

JOURNAL OF COMMISSION PROCEEDINGS
December 1, 2020

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Civic Center Gibson Room 212

PLEDGE OF ALLEGIANCE

Due to the COVID-19 health concerns, the format of the City Commission Meeting was held in a virtual video-conferencing environment.

ROLL CALL/STAFF INTRODUCTIONS: City Commission members participated electronically via Zoom Webinar: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City Staff participating electronically were: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Budget Analyst Kirsten Myre; Park and Recreation Director Steve Herrig; Planning and Community Development Director Craig Raymond; and, Public Works Director Paul Skubinna. Staff present: City Attorney Sara Sexe; Police Chief Dave Bowen; and City Clerk Lisa Kunz.

To honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation as follows:

- Attend in person. **The City will be following the Current Governor’s Directives and the Public Health Officer Orders regarding public meetings conducted by, staffed by or held in the facilities of the city.** Masks will be required, social distancing will be enforced, and the total number of persons in the meeting room will be limited to a maximum of 25. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, December 1, 2020, to: commission@greatfallsmt.net.
- Electronically. Register via the link on the meeting’s agenda to attend the virtual Zoom Webinar meeting or to participate by phone.
- The agenda packet material is available on the City’s website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on cable channel 190, or online at <https://greatfallsmt.net/livestream>.

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.

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

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson announced that the City County Health Board meets the first Wednesday of every month. As the City representative on that board, he will provide updates to the

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Commission during the second Commission meeting of each month.

Mayor Kelly encouraged everyone to continue to wear masks and follow the Governor's directives as healthcare workers are incredibly taxed and the capacity at the hospital is not improving.

2. REAPPOINTMENTS TO THE REGIONAL AIRPORT AUTHORITY BOARD.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission reappoint Anthony Aretz and Todd Timboe to the Great Falls Regional Airport Authority Board for three-year terms through December 31, 2023.

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

Commissioner Robinson pointed out a clerical error in the summary of the agenda report that should read: Anthony Aretz and Todd Timboe were appointed to the Airport Board for three-year terms from January 1, 2018 through December 31, 2020.

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

Motion carried 5-0.

3. APPOINTMENTS TO THE ETHICS COMMITTEE.

City Attorney Sara Sexe reported that on June 18, 2019 the City Commission adopted Ordinance 3201 which revised the Official Code of the City of Great Falls (OCCGF) §2.21.080 by adding one alternate member to serve on the Ethics Committee in case of a member being unavailable or unable to attend a meeting.

At the recommendation of the Ethics Committee, the City Commission appointed John Hackwith on November 20, 2019 to serve as the Alternate Member. Mr. Hackwith was subsequently appointed to the Police Commission in July and has resigned from the Ethics Committee.

An agenda item to appoint a new Alternate Member was scheduled for the September 1, 2020 Commission meeting. Commissioner Moe requested the proposed agenda item be removed to allow for additional time to clarify the qualifications sufficiently and the appointment process.

The advertisement was reopened on October 6, 2020 with the following information included in the posting: *Members of the Ethics Committee must be – and must be perceived as – impartial and even-handed in the conduct of their duties. Their communications on social media and their relationships with the City or City employees should raise no questions about their ability to render impartial judgment of employees' conduct.*

Staff reached out to the two candidates and received a response from Mr. Grohs asking to still be considered for the Committee.

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Committee member Carl Rostad's term will expire on December 31, 2020 and he is not interested in reappointment. The Commission will need to appoint a member to fill this vacancy also. The City received one additional application from Ms. Robin Beatty.

The requested action is to appoint one member and one alternate member to the Ethics Committee.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission appoint Robin Beatty to a three-year term through December 31, 2023 and appoint Justin Grohs as an Alternate Member to the Ethics Committee for the remainder of a three-year term through December 31, 2022.

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

Commissioner Tryon commented that Mr. Grohs works for a vendor of the City of Great Falls. He inquired whether it would be appropriate for Mr. Grohs to serve as an alternate member on the Ethics Committee.

Commissioner Moe commented that City Attorney Sexe responded to her same concern that one of the reasons for the alternate member is that a conflict of interest could occur for anyone on a particular item and that person would recuse himself or herself.

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

Motion carried 5-0.

CITY MANAGER

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon made the following announcements:

- He has been out of the office recovering from Covid.
- To avoid crowds and social distancing the Commission meetings have been held in a virtual environment. City staff is still working through the mechanics of it all. The Gibson Room will remain open for public comment and City staff will rotate appearing from that room to assist with the public. Let him know if there is interest in shortening the agenda as it was several months ago.
- On December 4, 2020, the Civic Center Renovation project will begin by relocating some City offices. The Finance Department payment window for utility billing will move to the Will Call office in the Civic Center, or there are options for on-line payments. Finance Department clerks will be relocated. Construction could take up to 120 days to renovate the Finance Department area. During this time, the office hours will be 8:30 a.m. to 4:30 p.m.

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- Fire Chief Jeremy Jones was selected to serve on the Board of the Montana State Fire Chiefs Association.

Manager Doyon provided some background information and a status update on the Aquatics/Recreation Facility project. In summary, the project sites had challenges with wetlands and potentially bad soils. Soil samples taken at the School District owned location were not great and the bedrock was at 60 feet. This has created a foundation estimate of approximately \$2.6 million. He has asked the Office of Economic Adjustment (OEA) if the City could look at another location with better soils and is awaiting that response. OEA has reached out to Malmstrom Air Force Base to ask their thoughts. There are some large park areas that the City could easily transition and, if approved by OEA, soil samples taken to determine if they are more compatible. If OEA does not approve the request, the City will fully price out what the cost will be to do a helical system or some system that will tolerate those soils as recommended by the engineers, and look at a business plan to determine if it is possible for the project to move forward.

Commissioner Moe expressed disappointment by the lack of progress and concern about taking on a fiscal problem that will be handed down to future commissions.

Commissioner Tryon expressed disappointment and commented that he was disturbed by the entire process from the beginning.

Commissioner Robinson reported that the Census 2020 final numbers would be released in March.

CONSENT AGENDA.

5. Minutes, November 17, 2020, City Commission Meeting.
6. Total Expenditures of \$1,520,521 for the period of November 1, 2020 through November 18, 2020, to include claims over \$25,000, in the amount of \$1,461,493.
7. Contracts List.
8. Approve Final Payment for the Jaycee Park – Pickleball, Basketball, and Pavilion Improvements, in the amount of \$27,222.04 to United Materials and \$274.97 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1740.2**
9. Postpone the Public Hearing for the Great Falls Saddle Club Lease Agreement of City owned property located in Wadsworth Park to the December 15, 2020 Commission Meeting.

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

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

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PUBLIC HEARINGS

10. 2024 CONSOLIDATED PLAN AND 2020 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that this item for Commission consideration is a request to adopt the 2024 Consolidated Plan as well as the 2020 Annual Action Plan. Every five years the City is required to adopt a new five-year plan which encompasses our over-all broad goals to serve the low to moderate-income citizens of Great Falls with our annual CDBG and HOME Investment Partnership Program allocations.

Due to Covid staff has had to adapt and revise the plans and priorities, amend the 2019 adopted Annual Action Plan, and then return their attention back to the Consolidated Plan.

Director Raymond reported that there are not many dramatic changes to the existing five-year plan. The smaller changes include:

- Transitional Housing was folded into the larger goal of Affordable Housing under the proposed Plan.
- Descriptions of Slum and Blight Removal were added under the goals of Affordable Housing and Public Facilities and Improvements.
- Based on community input, the following priorities have been identified to guide selection for Public Service agency grant awards: 1) services that target homelessness, 2) support for persons with mental, physical, and developmental disabilities, 3) supporting services that addresses alcohol and other addiction problems, 4) crime prevention services, and 5) youth and children's services.
- Supporting language was added to address facility improvements for the Housing Authority under the Housing Rehabilitation goal. This will make it possible for the Housing Authority to apply for funding.

Based on past experience, knowledge of community priorities from community partners, as well as survey results, the proposed plans are submitted for Commission consideration and adoption.

Mayor Kelly asked if the Commission members had any clarifying questions.

Commissioner Moe noted that she received answers to her questions today that she felt were helpful. She commented that the data before the Commission does not have the benefit of the things the City may have learned in this pandemic. She asked Director Raymond to address her concern regarding the point in time survey being almost two years old.

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Director Raymond responded that the City relies on some of its partners to provide statistics and data. As far as the local survey, some things were addressed in the 2019 Plan amendment with the Covid funds, and they moved forward with the data they had.

Commissioner Moe commented that there does not seem to be any particular focus on housing shortages or the difficulties that deal with racism and minorities in terms of the priorities.

Director Raymond responded that, in general, whenever low to moderate-income is addressed they are targeting a disproportionate number of minority populations. When they make efforts to support or target the low to moderate-income levels, they know minority populations will be affected on some levels; but it is difficult to know just how much of an effect the programs had on those particular outcomes.

Mayor Kelly asked if there were any public comments in support of or in opposition to the 2024 Consolidated Plan and 2020 Annual Action Plan for the CDBG and HOME Investment Partnership Programs.

Appearing electronically, **Brett Doney**, Great Falls Development Association, commented that the public input on the economic development section is very weak. He encouraged the City to take a closer look at the economic needs of its residents. He does not think the needs assessment in the Consolidated Plan adequately describes the distress many City residents have in not being able to earn enough to pay for their costs of living.

Director Raymond noted that **Shyla Patera**, North Central Independent Living Services, Inc. submitted written comments that were attached to the agenda report and included in the plan. Mr. Doney's comments were well noted and would have been more helpful had he responded to the community survey.

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

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt the 2024 Consolidated Plan and 2020 Annual Action Plan.

Mayor Kelly asked if there was any discussion amongst the Commission members.

Commissioner Moe commented that the document illustrates some things that are important for the Commission and it is the opportunity for the Commission to shape the use of these funds. She thinks the City is seeing some things from the pandemic that have meaning, but because we are in the middle of it, we do not have time to collect data. She pointed out that one in four households do not have internet connectivity. Internet connectivity has been a game changer for how people do school and work during the pandemic. It is an important area for future commissions to keep track of. She commented that the voluminous data in the report gets lost because she does not think the dots are connected between the data in this report and the data that the School District, Cascade County Jail and Great Falls Police Department have to get a picture of what that experience is for minorities. The most significant difference to her between the 2015 numbers and

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the numbers in this report is that although there is roughly the same number of Native Americans they have fallen disproportionately into the lower income levels.

Mayor Kelly inquired about the Commission's ability to adapt this plan going forward as more data comes in from post pandemic situations.

Director Raymond responded that what staff has learned from collaborating with other entitlement communities and attending trainings is to keep the plan relatively general so that many different types of projects can be incorporated within the plan. If the plan is too specific it makes it difficult to be adaptable without doing a major amendment to the plan, which is time consuming and takes substantial effort. The plan is general and vague because staff does not know who in the community is going to take on these challenges and seek the City's help and funding. The City does not undertake projects. The City supports community partners with funding in undertaking these tasks.

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

Motion carried 5-0.

11. **REQUEST FROM JOSHUA JOHNS WITH SKYLINE HEIGHTS, LLC TO ANNEX AND ASSIGN ZONING.**
 - A. **RESOLUTION 10378 TO ANNEX THE SOUTH 153.4 FEET OF THE N1/2 SW1/4 SW1/4 NW1/4 EXCEPTING THE WEST 30.0 FEET WHICH IS COUNTY ROAD IN SECTION 35, T21N, R3E, P.M.M., CASCADE COUNTY, MONTANA; THE ADJOINING RIGHT-OF-WAY OF 6TH STREET NW; THE ADJOINING RIGHT-OF-WAY OF SKYLINE DRIVE NW EXTENDED TO THE WEST RIGHT-OF-WAY LINE OF 6TH STREET NW.**
 - B. **ORDINANCE 3226 TO ASSIGN PROPERTY DESCRIBED ABOVE AS R-6 MULTI-FAMILY HIGH DENSITY ZONING.**

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that this item is a public hearing for consideration of the annexation and application of zoning on approximately 2.15 acres in the Skyline neighborhood, located on the southeast corner of 6th Street NW and Skyline Drive NW, and directly adjacent to a city-owned water storage reservoir.

Owner of the subject property, Skyline Heights, LLC, filed for annexation and is requesting R-6 zoning in order to proceed with the intended plan of developing a high-density multi-family project. Director Raymond characterized the plans received to date as preliminary, but noted that so far the proposed development plan appears consistent with the underlying regulations pertaining to R-6 zoning. The formal action being taken tonight is not to approve of a specific site plan. The applicant has requested annexation and zoning of the subject property. No other permits have been filed at this time. The agenda report exhibits contain some specific plans. The owner of the property either today or subsequent owners may propose any use that is consistent with R-6 zoning.

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Based on the scale, mass and proposed use of the property, public concern from surrounding neighbors has largely been associated with traffic and fit for the neighborhood. These concerns were brought to the attention of the Planning Board at their public hearing held on October 13, 2020. Ultimately, the Planning Board did vote to recommend that the City Commission approve the annexation and R-6 zoning request. To this end, staff has submitted a traffic analysis and recommendations to the Commission for consideration of the project. Essentially, the developer will be required to improve Skyline Drive from its current completed location westward to the intersection with 6th Street NW. The owner will also be obligated to pay a proportionate share of costs associated with the improvement of 6th Street NW when that project becomes a reality. At this time, staff is still not in a position to declare when that improvement can move forward. Multiple issues need to be resolved prior to design and construction. What is known is that 6th Street NW is still under both county and city jurisdiction. There is also rights-of-way that would need to be secured in order to widen the roadway. Additionally, there has not been sufficient funding identified to pay for the project. In any case, staff continues to seek answers to these obstacles so that improvements can be constructed and new development can continue to be promoted. As is typical for annexation, zoning and development projects, the project applicant will be required to pay for and construct improvements such as water, sewer, storm water, as well as street and sidewalk infrastructure.

Applicant Joshua Johns was present and noted he was available if the Commission had any questions.

Mayor Kelly asked if the Commission members had any clarifying questions.

Commissioner Tryon noted that the apartments rent for \$850-\$1,200/month. He inquired about eligibility for Section 8 housing subsidies.

Director Raymond responded that information has not been shared with staff and is not criteria to be used in the decision making process.

Commissioner Moe inquired about location of curb and gutter.

Director Raymond responded that he sees that happening on Skyline because the entire width of the roadway is being improved along the lane.

Commissioner Robinson referred to the city/county road and inquired if and how it could become a 6th Street NW expansion or widening project inside the City limits.

Director Raymond responded that the City would make a concerted effort to join the County in a mutual project or proactively annex the remaining right-of-way. That would probably take place at the same time that additional rights-of-way would be purchased prior to construction.

Mayor Kelly asked if there were any public comments in support of or in opposition Resolution 10378 or Ordinance 3226.

Appearing electronically, **Brett Doney**, Great Falls Development Authority, spoke in support of the project. He commented that the only way to keep housing prices in check is to keep producing

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housing stock. Building more apartments is important for the economic and social well-being of the community. He also noted support of the findings of fact.

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 10378 to annex the property as legally described in the staff report including the adjoining right-of-way of Skyline Drive NW and 6th Street NW and the accompanying Findings of Fact, and approve the Improvement Agreement, all subject to the Conditions of Approval being fulfilled by the applicant.

Mayor Kelly asked if there was any discussion amongst the Commission members.

Commissioner Houck commented that she is pleased this project is coming together, and appreciative of all the pieces in the Improvement Agreement.

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

Motion carried 5-0.

Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission adopt Ordinance 3226 to assign R-6 Multi-Family High Density zoning to the property 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 was any further discussion amongst the Commission members. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

12. **RESOLUTION 10379, AUTHORIZING THE EXPENDITURE OF APPROXIMATELY \$8,829,810 IN FUNDS FROM THE DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING DISTRICT TOWARDS THE CIVIC CENTER FACADE RENOVATION PROJECT.**

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that this item for consideration is a request from Planning and Community Development to conduct a public hearing and approve the expenditure of approximately \$8.8 million dollars to finance the renovation of the Civic Center Façade.

It is well documented that the Civic Center façade has been deteriorating for a number of years. Since at least 2011, City staff has been working towards developing a renovation project and securing adequate funding to finance the renovation. While the project has not formally gone out

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for public bid, it is estimated that the renovation construction cost will be approximately \$5.5 million to \$6 million dollars. Contingency, underwriting costs, and interest paid over time is estimated to bring the total cost to approximately \$8.8 million dollars. Based on current interest rates and estimated costs, the total annual debt service is estimated to be \$441,490. The estimated tax increment financing (TIF) increment left over after debt service would be approximately \$960,000 for other eligible projects.

In early 2020, the City Commission directed staff to investigate and pursue the possible use of TIF funds to be used as a guarantee in a bond sale. On October 6, 2020, the City Commission approved an amendment to the Downtown Urban Renewal Plan (DURP), making it clear that the Civic Center facility and property should be specifically considered for TIF funding allocations. Before this amendment, the only property specifically listed in the DURP is the property known as the “Rocky Mountain Building.” The plan otherwise lays out other strategies for improving the downtown urban renewal area including blight removal, pedestrian improvements, bicycle network, connectivity to amenities including the River’s Edge Trail and other projects like Wayfinding.

Although some people in the downtown community have expressed reservations or opposition to the use of TIF funds for this purpose, it is very clear that the project is consistent with statutory eligibility requirements in every aspect and it is the only method of financing this rehabilitation project without raising taxes on the community at this point in time. Furthermore, this funding strategy significantly benefits the downtown community who may be in a position to apply for TIF funds for future projects as the bonding element of this project will extend the life of the district and increase opportunities that otherwise would not be available. If approved, Resolution 10379 authorizes the City to use TIF funds from the Downtown Urban Renewal District in the amount of approximately \$8.8 million dollars.

Mayor Kelly asked if the Commission members had any clarifying questions. Hearing none, Mayor Kelly asked if there were any public comments in support of or in opposition to Resolution 10379.

Appearing electronically, **Brett Doney**, Great Falls Development Authority, spoke in support of this proposal for three reasons: (1) addresses the pressing need for the Civic Center facility; (2) lengthens the length of time for the Downtown Tax Increment Financing District; and (3) it is a way to address a community facility challenge without increasing taxes. Mr. Doney further commented that private investment needs to be supported for downtown development.

Appearing electronically, **Scott Reasoner**, City resident, commented that he is partners in two downtown businesses, owns a downtown building that has a development plan, and he resides downtown. Mr. Reasoner commented that he is not against the use of TIF funds for this project, but he urged the Commission to delay action on this use of TIF funds until the City, the community and the Commission could approve an updated use plan for the downtown TIF district as a whole. Mr. Reasoner concluded that it is placing the cart before the horse if this use is approved and the TIF district is extended by 20 years without first understanding goals and best use of the fund.

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Appearing electronically, **Shane Etwiler**, Great Falls Area Chamber of Commerce, 100 1st Avenue North, concurred with both previous speakers' comments. He shared that a major concern of downtown business owners is use of downtown TIF funds for this project. The Civic Center is an iconic feature downtown that brings in a lot of entertainment, venues and businesses that is a benefit to downtown. TIF is intended for infrastructure and economic development. He expressed concern about how this project will increase and improve development downtown for the long term.

Director Raymond commented that staff is working with members of the Downtown Development Partnership, Downtown Great Falls Association, and the Business Improvement District to come up with new elements to the plan that will be presented at an upcoming work session. In response to Mr. Reasoner, the City does have a TIF plan. The Downtown Urban Renewal Plan was recently amended by the City Commission and sets forth a vision and a plan moving forward.

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

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10379, authorizing the expenditure of approximately \$8,829,810 of funds from the Downtown Urban Renewal Tax Increment Financing District towards the Civic Center Façade Renovation project.

Mayor Kelly asked if there was any discussion amongst the Commission members.

Commissioner Robinson commented that at first he had reservations because everyone in the district was taxed except for the City. What changed his mind is the amount of TIF funds that are generating every year. There will be funds for other downtown projects. It is important to recognize that the Civic Center is the center of downtown. Commissioner Robinson concluded that he is a huge advocate of downtown, and he made the motion believing it is in the best interest of the downtown.

Commissioner Moe noted prior comments were that the City should also consider dealing with the interior as long as it is dealing with the exterior. It has been put off a long time. This is a pressing safety concern and she thinks this is the best way to address it.

Mayor Kelly commented that this is an excellent opportunity for the City to use these funds to benefit the entire community without having to pass a bond issue and put the burden of the tax upon people who are already incredibly stressed.

City Manager Doyon held up a piece of façade that had fallen off the Civic Center. He commented that there is no better instrument to repair the building than to use TIF funds at this point. The TIF fund has grown in value. If not all of the TIF funding is used, there is not anything that would restrict the City Commission from allocating that unused TIF back to the taxing jurisdictions for other needs.

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

13. **RESOLUTIONS 10380, 10381 AND 10382 REPEALING AND REPLACING RESOLUTIONS 10264, 10265 AND 10266 FOR THE MERIWETHER CROSSING SUBDIVISION FOR THE PURPOSE OF ADJUSTING THE PROPOSED PHASES OF THE PROJECT'S ANNEXATION.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to amend an annexation approved by the City Commission in October 2018. For background, Meriwether Crossing was intended to be a mix of products including NeighborWorks Great Falls self-help building program as well as typical subdivision and market driven home construction. Due to the funding source for the NeighborWorks program, the homes must be built in the County and then immediately annexed into the City upon completion. The annexations would be filed with the County Clerk and Recorder's Office in phases as they were complete. Some of the market driven lots which were slated for sale were already recorded and some lots sold. Similarly, initial phases of the self-help homes have also been completed and annexed. There was a distinct plan on which lots were to be annexed and in what order to ensure that infrastructure and facilities would be planned and constructed in a logical and orderly fashion.

The developer, NeighborWorks Great Falls, now proposes to change the timing and order of lots to be annexed so that additional lots can be sold at this time. To accomplish this, Resolutions to Repeal and Replace prior adopted resolutions that have not been recorded are before the Commission for action. To be clear, the only elements that are changing related to the original 2018 approval is the configuration and order of the phases. The developer is not proposing an increase in lot density or changing provisions in the Improvement Agreement.

City Staff and the developer originally worked through a detailed Improvement Agreement which defines the roles and responsibilities of the developer and the City. The developer shall pay for all street, water, sewer and storm water improvements which are necessary to support this development. The City will pay for upsizing of utility lines as may be specifically requested by the City for utility continuity and future growth.

Director Raymond noted that he received a word of caution from the County Planning Director that the County is not a fan of this subdivision/annexation process that the City has used to support affordable housing in Great Falls. He expects that the City and County will enter into discussions and a Memorandum of Understanding before the City undertakes future similar projects.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10380, repealing and replacing Resolution 10264 for the purpose of amending the annexation of the Meriwether Crossing Subdivision.

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

Appearing electronically, **Brett Doney**, Great Falls Development Authority, commented that what NeighborWorks is doing is incredibly important for the City. It is important that affordable home ownership, as well as rental housing opportunities, be provided. He encouraged the City to continue to support creative projects.

Commissioner Robinson disclosed that he recently made a significant donation to the NeighborWorks Foundation. Because there will be no financial benefit to him or his family if he votes in support of this item, he will not be recusing himself.

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

Motion carried 5-0.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10381, repealing and replacing Resolution 10265 for the purpose of amending the annexation of the Meriwether Crossing Subdivision.

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.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10382, repealing and replacing Resolution 10266 for the purpose of amending the annexation of the Meriwether Crossing Subdivision.

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

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Tryon commented that LR-130 restricts municipalities from making law that restricts carrying of firearms. In light of the passage of LR-130, he asked for the support of the Commission members to ask the City Attorney to review Title 9, Chapter 8 of the Official Code of the City of Great Falls and take appropriate action to keep in compliance with state law. He

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also requested support to ask the City Attorney and staff to look at the City's zoning as it relates to the recent passage of the use of recreational marijuana.

City Attorney Sara Sexe responded that both ballot issues have been on her radar. The Legislature is going to address questions regarding LR-130 and I-190 and some of those elements that may be more pragmatic that staff will have to deal with. She provided a Legal Opinion in 2017 that concealed carry in parks would be allowed. Work needs to be done with regard to that ordinance so that it is consistent with LR-130 and the statute. In the interim, she advised to wait to see what the Legislature may do with regard to both issues, and not necessarily enforce the provisions of the ordinance that may conflict with the statute.

City Manager Doyon added that he will pass along information he hears from other communities or the Montana League of Cities and Towns.

With regard to I-190, City Attorney Sexe concluded that the City has consistently indicated it could not comply with permitting of those businesses in the Great Falls area because it would conflict with federal law.

Commissioner Robinson requested that if two items are scheduled for presentation on the December 15th work session that the Maclean update be heard first.

Commissioner Moe requested written material in advance of the work session.

City Manager Doyon noted the options are to start the work session early and have a longer meeting or call a special work session. He will follow up with everyone regarding availability.

Commissioner Moe noted the passing of Ken Maddox, a teacher at East Middle School, who died from complications from Covid. Mr. Maddox taught, coached and refereed for the School District for 33 years. He is an example of the unsung work that the teachers throughout the community are doing. He is a loss to our community and will be missed.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the regular meeting of December 1, 2020, at 9:11 p.m.**

Motion carried 5-0.

Mayor Kelly

City Clerk Lisa Kunz

Minutes Approved: December 15, 2020