

JOURNAL OF COMMISSION PROCEEDINGS

August 17, 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, Mary Sheehy Moe and Rick Tryon. Commissioner Tracy Houck participated electronically via Skype. Commissioner Owen Robinson was excused. Also present were: City Manager Greg Doyon; Deputy City Clerk Darcy Dea; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; Mansfield Center for the Performing Arts Manager Owen Grubenhoff; Deputy City Attorney Jeff Hindoi; 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, August 17, 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. The agenda was approved as presented.

Manager Doyon mentioned that there have been issues with the phone system and that the IT Department will be rebooting the phone system tonight at 9:30 p.m.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS

1. Written communication in opposition to National Heritage Area (NHA) was received via 8/17/2021 email from Misty Davey.

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Shelli Davidson, 104 Calvert Road, expressed concern about property owners not being notified about the Big Sky Country National Heritage Area (BSCNHA). She expressed concern that National Heritage Areas are not financially self-sufficient, will increase property taxes and cause an increase of invasive weeds on landowners' properties from an increase in tourism. She urged the Commission to oppose the BSCNHA.

Brett Doney, Great Falls Development Authority (GFDA), commented that the pandemic has had a global impact on the economy and GFDA has commissioned consultants to develop a regional economic comprehensive plan. He extended an invitation to the City Commission and community to participate in meetings the week of September 12 and October 11, 2021.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

3. APPOINTMENT AND REAPPOINTMENTS TO THE BOARD OF ADJUSTMENT/APPEALS.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission appoint Antoinette Collins to a partial three-year term through September 30, 2023 and reappoint Joe McMillen and Aspen Northerner to the Board of Adjustment/Appeals for three-year terms through September 30, 2024.

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 4-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the following:

Aim High Big Sky Recreation Center (OF 1770): The scope of the project, local economy (tax base), finances, operations, COVID-19, ARPA funding, CARES Act, cybersecurity and environmental issues were evaluated by a bond rating agency prior to providing a bond rating with regard to financing the Recreation Center.

The Board of Environmental Review approved a Joint Stipulation Agreement to dismiss a final permit with regard to a 2019 Wastewater Permit Appeal. The outcome has saved millions of

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dollars because of the projected cost for upgrades to enhance and add treatment for pollutants. Currently, pollutants do not exist in the effluent and are not discharged in amounts that have a negative effect on water quality or aquatic life. He expressed appreciation to the Public Works Department for its efforts working through a complex permit process.

Great Falls Fire Rescue (GFFR) will hold a promotional ceremony on August 24, 2021 for Jeremy Virts, promoted to Deputy Chief of EMS; Katie Brewer, hired as Community Risk Reduction Manager; Spencer Hart, Chaplain; Tyler Loney, promoted to Captain; Shaun Opp, promoted to Lieutenant; Eric Fowell, promoted to Lieutenant; Tom Zaremski and Tim Harris, hired as Deputy Fire Marshals; and, four new probationary firefighters starting Recruit Training Academy. GFFR provides education and information about department services and public safety on KMON radio every Tuesday.

Guns N' Hoses is an event supporting the Great Falls Fire and Police Foundations. The softball game will happen on August 29, 2021, after the Voyagers game.

Starting the week of August 23, 2021, the Great Falls Public Library will be returning to hours of operation prior to COVID-19 and full details are available on the City's website.

Commissioner Tryon requested a progress report on the sprinkler system replacement at Roosevelt Park.

Park and Recreation Director Steve Herrig responded that there were issues with the waterline; however, the system should be complete within the next few weeks.

CONSENT AGENDA.

6. Minutes, August 3, 2021, City Commission Meeting.
7. Total Expenditures of \$2,168,536 for the period of July 17, 2021 through August 4, 2021, to include claims over \$25,000, in the amount of \$1,189,745.
8. Contracts List.
9. Grants List.
10. Approve the purchase of water meter equipment for the 2022 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$230,000.
11. Approve a final payment for the Fox Farm 20-inch and Southwest Side Water Main Replacements to United Materials of Great Falls, Inc. in the amount of \$24,132.09, and \$243.76 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1494.9**

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12. Approve a final payment for the Lower Northside Water Main Replacement and Street Reconstruction to United Materials of Great Falls, Inc., in the amount of \$114,764.52, and \$1,159.24 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1467**
13. Approve Change Order No. 1 in the amount of \$32,056.00 and the Final Payment for the Historic Preservation of the 10th Street Bridge, Ph. 3 in the amount of \$36,723.07 to Dave Kuglin Construction and \$370.94 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments. **OF 1709.1**

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 discussion amongst the Commissioners.

Mayor Kelly noted that final project cost for Item # 11 is approximately \$59,000 less than the total contract amount and Item #12 is approximately \$162,000 less.

Mayor Kelly called for the vote.

Motion carried 4-0.

PUBLIC HEARINGS

14. **Annexation of property addressed as 2249 Upper River Road and establishment of R-2 Single-family Medium Density zoning as requested by property owner Bryan Hicks.**

I. Resolution 10422, to annex Tract No. 2 of COS 2660 and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast as legally described in the Staff Report, the Annexation Agreement, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

II. Ordinance 3231, to assign R-2 Single-family Medium Density zoning for Tract No. 2 of COS 2660 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 declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that the owner of the property addressed as 2249 Upper River Road submitted an annexation by petition application on April 21, 2021 for the purpose of connecting his existing single-family residence to City water and sewer utilities. In keeping with the predominant uses and zoning classifications of surrounding property, the applicant has requested R-2 Single-family Medium Density zoning

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for the property. This property is located in Phase 5 of the Upper/Lower River Road Water and Sewer District. This is one of five Service Districts created to improve water quality, resolve public health issues, remove sources of groundwater contamination in the area, and improve the tax base of the community. Previously, Service Districts 1, 2, most of 3, and 4 were wholly annexed into the City. District 5 is next in line to be annexed at an undetermined date. Although the District received funding and installed water and sewer mains within the Phase 5 area, the City has not received enough petitions to move forward with a district annexation. Instead, individual property owners have petitioned for annexation over the last several years.

Aside from the relationship with the Upper Lower River Road Water and Sewer District (ULRRWSD), there is nothing uniquely challenging or problematic with the proposed annexation and connection to City utilities. The subject property is located adjacent to Neighborhood Council #6. Staff attended the May 5, 2021 council meeting to present and answer questions about the ULRRWSD. NC #6 Council members decided to break for summer and forgo a formal vote on the project as they saw it unnecessary after questions had been answered and no issues were raised specific to this request.

At the conclusion of a public hearing held on June 22, 2021, the Zoning Commission recommended the City Commission approve the establishment of R-2 zoning of the subject property upon annexation.

Mayor Kelly asked if the applicant had any comments.

Bryan Hicks, Applicant, commented that he looks forward to moving forward and being able to connect his residence to City water and sewer utilities.

Mayor Kelly asked if the Commission members had any questions or if there were any comments from the public in support of or opposition to Resolution 10422 and Ordinance 3231.

No one spoke in support of or opposition to Resolution 10422 and Ordinance 3231.

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

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10422 to annex Tract No. 2 of COS 2660 and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast as legally described in the staff report, the Annexation Agreement, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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

Motion carried 4-0.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Ordinance 3231 to assign R-2 Single-Family Medium Density zoning for Tract No. 2

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of COS 2660 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 discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

15. RESOLUTION 10423, TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW A “VEHICULAR SERVICES” LAND USE IN THE C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT UPON THE PROPERTY ADDRESSED AS 620 57TH STREET 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 the applicant, Set Five LLC, submitted an application requesting a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district for the property located at 620 57th Street South. The subject property is currently being used as a gas station that was developed around the 1960’s. The applicant intends to remove all existing features of the gas station and develop a car wash containing three self-wash bays, one auto wash bay, and a potential dog washing station. The applicant also has interest in developing dedicated space for a future on-site electric car charging station. The applicant has stated the redevelopment is in response to changing economics due to competition of other gas stations in the area, but that the automotive nature of the site will remain consistent with its historical use.

The original application was removed from the Zoning Commission Agenda on March 23, 2021 at the applicant’s request. The reason for the removal from the agenda was due to Staff’s recommendation at the time for denial of the request. The initial reason for Staff’s recommendation is that the applicant requested a reduced landscape buffer from the code-required fifteen feet to five feet along the north property line to allow for a larger turn radius within the site to accommodate for longer vehicles. In response to the applicant requesting a smaller than required buffer, City staff requested that the applicant submit additional information to address the potential impacts of the project to the surrounding properties.

Staff’s concern was that a reduced buffer width and landscaping would potentially allow a substantive negative impact to neighboring properties due to noise from vehicle vacuums and commercial car wash equipment in close proximity to residential properties. Subsequent to the applicant pulling the application from consideration, Staff and the applicant resumed discussions about how to mitigate our concerns for neighboring properties. As a result of these discussions, Staff and the applicant were able to mutually agree that there would have to be a specific condition outlining strict compliance with the municipal code in regards to noise and light pollution leaving the property. The applicant has agreed that mitigation measures will be deployed as may be necessary to mitigate any code compliance deficiencies. Staff has changed their recommendation on the property to a supportive posture due to applicant’s commitment and that the property will be significantly improved over its current blighted condition.

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Mayor Kelly asked if the applicant had any comments.

Joe Murphy, Consulting Engineer, commented that he and the owner of the property met with a concerned neighbor about the proposed project and was able to address those concerns. Mr. Murphy noted that the development will be a major improvement to the area and he expressed appreciation to City staff for their efforts with regard to the project.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10423.

No one spoke in support of or opposition to Resolution 10423.

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

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10423 for a Conditional Use Permit to allow a “Vehicular Services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57th Street South and the accompanying 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.

Mayor Kelly expressed appreciation to Mr. Murphy and the owner of the property for their efforts with regard to meeting with the neighbor and finding a resolution to the concerns.

Commissioner Tryon commented that the current building is dilapidated and he is looking forward to improving the appearance of the property.

Mayor Kelly called for the vote.

Motion carried 4-0.

16. **RESOLUTION 10426, TO ESTABLISH FEES FOR THE MANSFIELD CENTER FOR THE PERFORMING ARTS AT THE CIVIC CENTER.**

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

Mansfield Center for the Performing Arts Manager Owen Grubenhoff reported that Resolution 10426 will create a new fee that will be passed on to eligible promoters to make the facility more attractive from a financial standpoint for rentals.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon received clarification that there is no cost increase being passed on to the public and the impact is to the promoter.

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Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10426.

No one spoke in support of or in opposition to Resolution 10426

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

Commissioner Moe moved, seconded by Commissioners Tryon and Houck, that the City Commission adopt Resolution 10426.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

17. SUBSEQUENT MINOR SUBDIVISION – RIVERS EDGE DENTAL MINOR SUBDIVISION ADDRESSED AS 1900 RIVER DRIVE NORTH.

Planning and Community Development Director Craig Raymond reported that the subject property, which is located southeast of the intersection of River Drive North and 19th Street North, consists of approximately 2.97 acres and is within the M-2, Mixed-Use Transitional zoning district. The western third of the property is developed as Rivers Edge Dental Office and the eastern two-thirds of the property remains undeveloped. The applicant intends to subdivide the property into three lots. Two additional lots would be created on the undeveloped portion of the property and would have potential for future development. Lot 2A will consist of 1.082 acres and is currently developed as Rivers Edge Dental, Lot 2B will consist of 1.161 acres, and Lot 2C will consist of 0.728 acres. Each of these proposed lots conforms to the lot area and dimensional standards of the M-2 zoning district. The property is surrounded by Mixed-Use Transitional zoning to the west, south and east, and Parks and Open Space zoning to the north with the Rivers Edge Trail and the Missouri River across River Drive North.

The applicant proposes to create a new thirty-foot wide private access and utility easement along the rear of the property. The proposed easement will allow for the extension of a new water main and a driveway to access Lot 2B and Lot 2C from the intersection of 12th Avenue North and 19th Street North. This will allow both new lots to be accessed from the rear rather than through new access points from River Drive North. An existing sewer main runs along the rear of the parcel and would also be contained in the new easement. There is an existing storm drain line and easement running along the east end of the parcel that will outlet future storm water runoff from developed property into the Missouri River.

On July 27, 2021, the City Planning Advisory Board recommended that the Commission approve the amended plat. City staff provided the application information to Neighborhood Council #8 and have not received any feedback, although they are currently on summer break.

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Commissioner Moe moved, seconded by Commissioner Tryon, 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.

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 4-0.

18. INDOOR AQUATICS AND RECREATION CENTER WATER MAIN RELOCATION (OF 1770).

Park and Recreation Director Steve Herrig reported that the project includes construction of an eight-inch water main, demolition of the existing six-inch water main, installation of two fire hydrants with six-inch lead lines and four-inch service lines stubs to service the new Indoor Aquatics and Recreation Center and restroom. Awarding the contract to Trenchless Solutions will constitute the commencement of the project.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission award a contract in the amount of \$136,860 to Trenchless Solutions for the Indoor Aquatics & Recreation Center Water Main Relocation, and authorize the City Manager to execute the construction contract documents.

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

Mayor Kelly expressed appreciation to Director Herrig for his efforts with regard to being involved from the start and knowing every aspect of the project.

Mayor Kelly called for the vote.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

19. RESOLUTION 10412, A RESOLUTION PROVIDING FOR THE ANNUAL TAX LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022.

Finance Director Melissa Kinzler reported that the City Commission is required to fix an annual tax levy by setting mills to generate property tax revenues that will balance the General Fund budget and other levy supported funds. The City received its taxable valuation from the Montana Department of Revenue (MTDOR) on August 2, 2021. With this valuation, the City can now compute and set its annual mill levy.

The total mill levy for Tax Year 2021 (FY 2022) is 201.35 mills totaling \$20,864,249. This includes mills for the general levy of 167.33 mills, the Permissive Medical Levy of 32.44 mills and 1.5 mills for the Soccer Park debt service payments. The newly taxable property will generate

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additional revenue of \$366,758. There is no increase to the total levy for the inflationary factor or increase to the Permissive Medical Levy.

One immediate effect to the City's budget is to the Great Falls Public Library. The library receives nine mills under its agreement with the City. With the new value per mill, this translates to an increase of \$48,825 in tax revenue for the library in FY 2022.

The total mill levy allowable under state law is 205.41. The actual mill levy total for FY 2022 is 201.35.

As proposed, there is no increase in property taxes for individual properties due to the inflationary factor or increase to the Permissive Medical Levy. The FY 2022 Budget was adopted July 20, 2021. Setting the mill levy for Tax Year 2021 (FY 2022) is the last step in the adoption of the FY 2022 City of Great Falls Budget.

Commissioner Tryon moved, seconded by Commissioners Moe and Houck, that the City Commission adopt Resolution 10412.

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

Mayor Kelly reiterated that there is no increase to the total levy for the inflationary factor or Permissive Medical Levy. He received clarification that City staff is unaware of any tax protests regarding the new valuations in the County.

Mayor Kelly called for the vote.

Motion carried 4-0.

20. **ORDINANCE 3232, AMENDING TITLE 17, CHAPTER 20, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO GARAGE AND ACCESSORY STRUCTURES.**

Planning and Community Development Director Craig Raymond reported that in 2019 and 2020, the City of Great Falls Board of Adjustment (BOA) received, and denied, two variance requests for garage spaces that exceeded the current code limitations. After reviewing the requests, a member of the BOA asked Staff to review the current code regulations regarding accessory structure, square footage allowances, and determine if there was an opportunity to increase the sizes for accessory structure square footage on larger City lots. In addition to the specific request to amend the City's code to allow greater square footage for these structures, Staff has talked to a number of residents who have been interested in building larger detached garages to store vehicles such as recreational vehicles, boats, and campers that are currently being stored in yards or parked on City streets.

The general process that Staff followed to develop the proposed code changes included:

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- Comparing the Code’s requirements for garages and other accessory structures to Missoula, Bozeman, Kalispell, and Billings. Generally, Great Falls was on the lower end of requirements among the various codes that were reviewed;
- Meeting with a focus group of professionals within the building community to solicit input regarding possible opportunities for code changes that would positively impact the community. This group unanimously supported staff’s proposal to increase square footage allowance on larger city lots;
- Line-by-line review of the Chapter to identify areas that needed clarification and also to identify redundant, unused or outdated provisions; and,
- Re-formatting to match the format of other, recently adopted Titles of the OCCGF, as well as correction of grammatical or wording errors.

The basic elements of proposed changes include:

1. Clarification of Design Standards Table. Currently the code combines the standards for principal and accessory structures. Staff proposes to break out the standards for accessory structures (detached garages, carports, and sheds) to make them easier for code users to find, as well as to define standards that currently are not called out within the code.
2. Create flexibility. Staff proposes to increase the maximum height of accessory garages to 24 feet across residential zoning districts rather than requiring a lower height when the home on the lot is one-story. This will create more flexible storage space to accommodate larger vehicles. Staff also proposes increasing the setbacks for accessory structures from two feet to five feet to balance out the larger height allowance.
3. Update language. The use of the term “accessory structures” is proposed to replace the term “garages” to categorize structures including, but not limited to, detached garages, sheds, and carports. Staff currently reviews permits for these structures if they are at least 200 square feet to ensure that the aggregate square footage in the code is not being exceeded. Since sheds, carports and other structures are already counted towards the allowed square footage for cumulative garage area, staff is clarifying the code to make sure these structures count towards the allowed square footage for each lot.
4. Increase maximum square footage allowances. This is the most important change to the code being driven by citizen input.

Commissioner Tryon moved, seconded by Commissioners Moe and Houck, that the City Commission accept Ordinance 3232 on first reading, and set a public hearing for September 7, 2021.

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

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Commissioner Moe commented that she has received comments from constituents who are concerned about the size of spaces that citizens can use to park Recreational Vehicles and she hopes that Ordinance 3232 meets that concern.

Mayor Kelly called for the vote.

Motion carried 4-0.

21. **ORDINANCE 3230, AMENDING TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) TO PROHIBIT THE LONG-TERM PARKING AND/OR STORAGE OF RECREATIONAL VEHICLES, UTILITY TRAILERS OR VESSELS IN RESIDENTIAL DISTRICTS.**

Deputy City Attorney Jeff Hindoien reported that for several years, members of the City Commission and City staff have received a steady flow of citizen complaints regarding the long-term parking and/or storage of large recreational vehicles, trailers and/or boats on streets within residential zoning districts. The complaints have been directed at the safety risk posed by the long-term and high-volume presence of such vehicles on residential streets and the difficulty it creates for being able to see children and other pedestrians moving around or in between the vehicles. There are also concerns that residential street standards were never created or designed to accommodate the long-term and high-volume presence of such large vehicles as an on-street parking element, but rather were designed to accommodate a limited amount of on-street parking of the traditional type of motor vehicles used by residents to commute to and from their place of work.

Proposed Ordinance 3230 prohibits the long-term parking and/or storage of recreational vehicles, utility trailers or boats in any residential zoning districts and allows for the temporary presence of those vehicles only for the limited purpose of loading or unloading. An initial draft was provided to the City Commission at the July 20, 2021 work session, and afterward the draft was updated to incorporate changes discussed during the work session.

The updated proposed Ordinance contains the following elements:

- New definitions for a class of vehicles designated as “Recreational Vehicle”, Utility Trailer” and “Vessel.”
- A new provision that only allows such vehicles to be temporarily parked in a residential district for the limited purpose of loading and unloading, with that “temporary” period being no more than 36 hours in any 7-day period.
- A provision requiring a written 24-hour notice to remove prior to the issuance of any parking citation.
- Provisions incorporating the new parking restriction into the standard parking enforcement framework of Title 10, i.e., enforcement of unpaid citations, the potential for immobilization of a vehicle in the event of multiple unpaid citations and the potential for enforcement of unpaid citations in Municipal Court.

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The enforcement of Ordinance 3230 will be complaint-driven, with complaints generally addressed in order of receipt, except in the case of a clear safety hazard, incorporated into the existing staffing and workload for the Great Falls Police Department (GFPD) and other City Departments.

The City Commission took steps in 2017 to amend its zoning ordinance provisions in Title 17 of the OCCGF to address the same complaints that are motivating the consideration of this proposed Ordinance. The City Commission amended those Title 17 provisions to make it easier for property owners in residential districts to park their recreational vehicles, trailers or boats on their property by allowing for larger off-street parking surfaces and driveways. Those Title 17 changes also allowed for the use of gravel or pavers for a parking surface in addition to just concrete or asphalt.

The Planning Advisory Board/Zoning Commission has recently reviewed and approved City staff's recommendation to further amend Title 17 to allow for greater height and square footage allowances for garages/accessory structures in residential districts. These proposed changes are driven in part by Staff conversations with residents who are interested in building larger detached garages to store recreational vehicles, trailers or boats that are currently being stored in yards or on public streets. These proposed changes to the City's zoning regulations will have the effect of making it easier for some property owners to have their recreational vehicles, utility trailers or boats stored off of the street and on their own property.

Commissioner Tryon moved, seconded by Commissioners Moe and Houck, that the City Commission accept Ordinance 3230 on first reading, and set a public hearing for September 7, 2021.

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

Brian Kelley, City resident, read from a prepared statement in opposition to Ordinance 3230. Mr. Kelley expressed concern with regard to the following: new definitions for a class of vehicles; Ordinance 3230 not being in compliance with the Montana Code Annotated (MCA); the parking limit of 36 hours is unreasonable; the potential loss of tourism income by not allowing tourist to park in the streets; a financial burden placed on residents to construct a parking area on their property; parking complaints and safety issues are "alleged" violations; the City allowing 30-yard dumpsters to be placed on City streets for an undetermined amount of time; and the City taking on the role of a Homeowner Association (HOA). He urged the Commission not to adopt Ordinance 3230.

Fred Burrow, 1926 21st Avenue South, expressed opposition with regard to enforcement being a complaint driven system.

Joshua Copeland, 2801 5th Avenue North, explained that he bought his corner lot for the purpose of storing his recreational vehicles, as well as living in a neighborhood with a HOA. He expressed opposition to Ordinance 3230 and to the City regulating or enforcing upon him what he can and can't park on the street.

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Commissioner Tryon expressed concern with regard to the new provision that allows vehicles to be temporarily parked in a residential district for the limited purpose of loading and unloading for a period of no more than 36 hours. He further expressed concern with regard to the definition for classification of vehicles and determining the amount of a fine. He announced that he would not vote for the ordinance as it is currently written, indicating that he did not like the enforcement mechanism being complaint driven.

Deputy City Attorney Hindoien responded that any concerns about the provisions could be amended at the September 7, 2021 public hearing. He added that determining the amount of a parking citation fine would be set forth by City Commission Resolution after the adoption of Ordinance 3230.

Commissioner Moe suggested adding “contiguous” to the language with regard to parking for 36 hours intermittently in the week. She inquired if the 36-hours could be split up over the seven-day period. She commented that she sees irony with regard to utilizing a vehicle immobilizer “boot” on a vehicle that has not been removed by a registered owner.

Deputy City Attorney Hindoien responded utilizing a vehicle immobilizer is the typical practice in parking violations.

Mayor Kelly called for the vote.

Motion carried 4-0.

CITY COMMISSION

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None

23. COMMISSION INITIATIVES.

Mayor Kelly announced that, because the COVID-19 pandemic continues to be a concern, he is considering recommending reverting back to virtual City Commission Meetings. He added that he does not feel safe attending Commission meetings with others, regardless of whether vaccinated or not, and does not want to compromise the health of himself or others. He respects the opinion of professionals who recommend wearing masks and practice social distancing.

Commissioner Moe announced that she attended the Commission meetings tonight under protest. She concurred with Mayor Kelly regarding virtual meetings to create a safe environment for everyone to participate fully in local government.

Commissioner Tryon announced that, regardless of the recommendations, he will not wear a mask and will protest wearing one if mandated.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioners Moe and Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of August 17, 2021, at 8:26 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: September 7, 2021