

Regular City Commission Meeting

Mayor Kelly presiding

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

Commission Chambers Room 206

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Tracy Houck, Bob Jones, Bill Bronson and Fred Burow. Also present were the Deputy City Manager Jennifer Reichelt; City Clerk Lisa Kunz and Deputy City Clerk Darcy Dea; Public Works City Engineer David Dobbs; Planning and Community Development Planner II Galen Steffens; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** Deputy City Manager Jennifer Reichelt noted that the contracts list was amended after original posting, and due to board applicant withdrawing her application, requested that Item 3 be pulled from the agenda. The agenda report reference to the attachment for Item 11, page 2 should read Multi Sports rather than Golf Fees. No changes were proposed by the City Commission. The revised agenda was approved as submitted.

**PROCLAMATIONS:** Commissioner Jones read a proclamation for Youth Art Month, Commissioner Burow read a proclamation for Science Days and Commissioner Houck read a proclamation for Respect Day.

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

## **PETITIONS AND COMMUNICATIONS**

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

- A. Sheila Rice**, NeighborWorks Great Falls, 509 1<sup>st</sup> Avenue South, thanked the Community Development Council for their efforts and announced two High School houses have buy-sell agreements. She added there would not be a High School House Program without Community Development Block Grant funds.
- B. Richard Liebert**, 289 Boston Coulee Road, thanked the Commission for inviting 4-H to the last City Commission Meeting and for integrating Neighborhood Council updates at the work sessions. He invited the Commission to visit Army Unit sites in the City of Great Falls. He read and submitted Citizens for Clean Energy Commendation Certificate to Public Works Environmental Division Supervisor Paul Skubinna. He noted Celtic Cowboy was rated the number one Irish pub in Montana. Mr. Liebert thanked Mayor Kelly for his leadership role with the 4<sup>th</sup> Street rail crossing at West Bank Park.

With regard to West Bank Park, Mayor Kelly noted that the different constituents continue to meet and continue to look for a compromise and progress going forward. He will report any significant changes to the public.

**NEIGHBORHOOD COUNCILS****2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Bill Boland**, NC 8, discussed the last meeting's agenda topics and announced that the next meeting of Neighborhood Council 8 is March 17, 2016.

**BOARDS & COMMISSIONS****3. APPOINTMENT, BOARD OF ADJUSTMENT/APPEALS.**

Due to the applicant withdrawing her application, this item was pulled from the agenda. The City will continue to advertise for the vacancy.

**4. HISTORIC PRESERVATION ADVISORY COMMISSION, ADVISORY COMMISSION MEMBER INTRODUCTIONS AND COMMISSION REPORT.**

Commissioner Bronson introduced Historic Preservation Officer Ellen Sievert. She reported that the advisory commission provides a leadership role in the preservation of cultural, historic, and prehistoric sites, structures, buildings and districts within the City and County. Board members present: Ruthann Knudson, Carole Ann Clark, Kristi Scott, Kenneth Robison, Kelly Parks, Ryan Smith, Ken Sievert, Jane Weber, Joan Redeen, Carol Bronson and Bob Milford, each provided updates of respective projects.

This Advisory Commission meets on the second Wednesday of every month in the Rainbow Room at noon.

The Commission presented the board members with a certificate recognizing them for the work that they do and thanked them for their service.

Mayor Kelly noted that the Community Development Council will present at the next Commission meeting.

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

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

**CITY MANAGER****6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from the Deputy City Manager.

**CONSENT AGENDA.****7. Minutes, February 16, 2016, Commission meeting.**

8. Total expenditures of \$1,717,342 for the period of January 30, 2016, through February 17, 2016, to include claims over \$5,000, in the amount of \$1,524,242.
9. Amended Contracts list.
10. Award Construction Contract in the amount of \$857,878.70 to United Materials of Great Falls, Inc for Bid Schedule 4 of Downtown Streetscape Expansion (CTEP) project. **OF 1508.3**
11. Set public hearing for March 15, 2016 on Resolution 10132 to establish fees for the Multi Sports Softball Program.

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

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

**Ed Rooney**, 2215 Central Avenue, commented that he has been in the construction/trucking business most of his life. With regard to Agenda Item 10, Mr. Rooney commented that United Materials is getting all of the work. He inquired if other bids were submitted. He also thanked officers of the Great Falls Police Department, Cascade County Sheriff's Department and Montana Highway Patrol for the professional job during the recent incident at the Ursuline Center.

Mayor Kelly noted that there is a policy on bidding.

Planner II Galen Amy added that the competitive bidding process was used for Agenda Item 10. Five bids were received.

Deputy Manager Reichelt added that the bids are posted on-line and she read the names of the companies that submitted bids.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to Item 11 and suggested that the 1996 fees be compared to the proposed fees in the agenda report. He commented on Calumet receiving Big Sky Trust Fund grant monies as set forth in Item 8, as well as requested clarification for payment made to Crowley Fleck PLLP. Mr. Gessaman also requested additional information on contracts list Items 9B and 9C. He further suggested LED lighting be used with regard to Item 10.

**Joan Redeen**, Business Improvement District (BID), 13 5<sup>th</sup> Street North, referred to Item 10 Downtown Streetscape Expansion and reported that the BID was the CTEP applicant in 2009 and is the funding match for this project. The BID is extremely excited this project is finally happening.

Mayor Kelly commented that the fee comparison for the Multi Sport Softball Program will be set forth in the agenda report for the public hearing.

City Attorney Sara Sexe explained that Crowley Fleck was retained by the City to help navigate

the complex and technical elements of the Consent Decree. One of the elements was navigating the Calumet fees as well.

City Engineer David Dobbs responded that contract Items 9B and 9C were the result of an accident and repairs to a wall at the Engineering Building.

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

Motion carried 5-0.

### **PUBLIC HEARINGS**

12. **RESOLUTION 10130, REVISING FEES FOR THE CITY OF GREAT FALLS MAPPING AND ADDRESSING DIVISION.**

Fiscal Services Director Melissa Kinzler reported that the City of Great Falls Mapping and Addressing Division recently purchased a scanner that has capabilities of scanning and printing large sized documents. Adoption of Resolution 10130 will revise current fees for generated maps and will establish fees for scanned documents, drawings or graphic images. Fees are also being adjusted for several maps based on the size requested. The fees will be for external customers only. Such fees are necessary to recoup the cost for ink cartridges, depreciation, and maintenance on both the scanner and the plotter.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10130.

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

**Commissioner Bronson moved, seconded by Commissioners Jones and Burow, that the City Commission adopt Resolution 10130 to revise fees for the Mapping and Addressing Division.**

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

Motion carried 5-0.

13. **ORDINANCE 3138 AMENDING ORDINANCE 1447 PERTAINING TO VACATING A PORTION OF 10<sup>TH</sup> ALLEY SOUTH BETWEEN 14<sup>TH</sup> AND 15<sup>TH</sup> STREETS SOUTH, ALL WITHIN BLOCK 780 OF GREAT FALLS SIXTEENTH ADDITION.**

Planning and Community Development Planner II Galen Steffens reported that this item is a request to adopt Ordinance 3138, which amends Ordinance 1447. In 1963 the City Commission adopted Ordinance 1447 which conditionally vacated 10th Alley South between 14th Street South and 15th Street South. Essentially, the alley was vacated so long as the alley is used specifically for motel purposes. The current owner of the property is proposing to redevelop the site into a gas station, convenience store, and casino. In order to redevelop the site in the manner

that they desire, 10th Alley South will need to be vacated without the land use restriction. The subject property is zoned C-2 General Commercial district, and the proposed commercial uses for redevelopment are permitted.

Mayor Kelly declared the public hearing open.

Speaking in support of Ordinance 3138 was:

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, commented that property is ripe for redevelopment. He also stated that Town Pump will do a quality job.

**Joe Murphy**, Big Sky Civil and Environmental, 1324 13<sup>th</sup> Avenue SW, commented the intent is to raze the current building and add new improvements that will be a betterment to the property.

Speaking in opposition of Ordinance 3138 was:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to Exhibit A of Ordinance 3138 and questioned why certain language was struck out in only one paragraph.

City Attorney Sara Sexe responded changes are not being made to the historical “whereas” paragraphs, but rather to the “ordained” portion of the ordinance going forward.

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

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3138.**

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

Mayor Kelly wished Town Pump best of luck.

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

Motion carried 5-0.

### **OLD BUSINESS**

#### **14. ADDENDUM NO. 1 TO DALI, LLC DEVELOPMENT AGREEMENT.**

Deputy City Manager Jennifer Reichelt reported that this item is a request that the City Commission approve Addendum No. 1 to the Dali, LLC Development Agreement.

In May 2015 the City Commission approved a development agreement for infrastructure improvements within the Central Montana Agricultural & Technology Park Tax Increment Financing Industrial District with Joe Stanek of Dali, LLC, in an amount equal to 50% of the actual costs of the infrastructure improvements, up to \$191,653.

In his TIF application, Mr. Stanek requested that TIF funds be used to construct the dedicated

public right-of-way, Innovation Street, including paving, curb and gutter, install the required boulevard landscaping and irrigation, and extend the water main along the length of Innovation Street and to install gas and electric.

The project is now complete and 11 lots in the Great Bear Subdivision No. 2 - Phase I & II have the necessary infrastructure and services available for new development, increasing their marketability.

To date, Mr. Stanek has submitted receipts and been reimbursed for \$188,699.45 in eligible Tax Increment Financing expenses. At this time he is requesting to amend his original TIF request to include reimbursement for engineering inspection fees and sewer fees; both eligible TIF expenses. He was charged \$28,731 in engineering inspection fees and contributed \$88,708 to extend the sewer main to his property.

The addendum states that the City agrees to reimburse Dali for costs of the inspection fees in an amount equal to \$14,365.50, which represents 50% of the actual cost of the inspection fees and that the developer will be responsible for paying all remaining costs of the inspection fees.

The addendum also states that the City agrees to reimburse Dali for costs associated with sewer improvements in an amount equal \$44,354.00, which represents 50% of the actual cost of the sewer improvements.

There is adequate funding available in the Central Montana Agricultural & Technology Park Tax Increment Financing Industrial District Fund. Currently, there is \$416,405.77 in the account with another \$143,544.77 expected to be received before the end of the year.

The approval of the addendum will have no impact on the City's General Fund.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission approve Addendum No. 1 to the Dali, LLC Development Agreement.**

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

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, urged Commission approval. The area is zoned I-2 Heavy Industrial. Hopefully this will spur more companies to move there.

**Richard Liebert**, 289 Boston Coulee Road, agreed with Brett Doney's comments.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, noted that he is in favor of the project. He feels this project has not received the necessary cooperation from the Great Falls Development Authority like it gave the Great Falls AgriTech Park. Mr. Gessaman referred to page 2 of the agenda report and inquired about lot 12.

City Engineer David Dobbs responded that infrastructure is up to the border of the lot and can be extended when a project comes along for that parcel.

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

Motion carried 5-0.

**NEW BUSINESS**

**15. CONSTRUCTION CONTRACT AWARD: GREAT FALLS WASTEWATER TREATMENT PLANT DAFT REHABILITATION – PHASE 2 OF 1457.9.**

Public Works City Engineer David Dobbs reported that Great Falls Wastewater Treatment Plant DAFT Rehabilitation – Phase 2 will address infrastructure improvements at the Wastewater Treatment Plant that had been recommended by the facility plan and further defined by a study done by NCI Engineering Co. (NCI). This project will replace and upgrade components inside the Dissolved Air Flotation Thickener (DAFT) Building. The DAFT Building was constructed in 1974 and a majority of the equipment being replaced is original. Serious failure in this equipment would hamper the overall treatment process and would put the City out of compliance with the Montana DEQ permit requirements.

Three bids for construction were received and opened on February 14, 2016. Swank Enterprises submitted the low bid. The following day Swank contacted the City's consultant stating that they had not included a work item in their bid and requested that the City allow the bid to be withdrawn from consideration. City staff and the consultant evaluated the request and the contract documents and concluded that it would not be in the City's best interest to allow Swank to withdraw their bid. Several hours after the agenda report was submitted, the City received an email from Swank asking to withdraw the request to withdraw the bid, which Engineer David Dobbs read.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission award a contract in the amount of \$1,204,450.00 to Swank Enterprises for the Great Falls Wastewater Treatment Plant DAFT Rehabilitation – Phase 2 and authorize the City Manager to execute the construction contract documents.**

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

Mayor Kelly added that he appreciates Swank Enterprises standing by its bid.

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

**Richard Liebert**, 289 Boston Coulee Road, commended Public Works for implementing the use of LED lighting and he appreciates the agenda report including alternatives for better decision making.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, agrees with Mr. Liebert regarding LED lighting.

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

Motion carried 5-0.

**ORDINANCES/RESOLUTIONS****CITY COMMISSION****16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Houck announced Boards and Commissions openings on the City of Great Falls' Webpage including: Golf Advisory Board; Board of Adjustments and the Advisory Commission on International Relationships. She noted that the Commission encourages active public participation. She further announced that on April 1, 2016, there will be a public meeting in the Civic Center on the Upper Missouri River Heritage Planning, and on March 2, 2016, at noon is the Respect Rally at the University of Great Falls.

Commissioner Jones thanked Neighborhood Council 5 for the good presentation and the challenge for the City to assist them, as well as Director Petrella for the interesting softball complex presentation at the Work Session.

Mayor Kelly echoed Mr. Rooney's comments about the great work of the police force.

**17. COMMISSION INITIATIVES.**

Mayor Kelly announced that the City is making arrangements with the County Commission to tour the Tintina Mine area at White Sulphur Springs on April 1<sup>st</sup>. The goal is to gather information about the project and educate themselves about the process.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Burow, to adjourn the regular meeting of March 1, 2016, at 8:29 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

Minutes Approved: March 15, 2016