

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 Director Jim Rearden; Planning and Community Development Director Craig Raymond; 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: Mayor Kelly read a proclamation for Child Abuse Prevention Month.

SWEARING IN: Mayor Kelly performed the swearing in ceremony for Neighborhood Council 4 Representative - Gregg Matsko, and Neighborhood Council 7 Representatives - Sandra Rice and Gudrun K. Linden.

PRESENTATION: Mayor Kelly presented Fiscal Services Director Melissa Kinzler with the Government Finance Officers Association, Distinguished Budget Presentation Award.

PETITIONS AND COMMUNICATIONS**1. Miscellaneous reports and announcements.**

Ron Gessaman, 1006 36th Avenue NE, provided a handout and discussed parliamentary procedure regarding tabling versus postponing, referring to the motion made on Ordinance 3152 at the last Commission meeting.

Commissioner Bronson responded that there are no procedural problems. Citing General Roberts, Commissioner Bronson commented that the rules are made to serve this Commission. The Commission does not serve the rules. The Commission does not elevate form over substance.

David VanSon, 2404 1st Avenue North, Great Falls firefighter and Local 8 president, discussed presumptive legislation for firefighters. He thanked the Commission for authoring a letter in support of SB 72 to the House, Business and Labor Committee. Ten members of the Committee voted against SB 72, leaving Montana firefighters, professional and volunteer, without any protection when

they contract deadly lung diseases and cancers from protecting their communities. Firefighters are at a 63% higher risk of getting these diseases than the average person. More disappointing were the no votes of two Great Falls' representatives, Jeremy Trebas and Fred Anderson. Both representatives feel that the burden should be shifted onto the cities. Mr. VanSon took great offense to Representative Trebas' statement that the letter in support was the Commission washing its hands with having to deal with the issue. He discussed social media interactions between himself and Representative Trebas. Forty-six states and Canadian provinces have presumptive legislation and it could work in Montana as well. He urged Great Falls residents to reach out to Representatives Trebas and Anderson to ask them to reconsider their vote in Committee.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, discussed GFDA events Launch Point for entrepreneurs, Manufacturers Roundtable, Fire It Up, Fire Within awards ceremony, and a Transload task force to look at creating a transload facility to support manufacturers and other companies.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

Kathy Gessaman, NC 3, commented that the council appreciates the street cleaning crews making the streets look great.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

Mayor Kelly announced that the members of the Commission each attend certain boards and commission meetings as a representative of the Commission. The Commission members don't participate or vote, but are there to get information to bring back to the public and Commission.

Commissioner Houck reported on her attendance at the Mansfield Center for the Performing Arts Advisory Board and Mansfield Foundation meetings; Commissioner Jones reported on his attendance at the Regional Airport Authority Board meeting; Commissioner Bronson reported on his attendance at the Design Review Board, Planning Advisory Board/Zoning Commission, and Historic Preservation Advisory Commission meetings; Commissioner Burow reported on his attendance at the Transportation Committee meeting; and, Mayor Kelly reported on his attendance at the Library Board meeting.

CITY MANAGER

4. Miscellaneous reports and announcements from the City Manager.

City Manager Greg Doyon announced that last week he spoke at the Pachyderm Club. Today, as a representative of the Montana League of Cities and Towns, he attended a State Emergency Response Commission meeting. One of the items covered, because it is a legislative session year, was proposed funding for Hazmat teams. Great Falls has a regional response Hazmat team. These teams have not been receiving the level of funding that they have been receiving in the past. Other communities that are hosting these teams are indicating the service level is going to change dramatically. The teams may not be as available or as deeper resources when there is an incident that involves a hazardous material. That department will wait and see as the legislature continues to tackle financial issues with the budget. The meeting also included talk about the upcoming vigilant guard exercise that will take place in the spring of 2018 in Great Falls featuring an earthquake and flooding events. It's a large, complex exercise with multi-agency participation. It's a good training opportunity.

The Montana Liquid and Gas Pipeline Association made a presentation at that meeting. Manager Doyon was provided additional information that is helpful to staff in terms of dealing with pipeline issues. That meeting was also attended by Governor Bullock.

Manager Doyon expressed kudos to the Montana League of Cities and Towns for advocating for cities and towns at the Montana Legislature. There are a lot of things going on at the legislature that have direct impact on how the city provides its services. He encouraged the community to contact local legislatures on bills that will locally impact the City of Great Falls.

Manager Doyon further announced that he attended a farewell party last week for Col. Denise Cooper who will be moving to San Antonio to take on a new role and responsibility to help with leadership training. The City has been participating in community partnership with the Air Force for several years. During Col. Cooper's tenure, they were able to enhance communication between Malmstrom and the City and improve how they coordinate things that are mutually beneficial. He reported that he has asked Planning and Community Development Deputy Director Tom Micuda to coordinate and bring together planners from Malmstrom, MANG, County and the City to enhance our ability to communicate and organize, to have some recognition of all the various tools available to all of the entities that deal with planning issues, and to be proactive on how everyone is addressing impacts.

He reported that he will be in Helena on Thursday and Friday attending an MMIA board and health committee meetings. Deputy City Manager Chuck Anderson will be in charge in his absence.

He further reported that a letter was sent out to employees regarding Allegiance engaging in a referenced based pricing discussion with Benefis Hospital. He explained referenced based pricing, and that the City will continue to monitor those discussions. The letter had a dual purpose: to make the employees aware that if there is no agreement by July 1st there is a potential to be back billed for services received at Benefis. The other part was a reminder about the amount of contribution that the City does provide to employees under its Health Insurance Plan.

Human Resources Director Gaye McInerney started work this week. He encouraged the Commission members to stop by for introductions.

Lastly, he thanked City Clerk Lisa Kunz for preparing a training PowerPoint that was presented at an HPAC meeting.

At the request of Mayor Kelly, Manager Doyon summarized Col. Smith's Montana Air National Guard Update presentation at this evening's work session. Mayor Kelly applauded Col. Smith and Col. Allen for creating what could become a national training center for C-130's.

Commissioner Bronson stepped out at 7:50 p.m. and returned at 7:53 p.m.

Mayor Kelly noted that the Commission offered, and Manager Doyon accepted, another three year term with the City of Great Falls based on a great record the past nine years.

CONSENT AGENDA

5. March 7, 2017, Commission Meeting Minutes.
6. Contracts List.
7. Total Expenditures of \$3,894,473 for the period of February 16, 2017 through March 8, 2017, to include claims over \$5,000, in the amount of \$3,678,343.
8. Approve Final Payment in the amount of \$5,749.47 to Planned and Engineered Construction Inc. (PEC) and \$58.08 to the State Miscellaneous Tax Fund for the Sanitary Sewer Trenchless Rehabilitation, Phase 19, and authorize the City Manager to make the payments. **OF 1674.2**
9. Approve Final Payment for the North Great Falls Lift Station and Force Main in the amount of \$990.00 to Falls Construction and \$10.00 to the State of

Montana Miscellaneous Tax Division and authorize the City Manager to execute the necessary documents and make the payments. **OF 1476.5**

10. Set a public hearing for May 2, 2017, on Resolution 10172 to establish residential and commercial water, sewer, and storm drain utility service rates effective June 1, 2017.

Commissioner Burow moved, seconded by Commissioner Jones, 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 36th Avenue NE, referred to page 2017.51 of Item 5 and noted Commissioner Bronson's motion on Ordinance 3152. He then referred to Item 7 and noted that he hoped the payment for Fire Station No. 1 kitchen was mostly for remodeling and not an upscale kitchen range. Mr. Gessaman referred to Item 10 and noted that, at the work session this evening, sewer system slides were shown depicting a clay brick sewer with corrosion created by H₂S. He suggested that those industrial companies responsible for the corrosion created by H₂S should be paying more, and that the sewage rates should also reflect the cost of maintenance.

John Hubbard, 615 7th Avenue South, commented that he will be opposing Agenda Item 10, Resolution 10072, at the public hearing.

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

Motion carried 5-0.

PUBLIC HEARINGS

OLD BUSINESS

11. 2016/2017 Annual Action Plan Amendment and CDBG Timeliness Projects.

Planning and Community Development Director Craig Raymond reported that this item is to consider approval of the amended 2016/2017 Annual Action Plan and funding recommendations as proposed by staff.

The annual action plan is normally the plan for the coming year's funding cycle and the process by which the City provides opportunity to the public to participate in the process and provide input to the City Commission and staff. This particular amendment for the 2016/17 funding cycle however is necessary in order to expend funds as directed by HUD prior to May 2, 2017.

Once staff became aware of and fully understood what the directive was from HUD, time was of the essence in order to keep these monies in the community. Staff reached out to different sectors of the community requesting a prioritized list of how they would propose spending the unallocated funds.

Upon receiving the lists from community partners, staff reviewed the 5-year Consolidated Plan as a guide for funding decisions in the current 5-year cycle and formulated recommendations based largely on the results of that research as well as any unfunded projects from the current CDC process.

The funding recommendations are as follows:

Habitat for Humanity: \$75,000 partial funding for construction of a new home

Neighborworks and Habitat: \$116,000 for purchase of 4 residential lots for future construction

Society of St. Vincent de Paul: \$40,000 for purchase of a vacant lot adjacent to the existing Grace Home- a veteran men's transitional housing facility

Great Falls Housing Authority: \$80,000 for the replacement of a fire alarm system at Austin Hall

Great Falls Development Authority: \$30,000 for a household labor survey and analysis, \$100,000 providing gap financing for creation of new jobs at the new Montana Egg facility

City of Great Falls Park and Recreation Dept: \$100,000 for outdoor fitness stations in Gibson Park, \$20,100 for purchase of a 20'x24' open pavilion at West Bank Park, and \$80,000 for purchase of an ADA compliant play structure at Gibson Park

Director Raymond further explained that, in the normal course of business, monies have been spent on previously approved projects since the agenda report had been completed. It is quite probable that staff will continue to spend funds between now and May 2nd. Staff recommends that the Commission allow staff to dismiss partial or complete funding for the Outdoor Fitness Stations at Gibson Park as that is the project that the Park and Recreation Department identified as having the most flexibility and lower on the priority list than the other projects under consideration.

Additionally, at the special work session yesterday, the City Commission questioned the possibility of taking \$10,000 out of the Economic Development project for Montana Egg and grant it to the Senior Center. This is permissible and

is an eligible project per HUD guidelines. The Commission could reflect its wishes in the motion to approve funding.

Commissioner Bronson noted that, based on the discussion at yesterday's work session, there may be some sentiment to change some of the allocations that were recommended, and there is a possibility that one or more members of the Commission may request to recuse themselves from specific matters. The motion as set forth in the agenda report is general, and he thinks the motions will need to be separated to reflect those two concerns.

Commissioner Bronson requested clarification regarding the proposed \$100,000 allocation for outdoor fitness stations at Gibson Park. Director Raymond requested that the Commission grant staff the ability to remove that item should the amount of total funds exceed \$520,000. Staff is looking for flexibility and direction from the Commission to remove some projects as needed to meet that number on May 1st.

Commissioner Bronson summarized that, as adopted tonight, if the Commission ends up allocating more than there are funds on May 1st, the default will be to remove the allocation for the fitness stations.

Mayor Kelly and Commissioner Bronson reported that they both sit on the Great Falls Development Authority board and will be recusing themselves from any vote with regard to the proposals for the Great Falls Development Authority.

Director Raymond suggested breaking up the recommendations into three categories: economic development, affordable housing, and public facilities, and to vote on each separately.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt the 2016/2017 Amended Annual Action Plan, including the timeliness addition to the project introductions; authorize the submittal to the U.S. Department of Housing and Urban Development (HUD); and accept the proposed use of funds, due to timeliness, for the 2016/2017 Community Development Block Grant Program (CDBG).

Commissioner Bronson noted that the motion essentially combines all three categories.

City Attorney Sara Sexe requested a recess to allow time for staff to separate the motions.

Mayor Kelly called for a recess at 8:13 p.m., and called the meeting back to order at 8:28 p.m.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission amend the motion on the floor as follows:

That the City Commission approve the 2016/2017 Amended Annual Action Plan, and to approve the Public Facilities and Affordable Housing Applications as submitted with the addition of \$10,000 being allocated to the Great Falls Senior Center.

Those projects include: (GFHA) Fire alarm system at Austin Hall, (NW/Habitat) Castle Pines lot purchase, (Grace Home) lot purchase, (P&R) outdoor fitness stations in Gibson Park, pavilion at West Bank Park and Gibson Park play structure.

Mayor Kelly asked if there was any further discussion amongst the Commissioners with regard to the amendment.

Commissioner Bronson commented that staff learned this afternoon that the play structure for Kranz Park was \$40,000. He would like to revisit that project in the future. The Commission concurred.

Mayor Kelly asked if there were any comments from the public with regard to the proposed amendment.

Ron Gessaman, 1006 36th Avenue NE, commented that he is in favor of the \$10,000 allocation for the Great Falls Senior Center, as well as funding a play structure in Kranz Park. He expressed opposition to public funds being allocated to any private businesses.

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

Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission amend the motion on the floor as follows:

That the City Commission approve the economic development applications in the amount of \$90,000 to Great Falls Development Authority for the Montana Egg project, and \$30,000 towards the employment study.

Mayor Kelly asked if there was any further discussion amongst the Commissioners with regard to the amendment.

Commissioner Houck commented that this was a very difficult decision to package all of the projects together due to the timeliness of the proposal and the recommendations from HUD as well as certain criteria that had to be met. She explained that park equipment proposals were vetted. She hoped the Commission was providing proper guidance to departments to make the best decisions for the City that is flexible enough that good purchases are made by the deadline and monies don't need to be returned to HUD.

Mayor Kelly asked if there were any comments from the public with regard to the proposed amendment.

Ron Gessaman, 1006 36th Avenue NE, disagreed with Commissioner Houck. He opined there would be contractors to donate enough services to install park equipment by April 15th if the equipment was ordered and received.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that what GFDA does through a gap financing standpoint is loan money, not grant money. It's not a subsidy, it is filling a gap between what the regulated lenders can do and the equity that's available. The leverage GFDA is looking at with Montana Egg is over a \$9 million dollar private investment, and there will be somewhere in the range of a \$350,000 gap. When payments are received it goes back into a restricted loan fund to be loaned back out in the community to fill a gap to help another business in the community.

John Hubbard, 615 7th Avenue South, commented that the playground equipment that was in place when he was a kid should not be replaced.

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

Motion carried 3-0-2 (Mayor Kelly and Commissioner Bronson abstained).

Mayor Kelly moved, seconded by Commissioner Jones, that the City Commission adopt the main motion as amended.

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

Ron Gessaman, 1006 36th Avenue NE, commented that he is in favor of the fire alarm system for Austin Hall and money for the parks.

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

Main Motion, as Amended, carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

12. ORDINANCE 3158, AN ORDINANCE AMENDING TITLE 9, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF PERTAINING TO THE PUBLIC PEACE, MORALS AND WELFARE.

Assistant City Attorney Joe Cik reported that Title 9 of the Code will be revised by the Ordinance under consideration. With this Title revision, there are very few substantive policy changes. The vast majority of the revisions are correcting format inconsistencies, typographical errors, and grammatical issues. Additionally, in many Chapters of Title 9, there are unnecessary Article designations.

Other changes include, but are not limited to, changing definitions particularly those associated with intoxicating beverages to be consistent with the Montana Code Annotated (MCA). Internal Code references will be updated to correct deficiencies. The substantive policy changes are associated with fireworks, special event permitting, park rules, and law enforcement custody of minors after curfew.

He explained that the substantive changes were to fireworks possession and discharge is increasing the minimum age of unsupervised possession and discharge from age seven (7) to age ten (10); removing the authority of law enforcement to arrest minors for curfew violations because it is in conflict with the Montana Youth Court Act; and, adding an exception to allow fireworks to be discharged at the baseball stadium following certain criteria and approval from the Fire Marshal; and, consolidating the requirements of street closures for a special event permit that were in Title 12.

Attorney Cik further reported that there have been some additional suggestions from Commissioner Bronson that will be incorporated into the final Exhibit "A" and "B" that will be presented at the public hearing, that includes an exception in the fireworks code to allow for the City Manager, in consultation with the Fire Chief and Fire Marshal, in the instance of an emergency cancel the fireworks seasons designated in the Code.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3158 on first reading and set a public hearing for April 4, 2017.

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

Commissioner Bronson noted that some communities that continue to allow the discharge of fireworks under limited circumstances now have an emergency provision wherein either the governing body or city manager, after consultation with the Fire Chief, can shut it all down in the interest of public safety.

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

13. Miscellaneous reports and announcements from the City Commission.

Commissioner Houck reported on the very successful 2017 Western Art Week in Great Falls.

14. Legislative Initiatives.

Mayor Kelly noted that this Commission tried to strengthen the deterrence by increasing the penalties for using cell phones while driving and not using a hands free device. This has been challenged in the legislature in that they are trying to make the determination that the fine is excessive and that \$100 would be the maximum and thereby limiting local government's ability to create its own rules. He encouraged community members to contact their legislators.

Additionally, the gas tax bill is coming out of committee and will be voted on. The bill is the way local governments can acquire state funds to leverage 7 to 1 for federal funding. There is a possibility that bill may fail because it has the word "tax" on it.

Commissioner Bronson noted that there has been quite a bit of activity regarding tax increment financing in this legislative session. There will most likely be an interim study of tax increment financing to pay close attention to.

Commissioner Burow discussed HB 133 that sets forth jail time for people in rental contracts not paying their rent. He discussed his opposition to the proposal to take away jail time for misdemeanor theft charges, and he encouraged anyone that agreed to contact legislators. Commissioner Bronson added that HB 133 was initially sold to everybody as a way to save money by eliminating jail expense. Local magistrates realized the impact it would have had and they are worse than that discussed by Commissioner Burow.

Mayor Kelly reported that the City is working with Cascade County and the Cascade Conservation District to sponsor a statewide gathering April 12-13, 2017,

to hear from experts from around the country who have dealt with the issue of invasive mussels and to get more information out to the public.

Mayor Kelly announced that the Mayor and two Commissioner terms expire this year. For anyone interested in running the filing dates are April 20th to June 19th. The fees and requirements are on the City's website at: <https://greatfallsmt.net/citycommission/city-commissioners-about-us>.

15. Commission Initiatives.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Jones moved, seconded by Commissioner Burow, to adjourn the regular **meeting of March 21, 2017, at 9:06 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: April 4, 2017