

JOURNAL OF COMMISSION PROCEEDINGS
November 4, 2020

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Civic Center Gibson Room 212

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members participated electronically via Zoom: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City Staff participating electronically were: Deputy City Manager Chuck Anderson; Finance Director Melissa Kinzler; Fire Chief Jeremy Jones; Park and Recreation Director Steve Herrig; Planning and Community Development Deputy Director Tom Micuda; Public Works Director Paul Skubinna, Interim City Engineer Jesse Patton, and Water Plant Manager Wayne Lovelis; and, Assistant City Attorney Joe Cik. Staff present were: Planning and Community Development Director Craig Raymond and City Clerk Lisa Kunz.

Others participating electronically via Zoom were: Dr. Bridget Brennan, MD, Benefis Health System; and Nate Weisenberger and Ross Hanson, AE2S Representatives.

The format of the City Commission meeting is being conducted in a virtual video-conferencing environment. In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), public participation is welcomed 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 12:00 PM on Wednesday, November 4, 2020, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and either the address or whether the commenter is a City resident. 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: There were no proposed changes to the agenda by the Deputy City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: Commissioner Moe reported that she received a phone call with regard to Agenda Item 17, and cautioned the constituent that she couldn't discuss that matter.

PETITIONS AND COMMUNICATIONS

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1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Luke Jaraczski, County resident, suggested that the City invest in bike lanes and provided the following reasons: the cost of \$5,000-\$10,000 per mile is more cost effective than reconstructing a roadway, attracts workers and companies, increases community value, makes communities healthier, reduces congestion on public roadways, and makes roads safer. He pointed out that bike lanes on Fox Farm Road to the Country Club, and on 2nd Streets North and South would increase connectivity.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson provided an update of the October 28, 2020 Board of Health meeting wherein the Board discussed restrictions above and beyond what the Governor and Public Health Officer proclaimed. After a lengthy, controversial public meeting, the Board passed a motion implementing more restrictive control measures in recognition of the need to significantly reduce the high level of Covid-19 transmission in Cascade County and the regions served by Cascade County's health providers. The restrictions went into effect November 1, 2020 and remain in place until the current per capita spread of the virus is 25 per 100,000 for four weeks, and include: maximum assembly at events – 50 people, regardless of whether the event is held inside or outside, with certain exceptions; occupancy of 50% capacity for businesses that include, in part, food establishments, bars, brew pubs, casinos, gyms, and movie theaters; operating hours for those businesses remain at 12:30 a.m.; and mask use and physical distancing requirements at all meetings conducted by, staffed by, or held in the facilities of the City, the County, or a School District will comply with State and Local guidelines for indoor gatherings. Those with medical, religious or other reasons for not wearing masks will be provided the opportunity to participate through telephonic or electronic means.

Mayor Kelly commented that while he was away the past month he kept up on what was happening here in the community. The Covid numbers kept growing and Montana became a “hot spot.” While in Vermont he watched a PBS news broadcast of Dr. Bridget Brennan, Benefis Health System Chief Medical Officer. He was flabbergasted by the deteriorating conditions happening in our community.

Dr. Bridget Brennan, MD, Benefis Health System Chief Medical Officer, reported that the Covid numbers in the county and in the state over the past few weeks have skyrocketed. With those case numbers they have seen a wave of admissions to healthcare facilities across the state that has become so large that it is threatening to overwhelm all of the healthcare facilities in the state. Benefis has been near or over 100% capacity for the last several weeks. The ICU has been consistently full and the Emergency Department is almost always holding patients waiting for beds upstairs. As of this morning there were 50 patients with Covid in Benefis hospital, and 63 Covid

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positive employees that impacts staffing.

Dr. Brennan commented that a lot of patients recover and go home, but a lot of them do not. In October there were 37 deaths. Even with healthcare staff that is used to seeing death, that number really starts to take a toll in that short period of time. The hospital has surge policies. The difference right now is that it is constant and it is overwhelming.

Dr. Brennan concluded that she is here asking for everyone's help. There are simple things people can do that work: washing hands, keeping distance from people, and wearing a mask, to help tackle the spread and slow it down enough so that providers can take care of patients. This is not about rights. It is about personal responsibility and being good community members.

Commissioner Moe noticed in the past month how many people she knows now that have had Covid, and that wasn't true in March – June. With regard to the Board of Health restrictions, she emphasized that right now the county is at 67 per 100,000, almost three times as much as what the cap should be. It is an extraordinary circumstance and she hopes people will take it seriously.

Commissioner Houck expressed gratitude to everyone working all of the extra hours, and to the Board of Health for making decisions, knowing they can't make everybody happy. She has heard concerns from shift workers regarding the restrictive operating hours and not being able to access certain services during those hours. She knows people don't want to wear masks, but the science shows it makes a difference. She reminded people that it is about making everybody safe in the community.

Commissioner Tryon commented that what he is hearing from constituents is the Board of Health Covid-19 decisions and 50% occupancy are decimating businesses and workers in the community. He understands that Covid 19 is a public health issue, but the other issue is that these decisions are having a terrible effect on people's livelihoods and businesses. He suggested it would be helpful if the City-County Health Department or Public Health Officer provided documentation or scientific data to the affected businesses that justifies the steps taken. For instance, why a 50% occupancy for small businesses would prevent Covid 19 spread, but keeping schools open does not.

In response, Commissioner Robinson provided background information on the motions and vote at the recent Board of Health meeting regarding occupancy. From a medical standpoint Dr. Geyer reported that, because Covid is so bad and so serious, more distancing is required.

Commissioner Tryon inquired if there was data to back up the conclusion that going from 75% to 50% occupancy has worked or works in reducing the spread of Covid in other places.

Dr. Brennan responded that she can't pull any data right this second aside from anecdotal. They have seen it work in the bigger cities like New York. There is no question that it puts an economic burden on the businesses in town. There were restrictions in place that no one was paying any attention to, and reducing the occupancy by definition causes social distancing. This was a way of getting the attention of the entire community. She suggested that inquiry be asked of the City-County Health Department as they have been discussing this across the state and nation and learned

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from other places who have been where we are now a few months ago and have seen these measures work in those places.

Mayor Kelly expressed appreciation to Dr. Brennan and the healthcare community.

Commissioner Robinson commented that former Cascade County Tavern Association Executive Director John Hayes wrote a letter that was well received by the members of the association to follow the rules. As a result, Commissioner Robinson believes there will be better cooperation from the bars and restaurants.

Mayor Kelly concluded that there are difficult decisions being made and we can certainly agree to disagree and ask that those decisions be made with good data. We need to show support to our healthcare workers. He noted an article he read today that, due to lack of County Commission support, the Pondera County Public Health Board members resigned. He doesn't want to see that happen here.

CITY MANAGER

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Chuck Anderson made the following announcements:

- Boulevard leaf pickup began today. The community is being kept aware of the routes via press releases, City's website and Facebook.
- The official flag of the Little Shell Chippewa Tribe has been ordered for display in the Commission Chambers.
- Planning and Community Development Department employee, Joelle Marko, passed the Plans Examination Certification test.
- The City takes very seriously what is going on with the pandemic. The leadership team conducts virtual meetings on a weekly basis to discuss Covid-related updates. The primary areas of City focus is safe and healthy employees, and a healthy work force to service the population in our community.

Commissioner Houck commented that she has heard a lot of good customer service responses from public interactions with City departments.

CONSENT AGENDA.

Commissioner Moe and Mayor Kelly requested that Consent Agenda Items 11 and 12 be pulled for separate discussion and vote.

- 5.** Minutes, October 13, 2020, Special City Commission Meeting.
- 6.** Minutes, October 20, 2020, City Commission Meeting.

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7. Total Expenditures of \$2,225,828 for the period of October 1, 2020 through October 21, 2020, to include claims over \$25,000, in the amount of \$1,760,629.
8. Contracts List.
9. Authorize the City Manager to allow designated staff to join the Savvik Buying Group to access cooperative purchasing agreements.
10. Approve the final payment for the Water Main Crossings the Upper Missouri River and Sun River, to the HDD Company in the amount of \$113,508.55, and \$1,146.55 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1494.6**
- *11. Award a contract in the amount of \$471,362 to NWESTCO, LLC. for the Park and Recreation Fuel Station, and authorize the City Manager to execute the construction contract documents. **OF 1755**
- *12. Approve a Change Order No. 1 in the amount of \$343,250 to Sletten Construction for the Water Treatment Plant Filtration Improvements Phase I project and authorize the City Manager to execute the document. **OF 1637.1**
13. Set a public hearing on Resolution 10374 to amend rates in accordance with Title 15 of the Official Code of the City of Great Falls (OCCGF), relating to permit fees, plan review fees and penalty fees for building, plumbing, mechanical, electrical and sign permits in the City.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as amended.

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

Mayor Kelly noted that an expenditure in Item 7 for work done on the lower Northside was paid for with state Bridge and Road Safety and Accountability Act funds, and that the project completion for Item 10 came in at \$461,000 under budget.

Mayor Kelly called for the vote.

Motion carried 5-0.

- * With regard to Item 11, Commissioner Moe expressed environmental concerns about the potential for leakage and moving the facility closer to the river.

Public Works Director Paul Skubinna responded that the underground tank currently located at Fire Station 1 is being replaced with a modern above ground tank system with extraordinary robust safety protocols. As the crow flies it will be located only a little bit closer to the Missouri River.

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Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission award a contract in the amount of \$471,362 to NWESTCO, LLC for the Park and Recreation Fuel Station, and authorize the City Manager to execute the construction contract documents.

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.

- * With regard to Item 12, Public Works Director Paul Skubinna reported that this is a multiple phase project at the Water Treatment Plant to replace the main treatment components. The City has run into some challenges with the supply chain delivery schedules, contractor time loss and a few other technical challenges, that resulted in the request for a change order to the construction contract in the amount of \$343,250. It's been a challenging project, and is absolutely critical to the function and operation of the plant.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission approve Change Order No. 1 in the amount of \$343,250 to Sletten Construction for the Water Treatment Plant Filtration Improvements Phase 1 project, and authorize the City Manager to execute the document.

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 asked that Director Skubinna discuss the sequence of events, the City's responsibility to the contractor, and the City's capabilities to recoup some of that amount from those more directly responsible.

Director Skubinna explained that as City staff was contemplating this project it was decided that the City would bid a separate contract for procurement of a set of valves and actuators, which are fundamental components of the project. Core and Main was the company that was awarded that bid and, at the same time, the construction contract moved forward. In November/December, 2019, it became evident that there was a potential that these critical items for the project were not going to be delivered on time. At the same time City staff was engaging with conversations with Core and Main and Sletten to try to understand what the options were. Based upon the information provided, the City made the decision to try to work together as a project team. With regard to recourse, the City issued notice to Core and Main on September 15, 2020, that costs were incurred due to delays in delivery of the valves and actuators. An informal response was received today and the City looks forward to receiving a formal response from Core and Main.

Nate Weisenberger, AE2S, project engineer, commented that portions of the facility are over a century old, they were dealing with information provided to them, and that there are always circumstances that come up during renovation projects. There was indication that they would get the parts on time. They negotiated with Sletten to take down two filters at a time as opposed to all six all at once. When AE2S received the initial change order from Sletten, the team negotiated the

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amount down to approximately \$200,000 from \$500,000. Issues were discovered when taking down the 1932, 1952 and 1959 filters that resulted in some of the additional change order items. In hindsight, more miscellaneous work should have been included in the original contract amount. To award a contract in the amount of \$3.8 million and to have a change order under 10% for a renovation project is not necessarily out of line with some industry standards.

Commissioner Tryon commented that it is astounding to him that a \$343,000 change order was the result of parts not being delivered on time and requested an explanation in layman's terms.

Director Skubinna responded that the City is contractually obligated to Sletten to provide the equipment and materials that the company was going to install because the City decided to do its own procurement of that equipment. When that equipment was delivered late it cost the contractor money and contractor days. The first delay of March to May was in the amount of \$222,000. The City intends to fully recover much of these costs from the vendor who was contractually obligated to the City to deliver the equipment on time.

Commissioner Tryon inquired about contract provisions that protect the City from the mercy of a supply chain. He inquired if Sletten was actually working on the project or doing nothing because the supply chain didn't come through on time.

AE2S Project Engineer Weisenberger explained that a portion of the initial \$222,000 was due to the decision to do two filters at a time as opposed to all six at once – three sequential phases as opposed to one start up. The contractor also made a case for increased timeline for project involvement. The work was initially bid in November of 2019 with the intent to have the project substantially completed in March of 2020 and final completion in May of 2020. As the work was sequenced by 2 filters at a time, there was intent to have the first two filters done by May, the second two filters done over the summer, and they are in the process of wrapping up the last two filters. The project completion timeline was extended from March and May to the fall and early winter of 2020.

Assistant City Attorney Joe Cik added that the City has provisions in contracts for liquidated damages and indemnification. He pointed out that the City has to actually suffer damages to get a dollar amount in order to recover those costs from the vendor. There is a great chance in the future that the City will recover at least a large portion of the change order amount.

Commissioner Tryon inquired what options were available.

Director Skubinna responded that going forward and getting this done now is articulated in the agenda report. To some extent the project team committed to this with the signing of work change directive 1. If the Commission were to decide at this point in time not to approve the Change Order the City would be in a difficult position with Sletten, and it puts in jeopardy the operation of the functionality of these filters going into the future. The filter work needs to be completed before the next high water demand.

Commissioner Moe noted that she resides across from the facility in question and there is considerable interest in the neighborhood with the completion of this project. It is noisy,

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interminable, and causes difficulties with living in the same neighborhood as this project. She is concerned about the fiscal impact statement, but was insured that those other improvements will take place but on a different timeline. The other alternatives will cost more money and more time. She is hopeful the City will recover this loss. The delays were, in part, caused by the pandemic.

Commissioner Houck agreed with Commissioner Moe, and moving forward is the most fiscally responsible thing to do now.

Commissioner Robinson commented that if the Commission chose not to approve payment now it would exacerbate the problem. He hopes the City can get most of the money back working the system like it is designed to work. It's an unfortunate situation.

Mayor Kelly concluded that the consent agenda is for routine, day-to-day items. Items such as this need to be discussed in depth and not be included with the consent agenda items.

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

Motion carried 4-1 (Commissioner Tryon dissenting).

Mayor Kelly requested that the Commission be kept updated on the status of recouping the money.

PUBLIC HEARINGS

14. REQUEST FROM MIKE AND SHEILA STAIGMILLER AND MARK AND MARY STAIGMILLER TO ANNEX AND ASSIGN ZONING TO PROPERTIES ADDRESSED AS 2001, 2003 AND 2005 UPPER RIVER ROAD.

A.) RESOLUTION 10373, TO ANNEX TRACT 1 AND REMAINDER TRACT 1-A OF CERTIFICATE OF SURVEY NO. 4120 AND THE ADJOINING RIGHT-OF-WAY OF UPPER RIVER ROAD FROM THE SOUTH PROPERTY LINE OF TRACT 1 TO THE EXISTING CITY LIMITS LINE TO THE NORTH.

B.) ORDINANCE 3225, TO ASSIGN R-2 SINGLE-FAMILY MEDIUM DENSITY ZONING FOR TRACT 1 AND REMAINDER TRACT 1-A OF CERTIFICATE OF SURVEY NO. 4120.

Planning and Community Development Director Craig Raymond reported that the owners of properties addressed as 2001, 2003 and 2005 Upper River Road filed a petition to annex their properties and assign R-2 Single-Family Medium Density zoning upon annexation.

Each of these properties is within the Upper Lower River Road Water and Sewer District Number 5. These districts were established in order to provide a means to connect to city water and sewer services. These services are needed to help correct water quality and public health problems that arose subsequent to the moderate density residential development being approved in the county.

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Due to the public health emergency, the water and sewer districts were able to apply for special loans to help finance the needed utility extensions. In this case, the extensions are already in place and services are available to those property owners within district 5 at this time. Each owner pays a contractor to hook up the lines and pays for connection fees which are typical for these types of service connections. The Staigmillers are ready to move forward with inclusion into the city limits, acceptance of R-2 zoning and connection to city services.

Mayor Kelly asked if the Commission members had any clarifying questions. Hearing none, Mayor Kelly declared the public hearing open.

Mayor Kelly asked if there were any public comments in support of or in opposition to Resolution 10373 and Ordinance 3225.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Robinson moved, seconded by Commissioners Moe and Tryon, that the City Commission approve Resolution 10373 to annex Tract 1 and remainder Tract 1-A of Certificate of Survey No. 4120 and the adjoining right-of-way of Upper River Road from the south property line of Tract 1 to the existing City limits line to the north as legally described in the staff report, the Annexation Agreements, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Mayor Kelly asked if there was any discussion amongst the Commission members.

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission approve Ordinance 3225 to assign R-2 Single-Family Medium Density zoning for Tract 1 and remainder Tract 1-A of Certificate of Survey No. 4120 as legally described in the staff report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Mayor Kelly asked if there was any discussion amongst the Commission members.

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

15. **RESOLUTION 10375, 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; PASSPORT LABS, INC. SOFTWARE LICENSE AND SERVICE AGREEMENT; AND MULTI-SPACE PAY STATION PURCHASE APPROVAL.**

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Planning and Community Development Director Craig Raymond reported that this agenda item is the culmination of several months of research, investigating options, talking with industry experts including parking professionals from other Montana communities and reviewing software demonstrations.

The City has been focusing efforts to prioritize parking program facilities for the past couple of years. The first significant project was the renovation of the garage lighting system to full LED lights. Replacement of on-street meters has always been part of the conversation and on the list of things to accomplish, but until very recently, it was not the highest priority. A couple of things changed dramatically in March of this year. The North parking garage was broken into and along with other things including a truck, the key to the meters was stolen. Staff began to look into how best to resolve the matter. It became very apparent that there was no easy or cheap solution to the situation. Even though staff knew the meters were old technology and parts were getting harder to source, Director Raymond commented that he doesn't believe staff really understood just how vulnerable they were continuing on with the same old equipment.

Each option for replacement has advantages and disadvantages. Fixing the existing meters is expensive, and lacks options for payment, real-time activity reporting and still leaves the City vulnerable to future failures. Single space smart meters can be a good option as they offer all modern conveniences, offer multiple payment options and are most similar to existing equipment providing a smoother transition but are more costly than multi-space pay stations. Full digital options also exist and offer the lowest procurement cost option available if the City intends to provide enforcement and require revenue collection to pay for enforcement. The downside to full digital is that there is only one option for payment. That is credit or debit card and most likely with a smart phone. It is felt that Great Falls is not likely to accept this payment method as the only option. After careful consideration, staff and the Parking Advisory Commission (PAC) are recommending multi-space pay stations. If approved, there will be one pay station for each block along Central Avenue and two located in the South Parking Garage to replace the non-functioning gates there. The pay stations will offer all payment options including coin, bills, credit/debit cards and pay by phone app. The pay stations will also link with the LPR enforcement equipment that will be employed providing for significant enforcement personnel savings. The particular equipment vendor we are recommending has won a master agreement after an extensive national RFP process. Flowbird is a nationally known and reputable company. Due to the solar design, installation is simplified and energy efficient requiring much less sidewalk disturbance and contractor costs. The two stations in the south garage will be hard-wired equipment given their location.

Prior to the current on-street meter problem, staff had been looking into ways to resolve a number of other situations including extremely poor citation collection rates, ineffective processes for invoices and mailings, poor software customer service and lack of ability to take advantage of modern technology including electronic customer validation programs, on-line services and efficient enforcement methods. Staff has been researching the latest available parking management software and equipment for at least 4-5 years anticipating the day when changes would need to be made. The City has been partnered with Passport Parking since 2012 and was one of their early adopters of their mobile payment for parking products. Passport continues to earn our trust and business through great products and customer service to users in Great Falls. The package that staff

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is asking the Commission to approve tonight puts the City in a much better position to take advantage of modern offerings. Staff is proposing equipment and software that is modern but not untested, it is more efficient than what is currently being utilized. Patrolling, enforcement, collections, reporting and other internal processes will be streamlined. Passport was also awarded a master agreement through the same national purchasing cooperative following a RFP process.

Passport Labs has adopted a unique cost recovery option that places certain costs and fees on those users that use different elements of the software as opposed to spreading the entire cost across all users equally whether or not they use all parts of the program or system. For example, only those users who receive a citation will receive a \$3.00 Citation Management Platform fee in addition to the normal fine of \$5, \$10, \$20 or \$100. Only those users who receive a citation and do not pay the fine and CMP fee within 30 days will receive an additional 25% fee above the citation amount and CMP fee. Additional fees will also accumulate based on costs associated with letters and invoices sent and other efforts related to the collections or appeal process. Users who purchase monthly parking passes in the garages or surface lots will pay an additional \$2.50 per month for the digital permits. The transaction fee for Mobile Payment for parking fee will be increased from \$.25 to \$.35. Resolution 10375 provides for passing along those user fees as described above. All other fees related to the parking program remain unchanged at this time.

Director Raymond concluded that this package is a pretty aggressive proposal. He commended the PAC for being willing and able to change focus and direction based on rapidly changing conditions. Staff recommends that the City Commission conduct the public hearing and adopt Resolution 10375 amending the parking fee resolution, approve the contract with Passport Labs Inc. for parking management software, and approve the purchase of 16 Flowbird pay stations through SP+ Corp.

Mayor Kelly asked if the Commission members had any clarifying questions.

Commissioner Moe requested clarification about the PAC meeting and its recommendation.

Director Raymond clarified that at the time of the deadline to submit agenda reports, the PAC had not had an opportunity to meet. The PAC has since met, and does recommend approval of these items.

Commissioner Houck inquired if other groups had the opportunity to weigh in, such as the DDP or Downtown Association.

Director Raymond responded not specifically for the entire package, but the DDP approved the TIF agreement that was previously approved by the Commission and part of that agreement was for replacement of the parking equipment in the garages.

Commissioner Tryon inquired the cost of the initial 16 pay stations and was informed the year one total is \$170,590.

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Commissioner Robinson inquired if he could still use the app to pay for parking and was responded to in the affirmative. He also inquired if the system was similar to Missoula and was informed it was the same basic idea but with different brand pay stations.

Mayor Kelly declared the public hearing open.

Mayor Kelly asked if there were any public comments in support of or in opposition to Resolution 10375, Software License and Service Agreement, and purchase of Multi-Space Pay Station.

Director Raymond indicated a PAC member wanted to speak in support but is unable to get through on the phone.

Donna Williams, City resident, submitted written comments that she was happy to see that the Flowbird charges its battery by solar panel, and encouraged clean-energy, low-carbon alternatives for all future infrastructure projects.

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

Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10375.

Mayor Kelly asked if there was any discussion amongst the Commission members.

On behalf of constituents, Commissioner Tryon inquired why parking wasn't free downtown, and was the purpose of a City run parking program to fund a City run parking program.

Director Raymond explained that smaller communities that have a less urban environment than that of a community the size of Great Falls may not charge for parking downtown. Some people continually point to Bozeman and that people there do not have to pay for parking. Director Raymond commented that the reality is that they do. The City of Bozeman receives approximately \$500,000 annually out of the Downtown TIF program to pay for enforcement. Missoula has meters and pay stations and receives money from its Downtown TIF program. He concluded that, even if revenues come from other sources, parking isn't going to be free if there is going to be enforcement.

Commissioner Tryon inquired about privatizing the parking program at some later date.

Director Raymond responded that the one year contract extension with SP + will allow for time to issue an RFP to privatize the program, similar to what the Park and Recreation Department has done with the golf courses. The intent now is to keep the system functioning as good as possible.

Commissioner Robinson reported that downtown business owners want meters; they just don't want them to be too expensive.

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

Motion carried 5-0.

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Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Passport Labs, Inc. Software License and Service Agreement.

Mayor Kelly asked if there was any further discussion amongst the Commission members.

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission approve the purchase of 16 Flowbird CWTBACC Pay Stations through SP+ Corporation.

Mayor Kelly asked if there was any further discussion amongst the Commission members.

Mayor Kelly thanked the members of the PAC and the Planning and Community Development Department staff for managing the parking program and appreciates the recommendation for a solution.

Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

16. 2020-2024 CONSOLIDATED PLAN AND 2020 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM.

Planning and Community Development Deputy Director Tom Micuda reported that this agenda item sets the Public Hearing to consider adoption of the 2020-2024 Consolidated Plan as well as the 2020 Annual Action Plan.

The City operates an entitlement program to allocate Community Development Block Grant (CDBG) funds and HOME Investment Partnerships Program (HOME) funds to help fund projects that serve the low-moderate income residents of Great Falls. To do this, the City must have an adopted 5-year Consolidated Plan that sets broad goals for issues we want to address, and a 1-year Annual Action Plan that governs whether grant requests address priorities. This year, the Plans are combined in one document.

The 2015-2019 Consolidated Plan has run its course. Normally, staff would have brought the 2020-2024 Consolidated Plan to the Commission in June. However, HUD told entitlement communities to focus on amending their current Annual Action Plan first to add priorities for spending COVID-19 relief money. Staff expects more funds for COVID relief, and COVID issues will always be addressed in the current Plan.

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To start the process staff held a kickoff meeting on December 16, 2019, followed by a Community Needs Survey for a 30-day response period from January 8, 2020 to February 7, 2020. Five hundred nine (509) responses were received. He attended the Council of Councils meeting on January 28th and held a Focus Group meeting on February 27th. At that meeting, feedback was presented from the survey, and the group did their own exercise to develop and flesh out the goals in the draft Plan. Finally, the Plan is being made publicly available, legal notices published, and public meetings conducted. Any comments will be reflected in the final version. The 30-day formal public comment period will end on November 24.

The Plan is a large document and HUD sets the format. Our job is two-fold: 1) set broad community goals for addressing our low-moderate income population, and 2) populate the contents of the Plan with the best data we can find on a number of low-moderate income issues. Data in the includes: 1) housing challenges, 2) homelessness, 3) populations with specific needs (elderly, disabled community), and 4) service agencies that address these issues.

Because of the community's relatively stable condition (until COVID), the proposed goals for Low-to-Moderate Income populations look very similar to the current Plan. Same goals are: 1) Public Services, 2) Economic Development, 3) Public Facilities and Improvements, 4) Fair Housing, 5) Affordable Housing, and 6) Housing Rehabilitation.

Changes include:

- 1) Transitional Housing was lumped it into Affordable Housing. Two reasons: We don't want to be that specific and there are many types of housing that are related to this category.
- 2) Addressing Slum and Blight conditions were included. It's already a National Objective, but needs to be in the local Plan to open up grant opportunities.
- 3) The Housing Authority's rehabilitation needs were addressed into our larger goal of rehabbing housing units.
- 4) Identified some priorities for Public Service needs. Examples: 1) homelessness services, 2) helping people with disabilities, 3) helping people with addiction issues, 4) crime prevention, and 5) services that target youth and children.

Staff recommends that the City Commission set the public hearing for the 2020-2024 Consolidated Plan and 2020 Annual Action Plan for December 1, 2020.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission set the public hearing for the 2020-2024 Consolidated Plan and 2020 Annual Action Plan for December 1, 2020.

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.

17. **ORDINANCE 3226, REQUEST FROM JOSHUA JOHNS WITH SKYLINE HEIGHTS, LLC. TO ASSIGN A ZONING CLASSIFICATION OF R-6 MULTI-FAMILY HIGH DENSITY TO THE SOUTH 153.4 FEET OF THE N1/2 SW1/4 SW1/4 NW1/4 EXCEPTING**

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THE WEST 30.0 FEET WHICH IS COUNTY ROAD IN SECTION 35, T21N, R3E, P.M.M., CASCADE COUNTY, MONTANA AND THE ADJOINING RIGHT-OF-WAY OF 6TH STREET NW AND THE ADJOINING RIGHT-OF-WAY OF SKYLINE DRIVE NW EXTENDED TO THE WEST RIGHT-OF-WAY LINE OF 6TH STREET NW.

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3226 on first reading and to set a public hearing for December 1, 2020.

Skyline Heights, LLC, owner of the subject property, has filed for annexation and zoning in order to proceed with fulfilling the development plan that they have for the property. Skyline Heights has requested R-6 zoning due to the intended plan of developing a high density multi-family project. Director Raymond noted that he characterizes the plans the department has received to date as preliminary, but so far the proposed development plan appears consistent with the underlying regulations pertaining to R-6 zoning.

As is typical for annexation, zoning and development projects, the project applicant will be required to pay for and construct improvements such as water, sewer, storm-water as well as street and sidewalk infrastructure. One particular item to emphasize due to continuing concern from the Skyline, Thaniel, West Ridge and other north end neighborhoods is the increase of traffic congestion related to new development. To this end, staff has submitted a traffic analysis and recommendations to the Commission for consideration of the project. Essentially, the developer will be required to improve Skyline Drive from its current completed location westward to the intersection with 6th Street NW. The owner will also be obligated to pay a proportionate share of costs associated with the improvement of 6th Street NW when that project becomes a reality. At this time, staff is still not in a position to declare when that improvement can move forward. There are multiple issues that need to be resolved prior to design and construction. What staff knows is that 6th Street NW is still under both county and city jurisdiction. There is also rights-of-way that would need to be secured in order to widen the roadway. Additionally, there has not been sufficient funding identified to pay for the project. In any case, staff continues to seek answers to these obstacles so that improvements can be constructed and new development can continue to be promoted.

The Planning Advisory Board/Zoning Commission conducted a public hearing on October 13, 2020, heard citizen concerns regarding traffic, and ultimately voted unanimously to recommend that the City Commission approve the annexation and zoning request.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3226 on first reading and set a public hearing for December 1, 2020.

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

Commissioner Moe noted that she will be expressing concerns pertaining to traffic on 6th Street at the public hearing.

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Mayor Kelly called for the vote.

Motion carried 5-0.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Moe referred to the recent Board of Health directives and suggested the Commission work with the City Manager and Neighborhood Councils to create a better way for those members to participate in meetings at the same time as protecting the health of staff and public that attend those meetings.

She also announced that one of the Covid related deaths in the community was the death of Stan Juneau. He was a guidance counselor at Browning High School for many years, was one of the innovators in the state when it came to Indian Education and, thanks to his wife, Indian Education became a requirement of all public schools in Montana. He advocated for people that were down and out, and made a wonderful contribution to this community. He will be missed.

Commissioner Robinson also referred to the recent Board of Health initiative and added that it is his opinion that the City is not in compliance now with Neighborhood Council meetings. He has suggestions for the Neighborhood Council meetings, and the agenda language for the work sessions and commission meetings.

Mayor Kelly suggested that Commissioner Robinson discuss his suggestions with the City Manager's Office.

19. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of November 4, 2020, at 9:33 p.m.**

Motion carried 5-0.

Mayor Kelly

City Clerk Lisa Kunz

Minutes Approved: November 17, 2020