

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, Tracy Houck, Bob Jones and Bill Bronson. Commissioner Fred Burow was excused. Also present were City Manager Greg Doyon; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Housing Authority Executive Director Kevin Hager; Fire Chief Steve Hester; Fiscal Services Director Melissa Kinzler; Assistant City Attorney Joe Cik; City Attorney Sara Sexe; and Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Manager Greg Doyon noted Item 15 was moved to New Business.

**PRESENTATION:** Advisory Commission on International Relationships (ACIR) Sandra Erickson introduced ACIR Board Member Liz Guidara, Lethbridge Twinning Society President Harold Pereverseff and Deputy Fire Chief Dana Terry from the City of Lethbridge, Alberta.

Commissioner Bronson introduced Delegates from the Country of Russia: Andrey Mikhaylovich Ivanov, Darya Alekseyevna Kalinina, Sofiya Vladimirovna Kosacheva, Grigoriy Valeryevich Kuksin, Mariya Yuryevna Vasilyeva, and Georgiy Yuryevich Yelsukov. The Commission presented the delegates with a formal welcome to the City of Great Falls.

Mayor Kelly noted he had coffee with the Russian Delegates, and that they provided items from their country.

Mayor Kelly thanked Lethbridge Deputy Fire Chief Dana Terry with regard to the Fort McMurray Operation.

**PRESENTATION:** The Commission presented Historic Preservation Officer Ellen Sievert with a Resolution of Commendation, Appreciation and Gratitude for her dedication and service to the City of Great Falls.

City Manager Greg Doyon and Planning and Community Development Director Craig Raymond also expressed appreciation and gratitude for her years of service to the City of Great Falls.

**\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of the meeting for additional detail\*\***

## **PETITIONS AND COMMUNICATIONS**

### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. Richard Liebert**, 289 Boston Coulee Road, submitted a *Tribune* notice and requested clarification with regard to the Notice of Public Hearing on June 21, 2016.

Planning and Community Director Craig Raymond responded that a first reading is not required and that the Public Hearing will be on June 21, 2016.

- B. Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, reported that two new entrepreneurs have opened businesses in Great Falls. He further reported that progress is being made at AgriTech Park and that there will be a grand opening in September or October. GFDA attended the Recon Conference and that it was the best reception they have ever had. Mr. Doney announced that GFDA will be attending Select USA, Canadian Special Crop and the Institute of Food Technologist Conferences. He concluded that Anderson Steel announced its expansion and the Brownfield Program has two new applications.
- C. Dwight Lemay**, 521 3<sup>rd</sup> Avenue North, Apartment #10, expressed opposition in allowing Town Pump to build a truck stop in the middle of 10<sup>th</sup> Avenue South and tearing apart the corners for handicap access.
- D. Dan Dust**, 1300 25<sup>th</sup> Avenue NE, expressed concern with regard to documents requested from Planning and Community Development.
- E. John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed opposition with the Judicial System.
- F. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, submitted and discussed a handout with regard to the Audit Committee.

Mayor Kelly invited the general public to attend the Audit Committee meetings.

Manager Greg Doyon noted that the Audit Committee recommended and supported doing six separate Special Emphasis Audits on Electric City Power and that the independent auditor reports to the Commission on an annual basis. Manager Doyon concluded that a Special Work Session could be held.

- G. Mike Witsoe**, 510 11<sup>th</sup> Street South, discussed community events, emergency management and concerns with water rates.

## **NEIGHBORHOOD COUNCILS**

### **2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Kathy Gessaman**, 1000 36<sup>th</sup> Avenue NE, expressed appreciation to Riverview School for hosting Neighborhood Council meeting. She commented on planning ahead due to road construction along Smelter Avenue.

## **BOARDS & COMMISSIONS**

### **3. APPOINTMENT, LIBRARY BOARD OF TRUSTEES**

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City**

**Commission appoint Mayor Kelly to sit ex officio on the Great Falls Public Library Board of Trustees.**

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

**Kathy Mora**, 302 53<sup>rd</sup> Street South, expressed support to the appointment of Mayor Kelly.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed support to the appointment of Mayor Kelly. Mr. Gessaman commented on more hours for the library in the fall.

Mayor Kelly called for the vote.

Motion carried 4-0.

**4. APPOINTMENT, GOLF ADVISORY BOARD.**

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission appoint Roy Aafedt as a non-league representative on the Golf Advisory Board for a three-year term beginning June 7, 2016 through March 31, 2019.**

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

Motion carried 4-0.

Commissioner Houck noted citizen interest in the community.

**5. APPOINTMENTS, HOUSING AUTHORITY BOARD OF COMMISSIONERS**

**Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission appoint Marquita Ogawa and Kristy Vandenberg for two year terms through June 30, 2018 and Timothy McKittrick to a five-year term through June 30, 2021 to the Great Falls Housing Authority Board of Commissioners.**

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

Motion carried 4-0.

**6. DESIGN REVIEW BOARD, BOARD MEMBER INTRODUCTIONS AND BOARD REPORT.**

Design Review Board member David Grosse reported that the Design Review Board (DRB) was created in 1997 and was revised in 2005. The Board promotes development that is compatible with nearby properties; increases street activity and reinforces public space. The DRB reviews

specific types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in Title 17 of the Official Code of the City of Great Falls (OCCGF). The DRB meets on the second and fourth Monday of every month.

The Commission presented the board members with certificates recognizing them for the work that they do and thanking them for their service.

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

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

**CITY MANAGER**

**8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon recognized the Great Falls Police Department, Public Works Staff and the School Administration for their efforts regarding the evacuation of North Middle School.

He also mentioned that Chief Prosecutor Neil Anthon was recognized by the Cascade County DUI Task Force. Neighborhood Council Coordinator Patty Cadwell will be recognized by Neighbor Works as Great Falls Partner of the Year.

Manager Doyon noted that City Attorney Sara Sexe will sit in for him at the June 21, 2016 City Commission Meeting. He noted that he will be attending a conference.

Budget Work Sessions are set up for the Commission on June 28, June 30 and July 5.

Manager Doyon summarized that the Defense Alliance was created as the primary advocacy group for Great Falls to retain and expand current military missions. The Defense Alliance has grown to include military partners in other communities. With different levels of engagement, the Defense Alliance acts as an advocate advising groups doing business with the military on issues that affect local installations. The Defense Alliance has a work plan available on the Chamber of Commerce web site. The Development Authority, City, County, Airport and Chamber of Commerce make up the Executive Committee.

**CONSENT AGENDA.**

9. Minutes, May 17, 2016, Commission meeting.
10. Total expenditures of \$2,228,330 for the period of April 30, 2016 through May 25, 2016, to include claims over \$5,000 in the amount of \$1,863,511.
11. Contracts list.
12. Grants List.

13. Approve Management and Staff Agreement with the Great Falls Housing Authority.
14. Approve Agreement for Mutual Aid in fire Protection between Cascade County Rural Fire Services and Great Falls Fire Rescue.
15. \* Item number 15 was moved to New Business.
16. Set public hearing on Resolution 10141, Establishing Procedures and a Fee Schedule of Copies and Research of Public Records.

**Commissioner Bronson moved, seconded by Commissioners' Houck and Jones that the City Commission approve the Consent Agenda as presented.**

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

With regards to Item 14, Commissioner Jones commended Fire Chief Hester for the improvements between the City and the Rural Fire Department responders.

Mayor Kelly congratulated Housing Authority Executive Director Kevin Hager with regard to Item 13.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented on an oil spill on the Havre Highway as well as traffic issues due to the Smelter Avenue road closures.

Mr. Gessaman commented on the May 17 Commission Meeting Minutes, Item 9, page 88. With regard to Item 10, Mr. Gessaman inquired as to payments to Cartegraph Systems.

With regard to Item 16, Mr. Gessaman commented on portions of Resolution 10141, as well as the Request for Public Records form.

With regard to Item 10, Director of Public Works Jim Rearden responded that Cartegraph Systems is an Asset Management System. The update to Cartegraph will allow for a map-based program. Other Management Systems were considered that had comparable costs; however, the transition would be easier to transfer all of the existing assets over into the new operating system.

Mayor Kelly responded that there will be a public hearing on Resolution 10141.

**Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, noted the change in the ISO rating and congratulated Chief Hester, the Fire Department and the City with regard to item 14.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 4-0.

**PUBLIC HEARINGS**

17. **ORDINANCE 3139, AMENDING TITLE 17 AND TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS, ENCOMPASSING AMENDMENTS RELATED TO THE SIGN CODE.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on Ordinance 3139 which provides for an update of the city sign code. The current code was adopted in 2003 after an extensive public process. For the most part the current sign code is a very good document and has accomplished many of the goals it set out to in 2003. There were, however, issues that became apparent over time which needed to be addressed. As directed by the City Commission, the Planning and Community Development Department initiated a review process specific to those issues while also considering public input and reviewing other legal issues.

The primary concern in the community pertained to non-conforming signs and a date certain by which all non-conforming signs must come into compliance. While the regulations adopted in 2003 gave the business community more than 10 years to prepare for this requirement, only a handful of businesses either registered their signs under the grandfather sanctuary which was offered or actually changed out their signs ahead of the deadline.

The code amendments which are being proposed still require eventual compliance with the sign code over time but change the enforcement of the code to an event driven process rather than a certain date for compliance. In other words, if significant changes to a sign cabinet or structure are being proposed, then the non-conforming aspects of the sign shall be brought into compliance at that time.

Additional amendments pertain to common problems encountered over the last 13 years. Many of them minor, but important none the less to those businesses that may be impacted in ways that perhaps were not intended. Finally, other amendments are proposed as a result of legal review of court case results around the nation. It became clear that changes needed to be made in order to ensure consistency in enforcement between similar types of signage and messages being portrayed.

City staff solicited conversations with sign professionals as well as other members from the business community as part of the process. Two public meetings were held regarding changes to the sign code. Additionally, the Planning Advisory Board (PAB) held two public hearings in order to receive input about the sign code and any proposed changes. Subsequent to the final public hearing on April 12, 2016, the PAB voted unanimously to recommend approval of the sign code change package before the Commission.

Subsequent to the PAB public hearing and positive recommendation, staff received additional feedback from the community that warranted consideration and inclusion in the proposed amendments. Language pertaining to flags, flag poles and the height regulation thereof, as well as amending the penalties associated with violations of any provisions of the Sign Code.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Ordinance 3139 were:

**Dan Dust**, 1300 25<sup>th</sup> Avenue NE, submitted several documents and discussed sign safety issues.

Commissioner Houck responded that Mr. Dust should attend all public hearings with regard to the sign code.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed the need for signs.

**Debra Oldfield**, Member of the Congregation of Redeemer Lutheran Church, 1205 6<sup>th</sup> Ave NW, commended the presentation from Planning and Community Development Director Craig Raymond. She discussed removal and updating signs for Worship Facilities.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, discussed safety issues with regard to signs.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, discussed the distractions of flashing and rotating signs.

Speaking in support of Ordinance 3139 was:

**Brad Livingston**, 100 1<sup>st</sup> Avenue North, thanked the Commission for conducting more public hearings.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3139 amending the Official Code of the City of Great Falls.**

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

Commissioner Bronson received clarification from Planning and Community Development Director Craig Raymond with regard to illuminated signs and the restrictions that pertain to Worship Facilities.

Commissioner Bronson noted that numerous public hearings were held. He commended City Staff for their efforts with the Sign Code. Commissioner Bronson summarized that the Sign Code be consistent with the Zoning and Land and Development Codes. He noted his support for Ordinance 3139.

Commissioner Houck commended Mayor Kelly for his efforts with regard to listening to the public's concerns.

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

Motion carried 4-0.

**OLD BUSINESS**

**NEW BUSINESS****18. LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE PUBLIC EMPLOYEES CRAFTS COUNCIL.**

City Manager Greg Doyon reported that the Crafts Council includes the following Unions: Construction and General Laborers, Operating Engineers, International Association of Machinists, Teamsters and Carpenters. The term of the agreement is for a two year period from July 1, 2016 through June 30, 2018.

The Crafts Council members will receive a \$.50 per hour increase each year of the contract. Over the course of the two years of the contract this equates to approximately \$282,880. The contract also includes a \$1.00 per hour wage increase for all foremen with some language amendments relating to all golf laborers which will change their pay scale to be in line with all Temporary/Seasonal laborers.

In addition to wages, Manager Doyon reviewed some of the major changes which brought the contract compliant with State Law and discussed that the total fiscal impact each year is approximately \$167,420, and over the course of two years equated to approximately \$334,840. The City has maintained a 90/10 split with health insurance increases during the term of the agreement, which for the City equates to approximately \$117,000.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the labor agreement between the City of Great Falls and the Public Employees Crafts Council.**

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

Motion carried 4-0.

**19. LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) #233.**

City Manager Greg Doyon reported that the Representative for the International Brotherhood of Electrical Workers (IBEW) is Keith Allen. The term of the agreement is for a two year period from July 1, 2016 through June 30, 2018. Six employees are included in this bargaining unit. This agreement includes a rate increase of 2.25% effective July 1, 2016 and 3% effective July 1, 2017.

Manager Doyon discussed some of the major changes in the contract and noted that the fiscal impact is approximately \$12,000 the first year and approximately \$9,000 the second year. He concluded that the health insurance spilt is approximately \$1,800.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and the**



**International Brotherhood of Electrical Workers (IBEW) #233.**

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

Motion carried 4-0.

\*Commissioners Bronson and Houck stepped out at 8:53 p.m.

\* Item 15 was moved from Consent Agenda to New Business.

15. **CONSTRUCTION CONTRACT IN THE AMOUNT OF \$24,860,109 TO SLETTEN CONSTRUCTION COMPANY FOR THE WATER TREATMENT PLANT IMPROVEMENTS PHASE 1 – UV AND CHEMICAL BUILDING, SURGE TANK, AND ELECTRICAL BUILDING PROJECT. OF 1519.6.**

Public Works Director Jim Rearden reported that in August, 2012, the City contracted with Black and Veatch to complete the design and construction oversight of the Water Treatment Plant (WTP) Improvements Project. In September, 2012, the conclusion of the first phase was a filter study which added an Ultra Violet (UV) treatment ensured that the City complied with a Federal Regulation, Long Term 2 Enhanced Surface Water Treatment Rule (LT2). The City approved an Administrative Order on consent with the Montana Department of Environmental Quality (MDEQ) in April, 2015. A UV system pre-selection and numerous status updates have been presented to the City Commission. Black and Veatch presented initial findings in March, 2014, 2015 and 2016 as part of the City's annual utility rate updates.

The City received two bids that were opened on May 18, 2016. Sletten Construction Company provided the low bid and Swank Enterprises provided a higher bid. Water Treatment Plant upgrades will include: Employee safety and regulations; Chemical Feed Systems; Adding future capacity needs; Regulatory Compliance; UV Disinfection; Replacing Main Electrical Switchgear; Replacing Aging Storage Structure. Two Additive Alternates included in the bid proposal are the Administration Building and Substation Upgrades and are not a part of this award package.

The major components to be addressed are adding a new Chemical and UV Building as well as a new Surge Tank. Adding new Electrical Switchgear, while keeping existing equipment, will allow the plant to run without interruption.

\*Commissioner Bronson returned to the meeting at 8:55 p.m.

\*Commissioner Houck returned to the meeting at 8:56 p.m.

**Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission award a contract in the amount of \$24,860,109.00 to Sletten Construction Company for the Water Treatment Plant Improvements Phase 1 – UV and Chemical Building, Surge Tank, and Electrical Building project, contingent upon Montana Department of Environmental Quality concurrence, and authorize the City Manager to execute the necessary documents.**

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

Commissioner Jones commended the Public Works Department for its good job in handing out public information with projects of this magnitude. He noted the importance of the Construction Contract.

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

**Jana Cooper**, TD & H Engineering, 1800 River Drive South, thanked the Public Works Department for its involvement with TD& H Engineering.

**Dan Dust**, 1300 25<sup>th</sup> Avenue NE, discussed safety issues with regard to Contractors.

**Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, commented that this Construction Contract is needed and supports improvements by the Public Works Department.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, discussed the Sewer Treatment Plant. Mayor Kelly noted that the topic was the Water Treatment Plant.

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

Motion carried 4-0.

### **ORDINANCES/RESOLUTIONS**

20. **ORDINANCE 3142, ASSIGNING A ZONING CLASSIFICATION OF R-6 MULTI-FAMILY RESIDENTIAL HIGH DENSITY DISTRICT TO SMELTER AVENUE APARTMENTS.**

Planning and Community Development Director Craig Raymond reported that this is a request to accept Ordinance 3142 on first reading and schedule a public hearing for July 5, 2016 in order to consider assigning a zoning classification of R-6 Multi-Family Residential High Density District to Smelter Avenue Apartments, legally described as Lot 4, Block 1, located in the NE¼ of Section 2, Township 20 North, Range 3 East, PM MT., Cascade County, Montana.

The subject property is approximately 9.2 acres and is located on the northwest side of the City of Great Falls, abutting Division Road to the east, 1st Street NW to the west, Smelter Avenue NW to the north and multi-family apartment complexes to the south. The subject parcel is an unincorporated enclave currently in the county; it is bound by incorporated property on three sides and by Montana Department of Transportation property east across Division Road. The applicant is requesting annexation of the property within City limits and establishing the R-6 Multi-Family Residential High Density zoning classification upon annexation.

The applicant is seeking to build a 216-unit apartment complex containing a clubhouse, pool, and other amenities priced at market-driven rates. The project has not been named by the applicant and the subject property is currently vacant. Annexation into the city would allow the property

owner access to water and sewer services. At the conclusion of a public hearing held on May 24, 2016, the Planning Advisory Board recommended the City Commission approve annexation of the subject property and the Zoning Commission approved assigning a zoning classification of R-6 Multi-Family Residential High Density District upon annexation into the City, subject to fulfillment of certain conditions.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3142 on first reading and set public hearing for July 5, 2016.**

Mayor Kelly asked if there was any discussion amongst the Commissioners. He noted that the Public Hearing will be on July 5, 2016.

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

**Jana Cooper**, TD & H Engineering, 1800 River Drive South, thanked Planning and Community Development for its work on this project. She noted that Montana-based Company, the Ferrin Group, presented at a Neighborhood Council #3 meeting.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 4-0.

### **CITY COMMISSION**

#### **21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Houck gave kudos to the Police Department and first responders for the recent school incidences, to the DDACTS program, and to the Montana Air National Guard.

With regard to the trash in Jaycee Park she noted the utilization at Jaycee Park.

Commissioner Bronson acknowledged Jenn Rowell for a *Tribune* article with regard to stress issues confronted by firefighters.

Mayor Kelly applauded the Police Department, Public Works Department, School District, teachers, students and all who responded to the recent school incidences.

#### **22. COMMISSION INITIATIVES.**

Mayor Kelly announced that the Montana State Work Force Innovation Board meets on June 8, 2016.

### **ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Mayor Kelly, to adjourn the regular meeting of June 7, 2016, at 9:16 p.m.**

Motion carried 4-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

Minutes Approved: June 21, 2016