

JOURNAL OF COMMISSION PROCEEDINGS

April 2, 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 City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Engineer Dave Dobbs; Finance Director Melissa Kinzler; Planning and Community Development Director Craig Raymond; 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. City Manager Doyon explained that Initiatives for Item #19 will be discussed during that portion of the meeting.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: Commissioner Bronson announced that he would be abstaining from the discussion and vote on Item #15

1.

PROCLAMATIONS

Commissioner Moe read Week of the Young Child; Commissioner Houck read Public Safety Telecommunicators Week; and Mayor Kelly read Esophageal Cancer Awareness Month.

PETITIONS AND COMMUNICATIONS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

John Hubbard, 615 7th Avenue South, inquired about the status of the water quality, and expressed concern with regard to tax increases, as well as the cost of the Gore Hill Water Tower logo.

Referring to Mr. Hubbard's water quality inquiry, Public Works Engineer Dave Dobbs responded that the most recent tests came back below the limits, and the chlorine is down as a result of the new ultraviolet system. Engineer Dobbs clarified that the water was never toxic and is safe to drink.

Laura Hodges, 2204 3rd Avenue North, expressed concern with regard to Ordinances not being enforced for vehicles parked on sidewalks. Ms. Hodges commented that walkability is a quality of life issue.

Mayor Kelly encouraged Ms. Hodges to discuss her concerns at a Neighborhood Council 8 meeting.

NEIGHBORHOOD COUNCILS

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3. APPOINTMENTS TO THE GREAT FALLS CITIZEN'S COUNCIL.

Mayor Kelly moved, seconded by Commissioner Robinson, that the City Commission appoint Commissioners Bronson and Houck to serve on the Great Falls Citizen's Council also known as Council of Councils for the May 29, 2019 meeting.

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

Commissioner Houck commented that she may not be available; however, she would find a replacement.

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

Motion carried 5-0.

Mayor Kelly commented that appointments to the Council of Councils for the October 29, 2019 meeting will be made at a later date.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly encouraged Neighborhood Council members to update the Commission either at a Work Session or Commission meeting.

BOARDS & COMMISSIONS

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

Mayor Kelly noted that the Parking Advisory Commission gave an update at the April 2, 2019 Work Session.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced:

- The City 190 system upgrade has been ordered and installation and training will be in May, 2019.
- Congratulations to Adam Jordan and Jed Sauder for being promoted to firefighter first class, as well as Joe Tinsley who completed his paramedic training.
- The Planning and Community Development Department will be closed Friday, May 3, 2019 for Development Review Training.
- Congratulations to Public Works Traffic Manager Jerry McKinley on his retirement.

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- Current Board and Commission openings include: the Housing Authority, Library Board of Trustees, Business Improvement District (BID), Police Commission, City-County Health Board, Golf Advisory Board and Advisory Commission on International Relationships.
- Feedback has been well received for the new format of the Utility Bills.

Police Chief Dave Bowen announced that there is a Swearing in Ceremony for five new police officers on Thursday, April 4, 2019. Two recruits graduated from the Montana Law Enforcement Academy, and Taylor Crouch received the Overall Academic Award.

CONSENT AGENDA.

7. Minutes, March 19, 2019, Commission meeting.
8. Total expenditures of \$1,399,713 for the period of March 1, 2019 through March 20, 2019, to include claims over \$5,000, in the amount of \$1,120,321.
9. Contracts list.
10. Approve Change Order No. 1 in the amount of \$13,762 and the Final Payment for the Public Works Fuel Tank Purchase and Installation in the amount of \$33,094.99 to NWESTCO LLC., and \$334.29 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and make the payments. **OF 1455.9**
11. Approve Change Order No. 1 in the amount of \$15,517.51 and approve Final Payment for the Meadowlark Drive Sewer Main Reroute in the amount of \$27,597.25 to Geranios Enterprises, Inc. and \$278.76 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and make the payments. **OF 1674.9**
12. Award a contract in the amount of \$416,751 to EJ Carpentry for the Public Works Facilities Repairs, and authorize the City Manager to execute the construction contract documents. **OF 1733**

Commissioner Moe moved, seconded by Commissioner Robinson, 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. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

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13. RESOLUTION 10286 TO ANNEX AND ORDINANCE 3202, TO ESTABLISH ZONING ON LOT 5 OF GRANDVIEW TRACTS, SECTION 13, T20N, R3E, P.M.M., CASCADE COUNTY, MONTANA CURRENTLY OWNED BY STEVEN AND CRYSTAL JOHNSON.

Planning and Community Development Director Craig Raymond reported that the owners of the subject property located at 335 21st Avenue South, and legally described as Lot 5 of Grandview Tracts, Cascade County, Montana, have filed for annexation of their property in order to be eligible to receive city water and sewer services. The lot is also located within what is known as the Upper/Lower River Road Water and Sewer District, Phase 5. As such, city utility mains have already been extended into the area and the owners within the district will be able to access those services if the Commission approves of annexation. The improvement agreement spells out who is responsible for what, what fees will be required of whom, and lists any on-site or off-site improvements that may be necessary as a result of the proposal.

The property being proposed for annexation is adjacent to current city limits on the north, south and west side. This annexation would be in keeping with the previously agreed to Memorandum of Understanding between the City and the Upper Lower River Road Water and Sewer District, and promote a logical and orderly expansion of the city limits. The designation of R-2 Single Family Medium Density zoning is also consistent with surrounding properties.

On February 12, 2019, the Great Falls Zoning Commission recommended that the Commission approve of the annexation, assignment of R-2 zoning, and that the Commission approve the annexation agreement.

Mayor Kelly declared the public hearing open.

No one spoke in support of or opposition to Resolution 10286.

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 Resolution 10286 to annex Lot 5 of Grandview Tracts, and approve the Improvement Agreement pertaining to the property and the accompanying Findings of Fact.

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

Commissioner Bronson inquired if it is unusual to annex just one property for the Upper/Lower River Road Water and Sewer District.

Director Raymond responded that it is unusual for an individual parcel like this; however, the property is eligible for annexation because of their contiguous proximity to the city limits.

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

Motion carried 5-0.

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Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3202 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.

14. CDBG & HOME GRANT/COMMUNITY NEEDS PUBLIC HEARING.

Planning and Community Development Director Craig Raymond reported that this public hearing is for the Commission to provide an opportunity for the community to provide testimony related to observed needs in the community that the City could address through targeted specific Community Development Block Grant (CDBG) funding. The Commission will not take action as the information will be compiled by staff and brought to the Commission along with other input received through community surveys and regular communication with community partners. Staff will also bring forward specific recommendations on possible funding strategies.

Staff has continued their emphasis on community outreach in a number of ways.

- A survey which was widely distributed around the community and circulated to many of the customary agencies which have been traditional community partners as well as other agencies that may not have traditionally been targeted.
- Attendance at the Council of Council's meeting.
- Discussions with city departments on community infrastructure needs that might serve low and moderate income (LMI) areas and aggressively improve Americans with Disabilities Act (ADA) access throughout the city.

Mayor Kelly declared the public hearing open.

Shyla Patera, North Central Independent Living Services, 1120 25th Avenue Northeast, expressed support of the construction of homes and rentals that are handicap accessible. Ms. Patera concurred with a previous speaker with regard to the importance of sidewalk mobility, as well as addressing parking issues. Referring to the ADA Transition Plan, Ms. Patera commented that she would like to see pavement preservation continue. She concluded that LMI affordable housing and economic development, as well as the City partnering with employers that will hire citizens with disabilities, should be a priority.

Sherry Arey, NeighborWorks Executive Director, 2700 3rd Avenue North, commented that allowing Staff to maneuver the levels that are to be funded in the different projects would give Staff more leeway. Ms. Arey encouraged Staff to consider CDBG funds for single-family home rehab, and expressed support with regard to the City using CDBG and Home funds to accomplish a variety of priorities.

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There being no one further to address the Commission, Mayor Kelly asked again if the Commissioners had any questions of staff.

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

15. LEASE OF CITY-OWNED PROPERTY, CURRENTLY HELD BY PUBLIC WORKS SANITATION DIVISION, PARCELS 3016300 & 3015100 LOCATED THREE AND ONE HALF MILES NORTH OF THE MANCHESTER EXIT, COMPRISING OF 316.5 ACRES FOR A PERIOD OF THREE (3) YEARS TO RONALD LAUBACH IN THE AMOUNT OF \$7,000 PER YEAR.

Public Works Engineer Dave Dobbs reported that after a site selection involving approximately 50 properties, the Sanitation Division purchased two parcels north of Manchester on September 10, 1991, for a total of \$149,708.74, as a potential landfill site. The City Sanitation Division currently uses the High Plains Landfill leased by Montana Waste Systems. The current contract between the City of Great Falls and Montana Waste Systems expires on January 1, 2025.

These parcels were approved as Conservation Reserve Program (CRP) in 1993. Annual rental payments received from the CRP program totaled \$122,901. This program expired on September 30, 2011. With the CRP program phased out for governmental properties, the City looked into leasing the property to the private sector.

By leasing the Manchester property, the City would keep its options open and allow the City Sanitation Division to have leverage in future disposal contract negotiations with Montana Waste Systems. Entering into a crop lease with Ronald Laubach would continue to give the City Sanitation Division additional revenue.

Commissioner Bronson stepped out at 7:47 p.m. and returned at 7:49 p.m.

Mayor Kelly declared the public hearing open.

No one spoke in favor of or opposition to the lease agreement.

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

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the cash farm lease agreement from Ronald Laubach for the lease of City-Owned property parcels 3016300 & 3015100 located three and one half miles north of the Manchester Exit, comprising of 316.5 acres for a period of three (3) years.

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

Commissioner Robinson expressed concern that the City could lose its leverage if it is unable to get out of the lease before the second extended period.

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City Attorney Sara Sexe responded that the lease has an automatic renewal for two additional two year terms, first and second extended terms, unless there is a six month notice prior to the expiration.

Mayor Kelly inquired what the rate for the five year lease was for Arrow Kay Farms, as well as Arrow Kay Farms not renewing their lease.

Public Works Engineer Dobbs responded that he would provide that information to the Commission once he receives it.

Motion carried 4-0-1. (Commissioner Bronson abstaining)

OLD BUSINESS

NEW BUSINESS

16. **WESTWOOD PLAZA – MINOR SUBDIVISION, A SUBDIVISION OF LOT 2 OF THE AMENDED PLAT OF BLOCK 1, WESTWOOD NO. 2 ADDITION LOCATED IN THE N ½ OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MT.**

Planning and Community Development Director Craig Raymond reported that the applicant is requesting a minor subdivision of the subject property to create two lots. The new lot, Lot 2C, is proposed to be 0.885 acres in size and will become a pad site for a new commercial building along the Northwest Bypass. The proposed new lot conforms to the C-2 General Commercial district development standards in terms of lot area and lot width.

There were a few critical issues that surfaced during the processing of the application and working with the developer. Those items include:

Existing Encroachments: There is an existing encroachment on the westerly property boundary of the proposed Lot 2C. This encroachment is related to several parking spaces associated with the adjoining business to the west. The owners are working with the neighboring property to eliminate the encroachment or provide a parking easement on the plat that both parties can agree upon. There is also a dumpster that partially encroaches on the lot that is being used by the adjoining business to the east. All existing encroachments on the newly created lot must be removed or reflected in shared agreements with adjoining property owners.

An existing free-standing sign for Staples is located on the proposed Lot 2C parcel. The Staples store is located on the existing parcel that has been proposed for subdivision. The proposed subdivision would change the status of this sign from “on-premise” to “off-premise.” This will require a sign easement, and the applicant should be aware that the continued presence of the sign will require compliance with specific regulations contained in the City Sign Code.

Access: The applicant has been in discussion with the Montana Department of Transportation (MDT) regarding access to the site from the Northwest Bypass. MDT will only allow, a “right-in”

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turn for westbound motorists. As a result, the applicant will have to provide egress from the new lot through the adjoining property to the west. Shared parking and access arrangements already exist that simply need to be updated to reflect the new lot configuration.

Utilities: A sewer main currently runs underneath the Northwest Bypass and should be readily available for connection to future development of Lot 2C. A City storm drain line runs along the north side of the Bypass and can be used to outlet storm water. A full drainage report which demonstrates that water quality and quantity standards can be met will need to be provided to the Public Works Department for review. There is an existing water main that is not on either Lot 2B or 2C that would need to be extended to the west to provide domestic water to the site.

The Planning Advisory Board reviewed and approved the draft amended plat for the proposed subdivision on March 12, 2019.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission approve the amended plat for a minor subdivision of lot 2 of Westwood Plaza No. 2 Addition, located in the N ½ of Section 2, Township 20 N, Range 3 East, P.M.M. City of Great Falls, Cascade County, Montana as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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.

17. 2019/2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) POLICIES AND CITIZEN PARTICIPATION PLAN.

Planning and Community Development Director Craig Raymond reported that the Citizen Participation Plan outlines the program requirements for ensuring that the citizens of Great Falls are informed about all aspects of the CDBG and HOME program. In particular, the Plan must provide for involvement of those citizens that will be most impacted by the program, low to moderate income (LMI) citizens.

The Plan requires the City to make every reasonable effort to consult with public, private and non-profit agencies that provide service to LMI residents such as housing, health care, and social services. In particular, extra attention must be paid to outreach with agencies that focus services on the elderly, disabled community, and minority populations.

Other components of the Plan include: 1) notification requirements for hearings, 2) making sure all program information is readily accessible, 3) requirements for timely response to public requests, and 4) requirements for amendments to program documents.

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City staff and the City Commission made sweeping changes to the Community Development Block Grant program last year. Over the course of the last year, staff has been working through these changes, communicating with historical community partners, interested citizens and HUD as the year has progressed. This year, staff is not recommending many significant changes to either the Citizen Participation Plan or programmatic policies; however, staff is recommending some minor changes and one substantial change as follows:

- Appeals of City funding decisions for grant requests: Recently, the City Commission adopted Resolution 10283 designating the Board of Appeals as the body to hear any request from grant applicants who disagree with staff's decision relative to grant application funding. This appeal process has been added to the Grant Policies document.
- Elimination of a focus group meeting from the process to determine funding priorities: A focus group meeting was built into the citizen participation process during 2018 to determine the priorities for the current fiscal year. Staff determined that this meeting was not a valuable data collection tool.
- Clarification on the review of loan applications: A clarification was added noting that only loan applications that are "non-emergency" in nature require review by a 3rd party loan board. Currently, emergency loans (for example, loans addressing broken utility lines) only require two City staff signatures.
- Elimination of references to the City's Code Enforcement Officer: In 2018, the City removed this position from being partially funded through the CDBG program.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt the Community Development Block Grant Policies; and adopt the Citizen Participation Plan.

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

Sherry Arey, NeighborWorks Executive Director, 2700 3rd Avenue North, expressed support of the CDBG Policies and Citizen Participation Plan; however, expressed concern with regard to cancelling the focus group.

Mayor Kelly inquired about the focus group being determined not to be a valuable data collection tool.

Director Raymond responded that there were so many small groups at the same time, making it difficult for staff, who had limited knowledge of CDBG, to manage. Director Raymond mentioned that a focus group could be an option for next year.

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Manager Doyon received clarification that the focus group from last year's process was eliminated and everything else has been maintained with regard to public participation.

Commissioner Houck expressed concern that only two citizens provided input for the Consolidated Plan Community Needs Public Hearing. She inquired if notification about the Needs Public Hearing was made available to all service providers.

Director Raymond responded that notice of the Needs Public Hearing was made available to all Great Falls Housing Authority residents and given to the nine Neighborhood Councils, local non-profit agencies, and City Departments, as well as posted on the City's website. Over the past few years, the majority of citizens that provided input at the Needs Public Hearing were in the public service category, which has been significantly reduced.

Commissioner Robinson received clarification that the elimination of the focus group would not affect CDBG allocations.

Commissioner Bronson encouraged staff to take another look at how to better manage a focus group for next year, and to seek public input to the funding allocation process.

Commissioner Moe requested that staff provide the CDBG Policies and Citizen Participation Plan earlier in the future.

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

Motion carried 4-1 (Commissioner Moe dissenting).

18. **AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GREAT FALLS, GREAT FALLS AGRITECH PARK, LLC AND GREAT FALLS AGRITECH PARK OWNERS ASSOCIATION, LLC.**

Finance Director Melissa Kinzler reported that on July 21, 2015, the Commission adopted Ordinance 3134 and approved a Development Agreement with Great Falls Agritech Park, LLC, the Developer, Great Falls Development Authority (GFDA) and the Owners Association, Great Falls Agritech Park Owners Association, LLC pertaining to East Industrial Park Tax Increment Financing Industrial District. The Development Agreement provides for reimbursement to the Owners Association of up to \$6,789,867 for infrastructure improvements consisting of road, water, sewer and rail improvements from tax increment of the District. Reimbursements for the Infrastructure Improvements were agreed to be reimbursed in three phases as set forth in Exhibit B to the Development Agreement. The reimbursements would begin upon the completion and acceptance by the City of each phase of Infrastructure Improvements.

Issues arose from GFDA's execution of the Infrastructure Improvements. As a result, GFDA raised the following issues which would require amendment of the Development Agreement: (1) reimbursement by the City for costs associated with Northwestern Energy's utility work that was not covered by the Development Agreement; (2) the Developer to become the payee for purposes of the reimbursement obligations instead of the Owner Association; and (3) reapportionment of the

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aggregate dollar amount of the reimbursements among the build-out phases due to the Developer's changes in build-out planning and construction bidding.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission approve Amendment No. 1 to Development Agreement with Great Falls Agritech Park, LLC and Great Falls Agritech Park Owners Association, LLC.

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

Lillian Sunwall, 709 2nd Avenue North, Great Falls Development Authority (GFDA), representing the Great Falls Agritech Park, LLC and Great Falls Agritech Park Owners Association, LLC, expressed appreciation to City staff for their efforts.

Mayor Kelly reiterated that there is no overall fiscal impact on the district, and the dollar amount remains the same.

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

Motion carried 5-0.

19. GREAT FALLS ANIMAL SHELTER CATTERY ADDITION (OF 1673).

Deputy City Manager Chuck Anderson reported that in 2012, the Animal Shelter staff began working with Nelson Architects to develop a Master Plan for the shelter. The plan identified current, desired, and future space needs for the facility and options for achieving those needs. The plan focused on additions to the existing building, including a cattery addition, canine area expansion, interior office and reception area remodeling, exterior façade renovation, site work, and landscaping, and provided cost estimates. The plan was developed due to the increasing Animal Shelter usage and how to best reduce animal stay time in the facility by increasing animal capacity space.

The Commission approved the professional services agreement with Nelson Architects for architectural/engineering services in May, 2013, and in October, 2013 approved the Master Plan facility and funding recommendations provided by staff. Additionally, at the April, 2017 Commission Retreat, the Animal Shelter was given approval to pursue dollar-for-dollar grant matches from the American Society for the Prevention of Cruelty to Animals (ASPCA).

Over the last six-years, the Animal Shelter staff has hosted more than 50 adoption and major fundraising events. Through the combined efforts of the staff and the community partners, the Animal Shelter has raised \$463,185.56 to fund this project.

The proposed Cattery Addition is part of a phased-approach to expand the current facility and to provide new and/or improved services. With this addition, the Animal Shelter will be able to receive and install a new Hydro-Incinerator.

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The Hydro-Incinerator is a state-of-the-art device that uses water to mimic the natural decomposition process, introducing a more environmentally friendly alternative to the current cremation process. Once installed, it's estimated to save at least \$30,000 per year in operating costs. Additionally, having this new incinerator will relieve the Animal Shelter from the \$2,300 annual repair and maintenance costs of the current incinerator.

The Animal Shelter is the only facility in the region that provides any animal cremation service, and the service is used by numerous local/county veterinarians and private citizens. Additionally, this service to the community results in an annual revenue stream in excess of \$40,000 for the shelter. The Hydro-Incinerator is being purchased separately through Bio-Response Solutions Inc., and will be installed during this construction project.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission postpone action on a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition until September 3, 2019.

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

Written correspondence in support of the Cattery Addition was received from **Mark Metzger**, ticket 122019e77, and **Linda Metzger**, ticket 1223151a7.

Commissioner Robinson expressed concern with regard to the Great Falls Animal Shelter Cattery Addition and the Maclean Animal Adoption Center combining resources with the Animal Shelter being in conflict with one another. Commissioner Robinson commented that the Animal Shelter building is obsolete, and expressed concern with putting further resources into it. Commissioner Robinson expressed concern with regard to donations intended specifically for the Cattery Addition, as well as continuing with the Commission Initiative. Commissioner Robinson expressed support to the purchase of the new incinerator; however, commented that the bid does not separate the purchase of a new Hydro-Incinerator and the Cattery Addition. He concluded that postponing the bids until May 7, 2019 would keep them current; however, would not allow enough time to consider the Commission Initiative of having conversations with regard to combining the Great Falls Animal Shelter with the Maclean Animal Adoption Center.

Commissioner Bronson expressed concern that having conversations with the Maclean Animal Adoption Center would never result in a situation where everything would be combined with the Great Falls Animal Shelter. Based upon the structure and operations of the Great Falls Animal Shelter in 2007, Commissioner Bronson commented that a recommendation was made to not put any further resources into the building; however, the concept behind the 2007 Masterplan was to continue to operate the Animal Shelter into the future despite the conditions of the building.

By postponing the decision, Commissioner Bronson expressed concern that individuals who made donations for the Cattery Addition could potentially request their donation back, as well as creating an atmosphere of confrontation instead of cooperation.

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Commissioner Houck received clarification that postponing action until September 3, 2019 effectively rejects the bid from Detailed Construction. Commissioner Houck commented that donations were raised specifically for the Cattery Addition, and expressed concern with regard to losing such an incredible bid.

Commissioner Moe commented that she believes Commissioner Robinson can lead the conversations with regard to combining the Great Falls Animal Shelter and the Maclean Animal Adoption Center. She concluded that the two entities have a very similar mission with regard to “Animals First.”

Commissioner Robinson explained that he and Commissioner Moe are the Commission representatives for the Animals First group, which meets weekly to discuss combining the Great Falls Animal Shelter and the Maclean Animal Adoption Center.

Commissioner Bronson inquired about proceeding with the Animal Shelter Cattery Addition causing problems with regard to negotiations.

Commissioner Robinson responded that the Maclean Animal Adoption Center already has a Cattery. If the two entities were combined, it would be possible that the Animal Shelter would no longer be used.

With regard to the Animal Shelter Cattery Addition, Commissioner Moe commented that it would be duplicating the same service, as well as making a financial commitment.

Mayor Kelly commented that there is an opportunity for combining two entities in a new environment to be utilized in a way that was meant to improve the health of the animals. Mayor Kelly explained that a Cattery Addition is definitely needed; however, determining the location needs to be discussed. The City’s obligation to the tax payers is to create efficiencies, and exploring conversations with regard to combining the Great Falls Animal Shelter and the Maclean Animal Adoption Center need to be explored one final time. Mayor Kelly expressed concern about losing such a decent bid for the Cattery Addition; however, he commented that moving forward with the Cattery Addition and Hydro-Incinerator would bring pressure to negotiations for combining the Animal Shelter and the Maclean Animal Adoption Center.

Commissioner Houck received clarification that a Cattery Addition is needed; however, determining the location is the issue.

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

Motion carried 3-2 (Commissioners Houck and Bronson dissenting).

ORDINANCES/RESOLUTIONS

20. **ORDINANCE 3197, AMENDING TITLE 1, CHAPTER 2, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) ADDING SECTION 050 ESTABLISHING A PUBLIC HEARING PROCEDURE.**

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City Attorney Sara Sexe reported that Ordinance 3197 establishes standard procedures for conducting public hearings for all City boards, commissions, committees, and councils. This will provide a consistent standard for City officials and staff, along with the public, that will improve efficiency and continue to protect public participation and due process considerations.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3197 on first reading and set second reading for April 16, 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.

21. **ORDINANCE 3198, AMENDING TITLE 17, CHAPTER 16, ARTICLE 6, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO PUBLIC HEARINGS.**

City Attorney Sara Sexe reported that Ordinance 3198 will provide assistance to presiding officers in conducting public hearings fairly and efficiently, in educating and informing the public as to the procedures by which public hearings are held, and in allowing a uniform process for public participation in City government.

Ordinance 3198 will require applicants to provide written materials before the public posting of the agenda for the subject meeting. The applicant would be allowed to supply additional materials up to 72 hours before the scheduled meeting, if it chooses to do so after review of the posted staff report. These changes will provide more opportunity for the governing body, the public, and staff to review the materials for substance prior to hearing. This would also reduce the need for postponing actions on agenda items.

Ordinance 3198 will also provide for an additional public hearing after the receipt of new, relevant and credible information during the public hearing. This would allow the information to be fully considered by the governing body, the public, and staff.

Additionally, Ordinance 3198 includes the opportunity for additional public comment on a motion, in limited situations. These situations would be after a hearing is closed, and the motion presented substantially deviates from the publicly advertised motion which was suggested by staff. This would allow the body to hear limited public comment regarding the motion without the need to either set an additional public hearing at a later time, or to postpone the action on the item. Staff anticipates that the need for this additional public comment opportunity would occur very infrequently.

Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3198 on first reading and set second reading for April 16, 2019.

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

Mayor Kelly recommended a flowchart be included for the second reading on April 16, 2019.

City Attorney Sexe commented that, if Ordinance 3198 is adopted, the Legal Department will provide board training.

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

Motion carried 5-0.

22. ORDINANCE 3203, AMENDING TITLE 2, CHAPTER 21, SECTION 090, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE GREAT FALLS ETHICS COMMITTEE MEETING SCHEDULE.

City Attorney Sara Sexe reported that the Great Falls Ethics Committee was established in 2017 to help ensure that City officials and staff continue to comply with Mont. Code Ann. Title 2, Chapter 2, pertaining to code of conduct for public officials and the Official Code of the City of Great Falls (OCCGF) Title 2, Chapter 21. As the Code is currently written, the Committee is required to meet on the first Wednesday of the month in the City Commission Chambers after a matter has been referred to the Committee.

Coordinating Committee members' schedules to meet these specific provisions has become difficult, resulting in rescheduling or cancellation of meetings. Staff is recommending to remove this "first Wednesday" requirement to allow greater flexibility in scheduling Ethics Committee meetings. Additionally, Staff recommends to remove the requirement that the meetings be held in the City Commission Chambers, to allow for use of other areas of the Civic Center, as needed. These changes will improve efficiency and allow for more timely meetings.

Staff also recommends that Ordinance 3203 allow for the City Attorney, in addition to the City Manager, to refer issues to the Ethics Committee. This is necessary for situations which arise where the City Manager may be unable or unwilling to refer the issue.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3203 on first reading and set second reading for April 16, 2019.

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

Commissioner Moe commented that the Ethics Committee should be dissolved, and to rely on the statute that covers Ethics matters.

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

Motion carried 5-0.

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23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly expressed appreciation to Commissioner Bronson for filling in as Mayor Pro Tempore at the March 19, 2019 Commission meeting.

Mayor Kelly extended an invitation for community discussion in conjunction with No More Violence Week at the Great Falls College MSU on April 4, 2019 at 6:00 p.m., and encouraged the public to access the website for Alliance for Youth or No More Violence on Facebook to view the full schedule.

Commissioner Houck announced that there is a reception at the Paris Gibson Museum on April 5, 2019 at 4:30 p.m. for Great Falls Public School students to showcase their art at Paris Gibson Square Museum of Art. Commissioner Houck commented that No More Violence Week will wrap up the week with “Rock the Town in Hope.”

Commissioner Houck announced that former State Representative Jean Price had passed away, and commented that the community is a much better place because of her.

24. COMMISSION INITIATIVES.

None.

25. LEGISLATIVE INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Robinson moved, seconded by Commissioner Bronson, to adjourn the regular meeting of April 2, 2019, at 9:15 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: April 16, 2019