

JOURNAL OF COMMISSION PROCEEDINGS

June 15, 2021

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. Also present were: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Finance Director Melissa Kinzler; Planning and Community Development Director Craig Raymond; City Attorney Sara Sexe; and, Police Chief Jeff Newton.

Public participation is welcome as follows:

- Attend in person. 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, June 15, 2021, to: 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. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties.
- 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. City Manager Greg Doyon noted a minor edit regarding the project on Agenda Item 14. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: Mayor Kelly read a proclamation for Juneteenth (June 19, 2021). Appreciation was expressed to the Malmstrom Air Force Base Diversity Inclusion Team.

COMMUNITY HEALTH INITIATIVES

1. Sandy Johnson, RS, Cascade County Superfund Coordinator, reported that superfund is an EPA term for a program that allows the EPA to clean up sites across the country that are contaminated by hazardous waste, forces parties responsible for contamination to either clean up what they caused or reimburse the government for the EPA lead cleanup. Cascade County has three superfund sites associated with past mining activity: Anaconda Copper Mine Smelter and Refinery

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(Black Eagle area), Carpenter Snow Creek Mining District (includes Town of Neihart), and the Barker Hughesville Mining District (east of Monarch). Superfund goals are to protect human health and the environment by cleaning up these contaminated sites, community involvement, and returning sites to productive use.

Residential yard cleanup is expected to begin in 2023 in Black Eagle. The EPA awarded a grant to Cascade County in 2016 to develop a park plan with trail connection strategies over to the old smelter site, and to develop a land use master plan and explore long term management options. The consultant's final report is expected in the near future, to include low maintenance recreational amenities like hiking and biking trails, Frisbee golf, historical stack replica and interpretive center to help guide the cleanup.

Cascade County has a cooperative agreement with the EPA to work with the Town of Neihart to clean up a majority of the yards, roads and alleys. Clean up may begin in 2022 or 2023. Thereafter, a management program will be established to monitor excavation to prevent future contamination.

The county is awaiting a record of decision on the 6,000 acre Barker Hughesville site.

Mayor Kelly asked if the citizens of Great Falls should be concerned about the human health hazards of the surrounding superfund site.

Coordinator Johnson responded that there is some concern primarily with children under age seven.

Commissioner Moe inquired the relative level of activity here compared to other areas of Montana.

Coordinator Johnson responded that there are quite a few sites in Montana at different levels.

PETITIONS AND COMMUNICATIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Sharon Thompson, 301 39th Avenue NE, read a prepared statement regarding her and her husband's opposition to the pursuit of Great Falls and Cascade County being federally designated as a National Heritage Area (NHA) in violation of the Fourth Amendment to the U.S. Constitution.

Mayor Kelly acknowledged receipt of her written communication as well.

Written communication was received from **Jim and Sharon Thompson**, 301 39th Avenue NE, opposing the pursuit of Great Falls and Cascade County being federally designated as a National Heritage Area (NHA) in violation of the Fourth Amendment to the U.S. Constitution, and **Sid Carlson**, City resident, suggesting there isn't a need for a Crime Task Force if the community (broken down houses, dead grass and trees) was cleaned up.

NEIGHBORHOOD COUNCILS

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3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. APPOINTMENT TO THE GOLD ADVISORY BOARD.

Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission appoint Wes Maze to the Golf Advisory Board as a representative for the Men's Golf Association for the remainder of a three-year term through March 31, 2023.

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.

5. REAPPOINTMENT TO THE LIBRARY BOARD.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission reappoint Samantha DeForest to the Library Board for a five-year term through June 30, 2026.

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.

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Chuck Anderson updated the Commission on the following:

- Commission members interested in seeing the façade project site can make arrangements through Planning and Community Development Director Craig Raymond.
- Ten participants will graduate from the 2020 City 101 Academy tomorrow evening.
- Appreciation was expressed to the Malmstrom Air Force Base Leadership Class for their volunteer service to the Great Falls Public Library.
- Five of the six collective bargaining agreements have been tentatively negotiated, and will come before the Commission in July.
- David Paul Anderson was hired to fill the electrician position at the Water Plant.

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- The Montana Police Protective Association will be recognizing Great Falls Police Detective Travis Burrow as Officer of the Year at its upcoming convention in Whitefish.
- Housing Authority construction projects are underway for an underground electrical upgrade and concrete work in the Parkdale area to improve the sidewalks and stairs.
- The second meeting of the Crime Task Force (CTF) was conducted yesterday with briefings from HIDTA, DEA, Cascade County Sheriff's Office, and the State Probation and Parole Office. The CTF elected Sandra Guynn as Chairperson and Jeff Newton as Vice-Chair. The next scheduled CTF meeting is June 28, 2021, at 4:00 pm.

CONSENT AGENDA.

8. Minutes, June 1, 2021, City Commission Meeting.
9. Total Expenditures of \$2,475,534 for the period of May 18, 2021 through June 2, 2021, to include claims over \$25,000, in the amount of \$1,559,010.
10. Contracts List.
11. Grants List.
12. Approve the purchase of 250 tons of Liquid Asphalt CRS-2P from Western Emulsions, Inc., of Billings for a total of \$107,000.
13. Accept the low bid from Thatcher Company of Montana, Inc. and authorize staff to purchase liquid aluminum sulfate in the amount of \$478 per ton, up to the maximum amount of 800 dry tons for Fiscal Year 2021/22.
14. Award a contract in the amount of \$77,465 to MRTE Inc., for the Longfellow ADA Upgrades, and authorize the City Manager to execute the necessary documents and to make the payments. Mayor Kelly noted that the original agenda noted Longfellow/Lincoln ADA Upgrades, but the decision was made not to pursue the Lincoln work at this time. **OF 1715.7**
15. Award a contract in the amount of \$79,447.61 to Horn Construction for utility and site work for the new restroom in Lions Park, and authorize the City Manager to execute the construction contract documents. **OF 1740.7**
16. Approve an amendment #1 to the Memorandum of Understanding and Project Funding and Maintenance Agreement, increasing the City's funding match from \$100,521 to \$153,759 for the Stuckey Road Improvements project. **OF 1739.1**
17. Set the public hearing for July 6, 2021, to consider the Program Year 2021 Annual Action Plan related to the use of CDBG and HOME funds.

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Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt the Consent Agenda as presented.

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

Written communication was received from **Shyla Patera**, North Central Independent Living Services, 1120 25th Avenue NE, regarding ADA and accessibility needs pertaining to Items 14, 15 and 16.

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

Commissioner Robinson inquired why the Lincoln ADA updates weren't done as part of the School District construction project.

Director Raymond responded there was somewhat of a limitation of funds available for those projects. The City offered to assist and partner with the School District in some tangible way.

Mayor Kelly noted that Item 9 includes two hybrid SUVs for the police force, and Item 16 includes a 13 ½ % match from federal and state funds.

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

Motion carried 5-0.

PUBLIC HEARINGS

18. REQUEST FROM STEVE SHEFFELS TO VACATE 8TH ALLEY SOUTH BETWEEN 7TH AVENUE SOUTH AND 8TH AVENUE SOUTH AND A CONDITIONAL USE PERMIT ON PROOPERTY ADDRESSED AS 214 7TH AVENUE SOUTH.

I. RESOLUTION 10391, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A "CONTRACTOR YARD, TYPE II" LAND USE IN THE MIXED-USE TRANSITIONAL (M-2) ZONING DISTRICT.

II. RESOLUTION 10405, VACATNG A PORTION OF 8TH ALLEY SOUTH BETWEEN 7TH AVENUE SOUTH AND 8TH AVENUE SOUTH.

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 is a request to conduct a public hearing on Resolutions 10391 and 10405 which will, if adopted, approve a Conditional Use Permit to operate a Contractor Yard Type II in the M-2 zoning district subject to certain conditions of approval. Resolution 10405 will vacate a small remaining portion of public rights of way.

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Sheffels Farms, Inc. has owned the subject property since the 1950s. The property has typically been used in a fashion that would be considered industrial or at least commercial in nature. However, in recent years the property has been mostly vacant. Within the last year, a local bank has been renting the property in order to store heavy construction equipment that has been in the bank's possession while a bankruptcy case is being resolved. The land use that most closely resembles this type of property usage is a "Contractor Yard, Type II," which is conditionally permitted in the M-2 zoning district. This Conditional Use Permit request is coming forward in response to a citizen's complaint on the property regarding the amount of heavy equipment being stored at the location. When staff contacted the property owner, he indicated that he was unaware that the activity was not permitted by City zoning. Since the family had used the property for this type of land use in the past, they wanted the flexibility for contracting businesses to use the site in the future and brought forward this Conditional Use Permit request.

After a review of the property existing uses in the surrounding area and the desired use of the property under consideration, the only site improvement recommended is that the existing chain-link fence have privacy slats installed in order to screen the interior use of the property from the neighboring public, particularly the residentially zoned area to the east. There is a portion of the fence that juts out into the public 3rd Street South right-of-way that will need to be moved so that it is placed along the property line.

A large portion of 8th Alley South was vacated in 1958 but a small portion was never vacated. The applicant's request to vacate 8th Alley South between 2nd Street South and 3rd Street South allows the owner to assume full control of their portion of the block. A 20-foot easement has been prepared allowing the City to access the sewer main that exists in the former alley partially vacated in 1958.

The subject property is located in Neighborhood Council 7. The applicant met with the Council on February 8, 2021, to discuss the request. The Council voted unanimously to recommend approval of the Conditional Use Permit. The Zoning Commission met on February 23, 2021 to consider the request and recommended that the City Commission approve both Resolutions this evening.

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

With regard to Resolution 10391, Commissioner Moe inquired if there are exceptions to the privacy fencing.

Director Raymond responded that the privacy slats aren't mandatory, but were recommended as a mitigation means to shield the unsightly use. The complaint alleges it is an unattractive nuisance to the residential neighborhood. Staff felt the privacy slats was a reasonable means and the applicant agreed to comply.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolutions 10391 and 10405. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

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Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10391, a Conditional Use Permit, to allow a “Contractor Yard, Type II” land use in the Mixed-Use Transitional (M-2) zoning district at the property addressed as 214 7th Avenue South and the accompanying Findings of Fact/Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.

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

Commissioner Moe commented that the property is close to a park. She expressed safety concerns about kids not being seen within a privacy fence.

Commissioner Tryon noted the Neighborhood Council and Zoning Commission voted in favor, and City staff didn’t have any issues about issuing the permit.

Mayor Kelly asked Applicant Sheffels to take the concern into consideration.

Motion carried 5-0.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10405 vacating a portion of 8th Alley South between 7th Avenue South and 8th Avenue South.

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

Mayor Kelly noted this is a great example of cooperation between the staff, applicant and neighborhood to address a complaint.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. RESOLUTION 10410, APPROVAL TO SUBMIT MT GEMS, INC.’S APPLICATION TO THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM.

Commissioner Tryon noted that Phil Faccenda is the architect for MT Gems. He announced that he will recuse himself from the discussion and vote on this item due to his work for Mr. Faccenda’s other company, Stray Moose Productions.

Great Falls Development Authority (GFDA) Senior Vice-President of Business Development Jolene Schalper reported that currently, MT Gems, Inc., dba Ruby and Sapphire houses, care for those in need of assisted living and Dementia care in two locations. They share a common area between them in a secured yard. This gives all residents a sense of freedom to go back and forth while still being safe and secure.

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MT Gems will be building an addition to encompass all levels of needed care to include on-site daycare for staff, full retirement apartments, assisted living and Dementia care units all under one roof. This project should increase jobs by 12 or more permanent full-time staff. All residents will have access to all meals, housekeeping, and activities. This larger structure will give them more suites to house residents in all stages of mental and/or physical needs. They want to be able to have couples under one roof so they can spend as much time as they desire without the struggle of giving that care that is so needed for their spouse. This building will allow more space for activities in a safe and secured environment.

MT Gems does not have room to have those who only need retirement living to be near the spouses who need more care. The elderly need a choice to stay close to their spouse even though they, themselves, can no longer be the care giver 24/7. They need a choice on their own terms of how much care they want to give and when.

The Requestor stated in the application, the drive to make this project happen is due to seeing, over the past 17 years, couples having to live separately due to one being healthy and the other not. This is commonly due to some type of Dementia.

This project takes care of a growing economic problem and gives value and a great service to the community. This is essential to our aging community. It helps ages birth to 100+. Families can come and enjoy their parents/grandparents company knowing everything is taken care of. Staff will not have to worry about daycare as it will be on site.

The BSTF program is designed to aid in the development of good paying jobs for residents and promote long-term, stable economic growth in Montana. It has two distinct methods for achieving this goal. The first is through job creation funding (Category I) which receives 75% of the program funding and the second is through planning projects (Category II) which receives 25% of the funding.

MT Gems, Inc. is eligible for Category II funding. Category II includes grants or loans to assist with economic development planning efforts that promote long-term, stable economic growth in Montana.

The maximum grant or loan award is \$27,000 per application. Projects provide a \$1 for \$1 match to show the local commitment. In-kind contributions are not considered match.

MT Gems, Inc. along with Great Falls Development Authority (GFDA) is requesting the City approve a grant submittal for a BSTF Grant in the amount of \$27,000. GFDA will manage all aspects of the grant.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10410.

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

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Mayor Kelly reiterated that there are no City funds being used and that Great Falls Development Authority is the administrator of the grant.

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

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson noted the Commission received more information regarding the truck/trailer parked on 36th Avenue NE. He suggested the Commission's initiative start by looking at how the ordinances can be changed so that these problems can be taken care of.

Manager Doyon commented that staff will bring the last large motor vehicle ordinance that was discussed with the community current with state statutes for a presentation at a work session and subsequent public hearing.

Information about other Montana cities is being compiled for review.

Commissioner Houck urged residents to use caution when recreating on Wadsworth Pond or the Missouri River and to use life jackets.

Commissioner Tryon reminded everyone to be sensitive and courteous to veterans, neighbors and pets this 4th of July holiday.

Commissioner Moe announced that she has a conflict with a family commitment for the July 6, 2021 meeting and may request participation by telephone.

Mayor Kelly announced that a Juneteenth celebration would be held Saturday at the Gibson Park band shell with free music and food.

21. 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 June 15, 2021, at 8:05 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: July 6, 2021