

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, Bill Bronson, Tracy Houck and Fred Burow. Commissioner Bob Jones was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

AGENDA APPROVAL: No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

PROCLAMATIONS: Extra Mile Day, Family Promise Week, Medical Assistants Recognition Week, Red Ribbon Week, and Support for the National Park System.

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

PETITIONS AND COMMUNICATIONS**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Ron Staley, 801 3rd Avenue SW, read a prepared statement regarding current City Code 9.8.020(A) prohibiting the carrying of concealed or unconcealed weapons in parks under City jurisdiction, as well as portions of the River's Edge Trail within the City limits. Mr. Staley urged the Commission to revisit the provisions of 9.8.020, and make it legal for people who have been vetted through the process of obtaining concealed carry permits to legally carry in City parks and the River's Edge Trail.

Tammy Evans, 4421 6th Avenue South, read a prepared statement regarding current City Code 9.8.020 prohibiting weapons in City parks including licensed concealed carry holders. She expressed concern that the 1997 provision removed her second amendment right to protect herself and her children while at a City park. She feels the 1997 ordinance is a disservice to law abiding citizens. She urged the Commission to consider amending this section of City Code to allow citizens that are license to carry concealed weapons to also enjoy City parks.

Cindy Moyer, 1400 6th Street NW, commented that after enduring the trauma of a home invasion and assault, she has educated herself regarding the right to arm herself with deadly force for self defense, as this is part of the foundation of our second amendment right and responsibility. Ms. Moyer commented that current City Code that prevents people from being armed while enjoying City parks exposes women and children to potential predators. She reviewed portions of a handout of a discussion with researcher John Lott and the danger of gun free zones. In conclusion, Ms. Moyer challenged the Commission to support a woman's second amendment right and

responsibility to defend herself in public with a concealed firearm.

Jennifer Grena, 812 Grizzly Drive, spoke in support of the right to carry a concealed weapon in parks and on the River's Edge Trail. She suggested the ordinance be changed to help citizens to be safe. She discussed her car being broken into and her purse stolen. After that incident, she didn't feel safe, felt that she was being watched and targeted, and started carrying a concealed weapon.

John Hubbard, 615 7th Avenue South, spoke in opposition to NorthWestern Energy's request to the Public Service Commission for a rate hike. Mr. Hubbard was reminded to speak to matters under the jurisdiction of the Commission.

Sheridan Buck, 82 Bend View Lane, supports the previous speakers' comments. She commented that she is involved in the community and often is a voice that some people don't want to hear in some of the groups that she is involved in because it is a different opinion. There are things she would like to do in the city but doesn't, because of the weapon rule. Ms. Buck concluded that, as a citizen of Great Falls she is very vulnerable and she would like to see friends and neighbors be able to protect themselves.

John Hackwith, 3025 5th Avenue South, commented that the greater good of the community is never served by disarming good people. There are far more good people in the community whose carry of a firearm would be an asset than there are bad people whose carry of a firearm would be a detriment. He referred to the last three decades of horrific shooting events and commented that the majority have been on soft targets. He suggested the Commission owes it to the citizens of the community to ensure that our parks are not one of those soft targets. Mr. Hackwith also expressed appreciation to the members and families of the Great Falls Police Department.

Mayor Kelly commented that Chief Bowen and Park and Recreation Interim Director Patty Rearden were asked to weigh in on this matter over time. There is interest amongst citizens for the Commission to revisit this law. The Commission will review this law and either reaffirm or change it.

Commissioner Burow commented he wasn't suggesting that open firearm carry be legal in the parks. But, people go through extensive background checks for concealed carry permits. He suggested the Commission revisit this matter.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from representatives of Neighborhood Councils.

BOARDS & COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

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

4. APPOINTMENT, TOURISM BUSINESS IMPROVEMENT DISTRICT.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission appoint David Buckingham to the Tourism Business Improvement District Board of Trustees to a four-year term through June 30, 2021.

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

Commissioner Houck thanked Sandra Johnson-Thares for her service on this board and her continued service.

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

Motion carried 4-0.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that Stephen Herrig of Leavenworth, Kansas was appointed as the Park and Recreation Director. Steve's employment with the City will begin on November 27th. Manager Doyon thanked the members that participated in the interviewing panels.

Manager Doyon reported that a third negotiating session is scheduled with MPEA on November 17th.

Manager Doyon and Deputy City Manager Anderson will be out of the office beginning the end of this week to attend an ICMA conference. City Attorney Sara Sexe will fill in during the work week. Manager Doyon will let the Commission know who is covering in his absence over the weekend.

Last week he had dinner with Maj. Gen. Cotton, commander at Malmstrom Air Force Base, who is moving on in his career.

Manager Doyon reported that he continues to work on the energy and gas supply contracts. He hopes to have contracts for the Commission to ratify at the next meeting. He clarified that there wouldn't be duplication of services with the audit services of McKinstry.

A "kudos page" has been added to the City's website for citizens to report good interactions with City employees.

Manager Doyon asked Development Review Coordinator Charlie Sheets to report on the good news he received from FEMA today.

Development Review Coordinator Sheets reported that, on behalf of the combined efforts of several City departments and other groups, as the City's Floodplain Administrator he received a congratulatory letter from FEMA and the City of Great Falls will be recognized as a Community Rating System (CRS) 7 community as of October 1, 2017. Under the CRS, flood insurance premium rates are discounted to reward community actions that meet the three goals of the CRS, which are: (1) reduce flood damage to insurable property; (2) strengthen and support the insurance aspects of the NFIP; and (3) encouraging a comprehensive approach to floodplain management. The discounted rates equate to nearly \$10,000 savings in flood insurance premiums for the residents and businesses of Great Falls.

Manager Doyon read a prepared statement that briefed the Commission and public regarding 2018 CDBG allocations, and conflict of interest concerns with authorized funding of several projects including Paris Gibson Square and NeighborWorks Great Falls. Manager Doyon concluded that even before HUD's recent contact with City staff, staff had already begun efforts to address conflict issues and establish better processes to identify and address potential or actual conflicts of interest.

Mayor Kelly recognized Commissioner Burow in that he had expressed concerns and was not on board with funding of the CDBG projects now being reviewed. HUD has indicated the City has an opportunity to review this matter. He further noted that there has never been an effort by this Commission to be less than transparent.

CONSENT AGENDA.

6. Minutes, October 3, 2017, Commission meeting.
7. Total Expenditures of \$3,899,897 for the period of September 15, 2017 through October 4, 2017, to include claims over \$5,000, in the amount of \$3,609,043.
8. Contracts list.
9. Approve Great Falls Police Department/Cascade County Sheriff's Office Interlocal Agreement for division of the 2017 Byrne Justice Assistance Grant (JAG) Program Award.
10. Approve the Community Based Policing Agreement with the Great Falls Housing Authority for the time period of January 1, 2018 to June 30, 2018, with an automatic six month renewal based on the GFPPA negotiated contract wage with the City of Great Falls and authorize the City Manager to execute the Agreement.
11. Set a public hearing for November 7, 2017, on Resolution 10208 to establish sanitation service collection rates effective December 1, 2017.
12. Approve final payment for the Central Avenue Drainage Improvements – 5th to 6th Street, in the amount of \$92,400.40 to United Materials of Great Falls and \$933.34 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1631.9**

13. Approve final payment for the South Great Falls Storm Drain Improvements, Missouri River to 6th Street South Pond in the amount of \$114,646.17 to Williams Civil Division, Inc. and \$1,158.04 to the State Miscellaneous Tax Division and authorize the City Manager to execute the necessary documents and make the payments. **OF 1554.2**

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept the Consent Agenda as presented.

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 4-0.

PUBLIC HEARINGS

14. **ORDINANCE 3168, REPEALING AND REPLACING TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO BUSINESS LICENSES, PERMITS AND SAFETY INSPECTION CERTIFICATES.**

Assistant City Attorney Joe Cik reported that, generally, this ordinance reformats and renumbers Title 5, as well as clarifies language regarding businesses requiring safety inspection certificates (SIC), moves contractor license provisions to Title 5, establishes clear penalty provisions for businesses operating without proper SIC's, permits or licenses. Additionally the CATV and telecommunication facility provisions were moved to a separate Title 4.

Assistant City Attorney Cik further reported that changes were made to Title 5 after first reading that included the definition of non-profit organizations; clarified that a SIC is not required for issuance of a home occupation certificate; amended the title to include home occupation certificate; required that commercial garbage license applicants possess a Montana Public Service Commission permit; and, corrections made to the alcohol beverage regulation indexing.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3168.

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

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3168, with an amendment to Section 5.1.010(G) to read:

“Nonprofit organization” is any group which does not distribute pecuniary gains, profits, or dividends to its members, and/or for which pecuniary gain is not the objective of the organization. For the purposes of this Title, a nonprofit organization need not be recognized as tax-exempt by the United States Internal Revenue Service and the Montana Department of Revenue.”

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 4-0.

15. **ORDINANCE 3169, REPEALING AND REPLACING TITLE 2 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ADMINISTRATION AND PERSONNEL PROVISIONS.**

Assistant City Attorney Joe Cik reported that this ordinance under consideration generally cleans up typographical and grammatical errors and reformats the chapters for improved readability. Substantive changes include repealing the youth council, establishing an ethics committee, requiring members of boards and commissions to be qualified electors, matching provisions regarding neighborhood councils to proposed charter changes and requiring all City officers to disclose any potential conflicts of interest.

Assistant City Attorney Cik also noted that this item was updated after first reading. He explained that the changes were a result of the discussions at first reading regarding members of boards and commission being residents of the City.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3169.

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

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3169.

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

In response to Commissioner Burow, Assistant City Attorney Cik clarified that the Airport Authority Board and TBID were established by resolution and do not fall under the category of Title 2.

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

Motion carried 4-0.

16. **ORDINANCE 3171, ESTABLISHING TITLE 4 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO TELECOMMUNICATION FACILITIES.**

Assistant City Attorney Joe Cik reported that this item is in conjunction with Ordinance 3168 that was already adopted. This ordinance moves telecommunication facilities from Title 5 to Title 4.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3171.

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

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3171.

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

Motion carried 4-0.

17. **ORDINANCE 3172, AMENDING TITLE 15, CHAPTERS 30, 35, AND 40 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO CERTAIN BUSINESS AND CONTRACTING LICENSES.**

Assistant City Attorney Joe Cik reported that this is the last step of the Title 5 process. Adoption of this ordinance moves the licensing provisions of the Plumbing Code, International Fuel Gas Code and the Electrical Code to Title 5. Business owners will now have a “one stop shop” to find out what permits, licenses or certificates are required to run a business in Great Falls.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3172.

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 Ordinance 3172.

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

Motion carried 4-0.

18. **RESOLUTION 10207 – FIXING THE RATES OF SAFETY INSPECTION CERTIFICATE FEES IN TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF).**

Fire Chief Steve Hester reported that Resolution 10207 proposes an increase in the fees for new issuances and annual renewals of safety inspection certificates. Increases are based on the average consumer price index that have occurred over the past 10 years, or about 1.5% per year, adding up to 15%. Additionally, adoption of this resolution establishes Tier 6 fees pertaining to large box stores and industrial facilities. Great Falls Fire Rescue performs about 3,300 inspections per year, and of those catch about 1,700 infractions.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10207.

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

Commissioner Bronson moved, seconded by Commissioners Burow and Houck, that the City Commission adopt Resolution 10207, fixing the rates of safety inspection certificate fees in Title 5 of the Official Code of the City of Great Falls.

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

Commissioner Houck inquired about the change in 2004 that all churches were included in the Tier 1 category regardless of square footage, and the use of the word “churches” rather than “house of worship.”

Fire Marshal Dirk Johnson responded that he would look into her questions and report back to the Commission.

Mayor Kelly inquired how adoption of this resolution would help the fire marshal’s job.

Fire Marshal Johnson responded that it would help offset some costs, and it will provide for time for personnel to get out to the high risk types of places. He explained that each inspection costs about \$300 without any complications. In summary, it will help service delivery and safety of citizens.

Mayor Kelly reiterated that these additional fees do not come close to covering the total cost of inspections.

Commissioner Bronson commented that his business office is inspected annually. It is nice to have fire personnel perform the periodic inspection of businesses to see if there is something that could cause a problem.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. ORDINANCE 3173, AMENDING TITLE 9, CHAPTER 4, SECTION 010 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO ALCOHOLIC BEVERAGE DEFINITIONS.

Assistant City Attorney Joe Cik reported that this proposed ordinance will change the definition of “wine” to match state statute, Mont. Code Ann. § 16-1-106, as well as make it consistent with other provision of the OCCGF.

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3173 on first reading and set the public hearing for November 7, 2017.

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 4-0.

20. **ORDINANCE 3174, AMENDING TITLE 6, CHAPTER 1, SECTIONS 010, 120, 130, AND 250 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO RABIES CONTROL AND UNATTENDED ANIMALS IN VEHICLES.**

Assistant City Attorney Joe Cik reported that this ordinance would change the definition of “stray” or “stray animal” based upon the Health Department’s ability to deal with those animals when it comes to rabies exposure. It will also remove the human exposure provisions from the rabies exposure regulations, and will remove isolation provisions for animals that are diagnosed with rabies, as an animal must be dead to be diagnosed with rabies.

Finally, the Great Falls Police Department proposed an amendment to OCCGF 6.1.250, adding language that clarifies who is authorized to rescue animals left unattended in motor vehicles.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3174 on first reading and set the public hearing for November 7, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Mayor Kelly thanked staff and commented that the code changes are tedious and mundane, but are necessary in making it a more uniform code.

Mayor Kelly called for the vote.

Motion carried 4-0.

CITY COMMISSION

21. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements.

22. **COMMISSION INITIATIVES.**

Commissioner Burow inquired if the Commission should provide staff direction with regard to revisiting firearms in parks.

Mayor Kelly responded he would like to hold off for now, and suggested that staff present at a future work session.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Burow moved, seconded by Commissioner Bronson, to adjourn the regular meeting of October 17, 2017, at 8:35 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: November 7, 2017