

JOURNAL OF COMMISSION PROCEEDINGS

August 20, 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, Owen Robinson, and Tracy Houck. Commissioner Mary Sheehy Moe was excused. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Environmental Division Manager Paul Skubinna; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; Fire Chief Steve Hester; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

AGENDA APPROVAL: City Manager Doyon noted that there was a minor correction to Item #5, minor agreement changes were required by the Department of Revenue for Item #15, and City Attorney Cik will provide additional comments with regard to Item #18. The revised agenda was approved as submitted.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Shyla Patera, 1013 7th Avenue NW, provided written correspondence expressing support of adopting the minor TIP amendment, BARSAA funding, the Main Street Montana Grant, and addressed pedestrian and disability accessibility.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS & COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

None.

CITY MANAGER

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported on the following:

- Public Works Engineer Dave Dobbs has retired, and Jim Young is the Acting Engineer.

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- Mansfield Center for the Performing Arts Manager Owen Grubenhoff toured other Performing Arts Facilities to learn about their operations.
- The Great Falls Animal Shelter participated in a national Clear the Shelter event, and 32 animals were adopted.
- Request For Proposals (RFP) for the mural/logo design of the Gore Hill Water Tower were issued on August 18th.

Referring to the logo design of the Water Tower, Mayor Kelly received clarification that outside financing from a sponsorship or business that wants to have its logo on the water tower would need to be put into the proposal for consideration.

CONSENT AGENDA.

5. Minutes, August 6, 2019, Commission meeting.
6. Total Expenditures of \$2,632,244 for the period of July 12, 2019 through August 7, 2019, to include claims over \$5000, in the amount of \$2,363,806.
7. Contracts List.
8. Grants List.
9. Set a public hearing on Resolution 10312, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center for September 3, 2019.
10. Approve final payment for the West Bank Park Phase 3 Trail Upgrades Project, in the amount of \$81,774 to Horn Construction and \$826 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1585.9**
11. Approve final payment for the ADA Handicap Ramps Giant Springs School Phase II, in the amount of \$98,685.43 to Missouri River Trucking and Excavation Incorporated and \$996.82 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1730.8**
12. Approve final payment for the Lift Station #9 Rehabilitation, in the amount of \$6,651.15 to Ed Boland Construction and \$67.18 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1722.1**

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

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 4-0.

PUBLIC HEARINGS

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13. RESOLUTION 10314, CERTIFYING THE ABATEMENT OF A NUISANCE AND STATEMENT OF EXPENSE, ADDRESSED AS 2311 4TH AVENUE SOUTHWEST IS COMPLETED.

Planning and Community Development Director Craig Raymond reported that Resolution 10233 was adopted by the City Commission on May 1, 2018. Resolution 10233 declared the subject property a nuisance and authorized City staff to force abatement if necessary, to the satisfaction of the Planning and Community Development Director. Mr. Lewis did not complete the abatement within the designated time period dictated by the resolution. However, Real Estate Agent, Pat Goodover, through Fannie Mae, did show incremental compliance with the Resolution's abatement requirements, and some of the abatement was completed without City expense.

Some of the required abatement action was that the residential structures on the property be repainted for weather-proofing purposes, and replace the siding on the front of the garage. Due to inclement weather, this action was not completed during the six-month extension adopted by Resolution 10273 on November 7, 2018. Resolution 10295 was adopted by the Commission on May 7, 2019. Resolution 10295 extended the effective time period of Resolution 10233 an additional six months to December 31, 2019.

In order to abate the subject nuisance, City staff contracted with ALR Contracting LLC to perform painting of the residential structures and to replace the siding on the front of the garage on the subject property. Painting was completed on July 15, 2019. The cost of the project totaled \$5,410.00.

By adopting Resolution 10314, the Commission will certify that the subject nuisance has been abated, and the Statement of Expense has been satisfied. This action is authorized and required by the Official Code of the City of Great Falls (OCCGF) 8.49.060 and 070. Notice of the consideration of this Resolution was provided to the subject property owner and all other interested parties via certified mail, postage prepaid, return receipt requested on August 5, 2019, as well as regular mail, and posting the notice on the subject property.

If the Commission adopts Resolution 10314, the subject property owner may pay the outstanding balance to the City Finance Department within five (5) calendar days. If the property owner does not pay the outstanding balance within that time, Staff recommends that the City Commission direct that the costs be collected as a special assessment on the subject property.

If the Commission does not adopt the Resolution under consideration, the City will not recover the costs of the forced abatement.

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

Mayor Kelly received clarification that the Federal National Mortgage Association is the current owner of the property.

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No one spoke in support of Resolution 10314.

Speaking in opposition to Resolution 10314 was:

Michael Lewis, 1715 10th Avenue North, commented that he was not given any explanation about the abatement process of his property since he was incarcerated on August 12, 2018. Mr. Lewis noted that he has completed treatment, is trying to move forward with his life, and asked for forgiveness from the community.

Mayor Kelly explained that the public hearing is about certifying the abatement of a nuisance being completed, not about deciding the ownership of the property. Mayor Kelly noted that Staff would be available to provide Mr. Lewis with an explanation about the abatement process.

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 10314.

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

Commissioner Bronson reiterated that the public hearing is not about the ownership of the property, and noted that he is pleased Montana Legal Services is assisting Mr. Lewis with regard to resolving ownership issues.

Commissioner Robinson commented that he is pleased that Mr. Lewis is moving forward with his life, and that the purpose of the public hearing is to repay ALR Contracting LLC for services that were done to the property.

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

Motion carried 4-0.

14. RESOLUTION 10311, REVISING FEE SCHEDULE FOR GREAT FALLS FIRE RESCUE SUPERSEDING RESOLUTION 10070.

Fire Chief Steve Hester reported that the public hearing was moved from the August 6, 2019 Commission meeting to the August 20, 2019 Commission meeting because Great Falls Fire Rescue (GFFR) staff had not properly advertised the hearing.

Resolution 10311 supersedes resolution 10070 that was adopted by the Commission in April of 2014. Resolution 10311 increases the previous fees by 10% as an adjustment to cost of living and the true cost of the additional services GFFR provides to the community. In addition, two new fees have been added to the fee schedule for Cardio Pulmonary Resuscitation (CPR) class tuition and to conduct fire water line flushes.

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It has been five years since the last adjustment to the GFFR fee schedule and the cost of providing these services has increased to provide the additional services offered. These services are considered non-emergent; but, in some cases are essential in reducing community risk and promoting quality of life.

Since the last fee review GFFR has added two essential services. The first is CPR training. Each student shall be charged a nominal \$35.00 tuition fee and the cost of the American Heart Association CPR card. The Department plans to offer CPR training once a month based on demand.

The second service being provided is the Department has been conducting flushes of repaired or newly installed Fire Suppression System water lines. This requires at least two GFFR staff members and all the equipment it takes to connect to the line to include 5-inch high volume hose. The \$100.00 fee will help maintain the equipment used for the flushes and for the staff time performing the work. The department has conducted anywhere from 20 to 35 flushes annually.

Mayor Kelly declared the public hearing open. He asked if the public or Commissioners had any questions of staff. No one responded.

No one spoke in support of or in opposition to Resolution 10311.

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

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10311.

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

Commissioner Houck commented that taking care of City-owned equipment makes sense.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

15. **ANACONDA HILLS GOLF COURSE AND EAGLE FALLS GOLF CLUB MANAGEMENT AGREEMENT ADDENDUM NO. 1.**

Park and Recreation Director Steve Herrig reported that the City entered into an Anaconda Hills Golf Course and Eagle Falls Golf Club Management Agreement with CourseCo, Inc., d/b/a Great Falls Golf, LLC effective December 18, 2018. The agreement is through January 31, 2022, with an option to renew for an additional three years.

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The purpose of the Addendum is to allow the Operator (CourseCo, Inc., d/b/a Great Falls Golf, LLC) to lease the City's On Premise Alcoholic Beverage License in conjunction with Operator's operation of the City's Eagle Falls Golf Club and Anaconda Hills Golf Course, during the term of the Agreement.

The lease payment requires the Operator pay all fees assessed by the State of Montana Department of Revenue associated with obtaining On Premise Alcoholic Beverage License or renewals along with all taxes annexed or levied against the sales. The Operator is further required to carry Liquor Liability coverage with limits not less than \$2,000,000 per occurrence.

With CourseCo, Inc. operating the City's courses, there will be areas of opportunities for cost savings and new revenues in many areas. The City has not been operating the food and beverage operations of the golf courses. With this partnership, the City will have the opportunity to profit off of the sale of food and beverage under the expertise of the management company. The ability to sell alcohol is an important component in the profitability of the concessions operation.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the Anaconda Hills Golf Course and Eagle Falls Golf Club Management Agreement Addendum No. 1 with CourseCo, Inc., d/b/a Great Falls Golf, LLC for the term of the Management Agreement through January 31, 2022.

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

Commissioner Robinson commented that the Alcoholic Beverage License will provide opportunities for cost savings to the golf courses.

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

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

16. **ORDINANCE 3208, AMENDING TITLE 2, CHAPTER 3, SECTION 030, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE MUNICIPAL COURT JUDGE.**

Assistant City Attorney Joe Cik reported that on July 16, 2019, the City Commission adopted the 2019-2020 fiscal year budget. Included in the budget was a compensation package for a part-time Assistant Municipal Court Judge to begin an appointed term of office January 1, 2020.

Pursuant to Mont. Code Ann. § 3-6-201, the number of Municipal Court Judges must be set by an Ordinance adopted by the governing body. The elected Municipal Court may appoint a properly qualified part-time Municipal Court Judge to serve during the elected Judge's term of office. An order by a part-time Assistant Judge has the same force and effect as an order of the elected Municipal Court Judge.

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Ordinance 3208 will amend the Official Code of the City of Great Falls (OCCGF) § 2.3.030 to establish qualifications of, and regulations pertaining to, the newly approved part-time Assistant Municipal Court Judge. Ordinance 3208 will fulfill the requirements of Mont. Code Ann. § 3-6-201 and allow Great Falls Municipal Court Judge Steven Bolstad to appoint an Assistant Municipal Court Judge who will be qualified and ready to serve before the January 1 start date. Ordinance 3208 will make minor grammatical changes to previously adopted language to be clearer and more consistent with other OCCGF provisions.

Adoption of Ordinance 3208 has no fiscal impact. However, the total approved compensation package for the Assistant Municipal Court Judge for fiscal year 2019-2020 is \$23,188.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3208 on first reading and set second reading for September 3, 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 4-0.

17. **RESOLUTION 10302, ANNUAL TAX LEVY.**

Finance Director Melissa Kinzler reported that the City Commission is required to fix an annual tax levy by setting mills to generate property tax revenues to fund city operations. The City received its taxable valuation from the Montana Department of Revenue (MTDOR) on August 5, 2019. With this valuation, the City can now compute and set its annual mill levy.

During the FY 2020 Budget Adoption Process, the Finance Department projected the City's newly taxable property revenue would be \$425,000. The projection was based on the eighteen year average of newly taxable property. The newly taxable revenue reported by MTDOR is \$199,839. No particular project can be identified for this newly taxable revenue.

This amount of newly taxable property revenue means that the City will have slightly less tax revenue than projected in the FY2020 budget of \$225,161 (0.7% of total General Fund tax revenue). The City anticipates property assessment appeals/abatement requests which means the City will not definitively know how much of this new projected tax revenue will be available until those appeals/abatement requests are processed.

In Fiscal Year 2019 the newly taxable property revenue was certified to be \$781,414, and the City has still not received this additional revenue.

The newly taxable property increases the taxable value per mill from \$97,185 in FY 2019 to \$101,525 in FY 2020. The increase in value also indicates that the Great Falls tax base has expanded.

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One immediate benefit to the City's budget is to the Great Falls Public Library. The library receives nine (9) mills under its agreement with the City. With the newly taxable value, this translates into an additional \$39,060 for the library in FY 2020.

Included in the mills are the following:

Debt Service

- 1.68 mills for soccer park debt service payments (minimal decrease from last year)

The annual soccer park debt payments with expenses total \$167,043, which are included in the \$20,384,444 mill levy total.

The soccer park bonds were issued June 14, 2004, for \$2,500,000 for twenty years and refinanced in April 2014. The outstanding balance of the soccer bonds as of June 30, 2019 was \$765,000. The bond maturity date is July 1, 2024. Fiscal Year 2017 was the last year for the swimming pool debt.

Permissive Medical Levy

- 33.11 mills (\$460,000 increase from last year)

Total Mill Levy Summary

Last year's mill levy for Tax Year 2018 (FY 2019) certified revenue of \$19,557,045. The differences between the mill levy of \$19.6 million (what the City milled last year) and \$20,384,444 (what the City will mill this year) include the following:

General

- \$199,839 for newly taxable property,
- \$168,142 for the inflationary adjustment,
- \$460,000 for the "Permissive Medical Levy", and,
- \$(391) from previous taxable value adjustments.

Voted General Obligation Debt

- \$(191) for the revenue needed for the soccer park debt.

The total mill levy for Tax Year 2019 (FY 2020) is 200.78 mills totaling \$20,384,444. The newly taxable value revenue of \$199,839 may result in a slight decrease of \$225,161 in undesignated fund balance for the General Fund in FY 2020 because it is less than the budgeted amount of \$425,000.

As proposed, the projected impact on a home with a taxable market value of \$100,000 is as follows:

Inflationary Adjustment (\$168,142)	\$ 2.33
Permissive Medical Levy (\$460,000)	<u>\$ 6.38</u>
Total	\$ 8.71

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State law requires that the City adopt a FY 2020 Budget which includes setting the annual mill levy amounts on or before the first Thursday after the first Tuesday in September or 30 days after receiving taxable valuation from the Montana Department of Revenue, whichever is later.

The City Commission could reduce the amount of its levies – either the inflationary adjustment or the Permissive Medical Levy. The City Commission could also accept the tax levies as presented, allow any tax appeals/abatement requests to run their course, and after the first of the year reconsider any needed budget adjustments. This timeframe also provides the City Commission with ample time to review, consider, and prioritize any shortfalls from the slight decrease of the General Fund balance. Budget adjustments can then be made as necessary with review from city department heads and the public.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10302.

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

Referring to the increase of the valuation of the downtown, Commissioner Bronson received clarification that the Department of Revenue changed the way one particular property in the downtown tax increment was assessed from locally to centrally. Commissioner Bronson further received clarification that Energy West is now being centrally assessed and will likely protest their valuation. The Department of Revenue indicated that Calumet will be appealing their valuation for this year.

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

Motion carried 4-0.

18. **RESOLUTION 10317, INTENTION TO CANCEL THE NOVEMBER 5, 2019 GENERAL ELECTION OF CERTAIN MUNICIPAL OFFICERS.**

Assistant City Attorney Joe Cik reported that the 2017 Montana Legislature passed HB 447, codified at Mont. Code Ann. § 13-1-403, that authorizes a municipality to cancel a general election for the election of a municipal officer by resolution after notification by the election administrator if the number of candidates filing for election is equal or less than the number of positions to be filled.

With regard to Neighborhood Council Districts with less than five candidates, staff recommends that those districts remain on the general election ballot to allow for the possibility for additional write-in candidates. In the past, when there have been an insufficient number of Neighborhood Council candidates, the write-in candidates with the highest number of votes have been contacted to determine if they are willing to serve, meet the qualifications, and file a Declaration of Acceptance for Write-In Candidate form with the Cascade County Election Department. If those districts with less than five candidates were to be removed from the ballot per the terms of the

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statute, utilizing that process for the opportunity for additional candidates to fill the district would be lost.

The Cascade County Election Administrator provided notice, dated August 14, 2019, of the number of candidates that have filed for City offices for the upcoming November election, and that the Cascade County Election Department has not had any declared write-in filings. Mont. Code Ann. § 13-1-403 sets forth the provisions by which the governing body may, by resolution, cancel a general election of a municipal officer.

Subsequent to posting the agenda, the Cascade County Election Administrator reported that a candidate filed for NC 2, and a fifth candidate filed for NC 8, making NC 8 also eligible for cancellation, subsequent to the posting of the agenda.

If adopted, the purpose of Resolution No. 10317 provides notice that the municipal officer positions of mayor, municipal court judge, and Neighborhood Council District Nos. 1, 3, 5, 7 and 8 are eligible for cancellation if there are no declared write-in candidate filings with the Cascade County Election Department by the September 3, 2019 deadline.

If one or more eligible persons files a Declaration of Intent to be a Write-In Candidate and creates a contest for one or more of said municipal officer positions, the City will hold the 2019 general election for those positions.

If, as of September 3, 2019, said positions remain eligible, a Resolution Cancelling the November 5, 2019 General Election of Certain Municipal Officers will be presented for Commission consideration, and will include declaring those candidates elected to the respective positions by acclamation.

Adoption of the Resolution of Intention and Resolution Cancelling the November 5, 2019 General Election of Certain Municipal Officers will save resources via ballot printing services and Cascade County staff time, resulting in a lower municipal general election bill from Cascade County.

Commissioner Houck moved that the City Commission adopt Resolution 10317, A Resolution of Intention to Cancel the November 5, 2019 General Election of Certain Municipal Officers, as amended to also include Neighborhood Council District 8 eligible for cancellation.

Motion failed for lack of a second.

Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission deny Resolution 10317, A Resolution of Intention to Cancel the November 5, 2019 General Election of Certain Municipal Officers, as amended to also include Neighborhood Council District 8 eligible for cancellation.

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

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Commissioner Robinson commented that there is no indication of how much money or time the City would save; therefore making Resolution 10317 not viable. Commissioner Robinson further commented that he doesn't want to be denied the privilege to vote.

Commissioner Bronson echoed Commissioner Robinson's statements. Commissioner Bronson commented that cancelling an election is a good idea in smaller communities where they only have enough people to fill the positions.

Deputy City Manager Chuck Anderson announced that the Cascade County Election's office could not specify the amount that would be saved by canceling some elections.

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

Motion carried 4-0.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson urged citizens to take the 2020 Census serious by completing and returning the census questionnaire, and noted that communities benefit from receiving federal money.

Mayor Kelly announced that he will not be in attendance at the September 3rd meetings.

20. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Houck, to adjourn the regular meeting of August 20, 2019, at 7:50 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: September 3, 2019