

JOURNAL OF COMMISSION PROCEEDINGS
June 18, 2019

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Bill Bronson, Mary Sheehy Moe, and Tracy Houck. Commissioner Owen Robinson was excused. Also present were the City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herring; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

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: None.

1. PROCLAMATIONS

Mayor Kelly read a proclamation for Paris Gibson Month (July).

PETITIONS AND COMMUNICATIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

BOARDS & COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

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

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CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced:

- He had dinner with the USS Montana captain and crew. This Virginia-class submarine is being built and named in honor of the State of Montana
- Planning and Community Development staff has begun preliminary training on their new software to enhance the development review process
- He attended the Association of Defense Communities National Summit last week in Washington, D.C. A primary theme that occurred during the course of the conference was the need for quality schools and housing. In particular, as it relates to the local two installations, they are contemplating studying how to factor that in to basing decisions. Rebuilding design and construction of Tyndall Air Force Base was also discussed and will be more integrated with the community and includes higher tech and security features
- He recently spoke at a meeting of the Uptown Optimist Club

CONSENT AGENDA.

6. Minutes, June 4, 2019, Commission meeting.
7. Total expenditures of \$1,709,691 for the period of May 17, 2019 through June 5, 2019, to include claims over \$5,000, in the amount of \$1,494,267.
8. Contracts List.
9. Accept the bid from Calumet Montana Refining Company of Great Falls and authorize staff to purchase 250 tons of liquid asphalt at \$445 per ton for a total of \$111,250.
10. Award a contract in the amount of \$98,000 to MJD Contracting for the Dewatering Pump Replacement project, and authorize the City Manager to execute the construction contract documents. **OF 1731.2**
11. Accept the low bid from Thatcher Company of Montana, Inc. and authorize staff to purchase liquid aluminum sulfate in the amount of \$382 per ton, up to the maximum amount of 800 dry tons for FY 2019/20.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as submitted.

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

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Motion carried 4-0.

PUBLIC HEARINGS

12. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) 2018/2019 BUDGET AMENDMENT.

TBID Executive Director Rebecca Engum reported that the City Commission approved the 2018/2019 TBID Budget and Work Plan on July 17, 2018. That work plan included key performance indicators to complete a study at Montana ExpoPark for a MultiPurpose Event Center in Great Falls as well as increase traffic through Great Falls International Airport.

The TBID has placed assessment funds into reserves to be used for strategically aligned specific purposes and are declared as obligations available for expenditure according to the reserve purpose in the Fiscal Year needed.

During the March 28, 2019 Board of Directors meeting, the TBID Board approved an amendment to the budget to accommodate reserve spending to support moving the MultiPurpose Event Center forward with the Great Falls Area Lodging Association. The amendment also included financial investment to support increased direct air service by carriers into the Great Falls International Airport.

In an audit of the Great Falls Tourism Business Improvement District, the auditor delivered one finding related to increased expenses over the approved budget. This finding noted that an amendment to the 2017/2018 budget was not submitted to the City of Great Falls, even though presented and approved by the TBID Board.

To prevent any future findings, the TBID Board approved the budget amendment as presented to the City of Great Falls for approval.

Ms. Engum noted the word “and” is missing in the second paragraph under the “Background” section of the agenda report, and she provided a corrected copy.

Mayor Kelly declared the public hearing open, and he asked if the Commissioners or public had any questions of the applicant. No one responded.

No one spoke in support of or in opposition to the TBID’s 2018/2019 Budget Amendment. Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the 2018/2019 Tourism Business Improvement District Budget Amendment.

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

Motion carried 4-0.

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13. RESOLUTION 10296, ESTABLISHING USAGE FEES FOR THE COMMUNITY RECREATION CENTER.

Park and Recreation Director Steve Herrig reported that staff is proposing a range of fees for the Community Recreation Center to allow the flexibility to set fees based on cost recovery and market comparisons. Program costs will be determined and fees reviewed following the completion of each program.

The Community Recreation Center last set fees in July of 2014 for facility use and program fees. The proposed fees include an increase in adult basketball leagues and establishes a corporate membership for the fitness center for businesses and organizations with 50 or more employees.

While setting the public hearing date, Commissioner Moe inquired about the number of employees needed for the corporate rate. During the Park and Recreation Advisory Board meeting on June 10, 2019 the Board recommended reducing the requirement of 100 employees to 50 employees to allow for more businesses to be included.

The increase in adult basketball fees is needed to cover increased costs for referees. The corporate rate for the fitness center is intended to increase revenues through increased usage.

Mayor Kelly declared the public hearing open, and he asked if the Commissioners or public had any questions of staff.

Mayor Kelly inquired how the Board chose 50 employees for the corporate rate.

Director Herrig responded that number was a suggestion of the Board chairman. Other fitness centers in town do not offer a corporate rate. Staff does not want to overwhelm the fitness center, but wants it to get utilized.

No one spoke in support of or in opposition to Resolution 10296.

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

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10296, Establishing Usage Fees for the Community Recreation Center.

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

Commissioner Moe expressed appreciation to the Park and Recreation Advisory Board for reconsidering the 100 employee corporate membership, noting that there weren't many employers with over 100 employees except for public entities.

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

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Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

14. **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:

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.

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Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3201.

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

John Hubbard, 615 7th Avenue South, spoke about topics either not on topic or not within the jurisdiction of the City Commission. He was reminded this item is a procedural vote regarding the Ethics Committee processes.

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

Motion carried 4-0.

15. RESOLUTION 10293, INTENTION TO VACATE 11TH STREET SOUTH BETWEEN BLOCK 468 AND BLOCK 469.

Planning and Community Development Director Craig Raymond reported that this item is a request to consider the adoption of Resolution of Intention 10293 which provides for the initiation of the process of vacating a portion of 11th Street South between Block 468 and Block 469 of the Great Falls Original Townsite.

The applicant Great Falls Public Schools desires to construct a new elementary school campus on the site. During preliminary meetings for planning the new campus it was noted that an old remaining public right of way existed on the property. In order to properly place the new school building on the site, the vacation of rights of way become necessary.

Most of the existing utilities will be relocated out of the rights of way; however, a small portion of City sewer main will remain and a utility easement will be required to be approved and recorded to reflect the new utility locations.

Appropriate City departments were involved throughout the discussion and processing of this vacation and support the request.

Director Raymond noted an error within the resolution document in the agenda package. The agenda report notes the public hearing is scheduled for July 16th. The resolution document notes the public hearing date of July 2, 2019. Staff requests that the Commission make a motion to amend Resolution 10293 to reflect the appropriate public hearing date of July 16, 2019.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10293 as corrected to reflect the appropriate public hearing date of July 16th, and set a public hearing for July 16, 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.

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Motion carried 4-0.

CITY COMMISSION

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to Item 14, Commissioner Moe expressed appreciation to the Ethics Committee for addressing her due process concerns and updating its procedures.

Commissioner Bronson noted that a member of the Ukrainian delegation was so taken by Commission member presentations regarding government during their recent visit that he is going back with the intention of running for the Ukrainian parliament. Commissioner Bronson provided the delegation with documentation regarding this Commission's public participation process that they are intending to try to eventually incorporate into their public participation policies and procedures in their country.

Commissioner Moe added that Advisory Commission on International Relationships (ACIR) member Sandra Erickson did a fantastic job organizing the complex event.

Mayor Kelly announced that he will be absent the July 16th Commission meeting.

17. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Mayor Kelly, to adjourn the regular meeting of June 18, 2019, at 7:35 PM.**

Motion carried 4-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: July 2, 2019