

JOURNAL OF COMMISSION PROCEEDINGS
April 16, 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; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; 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: Mayor Kelly noted that he will be recusing himself from the vote on Agenda Item 12.

1.

PROCLAMATIONS

Proclamations were read by Commissioner Bronson for Arbor Day (April 26th); Commissioner Moe for Earth Day (April 22nd); and Commissioner Robinson for Knights of Columbus Appreciation Days (April 25th – 28th).

PETITIONS AND COMMUNICATIONS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Erin Kolczak, 1612 2nd Avenue South, expressed frustration regarding the Commission's recent decision to effectively table the building of the cattery at the Great Falls Animal Shelter. She noted Commissioner Robinson's involvement with the Animal Foundation, as well as Mr. and Mrs. Robinson's large donation to the Animal Foundation. Ms. Kolczak commented that anyone with a personal interest in a particular venture should not be involved in policy making voting regarding decisions that affect their own personal interests. She also expressed concern about Commissioner Robinson's and Commissioner Moe's lack of transparency pertaining to meetings with the Animal Foundation board members with the intention of creating another proposed partnership to put in front of the City Commission for consideration. She suggested that, by pushing the bids out further, the Commission was stonewalling the project that was being funded by private donations.

Jeni Dodd, 3245 8th Avenue North, commented that it was a conflict of interest and Commissioner Robinson should have recused himself from the vote on the cattery contract. She noted that Commissioner Robinson has stated that the Animal Foundation never intended to run the Maclean Cameron Animal Adoption Center, and that they built it hoping the City would take over. Ms. Dodd took exception to the City's opposition to HB 325 and HB 357. She commented that Great Falls has no compelling interest to violate second amendment rights merely because some citizens

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are uncomfortable with guns. She opined that by drafting and signing a letter in opposition to HB 325 and HB 357, the Commission violated open meeting laws. Ms. Dodd concluded that it was unethical of Commissioners Robinson and Moe not to reveal their discussions with the Animal First group during the ex parte communications portion of the Commission agendas.

Suzie Stephenson-Love, 300 South Ridge Court, commented that, as an animal lover and as a tax payer, she was pleased to learn that the Commission decided to begin talks with the Maclean Cameron Animal Adoption Center and explore the possibility of combining services and resources. She hopes the talks are productive and lead to a partnership. She concluded that everyone that came to speak on this issue are united in their love for animals and want what is best for animal welfare. Stepping back and providing time for the City to explore a possible partnership is the right thing to do for the City and the animals.

Deb Scherrer, 725 7th Avenue South, volunteer at the Great Falls Animal Shelter, commented that, due to a conflict of interest the vote on the cattery contract should be brought up again and that Commissioners Robinson and Moe should recuse themselves. She has worked many hours volunteering for the HUG project to raise money for the cattery. A lot of people that donated time and/or money are going to be disappointed if the cattery is not built and the Animal Shelter is not improved. She concluded that the shelter has a place, the foundation has a place, and that they are both needed.

Pam Nicol, 2700 2nd Avenue South, commented that, as a volunteer for the Great Falls Animal Shelter, she has seen the state of overcrowding and is worried about the health of the animals. Cat condos and a visitation area will provide more space for the cats to be out of kennels and socializing, and will help with their ability to get adopted. She expressed frustration that the Animal Shelter has been raising money for the past six years, and then is stopped at this very important time in moving forward with the cattery. Due to Commissioner Robinson's history with the Animal Foundation, she urged the Commission to reconsider its decision, and revote with Commissioner Robinson recusing himself.

Richard Liebert, 289 Boston Coulee Road, announced that the Department of Environmental Quality is hosting a public listening session on April 24th from 6:00 – 9:00 p.m. at Great Falls High School regarding the Black Butte Copper Mine project. As tax payers, he noted the importance of requiring proper bonding for these types of projects. Mr. Liebert also announced that the Cascade County Planning Board directed staff to begin the county growth policy review process, and noted that public comment is welcome. As president of Great Falls public radio station KGPR, he thanked everyone that donated during pledge week for local programming, and he encouraged more people to join the board.

Veronica Vantreeck, 1624 8th Avenue NW, commented that the Great Falls Animal Shelter does not turn animals away. There is an overpopulation of animals running around in the city that people have abandoned. All of the shelters are full. The Pet Paw-See and Maclean Animal Adoption Center have turned pets away. Ms. Vantreeck reminded the Commission that these funds were donated by the people. At her urging, even her family from out of state sent money for the HUG project because she wanted the animals to have more room. If the project is delayed until September there will be no chance for construction of the cattery. Construction prices will go up

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and the project will have to be re-bid. She urged the Commission to move this matter up for consideration at the next Commission meeting.

John Hubbard, 615 7th Avenue South, discussed the costs involved in having to cut down a tree on his property with Dutch Elm disease. He also noted that the City's water system exceeded the maximum contaminant level for the first quarter of 2019, after being told at the last meeting that the water quality was good.

John Huber, 3912 14th Avenue South, commented that he is a board member of Maclean Animal Adoption Center and currently the head of the fund raising committee. He reported that Commissioners Robinson and Moe have the City's interest at heart. There was no "secret society" created. The Animals First meetings were brain storming sessions to figure out ways to make both facilities better for the animals and animal supporters. Mr. Huber commented that the Maclean Cameron Animal Adoption Center has never strayed from its ideals. They knew if they waited for the City to build a new shelter, they would be waiting forever. The Maclean was built with the help, work, and effort of all walks of life, social and economic backgrounds. Mr. Huber concluded that Commissioners Robinson and Moe have made it known from the get go at these meetings that they represent the City and the City's best interests.

In response to John Hubbard's comments regarding water quality, Water Treatment Plant Manager Wayne Lovelis clarified that the last two HAA5 samples were below the limit. He explained that the State requires a running annual average. Therefore, the last sample was averaged with the last three quarters. According to that average, the City was still out of compliance. However, according to the individual samples on all eight sites, the levels were well below the limit.

Commissioner Moe responded to comments made that there was something improper about her discussions with the Animal Foundation without notice to the public. She explained that, as part of her job as Commissioner, the only time deliberations are made are when there is a quorum of the Commission members, and it takes place at a Commission meeting. Another part of her job as Commissioner that she believes is equally important is her obligation to meet with people who think they have an idea that can make this community better. Examples of other situations where she has met with other Commission members or by herself are the Continuum of Care and Future of the Falls groups. Those meetings were also not improper, and she believes they are an important part of her job to bring initiatives forward in a proactive way.

Commissioner Moe continued that Commissioner Robinson was being transparent when he announced at a Commission meeting that he was interested in pursuing discussions with the Animal Foundation. They both recognized those discussions may or may not come to the City, but they both believed they needed to be had.

She hopes everyone will get back to the real issues about the Animal Shelter and the need for a cattery. Their decision on April 2nd was not to not have a cattery, or never to use the donation money, it was to give them time to see if they could come to a solution that would be beneficial to both sides. The second bid that went out had been scaled down from the original plan because there wasn't enough money to fund the original plan. Her thought was, if they could get enough money that would be the better plan to go with. And, if they could wait a little bit, they would

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know if there was greater opportunity for a fund raising partnership. She was looking at this situation from a long term perspective; that being two organizations that are duplicating some services that could be combined in a way to save the City money since there are other needs, such as funding public safety requests.

Commissioner Robinson believes it is important that a dialogue is started on animal welfare and what is best for animals in Great Falls, and that he's coming at that issue from the side of the City. He represents the City and the City's best interests. He no longer serves on the Maclean board, and noted that he had donated money to them as well as several other organizations in the community. He noted that another big goal of his as a Commissioner is getting ADA bathrooms in City parks. Doing the right thing is his job as Commissioner, and to try to be as efficient as City government can possibly be.

Although some people may think that he is in favor of combining the two groups, Commissioner Robinson reported that it is way too early to say that. The discussions haven't gotten that far, and he noted that he thought the cattery might get in the way. At the last Commission meeting, Commissioner Bronson asked why would building the cattery affect his study of better working relations or perhaps combining the Animal Shelter with Maclean. At the time he thought it might derail what they were trying to do - save money. Since that time Commissioner Robinson commented that he has been haunted by that question, as well as how could he ignore the fund raising efforts to build a cattery and then not do it.

Commissioner Robinson recommended that the Commission schedule a special Commission meeting between now and May 7th with one agenda item, to consider rescinding the Commission's previous action to postpone the vote on considering the bid to build the cattery at the Animal Shelter. If that occurs, the bid and contract award for the cattery can be added on the May 7th agenda for Commission consideration.

It was the consensus of the Commission for staff to schedule a Special Commission Meeting before May 7th.

Commissioner Houck noted that, although she is in favor of having that meeting, she may have some scheduling conflicts that prevent her attendance.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports or announcements from Neighborhood Council representatives.

BOARDS & COMMISSIONS

4. APPOINTMENT TO THE CITY-COUNTY BOARD OF HEALTH.

Commissioner Robinson commented that he was unable to attend the applicant interviews and therefore would recuse himself from the vote.

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Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission appoint Amanda Ball to the City-County Board of Health for the remainder of a three-year term through December 31, 2021.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly noted that the Commission conducted interviews today of two applicants with remarkable qualifications.

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

Commissioner Moe commented that of the candidates the Commission has interviewed this was the closest decision for her. Both applicants bring different but extremely interesting skillsets and experiences to the position. The deciding factor for her was creating diversity on the board. She encouraged the other candidate to continue his interest.

Commissioner Houck added that it was impressive to her that both candidates' employers fully supported their involvement on the board.

Commissioner Bronson added that this board benefits from the broadest types of experiences and Ms. Ball brings a different type of perspective that will be helpful.

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

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

5. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

Commissioner Houck announced that she was appointed to attend the Council of Councils meeting in May, but has a conflict in her schedule and will not be able to attend that meeting.

CITY MANAGER

6. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that there has been an unprecedented amount of water service line breaks during February and March. For properties that have exceeded their prior year water usage during December through March, the Finance Department will recalculate those utility bills keeping in mind that there was probably a water break and associated service disruption issues.

He further reported that the meeting date for the Great Falls Citizen's Council, referred to as the Council of Councils, was changed to May 28th, rather than May 29th, at 7:00 p.m. in the Gibson Room in the Civic Center.

Manager Doyon also made the following announcements:

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- The annual Easter egg hunt will occur in Gibson Park on Saturday, April 20th. Games and entertainment begin at 10 a.m., and the hunt begins at 11 a.m. He expressed appreciations to Jim and Debbie Filipowicz of Steel Etc. for sponsoring the event.
- The 40th annual Ice Breaker road race is scheduled for Sunday, April 28th.
- The Coins for a Cause project in the downtown area was extended through May 31, 2020.
- The CodeRed app is available for download and provides public safety information in the event of an emergency.
- Greg Suket was promoted to the Executive Director position at the Great Falls Housing Authority.

CONSENT AGENDA.

7. Minutes, April 2, 2019, Commission meeting.
8. Total expenditures of \$2,547,489 for the period of March 16, 2019 through April 3, 2019, to include claims over \$5,000, in the amount of \$2,318,329.
9. Contracts list.
10. Approve the Final Payment for the Sanitary Sewer Trenchless Rehabilitation Phase 21 project in the amount of \$357,120.72 to Planned and Engineered Construction (PEC) and \$3,607.28 to the State Miscellaneous Tax Fund, and authorize the City Manager to make the payments. **OF 1674.8**
11. Approve a Professional Services Agreement with Advanced Engineering and Environmental Services, Inc. (AE2S) in the amount of \$2,268,008 for the Water Treatment Plant Filtration Improvements project. **OF 1637.1**

Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission approve the Consent Agenda as presented.

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

John Hubbard, 615 7th Avenue South, opposed the project amount in the agreement for Item 11.

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

Motion carried 5-0.

PUBLIC HEARINGS

12. **TALCOTT HOLDINGS, INC. WITHDRAWAL OF APPLICATION FOR ANNEXATION AND ESTABLISHMENT OF ZONING, RE: RESOLUTION 10280 TO ANNEX A PORTION OF A TRACT OF LAND EQUALING +/- 6.254 ACRES LEGALLY DESCRIBED AS MARK 7K, IN SECTION 4, T20N, R4E P.M.M., CASCADE COUNTY,**

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MONTANA, AND ORDINANCE 3195 TO ESTABLISH I-2 HEAVY INDUSTRIAL ZONING.

Planning and Community Development Director Craig Raymond reported that on March 19, 2019, the City Commission set a public hearing to consider Resolution 10280, Ordinance 3195, the associated Findings of Fact, and the Annexation Agreement for tonight's meeting. In a letter dated March 31, 2019, the applicant's representative formally requested that the City Commission accept their request to withdraw the annexation and the zoning request. Staff recommends that the City Commission not conduct the public hearing and to deny Resolution 10280 and Ordinance 3195.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the Applicant Talcott Holdings, Inc., request for withdrawal of the application for annexation and establishment of zoning, and therefore deny Resolution 10280 and Ordinance 3195.

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 4-0-1 (Mayor Kelly abstaining).

13. RESOLUTION 10288 – A RESOLUTION APPROVING A REQUEST TO EXPEND GREAT FALLS DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING DISTRICT FUNDS FOR FACILITY MAINTENANCE AND IMPROVEMENTS TO THE CITY'S NORTH AND SOUTH PARKING GARAGES.

Planning and Community Development Director Craig Raymond reported that this public hearing is to consider the adoption of Resolution 10288 which would approve an application for reimbursement for costs associated with municipal owned parking garage maintenance and improvement projects.

The Downtown Urban Renewal and Tax Increment Financing District was established by the City Commission in 2012 and encompasses property roughly between 5th Avenue South to 3rd Avenue North and Park Drive to 10th Street.

The Parking Advisory Commission is requesting \$470,000 from the Downtown Urban Renewal District to be used along with over \$400,000 of Parking Division Reserve Funds to finance much needed deferred maintenance as well as important energy efficiency, occupant safety and crime deterrent improvements. Deferred maintenance items primarily have to do with concrete restoration and preservation, joint and crack sealants and repair of water damaged elements of the buildings. Energy efficiency and Safety improvements include LED lighting conversion and surveillance system installation. Operational improvements include replacement of old and damaged entrance gate and revenue control systems.

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In order to approve TIF reimbursement requests, it shall must be demonstrated that they meet the criteria recommended in the Urban Renewal Plan as well as the Montana Code Annotated. To aid in this determination, the City of Great Falls' Tax Increment Application Process established twelve specific criteria to assess the merits of the project in relation to the Plan.

After review and evaluation of the planning project, City staff has determined that the proposed use of TIF funds qualify for funding based in the following criteria:

Public Infrastructure Improvements - The TIF funding would help with city-owned parking structures which serve the general public and enables those who desire to live, work, shop and play downtown.

Economic Stimulus – As mentioned in the staff report, the mere existence of the parking garages have a significant benefit and promote and help sustain economic stimulus in the downtown area by freeing up valuable real-estate that otherwise would be committed to off-street parking facilities. The strategic locations make utilization of these amenities extremely convenient and make business recruitment easier.

Finally, the City Commission has vested the authority of reviewing all TIF applications within the Downtown Urban Renewal area to the Downtown Development Partnership (DDP) for review and recommendation to the City Commission. The DDP did officially vote in the affirmative to support the application before the Commission.

Mayor Kelly declared the public hearing open.

No one spoke in favor of Resolution 10288.

Speaking in opposition to Resolution 10288 was **John Hubbard**, 615 7th Avenue South. He commented that he has never used the parking garages, but thought that the money could be better used other places.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10288, approving the Development Project and the expenditure of funds of \$470,000 in Great Falls Downtown Urban Renewal Tax Increment Financing District funds to assist with improvements to the City's North and South Parking Garages.

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

Commissioner Houck commented that this is appropriate use of these funds, and the appropriate step at this time to support downtown businesses and downtown activity to create a safe environment.

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Mayor Kelly noted that the DDP unanimously supports this project.

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

Motion carried 5-0.

14. RESOLUTION 10287 – APPROVING THE APPLICATION FOR TAX BENEFITS FOR REMODELING, RECONSTRUCTION, OR EXPANSION OF EXISTING COMMERCIAL BUILDINGS OR STRUCTURES, RE: APPLICANT RAEGEN BREEDEN’S COMMERCIAL PROPERTY, PLAY N’ LEARN ACADEMY, LOCATED AT 4241 2ND AVENUE NORTH.

Planning and Community Development Director Craig Raymond reported that this public hearing is to consider the adoption of Resolution 10287 which would approve an application for a tax abatement of five years based on the increased taxable value of certain qualifying improvements.

The applicant is Raegen Breeden who is the owner of Play N’ Learn Academy. Previous to January 11, 2019, the applicant’s child care and pre-school was located on the east end of Great Falls in a 2,500 square foot space owned by the City’s Housing Authority. That facility was licensed for 43 children and had been providing services since 2008. In 2014, the applicant realized that a larger space was essential to fill the growing demand for child care in Great Falls.

For over four years, the applicant has worked to finance and construct her new facility located at 4241 2nd Avenue North. The owner has had to utilize several funding streams in order for the project to come to fruition. This facility will be able to provide child care and education services for 120 children. The project includes significant remodeling and expansion of a vacant, outdated building located on 0.67 acres of property. Additionally, new playground space, parking, sidewalk, and landscaping were added to a corridor greatly in need of new investment.

Mont. Code Ann. § 15-24-1501 provides local governments the option of giving Tax Benefits for the Remodeling, Reconstruction or Expansion of Existing Buildings or Structures. The statute reads:

Remodeling, reconstruction, or expansion of buildings or structures -- assessment provisions -- levy limitations. (1) Subject to [15-10-420](#) and the authority contained in subsection (4) of this section, remodeling, reconstruction, or expansion of existing buildings or structures, which increases their taxable value by at least 2½% as determined by the department, may receive tax benefits during the construction period and for the following 5 years in accordance with subsections (2) through (4) and the following schedule. The percentages must be applied as provided in subsections (3) and (4) and are limited to the increase in taxable value caused by remodeling, reconstruction, or expansion:

| | |
|------------------------------------|-----|
| Construction period | 0% |
| First year following construction | 20% |
| Second year following construction | 40% |

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Third year following construction 60%
Fourth year following construction 80%
Fifth year following construction 100%

In December 2015, the City Commission adopted Resolution 10119 establishing certain criteria for the evaluation of tax benefit requests. The following is the criteria by which each application is to be evaluated for approval, modification, or denial, along with a brief staff evaluation of the merits of the project as it pertains to each criteria:

a. Whether the City's financial condition at the time of the application or consideration of the application warrants granting the application;

The City's current financial condition is "in recovery"; still, strides have been made in stabilizing fund balances; however, property tax appeals continue to plague the city budget, various capital projects remain unfunded and public safety needs still exist.

b. Whether the application meets all pertinent statutory criteria for the particular project;

The application meets all statutory criteria. The project is eligible to receive abatement consideration by the City Commission.

d. Whether the project may unreasonably affect the tax base of the City;

If the applicant's requested tax benefit is approved, the direct positive tax base improvement will be delayed for five years. Staff notes, however, that the property was providing a minimal positive tax benefit to the City prior to the applicant's investment. The existing building on the property was vacant, and the property was in a state of disrepair.

e. Whether the project would impact employment opportunities within the City;

The applicant's new childcare and pre-school facility will provide 16 new job opportunities.

j. Whether the project will encourage additional, unsubsidized development in the area of the project, either directly or indirectly, through "spin-off" development;

Staff is hopeful that the applicant's substantial investment in the property will send a positive signal to other nearby owners and trigger "spin-off" development along the 2nd Avenue North corridor.

p. Whether conferring the tax benefit will create an adverse impact on existing state, county or municipal services;

Granting the tax benefit will have an adverse impact on funding of these services for a period of five years. As noted previously, the redevelopment investment being made for the site will have a significant, positive impact on the local tax base for a long period of time.

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r. Whether the project would meet other criteria as would be considered reasonable for the best interests of the City;

In addition to what's been included in this agenda report, the project addresses other community interests including: 1) providing support for local entrepreneurship, and 2) facilitating high quality childcare education opportunities, which has been determined as a definite community need.

The total cost of the tax abatement, if approved, will be \$20,591.

As staff evaluates benefit applications such as this it is increasingly difficult to be highly enthusiastic about extending tax benefits when departmental needs are so significant, especially the significant concern over emergency services capacities when considering annexation and subdivision proposals. This becomes even more acute as staff approaches budget season. All that being said, but for the efforts and risk invested by entrepreneurs such as the applicant, there would be no increased tax base in the long run. Based on that and the supporting documents in the staff report, staff recommends approval of the request.

Mayor Kelly declared the public hearing open.

Speaking in favor of Resolution 10287 was:

Raegen Breeden, 28 46th Street South, commented that her staff went from 12 to 33, and currently serve 153 kids. She has also decided to renew her lease with the Housing Authority and will be opening a summer camp for school aged kids in the summer, and will attempt to do full day pre-kindergarten with certified teachers.

No one spoke in opposition to Resolution 10287.

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 10287.

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

Commissioner Bronson commended Ms. Breeden for the benefits she is providing to the community with the investment she made.

Commissioner Moe also complimented Ms. Breeden for taking the risk to meet a huge need in the community.

Commissioner Houck commented that there is a shortage of daycares in the community. She complimented Ms. Breeden for raising the bar and providing quality daycare.

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

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Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

15. **ORDINANCE 3204 - AN ORDINANCE TO ASSIGN R-5 MULTI-FAMILY MEDIUM DENSITY ZONING TO THE PROPERTIES LEGALLY DESCRIBED AS LOTS 8-21, BLOCK 30 OF THE REPLAT OF LINCOLN HEIGHTS, AS WELL AS THE ADJOINING RIGHT-OF-WAY OF 15TH ALLEY SOUTH; AND RESOLUTION 10290 – INTENTION TO VACATE 15TH ALLEY SOUTH WITHIN BLOCK 30 OF THE REPLAT OF LINCOLN HEIGHTS.**

Planning and Community Development Director Craig Raymond reported that this item is a request to accept Ordinance 3204 on first reading and to set a public hearing for May 7, 2019, and to adopt Resolution of Intention 10290 and set a public hearing for May 7, 2019.

The applicant, K & V Family Properties LLC, is requesting annexation, establishment of zoning, a non-administrative plat to aggregate individual lots, and vacation of a portion 15th Alley South. The applicant is proposing to develop the properties with two buildings, 18 bedrooms each, to be used as BeeHive Homes assisted living facilities. The property is legally described as the amended plat of Lots 8-21, Block 30 of the Replat of Lincoln Heights, located in the S¼ of Section 18, Township 20 North, Range 4 East, PMM, and consists of 1.028 acres. The proposed development is also located adjacent to a number of similar projects.

Resolution of Intention 10290 is to vacate a portion of 15th Alley South. Vacations of public rights of way require multiple steps in order to lawfully execute such a land use action.

At the conclusion of a public hearing held on March 26, 2019, the Zoning Commission recommended the City Commission approve the establishment of zoning for the subject properties to R-5 Multi-Family Medium Density, subject to the fulfillment of the Conditions of Approval as specified in the agenda report.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3204 on first reading and set a public hearing for May 7, 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.

Commissioner Moe stepped out of the meeting at 8:36 p.m. and returned at 8:39 p.m.

Motion carried 5-0.

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Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10290, and set a public hearing for May 7, 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. 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 Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3203.

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. 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 will provide for standard procedures for conducting public hearings for all City boards, commissions, committees, and councils, and will provide for a consistent standard for City officials, staff, and the public.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3197.

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 4-0.

Commissioner Robinson stepped out of the meeting at 8:43 p.m. and returned at 8:44 p.m.

18. 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 Houck, that the City Commission adopt Ordinance 3198.

JOURNAL OF COMMISSION PROCEEDINGS

April 16, 2019

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

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

Motion carried 5-0.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson acknowledged Douglas Wilson who recently passed away and noted that his firm is the oldest CPA firm in Montana.

Commissioner Bronson recognized Neighborhood Council 5 representative Gloria Bedker who also recently passed away.

Commissioner Houck announced that former State Representative Jean Price's funeral services will be held June 8th at the Great Falls High School auditorium followed by a reception and exhibit of Ms. Price's artwork at Paris Gibson Square that is open to the public.

20. COMMISSION INITIATIVES.

None.

21. LEGISLATIVE INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Robinson moved, seconded by Mayor Kelly, to adjourn the regular meeting of April 16, 2019, at 8:53 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: May 7, 2019