

JOURNAL OF COMMISSION PROCEEDINGS
February 1, 2022

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, Eric Hinebauch, Joe McKenney, Rick Tryon and Susan Wolff. Also present were City Manager Greg Doyon; Public Works Director Paul Skubinna; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Jeff Hindoen; Police Captain John Schaffer; and, Deputy City Clerk Darcy Dea.

AGENDA APPROVAL: City Manager Greg Doyon noted that Malmstrom Air National Guard would not be participating as scheduled with regard to Item 1. He further noted that there were corrections to Item 4. The suggested motion end date should be 2024 instead of 2022, as well as a small typo. 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.

PROCLAMATIONS: Black History Month (February 2022) and Career & Technical Education Month for Great Falls Public Schools (February 2022).

MILITARY UPDATES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MALMSTROM AIR NATIONAL GUARD.

Malmstrom Air National Guard did not participate as scheduled.

PETITIONS AND COMMUNICATIONS

- 2. Rev. Stephen Underwood**, Central Christian Church, 428 Central Avenue, expressed opposition to the recommendation made by a City Commissioner at the January 18 Commission meeting, to enforce the City's Criminal Nuisance Ordinance against First United Methodist Church for their hospitality towards the unhoused community in Great Falls. He encouraged the Commission to collaborate with Rev. Wakeley, Pastor of the First United Methodist Church, with regard to trying to solve the issue.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Neighborhood Council #9 Secretary Karen Gray reported the following:

- Council #9 started a Facebook page that provides press releases and crime statistics

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- A grant was used to purchase a Little Free Library that is intended for Kranz Park
- Council #9 unanimously approved proposed Resolution of Intent 10411; however, moving forward, members would like to provide guidance with regard to the public's access to the practice field and the use of Kranz Park. Council #9 members requested that the playground equipment that is currently in storage, as well as the Little Free Library, be installed upon completion of the project

BOARDS AND COMMISSIONS

4. APPOINTMENT TO THE PARK AND RECREATION BOARD.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission appoint Arthur Taft and Shannon R. Wilson for three-year terms through December 31, 2024, to the Park and Recreation Board.

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.

5. APPOINTMENT TO THE ETHICS COMMITTEE.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission appoint David Sneddon to the Ethics Committee for a three-year term through December 31, 2024.

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

Mayor Kelly expressed appreciation to Mr. Sneddon for his involvement, even though he is fairly new to the community.

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

Motion carried 5-0.

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

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CITY MANAGER

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that:

- City staff recommendations of the projects list for the use of American Recovery Plan Act (ARPA) funds will be provided to the Commission
- The City received \$1,207,970.19 for the 2022 Bridge and Road Safety and Accountability Program (BaRSAA) Fuel Tax Allocation from the Montana Department of Transportation (MDT) and will be an Agenda Item on the February 15, 2022 Commission meeting
- The City hosted a Montana Local Government Board, Commission and Council training with Dan Clark on January 26 and 27, 2022. There were 81 participants and a video of the training will be made available
- The Civic Center Events and Facilities Management in Planning and Community Development were consolidated into one group and Theodore (Ted) Fallat was hired as the new Facilities Manager

CONSENT AGENDA.

8. Minutes, January 18, 2022, City Commission Meeting.
9. Minutes, January 18, 2022, Special Commission Meeting
10. Total Expenditures of \$2,924,590 for the period of December 31, 2021 through January 20, 2022, to include claims over \$25,000, in the amount of \$2,401,876.
11. Contracts List.
12. Grants List.
13. Approve the purchase of one new 2022 Peterbilt 548 tandem axle dump truck from Jackson Group Peterbilt of Missoula through Sourcewell, formerly known as NJPA, for a total of \$167,771, including shipping.
14. Approve a Professional Services Agreement in the amount of \$138,813 to Morrison Maierle, Inc. for the Smith Ponds Stormwater Detention Evaluation, and authorize the City Manager to execute the agreement documents. **OF 1118.7**
15. Approve the final payments for the Indoor Aquatics & Recreation Center Water Main Relocation, in the amount of \$106,599.24 to Trenchless Solutions and \$1,076.76 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1770.0**

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16. Approve the final payments for the 22nd Avenue South Detention Pond Upgrades, in the amount of \$7,502.91 to Shumaker Trucking & Excavating Contractors, Inc., and \$75.79 to the State Miscellaneous Tax Fund and authorize making the payments. **OF 1554.7**
17. Set a Public Hearing for February 15, 2022, to consider the proposed HOME-ARP funding allocation plan.
18. Set a public hearing for March 1, 2022 on Resolution 10437, A request from property owner, Daniel Guest, for a Conditional Use Permit for a “Two-family residence” land use upon the property addressed as 1700 1st Avenue North.

Commissioner Tryon requested to pull Item 17 for separate discussion. He expressed opposition to there being no funding amount for Non-Congregate Shelters in the City’s Proposed Allocation Plan, prior to the public hearing.

Mayor Kelly responded that the public will have an opportunity to comment on the allocation at the public hearing on February 15, 2022 and that there will be an opportunity to edit the Proposed Allocation Plan.

Commissioner McKenney 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 or discussion amongst the Commissioners.

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. **GREAT FALLS PUBLIC SCHOOL DISTRICT REQUEST TO REZONE PROPERTIES AND VACATE CITY RIGHT OF WAYS IN THE VICINITY OF GREAT FALLS HIGH SCHOOL AND KRANZ PARK.**
 - I. **ORDINANCE 3241, REZONE THE PROPERTIES LEGALLY DESCRIBED AS LOTS 5-10, BLOCK 736, OF THE TENTH ADDITION TO GREAT FALLS TOWNSITE, INCLUDING THOSE PORTIONS OF THE VACATED 17TH STREET SOUTH AND 4TH ALLEY SOUTH RIGHT OF WAY FROM PARKS AND OPEN SPACE TO PUBLIC LANDS AND INSTITUTIONAL.**

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II. RESOLUTION OF INTENT 10441, INTENTION TO VACATE 17TH STREET SOUTH BETWEEN 3RD AVENUE SOUTH AND 4TH AVENUE SOUTH, AS WELL AS THE PORTION OF 4TH ALLEY SOUTH ABUTTING LOTS 5-10, BLOCK 736.

Planning and Community Development Director Craig Raymond reported that on January 19, 2021, the City Commission approved a land swap agreement between the city and the school district wherein the city swapped a portion of Kranz Park to the school district. Even at that time, the school district had thoughts on how they might be able to utilize the land. The school district successfully completed numerous construction projects as part of a \$99 million levy. The Great Falls High HUB addition and school remodel was one of those major projects.

While a final design has not been submitted, this current project is a continuation of a bigger plan that will provide additional parking and shifting of athletic field locations. The existing 17th Street South right of way needs to be vacated and street deconstructed to make way for the new facilities. Additionally, there is a portion of a platted alley right of way that was never built upon that is also proposed to be vacated. In order to accommodate the new facilities, an existing sewer main will need to be abandoned. The City Public Works and Engineering Departments have been directly involved with this proposal and have approved the abandonment proposal. Additional utility easements will likely be necessary as the final design of the project is completed.

The second part of the proposal is to set a public hearing on a proposal to rezone the former City property from Parks and Open Space (POS) to Public Lands and Institutional (PLI). This zone change affords the school district consistency with the zoning designation of the remaining portions of the Great Falls High campus. It also is in keeping with the intended use of the subject property as to use.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3241 on first reading, and set a public hearing for March 1, 2022.

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.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10441, and set a public hearing for March 1, 2022.

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

Barney Danishefsky, Neighborhood Council #9 Chairperson, explained that when the school district first considered using a portion of Kranz Park for a parking lot, neighbors and Council members accepted the idea, with the understanding that the public would have use of the parking

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lot when school was not in session. The proposal for the land swap was also accepted, with the understanding that the practice field would become an extension of Kranz Park when not in use by the school district. These discussions included not extending the permanent fencing and using temporary fencing for events.

Mr. Danishefsky continued that Great Falls Public School Superintendent Tom Moore informed Council #9 members that temporary fences would be cost prohibitive and that the fence was necessary to prevent vehicles from going onto the field and causing damage. He added that council member Karen Gray suggested a pedestrian gate at the west end of the fence would allow access without allowing vehicles onto the field and the gate would be open, unless being used by the school district.

Mr. Danishefsky commented that vacating 17th Street South would cause only minor inconveniences for vehicle traffic; however, would mean the loss of two sidewalks. The loss would result in Pedestrian traffic using Kranz Park in order to go around the practice field. The terrain at the border between Kranz Park and the practice field is not level and there would also be a path worn in Kranz Park. The western portion of the practice field would have to be leveled to match the level of the existing field. The school district is acquiring the street at no cost and the installation of a replacement sidewalk should be considered compensation to the neighborhood.

Mr. Danishefsky concluded that the new parking lot will increase traffic on 3rd Avenue South, which is currently a dead end and that 18th Street between 3rd and 2nd Avenue South was vacated years ago. The school district has claimed the east side of the street and property owners on the west side have done the same. Reopening 18th Street would greatly reduce traffic on 3rd Avenue South.

Commissioner Tryon encouraged Mr. Danishefsky to attend and reiterate his concerns at the public hearing on March 1, 2022.

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

Motion carried 5-0.

20. RESOLUTION 10439, ESTABLISHING FEES FOR THE CITY OF GREAT FALLS ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT.

Public Works Director Paul Skubinna reported that Item 20 is to consider scheduling a public hearing on February 15, 2022 to hear testimony related to establishing a new encroachment permit fee and Right Of Way (ROW) occupation fee for the City's ROW by new linear, underground, private, utilities (fiber optic cable.) The agenda report has a few typos and a couple jumbled sentences that will be corrected prior the public hearing.

Currently, there is not an encroachment permit for underground linear projects and City staff is working on developing what that permit will look like and are seeking a one-time application fee of \$50 each to cover administrative costs for issuing the permit. City staff is also proposing an annual Linear Underground Permit fee of \$1 per inch diameter per foot installed. The intent of this fee is to off-set the City's costs to track, inventory, and maintain basic as-built information

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for project approved to occupy the City ROW. This information will help City staff to manage where companies are allowed to place fiber in our ROW's in the interest of dig once type policies. The goal is to manage City ROW's so that it remains functional both on the surface and below the surface for City infrastructure needs. The annual fee will help support these efforts. Currently the City is working with three different types of entities proposing to install fiber optic in our right of way including the following:

- (1) Those regulated by the Federal Communications Commission as a telecomm
- (2) Those regulated by the Public Service Commission as a Public Utility
- (3) Private for profit companies. These fees will apply to the 3rd category, the private for profit companies

At this time, the City has one project on the docket that is ready for permitting in the 3rd category and it is a private company that will be installing dark fiber. Dark fiber is a private dedicated network that may only be accessed by its owner or those entities the owner sells services to. At this time, staff knows the company will be providing service to the Great Falls School district and is expected that they will also be selling services to other private entities. This project is ready to permit and go to construction this spring. Staff has been approached by other private fiber providers also proposing smaller projects for this next construction season.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission set a Public Hearing for Resolution 10439 on February 15, 2022.

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.

CITY COMMISSION

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

22. COMMISSION INITIATIVES.

None.

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ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Tryon, to adjourn the regular meeting of February 1, 2022, at 7:53 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: February 15, 2022