

JOURNAL OF COMMISSION PROCEEDINGS

Virtual Meeting by Zoom

September 7, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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 participated electronically via Zoom Webinar: City Manager Greg Doyon and Deputy City Manager Chuck Anderson, Planning and Community Development Director Craig Raymond, Public Works Director Paul Skubinna, City Attorney Sara Sexe and Deputy City Attorney Jeff Hindoien, and, Police Chief Jeff Newton. City Clerk Lisa Kunz was present in the Commission Chambers.

Due to the COVID-19 health concerns, the format of the City Commission meeting was held in a virtual video-conferencing environment. In order 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. To attend and participate in the virtual meeting utilizing Zoom, attendees must register in advance for the Commission Meeting at:

https://us02web.zoom.us/webinar/register/WN_9EJWOyOXSkOLReah2hkALg. For all other participation options, Please see **Public Participation Guide for City Commission Meetings**.

AGENDA APPROVAL: There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: Direct Support Professional Week (September 12-18, 2021), Good Neighbor Day (September 28, 2021) and Constitution Week (September 17-23, 2021).

PRESENTATION

1. **RESOLUTION 10432, A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, RENAMING THE HISTORIC TENTH STREET BRIDGE TO THE “ARLYNE REICHERT COMMUNITY HERITAGE BRIDGE”.**

Commissioner Moe reported that she was approached by a community member with the suggestion that led to this resolution. The agenda report and the resolution provide the reasons why it's appropriate.

Commissioner Moe reported that she became immersed in the process that she thinks is the real joy of public service - researching and interacting with materials and ideas and people in a way that teaches you a lot about things you never knew you cared about.

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Arlyne knows that experience well. Nearly every day for the past 27 years she's worked on preserving this bridge.

During that process Arlyne learned a lot about the law, architecture, engineering, fundraising, running a nonprofit, and developing a tough hide. She, more than anyone else, has not just saved a bridge that the federal government was determined to demolish, but also ensured its rightful place in the National Register of Historic Places, made it an integral piece of the River's Edge Trail, brought together partners from government, engineering, historic preservation, tourism, recreation, and raised over one million dollars.

She has not only learned from, but taught, judges, historians, the National Park Service, the Society of Industrial Archaeologists, and countless other individuals and groups interested in the Historic Tenth Street Bridge.

Arlyne would be the first to tell you she's got much more out of the project than she put into it, and that lots of people helped save the bridge. Commissioner Moe told her that this bridge would not be standing today if it weren't for her. The new name of the Tenth Street Bridge will have Arlyne's name, but it will also recognize the community's involvement with the phrase "community heritage." When you put those four words together, the acronym is ARCH.

Commissioner Moe continued that it's important for a community to recognize public servants who have gone the extra mile, and it's nice if you can do that while they're still living. She requested that her fellow Commission members recognize the 27 years and counting of this tireless work of Arlyne Reichert, the bridge lady, by renaming the bridge she saved the Arlyne Reichert Community Heritage Bridge.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10432.

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

Participating via Zoom were:

Brett Doney, Great Falls Development Authority, commented he is in full support of recognizing Arlyne and all the work that she and her many supporters and contributors have done. He also thanked City staff that worked to close the last piece of the deal with the land swap with Independence Bank and the new section of the River's Edge Trail.

Carolyn Craven, City resident, commented she is totally in support of this resolution. Arlyne is an amazing woman and the bridge is the result of many years of hard work on her part and of the other board and community members.

Written comments in support of Resolution 10432 were received from **Kenneth Robison** and **Ellen Sievert**.

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

Commissioner Robinson commented that this is an unbelievable moment for Great Falls. Arlyne has been working on this project for years. She did have a lot of help, but this bridge would not be there if it weren't for Arlyne. She is such a remarkable person. Arlyne will be honored on Friday night during the luminaria walk. Due to her age and other concerns he cautioned people to not approach her, but to wave to her.

Commissioner Robinson concluded that now this bridge is part of the River's Edge Trail and it's just going to be a very important thing that will be around for years for people to get from one side of the river to the other using what he calls Arlyne's Bridge.

Commissioner Houck commented that this actually speaks to more than just the bridge. Arlyne has been very active in our community on different levels. Arlyne believed that this would be good for our community and, in doing so, she went out and visited with people about why she thought this would be good and she gathered funds to do so. This is also a testament to the activists that Arlyne is. It's about wanting to do something good for your community, even when everybody else says it can't be done.

Commissioner Houck concluded that she will be attending Friday night, and is excited to ride her bike across the bridge to Cochran Dam and back on Saturday. People have opportunities to come out Friday and Saturday to celebrate what a citizen can do to make their community better.

Commissioner Tryon commented that Arlyne Reichert is a treasure in this community and anybody that has been around her for any length of time knows that. Arlyne deserves every bit and more of the accolades this community can give her for a long time. He appreciates Commissioner Moe bringing this resolution forward.

Mayor Kelly called for the vote.

Motion carried 5-0.

Mayor Kelly asked if Arlyne or Cheryl Reichert wanted to say a few words.

Cheryl Reichert commented that was a beautiful tribute. She chuckled when Mary Moe said Arlyne had to develop a tough hide because, in this process, there were people who wanted to blow up the bridge with mother on it. Her mother loves the acronym, Arlyne Reichert Community Heritage Bridge, which abbreviates as ARCH. It is true, without her mother's persistence, this absolutely wouldn't have happened. Twenty-five or so years ago the City had to trust that a group of citizens would accomplish this task. It was an example of the first public-private partnership in the entire country according to the National Trust for Historic Preservation. That speaks volumes of the people in the community and the commitment of the City Commission. Paris Gibson's vision was to start this bridge in 1920. They hope that this will now be a bridge from the past into the future.

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We grew up in a generation where the smelter stack was the symbol, but today the younger generation has that bridge. On behalf of Arlyne and her entire family, she concluded that they're very proud and honored.

MILITARY UPDATES

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Colonel Anita Feugate Opperman, Malmstrom Air Force Base (MAFB), provided the following update:

- The military recently mandated the FDA approved Pfizer Covid-19 vaccine for its members. Thanks to community partnerships, Benefis provided MAFB 3000 doses.
- MAFB changed its health protection condition from alpha to bravo, which means mask wear indoors, regardless of vaccination status, is mandatory for anybody coming onto the base. They are being as conscious as they can of what's going on around them to ensure they keep their military readiness at the highest condition possible.
- The Air Force Global Strike Command recently had their change of command. Taking the reins now is a former Malmstrom Wing Commander, now General, Tony Cotton.
- Representative Rosendale will be making his first visit to Malmstrom on Friday. He will be speaking at the MAC luncheon, along with a Security Force Senior Master Sergeant to talk about his experience in the aftermath of September 11th. A remembrance will also be held at the chapel that morning.
- MAFB is excited to be a part of the aquatic center groundbreaking next week. A SERE instructor will talk about the importance of the partnership between the base and the community, and the training that the center will give MAFB members as well.
- Several Airmen, including Tech Sergeant Stacey Davis Woodard and several intelligence professionals, have been recognized with Air Force Global Strike level and Air Force level awards. Both are national public service awards.
- MAFB will be celebrating the Air Force's 74th birthday on Saturday, September 18th, and hosting an Air Force ball on Saturday, September 25th.

Mayor Kelly inquired if the vaccine mandate included families and spouses.

Col. Feugate Opperman clarified that the mandate only applies to military members.

On behalf of the Commission, Mayor Kelly congratulated the airmen that won awards from Global Strike.

PETITIONS AND COMMUNICATION

3. Participating via Zoom were:

Brett Doney, Great Falls Development Authority (GFDA), invited the community to attend a community input session to look at part of their process of designing a new strategic plan to strengthen and grow the Great Falls regional economy. GFDA is looking for input on the strengths

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and weaknesses of our current economy and also the opportunities and threats from outside of the region that need to be dealt with and opportunities that can be taken advantage of. The event is scheduled for Wednesday, September 15th, 5:30 to 7 p.m. at Great Falls College MSU, or people can provide thoughts and ideas at the links on GFDA's website.

GFDA hired talented and experienced consultants that help companies decide where to locate and where to reinvest their funds, and that have experience in a variety of economic development and redevelopment efforts.

Jeni Dodd, City resident, inquired under what authority was this meeting moved to remote format rather than in person. There is no declared emergency by the Health Department.

She heard that the Commission voted on holding this meeting remotely. She assumed that meant there was a quorum of some sort, and the meeting where the Commission members voted should have been open to the public. It appeared, to her, that the Montana open meeting law was violated.

Ms. Dodd commented that the City has maintained that the National Heritage Area is a City sponsored project. She filed an ethics complaint alleging conflicts of interest. The Commission should not, then, be commenting that the National Heritage Area is outside the City's responsibility. She requested responses to her inquiries.

Mayor Kelly responded that staff will be able to respond to her questions.

Paige Turoski, City resident, inquired if the Commission had plans to get back to in-person meetings.

Mayor Kelly responded that the Commission is not going to have electronic meetings indefinitely. They want to make sure that Great Falls is out of the high incident of Covid spikes that Cascade County and Great Falls are currently experiencing. He doesn't have a set date at this point.

Mayor Kelly announced that staff is experiencing some softphone issues. People that want to call in can do so at this point to participate in petitions and communications. The number to call is 761-4786.

Rae Grulkowski, County resident, commented that she hopes to get a response to a letter she wrote inviting the Big Sky Country National Heritage Area corporation and the City Commission to work jointly with residents in opposition to the National Heritage Area in creating community-wide meetings for people to express their opinions, and to clarify the National Environmental Policy Act (NEPA), Historic Preservation Act and the Endangered Species Act with representatives from the National Park Service so that everybody can get a clear view of what a National Heritage Area is.

Appearing telephonically was:

John Hubbard, City resident, commented that, at the last meeting before he could comment, he was told he was obstructing meetings and causing a nuisance for slamming his tablet and clip

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board on the chair and for swearing. He was going to comment on his granddaughter being accosted by a guy at Walmart, and didn't understand why that guy wasn't being investigated. Mr. Hubbard also commented that his granddaughter is in the hospital with the coronavirus.

Written comments were received from **Bill Korst**, expressing support of Zoom Commission meetings to help prevent the transmission of Covid.

NEIGHBORHOOD COUNCILS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the following:

Aim High Big Sky Recreation Center (OF 1770): Groundbreaking is scheduled for Wednesday, September 15th at 2 PM at Lions Park. A pre-bid meeting is scheduled tomorrow for interested bidders on the construction of the facility. Bids will be due by October 6, 2021, followed by a notice of award in late October or early November, and a notice to proceed on the construction in March, 2022. A bond sale is set for Thursday on the financing of the recreational facility.

Great Falls Fire Rescue was awarded an Assistance to Firefighter Grant for arson detectors in the amount of about \$6,600 to help with enforcement measures with suspicious fires.

The Great Falls Police Department (GFPD) will swear in three new police officers tomorrow. GFPD has one patrol vacancy remaining with 61 applications for that position.

The Crime Task Force met on August 23rd to discuss draft recommendations on four focus areas regarding how to address crime in Great Falls. Those draft recommendations are posted on the City's website for public comment until 12 PM on September 13th.

In response to Ms. Dodd's inquiry, Manager Doyon clarified that, as the Commission recalls, there was a discussion at the last meeting with regard to going virtual for the City Commission meetings. He followed up with the Commission members the following week and asked each one individually what they would like to do in terms of going virtual or not. Based on the individual discussions a majority of the Commission members wanted to go back to virtual meetings. He made the suggestion that if the Commission members were going to go virtual, then the meetings should be all virtual. The Commission has the authority to set the meetings. The only major

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concern would be public access, right to know and open participation. Similar to many other communities in Montana, there are many opportunities to participate in these meetings.

Commissioner Tryon requested that the City Manager instruct staff to gather specific scientific and medical data that indicates that the Commission needs to close off in-person public meetings. This seems, to him, to be arbitrary and unnecessary at this point, unless and until specific scientific medical data and the legal authority is provided.

Manager Doyon explained that a majority of the Commission members have indicated to him that they wanted to go virtual. Great Falls works under the mode of government where a majority of the Commission members basically direct how we're going to conduct business.

If Commissioner Tryon is concerned, then the Commission could decide whether to put it on the next meeting agenda for Commission discussion and vote. He is not a medical doctor and he is not going to be able to provide Commissioner Tryon with data.

If a majority of the Commission want to continue to have these meetings virtually, then that's the direction that he will take and will make it happen. He did suggest that staff go virtual as well because it doesn't make any sense for a group of employees to be together in the Gibson room if there's a concern about the virus and have the Commission members working remotely.

Commissioner Moe commented that the concern she expressed at the last meeting was that the Commission was creating an attractive nuisance by creating a situation that implied to the public that it was safe to have an open meeting without masks, without the ability to require masks, in a closed space, in defiance of the recommendations of the CDC and the requests of several local providers. In fact, at that very meeting, the Commission was in the presence of a person who did test positive for Covid and afterwards had to be fast tested.

Commissioner Moe continued that she can take her own risk but she will not be responsible for luring people into a public place with the notion that the leaders of this community obviously wouldn't have a meeting if it weren't safe and putting a child or a person who is immune compromised in the hospital.

Because of the actions of the last Legislature, Manager Doyon cannot require his employees to wear masks, and the Commission cannot require the public to do that. The Commission cannot give a reasonable expectation of a safe environment to people who want to participate in their government. So the Commission has provided a way that allows that same ability to participate without endangering lives.

Commissioner Tryon inquired of Commissioner Moe if she could provide some sort of metric on when she would be willing to allow the public to come into their building again for public meetings.

Commissioner Moe responded she would want to hear the advice from the CDC and the local Board of Health.

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Mayor Kelly concluded that this topic can be set for a group discussion on the next agenda so that the public has an opportunity to hear why these decisions are made, similar to when the Commission decided to go back to live meetings after Covid was thought to be dying down. It was a group decision, and there was no formal presentation of data, etcetera.

In response to a comment he made at the last meeting, Mayor Kelly clarified that when he was looking out in the audience he thought why are we allowing this to happen when we have a choice to do it in a much safer way for everyone's health benefit.

CONSENT AGENDA.

7. Minutes, August 17, 2021, City Commission Meeting.
8. Total Expenditures of \$4,223,337 for the period of July 31, 2021 through August 25, 2021, to include claims over \$25,000, in the amount of \$3,534,566.
9. Contracts List.
10. Grants List.
11. Approve the 2021-2022 School Resource Officer (SRO) Agreement between the City of Great Falls and the Great Falls Public Schools District.
12. Approve the Memorandum of Agreement (MOA) with the Montana Department of Transportation (MDT) for the 9th Street NW from Central Avenue to NW Bypass and Watson Coulee Road from Vaughn Road to NW Bypass Road Improvements. **OF 1739.2**
13. Approve the 2020/2021 CDBG Funding Agreement in the amount of \$200,000 to the Great Falls Housing Authority for the replacement of roofs at Sunrise Court.
14. Set a public hearing for September 21, 2021 on Resolution 10427, Establishing Fees for the Planning and Community Development Engineering Division.
15. Set a public hearing for September 21, 2021 on Resolution 10431, Establishing Fees for the City of Great Falls Engineering Division of the Public Works Department.

Commissioner Robinson 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. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

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16. ORDINANCE 3232, AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, ARTICLES 4 AND 7 REGARDING PRIVATE GARAGES AND ACCESSORY STRUCTURES WITHING RESIDENTIAL ZONING DISTRICTS.

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

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 had 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:

- Comparing the Code's requirements for garages and other accessory structure to those of Missoula, Bozeman, Kalispell, and Billings. Generally, Great Falls was on the lower end of requirements (e.g. allowed for more square footage) 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.

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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. The tables included in the agenda report outline the proposed increases.

On July 27, 2021, the Planning Advisory Board unanimously voted to recommend approval of the ordinance.

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 Ordinance 3232.

Brett Doney, Great Falls Development Authority, noted support of the proposal and commended City staff and the Commission for its continued effort to make the code and the process more clear and more flexible.

Jeni Dodd, City resident, expressed support of this item and noted it is a positive step.

No one spoke in opposition to Ordinance 3232.

Written comments were received from **Mardi Steinbacher**, suggesting the 5 foot side and back setback change for sheds is too much.

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

Commissioner Tryon moved, seconded by Commissioners Houck and Robinson, that the City Commission adopt Ordinance 3232.

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

Motion carried 5-0.

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17. ORDINANCE 3230, AN ORDINANCE 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.

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

Deputy City Attorney Jeff Hindoien reported that the requested action is for the City Commission to conduct a public hearing and second reading of Ordinance 3230. This ordinance amends the existing parking code of the City of Great Falls to prohibit the long term parking or storage of recreational vehicles, utility trailers or vessels in residential districts. This matter was discussed at the July 20th work session and then brought up for first reading at the August 17, 2021 Commission meeting.

This is the product of a steady flow of complaints to City staff and to the Commission over the years about the long-term parking or storage of large recreational vehicles, boats, and trailers in residential zoning districts and concerns with the safety risk that poses on residential streets for visibility of children and pedestrians, and concerns over the fact that ultimately those residential street standards were not created at the time to contemplate large vehicles stored for a long term basis.

This proposed ordinance has been crafted in an attempt to address those concerns by creating a prohibition for a new defined class of vehicles that includes recreational vehicle, utility trailer and vessel. It is a relatively straightforward provision that only allows those vehicles to be temporarily placed in residential districts for the purpose of loading and unloading for a temporary period of 36-hours in any seven day period. The proposed ordinance would require a written 24- hour notice to remove prior to the issuance of any citation for its violation. The balance of the proposed ordinance wraps this new parking prohibition into the existing Title 10 framework for parking enforcement in Great Falls as it stands today, which is the structure for enforcement of unpaid citations, multiple unpaid citations, and potentially leading into municipal court proceedings.

As crafted, this ordinance will be enforceable by the Great Falls Police Officers, community service officers, and other persons as may be designated by the City Manager. As previously discussed, the structure would be that it be complaint driven with City staff attempting as best as it can to address those complaints in sequential order unless there were immediate safety concerns. The City would need to blend this into the already existing staffing and workload environments for both Great Falls Police Department and other City departments responsible for administering the enforcement of the ordinance. Response times would ultimately be dictated by the capacity of existing staff to accommodate this new task.

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This is also related to a bigger picture perspective. The Commission just took steps immediately before this item to add some flexibility into the zoning ordinance for larger structures that would allow for more flexibility to get these type of vehicles stored on someone's property as opposed to parked or stored in the street in residential areas. The City also took steps in 2017 to make it easier for property owners to park these vehicles on their own property in terms of relaxing the standards for the type of surfaces that they can be parked on and some changes to the larger sizes for parking surfaces off-street.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon inquired if the 36-hour period was something other communities have done.

Deputy City Attorney Hindoien responded that number was arrived at based on work that had been done by staff several years ago and by looking at other similar ordinance structures in other communities.

Commissioner Tryon inquired if projections or estimates have been done on how much extra police time is going to be required for enforcement, and any research on the effectiveness of this proposal.

Deputy City Attorney Hindoien responded that there hasn't been any research on what the resource load would actually be as the citations came into the legal department or Municipal Court.

Police Chief Newton responded, if the City Commission passes the ordinance, GFPD is anticipating an influx of complaints regarding the large vehicle ordinance enforcement process. Currently, GFPD uses the Volunteer Coordinator and volunteers to do that to free up sworn officer time to deal with other pertinent issues. He asked for the community's patience because it will have to be on a case by case basis as complaints come in. There has been no study. He can only assume how many complaints will be received.

Mayor Kelly inquired if it was within the Commission's purview to provide a delayed effective date.

Deputy City Attorney Hindoien responded that the Commission has the flexibility to amend the ordinance as proposed to include a delayed effective date that would be beyond the statutory default of 30 days.

Mayor Kelly received clarification that if the ordinance is adopted there will be another resolution for discussion to set up the actual fines and the process for enforcement.

Mayor Kelly also received clarification that the Commission has the ability to change the time limit and determine an amount of time that is appropriate.

Mayor Kelly asked if there were any comments from the public in support of Ordinance 3230.

Participating via Zoom were:

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Giordano Lahaderne, City resident, commented that the large vehicles parked on streets makes it dangerous, especially on the narrow streets in the older parts of town. It makes driving an unpleasant experience having to navigate around so many boats and RV's on the streets. He also expressed concern about vagrants and possibly drug issues and dealings out of the RV's. He concluded that all of the parked RV's make the City look run down and trashy.

Mike Schwartz, City resident, commented that there are a lot of children in his neighborhood and safety is a big issue. Traffic can be down to a single lane when there are campers, boats and RV's parked on both sides of the street. He added that he owns a big fifth wheel that he parks overnight to load, and then he stores it for \$50 month/\$600 year. It is a minor cost to store them correctly.

Written comments in support were received from: **Jerri Gertson, Ronald Dassinger, Tom Kotynski, Joshua Rutledge, Mark Willmarth, Joe Demartin, Jan Bautista, Sandra Rice, Rosella Gallegos, Gordon Whirry, Terry Mullen, Carolyn Craven, Mardi Steinbacher, Jon Legan, and George McNew.**

Mayor Kelly asked if there were any comments from the public in opposition to Ordinance 3230.

Appearing telephonically were:

John Hubbard, City resident. Mr. Hubbard commented that no one can afford to buy storage units. During this pandemic people will be losing their houses and will have to be living in their trailers and motorhomes. He agreed they are a nuisance if parked too close to the corner.

Paul Lawhon, commented that he doesn't understand adding to the workload of the Police Department when they are already overloaded. He owns a boat and camper. When they are not out being used, he likes to have them at his house so that he can clean them up and work on them after work to get ready for another trip out. He agrees they should not be left indefinitely on the street. He has offsite storage for his boat and camper during the winter.

Robert Becker, City resident, commented that his boat and trailer are parked in front of his own property. Mr. Becker suggested that the City needs to work on more infrastructure projects, like water and sewer mains, than on this type of ordinance. There is no public storage available right now for the amount of boats and recreational vehicles. He doesn't think it is the right time to promote this ordinance under this scenario.

Participating via Zoom were:

Josh Copeland, City resident, inquired what the difference is between a boat parked on the street seven days a week or if it is there for 36 hours. If it presents a safety risk 24-hours a day, seven days a week, it presents the exact same safety risk in a 36-hour period. He doesn't feel that the City brought any data to this meeting as to what the safety risk actually is. He inquired if there have been car accidents, documented cases of pedestrians being hit due to line of sight or visibility issues, or if car crashes were increasing in Great Falls due to visibility issues.

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Mr. Copeland suggested that if the ordinance were passed tonight, it would strain the police force and the courts.

He also commented that he called every storage unit in Great Falls. There are no available storage units currently. As people start to call in and complain, he inquired the City's contingency on the fact that there is nowhere to move them.

Martina Gunter, concurred with Josh Copeland's comments. She added there is an issue in Great Falls with break-ins at storage units, of which her family was a victim. Passing this ordinance would force her to store her recreational vehicles and her husband's work trailer in a location that has proven to not be secure and at an additional cost to her family. They chose a location in Great Falls to purchase their home that did not have HOA's for the sole purpose of being able to manage themselves. Dealing with violations is going to further stress the Police Department. She sees no way of this being managed on a complaint basis, and it will create angst within the neighborhoods.

Veronica Moldenhauer, City resident, commented that she is a recreational vehicle owner. She stores it three months in town, and nine months at a storage unit. They need it in town to make repairs and to load it. Sometimes it takes up to a week to get ready to go because they work during the week. This summer they applied for and were denied a permit for a parking pad in their front yard because they do see a great need to get it off the street.

Laura Hodges, City resident, commented that the ordinance as written does appear to be a challenge for enforcement. The streets are not for storage, they are for driving. There is an existing ordinance that says vehicles can't be parked on the streets for longer than five days, and a process to call in to report. This action seems redundant.

Brian Kelley, read his prepared comments sent earlier to the Commission via email that passage of this ordinance will place an extreme financial burden on Great Falls residents who will be required to construct a parking space or pay for year-round storage fees; the ordinance is discriminatory in nature for targeting only specific vehicle types; and all lawfully registered and licensed vehicles have the legal right to use the public right-of-way. He reviewed Montana Code Annotated §§ 61-1-101, 61-8-103 and 61-12-401. Mr. Kelley concluded that, given the totality of the many unsatisfactory conditions and outcomes, the proposed ordinance should not be considered.

Jenni Dodd, City resident, commented that the safety issue has been addressed with parking restrictions at intersections already in place. She opined that it has been an enforcement issue and additional restrictions may not be needed. She didn't understand why trucks with campers are restricted when they are not any longer than a regular truck without a camper. She concurred with Josh Copeland's comments pertaining to the time limit and safety issue. The City should allow parking pads on private property. Ms. Dodd concluded that, at her end of the City, there has been a Conex container box parked along the street since at least March. She can see that as a possible issue because it does not have wheels on it and would make it hard to move if there was a fire or emergency.

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Andrew Lovec, City resident, commented that residents should be able to park on their own grass if they need to take trailers off City streets if it is not an eye sore or detriment to the neighborhood.

Mark Volkomener, City resident, commented this ordinance invites persons with their own personal agendas to extend that by using the police department and filing false reports about illegally parked vehicles on the street. This happened to him and the neighbor was taking vengeance because a few years earlier someone had called the report in on his RV. He added that RVs require repair work, regular service, batteries charged, wheels greased, cleaning up, laundry and all sorts of things that you cannot do in 36 hours. It is unreasonable to have to move a licensed vehicle that is licensed for the street that he is performing work on. He suggested stopping people from parking abandoned vehicles on the street and leaving them all winter long. In the summer, it is recreation time. This ordinance is ill conceived and should be scrapped.

Everett Pate, City resident, commented as best he can summarize, this is kind of the haves and the have-nots - they do not have a trailer, so it is in their way. The City had many of his neighbors trim trees that were decades old because it created blind spots at intersections. He asked the Commission not to vote on this ordinance at this time and opined that because the meeting was via Zoom there was a fraction of participants.

Jim Thompson, City resident, he has a trailer and boat in front of his house. He pays property taxes and thinks he deserves to use the street as his own personal public storage. He does not understand why other people need access to the street in front of his house. The safety issue argument is ridiculous. He does not understand not seeing around a 15-foot tall aluminum trailer as a safety issue. He concluded that this is just more ridiculous government overreach.

Gary Jensen, City resident, guessed that about 35-40% of the homes on 26th Avenue SW have some type of a recreational vehicle parked on the street. In his opinion, that is a great thing. He is glad to see families taking advantage of our area, and are spending time together and enjoying the outdoors. He thinks we should be doing everything to encourage families to do that and not put roadblocks in front of them. With regard to safety, yellow paint takes care of the line of sight at corners. Trailers parked on the street have cut down on the number of people speeding down the street. He expressed concern about the 36-hour time limit for contractors that use utility trailers when they are remodeling or working on houses. He opposed adding any more work on law enforcement. He thinks there are probably isolated incidents where people are having some problems, but thinks for the most part this should be a non-issue. He concluded that, while this meeting is being held virtually, the Commission encouraged people to attend an ice cream social and a bridge dedication.

Written comments in opposition were received from: **Brian Kelley, Larry Vaccaro, Jeff Dennan, Brian Daul, Robert Becker, April Grosse, Cameron Tuss, Brennan Walker, Ken Siskoff, Rod Mitchell, Camille Crow, and Gary Prinzing.**

Mayor Kelly asked Deputy City Attorney Hindoien if he wanted to respond to any of the comments.

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Deputy City Attorney Hindoien clarified that there is nothing illegal about this proposed ordinance relative to Title 61 of the Montana Code. Title 61 simply indicates that local authorities cannot enact or enforce ordinances that are expressly in conflict with a provision of state law. Local authorities are authorized to adopt additional traffic regulations that are not in conflict with state law or the provisions of Title 61 specifically. Moreover, as a charter municipality, the City cannot exercise powers that are inconsistent with state law by establishing standards that are lower or less stringent than those imposed by state law. All local governments adopt parking regulations. There is nothing particularly remarkable about this type of parking ordinance and there are not, from the Legal Department's perspective, any issues with respect to its legality relative to Title 61 or authorities under Title 7.

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

Parliamentary procedure discussion continued amongst the Commission members and legal staff.

Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission postpone deliberation and vote on Resolution [sic] 3230 until the second meeting in October.

Commissioner Tryon commented that he made the motion because there are numerous amendments to the resolution [sic] that would make it better. He suggested more time to obtain data pertaining to enforcement for the Police Department and how effective or not effective this could be, more detail regarding size of vehicles, and to consider 72-hours rather than the 36-hour time limit. He thinks the Commission needs to allow people to attend in person before Commission deliberation and vote.

Commissioner Houck commented that she thinks electronic meetings have allowed more people to participate. Her concerns are the citizen driven complaint process and that the Police Department has other issues to focus on. It is not due diligence to put into place a law that the City cannot even enforce. People have said they applied to have additional parking on their property and been denied, and others have said it's their right to park in front of their house because they pay taxes, but the street doesn't actually belong to them. She suggested educational outreach and then determine if the City even needs this law. There are other laws already on the books.

Commissioner Moe concurred with Commissioner Tryon regarding additional information. If the Commission is going to pass this it needs to provide for the enforcement mechanism and that is a budgetary matter. She thinks the ordinance should have a delayed effective date, and she has been persuaded from the comments made that 36-hours is not long enough and that the fines should be laid out.

Commissioner Robinson concurred with the motion to postpone. He is in favor of Ordinance 3230. There has not been any issue in his almost four years on the Commission that he has had more input on than this issue. On his street and streets around him, it is an issue. The biggest problem is not the corners, it is only one car can go by at a time. Postponement will provide the Commission time to formulate what amendments, if any, need to be made.

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Mayor Kelly commented that he heard some things that really made a lot of sense. Some people who have been frustrated in the past who tried to actually arrange to put their vehicles on their lawn or in an area of their yard should revisit some of the new resolutions and ordinances in place. Postponing will give the Planning and Community Development Department time to get the word out to the community about the new opportunities people have to put the vehicles on their property.

He heard there are in fact safety issues that can be a huge factor in this decision. Where he lives a couple of guys shuffle cars around the street every several days to make sure that they're not towed away. Their tires are almost covered in chalk. The Commission is not proposing to put a trained professional uniformed police officer on traffic enforcement or parking enforcement. The Police Department has a robust group of volunteers who do a tremendous job.

He can appreciate the delay to have in person meetings and he does appreciate the technical challenges on both sides. Like Commissioner Robinson, the single most issue that he has been called on in the last six years has been dealing with trailers. Really, it is just abuse by people who are not neighborly and do not listen to their neighbors.

Mayor Kelly further commented that he does not want to guarantee to the public that, in fact, the Commission will be back to an in person meeting the second meeting in October.

Commissioner Moe mentioned that she has heard two safety concerns repeatedly during her time as a commissioner: backing out of a driveway onto a street with trailers parked on either side of the driveway, and the lack of visibility of children on bikes and children in the area.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

18. WATER TREATMENT PLANT (WTP) SOLIDS MITIGATION AND TRAVELING SCREEN REPLACEMENT PROJECT. OF 1698.1.

Public Works Director Paul Skubinna reported that Agenda Item 18 asks the Commission to consider approving or not approving a professional services agreement with Advanced Engineering and Environmental Services, Inc. (AE2S) for engineering design and construction management services for the Water Treatment Plant Solids Mitigation and Traveling Screen Replacement project. Aside from this contract being relatively large, he noted a couple of points: how this project was prioritized and funded, and secondly, staff is considering using the General Contractor\Construction Manager alternative delivery method for this project.

This project will install a screw press to dewater the Water Treatment Plant's treatment residuals, or sludge, by handling it only once. This project will pay back the capital costs put into the project. The engineer has prepared a payback estimate of 25-30 years; however, staff believes the payback

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timeframe will be closer to 10 years. Because of the benefits to the Waste Water Treatment Plant, part of the project will be funded from the Waste Water Enterprise Fund.

If approved, staff will be hiring a contractor via the RFP process that is familiar with this particular alternative delivery method. He intends to present at a work session why change orders happen, how they are at times an important and beneficial contracting tool, but at other times they expose the City to unacceptable financial risk, what the various alternative delivery methods are and how they work, and how alternative delivery can save the City money by minimizing change orders in some circumstances.

From a timing standpoint staff will not activate the alternative delivery method until staff has had the chance to discuss it with the Commission and answer any questions at it and that the Commission has no concerns with proceeding in that manner.

Staff recommends the Commission approve the Professional Services Agreement in the amount of \$797,274 for engineering and construction management services.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission approve a Professional Services Agreement in the amount of \$797,274 to Advanced Engineering and Environmental Services, Inc. (AE2S), for Design Phase Services for the Water Treatment Plant Solids Mitigation and Traveling Screen Replacement project, and authorize the City Manager to execute the agreement documents.

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

Mayor Kelly looks forward to the work session to understand more about the alternative delivery method.

Mayor Kelly called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

19. **RESOLUTION 10430, A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO DEDICATE A PORTION OF BLOCK 11, COUNTRY CLUB ADDITION, AS PUBLIC RIGHT-OF-WAY, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-3-4446, MONTANA CODE ANNOTATED.**

Planning and Community Development Director Craig Raymond reported that the State of Montana and City of Great Falls intend to use Federal transportation funds for a pavement preservation project for Fox Farm Road, from Alder Drive to the City limits. In addition to work on the pavements surface, the project will also include the upgrade of non-compliant corner ADA ramps to current standards. The Federal Highway Administration requires all improvements funded with Federal transportation dollars to be within public right-of-way. During the survey phase, it was discovered that the existing ramp at the southeast corner of Fox Farm Road and

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Juniper Avenue is not within the right-of-way but is, instead, on a portion of City-owned park property (Meadowlark Park). Because there is limited right-of-way width on Juniper Avenue (it is 50 feet wide, instead of the standard 60 feet for a local roadway), and because the street is not centered in the right-of-way, there is no room to move the ramp off of park property. Therefore, in order to bring the ramp up to current standards as a part of this project, it is necessary to dedicate a small portion (approx. 108 square feet) of City park property as right-of-way

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10430.

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.

CITY COMMISSION

20. APPOINTMENTS, GREAT FALLS CITIZEN'S COUNCIL.

Mayor Kelly moved, seconded by Commissioner Tryon, that the City Commission appoint Commissioner Moe and Commissioner Houck to serve on the Great Falls Citizen's Council also known as Council of Councils for the September 28, 2021 special meeting, and Mayor Kelly and Commissioner Robinson to serve on the Great Falls Citizen's Council also known as the Council of Councils for the October 26, 2021 meeting.

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.

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Houck announced Kathy Mora's passing, and noted she was an amazing citizen in the community and recognized her many years of work at the Great Falls Public Library. She will be sorely missed.

Mayor Kelly announced that Great Falls Fire Rescue would commemorate the 20th anniversary of the 911 attack at Gibson Park on Saturday at 7:45 a.m.

The Big River Ruckus outdoor event will be held this weekend. Masking is recommended.

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22. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Robinson moved, seconded by Commissioner Moe, to adjourn the regular meeting of September 7, 2021, at 9:57 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: September 21, 2021