

JOURNAL OF COMMISSION PROCEEDINGS

June 4, 2024

Regular City Commission Meeting

Mayor Reeves presiding
Gibson Room 212

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Cory Reeves, Joe McKenney, Rick Tryon, Shannon Wilson, and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Planning and Community Development Director Brock Cherry; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

AGENDA APPROVAL: City Manager Greg Doyon noted that the applicant withdrew the Conditional Use Permit application and agenda item #21 was pulled from the agenda. There were no proposed changes to the agenda by the City Commission. The Amended Agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: Commissioner McKenney noted that Agenda Item 20 is a request by Town Pump for a zoning change. He had a past business relationship with Town Pump as an amusement and gaming route operator. He was also past president of the Montana Gaming Industry Association. Those past professional connections are no longer active. He intends to participate and vote on that agenda item.

1. **PROCLAMATIONS**

NeighborWorks Week [June 1-8, 2024].

MILITARY UPDATES

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

Colonel Scott Smith, Wing Commander of the 120th Airlift Wing, provided the following updates:

- MANG is expected to receive between two and four C130J aircraft on March 4, 2026.
- MANG was granted \$40 million for construction of a planned fuel cell, new tie downs to fit the C130J aircraft and a secondary entry gate to accommodate fuel delivery.
- MANG is working on its 10-year plan that includes \$255 million dollars in projects.
- An exercise is scheduled June 7-12, 2024.
- As part of their state partnership program, USAF and Army personnel will fly to Sri Lanka to work an exercise in support of that relationship.
- The Boss Lift and Family Day is scheduled August 10, 2024.
- Colonel Barry Little is retiring tomorrow.

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3.

PETITIONS AND COMMUNICATIONS

Jasmine Taylor, Matt Pipinich, Kelly Quick, Rev. Lynne Spencer Smith, Stacy Dekoning, Nick Henry, Isaac Bacon, Gerry Jennings, Chuck Jennings, Jeffrey Brainard, Kim McKeehan and Kelly McKeehan all spoke in opposition to Mayor Reeves' Facebook statement that he has decided not to issue a Pride Month Proclamation because all citizens should be treated with equal respect and dignity, without government interference in personal matters. Comments in opposition included:

- It is discriminatory by singling out this specific minority group.
- The decision is a mistake and hurtful, and Mayor Reeves was urged to change his mind.
- To better understand the community, attend Safe Zone training at the LGBTQ Center.
- Reach out to see if the LGBTQ Center can be part of the solution.
- Whether it is proclaimed or not, it is an undisputable fact that June is Pride Month.
- Discussions like this create environments that motivate people's decision to say they would rather be dead than queer.
- A Pride Month Proclamation could be one-step towards righting wrongs and creating Great Falls to be a safe space for everyone.
- The benefit of a proclamation is that it publicly states that the government stands in solidarity with the marginalized group and implicitly stands in opposition to the social conditions that the marginalized group had to overcome.
- All lives matter.
- It is not about relationships, it is about identity.
- By this silence, "you" enable people to harm this minority group that is particularly vulnerable.
- All benefit when people who are different come together and create more love.

John Hubbard, City resident, spoke in opposition to the EPA's unfunded mandate pertaining to the inventory and replacement of lead service lines, as well as increases in utility rates and state taxes.

NEIGHBORHOOD COUNCILS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

6. APPOINTMENTS TO THE HISTORIC PRESERVATION ADVISORY COMMISSION (HPAC).

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Mayor Reeves reported that Rich Ecke was appointed to the HPAC for a three-year term on May 1, 2018 and has served two full terms. Ellen Sievert was appointed on February 20, 2018 and also served two full terms. Advertisement was done in accordance to City policy. Applications were received from Mr. David Erdmann, Ms. Jeanne Price and Ms. Megan Sanford.

Commissioner Wilson moved, seconded by Commissioner Tryon, that the City Commission appoint Jeanne Price and Megan Sanford to the Historic Preservation Advisory Commission for three-year terms through April 30, 2027,

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

Hearing none, Mayor Reeves called for the vote.

Motion carried 5-0.

CITY MANAGER

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon made the following announcements:

- Great Falls Public Library is hosting a summer bash on June 8, 2024 from 3:00-6:00 p.m.
- Beginning June 9, 2024, the Great Falls Public Library will be open seven days per week.
- Due to a software conversation, the Finance Department will not be able to take payment for services on-line for about 30-days. Payment is accepted at the window, by mail, or by bill pay.
- The two-hour free parking trial at the North Parking Garage began June 1st and will continue through August 31st.
- Deputy City Manager Chuck Anderson tendered his resignation. He will be putting together a recruitment process to fill that vacancy.

CONSENT AGENDA.

8. Minutes, May 21, 2024, City Commission Meeting.
9. Total Expenditures of \$2,317,335 for the period of May 9, 2024 through May 22, 2024, to include claims over \$25,000, in the amount of \$1,553,567.
10. Contracts List.
11. Approve the purchase of two new 520 Peterbilt tandem axle cab & chassis with a Heil rapid rail thirty-three yard body from Jackson Group Peterbilt of Missoula, Montana through Sourcewell, for a total of \$859,846.00.

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12. Approve the purchase of one new 548 Peterbilt tandem axle cab & chassis with a GS Products Commercial Side Loader from Jackson Group Peterbilt of Missoula, Montana through Sourcewell, for a total of \$329,114.00.
13. Approve the annual bid award for asphaltic concrete material to Great Falls Sand and Gravel, Inc. for \$859,600.00.
14. Award a Professional Services Agreement in the amount \$178,000 to retain TD&H Engineering Inc., for the City of Great Falls Water Treatment Plant Head House and Rapid Mix Vault project, and authorize the City Manager to execute the agreement documents. **OF 1332.7**
15. Award a contract in the amount of \$594,625.00 to United Materials of Great Falls, Inc., for the 32nd Street South ADA Upgrades, Phase 1, and authorize the City Manager to execute the necessary documents. **OF 1788.1**
16. Award a contract in the amount of \$2,500,817.50 to Capcon Inc. for the Southwest Side Water Main Replacement – Phase 4 and authorize the City Manager to execute the contract documents. **OF 1432.5**
17. Set Public Hearing for Tourism Business Improvement District (TBID) FY2024 Budget Amendment for June 18, 2024.
18. Set Public Hearing on Resolution 10543 – Budget Amendment Resolution for June 18, 2024.

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

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

Commissioner Wilson noted the consent agenda items show the great work of the Public Works Department and all that they do. She is looking forward to TD&H Engineering's report in response to Item 14.

Commissioner McKenney referred to page 29 of the agenda packet, and received clarification that the police interceptor hybrid units have served the City well and save money on fuel. The price listed does not include the add ons that will be installed by Central Garage. The replacements are part of the equipment revolving schedule.

Mayor Reeves called for the vote for agenda items 8-18.

Motion carried 5-0.

19. Approve Addendum #3 to the Lease Agreement with Community Early Education Center LLC for a Child Care Service Center located at the Community Recreation Center, 801 2nd Avenue North.

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Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission approve agenda item 19 in the Consent Agenda as presented.

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

Hearing none, Mayor Reeves called for the vote on agenda item 19.

Motion carried 5-0.

PUBLIC HEARINGS

20. ORDINANCE 3266, TO REZONE THE PROPERTY ADDRESSED AS 1525 3RD STREET NW FROM M-2 MIXED-USE TRANSITIONAL TO C-2 GENERAL COMMERCIAL.

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

Planning and Community Development Director Brock Cherry reported that the subject property located at 1525 3rd Street NW includes a vacant commercial building on 0.87 acres and is currently within the M-2 Mixed-use Transitional Zoning District. The applicant requests a zoning map amendment to rezone the subject property to C-2 General Commercial to allow for the redevelopment of the existing building into a lounge, casino, and provide off-premise alcohol sales. The proposed land uses are not permitted within the M-2 Zoning District, necessitating the request to rezone the property to C-2, which allows a lounge, casino, and off-premise alcohol sales as permitted uses.

The property was most recently the west side location of the restaurant “Best Wok,” which was established in 2016. Before Best Wok, the site was the location of the restaurant “New Peking,” which included a lounge, casino, and liquor sales. At that time, each use was considered legal nonconforming as they were established upon the property before current zoning regulations. According to OCCGF §17.64.020, if a nonconforming use ceases for any reason for more than twenty-four (24) months, any subsequent use shall conform with this Title. According to City records, the previous uses of a lounge, casino, and liquor sales have not occurred on-site in more than (24) months.

Staff reviewed the Growth Policy, and the Missouri River Urban Corridor Plan which includes this property, that set forth the City should aim to utilize infrastructure and aim to identify underutilized parcels for redevelopment; aim to expand, retain and attract new businesses; and, should prioritize infill development and incentivize the redevelopment of vacant properties.

Planning and Community Development staff conducted a traffic analysis. The subject property currently has two accesses on 3rd Street NW. The proposed C-2 District primarily intends to accommodate high-traffic businesses that focus on vehicle traffic. Staff finds the request to rezone to C-2 is appropriate because of the existing conditions of the commercial site and its location upon a principal arterial, 3rd Street NW, which can accommodate high-traffic business activity, which is a defining characteristic of the C-2 District.

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The Neighborhood Council voted 2-1 to support the rezone request. The Zoning Commission voted unanimously to approve the rezone.

Paxton Ellis, Big Sky Civil and Environmental, 1324 13th Avenue SW, representing the applicant, introduced himself and Dan Sampson, the applicant's Director of Construction and Development.

Mayor Reeves asked if the Commissioners had any questions of staff or applicant's representatives.

Commissioner Tryon inquired when the 24-month countdown started.

Director Cherry clarified that staff utilizes supporting documents and evidence to determine a business is no longer operating. In this case, it was longer than 24-months since that property has been active or had business operations.

Commissioner Tryon inquired how often this same type of re-zone has been done in the past.

Director Cherry does not believe this is common for this type of re-zone, and does not anticipate seeing a multitude of applications like this in the future.

Commissioner Tryon inquired if Town Pump purchased New Peking's liquor license or a different already existing liquor license.

Dan Sampson, Director of Construction and Development for Town Pump, 600 S. Main, Butte, MT, commented that liquor license was purchased from another local business in Great Falls.

Mayor Reeves asked if there were any comments from the public in support of Ordinance 3266.

Hearing none, Mayor Reeves asked if there were any comments from the public in opposition to Ordinance 3266.

Steve Gillespie, City resident, suggested rather than entertaining similar individual re-zone requests, that code be amended to permit casinos in M-2 zoning districts.

There being no one further to address the Commission, Mayor Reeves closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioners Tryon and Wilson, that the City Commission adopt Ordinance 3266 allowing the rezone request from M-2 Mixed-use Transitional to C-2 General Commercial for the property legally described in the Staff Report, and the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.

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

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Commissioner Tryon commented that he would vote in favor, noting the business will provide employment and income opportunities, and a tax base for the city.

Commissioner McKenney commented that he previously owned the Cartwheel Casino that is currently a restaurant. His liquor license was sold separately. He explained that the number of liquor licenses is static and does not increase. The existing licenses move from place to place.

To him, the area looks like a commercial zone, and suggested that be considered during the Growth Policy Update.

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

Motion carried 5-0.

21. ~~**RESOLUTION 10546, REQUEST FOR A CONDITIONAL USE PERMIT FROM ANNALIZA KOCZUE, OWNER OF PARK VIEW ASSISTED LIVING, FOR A "TYPE II COMMUNITY RESIDENTIAL FACILITY" LAND USE UPON THE PROPERTY ADDRESSED AS 2201 11TH STREET SW.**~~

At the request of applicant, agenda item #21 was pulled from the agenda.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

22. **ORDINANCE 3267, TO ASSIGN R-2 SINGLE-FAMILY MEDIUM DENSITY ZONING TO PROPERTY ADDRESSED AS 2617 6TH STREET NORTHWEST.**

Planning and Community Development Director Brock Cherry reported that the owner of the property addressed as 2617 6th Street NW submitted an application in February of 2024 to annex the existing residence into the City for the purpose of connecting to City sanitary sewer utilities due to continuous septic failure. The subject property has an existing City water connection.

The annexation request for the subject property consists of approximately 0.413 acres. The property is contiguous to the existing City limits along the south and east property lines. The request to annex the subject property will utilize existing utility infrastructure and is located within an area currently served by City Fire and Police. A sanitary sewer service will be installed as part of this request. The applicant will bear the cost of the sanitary sewer connection per the agreed-upon terms of the Annexation Agreement. The annexation will add one (1) lot within the city, which will increase the City's tax base and increase revenue. The requested annexation is supported by City staff to allow the property owner to connect to the City sanitary sewer main.

The subject property is being proposed for R-2 Single-family Medium Density zoning. The R-2 zoning district aligns with the existing use of a single-family residence upon the property and aligns with the existing surrounding residential uses. Nearby residences within the City limits of Great Falls are within the R-2 zoning district.

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Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3267 on first reading and set a public hearing for July 2, 2024.

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

Motion carried 5-0.

23. RESOLUTION 10549, TO DEDICATE PORTIONS OF 25TH STREET NORTH AND RIVER DRIVE NORTH AS PUBLIC RIGHT-OF-WAY, IN ACCORDANCE WITH § 7-3-4446, MCA, AND APPROVAL OF THE ACCOMPANYING CERTIFICATE OF SURVEY.

Planning and Community Development Director Brock Cherry reported that in July 1996, the City Commission approved a twenty-year lease agreement with Pasta Montana L.L.C., thereby allowing the company to build its food manufacturing plant located at 1 Pasta Place in Great Falls. The lease included provisions that included an option to purchase the property. The lease was updated and extended by the City Commission in 2016. At that time, rather than simply extend the original agreement, City staff took the opportunity to undertake a review of the agreement, obtain expert opinion as to the reasonableness of the new lease amount, and update the agreement's terms. The updated lease carried a 5-year term, expanded environmental provisions, and renewed the option to purchase for appraised value at the time of the exercise of the option, similar to the first lease agreement.

Pasta Montana approached the City of Great Falls in 2021 to pursue purchasing the parcel. In 2022, the City of Great Falls Park and Recreation Department commissioned Stephen Babb of Babb Land Surveying, Inc. to retrace the boundaries of the parcels underlying the lease parcel, and to relocate existing common boundaries to create a separate parcel for the land upon which Pasta Montana is located. As part of this survey, it was determined that the adjoining rights-of-way of 25th Street North and River Drive North were never dedicated as public right-of-way. In addition to preparing the parcel for sale to Pasta Montana, the proposed Certificate of Survey corrects this omission and formally dedicates the existing roadways as public right-of-way.

Resolution 10549 would formally dedicate approximately 362 linear feet of 25th Street N and approximately 2000 linear feet of River Drive North as public right-of-way that is currently used as a public roadway. A legal description of the area to be dedicated is provided in the *Certificate of Survey*. Montana Code Annotated (MCA) 7-3-4446 requires public right-of-way to be dedicated as part of a plat bearing approval by the governing body. Additionally, approval of the proposed Certificate of Survey creates the parcel that is to be sold to Pasta Montana.

Commissioner Tryon moved, seconded by Commissioners Wilson and Wolff, that the City Commission adopt Resolution 10549 and approve the accompanying Certificate of Survey.

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

Motion carried 5-0.

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CITY COMMISSION

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Wilson reported that she learned a lot about the state of homelessness at the 2024 Montana Housing Summit that was held in Missoula. There is a big increase in seniors and disabled people losing housing. When prisoners and State hospital patients are released, they have nowhere to go either. A vigil was held this evening at the Methodist Church for another unhoused Great Falls citizen that passed away. She looks forward to more discussion about what the community can do, and to work with State Legislators on this problem.

She also announced that June is Post Traumatic Stress Disorder (PTSD) Awareness Month. This country loses an average of 22 veterans a day to suicide due to PTSD. First responders are also affected by PTSD.

Commissioner Wilson concluded that June is also Pride Month. The LGBTQ community deserves recognition as no other group receives more hate incidents and discrimination than their community. They are not looking for special rights. They are just looking for equal rights.

Commissioner Wolff reported that she was not complicit with Mayor Reeves' decision not to issue a Pride Month Proclamation. It was upsetting to her for all the reasons heard tonight.

Commissioner Tryon referred to the work session agenda item pertaining to Charlie Mesler's request that the Commission consider his land swap proposal. The information he obtained from Cadastral was that Mr. Mesler's properties were valued at \$88,000 and the combined City properties were valued at \$370,000. That is one of the reasons he did not think the proposal was fair.

He further noted that he agrees with Mayor Reeves' reasoning and supports his decision not to issue a Pride Month Proclamation. What he objects to is speakers at the podium implying that people on this Commission are somehow dishonorable or that they are somehow, by the decisions that they make, leading to people committing suicide. It is reprehensible to imply that anybody sitting on this City Commission was doing something out of homophobic or bigoted motivation. There are people who have hateful tendencies towards minority groups including LGBTQ+. But, that does not reflect on the official business or the official stance of the City or of the Mayor.

25. COMMISSION INITIATIVES.

None.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Reeves, to adjourn the regular meeting of June 4, 2024, at 8:21 p.m.**

Motion carried 5-0.

Mayor Cory Reeves

City Clerk Lisa Kunz

Minutes Approved: June 18, 2024