

JOURNAL OF COMMISSION PROCEEDINGS
January 19, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Civic Center Gibson Room 212

PLEDGE OF ALLEGIANCE

Due to the COVID-19 health concerns, the format of the City Commission Meeting was held in a virtual video-conferencing environment.

ROLL CALL/STAFF INTRODUCTIONS: City Commission members participated electronically via Zoom Webinar: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City Staff participating electronically were: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Finance Director Melissa Kinzler; Assistant City Attorney Joe Cik; and Public Works Director Paul Skubinna. Staff present: Park and Recreation Director Steve Herrig; Police Chief Dave Bowen; and Deputy City Clerk Darcy Dea.

To honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation as follows:

- Attend in person. **The City will be following the Current Governor's Directives and the Public Health Officer Orders regarding public meetings conducted by, staffed by or held in the facilities of the city.** Masks will be required, social distancing will be enforced, and the total number of persons in the meeting room will be limited to a maximum of 25. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Attend the virtual meeting utilizing Zoom Webinar. Attendees must register in advance for the Commission Meeting: https://us02web.zoom.us/webinar/register/WN_r5Hw9PY5QquotBh7eLcEcA. After registering, you will receive a confirmation email containing information about joining the webinar by Zoom.
- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access you may contact the Great Falls Public Library by 5:30 p.m. the day of the meeting at 453-9706 and they can assist with registration.
- Provide public comments in writing. Submit comments via mail addressed to City Clerk's Office, PO Box 5021, Great Falls, MT 59403 or by email to: commission@greatfallsmt.net by 12:00 PM the day of the meeting.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on cable channel 190, or online at <https://greatfallsmt.net/livestream>.

AGENDA APPROVAL: City Manager Greg Doyon reported that a clerical error was corrected in the first sentence on page five of the January 5, 2021 meeting minutes and the updated draft was re-posted to the City's website. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

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PROCLAMATIONS: Mayor Kelly read Black History Month (February 2021) and National Catholics Schools Week (January 31 through February 6, 2021).

COMMUNITY HEALTH INITIATIVES

1. ALLIANCE FOR YOUTH – TEEN MARIJUANA USE.

Commissioner Robinson, City representative and voting member on the Board of Health, introduced Alliance for Youth Executive Director Kristy Pontet-Stroop and Great Falls High Student Body President Alysa Curry.

Alliance for Youth Executive Director Kristy Pontet-Stroop explained that Substance Abuse Prevention Alliance (SAPA) representation includes youth, parents, educators, law enforcement, health care providers, Malmstrom Air Force Base (MAFB), media and youth servicing organizations. She urged the Commission to implement safeguards with regard to proximity, density and licensing of marijuana dispensaries. Ms. Pontet-Stroop reviewed and discussed a PowerPoint slide covering marijuana and youth, as well as a Cascade County (SAPA) marijuana and youth position statement handout.

Great Falls High Student Body President Alysa Curry explained that students have had access to marijuana prior to it becoming legalized and she expressed concern that access would be widened with the legalization of marijuana. Ms. Curry reviewed and discussed a PowerPoint slide covering background on marijuana and youth. She expressed concern with regard to marijuana use negatively affecting students' education if safeguards are not implemented.

Commissioner Robinson encouraged the Commission to review the documents in the Agenda Packet provided by Ms. Pontet-Stroop.

Commissioner Houck requested Ms. Pontet-Stroop to keep the Commission updated with any new information. Commissioner Houck suggested notifying Neighborhood Councils with regard to the locations of marijuana dispensaries.

Commissioner Tryon inquired about the use of marijuana in Cascade County being twenty percent higher than the state average. He commented that the Commission needs to act aggressively on the issue of marijuana use.

Ms. Pontet-Stroop responded that a prior mobility study indicated that Cascade County's location to reservations, the Canadian Border and interstate allow mobility of citizens to come in and out of Cascade County.

Mayor Kelly requested Ms. Pontet-Stroop to provide information from the 2020 SAPA Summit to the Commission.

Assistant City Attorney Joe Cik clarified that the Official Code of the City of Great Falls (OCCGF) states that marijuana dispensaries are not allowed in City limits.

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**PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/
BOARDS AND COMMISSIONS**

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Daniel Hartzel, 601 Central Avenue, discussed suggestions for the drug problem in the City. He commented that he has the fin from the dolphin displayed at the Children's Museum and will return it to the City's maintenance man. He expressed concern with regard to noises from the railroad and Malmstrom Air Force Base.

Commissioner Robinson reported that the 2020 Census allocations will be available on March 6, 2021.

CITY MANAGER

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported on the following with regard to the new Aquatics and Recreation Center:

- The design team for the center will be meeting with Neighborhood Councils #4 and #9 at the end of January or beginning of February 2021.
- Manger Doyon will meet with Lions Club members on February 2, 2021.
- A focus group that consisted of swimming coaches, medical and water sport representatives provided feedback dealing with swimming programs.
- The City is working with Malmstrom Air Force Base (MAFB) and Montana Air National Guard (MANG) with regard to storage space needs for training and equipment.
- An indoor walking track will be included in the preliminary design.
- The City will proceed with a full geotechnical assessment on the current site.
- Site design considerations include loss of green space, parking, access, ingress, egress and utility access.
- Working with a consultant on programming and pro forma to ensure enough revenue to support the facility.
- Monitoring outcome of Senate Bills 77 and 78.

Manager Doyon reported on the following:

- Academic Achievement Coach for the Great Falls Public Schools Jordann Lankford and Living Grace Church Pastor Andre Murphy were appointed to the Great Falls Police Department (GFPD) Complaint Review Panel.
- Police Chief Dave Bowen will be retiring on April 2, 2021 after 30 years of service.
- The recruiting process for Police Chief will include more community input, as well as linking the Police Commission and Complaint Review Panel.

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Police Chief Dave Bowen commented that serving the community has been an honor and expressed appreciation to Manager Doyon, the City and Police Department staff with regard to working together for the past 30 years.

Commissioner Moe expressed appreciation to Manger Doyon for his efforts with regard to the appointments to the GFPD Complaint Review Panel.

Commissioner Tryon received clarification that trees were removed at Lions Park from a recent windstorm.

CONSENT AGENDA.

4. Minutes, January 5, 2021, City Commission Meeting.
5. Total Expenditures of \$4,873,301 for the period of December 16, 2020 through January 6, 2021, to include claims over \$25,000, in the amount of \$4,343,032.
6. Set a public hearing for February 2, 2021, to consider the lease of city-owned property, the Visitor Center (15 Overlook Drive), to Great Falls Montana Tourism.

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

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.

PUBLIC HEARINGS

7. **EXCHANGE AGREEMENT OF CITY OWNED PROPERTY IDENTIFIED AS THE 6 EASTERLY LOTS WITHIN KRANZ PARK WITH THE GREAT FALLS PUBLIC SCHOOL (GFPS) DISTRICT NUMBER 1 OWNED PROPERTY IDENTIFIED AS LOY LAND ALONG 57TH STREET NORTH NEXT TO THE SEIBEL SOCCER COMPLEX.**

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Park and Recreation Director Steve Herrig reported that the Great Falls School District (District) would exchange Loy land, a 10-acre parcel adjacent to the Seibel Soccer Park, for six lots in Kranz Park. Both properties have been valued to be like kind with equal or greater value of approximately \$150,000.

On September 14, 2020, the Board of Trustees for the District approved the property exchange of The Loy land property and a portion of Kranz Park with the City. The District would use a portion of Kranz Park to enhance their parking needs at Great Falls High School (GFHS). The District's land was considered as a potential site for the new Aim High Big Sky Recreation Center. At the January 5, 2021 City Commission Work Session, the Commission concurred that Lions Park was

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a more appropriate location to locate the facility. The relocation of the recreation/indoor pool facility has generated questions from the Commission about the practicality of commencing with the land exchange, when the City no longer has plans to use that location.

Staff supports the exchange for the following reasons:

1. The District commenced the land exchange process with the City in good faith and the City should honor the District's efforts and complete the exchange.
2. There are concerns by residents about parking around Great Falls High School. The swap demonstrates a willingness of the City to assist the District with addressing the problem, which from time to time, requires City intervention.
3. Even though the City will not immediately use the exchanged property, or even has specific plans for it at this time, staff encourages the Commission to consider future options for the site that are complementary to long range park plans.
4. Private parties interested in purchasing the Loy land property have approached the District. If the property was sold and developed, it is unlikely that the City would be able to acquire the parcel for expanded recreational opportunities.
5. The District does not have discretionary funds, other than the value of the property being exchanged, to pay the City directly for the Kranz Park lots and commence parking area improvements.

Great Falls Public School District Superintendent Tom Moore introduced Great Falls Public School District Director of Business Operations Brian Patrick.

Superintendent Moore explained that in approximately 2011 the District conducted a traffic and parking study of the conflicts around GFHS and the study identified and addressed a need to enhance traffic flow, as well as additional parking. A Comprehensive Facilities Proposal was passed in 2016 for a bond levy that stated a portion of the bond proceeds would be used to purchase or acquire property in or around GFHS for the purpose of constructing additional parking. The District entered into the Land Exchange Agreement with the City in good faith that the land exchange would be mutually beneficial to the community.

Superintendent Moore further explained that the original design proposed was to add 108 parking spots within six lots in Kranz Park; however, Mr. Patrick suggested a new proposal that will reconsider the location of the parking lot and move it adjacent to Memorial Stadium. The new location of the parking lot will benefit event spectators, GFHS faculty and students since it will be closer to the South Campus hub at GFHS. The new proposal will eliminate a loss of green space in Kranz Park. With the new proposal, the District will be responsible for requesting an abandonment of 17th Street between 3rd and 4th Avenues South. The shift of the green space will allow the District to conduct its sporting events and the community to utilize Kranz Park.

Superintendent Moore reviewed and discussed a PowerPoint slide covering a new proposal of the design of Kranz Park.

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

Mayor Kelly clarified that the proposal is about the land exchange and not vacating 17th Street.

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Assistant City Attorney Cik reiterated that the process of vacating 17th Street South will be the District's responsibility at a later date.

Commissioner Tryon inquired about the following:

- Urgency of the timeframe of the land exchange
- Playground equipment in Kranz Park
- Neighborhood Council #9 and Park and Recreation Advisory Board support of the land exchange
- Cadastral appraisal of Kranz Park and Loy land property
- Extraordinary assumption clause in the official appraisal of the Loy land property
- Cost to the City for maintaining the Loy land property

Park and Recreation Director Herrig responded that the District was approached by other private parties interested in purchasing the Loy land property and if the property was sold and eventually developed, it would be unlikely that the City would be able to acquire the parcel at a later date for expanded recreational opportunities. The City would seek Community Development Block Grant (CDBG) funds to assist with adding a playground and pavilion in Kranz Park. Neighborhood Council #9 did not vote on the proposed land exchange; however, it voted to approve the sale of parkland in March 2018. The Park and Recreation Advisory Board supported the land exchange. The cadastral appraised value for the Kranz Park and Loy land properties were comparable. The cost to maintain the Loy land property would be minimal since the property is an open-space and would require low maintenance.

Referring to an extraordinary assumption clause in the official appraisal of the Loy property, Superintendent Moore explained that he was not aware of any easements on the property.

Commissioner Houck received clarification that the Loy land property would revert back to the previous owner if it was not utilized for public purposes.

Mayor Kelly asked if there were any public comments in support of or in opposition to the Exchange Agreement between the City of Great Falls and Great Falls Public School District Number 1.

Barney Danishefsky, Neighborhood Council #9 Chairman, reported that at a NC meeting in 2018, the District presented its proposal for the expansion of GFHS, as well as the development of Kranz Park. The Council endorsed the District's proposal. The proposal will be beneficial with regard to expansion of the park, as well as resolving parking issues in the neighborhood.

Appearing electronically, **Dr. Cheryl Reichert**, 51 Prospect Drive, commented that earlier she submitted written comments in opposition to the proposed land exchange; however, she is now in support of the new proposal. She expressed concern with regard to the information being too new to have been included in the written materials provided to the Commission and public. Dr. Reichert encouraged City staff to incorporate the new proposal into the Exchange Agreement prior to consummating the land exchange.

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No one spoke in opposition to the Exchange Agreement between the City of Great Falls and Great Falls Public School District Number 1.

Superintendent Moore clarified that the District will need to utilize bond resources within the next calendar year for the parking lot.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Exchange Agreement of City owned property located at Lots 5-10 in the Tenth Addition to the Great Falls Original Townsite, Block 736 with Great Falls Public School District Number 1 owned property located at S2SWSW Sec 3 T20N R4E Mark 7B, and authorize the City Manager to execute the agreement.

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

Commissioner Robinson expressed support of the expanded recreational opportunities at the Loy land property since Seibel Soccer Park cannot be utilized by the public as a park. He commented that Kranz Park has been underutilized for years and the new proposal will provide an opportunity for Kranz Park to be utilized, as well as address parking issues at GFHS. He concluded that the land exchange would be a win-win for the entire community.

Commissioner Houck concurred with Commissioner Robison's comments.

Commissioner Moe commented that GFHS students might be more likely to utilize the parking area with regard to the new proposal. She expressed support with regard to exploring the expanded recreational opportunities at the Loy land property.

Commissioner Tryon opined that approving the Exchange Agreement at this time would be irresponsible for the following reasons:

- Unknown cost of maintaining the Loy land property
- The new proposal was not incorporated into the Exchange Agreement or provided to the Commission prior to the meeting
- Neighborhood Council #9's vote was unclear
- Cadastral appraisal of Kranz Park and Loy land property versus a professional appraisal

Commissioner Houck expressed support of the original, as well as the new proposal.

Commissioner Moe commented that she will be voting on the original proposal presented to the Commission in the agenda packet. She added that the Park and Recreation Advisory Board, NC #9, as well as the community, have had ample notice to comment at the public hearing.

Commissioner Moe explained that if voting on the Exchange Agreement creates any kind of perceptual issue, she would be willing to postpone it; however, she is ready to vote tonight.

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Mayor Kelly commented that the utilization of Kranz Park has been an ongoing consideration for quite some time prior to the new proposal and the land exchange has numerous positives for the community.

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

Motion carried 4-1 (Commissioner Tryon dissenting).

OLD BUSINESS

NEW BUSINESS

8. CENTRAL MONTANA AGRICULTURE AND TECHNOLOGY PARK (CMATP) TIF PHASE IV STORM DRAIN (OF 1658.1).

Public Works Director Paul Skubinna reported that as part of the Capital Improvement Plan for the Central Montana Agri-Tech Park (CMATP), the City has been working with Thomas Dean & Hoskins, Inc. (TD&H) to complete the final design and contract documents for the drainage channel restoration east of Black Eagle road as the last component of the CMATP storm drainage network. The channel is located in a stratum of highly erodible fat clay. The culvert outlet has failed in the past with the flared end terminal section falling off due to undercutting. Directly downstream of the culvert, the channel has been repaired repeatedly in the past through backfilling soil, riprap, and other materials. However, the channel continues to erode.

The proposed project is being implemented to stabilize the culvert outlet and install energy dissipation, which will reduce the velocity of the water exiting the culvert. The project will also restore the drainage channel natural vegetative state similar to pre-development conditions. The Commission approved a Memorandum of Understanding (MOU) on January 5, 2021.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission award a contract in the amount of \$369,182.50 to Shumaker Trucking & Excavating Contractors, Inc., for the Central Montana Agriculture and Technology Park (CMATP) TIF Phase IV Storm Drain, and authorize the City Manager to execute the construction contract documents.

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.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

9. LEGISLATIVE INITIATIVES.

Mayor Kelly suggested that Montana Municipal Interlocal Authority (MMIA) Communications Strategist Amanda Burkhart present at a work session to discuss the 2021 Legislature tracking system.

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10. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Moe announced the passing of Joan-Nell Macfadden and commented that the City is a poorer community today without her in it.

Mayor Kelly announced that Cascade County Commissioner Jane Weber would be retiring on January 22, 2021 and that her service to the community would be missed.

Commissioner Houck mentioned that Joan-Nell Macfadden was an amazing leader with regard to mental health initiatives. Commissioner Houck announced that crisis volunteers at the Montana Suicide & Crisis hotline could be reach at 1-800-273-8255 or by texting MT 741-741.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of January 19, 2021, at 9:20 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: February 2, 2021