

# JOURNAL OF COMMISSION PROCEEDINGS

November 7, 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: Mayor Pro Tempore Bill Bronson, Mary Sheehy Moe, Owen Robinson and Tracy Houck. Mayor Bob Kelly was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Assistant Fire Chief Jeremy Jones; Assistant City Attorney Joe Cik; and Police Captain Jeff Newton.

## AGENDA APPROVAL

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

## CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

None

## PROCLAMATIONS

Extra Mile Day, WWI Centennial Armistice Remembrance Day, Support for City & Citizens of Pittsburgh and 130th Anniversary Month of the Great Falls Area Chamber of Commerce.

Doris Boyle, address not provided, read a document entitled, "Love Poured Out to Squirrel Hill - Pittsburgh."

## PETITIONS AND COMMUNICATIONS

### 1. Miscellaneous reports and announcements.

**John Hubbard**, 615 7th Avenue South, expressed concern with regard to increased criminal activity in his neighborhood.

**Barbara Linn**, 1507 High Street, inquired if the pool at Montana School for the Deaf and Blind (MSDB) would be an adequate substitution for the Natatorium until another pool was provided.

Mayor Pro Tempore Bronson suggested that Ms. Linn follow up with Park and Recreation Director Steve Herrig.

**Richard Liebert**, 289 Boston Coulee Road, commended staff for utilizing energy consultants with regard to the work being done at the library. Referring to the Natatorium, Mr. Liebert commented that it is important to determine the number of citizens who need the pool for physical therapy. Mr. Liebert mentioned that live streaming is a technical issue that needs to be resolved. Mr. Liebert commended Ron Gessaman for his civic contributions.

**Jeni Dodd**, 3245 8th Avenue North, opined that it is economic injustice to continue supporting the golf courses, while letting the Natatorium go. Referring to the Pittsburg Resolution, Ms. Dodd expressed concern with regard to the City not extending its sympathies for other tragic events in the nation.

## **NEIGHBORHOOD COUNCILS**

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

**Tim Austin**, NC 3 Chairperson, provided and discussed a speed study survey that was conducted for 36th Avenue NE along Bootlegger Trail to 2nd Street NE. Chairperson Austin announced that the next NC 3 meeting is December 6, 2018 at 7:00 p.m. at Riverview School.

## **BOARDS AND COMMISSIONS**

### **3. Miscellaneous reports and announcements from Boards and Commissions.**

None

## **CITY MANAGER**

### **4. Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that:

- The last full year building permit valuations totaled under \$80 million, and the current year is approximately \$101 million.
- Planning and Community Development recently hired a Planner II.
- The Library Director position has been posted, and the first review will be November 30, 2018.
- The Association of Civil Engineering Consultants (ACEC) Montana Grand Project Award will be presented to TD&H Engineering and Black & Veatch for the Waste Water Treatment Plant Phase 1 project.
- A contract to fix the live streaming capabilities was approved by the Commission at its meeting on October 16, 2018.
- The Clerk's office implemented JustFOIA, an online web based public records request system in August, and requests have steadily increased.
- The IT Department has worked with all departments to increase the web pages accessibility to the sight/hearing impaired. In August the site was rated as 66% accessible, and now is at 94.8% accessible.

- Manager Doyon attended an Infrastructure Coalition conference on October 24, 2018.
- Neighborhood Council Coordinator Patty Cadwell will be retiring on November 15, 2018. The Commission will be informed if the position would continue, as well as a date for her retirement party.
- Manager Doyon participated in a Middle School Career Fair sponsored by United Way.
- Manager Doyon will attend a State of Emergency Response Commission meeting on November 8, 2018.
- He and Deputy City Manager Chuck Anderson attended the Council of Councils meeting on October 30, 2018.

## **CONSENT AGENDA**

5. Minutes, October 16, 2018, Commission Meeting.
6. Total Expenditures of \$4,122,420 for the period of September 29, 2018 through October 24, 2018, to include claims over \$5,000, in the amount of \$3,699,041.
7. Contracts List.
8. Approve Final Payment for the Sanitary Sewer Trenchless Rehabilitation, Phase 20, project in the amount of \$522,051.75 to Planned and Engineered Construction (PEC) and \$5,273.25 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1674.6**
9. Approve the Interlocal Agreement between the City County Health Department and the City for Emergency Preparedness and Community Health Response for the term of October 16, 2018 to September 30, 2021, and authorize the City Manager to execute the agreement.

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

Mayor Pro Tempore Bronson asked if there were any comments from the public or discussion amongst the Commissioners.

Commissioner Robinson expressed appreciation to the City County Health Department, as well as the City with regard to Agenda Item 9.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

## **PUBLIC HEARINGS**

## **OLD BUSINESS**

## **NEW BUSINESS**

### 10. **Labor Agreement between the City of Great Falls and Plumbers and Fitters Local No. 41.**

City Manger Greg Doyon reported that the proposed Agreement will update basic contractual language in order to make the Agreement more clear, more understandable, and consistent. Schedule A was modified to reflect a wage increase of 3 1/2%, and Schedule B was modified to reflect the standard health premium.

The previous labor agreement period was for a two-year period, expiring June 30, 2018. The term of the proposed Agreement is for a one-year period beginning July 1, 2018 through June 30, 2019.

Manager Doyon requested that the Commission advise staff of any concerns with the way contracts are being negotiated with regard to the impact on the budget for the negotiating process next year.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and Plumbers and Fitters Local No. 41.**

Mayor Pro Tempore Bronson asked if there were any comments from the public or discussion amongst the Commissioners.

Commissioner Moe inquired about the meaning of jurisdiction in the context referring to Schedule B, Special Conditions list, Part A. Referring to Part C (2), Commissioner Moe further inquired if inspectors being subbed in an emergency situation would include man made situations.

Manager Doyon responded that he would follow up with Human Resource Director Gaye McInerney and report back to the Commission.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

## **ORDINANCES/RESOLUTIONS**

### 11. **Resolution 10256, Temporarily Suspending the Design Review Board Meetings and Review Requirements.**

Planning and Community Development Director Craig Raymond reported that this item is a request to approve Resolution 10256 which will temporarily suspend the requirement that certain

projects appear before the Design Review Board (DRB) for a period of six months.

There has been a significant boost in development activity in Great Falls over the last few years. During this period, Planning and Community Development (P&CD) has struggled with adequate staffing to keep up with the development pace. There are unfilled vacancies in the department that continues to have a negative effect on development review timelines and efficiency.

Director Raymond reported that the proposed Resolution does not suspend any code required standards or guidelines, and the codes will remain in full force and effect.

He commented that there may be some concern about staff's ability to maintain the high level of quality that the DRB process produces. Staff is already doing the heavy lifting leading up to the DRB meeting. The P&CD will continue to do so under this proposal. The benefit of this proposal is that staff will be able to save time in the setting of agendas, creation of staff reports, attending meetings and production of meeting minutes. The development community may also find benefit in the streamlined process.

Manager Doyon explained that the intent of the six month suspension of the DRB is to relieve some of the pressure with regard to the volume of work from the P&CD Department.

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10256.**

Mayor Pro Tempore Bronson asked if there were any comments from the public.

**Jeni Dodd**, 3245 8th Avenue North, received clarification that certain projects have to go through the DRB. Ms. Dodd urged the Commission to consider eliminating the DRB since City codes and zoning requirements already exist.

**Shane Etzweiler**, President/CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, commented that suspending the DRB for an interim period of six months would be a good trial period.

**Tim Austin**, NC 3 Chairperson, received clarification that suspending the DRB would be for a period of six months.

**Shannon Wilson**, 1201 6th Avenue South, commented that the DRB is very pro-development, and offers good suggestions with regard to projects. Ms. Wilson expressed concern that suspending the DRB would not allow the public to attend meetings and comment on projects.

**Jeni Dodd**, 3245 8th Avenue North, expressed concern with regard to the DRB supporting specific suppliers.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Moe commented that the role of the DRB is an important use of community expertise that is a value to the community. Commissioner Moe further commented that she would support Resolution 10256 since the suspension would be short term.

Commissioner Houck received clarification that there is not corruption with regard to the DRB supporting just one specific supplier, and that on occasion the DRB has issues with having a quorum.

Commissioner Bronson expressed support of temporarily suspending the DRB for the reasons

provided by Director Raymond and Manager Doyon.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

12. **Resolution 10271, Adopting a Statement of Expense in the Abatement of a Nuisance located at Lot 4, Block 13, Section 8, Township 20 North, Range 4 East, Black Eagle Falls Addition, Great Falls, Cascade County, Montana, addressed as 2612 1st Avenue South.**

Assistant City Attorney Joe Cik reported that in October of 1995 and continuing through June of 2017, the Great Falls Planning and Community Development Department (P&CD) received multiple complaints about the condition of the property located at 2612 1st Avenue South.

In order to abate the subject nuisance, staff contracted with ALR Contracting, LLC, for the painting of the residential structure on the subject property. Painting was completed on June 15, 2018. The cost of said painting service totaled \$3,895.00.

The subject property owner may pay the outstanding balance to the Finance Department within five (5) calendar days. If the property owner does not pay the balance within that time, Staff recommends that the Commission direct that the costs be collected as a special assessment on the subject property. If the Commission does not adopt the Resolution under consideration, the City will not recover the costs of the forced abatement.

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10271.**

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

Motion carried 4-0

13. **Resolution 10257, Certifying the Abatement of a Nuisance located at Lot 4, Block 13, Section 8, Township 20 North, Range 4 East, Black Eagle Falls Addition, Great Falls, Cascade County, Montana, addressed as 2612 1st Avenue South completed.**

Assistant City Attorney Joe Cik reported that this item pertains to the same property as in Item 12, and consideration of Resolution 10257 is the final step of the abatement process for the property.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10257.**

Mayor Pro Tempore Bronson asked if there were any comments from the public or discussion

amongst the Commissioners. Hearing none, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

14. **Resolution 10273, Amending Resolution 10233 Extending the Effective Period Thereof for property located at 2311 4th Avenue Southwest.**

Planning and Community Development Director Craig Raymond reported that this item is a request to approve Resolution 10273 which will extend the effective period of Resolution 10233 so that the current owner of the property located at 2311 4th Ave Southwest may complete the abatement of the declared nuisance.

On May 1, 2018, the Commission adopted Resolution 10233, declaring the property located at 2311 4th Avenue Southwest to be a Nuisance pursuant to the Official Code of the City of Great Falls (OCCGF) Title 8, Chapter 49. Resolution 10233 ordered the Nuisance to be abated and authorized staff to force abatement if necessary.

The previous owner, Michael Lewis, made certain improvements to the property in response to the Commission's order. Subsequently, Mr. Lewis was sentenced to federal prison for a 5 year period on unrelated issues.

Staff finds that it is in the City's best interest to extend the effective period so that the new owner has an appropriate time period to complete the abatement. To date, the new owner appears to be cooperative and is taking measures to bring the property into compliance.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10273.**

Mayor Pro Tempore Bronson asked if there were any comments from the public.

**Pat Goodover**, 803 Forest Avenue, Realtor for the new property owner, Fannie Mae, received clarification that there would be nothing prohibiting the current or subsequent owner from selling the property as is; however, it would not alleviate the requirement to abate the nuisance.

Mayor Pro Tempore Bronson commented that the Commission is familiar with the issues concerning the property, and he thanked Fannie Mae for taking over the property.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Houck echoed Mayor Pro Tempore Bronson's comments.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

15. **Ordinance 3189, Repealing and Replacing Title 15, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Buildings and Construction.**

Assistant City Attorney Joe Cik reported that substantive changes include: clarifying language for building moving permits; providing penalties for maintaining unsafe structures; providing penalties for operating without a special business license; providing specific penalties for fire code violations; enhancing code enforcement options for property screening violations.

The ultimate goal of the proposed revisions is to create consistency within the Montana Code Annotated (MCA), the Administrative Rules of Montana (ARM), as well as to clarify the process and application.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3189 on first reading and set the public hearing for November 20, 2018.**

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

Motion carried 4-0

## **CITY COMMISSION**

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

Commissioner Moe announced that she would be absent for the November 20th Commission meeting, and that there is a tentative meeting scheduled on December 3rd for the Future of the Falls. Commissioner Moe reported that Mayor Kelly would like to be involved with Cascade County's 24/7 pretrial sentencing program, in order to see if there are any efficiencies that could better the Municipal Court.

Mayor Pro Tempore Bronson announced that he would coordinate a Joint City/County meeting with regard to the Legislative Session.

Commissioner Houck announced that she is a representative for the Local Emergency Planning Committee. She further announced that Commissioner Robinson is fulfilling the needs of the City's Representative for the 2020 Census.

### **17. Commission Initiatives.**

None

## **ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Houck, to adjourn the regular meeting of November 7, 2018 at 9:00 p.m.**



Motion carried 4-0

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**Mayor Bob Kelly**

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**City Clerk Lisa Kunz**

**Minutes Approved:  
November 20, 2018**