

JOURNAL OF COMMISSION PROCEEDINGS
February 19, 2019

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, Tracy Houck, Owen Robinson, Bill Bronson, and Mary Sheehy Moe. Also present were the Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Engineer Dave Dobbs; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

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

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None

1.

PROCLAMATIONS

Commissioner Moe read a proclamation for Youth Art Month.

PETITIONS AND COMMUNICATIONS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

John Hubbard, 615 7th Avenue South, expressed concern with regard to sanitation and water rate increases, as well as the quality of the water supply. Mr. Hubbard mentioned that Mr. Witsoe has serious health issues.

Referring to the quality of the water, Public Works Engineer Dave Dobbs explained that the Montana Department of Environmental Quality (DEQ) requires the City to send Standard Maximum Contaminant Level (MCL) Violation Notices to the public. Engineer Dobbs reported that the haloacetic acids (HAA5) are significantly lower. The new water plant's chemical feed and ultra violet systems are scheduled to be completed in February 2019, which should reduce the initial formation of HAA5's.

Mike Kaszula, 2416 2nd Avenue North, expressed concern with regard to the amount of money going into the Electric City Water Park, and not the Morony Natatorium.

NEIGHBORHOOD COUNCILS

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

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BOARDS & COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

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

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Chuck Anderson announced:

- Manager Greg Doyon was out sick, and is scheduled to be out on February 21 and 22, 2019.
- Lanni Klasner started her new position on February 19, 2019, as the City's Communications Specialist.
- New looking utility bills will be sent out in mid-march.
- A memorial service for Patty Cadwell is Saturday, February 23, 2019 at 2:00 p.m. at the O'Connor Memorial Chapel.
- A fund has been started to accept donations to dedicate a bench in Grande Vista Park in memory of the former Neighborhood Council Coordinator, Patty Cadwell.
- The City has been named the Outstanding Urban Forestry Community for 2018 by the Montana Urban and Community Forestry Association.

Chris Daly with the Montana Urban and Community Forestry Association presented awards to Jason Stringer, owner of Tree Amigos, as well as Jacob Schaak with the Park and Recreation Urban Forestry Department.

CONSENT AGENDA.

6. Minutes, February 5, 2019, Commission meeting.
7. Total expenditures of \$3,127,596 for the period of January 24, 2019 through February 6, 2019, to include claims over \$5,000 in the amount of \$2,857,976.
8. Contracts list.
9. Grants list.
10. Award a Community Development Software as a Service Purchasing Agreement with Tyler Technologies, Inc. for Energov software in the amount of \$641,356 for a three year contract with automatic renewals for subsequent years.

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11. Award a construction contract in the amount of \$617,400 to Wadsworth Builders Company Inc. for the Electric City Water Park Bath House Restoration and Remodel and authorize the City Manager to execute the construction documents. **OF 1740.1**
12. Award a construction contract for the LED lighting and controls retrofit project at the North and South Parking Garages to McKinstry Essention LLC in the amount of \$264,891 and authorize the City Manager to execute said contract.
13. Approve a Professional Services Contract Amendment No. 1 with Water & Environmental Technologies for engineering services for the Vinyard Road Storm Water Management Area Master Plan for a fee not to exceed \$4,205 and authorize the City Manager to execute the Agreement. **OF 1476.6**
14. Set a public hearing on Resolution No. 10284 approving Donation of Used Equipment to the Vaughn Volunteer Fire Department for March 19, 2019.

Commissioner Moe 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 or any discussion amongst the Commissioners.

Mike Kaszula, 2416 2nd Avenue North, opined that spending money on the Electric City Water Park is taking care of tourism needs ahead of community needs. Mr. Kaszula requested that the Commission reconsider the closure of the Morony Natatorium.

Park and Recreation Director Steve Herrig reported that Park District 1, and Community Development Block Grant (CDBG) money are funding Agenda Item 11. There could possibly be more CDBG money for the Electric City Water Park project which could free up more money for the Park District projects; however, that would not be enough to address the issues with the Natatorium. Searching for a new pool facility will be done with a feasibility study.

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

Referring to Agenda Item 12, Commissioners' Robinson and Houck commented that the LED lighting for the parking garages will be a huge improvement for the City.

Referring to Agenda Item 10, Mayor Kelly commented that the software would allow citizens better access online to apply for permits.

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

Motion carried 5-0.

PUBLIC HEARINGS

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15. RESOLUTION 10280, TO ANNEX A PORTION OF A TRACT OF LAND EQUALING +/- 6.254 ACRES ADDRESSED AS 4415 RIVER DRIVE NORTH CURRENTLY OWNED BY TALCOTT HOLDINGS INC., AND ORDINANCE 3195 TO ESTABLISH I-2 HEAVY INDUSTRIAL ZONING.

Planning and Community Development Director Craig Raymond reported that the applicant, Talcott Holdings Inc., has requested postponement until March 19, 2019, in order to work through pending issues on the property.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the postponement of a public hearing on Resolution 10280 and Ordinance 3195 to March 19, 2019.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

16. RESOLUTION 10279 TO RE-CREATE BUSINESS IMPROVEMENT DISTRICT WITHIN THE CITY OF GREAT FALLS.

Finance Director Melissa Kinzler reported that the Commission is authorized by Mont. Code Ann. §§7-12-1101-1144 to create a Business Improvement District (BID). The goal of the BID is to maintain, beautify, and stimulate development in the historic downtown district.

The BID was originally created in May 1989, re-created in July 1999, and in July 2009. Mont. Code Ann. §7-12-1141 specifies that the BID shall not be for a period longer than 10 years unless the duration of the district is extended in compliance with the provisions for the creation of the district.

There were petitions/ballots signed by 82.75% of the property owners within the district asking for the re-creation of the BID. This percentage more than exceeded the statutorily required more than 60%. On January 15, 2019, the Commission adopted Resolution 10278, Intention of the City Commission to Re-Create the Business Improvement District (BID).

The property owners within the district were given a 15 day protest period following the first publication of the Legal Notice to re-create the district. During the 15 day protest period, one protest was received by the Clerk's office which resulted in a 0.22% protest against the district. One protest was received in the mail by the Clerk's office on February 5, 2019 from Marjorie Bensley, which was past the protest period timeframe. If this protest would have been received timely, it would have brought the percentage up to 1%. This is well below the required protest of 50% of total assessments required to stop the recreation of the district.

Mayor Kelly declared the public hearing open.

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No one spoke in opposition to Resolution 10279.

Speaking in support of Resolution 10279 were:

Andy Ferrin, Great Falls Business Improvement District Chairman, 308 1st Avenue South, expressed support of Resolution 10279.

Joan Redeen, Great Falls Business Improvement District, 318 Central Avenue, commented that the BID is a valuable asset to downtown, and expressed appreciation to City staff, the Commission, and community for supporting the BID.

There being no one further to address the Commission, 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 10279.

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

Commissioner Bronson commented that the BID does good work improving downtown, and is pleased that the BID has strong support from the community.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

17. ORDINANCE 3196, TO REZONE A PORTION OF PROPERTY OWNED BY ROBERT AND JAN LIVESAY ADDRESSED AS 2800 UPPER RIVER ROAD, FROM R-1 SINGLE-FAMILY SUBURBAN TO I-1 LIGHT INDUSTRIAL.

Planning and Community Development Director Craig Raymond reported that the applicants, Robert and Jan Livesay, requested that the City approve a rezone of a portion of the subject property. The property to be rezoned will be approximately 9,000 square feet once a boundary line adjustment has also been completed. Mr. Livesay originally came to the City in order to obtain a building permit to construct a storage building as part of the existing light industrial business use on the adjacent property.

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3196 on first reading and set a public hearing for March 19, 2019.

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

Mayor Kelly received clarification that the property west of the tract is the owners' contractor yard.

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

Motion carried 5-0.

18. ORDINANCE 3185, AMENDING TITLE 2, CHAPTER 9, ESTABLISHING SECTIONS 010-040 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE BOARD OF APPEALS.

City Attorney Sara Sexe reported that the Commission adopted the Community Development Block Grant (CDBG) Policies on April 17, 2018. One of the purposes of the policy was to remove the Commission from the appeal process for CDBG allocations.

Resolution 10283 will designate the Board of Appeals as the deciding body for CDBG allocations. This update will be consistent with the Commission's CDBG policies and would help eliminate any potential conflicts of interest in the future.

Written public comment was submitted prior to first reading. The individual who submitted the comment was concerned about the Board of Appeals being qualified to be the appeal body for CDBG allocations. It is Staff's position that the Board of Appeals, membership being that of the Board of Adjustment, is in the best position to be the appellate body for those challenges. The Board of Adjustment already has appellate jurisdiction over land use decisions.

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission adopt Ordinance 3185.

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

Commissioner Moe received clarification that Agenda Item 18 reestablishes the Board of Appeals, and Agenda Item 19 designates the Board of Appeals as the deciding body for the appeals of CDBG allocation decisions, and that Ordinance 3194 addresses the individuals concerns who submitted written public comment.

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

Motion carried 5-0.

19. RESOLUTION 10283, DESIGNATING THE BOARD OF APPEALS AS THE DECIDING BODY FOR APPEALS OF COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION DECISIONS.

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City Attorney Sara Sexe reported that Resolution 10283 will designate the Board of Appeals as the deciding body for CDBG allocations. This will be consistent with the Commission's CDBG policies and would help eliminate potential conflicts of interest in the future.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10283.

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

Commissioner Bronson pointed out that members on the Board of Appeals are more than qualified to be the deciding body for appeals of CDBG allocation decisions.

Commissioner Houck commented that Agenda Items 18 and 19 will make the process of allocating funds fair and equitable.

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

Motion carried 5-0.

20. ORDINANCE 3194, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 1 THROUGH 3; AND, REPEALING AND REPLACING CHAPTER 4 PERTAINING TO GENERAL PROVISIONS TO THE LAND DEVELOPMENT CODE.

City Attorney Sara Sexe reported that non-substantive changes include correcting typographical, grammatical, formatting, and referencing deficiencies in the Official Code of the City of Great Falls (OCCGF) Title 17, Chapter 4.

The amendments would clarify zoning regulations that apply to public entities developing land, as well as clarify that public entities are only exempt from regulations that are specifically designated by state law.

The amendments clarify the process the public entity would be required to follow to be exempt from the above listed regulations, as well as require public entities developing property to comply with all other development and property maintenance standards outlined in the OCCGF.

Commissioner Moe received clarification one reason for the proposed changes was due to a situation with the School District with regard to a potential misunderstanding of the application of Title 17 of the OCCGF. Commissioner Moe requested that the School District be notified of the proposed changes in the interest of cordial relations.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3194 on first reading and set public hearing for March 5, 2019.

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

Commissioner Bronson explained that Ordinance 3194 clarifies that a public entity, as well as a private entity that develops something for the government, and the government leases it, would be bound by the provisions.

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

Motion carried 5-0.

21. ORDINANCE 3199, AMENDING TITLE 6, CHAPTER 1, SECTION 090, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO MULTI-ANIMAL PERMIT/MULTIPLE ANIMAL HOBBY BREEDER PERMIT.

City Attorney Sara Sexe reported that Ordinance 3199 will make the OCCGF consistent with policy and the intent of the subject code provision. Ordinance 3199 will require all animals subject to multi-animal permits to be registered and collared or registered and microchipped.

Written public comment was received prior to first reading. The individual who submitted the comment was concerned about animal code enforcement being insufficient and suggested other substantive changes related to dangerous animals. Staff's position is that this is outside the scope of Ordinance 3199; however, Staff would be willing to address those policy changes in the future if so directed by the Commission. Commissioner Moe provided an additional suggested grammatical change which was incorporated.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3199.

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

Referring to Exhibit A, Commissioner Moe commented that there shouldn't be a comma after collared.

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

Motion carried 5-0.

CITY COMMISSION

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly extended an invitation to a play called "Converge: E Pluribus Unum" at the Great Falls High School Auditorium on February 20-22, 2019 at 7:00 p.m.

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Commissioner Houck announced that Judy Christensen passed away last week, and was an usher for the Mansfield Theatre, as well as a part-time employee at the City.

23. COMMISSION INITIATIVES.

None.

24. LEGISLATIVE INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Robinson moved, seconded by Commissioner Moe, to adjourn the regular meeting of February 19, 2019, at 8:00 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: March 5, 2019