

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

Regular City Commission Meeting

Mayor Pro Tempore Bronson presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bill Bronson, Tracy Houck, Owen Robinson, and Mary Sheehy Moe. Mayor Kelly was excused. Also present were the 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; Human Resources Director Gaye McInerney; Finance Director Melissa Kinzler; Fire Chief Steve Hester; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

AGENDA APPROVAL: City Manager Greg Doyon recommended the removal of Agenda Item 14 based on the conversation during this evening's work session. Hearing no objection, Mayor Pro Tempore Bronson deemed Item 14 withdrawn from the Agenda. There were no changes proposed by the City Commission. The agenda, as amended, was approved.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

1. PROCLAMATIONS

Commissioner Moe read a proclamation for Child Abuse Prevention Month (April).

2. FIREFIGHTER OATHS

Mayor Pro Tempore Bronson performed the swearing in ceremony for Firefighter Brooke Lindskog.

PETITIONS AND COMMUNICATIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Jenelle Brandon, Alexander Temple Church, 3726 5th Avenue North, invited everyone to attend the #METOO awareness celebration on Sunday, March 31, 2019, at 11:30 a.m. at Alexander Temple Church.

NEIGHBORHOOD COUNCILS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

BOARDS & COMMISSIONS

5. REAPPOINTMENT, GREAT FALLS TRANSIT DISTRICT BOARD

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission reappoint Donna Zook to the Great Falls Transit District Board for a four-year term through November 30, 2022.

Mayor Pro Tempore Bronson asked if there were any comments from the public, or discussion amongst the Commissioners. Hearing none, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

6. REAPPOINTMENTS, PARKING ADVISORY COMMISSION

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission reappoint Thaddeus Reiste, Kellie Pierce, and Katie Hanning to the Parking Advisory Commission for three-year terms beginning May 1, 2019 through April 30, 2021.

Mayor Pro Tempore Bronson asked if there were any comments from the public, or discussion amongst the Commissioners. Hearing none, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

7. REAPPOINTMENT, DESIGN REVIEW BOARD

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission reappoint Shannon Wilson to the Design Review Board to a three-year term through March 31, 2022.

Mayor Pro Tempore Bronson asked if there were any comments from the public, or discussion amongst the Commissioners.

Commissioner Houck noted that the Commission temporarily suspended the duties of the Design Review Board, but that does not mean the Commission has dissolved this advisory board.

There being no further comments, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

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

CITY MANAGER

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

9. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced/reported the following:

- The Parking Advisory Commission has two community outreach meetings scheduled for March 20th at noon in the Gibson Room and 6 p.m. in the Commission Chambers.
- Congratulations to Legal Assistant Jodi Smith for obtaining her paralegal certificate; Erin Borland for her promotion to Planner III in the Planning and Community Development Department; and, Susie McIntyre for her appointment as Library Director.
- Deputy City Prosecutor Cassidy Blomgren was appointed to the Mental Health Advisory Council created by the Cascade County Commission.
- Public Works exceeded its FY19 overtime budget by \$34,000 due the recent cold and snow. The sand usage and fuel consumption are below average due to the short time frame of severe weather.
- Great Falls and other communities have been dealing with an unprecedented number of frozen service lines. Information about that topic and how to prevent frozen water lines is on the City's website.
- With the warmer weather brings thawing and possible flooding problems along the Missouri. Monitor news reports and Cascade County DES for flooding information.
- Manager Doyon will be attending the MMIA Board of Directors meeting this Thursday and Friday. Topics that will be discussed include budget and rate setting. If health insurance rates are adopted as presented, it will be a 10.8% increase for the City.
- Interviews of four candidates for the Housing Director position are scheduled for April 1st and 2nd.
- Staff held a budget retreat on March 1st, and are seeking input on how the Commission would like to pursue the budget process.
- Labor negotiations begin April 23rd through June 17th.

Manager Doyon also provided an update on the City's expanded drug testing policy. The 2006 policy was outdated and drug testing pertained only to employees with positions that required them to possess a CDL. The drug testing policy was updated to include any employee in a safety sensitive position. Employees were made aware of the new policy on January 17, 2019, and of the 60 day implementation timeframe.

The City believes that it is a management right to adopt a policy relating to random drug testing to insure that employees are safe in the workplace and that the public they serve are safe.

Several labor groups have indicated that they believe random drug testing for safety sensitive positions is a subject of negotiation. IAFF Local #8 filed a grievance, which he denied, and the grievance is now subject to binding arbitration pursuant to the Collective Bargaining Agreement. Local #8 also filed an Unfair Labor Practice claim against the City with the Montanan Board of Personnel Appeals. The City filed its response with the Board and is awaiting an assigned

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

investigator. In addition, the Montana Federation of Public Employees, another public employees' union, has filed an Unfair Labor Practice claim with the Board of Personnel Appeals. The City filed its response to that claim as well.

CONSENT AGENDA.

10. Minutes, March 5, 2019, Commission meeting.
11. Total expenditures of \$2,580,048 for the period of February 16, 2019 through March 6, 2019, to include claims over \$5,000 in the amount of \$2,362,252.
12. Contracts list.
13. Award a contract in the amount of \$92,921.70 to Geranios Enterprises, Inc. for the 2nd Street South Water Main Extension project, and authorize the City Manager to execute the construction contract documents. **OF 1494.7**
14. Item 14 was pulled from the Agenda and not considered.
~~Accept Lettering Option #2, to only be installed on one side of the Gore Hill water tank, with an estimated cost of \$37,600 and authorize City staff to instruct Landmark Structures I, L.P. to complete the work. **OF 1625.2**~~
15. Approve the Retail Sales Agreement with AVI Systems Inc. for the City 190 Broadcast Video System Upgrade and three years of support in the amount of \$123,835.26 with annual support costs of \$8,044, and authorize the City Manager to execute the agreement. **OF 1741**

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as presented, with the exception of Item 14 which has been removed.

Mayor Pro Tempore Bronson asked if there were any comments from the public, or any discussion amongst the Commissioners.

Hearing none, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

PUBLIC HEARINGS

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

16. ORDINANCE 3196 TO REZONE A PORTION OF TRACT 25D OF MCCLEAN GARDEN TRACTS EQUALING +/- 9,000 SQUARE FEET LOCATED IN SECTION 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.MT., CASCADE COUNTY, MONTANA, FROM R-1 SINGLE-FAMILY SUBURBAN TO I-1 LIGHT INDUSTRIAL.

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on Ordinance 3196 which, if approved, will rezone a portion of tract 25D of McLean Garden Tracts, approximately 9,000 square feet once a boundary line adjustment has been completed.

Mr. Livesay originally came to the City in order to obtain a building permit to construct a storage shop building as part of the existing light industrial business use on the adjacent property. It became evident that the construction of the proposed shop building could not be completed without a boundary line adjustment to change a boundary line between two of the owner's parcels and a zone change of the amended portion of the property from R-1 Single Family Suburban to I-1 Light Industrial.

After a public hearing on January 22, 2019, the Zoning Commission recommended the City Commission approve of the boundary adjustment and zone change. It was at this meeting that staff received the four letters of protest for the proposed zone change that were included in the agenda packet.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in opposition to or in support of Ordinance 3196.

Mayor Pro Tempore Bronson closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3196 and the Basis of Decision/Findings of Fact.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Houck noted the letters of concern by neighbors pertained to the building of the building itself, not the requested change in the zoning designation. She also inquired if Neighborhood Council 6 heard about or discussed this matter.

Deputy City Manager Chuck Anderson responded that he was present at the meeting when the applicants presented this matter to the Neighborhood Council. There were a few questions asked, but no one expressed any concerns.

Commissioner Moe noted that the neighbors expressed concern about a large warehouse being built, but staff describes it as a small outbuilding.

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

Mayor Pro Tempore Bronson provided background information about annexation in that area. He noted that, although it is changing to an industrial use, the areas around there are similar. This is a relatively minor change.

Commissioner Houck added that when she first saw this item she had concerns about industrial use by a residential area and the river. After researching, however, it is consistent with everything else around there.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

17. RESOLUTION 10284 APPROVING THE DONATION OF USED EQUIPMENT TO THE TOWN OF VAUGHN FOR USE BY THE VAUGHN VOLUNTEER FIRE & RESCUE DEPARTMENT.

Fire Chief Steve Hester reported that the City of Great Falls decommissioned two 1990 Luverne Fire Engines in 2016. One is inoperative and is being proposed to be donated for parts, and the other is operative and is being proposed to be donated to the Town of Vaughn for use by the Vaughn Volunteer Fire & Rescue Department as a structure engine.

The Vaughn Fire Chief has advised Great Falls Fire Rescue that his department has a critical need for a fire engine, and has no financial means of purchasing a new or used fire engine. The Vaughn Volunteer Fire Department provides fire protection services to the Town of Vaughn and to homes and businesses on the City's northern border. Vaughn Volunteer Fire Department jurisdiction adjoins the City and the departments have a Mutual Aid Agreement that has been exercised on several occasions. The engine will not only serve in the Vaughn jurisdiction, but also still serve the community from time to time.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in opposition to Resolution 10284.

Speaking in support of Resolution 10284 was:

Ken Hanks, Vaughn Assistant Fire Chief, residing at 3805 7th Street NE, thanked the City for its consideration of appropriating this equipment.

There being no one further to address the Commission, Mayor Pro Tempore Bronson closed the public hearing and asked the will of the Commission.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10284.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

Commissioner Robinson commented this is a way of sharing with neighbors for the greater good.

Mayor Pro Tempore Bronson noted that the City did something similar for the Town of Neihart last year. Mayor Taylor recently emphasized again how much he and the town appreciated that donation.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

18. RESOLUTION 10285 TITLED "A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED AT 3026 9TH AVENUE NORTH, LOT 5, BLOC 103, GREAT FALLS 12TH, CASCADE COUNTY, MONTANA, A NUISANCE, ORDER THE NUISANCE BE ABATED, AND AUTHORIZE CITY STAFF TO FORCE ABATEMENT IF NECESSARY."

Planning and Community Development Director Craig Raymond reported that this is a request to conduct a public hearing to consider the adoption of Resolution 10285 which would declare certain conditions located at 3026 9th Avenue North a public nuisance.

OCCGF Title 8 Chapter 49 provides for a process for dealing with nuisances which impact the public health and welfare. Nuisance is defined in OCCGF 8.49.010 as:

- Anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another; or including but not limited to placement and/or maintenance of any motor vehicle, motorcycle, trailer, camp trailer or mobile home on any property in the City in violation of any zoning regulation or other City ordinance; or all any residential structure (including all appurtenant structures) to remain vacant for more than one (1) year where its condition constitutes a hazard or its appearance is a blight to the community or where the property is maintained so as to obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is defined to be a "nuisance."

Beginning in March 2017 and continuing through October 2018 the Planning and Community Development Department received multiple complaints about the condition of the property located at 3026 9th Avenue North. Between 2017 and present, the Department made all efforts to work with Mr. Calvin Osborn, the property owner.

Due to the owner's non-compliance, a Municipal Court Complaint was filed in 2017 against Mr. Osborne for Maintaining a Public Nuisance. Following the owner's guilty plea on the Complaint, the Department made several attempts to work with Mr. Osborn during site visits but were unsuccessful each time. Mr. Osborn assured the City on January 29, 2019, during a court appearance for the Complaint filed in 2017, that because he was incarcerated, he would have an agent or an acquaintance bring the property into compliance. Based on the observations from the public right of way on numerous site visit dates, violations continue to exist consistent with the history of complaints and violations. As of February 14, 2019, the violations were still present.

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

The property maintenance violations on the property include, but are not limited to:

- Persons occupying a recreational vehicle on the property not located in the required zoning district which allows “camping”;
- Tan and white unsecure motorhome with no visible license plate and illegally parked on the property; and
- Exterior storage/salvage materials between the residence and garage and side yard including, but not limited to, propane tanks, tires, pallets, trash, etc.

Based on these continued deficiencies and OCCGF violations, Staff concludes that the subject property constitutes a Nuisance as defined by OCCGF Title 8, Chapter 49, and should be subject to forced abatement pursuant to that Chapter.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in opposition to or in support of Resolution 10285.

Mayor Pro Tempore Bronson closed the public hearing and asked the will of the Commission.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10285, declaring certain property located at 3026 9th Avenue North, Lot 5, Block 103, Great Falls 12th, Cascade County, Montana, a nuisance, order the nuisance be abated, and authorize City staff to force abatement if necessary.

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

Motion carried 4-0.

19. RESOLUTION 10280 TO ANNEX A PORTION OF A TRACT OF LAND EQUALING +/- 6.254 ACRES LEGALLY DESCRIBED AS MARK 7K, IN SECTION 4, T20N, R4E P.M.M., CASCADE COUNTY, MONTANA, AND ORDINANCE 3195 TO ESTABLISH I-2 HEAVY INDUSTRIAL ZONING.

Planning and Community Development Director Craig Raymond reported that this agenda item would have been a request to conduct a public hearing and to consider Resolution 10280, Ordinance 3195, the associated findings of fact, and the annexation agreement.

The applicant, Talcott Holdings, LLC, filed a formal request to postpone tonight’s public hearing and any action on the annexation until April 16, 2019, while they work through some pending issues on the property.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission approve the postponement of the public hearing to a date certain of April 16, 2019.

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

Mayor Pro Tempore Bronson asked if there were any comments from the public, or any discussion amongst the Commissioners.

In response to Commissioner Moe's inquiry, Director Raymond noted this is the third postponement. Staff has attempted to contact the property owners, but have not received a return phone call.

After discussion about the procedural process, Mayor Pro Tempore Bronson called for the vote.

Motion carried 3-1 (Commissioner Houck dissenting).

OLD BUSINESS

NEW BUSINESS

20. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF GREAT FALLS AND GREAT FALLS POLICE PROTECTIVE ASSOCIATION (GFPPA).

Human Resources Director Gaye McInerney reported that staff is recommending that the Commission approve the MOU for 10:40 shifts between the City and GFPPA. The MOU includes a trial period of January 1, 2019 through June 30, 2019 to utilize this 10:40 shift, which is 10 hours and 40 minutes. During this trial period the effectiveness of the 10:40 shift schedule will be evaluated by the City and GFPPA. The schedule was designed to allow staff members the ability to staff shifts properly and to respond to calls in a timely manner, as well as to provide safety of the public and officers.

Preliminary data, after two months of use of this schedule, has revealed a cost savings in the areas of more appropriate staffing of overlapping of shifts resulting in a reduction of overtime, acting pay for fill-in supervisors, and shift extensions.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the Memorandum of Understanding between the City of Great Falls and the Great Falls Police Protective Association (GFPPA).

Mayor Pro Tempore Bronson asked if there were any comments from the public, or any discussion amongst the Commissioners.

Commissioner Moe noted the trial period is about half over and the Commission's approval at this point seems perfunctory.

Director McInerney responded that staff is about two months into the trial period of actual data tracking. Staff would like the opportunity to have a complete trial period undertaken, and then perform a re-evaluation of the data.

City Manager Greg Doyon added that, as with other prior shift changes, a trial period is appropriate to understand the dynamics before it's made part of the collective bargaining agreement.

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

Commissioner Moe inquired if the Commission should expect to get a formalized change to the agreement in June based on the trial period.

Manager Doyon responded that the Commission was previously briefed on this issue. There should be adequate data before going into union negotiations with GFPPA. GFPPA wants to be confident that there is a MOU that solidifies the trial period before moving it into a formal agreement.

Police Chief Dave Bowen added that this began months ago when the staffing issues came to light that were talked about in December. The misunderstanding was him thinking a contract issue could be opened up as long as all parties agreed to operate outside of the agreement. Manager Doyon reminded him that in previous labor agreements, they did that with an MOU.

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

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Houck announced that Western Art Week kicks off in Great Falls this week.

Commissioner Robinson relayed appreciation communicated to him from people that utilize the trail system to the Park and Recreation Department staff for keeping the trails usable during the recent extreme winter weather.

Commissioner Moe complimented the Public Works Department for its long hours and good work on snow removal.

Mayor Pro Tempore Bronson suggested that Trooper Palmer and family be kept in everyone's thoughts and prayers.

22. COMMISSION INITIATIVES.

There were no Commission initiatives.

23. LEGISLATIVE INITIATIVES.

Mayor Pro Tempore Bronson reported that he testified on one of the TIF bills at the legislature last week. He believes a compromise has been worked out with the sponsor of that bill to make it more palatable. He will also be testifying tomorrow at the legislature on another bill and is hopeful he can work something out with the sponsor of that bill.

**JOURNAL OF COMMISSION PROCEEDINGS
MARCH 19, 2019**

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Robinson moved, seconded by Commissioner Moe, to adjourn the regular meeting of March 19, 2019, at 8:13 p.m.**

Motion carried 5-0.

Mayor Pro Tempore Bill Bronson

City Clerk Lisa Kunz

Minutes Approved: April 2, 2019