

**JOURNAL OF COMMISSION PROCEEDINGS**  
**September 15, 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, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City staff present: City Manager Greg Doyon and Deputy City Manager Chuck Anderson, Deputy City Clerk Darcy Dea, Finance Director Melissa Kinzler, Planning and Community Development Director Craig Raymond, Public Works Science Program Specialist Nate Besich, Park and Recreation Director Steve Herrig, Assistant City Attorney Joe Cik, and Police Chief Dave Bowen.

Due to the COVID-19 health concerns, public participation is welcomed as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Commission Chambers according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, September 15, 2020, to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

**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:** None.

**PROCLAMATIONS:** Commissioner Tryon read a proclamation for Down Syndrome Awareness Month (October, 2020) and Commissioner Robinson read a proclamation for Direct Support Professional Week (September 13-19, 2020).

**PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Appearing telephonically was: **Donna Williams**, 2916 2<sup>nd</sup> Avenue North, commented that the correct number is 412 parts per minute for the August average of atmospheric CO<sub>2</sub>.

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Commissioner Robinson expressed appreciation to Great Falls Rising President, Gerry Jennings and Board Members for their efforts delivering additional Census literature to rural schools. He reported that the Census count deadline may be extended to October 31, 2020 and currently 82.9% of households have been counted for in Montana.

**CITY MANAGER**

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported on the following:

- The Great Falls Housing Authority's major electrical upgrade project at Parkdale is progressing.
- Completion of the Fire Station 4 project is scheduled for February, 2021 due to additional work; however, the Fire Station 1 pipeline is not as an extensive repair. The need for an additional Fire Station is a consideration through the Community Risk Reduction Plan; however, the existing Fire Stations need to be maintained.
- A re-issue Request for Proposal (RFP) is due September 22, 2020 for the lease of City-owned property located at Overlook Park.
- The City audit is underway. The Audit Committee makes recommendations to staff with regard to improving how the City handles its finances.
- Current Board and Commission openings include the following: Board of Adjustment/Appeals, Audit Committee and Parking Advisory Commission.
- Crime Map is a new tool offered by the Great Falls Police Department (GFPD) that provides a more in-depth look at reports of crimes happening in the City. The link can be found on the GFPD's website or at [crimemapping.com](http://crimemapping.com).
- He met with the Malmstrom Air Force Base's (MAFB) "Tiger Team" to discuss race relations in the community. The goal is to address issues by connecting the African American community with the Great Falls Area Chamber of Commerce and the Defense Alliance. He added that African American Airmen have indicated that they don't always feel welcome in the City.
- The School Board of Trustees are interested in moving forward with regard to a land swap for the Aim High/Big Sky Recreation Facility. He requested that a Commissioner participate in the Review Committee with regard to the Defense Community Defense Infrastructure Program (DCIP) Grant.

Park and Recreation Director Steve Herrig announced that prior to the Commission meeting, he received notification that the Office of Economic Adjustment (OEA) approved the DCIP Grant and that a Grant Agreement will be forthcoming. Director Herrig commented that efforts with regard to the proposal was a team effort from two local firms, Planning and Community Development, Park and Recreation, as well as the City Manager's office.

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Mayor Kelly commented that the City could not have done this if not for the voters who supported passing the creation of Park District No. 1, which provides the City's portion of the match. He stated, "this is a community win-win-win all the way around and a great day for Great Falls."

**CONSENT AGENDA.**

3. Minutes, September 1, 2020, City Commission Meeting.
4. Total Expenditures of \$2,371,852 for the period of August 15, 2020 through September 2, 2020, include claims over \$5000, in the amount of \$2,117,347.
5. Contracts List.
6. Grants List.
7. Approve the Interlocal Agreement between the City of Great Falls and Cascade County for use of the 2020 Edward Byrne Justice Assistance Grant Program funds in the amount of \$31,610.
8. Authorize the City Manager to accept the DCIP Grant if awarded by OEA (Office of Economic Adjustment) for the amount of \$10,000,000 as a match for the new Aim High/Big Sky Recreation Facility and execute any necessary grant documentation.

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

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

Referring to Agenda Item 8, Commissioner Tryon inquired about transparency with regard to any adjustments or increases to the Park District No. 1 for maintenance of the indoor aquatics facility.

City Manager Doyon responded that after moving forward with the project, the City will have a better understanding of what it will take to operate the new Recreation facility. He added that the proximity of the facility to Malmstrom Air Force Base (MAFB) was appealing to the Department of Defense (DOD) and MAFB compensating the City for use of the facility will need to be addressed. Having a pool and recreation Center under one roof will change the way the building is utilized and will benefit the military and civilians. Manager Doyon commented that he is adamant about capping the total project of \$20,000,000 for the new facility and that he is also mindful of public safety needs. He continued that the bond period will likely be 15 to 17 years with a projected annual cost of \$900,000 and the remaining balance after prior commitments made with the Park Maintenance District No. 1 is projected to be approximately \$330,000. The site is large enough to accommodate a commercial development, which would provide a source of lease revenue for operating the facility.

Commissioner Tryon received clarification that the Request for Proposal (RFP) includes a 50-meter size pool so that the community can see the difference in cost between a 25 and 50 meter pool.

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Mayor Kelly reported that written correspondence (via September 15, 2020 email) was received from **Shyla Patera**, North Central Living Services, urging the Commission to promote disability accessible, inclusive and affordable community recreation for all citizens in the community with regard to Agenda Item 8.

Commissioner Houck reported that the location for the new facility would be accessible by public transit.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

9. **ORDINANCE 3221, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, EXHIBIT 20-1 PRINCIPAL USES BY DISTRICT, AND SECTION 17.20.6.080 REGARDING THE DISTANCE REQUIREMENTS BETWEEN ESTABLISHMENTS SEEKING LIQUOR LICENSES AND WORSHIP FACILITIES GOVERNED BY MONTANA STATUTE; AS WELL AS CONSIDERATION OF ALTERNATIVE ORDINANCE 3221, WHICH WOULD ADDITIONALLY REMOVE THE CURRENT DISTANCE REQUIREMENTS BETWEEN CASINOS AND WORSHIP FACILITIES.**

Planning and Community Development Director Craig Raymond reported that around the time that the City received an application for a Conditional Use Permit (CUP) from a church who wished to locate in a vacant building in the downtown, City staff began receiving phone calls and comments of concern from various persons associated with downtown businesses and groups. The cause of concern is that there exists in state statute and City ordinances restrictions on certain establishments which have liquor licenses within 600 feet of churches. If the church is allowed to exist it could hamper future efforts to locate additional alcoholic beverage serving establishments nearby.

Staff discovered that the state statute also allows local jurisdictions to replace those restrictions with options of their own and that other Montana cities have already allowed both churches and liquor serving establishments to enjoy similar flexibilities, liberties and benefits.

At a Planning Board public hearing, one member of the public expressed concern that casinos were not specifically mentioned and provided similar additional benefits as the liquor serving establishments. After discussions by the board, ultimately the Planning Advisory Board voted to recommend approval of the ordinance but with the inclusion of casinos similarly to taverns and the like. Staff recommends the original ordinance draft that does not specifically provide additional or new regulations related to casinos. Therefore, Staff presents the original staff recommended ordinance as well as the Planning Advisory Board alternative ordinance, which adds additional benefits to Type 1 and type 2 casinos.

Mayor Kelly asked if the Commissioners had any questions of Director Raymond.

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Mayor Kelly received clarification that other cities in Montana allow liquor establishments within 600 feet of churches.

Mayor Kelly inquired about allowing future requests from other types of facilities from being 600 feet from churches.

Assistant City Attorney Joe Cik responded that the statutory provisions related to Ordinance 3221 relates specifically to worship facilities and there are other statutory regulations on distancing from other types of facilities, such as schools.

Director Raymond added that there is a distinct difference between a church and a school.

Mayor Kelly inquired about the difference between Ordinance 3221 and Alternate Ordinance 3221.

Director Raymond explained that Ordinance 3221 allows a restaurant to have a full liquor license and Alternate Ordinance 3221 includes a liquor license, as well as gaming. The City zoning code already allows Accessory (minor) gaming in the C-4 zoning district, as well as in other non-residential zoning districts and Staff is not recommending any changes to Accessory gaming.

Mayor Kelly declared the public hearing open.

Speaking in favor of Ordinance 3221 was:

**Ron Staley**, City resident, expressed support of removing the restriction for the on premise alcohol sales within 600 feet of churches and allowing Calvary Chapel of Cascade County to operate in downtown without interfering with the freedoms of other downtown businesses.

Appearing telephonically in support of Ordinance 3221 were:

**Scott Reasoner**, City resident, expressed support of Ordinance 3221 for the full use of gaming with no restrictions in the downtown.

**Brett Doney**, Great Falls Development Authority (GFDA), 405 3<sup>rd</sup> Street NW, Suite 203, commented that Ordinance 3221 allows the community the opportunity to have continued mixed-use downtown and he expressed support of the Planning Board's recommended ordinance allowing greater flexibility for future business proposals.

No one spoke in person or telephonically in opposition to Ordinance 3221 or Alternate Ordinance 3221.

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

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3221, an Ordinance amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Chapter 20 Land Use, Exhibit 20-1 Principal Uses by District, and**

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**Section 17.20.6.080 regarding the distance requirements between establishments seeking liquor licenses and worship facilities governed by Montana Statute.**

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

Commissioner Moe commended the Planning and Community Development Department for finding a “win-win” solution that allows all parties to move forward and consideration of future businesses of the downtown with regard to the Conditional Use Permit (CUP).

Commissioner Tryon received clarification that Ordinance 3221 is a City-wide Ordinance that allows an establishment with a liquor license to be located next to a worship facility and Alternative Ordinance 3221 allows a casino to be located next to a worship facility. He further received clarification that City staff initiated Ordinance 3221 to find a positive solution to community concerns about worship facilities and establishments with a liquor license to co-exist.

Commissioner Robinson commented that he supports either ordinance; however, he prefers Alternative Ordinance 3221.

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

Motion carried 5-0.

**10. RESOLUTION 10362, CONDITIONAL USE PERMIT FOR A “WORSHIP FACILITY” LAND USE UPON THE PROPERTY ADDRESSED AS 427 CENTRAL AVENUE REQUESTED BY CALVARY CHAPEL OF CASCADE COUNTY.**

Planning and Community Development Director Craig Raymond reported that the applicant, David Saenz, lead pastor of Calvary Church of Cascade County, has submitted an application to request a Conditional Use Permit (CUP) to allow for a “Worship facility” land use at 427 Central Avenue. The subject property is zoned C-4 Central business core, wherein a “worship facility” land use is permitted upon receiving approval of a CUP and fulfillment of any required conditions. The subject property contains the Pennington Place Building, which has several other suites and has been vacant for quite some time.

The applicant is proposing to use the main floor and a portion of the basement as a meeting space and office use for the Church. Currently, the church occupies a space on Fox Farm Road and the applicant would like to move closer to the heart of the City. The applicant intends to use the building for church services on Sunday mornings, eventually expanding to Sunday nights and Wednesday nights. Smaller groups such as Men’s and Women’s Bible Studies and Youth Group meetings will also occasionally take place on site. During normal downtown business hours, the space will have a few staff members occupying the building and occasionally used for larger meetings. Off street parking requirements are not a consideration within this zoning district due to the provisions of the land use code and presence of several parking structures, which adequately serves the downtown and can accommodate this proposed use.

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Director Raymond concluded that religious organizations are protected by the Religious Land Use and Institutionalized Persons Act of 2000. The Department of Justice states: “The land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000, protect individuals, houses of worship, and other religious institutions from discrimination in zoning and land marking laws.”

Applicant **David Saenz**, Calvary Chapel of Cascade County, reviewed and discussed the attached PowerPoint presentation covering introduction, mission and vision, current ministries, new space, intent and goal, interior renderings and conclusion.

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

Speaking in support of Resolution 10362 were:

Applicant **David Saenz**, explained that if Resolution 10362 is approved, he would like to partner with the downtown community by becoming a positive resource as an outreach and service to the community. He added that the CUP is compliant with the City’s Growth Policy and Downtown Master Plan.

**Jason Masu**, City resident, expressed support for Ordinance 10362.

Appearing telephonically in support were:

**Xavier Mercado**, City resident, expressed support of the applicants request for a CUP.

**Brett Doney**, Great Falls Development Authority, 405 3<sup>rd</sup> Street NW, Suite 203, commented that GFDA supports allowing Calvary Chapel of Cascade County to be located downtown.

Written correspondence was received from **Matt and Bonnie Antonich**, (via 9/15/2020 email), expressed support for Resolution 10362.

No one spoke in opposition to Resolution 10362.

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

**Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission approve Resolution 10362 subject to the Findings of Fact and Basis of Decision, and the applicant fulfilling the listed Conditions of Approval.**

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

Motion carried 5-0.

**OLD BUSINESS**

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**NEW BUSINESS**

**11. WEAVER ADDITION MINOR SUBDIVISION ADDRESSED AS 1715 VAUGHN ROAD.**

Planning and Community Development Director Craig Raymond reported that the applicant, Amos Birky, is requesting a minor subdivision of the subject property, which is addressed as 1715 Vaughn Road, to create four lots. The proposed Lot 1 would consist of 11,804 square feet and currently contains a single-family house. Lot 2 would consist of 78,246 square feet and the existing A Jay Concrete Pumping business is located on the proposed lot. Lot 3 would consist of 23,066 square feet and the lot would be a vacant, undeveloped lot marketed for new development. Lot 4 would be 22,912 square feet and the existing office for the A Jay Concrete Pumping business is on the proposed lot. The proposed lots conform to all of the M-2 zoning district development standards as outlined in the Land Development Code.

The basis for a decision to approve, conditionally approve, or deny a proposed subdivision is whether it is demonstrated that development of the proposed subdivision meets the requirements of the Montana Code Annotated, is consistent with the City's zoning regulations and is in the public interest.

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission approve the Amended Plat of the Minor Subdivision, 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 discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**ORDINANCES/RESOLUTIONS**

**12. RESOLUTION 10352, TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT.**

Finance Director Melissa Kinzler reported that the initial creation of the BID was in 1989. It was renewed in 1999, 2009, and 2019, each for periods of ten years by petition of the property owners within the District.

The BID's overall purpose is to utilize assessment dollars through the BID to improve and revitalize the downtown area. The BID has not changed the areas of the district boundaries since its origination date.

On August 4, 2020, as required by Mont. Code Ann. § 7-12-1132(3), the BID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. Following the public hearing held on August 4, 2020, the City Commission moved to adopt the FY 2021 Work Plan and Budget for the BID.



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The actual assessment for 2020/2021 based on the above assessment formula will generate \$253,086.93 in assessment revenue.

**Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10352.**

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.

**13. RESOLUTION 10353, TO LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT.**

Finance Director Melissa Kinzler reported that the initial creation of the TBID was in 2008. On February 6, 2018, the City Commission approved Resolution 10222 re-creating said TBID for a duration of 10 years. The TBID's overall purpose is to promote tourism, conventions, trade shows, and travel to the City of Great Falls through the use of assessment revenue.

On July 21, 2020, as required by Mont. Code Ann. § 7-12-1132 (3), the TBID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. The assessment will be a flat fee of two dollars per occupied room night for establishments with 31 or more rooms and a flat fee of one dollar per occupied room night for establishments with 1-30.

The assessment amount requested by the TBID through their Work Plan and Budget was \$486,258. The actual assessment for Fiscal Year 2020/2021 based on the above assessment formula will generate \$635,453 in assessment revenue. Last year, the total assessment billed was \$779,677. The decrease of \$144,224 over last year's assessment is attributed to a decrease in lodging during the COVID-19 pandemic for the assessment period that ended June 30, 2020.

**Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10353.**

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.

**14. ORDINANCE 3223, REQUEST FROM LITTLE SHELL TRIBE OF THE CHIPPEWA INDIANS OF MONTANA TO ASSIGN M-2 MIXED-USE TRANSITIONAL ZONING TO THE PROPERTY LEGALLY DESCRIBED AS TRACT 2 OF CERTIFICATE OF SURVEY NO. S-0005156 LOCATED ALONG STUCKEY ROAD.**

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Planning and Community Development Director Craig Raymond reported that this agenda item is a proposal to annex and establish zoning for property owned by the Little Shell of Chippewa Indians of Montana.

The subject property is located off Stuckey Road immediately North of the former Montana Egg facility. The property already has a building that is used as an event center that they desire to increase in use. As such, having full access to City utilities and emergency services is beneficial to this goal.

Even though establishing the zoning district of M-2 Mixed use transitional could be considered a spot zone, Staff recommends this designation based on the current use of the property. The current zoning of the property within the County, and the City's past actions to create more flexible Mixed-use zoning areas along other roadway corridors in the City and the potential for other annexations in the immediate vicinity that would likely fit the M-2 zone in the foreseeable future.

The City is working with the Montana Department of Transportation (MDT) to improve and pave Stuckey Road right up to a portion of the Little Shell property. The tribe will be responsible for the last 30 feet and will be responsible for the installation of required public utilities.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3223 on first reading and set the public hearing for October 6, 2020.**

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

Commissioner Tryon received clarification that the extensions of the utilities will be completed before the Stuckey Road reconstruction.

Commissioner Robinson received clarification that the applicant is responsible for the remaining 30 feet of the Stuckey Road improvement.

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

Motion carried 5-0.

**15. ORDINANCE 3224, REQUEST FROM TURBO TRANSPORTATION GROUP, LLC TO ASSIGN C-3 HIGHWAY COMMERCIAL ZONING TO LOTS 1-3, AND R-2 SINGLE-FAMILY MEDIUM DENSITY ZONING TO LOT 4 OF THE DOUBLE T ESTATES MINOR SUBDIVISION.**

Planning and Community Development Director Craig Raymond reported that the applicant, Turbo Transportation Group, LLC, is proposing annexation, a four lot minor subdivision, and establishment of zoning for Tract 1B of Certificate of Survey No. 5077. The subject property is approximately 40.77 total acres and is currently undeveloped land located within Cascade County adjacent to the City limits on the west side of Great Falls near the airport and highway 15.

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Phase 1 includes development of Lot 1 of Double T Estates as a truck wash facility. Future phases are expected to include development of a truck repair facility and offices for Turbo Transportation Group on Lot 2, as well as a 180-unit mini-storage facility on Lot 3.

The 3 commercial uses are proposed at the western portion of the property adjacent and nearest to other existing and similar commercial uses. The configuration and zoning of C-3 is most appropriate. The future proposed lot 4 is intended to be a multiple lot residential subdivision. It is unclear at this time precisely how many lots will be proposed for future development. Until it goes through a specific and subsequent review and public hearing process before the Planning Board and City Commission, the land will remain undeveloped but zoned as R-2 Single Family Medium Density zoning. The applicant and developer will be required to fund all public utilities and roadway infrastructure.

**Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3224 on first reading and set the public hearing for October 6, 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.

**CITY COMMISSION**

**16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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 September 15, 2020, at 8:47 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

**Minutes Approved: October 6, 2020**