

JOURNAL OF COMMISSION PROCEEDINGS

January 16, 2018

Regular City Commission Meeting
Commission Chambers Room 206

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

City Commission members present: Bob Kelly, Bill Bronson, Tracy Houck, Owen Robinson and Mary Sheehy Moe. 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 Director Steve Herrig; Finance Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Captain Jeff Newton.

AGENDA APPROVAL

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

PROCLAMATIONS

Black History Month and Catholic Schools Week.

*** Action Minutes of the Great Falls City Commission. Please refer to the [audio/video recording of the meeting](#) for additional details ***

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Gerry Jennings, 317 Fox Drive, announced that a Great Falls Women's March, co-sponsored by YWCA Great Falls and Great Falls Rising, will be held January 20, 2018 at noon, beginning at the band shell in Gibson Park.

John Hubbard, 615 7th Avenue South, commented that he didn't understand ballot issue Ordinance 3162. He also spoke in opposition to rate and tax increases, and he discussed his personal court case versus a former employer.

Rhett Hulett, M&D Construction, 814 7th Street North, referred to Resolution 10220, a request for a Conditional Use Permit for a Contractor Yard Type II, that was denied at the January 2, 2018, Commission meeting, and commented that current zoning allows a Contractor Yard Type I. He noted that he purchased the property in 2011 from a business that had 40 employees, trucks and equipment. Mr. Hulett felt that approvals by the Neighborhood Council and Planning Advisory Board/Zoning Commission were because they saw the whole picture of what M&D Construction was bringing to that property. He concluded that the City will be missing out on property taxes in the downtown area, and businesses will lose out on the 36-38 employees that patronize downtown restaurants and businesses.

NEIGHBORHOOD COUNCILS

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

None.

BOARDS AND COMMISSIONS

3. **Appointments, Regional Airport Authority Board.**

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission appoint Joe McKenney and Todd Timboe to be the City Representatives on the Regional Airport Authority Board.

Mayor Kelly noted that earlier this evening the Commission interviewed applicants Joe McKenney, Todd Timboe and Anthony Aretz for the Airport Authority Board. Commissioners Bronson and Robinson recused themselves from those interviews because of relationships with some of the applicants that may have been perceived as a conflict of interest.

Commissioner Moe commented that it was a hard choice amongst three well qualified candidates. She felt a greater strength of the two she recommended was their long familiarity with the City of Great Falls. Dr. Aretz has been in the community only eight months. She is convinced that a CPA on that board is a necessity.

Commissioner Houck felt that Dr. Aretz was the most knowledgeable person when it came to aviation and airport management.

Mayor Kelly expressed that this was a high talent pool of applicants to choose from. Mr. McKenney was not as well versed in airport operations as the others. Mr. Timboe is a CPA and is a needed position on the board. He considers it a strength rather than a weakness that Dr. Aretz has only been in the community for eight months.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly asked if there was any further discussion amongst the Commissioners.

Commissioner Bronson noted that he and Commissioner Robinson will abstain from discussion and vote.

Mayor Kelly called for the vote with regard to appointing Messrs. McKenney and Timboe to the Airport Authority Board for three year terms through December 31, 2020.

Motion failed 1-2-2 (Mayor Kelly and Commissioner Houck dissenting; Commissioners Bronson and Robinson abstaining.)

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission appoint Dr. Anthony Aretz and Todd Timboe to the Airport Authority Board.

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

Commissioner Houck noted that Richard Swensen and Brad Talcott are the City appointees who have served their terms. She took into consideration that Mr. Swensen is a CPA and feels that this board needs someone that is proficient in reading their particular financials.

Mayor Kelly expressed appreciation to Mr. McKenney for his past significant service.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote with regard to appointing Dr. Aretz and Mr. Timboe to the Airport Authority Board for three year terms.

Motion carried 3-0-2 (Commissioners Bronson and Robinson abstaining.)

4. **Designate a representative to the Policy Coordinating Committee.**

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission designate Mayor Kelly as our representative to the Policy Coordinating Committee.

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

Commissioner Bronson commented that if this Commission takes a particular position with respect to any issue on transportation planning policy, then Mayor Kelly, as the Commission's representative, would vote that position at all Policy Coordinating Committee meetings, and not vote contrary to the Commission's position.

Mayor Kelly asked if there were any 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 read a list of Commission member liaisons to the various boards and commissions, and noted that the liaisons are only to sit and observe, not to participate in discussion, and to bring information to this body should there be something the Commission may want additional information on:

Commissioner Bronson - Board of Adjustment
Commissioner Moe - Regional Airport Authority Board
Commissioner Houck - Business Improvement District (BID)
Mayor Kelly - Community Development Council (CDC) (if determined not to be a conflict)
Commissioner Bronson - Design Review Board
Commissioner Houck - Golf Advisory Board
Commissioner Robinson - City/County Health Board
Commissioner Bronson - Historic Preservation Advisory Commission (HPAC)
Mayor Kelly - Advisory Commission on International Relationships (ACIR)
Mayor Kelly - Library Board
Commissioner Houck - Mansfield Center for the Performing Arts Advisory Council

Commissioner Houck - Park and Recreation Board
Commissioners Moe and Robinson - Parking Advisory Commission
Commissioner Bronson - Planning Advisory Board/Zoning Commission
Commissioners Moe and Robinson - Police Commission
Commissioner Houck - Tourism Business Improvement District (TBID)
Mayor Kelly - Transit District Board

CITY MANAGER

6. Miscellaneous reports and announcements from the City Manager.

City Manager Greg Doyon congratulated lieutenant appointees to Great Falls Fire Rescue: Jerry Pospisil, Mike Pancich, Trevor Johnson, Spencer Swingley, Jerry Lyon, Bryan Painter, Troy Weir and Nate Schmidt. A promotional ceremony will be held January 31st at 3 pm at Fire Station 1.

Manager Doyon further congratulated the Park and Recreation Department for its successful hosting of the Electric City Basketball Tournament consisting of 92 teams, 61 of which were from 90+ miles away, as well as for keeping up with snow removal on the trails for the public to continue to enjoy.

Planning and Community Development Department has embarked on a Long Range Transportation Plan update. He announced that the public will soon be able to participate in the update via a webpage, and a public meeting will be scheduled in February.

Manager Doyon concluded that EOC staff training is scheduled for Friday from 9 am to 11 am, and for the Commission members to let him know if they would like to attend.

CONSENT AGENDA

7. Minutes, January 2, 2018, Commission Meeting.
8. Total Expenditures of \$3,702,987 for the period of December 16, 2017 through January 3, 2018, to include claims over \$5,000, in the amount of \$3,512,804.
9. Contracts List.
10. Set a public hearing on Resolution 10227, Swimming Pool Fees for February 6, 2018.

Commissioner Moe requested that Item 10 be removed from the Consent Agenda for separate discussion.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission approve Consent Agenda Items 7, 8 and 9.

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

With regard to Item 10, Commissioner Moe disagreed with the fee structure as proposed. She would like more options for the Commission to work through before considering this particular option.

Commissioner Bronson suggested a more extensive discussion along with staff at a work session.

Manager Doyon responded that he would schedule a work session. He explained that pools are very challenging to manage because we don't want to discourage utilization by rate increases. On the other hand, it is one of the more intensive maintenance areas of the City and the pool fund has been struggling. Pools are a heavily subsidized area of the budget where general tax dollars go to support an activity.

Commissioner Houck noted there are print deadlines for summer promotional programs.

Park and Recreation Director Steve Herrig responded the information for the summer guide would need to go out by the end of February.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission set a Public Hearing on Resolution 10227, Swimming Pool Fees, for February 20, 2018.

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

John Hubbard, 615 7th Avenue South, commented less is more and more is less, meaning if fees were less there would be more swimmers.

There being no one further to address the Commission on Item 10, Mayor Kelly called for the vote.

Motion carried 4-1 (Commissioner Houck dissenting.)

PUBLIC HEARINGS

11. **Ordinance 3184, rezone the east approximately 12 feet wide by 132.5 feet long portion of Lions Park and sale of said property.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing for consideration of Ordinance 3184, rezoning a 12 feet wide by 132.5 feet long strip of City park land (Lions Park) from POS Parks and Open Space to C-2 General Commercial, as well as the sale of the subject property to PBA Properties, LLC.

The property being proposed for rezoning is located at 2815 10th Avenue South. Applicant Bob Alfred desires to build an elevator addition onto the existing professional office building. Due to the existing architectural and property line barriers, together with building and zoning code requirements, an adjustment of the property lines is necessary if the project is to be successful.

McKay Rowen Associates appraised the property for \$9,000 and said amount is the purchase price. All proceeds of the land sale shall be deposited into the City Park Trust Fund dedicated to park use.

The Park and Recreation Board reviewed the requested sale of park land during the February 13 and September 11, 2017, meetings and ultimately recommended approval. Additionally, the Zoning Commission held a public hearing on November 14, 2017, on the proposed rezoning of the subject property and recommended approval.

Mayor Kelly declared the joint public hearing open.

No one spoke in opposition to Ordinance 3184, or the sale of said property.

Speaking in support of Ordinance 3184 and the sale of said property was:

Bob Alfred, 3000 Lower River Road #16, PBA Properties, LLC, expressed appreciation to the Park Board, Zoning Commission and Neighborhood Council 9 for its support. He urged the Commission's support as well.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3184 and the accompanying Basis of Decision.

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

In response to Commissioner Moe, Mr. Alfred clarified that the proposed elevator is for ADA accessibility. The yellow flags on the property are for a gas service line that will need to be moved a few feet.

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

Motion carried 5-0

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission approve the Buy-Sell Agreement and draft Easement Agreement, and the sale of the property to PBA Properties, LLC, and authorize the City Manager to execute all documents necessary to effect the sale.

Mayor Kelly asked if there was any further discussion amongst the Commissioners or comments from the public with regard to the sale of the property. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0

12. **Resolution 10214 to annex and Ordinance 3178 to assign a zoning classification of C-2 General Commercial to the property described in Certificate of Survey 5114 located immediately north of the property addressed as 1025 NW Bypass.**

Planning and Community Development Director Craig Raymond reported that this item is a public hearing for consideration of Resolution 10214 annexing certain property located north of the intersection of the NW Bypass and 11th Street NW, and adjacent to the vacant Star Tract Addition addressed as 1025 NW Bypass, and Ordinance 3178 assigning C-2 General Commercial zoning to the same.

Applicant Steve Vick et al. requested annexation of the subject property and assignment of C-2 General Commercial zoning. Applicants desire to combine the subject property with the adjoining Star Tract Addition, also owned by the Applicant, in order to more effectively market the vacant properties for commercial development. No development is proposed at this time.

The classification of C-2 zoning is appropriate as the adjoining property that is already within the City limits is zoned C-2 and would provide for the orderly and logical extension of that district and nearby existing uses.

At the conclusion of a public hearing held on November 14, 2017, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the annexation and assignment of C-2 General Commercial zoning classification upon annexation.

Mayor Kelly declared the joint public hearing open.

No one spoke in support of or in opposition to Resolution 10214 and Ordinance 3178.

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

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10214 to annex the property described on Certificate of Survey 5114 as "a tract of land, being a portion of vacated railroad right-of-way located in the SE1/4, NE1/4, Section 3, Township 20 North, Range 3 East, PMM, Cascade County, Montana, and the accompanying Findings of Fact, and approve the Annexation Agreement for same.

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

Motion carried 5-0

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3178 and the accompanying Findings of Fact.

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

Motion carried 5-0

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

13. Ordinance 3170, Repealing and Replacing Title 12, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Streets and Sidewalks.

City Attorney Sara Sexe reported that consideration of this Ordinance is staff's continuing effort to clean up and clarify the Official Code of the City of Great Falls. This Ordinance would repeal and replace Title 12 pertaining to Streets and Sidewalks. Most of the amendments are non-substantive.

Substantive changes include replacing all references to "the governing body" with "Commission" or "City Commission," designating property owners as being primarily responsible for violations, eliminating Public Works' approved transit shelters from the list of specifically recognized boulevard encroachments, and eliminating off-street parking in the boulevard areas.

There are also proposed minor changes to the encroachment permit process, exempting non-advertising benches, transit shelters and bicycle racks from the annual fee, at the discretion of City administration.

Other changes include setting fees by Resolution rather than Ordinance for consistency, mirroring insurance requirements with state statute, and a formalized appeal process for denial or revocation of excavation permits, sidewalk and curb permits, and street improvements.

The definition of "procession" has been added to include parades, motorcades, fun runs or other events.

Criteria was inserted for application review and appeal provisions to provide staff guidance in evaluating the applications.

Penalty provisions for Title 12 were established. Sidewalk code enforcement duties were reassigned from the Great Falls Police Department to the Public Works Department.

Since posting, Attorney Sexe reported that her office received comments or suggestions that will be reviewed and considered before the public hearing.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3170 on first reading and set public hearing for February 6, 2018.

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

the public.

Christopher Ward, 3621 7th Avenue South, submitted written correspondence opposing the adoption of OCCGF 12.11.020 B as proposed, and suggesting citizens should have the discretion to decide when cycling on sidewalks would be a safer alternative.

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

Motion carried 5-0

14. **Resolution 10223, Submit the Question of Whether the City of Great Falls Should Establish Park District Number 1 on the May 8, 2018 Ballot.**

Park and Recreation Director Steve Herrig reported that this item is a request to set Resolution 10223 for a public hearing on February 6, 2018, that would submit the question of whether the City should establish a Park District on the May 8, 2018 ballot.

The City Commission conducted a public hearing and adopted Resolution No. 10191, Intention to Create a Special District to be known as Park District Number 1, at its regular meeting on June 6, 2017. Subsequently, there was a 90-day protest period. The City received 21.6% in protest of the cost of the assessment for the proposed Park District. Because this amount was more than 10%, but less than 50%, the Commission denied Resolution 10192 which would have created the district at its August 15, 2017 meeting. In accordance with Mont. Code Ann. §7-11-1008, since the protests were more than 10% but less than 50%, the Commission could decide to proceed with proposing the district by ordering a referendum.

The Commission has decided to proceed with creating the district and has directed staff to prepare a Resolution to refer the question of creation to the Great Falls electorate. Resolution 10223 must be adopted by the Commission on February 6, 2018, to be submitted to the County Election Administrator. Pursuant to Mont. Code Ann. §13-1-504, the referendum must be held on the same day as the regular school election day, which is May 8, 2018. All registered electors of the state who are a resident of, or owner of taxable real property located in, the proposed special district are eligible to vote.

The purpose of creating the district is to provide certain maintenance, purchasing, and improvement services for City-owned facilities, land, and equipment under the responsibility and care of the City's Park and Recreation Department. Current funding does not allow for adequate maintenance of facilities and parks. There has been no funding for capital improvements or major repairs. In Fiscal Year 2018, the City's Capital Improvement Plan recommended \$654,450; however, no dollars were funded.

The cost of the proposed improvements for the district is \$1,500,000 annually for the first three years. The assessment method will be based on taxable value. The estimated 2018 assessment for a property with a 2017 Market Value of \$100,000 would be \$22.92 per year. The assessment can be adjusted annually and must be set by resolution and adopted by the City Commission.

The Park and Recreation Board voted in support of this resolution.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission set a public hearing on Resolution 10223 for February 6, 2018.

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

Commissioner Houck commented that the Commission is following the process set forth in state statutes. The proposed assessment would provide for deferred maintenance and crisis management. The proposal does not include talk about selling park land or program fees.

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

John Hubbard, 615 7th Avenue South, commented the public is taxed too much already. He inquired what the current funding was for parks and was informed that the Commission currently provides \$1.8 million dollars from the general fund. That amount is inadequate to keep up with the maintenance as required.

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

Motion carried 5-0

15. **Resolutions 10224 and 10225, Annexation of existing lots within Thaniel Addition, Phase 1, and Repeal of Resolutions 10178 and 10179.**

Planning and Community Development Director Craig Raymond reported that this item is a request to adopt Resolutions 10224 and 10225 and to repeal Resolutions 10178 and 10179.

In 2017 the City Commission adopted Resolutions 10178 and 10179 that annexed certain properties in phases. When the developer, NeighborWorks Great Falls, completed each phase of self-help program home construction, the corresponding annexation resolution was to be recorded with the Cascade County Clerk and Recorder thereby annexing the properties into the City.

Subsequently, NeighborWorks plans changed and it is now desiring to sell some of the lots it had purchased, but were not yet annexed into the City, as provided for in Resolutions 10178 and 10179.

Staff has carefully evaluated the proposal and does not have any objection to the proposal. All other terms and conditions of the Thaniel Addition will remain in place including the installation of all public utilities and street infrastructure as required.

Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10224 and repeal Resolution 10178, annexing portions of Thaniel Addition, Phase I, into the City of Great Falls.

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

Neil Fortier, NeighborWorks Great Falls, 509 1st Avenue South, commented his understanding was that Resolutions 10178 and 10179 were going to be amended rather than repealed.

Director Raymond clarified that Resolutions 10224 and 10225 cover all of the lots in question.

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

Motion carried 5-0

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10225 and repeal Resolution 10179, annexing portions of Thaniel Addition, Phase I, into the City of Great Falls.

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

CITY COMMISSION

16. **Miscellaneous reports and announcements from the City Commission.**

Commissioner Bronson commented that, absent any objection, he would proceed to draft a Proclamation in Support of the Lewis and Clark Interpretive Center to submit to the Cascade County Commission. No one objected.

Commissioner Houck complimented Park and Recreation staff for the best ran Basketball Tournament in the state. There were 400 motel rooms rented Friday and 450 rooms rented Saturday, and those visitors eating and shopping in Great Falls economically benefited the entire community.

17. **Commission Initiatives.**

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Mayor Kelly, to adjourn the regular meeting of January 16, 2018, at 8:27 p.m.**

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
February 6, 2018**