

JOURNAL OF COMMISSION PROCEEDINGS

September 4, 2018

Regular City Commission Meeting
Commission Chambers Room 206

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

City Commission members present: Bob Kelly, Bill Bronson, Owen Robinson, Tracy Houck and Mary Sheehy Moe. Also present were Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Engineer Dave Dobbs; Planning and Community Development Director Craig Raymond; Library Director Kathy Mora; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; City Attorney Sara Sexe; and Police Chief Dave Bowen.

AGENDA APPROVAL

No changes were proposed by the Deputy City Manager or City Commission. The agenda was approved as submitted.

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

Commissioner Bronson announced that he would be abstaining from the vote and participation in discussion with regard to Agenda Item 13.

PROCLAMATIONS

Constitution Week, Down Syndrome Awareness Month and Vets4Vets Month.

Mayor Kelly announced that the Vets4Vets Stand Down would be on September 28 and 29 at the Montana Expo Park.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Aaron Weissman, 315 4th Avenue North, commented that it is important to have a municipal aquatics program that provides recreational, as well as athletic opportunities, for the community. Mr. Weissman requested that the Commission present a detailed replacement plan before closing the Natatorium.

Shyla Patera, 1013 7th Avenue NW, commented that she would like to continue a community conversation about either keeping the Natatorium open or replacing it.

Bob Sechena, 1526 Central Avenue, expressed concern that citizens will not have the opportunity to learn how to swim if the Natatorium closes.

Pam Peck, 916 7th Avenue North, commented that having an indoor municipal pool is important to the health of the community.

Diane Trescott, 820 2nd Avenue SW, commented that the Natatorium is the only place available for citizens to get exercise.

Barbara Linn, 1507 High Street, commented that no other swimming facilities have an easy access into the pool, and having the Natatorium open during the winter months is important.

Lori Wurtz, 57 Hardy Creek Lane, Cascade, MT, explained that she drives from Cascade to swim at the Natatorium, and that others outside the community appreciate the pool. Ms. Wurtz referred to a previous study that outlined the recommendations needed to keep the Natatorium in good shape, and inquired the status of how many of the recommendations were followed.

Barbara Bozung, 5501 Songbird Lane, commented that the Natatorium is the only pool that has dedicated swim time for citizens with disabilities.

Becky Monroe, 1801 2nd Avenue North, explained that the Natatorium is the only pool deep enough for Malmstrom Air Force to do scuba lessons. Ms. Monroe expressed concern with citizens losing jobs at the Natatorium.

Bob Stingley, 221 4th Avenue North, Great Falls High School (GFHS) Pool Manager, commented that the Natatorium, Peak and GFHS are the only three indoor pools in the community, and that each pool serves a diverse population. Mr. Stingley explained that GFHS would try to accommodate the citizens that utilized the Natatorium.

Hildreth Grimes, 926 Avenue B NW, commented that swimming has helped her to be able to walk, and would like the Natatorium to remain open.

John Hubbard, 615 7th Avenue South, pointed out that Mr. Ron Gessaman had passed away, and noted that he was a good, honest man. Mr. Hubbard expressed opposition with regard to water rate increases. With regard to the Natatorium, Mr. Hubbard opined that it would be cheaper to repair than to build a new facility.

Karen and Mike Kaszula, 2416 2nd Avenue North, commented that it is important to have an indoor community pool.

Chris Hunter, 2600 4th Avenue South, commented that the Natatorium is a gathering place for the community, and keeps kids off the street. Mr. Hunter opined that a community this size should be able to keep an indoor pool open all year long.

Carlie Boland, 1215 6th Avenue North, Montana State Senate, representing District 12, reported that she was contacted by several citizens about the importance of the Natatorium. Senator Boland encouraged the Commission to consider the pool at the Montana School for the Deaf and Blind as possible solution.

Donna Williams, 2916 2nd Avenue North, thanked the Commission for its hard work with regard to passing the budget. With regard to the assessment process of the budget, Ms. Williams encouraged the Commission to consider the resources that are available, as well as to utilize money from the budget efficiently in order to serve all citizens fairly.

Corrine Tucker, 4233 3rd Avenue North, commented that there are several citizens that depend on the Natatorium for exercise. Ms. Tucker expressed concern with regard to the high cost to swim at the Peak.

Mayor Kelly explained that closing the Natatorium had been discussed at prior meetings, as well as budget meetings. Keeping the Natatorium functioning is a public safety issue, as well as a financial issue. Referring to a previous speakers comments about how many recommendations were followed from a previous study, Mayor Kelly responded that the Clerk's office could be contacted to research the request.

Referring to Senator Boland's comments, Mayor Kelly reported that considering the pool at the Montana School for the Deaf and Blind as an alternative to provide exercise, therapy, and lessons, is one of many solutions staff is looking into.

Commissioner Houck commented that previous Natatorium fundraising money could still be utilized for finding an alternate solution.

Referring to the August 30, 2018 memorandum from Manager Doyon regarding the City Aquatics Program options, Commissioner Moe commented that the report verified that putting more money into the Natatorium in order to make it safe was throwing good money after bad. Commissioner Moe added that she feels an obligation to the community who rely on an indoor pool for health, and explained that the City is working hard to find an interim plan.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

Shyla Patera, 1013 7th Avenue NW, reported that Neighborhood Council 2 had taken a break over the summer, and would be meeting on September 12 at 7:00 p.m. at West Elementary School.

BOARDS AND COMMISSIONS

3. Reappointment, Design Review Board.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission reappoint Tyson Kraft to the Design Review Board for a three-year term through March 31, 2021.

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

Commissioner Bronson commented that Mr. Kraft takes his job very seriously and contributes to the successful operation of the Design Review Board.

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

Motion carried 5-0

4. Miscellaneous reports and announcements from Boards and Commissions.

Joan Redeen, Great Falls Business Improvement District (BID), 318 Central Avenue, provided

and discussed the BID's ten year report. Ms. Redeen reported that in 2009 the total tax valuation of all of the properties located within the BID boundaries was \$65,433,684 and most recently was \$110,547,999 in 2018. The BID boundaries have not changed, however individual parcels are now Residential Condominiums.

CITY MANAGER

5. Miscellaneous reports and announcements from the City Manager.

Deputy City Manager Chuck Anderson announced that:

- The second session of City 101 was held August 30th and the third session will be held September 27th.
- Two positions are available for the Board of Adjustments.
- The Police Department will be swearing in two new officers, Christopher Brown and Anthony Formell on September 5th.
- The Cascade County Humane Society thanked the Animal Shelter for providing volunteers for its spay neuter clinic.
- City Manager Greg Doyon is on vacation until September 10th.
- The adjusted certified taxable valuation was received from the Montana Department of Revenue; however, as a result of the change, Resolution 10241 will be rescinded at the September 18th Commission meeting.

Deputy Manager Anderson discussed the August 30, 2018 memorandum from Manager Doyon regarding the City Aquatics Program options, and announced that the memorandum would be available in the Manager's Weekly Packet.

CONSENT AGENDA

6. Minutes, August 21, 2018, Commission Meeting.
7. Total Expenditures of \$2,417,739 for the period of August 1, 2018 through August 22, 2018, to include claims over \$5,000, in the amount of \$2,151,804.
8. Contracts List.
9. Approve the purchase of one new 2019 Toro Groundsmaster 5900-D mower for \$93,414.55, including trade-in, from Midland Implement Company, Inc., of Billings, through National IPA (National Intergovernmental Purchasing Alliance Company).

10. Approve the purchase of two Freightliner M2-106 bucket trucks for a total of \$231,900 from Altec NUECO.

11. Approve final payment for the West Bank Sanitary Sewer Manhole Lining, in the amount of \$13,207.14 to CIP Construction Technologies and \$133.41 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1695.6**

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 5-0

PUBLIC HEARINGS

12. **Resolution 10247, to Levy and Assess the Great Falls Park District Number 1.**

Finance Director Melissa Kinzler reported that on June 5, 2018, the Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. According to Mont. Code Ann.(MCA), prior to annually levying assessments the Commission must adopt a budget and Resolution establishing the annual assessment for the District. The annual assessment will be based on a taxable value of each parcel in the district. The annual assessment for FY 2019 will be \$1.5 million, and the estimated annual assessment for a \$100,000 market value property would be \$22.92.

Commissioner Robinson stepped out at 8:30 p.m. and returned at 8:32 p.m.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10247 was:

Tim Hodges, 108 32nd Avenue NE, commented that it is critical to start making a difference in the parks.

Speaking in opposition to Resolution 10247 was:

John Hubbard, 615 7th Avenue South, expressed opposition to an increase in taxes.

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

Commissioner Robinson moved, seconded by Commissioner Houck, that the City

Commission adopt Resolution 10247.

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

Commissioner Houck commented that Resolution 10247 is the beginning of a social investment in the community.

Mayor Kelly reiterated that the assessment is for one year, and will be assessed every year as long as the Park District is in place.

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

Motion carried 5-0

13. **Medical Tech Major Subdivision, Preliminary Plat and Accompanying Findings of Fact.**

Planning and Community Development Director Craig Raymond reported that the applicant, NeighborWorks Great Falls (NWGF) is proposing the annexation, establishment of Planned Unit Development (PUD) zoning, and preliminary plat of a major subdivision on two parcels of land that total approximately 20.5 acres. The subject properties are undeveloped land located in Cascade County adjacent to Great Falls along 20th Street South and 24th Avenue South. The applicant is proposing an 85-lot subdivision, fully developed with the establishment of several proposed roadways and alleys to access the lots, sidewalks to create pedestrian circulation, and City utilities to provide services to the subject properties.

There are two distinct types of lots with specific goals and market targets for each type. At least 50 of the proposed 85 lots will be fairly typical single family dwellings which are called "alley-loaded." The balance of the lots will have what is known as "cottage style" homes located on them that are designed primarily for entry level first time home buyers or empty nesters who do not wish to maintain large homes or properties. The lots which these homes are to be located are under the typical R-3 zoning minimum lot size requirement. This and the desire for a variety of product types are the reason why the applicant is requesting PUD zoning. The PUD zoning designation provides the Commission the opportunity to allow a tailored approach to incentivize the development of certain identified residential needs in the city. In this case, a higher density than what ordinarily might be sought will help incentivize affordable workforce housing and home ownership goals. What makes developments like this work are multiple points of access to the City's existing and future transportation network, however the subdivision has one issue which staff finds to be concerning. The location of the subdivision is located in an area that has a roughly 7 and a half minute emergency response time.

Staff and the developer have worked through a detailed Improvement Agreement which defines the roles and responsibilities of the developer and the City. The Agreement spells out what improvements are required by the City and who shall pay for them. For the most part, the developer shall pay for all street, water, sewer and storm water improvements which are necessary to support this development. The City will pay for upsizing of utility lines as may be specifically requested by the City for utility continuity and future growth. The City also intends to purchase one of the subject lots to keep in reserve for a possible future water pump station that may be needed in the future.

Commissioner Bronson stepped out at 8:35 p.m. and returned at 8:38 p.m.

Mayor Kelly declared the public hearing open.

Speaking in support of the Preliminary Plat was:

Sherrie Arey, NeighborWorks Great Falls, 509 1st Avenue South, expressed appreciation to City staff, and Planning and Community Development Planner Erin Borland for their diligence working through the project. Ms. Arey commented that the 85-lot subdivision will help with housing stock in the community.

No one spoke in opposition to the Preliminary Plat.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Preliminary Plat for the Medical Tech Subdivision and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board.

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

Commissioner Houck received clarification that the Kranz property concept was utilized for the Medical Tech Major Subdivision.

Commissioner Robinson expressed concern with regard to the emergency response time, and commented that when expanding new areas, public safety for the City needs to be well addressed.

Commissioner Moe expressed concern of possible congestion with parking exacerbating the emergency response time, however there is an improvement in the streets with the multiple avenues of egress.

Mayor Kelly received clarification that the City intends to purchase one of the subject lots to keep in reserve for a possible water pump station that may be needed in the future.

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

Motion carried 4-0-1 (Commissioner Bronson abstaining)

OLD BUSINESS

NEW BUSINESS

14. **Library Boiler and Controls Replacement Project.**

OF
621.1

Planning and Community Development Director Craig Raymond reported that in August, 2017, the City entered into a contract with McKinstry to perform an energy audit of numerous City facilities including the Civic Center, Library, Downtown Parking Facilities, Police Station and

Fire Stations. The audit resulted in a large and comprehensive list of energy savings projects as well as required improvements due to years of deferred maintenance, safety and code compliance issues. After the initial audit was completed, staff worked with McKinstry to focus and prioritize a list of improvements. McKinstry subsequently solicited competitive bids from area sub-contractors based on the prioritized list of projects. The City could not tackle the entire list of projects due to budget constraints, and this particular project is critical in nature if the Library is to remain viable and open to the public. The initial competitive bids have expired due to the amount of time that has lapsed since they were originally submitted. New bids were obtained and the correct amounts are reflected in the contract.

Commissioner Houck stepped out at 8:50 p.m. and returned at 8:53 p.m.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission award a contract for the Library Boiler and Controls Replacement Project to McKinstry Essention, LLC in the amount of \$459,000 and authorize the City Manager to execute said contract.

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

Commissioner Bronson reported that the project was being funded through reserves that the Library had been accumulating for the past few years, and commented that the project is much needed.

Commissioner Robinson commented that starting the project is urgent since the Library would be without heat.

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

Motion carried 5-0

ORDINANCES/RESOLUTIONS

15. **Ordinance 3188, Repealing and Replacing Title 10, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Vehicles and Traffic.**

City Attorney Sara Sexe reported that in an effort to update the Official Code of the City of Great Falls (OCCGF), staff has assembled input from the different departments to continue a comprehensive revision of the Code. Ordinance 3188 would repeal and replace OCCGF Title 10, pertaining to vehicles and traffic. Non-substantive changes include chapter re-designation to put chapters in correct numerical order, typographical errors, and reformatting of subsections.

The first proposed substantive change is relocating all definitions applicable to the Title to Chapter 1. Staff is proposing this change to improve readability and organization. The next substantive proposed change is adopting specific penalty provisions throughout the Title. Other proposed substantive changes include updating payment options for parking meters and amending parking violations to include violation of parking facility lease rules.

Ordinance 3188 proposes to require Montana Department of Transportation (MDT) approval

for traffic control devices placed on MDT rights-of-way. Another proposed substantive change is to allow the City Parking Administrator, in consultation with the Parking Advisory Commission, to add meters in Commission established parking districts. Ordinance 3188 would allow the Parking Administrator to remove commercial loading zones when loading zones are creating traffic hazards, as well as allowing the Public Works Department, in conjunction with the Police Department, to remove vehicles that are parked in construction zones.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3188 on first reading and set the public hearing for September 18, 2018.

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

Commissioner Robinson requested that Eighth Avenue North be changed to a through street, and eventually change the speed limit from 25 mph up to 30 mph, and that he would discuss syntax concerns with City Attorney Sexe.

City Attorney Sexe responded that syntax changes could be discussed and certain changes could be incorporated into Ordinance 3188.

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

Motion carried 5-0

16. **Ordinance 3192, Amending Title 17, Chapter 16, Article 2, Section 050 of The Official Code of The City of Great Falls (OCCGF), Pertaining to Burden of Proof.**

City Attorney Sara Sexe reported that the Board of Adjustment (BOA) is the quasi-judicial body that hears appeals regarding Land Use Decisions, as well as appeal decisions regarding allocation of Community Development Block Grant funds. The burden of proof conducted by the BOA is established by the Official Code of the City of Great Falls (OCCGF).

The proposed amendment would require the individual or applicant appealing a decision to the BOA to maintain the burden of proving the decision which is being appealed should be reversed or modified.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3192 on first reading and set the second reading for September 18, 2018.

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

Motion carried 5-0

CITY COMMISSION

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

None

18. **Commission Initiatives.**

None

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Houck, to adjourn the regular meeting of September 4, 2018, at 9:05 p.m.**

Motion carried 5-0

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
September 18, 2018**