

**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; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Clerk Lisa Kunz noted that the agenda was revised after original posting to include two additional proclamations, the contracts list was updated to include the Ice Breaker Road Race agreement, and the minutes were updated to accurately reflect a motion made on a consent agenda item. No additional changes were suggested by the City Manager or City Commission. The revised agenda was approved as presented.

**PROCLAMATIONS:** Commissioner Jones read proclamations for Month of the Military Child and Mental Health Awareness Month; Commissioner Houck read a proclamation for Week of the Young Child; Commissioner Burow read a proclamation for Youth Day of Service; Commissioner Bronson read a proclamation for Earth Day; and, Mayor Kelly read a proclamation for Mayor's Prayer Breakfast Day.

**SWEARING IN:** Mayor Kelly performed the swearing in ceremony for Neighborhood Council 2 Representative – Ronald E. Staley.

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

**Richard Liebert**, 289 Boston Coulee Road, noted that SB 72, the firefighter presumptive illness bill, didn't pass at the legislature, and that the fuel tax credit bill, HB 473, is finally going to get voted on for funds for county roads and city streets. He commented that he listened to the interview between the City Manager and Public Works Director on public radio about the facets of public works. Mr. Liebert also suggested that the Commission consider amending Resolution 10072.

**Daniel Hartzell**, 2324 14<sup>th</sup> Avenue South, discussed people talking slang rather than using proper English. He encouraged citizens to attend the upcoming School Board meeting.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired about gravel size, borders, permit fees and inspections with regard to proposed revisions to Title 17 and off street parking surfaces. Mr. Gessaman suggested that the Visitor Center should not be moved downtown, and commented that

attendance has been down at the Visitor Center since a new group took over management from the City in 2014. The City did a better job publicizing the Visitor Center. He also noted that he has been attempting to obtain more recent data on the digester gas at the Wastewater Treatment Plant.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, announced that First Call Resolution (FCR) has starting hiring, the Agri-Tech Park has won an Excellence in Regional Transportation award from the National Association of Development Organizations, that a firm has been selected to conduct the household labor survey, and that the loan committee approved Montana Egg's loan to support its expansion. He also requested participation in GFDA's investors' survey.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed opposition to infrastructure and water rate increases, as well as increased property taxes.

**Gary Zimmerman**, 1405 3<sup>rd</sup> Avenue SW, commented that he has lived on his property in a mobile home since 1989. He discussed receiving a City complaint concerning several property issues.

Mayor Kelly noted that a member of Planning and Community Development will visit with him about those issues.

### **NEIGHBORHOOD COUNCILS**

#### **2. Miscellaneous reports and announcements from Neighborhood Councils.**

**Kathleen Gessaman**, NC 3, announced that the council's next meeting will be held on May 11, 2017, at Riverview School.

#### **3. Removal of A Member of Neighborhood Council #2.**

City Attorney Sara Sexe reported that Neighborhood Council 2 reported to City staff that Council Member Michael McCoy has missed five regularly scheduled meetings since September, 2016. Mr. McCoy holds the position of Secretary for the meetings and has not submitted his draft minutes for the October, 2016, meeting for Council review. No explanation was provided for Mr. McCoy's absence and other Council members were not able to reach him for an extended period of time.

In accordance with Ordinance 3149, the City sent Mr. McCoy a letter on March 22, 2017, providing him an opportunity to provide a response regarding the absences. Mr. McCoy did stop into the Manager's Office on April 3, 2017, requesting an extension to provide a written reason for the absences. He was provided an extension until Wednesday, April 5, 2017, at 5:00 p.m. The City has not received such a response.

A second letter was sent certified mail to Mr. McCoy on April 7, 2017, providing him notice for this meeting.

All City Board, Commission and Council members are required to follow the attendance policy as adopted in Ordinance 3149.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission remove Michael McCoy as a member of Neighborhood Council #2.**

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.

### **BOARDS AND COMMISSIONS**

#### **4. Miscellaneous reports and announcements from Boards and Commissions.**

Commissioner Jones announced that the Airport Authority Board invited the Commission to tour the Fed-Ex building.

Mayor Kelly announced that he and Commissioner Bronson resigned their positions on the Great Falls Development Authority (GFDA) Board and Executive Board so as to avoid any appearance of a conflict of interest. He encouraged public attendance at GFDA's Board meetings, as he and Commissioner Bronson will continue to do.

Pursuant to GFDA's bylaws, the Commission has the opportunity to appoint two representatives to the Great Falls Development Authority Board.

Commissioner Burow commented that the Commission members should attend Board and Commission meetings as private citizens rather than as Commission liaisons.

#### **5. Appointments, Advisory Commission on International Relationships (ACIR).**

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission appoint Brian Nosich, Veranika Marozava, Lana Kadoshnikov, Charity Jacobson and Max Mauch to the Advisory Commission on International Relationships for three-year terms through March 31, 2020.**

Mayor Kelly noted that the ACIR Board has not yet reviewed or made a recommendation with regard to Mr. Mauch's application.

After Commission discussion, Commissioners Bronson and Burow accepted a friendly amendment to the main motion to defer action on Mr. Mauch's application.

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

Motion, as amended to only include the first four appointments, carried 5-0.

**6. Reappointments, Golf Advisory Board.**

**Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission reappoint Mark Johnson and Lori Muzzana to the Golf Advisory Board for three-year terms through March 31, 2020.**

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

Commissioner Burow noted that an application period was open, but no applications were received.

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

Motion carried 5-0.

**CITY MANAGER**

**7. Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that the Office of Economic Adjustment from the Department of Defense is considering taking a renewed look at the Joint Land Use Study (JLUS) as a result of MANG's briefing at a work session a few weeks ago about utilizing the property at MAFB for an assault landing strip.

A Commission retreat was held yesterday that turned into a preliminary budget discussion. He reported that staff followed up on items that the Commission had targeted for action from the last retreat in January.

Yesterday the Commission heard presentations from Fiscal Services, Great Falls Police Department and Great Falls Fire Rescue about staffing needs, the Animal Shelter capital improvement needs, and Park and Recreation regarding a Park Maintenance District.

Manager Doyon announced that the Ice Breaker road race is this upcoming Sunday.

He also thanked RBC Wealth Management for donating several desks to the City to replace worn out furniture.

Manager Doyon concluded that he and Mayor Kelly judged a tri-tip contest at MAFB.

**CONSENT AGENDA**

**8. April 4, 2017, Commission Meeting Minutes.**

**9. Total Expenditures of \$2,392,269 for the period of March 16, 2017 through April 5, 2017, to include claims over \$5,000, in the amount of \$2,113,451.**

10. Amended Contracts List.

11. Award a contract in the amount of \$923,135.00 to United Materials of Great Falls, Inc. for the 8th Avenue North Water Main Replacement Project - 18<sup>th</sup> Street to 24th Street and 32nd Street to 34th Street, and authorize the City Manager to execute the construction contract documents. **OF 1716**

12. Set a public hearing for May 16, 2017, to consider a month to month lease of city-owned property, the Visitor Center (15 Overlook Drive), to the Convention and Visitors Bureau (CVB).

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

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

Commissioner Burow referred to Item 10F of the Amended Contracts List and inquired what a “natural playground” meant.

Interim Park and Recreation Director Patty Rearden explained that in the West Bank Master Plan the playground was designed to be a natural playground with logs and rocks. The KaBoom grant will provide commercial play equipment designed to look like a natural playground.

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

**Richard Liebert**, 289 Boston Coulee Road, referred to Item 12 and suggested that parking should be kept a priority for visitors at 15 Overlook Drive.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed concern regarding not knowing about the future of the property at 15 Overlook Drive, the current location of the Visitor Center. He also disagreed with the way his comments were summarized on page 2017.79 of the minutes, Item 8.

Manager Doyon commented that, since the *Tribune* article, there has been interest generated about the property at 15 Overlook Drive. He reported that he does not know what the ultimate use will be at that location. He does not intend on having the City operate the Visitor Center. He believes the CVB or Chamber can do that successfully. He was surprised to learn that property was not the perfect location for the CVB to utilize. The CVB notified the City that it wanted to relocate the Visitor Center. He suggested that it is prime real estate and that the City might want to entertain proposals from low impact businesses that wouldn't be disruptive to the park but would also generate some revenue for the park.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

**OLD BUSINESS****NEW BUSINESS****13. Approve the purchase of one 2016 Enforcer Pumper Fire Truck to Hughes Fire Equipment of Spokane, Washington; through H-GAC (Houston-Galveston Area Council) for \$411,375.**

Fire Chief Steve Hester reported that this item is a recommendation to purchase a 2016 Pierce Enforcer Fire Engine unit that would replace the last "yellow engine" or the 1989 Ford L-9000, Unit #108. This vehicle has been identified by both the department and the vehicle maintenance supervisor to be replaced as soon as possible and has a number of functional issues.

The City took advantage of a great opportunity to purchase this like-new apparatus at about a 20% discount. The vehicle meets all current fire apparatus standards and will serve the community for 20+ years.

The City shall use the previously approved Cooperative Purchasing Agreement with H-GAC that meets all of the procurement standards and requirements.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the purchase of one 2016 Enforcer Pumper Truck to Hughes Fire Equipment of Spokane, Washington, through H-GAC (Houston-Galveston Area Council) for \$411,371.**

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 Staley**, 801 3<sup>rd</sup> Avenue SW, inquired why the company was selling the fire truck.

Chief Hester responded that Hughes Fire Equipment sells fire trucks. This particular unit was a demonstrator model sold at a discount.

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

Motion carried 5-0.

**14. CDBG Program Proposed Use of Funds and Public Hearing Date for 2017/2018 Annual Action Plan.**

Planning and Community Development Director Craig Raymond reported that this item is a request to accept the Community Development Council's (CDC) recommendations for allocating approximately \$710,110 in federal CDBG funds and to set a public hearing for May 16, 2017, to receive public testimony on the City's use of CDBG funds and the Annual Action Plan.

The Annual Action Plan is simply the plan for the coming year's funding cycle and the process by which the City provided opportunity to the public to participate in the process and provide input to the City Commission and staff.

The City has not yet been notified what the funding level will be. Staff essentially budgeted the same allocation as last year although it is not at all uncommon in recent years for funding to decrease slightly. It should also be noted that the funding could be dramatically affected by the President's budget proposal. Right now, HUD officials are anxiously waiting to hear whether these important programs will continue to be funded adequately.

On February 7, 2017, the City Commission set funding percentage guidelines and adopted policies pertaining to the application and funding process and priorities. The funding percentages the City Commission adopted are as follows: Administration 20%, Public Services 12.5%, Economic Development 7.5%, Affordable Housing 30%, Public Facility Improvements 30%.

The CDC met several times to hear presentations by each of the applicants and discussed the merits of each. As usual, it was difficult to make tough recommendations as there is not enough funding to go around to all of the well deserving applicants. In the end, these recommendations before the Commission are the final product of much discussion and debate.

City Attorney Sara Sexe added that, after the March 7, 2017, City Commission work session where the initial 2017/2018 CDBG allocations were discussed, the City was advised by an applicant for the public facilities project funds that there was a potential conflict with one of the CDC members. Attorney Sexe reported that she looked into the issue and determined that, because of the appearance of a potential conflict and the potential that it might reasonably be expected to affect the independence of the CDC member or give the appearance of such affect, along with another procedural issue, she decided the best method would be to reconvene the CDC to hear the presentations on the public facilities projects. The public service and the housing projects were not affected by the alleged conflict. The basis of her opinion was that if the alleged conflict had been raised by either the applicant or the CDC member before the first CDC meeting in February, 2017, then the CDC member could have been recused from participating in the discussion or voting on the issue. By reconvening the CDC on this issue of the public facilities projects alone, the appearance or existence of the conflict would be removed.

The CDC members were advised that there was a procedural conflict causing the CDC to be reconvened only as to the public facilities projects. The CDC reconvened on April 3, 2017, as to those projects. Before the meeting the applicants were instructed specifically by City staff that their presentations were to be substantively the same as their first presentations to the CDC in February.

All applicants for the public facilities funds made presentations again before the CDC. The CDC then discussed and agreed upon recommendations as to how to allocate those funds. The member against whom the conflict was claimed did not vote on the final recommendations of fund allocations or participate in the allocation discussions at the end of the meeting.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept the proposed use of CDBG funds as submitted for the Public Services and Affordable**

**Housing projects, for the 2017/2018 Community Development Block Grant (CDBG) Program for inclusion in the 2017/2018 Annual Action Plan.**

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

Commissioner Burow commented that after listening to Attorney Sexe's comments, he thinks the whole process should be called into question and reevaluated because of the conflict of interest complaint. He added that there are other members on the CDC that are recipients of CDBG funds. He thinks it gives a bad public perception.

Commissioner Bronson commented that there were no issues or changes in the CDC recommendations with regard to public services or affordable housing projects and the Commission should proceed to vote on the motion.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, asked that the motion be reread.

Mayor Kelly repeated the motion.

**Neil Fortier**, 509 1<sup>st</sup> Avenue South, reported that he served as vice-chair on the CDC this year and that he also works for NeighborWorks Great Falls. Mr. Fortier clarified that after the presentation is made on the NeighborWorks' application, the process is that he removes himself from the room and does not partake in the conversation or have undue influence on those in the room having that conversation. Staff does a good job making sure that members are removed from the room and do not partake in any part of the conversation.

In response to Commissioner Houck, Mr. Fortier commented that Commissioner Burow sat in on the presentations; however, Mr. Fortier excused himself from the room and wasn't present during conversations.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, commented that the City has great staff managing the program, the City Attorney has done the best that could be done, and that the Commission is under a tight timeframe for this year. Mr. Doney suggested that a policy be set going forward that any organization that is going to apply for funds not have a member on the CDC.

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

Motion carried 3-1-1 (Commissioner Burow dissented and Commissioner Houck abstained).

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept the proposed use of CDBG funds as submitted for the Economic Development project, for the 2017/2018 Community Development Block Grant (CDBG) Program for inclusion in the 2017/2018 Annual Action Plan.**

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



Commissioner Bronson noted that he is going to recuse himself from voting on this motion.

Mayor Kelly noted his resignation from the GFDA Board.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that the word “development” was misspelled under the title “Economic Development” on page 68 of the agenda packet.

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

Motion carried 3-0-2 (Commissioners Bronson and Houck abstained).

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept the proposed use of CDBG funds as submitted for the Public Facility Improvement projects, for the 2017/2018 Community Development Block Grant (CDBG) Program for inclusion in the 2017/2018 Annual Action Plan.**

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

Commissioner Burow noted that he didn't attend all of the CDC meetings, and he wasn't present during some discussions. He expressed concern about receiving this meeting's packet, seeing changes to the allocations, and not receiving answers from staff to his questions. He did note that City Attorney Sexe got a hold of him this evening as he was driving back into town. He is not saying anything was done wrong by anyone, other than the appearance of the situation not being as clear as it should be. He continued that he has concern about public perception that Paris Gibson Square was originally turned down for a grant, and now that recommendation has changed after a Commissioner that works for Paris Gibson Square complained.

City Attorney Sexe commented that she looked at the issue, regardless of who made the complaint, as she would have done with any of the other applicants. If the same complaint had been made the same action would have been taken to try to remove the alleged conflict from the determination and the evaluation of the projects.

With regard to Public Facility Improvements, Commissioner Bronson commented that in addition to the CDC recommending an allocation of around \$28,000 for Paris Gibson Square, that there were some changes to the allocations for Opportunities, Inc., Public Works, Park and Recreation, and the Center for Mental Health. In the case of Public Works there was a substantial reduction in the allocation for ADA accessible ramps.

Director Raymond commented that he was in attendance during consideration of the second set of proposals. He noted that the City did receive some funding through the supplemental allocation for the timeliness funds. Those explained that the reason for the reductions was because those funds were removed from the Public Facilities category because they had already been funded.

With regard to the specific decreases, CDBG Administrator Maria Porter reported that when the CDC reconvened they basically started off with a blank slate. They did not know what the prior

scores or allocations were. She further noted that, due to CDC schedules, there were different people at the table having those conversations between the two different meetings.

Commissioner Bronson continued that, based on the explanation by the City Attorney, what the CDC did was give the Commission a much better result. The worse result would have applied had the Commission proceeded with the original allocations.

To the best of his knowledge, there has never been an issue until now. Going forward, he suggested the Commission consider Mr. Doney's recommendation and that the entire composition of the CDC be looked at. It may be more complicated and time consuming finding people to serve in that capacity.

Commissioner Bronson concluded that, since a good solution was proposed for a difficult problem, he suggested that the Commission vote on this motion.

Commissioner Jones concurred with Commissioner Bronson's comments.

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

**Keern Haslem**, 3803 Poker Flats Road, commented that he is a project coordinator at Paris Gibson Square. He clarified that, prior to presenting to the CDC, he was warned by Paris Gibson Square's Director of Education that a person who sat on the CDC was a prior person who had worked for Paris Gibson Square. It was his hope that this person would have recused herself knowing of the conflict of interest. After the first presentation the Director of Education and he were informed there was a dramatic disparity between this particular individual's votes on other entities and Paris Gibson Square's application. As pointed out earlier, the people in the room present the first time and the second time were different. He feels this individual should have recused herself the first time around. Mr. Haslem further explained which directors at Paris Gibson Square were involved with the grant application and presentation to clarify the perception issue.

There being no one further to address the Commission, Mayor Kelly commented that the members of the CDC are appointed by the City Commission to make some difficult decisions wherein money is involved and they are often not familiar with the potential conflicts of interest that may exist. The work of the CDC is greatly appreciated. The efforts of the Commission are to protect them and the distribution of these funds in a fair and equitable way. He recommended moving forward to the public hearing.

Mayor Kelly called for the vote.

Motion carried 3-1-1 (Commissioner Burow dissented and Commissioner Houck abstained).

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission set the 2017/2018 Annual Action Plan for public hearing on May 16, 2017.**

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 4-0-1 (Commissioner Houck abstained).

## ORDINANCES/RESOLUTIONS

### CITY COMMISSION

**15. Miscellaneous reports and announcements from the City Commission.**

Mayor Kelly announced that Moody's Investors Service recently reported that the credit overview of the City of Great Falls has a very healthy credit position, and its Aa3 rating is level with the median rating. It also reflects a sound socioeconomic profile with an ample tax base. The ability to generate balanced financial operations indicates good financial management. Mayor Kelly noted the team effort and that significant improvement was seen from 2013 to 2016.

**16. Legislative Initiatives.**

There were no Legislative initiatives.

**17. Commission Initiatives.**

There were no Commission initiatives.

## ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Mayor Kelly, to adjourn the regular meeting of April 18, 2017, at 8:58 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: May 2, 2017