

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, Tracy Houck, Bob Jones, Bill Bronson and Fred Burow. Also present were the City Manager Greg Doyon and Deputy City Manager Jennifer Reichelt; City Clerk Lisa Kunz and Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Park and Recreation Director Joe Petrella; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

**\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of the meeting for additional detail\*\***

**PETITIONS AND COMMUNICATIONS****1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. **Sheila Rice**, NeighborWorks Great Falls, 509 1<sup>st</sup> Avenue South, announced the accomplishments of NeighborWorks since its inception in Great Falls 36 years ago.
- B. **Richard Liebert**, 289 Boston Coulee Road, commented that he likes the format of the agenda and the meetings are more engaging. He provided the Winter 2015 The Best of Great Falls magazine containing an article by Ken Robison about the history of the Great Falls Public Library. Mr. Liebert announced that Russ Doty will be at Paris Gibson Square next week discussing a renewable energy ballot initiative.
- C. **Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented he would like to see more citizens appointed to the Audit Committee.

Mayor Kelly noted the purpose of the audit committee is to ask questions of the independent auditor.

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

**Kathy Gessaman**, NC 3, announced that the next meeting of the council is February 4, 2016, at 7 pm at Riverview School. The Park and Recreation Master Plan, Brownstone Apartments and the Council's bylaws will be on the agenda.

**BOARDS & COMMISSIONS**

**3. REAPPOINTMENTS, PLANNING ADVISORY BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission reappoint Scot Davis, Sophia Sparklin and Mark Striepe to second three-year terms ending December 31, 2018, to the Great Falls Planning Advisory Board.**

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.

**4. APPOINTMENTS, PARKING ADVISORY COMMISSION.**

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission appoint Dave Snuggs and William Mintsiveris to the Parking Advisory Commission to fill the remainder of two three-year terms through April 30, 2017.**

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

Commissioner Burow commented it is going to take some time to get a handle on what to do with downtown parking. This advisory commission is tasked with working on trying to make downtown parking a more viable situation in Great Falls.

Commissioner Houck commented that both applicants noted they want to see solutions happen. She believes all of us have a vested interest. She encouraged anyone interested to attend the meetings to offer solutions.

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

**Richard Liebert**, 289 Boston Coulee Road, commented it is important to engage youth in the Park and Recreation Master Plan survey, and to take into consideration ice skating and private recreational activities outside of the City's recreational arena.

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

Motion carried 5-0.

**5. PARK AND RECREATION BOARD – BOARD MEMBER INTRODUCTIONS AND BOARD REPORT.**

Mayor Kelly reported that the Park and Recreation Board is going to be working with the City's hired consultants on the Park and Recreation Master Plan survey.

Park and Recreation Director Joe Petrella introduced board members present: June Sprout, Lynn Oatman, Erin Madison Granger, Lonnie Hill and George Geise. He reported that other members of the board are Patrick Carroll and Shirley Davis.

The Commission presented the board members with Certificates of Appreciation recognizing them for the work they do and thanking them for their service.

**June Sprout**, 217 Skyline Dr NE, reported that she is serving her second term. The board meets the second Monday of every month at 3 pm in the Park and Recreation conference room. There are no current board openings.

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

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

**CITY MANAGER**

**7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon summarized initiatives of the P4 partnership, including the Junior ROTC program, medical training, vehicle management, emergency management, strategic sourcing, unaccompanied housing, and lodging optimization.

He reported that last week's 2016 Economic Outlook Seminar theme was "Rising Property Tax Bills." MSU Professor Young discussed what he is seeing in terms of property taxes across the state. Manager Doyon presented a slide used by Professor Young that depicted spending per capita in each of the communities, with Great Falls spending the least.

Manager Doyon further reiterated that he expressed a need to the Commission at the work session to hire a Deputy City Attorney. He will press forward with that in the coming months to get some relief on the workload out of the attorney's office and be able to better manage our civil litigation responsibilities and some of the proactive risk management strategies that staff is trying to implement organization wide.

He concluded that good information and insight was shared today during lunch with Colonels Wilcox and Smith of MAFB and MANG. Mayor Kelly suggested that the Defense Alliance set up an opportunity for the Commission to visit both installations.

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

Commissioner Burow discussed the slide that depicted Great Falls spending \$441 per resident compared to Missoula at \$807. He believes Great Falls provides good services for that money. He also noted that there are assessments and charges that other cities and towns add on that the residents pay that offsets that expense. The cost of living is higher in those other communities.

Mayor Kelly added that what that slides shows is that Great Falls has been incredibly efficient, but also indicates that improvements have been deferred so much in the community and can have an effect on that number.

**CONSENT AGENDA.**

8. Minutes, January 19, 2016, Commission meeting.
9. Total expenditures of \$2,271,019 for the period of December 31, 2015, through January 20, 2016, to include claims over \$5,000, in the amount of \$2,048,014.
10. Contracts list.
11. Grants list.
12. Lien release list.
13. Approve bid award for two new 2016 Kenworth T440 tandem axle trucks with new Heil Durapack 5000 rearload refuse packers with Quik-tip to Motor Power of Great Falls for \$414,447.31 including trade-in.
14. Approve bid award for two new 2016 Autocar ACX64 tandem axle trucks with two new Heil Rapid Rail sideload refuse packers to Jack's Truck Center of Gillette, WY for \$554,044.
15. Award Construction Contract in the amount of \$216,661.50 to Tamietti Construction for the 25<sup>th</sup> Street North Bike/Pedestrian Bridge Construction. **OF 1306.8**

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

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired about Item 10B, a Kenco contract for the installation of panic buttons. He complimented the author of agenda report 15. With regard to Item 9, the CTEP project for the Missouri River Parking Lots and Restroom, he suggested that the City change its policy in the future to get two-year warranties on projects funded with CTEP monies.

With regard to Item 10B, City Manager Doyon responded that a panic button system already existed in the Civic Center. The configuration had to be changed in the last year. He expressed concern for employee safety. The system will provide a quick response in the event that something occurs. The equipment needed to be upgraded in order to be able to provide a greater safety measure for the employees that work in this building.

With regard to Item 9, Public Works Director Jim Rearden responded that the Montana Department of Transportation (MDT) administers those CTEP funds. The most warranty the City could get from MDT was one year.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, commended Public Works and Planning and Community Development Departments and other involved in the 26<sup>th</sup>

Street Bridge project.

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

Motion carried 5-0.

### **PUBLIC HEARINGS**

**16. MINOR SUBDIVISION AND CONDITIONAL USE PERMIT FOR A RESIDENCE, TOWNHOUSE ON THE PROPERTY ADDRESSED AS 114 2<sup>ND</sup> STREET NW.**

**A. AMENDING PLAT OF SUBJECT PROPERTY AND FINDINGS OF FACT.**

**B. RESOLUTION 10128, CONDITIONAL USE PERMIT FOR A RESIDENCE, TOWNHOUSE ON THE SUBJECT PROPERTY.**

Planning and Community Development Director Craig Raymond reported that this item is a request for the Commission to conduct a public hearing, and consider adoption of Resolution 10128 which provides for a Conditional Use Permit for the proposed construction of a two-unit townhouse at 114 2<sup>nd</sup> Street NW. The applicant is also requesting approval of a minor subdivision creating two lots where there is currently one in order to accommodate the proposed townhouse. Dana Hennen, the property owner, has proposed amending a single residential lot for the creation of two (2) townhouse units.

Title 17, Chapter 20 of the Official Code of the City of Great Falls (OCCGF) requires a Conditional Use Permit before permitting a use that is defined as a “Residence, townhouse.” A “Residence, townhouse” is defined as a building that contains multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances. The CUP process is typically done to allow staff and the City’s decision making bodies to establish appropriate conditions onto the project to protect the health, safety and general welfare of neighboring property owners and the public. Additionally, it gives the public the opportunity to voice any concerns or support they may have on the proposed development.

Staff finds and recommends that the proposed CUP conforms with the criteria established as the basis of decision in OCCGF 17.16.36.040.

Director Raymond further reported that, at the conclusion of a public hearing held on November 24, 2015, the Zoning Commission recommended the City Commission approve the Conditional Use Permit to construct a residence, townhouse on the subject property legally described as Lot 6A, Block 2, Viles and Robinson Acre Tracts, Section 35, Township 21 North, Range 3 East, Cascade County, Montana, and also addressed as 114 2<sup>nd</sup> Street NW.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to the Amended Plat and Resolution 10128.

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

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the Amended Plat of the subject property and accept the Finding of Fact and conditions stipulated by the Planning Advisory Board.**

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

Commissioner Burow noted the Martinell letter attached to the agenda report and inquired if parking was adequately addressed.

Director Raymond responded that the proposed garages and driveways exceed the minimum required off-street parking for the units.

Mayor Kelly noted that the Neighborhood Council was in favor of the project. There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10128, granting a Conditional Use Permit for a residence, townhouse on the subject property, and accept the accompanying Findings of Fact, preliminary plans, and conditions as stipulated by the Zoning Commission.**

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**

17. **CALUMET MONTANA REFINING, INC'S WITHDRAWAL OF ITS APPEAL OF CONDITIONS ATTACHED TO MPDES DISCHARGE PERMIT AND DISMISS THE APPEAL.**

City Attorney Sara Sexe reported that before the Commission is Calumet Montana Refining's (CMR) withdrawal of its appeal, and consideration of the modified conditions which were attached to the MPDES discharge permit. Last July, the Commission accepted CMR's appeal and stayed the enforcement of the MPDES permit pending a hearing. Under the Consent Decree initiated by the Environmental Protection Agency (EPA), the City was under an obligation to review all Significant Industrial Users (SIU) to the City's publicly owned treatment works and identify any that generated hydrogen sulfide (H<sub>2</sub>S). The City was then to issue modified permits to those SIU's identified. CMR was one of those SUI's identified. The modified permit was publicly noticed and comments were timely filed by CMR. The City took final action on the permit in May and responded to the comments made by CMR. CMR then appealed.

On January 8, 2016, CMR had formally notified the City in writing that it agreed to accept the terms of the modified permit. Technically speaking, the appeal was being withdrawn and the acceptance of the permit as modified in May and June of 2015 was being accepted by CMR.

Since the Commission accepted the appeal, and CMR does not intend to proceed with the appeal, Attorney Sexe recommended the Commission accept the withdrawal and dismiss the appeal. If dismissed, the permit stands as issued and approved by the EPA in the spring of 2015.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept CMR's withdrawal of its appeal of the conditions of the MPDES permit and dismiss the appeal.**

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

Mayor Kelly inquired if any monies had been spent in the arbitration process.

Attorney Sexe responded that throughout the period of time there was communication with the proposed hearing officer, but other than her time, there haven't been any expenditures made in terms of costs.

There being no further discussion, Mayor Kelly asked if there were any comments from the public.

**Richard Liebert**, 289 Boston Coulee Road, praised the City's environmental division supervisor, Paul Skubinna, for successfully resolving this matter. He suggested that Mr. Skubinna discuss H<sub>2</sub>S and the Cogen facility at a future work session.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed concern with the last line of CMR's letter. He doesn't want to see more pollution coming from that facility.

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

Motion carried 5-0.

**18. 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) POLICIES AND FUNDING PRIORITIES.**

Planning and Community Development Director Craig Raymond reported that this item is a request to adopt Community Development Block Grant (CDBG) policies, and set 2016-2017 funding allocation guidelines that will provide the Community Development Council with parameters for funding before it hears requests to fund specific programs during the 2016/2017 CDBG funding cycle.

The Commission conducted the Needs Hearing on December 15, 2015. At the work session on January 19, 2016, the Commission was presented a status report on CDBG funding and funding recommendations. Director Raymond noted that in the upcoming federal funding cycle staff is projecting to receive roughly equal to last year's allocation, although staff has not received any official word from HUD.

Director Raymond requested that the Commission set funding percentages as follows: Administration 20%, Public Services 12.5%, Economic Development 7.5%, Affordable Housing

30%, and Public Facility Improvements 30%.

He further requested that the Commission approve policies consistent with last year.

**Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt the Community Development Block Grant Policies, the Citizen Participation Plan, and set the 2016/2017 CDBG Funding Priorities.**

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

Commissioner Burow suggested this matter be postponed to allow for some thought to be given to raising Public Facility Improvements to 50% given all the needs the City has for deferred maintenance. He supports the percentages for Affordable Housing and Economic Development. Mayor Kelly asked if there were any comments from the public.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, thanked the City for its past support. He noted that there are so many needs in the community, and that this is one of the most highly regulated federal programs. It takes as much work or more work to administer a \$10,000 grant as it does to administer a \$500,000 grant. He encouraged the City to look at long term planning, to look at big projects and bigger expenditures to get more “bang for the buck” rather than doing a little bit each year, and would save on admin costs.

**Sheila Rice**, NeighborWorks, 509 1<sup>st</sup> Avenue South, supports 30% for Affordable Housing.

Commissioner Houck noted that the Commission is mid-cycle of the five-year plan submitted two or three years ago. The City is on a timeline by HUD. She wasn't in favor of postponing at this time, but the comments could be on the table for discussion during the next cycle.

Motion carried 4-1 (Commissioner Burow dissenting).

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

### **CITY COMMISSION**

#### **19. SELECT TWO COMMISSION DELEGATES FOR THE COUNCIL OF COUNCILS.**

Mayor Kelly reported that historically two Commission delegates were chosen to attend the meetings of the Council of Councils.

After discussion, Commissioners Jones and Burow agreed to attend the May 24, 2016 meeting. Mayor Kelly will attend the October 25, 2016 meeting, and he invited any member of the Commission to join him.

#### **20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from members of the Commission.

**21. COMMISSION INITIATIVES.**

Commissioner Bronson discussed a Citizen Request 30920 requesting that the City Commission consider adopting a no panhandling ordinance for the City of Great Falls, and his reasoning and advice that the Commission not consider such an ordinance. These ordinances are virtually always found unconstitutional by courts. The United States Supreme Court views the subject of soliciting money, which is what panhandling is about, as protected speech under the First Amendment to the United States Constitution. He suggested that citizens with legitimate complaints of behaviors that constitute assault, intimidation, threats, trespass, or open container contact the Great Falls Police Department at the time it is occurring.

Commissioner Houck added that it is an issue, not just in downtown Great Falls, but other areas within the City limits are experiencing panhandling. Legally, there does not seem to be a solution at this point in time to pursue. It does not curtail any grass roots movement or other solutions or suggestions from the general public or business owners.

Commissioner Burow suggested that the City revisit disposing of surplus property by means of a public auction at a future work session.

Mayor Kelly concurred with Commissioner Burow and asked that best practices of other communities be looked at.

City Manager Doyon responded he would add that topic to the work session list. Director Rearden and Police Chief Bowen discussed the processes their departments use and how it is working for them.

Mayor Kelly suggested that Neighborhood Council Coordinator Patty Cadwell invite one neighborhood council to each Commission work session, and to give them the opening 15 minutes for an informal conversation with the Commission. No one objected.

Mayor Kelly further discussed the relationship of the Great Falls Animal Shelter and the Maclean Animal Adoption Center. At his request, City staff toured the Animal Foundation facility and, at the staff level, both entities are talking and discussing each other's best talents and resources.

Commissioner Houck announced that the next Parking Advisory Council meeting is Monday, February 8, 2016, at 3 pm in the Civic Center. She encouraged anyone with an idea of how to plan for a solution to attend the meeting.

Director Petrella announced that the survey is finalized for the Park and Recreation Master Plan and should be going out in the mail next week.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Burow, to adjourn the regular meeting of February 2, 2016, at 8:32 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: February 16, 2016

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