

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 Deputy City Manager; City Attorney; Directors of Fiscal Services, Planning and Community Development, and Public Works; Police Chief; and the City Clerk.

**** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. ****

NEIGHBORHOOD COUNCILS

1. SWEARING IN CEREMONY.

Mayor Winters performed the swearing in ceremony for James Peninger, representative of Neighborhood Council 7.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

BOARDS & COMMISSIONS

3. APPOINTMENTS, HOUSING AUTHORITY BOARD.

Commissioner Jones **Bronson** moved, seconded by Commissioner Jolley, that the City Commission appoint Cal Gilbert to a five-year term beginning June 5, 2012, and ending June 30, 2017; appoint Dan Price to a two-year term as a tenant member beginning June 5, 2012, and ending June 30, 2014; and reappoint Marquita Ogawa as a tenant member for a two-year term through June 30, 2014, to the Great Falls Housing Authority Board.

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

Motion carried 5-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Joan Redeen, Business Improvement District, announced that the Business Improvement District's adopt a tree program is open to the community.

Shiela Rice, NeighborWorks Great Falls, presented awards to Heather Rohlf for outstanding City

employee and Brant Birkeland for his involvement in the Great Falls Downtown Master Plan.

Robin Baker, Advisory Commission on International Relationships, thanked the City Commission, staff and citizens for a successful hosting of delegates from Tajikistan.

PUBLIC HEARINGS

5. **ORDINANCE 3086 AND ORDINANCE 3087, PROPOSED AMENDMENTS TO THE OFFICIAL CODE OF THE CITY OF GREAT FALLS.**

Planning and Community Development Director Mike Haynes reported that on May 15, 2012, the City Commission accepted Ordinances 3086 and 3087 - related to proposed amendments to Titles 12 and 17 of City Code - on first reading and scheduled public hearings for tonight. However, the public hearing notices for this meeting were not published in the Great Falls *Tribune* as requested. Therefore, staff requests that the City Commission vacate and reschedule the public hearings on Ordinances 3086 and 3087 for June 19, 2012.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission vacate the public hearings on Ordinances 3086 and 3087 scheduled for June 5, 2012, and reschedule the public hearings for June 19, 2012.

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

Bill Boland, 3401 4th Avenue North, doesn't believe the *Tribune* should have anything to do with what the City does.

Motion carried 5-0.

OLD BUSINESS

6. **AMENDMENTS TO ANNEXATION AGREEMENT FOR NORTHVIEW ADDITION, PHASE 7, REGARDING FEES FOR PAYMENT IN LIEU OF PARKLAND AND THE SOILS AND/OR GROUNDWATER CONDITIONS LANGUAGE.**

Planning and Community Development Director Mike Haynes reported that on January 3, 2012, the City Commission adopted Resolution 9950 annexing ± 3.2 acres of real property, adopted Ordinance 3083 assigning an initial zoning of PUD, and approved the Final Plat and Annexation Agreement, all pertaining to Northview Addition, Phase 7. Since that time, the applicant has questioned two clauses in the Annexation Agreement - #6 pertaining to the fee in lieu of park land dedication and #10 pertaining to soils and groundwater.

Since January the applicant has provided an appraisal of land that resulted in agreement to a revised payment in lieu of park land provision. Also since January, the City and several developers have discussed the soils and groundwater conditions clause that has been included in recent Annexation Agreements. As a result the City Attorney has crafted a new standard indemnification clause that continues to hold the City harmless from liability for adverse soil or groundwater conditions, but clearly states that the indemnity obligation runs with subsequent owners of the land.

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission approve the amendments to the Annexation Agreement for Northview Addition, Phase 7.

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 it sets bad precedent changing a contract after it has been agreed to. He also took issue with the reduced park fee.

Bill Boland, 3401 4th Avenue North, concurred with Mr. Gessaman's comments.

Commissioner Bronson requested staff clarification on the reduced park fee in lieu of land dedication.

Director Haynes explained that in lieu of having an appraisal for land there is a \$0.30 per square foot assumed payment in lieu that is required. In this case the applicant, after the fact, did go through the appraisal process.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

7. **ORDINANCE 3089 TO ASSIGN CITY ZONING TO A PORTION OF STEEL ETC. PROPERTY LOCATED ON THE NORTHWEST CORNER OF RIVER DRIVE AND 52ND STREET NORTH.**

Planning and Community Development Director Mike Haynes reported that this is a request to set a public hearing for July 3, 2012, to consider Ordinance 3089 that would assign initial zoning of I-2 (Heavy Industrial) to ±0.43 acres of property to be annexed into the city. The entire ±15.9 acre Steel Etc. site is currently zoned I-2 Heavy Industrial. The developed portion of the site comprises ±4.7 acres and is in the City while the ±11.2 acre salvage yard remains in unincorporated Cascade County. Steel Etc. proposes to construct a building that will house new equipment - a baler for cardboard, plastic and metal (aluminum and copper) - and the only logical location for that building is straddling what is now the jurisdictional boundary between the City and the County. In order to accommodate this development, City and County planners determined that Steel Etc. must annex enough property into the City to contain the new building and meet setbacks.

Commissioner Jolley moved, seconded by Commissioners Bronson and Jones, that the City Commission accept Ordinance 3089 on first reading and set a public hearing for July 3, 2012.

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, noted inconsistencies in the agenda report and suggested this item be tabled until clarifications could be made.

Director Haynes responded that the proposal is to construct one new building; he doesn't believe they need sewer or water to this property; and, the public hearing will be conducted July 3, 2012. He further noted the Fire Department's concerns.

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

Motion carried 5-0.

8. **RESOLUTION 9966, TO LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS ON THREE PROPERTIES LOCATED WITHIN THE CITY LIMITS OF GREAT FALLS.**

Fiscal Services Director Melissa Kinzler reported that Resolution 9966 is to levy and assess the cost of removal and disposal of nuisance weeds on three properties totaling \$1,000. The City was notified of nuisance weeds on the properties. An initial inspection of the properties determined violation of the ordinance and notification was sent to the property owners. Upon re-inspection, the properties were still in violation. The weeds were then cut by City staff. The property owners have been billed monthly for these charges beginning July 1, 2011. The Fiscal Services Department has been notified of pending tax deed sales on these properties. To insure the City is reimbursed for these costs it is necessary to lien the assessment to the properties prior to the scheduled sales.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 9966.

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.

9. **RESOLUTION 9968, ESTABLISHING A COMPLETE STREETS POLICY.**

Deputy City Manager Jennifer Reichelt reported that Resolution 9968 is a proposed Complete Streets Policy for the City of Great Falls. The policy is a planning tool intended to create a streamlined approach, which will help City staff collaboratively plan, design, construct and maintain the City's streets and roadways in a safe, efficient and comprehensive manner. While the term "complete streets" is generally new it refers to the process of developing a transportation system that meets the needs of an entire community - regardless of age, ability, mobility or mode of transportation. One of the key components of complete streets is connectivity. This means developing better, safer or more frequent access points along our roadways to key destinations such as schools, employment centers, parks, recreational areas, commercial corridors and other community amenities.

Staff has heard there has been some community concern and opposition due to a belief that this policy is connected to United Nation's Agenda 21. However, the policy was developed carefully by staff for our community, with no connection to the United Nations or any other federal program.

Great Falls has developed and adopted numerous plans and policies, which were intended to ensure that our streets, roadways and community are safe, livable, enjoyable and attractive for current

residents as well as our future generations. The development and adoption of a complete streets policy is a direct recommendation of the Downtown Master Plan adopted by the City Commission in October 2011. Additionally, the City of Great Falls Growth Policy, Transportation Plan, Missouri River Urban Corridor Plan and Medical District Master Plan contain provisions supporting the concept of complete streets.

Deputy Manager Reichelt noted that the 2009 Transportation Plan identifies 24 specific network recommendations identified by the community as areas of wants and/or needs. The City has not completed any of the on-street components of the Transportation Plan – other than three streets that contain “bike route” road signs. Resolution 9968 directs staff to follow and implement already existing plans and policies from the initial scoping of a street project through the final construction and maintenance of a completed City street, in an effort to align transportation and land use planning with the protection and enhancement of health, safety and welfare.

Staff believes the complete streets policy can be implemented incrementally through the Capital Improvement Plan and Street Maintenance Schedule and regularly scheduled budgets and funding sources, including grant funding when and where appropriate. The goal is to implement the policy in an economically feasible and responsible manner which does not infringe upon or impact personal property or an individual’s ability to own and operate a motor vehicle.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9968.

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

Commissioner Jolley commented that the policy would apply to private developers as well. The policy term “complete streets” was not originated by City staff. It is the term used by a national organization that helps people adopt complete streets policies.

Deputy Manager Reichelt responded that City staff did not come up with that term. It did, however, come up with this particular policy.

Comprehensive Planner Brant Birkeland compared the term to “growth policy.” Even though growth policies are adopted in communities around the world, our growth policy is unique to Great Falls. City staff also developed the complete streets policy unique to Great Falls. He added that over 300 communities have adopted a complete streets policy.

Commissioner Jolley noted that some of the communities listed on the national organization’s complete streets website urge Congress of the United States and the Senate to pass a law that Department of Transportation funds will not go to any city that does not have a complete streets policy.

She inquired if the City could accommodate bikers by proposing some routes from Fox Farm to the River’s Edge Trail.

Deputy Manager Reichelt responded that the policy stresses connectivity.

Mr. Birkeland added that bicycles are a small component of the complete streets policy. The

drafted policy streamlines all the other existing policies into one piece to make it more efficient.

Commissioner Jolley noted that it was mentioned that the complete streets policy will bring all the other policies together that the City has. The most recent plan the Commission approved was the Downtown Master Plan. Her understanding was that complete streets was a part of the Downtown Plan. She has concerns with extending it throughout the City.

Mr. Birkeland commented that although not mentioned explicitly, elements of complete streets are contained in several existing plans and the Growth Policy.

Commissioner Burow commented that there are already several plans in place. He doesn't see what would be gained by the complete streets policy.

Mr. Birkeland responded that the City does have a number of plans in place that are not being implemented in an efficient and streamlined manner.

Deputy Manager Reichelt added the complete streets policy is a planning tool for staff as projects are developed and move forward.

Commissioner Bronson commented that in the process of developing this policy it is the first time in his recollection that the Great Falls Police Department was invited to sit in on discussions with respect to City streets. One thing coming out of this policy is the formalization of the involvement of our law enforcement personnel in that process.

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

Speaking in favor of Resolution 9968 were:

Anders Blewett, State Senator; **Allison Struber**, 711 Birch; **Chuck Jennings**, 317 Fox Drive; **John Juris**, 220 Woodland Estates; **Aaron Weissman**, 315 4th Avenue North; **Steve Malicott**, Great Falls Area Chamber of Commerce; **Tanya Houston**, 513 38th Street North, speaking also on behalf of the Health Department; **Mac Smith**, 225 3rd Avenue North; **Ryan Hystad**, 5001 5th Avenue South; **Kenny Volk**, 926 7th Avenue North; **George Wheeler**, 614 10th Street North; **Lt. Col. John Weatherwax**, Fox Farm area; **Tom Jacobson**, 521 Riverview Drive East; **Shyla Patera**, 1701 1st Street NW; **Joan Redeen**, speaking also on behalf of the Business Improvement District; **Eric Hinebauch**, 3214 14th Avenue South; **Amber Gardner**, 311 5th Avenue South; **Dave Cunningham**, 5170 Lower River Road; **Brad Talcott**, 2801 4th Avenue North; **Jane Weber**, 701 4th Avenue North; **Sheila Kelly**, 310 4th Avenue North; **Audrey Finlayson**, 3721 3rd Avenue South; **Jolene Bach**, 4222 3rd Avenue North; **Paul Lloyd-Davies**, 1216 1st Avenue South; **Mike Witsoe**, 510 11th Street South; **Alison Fried**, 325 Skyline Drive NE; and **Sheila Rice**, speaking also on behalf of NeighborWorks and the Downtown Great Falls Association.

Speaking in opposition to Resolution 9968 were:

Debbie Briscoe, Fort Shaw; **James Peninger**, 712 4th Avenue South; **Mike Lewis**, no address provided; **Hattie Lewis**, 823 2nd Avenue South; **Rudy Tankink**, 3620 9th Avenue North; **Beth Cooper**, 420 14th Street North; **Jack Lien**, 3505 Jasper Road; **Judy Tankink**, 3620 9th Avenue North; **Lola Galloway**, 202 Sun Prairie Road; **Keith Ochs**, 1507 3rd West Hill Drive; **Bob Milford**,

79 Sun View Lane; **Stuart Lewin**, 615 3rd Avenue North; and **Bob Krischel**, 1125 21st Avenue SW.

Kathy Gessaman, 1006 36th Avenue NE, made a point of information, and Deputy Manager Reichelt and Mr. Birkeland responded regarding connecting streets to new road or development projects.

Mayor Winters called a recess at 8:50 p.m., and reconvened the meeting at 9:02 p.m.

Mayor Winters noted that comments on both sides of the issue were very well taken.

Commissioner Jones commented that good points were made. He would like the opportunity to look at the Transportation Plan. He questioned the need for another policy for staff to use as a tool. He has unanswered questions and concluded that there are a lot of things he would like more time to think about.

Commissioner Burow commented that he has more questions now than before this meeting. He concurred with Commissioner Jones' comments regarding project planning and the need for another policy. Cost issues were not addressed. Funding for police and fire should be a priority for a safe community. He would like more information before voting on this issue.

Commissioner Bronson reminded the Commission that the motion on the floor is to adopt Resolution 9968. He commented that he is prepared to make a decision tonight rather than defer action. He respects their right to get more information, but reminded the Commission that this policy has been before this body for consideration for some time and feels there was ample opportunity to ask staff a lot of these questions beforehand.

Mayor Winters commented there are unanswered questions. He suggested deferring action, getting more information, and then considering action on Resolution 9968.

City Attorney Santoro and the Commission briefly discussed the motion on the floor and parliamentary procedure.

Deputy Manager Reichelt reminded the Commission about upcoming budget presentations. She suggested a future date rather than the next regularly scheduled Commission meeting.

Commissioner Jones moved, seconded by Mayor Winters, that the City Commission postpone action on Resolution 9968 until such time as the Commission receives more information in regards to this matter.

Mayor Winters called for the vote.

Motion failed 2-3 (Commissioners Bronson, Burow and Jolley dissenting).

Mayor Winters called for the vote on the main motion to adopt Resolution 9968.

Main Motion failed 1-4 (Mayor Winters and Commissioners Burow, Jones and Jolley dissenting).

Mayor Winters called a recess at 10:27 p.m., and reconvened the meeting at 10:38 p.m.

CONSENT AGENDA

10. Minutes, May 15, 2012, Commission meeting.
11. Total expenditures of \$2,481,073 for the period of May 10-30, 2012, to include claims over \$5,000, in the amount of \$2,133,697.
12. Amended contracts list.
13. Approve the Professional Services Agreement with NCI Engineering in the amount of \$75,420 for the Lower West Hill Storm Drain. **OF 1649**
14. Approve Change Order 1 in the amount of \$1,315.98 and approve final payment in the amount of \$2,285.35 to Liberty Electric, Inc. and the State Miscellaneous Tax Division for the Gibson Park Lighting. **OF 1595**
15. Award construction contract in the amount of \$588,598 to Phillips Construction, LLC for the 9th Street North Water Main Replacement. **OF 1640.1**
16. Award bid in the amount of \$614 per ton to Thatcher Company of Montana for liquid chlorine for FY 2012/13.
17. Award bid in the amount of \$364.49 per dry ton to Thatcher Company of Montana for liquid aluminum sulfate for FY 2012/13.
18. Award bid in the amount of \$1.477 per pound to Thatcher Company of Montana for anhydrous ammonia for FY 2012/13.

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 requested and received clarification for contracts G, K, R & U listed on Item 12.

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

Ron Gessaman, 1006 36th Avenue NE, inquired the balance of the Thorndike Trust money. Deputy Manager Reichelt commented the balance was \$317,000, less the project listed as Item 12K.

Mr. Gessaman inquired about Item 12M. Chief Bowen explained this contract goes to the highest bidder. The towing company pays the City for the exclusive right of call outs for towed vehicles. The company charges the impound storage cost and towing fee to the vehicle owner.

Art Bundtrock, McCullough's Wrecker Service, explained his proposal submitted for the towing contract listed as Item 12M.

Mike Witsoe, 510 11th Street South, inquired about the chemical costs of Items 16-18. Director Rearden responded that a combination of the three chemicals went up approximately 10% over last year's bid.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. Mike Witsoe**, 510 11th Street South, invited everyone to attend Alive@5 and Farmer's Market events.

CITY MANAGER

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy Manager Reichelt announced that this month is "Adopt a Cat Month" at the Animal Shelter, and that the new volunteer program is up and running. Because of the Adopt a Cat Month promotion, a member of the community provided a \$5,000 grant to the Animal Shelter to help with spay and neuter costs. She also reported that Great Falls is proud to host the Fire Consortium in our community this week. Deputy Manager Reichelt also thanked Local #8 for the opportunity to attend Fire Ops training in Richland, Washington, and reported it was an eye opening experience.

CITY COMMISSION

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters expressed disappointment with regard to Item 9 stating there was more information the Commission could have had.

22. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jolley moved, seconded by Commissioner Jones, to adjourn the regular meeting of June 5, 2012, at 10:57 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: June 19, 2012

DRAFT