

**JOURNAL OF COMMISSION PROCEEDINGS**  
**January 21, 2020**

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, Mary Sheehy Moe, Owen Robinson, Tracy Houck and Rick Tryon. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herring; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Manager Greg Doyon noted that a clerical error was corrected for Item 7 that was updated after original posting and updated on the website. He requested that Agenda Item 10 be pulled from the Consent Agenda for consideration at a later time. There were no changes to the Agenda by the Commission. The City Commission approved the Agenda as amended.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None.

**1. PROCLAMATIONS**

Commissioner Moe read a proclamation for National Catholic Schools Week (January 26 – February 1, 2020), and Commissioner Robinson read a proclamation for Black History Month (February 2020).

**PETITIONS AND COMMUNICATIONS**

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Kevin Westie**, 602 35<sup>th</sup> Street North, urged the Commission to stop focusing on saving the planet and start focusing on issues in the City.

**Brett Doney**, Great Falls Development Authority, 405 3<sup>rd</sup> Street NW, Suite 203, extended an invitation for the Livability Magazine Launch event, January 22, 2020, 4:30 p.m. in the Hub at Great Falls High School.

**Gary Prinzing**, 1826 7<sup>th</sup> Avenue North, read and provided a prepared statement wherein he suggested that the City proceed into the 21<sup>st</sup> century by developing a citywide recycling program.

Mayor Kelly explained that February 18, 2020 is the Public Hearing for Resolution 10324 and that recycling issues are an ongoing discussion amongst City staff.

**NEIGHBORHOOD COUNCILS**

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**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Eric Ray**, Neighborhood Council 5, 3401 15<sup>th</sup> Avenue South, reported that all nine Neighborhood Councils have signed a resolution requesting that the City evaluate the impacts and report its findings to the community with regard to the Friesen Cheese Plant and the proposed Madison Food Park slaughterhouse.

Referring to Mr. Ray's comments, Mayor Kelly pointed out that more discussion on this topic could take place at the Council of Councils meeting on January 28, 2020.

Commissioner Moe explained that other communities with food processing plants are not comparable to the proposed Madison Food Park slaughterhouse. The proposed slaughterhouse processes three animals, whereas other plants process one animal. She pointed out that the City has not been idle with regard to the impacts of the proposed Madison Food Park slaughterhouse. Three cities were contacted to get information about studies; however, no studies were performed. A study would provide important information to the City as well as at the State level.

Commissioner Moe announced that she would provide a proposal at the January 28, 2020 Council of Councils meeting.

**BOARDS & COMMISSIONS**

**4. REAPPOINTMENT/APPOINTMENT TO THE REGIONAL AIRPORT AUTHORITY BOARD.**

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission reappoint Vincent Bakke to the Great Falls Regional Airport Authority Board for a second three-year term through December 31, 2022.**

Written correspondence in support of reappointing Vince Bakke was received from the Great Falls Regional Airport Authority Board members Casey Lalonde and Tony Aretz.

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

Commissioner Moe commented that Mr. Bakke brings an important perspective to the Airport Authority and that he will continue to serve the City well.

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

Motion carried 5-0.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission appoint Richard Gibbs to the Great Falls Regional Airport Authority Board for a three-year term through December 31, 2022.**

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

Mayor Kelly explained that the interview process for the four applicants was extensive and the Commission has not discussed the results of the interviews from the January 21, 2020 Special Work Session meeting.

Commissioner Moe commented that she was impressed with all of the applicants; however, Mr. Gibbs has knowledge of the aviation industry and is well suited to provide another view of the Federal Aviation Administration (FAA). She concluded that Mr. Gibbs is aware of recusing himself from possible conflicts of interest.

Commissioner Robinson concurred with Commissioner Moe's comments and added that Mr. Gibbs has the ability to ask the right questions.

Referring to a December 23, 2019 electronic mail from John Faulkner, Commissioner Tryon expressed reservations about Mr. Gibb's position as Senior Manager at Avmax, and the lease for Avmax expiring.

He suggested the alternative would be to appoint Mr. Keith Duncan.

Mayor Kelly commented that he is confident that Mr. Gibbs would recuse himself of any potential conflicts of interest.

He noted that he would not want to lose Mr. Gibb's qualifications.

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

Motion carried 4-1 (Commissioner Tryon dissenting).

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

Commissioner Robinson provided a 2020 Census FAQ handout and explained that getting the word out about the Census is important so that citizens understand the advocacy portion for the Census.

**CITY MANAGER**

**6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported on the following:

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- Great Falls Fire Rescue (GFFR) responded to two house fires last week that are currently under investigation by the Cascade County Sheriff's Department. GFFR has responded to nine fires since January 1, 2020.
- Great Falls Fire Chief Steve Hester will be retiring on May 1, 2020.
- Manager Doyon attended a Montana League of Cities and Towns (MLCT)/Montana Municipal Interlocal Authority (MMIA) City Managers meeting on January 16, 2020 in Helena.
- A Development Review Town Hall Meeting was held January 8, 2020, to discuss topics related to the development review process. Areas of concerns include: relocating Public Works Engineers to the Planning and Community Development Department without utilizing general funds, and the flat fee associated with engineering fees.
- New business developments were announced at the Ignite 2020 event on January 10, 2020.
- At the January 21, 2020 Work Session, Colonel Jennifer Reeves with the Malmstrom Air Force Base (MAFB) discussed a primary concern for MAFB is housing. Manager Doyon is pursuing to compose a forum sponsored by the Association of Defense Communities to discuss community-based housing challenges.
- Manager Doyon, Mayor Kelly and Brett Doney with the GFDA met with a representative from GK Development, owners of the Holiday Village Mall, to discuss construction cost challenges, and different ways to utilize the property to accommodate retailers.
- Manager Doyon met with the new appointed Cascade City-County health officer Trisha Gardner.
- The Council of Councils will meet on January 28, 2020 and City 101 is scheduled for January 29, 2020.
- Manager Doyon will be out of the office on January 23 and 24, 2020 for meetings with MMIA in Helena.

**CONSENT AGENDA.**

7. Minutes, January 7, 2020, Commission Meeting.
8. Total Expenditures of \$4,871,875 for the period of December 24, 2019 through January 8, 2020, to include claims over \$5000, in the amount of \$4,665,092.
9. Contracts List.
10. Accept the bid and approve the Professional Services Agreement with Advanced Engineering and Environmental Services (AE2S) for the Water Plant's Supervisory Control and Data Acquisition (SCADA) Upgrades as outlined in the Scope of Services for \$101,700.
11. Approve the Professional Service Agreement with Sanderson Stewart for \$92,700 to prepare the North Great Falls Sub-Area Transportation Study. **OF 1756.0**

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12. Set a public hearing for February 18, 2020 on Resolution 10324, Establishing Residential and Commercial Sanitation Service Collection Rates Effective March 1, 2020.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as presented with the exception of Item 10, which has been removed.**

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**

13. **RESOLUTION 10327, A RESOLUTION DECLARING A CONDITION ON CERTAIN PROPERTY LOCATED AT 804 4<sup>TH</sup> AVENUE SOUTHWEST, S11, T20, R03 E, BLOCK 549, LOT 005, CASCADE COUNTY, MONTANA, A NUISANCE, ORDER THE NUISANCE BE ABATED AND AUTHORIZE CITY STAFF TO FORCE ABATEMENT IF NECESSARY.**

Park and Recreation Director Steve Herrig reported that on August 19, 2019, upon determination that there was standing dead wood, the City's Diseased Elm Inspector tagged the dead Elm tree for removal at 804 4<sup>th</sup> Avenue Southwest. The tree is located on the east side of the property, within the fenced property line and the east side of the building. On September 27, 2019, Park and Recreation Forester Todd Seymanski issued a notification to remove the diseased Elm tree to Tom Wilson at 804 4<sup>th</sup> Avenue Southwest. On October 7, 2019, Tom Wilson responded in writing stating he would like to appeal the notice, citing he was not certain the tree was located on his property and that the tree may have died from chemicals in the soil.

Subsequently, Park and Recreation Director Steve Herrig spoke to Tom Wilson on the phone twice regarding the issue. On December 5, 2019, Director Herrig issued a letter to Mr. Wilson outlining the Official Code of the City of Great Falls (OCCGF) provisions and the process conducted to date; summarizing that the GIS mapping shows the tree is located on said property. Additionally, the letter stated that Mr. Wilson had 10 days as of the date the notice was mailed to commence the required action, and 30 days to complete the requirements, or to provide proof of substantial compliance. No action was taken to remove the dead tree from the property.

On January 2, 2020, Director Herrig sent a letter to Tom Wilson advising him that a public hearing was scheduled for January 21, 2020. Director Herrig concluded that all notifications and letters were sent by certified mail and were signed for by Mr. Wilson.

Mayor Kelly received clarification that City staff is the applicant, not Mr. Wilson.

Mayor Kelly asked if the Commission had any questions of staff. Hearing none, Mayor Kelly declared the public hearing open.

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No one spoke in support of or in opposition to Resolution 10327.

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

**Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10327, declaring a condition on certain property located at 804 4<sup>th</sup> Avenue Southwest, S11, T20, RO3 E, Block 549, Lot 005, Cascade County, Montana, a Nuisance, order the Nuisance be abated and authorize City staff to force abatement if necessary.**

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

Commissioner Robinson received clarification that Mr. Wilson was aware that he had the opportunity to hire a surveyor at his own expense.

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**14. INTERLOCAL AGREEMENT BETWEEN STATE OF MONTANA DEPARTMENT OF JUSTICE (MT DOJ) AND THE CITY OF GREAT FALLS.**

Police Chief Dave Bowen reported that the proposed Interlocal Agreement with the City of Great Falls provides the Montana Department of Justice (MT DOJ) suitable and secure space in its existing facilities for communication system elements. These facilities include certain sites owned by Cascade County facilities located at Pacific Steel and Flying J. The City has a separate Interlocal Agreement (dated January 21, 2020) with Cascade County to access equipment, operate and maintain these sites. The City of Great Falls will provide the MT DOJ with access to the system elements, as necessary for both routine and emergency maintenance.

The purpose of the Agreement is to establish the terms and conditions related to MT DOJ's ownership, installation, and maintenance of certain discrete elements of the System to be housed and utilized by the City of Great Falls, alongside the City of Great Falls 911's own communications systems. These System components will be critical in the administration of the Statewide Public Safety Communications System.

The Agreement would enable the City to continue to use the statewide communications system and will improve the performance and overall reliability of the system. The upgrade is consistent with what is occurring across other locations in the state.

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Interlocal Agreement with the State of Montana Department of**

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**Justice pursuant to Mont. Code Ann. Title 7, Chapter 11, Part 1 and fulfill the necessary infrastructure upgrades to the Statewide Public Safety Communications System.**

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

Manager Doyon commended Chief Bowen for his efforts developing a good relationship with the County. He reiterated that the agreement requires a financial commitment from the City; however, having the state's involvement in the project will help offset the cost. Manager Doyon recommended using non-voting general obligation debt to address the deficiencies in the radio system.

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

Motion carried 5-0.

**15. INTERLOCAL AGREEMENT BETWEEN CASCADE COUNTY AND THE CITY OF GREAT FALLS TO UTILIZE CASCADE COUNTY TOWER SITES.**

Police Chief Dave Bowen reported that the City acknowledges that Cascade County expends \$7,500 each fiscal year for utilities at the Sites, which are necessary to support the Communications systems and exclusively benefit the City. The City shall provide Cascade County with an off-setting credit in the amount of \$7,500 each fiscal year to Cascade County's 911 (PSAP) and dispatch services budget.

The agreement also allows the City to leverage the money committed by the state over the next eight years for equipment, warranty, and maintenance, totaling over \$800,000. This is the first step in a large upgrade needed in the communications system. The next steps will require the City to replace the remaining outdated equipment at the radio sites, and the end users mobile and portable radios.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the Interlocal Agreement with Cascade County for the utilization of the Pacific Steel & Recycling and Flying J, Inc. radio towers.**

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

Referring to page 3, section 5 of the agreement, Commissioner Moe received clarification that the \$7,500 off-setting credit was a request from the County to credit its 911 bill.

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

Motion carried 5-0.

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**ORDINANCES/RESOLUTIONS**

**16. RESOLUTION 10330, A RESOLUTION DECLARING THAT THE DESIGN REVIEW BOARD MEMBER TERMS BE TOLLED FOR THE PERIOD OF NOVEMBER 7, 2018 TO DECEMBER 3, 2019.**

Assistant City Attorney Joe Cik reported that on November 7, 2018 the City Commission adopted Resolution 10256, which temporarily suspended the Great Falls Design Review Board (DRB) meetings and review requirements for a period of 180 days.

On June 4, 2019, the Commission adopted Resolution 10297, which suspended the DRB an additional 180 days.

On December 3, 2019, the Commission adopted Resolution 10321, which amended the DRB's review process and placed limitations on what the DRB could substantively review in the development application process.

Because the DRB had been in suspended status for so long, there is now a danger that two of the five members of the Board may term off the Board at the end of March 2020 and another member is scheduled to term off immediately. In order to retain two members, Staff is recommending the City adopt the Resolution under consideration. Resolution 10330 would toll the expiration of the DRB members' terms during the period of the DRB's suspended status. This will allow the DRB to continue with its current membership.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10330.**

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

Commissioner Tryon explained that he is voting against Resolution 10330 because several development stakeholders have expressed opposition to the DRB, and added that he agrees with their opposition. He noted that voting against Resolution 10330 has nothing to do with the quality or actions of the current Board members.

Commissioner Tryon explained that the DRB will no longer offer free advice because of the proposed fee, and commented that the fee is an onerous cost put on the development community.

He requested that the necessity of the DRB be revisited in the near future.

Commissioner Houck expressed support of Resolution 10330 and opined that if the two members were termed off the Board, it could put the community in jeopardy.

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

Motion carried 4-1 (Commissioner Tryon dissenting).



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**CITY COMMISSION**

**17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Kelly announced that the City is actively working on coming up with a date to hold a public safety forum with regard to the recent violent incidents that have occurred in the community.

**18. COMMISSION INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of January 21, 2020, at 8:23 p.m.**

Motion carried 5-0.

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Mayor Kelly

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Deputy City Clerk Darcy Dea

**Minutes Approved: February 4, 2020**