

JOURNAL OF COMMISSION PROCEEDINGS

June 6, 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, Rick Tryon, and Susan Wolff. Also present were City Manager Greg Doyon; Public Works Director Chris Gaub; Interim Planning and Community Development Director Tom Micuda; Finance Director Melissa Kinzler and Grant Manager Tom Hazen; Park and Recreation Director Steve Herrig; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Fire Chief Jeremy Jones; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

AGENDA APPROVAL: City Manager Greg Doyon noted that a Proclamation for Juneteenth was added after original posting. Mayor Kelly noted that the Montana Air National Guard (MANG) military update would be rescheduled for August. The agenda was approved as presented with the addition of the proclamation and removal of MANG’s military update.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: National Homeownership Month [June], NeighborWorks Week [June 3-10, 2023], and Juneteenth [June 19, 2023]

MILITARY UPDATES

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

MANG’s military update will be rescheduled for August 2023.

2. **PETITIONS AND COMMUNICATIONS**

None.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

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5. REAPPOINTMENT TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Mayor Kelly reported that the Board met on May 18, 2023 and recommended that the City Commission reappoint Mr. Fink to the Great Falls Housing Authority Board of Commissioners for a five-year term through June 30, 2028. David Fink was appointed to the Great Falls Housing Authority Board of Commissioners on July 17, 2018 for his first five-year term. His term is set to expire on June 30, 2023 and he is interested and eligible to serve a second five-year term.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission reappoint David Fink to the Great Falls Housing Authority Board of Commissioners for a five-year term through June 30, 2028.

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.

City Manager Greg Doyon reported the following updates:

- Public Works Director Chris Gaub appointed current employees to superintendent roles in the Utilities, Street and Traffic, Central Garage and Engineering Divisions to increase accountability, responsibilities and operational efficiencies within the Department.
- The refurbished Pierce Fire Engine is on its way back from Wisconsin to Great Falls Fire Rescue to serve in Fire Station #2.
- Great Falls Fire Rescue initiated a Community Connect Program for residents to provide certain information that could be used in an emergency response.
- The ARPA project designated for overhead doors at Fire Station #1 is almost complete.
- Rachel Campbell was hired as a certified permit technician for Planning and Community Development.
- There were 575 survey responses to the Long Range Transportation Plan.
- The first of two Public Safety Town Hall Meetings is scheduled for June 14, 2023 at 6:00 pm in the Mansfield Center for citizens to hear more about the public safety levy and staff to answer questions. Per state law, staff cannot opine on whether or not the public safety levy is needed, but can educate in their official capacities so residents can make well-informed decisions when they get their ballots. There will also be opportunities for organizations to request and schedule a speaker to get more information about the public safety levy effort.

CONSENT AGENDA.

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7. Minutes, May 16, 2023, City Commission Meeting.
8. Minutes, May 16, 2023, Port Authority Meeting Minutes.
9. Total Expenditures of \$5,934,166 for the period of May 40, 2023 through May 24, 2023, to include claims over \$25,000, in the amount of \$4,972,290.
10. Contracts List.
11. Approve the Memorandum of Understanding acknowledging acceptance of the 1941 Seagraves Ladder Truck donated by Jim and Joyce Moerkerke.
12. Approve the ESRI Small Enterprise Agreement for County and Municipal Government in the amount of \$170,100 total over a 3-year term (\$56,700 Year 1, \$56,700 year 2, and \$56,700 Year 3) and authorize the City Manager to execute the Agreement documents.
13. Approve a Professional Services Agreement in the amount of \$455,870 to Great West Engineering Inc., for the City of Great Falls Stormwater Master Plan Update project, and authorize the City Manager to execute the agreement documents. **OF 1361.6**
14. Set Public Hearing for Tourism Business Improvement District (TBID) FY2023 Budget Amendment for June 20, 2023.

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

Commissioner McKenney recognized and thanked Jim and Joyce Moerkerke for their generous donation [agenda item 11].

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

Motion carried 5-0.

PUBLIC HEARINGS

15. **ORDINANCE 3259, AMENDMENT TO OCCGF TITLE 17, CHAPTER 20 ALLOWABLE USES - ALLOWING RESIDENCE, MULTI-FAMILY IN THE GENERAL COMMERCIAL ZONING DISTRICT.**

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

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Interim Planning and Community Development Director Tom Micuda reported that Ordinance 3259 is a very simple but important proposed amendment to the City's Land Development Code – Title 17. The amendment proposes that “Residence, Multi-family” be added as a Permitted Use in the City's C-2, or General Commercial, zoning district.

This amendment is being proposed because staff has received inquiries from developers for the last few years about doing multifamily development projects in this zoning district. Due to the current code language, staff has had to direct them to the rezoning process rather than the building permit process. Time is money, and those projects have not come forward.

This proposed code amendment will open up more marginal C-2 zoned land to another development scenario – multifamily and mixed-use development. Another benefit is the City will get ahead of changes made during this Montana State Legislature session. There is no downside. The amendment will simply add another development option in an era where retail commercial enterprises have more risk and the City has the need for more housing supply.

Mayor Kelly asked if the Commissioners had any questions of staff.

Commissioner Tryon inquired how passage of this ordinance would provide additional financial sources for commercial development.

Interim Director Micuda responded that this amendment provides an opportunity for developers to go vertical with mixed-use, as well as stand-alone multi-family. The financing benefits is to be able to go vertical with upper stories instead of a one-story retail platform.

Commissioner Wolff received clarification that adoption of this amendment applies to new and existing building stock.

Mayor Kelly asked if there were any comments from the public in support of Ordinance 3259.

Shyla Patera, North Central Independent Living Services, Inc. submitted written comments generally in support of housing affordability and other opportunities for community building and neighborhood growth. However, Ms. Patera inquired how accessibility of neighborhoods, businesses, as well as environmental factors that might impact the zoning change would be addressed.

Mayor Kelly asked if there were any comments from the public in opposition to Ordinance 3259.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Ordinance 3259.

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

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Commissioner Tryon commented that this is a good example of the development review process. He noted that the City is better situated to make these decisions locally than the State Legislature.

Commissioner McKenney received clarification of broad outlines of the C-2 zoning district: 10th Avenue South from 4th Street to 57th Street, Northwest Bypass, Central Avenue West, and 3rd Street Northwest, that comprises 15-20% of properties in Great Falls. It is already allowed in the downtown periphery and neighborhood commercial districts.

From an entrepreneurs point of view, Commissioner McKenney commented that the development process could be frustrating. He expressed appreciation for making the process easier and quicker for those making the investment in Great Falls.

Commissioner Wolff commented that infill helps departments that support the City and serve the residents, rather than spreading development out further.

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

Motion carried 5-0.

OLD BUSINESS

16. CHANGE ORDER NO. 3 - INDOOR AQUATICS AND RECREATION CENTER. OF 1770.0

Park and Recreation Director Steve Herrig reported that staff recommends the City Commission approve Change Order No. 3 in the amount of \$116,680.25 to Swank Enterprises. On March 1, 2022, the City Commission approved deductive Change Order No. 1 for Swank Construction for a savings of \$244,655 from the original awarded contract price. The change order did not affect any of the amenities of the facility; changes affected materials used to accomplish a cost savings without jeopardizing the quality of amenities or facility. On July 5, 2022, the City Commission approved Change Order No. 2 for Swank Construction for \$91,029.98 that addressed plan review and permit fees as well as structural enhancements. Change Order #3 will be paid for with money raised through the formal fundraising campaign with the possibility of supplemental funds from the Park District or other Park and Recreation Funds.

Change Order No. 3 includes the following:

1. Add 2 each volleyball inserts	\$ 1,329.57
2. Interior partition framing size changes	\$ 1,423.03
3. 4” to 6” backflow and riser for fire sprinkler system	\$ 8,469.27
4. Gym finish revisions	\$ 2,119.79
5. Corner guard change	\$ 2,404.78
6. Alternate #12 – operable partition	\$19,632.07
7. Tile changes in locker room area	\$12,299.47
8. RCP storm water connection in 29 th Street	\$ 2,944.15
9. Alternate #5 – section 11 66 53 gymnasium divider	\$17,282.17
10. Alternate #6 – sauna 125	<u>\$48,775.95</u>
Total	\$116,680.25

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The acoustic tile panels for the gymnasium and two pool areas are currently being priced.

Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission approve Change Order No. 3 to Swank Enterprises in the amount of \$116,680.25 for the Indoor Aquatics and Recreation Center, and authorize the City Manager to execute the change order documents.

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 Tryon received clarification that if the Commission did not vote in favor it wouldn't jeopardize the entire project, but would jeopardize what the project is trying to accomplish and that is envisioned with the alternates in place when the doors open.

Commissioner Tryon inquired what would happen if the fund raising campaign did not raise enough money.

Director Herrig responded that he is comfortable that it would. He will prepare an update for the Commission in memo form with regard to the amount of money raised, the anticipated amount that is forthcoming, and the amount paid out to Bannack.

Commissioner Wolff commented that the changes would provide for more revenue from City, Regional and State activities.

Mayor Kelly received clarification that the project renderings, construction photos, etc. are located on the City's Park and Recreation webpage.

Mayor Kelly commented that the community is anxious to hear about the fee structure.

Director Herrig responded that staff received the pro forma from Pros Consulting. Staff will formulate those fees this fall, ahead of the opening of the building, because they want to start selling memberships before the building opens.

Commissioner Tryon inquired if the fee structure would be the same for Malmstrom personnel and citizens of Great Falls.

Director Herrig responded that staff would bring the fee structure and whether to provide a military discount to the Commission for consideration.

Commissioner McKenney inquired the timeline for opening.

Director Herrig responded the best-case scenario is May 2024. The contractor has commented he wants all exterior work done by September so that if the project work is done early he can hand over the keys and not have a punch list of outdoor work.

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

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Motion carried 5-0.

17. CIVIC CENTER PARTIAL HVAC RENOVATIONS AND INFRASTRUCTURE RENOVATIONS PROJECT, AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT. OF 1750.2

Grant Administrator Tom Hazen reported that improvements to the Civic Center HVAC and Boiler systems were among the Tier One List of ARPA funded projects approved by this Commission at the April 5, 2022 Work Session. Preliminary designs were conducted by Cushing Terrell (Cushing) over the ensuing months. While these projects were initially proposed separately, they were eventually combined into one project due to their integrated nature. A contract for the final design of this project was ultimately awarded to Cushing during the December 6, 2022 Commission meeting.

A line item for Construction Administration was not included in the design contract. This omission was intentional. Construction Administration costs are expenses associated with activities including, but not limited to, the review of equipment specifications, contractor questions, and/or any design alterations due to unforeseen developments. Given the in-depth nature of these tasks, these administrative responsibilities are better suited for a project designer as opposed to in-house project management. Typically, these costs are calculated based upon the overall construction cost, complexity, and other factors. At the time the design contract was awarded these estimates had not been finalized.

Environmental improvements were being planned concurrently with several other complex capital improvement projects including the Civic Center Façade project, the HR remodel, and Court remodel. These three projects encompassed elements that would be impacted by ventilation and environmental improvements. Assigning elements of these shared scopes to individual plans required designs beyond the preliminary stage. For example, when it became evident that it was more feasible to upgrade portions of the ventilation system as the HR remodel was progressing, that scope was removed from the Environmental Improvements and added to the HR project.

Designs are now sufficiently finalized to identify a reasonable amount to be allocated to Construction Administration expenses for these projects. Based upon designs and estimates, the administration of this project will cost \$40,000.00. Staff believes this to be a reasonable sum for the associated services and recommends that the Commission approve the proposed amendment to the contract for design services.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve Amendment No. 1 to Professional Services Agreement with Cushing Terrell in the amount of \$40,000 for the Civic Center Partial HVAC Renovation and Infrastructure Renovation Projects, utilizing American Rescue Plan Act funds, and authorize the City Manager to execute the contract documents.

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

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Commissioner Tryon expressed concern that when the Commission awarded the contract in December 2022 there was no mention in the agenda report of possible construction administration fees being added later. He inquired where the extra administrative costs would be coming from in the ARPA allocation that the Commission already voted on.

Grant Administrator Hazen responded that, as the project progressed, staff took into account administrative costs would need to be allocated. The designers were made aware of staff's limitations in terms of the budget and the costs of the overall project, and to adjust the scope of the related projects if need be to account for administration costs.

Commissioner Tryon requested that, if possible, information be provided in the agenda reports to make the Commission aware of subsequent project costs.

Mayor Kelly noted that the agreement language sets forth any alteration or deviation from the described work that involves extra costs will be performed by consultant after written request by the City, and will become an extra charge over and above the contract amount. There were some changes made based on discoveries in the HR area and map of HVAC in the Civic Center building. The Commission wants to see the potential costs that may come forward so the Commission can make a decision and be aware that it might come back before the Commission.

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

Motion carried 5-0.

18. FIRE STATION INFRASTRUCTURE RENOVATIONS PROJECT, AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT. OF 1797.1

Grant Administrator Tom Hazen report that the nature of this agenda item is nearly identical to the item previously discussed. Therefore, in the interest of brevity, he will not repeat the procedural dates, or the discussion on the nature of Construction Administration.

The Fire Station Infrastructure project is a complicated undertaking that encompasses numerous systems at each of the four Fire Stations. At the time that the design project was awarded the final scope of this project had not been arrived at. Some of the items that were included in preliminary designs have been removed as plans have coalesced.

Final designs are now in place and a construction contract has been awarded. Based upon those designs, the administration of this project will cost \$48,000.00. Staff believes this to be a reasonable sum for the associated services and recommends that the Commission approve the proposed amendment to the contract for design services.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve Amendment No. 1 to Professional Services Agreement with Cushing Terrell in the amount of \$48,000 for the Fire Station Infrastructure Renovations Project, 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. Hearing none, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Wolff commented that, knowing the age of the four fire stations, she does not think there is a way to anticipate additional costs until after renovation into the buildings begins.

Grant Administrator Hazen commented that staff added costs to account for that as much as possible, including a line item for abatement, if necessary.

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

Motion carried 5-0.

NEW BUSINESS

19. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING AGREEMENT FOR THE PURCHASE OF FIRE EQUIPMENT FOR SERVICE RESPONSE AT FIRE STATION #1.**

Interim Planning and Community Development Director Tom Micuda reported that Great Falls Fire Rescue has submitted a CDBG grant request to fund the purchase of fire equipment to assist its service response for Fire District #1. That fire district covers both the downtown and near downtown areas of the community. Fire District #1 is the only eligible district for CDBG because of its higher percentage of low to moderate-income residents being served.

The total amount of the request is \$442,861.35 and includes the following equipment: 1) thermal imaging cameras, 2) cardiac monitors, 3) a new Utility Terrain Vehicle to access tight spaces, 4) an Alternate Response Vehicle (for paramedic use), 5) Extrication Equipment (to extricate victims of incidents), 6) a Fire Investigation Vehicle, 7) an Incident Command Vehicle, 8) airbags (used for structures that are in danger of collapse), and 9) ice rescue suits.

Staff has verified that all requested items are eligible for CDBG funds. The project was also evaluated by the City's Grant Committee. Staff recommends approval of the submitted CDBG grant agreement. These are critical life safety items using federal money and alleviating pressure on the City's general fund.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve the CDBG Funding Agreement in the amount of \$442,861.35 to Great Falls Fire Rescue to purchase fire equipment for service response at Fire Station #1.

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

Appreciation was expressed to Tonya Shumaker for researching and bringing this item forward.

Commissioner McKenney inquired about use of CDBG funds for the Great Falls Police Department.

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Interim Planning and Community Development Director Micuda explained the difference is a public agency that services the entirety of Great Falls (Great Falls Police Department) cannot be funded with CDBG monies.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

21. 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 June 6, 2023, at 8:18 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: June 20, 2023