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 City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Interim Planning and Community Development Director Tom Micuda; Finance Director Melissa Kinzler and ARPA Project Manager Sylvia Tarman; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and Deputy City Clerk Darcy Dea.

**AGENDA APPROVAL:**  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**: Arbor Day (April 28, 2023) Earth Day (April 22, 2023) and National Library

Week (April 23 – 29, 2023).

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|  | **COMMUNITY INITIATIVES** |
| **1.** | **COMMUNITY HEALTH UPDATE FROM CITY COUNTY HEALTH DEPARTMENT (CCHD).**  Abigail Hill, Public Health Officer, provided the following updates:   * April is National Child Abuse Prevention Month. * NoMore Violence Week was April 10 – 14, 2023. * Child abuse neglect is a health priority for the community. * Over 20 organizations, including the CCHD, provide training, education, awareness, building activities and community events to address topics such as child abuse; intimate partner violence, human trafficking, missing and murdered indigenous people, suicide and mental health. * The CCHD’s Family Health Services Division offers several programs that are aimed at providing resources to families, as well as supporting and connecting them to other families. It provides programs such as Special Supplemental Nutrition Program for Women, Infants, Children (WIC); Parents as Teachers; and Safe Care. * CCHD staff are involved with Preventing Child Abuse and Neglect (PCAN) and Early Childhood Coalition. * The Great Falls Public Library partnered with the Raising Readers Committee and Treasure State Foundation to participate in the Dolly Parton Imagination Library on May 10, 2023.   Commissioner Wolff announced that she attended two events for NoMore Violence Week at Alliance for Youth and it was delightful to see families having a wonderful time. |
| **2.** | **PETITIONS AND COMMUNICATIONS** |
|  | **John Hubbard**, City resident, expressed concern with regard to Wisemans, the City raising taxes, judicial system, government and power companies.  **Kevin Westie**, 602 35th Street North, discussed censorship in local government. He commented that since 2014, the City budget increased by $35 million to $148 million and during that time the population growth was almost stagnant, crime was increasing and the Gibson Flats fire became a house destroying fire because the Fire Department was underfunded. The $35 million was misspent at a time when it should have been invested in public safety, the Morony Natatorium and Great Falls Public Library. He suggested that Great Falls be the headquarters for two Montana/Canada Boarder agriculture, ranch and immigration centers. |
|  | **NEIGHBORHOOD COUNCILS** |
| **3.**  **4.** | **NEIGHBORHOOD COUNCIL 3 UPDATE.**  Neighborhood Council #3 Official Delegate Garry Much reviewed and discussed the following PowerPoint:   |  |  | | --- | --- | |  |  |   Ms. Mauch introduced Council #9 members present Eric Peterson and Sue Steichen.  Ms. Mauch reported that Council 3’s boundaries are the northern boundary is the City Limit line, the southern is the Northwest Bypass, the eastern and western boundaries are the City Limit line. Regular meetings are on the first Thursday of the month at 6:30 p.m. at Riverview Elementary School.  Commissioner Wolff expressed appreciation to Ms. Mauch for her enthusiasm and Council #9’s  Facebook page.  Mayor Kelly suggested that Ms. Mauch contact the Planning and Community Development Department to view a traffic study with regard to additional traffic on Smelter Avenue and 3rd Street Northwest with the opening of new ARC apartment complex.  **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**  None. |
|  | **BOARDS AND COMMISSIONS** |
| **5.**  **6.**  **7.** | **APPOINTMENT TO THE GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION.**  **Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission appoint Jake Schneiderhan to the Great Falls Planning Advisory Board/Zoning Commission for the remainder of a three-year term through December 31, 2024.**  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.  **APPOINTMENTS/REAPPOINTMENT TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.**  **Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission reappoint Grant Harville for a three-year term from January 1, 2023 through December 31, 2025 and appoint Randall Knowles for a partial three-year term through December 31, 2024 and appoint Emily Langston for a partial three-year term through December 31, 2023.**  Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.  Hearing none, Mayor Kelly called for the vote.  Motion carried 4-0.  **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**  None. |
|  | **CITY MANAGER** |
| **8.** | **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**  City Manager Greg Doyon reported the following updates:   * Great Falls Police Officer Abby Rodseth ran and finished the Boston Marathon in two hours, 46 minutes and 41 seconds. * Great Falls Police Officer Stephanie Kazior participated in the United States Adult Figure Skating Championships in Salt Lake City, Utah on April 15, 2023 and finished the with a bronze medal in her division. * Great Falls Fire Rescue Station 4 has new overhead doors that was completed with American Rescue Plan Act (ARPA) funding.   He reviewed and discussed the following PowerPoint slide:     * The City Clerk Department announced that filing begins April 20, 2023 through June 19, 2023 for the Municipal Election process. Open positions include one Mayor, two City Commissioners, 45 Neighborhood Council representatives consisting of five representatives in each of the nine districts and two Municipal Court Judges. * Communications Specialist Lanni Klasner created an Urban Wildlife page on the City’s website that includes a link to the Montana Fish, Wildlife & Parks (FWP) website to provide resources for reducing conflicts between humans and wildlife in the City limits. Including information on the proper disposal of animal carcasses and Chronic Wasting Disease. * Jessica Compton has been hired as the new Park and Recreation Deputy Director and will begin employment on May 15, 2023. Kevin Vining has been hired as the new Park Manager. * The Public Works Environmental Division partnered with Veolia North America to host a Household Hazardous Waste Collection Event on April 15, 2023 and it was a huge success.   Mayor Kelly announced that he attended the Household Hazardous Waste Collection Event and appreciated the opportunity to dispose of hazardous wastes in a safe way. |
|  | **CONSENT AGENDA.** |
| **9.** | Minutes, April 4, 2023, Special City Commission Meeting. |
| **10.** | Minutes, April 4, 2023, City Commission Meeting. |
| **11.** | Total Expenditures of $2,420,652 for the period of March 16, 2023 through April 5, 2023, to include claims over $25,000, in the amount of $1,889,866. |
| **12.** | Contracts List. |
| **13.** | Approve the cancellation of City of Great Falls checks issued by the Finance Department that remain outstanding and unpaid for a period of one (1) year or longer as authorized by section 7-6-4303 MCA. |
| **14.** | Set Public Hearing on the CDBG & HOME Grant Annual Action Plan for May 2, 2023. |
|  | **Commissioner Wolff moved, seconded by Commissioner McKenney, 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 4-0. |
|  | **PUBLIC HEARINGS** |
| **15.** | **PARKVIEW APARTMENTS (MULTIFAMILY) AFFORDABLE HOUSING PROPOSAL.**  Mayor Kelly declared the public hearing open and asked for presentation of the staff report.  **Kassy Buss**, Bjornson Jones Mungas PLLC, reported that Parkview Housing Partners, LP is applying for Low-Income Housing Tax Credits from the Montana Board of Housing (“LIHTCs”) to finance the preservation of Parkview Apartments as affordable housing. Parkview Housing Partners, LP is planning to apply for the exemption from real property taxes available to qualifying low-income housing tax credit projects under Montana Code Annotated Section 15-6-221 in connection with the projects. As a part of the requirements related to such applications, Parkview Housing Partners, LP is required to solicit public comment on whether the proposed qualifying low-income rental housing property meets a community housing need. This is the public’s opportunity to comment on the proposal. |
|  | Miss Buss reviewed and discussed the proposed project. The goal of the presentation is to solicit  comments from the Commission and public on this proposal to be forwarded with their application  to the Board of Housing that funds these projects. The PowerPoint presentation included: |
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|  | Mayor Kelly asked if there were any questions of the presenter.  Mayor Kelly inquired if Parkview Housing Partners, LP is competing with another development in the City and the timing with regard to awarding the tax credit.  Ms. Buss responded that the four percent bond allocation and volume cap is sufficient that it is not a highly competitive allocation process. Parkview Housing Partners, LP anticipates closing in Fall 2023 and the rehab process would take approximately 12 to 18 months.  Speaking in support of the project was **Jake Clark**, Great Falls Development Authority (GFDA). Mr. Clark commented that providing continued access to affordable housing is important to the community.  No one spoke in opposition to the project.  There being no on further to address the Commission, Mayor Kelly closed the public hearing. |
|  | Mayor Kelly commented that the Commission supports Ms. Buss’s efforts and he suggested that she contact the City Manager’s office with regard to submitting a letter of support on her behalf to the Board of Housing. |
|  | OLD BUSINESS |
|  | NEW BUSINESS |
| **16.**  **17.** | FIRE STATION INFRASTRUCTURE RENOVATIONS CONSTRUCTION CONTRACT AWARD. OF 1797.1  ARPA Project Manager Sylvia Tarman reported that the Fire Station Infrastructure Project was identified as a Tier 1 ARPA project by the City Commission at the April 5, 2022 meeting. The project includes upgrades to the HVAC and electrical systems, as well as renovations to the dorm areas in all four Fire Stations. The City awarded the design contract to Cushing Terrell in December 2022, and has been working with them since to complete the designs for renovations at all four Fire Stations. The project went out for bid in February 2023 and bids were opened March 22, 2023. City staff and Cushing Terrell have reviewed the bid proposals received, and are confident that Talcott’s bid proposal will satisfy the project’s needs and recommend that the Commission award the construction contract, in the amount of $2,731,200.00 to James Talcott Construction for the Fire Station Infrastructure Project.  **Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission****award a contract in the amount of $2,731,200.00 to James Talcott Construction for the Fire Station Infrastructure Project, utilizing American Rescue Plan Act funds, and authorize the City Manager to execute the construction contract documents.**  Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners.  Commissioner Wolff commented that after touring some of the Fire Stations, she noticed how cold the dorms were in Fire Station 1 and this is a good step towards updating public safety infrastructure.  Commissioner McKenney commented that inflation and supply issues have destroyed budget estimates and he appreciates that the James Talcott Construction bid proposal came in under budget.  ARPA Project Manager Tarman responded that receiving three bids is an indication that things are getting better and the difference between the top bid and low bid was only $14,000.  There being no further discussion, Mayor Kelly called for the vote.  Motion carried 4-0.  CONSTRUCTION CONTRACT AWARD: LOWER NORTHSIDE WATER MAIN REPLACEMENT – PHASE 2 OF 1467.1  Public Works Director Chris Gaub reported that this project would replace approximately 4,000 lineal feet of 6-inch, 8-inch and 12-inch pipe and aging cast iron pipe. The existing water mains have been failing with increasing frequency, which causes damage to properties and roadways, disrupts traffic and interrupts water services for local residents and businesses. The project enables the City to continue to serve the community with clean water while reducing the risks of future water main breaks and associated damages.  The project was synchronized with a street full repair project using the Bridge and Road Safety and Accountability Act (BaRSAA) Fuel Tax revenues. The project will also include replacement of 8 fire hydrants, 98 water service connections, 3,400 square yards of base course, and 1,430 square yards of asphalt pavement.  **Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission****award a contract in the amount of $2,030,275.00 to United Materials of Great Falls, Inc. for the Lower Northside Water Main Replacement – Phase 2, and authorize the City Manager to execute the contract documents.**    Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners.  Commissioner McKenney suggested speeding up the process because infrastructure projects in business areas could be devastating to small businesses.  There being no further discussion, Mayor Kelly called for the vote.  Motion carried 4-0. |
|  | **ORDINANCES/RESOLUTIONS** |
| **18.**  **19.** | **RESOLUTION 10502 – APPROVING MINOR CHANGES TO THE CITY’S DOWNTOWN TIF BUILDING PROGRAMS – THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM.**  Interim Planning and Community Development Director Tom Micuda reported that there are proposed minor changes to the City’s Downtown TIF District Building Programs that were adopted by the City Commission in July 2021. The types of projects in the Downtown TIF include improvements to building facades, improvements to building code compliance and life safety, and improvements to safety. Because City staff is raising the limit from $25,000 to $75,000, all programs needed to be modified to raise the total allocation from $80,000 to $130,000. Changes were made to make the language clearer about when staff can approve fire protection and American with Disabilities Act (ADA) upgrades, as well as approving higher limits.  **Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10502.**  Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10502.  Written correspondence in support of Resolution 10502 was received from **Kellie Pierce**, Executive Director, Business Improvement District/Downtown Great Falls Association, via April 18, 2023 email.  **David Saslav**, City resident, inquired about the update to the City’s Growth Policy.  Interim Planning and Community Development Director Micuda responded that City staff has been discussing the scope of work with regard to updating the 2013 Growth Policy.  Mayor Kelly asked if there was any discussion amongst the Commissioners.    Commissioners Hinebauch, McKenney and Wolff expressed appreciation to City staff for thinking outside the box, and going above and beyond what the Commission requested.  There being no further discussion, Mayor Kelly called for the vote.  Motion carried 4-0.  RESOLUTION 10503, CONDITIONAL USE PERMIT FOR A “TWO-FAMILY RESIDENCE” USE UPON THE PROPERTY ADDRESSED AS 727 4TH AVENUE NORTH.  Interim Planning and Community Development Director Tom Micuda reported that Resolution 10503 is a request for a Conditional Use Permit to establish a second dwelling unit on a property addressed as 727 4th Avenue North. The property is in the Northside Residential National Register Historic District. The house, which is on the avenue, is one of the more historic homes in Great Falls and was constructed in 1897. In the back of the house is the carriage house, which has been renovated into a garage with office space on the second floor. The owner wants to convert the second floor space to a second dwelling unit. The yard is beautiful, the carriage house is easily convertible, there is parking in the garage and two spaces can be easily added along the alley. The area is zoned R-9 and mixed in density and use. Neighborhood Council #7 and the Great Falls School District supports the project and there was a unanimous recommendation from the Zoning Commission.  **Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission set a public hearing for Resolution 10503 for May 16, 2023.**  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 Wolff noted that it is important to have Neighborhood Council’s support with regard to these types of projects.  Commissioner McKenney inquired if the two-family residence is considered as an accessory dwelling unit (ADU).  Interim Planning and Community Development Director Micuda responded that a two-family residence and an ADU are one in the same; however, the zoning code calls it a two-family residence.  Commissioner McKenney inquired if the two-family residence should be changed to an ADU.  Interim Planning and Community Development Director Micuda responded that an ADU is not defined in the City code and falls under a two-family residence category. There could be changes due to the state legislature that could require the City to define it at some point. For now, a second dwelling unit, that takes the form of a separated structure or is combined in one house, is all the same.  Mayor Kelly added that the City is currently monitoring bills that indicate the process that cities, municipalities and towns use to determine the appropriateness of ADU’s or second residences, are not subject to local approval. This is a fantastic project that the City should determine what is best for the community based on the public hearing process. The public hearing process has been used for decades and now legislators believe they are better qualified to tell every community in Montana when, where, how and what conditions these ADU’s can be placed in a community. Mayor Kelly urged citizens to inform legislators that local decisions are best made by local people.  There being no further discussion, Mayor Kelly called for the vote.  Motion carried 4-0. |
|  | **CITY COMMISSION** |
| **20.** | **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**  Mayor Kelly requested that Public Works Director Gaub thank Veolia North America for partnering with the City with regard to the Household Hazardous Waste Collection Event.  Commissioner Wolff extended appreciation to the Great Falls Police Department for its efforts with regard to NoMore Violence Week. |
| **21.** | **COMMISSION INITIATIVES.**  None. |
| **22.** | **LEGISLATIVE INITIATIVES.**  None. |
|  | **ADJOURNMENT** |
|  | There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Wolff, to adjourn the** regular meeting of April 18, 2023, at 8:30 pm.  Motion carried 4-0.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Mayor Bob Kelly  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Deputy City Clerk Darcy Dea  **Minutes Approved: May 2, 2023** |