

Regular City Commission Meeting

Mayor Kelly presiding

Call to Order: 7:00 P.M.

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Bob Jones, Tracy Houck, Bill Bronson and Fred Burow. Also present were City Manager Greg Doyon; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Assistant Fire Chief Ron Scott; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Human Resources Director Gaye McInerney; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL: No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

SWEARING IN: Neighborhood Council 5 Representative – Patrick Bolton.

PRESENTATION: AmeriCorps Vistas Emily Christensen, Marla Guggenheimer and Michaela Roberts provided an update regarding the Westside Orchard and its programs.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

John Hubbard, 615 7th Avenue South, opposed executive officials getting pay raises.

Sheila Rice, NeighborWorks Great Falls, 509 1st Avenue South, announced that the 38th and 39th high school houses were successfully completed. The projects could not be completed without the support of the City Commission and CDBG funds.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

There were no miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

There were no miscellaneous reports and announcements from members of boards and commissions.

4. Appointment, Advisory Commission on International Relationships.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission appoint Max Mauch to the Advisory Commission on International Relationships for the remainder of a three-year term through March 31, 2019.

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

Motion carried 5-0.

CITY MANAGER

5. **Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that he has been busy with collective bargaining with three labor groups, Fire, Police and MPEA.

With regard to the air show, he noted that he, Mayor Kelly, and Commissioners Bronson and Houck were in attendance for MANG's 70th anniversary celebration. There was also a change of command celebration for Colonel Miller, 341st Missile Wing, Maintenance Group Commander. During the air show, the Emergency Operations Center was up and running for training. It was a prelude to a vigilant guard exercise that will occur in 2018.

Manager Doyon reported that he extended the application deadline and reopened the Park and Recreation Director position.

He concluded that the latest count on the proposed Park Maintenance District was 5,508 forms processed and 21% weighted value in opposition. The deadline to return forms is August 9th.

CONSENT AGENDA

6. Minutes, July 18, 2017, Commission Meeting.
7. Total Expenditures of \$2,332,879 for the period of July 1, 2017 through July 19, 2017, to include claims over \$5,000, in the amount of \$1,880,630.
8. Contracts List.
9. Approve the purchase of 29 new Motorola Portable Radios for Great Falls Fire Department in the amount of \$99,979.23 from Motorola Solutions utilizing the HGAC (Houston-Galveston Area Council) Cooperative Purchasing Group.
10. Approve the purchases of water meter equipment for the 2018 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$250,000.
11. Approve the Professional Services Contract Amendment No. 2 between the City of Great Falls and Thomas Dean & Hoskins for engineering services for the 18th Street South Storm Drain improvements for a fee not to exceed \$40,530.00, and authorize the City Manager to execute the agreements. **OF 1462.0**

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

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

Motion carried 5-0.

PUBLIC HEARINGS

12. **Ordinance 3163 – An Ordinance Amending Title 17, Chapter 56, Article 10, Section 020, of the Official Code of the City of Great Falls (OCCGF), pertaining to Development Requirements in the Flood Fringe or Regulated Flood Hazard Area with no Floodway.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a public hearing to consider the adoption of Ordinance 3163 which would amend specific Land Development Codes pertaining to development of roads and property within the regulated floodplain area.

Although the impetus for this particular action is related to a specific project, the effect would be city-wide within the regulated floodplain area. As staff began to work through the implications of the existing code language, it was determined that a code change request was the most appropriate means to resolve a problem as opposed to the variance process.

If approved, Ordinance 3163 would take into consideration areas which are already served by existing roadway systems which may not be at or above the base flood elevation (BFE) and where it can be demonstrated that improving these areas are either cost prohibitive or where there may be other major physical obstacles preventing the ultimate redevelopment of a new street network. This proposal does not negate the requirement to construct new roadways in new subdivisions at or above the BFE. This proposal also does not amend any requirements that the built structures be elevated above the BFE per FEMA and local requirements.

FEMA flood regulations are very specific as to what protections are required in given situations. City staff does not believe that this amendment will have any negative effect on flood insurance rates nor will it be contrary to existing FEMA regulations. Any flood ordinance amendments will be reviewed by State and federal officials to ensure that the adopted codes are in full compliance.

Mayor Kelly declared the public hearing open.

Speaking in support of Ordinance 3163 were:

Sheila Rice, NeighborWorks Great Falls, 509 1st Avenue South, commented that NeighborWorks has been working on a floodplain mitigation plan with the residents of Missouri Meadows. This ordinance is needed so that River Road does not need to be raised.

Trent Short, 4228 4th Avenue North, concurred with Ms. Rice's comments, adding that it is critical for everybody on Lower River Road.

No one spoke in opposition to Ordinance 3163.

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

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3163.

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

Motion carried 5-0.

13. **Resolution 10185 to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570.**

Fiscal Services Director Melissa Kinzler reported the Park and Recreation Department – Boulevard Division is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are tree pruning, tree removal, tree planting, leaf pickup and streetscape design.

After calculating all factors relevant to the operation of the Boulevard Division, an assessment amount for the next fiscal year was calculated. An increase of 7% has been proposed for Fiscal Year 2018. The last General Boulevard maintenance increase of 10% was approved in Fiscal Year 2016.

The assessment amount for the General Boulevard Maintenance District for the next fiscal year is \$375,305 and will result in an assessment of \$79.31 for an average size lot of 7,500 square feet. This is a yearly increase in the amount of \$5.18.

Staff recommends conducting the public hearing and adopting Resolution 10185.

Mayor Kelly declared the public hearing open.

No one spoke in support of Resolution 10185.

Speaking in opposition to Resolution 10185 was:

John Hubbard, 615 7th Avenue South, opposed any increase amount.

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

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10185.

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

Commissioner Houck commented that, compared to other cities in Montana, assessments in Great Falls are a good deal and it is investing in our community.

Hearing no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

14. **Resolution 10186 to Levy and Assess Portage Meadows Boulevard Maintenance District No. 1195.**

Fiscal Services Director Melissa Kinzler reported that in February 1977, Resolution 6913 created Special Improvement Maintenance District 1195 for the purpose of maintaining the Green Belt of the Portage Meadows Addition. The assessment covers the costs of materials, snow removal labor, water, mowing labor, fertilizer costs and labor, and tree pruning.

No recommendation for an increase is proposed for Fiscal Year 2018.

Adoption of Resolution 10186 will allow the City to finance the costs of repairs and maintenance required each year in the Special Improvement Portage Meadows Maintenance District.

The assessments equate to an assessment of \$58,079, and will result in an annual assessment of \$310.58 for an average lot of 4,501 square feet.

Staff recommends conducting the public hearing and adopting Resolution 10186.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10186.

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

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10186.

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

Motion carried 5-0.

15. **Resolution 10187 to Levy and Assess Street Maintenance District.**

Fiscal Services Director Melissa Kinzler reported the Street Division maintains approximately 383 miles of streets and alleys within the City limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, traffic operations are funded through the Street Division and are responsible for the maintenance of all roadway signs, signals and pavement markings.

No recommendation for an increase is proposed for Fiscal Year 2018. The last street maintenance increase of 10% was approved in Fiscal Year 2016. New legislation passed in 2017 that increased the fuel tax and, hopefully, will increase the allocation to the City of Great Falls.

Adoption of Resolution 10187 will allow the City to fund the cost of work, improvements, and maintenance in the street maintenance district.

The total assessment is \$4,535,592, and will result in an annual assessment of \$110.27 for an average size lot of 7,500 square feet.

Staff recommends conducting the public hearing and adopting Resolution 10187.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10187.

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

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10187.

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

Motion carried 5-0.

16. **Resolution 10188 to Levy and Assess Properties within Special Improvement Lighting Districts.**

Fiscal Services Director Melissa Kinzler reported there are currently 27 Special Improvement Lighting Districts (SLD's) with approximately 9,429 roadway lights. The majority (97%) of the roadway lights are owned by NorthWestern Energy. The City pays a maintenance fee to NorthWestern Energy for these lights in addition to a fee which covers the electrical transmission and distribution. The electrical supply for the street lights is currently being furnished by Talon Treasure State. The remaining 3% of roadway lights are City-owned.

Adoption of Resolution 10188 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

The anticipated assessment amount is \$1,159,589. The total assessment amount reflects a 1% decrease from the prior fiscal year as the cash balances for the various lighting districts are more than adequate to cover the operational costs for the districts.

Staff recommends the City Commission conduct the public hearing and adopt Resolution 10188 to levy and assess properties within the Special Improvement Lighting Districts.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10188.

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

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10188.

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

Commissioner Houck requested clarification of street light.

Director Kinzler responded that the lights are everything except for the traffic lights.

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

Motion carried 5-0.

OLD BUSINESS

17. **Contract Award Beech Drive and Cherry Drive Water Main Replacement Project. OF 1718**

Public Works Director Jim Rearden reported this agenda item is a recommendation to award a construction contract to Williams Civil Division for the Beech Drive and Cherry Drive water main replacement. The project will replace approximately 2,400 lineal feet of water main. The existing main, which was installed in 1950, is in easements behind the homes on those two streets. The mains have been failing with increased frequency and has prompted this project to relocate the mains out into the adjoining streets. To accomplish this, all existing services lines in 24 lots will need to be re-routed out towards the street. This will require construction activity in the yards of all those properties.

The project was initially bid on June 7, 2017 with two bidders responding, Johnston Excavating and Williams Civil. Johnston's bid was excessively low and Williams' bid was over available funding. Both bids were rejected by the Commission on June 20, 2017.

The project was re-bid on July 19, 2017 with four bidders responding. Johnston's bid was again excessively low. City staff conducted an extensive background check on Johnston Excavating's recent projects and have received numerous concerns regarding working on this type of project. Two references indicated that Johnston would do an adequate job in an open area where there are no paved roadways, houses and little landscaping to be replaced. The Beech and Cherry Drive water main project is just the opposite type of project. It has very limited access for residents and construction equipment, will require close coordination with property owners and their pets, replacement of fences, irrigation systems and mature landscaping such as sod, raised planting beds, shrubs and possibly trees.

Even though there is a substantial cost difference, staff recommends awarding the contract to the second low bidder. This project will be very disruptive to the neighbors and staff feels we owe it to these neighbors to put the best team in place.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission approve a contract in the amount of \$838,800 to Williams Civil Division, Inc. and authorize the City Manager to execute the construction contract documents.

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

Commissioner Jones commented that he would be recusing himself due to his son being the project manager for this company out of Bozeman, MT.

In response to Commissioner Burow's inquiry, Director Rearden commented that to his knowledge Johnston Excavating has never performed a project for the City of Great Falls.

There being no further discussion, Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0-1 (Commissioner Jones abstaining).

NEW BUSINESS

18. **Labor Agreement between City of Great Falls and Great Falls Police Protective Association.**

City Manager Greg Doyon reported this item is a request for the Commission to ratify the agreement between the City of Great Falls and the Great Falls Police Protective Association. He highlighted portions of the proposed agreement: two year term, Section 8.2 Court Appearance, Section 9.1 Salaries, Section 23.1 Wellness Program. He further explained that an area of concern that was addressed was employee insurance plans. The amounts were reformulated on what the employee and the City would pay for those plans. The 90/10% split is on the premium rather than the increase. It is a more equitable way of calibrating what the employee is contributing towards the plans. If the Commission ratifies this agreement, Manager Doyon commented that he would continue making that change with the other collective bargaining units he is negotiating with.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the labor agreement between the City of Great Falls and the Great Falls Police Protective Association (GFPPA), and authorize the City Manager to execute the agreement.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

19. **Resolution 10193, A Resolution referring Ordinance No. 3162, an ordinance providing that the Charter of the City of Great Falls be amended to cure typographical errors and legal inconsistencies and submitting the proposed amendment to the electors of the city as provided by law to a vote of the people at an election to be held on November 7, 2017.**

City Attorney Sara Sexe reported that legal Staff has examined the Charter of the City of Great Falls and noted several types of typographical errors, internal inconsistencies, and conflicts with State law or ordinances. In response to these issues, the Commission adopted Ordinance 3162 on July 5, 2017.

The amendments proposed in Ordinance 3162 would cure said errors and inconsistencies which are set forth in detail in Agenda Report associated with Ordinance 3162, Item 21 of the July 5, 2017 City Commission Agenda.

Pursuant to Mont. Code Ann. §7-3-103, proposed amendments to a local self-governing charter must be submitted to the electors of the local government for a vote. The resolution under consideration is the final mechanism for referring the amendments listed in Ordinance 3162 to the voters on the November 2017, ballot.

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10193.

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

Jenni Dodd, 3245 8th Avenue North, inquired who decides offenses regarding moral turpitude, and what would be involved in neglecting or refusing to discharge the duties of the mayor or a commissioner.

City Attorney Sexe responded the ethical considerations are set forth in ordinance and state statute and the neglectful duties would be incorporated in that definition.

Ms. Dodd inquired if a violation of state election laws would be considered an offense involving moral turpitude, and why the library mill levy was included in the Ordinance.

City Attorney Sexe responded the library mill levy was included because it was the last time the Charter was amended and provided to the electors for approval.

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

Motion carried 5-0.

CITY COMMISSION

20. **Miscellaneous reports and announcements from the City Commission.**

Mayor Kelly announced that he will be on vacation during the next Commission meeting. Mayor Pro Tempore Jones will be conducting the meeting on August 15, 2017 in his absence.

Commissioner Houck announced that she is traveling that week for training, but is slated to be back in time for the August 15th Commission meeting.

Commissioner Houck commented that the EOC training was a validation of all the City's partnerships and MOU's, and a great practice before an emergency takes place.

21. **Legislative Initiatives.**

There were no legislative initiatives.

22. **Commission Initiatives.**

Mayor Kelly reported that Great Falls was selected as one of the first cities over 30,000 population to have a facilitator talk to several staff members and other community members to identify outstanding problems in this community and to show us tools and techniques that are applicable to apply to solving lots of problems. The City has an October deadline to submit a grant request to the Bloomberg Foundation. If the City is successful, the Bloomberg Foundation will choose 35 cities to give \$100,000 to help execute or implement a solution to problems identified. If the City is identified in January as a champion city, the Bloomberg Foundation chooses five cities to grant \$1 million to four cities and \$5 million to one city. He thanked everyone that participated in today's event.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Bronson, to adjourn the regular meeting of August 1, 2017, at 8:11 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: August 15, 2017