

JOURNAL OF COMMISSION PROCEEDINGS
December 7, 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, Eric Hinebauch, Mary Sheehy Moe, Owen Robinson and Rick Tryon. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Paul Skubinna; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; Fire Chief Jeremy Jones and Fire Marshal Mike McIntosh; City Attorney Jeff Hindoien; Police Chief Jeff Newton; and, City Clerk Lisa Kunz.

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.

MILITARY UPDATES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM THE MONTANA AIR NATIONAL GUARD.

Chief Master Sergeant Amber Westie, Montana Air National Guard (MANG), updated the Commission on the following:

- The Red Horse Squadron is back home in Great Falls, and a welcome home party is scheduled in January.
- MANG has been working with the State Department to sell three model C-130 H planes to the Chilean and Columbian governments. MANG maintainers and aviators conducted training with the Chile and Columbia military, and are currently in Tucson getting another H-1 ready to go to Romania later this week.
- 89 Army members and 35 Air Force members are currently providing Covid support working in hospitals around the state. In Great Falls, 16 Air Force members and 3 Army members are working at Benefis to help with the surge of Covid patients.
- MANG is looking forward to the 20th year supporting the Danny Berg memorial dinner on Christmas Eve at the Senior Center.
- Operation Giving Spirit is a program for airmen experiencing rough times. The program provides local guard members with food and presents for children, and provides gift cards to those living around the state.
- Federal agencies are involved in a combined campaign to give back to their local communities through military member paycheck donations. Non-profits can be added to the list.

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

- MANG partnered with the Rotary Club to provide humanitarian assistance to the Town of Denton.
- A deployment is scheduled for late spring.
- An open house is scheduled for July 22-24, 2022 to celebrate 75 years in the Air Force, and will include the Thunderbirds.

PETITIONS AND COMMUNICATIONS

2. **Fred Burow**, 1926 21st Avenue South, thanked the Commission for going back to in-person meetings, and he encouraged that Zoom participation be integrated with the live meetings. He referred to the City's Request for Proposals for Professional Services for a Solid Waste Study. Rather than a landfill, he encouraged the Commission to consider looking at the opportunity for a gasification plant.

Nancy Donovan, City resident, referred to the work session crime task force recommendations discussion and noted support of grants for more police officers, but questioned partnering with Alluvion. She opined that multiple mental health offices would be glad to partner with the Police Department to take referrals. She doesn't encourage creating more government jobs if there isn't oversight and a purpose. She agreed that arresting more people without anywhere to put them puts a lot of strain on the system. She inquired what is drawing people to this community. Allowing the homeless to live in tents on church property is not solving a problem. She also recommended meetings for the public to ask questions and get involved.

Written comments were received from **Carolyn Craven**, 101 14th Avenue South, thanking Commissioner Moe for her service and wishing her a happy retirement.

NEIGHBORHOOD COUNCILS

3. **NEIGHBORHOOD COUNCIL 5 DRAWING OF TIE-VOTE WRITE-IN CANDIDATES.**

City Clerk Lisa Kunz reported that four candidates were elected to Neighborhood Council 5 at the general election held November 2, 2021. Due to tie votes between the write-in candidates for the fifth seat on Neighborhood Council 5, the requested action is that the Commission conduct a drawing of the qualified write-ins. Both write-ins have been contacted and indicated their acceptance if their name is drawn.

Commissioner Hinebauch drew the name of Zach Bumbarner.

4. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

BOARDS AND COMMISSIONS

5. **REAPPOINTMENTS TO THE PARK AND RECREATION BOARD.**

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission reappoint Carol Bradley and Gary Arno for a one-year term through December 31, 2022, to the Park and Recreation Board.

Mayor Kelly referred to the agenda report and noted that Carol Bradley and Gary Arno are not interested in serving another full three-year term, but are willing to be appointed to a one-year term. The shorter term will allow for the board to retain more experienced members rather than having to replace four members at one time, and will better stagger the positions going forward.

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

Commissioner Moe commented that, as a liaison to that board, she has observed the two nominees in action and both are very effective. She encouraged others to apply for the Park and Recreation Board. It has been very active in recent years because of the approval of the Park Maintenance District and building of the new aquatics facility.

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

Motion carried 5-0.

6. APPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission appoint Michelle Bebbington to the Business Improvement District Board of Trustees to fill the remainder of a four-year term expiring June 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 5-0.

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that:

- Training for Boards, Commissions and Councils is scheduled for January 26 – 27, 2022, per adopted Resolution 10229, with facilitator Dan Clark of the MSU-Local Government Center. He encouraged Commission member attendance.

JOURNAL OF COMMISSION PROCEEDINGS
December 7, 2021

- The wildland fire south of town destroyed a lot of property and many families were impacted. He expressed appreciation to all the rural fire districts, Montana Air National Guard, Malmstrom Air Force Base and Great Falls Fire Rescue. Wildland fire prevention information is posted on the Great Falls Fire Rescue's webpage, and material has been posted on Facebook. He encouraged the community to sign up for CodeRed, an emergency notification system utilized by the City of Great Falls and Cascade County.
- Mansfield Center is seeing more usage in the Civic Center. The convention center recently hosted the Great Falls High School prom.
- The Parking Advisory Commission announced that parking is free in downtown from December 13-24, 2021. All other regulations, such as the 2-hour parking limit, is in full force and effect.
- Referring to this year's Christmas tree in front of the Civic Center and the many social media and other joking comments about it leaning, Manager Doyon clarified that the Park and Recreation Department did not pick out the Christmas tree, cut the tree or set the tree. It is a voluntary, donated effort.

CONSENT AGENDA.

9. Minutes, November 16, 2021, City Commission Meeting.
10. Total Expenditures of \$5,331,439 for the period of October 30, 2021 through November 24, 2021, to include claims over \$25,000, in the amount of \$4,276,288.
11. Contracts List.
12. Approve the final payments for the River Drive North Trail Improvements, in the amount of \$175,145.85 to MRTE, Inc. and \$1,769.15 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1726.2**
13. Approve the final payments for the Southwest Side Water Main Replacement - Phase II to Central Plumbing, Heating, and Excavation in the amount of \$33,796.63, and \$341.38 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1432.1**
14. Set a public hearing for December 21, 2021 to consider a lease agreement of City owned property located in Highland Park with the Electric City BMX Association.
15. Set a public hearing for December 21, 2021 to consider a lease agreement with The Electric City Baseball Academy for City owned property located in Lot 3, Block 1, Missouri River Manor Addition, and known as Don Olson Baseball Field.

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

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

Mayor Kelly requested that Director Herrig follow up with a breakdown of the sources of funds for Agenda Item 12.

Director Herrig responded that a majority of the funds is from the Missouri-Madison River Fund grant program.

Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

16. HOME-ARP GRANT PROGRAM.

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

Planning and Community Development Director Craig Raymond reported that the American Rescue Plan Act of 2021 appropriated \$5 billion dollars to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations, to be allocated by formula to jurisdictions that qualified for HOME Investment Partnerships Program allocations in Fiscal Year 2021. The City of Great Falls has been awarded \$1,026,477 of HOME-ARP funds. These HOME-ARP funds are in addition to the annual allocation of \$283,494 of HOME funding that the City received for the current fiscal year. HUD has outlined specific guidance on who and what qualifies for assistance as well as eligible activities which is outlined in the agenda report. This is a public hearing where the City Commission provides an opportunity for the community to provide testimony related to observed needs in the community that the City could address through HOME-ARP funding. The City Commission will not take action tonight other than to hold the hearing so that information may be gathered which will ultimately be helpful in determining what projects should be funded. The action tonight is part of the City's obligation as recipients of CDBG and HOME funds.

Rev. Jeff Wakeley, First United Methodist Church, read a prepared statement. In part, Pastor Wakeley discussed allowing the homeless to gather on the church property and even to spend the night and sleep on the property. Allowing the homeless to be on the property rather than running them off has upset people and businesses in the downtown area. It has even upset the church located across the street. This is an opportunity to begin to deal with the issue of homelessness and its impact on the community. The City needs to step up and create a homeless shelter for not only those who the Rescue Mission will not help but also for the many who are sleeping in their cars or having to sneak into a friend's apartment for a few nights. The Great Falls

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

Public School system has said that there are 600 children in their schools that are homeless. There are not 600 places in Great Falls for them to sleep, much less live. Addressing the homeless problem must be the basis of dealing with any kind of housing issue. It is in the City's best interest to bring all the pertinent social and housing agencies, as well as churches, together in creating more homeless shelters. The simple observation that there are homeless people living on the church property shows that there are not enough safe places for them to sleep or to live. He urged the Commission to use ARP funds to build more homeless shelters that do not discriminate, but rather recognize that every person has a basic human right to a place to sleep and live in peace. This should and must be the starting place of any reasonable plan to address the lack of affordable housing in Great Falls.

Shyla Patera, City resident, commented that she is a Great Falls resident with a disability and she advocates for citizens with disabilities, including some of the mental health consumers that Rev. Wakeley has talked about at his location. Ms. Patera commented that Great Falls needs accessible, affordable housing stock, including another shelter to assist Family Promise and the Rescue Mission. Many times, it is hard for a person with a disability to admit that they have a disability. Physical disabilities are easy to see, but it is hard to connect services for people with mental disabilities. The Great Falls Clinic and Benefis Healthcare often discharge people to nowhere or the Rescue Mission. During the pandemic this past year she discussed making sure people had food security in HUD housing. In addition to the issues Rev. Wakely discussed, she has had issues in getting persons housed that may not have the rental capacity, may have lost HUD privileges because they were not following the rules, either for behaviors or non-payment of rent and were evicted. There are people on the street because there is not enough accessible, affordable housing stock. It is sometimes hard to deal with HUD contracts and HUD rules. If there is a stain of eviction on a record for whatever reason, it is hard to get people housed. If people are not housed, they cannot get a job and move forward. She urged the Commission to take a serious look at housing, connectivity, broadband and employment.

Sheila Rice, 913 3rd Avenue North, thanked Commissioners Moe, Houck and Robinson for their service and welcomed Commissioner Hinebauch. Ms. Rice read a prepared statement. In part, Ms. Rice discussed that homelessness is on the rise as families spend an increasing portion of their monthly incomes on rent and utilities. There is a direct correlation between higher rents and homelessness. In 2019, Montana had the 14th highest homeless rate in the nation and 4% largest increase in homeless rate of all the United States.

The demand has outstripped the housing supply. That has caused a dramatic increase in homelessness. There is an answer to homelessness: permanent, supportive housing. She discussed a Denver project that lasted three years where 375 people were offered housing first – homes with supportive services and the positive results pertaining to housing stability, criminal justice system outcomes, and health services outcomes. This research proves that housing combined with services works to resolve homelessness.

Ms. Rice urged the City to make this plan for the use of the HOME-ARP funds broad in scope, to allow many uses of the funds. In particular, include permanent, supportive housing. She further urged the City to allow the funds to be used for operation, not just construction. Permanent, supportive homes are more costly to operate than apartments that do not offer supportive services.

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

The increased cost can be paid with HOME-ARP funds because the Federal Government recognizes the need for operations funding as well as construction funding.

Sherrie Arey, City resident and Executive Director of NeighborWorks Great Falls, noted having submitted written comments. She added that HUD funds are never easy as they come with tons of regulations. However, these funds are very scoped in nature to try to help address those facing homelessness and housing insecurity and those that are sometimes considered the most vulnerable among us. She encouraged eligible uses be as broad as possible in the Action Plan, including tenant-based rental assistance, supportive services, and shelters. She urged use of 5% of the allocation for capacity building and operation support for non-profits that provide these services to the community.

Carrie Parker, Director of Helping Hands, a local food pantry at First English Lutheran Church, 726 2nd Avenue North, commented that the pantry has never seen anything like this. They are not just serving low-income folks who are struggling, but also a lot of homeless people. Over the summer, it exploded. She has gotten to know and care about this diverse group of people suffering from mental illness, suffering from addiction, and veterans suffering from mental health issues due to their service. They are grateful for what the Rescue Mission does, but our community needs a much larger response at this point. Many people cannot go to the Mission for various reasons, such as mental health or addiction issues. She suggested educating the community about homelessness and some of the root causes. Great Falls needs a long-term housing solution that is supported. Many of these folks cannot do it on their own without support. Great Falls also needs a short-term, immediate solution for the people out in the cold right now. Loving our neighbors is not just a Christian response; it really is the human response.

Josh Butterfly, City resident and member of Let Them Come Home, an independent organization that helps individuals after a term of incarceration to get back on their feet, discussed a chemical spill of Firefighter GL 38 antifreeze that happened at Boston's Pizza and Sports Bar on July 28, 2019.

Mayor Kelly reminded Mr. Butterfly that this portion of the agenda was specific to the HOME-ARP grant funds, and that he would reach out to him at a later point in time to visit with him on the packet he provided.

Nancy Donovan, City resident, inquired if the City has already accepted this federal funding.

Director Raymond responded that Great Falls would receive the funds because it is an entitlement community. This is a special allocation through the specific act that authorized the money.

Ms. Donovan inquired if a long-term permanent solution is created and the money runs out, if it becomes a taxpayer burden.

Director Raymond clarified that this is a one-time allocation that the City can do with it within the confines of the rules that HUD has established.

Rev. Stephen Underwood, Pastor at Central Christian Church, concurred with the housing first advocates. Housing is what solves homelessness. People who have their basic needs taken care

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

of are more able to pursue behavioral health and substance use disorder treatment, as well as employment. Emergency shelter programs are certainly essential, but relying on and increasing funding to such services, particularly given that the only existing shelter publicly espouses anti-gay and anti-trans beliefs and creates barriers for individuals with substance use disorders, would be a mistake. There is more information about the housing first strategy that can be found at endhomelessness.org.

Written comments were submitted from:

Sandi Filipowicz, YWCA Executive Director, urging the Commission to consider Montana statistics pertaining to poverty and domestic violence being the leading cause of homelessness and the need for emergency shelter in Great Falls.

Sherrie Arey, NeighborWorks Great Falls Executive Director, encouraging use of HOME-ARP funds for the creation and preservation of affordable housing and services needed to support homeless residents.

Rev. Jeff Wakeley, First United Methodist Church, suggesting it is in the City's best interest to bring all of the pertinent social and housing agencies as well as churches together in creating more homeless shelters in Great Falls. He urged the Commission to use HOME-ARP funds to build more homeless shelters that do not discriminate but rather recognize that every person no matter who they are or what they have done has a basic human right to a place to sleep and live in peace.

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

In response to Ms. Donovan, Mayor Kelly commented that sustainability of the operation is part of the decision making process that the Commission does with any federal funds.

17. **ORDINANCE 3233, AMENDING TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO FALSE ALARMS AND ALARM AGENT LICENSING.**

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

Fire Chief Jeremy Jones reported that that adoption of Ordinance 3233 is another tool for Great Falls Fire Rescue (GFFR) to assist with changes in response to emergencies within the City. GFFR continues to have a weak response posture when it comes to responding to structure fires with limited fire resources. Over the past year, changes have been implemented within the Department to bolster their posture by implementing a stronger enforcement of codes before the fire or hazard happens. Ordinance 3233 supports this by implementing fines and penalties for fire alarms that prove to be false and repetitive. The current municipal code structure does not allow for fines or penalties for false alarms or other hazardous conditions. The proposed ordinance would extend the current code structure to authorize the transmittal of written warning letter and ultimately imposing a fine for false alarms in the context of fire alarms or other hazardous conditions. The proposed changes would also impose a fine after the second false alarm in a year,

JOURNAL OF COMMISSION PROCEEDINGS
December 7, 2021

as opposed to after the third, and increase the fine amount for a third or subsequent false alarm from \$50 to \$100 dollars. The proposed ordinance change would also identify and incorporate the existing Montana statutory prohibition against the intentional activation of false alarms.

Finally, the proposed ordinance also clarifies the need for alarm agents, which are in the business of servicing alarms and repairing them, to secure a business license from the City. At present, alarm agents are required to obtain an alarm agent permit. The proposed ordinance clarifies that the license is to be secured from the Planning and Community Development Department.

The Commission took action at its November 16, 2021 meeting to accept the proposed Ordinance on first reading and set the public hearing for December 7, 2021.

In response to comments and concerns raised by the Commissioners, the proposed ordinance has been modified for the second reading as follows:

The number of false alarms that trigger written notice and any potential fines will be measured by a rolling 365-day period, as opposed to a calendar year; and

The language exempting alarm systems in buildings owned or occupied by the City of Great Falls has been removed.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon requested clarification between a permit and license.

Fire Marshal Mike McIntosh clarified that contractors have a general contractor or specialty license. The change is that alarm contractor or alarm agent will now show on the contractor license versus just getting a permit to work within the City.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Ordinance 3233.

Hearing none, 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 Ordinance 3233.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

18. ORDINANCE 3237, AMENDING TITLE 15 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE FIRE CODE.

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

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

Fire Chief Jeremy Jones reported that the City of Great Falls currently operates under the 2012 International Fire Code (IFC), which provides as follows with respect to inspections, testing and maintenance:

901.6 Inspection, testing and maintenance. Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired *fire protection systems* and equipment shall be inspected, tested and maintained or removed.

901.6.1 Standards. *Fire protection systems* shall be inspected, tested and maintained in accordance with the referenced standards.

901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the *fire code official* upon request.

As the State of Montana and the City of Great Falls transition towards the adoption of a newer version of the code, it has been discovered that the 2012 IFC language requiring the provision of inspection, testing and maintenance (ITM) records to Fire Code officials upon request has been removed. For example, the 2018 IFC requires only that the ITM records be “maintained” with no language regarding their availability or transmission to Fire Code officials.

901.6.3 Records. Records of all system inspections, tests and maintenance required by the reference standards shall be maintained.

GFFR presently relies on its ability to request ITM reports to ensure that the City knows which systems are working as designed, and which systems are deficient. With the submission of these reports, GFFR is able to work with the business owner and the service providers to ensure that any necessary repairs are made to the life safety systems.

GFFR is currently only receiving ITM reports from roughly half of the service providers working within the City of Great Falls. There are still a significant number of service providers who are not transmitting ITM reporting to GFFR, many of whom may not be licensed to provide alarm services here in the City as required under Title 5 of the City Code. In those cases GFFR is not in a position to assess whether the systems being serviced are fully operational or in need of repair. The proposed Ordinance would enable GFFR to obtain the ITM records for all life safety systems within the City of Great Falls by both: (1) requiring that all ITM work be conducted by properly licensed alarm agents; and (2) having the ITM reports generated by those providers submitted to the City’s third party reporting partner.

The City’s reporting partner would then work with GFFR, alarm agents, and business owners to ensure those life safety systems found deficient can obtain the repairs needed to ensure that the life safety system will be operating as designed. This would increase overall compliance of alarm systems in Great Falls, and in turn enhance the safety and efficacy of these systems.

JOURNAL OF COMMISSION PROCEEDINGS
December 7, 2021

This proposed Ordinance would ultimately increase the compliance of deficient life safety systems within the City of Great Falls by ensuring that those vendors performing ITM work on life safety systems are properly licensed and are providing the appropriate documentation of their ITM work to GFFR in a timely fashion.

The Commission took action at its November 16, 2021 meeting to accept the proposed Ordinance on first reading and set the public hearing for December 7, 2021.

A concern was expressed during the first reading of the proposed Ordinance pertaining to the *Violation-penalty* section (15.9.060) and whether there might be other unspecified actions that might end up being subject to that *Violation-penalty* section. As a point of clarification, the *Violation-penalty* provision already exists at OCCGF 15.9.050 and already extends only to violations of Title 15, Chapter 9 – which consists of (1) the already-adopted International Fire Code and (2) a discrete prohibition against thawing pipes with an open-flame device. The proposed changes to the *Violation-penalty* provision in the proposed Ordinance are intended to incorporate only the new ITM reporting and record maintenance requirements. There are no other code provisions tied to the *Violation-penalty* provision.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon received clarification that a third party vendor transmits the inspection and maintenance reports. The service providers in Great Falls are good at reporting. The big box stores have companies that service a fleet of stores. As they come through the community, they do not necessarily know the requirements and the code within the community so that work is sometimes performed without GFFR knowledge. Adoption of the ordinance will shore up the enforcement component of the codes to make sure that the life safety systems that are in place for the public safety are up to their proper maintenance.

Mayor Kelly asked if there were any comments from the public in support of or in Ordinance to 3237.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3237.

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

Commissioner Moe appreciated Fire Chief Jones and Fire Marshal McIntosh addressing her concerns.

Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. **ORDINANCE 3234, AMENDING TITLE 9, CHAPTER 8, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO WEAPONS.**

City Attorney Jeff Hindoien reported that the basis for this ordinance is to conform the already existing ordinance regarding the possession of firearms and weapons to what the legal landscape looks like today. The passage of LR 130 and then passage of HB 102 by the 2021 Legislature made changes to the legal landscape that the prior ordinance was based upon. The legal authority of municipalities in Montana was drawn back by LR 130, through the voters last November, and HB 102 extended the right to carry concealed weapons in Montana to individuals without a concealed carry permit and substantially limited the areas where concealed by a valid permit holder could be restricted.

As discussed at the August 17, 2021 work session, staff is taking a measure to update the current ordinance to track with the combined effects of both LR 130 and HB 102.

The current ordinance language is based on the law as it existed prior to 2021, when the relevant statute (§ 45-8-351, MCA) authorized local governments to prohibit the carrying of **both** unconcealed weapons and concealed weapons (whether carried by a valid permit holder or not) “. . . to a public assembly, publicly owned building, park under its jurisdiction or school. . .” That statute has been modified and now only authorizes:

- restrictions on the carrying of **unpermitted concealed** weapons and unconcealed weapons; and
- the application of those restrictions only in a publicly owned **and occupied** building, i.e., a local government may no longer impose carry restrictions at public assemblies, parks or schools.

The new language in Subsection (B) of the proposed Ordinance is intended to implement the HB 102 language that authorizes the City to prohibit even **permitted concealed carry** in secure areas of the law enforcement facilities it owns and operates. The restrictions in a courtroom and courthouse areas must be imposed pursuant to an order of a judge, and Judge Bolstad has already issued a *Standing Order* to that effect for the Civic Center.

The new language in Subsection (C) of the proposed Ordinance is intended to authorize the City Manager to direct and implement screening measures and authorize the denial of entry to City facilities by those not legally authorized to carry a weapon in City facilities. The new language in Subsection (D) of the proposed Ordinance reflects the former statutory exceptions to concealed carry restrictions in certain locations by law enforcement officials.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3234 on first reading and set a public hearing for December 21, 2021.

JOURNAL OF COMMISSION PROCEEDINGS

December 7, 2021

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

Commissioner Tryon requested that the agenda report for the December 21st public hearing include examples of parameters of a permit holder, legal permit holder, and unconcealed firearm, etc.

Commissioner Moe received clarification that bold type is new language in the ordinance, and subsections C and D are entirely new language.

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

Motion carried 5-0.

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly read a letter dated November 16, 2021, authored by Jason Greene, Area Port Director, US Customs and Border Protection Office of Field Operations, thanking the Great Falls Police Department, Fire Department, and Emergency Medical Services for their attendance and support during the services of US Customs and Border Protection fallen Officer and Port Director, Mathew L. Lyons on November 4, 2021.

21. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of December 7, 2021, at 8:33 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: December 21, 2021