

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, Bob Jones, Tracy Houck and Fred Burow. Commissioner Bronson was excused. Also present were City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Fire Chief Steve Hester; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe and Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

Mayor Kelly reported that Commissioner Bronson was attending a legislative tax increment financing (TIF) committee meeting in Butte.

AGENDA APPROVAL: City Clerk Lisa Kunz noted that an easement was added to the contracts list after original posting – item 9G. No changes were suggested by the City Manager or City Commission. The agenda as presented was approved.

PROCLAMATIONS: Commissioner Jones read a proclamation for Men’s Health Month and Commissioner Burow read a proclamation for National Senior Health & Fitness Day.

SWEARING IN: Mayor Kelly performed the swearing in ceremony for Neighborhood Council 7 representative Troy D. Lane.

PRESENTATION: Mayor Kelly introduced delegates from the Country of Ukraine: Andrii Fedorovych Sliusar - Measurement and reduction of emissions from combustion power plants; Iryna Fedorivna Barulina - Renewables, energy audits, environmental advocacy; Roman Oleksandrovych Posmitnyi - Environmental law and policy, permitting of subsoil use (minerals, gas and oil) to businesses; Tetiana Leonidivna Tevkun - Waste management policy, how laws are drafted and enacted, public access to information on the state of the environment; and Rostyslav Orestovych Zhuravchak - Director of large nature reserve, responsible for research and education, interest in threatened species, birds and wetlands.

The Commission presented the delegates with a formal written Welcome to the City of Great Falls.

Mayor Kelly announced that the Ukraine delegation will be presenting on June 8th at the Great Falls Public Library at 7:00 p.m.

On behalf of the delegation, Rostyslav Orestovych Zhuravchak extended warm greetings to the citizens of Great Falls and discussed activities during their visit. He presented the City with a painting of the capitol of Ukraine by artist Tetiana Leonidivna Tevkun. He thanked the citizens for their hospitality.

PETITIONS AND COMMUNICATIONS**1. Miscellaneous reports and announcements.**

Daniel Hartzell, 2325 14th Street South, commented on a youth bill he wants to propose. Mayor Kelly instructed Mr. Hartzell to present his proposal to the Commission for review and determination if it has merit to move forward.

Mr. Hartzell also noted that he spoke with a member of the Board of Education about the use of proper English in the school district, as well as the music director about a youth band choir.

Gordon McKay, 52 35th Avenue NE, commented that Ms. Houck holds two positions – City Commissioner and the paid position as Executive Director of Paris Gibson Square. He discussed the 10 member CDC's original vote to deny CDBG funds to Paris Gibson Square, Ms. Houck making public a traumatic experience CDC member Ms. Wolfe had when employed at Paris Gibson Square, and the CDC's subsequent vote approving CDBG funds to Paris Gibson Square. Mr. McKay suggested a conflict of interest exists, and that the Commission vote on the CDC's original recommendations. He suggested that Ms. Houck step down from her position at Paris Gibson Square.

Mayor Kelly responded that Ms. Houck has recused herself at the appropriate times from voting. The initial concern was certainly with people's reputation in this community and fairness being done. There are certainly opportunities to look back and say it could have been handled differently. We all agree to some degree that is the case. The Commission will learn from those situations and move forward and do the best it can.

NEIGHBORHOOD COUNCILS**2. Miscellaneous reports and announcements from Neighborhood Councils.**

Kathy Gessaman, NC 3, thanked the City and Burlington Northern for its quick reaction after the train derailment on May 25th behind Pacific Steel and Recycling. NC Chair Terry Thompson wants to work with the City to set up an emergency preparedness class for citizens.

Fire Chief Steve Hester responded that BNSF brought in experts to put the train back on the track. Because of their speedy recovery and the assistance of the Great Falls Police Department, the inconvenience to people in the area was limited to only a couple of hours.

Casey Furr, 1228 Buena Drive, resident of NC 1, discussed her fund raising efforts for park equipment at Grande Vista Park. The goal is \$350,000. She urged grant writers willing to help to contact the council.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

Mayor Kelly commented that there is a lot of volunteer time by a wide variety of people serving important functions on the City's various boards and commissions. One of the most important boards is the Planning Advisory Board. These member professionals vote on whether to move projects forward, projects that have limited windows of opportunity for permits, construction, financing, etc. He reported that this board has had a problem obtaining a quorum.

Planning and Community Development Director Craig Raymond added that there are three current openings on the Planning Advisory Board/Zoning Commission. Service on this board is a key position to keep projects moving forward. He also noted that there are openings on the Parking Advisory Commission that is focused primarily on downtown parking.

4. Appointment, Golf Advisory Board.

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission appoint Roger Curtiss as the Men's Association Representative on the Golf Advisory Board for a three-year term beginning June 6, 2017, through March 31, 2020.

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

Commissioner Jones commented that he appreciated applicant Don Ryan's comments during this evening's work session.

Mayor Kelly noted that a total of four applications were received and will be kept on file.

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

Motion carried 4-0.

5. Appointment, Housing Authority Board of Commissioners.

Commissioner Houck moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Ashley Gates for the remainder of a two year term through June 30, 2018, to the Great Falls Housing Authority Board of Commissioners.

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

Commissioner Houck noted her appreciation for those people that have served and active people stepping up.

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

Motion carried 4-0.

CITY MANAGER**6. Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon announced that Chief Prosecutor Neil Anthon and Police Officer McAdam received recognition from the Cascade County DUI Task Force at a ceremony last Tuesday for contributions related to enforcement of DUI violators.

The City Prosecutor's Office started training law enforcement for the implementation of Marsy's law.

He reported that the Human Resources Department sponsored an Employee Benefit Fair that was a "one stop shop" for all of the benefits available to employees.

Manager Doyon further announced that he and Mayor Kelly attended a change of command ceremony at MANG last weekend. The ceremony recognized outgoing Colonel Lee Smith and incoming Colonel Dixon. He reported that after completing the transition from F-15s to C-130s, Montana aircrews set numerous records at their deployed locations.

The Air Force is pushing the "total force concept" (active Air Force, Reserve/Guard and Community). The City of Great Falls has a unique opportunity to become a world class training area for C-130s, with its unique attributes for landings and drop zones. Manager Doyon commented that we will have an opportunity in the future to help strengthen that mission, protect it, and highlight the Air National Guard and what they do not only for Montana but the nation.

He announced that the City Manager's budget transmittal will be presented at a work session on June 28th.

Manager Doyon encouraged citizens to look at the City's website for vacancies on the City's various boards and commissions.

He concluded that he will also be in Butte tomorrow to participate in the TIF workshop in preparation of the next legislative session.

Mayor Kelly added that the TIF's in this community have been done the right way. The rest of the state is looking to model the TIF's going forward after the examples set here.

CONSENT AGENDA

7. Minutes, May 16, 2017, Commission Meeting.
8. Total Expenditures of \$5,370,431 for the period of April 29, 2017, through May 24, 2017, to include claims over \$5,000, in the amount of \$4,913,984.
9. Contracts list.
10. Grants list.

11. Approve Change Order 1 in the amount of \$80,000 to Phillips Construction LLC for the 18th Street Storm Drain Improvements Phase 2A – 1st Alley South to 4th Avenue and authorize the City Manager to execute the agreements. **OF 1462.2**

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented.

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 4-0.

PUBLIC HEARINGS

12. **Resolutions 10174, 10175, 10176, 10177, 10178 and 10179 to allow the phased annexation of 60 “self help” constructed homes within Thaniel Addition.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing to consider Resolutions 10174 through 10179 that would provide for the phased annexation of lots into the City of Great Falls.

During a public hearing held July 21, 2015, the City Commission approved the final plat of Thaniel Addition, Phase 1, and simultaneously annexed ±142.199 acres into the City of Great Falls. This left a remainder area of 13.471 acres that was platted but not yet annexed into the City. The 13.471 acres is made up of 60 lots in the vicinity of Division Road, between 37th Avenue NE and 41st Avenue NE. NeighborWorks of Great Falls acquired these remaining lots to accommodate construction of "Self-Help" program homes.

All of the utility mains, paved streets, and curb and gutter have been installed by the developer of Thaniel Addition, Phase 1, and accepted by the City Public Works Department. City standard sidewalks and driveway curb cuts will be installed as a part of the construction of the single-family residences.

The subject property is located west of West Ridge Addition, and to the north of Tyndall Addition, which have already been annexed and developed with single-family residential subdivisions. The remaining large undeveloped lot west of the proposed annexation area was annexed into the City and will remain used for agriculture purposes until future development plans are proposed and approved by the City Commission.

Annexation of the subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services. It is anticipated that the existing and planned single-family residential use of the properties will be compatible with neighboring uses. The City zoning of R-3 Single-Family High-Density District was assigned to the subject property as a part of Ordinance 3132, adopted July 21, 2015.

Although the request is to adopt each resolution tonight, staff will only record Resolution 10174 at this time. As the phases progress, staff will record the adopted resolutions. In other words, once the next ten houses are constructed and completed, the corresponding resolution will be recorded and so on until the project is totally complete.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to Resolutions 10174 through 10179.

Speaking in support of Resolutions 10174 through 10179 was:

Neil Fortier, 509 1st Avenue South, thanked Planning staff for putting this package together. He commented that Phase 2 is almost complete and Phase 3 will be starting in July.

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 Burow, that the City Commission adopt Resolutions 10174, 10175, 10176, 10177, 10178 and 10179 to allow the phased annexation of ±13.471 acres as each 10-home buildout is completed (60 total lots), in the vicinity of Division Road, between 37th Avenue NE and 41st Avenue NE, (Thaniel Addition), subject to the conditions of approval.

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

Motion carried 4-0.

13. Resolution 10191 Intention to Create City of Great Falls Park District Number 1.

Park and Recreation Interim Director Patty Rearden reported that this item is a request to conduct a public hearing for consideration of Resolution 10191, the Intent to Create Park District Number 1, as authorized by Title 7, Chapter 11, Part 10, MCA, to provide for a method of assessments for the purpose of funding costs associated with deferred maintenance, operations and capital improvements for City parks, Park and Recreation facilities, trails and public trees.

The Park and Recreation Master Plan was adopted by the City Commission on November 15, 2016. The plan included an intensive public process including town meetings, 84 focus group meetings, a statistically accurate survey, and an on-line survey open to the entire community. The Park and Recreation Master Plan identified the following needs: \$12 million in deferred maintenance with a recommended completion in one to five years, \$1.15 million for sustainable projects, and \$20.2 million for visionary projects. The Master Plan also identified staffing needs. The Parks Division currently has 23.5 full time equivalent employees (FTE's). The recommended level under the Master Plan is 39 FTE's; the addition of 12 positions within 3 years. In the Forestry Division, the industry standard for trimming trees is every 4-7 years. The current schedule is 30-35 years. Lack of inspections and pruning creates safety hazards and potential

property damage; is detrimental to the health of the trees/urban forest; and, substantially increases the cost/time to trim each individual tree. The Master Plan recommended hiring three Forestry staff within 3 years.

The City's general fund cannot adequately fund parks and recreation. The Park and Recreation Master Plan recommended the creation of a City-wide Park District to supplement current funding and create a sustainable funding source for the purpose of providing the park and recreation system services.

Park District funds may be used for parks, forestry and trails for capital improvements, staff, and operations. Funds may also be used for maintenance/improvements to recreation and aquatics facilities. The funds may not be used for programming.

The proposed amount to be generated is \$2.2+ million annually for the first three years. The assessment would be based on taxable value. On a \$100,000 property the average assessment would be \$43.28 per year. The assessment can be adjusted annually and must be set by Resolution of the City Commission.

Creation of the Park District would help fund the deferred maintenance, may prevent removal/closure of amenities, and fund some of the sustainable projects.

At its May 8, 2017, meeting, the Park and Recreation Advisory Board recommended that the City Commission adopt the Resolution of Intent to Create City of Great Falls Park District Number 1.

The People's Park and Recreation Foundation also made the same recommendation at its May 9th meeting.

Mayor Kelly asked Interim Director Rearden to review what the Intent Resolution does going forward.

Interim Director Rearden explained that, if the Commission adopts the Intent to Create Resolution, the Park District will go into a 60 day protest period. Protest letters will be mailed out on June 9th to every property owner in the City of Great Falls. Owners have 60 days to send the form back in support of or opposition to the Park District. If the City receives over 50% protesting the Park District the Commission can do nothing for at least 12 months. If between 10% and 50% protests are received, the Commission has the option to do nothing or send it to a public vote. If under 10% protests are received, the Commission has the ability to pass a resolution in August to create the Park District.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Resolution 10191 were:

Montana White, 915 1st Avenue NW, spoke in opposition due to already increasing property taxes, school levy, as well as water rate and gas price increases. She inquired who to protest to regarding her property taxes. She suggested the City sell some of its property.

City Attorney Sara Sexe responded that Cascade County has a protest form procedure.

Commissioner Burow requested that she provide her phone number to him and he would follow up with her.

Terry Thall, 249 17th Avenue NW, commented she is a user of the parks and trails, but not the pools and golf courses. She appreciates the improvements along the River's Edge Trail. She expressed concern about the deferred maintenance, and increased taxes with the recent school bond issue. She inquired if a smaller levy could be looked at, such as \$500,000 or the difference between the requested \$2.2 million and the \$1.8 million support from the general fund.

Mayor Kelly clarified that the requested \$2.2 million is in addition to the \$1.8 million from the general fund.

Ron Gessaman, 1006 36th Avenue NE, commented this item gives him heartburn because the school district bond issue has not yet hit the taxpayers. He referred to a June 4th *Tribune* story that reported the \$2.2 million would replace approximately \$1.8 million now allocated from the City's general fund.

Mayor Kelly commented that the author of that story is sitting behind him and agrees that information was incorrect.

Mr. Gessaman commented that there are needs and there are wants. He doesn't believe everyone has the same wants based on their own budgets. He would like to see this matter go to a vote of the people.

Mike Witsoe, 510 11th Street South, commented that he is on a Social Security fixed income and opposes any increases. He suggested that the someone from Montana be hired for the Park and Recreation Director position. Mr. Witsoe opined that kids cannot afford swimming pool fees, and it's less expensive for golfers to go out of town to golf.

Speaking in favor of Resolution 10191 were:

Kim Dunlap, 2812 6th Avenue South, commented she is in the Pickleball club, and she hopes new Pickleball courts will be installed with approval of the Park District. She commented that everyone in the community raises their children in the parks. She supports the Park District for the maintenance, upkeep and new visions for the parks. She wants to see all generations have good parks and facilities to keep active in.

Kim Skornogoski, 124 Marillyn Drive, commented that Get Fit Great Falls unanimously voted to support the Park District. It is critical to their mission to reduce obesity and that mission is critical to the health of the community. A significant cost in our society is healthcare. Reducing obesity is one of the most preventable ways of reducing healthcare costs. Parks are critical to the work they do. She reported that the Parks Pal Program is very important to low income kids. There are 57 parks in the community. She commented that Cascade County has the second highest percentage of people living within a half mile of a park.

Ms. Skornogoski commented that she works for United Way of Great Falls and for the last six years United Way has organized park cleanups. In April 126 volunteers cleaned up 15 parks in the community. From that experience she learned that the maintenance that is required to keep parks in a condition for everyone to enjoy cannot be done by volunteers and cannot be done by the current Park Department staff.

Ms. Skornogoski concluded that parks are one of the only resources that will be appreciated by every person in the community regardless of age.

June Sprout, 217 Skyline Drive NE, commented that she is a three year member of the Park and Recreation Advisory Board. The Park Maintenance District is one of the most positive and constructive items that has come before the Board. The Board supported and participated in the year long development of the Master Plan. The Park Maintenance District is a product of and a necessary part of that Master Plan. It allows the City to successfully respond to the needs of the stakeholders as was expressed in the Master Plan. As a property owner in the City, her property assessment would be investing in the City's improved safety, aesthetics, environment, health and economy. When these properties are maintained it will also improve the market value of her property. For the cost of two fill ups in her car the circle of investment in our city is unbroken.

Shyla Patera, 1013 7th Avenue NW, commented that her employer, Northcentral Independent Living, was a vital partner in the Park Master Plan process and hopes to continue that process. She commented that the Master Plan process brought a lot of stakeholders together in the community that wanted to see various recreational options happen. She believes this debate needs to move forward and include accessibility options.

Kathy Gessaman, 1006 36th Avenue NE, agreed with previous speakers' comments in support. The delayed maintenance needs to be caught up on. Parks are critical to everyone's health. This is a matter of allocating priorities. She does not want to see this Park District replace the \$1.8 million general fund support.

Casey Furr, 1228 Beuna Drive, is passionate about Grande Vista Park. Dilapidated park equipment was removed 25 years ago and hasn't been replaced. She is in support of keeping our parks beautiful.

Shane Etzweiler, Great Falls Area Chamber of Commerce, 100 1st Avenue North, thanked the Park and Recreation Department for starting the focus groups that took the time to meet with citizens and groups to get feedback on the direction citizens wanted the parks to go. Parks are a great community gathering place. The Chamber voted in support of the Park District. He

expressed concern about the deferred maintenance. He also noted that Great Falls has been designated as Tree City USA for 35 years by the National Arbor Foundation.

David Murray, *Great Falls Tribune*, 205 River Drive South, commented there is confusion about the funding for the Park District. He requested elaboration on public involvement in this process.

Interim Director Rearden again explained that, if the Commission adopts the Intent to Create Resolution this evening, it will go into a 60 day protest period. Protest letters will be mailed out on June 9th to every property owner in the City of Great Falls. Owners have 60 days to send the form back in support of or opposition to the Park District to the City Clerk's Office. If 50% of the property owners oppose the Park District the Commission can do nothing for at least 12 months. If between 10% and 50% protests are received, the Commission has the option to do nothing or send it to a public vote. If the protests are under 10%, the Commission has the ability to pass a resolution in August to create the Park District.

Nola Bingham, 25 Spring Ridge Drive, commented that she is passionate about fitness. She commented about drugs in the community and believes it is essential that kids be involved in parks in the community.

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

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10191 Intent to Create City of Great Falls Park District Number 1.

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

Commissioner Burow commented he would like to see this matter go to a vote of the people. He pointed out that if the City doesn't start maintaining its property it could lose some of its parks and facilities. He also suggested that the number of City-owned parks could be reduced.

Commissioner Houck commended the Skornogoski family for attending 57 parks. She is excited about this prospect and to put forth what the community has already spoken on during the Master Plan process.

Commissioner Jones commented that the Master Plan was a very open, public process and this matter was a recommendation from the Master Plan. He believes it is appropriate to adopt the Resolution to let the people make a decision.

Mayor Kelly looks forward to the next 60 days.

Motion carried 4-0.

Mayor Kelly called for a recess at 8:47 p.m., and he called the meeting back to order at 8:55 p.m.

OLD BUSINESS

14. 2017/2018 HUD Annual Action Plan.

Planning and Community Development Director Craig Raymond reported that this item is the final action on the Annual Action Plan and allocation of 2017/2018 CDBG and HOME funds.

The Annual Action Plan is essentially what the City plans on doing with its CDBG allocation for the coming year. It's very specific as to what projects the City Commission approves funding for as well as describes the process for public engagement and participation. The funds are allocated into Affordable Housing, Economic Development, Public Facility Improvement, and Public Service activities.

The total funds being recommended for allocation for the coming year is projected to be \$710,110. This is assuming the same level of funding from HUD as last year. Staff has been notified by HUD that final allocation amounts will not be provided until July.

The HOME funds allocation this year is expected to be \$185,000. There are no detailed, specific projects or recommendations for spending the HOME funds at this point in time. However, staff is in discussions with a potential applicant who appears interested in spending this and last year's allocation. Staff will continue to vet that project with the developer and report back to the City Commission when and if the project is deemed worthy of consideration.

Prior City Commission action on this year's schedule, include:

- The Community Needs Hearing was held on January 3rd 2017;
- City Staff provided the City Commission with a status report on CDBG funding and funding recommendations at the March 7th Work Session;
- Funding allocations were established and CDC recommendations were accepted by the Commission on April 18th;
- The Public Hearing was set on April 18th (after CDC reviewed applications, heard presentations from applicants for CDBG funds, prioritized needs and made final recommendations);
- The Public Hearing was held on May 16, 2017;
- The Public Comment Period ended on May 30, 2017.

There has been increasing concern regarding real and perceived conflicts of interest throughout the process. Staff and the public are concerned about the integrity of the process. This too must be addressed.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt the proposed 2017/2018 Annual Action Plan for submission to Housing and Urban Development (HUD), as submitted and reaffirm the April 18, 2017, award of funds for Public Services and Affordable Housing Projects, for the 2017/2018 Community Development Block Grant (CDBG) Program.

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

Sheila Rice, 913 3rd Avenue North, thanked the City for its support of housing.

Jolene Schalper, Great Falls Development Authority, 300 Central Avenue, thanked the City for prioritizing economic development, job creation and growth as a need and subsequent funding. She suggested City staff look at different models and what other communities are doing for best practices.

Mike Witsoe, 510 11th Street South, commented he was in support of public housing.

Patrick Sullivan, no address provided, thanked the Commission for all that they do. Mr. Sullivan also commented that adults looking at leaders and judging how they do work without knowing all of the pieces of the puzzle should ask questions rather than jumping to bullying.

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

Motion carried 3-0-1 (Commissioner Houck abstained).

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission affirm the proposed Economic Development Project, for the 2017/2018 Community Development Block Grant (CDBG) Program for inclusion in the 2017/2018 Annual Action Plan.

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 3-0-1 (Commissioner Houck abstaining).

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission affirm the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant (CDBG) Program for inclusion in the 2017/2018 Annual Action Plan.

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

Nancy Zadick, 1901 Whispering Ridge Drive, commented that she is a board member of Paris Gibson Square. Paris Gibson Square was built in 1896. In 1988 the building was turned into a cultural and art museum. CDBG funds have been allocated to Paris Gibson Square since 1977. She urged the Commission to look above the controversy and to support the ADA accessible bathroom allocation for Paris Gibson Square.

Anita Fisher, 605 Beth Drive, commented that she is also on the Board of Directors for Paris Gibson Square. She has previously served on the Community Development Council (CDC) and appreciates all the efforts that go into the CDBG funding. She noted that there was an incorrect

comment that the area where the ADA bathroom is needed is an area that is not utilized. She commented that Paris Gibson Square has been sponsored by the Kennedy Center for Performing Arts to offer vision, strength and access programming for people with disabilities. There are 450 participants in that program, and there are also other programs conducted on that floor. She urged the Commission's support of this matter and the final recommendations of the CDC.

John Gass, 736 32nd Avenue NE, commented he is in favor of the bathroom upgrade at Paris Gibson Square. Mr. Gass referred to a *Tribune* article regarding Ms. Houck and Ms. Harmony Wolfe. Harmony Wolfe is his step-daughter. He urged Commissioner Houck to make amends with Ms. Wolfe.

Mike Witsoe, 510 11th Street South, commented he is not opposed to funding for Paris Gibson Square's project. He suggested that the sound system be upgraded in the Commission chambers to include an FM loop.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Burow commented that he has heartburn about this matter. He doesn't have an issue with the procedural problem. He discussed the ethical standards members of the Commission are held to.

Commissioner Jones commented that the City Attorney Sexe talked with the parties involved and came up with solutions. There is an absent Commissioner and a Commissioner abstaining. He wants to move forward with the public facilities projects. The issues have been resolved this year, and the process will be looked at next year.

Mayor Kelly commented that mistakes were made. He doesn't believe there is an ethical issue. Everyone acted in good faith. Prior to this year's allocations there were bumps along the way. What was learned is that this community is small enough where everyone has a vested interest in the outcome of the funds that are spent for their particular projects. Members of the Commission are volunteer officials. Sometimes things get in the way and members may make a bad choice or a misjudgment. He doesn't think that infers anyone on the Commission is criminal or unethical. Mistakes were made and the Commission will learn from those mistakes. The Planning and Community Development Director was instructed to review the entire process and make revisions.

Mayor Kelly called for the vote.

Motion received affirmative majority vote of quorum 2-1-1 (Commissioner Burow dissenting and Commissioner Houck abstaining). [Clerk's Note: Invalid Vote – See Item 18, June 20, 2017, City Commission Meeting Agenda.]

NEW BUSINESS

ORDINANCES/RESOLUTIONS

15. Ordinance 3160, An Ordinance Repealing and Replacing Title 6 of the Official Code of the City of Great Falls (OCCGF) Pertaining to Animals.

Assistant City Attorney Joe Cik reported that members of the City Commission and staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, to conflicts with State and Federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to begin a comprehensive revision of the deficiencies mentioned.

Title 6 of the OCCGF will be repealed and replaced by the Ordinance under consideration. Title 6 is the animal control code of the OCCGF. The revisions to this Title began in 2014 by Great Falls Animal Control Officer Alisa-Bett Etheridge. Since that time, multiple members of City staff, City Commission, and representatives from the City-County Health Department have contributed to proposed changes.

As with previous OCCGF revisions, a number of the proposed changes are organizational and not substantive. These changes include formatting and correcting typographical errors.

The proposed substantive changes include a much larger and detailed definition section. Changes would also include revising OCCGF provisions regarding rabies exposure. Rabies control regulations change regularly at both the federal and state levels. Because of these frequent changes, the code, if amended, would incorporate references to the Administrative Rules of Montana (ARM) to allow for updating consistent with federal and state regulations.

Other proposed changes include changing terminology regarding the Great Falls Animal Shelter. These include removing any reference to "Animal Control Agency," and "impound" of animals. Further, consistent with current policy, the Animal Shelter will also no longer euthanize owned animals at the owner's request. Additionally, the amended code will correctly designate the tasks of the various agencies that process and care for animals.

The amended code would also change Animal Control investigative procedure. Animal Control complaints will be made in writing, or a complaining citizen will be required to provide his or her name and contact information to the investigating officer. This will assist in the future investigation and maintain a proper record for litigation purposes.

OCCGF Title 6 does not currently designate or regulate animals that display potentially dangerous behavior. If amended, the code would designate potentially dangerous animal behavior as any of the following behaviors:

1. Without provocation, chasing or approaching a person in either a menacing fashion or having an apparent attitude of attack while the animal is off the premises of its owner;
2. Attempting to attack a person or domestic animal while off the premises of its owner;
3. While off the property of its owner, engaging in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
4. Engaging in other comparable conduct.

The code would make it a misdemeanor offense to own or harbor an animal displaying such behavior.

Finally, if amended, OCCGF Title 6 would give the Great Falls Municipal Court additional alternative remedies for animal related violations. These include, but are not limited to, animal forfeiture, animal restrictions, and Court ordered euthanasia.

These proposed revisions were presented to the City Commission for input at the May 2, 2017, Commission Work Session. The proposed revisions have also been presented to the various City Departments for comment and suggestions.

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3160 on first reading and set the public hearing for June 20, 2017.

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

Commissioner Houck gave credit to City Attorney Sexe, Assistant City Attorney Cik and Commissioner Bronson for their work on this ordinance.

Mayor asked if there were any comments from the public.

Brian Rogers, 3529 Fern Drive, discussed the Montana beekeepers organization on Facebook, representing over 750 bee keepers in the area that is a resource available to City staff. Mr. Rogers commented that the beekeepers want to volunteer their expert opinions by extending the opportunity for the City Attorney's Office to engage with them to make the document read better before the public hearing.

Kathy Gessaman, 1006 36th Avenue NE, facetiously inquired how many companion chickens are allowed, adding "you wouldn't want your companion to be lonely, they do better in a flock."

City Attorney Sexe responded that, with regard to companion animals, the intent is to insure that people with medically documented reasons for companion animals that are the historic domestic animals are taken care of and there is no discrimination.

Keith King, 1001 15th Street NW, commented he is a beekeeper and pet owner. He supports setting the public hearing, but suggested more information about beekeeping in the ordinance, including definitions, and how to register hives. He commented that the information regarding neighbor's medical allergy condition calls HIPPA into question and whether you could compel a resident to disclose a medical condition in order to satisfy the registering of hives. The procedure outlined for dog complaints is better.

Anitra Hall, 3508 14th Avenue South, suggested that the word fowl be removed in the livestock definition and be classified as companion pets.

Mike Witsoe, 510 11th Street South, commented he hasn't read the ordinance yet and will be requesting a copy.

Ron Gessaman, 1006 36th Avenue NE, suggested adding the definition of a community cat in the ordinance. He is sure the issue of chickens will come up on June 20th.

Erika Park, 605 Carol Drive, commented that she and her family are new to Great Falls. She commented that a great component of gardens is chicken poop, and people with chickens don't have bug problems. She suggested that urban chickens be added into the ordinance as pets, and to add rules about it.

Tristan Park and Christopher Park, 605 Carol Drive, requested that pet hens be added to the new animal ordinance. Hens are good pets because they provide eggs, are friendly to kids, and kids will learn how to take care of chickens and learn about their life cycles. A few hens per yard that are well kept are not smelly. Chickens are quieter than dogs.

Rachel Dubielczyk, 1009 3rd Avenue South, commented she is a bee keeper and supports having chickens and other livestock considered animals in the city limits.

Coya Williams, 1725 31st Avenue South, commented she resides outside of the City limits. Chickens provide food, entertainment, teach children responsibility, and provide compost. She concluded that chickens eat ticks, mice and other pests.

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

Motion carried 4-0.

CITY COMMISSION

16. Miscellaneous reports and announcements from the City Commission.

There were no miscellaneous reports and announcements from the City Commission.

17. Legislative Initiatives.

Mayor Kelly noted that Commissioner Bronson and Manager Doyon will be attending a TIF meeting.

18. Commission Initiatives.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Burow moved, seconded by Commissioner Houck, to adjourn the regular meeting of June 6, 2017, at 9:54 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: June 20, 2017