

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, Tracy Houck, Bill Bronson and Fred Burow. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works City Engineer Dave Dobbs; Planning and Community Development Director Craig Raymond; Fire Chief Steve Hester; Fiscal Services Director Melissa Kinzler; Assistant City Attorney Joe Cik and City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

**PROCLAMATIONS:** Commissioner Bronson read a proclamation for Charles M. Russell Month and Commissioner Houck read a proclamation for Youth Art 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.**

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed increased gas and electric rates, the City's trespass ordinance, Electric City Power, as well as his personal legal matters.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, urged the Commission not to extend Burlington Northern's deadline of March 31<sup>st</sup> to demolish the burned out building by the railroad tracks on the west side of the river, due to safety concerns with the weather getting warmer and children out playing. Mr. Gessaman further commented that he has not heard if the plans for revamping 36<sup>th</sup> Avenue have been revised to decrease the 3% slope before the stop sign.

**NEIGHBORHOOD COUNCILS****2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports or announcements from Neighborhood Council representatives.

**BOARDS & COMMISSIONS****3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

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

**4. APPOINTMENT, HISTORIC PRESERVATION ADVISORY COMMISSION.**

**Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Peter Jennings to fill the remainder of a three-year term through April 30, 2017, to the Historic Preservation Advisory Commission.**

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.

**CITY MANAGER**

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that he recently participated in the Mountain View Elementary reading program and a Leadership Montana panel.

Manager Doyon further reported that he will be attending an Association of Defense Conference next week in San Antonio, and will have an opportunity to visit with Air Force leadership about installation encroachment issues.

Manager Doyon announced that he has appointed Gaye McInerney from Fairfield, Montana, as the Human Resource Director. She will start employment March 20, 2017.

Fiscal Services Director Melissa Kinzler reported that on February 15<sup>th</sup> the City was notified by Moody's Investor Service that the City received an upgraded rating for the City's limited tax general obligation refunding bonds, Series 2014B, from an A1 to an AA3 rating.

Manager Doyon reported that the City has a lease agreement with the Children's Museum that commenced in December, 2003, for \$1 per year. The lease expires November 30, 2018. The lease is drafted in such a way that there is an auto renewal of a minimal of five years. However, the Commission must negotiate the lease for the remainder of that term. He explained that what started off as an innocent inquiry has been blown out of proportion. He reported that the Children's Museum has expressed a desire to stay in the building. There will be no further discussions until such time as the City has to consider renewing the lease. The reason the conversation started was the City's need for additional office space. In the interim employees will be temporarily moved into meeting rooms in the Civic Center. He will continue to look at other options.

Deputy City Manager Chuck Anderson announced that he came from Steamboat Springs, Colorado, where he was the Public Works Director for the past five years. He served in the United States Air Force for 27 years, and he retired out of Malmstrom Air Force Base in 2012. His wife and children will join him after the school year and they are all looking forward to being back in the Great Falls community.

**CONSENT AGENDA.**

6. Minutes, February 7, 2017, Commission meeting.
7. Total Expenditures of \$3,034,159 for the period of January 18, 2017, through February 8, 2017, to include claims over \$5,000, in the amount of \$2,764,457.
8. Contracts list.
9. Grants list.
10. Approve the five year lease agreement with Stryker/Physio Control, Inc. for four new LIFEPAK 15 V4 heart monitors/defibrillators in the total amount of \$136,825, with annual payments of \$27,365.
11. Approve the purchase of one new 2016 Autocar ACX64 tandem axle truck with new Heil Durapack Rapid Rail sideload refuse packer to Kois Brothers Equipment Company Inc. of Great Falls, for \$270,000, through National Joint Powers Alliance (NJPA).

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

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, pointed out that Item 9B is a grant application for park equipment in West Bank Park.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

12. **WEST RIDGE ADDITION, PHASES VII-XI, PREVIOUSLY KNOWN AS PERETTI ADDITION TRACT.**
  - A. **ORDINANCE 3151, AN ORDINANCE BY THE CITY COMMISSION TO REZONE THE PROPERTY LEGALLY DESCRIBED AS WEST RIDGE ADDITION PHASES VII – XI, PREVIOUSLY KNOWN AS PERETTI ADDITION TRACT 2 FROM R-3 SINGLE FAMILY HIGH DENSITY DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT.**
  - B. **FINAL AMENDED PLAT OF WEST RIDGE ADDITION PHASE VII.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on Ordinance 3151 which provides for the rezoning of certain property within the City limits, and consideration of approval of the final amended plat request.

The subject property is located in the vicinity of 2<sup>nd</sup> Street NE and 4<sup>th</sup> Street NE, from 41<sup>st</sup> Avenue NE to what will eventually be 43<sup>rd</sup> Avenue NE. The subject property is ±58 acres and will consist of West Ridge Addition, Phases VII – XI after all phases are final platted. The City Commission approved annexation of the whole property, assigning R-3 Single-Family High Density zoning, and approved the final plat of West Ridge Addition, Phase VII, on August 18, 2015.

The owner is requesting that the subject property be rezoned from the R-3 district to PUD Planned Unit Development district in order to have the option of building either detached single-family residential dwelling units or 2-unit townhomes throughout the subdivision, as well as a subsequent amended plat that involves boundary line adjustments and subdivision of the existing 12 lots in Phase VII to create 16 lots along the north and south sides of 41<sup>st</sup> Avenue NE, between the west property line and 2<sup>nd</sup> Street NE. The request is a similar concept in the immediate area that has proven to be very successful from a marketing standpoint and providing housing variety to the citizens. The applicant desires to introduce this model in this and future phases of Westridge.

Just as was the case back in 2015, there are specific criteria that the Commission must consider when making a decision on this plat amendment. Specifically, the Commission is to consider the effect on agriculture, local services, natural environment, wildlife and habitat, and public safety. The analysis of these elements is contained in the Findings of Fact attached to the agenda report.

At the conclusion of a public hearing held on December 13, 2016, the Zoning Commission recommended the City Commission approve the rezoning request from R-3 Single-Family High Density to PUD Planned Unit Development for the subject property, and the Planning Advisory Board recommended approval of the preliminary amended plat, all subject to fulfillment of the Conditions of Approval as outlined in the agenda report. He noted that the approval of this specific request does not have any material effect on the already approved and still in effect Improvement Agreement which the Commission approved back in August, 2015. The developers are still responsible for mitigating identified impacts such as: water, sewer and storm water infrastructure; and paying their proportionate share for an area storm water plan, and paying for a share of the North Great Falls Transportation Study.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3151 and the Amended Plat of West Ridge Addition Phase VII.

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

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3151 and accept the Findings of Fact – Zoning Map Amendment.**

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

Motion carried 5-0.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Final Amended Plat of West Ridge Addition Phase VII and accept the Findings of Fact, all pertaining to the Montana Subdivision and Platting Act.**

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

Motion carried 5-0.

13. **ORDINANCE 3154, AMENDING TITLE 3, CHAPTER 8, SECTION 040 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE COMPETITIVE SEALED PROPOSAL PROCESS.**

Assistant City Attorney Joe Cik reported that, as was suggested during first reading of the Ordinance, Exhibit A was updated to include setting the standard for what adequate notice should be.

The advertising requirements set forth in MCA § 7-5-4302(2) apply to contracts for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in excess of \$80,000. That advertising process doesn't affect any other type of contract.

Municipalities are only required to advertise contracts that it is entering into through a formal process in three different situations: (1) if the purchase is going to involve the type of equipment or services that are outlined in MCA § 7-5-4302(1); (2) the granting of an exclusive franchise; and (3) a contract that would involve public indebtedness.

He explained that this situation pertains to contracts that do go out for competitive bidding proposals much like the defibrillators that were approved on the consent agenda. Professional services agreements, such as architect/engineering services, are exempt from the advertising process of MCA § 7-5-4302.

By not changing the OCCGF, the City is inconsistent with Montana Code Annotated.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Ordinance 3154 was:

**Jeni Dodd**, 3245 8<sup>th</sup> Avenue North, commented that, staff reported that the reference to the MCA currently in use by the City of Great Falls for Request for Proposals (RFP) defines public notification for competitive bidding and not RFPs and, therefore, should no longer be applied to RFPs. She doesn't believe the current code to be in conflict with the MCA. She commented that the MCA does not define the requirements for public notification for RFPs but it also does not preclude municipalities from using competitive bid notification requirements for RFPs. Ms. Dodd further commented that the replacement text that "adequate public notice of the request for

proposals must be given, pursuant to applicable state and federal laws and regulations” does not codify any guidelines for RFP public notice. She concluded that the code change is vague and subject to arbitrary interpretation.

Mr. Cik responded that the way the current code restricts the request for proposal process is that it unduly burdens an advertisement requirement that doesn’t apply to a vast majority of the contracts that the City does on a regular basis. He again explained the City is only required to advertise for those specific three instances that he previously discussed.

No one spoke in support of Ordinance 3154.

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

**Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3154.**

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

Motion carried 5-0.

#### **OLD BUSINESS**

#### **NEW BUSINESS**

#### **14. CITY OF GREAT FALLS/CASCADE COUNTY JOINT PUBLIC SAFETY SOFTWARE PROJECT BID AWARD. OF 1195.6**

Police Chief Dave Bowen reported that the City entered into a contract with New World Software Systems on June 21, 2011. New World’s software caused issues that affected the City’s operation and network of emergency services since its go-live date in June, 2013. New World was bought out by Tyler Technologies in 2015. The many issues with the software performance were unable to be cured by New World/Tyler Technologies and, after much discussion and advice of counsel, at its April 5, 2016, special work session, the Commission directed staff to proceed with a 90-day notice of termination.

The Commission was further briefed at subsequent work sessions. Following the July 19, 2016, work session, City staff was directed to work with County staff to form a committee of representatives from both entities, and develop bid documents for public safety software. A committee was created which included Mayor Bob Kelly, County Commissioner Joe Briggs, staff from both the Great Falls Police Department and Cascade County Sheriff’s Office, City Attorney, Deputy County Attorney, and City and County Information Technology representatives.

An Invitation to Bid was advertised with two vendors responding, and the bids were opened on December 15, 2016. Due to the volume of bid information for the committee to review and compare, including evaluation of 58 pages of technical specifications, staff requested additional time to further evaluate the bids. At its January 3, 2017, meeting, the City Commission

postponed the bid award for the project.

The committee met to compare and discuss the bids, as well as conducted site visits. Based upon the evaluation of the bids and the site visits, it was decided that the bid from Zuercher Technologies was the most applicable to the City's and County's needs. The committee members unanimously agreed that the other bidder, Spillman Technologies, presented a bid which did not meet a number of the 1200+ identified technical specification items in the request for bids.

**Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission approve the bid award for the City of Great Falls/Cascade County Joint Public Safety Software project in the amount of \$810,057 from Zuercher Technologies, and authorize the City Manager to execute necessary contract documents and any additional agreements needed to implement the software.**

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

Commissioner Houck commented this was an incredible process wading through all of the details. It was disappointing to City and County staff to realize they had a vendor who could not perform and, in fact, put the City and County at risk at times. She expressed kudos to everyone that served on the committee.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, reported that he suggested to the Commission at a meeting in 2011 that staff was proceeding too fast with regard to the New World contracts. He discussed software reviews of the two recent vendors and, again, suggested that staff may be proceeding too quickly.

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

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

**15. JOINT RESOLUTION 10171 AND 17-15, IN THE MATTER OF THE DISSOLUTION OF THE CITY AND COUNTY NATIVE AMERICAN LOCAL GOVERNMENT COMMISSION.**

Assistant City Attorney Joe Cik reported that the Native American Local Government Commission was created by Joint Resolution 9220 (City) and 02-29 (County) in March of 2002, and amended by Resolution 9264 (City) and 02-78 (County) in November of 2002. There was a specific motivation for this Commission at that time. There was a steep decline in participation in this Commission, and the Commission has not conducted a meeting in over five years. This Commission has outlived its motivation.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Joint Resolution 10171 and 17-15.**

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

Commissioner Bronson added that he communicated with James Parker Shield who was one of the initial moving forces behind setting up this Commission in 2002. James indicated that the Commission has not been able to meet in nearly five years, he has had great difficulty in even attracting interest in membership on this Commission, and he thought the Native American Local Government Commission was actually abolished several years ago.

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

Motion carried 5-0.

### **CITY COMMISSION**

#### **16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Houck noted that she is learning to like the City's new website and is excited that it is moving forward.

Mayor Kelly reported that last year the various City Boards and Commissions were brought before the City Commission on a regular basis to let the community know that there are a lot of opportunities for them to participate in the community, and also to highlight the work that these Boards and Commissions do. Commission members were assigned as liaisons, in non-voting capacities, to spend more time with individual Boards and Commissions to observe, learn, and educate the Commission, as follows:

Commissioner Bronson - Design Review Board, City/County Health Board, Historic Preservation Advisory Commission, and the Planning Advisory Board/Zoning Commission

Commissioner Burow – Board of Adjustment, Community Development Council, Parking Advisory Commission, and Police Commission

Mayor Kelly – Advisory Commission on International Relationships and Library Board of Trustees

Commissioner Houck – Business Improvement District, Golf Advisory Board, Mansfield Center for the Performing Arts Advisory Commission, Park and Recreation Advisory Board, and the Tourism Business Improvement District

Commissioner Jones – Regional Airport Authority Board

Mayor Kelly commented that he spent a lot of time last year saying thank you and he discussed work done in the community by various organizations. He reviewed City highlights of the past year, and discussed upcoming Commission support of resources to increase and improve the Planning and Community Development Department, implementing the recommendations of the Park Master Plan, newly hired Deputy City Manager and Human Resources Director, assisting the legal department due to demands imposed by Marsy's Law, and RFP for repairs to the Civic Center. He concluded that the Commission will continue to value and support our public safety



personnel, military families and young people of our community, as well as continue to foster collaboration, seek cooperation, and remain community focused.

17. **LEGISLATIVE INITIATIVES.**

Mayor Kelly reported that he talked significantly about some of the work being done on TIF's last month in Helena, and will be going to Helena tomorrow with Manager Doyon to talk about the gas tax. The end of this month begins the legislature transmittal period. Commissioner Bronson is arranging a meeting during the break with local legislators.

18. **COMMISSION INITIATIVES.**

There were no Commission initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Commissioner Jones, to adjourn the regular meeting of February 21, 2017, at 8:14 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: March 7, 2017