

JOURNAL OF COMMISSION PROCEEDINGS

June 5, 2018

Regular City Commission Meeting
Commission Chambers Room 206

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

City Commission members present: Bob Kelly, Mary Sheehy Moe, Bill Bronson, Owen Robinson, and Tracy Houck. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Planning and Community Development Deputy Director Tom Micuda; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; City Attorney Sara Sexe; and Police Captain John Schaffer.

AGENDA APPROVAL

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

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

Commissioner Robinson reported that he received a telephone call from an individual with a complaint, and explained the process would be to send written correspondence to the Commission via the Clerk's office.

PROCLAMATIONS

Men's Health Month.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Sherrie Arey, NeighborWorks Great Falls, 509 1st Avenue South, announced that National NeighborWorks Week is June 2-9, 2018. The 2018 most improved awards will be held on June 6 at the Springhill Suites, and the NeighborWorks neighborhood tour will be on June 7. She expressed appreciation to the Commission, as well as staff for making a stronger community by helping with the solutions for housing.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

None.

BOARDS AND COMMISSIONS

3. **Appointment, Historic Preservation Advisory Commission.**

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission appoint Ken Robison to fill the remainder of a three-year term through April 30, 2020, to the Historic Preservation Advisory Commission.

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

Commissioner Bronson reported that two appointees have passed away before their terms were completed, and that the other appointee had moved.

Commissioner Houck expressed appreciation for Mr. Robison filling the position.

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

Motion carried 5-0

4. **Reappointments, Housing Authority Board of Commissioners.**

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission reappoint Ashley Gates and Terri Sullivan as tenant members for two year terms through June 30, 2020 to the Great Falls Housing Authority Board of Commissioners.

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

Mayor Kelly noted that Terri Sullivan and Ashley Gates are serving their first full two year terms, and expressed appreciation for their involvement with the Board.

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

Motion carried 5-0

5. **Reappointment, Audit Committee.**

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission reappoint Jeremy Trebas to the Audit Committee to fill a private citizen position through June 30, 2021.

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

Mayor Kelly commented that Jeremy Trebas is a Certified Public Accountant (CPA), who brings

skill to the Committee.

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

Motion carried 5-0

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

Mayor Kelly reminded Mr. Hubbard that the appropriate time to discuss topics not related to Boards and Commissions was the Petitions and Communications portion of the meeting.

CITY MANAGER

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

City Manager Greg Doyon reported:

- A proposed budget presentation will be at a work session on June 27th, and a formal presentation will be on July 3rd.
- The Collective Bargaining process has begun, and the Crafts contract will be negotiated in late June.
- The River's Edge Trail has been nominated as the "National Recreation Trail" by Secretary of the Interior Ryan Zinke.
- Deputy Prosecutor Cassidy Blomgren and Senior Patrol Officer Kevin Supalla were honored at the DUI Task Force recognition ceremony.
- The Annual Police Department awards luncheon was held on May 18.
- Deputy City Manager Chuck Anderson graduated from Leadership Great Falls.
- Senator Jon Tester submitted a letter to the Secretary of the Air Force requesting that the space issues for storing C130's be advanced as higher priority in order to accommodate the FAA change of rule.

CONSENT AGENDA

8. Minutes, May 15, 2018, Commission Meeting.
9. Total Expenditures of \$3,063,421 for the period of May 1, 2018 through May 23, 2018, to include claims over \$5,000, in the amount of \$2,684,523.
10. Contracts List.

11. Approve Interlocal Agreement for the provision of 911 (PSAP) and emergency dispatch services to Cascade County, The City of Great Falls, The Town of Cascade, The City of Belt and The Town of Neihart.

12. Approve final payment for the Police Department Water Main Replacement/Re-route, in the amount of \$58,052.23 to United Materials of Great Falls, Inc., and \$586.39 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF**
1684

13. Award a contract in the amount of \$866,028.00 to Thomas Dean & Hoskins Engineering (TD&H) for the Water Main Crossings Under the Upper Missouri River and Sun River, and authorize the City Manager to execute the contract documents. **OF**
1494.6

14. Approve a Memorandum of Understanding and Project Funding and Maintenance Agreement including City Street funding participation of \$96,761.00 between the City of Great Falls and the Montana Department of Transportation for the Stuckey Road Improvements project, and authorize the City Manager to execute the agreement. **OF**
1739.1

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

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

Referring to Item 12, Mayor Kelly reported that the final project cost was approximately \$28,000 less than the total contract amount.

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

Motion carried 5-0.

PUBLIC HEARINGS

15. **Resolution 10237, Conditional Use Permit for a "two family residence" land use upon the property located at 3125 8th Avenue North.**

Planning and Community Development Deputy Director Tom Micuda reported that the applicant, Tom Skovron, submitted an application to request a Conditional Use Permit (CUP) to allow for the establishment of a "Residence, Two-family" land use legally describes as Lot 8, Block 104, Great Falls Twelfth Addition, Sec 5, T20N, R4E, PMM, Cascade County, Montana. The property is zoned R-3 Single-family high density. The applicant wishes to construct a residential duplex upon the subject property, in full compliance with R-3 zoning

district dimensional requirements and all other development standards.

Planning and Community Development Deputy Director Micuda further reported that the parcel is 9,000 square feet, which is larger than the typical 7,500 square foot lot, and that the larger corner lot better accommodates two family residences. He concluded that there was no opposition from Neighborhood Council 8.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10237.

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

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10237 for a Conditional Use Permit for a "Residence, Two-Family" land use located at 3125 8th Avenue North, subject to the applicant fulfilling the listed conditions of approval.

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

16. **2018/2019 HUD Annual Action Plan.**

Planning and Community Development Deputy Director Tom Micuda reported that the Community Development Block Grant (CDBG) and U.S. Department of Housing (HUD) are federal programs administered by the HUD to help fund local community development programs including affordable housing, public service agencies, economic development and public improvement projects. The primary goal of these programs is to assist low and moderate income (LMI) persons in their respective communities.

In order to receive HUD funding, a jurisdiction must submit a five year Consolidated Plan that is updated annually with an Action Plan containing the proposed use of CDBG and HOME Program funds. On June 2, 2015, the Commission approved the 2015-2019 HUD Consolidated Plan. The Annual Action Plan is developed through a Community Needs Assessment process. Funding priorities for the upcoming fiscal year were recently approved by the City Commission on May 15, 2018. Information regarding community needs was gathered from a HUD required annual Community Needs Hearing, which was on April 17, 2018.

The Proposed Annual Action Plan was made available to the citizens for review and comment for a 30-day period from May 3, 2018 through June 2, 2018. The public was also encouraged to comment on the City's overall CDBG & HOME program performance and policies.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt the proposed 2018/2019 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD), and reaffirm the funding priorities approved by the Commission on May 15, 2018, for the 2018/2019 Community Development Block Grant (CDBG) Program.

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

Written correspondence was received from **Colleen Hill, Terrie Rae LaRocque, and Gerald Gray**, Indian Family Health Clinic (IFHC), 1220 Central Avenue, supporting the use of CDBG funds for the continuation of services for the IFHC.

Sheila Rice, 913 3rd Avenue North, commented that the Annual Action Plan allows CDBG funds to be used for projects such as the Rocky Mountain Building rehabilitation, and expressed support of the Annual Action Plan as it stands today.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck expressed appreciation to those involved with the Annual Action Plan process and commented that the entire community would be served.

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

Motion carried 5-0

ORDINANCES/RESOLUTIONS

17. **Ordinance 3165, Amending OCCGF Section 9.4.030, Pertaining to Exceptions to the Prohibition of Drinking or Displaying of Alcoholic Beverages in Public Places.**

City Attorney Sara Sexe reported that pedlets are sidewalk extensions that extend out into public parking spaces to allow for continued pedestrian traffic, while allowing businesses to provide outdoor seating on public sidewalks. Several businesses inside the downtown area are utilizing the pedlet system, including businesses that sell alcoholic beverages for consumption. In order for a business to utilize a pedlet for the purpose of providing dining services, the business establishment is required to maintain a sidewalk café permit.

The Official Code of the City of Great Falls (OCCGF) § 9.4.020 prohibits drinking or displaying alcoholic beverages in public places without permits. Ordinance 3165 would allow business establishments that maintain a sidewalk café permit to serve, and allow customers to consume alcoholic beverages within the designated sidewalk café area.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3165.

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

Sheila Rice, 913 3rd Avenue North, commented that the pedlets have made a huge difference to downtown.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck clarified that pedlets are defined areas for customers to consume alcohol, and that Ordinance 3165 does not allow for open containers anywhere else downtown.

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

Motion carried 5-0

18. **Ordinance 3181, Repealing and Replacing Title 8, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Health And Safety.**

City Attorney Sara Sexe reported there are numerous deficiencies throughout the Official Code of the City of Great Falls (OCCGF) that conflict with State and Federal law. Substantive changes include the following:

- Redesignating food service and wholesale food establishments to be consistent with the Administrative Rules of Montana (ARM).
- Amending garbage and refuse provisions to be consistent with current Public Works Department practice.
- Incorporating ARM regulations pertaining to swimming pools into the OCCGF.
- Adding Chapters 13, 14, and 48 to Title 8 and redesignating Chapter 12.
- Clarifying language in OCCGF Nuisance and Penalty provisions throughout Title 8.

City Attorney Sexe pointed out that the proposed changes are available on the web site.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3181 on first reading and set the public hearing for June 19, 2018.

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

Motion carried 5-0

19. **Ordinance 3187, Amending Ordinance 2903, for the property located in Jewell Addition, Lot 4, Block 1 to allow a "Residence, Multi-family" land use within the Emerald Green PUD.**

Planning and Community Development Deputy Director Tom Micuda reported that the applicant, T&M Properties and Development LLC requested to build a 36 unit apartment

complex adjacent to the Hickory Swing Golf course. The Emerald Green Planned Unit Development (PUD) was created by Ordinance 2903 in 2006. The original PUD only allowed for the retirement community option for Lot 4A, and the PUD needs to be amended in order to allow the applicants request to construct apartments on the property.

The applicant proposed development standards that will only be applied to Lot 4A of the Emerald Green PUD. The remaining lots in the PUD have already been developed and will retain the standards originally approved in the 2006 PUD.

The applicant proposed that the development standards for Lot 4A include specifications from the City's R-6 Multi-family High Density zoning district including residential density, minimum lot size for newly created lots, and lot size proportions for newly created lots. The proposed PUD standards would allow for a higher maximum building height for accessory structures and buildings, a shorter rear yard setback and allows for a detached garage.

The applicant proposed ingress and egress for the development to occur off American Avenue. The Fire Department requested an additional point of access in case of blockage to the American Avenue access point. The applicant provided a secondary emergency access from the golf course drive that will include a knockdown emergency gate.

The original PUD called for extending Emerald Drive to connect the condominiums with the originally approved retirement home on Lot 4A. The applicant prefers to not connect the proposed apartments to the existing condominiums due to cost and the desire to heavily landscape and berm the project.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3187 on first reading and set a public hearing for July 3, 2018.

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

Mayor Kelly received clarification that the proposed three 12-unit apartment buildings would face American Avenue.

Commissioner Bronson expressed appreciation to the Planning and Community Development Department for notifying Jewell Addition residents that the Public Hearing would be on July 3.

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

Motion carried 5-0

20. **Resolution 10235, Establishing a Policy Concerning Appointments to Boards and Commissions and Repealing Resolution 10059.**

City Attorney Sara Sexe reported that the Great Falls Tourism Business Improvement District (TBID) expressed concern over the current appointment policy making it difficult to recruit and retain Trustees to serve on the Board. Many of the business owners within the District are not city residents, therefore the number of individuals that would qualify for trustee positions is

limited.

Resolution 10235 was tabled on May 15, 2018 for further development of language based on concern by members of the Commission that the proposed policy change could result in BID Board membership becoming stagnant.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission remove Resolution 10235 from the table for purposes of discussion and potential action on the item.

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

Motion carried 5-0

Commissioner Moe moved, seconded by Commissioner Bronson, After clarification, that the City Commission adopt Resolution 10235 as set forth in Attachment "B".

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

Rebecca Engum, Tourism Business Improvement District (TBID) Executive Director, 100 1st Avenue North, expressed appreciation to the Commission and staff with regard to creating a workable document that meets everyone's needs. She commented that the language is clear in Attachment "B", and would appreciate the Commission's adoption of Resolution 10235 Attachment "B".

Joan Redeen, Great Falls Improvement District, 318 Central Avenue, reported that the Business Improvement District (BID) Board of Directors agrees with Resolution 10235 Attachment "B".

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck commented that she liked the option that the Commission still reserves the right to interview applicants, and that there are still "checks and balances".

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

Motion carried 5-0

21. **Resolution 10236, Declaring and certifying a nuisance located on certain property at 1425 3rd Avenue Southwest has been abated.**

Planning and Community Development Deputy Director Tom Micuda reported that there had been a series of complaints regarding a variety of nuisance items for the past 36 years. The Commission adopted Resolution 10173 on December 5, 2017, declaring the property at 1425 3rd Avenue Southwest a Nuisance. Staff has worked with Mr. Preston subsequent to the nuisance declaration and the nuisance property located at 1425 3rd Avenue Southwest had been abated.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10236, Declaring and certifying that a nuisance located on certain property located at 1425 3rd Avenue Southwest, Lot 3A Block 9, Community Hall 2, Cascade County, Montana, has been abated.

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

Commissioner Houck commented that the property looks fabulous and was pleased that it was a collaborative effort.

Motion carried 5-0

22. **Resolution 10238, Create City of Great Falls Park District Number 1.**

Park and Recreation Director Steve Herrig reported that the Great Falls Park District Number 1 was created pursuant to Montana Code Annotated (MCA) § 7- 11. The effective duration of the Great Falls Park District 1 would be a period of 20 years from the date of the adoption of Resolution 10238. On June 6, 2017 the Commission adopted Resolution 10191, Intention to Create a Special District. In accordance with MCA § 7-11-1008, a sixty-day protest was conducted, and because the protest of the cost of the assessment from property owners was more than 10% but less than 50%, the Commission ordered a referendum by adopting Resolution 10223 on February 6, 2018, pursuant to MCA § 7-11-1011.

On May 8, 2018, all qualified Montana electors that were residents of the City or owned property within the City limits had the opportunity to vote on whether the proposition to organize Great Falls Park District Number 1 be adopted. On May 15, 2018, the Cascade County Clerk and Recorder certified, pursuant to MCA § 7-11-1011, that proposition to organize Great Falls Park District Number 1 was adopted by a vote of 8,320 for and 6,776 against. On May 29, 2018, the Montana Secretary of State certified, pursuant to MCA § 7-11-1012, the establishment of Great Falls Park District Number 1.

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 each lot or parcel of land, including the improvements on the lot or parcel, for the part of the cost of the district that its taxable valuation bears to the total taxable valuation of the property of the District. The assessment can be adjusted annually.

In fiscal year 2019, the cost of the services to be performed in the District totals \$1,500,000. The annual assessment will be based on the taxable value of each parcel within the Special District pursuant to MCA § 7-11-1024.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10238 to Create Great Falls Park District Number 1.

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

Commissioner Robinson expressed support with regard to allowing citizens to vote on whether the proposition to organize Park District Number 1 should be adopted.

Commissioner Moe thanked the community for the difficult, however important, decision to adopt Park District 1.

Commissioners Houck and Bronson echoed Commissioner Moe's comment.

Motion carried 5-0

CITY COMMISSION

23. Miscellaneous reports and announcements from the City Commission.

Commissioner Robinson reported that he attended an Aspiration Tour in Canada, which included two professors who discussed providing Food Processing Plants for the City.

Commissioner Moe expressed appreciation to Commissioner Houck for filling in for her at an Airport Board meeting.

24. Commission Initiatives.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Moe, to adjourn the regular meeting of June 5, 2018, at 8:15 p.m.**

Motion Carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
June 19, 2018**