

JOURNAL OF COMMISSION PROCEEDINGS

May 15, 2018

Regular City Commission Meeting
Commission Chambers Room 206

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

City Commission members present: Bob Kelly, Mary Sheehy Moe, Bill Bronson and Owen Robinson. Commissioner Tracy Houck was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Acting Public Works Director Mike Judge; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Assistant City Attorney Joe Cik; and, Police Captain Rob Moccasin.

AGENDA APPROVAL

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

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

None.

PROCLAMATIONS

Emergency Medical Services Week, Kids To Parks Day, and Police Week.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Becky Arca, owner of Cheers Fitness, 900 9th Street South, Suite 3, announced that Cheers Fitness is home to Montana Storm All Star Cheerleading and Dance representing Great Falls all around the nation. The athletes with her today are all national champions. This year her cheer teams won six national championships, the dancers won three national championships, as well as finished in the top 10 at the summit world championship.

Shyla Patera, 1013 7th Avenue NW, commended Paradox Sports and Eagle Mount for hosting a climbing camp last weekend, as well as the Special Olympic athletes competing in Great Falls. She announced that North Central Independent Living Services will be conducting several walkability events in City parks this summer to make recommendations that would benefit people with disabilities.

John Hubbard, 615 7th Avenue South, commented about the recent Park District and Public Schools election results.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, thanked the City for its support of GFDA's Brownfields Program. GFDA was recently awarded an EPA Brownfields grant for environmental assessments to assist developers in redevelopment projects. He also provided a GFDA summary of Great Falls Montana Growth Highlights.

George Littlefield, 4225 Morningside Circle, explained that in 2005 he participated in getting legislation passed to provide for a definition of a school zone and doubling speeding fines in school zones. He inquired why school zone signs more recently changed from "Fines Double" to "Fines Higher." He concluded that Montana law says the penalty for violating the speed limit in a school zone is a double fine.

Assistant City Attorney Joe Cik responded that, at the time the Montana law changed in 2005 the signs read "Fines Double." However, the manual on Uniform Traffic Control Devices did not allow for that particular language on the signs. In response to that manual, the signs were taken down and replaced with "Fines Higher" signs. In 2009 there was a revision to that manual that also included the option of "Fines Double" signs. The estimated cost to the City to change out the signs is \$5,000. He concluded that the sentencing court has no discretion and has to fine the violator double the minimum fine amount if convicted of speeding in a school zone.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

None.

BOARDS AND COMMISSIONS

3. Appointment, Library Board.

Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission appoint Samantha DeForest to the remainder of a five-year term through June 30, 2021, to the Library Board.

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

Commissioner Bronson noted that Samantha DeForest was one of his best students at Park University, and complimented her for helping the community.

Commissioner Moe and Mayor Kelly noted they were impressed with the amount of interest in the position from qualified people.

Commissioner Robinson noted that the Library Board is very excited about its recommendation.

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

Motion carried 4-0

4. Miscellaneous reports and announcements from Boards and Commissions.

None.

CITY MANAGER

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

Deputy City Manager Chuck Anderson announced:

- Community Recreation Center opened the DeMolay Café.
- Council of Councils meeting is scheduled for May 22nd at 7 pm in the Gibson Room.
- Neighborhood Council 7 has created a strategic vision for the council to help with future recommendations to the Commission.
- The Great Falls Police Department annual award luncheon is scheduled for May 18th at the Convention Center at noon.
- Travis Brown began his internship for the City Attorney's Office.
- Public hearing notices are now being posted on the City's website, complimenting the current requirement of newspaper legal notices.

City Manager Greg Doyon reported:

- At yesterday's Strategic Advisory Committee meeting Homeland Security grant issuances and policy matters were discussed.
- Various committees that exist to make Montana safer provided updates at today's State Emergency Response Committee meeting. Today's big topic was flooding. He will provide his Montana League of Cities and Towns report to the Commission.
- He updated the Commission on his recent Association of Defense Communities trip to Fairbanks, Alaska. He was part of a key note presentation to the Fairbanks Chamber of Commerce, presented to the Military Affairs Commission, and participated in numerous panel conversations with the Fairbanks Economic Development Corporation, and the University of Alaska Tiger Team.

CONSENT AGENDA

6. Minutes, May 1, 2018, Commission Meeting.
7. Minutes, May 1, 2018, Special Commission Meeting.
8. Total Expenditures of \$2,206,603 for the period of April 14, 2018 through May 2, 2018, to include claims over \$5,000, in the amount of \$1,954,908.
9. Contracts List
10. Approve Final Payment for the 3rd Avenue Southwest Lift Station #18 Force Main Replacement, in the amount of \$11,234.92 to Phillips Construction, LLC., and \$113.48 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1695.4**

11. Approve the bid award to supply asphaltic concrete material to Great Falls Sand & Gravel, Inc., of Great Falls for \$709,250.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as presented.

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

Mayor Kelly inquired about a Municipal Court expenditure on Item 8 to Dis Technologies. Director Kinzler explained that expenditure was for scanning/microfilming Municipal Court citations.

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

Motion carried 4-0

PUBLIC HEARINGS

OLD BUSINESS

12. **2018/2019 Community Development Block Grant (CDBG) Funding Priorities.**

Planning and Community Development Director Craig Raymond reported that the City's CDBG/HOME program is a program that is funded by the federal government to help fund local community development. The primary goal is to assist the low to moderate income individuals in the community.

Because of Great Falls' size and demographic profile, the City is eligible to receive funding on an annual basis. Adherence to the priorities and policies that the federal government mandates is critical in order to be in compliance and continue to receive funding in the future. This year the City will receive \$776,621 of CDBG funds, and an award of \$285,831 in HOME funds.

The funding priorities for Commission consideration are set forth in the Annual Action Plan which must be submitted to HUD by June 30th after the public has had 30 days to comment on the plan.

Staff has spent a considerable amount of time and effort in seeking community input through a number of means including a Community Survey, Stakeholder Focus Groups, Neighborhood Council meetings and a Public Needs Hearing. The strategy being presented is a result of carefully considering public input and priorities.

First and foremost is the desire to focus on bigger projects and bigger, more visible impacts. Staff is proposing to focus on the three top priorities at this time in order to achieve this goal.

The recommendation as the highest priority is Public Improvements. Staff recommends 50% of

the funding be targeted grants towards enhancement of public infrastructure such as sidewalks, curb ramps and other City facilities, and 20% focused on the retrofitting of existing City facilities which are not currently up to ADA standards under this category.

Staff recommends that 45% be allocated toward Residential Rehab Loans. This will enhance the program and will provide funding for low and/or no interest loans for property owners with the goal of assisting low to moderate income citizens with bringing properties up to code, funding emergency water and sewer service projects and upgrading the housing stock in Great Falls. This will also include grant funding towards housing education and counseling which was an identified community need.

The final allocation recommendation is that 5% be set aside for Public Service grants. The three top priorities in this category were Homelessness Services, Senior Services and Alcohol and Drug Treatment. This represents only a small reduction in total dollars available than prior years. Staff anticipates this amount will be approximately \$66,600. One of the key changes to the program this year is that Public Service grant applicants will need to demonstrate that they are seeking funding for a new service or a documented expansion of a service.

The total projected budget for this coming year is \$1,573,621. Director Raymond explained how staff intends to promote a sustainable long term program.

Additionally, staff will be recommending HOME funds be allocated towards new construction and/or toward home residential renovation. Staff anticipates between \$150,000 to \$285,000 of HOME funds that can be allocated towards this important need.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt the proposed use of CDBG Funds, as submitted, for the Public Improvements, Residential Rehab., and Public Services, for the 2018/2018 Community Development Block Grant (CDBG) Program for the inclusion in the 2018/2019 Annual Action Plan.

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

Shyla Patera, 1013 7th Avenue NW, and on behalf of North Central Independent Living Services, 1120 25th Avenue NE, is excited to see how the CDBG/HOME process moves forward. She has concerns about the rolling application process. Further, she suggested the use of HOME funds for construction should focus on universal design construction and education programs so that all builders and contractors could work toward the universal design standard.

There being no one further to address the Commission, Mayor Kelly again asked if there was any discussion amongst the Commission.

Commissioner Robinson was pleased that 20% of CDBG funds would be used for ADA improvements of existing public facilities.

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

Motion carried 4-0

NEW BUSINESS

13. **City of Great Falls Federal Grant Financial Policy.**

Finance Director Melissa Kinzler reported that federal grant guidelines require the City to have a Federal Funds Grant Financial Policy (Policy). The Policy is to ensure all federal requirements for grants are being implemented in full accordance with the Code of Federal Regulations, Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards. The policy was reviewed and approved by the City's external auditors, Anderson ZurMuehlen.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the City of Great Falls Federal Grant Financial Policy.

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

Mayor Kelly inquired if this was a boilerplate policy amongst cities and states. Director Kinzler responded affirmatively, added it includes specific language required by the Federal Code of Regulations.

Commissioner Moe inquired if there are any particular exceptions to the boilerplate specific to Great Falls that the Commission should be aware of. Director Kinzler responded that the \$5,000 purchasing policy specific to Great Falls is included on page 13 of the policy.

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

Motion carried 4-0

ORDINANCES/RESOLUTIONS

14. **Ordinance 3165, Amending OCCGF Section 9.3.040, Pertaining to Exceptions to The Prohibition of Drinking or Displaying of Alcoholic Beverages in Public Places.**

Assistant City Attorney Joe Cik noted that reference to the OCCGF on the agenda and in the agenda report should read 9.4.030 rather than 9.3.040. Assistant City Attorney Cik reported that the Business Improvement District (BID) has recently been utilizing pedlets for business establishments. Downtown businesses are utilizing the pedlet system, sidewalk extensions that extend out into public parking spaces to allow for continued pedestrian traffic, while allowing for fenced adjacent outdoor seating on public sidewalks. The business establishments are required to apply for and maintain a sidewalk café permit.

The Official Code of the City of Great Falls (OCCGF) 9.4.020 prohibits drinking or displaying alcoholic beverages in public places without City-issued permits. OCCGF 9.4.030 provides exceptions to said prohibition including certain areas of Centene Park and the Civic Center.

Ordinance 3165, if adopted, would allow business establishments that maintain a valid sidewalk café permit to serve, and customers consume, alcoholic beverages within the visibly designated sidewalk café areas.

Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3165 on first reading and set the second reading for June 5, 2018.

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

Commissioner Moe inquired about the term "display." Assistant City Attorney Cik responded that an open alcoholic container is prohibited in public places.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly commented that pedlets are defined areas. He inquired if an establishment could set up tables and chairs in an allowable fenced in area, that is not a "pedlet," and serve alcohol if the establishment had the correct permit. Assistant City Attorney Cik responded affirmatively, adding the establishment would be required to obtain the sidewalk café permit from the Planning and Community Development Department.

Mayor Kelly inquired if there was an additional cost to serve alcohol. Assistant City Attorney Cik responded the establishment would have to comply with the licensing provisions through the State to actually serve alcohol which are additional fees.

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

Motion carried 4-0

15. **Resolution 10235, Establishing a Policy Concerning Appointments to Boards and Commissions and Repealing Resolution 10059.**

Assistant City Attorney Joe Cik reported that the Tourism Business Improvement District expressed concern over current appointment policy that makes it difficult to recruit and retain trustees of the Business Improvement District Boards. Many business owners within the District reside out of City limits, limiting the number of individuals that would qualify for trustee positions.

Current policy already allows consideration in appointments for the Housing Authority Board, Great Falls International Airport Authority and Library Board appointments. Adoption of Resolution 10235 would allow Business Improvement Districts the same consideration, and allows the District to more effectively recruit and retain trustees pursuant to their adopted bylaws.

Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10235.

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

Rebecca Engum, Tourism Business Improvement District (TBID) Executive Director, 100 1st Avenue North, commented that the TBID would appreciate the Commission's adoption of Resolution 10235. The intent of the requested change comes down to the TBID's ability to function and operate. The TBID bylaws do not include terms limits because of the difficulty in getting people to serve and commit to the Board of Directors. She explained that there are 29

eligible properties in Great Falls as a pool to pull from for the Board of Trustees; however, those 29 properties do have multiple owners. She explained the process she goes through when a trustee's term is about to expire. Last year when there were two positions open, the two incumbents applied. She subsequently learned that one of the incumbents was termed out and wasn't eligible to serve because of Resolution 10059. Thereafter, it took four months to find someone that was willing to serve. Director Engum noted that the TBID has independent operations from the City. She concluded that, using the bylaws as a governance tool, the TBID will be able to grow and diversify its operations and be consistent with the way a district should operate.

Andy Ferrin, Business Improvement District (BID) Chairman, 308 1st Avenue South, commented that the BID represents 180 parcels in downtown Great Falls. The BID sees no conflicts with the proposed changes, and requests that the Commission approve Resolution 10235.

Brett Doney, Convention and Visitors Bureau (CVB) Chairman, 300 Central Avenue, commented that CVB partners with the TBID and has one combined marketing plan for tourism for the City of Great Falls. To correct the operational issue, he requested Commission adoption of Resolution 10235.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

In response to Commissioner Moe's inquiries regarding paragraphs 4 and 5, Assistant City Attorney Cik clarified that paragraph 4 is the only new provision. He explained that, although paragraph 5 sets forth if a member is in good standing and the board or commission recommends that the member be reappointed, his or her application shall be brought before the Commission for consideration for reappointment without advertising for further citizen interest, since late 2016 staff has been advertising for all positions and no additional citizen interest was generated with the additional advertising for any of the openings. Commissioner Moe commented that she would still want people to be able to apply and not for it just to be assumed that the current interested board member would get the second term without any further consideration.

Commissioner Moe further expressed that her concern with paragraph 4 is that the board may become stagnant. She suggested that paragraph 2 be amended to read: If a qualified successor does not apply, the member may serve an additional term.

Commissioner Bronson commented that this Commission ultimately decides who sits on these boards, and will always be in a position to decide whether a particular board is becoming stagnant. Additionally, the BID and TBID boards are created in accordance with state law and the membership of those boards is necessarily limited. Commissioner Bronson further commented that paragraph 5 was appropriate in that sometimes it takes more than one term to learn the process and become effective in that board position.

Mayor Kelly noted he was okay with Resolution 10235 as written, but would like all open board positions posted on the City's website regardless of the language set forth in paragraph 5.

Commissioner Robinson is supportive of reappointments of board members in good standing and being recommended for a second term without advertising.

Commissioner Moe was supportive of paragraph 5 if it was understood the Commission was going to consider all applicants for board positions. She, again, expressed concern with regard to paragraph 4.

After further Commission discussion, TBID Director Engum commented that a member's term is expiring June 30th that is limited out, and noted that paragraph 2 is in conflict with the TBID's bylaws. Prior to the adoption of the bylaws, the TBID's attorney, as well as City staff, reviews the bylaws.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission table consideration of Resolution No. 10235 until June 5, 2018.

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

Motion to Table carried 4-0

CITY COMMISSION

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

Commissioner Moe noted that she would not be attending Friday's award ceremony due to a scheduling conflict.

Mayor Kelly announced that the Special Olympics opening ceremony is tomorrow at the Four Seasons Arena.

17. **Commission Initiatives.**

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Robinson, to adjourn the regular meeting of May 15, 2018, at 8:48 p.m.**

Motion carried 4-0

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
June 5, 2018**