

JOURNAL OF COMMISSION PROCEEDINGS
May 17, 2022

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, Joe McKenney, Rick Tryon and Susan Wolff. Also present were 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; City Attorney Jeff Hindoien and Deputy City Attorney David Dennis; 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: For transparency, Commissioner McKenney referred to Item 12 and disclosed that he was a former owner of the Cartwheel Bar business and property. He has no financial ties to the property and is not privy to information other than what was provided to the Commission on this item.

PROCLAMATIONS: Men's Health Month (June 2022).

COMMUNITY INITIATIVES

1. COMMUNITY HEALTH UPDATE – CITY COUNTY HEALTH DEPARTMENT.

Due to a scheduling conflict, Public Health Officer Abigail Hill was unable to attend this evening and provide an update.

PETITIONS AND COMMUNICATIONS

- 2. Isaac Bacon**, 333 Riverview 4 West, commented that he spent a lot of time this past year with the City's homeless. He urged the City not to stand in citizens' way to practice their religions and constitutional rights to take care of their homeless neighbors.

Jeni Dodd, City resident, commented that misinformation is being put forth by the Big Sky Country National Heritage Area (BSCNHA) corporation that there are no potential conflicts with property rights. She discussed a case before a Virginia court wherein the Institute for Justice was involved. She suggested reading more about it at E-City Beat or Google, and noted that there are examples of property rights abuses associated with National Heritage Areas.

Megan Miller, 1525 3rd Avenue North, commented that her family routinely spends time with the unsheltered citizens in the community. Their lives are hard. Many of them choose substances to help them cope and have addictions. There is too much pain in their lives, and too few external and internal resources available to them. They are encouraged to choose abstinence and other

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healthier ways of coping. She asked that the City not stop citizens from doing their part to help ease the pain of the homeless.

Julie Bass, City resident and mental health counselor, commented that a lot of the homeless people are not native to Great Falls. With that, Great Falls is also getting the associated costs as they are the most frequent offenders of the system. There are multiple services in Great Falls, but they have to want the drug addiction or other counseling. She concluded that we want to be compassionate to our neighbors, but people cannot be helped if they do not want better for themselves.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. APPOINTMENT TO THE AUDIT COMMITTEE.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission appoint Shanna Christopherson to the Audit Committee to fill a private citizen position for a three-year term through June 30, 2023.

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

Commissioner McKenney noted that he serves on the Audit Committee and took part in the interview of Ms. Christopherson. She is very personable and has an appropriate background for this committee.

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

Motion carried 5-0.

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Park and Recreation Director Steve Herrig reviewed PowerPoint slides depicting ground work and progress made since March 14, 2022 on the Big Sky Aim High Recreation Center and Indoor Pool facility. With regard to fundraising efforts, a committee is working with the consultant to finalize the brochure that will be going out in the near future.

City Manager Greg Doyon reported that:

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- Thirty (30) animals were adopted at the “Empty the Shelter” event hosted by the Great Falls Animal Shelter.
- The Public Works department will be issuing a press release on May 27th and will be presenting at the future Council of Councils meeting to educate the public about the Environmental Protection Agency’s (EPA) new lead and copper 2 rule. The department is in the process of inventorying service line materials. If a mailer is received, it is important that residents respond.
- Nathan Besich accepted the Environmental Division Manager position with the Public Works department.
- The First United Methodist Church has filed an application for a Conditional Use Permit (CUP) to operate an emergency shelter on its property. The process will require public hearings with the Planning Advisory Board and the City Commission. A formal “Notice of Violation” has been issued to the Church regarding the presence of tents and camping activity on the property in violation of the zoning code. The City will also be commencing a nuisance complaint process based on the level of complaints the City is receiving about the church property.
- Great Falls Police Department hosted its annual awards luncheon on May 13, 2022, to recognize the actions of 23 officers, civilian staff, community members and allied law enforcement personnel.
- Great Falls is the first city in the state of Montana to obtain FEMA’s Class 6 rating, which will give citizens a 20% discount on their flood insurance premiums beginning October 1, 2022.
- He and Deputy City Manager Chuck Anderson will be attending the Great Open Spaces City Management Association (GOSCMA) professional development training in South Dakota May 24-27, 2022. He will let the Commission know who he appoints to assist them in his absence.

CONSENT AGENDA.

7. Minutes, May 3, 2022, City Commission Meeting.
8. Total Expenditures of \$1,345,000 for the period of April 14, 2022 through May 4, 2022, to include claims over \$25,000, in the amount of \$744,915.
9. Contracts List.
10. Grants List.
11. Approve the bid award for annual asphaltic concrete material to Great Falls Sand & Gravel, Inc. of Great Falls for \$923,400.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve the Consent Agenda as presented.

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Mayor Kelly asked if there were any comments from the public. Comments pertaining to Agenda Item 10A were received from:

Julie Bass, City resident, received clarification that item 10A is the Historic Preservation Advisory Commission's (HPAC) submission of a grant application to the National Trust for Historic Preservation. If the HPAC is awarded the grant, the Big Sky Country National Heritage Area, Inc. (BSCNHA) will donate \$10,000 to the efforts to perform a structural assessment of the Boston and Montana Barn.

Ms. Bass commented that the barn is on the City's golf course and there is no road to it. She did not see the point in refurbishing the building if it is inaccessible to the public.

Richard Ecke, Chairman of the City-County Historic Preservation Advisory Commission (HPAC), commented that the Boston and Montana Barn is the last vestige of the Boston and Montana Consolidated Copper and Silver Mining Company. That company built the smelter in 1890, that became the Anaconda Company (known as the ACM Smelter) a couple of decades later. For half a century that company was the main employer of this area. The HPAC is attempting to obtain \$20,000-\$25,000 to do a study to determine if the unique barn can be saved.

Several months ago the Cascade County Commission included this barn in a plan as a potential visitors/interpretive center for the entire site, once the superfund site is cleared of pollution and they begin active projects. There is a long-term possible use for this barn. Access can be created to the barn. At this moment, the HPAC is only trying to come up with enough money to do a study to see if the barn can be saved and stabilized.

Ken Robison, 315 Lamplighter Lane, HPAC member, added that Great Falls was once a great industrial city. People came from around the world to work here. The Boston and Montana Barn is the last vestige of our industrial past.

Jeni Dodd, City resident, commented that all the City seems to do is spend money on studies. She inquired where all the historic preservation people were when the smelter stack was blown up and all the other buildings were removed, as well as when the Russell Museum bought and tore down houses from the early 1900s. If money is spent on the barn, she inquired who would be responsible for its upkeep.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

12. **RESOLUTION 10457, TO VACATE A PORTION OF 10TH ALLEY SOUTH BETWEEN 19TH AND 20TH STREET SOUTH**

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

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Planning and Community Development Director Craig Raymond noted a typographical error on page 2 of the agenda report and that reference to the resolution should read 10457. Director Raymond reported that Talcott Properties LLC, representing Mountain West Bank as the property owner, is requesting the vacation of a portion of 10th Alley South between 20th Street South and 19th Street South, to make it feasible for a new restaurant building to be constructed on the site addressed as 1900 10th Avenue South.

Currently, the northern half of the property north of the alley is occupied by the former Cartwheel Casino. The southern half of the property is vacant. The site has many unique challenges that make new construction of a commercial building and sufficient parking difficult, particularly the steep grades of the northern portion of the site as well as the alley itself. The site does not readily lend itself to the desired development proposal. As such, the applicant is proposing the partial vacation of the alley, and to move or reroute the alleyway traffic and existing utilities to accommodate more buildable area on the site. The proposed site plan shows that the alleyway will be curved and directed south to an access point on 11th Avenue South. This path for alley traffic has been designed to preserve the ability to continue sanitation, business deliveries, and emergency services for the owners of properties along the alley between 19th Street South and 20th Street South, as well as improve the grade for vehicles. Currently, the alley splitting the site has a slope of approximately 10 percent. The proposed relocated alley would have a slope of just over 3 percent. The proposed alley plan includes gradual turning radii to show that large vehicles will still be able to navigate the curved alley through the site. If the alley is vacated, the City will retain an access easement that incorporates the new alley pathway. Maintenance responsibility for the relocated alley would also be transferred to the owner.

The applicant is also proposing to realign the sewer main that currently runs down the alley. The utility relocation will be reviewed and approved by City staff if the vacation of the alley is approved by the Commission. Additionally, storm water running from east to west along the alley travels at a higher rate due to the alley's steep slope. The applicant has provided the City with preliminary plans to capture this storm water and pipe it off the property. This proposal is also subject to further City review after a more detailed submission of information. This request for vacation of rights of way is a complicated project with a lot of moving parts. The resolution and amended plat will not be recorded until such time as the applicant submits an acceptable development plan that adequately addresses utility, storm water and circulation issues.

Mayor Kelly asked if the Commission members had any questions of staff.

Commissioner Tryon inquired in what sense is this request unusual.

Director Raymond responded that his department doesn't receive a lot of alley vacation requests in busy commercial areas.

Commissioner McKenney commented the alley is steep and in the winter vehicles slide down onto 19th Street. He inquired about the slope to 19th Street.

Director Raymond explained that the alley will curve to the south in a much more gradual slope.

Mayor Kelly asked if there were any comments from the public in favor of Resolution 10457.

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Jolene Schalper, Great Falls Development Authority, commended staff for finding a solution to a challenging site, and the developer for taking a challenging site and planning for a use that will benefit 10th Avenue South.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10457.

John Soica, 1911 11th Avenue South, commented that he did not receive notice and, as the adjoining property owner, would be the most affected by this proposed development that will take away his benefit of owning a corner lot. He expressed concern about litter, increased traffic, and traffic being backed up affecting ingress/egress to his garage.

Tom Macek, City resident and owner of Warehouse Pawn Shop, 1908 10th Avenue South, expressed complaints about the State plowing snow in the winter blocking their access, the alley not being sanded in the winter, trash in the alley from neighboring businesses, and storm drainage issues. He commented that the 19th Street grade is horrendous and vehicles cannot make it up to 10th Avenue in the wintertime. He would like the alley for access to his business.

Mayor Kelly asked if Director Raymond or the applicant wanted to respond to any of the comments.

With regard to notification, Director Raymond commented that staff uses the County records to send notices out to residents within a certain radius. Sometimes the County records are not kept current. Staff also provides notification in the *Great Falls Tribune* for all public hearings.

Brad Talcott, Applicant and City resident, responded that some of the comments made pertained to property east of the lot, and not the lot that is up for discussion. With regard to comments made about not being able to get up/down the icy alley and it not being sanded, he clarified that this proposed development will improve that situation. It will now be a 3% grade instead of a 10% grade. He can't do anything about other property owners on that block, but he can improve the lots that he is dealing with. They are making it a usable parcel, improving the lot, and improving the grade of the alley. The solution was to continue the alley for access for all traffic directed towards 11th Avenue South at a lesser grade.

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

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10457, subject to the Conditions of Approval being fulfilled by the applicant.

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

Commissioner Wolff commented that some of the issues that Mr. Macek discussed were properties to the east of where this lot is being developed. The developer has addressed the steepness and the difficulties with that alley by taking it in a different direction. The proposed new business will be a benefit to the residents of Great Falls and perhaps drive more business to the other businesses on that block.

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Commissioner Hinebauch inquired if the drainage issues will be addressed.

Director Raymond responded that drainage will be addressed specifically and carefully because the storm water drainage currently runs down the alley.

Commissioner Tryon inquired if a traffic impact analysis was done for the general area.

Director Raymond responded an analysis was done internally by staff. The project itself does not generate the number of trips that the code requires for an analysis by an outside entity.

Commissioner Tryon inquired if the traffic will have a negative impact on some of the businesses or residents.

Director Raymond clarified that this item pertains to vacation of an alley. The bulk of the traffic will come off of 10th Avenue South and exit back onto 10th Avenue South. Based on the configuration in the exhibit, he doesn't believe the alley will see additional traffic as a result of the development.

Commissioner McKenney commented that it is time for upgrading and challenges need to be worked through. Not only is a piece of property being developed, a safety hazard is being solved. He concluded that this development is the best solution for this piece of property.

Commissioner Tryon inquired and was informed that alley vacations do not go before Neighborhood Councils.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

13. ORDINANCE 3244, TO REPEAL TITLE 2, CHAPTER 12, SECTIONS 010-050 OF THE OCCGF, DISSOLVING THE GOLF ADVISORY BOARD.

Park and Recreation Director Steve Herrig reported that CourseCo, Inc. d/b/a Great Falls Golf, LLC, has managed the City's golf courses since December 18, 2018. Since that time, CourseCo, Inc. has provided numerous opportunities for cost savings, generated new revenues in many areas, made several improvements to the courses, and has returned significant revenue to the City annually.

The future of the Golf Board was discussed during the board's February and March meetings and the Golf Advisory Board voted unanimously to dissolve the Golf Advisory Board. In addition, management for CourseCo supports the dissolution of the Golf Advisory Board. The Board was encouraged to continue to provide feedback to the manager of the courses.

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Because the City is no longer operating and managing the municipal courses, the original intent, purpose and need for the Golf Advisory Board has been eliminated. The City Commission will still be required to adopt fees and CourseCo will provide an annual update to the Commission at a work session.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3244 on first reading and set the public hearing for June 7, 2022.

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

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Hinebauch announced that he had the privilege of attending the Fire Ops 101 training event with Great Falls Firefighters Jay Jarrett and Carter Marsh on May 5-7, 2022 in Richland, Washington, that was hosted by the International Association of Firefighters (IAFF) District 7. This experience showed him the many scenarios that firefighters can face in a single shift. It was truly an eye opening experience. He expressed appreciation to the Great Falls Fire Department for all they do in our community.

15. COMMISSION INITIATIVES.

With regard to the ARPA work sessions and Commission retreat discussions, Mayor Kelly inquired if there was consensus amongst the Commissioners to provide direction to Manager Doyon and Director Raymond to look into an opportunity to invest in water and sewer service infrastructure, and potential curb and gutters, out to development areas. Additionally, he requested an incentive package for developers that included discounted fees. The Commission's objective is to be creative and think outside the box in recognizing the housing shortage. Mayor Kelly concluded that some of the infrastructure dollars that will be coming in from the new bipartisan infrastructure bill and some of the funds discussed during tonight's work session will create a tangible incentive for people to work with the City and be able to make their projects more affordable and more available.

Director Raymond responded that he and Public Works Director Paul Skubinna have already been working on a proposal to bring to the Commission.

Mayor Kelly asked if the Commissioners concurred. No one objected. Commissioner Wolff suggested that senior housing also be considered in the initiative.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of May 17, 2022, at 8:20 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: June 7, 2022