

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

Regular City Commission Meeting

Mayor Pro Tempore Bronson presiding

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

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bill Bronson, Mary Sheehy Moe, and Owen Robinson. Mayor Bob Kelly and Commissioner Tracy Houck were excused. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Captain Jeff Newton.

**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**

Commissioner Moe read a proclamation for Small Business Saturday (November 30, 2019), and Mayor Pro Tempore Bronson read a proclamation for Adoption Day (November 23, 2019).

**PETITIONS AND COMMUNICATIONS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed opposition to the boulevard tax increase.

**Kevin Westie**, 602 35<sup>th</sup> Street North, commented that solar power increases nitrogen oxides, which causes Chronic Obstructive Pulmonary Disease issues.

**NEIGHBORHOOD COUNCILS**

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**BOARDS & COMMISSIONS**

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

Commissioner Robinson reported that the Complete Count Committee for the Census 2020 is hiring part-time employees. Citizens can apply on the website at [2020census.gov/jobs](http://2020census.gov/jobs), and he mentioned that www should not be used in email address.

## JOURNAL OF COMMISSION PROCEEDINGS

November 19, 2019

### 5. REAPPOINTMENT TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission reappoint Grant Harville for a three-year term through December 31, 2022.**

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 3-0.

### 6. REAPPOINTMENT/APPOINTMENT TO THE ETHICS COMMITTEE.

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission reappoint Carmen Roberts to a three-year term through December 31, 2022 and appoint John Hackwith as an Alternate Member to the Ethics Committee for a three-year term through December 31, 2022.**

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 3-0.

## CITY MANAGER

### 7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported on the following:

- City Manager Doyon attended the Association of Defense Communities (ADC) Defense Policy Forum, and the ADC is the “go-to” organization for communities with defense installations.
- City Manager Doyon attended the Great Falls Police Department Citizens Academy on October 7<sup>th</sup>.
- The City is accepting applications for the City 101 Class and currently there are 13 applications.
- The Information Technology (IT) Department has budgeted \$10,000 for a security assessment and vulnerability scan of the City’s network and review of operating procedures. At the Montana Local Government IT conference, IT Manager Jon Legan, discovered that the Department of Homeland Security (DHS) provides the same assessment/scan and analysis for free. The City is scheduled to have an assessment performed in February, 2020 with the DHS.

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

- Homeland Security grant funding priorities, as well as a statewide radio system, were topics discussed at a recent State Emergency Response Commission meeting. The legislature has allocated funds that could possibly be utilized for replacing two of the cores that operate the system, as well as addressing remote sites software and computer console replacement. The upcoming budget cycle will include equipment and software improvements at the 911 Center.

**CONSENT AGENDA.**

8. Minutes, November 5, 2019, Commission Meeting.
9. Total Expenditures of \$4,041,821 for the period of October 17, 2019 through November 6, 2019, to include claims over \$5000, in the amount of \$3,794,803.
10. Contracts List.
11. Grants List.
12. Lien Release List.
13. Set a public hearing to consider a lease agreement of City owned property located in the Community Recreation Center with A Child's World, LLC for December 3, 2019.
14. Set a public hearing for December 3, 2019 to consider a lease of property within Wadsworth Park with the Missouri River Shooters Association.

**Commissioner Moe moved, seconded by Commissioner Robinson, 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. Hearing none, Mayor Pro Tempore called for the vote.

Motion carried 3-0.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

15. **RIVER DRIVE SOUTH TRAIL CONNECTION AGREEMENTS WITH THE MONTANA DEPARTMENT OF TRANSPORTATION AND THE RIVER'S EDGE TRAIL FOUNDATION TO INITIATE THE RIVER'S EDGE TRAIL CONNECTOR PROJECT ALONG RIVER DRIVE SOUTH.**

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

Planning and Community Development Director Craig Raymond reported that in 2016, City staff and River's Edge Trail members presented details of a possible plan to the City Commission. The project includes about 2,200 feet of a paved shared use bike and pedestrian trail. The trail will be located between River Drive South and the Missouri River itself. A portion of the trail will likely require a river wall to be built out into the river to accommodate the trail. At a work session with the Commission in 2016, the Commission provided support for staff efforts to work with the Montana Department of Transportation (MDT) and the River's Edge Trail Foundation (Foundation) to seek funding options.

Since that time, staff has been working with the Metropolitan Planning Organization and MDT to identify and commit the necessary funds for the project. The Foundation has also been raising matching funds for the project, which accounts for approximately 13% (or \$266,000) of the estimated total project cost of \$1.9 million dollars.

The agreements formalize the funding commitments and obligations of each party related to the project. MDT will be designing, permitting and constructing the project if all parties successfully stay committed in the project throughout. The City agrees to accept its responsibility for all costs associated with the project and will develop a complete financial plan for the project. It is not likely that construction of the trail segment would begin within a five-year timeframe.

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission approve the Agreements with the Montana Department of Transportation and the River's Edge Trail Foundation to initiate the River's Edge Trail Connector project along River Drive South.**

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

**Bruce Pollington**, President of the River's Edge Trail Foundation, 3217 8<sup>th</sup> Avenue South, commented that the current route has been a vital, long-standing problem and that the project would benefit and enhance the City. He mentioned that there would be little cost for taxpayers and that donated funds were made by the community, the River's Edge Trail Foundation, Scheels All-Sports Foundation, local Scheels Managers, and the Park and Recreation Department.

**John Juras**, 220 Woodland Estates, Board member of Bike Walk Montana, mentioned that there will be a state-wide summit in April, 2020 with a session called "closing the gap" that will focus on other communities that have challenges with trail systems. He urged the Commission to approve the River's Edge Trail Connector project.

**Kevin Westie**, 602 35<sup>th</sup> Street North, commented that the current route is difficult to get around and urged the Commission to approve the project.

Commissioner Robinson commented that the project is a result of the efforts from various groups and that the project would be an asset to the community.

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

Commissioner Moe expressed concern with regard to the river wall not being high enough. She commented that the current route is unsafe and confusing. Commissioner Moe added that she considers the River's Edge Trail to be the "Crown Jewel" of the City. She explained that Senate Bill 24 designated funds be used for community trails and suggested that it be considered as a funding source.

Mayor Pro Tempore Bronson concurred with Commissioners Moe's and Robinson's comments about the River's Edge Trail being an asset to the community. He concluded that the River's Edge Trail is nationally-known and that it is a good example of a public-private partnership that works.

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

Motion carried 3-0.

**ORDINANCES/RESOLUTIONS**

**16. RESOLUTION NO. 10322, ADOPTING CITY OF GREAT FALLS COMMISSION RULES OF CONDUCT AND PROCEDURE OF COMMISSION MEETINGS.**

City Attorney Sara Sexe commended City Clerk Lisa Kunz for her efforts with regard to consolidating adopted resolutions and ordinances, motions, minutes, Charter language, and state statutes and legal opinions to determine applicable and appropriate rule and procedure language into one reference document for current and future Commission members, City staff, and the public.

The draft document was presented at the October 15, 2019 work session. Thereafter, Commission member comments and suggestions were incorporated into two documents, version 1 that contained clarifying and non-substantial edits and version 2 that also included a substantial edit to meeting dates/times. Those draft documents were presented at the November 5, 2019 work session.

After discussion, it was the consensus of the Commission to move forward with version 1 for Commission consideration. Subsequent edits were made to the third paragraph of Rule 8.2 to clarify that, as the keeper of official records, the City Clerk or designee shall be provided copies of handouts at meetings that were not previously provided to City staff for inclusion with agenda packet material, Rule 8.5 to clarify proclamation presentations of the Commission, and Rule 8.8 to clarify routine items of the Consent Agenda.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10322.**

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

**Jeni Dodd**, 3245 8<sup>th</sup> Avenue North, opposed verbiage in Rule 10, paragraphs 6,7,11 and 12, commenting that the language is too subjective to be useful and appears to her to violate First Amendment rights of free speech. She also took issue with language in Rules 8.3 and 8.4 as not

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

being transparent and inclusive enough. Ms. Dodd also noted she didn't understand the language in Rule 8.11.1.

Commissioner Moe noted that there is a distinction in process for individual privacy matters and discussions of litigation strategy and she would like to propose clarifying language to Exhibit A, Rule 1.4.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission approve an amendment to Resolution 10322, Exhibit A, Rule 1.4, to read as follows:**

...

A meeting may be closed to discuss litigation strategy when an open meeting would have a detrimental effect on the litigating position of the City. The meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations. By majority vote in a public meeting, the Commission may hold executive sessions ~~at set forth above,~~ **to discuss litigation strategy**, upon the advice of the City Attorney or retained legal counsel. The motion and vote to go into executive session must be made in public, and the reason must be stated.

...

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

Motion carried 3-0.

Mayor Pro Tempore Bronson asked if there was any further discussion amongst the Commissioners with regard to the main motion.

Commissioner Moe expressed appreciation to City Attorney Sexe and City Clerk Kunz for their efforts with regard to consolidating everything into one reference document.

In response to a previous speaker's comments, Mayor Pro Tempore Bronson explained that these rules and procedures are not new. It simply consolidates in one place all of the various provisions of the City Charter and state statutes that govern the procedure of city councils, and all of the prior resolutions adopted by previous Commissions of the City of Great Falls. What this document does is it makes it possible for the Commission, staff and the public to go to one place to find all of the rules of conduct that apply. There are really no changes in procedure. Secondly, he understands the previous speaker's concern about inhibiting public comment, but clarified that is not the intent. He read Rule 10, ¶12 and reported that the language was adopted by the Commission about five years ago and is included to protect the rights of the public as a whole to participate in public

**JOURNAL OF COMMISSION PROCEEDINGS**

**November 19, 2019**

meetings and that those rights be preserved and protected. He commented that the document is well in accord with the First Amendment principles.

City Attorney Sexe explained that the handbook is to help educate the public with regard to the rules for participation and protocol. Also in response to the previous speaker's comments regarding Rule 8.11.1, City Attorney Sexe explained that there is a distinction between public comment on a motion and a formal public hearing.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote with regard to the main motion.

Motion carried 3-0.

**CITY COMMISSION**

**17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Pro Tempore Bronson announced that based upon the recommendations of legal counsel, the City will be participating in the opioid litigation negotiating class. He further announced that an individual is being considered for the Public Health Officer position at the City-County Health Department.

**18. COMMISSION INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the regular meeting of November 19 2019, at 8:00 p.m.**

Motion carried 3-0.

---

Mayor Pro Tempore Bill Bronson

---

Deputy City Clerk Darcy Dea

**Minutes Approved: December 3, 2019**