

**JOURNAL OF COMMISSION PROCEEDINGS**  
**October 4, 2022**

Regular City Commission Meeting

Mayor Kelly presiding  
Commission Chambers Room 206

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Susan Wolff, Eric Hinebauch, Joe McKenney and Rick Tryon. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson, Planning and Community Development Director Craig Raymond, Deputy Finance Director Kirsten Myre, Interim City Attorney David Dennis, Police Captain John Schaffer, 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:** To avoid the appearance of impropriety, Commissioner McKenney disclosed that he is currently a realtor by trade. With regard to Agenda Item 4, at some point in time the applicant Peter Fontana may appraise a property of a client he represents. With regard to Agenda Item 9, should single-family housing be developed, he may represent a buyer or seller. Commissioner McKenney further disclosed that he has not been in the hospitality industry since the Covid shutdown and has no financial interest with regard to Agenda Item 11.

Interim City Attorney David Dennis commented that there does not appear to be a conflict of interest, due to the lack of relationships and lack of financial interests, in the disclosed matters.

**PROCLAMATIONS:** Crime Prevention Month [October 2022]. President of Cascade County Crime Stoppers, Sandra Guynn, encouraged everyone to attend Crime Stoppers free public forum at 6:30 pm, October 20, 2022, at the University of Providence titled “Drugs & Our Youth – What we’re up against – What we all need to know.”

**MILITARY UPDATES**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MONTANA AIR NATIONAL GUARD (MANG).**

Colonel Trace Thomas briefed the Commission on the following:

- The successful Open House hosted 45,000-50,000 people and could not have been done without the support of the community.
- Deployments are ongoing for the next three months for periods of three to six months in length.
- Airmen that recently returned from a deployment to Africa broke a record with almost 900 hours of flying time in a three-month period.

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- MANG hosted Family Day in August and entertained over 700 guardsmen and their families.
- MANG and Malmstrom Air Force Base (MAFB) hosted the 75<sup>th</sup> Anniversary Ball celebration.
- Last month three enlisted members achieved the rank of Chief Master Sergeant.
- A unit effectiveness inspection will take place in two weeks.
- He is awaiting more information regarding time compliance and tech order inspections pertaining to a recent news release about airplanes.

2.

## PETITIONS AND COMMUNICATIONS

**Kevin Westie**, 602 35<sup>th</sup> Street North, commented that marijuana leads to opioid use, which has led to 61,000 opioid deaths in 2021. It is the starter drug. Marijuana wrecks cognitive capabilities and its destruction lasts a lifetime. Suicide rates are also up.

He clarified his comments made at the previous meeting that the Gibson Flats fire went into a conflagration because the Fire Department could not respond within four minutes. They were slow because they were not properly funded.

## NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## BOARDS AND COMMISSIONS

4. APPOINTMENT TO THE BOARD OF ADJUSTMENT/APPEALS.

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission appoint Peter Fontana to a three-year term through September 30, 2025 to the Board of Adjustment/Appeals.**

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.

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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City Manager Greg Doyon reported the following:

- Great Falls Police Department swore in its newest officer, Jeremy Bohall. The Police Department is still down four officers and going through the recruitment process.
- Thoughts and prayers go out to the family of Great Falls firefighter Mike Kuntz who recently passed away.
- Four graduates of the Great Falls Fire Academy were assigned to platoons and started shifts today.
- Great Falls Fire Rescue issued an Invitation to Bid for its overhead doors project.
- The ISO rating of the City to be implemented January 1, 2023, was downgraded and will affect insurance rates.
- Great Falls Animal Shelter hosted a free rabies vaccination clinic. Appreciation was expressed to donors and sponsors that covered the costs, and to volunteer veterinarian Marcia Shanahan for vaccinating 75 animals.
- Great Falls Housing Authority is installing new lighting at one of its campuses; recently hired a new maintenance worker; and, renovating the interior of a six-plex.
- Sylvia Tarman was hired as a project manager for the City's ARPA projects. She comes with a lot of experience in construction management and her monitoring of the projects will be critical to make sure that the money was used as intended and we are getting the product to serve the taxpayers as designed.
- Planning and Community Development hired a new planner, Sara Doermann. That department is still seeking a Development Review Engineer. To date, the department permitted over \$168 million dollars of construction activity compared to \$61 million last year.
- David Dennis has been appointed as the Interim City Attorney.
- A ribbon cutting ceremony was held for the Historic 10<sup>th</sup> Street Bridge and a celebration of Arlene Reichert's efforts to support and save the bridge.
- The Human Resource and City Clerk's Office will be renovated based on the Commission's authorization, and he is still looking at options for potential basement renovations for Municipal Court.

### **CONSENT AGENDA.**

7. Minutes, September 20, 2022, City Commission Meeting.
8. Total Expenditures of \$2,951,575 for the period of August 30, 2022 through September 21, 2022, to include claims over \$25,000, in the amount of \$2,521,212.

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**Commissioner Tryon moved, seconded by Commissioner Hinebauch, 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**

9. **ORDINANCE 3250, AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT TO ALLOW 4-PLEX MULTIFAMILY UNITS FOR WEST RIDGE ADDITION PHASES VII - XI AND PRELIMINARY PLAT FOR A 40-LOT MAJOR SUBDIVISION FOR WEST RIDGE ADDITION, PHASE X.**

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

Planning and Community Development Director Craig Raymond reported that the application that the Commission is being asked to act on this evening is two-fold. First, an amendment of an existing Planned Unit Development (PUD) and also the approval of a Preliminary Plat for Phase 10 of Westridge.

A PUD zoning designation is a tool that accommodates special development proposals that might not perfectly fit within other defined zoning designations. PUD is defined as “A planned unit development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval”. In context, outside of a PUD zoning district, four-plex buildings would not be grouped in an area zoned as R-3 or R-2. In this case, the developer believes that given proper planning, layout and specific standards, it should be allowable to have a mixed density of residential uses within a specific area. Staff agrees when the conditions are right.

Westridge was initially approved with an R-3 designation and development pattern. In 2017, the City Commission approved a PUD proposal for Phases 7-11 of Westridge providing for not only single-family dwellings but also duplex units. To this point, it has proven to be very successful and the introduction of slightly higher density has not resulted in undesirable impacts to the City or surrounding neighborhood. It was well planned and well executed.

The request tonight is to take this to the next step in allowing another increase in density and flexibility. Based on comments and questions made at the Planning Board meeting, neighbors are taking notice and are a bit nervous about the change. It would appear, however, that through the planning and design process, most concerns have been satisfied to an acceptable level.

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Although the developer is proposing higher density, the same max building height as is allowed for single-family dwellings, only slightly higher max lot coverage and same lot depth to width lot proportion at 2.5 to 1 will be maintained. The lot sizes are increasing to account for the larger buildings at 12,000-15,000 as opposed to 7,500 minimum lot sizes.

An important element for the Commission to also consider is that allowing well-planned increases in density helps encourage housing affordability, which has been an area of concern expressed by the Commission.

The Commission is also being asked to consider the Preliminary Plat for Phase 10 of this development. If approved, the developer will complete design and construction drawings for the necessary infrastructure to serve the proposed development. Staff will review said plans for conformance to city, state and federal standards related to water, sewer, storm sewer and transportation systems. The developers will then have the option to either build those improvements or bond for those improvements prior to coming to the Commission for final plat approval. Director Raymond reminded the Commission that the preliminary plat approval phase is actually the most important in the process as this is the city actually telling the developer and the community what is going to be allowed and expected. Final plat approval is merely the last remaining step that simply recognizes that everyone did what was promised and it is deemed complete and satisfactory. The time is now if adjustments need to be made to the plan.

Staff recommends that the City Commission conduct the public hearing and adopt Ordinance 3250 amending the PUD, approve the Preliminary Plat of Phase 10 of Westridge, and adopt the findings of fact.

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

Commissioner Tryon requested clarification regarding the developer's request for deviation from City Code for accessory structures.

Director Raymond responded that, given the setbacks and lot coverages, staff finds the request acceptable.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Ordinance 3250 or the Preliminary Plat of West Ridge Addition Phase X.

Hearing none, Mayor Kelly asked if the developer's representative could address Commissioner Tryon's inquiry.

**Rob Osowski**, Woith Engineering, clarified that the request was made to allow for parking in front of the principal structure to help avoid parking on the street.

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

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Ordinance 3250 amending the Planned Unit Development for West Ridge Phases VII-XI.**

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

Commissioner McKenney commented that Great Falls is growing. The message being sent to the community is, although we have zoning codes, going forward we need flexibility with the projects coming before the Commission.

Commissioner Tryon noted that the Planning Advisory Board/Zoning Commission and Neighborhood Council 3 voted in favor, and this project goes a long way in addressing the housing issues in Great Falls.

Mayor Kelly called for the vote.

Motion carried 5-0.

**Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission approve the Preliminary Plat of West Ridge Addition Phase X and accompanying Findings of Fact subject to the Conditions of Approval being fulfilled by the Applicant.**

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

Motion carried 5-0.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **10. WASTEWATER TREATMENT PLANT CLARIFIER REHABILITATION PROJECT CONSTRUCTION CONTRACT AWARD.**

Interim Public Works Director Chuck Anderson reported that this item is consideration of awarding a construction contract in the amount of \$4.4 million dollars to Sletten Construction Company for the Wastewater Treatment Plant Clarifier Rehabilitation project. The Great Falls Wastewater Treatment Plant (WWTP) utilizes three Bioreactors and four Secondary Clarifiers within the treatment process. In late 2021, damage was identified on the standpipe support column of the rotating mechanism of Secondary Clarifier No. 2, which resulted in some operational limitations at the WWTP. While researching what had happened, it was noted that Secondary Clarifiers No. 1, 2 and 3 were constructed in approximately 1977, and are approaching 50 years old. Clarifier No. 4 was designed and constructed in 2014.

City Staff, AE2S, Veolia, and Loenbro evaluated the damage to the clarifier mechanism. A technical memo was produced with a recommendation to complete a rebuild of the clarifier mechanism in Secondary Clarifier No. 2, and upgrading the equipment to stainless steel and fiberglass.

The technical memo also recommended taking advantage of the economy of scale, and considering a replacement of the mechanisms of either or both Secondary Clarifiers No. 1 and 3 along with the work that was being done on Clarifier No. 2. Due to funding, the City has elected

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to pursue a project replacing Secondary Clarifiers No. 2 and 1 at this time. The replacement of Secondary Clarifier No. 3 will potentially be put out for bid with construction of Bioreactor No. 4 in the future.

The requested action is that the Commission consider award of a Base Bid of replacing the mechanism of Secondary Clarifier No. 2, Alternate Bid 1A to include surface repair and coating of Secondary Clarifier No. 2, Alternate Bid 2 for replacement of the mechanism of Secondary Clarifier No. 1, and Alternate Bid 2A to include surface repair and coating of Clarifier No. 1.

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission award the Base Bid of \$2,367,000, plus Alternate Bid 1A of \$236,200, plus Alternate Bid 2 of \$1,596,000, plus Alternate Bid 2A of \$236,200, for a total amount of \$4,435,400 to Sletten Construction Company for the Wastewater Treatment Plant Clarifier Rehabilitation project, and authorize the City Manager to execute the contract documents.**

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 noted that the fiscal impact sets forth that this project has been programmed and prioritized as a needed capital improvement and is being funded through the Sewer Treatment Fund. No additional funding is needed.

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

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

11. **ORDINANCE 3251, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO CASINOS AND THEIR SPECIAL STANDARDS FOR LOCATION AND DEVELOPMENT.**

Planning and Community Development Director Craig Raymond reported that the Commission is being asked to accept on first reading and set a public hearing for Ordinance 3251 which would, if approved, provide for greater flexibility related to casino location and development. Although the request is from one specific citizen as a result of one specific project, it potentially affects all future casino related development in Great Falls city limits.

For some time, the City of Great Falls has had specific provisions in its code that significantly affected where and how casinos are located. There are provisions that restrict casino location within certain distances from other uses such as parks, playgrounds, worship facilities and education facilities. Casinos are also regulated in regard to what zoning districts they are allowed to be located. An additional "special" standard for casinos is how they shall place required landscaping on the property. Currently, 50% of the required landscape must be located within the front lot line and the building. Directly Raymond opined the provision was adopted as some sort of measure to "screen" casinos from public view. However, the specific landscape standards do not achieve this.

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Although this did present itself as a result of one specific case, staff is looking at the application strictly through the lens of land use compatibility, regulation effectiveness and administrative impact.

That being said, staff understands that some in the community may look at this proposal and casinos through different eyes and perspectives and, therefore, request that the City Commission accept Ordinance 3251 on first reading and set a public hearing for November 1, 2022.

**Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission accept Ordinance 3251 on first reading and set a public hearing for November 1, 2022.**

Mayor Kelly asked if there were any comments from the public. He noted that the action the Commission is taking tonight is only to set or not set the public hearing. There being no one to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Tryon received clarification that 2416 11<sup>th</sup> Avenue South was previously the location of a casino before the prior ordinance was adopted.

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

Motion carried 5-0.

### **CITY COMMISSION**

#### **12. APPOINTMENTS, GREAT FALLS CITIZEN'S COUNCIL.**

**Mayor Kelly moved, seconded by Commissioner Tryon, that the City Commission appoint Eric Hinebauch and Susan Wolff to serve on the Great Falls Citizen's Council, also known as Council of Councils, for the October 25, 2022 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.

#### **13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Wolff commented that it was a joy to have had the opportunity to spend 12 busy hours with the fire crew at Fire Station 3. She commended Great Falls Fire Rescue for their service to our community.

#### **14. COMMISSION INITIATIVES.**

None.



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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 October 4, 2022, at 7:52 pm.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: October 18, 2022**