

Regular City Commission Meeting

Mayor Winters presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**ROLL CALL:** City Commissioners present: Michael Winters, Bob Jones, Bill Bronson, Fred Burow and Bob Kelly. Also present were the City Manager and Deputy City Manager; Chief Prosecutor; Directors of Fiscal Services, Planning and Community Development, and Public Works; Assistant Fire Chief; Police Chief; and the City Clerk.

**PROCLAMATIONS:** Mayor Winters read a proclamation for National Prevention Week.

**\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. \*\***

### **NEIGHBORHOOD COUNCILS**

#### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from Neighborhood Council representatives.

#### **CONSENT AGENDA**

2. Minutes, May 6, 2014, Commission meeting.
3. Total Expenditures of \$2,290,057 for the period of April 26 through May 14, 2014, to include claims over \$5000, in the amount of \$2,013,275.
4. Contracts list.
5. Grants list.
6. Lien release list.
7. Award bid to United Materials of Great Falls, Inc. in the amount of \$743,900 to supply asphaltic concrete material.
8. Award bid to Thatcher Company of Montana, Inc. in the amount of \$534 per ton to purchase liquid chlorine for FY 2014/15.
9. Award bid to Kemira Water Solutions in the amount of \$365.39 per dry ton to purchase liquid aluminum sulfate for FY 2014/15.

10. Award bid to Thatcher Company of Montana, Inc. in the amount of \$1.377 per pound to purchase anhydrous ammonia for FY 2014/15.

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented.**

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

Commissioner Burow inquired why the fee was more in 2015 compared to 2014 and 2016 for the services of Leif Associates set forth in Item 4.

Fiscal Services Director Melissa Kinzler responded that the City is required to have a full actuarial assessment in 2015, and only a recap for years 2014 and 2016, related to GASB 45.

Mayor Winters asked if there were any comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

#### **11. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

### **PUBLIC HEARINGS**

#### **12. RESOLUTION 10075, ESTABLISHING FEES FOR THE CITY OF GREAT FALLS ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT.**

Public Works Director Jim Rearden reviewed several PowerPoint slides pertaining to engineering fees related to development and inspection fees for subdivision infrastructure and extensions, concrete, sanitary sewer, and boulevard encroachment; and, fees for plans specifications, and photocopies.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10075 was **Brett Doney**, Great Falls Development Authority, 300 Central Avenue. Mr. Doney commented that smaller, incremental increases to keep pace with inflation, allows businesses and developers to budget. He also noted that time is money. It's better to keep adequate staffing in these departments rather than having delays in plan reviews.

No one spoke in opposition to Resolution 10075.

Mayor Winters closed the public hearing and asked the will of the Commission.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10075.**

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**13. SALE OF CITY-OWNED PROPERTY LOCATED AT 1100 15<sup>TH</sup> STREET NORTH, LEGALLY DESCRIBED AS LOT 2, AMENDED PLAT OF 15<sup>TH</sup> STREET BRIDGE ADDITION, TO THE CITY OF GREAT FALLS.**

Public Works Director Jim Rearden reported that approval of this item will set a public hearing for June 17, 2014, to consider the sale of City-owned property at 1100 15<sup>th</sup> Street North, formerly known as the Citizen's Convenience Center. Since 2012, several attempts to lease the property were unsuccessful. The property was offered for sale with a minimum bid amount set at \$400,000. Two bids were received in the amount \$435,000 with contingencies, and \$401,000.

**Commissioner Kelly moved, seconded by Commissioner Burow, that the City Commission set a public hearing to consider the sale of City-owned property at 1100 15<sup>th</sup> Street North for June 17, 2014.**

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

Commissioner Bronson noted his reservations about setting a public hearing. He commented that the high bid submittal with the contingency of rezoning the property as a condition of sale is inappropriate. He feels the Commission would be compromising its zoning authority and responsibilities. An agreement to make a zoning decision as part of a contract is unacceptable.

Commissioner Jones shared Commissioner Bronson's concerns regarding the rezoning contingency submitted with the high bid. He added that not setting a public hearing would have the effect of rejecting all bids. He suggested the public hearing be set as part of the process.

Commissioner Bronson noted that, by setting a public hearing, the Commission is not making a final decision. Having made concerns known, there is the possibility the high bidder would be willing to retract the rezoning contingency and offer to pay the amount bid.

Commissioner Kelly added that the City was offering a property "as is."

Manager Doyon noted the Commission will have an opportunity to explore alternatives at the public hearing. The advertisement for bids set forth that "The City of Great Falls will award the bid contract to the highest responsible bidder. However, the City of Great Falls reserves the right to reject any or all bids, wholly or in part, and to waive informalities or such items deemed not material or substantive to the bid."

Commissioner Burow agreed with setting a public hearing. He commented that another bid was submitted that exceeded the minimum bid price without contingencies.

Although not germane to this item, Manager Doyon noted for clarification that the selling of this location doesn't mean the City couldn't potentially do recycling or reopen a convenience center. The City does have an alternate site to do that in the event it is able to do so.

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

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, agreed with the points made. She also suggested that the Commission keep in mind that two bids were submitted.

There being no one further to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

14. **GREAT FALLS EMERGENCY SERVICES PRE-HOSPITAL AMBULANCE TRANSPORT SERVICE CONTRACT.**

Assistant Fire Chief Steve Hester reported that since November 1, 2008, Great Falls Emergency Services (GFES) has contracted with the City to provide 911 EMS ambulance transport services. The current contract expired on December 31, 2013. Upon agreement of GFES and the City, the City Commission approved a contract extension on February 19, 2013, pending negotiation of changes to the existing contract which have been ongoing for approximately 13 months.

Assistant Fire Chief Hester reviewed a summary of the substantive changes resulting from the negotiation and which were incorporated in the new agreement. He further pointed out that GFES has (1) satisfied all performance requirements over the last four-year term of the contract, (2) satisfied the contract requirements, and (3) provided a high level of advanced life support to the citizens of Great Falls.

Approval of this contract would commit the City and GFES to an additional four-year term for GFES to continue to provide 911 EMS ambulance transport services for the City's EMS system, with an option for an extension for five years.

**Justin Grohs**, on behalf of David Kuhn, Co-Owner, Great Falls Emergency Services, 514 9<sup>th</sup> Avenue South, expressed appreciation for allowing GFES the opportunity to continue to provide paramedic ambulance response services in the community. Mr. Grohs pointed out that GFES is currently unsubsidized so that ambulance services are paid for strictly by users and not by the community in general. He reported that there may come a point when this becomes unsustainable and GFES will have to look at alternative arrangements to continue providing service to the community. He further reported that in the future GFES would like to look at a level of ordinance protection in regards to non-emergency ambulance operations.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Great Falls Emergency Services (GFES) Pre-Hospital Ambulance Transport Service Contract and authorize the City Manager to execute the contract.**

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

Commissioner Kelly inquired if it was typical for cities in Montana to not pay a fee to have such services that the GFES provides.

City Manager Doyon noted that there is a cost for the City to provide the dispatch services and the medical oversight that is required.

Assistant Fire Chief Hester noted that there are many communities that have ambulance services run out of the fire station; fire based EMS with equipment that is owned by the cities. For the most part, for-profit ambulance services in the State of Montana aren't subsidized.

Mayor Winters asked if there were any comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

15. **HILTON GARDEN INN ADDITION.**
  - A. **RESOLUTION OF INTENTION 10077, INTENTION TO VACATE 26<sup>TH</sup> AVENUE SOUTHWEST.**
  - B. **ORDINANCE 3120, REZONE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 2, HILTON GARDEN INN ADDITION, SW<sup>1</sup>/<sub>4</sub> OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA, FROM R-5 MULTI-FAMILY MEDIUM DENSITY TO C-2 GENERAL COMMERCIAL.**

Planning and Community Development Director Craig Raymond reported that the following items are related to a proposal by the Hilton Garden Inn, or specifically Erck Hotels, to build a new convention center and an additional hotel building. In 2008 the existing Hilton Garden was approved and the site plan at that time included an area to the west of the existing hotel for a convention center to be built at a later date. Erck Hotels is ready to move forward with construction of the convention center which is a permitted use, and also to construct a HOME2 Suites facility. In order to provide adequate parking for the facilities, they are proposing to construct the parking lot to the south across 26<sup>th</sup> Avenue SW. The proposals for consideration this evening are specifically related to the parking lot and the vacation of right-of-way of 26<sup>th</sup> Avenue SW.

The applicant is proposing to rezone the subject property to the south from R-5 Multi-Family Medium Density to C-2 General Commercial in order to accommodate the parking lot. It was also determined that it would be in the best interest of Erck Hotels and the City of Great Falls to propose a vacation of right-of-way of 26<sup>th</sup> Avenue SW. The City of Great Falls will maintain access and utility easements and the neighbors to the west, which access their property from 26th, will also maintain access easements.

At a public hearing held on April 22, 2014, the Planning Advisory Board/Zoning Commission recommended that the City Commission rezone the subject properties to C-2 General Commercial, approve the vacation of right-of-way and approve the amended plat.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution of Intention 10077.**

Mayor Winters asked if there was any discussion amongst the Commission or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3120 on first reading and set a public hearing for June 17, 2014.**

Mayor Winters asked if there was any discussion amongst the Commission or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

16. **ORDINANCE 3121, REZONE PROPERTY ADDRESSED AS 905-909 5<sup>TH</sup> AVENUE SOUTH, LEGALLY DESCRIBED AS AMENDED PLAT OF LOTS 12 & 13, BLOCK 446, GREAT FALLS ORIGINAL TOWNSITE, CASCADE COUNTY, MONTANA, FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT, AND APPROVE A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF THREE TOWNHOMES.**

Planning and Community Development Director Craig Raymond reported that this item is a request to set a public hearing for June 17, 2014, to consider Ordinance 3121 which would rezone the subject property from C-1 Neighborhood Commercial to R-3 Single Family High Density and approve a Conditional Use Permit which will allow the construction of three townhomes.

The subject property historically had a large, single-family residence that eventually had fallen into disrepair and had become a code enforcement issue. NeighborWorks eventually purchased the property and demolished the blighted structure. Currently, NeighborWorks is proposing to construct three townhomes. Staff finds that this sort of residential infill redevelopment is not only financially beneficial for the developer but also an appropriate means of fostering higher density residential development in appropriate locations which will ultimately benefit the surrounding neighborhood as well.

At a public hearing held on April 22, 2014, the Planning Advisory Board/Zoning Commission recommended that the City Commission rezone the subject properties to R-3 Residential Single Family High Density, approve the Conditional Use Permit and approve the amended plat.

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3121 on first reading and set a public hearing for June 17, 2014.**

Mayor Winters asked if there was any discussion amongst the Commission or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

17. **ORDINANCE 3119, ASSIGNING CITY ZONING TO 315 21<sup>ST</sup> AVENUE SOUTH, LEGALLY DESCRIBED AS LOT 4, GRANDVIEW TRACTS, SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA.**

Planning and Community Development Director Craig Raymond reported that this is a request to set a public hearing for June 17, 2014, to consider Ordinance 3119 that would assign zoning to certain property within the Upper Lower River Road Water and Sewer District.

The owner is requesting annexation of their property, which consists of  $\pm 1.26$  acres. The owner is making the request in order to connect the existing single-family home to the City sewer system, with eventual connection to the City water system. The subject property is located in the Upper Lower River Road Water and Sewer District. In 1996, the Cascade City-County Health Department and the Montana Department of Environmental Quality initiated an 18-month groundwater pollution study in the ULRR area, and it was determined that impacts to the area groundwater were being caused by individual sewage septic systems and two aging sewer lagoon systems.

In 2001, property owners voted to create the Water and Sewer District (District) with a five member board. The District entered into a Memorandum of Understanding with the City in 2003 to connect properties in the District to the City's water and sewer system by annexation of smaller Service Districts within the larger District boundary. If the Commission approves the request, the subject property will become part of Service District #3 and the applicant will be required to pay their proportionate share of the applicable Improvement Fee to Service District #3.

The City has a long standing policy that upon annexation properties are required to connect to both the City water and sewer system. The MOU for Service District #3 allows for the annexation of the subject property to have a phased hookup to the City water system, which allows the City and property owner to address the more immediate groundwater concern related to preventing additional sewage septic systems in the Upper Lower River Road area.

At a public hearing held on April 8, 2014, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve of the annexation of the subject property and to assign R-2 Residential Single Family Medium Density subject to conditions.

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3119 on first reading and set a public hearing for June 17, 2014.**

Mayor Winters asked if there was any discussion amongst the Commission or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

### **PETITIONS AND COMMUNICATIONS**

#### **18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from the public.

### **CITY MANAGER**

#### **19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon provided updates on the Public, Public, Public, Private (P4)

Partnership with Malmstrom Air Force Base, and the status of the City's upcoming fiscal year budget. Manager Doyon expressed appreciation to Police Chief Dave Bowen for his efforts to keep the tradition of the police awards luncheon going.

### **CITY COMMISSION**

**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from the City Commission.

**21. COMMISSION INITIATIVES.**

Commissioner Jones noted that the City Manager was directed to evaluate the possibilities of eliminating a separate agenda setting meeting and streamlining the agenda setting process. Since the agenda setting is properly an administrative function of the City Manager's Office, Commissioner Jones suggested that the City Commission direct the City Manager to set the agenda for City Commission approval, which should occur at the beginning of regularly scheduled Commission meetings, thereby eliminating a separate agenda setting meeting with the Commission and staff.

After discussion, it was the consensus of the Commission that the City Manager prepare the agenda for City Commission approval at the beginning of regularly scheduled Commission meetings.

### **ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of May 20, 2014, at 7:59 p.m.**

Motion carried 5-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: June 3, 2014