

# **JOURNAL OF COMMISSION PROCEEDINGS**

**May 21, 2019**

Regular City Commission Meeting

Mayor Kelly presiding

**CALL TO ORDER:** 7:00 PM

Commission Chambers Room 206

Mayor Kelly announced that, due to the Commission Chambers and Gibson Room being under construction for the AV System upgrade project, there will be no audio/video recording of this meeting, and it will not be televised. There is no amplification system. He reminded those in attendance to speak loudly, and those that want to address the Commission to state their name and address clearly for the record.

Mayor Kelly also displayed an ADA assistive listening device that will be available for the hearing impaired when the AV System upgrade project is complete.

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Owen Robinson, Bill Bronson, Mary Sheehy Moe, and Tracy Houck. Also present were the 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; Staff Accountant Brenda Keller; City Attorney Sara Sexe; and, Police Captain Jeff Newton.

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

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** Mayor Kelly noted that he would address correspondence received regarding parking during Agenda Item 15.

**1.**

### **PROCLAMATIONS**

Commissioner Robinson read a proclamation for National Garden Week (June 2-8), and Commissioner Moe read proclamations for NeighborWorks Week (June 1-8) and Homeownership Month (June). NeighborWorks Great Falls Executive Director Sherrie Arey provided a fact sheet titled "2018 Impact" to the Commission members.

### **PETITIONS AND COMMUNICATIONS**

**2.**

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

**Jeni Dodd**, 3245 8<sup>th</sup> Avenue North, read a prepared statement regarding information she gleaned from records she received from the City in response to a records request concerning two City Commissioners exploring the possibility of a partnership between the Animal Shelter and the Maclean Cameron Animal Adoption Center. She concluded that it is inappropriate for Commissioner Robinson to use his position to further his agenda for the City to take over Maclean.

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**Pam Hendrickson**, 1321 5<sup>th</sup> Avenue North, also discussed information from the records Ms. Dodd received. She commented that Commissioner Robinson should recuse himself from the Animals First committee and from voting on any potential partnership with Maclean. She thinks it is shameful how this situation is being handled. If discussions continue with Maclean the public needs to be involved.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, commented he doesn't believe the information he received regarding the City's water quality. He noted the lost funds from the City's Electric City Power venture. He also discussed his District Court case, and commented that he was going to sue the City, and picket at the County Courthouse.

### **NEIGHBORHOOD COUNCILS**

#### **3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

### **BOARDS & COMMISSIONS**

#### **4. APPOINTMENT/REAPPOINTMENT TO THE ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission appoint Jeanne Myers and reappoint Max Mauch to the Advisory Commission on International Relationships (ACIR) for three year terms through March 31, 2022.

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.

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

There were no miscellaneous reports and announcements from representatives of boards and commissions.

### **CITY MANAGER**

#### **6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon announced that mailroom clerk Bryn Shine carried the torch, in part, at the Special Olympics; Park and Recreation Director Steve Herrig was selected by his Leadership Great Falls peers to receive a Leadership Award at the graduation ceremony last week; and, Great Falls Fire Rescue has been busy the past week conducting testing for firefighter candidates at the consortium.

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Deputy City Manager Chuck Anderson gave a 60-day update on the new Communication Specialist activities. Lanni Klasner has hit the ground running in her role as Neighborhood Council Coordinator and Communication Specialist for the City.

Manager Doyon added that, although it may be premature, they may see that position in a different light and rethink the neighborhood council office a little different in the future.

Commission members were encouraged to direct people with concerns about the new planning review process to the appropriate person or department at the City to address and remedy the complaint.

Manager Doyon noted that part of the development review process is the Design Review Board (DRB). He summarized points from his May 1<sup>st</sup> memo to the Commission and recommended: staff continue to work with the DRB members during the next six month DRB suspension to make improvements to the process, and then make a decision about whether or not to eliminate the DRB.

Mayor Kelly responded that the Commission will discuss the DRB under Commission Initiatives.

### **CONSENT AGENDA.**

7. Minutes, May 7, 2019, Commission meeting.
8. Contracts List.
9. Total expenditures of \$2,625,217 for the period of April 16, 2019 through May 8, 2019, to include claims over \$5,000, in the amount of \$2,346,847.
10. Approve the purchase of one new 2019 John Deere 672G motor grader from RDO Equipment of Great Falls through Sourcewell, formerly known as NJPA, for \$274,230.
11. Approve the bid award for asphaltic concrete material to Great Falls Sand & Gravel, Inc., of Great Falls for \$792,800.
12. Award a contract in the amount of \$98,720 to Capcon, LLC, for the 30-inch by 24-inch Water Main Connection Project, and authorize the City Manager to execute the construction contract documents. **OF 1494.8**
13. Award a contract in the amount of \$433,950 to Ed Boland Construction, Inc., for the Septage Receiving Station Project, and authorize the City Manager to execute the construction contract documents. **OF 1731.1**
14. Award a contract in the amount of \$111,225 to Missouri River Trucking and Excavation Incorporated (MRTE) for the ADA Handicap Ramps Giant Springs School Phase II Project, and authorize the City Manager to execute the construction contract documents. **OF 1730.8**

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**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt the Consent Agenda as submitted.**

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**

**15. RESOLUTION 10292 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 conduct a public hearing, consider public comments and the agenda package information, and to adopt Resolution 10292 to establish the fees, rates and fines associated with the Downtown Parking Program.

The Commission has tasked the Parking Advisory Commission (PAC) with performing a complete evaluation of the Downtown Parking Program. The PAC is a group of involved and interested citizens who volunteer their time to participate in formulating recommendations to the City Commission pertaining to the operation and management of the downtown parking program. They include representatives of the Business Improvement District (BID), the Downtown Great Falls Association, and other business owners and industry representatives. They all are invested in seeing the downtown thrive and succeed. The City hired SP+ to assist with developing a strategic planning framework that would help the PAC with the evaluation and develop specific values and goals to help guide key decision points. While the parking program is used by a variety of people with differing needs and priorities, the essence of the program is to serve and support the downtown area and all of its facets. One of the unique challenges with a downtown urban environment is that in almost every case, property owners do not have to dedicate expensive real estate for off-street parking to support their operations and serve their clients. Fundamentally, this is why the program is necessary, to support these property owners, their businesses and special events and activities. In many cities around the country, private industry fills this demand as a for-profit business. In our case, the City of Great Falls has taken a bold step to serve the community and its downtown economic development goals in a not-for-profit model.

For the last several months, City staff and the PAC have very carefully and completely reviewed every financial aspect of the program from operations, personnel, program boundaries, hours of operation, asset inventory and capital improvement needs. There was consideration of whether liquidating certain assets and properties would be in the best interest of our community long term, as well as discussions about whether the City should bring operations personnel and management in-house as City employees as opposed to hiring a contractor. At this point, the recommendation to those two questions is no. A lot of time was spent on prioritizing capital improvements and deferred maintenance needs. The projects that we have been discussing and you have seen progress on such as the LED lighting conversion, surveillance system, entrance and revenue control system, and structural repair and preservation projects are those projects which rose highest on the priority

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list. Other areas of the program still have needs and will be brought forth to the Commission for approval at a later date when funds are available to do so. Projects like directional signage (also known as wayfinding), elevator replacement, on-street enforcement technology and equipment, and surface lot renovation and preservation are still priorities.

Staff and the PAC have spent a lot of time wrestling with all of the options. Part of the reason why this review has taken so much time is due to the simple recognition that none of the options are likely to be particularly popular to at least one of the different types of stakeholders who has different needs, priorities or opinions about these options. It's with this in mind that City staff and the PAC submit Resolution 10292 for Commission consideration and action tonight.

Director Raymond summarized that the proposal is to increase meter rates from \$0.50 to \$1.00/hour; eliminate the annual courtesy ticket to one courtesy ticket per license plate per lifetime; and, a fine structure of \$5, \$10, and \$20 thereafter, eliminating the \$15 citation.

Mayor Kelly asked if there were any questions amongst the Commissioners.

Commissioner Houck noted that the recent emails received from downtown business owners were in opposition to Resolution 10292. She inquired if the downtown business owners were engaged and whether they provided input during this process; and, whether the PAC explored vouchers to park in the parking garages for two hours, similar to airport parking.

Director Raymond responded that the PAC is made up of downtown business owners. Monthly status reports have been provided to the Downtown Development Partnership (DDP) and the PAC has received feedback. Downtown business owners organized a meeting when \$2.00 parking meter rates were proposed, and the City hosted a daytime and an evening meeting that were not well attended. He also explained that the current parking validation system is cumbersome and few people take advantage of it. Depending on how the Commission votes on this item, the City may be able to utilize better technology for a validation system that would come before the Commission via a fee resolution.

Commissioner Houck expressed the importance of wayfinding and identification signage for surface lots.

Commissioner Robinson inquired if the new budget would allow the parking fund to break even or make money.

Director Raymond commented that the proposal is designed to break even and is inclusive of long term maintenance. No other funds support the program with the exception of the TIF funds that the Commission approved.

Mayor Kelly commented that written correspondence in opposition to Resolution 10292 was received from: **Joan Redeen**, Community Director of the Great Falls Business Improvement District, 318 Central Avenue; **Alison Fried**, Dragonfly Dry Goods, 504 Central Avenue; **Nicholas Geranios**, Geranios Enterprises, Inc., 320 Central Avenue; **Karen Venetz**, Executive Director, Great Falls Area Lodging Association, 100 1<sup>st</sup> Avenue North; **Tracy Perry**, Blue Rose, 419 Central

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Avenue; **Robert Stromberg**, Stromberg Properties, 600 Central Avenue; and, **Mauri Novak**, The Last Straw Bistro, 426 Central Avenue.

Mayor Kelly inquired why the PAC wasn't looking at a longer range, five to ten year plan, and he also asked Director Raymond to explain the approved use of TIF funds and the need for the revenue increases.

Director Raymond responded that the five to ten year strategic plan the PAC has been working on is 75% complete. He also reported that the \$400,000 reserve funds and \$470,000 TIF funds are going towards the current list of projects. The proposed fee increases are to cover projects beyond the current list, to backfill the reserve funds to cover projects, and for building maintenance.

Commissioner Bronson inquired if the PAC considered the creation of a Parking District.

Director Raymond responded that legal staff provided a report about the formation of an assessment district. It is a lengthy process and the outcome is not guaranteed, but the idea has not been completed dismissed or rejected.

Commissioner Bronson inquired if there was consideration given to a graduated increase of \$0.75/hour for a year, and then \$1.00 per/hour the following year.

Director Raymond responded that they have been doing graduated increases for years. They found that it wasn't successful. They set an annual budget for routine annual maintenance and a graduated fee schedule would delay that.

Commissioner Bronson inquired if after hour meter fees has been considered.

Director Raymond responded that it was discussed, and could be considered in the future. The pros and cons of that idea need to be discussed because there will be a corresponding cost for enforcement and personnel.

Commissioner Bronson inquired if the plan is to use some of the revenues to start replacing the outdated meters.

Director Raymond commented that replacing the antiquated meters is a future project if the proposed fee increase is approved.

Commissioner Bronson recalled that the cost to update to the next generation of meters was around \$1 million dollars.

Director Raymond responded it would be between \$500,000 and \$1 million dollars depending on the type of system and what features were included.

Commissioner Moe requested clarification that there are no proposed garage rate or courtesy parking increases, and was responded to in the affirmative. If approved, Commissioner Moe asked when the new rates would go into effect, and was informed July 1<sup>st</sup>.

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Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10292 were:

**Jeff Patterson**, 417 Central Avenue, PAC Chairman, commented that past practice has been making budget by deferring maintenance that resulted in digging into the reserves and asking for TIF funds. Those funds did not cover everything the PAC wanted to get done with the program. The current proposed budget is worth significant consideration by the Commission. It asks government to do what is needed to manage the assets within the program that this budget supports. The prior adopted budgets have continually deferred maintenance, and disallowed the PAC to upgrade to the capabilities of a modern system.

**Katie Hanning**, 3217 4<sup>th</sup> Avenue North, PAC member, commented that the PAC has spent a lot of time looking at different options with the goal of making the system safe and efficient.

**Thad Reiste**, 319 Central Avenue, PAC member, commented that he agrees with Director Raymond's and PAC Chairman Patterson's comments. However, he is in favor of a graduated increase, suggesting a \$0.25 increase now and a plan for subsequent increases.

Speaking in opposition to Resolution 10292 were:

**John Hubbard**, 615 7<sup>th</sup> Avenue South, commented that meter increases will run businesses out of downtown Great Falls.

**Susan Ashley**, 4231 7<sup>th</sup> Avenue North, commented that she is a senior citizen and doesn't go downtown because of parking meters. She suggested that the parking meters be taken out and parking be free.

**Alison Fried**, 504 Central Avenue, commented that she knows a lot of time and effort went into this proposal. She wants to see a bigger vision, noting that downtown has changed a lot the past 18 months. She suggested three year incremental increases to get the downtown business owners behind the proposal, and to help avoid negative perceptions.

**Jenni Dodd**, 3245 8<sup>th</sup> Avenue North, commented if the downtown business owners were involved in the process she didn't understand that the written communication received was in opposition. She commented that the increase will affect downtown businesses.

**Jim Koontz**, 600 Central Plaza, commented that the problem has occurred over several years, and now downtown business owners and customers will be penalized. Mr. Koontz suggested that the Commission wait until the strategic plan is 100% complete before adjusting parking fees.

**Inge Buchholz**, 600 Central Plaza, commented that she hears complaints from fellow business owners and customers every day. She urged the Commission to consider the needs and livelihoods of the business owners, before the City's needs.

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**Gary Hackett**, 511 Central Avenue, commented that the tenants of his three downtown buildings oppose an increase. He commented that there is not a shortage of parking spaces downtown. He also noted that the PAC has talked about signage for the past eight years and not one new sign has gone up. One dollar per hour is too much. Mr. Hackett concluded that buildings are being developed downtown, people will need to utilize the garages, and money will come with more patience and without increases.

**Jenny Zanto**, 309, 311 and 311 ½ Central Avenue, commented that the deficit needs to be addressed. Businesses are struggling, in part, due to on-line shopping. Downtown is the backbone of a community and she wants it to be kept vibrant. There is a perception issue about parking. She noted that if parking was free, people would park in spaces all day and that would hurt businesses. Nighttime activity in the downtown area has changed the last eight years. There is a lot going on. She suggested further discussion on the idea of nighttime business customers paying for parking.

**Brian Kaufman**, 411 Central Avenue, commented on how much the dynamics of downtown has changed in the past five years. He suggested changing meter enforcement from 9 a.m. – 5 p.m. to 10 a.m. – 6 p.m., securing the ramps, better lighting, security cameras, marketing, and bumping wayfinding up on the project list. Mr. Kaufman further suggested an increase of \$0.25 rather than \$0.50 for parking meters.

Mayor Kelly provided Director Raymond the opportunity to respond to inquiries or to clarify any information.

With regard to the comment “why have meters,” Director Raymond explained that meters are necessary because people that work and/or live downtown would park there all day/night, and that would destroy downtown businesses. Meters provide the revenue component for the enforcement that takes place on the two-hour limitation, as well as for required on-going maintenance of the garages and surface lot repairs.

In response to another inquiry made, individual store owners pay for courtesy parking spaces.

Due to the lack of funds and budget, signage has not been a high priority.

Director Raymond clarified that, up until 2012, monies from citation fines and forfeiture collections were taken from the parking program and deposited to other funds to offset the City Attorney’s Office and Court costs to prosecute and administer contested citations.

Marketing will be a component of the strategic planning effort.

The BID budget and program have nothing to do with the parking program. A BID member has been on the PAC for many years.

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



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**Commissioner Houck moved that the City Commission adopt Resolution 10292 to establish the rates, fees and penalties associated with Title 10 of the Official Code of the City of Great Falls pertaining to the City's Parking System, amended as follows:**

**(1)(A) Metered Parking** – The rate for metered parking shall be **\$0.75** per hour **from 10 a.m. to 6 p.m.**

Motion failed for lack of a second.

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10292 to establish the rates, fees and penalties associated with Title 10 of the Official Code of the City of Great Falls pertaining to the City's Parking System.**

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

Commissioner Robinson commended the PAC members for their hard work on this matter and supports their recommendation at this time.

Commissioner Moe commented that the PAC's recommendation in 2014 was that meter rates be set at \$1.00 by 2018. That was not done and is a reason why the budget has been in the hole the past five years. The deterioration of the parking garages was becoming an eye sore, a safety hazard and a transient attraction. The proposal provides for long term funding to fix up the garages and provides for a responsible maintenance budget without taking on debt. There is not an increase to the parking garage fees and she encouraged everyone to use the garages.

Commissioner Bronson commented the intent of the parking program is to serve individuals, businesses and customers of downtown. The PAC has considered all possible options as a group for several years and brought this plan forward for a downtown parking program. There were good ideas from commenters this evening, changing the meter enforcement times and wayfinding, for PAC further discussion and consideration. In order to be prepared for further downtown dynamic changes, financial resources are required, and the City cannot simply rely on tax increment financing funds for a lot of these significant changes.

Commissioner Houck commented that, although there is a BID representative on the PAC, the BID represents downtown businesses and wrote a letter in opposition to this resolution.

Mayor Kelly thanked everyone that spoke, noting that their comments and concerns are heard, and he thanked the PAC for its hard work.

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

Motion carried 4-1 (Commissioner Houck dissenting).

Mayor Kelly called a recess at 9:06 p.m., and he called the meeting back to order at 9:08 p.m.

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## OLD BUSINESS

## NEW BUSINESS

## ORDINANCES/RESOLUTIONS

## CITY COMMISSION

### 16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly announced that there are Memorial Day celebrations scheduled at the Veterans Memorial. He also thanked everyone that participated in the Special Olympics summer games in Great Falls.

Commissioner Bronson announced that the Advisory Commission on International Relationships (ACIR) is hosting a Ukrainian delegation next month in Great Falls.

Commissioner Moe announced that the Board of Regents of the Montana University System will be meeting in Great Falls the next couple of days. She encouraged everyone to attend the community breakfast on Thursday. She further announced that she has been working with City Attorney Sexe on the Ethics Committee code changes, and is pleased with the suggested changes that will be coming before the Commission for action.

Commissioner Moe reported that there were close to 400 attendees at BaseCamp Great Falls. She expressed appreciation to the volunteers and community for its support, and to City staff that participated.

### 17. COMMISSION INITIATIVES.

Mayor Kelly referred to the City Manager's report and memo about the elimination or additional six month suspension of the Design Review Board (DRB). After a brief discussion, it was the consensus of the Commission that this matter be brought before the Commission on a future agenda for discussion and vote.

## ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of May 21, 2019, at 916 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: June 4, 2019