

JOURNAL OF COMMISSION PROCEEDINGS

June 2, 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, Tracy Houck, Mary Sheehy Moe and Rick Tryon. Commissioner Owen Robinson was excused. City staff present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Finance Director Melissa Kinzler; Planning and Community Development Deputy Director Tom Micuda; Public Works Environmental Manager Paul Skubinna; Interim Fire Chief Jeremy Jones; Park and Recreation Deputy Director Patty Rearden; Library Director Susie McIntyre; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

Due to the COVID-19 health concerns, public participation is welcomed and encouraged as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Commission Chambers according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 5:00 PM on Tuesday, June 2, 2020, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

AGENDA APPROVAL: City Manager Greg Doyon commented that minor edits were made to page 5 of the draft minutes after original posting. There were no proposed changes to the agenda by the City Manager or the City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: A proclamation for NeighborWorks Week (June 6-13, 2020) was not read/presented during the meeting, but rather delivered or picked up by the proclamation requester.

PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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Pam Hendrickson, 1321 5th Avenue North, commented in response to this evening's work session presentation (Animal Shelter Request for Proposal from Maclean Cameron Animal Adoption Center). In summary, she is not seeing how the Maclean's proposal saves the City money, nor how it could be justified not housing cats in the new cattery addition financed by private funds from the citizens of Great Falls. Maclean could have built something more reasonable with the funds it had and put back an operating endowment. She concluded that the City is spending so much time on this issue with a lack of information and finger pointing. Maclean has wanted the City to fund its operation for many years.

Jeni Dodd, 3245 8th Avenue North, inquired about providing addresses for the record and informed it was a requirement in the Commission Rules.

Ms. Dodd also made comments in response to this evening's work session presentation that: Maclean's adoption costs are three times the amount they are now; it hasn't been assured that Maclean will take animals after the redemption period; and, she requested the letter John Huber and Libbey Winderl submitted to the Commission and staff that is referenced in the Maclean-Cameron Animal Adoption Center's work session presentation be made public.

Daniel Hartzell, 609 Central Avenue, commented that he was doing beautification work, painting railings "out front," and was stopped by the custodian after inquiring who authorized him to do that.

City Attorney Sara Sexe informed Mr. Hartzell that he does not have authority to be painting City property. The Planning and Community Development Director takes care of maintenance at the Civic Center and the Fire Chief makes sure fire hydrants are taken care of and neither have authority to have Mr. Hartzell painting anything on his own volition without going through the appropriate processes.

Appearing telephonically was **John Hubbard**, 615 7th Avenue South. Mr. Hubbard commented that privacy should not apply to people with the Coronavirus. It should be public knowledge so that the virus can be traced where it came from and who might get it next.

Kevin Westie, 602 35th Street North, quoted from an article in the American Scientist Magazine. He suggested working on improving Fire Department response times rather than wasting time on climate resiliency.

Mayor Kelly summarized similar written communication received from **Brett Doney**, Great Falls Development Authority, 405 3rd Street NW, **Joan Redeen**, Great Falls Business Improvement District, 318 Central Avenue, and **Jolene and Matthias Schalper**, KellerGeist, LLC, 111 Central Avenue, encouraging support for downtown businesses by allowing for increased sidewalk or parking space use or closing several blocks of Central Avenue to provide opportunities for businesses to increase their facilities and seating capacities to operate safely during Covid 19 while adhering to CDC standards.

Mayor Kelly also provided a Census 2020 update on behalf of Commissioner Robinson. Census workers will be tested for the Covid 19 virus before going out to knock on doors. People are

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encouraged to complete the census on-line or hard copy by mail. He again expressed appreciation to Library Director Susie McIntyre for her assistance in writing and submitting two successful grant applications.

Commissioner Moe also commended Library Director McIntyre for her forward thinking and efforts in providing Library parking lot wi-fi accessibility to patrons during the stay at home order.

2. **APPOINTMENT/REAPPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT (BID) BOARD OF TRUSTEES.**

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission appoint Trista Besich and reappoint Max Grebe to the Business Improvement District Board of Trustees to four-year terms expiring June 30, 2024.

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

Mayor Kelly provided background information of members' terms.

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

Motion carried 5-0.

Commissioner Houck expressed appreciation to board members past and present for all they do for the downtown area.

Referring back to the written comments submitted and summarized in Agenda Item 1, Commissioner Tryon suggested the same consideration should be afforded to all businesses around town, and not be limited to only the downtown area.

CITY MANAGER

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported on the following:

- Recruitment is ongoing for three key positions – Fire Chief, Public Works Director and City Engineer. Jeremy Jones was appointed as the Interim Fire Chief.
- Operations – the Planning and Community Development Department and the Utility window are still closed to the public pending installation of plexiglass shields to help prevent spreading the virus. The Mustang Pool is also still closed.
- He responded via email today to the submitted comments summarized in Agenda Item 1, encouraging them to apply for a street closure permit to be processed.

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- Proposed joint pool and recreation center project - Professional service funds will be used from the Park Maintenance District to utilize a professional consultant to assemble a competitive grant application. Park and Recreation solicited proposals from local architectural firms. The proposals received ranged from \$18,500 to \$30,700. The proposal that stood out was a joint proposal received from L'Heureux Page Werner Architecture and TD&H Engineering. He read from their proposal that "Our team's estimated fees required to complete the work are approximately \$18,500. Our team feels this is such an important community project we are willing to donate full architecture and engineering service fees for the grant application submittal for the city project." Two meetings have been held to put a good quality proposal together for the community. He and the consultants will update the Commission on June 16th and there may need to be formal action to affirm the grant application. Staff is asking the Commission to commit to Park Maintenance District dollars for debt service on half of a \$20 million dollar indoor pool and recreation facility.
- He is asking the community to voluntarily reduce water usage due to a filter replacement project at the City's water treatment plant.
- The City received notice of a grant award from the U.S. Department of Justice in the amount of \$84,380 for the Coronavirus Emergency Supplemental Funding Program for personal protective equipment.
- Neighborhood Councils are resuming meetings and will be following the appropriate protocols in place for Phase 2 reopening.
- He will be issuing an executive order to allow for a 25% reduction in room rental fees for reservations booked and events held at the Mansfield Center for the Performing Arts during the period of June 1 through August 31, 2020.
- Today is Blackout Tuesday, a day to observe mourning and bring about policy change in the wake of the death of George Floyd. He hoped that all would take a moment to reflect on the events of May 25th and somehow learn from the event and find a way to come together in a positive manner. There were some peaceful protests held over the weekend, as well as some scattered tagging on various buildings and nasty notes and posts on the Police Department's Facebook page. He hopes people will look for more healthy ways to express their frustration over what has happened.

Police Chief Dave Bowen added that it is difficult to find the right words to say when reflecting on what is going on across the nation. He thanked the citizens of this community for their peaceful protest held on Sunday. It was done in a manner that people were able to have their voices heard to bring attention to an issue that concerns all of us, and it was done in a way that he hopes sets an example for the state and nation. People can have their voices heard and it doesn't have to resort to violence. He continued that the events that happened in Minneapolis and the former police officer are deplorable. He asks that the actions of one not reflect on your attitude of the many.

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Commissioner Moe reported that an organizer of Sunday's protest was very complimentary of how easy the police were to work with in setting it up and throughout the entire process.

Commissioner Tryon inquired if Manager Doyon thought about when he might rescind the emergency declaration and order in place.

Manager Doyon responded that some of it has to do with accessibility to the Commission to conduct City business in a regular manner and adhering to the orders of the Governor and City-County Health Department.

With regard to voluntarily reducing water usage, Mayor Kelly encouraged residents to water lawns less frequently and not wash cars at home so that we can find ourselves in a good situation during hot months and during high demand.

Commissioner Houck thanked Manager Doyon for his transparency and recognized his efforts and work going on behind the scenes since the emergency declaration.

CONSENT AGENDA.

4. Minutes, May 19, 2020, City Commission Meeting.
5. Total Expenditures of \$1,962,799 for the period of May 2, 2020 through May 20, 2020, to include claims over \$5,000, in the amount of \$1,740,418.
6. Contracts List.
7. Grants List.
8. Set a public hearing on Resolution 10347, Fixing the Ambulance Services Rates pursuant to Title 8, Chapter 5, Section 250, of the Official Code of the City of Great Falls for June 16, 2020.
9. Set a public hearing on Tourism Business Improvement District (TBID) 2019/2020 Budget Amendment for June 16, 2020.
10. Approve the final payment for the 43rd Street North/8th Avenue North Street Reconstruction in the amount of \$5,511.60 to Geranios Enterprises, Inc., and \$55.67 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments. **OF 1679.9**
11. Award a contract in the amount of \$294,600 to Sletten Construction for the River's Edge Trail Slide Repair project, and authorize the City Manager to execute the agreements. **OF 1726.1**
12. Approve the purchase of two leaf collection machines, one leaf box, one hooklift, one chassis and one chip box from Normont of Great Falls through H-GAC purchasing program; and Montana Peterbilt of Missoula through Sourcewell purchasing program, formerly known as NJPA, for a total of \$345,259.99.

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13. Accept the low bid from Thatcher Company of Montana, Inc and authorize staff to purchase liquid aluminum sulfate in the amount of \$433 per ton, up to the maximum amount of 800 dry tons for FY 2020/21.
14. Approve the purchase of one new Farber Super Duty model Bookmobile based on the Ford F550 4x4 Chassis from Farber Specialty Vehicles through OMNIA purchasing program, formerly known as U.S. Communities for \$191,470.

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

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

Mayor Kelly noted that the construction contract award in Item 11 will be funded by the Missouri-Madison River Fund Grant, River's Edge Trail Foundation, NorthWestern Energy and the City of Great Falls.

Park and Recreation Deputy Director Patty Rearden commented that almost all of the funding came from other sources, and about 4% from City funds. She added that almost all of the work that has been done on the trail has been accomplished from the generous contributions from the Missouri-Madison River Fund Grant and River's Edge Trail Foundation.

Mayor Kelly also noted that the purchase of the new Bookmobile in Item 14 is from donations received through the Library Foundation.

Commissioner Moe referred to Item 8 and noted she would like to be aware of other Montana city rates besides Missoula and Kalispell, and clarification regarding the first paragraph on page 2 of the agenda report regarding dispatch fees and the comparable matrix when Resolution 10347 comes before the Commission for the public hearing.

Commissioner Tryon reiterated that the only action the Commission is taking on Item 8 tonight is to set a public hearing for the next meeting.

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

Motion carried 5-0.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

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15. ORDINANCE 3215, REPEALING TITLE 17, CHAPTER 12, ARTICLE 3, AND ORDINANCE 3216, REPEALING TITLE 15, CHAPTER 1, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE GREAT FALLS DESIGN REVIEW BOARD.

City Attorney Sara Sexe reported that on November 7, 2018, the City Commission adopted Resolution 10256, temporarily suspending the Great Falls Design Review Board (DRB) meetings and review requirements for a period of one-hundred-eighty (180) days. On June 4, 2019, the Commission adopted Resolution 10297, suspending the DRB an additional one-hundred-eighty (180) days. During the course of that suspension, staff reviewed the DRB process in order to make the DRB review process more efficient for land development applicants.

On December 3, 2019, the Commission adopted Resolution 10321, amending the DRB's review process and placing limitations on what the DRB could substantively review in the development application process.

After further consideration, under Commission Initiatives at the February 4, 2020 Commission Meeting, Commissioners Tryon and Robinson requested that staff draft language for a resolution to dissolve the DRB. There was no objection by other Commission members.

On March 3, 2020, the Commission adopted Resolution 10336 by a three to two vote that dissolved the Great Falls Design Review Board completely. Resolution 10336 also directed City Staff to present appropriate OCCGF amendments that would fulfill the intent of Resolution 10336 to dissolve the DRB. Ordinances 3215 and 3216 under consideration are presented in response to that direction.

At its regularly scheduled meeting on May 12, 2020, the Great Falls Planning Advisory Board voted unanimously recommending that the City Commission adopt Ordinance 3215.

If adopted, the Ordinances will repeal OCCGF provisions pertaining to the DRB.

Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3215 and Ordinance 3216 on first reading and set second reading for June 16, 2020.

Mayor Kelly asked if there were any comments from the public, in person or telephonically.

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

City Manager Greg Doyon inquired if any of the Commission members heard from anyone in the community either in favor of or against having no DRB process in place.

Commissioner Tryon noted that he has heard about four or five positive comments from the development community to one negative comment about dissolving the board.

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Commissioner Moe provided some historical information pertaining to reactivating the DRB after a period of suspension noting that, for the first time a fee was going to be charged for the service a department provides to a board; instead, the Commission dissolved the board. She concluded that she believes a healthy tension that is in the interest of the community has been taken away. She thinks it was a wrong thing to do not only on its merits but in the way that it was done.

Commissioner Houck noted that two people have expressed their frustrations to her in that they did like that there was an advisory board to provide a balance. In the past 10-days she has had more conversations with people that are excited about the potential for the pool recreation facility.

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

Motion carried 5-0.

CITY COMMISSION

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Moe suggested that staff look into the requirement of citizens providing their street address for public comment. No one objected to staff exploring that requirement. Mayor Kelly asked if City Attorney Sexe would research that issue and fill the Commission in on other practices and minimum requirements.

Mayor Kelly underscored that the organizations of TD&H and LPW are an incredible group of people. To have an architect and a design firm team up to donate services for the grant application for the proposed indoor pool and recreation facility is incredible.

He also commented that having school resource officers (SRO) in the schools is a successful program. He attended some high school graduations and noted that it was apparent the mutual respect between the students, parents and the SRO's. It is another great example of how the Great Falls police force is integrated with the community in such a positive way.

Commissioner Tryon reported that someone in the bushes exposed himself to a female citizen jogging on the River's Edge Trail. Someone suggested to him that maybe there would be a way to set identification marks, other than the current mile markers, to report such activity. He requested that some thought be given to ideas for identification markers. He also noted that Park and Recreation Deputy Director Rearden indicated she would bring that issue up with the Board.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Commissioner Moe, to adjourn the regular meeting of June 2, 2020, at 8:10 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: June 16, 2020