

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE – Taylor Willmarth, Boy Scout Troop 1

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Bob Jones, Bill Bronson and Fred Burow. Also present were 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 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: City Manager Greg Doyon pulled item 9B from the contracts list. No changes were proposed by the City Commission. The agenda was approved with the requested change to the contracts list.

PROCLAMATIONS: Mayor Kelly read proclamations for Arbor Day and Fair Housing Month, Commissioner Jones read a proclamation for Crime Victims' Rights Week, Commissioner Burow read a proclamation for National Service Recognition Day, Commissioner Houck read a proclamation for Speakeasy Toastmaster's Day and Commissioner Bronson read a proclamation for Grand Opening Month of the Great Falls Public Library Seed Exchange.

**** 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. Aart Dolman**, 3016 Central Avenue, thanked the City Commission and City staff that attended the Tintina Copper Mine tour. Mr. Dolman commented that there will also be a second phase that is advertised in the investment market as a 50-year project.
- B. Sheila Rice**, NeighborWorks Great Falls, 509 1st Avenue South, thanked the Commission and City for employing the Fair Housing Specialist, as well as expressed appreciation to Planning and Community Development Director Craig Raymond and staff for their “can do” attitudes.
- C. Stuart Lewin**, 615 3rd Avenue North, commented that the Tintina project is an important issue for this community. He encouraged the Commission to stay actively involved. Mr. Lewin commented that it is important to make sure this project doesn't happen, or if it does happen, that it is adequately bonded so that clean up can take place.
- D. Ron Gessaman**, 1006 36th Avenue NE, discussed recent articles in the *Tribune*. He encouraged the Commission to adopt a resolution setting forth all City projects will encourage the use of LED lighting if it is possible, and suggested being more careful about what is said about volunteers.

- E. **John Hubbard**, 615 7th Avenue South, inquired where the money was coming from for recent equipment purchases. He opposes rate and tax increases.
- F. **Mike Witsoe**, 510 11th Street South, discussed and encouraged donations of hair.

NEIGHBORHOOD COUNCILS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from Neighborhood Councils.

BOARDS & COMMISSIONS

3. **REAPPOINTMENTS/APPOINTMENTS, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

Commissioner Bronson reported that the requested action for this item is to reappoint and appoint members to the Advisory Commission on International Relationships.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission reappoint Sandra Erickson and appoint Camile Reovan and Michael Kraft to the Advisory Commission on International Relationships for three-year terms through March 31, 2019.

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. **BUSINESS IMPROVEMENT DISTRICT (BID) BOARD, BOARD MEMBER INTRODUCTIONS AND BOARD REPORT.**

Executive Director of the BID Joan Redeen reported that the BID began in 1989, and renews every 10 years. There are 180 parcels within the downtown BID boundaries. From 1999-2009 the BID funded about \$500,000 in grants. From 2010 to date, the BID has funded over \$750,000 in grants in assisting property owners within the district boundaries. Some of the BID projects included the art underpass mural, the traffic signal boxes and the downtown streetscape project.

BID Director Redeen introduced board members, who are volunteers and property owners within the BID boundaries: Andy Ferrin, Garry Hackett, Kris Harrison, Jason Madill, Mauri Novak, Sheila Rice and Neil Travis.

The Commission presented the board members with certificates recognizing them for the work that they do and thanking them for their service.

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

Commissioner Houck announced that a Parking Advisory Commission public meeting will be held Thursday, April 7, 2016, at 6:30 pm in the Civic Center Gibson Room.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that he is in receipt of an updated report from CTA Architects regarding the Civic Center façade that will go out to the Commission and get posted to the City's website.

Manager Doyon welcomed Tom Micuda, new Deputy Director of Planning and Community Development.

Manager Doyon announced that he has been appointed by Governor Bullock to serve as the representative of Montana League of Cities and Towns (MLCT) on the State Emergency Response Commission.

CONSENT AGENDA.

7. Minutes, March 15, 2016, Commission meeting.
8. Total expenditures of \$2,423,412 for the period of March 1, 2016, through March 23, 2016, to include claims over \$5,000, in the amount of \$2,071,328.
9. Amended Contracts list.
10. Award Construction Contract in the amount of \$245,135.90 to Geranios Enterprises Inc. for the Northwest Great Falls Storm Drain Improvements Phase 5A-4th Street Northeast Outfall project and authorize the City Manager to execute the necessary documents. **OF 1617.2**
11. Set public hearing for April 19, 2016, on the American Little League Association Use Agreement within City owned property known as Veterans Memorial Park.
12. Approve an Agreement for the joint use of facilities with the Great Falls Public School District.

With the exception of Items 9A and 9J, Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission approve the Consent Agenda as read.

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 36th Avenue NE, noted Ice Breaker costs on Items 8 and 9. He requested that the 2016 Ice Breaker accounting results be announced at a future Commission meeting. He inquired about the 911 Dispatch Center costs set forth in Item 9. He further opined that \$29,900 was out of line for new doors as set forth in Item 9J.

There being no further comments, Mayor Kelly called for the vote on the Consent Agenda, except for Items 9A and 9J.

Motion carried 5-0.

With regard to Item 9A, Commissioner Burow requested additional information on the agreement to refinish gun range flooring at the Great Falls Police Department.

Police Chief Dave Bowen clarified that the Police Department has two gun ranges. The north range is shared with law enforcement partners. The indoor range is exclusively for the Great Falls Police Department and has been operational for about 40 years. The current floor is heaving and is a tripping hazard. He recommended approval of the low bid.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public regarding Item 9A. No one responded.

With regard to Item 9J, Commissioner Jones requested that consideration of this contract be postponed until review of the Park and Recreation Master Plan on May 3, 2016.

Mayor Kelly noted that Item 9J is a contract for installation of interior doors and frames at the Natatorium and that he, too, would prefer waiting until the Master Plan is complete if this is not a public safety issue.

Park and Recreation Director Joe Petrella clarified that the facility assessments are not expected until late summer or early fall. He added that funding for this project is with CDBG funds. The doors are industrial doors that will replace lead paint doors.

Planning and Community Development Director Craig Raymond discussed HUD guidelines of spending CDBG funds. The CDC considers whether allocated funding is spent when they are considering subsequent years funding. He added that, if the Commission should decide that it does not want to spend that money on the Natatorium, there is a definite possibility that those funds could be reallocated into a similar-like project as long as it meets the intent of the Annual Action Plan. Staff would prepare and amendment to the Annual Action Plan to submit to HUD.

Commissioner Bronson suggested the appropriate action would be to postpone consideration of Item 9J until such time as staff has had the opportunity to consider all of the ramifications that may be involved and report back to the Commission.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission postpone consideration of Item 9J on the Agenda, and that staff proceed to study all of the alternatives and options and report back to the Commission as soon as possible.

Mayor Kelly asked if there was any further discussion amongst the Commissioners, or comments from the public. Hearing none, Mayor Kelly called for a vote with regard to Item 9J.

Motion carried 4-1 (Commissioner Houck dissenting).

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve Item 9A on the Agenda.

Mayor Kelly asked if there was any further discussion amongst the Commissioners, or comments from the public. Hearing none, Mayor Kelly called for a vote with regard to Item 9A.

Motion carried 5-0.

PUBLIC HEARINGS

13. RESOLUTION 10133, ESTABLISHING MUNICIPAL COURT FEES RELATING TO INFORMATION REQUESTS.

Municipal Court Judge Steve Bolstad and Court Supervisor Jo Griner reported that adoption of Resolution 10133 will set a standard fee schedule for Municipal Court services and costs in responding to information and records requests from individuals, attorneys and outside organizations. The fees are allowed pursuant to State law and are consistent with what the Municipal Court has been charging, as well as charges by other Montana Municipal Courts.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Resolution 10133 was:

Ron Gessaman, 1006 36th Avenue NE, inquired if the fees applied to the press, and he expressed opposition to charging for time.

Court Supervisor Griner responded that, pursuant to State law, the court is not allowed to charge certain entities. This includes the press.

Mayor Kelly noted that the first 30 minutes are free, and then time is charged at \$15/hour.

No one spoke in support of Resolution 10133.

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

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10133, Establishing Municipal Court Fees Relating to Information Requests.

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

Commissioner Burow requested clarification on the fee for name searches, as well as the reason for reducing the fee for CD recordings.

Court Supervisor Griner responded that the cost of CD's has decreased. The fee for name searches is to recover staff time. A lot of searches are requested and some are not recovered.

Judge Bolstad added that the searches are for background checks and only apply to Municipal Court.

City Attorney Sara Sexe clarified that police reports are separate. The name searches are for information on anybody that has come before the Municipal Court and information specifically filed in Municipal Court.

After further discussion, Commissioner Houck suggested that the Commission move forward with considering the proposal rather than asking questions.

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

Motion carried 4-1 (Commissioner Burow dissenting).

14. **SALE OF CITY-OWNED PROPERTY AT 2101, 2109 AND 2201 21ST AVENUE SOUTH WITHIN MED-TECH PARK TO GREAT FALLS COLLEGE MONTANA STATE UNIVERSITY.**

City Manager Greg Doyon reported that in 2004 the City of Great Falls purchased 10 acres of land for the purpose of creating a subdivision that would provide office development sites compatible with existing development in the area known as the “Med-Tech Park.” In 2015 the Great Falls College Montana State University (GFC MSU) inquired about purchasing the City-owned property in Med-Tech Park for future expansion.

Med-Tech lots 3A, 3B and 3C are the last remaining lots for sale in the development. Sale of the lots will allow debt retirement of approximately \$104,357.55 for utility improvements and bring the real estate venture to a close. The remaining amount of about \$567,000 will go back into the economic development fund.

The City has a financial gain of about \$769,000 out of total sales for all of the Med-Tech lots less closing costs and repayment of the utility improvements.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to the sale of City-owned property.

Speaking in support of the sale of City-owned property was:

Mike Witsoe, 510 11th Street South, inquired if the City was at least breaking even and was responded to affirmatively.

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 Houck, that the City Commission approve the sale of City-owned property at 2101, 2109 and 2201 21st Avenue South (Med-Tech Lots 3A, 3B, 3C) to the Great Falls College Montana State University for a total

purchase price of \$671,500.

Mayor Kelly asked if there was any discussion amongst the Commissioners. He commented that he was happy to see that the buyer is Great Falls College. They have done great things for the community and it is important for their expansion plan.

Mayor Kelly called for the vote.

Motion carried 5-0.

15. **FAITH LUTHERAN CHURCH OF GREAT FALLS ADDRESSED AS 1300 FERGUSON DRIVE.**
- A. **RESOLUTION 10123, TO ANNEX AND IMPROVEMENT AGREEMENT, PERTAINING TO LOT 3, BLOCK 1 OF SHANAHAN MINOR.**
- B. **ORDINANCE 3135, TO ASSIGN A CITY ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY TO THE SUBJECT PROPERTY.**
- C. **RESOLUTION 10124, FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WORSHIP FACILITY ON THE SUBJECT PROPERTY.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on Resolution 10123 to annex, Ordinance 3135 assigning City zoning, and Resolution 10124 for a Conditional Use Permit to construct a worship facility on the property addressed as 1300 Ferguson Drive. The subject property is generally located west of Ferguson Drive and east of Flood Road, due north of Dixie Lane near the west edge of the City limits.

The applicant, Faith Lutheran Church of Great Falls, is requesting annexation of ±3.925 acres into the City of Great Falls to construct a worship facility on the subject property. The subject property is currently zoned Urban Residential in the County. If approved, annexation into the City would be zoned R-3 Single-Family High Density. The applicant is intending to construct a worship facility on the lot, which requires a Conditional Use Permit (CUP) in the R-3 zoning district. Staff has recommended the assignment of the R-3 zoning district, as it is reasonably compatible with the R-2 zoning district to the north and R-3 zoning district to the south. Furthermore, the CUP process allows the City to apply specific conditions onto the project to help mitigate any impacts the use may have on the neighborhood.

Based on the size of the proposed project, it appears the proposal is for a more regional church that draws members from around the Great Falls area. With a proposed gross square footage of 19,555 square feet, the church will provide many amenities to its members. A few of these amenities include a nursery, three classrooms, music room, library/conference room, a sanctuary or assemblage area with approximately 378 seats, a dining area, and staff offices. The project also utilizes a drop-off location located at the southeast corner of the building.

The Land Development Code requires landscape buffering between commercial and residential uses. As a condition of approval of this application, the applicant will be required to create a 15-foot landscape buffer on its southern, western, and northern borders. Additionally, City Code applies more buffering requirements specifically where vehicle use areas abut residential areas. As a result, the applicant will be required to construct a berm with landscaping or a concrete masonry wall on the southern and western property lines. This requirement will reduce the impact from vehicle headlights shining onto residential properties.

The subject property will be serviced by two entrances, one from Flood Road and the other from Ferguson Drive. The Land Development Code requires worship facilities to be served by a roadway with a "collector" street classification or higher. According to the 2014 Great Falls Area Long Range Transportation Plan, Flood Road is classified as a collector roadway. Since the project is not directly adjacent to Flood Road, staff is requiring the applicant to construct a private driveway from Flood Road to the northern edge of their parking lot to serve as its primary access.

The subject property is located in Neighborhood Council #1. The Council held a special meeting on August 18, 2015, to hear the proposal. The Council voted unanimously to support the project. Staff has received a few inquiries regarding the specifics of the project, but none have been in opposition.

At the conclusion of a public hearing held on September 22, 2015, the Planning Advisory Board and Zoning Commission recommended the City Commission approve the annexation, assignment of the R-3 Single-Family High Density zoning district upon annexation, and Conditional Use Permit, for the construction of a worship facility on the subject property. The City Commission accepted the draft Improvement Agreement and Ordinance 3135 on first reading at its regular meeting on October 6, 2015, and set public hearing for November 3, 2015. Notice of Public Hearing was then published in the *Great Falls Tribune* on October 18, 2015. However, the November 3, 2015, public hearing was vacated so the terms of the Improvement Agreement could be finalized. Those terms of the Improvement Agreement have been settled and the Notice of Public Hearing before the City Commission for tonight's public hearing was published in the *Great Falls Tribune* on March 20, 2016.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to Resolution 10123, the Improvement Agreement, Ordinance 3135 and Resolution 10124.

Speaking in support of Resolution 10123, the Improvement Agreement, Ordinance 3135 and Resolution 10124 was:

Lee Roath, Council President of Faith Lutheran Church, commented that Commission approval will allow Faith Lutheran to build a church for generations to come, and to service those members in the southwestern portion of Great Falls. He reported that the Church will be working with Neighborhood Council 1 to develop a community park.

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

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10123 to annex, and approve the Improvement Agreement pertaining to Lot 3, Block 1 of Shanahan Minor.

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 3135 to assign a City zoning classification of R-3 Single-Family High Density to the subject property.

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

Motion carried 5-0.

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10124, for a Conditional Use Permit to construct a worship facility.

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

16. RESOLUTION 10134, AUTHORIZING PARTICIPATION IN THE SHORT TERM INVESTMENT POOL (STIP) MONTANA BOARD OF INVESTMENTS (MBOI) FOR ACCOUNT NAMED CITY OF GREAT FALLS.

Fiscal Services Director Melissa Kinzler reported that Items 16, 17 and 18 are similar. Under new regulations by the MBOI to participate in their short term investment pool the City must have a resolution authorizing participation in the pool adopted by the governing body. The City of Great Falls has three STIP accounts. A separate resolution must be adopted for each STIP account. The interest rate for the STIP accounts during the month of February, 2016 was 0.510%.

The STIP program is an investment program available to state and local governments to serve their short term cash flow and deposit needs and its objectives are to preserve capital and to maintain high liquidity. The STIP accounts are liquid investments that may be called at any time.

One day notice is all that is needed to call the investments.

Resolution 10134 is for the STIP account named City of Great Falls. The City of Great Falls places funds for debt reserves that are required by bond covenants in this account. The interest that is received from this account is distributed to the debt reserve accounts.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10134 authorizing the participation in the Short Term Investment Pool (STIP) Montana Board of Investments for account named City of Great Falls.

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.

17. **RESOLUTION 10135, AUTHORIZING PARTICIPATION IN THE SHORT TERM INVESTMENT POOL (STIP) MONTANA BOARD OF INVESTMENTS FOR ACCOUNT NAMED CITY OF GREAT FALLS 2.**

Fiscal Services Director Melissa Kinzler reported that Resolution 10135 is for the STIP account named City of Great Falls 2. This account is for general investments.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10135 authorizing the participation in the Short Term Investment Pool (STIP) Montana Board of Investments for account named City of Great Falls 2.

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.

18. **RESOLUTION 10136, AUTHORIZING PARTICIPATION IN THE SHORT TERM INVESTMENT POOL (STIP) MONTANA BOARD OF INVESTMENTS FOR ACCOUNT NAMED CITY OF GREAT FALLS – MDOT ESCROW ACCOUNT.**

Fiscal Services Director Melissa Kinzler reported that Resolution 10136 is for the STIP account named City of Great Falls - MDOT Escrow Account. This account is used when the City is collaborating with the Montana Department of Transportation on construction projects. A requirement of these projects is that funds are deposited in a separate account until the project is partially or fully completed.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10136 authorizing the participation in the Short Term Investment Pool (STIP) Montana Board of Investments for account named City of Great Falls – MDOT Escrow Account.

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 COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Houck thanked those that participated in the Grand Tour and the planning process for congressional designation of the National Heritage area.

Mayor Kelly announced that he is involved in a mayors' challenge to end Veteran homelessness on April 14, 2016, at 9 a.m. in the Civic Center Missouri Room. It's a public meeting in an effort to create some infrastructure to have a sustainable resource for them so that they aren't homeless.

Mayor Kelly further announced that he is arranging a community-wide discussion on fireworks to take place in the near future. It's an opportunity for the community to attend and listen to each other and talk about their concerns.

Commissioner Houck announced that Historic Preservation award nominations are due by April 12, 2016. The applications and nomination forms are available on the City's website or at the office of Planning and Community Development.

20. COMMISSION INITIATIVES.

Mayor Kelly noted that the Animal Shelter and McLean Adoption Center staff have been meeting to discuss commonalities and areas where they may be able to learn from each other. He commented that they have asked that the conversation be taken a step further to see if there is a possibility of working even closer together. He asked the Commissioners if they cared to explore that with no obligation, but just to have discussions at a higher level.

After discussion, there was not majority consensus to move forward with the suggestion.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Houck, to adjourn the regular meeting of April 5, 2016, at 9:01 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: April 19, 2016