

JOURNAL OF COMMISSION PROCEEDINGS

October 1, 2024

Regular City Commission Meeting

Mayor Reeves presiding
Commission Chambers, Room 206

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 Engineer Jesse Patton, Acting City Manager/Planning and Community Development Director Brock Cherry, Finance Director Melissa Kinzler, ARPA Project Manager Sylvia Tarman, City Attorney David Dennis, Fire Chief Jeremy Jones, Police Captain Doug Mahlum, and City Clerk Lisa Kunz.

AGENDA APPROVAL: Acting City Manager Brock Cherry noted there were no City Manager reports for Agenda Item #5. There were no proposed changes to the agenda by the City Commission. The Agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: Commissioner McKenney referred to Agenda Item #11, noting it involves Home Occupancy Certificates. He is a realtor and many realtors operate out of home offices. He will ask questions of that item and may recuse himself, if appropriate.

MILITARY UPDATES

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

Maureen Maphies, Deputy Commander, 120th Airlift Wing, announced that MANG currently has five airmen deployed, and three more going out this month. MANG recently received a short notice tasking for its aviation package that will go out next summer, right before MANG starts its conversion. With regard to the C-130J conversion, staff recently went to West Virginia and Georgia to tour their facilities and maintenance complexes, and talk with their leadership about lessons learned during their conversion process. MANG is in receipt of funding for the ramp, tie downs, and Petroleum, Oil and Lubricants (POL) complex that will begin construction in FY 25. MANG is still working the secondary control entry point and is hoping to get funding to start construction in 2026.

Dep. Commander Maphies thanked everyone involved that assisted and supported MANG in their highway landing exercise conducted last week.

PETITIONS AND COMMUNICATIONS

2. None.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

JOURNAL OF COMMISSION PROCEEDINGS

October 1, 2024

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CONSENT AGENDA.

6. Minutes, September 17, 2024, City Commission Meeting.

7. Total Expenditures of \$5,583,043 for the period of September 5, 2024 through September 18, 2024, to include claims over \$25,000, in the amount of \$4,928,278.

8. Contracts List.

Commissioner Wolff moved, seconded by Commissioner Tryon, 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. Hearing none, Mayor Reeves called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

9. RESOLUTION 10562 TO AMEND PLANNING AND COMMUNITY DEVELOPMENT LAND DEVELOPMENT APPLICATION FEES ASSOCIATED WITH TITLE 17 TO INCLUDE A NEW FEE FOR A ZONING VERIFICATION LETTER.

Mayor Reeves opened the public hearing and asked for presentation of the agenda report.

Planning and Community Development Director Brock Cherry reported that, in August of 2023, Resolution 10521 was adopted which increased land development fees. The new fee schedule was proposed due to a shortfall in the Planning Division budget. Although Resolution 10521 increased land development fees, the Planning Division's budget still relies on support from the General Fund. At a City Commission Work Session on the proposed budget, the Commission acknowledged the need to increase user fees to alleviate pressure on the General Fund Budget.

The fee for a Zoning Determination Letter was raised from \$200 to \$500 for requests that involve an in-depth staff analysis and considerable staff time. However, the Planning Division receives other types of zoning determinations that do not require significant in-depth analysis and less staff time. In response, staff is proposing a "Zoning Verification Letter".

JOURNAL OF COMMISSION PROCEEDINGS

October 1, 2024

Zoning verification is often required by other agencies for businesses to receive appropriate licensing. For example, the State of Montana requires a zoning verification letter from the local jurisdiction stating that vehicle sales are a permitted land use upon a property. For these requests, the applicant must provide the State a letter from the City of Great Falls that verifies the proposed land use is permitted within the zoning district the property is located within. These requests do not require a significant in-depth analysis, and less staff time is required to complete the task. Staff recommends a \$75 fee for a Zoning Verification Letter.

The proposed changes to the land development fee schedule will enable the department to apply fees more practically and reasonably, based on the required staff time to complete the task. The proposed annual zoning verification fee is \$75.00, which covers the fully burdened cost of employees processing, verifying, and delivering necessary forms and approvals.

Mayor Reeves asked if the Commissioners had any questions of Director Cherry.

Hearing none, Mayor Reeves asked if there were any comments from the public in favor of or in opposition to Resolution 10562.

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

Commissioner Wilson moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10562.

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

Commissioner Tryon thanked Director Cherry for taking this action to address concerns that were brought to his attention several months ago.

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

Motion carried 5-0.

NEW BUSINESS

10. FIRE STATION INFRASTRUCTURE RENOVATIONS CHANGE ORDER #2. OF 1797.1

ARPA Project Manager Sylvia Tarman reported that the City Commission awarded the construction contract to James Talcott Construction Inc. for the Fire Station Infrastructure Renovations Project at the April 18, 2023 Commission meeting. Construction began in June of 2023. Scope changes have been made throughout the course of the project, and the Commission awarded Change Order #1 in the amount of \$32,717.68, in May. Since then, construction has largely been wrapped up but a few smaller items were needed to complete the project and put the finishing touches on the construction. Change Order #2 includes additional lighting, electrical wiring, paint, and door finishes that are needed to complete the project for the Fire Stations. The final items needed for final completion of the Project should arrive by the middle/end of November, and the project will be completed at that time.

JOURNAL OF COMMISSION PROCEEDINGS

October 1, 2024

This project is being awarded through ARPA Funds. This Change Order increases the contract amount by \$14,540.94. This will affect the overall ARPA allocation, but as other projects have come in under budget, there are unallocated funds to offset this increase.

Commissioner Wolff moved, seconded by Commissioner Wilson, that the City Commission approve Change Order #2, to James Talcott Construction, Inc. for the Fire Station Infrastructure Renovations project in the amount of \$14,540.94 utilizing American Rescue Plan Act funds, and authorize the City Manager to execute the contract documents.

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

Commissioner Wolff received clarification that the majority of this Change Order was for Station 1.

Commissioner Tryon received clarification that a door is being added to the top of the stairs to prevent heating and cooling loss, as well as a few other items that popped up during the remodel of the 53-year old building.

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

Motion carried 5-0.

ORDINANCES / RESOLUTIONS

- 11A. **RESOLUTION 10563 TO AMEND PLANNING AND COMMUNITY DEVELOPMENT LAND DEVELOPMENT APPLICATION FEES PERTAINING TO TITLE 5 TO INCLUDE A LICENSE VERIFICATION FEE, A FEE INCREASE FOR A HOME OCCUPATION CERTIFICATE, AND RESCINDING RESOLUTION 9711.**
- 11B. **ORDINANCE 3270 TO REPEAL TITLE 5, CHAPTER 3, ARTICLE 1 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITY.**

Planning and Community Development Director Brock Cherry reported that during the 68th Montana legislative session, Senate Bill 262 added language to Montana Code Annotated (MCA) 7-1-111 to prohibit local governments from requiring additional licensing when the state is the original issuer of the license. This prohibition resulted in the City's inability to require individual business licenses for tradespeople (drain layers, plumbers, electricians, etc.), which previously allowed the City to ensure those requesting development permits were licensed correctly and possessed the required insurance and bonding capacity.

It is the City's duty to ensure that individuals carrying out trade work within the city limits hold a valid State license. The City is responsible for authorizing and overseeing work conducted within its jurisdiction, with the obligation to safeguard its residents, property, and interests. Staff is proposing to require yearly license verifications for specialty contractors in the trades. The verification will consist of an application and an associated fee of \$45 to cover staff time in processing verification requests.

JOURNAL OF COMMISSION PROCEEDINGS

October 1, 2024

While analyzing Planning and Community Development fees associated with Title 5 of the Official Code of the City of Great Falls (OCCGF), staff determined a fee increase from \$55 to \$100 for a new issuance of a Home Occupation Certificate is necessary to fully cover the cost of processing and verifying issuance, a permit technician inputting the request into the system, and a site inspection conducted by a city planner to ensure conformance with all adopted codes.

Staff also determined there were other fees listed on the fee schedule that are no longer administered by Planning and Community Development. Staff is proposing elimination of a separate license and associated fees for Coin-Operated Devices Depicting Sexual Activities per Device. The license required for this type of business is antiquated and obsolete, as no business exists within the corporate limits of the City of Great Falls. If a request for this type of business is made in the future, the activity is categorized under the land use of “sexual-oriented business”, which will remain regulated within Title 17. The regulations include special standards, such as location requirements, that will still be applied through the review of a Safety Inspection Certificate (Business License).

Staff is also recommending elimination of the fee listed for False Alarms and an Alarm Permit Agent from its fee schedule, as false alarms are administered by the Fire Department and are included in a separate set of fees.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission set a public hearing on Resolution 10563 for October 15, 2024.

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

Commissioner Tryon noted that the action the Commission is taking tonight is to set the public hearing.

Commissioner McKenney noted he would reserve his comments until the public hearing.

Mayor Reeves called for the vote.

Motion carried 5-0.

Commissioner Wilson moved, seconded by Commissioner Wolff, that the City Commission accept Ordinance 3270 on first reading and set a public hearing for October 15, 2024.

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 COMMISSION

12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

JOURNAL OF COMMISSION PROCEEDINGS
October 1, 2024

13. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Reeves adjourned the regular meeting of October 1, 2024, at 7:25 p.m.**

Hearing no objection, motion carried 5-0.

Mayor Reeves

City Clerk Lisa Kunz

Minutes Approved: October 15, 2024