

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, Bob Jones, Bill Bronson, Tracy Houck and Fred Burow. Also present were City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Library Director Kathy Mora; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Captain John Schaffer.

AGENDA APPROVAL: City Manager Greg Doyon noted that the agenda was previously amended to include a Proclamation, and that there was a minor revision to agenda item 13 that City Attorney Sara Sexe will explain. No changes were proposed by the City Commission. The revised agenda was approved as submitted.

PROCLAMATION: Black History Month.

**** 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.**

Sheila Rice, NeighborWorks Great Falls, 509 1st Avenue South, thanked the City for its support of work force housing. She announced that December was a banner month for NeighborWorks Great Falls in that First Avenue Estates opened consisting of three bedroom apartments, 10 home builders moved into their houses in the Thaniel Addition, and three properties were purchased that NeighborWorks will build on later in historic areas of the city. She noted that all of these constructions add to the tax base.

Ron Gessaman, 1006 36th Avenue NE, discussed recent *Tribune* articles regarding Brett Doney of the Great Falls Development Authority and 2016 being a great business year. He commented that those headlines are contradictory in that he sees “beggars” all over town. Mr. Gessaman suggested emphasis be placed on local employers to provide training to fill jobs at businesses expanding in town.

John Hubbard, 615 7th Avenue South, discussed his friend receiving a fine for parking in his deceased mother’s handicap parking space. He commented that he doesn’t think the playground equipment that he grew up playing on should have been removed or replaced. He also noted that he couldn’t hear the work session on his home television.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Kathy Gessaman, NC3, reported on the agenda topics discussed at the council's last meeting. She also commented that the proposed code changes on this agenda pertaining to Neighborhood Councils would be good topics for the upcoming Council of Councils meeting.

BOARDS & COMMISSIONS**3. APPOINTMENTS, COMMUNITY DEVELOPMENT COUNCIL.**

Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Benjamin Buckridge and Susan Wolff to fill three-year terms through October 31, 2019, to the Community Development 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 5-0.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

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

CITY MANAGER**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that he had the pleasure last week of being a part of a welcoming committee for Air Force Secretary James' visit to Malmstrom Air Force Base.

Manager Doyon reported that the assistance provided by the Downtown Great Falls Association and some private residents for the Christmas tree set up and take down didn't work out to the fullest extent that he had hoped for in terms of cost savings for the City. The Downtown Great Falls Association will be sent a letter indicating that the City appreciated the support, but hoping that there might be more community involvement next year.

MMIA recently provided a quarterly claims and worker's compensation report.

Patty Rearden was appointed as the Interim Park and Recreation Director.

No cell phone use or texting while driving signs are going up around the city for more awareness about the City's ordinance.

CONSENT AGENDA.

6. Minutes, January 3, 2017, Commission meeting.
7. Total Expenditures of \$4,035,476 for the period of December 22, 2016 through January 4, 2017, to include claims over \$5,000, in the amount of \$3,582,532.
8. Contracts list.
9. Approve purchase of 45 new Self Contained Breathing Apparatus (SCBA) in the amount of \$331,872.41 from Big Sky Fire Equipment through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Group and authorize the City Manager to make the purchase.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

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

Several members of the Commission having participated in training ops were excited the Fire Department would be receiving 45 new breathing apparatus.

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

Ron Gessaman, 1006 36th Avenue NE, referred to Item 8C and inquired where the manholes were along 10th Avenue North.

Public Works Director Jim Rearden responded that 21 manholes are located between 38th and 57th Streets.

In response to Mayor Kelly's inquiry, Fire Chief Steve Hester reported that the City's match for the breathing apparatus set forth in Item 9 is 10%.

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

Motion carried 5-0.

PUBLIC HEARINGS**OLD BUSINESS****10. 2016/2017 CDBG ANNUAL ACTION PLAN AMENDMENT.**

Planning and Community Development Director Craig Raymond reported that the City Commission approved the current CDBG Annual Action Plan on May 3, 2016. This agenda item is for the consideration of three specific changes to that CDBG Annual Action Plan. The 2016/2017 Amended Annual Action Plan includes changes to the scope of projects for the following CDBG grant recipients: Great Falls Park & Recreation, Center for Mental Health, and Park Manor.

Great Falls Park & Recreation requests to reallocate funds for an immediate need to repair the floor in the women's locker room at Morony Natatorium. Last month, the City Commission provided direction on the use of funds that were allocated during the 2015/16 and 2016/17 funding cycles. The monies being moved from the 2015/16 allocation were originally intended to be used on the Electric City Water Park locker facilities in the amount of \$40,176. Those improvements are being deferred for the time being at the direction of the City Commission. The total cost for the Natatorium can only be estimated at this time because final bids have not been received for the door and floor renovation work. If the bids come in higher than the allocated monies from CDBG, Park and Recreation and the City Commission may have to fund the difference from different sources.

The Center for Mental Health and Park Manor request to change their scope of projects because they initiated work on their facilities prior to City staff conducting environmental review for their projects. This renders those projects ineligible for funding. Since the original projects were no longer eligible to receive funds but staff wanted to make sure both entities still had the opportunity to receive Federal funding for facility needs, project changes are being brought forward with the Amended Plan.

The Center for Mental Health is proposing to change their scope of work from roof replacement and exterior repair and paint work to a window and door replacement project. Same amount of funds are requested (\$24,640).

Park Manor is proposing to change their scope from a flooring replacement project to rear loading dock replacement and front awning replacement. Again, same amount of funds are being sought (\$17,529).

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt the 2016/2017 Amended Annual Action Plan, including the changes in project scope for Great Falls Park and Recreation, Center for Mental Health, and Park Manor as recommended, and authorize the submittal to the U.S. Department of Housing and Urban Development (HUD).

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

Mayor Kelly inquired if staff considered how to prevent amendments from happening in the future.

Director Raymond responded that this is an unusual circumstance. Staff has already taken measures in the way it communicates with potential applicants that makes the process very clear.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS**11. ORDINANCE 3148, AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, SECTION 070 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE GENERAL PENALTY PROVISION.**

City Attorney Sara Sexe reported that there has been an increase in the number of individuals behaving in a disorderly or abusive manner at the Great Falls Public Library. This behavior has included an assault on Library staff. City staff began work on an ordinance change to address these issues, and expanded it to apply to all public facilities. The City of Great Falls has a public duty to protect residents from this type of behavior particularly on Great Falls owned public property.

In order for the City to fulfill its duty to protect residents, employees, and others, this ordinance was drafted to allow the City to ban individuals from City public property for a period not to exceed one year when individuals are disorderly or abusive. A mechanism is provided by which staff can maintain public order and safety, while still providing public accommodations and services.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3148 on first reading and set public hearing for February 7, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly asked if there were any comments from the public.

Kathy Gessaman, 1006 36th Avenue NE, inquired what circumstances would determine things were getting out of hand, and she commented that laws are already in place.

City Attorney Sexe responded that its purpose isn't to squelch vigorous debate on issues. It is for instances that rise to a level of disorderly conduct when police officers aren't present. It is also for situations where the individuals are not going to be arrested under state statute for disorderly conduct or something of that nature due to a mental condition or something of that nature where we can have the protection of the public and employees while not necessarily charging somebody with a crime.

David Murray, *Great Falls Tribune*, 201 River Drive, asked if the Library assault incident could be expanded upon and what were some of the challenges City employees face in addressing issues of abusive or disorderly patrons.

Library Director Kathy Mora explained the assault incident that occurred to an employee at the Library in October. The person has since been banned from Library premises under Library policy. This trespass ordinance is another tool that can be used on City property when these types of occasions arise.

Ron Gessaman, 1006 36th Avenue NE, read section C of the proposed ordinance and expressed his opposition. He inquired about an appeal process, and he sees this as wide open to abuse. He further commented that he reviewed the proposed Ordinance with a lawyer who commented this

amendment seems to go too far.

City Manager Greg Doyon responded that this policy would be exercised in extraordinary situations. He noted the process is different from the previous speaker's examples when law enforcement is present. He further pointed out that there is a process to appeal to the Commission.

John Hubbard, 615 7th Avenue South, commented that homeless people go to the library to get warm and read newspapers.

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

Motion carried 5-0.

12. **ORDINANCE 3149, AN ORDINANCE AMENDING TITLE 2, CHAPTER 56, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE REMOVAL OF MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS.**

City Attorney Sara Sexe reported that recently a member of the Great Falls Transit District Board was removed based on continued absence from regularly scheduled board meetings. No explanation was given for the absence. During that removal process, City staff discussed the need for additional criteria by which members of boards, commissions, and councils may be removed by the City Commission, as the only current stated reason for removal of members is for attendance.

The Official Code of the City of Great Falls §2.56.020 currently states:

A member of any board or commission or council, who misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten (10) days prior to a hearing thereon before the City Commission, should such member request a hearing on the removal.

The current code does not allow for the Commission to consider other valid reasons that a board, commission or council member should be removed, such as neglect of duties, physical or mental inability to continue to serve, unethical acts, or criminal behavior. By adopting Ordinance 3149, the City Commission will be able to review and consider other reasons for removal in addition to attendance and codify restrictions on such behavior.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3149 on first reading and set public hearing for February 7, 2017.

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

Commissioner Bronson referred to paragraph D of the proposed ordinance and noted that there is at least one board, the Airport Authority Board, that residency is not a requirement. Legal staff advised that they are looking at the whole issue of residency with respect to advisory boards. There may need to be some changes to this paragraph in the event the Commission retains a non-residency requirement for any particular board.

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

Kathy Gessaman, 1006 36th Avenue NE, commented that Neighborhood Councils are different than the other boards because they are elected.

City Attorney Sexe responded that Neighborhood Councils, as elected members of the public, are able to appoint persons if there is a vacancy. The issue arises in the situations discussed where the appointment cannot be made for whatever reason.

Ron Gessaman, 1006 36th Avenue NE, commented that most elected officials cannot be removed except by a specific legal process. He compared it to the Land Board in Helena consisting of five elected officials removing a member of the Legislature who is an elected official. He further suggested that the language in the last paragraph of Exhibit "A" of the proposed ordinance be reworded to say, "replaced by City Commission appointment," because the Commission does not appoint Neighborhood Councils.

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

Motion carried 4-1 (Commissioner Houck dissenting).

13. **ORDINANCE 3153, AN ORDINANCE AMENDING TITLE 2, CHAPTER 50, SECTIONS 040 AND 060 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO NEIGHBORHOOD COUNCILS.**

City Attorney Sara Sexe reported that in the current Official Code of the City of Great Falls (OCCGF) regarding Neighborhood Councils, there are two provisions which require amendment. The first involves the dates for Neighborhood Council elections. The OCCGF at 2.50.040 references a statute which does not exist and should be amended. It further indicates that the filing period for neighborhood council candidates closes forty-five days prior to the general election, which is a different time period than that for mayoral and commission candidates. These dates should coincide with the other elected positions, for consistency.

The second necessary changes involve OCCGF 2.50.060, dealing with Neighborhood Council organization. The code indicates that the Councils should meet and organize with officers within thirty days following the election. However, this time period expires before the Council members are even provided their oaths of office or are sworn into office. The code has therefore been amended to allow for the time necessary to have the members properly placed in their positions.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3153 on first reading and set public hearing for February 7, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly asked if there were any comments from the public.

Kathy Gessaman, 1006 36th Avenue NE, likes the changes proposed to OCCGF 2.50.060. She suggested changing the language in paragraph C from . . . on or before January 30 . . . to “at the first meeting of the first term.” She commented that this Ordinance change would be a good topic for discussion at the Council of Councils meeting.

Ron Gessaman, 1006 36th Avenue NE, suggested adding Mont. Code Ann. § 13-1-112 to OCCGF 2.50.040(A) or superseding what is currently referenced, Mont. Code Ann. § 1-1-215, pertaining to residency. With regard to OCCGF 2.50.040(C), Mr. Gessaman suggested that, because there is no primary election for Neighborhood Councils, the filing date is longer for people to sign up. He thinks it will be more difficult to get people to run for Neighborhood Councils if the time is shortened for filing. He further commented that OCCGF 2.50.060(A) is not clear whether the position of Vice Chair would be elected from amongst its members or other individuals as set forth in OCCGF 2.50.060(D).

Commissioner Bronson commented that he also asked staff about the filing deadlines. In the last 20 years that the system has been in place there have been a lot of changes in the way City representatives are elected. In 1997 people voted at the polls and now exclusively by mail-in ballots. There are issues now both in terms of efficiency and administration and costs to the City in working with the Election Office of Cascade County.

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

Motion carried 5-0.

CITY COMMISSION

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Houck announced that the City’s new website continues to get better and is easy to navigate on any device. She expressed kudos to the Park and Recreation Department and, specifically, Jerry Jordan, for the well organized Electric City Basketball Classic tournament. Ninety-two teams competed with more than 60 of those teams from outside the City of Great Falls. She further announced that there will be 17 free mini concert performances for the Montana Performing Arts Consortium on January 28, 2017, at 9:30 a.m., at the Mansfield Center for the Performing Arts.

Commissioner Burow inquired who the Commission appointees were for the upcoming Council of Councils meeting. Mayor Kelly indicated he was planning on attending, but that there has been talk about the January 24th meeting being canceled. Neighborhood Council Coordinator Patty Cadwell will keep the Commission posted about that meeting.

Commissioner Burow inquired if a Parking Advisory Commission meeting was scheduled this month and was informed Thursday, January 19, 2017, at 3 p.m.

Mayor Kelly reported that, as a result of the Commission's Resolution in Support of the City and Citizens of Whitefish, he has received phone calls from the City of Whitefish expressing appreciation, a letter of endorsement from the Holocaust Center in Seattle commending the Commission for its stance, as well as a random phone call from a gentleman named "Russ" from Chicago also expressing appreciation.

Commissioner Bronson also noted that the Havre City Council issued a similar resolution of support.

15. LEGISLATIVE INITIATIVES.

Mayor Kelly commented that Commissioner Bronson and Assistant City Attorney Joe Cik attended the legislature today to oppose a bill that would get rid of cell phone bans and also the authority of local governments to make those decisions.

Commissioner Bronson added that he and Assistant City Attorney Cik testified in opposition to HB 194 which was drafted at the request of Representative Jeremy Trebas of Great Falls. If HB 194 were to go into effect, it would operate as a complete ban on the ability of any city or town, any local government, to pass any ordinance whatsoever regarding the use of cell phones. It also attempts to ban authority to regulate the use of any kind of electronic device while operating a motor vehicle. Representative Trebas was the only speaker as a proponent of the bill. All of the testimony came from opponents – Commissioner Bronson, Assistant City Attorney Cik, representatives of other cities and also representatives of the Montana Medical Association and the Association representing our public health officials.

Based upon the questions asked of opponents, he senses that there is a fairly significant degree of support for the bill among a number of members of the committee. After the hearing, the opponents discussed continuing to look at their strategy on this issue and will move forward monitoring the events. He and Assistant City Attorney Cik will keep the Commission and staff informed as they go forward.

Mayor Kelly noted that they have had good meetings with local representatives and that they have a weekly scheduled phone call to talk about issues. This is an opportunity for that coalition to make this community's voice heard in Helena.

16. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly adjourned the regular meeting of January 17, 2017, at 8:21 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: February 7, 2017