimously found the Downtown Urban Renewal Plan to be in conformance with the Growth Policy. On March 6, 2012, the City Commission approved Resolution 9961 that acknowledged the existence of conditions that discourage economic development Downtown and established boundaries of an Urban Renewal District.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3088 on first reading and set a public hearing for May 15, 2012.**

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

Mayor Winters questioned the signature on Resolution 9961. Commissioner Jones signed Resolution 9961 as Mayor Pro Tempore on March 6, 2012.

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

**Mike Witsoe**, 510 11<sup>th</sup> Street South, asked if 1<sup>st</sup> Avenue South will be turned into a two-way street.

Commissioner Bronson responded Ordinance 3088 has nothing to do with determination of the one-way.

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

Motion carried 5-0.

**7. RESOLUTION 9965, ACCEPT MALMSTROM AIR FORCE BASE JOINT LAND USE STUDY FINAL DOCUMENT.**

Planning and Community Development Director Mike Haynes reported the general purpose of JLUS studies are to promote cooperation between military installations and surrounding localities in order to strengthen military missions and provide for more compatible land uses and development near installations. The City Commission supported Cascade County seeking a grant through the U.S. Department of Defense, Office of Economic Adjustment (OEA) for the JLUS, and the City's participation in the JLUS process with Resolution 9799, adopted in late 2008. Cascade County did secure the OEA grant to fund the Malmstrom JLUS process, and in February 2010, Matrix Design Group was selected as project consultants and the JLUS process was initiated. A Policy Committee and a Technical Committee were established to guide and support the process, with members representing Cascade County and the other six counties in the Missile Complex area, the City of Great Falls, MAFB, landowners, and other interested parties. The JLUS process took two years to complete and resulted in the JLUS Final Report. On March 28, 2012, Cascade County Commissioners accepted the Final Report by adopting Resolution 12-23. Acceptance of the Final Report does not equate to regulation and does not impact private property rights of any landowners. It is expected that, if Resolution 9965 is adopted, next steps would be for Cascade County to establish a Coordinating Committee, including a representative from the City of Great Falls, to formalize cooperation between MAFB and local governments. At that time, discussions may be held to consider the range of possible implementation strategies. Should those strategies include any land use regulations, the respective jurisdictions would hold public hearings to consider those specific proposals.

**Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9965 accepting the Malmstrom Air Force Base Joint Land Use Study (JLUS) final document.**

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

Commissioners Burow and Jones reserved comment after public discussion.

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

**Steve Malicott**, President/CEO of the Great Falls Area Chamber of Commerce, noted he was appointed to the Policy Committee on the issue. He noted the JLUS is designed to avoid encroachment issues. The Policy Committee requested a statement be included to approve the concept to protect MAFB and private property owners. He recommended acceptance of the JLUS.

**Joe Briggs**, Cascade County Commissioner, expressed support of Resolution 9965 to accept JLUS as a completed document for use as reference material. He noted the document has no regulatory authority. He believes acceptance of JLUS will send a strong message to the military that the Great Falls community desires to keep its military mission.

**Dan Huestis**, 2901 4<sup>th</sup> Avenue North, noted the JLUS will be incorporated into the City of Great Falls Growth Policy. He discussed three policy determinations recommended by JLUS. He requested JLUS not be adopted nor included in the City of Great Falls Growth Policy. He provided copies of maps of the Military Airport Overlay District; a map of MAFB and overlay zones showing accident potential zones; and a map of incompatible zoning around MAFB. The maps are included in the JLUS.

Mayor Winters asked Commissioner Briggs for comment.

Commissioner Briggs responded Resolution 9965 does not mention the Growth Policy. The overlay district is described by FAA and begins at 50 feet above the runway at angles. JLUS describes incompatible lands because of proximity to housing, but does not call for re-zoning.

Mayor Winters questioned the next step of the JLUS.

Commissioner Briggs responded the City Planning and Community Development Department will present recommendations to the Commission.

Mayor Winters questioned if Mr. Huestis can build houses on the property he referenced.

Commissioner Briggs responded the area is within the County and zoned agricultural which allows one house per 20 acres.

Commissioner Bronson commented that the agreement to enter into the JLUS process was because of concern for MAFB, MANG, and all military missions surrounding Cascade County. He believes it is prudent to develop information to determine potential impacts on those operations.

Mayor Winters asked what process Mr. Huestis can put in place to protect his property.

Commissioner Briggs responded the City Commission would have to hold a public hearing to change his zoning.

Commissioner Jones questioned if only one landowner was on the Policy Committee.

Commissioner Briggs responded all committee members were landowners, however, one position was included for a landowner in proximity to MAFB.

Commissioner Jones questioned the membership of the committee going forward.

Commissioner Briggs the committee will likely include one member each from the County and the City; a representative of the other six rural counties; and a representative of MAFB.

Commissioner Burow noted that Mr. Huestis indicated his request in 2008 to have his property annexed into the City has not happened pending the JLUS study. He expressed concern that accepting JLUS sends a message the City plans to use and follow the study.

Commissioner Briggs does not believe acceptance of the study as a reference document infers use. JLUS was designed so each entity can take what is valuable and present it through the public processes.

Mr. Haynes commented he was not aware of the annexation request in 2008 by Mr. Huestis.

Commissioner Jolley reported the annexation request was in 2005, and that Mr. Huestis provided her a copy of a letter inquiring about annexation along with other documents.

Commissioner Bronson noted documents referenced by two Commissioners that he had not received. He stated he did not know what was being referenced.

Mr. Huestis stated Commissioner Bronson did not return a phone call and that was why he did not receive the information.

Commissioner Bronson stated issues should be presented at public meetings so everyone can hear the response.

Mr. Huestis further discussed the JLUS study, implementation process, and zoning issues.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, questioned if there will be public access to meetings of the proposed JLUS committee.

Commissioner Briggs responded the meetings would be advertised.

Mr. Gessaman asked for clarification that the committee is only an advisory committee to make recommendations.

Mayor Winters and Commissioner Bronson stated that is correct.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed the possibility of a land grab.

Mayor Winters commented he would have preferred language to show the JLUS is only a resource document.

Commissioner Bronson noted paragraph 1.5 on page 1-11, regarding the JLUS implementation, addresses that concern.

Commissioner Burow stated Resolution 9965 could be tabled for further study.

Commissioner Jones noted that he believed the document had been discussed well enough and that a vote could be taken.

Mayor Winters agreed because there is a future course for Mr. Huestis to follow to protect his interests.

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

Motion carried 5-0.

### **CONSENT AGENDA**

8. Minutes, April 17, 2012, Commission meeting.
9. Total expenditures of \$2,273,852 for the period of April 7-25, 2012, to include claims over \$5,000, in the amount of \$2,023,906.

10. Contracts list.
11. Set public hearing for May 15, 2012, to solicit comments on whether the Rainbow House, 626 13<sup>th</sup> Avenue South, a qualifying low-income housing property, meets a community need.
12. Award construction contract for the Centene Park Landscaping project in the amount of \$86,914 to David W. Kuglin Construction, contingent upon Montana Department of Transportation concurrence. **OF 1618**
13. Postpone bid award for two new 2012 motor graders.
14. Award contract in the amount of \$161,274 to United Electric, LLC of Great Falls for the Police Department Emergency Generator. **OF 1529.4**
15. Approve final payment in the amount of \$10,381.35 to Western Municipal Construction, Inc. and the State Miscellaneous Tax Division for the Valeria Way Storm Main Replacement. **OF 1463**

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as submitted.**

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

Commissioner Burow noted the payment of \$70,109.82 to Boland Well Systems, Inc. on Item #9. The project has been completed but there are some repairs that must be made. Ten percent of the contract will be withheld until the repairs are made. He reported the project had a lot of issues.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, questioned the contract for Gibson Park Concessions that was on the original agenda.

City Manager Greg Doyon responded the final, signed document was not received so the item was pulled from the agenda.

Mr. Gessaman questioned #4 of the Minutes stating public notices were mailed three times.

Public Works Director Jim Rearden responded the rates were noticed three times and mailed in the utility bills.

Mr. Gessaman also questioned Commissioner Jolley's comments on #4 of the Minutes.

Commissioner Jolley responded that she was comparing Option A to previous rate schedules with Malt Europ.

Mr. Rearden commented the rate for the flow is much higher on Option B which he believes would protect the City on a revenue basis. Option A and Option B have the same extra-strength rates; Option A is charged incrementally and Option B is charged over the whole range.

Mr. Gessaman questioned Mayor Winters comment on Item #11C.

Mayor Winters responded the comment was made regarding SME, not ECP.

Mr. Gessaman questioned Item #B on the Contracts List.

Fiscal Services Director Melissa Kinzler responded The Arbitrage Group, Inc. will review the City's tracking procedures for arbitrage of four previous bond issuances.

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

Motion carried 5-0.

### **PETITIONS AND COMMUNICATIONS**

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

Mayor Winters opened the meeting to Petitions and Communications.

- A. Joan Redeen**, Business Improvement District, 13 5<sup>th</sup> Street North, reported on current projects including the traffic signal box project; a mural for the 1<sup>st</sup> Avenue North underpass; and flower baskets on Central Avenue and 1<sup>st</sup> Avenue North. She thanked City staff and the Commission for their support.
- B. Mike Witsoe**, 510 11<sup>th</sup> Street South, discussed the fundraising effort for the parks, the Ice Breaker Road Race, the City-County Health Department, Farmers Market, and recent events held at Montana ExpoPark. He asked to be considered for a position as a member of the public on the Transit District Board. He also discussed the Great Falls Rescue Mission golf tournament.
- C. John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed the coal plant issue and government officials being held accountable.

Commissioner Burow referred Mr. Hubbard to the Montana Attorney General.

- D. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, discussed the upcoming Public Service Commission meeting on ring-fencing requirements regarding Energy West. He also noted the scheduled Water Court hearing on the City's water rights on May 16, 2012.

### **CITY MANAGER**

#### **17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mr. Doyon reported the Fire Rescue Xchange program begins tomorrow, and the 2012 Ice Breaker participation was record-breaking.

### **CITY COMMISSION**

#### **18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from the City Commission.



**19. COMMISSION INITIATIVES.**

Mayor Winters requested Mr. Doyon to follow up with a concern from Rikki's Pizza & Pasta regarding road construction and loss of income.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved to adjourn, and Mayor Winters adjourned the regular meeting of May 1, 2012, at 8:43 p.m.**

Motion carried 5-0.

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Mayor Winters

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Acting City Clerk

Minutes Approved: May 15, 2012