

**JOURNAL OF COMMISSION PROCEEDINGS**  
**February 4, 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; 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 proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** Commissioner Robinson disclosed that he met with a person having to do with one item on the agenda that was not ex parte.

1.

**PROCLAMATIONS**

Commissioner Moe read a proclamation for Career & Technical Education Month for Great Falls Public Schools (February 2020). CMR High School senior Andrea Newbrough and sophomore Haley Tompers, and Great Falls High School President of Business Professionals of America and Vice President of DECA John Milton, expressed appreciation for the opportunities to learn more outside of the typical high school education system and that allows students to discover their passions through these programs. Commissioner Robinson read a proclamation for Scouting Anniversary Week (February 2-8, 2020).

**PETITIONS AND COMMUNICATIONS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Terry Thompson, Great Falls Association of Realtors Flag Project, 401 13<sup>th</sup> Avenue South, reported that the U.S. Flag was took down before the high wind event this past weekend to avoid damage and for cable repair. She further reported that the scouts are generous volunteers assisting the realtors with the flag project on Flag Day and the Fourth of July.

**NEIGHBORHOOD COUNCILS**

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**BOARDS & COMMISSIONS**

4. **REAPPOINTMENT TO THE BOARD OF ADJUSTMENT/APPEALS.**

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**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission reappoint Krista Smith to the Board of Adjustment/Appeals for a three-year term through September 30, 2022.**

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.

**5. APPOINTMENT TO THE TOURISM BUSINESS IMPORVEMENT DISTRICT BOARD**

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission appoint Peggy O’Hare-Becker to the Tourism Business Improvement District Board of Trustees for the remainder of a four-year term through June 30, 2021.**

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck expressed appreciation for this board and the appointees to the board, noting that it is a geographically limited board.

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

Motion carried 5-0.

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

Commissioner Robinson encouraged everyone to learn more about the census by clicking on the “Proud Partner Census 2020” icon on the City’s website and to start talking with others about the census.

**CITY MANAGER**

**7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported on the following:

- He and Mayor Kelly facilitated a mock City Commission meeting with Leadership High School students.
- The City Commission held a retreat and began a discussion about its priorities, and will meet again to refine the priorities for 2020.
- He participated in a City update with Chamber of Commerce President Shane Etzweiler at an interfaith organization last week.

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- He attended an MMIA Board meeting to start evaluating health insurance rates that the Commission will hear more about during the budget process.
- He finished an initial round of conversations with all of the Great Falls Fire Rescue (GFFR) platoons about what is or isn't working, and what they are looking for in their next Fire Chief. He will meet with the GFFR administrative team tomorrow. Based on those conversations it will shape, in part, how he will proceed with filling Chief Hester's position with GFFR. Different from prior recruitments, he has asked internal staff if they were going to apply for the position to gauge whether or not he would need to do an external recruitment. He received a lot of good feedback and heard some concerns that he will share with the Commission.
- He met with Great Falls Symphony Executive Director Hillary Shepherd to get to know her and learn more about her position. The Symphony is a big partner and utilizes this facility.
- He displayed and discussed pictures of facility issues and repair work going on at Fire Stations 1 and 4. The City has been talking about the need for public safety inclusive of police and fire. There have been multiple request throughout the years for additional firefighters, but that would mean an additional fire station and additional equipment. He wants the community to know that he is going to first try to take care of and rehab the current facilities before recommending and making an ask of the community for additional funding for another fire station.
- The high wind event on Saturday caused damage to City property: flags, roofs, and boulevard and park trees. Some traffic signals were out. GFFR was called out to a collapsed building, and grass fires due to downed power lines arching. GFFR did a third alarm to get properly staffed to deal with the call load and demand. Public Works dealt with downed trees in roads. There will be overtime expenses for Public Works, Park and Recreation, Police and Fire. GFFR had over 91 calls for service, and the 911-call center had over 700 calls during the event.
- He previously provided information about his discussion with the property owner of the mall. He wants to start inserting comments about development in Great Falls in hopes of the community gleaning a better understanding, awareness and acceptance of the challenges with development in the community. He referred to a recent article about Missoula increasing its impact fees by 10%. That community believes that new development must fund all of the services that is creating a demand for that development. When the impact fee is collected it is a one-time payment to fund those capital improvements. There is not an impact to the tax payers, it is covered by developers. Their impact fees in 2019 raised about \$1.2 million from all of the growth that occurred in that community. In future conversations he will share his research about what site selectors and developers look for in a community to better educate everybody on what those factors are.

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- Dan Clark with the MSU-Local Government Center will here on February 25-26, 2020 to conduct board, commission and council training. The City Commission will have a separate session on February 25<sup>th</sup> in the afternoon.

**CONSENT AGENDA.**

8. Minutes, January 21, 2020, Commission Meeting.
9. Total Expenditures of \$1,800,379 for the period of January 1, 2020 through January 22, 2020, to include claims over \$5,000 in the amount of \$1,556,186.
10. Contracts List.
11. Set a public hearing for February 18, 2020 on Resolution 10329, establishing golf fees for the 2020 golf season.

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

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Moe commented that, although the fee increases for Item 11 are modest, she wants the trail fee and cart pass fee explained at the public hearing or work session.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

12. **RESOLUTION 10328, REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY ACT (BaRSAA) FUNDS.**

Public Works Director Jim Rearden reported that adoption of this resolution authorizes the City to request distribution of Bridge and Road Safety and Accountability Act (BaRSAA) program funds in the approximate amount of \$1,089,000. HB 43 was signed by Governor Bullock on May 3, 2017, and provides additional state gas tax funding to local government and the Montana Department of Transportation. The bill provides a graduated increase in gas tax funds through fiscal year 2023.

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The requested funds, along with the City's 5% match, are proposed for the following projects: Encino Grande Vista 2 Street Repairs Phase 2 (OF 1680.1) and Upper River Road reconstruction extending Overlook Drive to 19<sup>th</sup> Avenue South (OF 1754).

At full development of the bill, the City will realize an additional amount of approximately \$1.3 million to provide for reconstruction of roadways within our jurisdiction. The projects will be contracted out to local contractors.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10328.**

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Tryon inquired how projects are chosen for this funding.

Director Rearden explained that staff has a long list of potential projects. These particular projects were chosen by an internal group of staff from Public Works, the Planning Department Transportation Planner, and the Street Supervisor. These projects rose to the top of the list based on traffic counts on Upper River Road and the road condition of Encino Drive. Another project in the works for this year is to complete seven to eight blocks of roadways on the lower north side during water main replacement projects.

Commissioner Moe inquired about the timeline if the resolution is adopted.

Director Rearden responded that the Encino Drive project is set to bid tomorrow, and staff has preliminary estimates on the Upper River Road project but think it will take a couple of years of allocations to take care of that project.

Commissioner Moe spoke in support of the Upper River Road project noting concerns about the lack of pedestrian facilities.

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

Motion carried 5-0.

**13. ORDINANCE 3200, REPEALING AND REPLACING TITLE 17, CHAPTER 36 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO PARKING, AND RESERVING CHAPTERS 33 THROUGH 35.**

Planning and Community Development Director Craig Raymond reported that Planning and Community Development and Public Works Engineering and Environmental Divisions have been working to address community concerns with the development process in Great Falls. While a significant portion of staff's work has been process related as well as internal issues, staff also recognized that there was opportunity to make some changes within the regulatory framework of the Official Code of the City of Great Falls. Beginning tonight, the Commission will be seeing

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code changes related to issues that staff feels can and should be addressed and supported by the Commission.

The off-street parking portion of the land development code is just one area that staff might typically hear concerns about, or would routinely receive requests for design waivers for simple things like parking stall sizes.

Staff evaluated comparable cities to gauge how Great Falls' requirements compare to other successful and growing communities in Montana and elsewhere. The primary focus with staff's proposed changes is to provide a significant amount of developer flexibility, reduce requirements that will provide cost savings to developers and to simplify the code language.

Staff has presented its findings and recommendations to the community and has received favorable comments up to this point.

**Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3200 on first reading and set a public hearing for March 3, 2020.**

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

**Terry Thompson**, Great Falls Association of Realtors, 401 13<sup>th</sup> Avenue South, commented that the Realtors Task Force group did a basic analysis of the proposed changes, and were appreciative of three things: the lessened parking requirements in many instances; allowing shared parking areas to be 1,000 feet from a business, rather than 400 feet; and, allowing a business to prove that it needs less parking than the formula requires. With regard to proposed OCCGF 17.36.2.040 F. Internal Sidewalks – she inquired if seven (7) feet is required by ADA and, if not, that it may seem excessive in some areas; and, to provide a sidewalk from the front door of a business to a public sidewalk by the street would often be costly and it seems to be something that would never be used.

Director Raymond responded that the requirement of either a seven (7) foot sidewalk or a five (5) foot sidewalk with a parking curb is to allow for ADA accessibility in front of parking spaces. Accessible routes of travel from the building to the public rights-of-way have always been a requirement. The proposed code changes will not require existing businesses to install sidewalk unless they redevelop the property.

**Nancy Nevis**, 812 3<sup>rd</sup> Avenue SW, spoke in support of the five (5) and seven (7) foot sidewalk requirements for pedestrian safety.

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

Commissioner Tryon asked Director Raymond to expand upon the option for reducing the number of required spaces through preparation and approval of a use-specific parking study.

Director Raymond explained that what has been approved in the past is that some professionals will reference the Urban Land Institute that has done studies and research into parking requirements and standards. He provided West Bank Landing as an example where there are multiple businesses

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not of the same type and that peak demand may be at different times. Or, the applicant provides specific research and information that staff determines is reasonable.

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

Motion carried 5-0.

**14. ORDINANCE 3213, AMENDING TITLE 15 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO BUILDING AND CONSTRUCTION.**

City Attorney Sara Sexe reported that the Ordinance under consideration would amend the OCCGF Title 15 to comply with Mont. Code Ann. Title 50 and the Administrative Rules of Montana (ARM). Pursuant to Mont. Code Ann. Title 50, all cities and towns that adopt building or construction standards must adopt the same standards as adopted by the Montana Department of Labor and Industry (MTDOLI).

The proposed amendment would adopt the following codes:

1. The 2018 Uniform Plumbing Code
2. The 2018 International Mechanical Code
3. The 2018 International Fuel Gas Code
4. The 2018 NFPA 99C Gas and Vacuum Systems
5. The 2017 National Electrical Code
6. The 2018 International Building Code
7. The 2018 International Residential Code
8. The 2018 International Existing Building Code
9. The 2018 International Swimming Pool and Spa Code
10. The 2018 International Wildland-Urban Interface Code

The proposed amendment would also change language in certain provisions to adopt the appendices that have been adopted by the MTDOLI, and would allow the Great Falls Fire Rescue Department (GFFR) to assess fees for Fire Prevention Bureau inspections, if it deems necessary. Said fees would be set by Commission resolution.

The effective date of Ordinance 3213, if adopted, will be March 1, 2020 to comply with ARM time parameters.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3213 on first reading and set second reading for February 18, 2020.**

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.

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**CITY COMMISSION**

**15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Tryon discussed the letter signed by Mayor Kelly concerning refugees' resettlement in Great Falls and Mayor Kelly's written apology. For clarification, he suggested a policy that sets forth in what circumstances a member of this and future City Commissions can appropriately use their official title to endorse a cause or sign on to a public document or event if it has not been publicly vetted and voted on by the City Commission, and guidance on how best to accomplish that.

Mayor Kelly responded that he reached out to Dan Clark of the MSU-Local Government Center to address the decision making process at the training session with the Commission scheduled for February [28<sup>th</sup> *sic*] 25, 2020, and that he looks forward to having that discussion.

**16. COMMISSION INITIATIVES.**

Commissioner Owen Robinson expressed an interest in replacing Bill Bronson as the City's representative on the Preservation Cascade Board. There were no objections.

Commissioner Tryon suggested that, given that the Design Review Board (DRB) has been resuscitated after being suspended for 12 months but before it was known that a \$450 fee proposal would accompany its resurrection, the DRB be revisited if the Commission is serious about streamlining the development review process. He requested guidance on the appropriateness of asking staff to draft language for a resolution to dissolve the DRB and the timing of same.

City Manager Doyon explained that Planning and Community Development staff did a full evaluation of its development review fees that included the development review engineers. The fee demonstrates his concern about the amount of staff time involved with the DRB process. He instructed staff to focus on the community development engineer costs first.

Commissioners Robinson and Tryon requested language be drafted dissolving the DRB for public input and Commission consideration.

Commissioner Moe noted that she thought it was in policy that once the Commission made a decision the matter could not be revisited for six months.

City Attorney Sara Sexe responded that she would look into whether there is a delineation of time before the Commission can revisit the issue and report back to the Commission.

Commissioner Robinson asked City Attorney Sexe to also research if the resolution that was adopted by the Commission could be brought up by someone that originally voted in favor of it.



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Commissioners Moe and Robinson noted the passing of a great community leader, Dr. Bill Bloemendaal. He served in many capacities in the city and was a great advocate for Great Falls and Montana. He will be sorely missed.

Commissioner Houck expressed appreciation to first responders and others who stepped up and helped out this past weekend. She reminded everyone to slow down when traffic signals are out, and that there are still basic traffic laws to adhere to.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of February 4, 2020, at 8:12 p.m.**

Motion carried 5-0.

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Mayor Kelly

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City Clerk Lisa Kunz

**Minutes Approved: February 18, 2020**