

**Regular City Commission Meeting**

**Mayor Kelly presiding**

**Call to Order: 7:00 PM**

**Commission Chambers Room 206**

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Bob Jones, Tracy Houck, Fred Burow and Bill Bronson. Also present were City Manager Greg Doyon; Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Engineer Dave Dobbs; Planning and Community Development Director Craig Raymond; Human Resources Manager Gaye McInerney; Fiscal Services Director Melissa Kinzler; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Manager Greg Doyon noted that the draft minutes from the June 20<sup>th</sup> Commission meeting were updated after the original posting. No other changes were proposed by the City Commission. The agenda was approved as submitted.

## **PETITIONS AND COMMUNICATIONS**

### **1. Miscellaneous reports and announcements.**

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, thanked the Commission for the letter that was sent to Department of Interior with regard to supporting the Upper Missouri River Breaks National Monument. She further commented that the 4<sup>th</sup> of July Parade was great.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, thanked the Commission for following up with regard to the burnt out building on the West side. Mr. Gessaman further expressed concern with regard to the soil erosion at West Bank Park. He concluded that using LED lights would improve energy efficiency of the City.

## **NEIGHBORHOOD COUNCILS**

### **2. Miscellaneous reports and announcements from Neighborhood Councils.**

There were no miscellaneous reports and announcements from Neighborhood Councils.

## **BOARDS AND COMMISSIONS**

### **3. Appointments, Housing Authority Board of Commissioners.**

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission appoint Terri Sullivan as a tenant member for the remainder of a two- year term through June 30, 2018 and appoint Ryan Hart for a five-year term through June 30, 2022 to the Great Falls Housing Authority Board of Commissioners.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

Mayor Kelly expressed appreciation with regard to citizens who applied as well as those who serve.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**4. Reappointment, Business Improvement District Board of Trustees.**

**Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission reappoint Alison Fried to the Business Improvement District Board of Trustees to a four-year term expiring June 30, 2021.**

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

Motion carried 5-0.

**5. Miscellaneous reports and announcements from Boards and Commissions.**

There were no miscellaneous reports and announcements from members of boards and commissions.

Mayor Kelly reported that the Great Falls Public Library offers a wide range of activities that are available at [greatfallslibrary.org](http://greatfallslibrary.org).

**CITY MANAGER**

**6. Miscellaneous reports and announcements from the City Manager.**

Manager Doyon reported that 4388 Park District ballots have been processed and that approximately 8% were in opposition. He further commended the Great Falls Housing Authority with regard to being designated a high performer from a recent assessment program. Manager Doyon commended Police Chief Dave Bowen for being awarded top administrator of the year.

**CONSENT AGENDA**

7. Minutes, June 20, 2017, Commission Meeting.

8. Minutes, June 20, 2017, Special Commission Meeting.

9. Total Expenditures of \$6,248,579 for the period of June 1, 2017 through June 21, 2017 to Include claims over \$5,000, in the amount of \$5,981,860.

10. Contracts List
11. Set a Public Hearing date on Resolution 10185 for August 1, 2017 at 7:00 p.m. to levy and assess Special Improvement General Boulevard Maintenance District No. 3570.
12. Set a Public Hearing date on Resolution 10186 for August 1, 2017 at 7:00 p.m. to levy and assess Special Improvement Portage Meadows Maintenance District No. 1195.
13. Set a Public Hearing date on Resolution 10187 for August 1, 2017 at 7:00 p.m. to levy and assess the Street Maintenance District.
14. Set a Public Hearing date on Resolution 10188 for August 1, 2017 at 7:00 p.m. to levy and assess properties within Special Improvement Lighting Districts.
15. Set the Public Hearing on Resolution 10194 – Intent to Increase Property Tax for July 18, 2017.
16. Set a Public Budget Hearing on Resolution 10195 – Annual Budget Resolution for July 18, 2017.
17. Set the Public Hearing for the 2017/2018 Business Improvement District Budget and Work Plan for July 18, 2017.
18. Set the Public Hearing for the 2017/2018 Tourism Business Improvement District Budget and Work Plan for July 18, 2017.
19. Award a contract in the amount of \$378,051 to United Materials of Great Falls, Inc. for the 13<sup>th</sup> Street South Reconstruction project, and authorize the City Manager to execute the construction contract documents. **OF 1641.1**
20. Approve Final Payment for the Great Falls Wastewater Treatment Plant DAFT Rehabilitation-Phase 2, in the amount of \$4,950 to Swank Enterprises and \$50 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1457.9**

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.**

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

Commissioner Bronson announced that representatives from the Business Improvement District (BID) as well as the Tourism Business Improvement District (TBID) would be at the Public Hearing on July 18<sup>th</sup>. Referring to Item 17, Commissioner Bronson suggested that the BID provide a full statement of the different projects it is working on.

Referring to Item 10B, Commissioner Burow inquired about the age of the West Bank Park Trail as well as the need for the project. Manager Doyon responded that he would receive clarification

from Park and Recreation Interim Director Patty Rearden and would report back to the Commission.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed concern with regard to the amount of money that was spent on postage for mailing the Park District protest forms.

Mayor Kelly responded that the City is following State Law.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

### **PUBLIC HEARINGS**

21. **Ordinance 3162, An Ordinance of the City Commission of the City of Great Falls providing that the Charter of the City of Great Falls be amended to cure typographical errors and legal inconsistencies and submitting the Proposed Amendment to the Electors of the City as provided .**

Assistant City Attorney Joe Cik reported that the Charter is required to be submitted to the voters for any amendments. He further reported that the typographical errors did not exist in the original Charter and that the errors occurred over the process of re-codifying. Provisions with regard to vacancies attained by the Commission would be more consistent with state law. Assistant City Attorney Cik further reported that provisions with regard to Boards and Commissions would follow the City Code. There would be changes with regard to the administrative duties of the City Manager, as well as the Municipal City Court.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Ordinance 3162 were:

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed concern regarding vacancies incorporating excused absence.

Assistant City Attorney Cik referred to the Montana Code Annotated (MCA) with regard to qualifications for vacancies.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that some of the language was confusing.

No one spoke in support of Ordinance 3162.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3162.**

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

Commissioner Burow received clarification to the language of the charter provisions with regard to vacancies for the Neighborhood Council.

Commissioner Houck commented that there needs to be a method to remove members of Boards and Commissions that miss several meetings.

Assistant City Attorney Cik reported that having discussions with the County Attorney's office, as well as the County Elections office would be the proper way to present the proposed amendments to the voters. He further reported that each change would have a separate vote.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**22. Resolution 10197, Declaring certain property located at 2612 1<sup>st</sup> Avenue South, Lot 4 Block 13, Section 8, Township 20 North, Range 4 East, Black Eagle Falls Addition, Cascade County, Montana, a Nuisance, order the Nuisance be abated and authorize City staff to force abatement if necessary.**

Planning and Community Development Director Craig Raymond reported that this item is a public hearing for consideration of adoption of Resolution 10197, which would declare 2612 1st Avenue South a public nuisance.

The Official Code of the City of Great Falls (OCCGF) Title 8 Chapter 49 provides for a process for dealing with nuisances which impact the public health and welfare. Nuisance is defined in 8.49.010 as:

- Anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another; or including but not limited to placement and/or maintenance of any motor vehicle, motorcycle, trailer, camp trailer or mobile home on any property in the City in violation of any zoning regulation or other City ordinance; or all any residential structure (including all appurtenant structures) to remain vacant for more than one (1) year where its condition constitutes a hazard or its appearance is a blight to the community or where the property is maintained so as to obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is defined to be a "nuisance."

This declaration of nuisance by the City Commission is made pursuant to Section 7-5-4104 and its self-governmental powers under the Charter.

City staff has worked with the owner Mr. Michael Witsoe who was given generous amounts of time to complete the clean-up and repair of the premises. City staff also attempted to attain assistance for the owner who ultimately refused any help or grant permission for another party to perform the tasks.

Director Raymond reviewed and discussed PowerPoint slides that included photos of the property in question. He concluded that the property meets the definition of a nuisance and should be abated should the property owner fail to conduct the clean-up.

Mayor Kelly declared the public hearing open.

No one Spoke in favor of or in opposition to Resolution 10197.

Mayor Kelly closed the public hearing and asked the will of the Commission.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10197, declaring certain property located at 2612 1<sup>st</sup> Avenue South, Lot 4 Block 13, Section 8, Township 20 North, Range 4 East, Black Eagle Falls Addition, Cascade County, Montana, a Nuisance, order the Nuisance be abated and authorize City staff to force abatement if necessary.**

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

Commissioner Burow received clarification with regard to the procedure for cleaning up the property.

Mayor Kelly received clarification that a formal complaint had been filed, and that every effort had been made to reach out to the owner.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**23. Resolution 10198, A Resolution to submit the question of whether Domestic Chicken Hens should be allowed within the Incorporated City Limits of Great Falls on the November 7, 2017 General Election Ballot.**

Assistant City Attorney Cik reported that the results of the ballots would be in effect the day that they are certified by the Elections office, and that Ordinance 3165 would be presented to the Commission. He commented that any interested parties could contact the City Attorney's office for input into the proposed code changes. Assistant City Attorney Cik concluded that Exhibit A would be included in the ballot as an informational packet.

**Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10198.**

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

**Dave Rosteck**, 1701 Central Avenue, discussed the pros and cons with regard to allowing chickens within the City limits.

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, thanked the Commission for putting the issue on the ballot.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, expressed support with regard to the issue being put to a vote.

**Dr. Katrina Stark**, 2725 Carmel Drive, expressed support with regard to allowing the public to decide if chickens should be allowed.

Commissioner Bronson commented that passing Resolution 10198 would not be a statement of the Commission, and noted that it would be the public's decision. Commissioner Bronson further explained that the Commission would not expend any resources advocating for or against the issue.

Mayor Kelly thanked Assistant City Attorney Cik for his efforts with regard to preparing Resolution 10198.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

## **CITY COMMISSION**

### **20. Miscellaneous reports and announcements from the City Commission.**

Mayor Kelly reported that there is an effort being made to address the soil erosion issue at West Bank Park. Mayor Kelly further reported that the City is dealing with a consultant with regard to energy efficiency.

Commissioner Bronson read correspondence from the Commission that was sent to the Department of Interior with regard to the Upper Missouri River Breaks National Monument. Correspondence from Aart Dolman was provided expressing support for the Monument.

Commissioner Houck welcomed new business, Klover, to the downtown area. Commissioner Houck further reported that the 2017 Paris Gibson Award was given to NeighborWorks Executive Director Sheila Rice. She commented that the Great Falls Clinic had an open house for having 100 years of service. She thanked the community for persevering through the fireworks and mentioned that they are no longer legal in the City limits.

21. Legislative Initiatives.

There were no legislative initiatives.

22. Commission Initiatives.

There were no Commission Initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Jones, to adjourn the regular meeting of July 5, 2017, at 8:05 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

Minutes Approved: July 18, 2017