

JOURNAL OF COMMISSION PROCEEDINGS
March 17, 2020

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly and Tracy Houck. Commissioners Mary Sheehy Moe, Owen Robinson and Rick Tryon participated telephonically via WebEx. Also present were the City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL: City Manager Greg Doyon noted that in order to reduce potential exposure to the COVID-19 virus, the agenda was revised to delay non-critical items. The Revised Agenda was posted on Friday, March 13th. There were no proposed changes to the revised agenda by the City Manager or City Commission. The revised agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

Mayor Kelly announced that staff is working diligently to try to get a better audio/video set up for full participation at meetings. To reduce potential exposure to COVID-19 the Commission is encouraging the public to use alternative methods and not be physically present at meetings.

1. PROCLAMATIONS

Proclamations for AmeriCorps NCCC Recognition Day (March 17, 2020), Morrison-Maierle 75th Anniversary Day (March 22, 2020) and Prevention of Cruelty to Animals Month (April 2020) were not read/presented during the meeting, but rather delivered or picked up by the proclamation requesters.

PETITIONS AND COMMUNICATIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Daniel Hartzell, 609 Central Avenue, discussed a citation he received for a disturbance, and that he wants certain students cited for smoking violations.

Mayor Kelly commented that the email account, commission@greatfallsmt.net, was set up for the public to submit written comments before 5:00 PM on the day of the Commission meeting. City Clerk Lisa Kunz announced that no written communications have been received for any items on this agenda.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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Mayor Kelly encouraged everyone to look at the City's website regarding meeting cancellations. He noted that several Neighborhood Councils meet at schools, which have closed.

BOARDS & COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

Commissioner Robinson, Complete Count Committee member, encouraged everyone to complete and return the Census 2020 forms quickly. The Committee was the recipient of a \$700 grant, and the Committee applied last Friday for another federal grant. He also noted that the Library is closed due to COVID-19, and that citizens will not be able to utilize the Library as an on-line resource to complete the census.

5. APPOINTMENT TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission appoint Kyler Baker for a three-year term through December 31, 2022.

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

Commissioner Houck thanked the citizens that have served the Mansfield for many years, and Kyler Baker for applying for this Board position and participating in City-101 classes.

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

Motion carried 5-0.

6. APPOINTMENT TO THE PARKING ADVISORY COMMISSION.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission appoint Becky Sullivan to the Parking Advisory Commission for a three-year term through April 30, 2023.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners. Hearing none, he thanked Mr. Mintsiveris for his service on this board, and welcomed Ms. Sullivan.

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

Motion carried 5-0.

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7. REAPPOINT AND APPOINTMENTS TO THE GOLF ADVISORY BOARD.

Commissioner Houck moved, seconded by Commissioners Moe and Robinson, that the City Commission reappoint Greg Bushman as the representative for the Men's Golf Association, appoint Jayce Michael Blood as the representative for Malmstrom Golf Association, and appoint Frederick "Rick" Gartzka as a non-league golf member for three-year terms through March 31, 2023.

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 MANAGER

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to COVID-19, City Manager Greg Doyon reported on the following:

- The Cascade City-County Health Department (CCHD) is the best resource to learn more about the virus and to obtain information about how to protect yourself from it. The CCHD gets its guidance from State and Federal agencies that are responding to this virus as well. The last time he checked there were no confirmed cases in Great Falls.
- Call your healthcare provider first before going to the emergency room or to the doctor's office if you think you have been exposed to the virus or have it.
- The City has been focused on community safety, city government continuity, employee safety, and operational changes as a result.
- He continues to work closely with CCHD to implement recommendations and is coordinating with CCHD on many levels.
- He is continually making plans, in the event the elected or appointed officials become incapacitated because of an exposure, to continue government operations with as little disruption as possible.
- At this time he has not declared Great Falls in a state of emergency. When he does so, it will be in consultation with CCHD, the City's emergency manager, City Attorney and the Commission. He will continue to monitor and, if necessary, activate that measure.
- When the first confirmed case is reported in Cascade County it is likely the Emergency Operations Center (EOC) will be opened up to address resource needs.
- He has held several meetings with staff to address emergency preparedness and specific employee issues that have arisen because of the concern about the virus. Operational changes have been made to minimize the public's and City personnel's potential exposure to the virus.
- Canceled meetings include: Monday, March 16, 2020, Commission retreat, and Tuesday, March 17, 2020, Commission work session. Teleconferencing was utilized for this meeting

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to accommodate some Commission members. Staff is working to have both audio/visual capabilities by the next Commission meeting.

- The public is encouraged to submit public comment via email: commission@greatfallsmt.net for the duration of the pandemic.
- He reviewed changes, cancelations or postponements affecting the following City departments or programs: Great Falls Animal Shelter, Utility Department, Neighborhood Councils, Park and Recreation; City-101, Great Falls Public Library, Great Falls Fire Rescue, Great Falls Police Department, Legal Department, and Municipal Court.

Manager Doyon also reported that the City has a policy of allowing flyers to be included in its utility billing that meet certain criteria. A recent flyer titled “Kids Education YES” was erroneously included in City utility bills that went out to over 9,800 customers. The flyer was political in nature and did not fit the criteria of the City’s policy. The issue was brought to the attention of the City Attorney yesterday. A statement will be issued and included in the next utility bills notifying customers to disregard the prior flyer was included in err. Staff also reported it to the Commission on Political Practices.

Manager Doyon announced the retirement of Public Works Director Jim Rearden on March 31, 2020. He recognized Director Rearden’s 33+ years of service with the City.

Director Rearden read his resignation letter submitted to Manager Doyon, summarizing the major accomplishments of the Public Works department in the recent past.

Commission members thanked Director Rearden for his service and accomplishments, and wished him well in his retirement.

CONSENT AGENDA.

9. Minutes, March 3, 2020, Special City Commission Meeting.
10. Minutes, March 3, 2020, Commission Meeting.
11. Total Expenditures of \$3,319,238 for the period of February 15, 2020 through March 4, 2020, to include claims over \$5,000, in the amount of \$3,064,736.
12. Contracts List.
13. Grants List.
14. Approve the purchase of one new 2020 - 348 Peterbilt water truck chassis from Montana Peterbilt of Missoula through Sourcewell, formerly known as NJPA, for \$106,484.
- *15. Approve the CDBG Funding Agreement in the amount of \$137,500 to the Park and Recreation Department for the Gibson Park and Elks Riverside Park trail project. **OF 1737.2**

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16. Approve Change Order No. 2 for the September 2019 amended bid work on Equipment Storage Building Number 1 project, plus required additional electrical and structural work, to James Talcott Construction, Inc. for the Public Works Facility Improvements - Central Garage, Streets and Sanitation Buildings Siding & Windows and authorize the City Manager to execute the agreements. **OF 1733.5 and OF 1744.0**
17. Award the construction contract in the amount of \$478,040 to Missouri River Trucking and Excavation Incorporated for the Gibson Park and Elks Park Trail Restoration, and authorize the City Manager to execute the construction contract documents. **OF 1737.2**
18. Approve an agreement with Advanced Engineering and Environmental Services (AE2S) for the Water Plant's Supervisory Control and Data Acquisition (SCADA) Upgrades as outlined in the attached Scope of Services for \$118,391.
19. Postpone public hearings and considerations for Ordinance 3211 and 3212 and postpone Resolution 10333 until April 7, 2020.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as presented, with the exception of Item 15 for separate discussion and vote.

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.

- *15. **APPROVE THE CDBG FUNDING AGREEMENT IN THE AMOUNT OF \$137,500 TO THE PARK AND RECREATION DEPARTMENT FOR THE GIBSON PARK AND ELKS RIVERSIDE PARK TRAIL PROJECT. OF 1737.2**

Planning and Community Development Director Craig Raymond reported that the project consists of ADA improvements in low to moderate income (LMI) locations. Due to timeliness issues, staff requests that the Commission approve the project.

Commissioner Houck moved, seconded by Commissioners Robinson and Tryon, that the City Commission approve the CDBG Funding Agreement in the amount of \$137,500 to the Park and Recreation Department for the Gibson Park and Elks Riverside Park trail project.

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

Commissioner Moe noted the extensive CDBG revision process. She inquired how this project fits into the prioritization categories and the results of the public survey.

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Director Raymond responded that this project is classified as public facilities and, therefore, fits within the original allocations. He again noted the timeliness issue. If the funds aren't expended by May 2nd, they risk having to send the money back to Washington, D.C.

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

Motion carried 5-0.

PUBLIC HEARINGS

19. ORDINANCE 3211, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 41 THROUGH 43; AND, REPEALING AND REPLACING CHAPTER 44 PERTAINING TO LANDSCAPING.
20. ORDINANCE 3212, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): REPEALING APPENDIX B PERTAINING TO THE LIST OF REQUIRED TREES FOR BOULEVARD AREAS AND STREET MEDIANS.

See Consent Agenda Item 19.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

21. ORDINANCE 3214 – TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS THE SOUTH 85' OF LOT 8, BLOCK 180 AND LOTS 8-14, BLOCK 179 OF THE GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION FROM SINGLE-FAMILY HIGH DENSITY AND NEIGHBORHOOD COMMERCIAL TO PUBLIC LANDS AND INSTITUTIONAL; AND RESOLUTION OF INTENT 10339 – INTENTION TO VACATE 5TH AVENUE NORTH BETWEEN 12TH STREET AND 13TH STREET.

Planning and Community Development Director Craig Raymond reported this agenda item is a rezoning request and right-of-way vacation for the CM Russell Museum project. Over time, the Russell has been acquiring properties adjacent to the museum property with the idea of potentially expanding its facility. During its master planning process, certain steps have been identified to take at this time to consolidate the various properties and make improvements. As part of this process, existing structures have been demolished with the intention of redeveloping on the properties.

In order to achieve consolidation and prepare for current and eventual redevelopment plans, the Russell is requesting approval to rezone the properties to the north of 5th Avenue North to Public Lands and Institutional to match the current museum zoning designation.

The applicant is also seeking to vacate a portion of 5th Avenue North to facilitate this consolidation and expansion. Typically, when rights-of-way are vacated, one-half of the right-of-way goes to each adjacent owner. In this case, the Russell owns both sides of the right-of-way. While it is

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anticipated that existing city utilities may have to be relocated to accommodate the eventual expansion, utility easements will be required to protect existing City utility facilities until such time they are abandoned.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3214 on first reading and set a public hearing for April 7, 2020.

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

Commissioner Moe commented that, although the agenda report sets forth that public comment was received at a Neighborhood Council meeting, she hasn't heard if the comments were positive or negative.

Mayor Kelly noted that the agenda report sets forth that positive comments about the project were conveyed during the February 20th Neighborhood Council meeting.

Commissioner Houck added that citizens could submit public comment for or against the project any time up to the public hearing via email.

Commissioner Tryon inquired about the timing of the project if the public hearing had to be postponed.

Director Raymond responded that the Russell indicated that the timing is not critical, there is some flexibility, but that they don't want the project to languish for an extended period of time.

After further discussion, City Attorney Sexe concluded that every effort will be made for public participation, including sending email comments to commission@greatfallsmt.net up to 5:00 PM the day of the meeting. The comments will be read into the record the night of the meeting.

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

Motion carried 5-0.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10339, and set a public hearing for April 7, 2020.

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

Motion carried 5-0

22. RESOLUTION 10333, A RESOLUTION OF THE CITY OF GREAT FALLS REGARDING THE ADOPTION OF AN ENERGY RESPONSE TASK FORCE

See Consent Agenda Item 19.

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23. RESOLUTION 10332, AUTHORIZING THE PURCHASE OF CERTAIN PUBLIC SAFETY RADIO EQUIPMENT AND APPROVING A LEASE PURCHASE AGREEMENT IN CONNECTION THEREWITH.

Police Chief Dave Bowen reported that during the past seven years the City has been engaged in an ongoing process of improving its radio communications system. The repeated problems with the radio system have created officer safety issues for the Police Department and hindered safe operations for fire fighters at the Fire Department. He has kept the Commission advised of the ongoing communication challenges over the past several budget years and held special presentations about the impending need to address the issue.

In the Fall of 2018 an independent analysis of the radio communications system was conducted by Mission Critical Partners (MCP). The findings of MCP concluded that Great Falls' communications systems are failing and putting police officers and fire fighters at an elevated risk of danger. A total replacement of the communications system is inevitable.

Recent developments across the state have opened up an opportunity for public safety in this area. In 2019 the passage of SB 352 provided funding by the State of Montana for an upgrade of the statewide communications system, along with some of the local equipment, which reduces the cost to the City by almost half. In addition to the funds provided by the State, Motorola Solutions has provided a \$650,000 incentive for a lease agreement with its company.

The City of Great Falls has already entered into Interlocal Agreements with Cascade County and the Montana Department of Justice to allow access to the two sites and 911 Center for equipment replacement and upgrades. The financial investment by the State of Montana toward the radio infrastructure and the incentive provided by Motorola places the City of Great Falls in a position to realize the full benefit of this opportunity.

Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10332.

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

Mayor Kelly commented that this agreement is a fiscally responsible way to accomplish the much needed infrastructure improvements.

Commissioner Moe commented that the safety of the officers is paramount. The effectiveness of operations and is being jeopardized by the continual degrading materials.

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

Motion carried 5-0.

CITY COMMISSION

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24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly expressed appreciation to the community, businesses, non-profits, public safety personnel, and the School District in dealing with the COVID-19 pandemic. There have been a lot of meetings with stakeholders around the city and the county pertaining to healthcare, daycare, and nutrition. He is touched by the sacrifices everyone is making to make sure we get this pandemic behind us. The Cascade City-County Health Department (CCHD) has been a great leader and resource for information. The City is standing with them to help administer the directives that the CCHD puts forward.

Commissioner Houck reminded parents at home with their children that there are free virtual museum tours, or they can still go outside for a nature walk. She further encouraged parents who are struggling with anxiety, coping or parenting at this time to call the Voices of Hope hotline.

25. COMMISSION INITIATIVES.

Commissioner Tryon requested that the Agenda Report for Resolution 10333 include staff's recommendation when it comes before the Commission for consideration.

He also suggested that the public safety town hall format continue at the Neighborhood Council level at such time as council meetings resume. No one objected.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Mayor Kelly, to adjourn the regular meeting of March 17, 2020, at 8:06 p.m.**

Motion carried 5-0.

Mayor Kelly

City Clerk Lisa Kunz

Minutes Approved: April 7, 2020