

JOURNAL OF COMMISSION PROCEEDINGS
September 3, 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, Owen Robinson, Tracy Houck, 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; 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: None.

1.

PROCLAMATIONS

Mayor Pro Tempore Bronson read a proclamation for Vets4Vets Month.

PETITIONS AND COMMUNICATIONS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Donna Williams, 2916 2nd Avenue North, expressed appreciation to the tree-trimming crews.

Daniel Hartzell, 609 Central Avenue, inquired the status of his proposal for a bill for amnesty for adolescents. Mr. Hartzell was advised to speak with a Montana legislator because his proposal pertains to State statute and not a City ordinance.

NEIGHBORHOOD COUNCILS

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

BOARDS & COMMISSIONS

4. **APPOINTMENT TO THE GREAT FALLS HOUSING AUTHORITY BOARD OF COMMISSIONERS.**

Commissioner Robinson moved, seconded by **Commissioner Houck**, that the City Commission appoint **Amber Pearson** to the remainder of a five-year term through **June 30, 2020**, to the **Great Falls Housing Authority Board of Commissioners**.

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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.

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

Commissioner Robinson reported that he and County Commissioner Jim Larson are on the Complete Count Committee for the Census 2020. It is estimated that every person not counted in this state will result in a loss of \$1,100 per year for 10 years. He noted the importance of a complete count, and he urged everyone to fill out and complete the census so that the state receives appropriate federal funds.

CITY MANAGER

6. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported on the following:

- He attended the Great Falls Public Schools annual convocation. There was a great showing of community support for the public school system.
- He attended the Montana Defense Alliance annual luncheon. The keynote speaker was Major General Stoss, Commander of the 20th Air Force Global Strike Command. He gave a clear and compelling case for the nuclear triad and for Ground Based Strategic Deterrent (GBSD), putting into perspective how important the next iteration of the Minuteman III missile system is.
- The Commission previously authorized the Fire Department to commence a paramedic training program through a partnership with Great Falls College-MSU. Eight firefighters completed the program and are in the process of completing state and national testing requirements. When completed, they will be out in the field and monitored until they have satisfied the Fire Department's internal process to operate fully and independently as a paramedic.
- The Library Board of Trustees voted to approve a change in hours to increase public access to the Library during desired hours. Starting on October 7th, the Library will be closed on Sundays and open on Mondays from 10 a.m. to 4 p.m. The Fine Free Fun Run sponsored by the Great Falls Public Library was featured in the Runners World magazine.
- The wildland fire to the north and northwest of Great Falls yesterday was complicated by access to the fire and wind. Great Falls Fire Rescue was on site to participate and support the efforts of the firefighters on the front line to protect homes in case the fire got away from them.

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- On September 4th and 5th the Public Works Department will be working on a large water line in the northwest section of the City and residents may experience low water pressure during that time.

Commissioner Moe thought it counterintuitive that it would increase access to open the Library on Monday as opposed to Sunday.

Manager Doyon responded that the Library Board thought they would better serve the public during the times that they have a higher demand.

CONSENT AGENDA.

7. Minutes, August 20, 2019, Commission meeting.
8. Total Expenditures of \$3,376,024 for the period of August 1, 2019 through August 21, 2019, to include claims over \$5000, in the amount of \$3,082,580.
9. Contracts List.
10. Approve an Interlocal Agreement between Great Falls Police Department / Cascade County Sheriff's Office for use of 2019 Byrne Justice Assistance Grant (JAG) Program Award to purchase Nighthawk launchable stopsticks (GFPD) and WatchGuard mobile digital video systems (CCSO). (CR: 082019.8A)
11. Approve the cancellation of City of Great Falls checks issued by the Great Falls Municipal Court that remain outstanding and unpaid for a period of one (1) year or longer.
12. Approve the cancellation of checks issued by the City of Great Falls Finance Department that remain outstanding and unpaid for a period of one (1) year or longer.
13. Approve the license and services agreement for ERP software with Tyler Technologies, Inc. in the amount of \$531,475 for a three year contract plus estimated travel expenses of \$66,250.
14. Approve the Agreement for Professional Management, Staffing and Supportive Services with the Great Falls Housing Authority for a three-year term effective July 20, 2019.
15. Approve the purchase of one 2018 Elgin Pelican street sweeper from Titan Machinery of Great Falls through Sourcewell, formerly known as NJPA, in the amount of \$189,062.85.
16. Approve the purchase of water meter equipment for the 2020 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$230,000.
17. Set a public hearing for October 1, 2019, on Resolution 10316 to establish residential and commercial water, sewer, and storm drain utility service rates effective November 1, 2019.

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

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

Commissioner Moe urged members of the community that would like to comment on Item 17, to look at the comprehensive work session materials and lengthy presentation that provide a great overview of each of the increases.

Motion carried 4-0.

PUBLIC HEARINGS

18. RESOLUTION 10313, TO ANNEX TRACT 1 AND TRACT 2 OF CERTIFICATE OF SURVEY #5142, AND ORDINANCE 3207 ESTABLISHING AIRPORT INDUSTRIAL (AI) ZONING.

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on the proposed annexation, zoning assignment and eventual development of certain property located immediately south of Airport property which is identified as Tracts 1 and 2 of Certificate of Survey 5142.

The primary applicant, Love's Travel Stop and Country Stores, is requesting annexation and establishment of zoning in order to develop the subject properties to accommodate a Love's Travel Stop and Country Store which includes a truck stop, convenience store, and possibly two fast food restaurants. The two parcels to be annexed will be a part of a development that will include two additional parcels already within City limits that are owned by the Great Falls International Airport Authority. The fact that a portion of the development will remain under Airport ownership and the other tracts will be owned by the applicant is the purpose behind having the Annexation and Development Agreement be a three party agreement that sets forth when and who is responsible for cost of improvements, delivery of services, reimbursement commitments and granting of new access easements serving multiple property owners including the City, as well as preserving emergency, secondary access to the City/County Emergency Operations and 911 Center.

The agreement further sets forth the commitment of the Airport Authority to continue to support, to the maximum extent feasible, the existing access onto Airport Drive as a secondary, emergency only access point. The safety, security and functionality of the City/County Emergency Operations Center has been of paramount concern after the Airport Authority required the City to accept a requirement in the lease agreement with the Airport to abandon said access point in favor of utilizing an access easement through the Love's development. The Emergency Operations Center and 911 facility is a vital element in ensuring the over-all safety and security of the community and region.

The annexation and application requesting Airport Industrial zoning to the subject property is straightforward. The property itself seems to lend itself nicely to the proposed development. The applicant will be required to submit full engineered plans to the City Public Works Department addressing utility and other infrastructure improvements including water, sewer, storm water, and

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private access improvements. The applicant will also be required to work with the Montana Department of Transportation (MDT) concerning access, transportation and possible storm water outfall plans.

After conducting a public hearing at its July 9, 2019 meeting, the Planning Advisory Board/Zoning Commission voted and recommended approval of the annexation resolution, zoning ordinance and Annexation and Improvement Agreement. The only significant concern or questions raised related to the Airport's stated desire and plan to eventually close Avenue B. The Airport Authority will need to address those concerns with adjacent property owners, the City and MDT at such time it elects to move forward with those plans.

Mayor Pro Tempore Bronson asked if the applicant was present and, if so, wished to provide any additional comments regarding the application. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open. He asked if the Commission had any questions of staff.

Commissioner Moe inquired if the 911 Center was located on parcels the applicant is requesting to be annexed or on parcels already annexed and owned by the Great Falls International Airport Authority.

Director Raymond clarified that the 911 Center is located on a separate parcel adjacent to the four parcels being discussed tonight.

Commissioner Moe inquired how the 911 Center would be affected by this proposal.

Director Raymond noted that the lease agreement between the City and the Airport Authority has the most significant affect in that it was the Airport Authority's desire that the City abandon its current access onto Airport Drive and, instead, access to the west onto what will be the Love's Travel Stop property via an access easement. There have been significant conversations on how to preserve emergency, secondary access directly onto Airport Drive.

Commissioner Moe read the last sentence of Section 12 of the Annexation and Development Agreement: "The Airport agrees that it will to the maximum extent feasible, design its expansion to maintain the emergency only access point where the access exits currently, or provide alternative secondary access that is reasonably acceptable to the City." She expressed concern that the City is pre-paying the lease to accommodate the applicant's request and yet, in listening to the Airport Authority Board members at its meeting last week, it wasn't convincing to her there was a commitment to preserving that access.

City Attorney Sara Sexe clarified that the lease agreement pre-dated the current applicant's interest in the property. She explained why the lease agreement came about between the City and the Airport Authority, and why the City agreed to install a separate roadway up to a value of \$104,000. Subsequent to the entry of the lease agreement, the Love's arrangement came into effect with the Airport Authority. In doing so, Love's had agreed to put in the roadway as part of its development. Therefore, part of the Annexation and Development Agreement before the Commission, is the

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payment by the City of \$104,000 that is part of the lease agreement to put in the roadway, that Love's will now be installing. The City will pay the \$104,000 to the Airport, and the Airport will reimburse \$104,000 to Love's for putting in the roadway.

Commissioner Moe noted her concern that the City is paying the Lease Agreement in full, and there was uncertainty that the Airport Authority would have the access that the City needs, both emergency and primary, as is set forth in Section 12 of the Annexation and Development Agreement.

City Attorney Sexe responded that the Lease Agreement always had the requirement for the \$104,000 amount. The access that is discussed in section 12 of the Annexation and Development Agreement is the emergency only access point. There will always be access for the 911 Center in the moving of Avenue B. Her understanding of the Airport Authority's concern at its recent meeting was the location of the emergency access point. Because of those concerns, she and Director Raymond met with Airport Director Faulkner and his staff today. Airport Director Faulkner assured her and Director Raymond today that the secondary access would remain intact at some place for the 911 Center as a result of having the section 12 language in the Annexation and Development Agreement.

Commissioner Moe inquired of City Attorney Sexe if it was her understanding that the Airport would make it work with the City, and was it also her understanding that is what the language in Section 12 of the Annexation and Development Agreement says.

City Attorney Sexe responded in the affirmative, adding that the Airport recognizes that it is the City's preference to have the emergency access be where the current access is located. However, if it has to be moved, the Airport will be working with the City to find a reasonably acceptable to the City alternative secondary access. The primary access remains the same as was negotiated.

Speaking in favor of Resolution 10313 and Ordinance 3207 were:

John Faulkner, Airport Director, 2800 Terminal Drive, commented that the Airport Authority's primary interest in seeing the site developed. The Airport Authority has been looking to find commercial uses for this property to help supplement the Airport's budget. The airlines pay for everything that the Airport cannot fund through its rental cars, food, and parking. Anything the Airport Authority can do to lower the burden on the airlines over time helps the Airport Authority control costs and make it a more attractive market for the airlines. The Airport Authority is mandated by the FAA rules to be self-sustaining and also to generate airport revenue from alternative sources if it can use properties for airport uses. The nature of this development is that it will provide new revenue for the Airport Authority, help the Airport Authority to keep airline costs low, and the development is compatible and a great location for a use such as this.

Jolene Schalper, Great Falls Development Authority, 405 3rd Street NW, Suite 203, concurred with the staff and advisory board recommendations. She added that a lot of the trucking services contract for fuels and for specific brands. This could bring more routes to the Great Falls area which will open up different shipping and transportation costs.

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No one spoke in opposition to Resolution 10313 and Ordinance 3207.

Based on the public comments, Mayor Pro Tempore Bronson asked if the Commission had any further questions of staff. No one responded.

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 10313 to annex Tract 1 and Tract 2 of Certificate of Survey #5142 and approve the accompanying Findings of Fact/Basis of Decision and the Annexation and Development Agreement; all subject to the Conditions of Approval being fulfilled by the applicant.

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

Commissioner Moe commented that she has been following this project the last three months. There have been some complicating factors. City Attorney Sexe's explanation this evening has laid aside the concern she has had regarding the Airport's role in the Annexation and Development Agreement. The ongoing communication lag between representatives of the Airport Authority and the City Commission remains a concern of hers.

Commissioner Houck appreciates that the Airport has attracted new business, and is hopeful this will be a good thing for the Airport and the economy.

Mayor Pro Tempore Bronson commented that Ms. Schalper made an appropriate point. He thinks there truly are synergies that relate to the project and, in the long run, the City will be pleased with the results.

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

Motion carried 4-0.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3207 establishing Airport Industrial (AI) zoning and the accompanying Findings of Fact/Basis of Decision.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded. Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

- 19. RESOLUTION 10312, TO ESTABLISH FEES FOR THE MANSFIELD CENTER FOR THE PERFORMING ARTS AT THE CIVIC CENTER AND SUPERSEDING RESOLUTIONS 10071 AND 10118.**

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Deputy City Manager Chuck Anderson reported that the Mansfield Events Center is classified as an enterprise fund. As such, an enterprise fund is an entity that provides a good or a service for a fee. Part of the requirements for being an enterprise fund is to work toward self-sustainability from a fiscal aspect. When the new Events Manager was hired last year, he was tasked with looking at the rates and fees being charged.

The City Commission adopted Resolution 10071 in April 2014, and Resolution 10118 in August 2015. Those resolutions authorized the Mansfield event staff to evaluate facility and ticketing fees on an annual basis and, if prudent, implement an annual inflationary increase in fees. The inflationary increase analysis would be validated using data from the Consumer Price Index, U.S. City average, all urban consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor. The last time any adjustment was considered and taken was in 2015.

The current fees were reviewed using the criteria above, and it is recommended that the fees be adjusted to account for inflation. The recommended proposal will increase room rental rates an average of 8%. The proposed increase in the ticketing convenience fee from \$2.00 to \$4.00 per ticket is an optional fee paid by the customer who desires to make their purchases online. If the customer chooses to purchase their tickets in person at the box office the fee is avoided.

The Mansfield Advisory Board has reviewed and approved these changes and recommendations at its October, 2018 and January, 2019 meetings.

Mayor Pro Tempore Bronson asked if the Commissioners had any questions of Deputy City Manager Anderson.

Commissioner Moe inquired about the time lag between the Mansfield Advisory Board meetings.

Deputy City Manager Anderson responded that the Board doesn't meet on a monthly basis at all times; at certain times there wasn't a quorum present; and, it was during the time of hiring of the new manager and he wanted to make sure the fees were reviewed.

Commissioner Houck inquired if the Events Center would somehow be encroaching on ADA accessibility issues by increasing a service fee though on-line purchasing.

Mansfield Events Manager Owen Grubenhoff responded that the facility is ADA accessible, ticketing is open from 11:00 a.m. to 4:30 p.m. Monday through Friday, and there will not be any reduction in those hours.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10312.

Mayor Pro Tempore Bronson asked if the Commissioners had any further questions. Hearing none, Mayor Pro Tempore Bronson closed the public hearing and asked the will of the Commission.

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Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10312.

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

Mayor Pro Tempore Bronson noted his appreciation for the thoroughness of the agenda report, and the comparison data on the ticketing fees with other venues.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

20. AMENDMENT OF A CONTRACT TO ALLOW FOR ADDITION OF CONSTRUCTION PROJECT: PUBLIC WORKS EQUIPMENT STORAGE BUILDING NO. 1 REPAIR, WITHOUT FORMAL ADVERTISING AND BIDDING, UNDER THE PROVISIONS OF MONT. CODE ANN. § 7-5-4303 AND § 7-5-4308 (OF 1744 / OF 1733.5).

Public Works Director Jim Rearden reported that Equipment Storage Building No. 1 was severely damaged by a fire on February 26, 2019. The building housed 13 pieces of City street maintenance equipment valued at approximately \$1.5 million dollars. The Public Works Department depends on this heated building for storage and protection of equipment and materials from freezing conditions. Since the incident, the City's indemnity carrier, Montana Municipal Interlocal Authority, and City staff have been jointly working with an engineer, industrial hygienist, contractors and a restoration company to perform testing, damage and loss assessments and cleanup of fire debris and residue. The City has also retained Nelson Architects, who is currently contracted for architectural services for other Public Works facilities, to identify a work scope and prepare plans and specifications for restoration of Storage Building No. 1.

Mont. Code Ann. § 7-5-4303 exempts bidding and advertising in the case of emergencies such as caused by fire. Additionally, § 7-5-4308 allows the Commission to alter or amend plans of a contract when necessary. Due to the extended time associated with the initial fire investigation and assessment process, City staff recognized that, with the upcoming fall and winter weather, proposals for the repair of the building needed to be solicited as soon as possible, to allow for the urgent, necessary repair of the building.

Two contractors, EJ Carpentry, LLC and James Talcott Construction, Inc. are currently contracted with the City for building improvements being performed in the same area where Equipment Storage Building No.1 is located. These companies already have mobilized equipment on the Public Works campus, and have in place existing publicly bid contracts, with the associated necessary bonding and insurance coverages. Staff determined that, to best meet the emergency situation and serve the public interest, staff would solicit proposals from these two contractors for an amendment to the prices, scope of work, and bonding requirements of the existing contracts, under the code provisions referred to above.

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Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission amend an existing contract with the lowest bidder to allow for addition of construction project: Public Works Equipment Storage Building No. 1 Repair (OF 1744), without formal advertising and bidding; declare the amendment to be necessitated by an emergency situation under the provisions of Mont. Code Ann. § 7-5-4303 and § 7-5-4308; and authorize the City Manager to execute all necessary documents.

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

Mayor Pro Tempore Bronson noted he grew up with a father in the implement business. He can appreciate the situation that can arise without a building to store heavy equipment in extreme weather conditions.

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

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

21. 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.

City Attorney Sara Sexe 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.

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.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3208.

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

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Commissioner Robinson noted that he observed a very busy half-day court session last week. Adding a part-time judge is necessary.

Commissioner Moe expressed concern that the language within the ordinance doesn't include "budget permitting."

City Attorney Sexe clarified that the Commission approves the budget of the Municipal Court, and the salary of the Assistant Municipal Court Judge would be set by Commission resolution.

City Manager Greg Doyon commented that there really is no going back at this point in terms of the staffing level in Court. The location of that staffing will be a challenge, and it will affect the City Attorney's Office as well.

Mayor Pro Tempore Bronson noted he didn't share Commissioner Moe's concerns. The Commission retains ultimate budget authority. The Commission is simply being asked to approve an ordinance that establishes the mechanics for how an existing Municipal Court Judge would go about appointment someone. He doesn't see this as constricting or restricting a future Commission with respect to any budgetary decisions.

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

Motion carried 4-0.

CITY COMMISSION

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Pro Tempore Bronson thanked NeighborWorks, the BID, and local businesses for helping promote the recent public art event and encouraged everyone to view the paintings on downtown businesses. These art projects are bringing the downtown corridor to life.

He also expressed kudos to the people that are completing construction of their own homes in the northwestern part of Riverview. These folks are participating in a USDA sponsored program. They put their own time and sweat equity into these properties and no one is allowed to move into any of the houses until all of them have completed all of the houses. One of the owners at the dedication ceremony said they haven't just built their homes; by working together in the process they have already started building a neighborhood.

He encouraged the people that spoke in opposition four years ago to this type of building construction to see what their new neighbors have accomplished.

23. COMMISSION INITIATIVES.

The Commission members present concurred with Commissioner Moe's suggestion that the annual meetings between the Regional Airport Authority Board and the City Commission be re-instituted to get productive dialogue going between the two bodies.

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Mayor Pro Tempore Bronson relayed to Manager Doyon and City Attorney Sexe that there is a consensus of the Commission that it wants to enforce the provisions of the resolutions with the Airport Authority Board and the County, and that they direct appropriate communication to County and Airport Authority representatives that the Commission expects a meeting to occur sometime this year.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the regular meeting of September 3, 2019, at 8:14 p.m.**

Motion carried 4-0.

Mayor Pro Tempore Bill Bronson

City Clerk Lisa Kunz

Minutes Approved: September 17, 2019