

JOURNAL OF COMMISSION PROCEEDINGS

December 18, 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, Mary Sheehy Moe, and Tracy Houck.

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 Planner II Erin Borland; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL

Deputy City Manager Chuck Anderson noted that the Minutes of the December 4 Commission meeting were updated after original posting to correct grammatical and non-substantive clerical errors; and, the date of the public hearing, January 2, 2019, was added to the agenda language for Item 17. No changes were proposed by the City Commission. The agenda was approved as submitted.

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

None.

FIREFIGHTER OATH

Firefighter Oaths - Travis Cik, Brett Castillo, Ryan Olson

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

John Hubbard, 615 7th Avenue South, inquired how long the public water system exceeded the maximum contaminant level, and if there was anything the public needed to do before drinking the water.

Mayor Kelly noted that those comments have been addressed during the past two Commission meetings. He suggested that Mr. Hubbard address further questions in writing to the Public Works Department.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

Tim Austin, NC 3, reported that the Council is opposed to increasing the speed limit on 36th Avenue NE, Bootlegger Trail, to 2nd Street NE. The Council will be requesting a 4-way stop sign and inquiring about other possibilities to reduce speed in certain areas of the neighborhood. The Council expressed concern about police vehicles speeding in the neighborhood without overhead lights on. The Council will address security issues and speeding at its next Council meeting with Officer Gerhart.

Commissioner Houck inquired the number of people in attendance at that meeting and was informed about 20.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

Commissioner Houck reported on her attendance at a recent Local Emergency Planning Committee (LEPC) meeting. This group will work together and be liaisons to some federal agencies to make it so we are always ready in and emergency to respond.

Commissioner Moe reported that, subsequent to the last work session on the changes proposed by the Parking Advisory Commission (PAC), the owner of Electric City Coffee hosted a meeting of interested downtown residents/business owners. It was a productive meeting that included helpful exchange of information and ideas. The next meeting of the PAC is scheduled for Thursday at 3:30 p.m.

4. Reappointment and Appointments, Great Falls Planning Advisory Board.

Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission reappoint Dave Bertelsen and appoint Kelly Buschmeyer and Samantha Shinaberger to the Great Falls Planning Advisory Board for three-year terms ending on December 31, 2021.

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

Commissioner Bronson noted that the two appointees were recommended by the Planning Advisory Board, and that he is looking forward to working with them.

Mayor Kelly noted that the other great candidates' applications will be kept on file.

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

Motion carried 5-0

CITY MANAGER

5. Miscellaneous reports and announcements from the City Manager.

City Manager Greg Doyon encouraged people with concerns about City water to call the Public

Works Department for more specific information.

Park and Recreation Director Steve Herrig announced that:

- The department was awarded two Missouri Madison River Fund grants for West Bank Park projects.
- The first distribution of Park Maintenance District (PMD) funds was received last week. The Park and Recreation's webpage on the City's website will include current and completed PMD projects.
- The City partnered with the Montana School for the Deaf and Blind to offer public indoor swimming classes and lessons beginning mid-January. Fees will be based on usage to cover City costs. When the Natatorium closes, the lift will be transferred and installed at the Deaf and Blind School. When finalized, the schedule will be posted on the City's website and at the Natatorium.

Mayor Kelly suggested an open house/orientation be scheduled for the Natatorium users at the Montana School for the Deaf and Blind.

Commissioner Moe suggested that staff reach out to the Natatorium users that made public comment at the Commission meetings to make them aware of the schedule and orientation.

Manager Doyon reported that the Montana Defense Alliance held its annual strategic planning session yesterday and is outlining its program of work for the next year. There continues to be a flurry of pre-legislative activity.

Deputy City Manager Chuck Anderson announced that City Clerk Lisa Kunz received certification from the International Institute of Municipal Clerks.

Manager Doyon expressed appreciation to Kathy Mora and Kevin Hager for their many years of service and wished them well in their retirement.

CONSENT AGENDA

6. Minutes, December 4, 2018, Commission meeting.
7. Total Expenditures of \$4,042,177 for the period of November 17, 2018 through December 5, 2018, to include claims over \$5,000, in the amount of \$3,838,470.
8. Contracts List.
9. Grants List.
10. Reschedule the regularly scheduled Commission meeting date of Tuesday, January 1, 2019, to Wednesday, January 2, 2019.
11. Approve a Utility Bill Printing and Mailing Services Agreement with DataProse.

12. Approve a Master Services and Metro Ethernet Agreement in the amount of \$110,232 per year for a 3 year term to Centurylink, Inc. for network services.
13. Approve the purchase of one 2017 Elgin Pelican 3-wheel mechanical sweeper for \$193,113, from Titan Machinery of Great Falls through Sourcewell purchasing program.
14. Approve Change Order No. 1 in the amount of \$6,972.56 and the Final Payment for the Lift Station #8 Removal, in the amount of \$11,135.15 to Central Excavation and \$112.48 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments. **OF 1722.2**
15. Approve Final Payment for the Gore Hill Pump Station Pump Replacement project in the amount of \$3,459.06 to Sletten Construction Company and \$34.94 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF1625**
16. Award a contract in the amount of \$83,000 to Horn Construction for the West Bank Park Phase 3 Project, and authorize the City Manager to execute the construction contract documents. **OF 1585.9**
17. Set a public hearing for January 2, 2019, for consideration of a Lease Agreement with the Children's Museum of Montana for the property located at #22 Railroad Square.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as described.

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

18. **Resolution 10277, Approving a Conditional Use Permit for an "Indoor Sports and Recreation" land use upon the property located at 901 9th Street North.**

Planning and Community Development Planner II, Erin Borland, reported that this is a request to conduct a public hearing and consider adoption of Resolution 10277 to allow for the establishment of an "Indoor Sports and Recreation" land use upon the property located at 901 9th Street North.

The subject property contains several parcels that altogether encompass 3.24 acres and more than half a block in an area of town that mixes industrial, commercial, and residential uses within the vicinity. This location formerly housed the 65,000 square foot Pacific Galleries Warehouse. The building is broken up into three large suites. The main portion of the building has recently been renovated to allow a gymnastics center and 25,000 square foot storage space for Pasta Montana. The applicant has an interested tenant who would develop the space as a birthday/bounce house/laser tag facility.

Based on the square footage of space being proposed for the recreation use, 64 parking spaces would typically have to be provided for the tenant. However, because the anticipated number of customers is fairly low and the time of operation for the proposed tenant only partially overlaps with the gymnastics training facility, this large parking count is not needed.

Twenty-five (25) parking spaces has been dedicated to the recreation facility and is proposing to add another 15 new spaces. Eleven (11) additional spaces would be available for occasions where overflow would be necessary. The overflow spaces are located on the northwest portion of the property where gravel parking is already used by a neighboring business's employees. The proposed off-street parking and site plan were included with the agenda report. The owner of the property understands and is willing to provide additional parking in the future should other tenants occupy his building.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10277 was:

Dan Bateman, 3313 5th St NE, applicant and owner of the building, commented that he has grandiose designs for the building that he will be whittling away at. Getting tenants into the building will provide the needed revenue to expand the parking lot, landscaping and other beautification. He is excited about tenant businesses providing opportunities for diversion and fun for kids. He feels the gymnastic center, birthday party/bouncy house area, and laser tag opportunities will be beneficial to the kids in the community. Mr. Bateman concluded that everyone has been in favor of what he is trying to accomplish, including Neighborhood Council 7.

No one spoke in opposition to Resolution 10277.

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

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10277 for a Conditional Use Permit for an "Indoor Sports and Recreation" land use located at 901 9th Street North, subject to the applicant fulfilling the listed Conditions of Approval.

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

Commissioner Houck noted that she is excited about this business being geared towards young people in the community.

Commissioner Moe noted a safety concern for children with the parking in front of the building being close to the street.

Mr. Bateman responded that there are only 11 of the 43 currently available parking spaces that are in front of the building. The majority of parking is on the north side of the building and not

adjacent to any roads. Fifteen additional parking spots will be added to this north parking area.

Commissioner Moe inquired if the entrance to the bouncy house area was facing 9th Street.

Mr. Bateman clarified that the common area entrance is on the north side of the building. There is an exit only door facing 9th Street, which is the west side of the building.

Commissioner Robinson inquired how much space was in the middle portion of the building.

Mr. Bateman responded that there is 15,000 square feet in the middle of the building, and 5,200 square feet of that is part of the laser tag area.

Commissioner Bronson commended Mr. Bateman for his vision and drive, and for the adaptive re-use of the building.

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

Motion carried 5-0

OLD BUSINESS

NEW BUSINESS

19. Comprehensive Annual Financial Report (CAFR) and Audit Report, FY 2017-2018.

Finance Director Melissa Kinzler reported that the City's audit committee met on December 7, 2018, and recommends that the City Commission accept the FY 2018 Comprehensive Annual Financial Report (CAFR), the Required Client Communication Letter, and the City's Responses to the Required Client Communication Letter.

The Required Client Communication Letter comments on any internal control recommendations related to the operations of the City. The letter notes that the auditors have no new recommendations for FY 2018 and one prior year recommendation and its current status. The prior year recommendation is in compliance and no longer recommended.

The CAFR is available at the Civic Center in the Finance Department, Room 104, and the City Clerk's Office, Room 204, and for review on the City's website.

Staff recommends that the City Commission accept the FY 2018 CAFR, Responses to the Required Client Communication Letter, and authorize staff to submit the related reports to other government agencies and financial institutions as necessary.

Sarah Stanger, Anderson ZurMuehlen & Co., P.C., reported that Anderson ZurMuehlen performs two audits - the City's financial statements, and an agreed upon procedures engagement for the City's building code program. Ms. Stanger summarized the audit results. There is a lot of information in the 200+ page document that is broken up into an introductory section, financial section, statistical section and single audit section. It is important for the City to submit the CAFR to the Government Finance Officers Association for its Certificate of Achievement program. The City has attained that Certificate of Achievement for Excellence in Financing Reporting for many years. Anderson ZurMuehlen presented the City with an unmodified audit opinion, which is a clean audit opinion. There were also no internal control or compliance findings to present.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission accept the FY 2017-2018 Comprehensive Annual Financial Report (CAFR), the Required Client Communication Letter as presented, and authorize staff to submit the related reports to other government agencies and financial institutions as necessary.

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

Commissioner Houck noted that she is a member of the audit committee. She attended two meetings to review the draft report and to meet with Anderson ZurMuehlen. She concluded the CAFR is a wonderful report and comprehensively covers what was done in the City. Two members of the public are also on an audit committee.

Mayor Kelly noted that the City has been awarded the GFOA Certificate of Achievement every fiscal year since 1993/1994.

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

Motion carried 5-0

20. **Minor Subdivision - West Bank Landing, a subdivision of Lot 2 of Certificate of Survey #5113 initiated by Skip Rock LLC.**

Planning and Community Development Planner II, Erin Borland, reported that this item is a request to consider approval of the Amended Plat of the Minor Subdivision and accompanying Findings of Fact of Lot 2 of the West Bank Landing Development. West Bank Landing is a mixed-use development located on 3rd Street NW, north of the Cowboy's Bar and the West Bank One development. The project consists of six parcels totaling 12.5 acres. The first phase included the Spring Hill Suites/Marriott hotel. The second phase included the renovation of the existing barrel building into the Peak Health & Wellness Center which is also complete and open. The second phase also included two new mixed-use buildings, one of which is under construction, and an additional building which will include two quick service restaurants.

The applicant, Skip Rock, LLC, is seeking a minor subdivision to create four (4) lots with each proposed and existing building on its own lot. The proposed newly created lots conform to the M-2 Mixed Use Transitional district development standards outlined in the Land Development Code. Due to the configuration of the lots, parking and access will be shared between the owners of the lots. A shared parking, maintenance, and access agreement currently exists for the development. This agreement shall be revised to reflect the new lot configuration and potential change in ownership.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the Amended Plat of the Minor Subdivision of Lot 2 of West Bank Landing, as legally described in the Staff Report, and adopt the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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

Motion carried 5-0

21. **Anaconda Hills and Eagle Falls Golf Course Management Agreement.**

Park and Recreation Director Steve Herrig reported that a Request for Proposals (RFP) was issued on August 24, 2018, for the management of the two golf courses. Two proposals were received - CourseCo, a company based out of California, and the local Great Falls Baseball Club. Both proposers interviewed with the City in October. At the November 7, 2018, work session, the Commission approved of staff's request to continue conversations with CourseCo.

With regard to the Management Agreement posted on the website, Director Herrig reported that: Page 1, Exhibit "A" will be pictures of the two golf facilities; page 6, Exhibit "X" will be a final budget/2018-2019 financial plan, and the reference to Section 6.14 in the third paragraph should read Section 6.15; Page 11, Exhibit "X" will be the necessary start-up costs, and Exhibit "Y" will be a full comprehensive inventory of current capital items.

With regard to Page 4 of the Addendum, Director Herrig pointed out that the Start-Up Costs will be corrected to (e.g. equipment for concessions) and staff is requesting that the one time fee of \$40,000 be changed to "up to/not to exceed \$80,000." Most of that amount will be equipment for a food and beverage operation.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve a three-year Management Agreement with CourseCo beginning February 1, 2019.

Mayor Kelly asked if there were any comments from the public. No one responded.

Mayor Kelly noted that there was a large attendance at the work session, and people were available after the work session to mingle with the CourseCo executives. Attendees of the work session were encouraged to attend the Commission meeting if they had any further questions or points they would like to make.

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

Commissioner Moe referred to Page 3 of the Management Agreement and pointed out that the words "which is" are misplaced in Section 4.1. She also received clarification that reference to the "City" in the Management Agreement means the City Manager.

Commissioners Robinson and Bronson commended City staff, and both are enthusiastic about this Management Agreement for continued operations of both courses.

At Commissioner Bronson's request, Director Herrig reiterated that its been agreed that it would be valuable for CourseCo and the Golf Advisory Board to continue to work together. CourseCo is also very enthusiastic about working with the current Leagues.

Commissioner Houck encouraged the public to listen to the recorded work session if they have additional questions. She expressed appreciation to Director Herrig for the hard work and decisions he has had to make.

Mayor Kelly noted this is the beginning of a great relationship. CourseCo seems to have a thorough understanding of its responsibility to the community and to recreation, and not just to golf, but to use of the facility and the land it encompasses to include more people throughout.

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

Motion carried 5-0

ORDINANCES/RESOLUTIONS

22. **Ordinance 3195, Assigning I-2 Heavy Industrial zoning to a portion of a tract of land equaling +/- 6.254 acres addressed as 4415 River Drive North currently owned by Talcott Holdings Inc.**

Planning and Community Development Planner II, Erin Borland, reported that Talcott Construction is a local construction company that is located at 4415 River Drive North. This location contains both the company's business office as well as a larger shop building. These buildings are located on two properties, adjacent to each other, with the business office residing in the City and the shop being located in the County.

The applicant is proposing to annex the portion of the property that contains the shop into the City limits in conjunction with a boundary line adjustment that will revise the lot configuration to have the shop and office building on one lot. The remaining area will stay in the County jurisdiction.

The applicant is also requesting that I-2 Heavy Industrial zoning be established on the property to be annexed. This would be consistent with the surrounding properties in this location.

The requested action is that the City Commission accept Ordinance 3195 on first reading and set a public hearing for January 15, 2019.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3195 on first reading and set a public hearing for January 15, 2019.

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

23. **Resolution 10275, Resolution of Intention to Vacate 1st Alley South within Block 354, Great Falls Original Townsite.**

Planning and Community Development Planner II, Erin Borland, reported that this item is a Resolution of Intent for vacation of an alley that was spurred by recent construction that is taking place as Montana Federal Credit Union works to expand its bank office building located at 15 14th Street South.

The Credit Union owns property on both sides of the alley. The western portion of the alley (approximately 300 lineal feet) was vacated in 1920. This leaves approximately 76 feet of remaining alley length that was retained by the City of Great Falls as access to the previous apartment building that was located on the site.

Since the Credit Union now owns all property north of the alley, including the lot north of the 76

foot alley section, the applicant asked the City about vacating the remaining section. City staff recommends in favor of the applicant's request subject to the applicant reserving a 20-foot wide easement for access to existing utilities.

According to Mont. Code Ann. 7-3-4448, the owner must file a request for the intent to vacate any right of way. City staff must then present a Resolution of the Intent to Vacate such right of way to the City Commission. The requested action is that the City Commission adopt Resolution 10275, and set a public hearing for January 15, 2019.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution of Intent 10275, and set a public hearing for January 15, 2019.

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

Motion carried 5-0

CITY COMMISSION

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

Commissioner Bronson reported:

- The City/County Commissions met with local legislators last Wednesday to share priorities and concerns. The legislative delegation has agreed to tentatively meet again on March 5, 2019, at 3:00 p.m., in the Gibson Room.
- He and Manager Doyon attended a meeting last Friday and were able to share some of those same concerns with Lt. Governor Cooney and staff.

Commissioner Moe read bible verse "Who can find a virtuous woman?" in tribute to community member Leslie Oakland who recently passed away.

Commissioner Robinson discussed attending a meeting regarding the State JMG Program - Jobs for Montana Graduates. He announced that Paris Gibson Education Center Senior, Jimmy McAllister, entered and won the oratory contest at the national level in Washington, D.C.

25. **Commission Initiatives.**

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Robinson moved,**

seconded by Mayor Kelly, to adjourn the regular meeting of December 18, 2018, at 8:27 p.m.

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
January 2, 2019**