

JOURNAL OF COMMISSION PROCEEDINGS
Virtual Meeting by Zoom
October 5, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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 participated electronically via Zoom webinar: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; Fire Chief Jeremy Jones; City Attorney Jeff Hindoi; and, Police Captain Rob Moccasin. City Clerk Lisa Kunz was present in the Commission Chambers.

Due to the COVID-19 health concerns, the format of the City Commission meeting was held in a virtual video-conferencing environment. 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. To attend and participate in the virtual meeting utilizing Zoom, attendees must register in advance for the Commission Meeting at: https://us02web.zoom.us/webinar/register/WN_pY3m1oTrTvK6D-1wHgo0yA

For all other participation options, please see **Public Participation Guide for City Commission Meetings**.

AGENDA APPROVAL: City Manager Greg Doyon noted corrections to Item 11. The term of the lease agreement is five years, effective September 1, 2021 and expiring August 31, 2026. There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

MILITARY UPDATES

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MONTANA AIR NATIONAL GUARD (MANG).**

Colonel Trace Thomas provided the following updates:

- About 700 participants attended a Family Day event that included a short visit from the governor.
- The last of the H-1 aircraft flew out yesterday and MANG is expecting to receive one more H-3 aircraft.
- The Thunderbirds are the primary act for the open house scheduled July 22-24, 2022.
- A readiness exercise was concluded this summer.

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- MANG is prepping for about 200 deployments, and welcoming back the Red Horse Squadron this fall.
- Thirty-seven personnel are assisting in Covid State active duty support, primarily in the Great Falls, Billings, Kalispell and Missoula hospitals.
- MANG personnel have contributed over 13,000 work days of support to the State of Montana for Covid assistance.

PETITIONS AND COMMUNICATIONS

2. Participating via Zoom were:

Paige Turoski, City resident, commented that holding Commission work sessions and meetings in a virtual format is a disservice to the people of Great Falls. People have to agree to terms and conditions of a private company to participate in a public forum.

John Hubbard, City resident, spoke in opposition to politician pay raises noting they didn't stop the Coronavirus.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the following:

- Upcoming Work Session Topics: October 19, 2021 – Neighborhood Council 6 and updates on the proposed large vehicle parking ordinance; special work session on November 2, 2021 at 4:00 pm – update and discussion regarding the Opioid litigation; November 2, 2021 – Neighborhood Council 1 and review of recommendations from the Crime Task Force; November 16, 2021 - Neighborhood Council 8 and discussion on Change Orders and Alternate Project Delivery; potential special work session on December 7, 2021 at 4:00 pm – update and discussion regarding the Opioid litigation. Items may need to be shuffled to accommodate other topics.

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- Great Falls Fire Rescue personnel will be reading to students at Valley View elementary school on Friday, presenting to Neighborhood Council 6 about open burn permitting on Wednesday, and will be working with the City-County Health Department to do a flu shot clinic at the Fire Training Center on October 22, 2021 from 1:00-4:00 pm. Fire prevention training is also scheduled for that day.
- Jeffrey Hindoien was appointed as the City Attorney to replace Sara Sexe who retired last Thursday. Hindoien joined the City of Great Falls as the Deputy City Attorney on March 3, 2021. He formerly served as the City Attorney for the City of Helena and as a contract city/town attorney for Deer Lodge, Choteau, and Philipsburg. He also served as Chief Legal Counsel for both the Office of the Governor and the Office of the Secretary of State and most recently as a Deputy Attorney General in the Montana Department of Justice.

His experience in both the public sector and private practice has involved all aspects of Montana governmental operations. In addition to his 25 years of practice in Helena, Hindoien also served for two years as a Commissioner in the chambers of Judge Charles E. “Chip” Erdmann of the U.S. Court of Appeals for the Armed Forces in Washington, D.C.

Jeff Hindoien was born and raised in Great Falls and is a graduate of Montana State University – Bozeman and the University of Wyoming. He is licensed to practice law before all Montana courts.

- A special meeting may need to be scheduled to discuss the Civic Center Façade Renovation project (OF 1525.2) due to unforeseen issues that could not have been anticipated until the contractor was able to peel back some of the existing cement pieces and concrete on the facility. He anticipates an additional \$300,000 cost to address the issues the contractor is finding and will bring that forward in the form of a change order or contract amendment.
- The past couple of days he hosted a leadership conference for the Great Open Spaces City Management Association (GOSMA). There were attendees from Montana, Wyoming and North Dakota to hear from great speakers, and participated in a Bird scooter tour to see the good things that are happening in the community.

Mayor Kelly added that 10,000 miles have been traveled in the last 90 days in Great Falls on the Bird scooters. Over 350 people are using the scooters on a regular basis to and from somewhere, either to the university, downtown or to work.

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CONSENT AGENDA.

6. Minutes, September 21, 2021, City Commission Meeting.
7. Total Expenditures of \$2,722,494 for the period of September 9, 2021 through September 22, 2021, to include claims over \$25,000, in the amount of \$2,294,473.
8. Contracts List.
9. Approve Final Payment for the Southside Water Main Replacements - Phase I to Central Plumbing and Excavation in the amount of \$21,742.47, and \$219.62 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1648**
10. Approve the Interlocal Agreement between Cascade County and the City of Great Falls for Emergency Fire and Medical Services for the term October 1, 2021 to September 30, 2023, and authorize the City Manager to execute the agreement.

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

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

11. **LEASE OF CITY-OWNED PROPERTY LOCATED AT 600 1ST AVENUE SW WITH BOYS AND GIRLS CLUB OF CASCADE COUNTY (Lots 6 and 7, Block 575, Fifth Addition to Great Falls).**

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

Park and Recreation Director Steve Herrig reported that the Boys and Girls Club has leased the Westside Community Center since 1999. In addition, the Boys and Girls Club was granted first option to purchase the property at a fair market value to be determined by an independent appraisal. The term of the lease is for five years beginning September 1, 2021 and expiring August 31, 2026, for a fee of \$1.00 for the term of the lease.

The Park Board recommended Commission approval at its September meeting.

Mayor Kelly asked if the Commission members had any questions or if there were any comments from the public in support of or opposition to this lease.

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No one spoke in support of or opposition to the lease of City-owned property with the Boys and Girls Club of Cascade County.

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

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission approve the lease of City-Owned property located at 600 1st Avenue SW between the City of Great Falls and the Boys and Girls Club of Cascade County.

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

Commissioner Robinson noted historical use of the building was a Fire Station and Westside Public Library.

City Manager Doyon added that the Boys and Girls Club do a great service for the kids in the community. For future consideration, he encouraged the Commission to explore the avenue of selling this facility to the Boys and Girls Club. It is likely not a facility that Park and Recreation would ever use, and it will give the Boys and Girls Club the opportunity to make the necessary repairs on the facility.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

12. FINAL PLAT FOR WEST RIDGE PHASE IX, LEGALLY DESCRIBED AS PERETTI ADDITION TRACT 2, LOCATED IN THE SE1/4 SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, PMM, CITY OF GREAT FALLS, CASCADE COUNTY, MT.

Planning and Community Development Director Craig Raymond reported that the subject property is approximately 7.69 acres and is located between 2nd Street Northeast and 4th Street Northeast, and will be a continuation of Choteau Avenue Northeast. The City Commission approved the annexation of West Ridge Phase 9 along with additional phases, and assigned R-3 single-family high density zoning on August 18, 2015. At the request of the applicant, the Commission subsequently approved the rezone of the property to Planned Unit Development on February 21, 2017 to give the applicant the ability to construct 2-unit townhomes. Phase 9 will create 28 new lots that range from 10,656 – 10,662 square feet on the western portion, and 8,420 – 8,446 square feet on the eastern portion. The proposed lot standards are consistent with R-3 zoning district requirements as well as the PUD zoning designation. The City Commission approved the preliminary plat for Phase 9 on July 6, 2021.

The City was also extraordinarily accommodating to the developers in abandoning the long-term

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regional storm water planning objectives. That is an issue that the City will need to address in another way in the future.

The Improvement Agreement stipulated that the developer is responsible to design and construct all other public improvements to support the development and the resulting impact of development in the area including transportation improvements. Traffic has been a significant neighborhood concern during previous phases of West Ridge. As part of the 2015 Agreement, the owner paid a proportionate share of the cost of the North End Transportation Study that is in review at this time in final draft form. Future phases of West Ridge will be required to continue to construct improvements to the transportation network including the construction of 43rd Avenue NE.

The essence of the Commission's duty in considering a final plat of a subdivision is a determination of whether the applicant has essentially met all conditions of approval imposed during the preliminary plat approval process. Although the public improvements are still under construction, they appear to be acting in compliance with the conditions. Staff will withhold filing of any final plat approval until such time as all of the conditions have been satisfactorily met.

On July 27, 2021, the Planning Advisory Board recommended that the Commission approve the final plat.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the Final Plat of West Ridge Phase IX as legally described in the staff report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

In response to Mayor Kelly, Fire Chief Jeremy Jones updated the Commission on the department's involvement in response to the Amtrak train derailment in Liberty County.

Commissioner Tryon announced that the Crime Task Force (CTF) wrapped up their work last Monday. He thanked CTF members Sheriff Jesse Slaughter, Sara Sexe, Police Chief Jeff Newton, Sandra Guynn, Dugan Coburn, Judge John Parker, Nichole Griffith, and Shane Etwiler for their dedication and time participating in this process. The recommendations of the CTF will be coming before the Commission in the near future.

In response to Commissioner Tryon's inquiry pertaining to anonymous text messages referenced during a Commission meeting, City Attorney Jeff Hindoien commented that he is only aware of

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one instance at the last meeting. If folks have public comment to enter into the record regarding items that are before the Commission, they should follow the processes set up to do so.

23. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of October 5, 2021, at 7:45 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: October 19, 2021