

JOURNAL OF COMMISSION PROCEEDINGS

Virtual Meeting by Zoom

October 19, 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; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; Police Chief Jeff Newton; and, City Attorney Jeff Hindoen. 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. 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_pY3m1oTrTvK6D-1wHgo0yA

For all other participation options, please see **Public Participation Guide for City Commission Meetings**.

AGENDA APPROVAL: City Manager Greg Doyon reported that Dr. Ray Geyer, Infections Disease Specialist, is unable to participate this evening. 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: Extra Mile Day (November 1, 2021) and Red Ribbon Week (October 23-31, 2021)

COMMUNITY HEALTH INITIATIVES

1. COMMUNITY HEALTH UPDATE FROM DR. RAY GEYER, INFECTIOUS DISEASE SPECIALIST.

This item will be rescheduled to a future date.

PETITIONS AND COMMUNICATIONS

2. Participating via phone was:

John Hubbard, City resident, commented deregulation needs to be repealed.

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Participating via Zoom was:

Jeni Dodd, City resident, inquired how long the Commission was going to conduct Zoom only meetings. She could not find legal authority that provided for the Commission to decide to have Zoom only meetings.

Mayor Kelly responded that the Commission decided a couple of meeting ago to conduct Zoom meetings. At the last meeting, the Commission discussed what the parameters are going forward and a majority of the Commission decided that was until notice was received from the Centers for Disease Control (CDC) or City-County Health Department (CCHD) that it was safe to gather indoors, since there cannot be a mask mandate.

City Attorney Jeff Hindoien added that this means of conducting a public meeting is legal under Montana law. People have the opportunity to listen, observe and participate. Agendas are going out in the same fashion as they always have. The Commission is providing opportunity for public participation by phone, written comments, and via the Zoom process.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the Aim High Big Sky Recreation Center Project (OF 1770): Dick Anderson, Sampson, Sletten and Swank submitted bids for the new facility that were opened on October 13, 2021. The base bids ranged from \$17.9 million to \$19.6 million. It is not a great time to be bidding projects of this scope. There is still supply chain, material, Covid and worker concerns that caused issues with the bids. The low bid is below the project budget of \$20 million, but the price does not include some of the alternates that are key to the success of the facility or a desired contingency amount for a project of this size. Staff is continuing to confer with the grant coordinator at the Office of Local Defense Community Cooperation (OLDCC) to determine next steps on the bid award process. With regard to Item 9 on the agenda, Staff will be asking that the Commission defer the bid award until November 2, 2021 to allow time to continue to review the bids and make the best recommendation to the Commission.

CONSENT AGENDA.

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6. Minutes, October 5, 2021, City Commission Meeting.
7. Total Expenditures of \$2,323,581 for the period of August 20, 2021 through October 6, 2021, to include claims over \$25,000, in the amount of \$1,363,104.
8. Contracts List.
9. Postpone consideration of a bid award and contract approval for the Indoor Aquatics and Recreation Center until the November 2, 2021 Commission Meeting. **OF 1770**
10. Approve the purchase of one new Caterpillar asphalt paver from Tractor & Equipment Co. of Great Falls, through Sourcewell, formerly known as NJPA, for a total of \$436,906, including trade-in and shipping.

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

11. **RESOLUTION 10428, A REQUEST FROM THE BUSINESS IMPROVEMENT DISTRICT (BID) TO USE DOWNTOWN TAX INCREMENT FINANCING (TIF) FUNDS FOR COST OF MANUFACTURING AND INSTALLATION OF WAYFINDING SIGNS WITHIN OR DIRECTING TRAFFIC TOWARDS THE DOWNTOWN URBAN RENEWAL DISTRICT.**

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

Planning and Community Development Director Craig Raymond reported that a Wayfinding Plan is essential to connect people travelling to Great Falls to the historic downtown and to the surrounding cultural, natural and recreational amenities. By having access to prominent, appealing signage, many who would otherwise simply travel through Great Falls or those who are not familiar with the area, will learn about the services, destinations and points of interest that are available.

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On April 6, 2021, the Great Falls City Commission formally adopted the City of Great Falls Wayfinding Plan. The estimated cost for the implementation of the wayfinding plan is \$220,000. A broad spectrum of committed downtown groups have pledged funding for the construction and installation of the signage, in the amount of \$117,984. There are a total of 39 motorist signs and 20 pedestrian signs that are eligible to be funded with funds from the Downtown Tax Increment Financing District. The estimated price per motorist sign is \$3050. The estimated price per pedestrian sign is \$700. The amount requested - \$128,950, coupled with the \$117,984 committed from other entities, will cover the implementation of signs eligible for funding from the Downtown TIF District, as well as account for any contingencies there may be in the installation process. The BID has requested that the requested funds be potentially reimbursed in phases as work is completed.

Staff has completed a review of the adopted Commission review criteria as well as statutory eligibility requirements and finds that this request is eligible for approval and staff supports the request.

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 Resolution 10428.

Appearing via Zoom was:

Jolene Schalper, Great Falls Development Authority and downtown business owner, commented this project is an excellent use of TIF funds and addresses concerns of visitors and locals that it is hard to find your way around the city.

Written comments in support were submitted by: **Andy Ferrin**, 308 1st Avenue South, noting that wayfinding has been a goal for the downtown for over a decade; and, **Shane Etzwiler**, Great Falls Area Chamber of Commerce, noting that the Chamber contributed to this Wayfinding project and that a city with wayfinding signing is a tremendous asset to visitors and speaks to the caring nature of the city.

No one spoke in opposition to Resolution 10428.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10428.

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

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Commissioner Houck commented this is an excellent use of funds and wayfinding benefits all entities.

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

Motion carried 5-0.

12. **RESOLUTION 10429, A REQUEST FROM THE BUSINESS IMPROVEMENT DISTRICT (BID) TO USE WEST BANK TAX INCREMENT FINANCING (TIF) FUNDS FOR COST OF MANUFACTURING AND INSTALLATION OF WAYFINDING SIGNS WITHIN OR DIRECTING TRAFFIC TOWARDS THE WEST BANK URBAN RENEWAL DISTRICT.**

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

Planning and Community Development Director Craig Raymond highlighted a couple of differences between this agenda item and the previous. The over-all project is the same; however, the TIF districts are separate, distinct districts and the number of proposed signs and amount of TIF funds sought are also different from the downtown TIF request in agenda item 11. This specific request is seeking to fund two motorist signs for a total of \$6,820 out of the West Bank TIF district.

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 Resolution 10429.

Written comments in support were submitted by: **Andy Ferrin**, 308 1st Avenue South, noting that West Bank is a great addition to our community and wayfinding is another win-win for everybody; and, **Shane Etzwiler**, Great Falls Area Chamber of Commerce, urging the Commission's vote in favor of using TIF funds for the wayfinding signage project directing people to the West Bank Urban Renewal District, which is rapidly becoming a destination due to its development and growth.

No one spoke in opposition to Resolution 10429.

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

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10429.

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

Mayor Kelly expressed appreciation to Joan Redeen, Business Improvement District, for being the driving force for this project.

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

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Motion carried 5-0.

OLD BUSINESS

13. CIVIC CENTER FAÇADE PROJECT, CHANGE ORDER #1. OF 1525.2

Planning and Community Development Director Craig Raymond reported that, beginning in early September after initial demolition had started, the Façade project contractor began to unveil some significant abnormalities, deficiencies and poor construction conditions that were not previously known during the design and bidding process. As such, corrective solutions could not have been developed and bid on prior to awarding the construction contract. These deficiencies were exposed when thick stone panels and parapet elements were removed from the building. Even though a single stone panel was removed from the front of the building during a comprehensive engineering review prior to the design phase of the project, there was no feasible way to know what lie underneath until more obstructions were removed. The underlying construction is not consistent from one end of the wall or parapet system to the other. Additionally, the corrosion of the steel structural members due to water intrusion was not visible during the engineering analysis.

Staff and the contractor have worked closely with the Cushing Terrell team to ensure that solutions are as complete as possible and cost effective, but with long term durability in mind.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission approve Change Order #1 in the amount of \$300,000 and increase the total contract amount from \$5,411,682 to \$5,711,682 for the Civic Center Façade project.

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

Mayor Kelly inquired the original budget amount and was informed \$6 million dollars.

Commissioner Moe inquired about the contractor working through the winter at less cost than extending the project.

Director Raymond clarified that it is anticipated if the project term was extended it could be more expensive.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

14. ORDINANCE 3238, A REQUEST FROM TYE HABEL WITH TC GLASS AND NORTHERN HYDRAULICS TO REZONE 14.7 ACRES ADDRESSED AS 1300 RIVER

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DRIVE NORTH FROM LIGHT INDUSTRIAL AND MIXED-USE TRANSITIONAL TO PLANNED UNIT DEVELOPMENT.

Planning and Community Development Director Craig Raymond reported that for the last several months City staff have been in discussions with the Great Falls Development Authority and the TC Glass Company about the former Wausau Building Supply site located at 1300 River Drive North. TC Glass currently has a retail business operation located within the current city limits. Additionally, TC Glass has a glass production facility located outside the city limits at 2300 Vaughn Road. The production facility building on Vaughn Road is too small to accommodate all of the glass product storage needs for TC Glass so they are looking for a property they can grow into.

The property located at 1300 River Drive North used to be the business location for Wausau Building Supply. There is an existing 105,000 square foot building on the property that has been vacant for the last several years. The building and surrounding property have been on the market for some time, but the large size of the building makes it difficult to be used by a single business. TC Glass has approached City staff with an interest in using a portion of the existing building to consolidate its entire sales, office, and production operation. However, in order to move forward with its purchase of the property, the applicant has brought forward this rezoning request to be able to share the building with a wider range of industrial tenants.

The second applicant for the request, Northern Hydraulics, wishes to purchase 3.8 acres of the subject property with the thought that they may eventually construct a new building at this location. Northern Hydraulics has a business location in Black Eagle that sells and repairs hydraulic components.

The entire western site and most of the eastern site are currently zoned Light Industrial (I1). A portion of the eastern site along 14th Street is zoned Mixed-Use Transitional (M-2). The applicants' request to create a Planned Unit Development is being driven by several factors: 1) eliminate the split zoning situation on the eastern tract, and 2) give the applicants the ability to market the sites to both light industrial and limited heavy industrial users. The applicants are requested the flexibility to market the sites, particularly the remaining portion of the Wausau Supply Building, for businesses that manufacture products made from raw materials. Normally, this would require the applicants to rezone the property to Heavy Industrial (I-2). However, the applicants are sensitive to the concern that other permitted land use activities in the Heavy Industrial zoning district might raise concerns from surrounding property owners. To alleviate potential concerns, the applicants' PUD zoning request for the property allows them to submit their own list of permitted land uses and development standards. This information, which is included in the agenda report, will use the underlying I-1 zoning district. The only substantive land use added is the proposed allowance for limited Heavy Industrial businesses. This allows the City to specifically prohibit the following land uses that would otherwise be allowed in an I-2 district:

- Fuel Tank Farm
- Telecommunication facilities
- Junkyards

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- Motor Vehicle Graveyards
- Motor Vehicle Wrecking Facilities

The applicants' choice to bring forward a PUD request is preferable to staff to simply rezoning the property to I-2. The question for the City Commission is whether to allow the Heavy Industrial land use request to create more flexibility for the applicants to potentially add another business that would manufacture raw materials.

The proposed zone change was brought to Neighborhood Council #7 on September 13th where, after much discussion, it was unanimously voted to recommend approval of the zone change. Additionally, the Zoning Commission recommended in favor of the proposed change on September 28th.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3238 on first reading and set a public hearing for November 2, 2021.

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

Commissioner Moe requested a summary of the comments made during the Neighborhood Council 7 meeting when this item was presented.

Director Raymond read from the Agenda Report that, "The policy issue that was discussed was whether this property should be redeveloped in keeping with other mixed use development activity along River Drive North. Ultimately, the fact that there is a 105,000 square foot building on the property with many years of useful life made the Council understand that demolition and mixed use development is not a realistic scenario at this time."

Commissioner Moe requested more detail in the agenda report for the November 2 public hearing pertaining to what is a permissible use and what is not.

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

Motion carried 5-0.

15. ORDINANCE 3239, AMENDMENT TO THE OFFICIAL CODE OF THE CITY OF GREAT FALLS – 17.32.150 (DRIVEWAYS).

Planning and Community Development Director Craig Raymond reported that the impetus behind the proposed amendment to the Driveway chapter of the Land Development Code was two-fold: first, a series of permit requests to construct street accessed driveways on properties located within the older neighborhoods that also have alley access. These requests brought to light a problematic provision within the Driveway chapter of the City's Land Development Code. The current provision of the code states the following: 17.32.150(B)(4)(c) Alley Accessed Lots - For those properties which are served by an alley, no new driveways or expansions of existing driveways accessing the street are allowed unless authorized by both the City Engineer and the Director of

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Planning and Community Development. There are legitimate reasons why city codes restrict the ability of property owners to have street-accessed driveways when they already have alley access to parking areas and detached garages. These reasons include: 1) preventing conflicts between vehicles backing out of driveways and vehicles using city streets, 2) keeping the sidewalk network as intact as possible reducing vehicle/pedestrian conflicts, and 3) maintaining greenspace in the front yards and boulevards of older neighborhoods. However, the current code provision for alley accessed lots is problematic because it both prohibits street accessed driveways in one passage, but then allows City staff to essentially override the code in the next passage. What is further problematic is that the provision does not provide any decision making criteria to assist City staff in potentially overriding the prohibition on street-accessed driveways.

Second, the increasing over-use of the city street system for storage of private, large vehicles and increase in the number of cars and trucks also being stored on the street. Many things have changed since the days of Paris Gibson and subsequent other visionaries when they first began laying out the design of the plats and streets of yesteryear. The Commission is aware of the current effort to deal with large vehicles on the street were initiated by numerous citizen complaints. Since the Commission has asked staff to bring solutions, we have already brought forth solutions that first and foremost would help people deal with their toys and vehicles on their own private property. The Commission already passed an ordinance that provided significant increases in garage size allowances. Now staff brings this proposed change that will also make it easier to store personal belongings on private property, which will help avoid enforcement and prosecution of nuisances.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3239 on first reading and set a public hearing for November 2, 2021.

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

Motion carried 5-0.

16. 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.

City Attorney Jeff Hindoien reported that this item is continued consideration of proposed Ordinance 3230. This item was before the Commission at the July 20, 2021 work session, August 17, 2021 Commission meeting, and public hearing conducted and concluded at the September 7, 2021 Commission meeting. At that time, the Commission took action to postpone further consideration of the ordinance until October 19, 2021 to allow for potential consideration of amendments to the ordinance as it is currently proposed.

The ordinance is the product of years of complaints to City staff and City Commission about the long-term presence of large recreational vehicles, boats, and utility trailers in residential areas. Concerns expressed were about safety and whether the original design of some residential streets

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were designed to accommodate the volume and size of some of the vehicles. The ordinance has been crafted in an attempt to work through that problem and confront it from a regulatory standpoint. Structurally, the ordinance is fairly straightforward in identifying certain types of vehicles that are not going to be allowed in residential districts, except for very limited purposes of loading or unloading for a certain period of time. If the vehicle is there for longer than the set period of time, the ordinance provides for a 24-hour notice and that framework incorporated into the existing parking code and enforcement structure in Title 10 of the Official Code of the City of Great Falls. The resolution for parking fines as it sits today is \$20 per citation. It is intended to be a complaint-driven process, and complaints being addressed within the framework of existing staffing and workload environments of the Great Falls Police Department.

At the conclusion of the September 7th public hearing, City Attorney Hindoien advised that there were no legal concerns with this ordinance relative to authorities set forth in Title 7 or Title 61 of the Montana Code Annotated.

Mayor Kelly noted that there was discussion on proposed amendments during this evening's work session. He asked if there were any comments from the public.

Appearing via Zoom were:

Laura Hodges, City resident, commented that this new ordinance is redundant as there is already an ordinance and mechanism in place to deal with vehicles stored on public streets, and that it is impractical to enforce.

Brian Kelley, City resident, agreed the ordinance is redundant. He suggested the City of Great Falls start implementing and enforcing the Montana Code parking regulation. He concluded that the ordinance creates an extreme financial burden to the citizens of Great Falls.

Jeni Dodd, City resident, agreed with previous speakers that the ordinance is redundant, and suggested enforcing the ordinances already in place.

Appearing via telephone was: **John Hubbard**, City resident, commented that the City does not need any new laws. People pay for a license to have a vehicle on a city street.

Written comments in support of proposed Ordinance 3230 were received from: **Linda Daggett**, 415 6th Avenue South; **Jack Fauth**, no address provided, **Brenda Campbell**, no address provided, **Judy Gretch**, City resident, and **Mary Ann Seitz**, no address provided. **Gary Prinzing**, 1826 7th Avenue North, submitted written comments advocating that the proposed ordinance maintain the state/city time frame of 48 and 72 hours and 5 days as outlined in current city and state codes and ordinances.

For the purpose of bringing the Ordinance to the floor for discussion and possible amendment, **Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3230.**

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Commissioner Moe further moved, seconded by Commissioner Robinson, that Section 2. of proposed Ordinance 3230 be amended to provide for a delayed effective date of March 15, 2022.

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

Commissioner Moe commented that people would need time to make other arrangements and adjust to this change.

Mayor Kelly asked if there were any comments from the public with regard to the amendment to provide for a delayed effective date of March 15, 2022.

Participating via Zoom was:

Laura Hodges, City resident, inquired if the current law would be enforced pending the effective date of the new ordinance.

With regard to comments pertaining to redundancy, City Attorney Hindoien clarified that this ordinance is not redundant of Title 61, abandoned vehicle parking prohibition, wherein once the vehicle moves, it starts the five-day clock over. This is a more simple prohibition that identifies certain types of vehicles that cannot remain parked for a certain amount of time in a residential district. Moving the vehicle, whether it is five feet or around the block, does not address the violation. Under this structure, the vehicle is not allowed to be parked there except for temporary purposes.

Mayor Kelly added that if the new ordinance goes into effect March 15, 2022, the abandoned vehicle laws are in place and will continue to be followed and enforced as is currently done primarily with the volunteer force.

Appearing via telephone was: **John Hubbard**, City resident, suggested tabling this matter until more information is provided to the public.

There being no one further to address the Commission, Mayor Kelly called for the vote on the first amendment to Ordinance 3230.

Motion to amend carried 5-0.

Commissioner Moe further moved, seconded by Commissioner Robinson, that Section 10.9.310 B. of proposed Ordinance 3230 be amended to provide for a temporary parking period of no more than 72 hours in a seven (7) day period.

Mayor Kelly asked if there were any comments from the public with regard to the amendment to provide for a temporary parking period of no more than 72 hours in a seven (7) day period.

Participating via Zoom was:

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Jeni Dodd, City resident, commented it is hypocritical of the City to now go after citizens after the City allowed a private business to use a parking area in a City park for over two years for free.

There being no one further to address the Commission, Mayor Kelly called for the vote on the second amendment to Ordinance 3230.

Motion to amend carried 5-0.

Commissioner Moe further moved, seconded by Commissioner Tryon, that Section 10.9.310 B. of proposed Ordinance 3230 be amended to include an additional exception as follows: “The time limits contained in this section do not apply to trailers that are being used in the course of providing commercial construction or other services in the location where the trailer is parked.”

Mayor Kelly asked if there were any comments from the public with regard to the amendment to provide an exception for commercial construction at a site to get work done in a residential area or further discussion amongst the Commissioners.

Hearing none, Mayor Kelly called for the vote on the third amendment to Ordinance 3230.

Motion to amend carried 5-0.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3230 as three times amended.

Mayor Kelly asked if there were any comments from the public with regard to Ordinance 3230 as amended.

Participating via Zoom was:

Andrew Lovec, City resident, commented that his issue with this proposed Ordinance is that there is no proof being given that a vehicle is parked for any length of time.

Police Chief Jeff Newton explained that this is a complaint driven process. Verified complaints are taken, assigned a case report number, addressed appropriately with a tag or the process of working with the City Attorney’s office. The majority of the complaints are resolved without any enforcement action. Some require a citation and some are impounded. Year to date, GFPD investigated 1058 abandoned vehicle complaints, and 841 were resolved without enforcement action.

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

Commissioner Tryon commented that he would reluctantly vote in favor of the ordinance. Voting on this issue that has enough broad-based impact on the community would have been done more properly in a regular meeting rather than an all-virtual format. He expressed concern that the administration and enforcement of this ordinance is going to be a challenge. If the ordinance is

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adopted as amended, Commissioner Tryon suggested monitoring the ordinance after it goes into effect to make it better or make changes if needed. He will vote in favor due to safety concerns that, in his opinion, are not being addressed by the abandoned vehicle ordinance.

Commissioner Houck commented she would not vote in favor of the ordinance. Original concerns were about safety that she does not think have been addressed, and she expressed concerns about enforcement.

Commissioner Moe commented that the established ordinance communicates that streets are not storage places for these large vehicles. The safety concern is a significant one and she thinks most people will comply with it.

Mayor Kelly commented that this new law gives the Police Department and volunteers a new tool in their kit to prevent streets from being unsafe and acting as storage areas. He expressed appreciation to the volunteers who have been incredibly responsive to the complaints. With over 1000 of these incidences being reported and over 800 resolved without a citation shows a great achievement of the volunteers.

There being no further discussion, Mayor Kelly called for the vote on Ordinance 3230 as amended.

Main Motion, as amended, carried 4-1 (Commissioner Houck dissenting).

CITY COMMISSION

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly noted the passing of Chief Old Person. He will be sorely missed, but his deeds will never be forgotten. He was a great leader.

Regarding the decision to go to all-virtual Commission meetings, Commissioner Tryon reported that he is the dissenting voice on the Commission. He requested clarification regarding clearance from the CCHD and CDC. Mayor Kelly responded that the guidance the CCHD follows generally comes from the CDC.

Commissioner Tryon suggested putting the all-virtual meeting format on the agenda for the public to weigh in. The all-virtual meeting format limits the ability of some members of the community to participate.

Mayor Kelly responded that this topic does not have to be an agenda item for the public to weigh in. The Commission discussion took place at the end of a Commission meeting, and a majority of the Commission members concurred that, for safety factors, to have virtual meetings. It has been proven throughout the state. He is in touch with the Health Department on a weekly basis regarding how much transmission is occurring. At this point, the recommendation of gathering indoors is not coming from the CCHD or CDC.

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Commissioner Tryon commented that the original decision to go all-virtual was done by an informal vote via email to Manager Doyon, without opportunity for public input. Even though not legally required to do so, Commissioner Tryon questioned whether that was the right way to go by not inviting the public in the decision making process.

Commissioner Moe commented that it was agreed amongst the Commission that the City Manager poll the Commission members to decide what to do. There has been plenty of public comment about it. It has not changed her mind. She does not want to be responsible for one more person in the community getting ill. She will take that chance for herself, but she will not entice people to come to a public meeting and perhaps get sick. There is nothing she can do to ensure that there are measures taken that will mitigate that. From the very start, she has been expressing her objection to the Commission creating that environment for citizens.

Commissioner Robinson commented that he invited Dr. Ray Geyer, Infectious Disease Specialist, to this meeting so that all of the Commission members could ask him questions about why the Commission is conducting meetings via Zoom. He was unable to attend tonight and has a conflict on November 2, 2021, but is anxious to attend to answer questions.

Commissioner Houck noted the passing of Lisa Goff from CASA-CAN. She was instrumental in changing lives of so many children in the community for the good. She committed so much of her life to improving our community.

18. **COMMISSION INITIATIVES.**

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Mayor Kelly, to adjourn the regular meeting of October 19, 2021, at 8:44 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: November 2, 2021