

# JOURNAL OF COMMISSION PROCEEDINGS

June 4, 2019

Regular City Commission Meeting

Mayor Kelly presiding

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

Commission Chambers Room 206

Mayor Kelly announced that the AV System upgrade project in the Commission Chambers and Gibson Room is not complete. The meeting is being recorded, but is not being televised.

## PLEDGE OF ALLEGIANCE

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Owen Robinson, Bill Bronson, Mary Sheehy Moe, and Tracy Houck. 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; City Attorney Sara Sexe; and, Police Captain Rob Moccasin.

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

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** Commissioner Bronson noted that he will be asking that certain items on Item 13 on the Consent Agenda be pulled for separate consideration.

1.

### PROCLAMATIONS

Mayor Kelly read a proclamation for Men's Health Month (June).

### PETITIONS AND COMMUNICATIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

**Pam Hendrickson**, 1321 5<sup>th</sup> Avenue North, read a prepared statement regarding her opposition to Commissioner Moe's and Commissioner Robinson's discussions about a potential partnership with Maclean Animal Adoption Center. She objects to "bailing out a nonprofit that always assumed the City would step up and therefore failed to plan appropriately to run themselves for the long-term."

**Daniel Hartzell**, Dick's RV Park, 1403 11<sup>th</sup> Street SW, read a prepared statement regarding his proposed "Megans Law – Amnesty for Students."

**Jeni Dodd**, 3245 8<sup>th</sup> Avenue North, commented that Commissioners Moe and Robinson are misleading the public about the potential partnership between the Maclean Animal Adoption Center and the City. She discussed contract terms between the Heart of the Valley and the City of Bozeman and others, compared to the Joining Hands Proposal between Maclean and the City of Great Falls.

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**Mike Kaszula**, 2416 2<sup>nd</sup> Avenue North, set his wife Karen's cremation urn next to the podium and announced that she passed away from a heart attack. He commented that her MS complications began during the time the Natatorium was closing.

**Deb Scherrer**, 725 7<sup>th</sup> Avenue South, read a 2016 *Tribune* article quoting Owen Robinson that "the Foundation thought collaboration made sense for the City and that there was no sense in operating two facilities. The City should take over operations in the newly opened Maclean Animal Adoption Center and close the existing shelter." Ms. Scherrer inquired if Commissioner Robinson still felt that way, and inquired when Cattery Addition construction would begin.

## NEIGHBORHOOD COUNCILS

### 3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

## BOARDS & COMMISSIONS

### 4. APPOINTMENTS TO THE BUSINESS IMPROVEMENT DISTRICT (BID) BOARD OF TRUSTEES.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission appoint Shari Dolan, Jason Kunz and Matthias Schalper to the Business Improvement District Board of Trustees to four-year terms expiring June 30, 2023.**

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

Commissioner Houck applauded those applicants for their willingness to participate and grow the BID.

Commissioner Robinson noted that there were six outstanding candidates and choosing three for appointment was difficult.

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

Motion carried 5-0.

### 5. APPOINTMENT/REAPPOINTMENT TO THE GOLF ADVISORY BOARD.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission reappoint Jackie Lohman as the Women's Golf Association Member for a three-year term and appoint Greg Bushman as a Men's Golf Association Member for the remainder of a three-year term through March 31, 2020.**

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

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Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**6. APPOINTMENT TO THE LIBRARY BOARD.**

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission appoint Susan McCord to a five-year term through June 30, 2024, to the Library Board.**

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

Motion carried 5-0.

**7. APPOINTMENT TO THE POLICE COMMISSION.**

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission appoint Tim Shanks to the Police Commission for a three-year term ending June 30, 2022.**

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

Commissioner Moe and Mayor Kelly expressed appreciation to the applicants.

Commissioner Robinson expressed appreciation to Ken Thompson for his service.

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

Motion carried 5-0.

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

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

**CITY MANAGER**

**9. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon announced:

- The Finance Department received the GFOA Distinguished Budget Award for the 28<sup>th</sup> time since 1992;
- Assistant City Attorney Joe Cik and Great Falls Police Department Officer Brett Munkres were recognized by the Cascade County DUI Task Force;

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- Initial department budget requests were submitted to the City Manager's Office;
- The City of Great Falls hosted the Great Open Spaces City Manager's Association conference last week; and
- The Great Falls Animal Shelter will be hosting its 7<sup>th</sup> Annual Pet-a-Palooza, a free event for people and pets, on Saturday, June 8<sup>th</sup>, at Elk's Riverside Park.

The Commission and City staff took a moment of silence to recognize colleagues and their families in Virginia Beach who lost their lives by a mass shooting last week.

### CONSENT AGENDA.

10. Minutes, May 21, 2019, Commission meeting.
11. Minutes, May 22, 2019, Special City Commission meeting.
12. Total expenditures of \$2,317,831 for the period of May 1, 2019 through May 22, 2019, to include claims over \$5,000, in the amount of \$2,035,455.
13. Contracts List.
14. Set a public hearing on Resolution 10296 Establishing Usage Fees for the Community Recreation Center for June 18, 2019.
15. Award a contract in the amount of \$71,500 to Wadsworth Builders Company, Inc. for the Gibson Park Restroom Remodel, and authorize the City Manager to execute the construction contract documents. **OF 1737.1**
16. Set a public hearing on the Tourism Business Improvement District 2018/2019 Budget Amendment for June 18, 2019.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as submitted, with the exception of Items 13F, 13G and 14 for separate consideration.**

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

Commissioner Robinson was appreciative that the Gibson Park ADA and restroom remodel project was moved up on the priority list to this year.

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

Motion carried 5-0.

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Mayor Kelly noted that Items 13F and 13G are 2018/2019 CDBG and HOME agreements with NeighborWorks to fund housing counseling to include eviction prevention and financial coaching, and to fund a development subsidy towards the property at 1509 6<sup>th</sup> Avenue NW.

Commissioner Bronson noted that he would recuse himself from participation and vote on those two items.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve Consent Agenda Items 13F and 13G.**

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

**Sherrie Arey**, NeighborWorks Great Falls Executive Director, 509 1<sup>st</sup> Avenue South, thanked Planning staff for putting these agreements together for NeighborWorks to access these funds, noting that HUD regulations are not easy to navigate.

Commissioner Houck applauded NeighborWorks for its ongoing efforts to support needed housing in the community.

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

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

Mayor Kelly noted that Item 14 is Resolution 10296 to set a public hearing on usage fees for the Community Recreation Center.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission set a public hearing for June 18, 2019 to consider adoption of Resolution 10296.**

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

Commissioner Moe requested the Park and Recreation Advisory Board's thoughts and rationale be included in the agenda report for the June 18<sup>th</sup> meeting regarding the broad range increase in the adult basketball league fee, as well as the corporate fee for businesses of 100 or more employees.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

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**17. LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL #8 (IAFF LOCAL #8).**

Human Resources Director Gaye McInerney reported that staff recommends that the City Commission approve the labor agreement between the City of Great Falls and the IAFF Local #8. Members of the negotiating teams worked to update the basic contractual language in order to make the Agreement more clear, more understandable, and consistent. More substantial changes included:

Article 4 – Union Membership. The Agreement was updated to comply with the Supreme Court decision in *Janus v. AFSCME, Council 31*. In addition, sections 4.12 and 4.13 were added outlining specific conditions in order for personnel to return to the Union from Administration ranks.

Article 17 – Uniform Allowance. A base clothing allowance will be defined by the standard operating guidelines and separately funded by the City. The employee must request reimbursement of approved costs by the City for up to a maximum of \$650 per fiscal year, use or lose.

Article 26 – Medical Insurance. MMIA raised the health insurance premiums for the City by 10.6 percent. This resulted in a 10 percent increase to the employee premiums. The City still maintains the 90/10 percent cost sharing with the City paying 90 percent and the employee paying 10 percent of the health premiums.

Article 39 – Medical Expense Reimbursement Plan (MERP). The maximum contribution level by the employee was increased from \$50 to \$100 in pre-tax wage deductions.

Addendum 1, Schedule A. Changes in Rank structure were made. Instead of waiting 3 years to achieve a 15 percent increase for Senior Fire Fighter rank, 5 percent will be earned over time in each rank of Fire Fighter 1, Fire Fighter 2 and Senior Fire Fighter.

Fiscal Impact. Addendum 1, Schedule A reflects the negotiated wages with a 2.75 percent increase for each year of the contract. The financial impact of a 2.75 percent increase, a \$650 per fiscal year uniform allowance and three certification pays over two years is approximately \$317,451.

IAFF Local #8 members voted to ratify the contract language in May, 2019.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and the IAFF Local #8, and authorize the City Manager to execute the agreement.**

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

Commissioner Bronson commended the City and Union bargaining teams for coming to an agreement in a short amount of time.

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Commissioner Houck expressed kudos as well, noting that both sides were happy with the outcome.

Manager Doyon explained the affinity bargaining process.

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

Motion carried 5-0.

## 18. **2019/2020 CDBG & HOME ANNUAL ACTION PLAN.**

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. This year the City will receive approximately \$794,666 of CDBG funds, and an award of \$273,088 in HOME funds.

Director Raymond commented that the funding priorities that the Commission is making a decision on tonight are set forth in the Annual Action Plan which must be submitted to HUD by June 30<sup>th</sup> after the public has had 30 days to comment on the plan. This year the 30-day comment period was held April 17<sup>th</sup> through May 17<sup>th</sup>.

Staff spent a considerable amount of time and effort in seeking community input through a number of means including a direct contact with community partners, Community Survey, Neighborhood Council meetings and a Public Needs Hearing.

After carefully considering public input and priorities, the following funding strategy is presented for Commission consideration:

- The recommendation as the highest priority is Economic Development at 50% of the total allocation.
- The next recommendation is 40% of the funding be targeted grants towards Public Infrastructure which includes enhancement of public sidewalks, curb ramps and other City facilities. Twenty percent of the total CDBG fund will be focused on the retrofitting of existing City facilities which are not currently up to ADA standards under this category.
- The final allocation recommendation is that 10% be set aside for Public Service grants. The three top priorities in this category were Homelessness Services, Senior Services and Alcohol and Drug Treatment.

An additional important program for Commission consideration is how HOME funds are allocated. Affordable housing is a continual need, and meeting that need is becoming more challenging every year for a number of reasons. Staff is recommending that the Commission focus the HOME funds on this need. In future years, if allocations remain somewhat consistent, larger sums of money may go towards new construction than has been allocated in the past.

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Staff requests that the City Commission adopt the proposed 2019/2020 Annual Action Plan, authorize staff to submit the Annual Action Plan to HUD for review and approval, and to approve the funding priorities for the 2019/2020 CDBG program.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt the proposed 2019/2020 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD), and approve the funding priorities for the 2019/2020 Community Development Block Grant Program (CDBG).**

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

**Sherrie Arey**, NeighborWorks Great Falls Executive Director, 509 1<sup>st</sup> Avenue South, spoke in support of the Commission's adoption of the Annual Action Plan. She encouraged City staff to continue to work with the community and stakeholders as future plans are developed. Affordable housing is going to continue to be a challenge; building prices go up and salaries are stagnant.

Motion carried 5-0.

### ORDINANCES/RESOLUTIONS

19. **ORDINANCE 3201, AMENDING TITLE 2, CHAPTER 21, SECTIONS 080 AND 100 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE GREAT FALLS ETHICS COMMITTEE.**

City Attorney Sara Sexe reported that the Great Falls Ethics Committee was established in 2017 to help City officials and staff continue to comply with Mont. Code Ann. Title 2, Chapter 2, pertaining to code of conduct for public officials and the Great Falls Ethics Code, OCCGF Title 2, Chapter 21.

On May 17, 2019, the Ethics Committee updated its *Rules and Procedures*, by which complaints and responses referred to the Committee are received and heard. In the course of the discussion regarding these updates, the Ethics Committee indicated by consensus support for the Commission to consider changes to the ordinances governing the Committee.

Commissioner Mary Moe suggested a change during public comment on the updates that an alternate Ethics Committee member be appointed by the City Commission to address Committee member unavailability, which would revise OCCGF 2.21.080.

Additionally, in the update discussions, the Ethics Committee indicated support for a staff-recommended change in the determinations to be made under the current ordinance to avoid confusion by the Ethics Committee and all parties involved. This proposed change would replace the two-part process of determining: (1) whether there was an appearance of a violation, and (2) whether there was an actual violation. Legal staff recommends that the City Commission institute a significant process change amending OCCGF 2.21.100 to reflect the duties under Mont. Code Ann. §2-2-144, requiring the Committee to:



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**determine whether a complaint appears to be substantiated based on the information and testimony presented. If the Committee determines that a complaint appears to be substantiated, it may refer the matter to the Cascade County Attorney, or to the supervisor of a public employee who may be the subject of the complaint, for disposition. The Committee shall make written findings of its decision, which will be filed with the City Clerk.**

If adopted, these changes will assist in allowing for timely due process for all parties involved, including the person who is the subject of any complaint. It also will allow employees the ability to defend challenges to their actions and allow their supervisors to address complaints which are found to be substantiated.

**Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3201 on first reading and set second reading for June 18, 2019.**

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

Motion carried 5-0.

**20. RESOLUTION 10297, TEMPORARILY SUSPENDING THE CITY OF GREAT FALLS DESIGN REVIEW BOARD (DRB) MEETINGS AND REVIEW REQUIREMENTS.**

Planning and Community Development Director Craig Raymond reported that this item is a request to adopt Resolution 10297 to further temporarily suspend the requirement that certain projects appear before the Design Review Board for a period of six months.

On November 7, 2018, the City commission adopted Resolution 10256 temporarily suspending the DRB process requirement for six months. As staff has navigated their way through development projects during that time, it became clear that the suspension has had some benefit in alleviating staff workload and streamlining the development process to a degree. Staff and some members in the development community still agree that the DRB can and should have a positive impact to the built environment in Great Falls. Staff has envisioned, based on observations and input received from the community, that a refocused DRB process can have multiple benefits including reduced staff workload, development review efficiency and positive, value added impact to our built environment.

This proposal does not suspend any code required standards or guidelines. Those codes will remain in full force and effect.

Director Raymond concluded that the requested action is that the City Commission adopt Resolution 10297 temporarily suspending the DRB review process while staff engages with the development community to refocus and improve the DRB vision and process.

**Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10297.**

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

Commissioner Moe recalled that six of the nine respondents to the survey supported reinstating the DRB. She suggested having those six responders review the projects that have been approved and provide the data at the conclusion of the planning review process.

Director Raymond noted that Planning and Community Development and Public Works staff will be hosting a development community town hall meeting to get specific feedback on two separate items, one of them being the DRB process.

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

Motion carried 5-0.

## CITY COMMISSION

### 21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly announced that the development community town hall meeting is scheduled for Thursday, June 6<sup>th</sup>, in the Commission Chambers, from 4 PM to 6 PM. Director Raymond noted that invitations were sent to builders, architects, developers, engineers, and realtors.

Mayor Kelly announced that the first budget discussion session was held today at 4:15 PM, and the next scheduled session will be held June 18<sup>th</sup> at 4:15 PM. To learn more about the budget and to participate in budget discussions, he recommended that citizens review the budget and utilize the “Balancing Act” tool that are available on the City’s website.

Commissioner Houck noted recent flooding events. She reminded everyone to take extra precautions when on the water.

Mayor Kelly congratulated Erin Borland for the expansion of the Farmers Market to include a portion of Central Avenue.

### 22. COMMISSION INITIATIVES.

Commissioner Robinson noted a *Tribune* article about the tree/bush loss within the City. The reporter didn’t ask about the parks. It was the consensus of the Commission that the City Forester provide a brief report about damage City parks sustained for Manager Doyon to present at the next meeting.

## ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Robinson moved, seconded by Mayor Kelly, to adjourn the regular meeting of June 4, 2019, at 7:58 PM.**

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Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: June 18, 2019