

## **JOURNAL OF COMMISSION PROCEEDINGS**

**November 20, 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, Bill Bronson, Owen Robinson, and Tracy Houck. Commissioner Mary Sheehy Moe was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Captain John Schaffer.

### **AGENDA APPROVAL**

City Manager Greg Doyon noted that the Minutes of the November 7th Commission meeting were updated after original posting to correct clerical errors. No changes were proposed by the City Commission. The agenda was approved as submitted.

### **CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

None.

### **PROCLAMATIONS**

Small Business Saturday.

## **PETITIONS AND COMMUNICATIONS**

### **1. Miscellaneous reports and announcements.**

**John Hubbard**, 615 7th Avenue South, noted NorthWestern Energy's proposed request to the Public Service Commission to increase rates, as well as the City's public notice of standard maximum contaminant level violation for the 3rd quarter of 2018.

Public Works Director Jim Rearden responded that the third quarter HAAS level of 60.5 ug/L exceeded the standard level of 60 ug/L. Additional testing was completed in the last month and the number has come down. He also noted that the new Water Treatment Plant is expected to be on line within the next couple of months.

## **NEIGHBORHOOD COUNCILS**

2. **Miscellaneous reports and announcements from Neighborhood Councils.**

None.

**BOARDS AND COMMISSIONS**

3. **Miscellaneous reports and announcements from Boards and Commissions.**

As the City's representative on the Board of Health, Commissioner Robinson reported that the City-County Health Department announced that there is a current danger with romaine lettuce. He urged everyone not to consume or buy romaine lettuce, and to pass the word on.

4. **Reappointment, City-County Board of Health.**

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission reappoint Peter Gray to the City-County Board of Health for a three-year term commencing January 1, 2019, and ending December 31, 2021.**

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners.

Commissioner Robinson noted that the Board of Health voted unanimously to recommend the reappointment of Mr. Gray.

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

Motion carried 4-0

5. **Reappointment, Ethics Committee.**

**Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission reappoint Katrina Stark for a three-year term through December 31, 2021.**

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners.

Mayor Kelly noted that Ms. Stark's original term was one year. He inquired if this Committee has met in the last year.

City Attorney Sara Sexe responded that the Committee has met regarding this appointment and their bylaws.

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

Motion carried 4-0

**CITY MANAGER**

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

Deputy City Manager Chuck Anderson made the following reports/announcements:

- Neighborhood Council Coordinator Patty Cadwell retired on November 15th. A retirement celebration is scheduled for December 19th, from 4:00-7:00 p.m. in the Gibson Room. In the interim, he and Executive Assistant Krista Artis will be covering administrative support for the councils.
- The City worked with GFDA to submit a proposal to the Governor's Office of Economic Development to host this year's Innovative Montana Symposium. The City's sponsorship for this effort was to offer the Civic Center without room charges - a \$6,500 commitment. He was notified today that Great Falls was not selected as the host city. GFDA will use the proposal template to submit a stronger proposal next year.
- City offices are closed Thursday and Friday for the Thanksgiving holiday, with the exception of Municipal Court which is open on Friday.
- The City is transitioning to a new agenda software and is tentatively scheduled to go live January 1, 2019. AVI is still working with its engineers to come up with a viable solution for livestreaming that will meet the City's needs.
- The Parade of Lights is Friday on Central Avenue at 6 p.m., followed by the lighting of the Christmas tree.
- Kellie Pierce with the Downtown Great Falls Association led the process of tree cutting, delivery, and placement of this year's Christmas tree in front of the Civic Center. Guy Tabacco Construction and project leader Kevin Miller, AT Klemens, and NCSG Crane Service provided staff time and resources. City Forester Todd Seymanski added lights to the tree today using two new bucket trucks that were purchased this year.
- The City is currently accepting applications for the Library Director position. The Housing Authority Director position will be advertised soon.
- Municipal Court's Canned Food Day is Friday, November 30th from 7:00 a.m. to 4:30 p.m.

**CONSENT AGENDA**

7. Minutes, November 7, 2018, Commission Meeting.
8. Total Expenditures of \$2,135,452 for the period of October 13, 2018 through November 7, 2018, to include claims over \$5,000, in the amount of \$1,835,410.
9. Contracts List.
10. Approve Final Payment for the 16th Avenue South/Prospect Heights Storm Drain Improvements in the amount of \$34,472.24 to Horn Construction, LLC and \$348.20 to the State of Montana Miscellaneous Tax Division, and authorize the City Manager to execute the necessary documents and make the payments. **O.F.**  
**1666.7**

11. Approve a Lease Agreement with Option to Purchase Real Estate for Storm **OF** Water Retention and Treatment Ponds, and authorize the City Manager to **1118.4** execute the agreement.
  
12. Approve Memorandum of Understanding Addendum 1 to Labor Agreement between the City of Great Falls and the International Association of Fire Fighters, Local #8 (IAFF Local #8).

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission accept the Consent Agenda as presented.**

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners.

Commissioner Bronson referred to Item 11 and inquired if the payment amounts for the lease with option to purchase were negotiated with the land owner.

Public Works Director Jim Rearden responded that the lease numbers were based on an appraisal of the property. The City has been working on this potential lease for many years that will help the City with some run-off issues into Gibson Flats. Leasing the property is substantially less than building a facility on City property.

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

Motion carried 4-0

### **PUBLIC HEARINGS**

13. **Ordinance 3189, Repealing and Replacing Title 15, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Buildings and Construction.**

City Attorney Sara Sexe reported that substantive changes to Title 15 include: clear penalty provisions for International Fire Code and Building Code violations, and operating construction and building maintenance businesses without appropriate licenses; and, amending the adoption process of the International Fire Code to be done administratively. The exhibits were updated to incorporate some clarifying language suggested by Commissioner Moe. Subsequent to agenda posting, edits were suggested by Commissioner Bronson that should be considered during Commission discussion, to include: correct reference to the Montana Department of Transportation, as well as deleting a reference to covenants. The City does not enforce restrictive covenants on private property.

Mayor Kelly declared the public hearing open. No one spoke in favor of or in opposition to Ordinance 3189.

Written correspondence was received from **Shyla Patera**, North Central Independent Living Services (NCILS), 1120 25th Avenue NE. On behalf of herself and NCILS, Ms. Patera suggested the Commission consider incorporating the ADA Transition Plan, accessibility, universal design, and visit ability with the City building codes, and that it not be limited to public rights of way. If adopted, newly constructed housing would be required to have a zero step entrance, wider interior hallways and doorway clearances, and a main floor full or half bathroom with adequate wheelchair turning radius. She further suggested that local businesses, Great Falls Development Authority, and building contractors be encouraged to look into tax credits or funding to enhance mobility and sensory accessibility in our community.

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

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3189.**

Mayor Kelly referred to the proposed changes discussed during the staff report, and asked Commissioner Bronson if he wanted those changes incorporated with adoption of Ordinance 3189. Commissioner Bronson responded affirmatively and noted the changes for the record: reference to the Department of Highways was corrected to the Department of Transportation; and, 15.10.050(B) was updated to clarify that the City enforces Ordinances adopted by the City Commission, and does not utilize private covenants as a basis to enforce public Ordinances.

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

Motion carried 4-0

## **OLD BUSINESS**

## **NEW BUSINESS**

### 14. **Marketing Agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America.**

City Manager Greg Doyon reported that the proposal before the Commission is a unique program. As a member of the National League of Cities and Towns, the City of Great Falls was approached by Rob Meston with the Utility Services Partners Private Label, Inc. (USP), d/b/a Service Line Warranties of America, to partner with them to provide the city's residential property owners the opportunity, but not the obligation, to purchase a service line warranty and similar products.

Mr. Rob Meston reported that a full endorsement was also received from the Montana League of Cities and Towns. Mr. Meston reviewed PowerPoint slides and reported that the optional service line warranty program includes water line and in-home plumbing and drainage coverage. The water line warranty covers the buried, outside water line that runs from the point of the utility connection to the foundation of the home. The in-home plumbing and drainage warranty covers interior water supply lines, sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry, including lines that may be embedded under the slab or basement floor.

If approved USP will mail each resident a campaign letter, which outlines the City's endorsement, followed by a reminder letter two weeks later to ensure highest response rate. All homeowners will have the option to enroll in the programs, regardless of the age of their residence. Through this agreement the City would grant USP a non-exclusive license to use the City's name and logo on letterhead, bills and marketing materials. The City would receive \$0.50 license fee per product for each month that a product is in force for each property owner, and would be paid to the City annually in January. The City could choose to waive the license fee. By doing so, USP would, in turn, lower the program cost to residents by \$0.50.

After Commission inquiries, it was clarified that: if the Commission chooses to receive the license fee, there is not currently a designated fund for the fees; the company handles all of the billing directly; premiums do not increase for repeat claims; the age of the house does not matter to participate in the program; homeowners can enroll in one or both warranty products; the company is fully licensed and insured, and is subjected to the rules and regulations of the Insurance Commissioner of Montana; the City would not be involved in program complaints; and, the decision pertaining to the license fee could be made at a later date.

White Sulphur Springs, Conrad, Libby, and Hot Springs have endorsed the program. Active talks are ongoing with Missoula, Billings, Butte and Bozeman.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission approve the Marketing Agreement with Utility Service Partners Private Label, Inc.**

Mayor Kelly asked if there were any comments from the public. No one responded.

Mayor Kelly noted that he is currently the President of the Montana League of Cities and Towns and will be excusing himself from voting on this item to avoid any perceived conflict.

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

Commissioner Bronson spoke in support of the license fee, and he suggested the fees go to a Public Works Department fund.

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

Motion carried 3-0-1 (Mayor Kelly abstaining)

## **ORDINANCES/RESOLUTIONS**

### **CITY COMMISSION**

#### **15. Miscellaneous reports and announcements from the City Commission.**

Commissioner Bronson announced that a Joint City/County Commission meeting with the legislative delegation is being scheduled for December 12, 2018, from 9:30 a.m. to 11:00 a.m., in the Gibson Room.

Commissioner Houck cautioned use of turkey fryers for Thanksgiving, noting the damage caused by misuse.

Commissioner Robinson again announced that romaine lettuce should not be consumed.

16. **Commission Initiatives.**

Mayor Kelly reported that the Future of the Falls young leaders forum that he and Commissioner Moe spearheaded is moving forward with broader participation. The recent forum was a function that was run through the office of the Mayor/Commission. Moving forward, he would like it clarified how expenses would be handled, with input from his colleagues.

Deputy City Manager Chuck Anderson clarified that the current guidance doesn't apply directly to the office of the mayor, but does apply to city sponsored events. When the request was evaluated with other precedent that had been set, it was determined that the City would be able to accommodate the request for the community to sponsor the room, but not the additional time or requirements having to do with after hour staff time and extra items needed in conjunction with booking a room.

Mayor Kelly inquired of the Commissioners if they had any problems with utilizing Commission budget funds to pay for some of these modest forum expenses.

Commissioner Robinson spoke in support of the request.

Commissioner Houck spoke in opposition to the request, noting that other partnerships in town could bring something to the table such as hosting the location. In the future, she wouldn't oppose a budget being brought back to the Commission to consider how the funds are going to be spent.

Commissioner Bronson responded that he wanted to give this request some more thought before commenting.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Houck, to adjourn the regular meeting of November 20, 2018, at 7:57 p.m.**

Motion carried 4-0

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**Mayor Bob Kelly**

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**City Clerk Lisa Kunz**

**Minutes Approved:  
December 4, 2018**