

JOURNAL OF COMMISSION PROCEEDINGS
November 15, 2022

Regular City Commission Meeting

Mayor Kelly presiding
Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

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 Deputy City Manager Chuck Anderson, Grant Administrator Tom Hazen, Public Works Director Chris Gaub, Planning and Community Development Director Craig Raymond, Finance Director Melissa Kinzler, Interim City Attorney David Dennis, Police Captain John Schaffer, and City Clerk Lisa Kunz.

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: In the interest of transparency, Commissioner McKenney referred to Item 16 and disclosed that he is a realtor, but has no financial interest in that housing project.

PROCLAMATIONS: Small Business Saturday [November 26, 2022].

COMMUNITY INITIATIVES

1. COMMUNITY HEALTH UPDATE FROM CITY COUNTY HEALTH DEPARTMENT (CCHD).

For future community initiatives, Health Officer Abigail Hill inquired of the Commission if they wanted a brief synopsis of each of the divisions or Health Department programs.

Health Officer Hill provided the following update:

- 865 flu shots and 570 Covid shots have been administered at 42 locations, drive thru and walk in clinics
- 9 confirmed cases of influenza, predominately the A strain. Hospitalizations typically start in November and peak in February
- RSV is spiking, predominately in children under the age of five and adults 65 and older. CCHD has seen six cases of RSV
- 65 active Covid cases. The CCHD started a program called Jot Forms, a confidential program to collect information
- There has been an increase in syphilis cases in the county, particularly women of child bearing age. CCHD will be working collaboratively with the State for testing and treatment

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- The increase in stipend for the WIC program has been extended until the end of December for fruits and vegetables
- CCHD served 812 foster kids through the Foster Child Health Program this year
- CCHD accountant is moving to the Sheriff's Office
- Rhonda Knudson was introduced as the new Division Manager of Environmental Health

2. PETITIONS AND COMMUNICATIONS

None.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

5. REAPPOINTMENT TO THE CASCADE COUNTY CONSERVATION DISTRICT BOARD OF SUPERVISORS.

Mayor Kelly moved, seconded by Commissioner Wolff, that the City Commission reappoint John Chase to a three-year term through December 31, 2025, to the Cascade County Conservation District Board of Supervisors.

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 MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Chuck Anderson reported the following:

- A frozen water pipe broke in the basement of the Civic Center this weekend. Water had infiltrated in varying amounts of three to five inches in the Municipal Court area and also affected the eastern and southern offices and storage areas. Day Spring has been hired to perform a full assessment, extraction, treatment and dehumidification of the area. Municipal Court and the Court window are closed today. An evaluation regarding

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opening operations will be conducted tomorrow. Notifications are going out via Facebook and press releases.

- Vertical walls are going up at the Aquatics and Recreation Center.
- The City was notified today that, for the 28th consecutive year, the City has been awarded the Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in the area of government accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management.

Police Captain John Schaffer updated the Commission on the First United Methodist Church (FUMC) as follow:

- At a recent meeting with Reverend Skerritt, they came up with a strategy of focusing on whom FUMC wants to minister to and not so much the folks that are coming on FUMC property to commit crimes, use drugs, and feed their addictions. Part of that was putting up “No Trespassing” signs for folks that are not there to utilize the church and its services. As of yesterday morning there are still people receiving services through their ministry at the church, but the people that were there to create problems are not there any longer. There will probably be some bumps handling things in the near future, but nothing they can’t work through in a collaborative effort.

After the City issued the press release today, Commissioner Tryon commented that he received inquiries about how No Trespassing signs will make a difference. He noted that, because it is private property, the owner of the property has to designate No Trespassing before the Great Falls Police Department can do anything about it.

Captain Schaffer clarified that for trespassing to take place you have to give notice that somebody cannot be there. The No Trespassing signs give law enforcement the authority to stop and investigate whether somebody is legally on that property. Officers use discretion in everything they do and this is no different.

Commissioner Tryon thanked the Police Department for doing the hard, efficient work behind the scenes to resolve these matters, and to Reverend Skerritt for working with Captain Schaffer to get some progress and resolution to this issue.

CONSENT AGENDA.

7. Minutes, November 1, 2022, City Commission Meeting.
8. Total Expenditures of \$3,081,609 for the period of October 15, 2022 through November 2, 2022, to include claims over \$25,000, in the amount of \$2,400,927.
9. Contracts List.

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10. Approve the furniture order for the HR Remodel Project in the amount of \$96,878.55, purchased under the State TIPS contract. **OF 1750.1**
11. Accept the Montana Disaster & Emergency Services grant award in the amount of \$356,208.23, and authorize the City Manager to execute the Hazard Mitigation Assistance Agreement for the Missouri River North Bank Stabilization. **OF 1693.0**
12. Set the public hearing for December 6, 2022 on Resolution 10485, a request of a Conditional Use Permit for a “Community Residential Facility, Type II” land use upon the property addressed as 1201 7th Avenue Northwest as initiated by Kairos Youth Services.
13. Approve the Amendment to the Intrastate Agreement for Centurylink Metro Ethernet Service in the amount of \$74,178 per year for a 3-year term for the City’s network services.

Commissioner Wolff 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

14. **CIVIC CENTER HR REMODEL PROJECT CHANGE ORDER #1 [OF 1750.1].**

Grant Administrator Tom Hazen reported that the remodel of the Human Resources (HR) office has been a longstanding need in City operations. Due to the limitations of the old space, the City and Cushing Terrell entered into a design contract on July 9, 2021. The designs were finalized in mid-December of 2021 and an invitation to bid was first published on May 22, 2022. During the July 5, 2022 meeting, this Commission voted to accept a bid submitted by Wadsworth Builders and initiate a remodel of the Human Resources offices as designed by Cushing Terrell. This remodel was undertaken to centralize all HR employees in one area, increase operational efficiency, upgrade the privacy afforded in that environment, and improve the energy efficiency and overall comfort of the HR offices. The first phases of construction process began on October 11, 2022.

Shortly before the start date, several needs were identified that the then in-place designs did not address. To maintain confidentiality, which was among the priorities identified in relation to this project, it was decided that one more office was needed. This required the installation of one wall, one door, and other associated costs. Further, electrical infrastructure, as designed, was found to be lacking and more wiring was necessary throughout the site.

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The summarized costs in this evening's agenda are not presented lightly. This proposed change order is only being presented as a step undertaken to ensure that the end-result of this remodel achieves the goals that were identified in the earliest stages of the undertaking.

Grant Administrator Hazen also reported that Human Resources, Planning and Community Development, and the Finance Department anticipate that there will be more change orders related to this project. However, these change orders are efforts to seize an opportunity not to expand scope. As the HR construction progresses, there will be unique opportunities to install equipment related to the Civic Center HVAC upgrade project, one of the ARPA Tier One projects. That being the case, it will be proposed that some of those costs are shifted from the HVAC Upgrade to the HR remodel in order to take advantage of the current accessibility. While this will increase the cost of the HR project it will also lower the cost of the HVAC installations. In closing, this change order is being proposed to ensure that the HR remodel achieves the priorities identified more than a year ago when this process first began. For that reason, staff recommends that the City Commission approve Change Order #1 and the associated \$23,432.55 increase in costs.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve Change Order #1 in the amount of \$23,432.55 and increase the total contract amount to \$649,932.55

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner McKenney requested clarification regarding the increase to this project and savings to the HVAC project.

Grant Administrator Hazen explained that the HR project and HVAC project on the roof of the Civic Center are two of the ARPA Tier One projects. Part of that HVAC project is also working on ductwork and equipment throughout the building. As the HR remodel progresses and contractors are going into the ceiling, it is advantageous for HVAC contractors to have access to that duct work and equipment now. That will increase some of the costs on the HR remodel, but when the bid is put together on the final design of the HVAC upgrade, it will decrease the costs associated with that project.

Commissioner Tryon inquired if change orders occur as often in the private sector, and what was done so the public knows the change order was fully vetted.

Grant Administrator Hazen responded that this project is the result of numerous conversations between the Planning and Community Development Department, HR Department, Finance Department and City Manager's Office. It's not uncommon during renovations of older buildings, such as the Civic Center, or as new needs are identified, to have change orders. In this case, the designs were put together a year before construction began. New needs were identified after the bid had been accepted and before construction began.

Commissioner Tryon inquired if an effort was made to negotiate with the contractor.

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Grant Administrator Hazen responded that staff did reach out to some of the sub-contractors to try to negotiate down on some of the prices. Unfortunately, due to it being a seller's market right now it was tough to negotiate prices any lower than what we already received.

Commissioner McKenney added that he remodeled a few of his businesses. Sometimes it costs more to remodel than start over again. Change orders are common in the private sector as well. Things come up, have to be dealt with, and hard decisions made.

Planning and Community Development Director Craig Raymond added that change orders are annoying, but the benefit of doing it this way as opposed to other forms of contracting is this is a transparent process.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

15. **ORDINANCE 3252, AMENDING TITLE 2, CHAPTER 3, SECTION 030, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO MUNICIPAL COURT JUDGES.**

Interim City Attorney David Dennis reported that Ordinance 3252 is the second of two steps necessary to allow for a two-judge municipal court structure. Over the course of the past year, the City Commission determined that two municipal court judges are necessary to accommodate the City's criminal justice workload.

The first change was accomplished on November 8, 2022, when the City electors voted to amend the City Charter to remove the one-judge limitation. As of January 1, 2023, Article V of the Charter will read simply "There shall be a municipal court as provided by Montana law."

The item before the Commission accomplishes the second change--modification of the Official Code of the City of Great Falls to remove the one-judge limitation. It also establishes a process for implementing the second judge position.

The proposed ordinance amends § 2.3.030 of the City Code to establish two Municipal Court departments—A and B—with associated Municipal Judge positions, elected on a staggered basis. The ordinance provides for appointment of a judge to fill the Department B position until the next Municipal election.

The first elected term for Department B, beginning in 2024, will be two years, because the current Dept. A position is also up for election at that time—for a four-year term. This will put the positions on staggered terms, with one judge up for election every two years.

The proposed ordinance also removes all language referencing an Assistant Municipal Court Judge position, which was added in 2019.

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The City Clerk expects to receive certification from the County between today's first reading of proposed ordinance 3252 and the second reading.

If the City Commission adopts Ordinance 3252 on second reading on December 6, 2022, the effective date of the proposed ordinance will be 30 days later, on January 5, 2023. The appointment of a qualified person to fill the Department B judge position will be conducted through a separate City Commission process.

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission accept Ordinance 3252 on first reading and set second reading for December 6, 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.

16. ORDINANCE 3253, A REQUEST FROM SILVER STONE ENTERPRISES, LLC TO ASSIGN R-6 MULTI-FAMILY HIGH DENSITY ZONING TO THE 15.67 ACRE PROPERTY ADDRESSED AS 3801 2ND AVENUE NORTH LOCATED AT THE NORTHEAST CORNER OF 2ND AVENUE NORTH AND 38TH STREET NORTH.

Planning and Community Development Director Craig Raymond reported that Silver Stone Enterprises submitted an application on August 10, 2022 to annex and assign City zoning to the 15.67 acre property addressed as 3801 2nd Avenue North located at the northeast corner of 2nd Avenue North and 38th Street North.

Although the applicant is proposing development of an apartment complex consisting of 12 36-unit buildings for a total of 432 units, given the nature of the split zoning request, the applicant may build other land uses on that property designated as C-1 zoning, other than apartment buildings that are allowed or conditionally permitted under C-1 zoning. Given the nature of adjacent uses and zoning designations, along with the proximity to 2nd Avenue North and 38th Street North, staff has no objection to the C-1 zoning or feel that it should cause any concern with the Commission or the community. C-1 zoning seems to be a fitting extension of existing development patterns and is also harmonious with multi-family residential development if all phases are constructed as presented in the application and preliminary plans. Highlighting this is not intended to be alarmist or negative in any way, rather it is simply intended to be transparent and informative.

The subject property has been vacant and wholly surrounded by the incorporated city limits for quite some time. City staff has met with several potential developers over the years for different types of development ideas, none of which seem to be feasible given the nature of the property, its proximity to City services and the requirements come with different development forms. This proposal seems to be the most workable proposal to date.

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In consideration of the proposal, there will be several infrastructure improvements and conditions of approval that will need to be met and are all outlined in the agenda report. It should be noted that this project has not gotten to this point without any notice or concern from the surrounding neighborhood. The project was presented to NC #4 on August 25th and received a favorable recommendation from the council. Subsequent to that date, however, neighbors began to express concern related to nearby condo development parking impacts, alley usage and general area traffic concerns. Several citizens attended the October 25th Planning Board public hearing and asked several questions and expressed either support for or opposition to the proposal. More detail is set forth in the agenda report.

Staff is in support of this project as the property seems to be well suited for a high density residential use, applicants have actively worked cooperatively with City staff to address any infrastructure or traffic impacts and it addresses a distinct need for additional housing in the community.

Commissioner McKenney moved, seconded by Commissioner Wolff, that the City Commission accept Ordinance 3253 on first reading and set a public hearing for December 6, 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.

17. **RESOLUTION OF INTENT 10483 – INTENTION TO VACATE A PORTION OF 10TH ALLEY SOUTH BETWEEN 24TH STREET SOUTH AND 25TH STREET SOUTH AS INITIATED BY DISCOUNT TIRE COMPANY.**

Planning and Community Development Director Craig Raymond reported that Discount Tire Stores has filed a request to vacate a portion of 10th Alley South between 24th Street South and 25th Street South.

The applicant is proposing the vacation of the alley, purchase of the subject property, and relocation of existing utilities to accommodate a larger buildable area on the site as shown in the Preliminary Site Plan. The applicant is also proposing to abandon the western portion of the sanitary sewer main that currently runs the length of the subject property. A small portion of sanitary sewer main will remain along the eastern edge of the subject property. This will require the dedication of a utility easement and installation of a manhole at the end of the main for maintenance access. The sanitary sewer main and service will remain as constructed for the property to the east. The sewer utility relocation will be reviewed and approved by City staff if the vacation of the alley is approved by the Commission. It has been communicated with the applicant that sanitation access must remain for both lots if the vacation is approved. The redevelopment proposal is subject to further review as part of any future building permits. So clearly, there is more work to be done in order for the project to receive final approval for utility changes and building permits.

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Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution of Intent 10483, and set a public hearing for December 6, 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

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Congratulations were expressed to Finance Director Melissa Kinzler and her staff for receiving the Certificate of Excellence in Finance Reporting for the 28th year in a row.

Commissioner Wolff expressed appreciation to the Great Falls Police Department for arranging her ride along last Friday evening.

19. 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 November 15, 2022, at 7:54 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: December 6, 2022