

Regular City Commission

Mayor Kelly presiding

Call to Order: 7:00 P.M.

Commission Chambers Room 206

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 Chuck Anderson; 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; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

AGENDA APPROVAL: City Manager Greg Doyon commented that a proclamation for National Recovery Month was added to the agenda after original posting. No additional changes were proposed by the City Manager or City Commission. The agenda was approved.

PROCLAMATIONS: Constitution Week, Patriot Day/National Day of Service and Remembrance, 100th Anniversary of Central Assembly, and National Recovery Month.

PETITIONS AND COMMUNICATIONS

1. **Miscellaneous reports and announcements.**

John Hubbard, 615 7th Avenue South, discussed opposition to state official salary increases. He also noted that his tree has Dutch Elm disease, and he suggested the City advise the public about the disease.

Commissioner Houck reported that several years ago the City forester visited the neighborhood councils to educate them on the concerns of Dutch Elm. She concluded that the City forester in the Park and Recreation Department is a great resource.

NEIGHBORHOOD COUNCILS

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

There were no miscellaneous reports and announcements from Neighborhood Council representatives.

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.

CITY MANAGER

4. **Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that he will be conducting preliminary interviews for the Park and Recreation Director position and hopes to be moving forward with in town interviews in a month or so.

He announced that Emergency Manager Dave Nordel will be conducting an EOC exercise on Thursday from 9 a.m. to 12 p.m. for staff to learn their different roles during the course of an emergency. The Commission is invited to attend.

Manager Doyon also announced promotions within the City that included Tiffany Stagmiller in Municipal Court transitioning to an Animal Control Officer, Anne Duncan moved within the Great Falls Police Department to Community Service Officer, and Clint Houston was promoted to Master Police Officer. He further noted that City Clerk Lisa Kunz' interview regarding the duties and services of the City Clerk's Office was aired on KGPR radio station today.

McKinstry has begun its energy audit and will be working on energy efficiencies in the participating City facilities.

Manager Doyon also reported that he began working on RFP's for the City's electrical and gas contracts. Consultant Bill Pascoe only wants to be involved in electric supply. Manager Doyon has been in touch with another consultant that will assist the City with the gas supply. With regard to electric, he wants to make sure the City maintains its position in the market to try to get the best electric rates.

An audit committee meeting is scheduled for September 8th at 2 p.m. and is open to the public.

Manager Doyon further reported that he participated in the Great Falls College – MSU's Essential Action Tools (EAT) day. Working and going to college is a challenge and there are resources for assistance, as well as other organizations to help people meet goals.

He also discussed the fire danger around the state. For the first time since he has been here he has been getting information from the agencies that oversee all of the operations in the northwest. The reports were that this week was prime for acceleration of the fires because of the winds, heat and lack of moisture. Chief Hester has been working with the department to take an inventory of urban wildland interface. Manager Doyon encouraged residents living on the fringe of the city to pay attention to the vegetation/fuel that is around their residence and, if help is needed to develop a plan, to contact Great Falls Fire Rescue. He further noted that the Cascade City-County Health Department tracks air quality and has resources for residents on its website.

Manager Doyon announced that a 9/11 ceremony will take place at 7:15 a.m.

Manager Doyon advised that he signed a Housing is Healthcare Memorandum of Understanding with NeighborWorks. It is a commitment from the City to engage the Housing Authority and public safety departments for NeighborWorks to perform a study on issues that affect housing and how housing affects the health of citizens that don't have it.

In conclusion, Manager Doyon reviewed openings on City boards and commissions that included the Community Development Council, Board of Adjustment, Design Review Board, Mansfield Center for Performing Arts Advisory Board, Planning Advisory Board and the Parking Advisory Commission.

CONSENT AGENDA

5. Minutes, August 15, 2017, City Commission Meeting
6. Total Expenditures of \$3,976,014 for the period of August 1, 2017 through August 23, 2017, to include claims over \$5,000, in the amount of \$3,543,171.
7. Contracts List.
8. Grants List.
9. Approve cancellation of outstanding and unpaid checks over one (1) year old.
10. Approve cancellation of outstanding and unpaid checks over one (1) year old issued by City of Great Falls Municipal Court.
11. Approve the School Resource Officer Services Agreement with the Great Falls Public School District for the 2017/2018 school year and authorize the City Manager to sign the Agreement.
12. Approve the purchase of three new 2018 Kenworth T470 single axle cab & chassis dump box trucks for \$341,280.87 from Motor Power Great Falls, Inc., through NJPA (National Joint Powers Alliance) including trade-ins.
13. Approve Change Order No. 1 in the amount of \$37,178.99 to United Materials of Great Falls, Inc. for the 36th Avenue NE Improvements (Phase 2) and authorize the City Manager to execute the agreements. **OF 1622.2**
14. Award the base bid portion of the contract in the amount of \$2,447,100.00 to Landmark Structures I, L.P. for the Gore Hill Water Tower Replacement, and authorize the City Manager to execute the construction contract documents. **OF 1625.2**
15. Award a contract in the amount of \$84,538.00 to United Materials of Great Falls for the ADA Handicap Ramps 2nd Street NW, and authorize the City Manager to execute the construction contract documents. **OF 1730.1**
16. Approve an Improvement Agreement with Montana Egg LLC. for North Park Addition, Block 5, Lots 11-16.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda with the exception of Item 8B for separate consideration and vote.

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

Commissioner Burow requested clarification of Items 12 and 14.

With regard to Item 12, Director Rearden responded that the Houston-Galveston Area Council (HGAC) was utilized for fire equipment, and the National Joint Powers Alliance (NJPA) offers other types of equipment.

With regard to Item 14, Director Rearden explained that an alternate was added to the bid for a logo of the City of Great Falls or some printing on the tank itself to be done after the tank is erected.

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

Motion Carried 5-0

Commissioner Bronson explained that Item 8B is a Montana Main Street Program grant application for the design and construction of two additional pedlets. A portion of the grant is provided by NeighborWorks Great Falls. His wife was involved in the application and, even though there is no actual conflict or benefit to his wife or himself pursuant to the Official Code of the City of Great Falls, he is going to recuse himself from voting on this item.

Mayor Kelly asked if there was any additional discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission approve Item 8B, the Montana Main Street grant application.

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

Motion Carried 4-0-1 (Commissioner Bronson abstained)

PUBLIC HEARINGS

17. **Ordinance 3161, An Ordinance Amending Title 1, of the Official Code of the City of Great Falls (OCCGF), Pertaining To General OCCGF Provisions.**

Assistant City Attorney Joe Cik reported that the vast majority of changes to Title 1 are non-substantive and include chapter re-designation and re-numbering, typographical errors, and reformatting of subsections. Substantive changes include adding a description of "City Logo" into the definitions section of Chapter 1, adding a provision to Chapter 2 that would dictate that, unless otherwise specified

by the Code or by stipulation of the parties, all administrative proceedings would be governed by the Montana Administrative Procedure Act.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3161.

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

Commissioner Burow moved, seconded by Commissioner Bronson, that the City commission adopt Ordinance 3161.

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

Motion Carried 5-0

18. Ordinance 3166, An Ordinance Amending Title 17, Chapter 20, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Exhibit 20-1 Principal Uses by District.

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to conduct a public hearing and adopt Ordinance 3166 which provides for specific Land Development Code text amendments pertaining to the allowed use of property in the C-2 zoning district.

Although the specific cause for action is related to a specific zoning enforcement case, Planning and Community Development staff has been considering for some time the rationale for the restriction against worship facilities in the C-2 zoning district. *Worship Facility* is defined in Title 17 as "...a place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and day care centers within the same structure. The term does not include community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like."

The intent of the proposed zoning change is two-fold: Give owners of underutilized commercial properties more options to develop, sell or lease their property for religious purposes; and to allow congregations more flexibility to conduct religious assembly, so that local land use regulations do not impose unjustified, substantial burden on religious exercise. Including Worship Facilities in C-2 zoning districts will increase the overall land area to approximately 70% of the city within which religious uses can potentially locate.

The proposed amendment to C-2 General Commercial will add Worship Facilities to the existing uses, which include: high-traffic businesses, special care facilities, hotels, taverns, casinos, restaurants, sales/retail, general services, equipment repair and rentals, auto-related businesses, storage, indoor

sports and entertainment, government and civic uses, communities centers, cultural facilities, health care facilities, schools, and cell towers.

Director Raymond noted that one member of the public did inquire as to how this could affect the development of a new restaurant or other establishments which allow the consumption of alcohol. He explained that, according to Mont. Code Ann. 16-3-306 the state restricts liquor licenses by requiring a 600 foot separation between the front entrance of a liquor serving establishment and the front entrance of the church when they are on the same street and the building that the worship facility is located in is only used as a worship facility. But, the statute also provides for protection of existing liquor serving establishments and properties which have contained these establishments if they may not currently conform to these criteria. The statute also provides that the City may amend its ordinances such that provides for greater or less restriction in this regard. As it stands today, because of current city ordinances, a restaurant would have no restriction regarding locating literally next door to a worship facility. A tavern or bar as defined in city code where service of food is obviously secondary to serving alcohol, would not be allowed within 600 feet of the worship facility. Casinos are also restricted from locating within 600 feet of worship and other specific facilities such as schools.

At the conclusion of the public hearing on July 11, 2017, the Zoning Commission recommended that the City Commission approve the requested zoning code text amendment as proposed.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to Ordinance 3166.

Speaking in support of Ordinance 3166 was:

John Hayes, 619 Carol Drive, commented that allowing religious facilities to restrict taverns/casinos once more made him a bit nervous, but after clarification he has no issues with this ordinance.

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 Burow, that the City commission adopt Ordinance 3166.

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

Commissioner Bronson noted that what precipitated this was a worship facility in 2-J's building that is in a C-2 zoning district.

Commissioner Burow received clarification that the 600-foot door-to-door rule for taverns and bars is a state requirement. Director Raymond also noted that the Official Code of the City of Great Falls is specific as to casinos in that it requires 600 feet from property line to property line. For clarification purposes, Director Raymond suggested changing code so that the 600 foot language for casinos and bars is the same.

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

Motion Carried 5-0

Mayor Kelly suggested Director Raymond review the code language as discussed to make it consistent.

19. **Ordinance 3167, An Ordinance to Rezone Property Located at 2016 Central Avenue E from C-1 Neighborhood Commercial to R-3 Single Family High Density.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on Ordinance 3167 which formally approves of the rezone (zoning map amendment) of certain property within the City. The subject property is located at 2016 Central Avenue East on the south side of the roadway. In total, the property comprises 7500 square feet on a 50-foot wide by 150-foot deep lot having two (2) existing structures on the property: a single family dwelling constructed circa 1941 and a 240 square foot outbuilding built in 1945.

While this is a City-initiated rezoning request, it is based on a request from the current property owner to construct a detached garage on the rear of the property. When staff and the contractor discussed the request last year, it was discovered that the property was zoned C-1 Neighborhood Commercial. Given that the property is a long-standing residential use and character and next to other residential uses and zoning, rezoning the property was determined to be the best option. If residential zoning is granted for the property, a garage can be constructed that can comply with all zoning standards. Leaving the commercial zoning in place would prevent the garage from being constructed in the desired logical location.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Zoning Commission, and the decision of City Commission, shall at a minimum consider the criteria which are attached as Findings of Fact. Staff finds that the proposed zoning map amendment meets the criteria as submitted.

After the public hearing on July 11, 2017, the Zoning Commission recommended that the City Commission adopt Ordinance 3167 providing for the rezoning of the subject property from C-1 Neighborhood Commercial to R-3 Single Family High Density District.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3167.

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

Commissioner Jones moved, seconded by Commissioners Houck and Burow, that the City commission adopt Ordinance 3167.

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

Motion Carried 5-0

20. **East Ridge Phase 5, Block 2, Lot 2.**
1. **Resolution 10170 - Annexation of Tract 2A on Certificate of Survey (COS) #5081 and Improvement Agreement.**
 2. **Ordinance 3157 - Rezone subject property from R-2 Single-Family Medium Density to Planned Unit Development.**
 3. **Final Plat of East Ridge Phase 5, Block 2, Lot 2.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to conduct a public hearing regarding Resolution 10170 to annex Tract 2A on COS 5081, approve the associated improvement agreement, consider Ordinance 3157 which if approved will rezone certain property from R-2 Single Family Medium Density to PUD Planned Unit Development, and also to consider approving the amended plat of East Ridge Addition Phase 5.

East Ridge Addition Phase 5 was annexed into the City of Great Falls and assigned R-2 Single Family Medium Density zoning in April 2009.

The subject property is currently ±40,395 square feet and is located in the vicinity of 13th Avenue South and 47th Street South. The applicant is requesting a rezone of the subject property in order to accommodate and continue a similar development pattern from previous phases of East Ridge. At its regularly scheduled meeting on July 18, 2017, the City Commission approved the preliminary plat of Block 2, Lot 2 of the Phase 5 East Ridge Addition to create ten (10) lots. Lots shown on the draft preliminary amended plat range in size from ±3,829 square feet to ±4,515 square feet. The owner would like to develop the subject property with 2-unit townhomes, accompanied by a rezone of the property to PUD Planned Unit Development.

As mentioned, this project also entails the annexation and dedication of Tract 2A as public right-of-way and will enable the construction of 13th Avenue South to an extension of 47th Street South.

The draft improvement agreement is attached in the agenda report but generally the required improvements to serve the subdivision are:

Roadways: The Owner is responsible for the installation of all improvements to 47th Street South and 13th Avenue South, in accordance with plans submitted to and approved by the City of Great Falls Engineering Division.

Utilities: The Owner is responsible for the installation of all public utilities, as per the Improvement Agreement, in order to serve the proposed subdivision. The on-site improvements required for the development of the subject property shall be installed as shown on the final construction plans that are submitted to, and approved by, the Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, storm water management, and access, including streets and sidewalks.

Storm Water Management: A Stormwater Management Plan shall be developed to City standards, and it shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.

Details of the improvement agreement include cost share and reimbursements between the developer, the city and other adjacent owners.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact – Zoning Map Amendment. Staff's position is that the proposed rezone request complies with all of the review criteria as submitted. Additionally, at the conclusion of a public hearing held on June 27, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from R-2 Single-family medium density to PUD Planned Unit Development for the subject property subject to the fulfillment of the following Conditions of Approval:

- 1. General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
- 2. Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.
- 3. Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
- 4. Land Use & Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned unit development district designation.
- 5. Subsequent modifications and additions.** If after establishment of the 2-unit townhomes, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

The basis for decision to approve, conditionally approve, or deny a proposed subdivision or amended plat is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, Planning Board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of Mont. Code Ann. 76-3-608. The governing body shall issue written findings of fact that weigh the criteria of Mont. Code Ann. 76-3-608 (3), which are attached as Findings of Fact – Subdivision. Staff finds that the proposed plan meets the approval criteria.

Mayor Kelly stepped out of the meeting at 8:01 p.m. and returned at 8:03 p.m.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10170, Ordinance 3157, or Final Plat of East Ridge Phase 5, Block 2, Lot 2.

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

Commissioner Bronson moved, seconded by Commissioners Houck and Jones, that the City Commission adopt Resolution 10170 to annex Tract 2A and approve the Improvement Agreement pertaining to East Ridge Phase 5, Block 2, Lot 2, and the accompanying Findings of Fact.

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 3157 and the accompanying Findings of Fact.

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 Burow, that the City commission approve the final plat of East Ridge Phase 5, Block 2, Lot 2, and the accompanying Findings of Fact.

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

Commissioner Jones commented that this project was well done, extends 47th Street to the south, and allows for additional construction along 13th Avenue South.

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

Motion Carried 5-0

OLD BUSINESS

NEW BUSINESS

21. 2017 Update to Multi-Hazard Mitigation Plan (previously known as the Pre-Disaster Mitigation Plan).

Fire Chief Steve Hester reported that, in response to the requirements of the Disaster Mitigation Act of 2000, Cascade County, the City of Great Falls, and the Towns of Belt, Cascade and Neihart, have

developed this Multi-Hazard Mitigation Plan. Cascade County completed and adopted the Pre-Disaster Mitigation Plan in 2011 to help guide and focus hazard mitigation activities. The purpose of the 2017 Updated Multi-Hazard Mitigation Plan is to promote sound policy designed to protect residents, critical infrastructure and the environment from man-made and natural disasters.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt the 2017 Update to Multi-Hazard Mitigation Plan (previously known as the Pre-Disaster Mitigation Plan).

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

Commissioner Bronson noted that the plan is comprehensive and he commended everyone that worked on it.

Mayor Kelly offered his hard copy of the 2017 update to the Multi-Hazard Mitigation Plan to the press.

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

Motion Carried 5-0

22. Agreement with Recreational Trails Inc.

Park and Recreation Interim Director Patty Rearden reported that Recreational Trails, Inc. and the City of Great Falls have worked together for many years to develop and maintain the River's Edge Trail. The proposed agreement outlines the obligations and responsibilities of each party as it relates to the trail system. The City is responsible for all trail maintenance, hires all staff, and oversees volunteers. Recreational Trails, Inc. will continue to be a fundraiser for future costs of the trail system including improvements, possible expansion, maintenance, and possible reimbursement of labor, as well as recommending the appropriate use of the funds it raises and may make recommendations on the needs of the trail, potential artwork, and ongoing maintenance and improvements.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission approve the Agreement with Recreational Trails, Inc., and authorize Patty Rearden, Interim Park and Recreation Director, to execute the contract.

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

23. Resolution 10201, Lease Agreement with the Great Falls International Airport Authority(GFIAA) for property located at 3015 Airport Drive, currently housing the Emergency Operations Center and to consider granting the GFIAA a Quit Claim Deed on property.

Assistant City Attorney Joe Cik reported that a work session was previously held on this matter. In 1980 the City and County Commissions adopted joint resolutions creating the Regional Airport Authority, which abolished the Great Falls Municipal Airport Authority. Approximately five years later, a community task force was formed to submit a competitive proposal to the Federal Aviation Administration (FAA). The purpose of the proposal was to create an FAA Automated Flight Services Station (AFSS). The money that was used to purchase that property was acquired through FAA grants. Those grants restricted the property from being repurposed at any time for non-public airport purposes without the FAA's consent.

Based on the FAA's acceptance of the proposal, the building that currently houses the Great Falls Emergency Operations Center (EOC) was constructed. Despite significant investment into the building and land, the AFSS never became fully staffed, and the full operation of the station never fully materialized. The AFSS then sat vacant until 2014.

In 1997, the Great Falls International Airport Authority (GFIAA) began processes to annex real estate operated by the airport into the City. In that process, title to around 1,800 acres was transferred by the City and County to the GFIAA via Quit Claim Deed, and the AFSS building was transferred by the GFIAA and County via Quit Claim Deed to the City. That building eventually transitioned into the Emergency Operations Center which is currently operational and houses the 911 facilities. However, because it has now been repurposed for non-public airport purposes under the 1997 property exchange, essentially the deed exchanges didn't grant the City ownership authority of that particular property.

The resolution under consideration will establish a procedure whereby the property will be quit claimed back to the Great Falls International Airport Authority and establishes a lease agreement to continue to have the Emergency Operations Center operating at that location.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission set a public hearing to consider Resolution 10201, a Resolution conveying certain property located at Lots 1A and 2 of the Airport Minor Subdivision, a tract of land being Tract 1 of Certificate of Survey #2271, located in the NW1/4 and NE1/4 of Section 21, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, and establishing a Lease Agreement for City occupation of the same for October 3, 2017.

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

ORDINANCES/RESOLUTIONS

24. Resolution 10202, Donation of Used Fire Equipment to the Town of Neihart for use by Neihart Volunteer Fire Department.

Fire Chief Steve Hester reported that the City of Great Falls decommissioned its 1989 Ford L9000 Fire Engine as it was no longer capable of meeting the demands of an urban firefighting environment. The Town of Neihart and the Neihart Volunteer Fire Department (VFD) advised the City that it had a critical need for a fire engine to protect the community of Neihart. In July of 2017 the City loaned Neihart the

apparatus based on the Fire Service Mutual Aid Agreement between the two departments. Neihart does not have the financial means of purchasing a new or used fire engine. The Fleet Manager and Fire Chief realized the benefit this vehicle would provide to the Town of Neihart based on the critical fire weather the state and this area has experienced, and because Neihart is considered an example of a wildland urban interface area.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission set a public hearing on Resolution 10202 for October 3, 2017.

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

Scott Herzog, 519 29th Ave NE, Town of Neihart Fire Chief, commented that the town does need this fire truck. There are 16 volunteer firefighters and the current fire danger is bad.

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

Motion Carried 5-0

25. **Public Right of Way ADA Transition Plan. (Presented by Jim Rearden)**
 1. **Res. 10203, Public Right of Way Transition Plan. Action: Adopt or deny Res. 10203.**
 2. **Res. 10204, to amend resolution 9869 to include additional Americans with Disabilities (ADA) Act coordinators, and amend the ADA complaint form to include comments and/or suggestions. Action: Adopt or deny Res. 10204.**

Public Works Director Jim Rearden reported that Resolution 10203 is a recommendation to adopt a Public Right of Way American Disabilities Act (ADA) Transition Plan. Resolution 10204 amends Resolution 9869 to specify a city-wide response structure and amends the ADA complaint form. The content of the proposed ADA Transition Plan was presented to the City Commission at the June 20th work session.

The Transition Plan provides a road map of where the Public Works Department is in terms of ADA accessibility in the public right of way and how the department is going to proceed to achieve the full compliance efficiently and effectively into the future.

Pursuant to federal law established by Title II of the Americans with Disabilities Act (ADA) governments, including local municipal governments, must organize and maintain a transition plan that outlines the methods, scheduling the personnel utilized to identify and eliminate barriers to accessibility for the disabled in the community.

The Transition Plan culminates an extensive effort by City Engineering staff over the last year to formalize the plan. Staff insured that local stakeholders, including NorthCentral Independent Living, Montana School for the Deaf and Blind, Blind and Low Vision Services and Vocational Rehabilitation Services were involved in the process. Staff also inventoried and performed a barrier assessment on all

sidewalks, handicap ramps and other boulevard and access obstructions city-wide as part of the plan.

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10203 to adopt the Public Right of Way Transition Plan.

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

Shyla Patera, NorthCentral Independent Living, 1120 25th Avenue NE, commented that NorthCentral Independent Living was a stakeholder in developing the plan. As a citizen, Ms. Patera reported that this plan is very much needed. Prior to this plan citizens like herself had to bring issues to light as they saw them. The completed plan is comprehensive and will give the public a chance to assess what citizens use everyday, both with and without physical disabilities.

Mark Sanders, 1013 7th Avenue NW, concurred with Ms. Patera's comments.

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

Motion Carried 5-0

Commissioner Houck moved, seconded by Commission Bronson, that the City Commission adopt Resolution 10204 to amend Resolution 9869 to include additional Americans with Disabilities (ADA) Act coordinators, and amend the ADA complaint form to include comments and/or suggestions.

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

Commissioner Burow commented that people without mobility limitations don't always recognize challenges some people have even getting off of the sidewalk. He is glad to see curb cuts being installed on sidewalks for access.

Commissioner Houck noted that she attended her second national disabilities and accessibility conference and has reviewed other cities' plans. This plan is comprehensive and more robust than other communities. She further pointed out that Great Falls is host to the Montana Deaf and Blind School.

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

Motion Carried 5-0

26. **Resolution 10205, Establishing the Rates, Fees and Penalties Associated with Title 10 of the Official Code of the City of Great Falls (OCCGF) pertaining to the City's Parking System.**

Planning and Community Development Director Craig Raymond reported that this item is a request to set a public hearing on Resolution 10205 amending the fee schedule associated with the downtown parking program.

In December 2014, the City's Parking Advisory Commission brought forward several recommendations for funding strategies for the parking system. At that time, the City Commission elected to only implement some of the scheduled rate increases, preferring to re-evaluate after a period of time the effect of the increases, and whether additional increases would even be necessary. Although the Parking Advisory Commission has brought forth several recommendations for system improvements and policy changes, it has not completed a comprehensive budget assessment. However, based on the most recent budget performance reports, there is not sufficient revenue to cover deferred maintenance and fund needed facility improvements, particularly in light of the exit of a large anchor tenant from the downtown. Additionally, based on research of other large Montana cities, the Great Falls' rate structure is significantly cheaper than any other city.

Resolution 10205 addresses the original recommendation brought to the Commission in 2014 in order to marginally provide for some of the necessary funds while the Parking Advisory Commission and staff complete the budgetary review. It should be anticipated that additional revenue generating will be required beyond this resolution.

Resolution 10205 also provides flexibility for the City Manager to execute agreements which may be negotiated that will incentivize either bulk or group discounts for customers who pre-pay for their parking leases for a year or more. The desired effect is that the parking program may be able to increase usage with incentive programs.

One additional element included in Resolution 10205 is recognition of the Pedlet program. As many of you know, a Pedlet is where a business owner temporarily consumes parking spots to construct an outdoor dining or café space or pedestrian pathway around an outdoor café space. Staff is requesting the City Commission to approve a fee structure for the temporary lease of parking spaces when a Pedlet is constructed within the downtown parking district.

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission set the public hearing on Resolution 10205 for September 19, 2017.

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

Commissioner Burow inquired if it would be beneficial to have a work session on what other proposals the Parking Advisory Commission has come up with.

Commissioner Jones commented that information will be heard during the time the public hearing is set. There is enough background knowledge to allow the Commission to make a decision at the public hearing.

Commissioner Bronson commented he has reservations about what is being proposed with the parking ramps and garages. As a consumer of downtown parking, he observes the use patterns of the garages and he talks with Standard Parking staff. He isn't sure that Great Falls is at the point that a rate increase for the parking garages will guarantee the revenue. Both facilities are underutilized. He is concerned that, in the absence of a more comprehensive approach, that staff is putting a band-aid on this issue and the sore is going to get worse.

Commissioner Bronson continued that his suggestion is going to be having a discussion about potentially selling some of the six downtown lots that are underutilized and could be used for commercial development, as well as a discussion about whether the City can afford to operate two downtown parking garages under the circumstances.

Manager Doyon commented that staff is moving forward because the Parking Advisory Commission has had a difficult time assembling and providing direction, and the deferred maintenance issues need to be addressed.

Commissioner Jones commented that what is before the Commission is a resolution to set the fees for the parking system and that is what needs to get discussed at the public hearing. He doesn't want to confuse the public with setting rates in the parking garage with selling parking lots. He concluded that the Commission should stay focused on the business before it.

Director Raymond commented that right now isn't the best time for a work session. The Commission approved a contract with SP Plus, and it has a renewed focus of getting to these answers. He further reiterated that he proposed incremental increases based on the budget and revenue reports for the past years. He concluded that he would never recommend that the City participate in spreading blight and slum which he believes will happen if a garage is closed without having a buyer to maintain it.

Mayor Kelly concurred with Commissioner Jones.

Commissioner Houck commented it is time to move forward, and people may appreciate the deferred maintenance that could get done if there was an increase.

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

Motion Carried 5-0

CITY COMMISSION

27. **Miscellaneous reports and announcements from the City Commission.**

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

28. **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 September 5, 2017, at 8:52 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: September 19, 2017