

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 21, 2023**

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 and Susan Wolff. Commissioner Rick Tryon was excused. Also present were Deputy City Manager Chuck Anderson, Interim Planning and Community Development Director Tom Micuda, Finance Director Melissa Kinzler and ARPA Project Manager Sylvia Tarman, Fire Chief Jeremy Jones, City Attorney David Dennis and Deputy City Attorney Rachel Taylor, Police Chief Jeff Newton, 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:** None.

**PROCLAMATIONS:** Prevention of Cruelty to Animals Month [April 2023].

**COMMUNITY INITIATIVES**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM CITY COUNTY HEALTH DEPARTMENT (CCHD).**

Wade Stout, Tobacco Education Specialist, reported that “Take Down Tobacco” is an organization that speaks out against the tobacco industry and its allies. Take Down Tobacco is a platform for empowering youth to fight big tobacco. Lydia Comstock, student at North Middle School, won the statewide Take Down Tobacco sticker competition to indicate how Montanans stand up against big tobacco.

Lydia Comstock, North Middle School student, explained that she used the education she received in elementary school about what a healthy lung looks like versus a smoker’s lung to inspire her graphic design.

Abigail Hill, Public Health Officer, provided the following updates:

- Presentations about opioid use were more recently presented at the Cameron Center and Great Falls Public Library. From those events, CCHD received inquiries from the Cameron Center volunteers, Youth Court, TSA at Great Falls International Airport, and the Boy Scouts, to do hour-plus Narcan trainings. There are similar presentations scheduled for the University of Providence, and the towns of Cascade and Belt in April.

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- Communicable disease update from the Cascade County Detention Center include 7 new Syphilis cases, 1 HIV, and 10+ Hepatitis C. Treatment is being coordinated with the nurse at the jail. Monthly testing is also being conducted at the Rocky Mountain Treatment Center.
- Covid cases have doubled in the last week with 84 cases since last Tuesday.
- Communicable diseases are updated every Tuesday on the CCHD Facebook page.

Commissioner McKenney inquired how often should a person get vaccinated.

Ms. Hill responded that it depends on the vaccine and when the last booster was received. Contact the Covid-19 coordinator at the CCHD.

2.

### PETITIONS AND COMMUNICATIONS

**Jasmine Taylor**, Cascade County resident, commented that right before this meeting she was informed that Thursday's meeting, where Cascade County Clerk and Recorder/Election Administrator Sandra Merchant would present her plan, has been canceled. She understands that this is a complicated issue and there may be limited things the City Commission can do to address this issue. This is a serious issue with an election administrator that cannot hold elections. This negligence has been going on for months and has just come to a head in the past two weeks. It is looking like residents of Sun River will be unable to conduct school board elections, and City levies being unable to be held or costing the City double what was anticipated. That is fiscal irresponsibility that affects the City directly. She wants to hear what, if any, legal action the City is allowed to take or what management actions can be taken. Many people feel they are disenfranchised in their ability to vote. If the County is unable to hold mail elections, folks with mobility and disability issues will be intentionally disenfranchised. The ability to vote is the core of democracy.

**Daniel Hartzell**, City resident, discussed being evicted and personal court matters.

**Alice Klundt**, City resident, commented that she supports the Library mill levy and wants to see the Library improve and do more. She commented that she spoke with Sandra Merchant yesterday and she is talking about maybe moving the election for the Library. If Ms. Merchant moves the election past July, the Library will have to let go of people and reduce operating hours. If the Library does not meet the State's required hours of operation, the Library will lose \$32,075 from the State. Ms. Klundt further commented that everyone pays into the schools. The school board mail ballot elections have run about \$40,000. Now the County Election Administrator is talking about poll elections that will add another \$45,000, more than doubling the cost of an election. She urged the Commission to insist that Sandra Merchant go ahead with the Library election as she first said.

**Ron Zabo**, City resident, agreed with Ms. Taylor's comments. Without elections, we do not have a democracy. The current holder of the office of Clerk and Recorder is not able to perform the duties of that office. He knows it is a County office. However, it seems to him the City has standing because it has asked for a levy election for the Library. The Sun River School Board, Great Falls School Board, and the mayoral and commissioner elections in the fall may all be affected. This has to be fixed. He urged the City to take all the actions it can to put pressure on the County Clerk and

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Recorder/Election Administrator to get things run in an equitable and objective manner as they have been run for the past 20 years. If it is not fixed soon we are all losing our rights as citizens.

**Helena Lovick**, City resident, urged the City Commission to tell the citizens what it can do to make sure there are elections and citizens continue to have a vote.

**Jane Weber**, City resident, thanked the City Commission for adopting the resolution so that the Library mill levy could be placed on a ballot for voters. She explained that, if the Library levy is not run this summer and is run in the autumn with the City municipal elections, it will not be on the tax rolls for this year. It delays an entire year before the Library will ever see additional funds. She also reported that she contacted the County Attorney's Office several times and have been rejected from having any phone conversation with them. She is hoping the City has a better response when contacting the County Attorney's Office to discuss this issue and for them to answer the questions of how this impacts our community. She hopes the City Commission does not experience this same situation with a primary in September and general vote in November.

**Vicky Leigland**, City resident, agreed with the prior speaker comments. It is important to get mail ballots. She has a disabled brother that is unable to make it to poll elections.

**Ken Palison**, City resident, commented that he mourns all of the institutional knowledge that was built up for years and years on how to run elections, and suggested that if that knowledge had circulating the last six months the wheel wouldn't have to be reinvented.

**Jim Leigland**, City resident, concurred with the previous speakers.

**Corrine Tucker**, City resident, commented that 87% of residents vote by absentee ballot. She cannot remember the last time she voted at a polling place. It is important that this gets fixed quickly before it gets any worse.

**Jeni Dodd**, City resident, commented that, by Mayor Kelly not addressing public concerns about Library Director McIntyre at today's special work session, he did a disservice to the citizens of Great Falls. All he did was read Commissioner Tryon's questions that Director McIntyre had already received by email and answered weeks ago. She has brought up concerns at three commission meetings that have yet to be addressed about Library Director McIntyre stating there was no Drag Queen Story Hour at the Library. With regard to timing, Library Director McIntyre said at the October 4<sup>th</sup> work session that if the Library mill levy were held in 2024 then there would be lots of time. Ms. Dodd also inquired why people were allowed to speak on a non-commission related matter. The City Commission does not run elections. The County Commission does.

**David Murray**, *Great Falls Tribune*, City resident, requested that the Commission address the violent crime events that have happened in the past week and month. There seems to be themes that keep repeating themselves based on comments posted on the Tribune's and Great Falls Police Department's Facebook pages. The first is an expression of shock and dismay, and then support for law enforcement and a disbelief that this unfortunate recurring series of events could be happening in Great Falls. The second and more profound comments are the expressions about fear. Fear, not only for people's personal safety, but the Great Falls that they know and love is disappearing. He

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asked the Commission to respond to these events and answer “Is Great Falls less safe to live in today than it was five years ago, and why?”

Mayor Kelly noted Ms. Dodd’s point that there are jurisdictional issues regarding the mill levy election topic, but it is certainly of high interest and importance to every member of the community regardless of jurisdictional issues. There has been a tremendous amount of communication between the Library Director and the County office, between himself and the County Commission, and Ms. Merchant has been working diligently behind the scenes and responding to the pressure that the public has put on her. They are working hard to make sure that the Library mill levy election is held June 6<sup>th</sup> in the most efficient manner possible. That is a conversation that has been held with the stakeholders and the Library Director has kept the Commission up to date on what has been going on. There may be a time the Commission will need to speak louder or with more force. At this point, it is a County office, it is an elected office, and the electorate is responsible for the discipline of an elected official and to go through the proper channels.

The Police Chief will address Mr. Murray’s comments under the City Manager’s report.

## NEIGHBORHOOD COUNCILS

### 3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## BOARDS AND COMMISSIONS

### 4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

None.

## CITY MANAGER

### 5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Chuck Anderson asked the Police Chief to report about the law enforcement challenges the community has been facing.

Police Chief Jeff Newton reported that it has been a challenging and trying time for community members, including the Police Department, over the past five weeks. There is fear in the community. Because many of the instances are still under investigation, he cannot get into specific details. He provided a general overview of what has transpired the last month.

On behalf of the Great Falls Police Department, he expressed appreciation to the community for their support with regard to the officer that was shot. He has undergone one surgery and it will be a long road to recovery for him.

It started with the juvenile that shot another juvenile in Parkdale, then an individual shot another individual behind the Town Pump, then the domestic violence related homicide on 3<sup>rd</sup> West Hill Drive, and then another shooting Sunday night/Monday morning. They try to determine if there are any causal factors between the events. With the exception of the suspect that shot the Great Falls

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Police Officer, either the victim or the suspect knew each other in the remaining cases. It was not random occurrences. There was a disturbance or disagreement and one individual chose to bring a firearm to resolve that circumstance. In a couple of the instances, narcotics were involved as well. The investigation at this point indicates there are five, independent cases that occurred in close proximity.

Chief Newton explained, “all hands are on deck” during these incidents. The entire investigations bureau is called out. It is very time intensive. In the case of the officer that was shot, there were three separate crime scenes. It took multiple days to process those crime scenes and to collect evidence, and it had a significant impact on community members.

Chief Newton explained his resources, including the High Risk Unit (HRU) and other agencies involved that included the Cascade County Sheriff’s Office and Montana Department of Criminal Investigation (DCI). If an officer is involved in a shooting, that officer is placed on administrative leave during the investigative process. These incidents have significant impact not only on the community but the entire organization of sworn, civilian and dispatch personnel.

Between injuries and vacancies, he is currently down 11 patrol officers. That is 11 less uniformed officers that could be on the streets. That is a challenge particularly when there are major incidents that take a tremendous amount of resources. Their capacity to provide effective service starts to diminish. He asked the community to be patient if they are a victim of a crime.

Chief Newton reported that these crimes are occurring statewide. He noted a Billings officer was shot over the weekend, there was an incident in St. Regis, an officer was run over by Eureka, and Helena has had significant events in its community. The DCI assists other agencies and is so overwhelmed right now that the governor has offered help. A lot of crimes are narcotics related, and a common theme these days is that people solve disturbances and disagreements with weapons.

The question was asked, “what can we do as a community?” Keep supporting each other. Be vigilant, continue to report suspicious behavior, and be good witnesses. He also encouraged residents to register their home surveillance system with the Police Department’s Security Camera Registry and Mapping (SCRAM) program, engage with their neighborhood councils, view the crime-mapping tool on the Police Department’s webpage to see what crime activity is occurring, and to call Crime Stoppers.

Commissioner Wolff expressed appreciation to the Police Department and commented that it was heartwarming to see the community step up in support of the Police Department. She hopes they continue to do that.

Mayor Kelly commented that domestic violence touches everyone in the community. The Commission knows how stretched the Police Department is and appreciates all that they and the 911 operators do.

### **CONSENT AGENDA.**

\*At the request of Commissioner Wolff, Mayor Kelly pulled consent agenda items 14 and 15 for separate discussion and vote.

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6. Minutes, March 7, 2023, City Commission Meeting.
7. Total Expenditures of \$3,190,524 for the period of February 14, 2023 through March 8, 2023, to include claims over \$25,000, in the amount of \$2,678,554.
8. Contracts List.
9. ARPA Sub-Award Grant Agreement List as approved by the City Commission at its December 6, 2022 meeting - Agenda Item 22.
10. Approve a Professional Services Agreement in the amount of \$107,460 with WWC Engineering, Inc. for the Missouri River Bank Stabilization Phase 2 Project, and authorize the City Manager to execute the professional services agreement. **OF 1693.1**
11. Award a contract in the amount of \$858,950 to Planned and Engineered Construction Inc., for the Sanitary Sewer Trenchless Rehabilitation Phase 25, and authorize the City Manager to execute the necessary documents. **OF 1675.8**
12. Award the contract in the amount of \$559,386.31 to SJ Louis Construction, Inc. for the Valeria Way Storm Drain Lining and authorize the City Manager to execute the contract documents. **OF 1463.2**
13. Set a public hearing for April 4, 2023, on Resolution 10496 to establish residential and commercial sanitation service collection rates effective May 1, 2023.
- \*14. Postpone consideration of a bid award and contract approval for the Civic Center Partial HVAC Renovation until the April 4, 2023 Commission Meeting. **OF 1750.2**
- \*15. Postpone consideration of a bid award and contract approval for the Civic Center Infrastructure Renovations until the April 4, 2023 Commission Meeting. **OF 1750.2**

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve the Consent Agenda as presented with the removal of items 14 and 15 for further discussion.**

Mayor Kelly asked if there were any comments from the public.

**Sherrie Arey**, Executive Director for NeighborWorks Great Falls, City resident, referred to Agenda Item 9 and commented that NeighborWorks will be good stewards of those ARPA funds.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

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14. **POSTPONE BID AWARD: CIVIC CENTER PARTIAL HVAC RENOVATION (OF 1750.2).**
15. **POSTPONE BID AWARD: CIVIC CENTER INFRASTRUCTURE RENOVATIONS (OF 1750.2).**

ARPA Project Manager Sylvia Tarman reported that the requested action is that the Commission postpone consideration of the bid awards until the April 4, 2023 Commission meeting. The partial HVAC renovation project encompasses HVAC updates throughout the Civic Center, and the transformer/boiler project encompasses replacement of the boilers, removal of the transformer to the exterior of the building and some electrical upgrades. The HVAC project bid opening was March 8, 2023 and the Infrastructure Renovations project bid opening was March 15, 2023. In order to fully evaluate those bids, in conjunction with all of the other work that is going on in the Civic Center, as well as budget considerations and time constraints, staff requests that consideration of the bid awards be postponed to the April 4, 2023 Commission meeting.

**Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission postpone consideration of a bid award and contract approval for the Civic Center HVAC Renovation project until the April 4, 2023 Commission meeting.**

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

Commissioner Wolff commented that when she first toured the building there was talk about the HVAC in the Convention Center. She inquired if this HVAC project was inclusive of the entire building.

ARPA Project Manager Tarman clarified that this HVAC project does not include the Convention Center, only the Civic Center.

There being no further discussion, Mayor Kelly called for the vote on Agenda Item 14.

Motion carried 4-0.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission postpone consideration of a bid award and contract approval for the Civic Center Infrastructure Renovation project until the April 4, 2023 Commission meeting.**

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote on Agenda Item 15.

Motion carried 4-0.

**PUBLIC HEARINGS**

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16. **REQUEST FROM DISCOVERY MEADOWS, INC., TO VACATE A PORTION OF 50<sup>TH</sup> STREET NORTH AND 8<sup>TH</sup> AVENUE NORTH WITHIN COTTAGE GROVE PHASE 3 ADDITION, CONSIDER THE AMENDED PLAT, REZONE LOTS 10-19, ANNEX PROPERTY ADDRESSED AS 5123 7<sup>TH</sup> AVENUE NORTH, ASSIGN ZONING FOR ANNEXED PROPERTY AND CONSIDER THE PRELIMINARY PLAT OF DISCOVERY MEADOWS APARTMENTS SUBDIVISION.**
- I. **RESOLUTION 10499, TO VACATE A PORTION OF 50<sup>TH</sup> STREET NORTH AND 8<sup>TH</sup> AVENUE NORTH WITHIN COTTAGE GROVE PHASE 3 ADDITION.**
  - II. **AMENDED PLAT OF LOTS 7-19, BLOCK 1, AND LOTS 7-9, BLOCK 2, COTTAGE GROVE PHASE 3 ADDITION.**
  - III. **ORDINANCE 3257, TO REZONE THE PROPERTY LEGALLY DESCRIBED AS LOTS 10-19, BLOCK 1 AND LOT 9, BLOCK 2, COTTAGE GROVE PHASE 3 ADDITION FROM PUD, PLANNED UNIT DEVELOPMENT, TO R-6 MULTI-FAMILY HIGH DENSITY.**
  - IV. **RESOLUTION 10492, TO ANNEX PROPERTY ADDRESSED AS 5123 7<sup>TH</sup> AVENUE NORTH AND LEGALLY DESCRIBED AS MARK 17 IN THE SE ¼ OF SECTION 4, T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA.**
  - V. **ORDINANCE 3258, TO ASSIGN R-6 MULTI-FAMILY, HIGH DENSITY ZONING FOR 6.58-ACRE PROPERTY BEING ANNEXED.**
  - VI. **PRELIMINARY PLAT FOR DISCOVERY MEADOWS APARTMENTS SUBDIVISION.**

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

Interim Planning and Community Development Director Tom Micuda reported that the proposal from the applicant, Discovery Meadows Inc., is to construct a 252-unit apartment project on approximately 8.8 acres located north of 7<sup>th</sup> Avenue North and west of 52<sup>nd</sup> Street and the City's Seibel Soccer Field complex. In order to construct this apartment project, six different land use actions are needed.

Action 1: A portion of platted, but unbuilt right-of-way needs to be vacated in the Cottage Grove Phase 3 Addition. This would be for 50<sup>th</sup> Street North and 8<sup>th</sup> Avenue North. The applicant owns all the lots on both sides of the unbuilt street. The applicant proposes to construct a cul-de-sac to finish the street and have the rest of the right-of-way vacated.

Action 2: The applicant is requesting to amend the plat for Cottage Grove Phase 3 so the applicant ends up with a single parcel rather than a batch of platted lots.



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Action 3: Rezone the aggregated parcel (2.3 acres) to Multifamily High Density (R-6) so it has proper zoning for the applicant's proposed apartment project.

Action 4: Leading away from Cottage Grove Phase 3, there is 6.58 acres of vacant land between that subdivision and 52<sup>nd</sup> Street North. Because the property is in County jurisdiction, the applicant is requesting to annex the 6.58 acres into the City for the project.

Action 5: Establish the same R-6 zoning so the total 8.8 acres that would be in the City limits has proper zoning to construct the 252 apartment units.

Action 6: Because the applicant wants to phase construction for financing reasons, he is proposing a Major Subdivision of the 8.8 acres into 7 lots.

Interim Director Micuda continued that the applicant is proposing six (6) new apartment buildings, with 42-units in each building that will be built in phases starting at the southeast corner. The applicant will be partnering with the City pertaining to City-owned property to the east to convert 52<sup>nd</sup> Street from a gravel road to a paved City street with curb, sidewalk, and a boulevard on the west side and curb on east side, and to upgrade 7<sup>th</sup> Avenue North to the same standard, and to provide City water, sewer, and storm drain infrastructure. The applicant will be required to provide a park maintenance fee, and will install a crosswalk for residents to connect to the Siebel Soccer Complex.

The Planning Board and the Neighborhood Council unanimously support the project. The project is adjacent to a major recreational facility and near Malmstrom Air Force Base. Additionally, poor soils make commercial-type construction a better option, and upgrading 52<sup>nd</sup> Street is a major benefit to the community. The applicant has done an excellent job shifting the building sites away from the existing residents, as well as setting aside buffering and extra greenspace beyond code standards. Staff believes this is a good project and fully supports it.

Interim Director Micuda concluded that the motion for Action 4 should exclude approving the Improvement Agreement, which will be brought back as an independent action on the contracts list at a later date.

Mayor Kelly asked if the Commission members had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of Resolution 10499, the Amended Plat for Cottage Grove Phase 3 Addition, Ordinance 3257, Resolution 10492, Ordinance 3258, and the Preliminary Plat of the Discovery Meadows Apartments Subdivision.

**Jolene Schalper**, Great Falls Development Authority (GFDA), City resident, commented that GFDA is excited about this project. She noted that the developer is taking all of the risk on this project. Housing is needed in Great Falls. GFDA is getting nervous as they see projects drop off. A few months back there were 3000 planned units, and that number is much less right now. Financing is getting more difficult to secure. Projects broken down into phases helps with financing and makes the project more successful.

**Pastor Schearer**, Heritage Baptist Church, 900 52<sup>nd</sup> Street North, inquired if the project consisted of apartments or housing.

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**Sherrie Arey**, NeighborWorks Great Falls, commented that the purpose of the housing market study was to help determine what the needs were going to be in the next 10 years. Great Falls is already woefully behind on those needs. There has been a lot of buzz around housing with a lot of potential housing coming to the community, but it is difficult. Other developers help create housing at all levels of affordability. This project will help with the housing needs of the Base and this surrounding area. Safe homes that people can afford helps put people on a path to success and home ownership.

**Doug Lay**, 801 48<sup>th</sup> Street North, inquired what effect the apartment project would have on area property values.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10499, the Amended Plat for Cottage Grove Phase 3 Addition, Ordinance 3257, Resolution 10492, Ordinance 3258, and the Preliminary Plat of the Discovery Meadows Apartments Subdivision.

Hearing one, Mayor Kelly asked staff to respond to the two questions.

Interim Director Micuda clarified that the project consists of apartments for rent at market rate, and the apartments will consist of a mix of bedrooms.

With regard to effects on property values, Interim Director Micuda commented that it depends on the geography of the situation. This multi-family housing project fits in context as it has been pushed as far away from residential lots as possible. The residential homeowners within 150' of the property were notified.

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

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10499, subject to the Conditions of Approval being fulfilled by the applicant.**

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

Commissioner McKenney read paragraph 7 of page 91 of the agenda packet, and thanked the developer for bearing all of the costs of the project.

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

Motion carried 4-0.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve the Amended Plat for Cottage Grove Phase 3 Addition and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.**

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Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

**Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission adopt Ordinance 3257 allowing the rezone request from PUD, Planned Unit Development, to R-6, Multi-Family High Density, 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 was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

**Mayor Kelly moved, seconded by Commissioners McKenney and Wolff, that the City Commission adopt Resolution 10492 to annex the property legally described as Mark 17 in the SE ¼ of Section 4, T20N, R4E, PMM, Cascade County, Montana, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.**

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Ordinance 3258 to assign R-6, Multi-Family High Density zoning to the newly annexed property and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.**

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

**Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission approve the Preliminary Plat of the Discovery Meadows Apartments subdivision and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.**

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

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**NEW BUSINESS**

**17. SUBSEQUENT MINOR SUBDIVISION OF THE PROPERTY ADDRESSED AS 1329 DIXIE LANE AS INITIATED BY KARL BIRKY.**

Interim Planning and Community Development Director Tom Micuda reported that this is a request from KIB Homes to build two single-family homes at the intersection of Dixie Lane and Flood Road. The parcel is 0.41 acres in size – 19,000 square feet. It was originally two equal sized lots when the subdivision was platted in 2008. The area is very slow to build out due to poor soils. The two lots were combined into one lot in 2019.

KIB is an experienced builder who understands the soil issue and is requesting that the large lot be split again. Both lots comply with R-3 zoning. The builder understands what needs to be done to build the homes and will submit permits for new houses if the minor subdivision is approved.

There were no concerns from neighbors or the Planning Board, and staff recommends approval.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve the Amended Plat of the Minor Subdivision, 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 4-0.

**18. SUBSEQUENT MINOR SUBDIVISION FOR THE PROPERTY ADDRESSED AS 17 3<sup>RD</sup> STREET NORTHWEST.**

Interim Planning and Community Development Director Tom Micuda reported that this is another two-lot subdivision in a commercial area. The parcel is zoned M-2 and is a 1.79 acre vacant lot behind Kobe, just south of the Staybridge Suites Hotel, located in the West Bank One development.

The applicant, Talcott Properties, wants to split the property into two lots – 1.07 acres and 0.72 acres. The 0.72-acre lot will be available for a future user. The 1.07-acre lot will be sold to commercial user, Highway 55 Burgers Shakes and Fries. They have a permit that is ready to be issued for a new restaurant on the property.

The Planning Board and Neighborhood Council #2 recommended approval. Both lots will have all utility services and have access and parking from a private internal street that runs through West Bank One.

**Commissioner McKenney moved, seconded by Commissioner Wolff, that the City Commission approve the Amended Plat of the subsequent minor subdivision for the subject property as legally described in the staff report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the Applicant.**

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

Mayor Kelly inquired if 1<sup>st</sup> Avenue NW will access the property.

Interim Director Micuda responded that in 2006-2008 there was a vacation of right-of-way integral to the project. The right-of-way will not be used because where it outlets onto 3<sup>rd</sup> Street NW is too close to the curve. Montana Department of Transportation only allowed so many access points, 1<sup>st</sup> Avenue NW not being one of them. Access was switched to an internal, private street system that will exit near Kobe.

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

Motion carried 4-0.

### 19. **PROFESSIONAL SERVICES AGREEMENT AWARD FOR PARKS AND REC ADMIN BUILDING RESTROOM PROJECT (OF 1810.0).**

ARPA Project Manager Sylvia Tarman reported that the Parks & Recreation Admin Building Restroom Project was identified as a Tier 1 American Rescue Plan Act (ARPA) project by the City Commission at the April 5, 2022 meeting. Staff members from Parks & Rec and the Finance Department reviewed the current configuration of the restrooms in the Admin Building, and reached out to LPW Architecture for options to remodel the restrooms to meet Americans with Disabilities Act (ADA) Requirements.

There are currently two restrooms, with a third in the shop area, at the Parks & Rec Admin building. The restrooms are standard, but neither meet ADA compliance requirements for public buildings. City Staff met in December 2022 with LPW to review current conditions and discuss options for remodeling the restrooms. LPW put forth two preliminary options for the remodel, and City staff decided that Scheme 1 was the most practical and cost effective method. LPW provided a comprehensive design estimate to complete architectural, electrical, mechanical, and plumbing designs to enable bidding by a qualified construction contractor.

This project will be funded utilizing ARPA funds. The total allocation of the Parks & Rec Admin Building Restroom Project, set by the Commission, is \$75,000. This design fee is being accounted for as part of the overall budget of the project, so it will not affect any of the other planned ARPA project budgets at this time.

LPW's design option and proposal meets the needs of the project. Staff recommends awarding the design contract to LPW Architecture for the Parks & Rec Admin Building Restroom, in the amount of \$9,000.00, utilizing American Rescue Plan Act funds.

**Commissioner Wolff moved, seconded by Commissioner McKenney, that the City Commission approve the Professional Services Agreement with LPW Architecture for the Parks & Rec Admin Building Restroom, in the amount of \$9,000, utilizing American Rescue Plan Act funds, and authorize the City Manager to execute the contract documents.**

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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 4-0.

**20. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FISCAL YEAR 2021 ASSISTANCE TO FIREFIGHTERS GRANT (AFG).**

Fire Chief Jeremy Jones reported that the requested action is that the City Commission approve the acceptance of the FEMA 2021 Assistance to Firefighters Grant in the amount of \$900,454.54, and authorize the execution of a purchase order in an amount not to exceed \$1,600,000 to secure the acquisition of a new Aerial apparatus to replace the current 1996 HME 75' Aerial that has exceeded its service life.

Great Falls Fire Rescue (GFFR), with approval from the City Commission at its February 16, 2021 meeting, applied for the FEMA Fiscal Year 2021 Assistance to Firefighters Grant to secure funding for a new 107' Quint Aerial Apparatus to assist with replacing the 1996 HME 75' Quint apparatus that had surpassed its service life. NFPA 1911, Annex D, Guidelines for First-Line and Reserve Fire Apparatus, states, "Apparatus that was not manufactured to the applicable NFPA fire apparatus standards or that is over 25 years old should be replaced." He noted that apparatus has had numerous breakdowns, frame issues and overloading over the years.

Two things have changed since the February 16, 2021 Commission meeting. In 2021, the cost of a new 107' Aerial Apparatus and equipment would have been \$1,300,000, and the 10% City match would have been \$130,000.00. Since then, the costs of said Aerial Apparatus has increased and is currently selling in the \$1,600,000.00 range. The other change is that, unknown to GFFR during the application process, the amount that FEMA/AFG would fund a municipality under 100,000 residents could not exceed \$990,500.00. Due to these two changes, the City's contribution amount will exceed what was reported in February, 2021.

Chief Jones explained that the request for approval of a purchase order now is due to the post-Covid market. Trying to secure apparatus in a fleet acquisition is very difficult. If GFFR were to ground spec an apparatus today, it would be 48-56 months out before GFFR would take acceptance of that truck. GFFR will not be able to keep the HME aerial in the fleet much longer. A second option is a 36-month timeline wherein the apparatus is 80% built and GFFR would get 20% in change orders. This is also outside the timeline of what GFFR feels is feasible. If GFFR were to accept an apparatus that comes off the line that becomes available to vendors for purchase as is, with minor options, GFFR may be able to secure the truck by mid-summer. He has been working with the vendor, Finance Department and the Fleet Manager. If approved, a truck might become visible to their vendor on April 3, 2023.

The City will use the cooperative purchasing agreement process through Sourcewell to purchase the apparatus. The Sourcewell representative and Central Garage staff are working together to locate an apparatus to purchase. Staff is requesting Commission approval so once the apparatus is located, finance is able to generate a purchase order to secure the purchase.

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The cost of a new 107' Aerial apparatus is up to \$1,600,000. The AFG award is \$900,454.54. The City's 10% match is \$90,045.46. The City will be responsible for the 10% match to the AFG grant plus the remaining funding needed to secure the Aerial apparatus in an amount not to exceed \$1,600,000.00. The remaining funding to purchase the new apparatus will come from Central Garage reserves and from the Fire Department's current budget.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve the acceptance of the Federal Emergency Management Agency (FEMA) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) in the amount of \$900,454.54, and authorize execution of a purchase order in an amount not to exceed \$1,600,000 towards the purchase of a new 107' Quint Aerial Apparatus through the governmental purchasing service cooperative, Sourcewell.**

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

Commissioner McKenney inquired if funds were available for the match and was answered in the affirmative.

Commissioner McKenney inquired if \$1,600,000 was enough considering the rapidly changing prices post-Covid.

Chief Jones responded, if approved, the funds would buy a truck that will meet the needs of the Department and community for 25 years. Being custom built by a fire truck manufacturing facility, it will have all that is needed, a water tank, pump and aerial device.

If approved today, Commissioner McKenney inquired if GFFR could act immediately.

Chief Jones responded, with approval today, he hopes GFFR will be able to secure an aerial apparatus on April 3, 2023.

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

Motion carried 4-0.

**CITY COMMISSION**

**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**22. COMMISSION INITIATIVES.**

None.

**23. LEGISLATIVE INITIATIVES.**

None.

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**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Wolff moved, seconded by Mayor Kelly, to adjourn the regular meeting of March 21, 2023, at 8:50 pm.**

Motion carried 4-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: April 4, 2023**