

Regular City Commission Meeting

Mayor Kelly presiding

Call to Order: 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE** – The Montana Storm Cheer Team

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Bob Jones, Tracy Houck, Bill Bronson and Fred Burow. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Manager Greg Doyon noted the removal of Item 7N and Item 7O from the contracts list. No additional changes were suggested by the City Manager or City Commission. The agenda, as amended, was approved.

**PROCLAMATIONS:** Commissioner Houck read a proclamation for National Service Recognition Day and Commissioner Bronson read a proclamation for Arbor Day.

## **PETITIONS AND COMMUNICATIONS**

### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Becky Acra**, 1021 25<sup>th</sup> Avenue SW, announced that she is the head coach and owner of Montana Storm. She explained that Montana Storm is a group of cheerleaders from Great Falls, Belt and Havre that range from ages 2 through 18. She further announced that they are the only all star cheerleading gym in the State of Montana that qualified for the title championship in Dallas, Texas. She expressed appreciation with regard to community support and noted that cheerleading provides an opportunity for college scholarships.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that the burnt out building on Burlington Northern property was not registered with the State as a building to be destroyed and its destruction is on hold until it meets the necessary requirements by the Department of Environmental Quality (DEQ). Mr. Gessaman further expressed concern with regard to Parliamentary Rules not being in the City Code.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed opposition with regard to gas tax and water rate increases.

## **NEIGHBORHOOD COUNCILS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM NEIGHBORHOOD COUNCILS.**

**Ron Gessaman**, on behalf of Kathy Gessaman, announced that the next Neighborhood Council 3 meeting is at Riverview School on April 6, 2017, and that the revamp of 36<sup>th</sup> Avenue NE and Neighborworks Housing in the Thaniel Addition would be discussed.

**BOARDS AND COMMISSIONS**

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

There were no miscellaneous reports and announcements from members of boards and commissions.

4. **REAPPOINTMENTS, DESIGN REVIEW BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission reappoint Dani Grebe and Kevin Vining to the Design Review Board to a three-year term through March 31, 2020.**

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

Mayor Kelly pointed out that notice was put out for the Design Review Board and Historic Preservation reappointments.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

5. **REAPPOINTMENTS, HISTORIC PRESERVATION ADVISORY COMMISSION.**

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission reappoint Ruthann Knudson and Peter Jennings to the Historic Preservation Advisory Commission for a three-year term through April 30, 2020.**

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

Motion carried 5-0.

**CITY MANAGER**

**6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM THE CITY MANAGER.**

City Manager Greg Doyon announced that he met with labor representatives from various collective bargaining groups around the City with regard to a new initiative by Montana Municipal Interlocal Authority (MMIA) and Allegiance Health Care to negotiate reference based pricing. The MMIA board voted to authorize Allegiance Health Care to begin negotiating state wide, which includes the Benefis Hospital and the Great Falls Clinic. MMIA and Allegiance will continue to negotiate with health care providers in Great Falls in hopes that an agreement can be in place by June 30. Manager Doyon further explained that if an agreement is not in place by that time, employees that are under the current plan could be balanced billed. He commented that the labor groups have concerns with regard to being balanced billed and summarized that active negotiations with the Montana Public Employees Association (MPEA), Fire, and Police may have to wait.

Manager Doyon reported that there was good news with regard to workers comp and property liability modification factors. There was a drop of about 4% in the experience modification and property was down .14. Referring to insurance as a pooled risk management program, Manager Doyon reported that the health insurance preliminary rate, regardless of what happens with the negotiations, is about a 7.2 % increase and that last year there was a 12.5 % increase. Manager Doyon further reported that there would not be an increase with vision and dental.

Manager Doyon reported that the City had done some internal training which included active shooter and handling bomb threats.

With regard to budget discussions, Manager Doyon reported that there have been requests for additional training opportunities relating to succession planning. Manager Doyon further announced that they are watching and monitoring key recruitments in different areas of the City.

Referring to the Park and Recreation Master Plan, Manager Doyon commented that implementing the Park and Recreation Master Plan has to be an effective tool for the City.

Manager Doyon expressed appreciation to the workers at the 911 Call Center for all of the hard work that they do behind the scenes.

Mayor Kelly concurred with Manager Doyon.

**CONSENT AGENDA**

7. Contracts List.
8. March 20, 2017, Special Commission Meeting Minutes.

9. March 21, 2017, Commission Meeting Minutes.
10. Total Expenditures of \$1,073,627 for the period of March 1, 2017 through March 22, 2017, to include claims over \$5,000, in the amount of \$813,935.
11. Approve the five year Agreement with the Secretary of the Air Force acting by and through the Commander of the 120<sup>th</sup> Airlift Wing of the Montana Air National Guard (MANG) for Mutual Aid in Fire Protection and Hazardous Materials Incident Response and authorize the City Manager to execute the Agreement.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the Consent Agenda as submitted, with the exception of Item 7G on the Contracts List for separate consideration.**

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

Commissioner Bronson and Mayor Kelly noted that they recused themselves from the vote on Item 7G pertaining to CDBG contract with Great Falls Development Authority (GFDA).

Commissioner Burow noted that the \$90,000 allocation for Montana Egg is a loan that will be paid back to GFDA's revolving loan fund at a higher interest rate than at a bank.

Mayor Kelly asked if there were any comments from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, with regard to Item 7G, expressed opposition to public funds being allocated to private entities and commented that he would rather see the money go to the under privileged children's parks.

With the exception of Item 7G, Mayor Kelly called for the vote.

Motion carried 5-0.

With regard to approval of Item 7G on the Contracts List, Mayor Kelly called for the vote.

Motion carried 3-0-2 (Mayor Kelly and Commissioner Bronson abstained).

### **PUBLIC HEARINGS**

**12. ORDINANCE 3158, AMENDING TITLE 9, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO PUBLIC PEACE, MORALS AND WELFARE.**

Assistant City Attorney Joe Cik reported that Ordinance 3158 is a code revision to make Title 9 of the OCCGF more readable, better organized and to fall into the

appropriate chronological order. The substantive changes to fireworks possession and discharge are: increasing the minimum age of unsupervised possession and discharge, amending park rules to allow fireworks discharge in the City parks under certain circumstances, eliminating the ability of law enforcement to arrest minors that are out after curfew, and allowing the City Manager, after consultation with the Fire Chief, to ban fireworks in emergency circumstances.

Mayor Kelly declared the public hearing open.

No one spoke in support of Ordinance 3158.

Speaking in opposition to Ordinance 3158 was:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, opined that age 10 and 10 feet were unrealistic numbers with regard to discharging fireworks. Mr. Gessaman expressed opposition with regard to the City Manager receiving more power. He further commented that it's the City Commissions job to decide issues.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked if there was any discussion amongst the Commissioner.

Commissioner Houck expressed appreciation with regard to the legal language that was incorporated into Ordinance 3158. Responding to a comment Mr. Gessaman made, Commissioner Houck commented that the Commission and Staff deserve the public's civil respect.

With regard to the authority granted to the City Manager, Commissioner Bronson explained that it was appropriate to update the OCCGF and that granting the authority to the City Manager goes with the form of government that we have. Commissioner Bronson further pointed out that if the Commission feels that the City Manager is abusing the authority, under the charter, the Commission could counter act the decision. The City has the obligation to respond to an emergency as quickly as possible and the Fire Chief has the initial authority to contact the City Manager to have him make the decision. Commissioner Bronson summarized that is a responsible form of government.

There being no further discussion, Mayor Kelly asked the will of the Commission.

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3158.**

Mayor Kelly called for the vote.

Motion carried 5-0.

**13. RESOLUTION 10180 TO ANNEX, ORDINANCE 3159 ASSIGNING PLI-PUBLIC LANDS AND INSTITUTIONAL ZONING, AND RESOLUTION 10181 FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WATER TOWER UPON THE**

**PROPERTY DESCRIBED AS TRACT 1A OF TRACT 1 OF COS 3347 LOCATED IN THE NE ¼ AND SE ¼ SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA, IN THE VICINITY OF THE AIRPORT INTERCHANGE.**

Planning and Community Development Director Craig Raymond reported that there are three related items related to Ordinance 3159. The purpose of the public hearing is to receive testimony on Ordinance 3159 which assigns "PLI-Public Lands Institutional" zoning to the property upon annexation, as well as to consider Resolution 10180 annexing the subject property, and Resolution 10181 approving of a Conditional Use Permit to construct a city water tower.

The Public Works Department is requesting annexation of ±2.07 acres, described as "Tract 1A of Tract 1 of COS 3347 located in the NE ¼ and SE ¼ Section 21, Township 20 North, Range 3 East" into the City of Great Falls to construct what is known as the "Gore Hill Water Tower" on the Subject Property.

Montana Code Annotated (MCA) 7-2-4211 requires annexation of adjoining rights-of-way. Therefore, the annexation would include portions of I-15 and 31<sup>st</sup> St SW, shown on the attached Exhibit A to the agenda report, and generally described in the "Description of Rights-of-Way", also attached to the report. This inclusion of I-15 into the City limits will not increase city responsibilities or maintenance costs for roadways. MDT will continue to control and maintain the entire system.

A Conditional Use Permit is also being requested to allow for the construction of the 140 foot high water tower, which is needed to continue reliable water service to the citizens of the city.

At the conclusion of a public hearing held on February 14, 2017, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the annexation, assign a PLI – Public Lands and Institutional zoning classification upon annexation, and approve a Conditional Use Permit for the construction of a water tower on the property, legally described above, subject to certain conditions as listed in the agenda report.

Mayor Kelly declared the public hearing open.

No one spoke in support of Resolution 10180, Ordinance 3159 and Resolution 10181.

Speaking in opposition to Resolution 10180, Ordinance 3159 and Resolution 10181 was:

**John Hubbard**, 615 7<sup>th</sup> Avenue South, inquired if the old water tower could be fixed instead of building a new one. Mr. Hubbard expressed concern with regard to the amount of money needed to build a new water tower.

Mayor Kelly responded that the old water tower is worn out and that it is inefficient.

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

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10180 to Annex Tract 1A of Tract 1 of Certificate of Survey 3347.**

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

Motion carried 5-0.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3159 to assign a City zoning classification of PLI-Public Lands and Institutional to Tract 1A of Tract 1 of Certificate of Survey 3347.**

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

Motion carried 5-0.

**Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10181 for a Conditional Use Permit to construct a water tower on Tract 1A of Tract 1 of Certificate of Survey 3347.**

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**

## **ORDINANCES/RESOLUTIONS**

**14. ORDINANCE 3152, AN ORDINANCE TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS: MARKS 2, 3, 5, 11, BLOC 3, COUNTRY CLUB ADDITION AND LOTS 1B, 1, 1A-1, BLOCK 1, TIETJEN TRIANGLE ADDITION AND LOT 1, BLOCK 1, MONTANA ADDITION FROM C-1 NEIGHBORHOOD COMMERCIAL TO C-2 GENERAL COMMERCIAL.**

Planning and Community Development Director Craig Raymond reported that on March 7, 2017, after the conclusion of a public hearing, action on Ordinance 3152 was tabled until April 4th and remanded back to staff with specific instructions to staff to consider amendments to the ordinance.

After that time a representative of the applicants requested additional time so that the applicants could dig deeper into possible solutions to the instructions that the Commission gave.

The City has been working with the applicants to explore these options, and provide the Commission with a complete and thoughtful proposal. Additional time was needed to fully vet all options.

Commissioner Bronson explained that the motion to remove Ordinance 3152 from the table for discussion purposes and further action was a procedural matter only. The motion to set a public hearing for consideration of Ordinance 3152 for May 2, 2017 was to obtain substantive comments; however May 2<sup>nd</sup> would be the time that the Commission would consider all of the changes and recommendations made by staff.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission remove Ordinance 3152 from the table for discussion purposes and further action.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to the motion that was made on the March 7<sup>th</sup> Minutes not having a date and expressed concern that there was no motion to remove Ordinance 3152 from the table.

Commissioner Bronson responded that the motion is still alive and has not died.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission set a public hearing for consideration of Ordinance 3152 for May 2, 2017.**

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

Mayor Kelly referred to electronic correspondence that was received by the Commissioner and explained that there was no stalling motion going on. Mayor Kelly further explained that they want to get this decision right and that it is a big decision.

Referring to correspondence that alluded to the fact that the City was allowing the excavation to take place, Commissioner Burow clarified that an excavation permit is different from a permit to build.



Mayor Kelly asked if there were any comments from the public.

**Dan Oakland**, 1730 Alder Drive, commented that Alder Drive is a dangerous street since there are no sidewalks and the increased number of vehicles and pedestrians. Mr. Oakland expressed opposition with regard to the zone change and noted that adding a four story hotel would create a dangerous situation. He requested that the Commission not approve the current four story hotel unless the traffic issues could be handled.

**Roy Volk**, 1700 Fox Farm Road, reported that traffic is horrendous and needs to be addressed. Mr. Volk commented that growth is important for the City, but that it needs to be done right. Mr. Volk further expressed concern with regard to spot zoning.

**Bruce Cusker**, 2220 Beach Drive, thanked Commissioner Burow for clarifying the difference between an excavating and building permit.

**Russ Kendall**, 2801 Bonita Drive, Inquired why there is a need of a C2 zoning from Dahlquist Realty, Beef O'Bradys, Dairy Queen and Holiday gas station. Mr. Kendall commented that the traffic is an impossible problem. He concluded that the study should not go any further until the Montana Department of Highways has rendered an opinion with regard to providing safe access and egress to the hotel.

**Steve Gillespie**, 9 12<sup>th</sup> Street North, commented that if a Planned Unit Development (PUD) is considered for the proposed zoning it should go back through the same process to include a new public hearing, and Neighborhood Council and Zoning Commission meetings to review the PUD request. Mr. Gillespie noted that if there is an increase to the intensity of the zoning or allowing any commercial activity on the lot, there would need to be a traffic flow which would accommodate the additional traffic.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to the Fox Farm intersection and concurred with previous speakers that it is a disaster area. Mr. Gessaman expressed concern with regard to parking issues. Referring to the Westgate Mall, Mr. Gessaman expressed concern with regard to this parcel not going back to the Planning Board Zoning Commission.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed tax revenue and water rate increases.

Commissioner Bronson commented that the City is trying to get it right and that it's disheartening that citizens think that the City is stalling the process to achieve a particular outcome. Commissioner Bronson further noted that City staff deserves credit for addressing such a difficult problem.

Commissioner Burow explained that Town Pump has the right to ask for rezoning and that the casino issue is regulated by the state.

Commissioner Houck commended the public for reaching out to the Commission with regard to emails and for being active.

Mayor Kelly requested that a visual of a map be available at the May 2 Commission meeting.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

### **CITY COMMISSION**

#### **15. Miscellaneous reports and announcements from the City Commission.**

Mayor Kelly read a letter from the Montana Food Bank Network congratulating the Great Falls School District and the community for its efforts with regard to the school breakfast program.

Referring to correspondence from the Cascade Conservation District, Mayor Kelly reported that there is an Aquatic Invasive Species Readiness and Response Summit April 26<sup>th</sup> and 27<sup>th</sup> with regard to mussel alert.

Commissioner Bronson reported that the Business Improvement District (BID) in conjunction with the Montana Main Street Program recently published their annual statistics with regard to what is happening downtown. Commissioner Bronson thanked all of the individuals who have volunteered their time making downtown a better place to live, work and play.

Commissioner Burow extended an invitation to the public to attend an auction for Paris Gibson Square on Saturday, an estate auction on Sunday and a farm auction on April 22nd.

Commissioner Houck reported that there are 10 active museums in Great Falls and encouraged the public to check them out.

Commissioner Houck further announced that she recently attended a Judicial Committees Hearing in Helena with regard to mail in ballots for the upcoming elections. She further explained that there is a cost to the counties and noted the cost could be put towards other infrastructure in their own communities.

Commissioner Jones announced that he will be attending the Aquatic Invasive Species Readiness and Response Summit on April 26<sup>th</sup> and 27<sup>th</sup>. Commissioner Jones concluded that on April 29<sup>th</sup> he would be at the Heritage Inn picking the Mayor's choice on a taxidermy mount.

#### **16. Legislative Initiatives.**

There were no Legislative initiatives.

#### **17. Commission Initiatives.**

There were no Commission initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, Mayor Kelly moved, seconded by Commissioner Jones, to adjourn the regular **meeting of April 4, 2017, at 8:39 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

Minutes Approved: April 18, 2017